

The meeting was called to order by the President of the Commission, Scott McLeod.

Roll was called and Commission members present were: John Davis, Chuck Lerwick, Michael Lough, Scott McLeod, and Bob Wilson.

Excused were Doris Stefani and Dave Pederson.

Also present: Mayor Jim Fairchild, City Manager Jerry Wyatt, City Attorney Lane Shetterly, Planner John Swanson, Public Works Director Fred Braun and Patti Senger as Recording Secretary.

President McLeod called for any corrections or changes to the minutes of the regular meeting of December 11, 2007, and workshop of January 3, 2008. Hearing none, he declared the minutes approved as presented.

President McLeod made an announcement regarding the Hearing Guidelines and stated that copies of the guidelines were available at the door. There were no questions regarding the hearing guidelines.

President McLeod then called for declarations of ex-parte contacts, conflicts of interest, or site visits; there were none voiced.

PUBLIC HEARINGS:

BOYLAN  
CONSTRUCTION  
1351 HEATHER  
COURT  
VARIANCE

A public hearing on the application of Boylan Construction, applicant and owner, to consider a Variance to allow a 21' setback when a 25' setback is required by Code for the property located at 1351 SE Heather Court, in a Residential, Single Family, zone.

The staff report was read into the record by John Swanson.

President McLeod called for the applicant's presentation.

Eli Boylan, Boylan Construction, 610 NW Reed Lane, Dallas, stated that the application is for a rear yard setback of 21' because the lot has less depth than most of the lots in the area. He said on the site plan that the distance for the house on the lot is 21'-11" so it actually will be slightly more than the 21' requested on the application.

President McLeod called for speakers in favor of the request. There were none.

He called for speakers in opposition to the request. There were none.

Comments or questions were called for. There were none.

Questions by Commission members were called for. Chuck Lerwick asked what the CHDPE storm line is that is referenced in the staff report. Fred Braun answered that it stands for Corrugated High Density Polyethylene.

The Public Hearing was closed for discussion by Commission Members.

Mike Lough made a motion to approve the request as presented in the staff report with the two (2) listed conditions. The motion was seconded and carried unanimously.

The President announced the period to appeal the Commission's decision; 10 days following

RICHARD CHAPMAN  
160 ORCHARD DRIVE  
PARTITION

the date of the letter stating said decision is mailed to the participants.

A public hearing on the application of Richard Chapman, owner, to partition property located at 160 Orchard Drive into two (2) lots, in a CG, Commercial General, zone.

The staff report was read into the record by John Swanson.

President McLeod called for the applicant's presentation.

Richard Chapman, 4310 Mistletoe Road, stated that the proposed lot line was in place when he built both of the current buildings and that they were built in accordance with the setbacks at that time. He stated the reason he chose to give up the original lot line was to put up a covered patio to adjoin the two buildings and would take down the covered patio to reestablish the old lot line.

President McLeod called for speakers in favor of the request.

Eldon Rivers, 1061 SE Camellia Street in Dallas, has a veterinary business in that back of the building and by splitting the building it will allow him to purchase one of them from the applicant. He stated he could not afford to purchase the entire lot and that he is willing to comply with parking lot agreements and all other agreements that are in place.

He called for speakers in opposition to the request.

Ray Straton, 170 E Ellendale Avenue, stated that he was speaking as a business owner on behalf of North Dallas Bar and Grill and that he has verbal agreements with Mr. Chapman in regards to allowing the applicant to use his driveway in exchange for maintenance of the North Dallas Bar and Grill property and for use of the applicants electricity to light the North Dallas street sign. He stated that he is opposed to this application until such time as these verbal agreements are put into writing. Once these agreements are in writing, he is in agreement with the application.

President McLeod asked if there is anyone else speaking in opposition of the application. There were none.

Comments or questions were called for. There were none.

President McLeod called for rebuttal testimony. Mr. Chapman asked for clarification of the verbal agreements Mr. Straton was speaking of. Lane Shetterly advised that this is a Civil matter and does not fall under code criteria.

Questions by Commission members were called for.

The Public Hearing was closed for discussion by Commission Members.

Mr. Lerwick made a motion to approve the request as presented in the staff report with the seven (7) listed conditions. The motion was seconded and carried unanimously.

The President announced the period to appeal the Commission's decision; 10 days following the date of the letter stating said decision is mailed to the participants.

Mr. Wyatt announced that a Public Hearing on the TSP would take place at a later date.

OTHER BUSINESS:

Mike Lough made a motion to nominate Chuck Lerwick as President. Hearing no further nominations, President McLeod closed the nomination. The motion was seconded and passed unanimously to elect Chuck Lerwick as President.

Chuck Lerwick made a motion to nominate John Davis as Vice President. Hearing no further nominations, President McLeod closed the nominations. The motion was seconded and passed unanimously to elect John Davis as Vice President.

Scott McLeod made a motion to appoint Patti Senger as recording secretary. The motion was seconded and passed unanimously.

There being no further business, the meeting was adjourned at 7:57 p.m.

Approved by the Planning Commission.



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President

4-8-08

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Date