

PLANNING AND ZONING COMMISSION
UNIVERSITY PARK, TEXAS
MINUTES

June 11, 2013

The Planning and Zoning Commission of the City of University Park met on Tuesday, June 11, 2013 at 3:30 P.M. in the City of University Park Council Conference Room, located at 3800 University Boulevard, University Park, Texas. The following are minutes of that meeting.

Commission Members Seated

Robert H. West, Chairman
Doug Roach
Kim Kohler
Mark Aldredge
Randy Biddle

Staff Members Attending

Robbie Corder, Community Development Director
Harry Persaud, Chief Planning Official
Amanda Hartwick, Planning Technician
Rob Dillard, City Attorney

Present and Seated in Audience

Jerry Jordan
Neil Harris
Liz Farley

The work session, which was open to the public, was called to order at 3:30 P.M. At 3:35 P.M., pursuant to Section 551.071 (2) of the Texas Government Code, the Chairman adjourned the Commission into a closed executive session for the purpose of seeking confidential legal advice from the City Attorney with regard to the items on the agenda. No action was taken in the closed executive session. The closed executive session was concluded at 3:58 P.M. and the Commission returned to open session.

Mr. Harry Persaud reviewed the cases based on the staff report, and presented PowerPoint slides regarding case PZ 13-003. In addition, there was a brief review of a similar lighting case in Southlake. No action was taken. The work session was closed at 4:45 P.M.

At 5:00 P.M. Chairman West opened the formal public hearing in accordance with the published agenda, welcomed everyone in attendance, and introduced the members of the Commission present. He then read the first case before the Commission:

PZ 13-005: Hold a public hearing and consider a proposed amendment to Section 40 of the Comprehensive Zoning Ordinance to repeal the current definition relating to Community Center (Public) and institute a new definition.

Chairman West opened the floor for comments. Mr. Persaud approached the podium and stated that staff recommended approval of the amendment. With no further comments, the public hearing was closed. Mr. Mark Aldredge made a motion to approve the proposed amendment. Mr. Randy Biddle seconded. With a vote of 5-0 the amendment was approved.

Chairman West then read the second case before the Commission:

PZ 13-006: Consider approval of a re-plat for a tract of 1.38 acres situated south of Normandy Avenue between Lomo Alto and Roland Avenue, being Lots 1-7, Block C, Potomac Park Second Installment, City of University Park, Dallas County, Texas.

He then opened the floor for comments from staff. Mr. Persaud approached the podium and stated that a re-plat was required following the approval of the PD amendment, which changed the zoning to 9 lots with zero lot lines. He recommended approval of the plat. With no further comments, the public hearing was closed. Chairman West made a motion to approve the re-plat. Mr. Kim Kohler seconded. With a vote of 5-0 the re-plat was approved.

Chairman West then read the third case before the Commission:

PZ 13-003: Hold a public hearing and consider a request by Highland Park Independent School District to amend Planned Development District “PD-25” to install athletic lighting for the ball field and tennis courts. The subject site is zoned Planned Development District “PD-25” and located south of Druid Lane and east of Westchester Drive, in the City of University Park, Dallas County, Texas.

Mr. Persaud approached the podium and gave a short briefing on the case. He explained that HPISD brought the case to the Planning and Zoning Commission in April of 2011. After a lengthy public hearing the case was withdrawn and has now been brought back for consideration. Mr. Persaud advised that the purpose of the hearing is to receive comments and pass on a recommendation to City Council when ready. Mr. Persaud then introduced guests to speak on behalf of the case, including Jerry Sutterfield, the athletic director for HPISD, and representatives from Musco Lighting, Zack Strong and Richard Wadlow.

Mr. Sutterfield approached the podium and presented a brief PowerPoint presentation which showed graphics and layout of the proposed lighting. He explained that the school district would like to provide the best facilities to the students, and feels the addition of the lighting is necessary. He stated the school district has been working closely with Musco Lighting and city staff to re-design the lighting plan which was originally presented in 2011. In addition, HPISD has taken into consideration resident feedback to minimize impact to surrounding property owners by limiting sound system use, upgrading poles, limiting non-school use to youth only, and limiting light spillover with pole design and technology. He added that in March of 2013, a formal Title 9 complaint was received regarding the lack of lighting to the girls’ softball field and tennis courts. He then turned over the floor to Richard Wadlow with Musco Lighting.

Mr. Wadlow presented an overview of Musco company history and products, including a chart depicting an evolution of light control. He explained that visors had been added to the lights to minimize glare. The visors have reflectors which direct the light to the field. He also discussed the pole system which is designed to minimize pole failure and can withstand up to 120 MPH wind. He added that the visor design can minimize foot-candles to .29 off-site. He then presented comparison photos showing reduced glare using the light poles with this technology.

Chairman West opened the floor for those wanting to speak in favor of the proposed amendment.

Ms. Rennie Orr, who resides at 3724 Purdue, approached the podium and explained that she is a catcher for the varsity softball team. She stated that because the fields are currently un-lighted, the JV team is often unavailable to finish their games or sometimes not able to play at all. In addition, many working parents are unable to attend games because of the early start times.

Ms. Julianna Szuwalski, who resides at 3604 University, approached the podium and stated she is a catcher for the JV team. She explained that the boys' baseball field is lighted and in turn the team has been to more playoffs. She feels the girls' team should be given the same opportunity. In addition, the girls' team currently has to travel for games and miss class time. The lighting would allow for more home games and less missed class time.

Mr. Michael Jackson, who resides at 3724 Villanova, approached the podium and stated his daughter is a freshman softball player. He explained that the JV girls are at a disadvantage because the fields are un-lighted. The team often has to travel to use other fields and these are frequently in unsafe areas.

Ms. Grayson Rutherford, who resides at 4301 Druid, approached the podium and stated she is on the JV team, and will be a sophomore next year. She explained that she has lived across the street from the football field for about 7 years and has never had any issues with the lighting at the football field.

Mr. Paris Rutherford, who resides at 4301 Druid, approached the podium and stated that the family knew when they bought the home that it was near the high school. He explained that the sound and lighting have never been an issue with the family, as they were aware both would come with living in the vicinity of the school. He continued by saying that he does not believe the football field lighting has the same technology as what is being proposed here, and therefore should be much less of an impact to the neighbors around the proposed area.

Mr. Mark Strickland, who resides at 2920 Bryn Mawr, approached the podium and stated he was present on behalf of the tennis team. His daughter will be a senior next year and plays on the tennis team. He stated the team will be competing for its 6th state championship title this year, and the lack of lighting prevents training. He said the team is forced to practice in the Fair Park area at times, and they have had vehicles broken into while there.

Mr. Steve Orr, who resides at 3724 Purdue, approached the podium. He stated that he has been a resident of University Park for 16 years and has 3 daughters that have attended HPISD schools. He is involved with the HP Bombers, a club softball team, which provides an off-season outlet for the high school team. He explained that the team suffers with increased travel costs, diminished fan base, and missed class time due to the lack of lighting at the school field. He then asked that the commission consider approval of the proposed lighting.

Mr. Andy Szuwalski, who resides at 3604 University, approached the podium and stated he has 2 daughters that currently play softball. He explained that when the parking garage was approved for the Presidential Center, there were measurements put in place to minimize the adverse affects to neighbors around the area, and similarly measurements have been taken by HPISD to

minimize affects to the neighbors on Druid. He expressed that the benefits outweigh any adverse affects and the commission should consider approval.

Mr. John Hall, who resides at 4116 Greenbrier, approached the podium and stated that the softball program has been a healthy outlet for the girls. He believes that the schools are the foundation of the community and athletics is a big part of that. He explained that the football stadium and baseball field both have lights and also border more homes, than the softball field and tennis courts. He proposed that if the lighting is approved, then the JV softball team could begin games at 5:00 PM, and Varsity could in turn start by 7:00 PM so that the lights could be off no later than 9:00 PM. In addition, he offered to purchase season tickets for the surrounding homeowners.

Mr. Chris Murzin, who resides at 3709 Hanover, approached the podium and stated that he is the head coach for the 4th grade Pink Panthers team. He reiterated comments of previous speakers, expressing the value the softball program brings to the community, and that the girls should have the same facilities as the boys.

Ms. Grace Shike, who resides at 2908 McFarlin, approached the podium and stated she is the senior captain of the varsity softball team. She explained that she has had to miss classes because the games have to start early, and that she feels the lights will help to grow the program.

Chairman West asked if city staff would provide a summary of the notice responses received. Mr. Persaud stated that prior to the public hearing he had received an additional notice letter, which brought the final total to 19 opposed, and 2 in favor.

Chairman West then called for a 10 minute recess.

At 6:00 P.M. the meeting was reconvened. Chairman West opened the floor for those wanting to speak in opposition to the proposed amendment.

Ms. Christie Haggard, who resides at 4112 Druid, approached the podium and explained that she purchased her home in 1998. Later, when the field was put in, city staff assured her and other neighbors that the fields would not be lighted. Ms. Haggard then distributed documents to the commission with her recommendations for the lighting. The recommendation included implementation of restrictions similar to Ursuline soccer field. In addition, the recommendation included an extension of residential parking hours to ensure those using the fields will use the parking garages, and restriction of evening and weekend use to students only. Ms. Haggard explained that last Sunday a group of adults were using the field for batting practice and she could hear them inside her home.

Mr. Morton Newman, who resides at 6725 Golf, approached the podium and stated that he owns a property at 4128 Druid. He explained that the nearest proposed light pole is only 80 feet away from his home, and the lighting will bring on adverse affects including attendant noise, and increased traffic. He then presented photos of lighting, comparable to the proposed lighting, at Trinity University. The photos were taken from a home 174 feet from the closest pole. Mr. Newman distributed handouts to the commission which included minutes from the November 2, 1999 City Council Meeting. The minutes reflect that "lighting of the field and tennis courts is not

permitted.” Mr. Newman advised that the lighting will cause a reduction in property values for the neighboring properties. In addition, he stated that he does not believe Title 9 is applicable to this case. He encouraged the commission to deny the proposed lighting.

Mr. Matt Klein, who resides at 4138 Druid, approached the podium and stated that he has 2 children, ages 3 and 5 years old. He explained that his children go to bed at 7 PM, and the proposed lighting until 9 PM is too late in his opinion. He added that he is a graduate of Highland Park High School and played sports while there, so he understands both sides.

Dr. Sharman Beasley, who owns the property at 4132 Druid, approached the podium and stated that she purchased the property in 1974. At that time there were apartments across the street from the home. She expressed that she has been an educator for 45 years and while she understands the importance of athletics, she feels the home is an oasis and the proposed lighting would be detrimental to this.

Chairman West stated that the Planning and Zoning Commission is a recommending body, and the case will move to City Council at a later date. He then asked for HPISD to make a response to the opposing comments.

Mr. Sutterfield once again approached the podium and stated that the loss of class time creates an issue of gender equality because the male athletes are able to start their games later and therefore do not suffer with missing class time.

Mr. Biddle made a motion to close the public hearing, and Mr. Kohler seconded. Chairman West opened the floor to questions from the Commission.

Mr. Kohler asked what changes in technology have been put in place since the original submission in 2011. Mr. Zach Strong, with Musco, approached the podium and explained that the visors on the poles have been updated to wrap around and cut off lighting spillover from the sides of the lights. Mr. Kohler then stated that lacrosse was mentioned in some of the original documentation but that it had not been addressed in the current hearing. Mr. Sutterfield explained that the field can only be used for practice and is not configured for regular games.

Chairman West asked for clarification of the “no adult use” restriction. Mr. Sutterfield stated that the lighting would be used for youth games only. A discussion then ensued regarding adult use and how the fields are secured to ensure they are not being used by unauthorized persons. Mr. Sutterfield expressed that facility employees walk the campus until 10 P.M. daily to monitor the locks.

Mr. Roach asked how many nights per week HPISD is anticipating the lights will be used. Mr. Sutterfield responded that they will most likely be on 4-5 days per week. Mr. West asked if the fields get non-resident use. Mr. Sutterfield responded that they are not currently being using by non-resident groups, and that residents get first priority in renting the facilities.

Mr. Kohler asked if HPISD would consider not renting to outside groups. Mr. Sutterfield expressed that he does not think it would be beneficial to the students and the community to restrict use to school use only.

Mr. Roach explained that the document received from Ms. Haggard states that a 75 foot light pole can wash an entire property in glare. Mr. Wadlow responded by stating that the poles are installed to minimize glare but there will always be some glare. A discussion then ensued regarding the comparison of this proposed project to the recent lighting project at Ursuline. Mr. Wadlow expressed that Musco was not involved in that project.

Mr. Wadlow then added final comments regarding a computer system which will control the shut-off of the lights at 9 P.M. He explained that the system will turn the lights off at the designated time and only an authorized person will be able to override the program.

Mr. Morton Newman approached the podium and asked to make a few more comments. Chairman West allowed him to continue. Mr. Newman stated that Trinity University has the latest technology and the photos he previously presented are not outdated, reiterating that the photos are representative of the same light poles being proposed. Chairman West asked for the representatives from Musco to address this statement. Mr. Strong approached the podium and stated that every project is unique. He explained that Musco has over 5,200 different types of fixtures so he cannot say for certain that the light poles shown by Mr. Newman are the same ones being proposed.

A discussion ensued regarding spillover for the proposed lighting. Mr. Persaud recommended that Musco provide spillover information in a format which could be publicly presented. Chairman West agreed and asked that the applicant provide this for the next scheduled meeting of July 9th, 2013. He then announced that the case would be tabled until that date.

Minutes of the May 14, 2013 Planning & Zoning Commission meeting were reviewed. Mr. Biddle made a motion to approve the minutes. Mr. Aldredge seconded the motion. The minutes were approved with a 5-0 vote.

With there being no further business before the Commission, Chairman West adjourned the meeting at approximately 6:53 P.M.

Robert H. West, Chairman
Planning & Zoning Commission

Date_____