



**REGULAR MEETING MINUTES
PLANNING & ZONING COMMISSION
CITY OF LANCASTER, TEXAS
TUESDAY, AUGUST 2, 2011**



CALL TO ORDER:

Chair Colton called the meeting to order at 7:11p.m. on August 2, 2011.

COMMISSIONERS

**MARY JANE COLTON, CHAIR
VIC BUCHANON
ROBERT POINTER – not present
VALERIE PERKINS – not present
QUINNIE WRIGHT**

CITY STAFF

**RONA STRINGFELLOW-GOVAN
NATHANIEL BARNETT
JULIE PANDYA**

**DIRECTOR OF DEVELOPMENT SERVICES
SENIOR PLANNER
CITY ATTORNEY**

Chair Colton made an announcement that Item #7 on tonight's agenda would not be heard at this meeting. It would be re-scheduled for September 6, 2011.

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

Nancy Moffett, 2105 N. Houston School Road, raised concerns about the plat of Angels of Hands with the potential of a property being land-locked. She was in favor of the additional parking. She also alluded to the drainage issue with new development and the potential for flooding in the adjacent creek.

Trisha Bridges, 305 S. Stewart, spoke on the re-zoning request for West Rosebud. She stated that there was confusion about what was to take place. She commended the City of Lancaster for the attempt to transition the area into a quaint community. She is not in favor of putting retail in the middle of a neighborhood. She also feels that retail zoning would cause the property values to decline.

Rosetta Jefferson, 507 Martindale, spoke about security of the property being proposed for the assisted living facility. She also received several different notices and was told the property would be something different. She asked that the neighborhood be kept neighborly.

Larry Jefferson, 507 Martindale, talked about the changes that had occurred in the neighborhood. He mentioned that he had worked with juvenile detention centers before and he didn't believe that a facility of this nature would be compatible for the area.

CONSENT AGENDA: Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this rule is that a Commission member may request one or more items to be removed from the consent agenda for separate discussion and action.

1. Consideration of the July 12, 2011 Regular Meeting Minutes.



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Chair Colton entertained a motion on the consent agenda.

COMMISSIONER BUCHANON MADE THE MOTION TO APPROVE THE MINUTES FROM THE MEETING ON JULY 12TH, SECONDED BY COMMISSIONER WRIGHT.

AYES: BUCHANON, COLTON, WRIGHT

NAYES: N/A

THE MOTION CARRIED 3-0.

PUBLIC HEARING

2. **Z11-09** Conduct a Public Hearing and consider a Rezoning request from SF-5 – Single Family Residential to R – Retail , Generally Located on the southwest corner of the intersection of South Ellis Street and West Redbud Street. The property is approximately 2.49 acres of land.

Senior Planner Nathaniel Barnett gave the Staff's presentation for the proposed zoning change. Senior Planner Barnett stated what the request was and gave the background of the existing facility. He mentioned that the applicant had toured the facility and met with City Staff with regards to the issues associated with the building. He showed photos of the facility to depict what is existing and how it is proposed to be used. He also gave information about the current zoning and future land use for the area. Senior Planner Barnett then listed some of the uses allowed in retail zoning and its inappropriateness for the area. Staff recommended denial of retail zoning.

The applicant, Roz Ruffin, 515 South Fair Road, Katy, Texas, spoke to clear up the inconsistencies with the proposal. She spoke of the intended use to be a facility for disabled children. She mentioned that she's worked in this field for many years. She found the building through networking and thought it was a great location for the type of facility she wanted. She mentioned that the children would be 6 – 17 years old and there would 3 staff members. She mentioned that it would not be a drug treatment facility to clarify any discrepancies.

Commissioner Buchanan asked about the request for retail zoning. Ms. Ruffin stated that she wanted commercial residential zoning. City Attorney Pandya stated that retail zoning is what is to be discussed today and anything else would have to come back. Senior Planner Barnett mentioned that there is no zoning category for commercial residential and it would probably take a Planned Development district identifying the specific use for the proposal. Commissioner Buchanan asked the applicant for a more precise definition of the facility since he's heard so many different things. Ms. Ruffin stated it would be for children who didn't have a home or had been removed from their homes. Commissioner Buchanan asked who would place the children in this home. Ms. Ruffin mentioned several social agencies that they would draw from. Commissioner Wright stated that some children might have drug problems. Ms. Ruffin stated that although that would not be the targeted audience, it was a possibility. She mentioned you could choose the children that came to the facility. Commissioner Buchanan asked how long she had operated a similar facility such as the proposed. Ms. Ruffin stated this would be her



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first one. Commissioner Buchanon asked about security. Ms. Ruffin stated it would not be required. Commissioner Buchanon also asked about staffing of the facility. Ms. Ruffin stated that there would be a 1 to 5 ratio of staff to children. Commissioner Wright asked about the number of children she would have at the facility as she had mentioned a different number earlier than what was on her letter of intent.

Chair Colton opened the public hearing.

IN FAVOR:

None

Before those who were opposed spoke, Senior Planner Barnett asked everyone who was opposed to the request to stand for a head count. Thirty-nine (39) people stood in opposition to the request.

OPPOSED:

Sue Stokesbury, 208 W Redbud, spoke that even though there were up to 60 children mentioned, that the facility had 250 beds. Thus she could potentially have even more children in the future. She stated there were many other areas that would be more appropriate for a facility of this nature.

Sharon Nelson, 221 W Redbud, sympathized with the applicant but didn't feel this area was appropriate. She feels the applicant was too vague.

Susan Jenkins, 310 S Stewart, stated she lives very close to the facility. She is bothered by the vagueness, lack of security, and potential drug clients attached with the facility. She does not want the drug aspect to be associated with the community.

Susan Filgo, 302 S Dallas, stated that the applicant would need security. She feels that the proposal is too vague.

Ellen Clark, 954 Nokomis, stated that the facility should require an SUP. She mentioned that if the property is zoned retail anything can be placed there. She stated that other businesses have looked at it and it probably needs to be torn down.

Walter Arnold III, 339 S Center, stated that the Historic District has already suffered decreased property values and this facility would further decrease them. He has worked with a social agency and he feels the facility would be too expensive to rehabilitate. He feels it could be better utilized for residential. He mentioned the applicant had been very ambiguous and that social agencies are very specific. He wants the area's Americana to be protected.

Chris Roberts, 103 S Ellis, stated the applicant was vague. He stated some disabilities were not very apparent. He believes the building should be torn down.

Maria Fursto, 623 Hall Street, stated that she had visited the nursing home before it was shut down. She visited the residents of it and noticed that the facility was unkempt. She believes Code Compliance would be heavily involved in the facility.



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Chair Colton entertained a motion to close the public hearing.

COMMISSIONER BUCHANON MADE THE MOTION TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER WRIGHT.

**AYES: BUCHANON, COLTON, WRIGHT
NAYES: N/A**

THE MOTION CARRIED 3-0.

Discussion of the item:

Commissioner Buchanan stated he would not be supporting this item for many reasons. He stated the location was inappropriate. The facility would bring down property values and even if it were passed, he doubted the facility would ever open. He stated that if the zoning were changed to retail and this facility didn't open, any retail facility could come in. He mentioned the ambiguity of the applicant's presentation and stated there needs to be more clarity.

Chair Colton questioned that retail zoning was something that would be wanted in that area.

Chair Colton then entertained a motion.

COMMISSIONER BUCHANON MADE THE MOTION THAT THE CASE BE DENIED WITH PREJUDICE, SECONDED BY COMMISSIONER WRIGHT.

**AYES: BUCHANON, COLTON, WRIGHT
NAYES: N/A**

THE MOTION CARRIED 3-0.

ACTION

3. **PS11-07** Consider a Minor Replat of Lot 18A, Block A and Abstract 672 of the Victory Family Church Addition in the City of Lancaster, Dallas County, Texas into Lot 18AR, Block A, Generally Located on the East Side of Interstate 35E approximately 421 feet north of the intersection of Interstate 35E and Parkerville.

Senior Planner Barnett gave a brief presentation on the plat. He gave the existing conditions of the lots and the reason for the request. Staff recommends approval.

The applicant, Alex Alvarado, 12801 N Central Expressway, Dallas, Texas, stated it was simply for a playground and he was available for questions. Chair Colton commended them for the property looking nice.

Chair Colton entertained a motion.



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COMMISSIONER WRIGHT MADE THE MOTION TO APPROVE THE REQUEST PER STAFF RECOMMENDATION, SECONDED BY COMMISSIONER BUCHANON.

**AYES: BUCHANON, COLTON, WRIGHT
NAYES: N/A**

THE MOTION CARRIED 3-0.

4. **PS11-08** Consider a Preliminary Plat for Mejia Estates Addition, Being 2 Lots on approximately 18.15 Acres of Land Out of the A. Elderidge Survey, Abstract Number 449, in the City of Lancaster, Dallas County, Texas, Generally Located on the southwest corner of West Main Street and South Bluegrove Road.

Senior Planner Barnett gave a brief presentation for the plat and reference to stipulations that were required. He mentioned that most of the modifications had been corrected with the exception of the total acreage reflected on the plat. Staff recommended approval with the stipulation.

COMMISSIONER BUCHANON MADE THE MOTION TO APPROVE THE REQUEST, SECONDED BY COMMISSIONER WRIGHT.

**AYES: BUCHANON, COLTON, WRIGHT
NAYES: N/A**

THE MOTION CARRIED 3-0.

Chair Colton stated that the motion needed to include the stipulation.

COMMISSIONER BUCHANON MADE THE MOTION TO RECONSIDER PS11-08, SECONDED BY COMMISSIONER WRIGHT.

**AYES: BUCHANON, COLTON, WRIGHT
NAYES: N/A**

THE MOTION CARRIED 3-0.

COMMISSIONER BUCHANON MADE THE MOTION TO APPROVE PS11-08 WITH STIPULATION CORRECTING THE ACREAGE ON THE PLAT, SECONDED BY COMMISSIONER WRIGHT.

**AYES: BUCHANON, COLTON, WRIGHT
NAYES: N/A**

THE MOTION CARRIED 3-0.



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5. **PS11-05** Consider a Preliminary Plat for Angels of Hands Addition, Being 1 Non-Residential Lot on approximately 2.00 Acres of Land Out of the Mardy Parks Survey, Abstract Number 1120, in the City of Lancaster, Dallas County, Texas, Generally Located approximately 1,250 feet south of the southwest corner of North Houston School Road and West Wintergreen Road.

Senior Planner Barnett gave a brief presentation regarding the plat being proposed. Staff recommended approval.

Commissioner Buchanan asked if the approval of this plat would land-lock an adjacent property. Senior Planner Barnett stated he was not aware of a property being land-locked and that a creek exists on the west side of the lot. Additional research could be done to determine the status of this property.

COMMISSIONER BUCHANON MADE THE MOTION TO TABLE THE ITEM UNTIL AUGUST 16TH, SECONDED BY COMMISSIONER WRIGHT.

AYES: BUCHANON, COLTON, WRIGHT

NAYES: N/A

THE MOTION CARRIED 3-0.

6. **M11-06** Consider a Request for an Exception to the Maximum Parking Requirement for Angels of Hands Assisted Living Facility to be Located approximately 1,250 feet south of the southwest corner of North Houston School Road and West Wintergreen Road and Addressed as 2401 North Houston School Road.

COMMISSIONER BUCHANON MADE THE MOTION TO TABLE THE ITEM UNTIL AUGUST 16TH, SECONDED BY COMMISSIONER WRIGHT.

AYES: BUCHANON, COLTON, WRIGHT

NAYES: N/A

THE MOTION CARRIED 3-0.

7. **HLPC 11-02** Consider a Certificate of Appropriateness to allow renovations for an existing building located at 171 & 175 Historic Town Square.

Senior Planner Barnett gave a presentation on the proposal for restoration of the building to house the retail uses within. He showed photos of the project and gave information on the proposed renovations. The HLPC and Staff recommended approval.

Chair Colton asked about the guesthouse and whether it referenced a hotel or an apartment. The applicant, Cemetria Hayes-McMullen, spoke of the renovations proposed and what the building would be used for. She also mentioned that her plans for the guesthouse would be for



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a bed and breakfast type facility. Staff informed the applicant that a guesthouse would not be allowed in that area. The applicant was okay with keeping it as an apartment facility.

COMMISSIONER BUCHANON MADE THE MOTION TO APPROVE THE REQUEST WITH THE STIPULATIONS REQUIRED BY THE HLPC, SECONDED BY COMMISSIONER WRIGHT.

**AYES: BUCHANON, COLTON, WRIGHT
NAYES: N/A**

THE MOTION CARRIED 3-0.

PUBLIC HEARING

8. **Z11-08** Conduct a Public Hearing and consider a Rezoning request from PD – Planned Development (with Residential, Retail and Commercial Uses) to LI (Light Industrial), Generally Located on the northwest corner of the intersection of Telephone Road and North Dallas Avenue. The property is approximately 251.31 acres of land.

ITEM POSTPONED UNTIL SEPTEMBER 6, 2011

Chair Colton entertained a motion to adjourn.

A MOTION WAS MADE BY COMMISSIONER WRIGHT AND SECONDED BY COMMISSIONER BUCHANON TO ADJOURN.

**AYES: BUCHANON, COLTON, WRIGHT
NAYES:**

THE MOTION CARRIED 3-0.

Meeting was adjourned at 8:47 p.m.

Mary Jane Colton, Chair

ATTEST


Nathaniel Barnett, Senior Planner

