

**THIS IS NOT A VERBATIM TRANSCRIPTION  
CITY OF CLEBURNE  
PLANNING AND ZONING COMMISSION  
MINUTES OF THE JANUARY 23, 2023 MEETING**

The Planning and Zoning Commission (P&Z) of the City of Cleburne met in open session on Monday, January 23, 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 Sr. – Chairman  
Sonny Albertson – Vice-Chairman  
Robert Walker  
Chris Saunders  
Peter Svendsen  
Vance Castles

**CITY STAFF PRESENT:**

David Jones, Community Development  
Director  
Danielle Castillo, Planning Manager  
David Jellen, Planner  
Colt Friedrich, Project Engineer  
Lindsey Hale, City Attorney

**COMMISSION MEMBERS ABSENT:**

Stephanie Philips

**CITY STAFF ABSENT:**

Laura Melton, Asst. Director of Public Works

**CALL TO ORDER:**

The meeting was called to order by Chairman Archer at 6:32 p.m. It was established that a quorum was present.

**CITIZEN COMMENTS:**

Tom Kadlub, 1025 Highland Rd, Cleburne, TX 76033, stated his frustration with the City or the County having no land use restrictions in the City's Extraterritorial Jurisdiction (ETJ). Mr. Kadlub has concerns about a proposed RV trailer park with 120 units that will have its main frontage onto Highland Road. He stated that Highland Road is a narrow road and is not wide enough to accommodate two RV trailers to drive alongside each other. He stated that this RV trailer park will cause traffic problems for the neighborhood, including traffic congestion when turning left onto State Highway 174. He has concerns about the RV trailer park decreasing his property value due to the traffic issues.

Chairman Archer questioned staff about what regulations the Planning and Zoning Commission can enforce in the City's ETJ.

Lindsey Hale, City Attorney, stated that the only authority the City of Cleburne has in the ETJ is platting regulations.

Mr. Kadlub questioned if there are any septic system requirements that can be enforced by the City.

Chairman Archer stated that septic system requirements are enforced by Johnson County.

David Jones, Community Development Director, stated that Johnson County can require that the septic system be designed by a licensed professional and can require a septic permit or a wastewater treatment plant if capacity exceeds an on-site septic system as required by the State.

Chairman Archer suggested that Mr. Kalub get in contact with Johnson County for more information about septic system requirements.

**APPROVAL OF MINUTES:**

The minutes of the January 9, 2023 Planning and Zoning Commission meeting were considered.

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

Vice-Chairman Albertson made a motion to approve the minutes of the January 9, 2023 meeting and the motion was seconded by Commissioner Saunders. **The motion to approve the minutes carried by a vote of 6-0.**

**SECTION I: ZONING:**

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.**

**A PUBLIC HEARING WAS PREVIOUSLY OPENED ON THIS CASE AT THE JANUARY 9, 2023 PLANNING AND ZONING COMMISSION MEETING AND CONTINUED TO THE PRESENT MEETING.**

Danielle Castillo, Planning Manager, presented the case and briefed the Commission on updates the applicant has made since the last Planning and Zoning Commission meeting.

Commissioner Walker questioned staff regarding the location of the proposed six (6) foot fence between Mann Court and the property and noted the large grade difference with the proposed homes being higher than the homes on Mann Court.

Mrs. Castillo deferred that question to the applicant.

Commissioner Svendsen stated that during the last meeting he suggested a two (2) foot concrete retaining wall with the six (6) foot fence on top of it so that the overall height would be eight (8) feet.

Vice-Chairman Albertson questioned staff if the City owns the drainage ditch between Mann Court and the property.

Colt Friedrich, Project Engineer, stated that the Property Owners Association owns the drainage ditch.

Chairman Archer questioned staff if the property on the west side of the street (Lone Star Avenue) was raised or elevated during the construction of the street.

Mr. Friedrich stated that he was unsure if additional dirt was brought in or if existing dirt was relocated throughout the site.

Chairman Archer stated that the property on the west side of Lone Star Avenue appears to be substantially higher in elevation than it was originally, with a large drop off and a drainage ditch toward Mann Court.

Mr. Friedrich stated that a drainage ditch and a storm drain inlet were installed that connects to the storm drain system for the entire development that is designed to move stormwater generated by the lots on Lone Star Ave away from the homes on Mann Court.

Chairman Archer expressed his concern for the privacy of adjacent property owners on Mann Court even with the townhomes being reduced to one-story.

Mr. Friedrich stated that the lots on the west side of Lone Star Avenue were elevated in order to level out the property for the pad sites.

Vice-Chairman Albertson stated a minimum eight (8) foot fence would have to be installed to maintain the privacy for the properties on Mann Court.

The applicant, Hunter Coleman, representing Brazos Valley Property Management, stated he would rather build a six (6) foot fence closer to the townhomes rather than an eight (8) foot fence since he has had experience with maintenance and wind damage on eight (8) foot fences. He stated that he could built the fence on the 30-foot rear yard setback, which would alleviate the sight line issue but would leave Lot 13 with a small backyard.

Chairman Archer questioned the applicant if he owned the drainage ditch.

Mr. Coleman stated that he does own the drainage ditch.

Commissioner Svendsen questioned the applicant if the pad sites would be poured 10 inches to one (1) foot higher to bring the building up higher than the existing pad.

Mr. Coleman stated that he was not sure since the home building sister company handles the construction of the homes.

Commissioner Svendsen stated that a two (2) or three (3) foot retaining wall with a six (6) foot fence would solve the drainage run off and privacy issues.

Vice-Chairman Albertson suggested that the applicant consider replacing the existing homeowner's fences on Mann Court with an eight (8) foot fence.

Chairman Archer questioned staff whether there were concerns during a large rain event with water spillover from the drainage ditch.

Mr. Friedrich stated that a minimal amount might flow into the neighbor's yard but most of it should be captured within the drainage easement and flow into the storm drain.

Chairman Archer questioned staff if the City requires that water be carried in such a way that does not spillover or encroach onto adjacent neighbor's yards, such as the suggestion of a concrete retaining wall along the length of the western property boundary.

Mr. Friedrich stated that a concrete retaining wall may be one option to capture that storm water runoff.

Mr. Coleman stated that due to the steep drop-off, a six (6) foot fence closer to the townhome would provide more privacy than an eight (8) foot fence on the other side of the drainage ditch.

Commissioner Svendsen questioned the applicant on who would maintain the space in-between the new fence and the existing fence within the drainage ditch.

Mr. Coleman stated that the either his company or a company hired by the Homeowners Association (HOA) will provide the maintenance of the drainage ditch.

Chairman Archer questioned the applicant if that drainage ditch is dedicated as a drainage easement.

Mrs. Castillo stated that the drainage ditch is dedicated as a 25-foot drainage easement that runs the full length of the property from Lots 12-18, Block 5.

Mr. Friedrich stated that the lots were graded in such a way so that the majority of the water runoff funnels toward the street (Lone Star Avenue).

Chairman Archer questioned the applicant about who will maintain the 25-foot drainage easement.

Mr. Coleman that his company will maintain the 25-foot drainage easement.

David Jones, Community Development Director, stated that if P&Z's motion is to keep the fence on the outside of the drainage easement, then the motion should specify that the HOA will be responsible for maintaining the drainage easement.

Chairman Archer restated his concern with the water run-off encroaching into the neighbor's yards on Mann Court.

Commissioner Saunders questioned staff if the City checks the grading of the site.

Mr. Friedrich stated that the City does not check the grade on the lots as it is outside of the right-of-way and that grade will only tell you if the drainage is heading toward the street, not toward the neighbors. He stated that the only verification will be the survey data but he recalls from the plans that the back yards of these lots drain toward the back yard and the front yards drains toward the street.

Commissioner Walker questioned staff on the lot depth dimensions between Lots 13 and 14, Block 5 in order to verify if the site plan provided by the applicant included the entire depth of the lot including the drainage ditch.

Mrs. Castillo stated that the lot depth between Lots 13 and 14, Block 5 is 131.47 feet. Commissioner Walker confirmed that the site plan provided by the applicant included the entire depth of the lot, including the drainage ditch.

Mr. Coleman stated that there is a five (5) foot separation between the 30-foot rear yard setback and the 25-foot drainage easement.

Chairman Archer stated his desire to see the applicant propose solutions to the issues stated at the previous meeting.

Mr. Coleman stated that for Lots 11 & 12, Block 6 (on the east side of Lone Star Avenue), he is proposing to reduce the duplex to a one-story building which was the main concern from the last meeting.

Commissioner Walker questioned the Commission whether they would be comfortable with a six (6) foot fence on Lot 13, Block 5.

Chairman Archer stated that a six (6) foot fence would not be a long-term solution.

Commissioner Walker questioned staff if this area was where the homeowners on Mann Court were concerned about water flowing along the north side, parallel to Mann Court.

Mr. Friedrich stated that the lots on the northern boundary were graded to have the water flow toward the street but there have not been any complaints from the neighbors.

Mrs. Castillo stated the original PD (Planned Development) included the requirement for the construction of a temporary drainage berm in Area B to remain until the completion of the road.

Chairman Archer stated his concern that adding the fence on top of the rear yard setback will create a problem for Lot 13, Block 5.

Commissioner Svendsen stated the problem would be resolved if the applicant reoriented the building on Lots 13 and 14, Block 5 similar to Lot 12, Block 5.

Mr. Coleman stated that he would not be able to reach the minimum home square footage of 1,300 square feet since the lot lines are already platted.

Commissioner Walker questioned the applicant if there would be side fences dividing each lot in the back yard.

Mr. Coleman stated that a side fence would divide each lot so that each lot would have its own backyard.

Commissioner Walker stated that the side fences would have to stop at the drainage easement.

Mr. Coleman stated the side fences would have to be constructed just inside the drainage easement or to the property line. He stated that if the fence is proposed to the property line, a no climb wire four (4) foot off the ground would need to connect the fences within the drainage ditch but then there would be issues with catching debris.

Chairman Archer stated that the only solution is to have a two (2) or three (3) foot concrete retaining wall with a six (6) foot fence on top of it to create usable back yards but that ultimately it was not the Commission's job to provide design solutions for the fencing along the drainage ditch.

Mr. Coleman stated that his solution would be to construct a fence six (6) feet from where the drop off ends to maximize the yard space for Lot 13 with the fence running parallel to the drainage easement.

Commissioner Saunders stated his approval of the one-story duplex on Lots 11 and 12, Block 6 and that he would like an eight (8) foot fence adjacent to Lot 12, Block 6.

Commissioner Svendsen questioned the Commission if they noticed that the property stakes were not parallel to the others stakes across the street.

Lisa Poeggel, 1414 Lone Star Avenue, Cleburne, clarified that the property stakes are inside her property line because she had the property surveyed last year when she purchased the back portion of the property. She also stated that she would like an eight (8) foot fence on Lots 8-12, Block 6 and that she is pleased with the one-story duplex on Lots 11 and 12, Block 6.

Commissioner Svendsen stated that an eight (8) foot fence should go along the property line to at least Lots 8 or 9, Block 6 to provide privacy for Ms. Poeggel's property.

Chairman Archer stated that the applicant should provide solutions to the drainage ditch, setback, and site line problems for Block 5 and the privacy issues on Block 6.

Mr. Coleman stated that regardless of what type of building is approved, the fence along the west side will have to be constructed outside of the drainage easement, but that he will try to maximize those back yards.

Chairman Archer closed the public hearing.

Commissioner Svendsen stated that he has no problem with the six (6) foot fence on top of the drainage ditch to provide privacy.

Commissioner Saunders stated that it would create a small back yard for Lot 13 but that the renter will be able to notice that prior to renting the townhome.

Vice-Chairman Albertson stated that a retaining wall at grade level with the privacy fence on top of it would help with the privacy issues.

Commissioner Svendsen questioned if the HOA will maintain the drainage ditch.

Mr. Jones stated the HOA would maintain the drainage ditch.

Vice-Chairman Albertson questioned if there is an HOA for this area or for the subdivision as a whole.

Mr. Jones stated that there may be separate HOA's for both Area A and Area B.

Chairman Archer reopened the public hearing.

Mr. Coleman stated that there is an HOA for their development in Granbury and that this development would be similar with a management company maintaining the property.

Commissioner Walker stated that the finished height should be 6-feet above grade.

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 approve the PD amendment as presented (one-story and two-story townhomes, 25-foot front yard setback, and one-story duplex on Lots 11 and 12, Block 6) and with the following conditions:

1. Construction of an 8-foot fence along Lots 3 – 12, Block 6;
2. Construction of an 8-inch cement base with a 6-foot fence built above grade running along Lots 12-18, Block 5; and
3. That the 25-foot drainage easement be maintained by the Home Owners Association (HOA).

Commissioner Saunders seconded the motion. **The motion to approve the PD amendment for Area 'B' with the conditions listed above carried by a vote of 6-0.**

**SECTION II: OTHER BUSINESS:**

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

- i. PC22-080 – Thetford Addition Final Plat
- ii. PC22-081 – Santa Fe Addition Minor Replat

David Jones, Community Development Director, briefed the Commission on actions taken by the City Council at the January 10, 2023 City Council Meeting.

**EXECUTIVE SESSION:**

Pursuant to Section 551.071, Texas Government Code, the Commission reserves the right to convene in Executive Session(s) from time to time as deemed necessary during this meeting to receive advice from its attorney on any posted agenda item.

Chairman Archer stated that the Commission convened into Executive Session to receive annual training on statutes and case law related to zoning and platting from the City Attorney at 7:59 P.M.

Chairman Archer closed the Executive Session at 8:36 P.M. and the meeting reconvened into open session.

**THERE BEING NO FURTHER BUSINESS THE MEETING IS ADJOURNED AT 8:37 PM.**