



REGULAR MEETING MINUTES  
PLANNING & ZONING COMMISSION  
CITY OF LANCASTER, TEXAS  
TUESDAY, AUGUST 23, 2016



**CALL TO ORDER:**

Chair Earle called the meeting to order at 7:00 p.m. on August 23, 2016.

**COMMISSIONERS**

**MARVIN EARLE - CHAIR**  
**LAWRENCE PROTHRO, VICE CHAIR**  
**ISABEL AGUILAR**  
**RACHEAL HILL**  
**CYNTHIA JOHNSON - Absent**

**CITY STAFF**

**RONA STRINGFELLOW**  
**TONY FELTS**  
**KELLEY FRAZIER**

**ASSISTANT CITY MANAGER**  
**SENIOR PLANNER**  
**DEVELOPMENT COORDINATOR**

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

Alice Jones of 1953 Pin Oak Lane, Lancaster, TX stated her concern with the removal of trees behind her subdivision. She asked how close the homes would be to the walking trail in the neighborhood.

Jacqueline Sewell of 3038 & 3040 Henry Road, Lancaster TX expressed concern about a Bus Barn in the middle of a neighborhood.

Ivory Barnes of 511 Pecan Leaf Drive, Lancaster TX also stated her concerns about the tree removal behind her subdivision and is against the re-zoning in her subdivision.

Robert Saucedo of 3021 Henry Road, Lancaster, TX requested no Bus Barn be allowed in his neighborhood.

Jose Garcia of 3034 Baskin Drive, Lancaster, TX asked how tall the fence would be on the property.

**CONSENT AGENDA:**

HLPC 16-06 Discuss and Consider a Certificate of Appropriateness to replace the windows and siding located at 134 East 7th Street.

**This item was removed from the consent agenda to allow a correction to be read into the record regarding the enclosed excerpt.**

The correction reads as follows:

A MOTION WAS MADE BY VICE CHAIR HINKLE TO APPROVE HLPC 16-06 THE SIDING WILL BE APPROVED AS PER THE SAMPLE OVER-ROD-END THE WINDOWS ARE NOT GOING TO BE REPLACED WITH ALUMINUM OR VINYL AND TAKE THE REPAIRING THE EXISTING WINDOWS AND MAINTAINING THE WOOD TRIM AND THE WINDOWS ON THE NORTH SIDE WILL BE REPLACED TO 1 OVER 1 AND SECONDED BY CHAIR HOOPER.

**Background Case HLPC 16-06**

1. **Location and size:** The subject property is located at 134 East 7th Street and is approximately 22,400 square feet.
2. **Current Zoning/Use:** The subject property is currently zoned HP-SF – Historic Preservation Single-Family Residential.
3. **Adjacent Properties:**  
North: HP-SF-6, Historic Preservation Single Family Residential (residence)  
South: HP-SF-6, Historic Preservation Single Family Residential (residence)  
East: HP-SF-6, Historic Preservation Single Family Residential (residence)  
West: HP-SF-6, Historic Preservation Single-Family Residential (residence)
4. **Comprehensive Plan Compatibility:** The Comprehensive Plan identifies this site as suitable for low density residential uses.
5. **Public Notification:** There are no public information requirements other than the requisite 72 hour notice, in accordance with the Texas Open Meetings Act.
6. **Case/Site History:** Dallas Central Appraisal District (DCAD) indicates the residence was constructed in 1920. It is a one story frame house on pier and beam with a gable roof type.

| <b>Date</b>   | <b>Body</b> | <b>Action</b>        |
|---------------|-------------|----------------------|
| July 26, 2016 | P&Z         | Recommended approval |

**Background**

At the June 28, 2016 regular meeting of the HLPC, the applicant presented a proposal to replace the windows and siding of the subject property. After further review by the HLPC, it was recommended that this item be postponed until the July 26, 2016 meeting to provide additional information on what the proposed changes will be to the external façade.

**Consideration**

This is a request to approve the proposal to allow the applicant to replace the windows and siding on the residence at 134 E. 7<sup>th</sup> Street.

Provided in the packet are four pictures depicting the elevations in which restoration to the wood siding and windows are better shown. The applicant is proposing to replace the siding with hardi-plank and paint to match the current color. The applicant is seeking approval of the request for replacement of the windows in similar style with compatible aluminum windows for energy savings.

It should be of note that there is a detached storage building on the east side of the subject property. The applicant has indicated that there are no changes being proposed for the storage building.

### **Recommendation**

At the July 26, 2016 regular meeting of the HLPC, the Committee recommends approval of the request, asking that the applicant preserve and use the existing wood siding if possible. Additionally, the applicant was requested to utilize wood around the windows for the trim.

Staff concurs with the HLPC.

**A MOTION WAS MADE BY COMMISSIONER HILL SECONDED BY COMMISSIONER AGUILARTO APPROVE THE CERTIFICATE OF APPROPRIATENESS AS LONG AS THE CONDITIONS OF THE HLPC ARE MET.**

**AYES: EARLE, PROTHRO, AGUILAR, HILL  
NAYS:**

**THE MOTION CARRIED 4- 0.**

### **PUBLIC HEARING:**

- 2. Z16-06** 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 from A-O Agricultural-Open to LI Light Industrial. The property is approximately 19.676 acres of land that is located on the south side of Wintergreen Road just west of the intersection of Houston School Road and Wintergreen Road. The legal description of the property is Tract I and Tract II of First Baptist Church of Dallas located in the Maraday Parks Survey, Abstract No. 1120, Lancaster, Dallas County, Texas.

### **Background**

At the July 12, 2016 regular meeting of the P&Z, the applicant requested to postpone this request until such time that they were able to receive more clarity and information on the current update to the City Comprehensive Plan.

This is a request to rezone the subject property from the current A-O, Agricultural-Open Space to LI-Light Industrial. The applicant has indicated that the property owner is seeking to lease the subject property for use as a Bus Service Center for Dallas County Schools.

1. **Location and Size:** The property is located at 2620 Wintergreen Road. The property under consideration is approximately 19.676 acres of land.
2. **Current Zoning:** The subject property is currently zoned A-O, Agricultural-Open.
3. **Zoning (Current Land Use) on Adjacent Properties:**  
 North: LI – Light Industrial (vacant)  
 South: A-O – Agricultural-Open (vacant)  
 East: R – Retail (vacant)  
 West: LI – Light Industrial (vacant)

4. **Comprehensive Plan Compatibility:** The 2002 Comprehensive Plan identifies this site as suitable for Light Industrial uses which is a land use designation suitable for bus service centers. However, this Comprehensive Plan has been deemed incompatible with the growth and future direction that the city's residents and stakeholders envision for Lancaster's future and is currently in the process of being updated.

A bus service center or any other use currently allowed under the Light Industrial zoning district will be incompatible with this future vision for this area.

5. **Public Notification:** Zoning signs were placed on the subject property. Property owner notices were sent to properties within 200 feet of the subject site. Newspaper notices were published in the Focus Daily News.

On August 5, 2016, 7 notices were mailed to property owners within 200 feet of the subject property. Of the notices mailed, two were returned in favor of the request.

6. **Case/Site History:**

| Date          | Body | Action    |
|---------------|------|-----------|
| July 12, 2016 | P&Z  | Postponed |

**Considerations**

This is a request for a rezoning from AO - Agricultural-Open to LI - Light Industrial.

The subject property is a vacant parcel of land surrounded by vacant properties on all sides. The applicant is attempting to open a bus service center for Dallas County Schools at this site.

Pursuant to Section 14.1101 of the LDC, when reviewing a zoning change application, there are five (5) considerations that must be made when deciding on a zoning change application. Below is an analysis of these considerations:

**Consistency with the Comprehensive Plan:** The City is currently undergoing a Comprehensive Plan update which will be adopted in the near future. This update identifies this site as Suburban Mixed-Use Center Uses, which is different from the 2002 Comprehensive Plan which identified this area for Light Industrial Uses. The existing zoning is not in compliance with either designation.

However, the proposed zoning designation, (LI) Light Industrial, would not be in compliance with the updated Future Land Use Plan. The proposed amendment to the Future Land Use Plan would allow the subject property to become inconsistent with the future uses envisioned on this as well as the adjacent properties.

It should be of note that the future land uses of the City of Lancaster have been identified by an Advisory committee and public in a series of community involvement opportunities and refined through numerous meetings with City Council, Planning and Zoning Commission and the Steering committee.

**Potential Impact on Adjacent Development:** The subject property is currently undeveloped and the surrounding properties are also undeveloped. This rezoning request will negatively impact the surrounding properties by limiting their ability to be developed with suburban mixed-use center uses in accordance with the future vision as light industrial uses are incompatible with the envisioned uses for this area.

**Availability of utilities and access:** The subject property is served by City of Lancaster water and sanitary sewer. The applicant is not proposing any changes to the water and sewer master plan.

**Site conditions such as vegetation, topography and floodplain:** The subject property is currently undeveloped. Issues such as vegetation, topography and flood plain will be addressed as part of the site plan approval process.

**Timing of Development as it relates to Lancaster's Capital Improvement Plan:** This is not applicable to this site.

### **Recommendation**

The proposed zoning designation and use would not be in compliance with the city's Updated Comprehensive Plan and associated Future Land Use Map that the city is on schedule for consideration by the P&Z on September 6, 2016 and by City Council on October 10, 2016. As a result, staff recommendation is for denial.

Chair Earle, asked the Commissioners if they had any questions for City staff.

Commissioner Aguilar asked if the property would be owned by a government agency or privately owned. ACM Stringfellow stated that ownership would be maintained by First Baptist Dallas and be leased to Dallas County for bus storage. This would be the third property in Lancaster leased to Dallas County for bus storage.

Karl Crowley 900 Jackson St, Dallas, TX spoke representing the applicant stating that this use is in line with the current Comprehensive Plan and the owner purchased it in good faith going from that document. The surrounding property to the North, and West is also zoned Light Industrial therefore he feels Light Industrial is a more compatible use than the proposed Suburban Mixed Use in the proposed Comprehensive Plan.

Chair Earle opened the public hearing and invited anyone to speak either in favor or against this request.

In opposition:

Derrick Batts, 1935 Ryder Drive, Lancaster, Texas stated his concern of more Industrial being added to the area, there is lots of traffic in the morning and evening along this road and with the addition of more school buses it will only get worse.

Commissioner Prothro agrees with staff comments regarding keeping the use in line with the proposed Comprehensive Plan.

Commissioner Hill stated that while the addition of more buses would make traffic worse in the area that the use is compatible with the current development and that should be considered in this request.

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

**AYES: EARLE, PROTHRO, AGUILAR, HILL**

**NAYS:**

**THE MOTION CARRIED 4 to 0.**

**A MOTION WAS MADE BY COMMISSIONER PROTHRO AND SECONDED BY COMMISSIONER AGUILAR TO RECOMMEND DENIAL OF Z 16-06.**

**AYES: EARLE, PROTHRO, AGUILAR, HILL**

**NAYS:**

**THE MOTION CARRIED 4 to 0.**

3. **Z 16-07** 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, setback modifications, lot size modifications, and minimum house size modifications.

### **Background**

This is a request to amend the current PD – Planned Development District #2003-09-24 to allow for the following modifications:

- Allow for front entry garages
- Setbacks adjusted
- Lot size reduction
- Minimum house size reduction

**Please note:** If the request is approved, a subdivision waiver will accompany the approval to city Council to allow for the removal of alleys for the two tracts under consideration. The subdivision waiver is not part of the zoning process.

4. **Location and Size:** The property is located on the south side of W. Pleasant Run Road, East of Rawlins Drive. The subject property is 32.451 acres in total.
5. **Current Zoning:** PD-Planned Development District #2003-09-24, as amended.
6. **Zoning (Current Land Use) on Adjacent Properties of the PD:**  
 North: R – Retail (~20% Developed single family residences)  
 South: A-O – Agricultural-Open (vacant)  
 East: A-O – Agricultural-Open (vacant)  
 West: SF5 – Single Family 5 (~45% Developed single family residences)
4. **Comprehensive Plan Compatibility:** The 2002 Comprehensive Plan identifies this site as suitable for low density residential with a minimum 9,000 square foot lot.
7. **Public Notification:** Zoning signs were placed on the subject property. Property owner notices were sent to properties within 200 feet of the subject sites. Newspaper notices were published in the Focus Daily News, the City's newspaper of record.
8. **Case/Site History:** PD-060 (passed in 2003) was previously known as PD-057 (passed in 2002) and PD-02 (passed in 1984). The PD has evolved to decrease the density since 1984. The current request is to effectively increase the density. The PD also historically has had rear entry garages from alleys.

### Considerations

This is a request to amend PD #2003-09-24 to allow a front entry garage product. Please note that the current ordinance is PD-060. The applicant had referenced older versions of the PD for the purpose of communication with staff. The only effective ordinance is PD-060, thus the only ordinance being amended is PD-060 (also known as Ordinance No. 2003-09-24). Below is a table of the current ordinance PD-060 and compared with requested changes by the applicant.

|   | PD-060      | Request from Applicant         |
|---|-------------|--------------------------------|
| <b>Setbacks (minimums)</b>                |             |                                |
| Front Yard                                | 20'         | 20' One-Story<br>25' Two Story |
| Parking, front Yard                       | Not allowed | Required                       |
| Rear Yard                                 | 10'         | 20'                            |
| Rear Yard, Garage/Carport Face            | 20'         | Not allowed                    |
| <b>Lot Size (minimums)</b>                |             |                                |
| Lot Size                                  | 6,600 sqft  | 3,750 sqft                     |
| Lot Size, if corner lot                   | 7,000 sqft  | Not specified                  |
| Width                                     | 60'         | 50'                            |
| Depth                                     | 110'        | 70'                            |
| <b>Portion of development by lot size</b> |             |                                |
| 25%                                       | 1800        | 1400                           |
| 25%                                       | 1900        | 1500                           |
| 50%                                       | 2000        | 1600                           |

Please note the following request from applicant is based upon correspondence and submitted preliminary plans.

- They requested that the dwelling include garage space, which under zoning and the building code are not dwelling spaces. But if the adjustment were granted, staff has shown numbers based on a 20'X20' minimum size garage to infer what lot size numbers that the applicant is asking for.
- The proportion of the lots will need to be recalculated by the applicant to show what proportions they are seeking. This calculation must be based on all the planned home sites for the entire PD area.

Pursuant to Section 14.1101 of the LDC, when reviewing a zoning change application, there are five (5) considerations that must be made when deciding on a zoning change application. Below is an analysis of these considerations:

**Consistency with the Comprehensive Plan:** The City is currently undergoing a Comprehensive Plan update which will be adopted in the near future. This update identifies this site as Suburban Neighborhood, which is generally aligned with the 2002 Comprehensive Plan.

The current zoning PD-060 is consistent with both the current and proposed comprehensive plan. The proposed Comprehensive Plan states that 'front-loaded garages on narrow lots are not preferred' (August 1, 2016 Draft page 76). Front-loaded or front entry garages are not envisioned with smaller lots is the summary message from the proposed Comprehensive Plan and is consistent with the current Comprehensive Plan.

In the 2002, Comprehensive Plan that is currently in place in the Housing Strategies section, it prefers 'pedestrian oriented neighborhoods'; alleys with rear entry garages are from a planning perspective "pedestrian-oriented. A front entry garage could be pedestrian-oriented if considerations for setback, traffic calming measures, larger lots, and sidewalks for pedestrians are taken into account in way that achieves pedestrian-oriented design, as well as connects to the developed parts of the neighborhood in a way that appears planned, consistent with City policies, and is well designed. A front entry garage that is closer to the street than the front door of the home is not considered pedestrian oriented on small lots of the proposed size, from a planning perspective.

It should be of note that the future land uses and development strategies of the City of Lancaster have been identified by the Comprehensive Plan Advisory Committee and public in a series of community involvement opportunities and refined through numerous meetings with City Council, Planning and Zoning Commission and the Comprehensive Plan Advisory Committee.

**Potential Impact on Adjacent Development:** The subject property is currently partially developed, and the surrounding properties are also partially developed with a large section still zoned A-O and is vacant. The potential impact on adjacent development is less of a concern than the impact on the development in and around the PD, which is the greater concern.

**Availability of utilities and access:** The subject property is served by City of Lancaster water and sanitary sewer. The applicant is not proposing any changes to the roadway and water and sewer master plan. The applicant is responsible for the



installation of all utilities up to and including streets, storm water, water, wastewater, electric, cable, etc.

**Site conditions such as vegetation, topography and floodplain:** The subject property has been previously platted and zoned. Site conditions will be addressed if approved changes to the PD necessitate further examination. An increase in density could create traffic concerns.

**Timing of Development as it relates to Lancaster's Capital Improvement Plan:** This is not applicable to this site.

**Please note:** Staff recommended to the applicant to reach out to the neighborhood and host a Q&A to address any possible concerns the neighborhood may have. At the time of writing, the applicant has not done so to our knowledge.

### **Recommendation**

The proposed zoning changes as presented to staff in their totality, would not be aligned with the city's current or proposed Comprehensive Plan that the city is on schedule to adopt by Fall 2016. Nor is it consistent with the City's policies such as use of alleys to promote pedestrian-oriented environments that seek to build community.

As a result, staff recommendation is for denial, or to table and let the applicant work with staff and the Millbrook East neighborhood. If approved, staff and the applicant will need to work with the City Attorney to codify the changes to the PD prior to going to council.

**Public Input:** At the time of writing we have received four properties in opposition and none in favor from the public notice that was mailed out.

### **Approval Process**

Upon recommendation by the Planning and Zoning Commission, the City Council will conduct a public hearing and render a final decision for this item at their October 10, 2016, regular meeting. If tabled at P&Z, it may be possible depending how quickly the applicant works with staff and the neighborhood we may only have to re-notice for P&Z and still keep their Council date on target, assuming the changes that are proposed are still within the scope of the original request.

Bob Devilla, 16663 W Airport Blvd, Sugar Land, TX, stated they have already built some infill homes in the neighborhood and they want to finish out the neighborhood with the front entry product. He feels it is a security concern to have alleys especially on the perimeter lots.

Chair Earle opened the public hearing and invited anyone to speak either in favor or against this request. In opposition:

Cynthia Adams, 632 Mission Lane, Lancaster, Texas asked if the owner purchased all the property they own simultaneously and if this new development will increase the traffic in the neighborhood.

Gordon Butler, 1921 Lemita Drive, Lancaster, TX stated that Camillo did do a great job on the infill lots however he would like to feel they are invested in the area as well and asked that they not put in homes smaller than the current homes on the new lots.

Evelyne Dubois, 1937 Cross Oaks Drive, Lancaster, TX stated they liked the quality of the homes that Camillo has already built in the neighborhood however, her main concern was that the size of the streets are too narrow in the subdivision and she would like to partner with them to help build products in the community that would be beneficial to the community.

Ivory Barnes, 511 Pecan Leaf Drive, Lancaster, TX stated she doesn't want smaller homes in the neighborhood behind hers and that she would prefer there to be no tree removal if possible.

Derrick Batts, 1933 Ryder Drive, Lancaster, TX stated this community cannot support lots that are continually getting smaller and smaller.

Alice Jones, 1953 Pin Oak Lane, Lancaster, TX stated she is not in favor of smaller homes behind her subdivision, not in favor of the rezoning, and does not want tree removal along the walking trail because it could cause flooding.

Paris Sanders, 1938 Mosley Drive, Lancaster, TX stated he was against front entry garages because of the traffic and parking concerns. Also, his property values have already dropped \$2000 because of the newer homes developed and he doesn't want it to drop any further.

Robert Saucedo of 3021 Henry Road, Lancaster, TX spoke about the flooding in the streets when it rains in his neighborhood.

Commissioner Prothro requested that the new homes not be smaller than 1800 square feet to be in line with the existing homes.

Commissioner Hill requested that the neighbors and the developer work in partnership and possibly table this item to allow them to work together.

Commissioner Aguilar echos the sentiment made by Commissioner Hill.

Commissioner Prothro also would like the developers to partnership with the residents and to comply with the current City regulations.

Commissioner Hill stated she would like more citizens to engage in the public process.

Commissioner Earle agreed that the street sizes are too narrow and are a problem and appreciates all the citizen input.

**A MOTION WAS MADE BY COMMISSIONER PROTHRO AND SECONDED BY COMMISSIONER AGUILAR TO TABLE Z16-07 UNTIL THE OCTOBER 4, 2016 PLANNING AND ZONING COMMISSION MEETING.**

**AYES: EARLE, PROTHRO, AGUILAR, HILL**

**NAYS:**

**THE MOTION CARRIED 4 to 0.**

## **ACTION ITEMS**

4. **PS 16-07** Discuss and Consider a Minor Residential Replat on approximately 1.195 acres. The property is located on the west side of Henry Road, just east of the intersection of Henry Road and Baskin Road. The property is more particularly described as a tract of land situated in the Will-Kee Addition Lot 8R, Block E Being a Replat of Lot 8 and 9, Block E an addition to the City of Lancaster, Dallas County, Texas; according to the Map recorded in Volume 15, Page 15, Map Record, Dallas County, Texas and being a part of the Jonathan Sampson Survey, Abstract 1311 City of Lancaster, Dallas County Texas.

### **Background**

4. **Location and Size:** The property contains 1.195 acres of land and is located on the west side of Henry Road, just east of the intersection of Henry Road and Baskin Road.
5. **Current Zoning:** The subject property is currently zoned SF-5, Single Family Residential.
6. **Adjacent Properties:**
  - North: SF-5, Single Family (single family residences)
  - South: SF-5, Single Family (single family residences)
  - East: SF-5, Single Family (single family residences)
  - West: SF-5, Single Family (single family residences)
7. **Comprehensive Plan Compatibility:** The Comprehensive Plan identifies this site as suitable for Residential use. This request complies with the Comprehensive Plan.
8. **Case/Site History:** N/A

### **Considerations**

This is a request to plat two lots into one for the purpose of constructing a privacy fence. The proposed lots meet the size requirements of the zoning districts. Access into the property will be provided from Henry Road.

The applicant will be responsible for all utilities necessary for development, subject to review and approval by the City's Engineering Division. Additionally, the applicant will be responsible for all drainage associated with the development of the subject property, in accordance with the Storm Water Ordinance. The City Engineer has indicated that he has no objections to the fence being installed over the existing storm drainage pip connecting the bar ditches of Henry Road and Baskin Road. However, the City does retain the right to work in and around the area for maintenance purposes. Additionally,

it is recommended that the steel posts are installed away from the pipe to deter any damages.

**Public Information**

This is a minor residential re-plat and in accordance with Texas Local Government Code, a requisite 15 day notice was necessary to process this request. Of the seventeen notices mailed on August 5, 2016, ten were in opposition and four were in favor of this request.

It should be noted that two notifications were mailed, so there may be duplicates.

**Options/Alternatives**

1. Approve the plat, as presented.
2. Deny the plat.

**Recommendation**

Staff recommends **approval** of the plat.

**A MOTION WAS MADE BY COMMISSIONER PROTHRO AND SECONDED BY COMMISSIONER HILL TO APPROVE PS 16-04.**

**AYES: EARLE, PROTHRO, AGUILAR, HILL  
NAYS:**

**THE MOTION CARRIED 4 to 0.**

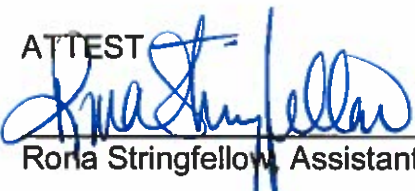
**A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER PROTHRO TO ADJOURN THE MEETING.**

**AYES: EARLE, PROTHRO, AGUILAR, HILL  
NAYS:**

**THE MOTION CARRIED 4 to 0.**

**THE MEETING WAS ADJOURNED AT 8:34 P.M.**

  
\_\_\_\_\_  
Marvin Earle, Chair

ATTEST  
  
\_\_\_\_\_  
Roria Stringfellow, Assistant City Manager