

City Council
December 3, 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, December 3, 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
Tommy Ludwig, 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 and Texas Pledge of Allegiance

Councilmember Melissa Olson gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Consent Agenda

- a. Minutes of the City Council meeting of November 19, 2018

Action:

Mayor Pro Tem David Hill moved to approve item a. on the Consent Agenda. Councilmember Mary Lou Shipley seconded, All Ayes.

5. Introduce Honorary Councilmember

Mayor Strength introduced Ms. Jillian Taylor as the Honorary Councilmember. She is originally from Bremerton, Washington and now lives in Waxahachie, Texas. Jillian is the daughter of Nick and Amy Taylor. She is currently a student at Waxahachie Global High School, where she enjoys learning about a variety of things, including film, philosophy, and leadership. Jillian has a 3.95 GPA and falls at 6th in her class. She serves as both the student council and debate club president, enjoys singing in local worship bands, and spends her summers dancing on tour with a drum and bugle corps. Jillian was a finalist in the First Robotics Competition and Black Gold Winterguard in 2017. She is interested in attending UT, SMU, or Washington University in St. Louis in order to pursue a career in business management.

6. **Consider a support resolution directing staff to pursue a zoning ordinance amendment allowing for existing single family residences, located in zoning districts where such uses are not permitted, to lawfully continue as long as the property is used continuously as a single family residence**

RESOLUTION NO. 1259

A SUPPORT RESOLUTION DIRECTING STAFF TO PURSUE A ZONING ORDINANCE AMENDMENT ALLOWING FOR EXISTING SINGLE FAMILY RESIDENCES, LOCATED IN ZONING DISTRICTS WHERE SUCH USES ARE NOT PERMITTED, TO LAWFULLY CONTINUE AS LONG AS THE PROPERTY IS USED CONTINUOUSLY AS A SINGLE FAMILY RESIDENCE

Action:

Councilmember Melissa Olson moved to approve Resolution No. 1259 as presented. Councilmember Chuck Beatty seconded, All Ayes.

7. **Public Hearing on a request by Michael Lee, CASCO + R5, for a Zoning Change from a Light Industrial-1 zoning district to Planned Development-Light Industrial-1 with Concept Plan, located at 200 Butcher Road (Property ID 204043) - Owner: INTERNATIONAL PAPER COMPANY (PD-18-0170)**

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the applicant is proposing a 155,000 square foot building addition to the existing approximately 95,000 square foot building on the site. The applicant is seeking to exceed the lot coverage by 12%. He stated currently the truck bays are facing IH35 and the addition will add to the side of IH35. Mr. Brooks stated the structure will be tilt wall and will be screened with landscaping. The addition will add approximately fifty employees.

There being no others to speak for or against PD-18-0170, Mayor Strength closed the Public Hearing.

8. **Consider proposed Ordinance approving Zoning Change No. PD-18-0170**

ORDINANCE NO. 3067

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 (LI-1) TO PLANNED DEVELOPMENT-LIGHT INDUSTRIAL-1 (PD-LI1), WITH CONCEPT PLAN LOCATED EAST OF N INTERSTATE 35 SERVICE ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 13.41 ACRES KNOWN AS 200 BUTCHER ROAD, A PORTION OF PROPERTY ID 204043 OF THE FOUR B S ADDITION PH II, 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. 3067 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

- 9. Public Hearing on a request by Vik Reddy, TVR Management LLC, for a Replat of Lot 1R, Block C, Victory Park Revised, to create Lot 1R-1, Block C, Victory Park, 1.964 acres (Property ID 262424) – Owners: TVR MANAGEMENT LLC (RP-18-0164)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant seeks to incorporate an abandoned Right of Way and include it in his lot. He stated it does meet the subdivision regulations and staff recommended approval.

There being no others to speak for or against RP-18-0164, Mayor Strength closed the Public Hearing.

- 10. Consider approving RP-18-0164**

Action:

Councilmember Mary Lou Shipley moved to approve a request by Vik Reddy, TVR Management LLC, for a Replat of Lot 1R, Block C, Victory Park Revised, to create Lot 1R-1, Block C, Victory Park, 1.964 acres (Property ID 262424) – Owners: TVR MANAGEMENT LLC (RP-18-0164). Councilmember Chuck Beatty seconded, All Ayes.

- 11. Public Hearing on a request by Brandon Edgley, Marc Jones Construction LLC, DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 231 Colt Drive (Property ID 241253) – Owner: GEORGE & DANA HOLLER (SU-18-0168)**

Mayor Strength opened the Public Hearing and announced the applicant request to continue the public hearing to the City Council meeting of December 17, 2018.

- 12. Consider proposed Ordinance approving Zoning Change No. SU-18-0168**

Action:

Councilmember Chuck Beatty moved to continue a request by Brandon Edgley, Marc Jones Construction LLC, DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 231 Colt Drive (Property ID 241253) – Owner: GEORGE & DANA HOLLER (SU-18-0168) to the City Council meeting of December 17, 2018. Councilmember Mary Lou Shipley seconded, All Ayes.

- 13. Public Hearing on a request by Troy Elison, Marc Jones Construction LLC, DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-27-Single Family-2 zoning district, located at 209 Hacienda Drive (Property ID 174301) – Owner: STEPHANIE YBARBO & ROGELIO MEJIA JR (SU-18-0169)**

Mayor Strength opened the Public Hearing and announced the applicant request to continue the public hearing to the City Council meeting of December 17, 2018.

14. Consider proposed Ordinance approving Zoning Change No. SU-18-0169

Action:

Councilmember Melissa Olson moved to continue a request by Troy Elison, Marc Jones Construction LLC, DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-27-Single Family-2 zoning district, located at 209 Hacienda Drive (Property ID 174301) – Owner: STEPHANIE YBARBO & ROGELIO MEJIA JR (SU-18-0169) to the City Council meeting of December 17, 2018. Councilmember Chuck Beatty seconded, All Ayes.

15. Consider request by Tim Cummings for a Preliminary Plat of Ike Farms for 16 lots plus a remainder tract, being 121.583 acres situated in the T. Jackson Survey, Abstract 574 (Property ID 186241 and 186239) in the Extra Territorial Jurisdiction – Owner: 122 IKERD LLC (PP-18-0125)

Mr. Brooks reported the applicant will provide a Right of Way in the middle of the tract to access the remaining acreage. He stated the applicant has met all regulations. Staff recommended approval.

Action:

Councilmember Chuck Beatty moved to approve a request by Tim Cummings for a Preliminary Plat of Ike Farms for 16 lots plus a remainder tract, being 121.583 acres situated in the T. Jackson Survey, Abstract 574 (Property ID 186241 and 186239) in the Extra Territorial Jurisdiction – Owner: 122 IKERD LLC (PP-18-0125) per staff comments. Councilmember Mary Lou Shipley seconded, All Ayes.

16. Consider request by Trey Fuller, Fuller Engineering & Land Surveying, for a Preliminary Plat of Murray Estates for 37 lots, being 39.60 acres situated in the F.M. Woodward Survey, Abstract 1120 (Property ID 192138) – Owner: M SHARP FAMILY LIMITED PARTNERSHIP (PP-18-0167)

Mr. Brooks reported the applicant received notification from Rockett Special Utility District that their existing system can furnish the ISO fire flow requirement. Staff recommends approval.

Action:

Councilmember Chuck Beatty moved to approve a request by Trey Fuller, Fuller Engineering & Land Surveying, for a Preliminary Plat of Murray Estates for 37 lots, being 39.60 acres situated in the F.M. Woodward Survey, Abstract 1120 (Property ID 192138) – Owner: M SHARP FAMILY LIMITED PARTNERSHIP (PP-18-0167). Councilmember Melissa Olson seconded, All Ayes.

- 17. Public Hearing on a request by Alan Lauhoff, Atlas Associates, Inc., for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single Family-3 and General Retail, with Concept Plan, located South of Blue Bonnet Trails Phases 1 & 2 being 290 B B DAVIS 9.31 AC and 290 B B DAVIS 40.469 ACRES (Property ID 264992 and 182275) - Owner: BLUE BONNET TRAILS LLC (PD-18-0119)**

Mayor Strength opened the Public Hearing and announced the applicant request to continue the public hearing to the City Council meeting of December 17, 2018.

- 18. Consider proposed Ordinance approving Zoning Change No. PD-18-0119**

Action:

Councilmember Chuck Beatty moved to continue a request by Alan Lauhoff, Atlas Associates, Inc., for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single Family-3 and General Retail, with Concept Plan, located South of Blue Bonnet Trails Phases 1 & 2 being 290 B B DAVIS 9.31 AC and 290 B B DAVIS 40.469 ACRES (Property ID 264992 and 182275) - Owner: BLUE BONNET TRAILS LLC (PD-18-0119) to the City Council meeting of December 17, 2018. Councilmember Mary Lou Shipley seconded, All Ayes.

- 19. Consider request by Chris Acker for a Preliminary Plat of Crossroads Business Park for 1 lot, being 3.512 acres out of the John B. Bounds Survey, Abstract 99 (Property ID 180414) – Owner: SANCHEZ COREY & JULIE (PP-18-0149)**

Mr. Brooks reported the property is located at the intersection of John Arden and Solon Road. He stated the applicant seeks platting for future office use. Mr. Brooks noted it meets the requirement of the Subdivision Ordinance and staff recommends approval.

Action:

Mayor Pro Tem David Hill moved to approve a request by Chris Acker for a Preliminary Plat of Crossroads Business Park for 1 lot, being 3.512 acres out of the John B. Bounds Survey, Abstract 99 (Property ID 180414) – Owner: SANCHEZ COREY & JULIE (PP-18-0149) per staff comments. Councilmember Chuck Beatty seconded, All Ayes.

- 20. Public Hearing on a request by Chris Acker, Acker Construction, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Multiple-Family Residential-2, with Concept Plan, located to the East of 400 Dr. Martin Luther King Jr Blvd (Property ID 224114) - Owner: SOUTHFORK CAPITAL LLC (PD-18-0174)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant proposes a Planned Development for Multi-Family being eighteen dwellings on one acre. The applicant intends to remain consistent with the City's Multi-Family-2 development standards and is requesting relief for garages and the front yard setback. He showed a picture of a building that would resemble the Multi-Family dwelling. Staff recommended approval per staff comments.

Mr. Chris Acker, 5100 Honeysuckle, Midlothian, Texas, reviewed properties he recently built in Waxahachie and thanked City staff. He discussed the process of how he will design the Multi-Family dwelling and asked for relief of garages, impact fees, and front setback.

There being no others to speak for or against PD-18-0174, Mayor Strength closed the Public Hearing.

21. Consider proposed Ordinance approving Zoning Change No. PD-18-0174

ORDINANCE NO. 3068

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 TO PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF-2), WITH CONCEPT PLAN LOCATED EAST OF 400 DR. MARTIN LUTHER KING JR. BLVD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.071 ACRES KNOWN AS A PORTION OF PROPERTY ID 224114 OF THE TOWN – WAXAHACHIE ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3068, clarifying building separation is twenty-five feet, allowing five foot setback on east side and 80 foot setback on rear, and waiving water and wastewater impact fees. Mayor Pro Tem David Hill seconded, All Ayes.

22. Public Hearing on a request by Chris Acker, Acker Construction for a Replat of a portion of Block 62, Town Addition, to create Lot 1, Block A, Crescent Creek Villas, 1.071 acres (Property ID 224114) – Owner: SOUTHFORK CAPITAL LLC (RP-18-0191)

Mayor Strength opened the Public Hearing.

Mr. Brooks reported RP-18-0191 is a companion case to PD-18-0174 and provides relief for applicant from thoroughfare plat to allow for more Right-of-Way. Staff recommended approval per comments.

There being no others to speak for or against RP-18-0191, Mayor Strength closed the Public Hearing.

23. Consider approving RP-18-0191

Action:

Councilmember Mary Lou Shipley moved to approve a request by Chris Acker, Acker Construction for a Replat of a portion of Block 62, Town Addition, to create Lot 1, Block A, Crescent Creek Villas, 1.071 acres (Property ID 224114) – Owner: SOUTHFORK CAPITAL LLC (RP-18-0191) per staff comments. Councilmember Chuck Beatty seconded, All Ayes.

- 24. Public Hearing on a request by Chris Acker, Acker Construction, for a Zoning Change from a Single Family-2 and a Commercial zoning district to Planned Development-Mixed Use Residential and Planned Development-Multiple-Family Residential-2, with Concept Plan, located at 319 E Main, 101 Kaufman, and 401 Dr Martin Luther King Jr Blvd (Property ID 170536, 170777, and 170858) - Owner: RONALD C HOLMES & ROBERT B FOGARTY (PD-18-0175)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the proposed mixed use development will consist of townhome residential se retail lots. The applicant is proposing to meet the design development standards for the Downtown Neighborhood zoning district. Lots 1-3, Block A will consist of mixed use retail, Lots 4-7, Block A will be townhomes, and, Lots 1-5, Block B will consist of townhomes. Mr. Brooks explained with the construction, the existing Kaufman Street will be straightened to run into Cliff Street. Mr. Acker will provide the city the land for the thoroughfare and in exchange he will receive the street property to build on. He stated some drainage issues will be reviewed and resolved at the preliminary plat level. Staff recommended approval with comments.

There being no others to speak for or against PD-18-0175, Mayor Strength closed the Public Hearing.

- 25. Consider proposed Ordinance approving Zoning Change No. PD-18-0175**

ORDINANCE NO. 3069

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF-2) AND COMMERCIAL (C) TO PLANNED DEVELOPMENT- MIXED USE RESIDENTIAL (PD-MU) AND PLANNED DEVELOPMENT-MULTI FAMILY-2, WITH CONCEPT PLAN LOCATED AT 319 E. MAIN STREET, 101 KAUFMAN STREET, AND 401 DR. MARTIN LUTHER KING JR. BOULEVARD, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.8738 ACRES (KAUFMAN WEST) AND 0.504 ACRES (KAUFMAN EAST), KNOWN AS A PORTION OF PROPERTY ID 170536, 170777, and 170858 OF THE TOWN-WAXAHACHIE ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Melissa Olson moved to approve Ordinance No. 3069 per staff comments. Councilmember Chuck Beatty seconded, All Ayes.

- 26. Consider request by Chris Acker, Acker Construction, for a Preliminary Plat of Kaufman Township West for 7 lots, being 0.8738 acres, being a portion of Block D, Original Town Addition, a portion of Block 42A, Town Addition, and a portion of Plat and Kaufman Streets, (Property ID 170536, 170777) – Owner: RONALD C HOLMES & ROBERT B FOGARTY (PP-18-0178)**

Mr. Brooks reported some drainage issues are being worked out and recommended approval. He stated City Council will see a final plat at a later date.

Action:

Councilmember Chuck Beatty moved to approve a request by Chris Acker, Acker Construction, for a Preliminary Plat of Kaufman Township West for 7 lots, being 0.8738 acres, being a portion of Block D, Original Town Addition, a portion of Block 42A, Town Addition, and a portion of Plat and Kaufman Streets, (Property ID 170536, 170777) – Owner: RONALD C HOLMES & ROBERT B FOGARTY (PP-18-0178). Councilmember Melissa Olson seconded, All Ayes.

27. Public Hearing on a request by Chris Acker, Acker Construction, for a Replat of a portion of Block 43, Town Addition, to create Lots 1-5, Block B, Kaufman Township East, 0.504 acres (Property ID 170858) – Owner: RONALD C HOLMES & ROBERT B FOGARTY (RP-18-0190)

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the Replat is for the eastern portion of Kaufman Street and Martin Luther King Boulevard and allows the ability to yield five proposed townhomes. He noted it does not include the Right of Way waiver for thoroughfare plan. Mr. Brooks stated it does meet the city regulations and recommended approval.

There being no others to speak for or against RP-18-0190, Mayor Strength closed the Public Hearing.

28. Consider approving RP-18-0190

Action:

Councilmember Mary Lou Shipley moved to approve a request by Chris Acker, Acker Construction, for a Replat of a portion of Block 43, Town Addition, to create Lots 1-5, Block B, Kaufman Township East, 0.504 acres (Property ID 170858) – Owner: RONALD C HOLMES & ROBERT B FOGARTY (RP-18-0190). Mayor Pro Tem David Hill seconded, All Ayes.

29. Consider a Development Agreement associated with the Kaufman Township Development for the transfer of right of way for the realignment of Kaufman Street

Action:

Councilmember Chuck Beatty moved to approve a Development Agreement associated with the Kaufman Township Development for the transfer of right of way for the realignment of Kaufman Street. Mayor Pro Tem David Hill seconded, All Ayes.

30. Public Comments

Mr. Chris Acker thanked City Manager Michael Scott for his leadership.

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

The Mayor and City Council thanked Jillian Taylor for participating as Honorary Councilmember.

Councilmember Chuck Beatty stated with the new development east of the downtown area, it is now considered “Waxahachie East.”

City Manager Michael Scott thanked Mr. Chris Acker for his comments and looks forward to continue working with him. He stated the Christmas parade was a great event and announced the City Staff Holiday Party is Thursday, December 6, 2018, at the Civic Center and starts at 6:30 p.m.

Mayor Kevin Strength thanked Mr. Chris Acker for what he is doing for the city noting everyone notices his work. He commended Mrs. Monica Boyd, Convention and Visitors Bureau, for the work she did on the parade and all city staff that was involved.

Mayor Pro Tem David Hill stated with President George H. W. Bush’s passing it is a time of reflection and looking back over our community and country and what we have been through to mend relationships.

City Attorney Robert Brown asked all to keep the Bush family in their prayers.

Ms. Amy Borders, Director of Communications and Marketing, thanked Mr. Chris Acker for all he does for the community.

32. Adjourn

There being no further business, Mayor Pro Tem David Hill moved the meeting adjourn at 7:59 p.m. Councilmember Mary Lou Shipley seconded, All Ayes.

Respectfully submitted,

Lori Cartwright
City Secretary