



**Minutes
City of Carrollton
Planning & Zoning Commission
June 6, 2024**

Briefing Session and Meeting

A meeting of the City of Carrollton Planning & Zoning Commission was held on Thursday, June 6, 2024 at 6:30 p.m. in the Council Chambers at City Hall.

Commission Members Present:

Scott Windrow, Chair
Willadean Martin, Vice Chair
Mark Yarbrough, 1st Vice Chair
John Powell
Greg Kramer
Al Overholt
Kathleen Foster
Dave Hermon

Commission Members Absent:

Jim Doyle

Staff Members Present:

Loren Shapiro, Planning Manager
Mike McCauley, Senior Planner
Emily Offer, Planner
Thomas Wood, Senior Plan Reviewer
Lydia Tormos, Admin Support Specialist

Herb Cavanaugh, Assistant Fire Chief
Jared Nations, Fire Chief (Prevention)
John Romberger, Transportation Engineer
Albert Thomas, Asst. City Attorney
Brian Passwaters, Community Services Mgr.

Guests Present:

None

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

BRIEFING SESSION – 5:15 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 on 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 May 2, 2024 meeting minutes.
 2. Consider And Take Final Action On A Replat Of Segovia Subdivision, Lot 1R, Block A For An Approximately 1.601-Acre Tract Located At 1810 South Josey Lane To Modify And Dedicate Easements. **Case No. PLRP 2024-050 Segovia, Lot 1R1, Block A.** Case Coordinator: Emily Offer.
 3. Consider And Take Final Action On A Replat Of Valley View Business Park, Lots 2 And Part Of Lot 1, Block 1 For An Approximately 3.39-Acre Tract Located At 1811 Trinity Valley Drive To Dedicate Easements And Combine Two Lots Into A Single Tract. **Case No. PLRP 2024-049 Valley View Business Park, Lot 2R, Block 1.** Case Coordinator: Emily Offer.
- * Commissioner Foster moved approval of the Consent Agenda Items 1-3 with staff stipulations, and for Item 3 Case No. PLRP 2024-049 Valley View Business Park, the finding that the public right-of-way is necessary and proportional to the proposed development. Commissioner Hermon seconded the motion. The motion was approved with 8-0 vote (Doyle absent).*

PUBLIC HEARING:

4. Hold A Public Hearing To Consider An Ordinance Amending The Zoning On An Approximately 3.39-Acre Tract Zoned (LI) Light Industrial District And Located At 1811 Trinity Valley Drive To Establishing A Planned Development To Accommodate Development On Less Than 5-Acres Without Affecting Properties To Create Special Development Standards And To Provide Conceptual Plans; Amending The Official Zoning Map Accordingly. **Case No. PLZ 2024-052 Penikam Warehouse.** Case Coordinator: Emily Offer.

Emily Offer, Planner, advised this item is to consider a building extension on the east end of an existing warehouse. She reviewed a proposed rendering of the building, a zoning map, conceptual site plan, landscape plan, and building elevations. She advised that a mutual access drive is located on the adjacent property. Staff is recommending approval with staff stipulations.

Commissioner Overholt inquired about attaching the two buildings. Ms. Offer replied that a firewall will be built between the two buildings. (Upon further consideration, because the applicant merged the two properties, it is merely an extension to a building and a fire wall is not necessary.)

Chair Windrow asked if the applicant would like to speak.

Marissa Vera, Planner with McAdams, 4400 SH 121, Suite 100, Lewisville, presented her case. She stated that the total amount of property at this site is 3.39 acres. The existing building is 44,000 square feet and the proposed building will be 33,000 square feet. She stated it is in a

light industrial district and provided a site plan reflecting a 15-foot rear yard and a 25-foot fire lane.

Chair Windrow opened the public hearing. There were no speakers. Chair Windrow opened the floor for discussion or a motion.

- * *Commissioner Martin moved to close the public hearing and approve Case No. PLZ 2024-052 Penikam Warehouse with stipulations; second by Commissioner Foster. The motion was approved with a vote of 8-0 (Doyle absent).*

5. Hold A Public Hearing To Consider An Ordinance **Amending Special Use Permit Number 159** To Allow For A Child Day Care Center On An Approximately 9.4-Acre Tract Zoned (LI) Light Industrial District And Located On The South Side Of Belt Line Road Approximately 515 Feet East Of Luna Road, Increasing The Number Of Children, Modifying Development Standards, And Revising Concept Plans; Amending The Official Zoning Map Accordingly. **Case No. PLSUP2024-046 Semihan Learning.** Case Coordinator: Loren Shapiro.

Loren Shapiro, Planning Manager, stated the applicant requested to continue his case to the June 26, 2024 P&Z meeting.

Chair Windrow opened the public hearing. There were no speakers. Chair Windrow opened the floor for discussion or a motion.

- * *Commissioner Powell moved to keep the public hearing open and continue Case No. PLSUP2024-046 Semihan Learning until the June 26, 2024 Planning and Zoning meeting, Commissioner Yarbrough seconded the motion. The motion was approved with a vote of 8-0 (Doyle absent).*

6. Hold A Public Hearing To Consider An Ordinance **Amending The Zoning To Establish A Special Use Permit To Allow An Event Center And Reception Hall** In An Approximately 5,500 Square Foot Lease Space Zoned (LR-2) Local Retail District And Located At 2155 Marsh Lane, Suite 200; Amending The Official Zoning Map Accordingly. **Case No. PLSUP 2024-048 Flexy Fitness Event Center And Reception Hall.** Case Coordinator: Michael McCauley.

Michael McCauley, Senior Planner, stated this is a special use permit for an event center and reception hall at a currently existing gym. The gym is allowed by right at the location however, an event center is not allowed in the current local retail zoning district. Mr. McCauley added that some activities have occurred in the shopping center in the past that were not allowed, however he noted that it was not at this gym and not by this applicant.

Mr. McCauley provided a zoning map. It was noted that there is a daycare center located in the shopping center directly below the gym. He advised there is adjoining residential property to the south and west of this site. Due to the potential for noise, staff is not recommending approval of an event center adjacent to residential property.

Commissioner Foster inquired whether there would be any traffic issues at this site during events. Mr. McCauley responded that due to the location there is no need for a traffic impact analysis.

Commissioner Powell expressed concern that with the hours of operation for events, the other businesses in the center may be impacted regarding parking. Mr. McCauley stated that there is also parking in the rear of the center, however, he added that the parking will be assessed during the certificate of occupancy permit application process.

Commissioner Kramer asked for clarification as to the area for allowable amplified sounds. Staff explained that the sound exceeding a certain decibel cannot exceed the perimeter of the shopping center property. If the sound were to be too loud beyond the property line, then police may enforce the noise ordinance. Brian Passwaters, Community Services Division Manager stated that previous issues with noise at this shopping center was not associated with this applicant or this gym.

The applicant Ashley Garcia, 2167 Southern Place #A, Carrollton, gave her presentation. She advised that the site will still operate as a full-service gym; the space in question is a 900 square foot area that is normally empty. She added that her gym has not had any issues with noise. There was a prior citation issued for an activity that was a violation of her Certificate of Occupancy and said that she has a court date regarding that. She stated that the gym participates in community projects and she has public support for moving forward.

Commissioner Foster inquired what the gym hours are. Ms. Garcia responded 5 a.m. to 8 p.m.

Chair Windrow opened the public hearing.

Those who spoke in opposition due to the loud music were:

Paul Worsham, 2839 Silverspring Rd.

Marie Libby, 2838 Silverspring Rd.

Lyn Snyder, 2842 Prescott

Christiana Peralta, 3816 Wooded Creek Dr., Farmers Branch, TX spoke in support.

Candace Sullivan P.O. Box 203158, Austin, TX did not wish to speak but was in support.

Commissioner Overholt asked Mr. Passwaters whether there is a continuing problem with noise. Mr. Passwaters responded yes, with a previous tenant. Overholt further asked if the city was getting control of the violations. Passwaters replied that Code Enforcement has addressed this issue, that they were approached with a complaint and was provided information that classes were operating on weekends for BDSM, an adult entertainment use. The State has not classified this as an obscenity; and code enforcement has not been addressing the case as such. But it is a violation of the city's adult entertainment zoning and it is not allowed in that district. The person who rented the space for that use will discuss this further in Municipal Court at a later date.

Commissioner Martin stated that the applicant said the 35 complaints were not for her and asked Mr. Passwaters if he could address those 35 complaints. He responded that the 35 complaints were Police Department records, not Code Enforcement so he cannot address those records.

Chair Windrow and Commissioner Kramer advised they do not feel this is an appropriate use for the area and are not in favor.

Chair Windrow opened the floor for discussion or a motion.

- * ***Commissioner Martin moved to close the public hearing and approve Case No. PLSUP 2024-048 Flexy Fitness Event Center And Reception Hall, Commissioner Foster seconded the motion. The motion was denied with an 8-0 vote (Doyle absent)***

Chair Windrow stated that since the item was not approved, the applicant has ten (10) days to submit a written appeal to the City Council.

7. Hold A Public Hearing To Consider An Ordinance Amending The Zoning To **Repeal Two Special Use Permits** Numbered 237 (2308 Marsh Lane) For A 100-Foot-Tall Protective Net And 340 (1518 South IH-35E) For Motorcycle Rental; Amending The Official Zoning Map Accordingly. **Case No. PLSUP 2024-055 Repeal Two SUPs.** Case Coordinator: Michael McCauley.

Michael McCauley stated this is a city-initiated request to repeal two special use permits. The City periodically reviews SUPs to determine if approved land uses are operational or are no longer active. SUPs that are inactive or have not been operating are rezoned to remove the SUP designation from the official zoning map and repeal the ordinance adopted for the land use.

The first is for a golf driving range net and is no longer in business. The second is for a motorcycle rental business; that property became part of the TxDOT right-of-way expansion, and the building is no longer there. He further stated no comments were received from the public on either SUP.

Chair Windrow opened the public hearing. There were no speakers.

- * ***Commissioner Kramer moved to close the public hearing and approve Case No. PLSUP2024-055 Repeal Two SUPs, Commissioner Hermon seconded the motion. The motion was approved with an 8-0 vote (Doyle absent).***

OTHER BUSINESS:

Staff Reports- Shapiro updated the Commission on the results of the May 21 and June 4, 2024 City Council action. He also reminded the Commissioners to let staff know if they are interested in attending the Texas APA Conference in October.

Chair Windrow announced that the next Planning and Zoning meeting will be held on Wednesday, June 26 due to the next regularly scheduled meeting date is falling on the July 4 holiday.

ADJOURNMENT

Chair Windrow adjourned the meeting at 7:45 pm.

Loren Shapiro, Planning Manager

Scott Windrow, Chair
Planning and Zoning Commission