

Minutes
City of Carrollton
Planning & Zoning Commission
May 3, 2012

A meeting of the City of Carrollton Planning & Zoning Commission was held on May 3, 2012 at 7:00 p.m. in the Council Chambers at City Hall with the following members present:

Commission Members Present:

Jerry Sylo, Vice Chair
Barbara McAninch
Kimberly Daniel-Nix
Jack Stotz
Mark Nesbit
Lisa Loreto
David Halloin
Glen Blanscet

Commission Members Absent:

Rick Pfeil, Chair

Staff Members Present:

Christopher Barton, Chief Planner
Peter Braster, Senior Manager, TOD
Regina Edwards, 1st Asst. City Attorney
Tom Hammons, Transportation Eng. Div. Mgr.
Brett L. King, Plan Review & Permitting Mgr.
Scott Tittle, Fire Dept. Battalion Chief

Elliott Reep, Emergency Mgmt Intern II
Lydia Tormos, Admin. Support

(Note: * = designation of a motion)

CALL MEETING TO ORDER: 7:10 P.M.

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

* *Motion made by McAninch, second by Loreto to approve the April 5 meeting minutes, passed 8-0 (Pfeil absent).*

2. **INDIVIDUAL CONSIDERATION**

Consider final action approval of a replat for **Church on the Rock, Phase 4**. The approximately 22.44-acre site is located on the south side of Belt Line Road, west of Hutton Drive and is zoned for the (LI) Light Industrial District and the (SF-12/20) Single-Family Residential District (for the Carrollton Black Cemetery). Case No. 05-12RP1 Church on the Rock, Phase 4/Pacheco Koch. Case Coordinator: Lorri Dennis.

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

Clayton Strolly, 8350 North Central Expressway, Suite #1000, Dallas, TX 75203 was present.

There were no questions or comments from the Commissioners.

- * *Motion made by Nesbit, second by McAninch to approve Case No. 05-12RP1 as submitted, passed 8-0 (Pfeil absent).*

PUBLIC HEARINGS

3. Hold a public hearing and consider approval of a **Special Use Permit for a Car Wash**. The approximately 0.4688-acre site is located at 1818 Trinity Mills Road (just west of the Los Lupes Restaurant) and is currently zoned for the (LR-2) Local Retail District. Case No. 04-12SUP1 1818 Trinity Mills Road Carwash/Richard Calvert. Case Coordinator: Christopher Barton.

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

Dick Calvert, Calvert & Company Architects, 1001 W. Main Street, Carrollton, TX was present. He stated the car wash was recently purchased and the new owner wants to update the site with automated bays and a dog wash bay. Due to the limited size of the lot not much can be done to the location except add some landscaping to the front of the lot.

Sylo opened the meeting to public comment. There were none.

There were no questions or comments from the Commissioners.

- * *Motion made by Daniel-Nix, second by Stotz to close the public hearing and approve Case No. 04-12SUP1 as presented, passed 8-0 (Pfeil absent).*

4. Hold a public hearing and consider approval of an **Alternate Façade for 1809 South Crest Drive**. The approximately 0.398-acre site is located at the northwest corner of Josey Lane and South Crest Drive and is zoned for the (SF-12/20) Single-Family Residential District. Case No. 05-12MD1 1809 South Crest (alternate façade)/Aslan & Iran Rafizadeh. Case Coordinator: Christopher Barton.

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

Iran Rafizadeh, homeowner of 1809 South Crest Drive spoke. She said she has had foundation problems since the purchase of the home in 1989 and has had it repaired three times. The bricks have been damaged and have caused gaps in the mortar. She was told the foundation was not strong enough to support the weight of new bricks if the old ones were replaced. The only option presented to her was to use an alternative building façade utilizing Exterior Insulating Finishing System (EIFS).

She said she spoke to Building Inspection and thought she understood that she didn't need a permit to do the work. She started the repair and was given a "Stop Work" order.

Henry Rahmani, 309 Steeplechase Dr., Irving, TX was the consulting engineer hired by the Rafizadehs. He explained the process used to apply the EIFS and its ability to have a measure of movement without cracking. He stated this EIFS is different from what has been used in the past and won't hold water since there is a concrete base over the existing bricks. He has tried to remove a portion of what has been applied and was unable to do so. The current bricks are old, damaged and would suffer further damage if the EIFS was removed.

Nesbit asked if the foundation currently is stable enough to handle new brick replacement.

Rahmani said it might be if the foundation was repaired again using cables but feels strongly that the new bricks in time will crack as well.

Sylo opened the meeting to the public comment.

Henry Rife, 2248 Stonegate Dr., Denton, TX is a general contractor. He said that many other communities use this EIFS including some commercial sites in Carrollton. He says it will add value to the neighborhood and supports the project.

Matt Lavigne, 1807 South Crest, Carrollton, TX is a neighbor and says he supports their case and thinks the contractor is doing a fine job.

Ron Studdert, 1805 South Crest, Carrollton, TX presented a petition that 18 homeowners signed who are against the project. He said the deed restriction requires brick. He stated the Rafizadehs failed to use the proper channels to deal with this issue.

Daniel-Nix asked Studdert what their opinion was of how they would have the house repaired.

Sylo pointed out that the decision would be made by the Commission.

Susan Lavigne, 1807 South Crest, Carrollton, TX said she had concerns about how long the EIFS would last. She also mentioned that the Rafizadeh plan to use this to the front and side of the house facing Josey Lane. She worried that the side of the house next to her would not have the EIFS applied and thought it would not look uniform.

Eddie McCormick, 1611 Brentwood Lane, The Colony, TX is the executive director for the South Central Plaster Association who oversees all contractors in the state of Texas that installs EIFS. He is a certified EIFS professional and was contacted by Christopher Barton and Brett King to examine the work on the home. He stated that EIFS is a good product if installed properly, which it appeared the contractor was doing. It is the lightest and cheapest way for the homeowner to go. Also the product will not deteriorate over time.

Daniel-Nix wanted to clarify for the record she was aware of the limitations and guidelines the Commission has and that they have no authority over deed restrictions. She wanted to show that the homeowner had hired a consultant to advise her and the 18 people on the petition had their viewpoint based on research from the internet.

The Commissioners discussed with staff whether there is any record keeping of who comes in to Building Inspection and what they are told. Staff said there was not.

* *Motion made by Daniel-Nix, second by Halloin to close the public hearing and approve Case No. 05-12MD1, passed 5-3 (Nesbit, Stotz, and McAninch opposed, Pfeil absent).*

5. Hold a public hearing and consider approval of a Planned Development District for the (LR-2) **Local Retail District, with Modified Development Standards**. The approximately 8.94-acre site is located at the southwest corner of Old Denton Road and Jackson Road and is zoned for the (LR-2) Local Retail District. Case No. 12-11Z1 SW Corner Old Denton & Jackson/City of Carrollton. Case Coordinator: Christopher Barton.

Sylo presented the case and stated this is a staff-initiated case.

Barton explained this case is to change the zoning from LR-2 to a Planned Development. This would allow both local retail and five additional uses by right. The additional uses would be for warehouse/storage, residential and non-residential building offices, elementary and secondary school both public and private, and child day-care services.

Sylo asked if there were any questions or comments from the Commissioners. There were none.

Sylo then opened the discussion for any public comments. There were none.

* *Motion made by McAninch, second by Blanscet to close the public hearing and approve Case No. 12-11Z1 with staff stipulations, passed 8-0 (Pfeil absent).*

6. Hold a public hearing and consider approval of a **Special Use Permit for an Antenna Support Structure**. The approximately 7.334-acre site is located on the south side of Nazarene Drive, just east of Marchant Boulevard and is zoned PD-124 for the (O-2) Office District. Case No. 05-12SUP1 4020 Nazarene Monopole/ERS Telecom Properties. Case Coordinator: Christopher Barton.

Sylo presented the case and asked if an applicant was present.

Steve Woody, 1010 Potter Ave., Rockwall, TX represented the developer, US Telecom, the landowner, Grace Fellowship and Verizon Wireless. He explained the tower is needed in the area to meet coverage needs on the Sam Rayburn Tollway and nearby in-building use. In addition to Verizon, the 120-foot tower will be used by AT &T and can accommodate up to

three additional carriers. He said he was aware of the staff stipulations and was in agreement with them with the exception of location. He stated the church has plans to expand their building and the location that staff prefers would hinder the addition.

There was a discussion of the various types of towers, mount types and location of the nearest tower. Woody said that most communication towers erected today are 200 feet tall. If they approved a tower lower in height than the requested 120 feet, he is convinced there would be requests for more towers in the area shortly.

Sylo opened the meeting to public comments. There were none.

Sylo said he recognized the concern of the looks of the tower but realizes the choices are for the tower to be higher or have more towers set up. He asked Blanscet if he was willing to amend his motion to have the tower located where staff recommends. Blanscet said he was sensitive to the church's needs and wanted to have his motion stand as stated.

* *Motion made by Blanscet, second by Halloin to close the public hearing and approve Case 05-12SUP1 with staff stipulations including the applicant's proposed location of the tower, passed 7-1, (McAninch opposed, Pfeil absent).*

7. Hold a public hearing and consider approval of a **Special Use Permit for a Video Arcade**. The approximately 890-square-foot lease space is located at the southeast corner of Josey Lane and Frankford Road and is zoned PD-21 for the (LR-2) Local Retail District. Case No. 05-12SUP2 3030 Josey Video Arcade/Loi My Banh. Case Coordinator: Lorri Dennis.

Sylo presented the case and asked if an applicant was present.

Hanh Duong, 13370 Branch View Ln., Suite 160, Dallas, TX represented the applicant. She stated the applicant purchased the business approximately a year ago and the machines were already in place. He was unaware of the need for a SUP to add more machines, and paid a fine when it was discovered. She stated that the rental of DVDs and videos has been slow since many are downloading them from the internet. To meet his rent expense he feels he needs to expand his number of games. He wants to have four desktop computers for gaming and six video games.

Sylo asked the Commissioners if they had any questions or comments. There were none.

Sylo then opened the meeting for public comments. There were none.

* *Motion made by Nesbit, second by Halloin to close the public hearing and approve Case 05-12SUP2 with staff stipulations with the added stipulation that the hours of operation will not be prior to 10 am nor after 10 pm, passed 5-3, (Sylo, Stotz, and Blanscet opposed, Pfeil absent).*

8. Hold a public hearing and consider approval of a **Special Use Permit for an Indoor Trampoline Facility**. The approximately 6.5929-acre tract is located on the east side of Wallace Drive, opposite Rafe Drive and is zoned for the (LI) Light Industrial District. Case No. 05-12SUP3 Sky Zone/H4 Enterprises, Inc. Case Coordinator: Lorri Dennis.

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

Randy Jacobs, Jacobs Architect, 703 McKinney Avenue, Dallas, TX was present for the applicant. He said they were in agreement with staff stipulations.

Blanscet noted that they were meeting the City requirement of 76 parking spaces, but a note on the proposed site plan indicated that the Sky Zone company thought they would need a 83 spaces during peak hours. Could the applicant explain this difference?

Jacobs agreed that they Sky Zoning standard business model called for 83 spaces, but he felt that meeting the City requirement was sufficient in this case.

Sylo opened the meeting to public comments. There were none.

- * *Motion made by McAninch, second by Loreto to close the public hearing and approve Case 05-12SUP3 with staff stipulations, passed 8-0, (Pfeil absent).*

9. Hold a public hearing and consider approval of **Amendments to PD-45 for the (O-2) Office District to Rezone to PD-45 for the (LR-2) Local Retail District, with Modified Development Standards**. The approximately 1.66-acre site is located on the northwest corner of Old Denton Road and Mac Arthur Drive and is zoned PD-45 for the (O-2) Office District. Case No. 05-12Z2 2701 Old Denton/Byung Cho. Case Coordinator: Christopher Barton.

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

Chong Lee Park, 2701 Old Denton Rd., Carrollton, TX was present. She stated she would like to change the zoning from office use to local retail. She feels this location is presently in a desirable location and that it would support retail use.

Sylo asked the Commissioners if they had any questions or comments.

Stotz asked if the applicant had seen and was in agreement with the staff stipulations.

Park answered she was.

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

* *Motion made by McAninch, second by Blanscet to close the public hearing and approve Case 05-12Z2 with staff stipulations, passed 8-0, (Pfeil absent).*

10. Hold a public hearing and consider approval of a **Technical Site Plan for The Cumberland at Mustang Park**. The approximately 9.927-acre tract is located on the south side of Plano Parkway between Parker Road (FM 544) and the Burlington Northern & Santa Fe Railroad and is zoned PD-175 for the (MF-18) Multi-Family District. Case No. 05-12TSP1 Cumberland at Mustang Park/Cadence Diversified, L.P. Case Coordinator: Christopher Barton

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

Barry Metcalf with Cadence Capital Partners, 505 Pecan Street, Ste. 101, Fort Worth, TX was present. He said they had received a copy of the case report and were in agreement with them.

He had a PowerPoint showing the features of the proposed apartment complex. He said they were asking for a five-foot reduction of the required 20-foot setback. He thinks it will be better for pedestrian scale environment and would be a better looking streetscape. He stated the five feet would be taken from the open space in the front of the project.

The Commissioners had questions concerning the screened stairwells, the requested reduction of setback and the proposed streets.

Metcalf said it wasn't so much as the stairs being screened as they are set further back in the building. He said there would be sufficient natural lighting so there shouldn't be a safety problem.

Staff expressed confidence that the proposed adjacent streets (Mustang Parkway and Maverick Way) will be constructed otherwise the project would not receive their Certificate of Occupancy.

There were no public comments.

* *Motion made by Daniel-Nix, second by Nesbit to close the public hearing and approve Case 05-12TSP1 as submitted, passed 8-0, (Pfeil absent).*

11. Hold a public hearing and consider approval of **Text Amendments to the Comprehensive Zoning Ordinance** regarding changes to Article XXV. Landscaping & Buffering regarding development standards. Case No. 04-12ZT2 Article 25 Amendments/City of Carrollton. Case Coordinator: Lorri Dennis.

Sylo presented the case and stated this was a city-initiated case.

Barton said that staff routinely proposes modifications, improvements and changes to the ordinances. He stated this case had been continued from last month and with only a few minor typographical and wording errors he feels it is ready to be presented to City Council.

Sylo asked the Commissioners if they had any questions or comments. McAninch thanked the staff for their hard work in putting this ordinance together and specifically commended Lorri Dennis and Christopher Barton for their excellent job.

Sylo opened the meeting for public comments. There were none.

* *Motion made by McAninch, second by Stotz to close the public hearing and approve Case 04-12ZT2, passed 8-0, (Pfeil absent).*

12. Hold a public hearing and consider approval of **Text Amendments to the Comprehensive Zoning Ordinance** regarding development standards for multi-family uses. Case No. 04-12ZT1 Multi-Family District Amendments/City of Carrollton. Case Coordinator: Christopher Barton.

Sylo presented the case and mentioned that it is a city-initiated case. He said staff has requested to continue the case until the June 7, 2012 meeting.

Barton stated that with the reduction of the Planning Department he has been unable to finish the case but hopes to have it completed by the June 7 meeting.

* *Motion made by Nesbit, second by Blanscet to keep the public hearing open and continue Case 04-12ZT1 until the June 7, 2012 meeting, passed 8-0, (Pfeil absent).*

OTHER BUSINESS:

a. Staff Reports

There were none.

ADJOURNMENT

The meeting was adjourned at 9:18 p.m.

Christopher Barton
Chief Planner

Jerry Sylo, Vice Chair
Planning and Zoning Commission