



**Planning & Zoning Commission  
City of McLendon-Chisholm, Texas  
Regular Meeting Minutes  
Tuesday, August 15, 2023**

The Planning & Zoning Commission of the City of McLendon-Chisholm convened in Regular Session on Tuesday, August 15, 2023, at McLendon-Chisholm City Hall, 1371 W FM 550, McLendon-Chisholm, Texas, with the following members present:

|                  |                |                |
|------------------|----------------|----------------|
| Members Present: | Mark Kipphut   | Chairman       |
|                  | Robert Rohde   | Co-Chairman    |
|                  | Terry Eoff     | Commissioner   |
|                  | Chris Freeze   | Commissioner   |
|                  | Gyle Dale      | Commissioner   |
|                  | Michael Easter | Alternate      |
|                  | Thomas Hritz   | Alternate      |
|                  | Jose Velosquez | Alternate      |
| Staff Present:   | Shelly Green   | City Secretary |
|                  | Mike Coker     | City Planner   |

**1. CALL TO ORDER**

Chairman Kipphut called the meeting to order at 6:30 p.m.

**2. INVOCATION AND PLEDGES TO U.S. AND TEXAS FLAGS**

Chairman Kipphut voiced the invocation and Commissioner Freeze led the pledges.

**3. CITIZEN COMMENTS**

Mike Hatcher, 175 E FM 550, McLendon-Chisholm. The only question I had, this looks like a great neighborhood, one acre lots, all that. The side yard setbacks, 10 foot is pretty, I mean, that means houses could be up to 20 only 20 feet apart, that's pretty close for one acre. I am just curious why the developer would ask for a 10-foot side setback.

#### **4. APPROVAL OF MINUTES**

- 4.1. Consider approval of the Minutes of the July 18, 2023, Planning & Zoning Meeting

**MOTION: APPROVE THE MINUTES OF THE JULY 28, 2023, PLANNING & ZONING MEETING**

**MADE BY: Commissioner Dale**  
**SECONDED BY: Commissioner Freeze**  
**APPROVAL: Unanimous**

#### **5. STATEMENT REGARDING DEVELOPMENT PROCESS**

- Take this opportunity to explain provisions that exist which prevent unsustainable development
- MC is a General Law City. Most of the actions Planning and Zoning takes are governed by Chapter 211-213 of the Texas Local Code and our city ordinances. All our actions and decisions concerning zoning and plating must be rooted in these two sources.
- For any development, there is no acceptable solution that does not involve negotiations and tradeoffs to achieve best outcomes. For P&Z members it is critical our review and decisions be based on the Texas Code, our Comprehensive Plan and City Ordinances. Inside the city limits, the city has control. In the ETJ outcomes are based on the Texas Code, Interlocal Agreements and our Code of Ordinance.
- For new development, everything starts with the Comprehensive Plan which provides the vision for how our citizens have expressed their desires for how our city will develop. The Comprehensive Plan conveys who we are and what we want. It provides the guidelines for development and redevelopment.
- The purpose of the Comprehensive Plan as defined by Texas Code is to:
  - Provide sound development
  - Promote and protect public health, safety, and welfare.
  - Preserve the characteristics that are valuable to our community while creating a vision for development.
  - To help guide the community toward its future envisioned state.
- The specific objectives of the Comprehensive Plan are to:
  - Identify desired public and essential services.
  - Encourage development using public and private investment strategies.
  - Manage growth.
  - Guide future land use.
  - Minimize potential conflicts between existing and future land use.
  - Ensure data drive decisions and rational that benefit the overall community.
- Within the Comprehensive Plan, the Future Land Use Plan depicts how the city should develop:
  - Commercial and residential

- Mobility and roads
  - Topography, landscaping/vegetation, and floodplain
  - Desired density
  - Each area if depicted, including Zoning or the use of Master Planned Communities or Planned Development
- A comprehensive plan does not constitute zoning regulations or establish zoning district boundaries.
  - Zoning regulations, as defined under Texas Code, must be adopted in accordance with a comprehensive plan and must be designed to:
    - lessen congestion in the streets;
    - secure safety from fire, panic, and other dangers;
    - promote health and the general welfare;
    - provide adequate light and air;
    - prevent the overcrowding of land;
    - avoid undue concentration of population; or
    - facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.
  - 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 uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality.
  - Zoning guides the boundaries for development by zones. This includes purpose, infrastructure, and other physical features.
  - Zoning is the specific definition for land use by category or activity.
  - No building is permitted without an approved plat and no plat can be approved without appropriate zoning. Development is a process starting with the Comp Plan to Zoning to Platting. The sole exception is for a homestead of 5+ acres.
  - Plats are legally binding documents filed with the County Clerk – Chapter 10 of our Subdivision Regulations govern the process. Compliance with this ordinance is how we make recommendations to City Council for approval, approval with conditions or denial.
  - Plats are approved in two steps, the Preliminary Plat that includes a description of the purpose, existing features, and new features. For a subdivision this includes roads, water, wastewater, storm runoff, easements, and a number of other physical features, including the number of swelling units. In most cases the Preliminary Plat is the most important to review.
  - The Preliminary Plat once approved is good for six months and then expires unless the applicant requests an extension for another six months.
  - The Final Plat governs construction and includes all the final design features. It is valid for one year, can be extended for one year.
  - The final plat does not become a final record until the construction is complete, has passed all inspections and is accepted by the city.

- For new development, this includes Fire Suppression and fighting infrastructure which must be operational prior to construction of residential or commercial structures.
- The topic that is front of mind for our community is currently water, more important adequate water to service the homes being constructed. As part of the Platting Process the developer provides certification and modeling analysis to the city from the applicable water supplier which demonstrates the supplier's ability to provide adequate water.
- Occupancy by new residents is not allowed until the water lines are in place and potable water compliant with TCEQ standards can be provided.
- Because our city currently depends on three private corporations to deliver water, we are dependent on the water provider to fully inform the city staff, our citizens, and developers of their capabilities to service any new development or construction. We can also make certain current residents and businesses will not be harmed by the increase in service demand, should a conflict arise, we will need the support of city staff to detail and impacts. The Planning & Zoning Commission, along with City staff, should be skeptical and thoroughly examine new requests. However, our doubts alone do not constitute legal basis to deny an application if the developer is confident, they have a pathway. We need to require the developer provide the facts and data to support their plans.
- Development takes years to complete, so at step the plans, and eventually the status, of infrastructure need to be understood, in the initial zoning applications, the presence or absence of infrastructure is not a consideration. As zoning process to development plans, platting and ultimately construction, the requirements for proven infrastructure and service become key elements.
- In summary, existing Texas Code and our city ordinances provide sufficient oversight and controls to ensure all future developments inside the city limits are thoroughly vetted to ensure compliance with our Comprehensive Plan, proper land usage, necessary infrastructure (including utilities) and conform to building standards.

City Planner Coker added comments and fielded comments/questions from the Commissioners.

## **6. PUBLIC HEARINGS**

- 6.1. Consider approval of an application requesting a zoning district change from the AG Agriculture Zoning District that provides for a lot size of two and one-half acres to a planned development district [Ridge Pointe Estates] for the development of 83 single-family residential lots with a minimum lot size of one-acre of land. The property location is 99.544 acres of land located generally across FM 550 from McLendon-Chisholm City Hall, 1371 West FM 550, McLendon-Chisholm, Texas. Rockwall CAD Property ID #10767.

**This item was listed on the agenda in error – No Discussion and No Action**

## **7. ITEMS FOR CONSIDERTION AND ACTION**

- 7.1. Consider approval of an application requesting a zoning district change from the AG Agriculture Zoning District that provides for a lot size of two and one-half acres to a planned development district [Ridge Point Estates] for the development of 83 single-family residential lots with a minimum lot size of one-acre of land. The property location is 99.544 acres of land located generally across FM 550 from McLendon-Chisholm City Hall, 1371 West FM 550, McLendon-Chisholm, Texas. Rockwall CAD Property ID #10767.

City Planner Coker presented his report on this item:

**APPLICANT:** Ricardo Dol, PE  
Petitt-ECD  
1600 N. Collins Boulevard  
Suite 3300  
Richardson, Texas 75080

**PROPERTY OWNER:** Terrel 178 Partners, LLC  
PO Box 818  
Terrell, Texas 75160

**REPRESENTATIVE:** Ricardo Dol

**LOCATION:** 99.544 acres of land located generally across FM 550 from McLendon-Chisholm City Hall 1371 West FM 550 [McLendon-Chisholm City Hall] McLendon-Chisholm, Texas. Rockwall CAD Property ID #10767.

**PLANNING AND ZONING COMMISSION MEETING DATE:** August 15, 2023

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### **REQUEST:**

The applicant is requesting approval of a zoning district change from the AG Agriculture Zoning District that provides for lot sizes of two and one-half acres to a planned development district [Ridge Pointe Estates] for the development of 83 single-family lots each with a minimum lot size of one-acre of land.

**STAFF RECOMMENDATION:** Approval. This application conforms to the Comprehensive Plan.

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## Concept Plan for Ridge Pointe Estates Planned Development District



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## Proposed development standards

### EXHIBIT B

#### RIDGE POINTE ESTATES SUBDIVISION

#### PLANNED DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS

For Approximately 99.54 Acres

City of McLendon-Chisholm, Rockwall County, Texas

#### 1. Purpose and Intent

This Planned Development District provide for the development standards for a planned subdivision containing 83 single-family residential lots with a minimum lot size of one acre of land and two community owned common area lots. This development is approximately 99.54 acres of land generally located near intersection of McLendon Rd (FM 550) and Chapel Hill Ln.

#### 2. Special Provisions

This Exhibit includes the PD Development Standards and the Concept Plan both of which are included and made a part of the ordinance adoption the Planned Development District.

**a. Minor Amendments to the PD, including minor amendments to an approved Concept Plan or Development Plan, shall satisfy the following standards:**

- i. **Does not increase density;**
- ii. **Does not change the maximum structure height, reduce setbacks or parking requirements, or reduce the size of any residential lots.**

Requests to amend the PD or the Concept or Development Plans that fail to satisfy the standards of i. ii. Above shall be considered as a change in zoning and shall be required to satisfy the requirements of an original request for a change in zoning.

**b. Minor amendments amendment to the PDD including approved Concept or Development plans may be approved by the Mayor and the City Administrator No action is required by the Planning and Zoning Commission or the City Council.**

**c. Requests for minor amendments shall be made in writing and shall justify the reason or reasons for the requested amendment.**

#### 3. Development Plan

Prior Development of any portion of this planned development district, the City Council shall consider a development plan upon recommendation from the Planning and Zoning Commission. Any development plan shall conform to the Concept Plan that has been approved and made a part of this ordinance.

This development may be constructed in phases. However, if constructed in phases, each phase shall have a development plan reviewed and recommended by the Planning and Zoning Commission and reviewed and approved by the City Council prior to any construction in that phase.

#### **4. Development Standards**

Lot layout shall conform to the Concept Plan that has been adopted and is part of this ordinance.

- a. This is a single-family zoned district.
- b. Permitted uses. In this zoning district, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with section 3-1. Use of land and buildings of the City of McLendon-Chisholm Zoning Ordinance as shown for the SF 1.5 Residential District.
- c. Area requirements. Minimum residential lot size one acre.
- d. Setbacks.
  - Front yard – 50 feet
  - Side yard – 10 feet
  - Back yard – 20 feet

Front yard setbacks shall be consistent for the entire block face. Side yard setbacks shall be consistent for the entire block face.

- e. **Lot width. Minimum lot width is 135 feet.**

For lots fronting on a cul-de-sac or eyebrow, the minimum lot width shall be measured at the front setback line. Corner lots may have the 15-foot side yard adjacent to the side street.

- f. **Lot depth: 215 feet**
- g. **Minimum Dwelling size: 2,300 square feet**
- h. **Lot coverage: 20 percent**
- i. **Maximum Height: 36 feet**
- j. **Off-street parking: Shall conform to section 6-7, Off-street parking and loading requirements of the McLendon-Chisholm Zoning Ordinance.**
- k. **Accessory structures: Shall conform to the requirements of section 6-3 of the McLendon-Chisholm Zoning Ordinance.**

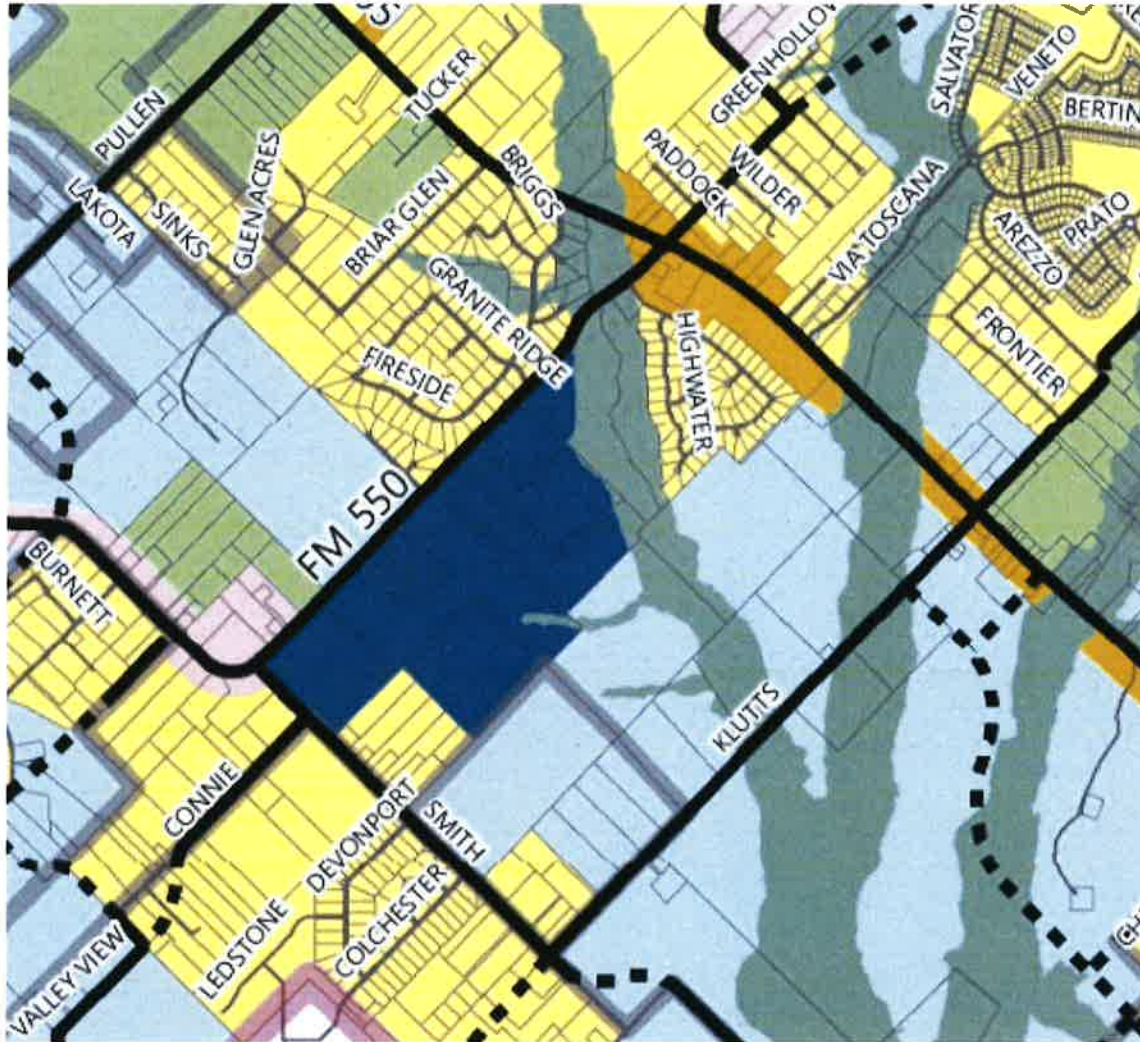
#### **Concept Plan**

**Current Zoning:** The request is to change the zoning district designation from AG Agriculture [Shown as green in the map below] to a planned development district for the development of 83 single-family residential lots and two HOA [homeowner association] lots.

This property backs up to the Heritage Subdivision that has access from Pullen Road. The Concept Plan for this new planned development district has a potential roadway connection to the Heritage Subdivision at Settlement Lane. Heritage Subdivision is currently having homes constructed.

pg. 9

## Future Land Use Plan Map



**The Future Land Use Plan shows the area fronting on FM 550 to be “Master Planned Community”.**  
The Comprehensive Plan describes a Master Planned Community as follows:

This Future Land Use Designation is for areas anticipated to develop as planned developments or master planned communities of varying sizes, types, and uses.

### **Anticipated Land Uses:**

- Conservation development with primarily single-family residential uses with one or more neighborhood centers for gathering space, parks, and/or low-intensity commercial uses;
- Some limited areas of mixed-use development (combinations of residential, office, restaurant/retail, entertainment, and/or arts/culture) with a rural/country feel; and/or
- Farming or agrihood-type uses.

**Desired Development Characteristics:**

- Minimum lot size of one acre for residential uses, exclusive of floodplains and rights-of-way. Drainage areas and waterways should be within HOA-maintained common areas and not included on individual lots where applicable.
- Minimum 150-foot lot width for residential uses;
- Preserved open space integrated into the neighborhood, including use of floodplains and existing greenbelts to create attractive common areas that showcase a rural feel;
- Where commercial uses are included, at least 90 percent of gross land area per development should be residential and/or green space/floodplain/park;
- Peaceful and quiet design that portrays a retreat from urban life through various elements, such as water features, calm colors, sophisticated architecture, and luxurious “off spots” for informal sitting and dining;
- Development that Diversifies the Tax Base and provides areas for people to enjoy Grassroots Community Events or entertainment where the noise or activity can be appropriately distanced from residential uses;
- Shaded, lighted, and landscaped trail system to connect destinations and neighborhoods.
- One story typical with two stories maximum.

This property is located across FM 550 from City Hall and the City Fire Station.

**NOTE:** The minimum lot size for a residential lot with on-site sanitary sewer facilities is one-acre of land within the City of McLendon-Chisholm.

**Thoroughfares/streets:**

FM 550 is shown on the McLendon-Chisholm Thoroughfare Plan to be an existing principal arterial adjacent to the applicant's property. A principal arterial is proposed to be a four-lane divided thoroughfare with 100 to 150 feet of right of way. Adjacent to the subject property FM 550 is a two-lane undivided thoroughfare with 60 feet of right of way. At the time of platting, it is the City's policy to acquire one half of the deficit right of way from the applicant. The City has been acquiring additional right of way along FM 550 to widen the right of way from 60 feet to 100 feet. That usually means a dedication of 20 additional feet of right of way adjacent to the applicant's property.

## Property legal description:

### FIELD NOTE DESCRIPTION

Being a 99.544 acre tract of land situated in the LESTER EASTERWOOD SURVEY, ABSTRACT No. 79, Rockwall County, Texas, being all of a called 99.544 tract of land described in deed to Terrell 176 Partners LLC, recorded in Volume 2021, Page 25176, Official Public Records of Rockwall County, Texas (OPRRCT) and being more particularly described as follows:

Beginning at 1/2-inch iron rod found for the south corner of said 99.544 acre tract, also being the east corner of a called 15.95 acre tract of land described in deed to Callie Sue and Zachary Steven Hamilton recorded in Instrument Number 20190000014746 (OPRRCT);

THENCE North 45°12'32" West, with the common line of said 99.544 acre tract, said Hamilton tract, a distance of 1054.27 feet to a 3/4-inch iron pipe found for corner;

THENCE North 44°59'42" West with the common line of said 99.544 acre tract, and said Hamilton tract, passing at 388.31 feet a 1/2-inch iron rod with cap stamped "RSCI RPLS 5034" found for the north corner of said Hamilton tract and the east corner of a called 17.059 acre tract of land described in deed to Liechty Ranch, LLC, recorded in Instrument Number 20210000005014, (OPRRCT), continuing with the common line of said 99.544 acre tract and said Liechty Ranch Tract, a total distance of 776.35 to a 3/8-inch iron rod found for the north corner of said Liechty Ranch Tract, and the east corner of a tract of land described in deed to Fred and Vivian Kay McCurley, recorded in Instrument Number 20040000297696 (OPRRCT);

THENCE North 44°59'25" West, with the common line of said 99.544 acre tract, and said McCurley tract, a distance of 387.11 feet to a 1/2-inch iron rod found for the west corner of said 99.544 acre tract, from which an axle found bears South 45°41'30" West a distance of 15.35 feet, said 1/2-inch corner also being the north corner of McCurley tract and being the south corner of a called 73.896 acre tract of land described in deed to Oak National Development LLC, recorded in Instrument Number 20210000011007 (OPRRCT);

THENCE North 44°24'28" East, with the common line of said 99.544 acre tract and said Oak National tract, a distance of 1281.54 feet to a 1/2-inch iron rod with cap stamped "O'Neal 6570" found for corner;

THENCE North 44°39'27" East, continuing with said common line of a distance of 655.35 feet to a 1/2-inch iron rod with cap stamped "O'Neal 6570" found for the south corner of a called 24.617 acre tract of land described in deed to Prairie Hill LLC recorded in Instrument Number 20210000029472, (OPRRCT);

THENCE North 45°38'24" East, with the common line of said 99.544 acre tract, and said Prairie Hill tract, a distance of 19.62 feet to a 1/2-inch iron found for the north corner of said 99.544 acre tract, and the west corner of Chisholm Crossing Phase II, an addition to the City of McClendon-Chisholm, Rockwall County, Texas according to the Final Plat thereof recorded in Cabinet G, Page 91, Plat Records of Rockwall County, Texas (PRRCT);

South 45°08'19" East, with the common line of said 99.544 acre tract and said Chisholm Crossing, a distance of 2208.41 feet to a 5/8-inch iron rod with cap marked "PETITT-ECD 6134" set in the north right-of-way line of Farm to Market Road 550, from which a 1/2-inch iron rod found bears South 08°34'13" West a distance of 8.16 feet;

THENCE South 45°08'19" West, with the common line of said 99.544 acre tract and the northern right-of-way line of Farm to Market Road 550, a distance of 1958.24 feet to the POINT OF BEGINNING, containing 99.544 acres of land, more or less.

## RIDGE POINTE ESTATES

83 RESIDENTIAL LOTS  
2 NON-RESIDENTIAL LOTS  
BEING A 99.544 ACRE TRACT OF LAND  
IN LESTER EASTERWOOD SURVEY  
ABSTRACT NO. 79  
CITY OF McLENDON-CHISHOLM  
ROCKWALL COUNTY, TEXAS

## PETITT - ECD

CIVIL ENGINEERING SURVEYING CONSTRUCTION ADMINISTRATION  
TBPELS FIRM REGISTRATION

ENGINEERING FIRM #001145 - SURVEYING FIRM #10194792

1600 N. COLLINS BLVD  
SUITE 3300  
RICHARDSON, TX 75080  
214.221.9955  
DATE: MAY 2023

201 WINDCO CIRCLE  
SUITE 100  
WYLLIE, TX 75098  
972.941.8400  
SCALE: NA

F:\100\_PEGCPLP Projects\08829-00\PRELIM\0882900 Prelim Plat.dwg  
May 24, 2023 - 8:39am

Russell Phillips, 521 Moraine Way, Heath. Thanked Commission for the opportunity to talk to them tonight to discuss the project they propose. He stated he wants to put their minds at ease regarding the water situation. He explained they are right across the street from City Hall and right now High Point serves this area. They have already been to them and we've already had a study done. They can supply the water and they have plenty of water to be able to supply the development. We will get this in our preliminary plat so you have hands on it and you know that it can be served. He also pointed out that there will not be a 10-foot side yard. It should be 25 feet on each side and we're happy to make that change.

Commissioner Rohde stated that he had made a comment to city staff a number of times. Historically, since I've been on P&Z, we received preliminary plats as well as final plats where we're ask to approve and send on to the City Council. It has a number of conditions and I really hate to see plats come in with all of these conditions where we have to prove this thing with a condition based on this and this. I'm not saying that your plats will have that, but I encourage you to make it very complete so that we don't come in when we see this and we have to pass it along to City Council that says we approve this plat if this condition, this condition, this condition, with this condition. Mr. Coker and I have had some serious discussions about this. We differ on some of these opinions, but I'm encouraging you to have your plat complete as much as possible so that we don't have to consider all these conditions and all these conditions because then that puts extra burden on our city engineer, on our city staff to follow up to make sure these conditions are met. It also puts responsibility on City Council and so I'm asking you please, when you submit your plat, minimum amount of conditions that we have to approve. We would like to see a plat and not five to seven conditions. If it has too many conditions, if I can find an ordinance or something, I will vote to disapprove it and you'll have to go back and do it again. I'm tired of seeing all these plats with all these conditions.

Commission Freeze stated he agreed with his statements. He makes his decisions based on facts that are presented to us within the law that governs us. The more data you get to us, the more that we can make those kinds of intelligent decisions and we can work together because I think that's the point that we want to be developed and to move forward but at the same time we want to make sure that we safeguard to make sure that if he is being best served and having the data available to make those decisions intelligently, remove that kind of bias that one might have for emotional reasons. So, you work with us to work with you.

**MOTION: APPROVE A ZONING DISTRICT CHANGE FROM AG, WHICH IS AGRICULTURAL ZONING DISTRICT, THAT PROVIDES FOR A LOT SIZE OF TWO AND ONE-HALF ACRES, TO A PLANNED DEVELOPMENT DISTRICT [RIDGE POINT ESTATES] FOR THE DEVELOPMENT OF 83 SINGLE-FAMILY RESIDENTIAL LOTS WITH A MINIMUM LOT SIZE OF ONE-ACRE OF LAND WITH A MODIFIED SIDE LOT DISTANCE OF 25 FEET.**

**MADE BY: Commissioner Rohde**  
**SECONDED BY: Commissioner Freeze**  
**APPROVAL: Unanimous**

7.2. Consideration of future agenda items and guidance for staff.

Commissioner Freeze asked the status of several items from the last meeting:

- Request for the attorney to attend the next meeting. A memo for the tools or options of development laterally and in the ETJ
- City Planner was to provide recommendations for chapter 10 ordinance changes in Texas legislation.
- City Planner to provide information Mthe subdivision regulations and what is the thoroughfare plan for that.
  - Mr. Coker answered that on the subdivision regulations, he has drafted a series of amendments to the subdivision regulations. He explained that part of his responsibility is to cue those with our comprehensive plan. One of the recommendations of the comprehensive plan is for our subdivision regulations to be coincident with the comprehensive plan. There is one recommendation that takes the visuals for the thoroughfare plan out of the last comprehensive plan and inserts them into the modified new comprehensive plan. I'm doing that now so you'll probably see that set of recommendations at your next Planning & Zoning Commission meeting.
  - Chairman Kipphut stated he will contact Mr. Halla and express what we're looking for.
  - Request City Engineer to attend the next meeting.

**8. ADJOURN**

**MOTION: ADJOURN THE MEETING**

**MADE BY: Commissioner Freeze**

**SECONDED BY: Commissioner Rohde**

**APPROVAL: Unanimous**

The meeting was adjourned at 7:40 p.m.

ATTEST:

  
\_\_\_\_\_  
Rochelle Green, City Secretary

APPROVED:  
  
\_\_\_\_\_  
Mark Kipphut, Chairman

