

City Council
January 21, 2025

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 Tuesday, January 21, 2025 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

Cheri Hathaway gave the invocation. Mayor Wallace led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Darlene Miller, 240 Parks School House Road, Waxahachie, Texas, provided an update on the Pet Coalition of Ellis County and requested collaboration from surrounding cities and Ellis County for an animal shelter.

Carolyn Baker, 1005 Dunkerley Road, Ennis, Texas, requested assistance and support to provide inexpensive spay and neuter services in Ellis County.

Vanessa Voldan, 301 Cynisca, Waxahachie, Texas, explained the importance of educating the public about trap, neuter, and returning animals. She requested assistance from local leaders to address the issues in Ellis County.

5. Consent Agenda

- a. Minutes of the City Council meeting of January 6, 2025
- b. Proposed Ordinance approving a request by Terry Nay for a Petition for ETJ Release for approximately 2.113 acres, located at 711 Brookside Road (Property ID 216895 – Owner: Terry Nay (ETJ-PTN-228-2024))
- c. Consider proposed Ordinance approving a request by Jiri Dolezal, for a Petition for ETJ Release for approximately 2.35 acres, located at 4802 East FM 875 (Property ID 138405, 179461, & 284352) – Owner: Jiri Dolezal (ETJ-PTN-236-2024)

ORDINANCE NO. 3591

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 2.113 ACRE TRACT OF LAND, LOCATED AT 711 BROOKSIDE ROAD, KNOWN AS PROPERTY ID 216895, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3592

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 2.35 ACRE TRACT OF LAND, LOCATED AT 4802 EAST FM 875 KNOWN AS PROPERTY ID 138405, 179461, AND 284352, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

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 Tres Atkins and carried unanimously (5-0).

6. Introduce Honorary Council Member

Mayor Pro Tem Chris Wright introduced David McSpadden as the January Honorary Council Member. David McSpadden, originally from San Angelo, Texas, is a U.S. Army veteran and a dedicated member of Rotary International. He joined the Rotary Club of Waxahachie in 1984, serving in various leadership roles, including District Governor in 2009-10. His work with Rotary has led him to significant international efforts, such as a mission trip to Malawi and Zambia in 2008, where his efforts helped provide clean drinking water to over 30,000 people.

Mr. McSpadden is the CEO of RTC Missions.org, which supports a medical center in western Kenya. He played a key role in acquiring an ambulance for a remote village in Kenya and helped raise funds for a sonogram machine. He is also involved in local causes like the Miracle League in Waxahachie. David is an active member of First Baptist Church, where he serves in various roles, including as Chairman of the Mission Trip Team. He was recently recognized as the first recipient of the Ellis County Exemplary Service Award on December 22, 2024 for his exceptional community service.

David's driving inspiration is Anne Frank's quote about improving the world, and he continues to work tirelessly in both his local and global communities.

7. Public Hearing on a request by Mark Lee for a Specific Use Permit (SUP) for an Accessory Structure exceeding seven hundred (700) square feet use within a Planned Development - Single Family-1(PD-SF-1) zoning district located at 181 Aiden Drive (Property ID 300473) – Owner: Mark Lee & Rebekah. J (ZDC-215-2024)

Trenton Robertson, Senior Director of Planning, presented the Item. The applicant proposes a Specific Use Permit (SUP) to construct a 1,740-square-foot accessory structure at 181 Aiden Drive. The primary structure on the subject property is approximately 4,346 square feet. The property does not have any existing accessory structures. The applicant has provided a Site Plan for the accessory structure that verifies all setback requirements established by the Waxahachie Zoning Ordinance have been met.

The applicant proposes to utilize the structure for a personal garage/shop. The structure will be used for the storage of personal vehicles and household materials. The proposed accessory structure is comprised of brick and siding that matches the primary structure. The applicant will be extending the concrete drive to connect to the proposed structure. The applicant will be extending the water and electrical services from the primary structure to the proposed accessory structure.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, thirteen (13) notices were mailed to property owners within 200 feet of the request. Staff received zero (0) letters of opposition and one (1) letter of support.

Mayor Wallace opened the Public Hearing at approximately 7:23 p.m.

There being no others to speak for or against ZDC-215-2024, Mayor Wallace closed the Public Hearing at approximately 7:23 p.m.

8. Consider proposed Ordinance approving ZDC-215-2024

ORDINANCE NO. 3593

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EXCEEDING SEVEN HUNDRED (700) SQUARE FEET USE WITHIN A PLANNED DEVELOPMENT - SINGLE FAMILY-1 (PD-SF-1) ZONING DISTRICT, LOCATED AT 181 AIDEN DRIVE, BEING PROPERTY ID 300473, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 14, BLOCK C OF THE TUSCAN ESTATES SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-215-2024, a Specific Use Permit for an Accessory Structure exceeding seven hundred square feet, use within a Planned Development-Single Family-1 zoning district. Motion was seconded by Patrick Souter and carried unanimously (5-0).

9. Public Hearing on a request by Susan Jordan, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development – General Retail (PD-GR) zoning district located at 512 North College Street (Property ID 170716) – Owner(s): Legends Real Estate Holdings, LLC (ZDC-207-2024)

Mr. Robertson presented the Item. The applicant requests a SUP for short-term rental use at 512 North College Street because it is located within the PD-GR zoning district. The subject property

consists of a primary structure of approximately 4,761 square feet, built in 1910 with seven (7) bedrooms, three (3) bathrooms, and enough improved surface to accommodate for the maximum parking spaces of five (5) vehicles. The subject property is situated on an approximately 0.459 acres (19,944 square feet) lot. The applicant has not been operating the subject property as a short-term rental; therefore, the applicant has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on October 30, 2024. Please note that the zoning district for the subject property is Planned Development – General Retail (PD-GR). If this SUP for STR application is approved, this will be the third property within 500’ allowed for STR use.

During the planning analysis, 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 approximately 4.5 miles from the subject property.

In response to a Short-Term Rental workshop conducted by the City Council on December 9, 2024, staff members have agreed to include saturation data for each Specific Use Permit application pertaining to short-term rentals. This initiative is intended to assist the City Council in addressing concerns related to the oversaturation of short-term rentals within the Waxahachie community.

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 66 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 this staff report, three (3) letters of opposition and six (6) letters of support were received by staff, with no letters received within the 200’ buffer.

Mayor Wallace opened the Public Hearing at approximately 7:27 p.m.

There being no others to speak for or against ZDC-207-2024, Mayor Wallace closed the Public Hearing at approximately 7:27 p.m.

Mayor Pro Tem Wright addressed STR density in the area noting he is not concerned with this location due to the general retail zoning and Council Member Tres Atkins concurred.

Council Member Patrick Souter requested consistency on density, regardless of general retail or residential zoning.

Mayor Wallace and Council Member Travis Smith expressed support to evaluate each request on its own merit. Council Member Smith asked for consideration due to proximity to schools and explained larger lots reduce the property owner notification area based on distance.

10. Consider proposed Ordinance approving ZDC-207-2024

ORDINANCE NO. 3594

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A SHORT-TERM RENTAL USE WITHIN A PLANNED DEVELOPMENT – GENERAL

RETAIL (PD-GR) ZONING DISTRICT LOCATED AT 512 NORTH COLLEGE STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.459 ACRES KNOWN AS PROPERTY ID 170716, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Patrick Souter moved to approve ZDC-207-2024, a Specific Use Permit for Short-Term rental use, subject to the conditions of the staff report and authorize the Mayor and/or City Manager to execute all documents accordingly. Motion was seconded by Tres Atkins and carried unanimously (5-0).

11. Public Hearing on a request by Brad Yates, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-3 (SF-3) zoning district located at 708 South Rogers Street (Property ID 172368) – Owner(s): Graily Holdings, LLC (ZDC-218-2024)

Mr. Robertson presented the Item and Brad Yates requested approval. The applicant requests a SUP for short-term rental use at 708 South Rogers Street because it is located within the SF-3 zoning district. The subject property consists of a primary structure of approximately 1,388 square feet and an accessory structure of 480 square feet, built in 1920 with a total of two (2) bedrooms and two (2) bathrooms within the primary structure, one (1) bedroom and one (1) bathroom within the accessory structure, and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles. The subject property is situated on an approximately 0.403 acres (17,554 square feet) lot. The applicant has not been operating the subject property as a short-term rental; therefore, the applicant has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on November 20, 2024.

The applicant currently has an approved replat application for the subject property to be subdivided into two lots. The applicant is aware that once the replat has been filed, this SUP for STR use is only for the subject property.

The applicant has two approved Special Use Permits (SUPs) for short-term rental (STR) use. The first approved SUP for STR is for a property at 804 Dunaway Street, which was approved in April 2024 and has completed the registration process. The second approved SUP for STR is for a property located at 800 Dunaway Street, which was approved in May 2024 and is currently under construction. As a result, the applicant has not yet completed the STR registration process for this property. If this SUP for STR application is approved, this will be the third property within 500' allowed for STR use.

During the planning analysis, 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 approximately 1.5 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, 68 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 this staff report, one (1) letter of opposition and six (6) letters support were received by staff, with one (1) letter of opposition and three (3) letters of support within the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 7:37 p.m.

There being no others to speak for or against ZDC-218-2024, Mayor Wallace closed the Public Hearing at approximately 7:42 p.m.

12. Consider proposed Ordinance approving ZDC-218-2024

ORDINANCE NO. 3595

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A SHORT-TERM RENTAL USE WITHIN A SINGLE-FAMILY 3 (SF-3) ZONING DISTRICT LOCATED AT 708 SOUTH ROGERS STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.403 ACRES KNOWN AS PROPERTY ID 172368, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-218-2024, a Specific Use Permit for Short-Term rental use, subject to the conditions of the staff report and authorize the Mayor and/or City Manager to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

13. Public Hearing on a request by Iyke Enemo, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-3 (SF-3) zoning district located at 807 Dr. Martin Luther King Jr. Boulevard (Property ID 171251) – Owner(s): Iycan Investments, LLC (ZDC-220-2024)

Mr. Robertson presented the Item. The applicant requests a SUP for short-term rental use at 807 Dr. Martin Luther King Jr. Boulevard because it is located within the SF-3 zoning district. The subject property consists of a primary structure of approximately 2,127 square feet built in 2022 with a total of four (4) bedrooms, three (3) bathrooms, and enough improved surface to accommodate for the maximum parking spaces of four (4) vehicles. The subject property is situated on an approximately 0.251 acres (10,933 square feet) lot. The applicant has been operating the subject property as a short-term rental without an approved SUP and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on November 27, 2024.

During the planning analysis, 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 did not identify a local emergency contact with their SUP application. Staff was unable to contact the applicant after multiple attempts to reach out for an updated SUP application

that includes their local emergency contact.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 82 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 this staff report, ten (10) letters of support and no letters of opposition were received by staff, with five (5) letters of support and no letters in opposition within the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 7:44 p.m.

Owner Iyke Enemo requested approval noting he was not aware of the approval process and is not familiar with all requirements.

Council expressed dismay with the applicant not submitting all required documents and information while continuing to operate with approval.

There being no others to speak for or against ZDC-220-2024, Mayor Wallace closed the Public Hearing at approximately 7:55 p.m.

14. Consider proposed Ordinance approving ZDC-220-2024

Action:

Patrick Souter moved to deny, with prejudice, ZDC-220-2024, a Specific Use Permit for Short-Term Rental use. Motion was seconded by Chris Wright and carried unanimously (5-0).

City Attorney Terry Welch clarified "with prejudice" means the applicant can't apply again for six (6) months from today's date.

15. Public Hearing on a request by Mark Singleton, CNB of Texas, for a Zoning Change from a Commercial (C) zoning district to Planned Development-Mixed-Use Residential (PD-MUR) zoning district, for the Highland's at Bates Drive development, located at directly south of 2001 Bates Drive, (Property ID 191635 & 194998) - Owner: Citizens National Bank of Texas and First Citizens Bancshares Inc (ZDC-171-2024)

Mr. Robertson presented the Item and Mark Singleton requested approval. The applicant proposes a Planned Development to allow for the Highland's at Bates Drive, a mixed-use development with 340 multi-family dwelling units, 5-story hotel, drive-through restaurant, drive-through car wash, and 40,000 square feet of commercial space. The subject property is situated on a 15.21-acre tract adjacent to the intersection of Ovilla Road and US Highway 287 Bypass. A base zoning district of Mixed-Use Residential (MUR) is proposed for the development.

The Planned Development includes four (4) vertical mixed-use buildings that are proposed to include a total of 340 multi-family dwelling units and 40,000 square feet of commercial space. The proposed unit count results in an overall density of 29.15 dwelling units per acre (DUA) for the development. Each mixed-use building is proposed to be 5-stories in height with a portion of the first-floor of each building being dedicated to commercial space. Each mixed-use building is

designed to include oversized patio space in front of the commercial suites to allow for outdoor seating and gathering. The applicant has noted that the first-floor commercial space is expected to be occupied by a mix of retail, restaurant and office users.

With this Planned Development request, the applicant proposes modified development standards from those required with the base Mixed-Use Residential (MUR) zoning district. The table below can be referenced for a comparison of the standard MUR requirements versus the development standards proposed with this application. (*Bold text indicates a deviation from typical development standards.)

<u>Development Standard</u>	<u>MUR Zoning</u>	<u>Proposed Development Standard</u>
Density	30 Dwelling Units Per Acre (DUA)	29.15 Dwelling Units Per Acre (DUA)
Front Setback	25'	25'
Side Setback	25'	25' (20' adjacent to 2001 Bates Drive)
Rear Setback	25'	25'
Maximum Height	4-stories	5-stories
Lot Coverage (Buildings)	50%	14.66%
Parking	610 (230 attached garages)	623 (0 attached garages)

The Waxahachie Zoning Ordinance includes an Off-Street Parking Provision that allows for a 10% reduction in the total amount of required parking for a development, if the development is designed to place 80% or more of required parking spaces behind the proposed buildings on the property. This provision is intended to promote walkability and create more attractive, livable spaces. The applicant has proposed to include this provision as a development standard for the Highlands at Bates Drive and has designed the site to place more than 80% of parking spaces behind proposed buildings. Due to this, the figures provided below represent a 10% reduction in the typical parking requirement.

The applicant has slightly exceeded the minimum parking requirement proposed development as whole. Considering the multi-family and non-residential uses proposed for the property, a minimum of 754 parking spaces are required for the development. The applicant has provided a total of 754 parking spaces. It is important to note that the requirement for the minimum number of attached garage parking spaces for the multi-family portion of the development has not been met. The Waxahachie Zoning Ordinance requires a minimum of 50% of required parking for multi-family uses to be provided as attached garages. In this instance, a total of 459 parking spaces are required for the multi-family use, with 230 of these spaces required to be provided as attached garages. The applicant proposes to provide 110 covered parking spaces and 349 standard surface parking spaces for the multi-family use. The applicant has noted the reason for this deviation is the provision of commercial space on the first-floor of the mixed-use buildings instead of garages. A total of 151 parking spaces are required for the commercial space proposed on the first-floor of the vertical mixed-use structures. The site plan has been designed to provide a total of 164 parking spaces for the proposed commercial space.

The applicant proposes to utilize an approximately 1.59-acre portion of the development for a 5-

story, 110 room hotel. The hotel is proposed directly adjacent to the 5-story vertical mixed-use buildings along Swallow Drive and is proposed to be setback 68' from the southern property line, adjacent to the Ridge Crossing Subdivision. The hotel is proposed to meet all typical Hotel Standards identified in Section 5.11 of the Waxahachie Zoning Ordinance. The primary façade and entrance of the hotel is oriented towards Ovilla Road. The design of the hotel has been modified to eliminate lighting and windows facing the southern property line. The proposed hotel meets the minimum parking requirement of 99 spaces.

The applicant proposes to utilize an approximately 1-acre portion of the development immediately adjacent to Ovilla Road for a 3,600 square foot drive-through restaurant. The applicant has not identified an end-user for the restaurant. The restaurant site has been designed to allow for a dedicated drive-through lane with sufficient space to stack twelve (12) vehicles. The drive-through entrance is oriented towards the interior of the site to prevent vehicles from stacking onto Ovilla Road. The applicant has met the minimum parking requirement of 33 spaces for the restaurant.

The applicant proposes to utilize an approximately 1-acre portion of the development at the intersection of Swallow Drive and Ovilla Road for a drive-through car wash. The proposed car wash is designed to be a full-service tunnel wash with twenty-three (23) self-service vacuum and detail bays. The car wash is designed to include a manned pay-station. Similar to the proposed restaurant, the entrance for the car wash drive through aisle is oriented towards the interior of the site to prevent stacking onto Ovilla Road or Swallow Drive. The applicant has provided five (5) dedicated parking spaces for the car wash use in addition to the detail and vacuum bays.

As noted above, the subject property is identified by the 2023 Comprehensive Plan partially under the Local Commercial and Residential Neighborhood placetypes. Each of these placetypes encourage a combination of residential and retail uses when a property is situated at the intersection of major thoroughfares. The applicant proposes to adhere to the intent of the Comprehensive Plan by developing a vertical mixed-use development that allows for residential dwellings above multi-tenant retail spaces. The proposed density for the development is 29.15 dwelling units per acre (DUA); which is appropriate for property adjacent to the intersection of major thoroughfares such as Ovilla Road and Highway 287. The vertically integrated and stand-alone retail space is designed to be walkable and accessible for residents in and around the development, as recommend by the Waxahachie Comprehensive Plan.

The applicant proposes to incorporate resident amenities into the multi-family portion of the development. Specific amenities include a pool area with a club house and grill house, an outdoor yoga area, an open children's play area, rooftop deck on Building D, and pickleball courts. The applicant also proposes to install walking paths (concrete sidewalks) with benches and waste stations throughout the development to ensure open space and landscaped detention areas are accessible to residents. Notably, the proposed Development Standards require installation of the proposed amenities prior to the issuance of the first certificate of occupancy or temporary certificate of occupancy for the property.

The applicant has provided a Landscape Plan that identifies the proposed landscaping for the site. The proposed landscaping does meet the minimum requirements of the Waxahachie Zoning Ordinance. The applicant has included forty-eight (48) Crape Myrtles on the Landscape Plan. Additionally, it is important to note that the applicant proposes to cluster required canopy and

ornamental trees along the southern property line, parallel to the proposed 6' screening wall, to provide an enhanced buffer for adjacent residences. The applicant also proposes to heavily landscape the required detention areas for the subject property. This additional landscaping, when considered with passive detention area amenities, meaningfully incorporates the detention areas into the development.

The subject property is proposed to have a total of five (5) points of access onto public street. Three (3) of the proposed access points are provided along Swallow Drive and Bates Drive. The remaining two access points are proposed along the Highway 287 Bypass Service Road and Ovilla Road respectively. TxDOT approval is required for each of these driveway connections. In addition to the primary access points, the applicant proposes to execute mutual access easements for three (3) additional points of entry through adjacent private property. One (1) of the mutual access easements is proposed to connect to the undeveloped property to the west. The remaining two (2) mutual access easements are proposed to connect to the existing multi-tenant office building on Bates Drive.

The applicant has submitted a Traffic Impact Analysis (TIA) with this Planned Development application. The TIA evaluated current traffic levels near the site and the expected traffic demands of the proposed development at the time of build out in 2028. The TIA also evaluated projections for regional growth and development of adjacent property near the site out to 2028. Based on these considerations, the TIA has recommended several off-site improvements to mitigate the impact of traffic for the area. Off-site improvements include the construction of a right-turn lane on the southbound side of Ovilla Road and construction of a left-turn lane on the northbound side of Ovilla Road. The applicant proposes to install the improvements recommended by the TIA with the initial phase of the development. The TIA also notes that the existing traffic conditions at the US Highway 287 and Ovilla Road intersection warrant installation of a traffic signal. The applicant is not currently proposing to install a traffic signal at this intersection.

The subject property is directly adjacent to the Ridge Crossing subdivision to the south. This neighborhood is actively under development. To properly screen the adjacent existing and future residences from the proposed development, the applicant proposes to construct a 6-foot masonry screening wall. The screening wall will be constructed primarily of brick matching the primary structures on the subject property and stone used for some accent columns. Along the western property line, the applicant proposes a 6-foot ornamental metal fence with stone columns repeating every 40 feet.

The applicant has provided an Elevation/Façade Plan for all structures proposed with this PD. The façade of each proposed structure primarily features masonry (brick, stone, stucco) exterior construction materials, with multi-family structures including a small percentage of siding as well. Non-residential structures are proposed to utilize 100% masonry (brick, stone, stucco) exterior construction materials.

The applicant proposes to utilize the same exterior construction materials and color palette for all buildings in order to create a sense of consistency throughout the development. Individual buildings are differentiated by unique footprints, architectural elements, and articulation. Each proposed structure meets the standard articulation requirements of the Waxahachie Zoning Ordinance. Roof-mounted equipment is fully screened from view on both residential and non-

residential structures by the proposed building articulation.

The applicant has provided a Photometric Plan with this Planned Development application to demonstrate compliance with the Waxahachie Zoning Ordinance. The Photometric Plan does adhere to the requirements of the Lighting and Glare Standards from Section 6.03 of the Waxahachie Zoning Ordinance. Staff has verified that all wall-mounted and pole-mounted light fixtures are designed to be directed downward towards the site and will be equipped with shields to further mitigate light trespass on adjacent properties. The applicant has worked with staff to minimize windows and wall-mounted light fixtures for all multi-story building facades facing the southern property line, adjacent to single family residences.

The applicant proposes one (1) additional monument sign for the subject property with this PD application. The proposed monument sign is a total 80 square feet in size and adheres to the typical height and size requirements of the Waxahachie Zoning Ordinance. The monument sign is proposed to be located along the Highway 287 Bypass Service Road. The design of the proposed monument sign can be referenced in Exhibit E below. In addition to this new monument sign, the applicant proposes to relocate an existing multi-tenant monument sign at the intersection of Ovilla Road and Swallow Drive. This relocated sign is proposed to continue to be used for the 4-story office building on Bates Drive.

The applicant has designed the Site Plan for the property to accommodate three detention areas. Each detention area is designed to be incorporated into the proposed open space and amenity areas for the development. The detention areas are designed to be landscaped and accessible to pets and residents. Benches, waste stations and walkways are proposed directly adjacent to the detention areas to support accessibility.

As part of this development, the applicant is required to extend public water and sanitary sewer lines across the subject property. The applicant has accounted for these extensions with a Preliminary Utility Plan. Utility improvements are required to be finalized with a future Civil Construction Permit.

The applicant proposes to develop the subject property in two phases. The applicant proposes to develop the multi-family portion of the property as Phase 1. Phase 2 is proposed to include the development of pad sites for the hotel, restaurant, and car wash tract identified on the Site Plan.

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

Mayor Wallace opened the Public Hearing at approximately 8:09 p.m.

There being no others to speak for or against ZDC-171-2024, Mayor Wallace closed the Public Hearing at approximately 8:09 p.m.

Council Member Smith discussed the opportunity to reverse the retail and living space in Buildings A and B. Mr. Singleton noted he was not opposed to that if an opportunity presented itself.

Mayor Pro Tem Wright expressed his desire for a proposed development sign be placed on the property to allow adjacent property owners to have a visual of what has been approved.

16. Consider proposed Ordinance approving ZDC-171-2024

ORDINANCE NO. 3596

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM COMMERCIAL (C) TO PLANNED DEVELOPMENT-MIXED-USE RESIDENTIAL (PD-MUR), WITH A DETAILED SITE PLAN, LOCATED DIRECTLY SOUTH OF 2001 BATES DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 15.21 ACRES KNOWN AS PROPERTY ID 191635 & 194998, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Travis Smith moved to approve ZDC-171-2024, a Planned Development request for the Highlands at Bates Drive, with an update to the development standards to add language allowing for flexibility of flooring usage of Buildings A and B, subject to the conditions of the staff report and authorize the Mayor and/or City Manager to sign the associated documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

17. Consider Development Agreement for ZDC-171-2024

Action:

Chris Wright moved to approve the Development Agreement for ZDC-171-2024. Motion was seconded by Patrick Souter and carried unanimously (5-0).

18. Public Hearing on a request by Kevin Patel, Triangle Engineering, for a Specific Use Permit (SUP) for a Drive-Through Establishment use within a Planned Development-General Retail (PD-GR) zoning district located at 2932 N US Highway 77 (Property ID 189379) - Owner: Vaquero Highway 77 Waxahachie Partners LP (ZDC-206-2024)

Mr. Robertson presented the Item and Tyler Moore requested approval. On October 30, 2024, the applicant informed staff that their evaluation of the City's standard SUP Ordinance and Development Agreement was complete. The applicant subsequently submitted a new SUP Application (ZDC-206-2024). No changes to the language in the accompanying SUP Ordinance or Development Agreement have been made since the time of the withdrawal request.

The applicant proposes a Specific Use Permit (SUP) to allow for the development of a Drive-Through Establishment use (Starbucks) as part of a proposed multi-tenant retail building at 2932 N US Highway 77. The subject property is situated in an existing Planned Development-General Retail (PD-GR) zoning district. The Waxahachie Zoning Ordinance requires that a SUP be approved to allow for Drive-Through Establishment land uses within a General Retail (GR) zoning district.

The SUP process is utilized to evaluate certain land uses that may not otherwise be compatible with permitted uses in a base zoning district. The SUP process allows a land use to be evaluated

to determine whether it compatible with adjacent uses by ensuring the nature of the proposed land use is reasonable and any potential negative impacts of the land use have been mitigated. Through the SUP process, a specific site design is also developed to ensure the intent of the base zoning district is maintained.

In December of 2021, the City Council approved a SUP (ZDC-174-2021) for a stand-alone Starbucks Drive-Through Establishment just south of the subject property. In November of 2022, City Council approved an amendment to this SUP (ZDC-123-2022) to modify the design of the site and the development agreement. Following approval of these SUP's, Starbucks opted not to pursue development of a standalone store in this area. In 2024, the property owner began working with Starbucks again to consider using a single suite within a multi-tenant retail building. In May of 2024, the applicant submitted a new redesigned SUP request (ZDC-103-2024) for a Drive-Through Establishment to allow for Starbucks to occupy the northern suite within the proposed multi-tenant retail building. Due to concerns with the language in the City's standard SUP ordinance, the applicant withdrew the new SUP application in order to take time to review the City's standard SUP Ordinance with the Starbucks corporate team. In November of 2024, the applicant completed their review and determined they had no concerns with the City's standard language. This request includes an identical site, landscaping, and building design as the request submitted in May of 2024.

The applicant proposes a Specific Use Permit (SUP) for a Drive-Through Establishment use (Starbucks) as part of a proposed multi-tenant retail building at 2932 N US Highway 77. The proposed multi-tenant retail building is a total of 8,439 square feet in size, with the drive-through suite comprising 2,439 square feet of the building. The remainder of the building is proposed to be finished out as three (3) retail suites. No specific tenants have been identified for these suites. The applicant has noted that the typical hours of operation of the business will be Monday through Saturday from 5:00 am to 10:00 pm and Sunday from 6:00 am to 10:00 pm. A total of fifteen (15) to twenty-five (25) employees are expected at this location. It is important to note that a restaurant land use without a drive-through is permitted within the General Retail (GR) zoning district by right.

The proposed site plan includes a drive-through lane with sufficient stacking for eleven (11) vehicles. The drive-through lane is designed to wrap around the entirety of the building to provide the maximum amount of vehicle stacking possible. Outside of the dedicated drive-through lane, additional drive-isles totaling approximately 400 feet are available for customer use to ensure no traffic stacks onto Highway 77.

A total of forty-five (45) parking spaces are required for the proposed multi-tenant retail building. The applicant has designed the site to provide fifty-six (56) parking spaces. The parking provided for the site is sufficient to support indoor and outdoor seating for up to two (2) restaurants. The applicant has reserved space on the southeast corner of the property to serve as an on-site detention basin for the property.

The applicant proposes to access the subject property via an existing TxDOT-approved driveway connection to N US Highway 77. This existing driveway connection aligns with Dena Drive across N US Highway 77. The Plat for the subject property includes a mutual access easement dedication to allow for cross access between adjacent properties to the north and south. Construction of the

mutual access drive is ongoing. The applicant has designed their site around this mutual access easement to ensure that cross-access between lots is preserved.

The applicant has provided a drive aisle around the entirety of the proposed building to ensure adequate on-site circulation. The drive aisle extends along the outside of the drive-through lane which will allow customers to exit the drive-through lane at any point, if necessary.

The applicant has provided two elevation/façade options for consideration with this SUP. Option 1 features a façade primarily comprised of stucco. Option 1 also includes composite wood siding on the northern (drive-through) suite and brick veneer banding around the bottom of the building. Option 2 features a more varied façade with stucco and CMU veneer comprising the majority of exterior construction materials. Option 2 also includes the same composite wood siding on the northern (drive-through) suite. Both options propose to vary the color of stucco used for the front of each retail suite.

The landscaping proposed with this SUP meets the requirements of the Waxahachie Zoning Ordinance. The applicant has incorporated nine (9) Crape Myrtles into the landscape plan.

The applicant proposes to install a multi-tenant monument sign that adheres to the typical height and size requirements of the Waxahachie Zoning Ordinance. The design of the monument sign can be referenced below in an attached exhibit. The sign will be located outside of all easements on the site.

The applicant has designed an on-site detention pond for the development and has noted that the design will adhere to the Waxahachie Manual for the Design of Storm Drainage Systems. The applicant will utilize an existing City sanitary sewer line and an existing Rockett SUD water line along Highway 77 to serve the proposed retail building. As part of the standard Waxahachie development process, the applicant is required to fully design detention and utility infrastructure for the site via a Civil Construction Permit. A Civil Construction Permit is required to be approved and the associated infrastructure installed before a building permit can be issued for the property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 13 notices were mailed to property owners within 200 feet of the request. Staff has received zero (0) letters of support and zero (0) letters of opposition for the SUP request.

Mayor Wallace opened the Public Hearing at approximately 8:40 p.m.

Mayor Pro Tem Wright requested a walkable pedestrian gate at the rear of the development and Mr. Moore agreed.

Council Member Smith expressed safety concerns for sidewalks along Highway 77.

There being no others to speak for or against ZDC-206-2024, Mayor Wallace closed the Public Hearing at approximately 8:44 p.m.

19. Consider proposed Ordinance approving ZDC-206-2024

ORDINANCE NO. 3597

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A RETAIL STORES & SHOPS USE AND A DRIVE-THROUGH ESTABLISHMENT USE WITHIN A PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) ZONING DISTRICT, LOCATED 2932 N US HIGHWAY 77, BEING PROPERTY ID 189379, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2, BLOCK 1 IN THE SHRIDHARANI SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Tres Atkins moved to approve ZDC-206-2024, a Specific Use Permit for a Drive-Through Establishment, subject to the conditions of the staff report and authorize the Mayor and/or City Manager to sign the associated documents accordingly. Motion was seconded by Chris Wright and carried unanimously (5-0).

20. Consider Development Agreement for ZDC-206-2024

Action:

Chris Wright moved to approve the Development Agreement for ZDC-206-2024. Motion was seconded by Patrick Souter and carried unanimously (5-0).

21. Convene into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code

Mayor Wallace announced at 8:45 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code.

22. Reconvene and take any necessary action

The meeting reconvened at 10:35 p.m.

Action:

Patrick Souter moved to approve a supplemental appropriation from the Waxahachie Community Development Corporation reserve fund balance to purchase two parcels of land located on South College Street with ECAD Property IDs of 171150 and 171141 for a combined purchase price of \$75,000 plus any closing and/or survey costs as necessary, as well as, the purchase of 1.309 acres of land located at 441 South College Street with ECAD Property ID of 171143 at a purchase price of \$199,570 plus any closing and survey costs as necessary; and authorize the City Manager to negotiate and execute the purchase contract and any other required documents as necessary to acquire the properties. Motion was seconded by Travis Smith and carried unanimously (5-0).

Action:

Travis Smith moved to approve the Agreement with EHG WAXAHACHIE REALTY, LLC outlining the transfer of ownership, development and operation of the property at 216 North College Street; providing incentives per the agreement; and authorizing the City Manager to execute all documents necessary per the agreement and for the transfer of property. Motion was seconded by Tres Atkins and carried 3-2, with Chris Wright and Patrick Souter voting in opposition.

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

Council Member Tres Atkins recognized B Shift at Fire Station #4 for their excellent response time.

City Manager Michael Scott announced there will be a regional procurement open house with a goal to obtain competitive bidding from local vendors.

Council Member Patrick Souter thanked David McSpadden for his servant's heart. Mr. Souter recognized staff and first responders working in the frigid temperatures and encouraged everyone to check on friends, neighbors, and elderly during this time.

Mayor Pro Tem Chris Wright noted it was an honor to have David McSpadden serve as Honorary Council Member. Mr. Wright thanked the animal advocates for their commitment and passion to addressing the needs in our community. He announced the Truck 4 Pushback Ceremony on January 23rd at 9am at Fire Station #4.

Mayor Billie Wallace thanked David McSpadden for his service and passion to change the world. She echoed Council comments and thanked the animal advocates in our community for their work.

Honorary Council Member David McSpadden thanked City Council for their time and commitment to serving Waxahachie and making it a better community.

24. Adjourn

There being no further business, the meeting adjourned at 10:37 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary