Minutes City of Carrollton Planning & Zoning Commission April 3, 2014

A meeting of the City of Carrollton Planning & Zoning Commission was held on April 3, 2014 at 7:00 p.m. in the Council Chambers at City Hall with the following members present:

Commission Members Present:

Commission Members Absent:

Tino Patel

Glen Blanscet, Chair Jerry Sylo, Vice Chair Mark Nesbit, 1st Vice Chair Barbara McAninch Jack Stotz Larry Kiser Kimberly Daniel-Nix Chad Averett

Staff Members Present:

Regina Edwards, 1st Asst. City Attorney Christopher Barton, Chief Planner Rob Guarnieri, Dev. Srvs. Senior Engineer 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. Mgr. Brett King, Building Official Peter Braster, Senior Manager, TOD

(Note: * = designation of a motion)

CALL MEETING TO ORDER: Chair Blanscet called the meeting to order at 7:10 PM.

- 1. MINUTES: Approval of the minutes of the March 6, 2014 and March 20, 2014 meetings.
 - * McAninch moved approval of the minutes of March 6 and March 20 as corrected with the staff in the prior meeting; second by Kiser and the motion was approved with a unanimous 8-0 vote (Patel absent).

INDIVIDUAL CONSIDERATION

2. Consider Final Action Approval For A **Replat For High Country Business Park Phase 7.** The Approximately 5.112-Acre Tract Is Located At The Southeast Corner Of Reeder Drive And Marsh Ridge Road And Is Zoned PD-91 For The (C/W) Commercial/Warehouse District. **Case No. 04-14RP1 High Country Business Park Phase 7**/Mark Peeples – Peeples Land Surveying. Case Coordinator: Michael McCauley.

McCauley stated the item is a replat of a single lot already in a platted subdivision to create five lots. He stated that there is no right-of-way being dedicated and recommended approval. He further advised that the applicant could not be in attendance due to an emergency but was in agreement with staff stipulations.

* McAninch moved approval of Case No. 04-14RP1 High Country Business Park with staff stipulations; second by Nesbit and the motion was approved with a unanimous 8-0 vote (Patel absent).

PUBLIC HEARINGS

3. Hold A Public Hearing And Consider An **Ordinance To Remove A Special Use Permit (SUP-397) For An Arcade With Special Conditions**; Amending Accordingly The Official Zoning Map. The Approximately 890 Square-Foot Lease Space Is Located At 3030 N. Josey Lane, Suite 114 And Is Currently Zoned PD-21 For The (LR-2) Local Retail District With SUP-397. **Case No. 04-14SUP1 DVD Rental Arcade/Loi Banh.** Case Coordinator: Michael McCauley.

McCauley stated the request is to repeal the Special Use Permit that was assigned to this particular lease spot within the commercial center. He explained the City code allows up to four machines of any type without a Special Use Permit but this particular SUP prohibited any simulated gambling machines. He explained that the applicant had received a citation for being in violation of the SUP because there were simulated gambling machines on site when inspected. He advised that staff received one card in opposition to the request and stated that since the applicant had initially requested the SUP, they recommend approval of removing the SUP.

Stotz asked if it was correct that if the Commission removes the SUP, the applicant could have no more than four machines and all could be simulated gambling machines and if they deny the request, the applicant could have 10 machines but none could be simulated gambling machines and McCauley responded affirmatively.

Kiser voiced a concern that the applicant would violate the regulations again and a concern that the applicant was not present.

McAninch asked legal counsel about the City's position to grant the request and Edwards replied that although this was an unusual circumstance, it was the Commission's responsibility to consider the appropriate zoning issues for the site.

Chair Blanscet opened the public hearing and there were no speakers.

Sylo stated that in reviewing the stipulations placed on the site by the previous Commission and City Council, there was strong opposition to any illusion to gambling devices being on the property and he felt the best mechanism for that to happen is for the SUP to remain in place.

* Sylo moved to deny the request to repeal SUP 397; second by Kiser. Nesbit voiced his agreement that the stipulations should stay in place. The motion was approved with a 7-1 vote (McAninch opposed, Patel absent).

Chair Blanscet noted that the applicant has 10 days to appeal the denial to the City Council.

4. Hold A Public Hearing And Consider An Ordinance To Rezone To Establish A **Special Use Permit** For An Indoor Used Car Dealer With Special Conditions; Amending Accordingly The Official Zoning Map. The Approximately 2.02-Acre Tract Is Located At 1800 N. I-35E And Is Zoned (FWY) Freeway District With The (I-35E) Interstate Overlay District. **Case No. 04-14SUP2 Pleasure Cars Of Texas**/Robert J. Suarez. Case Coordinator: Michael McCauley.

McCauley presented the request to allow an indoor used car dealership and explained that the applicant proposed to use the 3-bay garage to store the vehicles. He advised that the vehicles would be shown by appointment only and a maximum of five company vehicles would be stored in the building. The vehicles would not be displayed outside. He advised that staff received one comment card in favor of the request. He stated that staff recommends approval with stipulations and added a stipulation that there be

no banners, streamers, lighted arrow, portable office building or inflatable character allowed on site in conjunction with the resale of their company vehicles.

Robert Suarez, owner, described the vehicles as medium to low-end vehicles that get good gas mileage and he explained that they typically like to change vehicles every year. He further described the vehicles as passenger vehicles not delivery vans or that type of vehicle. He stated they do not want to get into the used car business and are only trying to mitigate their loss when trading out vehicles. He stated they are in agreement with the stipulation of a five car maximum. In response to Nesbit about the connection between RJS Marine and Pleasure Cars of Texas, Suarez stated that RJS Marine owns the building; it's the tenant; owns the Subway; it owns the real estate business and in order to purchase vehicles in a wholesale basis, they obtained a dealer's license which is a dba under RJS Marine. The fleet vehicles are owned by RJS Marine. He stated that he understood that they could only sell their fleet vehicles and stated that all of the vehicles are titled under RJS Marine.

Chair Blanscet opened the public hearing and noted that two cards were submitted by Butch Jones and Bruce Nashavi in support of the request but did not wish to speak. There were no speakers.

- * McAninch moved to close the public hearing and approve Case No. 04-14SUP2 Pleasure Cars of Texas with staff stipulations including a fifth stipulation that no streamers, banners, lighted arrow, portable office building, inflatable devices shall be allowed on site in conjunction with the resale of their company vehicles; second by Stotz and the motion was approved with a unanimous 8-0 vote (Patel absent).
- 5. Hold A Public Hearing And Consider An **Ordinance To Rezone To Establish A Special Use Permit** For A General Medical & Surgical Hospital With Special Conditions; Amending Accordingly The Official Zoning Map. The Approximately 6-Acre Tract Is Located At The Northwest Corner Of Trinity Mills Rd. (SH 190)/PGBT And McCoy Rd. And Is Currently Zoned PD-189 For The (O-4) Office District. **Case No.04-14SUP3 N TX Regional Hospital**/City Of Carrollton. Case Coordinator: Christopher Barton.

Barton explained that the City is the applicant in this case; owns the land and has recently entered into a contract to sell the property to the developer of the hospital. He stated this hospital would host day surgeries and elective surgeries and would have a select number of rooms for patients that require an overnight stay.

Chad Suitony, PM Realty Group, developer, land and building owner, stated it would be a built-to-suit hospital for Adeptus Health which will be the tenant and operator. The building will be a 3-story, 7,500 sq ft, and 52 patient room hospital with three operating rooms, imaging, pharmacy, emergency room services and facilities for minor surgeries. The main service offering will be for emergency services. He stated they hope to be completed with the design development in July and targeting March 2015 for the grand opening.

Kiser asked about ambulances taking patients to the hospital and Peter Braster, City Development Manager, advised that the City of Carrollton EMS would only be allowed to take patients to Baylor per direction by Parkland.

Mr. Suitony introduced Michael Corey, Chief Development Officer for Adeptus Health, to answer questions about the services offered. Mr. Corey advised that Adeptus offers emergency care services but primarily the patients going to the hospital arrive under their own transportation. He stated that Adeptus was not a Level 1 trauma center nor did it want to be. He stated that the services would primarily be out-

patient surgeries such as in a surgery center. He further noted that the overnight stays are typically affiliated with surgeries and are typically a one or two night stay.

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

The following people spoke in opposition to the request due to concerns about noise, traffic, safety, property values, quality of life and use.

Mohamed Mohamed, 1710 Turtle Rock Court Roxanne Boudrot, 2814 Crooked Creek Drive Lloyd Oetgen, 2810 Crooked Creek Drive Chris Hand, 1633 Blackstone Joe Gottschalk, 1620 Blackstone Drive Karim Kara, 1648 Blackstone Drive

The following people spoke in favor of the request.

Rod Booze, 2202 Shadydale, Arlington, Ascension Group, stated he was present to speak in favor of the project but only in the capacity as the architect.

Glen Perkins, 4405 Country Brook Drive, Dallas, PM Realty Group

Nesbit asked about the maximum height for the area and Barton replied that the base zoning was O-4 Office which would allow four stories by right. The proposed building would be three stories in height with the appearance of a fourth story due to the screening of the mechanical equipment on the top of the building.

Sylo stated that he agrees that quality of life is important and agreed that the quality of life in that area was different than along Bush Highway. He felt that quality of life includes quality of health services and felt that a facility that offers elective services rather than required services is a higher quality. He felt that the facility would benefit the quality of life for most residents in Carrollton and residents of other communities. He felt that an elective surgery hospital would have less of a traffic impact than restaurants and stated he would be in favor of the request.

McAninch asked if a traffic study was conducted about the impact on McCoy and Blackstone and Hammons replied that the traffic impact of the proposed hospital would be less than what is approved with the current zoning. With regard to traffic flow, Hammons referred to the stipulation that the median cut couldn't be north of Blackstone; meaning it would not connect back to Blackstone so there wouldn't be a cut-through route. McAninch stated her agreement that along George Bush highway is an appropriate place for commercial development and felt it was their obligation to be sure increased traffic doesn't impact the adjacent neighborhood.

Sylo asked the applicant if they were aware of the staff stipulations and were in agreement with it and Mr. Suitony replied affirmatively.

* Sylo moved approval of Case No. 04-14SUP3 N TX Regional Hospital with staff stipulations and to close the public hearing; second by Nesbit. Stotz encouraged the residents to review the staff stipulations. The motion was approved with a 7-1 vote (Daniel-Nix opposed, Patel absent).

Chair Blanscet thanked the residents for their comments and stated that the request would be heard by the City Council at the May 6 meeting with another opportunity to voice their opinion.

6. Hold A Public Hearing And Consider An **Ordinance To Rezone To Amend PD-75** For A Certain 17.3-Acre Tract To Change Modified Development Standards And Conceptual Development Plan; Amending Accordingly The Official Zoning Map. The Approximately 17.3-Acre Tract Is Located West Of Josey Lane, At The Intersection Of Canoe Way And Cherokee Path And Is Currently Zoned PD-75 For The (SF-5/12) Single-Family Residential District. **Case No. 04-14Z1 Indian Creek Meadows Estates**/Randall L. Marchant For Samuel Custom Homes. Case Coordinator: Michael McCauley.

McCauley presented the case and noted that in 1999 when the subdivision, Indian Creek Meadows Estates, was approved, the open space lot was to be deeded to the multi-family development, Fieldcrest Apartments, to the east for a play area. However, the owner of the apartments decided not to accept the lot due to liability and it has since remained undeveloped. He stated that the applicant is requesting to amend the PD to provide for the development of the area as a single family dwelling. He advised that the lot meets the minimum standards of the PD and recommended approval with stipulations. He advised that one comment card was returned in opposition to the request because there would be no access to open space. He underscored that the initial intent of the PD was for the area to be a play area for the adjacent apartment complex; not the neighborhood. Further he advised that the third stipulation in the staff report relating to "no right turn" signs was no longer necessary and should be deleted from the stipulations.

Ron Marchant, 1218 Dentonshire Drive, representing the applicant, did not provide a presentation but was available to answer questions.

Chair Blanscet opened the public hearing and invited speakers to the podium; there being no speakers he opened the floor for discussion or action.

- * Daniel-Nix moved to close the public hearing for Case No. 04-14Z1 Indian Creek Meadows Estates and approve the amendment to PD-75 per staff recommendations and stipulations 1 and 2 as discussed on page 3 of the packet; second by Stotz and the motion was approved with a unanimous 8-0 vote (Patel absent).
- 7. Hold A Public Hearing And Consider An **Ordinance To Rezone To Repeal And Re-Establish PD-183** For The (SF-6.5/12) 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.

Shapiro stated there was a new developer of the site and the request was for larger lots with a larger building footprint than the previous plan, closed drainage along the streets and a single detention/retention pond. He explained there would be a fairly large retaining wall along Hemingway that would be accommodated in a wall maintenance easement and a second set of retaining walls along the south and southwest side of the property where there will be a common area lot to accommodate the wall as well as the landscaping and perimeter wall and fence. He noted that as with any plat, staff will review the engineering plans including the grading of each lot.

Jennifer Haynes, Spiars Engineering, explained that there was about 18 ft of fall from Street A to Plano Parkway on Hemingway, and from Street A to Street E there was about 20 ft of fall. With regard to the pond, she stated it would retain water and stated they are prepared to submit a request for a nationwide permit to the Corp of Engineers upon zoning approval.

Sylo noted that the landscape plan shows that the pond is approximately 27 ft deep and asked what amount would be retention and what amount would be detention and Haynes responded that the retention would be slightly lower than Street A. She stated that landscaping was proposed for the perimeter and

grass for on the slope. Sylo asked about the height of the retaining walls along Street D and she replied it would be anywhere from 1 ft to 2 ft.

Kiser voiced a concern with the possibility of stagnant water and suggested requiring some type of device such as a fountain to move the water.

Stotz asked about an ecological study and Haynes replied that they prepared drainage plans which would be part of the nationwide permit application. Currently the ponds would be supplied by runoff.

Kiser questioned the protection of backing on the drives due to the elevation changes and Haynes stated lots that are more than 60 ft wide would not be a problem and that they may have to designate which lots could accommodate swing drives based on the grade of the lot, but they would work with City engineering regarding the drives. Kiser recommended that something be required to keep someone from going off their property if the swing drive is in that direction.

McAninch asked if the property could be developed without the retaining walls and the fill, and Haynes replied it could not. McAninch noted that history in Carrollton shows that retaining walls are very difficult to maintain due to the soil. She asked if the wall would be maintained by the HOA or the individual property owner and Haynes replied it would be maintained by the HOA. McAninch voiced concern about the sustainability of the walls and about the look of it from the street and Haynes noted that the same condition exists across the street on Hemingway.

Sylo asked how high Street C would be in comparison to Plano Parkway and Haynes replied that although she didn't have the exact information, she thought it was a 5 ft wall on the northeast corner at the elbow of Street B.

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

Tom Sifferman, 5036 Dickens Lane, noted that the applicant, Billingsley Company, had not reached out to the residents; he talked about the things he liked in the plan such as the wood like garage doors and things he didn't like such as landscaping that may not be able to be sustained due to water restrictions. He also voiced concerns about the drainage and retaining walls.

With regard to the walls and maintenance, Sylo asked if the Austin Woods HOA was different from Austin Waters. Shapiro stated because that remains unclear, staff recommended the stipulation that requires an HOA to maintain it.

* Sylo moved to close the public hearing and approve Case No. 03-14Z1 Austin Woods PD-183 Amendment with staff stipulations as well as an additional stipulation that the retention pond has an aeration system incorporated in the design; second by Kiser. Chair Blanscet stated there were a lot of things that trouble him about the plan such as the wall and the responsibility for maintenance and would be voting against the motion. The motion failed with a 4-4 vote, Commissioners Nesbit, Sylo, Kiser and Averitt in favor and Commissioners Blanscet, McAninch, Daniel-Nix and Stotz opposed (Patel absent).

Chair Blanscet advised that the applicant has 10 days to request an appeal to the City Council.

8. 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. 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-18) Multi-Family Residential District. **Case No. 04-14Z3 Salado Apts. Revision**/NRP Group. Case Coordinator: Christopher Barton.

Barton explained that the request is to amend existing PD -164 to change the development standards to include a revised site plan and elevation drawings. The development density would remain the same at 330 units. The proposed changes reflect an improvement over the conceptual images included in the current approved ordinance and are the result of further refinement during the design process. He stated that the applicant has also requested permission to provide less than 50% masonry content on a single façade of selected buildings on the site plan and advised that staff takes no position on that question.

Mark Johnson, NRP Developments, stated the site plan reflects a reduction in the number of buildings on Old Denton; removed the carport sections on Old Denton and moved them further back into the property; moved the club house against the wetland area; and removed the two detached parking structures along the south end of the property. He stated they added tuck-under garages and added 10 townhome units. He explained that the idea for the 25% façade began with the club house elevation facing the wetlands because there was no visibility through the trees and they felt the change in design could bring more life to the property.

Kiser asked about the mix of carports and garages and Johnson replied that the plan currently has 82 carports and 82 tuck under garages. With regard to the façade change, Kiser voiced a concern with giving a variance and felt the Commission should not reduce the masonry content.

Nesbit agreed with Kiser; stated that changing the façade requirement was a problem and noted that part of the reason for the requirement was due to maintenance and longevity of the building.

Sylo talked about the proposed median cut explaining that approval by the Commission does not grant approval for the median cut, and asked Mr. Johnson if he understood that if the median cut is not approved, he would likely have to relocate the driveway that is currently shown on the plan. Johnson stated he understood that it was a different application. Sylo stated he really liked the new elevations and concurred that there was no valid reason for the reduction in the façade requirements.

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

- * Nesbit moved to close the public hearing and approve Case No. 04-14Z3 Salado Apartments Revision with all of the changes except for No. 11, that being to deny the change to the façade requirement; second by McAninch. Chair Blanscet asked if the motion included changing the ordinance requirements and Nesbit replied affirmatively. The motion was approved with a unanimous 8-0 vote (Patel absent).
- 9. Hold A Public Hearing And Consider An **Ordinance To Rezone To Amend PD-185** To Include Modified Development Standards Including A Revised Site Plan And Elevation Drawings; Amending Accordingly The Official Zoning Map. The Approximately 3.9-Acre Tract Is Located On The Southeast Corner Of Josey Lane And Parker Road (F.M. 544) And Is Currently Zoned PD-185 For The (CC) Corporate Commercial District. **Case No. 04-14Z4 RaceTrac Revision**/Spiars Engineering. Case Coordinator: Christopher Barton.

Barton advised that staff received a request from the applicant to withdraw the case and recommended that the Commission accept the withdrawal.

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

* McAninch moved to close the public hearing and accept the request to withdraw Case No. 04-14Z4 RaceTrac Revision; second by Daniel-Nix and the motion was approved with a unanimous 8-0 vote (Patel absent).

OTHER BUSINESS:

Referring to pre-meeting discussion about Items 8 and 9, Chair Blanscet opened the floor to discuss what issues should be brought back to the Commission and what types of things the staff could address without review by the Commission.

Kiser felt a request for a variance/reduction of the masonry content, or something similar, should be reviewed by the Commission because it is a substantial change and against the current City regulations; anything against City regulations would need to be brought to the Commission.

Nesbit felt the Commission needs to trust staff when reviewing certain elements such as an adjustment in the roof height that's within the accepted requirements for that area. Substantive changes such as a reduction in buildings would necessitate a review by the Commission. Things that change the engineering in a project would be something the Commission should review.

Sylo felt the Commission needs to continue to allow staff to use their professional judgment to make tweaks to work out what is best for the community. He felt that if a requested change pertains to a specific item or focal point that was discussed during the deliberations by one or more commissioners, it should be reviewed by the Commission. He stated that if staff is uncomfortable with a change, he would prefer that they err on the conservative side and bring the request to the Commission.

McAninch felt that Article 29 of the Comprehensive Zoning Ordinance was very good and well thought out when defining or describing major modification. She agreed that if the staff is uncomfortable with a change, it should be brought to the Commission. She also felt that anytime a change would affect something that people in the neighborhood had issues with, it should be reviewed by the Commission because she felt that the people around the development have a right to be heard. She stated she trusts the professional staff to take care of minor changes and in reference to Item 8; she stated that everything except the request for a façade change would be okay to be decided by staff. A change in a development standard becomes an issue for the Commission to determine.

Using Item 9 as an example, Chair Blanscet stated that he didn't feel it needed to be brought back to the Commission, noting it wouldn't have significantly changed the footprint of the property He agreed with McAninch that any requested change that pertained to something that was controversial or was spoken against by the neighborhood residents should be returned to the Commission.

Ravi Shah expressed his appreciation to the Commission for their direction and explained that most of the site plans and elevations that are attached to planned developments or special use permits are conceptual in nature staff does exercise good judgment in allowing minor modifications due to construction or design issues. He explained why staff brought Items 8 and 9 to the Commission for review and the items staff considered in making the determination such as residents speaking during the hearing.

Chair Blanscet added that another reason would be if the City Council wants to review something, the Commission would also expect to review it if it is within the Commission's domain.

a. Staff reports – Barton reminded the Commission that they would be meeting again in two weeks for more training on how development occurs in Carrollton beginning at 5:45 p.m.

Chair Blanscet officially welcomed the newest member of the Commission, Chad Averett.

ADJOURNMENT

Chair Blanscet adjourned the meeting at 9:22 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 E	arton,		
Chief Planner			