

City Council
May 20, 2024

A regular meeting of the Mayor and City Council of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, May 20, 2024 at 7:00 p.m.

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

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Terry Welch, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Billie Wallace called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Mayor Billie Wallace gave the invocation. Council Member Patrick Souter led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Katy Warsing, 313 Lake Shore Drive, Waxahachie, Texas, spoke in opposition to ZDC-128-2022.

Mark Griffith, 116 Alysa Lane, Waxahachie, Texas, spoke in support of ZDC-58-2024.

Brian Gray, 101 Homestead, Waxahachie, Texas, requested opening the boat ramps at Lake Waxahachie.

Dennis Smith, 880 Garden Valley Parkway, Waxahachie, Texas, presented a video showcasing their 55+ community.

Ira Tenpenny, 109 Rosa, Waxahachie, Texas, expressed concern with having adequate sewer lines with increased growth in Waxahachie,

Joann Thompson, 301 Lake Shore Drive, Waxahachie, Texas, expressed concern with low water levels at the lake.

Paul Mackel, 124 Lake Shore Drive, Waxahachie, Texas, spoke in opposition to ZDC-128-2022.

5. Consent Agenda

- a. Minutes of the City Council meeting of May 6, 2024

- b. Minutes of special City Council meeting of May 14, 2024
- c. Proposed Ordinance approving a request by Cyrus Akhavizadeh for a Petition for ETJ Release for approximately 24 acres, located at FM 813, Ellis County (Property ID 188545) – Owner: Cyrus Akhavizadeh (ETJ-PTN-39-2024).
- d. Proposed Ordinance approving a request by Jose Aguinaga for a Petition for ETJ Release for approximately 1.118 acres, located at 4521 FM 878 (Property ID 223447) – Owner: Jose Aguinaga (ETJ-PTN-40-2024)
- e. Proposed Ordinance approving a request by Mark Thedford for a Petition for ETJ Release for approximately 3.03 acres, located north of 2666 Patrick Road (Property ID 237391 & 235060 & 231528) – Owner: Ladd Vien and Unarut Rapeepat (ETJ-PTN-62-2024)
- f. Proposed Ordinance approving a request by Chandler Brown for a Petition for ETJ Release for approximately 4.598 acres, located at 3801 S US Highway 287 (Property ID 242719) – Owner: Jerod Alan Brown (ETJ-PTN-64-2024)
- g. Proposed Ordinance approving a request by James Moir & Serena Moir for a Petition for ETJ Release for approximately 6.06 acres, located at 341 Hoyt Rd. (Property ID 273986) – Owner: James Moir & Serena Moir (ETJ-PTN-76-2024)
- h. Proposed Ordinance approving a request by Robert H. Reeves & Sherry E. Reeves for a Petition for ETJ Release for approximately 5.4 acres, located at 1079 E. Woodridge Rd. (Property ID 154539 & 154540) – Owner: Robert H. Reeves & Sherry E. Reeves (ETJ-PTN-80-2024)
- i. Proposed Ordinance approving a request by Josh Trees for a Petition for ETJ Release for approximately 3.616 acres, located at 2650 FM 878, (Property ID 201557) – Owner: JT Executive Properties LLC (ETJ-PTN-82-2024)
- j. Event application for 1st Annual Juneteenth Celebration & Parade to be held June 15, 2024 at Railyard Park
- k. Event application for Wheels of Fire to be held June 22, 2024
- l. Accept the FY 2023-2024 Impact Fee Revenue and Expenditure Mid-Year Report
- m. Service Contract for Pressure Pave Pavement Preservation
- n. Engineering Professional Services Agreement for the Indian Hills Addition Alley Project
- o. Supplemental Appropriation for City Marshal Vehicle Purchase Cost Increase
- p. Consider Capital Project Amendment from Boat Dock Project to Lee Penn Pool & Bathhouse Project
- q. Proposed Ordinance amending the City of Waxahachie's Water Conservation Plan
- r. Supplemental Appropriation to update Lions Park Master Plan

ORDINANCE NO. 3482

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 24.02 ACRE TRACT OF LAND, LOCATED NORTHEAST OF THE INTERSECTION OF FM 813 AND GIBSON ROAD, ELLIS COUNTY, KNOWN AS PROPERTY ID 188545, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3483

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 1.118 ACRE TRACT OF LAND, LOCATED AT 4521 FM 878, KNOWN AS PROPERTY ID 223447, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3484

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 3.03 ACRE TRACT OF LAND, LOCATED NORTH OF 2666 PATRICK ROAD, KNOWN AS PROPERTY ID 237391, 235060, & 231528 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3485

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 4.598 ACRE TRACT OF LAND, LOCATED AT 3801 S US HIGHWAY 287, KNOWN AS PROPERTY ID 242719 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3486

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 6.06 ACRE TRACT OF LAND, LOCATED AT 341 HOYT RD, KNOWN AS PROPERTY ID 273986 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3487

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF AN APPROXIMATELY 5.4 ACRE TRACT OF LAND, LOCATED AT 1079 E. WOODRIDGE RD, KNOWN AS PROPERTY ID 154539 AND 154540, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3488

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 3.616 ACRE TRACT OF LAND, LOCATED AT 2650 FM 878; KNOWN AS PROPERTY ID 201557 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3489

AN ORDINANCE ADOPTING A WATER CONSERVATION PLAN FOR THE CITY OF WAXAHACHIE, TEXAS, DECLARING AN EMERGENCY, AND SETTING AN EFFECTIVE DATE:

Action:

Patrick Souter moved to approve all items on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all associated documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).

6. Introduce Honorary Councilmember

Mayor Billie Wallace introduced Emma Perkins as the Honorary Councilmember for May and presented her with a Certificate of Appreciation. Emma Perkins is a senior at Waxahachie High School, where she is currently ranked 8th in her class of 600+ students. She serves as president of Interact Club, a local chapter of The Rotary Club, student body secretary for Student Council, and vice president for her local chapter of National Honor Society. Emma Perkins is the Editor-in-Chief for Waxahachie High School's yearbook. She has served as an editor for 2 years. Emma Perkins is a 4-year Varsity Swimmer, where she served as captain for 2 years and has helped in 3 relay school records.

Emma will graduate this May from Waxahachie High School with a certification as a Pharmacy Technician. She will attend Texas A&M University in the fall of 2024 and major in Public Health, where she hopes to eventually become a Physician Assistant and specialize in Pediatrics. In College Station, Emma hopes to find a community of people who have a heart for Jesus and continue her journey of faith. In addition to schooling, Emma volunteers with her local church to teach children during Sunday School. Emma Perkins thanks God for blessing her with family and friends who love and support her.

7. Present Proclamation recognizing May 19-25, 2024 as "National Public Works Week"

Council Member Travis Smith read a Proclamation recognizing May 19-25, 2024 as "National Public Works Week."

8. Present Proclamation recognizing May 2024 as “National Preservation Month”

Council Member Patrick Souter read a Proclamation recognizing May 2024 as “National Preservation Month.”

9. Present Proclamation recognizing May 19-25, 2024 as “National Travel and Tourism Week”

Mayor Pro Tem Chris Wright read a Proclamation recognizing May 19-25, 2024 as “National Travel and Tourism Week.”

10. Present Proclamation recognizing May 20, 2024 as “Waxahachie Brew City, Texas Day”

Mayor Wallace read a Proclamation recognizing May 20, 2024 as “Waxahachie Brew City, Texas Day.”

11. Public Hearing on a request by the City of Waxahachie to expand the boundaries of the Historic Overlay District as created by Ordinance Number 2331, per the requirements of Ordinance Number 3020, and ordering the changing of the Zoning Map thereof in accordance with said change. (ZDC-69-2024)

Mayor Wallace announced the applicant requested to continue the case to the June 3, 2024 City Council meeting.

Action:

Patrick Souter moved to continue the Public Hearing for ZDC-69-2024 to the June 3, 2024 City Council meeting. Motion was seconded by Chris Wright and carried unanimously (5-0).

12. Consider proposed Ordinance approving ZDC-69-2024

No action taken.

13. Continue Public Hearing on a request by Kelley Cruzan, for a Zoning Change from a Single-Family-2 (SF-2) zoning district to Planned Development-Single Family-2 (PD-SF-2) zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024)

The Item was presented by Senior Director of Planning Jennifer Pruitt. At the Planning & Zoning Commission meeting held on April 23, 2024, the Commission voted 5-2 to recommend denial of case number ZDC-58-2024, subject to the conditions of the staff report. Due to the recommendation for denial by the Planning & Zoning Commission, a favorable vote of three-fourths (3/4) of all members, which equates to four (4) of the five (5) members, of the City Council shall be required to approve the proposed zoning change. On May 6, 2024, City Council approved a continuance request for ZDC-58-2024 to move the case from the May 6, 2024 City Council Meeting to the May 20, 2024 City Council meeting. The applicant noted the purpose of the continuance request was to allow for additional time to consider modifications to the Planned Development request.

The applicant has revised their Planned Development request to increase the minimum home size from 800 square feet to 1,056 square feet.

Mayor Wallace continued the Public Hearing at approximately 7:47 p.m.

Kelly Cruzan requested approval of the request and explained the proposed home size has increased to 1,056 square feet and the property will have a concrete driveway.

Those who spoke in opposition:

Hunter Laflower, 110 McClain, Waxahachie, Texas

Kenneth Bryant, 117 McClain, Waxahachie, Texas

Jeff Evans, 121 McClain, Waxahachie, Texas

Those who spoke in support:

Tonita Sweet, 223 Stable Drive, Waxahachie, Texas

Ira Tenpenny, 109 Rosa, Waxahachie, Texas

Brad Yates, 626 Kaufman, Waxahachie, Texas

Mayor Pro Tem Chris Wright explained the infill overlay district was established to facilitate residential development of vacant lots in the core of Waxahachie that present challenges for traditional development due to their size and shape. He explained the effort to build a home for Mr. Jordan has been in the process for quite some time. Due to that effort, the City has purchased and repaved Smokey Lane, increased the size of the water line, and added fire hydrants.

There being no others to speak for or against ZDC-58-2024, Mayor Wallace closed the Public Hearing at approximately 8:15 p.m.

14. Consider proposed Ordinance approving ZDC-58-2024

ORDINANCE NO. 3490

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF-1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) LOCATED AT 106 MCCLAIN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.18 ACRES KNOWN AS LOT 2, BLOCK 42B OF THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve the ordinance for ZDC-58-2024, a Zoning Change request from a Single-Family-2 zoning district to a Planned Development-Single-Family-2 zoning district, subject to the conditions of the staff report. Motion was seconded by Travis Smith and carried unanimously (5-0).

15. Continue Public Hearing on a request by Chad Adams, for a Zoning Change from a Future Development (FD) and Planned Development-Single Family-1 (PD-SF-1) zoning district to a Planned Development – Single Family – 1 (PD-SF-1) zoning district (Hightower), located directly north of 143 Lakeshore Drive (Property ID 182009) - Owner: Todd Laurie L & Wesley M Hightower Etal (ZDC-128-2022)

The Item was presented by Ms. Pruitt. On April 7, 2024, the applicant requested to continue consideration of the Planned Development application for the Hightower Club to the May 20th City Council meeting. The applicant noted the purpose of the continuance request was to allow for additional time to revise the concept plan to address neighborhood concerns expressed at the March 26th Planning & Zoning Commission meeting. The applicant has made several changes to the proposed Hightower Club concept plan. These changes are noted below:

- The applicant has shifted the proposed street connection to Lakeshore Drive from the eastern edge of the property to the western edge of the property. The revised connection point would necessitate installation of a stop sign on Lakeshore Drive.
- The applicant has eliminated the proposal for a landscaped median at the street connection to Lakeshore Drive. The entry monument originally proposed in the landscaped median has been relocated to HOA maintained X-lots on either side of the street connection to Lakeshore Drive.
- The applicant has increased the number of residential lots facing Lakeshore Drive from five (5) to seven (7). The proposed lots facing Lakeshore Drive are 1.2 acres in size and larger.
- The applicant has committed to constructing a 6' stained wood privacy fence along the eastern property line. The fence is proposed to be installed with the initial street and utility infrastructure for the property.
- The applicant has proposed a requirement for home builders to install a 5' sidewalk along Lakeshore Drive adjacent to the subject property at the time each of the lots adjacent to Lakeshore Drive are developed.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 34 notices were mailed to property owners within 200 feet of the request. Staff has received letters of support from seven (7) property owners and letters of opposition from twenty-four (24) property owners for the proposed PD. Note that six (6) of the property owners that initially submitted letters of opposition have submitted letters of support following the March 26, 2024 Planning & Zoning Commission meeting. The original letters of opposition from these property owners are attached to the staff report; but are not included in the total opposition count. Six (6) letters of support and seventeen (17) letters of opposition were provided for properties within the 200' notification buffer for the request. One letter of support was withdrawn today.

Mayor Wallace continued the Public Hearing at approximately 8:37 p.m.

Chad Adams explained he met with some concerned property owners in the area and have developed potential changes to the current plan that would address concerns.

Mayor Pro Tem Wright asked if staff has had time to review the proposed changes and Mr. Adams confirmed they have not, as the changes were submitted this morning.

Council Members discussed the proposed changes and agreed to allow additional time for City Council to identify and share their thoughts with Mr. Adams. It was noted that City Council would have set a Work Session to discuss the proposed development and any revisions to the plan as presented.

Those who spoke in opposition:

Rob Drolet, 128 Lake Shore Drive, Waxahachie, Texas
Brian Gray, 101 Homestead Way, Waxahachie, Texas
Ashley Freeman, 303 Lake Shore Drive, Waxahachie, Texas
Michelle Drolet, 128 Lake Shore Drive, Waxahachie, Texas
Chris Freeman, 303 Lake Shore Drive, Waxahachie, Texas
Laura Mackel, 124 Lake Shore Drive, Waxahachie, Texas
Kevin Johnston, 155 Lake Shore Drive, Waxahachie, Texas
Jeff Ross, 137 Lake Shore Drive, Waxahachie, Texas
Katherine Soliz, 2300 Howard Road, Waxahachie, Texas
Dan Morton, Jr., 125 Lake Shore Drive, Waxahachie, Texas
Ira Tenpenny, 109 Rosa, Waxahachie, Texas
Alan Huff, 125 Lake Shore Drive, Waxahachie, Texas

Gary Davis, 109 Sanders Drive, Waxahachie, Texas, inquired about infrastructure funding.

There being no others to speak for or against ZDC-128-2022, Mayor Wallace closed the Public Hearing at approximately 9:43 p.m.

Action:

Billie Wallace moved to continue the Public Hearing for ZDC-128-2022 to the May 20, 2024 City Council meeting. Motion was seconded by Patrick Souter and carried unanimously (5-0).

16. Consider proposed Ordinance approving ZDC-128-2022

No action taken.

17. Consider Development Agreement for ZDC-128-2022

No action taken.

18. Public Hearing on a request by Steve Kennedy, for a Specific Use Permit (SUP) for a Boat Dock +1500SF use within a Planned Development-Single Family-1 (PD-SF-1) zoning district located at 118 Hunter Pass (Property ID 219074) - Owner: Evan Ward and Johnny Ward (ZDC-60-2024)

The Item was presented by Ms. Pruitt and owner John Ward requested approval.

Mayor Wallace opened the Public Hearing at approximately 10:29 p.m.

Ira Tenpenny, 109 Rosa, Waxahachie, Texas expressed concerns with water levels at the lake.

There being no others to speak for or against ZDC-60-2024, Mayor Wallace closed the Public Hearing at approximately 10:39 p.m.

19. Consider proposed Ordinance approving ZDC-60-2024

ORDINANCE NO. 3491

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A BOAT DOCK GREATER THAN 1,500 SQUARE FEET USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-1 (PD-SF-1) ZONING DISTRICT, LOCATED AT 118 HUNTER PASS, BEING PROPERTY ID 219074, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 5R, BLOCK D IN THE CRYSTAL COVE ESTATES PHASE TWO SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Travis Smith moved to approve the ordinance for ZDC-60-2024, a Specific Use Permit for a Boat Dock over 1,500 SF, subject to the conditions of the staff report. Motion was seconded by Tres Atkins and carried unanimously (5-0).

20. Public Hearing on a request by Kathryn Soliz for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Single Family-1 (SF-1) zoning district located at 2300 Howard Road (Property ID 199423) - Owner: Kathryn Soliz & Brodie Soliz (ZDC-41-2024)

The Item was presented by Ms. Pruitt.

Mayor Wallace opened the Public Hearing at approximately 10:43 p.m.

There being no others to speak for or against ZDC-41-2024, Mayor Wallace closed the Public Hearing at approximately 10:43 p.m.

21. Consider proposed Ordinance approving ZDC-41-2024

ORDINANCE NO. 3492

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED AT 2300 HOWARD ROAD, BEING PROPERTY ID 199423, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2 OF THE ROCK CREEK CROSSING SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Travis Smith moved to approve the ordinance for ZDC-41-2024, a Specific Use Permit for an Accessory Structure over 700 SF, subject to the conditions of the staff report. Motion was seconded by Tres Atkins and carried unanimously (5-0).

- 22. Public Hearing on a request by Gary Davis, for a Specific Use Permit (SUP) Amendment for an Ordinance 3469 – Accessory Structure +700SF use within a Planned Development-Single Family-1 (PD-SF-1) zoning district located at 109 Sanders Drive (Property ID 269676) - Owner: Gary Davis (ZDC-68-2024)**

The Item was presented by Ms. Pruitt and owner Gary Davis requested approval.

Mayor Wallace opened the Public Hearing at approximately 10:45 p.m.

There being no others to speak for or against ZDC-68-2024, Mayor Wallace closed the Public Hearing at approximately 10:47 p.m.

- 23. Consider proposed Ordinance approving ZDC-68-2024**

ORDINANCE NO. 3493

AN AMENDMENT TO ORDINANCE 3469 AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET USE WITHIN A PLANNED DEVELOPMENT - SINGLE-FAMILY DWELLING-1 (PD-SF-1) ZONING DISTRICT AT 109 SANDERS DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.000 ACRES KNOWN AS PROPERTY ID 269676, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve the ordinance for ZDC-68-2024, a Specific Use Permit Amendment for Ordinance 3469, subject to the condition that the Specific Use Permit not transfer to another property owner. Motion was seconded by Travis Smith and carried unanimously (5-0).

- 24. Public Hearing on a request by Ana Reyes, for a Specific Use Permit (SUP) for a Cosmetic and Restorative Studio use within a Central Area (CA) zoning district located at 307 S Rogers Street (Property ID 170494) - Owner: With Willing Hands Investments LLC (ZDC-51-2024)**

Mayor Wallace opened the Public Hearing at approximately 10:49 p.m.

There being no others to speak for or against ZDC-51-2024, Mayor Wallace closed the Public Hearing at approximately 10:49 p.m.

25. Consider proposed Ordinance approving ZDC-51-2024

ORDINANCE NO. 3494

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A COSMETIC STUDIO RESTORATIVE USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT, LOCATED AT 307 S ROGERS STREET, BEING PROPERTY ID 170494, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOTS 1A AND 4B, BLOCK 22 OF THE ORIGINAL TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve the ordinance for ZDC-51-2024, a Specific Use Permit for a Cosmetic and Restorative Studio, subject to the conditions of the staff report. Motion was seconded by Travis Smith and carried unanimously (5-0).

26. Public Hearing on a request by Steve Wilson, for a Specific Use Permit (SUP) for a Bail Bond Agency use within a Central Area (CA) zoning district located at the northeast corner of the intersection of S Jackson Street and E Jefferson Street (Property ID 170438) - Owner: Richard Shinpaugh (ZDC-112-2023)

The Item was presented by Ms. Pruitt and Steve Wilson requested approval.

Mayor Wallace opened the Public Hearing at approximately 10:52 p.m.

There being no others to speak for or against ZDC-112-2023, Mayor Wallace closed the Public Hearing at approximately 10:53 p.m.

27. Consider proposed Ordinance approving ZDC-112-2023

ORDINANCE NO. 3495

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A BAIL BOND AGENCY USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT, LOCATED AT THE NORTHWEST CORNER OF S JACKSON STREET AND E JEFFERSON STREET, BEING PROPERTY ID 170438, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 5B, 5C, 6B, AND 6C, BLOCK 14 ORIGINAL TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Travis Smith moved to approve the ordinance for ZDC-112-2023, a Specific Use Permit for a Bail Bond Agency, subject to the conditions of the staff report. Motion was seconded by Tres Atkins and carried unanimously (5-0).

- 28. Public Hearing on a request by Gregory Roberson for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Future Development (FD) zoning district located at 3224 Howard Road (Property ID 283067) - Owner: Gregory Roberson (ZDC-65-2024)**

The Item was presented by Ms. Pruitt.

Mayor Wallace opened the Public Hearing at approximately 10:55 p.m.

There being no others to speak for or against ZDC-65-2024, Mayor Wallace closed the Public Hearing at approximately 10:55 p.m.

- 29. Consider proposed Ordinance approving ZDC-65-2024**

ORDINANCE NO. 3496

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET WITHIN A FUTURE DEVELOPMENT (FD) ZONING DISTRICT, LOCATED AT 3224 HOWARD ROAD, BEING PROPERTY ID 283067, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1 BLOCK A OF THE PROVIDENCE ON HOWARD RD. ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve the ordinance for ZDC-65-2024, a Special Use Permit request for a Metal Barn with a gravel road, subject to the conditions of the staff report. Motion was seconded by Travis Smith and carried unanimously (5-0).

- 30. Public Hearing on a request by Chris Clark, Clarkitecture LLC, for a Specific Use Permit (SUP) for a Drive-Through Establishment (HTeaO) use within a Planned Development-24-General Retail zoning district, located at 502 N US Highway 77, (Property ID 289738) – Owner: RS Waxahachie LLC (ZDC-74-2024)**

The Item was presented by Ms. Pruitt.

Mayor Pro Tem Wright expressed concerns with the cross-traffic access from E. University Drive. Justin Stoker, Senior Public Works and Engineering Director, confirmed TxDOT has no plans to restrict the access.

Mayor Wallace opened the Public Hearing at approximately 10:58 p.m.

There being no others to speak for or against ZDC-74-2024, Mayor Wallace closed the Public Hearing at approximately 11:00 p.m.

31. Consider proposed Ordinance approving ZDC-74-2024

ORDINANCE NO. 3497

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE-THROUGH ESTABLISHMENT (HTEAO) USE WITHIN A PLANNED DEVELOPMENT-24-GENERAL RETAIL (PD-1-GR) ZONING DISTRICT, LOCATED AT 502 N US HIGHWAY 77, BEING PROPERTY ID 289738, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2R OF THE CHAPMAN PLACE BUSINESS ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Patrick Souter moved to approve the ordinance for ZDC-74-2024, a Specific Use Permit for a Drive-Through Establishment at 502 N US Highway 77, subject to the conditions of the staff report. Motion was seconded by Tres Atkins and carried 4-1, with Chris Wright voting in opposition.

32. Consider Development Agreement for ZDC-74-2024

Action:

Patrick Souter moved to approve the Development Agreement for ZDC-74-2024. Motion was seconded by Travis Smith and carried 4-1, with Chris Wright voting in opposition.

33. Continue Public Hearing on a request by Melissa McClain, Equity Trust Company, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-28-General Retail (PD-28-GR) zoning district located at 515 N College Street (Property ID 171103) - Owner: Equity Trust Company Custodian (ZDC-35-2024)

The Item was presented by Ms. Pruitt. At the April 23, 2024 Planning & Zoning Commission meeting, the Commission voted to approve a continuance for the proposed Short-Term Rental to allow the applicant additional time to develop a plan to provide on-site parking. Following the April 23rd meeting, the applicant has evaluated an option to add a curb cut for a driveway on N College Street to provide vehicular access to a parking area at the side and rear of 515 N College Street. If this request for a Short-Term Rental is approved, the applicant will be required to design and install a curb cut and driveway on N College Street, prior to approval of the Short-Term Rental registration.

Mayor Wallace continued the Public Hearing at approximately 11:07 p.m.

Ira Tenpenny, 109 Rosa, Waxahachie, Texas, expressed concerns with issues arising from short-term rentals.

There being no others to speak for or against ZDC-35-2024, Mayor Wallace closed the Public Hearing at approximately 11:09 p.m.

34. Consider proposed Ordinance approving ZDC-35-2024

ORDINANCE NO. 3498

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED DEVELOPMENT-28-GENERAL RETAIL (PD-28-GR) ZONING DISTRICT, LOCATED AT 515 N COLLEGE STREET, BEING PROPERTY ID 171103, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2B, BLOCK 111 OF THE TOWN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve the ordinance for ZDC-35-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Travis Smith and carried unanimously (5-0).

35. Public Hearing on a request by Shelia Hood, Twin Cedars Trust, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 316 Cynisca Street (Property ID 175950) - Owner: Twin Cedars Trust (ZDC-77-2024)

The Item was presented by Ms. Pruitt. Council Members discussed the applicant's request to display contact information on the property due to safety concerns. Staff confirmed the requirement was included in the short-term rental ordinance so owners/operators could be contacted immediately if there were any issues. It was the general consensus of City Council to review the requirement in the future.

The applicant is requesting a SUP for a short-term rental use located at 316 Cynisca Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,960 square feet with three (3) bedrooms and sufficient parking to accommodate the maximum parking requirement of three (3) vehicles. The home is situated on an approximately 0.224-acre (9,757 square foot) lot. The applicant has been operating a short-term rental since approximately September of 2022, and has not been paying local hotel occupancy taxes. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property and its current use in the past 12 months. The local emergency contact provided by the applicant is located 0.2 miles from the subject property. The property manager and local emergency contact for this SUP has requested a variance not to display their contact information on the front door of the short-term rental. The property manager noted safety concerns as the reason for the variance request.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 87 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. A total of eight (8) letters of opposition and six (6) letters of support were received by staff, with zero (0) letters of opposition and three (3) letters of support being inside the 200' buffer and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 11:12 p.m.

There being no others to speak for or against ZDC-77-2024, Mayor Wallace closed the Public Hearing at approximately 11:12 p.m.

36. Consider proposed Ordinance approving ZDC-77-2024

ORDINANCE NO. 3499

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 316 CYNISCA STREET, BEING PROPERTY ID 175950, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 7B AND 8A, BLOCK 1 OF THE TRINITY HEIGHTS REVISION ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve the ordinance for ZDC-77-2024, a Specific Use Permit for a Short-Term Rental use, denying the variance request, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

37. Public Hearing on a request by Dainy Villanueva, Bleuvets LLC for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 462 Wintergreen Drive (Property ID 265831) - Owner: Ido Pistiner (ZDC-86-2024)

The Item was presented by Ms. Pruitt. She noted the applicant called after 5 p.m. and stated he would be unable to attend the meeting. In December of 2023, a SUP application for a Short-Term Rental (ZDC-190-2023) was submitted for this property. At the Planning and Zoning Commission meeting held on April 9, 2024, the Commission voted 6-0 to recommend denial of case number ZDC-190-2023. At the City Council meeting held on April 15, 2024, the City Council voted to deny the SUP application. Notably, City Council did not deny the SUP application “with prejudice”; which means the owner of the property is permitted to submit an additional SUP request at any time. The Waxahachie Zoning Ordinance notes that if a request is denied by City Council “with prejudice”, the same or similar request may not be resubmitted to the City for six (6) months from the date of denial.

Following the denial of the original SUP Application, the owner of the subject property submitted this revised SUP request for a Short-Term Rental. The revised submittal includes a verified emergency contact, documentation of a long-term lease agreement, and a State HOT Tax Statement.

On May 7th, 2024, staff confirmed via our third-party short-term rental monitoring software (GovOS) that the applicant has continued listing and operating a short-term rental on the property following the denial of their original SUP application by City Council on April 9, 2024. The

applicant has satisfied all of the requirements of Section 3.27 of the Zoning Ordinance. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The local emergency contact is located 11.6 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 100 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. A total of seven (7) letters of opposition and zero (0) letters of support have been received by staff, with one (1) letter of opposition being inside the 200' buffer and the remainder outside the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 11:27 p.m.

Those who spoke in opposition:
Ira Tenpenny, 109 Rosa, Waxahachie, Texas

There being no others to speak for or against ZDC-86-2024, Mayor Wallace closed the Public Hearing at approximately 11:30 p.m.

38. Consider proposed Ordinance approving ZDC-86-2024

Action:

Travis Smith moved to deny the ordinance for ZDC-86-2024, a Specific Use Permit for Short-Term Rental use, with prejudice, for the property located at 426 Wintergreen Drive. Motion was seconded by Patrick Souter and carried unanimously (5-0).

39. Public Hearing on a request by James Mills, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-28-General Retail (PD-28-GR) zoning district located at 516 N College Street (Property ID 170715) - Owner: James Mills and Megan Mills (ZDC-78-2024)

The Item was presented by Ms. Pruitt. The applicant is requesting a SUP for a short-term rental use located at 516 N College Street because it is located within the PD-28-GR zoning district. The subject property consists of a primary structure of approximately 3,322 square feet with three (3) bedrooms and enough improved surface to accommodate for the maximum parking requirement of three (3) vehicles, situated on an approximately 0.447-acre (19,471 square feet) lot. The applicant has not operated a short-term rental at this location in the past and has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The applicant's local emergency contact is located 0.3 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 61 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. A total of six (6) letters of support and two (2) letters of opposition were received by staff, with one (1) letter of support and zero (0) letters of opposition being inside the 200' buffer and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 11:34 p.m.

There being no others to speak for or against ZDC-78-2024, Mayor Wallace closed the Public Hearing at approximately 11:34 p.m.

40. Consider proposed Ordinance approving ZDC-78-2024

ORDINANCE NO. 3500

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED DEVELOPMENT-28-GENERAL RETAIL (PD-28-GR) ZONING DISTRICT, LOCATED AT 516 N COLLEGE STREET, BEING PROPERTY ID 170715, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING A PORTION OF LOT 27, BLOCK 9 OF THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve the ordinance for ZDC-78-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

41. Public Hearing on a request by Stacie Seabolt, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 404 N Gibson Street (Property ID 173340) - Owner: John Seabolt and Stacie Seabolt (ZDC-83-2024)

The Item was presented by Ms. Pruitt. The applicant is requesting a SUP for a short-term rental use located at 404 N Gibson Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,350 square feet with two (2) bedrooms and enough improved surface to accommodate for the maximum parking requirement of two (2) vehicles, situated on an approximately 0.1-acre (4,356 square feet) lot. The applicant has been operating a short-term rental since approximately April of 2023, and has not been paying local hotel occupancy taxes. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The local emergency contact provided by the applicant is located 25 feet from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 53 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. A total of eight (8) letters of support and two (2) letters of opposition were received by staff, with three (3) letters of support and zero (0) letters of opposition being inside the 200' buffer and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 11:36 p.m.

There being no others to speak for or against ZDC-83-2024, Mayor Wallace closed the Public Hearing at approximately 11:36 p.m.

42. Consider proposed Ordinance approving ZDC-83-2024

ORDINANCE NO. 3501

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 404 N GIBSON STREET, BEING PROPERTY ID 173340, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING A PORTION OF LOT 29 OF THE FERRIS ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve the ordinance for ZDC-83-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Tres Atkins and carried unanimously (5-0).

43. Public Hearing on a request by Darrell James for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-3 (SF-3) zoning district located at 297 Finley Street (Property ID 175967) - Owner: Darmar Investments LLC (ZDC-84-2024)

The Item was presented by Ms. Pruitt. The applicant is requesting a SUP for a short-term rental use located at 297 Finley Street because it is located within the SF-3 zoning district. The subject property consists of a primary structure of approximately 2,601 square feet with three (3) bedrooms and enough improved surface to accommodate for the maximum parking requirement of three (3) vehicles, situated on an approximately 0.23-acre (10,018 square feet) lot. The applicant has not begun operating. The applicant has not satisfied the requirements of Section 3.27 of the Zoning Ordinance to identify occupancy limits and parking restrictions for the property within the Host Rules brochure. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property and its current use in the past 12 months. The local emergency contact provided by the applicant is located 14.3 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 37 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. Letters of support from three (3) properties were received by staff, with all three (3) properties being inside the 200' buffer and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 11:40 p.m.

There being no others to speak for or against ZDC-84-2024, Mayor Wallace closed the Public Hearing at approximately 11:41 p.m.

44. Consider proposed Ordinance approving ZDC-84-2024

ORDINANCE NO. 3502

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-3 (SF-3) ZONING DISTRICT, LOCATED AT 297 FINLEY STREET, BEING PROPERTY ID 175967, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 49R OF THE THOMPSON'S SOUTHLAND ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE

Action:

Travis Smith moved to approve the ordinance for ZDC-84-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Chris Wright and carried unanimously (5-0).

45. Public Hearing on a request by Terri Griffith, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 402 Richmond Lane (Property ID 171713) - Owner: Terri Griffith (ZDC-85-2024)

The Item was presented by Ms. Pruitt. The applicant is requesting a SUP for a short-term rental use located at 516 N College Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,270 square feet with two (2) bedrooms and enough improved surface to accommodate for the maximum parking requirement of two (2) vehicles, situated on an approximately 0.1769-acre (7,705 square feet) lot. The applicant has been operating a short-term and long-term rental since approximately spring 2021, and has been paying local hotel occupancy taxes since March of 2024. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. At the time of the publishing of this staff report, the City has received no complaints regarding any issues that are considered a nuisance. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The local emergency contact provided by the applicant is located 2.3 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 92 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of this staff report, a total of ten (10) letters of opposition and eleven (11) letters of support were received by staff, with two (2) letters of opposition and four (4) letters of support being inside the 200' buffer and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 11:43 p.m.

There being no others to speak for or against ZDC-85-2024, Mayor Wallace closed the Public Hearing at approximately 11:43 p.m.

46. Consider proposed Ordinance approving ZDC-85-2024

ORDINANCE NO. 3503

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 402 RICHMOND LANE, BEING PROPERTY ID 171713, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT J, BLOCK 267 OF THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve the ordinance for ZDC-85-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried 4-0, with Travis Smith not voting.

47. Public Hearing on a request by Juan Flores, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-3 (PD-SF-3) zoning district located at 624 Xavier Court (Property ID 281280) - Owner: JC & AG Investment Group, Inc. (ZDC-87-2024)

The Item was presented by Ms. Pruitt. Ms. Pruitt noted the corrected staff report, explaining the property has been operating as a short-term rental. The applicant requests a SUP for short-term rental use at 624 Xavier Court because it is located within the PD-SF-3 zoning district. The subject property consists of a primary structure of approximately 3,481 square feet, built in 2023 with four (4) bedrooms, 2.5 bathrooms and enough improved surface to accommodate for the maximum parking spaces of four (4) vehicles, situated on an approximately 0.736-acre (32,076 square feet) lot. The applicant has not been paying local hotel occupancy taxes. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The applicant's local emergency contact is located 14.4 miles from the subject property.

Mayor Wallace opened the Public Hearing at approximately 11:47 p.m.

Those who spoke in opposition:

Ira Tenpenny, 109 Rosa, Waxahachie, Texas

Mayor Pro Tem Wright inquired about the operation of the short-term rental in violation of the current ordinance and noted his lack of support at this time. Jasmine Flores explained the home was rented approximately 6 weeks prior to submitting their application to the City.

Council Member Smith asked when and how the owner was notified there was a City process required to operate a short-term rental. Alicia Flores explained the rental was listed and rented through AirBnB before she received notice from the company that the City required a permit to operate.

Council Member Souter noted his lack of support is due to the overwhelming property owner opposition to this request.

There being no others to speak for or against ZDC-87-2024, Mayor Wallace closed the Public Hearing at approximately 11:54 p.m.

48. Consider proposed Ordinance approving ZDC-87-2024

Action:

Chris Wright moved to deny the ordinance for ZDC-87-2024, a Specific Use Permit for Short-Term Rental use. Motion was seconded by Patrick Souter and carried unanimously (5-0).

49. Public Hearing on a request by Jason Luke, LJA Engineering, for a Plat of Saddlebrook Estates Phase 4, 252 residential lots and 5 open space lots, being 70.035 acres, located north of 250 Saratoga Drive, situated in the G. Carpenter Survey, Abstract 190, an addition to the City of Waxahachie (Property ID: 189842) – Owner: 287 Waxahachie LP (SUB-72-2024)

The Item was presented by Ms. Pruitt.

Mayor Wallace opened the Public Hearing at approximately 11:58 p.m.

There being no others to speak for or against SUB-72-2024, Mayor Wallace closed the Public Hearing at approximately 11:58 p.m.

50. Consider approving SUB-72-2024

Action:

Chris Wright moved to approve SUB-72-2024, a Plat of Saddlebrook Estates Phase 4, and the associated variance request, subject to the conditions of the staff report. Motion was seconded by Patrick Souter and carried unanimously (5-0).

51. Public Hearing on a request by Jason Luke, LJA Engineering, for a Plat of Saddlebrook Estates Phase 4B, 131 residential lots and 5 open space lots, being 36.665 acres, located approximately 2,000 feet northeast of 147 Charismatic Road, situated in the G. Carpenter Survey, Abstract 190, an addition to the City of Waxahachie (Property ID: 189842) – Owner: 287 Waxahachie LP (SUB-73-2024)

The Item was presented by Ms. Pruitt.

Mayor Wallace opened the Public Hearing at approximately 12:00 a.m. on May 21, 2024.

There being no others to speak for or against SUB-73-2024, Mayor Wallace closed the Public Hearing at approximately 12:00 a.m. on May 21, 2024.

52. Consider approving SUB-73-2024

Action:

Travis Smith moved to approve SUB-73-2024, a Plat of Saddlebrook Estates Phase 4C, and the associated variance request, subject to the conditions of the staff report. Motion was seconded by Tres Atkins and carried unanimously (5-0).

53. Consider proposed Ordinance to rename Waller Street to Acorn Road

The Item was presented by Senior Director of Public Works and Engineering Justin Stoker.

ORDINANCE NO. 3504

AN ORDINANCE ADOPTING A STREET NAME CHANGE FROM WALLER STREET TO ACORN ROAD, AND SETTING AN EFFECTIVE DATE:

Action:

Patrick Souter moved to approve the ordinance to rename Waller Street to Acorn Road within the City of Waxahachie and authorize the City Manager and/or the Mayor to execute all documents. Motion was seconded by Chris Wright and carried unanimously (5-0).

54. Consider Service Contract with Andale Construction, Inc. for High Density Mineral Bond Seal Pavement Preservation

The Item was presented by Mr. Stoker.

Action:

Patrick Souter moved to approve a service contract with Andale Construction, Inc. for the application of High-Density Mineral Bond Seal asphalt preservation in the amount of \$127,030.30, and authorize the City Manager to execute all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).

55. Consider Professional Services Agreement for the Streets and Parks Maintenance Facilities Project

The Item was presented by Mr. Stoker.

Action:

Travis Smith moved to approve a professional service agreement with Quorum Architects, Inc. in the amount of \$137,000 for the programming and master plan phase of the Streets and Parks Maintenance Facilities Project, and authorize the City Manager to execute all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).

56. Public Hearing on proposed Ordinance amending Chapter 8, Building, of the City of Waxahachie Code of Ordinances

The Item was presented by Senior Director of Building and Community Services Anthony Warren.

Mayor Wallace opened the Public Hearing at approximately 12:06 a.m. on May 21, 2024.

There being no others to speak for or against the proposed Ordinance amending Chapter 8, Building, of the City of Waxahachie Code of Ordinances, Mayor Wallace closed the Public Hearing at approximately 12:06 a.m. on May 21, 2024.

57. Consider proposed Ordinance amending Chapter 8, Building, of the City of Waxahachie Code of Ordinances

ORDINANCE NO. 3505

AN ORDINANCE OF THE CITY OF WAXAHACHIE AMENDING SECTION 8 (BUILDING) OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE; ADOPTING THE INTERNATIONAL CODE COUNCIL CODES 2021 AND THE NATIONAL ELECTRICAL CODE 2020 EDITION WITH LOCAL AMENDMENTS AND SETTING AN EFFECTIVE DATE OF JUNE 1, 2024.

Action:

Patrick Souter moved to approve the ordinance amending Chapter 8, Building, of the City of Waxahachie Code of Ordinances. Motion was seconded by Travis Smith and carried unanimously (5-0).

58. Consider proposed Ordinance amending Chapter 12, Fire Protection and Prevention, of the City of Waxahachie Code of Ordinances

The Item was presented by Fire Marshal Brent Fuller.

ORDINANCE NO. 3506

AN ORDINANCE OF THE CITY OF WAXAHACHIE AMENDING SECTION 12 (FIRE PROTECTION AND PREVENTION) OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE; ADOPTING THE INTERNATIONAL FIRE CODE 2021 WITH LOCAL AMENDMENTS AND SETTING AN EFFECTIVE DATE OF JUNE 1, 2024.

Action:

Travis Smith moved to approve the ordinance amending Chapter 12, Fire Protection and Prevention, of the City of Waxahachie Code of Ordinances. Motion was seconded by Patrick Souter and carried unanimously (5-0).

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

Council Member Patrick Souter noted he is looking forward to working with City Council.

Mayor Pro Tem Chris Wright thanked Council Members for their support for Thomas Jordan's home.

Council Member Travis Smith thanked Mayor Pro Tem Chris Wright for his work on Thomas Jordan's home project. Mr. Smith recognized the First United Methodist Church of Waxahachie for celebrating their 175th Anniversary in May.

Council Member Tres Atkins thanked City Council for a relaxed first meeting.

City Manager Michael Scott thanked everyone for their work on this lengthy agenda.

Mayor Billie Wallace thanked everyone for their patience and support while conducting her first Council meeting.

60. Adjourn

There being no further business, the meeting adjourned at 12:12 a.m. on May 21, 2024

Respectfully submitted,

Amber Villarreal
City Secretary