

REGULAR PLANNING AND ZONING COMMISSION MEETING MINUTES MARCH 7, 2016

COMMISSIONERS PRESENT: Chairperson Tommy Garrett, Vice-Chairperson Bill Moser, Commissioners Lynn Motley, Phil Philipp, Charlie Womack, Joshua Spare, Kurt Johnson, Dr. Juan Perez, and John Lopez.

COMMISSIONERS ABSENT: None

CITY STAFF PRESENT: Bill Crolley, Director of Development, Jim Hinderaker, Chief City Planner, Denice Thomas, AICP, Senior Planner, Charles Lee, AICP, Senior Planner, Steve Alcorn, Assistant City Attorney, Daon Stephen, Transportation Services, Public Works Director Ron McCuller, and Chris Hartmann, Executive Assistant.

Chairperson Tommy Garrett called the meeting to order in the Council Chambers in the City Hall Building at 6:30 p.m.

Chairperson Tommy Garrett gave the invocation.

<u>CONSENT AGENDA ITEMS #1:</u> disapproval of plats without prejudice for the following consent agenda Items: P160401 – Preliminary Plat – Victory @ Lake Ridge Addition, Lot 1, Block 1, P160402 – Final Plat – Montanaro Addition, Lots 1-2, Block A, P160403 – Final Plat – David Nicklas Addition, Lots 1-3, Block 2, RP160401 – Replat- Great Southwest Phase II Addition, Lots 1-2, Block 1, RP160402 – Replat – Mission City Stores Addition Revised, Lot 1-R, and RP160403 – Replat - Dalworth Park Addition Revised, Lot 6-R, Block 106.

<u>AGENDA ITEM: #2-APPROVAL OF MINUTES</u>: To approve the minutes of the Planning and Zoning Commission meeting of February 1, 2016.

<u>PUBLIC HEARING CONSENT AGENDA: Item #3– P151105 - Preliminary Plat - Versailles Estates (City Council District 6).</u> Consider a request to approve a preliminary plat to create a 38-lot-residential subdivision. The 10.00-acre property, zoned Agriculture (A) District, is located at 7700 Arlington Webb Britton Road, and is within the Lake Ridge Corridor Overlay District. The agent is Matt Cragun, Cumulus Design, the applicant is Raymond Mallick, Vector Builders, and the owner is Patricio Medrano Jr.

<u>Item #4 - S160304 - Site Plan - 501 Fountain Pkwy (City Council District 1).</u> Consider a request for approval of a Site Plan authorizing a 50,000 sq.ft. warehouse expansion to the existing approximately 160,000 sq.ft. Siemens industrial warehouse facility. The property, zoned Light Industrial (LI) District and within the S.H. 360 Corridor Overlay District, is generally located east of S.H. 360 and south of Fountain Parkway. The agent is Clayton Strolle, Pacheco Koch and the owner is Steven Ngo, Siemens Corporation.

Motion was made to approve the consent agenda items regarding the Disapproval of Plats without Prejudice pending completion of the City's review process and submittal of corrections by the applicants for cases P160401, P160402, P160403, RP160401, RP160402, and RP160403 approve the minutes of February 1, 2016, and approve public hearing consent agenda items P151105, SU160301/S160303 and S160304. The action and vote being recorded as follows:

Motion: Moser Second: Philipp

Ayes: Garrett, Johnson, Lopez, Moser, Motley, Dr. Perez, Philipp, Spare, and Womack

Nays: None Approved: **9-0** Motion: **carried.**

<u>ITEM FOR INDIVIDUAL CONSIDERATION:</u> Water & Wastewater Impact Fee Advisory Committee: Tommy Garrett, Bill Moser, Lynn Motley, Phil Philipp, Charlie Womack, Joshua Spare, Kurt Johnson, Dr. Juan Perez, John Lopez, Buddy White, and Scott Farrar.

Melissa Brunger with Freese and Nichols briefed the committee on the Impact Fee Process and Land Use Plan.

<u>PUBLIC HEARING AGENDA Item #5 – S160301 - Site Plan - Starbucks (Carrier and Westchase) (City Council District 6).</u> Senior Planner Denice Thomas presented the case report and gave a Power Point presentation for approval of a site plan to construct and operate a restaurant with drive-through. The 1.61-acre property, located at 510 Westchase Drive, is zoned Planned Development-173 (PD-173) District. The agent is John Bezner, Civil Point Engineers and the owner William McGuire, UDC Global, LLC.

Mrs. Thomas stated the applicant is requesting approval of a site plan to construct and operation a single-story, 2,700-square-foot restaurant with drive-through on 1.61 acres within PD-173 district. A restaurant with drive-through is permissible in PD-173 district by-right; however, all site plans within overlay districts require City Council approval. This project is within a Planned Development District, so City Council approval will be required.

Mrs. Thomas stated the building façades are required to be comprised of 100% masonry excluding openings. While there are no adopted regulations that specify design style or color palette, the non-residential development in Westchester has developed, over time, with a dark red

brick. The elevations provided depict a mixture of materials. The dark red brick that is prevalent in the non-residential development in Westchester and a light colored brick. In addition, the applicant is proposing the use of ceramic tile cladding that compliments the other building materials. The ceramic tile is a requirement of the Starbucks franchise. The following table outlines the percentages per façade.

Mrs. Thomas stated he applicant is requesting permission to use a ceramic tile on the building façade to comply with Starbuck franchise requirements. The tile comprises a relatively minor percentage of the overall building façade; approximately 9% of the overall building, with a concentration of approximately 13% on the tower feature. The applicant is requesting an exception to allow the material as depicted. Staff does not object to the use of the material in such a nominal amount; had this project been in an overlay like other buildings in the vicinity, the appeal would not be required because buildings in the overlay are allowed 20% of a non-masonry material.

Mrs. Thomas stated this proposal has been reviewed by the Development Review Committee and has been cleared to proceed to the Planning and Zoning Commission for consideration. Staff recommends approval subject to the Development Review Committee comments.

Chairperson Garrett noted there were no more questions for staff, opened the public hearing, and asked for speakers.

John Bezner with Civil Point Engineers, 3102 Maple Avenue, Ste 400, Dallas, TX was present representing the case and to respond to questions from the Commission.

There being no further discussion on the case, Commissioner Womack moved to close the public hearing and approved case S160301 as presented and recommended by staff. The action and vote being recorded as follows:

Motion: Womack Second: Johnson

Ayes: Garrett, Johnson, Lopez, Moser, Motley, Dr. Perez, Philipp, Spare, and Womack

Nays: None Approved: **9-0** Motion: **carried**

<u>PUBLIC HEARING AGENDA Item #6 – S160302 - Site Plan - Panera and Rusty Taco (Carrier and Westchase) (City Council District 6).</u> Senior Planner Denice Thomas presented the case report and gave a Power Point presentation for approval of a site plan to construct and operate two restaurants with drive-through. The 0.95-acre property, located at 510 Westchase Drive, is zoned Planned The Development-173 (PD-173) District. The agent is John Bezner, Civil Point Engineers and the owner is William McGuire, UDC Global, LLC.

Mrs. Thomas stated the applicant is requesting approval of a site plan to construct a single-story, 6,500-square-foot building. Two restaurants with a drive-through will operate from the building. The subject site is 1.61 acres within PD-173 district. A restaurant with drive-through are permissible in PD-173 district by-right; however, all site plans within overlay districts require City Council approval. This project is within a Planned Development District, so City Council approval will be required.

Mrs. Thomas stated the building façades are required to be comprised of 100% masonry excluding openings. While there are no adopted regulations that specify design style or color palette, the non-residential development in Westchester has developed, over time, with a dark red brick. The elevations provided depict a mixture of materials. The dark red brick that is prevalent in the non-residential development in Westchester and a light colored brick. The following table outlines the percentages per façade.

Mrs. Thomas stated the landscape plan does comply with the landscape requirements contained in Article 10 of the UDC. The applicant is not requesting any exceptions or appeals.

Mrs. Thomas stated this proposal has been reviewed by the Development Review Committee and has been cleared to proceed to the Planning and Zoning Commission for consideration. Staff recommends approval subject to the Development Review Committee comments.

Chairperson Garrett noted there were no more questions for staff, opened the public hearing, and asked for speakers.

John Bezner with Civil Point Engineers, 3102 Maple Avenue, Ste 400, Dallas, TX was present representing the case and to respond to questions from the Commission.

There being no further discussion on the case, Commissioner Johnson moved to close the public hearing and approved case S160302 as presented and recommended by staff. The action and vote being recorded as follows:

Motion: Johnson Second: Womack

Ayes: Garrett, Johnson, Lopez, Moser, Motley, Dr. Perez, Philipp, Spare, and Womack

Nays: None Approved: **9-0** Motion: **carried**

<u>PUBLIC HEARING AGENDA Item #7 – S160305 - Site Plan - Winding Creek Apartments</u> (<u>City Council District 2 & 4</u>). Senior Planner Denice Thomas presented the case report and gave a Power Point presentation for approval of a site plan to construct and operate a multi-family residential development. The 22.98-acre property, generally located north of Sara Jane Parkway and west of Bob Smith Parkway, is zoned Planned Development-353 (PD-353) District, is within

the State Highway 161 (SH-161) and Interstate Highway 20 (I-20) Corridor Overlay Districts. The applicant is Bryan Moore, DBA Architects and the owner is Grant Lorimer, GT Winding Creek LP.

Mrs. Thomas Stated the applicant proposes to construct approximately 14 buildings totaling 410,758 square feet with 314 dwelling units. The base zoning for PD-353 is Multi-Family-3 District. The proposal is consistent with all of the provisions contained in PD-353 District.

Mrs. Thomas stated the subject site is part of the Interstate Highway 20 Corridor Overlay District. The Overlay District establishes development standards and design criteria along the Corridor that are compatible with a high density, highly traveled urban retail area. The purpose of this overlay district is to maximize the corridor's potential as a city asset with sustainable development, and address the concerns of property owners that future non-residential development be compatible with existing residential uses. This district is intended to increase the quality of development by applying design and development requirements developed by staff and property owners. These requirements are contained in Appendix F of this Code. Multi-Family development in this area is consistent with the I-20 Overlay District purpose and intent.

Mrs. Thomas stated a concept plan was approved as part of the PD approval. The site plan is in substantial conformance with the concept plan. The proposal meets all of the requirements of Article 10, except the covered parking requirements. The project is required to provide 103 covered parking spaces. The applicant has requested an exception to relieve them of the requirement. All of the building types proposed have a façade that is 100% masonry and all other façades are a minimum of 80%. All of the roof pitches are 4:12 and 8:12. The elevations are consistent with the provisions of PD-353 District. A total of 103 covered parking spaces are required in conjunction with this development. The applicant is requesting an exception to this provision to relieve them of the requirement entirely. Staff does not support the exception.

Mrs. Thomas stated generally speaking, the proposal is consistent with the Unified Development Code and PD-353. Staff cannot recommend full support because of the requested exception to provide no covered parking spaces. Staff's recommendation is that the proposal be approved subject conditions regarding the covered parking in accordance with the UDC.

Commissioner Spare asked what all relieve have already been granted to this project.

Mrs. Thomas replied City Council granted a reduced to the setbacks requirements adjacent to Sara Jane Parkway and the rear property line, and direct access onto the property.

Chairperson Garrett noted there were no more questions for staff, opened the public hearing, and asked for speakers.

Bryan Moore with DBA Architects, 111 S. Kentucky, STE 210, McKinney, TX and Randall Curington, 6750 Hillcrest Plaza Drive, Dallas, TX were present representing the case and to respond to questions from the Commission.

Commissioner Moser stated several variances have already been granted, and he understands the reasoning for the request. Mr. Moser asked if the applicant would be agreeable to a program provided by the Police Department that is designed to protect the health, safety, and welfare of the occupants of the complexes, by obtaining greater compliance through a crime-free multihousing program, Crime Prevention through Environmental Design, and pay a minimal fee.

Mr. Curington replied yes he is willing to be a part of this program.

Commissioner Moser said he would not be providing parking to all of his tenants.

Mr. Curington stated some of the garages and breezeways would be available for rent, some of the units would have garages, but some would need to pay to use them. He stated carports have become an esthetic issue with apartment complexes.

Commissioner Spare said he is a big supporter of the Environmental Design for Crime Prevention, but covered parking is a necessity with the type of weather we have in this area.

There being no further discussion on the case, Commissioner Moser moved to close the public hearing and approved case \$160305 as presented and recommended by staff and require the applicant to be a part of the city code adopted ordinance, the crime-free multi-family housing program. The action and vote being recorded as follows:

Motion: Moser Second: Motley

Ayes: Garrett, Johnson, Lopez, Moser, Motley, Dr. Perez, Philipp, Spare, and Womack

Nays: None Approved: **9-0** Motion: **carried**

<u>PUBLIC HEARING AGENDA Item #8 -SU160301/S160303 - Specific Use Permit/Site Plan - El Pollo Loco (City Council District 1).</u> Senior Planner Denice Thomas presented the case report and gave a Power Point presentation for approval of a specific use permit and site plan to construct and operate a restaurant with drive-through. The 1.09-acre property, zoned General Retail-1 (GR-1) District, is located at 2125 N. State Highway 360 (SH 360), is within the State Highway 360 (SH 360) Corridor Overlay District. The agent is Matt Moore, Claymoore Engineering Inc., the applicant is John Murphy, Chicken Time Real Estate, and the owner is Martin Schelling, Conifer Real Estate.

Mrs. Thomas stated the 1.09-acre property is undeveloped. One access point has been provided to the S.H. 360 Frontage Road and access to Green Oaks Boulevard will be provided by a mutual access easement through the property to the west. The subject site will be developed with a 3,000-square-foot restaurant with associated parking. The table below provides details regarding parking and loading for the use. Article 10 indicates the parking requirement for restaurants is one space per 100 square feet of designated dining and waiting area, including outdoor dining areas. The site plan indicates the area devoted to dining and waiting is 1,358 square feet. The restaurant will be open from 10:00 a.m. to 10:00 p.m. daily.

Mrs. Thomas stated the subject site is within the S.H. 360 Overlay District and is subject to Appendix F of the UDC, as well. The elevations as proposed are inconsistent with the UDC requirements. The UDC requires façades to be 100% masonry, excluding doors and windows. However, Appendix F does allow 20% of the façade to be a non-masonry material. The applicant is proposing brick, ceramic tile, and stucco. The proposal does not meet the requirements of Appendix F. The overall masonry percentage is 24%, with façades ranging from 47% to 1%. An appeal has been requested to permit construction as depicted on the elevation plan. The site plan does comply with all of the minimum landscape requirements set forth in the UDC. The applicant is requesting approval to construct an El Pollo Loco restaurant constructed primarily of stucco. To do so, exceptions to masonry composition must be granted. Staff does not support approval of the requested exception.

Mrs. Thomas stated the DRC recommends approval of the request for a Specific Use Permit to allow construction and operation of a restaurant with drive through window, subject to the following conditions:

- 1. The site plan shall be consistent with all regulations in the UDC as amended.
- 2. Signage shall not be approved as part of this application. Signage shall comply with the provisions set forth in the UDC, as amended, and be reviewed and approved by building permit.
- 3. All operations shall conform to the site plan and operational plan as approved by City Council under case number SU160301/S160303.
- 4. Operations must be in compliance with the TDSHS Texas Food Establishment Rules and local ordinances regarding foot service.

Chairperson Garrett noted there were no more questions for staff, opened the public hearing, and asked for speakers.

Matt Moore with Claymoore Engineering, 1903 Central Drive, #406, Bedford, TX was present representing the case and to respond to questions from the Commission. Mr. Claymoore stated the company has adopted a new corporate design look for their buildings.

Commissioner Moser asked how many of these restaurants to do they operate.

Mr. Moore replied there are about 400 restaurants in California, but only two with the new look.

Commissioner Spare asked if the new prototype is more the materials being used or the color scheme.

Duane Meyers stated this is the rendering provided by Corporate, they are currently building in Bedford and Allen, the pallet look is what they are going for inside and outside of the building, he would need to speak with Corporate to change the building materials.

There being no further discussion on the case, Commissioner Moser moved to close the public hearing and approved case SU160301/S160303 as presented and recommended by staff. The action and vote being recorded as follows:

Motion: Moser Second: Spare

Ayes: Garrett, Johnson, Lopez, Moser, Motley, Dr. Perez, Philipp, Spare, and Womack

Nays: None Approved: **9-0** Motion: **carried**

PUBLIC HEARING AGENDA Item #9 – SU160302 - Specific Use Permit - Love's Travel Stop (City Council District 1). Chief City Planner Jim Hinderaker presented the case report and gave a Power Point presentation for approval of a Specific Use Permit/Site Plan permitting a truck tire retreading facility operating out of 94,609 sq.ft. tenant space of a 366,466 sq.ft. multi-tenant industrial building. In addition to the retreading operations, the facility will operate as a new commercial truck tire, included the newly retreaded tires, and light mechanical parts distribution center. The multi-tenant industrial building that houses the subject tenant space is located on an 18.143 acre lot. The property is generally located west of Roy Orr Blvd. and north of Oakdale Road. The agent is Steve Riordan, Stream Realty Partners, the applicant is Jeff Rice, Love's Travel Stops and Country Stores, and the owner is Chris Jackson, Riverpoint Industrial Investors LLC.

Mr. Hinderaker stated based on staff discussions with the applicant and information provided within the applicant's Operational Plan and Site Plan, Love's Travel Stop & Country Stores, headquartered in Oklahoma City, OK., proposes to operate a new warehouse distribution center and commercial truck tire retreading facility from within a 94,609 sq. ft. portion of an existing 366,466 sq. ft. multi-tenant industrial building located at 3010 Roy Orr Boulevard. The applicant operations include warehousing & distribution of between five-hundred to seven-hundred light mechanical commercial truck parts and commercial tires, including retreaded tires. This new Grand Prairie facility will serve sixty-nine regionally located Love's Tire Care Shops. The operation, once the warehouse/distribution and tire retreading facility is up and running smoothly, is anticipated expand to include external fleet customers.

Mr. Hinderaker stated the distribution and tire retreading facility is an entirely indoor operation. No outdoor operations or storage is proposed save the parking of two 53-foot long semi-trailers at two of the thirteen loading dock doors located at the south end of the tenant space. One of the trailers will be used to house discarded tire casings (the industry term used to describe a used tire that is slated for retreading) that are damaged and cannot be retreaded for safety reasons. The other trailer will be used to store rubber crumb (the industry term for the material removed from a used tire prior to applying new tread to the tire casing).

Mr. Hinderaker stated in accordance with Article 4 of the Unified Development Code, the proposed warehousing/distribution center portion of the facility is classified as a permitted use by right within the Light Industrial District. However, tire retreading, which is not specifically listed within the Use Charts of Article 4 of the UDC, was determined by staff to require a specific use permit. Staff has reviewed the tire retreading process proposed by the applicant and determined that the retreading process does not pose an environment hazard that would necessitate special permitting beyond the typical and routine review and permitting of any other "clean" manufacturing process. The facility will employ approximately thirty full time employees and it is initially planned to be open Monday through Friday between 8:00 AM and 5:00 PM. Additional employees and an evening shift may be added, as sales volumes increase.

Mr. Hinderaker stated the subject property is platted as Lot 1, Block A of the Riverpoint Industrial Addition. The lot conforms to all minimum dimensional standards. The property was also recently developed with a 366,466 sq. ft. multi-tenant industrial building, concrete drive aisles and parking spaces, landscaping, and necessary utility improvements. The development conformed to the minimum/maximum dimensional standards at the time of construction. Staff is not aware of any non-conforming issues related to the property. The only proposed additions to the property are fencing and a dumpster enclosure. These additional improvements to the property conform to the dimensional limitations of the UDC.

Mr. Hinderaker stated access to the subject property will be Roy Orr Boulevard. As stated above, the property is fully developed with an existing access drive, drive aisles, parking areas all paved with concrete in compliance with the UDC. As part of the applicant's lease agreement with the property owner, the subject tenant space includes access to thirteen dock doors, seven trailer parking spaces, and 91 passenger vehicle parking spaces. The applicant is proposing to build a 12ft. x 12ft. masonry dumpster enclosure with metal gates. The enclosure conforms to city standards.

Mr. Hinderaker stated the development Review Committee recommends approval of the request w/ adherence to review comments.

Chairperson Garrett noted there were no more questions for staff, opened the public hearing, and asked for speakers.

Attorney Bill Dahlstom, 2323 Ross Avenue, Ste 600, Dallas, TX and Jeff Rice with Loves's Travel Stops and Country Store, 7244 Tahoe Springs Drive, Fort Worth, TX were present representing the case and to respond to questions from the Commission.

There being no further discussion on the case, Commissioner Perez moved to close the public hearing and approved case SU160302 as presented and recommended by staff. The action and vote being recorded as follows:

Motion: Moser Second: Perez

Ayes: Garrett, Johnson, Lopez, Moser, Motley, Dr. Perez, Philipp, Spare, and Womack

Nays: None Approved: **9-0** Motion: **carried**

<u>PUBLIC HEARING AGENDA Item #10 – Z151101/CP151101 - Zoning Change/Concept Plan - Versailles Estates (City Council District 6).</u> Senior Planner Denice Thomas presented the case report and gave a Power Point presentation for approval to change the zoning on 10.00 acres from Agriculture District to a Planned Development District for single family detached residential uses. The 10.00-acre property, zoned Agriculture (A) District, is located at 7700 Arlington Webb Britton Road, and is within the Lake Ridge Corridor Overlay District. The agent is Matt Cragun, Cumulus Design, the applicant is Raymond Mallick, Vector Builders, and the owner is Patricio Medrano Jr.

Mrs. Thomas stated the applicant proposes to develop the property in substantial conformance with the SF-4 adopted standards of the Unified Development Code; except where specific deviations are called out in the proposed PD development standards. The proposal meets or exceeds the UDC requirements and complies with the intent of Resolution 3924. However, the applicant is proposing the following standards for inclusion in the PD Ordinance:

Minimum lot width = 65 feet

- o The above lot width does not apply to lots located along the radius of the street bend where the lot is greater than 9,500 square feet in size.
- o Lots facing a "T" type street intersection shall not have driveways or any portion thereof that are in line with the street facing the lot.

Interior side yard setback = 5 feet

A 20-foot front yard building setback is required for residential lots developed with front entry (street facing) garages. Those units with front entry garages shall have an additional 2-foot minimum front yard setback to the front of the garage. In all cases, the additional 2-foot garage setback shall be measured from the front wall plane of the ground floor; climate controlled residential living unit that is closest to the street.

A minimum roof pitch of 6:12 for all roof structures covering main (climate controlled) living areas. Variations in roofing material shall conform to Section II.E.3 of Resolution 3924.

A minimum roof pitch of 3:12 shall be permitted for front yard porches and non-front entry garages that shall include, but not be limited to, side entry, front oriented (J-Swing) side entry, or detached rear yard garage configurations. Variations in roofing material shall be required in accordance with Section II.E.3 of Resolution 3924.

All fireplace chimney flues shall be encased in 100% masonry or cement fiber board for all chimney types and locations.

Minimum twenty percent (20%) of all platted lots with a width of 70 feet or greater shall have non-front entry garages that shall include, but not be limited to, side entry, front oriented (J-Swing) side entry, or detached rear yard garage configurations.

Front entry garages shall be permitted on lots directly in line with "T" type street intersections where the driveway or any portion thereof that are not in line with the Street facing the lot.

A minimum of six-foot-high screening fence constructed of masonry with a troweled-type mortar bond finish on each side shall be provided along all thoroughfares designated as an arterial or collector street on the City's Master Transportation Plan. Brick columns or pilasters shall be spaced at minimum 50-foot centers or placed on residential lot corners.

Mrs. Thomas stated on November 19, 2015, the Development Review Committee cleared this project to move forward subject DRC conditions.

Chairperson Garrett noted there were no more questions for staff, opened the public hearing, and asked for speakers.

Osama Nashed, 5000 Thompson Terrace, Colleyville, TX was present representing the case and to respond to questions from the Commission.

There being no further discussion on the case, Commissioner Spare moved to close the public hearing and approved case Z151101/CP151101 as presented and recommended by staff. The action and vote being recorded as follows:

Motion: Spare Second: Womack

Ayes: Garrett, Johnson, Lopez, Moser, Motley, Dr. Perez, Philipp, Spare, and Womack

Nays: None Approved: **9-0**

Motion: carried	
Citizen Comments: None	
Commissioner Moser moved to adjourn the meeting of March 7, 2016. The meeting adjourned at 8:00 p.m.	ed
Tommy Garrett, Chairman	
ATTEST:	
Joshua Spare, Secretary	

An audio recording of this meeting is available on request at 972-237-8255.