

MINUTES

PLANNING & ZONING COMMISSION REGULAR MEETING OF JULY 2, 2019

The Planning and Zoning Commission of the City of Lancaster, Texas, met in a Regular Session in the Council Chambers of City Hall on July 2, 2019 at 7:00 p.m. with a quorum present to-wit:

Commissioners Present:

Jeremy Reed, Chair
Ty G. Jones, Vice-Chair
Ernest Casey
Lawrence Prothro
Isabel Aguilar
Tamika Whitfield, Alternate

Commissioners Absent:

None

City Staff:

Bester Munyaradzi, Senior Planner
Emma Chetuya, Planner

Call to order:

Chair Reed called the meeting to order at 7:00 p.m. on July 2, 2019.

CONSENT AGENDA:

Chair Reed read the consent agenda.

Commissioner Aguilar requested that items 3 and 4 be pulled from consent items for further discussion.

1. **Consider approval of minutes from the Planning and Zoning Commission Regular Meeting held on June 4, 2019.**
2. **HLPC 18-11 Discuss and consider a Certificate of Appropriateness to install stucco walls and doors on the north and east side of the property located at 121 Historic Town Square, Lancaster, Dallas County, Texas.**

MOTION: Commissioner Prothro made a motion, seconded by Commissioner Casey to approve items 1 and 2. The vote was cast 5 for, 0 against.

3. **HLPC 19-02 Discuss and consider a Certificate of Appropriateness to install a four (4) feet high fence on the property located at 302 S. Dallas Avenue, Lancaster, Dallas County, Texas.**

Planner Chetuya gave the staff report and stated that the applicant installed a four (4) foot high wood fence on the north and west sides of East Redbud Street and South Dallas Avenue without applying for a Certificate of Appropriateness or obtaining a fence permit. The fence is located approximately four (4) feet from the edge of East Redbud Road and has wooden posts. Planner Chetuya noted that the height and material are in compliance with the Lancaster Historic Residential District Regulations (LHRDR), however, the applicant used wooden posts which do not meet the fence ordinance regulations.

The fence ordinance requires that posts be constructed of metal, brick, stone, concrete, fiberglass or other materials approved by the code official. In addition, the fence does not meet the six (6) foot setback requirement from the street in accordance to the LHRDR.

Planner Chetuya also stated that there is a big tree on the Redbud Street side of the property the setback can still be met by either having the tree between the fence or have the fence go around the tree. As it is, the fence is encroaching into the right-of-way and needs to be moved back. On the May 30, 2019 HLPC meeting, staff recommended denial and the HLPC recommended approval of the request.

Commissioner Aguilar asked staff if the applicant received a permit for her fence, Planner Chetuya stated that she did not.

Commissioner Prothro stated that he went by the property and the fence looked fine. Although the fence may not meet the requirements for a COA he did not have an issue with it nor should the applicant have to remove it. He stated only to be sure that citizens are aware a permit is necessary before doing any type of work.

Commissioner Aguilar stated that because HLPC recently changed their guidelines to ordinances there should not be any special exceptions made outside of the requirements. Vice Chair Ty G. Jones added that because HLPC recommended approval he did not see an issue with moving forward as they are more knowledgeable of the Historic District.

The applicant, Amy Glover, 302 S. Dallas Avenue, stated that she constructed her fence based on the parameters of the fence across the street. She also stated that her fence is setback further than the fence at the home across the street. She mentioned that she was not aware she needed a permit.

Commissioner Whitfield asked how the situation was brought to HLPC's attention. Ms. Glover stated that she received a citation stating she needed to go to HLPC which she did sometime in March. Senior Planner Munyaradzi stated that because the home is in the Historic District any work done that is visible from the street must go before HLPC for approval then receive P&Z's final approval.

Commissioner Casey asked staff what impact the right-of-way will have on the placement of the fence. Senior Planner Munyaradzi stated that the right-of-way is required for future road expansion and though it may not be an issue now it is still something staff has to take into consideration. Commissioner Casey noted that if anything is done in that area, the applicant may have to make adjustments to the fence.

Chair Reed asked staff if the Commission had the authority to give exceptions. Senior Planner Munyaradzi stated that, except it is clearly stated in the Lancaster Development Code (LDC), the City Council is the only body that can grant exceptions.

MOTION: Vice Chair Ty G. Jones made a motion, seconded by Commissioner Casey to approve item 3 subject to applicant replacing wooden posts with metal posts. The vote was cast 5 for, 0 against

4. HLPC19-04 Discuss and consider a Certificate of Appropriateness to replace a portion of a six (6) foot high fence on the property located at 401 S. Centre Street, Lancaster, Dallas County, Texas.

Planner Chetuya gave the staff report and stated that the applicant installed a six (6) foot high fence on the south side of the property without applying for a Certificate of Appropriateness (COA) or obtaining a fence permit. The fence is a solid fence with no spaces in between the pickets and the original posts were used on the replaced fencing. The applicant plans to paint the fence white for the color to match the existing fence. As stated within the LHRDR, the replacement of a fence is encouraged that reflects the historic fence's design or one that is similar in design and constructed of similar materials. It also states that the original historic wood should be preserved and maintained while the fence's side yards should not exceed six (6) feet in height.

Planner Chetuya noted that although the applicant meets the height requirement it is recommended

that the applicant install picket fences to match the design of the original and existing fence as this would encourage compatibility. Staff therefore recommends denial of the request as presented. On May 30th 2019, the HLPC also recommended denial of the request and that a picket fence be installed to match the original and existing fence with spaces in between the pickets.

Vice Chair Ty G. Jones asked the applicant the rationale for installing such a fence.

Jose Henderson, 401 S. Centre, the applicant, stated that a tree fell on the fence and that the fence was rotting. He stated his dog had gotten out of the fence leading to him receiving a citation so he put up a fence to keep the dog from going out and to replace the piece destroyed by the tree. Mr. Henderson stated that he used his neighbor's fence as a comparison when installing the fence and that he was not aware he needed a permit to put up a partial fence.

Commissioner Casey asked the applicant why they did not try to duplicate the pickets like the rest of the fence.

MOTION: Commissioner Casey made a motion, seconded by Commissioner Prothro to deny item 4 and have the applicant install a picket fence in two (2) months. The vote was cast 5 for, 0 against.

ACTION:

5. **Discuss and consider appointments of one (1) Committee Member and one (1) alternate to the City of Lancaster Historic Landmark Preservation Committee (HLPC).**

Commissioner Prothro nominated Ms. Amy Glover as a Committee Member.

Commissioner Aguilar asked if Ms. Cheryl Wright had been on the HLPC before. Senior Planner Munyaradzi stated that Ms. Wright might have been a HLPC Committee Member at one time but it was before her time. Commissioner Aguilar further asked about Ms. Wright's attendance and staff noted they had not looked into it.

MOTION: Vice Chair Ty G. Jones made a motion, seconded by Commissioner Casey to accept the nomination of Ms. Amy Glover as an HLPC Committee Member. The vote was cast 5 for, 0 against.

Commissioner Prothro nominated Ms. Cheryl Wright for the alternate position, and asked why she discontinued her HLPC service to which Senior Planner Munyaradzi stated that Ms. Wright left for family reasons.

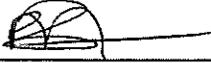
Commissioner Aguilar noted that the position requires time dedication and commitment as part of being an HLPC Member. Since the guidelines are now ordinances, they want to be sure whoever is nominated can accept the task of being present at the meetings and knowledgeable of the Historic District.

MOTION: Commissioner Prothro made a motion, seconded by Chair Reed to accept the nomination of Ms. Cheryl Wright as an HLPC Alternate Committee Member. The vote was cast 5 for, 0 against.

MOTION: Commissioner Aguilar made a motion, seconded by Commissioner Casey to adjourn. The vote was cast 5 for, 0 against.

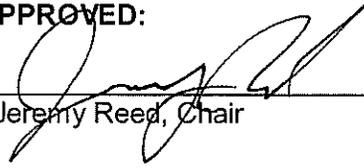
The meeting was adjourned at 7:36 p.m.

ATTEST:



Bester Munyaradzi, Senior Planner

APPROVED:



Jeremy Reed, Chair