

Minutes
City of Carrollton
Planning & Zoning Commission
February 7, 2013

A meeting of the City of Carrollton Planning & Zoning Commission was held on February 7, 2013 at 7:00 p.m. in the Council Chambers at City Hall with the following members present:

Commission Members Present:

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

Commission Members Absent:

Lisa Loreto

Staff Members Present:

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

Lydia Tormos, Admin. Support
Rob Guarnieri, Senior Engineer
Scott Tittle, Fire Dept. Battalion Chief

(Note: * = designation of a motion)

CALL MEETING TO ORDER: 7:11 p.m.

- 1. MINUTES: Approval of Planning & Zoning Commission Minutes:** January 10, 2013 meeting.

* *Motion made by McAninch, second by Sylo to approve the January 10 minutes as corrected with the handout, passed 8-0 (Loreto absent).*

INDIVIDUAL CONSIDERATION

- 2.** Consider final action approval of a **Preliminary Plat for DC International**. The approximately 6.9-acre tract is located on the north side of Plano Parkway approximately 1,300 feet west of Dozier Road and is currently zoned for the (CC) Corporate Commercial District. Case No. 02-13PP1 DC International/Binkley & Barfield, C&P. Case Coordinator: Michael McCauley.

Pfeil stated that this case had a companion case under public hearing. He presented the case and asked if there was an applicant present.

David Hartfield, 3328 Waypoint Dr., Carrollton, TX, was present. He stated his company is currently located in Carrollton but has out-grown their facilities. He is requesting approval of the preliminary plat to be able to move his business. He said he has read the staff stipulations and is in agreement with them.

Pfeil asked the Commission if there were any questions. There were none.

* *Motion made by McAninch, second by Blanscet to approve Case No. 02-13PP1 with staff stipulations, including the addition to remove Stipulation 4, passed 8-0 (Loreto absent).*

PUBLIC HEARINGS

3. Hold a public hearing and consider approval of a change in zoning to a **Planned Development District for DC International** to allow the development of a corporate headquarters and distribution center (Manufacturing, Warehousing and Distribution Office Facility). The approximately 6.9-acre site is located on the north side of Plano Parkway approximately 1,300 feet west of Dozier Road and is currently zoned (CC) Corporate Commercial District. Case No. 02-13Z1 DC International/Binkley & Barfield, C&P. Case Coordinator: Michael McCauley.

Pfeil presented the case. He asked Hartfield if he had any additional comments for this case. He said he would answer any questions the Commissioners had.

Nesbit asked if the actual building would closely match what was on the conceptual drawing.

Hartfield said there is some debate concerning how the front corner will look. The warehouse will use the back two-thirds of the building, with the truck doors on the far north side of the building.

Sylo asked Hartfield to explain the type of assembly and manufacturing the business will be conducting.

Hartfield said most of what the company sells is covers for grills, patio furniture and small leather goods. In the future they would like to expand their business to include custom size orders for the covers. They will probably have a small line of sewing machines taking pre-cut panels and sewing them together.

Blanscet asked what types of trucks would be involved at this location.

Hartfield stated they receive a shipping container approximately every two weeks to drop off materials, and then the truck is picked up the next day. They mostly use UPS for deliveries every day.

Pfeil asked if he anticipated the use of any exhaust hoods or fans in the business.

Hartfield said no.

Pfeil opened the meeting for public comment. There were no comments.

* *Motion made by McAninch, second by Nesbit to approve Case No. 02-13Z1 with staff stipulations including the additional stipulation that the site master plan and conceptual landscape plans will be exhibits to the proposed ordinance and the appearance of the building will generally conform to what was presented, passed 8-0 (Loreto absent).*

4. Hold a public hearing and consider approval of a **Special Use Permit for an Accessory Use on a Lot Separate from the Main Use**. The approximately 3.55-acre site is located on the north side of Crosby Road between IH-35E and the Burlington Northern & Santa Fe Railroad and is currently zoned for the (FWY) Freeway Commercial District with the I-35E Interstate Overlay District. Case No. 01-13SUP1 Edwards Mail Service/Studio & Crew, Inc. Case Coordinator: Michael McCauley.

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

The owner, Chuck Edwards, 900 W. Crosby Rd., Carrollton, TX, was present. He stated he had the impression that the Commissioners believed he was unwilling to comply with any of the staff stipulations. He said that was not the case, he just didn't want to waste money and resources to make improvements to the site that in six months may be unnecessary. He stated that TxDOT is interested in most, if not all, of the land for the highway expansion. He said he wanted to continue to use the land for trailer parking until he knew how much of the land TxDOT will take. He said they may not have enough land left to be able to park trucks. He has been told that TxDOT plans to start negotiating purchasing property in April or May of this year. When he finds out how much land remains, then he would fulfill the staff stipulations.

Pfeil noted that about half of what is currently on the site appears to be non-working vehicles. He asked if their intention was to store unusable, non-working vehicles at this location and occasionally bring in trailers to use as an overflow parking lot.

Edwards stated that was not their intent. He said they did move some junk vehicles to the site while they were cleaning up the main site, but could move everything back. He said he was told not add or remove anything until this situation was resolved. His intent for the land was to use it as a place for truck and trailer drivers to drop off their equipment on a daily basis.

Pfeil asked if there is a space on the main property where vehicles in need of repair could be stored out of sight.

Edwards said there is now. He could move all the equipment back to the other lot.

Nesbit asked staff if Staff Stipulation 4 Section 3 requiring all improvements to be completed within 90 days of City Council approval would give the applicant sufficient time to complete the needed changes.

McCauley said they felt it was fair since in most cases they would be given 60 days. He doesn't know when TxDOT will buy the property, but in view of the fact that TxDOT has been in touch with the applicant he believes it is a good indication they do plan to buy it soon. If the changes are not made within the 90 days, then code enforcement could become involved and the applicant could then work with code enforcement or come back before the Commission and ask for more time.

Nesbit asked the applicant if he understood that the Commissioners' intent is to have the caboose removed even though the stipulations later state the caboose cannot be occupied.

Edwards said he understood. He says he has someone interested in the caboose, but it may take a couple of months to have it removed.

Halloin said he feels it would be better to require the landscaping to wait until the applicant knows how much land will be remaining.

Blanscet asked the applicant where they would park their trailers if TxDOT took the entire parcel.

Edwards said they could squeeze the vehicles onto the current lot and make it work. They do have several lots located in Fort Worth, Lubbock, and Oklahoma City they could also use but wanted to save costs by using the Carrollton site. If they have to use these different cities for overflow trailer storage, they would have to charge the Post Office more, which could result in their losing their contract. That in turn would mean they would be unable to expand their business opportunity in Carrollton.

Blanscet suggested the Commission grant the SUP with an expiration date, allow the applicant to use the land now without adding the improvements, and when the expiration date has arrived, require a new SUP with appropriate stipulations.

Sylo asked staff if this was a non-conforming use or an illegal use of the property.

McCauley said it was an illegal use, and that staff only became aware of the situation when the applicant came in to apply for electrical connections for the caboose.

Blanscet asked if they have been given a definite time when TxDOT will be finalizing their decision.

Edwards said they have been in contact with the TxDOT project managers and have been told they should be receiving a letter in March or April to start negotiations. He was told TxDOT wants to have all negotiations completed by the end of the year. He also stated

they have owned the property for approximately a year but used it for five to six months when they learned they were using the land illegally.

Pfeil stated the highway expansion has been anticipated for years. Over time TxDOT has changed their plans several times so he is not sure how closely they will follow the current plan. He is concerned with the rainy season ahead, if they use the property until the land is purchased by TxDOT that moving the trucks on and off the site will track a lot of mud onto the streets.

Edwards said that was the reason they laid asphalt.

Pfeil opened the hearing for public comments. No one came forward.

Nesbit expressed his desire that the Commission could reach a compromise. He believes there isn't much use for this land. He thinks it isn't good to require him to make improvements which may be removed by TxDOT in the near future. He is open to granting the SUP for a limited time without making the improvements until the contract is finalized.

Sylo said he agreed with the applicant that it didn't make sense to make the improvements at this time. Sylo stated he has had occasions to work closely with TxDOT and right-of-way acquisitions. He said TxDOT may like to have negotiations finished by the end of the year, but in his experience it may actually take several years. He believes TxDOT will want to purchase only the first 100 feet for right-of-way but not the remaining 25 feet, making it unusable. Settling these individual cases can last two to three years. He feels the big issue is the screening from the highway. He doesn't know if there is some type of temporary screening available, but if there is, this could be an option.

McAninch said she didn't see why they would consider approving this case when on tonight's agenda there is a case to consider amendments to prohibit outside storage in the highway district. She feels the highway corridor needs to be cleaned up and should start with this case.

Daniel-Nix asked staff if they could continue the case to the March 7, 2013 meeting to allow the applicant time to price temporary screening, have him come in monthly to update what progress he has made, and add any stipulations they feel is needed at that time.

McAninch said if they were going to continue the case she wanted the applicant to at least move the trailers, since they are illegally stored on the property. She thought the applicant had gotten the impression from staff that he needed to leave the trailers where they were, and he has stated he is willing to move them.

Blanscet asked if this type of SUP would be denied in the future if the freeway text amendments were adopted.

Barton said yes.

Blanscet didn't understand how the temporary screening would be of use since the highway is elevated at that location and the trucks would still be seen.

Daniel-Nix asked staff if after hearing this discussion they had any new recommendations they would like to make.

McCauley said the Commissioners had made many valid points in their discussion. Staff's concern was not allowing the illegal use to continue until TxDOT made their final decisions, which ultimately could be several years.

Pfeil asked the applicant if the case was continued, would he be willing to remove all the equipment from the property.

Edwards said he was willing.

Barton clarified that after reviewing the proposed changes to the use matrix, which they would discuss later on the agenda, he found there were no changes directly commenting on this type of case. So while he had stated they would be unable to get an SUP in the future, the reality is they could.

* *Motion made by Daniel-Nix, second by Sylo to keep the public hearing open and continue Case No. 01-13SUP1 to the March 7, 2013 meeting, passed 6-2 (McAninch and Blanscet opposed, Loreto absent).*

Pfeil commented the following two cases were companion cases and would be opened for discussion at the same time.

5. Hold a public hearing and consider approval of an **Amendment to the Future Land Use Map of the Plan**. The request is to change the future land use designation from Medium Intensity Commercial to Single Family Detached. The approximately 13.507-acre site is located at the northwest corner of Old Denton Road and Carrollton Parkway and is currently zoned PD-123 for the (LR-2) Local Retail District. Case No. 12-12MD1 The Ridge (comp plan)/Nathan D. Maier, Inc. Acquisition. Case Coordinator: Michael McCauley.

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

Shane Jordan, 4951 Airport Pkwy., #800, Addison, TX, spoke. He stated they wished to change the comp plan and zoning to single family homes similar to what was approved in 2012 for Estates of Indian Creek Phase 7, just south of this location. He referenced several studies showing why this area probably won't develop into the retail and office space that the comprehensive plan had predicted ten years ago. He believes traffic flow is insufficient along Carrollton Parkway to support retail and that locations with a higher

volume in traffic are having difficulty getting retail to develop. He thinks any new retail development within one and a half miles of Hebron Parkway and Old Denton Road will put a strain on the existing shopping centers. He said what surrounds this property is an elementary school and single family homes, so he thinks it is logical to bring in more housing.

McAninch expressed the belief that people make conscious decisions as to where they shop and eat. She believes most people don't just drive and at the last minute decide to pull in somewhere. She thinks if you bring quality businesses, then people will make an effort to come.

Jordan said that big businesses do studies and choose locations where there is high volume of traffic. Once the best location is found, the business is built and then people come to it.

Blanscet asked staff how much the comprehensive plan has changed in this area since its adoption in 1992.

Barton stated the comprehensive plan expected Hebron Parkway to be what it is today, but it also expected Carrollton Parkway to be similar to Hebron Parkway. The role that Carrollton Parkway was to play in the comprehensive plan has changed significantly. Originally the comprehensive plan was to have a large amount of office and commercial use in this area, which may have been a little too ambitious.

Pfeil opened the hearing to the public.

Jim Riggert, 2515 McKinney, #1300, Dallas, TX, stepped forward. He read a memorandum from 22 investors that are the adjacent property owners which authorized him to speak in their behalf. He said the owners support this change because it would bring utilities to the site. He said Estates of Indian Creek will be completing the southern portion of Carrollton Parkway and Jordan's project will complete the northern portion of Carrollton Parkway with the exception of a small strip.

Randall Chrisman, 1501 Broken Bow Tr., Carrollton, TX, spoke in support of the project. He stated that he had served on the Planning & Zoning Commission in the past and that Carrollton has not always developed the way it was envisioned. He said a large portion that could have been developed as retail was rejected by the city and now houses numerous churches which do not add to the tax base. He says he knows the developer and many of the home builders and can speak for the quality of their products.

Scott Landers, 14180 Dallas Parkway, #510, Dallas, TX, spoke for the current landowners. The property was purchased in 2007 by a group of 23 investors as a tax-deferred investment and was placed into this investment by a company named DBSI. That company had 10,000 investors who have lost everything due to it being a scam company. These investors are almost the only ones that actually have something of value. The investors are now at retirement age and don't want to sit on the project five or more

years until something else comes along. In addition, DBSI quietly added an Agricultural exemption, which allowed the company to use the money reserves elsewhere, which will result in a huge tax bill the 23 investors will have to pay.

Stephen Brooks, 4230 Beverly, Dallas, TX, president of Grand Homes, spoke next. He believes the location will not support retail due to the lack of homes in the area. Since the elementary school is nearby, he thinks this will be a good location for homes. He said Grand Homes will bring a quality project to Carrollton.

Sylo said he thinks the area is no longer viable for commercial use for many reasons. He said the surrounding sites have not developed as commercial but as single family homes, feels that Carrollton Parkway at Old Denton will not become a major intersection and thinks that the retail at Hebron and Old Denton doesn't need competition of additional retail nearby. But if it is to be changed to single family homes he feels what they have proposed is not the best for the property. He doesn't think the layout is good and that the size of homes proposed need to be on bigger lots. He feels this is just a typical subdivision and he doesn't want to change the comp plan for a subdivision but wants a neighborhood.

Nesbit agreed that he doesn't feel retail is the best use for the property. He also agreed with Sylo's comment that what staff had presented as a possible retail plan could cause unused land to become undevelopable. He doesn't share Sylo's concerns on the layout of the development and feels the market will support the type of homes proposed. He is in support to both the comprehensive plan and zoning changes.

Sylo asked Jordan if they would be willing to look at redesigning the property layout.

Jordan said they would look at changing the perceived cut-through in their neighborhood design that Sylo was concerned about and look at moving the open spaces more to the front of the development so more of the homeowners could access it.

* *Motion made by Nesbit, second by Daniel-Nix to close the public hearing and approve Case No. 12-12MD1, passed 6-2 (McAninch and Halloin opposed, Loreto absent).*

6. Hold a public hearing and consider approval of **Amendments to PD-123 for the (LR-2) Local Retail District, changing the base zoning to the (SF-5/12) Single-Family Residential District with modified development standards.** The approximately 13.507-acre site is located at the northwest corner of Old Denton Road and Carrollton Parkway and currently is zoned PD-123 for the (LR-2) Local Retail District. Case No. 12-12Z1 The Ridge (zoning)/Nathan D. Maier, Inc. Case Coordinator: Michael McCauley.

* *Motion made by Sylo, second by Blanscet to keep the public hearing open and continue Case No. 12-12Z1 to the April 4 meeting, passed 6-2 (Stotz and Daniel-Nix opposed, Loreto absent).*

7. Hold a public hearing and consider approval of a **Special Use Permit for Accessory Buildings Not Meeting the Façade Masonry Requirement**. The approximately 3.9-acre site is located at 3918 Old Denton Road and currently is zoned PD-89 for the (O-2) Office District. Case No. 02-13SUP1 Dallas Agape Mission Church/ Pastor Chang Youn. Case Coordinator: Michael McCauley.

Pfeil presented the case and stated the applicant has requested to continue the case to allow more time to prepare.

* *Motion made by Blanscet, second by McAninch to keep the public hearing open and continue Case No. 02-13SUP1 to the March 7, 2013 meeting, passed 8-0 (Loreto absent).*

8. Hold a public hearing and consider approval of **Text Amendments to the Zoning Ordinance** regarding adding new provisions regulating renewable energy systems in single-family zoning districts. Case No. 01-13ZT1 Single-Family Residential District Amendments/City of Carrollton. Case Coordinator: Michael McCauley.

Pfeil asked McCauley to present the case. In response to the Commission's request he spoke with 15 neighboring cities as to how they are handling renewable energy systems in residential areas. He found many had no regulations, some require an SUP, and some do not allow them at all. He contacted Austin and was told that solar panels on residential homes are not regulated with the exception that the solar panels must meet the building codes.

McAninch was ready to make a motion to approve the text amendments with numerous changes but asked the city attorney if she could draft the change in wording which they could review next month.

Edwards said she could and have it ready for next month or she could change the wording to capture the spirit of what McAninch was requesting and send it on to City Council this month.

Pfeil stated he feels if anything in the proposed ordinance could be challenged, it would be the prohibiting of solar panels on the front of the house.

Blanscet expressed concerns that the wording McAninch was suggesting may be showing bias. It would say if a house faces north, it could put up panels without question but houses facing south would have to have a permit. He suggested removing Section K, 4(d) altogether as long as they meet the criteria for aesthetics and fire codes.

Pfeil would like to continue the case to next month's meeting to make sure the ordinance includes all that was discussed.

Halloin stated his family spends a lot of time in their back yard and would be looking at his neighbor's panels, so he wants the same standards to apply whether the solar panels are on the front or back of the house.

* *Motion made by McAninch second by Blanscet to keep the public hearing open and continue Case No. 01-13ZT1 to the March 7, 2013 meeting, passed 8-0 (Loreto absent).*

9. Hold a public hearing and consider approval of **Text Amendments to the Zoning Ordinance** regarding Article XVI (FWY) Freeway District and Article V Use of Land and Structures. Case No. 09-12ZT1 Freeway District amendments/City of Carrollton. Case Coordinator: Christopher Barton.

Barton stated this was a city-initiated case driven by the Redevelopment Subcommittee to change various items in the Freeway District in light of the impending widening of IH 35E.

McAninch asked for clarification concerning truck storage in the freeway district amendment and the earlier case they considered tonight.

Barton stated the earlier case fell into the category for accessory use on a lot separate from the main use, which requires an SUP in the freeway district. The proposed amendment leaves that use "as is" so any future accessory uses could be approved with the approval of an SUP. The off-street loading in Section J of the Freeway District generally applies to the parking of vehicles on their same site. With that scenario, the trucks would have to be screened. If it falls under the SUP, then they could require any height to the screening to make the use acceptable. The earlier case is complicated since it involves two different zoning districts, the main use is in the Light Industrial and the property they want to park their trailers on is in the Freeway District.

Blanscet would like to have better explanations as to why some of the uses were being deleted and similar uses remained.

Barton said he would add explanations to the case report for next month's meeting.

* *Motion made by McAninch second by Daniel-Nix to keep the public hearing open and continue Case No. 09-12ZT1 to the March 7, 2013 meeting, passed 8-0 (Loreto absent).*

OTHER BUSINESS:

- a. **Case No. 02-13MD1** Annual Development Report.

Barton explained that the Planning Department keeps track of all permits issued by the Building Inspection department and forwards the information to North Central Texas

Council of Governments (NCTCOG). NCTCOG in turn uses the data to estimate the total annual population of Carrollton.

* *Motion made by Halloin, second by Sylo to accept Case No. 02-13MD1 and forward it to City Council, passed 8-0 (Loreto absent).*

b. Staff Reports

Barton gave the Commissioners their monthly update on the progress of compliance for SUP 394 Day Care Center. He said the owner's permit has been issued for the shade structure and is now on the contractor's waiting list for installation. He did visit with the owner today and saw the previous shade structure has been removed and impressed upon her the need to prevent any delays in getting the shade structure erected.

ADJOURNMENT

The meeting was adjourned at 10:03 p.m.

Christopher Barton
Chief Planner

Rick Pfeil Chair
Planning and Zoning Commission