

**Minutes
City of Carrollton
Planning & Zoning Commission
November 7, 2013**

A meeting of the City of Carrollton Planning & Zoning Commission was held on November 7, 2013 at 7:00 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
Kimberly Daniel-Nix
Mark Nesbit
Tino Patel
Larry Kiser

Commission Members Absent:

Staff Members Present:

Regina Edwards, 1st Asst. City Attorney
Michael McCauley, Senior Planner
Tom Hammons, Transportation Eng. Div. Mgr.
Lorri Dennis, Arborist
Kathleen Engelhardt, Admin. Support Specialist

Christopher Barton, Chief Planner
Rob Guarnieri, Senior Engineer
Scott Tittle, Fire Dept. Battalion Chief
Ravi Shah, Development Services Dir.

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

CALL MEETING TO ORDER: Chair Pfeil called the meeting to order at 7:08 PM. He welcomed new members Larry Kiser and Tino Patel, and acknowledged the service of departing members Lisa Loreto who resigned recently and David Halloin who termed out.

1. **MINUTES:** Approval of the minutes of **October 3, 2013 meeting.**

* *McAninch moved to approve the minutes of October 3, 2013 as written; second by Blanscet and the motion was approved with a unanimous 9-0 vote.*

INDIVIDUAL CONSIDERATION

2. Consider final action approval for a **Final Plat for College Avenue West Business Park.** The approximately 6.74-acre tract is located at 1401 W. College Avenue and is zoned (LI) Light Industrial District and (FWY) Freeway District with the I-35E Interstate Overlay District. **Case No. 11-13FP2 1401 W. College Avenue/Texas Development Services.** Case Coordinator: Michael McCauley.

Brian Umberger, Texas Development Services, 1512 Crescent Drive, Suite 400, Carrollton, representing 2000 Industries, stated he has received the staff recommendation and report and is in

agreement with all of the conditions. He stated the intent is to improve the parking lot for the adjacent property owner, which is 2000 Industries to add additional employee parking.

** McAninch moved approval of Case No. 11-13FP2 1401 W. College Avenue with staff stipulations; second by Sylo and the motion was approved with a unanimous 9-0 vote.*

PUBLIC HEARINGS

3. Hold a public hearing and consider an **Ordinance to Rezone to Repeal and Re-Establish PD-123** for the (LR-2) Local Retail District with modified development standards and to allow the additional uses of a self-storage/mini warehousing and a Continuing Care Retirement Community and/or an Assisted Living Facility for the Elderly; amending accordingly the Official Zoning Map. The approximately 4.5 and 4-acre tracts are located at the northeast and southeast corners, respectively, of State Highway 121 (Sam Rayburn Tollway) and Creek Valley Boulevard and is zoned PD-123 for the (LR-2) Local Retail District. **Case No. 09-13Z2, Creek Valley-121 Development**/Amish Gupta for AAA Investments. Case Coordinator: Michael McCauley.

Chair Pfeil stated this was a continuation of a public hearing opened last month and advised that the applicant has requested a continuance to the December 5 meeting.

Greg McLane, Swearingen Realty, representing the applicant, stated they had a favorable meeting with the Homeowners Association of the adjacent townhouses. He felt they would be able to address the concerns of noise and light, and requested a continuance to the December meeting to continue working with the neighborhood. He added that a statement was made at the last meeting that they could proceed without the self storage part of the project, but they have discovered that due to financing needs, the self storage is required to make the development work. He also noted that they have been making changes to plans and want to be sure that the development looks like the neighborhood, is attractive and has plenty of landscaping.

Chair Pfeil asked if there were any speakers and seeing none, opened the floor to the Commission.

** Blanscet moved to keep the public hearing open and continue Case No. 09-13Z2, Creek Valley-121 Development until the December 5 Planning & Zoning Commission meeting; second by Nesbit and the motion was approved with a unanimous 9-0 vote.*

4. Hold a public hearing and consider an **Ordinance to Rezone to Amend PD-124** to change the base zoning of a certain tract to the (SF-TH) Single-Family Residential Townhouse District with modified development standards; amending accordingly the Official Zoning Map. The approximately 13-acres/159 lots are located at the southwest corner of Hebron Parkway and Huffines Boulevard and are currently zoned PD-124 for the (LR-2) Local Retail, (O-2) Office and (MF-18) Multi-Family Residential Districts. **Case No. 10-13Z1 The Village at The Collection**/Mardy Brown, Texas Development Services. Case Coordinator: Michael McCauley.

Chair Pfeil noted that this item was also a continuation of a public hearing. He advised that the applicant has withdrawn the application and no action is necessary.

5. Hold a public hearing and consider an **Ordinance to Rezone to Amend PD-52** to allow modified development standards for a retail store including approximately 14,315 square feet of outdoor display and sales area; amending accordingly the Official Zoning Map. The approximately 12.292-acre tract is located at 2011 Keller Springs Road and is currently zoned PD-52 for the (LR-2) Local Retail District. **Case No. 11-13Z1 Home Depot PD-52 Amendment**/Jackson Walker, LLP. Case Coordinator: Michael McCauley.

Jonathan Vincent, Jackson Walker, representing Home Depot, stated the request is to amend the PD that currently applies to the site. He noted that a portion of PD 52 was amended in 2002 to accommodate the Home Depot store and included very specific conditions. He stated they are asking for changes to the outside display limitations. He explained that due to the small size of the store, larger items such as sheds and palletized merchandise such as fertilizer cannot be stored inside the structure. He stated that much of the merchandise that would be displayed outside is seasonal. He stated they are requesting an expansion of some of the areas and requesting new areas. The current PD allows over 4,000 sq ft of display area and the request is to add about 2500 sq ft to the existing display areas and create new display areas. The additional area on the back side of the building would be palletized merchandise that would be brought out as needed and he noted the additional areas for other things such as flowers and grills that are typically seen at other home improvement stores for a total of about 14,000 sq ft of outside display and storage. He felt it was a very reasonable request that was compatible with other home improvement centers. He requested approval of the request.

Chair Pfeil stated he has concerns about maintenance and upkeep of the outside display areas by the onsite manager so that code enforcement does not have to monitor the site. Lesa Cravens, Store Manager, talked about the value of the overall appearance of the building and stated that managers and department supervisors would walk the back of the building on a daily basis to enforce the conditions. She stated that February through July is when they really need the additional storage at the back of the building.

McAninch noted that when she patronizes the store, the plants are outside except for about two months and she would not consider plants as seasonal. She also noted that the bags of fertilizer and mulch are also outside most of the time and stated that although the product may change there is product outside virtually all of the time. Ms. Cravens agreed that there are only two or three months of the year when there is no outside display. She noted that there is an allocated site for storing empty pallets inside and there is a trailer where additional pallets can be stored.

Chair Pfeil underscored the importance of maintenance and pallet/trash removal.

In response to Nesbit, Ms. Cravens stated that the plants would remain outside overnight but the grills would likely be brought in at night. With regard to the concern about the amount of outside storage and display requested, Mr. Vincent stated that the small size of the store justifies the need for the requested amount and also customer demand.

Sylo noted that the current ordinance does not allow for pallet storage in the back of the building although the site plan presented shows a location for existing pallet storage. He voiced a concern that Home Depot does not self enforce the ordinance requirements such as properly maintaining the landscaping. He also voiced concern about the request for three times the amount of allowed outside display requirements.

Mr. Vincent responded that the purpose of Planned Development Districts is to have adapted zoning regulations to address particular situations and sites, and reiterated that the particular situation here is that the store is a smaller than normal store. He felt relief of the outside display regulations is appropriate in this situation. With regard to code enforcement, Mr. Vincent stated he is confident that Home Depot realizes the need to adhere to the plan.

Sylo noted that the merchandise requested to be stored or displayed outside are typically outside regardless of the size of the store. He suggested the construction of another garden center to address the need to screen the merchandise.

Stotz asked if the “E1” storage could be moved to the area of “E2” so that it is more behind the garden center. Ms. Cravens replied that the request for the “E1” area is due to the amount of sod sold during the season and the currently allowed space doesn’t provide sufficient space for the amount of sod needed and she agreed that “E1” could be moved as suggested. Kiser suggested making the pavement for the allowed outside storage or display and Ms. Cravens replied that it could be done. Blanscet asked the applicant intended to increase the landscape screening for the expanded area of shed and trailer display area and Mr. Vincent replied affirmatively.

Chair Pfeil opened the public hearing and invited speakers to the podium. Seeing none, he opened the floor for rebuttal by the applicant.

Bill Dalstrom, representing the applicant, stated that Home Depot is a good corporate citizen and stated the things requested is a matter of convenience for the customer. He agreed that the pavement could be marked, admitted they had not considered an additional garden center and agreed with the suggestion to move the “E1” area next to “E2”. He also advised that the pallet storage area was included in the 2002 ordinance and site plan. He reiterated that the other retail in the area block the storage and display areas from visibility. He stated they would be willing to look at the suggestions made by the Commission and come back with a plan that reflects some of the changes as well as take a look at the possibility of expanding the garden area.

** Sylo moved to keep the public hearing open and continue Case No. 11-13Z1 Home Depot PD-52 Amendment until the January 16 Planning & Zoning Commission meeting with the understanding that it is being continued in order for the applicant to respond to the comments that the Commission raised; second by Daniel-Nix and the motion was approved with a unanimous 9-0 vote.*

6. Hold a public hearing and consider an **Ordinance to Rezone to Amend PD-164** to include modified development standards including a revised site plan and elevation drawings; amending accordingly the Official Zoning Map, and to rezone to remove SUP 307 for accessory uses in its entirety. The approximately 32.89-acre tract is located on the west side of Old Denton Road between Hebron Parkway and Indian Run Drive and is currently zoned PD-164 for the (MF-15) Multi-Family Residential District with SUP 307 for accessory uses. **Case No. 11-13Z1 Salado Apartments/J.D. McCaslin & Co.** Case Coordinator: Christopher Barton.

Sans Harris, 2913 Fairmont, Dallas, representing the applicant, the request is to amend PD 164 to develop a luxury multi-family development of 330 units. He stated that although the site is 32 acres in size, only 14 acres can be developed which caused the need for a taller building. He noted there were four concerns voiced by the adjacent neighborhood, all of which he felt they could address, including landscaping, masonry wall extension, lighting and securing the work site. With regard to

the location of the compactor closest to the single family development, Mr. Harris stated they could move it possibly to the south portion where the open area is. He stated he was aware that the staff review of the development was a conceptual review.

Chair Pfeil opened the public hearing and invited speakers to the podium.

Adam Polter, 4180 Creekhollow Drive, presented a petition signed by 16 of the 19 households in the Creekrige Estates Subdivision which is within the 200 ft notice area, with concerns regarding the masonry fence, privacy issues due to the proposed three-story building height, unpleasant aesthetics of the proposed 50 ft roof height of the proposed garages, security during construction and spillover lighting. He also voiced concern for the wildlife in the area as the site is developed, stated it was his understanding that no construction traffic would enter or exit using the single family subdivision and agreed with moving the compactor as far away from the neighborhood as reasonably possible.

Mr. Harris reiterated that they have no problem with extending the masonry wall and could amend the drawings to reflect the extension, trees and relocation of the compactor rather quickly. Pfeil noted that the City has a code requirement regarding lighting and that review would occur at a later time in the process. Mr. Polter stated that their intention was not to delay the development and he had no objection to the Commission's approval with stipulations that address the neighborhood's concerns.

** Sylo moved to close the public hearing and recommend approval of Case No. 11-13Z1 Salado Apartments with staff stipulations as well as the additional three stipulations of the six foot masonry wall along the southern property line of the project to be extended westward to the edge of the Indian Creek flood plain; that the location of the trash compactor currently shown south of the most southerly drive shall be relocated north of the most southerly drive within the project; and that landscaping along the southern property line between the proposed garages and the south property line generally comply with the exhibit that staff provided in the briefing session which shows the double row of trees, type of tree to be worked out between the applicant and the City's arborist and detail being worked out prior to this case being heard by the City Council; and a fourth stipulation that lighting be provided within the rear setback as well that meets the City's codes in terms of light bleeding; second by Nesbit and the motion was unanimous 9-0 vote.*

7. Hold a public hearing and consider an **Ordinance to Rezone to Remove a Planned Development District** for a certain approximately 37.42-acre tract and **Establish a New Planned Development** for the (O-4) Office District with modified development standards. The subject tract is located at the northeast corner of Midway Road and International Parkway and is currently zoned PD-43 for the (HC) Heavy Commercial District with SUP 301 for automobile detailing and minor repair. **Case No. 11-13Z2 Prince of Peace/Middleton & Assoc.** Case Coordinator: Christopher Barton.

Eugene Middleton, Middleton & Associates, representing the Prince of Peace church and school, requested a continuance to the December 5 meeting. He explained that the Church and school want to subdivide the property to have the school on one lot and the Church on the other lot. During the platting process, it was found that the lot line would go through one of the existing buildings and has caused the need for the change in the PD. He stated that no improvements would be made to the site.

He advised that the Pastor is out of the country at this time and was the reason for the requested continuance.

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

** Daniel-Nix moved to keep the public hearing open and continue Case No. 11-13Z2 Prince of Peace to the December 5 meeting; second by Stotz and the motion was approved with a unanimous 9-0 vote.*

8. Hold a public hearing and consider an **Ordinance to Rezone to Establish a Special Use Permit** for outside above-ground storage of flammable or combustible liquids or hazardous materials (quantities more than 10,000 gallons), with special conditions; amending accordingly the Official Zoning Map. The approximately 1.40-acre tract is located at 2114 McDaniel Drive and is currently zoned for the (LI) Light Industrial District. **Case No. 11-13SUP1 Buzzballz/Gregory Rogers.** Case Coordinator: Christopher Barton.

Gregory Rogers, Director of Operations at Buzzballz, stated Buzzballz is a beverage manufacturing business. He described the beverage and explained that it is sold through a distributor to a liquor store. He explained the history of the business which began in 2009 and stated they currently manufacture about 48,000 units a day and expect to increase that volume to 100,000 units a day within the next four or five months. The 55 gallon drums of liquor is currently stored in a hazardous storage room and because of the increase in business, he proposed to begin using above ground storage tanks. He proposed that the tanks be located on the south side of the building toward the back corner of the parking lot so there would be no public approach. The tank area would be surrounded by curbing with a 6 ft security fence. Of the staff comments, the only one he had a concern with was with regard to the loss of parking spaces for the tanks noting his discussions with staff.

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

** Stotz moved to close the public hearing and approve Case No. 11-13SUP1 Buzzballz; second by Sylo and the motion was approved with a unanimous 9-0 vote.*

9. Hold a public hearing and consider a **Resolution for an Amendment to the Transportation Plan** and the Transportation Map to change the designation of Grouse Trail between Quail Creek Drive & Medical Parkway from (C4U) Four-Lane Undivided Collector to (C2U) Two-Lane Undivided Collector. **Case No. 11-13MD1 Grouse Trail (transp. plan)/City of Carrollton.** Case Coordinator: Christopher Barton.

Chair Pfeil stated that Commissioner Sylo excused himself from the meeting for the duration of the item due to a conflict of interest.

Christopher Barton presented the request and recommended approval.

Chair Pfeil opened the public hearing and invited speakers to the podium. There were no speakers.

** Stotz moved to close the public hearing and approve Case No. 11-13MD1 Grouse Trail (transp. plan) contingent upon City Council approval of Case No. 10-*

13MD3 Avondale (comp plan) and Case No. 10-13Z2 Avondale (zoning); second by Kiser and the motion was approved with a unanimous 8-0 vote, Sylo abstained.

Commission Sylo returned to the meeting.

10. Hold a public hearing and consider an **Ordinance Amending Article V Use of Land and Structures** of the Comprehensive Zoning Ordinance by amending Section C. Use Matrix to reorganize and change items 0100 Housing Units, 0200 Group Quarters, 1000 Reserved for Future Use (now renamed 1000 Health Care & Social Assistance) 2200 Finance, Insurance & Real Estate, 2300 Personal Services, 2400 Business Services, 2600 Professional Services and 5600 Miscellaneous Land Uses, NEC; **Amending Article 9 Duplex** to revise regulations for accessory buildings; **Amending Articles 15 Commercial and 18 Industrial** to revise Section J Height & Area Regulations to remove the reference to “stories;” **Amending Article 27 Performance Standards**, Section B to include language regarding luminaries; **Amending Article 28 Special Conditions & Development Standards** Section F Site Plan Review for Public Schools to apply said section to any technical site plan and to establish an expiration date for approved plans; **Amending Article 34 Definitions** to revise definitions for Child Day Care Services, Registered & Licensed Child Care Services and Community Home for Disabled Persons and to **Amend the Requirement for Screening of Rooftop Equipment** in non-residential districts and for multi-family developments. **Case No 02-13ZT1 CZO Text Changes/City of Carrollton.** Case Coordinator: Christopher Barton.

Christopher Barton stated this is a city-initiated request to amend various sections and articles of the Comprehensive Zoning Ordinance. The changes presented are not intended to be comprehensive or complete. Additional changes will be presented for consideration in the future. Guiding principles followed in developing this list were to correct errors, conflicts or other problems in the ordinance, simplify and better organize development regulations, and respond to or anticipate “real world” development trends. The intent is to move to a single annual revision of the CZO and urgently needed revisions could always be considered at any time. He reviewed each proposed change.

Chair Pfeil opened the public hearing and invited speakers to the podium.

Gregory Rogers, 2114 McDaniel Drive, questioned the proposed language with regard to technical site plans and with regard to screening of rooftop units; he felt the rooftop regulation should only apply if the units are visible from the street.

** McAninch moved to approve Case No. 02-13ZT1 CZO Text Changes subject to staff stipulations and with the following additional stipulations: Article 5 Use of Land, change all office districts to allow NAICS 323114 Quick Printing “by right;” Article 5 Use of Land, delete Item No. 2602.2 Day Care Center or Nursery School; Article 5 Use of Land, delete Item No. 2427 Travel Trailer, RV and Boat Storage; Article 5 Use of Land, rename 2425 Trailer, Travel Trailer & RV Leasing Service to 2425 Truck, Utility Trailer and RV Rental & Leasing to conform to the NAICS title; Article 5 Use of Land, create a new Section 1000 Healthcare & Social Assistance, move and combine all appropriate use items there to conform to the NAICS; Article 5 Use of Land, delete Item 2206 Real Estate Sales Office On-Site in its entirety; Article 5 Use of Land, delete Item 2430 Warehousing & Storage of Farm Products, except for liquid fertilizer, in its entirety; Article 5 Use of Land, delete Item 5601 Structure in Excess of Six*

Stories; Article 9 Duplex Residential District add the accessory building language requiring accessory buildings to be more like the main building as the accessory building gets larger, which is currently found in Article 7 Single Family Residential Districts; revise Article 15 Light Commercial, Heavy Commercial & Commercial/Warehouse Districts and Article 18 Light & Heavy Industrial Districts, to remove the word “stories” from column headings of the table of height and area regulations, instead, substitute the phrase “buildings up to XX feet in height,” where XX is the maximum height allowed; Amend Article 27 Performance Standards, Section B(2) to read: All luminaries on property zoned or used for commercial or multi-family residential purposes visible from an arterial street as designated by the City of Carrollton Transportation Plan shall be so designated as to have the light source fully shielded from direct view at a point five (5) feet above grade at the property line; Article 28 Special Conditions & Development Standards add expiration dates for approved Technical Site Plans valid for a period of two years within the submission of the permit application; Article 34 Definitions amend the definitions of 94 Day Care Center or Nursery School and 327 Registered & Licensed Child Care Homes or Listed Family Homes to read as set forth in the proposal, except continue to require an SUP for child care services but allow daycares in accordance with the Texas regulations; Use the current State regulations for community homes that are listed in the material provided to the Commission so that a Community Home would be defined with the revised definition under Number B suggested on page 13 and move the existing line item for “Community Home” to the new Section 1000 Health Care & Social Assistance Land Use Matrix as requested; then all of the Land Use matrix items as listed would be approved subject to proofreading for all of the dots in each line; allow all adult day care centers in all zoning districts including residential districts upon approval of a SUP, this use being categorized within NAICS Code 624120 and including the definition of non-residential social assistance services and adopting the State definition for services to the elderly for these day care centers; move adult day care centers to Section 1000 and include it with category 624120 services for the elderly and persons with disability; and list it as being allowed by right in all districts except residential where an SUP is required; Article 28 of Special Conditions and Development Standards, Sec F, Technical Site Plan review, strike “for public schools”; delete rooftop screening in non-residential districts as proposed for now; second by Sylo. After discussion, also add General Medical and Surgical Hospitals in all retail and office districts; Psychiatric and substance abuse hospitals require an SUP; Specialty hospitals, except psychiatric and substance abuse, add in the 04 district with an SUP and retail with an SUP; Nursing care facilities remain as is; Emergency and other relief services remain as is for further discussion. The motion was approved with a unanimous 9-0 vote.

OTHER BUSINESS:

Chair Pfeil noted that the Switchyard Festival was a great success. He also acknowledge the almost 5000 people who voted in the election noting the propositions were approved with an average 84%

approval. He noted that the Council would canvass the results on November 19 and the Capital Improvements Advisory Committee would meet on November 20 to begin the process.

a. Staff Reports.

ADJOURNMENT

The meeting was adjourned at 10:09 p.m.

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.

There were no visitor comments.

Christopher Barton,
Chief Planner

Rick Pfeil, Chair
Planning and Zoning Commission