



**City Council
City of McLendon-Chisholm, Texas
Special Work Session Minutes
July 6, 2017**

The City Council of the City of McLendon-Chisholm convened in Special Work Session with the Planning and Zoning Commission and Board of Adjustment on Thursday, July 6, 2017, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

Council Members

Present:	Robert Steinhagen	Mayor
	Adrienne Balkum	Council Member
	James Herren	Council Member
	Wayne Orchard	Mayor Pro Tem
	Sim Woodham	Council Member
	Scott Turnbull	Council Member

P & Z Members

Present:	Rhonda Davis	Chairperson
	Terrell Miller	Commissioner
	Jason Linscott	Commissioner
	Florencia Wilkinson	Commissioner
	Robert Rohde	Alternate
	Lesley Schwalje	Alternate
	Scott Weaver	Alternate

BOA Members

Present	Beverly Stibbens	Vice Chairperson
	Herb Harker	Member
	Gary Nickel	Member
	Lance Agee	(Alternate)

Staff Present:	David Butler	City Administrator
	Lisa Palomba	City Secretary
	Michael Coker	City Planner

1. Mayor Steinhagen called the meeting to order at 6:30 p.m.
2. Mayor Steinhagen requested a moment of silence in remembrance of the four Dallas Police Officers: Lorne Ahrens, Michael Krol, Michael Smith and Patrick Zamarippa and DART Officer Brent Thompson who were killed in the line of duty nearly one year ago on July 7, 2016. Steinhagen noted that Michael Smith was a friend and fellow church member at Watermark Church.

Mayor Steinhagen then led the Invocation. Planning and Zoning Commission Member Terrell Miller led the Pledge of Allegiance to the United States and Texas flags.

Mayor Steinhagen welcomed those attending the meeting and those viewing the meeting online via Facebook Live. Mayor Steinhagen then reviewed the Council Meeting Guidelines including Rules of Decorum.

Steinhagen introduced Planning & Zoning Commissioners and Board of Adjustment Members and described the main focus of tonight's meeting to review the Comprehensive Plan. Steinhagen also discussed the various functions of the Planning and Zoning Commission and Board of Adjustment.

3. Comprehensive Plan Presentation. City Planner Michael Coker presented information to City Council, Planning & Zoning Commission (P&Z) and Board of Adjustment (BOA) members regarding the purpose of comprehensive planning efforts. Coker explained the comprehensive planning process including defining community goals and aspirations in terms of community development; transportation; utilities; land use; recreation; housing; and how all factors describe community expectations regarding how a city should develop.

Coker referred to the Comprehensive Plan as a roadmap for future land use. Coker further explained Texas Local Government Code Chapter 213 Municipal Comprehensive Plans including the purpose to promote sound development of a municipality and the promotion of public health, safety and welfare. Comprehensive Plans may include provisions for, but not limited to, land use; transportation; public facilities; open space and housing. The Comprehensive Plan may be used to coordinate and guide the establishment of development regulations. A city may define the relationship between a comprehensive plan and development regulations.

Other items discussed included providing standards for determining the consistency required between the Comprehensive Plan and development regulations. Coker noted that the Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries and that Chapter 211 of Texas Local Government Code establishes Municipal Zoning Authority. Coker further discussed how a comprehensive plan may be adopted or amended including review by the Planning and Zoning Commission, public hearing requirements and adoption of the ordinance by the City Council. Zoning compliance was discussed as it relates to the Comprehensive Plan, Zoning and Subdivision regulations.

Coker continued his presentation by reviewing specifics of the McLendon-Chisholm Comprehensive Plan including an overview; demographics and projections; current land uses; future land use policies; transportation goals, objectives and policies; open space; community design standards; housing; public facilities and an action plan.

Coker concluded his presentation at 7:38 p.m. The floor was opened for discussion and questions.

Discussion among Council, P&Z Commissioners and BOA Members followed. It was noted some contradictory standards exist in the Comprehensive Plan including the section on Future Land Use Goals which are inconsistent noting specifically that retirement facilities have higher density than what is allowed in McLendon-Chisholm. It was noted on page 18 to leave a natural environment and not recreate a faux environment. Steinhagen used FM 1139 and Brushy Creek as an example. Water backed up into homes. Natural drainage ways need to be retained.

Other inconsistencies include Future Land Use Policy No. 4 on page 18 which indicates a 2.5-acre minimum. Steinhagen also questioned the process for change to the Comprehensive Plan as it relates to zoning. Steinhagen noted that Sonoma Verde is shown on the Comprehensive Plan as requiring 1.5-acre minimum home sites. The Triple Creek Development was discussed. City Administrator Butler noted that Planned Developments will sometimes allow greater density.

Council Member Balkum asked questions regarding traffic counts along State Highway 205 and FM 550. Property adjacent to City Hall was discussed; consideration for future buildings; and there no plans for future buildings at this time.

Turnbull noted flood plain considerations when building indicating having extra capacity is wise in case it is needed. Council discussed the need for retention and detention ponds and the function of each and the 100-year flood plain as it existed the time the Comprehensive Plan was approved.

BOA Vice Chairperson, Beverly Stibbens noted Future Land Use Policy No. 5 and requested clarification noting that it is vague, should be made clearer and should be responsive to market needs.

P&Z Chairperson, Rhonda Davis questioned provisions for variances of the 1.5-acre minimum site requirement in consideration of the existence of flood plain.

Steinhagen remarked regarding low density and differences between large and small developers.

Discussion continued including creating a concept plan first and moving forward once favorable responses are received.

Masonry requirements were discussed. BOA Member Gary Nickel noted an odd statement regarding application of regulations and noted the Plan needed language modification for clarity.

Discussion continued regarding Future Land Use Item B relating to other types of housing. It was noted that a portion of FM 550 was designated as a potential site for multi-family development and this section needs clarification. Multi-Family should be clearly defined. Senior housing was discussed as falling into the multi-family designation. Further discussion ensued regarding the need and requirements for off-site

sanitary sewer for such multi-family facilities. Coker explained how land use density and on-site/off-site sewer relate. Mayor Pro Tem Orchard raised concerns regarding homeowners' permission required to change zoning.

Mayor Steinhagen recessed the meeting at 8:43 p.m.

Mayor Steinhagen reconvened the meeting at 8:59 p.m.

4a. Building Regulations were briefly discussed. Coker mentioned that McLendon-chisholm's current codes are 2012 and that it was time to consider adoption of updated building codes and further explain that building codes were national but that cities apply local modifications to meet their community needs. It was noted by Mayor Steinhagen that Council Member Woodham will be personally reviewing the entire Code of Ordinances and making some recommendations.

4b. Subdivision Regulations were also briefly discussed. Coker explained the purpose of the subdivision regulations as they relate to streets, drainage and creation of building sites. Coker noted there is inconsistent language that warrants correction in the subdivision regulations regarding plat approvals referring to a land surveyor and not an engineer. Further discussion continued regarding Home Owners Association (HOA) restrictions could be more restrictive than City requirements. The City will not enforce HOA requirements.

It was noted that building regulations and the Comprehensive Plan are inconsistent regarding masonry requirements with the Comprehensive Plan showing a 90/10 masonry requirement and the Building Regulations showing an 80/20 masonry requirement.

Landscaping requirements and tree approval were also briefly discussed.

4c. Zoning Regulations were discussed including the purpose of zoning regulations determining allowable uses by zoning district. The zoning change process was discussed as well as development timelines.

Also discussed was the function and authority of the BOA serving as a quasi-judicial body which makes independent and final decisions that may only be appealed to a district court. An example of a recent BOA case regarding masonry siding was detailed and the reasoning behind the final decision in the case was explained. BOA Member Lance Agee remarked about net compared to gross minimum building site requirements.

Allowable uses such as farming, ranching and tree production in agricultural zoned districts were briefly discussed. The idea of vested rights was discussed. The Triple Creek development was used as an example. General Business allowable uses were discussed also.

Mayor Steinhagen questioned why manufactured homes were mentioned on page 5 as they do not fit the City vision. Coker explained that the regulations are standard for most municipalities and were adopted en masse, which is why some of the ordinances do not apply to the city of M-C. Power to subdivide in the extraterritorial jurisdiction [ETJ] was discussed, as well as last year's Texas State Supreme Court decision, which removed a city's ability to regulate the building standards in the ETJ, eliminating a long-standing requirement for inspections to be made by the city. It was explained that ETJ properties were subject to subdivision regulations which would include road design and infrastructure. Zoning cannot be applied to the ETJ.

The Planning and Zoning Commission will meet to review the Comprehensive Plan in detail and provide recommendations to Council regarding needed updates and changes.

A recap of items that need attention were discussed:

- Future Land Use Goals, Item B. Provide appropriate locations for higher density residential, attached single family and retirement housing.
- Future Land Use Policy No. 3. Low density residential developments are required to provide a maximum of one residential unit for every one and one-half acres of land which may not include easements, open space (dedicated), recreation areas, flood plain or (designed) environmentally sensitive areas.
- Future Land Use Policy No. 4. Rural residential areas shall ensure minimum one and one-half acre lot size.
- Future Land Use Policy No. 5. Underdeveloped residential land shall be developed compatibly with surrounding development and in a manner responsive to market needs. (Policy is vague)
- Future Land Use Policy No. 9. Identify other commercial areas within the corporate limits that might serve to provide more retail and commercial land use dispersal within the community.
- Sensitive Area Mapping.
- City Mission Statement.
- Capital Improvement Program. Identify public facilities or related needs.
- Comprehensive Plan page 5. Manufactured homes do not fit the City vision.
- Subdivision Plat 10.02.0056. State law references a licensed land surveyor and the McLendon Chisholm ordinance references an engineer. McLendon-Chisholm ordinance needs to comply with State law.

- Zoning Regulations 4-6, related to Manufactured Home District.
- Comprehensive Plan references gross acreage rather than net acreage
- Add Senior Living question to the City Survey
- Masonry requirement should be consistent.

5. Mayor Steinhagen opened discussion regarding recently approved Resolution No. 2017-20R requiring P&Z Commissioners to sign an “Acknowledgement of Compliance Requirement and Commitment” form affirming that the City’s Zoning Ordinance mandates that all land use decisions comply with the Zoning Ordinance. Discussion with held among Council and P&Z Commissioners regarding avoidance of misunderstandings and abiding by the spirit of the zoning laws. A comparison was made to the Oath that Council Members affirm upon taking office. P&Z Commissioner Linscott remarked that the words in the last line “will disqualify” are too strict and that he would be more comfortable with language indicating “may disqualify”. Other P&Z members concurred. Council Members discussed and agreed that changing “will disqualify” to “may disqualify” is an acceptable change.

6. Council Member Turnbull described the new appointment process for boards and commissions. Turnbull referenced a flow chart and noted that the timing for appointments would now be in sync with Council elections. General discussion was held regarding timing of the new appointment process. It was explained that many board members would likely holdover their terms when they expire until the summer of 2018 when the process would be put into effect.

7. Council Member Turnbull moved to adjourn the meeting. Council Member Woodham seconded the motion. A vote was cast and the motion was approved by unanimous consent. The meeting adjourned at 10:16 p.m.

APPROVED:



Robert Steinhagen, Mayor

ATTEST:



Lisa Palomba, City Secretary

