

City Council  
January 17, 2017

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 17, 2017 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

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Mayor Kevin Strength called the meeting to order. Mayor Pro Tem Mark Singleton gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

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**CONSENT AGENDA:**

- a. Minutes of the regular City Council meeting of December 19, 2016
- b. Minutes of the regular Planning and Zoning Commission meeting of January 10, 2017
- c. Minutes of the Firemen's Relief and Retirement Fund meeting of January 9, 2017
- d. Minutes of the Park Board meeting of January 5, 2017
- e. Minutes of the Cemetery Board meeting of January 5, 2017
- f. Minutes of the Heritage Preservation Commission meeting of December 8, 2016
- g. Monthly Code Enforcement Report for December 2016
- h. Monthly Building Report for November 2016
- i. Monthly Violation Activity Statistics for December 2016
- j. Monthly Crime Report for December 2016
- k. Monthly Fire & EMS Report for December 2016
- l. Approve Budget Amendment requested by Parks and Recreation Department
- m. Approve wedding and reception at Chautauqua Auditorium for January 21, 2017
- n. Approve Waxahachie Preparatory Academy 5k Warrior Run for April 1, 2017
- o. Set Public Hearings date of February 24, 2017 at 7:00 p.m. for first Public Hearing and 7:30 p.m. for second Public Hearing for a request by Walton Texas, LP for annexation of approximately 791 acres

**Councilmember Chuck Beatty moved to approve items a. through o. on the Consent Agenda.**  
Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

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Councilmember Chuck Beatty introduced Ms. Caymee Bigham as Honorary Councilmember for the month of January. Caymee is the daughter of Brett and Tresa Bigham and she has three siblings. While in high school, Caymee has been involved in cross country, FFA, Interact, and

basketball. She is very excited to attend either Rice University or The University of Texas next year and plans to study nursing or possibly going into medical research.

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Mayor Strength read a Proclamation recognizing Chronic Obstructive Pulmonary Disease (COPD) and presented it to Mr. Joseph Puckett and Mr. Carl Mullins.

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Mayor Strength opened the Public Hearing on a request by Chad Miles, JHDMC, LLC, for a Zoning Amendment from Single Family Dwelling-2 (SF2) zoning district to a Freestanding Planned Development (PD), with Concept Plan, located east of the existing North Grove Planned Development, at Property ID 179059, being 5 J B & A ADAMS, 83 J BILLINGSLEY, 1182 JW WRIGHT 38.358 ACRES- Owner: JHDMC LLC (ZA2016-68).

Director of Planning Darren Groth reviewed the following staff comments.

- Request is to expand the North Grove PD approved under Ord 2733, amended by Ord 2841 and 2870, to subject site
- New Appendix A will be added to the North Grove PD (similar to Country Meadows addition)
- North Grove design standards will apply

#### **APPENDIX A: THE PRESERVE AT NORTH GROVE**

Purpose: incorporate 38.547 acres to the existing North Grove PD shown on North Grove Concept Plan as Ph 10 (portion) and Ph 11 (all)

- The 60' lot (Township Lot) within Phase 10 will follow all of the PD Standards as approved in Ord 2733, as amended.
- The 50' lots (Cottage Lots) within Phase 10 and all of Phase 11 will follow the Regulations in Appendix A.

Mr. Groth stated the concept plan shows Phase 11 of North Grove Planned-Development. He presented revised modifications of Phase 11 in the areas of height regulations which is an exhibit to the proposed Ordinance.

Those who spoke for ZA 2016-68:

Mr. Kevin Crouch, 110 Sandy Lane, Waxahachie

Mr. Terry Weaver, COO, JHDMC LLC, 200 E. Highway 35, Red Oak, Texas, referenced the minimum floor area depicting 1,400 square feet should be minimum floor area of 1,800 square feet.

There being no others to speak for or against ZA 2016-68, Mayor Strength closed the Public Hearing.

City Attorney presented Ordinance No. 2914:

**ORDINANCE NO. 2914**

**AN ORDINANCE AUTHORIZING A ZONING AMENDMENT FROM SINGLE FAMILY DWELLING-2 (SF2) TO A FREESTANDING PLANNED DEVELOPMENT (PD), WITH CONCEPT PLAN APPENDIX LOCATED EAST OF THE EXISTING NORTH GROVE PLANNED DEVELOPMENT, AT PROPERTY ID 179059 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 38.358 ACRES WITHIN THE 5 J B & A ADAMS, 83 J BILLINGSLY, 1182 JW WRIGHT ABSTRACTS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Councilmember Chuck Beatty moved to approve Ordinance No. 2914 subject to changing minimal square footage from 1,400 to 1,800.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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Mayor opened the Public Hearing on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) to permit an Electronic Message Sign and Pylon Sign within a Planned Development-92-General Retail (PD-92-GR) zoning district, located at 110 Park Place Blvd, Suite 100, being LOT 1 BLK A PARK PLACE PROFESSIONAL CENTER 1.807 AC- Owner: GRANE LANE HOLDING LLC & ARDETH REAL ESTATE LLC (ZA2016-65).

Mr. Groth stated the request is for one sign with two (2) different uses. The offset of the sign is intended to accommodate ease of access to an adjacent utility easement. He recommended approval per the following stipulation:

- Pylon sign shall adhere to monument sign stipulations that require the sign to be made of stone, concrete, brick or similar materials and to be solid from the ground up; pole(s) or supports shall be concealed.

There being no others to speak for or against ZA 2016-65, Mayor Strength closed the Public Hearing.

City Attorney presented Ordinance No. 2915:

**ORDINANCE NO. 2915**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR BOTH AN ELECTRONIC MESSAGE SIGN AND PYLON SIGN WITHIN A PLANNED DEVELOPMENT-92-GENERAL RETAIL (PD-92-GR) ZONING DISTRICT LOCATED AT 110 PARK PLACE BOULEVARD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING KNOWN AS LOT 1, BLOCK A OF THE PARK PLACE PROFESSIONAL CENTER SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

Councilmember David Hill moved to approve Ordinance No. 2915 as presented.  
Councilmember Chuck Beatty seconded, All Ayes.

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Mayor Strength opened the Public Hearing on a request by Joe Beatey, Products Plus, for a Specific Use Permit (SUP) to permit a High Risk or Hazardous Industrial Manufacturing Wholly Enclosed Within a Building use, to allow the recycling of antifreeze (glycol), within a Light Industrial-2 (LI2) zoning district, located at 300 Mushroom Road, being PT 2 B N WAXAHACHIE IND PARK 1.017 ACRES- Owner: V T PROPERTIES INC (ZA2016-67).

Mr. Groth reviewed the following case summary:

- Request utilizes an existing metal building within an LI2 zoning district to operate an antifreeze recycling & distribution business
- Z.O. Section 33.11 does not have a use for antifreeze recycling and distribution corresponding use is High Risk Manufacturing wholly enclosed within a Building

Mr. Groth stated staff recommends approval per the following condition:

- All operations vital to the use must be performed wholly within a building and any changes to the site layout will require an updated SUP.

Discussion was held pertaining to the containment area. The applicant stated TCEQ does not require a containment area. However, the city does and that is why he is working with the city and installing a containment area.

There being no others to speak for or against ZA 2016-67, Mayor Strength closed the Public Hearing.

City Attorney presented Ordinance No. 2916:

**ORDINANCE NO. 2916**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR A HIGH RISK OR HAZARDOUS INDUSTRIAL MANUFACTURING WHOLLY ENCLOSED WITHIN A BUILDING USE WITHIN A LIGHT INDUSTRIAL-2 (LI2) ZONING DISTRICT LOCATED AT 300 MUSHROOM ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING KNOWN AS PT 2 B N OF THE WAXAHACHIE IND PARK SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

Councilmember David Hill moved to approve Ordinance No. 2916 as presented. Mayor Pro Tem Mark Singleton seconded, All Ayes.

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Mayor Strength opened the Public Hearing on a request by Clyde Hargrove, Bethany/Garden Valley, LTD, for a Zoning Amendment from Two Family Dwelling (2F) zoning district to Planned Development-Single Family Dwelling-3 (PD-SF3), with Concept Plan, located at the intersection of Garden Valley Parkway and Sagebrush Lane, at Property ID 263936, being 5 J B & A ADAMS 11.1 ACRES, and Property ID 261716, being 5 J B & A ADAMS 11.86 ACRES- Owner: WP LEGACY LTD (ZA2016-69).

Mr. Groth reviewed a comparison table of existing vs. proposed regulations; additional existing requirements; and, new and additional requirements per the amendment.

Mr. Clyde Hargrove, 101 Valley Ridge Drive, Red Oak, Texas, stated a rental type community would not be conducive to the surrounding neighborhoods, therefore he decided to request the zoning change. He stated they are downsizing this site and will increase to 8/12 roof pitch and 100% masonry on front of home. Screen wall will be the same and same type of entry ways as in his previous developments. Mr. Hargrove noted this community development will target empty nesters.

Those who spoke for ZA 2016-69:

Mr. Robert Brown, 114 North Star Lane, Waxahachie

There being no others to speak for or against ZA 2016-69, Mayor Strength closed the Public Hearing.

City Attorney presented Ordinance No. 2917:

**ORDINANCE NO. 2917**

**AN ORDINANCE AUTHORIZING A ZONING AMENDMENT FROM TWO FAMILY RESIDENTIAL DISTRICT (2F) TO PLANNED DEVELOPMENT-SINGLE FAMILY DWELLING-3 (PD-SF3), WITH CONCEPT PLAN LOCATED AT THE INTERSECTION OF GARDEN VALLEY PARKWAY AND SAGEBRUSH LANE ON PROPERTY ID 263936, BEING 11.1 ACRES WITHIN THE 5 J B & A ADAMS ABSTRACT, AND PROPERTY ID 261716, BEING 11.86 ACRES WITHIN THE 5 J B & A ADAMS ABSTRACT, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Councilmember Chuck Beatty moved to approve Ordinance No. 2917 as presented.**  
Councilmember Mary Lou Shipley seconded, **All Ayes.**

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Mr. Groth presented Preliminary Plat of Garden Valley West, being 22.707 acres out of the J.B. & Ann Adams Survey, Abstract No. 5, being 138 lots - Owner: WP Legacy, LTD (PLM2016-57) noting it is a companion case to ZA 2016-69.

**Mayor Pro Tem Mark Singleton moved to approve Preliminary Plat of Garden Valley West, being 22.707 acres out of the J.B. & Ann Adams Survey, Abstract No. 5, being 138 lots - Owner: WP Legacy, LTD (PLM2016-57) noting it is a companion case to ZA 2016-69.**  
Councilmember David Hill seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by Mark Hillegeist, Cork and Keg, LLC, for a Specific Use Permit (SUP) to permit a Dance Hall, Tavern, or Night Club use, to allow a restaurant with alcohol sales exceeding 49 percent of the gross revenue, within a Central Area (CA) zoning district, located at 100 N College, Suite 106, being LOT 5 THRU 8 BLK 1 O T WAXAHACHIE BLK 1 0.4924 AC- Owner: ROGERS HOTEL PARTNERS LLC (ZA2016-71).

Mr. Groth reviewed the following case summary:

- Request for SUP to permit a Dance Hall, Tavern, or Night Club use, to allow a restaurant with alcohol sales exceeding 49 percent of the gross revenue
- Proposed restaurant may exceed 49% threshold
- SUP request approval sought as safeguard

There being no others to speak for or against ZA 2016-71, Mayor Strength closed the Public Hearing.

City Attorney presented Ordinance No. 2918:

### **ORDINANCE NO. 2918**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR A DANCE HALL, TAVERN, OR NIGHT CLUB USE WITHIN THE CENTRAL AREA (CA) ZONING DISTRICT LOCATED AT 100 N COLLEGE, SUITE 106 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING KNOWN AS LOT 5 THRU 8 BLK 1 OF THE ORIGINAL TOWN WAXAHACHIE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Councilmember Mary Lou Shipley moved to approve Ordinance No. 2918 as presented.**  
Councilmember Chuck Beatty seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by the City of Waxahachie to amend the Use Chart of the Zoning Ordinance to require a Specific Use Permit for zoning uses of “Hospital Acute Care”, “Hospital Chronic Care”, and “Medical Facilities” in all districts in which said uses are permitted (ZA2016-74).

Mr. Groth presented a proposed Use Chart changing the where any permitted by right now requires a specific use permit. He explained it gives Council to review anything requesting the uses.

There being no others to speak for or against ZA 2016-74, Mayor Strength closed the Public Hearing.

City Attorney presented Ordinance No. 2919:

**ORDINANCE NO. 2919**

**AN ORDINANCE AMENDING THE CITY OF WAXAHACHIE ZONING ORDINANCE BY REQUIRING A SPECIFIC USE PERMIT (SUP) FOR THE USES LISTED AS HOSPITAL, ACUTE CARE; HOSPITAL, CHRONIC CARE; AND MEDICAL FACILITIES IN ALL THE DISTRICTS THEY ARE CURRENTLY ALLOWED IN, DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.**

*Councilmember David Hill moved to approve Ordinance No. 2919 as presented. Councilmember Chuck Beatty seconded, **All Ayes.***

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Mayor Strength opened the Public Hearing on a request by Cody Skoda, DC Texas Construction, LLC for a residential Replat located at 113 McKenzie Street, being LOT 5-6B BLK 4 COLLEGE 0.45 AC - Owner: SKODA CODY (RP2016-61).

Mr. Groth reviewed the following case summary noting the applicant is taking one lot and creating two lots:

- Request is to subdivide the existing lot in accordance with Ordinance 2888, which was approved on September 19, 2016.
- Utilities services need to be install prior to the recording of the final plat.
- If approved, within 30 days the applicant shall provide one revised electronic plan set that incorporates all comments.

City Manager Paul Stevens stated Staff waived the impact fees noting it fits the neighborhood and are in the spirit of intent of putting a house on this lot.

There being no others to speak for or against RP 2016-61, Mayor Strength closed the Public Hearing.

*Mayor Pro Tem Mark Singleton moved to approve a request by Cody Skoda, DC Texas Construction, LLC for a residential Replat located at 113 McKenzie Street, being LOT 5-6B BLK 4 COLLEGE 0.45 AC - Owner: SKODA CODY (RP2016-61). Councilmember David Hill seconded, **All Ayes.***

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Mr. Groth presented Final Plat of Willow Springs Phase Two – Section One, being a 10.453 acre addition in the J.B. & Ann Adams Survey, Abstract No. 5, being 30 single family lots- Owner: AGC Custom Homes, Inc. (FP2016-51). He reviewed the following case summary:

- Comments emailed to applicant on December 17, 2016 in the form of redlined drawings.
- The applicant’s resubmittal on December 27, 2016 satisfied the outstanding comments.
- If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.

**Councilmember Chuck Beatty moved to approve Final Plat of Willow Springs Phase Two – Section One, being a 10.453 acre addition in the J.B. & Ann Adams Survey, Abstract No. 5, being 30 single family lots- Owner: AGC Custom Homes, Inc. (FP2016-51).** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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Mr. Groth presented Final 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 (FP2016-58). He reviewed the following case summary:

- Request is to Final Plat 2 single family lots within the Henry Estates subdivision.
- Final Plat can be recorded after the water service is connected.
- If approved, within 30 days the applicant shall provide one revised electronic plan set that incorporates all comments.

**Mayor Pro Tem Mark Singleton moved to approve Final 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 (FP2016-58).** Councilmember Chuck Beatty seconded, **All Ayes.**

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Mr. Groth presented Final Plat of The Sanctuary, being 7.245 acres of land out of the Daniel Weaver Survey, Abstract No. 1138 in the Extra Territorial Jurisdiction (ETJ) – Owner: JHH Property Acquisition Services, LLC (FP2016-59). He reviewed the following case summary:

- Request is to Final Plat 6 single family lots within The Sanctuary subdivision.
- Final Plat can be recorded after the water service is connected.
- If approved, within 30 days the applicant shall provide one revised electronic plan set that incorporates all comments.

**Councilmember David Hill moved to approve Final Plat of The Sanctuary, being 7.245 acres of land out of the Daniel Weaver Survey, Abstract No. 1138 in the Extra Territorial Jurisdiction (ETJ) – Owner: JHH Property Acquisition Services, LLC (FP2016-59).** Councilmember Chuck Beatty seconded, **All Ayes.**

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Mr. Groth presented a petition to extend approval of Preliminary Plat of Pioneer Point, being 194.502 acres in the Charles Atteberry Survey, Abstract No. 10 in the Extra Territorial Jurisdiction (ETJ) – Owner: Tamminga Family Partnership (PLM2014-50). He explained the applicants Preliminary Plat will expire next month.

**Mayor Pro Tem Mark Singleton moved to extend approval of Preliminary Plat of Pioneer Point, being 194.502 acres in the Charles Atteberry Survey, Abstract No. 10 in the Extra Territorial Jurisdiction (ETJ) – Owner: Tamminga Family Partnership (PLM2014-50).**  
Councilmember Mary Lou Shipley seconded, **All Ayes.**

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Mr. John Smith, Director of Parks and Recreation, reported the Cemetery Board is recommending the new lots in Original Cemetery Block 1 sell for \$1,700 per space. There are approximately 1,800 new spaces and double depth burials will be allowed. He reported the Board reviewed the space pricing in Addition 12 and recommended single spaces increase from \$1,300 to \$1,400 and Family estates increase from \$14,000 to \$14,500. The baby and cremation spaces are unchanged at \$500 per space.

**After a brief discussion, Councilmember Chuck Beatty move to approve Cemetery space pricing as presented.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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**Citizens' Petitions and Requests:**

Mr. John Smith, Director of Parks and Recreation announced the first new playground equipment will be installed this week.

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

Mayor and City Council thanked Ms. Caymee Bigham for her participation as Honorary Councilmember.

Mr. James Gartner, City Engineer, stated several dams in the county are damaged and the County is looking at them to budget for repairs.

City Manager Paul Stevens stated a public meeting will be held on Thursday, January 26<sup>th</sup> at 6:00 p.m. at the Civic Center pertaining to the Viaduct. Mr. Stevens introduced the city's new HR Director, Ms. Yasmin Barnes.

Mayor Pro Tem Mark Singleton referenced the International Building Code noting we need more community involvement to challenge codes coming down from the International Building Code. He stated he is looking for to Council holding a workshop to discuss the code.

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Councilmember David Hill stated we are still in 2009 building code and 2015 electric code noting cost of building has gone up due to the codes.

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There being no further business, the meeting adjourned at: 8:46 p.m.

Respectfully submitted,

Lori Saunders  
City Secretary