

City Council  
January 19, 2016

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Tuesday, January 19, 2016 at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor  
Mark Singleton, Mayor Pro Tem  
Chuck Beatty, Councilmember  
David Hill, Councilmember  
Mary Lou Shipley, Councilmember

Others Present: Paul Stevens, City Manager  
Michael Scott, Assistant City Manager  
Derica Peters, Planning & Development Coordinator  
Steve Chapman, City Attorney  
Lori Saunders, City Secretary

-----

Mayor Kevin Strength called the meeting to order. City Manager Paul Stevens gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

-----

**CONSENT AGENDA:**

- a. Minutes of the regular City Council meeting of December 21, 2015
- b. Minutes of the regular Planning and Zoning Commission meeting of January 12, 2016
- c. Minutes of the Firemen's Relief and Retirement Fund meeting of January 11, 2016
- d. Minutes of the Park Board meeting of January 7, 2016
- e. Minutes of the Cemetery Board meeting of January 7, 2016
- f. Minutes of the Heritage Preservation Commission meeting of December 10, 2015
- g. Monthly Code Enforcement Report for December 2015
- h. Monthly Violation Activity Statistics for December 2015
- i. Monthly Crime Report for December 2015
- j. Approve Customer Parking Sign

**Councilmember Chuck Beatty moved to approve items a. through j. on the Consent Agenda.**  
Councilmember Mary Lou Shipley seconded, **All Ayes.**

-----

Mayor Strength introduced Honorary Councilmember Madison Wells. She is daughter of Scott and Melanie Wells and granddaughter of Pepper Wells. She is the WHS Senior Class President for 2015-2016. Her class rank is 1/471 with a GPA of 5.825. Madison has achieved many awards and accomplishments including: UIL Spanish spelling competition; sophomore and Junior Coronation Court; Homecoming Junior Homecoming Princess Nominee; Volleyball; and National Honor Society and Student Council. Madison volunteer service includes: tutors at Northside Elementary; Navarro Kids College; Fuse Youth Group at Waxahachie Bible Church;

and Bethlehem Revisited Participant for 6 years. She has been accepted to the following colleges: Texas A&M; Baylor University; TCU, and SMU.

-----

Mayor Strength opened the Public Hearing on a request by Matt Barnett for a Specific Use Permit for a Rooftop Solar Panel System in a Planned Development-69-Single Family-3 (PD-69-SF-3) Zoning District for the property located at 130 Liberty Way being Lot 10, Block O, in Settlers Glenn Addition Phase 2, 0.1602 acres-Owner: Brian & Phyllis Bopp (ZA 2015-45).

Mr. Matt Barnett, 3860 Washburn, Fort Worth, Texas, representing the Applicant, reported 12 solar panels will be installed on the south side of the roof and explained from the street it will be on the right side of the house.

There being no others to speak for or against ZA2015-45, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2839:

**ORDINANCE NO. 2839**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT FOR LOT 10, BLOCK O, SETTLER'S GLEN ADDITION, PHASE 1, CONTAINING 0.1602 ACRE, AN ADDITION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 130 LIBERTY WAY, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PLANNED DEVELOPMENT-69 SINGLE FAMILY-3 (PD-69-SF-3) TO PLANNED DEVELOPMENT-69 SINGLE FAMILY-3 WITH SPECIFIC USE PERMIT (PD-69-SF-3 w/SUP) FOR THE PURPOSE OF ALLOWING A ROOFTOP SOLAR PANEL SYSTEM, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Councilmember David Hill moved to approve Ordinance No. 2839 as presented.** Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

-----

Mayor Strength opened the Public Hearing on a request by Tilson Home Corporation for a Specific Use Permit for a Pole Sign and Outdoor Display of Model Homes in a General Retail (GR) Zoning District, for the property located at the intersection of Compton Rd. and the Interstate 35 Service Road, situated in the J. Fifer Survey, a-351, being 16.684 acres –Owner: LBW Holdings, LP (ZA 2015-46).

Mr. Eric Alarid, VP Tilson Homes, 2801 North Central Expressway, Melissa, Texas, presented a rendering of the design center and explained the vision is to utilize 2.15 acres of 16.684 acres located at the corner of Compton Road and IH35. Tilson homes would like to use the remaining 14 acres for Waxahachie & Tilson to partner together for development. He reported Tilson Homes has two long term business partners in Waxahachie being Cabinet Specialist and Owens Corning. Mr. Alarid acknowledged the proposed request is not in the Waxahachie Comprehensive Plan.

Those who spoke for ZA 2015-46:

Ms. Lisa Bick, 320 Compton Drive, Waxahachie  
Owner, LBW Holdings, LP, Waxahachie

Those who spoke against ZA 2015-46:

Mr. Bobby Westbrook, Hi View Real Estate

Mr. Robert Reeds, Cabinet Specialist, stated this is the seventh year they have worked with Tilson Homes and strongly recommended approval.

Ms. Derica Peters, Planning & Development Coordinator, reviewed the following Staff Comments:

#### **Background**

- Applicant is proposing a development to display 2 model homes and office/sales center for their home building company.
- This is considered “outdoor display” and will require a specific use permit.
- This development will only apply to 2.15 acres of this tract of land.
- This homebuilder was seeking a location to display model homes to the public. This home builder caters to development outside of the city limits, in that they do not always meet our design standards.

#### **Development review**

- This location has not been platted; however, we have found some points to note with the infrastructure: a 25’ right of way dedication is needed on Compton Road; the entry location and configuration for this site on the I-35 E feeder road will require TXDOT approval.
- Landscape plans must be provided by a registered landscape architect and should include detailed tabulations – landscape not reviewed in full
- Homes are to be used as display and not as a dwelling unit

#### **Future Land Use**

- The Future Land Use Plan calls for “Mixed Use Non Residential” Development – examples include Cedar Hill Uptown Village.
- This proposed development does not comply with the Future Land Use plan.
- The reconstruction of I-35, along with associated reconstruction of bridges at Brookside, will provide extensive aesthetic improvements to this corridor.
- This development would be highly visible from Interstate 35, and will be especially prominent for those exiting from the north to get on Cantrell Street, a primary gateway road into downtown.

#### **Pole Sign**

- Applicant is proposing a pole sign, requiring a specific use permit.
- Sign proposed is 62’ high, with a sign area of 288 sq. ft.

- All pole signs must be supported by a single or dual freestanding pole with masonry columns without guy wires and braces and provide a landscaped, stone-base feature.
- Staff recommends a smaller sign.
- No other signs were reviewed.

### **APPLICANT REQUIREMENTS**

1. TXDOT approval for entrance off of I-35 frontage
2. Landscape plan at time of building permit

There being no others to speak for or against ZA 2015-46, Mayor Strength closed the Public Hearing.

Mayor Pro Tem Mark Singleton – stated Tilson Homes is a class Act and believes this is good and livestock will remain on the remainder of the property. He acknowledged at the Planning & Zoning meeting numerous residents not living in city limits protested this. He doesn't like to break the rules but this is good.

Councilmember David Hill stated the Planning & Zoning Commission was given the Comprehensive Plan and their decision was based on the Plan.

Councilmember Chuck Beatty stated the esthetics look good on this product and should be considered noting it is a small track and the pole sign needs to be lowered.

Council discussed the height of the pole sign and determined it needed to be lower and comply with Staff recommendations.

City Attorney Steve Chapman presented Ordinance No. 2840:

### **ORDINANCE NO. 2840**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON 16.684 ACRES IN THE J. FIFER SURVEY, ABSTRACT NO. 351, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT THE INTERSECTION OF COMPTON ROAD AND INTERSTATE HIGHWAY 35-E SERVICE ROAD, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING GENERAL RETAIL (GR) TO GENERAL RETAIL WITH SPECIFIC USE PERMIT (GR w/SUP), FOR THE PURPOSE OF A POLE SIGN AND TWO MODEL HOMES, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**After further discussion, Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2840 as presented amending the pole sign requirements not to exceed height and size approved by Staff.** Councilmember Chuck Beatty seconded. The vote was as follows:

Ayes: Kevin Strength  
Mark Singleton  
Chuck Beatty  
Mary Lou Shipley

Noes: David Hill

**The motion carried.**

-----

Mayor Strength opened the Public Hearing on a request by JHDMC,LLC for a Zoning Amendment in Planned Development-Zoning District (PD-117) to amend the North Grove Master Plan requirements related to garage standards and street lights for the property being a part of JW Wright Survey a-1182, H Sange Survey a-1009, A Davis Survey a-318, JB & A. Adams Survey a-5, J Billingsley Survey a-83, C H Bernard Survey a-106, H Levy Survey a-629, R Russell Survey a-911, located between Highway 77 and FM 813, being approximately 749 acres Owner: JHDMC,LLC et al (ZA 2015-48).

Mr. Terry Weaver, Lead developer of the North Grove Plan Development reported an Ordinance was passed approving the North Grove Master Plan. He explained afterwards to prevent all from entries mimicking one another an amendment was needed. He proposed the following:

- All garage doors on the Single Family Residential Product table under Minimum attached garage door for estate and manor product types will be reduced from 28' to 25'
- Light poles supplied by Oncor, including the Philadelphia, Acorn, and others as approved by City of Waxahachie staff will be allowed.

There being no others to speak for or against ZA 2015-48, Mayor Strength closed the Public Hearing.

City Manager Paul Stevens supported the change noting when you change up garage doors it makes a great impact. He supported the amendments.

City Attorney Steve Chapman presented Ordinance No. 2841:

**ORDINANCE NO. 2841**

**AN ORDINANCE AMENDING ORDINANCE NO. 2733, CONCERNING THE ZONING OF 749 ACRES OF LAND, KNOWN AS "NORTH GROVE PLANNED DEVELOPMENT DISTRICT" IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AMENDING THE ZONING BY AMENDING SECTION VII RELATING TO GARAGE DOORS AND SECTION X AND SECTION M, NO. 4 RELATING TO LIGHT POLES, DECLARING AN EMERGENCY, AND SETTING AN EFFECTIVE DATE.**

**Councilmember Chuck Beatty moved to approve Ordinance No. 2841 as presented.**  
Councilmember Mary Lou Shipley seconded, **All Ayes.**

-----

Mayor Strength opened the Public Hearing on a request by OHL USA for a Specific Use Permit in a Light Industry-1 (LI-1) for temporary buildings for job trailers for the Interstate 35 widening, located at 4725 N. Interstate 35, being 790 E.C. Newton, 14.162 acres -Owner: Tommy Schwing (ZA 2015-49).

Mr. Kevin Glenn, General Contractor, OHL USA, 210 Stampede Street, Waxahachie, representing the Owner reported use request is for storage of trailers during the IH35 renovation.

There being no others to speak for or against ZA 2015-49, Mayor Strength closed the Public Hearing.

Council discussed the date requiring the removal of the buildings. City Attorney Steve Chapman recommended removing the deadline of February 1, 2018 and replacing with:

*....shall be removed by February 2020, or until final acceptance of Phase 1 of the IH-35E Highway project by Waxahachie by the Texas Highway Department, whichever is earlier.....*

City Attorney Steve Chapman presented Ordinance No. 2842:

**ORDINANCE NO. 2842**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON 14.162 ACRES IN THE E. C. NEWTON SURVEY, ABSTRACT NO. 790, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT 4725 NORTH INTERSTATE HIGHWAY 35E, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LIGHT INDUSTRIAL-1 (LI-1) TO LIGHT INDUSTRIAL-1 (LI-1) WITH SPECIFIC USE PERMIT (LI w/SUP), FOR THE PURPOSE OF ALLOWING TEMPORARY PORTABLE BUILDINGS FOR JOB TRAILERS FOR INTERSTATE HIGHWAY 35E WIDENING, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2842 as amended.**  
Councilmember Chuck Beatty seconded, **All Ayes.**

-----

Mayor Strength opened the Public Hearing on a request by Atlas Sign Industries for a site plan review in a Planned Development-20-General Retail (PD-20-GR) Zoning District, related to maximum wall sign area for the property at 401 Hwy. 77, being 148 & 599 WM Baskins & J Johnson Survey, 6.85 acres-Owner: Windward Partners X (ZA 2015-50).

Mr. Rich Simons, representing Atlas Sign Industries, requested approval of larger sign for sufficient visibility. He noted the applicant will conform to all zoning regulations.

There being no others to speak for or against ZA 2015-50, Mayor Strength closed the Public Hearing.

Ms. Peters reviewed the following Staff Comments:

**Development Review**

- Site plan review for a variance to our maximum area allowance on a wall sign for the new retail store Harbor Freight Tools, going in the location where Burke’s Outlet is currently
- We allow 1 square feet of wall sign per lineal frontage of tenant space. Applicant proposes 2 square feet of wall sign per tenant space, for a sign being 205 square feet
- This building sits relatively far back from the road, being setback approximately 300ft from the Highway 77

All other signs must comply with Zoning Ordinance regulations.

	Allowed	Proposed
Ratio	1:1	2:1
Square Footage	103 sq. ft.	205 sq. ft.

**Applicant Requirements**

- Need signature from property owner
- Any sign approved by City Council must also be permitted through the Building Department prior to installation.

Ms. Peters the 2:1 ratio and larger than Burkes outlet but believes it will be good in this location.

**After further discussion, Councilmember Mary Lou Shipley moved to approve on a request by Atlas Sign Industries for a site plan review in a Planned Development-20-General Retail (PD-20-GR) Zoning District, related to maximum wall sign area for the property at 401 Hwy. 77, being 148 & 599 WM Baskins & J Johnson Survey, 6.85 acres-Owner: Windward Partners X (ZA 2015-50), subject to Staff Comments.** Councilmember Chuck Beatty seconded, **All Ayes.**

-----

Mr. Matthew Barnes, 550 Brigman Rd, Maypearl, Texas requested approval of Final Plat of 17 residential lots of Taylor Ridge Phase 3 in the Waxahachie Extraterritorial Jurisdiction, being 25.784 acres on Oak Vista Rd., situated in the S.B.Orton Survey, a-813-Owner: Tree Hill Homes LP (FP 2015-38). He reported it’s a continuation of previous phases previously approved.

**Councilmember David Hill moved to approve Final Plat of 17 residential lots of Taylor Ridge Phase 3 in the Waxahachie Extraterritorial Jurisdiction, being 25.784 acres on Oak Vista Rd., situated in the S.B.Orton Survey, a-813-Owner: Tree Hill Homes LP (FP 2015-38).** Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

-----

Mr. Tony Martin, 513 Sycamore Street, Waxahachie, requested approval of Preliminary Plat of 48 residential lots for Oxford Ranch Two Phase II in the Waxahachie Extraterritorial

Jurisdiction, being 69.645 acres located on Westmoreland Rd., situated in the H.G. Hurst Survey, a-458 and T. Cassidy Survey a-255—Owner: Harland Properties (PLM 2015-40).

**Mayor Pro Tem Mark Singleton moved to approve Preliminary Plat of 48 residential lots for Oxford Ranch Two Phase II in the Waxahachie Extraterritorial Jurisdiction, being 69.645 acres located on Westmoreland Rd., situated in the H.G. Hurst Survey, a-458 and T. Cassidy Survey a-255—Owner: Harland Properties (PLM 2015-40).** Councilmember David Hill seconded, **All Ayes.**

-----

Mr. Robert Morgan, Italy Texas requested approval of Replat of Town Addition, Lot 1-3, Block 184, being 3.9551 acres located at 1304 Wyatt St.—Owner: Grantava Holdings, LLC (RP 2015-41). He reported he would like to separate the lots in order to sell.

**Councilmember Chuck Beatty moved to approve Replat of Town Addition, Lot 1-3, Block 184, being 3.9551 acres located at 1304 Wyatt St.—Owner: Grantava Holdings, LLC (RP 2015-41).** Councilmember Mary Lou Shipley seconded, **All Ayes.**

-----

**Citizens' Petitions and Requests:**

None

-----

**Comments by Mayor, City Council, City Attorney and City Manager:**

Mayor Strength thanked Honorary Councilmember Madison Wells for her participation in the program.

Assistant City Manager Michael Scott introduced Mr. James Gartner, Engineer and welcomed him to the City. He introduced Mr. Juda Bozeman noting he is an intern at the city for the spring learning about City Government. Mr. Scott announced the Planning Director will start on February 1, 2016.

Mary Lou Shipley - Congratulated City Secretary Lori Saunders on completing the Texas Municipal Clerks Certification program. She will be honored later this week at a luncheon and receiving her Certification.

Councilmember Chuck Beatty stated the Martin Luther King Parade and festivities was wonderful and weather cooperated. He thanked all that attended.

City Manager Paul Stevens welcomed Mr. James Gartner, Mr. Juda Bozeman and Ms. Madison Wells. He announced Tuesday, February 16<sup>th</sup> a public meeting on the viaduct will be held at the Civic Center.

Mayor Strength welcomed Mr. James Gartner to the city.

Mayor Pro Tem Mark Singleton reported a TIRZ meeting was held earlier today and the board received an update from Lake Properties noting they are pushing forward getting close to completion of the downtown revitalization. He referenced Bed & Breakfast and asked noted he would like to revisit the Ordinance and bring them back.

Mayor Pro Tem Singleton referenced the old tax building noting the required use of a sprinkler system took away the architectural good looks. He stated the Ordinance depicts the sprinkler systems and asked why we are doing this to the old building being block and marble. He noted he is perplexed on how he can fix this noting there has got to be balance. He asked how we bring common sense back. Hopefully tenants are looking to move downtown in mid-February and we can look up in March and see the square occupied.

Councilmember David Hill congratulated Ms. Saunders for her accomplishment and looks forward to attending the luncheon to celebrate her accomplishment. He thanked Ms. Wells for attending as Honorary Councilmember and thanked her parents for their attendance.

Mayor Strength thanked Councilmember Beatty, Police Chief Goolsby, and Mr. James Villarreal, for participating in a question and answer forum at the Martin Luther King celebration about what's happening in the City and School District. He thanked all who attended the session on Monday and thanked everyone for their attendance and understanding what is going on in town.

City Attorney Steve Chapman thanked City Secretary Saunders for her work to accomplish the certification program for the city and do a better job for the public. He welcomed the City's new Engineer Mr. James Gartner.

-----

There being no further business, the meeting adjourned at: 8:12 p.m.

Respectfully submitted,

Lori Saunders  
City Secretary