

MINUTES**PLANNING AND ZONING COMMISSION REGULAR MEETING OF DECEMBER, 6 2022**

The Planning and Zoning Commission of Lancaster, Texas, met in a Regular Session in the Council Chambers of City Hall on December 6, 2022, at 7:00 p.m. with a quorum present to-wit:

Commissioners Present:

Isabel Aguilar, Vice Chair
Lawrence Prothro
Taryn Walker

Commissioners Absent:

Temika Whitfield, Chair
Spencer Hervey

City Staff Present:

Vicki Coleman, Director of Development Services
Carey Neal, Assistant City Manager
Nyliah Acosta, Planning Manager
Kim Haynie, Planner II
David Ritter, City Attorney

Call to Order

Vice Chair Aguilar called the meeting to order at 7:06 P.M. on December 6, 2022

Public Testimony:

At this time, citizens who have pre-registered before the call to order will be allowed to speak on consent or action items on the agenda, with the exception of public hearings, for a length of time not to exceed three minutes. Anyone desiring to speak on an item scheduled for a public hearing is requested to hold their comments until the public hearing on that item.

Mary Emadi, 1601 W. Wintergreen Road, Lancaster, Tx75134, spoke in favor of item 3.

CONSENT AGENDA:

1. **Consider approval of minutes from the Planning and Zoning Commission Regular Meeting held on November 1, 2022.**
2. **PS22-22 Consider denial of a final plat for Cold Summit Addition Lot 1 Block 1, being 28.792 acres of land addressed as 4150 North Dallas Avenue. The property is described as being out of the George Floyd Survey, Abstract No. 463 and Smith Elkins Survey, Abstract No. 430, City of Lancaster and City of Dallas, Dallas County, Texas.**
3. **PS22-42 Consider denial of a preliminary plat for Monument Addition being 33 residential lots and one open space lot for the purpose of a single-family**

3. **PS22-42 Consider denial of a preliminary plat for Monument Addition being 33 residential lots and one open space lot for the purpose of a single-family development, approximately 5.09 acres of land located east of the intersection of West Wintergreen and Chapman Drive, described as being a tract of land situated in the Jonathan L. Samson Survey, Abstract 1311, City of Lancaster, Dallas County, Texas.**
4. **PS22-43 Consider a Preliminary Plat for Wintergreen Industrial Addition Lots 1, 2, 3 and 4, Block A being 141.4064 acres of land and is described as being a tract of land situated in the Thomas A. Phillips Survey, Abstract No. 1123, City of Lancaster, Dallas County, Texas.**
5. **PS22-44 Consider approval of a preliminary plat for Smithsonian Addition being approximately 0.199 acre of land located northeast of the intersection of Cedardale Road and Franklin Street addressed as 1285 Cedardale Road, described as being part of Lot 1 Block B, out of the Cedardale Highlands Addition, City of Lancaster, Dallas County, Texas.**
6. **PS22-46 Consider denial of a preliminary plat for Bandera Addition being, approximately 109.596 acres of land located at the northwest corner of Dallas Avenue and Red Oak Road, described as being a tract of land situated in the Samuel T. Bledsoe Survey, Abstract No. 119 and the William C. Walker Survey, Abstract No. 1528, City of Lancaster, Dallas County, Texas.**

MOTION: Commissioner Walker made a motion, seconded by Commissioner Prothro to approve the consent agenda items 1, 4, and 5. The vote was 2 for, 1 against. (Walker against, Whitfield and Hervey- absent)

Vice Chair Aguilar pulled Items 2, 3, and 6 from the Consent Agenda for discussion.

2. **PS22-22 Consider denial of a final plat for Cold Summit Addition Lot 1 Block 1, being 28.792 acres of land addressed as 4150 North Dallas Avenue. The property is described as being out of the George Floyd Survey, Abstract No. 463 and Smith Elkins Survey, Abstract No. 430, City of Lancaster and City of Dallas, Dallas County, Texas.**

Nyliah Acosta, Planning Manager, gave a presentation.

Myron Dornic, 901 Main Street, Suite 600, Dallas, TX 75201 spoke and asked the Commission to consider approval with conditions, with the condition being that the City of Dallas signs the plat before the City of Lancaster signs the plat.

Commissioner Walker asked if the condition would resolve the City's concerns.

Staff responded this would not be sufficient, because we do not have the documentation to show Dallas is accepting what is in the City of Lancaster as Dallas' drainage and detention areas.

Dan Gallagher, the applicant, spoke stating the difference between Dallas and Lancaster, is that in Lancaster all easements have to be dedicated through separate instrument. In Dallas the easement interests are being dedicated by plat. There is one plat for both cities, making it a challenge to approve.

Vice Chair Aguilar asked if once the plat is recorded is there a possibility Dallas will not maintain the easements.

The applicant responded stating the maintenance and easements are explicitly stated.

Commissioner Walker asked why Dallas had not signed the plat.

The applicant responded they were waiting for Dallas to confirm the only change to the plat was the additional language that Lancaster is not responsible for the easements.

MOTION: Commissioner Prothro made a motion, seconded by Vice Chair Aguilar to deny Item 2. The vote was cast 2 for, 1 against. (Walker against, Whitfield and Hervey- absent)

3. **PS22-42 Consider denial of a preliminary plat for Monument Addition being 33 residential lots and one open space lot for the purpose of a single-family development, approximately 5.09 acres of land located east of the intersection of West Wintergreen and Chapman Drive, described as being a tract of land situated in the Jonathan L. Samson Survey, Abstract 1311, City of Lancaster, Dallas County, Texas.**

Kim Haynie, Planner II, gave a presentation.

Commissioner Prothro asked if the denial was based off of requirements not being met.

Staff stated we spoke to the applicant several times to receive revisions to recommend approval, but the applicant had not provided anything.

MOTION: Commissioner Prothro made a motion, seconded by Commissioner Walker to deny Item 3. The vote was cast 3 for, 0 against. (Whitfield and Hervey- absent)

6. **PS22-46 Consider denial of a preliminary plat for Bandera Addition being, approximately 109.596 acres of land located at the northwest corner of Dallas Avenue and Red Oak Road, described as being a tract of land situated in the Samuel T. Bledsoe Survey, Abstract No. 119 and the William C. Walker Survey, Abstract No. 1528, City of Lancaster, Dallas County, Texas.**

Nyliah Acosta, Planning Manager, gave a presentation.

Vice Chair Aguilar asked what kind of easements are being proposed.

Staff responded stating on the south side of the property, they show a 10' public water easement being dedicated by the plat. The City does not allow public easements to be dedicated by the plat, and must be recorded by separate instrument. It requires Council approval.

Vice Chair Aguilar asked if the applicant was notified of the deficiencies.

Staff responded, yes.

MOTION: Commissioner Prothro made a motion, seconded by Commissioner Walker to deny Item 6. The vote was cast 3 for, 0 against. (Whitfield and Hervey- absent)

PUBLIC HEARING:

- 7. Z22-16 Conduct a public hearing and consider a zoning change from Agricultural Open (AO) to Planned Development (PD) with Single-Family Residential SF-4 uses. The properties are located northwest of the intersection of South Houston School Road and Bear Creek Road, known as Tract 20 ACS 5.96, Tract 6 ACS 78.041, and Tract 5 ACS 12.438 out of the Charles H. Bernard, Abstract No.128, Pg 020, City of Lancaster, Dallas County, Texas.**

Nyliah Acosta, Planning Manager, gave a staff presentation.

Vice Chair Aguilar opened the public hearing.

The following citizens spoke in opposition:

Stephanie Rippe, 1708 S. Houston School Road, Lancaster, Tx 75146
Cody Davis, 1720 Houston School Road, Lancaster, Tx 75146
Tea Davis 1720 S. Houston School Road, Lancaster, Tx 75146
Joan K. Adams 2621 Bear Creek Road, Lancaster, Tx 75146
Jean K. Thompson 313 S. Houston School Road, Lancaster, Tx 75146
Julio Sanchez 2523 Parkerville Road, Lancaster, Tx 75146
Ruth Sanchez 2523 Parkerville Road, Lancaster, Tx 75146
Cardia McNeal 1934 S. Houston School Road, Lancaster, Tx 75146
Xavier McNeal 1934 S. Houston School Road, Lancaster, Tx 75146
Eduardo Garcia 2533 Parker Ville Road, Lancaster, Tx 75146
Shanna Davis 1720 Houston School Road, Lancaster, Tx 75146
Deena Fryman 2010 S. Houston School Road, Lancaster, Tx 75146
Guadalupe Sanchez 1734 S. Houston School Road, Lancaster, Tx 75146
Dellvonne Lemley 2515 Parkerville Road, Lancaster, Tx 75146
Jackie Powell 235 S. Houston School Road, Lancaster, Tx 75146
Mark Powell 235 S. Houston School Road, Lancaster, Tx 75146

The following citizens did not speak, but were opposed:

Randy Powledge 1832 S. Houston School Road, Lancaster, Tx 75146

The following citizens spoke in support:

Wendell Stewart, 219 Brookbend Drive, Waxahachie, Tx 75165

MOTION: Commissioner Prothro made a motion to close the public hearing, seconded by Vice Chair Aguilar. The vote was cast 3 for, 0 against. (Whitfield and Hervey- absent)

The Commission had general discussion on the vision for the City.

Due to there being an error in the property owner notice that was sent out, the City Attorney stated he recommends the Commission table the item to the next meeting to re-notice the item.

MOTION: Commissioner Prothro made a motion to table item 7 to the January 3, 2023 P&Z meeting, seconded by Commissioner Walker. The vote was cast 3 for, 0 against. (Whitfield and Hervey- absent)

ACTION:

8. **DP22-14 Discuss and consider a site plan submittal for a multi-building warehouse distribution development for the property located on the south side of Wintergreen Road and approximately 626 feet east of Jefferson Street. The property is described as a tract of land situated in the Thomas A. Phillips Survey Abstract No. 1123, City of Lancaster, Dallas County, Texas.**

Kim Haynie, Planner II, gave a staff presentation.

Commissioner Prothro asked if sidewalks were part of this development.

Staff responded, yes.

Brad Cooper, 3819 Maple Ave, Dallas, TX 75219, spoke in favor.

MOTION: Commissioner Walker made a motion, seconded by Commissioner Prothro to approve item 8. The vote was cast 3 for, 0 against. (Whitfield and Hervey- absent)

9. **HLPC22-10 Discuss and consider a Certificate of Appropriateness (COA) for the installation of solar panels on the property addressed as 511 South Dallas Avenue, City of Lancaster, Dallas County, Texas.**

Nyliah Acosta, Planning Manager, gave a presentation.

There was no discussion from the Commission.

MOTION: Commission Walker made a motion, seconded by Commissioner Prothro to approve item 9. The vote was cast 3 for, 0 against. (Whitfield and Hervey- absent)

10. **HLPC22-11 Discuss and consider a Certificate of Appropriateness (COA) for a side yard fence installation on the property addressed as 330 West Main Street, City of Lancaster, Dallas County, Texas.**

Nyliah Acosta, Planning Manager, gave a presentation.

Vice Chair Aguilar asked if the Design regulations limit the fence height.

Staff responded, no. By right the applicant can have an 8-10-foot-tall fence.

Vice Chair Aguilar asked if HLPC is aware of the 8-10-foot-tall fence by right.

Staff responded, yes HLPC was informed of the 8-10-foot-tall fence height allowed by right.

MOTION: Commissioner Prothro made a motion to approve item 10 with staff’s recommendation, seconded by Commissioner Walker. The vote was cast 3 for, 0 against. (Whitfield and Hervey-absent)

11. Discuss and consider committee member appointments to the Historic Landmark Preservation Committee (HLPC).

Vice Chair Aguilar asked what seats were up for appointment.

Vicki Coleman, Development Services Director, stated there are three positions up for appointment. Two positions are regular members, and there is one alternate. All members are seeking reappointment. In addition to that there are other applicants seeking to be appointed.

Vice Chair Aguilar asked questions regarding HLPC criteria.

Staff responded there are criteria to be on the Committee, and at this time the individuals seeking reappointment have multiple years of experience on the Committee.

Michelle Washington 402 N. Dallas Avenue, Lancaster, Texas 75146 spoke to convey her desire for appointment to HLPC.

MOTION: Commissioner Walker made a motion for item 11 for P&Z to conduct interviews for HLPC appointments, seconded by Commissioner Prothro. The vote was cast 3 for, 0 against. (Whitfield and Hervey- absent)

ADJURMENT:

MOTION: Commissioner Walker made a motion to adjourn, seconded by Vice Chair Aguilar. The vote was 3 for, 0 against. (Whitfield and Hervey- absent)

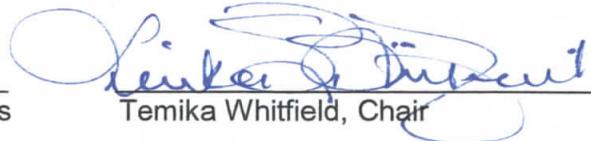
The meeting was adjourned at 8:49pm

ATTEST:



Vicki Coleman, Director of Development Services

APPROVED:



Temika Whitfield, Chair