



**Minutes
City of Carrollton
Planning & Zoning Commission
May 2, 2024**

Briefing Session and Meeting

A meeting of the City of Carrollton Planning & Zoning Commission was held on Thursday, May 2, 2024 at 6:15 p.m. in the Council Chambers at City Hall.

Commission Members Present:

Scott Windrow, Chair
Jim Doyle
John Powell
Greg Kramer
Al Overholt
Kathleen Foster
Dave Hermon

Commission Members Absent:

Mark Yarbrough, 1st Vice Chair
Willadean, Martin, Vice Chair

Staff Members Present:

Loren Shapiro, Planning Manager
Mike McCauley, Senior Planner
Emily Offer, Planner
Ed Green, Plan Review Manager
Cory Heiple, Director of Environmental Services

Herb Cavanaugh, Assistant Fire Chief
Lydia Tormos, Admin Support Specialist
John Romberger, Transportation Engineer
Albert Thomas, Asst. City Attorney
Brian Passwaters, Community Services
Division Manager

Guests Present:

Councilmember Rusty Pendleton

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

BRIEFING SESSION – 6:15 p.m. - COUNCIL BRIEFING ROOM

Staff gave a brief presentation on each of the items on the consent agenda. No public testimony was allowed during the briefing.

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

Chair Windrow called the meeting to order at 6:30 pm. He opened the floor for public comments concerning any of the consent agenda items. There were none and with no questions from the Commissioners, he opened the floor for a motion.

CONSENT AGENDA:

1. **MINUTES:** Approval of the April 4, 2024 meeting minutes.
 2. Consider And Take Final Action On A Replat Of Original Town of Carrollton, Lot 1, Block H For An Approximately 0.05-Acre Tract Located At The Northwest Corner of South Broadway Street And West Main Street To Subdivide The Lot And Dedicate Right-Of-Way. **Case No. PLRP 2024-038 Original Town of Carrollton. Case Coordinator:** Emily Offer.
 3. Consider And Take Final Action On A Technical Site Plan For A Drive-Through Window For A Limited-Service Restaurant On An Approximately 1.25-Acre Tract Located At 1536 West Hebron Parkway And Approximately 330 Feet East Of S. H. 121 Sam Rayburn Tollway. **Case No. PLTSP 2023-135 McDonalds.** Case Coordinator: Emily Offer.
- * *Commissioner Foster moved to approve Consent Agenda Items 1-3, including staff stipulations on 2 and 3, and for Item 2 find that for Case No. PLRP 2024-038 Original Town of Carrollton, the right-of-way is necessary and proportionate to the proposed development. Commissioner Powell seconded the motion. The motion was approved with a vote of 7-0 (Yarbrough and Martin absent).*

PUBLIC HEARING:

4. 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 9,100 Square-Foot Lot Zoned PD-169 For The (SF-12/20) Single-Family Residential District And Located At 1829 East Belt Line Road And Approximately 300 Feet West Of Josey Lane; Amending The Official Zoning Map Accordingly. **Case No. PLSUP 2024-008 1829 East Belt Line Road Short-Term Rental.** Case Coordinator: Michael McCauley.

Senior Planner Michael McCauley presented this item. He advised this is a special use permit request to allow a single story, single-family residence to be used as a short-term rental. He advised that the residence has three bedrooms and has approximately 1,364 square feet. It is located close to the northwest corner of Josey Lane and East Beltline Road. He stated it has a front entry garage and has no rear access. An aerial photo of the site was provided. Two public comment cards were received. Staff is recommending approval with stipulations.

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

Mr. McCauley advised that the applicant, Zoraya M. Moran, is currently out of the state and unable to be present, however her daughter, Nicole Moran, 1829 E. Beltline Road, is present to answer questions.

Commissioner Kramer inquired as to the condition of the home. Ms. Moran responded it is in perfect condition and ready to occupy.

Commissioner Doyle inquired how the property will be marketed. Ms. Moran responded that it will be marketed through Airbnb.

Chair Windrow opened the public hearing. There were no speakers. He advised that two public comment cards in opposition were received.

Commissioner Overholt stated that during a previous meeting he spoke in favor of short-term rentals. He said that now he does believe the affected neighborhood should have input into the matter. He advised that he will be voting against this item.

Commissioner Foster stated she supports this item because the location is close to downtown where there is less residents in the area.

Chair Windrow opened the floor for discussion or a motion.

* *Commissioner Foster moved to close the public hearing and approve Item 4, PLSUP 2024-008 1829 East Belt Line Road Short-Term Rental with staff stipulations. Commissioner Powell seconded the motion. The motion was approved with a vote of 4-3, (Windrow, Powell, Foster and Doyle in favor, Overholt, Kramer and Hermon opposed, Yarbrough and Martin absent).*

5. 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 7,590 Square-Foot Lot Zoned PD-55 For The (SF-7/14) Single-Family Residential District And Located At 2213 Proctor Drive; Amending The Official Zoning Map Accordingly. **Case No. PLSUP 2024-034 2213 Proctor Drive Short-Term Rental.** Case Coordinator: Michael McCauley.

Michael McCauley presented this item. He stated this is a request for a special use permit request to allow a single-family residence to operate as a short-term rental at 2213 Proctor Drive. He added that previously it was operating illegally as a short-term rental and stated that staff does not recommend approval. If the Commission chooses to approve, then staff has recommended stipulations. A zoning map of the area was provided.

Commissioner Foster asked Mr. McCauley if this is the same applicant who previously applied for a SUP for a different property. He replied it is the same applicant.

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

The applicant, Phuong Dinh, described the property as a three bedroom, two bath residence with 2,831 square feet. She advised that the bedrooms have no locking doors. There is no on-street parking allowed, and tenants would be allowed no more than a seven-day stay. She advised that currently it is being rented long-term (month to month).

Commissioner Overholt offered his comments on how short-term rentals could possibly impact a neighborhood negatively and stated that he will be voting against the item.

The applicant's property manager spoke stating that her company currently manages ten properties as short-term rentals in other cities and described the business model. She added that security cameras and noise monitoring equipment are in place. Considerable discussion followed with questions as to how the noise is monitored and property management responses to violations.

Further information was provided regarding the rental agreement requirements for tenants, as well as security and home maintenance.

Chair Windrow opened the public hearing. He advised that 11 comment cards in opposition were received. Two of those individuals were present to speak as follows:

Marc and Karen Casteel, 2209 Proctor spoke in opposition.

Nevel Haley, 2220 Marble Falls Dr. spoke in opposition.

The applicant offered closing remarks including apologies for previous violations at her properties. She requested approval.

Commissioner Doyle asked the applicant what the status is of the residence at 2109 Marin. The applicant explained that it is operating as a long-term rental as she was previously denied a short-term rental request.

Chair Windrow opened the floor for discussion or a motion.

- * ***Commissioner Overholt moved to close the public hearing and approve Item 5, PLSUP 2024-034 2213 Proctor Drive Short-Term Rental with staff stipulations. Commissioner Powell seconded the motion. The motion failed with a vote of 1-6 (Chair Windrow for, Powell, Foster, Doyle, Kramer, Overholt and Hermon in opposition, Yarbrough and Martin absent).***

Chair Windrow stated that since the item was not approved, the applicant has ten days to submit an appeal in writing to the City Council.

6. **Hold A Public Hearing To Consider An Ordinance Amending The Zoning To Establish A Special Use Permit To Allow Miscellaneous Manufacturing On An Approximately 1.45-Acre Tract Zoned For The (LI) Light Industrial District And Located At 3218 Skylane Drive And Approximately 680 Feet East of Commander Drive; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2024-024 Umbrella Scents.** Case Coordinator: Emily Offer.

Emily Offer, Planner, presented this item. She reviewed the location of the building being considered for the special use permit and confirmed that it is in the Light Industrial District. She stated the request is to allow a candle manufacturing operation and stated it is an appropriate use in this area. The building contains approximately 2,000 square feet of warehouse space. Exterior photos of the building and conceptual floor plans were reviewed. Staff is recommending approval with stipulations.

Commissioner Foster asked Ms. Offer if the building is a stand-alone building. Ms. Offer replied that it is.

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

The applicant, Abdul Aziz Mohammad Ghani/ Umbrella Holdings Ltd. LLC, described the plans for the building, stating that only a small area in the building is for manufacturing and the remainder is warehouse for E-Commerce.

Commissioner Hermon confirmed with the applicant that there will be no retail or walk in traffic on-site.

Commissioner Doyle inquired whether there is a need for special ventilation due to fumes from the manufacturing. The applicant responded that there is not.

Chair Windrow open the public hearing. There being no speakers he asked if the Commissioners had any questions or motions.

- * ***Commissioner Doyle moved to approve Item 6, PLSUP 2024-024 Umbrella Scents with staff stipulations. Commissioner Foster seconded the motion. Motion passed unanimously with a vote of 7-0 (Yarbrough and Martin absent).***

7. 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 0.976-Acre Tract Zoned PD-124 For The (LR-2) Local Retail District And Located 1621 West Hebron Parkway And Encircled By Fairway Court And Along West Hebron Parkway; Amending The Official Zoning Map Accordingly. **Case No. PLSUP 2024-039 Kultura Tattoo.** Case Coordinator: Emily Offer.

Emily Offer presented this item. She stated that this request is for a special use permit to allow a tattoo parlor. She described the location of the property under consideration. She stated that the future land use designation for this property is Heavy Intensity Commercial. She said that the hours of operation for the tattoo parlor are in alignment with the surrounding business uses and it is appropriate for this area. A conceptual floor plan was reviewed that will accommodate up to six tattoo artists. No concerns from the Police Department or Environmental Services were received. Staff is recommending approval with stipulations.

Commissioner Foster inquired whether this is a new building. Ms. Offer responded it is an existing building.

Chair Windrow asked if there is an applicant present who would like to speak. The applicant, Inho Hwang/ Pioneer Village Office, was available for questions.

Commissioner Foster asked the applicant what was located in this building previously. The applicant replied that it was a cleaners.

Commissioner Doyle inquired how many artists will be working there full time. The applicant responded that at this time there are three or four.

Commissioner Powell commented that previously the Planning and Zoning Commission has considered other tattoo parlors and he believed all had been rejected. However, he stated that he was impressed with the narrative included in the application as to the benefits of tattoos for some individuals who, for example, use them to cover scars. Commissioner Powell also expressed that society's acceptance of tattoos has become more commonplace. He added that the role of the Planning and Zoning Commission is in regard to zoning for compatibility in a neighborhood.

Ms. Offer added that there is a buffer between this business and the neighboring properties.

Chair Windrow opened the floor for discussion or a motion.

- * ***Commissioner Foster moved to approve Item 7, PLSUP 2024-0039 Kultur Tattoo with staff stipulations. Commissioner Hermon seconded the motion.***

Chair Windrow stated that one card in opposition was received. He added that the Planning and Zoning Commission has approved previous requests for tattoo parlors based on location and spoke in support of this item.

Motion passed unanimously with a vote of 7-0. (Yarbrough and Martin absent)

8. **Hold A Public Hearing To Consider An Ordinance Amending The Zoning To Establish A Special Use Permit To Allow A Smoke Shop Retailer On An Approximately 0.80-Acre Tract Zoned (DTC) Downtown Transit Center District And Historic Square Sub-District, And Located At 1014 South Broadway Street, Suite 104; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2024-036 Vape And Smoke Retail.** Case Coordinator: Michael McCauley

Michael McCauley advised this item is a request for a special use permit for a vape and smoke shop in the Downtown Transit Center District. He reviewed that the Commission previously approved a similar request for this area several months prior. He advised the suite under consideration is approximately 1,200 square feet and is currently vacant. The surrounding businesses in this area were described. Staff recommends approval with stipulations.

Commissioner Foster inquired what the status is of the previous request for a smoke shop downtown. Mr. McCauley responded he is unaware of the status.

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

The applicant, Malik Velani, 4730 Windhaven Parkway, Suite 140, The Colony, stated that he has other shops in Denton and The Colony and Lewisville. He stated that no consumption will occur inside the store, the use is for retail sales only.

Commissioner Overholt expressed his concerns regarding the health and safety of vaping, in particular as it relates to minors, and stated he will vote against this item. The applicant responded that they do not sell to anyone under the age of 21 and will card the purchaser if in doubt of the age.

Albert Thomas, Assistant City Attorney, reminded the Commission to only consider what has been presented to them for consideration.

Chair Windrow opened the public hearing. There being no speakers he asked if the Commissioners had any questions or motions.

Commissioner Doyle asked the applicant whether he notified the other occupants in the building of his intent with this business. The applicant responded that he had not; he has not yet signed a

lease agreement. Commissioner Doyle expressed his concern that the adjacent tenants have not been made aware of this request.

Loren Shapiro, Planning Manager, responded to Commissioner Doyle's comment stating that the law requires the property owners within 200 feet of the address under consideration to be notified, and those notifications were made. He added that the applicant is not required to make notifications.

Mr. McCauley reminded the Commission that this case is identical to one previously approved by the Commission in the Downtown Transit Area. He stated that selling vaping products to minors is illegal. He also stated that signage was placed on the suite door noticing the proposed zoning change. Some of the adjacent business operators contacted staff for more information as to what is under consideration.

Chair Windrow opened the floor for discussion or a motion.

- * ***Commissioner Foster moved to close the public hearing and approve Item 8, Case No. PLSUP 2024-036 Vape And Smoke Retail with staff stipulations. Commissioner Powell seconded the motion. The motion was approved with a 6-1 vote (Windrow, Powell, Foster, Doyle, Kramer and Hermon in favor, Overholt opposed, Yarbrough and Martin absent).***

OTHER BUSINESS:

a. Staff Reports

Chair Windrow announced that this is Councilmember Rusty Pendleton's last P&Z meeting and thanked him for his service. He also expressed appreciation to city staff for their work to prepare for these meetings.

Mr. Shapiro told the Commissioners that the Texas American Planning Association is holding its annual conference in Allen, TX on October 16-18, and requested the Commissioners check their calendars and notify staff if they would like to attend. This will be a training opportunity.

ADJOURNMENT

Chair Windrow adjourned the meeting at 7:55 pm.

Loren Shapiro, Planning Manager

Scott Windrow, Chair
Planning and Zoning Commission