

**THIS IS NOT A VERBATIM TRANSCRIPTION
CITY OF CLEBURNE
PLANNING AND ZONING COMMISSION
MINUTES OF THE MAY 9, 2022 MEETING**

The Planning and Zoning Commission (P&Z) of the City of Cleburne met in open session on Monday, May 9, 2022, 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 with social distancing protocols in place.

COMMISSION MEMBERS PRESENT:

Albert Archer, Sr. – Chair
Sonny Albertson – Vice-Chairman
Robert Walker
Vance Castles
Summerly Sherlock
Chris Saunders
Peter Svendsen

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

CITY STAFF ABSENT:

Danielle Castillo, Planning Manager

CITY STAFF PRESENT:

CALL TO ORDER:

The meeting was called to order by Chairman Archer at 6:31 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 April 25, 2022 Planning and Zoning Commission meeting were considered.

Commissioner Saunders requested that the minutes for the April 25, 2022 Planning and Zoning Commission meeting be revised to clarify those commission members who were present and those who were absent at the meeting.

David Jones, Community Development Director, responded that staff would make the requested revision.

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

Commissioner Walker made a motion to approve the minutes of the April 25, 2022 meeting and the motion was seconded by Commissioner Saunders. **The motion to approve the minutes carried by a vote of 7-0.**

SECTION I: PLATTING:

CONSIDER THE FINAL PLAT OF BLACKBIRD MEADOWS, FOR 45 RESIDENTIAL LOTS AND 2 OPEN SPACE LOTS, BEING ±58.448 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,

AS REQUESTED BY PERKLYNN CONSTRUCTION, LLC, REPRESENTED BY GEOMATIC SOLUTIONS, INC, **CASE PC22-017**

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

Chairman Archer questioned staff whether the final plat conformed to the approved preliminary plat.

Mr. Jellen responded that the proposed development did not require a preliminary plat, but that the proposed final plat met all of the requirements of the City's Code of Ordinances.

Commissioner Saunders questioned staff whether the existing gas pipeline easement would prevent the development of any of the affected lots.

Mr. Jellen responded that the applicant had submitted an encroachment agreement for the gas pipeline easement and that each of the affected lots would be able to develop so long as they met the requirements of the agreement.

Commissioner Saunders questioned staff whether the proposed development would consist of site-built homes or manufactured homes.

Mr. Jellen responded that he would defer the question to the applicant.

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

CONSIDER THE FINAL PLAT OF VILLAGES AT MAYFIELD PHASE 2, FOR 135 SINGLE-FAMILY RESIDENTIAL LOTS AND 1 OPEN SPACE LOT, BEING ±26.258 ACRES ZONED PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED NORTH OF 1601 EAST HENDERSON STREET, SOUTH OF TOWNGREEN DRIVE, AND WEST OF FERGASON ROAD, AS REQUESTED BY MKP DEVELOPMENT, LLC, REPRESENTED BY ADLAI PENNINGTON, **CASE PC22-020**

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

Commissioner Saunders questioned staff whether phase two of the proposed subdivision would be developed by the same homebuilder as phase one of the development.

Mr. Jellen responded that phase two of the proposed subdivision would be developed by the same homebuilder as phase one of the development.

Commissioner Walker questioned staff regarding the location of Gardega Way.

Mr. Jellen stated that Gardega Way was located along the southwest corner of the proposed subdivision and noted its location on the plat exhibit.

Chairman Archer questioned the applicant regarding the status of the detention pond located in phase one of the development.

The applicant, Adlai Pennington, 1375 Gilman Road, Fort Worth, TX, was present to brief the Commission on the request. He responded that the detention pond was a high priority and that he was working on a solution so that the pond would remain filled with water. He stated that his hope was to have the pond filled within 30 days.

Commissioner Svendsen thanked the applicant for the development and stated that the homes looked very nice.

Chairman Archer stated that the development was a nice addition to the City of Cleburne and thanked the applicant for his work.

Mr. Pennington stated that 60 of the 68 homes in phase one had already been sold and that he was eager to get started on phase two.

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

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

CONSIDER THE FINAL PLAT OF LEGADO PHASE 1, FOR 172 SINGLE-FAMILY RESIDENTIAL LOTS AND 9 OPEN SPACE LOTS, BEING ±45.105 ACRES ZONED PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED NEAR THE SOUTHEAST INTERSECTION OF WEST HENDERSON STREET AND MAYFIELD PARKWAY, AS REQUESTED BY FORESTAR REAL ESTATE GROUP, INC, REPRESENTED BY LJA SURVEYING, INC, **CASE PC22-022**

David Jones, Community Development Director, presented the case and briefed the Commission on the request.

Commissioner Svendsen questioned staff regarding the location of University Drive.

Mr. Jones showed the location of University Drive on the aerial map of the property and noted that it would extend south to Surry Place Drive.

Chairman Archer questioned staff regarding the status of University Drive.

Colt Friedrich, Project Engineer, stated that the developer had received an early grading permit to begin working on University Drive.

Commissioner Saunders questioned staff whether University Drive would be fully completed as part of phase one of the development.

Mr. Friedrich responded that University Drive would not be fully completed as part of phase one of the development. He stated that the City was working with the developer in order to prioritize the completion of University Drive.

Commissioner Svendsen stated that University Drive needed to be a priority for the City. He questioned staff whether University Drive was impact fee eligible.

Mr. Friedrich responded that University Drive was impact fee eligible.

Commissioner Saunders questioned staff regarding the lot width of Lot 5, Block 8.

Mr. Jones responded that the developer had several options to widen Lot 5 in order to meet the minimum lot width of 70 feet. He explained that the developer would adjust several of the adjacent lots in order to provide the extra space.

Vice-Chairman Albertson questioned staff regarding the lot width of Lot 8, Block 8.

Mr. Jones explained that the lot width was measured at the front building line rather than the right of way line, and that Lot 8, Block 8 conformed with the minimum lot width of 70 feet.

Commissioner Svendsen questioned staff regarding the lot width of Lot 4, Block 8.

Mr. Jones explained that the lot width of Lot 4, Block 8 conformed with the minimum lot width of 70 feet.

Commissioner Svendsen questioned staff whether Lot 5, Block 8 was the only lot that did not conform to the minimum lot width requirement.

Mr. Jones responded that Lot 5, Block 8 was the only lot that did not conform to the minimum lot width requirement.

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

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

1. Per Section 154.044 (A) of the Subdivision Ordinance, the lot size, width, and depth shall not be less than those specified per the zoning district, PD OR04-2021-19. Revise Lot 5, Block 8 to meet the minimum lot width of 70 feet as measured at the 30-foot front building setback.

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

SECTION II: ZONING:

CONSIDER A REQUEST TO REZONE ±2.5 ACRES FROM IH (INTERIM HOLDING DISTRICT) TO MH (MANUFACTURED HOUSING DISTRICT), GENERALLY LOCATED AT 6105 CR 1022, AS REQUESTED BY STONETOWN CAPITAL, REPRESENTED BY DYNAMIC ENGINEERING CONSULTANTS, **CASE ZC22-008**

David Jones, Community Development Director, stated that the applicant had requested to continue the public hearing and table this case to the June 13, 2022 Planning and Zoning Commission Meeting in order to submit a PD (Planned Development District).

There being no questions or items for discussion, Chairman Archer made a motion to continue the public hearing and table the request to the June 13, 2022 Planning and Zoning Commission Meeting and Commissioner Walker seconded the motion. **The motion to approve carried by a vote of 7-0.**

CONSIDER REQUEST FOR SPECIFIC USE PERMIT (SUP) FOR THE EXPANSION OF AN EXISTING HEAVY EQUIPMENT SALES AND REPAIR FACILITY ON ±12.29 ACRES, ZONED RC (REGIONAL COMMERCIAL DISTRICT) AND LOCATED AT 3319 NORTH MAIN STREET, AS REQUESTED BY BRENT NEUHAUS, REPRESENTED BY REED CONSTRUCTION SERVICES LLC, **CASE ZC22-010**

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

Chairman Archer questioned staff whether the applicant had been communicated with regarding the new Zoning Ordinance requirements for building materials.

Mr. Jellen responded that staff had met with the applicant in order to review the new Zoning Ordinance requirements. He explained that the proposed building did not conform to the new Zoning Ordinance with regard to building materials or windows and stated that certain building features required by the new Zoning Ordinance could be made a condition of approval for the SUP if the Commission felt that it were appropriate. He further stated that the applicant had decided to submit their application prior to the adoption of the new Zoning Ordinance and that the request conformed with the requirements at the time of submittal.

Chairman Archer opened the public hearing.

The applicant, David Reed, 6888 Golinda Drive, Lorena, TX, was present to brief the Commission on the request.

Chairman Archer questioned the applicant regarding the new Zoning Ordinance building material requirements.

Mr. Reed responded that the intent of the proposed request was to match the look and materials of the existing building.

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

CONSIDER REQUEST TO REZONE ±19.4 ACRES FROM RC (REGIONAL COMMERCIAL DISTRICT) AND SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO MF-2 (HIGH-DENSITY RESIDENTIAL DISTRICT) AND RC (REGIONAL COMMERCIAL DISTRICT), GENERALLY LOCATED SOUTH OF WEST HENDERSON STREET BETWEEN HILL COLLEGE AND THE FUTURE INTERSECTION OF WEST HENDERSON STREET AND UNIVERSITY BOULEVARD, AS REQUESTED BY MAYFIELD FAMILY, LP, REPRESENTED BY CROSS ARCHITECTS, PLLC, **CASE ZC22-011**

David Jones, Community Development Director, presented the case and briefed the Commission on the request.

Commissioner Svendsen questioned staff whether Hill College would have land to expand into in the future.

Mr. Jones responded that Hill College had been notified of the request and that staff had not received any response from them. He noted that Hill College owned land in other areas of the City, including satellite campuses.

Commissioner Saunders stated that Hill College owned 13 acres of land on the south side of Mayfield Parkway across the street.

Commissioner Walker questioned staff whether the Texas Department of Transportation (TXDOT) would allow access onto the U.S. Highway 67 ramp from the proposed multi-family tract of land.

Mr. Jones responded that TXDOT would not allow access onto the U.S. Highway 67 ramp.

Commissioner Walker expressed his concern that the proposed multi-family development would be able to build up to 60 feet in height.

Commissioner Saunders questioned staff whether there would be a connecting street between Mayfield Parkway and University Drive.

Mr. Jones responded that there would not be a public connecting street between Mayfield Parkway and University Drive.

Chairman Archer questioned staff regarding the proposed street alignment for Mayfield Parkway.

Mr. Jones explained that Mayfield Parkway would maintain its only point of access onto Henderson Street.

Chairman Archer asked how many multi-family units were under construction in the Chisholm Trace development south of Mayfield Parkway.

Mr. Jones answered that Chisholm Trace consists of approximately 300 units.

Chairman Archer stated that the City needed to be careful about rezoning commercial property for multi-family when that many multi-family units are already under construction.

Vice-Chairman Albertson questioned staff regarding the viability of commercial development on the proposed multi-family tract of land.

Mr. Jones responded that the proposed multi-family tract of land had challenges that may limit suitability for retail development, including access to Henderson Street, and that the intersection of Mayfield Parkway and Henderson Street may not be signalized due to separation requirements. He added that some commercial uses may still be viable, such as medical, office, and hotel.

Commissioner Svendsen questioned staff regarding the existing commercially-zoned properties along Henderson Street.

Mr. Jones showed the existing commercially-zoned properties along Henderson Street using the zoning map.

Chairman Archer questioned staff whether the proposed commercial tract of land would be able to access University Drive.

Mr. Friedrich responded that the driveway spacing requirement was approximately 250 feet and noted that there was potential for the proposed commercial tract of land to have access onto University Drive.

Commissioner Svendsen expressed his concern with the proposed multi-family tract of land and the traffic impact it would have. He stated that the proposed addition to the commercial tract of land between Mayfield Parkway and University Drive was sensible.

Chairman Archer stated that the tract of land along University Drive should be zoned for commercial development.

Chairman Archer opened the public hearing.

The applicant, Mark Leon, 879 Junction Drive, Allen, TX, was present to brief the Commission on the request. He distributed preliminary plans of the proposed development to each of the Commissioners.

Mr. Leon explained that he had purposely made this request after the adoption of the new Zoning Ordinance, in order to show compliance with the new standards and regulations. He stated that the tract of land proposed for multi-family would not be suitable for commercial development due to TXDOT's access restrictions and spacing requirements for intersections. He explained that the proposed multi-family tract of land would not be able to front onto Henderson Street and that a traffic signal was unlikely to be added at the intersection of Mayfield Parkway and Henderson Street.

Mr. Leon stated that the request to rezone one tract of land for multi-family development and one tract of land for commercial development had been done concurrently in order to mitigate the loss of commercial property. He stated that the proposed multi-family development would consist of 13 buildings, each with three (3) stories, with one (1) and two (2) bedroom apartments and with corresponding amenities and open space. He stated that the landscaping would exceed the Zoning Ordinance requirements and that the proposed building elevations would be done in a modern architectural style that would compliment, but would not be identical to, the Chisholm Trace apartments currently under construction to the south.

Commissioner Saunders questioned the applicant regarding the proposed height of the multi-family buildings.

Mr. Leon stated that the buildings would be 40 feet tall, consisting of three (3) stories, rather than the full 60 feet and four (4) stories allowed in the MF-2 district. He explained that the proposed multi-family buildings would be the same height as the multi-family buildings across the street.

Vice-Chairman Albertson questioned the applicant regarding the proposed rental prices for each apartment.

Mr. Leon stated that the apartments would be rented at market rate, or approximately \$1.50 per square foot. He added that a one-bedroom unit would rent for approximately \$800-\$900 per month.

Commissioner Svendsen questioned the applicant regarding the proposed number of dwelling units.

Mr. Leon responded that there would be a total of 312 dwelling units.

Commissioner Svendsen questioned the applicant whether there would be covered parking spaces.

Mr. Leon responded that 25% of the parking spaces would be covered.

Commissioner Svendsen questioned the applicant whether the covered parking spaces would have an additional cost to the renter.

Mr. Leon responded that the covered parking spaces would rent for an additional cost.

Commissioner Svendsen questioned staff regarding the on-site drainage pattern.

Mr. Friedrich responded that staff had not reviewed the applicant's preliminary plans and that the required drainage plan would be reviewed at the time of civil plan submittal.

Commissioner Svendsen expressed his concern that the on-site drainage would overflow into Hill College's property.

Mr. Jones noted that the plans that had been distributed by the applicant could not be included as part of a conditional approval of the straight zoning request.

Commissioner Saunders questioned staff regarding the traffic impact of the proposed development.

Mr. Friedrich stated that a traffic impact analysis (TIA) would be required as part of the development.

Mr. Leon stated that he was already working with a civil engineer to get civil plans started.

Commissioner Svendsen questioned the applicant whether the proposed detention pond would be sufficient to mitigate the impacts of the development.

Mr. Leon responded that the proposed detention pond would be designed to mitigate the impact of the proposed development.

Commissioner Castles questioned staff whether the proposed development would be built to the standards of the Zoning Ordinance if it were approved.

Mr. Jones responded that, as a straight zoning, any proposed development must conform to the base standards of the Zoning Ordinance if approved, but added that staff could not guarantee the applicant's specific proposed plan would be built.

Commissioner Castles questioned whether conditions could be placed on the development.

Commissioner Walker responded that the proposed straight rezoning request could not have conditions of approval.

Mr. Leon stated that the proposed multi-family development would match the multi-family development across the street and that the product would be similar.

Chairman Archer expressed his concern for having multiple apartment complexes in a single area.

Mr. Leon questioned the Commission whether their preference would be to have a hotel built on the same property. He stated that the proposed development would provide more quality to the area than that of a hotel.

Commissioner Svendsen questioned staff whether three-way stoplight would be possible at the intersection of Mayfield Parkway and Henderson Street.

Mr. Friedrich responded that the intersection would be controlled by TXDOT.

Commissioner Svendsen expressed his concern at the traffic impact of the proposed development.

Mr. Friedrich stated that a TIA would be required for the proposed development and added that the TIA would be reviewed by TXDOT.

Jim Falvo addressed the Commission and stated that the property owners had contacted TXDOT and that they would not be permitted to have access to the U.S. Highway 67 ramp along the northwestern property boundary. He stated that the intent was to have big box retail on the proposed commercial tract of land, and that Hill College had not expressed any interest in the proposed multi-family tract of land.

Chairman Archer noted that the existing multi-family development on the south side of Mayfield Parkway (Chisholm Trace) had an existing zoning designation of multi-family prior to its development, whereas the applicant was requesting to rezone commercial-zoned property to multi-family.

Chairman Archer closed the public hearing.

Commissioner Walker expressed his desire to see the proposed multi-family tract of land utilized for commercial development.

Chairman Archer stated that the proposed multi-family tract of land would best be utilized for commercial development.

Commissioner Svendsen expressed his concern that having a second multi-family development at the proposed location would substantially increase traffic congestion.

There being no other questions or items for discussion, 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 carried by a vote of 5-2, with Commissioners Castles and Sherlock 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. ZC22-005a and ZC22-005b – Creekside Storage – PD to C3 and SUP Amendment
- ii. PC22-019 – Towne North Estates – Replat
- iii. PC22-013 – Silo Mills Phase 1A – Final Plat
- iv. PC22-013 – Silo Mills Phase 1B – Final Plat

Mr. Jellen briefed the Commission on actions taken by the City Council at the April 26, 2022 meeting on the above listed Planning and Zoning cases.

THERE BEING NO OTHER BUSINESS, THE MEETING WAS ADJOURNED AT 8:20 PM.