

**THIS IS NOT A VERBATIM TRANSCRIPTION  
CITY OF CLEBURNE  
PLANNING AND ZONING COMMISSION  
MINUTES OF THE JANUARY 9, 2023 MEETING**

The Planning and Zoning Commission (P&Z) of the City of Cleburne met in open session on Monday, January 9, 2023 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.

**COMMISSION MEMBERS PRESENT:**

Albert Archer - Chairman  
Sonny Albertson – Vice-Chairman  
Robert Walker  
Chris Saunders  
Peter Svendsen

David Jones, Community Development  
Director  
Danielle Castillo, Planning Manager  
David Jellen, Planner  
Laura Melton, Asst. Director of Public Works  
Rachel Raggio, City Attorney

**COMMISSION MEMBERS ABSENT:**

Stephanie Philips  
Vance Castles

**CITY STAFF ABSENT:**

Colt Friedrich, Project Engineer

**CITY STAFF PRESENT:**

**CALL TO ORDER:**

The meeting was called to order by Chairman Archer at 6:30 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 December 12, 2022 Planning and Zoning Commission meeting were considered.

There being no items for discussion, Chairman Archer called for a motion.

Commissioner Saunders made a motion to approve the minutes of the December 12, 2022 meeting and the motion was seconded by Vice-Chairman Albertson. **The motion to approve the minutes carried by a vote of 5-0.**

**SECTION I: PLATTING:**

CONSIDER THE FINAL PLAT OF LANKFORD FARMS PHASE 1, FOR 91 SINGLE-FAMILY RESIDENTIAL LOTS AND 6 OPEN SPACE LOTS, BEING ±33.18 ACRES ZONED SF-7 (SINGLE-FAMILY DWELLING DISTRICT), GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF EAST SECOND STREET AND SOUTH BRAZOS AVENUE, **CASE PC22-090.**

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

Chairman Archer questioned staff whether the proposed final plat conforms with the approved preliminary plat.

Mr. Jellen stated that the final plat conforms to the approved preliminary plat.

Commissioner Svendsen questioned staff whether there are any floodplain or drainage concerns in this area, given its proximity to the creek.

Mr. Jellen stated there is a significant amount of floodplain on this property that has been incorporated into the subdivision.

Laura Melton, Assistant Director of Public Works, stated that detention is not required because of the proximity to the creek. She stated that the property would drain directly into the creek, working better hydraulically for the creek upstream.

Commissioner Svendsen questioned staff whether any of this property is within the 100-year floodplain.

Ms. Melton stated that a large amount of this property is within the 100-year floodplain and that the areas within the floodplain will be located in a drainage easement to ensure that no building construction will occur.

Commissioner Svendsen questioned staff whether some of the elevations of the lots within the 100-year floodplain will be required to be built up out of the floodplain.

Ms. Melton stated that the developer will conduct a study and that the proposed lots within the floodplain will need to be raised and brought out of the floodplain.

There being no requirement for a public hearing and there being no other questions or items for discussion, Chairman Archer called for a motion.

Commissioner Svendsen made a motion to approve the request with the following condition:

1. Prior to filing the plat for recordation at the Johnson County Clerk's office, include the county filing information on the face of the plat for all easements dedicated by separate instrument, per Section 154.025.C.11 of the Subdivision Ordinance.

Commissioner Walker seconded the motion. **The motion to approve with conditions carried by a vote of 5-0.**

**CONSIDER THE FINAL PLAT OF FOX MEADOW ADDITION, PHASE III, FOR 42 SINGLEFAMILY RESIDENTIAL LOTS AND 1 OPEN SPACE LOT, BEING ±29.55 ACRES ZONED SF-7 (SINGLE-FAMILY DWELLING DISTRICT), GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF CEDAR STREET AND TREMONT STREET, CASE PC22-093.**

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

Chairman Archer questioned staff whether there were any floodplain issues in this area.

Laura Melton, Assistant Director of Public Works, stated that the floodplain in this area has been addressed through the civil plan review process.

There being no requirement for a public hearing and there being no other questions or items for discussion, Chairman Archer 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 5-0.**

**SECTION II: ZONING:**

CONSIDER REQUEST TO REZONE FROM SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO RC (REGIONAL COMMERCIAL DISTRICT), ON ±4.09 ACRES LOCATED AT 2449 STATE HIGHWAY 171/WEATHERFORD HIGHWAY, **CASE ZC22-032.**

Danielle Castillo, Planning Manager, stated that this item will not be considered at this meeting due to a noticing error and that this item will be re-noticed and considered at a future meeting.

CONSIDER REQUEST TO REZONE FROM IH (INTERIM HOLDING DISTRICT) TO SF-6 (SINGLE-FAMILY DWELLING DISTRICT), ON ±107.33 ACRES GENERALLY LOCATED ON THE NORTH SIDE OF US HIGHWAY 67, ON THE EAST SIDE OF COUNTY ROAD 1123, WEST OF BUDDY STEWART PARK, AND APPROXIMATELY 2,100 FEET SOUTH OF WOODARD AVENUE, **CASE ZC22-034.**

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

Commissioner Svendsen noted the property's proximity to the lake and questioned staff if any of the property was within the floodplain.

Laura Melton, Assistant Director of Public Works, stated that there is floodplain on the east side of the property.

Commissioner Svendsen questioned staff regarding approval of construction within the floodplain.

Ms. Melton stated that since this is a zoning case, information regarding construction in the floodplain has not been submitted, but would be vetted during the plan review process.

Commissioner Svendsen stated that he is not in favor of SF-6 zoning district and does not want to see in the City at all due to the lots being too small and has concerns with 1,000 square foot houses. He stated that standard houses should be between 1,300 and 1,500 square feet.

Chairman Archer opened the public hearing.

The applicant, Brandon Shelby, 1800 Teague Drive, Sherman, TX, spoke on behalf of the owner, Inspire Equity Investments, LLC, and briefed the Commission on the request. He explained that when the property was annexed there was no SF-6 zoning district classification. He further explained that the property owner was working with a national home builder on a PD (Planned Development) that incorporated aspects of the SF-6 zoning district as well as plans for

open space and future roadways. He stated that the national home builder has since backed out of the project and the owner is now moving forward with the request for the SF-6 zoning district. He stated that although the SF-6 zoning district is not considered compatible with the Low-Density Residential Land Use District, it would be compatible with the Medium-Density Residential Land Use District that is shown to the west of the property on the Future Land Use Map. Mr. Shelby stated that he thought the Medium-Density Residential district would be more suitable for the location, since it is close to US 67.

Chairman Archer stated his reliance on the Future Land Use Map and that the rezoning request should be for the SF-10 or SF-20 zoning district, given it is near an entryway into the City and Chisholm Trail Parkway, its proximity to a popular tourist attraction across the road, and the ranches with large houses near the Elks Lodge.

Mr. Shelby reiterated that the requested SF-6 zoning district would be compatible with the Medium-Density Residential Land Use District that is located to the west of the property.

Chairman Archer stated that the SF-6 zoning district is the lowest classification and reiterated that the SF-10 and SF-20 zoning districts would be a better fit for this property.

Commissioner Svendsen questioned the applicant whether he considered lots that are 2-3 acres in size with larger houses.

Mr. Shelby stated that the reason they are proposing SF-6 zoning district is because not everyone can afford larger homes on larger lots and that even starter homes start at \$400,000.

Chairman Archer stated that he has received quite a bit of feedback from local realtors stating that the City needs housing that is the next level up from starter homes, including bigger houses on larger lots for growing families.

Commissioner Walker stated the City is losing higher income families to surrounding towns that have larger homes because the City has an abundance of small houses built within the last 2-3 years.

Mr. Shelby stated that the SF-6 zoning district does not preclude someone from having a larger lot with a larger home, but allows the ability to build smaller lots if that is what the market demands.

Chairman Archer stated that the request for the SF-6 zoning district is to allow for 50-foot lots, not like a PD (Planned Development District) with a variety of lot sizes.

Mr. Shelby stated that the PD (Planned Development District) that was being worked on with the national home builder had a variety of lot sizes. He stated that the property needs to be zoned residential in order to market the property for single-family.

Commissioner Walker stated that it might be possible to get an SF-20 zoning district approved but less likely approved as the SF-6 zoning district.

Mr. Shelby stated that the property owner would consider the SF-7 zoning district because that would match the zoning of the adjacent property owner and since it has limited compatibility with the Future Land Use Plan.

Chairman Archer stated that the owner should consider either the SF-10 or SF-20 zoning districts.

Rachel Raggio, City Attorney, interjected to state that this is not an opportunity for the Commission to negotiate with the applicant but rather to obtain information and consider the zoning being requested.

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

Commissioner Svendsen made a motion to deny the request as presented and Vice-Chairman Albertson seconded the motion. **The motion to deny carried by a vote of 5-0.**

CONSIDER REQUEST TO REZONE ±38.38 ACRES FROM PD (PLANNED DEVELOPMENT DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT) TO AMEND AREA B FOR TOWNHOME DEVELOPMENT WITHIN TRAIL CREEK, ORDINANCE NO. 08-2020-45, GENERALLY LOCATED NORTH OF MANN COURT, SOUTH OF MIMOSA STREET, AND WEST OF GRAND AVENUE, **CASE ZC22-031.**

Danielle Castillo, Planning Manager, presented the case and briefed the Commission on the request.

Commissioner Svendsen stated that the proposed 6-foot fence is will not be adequate and should be replaced with an 8-foot fence. He also questioned staff if there were windows on the back of the townhome elevations.

Mrs. Castillo stated that requirement from the original PD (Planned Development) was for the lots on the west side of Lone Star Avenue to have no second story windows for the homes that face Mann Court. She stated that since the request is for one-story townhomes, this requirement will no longer apply unless the Commission wanted to consider that as part of the PD amendment.

Commissioner Saunders stated that there would be issues with meeting egress requirements if windows are limited on the rear elevations.

Commissioner Svendsen stated that there is a large drop in elevation and questioned staff if the drainage issues had been considered as to not have water running into the private properties.

Laura Melton, Assistant Director of Public Works, stated the drainage concerns are being worked out during plan review.

Chairman Archer stated that when the PD was considered originally, the Commission spent a lot of time considering this project and the concerns of the neighbors. He questioned staff if the rear yard setback for this property is proposed to change with this request.

Mrs. Castillo stated that the rear yard setback will remain 30 feet as originally approved but that the front yard setback is proposed to decrease to 25 feet.

Commissioner Saunders questioned staff if the lots on the west side of Lone Star Avenue will need to install a retaining wall or will the property need to be graded to drain toward the street.

Ms. Melton stated that she does not have the details at the moment on how the drainage would work for those lots.

Commissioner Svendsen stated that if a retaining wall were placed on the western boundary then a 6-foot fence would work but that if not, he would propose installing an 8-foot fence.

Commissioner Walker questioned staff on the request for the 25-foot front yard setback for all lots since it appears to only be needed for Lot 13, Block 5.

Vice-Chairman Albertson stated that the purpose of the 25-foot front yard setback is also to accommodate the lots on the east side of Lone Star Avenue, especially for Lot 1, Block 6. He questioned staff if the Commission had the ability to change the front yard setbacks for individual lots.

Mrs. Castillo stated that the Commission could consider including that as a condition as part of their motion.

Vice-Chairman Albertson stated that he would request change the two-story duplex on Lots 11 and 12, Block 6 to a one-story duplex and maintain the 30-foot front yard setback.

Mrs. Castillo stated that the Commission could add that as a condition as part of their motion.

Chairman Archer opened the public hearing.

A concerned citizen, Lisa Poeggel, 1414 Lone Star Avenue, stated that she would rather have a one-story duplex on Lots 11 and 12, Block 6, rather than proposed two-story duplex. She stated that it was her understanding that the one-story duplex and no second story windows were conditions approved for the lot adjacent to her home when originally approved. She stated that she would not want any second story windows for the lots on the east side of Lone Star Avenue and would like to maintain the 30-foot rear setback since those lots directly abut her property.

The applicant, Hunter Coleman, representing Brazos Valley Property Management, stated that his company is not the original developer and explained that they purchased the property [Area B] after the PD was already approved.

Chairman Archer stated that the Commission previously approved the PD with the intent for a single story duplex for Lots 11 and 12, Block 6.

Mr. Coleman stated that when his company purchased the property [Area B], they were unaware that Lots 11 and 12, Block 6 were supposed to be a single story duplex but that is something they are willing to consider doing. He stated that those two lots have a few limitations in regards to the shape, which is why they are requesting a 25-foot front yard setback, which would bring the units closer to the street (Lone Star Avenue) to provide larger backyards.

Chairman Archer questioned staff regarding the previously approved with conditions that were not honored with the original PD and the Commission's consideration for the PD amendment brought forward by the new owner.

Ms. Raggio stated that since the request is for a PD amendment, the Commission could impose different conditions on the property. She stated that she is working on finding an answer to changing the story limitations that would affect the two-story building being altered into a single story building.

Mr. Coleman stated that in order for the two-story townhome building, a rear window is required on the second story in order to meet Fire Department requirements.

Chairman Archer stated that was not an issue with the original PD since the request was for duplexes.

Commissioner Saunders questioned the applicant if he would be consider installing an 8-foot fence.

Mr. Coleman stated that he would be open the changing the fence height from 6 feet to 8 feet.

Chairman Archer stated that he is hesitant to impose different regulations from those that were previously approved since there were many concerned neighbors with the original PD.

Ms. Raggio stated that the Commission has the ability to impose new or different regulations as part of this PD amendment request.

Vice-Chairman Albertson stated his position that he would consider changing the two-story duplex to a one-story duplex on Lots 11 and 12, Block 6 and the reduced front yard setback to bring the units further from the neighbor's property.

Chairman Archer questioned if staff sent notices to all property owners in the area.

Mrs. Castillo stated that all surrounding property owners that were notified with the original PD boundary were notified of this PD amendment as well.

Commissioner Walker stated his recollection that the concerns were with the buildings on the west side of Lone Star Avenue overlooking Mann Court.

Mr. Coleman restated his consideration to make the two-story duplex on Lots 11 and 12, Block 6 to a one-story duplex and construct an 8-foot fence to ease the concern of the neighbor. He also stated that they could also consider swapping the two-story duplex on the east side with the one-story duplex on the west side.

Ms. Raggio stated that the Commission cannot impose more restrictive regulations not proposed in the PD amendment request.

Commissioner Walker questioned if the two-story duplex was up for consideration.

Ms. Raggio stated that the Commission cannot impose a more restrictive regulation on the approved two-story duplex since it was originally approved and is not up for consideration with this PD amendment request.

Vice-Chairman Albertson asked for clarification if the Commission could impose a one-story duplex in place of the two-story duplex on Lots 11 and 12, Block 6.

Commissioner Walker stated that the applicant is requesting a reduction to the approved front yard setback from 30 feet to 25 feet.

Commissioner Saunders stated that since the applicant is requesting to change from duplexes to townhomes it is a brand new request being considered.

Vice-Chairman Albertson questioned the applicant when this development is proposed to start construction.

Mr. Coleman stated that construction could start as soon as they receive approval since the utilities and roadway is already installed.

Commissioner Svendsen questioned staff if this case could be tabled until the next hearing.

Ms. Raggio stated that tabling this case is an option but that the Commission could make a motion to include the one story change of the duplex on Lots 11 and 12, Block 6 since the applicant is open to it as well as changing the building setbacks for individual lots and the fence height to 8 feet.

David Jones, Community Development Director, stated that the Commission will need to specify which lot and block the amendment is for within the motion.

Ms. Poeggel stated that she was under the impression from the original developer that Lots 11 and 12, Block 6 were going to be built at a 30-foot rear yard setback but now understands that given the pie shape of the lot, that rear yard setback would not be imposed since it is a side yard.

Chairman Archer questioned if the Commission could table this request until the next meeting to allow additional time visit the property and consider the PD amendment being requested.

Ms. Raggio stated that tabling this case is an option.

Mr. Jones reminded that the Commissioners to not go as a group to visit the property.

There being no other questions or items for discussion, Chairman Archer made a motion to continue the public hearing and table the request until the next meeting on January 23, 2023. Commissioner Walker seconded the motion. **The motion to continue the public hearing and table the item to the January 23, 2023 Planning and Zoning Commission Meeting carried by a vote of 5-0.**

### **SECTION III: OTHER BUSINESS:**

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

- i. PC22-079 – Oak Grove Place Minor Replat
- ii. PC22-084 – Silo Mills Phase 1C.1 Final Plat
- iii. ZC22-018 – Cleburne Trails Ph. II PD Rezone
- iv. ZC22-029 – Chisholm Hills (Antares) Temporary Sales Trailer SUP



David Jones, Community Development Director, briefed the Commission on actions taken by the City Council at the December 13, 2022 City Council Meeting.

REMINDER OF THE UPCOMING LEGAL TRAINING AT THE JANUARY 23, 2023 PLANNING & ZONING COMMISSION MEETING.

David Jones, Community Development Director, reminded the Commission of the upcoming legal training at the January 23, 2023 meeting.

**THERE BEING NO OTHER BUSINESS, THE MEETING WAS ADJOURNED AT 8:33 PM.**