

**THIS IS NOT A VERBATIM TRANSCRIPTION
CITY OF CLEBURNE
PLANNING AND ZONING COMMISSION
MINUTES OF THE JULY 25, 2022 MEETING**

The Planning and Zoning Commission (P&Z) of the City of Cleburne met in open session on Monday, July 25, 2022, at 6:30 p.m. in the Council Chambers of City Hall, located at 10 N. Robinson Street, Cleburne, TX. Planning and Zoning Commission meetings are open to the public with social distancing protocols in place.

COMMISSION MEMBERS PRESENT:

Sonny Albertson – Vice-Chairman
Robert Walker
Summerly Sherlock
Vance Castles
Chris Saunders
Peter Svendsen

David Jones, Community Development
Director
David Jellen, Planner
Laura Melton, Asst. Director of Public Works
Colt Friedrich, Project Engineer
Ashley Dierker, City Attorney

COMMISSION MEMBERS ABSENT:

Albert Archer, Sr. – Chair

CITY STAFF ABSENT:

Danielle Castillo, Planning Manager

CITY STAFF PRESENT:

CALL TO ORDER:

The meeting was called to order by Vice-Chairman Albertson at 6:31 p.m. It was established that a quorum was present.

CITIZEN COMMENTS:

There were no citizen comments at this meeting.

APPROVAL OF MINUTES:

The minutes of the July 11, 2022 Planning and Zoning Commission meeting were considered.

There being no items for discussion, Vice-Chairman Albertson called for a motion.

Chris Saunders made a motion to approve the minutes of the July 11, 2022 meeting and the motion was seconded by Commissioner Walker. **The motion to approve the minutes carried by a vote of 5-0.**

SECTION I: PLATTING:

CONSIDER THE PRELIMINARY PLAT OF CONLEY ESTATES, FOR 15 RESIDENTIAL LOTS, BEING ±17.664 ACRES, GENERALLY LOCATED AT 2620 CR 317, **CASE PC22-018.**

David Jellen, Planner, presented the case and briefed the Commission on the request.

Commissioner Walker questioned staff regarding the number of lots that would have access to County Road 317.

Mr. Jellen responded that 11 of the 15 residential lots would have access to County Road 317 and that the remaining four (4) lots would have access to County Road 426.

There being no requirement for a public hearing and there being no questions or items for discussion, Vice-Chairman Albertson called for a motion.

Commissioner Walker made a motion to approve the request as presented and Commissioner Castles seconded the motion. **The motion to approve carried by a vote of 5-0.**

CONSIDER THE REPLAT OF J.F. ADDITION, FOR 2 SINGLE-FAMILY RESIDENTIAL LOTS WITH A VARIANCE REQUEST, BEING ±0.317 ACRES, LOCATED AT 709 AND 715 ROBBINS STREET, **CASE PC22-048.**

David Jellen, Planner, presented the case and briefed the Commission on the request.

Vice-Chairman Albertson questioned staff regarding the abandonment of the alley adjacent to the subject properties.

Mr. Jellen responded that the abandoned alley had originally been assigned to the property owner to the west of the subject properties and that it could not be incorporated with the proposed plat.

Commissioner Saunders questioned staff regarding the submitted letter of opposition and whether the applicant would be able to construct duplexes.

Mr. Jellen stated that the property owner would have to apply to rezone the subject properties in order to be able to construct duplexes.

Commissioner Svendsen arrived to Planning and Zoning Meeting at 6:43 PM.

Commissioner Svendsen questioned staff whether Lot 2 of the proposed subdivision would require flood insurance through the Federal Emergency Management Agency in order to develop.

Colt Friedrich, Project Engineer, stated that the requirement for flood insurance would depend on a number of factors, particularly whether the home would be financed or not. He stated that if the home were to be financed, then it would likely require flood insurance.

Vice-Chairman Albertson opened the public hearing.

There being no other questions or items for discussion, Vice-Chairman Albertson closed the public hearing and called for a motion.

Commissioner Walker made a motion to approve the request as presented and Commissioner Sherlock seconded the motion. **The motion to approve carried by a vote of 6-0.**

CONSIDER THE PRELIMINARY PLAT OF CLEBURNE 135, CONSISTING OF 438 SINGLEFAMILY RESIDENTIAL LOTS AND 7 OPEN SPACE LOTS, ON ±138.25 ACRES GENERALLY LOCATED APPROXIMATELY 1,000 FEET WEST OF CHISHOLM TRAIL PARKWAY, SOUTH OF STATE HIGHWAY 171/WEATHERFORD HIGHWAY, **CASE PC22-047.**

David Jellen, Planner, presented **Case ZC22-015** and **Case PC22-047** together, and briefed the Commission on the requests.

SECTION II: ZONING:

CONSIDER REQUEST TO REZONE FROM SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO SF-6 (SINGLE-FAMILY DWELLING DISTRICT), ON ±138.25 ACRES GENERALLY LOCATED APPROXIMATELY 1,000 FEET WEST OF CHISHOLM TRAIL PARKWAY, SOUTH OF STATE HIGHWAY 171/WEATHERFORD HIGHWAY, **CASE ZC22-015.**

David Jellen, Planner, presented **Case ZC22-015** and **Case PC22-047** together, and briefed the Commission on the requests.

Commissioner Svendsen questioned staff regarding the requirement for building materials.

Mr. Jellen stated that the homes would need to be constructed with 70% of Class 1 Building Materials with the remainder consisting of Class 2 Building Materials, as outlined in the Zoning Ordinance.

Vice-Chairman Albertson opened the public hearing.

Beverly Brown, 6237 N Highway 171, questioned the Commission regarding the difference in the number of homes that would be built if the subject property were rezoned.

The applicant, Mark Allen, 201 W Bufford Street, Burleson, TX, stated that 438 homes would be built with the proposed rezone request, and that 393 homes would be built if the zoning remained SF-7.

Mrs. Brown questioned the Commission regarding the difference in the amount of open space and amenities if the zoning were to remain SF-7.

Mr. Allen stated that there would not be a significant difference in the amount of open space and amenities if the rezone request were to be denied.

Commissioner Castles expressed his opposition to the zoning change and stated his desire to maintain larger homes on the subject property.

There being no other questions or items for discussion, Vice-Chairman Albertson closed the public hearing and called for a motion for **Case ZC22-015.**

Commissioner Svendsen made a motion to approve the request as presented and Commissioner Saunders seconded the motion. **The motion to approve failed by a vote of 3-3, with Commissioner Castles, Commissioner Sherlock and Commissioner Walker voting against the motion.**

Commissioner Svendsen questioned the applicant if he would be opposed to rezoning a portion of the property to SF-6 and keeping the remaining portion of the property SF-7. He questioned the applicant regarding the average price of the proposed homes.

Mr. Allen stated that none of the proposed homes would be built under 1,500 square feet and that they would likely be sold between \$290,000 and \$350,000.

Commissioner Svendsen questioned the applicant regarding the purpose for the requested rezone.

Mr. Allen stated that the proposed rezone request would allow for smaller lot widths and more homes to be built.

Commissioner Castles expressed his concern with the density of the proposed subdivision.

Commissioner Sherlock expressed her opposition to the request and stated her concern regarding the traffic impact of the development along Highway 171.

Mr. Allen responded that a traffic impact analysis (TIA) would be conducted as part of the proposed development and that the development would require approval from the Texas Department of Transportation (TXDOT)

Vice-Chairman Albertson questioned the applicant whether TXDOT would include a traffic light as part of their requirements.

Mr. Allen responded that he was unsure, but that it was a possibility that TXDOT could make the recommendation for a traffic light to be installed.

Commissioner Walker expressed his opposition to the request and stated his concern with the linear design of the proposed subdivision, noting the lack of curved streets, and stated that the zoning should remain SF-7.

Vice-Chairman Albertson questioned Staff how to proceed with the request.

Ashley Dierker, City Attorney, stated that the motion could be tabled to the next meeting in order to allow the full body of the Commission to act on the request.

Mr. Allen questioned staff whether the requests could proceed to the City Council with the motion being tied.

Mrs. Dierker stated that the requests could not proceed to City Council with a tied motion from the Planning and Zoning Commission.

Mr. Allen stated that the intent of the original request to rezone the property had been to rezone to the SF-6 zoning district with the adoption of the City's Zoning Ordinance. He questioned staff regarding the differences between the previous SF-4 zoning district and the current SF-7 zoning district.

David Jones, Community Development Director, outlined the differences between the previous SF-4 zoning district and the current SF-7 zoning district, including the increased requirement for open space and amenities with the new Zoning Ordinance.

Commissioner Castles questioned staff whether the applicant would be able to build a similar home product as that in the Villages of Mayfield subdivision.

Mr. Jones stated that the Villages of Mayfield subdivision had been zoned as a Planned Development under the previous zoning ordinance.

Vice-Chairman Albertson questioned staff regarding the requirements for exterior finishes.

Mr. Jones stated that the Zoning Ordinance requires five (5) exterior design elements taken from a menu of options from the Zoning Ordinance for each single-family home.

Mr. Allen questioned the Commission regarding the purpose of the SF-6 zoning district and stated that the subject property would be a perfect candidate for the zoning district.

There being no other questions or items for discussion, Vice-Chairman Albertson called for a motion.

Commissioner Castles made a motion to deny **Case ZC22-015** as presented and Commissioner Walker seconded the motion. **The motion to deny carried by a vote of 5-1, with Commissioner Saunders voting against the motion.**

Vice-Chairman Albertson called for a motion for **Case PC22-047**.

Commissioner Castles made a motion to disapprove **Case PC22-047** as presented because it does not meet the zoning on the property and Commissioner Sherlock seconded the motion. **The motion to disapprove carried by a vote of 5-1, with Commissioner Saunders voting against the motion.**

CONSIDER A REQUEST TO EXPAND AN EXISTING HEAVY EQUIPMENT SALES AND REPAIR FACILITY ON PROPERTY ZONED RC (REGIONAL COMMERCIAL DISTRICT), LOCATED AT 2825 NORTH NOLAN RIVER ROAD, BY REZONING ±4.138 ACRES, LOCATED AT 2637 NORTH NOLAN RIVER ROAD, FROM A (AGRICULTURAL DISTRICT) TO RC (REGIONAL COMMERCIAL DISTRICT), WITH A SPECIFIC USE PERMIT (SUP) REQUEST FOR HEAVY EQUIPMENT SALES AND REPAIR FACILITY ON BOTH PROPERTIES, AFFECTING A TOTAL OF ±6.975 ACRES, **CASE ZC21-027**.

David Jellen, Planner, presented the case and briefed the Commission on the request.

Vice-Chairman Albertson questioned staff whether the existing fence would be extended with the proposed development on the southern half of the subject property.

Mr. Jellen stated that the fence would be extended as shown on the submitted site plan.

Commissioner Walker questioned staff whether the proposed building would be a two-story building.

Mr. Jellen responded that he was unsure whether proposed building would have two (2) stories and stated that he would defer the question to the applicant.

The applicant, Ray Oujesky, 201 Main Street, Fort Worth, TX, stated that Zimmerer Kubota has been in business since 2005. He stated that proposed specific use permit (SUP) request would allow the existing building to conform with the underlying RC zoning district, as well as allow for the expansion of the business. Present with the applicant was Len Zimmerer, the property owner.

Mr. Zimmerer stated that the building would be a two (2)-story building, and that the second story would be used for storage.

Commissioner Castles questioned the applicant whether the existing outdoor equipment would be moved to the southern half of the property and whether it would be enclosed. Mr. Zimmerer responded that outdoor storage area would be expanded to the southern portion of the property, but that it would continue to include the current outdoor storage area.

Vice-Chairman Albertson questioned Mr. Zimmerer regarding the proposed fencing on the property.

Mr. Zimmerer stated that the fencing would be replaced with ornate steel fencing along the perimeter of the property.

Commissioner Svendsen questioned the applicant regarding the proposed landscaping along North Nolan River Road.

Mr. Zimmerer responded that there would be a 15-foot landscaped edge maintained along North Nolan River Road that would include trees.

Vice-Chairman Albertson opened the public hearing.

There being no other questions or items for discussion, Vice-Chairman Albertson closed the public hearing and called for a motion.

Commissioner Svendsen made a motion to approve the request as presented and Commissioner Sherlock seconded the motion. **The motion to approve carried by a vote of 6-0.**

CONSIDER REQUEST TO REZONE ±5.08 ACRES LOCATED SOUTH OF CR 904 AND APPROXIMATELY 650 FEET WEST OF CHISHOLM TRAIL PARKWAY FROM IH (INTERIM HOLDING DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT) FOR THE CONSTRUCTION OF DETACHED SINGLE-FAMILY HOMES AND OPEN SPACE IN A PORTION OF THE WRIGHT FARMS MUNICIPAL MANAGEMENT DISTRICT, **CASE ZC22-017.**

David Jones, Community Development Director, presented the case and briefed the Commission on the request.

Vice-Chairman Albertson opened the public hearing.

There being no questions or items for discussion, Vice-Chairman Albertson closed the public hearing and called for a motion.

Commissioner Walker made a motion to approve the request as presented and Commissioner Saunders seconded the motion. **The motion to approve carried by a vote of 6-0.**

SECTION III: OTHER BUSINESS:

UPDATE ON ACTIONS TAKEN BY THE CITY COUNCIL AT THEIR LAST MEETING ON PLANNING AND ZONING CASES:

- i. ZC22-013 – Bates Ridge PD Amendment

Mr. Jones briefed the Commission on actions taken by the City Council at the July 12, 2022 meeting on the above listed Planning and Zoning cases.

THERE BEING NO OTHER BUSINESS, THE MEETING WAS ADJOURNED AT 7:48 PM.