



**CITY of McLendon-CHISHOLM  
PLANNING & ZONING SPECIAL MEETING  
& JOINT PUBLIC HEARING MINUTES  
April 22, 2008 – 6:30 P.M.**

**Joint Public Hearing**

**1. CALL TO ORDER**

Mayor Mike Donegan called the Joint Public Hearing of the Planning and Zoning Commission and City Council of the City of McLendon-Chisholm, Texas to order at 6:34 pm.

P&Z Commission Present:

Troy Reich	Chairman
Jerry Packer	Commissioner
Jay Webb	Commissioner
Mike Miller	Commissioner
Karla Clark	Commissioner
Lee Nichols	Commissioner
Chuck Samples	Commissioner

City Council Present:

Mike Donegan	Mayor
Steve Hatfield	Mayor Pro-Tem
Beverly Stibbens	Council Member
James Parnell	Council Member
Jerry Moss	Council Member
Jack Pullen	Council Member

Staff Present:

Dave Butler	City Administrator
Deborah Sorensen	City Secretary
Michael Halla	City Attorney
Rick Herzberger	Building Official

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Mike Donegan gave the Invocation, and led the Pledge of Allegiance.

**3. JOINT PUBLIC HEARING ON ZONING CHANGE**

A Joint Public Hearing of the Planning and Zoning Commission and the City Council, as authorized by Ordinance No. 2007-12, to receive comments and take appropriate action regarding an Application for and an Ordinance granting a change in zoning to Planned Development for Residential Use. The property tracts include a 172 acre tract of land abutting the south side of FM 550 and west of S. Highway.

- a. Open Public Hearing.

Mayor Mike Donegan opened the Public Hearing

b. Receive comments from Applicant.

Chris Cuny presented a concept plan for the requested Planned Development of Chisholm Crossing Phase IV on 1 acre lots, instead of the original 1.5 acre lots. By doing this, Whittle Development would have 83 lots instead of 90 lots, therefore only losing 7 lots. The net density would also change from 1.76 acre per unit to 2.06 acre per unit. If this zoning is approved, the developer will go by all the standards of a 1.5 acre lot except for requesting set back requirement to be 50 feet because the lots are smaller. They will also provide curb and gutter roads versus the bar ditch like the previous phases. All the electrical lines will be underground. The homes will be custom builders with 80% masonry constructions. It will be all the same exact building standards as the Chisholm Crossing across FM 550. The only difference will be 1 acre lots instead of 1.5 acre lots. Chris Cuny feels like this is a better plan for the City and everyone. There will be 2 openings for access to the open space. All fencing would be ornament and no private fences would be allowed.

c. Consider comments from staff.

Rick Herzberger stated he has met with Chris Cuny regarding the proposed Planned Development and Chris has addressed his concerns. Rick also stated the construction material requirements are under Article 6 of the Zoning Ordinance. If something is not covered in the Planned Development, then it will fall under the SFR 1.5 regulation.

Mike Donegan asked why they have an ordinance drafted by the applicant and an ordinance drafted by David Berman, City Attorney. He wants staff to address this issue. Dave Butler explained that when David Berman initially drafted the ordinance, it was for 1 acre lots and all the subdivision standards would be in place, as though it were being built as approved in the preliminary plat of Phase IV. It was then learned that there was a variance, the lot size to be considered and the 50 foot setback was an issue. At that time, Chris Cuny provided his version of the ordinance as a document to be considered. Michael Halla stated that he can direct the ordinance to include or exclude whatever the council decides.

d. Receive comments from public.

Bill Lofland, attorney for resident Albert Meyer, presented a copy of Mr. Meyer's Special Warranty Deed reflecting Mr. Meyer's 50 foot Ingress and Egress Easement he retained when he sold this property to Whittle Development. Mr. Lofland stated that he wanted to make sure that Mr. Meyer's 50 foot easement is reflecting in all of the documents so that people don't think that they own all the land back to the fence line back to the cemetery. Mr. Lofland has spoken to Chris Cuny regarding this easement and Mr. Cuny has corrected all of the documents he has to reflect the easement. Mr. Meyer is not in opposition of the zoning change.

e. Receive final comments from Applicant.

Chris Cuny will ensure that the easement is on the final plat. Mr. Lofland asked if the Planned Development Plans states that no fencing will be allowed of any lot owner across any access easements. Chris states that they can't legally obstruct the access easement. Michael Halla stated that the access easement can be included in each deed. Chris Cuny believes that this plan is a better design than the first design. It would be more desirable if the whole ban area is left open and not touched.

f. Close Public Hearing.

Mayor Mike Donegan closed the Public Hearing

g. Adjourn Public Hearing.

Beverly Stibbens made a motion to adjourn the Public Hearing. Jay Webb seconded the motion. **Motion carried 12-0.** The Public Hearing was adjourned at 7:12 pm.

### Special Meeting

#### 1. CALL TO ORDER

Chairman Reich called the special meeting of the Planning & Zoning Commission of the City of McLendon-Chisholm, Texas to order at 7:13 pm.

P&Z Commission Present:	Troy Reich	Chairman
	Jerry Packer	Commissioner
	Jay Webb	Commissioner
	Mike Miller	Commissioner
	Karla Clark	Commissioner
	Lee Nichols	Commissioner
	Chuck Samples	Commissioner

Staff Present:	Dave Butler	City Administrator
	Deborah Sorensen	City Secretary
	Michael Halla	City Attorney
	Rick Herzberger	Building Official

#### 2. ACTION ITEMS

- a. Consideration and action on recommendation and final report to City Council regarding said zoning change.

Jay Webb made a motion to recommend zoning change as proposed. Jerry Packer seconded the motion. **Motion passed 6-0.**

- b. Consideration and action on approval of preliminary plat of Chisholm Crossing Phase IV.

Chuck Samples made a motion to table the approval of preliminary plat of Chisholm Crossing Phase IV until the next Planning & Zoning Commission meeting. Karla Clark seconded the motion. **Motion passed 6-0.**

#### 3. ADJOURN

Karla Clark made a motion to adjourn the meeting. Chuck Samples seconded the motion. **Motion passed 6-0.** The meeting was adjourned at 7:42 p.m.

ATTEST:

  
Deborah Sorensen, City Secretary



  
Troy Reich, Chairman