



Minutes
City of Carrollton
Planning & Zoning Commission
November 2, 2023
Briefing Session and Meeting

A meeting of the City of Carrollton Planning & Zoning Commission was held on Thursday, November 2, 2023 at 6:30 p.m. in the Council Chambers at City Hall.

Commission Members Present:

Scott Windrow, Chair
Jim Doyle, Vice Chair
John Powell, 1st Vice Chair
Willadean Martin
Kathryn Taylor
Mark Yarbrough
Al Overholt
Kathleen Foster
Dave Hermon, Alternate

Commission Members Absent:

Greg Kramer

Staff Members Present:

Loren Shapiro, Planning Manager
Michael McCauley, Senior Planner
Herb Cavanaugh, Assistant Fire Chief
Jared Nation, Captain Fire Prevention
Albert Thomas, Asst. City Attorney
Ed Green, Plan Review Manager
Lydia Tormos, Admin Support Specialist

Guests Present:

Rusty Pendleton, Council Observer

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

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

Chair Windrow called the meeting to order at 6:33 pm.

CONSENT AGENDA:

1. **MINUTES:** Approval of the October 5, 2023 meeting minutes.
Chair Windrow opened the floor for public comments. There were none and with no questions from the Commissioners, he opened the floor for a motion.

* *Commissioner Powell moved approval of Consent Agenda Item 1; second by Commissioner*

Doyle; the motion was approved with a unanimous 8-0 vote (Kramer absent).

PUBLIC HEARING:

2. Hold A Public Hearing And Take **Final Action On A Replat** Of Austin Hills, Lot 26, Block A For An Approximately 0.3026-Acre Tract Located At 2313 Westlake Court To Modify Easements And To Request A Variance To Reduce A Drainage Easement Width. **Case No. PLRP 2023-091 Austin Hills, Lot 26R, Block A.** Case Coordinator: Emily Offer.

Loren Shapiro, Planning Manager, presented this item. He advised this is a request to modify an existing drainage easement on the southern portion of the property at 2313 Westlake Court from the required 15 feet to 5 feet. A plat map was reviewed. He noted that a pool was built without a permit on the property however no part of the drainage pipe is underneath the pool. He reminded the Commission that they are considering a variance on the merits of the request and not the pool violation.

Mr. Shapiro added that the Engineering and Public Works staff have reviewed the request and have no objection to the drainage easement width reduction. Planning staff is recommending approval of the request and the granting of the variance. He said there were quite a lot of public comments from surrounding property owners. Mr. Shapiro showed the property owner responses within the 200' buffer area on a map. The map showed more than 20 percent of the property owners were in opposition, Mr. Shapiro mentioned that a minimum 6 votes of the 8 commissioners present would need to approve the replat and variance request to override the public opposition.

Commissioner Martin confirmed with Mr. Shapiro that the Engineering and Public Works staff have no issues with the request because the drainage pipe is not outside the easement.

Commissioner Doyle questioned whether there could be a future need for the full easement width, in particular due to there being undeveloped land in the area. Mr. Shapiro responded there would not.

Commissioner Foster inquired whether the Public Works Department might need this easement in the future. Mr. Shapiro stated they have advised there is no issue.

Commissioner Overholt stated that based on the opinion of the Public Works staff, he will vote in favor of the request.

Chair Windrow asked if there was an applicant present. The applicant was not present. Chair Windrow opened the Public Hearing. There were no public speakers.

There being no other speakers, Chair Windrow opened the floor for discussion or a motion.

Commissioner Doyle advised that since the applicant was not there to present his case, he will vote against the variance request.

- * *Commissioner Foster moved to close the public hearing and approve with staff stipulations Case No. PLRP 2023-091 Austin Hills, Lot 26R, Block A; second by Commissioner Powell. The motion failed with a vote of 5-3; (Commissioner Overholt, Chair Windrow, Commissioner Powell, Commissioner Yarbrough and Commissioner Taylor in support; Commissioner Doyle, Commissioner Foster and Commissioner Martin opposed, Kramer absent).*

Chair Windrow advised that since 75 percent of the Commission did not vote to approve this item, the applicant could make an appeal to District Court.

3. Hold A Public Hearing To Consider An Ordinance Amending The Zoning To **Establish A Special Use Permit To Allow A Tattoo Parlor** On An Approximately 7.5-Acre Tract Zoned PD-175 For The (LR-2) Local Retail District And Located At 4425 Plano Parkway And At The Southeast Corner Of Plano Parkway And Maverick Way; Amending The Official Zoning Map Accordingly. **Case No. PLSUP 2023-099 American Vintage Tattoo**. Case Coordinator: Loren Shapiro.

[PUBLIC HEARING NOTICES DID NOT PROPERLY NOTIFY PROPERTY OWNERS, AS REQUIRED BY LAW. THEREFORE, NO DISCUSSION OR ACTION WAS TAKEN AT THE NOVEMBER 2, 2023 MEETING. THE CASE WILL BE CONSIDERED AT THE DECEMBER 7, 2023 PLANNING & ZONING COMMISSION MEETING AFTER CORRECTED NOTICES ARE RESENT TO THE PROPERTY OWNERS. ALL PUBLIC COMMENTS WILL BE PRESENTED AT THE DECEMBER PUBLIC HEARING.]

4. Hold A Public Hearing To Consider An Ordinance Amending The Zoning To **Amend SUP-486 To Allow Automobile Or Light Load Truck Repair Garage And Automobile, Motor Vehicle, Heavy Load Truck And Watercraft 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 2023-100 Texas Car One**. Case Coordinator: Michael McCauley.

Michael McCauley, Senior Planner, advised that the applicant currently operates an indoor used car sales business and is requesting to amend the SUP to allow a repair garage and a paint and body shop as accessory uses. He reviewed that a few months ago the applicant had requested approval for outdoor auto sales at his location and that request was denied. He did not choose to appeal to the City Council and instead is taking a different approach. He would like to add 1,660 square feet of space to the existing building. A concept site plan and landscape plan were reviewed. Mr. McCauley added that the request complies with the Comprehensive Zoning Ordinance. He advised that staff is recommending approval with stipulations.

Commissioner Overholt inquired about staff stipulations, in particular the verbiage “Heavy Load Truck And Watercraft Paint And Body Shop.” Mr. McCauley responded that is the language that the CZO uses.

Commissioner Powell asked if the review process considered whether the possible noise from the business would be detrimental to residents to the east. Mr. McCauley advised that yes, that was considered. He added that no public comments were received and stated that there is a noise ordinance. Mr. McCauley reviewed the site plan and explained that the bay doors for each building are facing toward each other so noise would be directed away from the residents.

Commissioner Martin inquired whether this size of building is typical for this type of business. Mr. McCauley responded that the applicant will only be working on cars he has for sale at his business and will not be providing repairs for the public.

Chair Windrow asked if there was an applicant present who would like to speak. Applicant Homan Sepasi, 1729 S. Broadway, was present to answer any questions.

Commissioner Doyle asked the applicant about other structures built that were done without a permit. The applicant advised that this is his first commercial business, and some mistakes were made in that regard and he is in the process of correcting those mistakes.

Chair Windrow opened the Public Hearing.

Pegah Ganji, 1800 N. Field St. Dallas, real estate agent for the property, spoke on behalf of Mr. Sepasi.

Commissioner Overholt voiced concerns regarding a paint and body shop being near residents due to noise.

Commissioner Martin requested clarification regarding the applicant's prior request and this one, noting the reference to truck repair. Mr. McCauley responded that when the term "car" is used it refer also to light-duty trucks, jeeps or mini-vans, not trucks categorized as large. He also reviewed that the previous request was for outside sales. It was noted that in an industrial zoning area, auto repair type shops are allowed by right.

Chair Windrow stated that since the bay doors open inwardly there should be no issue with noise, so he will vote affirmatively.

Chair Windrow opened the public hearing; no one came forward to speak. He offered the applicant an opportunity for closing remarks; Mr. Sepasi had nothing to add.

There being no other speakers, Chair Windrow opened the floor for discussion or a motion.

* ***Commissioner Powell moved to close the public hearing and approve Case No. PLSUP 2023-100 Texas Car One with staff stipulations; second by Commissioner Martin. The motion was approved 8-0 (Kramer absent).***

5. Hold A Public Hearing To Consider An Ordinance To **Establish A Special Use Permit For All Other Amusement & Recreation Uses & Activities (Billiard Hall)** On An Approximately 3,200 Square Foot Suite Zoned PD-130 For The (LR-2) Local Retail District

And Located At 2630 Old Denton Road; Amending The Official Zoning Map Accordingly. **Case No. PLSUP 2023-101 Dallas Billiards and Academy.** Case Coordinator: Michael McCauley.

Michael McCauley stated that this business would have two uses, first as a billiard academy that is allowed by right, and the SUP request is for a billiard hall. He stated that the existing building is 6,500 square feet and the applicant wishes to add 5,270 square feet. Two tenants are currently in the building and this business will occupy 3,200 square feet of the building.

Mr. McCauley advised one email was received in opposition. He stated that this request meets the Comprehensive Zoning Ordinance regarding the fire lane width, ingress and egress, parking and landscaping. He added that the architecture is compatible with the area and will be applied to all four sides of the proposed addition. Conceptual building elevations were provided. Staff is recommending approval with stipulations.

Commissioner Foster requested clarification on the SUP request for a billiard hall. Mr. McCauley reiterated that the academy is allowed by right and that the billiard hall requires the SUP approval since it will be open to public use. He said that the total number of tables remains the same as presented on the floor plan.

Commissioner Doyle inquired if the number of parking spaces is sufficient for this use. Mr. McCauley explained that the total size of the building will be 11,700 square feet and the current number of parking spaces exceeds the required number by two.

Commissioner Martin asked if there was a similar business in the same area. Mr. McCauley reviewed the location of that business on the map and stated it was across Old Denton Rd.

Commissioner Foster inquired about alcohol sales on the premises. Mr. McCauley advised there will be no alcohol sold or consumed on the premises.

Chair Windrow asked if there was an applicant present who would like to speak.

Applicant Eddie Oh, 2720 Old Denton Rd. advised there will be no alcohol or smoking allowed, and closing time will be 11:00 p.m. The primary use will be the academy.

Chair Windrow opened the Public Hearing; there being no speakers, Chair Windrow opened the floor for discussion or a motion.

*** Commissioner Doyle moved to close the public hearing and approve Case No. PLSUP 2023-101 Dallas Billiards and Academy with staff stipulations; second by Commissioner Overholt. The motion as approved 8-0 (Kramer absent).**

Chair Windrow advised this case will be forwarded to the City Council for consideration on December 5, 2023.

6. Hold A Public Hearing To Consider An Ordinance Amending The Zoning On An Approximately 0.86-Acre Tract Zoned Planned Development District 185 (PD-185) For The

(CC) Corporate Commercial District And Located Approximately 150 Feet East Of The Southeast Corner Of Josey Lane And Parker Road (FM 544) To Repeal And Reestablish PD-185 To Allow For Modified Conceptual Plans And To Revise Development Standards; Amending The Official Zoning Map Accordingly. **Case No. PLZPD 2023-102 El Paisa**. Case Coordinator: Michael McCauley.

Michael McCauley provided a location map and stated that the request is for a restaurant with a drive through window. He advised that approximately one year ago a concept plan for this tract was approved for a dentist office and that proposal did not transpire. He noted that a restaurant use is allowed by right in this zoning district, but the PD needs to be amended since it was created for a dental office and not a restaurant.

Mr. McCauley provided a conceptual site plan and landscape plan. He explained that this restaurant would be located on Tract 2. As part of the review process for this amendment to the PD, staff has reviewed the proposed stacking and found it meets the stacking requirements. Therefore, staff will not be requiring a separate TSP. Additionally, all special conditions and regulations in the existing PD and the amended PD will carry over to this property. No public comments were received. Staff believes this is consistent with the original and amended PD and is recommending approval.

Commissioner Powell inquired about Staff Stipulation E for Tract 3, the multi-tenant building, which refers to a median variance for a cut-through along Parker. He stated there is already a cut-through there. Mr. McCauley had explained that all special conditions and regulations in the existing PD and the amended PD would be carried over to this newly amended PD and the requirement of a cut-through required by the original PD has already been constructed.

Commissioner Doyle requested confirmation of the precise location. Mr. McCauley provided an aerial map that showed a vacant space to the east of the existing RaceTrac station. He noted that on the far east of the open area there is now a multi-tenant building, and the restaurant will be between that building and the RaceTrac to its west.

Chair Windrow asked if there was an applicant present who would like to speak.

Applicant/owner, Jose Velasques, owner of El Paisa and with EPCM Realty, 1912 Parker Rd., was present for questions.

Commissioner Martin asked if the original El Paisa restaurant will be moving. The applicant responded they have no plans for moving. They have been in that location for 17 years.

Chair Windrow opened the Public Hearing. There being no speakers, Chair Windrow opened the floor for discussion or a motion.

**** Commissioner Martin moved to close the public hearing and approve Case No. PLZPD 2023-102 El Paisa with staff stipulations; second by Commissioner Foster. The motion was approved 8-0 (Kramer absent).***

Chair Windrow advised this case will be forwarded to the City Council for consideration on December 5, 2023.

7. Hold A Public Hearing To Consider An Ordinance **Amending The Text Of The Comprehensive Zoning Ordinance (CZO) To Amend Article XX.3 “HP” Historic Preservation Overlay District** To Add To The Intent Of The Designation Of A Historic Landmark And Historic District, Change The Name Of The Historic Preservation Advisory Committee And Their Duties, Change The Criteria For A Designation, Add Definitions, Add Application Criteria, And Amend The Process For Designating Landmarks And Districts. **Case No. PLZT 2023-103 CZO Text Amendment HP Overlay District.** Case Coordinator: Michael McCauley.

Michael McCauley advised that staff occasionally recommends updates to ordinances and said staff is recommending language changes to CZO Article XX.3 to allow for clearer understanding and remove sections not necessary to the zoning aspect of the ordinance. He stated that in May 2003 the Historic Preservation Overlay District was established and defined the regulations and criteria. One historic district, the Carrollton Heights Historic District, had been created. He explained that the Planning Department had previously overseen and administered the Historic Preservation Advisory Committee (HPAC), including dedication of historical markers and regulation of the Historic Preservation Overlay District (including Carrollton Heights.) In 2014 the Parks and Recreation Department began overseeing HPAC, now called the Museum and Historic Advisory Committee (MHAC), for designating historic markers and other non-zoning but historical related matters. The Planning Department continues accepting, reviewing, and taking administrative action on applications for certificates of historical appropriateness. Additionally, Planning oversees modifications to the Carrollton Heights Overlay District.

Mr. McCauley advised that with the joint efforts of the Parks and Recreation Department and the Planning Department, it became necessary to update Article XX.3 “HP” Historic Preservation Overlay District concerning assigned duties and responsibilities. He advised the changes will provide better clarification and understanding of the administration of the ordinance for the public, staff, Commission and Council. No public comments were received. Mr. McCauley added that the staff analysis provides the proposed changes to the text.

A five-minutes recess was taken.

Commissioner Overholt inquired whether Council or others have reviewed this recommendation. Mr. McCauley replied that the Planning Department and the Parks and Recreation Department have jointly reviewed the changes.

Commissioner Martin inquired about oversight of the committee. Mr. McCauley confirmed that Parks and Recreation Department will provide the oversight. She also inquired where Carrollton Heights is located. Mr. McCauley provided a general location.

Chair Windrow opened the Public Hearing. There being no speakers, Chair Windrow opened the floor for discussion or a motion.

- * ***Commissioner Doyle moved to close the public hearing and approve Case No. PLZT 2023-103 CZO Text Amendment HP Overlay District. Second by Commissioner Yarbrough. Motion approved 8-0 (Kramer absent).***

Chair Windrow advised this case will be forwarded to the City Council for consideration on December 5, 2023.

8. **Hold A Public Hearing To Consider An Ordinance Amending The Text Of The Comprehensive Zoning Ordinance (CZO) To Amend Article XXXII. Board Of Adjustment, To Update The Carrollton Airport Zoning Map Date. Case No. PLZT 2023-106 CZO Text Amendment Airport Map.** Case Coordinator: Michael McCauley.

Michael McCauley advised staff is recommending amending the date for the Carrollton Airport Zoning Map in the zoning ordinance, Article XXXII. Board of Adjustment. He advised that the current map is dated April 1979 and needs to be updated to the most up-to-date map dated September 2016, which shows the current Addison Airport airspace. Mr. McCauley advised that the Board of Adjustment reviews variance requests for building heights that would place any building into the airspace of the airport. Addison Airport also reviews those requests. He said no public comments were received and that Staff recommends approval.

Commissioner Foster inquired whether this action addresses drones in the airspace. Mr. McCauley responded that it does not.

Chair Windrow opened the Public Hearing. No one came forward.

Commissioner Doyle inquired where the map is published. Mr. McCauley stated it is on the Addison Airport website.

There being no other questions, Chair Windrow opened the floor for discussion or a motion.

- * ***Commissioner Foster moved to close the public hearing and approve Case No. PLZT 2023-106 CZO Text Amendment Airport Map; second by Commissioner Powell. Motion approved 8-0 (Kramer absent).***

Chair Windrow advised this case will be forwarded to the City Council for consideration on December 5, 2023.

9. **Hold A Public Hearing To Consider An Ordinance Amending The Text Of Article XXXIV. Definitions Of The Comprehensive Zoning Ordinance To Amend Section B. Terms and Definitions Related To Dwelling Unit. Case No. PLZT 2023-107 CZO Text Amendment For The Definition Of Dwelling Unit.** Case Coordinator: Loren Shapiro.

Loren Shapiro advised this item is to modify the definition of “dwelling unit”, specifically as a residential unit. He reviewed the current and proposed text, which is more comprehensive in nature and distinguishes the term from more transient uses.

Commissioner Overholt asked about the term “accessible independently”. Mr. Shapiro

responded that there is no connectivity between units, such as at a hotel. He further inquired if a converted garage would apply. Mr. Shapiro advised that a time period longer than one month would not be considered transient or short-term.

Commissioner Martin inquired if short-term rentals are addressed in the ordinances. Mr. Shapiro advised they are under a different use as stated in Article 34.

Chair Windrow opened the Public Hearing. There being no speakers, Chair Windrow opened the floor for discussion or a motion.

- * ***Commissioner Powell moved to close the public hearing and approve Case No. PLZT 2023-107 CZO Text Amendment For The Definition Of Dwelling Unit. Second by Commissioner Doyle. Motion approved 7-1 (Commissioner Martin abstained from voting, which is a “no” vote, Kramer absent).***

OTHER BUSINESS:

- a. Staff Reports - No staff reports.

ADJOURNMENT

Chair Windrow adjourned the meeting at 8:10 pm.

Loren Shapiro, Planning Manager

Scott Windrow, Chair
Planning and Zoning Commission