

Planning and Zoning Commission  
October 27, 2015

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Tuesday, October 27, 2015 at 7:00 p.m. in the Council Chamber at 401 S. Rogers, Waxahachie, Texas.

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

Member Absent: Melissa Ballard

Others Present: Clyde Melick, Director of Planning  
David Hill, Council Representative  
Steve Chapman, City Attorney  
Lori Saunders, City Secretary  
Derica Peters, Planning & Development  
Coordinator

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Chairman Jim Cooper called the meeting to order and gave the invocation.

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**Mr. Rick Keeler moved approval of the minutes of the regular Planning & Zoning Commission meeting of October 13, 2015. Mrs. Bonney Ramsey seconded, All Ayes.**

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Mike and Sonja Freyman, 5335 Old Buena Vista Road, Waxahachie, requested a replat of Lot 1, Block D, of Flying “W” Estates, Units IV & V and a portion of the 110.754 acre tract in the William Ferrell Survey, a-349 in the Waxahachie Extra Territorial Jurisdiction -Owner: Cheryl Wilbur (RP 2015-31). They stated the purpose of the replat is to build a home on the property.

Mr. Clyde Melick, Director of Planning, reviewed the following Staff Comments:

**DEVELOPMENT REVIEW**

Remove note and lines indicating “Future ROW as platted” from the plat – this is no longer part of this property.

This ROW area was never dedicated to Ellis County, but the Ellis County Appraisal District has appraised the land as such. This needs to be clarified.

**RECOMMENDATION**

Approve per comments

**APPLICANT REQUIREMENTS**

Applicant to submit twelve (10) corrected copies all with original signatures within thirty (30) days of City Council approval.

Once approved, this case will then go the Ellis County Commissioner's Court.

**Mrs. Bonney Ramsey moved to approve replat of Lot 1, Block D, of Flying "W" Estates, Units IV & V and a portion of the 110.754 acre tract in the William Ferrell Survey, a-349 in the Waxahachie Extra Territorial Jurisdiction -Owner: Cheryl Wilbur (RP 2015-31), subject to Staff Comments.** Mr. Rodney Bell seconded, **All Ayes.**

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Mr. Brett Foreman, 6031 W. Interstate 20, Arlington, Texas, requested approval of Final Plat of Settlers Glen Phase 3, being 100 residential lots in the William Paine Survey, a-835 being 21.089 acres – Owner: Settler's Glen LTD (FP 2015-35).

Mr. Melick reviewed the following Staff Comments noting comments have been addressed by applicant and therefore recommended to approve instead of deny the final plat.

**SUBJECT PROPERTY**

Summary: Southwest corner of Marshall and Patrick Road

Legal Description: Settlers Glenn Phase 3

Zoning: Planned Development – Single Family-3

**DEVELOPMENT REVIEW**

1. Need: contracts, and bonds
2. Entire parkland area needs to be sodded or hydro-mulched
3. Park dedication ends at corner, plat does not show this. This needs to be clarified
4. Drainage on remainder of Marshall Road to the east of Frontier Road needs to be addressed
5. Telephone pole in middle of screening wall needs to be addressed
6. Landscaping along screening wall needs to be installed
7. Need contracts for deceleration lane at FM-664 to be constructed by TXDOT
8. Cleanups around electrical conduits needed
9. No plat will be filed until all comments have been satisfied

**RECOMMENDATION**

Deny per comments

**APPLICANT REQUIREMENTS**

Applicant to submit twelve (12) corrected copies all with original signatures within thirty (30) days of City Council approval, as well as the DWG auto-cad compatible digital drawings.

**Mr. Jim Phillips moved to approve Final Plat of Settlers Glen Phase 3, being 100 residential lots in the William Paine Survey, a-835 being 21.089 acres – Owner: Settler’s Glen LTD (FP 2015-35) as presented and per Staff Comments.** Mr. Rick Keeler seconded, **All Ayes.**

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Chairman Cooper continued 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. Melick reported each time discussion are between the City and Panera Bread, Panera Bread has to go back to Home Depot for review and approval. Due to not reaching an agreement at this time, he recommended to deny the Site Plan without prejudice.

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

**Vice Chairman Betty Jefferson moved to deny, without prejudice, 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).** Mrs. Bonney Ramsey seconded, **All Ayes.**

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Chairman Cooper opened the Public Hearing on a request by McEachern Custom Homes for a Specific Use Permit in a Planned Development-23-Single Family-1 (PD-23-SF-1) Zoning District for an accessory building to be used as a pool house located at 218 Hunter Pass, being Lot 40R, Block A, of Crystal Cove Estates, being 8.583 acres – Owner: Bill & Mavis Glass (ZA 2015-41).

Mr. Kevin McEachern, McEachern Custom Homes, 700 N. 2<sup>nd</sup> Street Midlothian, Texas, reported the roof pitch on the existing house is 4:12 and therefore requested the pitch on the pool house to be 5:12 instead of the city requirement of 7:12. He explained the requested roof pitch will be more congruent with the house roof pitch.

Mr. Melick reviewed the following Staff Comments and concurred with the requested roof pitch.

**SUBJECT PROPERTY**

Address: 218 Hunter Pass  
Legal Description: Crystal Cove Estates Block A Lot 40R, 8.583 acres  
Current Zoning: Planned Development -23-Single Family-1 (PD-23-SF-1)  
Proposed Zoning: Single Family-1 with a Specific Use Permit for an accessory building  
Surrounding Zoning: Planned Development -23-Single Family-1 (PD-23-SF-1)

**DEVELOPMENT REVIEW**

A Specific Use Permit is required for an accessory building over 700 sf in a residential district.

This is an accessory building and residential use is not allowed.

- The proposed accessory building/ pool house is 2,506 sf.
- It will be located behind the existing home
- Roof pitch is 5:12
- Building materials include stone veneer, composite roofing, and architectural elements such as columns and windows

There being no others to speak for or against Zoning Amendment 2015-41, Chairman Cooper closed the Public Hearing.

**Mr. Jim Phillips moved to approve a request by McEachern Custom Homes for a Specific Use Permit in a Planned Development-23-Single Family-1 (PD-23-SF-1) Zoning District for an accessory building to be used as a pool house located at 218 Hunter Pass, being Lot 40R, Block A, of Crystal Cove Estates, being 8.583 acres – Owner: Bill & Mavis Glass (ZA 2015-41), subject to Staff Comments.** Vice Chairman Betty Jefferson seconded, **All Ayes.**

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Chairman Cooper opened the Public Hearing on an Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Zoning Ordinance Section A-3 Definitions Number 233.1 Rooftop Solar Panel System. The City Council will consider the amendment to the definition of solar panel system.

Mr. Melick reviewed Ordinance No. 2758 pertaining to rooftop solar panels. He explained the Ordinance requires a Specific Use Permit and asked for Councilmember David Hill and Commission input. Councilmember Hill stated the panels obviously need sun and solar panels on the front of a house facing other homes are not the best display of solar panels. Mr. Melick's stated the premise was to have the flexibility to deny at this point and Ordinance No. 2758 allows for this.

Ms. Amy Headkee, 106 Vanderbilt, Waxahachie, stated the aesthetic appeal of solar panels will never be as ugly as the micro-managing that Planning and Zoning Boards are renowned for. She encouraged the Commission to let people have as much freedom as possible to have stuff noting this is America and the way the Commission is talking doesn't make them sound like Americans.

There being no others to speak for or against Rooftop Solar Panel Systems, Chairman Cooper closed the Public Hearing.

Mr. Melick asked Councilmember Hill if he wanted to carry this forward with changes to City Council. Councilmember Hill stated he would like to keep the current Ordinance in place due as is. He reviewed with Ms. Headkee examples of why the city has regulations.

**After further discussion, the consensus of the Commission was to keep Ordinance 2758 as is.**

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Chairman Cooper opened the Public Hearing on an Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Subdivision Ordinance Section 4.4 Parks. The City Council will consider requirements of single loaded streets along future neighborhood parks.

Mr. Melick requested to postpone amending the Subdivision Ordinance until the Comprehensive Plan is complete.

There being no others to speak for or against amending the Waxahachie Subdivision Ordinance Section 4.4 Parks, Chairman Cooper closed the Public Hearing.

**The consensus of the Commission is to postpone amending the Subdivision Ordinance until the Comprehensive Plan is complete.**

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**Citizens' Petitions and Request:**

None

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There being no further business, the meeting adjourned at 7:28 p.m.

Respectfully submitted,

Lori Saunders  
City Secretary