

**Minutes
City of Carrollton
Planning & Zoning Commission
October 3, 2013**

A meeting of the City of Carrollton Planning & Zoning Commission was held on October 3, 2013 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

Commission Members Absent:

David Halloin

Staff Members Present:

Regina Edwards, 1st Asst. City Attorney
Michael McCauley, Senior Planner
Tom Hammons, Transportation Eng. Div. Mgr.
Lydia Tormos, Admin. Support

Scott Tittle, Fire Dept. Battalion Chief
Rob Guarnieri, Senior Engineer

*(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 **September 5, 2013 meeting.**

** McAninch moved to approve the minutes of September 5, 2013 with the corrections and the additions from the Worksession; second by Sylo and the motion was approved with a unanimous 7-0 vote, (One seat vacant due to resignation and Halloin absent).*

CONSENT AGENDA

** McAninch moved to remove Items 2 and 5 from the Consent Agenda; second by Stotz and the motion was approved with a unanimous 7-0 vote (One seat vacant due to resignation and Halloin absent).*

** McAninch moved to approve Case No. 10-13FP2 with the finding that the right-of-way dedication is necessary and proportional to the proposed development, and to approve Case No. 10-13RP1 Briercroft Business Park Ph. 4 with staff stipulations; second by Sylo and the motion was approved with a unanimous 7-0 vote (One seat vacant due to resignation and Halloin absent).*

3. Consider Final Action Approval for a Final Plat for Austin Ranch Commercial. The approximately 6.9-acres/1 lot is located on the north side of Plano Parkway approximately 1300 feet west of Dozier Road and is zoned PD-175 for the (SF-TH) Townhouse Residential. **Case No. 10-13FP2, Austin Ranch Commercial District/**Christopher Maman, EBG Engineering. Case Coordinator: Michael McCauley.

4. Consider Final Action Approval for a Replat for Briercroft Business Park Ph. 4. The approximately 9.99-acres/1 lot is located at the end of Briercroft Court, west of Luna Road and is currently zoned for the (LI) Light Industrial District. **Case No. 10-13RP1, Briercroft Business Park Ph. 4/**John Henderson/Wier & Associates. Case Coordinator: Christopher Barton.

ITEMS REMOVED FROM CONSENT AGENDA

2. Consider Final Action Approval for a Final Plat for Mustang Park 8. The approximately 9.927-acres/1 lot tract is located on the south side of Plano Parkway between Parker Road (FM 544) and the Burlington Northern & Santa Fe Railroad (future southwest corner of Plano Parkway and Mustang Parkway) and is zoned PD-175 for the (MF-18) Multi-Family Residential District. **Case No. 10-13FP1, Mustang Park 8/**Stephen M. Davis/DD Plano Partners, LLC. Case Coordinator: Michael McCauley.

Hugo Morales, Kimley-Horn Engineering, 13750 Merit Drive, Dallas, and Gene Babb, Davis Development, 1050 Eagles Landing Parkway, Stockbridge, Georgia, were present on behalf of the applicant. Mr. Morales voiced a concern with a staff stipulation that requires the dedication of an additional 10 ft of right-of-way. He asked that the 10 ft street easement shown on the plat that was approved during the technical site plan review be considered in lieu of right-of-way. He stated the additional right-of-way would impact the setback requirements and cause them to redesign the development which would likely cause the project to go through the technical site plan review again. He felt that the street easement meets the purpose of the right-of-way. Regina Edwards read the provision in the Subdivision Ordinance pertaining to the request. Tom Hammons advised that there are areas where street easements were approved in lieu of right-of-way but not in undeveloped areas.

** McAninch moved to approve Case No. 10-13FP1 Mustang Park 8 with staff 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 a 6-1 vote, Pfeil opposed (One seat vacant due to resignation and Halloin absent).*

5. Consider Final Action Approval for a Replat for Briercroft Business Park Ph. 5. The approximately 3.47 acres/2 lots are located on the south side of Briercroft Court, west of Luna Road and is zoned for the (LI) Light Industrial District. **Case No. 10-13RP2, Briercroft Business Park Ph. 5/**Michael Davis, RPLS/Bannister Engineering. Case Coordinator: Christopher Barton.

Brandon O'Donnell, Bannister Engineering, 8912 Scrogger Drive, Benbrook, stated he was in agreement with the revised stipulations.

** McAninch moved to approve Case No. 10-13RP2 Briercroft Business Park Ph. 5 with staff stipulations and an additional stipulation regarding the dotted line becoming a solid line on the map separating the Valwood track from Briercroft track; second by Daniel-Nix and the motion was approved with a unanimous 7-0 vote (One seat vacant due to resignation and Halloin absent).*

PUBLIC HEARINGS

6. Hold a public hearing and consider **Final Action Approval for an Alternate Façade** for four existing buildings. The approximately 1.87-acres/1 lot is located at 1729 S. Broadway and is zoned Light Industrial District. **Case No. 10-13MD3, 1729 South Broadway/Bruce E. Washington, Architect.** Case Coordinator: Michael McCauley.

McCauley presented the case stating that the applicant is requesting to install textured metal exterior siding with a masonry appearance to the northern, southern and western façades of Building 2 complimented with stone veneer columns. All sides of Buildings 3 and 4 and the eastern façade of Building 2 would have the standard metal exterior siding. Staff recommended approval with stipulations and noted that one of the stipulations is that the color of the textured metal shall match the color of the brick of the Building 1.

Bruce Washington, Architect, stated the two color choices he would like to use rather than matching the color of the existing building are “wheat” and “plantation”. He stated the complex had been developing since the 1960s and noted there was no unity within the complex. He stated they would like to create a campus feel. He provided a sample of the siding and colors requested. With regard to Building 1, Washington advised that they propose to power wash the brick and stain it to compliment the other buildings.

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

** Nesbit moved to approve Case No. 10-13MD3 Alternate Façade with staff stipulations as stated in the packet, and approve the color to be one of the two samples shown and that the panels shall be installed horizontally; second by Sylo and the motion was approved with a 6-1 vote, Stotz opposed (One seat vacant due to resignation and Halloin absent).*

7. Hold a public hearing and consider an **Ordinance to Rezone to Repeal Planned Development No. 113 for the Landfill District and Repeal SUP-116 for a Refuse Disposal Facility** in their entirety and to change the zoning from the Landfill District to the (SF-12/20) Single-Family Residential District; amending accordingly the Official Zoning Map. The approximately 352.1-acre tract is located at Elm Fork and President George Bush Turnpike. **Case No. 09-13Z1, Elm Fork Pre-Sedimentation/James Gaertner for Halff Associates.** Case Coordinator: Michael McCauley.

Chair Pfeil noted that this was a continuation of a public hearing opened at the September 5, 2013 meeting. He also advised that Commission McAninch filed a conflict of interest affidavit and had stepped down from the dais.

James Gaertner, Halff Associates, 1001 Cross Timbers Road, Flower Mound, representing Dallas Water Utilities, stated they would be doing a pre-sedimentation project to improve the water quality for the water treatment plant and are requesting to rezone the property from PD 113 which only allows a landfill upon approval of an SUP for a landfill, and revoke SUP 116 which is the SUP for a landfill to single family which allows for the municipal facilities.

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

** Blanscet moved to approve Case No. 09-13Z1, Elm Fork Pre-Sedimentation, as presented; second by Daniel-Nix and the motion was approved with a unanimous 6-0 vote, McAninch abstained (One seat vacant due to resignation and Halloin absent).*

Commission McAninch returned to the dais.

8. 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.

McCauley advised that the applicant has requested a continuance but would like to make a short presentation. He also advised that staff has received opposition to the request.

Amish Gupta, AAA Investments, stated they are requesting a continuance to the November meeting to allow for more neighborhood outreach and to adjust their plans according to the feedback received from staff. He also stated he was aware that the previous revision to PD 123 eliminated mini storage. He further stated that they would proceed with the project if the assisted living center was approved but not the mini storage. With regard to neighborhood outreach, he stated that a flyer was sent to all of the residents of the adjoining neighborhoods 10 days before a Wednesday night forum scheduled to take place at the middle school and no one attended.

Shawn Vault, 63 Big Oak, Rockwall, speaking on behalf of the applicant, stated he was trying to find out why the self storage warehouse was eliminated from PD 123. He talked about a storage facility built nearby that is adjacent to residential property and noted that home values did not decrease. He felt storage would be an accommodating use and would be a good buffer and talked about wanting to provide a product that would be beneficial to the neighborhood and the City.

Chair Pfeil opened the public hearing and invited speakers to the podium and there were none.

McCauley stated if the item is continued, staff would include the 1998 Planning Commission case report from 1998 as well as the 1999 City Council case report referred to by Mr. Vault.

** McAninch moved to keep the public hearing open and continue Case No. 09-13Z2, Creek Valley-121 Development to the November 7 meeting; second by Stotz and the motion was approved with a unanimous 7-0 vote (One seat vacant due to resignation and Halloin absent).*

9. Hold a public hearing and consider an **Ordinance to Establish a Special Use Permit for Antenna Support Structure for Cellular Telephone Antennas** with special conditions; amending accordingly the Official Zoning Map. The approximately 1.77-acre tract is located at 1017 W. Seminole Drive and is currently zoned PD-39 for the (LR-2) Local Retail District. **Case No. 09-13SUP1 AT&T Cell Tower/Dave Kirk** for AT&T Mobility. Case Coordinator: Christopher Barton.

Chair Pfeil noted that this was a continuation of a public hearing opened at the September 5, 2013 meeting. McCauley advised that staff recommends approval using the proposed ordinance language in the Commission's case report. He noted that the Commission would need to determine which location is preferred for the new tower.

Dave Kirk, 1901 Royal Lane, Dallas, representing AT&T, stated there is an existing tower on school property but the lease is ending and Harmony School is not interested in renewing the lease. He advised that they have been working with the property owner approximately 250 ft to the east of the existing site, Ross Barnes, who will address the location issues referred to by staff. The existing tower has three carriers as well as the 9-1-1 emergency service. With approval, they would essentially construct the same tower at the new site and tear down the existing tower.

Ross Barnes, 3729 Old Denton Road, property owner of the proposed tower location, and participant in Carrollton West Hospital, stated the veterinary facility needs to be upgraded and expanded. He stated that they purchased the vacant property that surrounds the existing veterinary facility and they propose to construct a rather large and unique veterinary clinic. The proposed location for the tower has the greatest access and is less noticeable. He noted that the landscaping for the proposed hospital would be substantial and would provide a site buffer. He also felt that putting the tower at any other location on the site would take away from the vision for the hospital. The drawings for the hospital are complete and they expect to submit the plans to the City for approval before the next meeting.

Sylo felt that flipping the plan for the site to locate the tower in the southwest corner would provide more screening by the existing building. He also suggested sliding the entire site to the southwest to the edge of the paving which would help screen the tower. Pfeil noted that the location proposed by Mr. Barnes would allow for a larger area of permeable land and felt the tower would be screened.

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

** Sylo moved to approve Case No. 09-13SUP1 AT&T Cell Tower with the envelope as proposed by the applicant and the actual tower location in the*

southwest corner of the envelope versus the northwest corner of the envelope; second by Nesbit and the motion was approved with a unanimous 7-0 vote (One seat vacant due to resignation and Halloin absent).

10. Hold a public hearing and consider an **Ordinance to Rezone to Repeal Ordinances No. 609, 1390 1860, 2332 and 3143** in their entirety and **Rezone Three Tracts in PD 39** including an approximately 6.112-acre tract located on the east side of Waynoka Drive between Rosemeade Parkway and Seminole Drive from PD-39 for the (O-1) Office District to the (O-1) Office District; an approximately 21.517 acre tract located on the west side of Old Denton Road between Rosemeade Parkway and Seminole Drive and also the southwest and southeast corners of the intersection of Old Denton Road and Rosemeade Parkway from PD-39 for the (LR-2) Local Retail District with modified development standards to the (LR-2) Local Retail District, and; an approximately 6.703-acre tract located on the south side of Rosemeade Parkway just east of Old Denton Road from PD-39 for the (SF-TH) Townhouse Residential District with modified development standards to the (SF-TH) Townhouse Residential Districts; amending accordingly the Official Zoning Map. **Case No. 09-13Z3 PD-39**/City of Carrollton. Case Coordinator: Christopher Barton.

Chair Pfeil introduced the item and noted there was a need to make a revision to the proposed ordinance language because the property for the townhome tract wishes to keep the current zoning. McCauley added that staff has received no comments.

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

** McAninch moved to close the public hearing and approve Case No. 09-13Z3 PD-39 with the following change to the proposed ordinance: [in the first sentence of Section 1] “That Ordinance 609 which established PD-39 on February 17, 1975”, add these words next: “(with regard only to an approximate 6.112 acre tract of land and an approximately 21.517 acre tract of land)” and then continue with the rest of the sentence “; Ordinance No. 1390” and to note that we are accepting the withdrawal of Ordinance 3143 being amended so that it’s no longer in the amended ordinance; second by Daniel-Nix and the motion was approved with a unanimous 7-0 vote (One seat vacant due to resignation and Halloin absent).*

11. Hold a public hearing and consider an **Ordinance to Rezone to Amend PD-124** to change the base zoning of a certain tract to the (SF-TH) Single-Family Residential Townhouse District with modified development standards amending accordingly the Official Zoning Map. The approximately 13 acres of 19.103-acres/159 lots is located at the southwest corner of Hebron Parkway and Huffines Boulevard and is currently zoned PD-124 for the (LR-2) Local Retail, (O-2) Office and (MF-18) Multi-Family Residential Districts. **Case No. 10-13Z1 The Village at The Collection**/Mardy Brown, Texas Development Services. Case Coordinator: Michael McCauley.

Chair Pfeil introduced the item and advised that the applicant requested a continuance to the November 7 meeting. He opened the public hearing and invited speakers to the podium. There were no speakers.

** McAninch moved to hold open the public hearing and continue Case No. 10-13Z1 The Village at The Collection to the November 7, 2013 meeting; second by Daniel-Nix and the motion was approved with a unanimous 7-0 vote (One seat vacant due to resignation and Halloin absent).*

12. Hold a public hearing and consider a resolution for an **Amendment to the Future Land Use Map** to change the use designation from Low Intensity Office uses to Single Family Detached uses; amending accordingly the Official Land Use Map. The approximately 12.98-acre site is located at the northwest corner of Medical Parkway and Grouse Trail. **Case No. 10-13MD3 Avondale (Comp Plan)**/JBI Partners. Case Coordinator: Christopher Barton.

13. Hold a public hearing and consider an **Ordinance to Rezone to amend PD-125** to change the base zoning of a certain tract to the (SF-5/12) Single-Family Residential District with modified development standards, amending accordingly the Official Zoning Map. The approximately 12.98-acre tract is located at the northwest corner of Medical Parkway and Grouse Trail and is currently zoned PD-125 for the (O-2) Office District. **Case No. 10-13Z2 Avondale (zoning)**/JBI Partners. Case Coordinator: Christopher Barton.

Chair Pfeil stated that Items 12 and 13 were companion items and would be heard in a concurrent public hearing with separate action. He advised that Commissioner Sylo signed a conflict of interest affidavit and stepped down from the dais.

Tom Juhn, JBI Partners, stated that with regard to access to the northern property, they have been told that the property is a part of Castle Hills and is being developed. He referred to a temporary cul-d-sac on the northeast end of the project stating it would be abandoned when Medical Parkway goes through. He requested that the front yard setback requirement be changed from 12 ft to 15 ft; and with regard to landscaping, he requested 100 ft masonry columns rather than 50 ft which would be filled in with landscaping. With regard to Medical Parkway, he clarified that the developer of the property to the north would be extending the parkway.

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

Lance Nail, 1640 Black Duck Terrace, voiced concern about increased traffic on the alley and maintenance of the wooden fence between the two neighborhoods. Mr. Juhn replied that the subdivision would be front entry and would not use the alley. He also stated that the subdivision would include a mandatory homeowner association that would be responsible for maintenance of the fence between the two neighborhoods. Mr. Nail also voiced concern about traffic flow and cut-through traffic.

Ben Hua, resident to the west of the proposed project, asked various questions and did not speak in favor or in opposition to the request.

** Stotz moved to close the public hearing and approve the ordinance to rezone and amend PD 125 Case No. 10-13MD3 Avondale (Comp Plan); second*

by Blanscet and the motion was approved with a 5-1 vote, McAninch opposed and Sylo abstained (One seat vacant due to resignation and Halloin absent).

* *Stotz moved to close the public hearing and approve Case No. 10-13Z2 Avondale (zoning) with the following changes to the proposed ordinance language: Section 2, No. 5, minimum front yard setback shall be 15 ft; Section 13 (e) along Grouse Trail a tubular steel or wrought iron fence with masonry columns placed every 100 ft, not less than 6 ft in height; second by Blanscet and the motion was approved with a 5-1 vote, McAninch opposed and Sylo abstained (One seat vacant due to resignation and Halloin absent).*

Commission Sylo returned to the dais.

14. Hold a public hearing and consider an **Ordinance to Rezone to Establish a Special Use Permit for Temporary Surface Parking Lots**; amending accordingly the Official Zoning Map. The approximately 0.18-acre and 0.21-acre tracts are located at 1200 S. Broadway Street and 1211 S. Broadway Street and are currently zoned for the (TC) Transit Center District, Historic Square and Urban General Sub-Districts. **Case No. 10-13SUP1 Downtown Temporary Parking Lots 3 & 4**/City of Carrollton. Case Coordinator: Christopher Barton.

Chair Pfeil introduced the item and noted it was a City initiated request. He opened the public hearing and invited speakers to the podium. There were no speakers.

* *Nesbit moved to approve Case No. 10-13SUP1 Downtown Temporary Parking Lots 3 & 4; second by Daniel-Nix. Discussion was held with regard to temporary parking. The motion was approved with a unanimous 7-0 vote (One seat vacant due to resignation and Halloin absent).*

15. Hold a public hearing and consider an **Ordinance Amending Article V Use of Land and Structures** by amending Section C. Use Matrix to reorganize and change items 0100 Housing Units, 0200 Group Quarters, 1000 Reserved for Future Use (now renamed 1000 Health Care & Social Assistance) 2200 Finance, Insurance & Real Estate, 2300 Personal Services, 2400 Business Services, 2600 Professional Services and 5600 Miscellaneous Land Uses, NEC; amending Article 9 Duplex to revise regulations for accessory buildings; amending Articles 15 and 18 to revise Section J Height & Area Regulations to remove the reference to “stories;” amending Article 27 Performance Standards, Section B to include language regarding luminaries; amending Article 28 Section F Site Plan Review for Public Schools to apply said section to any technical site plan; amending Article 34 Definitions to revise definitions for Child Day Care Services and Registered & Licensed Child Care Services. **Case No 02-13ZT1 CZO Text Changes**/City of Carrollton. Case Coordinator: Christopher Barton.

McCauley advised that staff has recommended the item be continue to the November 7, 2013 meeting to allow more time to review State regulations that relate to group homes.

* *Blanscet moved that the public hearing remain open and continue Case No 02-13ZT1 CZO Text Changes to the November 7 meeting; second by Stotz and the motion was approved with a unanimous 7-0 vote (One seat vacant due to resignation and Halloin absent).*

OTHER BUSINESS:

a. Staff Reports. Chair Pfeil reminded the audience about the 4th Annual Festival at the Switchyard and encouraged the citizens to vote on the November bond election.

ADJOURNMENT

The meeting was adjourned at 9:13 p.m.

Christopher Barton
Chief Planner

Rick Pfeil, Chair
Planning and Zoning Commission