



**Planning & Zoning/Economic Development  
City of McLendon-Chisholm, Texas  
Special Work Session Meeting Minutes  
Thursday, November 19, 2020**

The Planning & Zoning Commission and Economic Development Committee of the City of McLendon-Chisholm convened in a Joint Special Work Session on Thursday, November 19, 2020 at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

**Members Present Planning & Zoning Commission:**

Lesley Schwalje	Chairperson
Daniel Tucker	Commissioner
Daniela Swindoll	Commissioner
Brian Lane	Commissioner (Alternate)

<b>Absent:</b>	Shari London	Commissioner
	Jody Wright	Commissioner
	Brad Martin	Commissioner (Alternate)

**Members Present Economic Development Committee:**

Jim Herren	Chairman
Tommy Baugh	Committee Member
Mark Kipphut	Committee Member
Paul Day	Committee Member
Melody Osorio	Committee Member
Norine Childers	Committee Member
Christian Giadolor	Committee Member (Alternate)

<b>Staff Present:</b>	Lisa Palomba	City Administrator
	Shelly Green	City Secretary
	Mike Coker	City Planner

**1. CALL TO ORDER**

P&Z Chairperson Schwalje called the meeting to order at 6:30 p.m.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS  
FLAGS**

P&Z Chairperson Schwalje gave the invocation and led the pledges.

### **3. CITIZEN COMMENTS**

None

### **4. ITEMS FOR CONSIDERATION**

**City Planner Mike Coker presented the following information:**

#### **4.1. Introduction to Zoning**

Texas Local Government Code Chapter 211. Municipal Zoning Authority  
Sec. 211.003. Zoning Regulations Generally.

- (a) The governing body of a municipality may regulate:
  - (1) the height, number of stories, and size of buildings and other structures;
  - (2) the percentage of a lot that may be occupied;
  - (3) the size of yards, courts, and other open spaces;
  - (4) population density;
  - (5) the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes.
- (b) In the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures.
- (c) The governing body of a home-rule municipality may also regulate the bulk of buildings.

#### **Section 211.004. Compliance with Comprehensive Plan**

Zoning Regulations must be adopted in accordance with a comprehensive plan.

#### **Section 211.005. Districts**

- (a) The governing body of a municipality may divide the municipality into districts of a number, shape, and size the governing body considers best for carrying out this subchapter. Within each district, the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.
- (b) Zoning regulations must be uniform for each class or kind of building in a district, but the regulations may vary from district to district. The regulations shall be adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality.

#### **Section 211.006. Protests**

- (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing

body. The protest must be written and signed by the owners of at least 20 percent of either.

- (1) the area of the lots or land covered by the proposed change; or
  - (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.
- (f) The governing body by ordinance may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the municipality's zoning commission that a proposed change to a regulation or boundary be denied.

#### Section 211.008 Board of Adjustment

- (a) The governing body of a municipality may provide for the appointment of a board of adjustment. In the regulations adopted under this subchapter, the governing body may authorize the board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.
- (b) A board of adjustment must consist of at least five members to be appointed for terms of two years. The governing body must provide the procedure for appointment. The governing body may authorize each member of the governing body, including the mayor, to appoint one member to the board. The appointing authority may remove a board member for cause, as found by the appointing authority, on a written charge after a public hearing. A vacancy on the board shall be filled for the unexpired term.
- (c) The governing body, by charter or ordinance, may provide for the appointment of alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.
- (d) Each case before the board of adjustment must be heard by at least 75 percent of the members.
- (e) The board by majority vote shall adopt rules in accordance with any ordinance adopted under this subchapter and with the approval of the governing body. Meetings of the board are held at the call of the presiding officer and at other times as determined by the board. The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.
- (f) The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records.
- (g) The governing body of a Type A general-law municipality by ordinance may grant the members of the governing body the authority to act as a board of adjustment under this chapter.

## 4.2. Introduction to Comprehensive Plan

### Texas Local Government Code Chapter 213. Municipal Comprehensive Plans

#### Section 213.001 Purpose:

For promoting sound development and promoting public health, safety, and welfare.

#### Section 212.002 Comprehensive Plan: May include:

Provisions including but not limited to: Land Use, Transportation, and Public Facilities and may be used to coordinate and guide the establishment of development regulations.

#### Section 213.00 Adoption or amendment of Comprehensive Plan:

The Comprehensive Plan (or amendments) may be adopted by ordinance following a review and recommendation by the Planning and Zoning Commission and a public hearing.

### Texas Local Government Code Chapter 54. Enforcement of Municipal Ordinances

#### Section 54.001 General Enforcement Authority of Municipalities, Penalty:

The governing body of the municipality may enforce each rule, ordinance or police regulations of the municipality and may punish a violation of each rule, ordinance or police regulation.

Generally, a municipal fine may not exceed \$500.00, however a violation of rules and regulations that affect fire safety, zoning, or public health and sanitation may bring a fine of not more than \$2,000.00.

## 4.3. Review of relative current comprehensive plan elements

- Should be easy to use  
The Plan needs to be easy to read and easy to understand for citizens, developers and others who are interested in the current and future vision of and for the City
- Should be easy to update  
The McLendon-Chisholm Comprehensive Plan has been amended several times since its adoption and it is relatively easy to make amendments.
- Should provide guidance to the community and to those who desire to become members of the community

When developers consider working in a community, many times their first investigation is to review the community's Comprehensive Plan.

#### 4.4. Discussion regarding best process and timeline for amending Comprehensive Plan

The first question Mr. Coker ask was how they think they should include the public?

ED Chairman Herren asked when the census numbers would be in. Mr. Coker was not able to answer but would find out.

ED Chairman Herren asked what changes have been made by the Texas Legislature since our comprehensive plan was adopted. Mr. Coker responded that if you look in the comprehensive plan, in the community plan piece, there's a lot of information about materials. The State Legislature, at the last legislative session, decided that any building exterior material that was allowed in the International Building Code was an allowable building material. You'll see we have some constraints in there. One other thing that occurred was they made it harder for annexations to occur whether you are a general law city like we are or a home rule city like Fate.

City Planner Coker ask how they can best serve the citizens of the City of McLendon-Chisholm in the re-creation of the comprehensive plan or does the comprehensive plan need to be updated? He expressed he does think it needs to be updated. Public participation, to me, is a critical element to having a successful tool for the community and for the people who want to live or build here.

P&Z Chairman Schwalje stated she feels the Future Land Use Map should be a priority. Any time they have zoning come in front of them, they have to first amend the future land use map, or it has to match what's in the future land use map. So first they have to do an amendment to the future land use map and then amend zoning. We've talked about spot zoning and you know the future land use map and the zoning map don't match and they're not going to match. But she thinks the future land use map would be our top priority because everything we do; we try to make sure it matches up with the future land use map. She also expressed that she likes the idea of smaller meetings and more of them to maybe bite off smaller pieces of it.

It was the consensus of the group that they should have a series of meetings and small groups to lead revisions and share with the larger groups and have lots of community inclusion.

The question was voiced if surveys are beneficial. Mr. Coker replied they are absolutely beneficial. He feels that the more community input they have, the better.

ED Committee Member Osorio ask about using a survey. Mr. Coker asked if she thought they use someone trained for that or it is something they can work up themselves. City Administrator Palomba injected she feels it would be a more informative and accurate survey if they have a firm do it.

It was the consensus that City Administrator Palomba obtain quotes for a firm to prepare a survey.

4.5. Discussion regarding City Center Concept

- Location
- Process

City Planner Coker introduced the idea of a City Center Concept. After discussion among the members, Mr. Coker tasked them with coming up with ideas for a location and the process for developing the process.

**6. ADJOURN**

**MOTION: ADJOURN THE MEETING**


MADE BY: ED Committee Member Baugh  
SECONDED: P&Z Commissioner Tucker  
APPROVED: Unanimously by All Members Present

The meeting adjourned at 8:45 p.m.

ATTEST:

  
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Rochelle Green, City Secretary

APPROVED:

  
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Lesley Schwalje, P&Z Chairperson

  
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Jim Herren, ED Chairperson