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## MINUTES OF RHOME SPECIAL PLANNING & ZONING COMMISSION MEETING

Meeting Date: MONDAY, OCTOBER 5, 2020

Meeting Location: VIA VIRTUAL MEETING

Meeting Start Time: 6:00pm

### Call to Order and Establish a Quorum

Chair Knight called the meeting to order at 6:04pm and called roll to establish a quorum of Commissioners present.

#### **Commissioners Present:**

Chair Steve Knight

Commissioner Thomas Cannon

Commissioner Robert Coleman

Commissioner Christy Nerren

Alternate 1 Kristi King

Alternate 2 Jo Ann Wilson

#### **City Staff Present:**

City Administrator Cynthia Northrop

City Attorney Carvan Adkins

City Secretary Shannon Montgomery

Chair Knight thanked Ashely Majors for her service on the Planning & Zoning Commission.

City Attorney Adkins wanted to remind everyone, it is the duty of each member of the Commission to evaluate their own potential conflicts and that the City does have a conflict of interest provision in its Code of Ordinances. Adkins continued by reading an excerpt of the provision, which says "*no officer and that would include members of the P&C and alternates shall participate in a vote or decision on a matter involving a business entity or real property in which the officer has a substantial interest*".

If it is a reasonably foreseeable, then an action in the matter would confer an economic benefit on the business entity or the real property. And that is essentially quoting Chapter 171 of the Texas Local Government Code, which basically says the same thing, and in the event, you do have a conflict. Both the code and the state statute say that you shall abstain from participating or, I should say, from further participation in the matter and that would mean, including any discussions today or obviously, voting on the matter. It is the obligation of the committee members to make that conflict known, and there is an affidavit that you're required to prepare to give to the city, to let them know that you have a conflict.

City Administrator Northrop asked Carvan to address the fact that our Ordinance does not require public hearings for preliminary or final plats, so the City did not have to publish notice nor send out 200 foot notices. Regardless, if there is a public hearing or a letter that goes out, someone does not absolve the conflict of interest if a notice is mailed or a public notice is published.

Adkins agreed, the 200 foot letter is just a shorthand way of notifying you of a conflict of interest, so when you get that letter, it pretty much tells you that the courts are going to determine that you have an economic interest in the outcome of the vote, and that you probably need to file your affidavit and cease participating and/or voting on the matter.

City Attorney Adkins stated the members of the Commission have the right to call him and ask him, in advance. Adkins reminded the Commission that it is their duty, under both the Code and the Statute, to make their decision in advance of the meeting and advised the Commission, if they think they have a conflict. Mr. Adkins stated the best time is to call ahead of the meeting and give both he and you time to evaluate whether it is truly a conflict. Adkins' best advise to the Commission, in an abundance of caution,

is to assume that you do have a conflict and that you should abstain from participating; there is really no reason to take the risk and participate, if you have not had a chance to discuss with him.

Chair Knight announced that Alternate 1 Kristi King will be seated for this meeting.

Chair Knight read a statement, *"I as chair of the Rhone Planning and Zoning Commission, would like to make a statement concerning the confusion surrounding the recent actions of this Commission. Having been tasked by our own City Council to review the City of Rhome's Code of Ordinances, Chapter 14 Zoning, and our Comprehensive Plan and make recommendations to them of any changes we see and to update both to better reflect the current needs and wants of the citizens of Rhome.*

*We are guided by City Staff to first have a more current plan created with the help of professionals and the input of the citizens of Rhome. This process took time, but with the new Plan, we had a guide of how the City wanted to develop and grow. We decided to start with looking at the downtown area. We saw that there was an overlay created back in 2004, describing a zoning classification named Old Town Rhome. This also had a map created with boundaries that were difficult to distinguish, that we also felt encompassed an area larger than intended or needed.*

*We, as a group of Commissioners, from several areas of Town, worked to redraw the boundaries to make better sense of what our new Comprehensive Plan describes as an area of Town that would consist of a mixed-use area and single-family homes. Along with retail and commercial businesses that would best fit in this part of Town and to include walking and meeting areas, small parks, adequate parking and lighting. In other words, the feel of what Old Town remains to the citizens who live here.*

*It was never the intention of this Commission to attempt to rename anything but a classification as a zone. On paper, for the purpose of promoting the area when interested businesses or people inquired about locating with it within this area of Town, to better align it with the verbiage contained within the New Comprehensive Plan, it was never the intent to rename Old Town Rhome.*

*With this said, I plan to continue, with the help of my current commissioners and our City Council, City Staff, and engineer to update the content within our zoning ordinance.*

*Thank you very much."*

### **Public Presentations and Input**

Rick King, 207 Cheyenne Trail North, Rhome, Texas addressed the Planning and Zoning Commission.

### **Regular Agenda – Old Business**

#### **A. Discussion and any necessary action regarding the Minutes of September 14, 2020 Planning & Zoning Commission Special Session**

Motion made by Commissioner Cannon, seconded by Commissioner Nerren, to approve the Minutes of September 14, 2020 Planning & Zoning Commission Special Session as presented.

Chair Knight asked for a roll-call vote:

Chair Knight:	Aye
Commissioner Nerren:	Aye
Commissioner Cannon:	Aye
Commissioner Coleman:	Aye
Alternate Commissioner King:	Aye

Motion carried unanimously.

Chair Knight announced that Commissioner Cannon recused himself from Agenda Items B & C; Alternate 2 Commissioner Wilson would sit in on these agenda items.

**Public Hearing**

**B. Rhome Planning & Zoning Commission to conduct a Public Hearing to consider a request for a Carport at legal property being Legal: Acres: 0.209, Lot: 2, Blk: 1, Subd: ROLLING HILLS ADDITION also known as 321 Redbud, Rhome, Texas 76078**

Chair Knight opened the Public Hearing at 6:19pm.

City Secretary Montgomery read the only response received:

- James Humphries, PO Box 447, Boyd, Texas – IN FAVOR

Property owner Randy Murdock was available for questions.

Chair Knight closed the Public Hearing at 6:22pm.

**Regular Agenda – New Business**

**C. Discussion and any necessary action considering a recommendation to Council regarding a request for a Carport at property being described as Legal: Acres: 0.209, Lot: 2, Blk: 1, Subd: ROLLING HILLS ADDITION also known as 321 Redbud, Rhome, Texas 76078**

Chair Knight referred to City Administrator Northrop, who stated that a Special Use Permit requires ten feet from side yard site lines. Northrop continued by stating that the application meets all requirements except for the ten-foot side setback. City Administrator reminded the Commission that a similar case came before them in March.

Motion made by Chair Knight, seconded by Commissioner Coleman to recommend approval of this application with a variance of the ten-foot side setback.

Chair Knight asked for a roll-call vote:

- Chair Knight: Aye
- Commissioner Nerren: Aye
- Commissioner Coleman: Aye
- Alternate Commissioner King: Aye
- Alternate Commissioner Wilson: Aye

Motion carried unanimously.

Chair Knight voiced the return of Commissioner Cannon, announced Alternate Commissioner King has recused herself and Alternate Commissioner Wilson would remain sited for Agenda Item D.

**D. Discussion and any necessary action considering a recommendation to Council regarding a proposed Preliminary Plat for Rolling V Ranch, RVR No. 1 Phases 1-3, being described as 219.23 acres, 697 lots, 3.18 lots/AC, 31 open spaces, approximately 51.06 AC out of the James B. Farnsworth Survey, Abstract No. 1417 & 991, Jacob Moffatt Survey, Abstract No. 554, Smith County School Land Survey, Abstract No. 743 in the City of Rhome ETJ, Wise County, Texas as requested by PMB Rolling V Land, LP**

City Administrator Northrop explained that a plat legally defines a piece of land and this property is located within the City’s Extra Territorial Jurisdiction (ETJ). Northrop continued by stating that the City has a developer’s agreement in place with the developer and that the plat meets those requirements and also

State Law, Statute and Ordinance. Staff has meet with the developer and recommends that the Planning & Zoning Commission recommend approval to the City Council.

City Attorney Adkins stated that there is not a lot of room to make changes; the approval of the preliminary plat is a ministerial act – if it meets all of the requirements, which this plat does, you have to recommend approval.

City Administrator Northrop introduced Peter Pincoffs, PMB, who gave a brief history of the of the property, provided a list of future projects and addressed questions from the Commission.

City Engineer Welden stated that the developer has met all requirements for this plat.

City Attorney Adkins added that there are no legal bases to deny the preliminary plat.

Mr. Pincoffs provided that construction will be starting in early January and phase 1 should be completed within 12 to 15 months with phase 2 being completed shortly thereafter.

Motion made by Chair Knight, seconded by Commissioner Nerren, to recommend approval of proposed Preliminary Plat for Rolling V Ranch, RVR No. 1 Phases 1-3, being described as 219.23 acres, 697 lots, 3.18 lots/AC, 31 open spaces, approximately 51.06 AC out of the James B. Farnsworth Survey, Abstract No. 1417 & 991, Jacob Moffatt Survey, Abstract No. 554, Smith County School Land Survey, Abstract No. 743 in the City of Rhome ETJ, Wise County, Texas as presented.

Chair Knight asked for a roll-call vote:

Chair Knight:	Aye
Commissioner Nerren:	Aye
Commissioner Cannon:	Aye
Commissioner Coleman:	Against
Alternate Commissioner Wilson:	Aye

Motion carried 4-1-0 with Commissioners Knight, Cannon, Nerren and Wilson voting for and Commission Coleman voting against.

Northrop shared with the Commission that Council had the same concerns and had those conversations with the developer.

Chair Knight voiced the return of Alternate Commissioner King, announced Commissioner Coleman has recused himself and Alternate Commissioner Wilson would remain sited for Agenda Item E.

**E. Discussion and any necessary action considering a recommendation to Council regarding a proposed Preliminary Plat for Rolling V Ranch, RVR No. 2 Phases 1-2, being described as 186.19 acres, 513 lots, 2.76 lots/AC, 68.90 AC, 19 open spaces out of the Smith County School Land Survey, Abstract No. 743 in the City of Rhome ETJ, Wise County, Texas as requested by PMB Rolling V Land, LP**

City Administrator Northrop stated all requirements for this preliminary plat have also been met, project has been reviewed by Staff, including the City Engineer. This agenda item is also ministerial as the previous item.

Motion made by Chair Knight, seconded by Commissioner Thomas, to recommend approval of the proposed Preliminary Plat for Rolling V Ranch, RVR No. 2 Phases 1-2, being described as 186.19 acres, 513 lots, 2.76 lots/AC, 68.90 AC, 19 open spaces out of the Smith County School Land Survey, Abstract No. 743 in the City of Rhome ETJ, Wise County, Texas as presented.

Chair Knight asked for a roll-call vote:

Chair Knight: Aye  
Commissioner Nerren: Aye  
Commissioner Cannon: Aye  
Alternate Commissioner King: Against  
Alternate Commissioner Wilson: Aye

Motion carried 4-1-0 with Commissioners Knight, Nerren, Cannon and Wilson voting for and Commissioner King voting against.

Chair Knight voiced the return of Commissioner Coleman and thanked Alternate Commissioner Wilson for sitting in.

**Future Agenda Items**

No future agenda items were requested; Chair Knight asked if the Commissioners thought of one to please email the City Administrator and City Secretary.

**Adjourn**


Motion made by Commissioner Cannon, seconded by Commissioner Nerren to adjourn.

Chair Knight asked for a roll-call vote:

Chair Knight: Aye  
Commissioner Nerren: Aye  
Commissioner Cannon: Aye  
Commissioner Coleman: Aye  
Alternate Commissioner King: Aye

Motion carried unanimously; meeting adjourned at 6:56pm.

**Minutes approved the 2nd day of November 2020.**

  
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Steve Knight,  
Chair



  
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Shannon Montgomery, TRMC  
City Secretary