## Minutes City of Carrollton Planning & Zoning Commission November 1, 2012

A meeting of the City of Carrollton Planning & Zoning Commission was held on November 1, 2012 at 7:00 p.m. in the Council Chambers at City Hall with the following members present:

None

**Commission Members Present:** 

**Commission Members Absent:** 

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

Lisa Loreto

**Staff Members Present:** 

Regina Edwards, 1<sup>st</sup> Asst. City Attorney Ravi Shah, Director of Development Services Christopher Barton, Chief Planner Mike McCauley, Senior Planner Tom Hammons, Transportation Eng. Div. Mgr. Lorri Dennis, Arborist Lydia Tormos, Admin. Support

(Note: \* = designation of a motion)

## CALL MEETING TO ORDER: 7:06 p.m.

- 1. MINUTES: Approval of Planning & Zoning Commission Minutes: October 18, 2012 meeting.
  - \* Motion made by McAninch, second by Stotz to approve the revised October 18 meeting minutes distributed in the briefing, with an additional correction, passed 9-0.

#### INDIVIDUAL CONSIDERATION

**2.** Hold a public hearing and consider approval of a Technical Site Plan for Quaker Steak Drive-Through. The approximately 1.469-acre site is located at 4109 State Highway 121 and is currently zoned PD-124 for the (LR-2) Local Retail District. Case No.11-12TSP1 Quaker Steak Drive-Through/BHDS Group. Case Coordinator: Michael McCauley.

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

Lawrence Barbara with BHDS Group, 7075 Twin Hills Ave., Dallas, TX, was present for Quaker Steak and Lube.

Sylo asked the applicant how the pick-up window would work.

Barbara stated that they were requesting a pick-up window not a drive-through window. The customer will have preordered the food and prepaid with a credit card. They will drive up to the window at the rear of the building and if the order is ready, it will be handed to them. If it is not ready, they will be asked to pull over to an assigned parking spot and will have the food brought to them when it is ready.

McAninch asked if the sign at the window was a menu board, and if so, could the customer add to their order at that point.

Barbara said it was not a menu sign but an advertising graphic and showed the Commissioner a copy of it from his computer.

Blanscet said since the food would be preordered, would they also be prepaying for the food, or could they pay at the window.

Barbara said it would be all prepaid and there would be no sales at the pick-up window.

Pfeil asked if the other locations have a pick-up window.

Barbara answered it was part of their standard design.

Pfeil expressed surprise that two weeks after the business had their grand opening, they were now applying for a pick-up window. The existing window could be used as a drive-through window and asked why it had not been included in the original project.

Barbara stated he had not been a part of the original project, but understood there had been issues concerning the window at the time the plans were being reviewed. The owner decided to move forward with the project to get the store opened as quickly as possible and would come back to address the issues at a later time. The applicant had a project in Waco under construction and another project in the permitting stage in Plano, so they wanted to get the Carrollton store completed.

Pfeil asked if there would be any signs placed to indicate which parking spaces would be for customers waiting for their pick-up orders.

Barbara said there would be four permanent signs.

\* Motion made by Sylo, second by Nesbit to approve Case No. 11-12TSP1 as presented. Stotz asked to amend the motion to include the wording that "the pick-up window as proposed by the applicant is strictly limited to prepaid orders". Amended motion passed 9-0.

#### **PUBLIC HEARINGS**

**3.** Hold a public hearing and consider approval of a Special Use Permit for Temporary Accessory Buildings Not Meeting the Façade Masonry Requirement. The approximately 4.015-acre site is located at 4020 Nazarene Drive and is zoned PD-124 for the (O-2) Office District. Case No. 11-12SUP1 Heartland Church Portables/Dick Calvert. Case Coordinator: Christopher Barton.

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

Dick Calvert, Calvert & Company Architects, 1101 W. Main Street, Carrollton, TX, was present. He said he had designed the building 10 years ago for a different church. He gave a history of the building and ownership and stated there never had been a large area for classrooms. The current church now planned expansion in three phases. The portable buildings would occupy the area where Phase 3 will be and would be removed at the beginning of that phase of construction. He stated that when the building was originally constructed it had met all city requirements including landscaping. The church doesn't wish to own the portables so they will be rented.

Nesbit asked if the current storage shed and fence will be moved when the portable buildings are delivered.

Calvert was not sure. They will be using rental buildings and do not know the actual sizes of the buildings that will be available until they are ready for them to be delivered. At that point they will see if the storage shed can remain where it is located or needs to be moved. The sizes he stated on the application are the largest sizes that would be allowed, but may actually be smaller.

Nesbit asked if he felt there would be any way to screen the buildings on the southern side, next to State Highway 121.

Calvert said they would have no problem placing an eight-foot tall wooden fence but doesn't know if that would really help with the screening.

Sylo asked what use the portable buildings would be used for.

Calvert said they would be classrooms for children and adults. The classes would return to the main structure after the remodel is completed. When asked if the church could stagger worship times so as to alleviate the need for the portables, Calvert said currently that was what the church was trying to do but it wasn't working well.

Since the classroom additions would be constructed during Phases 2 & 3, McAninch asked if the church would be better suited by changing the order of construction and possibly meet elsewhere while construction is under way.

Calvert stated the reason they chose to build in this order was that currently the church has two services. The members have no area to wait out of the elements while the other services are ending. They felt this has a higher priority and needed to be completed first.

Blanscet asked where the members would go if the portables weren't allowed.

Calvert said he didn't know since there was no more room. He compared their need to a store that brings in storage units while doing remodeling. Once the remodel is finished the portables are removed.

Daniel-Nix inquired how long the phases would take to complete; would it take the whole 24 months they were seeking, or if they had added some to the timeline.

Calvert said they expect the project to be finished within 18-20 months but was asking for 24 months to cover any unforeseen events.

Blanscet asked if Calvert was aware of the staff stipulations and was in agreement with them.

After a short discussion of the verbiage of the proposed ordinance, Calvert said he was in agreement.

Pfeil stated he didn't feel a 6-8 foot fence would accomplish much in the way of screening a 14-foot tall portable building. He asked if the applicant felt there would be any other way to screen the buildings.

Calvert said the property has a drainage canal as well as fire lanes that they were not allowed to encroach, so he didn't think there were any more areas where landscaping could be added.

Halloin asked staff if the required 10-foot distance between accessory buildings and main structures applied to the existing storage shed.

Barton said this requirement is for an occupied building, so the storage shed would not need the 10-foot separation.

Pfeil stated 22 people had marked on comment cards to show their support of the project but did not wish to speak. These people were:

- Paula Giesey, 1802 Chamberlain, Carrollton
- Charlotte Crouch, 1524 Weathered, Irving
- Larry Medcalf, 2324 Conningham, Irving
- Gladys Medcalf, 2324 Conningham, Irving

- Bob Prevatte, 1927 Sunnybrook Dr., Irving
- Gladys Prevatte, 1927 Sunnybrook Dr., Irving
- Alison Eldridge, 1600 Malibu Dr., Carrollton
- Ron Eldridge, 1600 Malibu Dr., Carrollton
- Mary Newberry, 3805 Virginia Pine Cir., Carrollton
- Marsha Newberry, 1636 Blackstone, Carrollton
- Jordan Caldwell, 2608 Breezehollow Way, Corinth
- Jerry Caldwell, 2608 Breezehollow Way, Corinth
- Julie Caldwell, 2608 Breezehollow Way, Corinth
- Barry Barnlisel, 7412 Nabors Lane, McKinney
- Larry Williams, 5400 North Colony Blvd., The Colony
- Annette Imes, 7036 Northpointe Dr., The Colony
- Lawrence Bell, 1701 E. Hebron Pkwy., #4303, Carrollton
- Kerry Park, 2309 Meadow Creek Dr., Carrollton
- Matthew Russell, 4230 Fairway Dr. #13203, Carrollton
- Brad Bowen, 508 Wagonwheel Ct., Colleyville
- Dorcas Dillard, 3910 Old Denton, #1423, Carrollton

Pfeil opened the meeting to the public. The following people spoke in favor of the project:

- Deise Da Silva, 2005 Lavaca Trail, Carrollton
- Barry Saulters, 1501 Santa Fe Trail, Carrollton
- Dave Cathey, 1501 Santa Fe Trail, Carrollton
- Dan Dean, 7000 Shalimar Ct., Colleyville
- Diana Day, 1716 E. Crosby Rd., Carrollton
- John Crews, Pastor, 4020 Nazarene Dr., Carrollton (subject property address)
- Vicki DeFord, 14049 Stardust Ln., Farmers Branch
- Nancy Golden, 2919 Mill Trail, Carrollton
- Barney Barnhisel, 7412 Nabors Ln., McKinney
- Larry Williams, 5400 North Colony Blvd., The Colony
- Karen Peters, 4253 Hunt Dr. #3305, Carrollton

The following person spoke in opposition:

Geri Nelson, 3800 Johnson Dr., Carrollton. She said the neighborhood was concerned
about the look of the temporary buildings. She was unaware that the applicant had
changed the proposed locations for the buildings. She felt she would have no issues
with the portables if none of them were placed in the north parking lot. She did hope

that some type of fencing could be used to screen them. She expressed the hope they could all work together to be good neighbors to each other.

Pfeil stated that staff had received nine e-mails and one postcard from the Oak Tree North Estates neighborhood just to the north stating their opposition.

Halloin, Daniel-Nix and Pfeil stated they think that the revised drawing for the placement of the buildings gives greater screening.

Sylo said he regularly attends church, and supports what their church is trying to accomplish. But he views this request as one for portable buildings and not a church request. He referred to a chart given to the Commissioners showing that Carrollton currently has 11 churches that have temporary buildings, some in place for 13 years. He believes all these churches had good intentions to finish their projects but things do happen that cause delays. He acknowledged they needed more classrooms, but the classrooms were a part of Phases 2 & 3. Phase 1 was to add more restrooms and a place for people to wait between services. He felt a possible solution would be to increase the time span between services. He said it would be an inconvenience for the members but this would prevent the need for portable buildings during construction and help keep Carrollton beautiful.

McAninch expressed similar views. She said she too regularly attends church and has a lot of emotion for her church. She expressed her opinion that these buildings seem to never go away when once established and feels they are an eyesore. She felt if Carrollton didn't allow any portable buildings, the church would have found a different solution.

Daniel-Nix asked staff about the stipulations tying the issuance of a building permit to when the portables can be placed and the removal of them before a Certificate of Occupancy being issued. She asked if there was anything that could be added to the proposed ordinance to prevent these from being allowed for a period longer than 24 months.

Barton stated these stipulations have not been tried before but staff hoped that this wording would help regulate the portable buildings better. He realizes that things do happen that prevent churches from meeting their deadlines and necessitate requests for extensions. He felt it was unfair to ask churches with existing portable buildings to remove theirs just because they had not finished construction on time versus allowing new ones to come into the city.

Daniel-Nix asked about the stipulation of no final inspections until the portables were removed. She asked if the church would still be able to continue their services.

Barton stated that was the intent when the proposed ordinance was written. He also said tonight was the first time they understood the scope of work was not a single remodel job, but one that would be in three phases.

Stotz stated he also does not like temporary buildings. He feels the problems lies not with the portable buildings themselves but with the Commission not being able to discipline

themselves enough to not renew or extend the deadlines when they are brought back before the Board. He said he is in favor of the request and will vote in support of it but will not be in favor of the request if they come back and ask for an extension of the date allowed.

Blanscet said he made the motion for approval with the understanding that this request was for the portables and not a church issue. He reminded the Commission that the stipulations do have an end date of December 31, 2015, and on that date the SUP ends and the portables will have to be removed. He feels this is a reasonable request since they are willing to locate the buildings in a different area to make them less visible. He thinks it is reasonable that they should be allowed to expand their church and use portables during construction. He said this is a church and not a business so they can't change schedules as easily as a business might.

Pfeil proposed amendments to the motion:

- On Item 5 he would like the stipulation to read: "Temporary accessory buildings shall be removed from the site prior to a building final inspection of Phase 2;"
- He would like to change the end date from December 31, 2015 to December 31, 2014; and
- Have the hand-out of the revised site plan showing the new location of the temporary buildings be included as a supplement with a delineation of Phase 1 & 2 to be part of the staff stipulations

Blanscet was fine with the first and third amendments, but felt the reduction of time to December 31, 2014 would be too tight for their schedule.

Pfeil withdrew his request for the change to 2014.

Daniel-Nix said she was fine with the amendments as well. She asked the applicant if their financing was approved and was just waiting for the closing.

Calvert said the loan has not been approved, but they aren't asking the portables be placed until they are ready to start construction.

- \* Motion made by Blanscet, second by Daniel-Nix to close the public hearing and approve 11-12SUP1 with staff stipulations as amended, passed 7-2 (Sylo and McAninch opposed).
- **4.** Hold a public hearing and consider Rezoning to Remove Five Unused Special Use Permits (SUPs). The sites total approximately 9.978 acres and are SUP Nos. 75 (1225 E. Rosemeade Pkwy.), 85 (2008 E. Hebron Pkwy.), 162 (4443 N. Josey Ln.), 181 (3065 N. Josey Ln.) and 318 (1444 Halsey Way). Case No. 11-12SUP2 Closed Day Care SUPs/City of Carrollton. Case Coordinator: Christopher Barton.

Barton presented the case. He stated it is normal to periodically review Special Use Permits to see if there is a continued need or appropriateness. The purpose was not to close any operating businesses but to remove the zoning for the SUPs of those that are no longer in

operation and return them to their base zoning. None of the five SUPs were in use nor appeared they would be in use again.

Pfeil opened the meeting for public comment. No one came forward.

\* Motion made by McAninch, second by Loreto to close the public hearing and approve 11-12SUP2, passed 9-0.

#### **OTHER BUSINESS:**

## a. Staff Reports

Barton updated the Commissioners on a couple of projects that had recently appeared before them:

- Expect a replat for Frankford Station Lofts to appear before them in December 2012
- The infrastructure for Estates of Indian Creek, located between SH 121 and Old Denton Dr., north of Creek Valley Dr. is being placed now
- Council did approve the planned development for Halliburton on April 3, 2012, and Halliburton has replaced the fencing all along Belt Line Rd.
- On August 7, 2012, Council approved the Multi-Family Zoning amendments, which will be discussed at a later meeting
- Article 25 Landscaping ordinance will be discussed at a future meeting
- On October 9, Council approved PD 89 Aldersgate and the accompanying zoning change
- Cumberland at Mustang Park should be coming back in December to revise their technical site plan. Their bank is requiring increased parking.

Pfeil thanked everyone for their time and efforts. He reminded everyone to vote, and the Festival of the Switchyards is this weekend.

Nesbit announced that Carolyn Standridge died this week. Her husband, Tommy, had been a former mayor of Carrollton. The family has had much involvement in the community including having the street and high school stadium named after them. He wished to send his condolences.

# **ADJOURNMENT**

The meeting was adjourned at 9:02 p.m	
	Christopher Barton Chief Planner
	Rick Pfeil Chair Planning and Zoning Commission