

City Council
August 15, 2022

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, Waxahachie, Texas, on Monday, August 15, 2022 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Chris Wright, Mayor Pro Tem, Council Member Place 3
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Robert Brown, City Attorney
Amber Villarreal, 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

Jason Curry, President TBHC Foster Care and Adoption, gave the invocation. Mayor Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Paula Justice, 602 Cantrell, Waxahachie, Texas, expressed opposition to the City siting their RV park to be non-compliant with zoning regulations.

Alan Fox, 327 University, Waxahachie, Texas, commended City administration and Mayor Hill for prioritizing citizen safety during the Beto O'Rourke Drive Across Texas event held in downtown Waxahachie. Mr. Fox also thanked Waxahachie Police Officers at the event for their professionalism.

Cami Clay, 602 Cantrell, Lot 4, Waxahachie, Texas, spoke in concern of losing her home, as well as other residents who rent at the RV park, if the City proceeds with closing the park for non-compliance with zoning.

Paul Christenson, 110 Williams, Waxahachie, Texas, expressed his disagreement that Certificates of Obligation are ethical, although they are legal. Mr. Christenson requested transparency, bonds approved by citizens, prioritized projects funded by the General Fund, and accused the City of mismanagement of funds.

Bruce Zimmerman, 2821 Howard Road, Waxahachie, Texas, thanked City Council for their service and spoke in support of allowing the tenants to continue living at the RV park at 602 Cantrell.

Anissa Pryor, 602 Cantrell, Lot 21, Waxahachie, Texas, requested City Council be transparent with their plans for the property at 602 Cantrell. Ms. Pryor thanked City Council for their service.

Jim Jordan, 602 Cantrell, Lot 1, explained he has lived at the RV park for 8 years and hopes to continue living there for years to come.

5. Consent Agenda

- a. Minutes of the City Council meeting of August 1, 2022
- b. Minutes of the City Council briefing of August 1, 2022
- c. Minutes of the City Council work session of August 4, 2022
- d. Event application for 2022 Junk in the Trunk events to be held September 17, 2022 and November 19, 2022
- e. Event application for Downtown Jamboree to be held October 15, 2022 at Railyard Park
- f. Event application for “Run to be Proactive” Veteran’s Oath to be held October 15, 2022 at Getzendaner Park
- g. Event application for Hike for Life 2022 to be held October 22, 2022 at Brown/Singleton Park
- h. Award of bids for one-year contracts with Befour Chemicals and Polydyne for wastewater polymers and Pencco, Inc. for hydrofluorosilicic acid
- i. Supplemental Appropriation for Insurance Reimbursement to the Parks Department Budget in the amount of \$29,152.48
- j. Resolution approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy, Mid-Tex Division

Action:

Council Member Billie Wallace moved to approve items a. through j. on the Consent Agenda. Council Member Patrick Souter seconded, All Ayes.

6. Present Proclamation proclaiming August 23, 2022 as “Martin Van Buren Davis, Sr. Day”

Mayor Hill presented a Proclamation proclaiming August 23, 2022 as “Martin Van Buren Davis, Sr. Day” celebrating his 100th birthday.

7. Public Hearing on a request by Clint Rhodes, for a Plat of Rhodes Addition, 1 Residential Lot, being 1.00 acres, located at 2407 Howard Rd., (Property ID 182086,) – Owner: MASTERPIECE PROPERTIES (SUB-58-2022)

Senior Director of Planning Jennifer Pruitt presented the case noting the applicant is requesting to plat the subject property into one (1) lot for single-family residential use. The applicant made a petition of relief waiver request for a 25’ front building line setback instead of the 40’ required due to the existing structure encroaching into the 40’ required front building line setback. Staff and the Planning and Zoning Commission recommended approval of the plat and approval of the petition of relief waiver.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against SUB-58-2022, Mayor Hill closed the Public Hearing.

8. Consider approval of SUB-58-2022

Action:

Council Member Billie Wallace moved to approve a request by Clint Rhodes, for a Plat of Rhodes Addition, 1 Residential Lot, being 1.00 acres, located at 2407 Howard Rd., (Property ID 182086,) – Owner: MASTERPIECE PROPERTIES (SUB-58-2022). Council Member Travis Smith seconded, All Ayes.

9. Consider request by Chris Muder, REES Associates Inc., for a detailed Site Plan Review for the Villages of Country Lane, an Assisted & Senior Living use within a Planned Development-90 (Office) zoning district at 110 Park Hills Drive (Property ID: 241956) – Owner: BRIDGEVIEW REALTY CAPITAL LLC (SP-55-2022)

Ms. Pruitt presented the case noting the applicant is requesting a Site Plan approval to construct a two-story assisted and senior living facility on 5.215 acres at 110 Park Hills Drive. The proposed development includes 78 dwelling units for independent living, 59 assisted living beds, and 28 memory care beds. The proposed facility includes four outdoor courtyards and a pool for residents. Additionally, on-site amenities including a restaurant, fitness center, yoga studio, theater, game room, dog park, salon, and activity space are proposed with the facility. Ms. Pruitt noted the western portion of the property, along Highway 77, is covered by an 80-foot TXU electric easement and the owner has received permission from Oncor to place a dog park and additional parking spaces within the easement. The applicant provided two (2) exterior elevation options for the proposed development with both options featuring natural stone and stucco as the primary materials, with siding and board and batten accents. The Planning and Zoning Commission recommended approval of the Site Plan with exterior elevation option 2 and staff concurred.

Action:

Council Member Billie Wallace moved to approve a request by Chris Muder, REES Associates Inc., for a detailed Site Plan Review for the Villages of Country Lane, an Assisted & Senior Living use within a Planned Development-90 (Office) zoning district at 110 Park Hills Drive (Property ID: 241956) – Owner: BRIDGEVIEW REALTY CAPITAL LLC (SP-55-2022) with exterior elevation option 2. Mayor Pro Tem Chris Wright seconded, All Ayes.

10. Public Hearing on a request by Michelle Kucaba, Interplan, LLC, for a Specific Use Permit (SUP) for a Restaurant with a Drive-Through use within a Planned Development-General Retail (PD-GR) zoning district located at 996 W Highway 287 (Property ID 142134) - Owner: CHICK-FIL-A INC (ZDC-47-2022)

Ms. Pruitt presented the case noting the applicant requests a specific use permit to modify the drive through circulation and configuration for the existing Chick-Fil-A located at 996 W. Highway 287. She noted the applicant is not proposing any changes to the building and staff and the Planning and Zoning Commission recommended approval per the following staff comments:

1. The subject property shall conform to the layout shown in the site plan.
2. The applicant shall obtain a permit from the City of Waxahachie Building Department and Public Works and Engineering Department prior to construction.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-47-2022, Mayor Hill closed the Public Hearing.

11. Consider proposed Ordinance approving ZDC-47-2022

ORDINANCE NO. 3333

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE THROUGH ESTABLISHMENT USE WITHIN A PLANNED DEVELOPMENT DISTRICT- GENERAL RETAIL (PD-GR) LOCATED AT 996 W HIGHWAY 287 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.66 ACRES KNOWN AS PROPERTY ID 142134, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace moved to approve Ordinance No. 3333. Council Member Travis Smith seconded, All Ayes.

12. Public Hearing on a request by Jeb Jones, Pro Star Rental, for a Specific Use Permit (SUP) for a Heavy Machinery and Equipment Sales and Rental, use within a Light Industrial (LI-1) zoning district located at 2601 North Highway 77 (Property ID 174803) - Owner: CJ COMMERCIAL CO LLC (ZDC-52-2022)

Ms. Pruitt presented the case noting the applicant requests a specific use permit to expand an existing heavy machinery and equipment sales and rental business (Pro Star Rental of Waxahachie). The property owner plans to purchase and acquire an additional 0.5 acres from the Northside Church of Christ to integrate into the site and expand the business's equipment rental and sales storage area. Ms. Pruitt explained the applicant is requesting a variance to allow for gravel on the perimeter of the new storage area instead of using concrete as proposed in the remainder. The applicant is also requesting a variance to not screen the outdoor storage along the western property line since the property on the west currently uses that area for outdoor storage, causing minimal visual impact where no screening is proposed. Staff and the Planning and Zoning Commission recommended approval per the following staff comments:

1. Approval of a variance request to utilize gravel in areas shown on the site plan.
2. Approval of a variance request to not screen the newly incorporated outdoor storage area along the western property line as shown on the site plan.
3. The applicant shall include a landscape plan for the living screen with the civil plan application submitted to the City of Waxahachie Public Works and Engineering Department.
4. The applicant shall obtain an irrigation permit from the City of Waxahachie Building Department prior to construction.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-52-2022, Mayor Hill closed the Public Hearing.

13. Consider proposed Ordinance approving ZDC-52-2022

ORDINANCE NO. 3334

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HEAVY MACHINERY AND EQUIPMENT SALES AND RENTAL USE WITHIN A LIGHT INDUSTRIAL-1 DISTRICT LOCATED ON 2601 NORTH HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.85 ACRES KNOWN AS PROPERTY ID 174803, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace moved to approve Ordinance No. 3334 per staff comments. Council Member Travis Smith seconded, All Ayes.

14. Public Hearing on a request by Shannon Childs, for a Specific Use Permit (SUP) for an Accessory Dwelling Unit, use within a Single Family – 2 (SF-2) zoning district located at 301 Olive Street (Property ID 180822) - Owner: SHANNON MARIE CHILDS (ZDC-76-2022)

Ms. Pruitt presented the case noting the applicant is requesting to utilize an existing accessory structure (731 sq. ft.) as an accessory dwelling unit. Staff and the Planning and Zoning Commission recommended approval per the following staff comments:

1. The accessory dwelling unit shall not be used for residence by a non-family member.
2. The structure shall, in any case, not be leased or sold and shall not be separately metered.
3. The applicant will need to ensure that the structure is habitable.
4. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to renovating the accessory structure.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-76-2022, Mayor Hill closed the Public Hearing.

15. Consider proposed Ordinance approving ZDC-76-2022

ORDINANCE NO. 3335

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY DWELLING UNIT USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 301 OLIVE STREET, BEING PROPERTY ID 180822, 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 Billie Wallace moved to approve Ordinance No. 3335 per staff comments. Council Member Travis Smith seconded, All Ayes.

16. Public Hearing on a request by Nic Paul, for a Specific Use Permit (SUP) for an Accessory Structure +700sf, use within a Single Family – 1 (SF-1) zoning district located at 116 Spring Creek Drive (Property ID 206116) - Owner: LEE & ANNA L. MARTIN (ZDC-83-2022)

Ms. Pruitt presented the case noting the applicant is requesting to construct a +700 sq. ft. (1,500 sq. ft.) accessory structure to the rear of a single-family residential lot and staff and the Planning and Zoning Commission recommended approval per staff comments:

1. The accessory structure shall not be used as a dwelling.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The concrete will be extended from the driveway to the accessory structure.
5. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to the construction of the accessory structure.

Ms. Pruitt stated the use of the building to operate a business is prohibited.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-83-2022, Mayor Hill closed the Public Hearing.

17. Consider proposed Ordinance approving ZDC-83-2022

ORDINANCE NO. 3336

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EQUAL TO OR GREATER THAN 700 SQUARE FEET USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED 116 SPRING CREEK DRIVE, BEING PROPERTY ID 206166, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 11A, IN THE ROCK BOTTOM RANCH ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace moved to approve Ordinance No. 3336 per staff comments. Council Member Patrick Souter seconded, All Ayes.

18. Public Hearing on a request by Gregory Nehib, Big Blue Truck, LLC, for a Zoning Change from Single Family Residential-2 (SF-2) zoning district to Central Area (CA) zoning district, located at 206 and 208 N Jackson Street (Property ID 170695 and 170696) - Owner: BIG BLUE TRUCK, LLC (ZDC-80-2022)

Ms. Pruitt presented the case noting the applicant is requesting to rezone approximately 1.98 acres of land located at 206 and 208 North Jackson Street from single-family-residential-2 (SF-2) district to Central Area (CA) district to reuse the existing building for indoor amusement. The property owner has a tenant who would like to operate a haunted house (Reindeer Manor) and a skate park. The applicant has noted they do not plan to make any exterior changes to the building or site improvements. Instead, the prospective tenant intends to make interior changes to occupy the building. Ms. Pruitt stated although the zoning change from SF-2 to Central Area District is appropriate, staff is concerned with the haunted house use and the lack of enhancement or improvements to the existing building given the property's close proximity to downtown. Staff informed the applicant that a site plan will be required if the property owner makes any site and building improvements. Staff received 7 letters of support, 2 letters of opposition, and 1 letter undecided. Staff recommended denial due to staff concerns. The Planning and Zoning Commission recommended approval by a 5-1 vote.

Mayor Hill opened the Public Hearing.

Greg Nehib, 1023 W. Main, Waxahachie, Texas, requested to change the zoning to Central Area District to match the zoning across the street. He explained the 18,000-sf. building is fully sprinkled and commercial taxes are paid on the property although it is zoned Single-Family-Residential.

Those who spoke in support:

Coy Sevier, 311 Brown Street, Waxahachie

Carl Goss, 603 N. Rogers, Waxahachie

Alan Fox, 327 University, Waxahachie

Alex Lohman, 801 W. Main, Waxahachie, potential operator of seasonal haunted house proposed

Those who spoke in opposition:

Brett Hess, 327 Blue Ribbon Road, Waxahachie

Council Member Billie Wallace inquired about parking on-site and Mr. Nehib explained consideration has been given to allow for employee parking. There is potentially space for 100 parking spots; however, they are not weather proof.

Council Member Travis Smith, Mayor Pro Tem Chris Wright, and Council Member Patrick Souter expressed concern with a straight Central Area District zoning change which would allow a multitude of uses in that area by right. They expressed support for changing the zoning through a Planned Development to remove unwanted uses from the Central Area District zoning for that site.

Mr. Nehib explained there are 3 buildings on-site that could possibly have 3 different uses and would be restricted with a Planned Development.

Council Member Smith asked Mr. Nehib if he is willing to work with staff to identify specific uses for the site and Mr. Nehib agreed.

Mayor Pro Tem Wright expressed his concern with lack of parking and spoke in support of a Planned Development for the site.

Council Member Souter spoke in support of a haunted house and skatepark but voiced his concern for those uses at the proposed site. He expressed his concern regarding parking, the negative affect on surrounding businesses, and lack of exterior improvements to the site.

There being no others to speak for or against ZDC-80-2022, Mayor Hill closed the Public Hearing.

19. Consider proposed Ordinance approving ZDC-80-2022

Action:

Mayor Pro Tem Chris Wright moved to deny ZDC-80-2022 as presented. Council Member Billie Wallace seconded, All Ayes.

20. Consider setting Proposed Tax Rate and Dates for Public Hearing

Finance Director Chad Tustison reported, as part of the annual budget process, Chapter 26 of the Property Tax Code requires taxing units to comply with the truth-in-taxation laws in adopting their tax rates. He stated the FY 2023 proposed budget includes a proposed tax rate of \$0.63000. Staff recommended taking a record vote to propose an ad valorem tax rate of \$0.63000 for FY 2023 and schedule a public hearing for Tuesday, August 30, 2022 at 5:30 p.m. in the City Council Chamber. City Council will consider adoption of the tax rate for FY 2023 on September 6, 2022 at 7:00 p.m.

Action:

Mayor Pro Tem Chris Wright moved to set a proposed tax rate of \$.63000 per \$100 valuation, schedule a public hearing on the tax rate for August 30, 2022 at 5:30 p.m. in the City Council Chamber, and vote to adopt the tax rate on September 6, 2022 at 7:00 p.m. in the City Council Chamber. Council Member Patrick Souter seconded, the vote was as follows: Ayes: David Hill, Chris Wright, Patrick Souter, and Travis Smith. Noes: Billie Wallace.

The motion carried.

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

Council Member Billie Wallace thanked the Fire Department for their quick assistance installing window units to a local non-profit. Council Member Wallace explained she voted against the proposed tax rate as a voice of the tax payers and noted the City can provide more relief due to the inflated property values.

City Manager Michael Scott thanked Senior Planning Director Jennifer Pruitt and her team for all their work.

Mayor Pro Tem Chris Wright announced his phone number and encouraged Paul Christenson to contact him to discuss his concerns.

Council Member Patrick Souter thanked the Police Department for how they handled the Beto O'Rourke Drive Across Texas event downtown. Council Member Souter opposed Mr. Christenson's accusations of unethical behavior noting the law identifies projects allowed to be funded through Certificates of Obligations and the City follows the statutes for the benefit of the citizens.

Mayor David Hill thanked everyone for their meeting attendance.

22. Adjourn

There being no further business, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary