

**Minutes
City of Carrollton
Planning & Zoning Commission
September 7, 2023 Meeting**

A meeting of the City of Carrollton Planning & Zoning Commission was held on Thursday, September 7, 2023 at 6:30 p.m. in the Council Chambers at City Hall.

Commission Members Present:

Scott Windrow, Chair
Kathleen Foster
Mark Yarbrough
Al Overholt
Willadean Martin
Kathryn Taylor
Greg Kramer

Commission Members Absent:

John Powell, 1st Vice Chair
Jim Doyle, Vice Chair

Staff Members Present:

Loren Shapiro, Planning Manager
Michael McCauley, Senior Planner
Emily Offer, Planner
Herb Cavanaugh, Fire Chief
Josh Giles, Development Program Manager
Lydia Tormos, Admin Support Specialist
Darwin Ortega, Code Enforcement Officer

Albert Thomas, Asst. City Attorney
John Romberger, Transportation
Ed Green, Plan Review Manager
Brian Passwaters, Community Svcs.
Division Manager
Cory Heiple, Environmental Svcs. Director

Guests Present:

Council Observer Rusty Pendleton

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

REGULAR MEETING – CALL TO ORDER: 6:30 p.m. - COUNCIL CHAMBERS

Chair Windrow called the meeting to order at 6:38 pm.

CONSENT AGENDA:

1. **MINUTES:** Approval of the August 3, 2023 meeting minutes.
2. Consider And Take Final Action On A **Replat Of New Car Concepts, Lot 1, Block 1 & Metrocrest Office Addition No. 1, Lot 1, Block 1** For An Approximately 2.748-Acre Tract Located At 1420 Westway Circle And 1910 Old Denton Road To Adjust Lot Lines And Dedicate Easements. **Case No. PLRP 2023-078 New Car Concepts Lot 1R, Block 1 & Metrocrest Office Addition No. 1, Lot 1R, Block 1.** Case Coordinator: Emily Offer.
3. Consider And Take Final Action On A **Replat Of Cottonbelt West Industrial Park, Lot 1, Block 4 & Block 4** For An Approximately 14.545-Acre Tract Located At 2080 McDaniel Drive And 2020 McDaniel Drive To Dedicate A Mutual Access Easement. **Case No. PLRP 2023-079 Cottonbelt West Industrial Park, Lots 1R & 2, Block 4.** Case Coordinator: Emily Offer.

4. Consider And Take Final Action On A **Replat Of Trinity Mills Professional Park, Lot 1A, Block A** For An Approximately 2.342-Acre Tract Located At 2763 East Trinity Mills Road To Dedicate Easements. **Case No. PLRP 2023-081 Trinity Mills Professional Park, Lot 1AR, Block A.** Case Coordinator: Emily Offer.
- * *Commissioner Overholt moved to approve the Consent Agenda Items with staff stipulations on Items Numbered 2-4; second by Commissioner Foster. The motion was approved with a 7-0 vote (Powell and Doyle absent).*

PUBLIC HEARING:

5. Hold A Public Hearing To Consider An Ordinance Amending The Zoning To **Amend SUP-486 To Allow Automobile or Light Load Truck Sales (Used), To Permit Display Of Vehicles For Sale Outdoors With Automobile Or Light Load Truck Repair Garage And Automobile Paint And Body Shop As Accessory Uses, To Modify Conceptual Plans, And To Revise Development Standards** On An Approximately 1.9-Acre Tract Zoned (LI) Light Industrial District And Located At 1729 South Broadway Street And On The East Side Of South Broadway Street Approximately 600 Feet South Of Burning Tree Lane; Amending The Official Zoning Map Accordingly. **Case No. PLSUP 2023-073 Texas Car One.** Case Coordinator: Michael McCauley.

Senior Planner Michael McCauley stated this is a request to change the current Special Use Permit approved last year to now allow the outside display of 48 cars and in addition, the accessory uses of a repair garage and a paint and body shop. Staff's desire is to not have outside display in this section of the freeway corridor, so staff is not in support of the request.

Homan Sepasi, 1729 S. Broadway, owner and applicant, stated there is limited traffic to the property since the main point of contact is through internet sales. He explained the property is elevated above Broadway so there is reduced visibility from the road to see any cars. He stated to the north of his location is an overflow parking lot a for a nearby car dealership so there is currently outside display near him. Customer parking will be placed on the west side of the property, which will be limited in number. He says he is willing to add landscaping to further screen the property. The mechanic and body shop are not open to the public and will only be used on their cars for minor uses such as oil changes, brake jobs, broken mirrors, or windshield replacement. Larger jobs are outsourced. If a car comes in with a scratch, they will paint it, but they do not purchase any vehicles with major body damage.

Commissioner Martin asked about the indoor storage they were allowed with their current SUP. Mr. Sepasi stated with the number allowed for indoor storage and the additional 48 outside storage will bring him to capacity and they will stop purchasing cars until he moves the inventory.

Commissioner Foster asked if they have a full inventory, will the transport trucks would have enough room to enter the property. Mr. Sepasi showed the flow of traffic to enter and exit the property.

Commissioner Kramer said that the additional shops are really for make ready so there isn't a lot of noise or irritating smells associated with it. Mr. Sepasi agreed.

Chairman Windrow opened the public hearing for comments but no one stepped forward. There was no further discussion on the case.

- * *Commissioner Martin moved to close the public hearing and approve PLSUP 2023-073 Texas Car One with staff stipulations; second by Commissioner Foster. The motion failed with a 3-4 vote (Yarbrough, Foster and Kramer for; Overholt, Windrow, Martin and Taylor opposed, Powell and Doyle absent). They have 10 days to appeal the decision to City Council.*

6. Hold A Public Hearing To Consider An Ordinance Amending The Zoning On An Approximately 20-Acre Tract Zoned (SF-8.4/16) Single-Family Residential District And Located At 1709 East Belt Line Road And At The Northeast Corner Of Warner Street And East Belt Line Road, **To Establish A Planned Development District To Allow** For A Lighted Athletic Field, To Add Conceptual Plans, And To Establish Development Standards; Amending The Official Zoning Map Accordingly. **Case No. PLZPD 2023-074 DeWitt Perry Middle School Lighted Athletic Field.** Case Coordinator: Michael McCauley.

Senior Planner McCauley explained that DeWitt Perry Middle School is undergoing redevelopment of the athletic fields. Carrollton/Farmers Branch School District is continuing to upgrade their schools' outdoor field lighting. The PD is strictly for the lighting of the fields as the athletic fields are allowed by right with the school. The proposal does meet the glare ordinance, no comments have been received from the public; therefore, staff recommends approval with staff stipulations.

Bobby Shaw, Director of Facility Services with the CFB ISD, stated the school previously had lighting for the athletic fields but have been removed for the redevelopment and would like to replace them with the new lighting. He appreciated the consideration of the Commission.

Chairman Windrow opened the public hearing for comments but no one stepped forward. There was no further discussion on the case.

- * *Commissioner Overholt moved to close the public hearing and approve Case No. PLZPD 2023-074 DeWitt Perry Middle School Lighted Athletic Field with staff stipulations; second by Commissioner Martin. The motion was approved with a 7-0 vote (Powell and Doyle absent).*

7. Hold A Public Hearing To Consider An Ordinance Amending The Zoning To **Establish A Special Use Permit To Allow Short-Term Rental** On An Approximately 10,000 Square-Foot Lot Zoned PD-050 For The (SF-8.4/16) Single-Family Residential District And Located At 2109 Marin And At The Northeast Corner Of Marin And Kelly Boulevard; Amending The Official Zoning Map Accordingly. **Case No. PLSUP 2023-077 2109 Marin Short-Term Rental.** Case Coordinator: Michael McCauley.

Senior Planner McCauley explained that when considering the request for a SUP, staff takes into consideration the location and whatever comments received about the proposal. Each SUP

application is reviewed individually as to the probable effect on the surrounding properties and the community. Staff did receive public comments of opposition and included them in the staff report. Staff also received additional comments in opposition after the case reports had gone out and these were handed out prior to the meeting. Due to the volume of opposition received, staff is recommending denial of this use at this location.

Commissioner Overholt had questions for Environmental Services. Brian Passwater, Community Services Division Manager, stepped forward to answer them. Overholt read some of the comments from those in opposition and noted that the city had recently adopted an ordinance allowing Short Term Rentals (STR). He asked Passwaters what steps have been taken to address these concerns. Passwaters outlined several of the requirements to obtain a permit. Some of the issues covered addresses no parking on the street, registering yearly as a STR, annual inspections of the home, floor plans supplied to ensure no illegal additions have been made, curfews, limits as to how many may be on property along with other requirements. Overholt asked since the ordinance has gone into effect if they had to address any of these issues. Passwaters stated prior to the adoption there was one in which the owner had made illegal additions of 10 bedrooms. Staff is aware there are many STR in the city and most have operated without causing any concerns. Registration for STR will begin in January 2024.

Commissioner Martin asked why the applicant had already started the process. Passwaters stated they have not accepted her application yet as staff is still working on the paperwork and setting up new software for tracking these cases. He explained that everyone who wants to operate a STR has to go through the SUP process to see if the location is appropriate for the use, then they may apply with their department for the permit. Martin asked how many STR are already in existence, Passwaters estimates 300-400 homes. Martin asked if there were any nuisance concerns with them. Passwaters answered no.

Phuong Dinh, 2608 Timberline Drive, Flower Mound, TX, owner and applicant was present. She stated when she traveled for work, a hotel was an option but if she traveled with her four children and husband, she would look for a larger space, where she would have more bedrooms and a kitchen so all the family could enjoy the time. For them, the STR was the solution. They look to serve professional travelers, ones visiting their families in the area or when the neighbors have visitors and need extra rooms.

Commissioner Kramer asked Ms. Dinh if STR was now her main business or if she still has a job involving travel. Ms. Dinh stated she and her husband have several rental homes but this location is their first STR.

Chairman Windrow opened the public hearing for comments. The following individuals spoken in opposition for concerns about reduction in property values, parking issues, possible increase in crime, safety for the school children attending the nearby schools and an increase of noise levels:

- Robert Rizzo, 2016 Marin
- Francis Fu, 2103 Marin
- Gaye McFarland, 2105 Marin
- Kathy Springs, 2106 Marin
- Gretchen Greunell, 2135 Hunters Ridge

Commissioner Overholt stated he has stayed in STR several times and his daughter and family regularly use STR since the husband can work from anywhere. The city has a strong ordinance in place and isn't having any issues with the new ordinance. He thinks it is premature to rule against this, as a homeowner has the right to rent out his home.

Commissioner Martin asked for clarification on whether the property has a driveway since two from the public said there was not. Ms. Dinh said there is a two-car garage and a driveway which can accommodate two cars.

Chair Windrow stated there are 27 public comments in opposition which he has read them all, listened to everyone who came to speak so he will be voting in opposition.

- * ***Commissioner Overholt moved to close the public hearing and approve PLSUP 2023-077 2109 Marin Short-Term Rental with staff stipulations; second by Commissioner Kramer. The motion failed with a 3-4 vote (Overholt, Martin and Taylor for; Foster, Windrow, Yarbrough and Kramer opposed, Powell and Doyle absent). They have 10 days to appeal the decision to City Council.***

OTHER BUSINESS:

- a. Staff Reports
There were no staff reports.

ADJOURNMENT

Chair Windrow adjourned the meeting at 7:55 pm.

Loren Shapiro, Planning Manager

Scott Windrow, Chair
Planning and Zoning Commission