



**Planning & Zoning Commission
City of McLendon-Chisholm, Texas
Regular Meeting Minutes
Wednesday, October 25, 2023**

The Planning & Zoning Commission of the City of McLendon-Chisholm convened in Regular Session on Wednesday, October 25, 2023, at McLendon-Chisholm City Hall, 1371 W FM 550, McLendon-Chisholm, Texas, with the following members present:

Members Present:	Mark Kipphut	Chairman
	Terry Eoff	Commissioner
	Chris Freeze	Commissioner
	Gyle Dale	Commissioner
	Michael Easter	Alternate
	Robert Rohde	Co-Chairman
Absent:	Jose Velosquez	Alternate
	Thomas Hritz	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. RULES OF DECORUM

4. CITIZEN COMMENTS

Gina Manis, 107 Chanel Pl., McLendon-Chisholm. I'm a little frustrated that I have to come back and say this again tonight pertaining to Oak Point. I see that it's still 335 homes on 148 some odd acres and that's .44 acre lot per house. That's unacceptable. This is the third time. I don't know what part of one acre they're not getting but that is a part of McLendon-Chisholm's Comprehensive Plan. My husband and I, I will reveal my age in our 60s, we bought our house right over here and it's probably our most valuable asset that we have and we moved out here, he is a Dallas city police officer, to get away from all of the riff raff, away from all of the noise, even Rockwall was too noisy and messy for us, and I'm a noisy person, I like activity. But when it comes to my home, I want privacy, I want land, I want spread out. I don't want to hear people. I sure as heck don't want to hear sports events going on here. I sure as heck don't want to see

increased sports traffic, people who don't even live here. So, Mr. Oak Point, please hear me, revise your plan or don't come back again and I'm going to say this also, you're a nice man, nothing personal, your plan is just too small for these houses. And, we don't want those parks and all that. Can we have some kind of resolution that once a developer is told a specific reason why this is not passable, that the P&Z will not hear you again if you're coming back with something we've already rejected and it's bottom-line non-negotiable. This is non-negotiable, so please maintain that. I'd also like to see a resolution that any development that's brought to you that is under one acre is automatically said nope, it doesn't fit our criteria and our comprehensive plan. This is what our citizens want. So, as a citizen, that's what I want, please maintain our peace and our privacy. Thank you.

Anthony Crawford, 104 Lavender Pl., MC. Thank you for the opportunity to address you tonight. I am here to make one simple request. That you as a governing body follow the desires of the people of this community and maintain growth outlined by the Comprehensive Plan approved by the city council. The main desire of the citizens of McLendon-Chisholm was to maintain a country estate feel to our city.

This document specifically talks about the Heritage Center and states Maximum Density of one dwelling per acre for residential use.

When this residential and park proposal was presented to the City Council, everyone of the council members all corrected Mr. Webb on the land usage and stated that it needed to be one home per one acre. There were also reservations about having the responsibility of ballfields. I have yet to talk to any resident with or without children that are wanting to have ballfields. The agreement to take care of the ballfields is with La Crosse club in Dallas. They would use the ballfield for tournaments on the weekends. This by itself would create huge amounts of traffic that 550 just can't handle. The residents who live on Chapel Hill are concerned that traffic will constantly be driving on their dead-end street due to missing their turn into the fields.

The number of homes is a problem when you factor in the average number of automobiles entering and exiting per home. That number is five on average per day. That would mean over 1,675 cars in and out per day. Again, 550 can't handle that.

Mr. Webb has developed some very nice neighborhoods in the area. One just north of us is minimum one acre lots. Another is just west of this location with 1.5 acre lots and don't forget Chisholm Crossing Phase 4 east of us with lots just shy of two acres. He even built most of Chisholm Crossing Phases 1, 2, and 3 on lots almost two acres. So it's hard to understand why this neighborhood proposal is all high density. The people want the city to follow the comprehensive plan. In fact, the plan has been reduced from 1.5 acre lots to 1 acre lots. County records show Mr. Webb purchased the land in January of 2020 when minimum lots sizes were 1.5 acre. Where I want Mr. Webb to be successful, which in turn makes McLendon-Chisholm successful, I would want him to reconsider his plan if he can't make it financially work for him.

The developer across the street worked with our neighborhood to build homes in line with what is already here. They are one acre lots. From my understanding, the developer actually bought that land from another developer who couldn't make the one

acre lots work. Mr. Webb stated that he lives in the community and wants what's best for our community. That might be the sale of this land to another developer who can make one acre lots work.

So again, I request Mr. Webb work with the city and the citizens who live here to make this a great community by decreasing the density of this project.

The City of McLendon-Chisholm is in the process of hiring an architectural firm to design the Heritage Center around city hall. I request that the land for the ballfields and the residential development be changed to fit the comprehensive plan which in turn will fit better with that design. Thank you.

Brent Cornish, 250 League Rd., Rockwall. I live in a neighborhood that's quiet, not bright lights. A lot of us raise livestock there, it's a peaceful place to live. Actually, Ryan, over there, actually helped put one of my calves away when I was not at home one time, thank you Ryan, I appreciate that. And in saying so, we also have a corner for commercial property down 205. So, in saying all of this, I respectfully ask you to not allow commercial property to infringe into our neighborhood because I feel that it'll possibly devalue the property values plus I'll have a lit up yard all the time. So, again, please consider not allowing the commercial to impede on to the residential areas. Thank you.

Sandy Webb, 912 Hamilton Ct., Rockwall. Greenbriar Homes is looking to the P&Z and eventually the City Council for a planned development district on League Road. The land they have purchased is already zoned part general business and part residential. The storage facility would be placed on the part zoned commercial and the other 15 acres would be three residential five acre lots. New businesses are coming to McLendon-Chisholm. I would like to see the new businesses enhance our town as they also add to our tax revenue. Greenbriar has also done a good job to make this site aesthetically fit into our landscape of our city. This business will add storage for our citizens who live in subdivisions that prohibit RVs and boats being parked where they are visible from the street. Thank you for your time and consideration for this new business for our community.

Linda Fite, 1150 Frontier Trail, McLendon-Chisholm. We've lived here for 20 years and we love the neighborhood. We love McLendon-Chisholm. We want it to stay a neighborhood. We have no problem with the lots being residential, it's a residential area, it fits in perfectly. But as my other neighbors have mentioned, it's just not a fit for a storage facility. It's not something that should be in a neighborhood that was built for residential. We're all on at least 3 acres in there and I just don't think it fits what McLendon-Chisholm has said it's going to be about. If there was boutiques and stuff on the 205, that's what it's made for just like this beautiful city hall that was built. It's built in an area that wasn't already a neighborhood. So, I would just like to say I would really appreciate if you would leave my 20 years of a wonderful place to live like it is today. Thank you.

James Adcox, 212 Adcox Lane., MC. My brother is at 280 Adcox Lane and my parents own the corner at 205 and League Road. We're opposed to the zoning being changed on residential property to commercial use. The city has the comprehensive plan and a

mini storage facility we do not feel embodies that comprehensive plan. We want to maintain large lots for residential. The city has standards in which residential homes are kept to. During the time when we were building our home, we went through several revisions in order to maintain what the city had outlined for appropriate size homes, you know external conditions having brick finishes, etc. So we feel that same logic should be applied across the board whether it's these other developments being undersized with lots or the redevelopment of a large tract of land into smaller residential parcels. That makes sense whereas taking residential property and converting it to commercial doesn't fit the comprehensive plan. That intersection at League Road and 205 is an uncontrolled intersection and already has limited access and is already a tight turn for standard size vehicles. Now add in 40 ft. RVs, people towing trailers, boats that are less experienced with doing so and then trying to do so on a small road seems like a recipe for a lot of congestion and undue damage to, you know, the medians and whatnot. As far as the other part of their development with wanting to have five acre homes, that's perfect. It's residential, it fits within the neighborhood scheme. We're on board with that absolutely. Being that we also have that corner, having a mini storage facility behind our corner makes it really undesirable to develop that and build, you know, whether it's a restaurant or, you know, office space or the different things as we're pursuing the ideas of at we want to do before, you know, bringing it to council as well. Appreciate your time, thank you.

Adriana Attar, 904 Hamilton Ct., McLendon-Chisholm. I am in support of the building of the storage facility. I think that what some people don't consider also is that this is also a need for the residents of McLendon-Chisholm. It would keep it convenient and not only that, but Ryan has some wonderful plans. It's very attractive and the way that he has designed it is beautiful and it would not make the area look any less attractive but actually better. So not only is it convenient but it also will bring in taxes and our city needs to grow and to have the type of businesses that its residents also need and we shouldn't have to drive so far away for storage. Not just that, but also the additional residences that are going to be built there as well. Again, I ask you to consider to approve that because I think it's an excellent plan. So, I'm definitely in support. Thank you very much.

Judy Moss, 525 League Rd., McLendon-Chisholm. Gentlemen, you know why I'm here. I've spoken several times at meetings and I'm just going to repeat some of the things I've said because I feel so strongly about it. I'm going to quote a couple of the people who have been up here. Our homes are our best asset, they're the best we have. It's where we have lived for years and years when no one else was here, just our little community and we want what's best for our neighborhood, not someone else. Our neighborhood is not a development, it doesn't have an HOA. But we know each other, and we consider ourselves to be a neighborhood just like the HOAs and the developments. We gather together, we have cookouts. Our people have accepted almost all progress, but not all. But we don't complain too much about it. This is one step too far. This storage facility will not make our area look better, on the contrary, it will make it look worse. This storage facility or any other business at our entrance to our neighborhood is not the right thing to do. People in our neighborhood didn't ask for a storage facility. We have land. We have people come and ask if they can put things on our storage facility, from boats to trailers to horses, and yes, I let them put it on my land because I know it's hard to live over where you don't have a place, where it's forbidden.

Mine is not forbidden. So, our neighborhood is not the place for this storage facility. We didn't ask for it, I don't even remember seeing a survey. But our people are not the ones who ask for it in the neighborhood. Are we just not considered nice enough? Are we not the ones who keep our lawns manicured and everything? All our little flowers and everything perfect. No one wants to live next to a storage facility. Would you? Would you want a storage facility at the entrance to your area, to your development? No, I don't think so. The lights at night that would have to be on are too much, too much for Brent, he lives across the road, he would be in daylight 24 hours a day. What might it become? As my friend Mary Strauss, my neighbor, says, it could be anything. They could have cars stored in there. I know they want it to be perfect and look beautiful, but they don't all look that way. I have never seen a storage that looks beautiful with all the stuff that's outside of it. It could have stolen items in it, it could have paint, perishable items that bring all kinds of animals, weapons, even people could decide they're going to live in there for a while. I don't know. This is outside the box, but it's a possibility at some point. Think, if the first five acres goes into commercial, what's going to happen next door. No one wants to live there, I don't care how many trees you put up, I don't care how many plants you put up, I don't care how tall a wall you put up. Nobody wants to live next door to a storage facility, not out here. People came here to enjoy the wide-open spaces. We don't have much of that anymore, it is quickly being gobbled up. So, I think in my mind, first five acres goes to a storage facility, nobody wants to build next to it. The next five acres they're going to come and ask you, well, can we get into some kinds of commercial. Keep it on Highway 205 where it belongs, lots of land.

Chairman Kipphut expressed appreciation to all the speakers and stated they will certainly take everything into consideration. Just as a gentle reminder to the folks that are here, our process within McLendon-Chisholm is we will act on three items today. Each of those items results in a recommendation that goes forward to Council and City Council will act on them. The 14th of November will be the meeting in which the city council will consider those items. I'll just remind the audience, government is a process and we appreciate everybody being involved.

Citizen comments were closed.

APPROVAL OF MINUTES

- 5.1. Consider approval of the Minutes of the September 19, 2023, Planning & Zoning Meeting

MOTION: APPROVE THE MINUTES OF THE SEPTEMBER 19, PLANNING & ZONING MEETING

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

6. ITEMS FOR CONSIDERATION

- 6.1. Discussion and action regarding a request by Oak National Development LLC to change the existing planned development district on approximately 149.25 acres of land from the current zoning district classification of Planned Development District [Triple Creek] to a new Planned Development District [Legacy Park] containing 335 single-family residential lots and a city park. The Rockwall Central Appraisal District property identification numbers are: 11447 and 11438.

City Planner Coker presented his report on this item:

Applicant: Oak National Development, LLC
5763 SH 205
Rockwall, Texas 75032

Representative: Jay Webb

Property owner: Oak National Development, LLC
5763 SH 205
Rockwall, Texas 75032

Location: 148.25 acres of land located generally around three sides of 1371 West FM 550 [McLendon-Chisholm City Hall] McLendon-Chisholm, Texas. Rockwall CAD Property ID #11447 and 11438.

REQUEST: The applicant is requesting approval of a zoning district change from Triple Creek Planned Development District that provides for lot sizes of one-acre to one and one-half acre to a new planned development district [Legacy Park] for the development of 335 single-family lots and a 44-acre public park.

See the Staff report dated July 12, 2023 for complete background and request information. **(Included below)**

DATE: July 12, 2023
APPLICANT: Oak National Development, LLC
5763 SH 205
Rockwall, Texas 75032

PROPERTY OWNER: Oak National Development, LLC
5763 SH 205
Rockwall, Texas 75032

REPRESENTATIVE: Jay Webb

LOCATION: 148.25 acres of land located generally around three sides of 1371 West FM 550 [McLendon-Chisholm City Hall] McLendon-Chisholm, Texas. Rockwall CAD Property ID #11447 and 11438.

PLANNING AND ZONING COMMISSION MEETING DATE: July 18, 2023

REQUEST:

The applicant is requesting approval of a zoning district change from Triple Creek Planned Development District that provides for lot sizes of one-acre to one and one-half acre to a new planned development district [Legacy Park] for the development of 335 single-family lots and a 44-acre public park.

STAFF RECOMMENDATION: Approval.

Applicant Concept Plan for Legacy Park Planned Development District



Proposed development standards [as edited by city planner additions underlined>

LEGACY PARK ESTATES PLANNED DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS For Approximately 148.15 Acres City of McLendon-Chisholm, Rockwall County, Texas

1. Purpose and Intent

This Planned Development District provides the development standards for a planned subdivision containing 335 single-family residential lots with a minimum lot size of seven thousand two hundred square feet of land and a city park. This

development is approximately 148.15 acres of land generally located near the existing McLendon-Chisholm City Hall on FM 550.

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 adopting 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. Do not increase density;
 - ii. Do not change the maximum structure height, reduce setbacks or parking requirements, or reduce the size of any residential lot.

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 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 explain the reason or reasons for the requested amendment. Requests for minor amendments shall pay a fee as established by the City Council for the review and processing of a minor amendment request.

3. Development Plan

Prior to 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. Development plans shall comply with Section 6-1 Site plan requirements of the McLendon-Chisholm Zoning Ordinance and Section 5-1 D. 2. of the McLendon-Chisholm Zoning Ordinance. 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. An earthen berm not less than four feet in height when measured from grade and approved by the City Engineer; containing a mix of shrubs and ground covers shall be required to be installed between any residential use in this planned development district and the detention pond on the City property and between any residential use and any parking lot or activity area located on the City owned property adjacent to the planned development district.

- a. This is a single-family zoning district with a 44-acre park and trail system. [See concept plan]
- 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, except as amended by this ordinance. A park may include a museum, a heritage center, pavilions, maintenance shops, and assembly areas where the public may gather for park or city related events.
- c. Area requirements. Minimum residential lot size 7,200 square feet.
- d. Setbacks. Front yard 20 feet
 Side yard 5 feet
 Rear 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. Corner lots having street frontages with front yards on both streets shall have the required front yard setback for the entire block.
- e. 1. Lot width. The minimum lot width is 60 feet.

For lots fronting on a cul-de-sac or eyebrow, the minimum lot width shall be measured at the front setback line and may be measured along the arc of the cul-de-sac or eyebrow.
2. Lot depth. The minimum lot depth is 120 feet.
- f. Minimum Dwelling size. 2,000 square feet.
- g. Lot coverage. 70 percent.
- h. Maximum Height. 36 feet. [measured to the mid-point of hip, gable or gambrel roofs; to the top of the parapet on flat roofs. Other roof elements may not exceed 36 feet in height]
- i. Off-street parking. Shall conform to section 6-7, Off-street parking and loading requirements of the McLendon-Chisholm Zoning Ordinance.
- j. Accessory structures. Shall conform to the requirements of section 6-3 of the McLendon-Chisholm Zoning Ordinance.
- k. Landscape requirements shall conform to section 6-10 of the McLendon-Chisholm Zoning Ordinance.

PARK, TRAIL SYSTEM, OPEN SPACE

Owner/Developer shall donate to the City the land labeled City Park Area and the land shown in red as trails on the concept plan upon completion of the Park improvements by owner/developer.

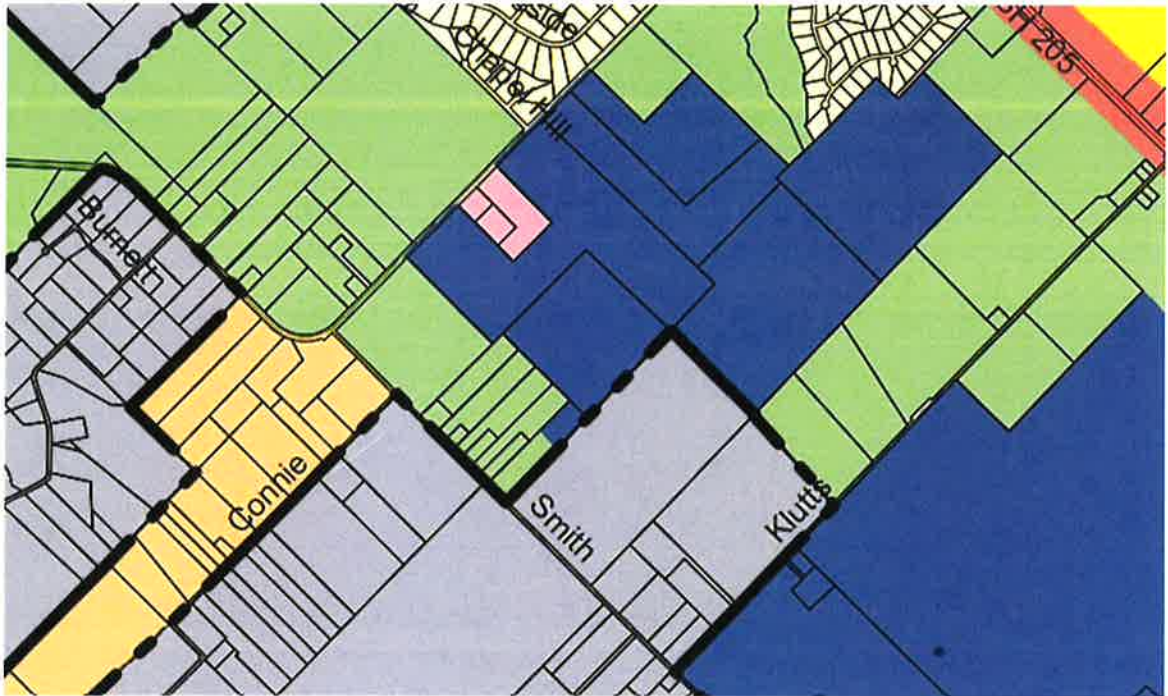
Areas labeled Open Space Area shall be owned by the HOA described herein. Owner/developer agree to dedicate to the HOA approximately 13.51 acres of open space (the "HOA Open Space") in the location shown on the Concept Plan attached hereto which may include floodplain. Owner/developer agrees that the Neighborhood Open Space will include preservation of existing ponds, development of trails and other amenities as required by this planned development district. All maintenance and cost thereof within the Neighborhood Open Space shall be the responsibility of the HOA. All expenses for construction, maintenance and operation shall be paid by the Owner/developer until transferred to the HOA. At time of transfer to the HOA, all costs of maintenance and operation shall be borne solely by the HOA.

To the extent easements or rights-of-way are needed within this planned development district, they shall be dedicated by Owner/developer to the City or HOA at no cost to the City.

BACKGROUND INFORMATION: A development agreement was negotiated between McLendon-Chisholm and the developers of Triple Creek. The DA was executed in 2006 and the Triple Creek property was annexed into the City. Triple Creek Planned Development District was approved in 2007 and was amended in 2009. The Development Agreement was extended several times by the City Council at the request of the developer. The development agreement expired last year, but the zoning district is still applicable to the underlying land areas.

Current Zoning: The current request is a portion of the Triple Creek Planned Development District. The overall Triple Creek Planned Development District provides for a total of 1750 single-family lots with 167 lots having one-acre or larger and the remaining lots much smaller on a total of 1,583 acres of land. The gross density in 2009 was about 0.9 acres per lot. Triple Creek Ranch has three creeks that proceed through the property, significantly reducing the developable land from the 1,583 acres included in the planned development district by about 30 percent to approximately 1108 acres of developable land. The net density then is about 0.63 units per developable acre.

Current Zoning Map



Additional background information:

In 2009 the City Council adopted a new conceptual plan for the acreage around the current City Hall that included 163 acres of land and provided for 15 lots having one and one-half acres per lot and 106 lots having one-acre of land per lot. A portion of the 163 acres was given to the City and then the city purchased additional land for a total of 15 acres for City-related uses. The 15 acres of city owned land reduced the number of one and one-half acre lots and reduced the total number of one-acre lots and reduced the total acreage from 163 acres to 148 acres.

The 2009 approved Concept Plan [below] for the 148 acres is the area that is the subject of this request. The dark black rectangle is the approximate location of the City-owned land.



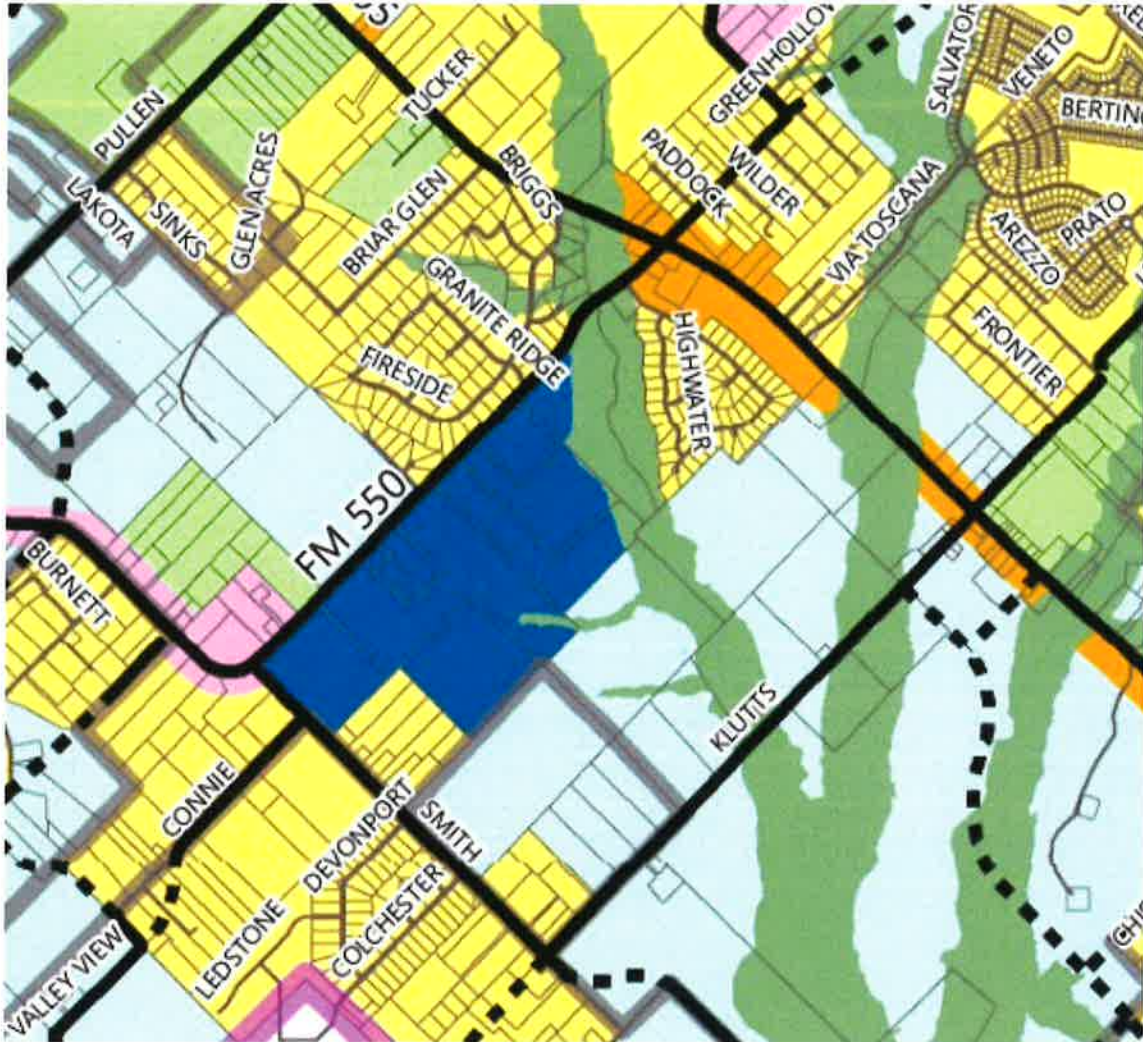
This approved 2009 concept plan had 15 one and one-half acre lots and 106 one-acre lots. The acquisition of 15 acres reduced the number of one and one-half acre lots by approximately four lots and reduced the number of one-acre lots by approximately 26 lots leaving approximately 91 single-family lots in the area of request.

The applicant's request is to increase the residential density to 335 dwelling units and to provide a 44 acre public park.

Comprehensive Plan: Zoning must conform to the Comprehensive Plan. This application satisfies many of the anticipated land uses as identified in the Heritage Center description [below].

- Mixed use environment
- Parks, trails, open/green space, and ponds or creeks.
- Park to include cultural/historic elements related to McLendon-Chisholm

Future Land Use Plan Map



The Future Land Use Plan shows the area fronting on FM 550 to be “Heritage Center”. The Comprehensive Plan describes this Heritage Center as follows:

Heritage Center

This Future Land Use Designation is located on land with the new City Hall and Fire Station, in addition to private and School District-owned land and is intended to be a node of development that showcases the City’s Rural Heritage, Green Spaces, and Natural Areas in a Country Living Activity Center.

Anticipated Land Uses:

- Institutional uses associated with the City, County, and/or School District;
- Mixed-use development (combinations of residential, office, restaurant/retail, entertainment, and arts/culture) with a rural/country feel;
- Uses relating to McLendon-Chisholm’s heritage and/or history or arts and culture; and/or
- Parks, trails, open/green space, and ponds or creeks.

Desired Development Characteristics: [These characteristics are not required, but desired]

- Maximum density of one dwelling unit per 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.
- Conservation development that groups buildings/structures and provides beautiful green/natural areas which showcase McLendon-Chisholm's Country Feel.
- Development that Diversifies the Tax Base and provides areas for people to enjoy Grassroots Community Events or entertainment.
- Extensive, shaded, lighted, and landscaped trail system to connect the Country Living Activity Center.
- One story typical with two stories maximum.

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. For developments with off-site sanitary sewer availability, smaller lots may be considered. The applicant/developer in this application has secured 335 off-site sewer taps that will provide connection to the City's sanitary sewer system.

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:

Legal Description

All that certain lot, tract or parcel of land situated in the KING LATHAM SURVEY, ABSTRACT NO. 133, Rockwall County, Texas, and being a part of a 159.4006 acres tract of land as described in a Special Warranty deed from Tyrone E. Davenport and Cheryl Anne Davenport to The Chiefton 2X, LP, dated March 8, 2006 and being recorded in Volume 4464, Page 283 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the southeast right-of-way line of F.M. 550, said point

being at the west corner of said 159.4006 acres tract of land;

THENCE N. 45 deg. 00 min. 00 sec. E. along said right-of-way line, a distance of 900.74 feet to a 1/2" iron rod with yellow plastic cap found for corner at the west corner of a 2.00 acres tract of land as described in a Deed from The Chiefton 2X, LP to The City of McLendon-Chisholm, Texas, as recorded in Volume 7229, Page 249 of the Official Public Records of Rockwall County, Texas;

THENCE S. 45 deg. 00 min. 00 sec. E. a distance of 960.00 feet to a 1/2" iron rod with yellow plastic cap found for corner at the south corner of a 10.00 acres tract of land as described in a Deed from The Chiefton 2X, LP to The City of

McLendon-Chisholm, Texas, as recorded in Document no. 20130000499269 of the Official Public Records of Rockwall County, Texas;
THENCE N. 45 deg. 00 min. 00 sec. E. along the southeast line of said 10.00 acres tract, a distance of 681.00 feet to a 1/2" iron rod with yellow plastic cap found for corner at the east corner of same;
THENCE N. 45 deg. 00 min. 00 sec. W. along the northeast line of said 10.00 acres tract, a distance of 960.00 feet to a 1/2" iron rod with yellow plastic cap found for corner in the southeast right-of-way line of F.M. 550;
THENCE N. 45 deg. 00 min. 00 sec. E. along said right-of-way line, a distance of 840.00 feet to a 1/2" iron rod found for corner in an old road bed, at the north corner of said 159.4006 acres tract;
THENCE S. 45 deg. 25 min. 58 sec. E. along said old road bed and northeast boundary of said tract, a distance of 2983.44 feet to a 1/2" iron rod found for corner;
THENCE S. 45 deg. 15 min. 03 sec. W. along said old road bed and passing a 1" iron pipe at a turn in same at 784.39 feet and continuing for a total distance of 2243.27 feet to a 3/8" iron rod found for corner at base of 3" steel fence post in concrete at the south most corner of said 159.4006 acres tract of land;
THENCE N. 44 deg. 44 min. 43 sec. W. a distance of 1494.36 feet to a 1" iron pipe found for corner;
THENCE S. 45 deg. 05 min. 25 sec. W. a distance of 212.95 feet to a 1/2" iron rod found for corner;
THENCE N. 44 deg. 47 min. 44 sec. W. a distance of 1478.86 feet to the POINT OF BEGINNING and containing 144.41 acres of land.

TRACT 2

All that certain lot, tract or parcel of land situated in the KING LATHAM SURVEY, ABSTRACT NO. 133, Rockwall County, Texas, and being a part of a 10.00 acres tract of land as described in a Warranty deed from Richard B. Skibell to Tyrone E. Davenport and Cheryl Anne Davenport, dated October 20, 2004 and being recorded in Volume 3742, Page 268 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron rod found at the base of a 3" steel fence post in concrete at the east corner of said 10.00 acres tract and at the south corner of a 159.4006 acres tract of land as described in a Special Warranty deed from Tyrone E. Davenport and Cheryl Anne Davenport to The Chiefton 2X, LP, dated March 8, 2006 and being recorded in Volume 4464, Page 283 of the Official Public Records of Rockwall County, Texas;
THENCE S. 45 deg. 27 min. 19 sec. W. along the southeast line of said 10.00 acres tract, a distance of 559.20 feet to a point in edge of water for corner;
THENCE N. 44 deg. 17 min. 46 sec. W. a distance of 300.60 feet to a point in edge of water for corner in the northwest boundary line of said 10.00 acres tract of land;
THENCE N. 45 deg. 35 min. 26 sec. E. along the northwest boundary line of said 10.00 acres tract of land, a distance of 556.85 feet to a 1/2" iron rod with yellow plastic cap found for corner;

THENCE S. 44 deg. 44 min. 43 sec. E. a distance of 299.28 feet to the POINT OF BEGINNING and containing 3.84 acres of land.

PLANNING AND ZONING COMMISSION RECOMMENDATION: DENIAL.

REVISED STAFF RECOMMENDATION: Approval of the residential density subject to a revised concept plan for the residential component and Disapproval of the park in its current configuration.

The residential density is greater than one dwelling unit per acre as recommended by the Future Land Use Plan. It is my opinion that, while the Future Land Use Plan identifies a "maximum of one dwelling unit per acre" as a desired trait, the statement that follows the: Desired Development Characteristics states "These characteristics are not required, but desired." The City allows lots smaller than one acre when they are provided with off-site sanitary sewer. Altura has secured the necessary off-site sanitary sewer connections for the residential component of this planned development district.

The proposed park is more a regional park providing a variety of play fields for much of the Metroplex. The revised Concept Plan reduces the playing fields and provides a substantial community green adjacent to City Hall. It is my opinion, however, that the anticipated "Parks, trails, open/green space, and ponds or creeks." of the Future Land Use Plan are more directly community based and should be sized appropriately for the community rather than a regional facility.

Revised Concept Plan: October 2023



You got my original report a couple of months ago. So I've given you a revised report where I modified my recommendation. My recommendation originally was approval of everything they asked for. But after I really reviewed our comprehensive plan in the detail was necessary about the park, I changed my mind. I'm going to tell you that Altura has worked with me almost weekly since the last time we met on this case to try and modify the park and do some things to make it more community based and I don't have anything negative to say about them. They did a good job, they did what I asked them to do. I don't like the park. I think parts of it meet the comprehensive plan for the Heritage Center requirements but I don't think it's community based. I still think it's much more of a regional activity center than something that is designed for the citizens of McLendon-Chisholm.

That said, I modified my recommendation to approval of the 335 residential units. I'll tell you why, our comprehensive plan in the future land use map, in that section about the Heritage Center says we desire one-acre lots, it doesn't say we require one-acre lots. State law says that zoning changes have to conform with the comprehensive plan and when the comprehensive plan says we desire, but do not demand, do not require. Then it provides a lot of flexibility for you all to make decisions and for the council to make decisions, but it also provides a lot of flexibility for me to make recommendations. While I don't get to vote, I think that what I provide for you is important and in this case, and I believe the citizens believe that our comprehensive plan says there aren't going to be any lots that are less than an acre in the city, but that's not what it says. It says that's what we desire but, historically, we've allowed properties with less than an acre as long as they have off-site sanitary sewer capacity and in this case I'll refer you to Sonoma Verde for instance. Much smaller lots, all have off-site sanitary sewer capacity which is owned and operated by the City. The Altura folks in this case have 335 sewer permits that are attached to that same sewer system.

In that regard, I've recommended approval of the 335 lots on these 149 acres, but denial, or disapproval, of the park. If you go with my recommendation for this case, and they're here to make their case and I want you to listen to them. But if you recommend approval of the houses and denial of the park, then I would also ask you to recommend that they provide a revised development plan for the residential.

Commissioners Freeze, Easter, Kipphut and Dale, made comments and asked questions which Mr. Coker replied to. Mr. Webb presented his case.

An audio of these discussions is available on the City Website for anyone wishing to listen to the details.

MOTION: RECOMMEND DENIAL, WITHOUT PREJUDICE, OF THE REQUEST BY OAK NATIONAL DEVELOPMENT LLC TO CHANGE THE EXISTING PLANNED DEVELOPMENT DISTRICT ON APPROXIMATELY 149.25 ACRES OF LAND FROM THE CURRENT ZONING DISTRICT CLASSIFICATION OF PLANNED DEVELOPMENT DISTRICT [TRIPLE CREEK] TO A NEW PLANNED DEVELOPMENT DISTRICT [LEGACY

**PARK] CONTAINING 335 SINGLE-FAMILY RESIDENTIAL LOTS AND
A CITY PARK.**

MADE BY: Commissioner Eoff
SECONDED BY: Commissioner Freeze
APPROVE: Role Call Vote: Commissioner Freeze YES
Commissioner Dale YES
Commissioner Eoff YES
Commissioner Rohde YES
Commissioner Easter YES

- 6.2. Discussion and action regarding request by Greenbriar Homes to change the existing SF 2.5 [Single Family Zoning district requiring a minimum lot size of two and one-half acres of land] and a GB [General Business] Zoning District on approximately 20 acres of land to a Mixed-Use Planned Development District providing for three five-acre single-family residential lots and one five-acre lot for a mini-warehouse facility. This property generally fronts on League Road east of the intersection of League Road and State Highway 205. The Rockwall Central Appraisal District Property identification numbers are 11404, 11408, and 11417.

City Planner Coker's staff report is attached to these minutes.

Staff recommends approval subject to conditions as outlined in the attached report.

Chairman Kipphut opened up discussion on this item. Commissioners Freeze, Dale, Rohde, and Eoff made comments.

Mr. Webb presented a power point on his project.

MOTION: DENY, WITHOUT PREJUDICE, THE REQUEST BY GREENBRIAR HOMES TO CHANGE THE EXISTING SF 2.5 [SINGLE FAMILY ZONING DISTRICT REQUIRING A MINIMUM LOT WSIZE OF TWO AND ONE-HALF ACRES OF LAND] AND A GB [GENERAL BUSINESS] ZONING DISTRICT ON APPROXIMAATELY 20 ACRES OF LAND TO A MIXED-USE PLANNED DEVELOPMENT DISTRICT PROVIDING FOR THREE FIVE-ACRE SINGLE-FAMILY RESIDENTIAL LOTS AND ONE FIVE-ACRE LOT FOR A MINI-WAREHOUSE FACILITY.

MADE BY: Commissioner Rohde
SECONDED BY: Commissioner Eoff
APPROVE: Role Call Vote: Commissioner Freeze YES
Commissioner Dale YES
Commissioner Easter YES
Commissioner Eoff YES
Commissioner Rohde YES

An audio of these discussions is available on the City Website for anyone wishing to listen to the details.

- 6.3. Consider approval of a preliminary plat for 73.922 acres of land for the development of a 321-lot residential subdivision as submitted by Tellus-Mann, LLC. The property is located at the intersection of Mann Road and FM 548, Kaufman County, McLendon-Chisholm ETJ. KCAD PID #22040, 10948, and 11029.

City Planner Coker presented his report on this item:

DATE: October 19, 2023
APPLICANT: Colton Smith
Spiars Engineering and Surveying, Inc.
765 Custer Road
Plano, Texas 75075

PROPERTY OWNER: Tellus-Mann, LLC.
130 N. Preston Road
Suite 130
Prosper, TX 75078

REPRESENTATIVE: Justin Craig

LOCATION: 73.922 acres of land located generally at the intersection of Mann Road and FM 548 Kaufman County, McLendon-Chisholm ETJ. Parts of KCAD PID# 11030, 10984, 11029, 10985, 10981. [R. Peckum Survey-Abstract 374, Kaufman County, Texas.

PLANNING AND ZONING COMMISSION MEETING DATE: October 25, 2023

NOTE: This is a preliminary plat. The Planning and Zoning Commission has three possible recommendations: Approval; Approval with conditions [specific elements of the Subdivision Regulations pertaining to the conditions must be presented]; or disapproval [This recommendation also requires specificity related to the elements of the subdivision ordinance that the application for which the application fails to comply.]

This application is located within the extra territorial jurisdiction of McLendon-Chisholm.

REQUEST:

The applicant is requesting approval of a preliminary plat for 73.922 acres of land for the development of an additional 321 residential lots in the Meraki [Tellus-Mann] subdivision with 13 open space/HOA Lots.

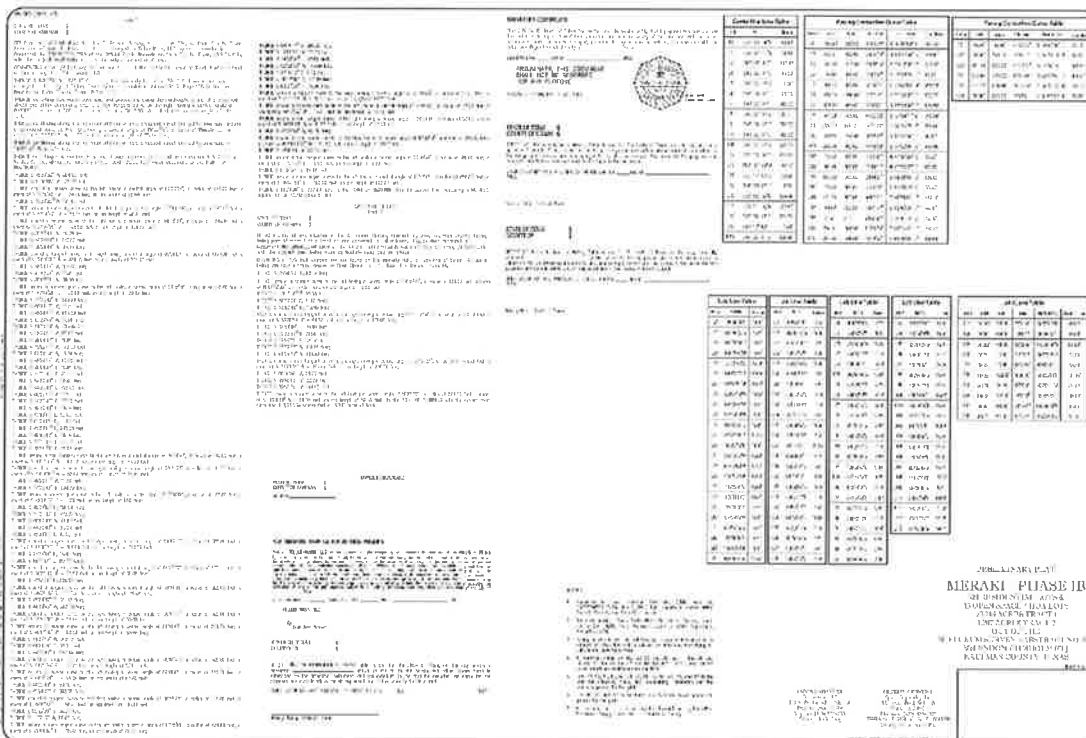
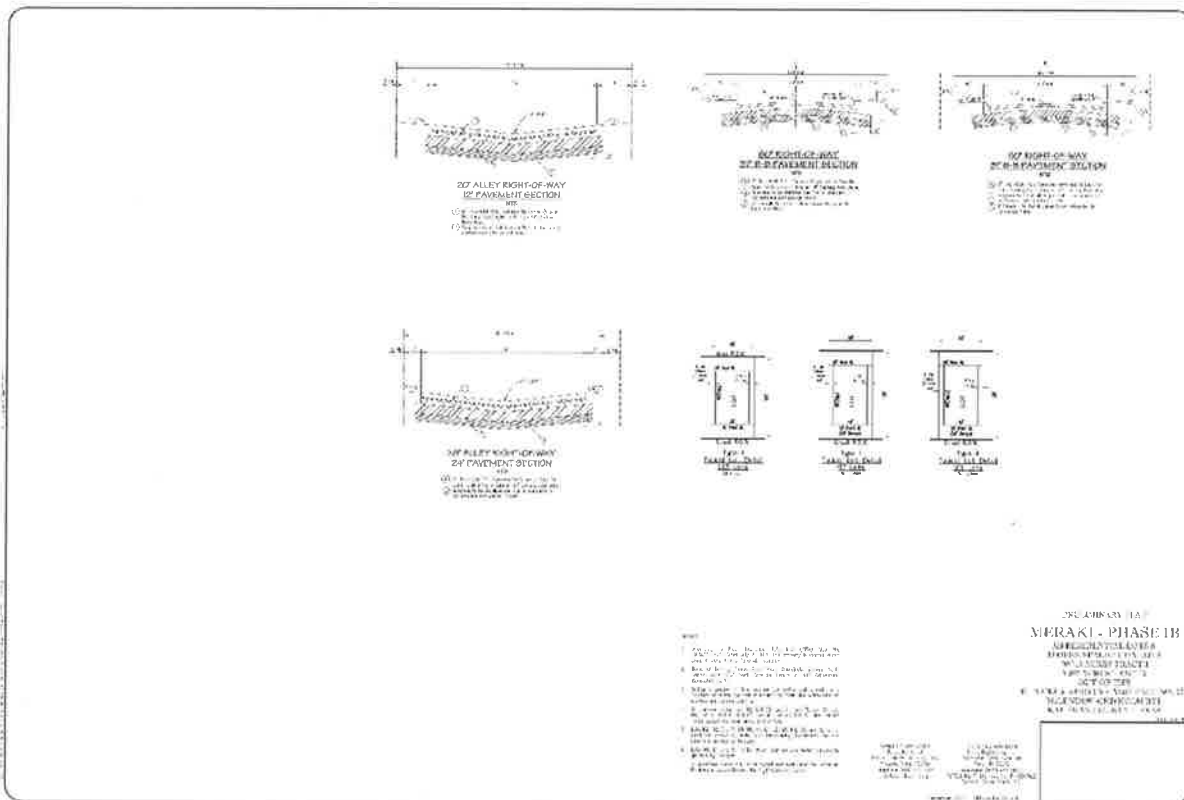
STAFF RECOMMENDATION: Approval.

[note: full sized copies of the preliminary plat are available at City Hall for inspection]

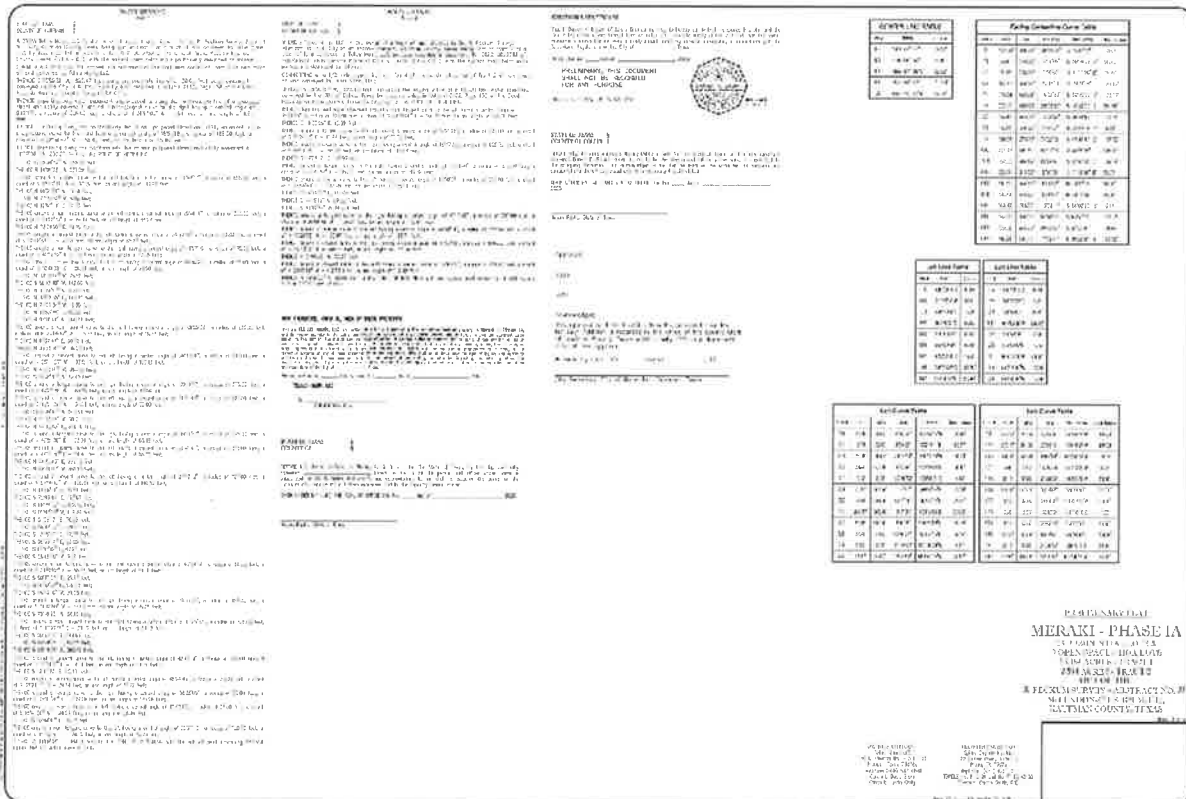
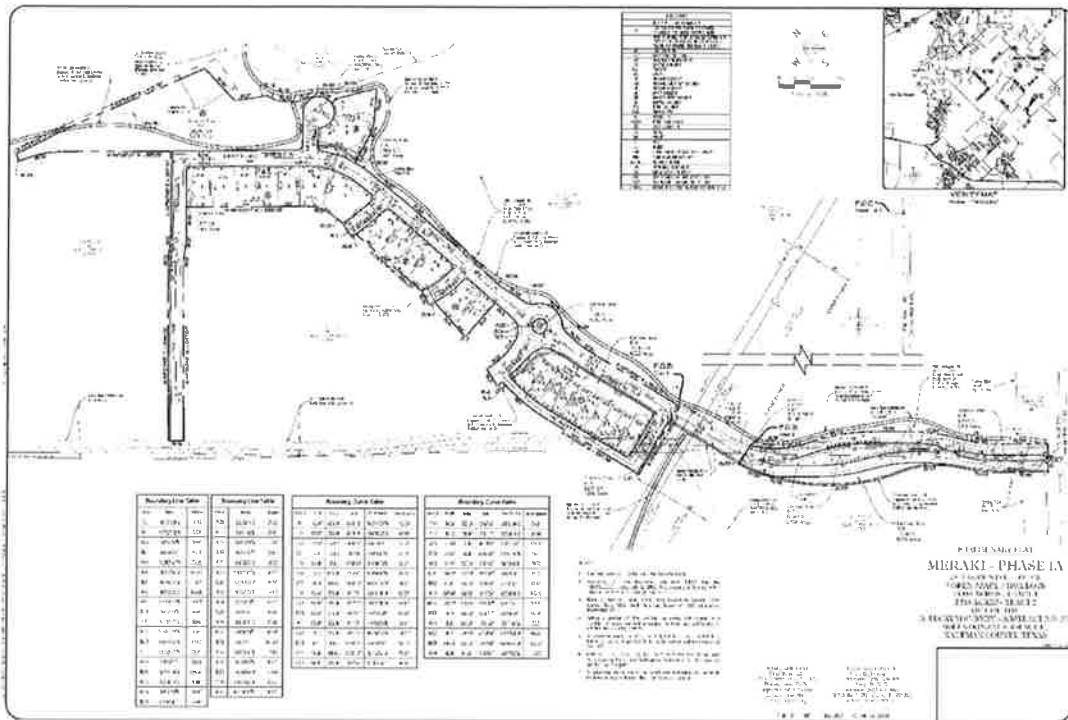
Proposed Preliminary Plat

Proposed Preliminary Plat, Phase 1B Page 1





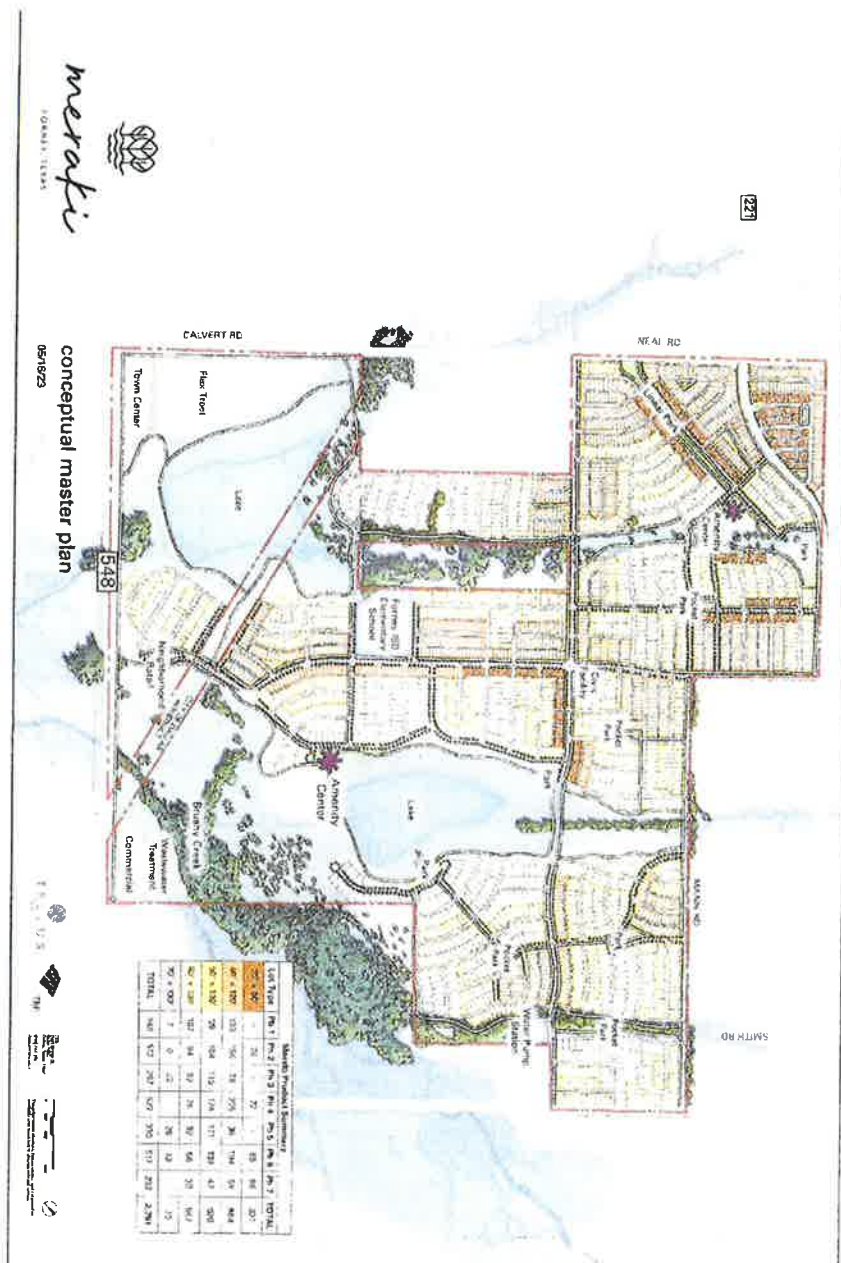
Previously approved Phase 1A [for reference]



BACKGROUND INFORMATION:

The subject property is a 73.922-acre tract of land in Kaufman County, McLendon-Chisholm ETJ. The city has an interlocal agreement with Kaufman County related to subdivisions located in our ETJ within Kaufman County. A copy is attached.

Overall concept plan



COURT ORDER NO. 030221-05

INTERLOCAL COOPERATION AGREEMENT
ETJ AUTHORITY – LAND USE REGULATIONS

This **INTERLOCAL COOPERATION AGREEMENT** ("Agreement") is entered into in accordance with the provisions of the Interlocal Cooperation Act, Chapter 791, Texas Government Code and §242.001, Texas Local Government Code as amended by House Bill 1445 ("H.B. 1445"), enacted by the Texas Legislature during its 77th Legislative Session, by and between the **CITY OF MCLENDON-CHISHOLM, TEXAS** ("City"), a political subdivision of the State of Texas and **Kaufman County, Texas** ("Kaufman County"), also a political subdivision of the State of Texas.

WHEREAS, the Interlocal Cooperation Act allows local governments to contract with one another for the purpose of performing governmental functions including, but not limited to, platting and approval of related permits; and

WHEREAS, the City and Kaufman County mutually desire to be subject to the provisions of Texas Government Code, Chapter 791, the Interlocal Cooperation Act, specifically §791.001 regarding contracts to perform governmental functions and services; and

WHEREAS, H.B. 1445 requires the City and Kaufman County to enter into a written agreement that identifies the governmental entity authorized to regulate subdivision plats and to approve related permits in the extraterritorial jurisdiction ("ETJ") of the City of McLendon-Chisholm; and

WHEREAS, it is the expressed desire of both the City and Kaufman County that *City be granted exclusive jurisdiction* to regulate subdivision plats and to approve related permits in City's ETJ as provided in the Interlocal Cooperation Act and H.B. 1445; and

WHEREAS, both the City and Kaufman County mutually desire to amend and replace the previous Interlocal Agreement related to the ETJ entered into under the provisions of Texas Government Code §242.001 on N/A, by entering into this new **INTERLOCAL COOPERATION AGREEMENT**.

NOW THEREFORE, the City and Kaufman County, for the mutual consideration stated herein, agree and understand as follows:

AGREEMENTS

1. Term of Agreement and Certification

- (a) The City and Kaufman County mutually agree that the term of this Agreement shall be from the date it is formally and duly executed by both City and Kaufman County until September 30th, 2021. This Agreement shall automatically renew every two (2) years on October 1st, unless otherwise terminated (at any time) in writing by either party following ninety (90) days' notice.

(b) The City and Kaufman County mutually certify that this Agreement complies with the requirements and provisions of Texas Local Government Code, Chapter 242.

2. *City's Jurisdiction.* City is granted exclusive jurisdiction to regulate all subdivision platting in City's ETJ under the provisions of Chapter 212 of the Texas Local Government Code together with all other statutes applicable to municipalities.

Kaufman County shall not exercise any of the above functions within City's ETJ. City specifically agrees to coordinate with Kaufman County regarding permitting or platting that will impact county-maintained infrastructure.

3. *Kaufman County's Responsibilities.* Notwithstanding the grant of exclusive jurisdiction by Kaufman County to City above, Kaufman County will continue to enforce the following requirements of Kaufman County as they may be amended or updated from time to time:

- (a) Fire Code. Kaufman County shall enforce its Fire Code and issue all related permitting.
- (b) Building Permits. Kaufman County shall accept/enforce building permits pursuant to the Kaufman County Subdivision and Land Development Regulations except : McLendon-Chisholm shall accept/enforce building permits pursuant to City Subdivision Regulations for any area under a valid development agreement identifying McLendon-Chisholm as the permitting authority prior to the date of this agreement.
- (c) On-site Sewage Facilities. Kaufman County retains exclusive jurisdiction under this Agreement to review/issue permits for and oversee construction of on- site sewage facilities, including enforcement, under the provisions of Texas Health and Safety Code Chapter 366; 30 Texas Administrative Code ("TAC"), Chapter 285; and Kaufman County's OSSF Order.
- (d) Floodplain. Kaufman County is responsible for issuing permits pursuant to the Kaufman County Floodplain Order, including enforcement.
- (e) Driveway Culverts. Kaufman County is responsible for issuing permits for driveway culverts, including enforcement, pursuant to the Kaufman County Subdivision and Land Development Regulations except culverts which are part of subdivisions that have filed platting applications with the City and have been approved by the City of McLendon-Chisholm. Kaufman County shall regulate and issue permits for driveway permits for existing homes in the County and all driveways fronting Kaufman County roads.
- (f) 9-1-1 Addressing. Kaufman County is responsible for issuing 911 addressing and related permitting, pursuant to the Kaufman County Subdivision and Land Development Regulations.
- (g) County Property. Kaufman County retains exclusive jurisdiction under this Agreement to permit any/all construction activity regarding its county-maintained

roadways and right-of-way, pursuant to the Kaufman County Subdivision and Land Development Regulations.

4. *ETJ Defined.* For the limited purposes of this Agreement, City's ETJ is described by the area indicated in Exhibit "A", attached hereto and made a part hereof for all purposes. The recognition of the ETJ shall not be deemed an admission by City or Kaufman County in any dispute with any other person or municipality regarding the boundaries of City's ETJ.
5. *ETJ Expansion or Reduction.* In the event City's ETJ expands, City and Kaufman County agree that City shall continue to be granted exclusive jurisdiction as specified in paragraph 2 above in its new, lawful ETJ. In the event that City's ETJ expands, City shall provide appropriate and timely notice of such expansion to Kaufman County who shall abide by updated mapping information as provided by City. In the event that City's ETJ is reduced, both City and Kaufman County agree that Kaufman County shall have exclusive jurisdiction to regulate subdivision plats and approve related permits in areas in the County that are no longer in City's ETJ until such time as Exhibit "A" to this Agreement is amended to take into account such ETJ reduction. In the event of such expansion or reduction of its ETJ, City agrees to notify Kaufman County of such expansion or reduction within thirty days by sending Kaufman County a copy of the applicable ordinance together with an amended Exhibit "A". Kaufman County shall have fifteen (15) days from its receipt of the amended Exhibit "A" to review said amended Exhibit "A" and present any objections to the accuracy of same to City. For the purposes of this Agreement, the "Date of Amendment" of Exhibit "A" shall be: (1) the fifteenth (15th) day after Kaufman County receives the amended exhibit provided Kaufman County does not object to its accuracy; or (2) in the event Kaufman County objects to its accuracy, upon resolution by the parties of such objection. Upon final approval by both Parties of any such Amendment to Exhibit "A" as described above, the same shall be deemed an amendment to this Agreement by the parties pursuant to Texas Local Government Code §242.001(c).
6. *Notice of Plat Submittals and Approvals.*
 - (a) City shall notify Kaufman County of all subdivision plat applications for property located within City's ETJ within thirty (30) days after receipt of a completed application. City shall use its best efforts to comply with this provision; however, failure to comply shall not affect the validity of any subdivision plat.
 - (b) City shall notify Kaufman County of the approval of plats for property located in City's ETJ within Kaufman County. A copy of the approved plat and any engineering plans shall be sent to Kaufman County at the address set out in Section 12(f) below within thirty (30) days of City's approval. After notice of approval is given, Kaufman County shall assign addresses to each lot within an approved subdivision.
 - (c) Nothing in this Agreement is intended to interfere with the recordation requirements of state law nor with the authority and duty of the County Clerk to collect filing and recording fees.

7. *Collection of Fees and Costs.* All costs involved with the approval of subdivision plats under this Agreement, including but not limited to engineer reviews and inspections of public improvements, shall be borne by City and payable out of its current revenues. All fees relating to subdivision plat approval shall be collected and retained by City unless otherwise agreed in writing by both City and Kaufman County.

8. *County Roads*

(a) City shall only plat private roads and/or access easements and shall take no action to create any city or county road within its ETJ. Kaufman County shall, at its expense, continue to maintain roads within City's ETJ that have been accepted by the Commissioner's Court into Kaufman County's road-maintenance system unless otherwise provided by agreement. Requests for acceptance, abandonment, alterations, etc. of county roads within City's ETJ shall be submitted to County for approval pursuant to Kaufman County's Land Use Regulations.

(b) In order to be considered by Kaufman County for acceptance as a county road within City's ETJ and, as such, be eligible for county maintenance, the developer must have the proposed new road inspected and tested in order to establish that the proposed new road meets or exceeds City's most stringent road specifications as specified by the City Engineer. Required engineering review, testing and related costs shall be borne by the developer. The acceptance for maintenance of a new road as a county road that meets or exceeds City's most stringent road specifications lies solely within the discretion of the Commissioners Court. No other entity and no individual Kaufman County official has the authority to bind Kaufman County. Nothing in this Agreement binds Kaufman County to accept a road for maintenance, nor restricts the County's governmental authority to abandon a road or abandon maintenance of a road after it has been accepted.

9. *Thoroughfare Plan.* City shall require compliance with the Kaufman County Thoroughfare Plan.

10. *Effective Date.* The Effective Date of this Agreement shall be the date upon which both parties have approved and fully executed the same.

11. *Applicable Regulations.* The subdivision rules and regulations currently enacted by City and extended to the ETJ are hereby established as the set of regulations to be enforced by City within the ETJ. City will provide Kaufman County with copies of all amendments to City's subdivision rules and regulations proposed after the Effective Date as set forth in paragraph 10 above and will notify Kaufman County of all public hearings on any proposed amendments. In the event that City's Council updates a standard or standards, both City and Kaufman County agree that the most recent and up to date standard or standards shall be applied to any new application or project within City's ETJ.

12. *Miscellaneous Provisions.*

(a) This Agreement expresses the entire agreement between the parties hereto regarding the subject matter contained therein and may not be modified or amended except by written agreement duly executed by both parties.

- (b) This Agreement has been duly and properly approved by each party's governing body and constitutes a binding obligation on each party.
- (c) This Agreement shall be construed in accordance with the laws of the State of Texas with venue for all purposes hereunder residing within Kaufman County, Texas.
- (d) If any provision hereof is determined by any court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be fully severable here from and this Agreement shall be construed and enforced as if such invalid, illegal or unenforceable provision never comprised a part hereof with the remaining provisions continuing to be in full force and effect.
- (e) This Agreement is not intended to extend the liability of the parties beyond that provided by law. Neither City nor Kaufman County waives any immunity or defense that would otherwise be available to it against claims by third parties.
- (f) All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid or by hand delivery.

CITY OF MCLENDON-CHISHOLM:

City of McLendon-Chisholm, Texas
Attn: City Administrator
1371 West FM 550
McLendon-Chisholm, Texas 75032

KAUFMAN COUNTY:

Kaufman County, Texas
Attn: County Judge
100 West Mulberry Street
Kaufman, Texas 75142

With copies to: Development Services Department
Kaufman County Courthouse
100 West Mulberry Street
Kaufman, Texas 75142

MOTION: APPROVE A PRELIMINARY PLAT FOR 73.922 ACRES OF LAND FOR THE DEVELOPMENT OF A 321-LOT RESIDENTIAL SUBDIVISION AS SUBMITTED BY TELLUS-MANN, LLC. THE PROPERTY IS LOCATED AT THE INTERSECTION OF MANN ROAD AND FM 548, KAUFMAN COUNTY, MCLENDON-CHISHOLM ETJ.

MADE BY: Commissioner Freeze

SECONDED BY: Commissioner Easter

APPROVAL: Unanimous

7. COMMISSIONER REPORTS AND ANNOUNCEMENTS

- 7.1. Chairman Kipphut – Received a letter regarding Rockwall County and TxDOT conducting a public meeting both in person and virtual options for the Rockwall County outer loop project A feasibility study is being conducted for approximately 14.4 new roadway from FM 2755 to SH 205 in Rockwall County. The study evaluates alternatives within and near the cities of Fate, Royce City, and McLendon-Chisholm, and Rockwall, through Rockwall County. The purpose of the meeting is to present the proposed alternative recommendations for further study and receive public feedback. The first meeting will be held November 9th, from 5:30 to 7:30 at the Rockwall County Courthouse in Liberty Hall which is 111 East Yellow Jacket. The virtual public hearing will begin on Thursday, November 9th at 5:30 and remain online.
- 7.2. Co-Chairman Rohde – Explained to Mr. Webb that he understands the need for a commercial enterprise, but he also understands that we need to work with the citizens that are around that. We've had cases before where a developer has come before us and we've had the public opposition. The two have got together and have worked out something that is acceptable to both. He encouraged him to maybe use that avenue.
- 7.3. Commissioner Eoff - None
- 7.4. Commissioner Freeze - None
- 7.5. Commissioner Dale - None
- 7.6. Commissioner Easter (Alternate) - None
- 7.7. Commissioner Hritz (Alternate) - None
- 7.8. Commissioner Velosquez (Alternate) - None

8. CONSIDERATION OF FUTURE AGENDA ITEMS AND GUIDANCE TO STAFF

None

9. ADJOURN

MOTION: ADJOURN THE MEETING

MADE BY: Commissioner Freeze

SECONDED BY: Commissioner Easter

APPROVAL: Unanimous

The meeting was adjourned at 8.45 p.m.

ATTEST:



Rochelle Green, City Secretary

APPROVED:



Mark Kipphut, Chairman





PLANNING AND ZONING COMMISSION – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: October 24, 2023

Applicant: Ryan Webb
Greenbriar Homes
137 Sawgrass Drive
Heath, Texas 75032

Representative: Ryan Webb

Property owner: Ryan Webb
Greenbriar Homes
137 Sawgrass Drive
Heath, Texas 75032

Location: The property is a 20-acre tract of land located east of the intersection of SH 205 and League Road, with frontage on League Road to the east of the existing retail buildings. The Rockwall CAD property identification numbers are: 11404, 11408, and 11417.

PLANNING AND ZONING COMMISSION MEETING DATE: October 25, 2023

REQUEST:

The applicant is requesting approval of a zoning district change from the SF 2.5 residential zoning district and a GB General Business zoning district to a planned development district for the development of three single-family lots each with a minimum lot size of five-acres of land and approval of one five acre lot for a self-service [mini] warehouse facility. This application is not in conformity with the recommendations of the McLendon-Chisholm Comprehensive Plan.

STAFF RECOMMENDATION: Approval subject to the following conditions:
No conceptual plan is required.

Lots 2, 3, and 4

- Apply the AG Agricultural District standards to Lots 2, 3, and 4.
- Allow the minimum street frontage of 150 linear feet for residential uses;

Lot 1

- Restrict Lot one [current GB zoning district] to the existing GB General Business zoning district boundary.
- Require an eight [8] foot tall masonry screening wall adjacent to any residential zoning district and a minimum 6 foot visual screen and landscaping between Lot 1 and the existing commercial/retail uses in the existing GB zoned property.

- Require a revised site plan [boundaries to be established by a registered professional land surveyor] consistent with the actual dimensions of the GB zoned property located within the boundaries of Lot 1. [See the distance requirements for GB zoning adjacent to SH 205; shown below]Section 3-2, 17(b) does not apply.
- Provide a revised landscape plan that complies with Section 6-10 of the zoning ordinance to be submitted for review and recommendation by the Planning and Zoning Commission and consideration and action by the city council before any building permit is authorized for construction on Lot 1.
- Compliance with the existing GB General Business Zoning District Area is Required.
- The additional use allowed on Lot 1 is a self-service mini-warehouse development.
- Parking for the mini-warehouse use shall conform to the parking requirements of the Zoning Ordinance.

THIS AREA INTENTIONALLY LEFT BLANK

Concept Plan for the requested Planned Development District



20 ACRES

LOT 1 - Approx. 5 ACRES - 300'x725'
LOT 2 - Approx. 5 ACRES - 301'x724'
LOT 3 - Approx. 5 ACRES - 302'x722'
LOT 4 - Approx. 5 ACRES - 304'x720'

GREENBRIAR HOMES

214-663-4140

Ryan@GreenbriarDFW.com



CONCEPT PLAN
20 ACRES ON LEAGUE RD.
MCLENDON CHISHOLM, TEXAS

Current Zoning Map [Subject property generally outlined in red]



General Business zoning district boundaries along SH 205: Highway 205 distance limitations.

Unless otherwise established by specific ordinance or change in zoning the limit of the GB General Business District, when it is located adjacent to State Highway 205, shall be 350 feet measured from the centerline of S.H. 205. The following conditions shall also apply:

1.

The limit shall be extended to the property line if said property line is located within 100 feet of the 100 foot limit, but shall not be less than 350 feet unless otherwise zoned.

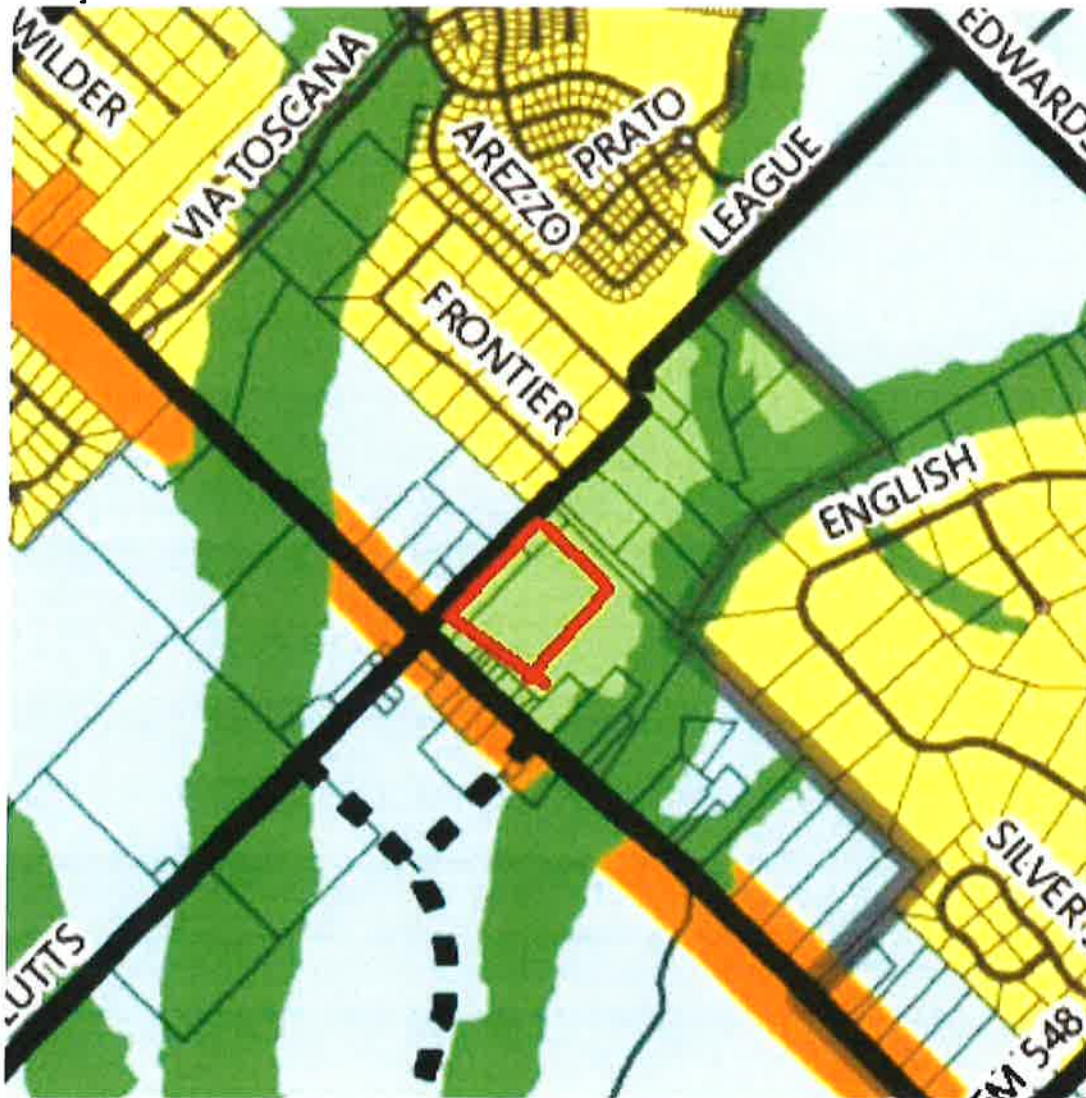
2.

The limit of the GB General Business District shall be interpreted by the zoning official, as designated by the mayor or his/her designee. The zoning official may differ interpretation of the distance to the city council.

3.

This provision does not limit the depth, size, or shape of any other parcel zoned as GB General Business District that is located anywhere else in the corporate limits of the City of McLendon-Chisholm.

Comprehensive Plan Recommendation: Agriculture [approximate location of subject property outlined in red]



The Texas Local Government Code requires that changes in zoning district classification comply with the Comprehensive Plan [Future Land Use Plan]. This application is not consistent with the Future Land Use Plan recommendation for the subject property. However, the agricultural zoning district allows for minimum residential lot size of two and one-half acres of land. A change in zoning district classification for lots 2, 3, and 4 from SF 2.5 to the Ag Agriculture zoning district would allow this part of the application to comply with the recommendation of the Comprehensive Plan.

The staff recommendation for Lot 1 is retaining the GB General Business zoning district standards and allowing an additional use: Self-Service Mini-warehouse. This use requires an SUP in the GB zoning district, but the staff recommendation allows the self-service mini-warehouse when a site plan and landscape plan is approved in accordance with the landscaping requirements of the Zoning Ordinance.

Future Land Use Legend



Applicant requested development standards:

EXHIBIT B

20 Acres League Rd.

PLANNED DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS

For 20 Acres

City of McLendon-Chisholm, Rockwall County, Texas

1. Purpose and Intent

This Planned Development District provides for the development standards of a mixed use of 4 lots. It's regulations and use of land intends to be consistent with the zoning standards with moderate modifications for each lot's specified use. Lot 2,3,4 regulations will be fairly consistent with the city's zoning regulations of a SF5 Single-Family Residential District. Lot 1 regulations will be fairly consistent with the city's zoning regulations of a GB General Business District with an allowed land use of mini-warehouses. This development is 20 acres of land located on League Road and each lot will be approximately 5 acres.

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 adopting 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. Do not increase density except lots 2,3,4 having the option to be divided into two 2.5 acre lots;
 - ii. Do not change the maximum structure height, reduce setbacks or parking requirements, or reduce the size of any residential lot.

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 explain the reason or reasons for the requested amendment. Requests for minor amendments shall pay a fee as established by the City Council for the review and processing of a minor amendment request.

3. Conceptual and Development Plan

In establishing this Planned Development District, the city council shall approve and file as part of the amending ordinance the provided Conceptual Plan and the Development Plan attached. The property owner is requesting the waiving of a separate public hearing for each plan separately.

4. Development Standards

Lot 2, 3, 4

- a. Lots 2,3,4 are closely comparable to a SF5 single-family zoning district.
- b. Lots 2,3,4 may be individually divided into two 2.5 acre lots and then those lots shall follow the zoning standards of a SF2.5 Residential District.
- c. Permitted uses. On Lots 2,3,4, 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 SF5 Residential District.

d. Area requirements.

Minimum Lot Area	5 Acres
Minimum Lot Width	300 ft.
Minimum Lot Depth	200 ft.

Minimum Street Yard	75 ft. Front Street 75 ft. Side Street
Minimum Side Yard	25 ft.
Minimum Rear Yard	25 ft.
Minimum Dwelling Size	2,300 sq. ft.
Maximum Lot Coverage	15 %
Maximum Building Height	45 ft.

- e. Off-street parking and loading requirements. Off-street parking and loading requirements shall conform to the provisions of section 6-7, Off-street parking and loading requirements.
- f. Accessory building and structure regulations. In addition to the following, regulations for accessory building or accessory structures shall be in compliance with section 6-3, Accessory building regulations.
 - i. Accessory buildings and structures clearly incidental to the uses permitted in the SF5 Zoning District and located on the same lot therewith, not involving the conduct of a retail business except such customary home occupations as herein defined, including a private garage and bona fide servants quarters, not for rent but for the use of servants employed on the premises, when located not less than 100 feet from the front line, nor less than 25 feet from either side line; provided, accessory building when combined with the single-family dwelling and all other accessory buildings, shall not occupy more than 15 percent of the gross land area.
 - ii. When the accessory building is directly attached to the main building, it shall be considered as an integral part of the main building. When the accessory building is attached to the main building by a breezeway, the breezeway is considered part of the accessory building.
 - iii. Temporary metal buildings less than 800 square feet in size which are used for tool and supply storage are also permitted.

Lot 1

- a. Lots 1 is closely comparable to a General Business zoning district.
- b. Permitted uses. On Lot 1, Uses shall be in accordance with section 3-1, Permitted use table and allowed for use of mini-warehouses.
- c. Area requirements.

Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width	100 ft.
Minimum Lot Depth	100 ft.
Minimum Street Yard	20 ft. Front Street 15 ft. Side Street
Minimum Side Yard	15 ft. abutting Non-Res 25 ft. abutting Red
Minimum Rear Yard	20 ft. abutting Non-Res 25 ft. abutting Red
Maximum Lot Coverage	40 %
Maximum Building Height	35 ft.

- d. Off-street parking and loading requirements. Off-street parking and loading requirements shall conform to the provisions of section 6-7, Off-street parking and loading requirements except with the land use of Mini-warehouses, there will be no permanent parking spots required.
- e. Landscaping. A total of 10% lot coverage is required to be landscaped. All credit provisions in section 6-10, Landscaping requirements will be deducted from the total lot coverage requirement.
- f. Screening and buffer requirements. Both side and rear property lines will be required to have a 6' stained wood fence with steel posts up to the front fence line. The front yard will have a 6' decorative black wrought iron fence and 2 gates with landscaping in front of the fence.
- g. Masonry requirement. The front wall of the first buildings facing League Rd. will be 100% masonry excluding doors/windows. All other walls of the buildings will be metal and painted.

BACKGROUND INFORMATION:

AG Zoning District requirements:

A - Zoning District Area Requirements

Minimum Lot Area	2 1/2 Acres
Minimum Lot Width	300 ft.
Minimum Lot Depth	200 ft.
Minimum Street Yard	75 ft. Front Street 75 ft. Side Street
Minimum Side Yard	25 ft.
Minimum Rear Yard	25 ft.
Minimum Dwelling Size	2,300 sq. ft.
Maximum Lot Coverage	15%
Maximum Building Height	45 ft.

Staff recommendation reduces the minimum lot width from 300 feet to 150 feet. Other standards remain the same.

GB Zoning District requirements:

GB - Zoning District Area Requirements

Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width	100 ft.
Minimum Lot Depth	100 ft.
Minimum Street Yard	20 ft. Front Street 15 ft. Side Street
Minimum Side Yard	15 ft. abutting Non-Res 25 ft abutting Res.
Minimum Rear Yard	20 ft. abutting Non-Res 25 ft. abutting Res.
Maximum Lot Coverage	35 %
Maximum Building Height	35 ft.

The staff recommendation provides for an additional use, but does not modify the development standards.

Additional background information:

The current zoning district standards for the subject property are SF 2.5 which is a residential district requiring 2.5 acres of land for residential use. This section, however, requires a minimum street frontage of 300 feet. The staff recommendation recommends a reduction in the required lot frontage from 300 feet to 150 feet as recommended by the Comprehensive Plan. The only way to make that adjustment is to create a planned development district that provides for the reduction in street frontage. A request to the Board of Adjustment would not be appropriate since there is no hardship due to size, shape or slope of the property.

The General Business zoning district allows a mini-warehouse by specific use permit only. This planned development district allows the use by right, but the staff recommendation for site plan and landscape plan approval prior issuance of construction permits, provides the same mechanisms for review and approval of the additional use.

Thoroughfares/streets:

League Road is a residential street.

Property legal description:

BEING a tract of land situated in the King Latham Survey, Abstract No. 133, Rockwall County, Texas, and being a portion of a tract of land conveyed to Gary Lovell, as recorded in Volume 6429, Page 290, Deed Records, Rockwall County, Texas, also being a portion of a tract of land conveyed to O B Lovell, as recorded in Volume 1027, Page 12, Deed Records, Rockwall County, Texas, as shown on this survey and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, being the Northeast corner of a tract of land conveyed to James Adcox, as recorded in Instrument No. 20220000021336, Deed Records, Rockwall County, Texas, and being on the Southeast right-of-way line of League Road, also being the Northwest corner of said Lovell tract;

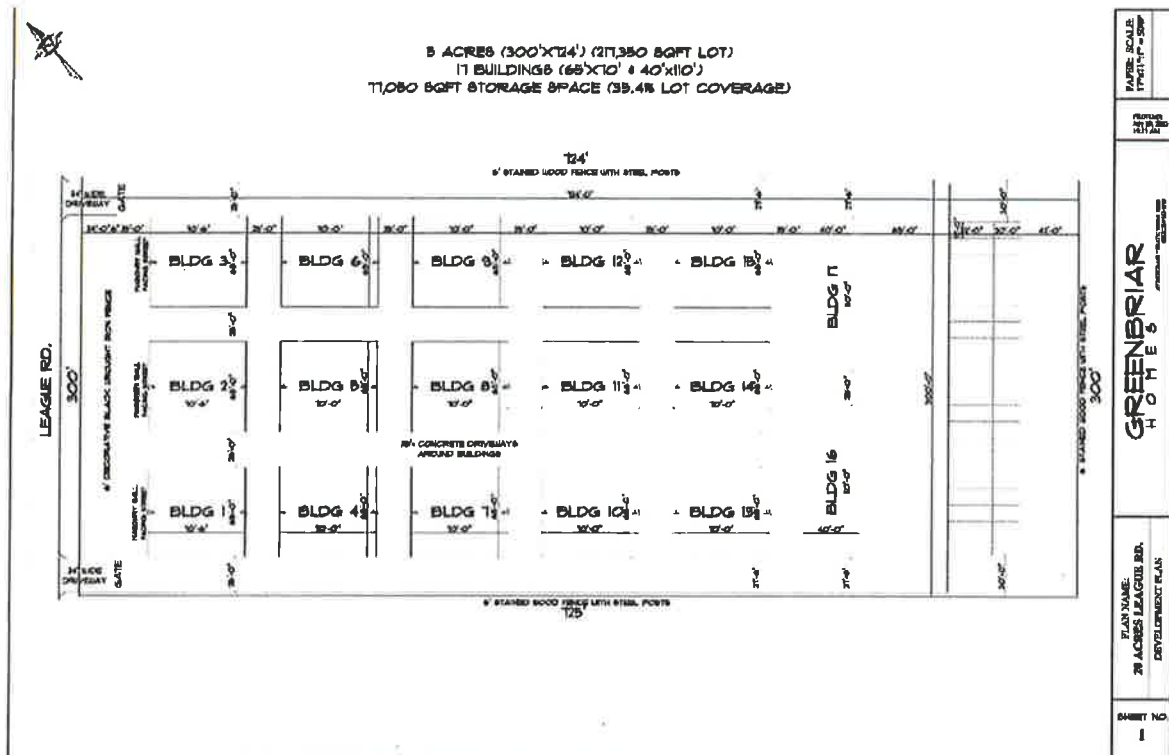
THENCE North 44 degrees 21 minutes 21 seconds East, a distance of 1,208.11 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE South 45 degrees 55 minutes 46 seconds east, a distance of 719.34 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE South 44 degrees 04 minutes 14 seconds West, a distance of 1,204.27 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE North 46 degrees 13 minutes 51 seconds West, a distance of 725.39 feet to the PLACE OF BEGINNING and containing 20.00 acres of land.

Lot 1 development plan



ELEVATION CONCEPTS FOR LOT 1



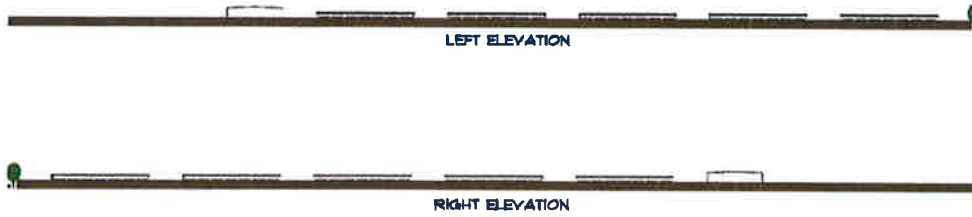
FRONT ELEVATION



REAR ELEVATION

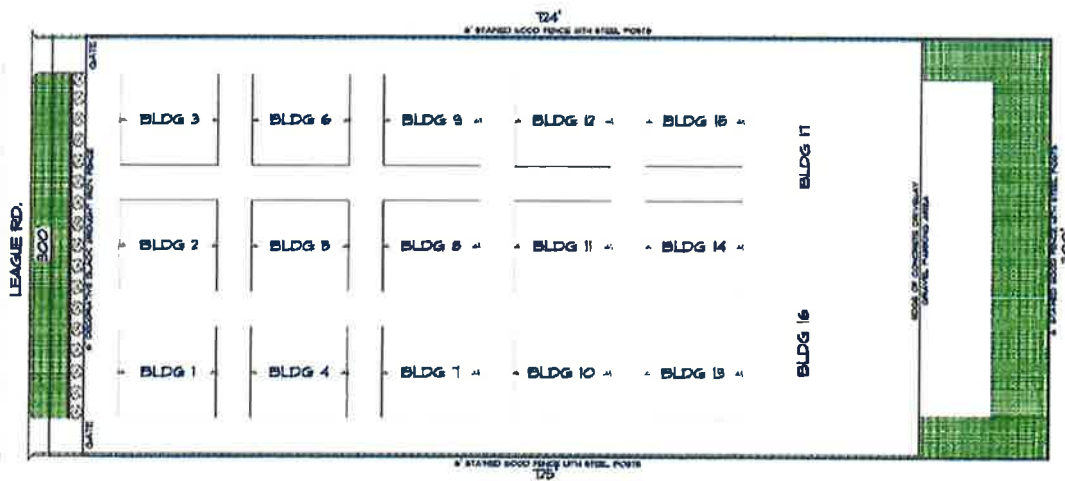
SHEET NO. 1	PLAN NAME: 20 ACRES LEAGUE RD.	 174 GREENBRIAR • HEATH, TEXAS 75086 CALL: 817-464-9149	PAPER: SCALE: 17"x11"; 1" = 200'
	ELEVATIONS PLAN		

ELEVATION CONCEPTS FOR LOT 1



PAPER: SCALE 1/4" = 1' - 0"	DESIGNED 20.00.00 11.00.00
GREENBRIAR HOMES	
PLAN NAME: 20 ACRES LEAGUE RD. ELEVATIONS PLAN	SHEET NO. 2

5 ACRES (300'X724') (271,380 SQFT LOT)



LANDSCAPES TOTALS: LOT COVERAGE: 1.3% GRASS: 88% TREES: 11%	
1.3% 88% 11%	0.000000% OF LANDSCAPES

PLAN KEY: 6" STAINED WOOD FENCE WITH STEEL POSTS 6" DECORATIVE DROUGHT-BURN FENCE	
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PAPER: SCALE 1/4" = 1' - 0"	DESIGNED 20.00.00 11.00.00
GREENBRIAR HOMES	
PLAN NAME: 20 ACRES LEAGUE RD. LANDSCAPE PLAN	SHEET NO. 1