

Planning and Zoning Commission  
September 9, 2015

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Wednesday, September 9, 2015 at 4:30 p.m. in the Council Chamber at 401 S. Rogers, Waxahachie, Texas.

Members Present: Betty Jefferson, Vice Chairman  
Rick Keeler  
Bonney Ramsey  
Melissa Ballard  
Jim Phillips  
Rodney Bell

Member Absent: Jim Cooper, Chairman

Others Present: Derica Peters, Planning & Development  
Coordinator  
Lori Saunders, City Secretary  
Kevin Strength, Mayor

Others Absent: Clyde Melick, Director of Planning  
David Hill, Council Representative  
Steve Chapman, City Attorney

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Vice Chairman Betty Jefferson called the meeting to order and Mr. Rodney Bell gave the invocation.

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**Ms. Melissa Ballard moved approval of the minutes of the regular Planning & Zoning Commission meeting of August 26, 2015. Mrs. Bonney Ramsey seconded, All Ayes.**

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Vice Chairman Jefferson opened the Public Hearing on a request by Cole & Associates, Inc. for a Site Plan approval in a Planned Development-36-Commercial (PD-36-C) Zoning District for a Panera Bread restaurant, located at 1319 N. Hwy 77, being 0.55 acres, Lot 1A, Waxahachie Crossing 1 Rev. – Owner: HD Development Properties LP (ZA 2015-29).

Mr. Brian Schrock, Cole & Associates, 401 South 18<sup>th</sup> Street, St. Louis, MO, reviewed and requested approval of the site plan.

There being no others to speak for or against Zoning Amendment 2015-29, Vice Chairman Jefferson closed the Public Hearing.

Mrs. Bonney Ramsey expressed a deep concern for the removal of 11 established 1 crape myrtle trees as depicted on the site plan as well as an additional 3 crape myrtle trees located on an island. She expressed concern with traffic entering and exiting the proposed Panera Bread restaurant location.

Mr. Schrock stated the proposed corner of the Home Depot parking lot is the only parcel Home Depot has available. He reported 5 crepe myrtle trees will be removed instead of 11 trees.

Mr. Jim Phillips stated if infill is allowed on this parcel what stops Home Depot from filling up the parking lot with other facilities. He stated the proposed location is not the place for the restaurant based on the accessibility and aesthetics noting it doesn't enhance our community.

Mr. Rick Keeler expressed disappointment with the design of the restaurant. Mr. Schrock stated Panera Bread restaurants prior to this design are considered outdated and explained the new approach is clean straight lines with wood elements involved. He stated the last 20 projects have been this design.

Ms. Derica Peters, Planning & Development Coordinator, reviewed the following Staff Comments:

**Current Zoning:** Planned Development -36-Commercial (C) - Ord. #1431

**Surrounding Zoning:** This property is surrounded by retail uses, and the same zoning district PD-36-C. The zoning to the east, across Hwy 77 is PD-72-C.

***DEVELOPMENT REVIEW***

**Planning:** The proposed development is a fast-casual style restaurant, being 4,300 sq. ft., with indoor seating, outdoor seating, and a drive-through. This is located in a Planned Development Zoning District, requiring approval of a site plan through public hearing.

**Outdoor seating:** Need additional information on this area, including facilities and layout.

**Building Materials:** No vertical articulation provided. Stucco and faux wood paneling is proposed on a portion of the building. Building materials don't conform to masonry requirement which is 90% masonry and 30-70% glazing/windows. In total, masonry is 60% of total exterior materials, stucco/wood is 25%, and glazing is 14%.

**Signage:** Monument sign does not meet setback requirement—it must be 15' away from any property/access easement line. Due to the configuration of the property, the proposed monument sign is not on the Panera property but on the Home Depot property on the Hwy 77 frontage, making it an "off-premise" signage. These are prohibited by ordinance. A solution to this may be a "unified lot" sign easement agreement, which is proposed to be added to the Sign Ordinance by staff proposed amendment.

**Landscaping:** This development will remove existing landscaping from the property and along Hwy 77, but the proposed landscaping does not match the removed in-kind. Street trees are required on frontage; we recommend leaving every-other existing mature crepe myrtle on this frontage.

**Circulation:** There will be a drive-thru on site, stacking requirements are met.

**Parking:** Panera will meet parking requirements through both dedicated parking stalls and shared parking with Home Depot. Although this site will eliminate 73 existing parking spots, Home Depot will continue to have an excess of 200 stalls.

**Roadway:** Vehicular access is provided by a dedicated access easement starting at the shared driveway on Hwy 77 and running along the west side of this site.

**Utilities:**

1. The Utility Investigation Sheet lists a 1 ½” lawn sprinkler. This does not show up on the Utility Plan. Will this be a 1 ½” meter or service and what is the anticipated location?
2. The 2” public water service line needs to be 2” DR-9 Poly, not copper tubing.
3. A 4’ diameter manhole is required at the connection to the city sanitary sewer line with a minimum of a 6” sanitary sewer line stubbed out. The line can be reduced in size after it leaves the city right of way or easement.

**Drainage:** Grades do not work. There appears to be an error especially on the east side of the building. See comments on grading plan.

**APPLICANT REQUIREMENTS**

Applicant to correct Site Plan and resubmit to Planning Department for filing

*After a lengthy discussion Mr. Rick Keeler moved reopen the Public Hearing and continue the Public Hearing on a request by Cole & Associates, Inc. for a Site Plan approval in a Planned Development-36-Commercial (PD-36-C) Zoning District for a Panera Bread restaurant, located at 1319 N. Hwy 77, being 0.55 acres, Lot 1A, Waxahachie Crossing 1 Rev. – Owner: HD Development Properties LP (ZA 2015-29) to the Planning and Zoning Commission meeting of September 23, 2015. Ms. Melissa Ballard seconded, All Ayes.*

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Mr. Brian Schrock, Cole & Associates, 401 South 18th Street, St. Louis, MO, reviewed and requested approval of Replat of Waxahachie Crossing Subdivision Unit One, block A, Lots 1A and 2A, being a replat of Block A Lot 1, being 0.550 acres -Owner: Home Depot U.S.A. Inc. (RP2015-26).

Ms. Peters reviewed the following Staff Comments:

**Current Zoning:** Planned Development -36-Commercial (C) - Ord. #1431

**Surrounding Zoning:** This property is surrounded by retail uses, and the same zoning district PD-36-C. The zoning to the east, across Hwy 77 is PD-72-C.

**DEVELOPMENT REVIEW**

**Planning:** According to the proposed site plan, a monument sign for Panera Bread will be located on the residual Home Depot property (Lot 1A). Due to this being an off-premise sign, staff requests a sign easement here.

Parks dedication Fees Due: \$600/acre

Roadway Impact Fees Due: \$37,281

**Utilities:** Label noted easement as “private”. See comments on replat.

**Fire:** No comment

**Roadway:** Roadway frontage will be provided by a dedicated access easement starting at the shared driveway on Hwy 77 and running along the west side of this parcel.

**Drainage:** Grades do not work. There appears to be an error especially on the east side of the building. See comments on grading plan.

**RECOMMENDATION**

Approve per staff comments.

**APPLICANT REQUIREMENTS**

Applicant to submit twelve (12) corrected copies all with original signatures within thirty (30) days of City Council approval.

*After a brief discussion, Mrs. Bonney Ramsey moved to approve Replat of Waxahachie Crossing Subdivision Unit One, block A, Lots 1A and 2A, being a replat of Block A Lot 1, being 0.550 acres -Owner: Home Depot U.S.A. Inc. (RP2015-26), subject to Staff Comments.*  
Mr. Rick Keeler seconded. The vote was as follows:

Ayes: Betty Jefferson  
Bonney Ramsey  
Melissa Ballard  
Rick Keeler  
Rodney Bell

Noes: Jim Phillips

**The motion carried.**

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Chairman Betty Jefferson opened the Public Hearing on an Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Zoning Ordinance Section 43- Sign Regulations.

Ms. Peters reported currently “off premise signage” is prohibited and explained the regulation exists to prevent the proliferation of billboards and excess signs throughout the city. She proposed the following sign language:

“Unified-Lot Sign” Unified-lot sign must meet all requirements of a monument sign, and may be placed on a premise consisting of two or more contiguous lots where each lot owner has entered into a binding agreement through an easement to treat their separate lots as one lot for the limited purpose of signage. The agreement shall contain a legal description of the properties subject to the agreement; the agreement is a covenant running with the land to be filed and made a part of the Deed Records of Ellis County, Texas; and that the agreement cannot be amended or terminated without the consent of City of Waxahachie. Unified-lot sign may be allowed by Specific Use Permit (SUP).

There being no others to speak for or against an Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Zoning Ordinance Section 43- Sign Regulations, Vice Chairman Jefferson closed the Public Hearing.

**Mr. Jim Phillips moved to recommend approval of amending the Waxahachie Zoning Ordinance Section 43- Sign Regulations as presented.** Ms. Melissa Ballard seconded, **All Ayes.**

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**Citizens' Petitions and Request:**

Mayor Strength thanked the Commission for their service.

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There being no further business, the meeting adjourned at 5:43 p.m.

Respectfully submitted,

Lori Saunders  
City Secretary