

**Minutes  
City of Carrollton  
Planning & Zoning Commission  
February 6, 2014**

A meeting of the City of Carrollton Planning & Zoning Commission was held on February 6, 2014 at 7:00 p.m. in the Council Chambers at City Hall with the following members present:

**Commission Members Present:**

Glen Blanscet, Chair  
Jerry Sylo, Vice Chair  
Mark Nesbit, 1<sup>st</sup> Vice Chair  
Barbara McAninch  
Jack Stotz  
Tino Patel  
Larry Kiser

**Commission Members Absent:**

Kimberly Daniel-Nix

**Staff Members Present:**

Clayton Hutchins, City Attorney  
Christopher Barton, Chief Planner  
Rob Guarneri, Dev. Svcs. Senior Engineer  
Scott Tittle, Fire Dept. Battalion Chief  
Lydia Tormos, Admin Support Specialist

Ravi Shah, Development Services Dir  
Michael McCauley, Senior Planner  
Tom Hammons, Transportation Eng. Div. Mgr.  
Anthony Kresta, Commander, Police Dept.

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

**CALL MEETING TO ORDER:** Chair Blanscet called the meeting to order at 7:00 PM.

1. **MINUTES:** Approval of the minutes of the **November 7, 2013** and **January 16, 2014** meeting.

*\* McAninch moved to approve the minutes of November 7, 2013 as written and the minutes of January 16, 2014 with the correction on Page 8 regarding the names of the people who opposed the first motion on Item No. 9; second by Kiser and the motion was approved with a unanimous 7-0 vote (Daniel-Nix absent, one vacant position).*

**CONSENT AGENDA:**

2. Consider final action approval for a **Preliminary Plat for Mustang Park, Phase 9**. The approximately 23.5-acre tract is located south of Plano Parkway at the northwest corner of Kansas City Southern and Burlington Northern & Santa Fe Railroads and is zoned PD-175 for the (SF-5/12) and (SF-7/16) Single-Family Residential Districts. **Case No. 02-14PP1 Mustang Park, Phase 9/J**. Casey Ross. Case Coordinator: Michael McCauley.

3. Consider final action approval for a **Replat for Valley View West Business Park, Part 2**. The approximately 3-acre tract is located at 2440, 2444 and 2448 Luna Road and is

zoned (LI) Light Industrial District. **Case No. 02-14RP1 Assured Self-Storage/Don Valk.** Case Coordinator: Michael McCauley.

*\* McAninch moved to approve Case No. 02-14PP1 Mustang Park, Phase 9 with staff stipulations and Case No. 02-14RP1 Assured Self-Storage with staff stipulations; second by Kiser and the motion was approved with a unanimous 7-0 vote (Daniel-Nix absent, one vacant position).*

## PUBLIC HEARINGS

Chair Blanscet explained that public notice was sent out for an item not listed on the agenda and therefore a public hearing would be opened to hear any speakers following which he would accept a motion to continue the hearing to the March meeting.

Hold a public hearing and consider an ordinance to **repeal and re-establish Planned Development 167 for the (O-1) Office District with modified development standards and to allow the additional use of a treatment facility** for children and adults with autism and other needs; amending accordingly the Official Zoning Map. The approximately 2.5-acre tract is located on the southeast corner of Hebron Parkway and Furneaux Lane and is zoned PD-167 for the (O-1) Office District. **Case No. 01-14Z1 Therapy & Beyond/Ronald Dupernoir.** Case Coordinator: Michael McCauley.

Chair Blanscet opened the public hearing and there being no speakers, opened the floor for a motion.

*\* McAninch moved to keep the public hearing open and continue Case No. 01-14Z1 Therapy & Beyond to the March 6 date, second by Nesbit and the motion was approved with a unanimous 7-0 vote (Daniel-Nix absent, one vacant position).*

4. Hold a public hearing and consider an ordinance to Rezone to **Establish a Special Use Permit for adjacent off-site parking** for an existing rental car business with special conditions; amending accordingly the Official Zoning Map. The approximately 6-acre tract is located at 2309 Midway Road and is zoned (LI) Light Industrial District. **Case No. 01-14SUP1 Enterprise Rental/Bill Hensley.** Case Coordinator: Michael McCauley.

McCauley stated the request is to allow adjacent off-site parking for excess Enterprise rental fleet. He stated that staff received no opposition and recommended approval with stipulations.

Dolph Spoonaman, Enterprise Rent-a-Car, 2309 Midway Road, stated they were requesting a special use permit to allow them to park their rental vehicles at HBR Technologies which is located next door. He stated they received the case report and are in agreement with staff findings and recommendation.

Chair Blanscet opened the public hearing and there being no speakers, he opened the floor for discussion.

Mr. Spoonaman explained that the office is located at the northeastern corner of the Service King building and is where vehicles are returned and then taken to an offsite wash bay to prepare them for the next rental. He described the complications and concerns involved with parking the vehicles at the rear of the building. Discussion was also held about the number of rentals per day and other operating practices. McCauley advised that sufficient parking spaces were available for HBR Technologies even with the spaces to be used by Enterprise. Mr. Spoonaman confirmed that they have a shared parking agreement with HBR Technologies and explained that drivers would have access to Keller Springs and Midway Road.

*\* Stotz moved to close the public hearing and approve Case No. 01-14SUP1 Enterprise Rental with staff stipulations; second by Patel and the motion was approved with a 6-1 vote, McAninch opposed (Daniel-Nix absent, one vacant position).*

5. Hold a public hearing and consider an ordinance to rezone to **Establish a Special Use Permit for an above ground storage tank** with special conditions; amending accordingly the Official Zoning Map. The approximately 8.8-acre tract is located at 2022 McKenzie Drive, Suite 110 and is zoned (LI) Light Industrial District. **Case No. 02-14SUP2 Illes Seasonings & Flavors/Scott Trapp.** Case Coordinator: Michael McCauley.

McCauley presented the case noting that staff received opposition to the request.

Robert Judson, Design Builder and Engineer representing the applicant, stated they have worked with the fire and safety employees and noted that the storage tank capacity exceeds those allowed by City code. He stated they would not be storing the higher levels of alcohol but would dilute it down from 50% to 20%. Currently they mostly store sugar, corn syrup, HFCS, and soy.

Chair Blanscet opened the public hearing and there being no speakers, he opened the floor for a motion or further discussion.

*\* Kiser moved to close the public hearing and approve Case No. 02-14SUP2 Illes Seasonings & Flavors with staff stipulations as submitted; second by Stotz and the motion was approved with a unanimous 7-0 vote (Daniel-Nix absent, one vacant position).*

6. Hold a public hearing and consider an ordinance to Rezone to **Amend a Special Use Permit** for the expansion of a psychiatric and substance abuse hospital with special conditions; amending accordingly the Official Zoning Map. The approximately 4.8-acre tract is located at 2225 W. Parker Road and is zoned PD-190 for the (CC) Corporate Commercial District with SUP-392. **Case No. 02-14SUP1 Carrollton Springs/Eric Goodman.** Case Coordinator: Michael McCauley.

McCauley stated the request is to allow a building expansion of approximately 17,500 sq ft to an existing psychiatric and substance abuse hospital. In June 2011, Council approved the applicant's SUP request allowing them to move into the existing hospital building with a stipulation that it be reconsidered in three years. Therefore the case before this Commission includes the required reconsideration of the SUP. He advised that the applicant had sent notice to people even outside the State's 200 ft radius notification requirement, held a neighborhood meeting and have been in contact

with residents of the Austin Waters subdivision. He noted letters in opposition and in support of the request. He stated that part of their request included a request for approval to install a 10 ft wrought iron fence. Carrollton's maximum allowable fence height is 8 ft and would require their approval to install the 10 ft fence. This fence would be replacing the existing 6 ft wooden fence.

Dan Thomas, 14805 Landmark Drive, Louisville, Kentucky, stated he is representing Springstone and Carrollton Springs. He introduced Shanti Carter, 2225 W. Parker Road, Carrollton, CEO of Carrollton Springs and Jonathan Vinson representing the applicant. Mr. Thomas stated the business has grown over the last two years, and are nearing capacity. Based upon the community need, they would like to be able to offer more beds. He referred to their plan to increase landscaping and the request for the 10 ft ornamental steel fence around the courtyard areas to limit the capability of patients getting over the fence.

Kiser expressed his opinion that it is the responsibility of the commercial property, which in this case is the applicant, to erect a 6 ft masonry fence along the total length of the north property line and return to the south at least 15 ft so that it becomes a stable structure regardless of whether or not Austin Waters erects its own fence. He stated his agreement with the landscape plan as shown and had no problem with the 10 ft fence.

Sylo stated the aerial of the site appeared to show some missing landscaping and asked about their maintenance. Ms. Carter stated that perhaps it was an older picture because the landscaping in place is in accordance with the original plan. Mr. Thomas added that they are considering adding an irrigation system to the barrier area to help support the additional shrubbery that will be planted.

Sylo also asked how the applicant planned to compensate for the lost courtyard area caused by the expansion. Mr. Thomas stated that part of the expansion includes the addition of an internal gym with exercise equipment, with multiple units that would allow them to do some of the things that they were forced to do outside. He further noted that they would be adding an additional courtyard on the west side of the facility, would continue to have the pavilion areas, smoking areas and are considering adding of some basketball courts within the courtyard. He noted that since the walking path is not being used as they hoped, it would be eliminated. He explained they needed the 10 ft fence because, although people are admitted to the facility on a voluntary basis, some patients want to leave without waiting for the discharge process and their assessment for discharge approval. Particularly if a resident is showing suicidal signs, the facility feels a responsibility to keep the patient on site.

Chair Blanscet explained that at the time the hospital was built, the Austin Waters land was still zoned corporate commercial and therefore a screening wall was not required.

McAninch referred to the presentation provided in 2011 underscoring the need for the outdoor courtyard area to help soothe the patients and noted that much of the courtyard space would be taken by the proposed expansion. Mr. Thomas reiterated there would continue to be three courtyard spaces that are landscaped and referred to the interior space that would be added in the gym that would look out to the open space. The plan is to continue serving the same mix of patients. He stated they currently have six hospitals in operation, a seventh to open in a couple of weeks in Georgia and an eighth to open in Houston later this year. McAninch referred to the large number of calls to the police department, many of which were hang-ups and asked about patient access. Mr. Thomas advised that they are required by State law to provide phone access for the patients and explained their attempt to monitor the calls. He talked about the instances in which the facility contacts the

police department to alert them of patients leaving against medical advice to insure the patient arrives home safely or when they receive a suicidal call and ask for a safety check.

Patel asked if private security guards are on staff or if the facility relies on the police department. Mr. Thomas explained that the building uses a magnetic lock system, staff is trained in crisis management, and they contact the police when someone is leaving the facility without proper discharge but they do not have security guards.

Chair Blanscet asked about gates and Mr. Thomas explained that at least one gate is required for each of the courtyard areas and they would be working with the Fire Department with regard to keyed access so all of the staff would have access.

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

Rosemary Spaete, 2204 Cardinal in Austin Waters, spoke in opposition to the request due to concerns about security and involuntary admissions. She urged the Commission to require a security fence as a stipulation to the SUP regardless of the outcome of the meeting and to also add voluntary admissions on as a stipulation of the SUP.

James Whitman, 2217 Shakespeare Street in Austin Waters, stated he was in support of the request as long as appropriate security measures are taken.

Geoff Spaete, 2204 Cardinal, spoke in opposition due to the reduced amount of open space and the need of patients to have space away from other people. With the proposed increase in the number of patients he felt this would not be possible. He spoke in favor of the 10 ft security fence as well as the masonry fence.

In rebuttal, Mr. Thomas stated they support for request for the 10 ft fence. He noted that the average length of stay is less than 10 days and not some long extended stay; and therefore stated their belief that the allocated amount of courtyard space supports the need overall. With regard to the involuntary patient component, Mr. Thomas said that on occasion, some patients who have admitted themselves voluntarily become suicidal during their stay resulting in the facility having a responsibility to keep them safe and there without their consent. He stated their belief that with the additional fence height, some of the security processes and things done internally with staff management that they limit any risks that are there from the community prospective. He explained that they do not take criminal court commitments, is not a forensic treatment facility, and do not take criminals for assessment of capacity to stand trial. Stotz asked if voluntary admission is a person who signs himself in and involuntary admission is someone else signs them in. Mr. Thomas responded affirmatively and also clarified that there are some patients, such as DWI violators, who are required by Court to obtain treatment at a facility of their choice and some choose Carrollton Springs for their treatment.

Kiser asked to hear from the police department with regard to the nature of the calls regarding the facility and comparable frequency of calls. Cmdr. Anthony Kresta stated that the information that was provided to the Commission was what they consider calls for service, generated from the address or in regard to the address. Sometimes the calls might be from a location outside the site. The police department has received a variety of calls including disturbance calls, suspicious vehicle calls, calls for assistance for the Fire Department on medical calls, which is not unusual to receive calls from Fire for medical assistance at other location. 9-1-1 hang-up calls and noted that the staff cannot control those types of calls continuously. He said that the information provided to the Commission

were calls beginning in March 2012 through January and a simple analysis of the volume of calls between March and December 2012, shows the police responded to an average of about three calls a month; January through December 2013, the average increased and Cmdr. Bishop has been working as a liaison with the facility on ways to improve the situation and the need for the police to be utilized at the location. He stated that while the list may seem long, as a department, they don't consider it a high volume location for calls for service. Numerous other locations in the city can range from 15-40 calls per month. Generally a location with a large volume of people and vehicles generate a higher call volume. He stated that in his conversations with Cmdr. Bishop, the facility has been very forthcoming about working with the department for solutions to resolve the issues in the neighborhood. He stated that the department understands the concerns of the neighboring community. He stated these calls are not criminal situations noting that 17 were hang-ups and 19 were disturbances meaning that "disturbance" is a general term used that could be an argument or loud talking or yelling. He further explained that when someone walks away without being properly discharged, it would be classified as a welfare concern similar to anyone calling because they can't get in touch with a relative.

Nesbit asked about the average stay and Mr. Thomas responded it was in the 7-10 day range and the age range of patients is 18 years old and up. He stated that the average age for chemically dependent patients is in the 40's. He said there are seniors who use the facility but one of the stipulations is that the patient must be able to participate in the programs, which are fairly robust. With regard to security, he stated there are cameras in the common areas and new cameras would be added in the addition and further clarified that the only areas that don't have cameras are the bedrooms and bathrooms. Nesbit asked if anyone monitors the cameras and Mr. Thomas responded that the cameras are retrospective monitors used to review incidents.

McAninch asked about the elderly patients and Mr. Thomas responded that they are chemical dependency patients or patients needing help managing medications or those with similar issues, but not care for those with memory impaired issues. McAninch asked about the staff stipulations discussed and Mr. Thomas stated the only one he could not readily accept was the masonry fence because he doesn't know about associated costs.

Kiser asked staff if a masonry wall was a requirement by City code between a commercial and residential property. McCauley stated it is required as a screening mechanism between corporate commercial and residential. He further stated that the applicant requested that it not be required, but the Commission could include it as a stipulation. Mr. Vinson felt that a wooden screening fence would provide the same screening as a masonry fence. Kiser felt the Commission should recommend a masonry fence as required by code and did not believe a wood fence was adequate or visually pleasing.

Kelley Uzzi, 2229 Shakespeare Street, spoke in opposition to Carrollton Springs and felt a 10 ft fence would not keep someone from walking away. He felt that a chemical dependency facility should not be that close to residential property.

Blanscet asked about the proximity of their other facilities to residential homes. Mr. Thomas responded that some are very close to residential neighborhoods and some have more separation.

***\* McAninch moved to approve Case No. 02-14SUP1 Carrollton Springs with the staff stipulations and the additional stipulations that have been discussed; the 10 ft wrought iron security fence, trees shown on the landscape plan must be planted with a 3" caliber and a height of 8-10 ft, and shrubs at a***

*height of 24”*, another stipulation to include a sprinkler system for the required landscaping, a last stipulation would add a 6 ft masonry fence in the rear with a return of 10-15 ft on both ends so that it would be stable in this soil; second by Patel. Sylo stated that Carrollton Springs is providing a good service to people who want to be helped, however he did not think that it is the best situation for the location and is not in favor of the request to expand the facility. *Chair Blanscet asked if the motion included a continuation of the SUP for an indefinite period of time or was there any limitation and McAninch replied that it was an indefinite continuation with the understanding that staff would monitor it and Patel voiced his agreement.* It was further clarified that the SUP could be brought to the Commission for review at any time. Chair Blanscet echoed Sylo’s sentiments adding his appreciation that the facility has worked with the neighborhood with regard to the security fence, but was troubled about the compatibility of the use next to residential and would vote against the request. *The motion failed with a 3-4 vote, Patel, Nesbit and McAninch in favor and Blanscet, Sylo, Stotz and Kiser opposed (Daniel-Nix absent, one vacant position).*

Chair Blanscet stated the applicant has 10 days to appeal the decision and go before City Council.

#### **OTHER BUSINESS:**

##### **a. Staff Reports.** None

Chair Blanscet expressed appreciation for the service of Commissioner Pfeil who resigned last month and wished him the best in his future endeavors.

#### **ADJOURNMENT**

The meeting was adjourned at 8:59 p.m.

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Christopher Barton,  
Chief Planner

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Glen Blanscet, Chair  
Planning and Zoning Commission