

**Minutes
City of Carrollton
Planning & Zoning Commission
January 16, 2014**

A meeting of the City of Carrollton Planning & Zoning Commission was held on January 16, 2014 at 7:00 p.m. in the Council Chambers at City Hall with the following members present:

Commission Members Present:

Rick Pfeil, Chair
Jerry Sylo, Vice Chair
Glen Blanscet
Barbara McAninch
Jack Stotz
Kimberly Daniel-Nix
Mark Nesbit
Larry Kiser

Commission Members Absent:

Tino Patel

Staff Members Present:

Regina Edwards, 1st Asst. City Attorney
Michael McCauley, Senior Planner
Tom Hammons, Transportation Eng. Div. Mgr.
Lorri Dennis, Arborist

Ravi Shah, Development Services Dir
Rob Guarnieri, P.E. Senior Engineer
Scott Tittle, Fire Dept. Battalion Chief
Kathleen Engelhardt, Admin Support Specialist

City Council Members Present:

Jeff Andonian

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

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

1. **MINUTES:** Approval of the minutes of the **November 7, 2013** and **December 19, 2013** meeting.

** McAninch moved to approve the minutes of December 19, 2013 as written and hold over the November 7 minutes again; second by Daniel-Nix and the motion was approved with an 8-0 vote (Patel absent).*

CONSENT AGENDA

** McAninch moved to pull Items 2 and 3 from the Consent Agenda because both need a proportionality finding with regard to right-of-way; second by Stotz and the motion was approved with an 8-0 vote (Patel absent).*

2. Consider final action approval for a **Replat for Otis Engineering Addition, Phase 2**. The approximately 65.76-acre tract is located at 2601 E. Belt Line Road and is zoned PD-191 for the (LI) Light Industrial District with SUP 260. **Case No. 01-14RP1 Halliburton/Ron Metcalfe** for Halliburton. Case Coordinator: Michael McCauley.

McCauley advised that the replat would allow the applicant to realign the existing drainage easement to assist drainage a little better on the site and staff recommended approval.

** Blanscet moved approval of Case No. 01-14RP1 Halliburton with stipulations and a finding that the right-of-way dedication is necessary and proportional to the proposed development; second by Nesbit and the motion was approved with an 8-0 vote (Patel absent).*

3. Consider final action approval for a **Replat for Thomas Park, Phase 2**. The approximately 24.581-acre tract is located on the east side of Denton Drive south of Park Avenue and north of the Burlington Northern & Santa Fe Railroad and is zoned for the (TC) Transit Center District, Urban Fringe Sub-District. **Case No. 01-14RP2 Thomas Center**/City of Carrollton. Case Coordinator: Michael McCauley.

McCauley advised that the applicant was in agreement with the staff stipulations and staff recommended approval.

** McAninch moved approval of Case No. 01-14RP2 Thomas Park with stipulations and a finding that the right-of-way dedication is necessary and proportional to the proposed development; second by Stotz and the motion was approved with an 8-0 vote (Patel absent).*

INDIVIDUAL CONSIDERATION

Chair Pfeil announced that Commissioner Sylo filed a Conflict of Interest affidavit and would step away from the dais for Items 4 and 5.

4. Consider final action approval for a **Preliminary Plat for Quail Creek North, Phase 3**. The approximately 13-acre tract is located north of Grouse Trail and west of Medical Parkway and is zoned PD-125 for the (O-2) Office District. **Case No. 01-14PP1 Avondale**/Thomas Juhn with JBI Partners. Case Coordinator: Michael McCauley.

McCauley advised that staff recommends approval and the applicant supports the stipulations.

** McAninch moved approval of Case No. 01-14PP1 Quail Creek North, Phase 3 with staff stipulations; second by Kiser and the motion was approved with a 7-0 vote (Patel absent, Commissioner Sylo abstained due to conflict of interest).*

5. Consider final action approval for a **Final Plat for Raiford Crossing**. The approximately 40.814-acre tract is located on the east side of Old Denton Road, just north of Raiford Road on the north side of Furneaux Creek and is zoned PD-194 for the (SF-5/12) Single-Family Residential District and (SF-TH) Single-Family Townhouse Residential District. **Case No. 01-14FP1 Raiford Crossing**/Arcadia Realty. Case Coordinator: Michael McCauley.

Lucian Geohrig, JBI Partners, 16301 Quorum Drive, Addison, representing Arcadia Realty, stated they have read the staff report and are in agreement with staff recommendations.

Chair Pfeil read the following staff stipulations to the applicant: the names of the streets shall be approved by the Fire Marshal or his designee and all components of the plat shall meet all engineering standards of the City of Carrollton. Mr. Geohrig stated agreement with both stipulations.

** McAninch moved approval of Case No. 01-14FP1 Raiford Crossing with the additional stipulations as orally presented by the Chair and accepted by the applicant this evening, and a finding that the right-of-way dedication is necessary and proportional to the proposed development; second by Blanscet and the motion was approved with a 7-0 vote (Patel absent, Commissioner Sylo abstained due to conflict of interest).*

PUBLIC HEARINGS

Commissioner Sylo returned to the dais.

6. Consider final action approval for a **Replat for Austin Waters Phase 1D**. The approximately 20.4-acre tract is located east of Plano Parkway and north of Parker Road (FM 544) and is zoned PD-177 for the (SF-6.5/12) Single-Family Residential District. **Case No. 01-14RP3 Austin Waters 1D**/Spiars Engineering. Case Coordinator: Michael McCauley.

Tim Spiars, Spiars Engineering, 765 Custer Road, Suite 100, Plano, representing Billingsley and Hinley USA, stated the request is for a replat. He advised that they have read the staff report and are in agreement with the stipulations. He noted there is no alley proposed and noted the property was zoned without an alley. The product to be constructed is front entry and the builder is equivalent to Toll Brothers or Drees Homes.

Chair Pfeil opened the public hearing. He stated there were 23 cards submitted by individuals in opposition to the request but did not wish to speak.

The following individuals spoke in opposition to the request due to concerns of decreased property values, lack of an alley, traffic, children's safety, screening between uses; smaller lot sizes; density;

- Casey Irwin, 2313 Cardinal Blvd.;
- Thomas Miller, 2208 Gatsby Way;
- Jack Trammel, 5029 Steinbeck;
- Rosemary Spate, 2204 Cardinal;
- Suzanne Trammel, 5029 Steinbeck;
- Katie Morton, 2216 Gatsby Way;
- Amanda Hansen, 2224 Sinclair Street.

The following individuals spoke in support of the request because it was part of the 2008 plan; developer retains architectural control; and homes will be comparable to current homes.

- Dickson Benger, 5041 Sage Hill Drive;
- Cherry Donahue, Vice President of the HOA Board and employee of Billingsley

Mr. Spiars explained that Mr. Billingsley has been the only developer and is the owner of Austin Ranch, of which Austin Waters is a part of. He talked about the high standards of quality required by Mr. Billingsley and used in the Ranch, and stated the builder would be Main View. He underscored that the request is not a zoning issue and noted that the request meets all of the requirements of the existing zoning. He stated that the lots in question are the most expensive lots in the subdivision which generally translates to a more expensive home. He stated the alley is not an option and noted the erosion. He explained that Mr. Billingsley would not gain financially with more housing because

he is selling the parcel to the people who will develop it. He stated they would be happy to meet with the homeowners and stated he was previously unaware of the opposition.

Sylo asked if the lot sizes meet the zoning requirements, if the number of lots meet the minimum requirements of the zoning, if the PD allows the lots to be developed without an alley and asked if there are any requirements with regard to the garage, and McCauley replied that the proposed replat meets all of the requirements of the zoning and that there were no requirements regarding the type of driveway to the garage. Further it was his understanding that the Commission could not deny the plat so long as it meets all of the requirements.

Chair Pfeil read from State statute which states that a plat that meets all requirements would be automatically approved 30 days after filing.

Daniel-Nix noted her displeasure with there being such a large disconnect between the residents and the developer. She asked about the difference in lot sizes between that proposed and what currently exist and also asked about the view of the current residents once the subject property is developed. She stated that she could not be supportive of the request until the disconnection has been resolved.

Blanscet also voiced concern about the confusion among the homeowners about the number of lots and troubled about the lack of time to negotiate points of interest. He understood that the Commission is bound by law and underscored that it would serve the developer well to make sure the homeowners understand the plan and do what they can to address the homeowners concerns before development begins.

Kiser noted that the lot sizes appear to be similar; stated he felt the creek view was very important and felt that an alley could not be built without downgrading the homes.

** Sylo moved to close the public hearing and approve Case No. 01-14RP3 Austin Waters 1D with staff stipulations; second by McAninch and the motion was approved with a 7-1 vote, Daniel-Nix opposed, (Patel absent).*

7. Hold a public hearing and consider an **Ordinance to Rezone to Amend PD-52** to allow modified development standards for a retail store including approximately 14,315 square feet of outdoor display and sales area; amending accordingly the Official Zoning Map. The approximately 12.292-acre tract is located at 2011 Keller Springs Road and is currently zoned PD-52 for the (LR-2) Local Retail District. **Case No. 11-13Z1 Home Depot PD-52 Amendment/Jackson Walker, LLP.** Case Coordinator: Michael McCauley.

Chair Pfeil noted that the public hearing was a continuance from November.

Jonathon Vinson, representing Home Depot, stated they were requesting expanded outdoor sales and areas which they feel the store needs and is a reasonable request. He felt that the comments provided by the Commission during the November meeting led them to develop a better product than what was first proposed. He felt the expanded area was important for the continued success of the store and would respond to customer convenience and inventory needs. A point for requesting more outdoor space is to allow them to be on an even playing field as other home improvement stores in the area. He advised that the “E1” area was moved to be adjacent to the “E2” area which takes it out of the parking field and makes it less visible from Keller Springs Road and other retail such as the Post Office. He advised that they are in agreement with striping the area where outdoor storage and sales is allowed. With regard to landscaping, he voiced opposition to planting trees in the detention

area but agreed that they would adhere to the existing landscape plan noting the challenge while under water restrictions. He stated they are still considering additional landscape material to dress up the site by using planters and such, and they would like to work with staff in that regard. With regard to the possibility of expanding the garden center, he advised that it was not possible largely due to the required fire lane that goes around the building and also the traffic flow of truck deliveries. He concluded the presentation stating Home Depot's feeling that the request is reasonable and requested approval of the request.

McAninch stated she recently visited the store and complimented the store manager for the orderliness of the outdoor area, stating it looked the best she had ever seen it.

Sylo felt there was a disconnection between the high standards used to develop the building and the request to store items outside which detracts from the quality of the building. He noted that Lowe's is the only other home improvement store in Carrollton and it has more restrictive requirements than Home Depot does currently. He voiced frustration that Home Depot hasn't been more proactive with making sure it meets the requirements for the site such as the outdoor display areas and landscaping. He stated that he has not heard a reason why Home Depot should be held to a less restrictive standard.

Mr. Vinson felt that the requested areas would not detract from the upgraded façade used on the store and felt it was important to remember that those are the parts of the store that are visible from the perimeter of the store and from the public right-of-way. He felt the outdoor display areas and bags of mulch or other product is relative to the store and expected by the public. He questioned if comparing the Home Depot site to the Lowe's site was an accurate comparison because the Lowe's site, both the lot and the store, are larger. He underscored that the Home Depot site is smaller than typical sites and the lot was oddly shaped. With regard to self-enforcement, he felt that the store manager and the people at Headquarters recognize the need to meet the requirements. He reiterated that they feel the request is reasonable.

Chair Pfeil invited speakers to the podium and there being none, he opened the floor for a motion.

** Stotz moved to close the public hearing and approve Case No. 11-13Z1 Home Depot PD-52 Amendment with staff stipulations; second by Daniel-Nix.*

Sylo provided information for neighboring cities in regard to their outside storage regulations, and felt that the 5% requirement by Carrollton was reasonable and competitive in the suburban Dallas market. Their request would bring Home Depot's outside display and storage to 11.8% of the building. He was not in favor of the request because he does not believe that amount of outside display is attractive. McAninch noted she enjoyed her recent visit to the store because there wasn't as much outside display as there has been in the past noting the ease of entering and existing, and stated she is opposed to changing the standard beyond what it is. Stotz explained that the history and the development of the store, the upgraded exterior, and the particular location of the store is the reason he made the motion to approve the request. *The motion failed with a tie vote of 4-4, Pfeil, Stotz, Daniel-Nix and Kiser in favor and Nesbit, Sylo, McAninch and Blanscet opposed.*

8. Hold a public hearing and consider an **Ordinance to Rezone to Amend PD-193** to exchange a 6 ft. masonry screen wall with a 6 ft. "wrought iron" or alternate fencing material as illustrated on the conceptual site plan and landscape plan for a corporate headquarters and distribution center

(Manufacturing, Warehousing and Distribution Office Facility); amending accordingly the Official Zoning Map. The approximately 6.9-acre tract is located on the north side of Plano Parkway approximately 1,300 feet west of Dozier Road and is currently zoned PD-193 for the (CC) Corporate Commercial District. **Case No. 01-14Z1 DC International PD-193 Amendment**/David Hartfield for DC International. Case Coordinator: Michael McCauley.

Rai Lou, representing DC International, stated the request is to construct a 6 ft wrought iron fence in lieu of a 6 ft masonry screening wall. She stated they are in agreement with all of the stipulations.

McAninch remembered that the purpose of the masonry screening wall was due to the dock bays for loading merchandise and the need to protect the adjacent area, and asked about the reason for the request to change the fence to wrought iron. Ms. Lou responded that they were concerned about the cost to build a masonry wall and the wrought iron fence, which would be gated, would provide sufficient security. She also noted that the surrounding property was corporate commercial and did not require a screening wall. She talked about the quality standards followed for the site and stated they would not want to have anything that would be a blight to their business or the neighbors.

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

** Nesbit moved to close the public hearing and approve Case No. 01-14Z1 DC International PD-193 Amendment with staff stipulations, and with the addition that Item B on the document that mentions the masonry screening wall be changed to reflect the 6 ft wrought iron fence; second by Blanscet and the motion was approved with an 8-0 vote (Patel absent).*

9. Hold a public hearing and consider an **Ordinance to Rezone to Repeal and Re-Establish Planned Development 123** for the (LR-2) Local Retail District with modified development standards and to allow the additional uses of a self-storage/mini warehousing and a Continuing Care Retirement Community and/or an Assisted Living Facility for the Elderly; amending accordingly the Official Zoning Map. The approximately 4.5 and 4-acre tracts are located at the northeast and southeast corners, respectively, of State Highway 121 (Sam Rayburn Tollway) and Creek Valley Boulevard and is zoned PD-123 for the (LR-2) Local Retail District. **Case No. 09-13Z2, Creek Valley-121 Development**/Amish Gupta for AAA Investments. Case Coordinator: Michael McCauley.

Dallas Cothrum, 900 Jackson Street, stated they are asking the Commission to choose two projects rather than a plan and felt the people who are adjacent are more important than the plan. He stated the senior living project is not possible without the self-storage project. He agreed that the self-storage site is a gateway and stated that travelers on the highway will be able to see into the site and didn't think the site would look much different from retail. He stated the people driving in would see a green screen on the edges of the site, stated the people in the adjacent neighborhood don't want retail and were no longer opposed to the self-storage site. He stated that the doors of the storage units will not be visible to the public. He also noted the vacant retail area near the site and the reasons he felt the area was unattractive for retail such as the Toll road. He listed the advantages of a self-storage as: able to develop difficult tracts and make it productive, low traffic generator, assists in retail pairing, and greater open space. He stated that single family next to mini-storage performs better than when it is next to other things and provided a few examples. Owner obligations include 24 hr on-site presence, patrol property multiple times daily, renter screening, require renters to sign a crime free lease amendment, renters provide written inventory of contents, and provide insurance for

renters. He advised that they met with key leaders of the Villages of Indian Creek HOA Advisory Committee who were in support of self-storage.

Sylo noted that the landscape plan for the senior living facility showed no shrubs and very little trees which were different from the drawings that reflect more and asked about the quality of the building materials. Mr. Cothrum stated the building materials would be commiserate with the drawings and stated they understood they would have to meet the City's standards. He stated the picture represents the intent. With regard to the self-storage request, he stated they have read and are in agreement with staff stipulations. Sylo pointed out that Stipulation No. 4 requires a 50 ft front yard setback along Creek Valley Boulevard with the plan showing a 25 ft setback and Stipulation No. 5 requires 25 ft setback adjacent to residential which would be the east and the south lines and the plan shows a 10 ft setback. Mr. Cothrum stated Stipulations No. 4 and 5 would be a problem.

Maswell Fisher, representing the applicant, requested the setbacks be reduced to those shown on the site plan and stated a 50 ft setback along the highway was fine.

In response to Blanscet, Mr. Cothrum stated the roof would be metal hidden by the parapet walls.

Chair Pfeil invited speakers to the podium.

Mike Cagle, 4529 Lorraine, Dallas, stated he was asked by the applicant to address the merits of the site and provided a history of work experience. He stated it would be tough to get retail and it would probably end up with tenants the City wouldn't like.

William Howell, Architect, 1025 N. Stemmons, Dallas, stated he is the architect for the Senior Living facility. He explained that the 50 ft setback requirement along Creek Valley was a problem because 24 ft was needed for the porte-cocache at the entrance. He stated the rest of the building significantly exceeds the 50 ft setback. He further stressed the need for self-storage nearby for people living in a Senior Living center.

Nesbit voiced concern that the proposed mini-storage facility would be the third facility within a three mile area and asked the applicant to address the concern. Mr. Cothrum replied that it was typical for like uses to cluster and noted there was still market capacity or need for the use. Nesbit stated that he still has concerns about Carrollton becoming known as the mini-warehouse capital of the Metroplex and stated he wasn't sure he could support the entire proposal.

Mr. Cothrum and Mr. Fisher advised that they submitted a plan to the City to construct two parallel parking spaces next to the mail boxes adjacent to the subject site and it was a commitment they made to the homeowners.

In response to Blanscet, McCauley stated the request setback reduction was significant but if lot coverage is not exceeded, staff would not pose an objection. He provided the history of the zoning on the property and stated staff still believes there is a possibility the site could be developed with something more compatible. He understood the Commission's challenge to consider if the time is right for development and stated that staff does not support the request for mini-warehouses.

Sylo stated he was comfortable with the 10 ft setback adjacent to the townhomes because of the 20 ft alley between the two sites but still had a concern with a 25 ft setback along Creek Valley which is on a four lane divided street.

Mr. Cothrum stated they could probably go to a 35 ft setback along Creek Valley which would sacrifice floor space.

** McAninch moved to close the public hearing and with regard to Case No. 09-13Z2, Creek Valley-121 Development approve the Assisted Living Facility for the elderly with staff stipulations and disapprove the self storage mini warehousing facility; second by Stotz and the motion failed with a 3-5 vote, Sylo, Pfeil, Blanscet, Daniel-Nix and Kiser opposed.*

** Sylo moved to close the public hearing and approve Case No. 09-13Z2, Creek Valley-121 Development; for the Assisted Living component of the project, Stipulation No. 10 would be amended to allow for a 25 ft setback for the porte-cocache that is shown on the site plan; approval of the mini warehouse component with Stipulation No. 5 amended to allow a 10 ft rear setback along the west and east property lines where the project is adjacent to the single family, leaving Stipulation No. 4 with a 50 ft setback as proposed by staff; second by Daniel-Nix. Sylo clarified the motion stating 10 ft setbacks as shown on the site plan along the east and south lines where they are adjacent to the townhouse alley, 50 ft along 121 as shown on the site plan, and 50 ft along Creek Valley as recommended by staff. The motion was approved with a 5-3 vote, Nesbit, Stotz and McAninch opposed.*

OTHER BUSINESS:

a. Staff Reports. None

ADJOURNMENT

The meeting was adjourned at 10:11 p.m.

Christopher Barton,
Chief Planner

Rick Pfeil, Chair
Planning and Zoning Commission