

**THIS IS NOT A VERBATIM TRANSCRIPTION
CITY OF CLEBURNE
PLANNING AND ZONING COMMISSION
MINUTES OF THE APRIL 10, 2023 MEETING**

The Planning and Zoning Commission (P&Z) of the City of Cleburne met in open session on Monday, April 10, 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
Stephanie Philips
Chris Saunders
Peter Svendsen
Robert Walker
Vance Castles

David Jones, Community Development Dir.
Danielle Castillo, Planning Manager
David Jellen, Planner II
Laura Melton, Asst. Director of Public Works
Lindsey Hale, City Attorney

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 March 27, 2023 Planning and Zoning Commission meeting were considered.

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

Commissioner Svendsen made a motion to approve the minutes of the March 27, 2023 meeting and the motion was seconded by Commissioner Walker. **The motion to approve the minutes carried by a vote of 7-0.**

SECTION I: PLATTING:

CONSIDER THE FINAL PLAT OF BLACKBIRD MEADOWS, FOR 12 RESIDENTIAL LOTS, BEING ±58.415 ACRES IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF CLEBURNE, GENERALLY LOCATED ON THE NORTH SIDE OF COUNTY ROAD 904 AND APPROXIMATELY 1,100 FEET EAST OF COUNTY ROAD 1017, **CASE PC22-082.**

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

Chairman Archer questioned staff regarding the size of the gas pipeline.

Mr. Jellen stated that he was not sure of the size of the gas pipeline.

Commissioner Svendsen questioned staff regarding the depth of the gas pipeline.

Mr. Jellen stated that he was not sure of the depth of the gas pipeline.

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 PD (PLANNED DEVELOPMENT DISTRICT) FOR THE CONSTRUCTION OF ONE (1) MULTI-FAMILY BUILDING CONTAINING NO MORE THAN SEVEN (7) UNITS, ON ±0.59 ACRES LOCATED AT 1003 GRANBURY STREET, **CASE ZC22-027**

Commissioner Saunders recused himself from this case.

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

Chairman Archer questioned staff regarding the detention requirements for the subject property.

Laura Melton, Assistant Director of Public Works, responded that detention would be required for the proposed development.

Commissioner Svendsen noted that there was a similar multi-family development at the corner of Phillips Street.

Johnnye Parrish, 116 Woodard Avenue, stated his opposition to the proposal and stated his concern for the traffic and drainage impacts of the proposed development. He expressed his desire to see the property remain zoned for single-family development.

The applicant, Jen Rendon, 1003 Granbury Street, Cleburne, TX, was present to brief the Commission on the request. She stated that the proposed development would include some stone as a construction material in order to meet the minimum number of required design features. She explained that the requested deviations to the landscaping requirements would allow for fire access through the property.

Chairman Archer questioned the applicant regarding the size of the back yard for each unit.

Ms. Rendon responded that the back yard for each unit would be approximately six (6) feet by ten (10) feet.

There being no one else who wished to speak on the item, Chairman Archer closed the public hearing.

Vice-Chairman Albertson stated his concern with the density of the proposed development and stated that there were too many deviations that were being requested.

Chairman Archer called for a motion.

Vice-Chairman Albertson made a motion to deny the request as presented and Commissioner Walker seconded the motion. The motion to deny failed by a vote of 3-3, with Commissioner Philips, Commissioner Castles, and Commissioner Svendsen voting against the motion.

Commissioner Philips stated that the applicant had made several adjustments to the project in response to the feedback that had been given at the previous meeting. She stated her support for the minimum unit size of 1,600 square feet.

Chairman Archer called for a new motion.

Commissioner Philips stated that the requested deviations were substantial.

Vice-Chairman Albertson stated that he would not be willing to approve the request as presented. He stated his concern for the traffic impact that the proposed development would have and stated his discomfort with the proposed 5-foot rear yard setback.

Commissioner Walker stated his concern with the density of the proposed development and stated that he would like to see more space in the rear yard.

Chairman Archer stated that the property could not fit seven (7) units within the regulations of the Zoning Ordinance.

Commissioner Castles stated that the proposed development could be beneficial to the area.

Commissioner Svendsen questioned the Commission whether it would be more appropriate to have fewer units on the property.

Vice-Chairman Albertson responded that the area was not conducive to multi-family development, especially with the number of requested deviations.

Chairman Archer stated that the applicant would need additional time in order to revise the plans.

Chairman Archer re-opened the public hearing and called for a motion.

Commissioner Svendsen made a motion to continue the public hearing and table the case to the May 8, 2023 Planning and Zoning Commission Meeting. Commissioner Philips seconded the motion. **The motion to continue the public hearing and table the case to the May 8, 2023 Planning and Zoning Commission Meeting carried by a vote of 4-2, with Chairman Archer and Commissioner Walker voting against the motion.**

Commissioner Saunders returned to the meeting.

CONSIDER REQUEST TO REZONE FROM RC (REGIONAL COMMERCIAL DISTRICT) AND SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO SF-7 (SINGLE-FAMILY DWELLING

DISTRICT) ON ±0.2 ACRES LOCATED AT 923 N. ANGLIN STREET, FOR THE PURPOSE OF CONVEYING SINGLE-FAMILY RESIDENTIAL PROPERTY, **CASE ZC23-020**

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

Chairman Archer questioned staff regarding the purpose of the request.

Mrs. Castillo explained that the existing home did not conform to the zoning of the property and that the requested rezone would allow the property owner to rebuild their home in the event of total destruction.

Vice-Chairman Albertson questioned staff whether redevelopment of the property would have to conform to the SF-7 zoning standards.

Mrs. Castillo responded that the property would have to conform to the SF-7 zoning standards if it were to be rebuilt or redeveloped.

Commissioner Philips questioned staff regarding the possibility of updating the zoning ordinance to provide protection for existing homes.

Mrs. Castillo responded that an overlay district had been adopted as part of the City's Zoning Ordinance update in the area in order to permit single-family housing by right, but noted that 923 N. Anglin Street fell just outside of the overlay.

David Jones, Community Development Director, stated that a non-conforming residence would be able to be rebuilt if the less than 50% of the structure were destroyed. He pointed to other examples of properties in the vicinity that had at some point rezoned from C or MF districts to SF, just as Ms. Martin was requesting to do.

Chairman Archer opened the public hearing.

The property owner, DeAnna Martin, 923 N. Anglin Street, stated that she had a prospective buyer on her home fall through because they were unable to obtain a mortgage loan, and that the proposed rezone would allow someone to buy her home, since proper zoning would allow the home to be rebuilt in the event of total destruction.

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

Commissioner Castles made a motion to approve the request as presented and Commissioner Svendsen seconded the motion. **The motion to approve carried by a vote of 7-0.**

CONSIDER REQUEST TO REZONE FROM MF-2 (HIGH-DENSITY RESIDENTIAL DISTRICT) TO SF-7 (SINGLE-FAMILY DWELLING DISTRICT) ON ±1.00 ACRE LOCATED AT 106 LANE AVENUE, FOR THE PURPOSE OF SINGLE-FAMILY RESIDENTIAL DEVELOPMENT, **CASE ZC23-007**

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

Commissioner Castles disclosed that he is on the board of the neighboring Janehaven Lakes Homeowner's Association (HOA). He questioned staff whether his participation in the Janehaven Lakes HOA constituted a conflict of interest.

David Jones, Community Development Director, responded that a conflict of interest would include either the appearance of a conflict or financial gain or loss from a project being approved. He stated that there was likely a low degree of conflict, provided Janehaven Lakes HOA operates consistently with most HOAs as a non-profit organization utilizing volunteers.

Lindsey Hale, City Attorney, stated that it would be up to the individual Commissioner to determine whether there was a conflict, and that stating an opinion would not constitute a conflict of interest.

Commissioner Castles stated his support for the proposal.

Commissioner Philips questioned staff regarding the future land use designation for the subject property, since SF-10 and SF-20 are regarded in the plan as being more highly compatible than the requested SF-7.

David Jones, Community Development Director, explained that the requested SF-7 zoning is still considered compatible with Low-Density Residential, is consistent with other development in the area, and would remove existing MF zoning that is not considered compatible with Low-Density Residential.

Chairman Archer opened the public hearing.

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

Commissioner Walker made a motion to approve the request as presented and Commissioner Philips seconded the motion. **The motion to approve carried by a vote of 7-0.**

CONSIDER REQUEST FOR A SPECIFIC USE PERMIT (SUP) FOR PARKING (HEAVY LOAD VEHICLES) ON ±57.33 ACRES ZONED I (INDUSTRIAL DISTRICT) GENERALLY LOCATED NORTH OF SPARKS DRIVE, BETWEEN WINDMILL ROAD AND CHISHOLM TRAIL PARKWAY, IMMEDIATELY EAST OF, AND TO BE UTILIZED BY, THE WALMART DISTRIBUTION CENTER LOCATED AT 3470 WINDMILL ROAD, **CASE ZC23-012**

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

Vice-Chairman Albertson questioned staff regarding the drainage impact of permitting the parking lot to be constructed of gravel.

Laura Melton, Assistant Director of Public Works, responded that the trucks would be accessing the parking lot from a paved road, which would limit the amount of mud coming from the parking lot.

Chairman Archer questioned staff whether there would be a requirement for screening from adjacent properties.

Mr. Jellen responded that the Zoning Ordinance does not require screening to be provided for the parking of heavy load vehicles.

Chairman Archer opened the public hearing.

The applicant, Carolyn Koch, 6160 Warren Parkway, Frisco, TX, stated that the perimeter fence around the eight (8) acre parking lot would be covered with a fabric mesh in order to provide screening.

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

Commissioner Walker made a motion to approve the request as presented and Chairman Archer seconded the motion. **The motion to approve carried by a vote of 7-0.**

CONSIDER REQUEST TO REZONE FROM I (INDUSTRIAL DISTRICT) TO CI (COMMERCIAL/INDUSTRIAL FLEX DISTRICT) ON ±26.36 ACRES WITH A SPECIFIC USE PERMIT (SUP) FOR PARKING (HEAVY LOAD VEHICLES) ON A ±4.55 ACRE PORTION OF THE PROPERTY TO BE REZONED, SAID PARKING TO BE UTILIZED BY RV DEPOT LOCATED AT 4319 N. MAIN STREET, **CASE ZC23-014**

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

Chairman Archer questioned staff whether there would be anyone living in the RVs.

Danielle Castillo, Planning Manager, responded that there would not be anyone living in the RVs.

Vice-Chairman Albertson stated his support for the project and noted that he would be comfortable without requiring landscaping or screening given the temporary nature of the proposal. He questioned staff regarding the enforcement of the three (3) year time limit of the SUP.

Mr. Jellen responded that staff would monitor the SUP to ensure that the property owner was in compliance with the approved time limit.

Commissioner Walker questioned staff regarding the existing business, given that it did not conform with the existing Industrial zoning.

Mr. Jellen responded that the existing business predated adoption of the current Zoning Ordinance.

Commissioner Walker questioned staff whether the business would be permitted if the proposed rezone were to be denied.

Mr. Jellen responded that the business would be grandfathered and would be allowed to continue, but that any expansion of the business would require approval of a rezone.

Chairman Archer opened the public hearing.

The property owner, Steve Greig, 2902 River Road Court, Fort Worth, TX, stated that the business had been approved under the previous Zoning Ordinance. He clarified that there would not be any exit from the proposed RV parking lot onto Indian Hills Road and further stated that he would be willing to preserve a row of trees along Indian Hills Road. He stated that the proposed parking lot would be temporary in order to accommodate the growth of the business and stated that eventually he would like to be able to build a service center at the same location. He stated that the business had sold 118 RVs during the previous month and that all of the approximately 85 employees lived locally.

Chairman Archer stated that he would like to see a row of trees preserved as part of the SUP.

Commissioner Svendsen questioned the applicant whether the proposed pipe rail fence would be used for security.

Mr. Greig responded that the pipe rail fence would be used to secure the RVs but that a fence may not be necessary if the preserved tree line is dense enough.

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

Commissioner Philips made a motion to approve the request as presented with the following condition:

1. Preserve a 10' landscape buffer with existing trees along Indian Hills Road.

Vice-Chairman Albertson seconded the motion. **The motion to approve carried by a vote of 7-0.**

CONSIDER REQUEST TO REZONE FROM I (INDUSTRIAL DISTRICT), AND WITHIN THE F, FREEWAY OVERLAY, TO PD (PLANNED DEVELOPMENT DISTRICT) FOR AN INDUSTRIAL DEVELOPMENT CONSISTING OF LIGHT ASSEMBLY AND MANUFACTURING FACILITIES WITH OUTSIDE STORAGE, ON ±15.23 ACRES LOCATED AT 1811 SPARKS DRIVE, **CASE ZC23-015**

Chairman Archer disclosed his role with the Cleburne Economic Development Foundation and recused himself from this case.

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

Vice-Chairman Albertson questioned staff whether the proposed outside storage would be screened on all sides and only accessible from the building.

Mrs. Castillo responded that the plans provided by the applicant showed that the outside storage would be screened on all sides. She deferred the question to the applicant for a response regarding the access question.

Vice-Chairman Albertson questioned staff regarding the distance between the subject property and Chisholm Trail Parkway (CTP).

David Jones, Community Development Director, responded that there was approximately 275 to 325 feet of separation between the subject property and CTP.

Vice-Chairman Albertson questioned staff whether the area between the subject property and CTP would be utilized as a future service road.

Mr. Jones responded that the area between the subject property and CTP would possibly be utilized as a future service or frontage road to CTP.

Commissioner Walker questioned staff regarding the requested deviation to utilize additional ground cover above the 50% maximum ground cover requirement.

Mrs. Castillo explained that the 50% maximum ground cover requirement was applicable to the landscaped areas directly surrounding each building.

Vice-Chairman Albertson questioned staff whether the proposed showroom would be located within the granite shop.

Mrs. Castillo responded that the proposed showroom would be located within the granite shop.

Vice-Chairman Albertson questioned staff regarding the square footage of the proposed showroom.

Mrs. Castillo deferred the question to the applicant.

Vice-Chairman Albertson opened the public hearing.

The applicant, Stan DeMille, 509 Havenwood Lane, Fort Worth, TX, was present to brief the Commission on the request. He stated that the requested deviation to the maximum non-living ground cover requirement would mitigate the loss of vegetation around the building. He stated that the proposed outside storage area would be accessible from inside the building and explained that there was a possibility that the proposed showroom could be moved to the cabinet shop.

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 Walker seconded the motion. **The motion to approve carried by a vote of 6-0.**

Chairman Archer returned to the meeting.

CONSIDER REQUEST TO REZONE FROM RC (REGIONAL COMMERCIAL DISTRICT) AND A (AGRICULTURAL DISTRICT), A PORTION OF WHICH LIES WITHIN THE F, FREEWAY OVERLAY, TO MF-2 (HIGH-DENSITY RESIDENTIAL DISTRICT) WITH AN ASSOCIATED CONCEPT PLAN ON ±71.59 ACRES GENERALLY LOCATED SOUTH OF US HIGHWAY 67, WEST OF N. NOLAN RIVER ROAD, AND NORTH OF RIVER BEND ROAD, **CASE ZC23-018**

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

Commissioner Walker questioned staff regarding the compatibility of the request with the future land use map.

Mrs. Castillo responded that there are three future land use designations on various portions of the property, including Medium Density Residential. She added that MF-2 zoning district is compatible with the future land use map where it can be supportive of other uses, particularly retail and commercial, that are envisioned for the Node and Mixed Use designations on other portions of the subject property.

Commissioner Walker questioned staff whether each proposed phase of development would be multi-family.

Mrs. Castillo responded that each proposed phase would be multi-family.

Commissioner Philips stated that the concept plan lacked specificity and questioned staff whether the applicant had included conceptual elevations.

Mrs. Castillo responded that the Zoning Ordinance amendment adopted in February allows in the applicant to determine how much information is provided with a concept plan, beyond very basic information.

Chairman Archer questioned staff regarding the total number of units within the proposed development.

Mrs. Castillo responded that the applicant had elected to cap the development at a maximum of 1,050 total units.

Chairman Archer questioned staff whether the proposed unit cap would be enforceable with a straight rezoning request.

Mrs. Castillo responded that the proposed unit cap would be binding if the request and concept plan were approved.

Chairman Archer stated his concern that all of the traffic from the proposed development would be funneled onto N. Nolan River Road.

David Jones, Community Development Director, responded that a traffic impact analysis (TIA) would be required as part of the development.

Commissioner Philips questioned staff regarding the maximum density allowed within the MF-2 zoning district.

Mrs. Castillo responded that the maximum density allowed within the MF-2 zoning district is 28 units per acre.

Commissioner Svendsen questioned staff whether the proposed development would have the same minimum floor area requirement as the MF-2 zoning district.

Mrs. Castillo responded that the proposed development would have the same minimum floor area requirement as the MF-2 zoning district if approved.

Chairman Archer opened the public hearing.

The applicant, Shea Kirkman of Kirkman Engineering, 5200 State Highway 121, Colleyville, TX, was present to brief the Commission on the request. He stated that the proposed open space area would provide a buffer between the development and property immediately to the north. He explained that the TIA was a work in progress but that he had received an executive summary of the analysis and recommendations that he could provide to staff. He explained that the development would be required to construct a deceleration lane along the U.S. Highway 67 service road and along N. Nolan River Road.

Chairman Archer stated that the majority of the proposed open space area was located within the limits of the floodplain.

Mr. Kirkman responded that the floodplain area was shallow and that it had the potential to be reclaimed, but stated that the area would be ideal to remain as open space with amenities.

Chairman Archer questioned the applicant whether the U.S. Highway 67 access road is a one-way street.

Mr. Kirkman responded that the access road is a one-way street. He stated that a deceleration lane would be added along N. Nolan River Road to help with traffic.

Commissioner Svendsen questioned the applicant whether the units would be one (1) bedroom.

Mr. Kirkman responded that the units would be a mixture of one (1), two (2), and three (3) bedrooms.

Chairman Archer questioned staff whether a traffic light would be required for the proposed development.

Mr. Jones responded that the City would determine whether a traffic light would be required once the TIA was submitted to Staff for review.

Mr. Kirkman noted that there is an existing center lane along N. Nolan River Road that could assist with traffic flow.

Vice-Chairman Albertson questioned staff whether the buildings would be allowed to be three (3) stories in height.

Mrs. Castillo responded that the buildings would be allowed to be three (3) stories in height.

Chairman Archer questioned staff whether the development would be required to construct concrete roads throughout the development.

Laura Melton, Assistant Director of Public Works, responded that any roads constructed with the development would be required to have a 50-foot right-of-way.

Vice-Chairman Archer questioned staff regarding the classification of N. Nolan River Road.

Ms. Melton responded that N. Nolan River Road was classified as a minor arterial.

Chairman Archer questioned the applicant regarding the total amount of units that would be constructed during the first phase of development.

Mr. Kirkman responded that approximately 25% of the units would be constructed during the first phase.

Commissioner Castles questioned the applicant whether all of the roads would be constructed during the first phase of development.

Mr. Kirkman responded that the development would be required to have a second point of access, but that not all of the roads would be constructed during the first phase of development.

Chairman Archer stated his concern regarding the traffic impact of the proposed development.

Mr. Kirkman responded that the development would be an ongoing project and that the traffic impact of the development would not occur all at once.

Chairman Archer questioned staff whether the TIA would address the traffic impact of each individual phase of development.

Mr. Jones responded that the TIA would need to address the proposed phasing of the development.

There being no one else who wished to speak on the item, Chairman Archer closed the public hearing.

Chairman Archer stated his concern with the lack of information provided about the development.

Commissioner Saunders responded that the development would be required to conform with the updated zoning standards that were adopted in April 2022.

Commissioner Castles stated his support for the project.

There being no other questions or items for discussion, Chairman Archer 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 failed by a vote of 3-4, with Chairman Archer, Vice-Chairman Albertson, Commissioner Philips, and Commissioner Svendsen voting against the motion.

The previous motion having failed, Chairman Archer made a motion to deny the request as presented and Commissioner Svendsen seconded the motion. **The motion to deny carried by a vote of 4-3, with Commissioner Saunders, Commissioner Walker, and Commissioner Castles voting against the motion.**

SECTION II: OTHER BUSINESS:

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

- i. PC23-001 – Silo Mills Phase 1C.2 Final Plat
- ii. PC23-011 – Railhead Addition Conveyance Plat
- iii. ZC23-010 – 640 Mansfield Road Rezone

Mr. Jones briefed the Commission on actions taken by the City Council at the March 28, 2023 City Council Meeting.

THERE BEING NO OTHER BUSINESS, THE MEETING WAS ADJOURNED AT 9:16 PM.