

**Planning Commission Minutes**  
**March 25, 2019**

1. **ROLL CALL** – Meeting was called to order by Chairman Robert Mann. A quorum was present.

**PRESENT**

Robert Mann, Chair  
Gerry Harris  
Howard Carter  
Chad Ball  
Bobby Wilson  
Judy Horne  
Jay Moore

**ABSENT**

Toni Lindsey

**City Employees Present:** Ernie Penn, Mayor;  
Melissa McCarville, City Business Manager; Rick  
Bramall, City Inspector

2. **Approval of Minutes:** February 25, 2018 Minutes were approved as amended.

3. **Comments from Citizens:**

Jill Toering; 306 Claybrook Dr. - asked if there would be any effect from the new legislation being passed? It was determined there would be no effect.

**Public Hearing:**

4. **Variance request on lot splits for 12293 Little Elm Rd. as presented by Justin Silva:**

Justin Silva was present to discuss the request. Opening comments from the City stated that the reason why they are coming to the Planning Commission for a Variance is due to the maximum splits that can be done administratively. Justin Silva explained the request for 6 more splits off of tract 2. This was maxed out for the amount that could be done when administrative lot splits.

**Public Comment:**

No Public comments were made.

**City Comment:**

Melissa explained that this is in our jurisdiction for planning area. This cannot be done for another 10 years. Jay asked for clarification as to how the 6 tracts were being split. It was explained that they had split it into four tracts and the 2<sup>nd</sup> tract would be split into 6 tracts. This would normally be considered a subdivision but they are asking for a variance to have larger tracts instead of falling into subdivision definition.

They asked about the for sale sign on the property. Justin Silva explained that it is for sale but if it sells then they would proceed differently. Since the property has not sold they are going to split the tract to

make more 2 acre lots to sell and also divide between the children. Gerry Harris asked Melissa if this would be considered a large scale/ subdivision. It was also discussed street improvements, etc... Mark Silva who lives at 12198 Little Elm Rd. across from the property in question said there was 12.35 acres listed which would be split into 6 acres which would be 2 acres or more for each parcel. These will have paved frontage to Little Elm. Jay Moore stated he felt like it was in line with the area.

Robert Mann wanted to know about if there would be street improvements done or required. Gerry Harris stated that she wouldn't want commercial to go into those lots. Mark Silva addressed the concern that there would be not commercial. He had been approached by Farmers Coop and the Training Center which are commercial businesses and told them no.

Chad Ball asked about flooding concern on the property or that the drainage would change and make things worse. Mark Silva stated that the water drains off to the corner of another lot which was going to be made into a pond for horses. The impact will be little due to the lots sitting on higher ground. Jay stated that there are 6 houses north of the area in question. Steve Tennant stated by definition of a subdivision in our ordinance we would be opening the City to later issues if we approve the variance. This is by our definition becoming a subdivision. Ball stated that it would be less dense zoning RE-1 with 1 unit per 2 acres. Melissa pointed out that we have no jurisdiction on zoning or use. Mark Silva stated they were going to put covenants on the deed. They were told that we do not enforce covenants that are a civil matter.

Jay had asked if we have ever done something like this before. Melissa stated we have done this before and gave an example of a development off Goosecreek. The questions that were asked were: is it appropriate use? Minimal impact to the area? Conforms to the area? Mann stated that if we deny them they can take us to court for an appeal.

The subdivision does not allow control over street improvements. Mark stated that the neighbors love the idea of putting in more residential lots. They do not want the commercial use to be out there. It was said that if they do not comply it opens the door for issues. This fits into a subdivision and doesn't fall into the exception. This would be rewriting the rules. If it is denied at this time then it cannot be split again for 10 years which would be in 2029. Justin Silva explained that he was trying to get the 2 acre tracts because there is a high demand for them but you cannot find them.

Robert Mann called the question to approve the Variance request on lot splits for 12293 Little Elm Rd. Upon roll call, the ayes were: Jay Moore and Chad Ball, no's were: Howard Carter, Gerry Harris, Judy Horne and Bobby Wilson, absent: Toni Lindsey. The motion denied 2-4.

**5. Adjournment:** Having no further business, meeting was adjourned.

  
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Judy Horne - Secretary

  
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Robert Mann - Chair