

City Council  
April 17, 2023

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, April 17, 2023 at 7:00 p.m.

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

Council Member Absent: Patrick Souter, Council Member Place 2

Others Present: Michael Scott, City Manager  
Albert Lawrence, Deputy City Manager  
Terry Welch, 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**

Bishop Aaron Blake, Harvest Family Life Ministries, gave the invocation. Mayor Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

None.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of April 3, 2023
- b. Event application for Hymn Singing at Railyard Park on April 30, 2023
- c. Event application for the Waxahachie Symphony Association at the Chautauqua Auditorium on May 6, 2023
- d. Approval of an Engineering Professional Services Agreement with Teague Nall and Perkins, Inc. for the Perry Ave Paving and Drainage Improvements Project
- e. Supplemental appropriation in the amount of \$216,000 for legal services

**Action:**

*Council Member Billie Wallace moved to approve items a. through e. on the Consent Agenda. Council Member Travis Smith seconded, All Ayes.*

**6. Introduce Honorary Council Member**

Mayor Pro Tem Chris Wright introduced Thomas Jordan as the Honorary Council Member for April 2023. Thomas is 50 years old, the son of Carolyn Jordan, and grew up in Waxahachie. His

grandfather, Albert Jack Levingston, used to work on city buildings when he was living. Mr. Jordan has worked alongside Mr. Wright mowing and cleaning up his family plot at Prince Hall Fraternal Cemetery. He has been homeless for about 10 years and owns land on McClain Street in Waxahachie. Mr. Jordan previously worked as a heavy equipment operator and truck driver until he became disabled. He is a friend of Mr. Wright and assists him and the Boy Scouts with setting out flags for the Rotary Club. Mayor Pro Tem Wright thanked Mr. Jordan for his attendance as a representative of the homeless community.

**7. Present Proclamation recognizing April 2023 as “Child Abuse Prevention Month”**

Mayor Hill presented a proclamation to Bishop Aaron Blake recognizing April 2023 as “Child Abuse Prevention Month.”

**8. Public Hearing on a request by Dalton Bradbury, Acker Bradbury Construction, for a Zoning Change from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district, located at 502 W Marvin Avenue (Property ID: 171953) – Owner: DONNIE LORD & BENITA LORD (ZDC-13-2023)**

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant proposes to rezone the subject property from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district. The proposed zoning change is a companion case to SUB-17-2023; which is a replat request for the subject property seeking to divide the property into two buildable single-family lots. Despite the subject property’s MF-1 zoning, a single-family residence has existed on site since the 1920’s. All adjacent single-family residences along W. Marvin Avenue and much of Bryson Street are currently zoned SF-2. Staff recommended approval.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-13-2023, Mayor Hill closed the Public Hearing.

**9. Consider proposed Ordinance approving ZDC-13-2023**

**ORDINANCE NO. 3368**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM MULTI-FAMILY-1 (MF-1) TO SINGLE FAMILY-2 (SF-2) LOCATED AT 502 W MARVIN AVENUE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.569 ACRES KNOWN AS LOTS 7 & 8, BLOCK 352 OF THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Billie Wallace moved to approve the Ordinance for ZDC-13-2023, a Zoning Change request from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district at 502 W. Marvin Avenue, and authorize the City Manager and/or Mayor to execute all documents as necessary. Council Member Travis Smith seconded, All Ayes.*

**10. Public Hearing on a request by Dalton Bradbury, Acker Bradbury Construction, for a Replat of Lots 7 & 8, Block 352, Town Addition, to create Lots 7R & 8R, Block 352, Town Addition, two (2) residential lots, being 0.569 acres, located at 502 W Marvin Avenue (Property ID: 171953) – Owner: DONNIE LORD & BENITA LORD (SUB-17-2023)**

Ms. Pruitt presented the case noting the applicant proposes to replat the subject property into two (2) lots for single-family residential use. The proposed replat is a companion case to ZDC-13-2023; which is a zoning change request for the subject property seeking to rezone the property from Multi-Family-1 (MF-1) to Single Family-2 (SF-2). This replat request is contingent on the approval of ZDC-13-2023; so, the application was reviewed against the requirements of the SF-2 zoning district and the Infill Overlay District.

The proposed Lot 8R does not meet the minimum lot size requirement of the infill Overlay District. This is due in large part to a few larger than average lots in the immediate vicinity that skew the average lot size within 50' of the property. However, the 6,989-square-foot proposed lot is still comparable to existing lots along Bryson Street which range from 7,700 square feet to 9,500 square feet. The applicant is seeking a Petition for Relief Waiver for the size of Lot 8R due to the existing conditions of the site. A detached garage is currently situated on the subject property serving Lot 7R; which restricts the maximum size of Lot 8R. Due to the existing conditions of the site, and the comparable size to existing lots on Bryson Street, staff is supportive of the Petition for Relief Waiver for Lot Size.

The applicant is also seeking a Petition for Hardship Waiver to allow for a 10' utility easement for Lot 7R along Bryson Street. The applicant is seeking this variance because the existing home on proposed Lot 7R is situated closer to the property line than 15'. The typical utility easement requirement along public right-of-way (ROW) is 15'. If the applicant were to adhere to this requirement, a portion of the existing home would have to be demolished. Staff is supportive of the variance request for the 10' utility easement due to the fact that City utility facilities are located within the Bryson Street ROW.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against SUB-17-2023, Mayor Hill closed the Public Hearing.

**11. Consider approval of SUB-17-2023**

**Action:**

Council Member Billie Wallace *moved to approve SUB-17-2023, a replat of Lots 7 & 8, Block 352 of the Town Addition, subject to the conditions of the staff report, and authorize the City Manager and/or Mayor to execute all documents as necessary. Mayor Pro Tem Chris Wright seconded, All Ayes.*

**12. Public Hearing on a request by Brad Yates, for a Zoning Change to Amend Ordinance No. 3297 for The Graily Private Club (Event Center) to allow for a second-floor lounge and balcony, located at 716 Dunaway Street (Property ID: 193948)– Owner: GRAILY HOLDINGS LLC (ZDC-21-2023)**

Ms. Pruitt presented the case noting the applicant proposes to amend Ord. 3297, a Planned Development for The Graily Private Club (Event Center), to allow for a second-floor lounge and balcony in lieu of a second-floor storage area. Ordinance 3297, approved on October 4, 2021, allowed for the conversion of the South Ward/Bullard Heights School House into a one-story event center. At the time of this approval, a Development Agreement was also approved for the project. Both the Development Agreement and Planned Development (Ord. 3297) required a Detailed Site Plan to be approved by City Council prior to on-site improvements. On August 1, 2022 a Detailed Site Plan (SP-70-2022) for the event center was approved by City Council. This Detailed Site Plan included a new second story addition. The second story addition was verbally noted by the applicant/owner to be used exclusively for storage.

Following approval of the Detailed Site Plan, the applicant began construction of the event center. As construction was near completion in early 2023, the Building & Community Services Department staff noticed the second floor was not finished out exclusively as a storage space. At this time, the applicant informed staff that a decision had been made to finish out the second floor as a lounge and balcony for the event center. As this use of the second story was not approved with the PD or Detailed Site Plan for the property, the applicant submitted a Planned Development Amendment request in order to allow for a second floor lounge and balcony. With this request, the applicant provided an As-Built Floor Plan, As-Built Site Plan, and As-Built Civil Construction Plans for the site. The second floor lounge and balcony has added floor area for the event center and triggers a need for additional parking. A combination of 57 on-site parking spaces and an agreement for 35 off-site parking spaces at Full Life Assembly of God Church (800 S Rogers Street) is sufficient to meet the venue's minimum parking requirement of 62 spaces. Staff recommended approval.

Mayor Pro Tem Wright asked if the use of the second floor increased the parking space requirement and Ms. Pruitt noted the total square footage of the building determined the parking space requirement.

Mayor Hill opened the Public Hearing.

Brad Yates, 626 Kaufman, Waxahachie, Texas, stated he is not asking for an increase in occupancy capacity for the building.

Council Member Billie Wallace thanked Mr. Yates for the renovation of the building.

Those who spoke in favor:

John Hamilton, 300 Briggs, Waxahachie, Texas  
Amber Adams, 301 S. Rogers, Waxahachie, Texas

There being no others to speak for or against ZDC-21-2023, Mayor Hill closed the Public Hearing.

**13. Consider proposed Ordinance approving ZDC-21-2023**

**ORDINANCE NO. 3369**

**AN AMENDMENT TO ORDINANCE 3297 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3), WITH AN AMENDED ORDINANCE, TO ALLOW THE USE OF A SECOND-FLOOR LOUNGE AND BALCONY IN LIEU OF A SECOND-FLOOR STORAGE AREA USE, LOCATED AT 716 DUNAWAY STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.873 ACRES KNOWN AS A PORTION OF PROPERTY ID 193948, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Billie Wallace moved to approve the amended Ordinance for ZDC-21-2023, a Zoning Change, subject to the condition of the staff report, and authorize the City Manager and/or Mayor to execute all documents as necessary. Council Member Travis Smith seconded, All Ayes.*

**14. Public Hearing on a request by Amber Adams, Ellis County Museum, for a Specific Use Permit (SUP) for a Private Club (Event Venue) use within a Central Area (CA) zoning district, located at 201 S College Street (Property ID: 193406) – Owner: ELLIS COUNTY MUSEUM & ART GALLERY (ZDC-29-2023)**

Ms. Pruitt presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow for a Private Club (Ellis County Museum Event Venue) use on the entire third floor of 201 S. College Street. The Ellis County Museum began a comprehensive remodel project in 2020 that included all three floors. In total, the third floor is 4,253 square feet and can be accessed via stairs or an elevator at the rear of the building. The applicant has noted the venue will be titled “1889 on the Square” and will play host to public and private events such as weddings, receptions, and celebrations. A kitchen area is available on the third floor; but it is not functional as a traditional kitchen or restaurant. Instead, the space will only be available for caterers to prep food on site. The venue is anticipated to be open from 9:00 am to 12:00 am in 4-hour to 8-hour increments. The applicant anticipates retaining between two and five staff members for the venue. Staff recommended approval.

Mayor Hill opened the Public Hearing.

Council Member Travis Smith asked why only the third floor is included in the Specific Use Permit request and Ms. Pruitt explained that was the request from the applicant.

Amber Adams, 301 S. Rogers, Waxahachie, Texas, explained the event space is a separate entity from the Ellis County Museum. Due to liability and insurance issues, the third floor is the space that will be used as an event venue.

There being no others to speak for or against ZDC-29-2023, Mayor Hill closed the Public Hearing.

**15. Consider proposed Ordinance approving ZDC-29-2023**

**ORDINANCE NO. 3370**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A PRIVATE CLUB (ELLIS COUNTY MUSEUM EVENT VENUE) USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT, LOCATED ON THE THIRD-FLOOR OF 201 S COLLEGE STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PROPERTY ID 193406, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Billie Wallace moved to approve the Ordinance for ZDC-29-2023, a Specific Use Permit (SUP) request for a Private Club use on the third-floor of 201 S. College Street, subject to the conditions of the staff report, and authorize the City Manager and/or Mayor to execute all documents as necessary. Council Member Travis Smith seconded, All Ayes.*

**16. Public Hearing on a request by Gina McLean, Nationwide Construction, for a Specific Use Permit (SUP) for a medical facility use (Expedian Urgent Care) within a Commercial (C) zoning district located at 1601 N Highway 77 (Property ID 174568)- Owner: MC INVESTMENT FUND, LLC (ZDC-161-2022)**

Ms. Pruitt presented the case noting the applicant is requesting a Specific Use Permit for a medical facility use (Expedian Urgent Care) located at 1601 N. Highway 77. The new medical facility will replace the existing medical building. The applicant proposes constructing a new 6,397 square foot building on a 1.2 acre tract. The building will have three suites, one for the medical facility and two for retail and/or office uses. The property owner does not have a prospective tenant for the two additional suites, but has parked the remaining building area for retail, anticipating a retail user in the future. The property owner understands that future occupants must comply with the City's parking requirement. Additionally, since most of the site is paved with concrete, the applicant plans to add new concrete curbs to improve site circulation and a new trash enclosure. The site provides adequate access and maneuvering for fire and emergency responders. As presented, the landscape plan complies with all other landscape requirements and staff recommended approval.

Mayor Hill opened the Public Hearing.

City Council expressed concerns with traffic safely exiting the property to Highway 77. The Council reviewed options to connect to the feeder road to the north of the property or requiring a right turn only exit to Highway 77.

James Gaertner, Executive Director of Public Works and Engineering, noted he was not aware of the property owner exploring those options due to the need of an access easement from the adjacent property owner and the property is not currently restricted to a right turn exit to Highway 77.

Gina McClain, Nationwide Construction, stated the owner will agree to a right turn only exit to Highway 77. She explained the rear of the property is in a floodplain and there is an elevation drop between the adjacent property so connecting to the rear feeder road was not a consideration.

Mr. Gaertner recommended adding an island to force a right turn only and noted the permit approval would be needed by TxDOT.

Kevin Ivey, 1980 E. Highland Road, Waxahachie, Texas, explained the street exit directly across from Expedian Urgent Care is not restricted to a right turn only and expressed his disapproval for requesting this property owner to add a right turn only exit.

There being no others to speak for or against ZDC-161-2022, Mayor Hill closed the Public Hearing.

**17. Consider proposed Ordinance approving ZDC-161-2022**

**ORDINANCE NO. 3371**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A MEDICAL FACILITY (EXPEDIAN URGENT CARE) WITHIN A COMMERCIAL DISTRICT LOCATED AT 1601 NORTH HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.24 ACRES KNOWN AS PROPERTY ID 174568, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Billie Wallace moved to approve the Ordinance for ZDC-161-2022, a Specific Use Permit (SUP) for a medical facility use, subject to the conditions of the staff report, request approval by TxDOT for a right turn only exit, and authorize the City Manager and/or Mayor to execute all documents as necessary. Mayor Pro Tem Chris Wright seconded, All Ayes.*

**18. Consider Development Agreement for ZDC-161-2022**

**Action:**

*Council Member Billie Wallace moved to approve a Development Agreement for ZDC-161-2022. Mayor Pro Tem Chris Wright seconded, All Ayes.*

**19. Public Hearing on a request by Cassie Williams, Saddles Bar and Grill, for a Specific Use Permit (SUP) for a Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N College Street (Property ID 170425)-Owner: BISON CREEK PARTNERS, LTD (ZDC-16-2023)**

Ms. Pruitt presented the case noting the applicant is requesting a Specific Use Permit for Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N. College Street. The building at 200 North College Street is 3 stories and approximately 3,500 square feet. The building currently has a basement (1,289 sq. ft.), first floor (1,985 sq. ft.), and a loft. The bar and grill will occupy the basement and the first floor with the bar and grill, and will use the loft

area for storage. The applicant will need to amend the SUP to use the loft area for the restaurant in the future, since they are currently proposing to use it for storage only. Upon obtaining approval for the Specific Use Permit, the applicant will be obligated to apply for building permits and bring the building up to code in compliance with the standards established by the International Building Code and Fire Code.

The basement will have pool tables, restrooms and the restaurant kitchen. The first floor will have the bar, high top dining tables, booths, a dance floor, and a performance stage for live entertainment. The applicant anticipates having about 18 employees at opening, and this number may change based on business demands. Saddles Bar and Grill will be open for business Tuesdays 11:00 am to 10:00 pm, and Wednesday through Friday 11:00 am to 12:00 am, and Saturday 11:00 am to 1:00 am. The applicant has indicated to staff that they intend to comply with all TABC requirements.

Ms. Pruitt explained the Planning and Zoning Commission added the following two provisions:

1. The Specific Use Permit to operate a tavern use on the subject property will not transfer to a future property owner/operator.
2. The Specific Use Permit will terminate if the tavern use doesn't occupy the building within two years from the date City Council approves the specific use permit.

Cassie Williams, 671 Robnett Road, Waxahachie, Texas, explained improvements will include the repair of the pier and beams in the foundation as well as other improvements to bring the building up to code. She noted the plan is to open in January 2024.

Council Member Smith strongly encouraged the applicant to have the building thoroughly assessed for potential safety hazards prior to funding improvements and leasing the space.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-16-2023, Mayor Hill closed the Public Hearing.

**20. Consider proposed Ordinance approving ZDC-16-2023**

**ORDINANCE NO. 3372**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A TAVERN USE (SADDLES BAR AND GRILL) WITHIN A CENTRAL AREA (CA) DISTRICT LOCATED AT 200 NORTH COLLEGE STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.11 ACRES KNOWN AS PROPERTY ID 170425, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Billie Wallace moved to approve the Ordinance for ZDC-16-2023, a Specific Use Permit (SUP) for a Tavern use, subject to the conditions of the staff report, and authorize the City Manager and/or Mayor to execute all documents as necessary. Council Member Travis Smith seconded, All Ayes.*



**21. Public Hearing on a request by Christopher Heipp, P&K Stone for a Specific Use Permit (SUP) for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) within a Light Industrial-2 (LI-2) zoning district located east of the property at 1000 Solon Road (Property ID 140093) - Owner: RL LEASING, INC. (ZDC-100-2022)**

Ms. Pruitt presented the case noting the applicant is requesting a Specific Use Permit (SUP) for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) on a 12 acre tract located east of the property at 1000 Solon Road. The applicant plans to operate the aggregate production facility soon after SUP approval and the Cement Treated Base (CTB) plant a year after SUP approval. CTB is a base layer that is used underneath building foundations and roadways. CTB is a granular base aggregate product that adds cement into the gradation mix to increase the stiffness and stability of the base layer of a roadway or building foundation.

Given the nature of the use, the applicant plans only to pave the parking, fire, and emergency access with concrete per the City's specifications. Additionally, the applicant proposes constructing a 6-foot brick screening wall along the eastern and southern property line to screen the subject property.

The property located directly west of the subject property received approval for a SUP to operate as a permanent batch plant in 2004. The current owner (RL Leasing, Inc) will continue to own the two properties located west of the subject property, and plans to sell the subject property to P&K Stone. The applicant provided mitigation measures for dust control. Given the surrounding land uses, staff recommended approval of the Specific Use Permit for the aggregate production facility and the permanent CTB plant.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-100-2022, Mayor Hill closed the Public Hearing.

**22. Consider proposed Ordinance approving ZDC-100-2022**

**ORDINANCE NO. 3373**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW AN AGGREGATE PRODUCTION FACILITY AND A CEMENT TREATED BASE PLANT USE (P&K STONE) WITHIN A LIGHT INDUSTRIAL-2 (LI-2) DISTRICT LOCATED EAST OF THE PROPERTY AT 1000 SOLON ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 12.01 ACRES KNOWN AS PROPERTY ID 140093, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Billie Wallace moved to approve the Ordinance for ZDC-100-2022, a Specific Use Permit (SUP) for an Aggregate Production Facility and a Permanent Cement Treated Base Plant use, subject to the conditions of the staff report, and authorize the City Manager and/or Mayor to execute all documents as necessary. Council Member Travis Smith seconded, All Ayes.*

**23. Consider Development Agreement for ZDC-100-2022**

**Action:**

*Council Member Billie Wallace moved to approve a Development Agreement for ZDC-100-2022. Council Member Travis Smith seconded, All Ayes.*

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

Council Member Travis Smith announced the Crossroads Film and Music Festival will be held April 20-22, 2023 and encouraged attendance.

City Manager Michael Scott announced the City Council will have a Work Session on April 25, 2023 at the Waxahachie Civic Center beginning at 8:30 a.m.

Mayor Pro Tem Chris Wright thanked Honorary Council Member Thomas Jordan for his attendance, the Waxahachie Police Department for the success of the Cops and Kids Picnic, and announced Council Member Patrick Souter's absence is due to him presenting at a national law association meeting in Nashville.

City Secretary Amber Villarreal announced early voting for the General Election begins April 24, 2023.

Honorary Council Member Thomas Jordan thanked City Council for his certificate.

**25. Adjourn**

There being no further business, the meeting adjourned at 8:03 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary