

**Village of Salado
Salado Municipal Building
301 N. Stagecoach Road
Salado, Texas**

**Minutes of Regular Planning and Zoning Commission Meeting
September 27, 2022, at 6:30 p.m.**

The Planning and Zoning Commission meeting was called to order at 6:30 p.m. by Chairman Don Hogue.

Commission Members Present: Jeff McClure, Don Hogue, Jim Lassiter, Bill Smith, and Ron Cunningham.

Commission Members Absent: None.

Staff Present: Village Administrator Don Ferguson

1. Citizens Communications

There were no citizen comments.

2. Consent Agenda

APPROVAL OF MINUTES OF PREVIOUS MEETINGS OF THE PLANNING AND ZONING COMMISSION.

Commissioner Bill Smith made the motion to approve the minutes for the August 9th, August 23rd, and September 13th meetings of the Commission. Chairman Don Hogue seconded the motion that was approved on a vote of 5-0.

3. PUBLIC HEARING AND POSSIBLE ACTION

HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION REGARDING AN APPLICATION TO REZONE APPROXIMATELY 57.985 ACRES LOCATED NEAR THE SOUTHEAST CORNER OF FM 2268 AND INTERSTATE 35 IN SALADO, BELL COUNTY, TEXAS FROM PLANNED DEVELOPMENT DISTRICT (PDD-C) TO AGRICULTURE (A).

Village Administrator Ferguson said the property in question was annexed into the Village in early 2016 and was zoned as a PDD-C (Planned Development District – Commercial) in February 2016. He said the property is covered by a development agreement between the Village and the Sanctuary developers.

Since the initial zoning, Ferguson said the property has remained undeveloped, and the Village is not aware of any potential projects considering the property.

Ferguson said the intent of this agenda item is to hear from the public regarding the current zoning and discuss whether it is still the appropriate zoning for the property in the current circumstances, given that significant development has occurred in other areas of the Village over the past six and a half years, but no development has occurred on this tract.

City Attorney Cobby Coputo said the Village staff's recommendation is to consider and take public comment on rezoning the property to Agriculture District, which is the Village's standard zoning district for undeveloped land. He said the Zoning Ordinance states that territory that has been newly annexed into the Village is initially zoned Agriculture unless it is assigned another zoning district. He added it is anticipated that Agriculture zoned land will eventually be rezoned to another more permanent, urban zoning classification in the future.

Caputo said rezoning the property will allow prospective developers to hold discussions with the Village about different types of projects than are allowed under the current PDD-C zoning, and to then bring the property or parts of the property back to the Commission and Board of Aldermen for rezoning, without having to fit within the current PDD-C zoning.

Attorney Jeff Howard, representing the property owner, indicated his client is opposed to the proposed rezoning. He said the zoning action violates the development agreement, state law and the Texas Constitution.

City Attorney Caputo said the proposed zoning action is not illegal.

Commission members questioned both attorneys. Afterwards, Chairman Don Hogue opened the public hearing.

Salado resident Larry Sands urged commission members to not rezone the property, indicating the property owner negotiated with the Village in good faith. He questioned the motivation behind the proposed rezoning.

Salado resident Jill Shipman said the Village should live by the development agreement that it entered into with the property owner. She said it is unnecessary to rezone the property in question.

Salado resident Linda Reynolds said the Village should take its time in dealing with issues relating to the development agreement.

With there being no further public comment, Chairman Hogue closed the public hearing.

Commissioner Ron Cunningham made a motion to go into executive session to consult with the City Attorney. Commissioner Jim Lassiter seconded the motion that was approved on a 5-0 vote.

Chairman Hogue announced the Commission will retire into Executive Session per Section 551.071 of the Texas Open Meetings Act at 7:30 p.m.

Commission members came out of Executive Session at 7:46 p.m. with Chairman Hogue indicating no action was taken in the closed session.

Commissioner Bill Smith made a motion to recommend changing the zoning from PDD-C (Planned Development District-Commercial) to A (Agriculture) as proposed and that the Comprehensive Plan be amended to reflect the zoning change. Commissioner Jeff McClure seconded the motion.

Commissioner McClure said rezoning the property will allow prospective developers to hold discussions with the Village about different types of projects that are allowed under the current PDD-C zoning, and to then bring the property or parts of the property back to the Commission and Board of Aldermen for rezoning, without having to fit within the current PDD-C zoning. He said rezoning the subject property is appropriate and reasonable.

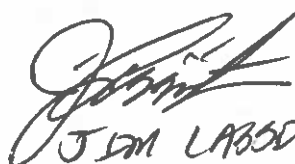
Chairman Hogue called the question on the motion. Commission members voted 4-1 to approve the motion, with Chairman Hogue voting against the motion.

Adjournment

With there being no further business, Chairman Hogue adjourned the meeting at 7:50 p.m.

These minutes approved by the Planning and Zoning Commission on November 29, 2022.

Don Hogue
Commission Chair


JIM LABBEY - VICE CHAIR
4/9/24

Attest :

Don Ferguson
Village Administrator