

**MINUTES
PLANNING AND ZONING COMMISSION
MAY 5, 2009**

Item 1:

The Lewisville Planning and Zoning Commission was called to order at 6:32 p.m. Members present: Rod Russell (Chairman), Jim Gallegos (Vice-Chairman), Alvin Turner, William "Bill" Price, Joy Townsend and James Davis. Member Karen Boenker was absent.

Staff members present: Gene Lewis, Mary Paron-Boswell, David Salmon and Jeff Kelly.

Item 2:

A motion was made by James Davis to approve the April 7, 2009, meeting minutes, seconded by Jim Gallegos. The motion passed unanimously (6-0).

Item 3:

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

- A. Final Plat of Farmers Branch Camelot Landfill Addition, Lot 1, Block A, a 350.77 acre tract zoned Specific Use (SU) – Landfill, located at the southern terminus of Huffines Blvd, approximately 1500 feet south of State Highway 121 Business.
- B. Final Plat of the Ugochukwu Addition, Lot 1, Block A, a 0.238 acre tract zoned Old Town Mixed Use Two (OTMU2), located south of Main St. and east of Cowan Ave. at 383 Perry St.
- C. Amended Final Plat of Crest Manor Addition, Lots 1-3, Block A, a 28.98 acre tract zoned Multi-Family Two (MF-2) and General Business (GB), located on the south side of FM 3040, east of Ace Lane.

Staff gave a brief presentation recommending approval of item 3A subject to zoning being approved and approving items 3B and 3C as presented. A motion was made by Jim Gallegos and seconded by Joy Townsend to recommend approval of item 3A subject to zoning being approved and approving items 3B and 3C as presented. The motion passed unanimously (6-0).

Item 4:

The regular hearing plats were the next item on the agenda. There were two cases for consideration:

- A. Final Plat of Elta Addition, a 0.18 acre tract zoned Light Industrial (LI), located on the west side of Red Bud St. between Purnell St. and McKenzie St. There is one variance being requested: to waive the street escrow for Red Bud St.

Staff presented the item and indicated that there were four variances for this project and that three were associated with the engineering site plan and one on the plat. The plat variance request was to waive the required street escrow of Red Bud Street. Red Bud Street is a substandard 12-15 foot wide asphalt street without curb and gutter in front of the proposed lot. The owner has agreed to dedicate additional right-of-way for Red Bud Street to provide a total of 25 feet of right-of-way from the center of the existing pavement, which meets the General Development Ordinance requirement

based on the City's existing Thoroughfare Plan, but does not want to escrow the \$27,237.60 based on one-half of a 37-foot wide street along the 100.88 feet of frontage. The estimate includes concrete street pavement, curb & gutter, possible drainage improvements, and sidewalk. If the Denton County Transportation Authority proceeds with plans to disconnect Purnell Street from Railroad Street and connect Red Bud Street to Business 121, the City thoroughfare Plan will be updated to reflect Red Bud Street as a 2-lane collector street, which will ultimately require a total of 60 feet of right-of-way. Staff recommends denial of the variance because it is possible that the funding would be used toward street improvements on Red Bud Street in the near future. Alvin Turner asked if the improvements on Red Bud would go up to McKenzie Street. Staff indicated that the improvements would be from Purnell St down to SH 121 which, in effect, would also be to McKenzie St. A motion was made by James Davis to recommend approval of the plat but to deny the variance request. The motion was seconded by Bill Price and approved unanimously (6-0).

- B. Final Plat of Midway Pump Station Addition, Lot 1, Block A, a 4.91 acre tract zoned Public Use (PU), located on the south side of Midway Rd., approximately 600 feet west of FM 544. There is one variance: to waive the street escrow for Midway Rd.

The subject property was recently acquired by the City and is being platted for the purpose of constructing a new pump station as part of an overall project to provide sufficient water capacity for the build out of south and central Lewisville. The proposed site will include a dual-header design to serve the 692.5 and 735 water pressure planes (Central/South and East Lewisville). The facility will be built in two phases. The Phase I station will have five pumps and a 3MG ground storage tank. At such time that additional storage is needed, there is room for an additional 3MG storage tank to be placed on-site. Phase I is expected to go on-line by 2011. Midway Road is a substandard 20-24 foot wide asphalt street without curb and gutter. Staff explained that the estimated required escrow amount for the subject property is \$64,044.00 based on one-half of a 37-foot wide street along the 237.20 feet of frontage. The estimate includes street pavement, possible drainage improvements, and sidewalk. The City has collected escrow fees for other parcels along Midway Road including American Landscape Addition and the Ratliff Midway Addition, both west of Barfknecht Road. Midway Road was improved across the frontage of Fire Station #6 as part of the TXDOT 121 & FM544 improvements. In addition, the pump station generates very little traffic once construction is complete and there is already funding available for the reconstruction of Midway Road included in the Denton County TRIP-08 Bond Program funds combined with other private escrows being held by the City. Rod Russell asked if funds are pooled from various projects. Staff indicated that funds are escrowed for the specific street that they were collected for. A motion was made by Bill Price to approve the plat and requested variance, seconded by Jim Gallegos. The motion passed unanimously (6-0).

Item 5:

The public hearing zoning cases were the next item on the agenda. There were three cases for consideration:

- A. Consideration of a zone change request from Agricultural Open Space (AO) to Specific Use (SU) – Landfill on a 350.77 acre tract located at the southern terminus of Huffines Blvd, approximately 1500 feet south of State Highway 121 Business; further identified as P.O. Leary

Survey, Abstract 0974, Tracts 2, 3, 4, 6, P. Higgins Survey, Abstract 0525, Tract 15 and H. Harper Survey, Abstract 0605, Tract 1. The request is being made by the City of Farmers Branch, Camelot Landfill, the property owner (Case No. PZ20090303).

The property is owned by the City of Farmers Branch and has been actively used as a landfill since the 1980's, before it was annexed into the city. The landfill like most other landfills, produce methane gas as a by-product. Currently the methane gas is flared off. The landfill would like to add a methane recovery facility on site that would create electricity for the power grid instead of being wasted. The zoning provides a more accurate use of the land and the platting and site plan will serve as a benchmark for any future initiatives the landfill may have. Staff handed a letter from Larry and Teresa Williams to the members. The Williams own property near the facility and are in opposition to the zoning. Staff explained that the landfill use could continue regardless of whether or not the zoning was changed. The main reason for this process was to rezone so that the methane recovery facility could be placed closer to the property line than the 100 ft required in AO zoning. The public hearing was opened and Andy Gillies, Planning Director for the City of Farmers Branch spoke in favor of the project. He indicated that the proposed location of the facility would be roughly 4,000 feet from the nearest residential use and roughly 5,000 feet from Huffines Blvd. The facility would allow the landfill to convert 3.2 Megawatts/year into the power grid which would provide energy for 3000 homes. James Davis asked if there would be new electric lines added to the site. Andy indicated that there would be new overhead electric lines required and that that was one of the requested variances on the site plan, to allow overhead lines in lieu of providing underground lines in a landfill. Joy Townsend asked if all landfills would eventually have methane recovery facilities. Andy indicated that he didn't know specifically but that it certainly was a growing trend. Staff indicated that one of the other landfills in town had also added a large methane recovery facility several years back. Jim Gallegos asked if the landfill had any plans for future expansion. Andy indicated that they did not at this time, however they would be looking at their options for the future. The public hearing was then closed. A motion was made by James Davis to recommend approval of the zone change request, seconded by Bill Price. The motion passed unanimously (6-0).

- B. Consideration of a zone change request from Agricultural Open Space (AO) to Public Use (PU) on a 4.91 acre tract, located on the south side of Midway Road, approximately 600 feet west of FM 544; further identified as B.B.B. & C.R.R. Survey, Abstract 180, Tract 8; S.M. Hayden Survey, Abstract 537, Tract 54; H. Young Survey, Abstract 1448, Tract 3; J. E. Mc Whorter Survey, Abstract 1690, Tract 3. The request is being made by the City of Lewisville, the property owner (Case No. PZ20090506).

Staff informed the Commission that this property is owned by the City of Lewisville and is planned for a new pump station that is to serve the south central and east side of Lewisville. City uses are allowed in all zoning categories, however we are trying to zone new sites to Public Use zoning district to better reflect the actual use of the property. The new zoning will also allow greater utilization of the property since the current AO zoning requires greater setbacks. The public hearing was opened and there being no one present to speak for or against the item, the public hearing was then closed. A motion was made by Joy Townsend to recommend approval of the zone change request, seconded by Jim Gallegos. The motion passed unanimously (6-0).

- C. Consideration of a zone change request from Single-Family Residential District (R-5), and Single-Family Residential District (R-6) to Public Use (PU) on an 80.581 acre tract located at the southeast corner of FM 3040 and Duncan Lane; further identified as Henry Turner Survey, Abstract 1248 and Jesse Watkins Survey, Abstract 1328. The request is being made by the Lewisville Independent School District, the property owner (Case No. PZ20090507).

Staff gave a brief presentation indicating that the L.I.S.D. owns the property and plans to build a new school on it. They are not required to rezone the property, as school can be built in any zoning classification, however, we are encouraging them to zone to Public Use to better reflect the use of the property by a governmental entity. Staff advised the commission that a letter was sent to staff requesting that the item be continued to the next meeting since the applicant did not put their zone change signs up at the appropriate time before the meeting. The public hearing was opened and a motion was made by Bill Price to continue the public hearing until May 19th, seconded by Alvin Turner. The motion passed unanimously (6-0).

Members were reminded that the Transportation Board would be meeting directly following the P&Z meeting. There being no other business to discuss, the meeting was adjourned at 7:08 pm.

Respectfully submitted,

Approved,

Mary Paron-Boswell
Senior Planner

Rod Russell
Chairman