

**MINUTES
PLANNING AND ZONING COMMISSION
JUNE 3, 2008**

Item 1:

The Lewisville Planning and Zoning Commission was called to order at 6:43 p.m. Members present: Rod Russell (Chairman), Karen Boenker, Jim Gallegos (Vice-Chairman), Alvin Turner, James Davis, William "Bill" Price and Joy Townsend. Staff members Gene Lewis, David Salmon and Mary Paron-Boswell were present.

Item 2:

A motion was made by Karen Boenker to approve the May 6, 2008, meeting minutes, seconded by Jim Gallegos. The motion passed unanimously (7-0).

Item 3:

The consent agenda plats were the next item on the agenda. There were two items for consideration:

- A. Amended Final Plat of Vista Ridge Office Park Addition, Lots 1R, 3R and 4, Block A, a 3.99 acre tract zoned Light Industrial, located on the east side of MacArthur Blvd between Vista Ridge Mall Dr. and FM 3040.
- B. Amended Final Plat of Castle Hills Phase III, Section B, Lots 16R and 23R, Block D, a 1.77 acre tract zoned Estate Townhouse (ETH), located on the north side of Polser Rd on Lady DeVance Lane.

Staff gave a brief presentation outlining the amendments being done to the plats. There being no questions by the Commissioners, a motion was made by Karen Boenker to approve the plat and variance request, seconded by Bill Price. The motion passed unanimously (7-0).

Item 4:

The regular hearing plat was the next item on the agenda. These are plats with variances for consideration. There was one item for consideration:

- A. Final Plat of Castle Hills Windhaven Parkway Standridge Drive to Josey Lane Right of Way Dedication, a 10.006 acre tract located south of Business SH 121 between Standridge Drive and Josey Lane.

Staff gave a brief presentation indicating that the property is in Lewisville's ETJ area of Castle Hills. The variance is a two part variance relating to the allowable vertical and horizontal curve design speed. The ordinance requires a 50 mph design speed for this type of roadway. The variance requested is to allow a reduced design speed of 35 mph because of the proposed sharper horizontal and vertical curves being proposed which is due in part by the alignment that's been established with the sale of the property on the north side of this road. This area is naturally steep with lots of topography. The road is to be maintained by the Denton County Fresh water Supply District. The same variance has been granted for other sections of Castle Hills, ie: Standridge Rd and some residential streets. Staff indicated that the ultimate speed is determined after a speed study done after construction is completed. Rod Russell asked what type of traffic is expected on this roadway. His concern was that it would be a wide road but slow to travel because of the design speed. Staff indicated that the primary concern is safety, and that at 35 mph safety is

not an issue for this road. A motion was made by Karen Boenker to recommend approval of the plat and requested variance, seconded by Bill Price. The motion passed unanimously (7-0).

Item 5:

The public hearing for zoning was the next item on the agenda. There were two items for consideration:

- A. Consideration of a zone change request from Light Industrial (LI) to Medical District (MD) on a 4.0 acre tract located at the northwest corner of Highpoint Oaks Drive and Vista Ridge Mall Drive: further identified as part of Lot 1, Block A of the Highpoint Oaks Addition. The request is being made by Churchill Residential Inc. with authorization by the current property owner Highpoint Oaks, Ltd. (Case No. PZ20080408).

Staff indicated that the applicant has an existing product in Lewisville located in the southeast quadrant of Main St and Garden Ridge Blvd. The applicant is proposing a second Lewisville site at the northwest corner of Highpoint Oaks Drive and Vista Ridge Mall Drive. Staff pointed out some important differences between not only these two locations, but also the other independent, assisted living or nursing home facilities in Lewisville. The proposed location is completely surrounded by LI property which is only partially developed. The closest residential is located in Coppell, approximately 500 ft away. Staff is concerned about the location and does not find it suitable for residential zoning. The other facilities in Lewisville are located in areas where although there may be light industrial zoning in place, it is more than likely already developed and contains a non-noxious user or is priced to where an office building will most likely be built there. But more importantly, there is other residential adjacent to or close by or other neighborhood retail type uses. In addition staff indicated that this is a good example of spot zoning, and that other locations would be much more suitable for this type of use. Jim Gallegos asked staff if they were recommending denial because of the location. Staff indicated that was the case. The public hearing was then opened and Sandy Jacobs, representing Churchill Residential spoke in favor of the request. She indicated that the location would be age restricted to those 55 and older via deed restrictions that would be in place for 40 years. She indicated that they would be constructing a facility that was 80% brick. They chose this site for its accessibility, not necessarily accessibility for the residents but for their families to get to the facility. She indicated that the property has been vacant for a long time and that the cost of the land would probably push future development of the area to being office in nature. She indicated that they would be paying the same taxes as an office development. She also indicated that they require and have gotten State approval for this project and were ranked #1 in the state. Their current facility at Main St and Garden Ridge Blvd has a waiting list of over 100 potential residents. Tony Sisk, Principal of Churchill Residential also spoke in favor of the request and stated that they had several discriminating daughters, etc. go out and look at this site and said they felt the accessibility outweighed being totally surrounded by LI zoning. A motion was made to close the public hearing by Karen Boenker, seconded by Jim Gallegos. The motion passed unanimously (7-0). Joy Townsend led off the discussion by the commissioners and she indicated that she was in favor of this project and its location. Jim Gallegos was also in favor of the project. Karen Boenker asked who was notified and if Edmonds Lane would be extended in the future. She said that she understood the need for such a project but was not sure that this was the best location for it. Bill Price was not in favor of the project at this location and indicated that it was spot zoning. He noted that the area was just starting to take off and that this was not the best use for that property. Alvin Turner and James Davis had no comment. Rod Russell asked Sandy to describe the easy access. Sandy Jacobs indicated that the access to both SH 121 and Business SH 121 was in close proximity. Rod indicated that he thought access to buses, trains, stores and other neighborhood retail would be a greater asset to those

living there. Ms. Jacobs indicated that although the age restriction was for those 55 and older, the majority of their residents are over 70 years of age and for the most part would not be walking to the store even if it was within walking distance. Sandy Jacobs also indicated that they would be willing to look at screening the facility from its neighbors. Tony Sisk indicated they would use brick or stone between them and the LI to their sides. Joy Townsend said she visited the other facility in Lewisville and thought it gave its residents a secure feeling. James Davis asked what the proposed completion date was. Tony Sisk indicated that it would probably be sometime in the fall of '09. Rod Russell stated he understood staff's concern over spot zoning. There being no more discussion, a motion was made by Jim Gallegos to recommend approval of the zone change request, acknowledging the screening wall option discussed. Joy Townsend seconded the motion. The motion passed with a vote of 4-3 in favor, with Karen, Alvin and Bill voting against the zone change request.

- B. Consideration of a zone change request from General Business (GB) to Public Use (PU) on a 6.06 acre tract located at 900 South Mill Street; further identified as Lot 1, Block A of the Payless Cashways Addition, Section One. The request is being made by Lewisville Independent School District, the current property owner (Case No. PZ20080616).

Staff gave a brief presentation indicating that the LISD has bought the property and is planning on using it for a variety of uses such as book storage, bus parking and dispatch. The LISD can operate in any zoning classification, however, they must comply with the rules and regulations associated with that district. In this case the General Business (GB) allows for the type of use required by the LISD, but the parking of school buses that don't run during the summer months but are rather "stored" is the question that has created the need for a zone change to Public Use (PU). GB limits outside storage to 10% whereas PU does not, however both districts require that outside storage be screened. The public hearing was opened and Von Bouegher of G&A Consultants, Inc. spoke in favor of the zone change request. There being no one else present to speak for or against the item, the public hearing was then closed. James Davis asked if the chain link fence was temporary. Von indicated that it was a temporary measure to keep people from trespassing and using the lot as a cut through for traffic. Jim Gallegos asked if they would be updating any of the fire equipment or sprinklers on-site. Von indicated that they had not planned on changing the footprint or triggering anything that would cause them to have to upgrade the fire protection requirements at this time, although they would if need required. Joy asked where the books would be coming from. Von indicated that they would be moving some of the books from the main facility located at the northeast corner of Garden Ridge Blvd and Main St. The books were being moved to room for additional administration offices at that Main St. location. A motion was made by Jim Gallegos to recommend approval of the zone change request, seconded by Joy Townsend. The motion passed unanimously (7-0).

There being no item under "Other Business" the meeting was adjourned at 7:58 p.m. These minutes approved at the June 17, 2008 meeting.

Respectfully submitted,

Approved,

Mary Paron-Boswell
Sr. Planner

Rod Russell
Planning & Zoning Chairman