

Planning and Zoning Commission  
March 9, 2011

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Wednesday, March 9, 2011, at 4:30 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  
Mary Lou Shipley  
Anthony Mottla  
Melissa Ballard

Others Present: Clyde Melick, Director of Planning  
Steve Chapman, City Attorney  
Lori Saunders, City Secretary  
Kevin Strength, Council Representative

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Chairman Jim Cooper called the meeting to order and Ms. Mary Lou Shipley gave the invitation.

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**Mrs. Bonney Ramsey moved approval of the minutes of the regular Planning & Zoning Commission meeting of February 23, 2011.** Ms. Mary Lou Shipley seconded. The vote was as follows:

Ayes: Jim Cooper  
Rick Keeler  
Bonney Ramsey  
Mary Lou Shipley  
Anthony Mottla  
Melissa Ballard

Noes: None

Absent: Betty Jefferson

**The motion carried.**

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Chairman Jim Cooper opened the Public Hearing on Zoning Amendment Request No. 2011-02: Request by Kenneth H. Mitchell, for a Zoning Amendment from Planned Development-Office (PD-O) to Planned Development-Office (PD-O) for an independent living development for senior citizens to be close to the clubhouses of Country Lane Seniors and The Grand Reserve

Seniors located at corner of Highway 77 and Park Hills Drive, being Lot 1, Block A, Country Lane Addition – Owner: Kenneth H. Mitchell.

Mr. Kenneth Mitchell, 1005 Shady River Court North, Benbrook, Texas, reported the zoning is for Phase 3 of independent living development for seniors and explained by swapping the zoning, it allows for the units to be close to the clubhouses. He noted Phase 3 will be eighty (80) units with one and two bedroom units.

There being no others to speak for or against Zoning Amendment Request 2011-02, Chairman Cooper closed the Public Hearing.

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Planning Director Clyde Melick reviewed the following Staff Comments and noted the zoning amendment takes the uses from the northern tract to the southern tract:

1. Applicant requests a zoning change on 4.731 acres to a planned development-office to allow for a senior living community.
2. Zoning Uses A-All uses permitted in the Office District exclusively to provide housing for senior citizen families with the following conditions. This location is already zoned for Planned Development Office, this will be switching uses between sub zones in this Planned Development
3. Front yard shall be a minimum 25 feet.
4. Side yard shall be a minimum of 15 feet, except for structures in excess of one story and adjacent to a Single Family Zoning District shall be 60 feet.
5. Rear yard shall be a minimum of 20 feet, except that for structures in excess of one story and adjacent to a Single Family Zoning District shall be 80 feet.
6. Maximum height shall not exceed 3 stories.
7. Maximum lot coverage shall not exceed 60%.
8. Off-street parking shall be required at the rate of 1.2 parking spaces per residential unit.
9. Maximum number of dwelling units per acre on any lot within the district shall be 20 units per acre. A maximum of 700 multi-family dwelling units may be allowed in the entire zoning district. There shall be no maximum length for the buildings.
10. All multi-family dwelling- units shall have roof slopes with a minimum of 4:12
11. Usable open space requirements shall not apply to projects in the district. Not applicable There shall be no usable open space requirement, provided adequate amenities are provided for the senior residents which may include furnished clubhouse, activities room, fitness center, library, dining room, ballroom, beauty salon, coffee shop, and swimming pool.
12. Supporting amenities to serve senior citizens are permitted in the clubhouse such as:
  - a. Book, gift, florist or stationery shop as an accessory use;
  - b. Office as an accessory use;
  - c. Private theater, meeting room and exercise room;
  - d. Health and fitness center.

13. All principal buildings and structures shall be of exterior fire resistant construction having at least forty percent (40%) of the total exterior walls, excluding doors and windows, constructed of brick, stone, or other material of equal characteristics in accordance with the City's Building Code and Fire Prevention Code. All principal buildings and structures shall have at least eight-five percent (85%) of the total exterior walls, excluding doors and windows, constructed of a combination of brick, stone, and cementitious planks (such as Hardi-plank), or other material of equal characteristics in accordance with the City's Building Code and Fire Prevention Code.
14. A solid brick or masonry screening wall or fence shall not be required for projects in the district. Ornamental steel fencing with brick or stone columns is acceptable.
15. The 2007 Future Land Use Plan depicts this tract as Mixed Use Non-residential
16. All other City development and zoning requirements not specified will be applicable

**Ms. Mary Lou Shipley moved to recommend approval of Zoning Amendment Request No. 2011-02: Request by Kenneth H. Mitchell, for a Zoning Amendment from Planned Development-Office (PD-O) to Planned Development-Office (PD-O) for an independent living development for senior citizens to be close to the clubhouses of Country Lane Seniors and The Grand Reserve Seniors located at corner of Highway 77 and Park Hills Drive, being Lot 1, Block A, Country Lane Addition, subject to Staff comments.** Vice Chairman Betty Jefferson seconded, **All Ayes.**

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Chairman Jim Cooper opened the Public Hearing on an Ordinance amending the City of Waxahachie, Texas, Zoning Ordinance, Sections 14, 15, 16, Relating to Single Family Development, Section 36 Relating to Landscaping, Section 37 related to accessory buildings, and Section 43 related to signs, declaring an emergency and setting an effective date.

Planning Director Clyde Melick reviewed the Zoning Ordinance relating to signs and reported he took comments from the last Commission meeting and made the following revisions:

- Banner: deleted reference to portable signs
- Electronic Message Sign: new language added
- Menu Board: deleted reference to portable signs
- Portable Signs: deleted
- Sandwich Board Sign: new language added
- Temporary Sign: removed language
- Maximum Sign Area: new language added
- Prohibited Signs and Activities: new language added

City Attorney Steve Chapman noted the sign regulations are general outlines of what the sign ordinance will enforce.

Mr. Melick reviewed the Zoning Ordinance relating to Single Family Development for SF-1, SF-2, and SF-3. He noted from the Comprehensive Plan there was discussion adopting gross density

from ratios for single family lots. The gross density allows for larger lots on corners, smaller lots in the middle and allows for more open space. He explained it gives the builder the flexibility of how the lots are laid out.

Mr. Melick reviewed the Zoning Ordinance relating to Landscaping and explained it amends the spacing requirements from one (1) shrub per 40 square feet of landscaping to one (1) shrub per 70 square feet of landscaping. He explained it also requires the owner of property to replace any dying landscaping with measuring requirements for trees with a trunk diameter in excess of six inches (6").

Councilman Mark Singleton, 125 Willowcrest, Waxahachie, noted regulations for the sake of regulations are pure poppycock. He referenced the sign ordinance noting the City has become what it is and the citizenry can not understand it. Councilman Singleton recommended the sign ordinance be reduced approximately 80% and go back to the way it used to be twenty (20) years ago. He noted the city needs to be a pro-business community. He reviewed the electronic message sign language noting it needs to be reduced at least 85% and noted the Planning Director pulls ideas out of the air on regulations and it stifles free enterprise. Councilman Singleton stated the Commission members don't own their own businesses and as a businessman this doesn't make sense and noted he wants free enterprise.

Commissioners Anthony Mottla, Betty Jefferson, and Mary Lou Shipley reported they own their own businesses.

Mrs. Bonney Ramsey referenced Councilman Singleton's process on running his bank and noted she is sure that his policy, procedures and regulations that were in effect years ago have been amended through the years because she is sure he sees the importance of stream lining policy, procedures and regulations to run his bank more effectively.

Councilman Singleton referenced banners noting he receives numerous letters from the city that they are not in compliance with the ordinance.

Ms. Mary Lou Shipley clarified that Councilman Singleton receives numerous letters referencing the bank is non-compliant with banners and addressed Councilman Singleton as to why after receiving a letter once, he chooses to remain non-compliant.

Vice Chairman Betty Jefferson addressed Councilman Singleton noting, in her opinion, the sign ordinance is insightful and explained through the years, research was done and amendments made which were warranted at the time. She stated she doesn't want to revert back twenty plus years because it may not be working for him. She explained the items presented need to be considered and if it's not working, then amendments need to be made. She noted, as a businessman, Mr. Singleton has spoken and now as a Councilman he needs to review the ordinance because it may need amending and not because he is mad about it and it's not working for him as a businessman. Vice Chairman Jefferson stated the Planning and Zoning Commission does not make policies, they make recommendations to Council and Council makes policies.

Mr. Anthony Mottla noted government, whether it is an appointed Commission such as Planning and Zoning or an elected position such as City Council, should be doing the most good for the citizens and noted most people in town are not developers or prominent business persons, therefore, the Council and Commission has to strike a balance between Councilman Singleton's concern versus a citizen who may find signs offensive. Mr. Mottla noted the vast majority of the Commission carries licenses from the State and noted he is overwhelmed with ordinances and explained federal, state and local regulations are constantly changing no matter the profession. He noted government can be crushing at times, and explained we can't go back some twenty plus years and be left to our own devices, we have to play by the rules and comply as they change.

Mr. Rick Keeler noted the difference of regulations from years ago versus today is due to residential and commercial growth. He noted the purpose of the sign ordinance and landscaping ordinance is to mandate regulations and make the roadways cleaner and safer. He asked Councilman Singleton if we should allow for someone to violate our ordinances and not be punished. Mr. Keeler explained the Commission is trying to rectify the ordinance and noted the city needs regulations.

The Commission discussed holding a work session with City Council to review the sign portion of the Zoning Ordinance. The consensus was to have Staff set a joint work session for March 23, 2011 at 4:30 p.m.

**After further discussion, Mr. Rick Keeler moved to continue the Public Hearing on an Ordinance amending the City of Waxahachie, Texas, Zoning Ordinance, Sections 14, 15, 16, Relating to Single Family Development, Section 36 Relating to Landscaping, Section 37 related to accessory buildings, and Section 43 related to signs, declaring an emergency and setting an effective date to the Planning and Zoning Commission meeting of April 13, 2011.** Mrs. Bonney Ramsey seconded, **All Ayes.**

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There being no further business, the meeting adjourned at 6:36 p.m.

Respectfully submitted,

Lori Saunders  
City Secretary