P&Z MEETING DATE: December 5, 2019

DATE: November 22, 2019

TO: Planning & Zoning Commission

FROM: Molly J. Coryell, Planner


BACKGROUND:

The purpose of the replat is to add a portion of an existing parcel to another tract of land as part of a land swap agreement between two neighboring property owners.

No public right-of-way is being dedicated by this plat.

FINANCIAL IMPLICATIONS:

There are no financial implications on the current and future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends APPROVAL with stipulations.

ATTACHMENTS:

   - Result sheet
   - Technical Comments
   - Location & Current Zoning
   - Applicants Exhibits
RESULT SHEET

Date: 12/05/19
Case No./Name: PLRP2019-X1Harmony Addition

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Staff recommends APPROVAL with the following stipulation:

1. Provide the City Case Number on the title block of the plat before filing, as required in Article VI. Final Plat, Section B. General provisions of the City of Carrollton Subdivision Ordinance.

B. P&Z RECOMMENDATION from P&Z meeting: 12/05/19
Result: /Vote:
REPLAT
Case Coordinator: Molly J. Coryell

GENERAL PROJECT INFORMATION

SITE ZONING: Planned Development (PD-198) for the (LR-2) Local Retail District

<table>
<thead>
<tr>
<th>SURROUNDING ZONING</th>
<th>SURROUNDING LAND USES</th>
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</thead>
<tbody>
<tr>
<td>NORTH (LR-2) Local Retail District</td>
<td>Assisted Living</td>
</tr>
<tr>
<td>SOUTH (LR-2) Local Retail District</td>
<td>CVS Pharmacy</td>
</tr>
<tr>
<td>EAST (O-1) Office District</td>
<td>Multi-Tenant Building</td>
</tr>
<tr>
<td>WEST (O-1) Office District</td>
<td>Ding Dong Dang Christian Child School</td>
</tr>
</tbody>
</table>

REQUEST: Add a portion of another existing parcel to the property as part of a land swap agreement

PROPOSED USE: School / Vet Care Facility

ACRES/LOTS: Approximately 11.15-acres / 2 Lots

LOCATION: NWC of Old Denton Rd and Rosemeade Pkwy.

HISTORY: A portion of a building addition to the Harmony School encroached on an existing easement which is shared by the abutting properties.

This land swap is for the purpose of mitigating the encroachment of the utility easement. The easement has already been adjusted to 10’ as a result however approximately 2,679 square feet of land is being given to the adjacent landowner.

COMPREHENSIVE PLAN: Medium Intensity Commercial uses

TRANSPORTATION PLAN: Old Denton Rd and Rosemeade Pkwy. are both categorized as an (A6D) 6-Lane Divided Arterial

OWNER: One-Eye and Stuby, LLC / Harmony Public School

REPRESENTED BY: Claymoore Engineering, Inc.
STAFF ANALYSIS

PROPOSAL

The applicant is requesting a replat to adjust an existing lot line between properties to convey approximately 2,679 square feet of property from one tract of land to the other for the purpose of a land swap.

PLAT ELEMENTS

Easements:

A 10’ Utility Easement which was recorded via separate instrument is shown on this plat. Although the City typically requires a minimum 15’ Utility Easement, the existing easement was adjusted to 10’ due to new construction of a building accidentally encroaching in the utility easement.

ZONING ORDINANCE

The replat request is consistent with the Comprehensive Zoning Ordinance and (LR-2) Local Retail regulations.

SUBDIVISION ORDINANCE

Article VII. Replat, of the Comprehensive Subdivision Ordinance sets forth certain technical content requirements for a replat. The general elements shown the replat meet these requirements.

CONCLUSION

The replat is in conformance with the Comprehensive Subdivision and Zoning Ordinances once stipulations are met.
P&Z MEETING DATE: December 5, 2019

DATE: November 22, 2019

TO: Planning & Zoning Commission

FROM: Loren Shapiro, AICP, Planning Manager


BACKGROUND:

The purpose of the replat is to combine a lot of record and unplatted tract into a single lot and dedicate easements for the redevelopment of a drive-through restaurant.

Public right-of-way is being dedicated by this plat. Due to this dedication, the Commission must find that the right-of-way dedication is necessary and proportional to the proposed development.

FINANCIAL IMPLICATIONS:

There are no financial implications on the current and future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends APPROVAL with stipulations.

ATTACHMENTS:

Result sheet
Technical Comments
Location & Current Zoning
Applicants Exhibits
RESULT SHEET

Date: 12/05/19
Case No./Name: PLRP2019-X2 Grandy’s Addition

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Staff recommends APPROVAL with the following stipulation:

1. The engineering plans shall be approved by the City Manager or designee prior to filing the plat with the appropriate county clerk, as required in Article VI. Final Plat, Section B. General provisions of the City of Carrollton Subdivision Ordinance.

2. Provide the address number on the face of the plat for Lot 1, Block 1, as required in Article VI. Final Plat, Section B. General Provisions, Subsection 4. Content.

B. P&Z RECOMMENDATION from P&Z meeting: 12/05/19
Result: /Vote:
GENERAL PROJECT INFORMATION

SITE ZONING: (FWY) Freeway District

<table>
<thead>
<tr>
<th>NORTH</th>
<th>(FWY) Freeway District</th>
<th>Hotel</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOUTH</td>
<td>City of Farmers Branch</td>
<td>Gas Station</td>
</tr>
<tr>
<td>EAST</td>
<td>(FWY) Freeway District</td>
<td>House of Worship</td>
</tr>
<tr>
<td>WEST</td>
<td>(FWY) Freeway District</td>
<td>Undeveloped</td>
</tr>
</tbody>
</table>

REQUEST: A replat combining a lot of record and unplatted tract into a single lot to dedicate easement for the development of a drive through restaurant.

PROPOSED USE: Drive-Through Restaurant

ACRES/LOTS: Approximately 1.2 Acres/1 lot

LOCATION: 1753 IH35E South (East side of I-35E, approximately 155 feet north of Valwood Parkway)

HISTORY: The property contains a vacant drive-through restaurant building (formally a Grandy’s). No TSP was approved for the existing drive through restaurant.

The west 4/5 of the property was previously platted as The Grandy’s I-35E Replat, Lot 1, Block 1. The west 1/5 has never been platted. The property is zoned (FWY).

COMPREHENSIVE PLAN: High Intensity Commercial uses

TRANSPORTATION PLAN: I-35E is a (CAH) Controlled Access Highway and Denton Drive is a (C4U) 4-Lane Undivided Collector

OWNER: Valwood 35 Two, LP

REPRESENTED BY: McDonalds Construction
STAFF ANALYSIS

PROPOSAL

The applicant is requesting a replat combining two lots and the dedication of easements and street right of way for the redevelopment of a drive-through restaurant.

PLAT ELEMENTS

Dedication:

Right-of-way dedication is required for Denton Drive. Due to this dedication, the Commission must find that the right-of-way dedication is necessary and proportional to the proposed development.

The replat dedicates and re-establishes water and drainage easements for the redevelopment of the drive-through restaurant.

ZONING ORDINANCE

The replat request is consistent with the Comprehensive Zoning Ordinance and (FWY) Freeway District regulations.

SUBDIVISION ORDINANCE

Article VII. Replat, of the Comprehensive Subdivision Ordinance sets forth certain technical content requirements for a replat. The general elements shown the replat meet these requirements.

CONCLUSION

The replat is in conformance with the Comprehensive Subdivision and Zoning Ordinances once stipulations are met.
Zoning Locator Map
P&Z MEETING DATE: December 5, 2019

DATE: November 22, 2019

TO: Planning & Zoning Commission

FROM: Loren Shapiro, AICP, Planning Manager


BACKGROUND:

This is a request for approval of a Technical Site Plan (TSP) for a new drive-through restaurant, replacing the vacant Grandy’s restaurant.

FINANCIAL IMPLICATIONS:

There are no financial implications on current or future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends APPROVAL with stipulations.

ATTACHMENTS:

Results Sheet
Technical Comments
Applicant’s Exhibits
RESULT SHEET

Date: 12/05/19
Case No./Name: PLTSP 2019-X1 McDonalds (1753 IH-35E)

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Staff recommends APPROVAL with the following stipulation:

Development shall be in general conformance with the attached conceptual site plan, landscape plan, and building elevations.

B. P&Z ACTION from P&Z meeting: 12/05/19
Result: /Vote:
TECHNICAL SITE PLAN

Case Coordinator: Loren Shapiro

GENERAL PROJECT INFORMATION

SITE ZONING: (FWY) Freeway District

<table>
<thead>
<tr>
<th>SURROUNDING ZONING</th>
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<td>House of Worship</td>
</tr>
<tr>
<td>WEST (FWY) Freeway District</td>
<td>Undeveloped</td>
</tr>
</tbody>
</table>

REQUEST: A technical site plan for a drive-through restaurant

PROPOSED USE: Drive-through Restaurant

ACRES/LOTS: Approximately 1.2 Acres/1 lot

LOCATION: 1753 IH35E South (East side of I-35E, approximately 155 feet north of Valwood Parkway

HISTORY: The property contains a vacant drive-through restaurant building (formally a Grandy’s). No TSP was approved for the existing drive through restaurant.

The west 4/5 of the property was previously platted as The Grandy’s I-35E Replat, Lot 1, Block 1. The west 1/5 has never been platted. The property is zoned (FWY).

COMPREHENSIVE PLAN: High Intensity Commercial uses

TRANSPORTATION PLAN: I-35E is a (CAH) Controlled Access Highway and Denton Drive is a (C4U) 4-Lane Undivided Collector

OWNER: Valwood 35 Two, LP

REPRESENTED BY: McDonalds Construction
STAFF ANALYSIS

PROPOSAL

This is a request for approval of a TSP for a new approximately 4,300 square foot drive-through restaurant. McDonalds is proposing to redevelop the property and construct a new building.

BACKGROUND

A Grandy’s drive-through restaurant had occupied the building on the property. No Technical Site Plan or Special Use Permit was ever approved on the property, as the drive-through predated the requirement. McDonalds is relocating its existing drive-through restaurant at 1943 S. IH-35E to the subject property.

ORDINANCE REQUIREMENTS

Article V of the Comprehensive Zoning Ordinance requires a TSP for drive-through restaurants on properties zoned (FWY) Freeway District.

Per Article XXVIII Special Conditions & Development Standards, Section F of the Comprehensive Zoning Ordinance (CZO), an approved Technical Site Plan shall expire if a building permit has not been applied for within two years from the date of site plan approval. The same section also limits the Planning and Zoning Commission’s review of the Technical Site Plan to the following:

1. Provision of a safe and efficient vehicular and pedestrian circulation system.
2. Design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
3. Use of landscaping and screening to provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary.
4. The placement and orientation of buildings and other facilities.

ELEMENTS TO CONSIDER

1. The McDonalds is relocating from I-35E, south of Sandy Lake Road to the subject property due to TXDOT expansion of right-of-way for the freeway.
2. McDonalds is proposing to replace the existing Grandy’s drive-through restaurant with a new drive-through restaurant, parking, circulation, and landscaping.
3. The proposed parking, stacking, and landscaping meet the requirements of the Comprehensive Zoning ordinance.

CONCLUSION

Staff believes the development proposal is consistent with the CZO, and therefore finds the proposal appropriate for this site.
SITE LOCATION AND ZONING MAP
Applicant’s Exhibits
Applicant’s Exhibits
DATE: November 22, 2019

TO: Planning & Zoning Commission

FROM: Loren Shapiro, AICP, Planning Manager


BACKGROUND:

This is a request to rezone and establish a new Planned Development to allow townhouses, single family detached, and live/work units on the subject properties.

The property is owned by the City and previously contained aging multifamily at the corner of Crosby Road and Fannidella Drive. The buildings and parking have been removed from the tracts south of Crosby. The subject properties are near Downtown Carrollton, connects to the hike and bike trail, DART, and adjacent to the Crosby Recreational Center.

The proposed zoning redevelops the tracts of land on the north and south sides of Crosby Road, and on the west side of Fannidella Drive. The plans include a mix of townhomes, townhomes with live/work units, and single family detached that are alley-accessed, front-driveway loaded, or with detached garages. A variety of conceptual building façade designs are proposed with the dense urban development.

FINANCIAL IMPLICATIONS:

There are no financial implications on the current and future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends APPROVAL with stipulations.

ATTACHMENTS:

Result Sheet
Technical Comments
Site Location and Zoning Map
Applicant’s Exhibits
RESULT SHEET

Date: 11/07/19
Case No./Name: PLZ 2019-145 Crosby Road Property

A. STIPULATIONS AND RECOMMENDATIONS

Staff recommends APPROVAL to establish PD-215 for the (SF-TH) Single Family Townhouse District with the following stipulations:

1. Proposed Planned Development regulations:

I. Permitted Uses

Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-TH) Single Family Townhouse District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (SF-TH) Single Family Townhouse District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below:

- Permitted Uses: Single Family Detached and Live-work units

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-TH) Single Family Townhouse District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

II. Special Development Standards

Development shall be in accordance with the following special conditions, restrictions and regulations:

General:

1. A homeowner’s association shall be established in accordance with the Comprehensive Subdivision Ordinance prior to issuance of residential building permits. The property owner’s association will be responsible for the improvement and maintenance of all private common areas and/or common facilities contained within the area of the Concept Plan or on common area lots.

2. The Neighborhood layout shall be as shown on the Conceptual site and Landscape Plan attached as Exhibit C. Townhomes, single-family detached, and live/work homes shall be consistent with the Conceptual Building Elevations attached as Exhibit D. Street and alley profiles and layouts shall be consistent with the Conceptual Street Cross Sections attached as Exhibit E, except for minor variances due to site conditions as approved by staff.

a. Live/Work lots shall be limited to frontage along Crosby Road or Fannidella Drive
and grouped within a block separated from other residential uses by an alley or street.

b. Additional uses allowed:
   i. Single-Family Detached
   ii. Live/Work

c. Additional uses allowed for Live/Work designated lots:
   i. Retail
   ii. Professional/General Office
   iii. Restaurant
   iv. Personal Care Services

3. All single-family detached lots shall have frontage on a street or on greenspace/courtyards/common area lots.

4. Minimum 5-foot utility easement shall be provided at the front of each lot.

5. Dead-end mews or alleys shall not align with other alleys or streets.

6. Each unit shall contain a two-car garage for resident parking. Tandem parking shall be counted towards the required parking.

7. Lots may be designed irregularly to accommodate zig-zag single-family homes. Such lots shall provide an average lot width meeting the minimums for single-family detached lot types, as provided in this section.

8. Garage conversions shall be prohibited.

9. Carports shall be prohibited.

**Lots, Homes, and Accessory Buildings**

**Single-Family Townhome Type**

1. Maximum building coverage shall be 95%.

2. Minimum lot width shall be 15.5 feet.

3. Minimum lot depth shall be 38 feet.

4. Minimum lot area shall be 600 square feet.

5. Minimum floor area shall be 1,200 square feet.

6. Minimum front yard setback shall be 5 feet.

7. Minimum interior side yard setbacks:
   a. Shall be zero or 3 feet from property lines. Minimum 6 feet separation shall be provided between buildings.
   b. Zero setback shall be allowed between units within a single townhome building.
8. Minimum rear yard setback shall be 0 feet.
9. Maximum height of a structure shall be 4 stories.

**Single-Family Detached Lot Type**

1. Maximum building coverage shall be 95%.
2. Minimum lot width shall be 20 feet.
3. Minimum lot depth shall be 40 feet.
4. Minimum lot area shall be 800 square feet.
5. Minimum floor area shall be 1,500 square feet.
6. Minimum front yard setback shall be 5 feet.
7. Minimum interior side yard setbacks shall be zero or 3 feet from property lines. Minimum 6 feet separation shall be provided between buildings.
8. Minimum rear yard setback shall be 0 feet.
9. Maximum height of a structure shall be 4 stories.

**Live/Work Type**

1. Maximum building coverage shall be 95%.
2. Minimum lot width shall be 20 feet, except minimum 25 feet at street intersections.
3. Minimum lot depth shall be 40 feet.
4. Minimum lot area shall be 800 square feet.
5. Minimum floor area shall be 1,200 square feet.
6. Minimum setback from a street shall be 5 feet.
7. Minimum interior side yard setbacks:
   a. Shall be zero or 3 feet from property lines. Minimum 6 feet separation shall be provided between buildings.
   b. Zero setback shall be allowed between units within a single live/work building.
8. Minimum rear yard setback shall be 0 feet.
9. Maximum height of a structure shall be 4 stories.

**Accessory Buildings**

1. Accessory buildings shall be architecturally consistent with the main building.
2. Minimum side yard setback shall be 1 feet.
3. Minimum rear yard setback shall be 0 feet.
4. In no instance shall the accessory building height exceed the main structure such as a
single-family detached home.

Streets and Alleys:

1. Streets will have a minimum 29-foot back-to-back pavement section, within a 45-foot right-of-way. Sidewalks shall be a minimum 4-feet wide, as provided on Exhibit E.

2. An “entry ribbon” consisting of decorative pavers shall be placed in each street intersecting with Crosby Road and Fannidella Drive. Said entry ribbon shall be no less than 10 feet in depth and shall extend across the width of the street.

3. Minimum pavement width in all alleys shall be 24-feet wide and shall be striped as a fire lane.

4. Landscaping, courtyards, open space, fencing profiles, streetscape along interior streets, Crosby Road, Fannidella Drive and hike and the bike trail shall be consistent with Exhibit D: Conceptual Landscaping Plans.

5. Dead-end private driveways shall be placed in a PMA and maintained by the HOA. Common areas adjacent to public alleys will be set aside for the placement of waste receptacles and shown on the plat.

6. Traditional streetlight fixtures and poles, similar to the description in the General Design Guidelines, shall be provided along roadways.

7. Ornamental metal fencing shall be allowed in front yards, not exceeding 4 feet in height. Sufficient gate access shall be provided for emergency services. Other fence materials shall be prohibited in the front yard.

8. A minimum 8-foot tall brick wall shall be provided along the west property line adjacent to the hike and bike trail.
   a. Gate access shall be provided for residents to access the hike and bike trail.
   b. Ivy or evergreen shrubs shall provide screening along the outside of the wall.
   c. The wall and landscaping shall be owned and maintained by the Homeowner’s Association.

B. **P&Z ACTION** from P&Z meeting: 11/07/19
   Result: **CONTINUED** to 12/05/19 /Vote: 9-0

C. **P&Z ACTION** from P&Z meeting: 12/05/19
   Result: /Vote:

D. **CC PUBLIC HEARING** from CC meeting: 01/14/20
   Result: /Vote:
ZONING

Case Coordinator: Loren Shapiro

GENERAL PROJECT INFORMATION

ZONING: (MF-18) Multifamily District and PD-200 for the (SF-8.4/16) Single Family District

<table>
<thead>
<tr>
<th>SURROUNDING ZONING</th>
<th>SURROUNDING LAND USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH (SF-8.4/16) Single Family</td>
<td>Single Family and Office</td>
</tr>
<tr>
<td>Residential and (O-2) Office Districts</td>
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<tr>
<td>SOUTH (LI) Light Industrial District</td>
<td>Storage</td>
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<tr>
<td>EAST PD-200 for the (SF-8.4/16) Single Family District and (SF-8.4/16) Single Family District</td>
<td>Single Family Detached &amp; Crosby Recreational Center</td>
</tr>
<tr>
<td>WEST (FWY) Freeway District with SUP-275 for an accessory use on a lot separate from a main use and SUP-179 for a Mini-Storage Warehouse</td>
<td>Parking and Mini Storage</td>
</tr>
</tbody>
</table>

REQUEST: Establish a PD with development standards, a conceptual plan for townhouses, single family detached, and live/work units

PROPOSED USE: Townhouses, single family detached, and live/work units

ACRES/LOTS: 19.1 acres / 5 lots

LOCATION: Southwest corner of Crosby Road and Fannidella Drive

HISTORY: The property is currently undeveloped. The property is made up of 5 lots. Three of the lots have not been platted, while the other two parcels are part of the Riney & Price, Phase 3 and Fannidella Apartments, Part 2. The (MF-18) Multifamily zoning was established in 1970 and 1979 along the south side of Crosby Road. The north portion of the properties were rezoned to PD-200 for the (SF-8.4/16) Single Family District on July 7, 2015.
COMPREHENSIVE PLAN: Residential Multifamily and Residential Single Family Detached

TRANSPORTATION PLAN: Crosby Road is classified as a (C4U) 4-Lane Undivided Collector

REPRESENTATIVE/OWNER: City of Carrollton
STAFF ANALYSIS

PROPOSAL

This is a request to rezone and establish a new Planned Development to allow dense urban residential and live/work units along the north and south sides of Crosby Road and west side of Fannidella Drive.

The proposed development includes townhouses, live/work units, and various single-family detached homes. Open space and common area lots are proposed throughout the development.

CURRENT ZONING REQUIREMENTS

- The properties consist of two zoning districts.
- The tracts on the north side of Crosby Road are zoned (PD-200 for the 8.4/16) Single Family Detached. PD-200 is a residential zoning district along Crosby Road encouraging development along the street corridor. Requirements include:
  - Greater building coverage up to a maximum 65 percent.
  - The minimum side setback is 5 feet with a minimum 10 feet separation between structures.
  - The minimum front setback is 10 feet.
  - Garage doors are required to be stained natural cedar or faux wood having the appearance of stained natural cedar when it is visible from a public street.
- The parcels on the south side of Crosby Road is zoned (MF-18) Multifamily District.

ELEMENTS TO CONSIDER

- The city acquired the approximately 20-acres of land over several years. Older blighted apartments were demolished on parcels along the south side of Crosby Road.
- The subject properties are near Downtown Carrollton, connects to the nearby hike and bike trail, DART, and is adjacent to the Crosby Recreational Center.
- The hike and bike trail will be extended along the west property line of the proposed development providing pedestrian and bike traffic north to Downtown.
- The City Council selected InTown Homes, Texas to design and develop a dense urban master plan to include townhomes, single family detached, and live/work units on approximately 20-acres.
The zoning request establishes a Planned Development (PD-215) creating regulations for the InTown Homes development.

- PD-215 allows a mix of single family detached, live/work units, and townhouses.
- Homes face open space, courtyards, and walkable landscaped streets.
- The buildings will be up to 4 stories in height. The applicant has provided building elevations depicting the mix of homes and live/work concepts.
- Minimum two-car garages shall be provided for each unit.
- Ornamental metal fencing shall be allowed in front yards with a height not exceeding 4 feet.
- Townhomes are proposed along Crosby Road and the west edge of the property.
  - All townhouses will be alley accessed.
  - Some townhomes along Crosby Road and Fannidella Drive shall contain live/work units.
  - The townhomes on the west side of the property will be screened by a brick wall with gates accessing the future hike and bike trail.
- The single-family detached homes are urban in character with dwellings as near as six feet apart.
  - The residential detached houses would provide front, side, and rear entry garages.
  - Some lots will be irregular in form providing zig-zag homes.
  - Mews homes provide drive access and limit shared alley traffic to single family homes and garages.
  - Larger single family detached lots are proposed on the north side of Crosby Road with detached garages.
- Live/work units, consisting of retail, office, restaurant or personal care services are proposed in buildings along Crosby Road and Fannidella Drive.
  - Parallel parking spaces shall be provided along Crosby Road.
- Interior streets are narrowed from the standard 50-feet wide to 45-feet wide (See Conceptual Street Cross Section).
  - A minimum 29-feet of roadway pavement remains accommodating through traffic and parallel on-street parking. This width safely accommodates emergency vehicular access.
  - The standard 4-foot wide sidewalks are proposed with street trees between the walkways and roadways.
  - Traditional streetlight fixtures shall be provided throughout the
Entry ribbons provide character to the neighborhood at street intersections with Crosby Road and Fannidella Drive.

- Alleys shall be a minimum 24-feet wide.
  - Alleys shall be designed to support maneuverability of residents’ automobiles to and from home garages.
  - All alleys will be striped “Fire Lanes” to also accommodate emergency vehicles and prohibit parking.

CONCLUSION

The requested zoning is appropriate allowing a variety of residential types including single family detached, townhomes, and live/work units. The plans redevelop the property connecting the project to Downtown, the Hike and Bike Trail, DART, and Crosby Recreation Center. Additionally, the new 20-acre neighborhood provides a transition between the lower density single family to the east and anticipated urban higher density to the west and northwest.

Staff is recommending approval of the zoning request.
CONCEPTUAL LANDSCAPE PLAN - COURTYARDS
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CONCEPTUAL LANDSCAPE PLAN - COURTYARDS
CONCEPTUAL BUILDING ELEVATIONS

Agenda Item No. 5
Case No. PLZ 2019-145 Crosby Road Property

16'/20' x 45' Deep Townhouses
CONCEPTUAL BUILDING ELEVATIONS
CONCEPTUAL BUILDING ELEVATIONS

Agenda Item No. 5
Case No. PLZ 2019-145 Crosby Road Property

16’/20’x45’ Deep Townhouses
CONCEPTUAL BUILDING ELEVATIONS

21'x60' Deep Townhouses
CONCEPTUAL BUILDING ELEVATIONS
CONCEPTUAL BUILDING ELEVATIONS

60’ Deep/Square Home, 70’+ Deep Home
CONCEPTUAL BUILDING ELEVATIONS

60' Deep/Square Home; 70'+ Deep Home
CONCEPTUAL BUILDING ELEVATIONS

Agenda Item No. 5
Case No. PLZ 2019-145 Crosby Road Property

60' Deep/Square Home; 70'+ Deep Home
CONCEPTUAL BUILDING ELEVATIONS

Agenda Item No. 5
Case No. PLZ 2019-145 Crosby Road Property

60' Deep/Square Home; 70'+ Deep Home
CONCEPTUAL BUILDING ELEVATIONS

60' Deep/Square Home; 70'+ Deep Home
CONCEPTUAL BUILDING ELEVATIONS
CONCEPTUAL BUILDING ELEVATIONS

60' Deep/Square Home; 70' + Deep Home; Detached garage
CONCEPTUAL BUILDING ELEVATIONS

Agenda Item No. 5
Case No. PLZ 2019-145 Crosby Road Property
CONCEPTUAL BUILDING ELEVATIONS

Agenda Item No. 5
Case No. PLZ 2019-145 Crosby Road Property
CONCEPTUAL BUILDING ELEVATIONS

Home w/ rear detached garage
CONCEPTUAL BUILDING ELEVATIONS

Home w/ rear detached garage
CONCEPTUAL BUILDING ELEVATIONS
CONCEPTUAL BUILDING ELEVATIONS

Home w/ rear detached garage
CONCEPTUAL BUILDING ELEVATIONS

Home w/ rear detached garage
CONCEPTUAL BUILDING ELEVATIONS

Live/Work Shophouses – optional roof deck
CONCEPTUAL BUILDING ELEVATIONS

Live/Work Shophouses – optional roof deck
CONCEPTUAL BUILDING ELEVATIONS

Live/Work Shophouses – optional roof deck
CONCEPTUAL CROSS STREET SECTION
P&Z MEETING DATE: December 5, 2019

DATE: November 21, 2019

TO: Planning & Zoning Commission

FROM: Michael McCauley, Senior Planner


BACKGROUND:

This is a request to approve an amendment to Special Use Permit No. 440 (SUP-440) to increase the number of students from 150 to 360 and change the configuration of the facility (building design, square footage, landscaping).

FINANCIAL IMPLICATIONS:

There are no financial implications on the current and future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends APPROVAL with stipulations.

ATTACHMENTS:

Results Sheet
Technical Comments
Location Map
Applicant’s Exhibits
RESULTS SHEET

Date: 12/05/19
Case No./Name:  PLSUP 2019-X1 Wisdom Academy

A. STIPULATIONS AND RECOMMENDATIONS

Staff recommends APPROVAL with the following stipulations:

1. Development shall be in general conformance with the attached applicant’s conceptual exhibits, provided however that:
   
a. Revise the site plan and landscape plan to provide a landscape buffer averaging 15 feet in width (minimum) but no less than 5 feet minimum width at any point, adjacent to all street rights-of-way (Carter Drive and Crowley Drive) per the Comprehensive Zoning Ordinance, Article XXV Landscape and Buffering. A landscape license agreement will be required if a portion of this buffer is installed in the street right-of-way.
   
b. The maximum student enrollment for Phase 1 shall be 100.
   
c. The 30-foot mutual access, utility and drainage easement shall be removed via replat prior to permitting.
   
d. Drainage will need to comply with the City’s stormwater and flood protection ordinance.
   
e. Changes to the canopy design may be approved administratively. However, staff may elect, for any reason, to require amending the SUP.

B. P&Z ACTION from P&Z meeting: 12/05/19: 
   Result: /Vote:

C. CC PUBLIC HEARING / ORDINANCE ACTION from CC meeting: 01/14/20: 
   Result: /Vote:
GENERAL PROJECT INFORMATION

SITE ZONING: PD-18 for the (FWY) Freeway District with SUP-440

SURROUNDING ZONING

<table>
<thead>
<tr>
<th>NORTH</th>
<th>PD-18 for the (HC) Heavy Commercial District</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOUTH</td>
<td>PD-18 for the (HC) Heavy Commercial District</td>
</tr>
<tr>
<td>EAST</td>
<td>PD-18 for the (FWY) Freeway District</td>
</tr>
<tr>
<td>WEST</td>
<td>(LI) Light Industrial District</td>
</tr>
</tbody>
</table>

SURROUNDING LAND USES

<table>
<thead>
<tr>
<th>NORTH</th>
<th>WMS Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOUTH</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>EAST</td>
<td>Multi-Tenant Facility</td>
</tr>
<tr>
<td>WEST</td>
<td>Multi-Tenant Facility</td>
</tr>
</tbody>
</table>

REQUEST: Approval of an amendment to Special Use Permit No. 440 (SUP-440) to increase the number of students from 150 to 360 and change the configuration of the facility (building design, square footage, landscaping)

PROPOSED USE: Private school (elementary and secondary)

ACRES/LOTS: Approximately 5.77 acres / 3 lots

LOCATION: Northeast corner of Carter Drive and Crowley Drive

HISTORY: The SUP was approved on December 6, 2016 for a private school (elementary and secondary) with a maximum student enrollment of 150.

The property is currently undeveloped.

COMPREHENSIVE PLAN: Commercial (Medium Intensity)

TRANSPORTATION PLAN: Carter and Crowley Drives are designated as Local Roadways.

OWNER: Alhadi Initiatives (Wisdom Academy).

REPRESENTED BY: Isam Alimam.
STAFF ANALYSIS

PROPOSAL

The applicant is requesting approval of an amendment to SUP-440 to increase the number of students from 150 to 360 and change the configuration of the facility (building design, square footage, landscaping).

ELEMENTS TO CONSIDER

1. The (FWY) Freeway district requires a SUP for a private school (Montessori school).
2. SUP-440 was approved on December 6, 2016 for a private school (elementary and secondary) with a maximum student enrollment of 150. When all phases are built, the student enrollment will be limited to 360.
3. The development proposal will be constructed in phases with Phase 1 being able to be independent of the other phases as it relates to building architecture, parking, landscaping, etc. The timeline for the other phases is not known at this time as the phases are intended to be built subject to needs, available funds and other circumstances.
4. The first phase building is approximately 12,600 square feet and is planned to be built and occupied by July 2020. All phases will total approximately 96,600 square feet.
5. The (FWY) Freeway district allows a maximum building height of 75 feet.
6. Because the development proposal will be on 3 adjoining lots, the lots will need to be re-platted to combine the 3 lots into 1 lot, and to remove the 30-foot mutual access, utility and drainage easement.
7. The purpose of a SUP is to authorize and regulate uses which may be beneficial in a specific instance to the general welfare of the community, yet ensure that such uses are not detrimental to surrounding property, and are consistent with the stated purpose of the zoning district in which such uses are associated regarding conditions of operation, location, arrangement and construction.

BUILDING ELEVATIONS

The building’s architecture is attractive and provides contrast to the façade with variations to the parapet heights. The parapets will provide full screening to rooftop equipment.

LANDSCAPE PLAN

Although the landscaping appears to be nice, staff is requiring a landscape buffer averaging 15 feet in width, but no less than 5 feet minimum width at any point, adjacent to all street rights-of-way (Carter Drive and Crowley Drive) per the Comprehensive Zoning Ordinance (CZO), Article XXV, Landscape and Buffering, unless a landscape license agreement is approved allowing a portion of the buffer in the street right-of-way.
SITE PLAN

The proposed building location will overlap an existing 30-foot mutual access, utility and drainage easement. The easement will need to be abandoned via replat prior to permitting.

CONCLUSION

Staff believes the SUP amendment is appropriate for this site and should not be detrimental to surrounding properties.
APPLICANT'S NARRATIVE

WISDOM ACADEMY
APPLYING FOR A NEW SUP

PROJECT:
Private Montessori School with projected enrolment 360 students and projected total gross area 107,932 S.F. (Including canopies).
The project will be done in multiple phases depending on available funds and actual needs.
The phasing include facilities, landscapes, sidewalks and/ or fences.

SUP REQUESTS:
1. Vacate share access easement (under re-plat application)
2. Vacate and/or re-route utility easement (under re-plat application)
3. Vacate and/or re-configure drainage easements (under re-plat application)
4. Combine the existing 3 lots into one lot
5. Projected enrolment 360 students
6. Projected total gross area 107,932 S.F. (Including canopies)
7. Proposed building height, refer to conceptual schematic elevations.
8. Alternative landscaping with enhanced 5 FT landscape buffer along public roads for general good (under separate application form)
SITE LOCATION MAP
CONCEPTUAL SITE PLAN – ALL PHASES WITH SOCCER FIELD
CONCEPTUAL SITE PLAN – ALL PHASES WITH PARKING EXPANSION
CONCEPTUAL LANDSCAPE PLAN – ALL PHASES WITH SOCCER FIELD
CONCEPTUAL LANDSCAPE PLAN – ALL PHASES WITH PARKING EXPANSION
CONCEPTUAL BUILDING ELEVATIONS – PHASE 1 (2 OF 2)
CONCEPTUAL BUILDING ELEVATIONS – ALL PHASES FACING COURTYARD
CONCEPTUAL BUILDING ELEVATIONS – ALL PHASES (1 OF 2)
CONCEPTUAL BUILDING ELEVATIONS – ALL PHASES (2 OF 2)
P&Z MEETING DATE: December 5, 2019

DATE: November 22, 2019

TO: Planning & Zoning Commission

FROM: Loren Shapiro, AICP, Planning Manager


BACKGROUND:
Establish a Planned Development (PD) and rezone the property from (CC) Corporate Commercial District to (SF-5/12) Single Family Residential District.

FINANCIAL IMPLICATIONS:
There are no financial implications on the current and future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:
The applicant is requesting continuing consideration of the rezoning request to the January Planning and Zoning Commission meeting. Staff recommends opening the public hearing and CONTINUING the rezoning request to the January 2, 2020 Planning and Zoning Commission meeting.

ATTACHMENTS:
- Result Sheet
- Applicant’s request to continue
RESULT SHEET
Date: 12/05/19
Case No./Name: PLZ 2019-X1 Kensington Place

A. **STIPULATIONS AND RECOMMENDATIONS**
   Staff recommends opening the public hearing and **CONTINUING** the rezoning request to the January 2, 2020 Planning and Zoning Commission meeting.

B. **P&Z ACTION** from P&Z meeting: 12/05/19
   Result: /Vote:

C. **P&Z ACTION** from P&Z meeting: 01/02/20
   Result: /Vote:

D. **CC PUBLIC HEARING** from CC meeting: 02/04/20
   Result: /Vote:
Applicant’s Request to Continue

November 25th, 2019

Dear City of Carrollton,

Arcadia would like to proceed with tabling our zoning application. Arcadia wishes to continue reaching out to neighborhood stakeholders and working directly with the city staff to continue the refinement of the concept plan and architectural regulations.

Thank you for your patience we look forward to working with you.

Thank you,

Alex Hodge
Project Manager
(214) 642-1135
Alex@arcadiarealty.net
P&Z MEETING DATE: December 5, 2019

DATE: November 21, 2019

TO: Planning & Zoning Commission

FROM: Michael McCauley, Senior Planner


BACKGROUND:

This is a request for an amendment to the Comprehensive Plan and Future Land Use Map to change the land use designation for an approximately 8.5-acre site from “Low Intensity Office” to “Single-Family Attached Residential”.

A companion request to amend the zoning on this same tract is on this agenda (Case No. PLZ 2019-131 Kelly Cove – Zoning).

At the November 7, 2019, Planning & Zoning Commission meeting, the applicant requested a continuance to the December 5, 2019 Planning & Zoning Commission meeting to allow them additional time to resubmit.

FINANCIAL IMPLICATIONS:

There are no financial implications on the current and future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:

The applicant has requested a continuance to the January 2, 2020, Planning & Zoning Commission meeting to allow them additional time to resubmit. Staff recommends CONTINUING this case to the January 2, 2020 Planning and Zoning Commission meeting.

ATTACHMENTS:

- Results Sheet
- Applicant’s Continuance Request
- Location Map
RESULTS SHEET

Date: 12/05/19
Case No./Name: PLCP 2019-133 Kelly Cove (Comp Plan)

A. STIPULATIONS AND RECOMMENDATIONS

Staff is recommending this case be continued to the January 2, 2020, Planning and Zoning Commission meeting to allow the applicant additional time to complete their revisions and resubmit.

B. P&Z ACTION from P&Z meeting: 11/07/19:
Result: CONTINUED to 12/05/19 /Vote: 8-0 (Chrisman recused)

C. P&Z ACTION from P&Z meeting: 12/05/19:
Result: /Vote:

D. P&Z ACTION from P&Z meeting: 01/02/20:
Result: /Vote:

E. CC PUBLIC HEARING / RESOLUTION ACTION from CC meeting: 02/04/20:
Result: /Vote:
APPLICANT'S REQUEST FOR CONTINUANCE

Michael McCauley

From: Suresh Shridharani <suresh@sumeerhome.com>
Sent: Monday, October 28, 2019 4:12 PM
To: Michael McCauley
Cc: Randall Chrisman, Warren Corwin, Loren Shapiro
Subject: Re: Kelly Cove PLCP 2019-133 and PLZ 2019-131 1st Review Comments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Michael,

By this email, I am requesting that our applications be contained to December 5, 2019 Planning & Zoning Commission hearings.

Thank you for your continued cooperation in this matter.

Suresh Shridharani
President
Harlan Properties, Inc.
214 212 8005 [Cell]
972 659 0655 x 110

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Michael McCauley

From: Suresh Shridharani <suresh@sumeerhome.com>
Sent: Thursday, November 21, 2019 10:09 AM
To: Michael McCauley
Cc: Randall Chrisman, Loren Shapiro
Subject: [EXT]Re: Case Nos. PLZ 2019-131 and PLCP 2019-133 Kelly Cove

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Michael,

Please continue our application to be heard by the Planning and Zoning Commission on January 2, 2020. We should have a new submission ready pretty soon.

Thanks,

Suresh Shridharani
President
Harlan Properties, Inc.
P&Z MEETING DATE: December 5, 2019

DATE: November 21, 2019

TO: Planning & Zoning Commission

FROM: Michael McCauley, Senior Planner


BACKGROUND:

This is a request for approval of an amendment to PD-44 and rezoning from (HC) Heavy Commercial District to (SF-TH) Single-Family Townhouse Residential District.

A companion request to amend the Comprehensive Plan Future Land Use Map for the same tract is also on this agenda (Case No. PLCP 2019-133 Kelly Cove – Comp Plan).

At the November 7, 2019, Planning & Zoning Commission meeting, the applicant requested a continuance to the December 5, 2019 Planning & Zoning Commission meeting to allow them additional time to resubmit.

FINANCIAL IMPLICATIONS:

There are no financial implications on the current and future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:

The applicant has requested a continuance to the January 2, 2020, Planning & Zoning Commission meeting to allow them additional time to resubmit. Staff recommends CONTINUING this case to the January 2, 2020 Planning and Zoning Commission meeting.

ATTACHMENTS:

- Results Sheet
- Applicant’s Continuance Request
- Location Map
RESULTS SHEET

Date: 12/05/19
Case No./Name: PLZ 2019-131 Kelly Cove (Zoning)

A. STIPULATIONS AND RECOMMENDATIONS

Staff is recommending this case be continued to the January 2, 2020, Planning and Zoning Commission meeting to allow the applicant additional time to complete their revisions and resubmit.

B. P&Z ACTION from P&Z meeting: 11/07/19:
Result: CONTINUED to 12/05/19 /Vote: 8-0 (Chrisman recused)

C. P&Z ACTION from P&Z meeting: 12/05/19:
Result: /Vote:

D. P&Z ACTION from P&Z meeting: 01/02/20:
Result: /Vote:

E. CC PUBLIC HEARING / ORDINANCE ACTION from CC meeting: 02/04/20
Result: /Vote:
APPLICANT’S REQUEST FOR CONTINUANCE

Michael McCauley

From: Suresh Shridharani <suresh@sumeerhome.com>
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Dear Michael,

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Thank you for your continued cooperation in this matter.

Suresh Shridharani
President
Harlan Properties, Inc.
214 212 8005 [Cell]
972 659 0655 x 110

Michael McCauley

From: Suresh Shridharani <suresh@sumeerhome.com>
Sent: Thursday, November 21, 2019 10:09 AM
To: Michael McCauley
Cc: Randall Chrisman; Loren Shapiro
Subject: [EXT] Re: Case Nos. PLZ 2019-131 and PLCP 2019-133 Kelly Cove

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Michael,

Please continue our application to be heard by the Planning and Zoning Commission on January 2, 2020. We should have a new submission ready pretty soon.

Thanks,

Suresh Shridharani
President
Harlan Properties, Inc.
P&Z MEETING DATE: December 5, 2019

DATE: November 21, 2019

TO: Planning & Zoning Commission

FROM: Michael McCauley, Senior Planner


BACKGROUND:

This is a request for an amendment to the Comprehensive Plan and Future Land Use Map to change the land use designation for an approximately 11-acre site from “Medium Intensity Office” and “Industrial” to “Multi-Family Residential”.

A companion request to amend the zoning on this same tract is on this agenda (Case No. PLZ 2019-128 Kensington Gardens – Zoning).

At the November 7, 2019 Planning & Zoning Commission meeting, the Commission continued this case to the December 5, 2019 Planning & Zoning Commission meeting to allow the applicant time to revise their companion request (Case No. PLZ 2019-128 Kensington Gardens – Zoning).

FINANCIAL IMPLICATIONS:

There are no financial implications on the current and future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends DENIAL.

ATTACHMENTS:
- Results Sheet
- Technical Comments
- Location Map
- Existing Comprehensive Plan
- Proposed Comprehensive Plan
RESULTS SHEET

Date: 12/05/19
Case No./Name: PLCP 2019-138 Kensington Gardens (Comp Plan)

A. STIPULATIONS AND RECOMMENDATIONS

Staff recommends DENIAL.

B. P&Z ACTION from P&Z meeting: 11/07/19:
Result: CONTINUED to 12/05/19 /Vote: 9-0

C. P&Z ACTION from P&Z meeting: 12/05/19:
Result: /Vote:

D. CC PUBLIC HEARING / RESOLUTION ACTION from CC meeting: 01/14/20:
Result: /Vote:
GENERAL PROJECT INFORMATION

SITE ZONING:  (LI) Light Industrial District and PD-128 for the (O-2) Office District

SURROUNDING ZONING

- NORTH: PD-214 for the (O-2) Office and (LI) Light Industrial Districts
- SOUTH: PD-152 for the (MF-18) Multi Family District
- EAST: (LI) Light Industrial District
- WEST: PD-80 for the (SF-5/12) Single-Family Residential District

SURROUNDING LAND USES

- Personal Storage/Garage
- Condominiums for Personal Property, Including Automobiles
- Apartment Complex
- Industrial
- Single Family Residential Subdivision

REQUEST: Change Land Use designations from “Medium Intensity Office” and “Industrial” to “Multi-Family Residential”

PROPOSED USE: Apartment complex with 334 units

ACRES/LOTS: Approximately 11 acres / 2 lots

LOCATION: 2308 Marsh Lane and 2317 Tarpley Road

HISTORY: The property was established as a golf driving range in 1998.
PD-128 was approved in 1992 and does not regulate apartments.
SUP-237 was approved in 1998 to allow a 100-foot tall protective net for the golf driving range.

COMPREHENSIVE PLAN: Proposed Multi-Family Residential

TRANSPORTATION PLAN: Marsh Lane is designated as an (A6D) 6-Lane Divided Arterial and Tarpley Road is designated as a (C2U) 2-Lane Undivided Collector.

OWNER: Kevin Clariday

REPRESENTED BY: David Bond / Spiars Engineering
STAFF ANALYSIS

PROPOSAL:

The applicant is requesting approval of an amendment to the Land Use designations shown on the Comprehensive Plan’s Future Land Use Map from “Medium Intensity Office” and “Industrial” to “Multi-Family Residential.”

ELEMENTS TO CONSIDER:

- A companion request to amend the zoning on the subject property is on this agenda (Case No. PLZ 2019-128 Kensington Gardens Zoning).

- The subject property is not located within or near a Transit Center district. Depending on the design, Council has generally supported new apartments when proposed in or near the Transit Center districts or is part of a master planned project; i.e., Castle Hills Phase 10, Sloan Street East and West, and The View.

- The applicant was informed that staff would not support their request during their pre-application meeting.

CONCLUSION:

Staff does not believe the applicant’s request to change the land use designations from “Medium Intensity Office” and “Industrial” to “Multi-Family Residential” is reflecting the objectives of the community as it relates to where to locate multi-family development.
EXISTING COMPREHENSIVE PLAN
PROPOSED COMPREHENSIVE PLAN
P&Z MEETING DATE: December 5, 2019

DATE: November 22, 2019

TO: Planning & Zoning Commission

FROM: Michael McCauley, Senior Planner


BACKGROUND:

This is a request for approval of an amendment to PD-128 and rezoning from (O-2) Office District and (LI) Light Industrial District to (MF-18) Multi-Family Residential District.

A companion request to amend the Comprehensive Plan Future Land Use Map for the same tract is also on this agenda (Case No. PLCP 2019-138 Kensington Gardens – Comp Plan).

At the November 7, 2019 Planning & Zoning Commission meeting, the Commission continued the item to the December 5, 2019 Commission meeting to allow the applicant time to redesign the proposal with a reduction in density and maximum number of stories per building.

FINANCIAL IMPLICATIONS:

There are no financial implications on the current and future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends DENIAL.

ATTACHMENTS:

Results Sheet
Technical Comments
Public Comments
Draft PZ Minutes 11/07/19
Site Location and Zoning Map
Applicant’s Exhibits
RESULTS SHEET

Date: 12/05/19
Case No./Name: PLZ 2019-128 Kensington Gardens (Zoning)

A. STIPULATIONS AND RECOMMENDATIONS
   Staff recommends DENIAL.

B. P&Z ACTION from P&Z meeting: 11/07/19:
   Result: CONTINUED to 12/05/19 /Vote: 9-0

C. P&Z ACTION from P&Z meeting: 12/05/19:
   Result: /Vote:

D. CC PUBLIC HEARING / ORDINANCE ACTION from CC meeting: 01/14/20:
   Result: /Vote:
ZONING CHANGE

Case Coordinator: Michael McCauley

GENERAL PROJECT INFORMATION

SITE ZONING: (LI) Light Industrial District and PD-128 for the (O-2) Office District.

SURROUNDING ZONING

<table>
<thead>
<tr>
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<th>SURROUNDING LAND USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>PD-214 for the (O-2) Office and (LI) Light Industrial Districts</td>
</tr>
<tr>
<td>SOUTH</td>
<td>PD-152 for the (MF-18) Multi Family District</td>
</tr>
<tr>
<td>EAST</td>
<td>(LI) Light Industrial District</td>
</tr>
<tr>
<td>WEST</td>
<td>PD-80 for the (SF-5/12) Single-Family Residential District</td>
</tr>
</tbody>
</table>

REQUEST: Approval of an amendment to PD-128 and rezoning from (O-2) Office District and (LI) Light Industrial District to (MF-18) Multi-Family Residential District

PROPOSED USE: Apartment complex with 334 units

ACRES/LOTS: Approximately 11 acres / 2 lots

LOCATION: 2308 Marsh Lane and 2317 Tarpley Road

HISTORY: The property was established as a golf driving range in 1998. PD-128 was approved in 1992 and does not regulate apartments. SUP-237 was approved in 1998 to allow a 100-foot tall protective net for the golf driving range.

COMPREHENSIVE PLAN: Medium Intensity Office and Industrial

TRANSPORTATION PLAN: Marsh Lane is designated as an (A6D) 6-Lane Divided Arterial and Tarpley Road is designated as a (C2U) 2-Lane Undivided Collector.

OWNER: Kevin Clariday

REPRESENTED BY: David Bond / Spiars Engineering
STAFF ANALYSIS

PROPOSAL:

The applicant is requesting approval of an amendment to PD-128 and rezoning from (O-2) Office District and (LI) Light Industrial District to (MF-18) Multi-Family Residential District.

ELEMENTS TO CONSIDER

1. The property is proposed to be rezoned to (MF-18) Multi-Family Residential District and allows a maximum density of 18 du/ac. However, the applicant is proposing 304 dwelling units on a 10.713-acre tract for a density of approximately 28.4 du/ac.

2. The CZO requires a minimum landscape buffer averaging 15 feet in width, but no less than 5 feet minimum width at any point, adjacent to all streets right-of-way or street easements. However, even though the applicant is providing an area for a 25-foot landscape buffer as required by the current PD, it is lessened by the encroachment of a sidewalk and a right turn deceleration lane.

3. The CZO allows a maximum building height of 2 stories and a maximum height of 3 stories where an enclosed garage occupies the first floor of the building. However, the applicant is proposing a 3-story building adjacent to Marsh Lane and the remaining 3 buildings will be 4 stories. Although the applicant is proposing 37 garages, staff is unsure which buildings will have the first-floor garages.

4. The applicant has not provided elevations of the 3-story building.

5. Staff requires a 10 foot right-of-way dedication for a right-turn deceleration lane (150’ of storage and 150’ of transition) along Marsh Lane at the proposed driveway and located in a street right-of-way; however, the applicant is proposing to locate it in a proposed street easement within the required 25-foot landscape buffer. This will reduce the front building setback from the proposed improved roadway (deceleration lane).

6. Staff requires a left turn lane (150’ of storage and 150’ of transition) in the median for southbound direction on Marsh Lane. However, this would require Council to consider a Median Variance to allow a median cut under a separate application.

7. Foundation plantings along the building adjacent to Marsh Lane is required. However, the applicant has not shown this on their revised plans.

8. Parking landscape islands are required. However, the applicant has not provided enough islands.

9. Drainage will need to comply with the City’s stormwater and flood protection ordinance.

10. All units will have entrance from a hallway.

11. The development proposes adequate parking, a clubhouse/leasing office, swimming pools, courtyards and a dog park.
12. There are many apartment complexes in the immediate area with densities not exceeding the limits allowed by their zoning designations.
13. The applicant was informed that staff would not support their request during their pre-application meeting.

CONCLUSION:

Staff believes the applicant’s request to change the zoning to allow a 304-unit apartment complex is not an appropriate use of the land and does not reflect the objectives of the community as it relates to where to rezone to allow new multi-family development. Furthermore, the proposal is nonconforming to the regulations outlined in the (MF-18) Multi-Family Residential District; e.g., exceeding density allowance, building height, setback encroachments and reduced landscape buffering.
PUBLIC COMMENTS

Carrollton Planning and Zoning Commission
Case: PLZ 2019-128 Kensington Gardens (zoning)
Case: PLCP 2019-138 Kensington Gardens (comp Plan)
11/7/2019

I am Kevin Clariday owner of the subject property at 2308 Marsh Lane. I have owned and operated the golf range for the past 25 years. I support the request for zoning change to multi-family. Over the years, apartments have developed to the south of me for several blocks. It is logical for apartments on this site too. The developer has an attractive and quality design. There is little else that could be built here and fit in with the neighborhood. There are enough offices and warehouses. I have enjoyed many years in business here and now it is time for a more substantial development that will benefit the community.

Kevin Clariday
Owner
2308 Marsh Lane
Carrollton, TX 75006

Name: CHRIS MCLEOD
Address: 2113 ROYAL SUMMIT DRIVE
City, ST, ZIP: Carrollton, TX, 75006

For your opinion of opposition or support on the proposed change to be considered by the Planning & Zoning Commission or City Council, you must completely fill out this form, sign and date it and return it before end of business day one day prior to the public hearing.

I hereby register my: ☐ Support ☒ Opposition

To Case No./Name: PLCP 2019-138 KENSINGTON GARDENS
Comments: PREFER SINGLE FAMILY RESIDENTIAL. CONCERN FOR CRIME AND SCHOOL OVERCROWDING.

Signature: [Signature] Date: 11/3/19
Excerpt from Draft Minutes  
Planning & Zoning Commission  
Meeting of November 7, 2019


Chair Averett stated that Items 12 and 13 were companion items and would be heard simultaneously with separate action.

McCauley presented the request to amend the Comprehensive Plan and the Future Land Use Map as well as for the request to rezone the property to Multifamily. He stated the applicant proposes to develop a 334-unit apartment complex abutting Marsh Lane and Tarpley Road. The proposal is for four-story buildings with a density of 30 plus units per acre; the traffic impact analysis recently received has not been thoroughly reviewed and staff is not yet able to give a recommendation on the impact of traffic in the area. Staff recommended denial and stated that the reason for the recommendation of denial is because staff believes the proposal does not reflect the objectives of the community. He suggested that should the Commission want to support the development of an apartment complex, that the case should be continued to allow staff to complete the review of the TIA and allow the applicant the opportunity to make any necessary adjustments to the proposal. He reiterated staff’s recommendation of denial based solely on the use.

Steve Leonard, Leonard Development, 520 Central Parkway East, Plano, stated they met with staff in May and staff advised at the time that they would recommend denial based on the location not being next to one of the transit hubs and due to the height of the units. He explained that the project would be an urban garden design that would provide multifamily buildings located on a central hallway; not the old garden design of one-unit housing 6-12 units. He stated there would be four buildings and would allow them to have a Class A, high rent, nice sustainable project. He stated that access was very good to all of the main transits; I-190 to the north, I-35 to the west, North Dallas Tollway to the east, and the new Silver line that stops in Addison is roughly 1.5 miles to the south/southeast. He stated the concept plan provides for a swimming pool and an approximate 3,000 square foot dog park. He noted that 1.5 acres of the site is in the floodplain and runs at an angle through the center of the site which makes it a difficult site to develop. He talked about the uses surrounding the site. Regarding the number of units, Mr. Leonard stated that he did not think 334 units would be feasible and added that they were waiting on their finalized market report. He explained that they plan to have a percentage of tuck-under garages possibly on all four of the buildings but is waiting on the market study to determine what it would be. He felt the report would suggest between 300-305 units due to
adding the garages. He stated they toured other recent multifamily projects which lead them to four stories. He felt the four stories give it a modern look and most importantly, it blocks off the traffic with most of the parking hidden behind the buildings. He stated they also tried to keep most of the buildings and active sites away from the existing multifamily. He felt multifamily works in the area all the way to Belt Line and noted that everything to the west is single family and everything to the north and to the east is light industrial and flex office. He stated that the amenities focus on having a gathering area to include seating areas, fire pit, game areas for games such as bocce ball or corn hole, sand volleyball courts, and shade structures. He provided examples of the type and style of architecture planned. Mr. Leonard referred to the slide labeled ‘street cross section’ that looks north on Marsh Lane and reflects the maximum height of a four-story top plate would be 49’4” and stated he did not feel they would go that high. He stated they were not wanting to peer into anyone’s backyard. He talked about the proposed deceleration lane from Marsh Lane to the complex where the marketing center would be and described other areas. He referred to renderings, not designs, showing they are looking for a Class A community with sustainable material such as brick, stone, wood and metal accents. He stated the intent is to narrow the floodplain to provide a good sense of place to gather and relax. Regarding the TIA, he understands that staff needs time to complete the review and stated there was nothing in the TIA that they are concerned about. Regarding the building height, he stated that four stories allow them to install elevators and make the project work. He reiterated that four stories provide for a good modern look.

Denholm asked the applicant if the drive aisle on the multi-family immediately to the south that goes from the signal at Running Duke and Marsh all the way across to Tarpley is a public access of some sort or if it is a private drive; and if it is a private drive, has there been any discussion with the development to the south to take access off of that aisle to have access to the signal. Mr. Leonard stated they have not had discussions and added that he was 99% sure it is a gated entrance at both ends already.

Kiser felt that if feasibility studies, market studies can be proven, that the City should not tell someone what they cannot build and asked if the owner would be willing to reduce the density. He felt the density was too high and would like the units to be no higher than the units to the south. Mr. Leonard replied that he felt it could be reduced from 334 but did not think it is realistic to get it to a unit count of 18 per acre. Regarding the height, they would have to consider losing the elevator and the impact on the rent; he felt a unit count of 300 would be feasible.

Sundaran asked if the current standards of 18 units per acre with 2 or 3-story buildings would be feasible, and Mr. Leonard replied that 18 units per acre would not work. Sundaran also asked about the entrances and Mr. Leonard replied that both would be two-way.

Chrisman asked about the height allowance for the current O-2 zoning and McCauley replied that base zoning would be two-story. Chrisman asked the applicant to talk about the deceleration lane on Marsh Lane. Mr. Leonard replied that they currently show the front façade being 25 feet from the edge of the right-of-way. Regarding stacking, the applicant’s engineer, David Bohn with Spires Engineering, 765 Custer Road, Plano, replied that he believed it would 150 feet of stacking and 110 feet transition for the north bound right turn in. Regarding the median cut, he stated they would need a median spacing variance; and there is not enough room for a standard length for the south bound left turn so they would work with staff to get as much as possible. He added that the TIA showed one intersection at a C and the others were at B or better. Regarding the height, Mr. Leonard stated they would obviously consider the Commission’s comments and want to maintain a look architecturally to
be sure they draw in the residents. Chrisman explained that the City emphasizes density around the TOD; understands that there can be multi-family in other areas and was keeping an open mind about the proposal.

Chair Averett acknowledged the awareness of Council’s vision about the TOD areas and stated he views it as a guideline rather than a hard and fast rule. He stated he is not opposed to apartments at the subject location but there were a lot of little things in the staff analysis with the biggest being the density. He stated he was not opposed to going beyond base MF-18 in terms of what would be allowed, however, this is definitely pushing the far top end of the envelope given the location. He stated that he would be in favor continuing the case to allow the applicant to consider the comments made by the Commission.

Denholm stated that in general, he was not opposed to multifamily at the site and that he didn’t think it would be single family. He felt it would be appropriate to continue the case and felt there were some legitimate questions related to traffic such as the trip generation by something allowed by right today versus the proposed multifamily that he would like information about.

Kiser explained to the applicant that the City Council would have a record of the Commission’s considerations and deliberations. He stated the Commission wants to have some flexibility to continue the project to see how it could be improved.

Chadwick asked the applicant if he had conversations with homeowners to the west and Mr. Leonard stated they had not heard anything and had not discussed anything with them. He stated he would reach out to them if the Commission desired, but he had not received any calls or questions although the signs are posted, and he did not feel he would receive a favorable response. Kiser stated that the neighborhood is within the zoning notice requirements and stated he may need to talk with them.

Chair Averett stated that the height of the building wasn’t a big concern for him but did voice concern with the building on Marsh Lane. He commended the applicant on the quality of the project and the amenities included; good unit size range as well as the average size although it was preliminary.

Mr. Leonard stated he has heard the comments and stated he would be happy to work the project to be resubmitted or continued to the next meeting.

Chair Averett opened the public hearing; there being no speakers, he opened the floor for a motion.

* Kiser moved to keep the public hearing open for continuance to the December 5 meeting and have the owner’s consultant work with the City to see how they can achieve some of our objectives; second by Taylor. Chair Averett clarified that the motion was for Item 12; Case No. PL CP 2019-138 Kensington Gardens (Comp Plan). The motion was approved with a unanimous 9-0 vote.

* Chadwick moved to keep the public hearing open until the December 5 P&Z Meeting on Case No. PL Z 2019-128 Kensington Gardens (Zoning); second by Kiser and the motion was approved with a unanimous 9-0 vote.
SITE LOCATION AND ZONING MAP
CONCEPTUAL SITE PLAN
CONCEPTUAL LANDSCAPE PLAN

REQUIRED LANDSCAPE / PROPOSED LANDSCAPE

NOTES:
- Improvements shown on site plan are subject to change.
CONCEPTUAL BUILDING ELEVATIONS (1 OF 3)
CONCEPTUAL BUILDING ELEVATIONS (2 OF 3)

MARSH APARTMENTS SCHEMATIC ELEVATION - BUILDING #1 NORTH ELEVATION

CARROLLTON, TEXAS
CONCEPTUAL BUILDING ELEVATIONS (3 OF 3)
P&Z MEETING DATE: December 5, 2019

DATE: November 22, 2019

TO: Planning & Zoning Commission

FROM: Loren Shapiro, AICP, Planning Manager


BACKGROUND:
This is a City-initiated request to consider proposed annual text amendments updates to the Comprehensive Zoning Ordinance (CZO).

The changes include adding three land uses to Article V. Land Use Matrix, removing redundancies and correcting clerical errors; updating language for clarity; moving landscape percentages from individual zoning districts to Article XXV. Landscape and Buffering; minor updates to Article XX. Frankford Road Transit Center and Downtown Transit Center District regulations mainly related to master developer agreements; remove an exception to communication towers and add and revise four terms in Article XXXIV. Definitions.

STAFF RECOMMENDATION/ACTION DESIRED:
Staff recommends APPROVAL of the attached proposed Comprehensive Zoning Ordinance amendments, attached.

ATTACHMENTS:
- Result Sheet
- Summary of Changes
- Proposed CZO Amendments
- Current Use of Land Matrix
RESULT SHEET

Date: 12/05/19
Case No./Name: PL ZT 2019-X1 CZO Text Changes

A. Staff Recommendation

Staff recommends APPROVAL of amendments to the Comprehensive Zoning Ordinance.

The existing and proposed regulations are provided in the attached Proposed CZO Amendments. New text is shown underlined, while removed text is struck through.

1. Amendments to Article V. Use of Land and Structures, Section C. Use Matrix.

2. Amend Article VII. Single-Family Residential District and Article VIII. Family Attached District Regulations adding the following new purpose statements:

“SECTION A. PURPOSE.

Institutional Uses should not route traffic through lower density residential areas, and should be located on sites that have direct access to arterial or collector size streets capable of carrying the additional traffic they will generate.”
Agenda Item No. 12
Case No. PL ZT 2019-X1 CZO Text Changes

3. Amend Article VII. Single-Family Residential District Regulations, in Section C. Accessory Uses revising the language and clarifying carport standards.

“SECTION C. ACCESSORY USES.

2. CARPORTS:

a. Carports shall be allowed as an accessory use either attached to the home or detached.
b. Location: Rear entry loaded
c. Definitions:
   i. Attached carport – A covered structure attached and structurally dependent to the main structure, used to offer limited protection to vehicles, primarily cars, from rain, snow and hail.
   ii. Detached carport – A freestanding, structurally independent, covered structure used to offer limited protection to vehicles, primarily cars, from rain, snow and hail.
d. Materials:
   i. Attached carports shall be constructed of building materials of similar architectural style, size, shape and texture to the building materials of the house.
   ii. Detached carports shall be durable weather-resistant material, meeting wind load and can be an engineered metal carport.
e. Size: A maximum dimension of 24 feet x 24 feet
f. Height:
   i. Attached carport cannot exceed the roof line and must be integrated into the home.
   ii. Detached carport cannot exceed 15 feet.
g. Setbacks:
   i. Shall not extend beyond the wall of the house into the side yard further than the main structure.
   ii. Attached carport – Minimum three feet from rear property line;
   iii. Detached carport – Minimum zero feet from a dedicated alley.
h. Carport Prohibitions:
   i. Swing entry carports
   ii. A carport on the front or side of a house
   iii. Structural posts and overhang cannot encroach upon an adjacent fence or wall
   iv. Conversion of a garage to another use unless another garage exists or is
iv. Garage doors on carports

v. Temporary carports, tents, canvas or vinyl structures

vi. Carports in subdivisions approved after 2004

Exception: An attached carport shall be allowed in the front of the house in subdivisions existing prior to 2005 when it is demonstrated that at least 50 percent of the total homes located on both sides of the street, measured from the block’s intersecting streets, have carports in the front of the house. The carport shall be constructed of building materials of similar architectural style, size, shape and texture to the building materials of the house.”

4. Amend Article VII. Single-Family Residential District and Article VIII. Single Family Attached District Regulations, in Section C. Accessory Uses adding garage regulations ensuring space is not converted to living area and setbacks for new homes are a minimum 5-feet from the enclose portion of the front of a home.

“SECTION C. ACCESSORY USES.

3. GARAGES
   a. Garage conversions to another use or occupancy is prohibited unless another garage exists or is constructed on the same property.
   b. In no instance shall the front facing garages to a street be flush with the house face. Front loaded garages shall be setback a minimum 5-feet from the enclosed home facade.”

5. Reference setbacks in Article VII. Single Family Residential District language in Section L. Height and Area Regulations.

“7. Minimum distance from public right-of-way, alley, or street or alley easement to entrance of a garage or enclosed carport. (Where the applicable front, rear, or side yard requires a greater setback, such front, rear, or side yard setback shall apply) (Ord. No. 1641, 07/17/90) (Also see Art. VII. Section C.4)”

“10. Minimum depth of front setback (Measured from front property line to any structure) (Also see Art. VII. Section C.4)”

6. Update Article XX. Transit Center District Regulations for Part 1. - Downtown Transit Center adding “Flex/Commercial Ready” definition to Section B. Definitions. This matches the same term added to Part 2 – Trinity Mills Transit Center District last month.

“FLEX/COMMERCIAL READY. Ground Floor residential uses that may be utilized as future non-residential uses, as regulated in Article V. Use of Land and Structures. On street parking spaces will be utilized to meet this parking requirement. These units are typically located at street level and are subject to the development standards for ground-floor retail or commercial establishments.”
7. Correct a scrivener’s error to add the correct term “Special Use Permit” instead of the incorrect term “Specific Use Permit” as it relates to surface parking, under Article XX. Transit Center District Regulations for Part 1 – Downtown Transit Center, Section D. Buildings.

“3. BUILDING FORM:

a. The maximum leasable retail area allowed shall be 30,000 square feet. Buildings which exceed these standards shall require approval of a Specific Special Use Permit.”

8. Add parking requirements for outdoor dining in Article XX. Transit Center District Regulations for Part 1. – Downtown Transit Center, Section E. Parking. There are only parking requirements for restaurants, without consideration for outdoor dining.

Outdoor Dining Areas: 1 space per 400 square feet of outdoor dining area greater than 250 square feet.

9. Amend Article XX. Transit Center District Regulations for Part 1. – Downtown Transit Center District, Section H. Administration and Part 3. – Frankford Transit Center District, Section G. Administration, under the sub-section for Development Plan Approval.

“Development Plan Approval

a. A Development Plan shall be approved by City Council if a plan is not consistent with an approved Master Development Agreement.

b. Development Plans must include the following information:
   i. Site plan
   ii. Parking plan
   iii. Grading plan
   iv. Landscape Plan and Streetscape
   v. Color building elevations and sections
   vi. Building function/proposed use
   vii. Specific development standards or other agreements
   viii. Any minor or major alternate modifications to standards being requested
   ix. Related parking or traffic study, when required by the City Manager or designee

c. EXEMPTIONS: Plans consistent with an approved Master Development Agreement with a master plan shall be exempt from Development Plan review.”

“Any above ground cabinets, pedestals or above ground transmission lines visible from streets shall be screened by landscaping, decorative walls, or with an art theme in character with the North Carrollton Station.”

11. Amend Article XXI. Special Use Permits, Section D. Special Conditions, regarding communication towers to remove the exemption requiring a SUP for towers owned, leased, or controlled by the City of Carrollton. The purpose is to require SUPs for transmission towers in zoning districts, except for essential services, communication equipment on buildings, and integrated inside buildings or structures.

m. Communication Towers:

ii. Exceptions. A Special Use Permit is not required for the following:

d) A communications tower located on property owned, leased or otherwise controlled by the City of Carrollton, provided a license or lease authorizing such tower has been approved by the City of Carrollton City Council. No such license or lease shall be issued for a communication tower located within 200 feet of any residentially zoned property without an approved Special Use Permit.
12. Move minimum percentage of total lot area devoted to landscaping from the individual zoning district articles (chapters) to Article XXV. Landscaping and Buffering where landscaping is regulated. The same percentages will remain for each district, but in the landscaping chapter. The following table provides the percentage of landscaping required, by zoning district, to be placed in Article XXV.

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<tr>
<td>(MHP) Mobile Home Park Residential</td>
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<tr>
<td>(MF) Multi-Family Residential</td>
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<td>(NS) Neighborhood Service</td>
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<tr>
<td>(O-1,O-2,O-3,O-4) Office</td>
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</tr>
<tr>
<td>(LR-1,LR-2) Local Retail</td>
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<tr>
<td>(LC,HC, C/W) Commercial</td>
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<tr>
<td>(FWY) Freeway</td>
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<tr>
<td>(GWY) Gateway Overlay</td>
<td>20% (See Article XX.2)</td>
</tr>
<tr>
<td>(LI) Industrial</td>
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<tr>
<td>(HI) Industrial</td>
<td>5%</td>
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<tr>
<td>(DTC) Downtown Transit Center</td>
<td>(See Article XX Part 1)</td>
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<tr>
<td>(TMTC) Trinity Mills Transit Center</td>
<td>(See Article XX Part 2)</td>
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<tr>
<td>(FTC) Frankford Transit Center</td>
<td>(See Article XX Part 3)</td>
</tr>
<tr>
<td>(CC) Corporate Commercial</td>
<td>20% (See Article XX.1)</td>
</tr>
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<td>(JBL) Josey Belt Line Overlay</td>
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a. Residential Zoning Districts

In all single-family and duplex residential zoning districts where landscaping is required, not less than 30 percent of the total required on-site landscaping, as provided in Section B, Subsection 1. Landscaping Required, shall be located in the designated front yard, with not less than 50 percent of the total required on-site landscaping located in the front one-half of the lot.

14. Amend Article XXXII. Board of Adjustment, Section E. Jurisdiction of Board of Adjustment, Sub-section 3. Special Exceptions to add and read:

I. The Board may authorize the construction of an attached or detached accessory structure in the required side yard of a residential key lot provided that the following can be demonstrated:

1. That the encroachment is not more than 50% of the required side yard setback.
2. That the accessory structure is architecturally compatible with the main structure.
3. That the accessory structure is not a carport.

15. Amend Article XXXIV. Definitions to add Automated Teller Machines (ATM) and read:

AUTOMATED TELLER MACHINE (ATM): An unmanned, free-standing structure that performs banking financial functions at a location that may be separate from the controlling financial institution.

16. Amend Article XXXIV. Definitions to revise the definitions of “Parking, Garage Structure” and “Parking, Surface”. The amendments also remove “Accessory Parking Garage Structure” and “Accessory Surface Parking”.

PARKING, GARAGE STRUCTURE: A structure on a separate lot where a fee may be charged for the temporary parking of operable personal and light commercial vehicles. Such structure shall be in lieu of accessory garages within a block or portion of a block. Commercial facilities for washing, repair, or other services shall not be included in the definition.

PARKING, GARAGE STRUCTURE, ACCESSORY: An accessory building or a portion of a main building for the storage or parking of motor vehicles as may be required in connection with the permitted use of the main building. Commercial facilities for washing, repair, or other services shall not be included in the definition.

PARKING, SURFACE, ACCESSORY: An accessory surface parking lot supporting the main use on the same tract of land. An approved parking surface where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking.

PARKING, SURFACE: An approved parking surface, other than an accessory parking lot as described herein, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking for a fee, charge or permit.

B. P&Z RECOMMENDATIONS from P&Z meeting: 12/05/19
Result: /Vote:

C. CC PUBLIC HEARING and ORDINANCE ACTION from CC meeting: 01/14/20
Result: /Vote:
SUMMARY OF TEXT CHANGES IN THE COMPREHENSIVE ZONING
ORDINANCE

The following contains a summary of City Council directed changes and staff recommended amendments. The changes proposed are provided below:

A. City Council Directed Changes:

1.) Provide the Board of Adjustment the ability to grant Special Exceptions for a attached or detached accessory structure in the required side yard of a residential key lot – Amend Article XXXII. Board of Adjustment, Section E. Jurisdiction of Board of Adjustment, Sub-section 3. Special Exceptions to add and read:

   1. The Board may authorize the construction of an attached or detached accessory structure in the required side yard of a residential key lot provided that the following can be demonstrated:
   4. That the encroachment is not more than 50% of the required side yard set back
   5. That the accessory structure is architecturally compatible with the main structure.
   6. That the accessory structure is not a carport.

B. Staff Recommended Amendments to the CZO:

1.) Land Uses and Terms - CZO Amendments to Article V. Use of Land and Structures, Section C. Use Matrix.

   - Add “Automated Teller Machines” as accessory uses, allowed in Office, Neighborhood Service, Local Retail, Corporate Commercial, Commercial/Warehouse, Freeway, Light and Heavy Industrial and in the Transit Districts, by right.
   - The ATMs are accessory and shall not locate in an open area or parking lot.
ATMs are also added to be allowed by right, as a primary use in open areas and parking lots, but with a Technical Site Plan. The Technical Site Plan would require sufficient stacking spaces, landscaping and lighting.

2.) Amend Article VII. Single-Family Residential District and Article VIII. Single Family Attached District Regulations.

   a. adding the following new purpose statements:

   “SECTION A. PURPOSE.

   Institutional Uses should not route traffic through lower density residential areas and should be located on sites that have direct access to arterial or collector size streets capable of carrying the additional traffic they will generate.”

   b. Amend Article VII. Single-Family Residential District Regulations, in Section C. Accessory Uses revising the language and clarifying carport standards.

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4. CARPORTS:

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   j. Location: Rear entry loaded

   k. Definitions:

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   m. Size: A maximum dimension of 24 feet x 24 feet

   n. Height:

   iii. Attached carport cannot exceed the roof line and must be integrated into the home.

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   o. Setbacks:
iv. Shall not extend beyond the wall of the house into the side yard further than the main structure.

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vi. A carport on the front or side of a house

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<td>(D) Duplex</td>
<td>10%</td>
</tr>
<tr>
<td>(MHP) Mobile Home Park Residential</td>
<td>10%</td>
</tr>
<tr>
<td>(MF) Multi-Family Residential</td>
<td>20%</td>
</tr>
<tr>
<td>(NS) Neighborhood Service</td>
<td>10%</td>
</tr>
<tr>
<td>(O-1,O-2,O-3,O-4) Office</td>
<td>10%</td>
</tr>
<tr>
<td>(LR-1,LR-2) Local Retail</td>
<td>10%</td>
</tr>
<tr>
<td>(LC,HC, C/W) Commercial</td>
<td>15%</td>
</tr>
<tr>
<td>(FWY) Freeway</td>
<td>15%</td>
</tr>
<tr>
<td>(GWY) Gateway Overlay</td>
<td>20% (See Article XX.2)</td>
</tr>
<tr>
<td>(LI) Industrial</td>
<td>10%</td>
</tr>
<tr>
<td>(HI) Industrial</td>
<td>5%</td>
</tr>
<tr>
<td>(DTC) Downtown Transit Center</td>
<td>(See Article XX Part 1)</td>
</tr>
<tr>
<td>(TMTC) Trinity Mills Transit Center</td>
<td>(See Article XX Part 2)</td>
</tr>
<tr>
<td>(FTC) Frankford Transit Center</td>
<td>(See Article XX Part 3)</td>
</tr>
<tr>
<td>(CC) Corporate Commercial</td>
<td>20% (See Article XX.1)</td>
</tr>
<tr>
<td>(JBL) Josey Belt Line Overlay</td>
<td>(See Article XX.4)</td>
</tr>
</tbody>
</table>

b. Correct referenced sections of Article XXV. Landscape and Buffering, in Section B. Landscaping, Sub-section 8. Location and Design.

   a. Residential Zoning Districts

   In all single-family and duplex residential zoning districts where landscaping is required, not less than 30 percent of the total required on-site landscaping, as provided in Section B, Subsection 1. Landscaping Required, shall be located in the designated front yard, with not less than 50 percent of the total required on-site landscaping located in the front one-half of the lot.

6.) Amend Article XXXIV. Definitions.

   a. Amend Article XXXIV. Definitions to add Automated Teller Machines (ATM) and read:

      AUTOMATED TELLER MACHINE (ATM): An unmanned, free-standing structure that performs banking financial functions at a location that may be separate from the controlling financial institution.

   b. Amend Article XXXIV. Definitions to revise the definitions of “Parking, Garage Structure” and “Parking, Surface”. The amendments also remove “Accessory Parking Garage Structure” and “Accessory Surface Parking”.

      PARKING, GARAGE STRUCTURE: A structure on a separate lot where a fee may be charged for the temporary parking of operable personal and light commercial vehicles. Such structure shall be in lieu of accessory garages within a block or portion of a block. Commercial facilities for washing, repair, or other services shall not be included in the definition.

      PARKING, GARAGE STRUCTURE, ACCESSORY: An accessory building or a portion of a main building for the storage or parking of motor vehicles as may be required in connection with the permitted use of the main building. Commercial facilities for washing, repair, or other services shall not be included in the definition.

      PARKING, SURFACE, ACCESSORY: An accessory surface parking lot supporting the main use on the same tract of land. An approved parking surface where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking.

      PARKING, SURFACE: An approved parking surface, other than an accessory parking lot as described herein, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking for a fee, charge or permit.
P & Z MEETING DATE: December 5, 2019

DATE: November 22, 2019

TO: Planning and Zoning Commission

FROM: Molly J. Coryell, Planner


BACKGROUND:

This is a City-initiated request to consider amending the Comprehensive Subdivision Ordinance (CSO) text. The proposed amendments are primarily in response to Texas House Bill 3167 impacting plats. Additionally, the changes add conveyance plats and amend the requirements for approving sidewalk waivers. The majority of the proposed CSO amendments update processes, terms, descriptions, and dates, all considered minor changes.

FINANCIAL IMPLICATIONS:

There are no financial implications on the current and future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends APPROVAL of amendments to the Comprehensive Subdivision Ordinance (CSO).

ATTACHMENTS:

- Result Sheet
- Staff analysis
RESULTS SHEET

Date: 12/05/19
Case No./Case Name: PLZT 2019-X2 CSO Amendments

A. STIPULATIONS AND RECOMMENDATIONS

Staff recommends approval of to the following CSO amendments. New added text shown in underlined, removed text are struck through.

1. Article III. Procedures for Plat Approval

SECTION A. PROCEDURE

4. If a plat is approved through administrative action or by the Planning & Zoning Commission, the corrected and signed plat shall be submitted to the Planning Department with the appropriate number and format of electronic and paper copies as required by the Planning Department, for recording with the appropriate county clerk. The plat shall be filed before vertical construction begins on the property, within twelve (12) months of the date of final approval by the Planning and Zoning Commission. Otherwise, the approval of the Planning & Zoning Commission becomes invalid. Planning & Zoning Commission approval becomes effective on the date the Planning & Zoning Commission takes final action on the plat.

2. Article IV. Administrative Plat, Article VI. Final Plat, Article VII. Replat, Art VIII. Miscellaneous Plats and Abandonments

SECTION B. GENERAL PROVISIONS.

3. VALIDITY:

An administrative plat shall be filed for record with the appropriate county clerk before vertical construction begins on the property, within twelve (12) months from the date of approval. Any administrative plat not filed within such time shall be considered invalid. It shall be the applicant’s responsibility to submit all required copies of the plat to the city of Carrollton in time to acquire city signatures and to file the plat before the twelve-month period expires. An administrative plat shall be filed for record with the appropriate county clerk in the same manner as required for a final plat.

Reapproval of an administrative plat by the Director of Urban Development may be applied for at any time after the approved plat becomes invalid. If the Director of Urban Development or his or her designee should deem changes necessary in the reapproval of an administrative plat in light of new or significant information or requirements, he or she shall so inform the subdivider. An administrative plat submitted for reapproval shall be prepared in accordance with, and comply with, the requirements of this ordinance, the Comprehensive Zoning Ordinance, Engineering Design Standards, and all other applicable requirements in effect at the time such application for reapproval is formally filed with the Urban Development Department.

(Ord. No. 1948, 10/19/93; Ord. No. 2573, 11/07/00)
3. Article V. Preliminary Plat

SECTION B. GENERAL PROVISIONS

3. VALIDITY

Approval of a preliminary plat is valid until a final plat is approved by the Planning & Zoning Commission, for twelve (12) months from the date of Planning & Zoning Commission approval. A final plat application must be formally filed with the Planning Department in the manner prescribed by Article III of this ordinance before the twelve-month period expires in order for the preliminary plat to remain valid. If a final plat is denied and the twelve-month period subsequently expires, a new preliminary plat must be approved before another final plat will be considered.

Reapproval of a preliminary plat by the Planning & Zoning Commission may be applied for at any time after the approved plat becomes invalid. If during the reapproval process the Planning & Zoning Commission should deem changes in a preliminary plat necessary in light of new or significant information or requirements, it shall so inform the subdivider. A preliminary plat submitted for reapproval shall be prepared in accordance with, and comply with, the requirements of this ordinance, the Comprehensive Zoning Ordinance, General Design Standards, and all other applicable requirements in effect at the time such application for reapproval is formally filed with the Planning Department.

4. Article VI. Final Plat

4. CONTENT

The final plat shall include the following items:

a. The final plat and accompanying data shall conform to the preliminary plat, if applicable, as approved by the Planning and Zoning Commission, incorporating any and all changes, additions, modifications, alterations, and corrections stipulated by the Planning and Zoning Commission.

b. The final plat shall contain all of the features required for preliminary plats in Article V of this ordinance and shall bear the seal of a registered Texas surveyor. Topographic contours, identification of physical features and wooded areas shall not be required on a final plat.

c. Engineering plans prepared by an engineer registered in the state of Texas shall be required when property is platted for the purpose of immediate development. Engineering plans shall include grading and drainage plans, water and sewer plans, and other plans as required by the City Manager or Designee. The engineering plans shall be approved by the City Manager or Designee prior to filing the plat with the appropriate county clerk. (Ord. No. 2573, 11/07/00; Ord. No. 3271, 01/01/09)

d. In addition to the various requirements for the preliminary plat, the final plat shall also include the following:
1. **EXISTING FEATURES:**

   a. The exact location, dimension, name and description of all existing or recorded streets, alleys, reservations, easements or public rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, or located in close proximity to the site, with accurate dimensions, bearings or deflecting angles and radii, area and central angle, chord bearing and distance, tangent distance and length of all curves, where appropriate.

2. **PROPOSED FEATURES:**

   a. The exact location, dimensions, description and names of all proposed streets, alleys, common areas, parks, public areas, playgrounds or other similar uses, reservations, easements or rights-of-way, blocks, lots and significant sites within the subdivision, with accurate dimensions, bearing or deflecting angles and radii, area and central angles, chord bearing and distance, tangent distance and length of all curves where appropriate.

   b. The surveyor of record for the plat shall submit, with the initial Plat submittal, full calculations for the closure of the tract, showing the bearings and distances as shown on the Final Plat, the computed acreage and square footage for the site and closure information for the site. Closure tolerances shall be in accordance with state statutes, but in no case less than 1:25,000. These calculations shall be signed and sealed by the surveyor of record for the plat. 

   
   (Ord. No. 3271, 01/01/09; Ord. No. 3301, 06/02/09)

3. All dimensions and bearings along the lines of each lot shall be shown. The curve data pertaining to block or lot boundary may be placed in a curve table at the base of the plat and prepared in the following manner:

<table>
<thead>
<tr>
<th>CURVE NUMBER</th>
<th>DELTA ANGLE</th>
<th>PROPERTY LINE</th>
<th>CURVE TABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>RADIUS FOR OUTER PROPERTY LINE</td>
<td>RADIUS FOR CENTER LINE</td>
<td>RADIUS FOR INNER PROPERTY LINE</td>
<td></td>
</tr>
<tr>
<td>TANGENT LENGTH</td>
<td>ARCH LENGTH</td>
<td>CHORD DISTANCE</td>
<td>CHORD BEARING</td>
</tr>
</tbody>
</table>

4. The names of all adjoining subdivisions, the dimensions of all abutting lots, lot and block numbers and accurate reference ties to courses and distances of at least two (2) recognized land corners shall be shown. If adjacent property is not platted, note "NOT PLATTED" and the owner's name.

5. All approved street names shall be shown.

6. All abstract lines shall be shown and labeled.
7. The location and dimension of any easement, designated by use, adjoining or abutting the subdivision.

8. Description of the subdivision by metes and bounds shall be shown.

9. Point of beginning or commencement shall reference an original abstract or existing subdivision property corner. Primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referenced.

10. The final plat shall show a title including the name of the subdivision, the names, addresses and phone numbers of the owner and engineer or surveyor, scale and location of the subdivision with reference to original land grant or survey, abstract number, and a north arrow depicting true or magnetic north, and noting whether true or magnetic north is used.

11. Show the one-hundred-year flood plain limits based on ultimate watershed development, as determined by the City Engineer, or note that such property is not within the flood plain limits, if applicable. Finished floor elevations of two (2) feet above the one-hundred-year flood plain elevation shall be shown on the plat, where applicable.

12. Location and description of monuments, which shall be placed at each corner of the boundary survey of the subdivision, shall be shown as described in Article XI, Sec. C. (Ord. No. 2772, 02/04/03)

13. Lot numbers and block numbers, letters shall be shown. Lots numbers shall be sequential and orderly within a designated block. Land subdivided in stages over time shall provide phase numbers or letters.

14. Address numbers shall be placed on the face of the plat, on the assigned lot, as assigned by the Fire Marshal, or his or her designee. (Ord. No. 3843, 12/05/17)

15. The square footage of all lots which are not rectangular shall be shown in a table.

16. Certificates of the owner, surveyor and utility companies, a dedication statement, city signature block and other standard notes shall be placed on the final plat in accordance with Figure 1 (As applicable). (Ord. No. 3271, 01/01/09)

17. Homeowners Agreement:

   When a subdivision contains common areas, drainage ways, screening walls or other facilities not located within the public right-of-way nor subject to city maintenance, or if landscaping, sidewalks, or other amenities are provided within the public right-of-way for which a license agreement is required by the city, a homeowners agreement, as evidenced by the covenants identifying the
association, shall be placed on the plat. Such homeowners agreement shall be approved as part of the preliminary plat process.

The City Attorney will review the homeowners agreement as to form.

The following six (6) statements shall appear on the face of the plat and in the homeowners agreement:

a. The owner of fee simple title to every individual lot of land within the subdivision must be a member of the homeowners association.

b. The homeowners association must have the authority to collect membership fees.

c. The homeowners association must be responsible for the maintenance of all common areas and screening walls. *(Ord. No. 3271, 01/01/09)*

d. The homeowners association must grant the city the right of access to common areas to abate any nuisances thereon, and attach a lien for the prorated cost of abatement upon each individual lot.

e. The homeowners association shall indemnify and hold the city harmless from any and all costs, expenses, suits, demands, liabilities, damages, or otherwise including attorney's fees and costs of suit, in connection with the city's maintenance of common areas.

f. The homeowners association shall enter into a license agreement with the city of Carrollton, where additional right-of-way has been dedicated for the purpose of providing landscaping, additional areas for sidewalks, walls, or other amenities, and shall be responsible for the installation and maintenance of all landscape areas that are in the public right-of-way. *(Ord. No. 2029, 10/18/94)*

18. Homeowners association note, if required by preliminary plat approval:

A homeowners association covenant has been approved by the city of Carrollton and recorded in _______ (volume and page) _______. Such homeowners association shall be responsible for the maintenance of all common areas and facilities and screening walls located in _______ (lot and block number of common area) _______, or public right-of-way where a license agreement with the city of Carrollton is required, or otherwise identified on the plat. *(Ord. No. 2029, 10/18/94)*

FIGURE 1

STANDARD NOTES

Selling off a portion of this addition by metes and bounds description, without a replat being approved by the city of Carrollton, is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits. *(Ord. No. 3271, 01/01/09)*
GPS Coordinates are rectified to NAD 83 State Plane Coordinate System North Central Texas Zone 4202 (feet).

VISIBILITY NOTE

Intersection visibility triangles shall have the dimensions specified in Section 53.40 et seq. of the Carrollton Code of Ordinances.

CITY SIGNATURE BLOCK

On the ______ day of ___________________, 20_____, this plat was duly approved by the Planning and Zoning Commission of the City of Carrollton.

Signed: ____________________________  Attest:

______________________________  ________________________
Chairman  City Secretary
Planning and Zoning Commission

Signed: ____________________________
Director of Development Services
(or their designee)

SURVEYOR CERTIFICATE

STATE OF TEXAS

I, ________________ (Engineer/Surveyor's printed name)__, Registered Public Surveyor, hereby certify that I have prepared this plat from an actual on-the-ground survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the City of Carrollton, Texas.

(Ord. No. 3271, 01/01/09)

______________________________
Engineer/Surveyor's Signature
DEDICATION STATEMENT
(to be used in all instances)

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS;

THAT (OWNER’S NAME) ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS (SUBDIVISION NAME), AN ADDITION TO THE CITY OF CARROLLTON, TEXAS AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER, THE STREETS, ALLEYS, AND PUBLIC USE AREAS SHOWN HEREON, AND DOES HEREBY DEDICATE THE EASEMENTS SHOWN ON THE PLAT FOR THE PURPOSES INDICATED TO THE PUBLIC USE FOREVER, SAID DEDICATIONS BEING FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPTION AS SHOWN HEREIN. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS SHALL BE CONSTRUCTED OR PLACED UPON, OVER, OR ACROSS THE EASEMENTS ON SAID PLAT. UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO A PARTICULAR UTILITY OR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC’S AND CITY OF CARROLLTON’S USE THEREOF. THE CITY OF CARROLLTON AND ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON ANY OF THESE EASEMENTS AND THE CITY OF CARROLLTON ON ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS AND EGRESS TO AND FROM AND UPON ANY OF SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEM WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. (OWNER’S NAME) DOES HEREBY BIND ITSELF, ITS SUCCESSORS AND ASSIGNS TO FOREVER WARRANT AND DEFEND ALL AND SINGULAR THE ABOVE DESCRIBED STREETS, ALLEYS, EASEMENTS, AND RIGHTS UNTO THE PUBLIC AGAINST EVERY PERSON WHOMSOEVER LAWFULLY CLAIMING OR TO CLAIM THE SAME OR ANY PART THEREOF. THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS, AND RESOLUTIONS OF THE CITY OF CARROLLTON.

WITNESS MY HAND THIS _____ DAY OF ____________, 20___.

___________________________
Signature of Owner

___________________________
Position in Corporation (if applicable)

___________________________
Name of Corporation (if applicable)

___________________________
Lien Holder (if applicable)

If there is no lien holder, add the following statement:
To the best of my knowledge, there are no liens against this property.

___________________________
Signature of Owner
UTILITY CERTIFICATE

THIS PLAT CORRECTLY PRESENTS THE REQUIRED EASEMENTS FOR THIS DEVELOPMENT.

TXU ELECTRIC AND ATMOS GAS

____________________________________

COSERV ELECTRIC

____________________________________

ONCOR ELECTRIC

____________________________________

(Please refer to the “Plat Checklist” as supplied by the Planning Development for updated names of utility companies) (Ord. No. 2565, 10/03/00)

NOTARY CERTIFICATE

STATE OF _____________

COUNTY OF _____________

Before me, the undersigned authority, a Notary Public in and for the said County and State on this day personally appeared _____________________________, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

Given under my hand and seal of office, this _____ day of ________________________, 20___.

__________________________________
Notary Signature

Notary Stamp:

The following statement shall be included when detention is required:

Notice of Confidentiality rights: If you are a Natural Person, you may remove or strike any of the following information from this instrument before it is filed for record in the Public Records: Your Social Security Number or your Drivers’ License Number.
DETENTION AND DRAINAGE EASEMENT

THE STATE OF TEXAS §
COUNTY OF __________§
KNOW ALL MEN BY THESE PRESENTS:
CITY OF
CARROLLTON §

This plat is hereby adopted by the Owners and approved by the City of Carrollton (Called "City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successors and assigns: The portion of block __________, as shown on the plat is called "Drainage and Detention Easement." The Drainage and Detention Easement within the limits of this addition, will remain open at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Drainage and Detention Easement. The City will not be responsible for the maintenance and operation of said Easement or for any damage to private property or person that results from conditions in the Easement, or for the control of erosion. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type of building, fence or any other structure within the Drainage and Detention Easement, as hereinabove defined, unless approved by the City Engineer. Provided, however, it is understood that in the event it becomes necessary for the City to erect or consider erecting any type of drainage structure in order to improve the storm drainage that may be occasioned by drainage in or adjacent to the subdivision, then in such event, the City shall have the right to enter upon the Drainage and Detention Easement at any point, or points, to investigate, survey or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. Each property owner shall keep the Drainage and Detention Easement clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. Should the property owner not maintain the detention pond, the City may perform the work and assess the property for the cost of the work and if not paid attach a lien on all property in the subdivision. The natural drainage through the Drainage and Detention Easement is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be held liable for any damages of any nature resulting from the occurrence of these natural phenomena, or resulting from the failure of any structure or structures, within the Easement.”

(Ord. No. 3843, 12/05/17)
5. Article VII. Replat

SECTION B. GENERAL PROVISIONS.

4. CONTENT:

The replat shall be in accordance with the final plat requirements of Article VI of this ordinance, with the following additional requirements:

a. Exact name of previous plat, which shall be retained in the title of the replat identified;

b. Blocks, lots and portions thereof which are being replatted, shall be identified;

c. Volume and page number where the previous plat was recorded shall be identified;

d. Original plat information being deleted, abandoned, or changed by the replat, (lots and blocks, rights-of-way, etc.), shall be shown lightly sketched or dotted on the drawing with a note of explanation;

e. The word "replat" shall be shown in the title block. *Ord. No. 2088, 07/18/95*

f. A purpose statement detailing the reason for the replat.

SECTION C. SPECIAL PROVISIONS

1. A public hearing shall be conducted by the Planning and Zoning Commission on any residential replat or if the property was limited by an interim or permanent zoning classification to a residential use in the preceding five (5) years to not more than two (2) residential units per lot. *Ord. No. 3271, 01/01/09*

2. If any of the proposed area to be replatted was limited within the immediate preceding five (5) years by any interim or permanent zoning classification to a residential use for not more than two (2) residential units per lot, or if any lot in the immediate previous subdivision was limited by deed restriction to residential use for not more than two (2) residential units per lot, the following additional requirements for approval shall apply:

a. A notice of the Planning and Zoning Commission public hearing shall be published in a newspaper of general circulation in the city at least fifteen (15) days prior to the public hearing.

b. Written notice shall be forwarded by the city of Carrollton to the owners of lots that are in the original subdivision, and that are within 200 feet of the lots to be
replatted, as such ownership is indicated on the most recently approved municipal tax roll, or in the case of a subdivision within the extraterritorial jurisdiction the most recently approved county tax roll, within 200 feet of the property upon which the replat is requested. The written notice shall be delivered by depositing the notice, properly addressed and postage paid, in a post office or postal depository within the city. (Ord. No. 1948, 10/19/93; Ord. No. 2943, 11/02/04)

c. If the proposed replat requires a variance to the provisions of this ordinance and is protested, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission. For a legal protest, written opposition duly signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet therefrom, but within the original subdivision, must be filed with the Planning and Zoning Commission prior to the close of the public hearing. (Ord. No. 1948, 10/19/93; Ord. No. 2943, 11/02/04)

Hearing notice shall be provided, as required by the State of Texas Local Government Code, Title 7, Regulation of Land Use, Chapter 212.015 Additional Requirements for Certain Replats, and as may be amended.

6. Article VIII. Miscellaneous Plats and Abandonments

SECTION B. AMENDING PLAT

3. VALIDITY:

An amending plat is valid from the date of City Manager or Designee approval, shall be filed for record with the appropriate county clerk within twelve (12) months from the date of approval by the municipality designee responsible for approving plats. Any amending plat not filed within such time shall be considered invalid. It shall be the applicant's responsibility to submit all required copies of the plat to the City of Carrollton in time to acquire city signatures and to file the plat before the twelve-month period expires. (Ord. No. 2573, 11/07/00; Ord. No. 3301, 06/02/09)

Reapproval of an amending plat by the municipality City Manager or designee responsible for approving plats may be applied for at any time after the amending plat becomes invalid. If the City Manager or designee should deem changes necessary in the reapproval of an amending plat in light of new or significant information or requirements, it shall so inform the subdivider. An amending plat submitted for reapproval shall be prepared in accordance with, and comply with, the requirements of this ordinance, the Comprehensive Zoning Ordinance, General Design Standards, and all other applicable requirements in effect at the time such application for reapproval is formally filed with the Planning Department.
4. CONTENT

a. An amending plat shall contain all information required for a final plat, as prescribed by Article VI of this ordinance, provided, however, that the signature block and signature of the chairman of the Planning and Zoning Commission shall not be required. The following signature block shall appear on the amending plat:

CITY SIGNATURE BLOCK

On the _______day of _______________, 20_____, this amending plat was approved by the City Manager, the Director of Development Services, or other City Manager Designee.

Signed: _____________________________       Attest: ___________________________
Title: ________________________________

b. A purpose statement and cloud depiction indicating the amendment or change on the plat.

The amending plat shall be in accordance with the following additional requirements:

i. Shall contain a note identifying what element(s) of the plat is (are) being amended;

ii. Shall contain a graphic representation encircling the area of the plat being amended; and

iii. The words "Amending Plat" shall be shown in the title block.”

SECTION C. VACATION PLAT

3. VALIDITY:

Approval of a vacation plat is valid from the date of the Planning and Zoning Commission meeting where it received approval for twelve (12) months from the date of Planning and Zoning Commission approval. Any vacation plat not filed within such time shall be considered invalid. It shall be the applicant's responsibility to submit all required copies of the plat to the city of Carrollton in time to acquire city signatures and to file the plat before the twelve-month period expires. (Ord. No. 2573, 11/07/00)

Reapproval of a vacation plat by the Planning and Zoning Commission may be applied for at any time after the approved plat becomes invalid. If the Planning and Zoning Commission should deem changes necessary in the reapproval of a vacation plat in light of new or significant information or requirements, it shall so inform the
subdivider. A vacation plat submitted for reapproval shall be prepared in accordance with, and comply with, the requirements of this ordinance, the Comprehensive Zoning Ordinance, General Design Standards, and all other applicable requirements in effect at the time such application for reapproval is formally filed with the Planning Department.

SECTION D. ABANDONMENTS.

2. PROCEDURE:

Formal application for right-of-way abandonment shall be made in the manner prescribed by the Planning and Zoning Commission and shall be processed and considered in accordance with Article III of this ordinance. The City Council shall have the final authority to approve or deny an abandonment request. Applications shall be obtained from the Planning Department.

Approval of an abandonment is valid for six (6) months from the date of City Council approval. Reapproval of an abandonment by the City Council may be applied for at any time subsequent to the date such abandonment becomes invalid. If the City Council should deem changes necessary in the reapproval of an abandonment in light of new or significant information or requirements, it shall so inform the applicant.

SECTION E. CONVEYANCE PLATS

1. A conveyance plat is to subdivide land and to provide for recordation of same, for the purpose of conveying (i.e., selling) the property without developing it. A conveyance plat does not constitute approval for any type of development on the property.

2. A conveyance plat may be applied for under the following conditions:

a. The conveyance plat is in lieu of a Final Plat to record the subdivision of property in the following instances:

i. To record the remainder of a tract that is larger than five (5) acres, and that is created by the final platting of the property, provided that the remainder is not intended for immediate development.

ii. To record the subdivision of property into parcels, five (5) acres or smaller in size, that are not intended for immediate development, provided all required public improvements exist to the City’s current standards prior to approval and minimum frontage requirements are met. All public rights-of-way must be dedicated and all abutting streets and utilities must be installed and accepted by the City. Installation of on-site improvements may be delayed if development of other tracts is not affected.
3. PROCEDURE:

Formal application for conveyance plat approval shall be made by the subdivider or his or her agent in the manner prescribed by the Planning and Zoning Commission; and shall be processed and considered in accordance with Article III of this ordinance.

4-4. VALIDITY:

Approval of a conveyance plat is valid from the date of the Planning and Zoning Commission meeting where it received approval.

5. CONTENT:

The conveyance plat shall be in accordance with the final plat requirements of Article VI of this ordinance, with the following additional requirements:

a. The words "Conveyance Plat" shall be shown in the title block.

8. Article X. Design

SECTION G. SIDEWALKS.

1. Sidewalks shall be required along any street upon which a lot abuts, regardless of whether such lot faces, abuts on the side, or backs up to such street, or is separated from such street by an alley, except as follows. The only exceptions to this requirement are:

a. On local streets in a (FWY) Freeway District, (LI) Light Industrial District, (HI) Heavy Industrial District or (IP) Industrial Park District;

b. Along the IH-35E frontage roads outside of the Transit Center District; (Ord. No. 2573, 11/07/00; Ord. No. 3271, 01/01/09)

c. On property that was a legal lot of record prior to April 2, 1962; and

d. Within existing subdivisions accepted without sidewalks;

c. Where approved by the City Manager or designee.

2. Residential Subdivisions.

a. Sidewalks shall be constructed by the developer along all collector and arterial thoroughfares, as designated on the Transportation Plan, and along all
perimeter streets abutting the subdivision, regardless of whether such collector, arterial or perimeter thoroughfare abuts a lot, alley, or other space. Sidewalks shall be constructed along all collector and arterial thoroughfares and perimeter streets prior to the issuance of a letter of acceptance for the subdivision by the City Engineer. The developer is not responsible, however, for constructing a sidewalk along the frontage, as herein defined, of any residential lot.

b. The builder on a lot is responsible for the construction of all sidewalks along the frontage, as herein defined, of such residential lot, including where such lot fronts on a collector thoroughfare, and along that portion of the lot that sides or rears to a street other than a collector or arterial. Provided, however, that such sidewalk is not required on a lot until completion of building construction. Upon completion of building construction, sidewalks shall be provided in accordance with the provisions contained herein. Authorization for occupancy shall not be granted until this requirement has been met.

3. All New and Existing Non-residential Subdivisions.

Sidewalks shall be constructed along all streets, except as noted in Section G(1) above, prior to final acceptance of the subdivision by the City Manager or designee. Certificates of Occupancy shall not be issued, and final inspections shall not be approved until this requirement has been met. *(Ord. No. 3271, 01/01/09)*

4. Temporary Sidewalk Waiver:

The Planning and Zoning Commission may grant a temporary waiver of the sidewalk requirement where it finds that it is physically impractical to build a sidewalk as determined by the Planning and Zoning Commission.

a. The property abuts a collector or arterial thoroughfare, as designated on the Transportation Plan, and is zoned to the (LI, HI) Industrial District, (IP) Industrial Park District, (LC, HC, C/W) Commercial District, (FWY) Freeway District, or a Planned Development district for industrial or commercial uses; or

b. The property is generally being developed for warehousing or non-labor intensive manufacturing uses; or

c. It is physically impractical to build a sidewalk, as determined by the Planning and Zoning Commission; or

d. A substantial amount of property along the same side of the street as the request site, as determined by the Planning and Zoning Commission is developed without sidewalks.

5. The approval of the subdivision plat and issuance of any certificates of occupancy or building permits is contingent upon approval of a temporary waiver, or construction of required sidewalks. *If at any time the city determines that a sidewalk is needed along a street frontage, then the temporary waiver will be
revoked and the adjacent property owner shall construct a sidewalk along the entire length of street frontage, in accordance with the General Design Standards of the city of Carrollton. If the property owner does not construct the sidewalk, the city of Carrollton may finance construction of the sidewalk and place a lien on the property until such construction costs are paid back to the city. The cost applicable to a particular lot shall be determined by the square footage of sidewalk installed adjacent to such lot.

A note shall be added to any plat approved with a temporary sidewalk waiver informing prospective purchasers of any lot or block within a subdivision that all successors and assigns will bear such responsibility and that building permits or certificates of occupancy may be revoked if the terms of this ordinance or the temporary waiver are not complied with.

6. In situations where the city of Carrollton determines a sidewalk is necessary in a developed area, and where no sidewalk waiver has been granted, the conditions of paragraph G(5) shall apply.

7. A sidewalk shall be provided where deemed necessary by the Planning and Zoning Commission to provide circulation or access to schools, public parks and playgrounds, shopping centers, and transportation or community facilities, or to provide pedestrian circulation within the subdivision. Such sidewalk shall be provided by the developer, and built in accordance with the General Design Standards of the city of Carrollton.

9. Article XIII. Definitions.

FILED: The day the administrative review process is completed and the plan or plat is placed on the Planning and Zoning Commission agenda.

B. P&Z RECOMMENDATION from P&Z meeting: 12/05/19
   Result: /Vote:

C. CC RECOMMENDATION from CC meeting: 01/14/20
   Result: /Vote:
SUMMARY OF COMPREHENSIVE SUBDIVISION ORDINANCE AMENDMENTS

The purpose of the proposed text amendments is to:

1. Necessity to update the Comprehensive Subdivision Ordinance (CSO) text in conformance with State Law, specifically in relation to Texas House Bill 3167, which became effective September 1, 2019.
   a. State law requires a plat is valid indefinitely after approval by the Planning & Zoning Commission. The proposed CSO amendments remove the expiration of approved plats, consistent with state statutes.
   b. The new law requires local governments to review and hear plats within 30-days. The CSO already states that a plat is not considered filed until it is put on a Planning & Zoning Commission Agenda. All plats that are put on an agenda are heard within a 30-day time period. Therefore, we are in compliance with the 30-day requirement to review and bring plats to the Planning & Zoning Commission.
   c. State law provides notice requirements for replats for requested variances and for replats involving residential duplex or single family detached. The CSO will be updated to reference the Texas State Statutes.

2. Make minor changes in order to provide clarity of content required on plats:
   a. Language for approval of conveyance plats were added to help landowners have a platting process that is specific to the purpose of establishing a legal lot of record for the purpose of sale and not intended for immediate development.
   b. Correct the text requiring abandonment approvals through City Council.
   c. Add a definition for “filed” indicating a plat review process is complete and that the plan or plat is placed on a Planning and Zoning Commission agenda.
   d. Add a purpose statement for all plat types.
   e. Update plat notes and signature blocks.
   f. Amending plats will need to highlight the minor changes made on plats.
   g. Changes to the name of a utility company (Atmos) were made to remove the old name that is no longer relevant.
   h. A Designee of the Development Services Director may sign a plat should the Director be absent for an extended period to help improve efficiency of returning signed plats to applicants for filing.

3. Follow the purpose statement in Article I of our CSO by improving the quality of community services, enhancing community aesthetics, and to promote the public safety and welfare.
   a. The amendments made to the sidewalk requirements are in response to need for ADA accessibility, improved aesthetics of ROW, and create an opportunity to have sidewalk improvements made in Industrial areas.
   b. Although there is little pedestrian traffic in industrial areas overall, some industrial areas are beginning to have more retail uses which would increase pedestrian traffic.
c. Staff can either have the developer build the sidewalks immediately during construction or have the sidewalk funds put in escrow in order to build sidewalks in that area at a later date.