

**THIS IS NOT A VERBATIM TRANSCRIPTION
CITY OF CLEBURNE
PLANNING AND ZONING COMMISSION
MINUTES OF THE MARCH 8, 2021 MEETING**

The Planning and Zoning Commission (P&Z) of the City of Cleburne held a Public Hearing on Monday, March 8, 2021, at 6:30 p.m. in the Council Chambers of City Hall located at 10 N. Robinson. Planning and Zoning Commission meetings are open to the public with social distancing protocols in place.

COMMISSION MEMBERS PRESENT:

Dena Day – Chairwoman
Albert Archer, Sr. – Vice-Chairman
Vance Castles
Robert Walker
Sonny Albertson
Summerly Sherlock
Chris Saunders

Danielle Castillo, Planning Manager
David Jellen, Planner
Laura Melton, Asst. Director of Public Works
Colt Friedrich, Project Engineer
Bradley Anderle, City Attorney

CITY STAFF PRESENT:

MEETING FORMAT:

Mr. Anderle, Mrs. Castillo, Mr. Jellen and Ms. Melton were present at the meeting in the Council Chambers.

Mr. Friedrich tuned into the meeting remotely.

Chairwoman Day, Vice-Chairman Archer, Commissioner Walker, Commissioner Saunders, Commissioner Castles and Commissioner Albertson were present at the meeting in the Council Chambers.

Commissioner Sherlock tuned into the meeting remotely.

CALL TO ORDER:

The meeting was called to order by Chairwoman Day 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 February 22, 2021 Planning and Zoning Commission meeting were considered.

Commissioner Castles made a motion to approve the minutes of the February 22, 2021 meeting and the motion was seconded by Commissioner Walker. **The motion to approve the minutes carried by a vote of 7-0.**

SECTION I: ZONING:

CONTINUE A PUBLIC HEARING TO CONSIDER A REQUEST TO REZONE ±5.3 ACRES FROM C3 (COMMERCIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), LOCATED AT 1610 NORTH MAIN STREET, AS REQUESTED BY 1600 ENTERPRISES, LTD, REPRESENTED BY VLK ARCHITECTS, **CASE ZC20-029**

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

Commissioner Castles questioned staff regarding the inconsistency between the square footage of the proposed floor plans and the applicant's request to utilize the minimum square footage requirements of the MF (Multiple-Family Housing District).

Mrs. Castillo explained that the proposed floor plans were conceptual and that the proposed units would likely vary in size.

Vice-Chairman Archer questioned staff whether the square footages listed on the proposed floor plans included the balcony.

Mrs. Castillo responded that the applicant would be able to answer the question.

Vice-Chairman Archer questioned staff whether the appropriate land uses included with the commercial strip center (Building A) of the development would be the only uses permitted in the development.

Mrs. Castillo responded that the list of appropriate uses for Building A would not be exclusive of other uses normally permitted in the C3 (Commercial District). She explained that it would be more appropriate to codify a list of prohibited land uses for Building A rather than a list of permitted land uses.

Commissioner Walker questioned staff regarding the proposed parking layout and the required number of handicap parking spaces.

Mrs. Castillo responded that seven (7) handicap parking spaces would be required for the development based on the total number of parking spaces. She explained that the parking layout would be reviewed with the building permit submittal.

Commissioner Saunders questioned staff whether the proposed reduction in parking spaces would be applied to the entire development.

Mrs. Castillo responded that the applicant is requesting a proposed reduction in parking spaces specifically for the multi-family portion of the development.

Vice-Chairman Archer questioned staff regarding the fire requirements for the multi-family portion of the development.

Mrs. Castillo responded that the conceptual plans had been reviewed for compliance by the Fire Department.

Chairwoman Day questioned staff if there were any proposed building material requirements for the development.

Mrs. Castillo responded that the applicant had not proposed any specific building material requirements.

Bradley Anderle, City Attorney, explained that Texas State Law would prohibit the City from imposing any building material requirements.

Commissioner Walker noted that the proposed elevations included building materials and questioned staff whether that would be enforceable.

Mrs. Castillo explained that the included building material list may be included as part of the PD ordinance but due to state law, required building materials could not be enforceable.

The applicant, Tom Crew, was present to brief the Commission on the request. Present remotely with the applicant was the architect for the project, Michael Antenora, from VLK Architects.

Mr. Crew stated that he intended to use masonry building materials for each of the buildings in order to reduce maintenance costs in the future.

Commissioner Albertson questioned the applicant if stucco had been applied to the existing building.

Mr. Crew responded that no stucco had been applied to the existing building. He explained that the existing building is completely made up of concrete material.

Commissioner Albertson questioned the applicant if stucco would be applied to the existing building in the future.

Mr. Crew responded that stucco would not be applied to the existing building in the future.

Vice-Chairman Archer questioned the applicant regarding how long he had owned the property.

Mr. Crew responded that he had owned the property since 1999.

Vice-Chairman Archer questioned the applicant if he had considered constructing a two-story parking lot with the proposed development.

Mr. Crew responded that he had considered constructing a two-story parking lot with the proposed development.

Commissioner Albertson questioned the applicant if it would be a requirement to be 55 years or older to rent an apartment in the multi-family portion of the development.

Mr. Crew responded that it would be a requirement to be 55 years or older to rent an apartment in the multi-family portion of the development.

Commissioner Castles questioned the applicant regarding the proposed square footages on the conceptual floor plans.

Mr. Crew responded that the proposed square footages listed on the conceptual floor plans would be the goal for each unit type, but that there would likely be some variation.

Commissioner Castles questioned the applicant if the proposed apartments would be furnished.

Mr. Crew responded that the apartments would not be furnished.

Vice-Chairman Archer questioned the applicant if he would be comfortable including the list of appropriate uses for Building A as an exclusive list of what would be permitted there.

Mr. Crew responded that there would specific uses that he would be comfortable prohibiting for Building A.

Vice-Chairman Archer stated that he would be apprehensive about excluding a list of either allowed or prohibited uses from the planned development (PD).

Chairwoman Day questioned staff if the uses that currently require a specific use permit (SUP) in the C3 (Commercial District) would also need an SUP to operate within the proposed development.

Mr. Anderle explained that any use that currently requires an SUP would also require an SUP within the development unless stated otherwise in the PD.

Chairwoman Day questioned staff if it would be possible to prohibit any use outside of the "Service and Retail Uses" listed in the City's Zoning Ordinance.

Mr. Anderle responded that the Commission could prohibit uses based on the categories listed in the City's Zoning Ordinance.

Chairwoman Day stated that a condition would be included with the planned development that if pet-friendly apartments were included as an option, then pet-friendly outdoor amenities would be required.

Chairwoman Day questioned staff if all of the amenities included by the applicant would be required.

Mrs. Castillo responded that all of the amenities included by the applicant would be required with the development.

Mr. Antenora stated that the proposed list of amenities would be included with the development. He questioned the Commission whether a variation to any of the proposed amenities would create the need to amend the PD in the future.

Chairwoman Day responded that a condition could be placed on the development to allow for a specific number of the proposed amenities.

Mr. Antenora questioned the Commission whether it would be acceptable to require only the proposed amenities that would be interacted with by the general public.

Chairwoman Day responded that the purpose of the PD would be to ensure that specific amenities would be provided with the development.

Mr. Antenora stated that many of the discussed issues would be addressed with the building permit submittal.

Chairwoman Day explained that the City's site plan requirements are minimal and that developing to the minimum requirements would not produce the type of development that the Commission is looking for with PDs. She questioned staff regarding the City's landscaping requirements.

Mrs. Castillo explained the City's landscaping requirements.

Mr. Crew stated that he was comfortable including the landscaping as shown on the Concept Plan and that it would be done well.

Commissioner Walker questioned the applicant regarding the proposed concierge trash amenity.

Mr. Antenora explained that there would be someone to pick up the trash for each of the residents in the multi-family development. He stated that the development would include as many services for the residents as could be provided.

Vice-Chairman Archer questioned the applicant regarding the listed square footages for the proposed apartments.

Mr. Antenora responded that the listed square footages would likely be the minimum sizes within the PD. He explained that the difficulty in proposing minimum apartment sizes had to do with converting the existing hospital rooms into apartments. He stated that the balconies had not been included with the listed square footages.

Commissioner Walker suggested that proposed indoor amenities for a rooftop terrace and in-unit washer and dryer could be modified to provide more flexibility with the development.

Mr. Antenora stated that a third floor had been added to the amenity building in order to accommodate the possibility of having an enclosed rooftop terrace.

Commissioner Walker suggested that the in-unit washer and dryer could be set as a requirement for 90% of the units, in case there were difficulties with converting the existing hospital rooms.

Commissioner Sherlock questioned the applicant if there would be any covered parking.

Mr. Antenora stated that covered parking spaces had been considered and that if there was a demand for covered parking, that it would be processed together all at once.

Chairwoman Day opened the public hearing.

There being no one present who wished to speak on this item, Chairwoman Day closed the public hearing.

Vice-Chairman Archer stated that the planned development needed to include the list of appropriate land uses for Building A.

Mr. Anderle stated that it would be beneficial to include a list of prohibited land uses, as opposed to a list of appropriate land uses for Building A.

Vice-Chairman Archer questioned staff if it would be appropriate to limit the allowed land uses by the Service and Retail Land Use Category in the City's Zoning Ordinance.

Chairwoman Day expressed her concern that inappropriate land uses could be allowed in Building A if they weren't included on the list of prohibited land uses.

Mrs. Castillo explained that if Building A were to be limited to a certain number of allowed land uses that it could exclude other appropriate uses, which could only be revised through an amendment to the PD ordinance.

Vice-Chairman Archer questioned staff if land uses not included on the allowed list of land uses would be able to be approved on a case-by-case basis through an SUP.

Mr. Anderle responded that the Commission would not likely be able to allow land uses on a case-by-case basis through an SUP because it did not comply with the SUP provision as outlined in the Zoning Ordinance.

Chairwoman Day questioned staff regarding the process to amend a PD ordinance.

Mrs. Castillo explained the development process and application fee for requesting an amendment to a PD ordinance. She explained that an amendment to an existing PD ordinance opens the entire development to be subject to the discretion of the Planning and Zoning Commission and the City Council.

Mr. Antenora questioned the Commission regarding the future update to the City's Zoning Ordinance.

Chairwoman Day responded that the PD would be subject to the regulations in the current Zoning Ordinance.

Mr. Crew noted several land uses that would be considered appropriate for Building A that were not included on the list of appropriate uses and questioned whether they would be allowed.

Mrs. Castillo responded that the noted land uses were not explicitly listed on the list of appropriate uses and that they would be allowed based on staff's interpretation of the included list. She stated that she would rather not have the PD need to be amended solely for the purpose of adding appropriate land uses to the list of allowed uses.

Mr. Crew stated that he would not want to have to wait 60 days to amend the PD to confirm whether a land use would be allowed for Building A.

Mr. Antenora stated that it would be more appropriate to prohibit specific land uses rather than allow specific land uses. He stated that he would be able to create a list of prohibited uses to propose to the City Council.

Commissioner Walker stated that a list of prohibited land uses needed to be determined for Building A.

Mr. Anderle stated that it would be beneficial to review the list of allowed uses in the C3 District and determine which ones to prohibit.

Vice-Chairman Archer questioned staff if it would be possible to regulate the land uses for Building A based on their compatibility with the surrounding development.

Mr. Anderle stated that it would not be enforceable to regulate the land uses for Building A based on their compatibility with the surrounding development.

Chairwoman Day stated that the Planning and Zoning Commission would need to make a recommendation related to the allowable land uses for the development to the City Council.

Mrs. Castillo responded that the Planning and Zoning Commission would need to make a recommendation, but that it would be permissible for the applicant to modify their list of prohibited land uses before the City Council meeting.

Chairwoman Day stated that it would be preferred to have the Planning and Zoning Commission review the list of prohibited land uses prior to making a recommendation to the City Council.

Commissioner Albertson questioned whether it would be acceptable for the Commission members to each individually submit a list of prohibited land uses to the applicant.

Chairwoman Day responded that each submitting a list individually could potentially violate the Texas Open Meetings Act.

Mr. Anderle explained that it would be permissible for each Planning and Zoning Commission member to separately review and propose a list of prohibited land uses for the development to city staff, but that doing so could create situations that would violate the Texas Open Meeting Act.

Commissioner Castles proposed prohibiting all land uses outside of those listed in the Service and Retail Land Use Category.

Vice-Chairman Archer stated that it would be possible to prohibit most of the land uses and then let the applicant modify the list for City Council to fit the development.

Chairwoman Day questioned staff if it would be necessary to exclude the land uses already proposed in the PD from the list of prohibited uses.

Mrs. Castillo responded that the land uses already proposed in the PD would be separate from the list of prohibited land uses and would not need to be excluded.

The Commission reviewed the list of permitted land uses in the C3 District and discussed which land uses to prohibit for Building A.

There being no other questions or items for discussion, Chairwoman Day made a motion to approve the PD rezoning request with the following conditions:

1. If pets are proposed for the multi-family development, pet-friendly outdoor amenities will be provided accordingly;
2. All proposed indoor and outdoor amenities be included as part of the ordinance;
3. Landscaping as shown on the Concept Plan, with the following statement "slight modifications/deviations of the proposed landscaping as well as exact tree locations be permitted, subject to review and approval by Staff";

4. 90% of the multi-family units be required to have washer and dryer connections; and
5. The proposed uses for Building A be as follows:
 - a. All uses within the following categories as listed in the Use Table for the C3 District be prohibited: Primary Residential Uses, Accessory and Incidental Uses, Utility and Service Uses, Recreation and Entertainment Uses, Transportation Uses, Automobile and Related Service Uses, Agricultural Type Uses, Commercial Type Uses, Natural Resource Storage and Extraction, and Industrial Processes.
 - b. All uses within the Educational, Institutional and Special Uses as listed in the Use Table for the C3 District be prohibited with the exception of “Art Gallery or Museum” and “Church or Rectory”.
 - c. All uses within the Retail and Service Type Uses be permitted as shown in the Use Table for the C3 District, with the exception of the following prohibited uses:
 - i. “Collection Center (Recycle Primary)”, “Miniwarehouse”, “Mortuary or Funeral Home”, “Pawn Shop”, “Restaurant Drive-In”, “Sand and Gravel Sales”, “Swap Meet/Flea Market”, “Tattoo”, “Body Piercing Studio”.

Commissioner Walker seconded the motion. **The motion to approve with conditions carried by a vote of 7-0.**

SECTION II: OTHER BUSINESS:

Update on actions taken by the City Council at their last meeting on Planning and Zoning Cases:

- i. ZC21-001 – 1121 Prairie Ave. Rezone – SF-4 to MF

Mrs. Castillo briefed the Commission on actions taken by the City Council at the February 23, 2021 meeting on the above listed Planning and Zoning cases.

THERE BEING NO OTHER BUSINESS, THE MEETING WAS ADJOURNED AT 8:29 PM.