

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

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

Commission Members Present:

Rick Pfeil, Chair
Jerry Sylo, Vice Chair
Glen Blanscet
Barbara McAninch
Jack Stotz
Mark Nesbit

Commission Members Absent:

Kimberly Daniel-Nix
David Halloin
Lisa Loreto

Staff Members Present:

Regina Edwards, 1st Asst. City Attorney
Christopher Barton, Chief Planner
Mike McCauley, Senior Planner
Brett L. King, Building Official
Tom Hammons, Transportation Eng. Div. Mgr.
Brian Passwaters, Community Services Div. Mgr

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

(Note: * = designation of a motion)

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

- 1. MINUTES: Approval of Planning & Zoning Commission Minutes:** July 19, 2012 meeting.

* *Motion made by McAninch, second by Stotz to approve the July 19 meeting minutes, passed 6-0 (Daniel-Nix, Halloin, Loreto absent).*

INDIVIDUAL CONSIDERATION

- 2.** Consider final action approval of a final plat for **Mustang Park, Phase 5**. The approximately 47.413-acre site is located approximately 1,500 ft southwest of the intersection at Dozier Road and Plano Parkway, and is currently zoned PD-175 for the (SF-5/12), (SF-7/16) and (SF-10/18) Single-Family Residential Districts. Case No. 08-12FP1 Mustang Park Phase 5/Dowdy Anderson & Associates. Case Coordinator: Michael McCauley.

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

Casey Ross with Dowdy Anderson & Associates, 5225 Village Creek Dr., Plano, TX stated the applicant was aware of the staff stipulations and was in agreement with them.

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

- * *Motion made by McAninch, second by Sylo to approve Case 08-12FPI with staff stipulations including the finding that the dedication of the right-of-way is necessary and proportional to the proposed development, passed 6-0 (Daniel-Nix, Halloin, Loreto absent).*

PUBLIC HEARINGS

3. Hold a public hearing and consider approval of a **Special Use Permit for a Video Arcade**. The approximately 2,100-square-foot lease space is located at the southeast corner of Josey Lane and Frankford Road and is zoned PD-21 for the (LR-2) Local Retail District. Case No. 08-12SUP1 Star Café (arcade)/ Ann Tuoi Thi Nguyen. Case Coordinator: Lorri Dennis.

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

Gary Ng, 4323 Rosemeade Pkwy #826, Dallas, TX came forward and stated that the owner was on vacation and he would speak on his behalf.

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

Ng said they were.

Pfeil asked if that was including staff's recommendation of denial of the application.

Ng said he was unaware of that.

Pfeil inquired if the owner had asked him to make any presentation or make any comments on his behalf.

Ng answered no.

McAninch stated that there were seven items that staff had asked the owner to address but the applicant had answered only one. She asked if he knew why the owner had not provided the answers.

Ng said he had not read the letter but would look into it and give the Commissioners answers next month.

McAninch asked if he was asking to continue the case to next month when the owner returned.

Ng said yes.

Pfeil opened the meeting for public discussion. There was none.

Nesbit expressed disappointment that the owner was out of town when his hearing was scheduled. He said that there were many things about this case that disturbed him. He said he feels the owner has a disregard to the rules, stipulations, laws of the city, and disregard to the law enforcement and code enforcement officers. Therefore he saw no need to continue the case and stated he would be voting against the application.

McAninch stated she had concerns that the owner failed to provide basic information about the case and feels if someone is asking for special permission that normally would not be allowed, they need to comply with staff requests so their case can be properly reviewed. She too, would not be in support of the case.

Sylo asked staff if the business was operating today.

Brian Passwaters stated that it is operating with a current Certificate of Occupancy and is allowed to have no more than four video games.

Sylo asked if they currently have only four video games on the premise.

Passwaters stated when an inspection was made in April in conjunction with the Police, there were 14 video games observed, and when they re-inspected, there were only four. The business had not been inspected since April. Currently the applicant has three outstanding citations which are scheduled to go before Court within the next two weeks.

* *Motion made by Blanscet, second by Sylo to close the public hearing and deny Case 08-12SUP1, passed 6-0 (Daniel-Nix, Halloin, Loreto absent).*

4. Consider final action approval of a **Technical Site Plan for Harmony School of Innovation**. The approximately 9.42-acre site is located on the north side of Rosemeade Parkway, west of Old Denton Road and is zoned PD-39 for the (LR-2) Local Retail District with SUP 261 for a day care center. Case No. 08-12TSP1 Harmony School/Claymoore Engineering. Case Coordinator: Christopher Barton.

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

Matt Moore with Claymoore Engineering, 1105 Cheek-Sparger Rd., Colleyville, TX was present and said Cosmos Foundation, operator of the Harmony School, has seen the staff stipulations and was in agreement with them.

McAninch said the Commissioners were trying to understand why they needed the portable buildings. She read from a portion of the State of Texas Education Code showing that upon receipt of more acceptable applications for admission than available positions, a lottery should occur. She asked if they had held a lottery.

Scott Coleman, Assistant Principal with Harmony School, said they had. The school currently has 1,000 applications for any opening that may become available throughout the year from students who withdraw or have decided to not continue attendance at the school the following year. He stated the school currently has grades K-11. The room sizes

change according to the current year's need. He was unsure of what the actual capacity of the building was.

Sara Strain, Assistant Principal of Finance & Operations with Harmony School, said that the building has a capacity of 650 students. The school opened three years ago with grades K-8. The school's policy is to grow as the students grow. Every year they have added a grade. Next year the plan is to add the 12th grade. Last year they had approximately 588 students with 113 not returning and are now approaching 700 students. She was unaware of what the State of Texas allows them to have. They had 1,000 students apply for the 113 openings. They plan to house grades K-2 in the four portable buildings, about 150 students.

McAninch asked if the amount of students admitted right now is the number that would fit in the existing building.

Strain said the number they have admitted is the number they have planned for with the portable buildings.

Nesbit asked if the State had approved the 650 students they were planning to have this school year.

Strain said the 650 is the capacity of the building imposed by the city of Carrollton. She explained that the School District had given approval for 400 more students. She stated that Carrollton's Harmony School is in the Waco district, with schools from Waco to the immediate Dallas area, housed in five school buildings. The new building under construction in Plano will be included in this district.

Pfeil asked if once the Plano school opens, would the District go to the State to get an amendment to their charter to increase enrollment.

Strain said since they are a public school and accept State funding, they will do whatever is needed to be in compliance with the State.

Pfeil stated the approved Technical Site Plan (TSP) allows 650 students. He asked if their request was denied tonight, would the school have to turn away students who are currently enrolled.

Strain said that was correct.

Sylo asked how many students plan to return this school year.

Strain said that 450-500 will be returning, and filling the 113 openings will bring the building to capacity of 650. The portable buildings are to make sure the 650 have to have adequate facilities for schooling. Last year their grade level went up to the 10th grade and this year they will add the 11th grade.

Sylo stated that in terms of the TSP, they really do not need to accept new students.

Strain said they can continue to accept students to meet the TSP. However, the building itself cannot realistically hold that number. The 650 is realistic if they have the portable buildings and then would not have to turn students away.

Sylo expressed his concerns over the fact that the school had received four citations in the last year and a half for their dead landscaping and trash and debris. He wondered if the school was unwilling or was financially unable to maintain the landscaping. He feels the site gives a bad impression of the city. He was also concerned that the property had been illegally subdivided.

Pfeil said the school has amended their TSP twice to enlarge their enrollment and now was asking to have 1,100 students. This year with the 11th grade added, they are in need of portable buildings to house this number. He understood the school is two years away from issuing bonds to build the new building so it may be four years before the completion of the conceptual building. He wondered what they would do between now and the time it will take for the completion of the building.

Strain explained that the bulk of their students are in the elementary grades, with smaller class sizes for the higher grades. She said they would not be able to admit as many students and have to limit the class. She isn't sure how the number 1,100 was reached but feels it was to prevent them from having to return multiple times in the future. She pointed out that Harmony Schools do not use portable buildings once the building has reached full capacity.

Stotz wanted to clarify that the school currently has grades K-10 with approximately 50 students per grade.

Strain said that was correct, except that the higher grades have probably 20-25 students. When asked what would happen if the school's student body was capped at 550, she replied that they would have to construct more schools. She said there are no geographical boundaries for their schools, so if a parent is willing to make the drive, any child may attend.

Stotz asked if the 1,000 applicants could apply at multiple campuses at the same time.

Strain said they could.

Pfeil asked staff if, by looking at the applicant's traffic study, would staff be able to say when it would become necessary to build the second school building to house the 1,100 students.

Hammons said the submitted traffic study was based on having 1,100 students at the end of the construction. He said the stipulations for the proposed TSP were to be phased in as the project moved forward. He feels if the Commissioners planned to approve the four

portable buildings but limit the number of students to 650, then it would be unreasonable to require all the stipulations at this time.

Sylo asked if there had been a traffic study submitted with the last amendment to the TSP.

Hammons said there had been. The previous study recommended a traffic control officer but it had not been stipulated. This past school year the City received a lot of traffic complaints with the school having 580 students, so with the 650 students planned for this year, it was made a stipulation.

Blanscet asked if they were allowed the 1,100 students, could the school continue to add as many portable buildings as they wanted.

Barton said the application is for four buildings. Any changes would require the school to amend this TSP. However, they could build the second building since it is shown on the plans.

Edwards expressed confusion as to why two years ago the school said 650 kids would fit into the building but now it can't hold the same number of students without having the four portable buildings to accommodate them.

Kledial (Eddie) Murati, Principal of Harmony School, said that when the school opened, most of their students were in the elementary grades, usually with each grade level in one classroom. Each year they have added a grade, but the higher grades don't stay in just one room. They go to different rooms for their elective classes, thus creating the need for more rooms. This wasn't a problem when they had just the younger students.

Edwards asked if the Waco school district was allowed to have 4,000 students, and if so, would the new Plano school be part of the Waco district.

Murati said the Waco district was allowed the 4,000 students in five school buildings but wasn't sure if the Plano campus would be part of that district. He said the Plano school would not start at full capacity when first opened but would be able to eventually hold 1,000 students.

Edwards asked how many students were allowed by the District for their Carrollton campus. Since this proposed TSP shows 1,100 students, she asked if their School Board would be giving them 1,100 students out of the 4,000 designated for the Waco district.

Murati said the 1,100 students would be for what the Carrollton campus would have in two years. The school board could amend their charter to have more students than 4,000. This year their school has been allocated 700 students.

Sylo asked if the City would be required by law to allow Harmony School to have as many portable buildings as they wanted if the Commissioners approved the 1,100 students as shown on their submitted TSP.

King said they would have to follow the TSP. This one shows four buildings, and if they need more they will have to come back to amend the TSP for more buildings.

Edwards asked if they thought 1,100 students would fit into the existing building and the requested four portables.

Murati again stated that the number of 1,100 students would be when the construction of the additional building is completed.

Moore stated that when they met with staff they were told to show the future building on the TSP to help justify the need of the portables. The number 1,100 was driven by the future building, not the addition of the portables.

Sylo verified that the four portable buildings would provide enough room for the 650 students estimated to start this school year. He desired to give the school what they need currently and have them return with full building, site, and landscaping plans at a future date.

Murati said that their central office needed to know that the City would approve the 1,100 students before they could start moving funds to finance the new building.

Sylo asked staff if the information provided by the applicant meets the typical information provided with a TSP.

Barton stated it substantially met the requirements of the ordinance.

Sylo asked what was not provided.

Barton said typically staff would receive full site plans, elevation drawings, landscaping plans, and almost a full set of construction drawings.

Sylo stated that the applicant had provided only one page.

Barton said there was more than one page submitted but these were not to the level of detail to which they are accustomed. Barton said he feels the Commissioners were confused due to lack of information concerning how many students were allowed by their state charter and what the actual number of students would be.

McAninch said they would not have had such a problem making their decision if someone had been present who could have answered their questions. She doesn't think the Commissioners would object to their project but felt they didn't have enough information to make the best decision for the City and school.

Moore said when they were directed to show the second building on the TSP, they told staff that it was not far enough along to provide much information or drawings. They would not object to removing the second building from the TSP if it meant they could move forward with the portables for this school year and come back at a later date with more information on the second building and its design.

Murati said they didn't have the room on the property to add more than the four portable buildings. They would need them until the new building is complete, possibly within three years.

Nesbit asked when the school year begins.

Murati said August 22, 2012.

Stotz said in 2010 the TSP approved the increase of students from 300 to 650 but they didn't request to have portables back then.

Murati said again that unlike the elementary grades, the higher grades needed more than just one classroom, and now 650 will not fit into the building.

Sylo asked Hammons which stipulations would be necessary at this time if they have 650 students and the four portables.

Hammons said he would recommend the deceleration lane on the western driveway and have a traffic control officer. At this time if the portables were the only additional items, they wouldn't need the queuing stipulations.

Pfeil opened the meeting for public comments.

Phyllis Dionne, 2947 Lockwood Dr., Carrollton, TX said her son attends the Harmony School. She believes the school does need more room and she supports the project.

Don Laing, 4171 Creekhollow Dr., Carrollton, TX said he has three children attending the school. He knows that due to a lack of space, some parents have one child in the Harmony School and another child in a different school and realizes this presents a hardship for them. He thinks the approval for the 1,100 students is necessary for the office in Houston to move forward in their planning for the additional building. He thinks not having the approval will slow down or stop their forward process.

Thanh Le, 1408 Milam Way, Carrollton, TX said he has three sons who were in private and public schools but was not happy with the results. Now they attend the Harmony School and he is pleased with their progress, so he supports the project.

Pfeil said he had six cards from individuals who didn't wish to speak but wanted to show their support for the request:

- Katrina Jordan, 3910 Old Denton Rd. #1324, Carrollton, TX
- Suk Han Chan, 1420 Hudspeth Dr., Carrollton
- Debitu Gillett, 3837, The Colony, TX
- Amy Ling, 4171 Creekhollow Dr. Carrollton, TX
- Thanh Le, 1408 Milam Way, Carrollton, TX (eventually did speak)
- Maria Dippold, 1024 W. Rosemeade Pkwy., Carrollton, TX (eventually did speak)

There was a discussion concerning increasing the number of students from 650 to 700. Sylo explained his reason for not wanting to increase the number was due to the school receiving the four citations, the land having been subdivided illegally and that Strain had stated earlier that the addition of the four portables would be enough to handle the 650 students the TSP currently allowed. He was not sure if the school wanted to be partners with the City and believed this would give them time to prove themselves.

Nesbit noted that the school had been approved by the Superintendent for 700 students, but the Commissioners were discussing limiting the number to 650. He asked how many students had been enrolled.

Murati stated approximately 700, so they would have to turn away 50 students they had accepted.

Pfeil said that the school was planning to use the portables for the elementary children. The remaining 500 would be in the building which the TSP would allow, so he did not have a problem with allowing 700 students.

Murati said their budget was dependant upon the number of students enrolled so the reduction of 50 students would have an impact on their resources.

Nesbit said he had no problems with 700 students. In 2010 they were told they could have 650 students but obviously have outgrown the building. He thinks it is reasonable to allow them the four portable buildings and the 50 extra students so they won't have to turn away students at this time.

Blanscet said he felt the Commissioners were in agreement about allowing the portable buildings but what they were debating about was 50 students. He acknowledges the applicant didn't provide as much information as staff would have liked and didn't necessarily follow the proper procedure. But in light of the fact they had asked for 1,100 students and the Commissioners were cutting that number back significantly, he didn't think 50 additional students was too large a number to allow. He felt the ones who would really pay the penalty would be the children who would be turned away and parents who now have to scramble to find another school at this late date.

Maria Dippold, Assistant Principal of Harmony School, said she had learned much from this meeting as to what needed to be submitted and to bring someone who could answer all their questions. She requested the Commissioners to approve the 700.

* *Motion made by Sylo, second by Stotz to close the public hearing and approve Case 08-12TSP1 with the following stipulations:*

- *Stipulation 1: Requiring the western deceleration lane but removing the requirement of the eastern deceleration lane*
- *Stipulation 3, 4 and 10 be removed*
- *Limit the student body size to 650, and*
- *Require the illegal subdivision of the property be addressed within six calendar months from this meeting date*

Motion failed 2-4 (Nesbit, Pfeil, McAninch and Blanscet opposed, Daniel-Nix, Halloin, Loreto absent).

* *Motion made by Nesbit, second by Blanscet to approve Case 08-12TSP1 with all of the same stipulation as the failed motion but allow 700 students, passed, 4-2 (Sylo and Stotz opposed, Daniel-Nix, Halloin, Loreto absent).*

OTHER BUSINESS:

a. Staff Reports

Barton stated there was a possible conflict for the rescheduled P&Z meeting on October 18. He said he would contact the Commissioners when the issue was settled and a date confirmed.

Pfeil said he understood TCC Highstreet development now had three new residents.

Barton said even though the buildings were not complete, one apartment is occupied and 20 leases have been signed. There is a grand opening scheduled for later this year and he will let them know when the date has been set.

McAninch said the Orange Line for DART was now open and within the next couple of years will connect to DFW International Airport.

ADJOURNMENT

The meeting was adjourned at 9:01 p.m.

Christopher Barton
Chief Planner

Rick Pfeil, Chair
Planning and Zoning Commission