

Planning and Zoning Commission
May 14, 2024

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, May 14, 2024 at 7:00 p.m.

Members Present: Rick Keeler, Chairman
Erik Test, Vice Chairman
Bonney Ramsey
David Hudgins
Ron Ansell
Marlene Norcross

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Senior Director of Planning
Zack King, Senior Planner
Harper Lindamood, Planner
Macey Martinez, City Engineer
Amber Villarreal, City Secretary
Chris Wright, Council Representative

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

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

3. **Public Comments**

None.

4. **Consider approval of minutes of the regular Planning & Zoning Commission meeting of April 23, 2024**

Action:

Bonney Ramsey moved to approve the minutes of the regular Planning & Zoning Commission meeting of April 23, 2024 as presented. Motion was seconded by Erik Test and carried unanimously (6-0).

5. **Public Hearing on a request by the City of Waxahachie to expand the boundaries of the Historic Overlay District as created by Ordinance Number 2331, per the requirements of Ordinance Number 3020, and ordering the changing of the Zoning Map thereof in accordance with said change. (ZDC-69-2024) Staff: Eleana Tuley**

Chairman Keeler announced the applicant requested to continue the case to the May 28, 2024 Planning and Zoning Commission meeting.

Action:

Ron Ansell moved to continue the Public Hearing for ZDC-69-2024 to the May 28, 2024 Planning and Zoning Commission meeting. Motion was seconded by David Hudgins and carried unanimously (6-0).

6. Consider recommendation of ZDC-69-2024

No action taken.

7. Continue Public Hearing on a request by Chad Adams, for a Zoning Change from a Future Development (FD) and Planned Development-Single Family-1 (PD-SF-1) zoning district to a Planned Development – Single Family – 1 (PD-SF-1) zoning district (Hightower), located directly north of 143 Lakeshore Drive (Property ID 182009) - Owner: Todd Laurie L & Wesley M Hightower Etal (ZDC-128-2022) Staff: Zack King

The Item was presented by Senior Planner Zack King. On April 7, 2024, the applicant requested to continue consideration of the Planned Development application for the Hightower Club to the May 14th Planning & Zoning Commission meeting and the May 20th City Council meeting. The applicant noted the purpose of the continuance request was to allow for additional time to revise the concept plan to address neighborhood concerns expressed at the March 26th Planning & Zoning Commission meeting. The applicant has made several changes to the proposed Hightower Club concept plan. These changes are noted below:

- The applicant has shifted the proposed street connection to Lakeshore Drive from the eastern edge of the property to the western edge of the property. The revised connection point would necessitate installation of a stop sign on Lakeshore Drive.
- The applicant has eliminated the proposal for a landscaped median at the street connection to Lakeshore Drive. The entry monument originally proposed in the landscaped median has been relocated to HOA maintained X-lots on either side of the street connection to Lakeshore Drive.
- The applicant has increased the number of residential lots facing Lakeshore Drive from five (5) to seven (7). The proposed lots facing Lakeshore Drive are 1.2 acres in size and larger.
- The applicant has committed to constructing a 6' stained wood privacy fence along the eastern property line. The fence is proposed to be installed with the initial street and utility infrastructure for the property.
- The applicant has proposed a requirement for home builders to install a 5' sidewalk along Lakeshore Drive adjacent to the subject property at the time each of the lots adjacent to Lakeshore Drive are developed.

The City Engineer and the Public Works & Engineering Department have evaluated the concept plan provided by the applicant with this Planned Development application. The applicant has conceptually accounted for drainage and detention requirements.

City Engineer Macey Martinez noted that full detailed drainage plans are provided to the City for review and approval with the Civil Construction permit. Should the Planned Development for the property be approved, the developer will be required to submit a Plat for the property. This will be reviewed by multiple departments including Engineering, Planning, Utilities, and Fire. After the Plat has been approved, the developer has 120 days to submit the full Civil Construction plans for review. These plans are also reviewed by our Engineering, Planning, Fire, and Utilities departments. These plans will include the full drainage design, utilities, roadway, grading, erosion control, signage, and lighting. During this plan review, the engineering team will look at the

drainage and detention calculations. The City Engineer also noted that per the City's Drainage Design Manual, post developed flows shall not exceed pre-developed flows. This is typically handled through detention and is one of the items evaluated during the review of Civil Construction plans. Building permits are not permitted to be issued until all public infrastructure (including drainage and detention infrastructure) is installed by the developer and accepted by the Public Works Department.

Mr. King explained, the City Engineer has noted that septic systems are allowed by Texas State law as long as they meet the requirements set forth by TCEQ. The City has a more stringent requirement of 1-acre minimum lot size for septic systems versus the State's requirement of 0.5 acres. The system must be designed by a registered sanitarian and this is verified by our Building Department. Notably, all existing homes within a mile of the lake are on septic systems.

The Public Works & Engineering Department has also evaluated the potential traffic impact of the proposed development. The City Engineer has noted that per Section 3.1.c.3 of the City's Subdivision Ordinance, a traffic impact analysis (TIA) is not required for developments of less than 100 lots or 1,000 one-way trips per day. This development falls far under that requirement at 68 lots. Staff does not have concern with the impact of additional traffic generated from this development onto Lakeshore Drive.

The applicant proposes to install two entry monuments at the entrance of the subdivision on Lakeshore Drive. The entry monuments are proposed to be located on HOA maintained X-lots on either side of the street connection to Lakeshore Drive. The entry monuments are proposed to be flanked by 6' wood privacy fences. A matching 6' wood privacy fence is proposed to be installed by the developer along the eastern property line with the initial street and utility infrastructure for the subdivision.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 34 notices were mailed to property owners within 200 feet of the request. Staff has received letters of support from seven (7) property owners and letters of opposition from twenty-two (22) property owners for the proposed PD. Note that six (6) of the property owners that initially submitted letters of opposition have submitted letters of support following the March 26, 2024 Planning & Zoning Commission meeting. The original letters of opposition from these property owners are attached to the staff report; but are not included in the total opposition count. Six (6) letters of support and seventeen (17) letters of opposition were provided for properties within the 200' notification buffer for the request.

Chairman Keeler continued the Public Hearing at approximately 7:11 p.m.

Those who spoke in opposition:

Steve Kennedy, 129 Lake Shore Drive, Waxahachie, Texas

Jeff Ross, 137 Lake Shore Drive, Waxahachie, Texas

Paul Mackel, 124 Lake Shore Drive, Waxahachie, Texas

Michelle Drolet, 128 Lake Shore Drive, Waxahachie, Texas

Melissa Harrison, 200 Lake Shore Drive, Waxahachie, Texas

Rafael Busato, 208 Lake Shore Drive, Waxahachie, Texas

Mary Lou Shipley, 209 Lake Shore Drive, Waxahachie, Texas

David Harrison, 200 Lake Shore Drive, Waxahachie, Texas

Chris Freeman, 303 Lake Shore Drive, Waxahachie, Texas
Duke Eason, 123 Lake Shore Drive, Waxahachie, Texas
Brad Burns, 3208 Howard Road, Waxahachie, Texas
Katherine Soliz, 2300 Howard Road, Waxahachie, Texas
Jefferey Smith, 117 Lake Shore Drive, Waxahachie, Texas
Brian Gray, 101 Homestead Way, Waxahachie, Texas
Dan Morton, Jr., 125 Lake Shore Drive, Waxahachie, Texas
Lora Mackel, 124 Lake Shore Drive, Waxahachie, Texas
Jerome Begnaud, 153 Lake Shore Drive, Waxahachie, Texas
Jack Scott, 216 Lake Shore Drive, Waxahachie, Texas
Kevin Johnston, 155 Lake Shore Drive, Waxahachie, Texas
Rob Drolet, 128 Lake Shore Drive, Waxahachie, Texas
Jennifer Reininger, 316 Lakewood, Waxahachie, Texas
Janet Scott, 216 Lake Shore Drive, Waxahachie, Texas

Those who spoke in support:

Larry Burks, 139 Lake Shore Drive, Waxahachie, Texas
Sidney Cockerham, 203 Lake Shore Drive, Waxahachie, Texas

Chad Adams requested approval of the request. He explained the Levante PD was approved in 2022 and designed from the beginning to gain additional points of access from adjacent properties to the west and to the south. It is important to note that the provision of at least two (2) points of access is a requirement for the build-out of Levante. This request for the Hightower PD and the design of the Hightower concept plan is intended to provide the required second point of access for both the Levante and Hightower neighborhoods. Mr. Adams also noted the Hightower PD will address drainage issues. A sidewalk will be added to Lake Shore Drive and the developer is open to extending the sidewalk to the park with an agreement with the City and landowners.

There being no others to speak for or against ZDC-128-2022, Chairman Keeler closed the Public Hearing at approximately 9:03 p.m.

8. Consider recommendation of ZDC-128-2022

Action:

Erik Test moved to recommend approval of ZDC-128-2022, a Zoning Change from a Future Development and Planned Development-Single Family-1 zoning district to a Planned Development-Single Family-1 zoning district, subject to the conditions in the staff report. Motion was seconded by David Hudgins and carried by a 4-2 vote, with Bonney Ramsey and Marlene Norcross voting in opposition.

9. Public Hearing on a request by Steve Kennedy, for a Specific Use Permit (SUP) for a Boat Dock +1500SF use within a Planned Development-Single Family-1 (PD-SF-1) zoning district located at 118 Hunter Pass (Property ID 219074) - Owner: Evan Ward and Johnny Ward (ZDC-60-2024) Staff: Zack King

The Item was presented by Mr. King. Steve Kennedy and Johnny Ward requested approval.

Chairman Keeler opened the Public Hearing at approximately 9:30 p.m.

Those who spoke in opposition:

David Bond, 104 Old Howard Road, Waxahachie, Texas

Jennifer Bond, 104 Old Howard Road, Waxahachie, Texas

Those who spoke in support:

Doug Ward, 125 Shoreway, Waxahachie, Texas

There being no others to speak for or against ZDC-60-2024, Chairman Keeler closed the Public Hearing at approximately 9:45 p.m.

10. Consider recommendation of ZDC-60-2024

Action:

David Hudgins moved to recommend approval of ZDC-60-2024, a Specific Use Permit (SUP) for a Boat Dock +1500SF, subject to the conditions in the staff report. Motion was seconded by Erik Test and carried unanimously (6-0).

11. Public Hearing on a request by Kathryn Soliz for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Single Family-1 (SF-1) zoning district located at 2300 Howard Road (Property ID 199423) - Owner: Kathryn Soliz & Brodie Soliz (ZDC-41-2024) Staff: Zack King

The Item was presented by Mr. King and Kathryn Soliz requested approval.

Chairman Keeler opened the Public Hearing at approximately 9:51 p.m.

There being no others to speak for or against ZDC-41-2024, Chairman Keeler closed the Public Hearing at approximately 9:51 p.m.

12. Consider recommendation of ZDC-41-2024

Action:

Ron Ansell moved to recommend approval of ZDC-41-2024, a Specific Use Permit for an Accessory Structure +700SF, subject to the conditions in the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Motion was seconded by Bonney Ramsey and carried unanimously (6-0).

13. Public Hearing on a request by Gary Davis, for a Specific Use Permit (SUP) Amendment for an Ordinance 3469 – Accessory Structure +700SF use within a Planned Development-Single Family-1 (PD-SF-1) zoning district located at 109 Sanders Drive (Property ID 269676) - Owner: Gary Davis (ZDC-68-2024) Staff: Zack King

The Item was presented by Mr. King. Ashley Davis and Gary Davis requested approval to allow Oncor to connect electrical for a pottery studio for personal use at no cost to the homeowner.

Chairman Keeler opened the Public Hearing at approximately 10:07 p.m.

Those who spoke in support:

Brian Gray, 101 Homestead, Waxahachie, Texas

There being no others to speak for or against ZDC-68-2024, Chairman Keeler closed the Public Hearing at approximately 10:09 p.m.

14. Consider recommendation of ZDC-68-2024

Action:

Erik Test moved to recommend approval of ZDC-68-2024, a Specific Use Permit (SUP) Amendment for Ordinance 3469, with the SUP applying only to the current property owner, any future owner would have to reapply for a SUP, and restrict to only allowing electrical. Motion was seconded by Bonney Ramsey and carried unanimously (6-0).

15. Public Hearing on a request by Ana Reyes, for a Specific Use Permit (SUP) for a Cosmetic and Restorative Studio use within a Central Area (CA) zoning district located at 307 S Rogers Street (Property ID 170494) - Owner: With Willing Hands Investments LLC (ZDC-51-2024) Staff: Zack King

The Item was presented by Mr. King and Ana Reyes requested approval.

Chairman Keeler opened the Public Hearing at approximately 10:20 p.m.

There being no others to speak for or against ZDC-51-2024, Chairman Keeler closed the Public Hearing at approximately 10:20 p.m.

16. Consider recommendation of ZDC-51-2024

Action:

Erik Test moved to recommend approval of ZDC-51-2024, a Specific Use Permit (SUP) for a Cosmetic and Restorative Studio (Beauty & Image Studio by Ana Reyes), subject to the conditions in the staff report. Motion was seconded by Ron Ansell and carried unanimously (6-0).

17. Public Hearing on a request by Steve Wilson, for a Specific Use Permit (SUP) for a Bail Bond Agency use within a Central Area (CA) zoning district located at the northeast corner of the intersection of S Jackson Street and E Jefferson Street (Property ID 170438) - Owner: Richard Shinpaugh (ZDC-112-2023) Staff: Zack King

The Item was presented by Mr. King and Steve Wilson requested approval.

Chairman Keeler opened the Public Hearing at approximately 10:26 p.m.

Those who spoke:

Gloria Mata, 209 S. College, Waxahachie, Texas, asked if the alley would remain open and staff confirmed it would.

There being no others to speak for or against ZDC-112-2023, Chairman Keeler closed the Public Hearing at approximately 10:31 p.m.

18. Consider recommendation of ZDC-112-2023

Action:

David Hudgins moved to recommend approval of ZDC-112-2023, a Specific Use Permit (SUP) for a Bail Bond Agency, subject to the conditions in the staff report. Motion was seconded by Bonney Ramsey and carried unanimously (6-0).

19. Public Hearing on a request by Gregory Roberson for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Future Development (FD) zoning district located at 3224 Howard Road (Property ID 283067) - Owner: Gregory Roberson (ZDC-65-2024) Staff: Harper Lindamood

The Item was presented by Planner Harper Lindamood and Gregory Roberson requested approval.

Chairman Keeler opened the Public Hearing at approximately 10:34 p.m.

Those who spoke in support:

Brad Burns, 3209 Howard Road, Waxahachie, Texas

Faith Suza, 3232 Howard Road, Waxahachie, Texas

There being no others to speak for or against ZDC-65-2024, Chairman Keeler closed the Public Hearing at approximately 10:36 p.m.

20. Consider recommendation of ZDC-65-2024

Action:

Ron Ansell moved to recommend approval of ZDC-65-2024, a Specific Use Permit (SUP) request for an Accessory Structure + 700SF, subject to the conditions in the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Motion was seconded by David Hudgins and carried unanimously (6-0).

21. Public Hearing on a request by Chris Clark, Clarkitecture LLC, for a Specific Use Permit (SUP) for a Drive-Through Establishment (HTeaO) use within a Planned Development-24-General Retail zoning district, located at 502 N US Highway 77, (Property ID 289738) – Owner: RS Waxahachie LLC (ZDC-74-2024) Staff: Zack King

The Item was presented by Mr. King and the applicant requested approval.

Chairman Keeler opened the Public Hearing at approximately 10:44 p.m.

Those who spoke in support:

Faye Ellyson, 1611 Alexander, Waxahachie, Texas

There being no others to speak for or against ZDC-74-2024, Chairman Keeler closed the Public Hearing at approximately 10:45 p.m.

22. Consider recommendation of ZDC-74-2024

Action:

Bonney Ramsey moved to recommend approval of ZDC-74-2024, a Specific Use Permit (SUP) for a Drive-Through Establishment (HTeaO) at 502 N US Highway 77, subject to the conditions in the staff report. Motion was seconded by Ron Ansell and carried unanimously (6-0).

23. Continue Public Hearing on a request by Melissa McClain, Equity Trust Company, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-28-General Retail (PD-28-GR) zoning district located at 515 N College Street (Property ID 171103) - Owner: Equity Trust Company Custodian (ZDC-35-2024) Staff: Oanh Vu

The Item was presented by Mr. King. At the April 23, 2024 Planning & Zoning Commission meeting, the Commission voted to approve a continuance for the proposed Short-Term Rental to allow the applicant additional time to develop a plan to provide on-site parking. Following the April 23rd meeting, the applicant has evaluated an option to add a curb cut for a driveway on N College Street to provide vehicular access to a parking area at the side and rear of 515 N College Street. If this request for a Short-Term Rental is approved, the applicant will be required to design and install a curb cut and driveway on N College Street, prior to approval of the Short-Term Rental registration.

Chairman Keeler continued the Public Hearing at approximately 10:48 p.m.

There being no others to speak for or against ZDC-35-2024, Chairman Keeler closed the Public Hearing at approximately 10:48 p.m.

24. Consider recommendation of ZDC-35-2024

Action:

Ron Ansell moved to recommend approval with conditions of ZDC-35-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions in the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by David Hudgins and carried unanimously (6-0).

25. Public Hearing on a request by Shelia Hood, Twin Cedars Trust, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 316 Cynisca Street (Property ID 175950) - Owner: Twin Cedars Trust (ZDC-77-2024) Staff: Zack King

The Item was presented by Mr. King. The applicant is requesting a SUP for a short-term rental use located at 316 Cynisca Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,960 square feet with three (3) bedrooms and sufficient parking to accommodate the maximum parking requirement of three (3) vehicles. The home is situated on an approximately 0.224-acre (9,757 square foot) lot. The applicant has

been operating a short-term rental since approximately September of 2022, and has not been paying local hotel occupancy taxes. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property and its current use in the past 12 months. The local emergency contact provided by the applicant is located 0.2 miles from the subject property. The property manager and local emergency contact for this SUP has requested a variance not to display their contact information on the front door of the short-term rental. The property manager noted safety concerns as the reason for the variance request.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 87 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. A total of eight (8) letters of opposition and six (6) letters of support were received by staff, with zero (0) letters of opposition and three (3) letters of support being inside the 200' buffer and the remainder outside of the 200' buffer.

Shelia Hood and Gabrielle Tranel requested approval.

Chairman Keeler opened the Public Hearing at approximately 11:04 p.m.

There being no others to speak for or against ZDC-77-2024, Chairman Keeler closed the Public Hearing at approximately 11:04 p.m.

26. Consider recommendation of ZDC-77-2024

Action:

David Hudgins moved to recommend approval with conditions of ZDC-77-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions in the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Erik Test and carried unanimously (6-0).

27. Public Hearing on a request by Dainy Villanueva, Bleuverts LLC for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 462 Wintergreen Drive (Property ID 265831) - Owner: Ido Pistiner (ZDC-86-2024) Staff: Zack King

The Item was presented by Mr. King. In December of 2023, a SUP application for a Short-Term Rental (ZDC-190-2023) was submitted for this property. At the Planning and Zoning Commission meeting held on April 9, 2024, the Commission voted 6-0 to recommend denial of case number ZDC-190-2023. At the City Council meeting held on April 15, 2024, the City Council voted to deny the SUP application. Notably, City Council did not deny the SUP application "with prejudice"; which means the owner of the property is permitted to submit an additional SUP request at any time. The Waxahachie Zoning Ordinance notes that if a request is denied by City Council "with prejudice", the same or similar request may not be resubmitted to the City for six (6) months from the date of denial.

Following the denial of the original SUP Application, the owner of the subject property submitted this revised SUP request for a Short-Term Rental. The revised submittal includes a verified emergency contact, documentation of a long-term lease agreement, and a State HOT Tax Statement.

On May 7th, 2024, staff confirmed via our third-party short-term rental monitoring software (GovOS) that the applicant has continued listing and operating a short-term rental on the property following the denial of their original SUP application by City Council on April 9, 2024. The applicant has satisfied all of the requirements of Section 3.27 of the Zoning Ordinance. 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 local emergency contact is located 11.6 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, 100 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. A total of seven (7) letters of opposition and zero (0) letters of support have been received by staff, with one (1) letter of opposition being inside the 200' buffer and the remainder outside the 200' buffer.

Owner Ido Pistiner requested approval and explained the listing on the rental site is only for stays longer than 30 days, which is not considered a short-term rental.

Chairman Keeler opened the Public Hearing at approximately 11:22 p.m.

There being no others to speak for or against ZDC-86-2024, Chairman Keeler closed the Public Hearing at approximately 11:22 p.m.

28. Consider recommendation of ZDC-86-2024

Action:

Marlene Norcross moved to deny ZDC-86-2024, a Specific Use Permit (SUP) for a Short-Term Rental use. Motion was seconded by Erik Test and carried by a 5-1 vote, with David Hudgins voting in opposition.

29. Public Hearing on a request by James Mills, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-28-General Retail (PD-28-GR) zoning district located at 516 N College Street (Property ID 170715) - Owner: James Mills and Megan Mills (ZDC-78-2024) Staff: Zack King

The Item was presented by Mr. King and James Mills requested approval. The applicant is requesting a SUP for a short-term rental use located at 516 N College Street because it is located within the PD-28-GR zoning district. The subject property consists of a primary structure of approximately 3,322 square feet with three (3) bedrooms and enough improved surface to accommodate for the maximum parking requirement of three (3) vehicles, situated on an approximately 0.447-acre (19,471 square feet) lot. The applicant has not operated a short-term rental at this location in the past and has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. 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 0.3 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, 61 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. A total of six (6) letters of support and two (2) letters of opposition were received by staff, with one (1) letter of support and zero (0) letters of opposition being inside the 200' buffer and the remainder outside of the 200' buffer.

Chairman Keeler opened the Public Hearing at approximately 11:28 p.m.

There being no others to speak for or against ZDC-78-2024, Chairman Keeler closed the Public Hearing at approximately 11:28 p.m.

30. Consider recommendation of ZDC-78-2024

Action:

David Hudgins moved to recommend approval with conditions of ZDC-78-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions in the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Bonney Ramsey and carried unanimously (6-0).

31. Public Hearing on a request by Stacie Seabolt, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 404 N Gibson Street (Property ID 173340) - Owner: John Seabolt and Stacie Seabolt (ZDC-83-2024) Staff: Zack King

The Item was presented by Mr. King and Stacie Seabolt requested approval. The applicant is requesting a SUP for a short-term rental use located at 404 N Gibson Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,350 square feet with two (2) bedrooms and enough improved surface to accommodate for the maximum parking requirement of two (2) vehicles, situated on an approximately 0.1-acre (4,356 square feet) lot. The applicant has been operating a short-term rental since approximately April of 2023, and has not been paying local hotel occupancy taxes. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. 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 local emergency contact provided by the applicant is located 25 feet from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 53 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. A total of eight (8) letters of support and two (2) letters of opposition were received by staff, with three (3) letters of support and zero (0) letters of opposition being inside the 200' buffer and the remainder outside of the 200' buffer.

Chairman Keeler opened the Public Hearing at approximately 11:34 p.m.

There being no others to speak for or against ZDC-83-2024, Chairman Keeler closed the Public Hearing at approximately 11:34 p.m.

32. Consider recommendation of ZDC-83-2024

Action:

Erik Test moved to recommend approval with conditions of ZDC-83-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions in the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Bonney Ramsey and carried unanimously (6-0).

33. Public Hearing on a request by Darrell James for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-3 (SF-3) zoning district located at 297 Finley Street (Property ID 175967) - Owner: Darmar Investments LLC (ZDC-84-2024) Staff: Zack King

The Item was presented by Mr. King and Darrell James requested approval. The applicant is requesting a SUP for a short-term rental use located at 297 Finley Street because it is located within the SF-3 zoning district. The subject property consists of a primary structure of approximately 2,601 square feet with three (3) bedrooms and enough improved surface to accommodate for the maximum parking requirement of three (3) vehicles, situated on an approximately 0.23-acre (10,018 square feet) lot. The applicant has not begun operating. The applicant has not satisfied the requirements of Section 3.27 of the Zoning Ordinance to identify occupancy limits and parking restrictions for the property within the Host Rules brochure. Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property and its current use in the past 12 months. The local emergency contact provided by the applicant is located 14.3 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, 37 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. Letters of support from three (3) properties were received by staff, with all three (3) properties being inside the 200' buffer and the remainder outside of the 200' buffer.

Chairman Keeler opened the Public Hearing at approximately 11:39 p.m.

There being no others to speak for or against ZDC-84-2024, Chairman Keeler closed the Public Hearing at approximately 11:39 p.m.

34. Consider recommendation of ZDC-84-2024

Action:

David Hudgins moved to recommend approval with conditions of ZDC-84-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions in the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Ron Ansell and carried unanimously (6-0).

35. Public Hearing on a request by Terri Griffith, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 402 Richmond Lane (Property ID 171713) - Owner: Terri Griffith (ZDC-85-2024) Staff: Zack King

The Item was presented by Mr. King and Terri Griffith requested approval. The applicant is requesting a SUP for a short-term rental use located at 516 N College Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,270 square feet with two (2) bedrooms and enough improved surface to accommodate for the maximum parking requirement of two (2) vehicles, situated on an approximately 0.1769-acre (7,705 square feet) lot. The applicant has been operating a short-term and long-term rental since approximately spring 2021, and has been paying local hotel occupancy taxes since March of 2024. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. At the time of the publishing of this staff report, the City has received no complaints regarding any issues that are considered a nuisance. 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 local emergency contact provided by the applicant is located 2.3 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, 92 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of this staff report, a total of ten (10) letters of opposition and eleven (11) letters of support were received by staff, with two (2) letters of opposition and four (4) letters of support being inside the 200' buffer and the remainder outside of the 200' buffer.

Chairman Keeler opened the Public Hearing at approximately 11:46 p.m.

Those who spoke in support:

James Mills, 506 N. College, Waxahachie, Texas

Megan Mills, 506 N. College, Waxahachie, Texas

There being no others to speak for or against ZDC-85-2024, Chairman Keeler closed the Public Hearing at approximately 11:46 p.m.

36. Consider recommendation of ZDC-85-2024

Action:

Bonney Ramsey moved to recommend approval with conditions of ZDC-85-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions in the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by David Hudgins and carried unanimously (6-0).

37. Public Hearing on a request by Juan Flores, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-3 (PD-SF-3) zoning district located at 624 Xavier Court (Property ID 281280) - Owner: JC & AG Investment Group, Inc. (ZDC-87-2024) Staff: Zack King

The Item was presented by Ms. Lindamood and Juan Flores requested approval. The applicant requests a SUP for short-term rental use at 624 Xavier Court because it is located within the PD-SF-3 zoning district. The subject property consists of a primary structure of approximately 3,481 square feet, built in 2023 with four (4) bedrooms, 2.5 bathrooms and enough improved surface to accommodate for the maximum parking spaces of four (4) vehicles, situated on an approximately

0.736-acre (32,076 square feet) lot. The applicant has not been operating a short-term rental and has not been paying local hotel occupancy taxes. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. 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 14.4 miles from the subject property.

Chairman Keeler opened the Public Hearing at approximately 11:53 p.m.

There being no others to speak for or against ZDC-87-2024, Chairman Keeler closed the Public Hearing at approximately 11:53 p.m.

38. Consider recommendation of ZDC-87-2024

Action:

Erik Test moved to recommend approval with conditions of ZDC-87-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions in the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Bonney Ramsey and carried by a 5-1 vote, with Marlene Norcross voting in opposition.

39. Public Hearing on a request by Jason Luke, LJA Engineering, for a Plat of Saddlebrook Estates Phase 4, 252 residential lots and 5 open space lots, being 70.035 acres, located north of 250 Saratoga Drive, situated in the G. Carpenter Survey, Abstract 190, an addition to the City of Waxahachie (Property ID: 189842) – Owner: 287 Waxahachie LP (SUB-72-2024)

The Item was presented by Mr. King and Jake Finch requested approval.

Chairman Keeler opened the Public Hearing at approximately 11:58 p.m.

There being no others to speak for or against SUB-72-2024, Chairman Keeler closed the Public Hearing at approximately 11:58 p.m.

40. Consider recommendation of SUB-72-2024

Action:

David Hudgins moved to recommend approval of SUB-72-2024, a Plat of Saddlebrook Estates Phase 4, and the associated variance request, subject to the conditions in the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Motion was seconded by Ron Ansell and carried unanimously (6-0).

41. Public Hearing on a request by Jason Luke, LJA Engineering, for a Plat of Saddlebrook Estates Phase 4B, 131 residential lots and 5 open space lots, being 36.665 acres, located approximately 2,000 feet northeast of 147 Charismatic Road, situated in the G. Carpenter Survey, Abstract 190, an addition to the City of Waxahachie (Property ID: 189842) – Owner: 287 Waxahachie LP (SUB-73-2024)

The Item was presented by Mr. King.

Chairman Keeler opened the Public Hearing at approximately 12:00 a.m. on May 15, 2024.

There being no others to speak for or against SUB-73-2024, Chairman Keeler closed the Public Hearing at approximately 12:00 a.m. on May 15, 2024.

42. Consider recommendation of SUB-73-2024

Action:

Erik Test moved to recommend approval of SUB-73-2024, a Plat of Saddlebrook Estates Phase 4B, and the associated variance request, subject to the conditions in the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Motion was seconded by David Hudgins and carried unanimously (6-0).

43. Adjourn

There being no further business, the meeting adjourned at 12:01 a.m. on May 15, 2024.

Respectfully submitted,

Amber Villarreal, City Secretary