



**PLANNING & ZONING COMMISSION
McLENDON-CHISHOLM, TEXAS
PUBLIC HEARING AND
REGULAR MEETING MINUTES
November 6, 2008**

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 6:36 pm.

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

P&Z Commission Absent: Karla Clark Commissioner
Mark Coleman Commissioner

Staff Present: Dave Butler City Administrator
Deborah Sorensen City Secretary
Dan Boutwell City Planner

2. INVOCATIONS AND PLEDGE OF ALLEGIANCE

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

3. PUBLIC HEARING ON THE ADDITION OF THE DOWNTOWN BUSINESS DISTRICT TO THE ZONING ORDINANCE

A Public Hearing of the Planning & Zoning Commission to receive comments and take appropriate action regarding the addition of Downtown Business District to the Zoning Ordinance.

- a. Open Public Hearing – Chairman Troy Reich opened the Public Hearing
- b. Consider comments from staff – Dan Boutwell explained this is the regulation that will establish the Downtown Business District and add it to the Zoning Ordinance. He reviewed the design, setbacks, and types of structures allowed. It is stricter than normal business districts.

Chuck Samples chaired the subcommittee of the Downtown District Plan Committee. One of the things that the committee did not want to see was a strip type of downtown. They wanted to take commercial retail off the front of Highway 205 and put it towards the backside. The committee wanted to protect the current uses of the property for the current property owners. There is already a General Business and a Commercial zoning now. Ideally, the type of structures the Committee would like see in the Downtown Business District is like the south end of Ralph Hall Parkway.

Chairman Troy Reich stated that the Public Hearing is only about adopting the Downtown District to the Zoning Ordinance. The location is yet to be determined.

c. Receive comments from public –

Joe Halpain – General partner for Halpain Partnership. Wanted to know how many people on the committee are in the red zone? He feels that the value of his property will be ruined. He has 50 acres that is much more valuable as a development rather than commercial. He is looking at building another house but if this passes, he has to do it like the structures in the business district.

Chip Macllend – son owns two pieces of property – opposed to the proposed zoning. This would prohibit his son from expanding the buildings for commercial use. The zoning is too restrictive.

Fabio – One day he would like knock down his house and build another, feels that his taxes will go way up.

Don Lovell – His family has been on property for over 130 years. He is not there to sale. It is not for sale. He feels that this is just so the City can bring taxes.

Gary Lovell – He has lived here 60 years. Understands he is legal non-conforming as long as he doesn't expand his operations. If he built a barn in the middle of the hay field, who is going to regulate it. He was here when town was incorporated, did it to regulate their land. First someone had to have 2.5 acres to build on, now the City lets anybody build. He is not comfortable with the ordinances proposing. The more laws you have the more you have to regulate it.

Jerry Packer stated what we have here and we present are the pros. We need to control businesses coming in etc. He has not seen any businesses. Regulating the use of property to such degree that no longer has any viable use is taking of the land. The idea and concept is beautiful, but not for here.

Chairman Troy Reich stated that one thing that needs to be considered or recognized. The reason what he moved to McLendon-Chisholm was because he wanted to live in a rural community. Every community in Texas at one time will grow. Frisco, McKinney, Allen, and Rockwall, were small communities. Rockwall was not well planned and they have run into a lot of problems. We sit on a major highway right in the middle of town. Major commercial developments develop along major highways. By Law, you can not stop it. We can stop growth. Trying to "if you plan, you plan to fail. If you fail to plan then you plan to plan". Look at Forney down highway 80, that is not what we want along highway 205. You own land in the designated area, you decide to sell to a developer and the neighbor gets upset. If someone puts a business next to yours that doesn't add to the value of your property, you will be upset. Some day there will be a city center, you can't avoid it. Do you want it off the highway where it is safe? He grew up in little community, now it has grown. We are trying to look to the future and make sure that the community is developed within the State Law.

Joe Halpain – wants stronger regulations. IF he needs to sell his land, it has to be to someone commercial. He has raised money and worked his whole life to get this land. The plan is nice but there is not a need for it right now. Can do planning but set things up for the future and then put it in place then. You are freezing the residents to far into the future.

Chip Macllend– The reason McLendon-Chisholm incorporated was to avoid to be in the ETJ of Heath or Rockwall and all their regulations. Now we are looking at the same regulations.

Don Lovell – Asked the Planning & Zoning Commission if they going to listen to what the citizens say or are they going to do what they are going to do anyway.

Elaine Reynolds – Likes the plan, but she does not want to be in it.

Gary Lovell – Asked how much of the commercial development is going to happen before the City gets sewer. Until we see a pipeline being laid, you are not going to have very many companies.

Jerry Packer stated these people are talking about bringing big sewer lines in has come to a screeching halt. You have a City Council, they need to know what you feel and what you want.

Bart Davenport – Was on the committee and his family has property that is in the district. His family is also one of the developers. Growth will still continue, if we don't plan now, we are in trouble. The intention is to try to improve the quality, not to over regulate. He understands people with farms not wanting to see growth, but the City must be able to manage growth. The issue of sewer is a real issue. Typically the type of business that none of us want to see doesn't need sewer. We have to plan, it is coming. We have to find a way to plan for the future and find a way to preserve what we want. No one is going to like the plan 100%.

Tom Richmond – City Council stated the City needed to consider business district. Nobody on Planning & Zoning Commission wanted to do it, so a committee was formed and came up with the plan. They have gone back and forth. If you have a plan in place in an area, it may not increase the value now, or next year; however, it will come. It may not be the best plan, but it is a start. He would recommend to table until consider it in a lot more detail.

- d. Close Public Hearing – Chairman Troy Reich Closed the Public Hearing
- e. Adjourn Public Hearing – Chuck Samples made a motion to adjourn the Public Hearing. Jerry Packer seconded the motion. **Motion carried 5-0.** The Public Hearing adjourned at 8:13pm.

Regular Meeting

1. CALL TO ORDER

Chairman Troy Reich called the regular meeting of the Planning & Zoning Commission of the City of McLendon-Chisholm, Texas to order at 8:13 p.m.

2. APPROVAL OF MINUTES

- a. Consideration and action on approval of minutes of the Regular Meeting of the Planning & Zoning Commission held on September 4, 2008.

Chuck Samples made a motion to approve the minutes of the Regular Meeting of the Planning & Zoning Commission held on September 4, 2008 as presented. Jerry Packer seconded the motion. **Motion passed 5-0.**

- b. Consideration and action on approval of minutes of the Regular Meeting of the Planning & Zoning Commission held on October 2, 2008.

Lee Nichols made a motion to approve the minutes of the Regular Meeting of the Planning & Zoning Commission held on October 2, 2008 as presented. Jerry Packer seconded the motion. **Motion passed 5-0.**

3. AGENDA ITEMS

- a. Consider and/or act on recommendation and final report to City Council regarding addition of the Downtown Business District to the Zoning Ordinance.

Chuck Samples made a motion to recommend approval of the addition of the Downtown Business District to the Zoning Ordinance to City Council. Lee Nichols seconded the motion. **Motion Passed 4-1,** with Jerry Packer voting against.

- b. Consider and/or act on recommendation and final report to City Council regarding the zoning change to Downtown Business District to approximately 200 acres of land along the north and south side of Highway 205.

Chairman Troy Reich Tabled this item since there is no definite map.

- c. Consider and/or act on recommendation to City Council to adopt an amendment to the Subdivision Regulations.

Jay Webb made a motion to recommend to City Council approval to adopt an amendment to the Subdivision Regulations. Mike Miller seconded the motion. **Motion passed 5-0.**

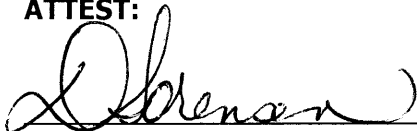
4. PLANNING & ZONING COMMISSION COMMENTS

None

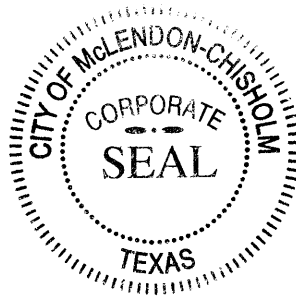
5. ADJOURN


Jerry Packer made a motion to adjourn the meeting. Jay Webb seconded the motion. **Motion passed 5-0.** The meeting was adjourned at 8:19 p.m.

ATTEST:



Deborah Sorensen, City Secretary





Troy Reich, Chairman