

A G E N D A

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie to be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on ***Tuesday, August 26, 2025 at 7:00 p.m.***

Commission Members: Rick Keeler, Chairman
 Jenny Bridges
 David Hudgins
 Chad Hicks
 Wendy Johnson
 Terry Connor
 Vacant

1. Call to Order
2. Invocation
3. ***Public Comments:*** Persons may address the Planning & Zoning Commission on any issues. This is the appropriate time for citizens to address the Commission on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Commission may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code. ***Speakers are requested to observe five (5) minute time limit.***

4. ***Consent Agenda***

All matters listed under Item 4, Consent Agenda, are considered to be routine by the Planning & Zoning Commission and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Planning & Zoning Commissioner to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the Planning & Zoning Commission.

- a. Minutes of the regular Planning & Zoning Commission meeting of August 12, 2025
 - b. Consider a request by Anel Rodriguez and Luis Sanchez for a Plat of Sanchez Gibson Addition, Lot 1A, Block 1, being 1 acre, located directly to the south of 747 Gibson Road, situated in the George W. Younger Survey, Abstract 1195, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 207141) – Owner: Luis Sanchez (SUB-111-2025)
5. ***Public Hearing*** on a request by City of Waxahachie for textual amendments to the City Zoning Ordinance, Article II Administration, Section 2.04 Changes and Amendments to All Zoning Ordinances and Districts and Administrative Procedures, Article VII Supplemental Regulation, Section 7.05 Home Occupation Regulations, and to Article II Zoning Districts, Section 3.27 Short-Term Rentals (ZTA-113-2025)
6. ***Consider*** recommendation of ZTA-113-2025
7. Adjourn

The Planning and Zoning Commission reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX

Notice of Potential Quorum

One or more members of the Waxahachie City Council may be present at this meeting.

No action will be taken by the City Council at this meeting.

(4a)

Planning and Zoning Commission
August 12, 2025

A regular meeting of the Planning & Zoning Commission 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, August 12, 2025 at 7:00 p.m.

Commission Members: Rick Keeler, Chairman
Jenny Bridges
David Hudgins
Chad Hicks
Wendy Johnson
Terry Connor
Vacant

Others Present: Shon Brooks, Executive Director of Development Services
Trenton Robertson, Senior Director of Planning
Oanh Vu, Senior Planner
Amber Villarreal, City Secretary

- 1. Call to Order**
- 2. Invocation**

Chairman Rick Keeler called the meeting to order and gave the invocation.

- 3. Public Comments**

None.

- 4. Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of July 29, 2025
- b. Consider a request by John Helms, for a Plat of the Halperin & Helms Waxahachie Addition, being 9.984 acres, located at 2435 FM 879, situated in the Marion Woodard Survey, Abstract 1120, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 192158) – Owner: Halperin & Helms Waxahachie, LLC (SUB-100-2025)
- c. Consider a request by Mark Struznik, Residential Solutions, LLC, for a Replat part of Block 172 of the Town Addition and Block 7 of the Temple Addition, to create Lot 1R, Block 7 of the Temple Addition, 1 Residential Lot, being 0.176 acres, located at 609 North Getzendaner Avenue (Property ID 175920) – Owner(s): Residential Solutions, LLC (SUB-102-2025)
- d. Consider a request by Tim Jackson, for a Replat of portions of Block 302 of the Town Addition to create Lot 1 Block A, of the RL Scott Addition, 1 non-residential lot, being 4.0-acres, located north of the intersection of Circle Street and N. Gibson Street, an addition to the City of Waxahachie (Property ID 307919) – Owner: Rodney Scott (SUB-103-2025)
- e. Consider a request by Tim Jackson, for a Plat of the Graham Street Addition, being 0.345 acres, located at 100 Graham Street situated in the S Durrett Survey, Abstract 272, an addition to the City of Waxahachie (Property ID 182074) – Owner: Phipps Graham, LLC (SUB-105-2025)

Action:

David Hudgins moved to approve the Consent Agendas, subject to the recommendations of the staff report. Motion was seconded by Chad Hicks and carried unanimously (6-0).

- 5. Public Hearing on a request by Quinn Foster, Manhard Consulting, for a Zoning Change from a Single-Family-1 (SF-1) zoning district to Planned Development – General Retail (PD-GR) zoning district located directly north of 2400 North US Highway 77 (Property ID 189302) – Owner(s): Snow Peach Legacy Family Holding Spendthrift Trust (ZDC-75-2025)**

Chairman Keeler announced the applicant requested a continuance to the September 8, 2025 Planning and Zoning Commission meeting.

Action:

Chad Hicks moved to continue the Public Hearing for ZDC-75-2025 to the September 8, 2025 Planning and Zoning Commission meeting. Motion was seconded by David Hudgins and carried unanimously (6-0).

- 6. Consider recommendation of ZDC-75-2025**

No action taken.

- 7. Public Hearing on a request by Linda Romanenko for a Specific Use Permit (SUP) for Accessory Structures exceeding 1,000 square feet use within a Single-Family Residential-1 (SF-1) zoning district located at 2951 Longbranch Road (Property ID 175482) – Owner(s): Linda Romanenko (ZDC-99-2025)**

Planner Caleb Ensley presented the Item. The applicant requests a Specific Use Permit (SUP) for Accessory Structures exceeding 1,000 square feet in combined floor area use at 2951 Longbranch Road. The subject property has four (4) existing accessory structures used for general storage, a carport, a detached garage, and a barn; that total an estimated 2,145 square feet in size. The number of existing accessory structures are consistent with adjacent properties and the rural setting along Longbranch Road. Per the City of Waxahachie Zoning Ordinance, accessory structures exceeding 1,000 square feet in combined floor area require a SUP to be approved by City Council.

According to the Ellis County Appraisal District, the subject property currently has an existing primary structure of approximately 2,073 square feet. The proposed accessory structure is a partially enclosed storage canopy that is approximately 480 square feet in size. The accessory structure features an exterior façade that is consistent with the existing accessory structures. The proposed accessory structure will be utilized as a storage area that will accommodate various items related to the general upkeep of the applicant's garden and yard. No vehicles or heavy equipment will be stored in the structure; thus, a driveway is not required. The location of the proposed accessory structure meets the typical setback requirements of the City of Waxahachie Zoning Ordinance.

According the applicant's Operational Plan, no plumbing or electrical work is being proposed for the accessory structure; and no paved flooring is being proposed as well, with the accessory

structure being secured via mobile home anchors. The proposed structure will be enclosed on the side facing the front of the property, while the open side of the canopy will face the rear of the property. The property owners have confirmed to staff that the structure will not be used as a dwelling or short-term rental and will not be separately sold or leased from the existing primary structure.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, five notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. Staff has received three (3) letters of support and zero (0) letters of opposition.

Chairman Keeler opened the Public Hearing at approximately 7:04 p.m.

There being no others to speak for or against ZDC-99-2025, Chairman Keeler closed the Public Hearing at approximately 7:04 p.m.

8. Consider recommendation of ZDC-99-2025

Action:

Jenny Bridges moved to recommend approval of ZDC-99-2025, a Specific Use Permit (SUP) for Accessory Structures exceeding 1,000 square feet in combined floor area use, subject to the conditions of the staff report, authorizing the Mayor and/or City Manager to execute all documents accordingly. Motion was seconded by Terry Connor and carried unanimously (6-0).

9. Continue Public Hearing on a request by Marisa Brewer, AICP, McAdams, for a Zoning Change from a Planned Development – Commercial (PD-5-C) zoning district to Planned Development Multi-Family-1 (PD-MF-1) zoning district located at 501 Houston Street (Property ID 189345 – Owner(s): Skanda Investments, LLC and Masina Investments, LLC (ZDC-174-2024)

Senior Planner Oanh Vu presented the Item and Marisa Brewer requested approval. On July 15, 2025, the Planning & Zoning Commission requested to continue the application to the August 12, 2025 Planning and Zoning Commission meeting so that the applicant can address concerns regarding amenities and elevations from the Planning and Zoning Commission.

The applicant has since updated their elevations to incorporate different materials and architectural features on the rear elevations. Furthermore, the design of the central amenity area has been revised to address concerns from the Planning & Zoning Commission.

The applicant proposes a Planned Development (PD) to allow for a townhome style multi-family development with a total of sixty (60) units on 5.889 acres. This results in a density of 10.19 dwelling units per acre (DUA); which is below the maximum density of eighteen (18) DUA that is allowed by right per the base zoning district of Multi-Family-1 (MF-1). The proposed development will not be subdivided into separate platted lots and will be developed on one lot, similar to a multi-family apartment development. The existing Phase 1 and proposed Phase 2 are currently owned by the same entities.

The applicant proposes a total of nine (9) buildings with this PD. Each building will house between four to eight townhome-style units, with 1-3 bedrooms per unit. A total of sixteen (16) 1-bedroom units, thirty-five (35) 2-bedrooms units, and nine (9) 3-bedrooms units, totaling sixty (60) units, are proposed for this development. The buildings have a proposed maximum height of two-stories and are situated approximately 97' from the southern boundary that is adjacent to an existing residential subdivision (Northgate Two Addition). The proposed development includes a rear entry-attached garage for each unit with the remaining required parking to be parallel along the primary drive aisles. The applicant is not proposing any front entry garages with this development. The proposed parking does exceed the minimum total parking requirement (100 spaces) and minimum attached garage requirement (105 spaces) for a multi-family development of this size.

Since the July 15th Planning & Zoning Commission meeting, the applicant has provided updated elevations that include additional materials to provide a contrast in color while complementing the main material being used. Also, decorative gable roofs have been added to the rear elevation of each building. A rendering of each building type is included in the Building Materials/Elevations Plan. The facades feature primarily stone with accents of brick and Hardie board planks utilized in various areas of each building to create some uniqueness to define each unit. Notably, proposed structures of the same type all utilize the same façade plan. Staff has conveyed to the applicant that the addition of architectural accent elements to the side façade of each building can further reduce monotony concerns. The renderings below can be referenced for a look at the proposed front façade, rear façade, and building materials for an eight (8) unit building.

The applicant proposes to provide amenities such as playground equipment, a pickleball court, and picnic tables to be located in the center of the development, as shown on the Site Plan. In addition, the applicant proposes open space throughout the development with internal pedestrian sidewalks. Staff has also included a recommended condition of approval for the PD request that requires these central amenities to be installed prior to the issuance of the Certificate of Occupancy of the first building on the subject property. The applicant has provided additional landscaping on the perimeter of the amenities area and a detailed list of elements provided for the playground equipment since the previous Planning & Zoning Commission meeting.

The applicant has provided a Landscape Plan for the proposed development. The proposed landscaping does meet the minimum requirements of the City of Waxahachie Zoning Ordinance. The applicant is proposing to install part of the required landscape in front of each unit. The applicant is proposing to provide trees along the southern boundary line to serve as a buffer between the proposed development and Northgate Two Addition (residential subdivision).

The subject property is accessed from Johnston Boulevard and Houston Street through mutual access easement with the existing development located to the north of the subject property, Heritage Square Townhomes Phase 1. The applicant proposes to dedicate a mutual access easement along the northern and eastern boundaries of the subject property by separate instrument. The applicant confirmed that they will file the mutual access easement prior to the plat application submittal.

The subject property is adjacent to an existing residential subdivision located south of the subject property, the Northgate Two Addition. Therefore, the applicant is proposing a 6' masonry screening wall, as required by the Waxahachie Zoning Ordinance. The applicant had previously

coordinated a meeting with the adjacent property owners to communicate what the proposed development entails, and has stated that they will be reaching out to them regarding installation of the screening wall, should the property owner proceed with this development.

The subject property is identified by the 2023 Comprehensive Plan under the Mixed-Use Neighborhood placetype. Though the proposed development does not provide the mixing of activities, the use does provide a buffer between a dense multi-family development and a less dense traditional single-family neighborhood due to the proposed density for the development of 10.19 DUA. This type of density transition and the diversity of housing is consistent with the goals of the Mixed-Use Neighborhood placetype.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 35 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, no letters of support and five (5) letters of opposition to the request have been received by staff.

Ms. Brewer clarified that both properties in question are under the same ownership, and that amenities will be shared between the two developments.

Commission members discussed several concerns related to the proposed development, including the potential traffic impact on the adjacent townhomes and the size of the playground area. Specific concerns were raised about the limited scope of the playground equipment, which appears to be designed solely for small children, with no amenities for older age groups.

Additional items discussed included site lighting, the possibility of adding a shade structure over the playground, removing picnic tables to allow for additional playground equipment, and installing fencing around both the playground and the pickleball court.

Architect Ben Ford stated that the currently proposed playground area is approximately 40x40 feet; however, staff noted that a revised plan reflecting these updates has not yet been submitted. Mr. Robertson emphasized that a revised site plan must be provided before the project can move forward to City Council for consideration.

Commissioner Jenny Bridges commented that the current zoning would also permit commercial uses on the site, which would generate traffic regardless of the proposed development type.

Chairman Keeler opened the Public Hearing at approximately 7:26 p.m.

There being no others to speak for or against ZDC-174-2024, Chairman Keeler closed the Public Hearing at approximately 7:28 p.m.

Chairman Keeler expressed his support for the development, stating that he believes it will offer an affordable housing option for the community. He also indicated that the proposed elevation improvements are acceptable.

The discussion then turned to the maintenance of Phase 1 of the development. Mr. Robertson acknowledged hearing concerns from tenants and noted that the facility is aging; however, he confirmed that there are currently no outstanding code violations.

10. Consider recommendation of ZDC-174-2024

Action:

David Hudgins moved to recommend approval of ZDC-174-2024, a Zoning Change from a Planned Development – Commercial (PD-5-C) to Planned Development – Multifamily-1 (PD-MF-1), subject to the conditions of the staff report, adding the following conditions: the playground equipment be shaded with a shade structure, the playground area and pickleball court be fenced, the tables shall be removed and replaced with additional playground equipment, updated site plan and updated photometric plan shall be provided prior to the City Council meeting, and authorizing the Mayor and/or City Manager to execute all documents accordingly. Motion was seconded by Chad Hicks and carried unanimously (6-0).

11. Public Hearing on a request by Sarah Lewis, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-2 (SF-2) zoning district located at 209 Equestrian Drive. (Property ID 236359) - Owner: Sarah & Brandon Lewis (ZDC-98-2025)

Mr. Ensley presented the Item. The applicant requests a SUP for short-term rental use at 209 Equestrian Drive because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,696 square feet, built in 2013. The portion of the home proposed to be used as an STR has three (3) bedrooms, one (1) bathroom and enough improved surface to accommodate two (2) vehicles. The emergency contact will be residing approximately 10.2 miles away from the subject property.

The applicant submitted the SUP application on July 2, 2025. The subject property is situated on an approximately 0.17 acres (7,405.2 square feet) lot. The applicant has not been operating a short-term rental. The applicant has not been paying local hotel occupancy taxes, as they have not been operating an STR. The Ellis County Appraisal District (ECAD) does identify the subject property as a Homestead. However, according to the comment response letter received by the applicant, the existing Homestead Exemption rolled over from the previous owner, and the applicant has formally put in a request with Ellis County Appraisal District to have that Homestead Exemption removed. Additionally, the applicant will not be residing at this location.

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 10.2 miles away from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 63 notices were mailed to property owners within 500 feet of the subject property as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time

of the publishing of this staff report, a total of four (4) letters of opposition and zero (0) letters of support were received by staff.

Commissioner Bridges expressed concern about emergency vehicle access in the neighborhood due to the current level of on-street parking. Mr. Ensley explained that the property owner is permitted to have up to three (3) off-street parking spaces at the home; however, the owner has opted to limit off-street parking to two vehicles.

Chairman Keeler opened the Public Hearing at approximately 7:37 p.m.

Those who spoke in opposition:

Chance Robeson, 215 Stable Drive, Waxahachie, Texas

Those who spoke in support or in opposition:

Paul Kwaak, 206 Equestrian, Waxahachie, Texas

Commissioners David Hudgins and Chad Hicks discussed the advantages and disadvantages of long-term versus short-term rentals, noting that the City only has regulatory authority over short-term rentals.

Kathleen Butler, the owner's representative, confirmed that the property will be managed by the current owners rather than a third party. She also stated that the owners have submitted a request to ECAD to remove the homestead exemption.

There being no others to speak for or against ZDC-98-2025, Chairman Keeler closed the Public Hearing at approximately 7:52 p.m.

12. Consider recommendation of ZDC-98-2025

Action:

David Hudgins moved to recommend approval of ZDC-98-2025, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Terry Connor and carried unanimously (6-0).

13. Comments by Commissioners and City Staff

Trenton Robertson, Senior Director of Planning, announced he will host a training for Commissioners on August 26, 2025. He also announced that staff recently submitted an award nomination for Chairman Rick Keeler to the American Planning Association for the "Planning Advocate of the Year" in Texas—and he won. Chairman Keeler has long been a dedicated advocate and an invaluable resource to the City of Waxahachie. His contributions over the years have made a lasting impact, and the City is deeply grateful for his service. He will receive his award at the Texas APA conference in College Station and he will also be formally recognized at an upcoming City Council meeting.

Mayor Pro Tem Patrick Souter expressed his appreciation to the citizens who attended and participated in the meeting.

14. Adjourn

There being no further business, the meeting adjourned at 7:56 p.m.

Respectfully submitted,

Amber Villarreal, City Secretary

Planning & Zoning Department

Plat Staff Report

Case: SUB-111-2025



MEETING DATE(S)

Planning & Zoning Commission: August 26, 2025

CAPTION

Present a request by Anel Rodriguez and Luis Sanchez for a **Plat** of Sanchez Gibson Addition, Lot 1A, Block 1, being 1 acre, located directly to the south of 747 Gibson Road, situated in the George W. Younger Survey, Abstract 1195, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 207141) – Owner: Luis Sanchez (SUB-111-2025)

RECOMMENDED MOTION

"I move to approve SUB-111-2025, a plat of Sanchez Gibson Addition, Lot 1A, Block 1, subject to the staff conditions, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."

APPLICANT REQUEST

The applicant requests to plat the subject property into one (1) residential lot.

CASE INFORMATION

<i>Applicant:</i>	Anel Rodriguez and Luis Sanchez
<i>Property Owner(s):</i>	Luis Sanchez
<i>Site Acreage:</i>	1 acre
<i>Number of Lots:</i>	1 lot
<i>Number of Dwelling Units:</i>	1 unit
<i>Park Land Dedication:</i>	N/A (ETJ)
<i>Adequate Public Facilities:</i>	Adequate public facilities are available via Rocket SUD and an on-site septic system.

SUBJECT PROPERTY

<i>General Location:</i>	Located directly to the south of 747 Gibson Road.
<i>Parcel ID Number(s):</i>	207141
<i>Current Zoning:</i>	N/A - ETJ
<i>Existing Use:</i>	Undeveloped
<i>Platting History:</i>	The subject property is not platted.

Site Aerial:



Planning Analysis

The applicant proposes to plat the subject property into one (1) residential lot as part of the Sanchez Gibson Addition subdivision. The property is located within the Waxahachie Extraterritorial Jurisdiction (ETJ). Due to this, the Plat is subject to approval by the Ellis County Commissioner's Court in addition to the Waxahachie Planning & Zoning Commission. The property does not meet the 1-acre minimum lot size requirement for Ellis County. A variance (Commissioners Court of Ellis County order NO. 329.25) was obtained on July 8th, 2025; which fully addresses the lot size concern.

During the review of the plat application, staff identified technical errors that conflict with the requirements of the Waxahachie Subdivision Ordinance and the Ellis County Subdivision and Development Standards. These technical items are required to be corrected prior to filing the Replat. The correction of each item has been identified as a condition of approval in the staff recommendation section below.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning Department recommends approval of the Plat, subject to the following conditions.

Conditions of Approval:

1. A completed Ellis County Plat Application and Ellis County TIA Waiver needs to be provided to staff.
2. Per Section 7.2.h of the Waxahachie Subdivision Ordinance, Filing Fees are required to be paid with the Plat application prior to plat filing.
3. Per Section 2.2.b of the Waxahachie Subdivision Ordinance, a completed application submission is required. Please provide a TIA waiver form with this submittal.
4. Per Section 2.3.b of the Waxahachie Subdivision Ordinance, an embossed hard copy of the Tax Certificate for the subject property (dated within 90-days of your filing date) showing that no delinquent taxes exist against the property is required to be provided at the time of Plat filing.
5. Per Section 2.4.c.23 of the Waxahachie Subdivision Ordinance, a correct title block is required to be provided. The application is a plat. Please revise.
6. Per Section 2.4.25.vi.a of the Waxahachie Subdivision Ordinance, a correct signature block needs to be provided. Please change "County of Collin" to "County of Ellis".

Conditions of Approval (continued):

7. Per Section 2.4.c.3 of the Waxahachie Subdivision Ordinance, the names of owners of record, and the recording information of adjacent properties must be provided correctly. Please revise accordingly.
8. Per Section 2.4.c.4 of the Waxahachie Subdivision Ordinance, the width of all easements need to be labeled. Please revise accordingly.
9. Per Section 2.4.c.6 of the Waxahachie Subdivision Ordinance, the proposed arrangement of lots, including lot and block numbers, need to be demonstrated. Please revise accordingly.
10. Per Section 2.4.c.4 of the Waxahachie Subdivision Ordinance, correctly show the boundaries and label all easements. Please revise accordingly.
11. Per Section 3.1.a and 3.1.c.6 of the Waxahachie Subdivision Ordinance, a minimum of 60' of ROW is needed for Circle and Gibson Streets. Provide ROW dedication resulting in 30' of ROW from the center line of Gibson Road on lot.
12. Per Sections 5.6 and 5.7 of the Waxahachie Subdivision Ordinance, fences, retaining walls, and screening walls shall not be placed in utility easements. Add this to the notes.

Conditions of Approval (Ellis County):

1. Per the Ellis County Subdivision and Development Standards, please provide a signed Waiver of Takings Impact Assessment. (LGC§232.0025 (f)(1))
2. Per the Ellis County Subdivision and Development Standards, please provide the Original Tax Certificate with raised seal from the County Tax Office demonstrating all current property taxes are paid in full. (LGC§ 232.001 (d) (e))
3. Per the Ellis County Subdivision and Development Standards, remove all color from the plat. Per the County Clerk's Office, all plats are to be black & white.
4. Per the Ellis County Subdivision and Development Standards, correct the property's location within the owner's certificate, owner's acknowledgement, and title block to be within the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Ellis County.
5. Per the Ellis County Subdivision and Development Standards, add owner's telephone number to the owner contact on the plat.
6. Per the Ellis County Subdivision and Development Standards, remove "preliminary" from the title block.
7. Per the Ellis County Subdivision and Development Standards, clearly label and identify Gibson Road and existing right-of-way within the plat drawing.
8. Per the Ellis County Subdivision and Development Standards, label the plat drawing with a lot and block designation.
9. Per the Ellis County Subdivision and Development Standards, update the plat drawing and metes and bounds regarding the ownership for Mary Newman. ECAD depicts a different owner as of 2024.
10. Per the Ellis County Subdivision and Development Standards, update the plat drawing to match the metes and bounds description regarding the 1/2 IRF for the east corner of said Sanchez tract.
11. Per the Ellis County Subdivision and Development Standards, add two (2) survey benchmarks set by site with the State Plan Coordinate System (Texas North Central - 4202).
12. Per the Ellis County Subdivision and Development Standards, "Guerrero Circle" is not a road or private drive recognized by Ellis County's GIS & 9-1-1 Addressing Department. Please remove the indicated road name from the vicinity map.
13. Per the Ellis County Subdivision and Development Standards, remove all fences from the plat drawing.
14. Per the Ellis County Subdivision and Development Standards, thirty (30) feet of right-of-way dedication should be made along Gibson Road. Please hatch the area of dedication and identify monuments for the new property line along Gibson Road.
15. Per the Ellis County Subdivision and Development Standards, add a twenty-five (25) foot front build line.

Conditions of Approval (Ellis County continued):

16. Per the Ellis County Subdivision and Development Standards, all easement width measurements should be labeled within the plat drawing. All easements should be labeled as drainage and utility easements.
17. Per the Ellis County Subdivision and Development Standards, add Ellis County's nine (9) point owner's certificate statement and signature block to the plat.
18. Per the Ellis County Subdivision and Development Standards, add Ellis County's court signature block and approval date line to the plat.
19. Per the Ellis County Subdivision and Development Standards, remove "Collin County" from the plat.
20. Per the Ellis County Subdivision and Development Standards, add Ellis County's OSSF statement and signature line to the plat.
21. Per the Ellis County Subdivision and Development Standards, remove measurements within the plat drawing that are not related to said tract or found within the metes and bounds.
22. Per the Ellis County Subdivision and Development Standards, add a general plat note referencing the RSUD easement and instrument number.
23. Per the Ellis County Subdivision and Development Standards, add a general plat note referencing the minimum lot size variance approved by Ellis County Commissioners' Court on July 8th, 2025 - Minute Order No. 329.25.
24. Per the Ellis County Subdivision and Development Standards, add deed calls to the plat drawing. See the attached Morton Acres as an example.

ATTACHED EXHIBITS

1. Plat
2. Minute Order No. 329.25

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
 - a. If comments were not satisfied, then the applicant will be notified to make corrections.
 - b. If all comments were satisfied, then the applicant shall provide five signed, hard-copy plats.

STAFF CONTACT INFORMATION

Prepared by:

David Jones

Planner

david.jones@waxachaie.com

Reviewed by:

Zack King, AICP

Planning Manager

zking@waxahachie.com

COMMISSIONERS COURT OF ELLIS COUNTY
ORDER NO. 329.25

On July 8th 2025, the Commissioners' Court of Ellis County, Texas, convened in a regular session of said court on the 2nd Floor of the Ellis County Historic Courthouse located at 101 West Main Street, Waxahachie, Texas, with the following members present to wit:

COUNTY JUDGE:

☒ Judge John Wray

COMMISSIONERS:

☒ Randy Stinson, Commissioner, Pct. 1

☒ Lane Grayson, Commissioner, Pct. 2

☒ Louis Ponder, Commissioner, Pct. 3

☒ Kyle Butler, Commissioner, Pct. 4

AND AMONG OTHER PROCEEDINGS, THE FOLLOWING ORDER WAS PASSED AS FOLLOWS:

AN ORDER OF THE COMMISSIONERS' COURT OF ELLIS COUNTY, TEXAS, GRANTING A VARIANCE REQUEST TO VOLUME I, SECTION IV (A) OF THE SUBDIVISION & DEVELOPMENT STANDARDS REGARDING THE MINIMUM LOT SIZE REQUIREMENTS, AND SEPTIC REGULATIONS (ORDER NO. 134.24) FOR PARCEL ID NO. 207141. THIS 1.00-ACRE SITE IS LOCATED ± 581 FEET NORTH OF THE INTERSECTION OF GIBSON ROAD & CACTUS ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD AND BRIDGE PRECINCT NO. 1, PROVIDING A CONFLICTS CLAUSE, PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Commissioners' Court of Ellis County, Texas, in compliance with the laws of the State of Texas and the orders of Ellis County, Texas, have given the requisite notices and otherwise, and after holding and affording a full and fair hearing to all interested persons, and in the exercise of its legislative discretion, have concluded that this proposal should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS' COURT OF ELLIS COUNTY, TEXAS, THAT:

SECTION 1. GRANTING OF A VARIANCE.

The Commissioners' Court finds that the variance criteria outlined in Section VIII (B) of the Subdivision & Development Standards apply and set forth above and are incorporated into the body of this order as if fully set forth herein. The granting of relief in the form of a lesser standard will not adversely impact public health, safety, general welfare, or traffic conditions and will not alter the nature, character, and quality of the subdivision.

SECTION 2. CONDITIONS OF APPROVAL

The variance is hereby granted for Parcel ID No. 207141 from Volume I, Section IV (A) of the Subdivision & Development Standards, allowing one (1) lot without meeting the minimum lot size requirements, and Septic Regulations (Order No. 134.24), subject to the following 3 conditions:

- 1) The property owner or applicant shall submit a plat identical to the survey plat provided for the property.

- 2) Any further subdivision of this property shall require a plat meeting those regulations in effect at the time of platting.
- 3) Approval of this variance request does not extend to any multi-tenant, multi-unit, or any commercial structures or businesses without meeting the requirements in effect at that time.

Relief Sought From:	County Development Standard:	Approved Request:	Difference:
~~Lots = Lot Size~~	~~One (1) acre~~	~~± 0.856 acres (proposed Lot 1)~~	~~± 0.144 acres (proposed Lot 1)~~
County Septic Order, Minute Order No. 134.24	One (1) acre	± 0.856 acres (proposed Lot 1 after ROW dedication)	± 0.144 acres (proposed Lot 1)

SECTION 3. CONFLICTS

To the extent of any irreconcilable conflict with the provisions of this Order and other orders of Ellis County governing the use and development of the Property and which are not expressly amended by this Order, the provisions of this Order shall be controlling.

SECTION 4. SEVERABILITY CLAUSE

If any section, paragraph, sentence, phrase, or word in this order is held invalid or unconstitutional, such holding shall not affect the validity of the remaining portions of this order. The Commissioners Court hereby declares it would have passed such remaining portions of the Order despite such invalidity, which remaining portions shall remain in force and effect.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

PASSED, APPROVED, AND ADOPTED IN OPEN COURT BY THE COMMISSIONERS COURT OF ELLIS COUNTY, TEXAS, ON THE 8TH DAY OF JULY, 2025.


John Wray, County Judge

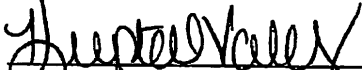

Commissioner Randy Stinson, Precinct No. 1


Commissioner Louis Ponder, Precinct No. 3

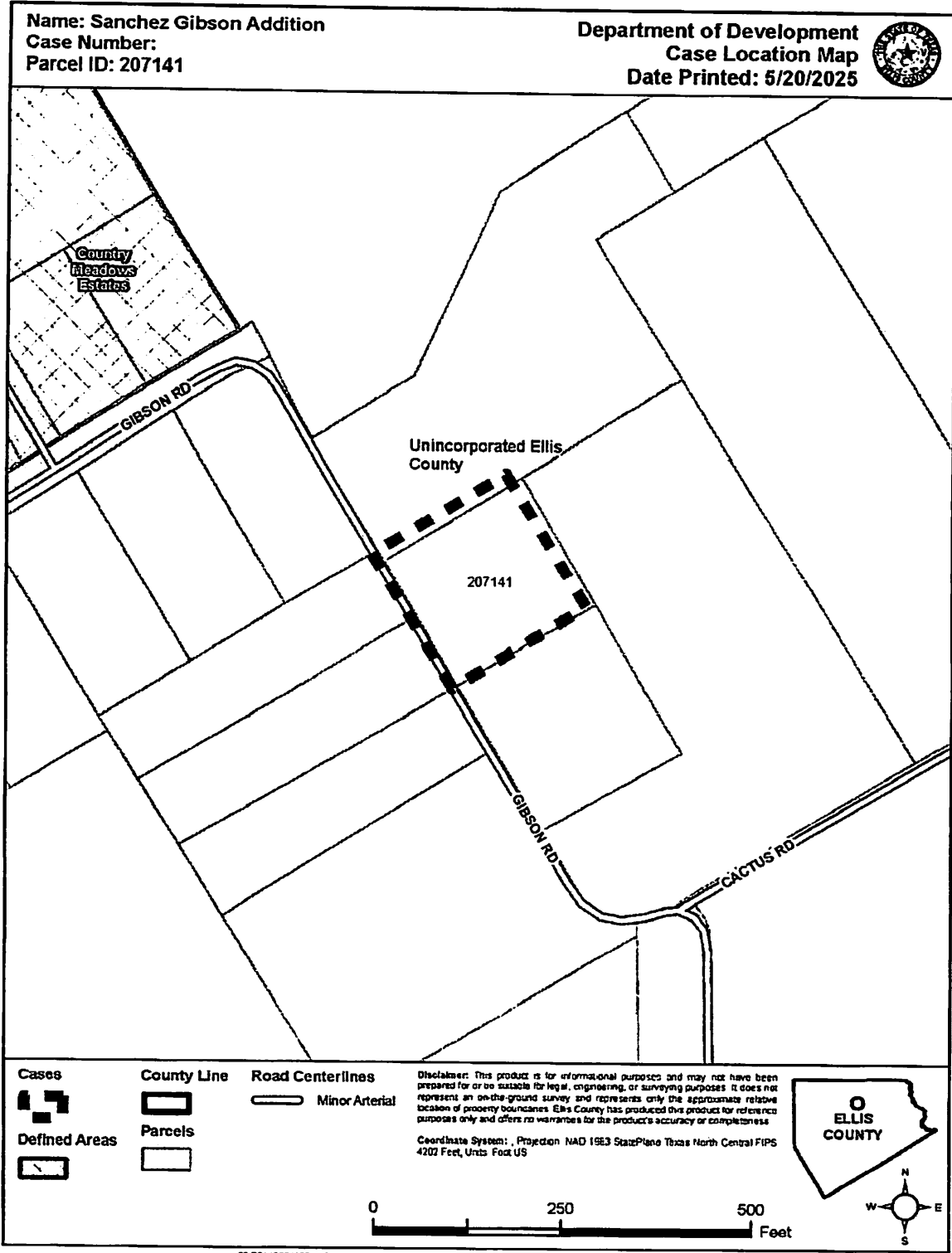

Commissioner Lane Grayson, Precinct No. 2


Commissioner Kyle Butler, Precinct No. 4

ATTEST:


Krystal Valdez, County Clerk







Memorandum

To: Honorable Mayor and City Council
From: Trenton Robertson, Senior Director of Planning
Thru: Ricky Boyd, Interim City Manager
Date: August 26, 2025
Re: Consider Text Amendments for Zoning Protests, Home Businesses, & Short-Term Rentals (ZTA-113-2025)

Recommended Motion: "I move to approve ZTA-113-2025, Zoning Ordinance Text Amendments related to Zoning Protests, Home Businesses, and Short-Term Rentals, authorizing the Mayor and/or City Manager to execute all documents accordingly."

Item Description: Consider approving an ordinance amending certain sections of the Waxahachie Zoning Ordinance related to Zoning Protests, including super majority requirements when a request is denied by the Planning and Zoning Commission, Home Businesses, and Short-Term Rentals (STR's).

Item Summary: Due to recent adoption of House Bill 24 and House Bill 2464 by the 89th Session of the Texas Legislature, the City Attorney has advised that amendments to the Waxahachie Zoning Ordinance are necessary to maintain compliance with State law. The City Attorney has prepared an ordinance amending Section 2.04 of the Waxahachie Zoning Ordinance, related to Zoning Protests, including the repeal of City Council super-majority approval requirements when a request is denied by the Planning and Zoning Commission. The prepared ordinance also amends Section 7.05 of the Zoning Ordinance related to the definition and municipal regulation of no-impact home-based businesses. Finally, the prepared ordinance amends Section 3.27 of the Zoning Ordinance related to Short-Term Rentals to more closely align with recent litigation and court decisions around the State of Texas.

Fiscal Impact: There is no fiscal impact to the City.

CITY OF WAXAHACHIE, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING SECTION 2.04, “CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS AND ADMINISTRATIVE PROCEDURES,” OF THE ZONING ORDINANCE RELATIVE TO ZONING PUBLIC NOTICE, PUBLIC HEARINGS AND ZONING PROTESTS, INCLUDING THE REPEAL OF SECTION 2.04(h)(v)(2) REGARDING SUPER MAJORITY REQUIREMENTS WHEN A ZONING REQUEST IS DENIED BY THE PLANNING AND ZONING COMMISSION; AMENDING SECTION 7.05, “HOME OCCUPATION REGULATIONS,” OF THE ZONING ORDINANCE TO INCLUDE THE PREEMPTIVE EFFECT OF SECTION 229.902 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; AMENDING PROVISIONS IN SECTION 3.27, “SHORT-TERM RENTALS,” BY AMENDING THE DEFINITION OF “PARTY” IN SECTION 3.27(b)(i)(9) AND ADDRESSING LEGAL NONCONFORMING USES IN SECTION 3.27(c)(i) OF THE ZONING ORDINANCE; MAKING FINDINGS; PROVIDING CUMULATIVE/REPEALER CLAUSES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Waxahachie, Texas (“City”), is a home-rule municipality under the laws of the State of Texas and is duly incorporated; and

WHEREAS, House Bill 24, adopted by the 89th Session of the Texas Legislature, amended Chapter 211 of the Texas Local Government Code relative to zoning protests and added definitions to said Chapter, among others; and

WHEREAS, House Bill 2464, adopted by the 89th Session of the Texas Legislature, amended Chapter 229 of the Texas Local Government Code by adding certain definitions related to no-impact home-based businesses and municipal regulation of same, among others; and

WHEREAS, recent litigation and court decisions around the State of Texas reflect that certain minor amendments to the City’s short-term rental regulations are advisable; and

WHEREAS, the City Council desires to amend its ordinances to be consistent with the new state law and in coordination with recent jurisprudential precedents and therefore has determined that the following amendments are in the best interest of the health, safety, and welfare of the citizens of the City of Waxahachie.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, THAT:

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SECTION 1

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2

From and after the effective date of this Ordinance, existing Section 2.04, “Changes and Amendments to All Zoning Ordinances and Districts and Administrative Procedures,” of the Zoning Ordinance, contained in Appendix A to the Code or Ordinances, is hereby amended to read as follows:

“Sec. 2.04. Changes and Amendments to All Zoning Ordinances and Districts and Administrative Procedures

* * *

(d) *Public hearing and notice*

- (i) Prior to making its report to the City Council, the Planning and Zoning Commission shall hold at least one public hearing on each application as applicable by state law (Texas Local Government Code Chapter 211, as so may be amended). Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for City taxes, located within the area of application and within two hundred (200) feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the latest approved tax roll and depositing the notice, postage paid, in the United States mail. Notice of hearings on proposed changes in the text of the Zoning Ordinance shall be accomplished by one publication in the official newspaper of the City not less than 15 days prior to both the Planning and Zoning Commission and City Council meetings. Notice of a proposed comprehensive zoning change, as defined in Texas Local Government Code Chapter 211, shall be given by publication in the official newspaper of the City and on the City’s website, stating the time and place of such hearing, a minimum of 15 days prior to the date of the public hearing. Changes in the ordinance text which do not change zoning district boundaries and proposed comprehensive zoning changes do not require written notification to individual property owners.

* * *

(h) City Council consideration:

* * *

- (v) Three-fourths vote. If a written protest against a proposed amendment, supplement or change to a zoning regulation or district boundary that is not a proposed comprehensive zoning change has been filed with the Planning Department, duly

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signed and acknowledged by the owners of (i) at least 20 percent of the lots or land covered by the proposed change; (ii) except as otherwise provided in subsection (iii) herein, at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or (iii) at least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area if the proposed change has the effect of allowing more residential development than the existing zoning regulation or district boundary and does not have the effect of allowing additional commercial or industrial uses unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development, such amendments shall not become effective except by the affirmative vote of at least (x) three-fourths of all members of the City Council for a protest described by subsection (i) or (ii); or (y) a majority of all members of the City Council for a protest described by subsection (iii). Written protests shall be subject to the following requirements:

- 1) All protests must be submitted to the Planning Department in writing. Such written protest(s) shall include the zoning case number, the name of the protesting property owner, the address(es) or property description(s) of the property for which the property owner is asserting a protest, the reasons for the property owner's protest such as the zoning classifications or uses to which the property owner is opposed, and the signature of the protesting property owner(s).
- 2) The protest must be filed with the Planning Department before 5:00 p.m. of the fifth business day immediately preceding the date advertised for the City Council public hearing in the statutory notice published in the official newspaper of the City. For example, a written protest must be received by 5:00 p.m., on the Monday prior to a regularly scheduled Monday City Council meeting. A protest sent through the mail must be received by the Planning Department before the deadline.
- 3) In all cases where a protest has been properly signed pursuant to this section, the City shall presume that the signatures appearing on the protest are authentic and that the persons whose signatures appear on the protest are either owners of the property or authorized to sign on behalf of one or more owners as represented. Upon the advice of the City Attorney, this presumption shall not be followed in a specific case based on evidence presented.
- 4) A person may by written request withdraw his or her signature from the protest at any time prior to the close of the public hearing for the zoning case. If the withdrawal of an owner's signature from a protest reduces the percentage of land area ownership protesting the zoning change to less than the 20 percent requirement referenced in this Subsection (v) herein, a three-

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fourths vote of the City Council for approval of the zoning change shall not be required.

- 5) In the event that multiple protests and withdrawals are filed on behalf of the same owner, the instrument with the latest date and time of execution controls.
- 6) At any time before City Council action on a zoning case, the filing deadline for a protest is automatically extended whenever the zoning case is postponed or continued to a later date.”

SECTION 3

From and after the effective date of this Ordinance, existing Subsection (h)(v)(2), relative to a supermajority vote of the City Council in the event of a recommendation of denial by the Planning and Zoning Commission, of Section 2.04, “Changes and Amendments to All Zoning Ordinances and Districts and Administrative Procedures,” of the Zoning Ordinance, contained in Appendix A to the Code or Ordinances, is hereby repealed.

SECTION 4

From and after the effective date of this Ordinance, existing Section 7.05, “Home Occupation Regulations,” of the Zoning Ordinance, contained in Appendix A to the Code or Ordinances, is hereby amended to read as follows:

“Sec. 7.05. Home Occupation Regulations.

* * *

(m) In the event of any conflict between this section and Section 229.902 of the Texas Local Government Code, as amended, Section 229.902 shall control.”

SECTION 5

From and after the effective date of this Ordinance, existing Subsection (b)(i)(9), “Party,” of Section 3.27, “Short-Term Rentals,” of the Zoning Ordinance, contained in Appendix A to the Code or Ordinances, is hereby amended to read as follows:

“Sec. 3.27. Short-Term Rentals.

* * *

(b) *Definitions:*

(i) For the purpose of this Section, the following definitions apply:

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- 9) *Party* means any gathering or event means a group of five or more persons who have assembled or are assembling in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property. This includes, but is not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to underage persons, fights, disturbances of the peace and litter.”

SECTION 6

From and after the effective date of this Ordinance, existing Subsection (c), “Short-Term Rental Requirements Prior to Registration,” of Section 3.27, “Short-Term Rentals,” of the Zoning Ordinance, contained in Appendix A to the Code or Ordinances, is hereby amended to read as follows:

“Sec. 3.27. Short-Term Rentals.

* * *

(c) *Short-Term Rental Requirements Prior to Registration:*

- (i) Any short-term rentals existing prior to October 16, 2023, are hereby deemed a nonconforming use, unless abandoned pursuant to Section 2.01 of the Zoning Ordinance, as amended, and are not required to obtain approval of a Specific Use Permit (SUP), although such short-term rentals must register with the City. Any short-term rentals existing as of October 16, 2023, or thereafter are required to obtain approval of a Specific Use Permit (SUP) by the City Council, with the exception of all short-term rentals located within the Central Area (CA) zoning district. Once the approval of a SUP for the short-term rental is obtained, the short-term rental registration requirements in section (e) of this Section 3.27 must be completed.
- 1) The notice for the public hearing for the SUP shall be sent to owners, as documented on the most recently approved ad valorem tax roll of the City, of lots that are within five-hundred feet (500') of the property for which the short-term rental SUP has been submitted.
- 2) The approved SUP is non-transferable. If there is a change in ownership of the property to which the SUP has been issued including to an affiliated party such as a family member or business organization that is owned partially or in its entirety by the previous owner, the new property owner shall submit a new SUP application with the Planning Department within thirty (30) calendar days of the change of ownership. The fact that the property has previously been issued an SUP has no bearing on the issuance of a new SUP.”

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SECTION 7

This Ordinance shall be cumulative of all other ordinances of the City of Waxahachie and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 8

If any section, chapter, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 9

Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 10

A public emergency is found to exist which affects the health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought into conformity with state law and therefore, this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ON THIS ____ DAY OF SEPTEMBER, 2025.

Billie Wallace, Mayor

ATTEST:

Amber Villarreal, City Secretary