

City Council
August 15, 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 Monday, August 15, 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
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 August 1, 2016
- b. Minutes of the Planning and Zoning Commission meeting of August 9, 2016
- c. Minutes of the Waxahachie Community Development Corporation meetings of August 4, 2016
and August 9, 2016
- d. Minutes of the Heritage Preservation Commission meeting of July 14, 2016
- e. Minutes of the Keep Waxahachie Beautiful meeting of July 26, 2016
- f. Monthly Code Enforcement Report for July 2016
- g. Monthly Violation Activity Statistics Report for July 2016
- h. Monthly Crime Report for July 2016
- i. Monthly Fire and EMS Report for July 2016
- j. Approval of COBRA Continuation of Coverage Administrative Agreement administered by TML
MultiState IEBP
- k. Approval of 4th Annual WTC Labor Day Triathlon and Duathlon
- l. Approval of WISD Education Foundation Legacy Run
- m. Approval of Navarro PTA 5k run
- n. Approval of traditional parade route for WISD Homecoming Parade on Friday, September 23, 2016

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

Councilmember Chuck Beatty introduced Abigail Nicholle Rodgers as the Honorary Councilmember for the month of August and presented her with a Certificate of Appreciation for participating in the Honorary Councilmember program.

Mayor Strength announced the request to appear by Waxahachie Downtown Merchants Association to request designation of a dedicated Loading Zone has been moved to the City Council meeting of September 6, 2016.

Ms. Anita Brown, Downtown Development Director, presented the Farmer's Market report noting the season is 29 weeks running from April 16, 2016 – October 29, 2016. She reported sales for the first fifteen weeks total \$85,697.52, up \$24,912.00 from last year.

Mrs. Arlene Hamilton, coordinator of Farmers Market, reported Farmers Market, Downtown Merchants, and several departments from the high school are coming together to host a ticketed sit down Farm to Table on the Square dinner on Saturday, November 5, 2016. Ingredients will come from the market and suppliers and the high school culinary students will prepare and serve the meal. She requested permission to close Franklin Street from Rogers to College from 8:00 a.m. to 11:00 p.m.

Mayor Pro Tem Mark Singleton moved to approve street closure on Saturday, November 5, 2016 as

Mayor Strength opened the Public Hearing on a request by Dayne Ram for a Zoning Amendment from Light Industrial-2 (LI-2) and Commercial (C) to Planned Development-Commercial (PD-C) for a restaurant and retail, located at the intersection of Cardinal Road and US Hwy. 77, being Lot 1 and 2, Block A, 3.086 acres, Cardinal Plaza-Owner: Del Z Enterprises, LLC (ZA 2016-38).

Director of Planning, Darren Groth, reviewed staff comments noting the Planned Development Concept Plan proposes relief to building setback requirements, increased minimum landscaping and building materials requirements. If approved and detailed Site Plan conforms to Concept Plan, then detailed Site Plan is administratively approved. He reviewed the following deviations:

The applicant is requesting a zoning amendment to change the zoning from Light Industrial-2 (LI-2) and Commercial (C) to Planned Development-Commercial (PD-C). The Planned Development would provide relief to building setback requirements, while increasing minimum landscaping and building materials requirements. The current building standards for the portion of the property subject to Light Industrial-2 (LI-2) are a thirty (30) ft. minimum side yard setback

and a twenty (20) ft. minimum rear yard setback. The current building standards for the portion of the property subject to Commercial (C) are a fifteen (15) ft. minimum side yard setback and a twenty (20) ft. minimum rear yard setback. The Planned Development will establish a ten (10) ft. minimum side and rear yard setback. In addition to standard landscaping requirements, the Planned Development will enhance the total landscaped area to a minimum of twenty (20) percent of the total lot size. Street yard spaces shall be no less than twenty-five (25) percent. Parking lot landscaping tree requirements will be one (1) tree per seven (7) parking spaces.

Councilmember David Hill reported the Plant Manager from Cardinal Glass Industries expressed concern at the Planning and Zoning Commission meeting with a retail establishment in an industrial area noting high traffic on Cardinal Road with shift changes, semi-tractors entering and exiting the industrial area. Mr. Hill stated Cardinal Road is 24 feet wide and the only access in and out of the industrial area.

Representatives from James Hardie building products, 2425 North Highway 77, Waxahachie, expressed concern with heavy traffic on Cardinal Road. Semi-trucks are stacked on Cardinal Road for Cardinal Glass and James Hardie as well as employees entering and leaving the plants at shift time. The representatives stated the proposed retail is not a good fit in this industrial area.

There being no others to speak for or against Zoning Amendment 2016-38, Mayor Strength closed the Public Hearing.

City Attorney presented Ordinance No. 2881 approving Zoning Amendment 2016-38:

ORDINANCE NO. 2881

AN ORDINANCE AUTHORIZING A ZONING CHANGE FOR LOT 1 AND LOT 2, BLOCK A, CARDINAL PLAZA, CONTAINING 3.086 ACRES, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT THE NORTH INTERSECTION OF CARDINAL ROAD AND NORTH HIGHWAY 77, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LIGHT INDUSTRIAL-2 (LI-2) AND COMMERCIAL (C) TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C) AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2881 as presented. Mayor Pro Tem Mark Singleton seconded, ***All Ayes.***

Mayor Strength opened the Public Hearing on a request by Brad Yates for a Zoning Amendment from Single Family-3 (SF-3) to Planned Development (PD) for duplexes, located at 200 Opal Street, being Lot 22, Block 14, 0.172 acres, South Park-Revised Addition-Owner: Loren Gray Investments, LLC (ZA 2016-39).

Director of Planning, Darren Groth, reviewed staff comments noting a Two-Family dwelling not allowed use in SF3 zoning. The applicant is requesting relief to lot size and setbacks, as similarly described by infill ordinance. Due to the requested replat (companion case RP2016-29); the redevelopment is not a qualifying property as defined in the Infill Ordinance.

In addition, the applicant also requested the following items for the PD Concept Plan:

- Two-Family Dwelling (Duplex) will be a designated use permitted in this PD zoning district.
- Minimum Dwelling Unit Area – 1,200 square feet
- Landscaping requirements and garage requirements will follow the City of Waxahachie Infill Ordinance, City Ordinance Number 2596, as amended.
- The roofs of all dwellings shall be a minimum 8:12 ratio pitch.
- Door to door refuse pick up shall be provided.
- Metal fence posts will be used for all residential fencing.
- All wood fencing will be initially stained a uniform color.
- Slab will be elevated eight (8) inches above grade.
- Exterior elevations may be consisting of eight (8) inch cementitious fiber board siding.

Mr. Groth stated Staff recommended APPROVAL, subject to two comments:

1. Address all staff comments. (satisfied)
2. Provide a text document showing the specific conditions requested for this PD, which will be used to write the PD Ord. (satisfied)

There being no others to speak for or against Zoning Amendment 2016-39, Mayor Strength closed the Public Hearing.

City Attorney presented Ordinance No. 2882 approving Zoning Amendment 2016-39:

ORDINANCE NO. 2882

AN ORDINANCE CHANGING THE ZONING ON LOT 22, BLOCK 14, SOUTH PARK-REVISED ADDITION, CONTAINING 0.172 ACRE, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 200 OPAL STREET, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT-MULTI FAMILY-1 (PD-MF-1), FOR THE PURPOSE OF ALLOWING DUPLEX HOUSES, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2882 as presented, subject to Staff Comments. Councilmember David Hill seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Brad Yates for a Replat located at 200 Opal Street, being Lot 22, Block 14, 0.172 acres, South Park-Revised Addition-Owner: Loren Gray Investments, LLC (RP 2016-29).

Director of Planning, Darren Groth, reported the Replat is a companion case of ZA 2016-39 noting due to Council's approval of ZA2016-36, Staff recommends approval.

There being no others to speak for or against Replat 2016-29, Mayor Strength closed the Public Hearing.

Councilmember David Hill moved to approve a request by Brad Yates for a Replat located at 200 Opal Street, being Lot 22, Block 14, 0.172 acres, South Park-Revised Addition-Owner: Loren Gray Investments, LLC (RP 2016-29). Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Kylon Wilson for a Zoning Amendment from Single Family-2 (SF-2) to Planned Development-Multiple Family District-1 (PD-MF-1) for residential homes for adults with intellectual and developmental disabilities, located in the 800 block of Cantrell Street in the E.W. Rogers Survey, Abstract No. 896, Property ID 243706- Owner Diane Collard and Property ID 256879-Owner Breckenridge Group Waxahachie Texas LP (ZA 2016-40). He announced the Applicant wishes to continue the public hearing to the City Council meeting of September 6, 2016.

There being no others to speak for or against Zoning Amendment 2016-40, Mayor Strength closed the Public Hearing.

Mayor Pro Tem Mark Singleton moved to continue on a request by Kylon Wilson for a Zoning Amendment from Single Family-2 (SF-2) to Planned Development-Multiple Family District-1 (PD-MF-1) for residential homes for adults with intellectual and developmental disabilities, located in the 800 block of Cantrell Street in the E.W. Rogers Survey, Abstract No. 896, Property ID 243706- Owner Diane Collard and Property ID 256879-Owner Breckenridge Group Waxahachie Texas LP (ZA 2016-40) to the City Council meeting of September 6, 2016. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength continued 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).

Director of Planning, Darren Groth, reported the applicant requests a zoning change from Single Family-2 (SF-2) to a Planned Development District (PD). He noted the applicant indicated the purpose of this zoning change would be to match the first phase of this development, which was built prior to the Zoning Ordinance revision in December 2012. Mr. Groth stated the Planning Staff met with the applicant to discuss the proposed PD. The meeting resulted in the following zoning conditions:

Arbors 2 PD Zoning Conditions

Applicant's Request

1. Minimum Lot Size = 7,200 square feet
 - a. A maximum of only 20 percent of the lots will be allowed at the minimum Lot Size.
 - b. A minimum of 80 percent of the lots must exceed the 7,500 square-foot minimum Lot Size of the existing Arbors 1 development.
 - c. SF-2 minimum Lot Size = 12,000 square feet
2. Minimum Lot Width = 60 feet
 - a. A maximum of only 50 percent of the lots will be allowed at the minimum Lot Width.
 - b. A minimum of 50 percent of the lots must exceed the 65-foot minimum Lot Width of the existing Arbors 1 development.
 - c. SF-2 minimum Lot Width = 90 feet
3. Minimum Lot Depth = 100 feet
 - a. SF-2 minimum Lot Depth = 120 feet
4. Minimum Front Yard Setback = 25 feet
 - a. SF-2 minimum Front Yard Setback = 30 feet

Enhanced Development Standards

1. Minimum Dwelling Unit Area = 1,850 square feet
 - a. SF-2 = 1,600 square feet
2. Canopy Trees = two 2-inch trees for each dwelling unit
 - a. SF-2 = one 2-inch tree per dwelling unit
3. Side-Entry or J-Swing garages required on a minimum of 25 percent of the lots
 - a. Side-Entry or J-Swing garages not required
4. Minimum Roof Pitch = 8:12
 - a. Current = 7:12
5. Masonry Construction = 100 percent
 - a. Current = 75 percent
6. Roof materials = 30-year composition shingle
 - a. Current = 25-year
7. Metal fence posts will be used for all residential fencing
 - a. Current = No existing standard
8. All wood fencing will be initially stained a uniform color throughout the subdivision
 - a. Current = No existing standard
9. Mailboxes will utilize masonry construction to match the home
 - a. Current = No existing standard

City Attorney Steve Chapman announced the City Secretary received a petition with 91 signatures opposing ZA 2016-32.

Those who spoke against ZA2016-32 expressing concern with one existing entrance/exit to the development and additional proposed development without an additional entrance/exit:

Ms. Gretchen Holmquist, 100 Honeysuckle Lane, Waxahachie
Mr. Marty Hiles, Homeowners Association President
Ms. Caren Baker, 113 Sumac Drive, Waxahachie
Ms. Deirdre Turner, 113 Honeysuckle Lane, Waxahachie
Mr. Craig McBride, 115 Sumac Drive, Waxahachie

Mr. Tony Martin, Applicant, stated the property is difficult to develop and explained eventually they will be providing ingress and egress to the south and to the east of the property. He asked for forgiveness on the minimum lot size noting homes will be comparable to the existing neighborhood. Mr. Martin stated, if denied, they will come back and build bigger homes.

There being no others to speak for or against Zoning Amendment 2016-32, Mayor Strength closed the Public Hearing.

After a lengthy discussion, Councilmember Mary Lou Shipley moved to deny 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). Councilmember Chuck Beatty seconded. The vote was as follows:

Ayes: Kevin Strength
Chuck Beatty
David Hill
Mary Lou Shipley

Abstained: Mark Singleton

The motion carried.

Mayor Strength continued 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, reported the applicant is requesting a zoning change from Single Family-1 (SF-1) to General Retail (GR) and stated the request aligns the current use, Multiple Family Dwelling, with an appropriate zoning district. The GR zoning change conforms to the 'Retail' designation in the Comprehensive Plan and if approved, Multiple Family Dwelling use will require a Specific Use Permit for each property.

Ms. Sara MacDonald, Mac One Realty, LLC, 747 Samuels, Avenue, Fort Worth, Texas, reported when they purchased the property in 2006-2007 it was being used as a multi-family property. She noted they realized it wasn't zoned for multi-family when they put it on the market and request to amend in order to sell and keep the property multi-family.

There being no others to speak for or against Zoning Amendment 2016-29, Mayor Strength closed the Public Hearing.

City Attorney presented Ordinances 2883 and 2884 approving Zoning Amendment 2016-29:

ORDINANCE NO. 2883

AN ORDINANCE CHANGING THE ZONING ON LOT 5, BLOCK 79, TOWN ADDITION, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, CONTAINING 0.166 ACRE, LOCALLY KNOWN AS 409 WEST FRANKLIN STREET, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, FROM SINGLE FAMILY-1 (SF-1) TO RETAIL (R), AND DECLARING AN EMERGENCY, SETTING AN EFFECTIVE DATE AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 2884

AN ORDINANCE CHANGING THE ZONING ON LOT 4, BLOCK 79, TOWN ADDITION, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, CONTAINING 0.124 ACRE, LOCALLY KNOWN AS 413 WEST FRANKLIN STREET, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, FROM SINGLE FAMILY-1 (SF-1) TO RETAIL (R), AND DECLARING AN EMERGENCY, SETTING AN EFFECTIVE DATE AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Chuck Beatty moved to approve Ordinances 2883 and 2884 as presented.
Mayor Kevin Strength seconded, **All Ayes.**

Director of Planning, Darren Groth, presented Preliminary Plat of The Sanctuary being a 7.246 acres of land out of the Daniel Weaver Survey, Abstract No. 1138 in the Extra Territorial Jurisdiction (ETJ)-Owner: Mark D. & Melanie L. Brewer, Wyndell S. & Jennifer A. Wilson, John Houston Living Trust (PLM 2016-26) noting the preliminary plat request will establish six (6) lots on 7.246 acres. Staff recommends approval.

Councilmember Mary Lou Shipley moved to approve Preliminary Plat of The Sanctuary being 7.246 acres of land out of the Daniel Weaver Survey, Abstract No. 1138 in the Extra Territorial Jurisdiction (ETJ)-Owner: Mark D. & Melanie L. Brewer, Wyndell S. & Jennifer A. Wilson, John Houston Living Trust (PLM 2016-26). Councilmember Chuck Beatty seconded, **All Ayes.**

Director of Planning, Darren Groth, presented Preliminary Plat of Henry Estates being 3.522 acres of land out of the Henry Bingham Survey, Abstract No. 154 in the Extra Territorial Jurisdiction (ETJ)-Owner: JHH Property Acquisition Services, LLC (PLM 2016-27) noting the Preliminary Plat creates two (2) lots on 3.522 acres. Staff recommends approval.

Councilmember David Hill moved to approve Preliminary Plat of Henry Estates being 3.522 acres of land out of the Henry Bingham Survey, Abstract No. 154 in the Extra Territorial Jurisdiction (ETJ)-Owner: JHH Property Acquisition Services, LLC (PLM 2016-27). Councilmember Mary Lou Shipley seconded, All Ayes.

Director of Planning, Darren Groth, presented Final Plat of Mustang Creek, Phase Four being 114 residential lots, 2 non-residential lots, being 39.493 acres situated in the Robert Russell Survey, Abstract No. 911-Owner: Bruce French (FP 2016-28) and stated the Final Plat to create 114 residential lots and 2 non-residential lots on 43.493 acres. Staff recommends approval.

Mayor Pro Tem Mark Singleton moved to approve Final Plat of Mustang Creek, Phase Four being 114 residential lots, 2 non-residential lots, being 39.493 acres situated in the Robert Russell Survey, Abstract No. 911-Owner: Bruce French (FP 2016-28). Councilmember Chuck Beatty seconded, All Ayes.

City Manager, Paul Stevens, presented Agreement to Contribute Right of Way Funds for Viaduct Project. He stated TxDot requires a city to participate with 10% of the cost but since Ellis County is considered an Economically Disadvantaged County the amount is adjusted down so the city's share is only 3.7%. Mr. Stevens stated the first agreement is for the new bridge that will be aligned with Monroe Street and the city's portion is \$45,973. The second agreement is for US 77 from south of FM 66 to north of McMillan Street and the city's portion is \$155,084, bringing the total city's share to \$201,057. He stated the amount can be paid in increments over three years, making each payment \$67,019 and explained if the cost goes up, the city will not be responsible for any further payment. He stated TxDot is working on combining the two agreements into one and the overall amount will remain the same.

Mr. Stevens reported TxDot recommends we approve our first payment prior to the State's new fiscal year, which begins September 1. He requested a budget adjustment in the amount of \$67,020 to cover the city's first payment of the Viaduct project.

Mr. Stevens asked Council to approve the Incremental Payment Agreement and budget amendment.

Mayor Pro Tem Mark Singleton moved to approve an Incremental Payment Agreement between TxDot and the City of Waxahachie to contribute right-of-way funds for Viaduct project for a total amount of \$201,057 making three incremental payments of \$60,019 as presented and approving associated budget amendment as presented. Councilmember David Hill seconded, All Ayes.

Citizens' Petition and Request

Ms. Laurie Mosley, Director of Convention and Visitors Bureau (CVB) announced next month will be her fifteenth year with the CVB. Ms. Mosley stated she has learned so much over the years and it is nice to look back and see all that has developed in Waxahachie.

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

City Council and Staff thanked Ms. Rodgers for her participation in the Honorary Councilmember program.

City Manager Paul Stevens announced there will be a US 77 Viaduct meeting on Monday, August 29, 2016 at 5:30 p.m. in the Council Chamber at City Hall.

Councilmember David Hill - thanked first responders for their work and stated it was a great turnout at the recent Trucks and Tunes honoring them.

There being no further business, the meeting adjourned at 8:53 p.m.

Respectfully submitted,

Lori Saunders
City Secretary