

City Council
July 18, 2016

A regular meeting of the Mayor and City Council of the City of Waxahachie was held on Monday, July 18, 2016 at 7:00 p.m. in the Council Chamber at 401 S. Rogers, Waxahachie, Texas.

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
Steve Chapman, City Attorney
Lori Saunders, City Secretary
Darren Groth, Director of Planning

Others Absent: Michael Scott, Assistant City Manager

Mayor Kevin Strength called the meeting to order. Councilmember Mary Lou Shipley gave the invocation, led the pledge of allegiance and the Texas pledge of allegiance.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of July 5, 2016
- b. Minutes of the Planning and Zoning Commission meeting of July 12, 2016
- c. Minutes of the Firemen's Relief & Retirement Fund meeting of July 11, 2016
- d. Minutes of the Park Board meeting of July 7, 2016
- e. Minutes of the Cemetery Board meeting of July 7, 2016
- f. Minutes of the Heritage Preservation Commission meeting of May 12, 2016
- g. Monthly Code Enforcement Report for June 2016
- h. Monthly Violation Activity Statistics Report for June 2016
- i. Monthly Crime Report for June 2016
- j. Monthly Fire and EMS Report for June 2016
- k. Monthly Building Report for June 2016
- l. Approve street closure for C 10's in the Park Truck Rally
- m. Approve Budget Amendment requested by Senior Center
- n. Approve parade route for 21st Annual Texas Country Reporter Festival

Councilmember David Hill moved to approve a. through n. on the Consent Agenda.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength announced there is not an Honorary Councilmember for the month of July.

Ms. Elizabeth Tull, Waxahachie Arts Council presented the Annual Financial Report and requested to extend current contract between Waxahachie Arts Council and City of Waxahachie. She reported the Texas Film Festival was added and all groups make a conscience effort to put heads in beds bringing in approximately \$20k - \$30k each year.

After a brief discussion, Mayor Pro Tem mark Singleton moved to extend the current contract between Waxahachie Arts Council and City of Waxahachie. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength continued the Public Hearing on a request by Scott Pendery for a Zoning Amendment and Site Plan Review from Light Industrial-1 (LI-1) to Planned Development-General Retail (PD-GR), being Lot 2, Block D, 10.723 acres of land in the North Grove Business Park, Phase 3-Owner: SAP Properties, LLC (ZA 2016-22).

Planner Nathan Warren presented the staff report noting Applicant worked with Staff to address outstanding comments from previous public hearing. He reviewed the following:

Fencing materials

Chain-link where depicted on site plan and no other materials proposed.

Landscaping

Comply with zoning ordinance standard at ratios and locations depicted on landscaping plan.

Lot coverage

Complies with GR standards

Building façade, height, and signage

Site plan revised to update front elevation masonry

Height added to PD language per site plan

Building signage limited to front elevation

Unified-Lot sign

PD will allow off-site signage

Request will follow SUP process, once signage specifics are known, e.g., users, size, placement, etc.

Mr. Warren stated some revisions have been made to the elevations being painted block, red trim and gutters, and screening of HVAC units.

Mr. Brett Hess, 327 Blue Ribbon Road, Waxahachie, representing Applicant, stated Atwoods will bring jobs and tax dollars to the economy. He presented a rendering of what they plan to bring noting there is a cohesiveness of commercial and retail for the area. Mr. Hess presented an updated elevation of the Atwoods building noting the HVAC on roof top will be screened.

Councilmember Chuck Beatty asked Mr. Hess if a traffic study has been completed for the area. Mr. Hess stated it was ordered six weeks ago and they haven't received the report. Councilmember Beatty addressed the masonry requested and asked if it is in the new plan. Mr. Hess reported it is in the new plan.

There being no others to speak for or against Zoning Amendment ZA2016-22, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2876:

ORDINANCE NO. 2876

AN ORDINANCE AUTHORIZING A ZONING CHANGE FOR LOT 2, BLOCK D, NORTH GROVE BUSINESS PARK, PHASE 3, CONTAINING 10.723 ACRES, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED ON NORTH HIGHWAY 77, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LIGHT INDUSTRIAL-1 (LI-1) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2876 as presented.
Councilmember David Hill seconded, **All Ayes.**

Mayor Strength continued the Public Hearing on a request by Scott Penderly for a Zoning Amendment from Light Industrial-1 (LI-1) to Commercial (C), being Lot 1, Blocks D and E, 14.950 acres of land in the North Grove Business Park, Phase 3-Owner: SAP Properties, LLC (ZA2016-23).

Planner Nathan Warren presented the staff report noting Light Industrial-1 provides for lighter manufacturing, research and development laboratories, science and high technology firms, and related office and support uses. Commercial provides for service and commercial related establishments, such as wholesale products, welding shops, flea markets, major automotive repair, upholstery shops, and other heavy commercial uses. General Retail is intended predominately for general retail, and certain light commercial uses.

There being no others to speak for or against Zoning Amendment ZA2016-23, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2877:

ORDINANCE NO. 2877

AN ORDINANCE AUTHORIZING A ZONING CHANGE FOR LOT 1, BLOCK D AND BLOCK E, NORTH GROVE BUSINESS PARK, PHASE 3, CONTAINING 14.950 ACRES, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED ON NORTH HIGHWAY 77, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LIGHT INDUSTRIAL-1 (LI-1) TO COMMERCIAL (C) AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember David Hill moved to approve Ordinance No. 2877 as presented. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mayor Strength continued the Public Hearing on a request by Ron Barson, for a Zoning Amendment from Planned Development-85-General Retail (PD-85-GR) to Commercial (C), located on 33.802 acres on North Highway 77, being Lot 2, Blocs C and E, Lot 3, Block C, Lot 5, Block C, and Lot 4, Block C, North Grove Business Park, Phase 4—Owner: Ledbetter Real Estate LTD (ZA 2016-24).

Planner Nathan Warren presented the staff report noting Planned Development-85-General Retail amended General Retail regulations as follows:

Mini-Warehouse is allowed and does not require SUP. A 6-foot masonry wall shall surround all Mini-Warehouses. Mini-Warehouses shall not use over 7 acres. Tire installation and repair; amusement arcade; used clothing store; and laundromat or self-service washateria will not be permitted. Six foot landscape buffer shall be provided between the curb and 6-foot wide sidewalk. No auto repair, no restaurant drive-thru service, will be permitted.

Commercial

Provides for service and commercial related establishments such as wholesale products, welding shops, flea markets, automotive repair (major), upholstery shops, and other heavy commercial uses.

General Retail: predominately for general retail and light commercial uses.

Mayor Strength asked Mr. Hess if they plan on having Mini-Warehouses. Mr. Hess stated yes on approximately 3 acres.

There being no others to speak for or against Zoning Amendment ZA2016-24, Mayor Strength closed the Public Hearing.

Mayor Pro Tem Mark Singleton asked Mr. Hess if they have a cove development agreement. Brett stated they have considered a development agreement

Mr. Doug Barnes, Director of Economic Development, stated this is a completely new area and encouraged the property owners to make the area as much as a retail corridor as they can noting it will be a beautiful and demand that type of traffic flow.

Councilmember David Hill asked if there will be any connectivity through the development to Butcher Road. City Manager Paul Stevens stated there will eventually be a road parallel to Highway 77.

City Attorney Steve Chapman presented Ordinance No. 2878:

ORDINANCE NO. 2878

AN ORDINANCE AUTHORIZING A ZONING CHANGE FOR LOT 2, BLOCK C AND BLOCK E, LOT 3, BLOCK C, LOT 5, BLOCK C, AND LOT 4, BLOCK C, NORTH GROVE BUSINESS PARK, PHASE 4, CONTAINING 33.802 ACRES, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT NORTH HIGHWAY 77, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PLANNED DEVELOPMENT- 85-GENERAL RETAIL (PD-85-GR) TO COMMERCIAL (C) AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2878 as presented.
Councilmember David Hill seconded, **All Ayes.**

Planner Nathan Warren presented Preliminary Plat of North Grove Business Park Phases One and Two being 9.948 acres and Phases Three and Four being 58.751 acres in the A.S. Pruett Survey, Abstract No. 848, John Shaver Survey, Abstract No. 1000, and E.C. Newton Survey, Abstract No. 791–Owner: SAP Properties, LLC and Ledbetter Real Estate LTD (PLM 2016-22). He reported the applicant is requesting Preliminary Plat to create fourteen (14) lots across five (5) blocks on approximately 69 acres. Mr. Warren noted the applicant is working with staff comments and still working out engineering issues.

Mayor Pro Tem Mark Singleton asked if the flood study next to the creek is complete. Director of Engineering, James Gartner stated it is complete and all good noting the owner completed the study ahead of time. Mr. Gartner referenced the detention pond at Atwoods property and will have more information when he receives the construction plans.

Mayor Pro Tem Mark Singleton moved to approve Preliminary Plat of North Grove Business Park Phases One and Two being 9.948 acres and Phases Three and Four being 58.751 acres in the A.S. Pruett Survey, Abstract No. 848, John Shaver Survey, Abstract No. 1000, and E.C. Newton Survey, Abstract No. 791–Owner: SAP Properties, LLC and Ledbetter Real Estate LTD (PLM 2016-22). Councilmember Chuck Beatty seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Sara MacDonald for a Zoning Amendment from Single Family-1 (SF-1) to General Retail (GR) located at 409 West Franklin Street, being Lot 5, Block 79, 0.166 acres and 413 West Franklin Street, being Lot 4, Block 79, 0.124 acres in Town Addition for a multi-family unit-Owner: Mac One Realty LLC (ZA 2016-29).

Director of Planning Darren Groth stated the request was denied at the Planning and Zoning Commission meeting. Staff received notice the applicant wished to continue to City Council. He noted the applicant asked to continue the Public Hearing to the City Council meeting of August 15, 2016.

Councilmember Chuck Beatty moved to continue the Public Hearing on a request by Sara MacDonald for a Zoning Amendment from Single Family-1 (SF-1) to General Retail (GR) located at 409 West Franklin Street, being Lot 5, Block 79, 0.166 acres and 413 West Franklin Street, being Lot 4, Block 79, 0.124 acres in Town Addition for a multi-family unit-Owner: Mac One Realty LLC (ZA 2016-29) to the City Council meeting of August 15, 2016.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by LCH Holdings, for a Zoning Amendment from Single Family-2 (SF-2) to Planned Development (PD) located at Highway 77 North and Hedgewood Dr., being Block 2, 41.688 acres, The Arbor at Willow Grove for single family residential lots-Owner: Waxahachie I JV (ZA 2016-32).

Mayor Pro Tem Mark Singleton abstained and completed a Substantial Interest Affidavit.

Planner Nathan Warren presented the staff report noting the applicant is requesting a zoning change from Single Family-2 (SF-2) to a Planned Development District (PD) that would default to the base zoning. The applicant is requesting this zoning change to match the first phase of this development which was built prior to the Zoning Ordinance revision in December 2012. The applicant is requesting relief to the following standards: Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; and Minimum Front Yard.

Mr. Warren reviewed the following Request Table:

Area Regulation	Previous SF-2 Standards	Current SF-2 Standards	Requested Standards
Min. Lot Size	7500 square feet	12,000 square feet	7200 square feet
Min. Lot Width	65 feet	90 feet	60. Ft. (50% of lots) 65 ft. (15% of lots) 70 ft. (35% of lots)

Min. Lot Depth	100 feet	120 feet	100 feet
Front Yard Setback	25 feet	30 feet	25 feet

Mr. Warren stated the applicant is back for approval of the Phase II and wishes to use the zoning that was standard for Phase I. He reported the Planning & Zoning Commission voted 5-0 recommending denial. Discussion focused on lack of enhancements provided in the Planned Development language.

Mr. Tony Martin, 513 Sycamore Street, Waxahachie, representing applicant reported the purpose of the Planned Development request is to allow for the construction of 125 homes and explained if not approved they will submit for 90 lots and will not be custom homes they had hoped for. He stated it is a difficult site to develop.

Councilmember David Hill asked when the new owner purchased the property. Mr. Martin stated approximately two (2) weeks ago. Councilmember Hill stated traffic was a concern amongst residence at the Planning & Zoning Commission meeting and Mr. Martin stated the new development would not increase traffic.

Those who spoke against ZA 2016-32:

Karen Baker, 113 Sumac, Waxahachie
Martin Baker, 113 Sumac, Waxahachie
Ms. Gretchen Holmquist, 100 Honeysuckle Lane, Waxahachie
Ms. Dierdre Turner, 113 Honeysuckle Lane, Waxahachie

Mayor Strength asked Mr. Martin if he is going to put in a park. Mr. Martin stated the only amenity is a small park with children's playground equipment located in an infill location.

Mr. Martin stated the houses will be approximately 1,700 square feet and range in the cost of \$200,000 and noted they are able to have 30 feet setbacks. He stated Phase II will have a separate HOA.

There being no others to speak for or against Zoning Amendment ZA2016-32, Mayor Strength closed the Public Hearing.

Mayor Strength stated he would like for Mr. Martin to meet with City Staff to work out issues.
After further discussion, Councilmember Chuck Beatty moved to continue the Public Hearing on a request by LCH Holdings, for a Zoning Amendment from Single Family-2 (SF-2) to Planned Development (PD) located at Highway 77 North and Hedgewood Dr., being Block 2, 41.688 acres, The Arbor at Willow Grove for single family residential lots—Owner: Waxahachie I JV (ZA 2016-32) to the City Council meeting of August 1, 2016.
Councilmember David Hill seconded. The vote was as follows:

Ayes: Kevin Strength
Chuck Beatty

David Hill
Mary Lou Shipley

Abstain: Mark Singleton

The motion carried.

Citizens' Petitions and Requests

Ms. Kelly Hale, 126 West Main, Waxahachie, President of Waxahachie Downtown Merchants Association and owner of Multitudes expressed concern pertaining to the upcoming downtown street infrastructure project. She stated there is no argument that the work needs to be done however downtown merchants are concerned with it causing a financial impact on their 4th quarter earnings. She stated members of the Downtown Merchants Association have a meeting scheduled with the City Manager on July 20, 2016 to work together on this project.

Mr. Enrique Bernal, 507 North Rogers, Waxahachie, thanked City Manager Paul Stevens and City Attorney Steve Chapman for their assistance in purchasing his mother's property for City Cemetery use.

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

Planning Director Darren Groth stated at the upcoming Planning & Zoning Commission meeting the Planning Department will present an update of Planning Department procedures and present the procedures to City Council on August 1, 2016.

Councilmember Mary Lou Shipley referenced the new shade structures downtown on College Street noting how nice they look and will be beneficial during downtown events.

Councilmember Chuck Beatty thanked Mr. Scott Pendry, Mr. Ron Barson, Atwoods, and Mr. Brett Hess for working with City Council on their project.

City Manager Paul Stevens referenced a thank you letter from Mrs. Bonney Ramsey, Chair of 2016 Crape Myrtle Festival, thanking the City for our participation in the 19th Annual Crape Myrtle Festival. He stated several Staff and city employees are very involved participating in all of the activities and thanked them for their time.

Mr. Stevens announced the workshop to discuss the 2016-2017 fiscal year budget is scheduled for Thursday, July 28, 2016 at 8:30 a.m. Due to conflict with some Councilmembers the date was changed to Wednesday, July 27, 2016 at 8:30 a.m.

Mrs. Virginia Sevier, 311 Brown Street, Waxahachie stated the downtown road project is a heaving issue noting it can determine if businesses survive.

Mayor Pro Tem Mark Singleton stated the reason Council designed a Single-Family-2 zoning in a Planned Development was a relief valve noting the government was supposed to be a partnership with developers and not just an ordinance with rules and regulations. He explained Planned Development is a mechanism for City Staff to set down with developers and compromise. He thanked Atwoods for working with Staff and City Council.

Councilmember David Hill stated with the recent shooting on police officers in Dallas and Baton Rouge, he asked citizens to pray for all first responders.

City Manager Paul Stevens stated our community has had an outpouring support for the Waxahachie Police Department. He announced the Police Department will have a promotion ceremony on Wednesday, July 20, 2016 at 4:00 p.m. in the Council Conference Room.

There being no further business, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Lori Saunders
City Secretary