

City Council  
November 21, 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, November 21, 2016, at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor  
Chuck Beatty, Councilmember  
Mary Lou Shipley, Councilmember

Members Absent: Mark Singleton, Mayor Pro Tem  
David Hill, 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 Chuck Beatty gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

-----

**CONSENT AGENDA:**

- a. Minutes of regular City Council meeting of November 7, 2016
- b. Minutes of Planning & Zoning Commission meeting of November 15, 2016
- c. Minutes of the Waxahachie Community Development Corporation meeting of November 8, 2016
- d. Minutes of the Firemen's Relief and Retirement Fund meeting of November 14, 2016
- e. Minutes of the Senior Center Advisory Board meeting of November 16, 2016
- f. Minutes of the Heritage Preservation Commission meeting of October 13, 2016
- g. Minutes of the Mid-Way Airport Board meeting of November 10, 2016
- h. Monthly Code Enforcement report for October 2016
- i. Monthly Building report for September 2016
- j. Monthly Violation Activity Statistics report for October 2016
- k. Monthly Fire & EMS report for October 2016
- l. Monthly Crime report for October 2016
- m. Approve Budget Amendment Request from Senior Center

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

-----

Mayor Strength announced there is not an Honorary Councilmember for the month of November.

-----

City Manager Paul Stevens presented a Private Sewer Line Easement and Agreement with First Baptist Church for use of a sewer line at Waxahachie Sports Complex. He stated the City has a private eight inch line going through the Sports Complex that will allow First Baptist Church to connect. Mr. Stevens stated the Church is going to build two sand volleyball courts that can be accessed from the Sports Complex.

**Councilmember Chuck Beatty moved to approve Private Sewer Line Easement and Agreement between City and First Baptist Church as presented.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

-----

Mr. Stevens presented an Interlocal Agreement between the North Central Texas Council of Governments (COG) and the Cities of Waxahachie and Midlothian for preliminary engineering of the Midlothian to Waxahachie Regional Share-use Path. He stated COG completed some preliminary work and will provide \$200,000 and asked each city to provide \$25,000.

**Councilmember Mary Lou Shipley moved to approve an Interlocal Agreement between the North Central Texas Council of Governments and the Cities of Waxahachie and Midlothian for preliminary engineering of the Midlothian to Waxahachie Regional Share-use Path as presented.** Councilmember Chuck Beatty seconded, **All Ayes.**

-----

Mayor Strength opened the Public Hearing on a request by Brad Yates for a Zoning Amendment from a Single Family-1 (SF1) zoning district to Planned Development-Single Family-1 (PD-SF1), with Concept Plan, located at 626 Kaufman, being LOT ALL BLK 190 & 191 TOWN 0.888 AC- Owner: LOREN GRAY INVESTMENTS, LLC (ZA2016-57).

Mr. Darren Groth, Director of Planning, stated applicant has addressed comments and they have completed and approved. He presented the following case summary:

- PD Concept Plan for colonial or craftsman style homes to complement the other structures nearby for residential living
- Concept Plan shows schematic layout for the development of the land
- PD is intended to conform with the standards from City Ord. No. 2596, which is commonly known as the Infill Overlay zoning ordinance
- Minimum Lot Area = 15,000 square feet
- Minimum Lot Width = 70 feet
- Minimum Dwelling Unit Area = 2,000 square feet
- Roof to be a minimum of 8:12 pitch. Shed roofs or low slope to not be more than 30% of roof structure
- Building height  $\leq$  45 feet
- Accessory buildings must match style of home
- Minimum of 2 off-street parking spaces shall be provided per each dwelling unit
- Fences = wood w/metal posts
- Exterior materials = wood, masonry, stone, or cementitious fiberboard

- Roof materials = slate, slate alternative, metal, tile, tile alternative, or comp shingles (laminated 30-year min.)
- Mailbox receptacles = placed on structure (per USPS)
- At least 50% of dwellings must provide covered parking
- Nothing contained in this PD shall require modifications to the existing structures
- Future structure renovations shall comply
- Staff recommends approval

There being no others to speak for or against ZA 2016-57, Mayor Strength closed the public hearing.

City Attorney Steve Chapman presented proposed Ordinance No. 2907:

**ORDINANCE NO. 2907**

**AN ORDINANCE AUTHORIZING A ZONING AMENDMENT FROM SINGLE-FAMILY RESIDENTIAL DISTRICT – 1 (SF1) TO PLANNED DEVELOPMENT-SINGLE-FAMILY RESIDENTIAL DISTRICT – 1 (PD-SF1), WITH CONCEPT PLAN LOCATED AT 626 KAUFMAN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.888 ACRES KNOWN AS ALL OF BLOCKS 190 AND 191 OF THE TOWN ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Councilmember Mary Lou Shipley moved to approve Ordinance No. 2907, subject to Staff Comments.** Councilmember Chuck Beatty seconded, **All Ayes.**

-----

Mayor Strength opened the Public Hearing on a request by Brad Yates for a Replat located at 626 Kaufman, being LOT ALL BLK 190 & 191 TOWN 0.888 AC- Owner: LOREN GRAY INVESTMENTS, LLC (RP 2016-42).

Mr. Groth stated the replat is a companion case of ZA 2016-57 to allow lot sizing to adjust the existing lot lines. He stated Staff recommends approval.

Mr. Brad Yates, Applicant, 108 Farley, Waxahachie, stated the reason of the lot line change is due to an existing structure on one of the lots.

There being no others to speak for or against RP 2016-42, Mayor Strength closed the public hearing.

**Councilmember Mary Lou Shipley moved to approve Replat located at 626 Kaufman, being LOT ALL BLK 190 & 191 TOWN 0.888 AC- Owner: LOREN GRAY INVESTMENTS, LLC (RP 2016-42), subject to Staff Comments.** Councilmember Chuck Beatty seconded, **All Ayes.**

-----

Mayor Strength opened the Public Hearing on a request by Will Winkelmann, Winkelmann & Associates, Inc., for a Site Plan Review for a Medical Facility within the Planned Development-1-Commercial (PD-1-C) zoning district, located between 1150 W Highway 287 and 1090 W Highway 287 on a portion of Property ID 245307- Owner: WAXAHACHIE CROSSING II LLC (ZA2016-58).

Mr. Groth reviewed the detailed site plan noting comments went out and Staff met with applicant to go over comments on landscape and layout out of building, and all generated responses. He stated a second set of comments that were sent to the applicant have not been addressed by the applicant and explained the landscape comments have been addressed.

Mr. Groth reviewed the following PD-1-C:

- PD permitting uses as prescribed in the Zoning Ordinance Uses Schedule, for C zoning, subject to the approval of a site plan by P&Z and City Council
- Use = Medical Facilities (Surgical out-patient facility)
- Site plan shall set forth the building areas, off-street parking, points of access, any screening walls, open areas, building setbacks, curbs, sidewalks, drainage facilities indicated as necessary by the location, and provide for the dedication and improvement of any street deemed essential by P&Z and City Council
- Density, coverage, height, parking, and off-street loading standards shall be as set forth on the site plan or as specified for the C District
- Site plan may be approved in whole or in part for one or several ownerships provided the overall arrangement of streets, land uses, utilities and parking applying to the entire tract is coordinated and understood by the various owners
- Application is for a PD Detailed Site Plan
- Per Zoning Ordinance Section 31.4, approval of a Detailed Site Plan shall be the basis for issuance of a building permit, but does not relieve the applicant of the responsibility to submit plans to the building official for a building permit
- Staff recommends approval, per staff comments

Mr. Groth stated the applicant is not present.

There being no others to speak for or against ZA 2016-58, Mayor Strength closed the public hearing.

Councilmember Mary Lou Shipley expressed concern of the applicant's absence and not available to answer questions. Mr. Groth stated they were at the Planning and Zoning Commission meeting.

**After further discussion, Councilmember Mary Lou Shipley moved to deny a request by Will Winkelmann, Winkelmann & Associates, Inc., for a Site Plan Review for a Medical Facility within the Planned Development-1-Commercial (PD-1-C) zoning district, located between 1150 W Highway 287 and 1090 W Highway 287 on a portion of Property ID 245307- Owner: WAXAHACHIE CROSSING II LLC (ZA2016-58). Councilmember Chuck Beatty seconded, All Ayes.**

-----

Mayor Strength opened the Public Hearing on a request by Jason Emmett, Cedar Creek Engineering, for a Zoning Amendment from a Commercial (C) zoning district to Planned Development-Commercial (PD-C), with Detailed Site Plan, located at the NW corner of US 287 Bypass Service Road and Patrick Road, Property ID 198727- Owner: TEXAS WAXAHACHIE CROSSROADS REALTY LLC (ZA2016-59).

Mr. Groth reviewed the following case summary:

- Comments were sent to the applicant on October 21, 2016.
- On October 26, 2016, staff met with the applicant to review the comments.
- Applicant indicated they will address all comments collectively and if approved, provide updated plans for the ordinance.

Mr. Groth reviewed the following Planned Development Stipulations:

- This PD is to facilitate development of a Nissan Dealership in a manner that allows for a new building and open display of new and used vehicles.
- The building setbacks will be no less than 30' on the front (south and eastern) property lines, and no less than 10' on the rear (north) property line.
- Modifications to the Landscape Ordinance include allowance of 50' tree spacing on frontage.
- C requires 30' spacing
- In addition, the on-site transformer screen will be landscaping rather than the typical requirement of a structural enclosure.

**Building Materials**

- Exterior building materials shall consist of:
- Masonry (gray split-face CMU)
- Aluminum Curtain Wall
- Aluminum Composite Material (ACM)
- Exterior Insulating Finish System (EIFS)

**Signage**

- Building and Site Signage shall consist of internally lit aluminum cabinets with translucent polycarbonate faces.
- Refer to Exterior Elevations for locations of all Building Signage
- Refer to Site Plan for location of Site Monument Sign
- Refer to Signage drawing for building dimension/color and signage

Mr. Groth stated Staff recommends approval subject to Staff Comments

There being no others to speak for or against ZA 2016-59, Mayor Strength closed the public hearing.

City Attorney Steve Chapman presented proposed Ordinance No. 2908:

**ORDINANCE NO. 2908**

**AN ORDINANCE AUTHORIZING A ZONING AMENDMENT FROM COMMERCIAL (C) TO PLANNED DEVELOPMENT- COMMERCIAL (PD-C), WITH DETAILED SITE PLAN ON PROPERTY IDENTIFIED WITH PARCEL ID NUMBER 198727 AND LOCATED AT THE NORTHWEST CORNER OF U.S. HIGHWAY 287 BYPASS SERVICE ROAD AND PATRICK ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 5.309 ACRES OF UNPLATTED PROPERTY IN THE J B BOUNDS SURVEY AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Councilmember Chuck Beatty moved to approve Ordinance No. 2908, subject to Staff Comments.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

-----

Mr. Groth presented Preliminary Plat of North Grove Phase 3-7, and 12, being Block 12- Block 50, being a 211.074 acres situated in the J.B. and Ann Adams Survey, Abstract No. 5, Henri Levi Survey, Abstract No. 629, Henry Sange Survey, Abstract No. 1009, and the R. Russell Survey, Abstract No. 911 being 656 residential lots and 24 open spaces –Owner: JHDMC, LLC; JHH PROPERTY ACQUISITION SERVICES, LLC; MORITZ INTEREST, LTD.; MARGARET H. LUMPKINS; JHH NORTH GROVE DEVELOPMENT, LLC (PLM 2016-41).

Mr. Groth presented the following case summary:

- Preliminary Plat request will create 647 residential lots and 20 open space lots
- Per Subdivision Ord. Section 4.4.c, 12.94 acres of park land dedication are required
- The North Grove Concept Plan identifies multiple parks scattered throughout the PD
- This request complies with the Subdivision Ord. and the PD Concept Plan
- Staff recommends approval

**Councilmember Mary Lou Shipley moved to approve Preliminary Plat of North Grove Phase 3-7, and 12, being Block 12- Block 50, being 211.074 acres situated in the J.B. and Ann Adams Survey, Abstract No. 5, Henri Levi Survey, Abstract No. 629, Henry Sange Survey, Abstract No. 1009, and the R. Russell Survey, Abstract No. 911 being 656 residential lots and 24 open spaces –Owner: JHDMC, LLC; JHH PROPERTY ACQUISITION SERVICES, LLC; MORITZ INTEREST, LTD.; MARGARET H. LUMPKINS; JHH NORTH GROVE DEVELOPMENT, LLC (PLM 2016-41), subject to Staff Comments.** Councilmember Chuck Beatty seconded, **All Ayes.**

-----

Mr. Groth presented the Landscape Plan for North Grove Phase 3-7, and 12, being Block 12- Block 50, being a 211.074 acres situated in the J.B. and Ann Adams Survey, Abstract No. 5, Henri Levi Survey, Abstract No. 629, Henry Sange Survey, Abstract No. 1009, and the R. Russell Survey, Abstract No. 911 being 656 residential lots and 24 open spaces –Owner: JHDMC, LLC; JHH PROPERTY ACQUISITION SERVICES, LLC; MORITZ INTEREST,

LTD.; MARGARET H. LUMPKINS; JHH NORTH GROVE DEVELOPMENT,LLC (PLM 2016-41). He reviewed the following case summary:

- Columns will be reviewed for visibility and locations may be slightly altered
- Final cross sections of roadway and other ROW details to be finalized at construction plan stage
- Staff recommends approval

**Councilmember Chuck Beatty moved to approve Landscape Plan for North Grove Phase 3-7, and 12, being Block 12- Block 50, being a 211.074 acres situated in the J.B. and Ann Adams Survey, Abstract No. 5, Henri Levi Survey, Abstract No. 629, Henry Sange Survey, Abstract No. 1009, and the R. Russell Survey, Abstract No. 911 being 656 residential lots and 24 open spaces –Owner: JHDMC, LLC; JHH PROPERTY ACQUISITION SERVICES, LLC; MORITZ INTEREST, LTD.; MARGARET H. LUMPKINS; JHH NORTH GROVE DEVELOPMENT,LLC (PLM 2016-41), subject to Staff Comments.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

-----

Mr. Groth presented Final Plat of Lots 1R-A and 1R-B, Block A, Wiley’s Retail being a 1.8221 acre Replat of Lot 1, Block A, of Wiley’s Retail being two commercial lots-Owner: WILEY KENDALL L & MICHELLE L AND NEIGHBORHOOD CREDIT UNION (RP2016-47). He stated Replat is to create two commercial lots noting the Applicant received staff comments and addressed them with revised plans. Mr. Groth recommended approval.

**Councilmember Mary Lou Shipley moved to approve Final Plat of Lots 1R-A and 1R-B, Block A, Wiley’s Retail being a 1.8221 acre Replat of Lot 1, Block A, of Wiley’s Retail being two commercial lots-Owner: WILEY KENDALL L & MICHELLE L AND NEIGHBORHOOD CREDIT UNION (RP2016-47), subject to Staff Comments.** Councilmember Chuck Beatty seconded, **All Ayes.**

-----

Mr. Groth presented Replat of Lot 9AR and 8CR, Block 2, Hugh McDaniel Subdivision being a Replat of Lots 9A and 8C, Block 2, Hugh McDaniel Subdivision in the Extra Territorial Jurisdiction (ETJ) -Owner: ASHLEY ALVAREZ, BRADLEY GILL, AND STEPHEN WINKLES (RP 2016-48). He explained the replat is to change a common boundary line between two existing lots. Mr. Groth stated comments have been met with city and county requirements and recommended approval.

**Councilmember Mary Lou Shipley moved to approve presented Replat of Lot 9AR and 8CR, Block 2, Hugh McDaniel Subdivision being a Replat of Lots 9A and 8C, Block 2, Hugh McDaniel Subdivision in the Extra Territorial Jurisdiction (ETJ) -Owner: ASHLEY ALVAREZ, BRADLEY GILL, AND STEPHEN WINKLES (RP 2016-48 subject to Staff Comments.** Councilmember Chuck Beatty seconded, **All Ayes.**

-----

Mr. David Bailey, Director of Utilities, reported bids were opened on Tuesday, November 15, 2016 for the R.W. Sokoll Water Treatment Plant Raw Water Rapid Mixer Replacement project. Four bids were received with Four Thirteen, Inc., from Texarkana, Texas submitting the lowest and best qualified bid in the amount of \$91,000. He stated the company has successfully completed a previous project for the city at the wastewater treatment plant and recommended awarding the bid to Four Thirteen, Inc. in the amount of \$91,000.

Mr. Bailey requested a budget amendment to the current Sokoll Water Treatment Plant Budget in the amount of \$6,000 to cover the Engineering services associated with the project.

**After further discussion, Councilmember Mary Lou Shipley moved to award the bid for the R.W. Sokoll Water Treatment Plant Raw Water Rapid Mixer Replacement project to Four Thirteen, Inc. in the amount of \$91,000 and approve budget amendment in the amount of \$6,000 as presented.** Councilmember Chuck Beatty seconded, **All Ayes.**

-----

**Citizens' Petition and Request:**

None

-----

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

Councilmember Chuck Beatty wished everyone Happy Thanksgiving.

City Manager Paul Stevens announced The Christmas Parade and Community Tree Lighting will be held downtown on the square with the parade starting at 6:30 p.m. He stated this is the 2<sup>nd</sup> annual night-time parade.

-----

There being no further business, the meeting adjourned at 7:47 p.m.

Respectfully submitted,

Lori Saunders  
City Secretary