

Planning and Zoning Commission
July 8, 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 Monday, July 8, 2024 at 7:00 p.m.

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

Members Absent: Ron Ansell
Jeff Reed

Others Present: Jennifer Pruitt, Senior Director of Planning
Zack King, Senior Planner
Harper Lindamood, Planner
Macey Martinez, City Engineer
Jami Bonner, Assistant City Secretary
Patrick Souter, 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. Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of June 25, 2024
- b. Consider a request by Matt Baacke, P.E., GMcivil, for a Plat of Myrtle Creek Phase 1A, being 25.116 acres, located approximately 2,000 feet northeast of 2325 S US Highway 287 Bypass, situated in the Robert M. Berry Survey, Abstract 96, the Benjamin Collier Survey, Abstract 216, and the Salis M. Duritt Survey, Abstract 272, an addition to the City of Waxahachie (Property ID: 180362 & 180365) – Owner: HT US 287 Owner LP (SUB-25-2023)
- c. Consider a request by Matt Baacke, P.E., GMcivil, for a Plat of Myrtle Creek Phase 1B, being 54.055 acres, located approximately 800 feet north of 2325 S US Highway 287 Bypass, situated in the Benjamin Collier Survey, Abstract 216, and the Salis M. Duritt Survey, Abstract 272, an addition to the City of Waxahachie (Property ID: 180362 & 180365) – Owner: HT US 287 Owner LP (SUB-62-2023)
- d. Consider a request by Matt Baacke, P.E., GMcivil, for a Plat of Myrtle Creek Phase 1C, being 64.893 acres, located approximately 2,300 feet northeast of 2325 S US Highway 287 Bypass, situated in the Benjamin Collier Survey, Abstract 216, the Salis M. Duritt Survey, Abstract 272, and the Robert M. Berry Survey, Abstract 96,

an addition to the City of Waxahachie (Property ID: 180362 & 180365) – Owner: HT US 287 Owner LP (SUB-63-2023)

- e. Consider a request by Brad Yates for a Replat of a portion of Block 19 of the Bullards Addition to create Lot 1-5, Block 19 of the Dunaway Townhomes Addition, four (4) residential lots and one (1) HOA lot, being 0.391 acres, located directly north of 602 S Rogers Street (Property ID 298309) – Owner: Loren Gray Investments LLC (SUB-125-2024)

Action:

Bonney Ramsey moved to approve all items on the Consent Agenda as presented. Motion was seconded by Erik Test and carried unanimously (5-0).

5. Public Hearing on a request by the City of Waxahachie to amend the adopted Waxahachie Comprehensive Plan, solely to amend the Thoroughfare Plan. Staff: Justin Stoker

The Item was presented by Justin Stoker, Senior Director of Public Works and Engineering. Mr. Stoker requested approval of an amendment to the current Impact Fee Capital Improvement Plan. He noted the proposed amendment does not change any land use assumptions or impact fees. He explained the Texas Department of Transportation (TxDOT) is proceeding with the design of Spur 394 on the south side of the City. Additionally, the Waxahachie Independent School District (WISD) is in design for a new high school that will be built north of Spur 394. The North Central Texas Council of Governments (NCTCOG) and TxDOT have requested Spur 394 not be the main recipient of traffic for the new high school. The current City of Waxahachie Thoroughfare Plan identifies a new roadway connection to the north.

After speaking with impacted property owners and external stakeholders, the proposed amendment revises the Impact Fee Capital Improvement Plan to avoid design complications and convey traffic to US 77, which is more capable of receiving northbound traffic.

The proposed changes eliminate the need to design around a major drainage outfall south of the Waxahachie Senior Center and avoids creating a complicated intersection with Howard Road. The revision directs northbound traffic to US 77 further to the north, which is more capable of receiving the traffic. Shifting the proposed roadway to the east by 350 feet improves the ability of landowners to develop the property adjacent to the new roadway.

Vice Chairman Erik Test inquired about the timeline and Mr. Stoker replied that Spur 394 is currently in design by TxDOT and is expected to enter into construction within the next year and to be completed by the summer of 2027. He noted the construction is funded by NCTCOG. The new high school is also expected to be completed the summer of 2027. He explained the water lines along I35 and Spur 394 and the proposed roadway to support the development are expected to be completed ahead of TxDOT and school improvements.

Chairman Keeler inquired about right-of-ways (ROW) and Mr. Stoker replied that three property owners are donating ROW and the fourth property is owned by the City.

Chairman Keeler opened the Public Hearing at approximately 7:05 p.m.

There being no others to speak for or against the proposed amendment, Chairman Keeler closed the Public Hearing at approximately 7:05 p.m.

6. Consider recommendation to amend the adopted Waxahachie Comprehensive Plan; solely to amend the Thoroughfare Plan

Action:

Erik Test moved to recommend approval on a request by the City of Waxahachie to amend the adopted Waxahachie Comprehensive Plan; solely to amend the Thoroughfare Plan, authorizing the City Manager and or Mayor to execute all documents accordingly. Motion was seconded by David Hudgins and carried unanimously (5-0).

7. Public Hearing on a request by Tim Jackson for a Replat of Lot 13, Block 63 of the Town Addition, to create Lots 13A & 13B, Block 63 of the Town Addition, 2 single family lots, being 0.45-acres, located at 602 Dr. Martin Luther King Jr Blvd., (Property ID 170996) – Owner: Sergio Sanchez & Vanessa Severson (SUB-113-2024) Staff: Harper Lindamood

Chairman Keeler announced the applicant requested to continue the case to the August 13, 2024 Planning and Zoning Commission meeting.

Action:

Erik Test moved to continue the Public Hearing for SUB-113-2024 to the August 13, 2024 Planning and Zoning Commission Meeting. Motion was seconded by Bonney Ramsey and carried unanimously (5-0).

8. Consider recommendation of SUB-113-2024

No action taken.

9. Public Hearing on a request by Harlen Roberts & Cindy Roberts for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 714 Dunn St (Property ID 173368) - Owner: Harlen Roberts & Cindy Roberts (ZDC-118-2024) Staff: Harper Lindamood

The Item was presented by Planner Harper Lindamood and applicant Cindy Roberts requested approval. The applicant requests a SUP for a Short-Term Rental use at 714 Dunn Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,983 square feet with three (3) bedrooms and enough improved surface to accommodate the maximum parking spaces of three (3) vehicles situated on an approximately 0.25-acre (10,715 square feet) lot. The applicant has not been operating a short-term rental, and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District does not identify the subject property as a Homestead. 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 property's current use in the past 12 months. The applicant's local emergency contact is located 8.5 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, 68 notices were mailed to property owners within 500 feet of the request. At the time of publishing of the staff report, a total of four (4) letters of support and one (1) letter 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 inquired about the applicant's residency and Ms. Roberts replied she does reside in Waxahachie.

Commissioner Bonney Ramsey asked if the applicant has any other short-term rentals and Ms. Roberts replied they have one other short-term rental at Lake Whitney.

Chairman Keeler opened the Public Hearing at approximately 7:09 p.m.

There being no others to speak for or against ZDC-118-2024, Chairman Keeler closed the Public Hearing at approximately 7:09 p.m.

10. Consider recommendation of ZDC-118-2024

Action:

Bonney Ramsey moved to recommend approval of ZDC-118-2024, 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 David Hudgins and carried unanimously (5-0).

11. Public Hearing on a request by Stephanie Savins for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 313 Monticello Dr. (Property ID 172127) - Owner: Stephanie Savins & Eric Savins (ZDC-123-2024) Staff: Harper Lindamood

The Item was presented by Ms. Lindamood and applicant Stephanie Savins requested approval. The applicant is requesting a SUP for a short-term rental use located at 313 Monticello Dr. because it is located within an SF-2 zoning district. The subject property consists of a primary structure of approximately 1,765 square feet with two (2) bedrooms and enough improved surface to accommodate the maximum parking spaces of two (2) vehicles situated on an approximately 0.21-acre (9,147 square feet) lot. The applicant has been operating a short-term rental since approximately August of 2023, and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District does not identify the subject property as a Homestead.

Staff inquired with Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property's current use in the past 12 months. The local emergency contact is located 13 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, 56 notices were mailed to property owners within 500 feet of the request. At the time of publishing the staff report, a total of one (1) letter of support and seven (7) letters of opposition were received by staff, with one (1) letter of support and one (1) letter of opposition being inside the 200' buffer and the remainder outside of the 200' buffer.

Vice Chairman Test asked if any other short-term rentals have been approved on Monticello and Ms. Harper replied there have not been any approved on Monticello.

Chairman Keeler asked the applicant if she personally manages the subject property and where she resides. Ms. Savins replied she manages the subject property and resides in Midlothian.

Chairman Keeler opened the Public Hearing at approximately 7:12 p.m.

There being no others to speak for or against ZDC-123-2024, Chairman Keeler closed the Public Hearing at approximately 7:12p.m.

12. Consider recommendation of ZDC-123-2024

Action:

David Hudgins moved to recommend approval of ZDC-123-2024, 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 Erik Test and carried unanimously (5-0).

13. Public Hearing on a request by Melanie Brewer for a Specific Use Permit (SUP) for an Accessory Structure Dwelling Unit use within a Single Family-2 (SF-2) zoning district located at 1111 W Marvin Avenue (Property ID 176332) - Owner: Melanie Brewer & Mark Brewer (ZDC-111-2024) Staff: Zack King

The Item was presented by Senior Planner Zack King and applicant Melanie Brewer requested approval. The applicant is requesting a SUP to allow for the conversion of an existing 2-car detached garage to 483 square foot accessory dwelling unit. The proposed accessory dwelling unit is located to the rear of the primary home and meets the minimum setback requirements for an accessory structure within the SF-2 zoning district. The existing driveway meets the parking requirements for the existing home and the proposed accessory dwelling unit.

The applicant has confirmed that the accessory dwelling unit will only be used as a residence for family and guests and will not be leased or sold separately from the primary home, separately metered, used as a short-term rental, or used for commercial purposes.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 15 notices were mailed to property owners within 200 feet of the request. Staff received two (2) letters of support and one (1) letter of opposition.

Chairman Keeler inquired about the location of the accessory dwelling in relation to the pool and primary home. Ms. Brewer replied the pool is located behind the primary home and the proposed accessory dwelling.

Commissioner Marlene Norcross asked if the driveway was shared and Ms. Brewer replied it is not.

Chairman Keeler opened the Public Hearing at approximately 7:17 p.m.

There being no others to speak for or against ZDC-111-2024, Chairman Keeler closed the Public Hearing at approximately 7:17 p.m.

14. Consider recommendation of ZDC-111-2024

Action:

Erik Test moved to recommend approval of ZDC-111-2024, a Specific Use Permit for an Accessory Dwelling Unit, subject to the conditions of the staff report. Motion was seconded by Marlene Norcross and carried unanimously (5-0).

15. Public Hearing on a request by Gabrielle Calvery, Virginia Holdings LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 1107 W Main Street (Property ID 176627) - Owner: Virginia Holdings LLC (ZDC-108-2024) Staff: Zack King

The Item was presented by Mr. King and applicant Gabrielle Calvery requested approval. The applicant is requesting a SUP for a short-term rental use located at 1107 W. Main Street because it is located within the SF-2 zoning district. The subject property consists of approximately 2,240 square feet, four (4) bedrooms, and a detached alley-accessed garage. The site has sufficient parking to accommodate the maximum parking requirement of four (4) vehicles. The home is situated on an approximately 0.218-acre (9,515 square feet) lot. The applicant has been operating a short-term rental since October 1, 2022 and has not paid local hotel occupancy taxes. The Ellis County Appraisal District does not identify the subject property as a Homestead.

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 is located one (1) mile from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 41 notices were mailed to property owners within 500 feet of the subject property. Staff has received one (1) letter of support and two (2) letters of opposition, with one (1) letter of support and (2) letters of opposition being inside the 200' buffer.

Commissioner Ramsey inquired about the applicant's residency and Ms. Calvery replied she lives in Waxahachie and has been operating the subject property as a short-term rental since October 2022 with no issues.

Chairman Keeler inquired if the applicant manages or owns the property. Ms. Calvery replied she manages several short-term rentals.

Council Member Patrick Souter noted the applicant is connected to the neighborhood and owns Paper Leaves Book Store on Water St.

Chairman Keeler opened the Public Hearing at approximately 7:23 p.m.

There being no others to speak for or against ZDC-108-2024, Chairman Keeler closed the Public Hearing at approximately 7:23 p.m.

16. Consider recommendation of ZDC-108-2024

Action:

Marlene Norcross moved to recommend approval of ZDC-108-2024, 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 Bonney Ramsey and carried unanimously (5-0).

17. Public Hearing on a request by Gabrielle Calvery, Virginia Holdings LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 330 E University Avenue (Property ID 176172) - Owner: Virginia Holdings (ZDC-109-2024) Staff: Zack King

The Item was presented by Mr. King and applicant Gabrielle Calvery requested approval. The applicant is requesting a SUP for a short-term rental use located at 330 E. University Avenue because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 3,686 square feet with seven (7) bedrooms and a detached one-car garage. The site is situated on an approximately 0.344-acre (14,985 square feet) lot. The applicant has been operating a short-term rental since November 10, 2020 and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District does not identify the subject property as a Homestead.

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 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, 74 notices were mailed to property owners within 500 feet of the subject property. Staff received eight (8) letters of support and one (1) letter of opposition, with one (1) letter of support and zero (0) letters being inside the 200' buffer, and the remainder outside of the 200' buffer.

Commissioner David Hudgins inquired about the parking space requirements and Mr. King confirmed the subject property does meet the maximum number of spaces allowed by the ordinance.

Commissioner Norcross asked if the applicant monitors parking and Ms. Calvery confirmed that she does.

Chairman Keeler opened the Public Hearing at approximately 7:28 p.m.

There being no others to speak for or against ZDC-109-2024, Chairman Keeler closed the Public Hearing at approximately 7:28 p.m.

18. Consider recommendation of ZDC-109-2024

Action:

Bonney Ramsey moved to recommend approval of ZDC-109-2024, 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 Erik Test and carried unanimously (5-0).

19. Public Hearing on a request by Manuel Vera Jr. for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 306 Floyd Street (Property ID 174707) - Owner: Vera Construction LLC (ZDC-110-2024) Staff: Zack King

The Item was presented by Mr. King and applicant Manuel Vera, Jr. requested approval. The applicant is requesting a SUP for a short-term rental use located at 306 Floyd Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 2,067 square feet and has sufficient parking to accommodate the maximum parking requirements of three (3) vehicles. The home is situated on an approximately 0.173-acre (7,536 square feet) lot. The applicant has been operating a short-term rental since September 1, 2023 and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District does not identify the subject property as a Homestead.

Staff inquired with 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 is located 0.6 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, 77 notices were mailed to property owners within 500 feet of the property. Staff received six (6) letters of support and ten (10) letters of opposition, with two (2) letters of support and one (1) letter of opposition within the 200' buffer, and the remainder outside of the 200' buffer.

Chairman Keeler inquired about when the applicant started operating the subject property as a short-term rental. Mr. Vera replied September 1, 2023 and noted there have been no issues.

Commissioner Norcross asked if the applicant is aware of the reason for several opposition letters. Mr. Vera replied he has not spoken with property owners that provided opposition letters.

Vice Chairman Test asked why the applicant chose to utilize the subject property as a short-term rental versus a long time rental. Mr. Vera replied he received a recommendation to utilize it as a short-term rental after the property was used as a long-term rental for a year. He noted that the upkeep is easier on short-term rentals.

Council Member Souter asked if the applicant was aware that he began operating the property as a short-term rental during a moratorium passed by City Council. Mr. Vera replied he was not aware of the short-term rental moratorium.

Chairman Keeler opened the Public Hearing at approximately 7:36 p.m.

Andrew Murphy, 503 Kirven Avenue, Waxahachie, Texas, spoke in opposition due to parking.

Chris Wright, 808 W. Marvin, Waxahachie, Texas, encouraged consistency when considering short-term rental SUPs.

There being no others to speak for or against ZDC-110-2024, Chairman Keeler closed the Public Hearing at approximately 7:53 p.m.

20. Consider recommendation of ZDC-110-2024

Action:

Erik Test moved to recommend approval of ZDC-110-2024, 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 Bonney Ramsey and carried by a 4-1 vote, with Marlene Norcross voting in opposition.

21. Public Hearing on a request by Kassie Pierce, Odyssey Oasis LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 207 Cumberland Road (Property ID 172283) - Owner: Clayton McBride & Carmen McBride (ZDC-121-2024) Staff: Zack King

The Item was presented by Mr. King and applicant Kassie Pierce requested approval. The applicant is requesting a SUP for a short-term rental use at 207 Cumberland Road because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,365 square feet in size and has sufficient parking. The home is situated on an approximately 0.214-acre (9,322 square feet) lot. The applicant has been operating a short-term rental on the subject property since approximately July 12, 2023 and has been paying local hotel occupancy taxes since October 2023. The Ellis County Appraisal District does not identify the subject property as a Homestead.

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 is located 8.4 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, 82 notices were mailed to property owners within 500 feet of the property. Staff received two (2) letters of support and eight (8) letters of opposition, with one (1) letter of support and three (3) letters of opposition within the 200' buffer, and the remainder outside of the 200' buffer.

Chairman Keeler asked if the applicant owns the subject property and Ms. Pierce replied she does not own the subject property.

Clayton McBride, 665 Brookvista Court, Waxahachie, Texas, identified himself as the owner of the subject property and explained Kassie and Michael Pierce manage the short-term rental. He noted the subject property was a long-term rental; however, there have been no issues since cleaning up the property and utilizing it as a short-term rental. He noted he has owned the home for twelve years and it was always a long-term rental property.

Commissioner Norcross noted there are several opposition letters and Ms. Pierce replied she is researching the various reasons for opposition. She explained she does not believe the community understands the use of short-term rentals.

Council Member Souter noted for consistency, the City Council previously denied a short-term rental SUP due to a non-owner applicant and other issues.

Chairman Keeler opened the Public Hearing at approximately 8:09 p.m.

There being no others to speak for or against ZDC-121-2024, Chairman Keeler closed the Public Hearing at approximately 8:09 p.m.

22. Consider recommendation of ZDC-121-2024

Action:

David Hudgins moved to recommend approval of ZDC-121-2024, 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 Erik Test and carried by a 4-1 vote, with Marlene Norcross voting in opposition.

23. Adjourn

Council Member Patrick Souter thanked the Planning Department staff for their work on short-term rental SUP applications.

There being no further business, the meeting adjourned at 8:10 p.m.

Respectfully submitted,

Jami Bonner
Assistant City Secretary