

City Council
December 17, 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 17, 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

Mayor Pro Tem David Hill 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 December 3, 2018
- b. Minutes of the City Council briefing of December 3, 2018
- c. Set City Council meeting of Tuesday, January 22, 2019

Action:

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

5. Introduce Honorary Councilmember

Mayor Strength announced the Honorary Councilmember was unable to attend.

6. Recognize Jeanee Smiles for receiving Caring for Others Award from WoodmenLife

Mr. John Smith, Director of Parks and Recreation, stated the local chapter of WoodmenLife is longstanding in the community and recognized Ms. Jeanee Smiles, Senior Center Director, with an award for carrying for others. He stated she reaches out to the community through the STEM garden located at the Senior Center. Mr. Smith stated she raises funds for the garden and works with the Waxahachie Independent School District and senior citizens holding very successful classes. He wanted to publically thank her and thanked City Council for supporting Ms. Smiles.

Council thanked Jeanee for her leadership at the Senior Center. She thanked City Council and Staff for their support.

7. **Public Hearing on a request by Jason Eisman, Premier Solar Solutions, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-3 zoning district, located at 914 Creekview (Property ID 225451) – Owner: RODNEY MOFFETT (SU-18-0161)**

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the solar panels will be on the right and rear of the residence and recommended approval. He stated staff received one letter of support.

There being no others to speak for or against SU-18-0161, Mayor Strength closed the Public Hearing.

8. **Consider proposed Ordinance approving Zoning Change No. SU-18-0161**

ORDINANCE NO. 3070

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY -3 (PD-SF-3) ZONING DISTRICT, LOCATED AT 914 CREEKVIEW DRIVE, BEING PROPERTY ID 225451, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LEGALLY DESCRIBED AS 29 E HIGHLAND VILLAGE ESTATES, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3070 as presented. Councilmember Melissa Olson seconded, All Ayes.

9. **Continue 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 continued the Public Hearing.

Mr. Brooks reported the solar panels are in compliance with proposed placement and recommended approval. He stated staff received one letter of support.

There being no others to speak for or against SU-18-0168, Mayor Strength closed the Public Hearing.

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

ORDINANCE NO. 3071

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 231 COLT DRIVE, BEING PROPERTY ID 241253, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 5 BLOCK L, IN THE MUSTANG CREEK PHASE 2 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. 3071 as presented. Councilmember Chuck Beatty seconded, All Ayes.

11. Public Hearing on a request by Devon McCarley, Freedom Solar Power, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 122 Gentle Winds (Property ID 267501) – Owner: BENJOHN G & CRISELDA M FRANCISCO (SU-18-0188)

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the solar panels are in compliance with proposed placement and recommended approval. He stated staff received one letter of support.

There being no others to speak for or against SU-18-0188, Mayor Strength closed the Public Hearing.

12. Consider proposed Ordinance approving Zoning Change No. SU-18-0188

ORDINANCE NO. 3072

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) ZONING DISTRICT, LOCATED AT 122 GENTLE WINDS ROAD, BEING PROPERTY ID 267501, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3, BLOCK R IN THE BUFFALO RIDGE ADDITION PHASE IIIA, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Melissa Olson moved to approve Ordinance No. 3072 as presented. Councilmember Chuck Beatty seconded, All Ayes.

- 13. Continue 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 continued the Public Hearing.

Mr. Brooks reported the applicant proposed panels on front and side of the residence. He explained solar panels are not allowed to the front of a residence and recommended to deny. He stated staff did not receive any letters of support or opposition on this case.

Councilmember Melissa Olson asked if the applicant was present. Mr. Brooks stated they are not present. She referenced a residence on the same street located on the corner noting there are solar panels on the side and rear of the residence and they can be seen from the right-of-way. Mayor Strength stated that residence was given an exception due to it was on a corner lot and explained solar panels were not allowed on the front of their residence.

There being no others to speak for or against SU-18-0169, Mayor Strength closed the Public Hearing.

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

Action:

Councilmember Mary Lou Shipley moved to deny 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 Kevin Strength seconded. The vote was as follows:

*Ayes: Kevin Strength
David Hill
Chuck Beatty
Mary Lou Shipley*

Abstain: Melissa Olson

The motion carried.

- 15. Public Hearing on a request by Josh Morgan, Connect4Life Church, for a Zoning Change from a Planned Development-16-Light Industrial-1 zoning district to Multiple-Family Residential-2 located at 2795 John Arden (Property ID 189266) - Owner: INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL (ZC-18-0192)**

Mayor Strength opened the Public Hearing.

Mr. Brooks stated the request is for straight zoning to Multi-Family-2 noting Alliance Boulevard will dead end to the subject property. He reported the recommendation from the Planning and Zoning Commission is to approve the project for a Planned-Development Multi-Family-2 with requirement limited to senior living 55 and over, and applicant to submit a detailed Site Plan for consideration by the Planning and Zoning Commission and City Council.

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, representing Connect4Life Church, explained the applicant wasn't aware they needed a Planned Development and will come back with a detailed Site Plan. He explained the zoning request is to meet the deadline of applying for tax credit for this project being January 7, 2019.

There being no others to speak for or against ZC-18-0192, Mayor Strength closed the Public Hearing.

Mr. Brooks recommended approval per the following comments recommended by the Planning and Zoning Commission:

- Zoning change is approved for PD-MF-2 opposed to straight MF-2 zoning
- Planned Development Multi-Family-2 limited to senior living age 55 and over
- Applicant to present detailed Site Plan to Planning and Zoning Commission and City Council for approval

16. Consider proposed Ordinance approving Zoning Change No. ZC-18-0192

ORDINANCE NO. 3073

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT 16-LIGHT INDUSTRIAL-1 (PD-16-LI-1) TO MULTIPLE-FAMILY RESIDENTIAL-2 (MF-2) LOCATED AT 2795 JOHN ARDEN DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 14.455 ACRES, BEING LEGALLY DESCRIBED AS 844 J E PRINCE, PARCEL NUMBER 189266, 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. 3073 as presented and per Planning and Zoning Commission recommended comments. Mayor Kevin Strength seconded, All Ayes.

17. Consider request by Kars Tamminga for a Final Plat of Pioneer Point, Phase 3 and 4 for 57 lots, being 70.160 acres situated in the Charles Atteberry Survey, Abstract 10 (Property ID 269432 and 210780) in the Extra Territorial Jurisdiction – Owner: PIONEER POINT FARMS LLC and TAMMINGA FAMILY PARTNERSHIP LTD (FP-18-0171)

Mr. Brooks reported the request does meet the Sub Division requirements and recommended approval.

Action:

Councilmember Chuck Beatty moved to approve a request by Kars Tamminga for a Final Plat of Pioneer Point, Phase 3 and 4 for 57 lots, being 70.160 acres situated in the Charles Atteberry Survey, Abstract 10 (Property ID 269432 and 210780) in the Extra Territorial Jurisdiction – Owner: PIONEER POINT FARMS LLC and TAMMINGA FAMILY PARTNERSHIP LTD (FP-18-0171). Councilmember Melissa Olson seconded, All Ayes.

18. Consider request by Jeff Crannell, Crannell Engineering, for a Final Plat of Camden Park, Phase 2 Addition for 91 lots, being 23.63 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 270070) – Owner: DFW 70-36 LLC (FP-18-0185)

Mr. Brooks reported the request does meet the Sub Division requirements and recommended approval.

Councilmember Chuck Beatty asked if there are any opportunities for repairing surrounding roads and establishing sidewalks outside the development.

Mr. Brooks reported the applicant has met their vested rights within the development site and stated city staff will be looking in the future to establish sidewalks on Peters Street.

Action:

Councilmember Chuck Beatty moved to approve a request by Jeff Crannell, Crannell Engineering, for a Final Plat of Camden Park, Phase 2 Addition for 91 lots, being 23.63 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 270070) – Owner: DFW 70-36 LLC (FP-18-0185). Councilmember Melissa Olson seconded, All Ayes.

19. Consider request by Jeff Crannell, Crannell Engineering, for a Preliminary Plat of Camden Estates for 432 lots, being 133.28 acres out of the Silas M. Durrett Survey, Abstract 272 (Property ID 182052) – Owner: COOPER ZADEH LLC (PP-18-0182)

Mr. Brooks reported the Preliminary Plat is for Phase 3 of Camden Estates and meets the Sub Division requirements. He recommended approval.

Action:

Councilmember Chuck Beatty moved to approve a request by Jeff Crannell, Crannell Engineering, for a Preliminary Plat of Camden Estates for 432 lots, being 133.28 acres out of the Silas M. Durrett Survey, Abstract 272 (Property ID 182052) – Owner: COOPER ZADEH LLC (PP-18-0182). Councilmember Mary Lou Shipley seconded, All Ayes.

20. Consider request by Kaitlyn Taylor, Jacobs Engineering Group, for a Preliminary Plat of Saddlebrook Estates Central Tract West 1 & 2 for 87 lots, being 24.25 acres situated in the G. Carpenter Survey, Abstract 90 and M. Rafferty Survey, Abstract 898 (Property ID 262511) – Owner: 287 WAXAHACHIE LP (PP-18-0193)

Mr. Brooks reported the Preliminary Plat is a representative of the Agreement of Understanding between the City and the property owner noting the agreement ensures a third point of access to US 287. He explained, per the agreement, the issuance of no more than 100 residential building permits may be issued prior to the connection to US 287. He recommended approval.

Action:

Councilmember Melissa Olson moved to approve a request by Kaitlyn Taylor, Jacobs Engineering Group, for a Preliminary Plat of Saddlebrook Estates Central Tract West 1 & 2 for 87 lots, being 24.25 acres situated in the G. Carpenter Survey, Abstract 90 and M. Rafferty Survey, Abstract 898 (Property ID 262511) – Owner: 287 WAXAHACHIE LP (PP-18-0193). Councilmember Chuck Beatty seconded, All Ayes.

- 21. Consider request by Reginald Coustell II for a Preliminary Plat of Crystal Cove Ranch for 1 lot, being 17.336 acres in the A.B. Fluery Survey, Abstract 374 (Property ID 183557) – Owner: CRYSTAL TAYLOR & REGINALD COULSELL II (PP-18-0186)**

Mr. Brooks reported a fifteen foot (15') utility easement is required along street frontages per the Subdivision regulations. He stated the applicant expressed concerns with utilities being above ground and requested all utilities be placed underground. Mr. Brooks read a memo on behalf of the applicant noting their concern with above ground utilities becoming an obstacle and/or eyesore in their front yard. The applicant requested the same consideration granted to new subdivisions dictating that all new facilities utilizing the easement have underground installation. The applicant wrote "Our property ends at the lake and no utilities spanning the dam with the exception of the water line which is underground and already in place on the other side of 877. It is unlikely that any further utilities will connect to our property from across the dam. Additionally, we would like the Council to consider whether utility easement along this property on Old Howard Road is truly necessary. There are 2 homes on this road which dead ends to the lake. There are existing power poles which service these properties".

Mr. Brooks stated, at this time, having no proposal for utilities or knowing the future of what utilities will bring to that property, staff recommended to not address the above ground or under-ground issue at this time. He stated, as far as the plats themselves, staff does recommend to approve per staff comments.

Action:

After further discussion, Councilmember Chuck Beatty moved to approve a request by Reginald Coustell II for a Preliminary Plat of Crystal Cove Ranch for 1 lot, being 17.336 acres in the A.B. Fluery Survey, Abstract 374 (Property ID 183557) – Owner: CRYSTAL TAYLOR & REGINALD COULSELL II (PP-18-0186) per staff comments. Councilmember Melissa Olson seconded, All Ayes.

- 22. Consider request by Reginald Coustell II for a Final Plat of Crystal Cove Ranch for 1 lot, being 17.336 acres in the A.B. Fluery Survey, Abstract 374 (Property ID 183557) – Owner: CRYSTAL TAYLOR & REGINALD COULSELL II (FP-18-0187)**

Mr. Brooks reported FP-18-0187 accompanies PP-18-0186 and recommended approval subject to the Public Works Department sign off on all utilities prior to filing the Final Plat.

Action:

Mayor Pro Tem David Hill moved to approve a request by Reginald Coulsell II for a Final Plat of Crystal Cove Ranch for 1 lot, being 17.336 acres in the A.B. Fluery Survey, Abstract 374 (Property ID 183557) – Owner: CRYSTAL TAYLOR & REGINALD COULSELL II (FP-18-0187) per staff comments. Councilmember Mary Lou Shipley seconded, All Ayes.

- 23. Continue 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 continued the Public Hearing and announced the applicant requested to continue PD-18-0119 to the City Council meeting of January 22, 2019.

- 24. 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 January 22, 2019. Councilmember Melissa Olson seconded, All Ayes.

- 25. Consider request by Garry R Turner for a Preliminary Plat of ICC Properties Addition for 1 lot, being 21.831 acres situated in the J. Harris Survey, Abstract 430 and James C. Armstrong Survey, Abstract 6 (Property ID 256792) – Owner: ICC PROPERTIES INC (PP-18-0142)**

Mr. Brooks reported the applicant seeks to replat three (3) properties into one (1). He noted there is a water line that goes thru the easement from 77 to 35 and the city has a thoroughfare planned to go through this easement. Mr. Brooks stated the applicant has asked the city to waive the thoroughfare noting their concern is building on an existing slab and they will lose their connection from their office to their warehouse. He stated staff recommends the dedicated right-of-way be reduced from 100 feet to 80 feet.

Mr. Garry Turner, 604 Pheasant Run, Burleson Texas, thanked staff for working with them in reducing the right-of-way. He stated the proposed thoroughfare will split their business on each side of the thoroughfare noting they have an existing slab on one side of the proposed thoroughfare and an existing manufacturing on the other side of the proposed thoroughfare. Their goal is to develop the entire area and build on the existing slab. He stated going back and forth from building to building will be difficult with the proposed thoroughfare. Mr. Turner recommended the thoroughfare be transferred to the south of the property.

Action:

Councilmember Chuck Beatty moved to approve a request by Garry R Turner for a Preliminary Plat of ICC Properties Addition for 1 lot, being 21.831 acres situated in the J. Harris Survey, Abstract 430 and James C. Armstrong Survey, Abstract 6 (Property ID 256792) – Owner: ICC PROPERTIES INC (PP-18-0142) per staff comments. Mayor Pro Tem David Hill seconded, All Ayes.

26. Public Hearing on a request by Drew Dubocq, Bannister Engineering, for a Specific Use Permit (SUP) for Outside Storage use within a Heavy Industrial zoning district, located at 201 Butcher Road (Property ID 173464) – Owner: WAXAHACHIE ASSOCIATES LLC (SU-18-0194)

Mayor Strength opened the Public Hearing and announced the applicant requested to continue SU-18-0194 to the City Council meeting of February 4, 2019.

27. Consider proposed Ordinance approving Zoning Change No. SU-18-0194

Action:

Councilmember Mary Lou Shipley moved to continue a request by Drew Dubocq, Bannister Engineering, for a Specific Use Permit (SUP) for Outside Storage use within a Heavy Industrial zoning district, located at 201 Butcher Road (Property ID 173464) – Owner: WAXAHACHIE ASSOCIATES LLC (SU-18-0194) to the City Council meeting of February 4, 2019. Mayor Pro Tem David Hill seconded, All Ayes.

28. Public Comments

Mrs. Betty Square Coleman, 116 Bradshaw, Waxahachie, referenced Camden Estates and requested to use impact fees to enhance Peters Street. She asked Council to consider sidewalks on Peters Street to make it a safer street. She stated the company with outside storage on Brown Street and Peters Street is unsightly and asked City Council to look into it.

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

Assistant City Manager Albert Lawrence announced employee Willie Johnson has completed 35 years of service with the City. He thanked the Parks Department for keeping up with the Christmas lighting around town making sure the lights are working.

City Manager Michael Scott stated this past week Mr. Dennis Crecelius retired after almost 35 years of service to the Waxahachie Fire Department. He stated it opens a number of positions at the fire house for promotions.

Mayor Kevin Strength read a letter that he received from a couple that was in a recent accident. They commended the Waxahachie Police and Fire for their professionalism seeing to their needs.

Mayor Pro Tem David Hill congratulated Mr. Crecelius on his retirement and service to the City. He stated Council previously spoke about a sidewalk program and it will hopefully include sidewalks on Peters Street.

City Council and Staff wished everyone a Merry Christmas and Happy New Year.

30. Adjourn

There being no further business, Councilmember Chuck Beatty moved the meeting adjourn at 8:00 p.m. Mayor Pro Tem David Hill seconded, All Ayes.

Respectfully submitted,

Lori Cartwright
City Secretary