City Council October 17, 2016

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, October 17, 2016, at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor

Mark Singleton, Mayor Pro Tem Chuck Beatty, Councilmember David Hill, Councilmember

Mary Lou Shipley, Councilmember

Others Present: Paul Stevens, City Manager

Michael Scott, Assistant City Manager

Steve Chapman, City Attorney Lori Saunders, City Secretary

Mayor Kevin Strength called the meeting to order. Councilmember Mary Lou Shipley gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

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CONSENT AGENDA:

- a. Minutes of regular City Council meeting of October 3, 2016
- b. Minutes of Planning & Zoning Commission meeting of October 11, 2016
- c. Minutes of the Waxahachie Community Development Corporation meeting of October 11, 2016
- d. Minutes of the Cemetery Board meeting of October 6, 2016
- e. Minutes of the Park Board meeting of October 6, 2016
- f. Minutes of the Heritage Preservation Commission meeting of August 11, 2016
- g. Monthly Code Enforcement report for September 2016
- h. Monthly Violation Activity Statistics report for September 2016
- i. Monthly Fire & EMS reports for August and September 2016
- j. Monthly Crime report for September 2016
- k. Approval of Christmas Parade

<u>Councilmember Chuck Beatty moved to approve Items a. through k. on the Consent Agenda.</u> Councilmember David Hill seconded, All <u>Ayes.</u>

Councilmember Mary Lou Shipley introduced Mr. MacCoy Merrell as Honorary Councilmember for the month of October. She presented him with a Certificate of Appreciation for his participation in the Honorary Councilmember program.

Mayor Strength read a Proclamation proclaiming October 23-31 as "Red Ribbon Week" and presented it to REACH Council.

Ms. Stephanie Parker, Emergency Management Coordinator, Ellis County Emergency Management, presented a "Certificate of Appreciation" to Mayor Strength for the City's participation in the 1st Annual Ellis County Emergency Preparedness Fair. She reported the fair had approximately 1,000 visitors.

Mayor Strength opened the Public Hearing on a request by Obinna Ononobi, Altus Emergency Center, for a Specific Use Permit for an Electronic Message Sign within a Commercial (C) zoning district, located at 1791 N Highway 77, being LOT 4 BLK A SPRING LAKE DEVELOPMENT 1.632 AC-Owner: ALTUS WAXAHACHIE REALTY LP (ZA2016-50).

Mr. Darren Groth, Director of Planning, reported building signs or other markings are not subject nor approved under this SUP and explained if approved, a permit must be obtained from the Building Inspections Department. Staff recommends approval per the following comments:

- All signs must be permitted through the Building Inspection Department
- This SUP is for the authorization of one (1) Electronic Message Sign only.
- Installation must comply with all other City Codes and Ordinances

There being no others to speak for or against ZA 2016-50, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2901:

ORDINANCE NO. 2901

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR AN ELECTRONIC MESSAGE SIGN AT A MEDICAL FACILITY LOCATED AT 1791 NORTH U.S. HIGHWAY 77, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.631 ACRES KNOWN AS LOT 4, BLOCK A, OF THE SPRING LAKE DEVELOPMENT SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

<u>Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2901 as presented.</u>
Councilmember Mary Lou Shipley seconded. The vote was as follows:

Ayes: Mark Singleton Chuck Beatty David Hill Mary Lou Shipley

Noes: Kevin Strength

The motion carried.

Mayor Strength opened the Public Hearing on a request by Terry and Cathy Skipper for a Specific Use Permit for an accessory building over 700 square feet within a Single Family-1 (SF-1) zoning district, located at 2431 Marshall Road, being 1 MARSHALL RD ESTS 7.284 ACRES-Owner: SKIPPER TERRY G & CATHY L (ZA2016-51).

Mr. Darren Groth, Director of Planning reviewed the following:

SUP request for an Accessory Building over 700 square feet (sf) in an SF1 zoning district and on a lot larger than two acres.

Zoning Ordinance Section 34.2.E.1:

• Barns on property ≥2 acres, provided used solely for agricultural purposes, are exempt from masonry construction requirements.

There being no others to speak for or against ZA 2016-51, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2902:

ORDINANCE NO. 2902

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR AN ACCESSORY BUILDING MORE THAN 700 SQUARE FEET IN A SINGLE-FAMILY RESIDENTIAL DISTRICT - 1 (SF1) ZONING DISTRICT AND ON A LOT LARGER THAN TWO ACRES LOCATED AT 2431 MARSHALL ROAD, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 7.284 ACRES KNOWN AS LOT 1 OF THE MARSHALL ROAD ESTATES SUBDIVISION, AND ORDERING THE

CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

<u>Councilmember Chuck Beatty moved to approve Ordinance No. 2902 as presented.</u>
Councilmember David Hill seconded, <u>All Ayes.</u>

Mayor Strength opened the Public Hearing on a request by Brad Yates for a Zoning Amendment from Single Family-1 (SF-1) zoning district to Planned Development-Single Family-1 (PD-SF-1), with Concept Plan approval, located at 500 Royal Street, being LOT 24A;25 26;32; 33 FERRIS REV 2.008 AC- Owner: LOREN GRAY INVESTMENTS LLC (ZA2016-52).

Mr. Darren Groth, Director of Planning presented examples of the concept plan and artistic rendering with elevations noting the overall concept is cottage themed residential development. He reported if the PD Ordinance and Concept Plan are approved, submittal of a Detailed Site Plan to the Planning Department shall be the basis for issuance of a building permit. If Detailed Site Plan conforms to the Concept Plan, then Detailed Site Plan is administratively approved. If deviations from the Concept Plan are requested, then Detailed Site Plan requires public hearings.

Mr. Chris Aker, 5100 Honeysuckle Road, Midlothian, representing applicant, stated two years ago he and Mr. Brad Yates worked together to redevelop this site and came up with this plan that will work economically noting the proposed will be a high-end development.

Those who spoke against ZA 2016-52:

Mr. Robert Robertson, 409 W. Parks Avenue, Waxahachie

Mr. Earnest Barker, 615 W. Parks Avenue, Waxahachie

Mr. John Seabolt, 606 Royal Street, Waxahachie

Ms. Linda Darnell, 600 Royal Street, Waxahachie

Mr. Steven Shaw, 601 Royal Street, Waxahachie

There being no others to speak for or against ZA 2016-52, Mayor Strength closed the Public Hearing.

Mayor Pro Tem Mark Singleton stated there are empty properties all over town and Ordinances in place to provide for infill development noting Mr. Acker and Mr. Yates look at the community to improve the undeveloped properties.

After a lengthy discussion, Mayor Pro Tem Mark Singleton moved to approve a request by Brad Yates for a Zoning Amendment from Single Family-1 (SF-1) zoning district to Planned Development-Single Family-1 (PD-SF-1), with Concept Plan approval, located at 500 Royal Street, being LOT 24A;25 26;32; 33 FERRIS REV 2.008 AC- Owner: LOREN GRAY INVESTMENTS LLC (ZA2016-52), subject to Staff Comments.

The motion died due to lack of a second.

Councilmember Chuck Beatty moved to deny a request by Brad Yates for a Zoning Amendment from Single Family-1 (SF-1) zoning district to Planned Development-Single Family-1 (PD-SF-1), with Concept Plan approval, located at 500 Royal Street, being LOT 24A;25 26;32; 33 FERRIS REV 2.008 AC- Owner: LOREN GRAY INVESTMENTS LLC (ZA2016-52). Councilmember Mary Lou Shipley seconded. The vote was as follows:

Ayes: Chuck Beatty
David Hill
Mary Lou Shipley

Noes: Kevin Strength Mark Singleton

The motion carried.

Mr. Groth announced Preliminary Plat of Greenwood Grove, 2.094 acres, being a Replat of all Lots 25, 26, 32 and 33 and a portion of Block 24, and a closed section of Alley of Ferris Addition-Owner: Loren Gray Investments LLC (PLM 2016-46) is removed due to the result of case ZA 2016-52.

Mr. Groth presented Final Plat of Carlisle Addition Lot 1, Block A, 9.356 acres in the Jonathan Prince Survey, Abstract No. 844 being 1 commercial lot—Owner: ACFB LOYAL TRUST & FAB III SECURE TRUST C/O FRANK & ALICE BLANKENBECKLER TRUSTEE (FP 2016-43). He reviewed the following case summary:

- 1. Dealership property has been in place for fifty-plus years.
- 2. When structure was originally built, no plat requirement was in place and no reservation of utilities was necessary.
- 3. Utilities are in place all around the property in the City/state right-of-way (John Arden Drive, Sam George Drive, and 287) and no need exists to reserve 15' utility perimeter.
- 4. Property was deeded to Blankenbeckler family in March of 1969 and deed was recorded April 17, 1969. Cutoff date of platting requirement is April 10, 1969 so they are one week after the deadline.
- 5. City's primary objective is to get the area paved so they are not parking their cars on gravel. This will improve appearance of the property. The property is a prominent landmark for folks entering Waxahachie along both 287 and I35 and will help improve overall appearance of the city as people enter. City was very excited about the renovations at Waxahachie Autoplex along the same entry corridor. With that, new Baylor hospital and upgrades at Carlisle we will have a very fresh looking commercial area. Also likely to encourage development of the Southwest corner of the I35/287 intersection.
- 6. Ordinance exempts plat requirement where building permit is requested for additions of not over 50% of existing structure value and 20% of gross floor area; accessory buildings; or remodeling or repair (i.e. no expansion of square footage). Exemptions apply, but we want to do everything we can to make the City happy and feel that this is a good opportunity to get the property platted.
- 7. Family is acting in good faith with city in going through platting process, will result in greater convenience. Will add to historic character of the property to call it Carlisle Addition, which dealership has been in operation in Waxahachie for generations (Carlisle Addition instead of the metes and bounds description). Trying to be good stewards to set the stage for the next 100 years of good relations between Carlisle and the City.
- 8. Reservation of 15' utility easement will cause unusual and undue hardship to the property. Property is surrounded by public roadway and family will lose 10% or more of its net usable space. Space is already at a premium.
- 9. This is a small business that has served the community. Family donated the land that became Sam George Drive, a public street along the east portion of the property. In addition, during the economic downturn Mr. Blankenbeckler flew to D.C., met with lawmakers and GM executives and testified before Congress in his bid to save the Carlisle dealership from being shut down by GM. Mr. Blankenbeckler succeeded and saved dozens of jobs and one of Waxahachie's oldest businesses.
- 10. Lots of development is underway around the civic center. Utilities are well-established in the area and again the negative effects of making them reserve a 15' perimeter all around the property outweigh any positives.
- 11. Nothing prevents the City from using its eminent domain powers in the future if utility space is actually needed

Mr. Groth reported per the city's Subdivision Ordinance, Section 3.3.a: A minimum utility easement 15 feet wide on both sides of the street adjacent to all street rights-of-way shall be provided for gas, electric, and other utilities approved by the City. He explained the proposed plat does not comply with the requirements of the city's Ordinance. Mr. Groth stated Council has the authority to waive the ordinance requirement.

Councilmember David Hill asked if the main issue is the easement facing Highway 287 Bypass where there is an existing line in the right-of-way.

City Engineer James Gaertner stated an existing sewer line is running along Highway 287 bypass and inside the state's right-of-way and if TxDot comes in and says it has to be moved we have to move it. He reported it cost the city \$300,000 to move a sewer line on FM875 and along Highway 287 the city had to pay \$90,000. He stated the city is basically held hostage when TxDot requires lines to be moved.

Mr. Gaertner stated an option is a sewer manhole and assist the dealership on how to get the sewer line to the dealership. City Manager Paul Stevens stated it will service only the dealership and not serve west of the dealership. He stated it would be less costly to put in a manhole and would set precedence for others not wanting to give up an easement.

Councilmember Hill confirmed if the city has the easement, the dealership can pave over it for display of vehicles.

Mayor Pro Tem Mark Singleton stated the issue is the dealership being here for almost 100 years and a good neighbor to the city. He stated the city doesn't need to require a 15 foot easement. He stated the Planning and Zoning Commission did not require the easement and Council should not require it.

After further discussion, Councilmember Chuck Beatty moved to approve Final Plat of Carlisle Addition Lot 1, Block A, 9.356 acres in the Jonathan Prince Survey, Abstract No. 844 being 1 commercial lot—Owner: ACFB LOYAL TRUST & FAB III SECURE TRUST C/O FRANK & ALICE BLANKENBECKLER TRUSTEE (FP 2016-43), without the required 15 foot easement. Mayor Pro Tem Mark Singleton seconded, All Ayes.

Mr. Groth presented Final Plat of Buffalo Ridge Addition Phase IIIA situated in the W. Dunn Survey, Abstract No. 303, 7.154 acres being 31 residential lots – Owner: BETHANY/BUFFALO RIDGE LTD. (FP 2016-44). He explained the site is currently being developed in accordance with the Preliminary Plat and approved construction plans.

Councilmember David Hill moved to approve Final Plat of Buffalo Ridge Addition Phase IIIA situated in the W. Dunn Survey, Abstract No. 303, 7.154 acres being 31 residential lots – Owner: BETHANY/BUFFALO RIDGE LTD. (FP 2016-44). Councilmember Mary Lou Shipley seconded, All Ayes.

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Mr. Groth presented Final Plat of Buffalo Ridge Addition Phase IIIB situated in the W. Dunn Survey, Abstract No. 303, 9.322 acres being 40 residential lots - Owner: BETHANY/BUFFALO RIDGE LTD. (FP 2016-45). He explained the site is currently being developed in accordance with the Preliminary Plat and approved construction plans.

Mayor Pro Tem Mark Singleton moved to approve Final Plat of Buffalo Ridge Addition Phase IIIB situated in the W. Dunn Survey, Abstract No. 303, 9.322 acres being 40 residential lots - Owner: BETHANY/BUFFALO RIDGE LTD. (FP 2016-45). Councilmember David Hill seconded, All Ayes.

Mr. Brian Lanstrom, and Mr. Brian Johnson, representing the Optimist Pool, thanked City Council for funds they provide to support the operation of the pool. Mr. Lanstrom reviewed the 2016 Profit and Loss Statement reporting a loss of \$16,196.60. He stated the pool has operated in the past with a loss and explained a critical function of the pool is to help people learn to swim. Mr. Landstrom stated approximately 6,000 people used the pool on an annual basis.

Mr. Landstrom reported they now need to keep the water in the pool year-around and which increases electricity and additional chemicals and requested additional funding.

City Manager Paul Stevens stated the Optimist Pool provides a service that is usually provided by the city. He stated the city has provided \$15,000 in the past and requested a budget

amendment to increase the operation of the city operation of the Optimist Pool in the amount of \$15,000.

<u>Councilmember Chuck Beatty moved to approve a \$15,000 budget amendment to increase the city operation of the Optimist Pool.</u> Councilmember Mary Lou Shipley seconded, <u>All Ayes.</u>

Citizens' Petition and Request

None

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

Mayor Strength thanked Honorary Councilmember MacCoy Merrell for his attendance.

Assistant City Manager Michael Scott thanked Council for the work session giving clarity to staff on infill development.

Councilmember Mary Lou Shipley stated Council was represented at the recent TML Conference. She thanked Honorary Councilmember MacCoy Merrell for his attendance.

Councilmember Chuck Beatty announced a block party to be held on the October 22, 2016 at Freedman Memorial Park.

City Manager Paul Stevens announced the upcoming Bob Phillips festival on October 29, 2016.

Mayor Pro Tem Singleton referenced switching billboards to electronic noting there are some billboards that are non-conforming. He stated as the highway dresses up it may be an opportunity branding to make them architectural attractive. He thanked the community for their turnout at tonight's Council meeting.

Councilmember Hill stated the Sunday's paper reflects approximately 100 places to worship in Waxahachie. He stated recently Mayor Strength bought breakfast for approximately 43 pastors and prayed with them that they could all work together to bring a spirituality here in Waxahachie. He thanked Mayor Strength for his leadership. He thanked first responders and asked all to keep them in their prayers. He thanked Honorary Councilmember MacCoy Merrell for his attendance.

Mr. Andy Lehmann, Missions and Community Engagement Pastor, The Oaks Fellowship Church, stated the Waxahachie Projects was formed to unite community, business and education leaders. His team is surveying approximately 100 church leaders seeking their greatest needs. Once completed, they will align the needs in order to help one another. Mr. Lehmann announced on November 11 -12, 2016 community leaders and professional's will together to restore the historic Samarian Church that was built in 1864.

There being no further business, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Lori Saunders City Secretary