



**MINUTES
MARCH 24, 2020
CITY OF LAVON
PLANNING AND ZONING COMMISSION
7:00 PM**

The meeting was conducted telephonically in accordance with the orders of the Office of the Governor in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the Coronavirus (COVID-19). The meeting agenda and packet were posted on the city website prior to the meeting.

ATTENDING: DAVID ROSENQUIST, CHAIRMAN, SEAT 5
CYNTHIA COKER, SEAT 3 (at 7:45 P.M.)
DEBORAH NABORS, VICE CHAIR, SEAT 2
MIKE SMITH, SEAT 4
VICKI SANSON, EX OFFICIO, COUNCIL LIAISON
ABSENT: JENNA CURLEY, SEAT 1

- 1. MR. ROSENQUIST CALLED THE PLANNING & ZONING COMMISSION MEETING TO ORDER AT 7:11 P.M. AND ACKNOWLEDGED A QUORUM PRESENT.**
- 2. MR. ROSENQUIST OBSERVED A MOMENT OF SILENCE.**
- 3. ITEMS OF INTEREST/ COMMUNICATIONS**

4/4 - Breakfast with the Bunny - cancelled
4/18 - LEDC Small Business Bazaar - cancelled
4/25 - CWD X-treme Green Clean-up day - to be determined

4. CITIZEN COMMENTS

There were no comments.

5. ITEMS FOR CONSIDERATION

A. Discussion and action regarding the Minutes of the February 25, 2020 Meeting.

MOTION: APPROVE THE MINUTES OF THE FEBRUARY 25, 2020 MEETING.

MOTION MADE: NABORS
SECONDED: SMITH
APPROVED: UNANIMOUS (Absent: Curley, Coker)

- B. Public hearing, discussion and action regarding the application for a zoning change from Planned Development-Single Family (PD-SF) established by Ordinance No. 2004-09-05 to Retail (R) on 0.21 acres, a part of the property described as WAS Bohannan Survey, ABS 0121, Sheet 3, Tract 72, CCAD Property ID 2664090, southwest of 9930 SH 78 and northeast of Grand Heritage West C, City of Lavon, Texas, requested by RaceTrac Petroleum.**

Presentation of request.

City Administrator Kim Dobbs introduced Andrew Malzer, RaceTrac Petroleum, 200 Galleria Pkwy, Atlanta, GA, and Brad Williams, Winstead PC, 2728 N. Harwood St., Dallas, TX. Mr. Malzer presented information regarding the proposed zoning change and Future Land Use Map and provided specifics regarding the RaceTrac brand. Mr. Williams presented additional information in support of the proposed application.

PUBIC HEARING to receive comments regarding the request.

Mr. Rosenquist opened the public hearing at 7:31 p.m. and invited comments for or against the proposed application. There being no comments, Mr. Rosenquist closed the public hearing at 7:31 p.m.

Discussion and action regarding the request.

The Commission discussed the application. Ms. Dobbs advised that signs had been placed at the property, the notice of public hearing had been published in the newspaper and on the website and that eight (8) notices were mailed out to adjacent property owners and one (1) was returned in favor of the request. Ms. Dobbs added that supplemental notices were mailed to neighboring property owners with instructions for the telephonic meeting.

MOTION: RECOMMEND APPROVAL OF THE APPLICATION FOR A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY (PD-SF) ESTABLISHED BY ORDINANCE NO. 2004-09-05 TO RETAIL (R) ON 0.21 ACRES, A PART OF THE PROPERTY DESCRIBED AS WAS BOHANNAN SURVEY, ABS 0121, SHEET 3, TRACT 72, CCAD PROPERTY ID 2664090, SOUTHWEST OF 9930 SH 78 AND NORTHEAST OF GRAND HERITAGE WEST C, CITY OF LAVON, TEXAS, REQUESTED BY RACETRAC PETROLEUM.

MOTION MADE:	NABORS	
SECONDED:	SMITH	
APPROVED:	UNANIMOUS	
	SEAT 1- CURLEY	ABSENT
	SEAT 2- NABORS	FOR
	SEAT 3- COKER	ABSENT
	SEAT 4- SMITH	FOR
	SEAT 5- ROSENQUIST	FOR

- C. Public hearing, discussion and action regarding the application for a Conditional Use Permit for an automobile fueling and gasoline filling station at 1000 SH 78 (also 9930 SH 78), WAS Bohannan Survey, ABS 0121, Sheet 3, Tracts 54, 68 and 72, CCAD Property ID’s 2593398, 2133957 and 2664090 respectively, southwest of the intersection of SH 78 and SH 205, City of Lavon, Texas, requested by RaceTrac Petroleum.**

Presentation of request.

Ms. Dobbs provided information regarding the requirement for a conditional use permit. Mr. Williams provided information regarding the elements of the conditional use permit and specified the ways that the application satisfies the code requirements. Mr. Williams the reviewed draft site plan, landscape plan and building elevations and noted that there would be a total of 7 fueling stations, one less than was shown on the draft plans.

PUBLIC HEARING to receive comments regarding the request.

Mr. Rosenquist opened the public hearing at 7:45 p.m. and invited comments for or against the proposed application for a Conditional Use Permit. The following people offered comment:

- Brent Kelley, 909 Meadow Hill, stated that he was in favor of the CUP and complimented the building separation being 150 ft. minimum from the residential neighborhood, noting that it was greater than the estimated 100’ setback for the 7-Eleven store.

There being no further comments, Mr. Rosenquist closed the public hearing at 7:47 p.m.

Discussion and action regarding the request.

Mr. Smith asked if there will be ample lighting around the dumpster area and Mr. Malzer confirmed that there would be area lights placed around the property and two dedicated wall lights for the dumpster enclosure. Ms. Dobbs advised that the notice of public hearing had been published in the newspaper and on the website and that thirteen (13) notices were mailed out to adjacent property owners and one (1) was returned in favor of the request. Ms. Dobbs added that supplemental notices were mailed to neighboring property owners with instructions for the telephonic meeting.

MOTION: RECOMMEND APPROVAL OF THE APPLICATION FOR A CONDITIONAL USE PERMIT FOR AN AUTOMOBILE FUELING AND GASOLINE FILLING STATION AT 1000 SH 78 (ALSO 9930 SH 78), WAS BOHANNAN SURVEY, ABS 0121, SHEET 3, TRACTS 54, 68 AND 72, CCAD PROPERTY ID'S 2593398, 2133957 AND 2664090 RESPECTIVELY, SOUTHWEST OF THE INTERSECTION OF SH 78 AND SH 205, CITY OF LAVON, TEXAS, REQUESTED BY RACETRAC PETROLEUM.

MOTION MADE: NABORS
SECONDED: SMITH
APPROVED: UNANIMOUS
SEAT 1- CURLEY ABSENT
SEAT 2- NABORS FOR
SEAT 3- COKER FOR
SEAT 4- SMITH FOR
SEAT 5- ROSENQUIST FOR

- D. Public hearing, discussion and action regarding, the application for a zoning change from Temporary Agricultural (A) to Planned Development – Mixed Use (PD-MU) zoning district consisting of single family residential uses with 109 lots on 32 acres associated with SF-4 (avg lot 8500 sq ft) and retail uses on 27 acres associated with R described as Samuel M. Rainer Survey, Abstract No. 740 (CCAD Property ID 2152129), southwest of the intersection of SH78 and FM 6, City of Lavon, Texas, requested by Lavon 678 Development, LLC.**

Presentation of request.

Ms. Dobbs provided background regarding withdrawal of a previous application on the property and reviewed information regarding the new application to change from Temporary Agricultural (A) to Planned Development – Mixed Use (PD-MU) zoning district for mixed uses consisting of single family residential and retail. Connie Cooper, ION Design Consulting Company, 3839 McKinney Ave., Dallas, provided a presentation detailing the proposed concept plan, drainage plans, commercial easements, and buffers to separate new developments from new and existing residential development.

PUBLIC HEARING to receive comments regarding the request.

Mr. Rosenquist opened the public hearing at 8:16 p.m. and invited comments for or against the proposed application. The following people offered comment.

- Lissa Grotter, 876 Rolling Meadow, expressed concern about the future of the trees at the property line and asked that they consider not removing all of them.
- Brian McKinney, 1000 Rolling Meadow, stated he was in favor of the development and would also like to see the trees bordering his property and the proposed development stay in place. Mr. McKinney inquired about the plans for property separation and issues with possible light pollution in the area. Ms. Cooper stated there would be no light trespass permitted.
- Holly Meier for Vernon Meier, 1154 Rolling Meadow, stated they were opposed to the development due to the possible drainage issues it may cause on their property. Ms. Meier requested a 15 ft easement be dedicated to the city for the city to clean and maintain.

There being no further comments Mr. Rosenquist closed the public hearing at 8:25 p.m.

Discussion and action regarding the request.

The Commission discussed the application. Ms. Cooper answered questions and said that there would be a 15-foot buffer area for drainage between the new development and the existing homes. Ms. Cooper stated that a masonry wall was not planned for the commercial area adjacent to Bently Farms and Ms. Dobbs noted that the zoning ordinance requires a dense landscape buffer or masonry wall and that the application did not seek to waive the requirement. Ms. Cooper volunteered to draft language to clarify the application in that area. Ms. Coker inquired if there is adequate space for deliveries at the SH 78

and CR 486 corner and Ms. Cooper stated that there would be sufficient space for delivery trucks to enter.

Ms. Dobbs advised that zoning change signs had been placed, that notice of public hearing had been published in the newspaper and on the website and that twenty-four (24) notices were mailed out to adjacent property owners of which three (3) were returned in opposition to the request. Ms. Dobbs added that supplemental notices were mailed to neighboring property owners with instructions for the telephonic meeting.

MOTION: RECOMMEND APPROVAL OF THE APPLICATION FOR A ZONING CHANGE FROM TEMPORARY AGRICULTURAL (A) TO PLANNED DEVELOPMENT – MIXED USE (PD-MU) ZONING DISTRICT CONSISTING OF SINGLE FAMILY RESIDENTIAL USES WITH 109 LOTS ON 32 ACRES ASSOCIATED WITH SF-4 (AVG LOT 8500 SQ FT) AND RETAIL USES ON 27 ACRES ASSOCIATED WITH R DESCRIBED AS SAMUEL M. RAINIER SURVEY, ABSTRACT NO. 740, (CCAD PROPERTY ID 2152129), SOUTHWEST OF THE INTERSECTION OF SH 78 AND FM 6, CITY OF LAVON, TEXAS, REQUESTED BY LAVON 678 DEVELOPMENT, LLC., SUBJECT TO STAFF ACCEPTANCE OF CLARIFICATION OF THE BUFFER AT BENTLY FARMS ADJACENT TO THE COMMERCIAL AREA.

MOTION MADE: NABORS
SECONDED: COKER
APPROVED: UNANIMOUS
SEAT 1- CURLEY ABSENT
SEAT 2- NABORS FOR
SEAT 3- COKER FOR
SEAT 4- SMITH FOR
SEAT 5- ROSENQUIST FOR

E. Discussion and regarding the final plat of Crestridge Meadows, Phase 2 on 34.476 acres of land situated in the Drury Anglin Survey, Abstract No. 2 (CCAD Property ID 2773841), south of Bear Creek and east of and in the vicinity of the 10700 block of CR 484, City of Lavon, Texas.

Ms. Dobbs provided information regarding the final plat, stated that the proposed final plat conformed to the approved zoning and preliminary plat and acknowledged that the developer and engineer were available to answer questions. Mr. Smith asked if there would be a through-street between this neighborhood and the adjacent one (Bear Creek Phase 3,4,5), and Ms. Dobbs confirmed that a connection was approved for both subdivisions. Ms. Dobbs advised that approval is recommended subject to the City Council extension of the effective date of the preliminary plat and satisfaction of the City Engineer.

MOTION: RECOMMEND APPROVAL THE FINAL PLAT OF CRESTRIDGE MEADOWS, PHASE 2 ON 34.476 ACRES OF LAND SITUATED IN THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2 (CCAD PROPERTY ID 2773841), SOUTH OF BEAR CREEK AND EAST OF AND IN THE VICINITY OF THE 10700 BLOCK OF CR 484, CITY OF LAVON, TEXAS SUBJECT TO THE CITY COUNCIL EXTENSION OF THE EFFECTIVE DATE OF THE PRELIMINARY PLAT AND SATISFACTION OF THE CITY ENGINEER.

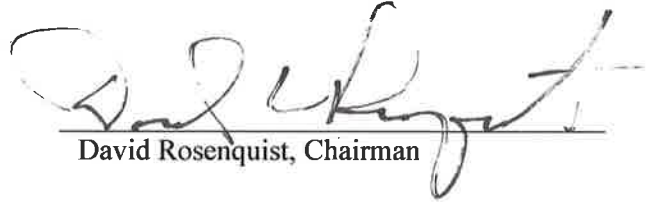
MOTION MADE: NABORS
SECONDED: COKER
APPROVED: UNANIMOUS
SEAT 1- CURLEY ABSENT
SEAT 2- NABORS FOR
SEAT 3- COKER FOR
SEAT 4- SMITH FOR
SEAT 5- ROSENQUIST FOR

6. SET FUTURE MEETINGS AND AGENDAS

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

7. THE MEETING WAS ADJOURNED AT 8:49 P.M.

DULY PASSED AND APPROVED on this 28th day of April 2020.



David Rosenquist, Chairman

Attest:



Kim Dobbs, City Administrator/City Secretary