

**DRAFT MINUTES  
PLANNING AND ZONING COMMISSION  
SEPTEMBER 18, 2018**

---

**Item 3:**

Public Hearing Zoning & Special Use Permits were next on the agenda. There were two items for consideration:

- A. **Public Hearing:** Consideration of a Zone Change Request From Single Family Residential District (R-7.5) To Mixed-Use District (MU); on Approximately 1.142 Acres, out of the John W. King Survey, Abstract Number 696, Located on the West Side of Mill Street, North of West College Street and South of Stuart Street; as Requested by Randi Rivera, G&A Consultants, on Behalf of Henry Rahmani, TSMJV, LLC, the Property Owner. (Case No. PZ-2018-09-11).

Staff gave a brief overview of the proposed zone change request and recommended approval. The applicant was present and available to answer questions. Chairman Green then opened the public hearing. The following citizens came forward to express their concerns regarding the proposed zone change request:

- Lisa McCoy – 121 Stuart Street
- Eva Claire – 151 West College Street
- Charlie McCoy – 121 Stuart Street

Lisa McCoy was concerned about speeding vehicles near children at play and the size of the proposed development. Eva Claire asked for clarification on the timeframe of the project and was concerned by traffic congestion associated with construction. Staff provided additional details on the development process and procedures to obtaining a building permit that would precede any construction at the proposed site. The applicant presented information on the construction timeline. Charlie McCoy cited drainage issues along Stuart Street, detours due to events in Old Town, affected property values and compatibility with the surrounding neighborhood as his primary concerns. Staff indicated that an email from Mark Boyd on behalf of Billy M. Boyd-Smith of 133 West College Street had also been received. With no one else coming forward to speak, the public hearing was then closed. Chairman Green asked about the fifth-floor recession. Staff answered that the upper floors were reserved for residential space. Retail and restaurant use would be only on the first floor. Member Karen Locke asked how parking would be addressed at the site. Staff clarified that residential parking was provided on-site below grade and a shared parking agreement would be required for the retail and restaurant area. Individual units would have access to individual garages. Member John Lyng asked if shared parking might be possible at the site and for the price range of the units. Staff answered that the applicant would need to provide those agreements and opportunities existed. The applicant stated that \$500,000 per penthouse, \$295,000 per 2-bedroom and \$399,000 3-bedroom were the estimated prices. Chairman Green asked if parking would be available on Mill Street and what would happen if a traffic impact analysis were to come back with negative results.

Staff answered that parking would be reverse angle and that if a traffic study came back with negative results, the site plan would need to be modified. Member James Davis asked for confirmation the property was not for rent. The applicant answered that the condos were approximately 1,600 square feet with one unit for service and a guest suite. Members MaryEllen Miksa and John Lyng were concerned that there would not be enough regulations established to prevent the property from being used as a multi-family development, such as deed restrictions. Staff answered that a condo association would be established, but rental of the small units would be a zoning violation. The applicant, Randi Rivera of G&A McAdams, clarified that the condos would be owner-occupied and like other townhome developments in Lewisville. She also explained that a revised concept plan would be required to appear before the Planning and Zoning Commission again if traffic impact were significant. Staff stated additional information on safety, access and escrow requirements would be required as part of the engineering site plan. Chairman Green asked if a traffic study could be included in the approval for item 3A. Staff answered that it could be included in the motion.

A motion was made by William Meredith to recommend approval of the proposed zone change request with the following condition: 1) a traffic impact analysis shall be conducted to include impacts on Stuart Street. The motion was seconded by James Davis. The motion passed unanimously (6-0). Staff indicated that the item would appear before the City Council on October 1<sup>st</sup> for a second public hearing and a final decision.

---