



**PLANNING & ZONING COMMISSION
PUBLIC HEARING & REGULAR MEETING
September 2, 2010 – 6:30 P.M.**

Public Hearing

1. CALL TO ORDER

Chairman Troy Reich called the Public Hearing of the Planning & Zoning Commission of the City of McLendon-Chisholm, Texas to order at 6:38 p.m.

P&Z Commission Present:

Troy Reich	Chairman
Chuck Samples	Commissioner
Karla Clark	Commissioner
Jerry Packer	Commissioner
Chris Nixon	Commissioner - Alternate
Rhonda Davis	Commissioner - Alternate
Brian McKinney	Commissioner - Alternate

P&Z Commission Absent: Jay Webb Vice Chairman

Staff Present: Deborah Sorensen City Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Troy Reich gave the invocation and led the Pledge of Allegiance.

3. PUBLIC HEARING ON A ZONING CHANGE APPLICATION

A Public Hearing of the Planning and Zoning Commission to receive comments and take appropriate action regarding a zoning change from Single Family Residence 1.5 acre lots to Planned Development. The property tracts include approximately 51.996 acres of land situated in Brushy Creek Estates on FM 1139.

- a. Receive comments from applicant - Jim Bell on behalf of City Bank, stated in 2009 City Bank foreclosed on the property. In preparation to market the property it was discovered that the subdivision had a drainage problem that needs to be repaired. The repair involves removing the paving/drainage structures on Springs Way and Artesia Lane and installing larger box culverts in both locations and replacing the pavement. City Bank would like to have the ability to sell up to 3 lots not affected by the drainage issue prior to the completion of the drainage repairs. The three lots are 2, 3, & 4.
- b. Open Public Hearing - Chairman Troy Reich opened the public hearing at 6:51 p.m.
- c. Receive comments from public

Debbie Pyle - We bought our house 2 years ago. It sounds like it would be keeping our interests. She would like to know if there was going to be an HOA, who is the builder going to be, and how big of homes will be there.

Beverly Stibbens - She lives in Quail Creek. They were assured that the deeds restrictions would mirror Quail Creek. She knows that the City can't enforce deed restrictions but they can require a developers agreement.

Brett Packer - He wants to address the drainage issue. He is the one who reported the problem. He feels the drainage issue should be addressed before anything is done.

Steve Jordan - He also witness the drainage issues. He also approached Planning & Zoning with photographs when the development was plotted. He is concerned about the deed restrictions, they were told that it was going to be the same as Quail Creek. He is concerned that it will lower his value and is worried about more homes going in then what was originally planned.

Jerry Packer - He is speaking as a citizen. The main primary concern is who owns the property and who is acting on their behalf. He is disappointed that an official from the bank is not here. He feels they should fix the drainage, get deed restrictions, and finally, get an HOA.

- d. Close Public Hearing - Chairman Troy Reich closed the public hearing at 7:00 p.m.
- e. Receive final comments from applicant - Jim Bell states that he understands the drainage issues. The bank is not a developer, they are lot owners. They do not have the money to repair the drainage issues, they need to make the 32 lots into 36 lots. They are trying to minimize their loss. He promises to do whatever the people has been previously told. If the City Council and Planning and Zoning Commission can verified what was said, the bank will do it.
- f. Consider comments from staff - None

4. PUBLIC HEARING ON A RE-PLAT APPLICATION

A Public Hearing of the Planning and Zoning Commission to receive comments and take appropriate action regarding a re-plat of 36 lots in Brushy Creek Estates located on FM 1139.

- a. Receive comments from applicant - Jim Bell on behalf of City Bank, stated the lots that run along Quail Creek are unchanged. He further stated that they are adding the drainage easement to the plat before the City Council meeting.
- b. Open Public Hearing - Chairman Troy Reich opened the Public Hearing at 7:15 p.m.
- c. Receive comments from public

Beverly Stibbens - She encouraged the Commission that the drainage is repaired prior to the sale of lots. The school buses have to go through the subdivision and it is dangerous.

Jerry Packer - the request is not out of line. The concern is there is no documentation of the intentions of the bank.

Steve Jordan - asked if a deal was pending contingent upon this approval.

- d. Close Public Hearing - Chairman Troy Reich closed the public hearing at 7:21 p.m.
- e. Receive final comments from applicant - Jim Bell stated that he would like to move forward. If the Planning & Zoning wants to table this due to more documentation and HOA documents, he understands. He would be glad to iron out any details that need to be resolved.
- f. Consider comments from staff - none

5. AGENDA ITEMS

- a. Discussion and consideration of recommendation to City Council on a zoning change from Single Family Residence 1.5 acre lots to Planned Development of the property tracts which include approximately 51.996 acres of land situated in Brushy Creek Estates on FM 1139

Jerry Packer abstained from voting and discussions due to conflict of interest.

The Planning & Zoning Commission would like to see the Planned Development Agreement, HOA documents, the deed restrictions before making any decisions, the specific date that the drainage issue will be addressed, and that no homes can be built until the drainage issue is repaired.

Chuck Samples made a motion to recommend to City Council that prior to moving forward with the zoning change application that the issues of drainage, HOA, and deed restrictions be resolved and a Planned Development Agreement be drafted. Karla Clark seconded the motion. **Motion passed 4-0.**

- b. Discussion and consideration of recommendation to City Council on a re-plat of 36 lots in Brushy Creek Estates located on FM 1139

Jerry Packer abstained from voting and discussions due to conflict of interest.

Chuck Samples made a motion to recommend to City Council that prior to moving forward with the re-plat of 36 lots in Brushy Creek Estates located on FM 1139 that the issues of drainage, HOA, and deed restrictions be resolved and a Planned Development Agreement be drafted. Karla Clark seconded the motion. **Motion passed 4-0.**

- c. Discussion and consideration of recommendation to City Council regarding proposed changes to the Land Use Chart

Jerry Packer made a motion to recommend to City Council approval of the proposed changes to the Land Use Chart. Karla Clark seconded the motion. **Motion passed 5-0.**

6. ADJOURN

Karla Clark made a motion to adjourn the meeting. Chris Nixon seconded the motion. **Motion passed 5-0.** The meeting was adjourned at 8:18 p.m.

ATTEST:



Deborah Sorensen, City Secretary



Troy Reich, Chairman