

City Council
June 17, 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, June 17, 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

Jim Brunson, The Church of Jesus Christ of Latter-Day Saints, gave the invocation. Mayor Pro Tem Chris Wright led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Gail Harrell, 669 Brookcrest Ct., Waxahachie, Texas, requested the Ellis County Children's Theater be granted as a member of the Waxahachie Arts Council.

Addison McGuire, 551 Rolling Hills Road, Waxahachie, Texas, requested funding for the Ellis County Children's Theater to continue operation and support children in the community.

Carter Ford, 319 E. Marvin, Waxahachie, Texas, requested funding for the Ellis County Children's Theater to continue operation and support children in the community.

McKenzie Ballance, 313 University Avenue, Waxahachie, Texas, requested funding for the Ellis County Children's Theater to continue operation and support children in the community.

Sonora Haso, requested funding for the Ellis County Children's Theater to continue operation and support children in the community.

Michelle Drolet, 128 Lakeshore Drive, Waxahachie, Texas, requested City Council review the traffic safety at Boat Dock Park.

Andrew Henderson, 324 Bessie Coleman Blvd., Waxahachie, Texas, requested City Council review the project at Lee Penn Pool due to the extensive delays on the completion.

Ira Tenpenny, 109 Rosa, requested adequate fencing around swimming pools due to safety.

5. Consent Agenda

- a. Minutes of the City Council meeting of June 3, 2024
- b. Minutes of the City Council Work Session of June 10, 2024
- c. Event Application for Juneteenth Celebration to be held June 19, 2024 at Lee Penn Park
- d. Event Application for Navarro College 5k Fun Run to be held October 12, 2024 at Getzendaner Park
- e. Event Application for Dripstar Day to be held May 24, 2025 at Lee Penn Park
- f. Downtown Building Improvement Program Grant Application for 209 S. College Street
- g. Downtown Building Improvement Program Grant Application for 200 S. Rogers Street
- h. Funding request for building improvements for 200 S. Rogers Street
- i. Application from What's SUP + Kayaks for Seasonal Vendor Permit at Lake Waxahachie
- j. Authorize the use of Convention Visitors Bureau FY24 Contingency Funds for DFW Youth World Baseball Classic & Crape Myrtle Festival
- k. Budget Transfer within the Streets Capital Projects Fund
- l. Professional Services Agreement for construction materials engineering and testing services for University Avenue street and utility reconstruction project
- m. Professional Services Agreement for construction materials testing services for Graham Street Reconstruction Project

Action:

Chris Wright 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 Wallace announced there was no Honorary Councilmember in attendance.

7. Present Proclamation recognizing "Make Music Day" on June 21, 2024

Mayor Wallace read a Proclamation recognizing June 21, 2024 as "Make Music Day."

8. Recognition of the Public Works and Engineering Department for receiving the APWA Awards for: Transportation Project of the Year for Monticello Drive Reconstruction, Environmental Project of the Year for Waxahachie Creek Stabilization Project, and Structures Project of the Year for Charles Beatty Municipal Services Building

James Gaertner, Executive Director of Public Works & Utilities, recognized the Public Works and Engineering Department for receiving the APWA Awards for: Transportation Project of the Year for Monticello Drive Reconstruction, Environmental Project of the Year for Waxahachie Creek Stabilization Project, and Structures Project of the Year for Charles Beatty Municipal Services Building.

9. 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 Senior Director of Planning Jennifer Pruitt. On June 10, 2024, City Council held a work session to discuss revisions to the Hightower Club concept plan. During this work session, the applicant presented two (2) revised concept plans for City Council. City Council identified a preference for option “K”; which included a strictly emergency access connection to Lakeshore Drive near the southeast corner of the subject property. The applicant noted this concept would include a gate across the emergency access point to ensure the connection is not utilized by residents. The applicant also noted that pedestrian access along with enhanced screening and landscaping would be provided adjacent to the emergency access point. Finally, this concept plan includes a provision to remove the detention/retention area along Lakeshore Drive, if it is ultimately possible to handle drainage for the development via installation underground drainage infrastructure. The subject property will develop according to the design of the concept plan (Exhibit C).

The City Engineer and the Public Works & Engineering Department have evaluated the concept plan provided by the applicant with this Planned Development application. The applicant has conceptually accounted for drainage and detention requirements. The City Engineer has noted that full detailed drainage plans are provided to the City for review and approval with the Civil Construction permit. Should the Planned Development for the property be approved, the developer will be required to submit a Plat for the property. This will be reviewed by multiple departments including Engineering, Planning, Utilities, and Fire. After the Plat has been approved, the developer has 120 days to submit the full Civil Construction plans for review. These plans are also reviewed by our Engineering, Planning, Fire, and Utilities departments. These plans will include the full drainage design, utilities, roadway, grading, erosion control, signage, and lighting. During this plan review, the engineering team will look at the drainage and detention calculations.

The City Engineer has also noted that per the City’s Drainage Design Manual, post developed flows shall not exceed pre-developed flows. This is typically handled through detention and is one of the items evaluated during the review of Civil Construction plans. Building permits are not permitted to be issued until all public infrastructure (including drainage and detention infrastructure) is installed by the developer and accepted by the Public Works Department. The Public Works & Engineering Department has also evaluated the potential traffic impact of the proposed development.

The applicant proposes to install monument signage for the development adjacent to the emergency access gate and pedestrian connection to Lakeshore Drive. The monument signage is proposed to be HOA maintained.

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. At the time of publishing this report, staff has received letters of support from six (6) 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 this report; but are not included in the total opposition count. Five (5) letters of support and seventeen (17) letters of opposition were provided for properties within the 200' notification buffer for the request.

Mayor Wallace continued the Public Hearing at approximately 7:33 p.m.

Those who spoke in opposition:

Jeff Frost, 137 Lakeshore Drive, Waxahachie, Texas

Paul Mackel, 124 Lakeshore Drive, Waxahachie, Texas

Michelle Drolet, 128 Lakeshore Drive, Waxahachie, Texas

Ira Tenpenny, 109 Rosa, Waxahachie, Texas, requested proper septic tanks for the development.

There being no others to speak for or against ZDC-128-2022, Mayor Wallace closed the Public Hearing at approximately 7:52 p.m.

Council Members discussed citizen's concerns and efforts to compromise on the development.

10. Consider proposed Ordinance approving ZDC-128-2022

ORDINANCE NO. 3514

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) AND PLANNED DEVELOPMENT-SINGLE FAMILY-1 (PD-SF-1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-1 (PD-SF-1), LOCATED NORTH OF 143 LAKESHORE DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 84.78 ACRES KNOWN AS PROPERTY ID 182009, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve the Ordinance for ZDC-128-2022, a Zoning Change from a future Development and Planned Development-Single Family-1 zoning district to a Planned Development-Single Family-1 zoning district, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to sign the associated documents accordingly. Motion was seconded by Travis Smith and carried 4-1, with Patrick Souter voting in opposition.

11. Consider Development Agreement for ZDC-128-2022

Action:

Travis Smith moved to approve the Development Agreement for ZDC-128-2022. Motion was seconded by Tres Atkins and carried 4-1, with Patrick Souter voting in opposition.

12. Public Hearing on a request by David Griffin, Griffin Land Surveying, for a Replat of a portion of Block 30 of the Bullards Addition, and abandonment of a portion of Rogers Street, 3 commercial lots, being 1.596 acres, located at 401 Cantrell Street (Property ID: 172424, 172425, & 196137) – Owner: Francisco Cuevas, Esparza Properties LTD Co., and John Jordan & Susan Jordan (SUB-93-2023)

The Item was presented by Ms. Pruitt. The applicant proposes to abandon approximately 0.417 acres of Old Rogers Street right-of-way (ROW) and incorporate the abandoned area into the three adjacent properties via a Replat. Specifically, the existing ROW is proposed to be split down the centerline of Old Rogers Street and incorporated into each adjacent property. To account for existing City utility infrastructure in the Old Rogers Street ROW, the Utilities Department has required the applicant to dedicate a 60' Utility Easement in the place of the abandoned ROW. The resulting lots meet all requirements of the Waxahachie Subdivision Ordinance.

The Old Rogers Street ROW proposed to be abandoned with this replat has not been maintained or utilized by the City for decades. The ROW currently dead-ends into the intersection of Howard Road and US Highway 77. The ROW has historically been used by the neighboring property owners to access and maneuver on their respective sites. Abandonment of the ROW will formally transfer ownership and maintenance responsibility to the adjacent property owners. The abandonment will also afford adjacent property owners an opportunity to install parking in the former ROW area. However, new structures will not be permitted in the area due to the utility easement dedication over the former ROW.

As part of the proposed Replat, the applicant is providing a 20' right-of-way (ROW) dedication for Howard Road, as required by the 2023 Waxahachie Thoroughfare Plan.

Section 1.11 of the Waxahachie Subdivision Ordinance allows Plat and Replat applicants to submit a Petition for Hardship Waiver in the event that a requirement of the Subdivision Ordinance imposes a condition resulting in an unreasonable hardship if it is strictly enforced. In this instance, the applicant has requested a Petition for Hardship Waiver due to conflicts between the location of existing buildings on the subject property and the requirements of the Subdivision Ordinance.

The Waxahachie Subdivision Ordinance requires a 15' Utility Easement to be dedicated adjacent to all public ROW at the time the property is platted or replatted. The building located at 401 Cantrell Street is currently situated on the north and west property line. The applicant has requested to not provide ROW dedication along FM 1446 (Cantrell Street) and Highway 77, due to the fact that the utility easement would encroach on the existing building and require the removal of the building.

Similarly, the existing building at 528 S Rogers Street is situated just 3' from the southern property line, after considering the proposed ROW dedication for Howard Road. Due to this, the applicant has requested to only provide a 3' Utility Easement along the southern property line.

The applicant has provided Letters of No Objection for the easement elimination and reduction requests from franchise utility providers Atmos, Oncor, and Spectrum. These letters confirm that neither Atmos, Oncor, or Spectrum object to the reduced or eliminated utility easements. Due to the provision of these letters, and the presence of City utility infrastructure in existing ROW, staff is supportive of the Petition for Hardship Waiver.

Mayor Wallace opened the Public Hearing at approximately 8:07 p.m.

There being no others to speak for or against SUB-93-2023, Mayor Wallace closed the Public Hearing at approximately 8:07 p.m.

13. Consider approval of SUB-93-2023

Action:

Chris Wright moved to approve SUB-93-2023, a Replat of a portion of Block 30 of the Bullards Addition, the associated Petition for Hardship Waiver, the associated right-of-way abandonment request and authorize the Mayor and/or City Manager to sign all associated documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

14. Public Hearing on a request by Katy Dockery, HKS Inc., for an Amended Site Plan for the Baylor Scott & White Hospital Tower Expansion II, located at 2400 N Interstate 35E (Property ID: 180334) – Owner: Baylor Health Care System (SP-106-2024)

The Item was presented by Ms. Pruitt. The applicant proposes an Amended Site Plan to allow for a revision to the elevation/façade plan for the Baylor Scott & White Hospital Tower Expansion II project. In November of 2023, the City Council approved the Site Plan (SP-141-2023) and Development Agreement for the hospital tower expansion. Following this approval, the applicant submitted a building permit for the expansion that included an elevation/façade plan that did not match the approved Development Agreement. Due to the conflict with the development agreement, the applicant was informed that approval of an Amended Site Plan application and revised Development Agreement would be needed.

This Amended Site Plan application only revises the Elevation/Façade Plan approved with SP-141-2023. The Site Plan, Landscape Plan, Signage Plan, and Phasing Plan sheets from SP-141-2023 are not proposed to be altered in any way with this application.

The applicant has proposed multiple revisions to the elevation/façade plan with this application. Specifically, the east façade of the new bed tower and portions of the ICU addition were updated. The applicant has noted that these alterations are proposed to simplify the design of the building and reduce the amount of steel needed for structural support. The new design for the bed tower increases the amount of brick and decreases the amount of glazing used for the east façade. Similarly, the revised façade for the ICU addition features a greater amount of brick and a decreased amount of glazing. The revised elevation/façade plan also corrects a technical error in the summary table for exterior construction materials that were found in the original design.

Mayor Wallace opened the Public Hearing at approximately 8:10 p.m.

There being no others to speak for or against SP-106-2024, Mayor Wallace closed the Public Hearing at approximately 8:10 p.m.

15. Consider approval of SP-106-2024

Action:

Travis Smith moved to approve SP-106-2024, an Amended Site Plan Application for Baylor Scott & White Hospital Tower Expansion II, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to sign the associated documents accordingly. Motion was seconded by Tres Atkins and carried unanimously (5-0).

16. Consider approval of Development Agreement for SP-106-2024

Action:

Travis Smith moved to approve the Development Agreement for SP-106-2024. Motion was seconded by Tres Atkins and carried unanimously (5-0).

17. Public Hearing on a request by Dorothea Russell, Russell Living Trust, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-3 (SF-3) zoning district located at 902 E Marvin Avenue (Property ID 282999) - Owner: Russell Living Trust (ZDC-55-2024)

The Item was presented by Ms. Pruitt and owner Dorothea Russell requested approval. The applicant is requesting a SUP for a short-term rental use located at 902 E Marvin Avenue because it is located within the SF-3 zoning district. The subject property consists of a primary structure of approximately 1,505 square feet with three (3) bedrooms, situated on an approximately 0.2288-acre (9,966 square feet) lot. Notably, only a single bedroom in the home is available for a short-term rental lease. The property owner resides full-time in the remainder of the home. There is sufficient improved surface to accommodate for the maximum parking requirement of one (1) vehicle for short-term rental use. The existing driveway also provides sufficient space for the homeowner to park on-site while the STR is in use. The applicant has operated a short-term rental at this location since May of 2022 and 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 applicant's local emergency contact resides on the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 75 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 the staff report, a total of three (3) letters of support and two (2) letters of opposition were received by staff, with two (2) letters of support and two (2) letters of opposition being inside the 200' buffer and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 8:13 p.m.

There being no others to speak for or against ZDC-55-2024, Mayor Wallace closed the Public Hearing at approximately 8:14 p.m.

18. Consider proposed Ordinance approving ZDC-55-2024

ORDINANCE NO. 3515

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 902 E MARVIN AVENUE, BEING PROPERTY ID 282999, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1 OF THE RUSSELL ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-55-2024, a Specific Use Permit for Short-Term Rental use, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

19. Public Hearing on a request by Katherine Lagomarsino, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-2 (SF-2) zoning district located at 304 Oldham Avenue (Property ID 170863) - Owner: Katherine Lagomarsino (ZDC-98-2024)

The Item was presented by Ms. Pruitt. The applicant requests a SUP for short-term rental use at 304 Oldham St. because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 2,501 square feet, built in 1895 with three (3) bedrooms, (2.5) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles, situated on an approximately 0.29-acre (10,018 square feet) lot. The applicant has been operating a short-term rental since 2018 and has not been paying local hotel occupancy taxes. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. At the time of publishing 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 applicant's local emergency contact is located 11.4 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, 85 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 the staff report, a total of one (1) letter of opposition and seven (7) support letters 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 8:17 p.m.

There being no others to speak for or against ZDC-98-2024, Mayor Wallace closed the Public Hearing at approximately 8:17 p.m.

Council Member Patrick Souter inquired about the homestead exemption on the property and Ms. Lagomarsino stated she emailed the Appraisal District after the Planning and Zoning Commission meeting to request removal of the Homestead Exemption.

Council Member Wright requested including in the motion that the owner will need to backpay City property taxes without the Homestead Exemption since 2018.

City Attorney Terry Welch stated the City could include that language in the motion; however, it would be at the discretion of the Ellis Central Appraisal District to request collection.

20. Consider proposed Ordinance approving ZDC-98-2024

ORDINANCE NO. 3516

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 304 OLDHAM STREET, BEING PROPERTY ID 170863 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 12, 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 ZDC-98-2024, a Specific Use Permit for Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly, subject to the payment of the City portion of property taxes since 2018 which would be subject to the approval of the Ellis County Appraisal District. Motion was seconded by Patrick Souter and carried unanimously (5-0).

21. Public Hearing on a request by Katherine Lagomarsino, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-2 (SF-2) zoning district located at 1500 Ferris Avenue (Property ID 173413) - Owner: Katherine Lagomarsino (ZDC-99-2024)

The Item was presented by Ms. Pruitt. The applicant requests a SUP for short-term rental use at 1500 Ferris Avenue because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,730 square feet, built in 1950 with two (2) bedrooms, (1) bathroom and enough improved surface to accommodate for the maximum parking spaces of two (2) vehicles, situated on an approximately 0.22-acre (9,539 square feet) lot. The applicant has been operating a short-term rental since 2018 and has not been paying local hotel occupancy taxes. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. At the time of publishing the 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 applicant's local emergency contact is located 12.2 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, 77 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 the staff report, a total of four (4) letters of opposition and four (4) letters of support were received by staff, with three (3) letters of opposition and two (2) letters of support being inside the 200' buffer and the remainder outside of the 200' buffer.

Owner Katherine Lagomarsino confirmed she purchased the property in November 2022.

Mayor Wallace opened the Public Hearing at approximately 8:27 p.m.

There being no others to speak for or against ZDC-99-2024, Mayor Wallace closed the Public Hearing at approximately 8:28 p.m.

22. Consider proposed Ordinance approving ZDC-99-2024

ORDINANCE NO. 3517

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 1500 FERRIS AVENUE, BEING PROPERTY ID 173413 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 150A AND 151A OF THE FERRIS SECOND REVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-99-2024, a Specific Use Permit for Short-Term Rental use, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

23. Public Hearing on a request by Anthony Rieper, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-2 (SF-2) zoning district located at 411 N Hawkins Street (Property ID 173335) - Owner: John Marlin (ZDC-101-2024)

The Item was presented by Ms. Pruitt. The applicant requests a SUP for short-term rental use at 411 N Hawkins Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 2,501 square feet, with three (3) bedrooms, (2.5) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles, situated on an approximately 0.26-acre (11,456 square feet) lot.

The applicant has been operating a short-term rental since July 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. At the time of publishing this staff report, the City has received no complaints regarding any issues.

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 0.8 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, 62 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 the staff report, a total of three (3) letters of opposition and four (4) letters of support were received by staff, with two (2) 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 8:30 p.m.

Council Members discussed whether the owner of the property or the short-term operator would be responsible for potential violations. Mr. Welch explained the short-term rental ordinance defines "owner" and could potentially include the operator.

Mayor Pro Tem Wright noted if approved, this would be the third short-term rental in this area. Mr. Wright also noted the Homestead Exemption on the property needs to be removed.

There being no others to speak for or against ZDC-101-2024, Mayor Wallace closed the Public Hearing at approximately 8:37 p.m.

24. Consider proposed Ordinance approving ZDC-101-2024

Action:

Travis Smith moved to deny ZDC-101-2024, a Specific Use Permit for a Short-term rental use. Motion was seconded by Chris Wright and carried 3-2, with Billie Wallace and Tres Atkins voting in opposition.

25. Public Hearing on a request by Gabrielle Calvery Tranel, Virginia Holdings LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-2 (SF-2) zoning district located at 1105 W Main Street (Property ID 176628) - Owner: Virginia Holdings LLC (ZDC-102-2024)

The Item was presented by Ms. Pruitt. The applicant requests a SUP for short-term rental use at 1105 W Main St. because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 2,184 square feet, built in 1920 with three (3) bedrooms, (3) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles, situated on an approximately 0.23-acre (9,365 square feet) lot. The applicant has not been operating a short-term rental and has not been paying local hotel occupancy taxes. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. At the time of publishing this staff report, the City has received no complaints regarding any issues.

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 1.0 mile from the property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 39 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of the staff report, a total of five (5) letters of opposition and one (1) letter of support were received by staff, with five (5) letters of opposition and one (1) letter of support being inside the 200' buffer. Ms. Pruitt noted opposition exceeds 20% of the property by acreage, requiring a favorable vote of three-fourths of all members to approve this SUP.

Mayor Wallace opened the Public Hearing at approximately 8:47 p.m.

There being no others to speak for or against ZDC-102-2024, Mayor Wallace closed the Public Hearing at approximately 8:47 p.m.

26. Consider proposed Ordinance approving ZDC-102-2024

ORDINANCE NO. 3518

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED SINGLE FAMILY 2 (SF-2) ZONING DISTRICT, LOCATED AT 1105 W MAIN STREET, BEING PROPERTY ID 176628 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2B, BLOCK 9 OF THE WEST END ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-102-2024, a Specific Use Permit for Short-Term Rental use, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

27. Public Hearing on a request by Ryan Kelly, EAN Holdings, LLC, for a Specific Use Permit (SUP) for an Auto Leasing and Rental use within a Commercial (C) zoning district located southeast of 141 Cardinal Road (Property ID 289375) - Owner: Connell Storage Partners #1 LLC (ZDC-48-2024)

The Item was presented by Ms. Pruitt. The applicant proposes a Specific Use Permit (SUP) for an Auto Leasing and Rental use (Enterprise-Rent-a-Car) on a 1.00-acre property southeast of 141 Cardinal Road. Enterprise is currently located at 1540 N US Highway 77 and will relocate to the subject property if this SUP request is approved. This Enterprise location will rent light-load vehicles only and will not rent heavy-load vehicles, heavy equipment, or trailers.

The applicant proposes to construct an office building on the subject property totaling 1,600 square feet in size. Additionally, the applicant proposes to construct a bay and canopy totaling approximately 1,800 square feet in size. The car wash is proposed as an accessory use for Enterprise. The car wash will be used by employees only to clean returned vehicles. The applicant has provided sixty-one (61) parking spaces on the site; which exceeds the minimum parking space requirement by seventeen (17) spaces. The additional spaces are proposed to provide parking for the Enterprises' rental car inventory.

The applicant proposes to access the subject property via a driveway connection to North Town Boulevard. A direct connection to Highway 77 is not proposed due to an inability to meet TxDOT spacing requirements. The applicant proposes to file a mutual access easement for their primary drive to allow for future cross-access to the property to the north of the site.

The applicant has provided a drive aisle around each proposed building to ensure adequate on-site circulation. The applicant has also provided two dedicated “return” lanes adjacent to the proposed office building for customers to drop off vehicles. The return lanes are situated outside of the primary drive aisle and can stack three (3) vehicles each.

A portion of the proposed drive-aisle and parking spaces are located within a 100’ electric easement owned by Oncor. Oncor has indicated they are amenable to allowing a drive aisle and parking within the easement. However, formal approval will not be provided by Oncor until the applicant has received SUP approval by the City. Due to this, staff has recommended a condition of approval for the SUP that requires the applicant to provide a letter from Oncor documenting permission to construct improvements within the 100’ electric easement identified on the Site Plan. A letter from Oncor will be required to be provided prior to the approval of Civil Construction plans for the development.

The applicant has provided two elevation/façade options for consideration with this SUP. Both options utilize a combination of brick, stucco, and stone exterior construction materials with minor EIFS accents. The color palette is the primary difference between each elevation/façade option. Option 1 features a consistent earth tone color palette across the entire building; while Option 2 includes a combination of traditional color brick and sandstone color brick on a portion of the building. The renderings below can be referenced for a look at the difference in the front façade proposed with each elevation option.

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, six (6) notices were mailed to property owners within 200 feet of the property. Staff has received two (2) letters of support and zero (0) letters of opposition for the proposed SUP.

Mayor Wallace opened the Public Hearing at approximately 8:52 p.m.

There being no others to speak for or against ZDC-48-2024, Mayor Wallace closed the Public Hearing at approximately 8:52 p.m.

28. Consider proposed Ordinance approving ZDC-48-2024

ORDINANCE NO. 3519

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN AUTO LEASING AND RENTAL USE WITHIN A COMMERCIAL (C) ZONING DISTRICT, LOCATED SOUTHEAST OF 141 CARDINAL ROAD, BEING PROPERTY ID 289375, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2, BLOCK A OF THE CSP1 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-48-2024, a Specific Use Permit for an Auto Leasing and Rental use, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to sign the associated documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

29. Consider Development Agreement for ZDC-48-2024

Action:

Chris Wright moved to approve the Development Agreement for ZDC-48-2024. Motion was seconded by Patrick Souter and carried unanimously (5-0).

30. Consider construction contract for the Wilmington Avenue and Charlotte Avenue Reconstruction Project

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

Action:

Chris Wright moved to approve the construction contract award with McMahon Contracting, L.P. in the amount of \$4,218,063 with an additional contingency of \$210,937 for the Wilmington Avenue and Charlotte Avenue Reconstruction Project, and authorize the City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

31. Consider construction contract for Grand Avenue Paving and Striping Improvements Project

The Item was presented by Mr. Stoker.

Action:

Chris Wright moved to approve the construction contract award with FNH Construction LLC in the amount of \$329,700 with an additional contingency of \$16,300 for the Grand Avenue Paving and Striping Improvements Project, and authorize the City Manager to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (5-0).

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

City Manager Michael Scott announced the Budget Work Session will be held Tuesday, June 18, 2024 at 11:30 a.m. at the Waxahachie Civic Center.

Council Member Patrick Souter requested the opening of Lee Penn Pool and expressed his disappointment with the extensive delays.

Mayor Pro Tem Chris Wright requested exploring funding options for the Ellis County Children's Theater. He invited the community to attend the Juneteenth Celebration at Lee Penn Park on Wednesday, June 19, 2024.

Mayor Billie Wallace concurred with exploring funding options for the Ellis County Children's Theater. Mayor Wallace commended the Waxahachie Police Department for their participation in the Juneteenth event this past weekend at Railyard Park.

33. Adjourn

There being no further business, the meeting adjourned at 9:04 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary