

Planning and Zoning Commission
December 8, 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 Monday, December 8, 2025 at 7:00 p.m.

Members Present: Wendy Johnson, Chair
Jenny Bridges, Vice Chair
Chad Hicks
Terry Connor
Jimmy Poarch
Ryan Simpson
Bart Underwood

Others Present: Trenton Robertson, Senior Director of Planning
Zack King, Planning Manager
Patrick Souter, Council Representative

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

Chair Wendy Johnson called the meeting to order and 7:00 PM and provided the invocation.

3. **Public Comments**

Brian Billingsley, 4080 Waterpark Circle, Mansfield, TX spoke in favor of the Kemp Tract Item 19.

Anna Holder, 303 Morene Avenue, spoke in opposition of the Short-Term Rental SUP Application for ZDC-144-2025.

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of November 10, 2025
- b. Consider a request by Joseph Cerqueira, Kimley-Horn, for a Plat of Haven Ranch Phase 2, 119 residential lots and 3 open space HOA X-lots, being 53.621 acres, located at 400 E Haven Road, situated in the Norman H. Whittenburg Survey, Abstract 1128, an addition to the City of Waxahachie (Property ID 183003) – Owner: GRBK Edgewood LLC (SUB-167-2025)
- c. Consider a request by Kati Watson, Windrose Land Services for a Plat of WOC ADDITION, Lot 1 and 11X, Block A being 4.394 acres, located directly west of 2374 W US Highway 287 Bypass, situated in the Irwin Survey, Abstract Number 545 and 546, an addition to the City of Waxahachie (Property ID 295243 and 295240) – Owner: WAXAHACHIE OFFICE CONDOS LLC & Montclair Development A Series of EIS Development II LLC (SUB-171-2025)

Action:

Jenny Bridges moved to approve the Consent Agenda, subject to the recommendations of staff. Motion was seconded by Chad Hicks and carried unanimously (7-0).

5. Public Hearing on a request by Joshua Bell and Tiffany Bell, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 zoning district located at 105 Indian Ct (Property ID 173005) - Owners: Joshua and Tiffany Bell (ZDC-137-2025)

Planner David Jones presented the Item. The applicant requests a SUP for short-term rental use at 105 Indian Court because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,340 square feet, with three (3) bedrooms and enough improved surface to accommodate parking for a maximum of three (3) vehicles. The subject property is situated on an approximately 0.1940 acres (8,450 square feet) lot. The applicant has not been operating the subject property as a short-term rental; therefore, they have 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 September 15, 2025.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered that there were no nuisance-related calls. The applicant's local emergency contact is located approximately twelve (12) 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, 27 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of no letters of support and opposition were received by staff.

Vice Chair Jenny Bridges discussed an inconsistency between documents regarding the maximum number of guests—eight in the staff report versus six in the house rules. Staff noted, that although City standards allow up to eight occupants for a three-bedroom home, the applicant confirmed they will limit occupancy to six guests, and staff will update the documents accordingly.

Commissioner Jimmy Poarch raised concerns about whether the applicants have a vested interest in the community. The applicant, Joshua Bell, explained that while they currently live in Carrollton, they have strong family ties and long-term connections to the area and consider it their home.

Chair Johnson opened the Public Hearing at approximately 7:12 p.m.

Those who spoke in support:

Charles Edwards, 104 Sweet Leaf Drive, Red Oak, TX

There being no others to speak for or against ZDC-137-2025, Chair Johnson closed the Public Hearing at approximately 7:15 p.m.

6. Consider recommendation of ZDC-137-2025

Action:

Jimmy Poarch moved to recommend approval of ZDC-137-2025, for a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the Mayor and/or Interim City Manager to execute all documents accordingly. Motion was seconded by Jenny Bridges and carried unanimously (7-0).

7. Public Hearing on a request by Emilia Atkinson, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 zoning district located at 311 Morene Ave (Property ID 173731) - Owners: Emilia Ochoa-Atkinson and Joshua Atkinson (ZDC-144-2025)

Mr. Jones presented the Item. The applicant requests a SUP for short-term rental use at 311 Morene Avenue because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,943 square feet, with four (4) bedrooms and enough improved surface to accommodate parking for a maximum of four (4) vehicles. The subject property is situated on an approximately 0.1940 acres (8,450 square feet) lot. The applicant has not been operating the subject property as a short-term rental; therefore, they have 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 September 3, 2025.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered that there were no nuisance-related calls. The applicant's local emergency contact is located approximately six (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, 31 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, a total of zero (0) letters of support and eight (8) letters of opposition were received by staff.

Mayor Pro Tem Patrick Souter reviewed appraisal district records showing the property listed under a homestead exemption, which has been an important factor in prior P&Z and City Council considerations. The applicant, Joshua Atkinson, stated that the property is no longer intended to be homesteaded because they purchased and moved into a new residence at 520 North College. He explained that the homestead exemption was transferred to the new home and that appraisal records may not yet reflect the change due to processing timelines.

The applicant emphasized his lifelong ties to Waxahachie, noting he grew up in the home, has lived in the community his entire life, and retained the property due to personal and neighborhood connections. He also stated that many nearby homes are already used as rental properties.

The Commission discussed possibly making removal of the homestead exemption a condition of approval. The applicant confirmed this would be acceptable. He also noted this would be his first rental property and that a short-term rental was financially preferable to a long-term lease.

Chair Johnson opened the Public Hearing at approximately 7:20 p.m.

There being no others to speak for or against ZDC-144-2025, Chair Johnson closed the Public Hearing at approximately 7:20 p.m.

8. Consider recommendation of ZDC-144-2025

Action:

Chad Hicks moved to recommend approval of ZDC-144-2025, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the authorizing the Mayor and/or Interim City Manager to execute all documents accordingly. Motion was seconded by Jenny Bridges and carried unanimously (7-0).

9. Public Hearing on a request by Timothy Ramos, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 zoning district located at 211 Pecan St (Property ID 175135) - Owner: Seven Partners LLC (ZDC-165-2025)

Mr. Jones presented the Item. The applicant requests a SUP for short-term rental use at 211 Pecan Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,007 square feet, with three (3) bedrooms and enough improved surface to accommodate parking for a maximum of three (2) vehicles. The subject property is situated on an approximately 0.1640 acres (7,143 square feet) lot. The applicant would normally be required to have three parking spaces, but has requested for two (2) with a maximum occupancy of six (6) guests. The applicant has not been operating the subject property as a short-term rental; therefore, they have not been paying local hotel occupancy taxes. There is an existing SUP for Short-Term Rental use that is tied to previous ownership of the home. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on October 16, 2025.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered that there were no nuisance-related calls. The applicant's local emergency contact is located approximately twelve (12) 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, 32 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, a total of six (6) letters of support and two (2) letters of opposition were received by staff. Three (3) letters of support received are within the 200' buffer.

Staff confirmed there were no concerns with providing only two parking spaces for a maximum of six occupants, as parking limits were intentionally aligned with guest limits and included in the house rules.

The applicant representative, Timothy Ramos, clarified that the property is owned by Promise Church Ministries, not the previously listed owner, and that county records show the transfer occurred on September 29th. He explained the church has been active in Waxahachie for several years, rents a nearby church building, and is deeply invested in the community.

Mr. Ramos stated the purpose of operating the property as a short-term rental is to generate income to support community assistance efforts, noting the ministry has donated approximately \$25,000–\$35,000 in the past year to local individuals and families in need. He emphasized that strict rules are in place to prevent disruptive behavior and protect neighborhood quality. The applicant formally requested approval for short-term rental use, confirming that all proceeds would be directed back into community support.

Chair Johnson opened the Public Hearing at approximately 7:26 p.m.

Those who spoke in support:
Charles Edwards, 104 Sweet Leaf Drive, Red Oak, TX

There being no others to speak for or against ZDC-165-2025, Chair Johnson closed the Public Hearing at approximately 7:28 p.m.

Mayor Pro Tem Souter asked whether the change in property ownership affects the application. Staff confirmed it does not, explaining that the application and approval will be tied to the current property owner and clearly reflected in both the SUP ordinance and the STR registration.

Staff also confirmed that completing the STR registration after SUP approval is a required condition for all short-term rentals.

10. Consider recommendation of ZDC-165-2025

Action:

Ryan Simpson moved to recommend approval of ZDC-165-2022, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, and authorizing the Mayor and/or Interim City Manager to execute all documents accordingly. Motion was seconded by Chad Hicks and carried unanimously (7-0).

11. Public Hearing on a request by Grant Easton, for a Specific Use Permit (SUP) for an Accessory Dwelling Unit use within a Planned Development-27-Single Family-2 zoning district located at 301 Buffalo Creek (Property ID 174372) - Owner: Claire Bridgeford and Brandon Bridgeford (ZDC-159-2025)

Mr. Jones presented the Item. The applicant proposes a Specific Use Permit (SUP) to allow for the remodel of an existing 1,500 square foot garage into a 1,552 square foot Accessory Dwelling Unit. The Waxahachie Zoning Ordinance requires approval of a SUP to allow for an Accessory Dwelling Unit use within a Single Family-2 (SF-2) zoning district. The proposed accessory dwelling unit is located to the rear of the primary home at 301 Buffalo Creek Drive and meets the minimum setback requirements for an accessory structure within the SF-2 zoning district. If approved, the existing driveway is sufficient to meet the parking requirements for the proposed accessory dwelling unit. The main dwelling has an attached 2-car garage.

The proposed accessory dwelling unit will include one (1) bedroom, one (1) bathroom, a washer/dryer connection, a full kitchen, and an open living area. Access doors will be available from the Northwest side of the property. The structure will be accessible from the driveway facing the alley behind the primary dwelling. Additionally, the proposed accessory dwelling unit will have a garage and will utilize the existing improved surfaces as off-street parking.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 30 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 zero (0) letters of opposition and zero (0) letters of support for the proposed SUP.

Applicant Grant Easton, 22 Saint Charles Place, Midlothian, Texas, explained that the space in question is intended to be a mother-in-law suite, not a rental or short-term rental. It is being designed for extended stays by the homeowner's mother-in-law, who lives in California, and other family members who frequently visit Waxahachie for month-long stays. The family has strong ties to the area, and the space is meant to serve as a permanent accommodation for visiting relatives rather than for rental use.

Chair Johnson opened the Public Hearing at approximately 7:32 p.m.

There being no others to speak for or against ZDC-159-2025, Chair Johnson closed the Public Hearing at approximately 7:32 p.m.

12. Consider recommendation of ZDC-159-2025

Action:

Bart Underwood moved to recommend approval of ZDC-159-2025, a Specific Use Permit for an Accessory Dwelling Unit, subject to the conditions the staff report. Motion was seconded by Chad Hicks and carried unanimously (7-0).

13. Public Hearing on a request by David Berryman, for a Specific Use Permit (SUP) for an Accessory Structure 700+ within a Single-Family 2 zoning district located at 303 Kirven Ave (Property ID 311319) - Owners: David Berryman and Barbara Schneider (ZDC-150-2025)

Mr. Jones presented the Item. The applicant proposes a Specific Use Permit (SUP) to construct an accessory structure which exceeds seven hundred (700) square feet at 303 Kirven Avenue. The City of Waxahachie Zoning ordinance requires City Council to approve a SUP to allow accessory structures over 700 square feet in size.

The applicant initially applied for a building permit to permit an interior remodel in 2024. The permit did not include the demolition or reconstruction of a detached garage. During a site visit in 2024, staff noticed that an unpermitted accessory structure was under construction. Staff issued a stop work order and directed the applicant to seek approval of a SUP due to the structure's size prior to resuming work on the structure. Per the provided site plan, the accessory structure is shown to sit three (3) feet from the side property line and six (6) feet from the rear property line. Due to

the structure not being able to meet current setbacks as built, the structure is required to come into compliance with the 2021 International Building Code and the 2021 International Fire Code. This includes the southern wall of the accessory structure being redesigned to a fire-rated wall.

Additionally, the structure is built on top of 9-foot utility easement. Normally, structures are not permitted to be built in easements; however staff was able to confirm that there is no City infrastructure underneath the structure. An Amended Plat for the property would need to be approved and filed prior to the issuance of a building permit for the accessory structure and the resumption of work on the structure.

The applicant has confirmed to staff that the structure will not be used as a dwelling or short-term rental and will not be sold or leased separately 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, 24 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 two (2) letters of support and one (1) letters of opposition for the SUP request.

Commissioners questioned why construction was already underway before approvals were obtained. Staff explained the project began as an interior remodel, during which an existing detached garage was demolished and a new garage was started. A stop-work order was issued once code inspection identified the need for a SUP, prompting the current application.

Staff confirmed there are no major construction concerns at this time, aside from the structure being approximately three feet from the property line instead of the typical five-foot setback. Because of this proximity, a fire-rated wall may be required, which staff recommended as a condition of approval.

The applicant, Kevin Tidwell, stated he obtained permits and was unaware a SUP was required. He said inspections occurred without mention of the permit, and an engineer confirmed the structure meets code except for the fire-rated wall, which he agreed to correct. He emphasized the new garage replaces a dilapidated structure and will match the house architecturally, improving neighborhood value.

A commissioner expressed concern about setting a precedent for after-the-fact approvals, though others noted leaving the structure incomplete would also be undesirable.

Chair Johnson opened the Public Hearing at approximately 7:42 p.m.

Those who spoke in opposition:

Chris Whitehead, 301 Kirven Ln, Waxahachie, Texas

There being no others to speak for or against ZDC-150-2025, Chair Johnson closed the Public Hearing at approximately 7:47 p.m.

14. Consider recommendation of ZDC-150-2025

Action:

Jimmy Poarch moved to recommend denial of ZDC-150-2025, a Specific Use Permit (SUP) for an Accessory Structure exceeding seven hundred (700) square feet. Motion was seconded by Chad Hicks and carried 6-1, with Terry Connor voting in opposition.

Council Member Chris Wright spoke to clarify the intent of the city's infill ordinance, explaining that it allows development in older neighborhoods to follow the setbacks and standards that existed when the original structures were built, in order to maintain uniformity and fairness. He noted that if historic setbacks were three feet, then a three-foot setback could be appropriate under that ordinance.

Staff then clarified that under current zoning rules, any newly constructed accessory structure, whether in SF-2 or SF-3, requires a five-foot side setback. While remodeling an existing structure at three feet would have been allowed, demolition and reconstruction trigger the current setback requirements.

A commissioner added that they also live in the neighborhood and suggested the applicant work with neighboring property owners to reach agreement. The commissioner expressed openness to reconsidering the application if neighbors' concerns can be addressed, emphasizing the importance of neighbor support despite the possibility of council override.

15. Public Hearing on a request by Todd Baker, YMCA Metro Dallas for a Zoning Change from an Office (O) zoning district to Planned Development-Neighborhood Services (PD-NS) zoning district, for a Public Community Center use, located at 100 YMCA Drive, (Property ID 193929) - Owner: YMCA of Metro Dallas (ZDC-139-2025)

Commissioner Poarch recused himself due to a conflict of interest for Item 15.

Planning Manager Zack King presented the Item. The applicant proposes a Zoning Change to a Planned Development-Neighborhood Services (PD-NS) district to facilitate the expansion of the Waxahachie Family YMCA. The YMCA proposes an expansion that encompasses additions to the existing building and the addition of multiple pavilions, sports courts/fields, outdoor activity areas, and parking that cannot be accommodated under the existing zoning regulations for the property. As part of the request, the applicant has proposed specific Planned Development Standards that are appropriate this unique expansion.

In addition to the YMCA Public Community Center, the following uses are permitted by-right within the proposed Planned Development district: Child Daycare Center, Playfield or Stadium, Public, and Swimming Pool, Commercial. These are land uses that were identified by the applicant as consistent with the current mission and services provided by the YMCA.

The Planned Development Standards include provisions detailing site design requirements such as maximum building height, lot coverage, and setbacks that are consistent with the proposed expansion. In addition to these standards for new structures, provisions outlining parking, landscaping, signage, and lighting requirements are also provided.

The applicant has provided a Detailed Site Plan for the subject property, which is designed around an approximately 21,000 square foot addition to the YMCA building, a stand-alone restroom structure, and two outdoor pavilions totaling 29,000 square feet in area. In addition to these structures, the Detailed Site Plan identifies over 82,000 square feet of activity space designated as soccer fields, volleyball courts, pickleball courts, basketball courts, open-air exercise areas, and playground areas. The applicant has worked with staff to incorporate emergency access lanes into the center of the site between the pavilions to allow emergency services to quickly access all activity spaces. These emergency access lanes are designed to appear like pedestrian pathways that are integrated seamlessly into the site from an aesthetic standpoint; while remaining unobstructed for emergency services.

Pedestrian access is provided via an 8' concrete trail around the perimeter of the property. This trail connects all proposed outdoor improvements to each other and the primary YMCA building. A vinyl coated chain-link fence is proposed along the perimeter of the property and along the retaining wall adjacent to the Mustang Creek to restrict access to the creek.

There are currently 109 parking spaces serving the existing YMCA facility. With this expansion, an additional 107 parking spaces are proposed to be installed, bringing the total parking on the subject property to 216 spaces. The existing drive-aisle and parking lot is proposed to be extended north, parallel to the western property line. Due to the total combined size of the sports fields and courts proposed on the property, the typical minimum parking requirement for this use would be 321 spaces. However, it is not feasible to provide this number of spaces and still construct the proposed number of sports courts and fields. The applicant has noted that not all proposed facilities will be fully utilized at one time. With this context in mind, staff is supportive of the proposed parking for the development.

The subject property currently has three (3) points of access. Two (2) of the existing points of access provide a direct connection to YMCA Drive while the third access point connects to the internal drive aisle of 102 YMCA Drive. These access points are proposed to remain in place to serve the expansion. However, the existing internal drive-aisle is proposed to extend to the north and connect to the drainage infrastructure running along the northern boundary of the subject property. The connection to the drainage infrastructure is proposed to be gated and to serve only as an additional means of emergency access to the rear of the property in the event that YMCA Drive is blocked.

The applicant has provided an Elevation/Façade Plan for the building expansion and outdoor pavilions proposed with this development. As part of the expansion, the south, east, and west facades of the building are proposed to change while the north elevation is proposed to remain largely unchanged. The facade of the addition is proposed to be comprised primarily of architectural metal and EIFS panels that provide a modern look for the building. Similarly, the outdoor pavilions are proposed to be complimentary metal panels. Pavilion 2, the smaller pavilion, is proposed to cover metal shipping containers that have been converted for use as storage and activity spaces.

The applicant has provided a Landscape Plan that identifies the proposed landscaping for the site. The proposed landscaping falls short of the minimum requirements of the Waxahachie Zoning Ordinance. However, the proposal is only short of typical minimum requirements due to the fact that a large portion of the site has been reserved for sports fields. While sod is provided in these areas, landscaping such as trees and shrubs cannot be provided. Due to the proposed use of the site and the provision of appropriate landscaping along walkways, parking lot, and the primary building, staff is supportive of the Landscape Plan as proposed.

The applicant has proposed a dedicated Signage Plan with this PD application that includes wall signage and a monument sign. The proposed monument sign is 28' in height and approximately 224 square feet in size. The proposed design exceeds the typical height and size requirements of the Waxahachie Zoning Ordinance. The monument sign is proposed to feature a static YMCA logo and a 5'-7" x 8' electronic message board. The proposed wall signs for the development exceed the total maximum square footage allowed by the Waxahachie Zoning Ordinance; but are consistent with recently approved signage for large developments such as Tom Thumb and BJ's Wholesale Club to the northeast. Due to this, staff is supportive of the proposed signage for the site.

The applicant has provided a Planned Development Standards that require all outdoor lighting that is included in the scope of the expansion to be compliant with the Waxahachie Lighting & Glare Standards. Lighting and Photometric plans have also been provided to demonstrate that the added lighting directed downward towards the site and properly shielded so as not to create a nuisance.

The subject property has historically been situated within the FEMA designated 100-year floodplain. However, over the last few years the YMCA has through extensive site grading and channel improvement efforts with the City and FEMA to remove a majority of the property from the 100-year floodplain. The YMCA has completed these efforts through the Letter of Map Revision (LOMR) process, thereby opening up the property for the expansion efforts detailed above. This work has also accounted for the drainage needs of the proposed expansion to ensure no adverse flooding occurs along Mustang Creek as a result of the expansion.

The applicant proposes to develop the subject property in two (2) phases. Phase 1 is proposed to include the outdoor pavilions and restroom facility, along with associated site infrastructure, landscaping, and lighting. Phase 1 is proposed to begin in Q1 of 2026 and be completed in Q4 of 2026.

Phase 2 is proposed to include the renovation and expansion of the current YMCA building along with final site infrastructure improvements such as parking. Phase 2 is proposed to begin in Q1 of 2026 and be completed in Q2 of 2027. The YMCA is planning to work with City staff to coordinate a plan to keep current services safely operational during the expansion.

As part of the Planned Development application, the applicant has requested that 100% of Roadway Impact Fees be waived for the expansion project. Typically, development that expands the footprint or scope of an existing facility is subject to Roadway Impact Fees commensurate with the expanded scope. The applicant has noted that the YMCA is a nonprofit organization providing essential services to the community and reasons that the public benefit of the provided services is sufficient to off-set the cost of the impact on the City's roadway network.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 16 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 zero (0) letters of support and zero (0) letters of opposition to the planned development request.

Commissioners asked about maximum occupancy and parking capacity for the proposed YMCA project. Staff deferred occupancy details to the applicant, noting that programming varies. Concerns were raised about limited parking during peak times and whether parking on YMCA Drive could create safety issues due to the nearby fire station. Staff confirmed that no-parking signage is already in place and additional signage could be added if needed.

The applicant, John McLaughlin, Executive Director of the Waxahachie YMCA, described the project as a long-planned redevelopment following extensive site preparation and flood studies. The roughly 12-acre site will include about eight acres of publicly accessible outdoor space designed as a community park, not limited to YMCA members.

Mr. McLaughlin emphasized the need for facility upgrades to better serve the community, noting the building is long overdue for renovation. He explained that reciprocal parking agreements are in place with nearby properties, and parking issues have not historically caused problems, even during peak summer use.

The total project cost is estimated at \$15–16 million, with approximately \$5 million for the park and \$11–12 million for the building. About \$3.2 million has already been raised for the park, and construction of the main building will proceed as planned, with potential phasing of park elements depending on funding.

Chair Johnson opened the Public Hearing at approximately 8:05 p.m.

There being no others to speak for or against ZDC-139-2025, Chair Johnson closed the Public Hearing at approximately 8:05 p.m.

16. Consider recommendation of ZDC-139-2025

Action:

Jenny Bridges moved to recommend approval of ZDC-139-2025, a Planned Development Zoning Change request for a Public Community Center (YMCA), subject to the conditions the staff report, authorizing the Mayor and/or Interim City Manager to execute all documents accordingly. Motion was seconded by Chad Hicks and carried 6-0, with Jimmy Poarch abstaining.

17. Public Hearing on a request by Andrew Ruegg, Masterplan Consultants for a Zoning Change from a Future Development (FD) zoning district to Planned Development-Commercial (PD-C) zoning district for commercial and industrial uses, located at 3705 N US Highway 77, (Property ID185355) - Owner: NH Waxahachie LLC (ZDC-43-2025)

Mr. King presented the Item. The applicant proposes to rezone the subject property from a Future Development (FD) zoning district to a Planned Development-Commercial (PD-C) zoning district to facilitate occupancy of vacant warehouse structures and establish appropriate standards for future development of the property. No specific tenants or redevelopment plans for the property are proposed with this request.

The existing structures on the subject property were built in 1985. The structures have historically been used as warehouses, with the most recent tenants being a furniture store and warehouse. The subject property was not annexed into the City of Waxahachie until 1998. As such, no original documentation of the building design, permitting, or inspections are available to City staff. Staff has been unable to verify whether the existing buildings or site improvements meet current City Building and Fire Code requirements due to the lack of available information.

The existing buildings on the subject property are approximately 9700 square feet and 7100 square feet in size. Each building has with overhead doors for deliveries and loading/unloading. No expansions or modifications to the existing buildings are proposed as part of this Planned Development request.

The subject property features a single existing drive-aisle serving both buildings. The drive-aisle is currently comprised of a combination of materials, but the applicant proposes to improve the drive aisle to concrete sufficient to meet current Fire Code requirements. A total of 17 total parking spaces are currently present on the site. As part of the drive-aisle improvements, portions of some of the existing parking spaces that are not concrete, will be improved to concrete. As part of the site improvements for the property, the applicant also proposes to install new dumpster and dumpster enclosure. The site does not currently have a dumpster enclosure.

The subject property includes several existing signs and a billboard that are proposed to be removed as part of this Planned Development request. Additionally, landscaping is proposed to be added to the site. The additional landscaping slightly exceeds minimum requirements and is proposed to be clustered heavily along US Highway 77 to serve a screen for the site. A 6' cedar fence is also proposed along US Highway 77 behind the proposed landscaping. The fence will have a rolling gate with a Knox Box for emergency access.

Beyond site improvements, the applicant has proposed several new Planned Development standards to facilitate occupancy of the property. The proposed standards include reduced side and rear setback requirements to 10'. This proposal is less than the typical Commercial zoning requirement of 15' and 20'. The existing structures are situated approximately 12' from the rear property line, 16' from the southern (side) property line, and 15' from the northern (side) property line.

Additionally, the applicant has proposed a set of allowable uses for the Planned Development that are unique to the subject property. All uses listed below are proposed to be allowed by right within the PD, in addition to the uses already permitted by right in the Commercial (C) zoning district.

- Auto Repaid, Major
- Dry Cleaning Establishment, On-Site
- Flea Market or Farmers Market
- Heavy Machinery and Equipment, Rental, Sales or Storage

- Micro-Brewery
- Data Center
- Equipment Sales, New or Used
- Heavy Manufacturing, Fully Indoor
- Machine or Welding Shop
- Medium Manufacturing, Fully Indoor
- Public or Private Utility Shop or Storage

Staff has concern that the current configuration of the site cannot support a number of land uses proposed to be allowed by right within the new Planned Development District. For example, Retail and Restaurant uses are proposed to be permitted by right, but the current site does not have sufficient parking to support these uses. Furthermore, the existing site and existing buildings are not situated to support more intense uses such as Heavy Manufacturing, or Heavy Machinery and Equipment, Rental, Sales, or Storage.

Other than repaving the existing drive-aisle, no drive-aisle reconfiguration or parking improvements are currently proposed. Without designing proper site improvements to accommodate higher intensity use of the property at this time, staff has concern that many of the proposed uses for the property are inappropriate.

To address this concern, staff has provided several recommendations in the “Conditions” section below that refines allowable uses and would require additional review and approval of the zoning for the property in the event that the owner wishes to modify or expand the site.

Due to the lack of information regarding the original development of the site, staff has concern that the existing buildings are not in compliance with current City Building and Fire code requirements. Staff also has concern that the existing drive-aisles may not support the weight of a Fire Truck and are not configured to allow a Fire Truck to properly maneuver on site.

To address this concern, staff recommends that prior to the issuance of a Certificate of Occupancy (CO) for either existing building on the subject property, the property owner or prospective tenant shall be required to cause the property to come into compliance with 2021 International Building Code and 2021 International Fire Code. Additionally, staff recommends that the Site Plan be revised to require a concrete turnaround, approved by the Fire Marshal, for emergency vehicles at the western end of the existing drive-aisle.

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 13 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 zero (0) letters of support and zero (0) letters of opposition to the proposed zoning change request.

The applicant’s representative, Andrew Ruegg of Master Plan Consultants, explained that the request aims to make the property a usable site for new ownership by rezoning it to a Planned Development (PD) with commercial (C) uses. The site sits between light industrial zoning to the north and commercial zoning to the south, and the proposal is intended to bridge those uses.

The plan is to reuse existing warehouse buildings with strictly indoor operations, no outdoor storage or heavy equipment on the site. The applicant reviewed staff's recommended permitted uses, agreed to remove some that staff found inappropriate, and requested flexibility to allow fully indoor heavy manufacturing as a potential use, though he stated it is not a deal-breaker.

Mr. Ruegg noted that maintaining flexibility is important to attract tenants and ensure the site's viability. He emphasized planned site improvements, aesthetic upgrades, and the goal of contributing positively to the city. He also stated that ownership representatives were present to answer questions.

Chair Johnson opened the Public Hearing at approximately 8:14 p.m.

There being no others to speak for or against ZDC-43-2025, Chair Johnson closed the Public Hearing at approximately 8:14 p.m.

18. Consider recommendation of ZDC-43-2025

Action:

Chad Hicks moved to recommend approval of ZDC-43-2025, a Zoning Change request from a Future Development (FD) district to a Planned Development-Commercial (PD-C) district, 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 (7-0).

19. Public Hearing on a request by Dennis Church, Minto Communities Texas, LLC, for a Zoning Change from Planned Development-Mixed Use Residential (PD-MUR), Single Family-1 (SF-1), Future Development (FD), and General Retail (GR) zoning districts to a Planned Development (PD) zoning district, located at 300 Brookside Road (Property ID's 179468, 179534, 182520, 187960, 189323, 189326, 189333, 189336, 192306, 193815, 193822, 193823, 234203, 263786, 264568, 303651, 303652) – Owners: Walton Texas LP, United Presbyterian Homes, William & Leanne Kelley (ZDC-232-2024)

Mr. King presented the Item. The applicant requests approval of a zoning change for a Planned Development (PD) zoning district to allow for the development of a 3,169.6-acre master planned community that includes a combination of traditional single-family, age-restricted single-family, multi-family, mixed-use, and open space tracts.

A companion petition for Voluntary Annexation for the 206-acres currently located in the Extraterritorial Jurisdiction (ETJ) will be considered by City Council at the December 15, 2025 City Council meeting, prior to this Planned Development request. The portion of the subject property currently in the Waxahachie ETJ must be annexed before this Planned Development zoning request can be approved.

The current Planned Development-Mixed Use Residential (PD-MUR) zoning for the subject property was approved with Ordinance 3265 in April of 2021. The existing zoning covers 2,813 acres in total and includes six (6) primary Development Districts: Single-Family Residential, Multi-family Residential, Mixed-Use Residential, Mixed-Use Nonresidential, General Retail, and

Open Space. A total of 8,955 dwelling units are permitted with the current zoning. This total unit count is comprised of 5,769 single-family units, 1,926 multi-family units, and 1,260 units spread across the mixed-use districts. The maximum gross density of the existing district as a whole is 3.18 dwelling units per acre. The existing zoning requires a minimum of four amenity centers and 400 total acres of open space. The concept plan for the existing district centers around a collection of town-center styled mixed-use districts surrounded by single-family districts and general retail districts at major intersections.

This application was originally submitted on December 18, 2024. Since that time, a total of ten (10) revised submittals for the application that have been formally reviewed by staff with an average turnaround time of 5.3 business days. Per the applicant's request, City Council conducted Work Sessions in April of 2025 and August of 2025 to provide direct feedback on the application. At each Work Session, City Council provided feedback that identified ways in which the proposal could be revised to address City needs and directed the applicant to continue to work with staff to address all concerns before returning for final City Council consideration.

It is important to note that at the time of this report, staff still has multiple outstanding concerns that the applicant has declined or been unable to address. On September 30, 2025, the applicant acknowledged these items and requested to be placed on the October 28, 2025 Planning & Zoning Commission meeting agenda and the November 3, 2025 City Council meeting agenda. As noted, the applicant subsequently submitted continuance requests to extend the public hearings of the application to the December 8th Planning & Zoning Commission meeting and the December 15th City Council meeting.

The PD is proposed to include a total of five (5) unique PD Districts to facilitate development of the 3,169.6-acre property. The PD Districts include the Traditional Residential District (TR), Active Adult Residential District (AA), Flex Residential District (FR), Multi-Family Residential District (MF), and Mixed-Use District (MU); which are described in greater detail below. The proposal allows for a maximum of 13,270 dwelling units across the entirety of the subject property. The total number of proposed dwelling units are comprised of 11,880 single family dwelling units and 1,390 dwelling units from the MF and MU districts. Based on current NCTCOG household occupancy estimates, this number of dwelling units may accommodate a population of up to 33,902 individuals. This figure represents approximately 65.9% of Waxahachie's population of 51,415, as of October 1, 2025.

Traditional Residential District (TR): The TR district is intended to establish a traditional neighborhood with park, open space, and school sites for families at all stages of life. A mixture of residential lot types and homes are intended to be available in this district to allow families to age in place without leaving the district.

Active Adult Residential District (AA): The AA district is intended to establish a neighborhood tailored exclusively to 55+ individuals and families. Accordingly, housing types and amenities are intended to take forms that are more accessible and desirable to citizens in the later stages of life rather than young families.

Flex Residential District (FR): The FR district is intended to be a placeholder. Prior to development of this district, the area will be designated for development under TR or AA standards. Due to the size of the proposed development, build-out of the FR district is unlikely to occur in the near term.

and thus the applicant cannot determine whether it is more appropriate for this district to be developed as TR or AA at this time. The FR district provides for future development flexibility based on market conditions.

Multi-Family Residential District (MF): The MF district is proposed to develop in a traditional apartment form. In addition to garden style apartments, lower density multi-family products such as townhome/brownstone style units and build-for-rent communities are permitted.

Mixed-Use District (MU): The MU district is intended to facilitate the development of a mixture (approximately 20/80) of residential and non-residential uses. The MU district is intended to accommodate a range of residential uses and enable the development of a walkable, retail/restaurant-oriented development pattern.

The PD proposal designates a total of 3,007.5 acres to be developed for single-family uses under the TR, AA, and FR districts. A total of 29 acres are designated for development under the MF district and 133.1 acres are designated for development under the MU district. Specific districts are not proposed for Civic, School, or Open Space/Park/Amenity areas as these uses are proposed to be integrated into each PD District. A total of 400 acres of the subject property are proposed to be developed as Open Space, with 45-50 acres located in the 100-year floodplain. A total of 10 acres are proposed to be dedicated for Civic uses and a minimum of 49 acres are proposed to be dedicated to WISD for future school sites. The proposal also includes major drainage, detention, utility and roadway infrastructure elements needed to support the development.

The Concept Plan proposed with this Planned Development request identifies the general location and size of each of the PD Districts. The TR District is situated on the northern half of the subject property covering 1,080-acres; while the AA District is situated on 1,019-acres on the southern half of the property. The FR District is situated on 907-acres on the western portion of the subject property. The MU District is primarily situated at the eastern entrance to the development at the intersection of Brookside Road and I-35E. The MF district is divided between two tracts situated near the center of the property and along FM 1446.

Beyond the general boundaries, gross acreage, and unit count allocated to each district, the Concept Plan provides no binding requirements for the location or internal design of each district. The Planned Development Standards call for general compliance with Concept Plan; but allow for PD District boundaries to be modified. The internal layout and design of each district is only established on a phase-by-phase basis with the approval of individual plats or site plans.

The Concept Plan also identifies major Amenity/Welcome Centers, parks, detention areas, school sites, and preserved open space in addition to the PD Districts. However, insufficient Planned Development Standards are present to ensure that the resulting development will reflect the layout of these features as shown on the Concept Plan. Staff has concern with the limited detail conveyed by the Concept Plan.

The Planned Development proposal includes a total of fifteen (15) unique residential lot types between the TR and AA Districts. The proposed lot types generally fall into two primary categories: Front Loaded and Alley Loaded/Cluster. Front Loaded lot types include the Residential Detached, Estate, Zipper, Paired Villa, Courtyard Villa, and Shallow and Wide lots. Alley

Loaded/Cluster lot types include the Residential Detached, Zero Lot Line, Courtyard Home, Courtyard Villa, Townhome, Park-Facing, and Cottage lots.

The proposed lot types range in minimum size from 2,250 square feet to 10,890 square feet for the largest lot type. Since the November 10, 2025 Planning & Zoning Commission meeting, the applicant has added three (3) new lot types that are larger than the previous maximum of 6,000 square feet. These new lots include the Residential Detached 60'-70' (min. 7,500sf), Residential Detached +70' (min. 8,750sf), and the Estate Lot (min. 10,890sf). The existing zoning for the subject property includes minimum lot sizes that range from 2,000 square feet to 12,500 square feet. Notably, the largest minimum lot size required in the Planned Development is comparable to the smallest minimum lot size allowed by Waxahachie's base Single Family-3 (SF-3) zoning district at 10,000 square feet. For additional context, the lots permitted by the SF-3 zoning district are the smallest lot types allowed in the base Waxahachie Zoning Ordinance. Only 5% of single-family homes developed on the property are proposed to be 10,000 square feet or larger. In terms of minimum home size, the SF-3 zoning district requires dwellings to be a minimum of 1,200 square feet. The proposed Planned Development Standards expressly eliminate the requirement for a minimum dwelling size for all lot types.

It is also important to note that the Cottage, Paired Villa, Courtyard Villa (Front Loaded), and Courtyard Villa (Alley Loaded) lot types are comparable to traditional duplex type lots. These lots are intended to be utilized with structures that contain two (2) dwelling units with a shared lot line running through the structure so that each individual lot only contains a single dwelling unit.

The larger lots (7,500sf – 10,890sf) added to the request are not proposed to be utilized in the AA district. Similarly, Courtyard Villa lot types are not proposed to be utilized in the TR district. The applicant has not proposed a requirement that would result in the use of each lot type within the development. Instead, Chapters 5.3, 5.4.1, and 5.4.2 of the Planned Development Standards include general lot mix requirements. The proposed lot mix requirements are significantly below the current requirements of the Waxahachie Zoning Ordinance. As written, the Planned Development Standards would allow all 11,880 single family units to be comprised of just three (3) lot types. The proposed standards do not require different lot types to be sufficiently integrated within each block; which leads to significant monotony concerns for both individual neighborhoods and the development as a whole.

This concern is exacerbated by the narrow range of minimum lot sizes across the majority of proposed lot types; which restricts the type and size of homes that may be built within the community. The minimum standards proposed by the applicant do not prevent the development of larger lot sizes, if demanded by the market; but without the inclusion of specific requirements for larger lots, it is unlikely that lots larger than 6,000 square feet will be developed in meaningful numbers across the development.

The proposed development does not include dedicated retail or commercial districts. Instead, the applicant has proposed to accommodate all retail and commercial uses for the development within a Mixed-Use (MU) district totaling 133.1-acres. This is a significant reduction from the existing zoning for the subject property in which 172.5-acres were allocated to a dedicated General Retail district along with a total of 307-acres of Mixed-Use districts. Staff has concern that the reduced acreage dedicated to the MU district will be insufficient to support the retail and commercial needs

of the development. This concern is compounded by the fact that the proposed district is mixed-use; which means not all acreage in the district may be utilized for retail or commercial purposes. The Planned Development Standards allow for anywhere between 10% to 20% of the MU district to be comprised of residential uses; which adds uncertainty around exactly how much of the district will actually develop to serve retail or commercial purposes.

While the MU district is intended to cater towards local retail and commercial uses, the proposal includes a Permitted Use chart that allows several inappropriate uses by-right in the MU district. Specifically, uses such as Light Manufacturing, Storage Warehouse, and Data Center are permitted in the MU district. However, these uses are not consistent with the desired development pattern for the MU district as presented by the applicant.

The Concept Plan proposed with this development heavily clusters MU tracts near I-35E, with just two 15-acre MU tracts being provided elsewhere in the development. This starkly contrasts to the existing zoning for the subject property in which General Retail and Mixed-Use tracts are distributed consistently across the subject property near major intersections. Staff is concerned that the poor distribution of MU tracts across the development will limit the availability of low-intensity neighborhood services to residents and result in increased congestion near the MU tracts that are provided.

Design criteria for structures and sites in the MU district are also a concern. Neither the Planned Development Standards nor the Development Agreement include sufficient design requirements to result in the retail oriented, walkable development pattern shown in the Illustrative Plans. The current proposal for exterior building design is based largely on the existing Waxahachie Zoning Ordinance. The proposal does not include specific requirements to establish continuity between structures in the MU district or designs that complement the residential design standards for the development.

Chapter 3.2 of the Planned Development Standards outlines the proposed Site Plan approval process for this development. The proposal requires all non-residential and multi-family properties within the subject property to receive Site Plan approval prior to the issuance of a building permit for said uses. The traditional Waxahachie development process requires Site Plan approval for these uses prior to the approval of a Civil Construction permit.

Notably, the proposal allows Site Plan approval to be provided by the City Manager or City Staff designee, as opposed to the Planning & Zoning Commission and City Council. With this in mind, it is important to note that the Planned Development Standards do not require the non-residential, mixed-use, and multi-family tracts to be developed as shown in the Illustrative Plans. Due to this, staff recommends that the Planned Development Standards be revised to require Planning & Zoning Commission and City Council approval of all Site Plans. This change would help ensure the subject property develops as intended by City Council, if approved.

The maximum gross density for the proposed development as a whole is 4.18 dwelling units per acre (DUA). This may be compared with the maximum gross density of the existing zoning at 3.18 DUA. The TR, AA, and FR Districts are proposed to have maximum gross densities of 3.95 DUA across the entirety of each district. However, Chapter 5.1.2 of the Planned Development Standards allows individual phases within these districts to reach up to 10 DUA.

Additionally, Chapter 3.5.1 of the Planned Development Standards obligates the City Council to approve a modification of any numerical standard in the proposal by up to 10% at the request of the developer. This proposal would allow the density of some portions of the TR, AA, and FR Districts to be significantly higher than the proposed average. Despite the allowances for increased density, the maximum total dwelling unit count of 13,270 is not permitted to increase for the development as a whole.

Staff has concern that proposed variable density allowances may result in more dense development being prioritized in the initial phases of the development to such an extent that it is infeasible or impractical for later phases to meet the overall density requirement of 3.95 DUA for the TR, AA, and FR Districts. The variable density allowances may also result in a development pattern that is not representative of the conceptual material provided by the applicant. These concerns are discussed in greater detail below.

The applicant proposes to dedicate up to 10-acres of property to the City for Civic uses that may include Fire and/or Police Stations. This proposal is consistent with the Civic land dedication requirement of the existing zoning for the subject property. The Planned Development Standards and Development Agreement do not specify an exact location for the Civic land dedication; but do note that the 10-acres can be comprised of one or more individual tracts. The proposed Development Agreement states that dedication of the Civic land shall occur “when the City identifies a specific need.”

The applicant also proposes to dedicate two (2) elementary school sites sized based on WISD needs; but not less than 12-acres each. Dedication of third elementary school site is identified as an option, if WISD provides evidence to the developer that a third location is warranted. Additionally, one 25-30-acre site for a middle school is proposed to be dedicated as part of this development. Similar to the Civic land, the proposal notes that the final location and dedication timeline for the school sites shall occur “when the WISD identifies as specific need”. The applicant is only proposing to dedicate land for future school sites, not participate in the development or construction of the schools.

Notably, the existing zoning requires a minimum of 85-100-acres of land dedication to WISD for up to five (5) Elementary School sites and one (1) Junior High site. The applicant has noted the reason for the reduction in land dedication is due to between 1,019-acres and 1,926-acres of the subject property being designated as the Active Adult Residential (AA) district. This district is proposed to be age restricted to 55+ year old residents and thus will include little to no school-age children. Staff has concern that 3 Elementary Schools and 1 Middle School site are insufficient to serve the expected population if the Flex District is not comprised exclusively of the age-restricted products. This concern may be exacerbated if the age restriction requirement of the AA district is not sufficiently enforced.

The Concept Plan proposed with this development identifies two (2) primary Amenity Center tracts. The Amenity Centers tracts are proposed to be a minimum of 20-acres each. An Amenity Center Tract is proposed for both the Traditional Residential (TR) district and the Active Adult Residential (AA) district. Chapter 6.5.2 of the Planned Development Standards includes design guidelines for the type and minimum number of amenities required with each tract. This chapter also includes construction phasing guidelines for the tract in each district that require construction

of the primary amenity center to begin no later than final inspection for the 750th home in the TR district and the 500th home in the AA district respectively. Full build out of the Amenity Center tracts is not proposed until the final inspection of the 2,000th home in the TR district and the 1,500th home in the AA district. The Amenity Centers are proposed to be accessible only by members of the HOA, not the general public.

The developer is obligated to receive Site Plan approval for each Amenity Center tract prior to development. However, Site Plan approval is proposed to occur at the administrative level as opposed to the Planning & Zoning Commission and City Council. With this in mind, it is important to note that the Planned Development Standards do not require the Amenity Center Tracts to be developed as shown in the promotional material provided by the applicant.

As per Section 4.4 of the Waxahachie Subdivision Ordinance, residential developments are required to provide a clear fee simple dedication at a pro rata rate of two (2) acres of land for each proposed 100 dwelling units. If followed, this requirement would result in the dedication of approximately 265 acres for public parks with this development. The applicant has not identified the exact acreage of park land that is proposed to be dedicated to the City. However, based on the Open Space and Trail Plan, approximately 180-acres of total park land appears to be proposed for dedication. Approximately 45-50-acres of this total are located within the 100-year floodplain. It is important to note that the current Waxahachie requirement prohibits land with extreme topography or land located within a drainage area or FEMA designated 100-year floodplain from qualifying for dedication.

The applicant has provided an alternative to the typical park land dedication requirement with this PD proposal. Chapter 6 of the Planned Development Standards includes a detailed proposal for Open Spaces, Parks, Trails, and Amenities that are tailored to this Development. The alternative proposal requires a minimum of 400 acres of total “Open Space” for the development. Passive areas such as floodplain, utility easements, and landscape buffers, including those located within street right-of-way (ROW), are proposed to count towards the total Open Space requirement. The amount of passive open space that can contribute to the 400-acre minimum requirement is not capped. Open Spaces are proposed to be accessible to the general public.

For additional context, the existing zoning for the subject property includes a similar requirement for a minimum of 400 acres of “Open Space” that may be comprised of passive areas such as floodplain, utility easements, and landscape buffers in addition to traditional parks. Notably, the existing zoning caps the amount of floodplain that can contribute to this total at 63.3 acres. The proposed Planned Development Standards require each residential plat containing 100 or more lots to provide a minimum of 10% of the total platted area as Open Space. As noted above, both passive and active amenity areas may contribute towards the Open Space requirement.

The applicant has identified active amenities and park areas that are proposed to contribute to the minimum Open Space requirement with Exhibit F, the Open Space and Trail Plan. These active amenities include two (2) 20-acre amenity centers, the Waxahachie-Midlothian Regional Trail, a Regional Trail Park, Linear Parks, Specialty Parks, Neighborhood Parks, Pocket Parks, and Gas Line Parks that are proposed to be connected with a trail system. Each of these active amenity and park areas are defined in detail in Chapter 6 of the Planned Development Standards. This chapter defines each of the amenity elements that are proposed within the development as a whole. Design

criteria are provided for each type of park wherein the minimum size and frequency of each park is established along with the minimum number of required amenity elements. The number of required amenity elements is proposed to scale up as park size increases; but no single type of amenity element can comprise more than 25% of the required elements for a park.

Per the Open Space and Trail Plan, each park is proposed to connect to the trail network. All homesites are proposed to be located within 0.5-miles of a park; which is a greater distance than the typical precedent in Waxahachie for homes to be located within 0.25-miles of a park.

The Planned Development Standards and Development Agreement include provisions requiring the developer to fund and install the portion of the Midlothian-Waxahachie Regional Trail that crosses the subject property. The proposal generally requires construction of the trail to commence once the adjacent section of the trail being constructed by the City is complete; but a definitive construction and dedication timeline for the trail is not provided in the Development Agreement. While the Planned Development Standards generally define what parks will be present and what amenities may be provided in each type of park, they do not identify the exact location, size, or design of each park. This ambiguity provides flexibility for future park design; but is a concern as it relates to parks that are proposed to be dedicated to the City per the Development Agreement, such as the Specialty Parks and the Regional Trail Park. There is a need for the City to understand the exact size, location, and amenity package for each of these parks at this time so that it can be determined whether City maintenance is feasible and whether City ownership is appropriate.

Ambiguity around the timing of dedication of the Specialty Parks and Regional Trail Parks to the City is also a concern. The Planned Development Standards note that construction of the Specialty Parks and Regional Trail Parks shall commence concurrently with construction of the adjacent residential phase. However, dedication to the City is only proposed with “completion of 50% of homes in the adjacent residential subdivision”. This provision does not result in a definitive timeline for park dedication as it allows dedication to be delayed indefinitely if lots in the adjacent residential phase are left undeveloped. This has the potential to delay required amenities for adjacent residents and negatively impact City efforts to plan for maintenance obligations.

Additionally, the applicant has clarified with the most recent revisions to the proposal that the developer does not intend to develop the Specialty Parks as previously conveyed to staff. The developer only intends to dedicate land for the parks with limited landscaping, irrigation, and fencing improvements. The revised proposal now requires the City to fund and construct Specialty Park field, sports court, restroom, seating, pavilion, trash receptacle, drinking fountain, bike rack, and parking improvements. This revised proposal is a major concern and exacerbates staff concern with the developer’s intent to complete and deliver the other parks discussed above.

Residential developments are typically required to provide a clear fee simple dedication at a pro rata rate of two (2) acres of land for each proposed 100 dwelling units. Alternatively, a cash in lieu of park land dedication payment can be made at \$400.00 per dwelling unit. For context, the total cash in lieu of park land dedication fee for this development is estimated at \$5,308,000.00. The applicant requests that the Open Space, Park, and Amenity proposal for the development satisfy the requirement for either direct park land dedication or cash-in-lieu fees.

To accommodate the small size of the majority of single-family residential lots proposed with this development, the applicant has included alternative residential landscape requirements in the Planned Development Standards. Lots greater than 50' in width with detached housing products are required to have two 3" canopy trees in the front yard and one 2" canopy tree in the rear yard. Lots less than 50' in width and those with attached products are required to have one 3" canopy tree in the front yard and one 2" canopy tree in the rear yard.

Street canopy trees a minimum of 3" in caliper are required to be planted in the right-of-way (ROW) in all PD districts, with the exception of areas developed as Cottage Lots. The Planned Development Standards also require Street Trees to be planted and irrigated in boulevard medians and right-of-way islands at a rate of one tree for every 1,000 square feet of median area. The Planned Development Standards also require a combination of canopy trees, ornamental trees, and shrubs to be planted in landscape bump-outs at regular intervals in the ROW of Enhanced Local Streets. Landscaping and irrigation that is located within the ROW is required to be installed concurrently with the public infrastructure in the ROW. These proposals for landscaping in the ROW are an enhancement to the current landscape requirements of the Waxahachie Zoning Ordinance.

The Planned Development Standards also include alternative screening proposals for major thoroughfares and non-residential uses. The Waxahachie Zoning Ordinance typically requires single family residential lots that are adjacent to major thoroughfares or nonresidential uses to be screened by a 6' masonry wall. If strictly followed, a masonry screening wall without a supporting buffer area and landscaping can result in an undesirable aesthetic condition along thoroughfares and between land uses. The Screening Plan proposed by the applicant replaces the typical screening wall requirement with a requirement for a 20' landscaped buffer intended to enhance the development. Screening Option 1 is proposed along major thoroughfares. The Option 1 buffer is required to include a 3' berm along with evergreen trees and shrubs at regular intervals. Screening Option 2 is proposed between residential and non-residential districts. The Option 2 buffer is required to include evergreen trees, 6'-8' Midstory plants, and shrubs at regular intervals. Option 2 also allows for the substitution of Midstory plants for a 6' masonry wall, if the 20' landscape buffer is still provided. A third screening option has been proposed with the latest revision to the Planned Development request. Screening Option 3 is proposed along the perimeter of subject property is comprised a minimum 15' wide vegetated buffer with canopy trees, ornamental trees, and native shrubs at regular intervals.

The applicant has included a tree preservation provision with the Planned Development Standards. The provision limits tree removal in park and open space tracts that are on the City of Waxahachie Recommended Plant List. Specifically, the provision requires City review of all plans to remove trees from the list that are 8" in caliper and larger. This provision is necessary to avoid the clear cutting of trees and vegetation in open space and amenity areas that cannot be easily replaced. It is important to note that this provision does not apply to the two primary Amenity Center tracts.

The subject property is immediately adjacent to Waxahachie Creek and approximately 45-50 acres of the property is located within FEMA designated 100-year Floodplain. Development within the 100-year Floodplain is subject to Appendix B (Flood Damage Prevention) of the City of Waxahachie Code of Ordinances as amended. Generally speaking, a very limited amount of activity can occur within the 100-year floodplain so as not to impact flooding along Waxahachie

creek. Due to this, the applicant proposes to incorporate all portions of the subject property within the 100-year floodplain in the Regional Trail Parks. As mentioned above, the Regional Trail Parks are proposed to be dedicated to the City and contain the Midlothian-Waxahachie Regional Trail. All proposed park and trail improvements within, and adjacent to, the 100-year floodplain are subject to review and approval by the Public Works and Engineering Department.

Architectural design standards and exterior construction material standards are provided with Exhibit K of the Development Agreement. Exhibit K establishes these detailed standards for single-family residential homes; but does not provide the same degree of detail for non-residential and multi-family structures. The limited specificity for non-residential and multi-family structures is likely to result in development that is not architecturally compatible with adjacent single-family neighborhoods.

The applicant proposes six (6) unique single-family home styles for use within this Planned Development. The home styles include Texas Farmhouse, Texas Craftsman, Texas Hill Country, Texas Tudor, Texas Colonial Revival, and Texas Victorian. To provide an opportunity for variety within each home style, a spectrum of design standards is proposed for Traditional, Transitional, and Bold versions of each home style. The proposed Design Guidelines also establish three (3) tiers of key architectural elements that are required to be incorporated into the design of a home in order for it to be considered a particular style. Graphic representations and example imagery are provided alongside these elements in Exhibit K to reduce ambiguity. It is important to note that Exhibit K does not require all single-family homes to utilize the Waxahachie standard of 75% masonry exterior construction materials. By contrast, Exhibit K establishes a minimum masonry exterior material requirement ranging from 0% to 50% based on the style of home.

Exhibit K also established alternative anti-monotony (or lot skip) requirements for the proposed development. The current Waxahachie Zoning Ordinance prohibits the same elevation from being duplicated within six (6) lots in either direction on the same block-face, directly across the street, and four (4) lots in any direction. The requirement reduces monotony by preventing the same home from being frequently repeated within a neighborhood. The applicant proposes to only prohibit the same elevation immediately to either side of a lot, or directly across the street. Further departing from current minimum Waxahachie Standards, Exhibit K permits a change in color scheme to be considered a change in elevation for the purpose compliance with anti-monotony requirements. The current Waxahachie Zoning Ordinance requires architectural or structural differences to be present for an elevation to be considered changed. This proposal is a significant concern for staff that is discussed in greater detail below.

In regards to non-residential and mixed-use structures, Exhibit K provides design guidelines that are largely based on the current requirements of the Waxahachie Zoning Ordinance. The exhibit does not include requirements for the use of specific architectural elements, masonry products, or color palettes that are complimentary to the standards proposed for single-family homes. Similarly, Exhibit K includes language that generally requires pedestrian friendly streetscape design; but falls short of detailing specifically how street and sidewalk furnishings should be installed in the MU district to create a walkable, retail-oriented development. The lack of implementation guidelines leads to concern that intended installation of these design requirements and streetscape elements will not occur.

The Development Agreement (Section 6.12(d)) includes provisions to establish a Master Approval process for building permits that operates outside of the City's typical Building Permitting process. The process is intended to allow the developer to submit a set of Master single-family residential Floor Plans for review and approval ahead of the submission of a typical building permit. Once a Master Floor Plan is approved, the proposal obligates City approval and issuance of a building permit for a home utilizing the floor plan.

The proposal specifically obligates building permit review and issuance timelines for the life of the project without regard for potential local, state, or IBC changes that may impact permitting processes in the future. The proposal does not include requirements for the developer to provide any more rigorous building standards that may justify an expedited plan review process. The proposal introduces potential pitfalls and loopholes in the permitting process that are likely to lead to design monotony. Additionally, the proposal authorizes the developer to receive permit approval by third-party plan reviewers and obligates the City to accept the determination of the third-party without the opportunity for further review by City staff. This particular aspect of the proposal is likely to negatively impact the City's ability to properly review building permits and ensure up-to-date International Building Code (IBC) compliance through the life of the development.

The applicant proposes to establish unique signage guidelines for the development via Signage standards (Chapter 10, Planned Development Standards) and a Signage Plan. The Planned Development Standards establish written guidelines for a variety of signs that are not currently defined and/or not currently permitted by the Waxahachie Zoning Ordinance. These signs include Primary Entry, Secondary Entry, Tertiary Entry, Residential Navigation, and Directional signs that are proposed to take the form of large monuments. Due to the proposed size, proximity, and purpose of each of these signs, it was necessary for the applicant to propose guidelines outside of the framework of the existing Waxahachie Zoning Ordinance.

The applicant has provided a Thoroughfare Exhibit with this PD request that identifies the major thoroughfares proposed within subject property. The thoroughfares proposed on the subject property are generally consistent with the 2024 Waxahachie Thoroughfare Plan. The proposal includes two primary 120' Major Arterial thoroughfares in North-South and East-West directions. The North-South Major Arterial is proposed to extend from FM 1446 to FM 875; while the East-West Major Arterial is proposed to extend from the Brookside Road bridge to Lone Elm Road.

Additionally, 80' and 60' Collector thoroughfares are proposed throughout the subject property. A 72' "Enhanced Local Street" with on-street parking and upgraded landscaping is proposed to serve as a ring road around the center of the development. The Enhanced Local Street is a proposal unique to this development and is not found in the 2024 Waxahachie Thoroughfare Plan. Notably, the current proposal does not include specific right-of-way (ROW) dedication or improvement requirements for thoroughfares on the border of the development such as FM 875, FM 1446, or Lone Elm Road. Staff has informed the applicant that ROW dedication, and potential improvements, for these thoroughfares is required with this development per the 2024 Waxahachie Thoroughfare Plan. At the time of this staff report, the applicant has not revised the PD proposal or Traffic Impact Analysis (TIA) to include the appropriate improvements for these thoroughfares.

The applicant's proposal to access the subject property is based primarily on the intersection of Brookside Road and I-35E. Beyond this intersection, the proposal includes two (2) direct connections to FM 875 to the north and one (1) direct connection to FM 1446 to the south. The proposal also includes one (1) additional future connection to FM 875 and FM 1446 via Lone Elm Road. However, these future connections via Lone Elm Road are proposed at full-build out of the development and do not currently include improvements to Lone Elm Road by the developer.

The applicant proposes to support the initial phases of the proposed development by building only two lanes (one lane per direction) of the Major East-West Arterial thoroughfare extending from the Brookside Road bridge. Staff contends that the intersection of Brookside Road and I-35E alone cannot properly support any development of the subject property. Staff subsequently requested that a secondary connection to FM 875 be made with the initial phase of development. To address this concern, the applicant has added a Chapter to the Planned Development Standards (9.2.1) requiring an "access route" in the form of a "public street, fire lane, or temporary all-weather access" be provided from I-35E to FM 875 prior to the issuance of the first Certificate of Occupancy (CO) in the development. Staff has requested that the "all-weather" language be revised to "asphalt" or "concrete".

The applicant has provided a TIA for the proposed development to address traffic demands generated by the development. Staff provided the latest round of technical comments on the TIA on November 25th, 2025. At the time of publishing of this report, staff still has major concerns with the TIA, specifically with regard to the lack of necessary roadway improvements proposed by the report. The TIA does not sufficiently mitigate or resolve the traffic impact directly generated by the proposed development.

The TIA stresses that only a high-level analysis of traffic demands could be conducted at this time due to the conceptual nature of the current proposal. The TIA focuses almost primarily on the on-site roadway improvements needed to support the proposed development. The TIA states that the on-site thoroughfare proposal is sufficient to support full build-out of the development. The TIA also notes that Phases 1-2 (1,582 lots) of the proposed development can be supported by a two-lane (one lane per direction) east-west thoroughfare extending from the Brookside Road bridge alone. As noted previously, staff contends that the Brookside Road and I-35E intersection alone cannot properly support any development of the subject property and requested that a secondary connection to FM 875 be made with the initial phase of development. The applicant has not addressed this concern in the TIA directly.

The TIA does not include sufficient analysis of major adjacent intersections and does not identify all offsite improvements for which it is the developer's responsibility to fund and install. Off-site improvements are necessary to support the traffic generated by the proposed development; such as improvements along FM 875, FM 1446, the Brookside Road bridge, or I-35E service roads. As these items were not sufficiently analyzed with the TIA, the TIA also falls short of stating that the developer is responsible for funding and constructing any off-site roadway improvements needed to support the proposed development.

The TIA recommends that detailed studies be conducted with the development of every 1,000 lots on the subject property to ensure planning and development of the appropriate roadway infrastructure occurs as the property develops. However, with the latest update, the applicant has

introduced a clause stating that the developer will not be responsible for funding or constructing any roadway improvements (on-site or off-site) that are not specifically identified at this time. This is a major concern and contrary to the process used in the City.

The applicant has provided a Street Section Exhibit and detailed Street Design standards (Chapter 9, Planned Development Standards) for each proposed thoroughfare and street type within the development. The Exhibit includes graphics that identify the proposed drive-lanes, landscape buffer (parkway), and sidewalk/trail width for each street type. Where applicable, the exhibit identifies the width and location of landscaped medians and on-street parking. The proposed street sections are generally consistent with those identified in the 2023 Waxahachie Comprehensive Plan. The proposal for Arterial and Collector streets deviates slightly from the recommendations of the Comprehensive Plan by reducing the width of landscape buffers to accommodate wider lanes and sidewalks in some instances. The Exhibit also includes proposed alley sections for both residential and non-residential conditions.

The applicant has not included a definitive Phasing Plan in the PD request for property. The Phasing Plan is only conceptual and subject to change as development occurs. However, the applicant has indicated that development of the subject property is anticipated to occur over at least thirty-nine (39) phases. Development of the subject property is generally expected to occur from east to west, beginning near the intersection of Brookside Road and Interstate 35E. There is no specific provision in the PD that requires development to progress from east to west, but the Development Agreement proposed for property does include several exhibits that summarize the initial infrastructure needed to develop “Phases 1-5” on the eastern portion of the property. Full buildout of the development is anticipated to take 15-20 years.

The subject property is primarily situated within the Mixed-Use Neighborhood place type, as defined by the 2023 Waxahachie Future Land Use Plan (FLUP), with portions of the property identified under the Residential Neighborhood and Regional Commercial place types as well. Based on the current status of the documents submitted to support this proposal, staff has determined that the proposal is not compliant with the intent of the 2023 Waxahachie Comprehensive Plan. The proposal does not provide the range of housing, site design criteria, or integration of residential, employment, and retail opportunities that is necessary to result in the development pattern identified by the Mixed-Use Neighborhood place type. Due to the presence of large exclusively residential PD Districts, the proposal represents a barrier to compliance with the Comprehensive Plan by eliminating the residential, employment, and retail integration established by the current zoning of the subject property.

A Municipal Management District, or MMD, is special district designed to allow for specific improvements, and maintenance of said improvements, on a property. The Texas Commission on Environmental Quality (TCEQ) is responsible for authorizing and overseeing the MMD along with the City. MMD’s are financed by an additional assessment levied against the property owners within the district. In a practical sense, future property owners in the proposed development would recognize the MMD as an additional “tax”. The MMD functions by allowing the district (developer) to issue bonds to fund the construction of public and semi-public infrastructure for the development. These bonds typically have 30-year lifespans are repaid by the assessments levied on future property owners within the district. A MMD may be used to maintain infrastructure in

perpetuity, resulting in a perpetual assessment on members of the district, or may dissolve once the bonds are repaid.

The Kemp Tract proposal includes a request for a Development Agreement to establish a MMD district to fund a wide range of infrastructure improvements on the property. The MMD assessment proposed for this development is \$0.72 per \$100 of taxable assessed value. This assessment rate is equivalent to approximately 118% of the current City property tax rate of \$0.61 per \$100.

It is important to note the extent to which the proposed MMD effects the zoning change request and vice versa. The applicant proposes to utilize the MMD to fund construction and maintenance of a wide range of public streets, utilities, parks, trails, amenities, greenbelts, screening, and signage that are an integral part of the PD. A change to the MMD has the potential to significantly impact the final PD proposal or the ability of the developer to deliver the improvements required by the PD. Furthermore, the architectural and building material design guidelines for the structures proposed with this zoning request are enforceable only with the Development Agreement, not the PD itself. For these reasons, the PD proposal should not be approved without concurrent consideration and approval of the Development Agreement and MMD.

With such a significant assessment rate, it should be expected that the development provides the absolute highest possible level of value, quality, and design for future residents. Staff has concern that the proposed \$0.72 MMD assessment rate is not justified by the quality of the current PD proposal.

Staff is also concerned that a fully informed decision regarding the MMD cannot be made at this time due to the lack of detail provided for the capital costs and long-term maintenance costs of the MMD.

Without a full breakdown of capital costs at this time, it cannot be determined how MMD funds are proposed to be appropriately allocated or whether the proposed assessment rate is reasonable.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 141 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 received two (2) letters of support and twelve (12) letters of opposition to the proposed Planned Development zoning change request.

Commissioners confirmed if the number of conditions for the project has increased over time. Staff explained, initially, there were 65 conditions, but after recent changes to the Planned Development standards, development agreement, and traffic impact analysis (TIA), staff has identified additional issues. As a result, there are now 75 conditions that need to be addressed, more than in the previous report.

The applicant, Richard Rosier, 208 Katy Lake, Waxahachie, TX spoke in support of the proposal and noted the applicant has been working with staff to address concerns.

Commissioner Simpson asked the applicant if they can meet all 75 conditions recommended by staff.

The applicant, Bryan Kale, 8939 Steelfield Road, Panama City Beach, FL, stated that the developers could not commit to all 75 conditions as currently written. The main issues causing concern include:

- Monotony standards requiring every other house to differ in design, which they view as impractical.
- Total commercial acreage requirements exceed what they believe is needed.
- Density application and enforcement—ensuring the total number of units over time aligns with requirements is challenging.
- Some conditions overlap or duplicate issues addressed in the development agreement (DA) or PD standards, making the total count somewhat inflated.

Overall, while they are making progress on related agreements, the current set of conditions does not work for them.

Chair Johnson opened the Public Hearing at approximately 8:32 p.m.

Those who spoke in opposition:

Kathy Kacal, 405 Brookside Road, Waxahachie Texas

Tony Tovar, 415 Brookside Road,

Terry Nay, 711 Brookside Road, Waxahachie, Texas

Those who spoke in support:

Jeffery Frazier, 1770 FM 1446, Waxahachie Texas

Bill Kelly, 209 Katy Lake, Waxahachie, Texas

Katy Greaser, 2381 W. Main Street, Midlothian Texas

Leanne Kelly, 209 Katy Lake Drive, Waxahachie, Texas

Mr. Kale spoke on Item 19 and noted that park elements are proposed.

Commissioner Underwood asked the applicant what the applicant's drop-dead date for a decision on the zoning request and development agreement was.

Mr. Kale stated the applicant's drop-dead date was December 24, 2025.

There being no others to speak for or against ZDC-232-2024, Chair Johnson closed the Public Hearing at approximately 8:58 p.m.

20. Consider recommendation of ZDC-232-2024

Action:

Ryan Simpson moved to recommend approval of ZDC-232-2024, a Planned Development (PD) zoning change request for approximately 3,169.6 acres subject to the current conditions in the staff report and future conditions. Motion failed due to lack of a second.

Action:

Jenny Bridges moved to recommend denial of ZDC-232-2024, a Planned Development (PD) zoning change request for approximately 3,169.6 acres. Motion was seconded by Chad Hicks and carried 5-2, with Terry Connor and Jimmy Poarch voting in opposition.

21. Adjourn

Commissioners expressed their gratitude to the staff for their hard work and dedication on the zoning and development items, noting the extensive documentation and effort involved. They acknowledged the challenges of balancing growth with thoughtful planning, highlighted examples of successful communities as inspiration, and emphasized that staff actions were intended to ensure the best outcomes for Waxahachie, not to be obstructive. Commissioners shared personal reflections on growth and community planning, wished everyone a Merry Christmas, and thanked attendees for their participation.

There being no further business, the meeting adjourned at 9:09 p.m.

Respectfully submitted,

Caleb Ensley, Planner