Minutes City of Carrollton Planning & Zoning Commission January 10, 2013

A meeting of the City of Carrollton Planning & Zoning Commission was held on January 10, 2013 at 7:00 p.m. in the Council Chambers at City Hall with the following members present:

Commission Members Present:

Commission Members Absent:

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

Staff Members Present:

Lisa Loreto

Regina Edwards, 1st Asst. City Attorney Brett L. King, Building Official Christopher Barton, Chief Planner Mike 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: 7:23 p.m.

- **MINUTES: Approval of Planning & Zoning Commission Minutes:** December 6, 2012 meeting.
 - * Motion made by McAninch, second by Sylo to approve the December 6 minutes, passed 8-0 (Daniel-Nix absent).

INDIVIDUAL CONSIDERATION

2. Consider final action approval of a **Final Plat for Mustang Park, Phase 6**. The approximately 45.498-acre tract is located approximately 1,500 feet 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. 01-13FP1 Mustang Park Phase 6/Dowdey Anderson & Associates, Inc. Case Coordinator: Michael McCauley.

Pfeil asked McCauley to present the case. McCauley stated that staff recommends approval with stipulations.

Pfeil asked if there was an applicant present. Casey Ross with Dowdey Anderson & Assoc., 5225 Village Creek Dr. #200, Plano, TX, stated he was aware of the staff stipulations and was in agreement with them.

Pfeil asked if the Commissioners had any questions for the applicant. There were none.

- * Motion made by McAninch, second by Loreto to approve Case No. 01-13FP1 with staff stipulations and with the finding that the right-of-way dedication is necessary and proportional to the proposed development, passed 8-0 (Daniel-Nix absent).
- 3. Consider final action approval of a **Replat for Wellington Run**, **Phase 5**. The approximately 7.807-acre tract is located on the northwest corner of Marsh Lane and Running Duke Drive and is currently zoned PD-80 for the (SF-5/12) Single-Family Residential District. Case No. 01-13RP1 Villas of Wellington Run/Wilbow Corporation, Inc. Case Coordinator: Christopher Barton.

Pfeil asked Barton to present the case. Barton stated staff recommends approval as presented.

Pfeil asked if there was an applicant present. Jason Rawlings with Millers Surveying, 430 Mid Cities Blvd, Hurst, TX, was present for the applicant.

Pfeil asked if the Commissioners had any questions for the applicant. There were none.

- * Motion made by Nesbit, second by Stotz to approve Case No. 01-13RP1 as submitted, and with the finding that the right-of-way dedication is necessary and proportional to the proposed development, passed 8-0 (Daniel-Nix absent).
- 4. Consider final action approval of a **Replat for the Estates of Indian Creek, Phase 8**. The approximately 7,522 sq foot site is located on the west side of Comanche Drive just south of Kiowa Drive and is zoned PD-123 for the (SF-TH) Single-Family Townhouse District. Case No. 01-13RP3 Estates of Indian Creek Phase 8/USA Professional Services Group, Inc. Case Coordinator: Michael McCauley.

Pfeil asked McCauley to present the case. McCauley stated staff recommends approval with stipulations.

Pfeil asked if there was an applicant present. Gary Romatz with USA Professional Services Group, 1525 Viceroy Dr., Dallas, TX, was present for the applicant. Pfeil asked if the applicant had been made aware of the staff stipulations and if he was in agreement them. Romatz stated the applicant was in agreement.

* Motion made by Blanscet, second by Nesbit to approve Case No. 01-13RP3 with staff stipulations, passed 8-0 (Daniel-Nix absent).

PUBLIC HEARINGS

5. 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 asked McCauley to present the case. McCauley stated that the applicant has requested a continuance of the case until the February 7, 2013 meeting to allow time to better prepare the case.

Pfeil asked if there was an applicant present. Chuck Edwards, 420 Erskine St., Lubbock, TX, was present.

McAninch asked if after meeting with TxDOT if the applicant had learned anything concerning the widening of IH 35E and how it would affect the future of his property.

Edwards stated he was getting different answers as to when the widening would take place and what portion of the land would be impacted. He would like to use this site as overflow parking for their trucks and trailers until the highway is widened through his property.

McAninch asked if he had any reason why he would be unable to prepare a full submittal for the February 7, 2013 meeting.

Edwards said he thought there would still be many questions remaining. He didn't want to make all the improvements to paving and landscaping that were stipulated with the SUP to only have it removed in six months. He desired to use the site as parking until TxDOT begins the expansion.

McAninch asked if the caboose was used by the prior owner for an office, or if he would be the first user of the caboose.

Edwards said he was not sure which prior owner had used it as an office space but knew that it had been used since he had to clean out what was left behind in it. He said he would not be using the caboose as an office but thought it could be used as a staging area for the trucks that would be parking and a shelter from the weather while waiting.

Pfeil said he had no problems with continuing the case, but wanted him to keep staff informed where he was with the case. He said this is an open code enforcement case and doesn't want it to remain open indefinitely.

Pfeil opened the meeting for public comments. No one came forward to speak.

- * Motion made by McAninch, second by Stotz to keep the public hearing open and continue Case No. 01-13SUP1 until the February 7, 2013 meeting, passed 8-0 (Daniel-Nix absent).
- 6. Hold a public hearing and consider approval of an **Amendment to Special Use Permit No. 211**. The approximately 3.617-acre site is located at 1029 Seminole Trail and is currently zoned PD-39 for the (O-1) Office District with SUP 211 for an assisted living facility. Case No. 01-13SUP2 Villagio of Carrollton/Terry K. Baumeister. Case Coordinator: Michael McCauley.

Pfeil asked McCauley to present the case. McCauley stated that the applicant is asking for an amendment to an existing approved SUP to expand the addition westward instead of southward. He said staff is recommending approval with stipulations.

Pfeil asked if there was an applicant present. Terry Baumeister, Baumeister Architect representing the owner, 3233 Harvey Pkwy., Oklahoma City, OK, was present. He said the change to these plans now will not disturb the detention pond or the fire lanes. He also stated that they have no problems adding whatever landscaping they are asked to provide.

Pfeil commented that staff stipulation Section 4, Item 3, concerning the detention pond walls' finish, needed to be removed since the pond will be undisturbed and would not necessitate making those changes.

Pfeil opened the meeting for public comments. There were no comments. He asked if the Commissioners had any questions. They did not.

- * Motion made by Stotz, second by Sylo to close the public hearing and approve Case No. 01-13SUP2 with staff stipulations and the removal of Stipulation Section 4, Item 3 concerning the detention pond, passed 8-0 (Daniel-Nix absent).
- 7. Hold a public hearing and consider approval of a revision to an approved **Technical Site Plan for The Cumberland at Mustang Park**. The approximately 9.927-acre site is located on the south side of Plano Parkway between Parker Road (FM 544) and the Burlington Northern & Santa Fe Railroad (future southwest corner of Plano Pkwy. and Mustang Pkwy.) and is zoned PD-175 for the (MF-18) Multi-Family District. Case No. 12-12TSP2 The Cumberland at Mustang Park/Cadence Diversified, L.P. Case Coordinator: Michael McCauley.

Pfeil asked McCauley to present the case. McCauley explained that the basic layout of the complex and landscaping plans remain consistent to what was approved last year. He stated that the applicant wishes to increase the number of units from 248 to 268, go from nine buildings to eight, with six three-story buildings and two four-story buildings.

Pfeil asked if there was an applicant present. Fred Hazel representing Davis Development, 407 Oxmoor Lake Dr., McDonough, GA, spoke.

McAninch if there would be a recycling bin for the residents.

Hazel said some cities require them and if the local waste management company will provide the service for apartments, they would provide them.

Discussion followed concerning trash disposal and any car wash facilities that will be on site. King explained that a sand and oil interceptor is required for the car wash and that the waste water cannot be used for other purposes since it has been in contact with cars. The Building Inspection Department will review for compliance when submitted for permitting.

Sylo noted that the trash compactor doors would be facing Plano Parkway and expressed concerns that the doors might be left open. He asked if the orientation could be changed.

Hazel said the doors Sylo was referring to would be opened only when it was being serviced and the location had been chosen to facilitate the trucks entering the site. He said they could look at moving the compactor if needed.

Pfeil asked the applicant if he was aware of the staff stipulations and in agreement with them. Hazel said he was aware and in agreement.

Pfeil opened the meeting for public comments. No one came forward. The Commissioners had no further questions or comments.

* Motion made by Stotz, second by Nesbit to close the public hearing and approve Case No. 12-12TSP2 with staff stipulations, passed 8-0 (Daniel-Nix absent).

Pfeil stated the next two cases were companion cases and would be opened and discussed together but separate motions and votes would be required for each case. He said these cases had been continued from the previous meeting of December 6, 2012. He asked McCauley to present the cases.

8. Hold a public hearing and consider approval of an Amendment to the Future Land Use Map of the Comprehensive 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.

9. 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.

McCauley stated these cases had been continued and the applicant still has not provided the information required. The applicant has requested to continue the cases another month to the February 7, 2013 meeting.

Pfeil asked if there was an applicant present. No one stepped forward. Pfeil asked staff if he felt the applicants truly planned to go forward with their cases or if they would be continuing them again.

McCauley stated he had a meeting with the applicants at their request, the previous week, to clarify the staff stipulations. They are fully aware of what is required of them and said they will be able to meet the deadline of January 24, 2013 for re-submittal.

- * Motion made by Sylo, second by McAninch to keep the public hearing open and continue Case No. 12-12MD1 to the February 7, 2013 meeting, passed 8-0 (Daniel-Nix absent).
- * Motion made by McAninch, second by Blanscet to keep the public hearing open and continue Case No. 12-12Z1 to the February 7, 2013 meeting, passed 8-0 (Daniel-Nix absent).
- 10. Hold a public hearing and consider approval of **Text Amendments to the Comprehensive 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 said this was a staff-initiated case in response of a Council subcommittee request. He stated that renewable energy systems are becoming more in use and the City wanted to regulate, but not require, their use. He discussed the proposals for solar energy, wind turbines and rainwater harvesting.

The general consensus of the Commissioners was that the ordinance would need more work before being ready for adoption.

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

* Motion made by Nesbit, second by Halloin to keep the public hearing open and continue Case No. 01-13ZT1 to the February 7, 2013 meeting, passed 8-0 (Daniel-Nix absent).

Pfeil and Nesbit thanked staff for the efforts used in creating the ordinance so far.

OTHER BUSINESS:

a. Case No. 01-13MD1 Annual Activity Report.

Barton reviewed the report that will be submitted to City Council concerning what the Planning and Zoning Commission had accomplished the previous year.

* Motion made by McAninch, second by Nesbit to accept Case No. 01-13MD1 and forward it to City Council, passed 8-0 (Daniel-Nix absent).

Pfeil and McAninch thanked staff for all the work they provided the previous year.

b. Case No. 01-13MD2 Status of SUP 394 for a Day Care Center.

Barton stated this is a report on the status of Special Use Permit 394, with regard to compliance with the stipulations of Ordinance No. 3456 which established the SUP on October 11, 2011. On December 6, 2012 the Planning & Zoning Commission requested this report and also requested that a vote on whether to formally reassess the continued appropriateness of SUP 394 be placed on this agenda for consideration.

Barton said Ms. Manning had come in today to make an application for the shade structure. He wanted to point out that he did not contact the business owner concerning this case.

Pfeil asked if Ms. Manning had supplied evidence of financing. Barton stated that a Building Inspection staff member witnessed her signing the contract with the contractor, which included the financing. The contractor had approved her for financing.

King stated that it was a "package deal" of purchasing the shade structure and financing from the same company.

Pfeil stated that this was not a formal case and was out of the norm. With an almost immediate failure to comply with the stipulation of the SUP for the shade structure, the Commission felt a need to keep a close eye on this case.

Sylo said his concern about this case has been about the welfare and safety of the children. He feels that the temporary shade structure that was in place was evidence that the business owner did not have the children as her first priority. He feels that nothing has changed from the time she received her certificate of occupancy and believes it shows her to not be a responsible person, which is what she is being paid to do. He said his intent was not to drive her out of business, but his concerns have always been the safety of the children. If she is truly moving forward toward compliance, then he is willing to work with her. He asked staff for a monthly update of her progress. He said it was his opinion

that this type of business should not be open if it cannot afford to provide items considered necessary.

Pfeil told Sylo that he has no doubt that when the business owner received her Certificate of Occupancy that she had every intention to comply with the SUP, which included providing the proper shade structure. Since this is an active code enforcement case, he felt the Commission should allow code enforcement to do their job. He, too, is concerned over the existing shade structure and whether there might be a safety issue with it. He is aware that the business owner has had financial issues since applying for the SUP, but since she has made application for the structure, he is willing to allow code enforcement to continue to handle the situation.

b. Staff Reports

There were no reports.

ADJOURNMENT

The meeting was adjourned at 8:52 p.m.	
	Christopher Barton Chief Planner
	Rick Pfeil Chair
	Planning and Zoning Commission