

Minutes  
City of Carrollton  
Planning & Zoning Commission  
April 4, 2013

A meeting of the City of Carrollton Planning & Zoning Commission was held on April 4, 2013 at 7:03 p.m. in the Council Chambers at City Hall with the following members present:

**Commission Members Present:**

Rick Pfeil, Chair  
Jerry Sylo, Vice Chair  
Glen Blanscet  
Barbara McAninch  
Jack Stotz  
Mark Nesbit  
David Halloin  
Lisa Loreto

**Commission Members Absent:**

Kimberly Daniel-Nix

**Staff Members Present:**

Regina Edwards, 1st Asst. City Attorney  
Ravi Shah, Director of Development Services  
Brett King, Building Official  
Lorri Dennis, Arborist

Lydia Tormos, Admin. Support  
Rob Guarnieri, Senior Engineer  
Mike McCauley, Senior Planner

*(Note: \* = designation of a motion)*

**CALL MEETING TO ORDER: 7:14 PM**

1. **MINUTES:** Approval of the minutes of **March 7, 2013**.

- \* *McAninch moved to continue the minutes of March 7, 2013 until the staff has had an opportunity to make the corrections that were suggested during the work session; second by Sylo and the vote was cast 8-0 in favor, Daniel-Nix absent.*

**INDIVIDUAL CONSIDERATION**

2. Consider final action approval of a **Replat for Foxworth Galbraith, Phase 4**. The approximately 8.326-acre site is located at the southeast corner of South Main Street and Carroll Avenue and is currently zoned for the (TC) Transit Center District, Urban General Sub-District. Case No. 01-13RP2 Foxworth Galbraith Phase 4/City of Carrollton. Case Coordinator: Christopher Barton.

McCauley stated the purpose of the replat is to adjust easement lines, establish ground lease areas, and to create a private street. Additionally, a small amount of public right-of-way is being dedicated by this plat along Carroll Avenue and due to this dedication the Commission must find that the right-of-way dedication is necessary and proportional to the proposed development.

\* *Sylo moved to approve Case No. 01-13RP2 Foxworth Galbraith with the finding that the right-of-way dedication is necessary and proportional to the proposed development; second by Nesbit and the vote was cast 8-0 in favor, Daniel-Nix absent.*

3. Hold a public hearing and consider initiating a reassessment of **SUP 394 for a Child Day Care Center** located at 1609 W. Hebron Parkway. The 1.375-acre tract is located on the southeast corner of Hebron Parkway and Fairway Court and is zoned PD-124 for the (LR-2) Local Retail District. Case No. 01-13MD1 SUP 394/City of Carrollton. Case Coordinator: Christopher Barton.

McCauley advised that this item provides the Commission an opportunity to take a vote on the question of reassessing the existing SUP 394. He stated that if the Commission decides to review the SUP, the case would be placed on a future agenda.

Pfeil invited the property owner or representative to address the Commission.

Mary Manning, 1609 W. Hebron Parkway, Suite 104, Carrollton, property owner, and Mark Bomar, Recess Playground Design, 880 Union Station Parkway, Lewisville, were present.

Ms. Manning stated she and the contractor were aware of the Commission's concerns about the progress of the installation of the shade structure for the playground. She stated she has a bill of sale from the contractor for the structure which shows an installation date of April 27. Mr. Bomar stated the canopy would be delivered to the site during the week of April 22 with installation on April 27 and 28. Ms. Manning advised that the canopy is 12' X 12' that has been custom made and would be professionally installed by the Recess Playground Company.

Pfeil referred to and asked about the conceptual drawings that were part of the SUP approval, upon which the Commission based its approval. Mr. Bomar stated he did not have it with him but that it was a scaled design showing where the canopy would be positioned inside the playground area. Ms. Manning stated it would be structured with poles and would be sturdy and sound as required in the SUP. Pfeil stated he was happy to hear that there is a delivery and installation date and stated the Commission's concern was because the structure had not been completed as required, noting the property has been noncompliant, and voiced concerns for the safety of the children. Ms. Manning stated she understood that the temporary structure was not in compliance with the permanent structure that was originally submitted, and apologized for the delay. In response to Pfeil, Ms. Manning stated she is licensed for 43 children, is currently half full and more children are scheduled to begin attending during the summer. She advised that currently the playground is used daily in the morning.

Mr. Stotz asked about the date the purchase was paid in full and Mr. Bomar stated he didn't have the contract with him but could provide the Commission with the information, and noted that it was recent.

Pfeil opened the public hearing and invited speakers to approach; there were no speakers.

Sylo stated he appreciates that Ms. Manning is moving forward with the shade structure but he still has concerns. He noted the 8 months of noncompliance and the Notice of Violation that was issued to Ms. Manning on November 2, 2012 as well as concerns for the 2-5 year old children that use the playground without shade. He spoke in favor of placing an item on the agenda to re-evaluate the SUP if for no other reason than to underscore to Ms. Manning and Mr. Bomar the seriousness of the issue. He stressed the need for compliance.

Mr. Bomar stated he understood that Ms. Manning was required to have a canopy and noted that the State of Texas does not require a canopy. Pfeil explained that local jurisdictions can assess requirements so long as it does not violate State law. He underscored the need for the applicant to be compliant with the ordinance and noted the ability to reassess a permit if not in compliance. Mr. Bomar asked if it is a requirement for all daycares in Carrollton to have a canopy and McCauley replied that there is no ordinance to that effect, however the applicant's SUP includes the requirement.

McAninch stated that this particular daycare is located in a concrete parking area and noted the lengthy discussion about the need to protect the young children due to the summer heat. She stated the Commission was trying to accommodate the applicant but also needed to protect the children, which is an obligation of the Commission. Mr. Bomar expressed his understanding.

\* *Sylo moved to close the public hearing and to place an item on the May 2 Planning & Zoning Commission agenda to reassess the continued appropriateness of SUP 394 which allows a daycare at 1609 W. Hebron Parkway; second by Halloin.* Pfeil expressed appreciation for the definite plan by the applicant. *The vote was cast 8-0 in favor, Daniel-Nix absent.*

4. Hold a public hearing and consider an **Amendment to the Future Land Use Map** to change the future land use designation from Multi-Family Residential to Single-Family Detached and Single-Family Attached. The approximately 37-acre site is located on the south side of Plano Parkway abutting the west side of the Burlington Northern & Santa Fe Railroad and the north side of the Kansas City Southern Railroad and is currently zoned PD-175 for the (MF-18) Multi-Family Residential District. Case No. 03-13MD3 Mustang Park Tract 9/Dowdy Anderson & Associates. Case Coordinator: Christopher Barton.

Pfeil invited the applicant to provide comments.

Traci Shannon Yost, 5225 Village Creek Drive, Suite 200, Plano, requested that both items regarding Mustang Park be tabled until the May 2, 2013 agenda. In response to Pfeil, she stated that they would have all required information and be ready to discuss both cases.

Pfeil opened the public hearing on both items and invited speakers to the podium; there were no speakers.

\* *Stotz moved to keep the public hearing open and continue Case No. 03-13MD3 Mustang Park Tract 9 (comp plan) to the May 2<sup>nd</sup> meeting; second by McAninch and the vote was cast 8-0 in favor, Daniel-Nix absent.*

5. Hold a public hearing and consider approval of a **Change in Zoning for Mustang Park Tracts 8 & 9** to the (SF-5/12) Single-Family Residential District with modified development standards. The approximately 37-acre site is located on the south side of Plano Parkway abutting the west side of the Burlington Northern & Santa Fe Railroad and the north side of the Kansas City Southern Railroad and is currently zoned PD-175 for the (MF-18) Multi-Family Residential District. Case No. 03-13Z2/Dowdy Anderson & Associates. Case Coordinator: Christopher Barton.

*\* Stotz moved to keep the public hearing open and continue Case No. 03-13Z2 Mustang Park Tract 9 (zoning) to the May 2<sup>nd</sup> meeting; second by Loreto and the vote was cast 8-0 in favor, Daniel-Nix absent.*

6. Hold a public hearing and consider an **Amendment to the Future Land Use Map** to change the future land use designation from Medium Intensity Commercial and Multi-Family Residential to Single-Family Detached. The approximately 8.8317-acre tract is located on the southeast corner of the Sam Rayburn Tollway/State Highway 121 and Chickasaw Drive (proposed) and is currently zoned PD-123 for the (LR-2) Local Retail and (MF-18) Multi-Family Residential Districts. Case No. 03-13MD2 Chickasaw at SH 121 (comp plan)/WPD Acquisitions. Case Coordinator: Christopher Barton.

Pfeil noted that Items 6, 7 and 8 were companion items that would be heard simultaneously. He noted that the applicant was not present.

McCauley advised that staff received a request to continue the three cases to the May 2<sup>nd</sup> meeting and recommended approval of the request.

Pfeil opened the public hearing and invited speakers to the podium; there were no speakers.

*\* McAninch moved to keep the public hearing open and to continue Case No. 03-13MD2 Chickasaw at SH 121 (comp plan) until May 2; second by Blanscet and the vote was cast 8-0 in favor, Daniel-Nix absent.*

7. Hold a public hearing and consider an **Amendment to the Transportation Plan**. The request is to change the designation of Chickasaw Drive west of Maumee Drive from a (C2U) 2-Lane Undivided Collector to a “local” street. Chickasaw Drive is located between S.H. 121 (Sam Rayburn Tollway) and Maumee Drive, and between Indian Parkway and Carrollton Parkway. Case No. 04-13MD1 Chickasaw Drive/City of Carrollton. Case Coordinator: Christopher Barton.

*\* McAninch moved to keep the public hearing open and to continue Case No. 04-13MD1 Chickasaw Drive/City of Carrollton (transportation plan) to May 2; second by Loreto and the vote was cast 8-0 in favor, Daniel-Nix absent.*

8. Hold a public hearing and consider an **Amendment to PD-123** changing the base zoning to the (SF-5/12) Single Family Residential District. The approximately 8.8317-acre tract is located on the southeast corner of the Sam Rayburn Tollway/State Highway 121 and Chickasaw Drive (proposed) and is currently zoned PD-123 for the (LR-2) Local Retail and

(MF-18) Multi-Family Residential Districts. Case No. 03-13Z1 Chickasaw at SH 121 (zoning)/WPD Acquisitions. Case Coordinator: Christopher Barton.

\* *McAninch moved to keep the public hearing open and to continue Case No. 03-13Z1 Chickasaw at SH 121 (zoning) to May 2; second by Sylo and the vote was cast 8-0 in favor, Daniel-Nix absent.*

9. Hold a public hearing and consider a **Change in Zoning for a Portion of PD-5** to establish a new Planned Development for the (SF-5/12) Single-Family District with modified development standards. The approximately 79.465-acres site is located on the east side of Old Denton Road, just north of Raiford Road and is currently zoned PD-5 for the (8.4/19) Single-Family Residential District. Case No. 02-13Z2 Project Raiford/City of Carrollton. Case Coordinator: Christopher Barton.

Pfeil noted that the City of Carrollton was the applicant and the property was owned by the City. He further stated that a representative of the developer was present and would provide a presentation. He asked staff to present the request.

McCauley advised that the City of Carrollton Redevelopment Subcommittee has been working on this project for the past year and worked with the proposed developer on the design.

Pfeil noted for the record that Commissioner Sylo had filed a Conflict of Interest affidavit on the case and stepped away from the dais.

William Gietema Jr., CEO and co-founder of Arcadia Realty, 3500 Maple Avenue, Suite 1165, Dallas, stated they have been working with the Redevelopment Committee for the past two years. He stated that the site was part of an overall study area that was associated with the Transit Station at Trinity Mills. He described the location and stated that the property has a tremendous amount of fall across it and urban drainage flow that hasn't been well managed. The property also had to accommodate the redevelopment of Old Denton Road and Furneaux Creek. He used a topography and slope map to illustrate the fall rate from the northwest corner to the creek. He talked about making the property an amenity for the immediate overall area and as a gateway to the neighborhoods to the north. He noted the improvements to the creek were exceptionally well done and he talked about providing access to Old Denton Road in a multi model ways to include pedestrians and bicyclist. He stated that they have a fundamental belief that fronting open space creates value. To that end, the plan not only fronts onto Furneaux Creek but it also fronts homes on created internal sub-destinations. He explained that the plan uses the crevice to create ponds to stair-step down to slow the velocity and create an amenity that would be open to the overall neighborhood. He talked about the open space plan that provides for different functions and meeting spaces. He described the multi model safe street design. He stated that one of the goals of Arcadia and of the Committee was to have an example state-of-the-art infill development and the open space was essential. He stated that the plan calls for a multi generational housing mix and also includes the "gift to the street" concept that includes covered porches, bay and bow windows, and sunrooms, which was a design element in the Homestead neighborhood. He noted that the plan includes row homes, township homes, and garden homes. He stated that the smaller parks would be the responsibility of the mandatory HOA and the large central park would remain the responsibility of the City. He described the "open network" for traffic

flow that includes two roads to Old Denton Road at established medians and two that are right in and right out so the porosity is very efficient to this neighborhood and to those to the east. Mr. Gietema used a slide to talk about the price points and property values surrounding the site and stated they have conducted extensive studies and focus groups. He noted that with a detached garage, the homes can have more windows and noted the similarities to the homes in the Homestead subdivision.

With regard to the erosion setback line, Pfeil asked how much capacity it provides for future creeping of the floodplain and the type of exposure the homeowners would have that front on the park. Mr. Gietema stated the line was determined by City staff. He noted that the ponds were part of an erosion control velocity management strategy. Ravi Shah stated staff would look at the setbacks during the construction stage and he stated the intent is to have the slopes further back from the homes than required by the Code.

Halloin voiced a concern about the speed of traffic on Old Denton Road noting each access point is a potential point for accidents. It was his feeling that at least two points should be changed to cul-d-sacs. Mr. Gietema referred to standards adopted by the State of Texas that include roundabouts and different techniques that insure very high rates of ADT by managing its edges and using alternative intersections. In this case, there are two that are right in, right out that off existing median breaks and two that are on median breaks that could be signalized as warranted.

Blanscet asked about the comment on a presentation slide regarding the potential to clean up overhead utilities and Mr. Gietema stated the comment means they plan to landscape around it and move the utilities underground as the budget allows. The landscape plan includes the traffic calming street trees, a 6 ft sidewalk, the overhead power lines would be in a grassed-in area that would go to a landscaped berm, and the idea is that when Old Denton Road is reconstructed with underground utilities, that this section could be put underground cost effectively without tearing up any of the landscaping. He stated it is expected that some of the overhead poles will have to be replaced, but it is designed flexibly so it can transform from the overhead to the underground. If the City doesn't move the lines underground, the expectation is that the trees will screen the poles. He stated that trees are traffic calming, beautiful and hide a lot of past mistakes.

There being no further questions from the Commission, Pfeil opened the public hearing and invited speakers to come forward; there were no speakers.

\* *Blanscet moved to close the public hearing and approve Case No. 02-13Z2 Project Raiford with stipulations; second by Nesbit and the vote was cast 7-0, Sylo abstained and Daniel-Nix absent.*

Commissioner Sylo returned to the dais.

10. Hold a public hearing and consider approval of **Amendments to PD-123 for the (LR-2) Local Retail District**, changing the base zoning to the (SF-5/12) Single-Family Residential District with modified development standards. The approximately 13.507-acre site is located at the northwest corner of Old Denton Road and Carrollton Parkway and currently is zoned PD-123 for the (LR-2) Local Retail District. Case No. 12-12Z1 The Ridge (zoning)/Nathan D. Maier, Inc. Case Coordinator: Michael McCauley.

Pfeil stated the item is a continuation of a public hearing and provided a brief history noting that the Commission approved the Comprehensive Plan amendment at its February 7, 2013, meeting.

Shane Jordan, Fourth Ave Investments, 4951 Airport Parkway, Suite 800, Addison, noted that at the last meeting, the Commission requested the site plan be amended. While going through several iterations in an effort to slow the opportunity for cut-through traffic, they ended up with single loaded roads that were serpentine and the open space was fractured losing the sense of community. Using the original plan, they were able to bring edges of the park out to every street to make it a little more inviting when entering from the north. Although the open space still sits behind the lots, it is just a little less than an acre in size and would be a nice gathering place for the neighborhood. In an effort to stop cut-through traffic, they added a traffic diverter to keep people from going from Old Denton Road to Carrollton Parkway. The plan includes 64 lots that are 50'x120' and there are about 19 lots that are 118' deep. He noted that they are requesting that the front yard setback of the living space be reduced to 15'. He stated that in most cases, they have exceeded the City's standards noting the driveways would be completed with aggregate exposed concrete, and the garages would have wood custom hinges and brick ribbons.

Pfeil asked about the masonry requirement and McCauley responded that the requirement is 80%.

Sylo expressed his appreciation to Mr. Jordan for trying to address the concerns he had previously voiced. He felt that creating the windows to the open space will give people more reason to go to the open space. With regard to minimizing cut-through traffic, he felt the options took away from the open space and he felt the traffic diverter would be cumbersome to "cut-through" drivers.

Nesbit stated he understood that staff recommends denial and felt there is sufficient infill areas remaining for retail and further development, especially the site just to the west that fronts SH 121. He expressed his appreciation for the work done by the applicant to make the plan desirable.

Pfeil opened the public hearing and invited speakers to come forward.

Jim Riggert, 2515 McKinney, Suite 1300, Dallas, representing the adjacent property owner to the west, Windhaven West LLC, read and distributed a memo from three members of the Leadership Committee in support of the zoning and comp plan amendment.

There being no other speakers, Pfeil opened the floor for comments or a motion.

- \* ***Sylo moved to close the public hearing and approve Case No. 12-12Z1 The Ridge with the understanding that in the proposed ordinance language where there is reference to the exhibits B or E, that amended plans have been provided by the applicant at this meeting and those amended plans are the reference documents that are to be incorporated into the ordinance as exhibits; second by Nesbit and the vote was cast 7-1 in favor, McAninch opposed and Daniel-Nix absent.***

Pfeil noted that the request will be on the May 7, 2013 City Council agenda for consideration.

**OTHER BUSINESS:**

- a. Staff Reports** – none.

Pfeil stated that prayers are with the Kaufman County elected officials during this time of tragedy.

**VISITORS' COMMENTS:** Hearing of any citizen/visitor on items not listed on the regular agenda. Pursuant to state open meetings law, the Planning & Zoning Commission is restricted in discussing or taking action on items not posted on the agenda. Action on such issues can only be taken at a future meeting. None.

**ADJOURNMENT**

The meeting was adjourned at 8:39 p.m.

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Christopher Barton  
Chief Planner

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Rick Pfeil, Chair  
Planning and Zoning Commission