

Minutes  
City of Carrollton  
Planning & Zoning Commission  
February 2, 2012

A meeting of the City of Carrollton Planning & Zoning Commission was held on February 2, 2012 at 7:00 p.m. in the Council Chambers at City Hall with the following members present:

**Commission Members Present:**

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

**Commission Members Absent:**

**Staff Members Present:**

Christopher Barton, Chief Planner  
Loren Shapiro, Senior Planner  
Regina Edwards, 1<sup>st</sup> Asst. City Attorney  
Tom Hammons, Transportation Eng. Div. Mgr.  
Brett L. King, Plan Review & Permitting Mgr.  
Ravi Shah, Director of Development Services

Scott Tittle, Fire Dept. Battalion Chief  
Lydia Tormos, Admin. Support  
Lorri Dennis, City Arborist

(Note: \* = designation of a motion)

**CALL MEETING TO ORDER: 7:12 P.M.**

- 1. MINUTES: Approval of Planning & Zoning Commission Minutes:** January 5, 2012 meeting.

\* *Motion made by Hrbacek, second by Loreto to approve the January 5 meeting minutes, passed 9-0.*

**INDIVIDUAL CONSIDERATION**

2. Consider final action approval of a preliminary plat for **Mustang Park Addition**. The 85.405-acre site is located on the south side of Plano Parkway, between Parker Road (F.M. 544) and the Burlington Northern & Santa Fe Railroad and is currently zoned PD-175 for the (O-4) Office , (LR-2) Local Retail and (SF-TH) Single-Family Townhouse Districts. Case No. 01-12PP1 Mustang Park 2 & 3/Matthew Alexander (Dowdy Anderson & Associates). Case Coordinator: Christopher Barton.

Pfeil presented the case and asked if there was an applicant present.

Casey Ross, Dowdy Anderson & Assoc., 5225 Village Creek Dr., Suite 200, Plano, TX was representing K Hovnanian Homes.

Pfeil asked if he was aware of the staff stipulations and if he was in agreement with them.

Ross said he was in agreement, except for Stipulation 3.

Halloin expressed his concerns with the traffic into the neighborhood and asked if they had discussed how to slow traffic down by various methods. He stated he wanted to address it now to prevent a request for placement of speed humps at a later time.

Ross said they plan to have a four-way stop sign to reduce the traffic speed as it enters the development. He didn't want to use speed humps feeling the four-way stop sign would be adequate.

Michael Dewhurst, with K Hovnanian Homes, stated he also wanted good circulation in the neighborhood and speed control measures to be in place. But he didn't know what chokers were, what impact it would have on traffic, and how future residents would like them. He said they were willing to work with staff on this, but didn't want to commit to something he was unfamiliar with.

Halloin said he didn't want to limit traffic speed reduction to one method but wanted to leave it open so they could work with staff to create what would be appropriate.

Dewhurst agreed that was what they wanted as well.

McAninch asked who would maintain the strip of land between the eastern end of the development and the road. The applicant says the multifamily development would even though the apartments are on the other side of the road.

Ross explained that the land would be cared for by the owners association for the multifamily group. When their project is developed, they will provide detailed site plans showing the location of roads and the maintenance information.

McAninch asked if they were planning to build a screening wall between the residential area and apartments.

Ross said there would be a buffer between the two projects and the maintenance of both the land and wall would be the responsibility of the multifamily group.

McAninch asked about the comment stating there were no trees on site whereas last month they said there were.

Ross said it should have read “no protected trees”. There are trees on the site but they are not protected according to the city’s criteria.

Pfeil explained that by state law, a preliminary plat is automatically approved if no action is taken within 30 days of submission. Since this case is dependent upon an approved zoning change that is to be heard at the February 7 City Council meeting, staff has recommended denying this case unless the zoning case is approved by City Council.

Hrbacek asked staff if there were any protected trees on the site.

Lorri Dennis, City Arborist, stated there were no protected trees on the site.

- \* ***Motion made by Hrbacek, second by Sylo to close the public hearing and deny Case 01-12PP1 unless City Council approves the two companion cases by February 25, 2012 (Day 30 after submission and subsequent automatic approval), passed unanimously 9-0.***

Blanscet asked if the motion would be including staff Stipulation 3.

Hrbacek nodded yes.

Stotz wanted to clarify that they would be voting to deny the case unless City Council approves the zoning case prior to Feb. 25. If Council approves that case, then this preliminary plot will be accepted.

Pfeil said that was correct.

Nesbit said when he looked at the plat, he thought the land was a part of the multifamily development. Even if it becomes a part of this, there still won’t be any kind of screening between this property and the multifamily property. So he suggests removing Stipulation 3.

Pfeil asked staff to clarify what would occur is Stipulation 3 was removed.

Barton stated that the intent of Stipulation 3 was to create a consistent masonry screening wall along the back of the houses, dividing it from the multifamily development. Removal of Stipulation 3 would mean that as each house is constructed, a 6’ screening wall would be placed without any consistent appearance. The original intent was the single family homeowners association would be responsible for the maintenance of the screening wall and landscaping. However, the applicant stated tonight that responsibility would be with the multifamily owners association.

Pfeil feels Stipulation 3 should remain so there will be a consistent look to the screening wall.

Pfeil asked if anyone wanted to second Nesbit’s motion to remove Stipulation 3. There was no second.

## PUBLIC HEARINGS

3. Hold a public hearing and consider approval of a residential replat for **Carrollton Heights, Phase 2**. The 0.563-acre tract is located on the west side of Erie Street, north of Rosemon Avenue, and is zoned for the (SF-7/14) Single-Family Residential District with the HP-1 Historic Preservation Overlay District. Case No. 02-12RP1 Carrollton Heights, Phase 2/Gary Sisco. Case Coordinator: Loren Shapiro.

Pfeil presented the case and asked if there was an applicant present.

Ryan Osbald, 3960 Broadway Blvd., Suite 236, Garland, TX was present for the applicant.

Pfeil asked if Osbald had read the staff stipulations and was in agreement with them.

Osbald said he had read them and was in agreement.

Pfeil asked the Commissioners if they had any questions. There were none.

Pfeil opened the meeting for public comment. There were none.

- \* *Motion made by Hrbacek, second by Sylo to close the public hearing and approve Case 02-12RP1, passed unanimously 9-0.*

4. Hold a public hearing and consider approval of a replat for **High Country 5**. The 10-acre tract is located on the south side of Hebron Parkway between Furneaux Lane and Province Drive and is zoned PD-167 for the (O-1) Office District. Case No. 02-12RP2 High Country 5/Richard Calvert. Case Coordinator: Christopher Barton.

Pfeil presented the case and stated it had two companion cases that he would open at the same time but each case would need a separate motion and vote.

5. Hold a public hearing and consider approval of **Amendments to PD-167 for the (O-1) Office District to Allow a Retirement Home with Modified Development Standards**. The 10-acre site is located on the south side of Hebron Parkway between Furneaux Lane and Province Drive and is zoned PD-167 for the (O-1) Office District. Case No. 02-12Z1 High Country Assisted Living/Richard Calvert. Case Coordinator: Christopher Barton.
6. Hold a public hearing and consider **Rezoning of SUP 74**. The approximately six-acre site is located on the south side of Hebron Parkway between Furneaux Lane and Province Drive and is zoned PF-167 for the (O-1) Office District. Case No. 02-12SUP1 Rezoning of SUP 74/Richard Calvert. Case Coordinator: Christopher Barton.

Pfeil asked if there was an applicant present.

Dick Calvert, Calvert Co. Architects, 1001 W. Main St., Carrollton, TX was present for the applicant. He said he was only the zoning consultant for this case. He stated this would be a small house concept. The seven buildings are designed in accord with state law that no more than 16 inhabitants would be living in each house. The parking is in accord with Carrollton's parking requirements of one-half parking space per bed. He has worked to preserve as many trees on the property as possible. Many trees are not worth saving, being damaged by the weather or drought. The living screening wall at the rear of the property has lost many bushes since the area is not irrigated.

Calvert stated he worked with the church in 2004 on the living screening wall. Residents along Robin Hill Lane stated they wanted the living screening wall at that time. The consensus of two meetings held with the residents on January 24 and 31 was that they wanted to keep the living screening wall, and the replacement of the dead shrubs. The intent is to have it filled in enough that there will be no access to the alley through this property.

The construction of the buildings would not be in phases, but would be constructed at one time. Any future change of use would require they meet the current Carrollton parking requirements.

Jim Stroud, Developer, 14114 Dallas Pkwy., Suite 670, Dallas, TX said the proposed development is a good buffer for the residents on Robin Hill. The neighboring homes both to the south and east were taken into consideration when they placed the driveway and parking. Their goal is to give a residential feel. The state law limits the occupancy to 16 per building. The original base zoning for this site is (O-1) Office District, which requires a 25' setback. They will increase the setbacks to 47' on the sides and 50' along the rear of the property.

In the two meetings with the Robin Hill residents, the homeowners expressed their desire to keep the existing living screening wall instead of having a masonry screening wall erected. Since it was part of the original stipulation for the PD in 2004, they agreed to keep the living screening wall and to fill in any dead areas. The area will be irrigated to maintain these shrubs.

Since the average age of the residents will be 82 years, they feel this project will have a low impact to traffic and noise. Of the seven buildings on site, three will be memory care homes, from which none of the residents will be driving. Of the rest of the buildings, there will be approximately one to two cars per building. They will provide a bus for the residents' use.

This project will provide approximately 80 jobs, generating on average 26 million dollars per year. As to the need of such a project, Carrollton currently has 3,155 people aged 75 and older who would qualify for this facility by age and income. There are only 241 units currently in three projects in Carrollton they would qualify for, so this fills a definite need.

The church has held its last service. The church revenue is now very small and they have accumulated a large amount of debt. The church elders wish to repay the debt, and the sale of the land would help do that. The senior pastor and the elders feel this is a good use in that it would continue its social mission for the area.

Sylo asked what the income qualification was.

Stroud said it is a \$25,000 annual income, including Social Security. This will be a private pay facility so the residents will use retirement or insurance money.

Hrbacek asked if they would agree to a stipulation that there would be a maximum of 112 occupants.

Stroud said they would since that is what the state law requires.

Stotz asked if the income requirement is \$25,000 and higher or lower.

Stroud said it will be \$25,000 and higher. He said there are more than 3,155 senior citizens living in Carrollton, but they want to provide service to the middle income range. While there is a need for Medicaid facilities they will not be providing for it.

Loreto inquired if they had any other projects in the area.

Stroud said the Waterford and the Wellington projects are theirs, and in the DFW area there are 16 projects.

McAninch asked to clarify the number of employees.

Stroud said it would be 80 people. There would be three employees per shift, three eight-hour shifts, three supervisors and other part time workers to provide 24/7 care.

Pfeil said that the eastern entrance joins Spurwood Dr. and the Traffic Department has required them to provide a fourth leg to the traffic signal. He asked if they were aware of this stipulation and were in agreement.

Stroud said they were aware and were in agreement to provide the fourth leg to the traffic signal.

Pfeil also asked if they would agree to a stipulation of adding irrigation to the property as well.

Stroud said they would agree.

Pfeil opened the meeting to public hearing.

Phillip Overton, 17716 Glen Heights Dr., Dallas, TX, elder at Hebron Community Church, feels this community will be very good for the city. The church has struggled over the years and was unable to maintain it the way they would have liked. There is a small Korean church that meets there until March 31 and the elders will continue to meet once a month until things are closed. One of their goals was to leave the city without owing any debt. Selling this property will cover all of their debt, as well as fund a few missionaries.

Pat Kykkonen, 2000 Robin Hill, Carrollton, TX said he was mostly satisfied with the project but he was concerned about what will occur with the west side of the property.

David Martin, 2007 Robin Hill, Carrollton, TX said he and his wife attended the first meeting and were impressed with the way the company addressed their concerns and answered their questions. They also did some research on the company. They have loved the church being at this location but wished the assisted living center would take all of the property.

Brian Weidenmaier, 2003 Robin Hill, Carrollton, TX said he is satisfied with the project. He questioned if the zoning along Furneaux Lane would be changed from office use. Concerning the living wall, he wondered if it could be made a stipulation to replace the dead or damaged trees and shrubs and any that may be damaged in the future. He was concerned about long term use if in the future these buildings could be removed and replaced with apartment complexes.

Pfeil said staff had received three comment cards that were in opposition to the project. The reasons they gave were of the construction itself, privacy issues, and possible change of property values. He said perhaps they had not attended one of the meetings to have their questions answered.

Calvert said the remaining land of 2.5 acres along Furneaux could be developed into medical offices of approximately 25,000 square feet. He did not know if the lot would be divided into two lots with one building on each lot, but felt a medical building will likely be developed there. He also said they would not have a problem with a stipulation of replacing trees that in the future may die or be torn down.

- \* ***Motion made by Hrbacek, second by Stotz to close the public hearing and approve Case No. 02-12RP2 with staff stipulations, including the finding that the dedication of right-of-way is necessary and proportional to the anticipated development of the site, passed unanimously 9-0.***
  
- \* ***Motion made by Hrbacek, second by Blanscet to close the public hearing and approve Case No. 02-12Z1 with staff stipulations, including the added stipulations:***
  - ***The developer will add the fourth leg of signalization at Spurwood Dr.***
  - ***In lieu of the required screening wall, all tracts shall have a living screen consistent with the existing living screen, missing or dead spaces***

*in the current screening shall be replaced, including in the event of future damage from vehicular activity*

- *The living screen shall be irrigated and maintained at all times*
- *There will be a maximum of 112 residents*
- *Any shrub replacement will be 7 gallon minimum at time of planting*
- *Trees 175-213 as referenced on the tree removal plan shall remain in place unless mutually agreed to be removed by the City Arborist passed unanimously 9-0.*

Nesbit said since the case report stated this will come under Carrollton's apartment code, then Environmental Services will look at the screening wall at least once a year to assure compliance.

Pfeil stated that any landscaping noncompliance could be addressed by code enforcement at any time, not only at the annual apartment inspection.

Sylo asked staff if all landscaping will have to be irrigated and not just the living screen.

Dennis said that was correct.

Sylo said the site plans show planting 2' shrubs and feels this will take many years to catch up to the current screening wall. He asked if she had any recommendations of planting taller bushes such as 2-4'.

Dennis said if they used a 7 gallon evergreen shrub, they would probably have an initial height of 36-40" growing 5-6" per year so that within 2-3 years it would reach the same height.

Sylo stated he understood the reason for the shrubs was to prevent residents on the property from getting into the alley.

Calvert said there would be no vehicular traffic to the alley. He said at the back of each house a fenced enclosure will be placed. His understanding is that no one will be out roaming the property without being escorted.

Sylo asked if these would be fully enclosed or would they have gates.

Stroud said that Texas law for memory care requires there be two gates and that assisted living requires one gate.

Sylo expressed concern that memory care residents could get out into the alley. He asked the applicant if they would be opposed to putting up a 4' chain link fence along the alley portion.

Stroud said it would not be necessary. In the memory care area, they have locking gates and only staff can unlock them. Only in the event of a fire would the gates automatically unlock.

Sylo asked if they would be opposed to the stipulation that trees are to remain unless mutually agreed upon by the city arborist for removal.

Calvert said he was in agreement.

Pfeil asked what type of landscaping would be used between the dumpster and Hebron Parkway.

Calvert said he didn't have a plan in front of him and he doesn't remember.

Pfeil asked staff if they were comfortable with the plantings on the back side of the dumpster screening wall so that the masonry wall wouldn't be dominating the street view.

Dennis said she could not tell from the plan in front of her what the species is, but said they could stipulate they need to be of a larger gallon size. She said it probably is a larger holly since they used similar plants throughout the site.

Stroud said they are a larger holly, being about 6-7 gallons in size to screen the entire area.

Stotz thanked the applicants for their working with the neighbors and the church. He said he was in favor of this project but was having a problem understanding the definitions of assisted living, nursing home and elder care. He would like to see the language tightened up so this wouldn't turn into something like drug rehabilitation at a future date.

Pfeil stated that the definitions are coming from North American Industry Classification System (NAICS), and any amendments the city would make would be an adjustment to Council of Government (COG) code recommendations.

Barton also stated that drug rehabilitation has a separate definition in that code.

Pfeil said that currently the stipulations require shrubs to be 5 gallons and 24" at time of planting, and asked the arborist if changing it to 7 gallons and 24" would make the shrubs too stunted.

Dennis said it would be safe to require 7 gallons and 36-40" at time of planting.

\* ***Motion made by McAninch, second by Loreto to close the public hearing and approve Case No. 02-12SUP1 to rezone and remove SUP 74, passed unanimously 9-0.***

7. Hold a public hearing and consider approval of a **Special Use Permit for a Multi-Family Residential Development**. The approximately 5-acre tract is located on the north side of Frankford Road at the intersection of Trade Center Drive and is zoned PD-188 for the (TC) Transit Center District, Urban General Sub-District. Case No. 12-11SUP2 Frankford Station Lofts/Minor Alexander. Case Coordinator: Christopher Barton.

Pfeil presented the case and noted that the public hearing remained opened from last month's meeting. He asked if there was an applicant present.

William Janecek with Janacor, 2145 N. Josey Ln., Carrollton, TX was present. He stated his group has wanted to develop this site for eight years and has been working with city staff all this time. Originally it was zoned for light industrial use, and they had planned to put office condos on the site. When they learned that a Dallas Area Rapid Transit (DART) station was to be nearby, the plan was changed to provide housing.

The site is long and narrow and has a fire lane that runs along the entire front of the property. There is a mutual access agreement on the deed that states everyone to the east and west has the right to drive on this easement. Since nothing can be built there, everything had to be pushed back. They moved the buildings back 9' and didn't want to build directly on the property line to provide a little buffer from the traffic and the units. There also was a landscape buffer where an 8' trail will be placed. Since there will be 10,000 square feet of office and some retail facing Frankford parking had to be at the front. To ease parking, 34 garages will be placed around the complex. The back side of the property has a 15' utility easement and a 20' fire lane so the units could not be pushed back any further. Parking in the back will have approximately 150' maximum from the parking to the units.

At last month's meeting some asked about placing retail on the site. Janecek said retail hasn't done well in this area. He referenced the large nearby retail spot on Frankford Rd. that runs about 40% occupancy. More office use is moving in than retail. When they went for financing, the banks told them they won't count any retail as income toward this project. He said that until you have people living there, there is no one to support the retail.

They are looking at a variety of types of businesses that will be placed on the first floor. In time when this project fills, and phase two begins, there may be enough support at that point for true retail on the entire first floor.

Janecek stated that this is not a Transit Oriented Development (TOD), and it is not in the TOD area but does have a DART station within walking distance. He said this is an urban development and would be a good compromise.

Hrbacek asked what the first floor ceiling heights would be for the retail and the garages.

Janecek said the garages will be 10' and the offices will be 9'.

Hrbacek asked if he would be willing to change the minimum height to 12-14'.

Janecek said it would change the whole complex. He said you couldn't raise just the front of the building; you would have to raise the entire building, which would be a huge undertaking. The height adjustment would only be needed for 5,000 square feet of commercial use, which would be a big expense for only 5,000 feet.

McAninch asked if they would raise the height for the retail in phase 2.

Janecek said retail requires 14' ceilings.

Concerning the parking against Frankford, McAninch asked if they had any other way to screen this area other than using small shrubs.

Beth Mulligan, with Studio Green Landscape Architects, said the current PD requires shrubs to be a minimum of 24" in height. They have offered to take 50% of that and upsize it to 36". In addition to a large number of shade trees there will also be a shrub hedge. She said she had spoken at length with the city arborist and they came to an agreement on what to use that will grow wider and quicker.

Janecek also mentioned that Carrollton just passed a mandatory ordinance for apartment crime reduction that went into effect on January 1. The new ordinance prohibits any bushes taller than 3'. So any 36" shrub planted would almost immediately be in violation.

Pfeil said part of their concern is that many people are not maintaining their hedges. So if a 24" shrub is planted but not watered or fertilized, it may have the height they want but not the width they desire for the screening.

McAninch stated she feels Frankford Road is one of the gateways to Carrollton, which is why they want the project to look as good as possible.

Halloin said the exhibit shows new hedges being planted. He asked if they were planning to use wheel stops to protect the new shrubs.

Janecek said it was required.

Halloin asked if they would agree to a stipulation of requiring the wheel stops.

Mulligan said their plan has taken the 2' into account and is the reason why the shrubs have not been placed completely against the parking edge.

Halloin stated his concern that any large trucks backing into the spot would damage the new plants.

Mulligan said they might be able to move the shrub hedge back a little more.

Halloin said they wouldn't need to move the shrubs if they used the wheel stops.

Janecek said he was not sure if he could place them in the 18' bays.

Tom Hammons said the wheel stops wouldn't affect the 18' minimum parking depth requirement.

Janecek said if staff agrees to their use, they will use them.

Sylo stated that considering the new apartment crime reduction ordinance and the desire to have screening along Frankford, he asked if they would agree to a stipulation that just along Frankford the shrubs shall be maintained at 3'. They would need to take care that the landscape crew was overly aggressive with their trimming so they would not be in violation.

Janecek said they would agree to that.

Sylo said he likes this project and believes if the rest of the area develops as this project; it will be a good addition for Carrollton

Pfeil asked about the hike and bike trail. He said originally there was only going to be a 5' sidewalk on Frankford but instead Council has approved a trail with a wider sidewalk through the property.

Janecek said the trail will split off. The front is 8' for the bike traffic and then becomes the smaller walking trail through the complex.

Pfeil said the trail goes to the back, and then from there it will go east along the water feature of the golf course.

Janecek said that is the plan and it will be an impressive view.

Pfeil opened the discussion to the public. There were no comments.

\* ***Motion made by Hrbacek, second by Stotz to close the public hearing and approve Case 12-11SUP2 with staff stipulations, including the following added stipulations:***

- ***The language should be changed to reflect this includes lots 4, 5, 6, 7, 8***
  - ***The shrubs along Frankford Road shall be maintained at a height of 3'***
- Passed unanimously 9-0.***

Halloin wanted to add the stipulation requiring the use of wheel stops along Frankford.

Blanscet said he was concerned about the wheel stop stipulation. He said over time they end up broken and unsightly. He felt the stipulation should not be added.

Janecek said they feel the easiest solution would be to move the bushes 3' away from the front of the cars. But if they used wheel stops they could move the bushes right up to the property line.

Tom Hammons said it wasn't necessary to add the stipulation to have wheel stops. He said the ordinance would cover it and could be handled at staff level and wasn't a decision that needed to be handled through the P&Z process.

Halloin was in favor of removing the stipulation knowing that everyone was aware of it and that it will be addressed.

Hrbacek wanted to comment that he understands this isn't a true TOD development and feels this is the best use for the property. But he feels that if people are living here, taking the DART train to work, comes home and gets in their car to go to the store, then they will not be using the train system to the fullest.

#### **OTHER BUSINESS:**

**a. Case No. 02-12MD1 Annual Activity Report**

The Planning & Zoning Commission prepares an annual report for City Council regarding the activities of the Planning & Zoning Commission and the Planning Department for the past year. Staff recommends its acceptance and to forward it to City Council.

- \* *Motion made by Hrbacek, second by McAninch to accept the Annual Activity Report, passed unanimously 9-0.*

**b. Case No. 02-12MD2 Annual Development Report**

The Planning Department tracks the building permits issued by the Building Inspection Department on a monthly basis. This information is used to provide North Central Texas Council of Governments (NCTCOG) an estimated number of dwelling units in the city of Carrollton, which COG uses to estimate the annual total population for the city of Carrollton. This report is for the calendar year 2011. Staff recommends acceptance of the report and to forward it to City Council.

- \* *Motion made by Hrbacek, second by Loreto to accept the Annual Development Report, passed unanimously 9-0.*

## **Staff Reports**

There were none.

Hrbacek said he had visited the new Denton County Transit Authority (DCTA) rail operation facility and saw the new rail vehicles due to be used this spring or summer.

Hrbacek also said he was resigning his position on P&Z immediately to pursue another role in the community.

Pfeil wished him well in his new endeavors and thanked him for his service on the board as well as his passion for TOD and DART.

## **ADJOURNMENT**

The meeting was adjourned at 9:05 p.m.

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Christopher Barton  
Chief Planner

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Rick Pfeil  
Chair, Planning and Zoning Commission