



MINUTES
NOVEMBER 26, 2019
LAVON PLANNING AND ZONING COMMISSION
REGULAR MEETING
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS

ATTENDING: DEBORAH NABORS, VICE CHAIR, SEAT 2, PRESIDING
CYNTHIA COKER, SEAT 3
MIKE SMITH, SEAT 4
VICKI SANSON, EX OFFICIO, COUNCIL LIAISON

ABSENT: BRAD TIEGS, SEAT 1
DAVID ROSENQUIST, CHAIRMAN, SEAT 5

1. MS. NABORS CALLED THE PLANNING & ZONING COMMISSION MEETING TO ORDER AT 6:32 P.M. AND ACKNOWLEDGED A QUORUM PRESENT.

2. EXECUTIVE SESSION

At 6:33 p.m., in accordance with the Texas Government Code, Annotated, Subchapter 551, Ms. Nabors recessed the meeting to go into executive session (closed meeting) to discuss the following items pursuant to Section 551.071 (2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act 1) Abston Hills Development and 2) plat processing, review and approval procedures.

3. RECONVENE INTO REGULAR SESSION

In accordance with Texas Government Code, Section 551.001, et seq., Ms. Nabors reconvened the meeting at 6:53 p.m. and stated that no action was taken in executive session.

4. MS. NABORS LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND MR. SMITH DELIVERED AN INVOCATION.

5. ITEMS OF INTEREST/ COMMUNICATIONS.

December 6 – Tree Lighting 6:00 p.m.

6. CITIZEN COMMENTS

There were no citizen comments.

7. ITEMS FOR CONSIDERATION

A. Discussion and action regarding the Minutes of the October 22, 2019 Meeting.

MOTION: APPROVE THE MINUTES OF THE OCTOBER 22, 2019 MEETING.

MOTION MADE: COKER

SECONDED: SMITH

APPROVED: UNANIMOUS (Absent: Tiegs, Rosenquist)

B. Public hearing, discussion and action regarding the Site Plan and Landscape Plan for the Bear Creek Amenity Center Facility on Lot 1X, Block A of the Bear Creek Amenity Center and Bridge Addition, located on the east side of Presidents Blvd. in the vicinity of the 800 block, southeast of the intersection of Presidents Blvd. and Hoover Ave., City of Lavon, Collin County, Texas.

Presentation of request.

City Administrator Kim Dobbs provided information regarding the location, zoning and code requirements for the proposed site plan and landscape plan. Ms. Dobbs explained that the subdivision infrastructure, including the bridge, are presently under construction and that typically a site plan

application would not be considered until completion of the construction; however, because the site is proposed to be served by existing public infrastructure the application was accepted. Ms. Dobbs advised that a public hearing is required pursuant to the Planned Development zoning that applies to the property.

PUBIC HEARING to receive comments regarding the request.

Ms. Nabors opened the public hearing at 6:58 p.m. and invited comments for or against the proposed regulations. Jim Douglas, Douglas Properties, 2309 Ave. K, Plano, Texas on behalf of the developer spoke in favor of the application. Mr. Douglas advised that the Amenity Center is planned to open in the summer of 2021 to coincide with the completion of new homes in Bear Creek Phase 3. Mr. Douglas stated that the developer intends to maintain as many existing trees as possible and that the site will utilize polycarts rather than a dumpster for garbage. There being no further comments, Ms. Nabors closed the public hearing at 7:02 p.m.

Discussion and action regarding the request.

Valerie Williamson, Cody Johnson Studio, 9720 Coit Rd., Plano, Texas representing the applicant offered to answer questions regarding the proposed site plan and landscape plan. Mike Smith asked if there were plans to have bicycle racks since the center would be accessible by trails. Ms. Williamson and Mr. Douglas agreed that bicycle racks could easily be added to the plan.

MOTION: RECOMMEND APPROVAL OF THE SITE PLAN AND LANDSCAPE PLAN FOR THE BEAR CREEK AMENITY CENTER FACILITY ON LOT 1X, BLOCK A OF THE BEAR CREEK AMENITY CENTER AND BRIDGE ADDITION, LOCATED ON THE EAST SIDE OF PRESIDENTS BLVD. IN THE VICINITY OF THE 800 BLOCK, SOUTHEAST OF THE INTERSECTION OF PRESIDENTS BLVD. AND HOOVER AVE., CITY OF LAVON, COLLIN COUNTY, TEXAS, SUBJECT TO THE ADDITION OF BICYCLE RACKS TO THE SITE PLAN.

MOTION MADE: COKER

SECONDED: SMITH

APPROVED: UNANIMOUS (Absent: Tiegs, Rosenquist)

- C. Discussion and action regarding the preliminary plat of the Abston Hills addition on 111.053 acres of land situated in the Samuel M. Rainer Survey, Abstract No. 740, (portions of CCAD Property IDs 1290347 and 2121783), consisting of 511 residential lots and 11 HOA open space lots located south of FM 6 and east of and adjacent to the LakePointe addition, City of Lavon extraterritorial jurisdiction, Collin County, Texas.**

Ms. Dobbs introduced City Attorney Julie Fort who referenced the Agenda Brief report in the meeting packet that was prepared by the city staff and that included a letter from the City Engineer attached to the Agenda Brief. Ms. Fort and Ms. Dobbs noted that with respect to the review of a preliminary plat, recently enacted Texas HB 3167 now requires the Commission to approve, approve with conditions or deny an application within 30 days and if the application is denied the applicant is to be provided with a list of reasons for the denial. Ms. Dobbs added that if the Commission or Council fails to act within 30 days, the preliminary plat is considered approved.

Ms. Fort stated that the Commission may have noticed while reviewing the meeting materials that one of the City Engineer's comments was that the application was substantially incomplete and that the staff and City Engineer provided a list of the items needed to form a complete application. Ms. Fort observed that it would be difficult to review items in a vacuum and a full review of all required items is needed to ensure technical compliance, not just a review limited to select items in isolation. Ms. Fort acknowledged that in addition to identifying items that were missing, the city staff and City Engineers identified a number of deficiencies in the items that were submitted and listed the missing and deficient items in the Agenda Brief with references to specific city code provisions that require the items.

MOTION: RECOMMEND DENIAL OF THE PRELIMINARY PLAT OF THE ABSTON HILLS ADDITION FOR THE REASONS IN THE NOVEMBER 26, 2019 AGENDA BRIEF STAFF REPORT CONTAINED IN THE MEETING PACKET AS STATED BY THE CITY ENGINEER:

- A. THE APPLICANT SUBMITTED A SUBSTANTIALLY INCOMPLETE PACKET (Art. 9.02.001, Section 4, 4.02) AND FAILED TO SUBMIT SEVERAL ITEMS, WHICH ARE REQUIRED BY CITY CODE AND NECESSARY FOR THE CITY'S ENGINEER TO BE ABLE TO PROVIDE SUBSTANTIVE COMMENTS.**
- B. A TRAFFIC IMPACT ANALYSIS (TIA) HAS NOT BEEN PROVIDED AS REQUIRED. (Art. 9.02.001, Section 3, 3.08(3)(b))**
- C. A DETAILED ENGINEERING STUDY FOR DETERMINATION OF BASE FLOOD ELEVATION HAS NOT BEEN PROVIDED AS REQUIRED. (Art. 4.04.005(c)) AND AS STATED BY THE CITY STAFF:**
 - 1. THE \$500 DEPOSIT FOR ENGINEER REVIEW COSTS WAS NOT PROVIDED WITH THE APPLICATION FEE. (Art. 9.02.001, Section 4, 4.03; Ord. No. 2019-09-07; Plat Application note *D)**
 - 2. THE CORPORATE LIMITS OF THE CITY WERE NOT PROVIDED. (Art. 9.02.001, Section 4, 4.03(a)(2))**
 - 3. THE JURISDICTION LINES WERE NOT PROVIDED FOR THE AREA DESCRIBED IN A PETITION FOR CONSENT TO INCLUDE LAND IN A MUNICIPAL UTILITY DISTRICT, SIGNED BY THE OWNER AND DATED AUGUST 14, 2019 THAT APPEARS TO INCLUDE THE PRELIMINARY PLAT AREA. (Art. 9.02.001, Section 4, 4.03(a)(2))**
 - 4. THE CORRECT INTERLOCAL BOUNDARY AGREEMENT BOUNDARY WAS NOT PROVIDED. (Art. 9.02.001, Section 4, 4.03(a)(2))**
 - 5. THE DEDICATION STATEMENT INCORRECTLY IDENTIFIED THE DEVELOPMENT AS AN ADDITION TO THE CITY OF LAVON. (Art 9.02.001, Section 4, 4.03(b)(5))**
 - 6. THE DEDICATION STATEMENT INCORRECTLY DEDICATED PUBLIC INFRASTRUCTURE AND EASEMENTS TO THE CITY OF LAVON. (Art 9.02.001, Section 4, 4.03(b)(5))**
 - 7. THE DEDICATION STATEMENT DID NOT PROVIDE THE CORRECT OWNER'S NAME. (Art 9.02.001, Section 4, 4.03(b)(5))**
 - 8. THE DEVELOPER DID NOT REQUEST OR PARTICIPATE IN A PRE-APPLICATION CONFERENCE WITH CITY STAFF OR THE STAFF'S DULY AUTHORIZED REPRESENTATIVE PRIOR TO APPLICATION. (Art. 9.02.001, Section 4, 4.01)**
 - 9. THE DEVELOPMENT IS LOCATED WITHIN THE CERTIFICATED AREA OF THE BEAR CREEK SPECIAL UTILITY DISTRICT (SUD) FOR WATER SERVICE. WITH REGARD TO WATER SERVICE, VERIFICATION AND AN INITIAL DEMONSTRATION WAS NOT PROVIDED THAT ADEQUATE PUBLIC FACILITIES NECESSARY TO SUPPORT AND SERVE THE DEVELOPMENT EXIST OR PROVISION HAS BEEN MADE FOR THE FACILITIES. (Art 9.02.001, Section 3, 3.07(2)(a); Section 3, 3.07(3)(c); Section 3, 3.07(4)(a); Section 3, 3.07(5)(a))**
 - 10. WITH REGARD TO SANITARY SEWER SERVICE, VERIFICATION AND AN INITIAL DEMONSTRATION WAS NOT PROVIDED THAT ADEQUATE PUBLIC FACILITIES NECESSARY TO SUPPORT AND SERVE THE DEVELOPMENT EXIST OR PROVISION HAS BEEN MADE FOR THE FACILITIES. (Art 9.02.001, Section 3, 3.07(2)(a); Section 3, 3.07(3)(c); Section 3, 3.07(4)(b); Section 3, 3.07(5)(a))**
 - 11. WITH REGARD TO DRAINAGE, VERIFICATION AND AN INITIAL DEMONSTRATION WAS NOT PROVIDED THAT ADEQUATE PUBLIC FACILITIES NECESSARY TO SUPPORT AND SERVE THE DEVELOPMENT EXIST OR PROVISION HAS BEEN MADE FOR THE FACILITIES. (Art. 9.02.001, Section 3, 3.07(2)(a); Section 3, 3.07(3)(c); Section 3, 3.07(4)(d), Section 3, 3.07(5)(a); Section 3, 3.08; Section 3, 3.08(7); Section 3, 3.08(8))**

12. WITH REGARD TO ACCESS TO EXISTING ROADWAYS AND INTERSECTIONS, VERIFICATION WAS NOT PROVIDED TO DEMONSTRATE THAT ADEQUATE PUBLIC FACILITIES NECESSARY TO SUPPORT AND SERVE THE DEVELOPMENT EXIST OR PROVISION HAS BEEN MADE FOR THE FACILITIES. (Art. 9.02.001, Section 3, 3.07(2)(a); Section 3, 3.07(3)(c); Section 3, 3.07(4)(c); Section 3, 3.07(5)(a); Section 3, 3.07(6); Section 3, 3.08(1); Section 3, 3.08(2); Section 3, 3.08(3)(d))
13. ADEQUATE TURNAROUNDS AND EASEMENTS WERE NOT PROVIDED FOR STREETS THAT EXTEND TO THE BOUNDARY OF THE PROPOSED DEVELOPMENT AND THAT WERE NOT CONNECTED TO EXISTING STREET EXTENSIONS. (Art. 9.02.001, Section 3, 3.08(2)(a); Section 3, 3.08(3)(e); Section 3, 3.08(5))
14. A STATEMENT THAT THE DEVELOPMENT WILL BE CONSTRUCTED AS A SINGLE PHASE WAS NOT PROVIDED. (Art 9.02.001, Section 4, 4.02(f)(1)) AND FURTHER THAT UPON RECEIPT OF A COMPLETE APPLICATION FROM THE APPLICANT, THE AUTHORITY TO TAKE ACTION TO APPROVE, APPROVE WITH CONDITIONS OR DENY THE RESUBMITTED APPLICATION FOR A PRELIMINARY PLAT BE DELEGATED TO THE CITY ADMINISTRATOR, WHICH ACTION SHALL BE BASED UPON COMMENTS FROM THE CITY ENGINEER. THE CITY ADMINISTRATOR SHALL TAKE SUCH ACTION WITHIN 15 DAYS OF THE RESUBMITTAL, BUT THE CITY ADMINISTRATOR MAY DECLINE TO TAKE SUCH ACTION AND BRING IT BACK TO THE COMMISSION FOR ACTION IF THERE IS REASONABLE TIME TO CONFIRM A QUORUM AND LAWFULLY POST AN AGENDA AFTER THE CITY ENGINEER HAS COMPLETED THE REVIEW.

MOTION MADE: NABORS
 SECONDED: COKER
 APPROVED: UNANIMOUS (Absent: Tiegs, Rosenquist)

D. Staff report and discussion regarding the Community Vision Assessment, Strategic Plan and Comprehensive Plan Update.

Ms. Dobbs reported that on November 19, 2019, the City Council approved the amendment to the Comprehensive Plan and adopted the Community Vision Assessment including the Strategic Plan, the Future Land Use Plan and the Master Thoroughfare Plan, subject to the incorporation of the November 19, 2019 Proposed Conditions of Approval. Ms. Dobbs distributed updated packets that include the non-substantive changes in the Conditions of Approval. Ms. Nabors suggested that the updated approved document be uploaded to the city website.


8. SET FUTURE MEETINGS AND AGENDAS

The regular meeting set for December 24, 2019 will be cancelled.

The next regular meeting is set for January 28, 2020 at 7:00 p.m.

9. THE MEETING WAS ADJOURNED AT 7:22 P.M.

DULY PASSED AND APPROVED on this 7th day of January 2020.



David Rosenquist, Chairman

Attest:



Kim Dobbs, City Administrator/City Secretary