

**THIS IS NOT A VERBATIM TRANSCRIPTION  
CITY OF CLEBURNE  
PLANNING AND ZONING COMMISSION  
MINUTES OF THE OCTOBER 10, 2022 MEETING**

The Planning and Zoning Commission (P&Z) of the City of Cleburne met in open session on Monday, October 10, 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  
David Jellen, Planner  
Laura Melton, Asst. Director of Public Works  
Colt Friedrich, Project Engineer  
Rachel Raggio, City Attorney

**COMMISSION MEMBERS ABSENT:**

Peter Svendsen

**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 September 26, 2022 Planning and Zoning Commission meeting were considered.

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

Commissioner Saunders made a motion to approve the minutes of the September 26, 2022 meeting and the motion was seconded by Commissioner Castles. **The motion to approve the minutes carried by a vote of 5-0.**

**SECTION I: PLATTING:**

CONSIDER THE PRELIMINARY PLAT OF BIG HORN 124 ADDITION, FOR 16 LOTS ON ±120.63 ACRES IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF CLEBURNE, GENERALLY LOCATED AT THE NORTHEAST INTERSECTION OF U.S. HIGHWAY 67 AND COUNTY ROAD 1226, **CASE PC22-069.**

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

Commissioner Walker questioned staff regarding the proposed use of Lot 16.

Mr. Jellen responded that he was unsure of the proposed use of Lot 16 and that the City was unable to control the use of the property due to its location outside of city limits.

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

Vice-Chairman Albertson made a motion to approve the request as presented and Commissioner Castles seconded the motion. **The motion to approve carried by a vote of 5-0.**

CONSIDER THE PRELIMINARY PLAT OF 4 POINTS ESTATES, FOR 59 RESIDENTIAL LOTS AND ONE (1) OPEN SPACE LOT, ON ±77.17 ACRES IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF CLEBURNE, GENERALLY LOCATED AT THE SOUTHWEST INTERSECTION OF FM HIGHWAY 4 AND COUNTY ROAD 424, CASE PC22-073.

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

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

**EXECUTIVE SESSION:**

Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the Planning and Zoning Commission may convene in executive session to deliberate regarding the following matters:

- 1. § 551.071. Consultation with Attorney.** The Commission may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the Commission seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the following items:

EXE1. Reviewing the details of the Open Meetings Act

Chairman Archer stated that the Commission convened into Executive Session to review the details of the Open Meetings Act at 6:43 P.M.

Chairman Archer closed the Executive Session at 7:08 P.M. and the meeting reconvened into open session.

**SECTION II: ZONING:**

CONSIDER REQUEST TO REZONE FROM CI (COMMERCIAL/INDUSTRIAL FLEX DISTRICT) AND RC (REGIONAL COMMERCIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT) FOR A HORIZONTAL MIXED-USE DEVELOPMENT CONSISTING OF COMMERCIAL AND MIXED RESIDENTIAL USES, INCLUDING TOWNHOMES AND MULTI-FAMILY UNITS, ON ±94.793 ACRES GENERALLY LOCATED ON THE SOUTH SIDE OF US HIGHWAY 67, APPROXIMATELY 330 FEET SOUTHWEST OF STATE HIGHWAY 171 (WEATHERFORD HIGHWAY), AND WEST OF WOODRUFF ROAD, **CASE ZC22-026.**

Danielle Castillo, Planning Manager and Colt Friedrich, Project Engineer, presented the case and briefed the Commission on the request, including four requested variances to the City's Master Thoroughfare Plan (MTP).

Chairman Archer questioned staff whether the roads shown on the MTP that are the subject of the variance requests were currently existing or whether they were proposed to be built.

Mr. Friedrich stated that all of the roads shown on the MTP within the subject property were proposed to be built, with the exception of Woodruff Road. He explained that Woodruff Road, as shown on the MTP, would require further improvements to be made.

Commissioner Castles questioned staff regarding whose responsibility it would be to develop the proposed Depot Parkway if the road was not developed along the applicant's southern property boundary and was not at least partially the responsibility of the applicant.

Mr. Friedrich stated that the requested deviation from the MTP would make development of the proposed Depot Parkway, including right of way dedication and construction, the sole responsibility of the adjacent property owner(s) to the south.

Commissioner Walker questioned staff whether the road alignment would stay the same if the road were to be shifted to the adjacent property to the south.

Mr. Friedrich stated that the proposed MTP alignments are conceptual in nature and that they could be shifted in order to accommodate development.

Chairman Archer questioned staff if the applicant owned the property to the south.

Mr. Friedrich responded that the applicant did not own the property to the south.

Commissioner Saunders questioned staff whether Cleburne Station Parkway had been completed across the Cleburne Station property to the west property line of the subject property.

Mr. Friedrich responded that Cleburne Station Parkway had not been completed through to the subject property.

Chairman Archer questioned staff whether the applicant would be responsible for constructing their portion of Cleburne Station Parkway.

Mr. Friedrich stated that the applicant would be responsible for developing their portion of Cleburne Station Parkway.

Chairman Archer questioned staff whether the applicant had submitted a Traffic Impact Analysis (TIA) for review.

Mr. Friedrich stated that the applicant had not submitted a TIA for review.

Chairman Archer questioned staff regarding who would be responsible for implementing the recommendations made by the TIA.

Mr. Friedrich stated that the developer would be responsible for constructing any infrastructure improvements recommended by the TIA.

Vice-Chairman Albertson questioned staff whether the proposed infrastructure would be impacted by the Freeway Overlay.

Mrs. Castillo stated that the Freeway Overlay would apply to the building design requirements for the development, not the infrastructure.

Mrs. Castillo continued to present the case and brief the Commission on the request.

Commissioner Saunders questioned staff whether the proposed parking ratio for tract 7 would meet the parking requirements in the Zoning Ordinance.

Mrs. Castillo explained that the proposed parking of two (2) spaces per unit, within tract 7, would be greater than the parking requirement of 1.5 per unit in the Zoning Ordinance.

Commissioner Walker questioned staff regarding the applicant's request to allow for lots with more than eight (8) units within tract 7.

Mrs. Castillo stated that the applicant is requesting to permit multi-family development with more than eight (8) units on a single lot by right within tract 7. She explained that a multi-family development consisting of more than eight (8) units would normally require a Specific Use Permit (SUP) within the MF-1 (Medium-Density Residential District).

Mrs. Castillo continued to present the case and brief the Commission on the request.

Chairman Archer opened the public hearing.

The applicant, Adlai Pennington, was present to brief the Commission on the request. Present with Mr. Pennington was Brian Cotter. Mr. Cotter made a presentation to the Commission regarding the request.

Chairman Archer questioned the applicant regarding the completion of the TIA for the proposed development.

Mr. Cotter responded that the TIA had not yet been completed, but that an executive summary had been completed earlier that day.

Chairman Archer questioned the applicants regarding the completion of Cleburne Station Parkway between Brazzle Boulevard and the subject property.

Mr. Cotter stated that the right-of-way (ROW) had been acquired by the City through to State Highway 171. He stated that the City was obligated through an agreement with the current owner of the subject property to building the eastern section of Cleburne Station Parkway to Highway 171.

Commissioner Walker questioned Mr. Cotter regarding the request to shift the proposed Depot Parkway to southern property owner.

Mr. Cotter explained that the proposed Depot Parkway would not be viable as proposed given the proximity of the existing drainage channel and a gas well pad near The Depot. He explained that the alignment was further hindered by an existing house along Woodruff at the southeast corner of the proposed development, since the house would prevent the roadway from

continuing. He stated this would mean that Depot Parkway would be a mid-block section of roadway with no connection to Nolan River Road or to Woodruff.

Commissioner Walker questioned Mr. Cotter regarding the deviation to make improvements to Woodruff Road.

Mr. Cotter stated that Woodruff Road would terminate to the north of the property in a cul-de-sac and that it would not add any value to the proposed development.

Mr. Friedrich stated that Woodruff Road would terminate to the north of the subject property, but that the road would continue south of the subject property to Kilpatrick.

Commissioner Walker questioned Mr. Cotter regarding the proposed parking reductions throughout the development.

Mr. Cotter stated that the proposed additional on-street parking along Cleburne Station Parkway and Railhead Parkway would be available and that on-street parking had not been included in the parking ratio calculations requiring one off-street space for every 500 square feet of floor area.

Chairman Archer questioned Mr. Cotter if the development had any commitments for the healthcare facility.

Mr. Cotter stated that they have no commitment for the health facility and that healthcare users take a long time to develop relative to other tenants envisioned for the property.

Chairman Archer questioned Mr. Cotter if the development had any commitments for the hotel.

Mr. Cotter stated that they do not have a commitment for the hotel. He stated they have commitments for tract 3 for a sit down restaurant on the corner lot, tract 5 for an apartment complex, and tract 7 for a single-family rental community.

Commissioner Walker questioned Mr. Cotter how the roundabout would affect pedestrian traffic.

Mr. Cotter stated that the roundabout was created to slow down vehicle traffic and protect pedestrian traffic.

Commissioner Walker questioned Mr. Cotter on the timeframe for the construction of the proposed open space in the Town Center.

Mr. Cotter stated that construction of the open space in the Town Center would follow the construction of the anchor development for the tract so that infrastructure leading to the anchor entertainment building would be constructed at the same time as the open space.

Chairman Archer stated his concern that there was too much flexibility incorporated into the proposed development.

Mr. Pennington stated that the flexibility in the proposed development would allow it to remain unique and draw more people to the area. He stated that the road infrastructure would begin with first phase of development.

Commissioner Castles requested that one of the potential builders speak about the development.

Josh Eadie, with NexMetro Communities, 2221 Lakeside Blvd, gave a brief overview of their rental community proposed for tract 7 and explained their interest in the proposed development. He stated that NexMetro has developed similar communities across North Texas, including McKinney, Prosper, Melissa, Forney, Arlington, Grand Prairie, and Fort Worth.

Commissioner Castles questioned Mr. Eadie regarding the proposed timeline for the development of tract 7.

Mr. Eadie stated their intent to close on the property at the end of 2022, begin building construction approximately June 2023, and have residents living in the community by March 2024.

Chairman Archer questioned Mr. Eadie how similar the rental community would be to the project on Alta Mesa Drive in Fort Worth.

Mr. Eadie stated that the proposed development would be very similar to the development on Alta Mesa Drive.

Vice-Chairman Albertson questioned staff regarding the proposed objections to this development.

Mr. Friedrich stated that of the four (4) variances to the MTP being requested, there were concerns with the requested ROW reduction of Woodruff Road and the requested ROW alignment shift of the future Depot Parkway. He stated that there was not as much concern for the requested ROW reductions for Cleburne Station Parkway and Railhead Parkway.

David Jones, Community Development Director, stated that staff had met with the applicant on numerous occasions to discuss the project in more detail and attempt to vet out some of the variances being requested with the PD, specifically with regard to the design standards and parking requests.

Chairman Archer questioned staff regarding the solution for Woodruff Road to handle the traffic in and out of the proposed development.

Mr. Friedrich stated that there were a number of options, including an undivided three-lane cross-section, but would need to double check the MTP to provide further detail. He explained that the existing ROW for Woodruff Road is prescriptive and that it has not been platted, so the width of the actual ROW is currently unknown. He further explained that Woodruff Road may not be able to accommodate a full ROW section, including sidewalks, at its current width and that the requested variance could inhibit future improvements from complying with the MTP.

Vice-Chairman Albertson questioned staff regarding the future cul-de-sac on Woodruff Road north of Cleburne Station Parkway.

Mr. Friedrich stated that once Cleburne Station Parkway is connected to Weatherford Highway, the intent would be to cul-de-sac the existing Woodruff Road north of Cleburne Station Parkway.

Vice-Chairman Albertson questioned staff regarding the intent of Depot Parkway.

Mr. Friedrich stated that the MTP proposes that Depot Parkway connect between North Nolan River Road and the future expanded collector of Woodruff Road with the exact alignment being decided during the development process.

Chairman Archer requested clarification regarding the two (2) points of ingress and egress into the proposed development.

Mr. Friedrich stated that there would be two (2) points of ingress and egress into the proposed development: the one-way corridor along the US Highway 67 frontage road, and Woodruff Road. He stated that the PD, as proposed, did not include language to specify that Cleburne Station Parkway would be continued through to US Highway 171 as part of the development, even though the applicant has said that constructing the Parkway to Highway 171 is his intent.

Chairman Archer questioned staff regarding the overall timeline of the development.

Mrs. Castillo stated that a timeline for development had not been included within the PD.

Commissioner Walker questioned staff if the development of Cleburne Station Parkway to the west would be dependent upon the adjacent property owner (New Era).

Mr. Friedrich stated that the development of Cleburne Station Parkway would be dependent on New Era.

Vice-Chairman Albertson questioned staff whether New Era was the property owner of the land to the south of the proposed development.

Mr. Friedrich stated that New Era was not the owner of the land to the south.

Vice-Chairman Albertson stated his concern that there would not be a shared cost in the development of the future Depot Parkway.

Mr. Pennington stated that there was a plan in place to develop Cleburne Station Parkway through to Highway 171, pending an agreement with New Era for their portion of the ROW and with the City to reimburse the cost of constructing the eastern section over to Highway 171.

Commissioner Castles questioned Mr. Pennington on the importance of the hotel and healthcare tracts to the proposed development.

Mr. Pennington stated that the hotel and healthcare tracts would be a signature piece to the entire development. He stated that the healthcare business would be difficult to contract and would likely take time to develop.

Commissioner Saunders questioned Mr. Pennington if there was an alternative plan for the healthcare tract if they could not find a healthcare facility.

Mr. Pennington stated that the healthcare tract would be replaced with more retail sites in the event that they could not reach an agreement with a healthcare facility.

Chairman Archer questioned Mr. Pennington if he had a similar plan for the hotel tract.

Mr. Pennington stated that the plan would be the same for the hotel tract, but he expressed confidence that a hotel contract could be obtained that would be upscale and new to the City.

Chairman Archer questioned staff if there were concerns with the unanswered questions and level of flexibility proposed with the PD.

Mrs. Castillo stated staff's objective with any PD is to incorporate and codify those regulations that allow for proper administration and approval of the development, with the goal of allowing flexibility at the staff level without having to bring the PD back before the Commission or City Council for minor changes.

Mr. Jones stated that all PDs have some inherent flexibility, with some PD ordinances requiring Council approval of any change to the Concept Plan or regulations, and some allowing for administrative discretion. He stated that the question for the Commission is whether changes to this PD should be administratively approved by staff or should require it to go back to the Commission and City Council for approval. He stated that the flexibility within the proposed PD under consideration largely allows for administrative approval of deviations from the Concept Plan.

Commissioner Castles stated his opinion that this project provides the progression that Cleburne needs for development.

Danny Doggett, 5608 CR 406, Grandview, stated that he owns the property south of the proposed development. He stated that this is the only area that makes sense for the proposed development and would like to see similar developments occur in the surrounding area.

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 with the variances as requested and Commissioner Saunders seconded the motion.

Chairman Archer reiterated his concern that there were several loose ends within the proposed PD.

**The motion to approve with the variances requested 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. PC22-058 – Belle Lagos Phase III – Final Plat
- ii. PC22-060 – Duran Estates – Minor Replat
- iii. PC22-062 – Meadowbrook – Final Plat
- iv. PC22-066 – Blackbird Meadows – Final Plat
- v. ZC22-024 – 2221 Pipeline Road Rezone – I to RC

David Jones, Community Development Director, briefed the Commission on actions taken by the City Council at the September 27, 2022 meeting.

**THERE BEING NO OTHER BUSINESS, THE MEETING WAS ADJOURNED AT 9:24 PM.**