

**THIS IS NOT A VERBATIM TRANSCRIPTION
CITY OF CLEBURNE
PLANNING AND ZONING COMMISSION
MINUTES OF THE SEPTEMBER 26, 2022 MEETING**

The Planning and Zoning Commission (P&Z) of the City of Cleburne met in open session on Monday, September 26, 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 - Chairman
Sonny Albertson – Vice-Chairman
Vance Castles
Robert Walker
Chris Saunders

CITY STAFF PRESENT:

David Jones, Community Development
Director
Danielle Castillo, Planning Manager
Colt Friedrich, Project Engineer
Rachel Raggio, City Attorney

COMMISSION MEMBERS ABSENT:

Peter Svendsen

CITY STAFF ABSENT:

David Jellen, Planner
Laura Melton, Asst. Director of Public Works

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 September 12, 2022 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 September 12, 2022 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 REPLAT OF RENDON ADDITION, FOR 2 SINGLE-FAMILY RESIDENTIAL LOTS WITH A VARIANCE REQUEST, BEING ±0.577 ACRES, LOCATED AT 1003 GRANBURY STREET, **CASE PC22-068.**

THIS CASE HAS BEEN WITHDRAWN PER THE APPLICANT'S REQUEST. THE PLANNING AND ZONING COMMISSION TOOK NO ACTION ON THIS REQUEST.

SECTION II: ZONING:

CONSIDER REQUEST FOR SPECIFIC USE PERMIT (SUP) FOR AN OUTSIDE STORAGE YARD FOR A STEEL PIPE AND SITE SERVICES COMPANY ON ±7.87 ACRES, ZONED RC

(REGIONAL COMMERCIAL DISTRICT) AND LOCATED AT 3416 N. MAIN STREET, **CASE ZC22-021**.

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

Chairman Archer questioned staff if the concrete barriers are adequate to protect the property from flooding within the floodplain.

Colt Friedrich, Project Engineer, stated that the applicant's engineer conducted an analysis stating that this proposed solution will not hinder the flow of water.

Commissioner Saunders questioned staff if the City had the authority to ask property owners along the floodway or creek areas to clean up their property to prevent flooding.

Mr. Friedrich stated if there are areas where debris is blocking the drainage way, the Streets Department may go on-site to remove the blockage. He stated that it is the property owner's responsibility to maintain the areas on the banks of the creek to prevent debris blockage.

Commissioner Walker questioned staff if the alternative stacking method proposed by the applicant that uses steel pipes welded together was a viable option for free water flow.

Mr. Friedrich stated that the applicant did not provide examples of that proposed stacking method but it would function similar to the proposed stacking method using concrete barriers.

Commissioner Walker questioned staff if the proposed screening that includes the windscreen would be considered opaque.

Mrs. Castillo deferred the question to the applicant to attest to the color and material that will be used for the proposed screening device request.

Commissioner Walker questioned staff regarding the material of the existing agricultural fence.

Mrs. Castillo deferred the question to the applicant.

Chairman Archer questioned staff if having a residence on the property is permitted for the proposed use.

Mrs. Castillo stated that an on premise residence, having a full time employee who lives on site, is permitted in the RC (Regional Commercial District). She stated that the applicant is also requesting to utilize the building as an office, which is also allowed under the RC (Regional Commercial District).

Vice-Chairman Albertson questioned staff regarding if the house on the property will require ADA (Americans with Disabilities Act) regulations similar to commercial buildings.

David Jones, Community Development Director, stated that staff has not conducted a formal evaluation of the home, however if the proposed building is specifically for the on-site employee and not open to the public, commercial standards may not be required, including ADA compliance.

Chairman Archer opened the public hearing.

Richie Whitworth, property owner at 3509 Dove Creek Road, stated his concern with the noise from the business and that he would prefer if a barrier were put in place around the agricultural fence to reduce noise. Mr. Whitworth requested an easement or agreement with the property owner to be able to access the back half of his property through an existing locked gate. Mr. Whitworth also stated that a section of the creek is filled with old appliances and garbage that would prevent the flow of the creek.

Don McLaughlin, owner of DKM Enterprises and Nelson Mejia, engineer for DKM Enterprises, 1941 FM 2369, Uvalde, Texas, were present to brief the Commission on the request.

Mr. McLaughlin stated that he operates similar steel pipe storage yards across Texas and Kansas and is proposing a similar operation in Cleburne.

Chairman Archer stated that this business should be conducted to inspire other properties in the vicinity to upgrade their properties to be more presentable since this is a gateway into the City.

Commissioner Walker restated his concern with the proposed screening along the frontage on Main Street not being opaque as required by the ordinance.

Mr. McLaughlin stated an r-panel fence could be installed which would prevent the visibility into the property. He stated that in his experience, people would vandalize an r-panel style fence.

Commissioner Walker questioned the applicant regarding the welded pipe rack being used as an alternative stacking method.

Mr. McLaughlin stated that the proposed design was engineered to allow no obstruction to the water flow.

Commissioner Walker questioned the applicant if their Uvalde location is also in the floodplain.

Mr. McLaughlin stated that their Uvalde location is not in the flood plain. He stated that the yard in Kansas is partially situated in the floodplain and the yard in Waco is right on the Brazos River.

Mr. Mejia stated that the design of their floodplain mitigation does not hinder the flow of the natural channels when flooding occurs.

Commissioner Walker questioned the applicant regarding the condition of the fence situated on the northern and southern property lines.

Mr. McLaughlin stated that the fence on the north side is a chain link fence and on the south side is a ranch-style fence with net wire and trees and bushes.

Vice-Chairman Albertson questioned the applicant if any cosmetic improvements would be made to the existing buildings.

Mr. McLaughlin stated that the property will be cleaned up, buildings will be painted as needed, and electrical work will need to be done to the existing buildings.

Vice-Chairman Albertson suggested that shrubbery along the chain link fence along Main Street as an option for an improvement made to the property.

Mr. McLaughlin stated that they want to keep the property as clean and aesthetically pleasing as possible.

Chairman Archer questioned the applicant if they would anticipate being in Cleburne for a long time.

Mr. McLaughlin stated that DKM does a lot of work in the Metroplex and this property in Cleburne will be their long-term location.

Chairman Archer questioned the applicant on the number of employees at this location.

Mr. McLaughlin stated that they will start with 6 employees and eventually expand to 12 employees.

Chairman Archer questioned the applicant regarding Mr. Whitworth's inquiry about having access to the locked gates to be able to access the back half of his property.

Mr. McLaughlin stated that the gate belongs to the City of Cleburne in order to access the existing sewer lines.

Chairman Archer questioned the applicant if the property would contain any volatile substances.

Mr. McLaughlin stated that property will not house any volatile substances.

James Spires, the current property owner of 3416 N. Main Street, clarified that the locked gates along the creek are not under his ownership and belong to the City of Cleburne to access the existing sewer line. He also clarified that along the north side of the property there is a chain link fence and in the rear (eastern property line) it is heavily wooded.

Chairman Archer questioned Mr. Spires if the northern chain link fence is entangled with shrubbery.

Mr. Spires stated that there is some shrubbery along the chain link fence toward the west side of the property.

There being no other questions or items for discussion, Chairman Archer closed the public hearing and called for a motion. Commissioner Walker made a motion to approve the request with the condition that the fence along Main Street meet the Zoning Ordinance requirement to be opaque, and Commissioner Castles seconded the motion. **The motion to approve carried by a vote of 5-0.**

CONSIDER REQUEST FOR SPECIFIC USE PERMIT (SUP) FOR A TATTOO STUDIO ON ±0.06 ACRES, ZONED RC (REGIONAL COMMERCIAL DISTRICT) IN THE DOWNTOWN CORE OVERLAY, LOCATED AT 103 E. HENDERSON STREET, **CASE ZC22-023.**

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

Chairman Archer questioned staff if the First Baptist Church was within the 300-foot distance requirement.

Mrs. Castillo stated that analysis was conducted for all the businesses within 300 feet and the tattoo studio complied with the distance requirement.

Chairman Archer questioned staff if the operating hours on Sunday were similar to other businesses in Downtown.

Mrs. Castillo stated that the applicant would be able to provide additional information regarding the hours of operation on Sundays.

Vice-Chairman Albertson questioned staff if a church were proposed within the 300 feet of the tattoo studio would this business be effected by that request.

Mrs. Castillo stated that since this business would be in operation first, it would be allowed to continue without disruption.

Commissioner Walker questioned staff if the tattoo studio wanted to change or reduce their hours of operation would they have to get approved by the City.

David Jones, Community Development Director, stated that since the hours of operation were submitted as part of the business plan in the SUP, the SUP would have to be amended to allow for the hours of operation to increase. He stated that if the business wanted to reduce the hours of operation, they would be allowed to do so without amending the SUP.

Chairman Archer opened the public hearing.

Chairman Archer questioned the applicant regarding the type of art that would be displayed in the building.

The applicant Chanler Hobbs, 1740 Cross Creek Lane, was present to brief the Commission on the request and answer questions.

Chairman Archer questioned the applicant what type of art will be displayed within the art studio.

Mr. Hobbs stated that oil paintings and canvas paintings will be displayed and custom screen-printing on t-shirts will be provided as well.

Commissioner Castles questioned the applicant what percentage of the business was for the tattoo service.

Mr. Hobbs stated that the tattoo business will be operated by himself and his wife will operate the permanent makeup portion of the business.

Vice-Chairman Albertson questioned the applicant if the artwork options for tattoos would be displayed for the public.

Mr. Hobbs stated that all tattoo artwork is custom and will not be displayed for the public.

Chairman Archer questioned the applicant on being open seven (7) days a week due to there not being a lot of foot traffic on Sundays in this location.

Mr. Hobbs stated that being open seven (7) days a week will allow for more appointment options for their clientele.

Chairman Archer questioned the applicant if he has any other operating tattoo businesses.

Mr. Hobbs stated that he does not currently have another operating tattoo business.

Commissioner Castles questioned the applicant regarding the number of employees proposed for the business

Mr. Hobbs stated that himself, his wife, and two (2) other employees will work at this business.

Chairman Archer stated that to his recollection there are no other screen printing businesses with the city.

Mr. Hobbs stated that that all of the artwork for the business is created in-house and the t-shirts are also printed in-house. He stated that if a large t-shirt order was placed, it would be printed off-site and overnighted to the business.

Brian Bartolowits, the property owner and landlord for 103 E. Henderson Street, provided a history of the interior layout of the building and expressed his support for the proposed tattoo studio.

Commissioner Castles praised the applicant on the submitted letter of intent that outlined the proposed business plan. Commissioner Walker and Vice-Chairman Albertson agreed with this sentiment.

There being no other questions or items for discussion, Chairman Archer closed the public hearing and called for a motion. Commissioner Castles made a motion to approve the request as presented and Vice-Chairman Archer seconded the motion. **The motion to approve carried by a vote of 5-0.**

SECTION III: OTHER BUSINESS:

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

- i. ZC22-025 – 1420 Smoothe Stone Drive SUP

David Jones, Community Development Director, briefed the Commission on actions taken by the City Council at the September 13, 2022.

REMINDER OF THE OCTOBER 6, 2022 BOARDS AND COMMISSIONS APPRECIATION DINNER.

David Jones, Community Development Director, provided a reminder of the upcoming Boards and Commissions Appreciation Dinner.

THERE BEING NO OTHER BUSINESS, THE MEETING WAS ADJOURNED AT 7:20 PM.