

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 Tuesday, January 19, 2021 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Council Member
Melissa Olson, Council Member Place 3
Doug Barnes, Council Member Place 2

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 David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

City Manager Michael Scott gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mr. Chris Wright, 808 Marvin Avenue, Waxahachie, expressed concern with developers not wanting to follow City Ordinances when requesting zoning changes.

5. Consent Agenda

- a. Minutes of the City Council meeting of January 4, 2021
- b. Minutes of the City Council briefing of January 4, 2021

Action:

Council Member Doug Barnes moved to approve items a. and b. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

6. Letter of Commendation presentation by Fire Chief

Fire Chief Ricky Boyd reported while in a fast food drive-thru a customer became unconscious and pressed the gas pedal on his vehicle which caused him to strike several cars in the parking area, crash through bushes, cross the drainage ditch and 6 lanes of busy traffic on Highway 77 before finally coming to a stop on the opposite side of the road where he struck a gas meter causing the steady flow of natural gas to the area around the vehicle with the driver still inside and unconscious. Chief Boyd stated Officer Austin Rollins was the first unit on the scene and at a critical moment, showed courage and respect for another's life above his own. He was very aware of the danger he was placing himself in but more so of the pledge he took as an Officer of the City

of Waxahachie. Chief Boyd presented Officer Rollins a Letter of Commendation for his meritorious action on January 9, 2021.

7. Present Proclamation proclaiming January 26, 2021 as “Bessie Coleman Day”

Mayor Hill read a proclamation proclaiming January 26, 2021 as “Bessie Coleman Day.”

8. Public Hearing on a request by David Flores for a Specific Use Permit (SUP) for Garage Accessory Dwelling and Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 616 Dunn Street (Property ID 173378) - Owner: DAVID FLORES (ZDC-167-2020)

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks reported the applicant is requesting to construct a two-story detached garage accessory dwelling in the rear of the single-family property. He recommended approval per the following staff comments:

- The applicant will need to obtain a building permit prior to construction of the proposed structure.
- The accessory dwelling cannot be used to rent to outside tenants.
- The accessory dwelling shall not be higher than 2 feet of the primary structure.
- A concrete drive that leads from the home to the accessory structure shall be provided by the applicant.

There being no others to speak for or against ZDC-167-2020, Mayor Hill closed the Public Hearing.

9. Consider proposed Ordinance approving ZDC-167-2020

ORDINANCE NO. 3245

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY STRUCTURE/DWELLING USE WITHIN A SINGLE FAMILY-2 (SF2) ZONING DISTRICT, LOCATED AT 616 DUNN ST, PROPERTY ID 173378, BEING LOT 58A OF FERRIS 2ND ADDITION-REV, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Melissa Olson moved to approve Ordinance No. 3245 per staff comments. Council Member Chuck Beatty seconded, All Ayes.

10. Public Hearing on a request by Jesse Miller for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 115 Country Drive (Property ID 173120) - Owner: JESSE LEE MILLER (ZDC-173-2020)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant is requesting to construct an accessory structure in the rear of the single-family property and intends to use the accessory structure for storage and hobby space. He recommended approval per the following staff comments:

- The applicant will need to obtain a building permit prior to construction of the proposed structure.
- A concrete drive that leads from the home to the accessory structure shall be provided by the applicant.

There being no others to speak for or against ZDC-173-2020, Mayor Hill closed the Public Hearing.

11. Consider proposed Ordinance approving ZDC-173-2020

ORDINANCE NO. 3246

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY STRUCTURE USE WITHIN A SINGLE FAMILY-2 (SF2) ZONING DISTRICT, LOCATED AT 115 COUNTRY DRIVE, PROPERTY ID 173120, BEING LOT 8, BLOCK 4, COUNTRY PLACE PHASE II, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Doug Barnes moved to approve Ordinance No. 3246 per staff comments. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

12. Public Hearing on a request by Paul Nelson for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF use within a Planned Development-23-Single-Family Residential-1 zoning district located at 409 Lakewood Drive (Property ID 174631) - Owner: PAUL D & MELINDA A NELSON (ZDC-168-2020)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant is requesting to construct an accessory structure (detached garage) in the front of a single-family property and intends to use the garage structure to park vehicles for the home. He recommended approval per the following staff comments:

- The applicant will need to obtain a building permit prior to construction of the proposed structure.
- A concrete drive for the garage shall be provided by the applicant.

There being no others to speak for or against ZDC-168-2020, Mayor Hill closed the Public Hearing.

13. Consider proposed Ordinance approving ZDC-168-2020

ORDINANCE NO. 3247

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY STRUCTURE (DETACHED GARAGE) USE WITHIN A PLANNED DEVELOPMENT-23-SINGLE FAMILY-1 (PD-23-SF1) ZONING DISTRICT, LOCATED AT 409 LAKEWOOD DRIVE, PROPERTY ID 174631, BEING LOT E OF LAKESHORE ACRS-REV, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3247 subject to staff comments. Council Member Melissa Olson seconded, All Ayes.

14. Consider Development Agreement for ZDC-72-2020

Mr. Brooks suggested to present items 14 – 18 (ZDC-72-2020 and ANX-DNX-145-2020) together and then vote on each item separately because they all pertain to the same property. He reported the applicant is requesting approval of a Planned Development to allow single-family homes, cottage style homes, retail/office, and park/open space on 188.46 acres located NW of 2374 W Highway 287 Bypass.

Mr. Brooks reported the proposed use of the Planned Development district is to create zoning that will allow the development of 394 total lots, of which, 296 lots will fall within the categories identified on the PD Concept Plan and listed in the Proposed Planned Development Regulations. Mr. Brooks noted part of the development would be funded through a PID. He highlighted changes from the City Council meeting of December 21, 2020 as follows:

- Alleys for the cottage style homes reduced from 77% to 34%
- Total lots within the Planned Development increased from 384 to 394
- Cottage lots increased from 96 to 98

Mr. Brooks stated if approved, a mutually agreed upon Development Agreement must be signed by the applicant.

Mr. Felix Wong, Developer, presented the Planned Development Concept Plan noting it is a diversity of housing choices with six different lot types. He stated the Concept Plan complies with the Thoroughfare Plan and Future Land Use Plan. Mr. Wong stated the Concept Plan is a diverse

mix of land use encouraging a broad economic base. He noted they intend to create a walkable, interactive and high-end development by creating several open spaces, including pocket parks, a 3.5 acre amenity park, and a dog park.

Those who spoke for ZDC-72-2020 and ANX-DNX-145-2020:

Mr. Terrance Jobe, Developer, 2415 Somerfield, Midlothian, Texas

Those who spoke against ZDC-72-2020 and ANX-DNX-145-2020:

Mr. Richard Rozier, 4250 Black Champ Road, Waxahachie, Texas

Mr. Chris Wright, 808 Marvin Avenue, Waxahachie, Texas

Ms. Linda Romanenko, 2951 Longbranch Road, Waxahachie, Texas

Mr. Jim Hallbauer, 3640 Black Champ Road, Waxahachie, Texas

Action:

Council Member Melissa Olson moved to deny a Development Agreement for ZDC-72-2020. Council Member Doug Barnes seconded, All Ayes.

- 15. Continue Public Hearing on a request by Carolyn J Haman for Voluntary Annexation on approximately 150.5+/- acres located NW of 2374 W Highway 287 Bypass (Property ID 185971 and 185886) - Owner: CAROLYN J HAMAN (ANX-DNX-145-2020)**

Mayor Hill continued the Public Hearing.

There being no others to speak for or against ANX-DNX-145-2020, Mayor Hill closed the Public Hearing.

- 16. Consider proposed Ordinance approving ANX-DNX-145-2020**

Action:

Council Member Doug Barnes moved to deny ANX-DNX-145-2020. Council Member Chuck Beatty seconded, All Ayes.

- 17. Continue Public Hearing on a request by Phillip Fisher, Macatee Engineering LLC, for a Zoning Change from a Future Development and General Retail zoning district to Planned Development-Mixed-Use Residential, located W of 2374 W Highway 287 Bypass (Property IDs 185971, 185972, 185886, 185978) - Owner: CAROLYN J HAMAN (ZDC-72-2020)**

Mayor Hill continued the Public Hearing.

There being no others to speak for or against ZDC-72-2020, Mayor Hill closed the Public Hearing.

18. Consider proposed Ordinance approving ZDC-72-2020

Action:

Mayor Pro Tem Mary Lou Shipley moved to deny ZDC-72-2020. Council Member Melissa Olson seconded, All Ayes.

19. Continue Public Hearing on a request by Nicholas Balsamo, Kalterra Capital Partners, for a Zoning Change from a Multiple-Family Residential-2 zoning district to Planned Development-Multiple-Family Residential-2, located near the SW corner of Park Place Blvd at Garden Valley Pkwy (Property ID 275563) - Owner: KALTERRA CAPITAL PARTNERS LLC (ZDC-159-2020)

Mayor Hill continued the Public Hearing.

Mr. Brooks reported the applicant is requesting approval of a Planned Development to allow for construction of 184 multi-family residential units on approximately 12.9 acres. The development will consist of four (4) apartment buildings with a maximum height of three (3) stories. He stated 138 attached garages are required and the applicant will provide a mix of attached garages and attached carports. There will be no front facing balconies and patios will be reduced. Metal fence with masonry columns will be installed. He stated the applicant is requesting variances on side setbacks and rear setbacks.

Mr. Clint Nolen, Developer, Kalterra Capital Partners, LLC, stated they are eliminating the requested setback variances and will meet all setback requirements on Park Place.

Mr. Brooks recommended approval subject to the following staff comment:

- A mutually agreed upon Development Agreement shall be required for the development.

There being no others to speak for or against ZDC-159-2020, Mayor Hill closed the Public Hearing.

20. Consider proposed Ordinance approving ZDC-159-2020

ORDINANCE NO. 3248

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM MULTI FAMILY-2 (MF2) TO PLANNED DEVELOPMENT-MUTI FAMILY-2 (PD-MF2), LOCATED AT THE SOUTHWEST CORNER OF PARK PLACE BLVD AND GARDEN VALLEY PKWY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 13.17 ACRES KNOWN AS A PORTION OF PROPERTY ID 275563 OF ABSTRACT 5 OF THE JB AND A ADAMS SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Melissa Olson moved to approve Ordinance No. 3248. Council Member Doug Barnes seconded, All Ayes.

21. Consider Development Agreement for ZDC-159-2020

Action:

Council Member Chuck Beatty moved to approve a Development Agreement for ZDC-159-2020. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

22. Consider award of a bid to Holland Right of Way, LLC for code enforcement abatement mowing and general site clean-up services

Building and Community Services Director Jose Martinez presented a bid award associated with two one-year renewal options with Holland Right of Way, LLC for code enforcement related abatement mowing and general cleanup services in the amount of \$89,675. He stated this is within budget and staff recommends approval.

Action:

Mayor Pro Tem Mary Lou Shipley moved to award Holland Right of Way, LLC for code enforcement abatement mowing and general site clean-up services as presented. Council Member Melissa Olson seconded, All Ayes.

23. Consider proposed Ordinance ordering an election to be held for the purpose of electing At-Large Council Members Places 4 & 5, and providing for a contract for election services with Ellis County Elections Administration

ORDINANCE NO. 3249

AN ORDINANCE ORDERING AN ELECTION TO BE HELD FOR THE PURPOSE OF ELECTING AT-LARGE COUNCIL MEMBER PLACES 4 & 5; PROVIDING FOR A CONTRACT FOR ELECTION SERVICES WITH ELLIS COUNTY ELECTIONS ADMINISTRATION; DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE

Action:

Council Member Chuck Beatty moved to approve Ordinance No. 3249 as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

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

Council Member Doug Barnes and Council Member Chuck Beatty referenced the Letter of Commendation to Officer Austin Rollins and congratulated him for being so brave.

Mayor David Hill stated bravery is amazing and our first responders do it every day noting he is so proud of all of them.

25. Adjourn

There being no further business, the meeting adjourned at 8:14 p.m.

Respectfully submitted,

Lori Cartwright, City Secretary