

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

A meeting of the City of Carrollton Planning & Zoning Commission was held on March 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  
Kimberly Daniel-Nix

**Commission Members Absent:**

None

**Staff Members Present:**

Regina Edwards, 1<sup>st</sup> Asst. City Attorney  
Christopher Barton, Chief Planner  
Rob Guarnieri, Dev. Srvs. Senior Engineer  
Mgr.  
Scott Tittle, Fire Dept. Battalion Chief  
Loren Shapiro, Planner  
Lydia Tormos, Admin Support Specialist

Ravi Shah, Development Services Dir  
Michael McCauley, Senior Planner  
Tom Hammons, Transportation Eng. Div.  
  
Lorri Dennis, Arborist  
Glen Hughes, PE, Sr. Engineer

*(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 **February 6, 2014 meeting.**

*\* McAninch moved to approve the minutes of February 6, 2014 as written; second by Daniel-Nix and the motion was approved with a unanimous 8-0 vote (One seat vacant).*

**INDIVIDUAL CONSIDERATION:**

2. Consider final action approval for a **Technical Site Plan for a Limited Service Drive-Through Restaurant.** The approximately 0.80-acre tract is located on the west side of Midway Road, approximately 110 feet south of Trinity Mills Road and is zoned (LI) Light Industrial. **Case No. 03-14TSP1 Taco Casa/Jim Dewey, Jr - JDJR Engineers.** Case Coordinator: Loren Shapiro.

Barton presented the case and stated that staff recommends approval with stipulations.

Jim Dewey, JDJR Engineers, applicant, stated they are in complete agreement with the stipulations noting the substantial landscaping added and requested the Commission's approval.

Sylo brought attention to the applicant about the traffic congestion due to the car wash business next door and the applicant replied that they are aware of the condition.

Stotz asked the applicant to explain the double drive through concept. Mr. Joey Milner explained that the two lanes would continue forward rather than merging into one and stating that they take the food out to the vehicles, which helps with the stacking. He further explained that the design gives the driver two different ways to get into the drive through lanes.

*\* Nesbit moved approval of Case No. 03-14TSP1 Taco Casa with staff stipulations; second by Daniel-Nix and the motion was approved with a unanimous 8-0 vote (One seat vacant).*

*Chair Blanscet changed the Order of the Agenda to hear and consider Item 6 prior to Item 3.*

6. Hold a public hearing and consider an ordinance to rezone to **Repeal and Re-establish PD-183** for the (SF-6.2/12) Single Family District with modified development standards; amending accordingly the Official Zoning Map. The approximately 12-acre tract is located on the southwest corner of Plano Parkway and Hemingway Lane and is currently zoned PD-183 for the (SF-6.5/12) Single Family District. **Case No. 03-14Z1 Austin Woods PD-183 Amendment**/Jennifer Haynes – Spiars Engineering. Case Coordinator: Loren Shapiro.

Barton stated that he felt the engineering concerns could probably be resolved within 30 days and advised that the applicant has requested a continuance.

Jennifer Haynes, Spiars Engineering, 765 Custer Road, Plano, did not make a presentation and voiced the request for a continuance. She felt they would be ready for the April meeting.

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

Tom Sifferman, 5036 Dickens Lane, Austin Waters, stated the applicant still has not reached out to the neighborhood. He stated he has a lot of questions about drainage and the ponds.

Rosemary Spaete, 2004 Cardinal Blvd., Austin Waters, felt the proposed price point would help the property values of the homes on the south side of Austin Waters and encouraged the Commission to approve the request.

*\* McAninch moved to hold open the public hearing and continue Case No. 03-14Z1 Austin Woods PD-183 Amendment to the April 3 Planning & Zoning Commission meeting; second by Stotz and the motion was approved with a unanimous 8-0 vote (One seat vacant).*

3. Consider final action approval for a **Final Plat for Austin Woods**. The approximately 12-acre tract is located east of Plano Parkway, north of Parker Road and is zoned PD-183 for the

(SF-6.5/12) Single-Family Residential District. **Case No. 02-14FP1 Austin Woods/Brad Forslund.** Case Coordinator: Christopher Barton.

Chair Blanscet read a letter from the applicant requesting that the item be withdrawn from the March 6 Commission meeting. He noted that due to the withdrawal, no action was necessary.

4. Consider final action approval for a **Final 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. 03-14FP1 Mustang Park, Phase 9/J.** Casey Ross. Case Coordinator: Loren Shapiro.

Barton advised that the Final Plat is in conformance with the approved preliminary plat and staff recommends approval with stipulations as listed in the case report as well as the stipulations distributed during the pre-meeting. He noted that public right-of-way is being dedicated and therefore the Commission must find that the right-of-way dedication is necessary and proportional for the proposed development.

Casey Ross, Dowdey Anderson & Assoc., 5225 Village Creek Drive, Ste, 200, Plano, stated agreement with all of staff stipulations and requested approval.

*\* Stotz moved approval of Case No. 03-14FP1 Mustang Park, Phase 9 with staff stipulations and the finding that the right-of-way dedication is necessary and proportional to the development; second by Nesbit and the motion was approved with a unanimous 8-0 vote (One seat vacant).*

## PUBLIC HEARINGS

5. 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. 02-14Z1 Therapy & Beyond/Ronald Dupernoir.** Case Coordinator: Michael McCauley.

McCauley presented the case stating the request seeks approval to repeal and re-establish PD-167 to allow a treatment facility for children and adults with autism and other needs and a daycare facility. He stated that after hearing discussion in work session, the applicant agreed to withdraw the proposed attached, back covered patio area and has agreed to go forward with the elevations and comply with all of the stipulations listed in the initial case report. With regard to the drainage issue and the detention area that would be located at the northwest portion of the site, based on the conceptual drawings and landscaping plan, staff felt it could be accommodated. He further noted that the applicant has agreed to change the required 6 ft chain link fence to a decorative wrought iron fence around the play area.

Kiser asked for clarification regarding the use of EFIS and McCauley advised that the applicant agreed to move forward as stated in the stipulations.

Ron Dupernoir, applicant, introduced Dr. Crone, Director and part owner of the proposed facility, and stated they accept the recommendations of the staff and apologized for the late submittal of the document referred to by McCauley stating he did not mean to cause confusion.

Dr. Crone stated the facility would be state-of-art meaning it would be a facility that could be modeled. She advised that she receives calls interested in enrollment on a daily basis. She stated they will offer counseling, behavioral therapy and speech therapy all integrated, and the goal is to transition children into a classroom setting so they can succeed as they moved to public schools. She explained that the outdoor play areas are not just for play, but are actually outdoor learning areas.

Kiser provided a note of caution with the use of standing seam roofs and Mr. Dupernoir advised that they were aware of the danger and would be using spikes on the roof which would prevent ice slides.

Sylo asked if the Montessori School would be open to anyone or just to patients and Dr. Crone advised that the school would be open to anyone with a goal of having a least 12 patients integrated with the school with their therapist available. He asked the applicant if a maximum of 136 students for the school would be a problem and Dr. Crone's responded she was in agreement. Sylo asked about the purpose of the porch area that McCauley had advised the applicant was willing to withdraw and Dr. Crone stated it would be an outdoor learning component with tables that they would be able to use during any weather circumstance. Mr. Dupernoir stated the roof would cover approximately 650 sq ft and the roof would be of the same material as the main facility. It would be structurally tied into the building and would have open beams made of cedar planks.

Stotz asked if Montessori Schools are generally considered under the heading of day care facility or school and McCauley responded both and noted there are requirements such as fence heights and State regulations that it would have to meet. Dr. Crone stated there would be afternoon enrichment programs and they would accept children in the mornings before education programs begin. She stated that the Montessori School would not have adults and explained that the therapy side is broken into two segments: life center and pediatric. Treatment would be 1:1.

Nesbit commented that he would prefer to add a stipulation to allow a maximum of 136 students with the understanding that if there was a particular reason, the applicant could request a re-evaluation.

With regard to the ratio of children to teachers in the school, Dr. Crone stated the 3 – 6 year olds would have a 2:25 ratio and the younger kids would have a 2:12 ratio. There would be four classrooms with 24 students and two classrooms with 12 students. With regard to the playground areas, Dr. Crone stated all students would have access but would not be outside at the same time. McAninch voiced a security concern with children trying to climb over the fence and Dr. Crone stated that she has not been faced with a student jumping or trying to jump over a fence. She further noted that the 1:1 ratio for patients would remain at all times including outdoor time. She stated she was confident that their procedures would prevent elopement behaviors. Dr. Crone advised that the Therapy Center hours of operation would be 9:00 a.m. to 5:45 p.m. and the school hours would be 8:30 to 3:30 and the afternoon enrichment program

would possibly go until 6:30 p.m. depending on parents. With regard to the number of staff, Dr. Crone advised there would never be more than 20 therapists on site.

Kiser also raised a question about the number of staff and people at the site as it pertained to parking and Dr. Crone advised that they anticipated a maximum of 136 students but patient sessions vary throughout the day. Shapiro explained the parking ratio components and stated that the applicant exceeds the number of spaces required.

Sylo asked if the applicant was comfortable with working with the City Arborist to provide plantings as shown on the conceptual building elevations, and Mr. Dupernoir responded affirmatively.

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

Brian Weidenmaier, 2003 Robin Hill Lane, voiced concern that he was not aware of the Montessori School until the meeting. He stated he would prefer a stockade fence for noise abatement and questioned if the facility would be open on weekends or if the hours of operation were Monday through Friday. He expressed a need for maintenance of the foliage along the alley and asked if the City would consider adding a traffic light at Furneaux and Hebron.

Cathy Williams submitted a card in opposition but did not wish to speak.

David Martin, 2007 Robin Hill Lane, voiced his opposition stating the inability to find any history for the applicant when he conducted an Internet search; and voiced concern regarding the drop off of children at the school.

Dwayne Williams, Robin Hill Lane, voiced concerns about the foliage along the back to abate the noise and he voiced traffic concerns also as the main reason for opposition.

Mr. Dupernoir stated they would be willing to erect a 6 ft privacy fence to address the noise concern. With regard to the foliage, he was unwilling to take 100% responsibility for it until responsibility could be determined, but they would at least be willing to assist with 50%. With regard to the traffic concerns, he stated they would be willing to make it available to the community and noted that the result of the analysis was that the facility would cause a 4 or 14% increase in traffic. With regard to his history, he provided Mr. Martin with the correct spelling of his name.

Daniel-Nix stated she is aware of the Teach Me program and the facility and felt it would be really good for the community and the families. She stated her biggest concern was people making a left turn onto Hebron Parkway. Hammons advised that staff provides a report to Council for funding and needs determination each year. He also noted that one of the stipulations requires striping the roadway to have a left and right turn lane from Furneaux. Daniel-Nix reiterated her concern with people being able to get across Hebron in order to go west and she again noted the number of accidents that occur on Hebron. Hammons stated that all intersections are reviewed; accidents are considered during the review and noted the Traffic Advisory Commission also reviews the information.

Stotz asked for clarification regarding days the school or therapy center would be open and Dr. Crone advised that they are open Monday through Friday, but there could be an occasional need to meet with a patient on a Saturday.

With regard to the foliage on the south end between the applicant and the homeowners, Chair Blanscet advised that the property owner, applicant in this case, would be responsible.

McAninch noted that it was her understanding from a previous case that perhaps there was no irrigation system to water the foliage and Mr. Dupernoir stated that they plan to have water because of the trees and other landscaping they plan to put in.

*\* Sylo moved to approve Case No. 02-14Z1 Therapy & Beyond with staff stipulations as well as the additional following stipulations: that a minimum 6 ft tall wooden fence be provided around the playground area for the Montessori School; that the student population of the Montessori School be capped at 136 children; that the shade structure for the outdoor learning center that is shown on Sheet No. EVI dated January 10, 2014 be provided as depicted in that elevation; that the conceptual landscape plan dated February 28, 2014 which has been reviewed by Ms. Dennis, City Arborist, be attached as part of the ordinance; that the foundation plantings that are shown in the building elevation drawings be provided in conjunction with coordinating with Ms. Dennis as well as depicted in the elevations; that the applicant of the development replace any dead or dying plant materials along the southern property line and provide whatever irrigation may be necessary to keep those plant materials in a living manner; second by Nesbit. Kiser requested an amendment to the motion that any mention of future building or shell on the site plan and plat be eliminated. Sylo stated he would be willing to add an additional stipulation that if any additional structures are requested to be placed on the property, that the applicant would have to come back before the Commission for approval. Nesbit noted that the conceptual plan shows an additional shell that is well within their rights on the lower section and felt that Kiser's concern was the northern corner. The landscape plan shows an additional shell that would be the western expansion and didn't want the motion to keep the applicant from being able to add something there if they choose to in the future. Chair Blanscet asked Sylo if he agreed to add the stipulation and Sylo responded yes, the northwest quadrant shell. Sylo stated he wanted it to be clear that his motion is with the intent that the EFIS material is not allowed on any of the sides of the building and that it will be minimum 80% brick or stone as recommended by the staff. Chair Blanscet asked Sylo if the stipulation with regard to additional structures did not include the extension and Sylo replied affirmatively. Kiser stated he thought there had been an agreement for 100% brick or stone rather than the 80% minimum and McCauley stated the elevations reflect 100% brick or stone and staff included a stipulation that all four sides be consistent. The motion was approved with a unanimous 8-0 vote (One seat vacant).*

## OTHER BUSINESS:

### a. Staff Reports.

**Case No. 03-14MD1** Annual Activity Report  
**Case No. 03-14MD2** Annual Development Report  
**Case No. 03-14MD3** Semi-Annual Impact Fee Report

Barton stated that no action other than acceptance is required by the Commission. He noted that all of the reports are provided to the City Council. He requested separate action on each report.

*\* Sylo moved acceptance of the Annual Activity Report Case No. 03-14MD1; second by Kiser and the motion was approved with a unanimous 8-0 vote (One seat vacant).*

*\* McAninch moved acceptance of the Annual Development Report Case No. 03-14MD2; second by Stotz and the motion was approved with a unanimous 8-0 vote (One seat vacant).*

*\* Kiser moved acceptance of the Semi-Annual Impact Fee Report Case No. 03-14MD3; second by Patel and the motion was approved with a unanimous 8-0 vote (One seat vacant).*

**b. Election of Officers****Section 5 Election of Officers**

Section 5 of the adopted By-Laws of the Commission states:

The Vice-Chairman and First Vice-Chairman shall be elected for a term of one year by members of the Planning & Zoning Commission at a regular meeting of the Commission. The date of the election shall be decided by a majority vote of the Commission members. The Chairman shall be selected by the City Council. Since a new Chair has recently been appointed by City Council, it would be appropriate to hold an election for the Vice-Chair and First Vice-Chair at this time.

*\* Stotz nominated Jerry Sylo for Vice-Chair. No other nominations were made and the nomination was approved with a unanimous 8-0 vote (One seat vacant).*

*\* Stotz nominated Mark Nesbit for First Vice-Chair. No other nominations were made and the nomination was approved with a unanimous 8-0 vote (One seat vacant).*

Barton advised that a meeting on the third Thursday of the month (March 20) at 5:45 p.m. and while there will be no cases heard, there will be a training session and it will be posted as a public meeting. He also advised that the Council appointed Chad Averett to the Commission to fill the vacancy.

**ADJOURNMENT**

The meeting was adjourned at 8:47 p.m.

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Christopher Barton,  
Chief Planner

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Glen Blanscet, Chair  
Planning and Zoning Commission