

**Minutes
City of Carrollton
Planning & Zoning Commission
March 2, 2017**

A meeting of the City of Carrollton Planning & Zoning Commission was held on March 2, 2017 at 7:00 p.m. in the Council Chambers at City Hall with the following members present:

Commission Members Present:

Chad Averett, Chair
Larry Kiser, Vice Chair
Garry Kraus, 1st Vice Chair
Sunil Sundaran
Mel Chadwick
John Denholm
Randall Chrisman
Margot Diamond
Tony Romo II

Commission Members Absent:

Guests Present:

Councilmember Glen Blanscet

Staff Members Present:

Loren Shapiro, Chief Planner
Susan Keller, Asst. City Attorney
Krystle Nelinson, Dev. Program Mgr.-TOD
Lorri Dennis, Arborist
Lydia Tormos, Admin Support Specialist

Michael McCauley, Senior Planner
Tom Hammons, Trans. Eng. Div. Mgr.
Rob Guarnieri, Sr. Eng Bldg Insp.
John Crawford, Dir. of Public Works

*(Note: * = designation of a motion)*

CALL MEETING TO ORDER: Chair Averett called the meeting to order at 7:04 p.m.

1. MINUTES: Approval of the minutes of the **February 2, 2017** meeting.

* *Kiser moved approval of the February 2 meeting minutes as written; second by Kraus and the motion was approved with a unanimous 9-0 vote.*

CONSENT AGENDA:

Chair Averett advised that Items 3 and 4 were pulled from the Consent Agenda and would be considered separately.

2. Consider And Act On A Preliminary Plat For Castle Hills 10 For An Approximately 132.49-Acre Tract Located On The North Side Of F.M. 544 (Parker Road), West Of Josey Lane. **Case No. 03-17PP1 (Preliminary Plat).** Case Coordinator Loren Shapiro.

5. Consider And Act On A Replat For Fannidella Apartments, For An Approximately 3.85-Acre Tract Located At The Southwest Corner Of E. Crosby Road And Fannidella Drive Combining Four Lots Into Two Lots. **Case No. 03-17RP1 Fannidella Apartments, Part 2.** Case Coordinator: Michael McCauley.

* *Sundaran moved to approve the Consent Agenda with staff stipulations and with the finding that the right-of-way designation is necessary and proportional regarding Item 2; second by Romo and the motion was approved with a unanimous 9-0 vote.*

CONSENT AGENDA ITEMS PULLED FOR SEPARATE ACTION:

Chair Averett announced that Commissioner Romo recused himself from the meeting with regard to Items 3 & 4 due to a conflict of interest.

3. Consider And Act On A Preliminary Plat For Austin Ranch Office Campus For An Approximately 58.22-Acre Tract Located On The Northwest Corner Of Parker Road (FM 544) And Plano Parkway. **Case No. 03-17PP2 Austin Ranch Office Campus.** Case Coordinator Michael McCauley.

* *Chadwick moved approval of Case No. 03-17PP2 Austin Ranch Office Campus with staff stipulations; second by Kiser and the motion was approved with a unanimous 8-0 vote, Romo abstained.*

4. Consider And Act On A Final Plat For Austin Ranch Office Campus, Phase 1, For An Approximately 18.2-Acre Tract Located In The Vicinity Of The Northwest Corner Of Parker Road (FM 544) And Plano Parkway. **Case No. 03-17FP1 Austin Ranch Office Campus, Phase 1.** Case Coordinator: Michael McCauley.

* *Kraus moved approval of the Final Plat for Austin Ranch Office Campus, Case No. 03-17FP1 Phase 1 with staff stipulations and the finding that the right-of-way dedication is necessary and proportional to the proposed development; second by Diamond and the motion was approved with a unanimous 8-0 vote, Romo abstained.*

Romo returned to the dais.

PUBLIC HEARING:

6. Public Hearing To Consider And Act On An Ordinance To Amend the Zoning And Establish A Special Use Permit For An Antenna Support Structure With Special Conditions On An Approximately 0.58-Acre Tract Zoned PD-22 For The (LR-2) Local Retail District And Located At The Southeast Corner Of Keller Springs Road And Kelly Boulevard; Amending The Official Zoning Map Accordingly. **Case No. 03-17SUP1 Eco-Site Antenna Support Structure (Cell Tower).** Case Coordinator: Michael McCauley.

Michael McCauley, Senior Planner advised the Commission that the applicant withdrew the request.

Joseph Moore, 903 Marque Place, Belton, Missouri, representing the applicant, stated they wanted to withdraw the application at this time to allow them to address a few items noted by the public and comments made by staff.

No action taken. Kiser questioned the need to allow those who attended the meeting to speak regarding the case. Ms. Keller advised that due to the withdrawal, there was no longer a case before the Commission. She noted that the applicant would be required to re-apply in order to move forward.

7. Public Hearing To Consider And Act On An Ordinance To Amend the Zoning And Establish A Special Use Permit For All Other Amusement & Recreation Industries (Personal Vehicle Storage) On An Approximately 2.55-Acre Tract, Zoned PD-91 for the (C/W) Commercial/Warehouse District Located In The Vicinity Of The Southeast Corner Of Marsh Ridge Road And Reeder Drive; Amending The Official Zoning Map Accordingly. Case No. 03-17SUP2 Garages of Texas. Case Coordinator: Loren Shapiro.

Loren Shapiro, Chief Planner, presented the case and explained that the applicant was requesting approval of a Special Use Permit to allow a personal storage/garage condominium use for storage of automobiles, personal items and basically an auto condominium. He explained that the use is not defined in the city's Comprehensive Zoning Ordinance (CZO); the closest use identified is NAICS Code 71399 All Other Amusement & Recreational Industries. This use category is allowed in the (C/W) Commercial/Warehouse Districts upon approval of a Special Use Permit (SUP). The SUP proposed will define personal storage/garage condominiums and regulate the operation since the use is not defined in the CZO. Staff recommended approval with the stipulations stated.

Fred Gans, Cornerstone Development, 5310 Harvest Hill Road, Dallas, did not have a formal presentation but was available to answer questions.

Sundaran asked for the number of other locations in Texas. Gans replied they just completed the first one in Texas, approximately one mile from the proposed site at Park and Plano Parkway. He stated they sold all 69 garages before construction was completed and were currently doing five more developments throughout DFW; Frisco, Dallas, Roanoke, Carrollton and Allen. He explained that every unit will be privately owned and will be platted as individual lots.

Denholm asked if there would be an HOA to maintain the common areas. Gans replied there would be one, managed by a third party HOA company that the owners elect the Board of Directors. These will follow very strict condominium rules and regulations.

Romo asked if car repairs would be allowed on site and if so, were there issues with waste disposal for repairs made. Gans stated that the owners may tinker on their own cars as light restoration would be allowed but no repairs would be allowed. Paint and body shops with the associated fumes or storage of flammable materials will be allowed. Their rules and regulations are very clear about what the owners are allowed or prohibited. In addition, anyone leasing a unit from an owner must also adhere to the rules and regulations.

Kiser asked what would prevent a person from living on site. Gans replied that it is not allowed and if someone tried to do so they would be brought before their HOA board. He acknowledged that it would be self monitored. Kiser noted it would also be against city ordinances.

Sundaran asked about security. Gans stated that the Plano site was monitored by cameras and was access controlled but that individual unit owners would probably have additional security added.

Diamond asked about price of the units and Gans replied that the average price would be about \$150,000.

Chair Averett opened the public hearing and invited speakers to address the Commission.

Fred Godfrey, 17480 Dallas Pkwy, Dallas, representing High Country Business Park, stated that after viewing the Plano location and visiting with the applicant, they were very comfortable with the use. He stated they were excited about it and asked the Commission to approve the application.

There being no other speakers, Chair Averett offered the applicant an opportunity for closing comments which was declined.

* *Kiser moved to close the public hearing and to approve the Special Use Permit for Case No. 03-17SUP2 Garages of Texas with staff stipulations; second by Romo and the motion was approved with a unanimous 9-0 vote.*

8. Public Hearing To Consider And Act On An Ordinance To Amend the Zoning On An Approximately 1.53-Acre Tract Zoned Planned Development 52 (PD-52) And Located Generally On The West and South Sides Of St. Pierre And East Side Of Le Mans Drive To Allow For Changes To Various Development Regulations including setbacks and access; Amending The Official Zoning Map Accordingly. Case No. 02-17Z1 Josey Park Estates, Block A, Lots 16R-21R. Case Coordinator: Loren Shapiro.

Shapiro presented the case to amend the existing Planned Development (PD) to allow for the development of two lots on the southwest portion of the cul-d-sac. The back of the property had suffered erosion due to the retaining wall failure. To accommodate development of the two lots, the PD requirements would need to be changed. The garages would be oriented away from the street but would be front loaded from the street; the setback would be reduced from 15 feet to 5 feet to allow the homes to fit. In addition, staff recommended changes to the PD to remove items that were no longer pertinent.

Chrisman noted the land erosion and asked how future erosion would be prevented. Ken Gazian, Pierre Investments, applicant, stated they were no longer dealing with erosion on the two properties and explained that the mud slide completely destroyed the wall so that there is no retaining wall at all; just a slope. Chrisman voiced concern for flooding or further mud slides for potential home owners. Mr. Gazian stated they were working with civil and residential engineers who would provide him with the design features to prevent future erosion.

Kraus asked about the existing retaining wall and asked if the applicant planned to build another

retaining wall. Mr. Gazian replied that they would not. He said they would be utilizing the remaining slope to build a basement as the first level and the second level would align with the street level creating a walkout basement.

Kiser stated confusion with mediating the existing condition and asked what would be done to keep it from reoccurring. Mr. Gazian explained that he believes the problems occurred because the retaining wall did not have proper support and that the compaction level wasn't installed correctly. He explained that the home would have three levels; one below grade, one at grade and one above grade.

Shapiro reminded the Commission that this was a zoning case that they should be considering the setbacks, access requirements, and orientation of the driveways. The building plans and site stability would be reviewed by the Building Inspection Department which is separate from the zoning of the property.

Kiser voiced concern about the erosion at the rear of the property and it not being improved for structural stability along with the reduction in rear setbacks, making the building closer to the problem area. Shapiro explained that actually the building would be moved further away from the problem area with the proposed setbacks.

Kraus asked if the remaining retaining walls have been tested. Mr. Gazian stated they would not be touching those areas; those lots have already been developed and have nothing to do with the two lots he wishes to develop.

Susan Keller interjected to underscore that the Commission's role is to consider the setbacks and the access changes in the PD and stated that the questions being asked were not a part of the consideration before the Commission.

Denholm asked about location of the setbacks and Shapiro pointed them out.

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

Ann Burns, 2004 Lamont Drive, owner of the adjacent lot, is also the Architectural Control Committee Chairperson for the Josey Park Estates HOA. She stated they have been working with City staff and Mr. Gazian to develop a reasonable solution that works for the homeowners who are most affected by the development plans and they feel that the proposed amendment was reasonable in light of the topography of the property and the access issues.

* ***Chrisman moved to close the public hearing and approve Case No. 02-17Z1 Josey Park Estates, Block A, Lots 16R-21R with staff stipulations; second by Diamond.***

Chair Averett offered the applicant an opportunity for closing comments.

Mr. Gazian stated he felt the proposal was a sound project with a lot of consideration for safety.

The motion was approved with a 7-2 vote (Kiser and Kraus opposed).

9. Public Hearing To Consider And Act On An Ordinance To Amend, Add or Delete Definitions And Use Categories, And To Improve The General Organization Of The Amended Sections of Article XX (TC) Transit Center District Regulations of the Comprehensive Zoning Ordinance. Case No 02-17ZT1 CZO Text Changes. Case Coordinators: Loren Shapiro and Michael McCauley.

Shapiro presented the case noting that the existing Transit Center code covers all three Transit Center Districts; Trinity Mills, Frankford Road and the DART station located downtown. The proposed changes would create three distinct districts and briefly noted the differences. He stated that staff was interested in hearing from the public and continuing the case.

Chair Averett opened the public hearing and there being no speakers, he opened the floor for comments, discussion or a motion.

Kiser reminded staff about the Commissioners’ comments during the Worksession and asked that those be recorded and considered. He agreed that development standards for the three areas should be considered separately because of the different types of developments in each area. He reminded staff about the height restrictions for the downtown area. He also wanted to maintain the character of downtown on the south side of Belt Line beyond what is designated on the map. He believed the higher density areas should go with the two stations; DART rail and the proposed Cotton Belt. Shapiro stated staff would bring it forward at the April meeting.

** Kiser moved to keep the public hearing open and continue Case No. 02-17ZT1 CZO Text Changes for the Transit areas to the April 10 meeting; second by Kraus and the motion was approved with a unanimous 9-0 vote.*

OTHER BUSINESS:

a. Staff Reports:

03-17MD1 Semi-Annual Impact Fee – Shapiro stated the report before the Commission was a summary or semi-annual report of fees collected. Once the report is accepted by the Commission, it would move forward to the City Council.

** Sundaran moved to accept Case No. 03-17MD1 Semi-Annual Impact Fee; second by Chadwick and the motion was approved with a unanimous 9-0 vote.*

ADJOURNMENT

Chair Averett adjourned the meeting at 7:48 p.m.

Loren Shapiro, Chief Planner

Chad Averett, Chair
 Planning and Zoning Commission