

Planning and Zoning Commission  
July 25, 2023

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, July 25, 2023 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman  
Melissa Ballard, Vice Chairman  
Betty Square Coleman  
Bonney Ramsey  
Erik Test  
Ron Ansell

Member Absent: David Hudgins

Others Present: Jennifer Pruitt, Senior Director of Planning  
Eleana Tuley, Senior Planner  
Oanh Vu, Planner  
Macey Martinez, City Engineer  
Amber Villarreal, City Secretary  
Chris Wright, Council Representative

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

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

3. **Public Comments**

None.

4. **Consider minutes of the regular Planning & Zoning Commission meeting of July 11, 2023**

**Action:**

*Bonney Ramsey moved to approve the minutes of the regular Planning & Zoning Commission meeting of July 11, 2023. Melissa Ballard seconded, All Ayes.*

5. **Continue Public Hearing on a request by Steve Meier, Turcotte Development, for a Specific Use Permit (SUP) for a Heavy Equipment Rental and Sales use within a Commercial (C) zoning district located at 2021 Corporate Parkway (Property ID 273978) - Owner: LEDBETTER REAL ESTATE, LTD (ZDC-24-2023) Staff: Eleana Tuley**

Eleana Tuley, Senior Planner, presented the case noting the applicant requests a Specific Use Permit (SUP) for a heavy equipment rental and sales use (H&E Equipment Services) within a Commercial (C) zoning district located at 2021 Corporate Parkway. H&E Equipment Services is one of the largest equipment rental companies in the nation. They plan to sell, rent and service heavy equipment at the proposed location. Based on the company's website the facility may rent and sell a variety of heavy equipment such as aerial work platforms, earthmoving equipment, forklifts and other general construction equipment. The business will generally operate Monday

through Friday 7 am to 5 pm, and closed on weekends. The applicant was reluctant to include the hours of operation in the development agreement due to the possibility of an employee working on the weekend to prepare for a Monday delivery.

The applicant is proposing to construct a 6,140-square-foot building with a customer lobby, office, and service shop. All customer parking (13 required/26 provided) will be located in front of the building. Heavy equipment for sale and rent will be located in the rear portion of the lot. The outdoor storage area will be screened with an 8-foot precast masonry wall with a brick pattern that will match the brick color on the main building. Additionally, the business will install a controlled access gate to the outdoor storage area to limit access to employees only. The business will have a Knox-box at the controlled access gate for emergency responders.

The landscape plan complies with the City's minimum landscaping requirements in Section 5.04 (landscape requirements) of the Zoning Ordinance. The applicant provided nine (9) additional live oak trees (6" caliper) along the eastern property line outside the 8-foot precast concrete wall. Additionally, the applicant provided eight (8) accent trees (3" caliper yaupon holly) in the front yard.

The applicant has provided two sets of architectural elevations. Both sets of elevations have the same building design and exterior finishing materials, except the color scheme for each set is different. In Option 1, the building is composed of 100 percent dark red brick on the north, east and west elevations, and metal wall panels on the south elevation. In Option 2, the building is composed of 100 percent light red brick on the north, east and west elevations, and metal wall panels on the south elevation.

After careful consideration and analysis, staff recommends denial of the proposed SUP request for heavy equipment rental and sales due to its negative impact on the viability of other commercial uses developing in the surrounding area. H&E rents and sells heavy machinery and equipment in high volumes since their customers are construction companies that work on large-scale projects, such as TxDOT roadway projects. H&E does not sell or rent equipment to the average consumer. Staff is concerned with the heavy truck traffic picking up and dropping off equipment and its impact on surrounding properties. Furthermore, the area in question is a thriving commercial center that has the potential to attract more sit-down restaurants and entertainment venues to the community. In the interest of fostering a healthy and thriving commercial environment, staff believes it is essential to prioritize the long-term viability and sustainability of the surrounding area by denying this project.

Staff has also included a saturation map for existing and proposed heavy equipment rental and sales in the city of Waxahachie. In addition to the location of the proposed development, staff is concerned about the concentration of heavy and equipment rental/sales uses in the city as a whole.

Staff received six (6) letters of support from the eight (8) properties within the 200-foot notification area. It should be noted that the entity (Ledbetter Real Estate, LTD) that owns the subject property, also owns six (6) of the eight (8) properties within the 200-foot notification area. In addition to the six (6) letters of support, the applicant obtained five (5) letters of support from the surrounding businesses, including C.A. Wilson Appliance, Electronics, & Mattresses, Cancun's Ameri-Mex Restaurant, Celebrity Café and Restaurant, Fish City Grill, and Mi Casa Mexican Cuisine. These businesses are outside the 200-foot notification area.

Based on the details provided in the Staff Report and the present status of the documents associated with the request, the Planning Department recommends denial of the SUP request. If the Commission recommends approval, staff requests to include the conditions listed below:

1. The applicant shall execute a mutually agreed upon development agreement.
2. The subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Architectural Elevations, and Exhibit E – Perimeter Screening Wall Detail.
3. The brick on the perimeter screening wall provided in Exhibit E shall match the brick color on the main building.
4. Heavy equipment will be kept in a stowed position when stored or on display on-site.
5. The applicant and/or developer for the subject property shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.

John Fainter, Turcotte Development Group, provided an overview of H&E Equipment Services, Inc. He explained the proposed facility will not display equipment and will have little or no walk-in customer traffic. Mr. Fainter addressed staff concerns, reviewed the project's proposed enhancements to City standards, and noted the use will compliment adjacent businesses. He explained the business will have two (2) large truck trailers on-site to transport equipment rental to their locations. The truck trailers will leave the facility early in the morning and return before increased afternoon traffic; therefore, not impacting peak times of the adjacent businesses.

The Commission discussed storing taller equipment to the west and south side of the facility to decrease public visibility and impact to Corporate Parkway. The Commission asked if Corporate Parkway is designed for heavy traffic and Mr. Fainter stated it is.

Macey Martinez, City Engineer, stated Corporate Parkway is a public right-of-way designed to City standards and confirmed the City would be responsible for any repairs. She explained the City does not have additional standards for streets that will have consistent semi-trailer traffic and Corporate Parkway was constructed to the same standards of other streets in Waxahachie.

Chairman Keeler continued the Public Hearing.

There being no others to speak for or against ZDC-24-2023, Chairman Keeler closed the Public Hearing.

The Commission discussed the proposed elevation options and adding an additional condition to store taller equipment to the west and south side of the property.

Mr. Fainter was amenable to staff conditions.

## **6. Consider recommendation of Zoning Change No. ZDC-24-2023**

### **Action:**

*Melissa Ballard moved to recommend approval of ZDC-24-2023, a Specific Use Permit (SUP) for a Heavy Equipment Rental and Sales usage, with any storage over eight (8) feet to be on the west and south side, elevation option 1, and subject to all conditions in the Staff Report. Bonney Ramsey*

*seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Betty Square Coleman, Bonney Ramsey, and Ron Ansell. Noes: Erik Test.*

***The motion carried.***

- 7. Consider a request by Tim Jackson, Texas Reality Capture & Surveying, LLC for a Plat of The Woods, Lots 1, 2, and 3, Block A, being 3.431 acres, located east of County Meadows Drive and south of Gibson Road situated in the G. Younger Survey, Abstract 1195 an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 192692) – Owner: RONALD & DIANE HOPKINS (SUB-78-2023) Staff: Oanh Vu**

Oanh Vu, Planner, presented the case noting the applicant requests to plat a 3.430-acre tract into three (3) lots for residential use. The proposed plat provides a 40' right-of-way (ROW) dedication for Gibson Road along the northern property line in conformance with the Ellis County Thoroughfare Plan. Each proposed residential lot exceeds one (1) acre in size and adheres to all County subdivision standards. Adequate public facilities are available to the proposed lots through Rockett SUD water lines and on-site septic systems. Based on the details provided in the Staff Report and the present status of the documents subject to the request, the Planning Department recommends approval of the plat.

**Action:**

*Melissa Ballard moved to approve SUB-78-2023 for a Plat of Block A, Lots 1, 2, and 3 of The Woods Addition, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Erik Test seconded, All Ayes.*

- 8. Consider a request by Joe Cortez, MQI Land Surveying, for a Replat of Lots 1, Pecan Tree Corner, to create Lots 1AR-5AR Pecan Tree Corner, 5 lots, being 6.006 acres, located at 325 Pecan Tree Road in the Extraterritorial Jurisdiction (Property ID 257041) – Owner: RIGOBERTO HERNANDEZ & VALERIA CUEVAS (SUB-103-2022) Staff: Eleana Tuley**

Ms. Tuley presented the case noting the applicant requests to replat one lot (6.006 acres) into five (5) lots for residential use. The subject property is located at 325 Pecan Tree Road in the Extraterritorial Jurisdiction (ETJ). Adequate public water facilities are available to serve the subject property. The applicant will be responsible for receiving approval of an On-Site Sewage Facility (OSSF) Permit with the Ellis County Department of Development at the time of developing each lot with a single-family residence. Based on the details provided in the Staff Report and the present status of the documents subject to the request, the Planning Department recommends approval of the replat.

**Action:**

*Betty Square Coleman moved to approve SUB-103-2022, a Replat of Lot 1, Pecan Tree Corner to create Lots 1AR-5AR, Pecan Tree Corner, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Bonney Ramsey seconded, All Ayes.*

- 9. Consider a request by Jay Childs, Dietz Engineering, for a Plat of Calstep Addition, lot 1, Block 1, being 5.0 acres, located at 3134 South Highway 77, situated in the Ellis County School Land Survey, Abstract 328, an addition in the Extraterritorial Jurisdiction of the City of Waxahachie (Property ID 201217) – Owner: CALSTEP, LLC (SUB-28-2023) Staff: Eleana Tuley**

Ms. Tuley presented the case noting the applicant requests to plat a 5-acre tract into one lot for non-residential use. The subject property is located at 3134 South Highway 77 in the Extraterritorial Jurisdiction (ETJ). Adequate water and sewer facilities are available to serve the subject property. Additionally, the applicant is dedicating ten (10) feet of public right-of-way to contribute to the ultimate right-of-way width for South Highway 77 (120' public right-of-way), a major arterial on the City's Thoroughfare Plan. Based on the details provided in the Staff Report and the present status of the documents subject to the request, the Planning Department recommends approval of the plat.

**Action:**

*Bonney Ramsey moved to approve SUB-28-2023, a plat for the Calstep Addition, Lot 1, Block 1, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Betty Square Coleman seconded, All Ayes.*

- 10. Consider recommendation of a request by Steve Wilson, Pro Built Texas, for a Replat of Block 14, Parts of Lots 5B, 6B, 6C of the Old Town Waxahachie Addition, 1 lot, being 0.124 acres, located at the northwest corner of East Jefferson Street and South Jackson Street. (Property ID 170438 – Owner: RICHARD SHINPAUGH (SUB-40-2023) Staff: Oanh Vu**

Ms. Vu presented the case noting the applicant proposes to replat the subject property into one (1) lot for primarily office use. The applicant proposes to dedicate a fifteen-foot (15') by four-foot (4') utility easement located on the northeastern corner of the subject property. The applicant seeks a variance (Petition for Hardship Waiver) from Appendix C – III. Subdivision Design Standards – Section 3.3.a – Easements. The typical utility easement requirement along the public right-of-way (ROW) is 15'. If the applicant adheres to this requirement, the proposed building will not match the existing characteristics of the Central Area (CA) zoning district. Staff is supportive of the variance request of the proposed utility easement because the applicant has contacted Atmos and Oncor to obtain no-objection letters. Based on the details provided in the Staff Report and the present status of the documents subject to the request, the Planning Department recommends approval of the replat.

**Action:**

*Betty Square Coleman moved to recommend approval of SUB-40-2023 for a Replat of Block 14, Lot 5B-R of the Old Town Waxahachie Addition and the associated variance request, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Bonney Ramsey seconded, All Ayes.*

**11. Adjourn**

Mayor Pro Tem Chris Wright invited the public to attend the grand opening for the Charles Beatty Municipal Services Building on July 27<sup>th</sup> at 10 a.m.

There being no further business, the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary