

CALL TO ORDER:

Chair Earle called the meeting to order at 7:00 p.m. on October 4, 2016.

COMMISSIONERS

MARVIN EARLE – CHAIR
LAWRENCE PROTHRO, VICE CHAIR - ABSENT
ISABEL AGUILAR
RACHEAL HILL
CYNTHIA JOHNSON

CITY STAFF

TONY FELTS	SENIOR PLANNER
KELLEY FRAZIER	DEVELOPMENT COORDINATOR
SAMANTHA GOWAN	CITY ATTORNEY

CITIZENS COMMENTS: (At this time citizens will be allowed to speak only on matters contained on the Planning & Zoning Commission agenda).

NO COMMENTS WERE MADE

CONSENT AGENDA:

1. Consider approval of minutes from the July 12, 2016 meeting.
2. Consider approval of minutes from the September 6, 2016 meeting.
3. HLPC 16-07 Discuss and Consider a Certificate of Appropriateness to install a six foot (6') wooden fence at the property located at 508 N. Dallas Avenue.

A MOTION WAS MADE BY COMMISSIONER HILL SECONDED BY COMMISSIONER AGUILAR TO APPROVE THE CONSENT AGENDA AS SUBMITTED.

AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE

THE MOTION CARRIED 4- 0.

PUBLIC HEARING:

4. Z16-07 Conduct a Public Hearing and Consider an Amendment to the City of Lancaster's Comprehensive Plan's Future Land Use Map and a rezoning request to amend PD-Planned Development Ordinance #2003-09-24, and as amended, to allow front entry garages for perimeter lots, setback modifications, and lot size modifications

Tony Felts, read the staff report into the record.

Bob Devillier, Camillio Properties, 1717 McKinney Avenue, Suite 1400, Dallas, Texas 75202 stated that through the meetings with the neighborhood they achieved a compromise. Approximately 40% of the properties will have front entry garages while the remaining 60% will have alley entry garages. Also as part of this compromise the minimum lot size will now be 6000 square feet opposed to the originally proposed 3,750 square foot minimum. Commissioner Aguilar noted that one of the original concerns was the tree removal and asked if this had been addressed.

Mr. Devillier stated that the way it is being addressed is that the majority of the trees will remain. Only the trees in the fence lines will be removed, and he stated that by eliminating the alleys along that side it would save several of the trees on this property.

Commissioner Johnson noted that it is important that we brand our city and that the neighborhoods should have a consistency. Rear entry garages are a key factor in the proposed Comprehensive Plan and we need to show some consistency with all the new development coming into the city. She asked if the lack of alleys was a financial issue or was there something else driving this?

Mr. Devillier noted that there were two factors in the decision to leave out the perimeter alleys. First, the whole cost of the alley would solely be covered by the one adjacent property owner versus the alleys where there is an alley between houses and they split the cost. Second, the removal of those perimeter alleys allowed for the larger lot sizes and adding them in would reduce the lot sizes or the number of properties in this addition.

Commissioner Johnson asked if other amenities are being added to account for the deletion of the alleys and if there was any conversation with the neighborhood about the sizes of the backyards.

Mr. Devillier responded what they end up with is a 30 to 40 foot backyard and the homes are significantly larger on the front entry garage products.

Mr. Felts clarified that through this compromise they were able to create the larger lots that the neighborhood wanted along with adding several areas for open space for the neighborhood.

Mr. Devillier also noted they were adding some landscaping to one of the medians in the neighborhood to add additional value. They have also already built around 70 houses in this neighborhood. They noted that they build a pretty good product and they maintain their own yards to maintain a good name for Camillio Properties.

Commissioner Johnson asked what the open space would be used for.

Mr. Felts stated it would be open space for the neighborhood and it would be up to the HOA as to how the property would be used.

Commissioner Aguilar asked if the changes have been codified.

Mr. Felts responded that the changes have not been codified as of yet. The changes were pending the outcome of this hearing to ensure that all the changes are included. After this recommendation City Staff will get the codified ordinance to City Council for final approval.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO OPEN THE PUBLIC HEARING.

**AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE**

THE MOTION CARRIED 4 to 0.

Ms. Ivory Barnes, 511 Pecan Leaf Drive, Lancaster TX 75146, lives in the Kimble Hill Addition and she expressed her concerns about the removal of the trees along the adjacent properties, a cracked sewage line and the potential for an increase in flooding.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER EARLE TO CLOSE THE PUBLIC HEARING.

**AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE**

THE MOTION CARRIED 4 to 0.

Commissioner Aguilar asked if the Kimble Hill Addition was a part of this item.

Mr. Felts clarified that Kimble Hill was not a part of this request. They are the adjacent property owners to the south and there is concern about the drainage between these two areas. The City Engineer will be taking a look at the drainage to ensure that no flooding issues occur. There will be a detention basin to help with the additional water that will be on the property.

Commissioner Aguilar asked if there was anything that the Commission can ask of the developer to prevent this. Mr. Felts clarified that she could ask them to explain the process but the drainage issue will be addressed through their construction documents. The City ordinance states that post development there can be no more water run off than there was pre-development.

A MOTION WAS MADE BY COMMISSIONER HILL AND SECONDED BY COMMISSIONER JOHNSON TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF Z16-07 AN AMENDMENT TO THE CITY OF LANCASTER'S COMPREHENSIVE PLAN'S FUTURE LAND USE MAP AND A REZONING REQUEST TO AMEND PD-PLANNED DEVELOPMENT ORDINANCE #2003-09-24, AND AS AMENDED, TO ALLOW FRONT ENTRY GARAGES FOR PERIMETER LOTS, SETBACK MODIFICATIONS, AND LOT SIZE MODIFICATIONS.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

5. Z 16-08 Conduct a Public Hearing and consider a Specific Use Permit (SUP) to allow a Commercial Amusement/Recreation (Indoor) use at 2705 N. Dallas Avenue, Lancaster, TX, consisting of an approximately 0.68 acre tract currently zoned Retail (R).

Mr. Felts read the staff report into the record.

Commissioner Johnson asked if this property was a day care at one point. Mr. Felts clarified that this business was inside the existing gas station at that location.

Chair Earle asked for staff to go into more detail regarding the denial. Mr. Felts indicated that part of the basis for the denial is that there is a potential increase in traffic, crime and loitering in the area with this added use.

Commissioner Aguilar asked if there were other locations where this use currently exists in Lancaster currently. Mr. Felts indicated that there is an additional location on the current agenda and one on the next agenda. This use was brought to our attention through a citizen complaint and all locations were sent a letter indicating they were not allowed and would need to come into compliance with the ordinance. They are currently allowed by right in Commercial Highway districts. However the ones located in the (R) Retail district are not allowed without a Specific Use Permit.

Haidas Fawaz, 2705 North Dallas Avenue, Lancaster TX, expressed he has been in business since 2002 and that he wants to continue to operate his business in Lancaster. He owns the 8 acres surrounding the gas station property and would like to create more development for the City of Lancaster.

Chair Earle asked if the applicant was aware of staff concerns before this meeting. Mr. Fawar indicated he was.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO OPEN THE PUBLIC HEARING.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

NO CITIZENS SPOKE.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER JOHNSON TO CLOSE THE PUBLIC HEARING.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER JOHNSON TO RECOMMEND DENIAL TO THE CITY COUNCIL OF Z 16-08 A SPECIFIC USE PERMIT (SUP) TO ALLOW A COMMERCIAL AMUSEMENT/RECREATION (INDOOR) USE AT 2705 N. DALLAS AVENUE, LANCASTER, TX, CONSISTING OF AN APPROXIMATELY 0.68 ACRE TRACT CURRENTLY ZONED RETAIL (R).

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

6. Z 16-09 Conduct a Public Hearing and consider a Specific Use Permit (SUP) to allow a Commercial Amusement/Recreation (Indoor) use at 2286 W. Pleasant Run Road, Suite 112, Lancaster, TX, said suite being a portion of an approximately 1.601 acre tract currently zoned Retail (R).

Mr. Felts read the staff report into the record.

Commissioner Aguilar asked what the limit is for the coin operating machines. Mr. Felts indicated that there is no limit except what limits may be set by authorizing the Specific Use Permit, the threshold for requiring the Specific Use Permit is 4.

Commissioner Johnson asked if we had the crime statics for that area. Mr. Felts indicated we did not have that information at this time.

Chair Earle asked if there were any crime complaints or reports in this area. Mr. Felts responded that the staff comment regarding the potential crime was just the potential and we do not have the data at this time.

Commissioner Hill asked if this use is in compliance with the pending Comprehensive Plan. Mr. Felts indicated the zoning (R) Retail is in line with the Comprehensive Plan however the Specific Use Permit allows for further review to determine whether the use is appropriate for the area.

Steven Yoo, 2826 West Pleasant Run Road, Lancaster, TX, indicated that the store has been in operation for 15 years total, 10 years with the previous owner and that he purchased the business 6 months ago. He stated that he has no problems at all with crime at that location.

Kim Yoo, 2826 West Pleasant Run Road, Lancaster, TX states that without the coin machines they cannot maintain this business. There are too many gas stations in this area and without the coin operated machines they would not be able keep that business running.

Chair Earle asked when the business was first opened, did the previous owner tell the city that they would be operating this coin operated business. Ms. Yoo indicated she felt like they did tell the city they would be operating the coin machines at this location. Mr. Earle asked the applicant if they have received any complaints from the neighborhood about their business. Ms. Yoo indicated they have not received any complaints.

Mr. Felts clarified that the current Certificate of Occupancy was for a convenience store/gas pump only, and does not include the coin operated machines,

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO OPEN THE PUBLIC HEARING.

**AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE**

THE MOTION CARRIED 4 to 0.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO CLOSE THE PUBLIC HEARING.

**AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE**

THE MOTION CARRIED 4 to 0.

Commissioner Johnson expressed a concern regarding allowing these Specific Use Permits areas to pop up all over the city and that the Commission is possibly setting themselves up for a bad situation.

Chair Earle, Commissioner Hill, and Commissioner Aguilar expressed their concerns about the denial of a use that has been allowed to operate for 15 years with no interjection from the City.

Mr. Felts noted that the City Council will consider banning gaming machines at the next Council meeting.

A MOTION WAS MADE BY COMMISSIONER HILL AND SECONDED BY COMMISSIONER AGUILAR TO TABLE Z 16-09 A SPECIFIC USE PERMIT (SUP) TO ALLOW A COMMERCIAL AMUSEMENT/RECREATION (INDOOR) USE AT 2286 W. PLEASANT RUN ROAD, SUITE 112, LANCASTER, TX, SAID SUITE BEING A PORTION OF AN APPROXIMATELY 1.601 ACRE TRACT CURRENTLY ZONED RETAIL (R) UNTIL THE NOVEMBER 15, 2016 PLANNING AND ZONING COMMISSION MEETING.

**AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE**

THE MOTION CARRIED 4 to 0.

7. PS 16-09 Consider a Preliminary Residential Plat for Wintergreen Ridge Addition Phase 1B, being 46 lots on approximately 10.759 acres, the property is located on the east side of Woodglen Drive at the termini of Bonnywood Drive and Glen Hollow Drive. The property is more particularly described as a tract of land situated in the William Fleming Survey Abstract No. 466, City of Lancaster, Dallas County, Texas.

Mr. Felts read the staff report into the record.

Todd Winters, 201 Winco Circle, Wylie, Texas, indicated this project was approved in 2007 originally and while it is unusual to have the preliminary and final plat both go forward at the same time, most of the infrastructure is in since our approval is from 2007 so they would like to go ahead and move forward with both plats.

Commissioner Johnson expressed her concerns regarding platting and the alleys and front entry garages versus rear entry garages. Mr. Felts clarified that this plat is not related to the previous zoning case and this application is merely a plat and it has met all the zoning.

Chair Earle expressed his concern about the fencing that is standard with these types of developments and the look of them after years. Mr. Winters indicated that the supports are constructed of steel posts and no longer made of wood and that they will last longer that way.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER JOHNSON TO APPROVE PS 16-09 A PRELIMINARY RESIDENTIAL PLAT FOR WINTERGREEN RIDGE ADDITION PHASE 1B, BEING 46 LOTS ON APPROXIMATELY 10.759 ACRES, THE PROPERTY IS LOCATED ON THE EAST SIDE OF WOODGLEN DRIVE AT THE TERMINI OF BONNYWOOD DRIVE AND GLEN HOLLOW DRIVE. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND SITUATED IN THE WILLIAM FLEMING SURVEY ABSTRACT NO. 466, CITY OF LANCASTER, DALLAS COUNTY, TEXAS.

**AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE**

THE MOTION CARRIED 4 to 0.

8. PS 16-10 Consider a Final Residential Plat for Wintergreen Ridge Addition Phase 1B, being 46 lots on approximately 10.759 acres, the property is located on the east side of Woodglen Drive at the termini of Bonnywood Drive and Glen Hollow Drive. The property is more particularly described as a tract of land situated in the William Fleming Survey Abstract No. 466, City of Lancaster, Dallas County, Texas.

Mr. Felts read the staff report into the record.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO APPROVE PS 16-10 CONSIDER A FINAL RESIDENTIAL PLAT FOR WINTERGREEN RIDGE ADDITION PHASE 1B, BEING 46 LOTS ON APPROXIMATELY 10.759 ACRES, THE PROPERTY IS LOCATED ON THE EAST SIDE OF WOODGLEN DRIVE AT THE TERMINI OF BONNYWOOD DRIVE AND GLEN HOLLOW DRIVE. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND SITUATED IN THE WILLIAM FLEMING SURVEY ABSTRACT NO. 466, CITY OF LANCASTER, DALLAS COUNTY, TEXAS.

**AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE**

THE MOTION CARRIED 4 to 0.

9. PS 16-11 Consider a Preliminary Residential Plat for Wintergreen Ridge Addition Phase 2, being 50 lots on approximately 10.91 acres, the property is located at the west terminus of Bruce Drive. The property is more particularly described as a tract of land situated in the William Rawlings Survey Abstract No. 1201 and William Fleming Survey Abstract No. 466, City of Lancaster, Dallas County, Texas.

Mr. Felts read the staff report into the record.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO APPROVE PS 16-11 CONSIDER A PRELIMINARY RESIDENTIAL PLAT FOR WINTERGREEN RIDGE ADDITION PHASE 2, BEING 50 LOTS ON APPROXIMATELY 10.91 ACRES, THE PROPERTY IS LOCATED AT THE WEST TERMINUS OF BRUCE DRIVE. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND SITUATED IN THE WILLIAM RAWLINGS SURVEY ABSTRACT NO. 1201 AND WILLIAM FLEMING SURVEY ABSTRACT NO. 466, CITY OF LANCASTER, DALLAS COUNTY, TEXAS.

**AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE**

THE MOTION CARRIED 4 to 0.

10. PS 16-12 Consider a Final Residential Plat for Wintergreen Ridge Addition Phase 2, being 50 lots on approximately 10.91 acres, the property is located at the west terminus of Bruce Drive. The property is more particularly described as a tract of land situated in the William Rawlings Survey Abstract No. 1201 and William Fleming Survey Abstract No. 466, City of Lancaster, Dallas County, Texas.

Mr. Felts read the staff report into the record.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO APPROVE PS 16-12 CONSIDER A FINAL RESIDENTIAL PLAT FOR WINTERGREEN RIDGE ADDITION PHASE 2, BEING 50 LOTS ON APPROXIMATELY 10.91 ACRES, THE PROPERTY IS LOCATED AT THE WEST TERMINUS OF BRUCE DRIVE. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND SITUATED IN THE WILLIAM RAWLINGS SURVEY ABSTRACT NO. 1201 AND WILLIAM FLEMING SURVEY ABSTRACT NO. 466, CITY OF LANCASTER, DALLAS COUNTY, TEXAS.

**AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE**

THE MOTION CARRIED 4 to 0.

A MOTION WAS MADE BY COMMISSIONER HILL AND SECONDED BY COMMISSIONER AGUILAR TO ADJOURN THE MEETING.

**AYES: EARLE, PROTHRO, AGUILAR, HILL
NAYS: NONE**

THE MOTION CARRIED 4 to 0.

THE MEETING WAS ADJOURNED AT 8:17 P.M.



Marvin Earle, Chair

ATTEST

Tony Felts, AICP, Interim Planning and Development Services Director