

City Council  
May 21, 2018

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, May 21, 2018 at 7:00 p.m.

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

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Robert Brown, City Attorney  
Lori Cartwright, City Secretary

**1. Call to Order**

Mayor Kevin Strength called the meeting to order.

**2. Invocation**

**3. Pledge of Allegiance**

**4. Texas Pledge of Allegiance**

Mayor Pro Tem David Hill gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**5. Public Comments**

Ms. Amy Hedtke, 106 Vanderbilt Lane, Waxahachie, asked Council to consider how they handle public comments specifically allowing audience members to hear discussion and offer feedback as agenda items are presented. She spoke in favor of Item 37 being the consideration of live streaming of all public meetings and briefings that take place in City Hall in addition to the City Council meetings. Ms. Hedtke stated Tuesday, May 22, 2018 is Election Day and an Ellis County annexation reform petition is circulating as a measure on the November ballot.

Ms. Kathy Ponce, 781 N. Highway 77, Waxahachie, spoke in favor of Item 37 and asked that it be a unanimous vote of yes. She stated she is shocked at the lack of transparency at the local level noting the agenda packets are not ready until the day of the meeting and the City Council and Planning and Zoning Commission meetings are not live streamed. She stated it would be good to watch Council meetings remotely allowing for community involvement.

Mr. Andrew Mashburn, 102 O Donna Drive, Waxahachie, spoke in favor of Item 37 on the agenda and encouraged Council to live stream meetings noting it sends a message that there is nothing to hide. He thanked Council for their service representing the citizens of Waxahachie.

Ms. Ruth Ann Luko, 105 Park Drive, Waxahachie, referenced Item 12 being a Public Hearing on a request by Dennis Little for a Replat of the remainder of Lots 1-4 and part of the remainder of Lot 5, Block 1, Rose Hill Acres Addition to create Lot 1R, Block 1 Rose Hill Acres, 0.515 acres (Property ID 175556) – Owner: SIBLEY CLAY ETAL (RP-18-0037). She stated the property sits on the corner of Bryson, Highway 77 and John Arden Drive noting Park Drive is used as a

two-way thoroughfare. She stated five of the eight homes on her street are concerned as to what to do with that corner. Ms. Luko suggested Park Drive be considered as a one-way in and a two-way going out at Bryson.

## 6. Consent Agenda

- a. Minutes of the City Council meeting of May 7, 2018
- b. Minutes of the City Council Briefing Session of May 7, 2018
- c. Minutes of the City Council Special meeting of May 11, 2018
- d. Minutes of the City Council Work Session of May 16, 2018
- e. Minutes of the City Council and Planning and Zoning Commission work session of April 30, 2018
- f. Minutes of the Planning and Zoning Commission meeting of May 8, 2018
- g. Minutes of the Planning and Zoning Commission Briefing Session of May 8, 2018
- h. Minutes of the Waxahachie Community Development Corporation meeting of May 8, 2018
- i. Minutes of the Firemen's Relief and Retirement Fund meeting of May 14, 2018
- j. Minutes of the Senior Center Advisory Committee meeting of May 16, 2019
- k. Minutes of the Keep Waxahachie Beautiful Committee meeting of May 17, 2018
- l. Minutes of the Cemetery Board meeting of May 3, 2018
- m. Monthly Violation Activity Statistics Report for April 2018
- n. Monthly Fire and EMS Report for April 2018
- o. Approve application for YMCA Kick-off to the Summer Event in Penn Park
- p. Approve application for Community Day at the Park – Small Businesses Give Back
- q. Approve application for Arts in the Park
- r. Approve application for Community Day - Kickball in the Park
- s. Approve application for Princesses at the Park
- t. Request Javier D. Jaramillo, Pacheco Koch, LLC, for a Final Plat of City of Waxahachie Public Safety Campus, for 3 lots, being 47.696 acres out of the Benjamin B. Davis Survey, Abstract 290 (Property ID 206534 and 265158) – Owner: CITY OF WAXAHACHIE (FP-18-0040)

### **Action:**

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

## 7. Introduce Honorary Councilmember

Mayor Pro Tem David Hill introduced Caleb High as the Honorary Councilmember for the month of May and presented him a Certificate of Appreciation for participating in the Honorary Councilmember program.

**37. Consider live streaming all public meetings and briefings that take place in City Hall in addition to the City Council meetings**

Councilmember Melissa Olson moved that Item 37 be considered at this time due to a full agenda noting this matter will be dealt with quickly as she stated we all support transparency and involving the community. Mayor Strength and Councilmembers had no objection.

Councilmember Olson presented the following reasons for streamlining:

- 1) Bring meetings to those who cannot attend them, such as disabled persons, those who are at work, school, at home with children, etc. We cannot schedule all meetings to accommodate every person in Waxahachie, so live-streaming works really well to help with this.
- 2) Education: This process has helped educate people in how our city works. Personally, I have gone back through to learn about certain processes or topics that were unclear and were discussed in a meeting to learn more about them. This would be a great training tool for new and current councilmembers and staff because they could see how meetings are conducted, what is discussed and as I have done, learn about various topics.
- 3) Transparency: It's so important that as members elected by the people to represent the people, that they know we have nothing to hide. Transparency, especially through a streaming video, is such an easy way to demonstrate this.
- 4) Protection of the City: This is a great way of preserving the context of the meeting and creating a clean recording to defend the city, staff, and councilmembers. Not only that, due to the advancements in technology, we are able to save these live-streamed meetings much longer than the audio, which we keep for only a short time.
- 5) Unity in Community: By making this information more accessible to the community, it is a great way to bring everyone together. Most arguments and discord in communities are due to a lack of communication or from misunderstandings. Having this information brought to everyone so openly could easily solve those issues and promote better communication.
- 6) Better Staff Efficiency: Working off number four, due to the easy access of information for our community, these streaming's could reduce the number of calls and questions for City Staff and the amount of stress for both them and our citizens.

Councilmember Olson stated she is sure there are other reasons, but these are the reasons she wanted to get it on the agenda.

Mayor Strength disagreed with "Better Staff Efficiency" noting streaming prompts more questions for ones not wanting to attend City Council and ties up staff as they respond to inquiries; therefore, not providing better staff efficiency. Mayor Strength addressed "Unity in the Community" stating it depends who is on the other end of social media writing subtitles of what is being said noting a lot of untruths are being reported. Mayor Strength referenced "Transparency" noting everyone on City Council is transparent. He stated he understands some people are not able to attend City Council meetings and that is why Council meetings are streamlined. He stated the city has numerous Boards and Commissions that meet in different

locations in the City. Mayor Strength stated while he understands transparency, the ultimate vote is at City Council meetings held in the Council Chamber noting all Boards and Commissions are recommendation Boards. He stated streamlining all meetings is a waste of staff's time and the city's money.

Councilmember Olson stated her request is meetings held in City Hall noting she understands it would be difficult to streamline meetings offsite. She stated it is not expensive to live stream noting a huge monitor was just purchased for the Council Conference Room and live streaming would cost much less than the monitor. Councilmember Olson referenced "Unity in the Community" and "Transparency" noting the Boards and Commissions are advisory Boards to Council but most of the information that happens in those meetings is really good and people don't actually get to see what happens or how we come to the decisions that we come to so it would really help people understand where we are coming from. She stated whether the streamlining is watched or not, that is a person's decision, but at least it is their decision.

Mayor Pro Tem David Hill stated Council is not afraid to be recorded noting the downside to stream lining meetings is that people like to use that to twist and change a point noting he does not support streaming other Boards and Commissions other than City Council and the Planning and Zoning Commission. Mayor Pro Tem Hill stated he did not get on City Council to steal from the community, do anything nefarious, set up any shadow government, or anything else other than making sure the City of Waxahachie goes forward into the next few years with Council doing what we are supposed to be doing which is to oversee the budget and make sure things are done correctly. He stated if anyone needs him, his email is on the City website as well as his phone number noting he rarely receives either. Mayor Pro Tem stated the proposed is cumbersome noting the city has limited staff and the City Secretary processes open records requests daily that sometimes involves sending the requests to other departments to provide feedback so we can be transparent.

Councilmember Mary Lou Shipley stated we have a lot of transparency to begin with noting personally the way she has conducted herself on the City Council is if you send her an email, and/or if you call her, you will get a response and you will get it quickly. She stated she feels like we are doing a lot in the area of transparency noting she has no objection to live streaming the City Council and the Planning and Zoning Commission meeting which are both held in the Council Chamber. Councilmember Shipley stated there is no need to go beyond that because decisions made in all the committees are all referred to the City Council as a general rule. She stated every city committee has a City Council member who is a liaison and if that Council Member liaison does their job and attends the meetings, they will be able to communicate back to the Council what is going on. She noted taking this beyond City Council and Planning and Zoning meetings is overreaching.

Councilmember Chuck Beatty stated he prefers people to attend City Council meetings where they can sit and watch the council deliberations. If streamlining, people won't come to Council meetings where the decisions are made. He stated time lends itself to people grandstanding and abusing the system noting that gets out of hand real quick.

**Action:**

*Councilmember Melissa Olson moved to approve live streaming all public meetings and briefings that take place in City Hall in addition to the City Council meetings. **The motion died to lack of second.***

**Action:**

*Mayor Pro Tem David Hill moved to deny the request to live streaming all public meetings and briefings that take place in City Hall in addition to the City Council meetings. Councilmember Chuck Beatty seconded. The vote was as follows: **Ayes:** Kevin Strength, David Hill, Chuck Beatty and Mary Lou Shipley. **Noes:** Melissa Olson. **The motion carried 4-1***

**8. Consider Waxahachie Community Development Corporation Financial Report for year ended September 30, 2017**

Mayor Strength announced Mr. Charles Harris, Director of Finance, was unable to present the Financial Report and recommended it be considered at the City Council meeting of June 4, 2018.

**Action:**

*Councilmember Mary Lou Shipley moved to consider the Waxahachie Community Development Corporation Financial Report for year ended September 30, 2017 at the City Council meeting of June 4, 2018. Mayor Pro Tem David Hill seconded, **All Ayes.***

**9. Consider Robert W. Sokoll Treatment Plant Financial Report for year ended September 30, 2017**

Mayor Strength announced Mr. Charles Harris, Director of Finance, was unable to present the Financial Report and recommended it be considered at the City Council meeting of June 4, 2018.

**Action:**

*Councilmember Mary Lou Shipley moved to consider the Robert W. Sokoll Treatment Plant Financial Report for year ended September 30, 2017 at the City Council meeting of June 4, 2018. Councilmember Chuck Beatty seconded, **All Ayes.***

**10. Public Hearing on a request by Karl Hansen for a Specific Use Permit (SUP) for a Garage Accessory Dwelling within a Single Family-2 (SF2) zoning district, located at 201 Cynisca Street, being LOT 11 & 12 BLK 11 UNIVERSITY-REV 0.344 AC – Owner: HANSEN KARL G (SU-18-0035)**

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported a Specific Use Permit (SUP) was approved but expired for the reason that the permit had not been applied for within six (6) months. As a result, the applicant has had to re-apply for an SUP. He stated the dwelling is located to the right of the existing residence noting it will be two story and taller than the primary structure. Mr. Brooks stated staff received one (1) response in support of SU-18-0035 and one (1) against.

There being no others to speak for or against SU-18-0035, Mayor Strength closed the Public Hearing.

**11. Consider proposed Ordinance approving Zoning Change No. SU-18-0035**

**ORDINANCE NO. 3018**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR A GARAGE ACCESSORY DWELLING LOCATED AT 201 CYNISCA STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING KNOWN AS LOT 11 & 12, BLOCK 11 OF THE UNIVERSITY ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 3018. Mayor Pro Tem David Hill seconded, All Ayes.*

**12. Public Hearing on a request by Dennis Little for a Replat of the remainder of Lots 1-4 and part of the remainder of Lot 5, Block 1, Rose Hill Acres Addition to create Lot 1R, Block 1 Rose Hill Acres, 0.515 acres (Property ID 175556) – Owner: SIBLEY CLAY ETAL (RP-18-0037)**

Mayor Strength opened the Public Hearing.

Mr. Brooks stated the location is the former site of the Brown Motel. He noted this section of John Arden is on the future Thoroughfare Plan with a right-of-way dedication of 90 feet. He stated staff revisited the width and determined dedicating ten (10) to fifteen (15) feet would be sufficient in this case. Mr. Brooks recommended approving to allow revision to the required right-of-way dedication.

Discussion was held and staff stated studies were received that a drive-thru would be safely constructed at this site noting the applicant will require a Specific Use Permit for the drive-thru. Mr. Brooks stated Council will see this again with a determined use.

Ms. Ruth Ann Luko, 105 Park Drive, Waxahachie, asked if staff has a plan to review.

City Manager Michael Scott stated Ms. Luko will receive notice when the applicant applies for Site Plan review.

There being no others to speak for or against RP-18-0037, Mayor Strength closed the Public Hearing.

**13. Consider approval of RP-18-0037**

**Action:**

*Councilmember Chuck Beatty moved to approve a request by Dennis Little for a Replat of the remainder of Lots 1-4 and part of the remainder of Lot 5, Block 1, Rose Hill Acres Addition to create Lot 1R, Block 1 Rose Hill Acres, 0.515 acres (Property ID 175556) – Owner: SIBLEY CLAY ETAL (RP-18-0037). Mayor Pro Tem David Hill seconded, All Ayes.*

**14. Public Hearing on a request by Chris Acker, Acker Construction, for a Replat of Block 5, Oak Chase Apartments, to create Lot 1, Block A, The Mark on Solon, 5.110 acres (Property ID 175693) Owner: MARK ON SOLON LLC (RP-18-0038)**

Mayor Strength opened the Public Hearing.

Mr. Brooks presented Staff comments noting the Replat cleans up a previous plat and removes fire lanes not required in previous development. He recommended approval as presented.

There being no others to speak for or against RP-18-0038, Mayor Strength closed the Public Hearing.

**15. Consider approval of RP-18-0038**

**Action:**

*Mayor Pro Tem David Hill moved to approve a request by Chris Acker, Acker Construction, for a Replat of Block 5, Oak Chase Apartments, to create Lot 1, Block A, The Mark on Solon, 5.110 acres (Property ID 175693) Owner: MARK ON SOLON LLC (RP-18-0038). Councilmember Mary Lou Shipley seconded, All Ayes.*

**16. Public Hearing on a request by Terry Nay for a Specific Use Permit (SUP) to allow an Auto Laundry or Car Wash use within a General Retail (GR) zoning district, located at NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES (Property ID 227073) - Owner: LYONS AMERICAN SECURITIES INC (SU-18-0034)**

Mayor Strength opened the Public Hearing.

Mr. Brooks presented a location map noting the applicant seeks to build a car wash at the location. He stated a car wash is allowed in the zoning district and noted there is a car wash directly across the street from this location. Mr. Brooks stated twenty-four (24) notices were mailed to property owners and four (4) letters of opposition were received. Mr. Brooks stated there may be a higher and better suit for this property noting there is a lot of potential for the corner.

Mr. Chris Acker, 5100 Honeysuckle Road, Waxahachie, stated he doesn't own the car wash but is under contract to demolish the car wash and build retail. He stated that will take place in approximately twenty-four (24) months.

Mr. Rocky Stone, representing the applicant, reviewed the following highlights:

- The car wash will be state of the art automotive where you remain in your vehicle
- A safe location to have your vehicle washed
- Neighborhood amenity
- Total investment is estimated at \$2 Million including landscaping and entities
- The building will be screened and through traffic will hardly be noticed
- Car wash will wash up to 30 cars per hour

Those who spoke against SU-18-0034:

Mr. Jordan Gradberg, 5640 FM 878, Palmer, Texas, representing his grandfather Ronny Caldwell, 2221 Brown Street, Waxahachie

Ms. Brittney Caldwell, Owner of Vogue Salon, 2251 Brown Street, Waxahachie

Mr. Stone addressed the ingress/regress noting a cross access easement is depicted on the master plan that will include all the retail in the strip with a fire lane. He stated one can get to the car wash through a traffic control access noting it will allow access to future development.

There being no others to speak for or against SU-18-0034, Mayor Strength closed the Public Hearing.

**17. Consider proposed Ordinance approving Zoning Change No. SU-18-0034**

**ORDINANCE NO. 3019**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN AUTO LAUNDRY OR CAR WASH USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT THE NORTHEAST CORNER OF US HWY 287 BYPASS SERVICE ROAD AT FM 813, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING IN THE R. RUSSELL SURVEY, ABSTRACT NO. 911 (NAY CAR WASH ADDITION), AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Mayor Pro Tem David Hill moved to approve Ordinance No. 3019. Councilmember Chuck Beatty seconded. The vote was as follows: Ayes: David Hill, Chuck Beatty, and Mary Lou Shipley. Noes: Kevin Strength, Melissa Olson. The motion carried 3-2*

**18. Consider request by Timothy Lyons, Lyons American Securities, Inc. for a Preliminary Plat of Nay Car Wash Addition for 1 lot, being 0.659 acres out of the Robert Russell Survey, Abstract 911 (Property ID 227073) – Owner: LYONS AMERICAN SECURITIES INC (PP-18-0036)**

Mr. Brooks reported PP-18-0036 is a companion case of SU-18-0034.

**Action:**

*Councilmember Mary Lou Shipley moved to approve a request by Timothy Lyons, Lyons American Securities, Inc. for a Preliminary Plat of Nay Car Wash Addition for 1 lot, being 0.659 acres out of the Robert Russell Survey, Abstract 911 (Property ID 227073) – Owner: LYONS AMERICAN SECURITIES INC (PP-18-0036). Mayor Pro Tem David Hill seconded. The vote was as follows: Ayes: David Hill, Chuck Beatty, and Mary Lou Shipley. Noes: Kevin Strength. Abstained: Melissa Olson The motion carried.*



19. **Public Hearing on a request by the City of Waxahachie to repeal the current City Comprehensive Zoning Ordinance, Ordinance No. 1897, as amended, and to replace it in its entirety with a new City Comprehensive Zoning Ordinance. The adoption of the new City Comprehensive Zoning Ordinance will, among other matters, repeal the “Parking” and “General Retail-Limited” zoning categories and districts, and create “Mixed-Use Residential,” “Mixed-Use Non-Residential,” and “Downtown Neighborhood” zoning categories and districts. All properties effected by the elimination of the “Parking” and “General Retail-Limited” zoning categories and districts, and the creation of the “Mixed-Use Residential,” “Mixed-Use Non-Residential,” and “Downtown Neighborhood” zoning categories and districts, will be rezoned per City-initiated changes through individually-noticed zoning cases. (TA-18-0055)**

Mayor Strength opened the Public Hearing.

Mr. Brooks presented the Zoning Ordinance repealing and replacing the current Comprehensive Zoning Ordinance. He stated three joint workshops were held between the Council and the Planning and Zoning Commission as well as meeting with building professionals and getting their feedback. Mr. Brooks reported staff reviewed the Parking Zoning District near Gibson Street and kept it, making it obsolete meaning it will remain as is. Fencing has two options pertaining to 6 foot and 8 foot post with availability to use cedar. He stated the ten (10) foot buffer between commercial and residential was left in the Ordinance. Mr. Brooks stated the Planning and Zoning Commission heard concerns pertaining to the Downtown Neighborhood Use having no boundaries. Mr. Brooks stated the proposed Ordinance was posted online with the Planning and Zoning Commission agenda packet.

Discussion was held and Mayor Strength referenced the Downtown Neighborhood Use and recommended that it is beneficial to leave it as a zoning district in the Central Area with no boundaries being strictly a place holder. Mayor Strength referenced the ten (10) foot buffer noting the cost to a developer. City Manager Michael Scott recommended leaving it in the Ordinance as a default and the developer can come in and ask for relief.

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, referenced the ten (10) foot buffer restriction noting it would be difficult in the Central Area.

There being no others to speak for or against TA-18-0055, Mayor Strength closed the Public Hearing.

20. **Consider proposed Ordinance approving Zoning Change No. TA-18-0055**

**ORDINANCE NO. 3020**

**AN ORDINANCE REPLACING, IN ITS ENTIRETY, THE ZONING ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL ON THE 21st DAY OF MAY, 2018, TOGETHER WITH ALL AMENDMENTS THERETO AND ENACTING A NEW ORDINANCE ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; PROVIDING DEVELOPMENT**

**STANDARDS AND REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS AND STRUCTURES, SIZE OF YARDS, THE HEIGHT, BULK AND USE OF BUILDINGS AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING FOR THE INCLUSION OF NEW AND UNLISTED USES; PROVIDING FOR SPECIFIC USE PERMITS; SPECIFYING THE MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF VEHICLES; FOR THE MINIMUM REQUIRED FLOOR AREA OF DWELLING UNITS IN THE VARIOUS DISTRICTS; REGULATING THE DENSITY OF DWELLINGS AND OTHER STRUCTURES; AND THE PERCENTAGE OF A LOT THAT MAY BE OCCUPIED BY STRUCTURES AND THE FLOOR AREA RATIO THEREOF, ADOPTING PERFORMANCE STANDARDS FOR INDUSTRY, ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE, TOGETHER WITH ALL SYMBOLS, MARKINGS AND TABLES APPEARING ON SAID MAP OR IN THE ORDINANCE; CREATING A BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR NONCONFORMING USES AND METHOD FOR DISCONTINUANCE THEREOF; CREATING AN APPENDIX AND DEFINING CERTAIN TERMS; PROVIDING FOR A CERTIFICATE OF OCCUPANCY; AUTHORIZING PUBLICATION OF THE DESCRIPTIVE CAPTION AND PENALTY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE**

**Action:**

*Mayor Kevin Strength moved to approve Ordinance No. 3020 excluding the 10 foot buffer. Councilmember Chuck Beatty seconded. The vote was as follows: Ayes: Kevin Strength, David Hill, Chuck Beatty, and Mary Lou Shipley. Noes: Melissa Olson. The motion carried 4-1*

- 21. Public Hearing on a request by the City of Waxahachie for a Zoning Change from a General Retail-Limited (GRL) zoning district to General Retail (GR), located at 401 Solon Road, being 1 COVENANT ADDN 4.43 ACRES (Property ID 204441) - Owner: TEXAS HCP AL LP (ZC-18-0060)**

Mayor Strength opened the Public Hearing.

Mr. Brooks stated the zoning change is a result of the approved Zoning Ordinance.

There being no others to speak for or against ZC-18-0060, Mayor Strength closed the Public Hearing.

- 22. Consider proposed Ordinance approving Zoning Change No. ZC-18-0060**

**ORDINANCE NO. 3021**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL-LIMITED (GRL) TO GENERAL RETAIL (GR) LOCATED AT 401 SOLON RD, BEING PROPERTY ID 204441, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1 OF THE COVENANT ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 3021. Mayor Pro Tem David Hill seconded, All Ayes.*

- 23. Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow a Skilled Nursing Facility use within a General Retail (GR) zoning district, located at 401 Solon Road, being 1 COVENANT ADDN 4.43 ACRES (Property ID 204441) Owner: TEXAS HCP AL LP (SU-18-0061)**

Mayor Strength opened the Public Hearing.

Mr. Brooks stated the zoning change is a result of the approved Zoning Ordinance.

There being no others to speak for or against SU-18-0061, Mayor Strength closed the Public Hearing.

- 24. Consider proposed Ordinance approving Zoning Change No. SU-18-0061**

**ORDINANCE NO. 3022**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SKILLED NURSING FACILITY USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 401 SOLON RD, BEING PROPERTY ID 204441, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1 OF THE COVENANT ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3022. Mayor Pro Tem David Hill seconded, All Ayes.*

- 25. Public Hearing on a request by the City of Waxahachie for a Zoning Change from a General Retail-Limited (GRL) zoning district to General Retail (GR), located at 3650 S Interstate 35E, being 430 J HARRIS 4.659 ACRES (Property ID 184692) - Owner: PLEASANT MANOR SENIOR CARE LLC (ZC-18-0064)**

Mayor Strength opened the Public Hearing.

Mr. Brooks stated the zoning change is a result of the approved Zoning Ordinance.

There being no others to speak for or against ZC-18-0064, Mayor Strength closed the Public Hearing.

**26. Consider proposed Ordinance approving Zoning Change No. ZC-18-0064**

**ORDINANCE NO. 3023**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL-LIMITED (GRL) TO GENERAL RETAIL (GR) LOCATED AT 3650 S INTERSTATE 35 E, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING IN THE J. HARRIS SURVEY, ABSTRACT NO. 430, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Mayor Pro Tem David Hill moved to approve Ordinance No. 3023. Councilmember Mary Lou Shipley seconded, All Ayes.*

**27. Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow a Skilled Nursing Facility use within a General Retail (GR) zoning district, located at 3650 S Interstate 35E, being 430 J HARRIS 4.659 ACRES (Property ID 184692) - Owner: PLEASANT MANOR SENIOR CARE LLC (SU-18-0065)**

Mayor Strength opened the Public Hearing.

Mr. Brooks stated SU-18-0065 is a companion case to ZC-18-0064.

There being no others to speak for or against SU-18-0065, Mayor Strength closed the Public Hearing.

**28. Consider proposed Ordinance approving Zoning Change No. SU-18-0065**

**ORDINANCE NO. 3024**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SKILLED NURSING FACILITY USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 3650 S INTERSTATE 35 E, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING IN THE J. HARRIS SURVEY, ABSTRACT NO. 430, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 3024. Councilmember Chuck Beatty seconded, All Ayes.*

**29. Public Hearing on a request by the City of Waxahachie for a Zoning Change from a Parking (P) zoning district to General Retail (GR), located at 500 McMillan, being 8 FERRIS 0.226 ACRES (Property ID 173270) - Owner: CITIZENS BANK OF TEXAS (ZC-18-0062)**

Mayor Strength opened the Public Hearing.

Mr. Brooks stated the zoning change request is from Parking Zoning District to General Retail noting this is a city initiated zoning request and staff recommends approval.

Councilmember Olson asked if this was changing to Commercial use within General Retail. Mr. Brooks confirmed and presented a map noting the adjacent property is General Retail so this change will match the surrounding property noting it is the less intensive of the Zoning Districts rather than Commercial across the street.

Councilmember Olson asked why the city is requesting this. Mr. Brooks explained it is due to the Zoning Ordinance update noting the parking was originally proposed to be removed and recommended to go to General Retail. Councilmember Olson asked if it was possible to keep it as parking and Mr. Brooks stated you could go with that direction and change the zoning to General Retail or leave it as Parking and allow the existing use to remain.

Mayor Strength asked if the property owner had any issues changing to General Retail. Mr. Brooks reported the property owner was given notice and no opposition was received.

There being no others to speak for or against ZC-18-0062, Mayor Strength closed the Public Hearing.

**30. Consider proposed Ordinance approving Zoning Change No. ZC-18-0062**

**ORDINANCE NO. 3025**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PARKING (P) TO GENERAL RETAIL (GR) LOCATED AT 500 MCMILLAN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.226 ACRES KNOWN AS LOT 8 OF THE FERRIS SUBDIVISION, PROPERTY ID 173270, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3025. Mayor Pro Tem David Hill seconded. The vote was as follows: Ayes: Kevin Strength, David Hill, Chuck Beatty, and Mary Lou Shipley. Noes: Melissa Olson. The motion carried 4-1.*

**31. Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow an Auto Parking Lot, Commercial use within a General Retail (GR) zoning district, located at 500 McMillan, being 8 FERRIS 0.226 ACRES (Property ID 173270) - Owner: CITIZENS BANK OF TEXAS (SU-18-0063)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported SU-18-0063 is a companion case to ZC-18-0062 and will allow the existing use to remain.

There being no others to speak for or against SU-18-0063, Mayor Strength closed the Public Hearing.

**32. Consider proposed Ordinance approving Zoning Change No. SU-18-0063**

**ORDINANCE NO. 3026**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN AUTO PARKING LOT, COMMERCIAL, USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 500 MCMILLAN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.226 ACRES KNOWN AS LOT 8 OF THE FERRIS SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 3026. Mayor Pro Tem David Hill seconded. The vote was as follows. Ayes: Kevin Strength, David Hill, Chuck Beatty, and Mary Lou Shipley. Noes: Melissa Olson. The motion carried 4-1.*

**33. Public Hearing on a request by the City of Waxahachie for a Zoning Change from a Parking (P) zoning district to Commercial (C), located behind 411 N Gibson, being LOT ALL 1 BLK 303 TOWN - WAXAHACHIE 3.3995 AC (Property ID 171851) - Owner: SWS PROPERTIES LLC (ZC-18-0066)**

Mayor Strength opened the Public Hearing.

Mr. Brooks announced ZC-18-0066 has been withdrawn.

There being no others to speak for or against ZC-18-0066, Mayor Strength closed the Public Hearing.

**34. Consider proposed Ordinance approving Zoning Change No. ZC-18-0066**

**Action:**

*Councilmember Chuck Beatty moved to withdraw a request by the City of Waxahachie for a Zoning Change from a Parking (P) zoning district to Commercial (C), located behind 411 N Gibson, being LOT ALL 1 BLK 303 TOWN - WAXAHACHIE 3.3995 AC (Property ID 171851) - Owner: SWS PROPERTIES LLC (ZC-18-0066). Councilmember Mary Lou Shipley seconded, All Ayes.*

**35. Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow an Auto Parking Lot, Commercial use within a Commercial (C) zoning district, located behind 411 N Gibson, being LOT ALL 1 BLK 303 TOWN - WAXAHACHIE 3.3995 AC (Property ID 171851) - Owner: SWS PROPERTIES LLC (SU-18-0067)**

Mayor Strength opened the Public Hearing.

Mr. Brooks announced SU-18-0067 has been withdrawn.

There being no others to speak for or against SU-18-0067, Mayor Strength closed the Public Hearing.

**36. Consider proposed Ordinance approving SU-18-0067**

**Action:**

*Councilmember Chuck Beatty moved to withdraw a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow an Auto Parking Lot, Commercial use within a Commercial (C) zoning district, located behind 411 N Gibson, being LOT ALL 1 BLK 303 TOWN - WAXAHACHIE 3.3995 AC (Property ID 171851) - Owner: SWS PROPERTIES LLC (SU-18-0067). Mayor Pro Tem David Hill seconded, All Ayes.*

**38. Comments by Mayor, City Council, City Attorney and City Manager**

Mr. Tommy Ludwig, Executive Director of Community Development, thanked Mr. Brooks and the Planning Department staff for their work on the Zoning Ordinance noting a lot of time, effort and energy was spent on it.

Mr. Brooks thanked City Council, Staff and the public for their support noting it was an intense process changing the Ordinance.

Councilmember Chuck Beatty welcomed Honorary Councilmember Caleb High and Councilmember Melissa Olson.

Councilmember Beatty asked City Attorney Robert Brown to clarify the rule on abstaining. Mr. Brown stated a Councilmember can abstain if there is a legal conflict of interest in which they would complete a form with the City Secretary. He stated at times you don't have a legal conflict defined by law but for whatever reason, if you don't feel comfortable voting on something then you have a right to abstain. Mr. Brown stated there are a number of court cases that say it is a First Amendment political right to vote yes, no or not to vote at all. He stated obviously as a matter of good government policy, he encourages everybody elected to vote if they legally can vote.

City Manager Michael Scott thanked Mr. Ludwig, Mr. Brooks and Staff for the hours they dedicated to the Zoning Ordinance. He stated this was a great opportunity to involve the community as far as local developers and realtors coming together. Mr. Scott stated the process was very open and positive and thanked City Council for their work on the Ordinance. He thanked Mr. Walker for his attendance and noted the parking item being withdrawn is a great example of government working the way it should. It went through the Planning and Zoning Commission process and they heard input from the citizens. As a result staff re-thought the options and visited with the City Attorney and came up with a better solution. He stated it is a perfect example of how government should work and appreciated Mr. Walker and his neighbors coming forward and offering their comments. Mr. Scott welcomed Councilmember Melissa Olson.

Mayor Strength welcomed Councilmember Olson. He thanked Mr. Brooks and his staff for their hard work and dedication.

Mayor Pro Tem Hill thanked the Planning Department and Staff for their work on the Zoning Ordinance. He acknowledged that city intern Luke Smolka is graduating High School noting he is very proud of him and wishes him the best going forward. Mayor Pro Tem Hill stated he is very proud of the Caleb High, Honorary Councilmember and thanked his mother for what she has done for her children. He wished Caleb the very best in life.

Councilmember Mary Lou Shipley thanked the Planning Department for their work on the Zoning Ordinance noting it is very difficult reading through a Zoning Ordinance. Councilmember Shipley stated she listed support of the people that would be most affected and appreciates the attitude in which it was all done.

City Attorney Robert Brown echoed the accolades to the Planning Department.

Ms. Amy Borders, Director of Communications and Marketing, stated the new website will be up in a few days.

### **39. Adjourn**

There being no further business, the meeting adjourned at 8:41 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary