

**MINUTES**  
**PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission of the City of Burkburnett, Texas met in a regular scheduled meeting on August 5, 2019, at 6 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice given in compliance with the Open Meetings Act. The following Commission members were present:

Tim Cornelius	Chairperson
Mark Barefield	Commissioner
Paul Gerstner	Commissioner
Carla Walters	Commissioner
Robert Jones	Alternate

Others present were Richard Gordon, Director of Planning; and Margie Poole, City Clerk.

**ITEM 1.** Chairperson Tim Cornelius called the meeting to order at 6:00 p.m.

**ITEM 2.** Discuss and take any action necessary on approval of minutes from May 6, 2019, and July 1, 2019.

Commissioner Jones made the motion, seconded by Commissioner Walters, to approve the minutes from May 6, 2019, and July 1, 2019. Motion carried unanimously.

**ITEM 3.** Review and take necessary action on the Rezone Application: Case 2019-45; Charlotte and FM 369.

Mr. Gordon addressed the Commissioners and stated that Mr. Josh Stimpson and Mr. Marty Mullins (owners) have applied to rezone 27.04 acres at this location. The majority of this property is zoned Single Family Residential-6 (SF-6). One section that faces FM 369 is zoned Residential-2 (R-2). Mr. Stimpson and Mr. Mullins want both these tracts zoned Agricultural (AG) to allow for the construction of a residence and an accessory structure at this site. The property is vacant now and used for agricultural production. Public notices as required by the Zoning Ordinance were sent to all properties 200 feet adjacent to the proposed district, and we received one inquiry from homeowners, Geronimo and Julia Lagunas, present here tonight.

Mr. Gordon then presented the aerial view of the property to the Commissioners and stated that his understanding of the owners' intent for the 27.04 acres is that they still want a residential use and in the future may submit a replat application for five acres. The plan is to sell this 5-acre tract to another individual who wants to build a house and barn facility. On the remaining 22 acres, Mr. Stimpson plans to build a house and a barn, but a barn first. Mr. Stimpson has only submitted the rezoning application at this point. Mr. Gordon then explained that in an AG District, the rules for construction (how, what, and when) are different than a Residential, Single Family-6 District. In an SF-6 district, the large accessory building cannot be built first without building a primary structure. Construction of the primary structure must occur before the large accessory building. Mr. Gordon pointed out that these 22 acres will allow for quite a large accessory building, based on 10% of the square foot rule. The size of the accessory building (the 10% rule) is not affected whether the land stays SF-6 or changes to AG. The owner is still limited to that same size structure as far as the barn is concerned. Chairperson Cornelius then

restated that the owner is not able to build a bigger barn than what was allowed if the land remains as SF-6. Mr. Gordon reminded the Commissioners that the ordinance was amended to limit the size of the accessory structure to 10% of the square foot of the property, provided compliance with other limits. For example, if you have a 10,000 square foot lot, you could have a 1,000 square foot accessory building.

Chairperson Cornelius then stated that rezoning to AG does not change any other aspect except that construction of the accessory building may occur first. Mr. Gordon confirmed that having the land zoned AG does allow for the construction of the accessory structure first.

Mr. Lagunas questioned if the zoning is changed will the owners be able to operate a business on the property as well. Mr. Gordon confirmed AG zone does allow for more flexibility than a Residential zone, but many usages will require specific-use permits approved and granted by this Commission. Chairperson Cornelius clarified that since the land is zoned Residential now and, as such, does not permit Commercial use - changing the zone to AG will not then allow for Commercial use. Commissioner Walters stated, and Mr. Gordon agreed that the only change is that the owners are allowed to build the accessory building before constructing a residence. Commissioner Walters stated that if the Commission did not grant the rezoning application, the owners would still be able to build the residence and then still build the accessory building for storing construction equipment. Commissioner Cornelius stated that this rezoning allows the owner to build the barn first for storing his equipment, but he could do that now if he built the house first.

The discussion ensued regarding the owner's intention of taking the five acres on the east side and potentially selling that tract of land. If the Commission deems this AG and it passes the City Council, the person who buys the 5-acre tract could build their barn first.

The discussion then focused on the limits of home business versus a commercial business, i.e., signage, and AG exemptions versus property tax. Chairperson Cornelius confirmed that the land could have an AG exemption, subject to guidelines, but the house cannot have an AG exemption. Chairperson Cornelius re-confirmed that if this Commission approves the rezoning application and the City Council approves it, the only change would be that construction of the accessory building may occur first, but set back rules must be obeyed.

Commissioner Gerstner made the motion, seconded by Commissioner Barefield, to approve the Rezone Application: Case 2019-45; Charlotte and FM 369. Motion carried unanimously.

**ITEM 4.** Mr. Gordon addressed the Commissioners with updates from the Burkburnett Development Corporation.

**ITEM 5.** The meeting was adjourned by acclamation at 6:41 p.m.

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Tim Cornelius, Chairperson

**ATTEST:**

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Richard Gordon, Director of Planning

*Minutes, August 5, 2019*