

City Council  
March 20, 2017

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, March 20, 2017 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  
Kelly Dent, Planner

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Mayor Kevin Strength called the meeting to order and City Manager Paul Stevens gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

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**CONSENT AGENDA:**

- a. Minutes of the regular City Council meeting of March 6, 2017
- b. Minutes of the regular Planning and Zoning Commission meeting of March 14, 2017
- c. Minutes of the Waxahachie Community Development Corporation meeting of March 14, 2017
- d. Minutes of the Firemen's Retirement and Relief meetings of February 13, 2017 and March 13, 2017
- e. Minutes of the Keep Waxahachie Beautiful Committee meeting of February 28, 2017
- f. Minutes of Cemetery Board meeting of March 2, 2017
- g. Minutes of the Park Board meeting of March 2, 2017
- h. Minutes of the Heritage Preservation Commission meeting of February 9, 2017
- i. Minutes of the Senior Citizens Center Advisory Committee meetings of January 18, 2017 and March 15, 2017
- j. Monthly Code Enforcement Report for February 2017
- k. Monthly Building Report for January 2017
- l. Monthly Violation Activity Statistics for February 2017
- m. Monthly Crime Report for February 2017
- n. Monthly Fire and EMS Report for February 2017
- o. Approve Budget Amendment requested by Parks and Recreation Department
- p. Approve award of bid for dumpster enclosure at Sports Complex
- q. Approve wedding and reception at Chautauqua Auditorium for May 27, 2017

**Councilmember Chuck Beatty moved to approve items a. through q. on the Consent Agenda.**  
Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

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Councilmember Mary Lou Shipley introduced Mr. Levi Villarreal as Honorary Councilmember for the month of March and presented Mr. Villarreal a Certificate of Appreciation for his participation the Honorary Councilmember Program.

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At 7:08 p.m., Mayor Strength opened the First Public Hearing to consider requested annexation by Walton Texas, LP, a Texas limited partnership, for annexation of four parcels comprising approximately 791.296 acres situated generally south of FM Road 875 and west of Interstate Highway 35E.

Assistant City Manager Michael Scott reported the annexation is voluntary involving four (4) separate tracts in Emory Lakes (formerly known as Kemp Ranch).

Mr. Larry Reichhart, Planning & Development Manager, Walton Development and Management, announced his presence noting he is available for questions.

There being no others to speak for or against the First Public Hearing on the proposed annexation, Mayor Strength closed the Public Hearing.

**No action required.**

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Mayor Strength continued the 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 11;12 11 UNIVERSITY 0.344 ACRES – Owner: HANSEN KARL G (SU-17-0005). He announced the Applicant wishes to continue the public hearing to the City Council meeting of April 3, 2017.

**Councilmember David Hill moved to continue the 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 11;12 11 UNIVERSITY 0.344 ACRES – Owner: HANSEN KARL G (SU-17-0005) to the City Council meeting of April 3, 2017.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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Mayor Strength continued the Public Hearing on a request by Brad Yates, Colonial Restoration, for a Zoning Amendment from Planned Development-21-Commercial (PD-21-C) zoning district to Planned Development-Multi-Family District 1 (PD-MF1), with Concept Plan, located at the Southwest corner of Dunn Street and Second Street, being a portion of Property ID 176907 – Owner: GATEHOUSE MEDIA TEXAS HOLDINGS II INC (PD-17-0012).

Planner Kelly Dent presented the following staff comments:

- Request is for townhouse-style planned development of eight (8) residences maximum, with off-street parking and a maximum height of fifty (50) feet
- On February 28, 2017, P&Z voted to continue the public hearing to allow the applicant time to address unresolved comments
- Applicant has since submitted revised drawings and text, and comments have been satisfied
- Staff recommends approval, per staff comments
- P&Z Commission approved 6:1

Those who spoke against PD-17-0012:

Ms. Sharla Hopkins, 112 Dunn Street, Waxahachie

There being no others to speak for or against PD-17-0012, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2926:

**ORDINANCE NO. 2926**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-21-COMMERCIAL (PD-21-C) TO PLANNED DEVELOPMENT-MULTI-FAMILY DISTRICT 1 (PD-MF1), WITH CONCEPT PLAN LOCATED AT THE SOUTHWEST CORNER OF DUNN STREET AND SECOND STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.414 ACRES KNOWN AS A PORTION OF PROPERTY ID 176907 OF THE WILLIAMS SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2926 as presented.**  
Councilmember Chuck Beatty seconded, **All Ayes.**

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At 7:38 p.m., Mayor Strength opened the second Public Hearing to consider requested annexation by Walton Texas, LP, a Texas limited partnership, for annexation of four parcels comprising approximately 791.296 acres situated generally south of FM Road 875 and west of Interstate Highway 35E.

There being no others to speak for or against the Second Public Hearing on the proposed annexation, Mayor Strength closed the Public Hearing.

**No action required.**

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Mayor Strength opened the Public Hearing on a request by Brad Yates, Colonial Restoration, for a Zoning Change from a Single-Family-2 (SF2) zoning district to Planned Development-Single Family-2 (PD-SF2), with Concept Plan, located at 500 Royal Street, being LOT 24A;25 26;32; 33FERRIS REV 2.008 AC- Owner: LOREN GRAY INVESTMENTS LLC. (PD-17-0014).

Planner Kelly Dent reviewed the following staff comments:

- PD Concept Plan for a cottage themed residential development
- Proposal to construct 21 detached single-family homes with a green space
- Per Zoning Ordinance Section 31.4, a Concept Plan showing a schematic layout for the development of the land within the district was provided
- Applicant has addressed staff comments
- P&Z Commission recommended a zoning change denial of the subject property from SF2 to PD-SF2, with Concept Plan, with a 3:4 vote

Those who spoke against PD-17-0014:

Mr. Robert Robertson, 409 W. Parks Avenue, Waxahachie  
Mr. Phillip Spicer, 412 Royal Street, Waxahachie  
Mr. Earnest Barker, 615 W. Parks Avenue, Waxahachie  
Mr. Herschel Allen, 411 Royal Street, Waxahachie  
Dr. Katherine Donaldson, 508 Grace Street, Waxahachie  
Mr. John Seabolt, 606 Royal Street, Waxahachie  
Mr. Casey Brown, 500 Royal Street, Waxahachie  
Ms. Linda Darnell, 600 Royal Street, Waxahachie  
Ms. Stacy Seabolt, 606 Royal Street, Waxahachie

Those who spoke for PD-17-0014:

Mr. Terrill Hodges, 228 Katy Lake Drive, Waxahachie  
Ms. Beth Young, 407 College Street, Waxahachie  
Mr. John Sanders, 707 W. Marvin, Waxahachie  
Ms. Melissa Lewis, 327 North Grand Avenue, Waxahachie  
Mr. Jim Phillips, 606 W. Marvin, Waxahachie

Mr. Phillip Spicer asked Mayor Pro Singleton if he has financial interest in the property. Mayor Pro Tem Singleton stated he does not have a personal financial interest in said property.

Mr. Earnest Barker asked Mayor Pro Tem Singleton if the project is being financed by Citizens National Bank (CNB). Mayor Pro Tem Singleton stated he hopes so. Mr. Barker expressed concern with a possible conflict of interest with Mayor Pro Tem Singleton being President of CNB and voting he has a financial interest in the project. Mayor Pro Tem Singleton stated that his experience and integrity does not need to be brought into question and if Mr. Barker is trying to imply anything, they need to have the conversation out in the hallway.

Those who spoke against PD-17-0014 stated they applaud developer Brad Yates for the quality of work he has done in the community restoring and building new homes. They disagreed with the quantity of homes proposed for the project and recommended it be reduced.

Mr. Brad Yates, Developer, 108 Farley Street, Waxahachie, stated his customers are asking for smaller footprints and smaller yards and explained he has already built a few of these smaller homes in the city.

After a debated discussion, and there being no others to speak for or against PD-17-0014, Mayor Strength closed the Public Hearing.

*Councilmember Chuck Beatty moved to approve a request by Brad Yates, Colonial Restoration, for a Zoning Change from a Single-Family-2 (SF2) zoning district to Planned Development-Single Family-2 (PD-SF2), with Concept Plan, located at 500 Royal Street, being LOT 24A;25 26;32; 33FERRIS REV 2.008 AC- Owner: LOREN GRAY INVESTMENTS LLC. (PD-17-0014).* Mayor Pro Tem Mark Singleton seconded. The vote was as follows:

Ayes: Kevin Strength  
Mark Singleton  
Chuck Beatty

Noes: David Hill  
Mary Lou Shipley

City Attorney stated the Planning and Zoning Commission denied PD-17-0014 therefore requiring a supermajority by City Council (4 out of 5) to pass. He explained the *motion was denied.*

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Mayor Strength opened the Public Hearing on a request by Brad Yates, Colonial Restoration, for a Zoning Change from a Single-Family-3 (SF3) zoning district to Planned Development-SF3 (PD-SF3), with Concept Plan, located at 111 N Getzendaner Avenue, being LOT 2 BLK 171 TOWN 2.48 AC- Owner: LOREN GRAY INVESTMENTS LLC (PD-17-0015).

Planner Kelly Dent reviewed the following staff comments:

- Application is to develop thirteen (13) residential lots and one (1) community center.
- Maximum of four (4) duplex structures (eight residences) to be dispersed throughout development.
- After PD Ordinance and Concept Plan approved, Detailed Site Plan submittal and approval is the basis for issuance of a building permit.
- Staff recommends approval, per staff comments.
- P&Z Commission approved unanimously.

There being no others to speak for or against PD-17-0015, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2927:

**ORDINANCE NO. 2927**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) WITH CONCEPT PLAN LOCATED AT 111 NORTH GETZENDANER AVENUE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.48 ACRES KNOWN AS LOT 2 BLOCK 171 OF THE TOWN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE**

**Councilmember Chuck Beatty moved to approve Ordinance No. 2927 as presented.**  
Councilmember Mary Lou Shipley seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by Marcos Cavazos, Torcedor LLC, for a Specific Use Permit (SUP) to permit a Dance Hall, Tavern, or Night Club use, to allow a restaurant with alcohol sales exceeding 49 percent of the gross revenue, within a Central Area (CA) zoning district, located at 100 N College Street, #B101, being LOT 5 THRU 8 BLK 1 O T WAXAHACHIE BLK 1 0.4924 AC- Owner: ROGERS HOTEL PARTNERS LLC. (SU-17-0021)

Planner Kelly Dent reviewed the following staff comments:

- Request for SUP to permit a Dance Hall, Tavern, or Night Club use, to allow a restaurant with alcohol sales exceeding 49 percent of the gross revenue
- SUP request is solely for suite #B101
- Proposed restaurant may exceed 49% threshold
- SUP request approval sought as safeguard
- Staff recommends APPROVAL, as presented.
- P&Z Commission approved unanimously.

Mr. Marcos Cavazos, Applicant, 100 North College, #B101, Waxahachie, stated the food menu will include deli menu with culinary style technics.

There being no others to speak for or against SU-17-0021, Mayor Strength closed the Public Hearing.

Assistant City Manager Michael Scott presented Ordinance No. 2928 and recommended it be amended to reflect specifically the location in the Rogers Hotel downstairs being Suite B101.

**ORDINANCE NO. 2928**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DANCE HALL, TAVERN, OR NIGHT CLUB USE, TO ALLOW A RESTAURANT WITH ALCOHOL SALES EXCEEDING 49 PERCENT OF THE GROSS REVENUE, WITHIN A CENTRAL AREA (CA) ZONING DISTRICT, LOCATED AT 100 NORTH COLLEGE STREET, #B101, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING KNOWN AS LOT 5 THRU 8, BLOCK 1 OF THE ORIGINAL TOWN WAXAHACHIE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2928 as presented and amended.** Councilmember David Hill seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by Alan Doan, Roye Family Enterprises, for a Zoning Change from a Single-Family-2 (SF2) zoning district to General Retail (GR), located at 1324 Brown Street, being 1 ROYE ADDN 6 ACRES- Owner: ROYE FAMILY ENTERPRISES L P. (ZC-17-0033).

Planner Kelly Dent reviewed the following staff comments:

- Site currently zoned SF2
- Existing Regional Orthopedic and Sports Medicine Center use is not permissible within SF2 zoning
- Request to extend adjoining GR district so a Certificate of Occupancy can be granted.
- Existing business to remain
- CO can be issued upon approval of ZC-17-0033
- Staff recommends APPROVAL, as presented
- P&Z Commission approved unanimously

There being no others to speak for or against ZC-17-0033, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2929:

**ORDINANCE NO. 2929**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF2) TO GENERAL RETAIL (GR) LOCATED AT 1324 BROWN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 6.000 ACRES KNOWN AS LOT 1 OF THE ROYE 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. 2929 as presented.**  
Councilmember Chuck Beatty seconded, **All Ayes.**

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Assistant City Manager Michael Scott presented Preliminary Plat of Settler's Glen Addition subdivision, Phase 5 for 82 residential lots, being 15.270 acres situated in the William Paine Survey, Abstract No. 835 – Owner: Settler's Glen Ltd. (PP-17-0017). He reported this is the next phase for Settler's Glen and Planning and Zoning recommended approval.

**Councilmember Chuck Beatty moved to approve Preliminary Plat of Settler's Glen Addition subdivision, Phase 5 for 82 residential lots, being 15.270 acres situated in the William Paine Survey, Abstract No. 835 – Owner: Settler's Glen Ltd. (PP-17-0017).** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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Mr. Scott presented Final Plat of Settler's Glen Addition, Phase 4 subdivision for 86 residential lots, being 23.522 acres situated in the William Paine Survey, Abstract No. 835 – Owner: Settler's Glen, LTD. (FP-17-0018). He stated the subdivision will connect to Patrick Road.

**Councilmember David Hill moved to approve Final Plat of Settler's Glen Addition, Phase 4 subdivision for 86 residential lots, being 23.522 acres situated in the William Paine Survey, Abstract No. 835 – Owner: Settler's Glen, LTD. (FP-17-0018).** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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Mr. Scott presented Final Plat of Homestead Estates subdivision for 28 residential lots, being 35.337 acres situated in the William Stewart Survey, Abstract No. 956 – Owner: Waxahachie Homestead Estates, LLC. (FP-17-0019). He reported the general location is southeast of Old Italy Road and Laguna Vista Drive and stated infrastructure is in and ready to be developed.

Councilmember Mary Lou Shipley a street sign in the location is misspelled and will cause confusion. City Engineer James Gaertner stated he will add that to the punch list and they do a walk-thru.

**Mayor Pro Tem Mark Singleton move to approve Final Plat of Homestead Estates subdivision for 28 residential lots, being 35.337 acres situated in the William Stewart Survey, Abstract No. 956 – Owner: Waxahachie Homestead Estates, LLC. (FP-17-0019).** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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Mr. Scott presented Preliminary Plat of North Farm Estates subdivision for 20 residential lots, being 60.169 acres situated in the J. Chapman Survey, Abstract No. 214 in the Extra Territorial Jurisdiction (ETJ) – Owner: Lancaster J/V. (PP-17-0020). He stated the general location is



located at the northeast corner of East Highland Road near Midway Airport. The lots will be at North Farm Estates with frontage on East Highland.

**Councilmember David Hill moved to approve Preliminary Plat of North Farm Estates subdivision for 20 residential lots, being 60.169 acres situated in the J. Chapman Survey, Abstract No. 214 in the Extra Territorial Jurisdiction (ETJ) – Owner: Lancaster J/V. (PP-17-0020).** Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

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### **Citizens' Petitions and Requests**

Mr. John Hamilton, 910 W. Marvin, Waxahachie, thanked City Manager Paul Stevens and City Staff and Engineering Group for their work on Marvin Street making it a smooth transition.

Mr. Jim Phillips, 606 W. Marvin, Waxahachie, stated as a member of the Planning and Zoning Commission, they need definition for townhomes and condominiums and a workshop with City Council on the subject. He stated framework is needed pertaining to density and encouraged Staff to develop guidelines.

Ms. Barbara Anglin, 1549 FM 1446, Waxahachie, requested City Council consider an Ordinance authorizing towing and impounding of vehicles if proof of insurance and/or driver's license is not provided. She stated Texas law requires proof of driver's license and proof of insurance noting surrounding cities have adopted such ordinances. Ms. Anglin stated she has been in an accident with an uninsured driver and encouraged Council to consider enforcing such Ordinance.

City Manager Paul Stevens stated he will get more information to provide to City Council.

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

Mayor and City Council thanked Mr. Levi Villarreal for his participation as Honorary Council member.

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There being no further business, the meeting adjourned at: 9:32 p.m.

Respectfully submitted,  
Lori Saunders  
City Secretary