

Planning and Zoning Commission
July 23, 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, July 23, 2024 at 7:00 p.m.

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

Others Present: Jennifer Pruitt, Senior Director of Planning
Zack King, Senior Planner
Oanh Vu, Senior Planner
Harper Lindamood, Planner
Macey Martinez, City Engineer
Amber Villarreal, 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 July 8, 2024
- b. Consider a request by Ryan Kelly, EAN Holdings LLC, for a Replat of the CSP1 Addition, to create Lot 2R, Block A, being 1.0045 acres, located at directly South of 2409 N US Highway 77 (Property ID 289375) – Owner: EAN Holdings LLC (SUB-143-2024)
- c. Consider a request by James Johnston, for a Plat of Lots 1 and 11X, Block A WOC addition of the Official Map of Waxahachie, being 4.394-acres, located at Highway 287 N access road approx. 1-mile West of Ovilla road, (Property ID 295243) – Owner: Montclair development a series of EIS development II LLC (SUB-144-2024)

Action:

Bonney Ramsey moved to approve the Consent Agenda as recommended by staff. Motion was seconded by David Hudgins and carried unanimously (7-0).

5. Public Hearing on a request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 131 Vanderbilt Lane (Property ID 172836) – Owner(s): Jose & Maria Perez (ZDC-131-2024) Staff: Oanh Vu

The Item was presented by Senior Planner Oanh Vu and owner Jose Perez requested approval. The applicant requested an SUP for short-term rental use at 131 Vanderbilt Lane because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 2,040 square feet, built in 1969 with three (3) bedrooms, two (2) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles. The subject property is situated on an approximately 0.239 acres (10,410 square feet) lot. The applicant has been operating a short-term rental since approximately July 2021 and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on June 12, 2024.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered two (2) noise and disturbance-related calls had been made regarding the subject property and its current use in the past 12 months. The first call was made on December 18, 2023, regarding a civil matter. The second call was made on December 25, 2023, regarding noise disturbance. The applicant's local emergency contact is located approximately 9.8 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, 41 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 three (3) letters of opposition and three (3) letters of support were received by staff, with one (1) letter of opposition and one (1) letter of support being inside the 200' buffer.

Commissioners discussed with the owner, Jose Perez, the ordinance restricting off-street parking for short-term rentals and encouraged the host rules be updated to reflect that information. Staff noted the ordinance and rules are provided on the City website and they will also provide a printed copy of the information to the applicant.

Chairman Keeler opened the Public Hearing at approximately 7:19 p.m.

Those who spoke in favor:

Charles Edwards, 104 Sweetleaf Drive, Red Oak, Texas,

There being no others to speak for or against ZDC-131-2024, Chairman Keeler closed the Public Hearing at approximately 7:26 p.m.

6. Consider recommendation of ZDC-131-2024

Action:

David Hudgins moved to recommend approval of ZDC-131-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly, requiring host rules and regulations be amended to specify no off-street parking, prohibition of parties, specifying number of guests, and other City restrictions. Motion was seconded by Ron Ansell and carried 6-1 with Marlene Norcross voting in opposition.

7. Public Hearing on a request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 137 Vanderbilt Lane (Property ID 172839) – Owner(s): Jose Perez (ZDC-129-2024) Staff: Oanh Vu

The Item was presented by Ms. Vu and owner Jose Perez requested approval. The applicant requested an SUP for short-term rental use at 137 Vanderbilt Lane because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,918 square feet, built in 1969 with three (3) bedrooms, two (2) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles. The subject property is situated on an approximately 0.239 acres (10,410 square feet) lot. The applicant has been operating a short-term rental since approximately April 2021 and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on June 12, 2024.

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 approximately 9.7 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, 50 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 three (3) letters of opposition and two (2) letters of support were received by staff, with one (1) letter of opposition and no letters of support being inside the 200' buffer.

Mr. Perez asked for clarification on the required inspection for short-term rentals and Senior Director of Planning Jennifer Pruitt explained there is a specific list of items listed on the City website and staff will also provide a copy to the applicant.

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

There being no others to speak for or against ZDC-129-2024, Chairman Keeler closed the Public Hearing at approximately 7:38 p.m.

8. Consider recommendation of ZDC-129-2024

Action:

Ron Ansell moved to recommend approval of ZDC-129-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Jeff Reed and carried 6-1 with Marlene Norcross voting in opposition.

9. Public Hearing on a request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 103 Johnston Boulevard (Property ID 174978) – Owner(s): Jose & Maria Perez (ZDC-130-2024) Staff: Oanh Vu

The Item was presented by Ms. Vu and owner Jose Perez requested approval. The applicant requested an SUP for short-term rental use at 103 Johnston Boulevard because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,538 square feet, built in 1983 with three (3) bedrooms, two (2) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles. The subject property is situated on an approximately 0.177 acres (7,710 square feet) lot. The applicant has been operating a short-term rental since approximately September 2022 and the applicant has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on June 12, 2024.

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 approximately 9.5 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, 109 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 thirteen (13) letters of opposition and one (1) letter of support were received by staff, with three (3) letters of opposition and no letters of support being inside the 200' buffer. Staff confirmed four (4) additional letters of opposition received since the posting of the agenda.

Chairman Keeler opened the Public Hearing at approximately 7:45 p.m.

Those who spoke in opposition:

Walter Watson, 202 San Jacinto, Waxahachie, Texas

Chris Wright, 808 W. Marvin, Waxahachie, Texas, asked if Staff requires proof confirming how long the applicants have been operating short-term rentals and Ms. Pruitt noted they do not; however, they can if that is Council's direction.

Nancy Morrill, 209 Johnston Blvd, Waxahachie, Texas, confirmed the proposed short-term rental will not allow for off-street parking, and Chairman Keeler concurred.

There being no others to speak for or against ZDC-130-2024, Chairman Keeler closed the Public Hearing at approximately 8:03 p.m.

Council Member Patrick Souter explained he considers neighbor opposition and encouraged the Commission to include additional motion language for consistency with ZDC-131-2024 and Executive Director of Development Services Shon Brooks noted Staff can update the recommendation for all three of Mr. Perez's requests to be presented to City Council.

10. Consider recommendation of ZDC-130-2024

Action:

David Hudgins moved to recommend approval of ZDC-130-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly, requiring host rules and regulations be amended to specify no off-street parking, prohibition of parties, specifying number of guests, and other City restrictions. Motion was seconded by Erik Test and carried 6-1 with Marlene Norcross voting in opposition.

11. Public Hearing on a request by Demi Oyerokun for a Specific Use Permit (SUP) for a Minor Auto Repair Shop use within a General Retail (GR) zoning district located at 1011 US HWY 77, Suite 109 (Property ID 173186) – Owner: Marline Six LLC (ZDC-124-2024) Staff: Harper Lindamood

The Item was presented by Planner Harper Lindamood. The applicant requested a Specific Use Permit for an Auto Repair, Minor or Automotive Center use (Glass Doctor Auto). The proposed business has been operating as an Auto Repair, Minor or Automotive Center use since 2022 without a certificate of occupancy. The applicant submitted a Certificate of Occupancy request on May 15, 2024. Planning staff determined that per the City of Waxahachie Zoning Ordinance, the use of an Auto Repair, Minor or Automotive Center, requires a Specific Use Permit to be approved by the City Council within the General Retail (GR) zoning district. At this time, the CO application is on hold until City Council approves the required SUP. Glass Doctor Auto is a specialized service provider offering professional auto window repair, replacement, and various minor automotive repairs to car windows. All of the repairs take place at their client's locations or within the Glass Doctors interior suite 109.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 19 notices were mailed to property owners within 200 feet of the request. At the time of the publishing of this staff report, one (1) letter of opposition was received and no letters of support.

Chairman Keeler opened the Public Hearing at approximately 8:10 p.m.

There being no others to speak for or against ZDC-124-2024, Chairman Keeler closed the Public Hearing at approximately 8:10 p.m.

12. Consider recommendation of ZDC-124-2024

Action:

Ron Ansell moved to recommend approval of ZDC-124-2022, a Specific Use Permit (SUP) for a Minor Auto Repair Shop use, subject to the conditions of the staff report, and add SUP for this tenant use only. Motion was seconded by David Hudgins and carried unanimously (7-0).

13. Public Hearing on a request by Erica Edwards, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 211 Pecan St. (Property ID 175135) - Owner: Seven Partners, LLC (ZDC-128-2024) Staff: Harper Lindamood

The Item was presented by Ms. Lindamood and Erica Edwards requested approval. The applicant requested an SUP for a short-term rental use located at 211 Pecan Street, it is located within an SF-2 zoning district. The subject property consists of a primary structure of approximately 1,073 square feet with three (3) bedrooms and enough improved surface to accommodate the maximum parking spaces of three (3) vehicles situated on an approximately 0.164-acre (7,143 square feet) lot.

The applicant submitted the SUP application on June 10, 2024 and has not been operating a short-term rental. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead and the applicant has satisfied all of the requirements of Section 3.27 of the Zoning Ordinance.

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 local emergency contact provided by the applicant is located 12.8 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, 93 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 seven (7) letters of support and two (2) letters of opposition were received by staff, with two (2) 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 8:12 p.m.

Owner Erica Edwards explained the steps she takes to reduce/eliminate problem renters noting she doesn't allow instant bookings and requires a \$1,000 fee per police visit to the property during a tenant's stay. The customer and all guests are required to acknowledge and accept the host rules prior to approving the booking.

Those who spoke in support:

Charles Edwards, 104 Sweetleaf Drive, Red Oak, Texas

There being no others to speak for or against ZDC-128-2024, Chairman Keeler closed the Public Hearing at approximately 8:21 p.m.

14. Consider recommendation of ZDC-128-2024

Action:

Marlene Norcross moved to recommend approval of ZDC-128-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Bonney Ramsey and carried unanimously (7-0).

15. Adjourn

Council Member Patrick Souter encouraged applicants to contact the Planning Department for questions and guidance about the Specific Use Permit process for short-term rentals.

There being no further business, the meeting adjourned at 8:23 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary