

**THIS IS NOT A VERBATIM TRANSCRIPTION
CITY OF CLEBURNE
PLANNING AND ZONING COMMISSION
MINUTES OF THE FEBRUARY 13, 2023 MEETING**

The Planning and Zoning Commission (P&Z) of the City of Cleburne met in open session on Monday, February 13, 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:

Sonny Albertson – Vice-Chairman
Chris Saunders
Peter Svendsen
Vance Castles
Stephanie Philips

CITY STAFF PRESENT:

David Jones, Community Development
Director
Danielle Castillo, Planning Manager
David Jellen, Planner
Laura Melton, Asst. Director of Public Works
Colt Friedrich, Project Engineer
Lindsey Hale, City Attorney

COMMISSION MEMBERS ABSENT:

Albert Archer Sr. – Chairman
Robert Walker

CALL TO ORDER:

The meeting was called to order by Vice-Chairman Albertson 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 January 23, 2023 Planning and Zoning Commission meeting were considered.

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

Commissioner Svendsen made a motion to approve the minutes of the January 23, 2023 meeting and the motion was seconded by Commissioner Saunders. **The motion to approve the minutes carried by a vote of 5-0.**

SECTION I: PLATTING:

CONSIDER THE FINAL PLAT OF 4 POINTS ESTATES PHASE I, FOR 14 RESIDENTIAL LOTS, ON ±16.73 ACRES IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF CLEBURNE, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF FM HIGHWAY 4 AND COUNTY ROAD 424, **CASE PC22-087.**

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 PC22-091.**

Danielle Castillo, Planning Manager, announced that both cases would be presented jointly.

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

Commissioner Svendsen questioned staff whether this property fell under the two (2) miles or 1,000 feet ETJ boundary limit as proposed by the State Legislature to change the extent of the limits of ETJ boundaries.

David Jones, Community Development Director, responded that the proposal regarding the update to the extent of the limits of ETJ boundaries had just been filed and had not yet been considered by the State Legislature.

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

Commissioner Svendsen made a motion to approve the request for Case PC22-091 with the following conditions:

1. 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.
2. Include all recorded subdivision plats and/or adjoining platted and unplatted land by record name within 200 feet of the property on the face of the plat, per Section 154.025.C.11 of the Subdivision Ordinance.
3. Bold the property boundary line for the entirety of Phase II, per Section 154.025.C.2 of the Subdivision Ordinance.
4. Include the full width and dimensions of each right-of-way on the face of the plat, including the centerline to the edge of the property/dedication, per Section 154.025.C.4 of the Subdivision Ordinance.
5. Revise the standard notes to state that maintenance of all X-lots and drainage easements shall be the responsibility of the owner/owner's association, per Section 154.025.C.9.e of the Subdivision Ordinance.

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

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1. 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.
2. Include all recorded subdivision plats and/or adjoining platted and unplatted land by record name within 200 feet of the property on the face of the plat, per Section 154.025.C.11 of the Subdivision Ordinance.
3. Bold the property boundary line for the entirety of Phase II, per Section 154.025.C.2 of the Subdivision Ordinance.

4. Include the full width and dimensions of each right-of-way on the face of the plat, including the centerline to the edge of the property/dedication, per Section 154.025.C.4 of the Subdivision Ordinance.
5. Revise the standard notes to state that maintenance of all X-lots and drainage easements shall be the responsibility of the owner/owner's association, per Section 154.025.C.9.e of the Subdivision Ordinance.

Commissioner Philips seconded the motion. **The motion to approve with conditions 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.**

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

Vice-Chairman Albertson questioned staff whether the property owner intended to expand the existing business.

Mr. Jellen responded that the existing business would require approval of a specific use permit (SUP) in order to expand, but that the existing business could continue to operate as is.

Commissioner Svendsen questioned staff regarding the necessity of an SUP should the business be expanded.

Mr. Jellen stated that the existing business is non-conforming within the underlying RC (Regional Commercial) zoning district. He explained that the existing business would require an SUP in order to be brought into conformance with the RC zoning district.

Vice-Chairman Albertson opened the public hearing.

The business owner, Michael Lyle, 2449 Weatherford Highway, stated that he had purchased the property four (4) years earlier and that they were not aware at the time that the business was not in conformance with the zoning district. He explained his desire to have the entirety of the property under a single zoning designation and stated that there were no immediate plans to expand the existing business. He stated that he had met with City staff and that he was aware that an SUP would be required if they decided to expand the business.

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

Commissioner Castles 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.**

CONSIDER AMENDMENTS TO TITLE XV: LAND USAGE, OF THE CODE OF ORDINANCES TO AMEND AND ADD REQUIREMENTS DESIGNED TO REDUCE THE IMPACT OF PROPOSED DEVELOPMENT UPON CERTAIN RESIDENTIAL LAND USES; TO ADD THE D,

DUPLEX DWELLING ZONING DISTRICT; TO AMEND THE USE CHART TO ALLOW CERTAIN RESIDENTIAL USES BY-RIGHT AND BY SUP; TO ADD REQUIREMENTS AND PROCEDURES FOR APPROVAL OF CONCEPT PLANS AND TO ADD AN APPLICATION FEE; SAID AMENDMENTS AND REQUIREMENTS TO BE INCORPORATED WITHIN THE FOLLOWING SECTIONS: SECTION 155.2: ZONING DISTRICTS; SECTION 155.3: ZONING LAND USE REGULATIONS; SECTION 155.4: SITE DEVELOPMENT REQUIREMENTS; AND SECTION 155.5: ZONING APPLICATION SUBMITTAL AND PROCESSING PROCEDURES, **CASE GC22-014.**

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

Commissioner Svendsen stated that all duplex development should be similar in size and character to surrounding development. He questioned staff whether the proposed ordinance would encourage infill duplex development to match the same standard of development as its surroundings.

Mrs. Castillo responded that the proposed minimum unit size for a duplex would be 1,000 square feet, consistent with the minimum floor area requirement in the SF-6 (Single-Family Dwelling District) zoning district.

Commissioner Svendsen expressed his concern that the minimum unit size of 1,000 square feet would be too small. He stated his preference that a duplex with three (3) or more bedrooms be required to be built a minimum of 1,200 square feet for two bedroom and 1,300 square feet for three bedroom units.

Commissioner Philips stated that duplexes within specific areas of the City would be required to have a specific use permit (SUP) prior to development. She questioned staff whether the minimum unit size could be addressed with an SUP.

Mrs. Castillo responded that the Commission could recommend that the minimum unit size be increased if so desired.

Commissioner Svendsen questioned staff whether the Commission could recommend different minimum unit sizes depending on the number of bedrooms proposed within the duplex unit.

David Jones, Community Development Director, responded that multi-family districts regulate bedroom size but generally bedroom sizes are not regulated in single-family districts. He added that the minimum unit size would be applied to a stand-alone duplex district where all of the development standards would be uniform. He stated that infill duplexes in single-family neighborhoods would only be allowed by SUP and that they could be evaluated on a case-by-case basis.

Commissioner Svendsen questioned staff whether the duplex district would include requirements regarding the building design.

Mr. Jones responded that the duplex district would include requirements regarding the building design similar to regulations for other types of residential development.

Vice-Chairman Albertson expressed his concern that the maximum height allowance for the duplex district was too high.

Mrs. Castillo continued the presentation.

Commissioner Svendsen questioned staff whether a retention area could qualify as part of the open space requirements.

Mr. Jones responded that the open space amenity requirements could include a retention area as part of the open space features, in addition to other types of open space outlined in the Zoning Ordinance.

Vice-Chairman Albertson questioned staff regarding the proposal that the concept plan be voluntary, rather than mandatory, with each zoning request.

Mrs. Castillo responded that the proposal that the concept plan be voluntary had come as a recommendation from the former members of the Zoning Ordinance Advisory Committee. She stated that the feedback received was not to have the concept plan as mandatory as a one approach serves all but to allow an applicant the ability to determine whether or not a concept plan is necessary for their rezone request.

Commissioner Philips expressed her concern with the maximum height allowance of 40 feet for the Duplex District. She questioned staff regarding the maximum height allowance for the other residential zoning districts.

Mrs. Castillo responded that the proposed maximum height allowance of 40 feet was consistent with the single-family zoning districts, and that each of the multi-family zoning districts allows for greater than 40 feet in height. She stated that the maximum height allowance of 40 feet for duplexes was developed consistent with feedback from the members of the former Zoning Ordinance Advisory Committee that duplexes be allowed to build to the same height as the single-family zoning districts.

Commissioner Philips questioned staff whether an SUP would be required for every duplex proposed adjacent to existing single-family residences.

Mrs. Castillo explained that an SUP would only be required in specific overlay districts and within the SF-6 zoning district. She further explained that any property owner could request a straight rezone to the D (Duplex Dwelling District) zoning district and be able to build according to the approved standards and regulations, including the proposed maximum height of 40 feet.

Commissioner Svendsen stated that any new duplex should be compatible with the surrounding development.

Vice-Chairman Albertson questioned staff whether the Commission could recommend an increase to the minimum floor area requirement for duplex dwelling units.

Mrs. Castillo responded that the Commission could so recommend.

Commissioner Svendsen stated his preference that the minimum unit size for a two-bedroom dwelling unit be 1,100 square feet, and that the minimum unit size for a three-bedroom dwelling unit be 1,200 square feet.

Commissioner Philips questioned staff whether there would be any potential issues by recommending that the minimum unit size be determined by the number of bedrooms.

Mrs. Castillo responded that the minimum unit size would be reviewed as part of the building permit submittal for any duplex, similar to other residential developments.

Mr. Jones stated that the intent of the proposed minimum unit size was to account for all builders across the City and provide a minimum unit size of 1,000 square feet that is the same as the SF-6 single-family district. He added that duplex and SF-6 single-family residential were considered to be compatible uses to one another and given similar standards

Vice-Chairman Albertson opened the public hearing.

There being no one who wished to speak on the item, Vice-Chairman Albertson closed the public hearing and called for a motion.

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

1. The minimum unit size for a two-bedroom unit be 1,100 square feet, and that the minimum unit size for a three-bedroom unit be 1,200 square feet in the D, Duplex Dwelling District.

Vice-Chairman Albertson recognized a speaker in the audience and reopened the public hearing.

Argenis James, P.O. Box 2702, Cleburne, TX, 76033, questioned staff regarding the minimum unit size in the SF-6 zoning district.

Mrs. Castillo responded that the minimum floor area in the SF-6 zoning district is 1,000 square feet.

Mr. James stated that the minimum unit size for the duplex district should remain 1,000 square feet in order to match the SF-6 zoning district. He stated that the 1,000 square-foot minimum unit size would justify the cost of development for the cost to rent throughout the City.

Commissioner Svendsen responded that the cost of rent throughout the City justified an increase in the minimum unit size requirement.

Commissioner Philips stated that it would make sense to have the minimum unit size in the duplex district mirror the minimum floor area in the SF-6 zoning district.

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

There being no second to the existing motion, **the motion to recommend approval with conditions failed.**

Vice-Chairman Albertson made a motion to recommend approval as presented and Commissioner Castles seconded the motion. **The motion to approved carried by a vote of 4-1, with Commissioner Svendsen voting against the motion.**

SECTION III: OTHER BUSINESS:

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

- i. PC22-090 – Lankford Farms Ph. I Final Plat
- ii. PC22-093 – Fox Meadow Addition Ph. III Final Plat
- iii. ZC22-034 – Rezone of 108 acres near Buddy Stewart Park

Mr. Jones briefed the Commission on actions taken by the City Council at the January 24, 2023 City Council Meeting.

THERE BEING NO OTHER BUSINESS, THE MEETING WAS ADJOURNED AT 7:40 PM.