

**AGENDA
CITY OF THE COLONY
PLANNING AND ZONING COMMISSION
JUNE 14, 2016**

After determining that a quorum is present, the Planning and Zoning Commission of the City of The Colony, Texas will convene into regular session which will be held on Tuesday, June 14, 2016 at 6:30 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items will be addressed:

1.0	CALL REGULAR SESSION TO ORDER
1.1	Citizen Input
1.2	Oath of Office for new Commissioner(s).
1.3	Election of Chair and Vice Chair for the Commission.
2.0	PUBLIC HEARING ITEMS
2.1	<i>SUP12-0004, Lots 77 through 88 of the Garza Little Elm Lake Estates</i> Conduct a public hearing, discuss and consider making a recommendation to City Council regarding the revocation of a Specific Use Permit in a General Retail zoning district which allowed outside display of vehicles and merchandise on a tract of land totaling approximately 0.88 acres, generally located on the east side of Main Street (FM 423). The property is located at 7228, 7300 and 7320 Main Street.
2.2	<i>SUP16-0004 – Pappy’s Pet Lodge at 4000 Paige Road</i> Conduct a public hearing, discuss, and consider making a recommendation to City Council regarding a Specific Use Permit request for proposed Pappy’s Pet Lodge at 4000 Paige Road.

“Pursuant to the Texas Open Meetings Act, Government Code Chapter 551, one or more of the above items may be considered in executive session closed to the public. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session”.

Persons with disabilities who plan to attend this meeting who may need auxiliary aids such as interpreters for persons who are deaf or hearing impaired, readers or, large print are requested to contact Christie Wilson, City Secretary, at 972-624-3106 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

CERTIFICATION

I hereby certify that above notice of meeting was posted outside the front door of City Hall by 5:00 p.m. on the 10th day of June 2016.



Tina Stewart, Interim City Secretary



**MINUTES
CITY OF THE COLONY
PLANNING AND ZONING COMMISSION
MAY 24, 2016**

After determining that a quorum was present, the Planning and Zoning Commission of the City of The Colony, Texas convened into Regular Session which was held on Tuesday, May 24, 2016 at 6:30 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

Board Members Present: Karen Hames, Chairman, Detrick DeBurr, Vice Chairman, Brian Buffington, Cesar Molina Jr., Shawn Rockenbaugh, Janece Pool, and Shannon Hebb.

Board Members Absent: None

City Council Liaison: David Terre, City Council Place 4

Staff Present: Gordon Scruggs, P.E. Director of Engineering and Development Services, Surupa Sen, AICP, Senior Planner, Brian McNuelty, Engineering Technician, and Ed Voss, City Attorney.

1.0	CALL REGULAR SESSION TO ORDER
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Chairman Hames called the meeting to order at 6:30 p.m.

1.1	CITIZEN INPUT
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Brant Shallenburger, Director of Government Relations addressed the Commission regarding recent city email server update. He informed Commission on how to access the new city email system and whom they might contact if they are having problems with the new system.

2.0	CONSENT AGENDA
2.1	Consider approval of the minutes of the May 10, 2016 Regular Session.
2.2	<i>PP16-0002, Preliminary Plat for Village at The Pointe</i> Consider approval of a preliminary plat for Lots 1-63, 64X, Block A, Lots 1-14, 15X, Block B, Village at The Pointe, being 12.50 -acres of land out of the B.B.B. and C.R.R. Survey, Abstract No. 173, 174, an addition to the City of The Colony, Denton County, Texas located near the southwest corner of Memorial Drive and S Colony BLVD. approximately 300 feet west of the intersection, within the Planned Development 16 (PD 16) aka the Cascades Planned Development zoning district.

Chairman Hames read the Consent Agenda items into the record.

Commissioner Pool moved to approve Items 2.1 and 2.2, Commissioner Hebb seconded the motion. Motion carried (7-0).

3.0	PUBLIC HEARING ITEMS
3.1	<i>SUP16-0002, Woodspring Suites Limited Service Hotel</i> Conduct a public hearing, discuss and consider making a recommendation to City Council on an application for a Specific Use Permit (SUP) to allow a limited service hotel, Woodspring Suites, to be located on a 3.22 acre tract of land along west side of S Colony BLVD, approximately 500' south of Memorial Drive within Planned Development 16 (PD 16) aka the Cascades Planned Development zoning district.

Chairman Hames read the public hearing item 3.1 into record.

Ms. Sen presented the staff report.

Applicant, Mr. Ian McClure addressed the Commission and explained that the Woodspring Suites, in spite of being an extended stay hotel, is not anything like a Budget Suites that the City is having problems with. The room rates per night for Woodspring Suites will be on average \$100.00 – \$124.00 which is comparable to other hotels in the area. Mr. McClure also added that he is the preferred developer for Marriott and Hilton group of hotels and owns and operates multiple hotels with no complaints on any of the hotels.

Commissioner Buffington asked why Mr. McClure chose this particular lot for the proposed hotel development.

Mr. McClure stated with the arrival of Toyota and other major employers to this area of the DFW metroplex there is demand for hotel rooms and all the brands in the SH 121 and Dallas North Tollway vicinity are doing extremely well. This particular site is perfect in the sense that it is not located on the highway but within close proximity and close to all the new constructions happening in the area.

Commissioner Buffington mentioned that there is a single family development planned next to the proposed hotel site which might be impacted by the hotel.

Mr. McClure said that he has communicated with the property owner and developer for the single family project and they do not have any concern over the hotel being next to the single family development.

Commissioner Rockenbaugh enquired about the per night room rate for the proposed hotel and why the existing Woodspring hotels researched by staff shows lower room rates.

Mr. McClure stated that the hotels researched are not owned by him and the proposed Woodspring Suites would command a higher rate, around \$100.00 – \$124.00 as that is the predominant rate for this market.

Commissioner Molina stated that the clientele for this hotel is said to be the corporate clients arriving with major employers like Toyota or State Farm, what would happen once their transition to this area is complete.

Mr. McClure stated that with Toyota, even after their transition is complete they will be staff from support services like audit, IT etc. who will utilize the hotel service and will stay in town for one, two or three nights. With all the new commercial activities in the area, hotel development is growing and there will not be a shortage of clientele to serve.

Commissioner Molina asked what assurances can Mr. McClure provide that with increasing competition the hotel room rate will not go down or the maintenance of the property deteriorates resulting in Budget Suite type environment.

Mr. McClure answered that he has more than 15 years of track history, building, owning and managing different brands of hotel so the regular upkeep of the property and maintaining a quality hotel than can earn \$100.00 – \$124.00 room rates should not be a problem.

Chairman Hames opened and closed the public hearing at 6:50 p.m. with no one wishing to speak on the item.

Commissioner Buffington moved to deny Item 3.1 Commissioner Molina seconded the motion. Motion carried (7-0).

3.2	<i>SUP16-0002, Woodspring Suites Limited Service Hotel EIFS Exterior Material</i> Conduct a public hearing, discuss and consider making a recommendation to City Council on an application for a Specific Use Permit (SUP) to allow EIFS exterior construction on a proposed limited service hotel, Woodspring Suites, to be located on a 3.22 acre tract of land along west side of S Colony BLVD, approximately 500' south of Memorial Drive within Planned Development 16 (PD 16) aka the Cascades Planned Development zoning district.
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Chairman Hames read the public hearing item 3.2 into record.

Ms. Sen presented the staff report.

Chairman Hames opened and closed the public hearing at 6:55 p.m. with no one wishing to speak on the item.

Commissioner DeBurr stated that in his opinion it might be the right product but wrong location and there are compatibility issues with this hotel.

Commissioner DeBurr moved to deny Item 3.2 Commissioner Rockenbaugh seconded the motion. Motion carried (7-0).

4.0	DISCUSSION ITEMS
4.1	<i>SP16-0006, Village at The Pointe Development Plan</i> Discuss and consider making a recommendation to the City Council on a request for a Development Plan to allow Village at The Pointe, a residential town home development on 12.5 acre land located near the southwest corner of Memorial Drive and S Colony BLVD. approximately 300 feet west of the intersection, within the Planned Development 16 (PD 16) aka the Cascades Planned Development zoning district.

Chairman Hames read the discussion item 4.1 into record.

Ms. Sen presented the staff report.

Commissioner Rockenbaugh asked for the schedule of Memorial Road expansion.

Mr. Scruggs mentioned that the project contract has been approved by Council and staff hopes that construction can start in July.

Commissioner Rockenbaugh asked that the Memorial Road expansion would start before this townhome project begins construction.

Mr. Scruggs responded affirmative.

Commissioner Molina asked about the mutual access from the Valero Corner store to this development which would result in mixing commercial traffic with this residential development.

Ms. Sen agreed that staff has discussed this with the applicant that there is a potential for people from Valero gas station to cut through the neighborhood as that is the only left turn on Memorial Drive available for the users of the Valero Corner store.

Applicant, Bobby Samuel from Meritage Homes responded that the mutual access has to be kept open as a requirement of purchase for the town home property.

Commissioner Molina stated that in future the City will receive complaints from the residents if there is too much traffic from the Valero cutting through the neighborhood. He asked if it becomes problem could the City put one-way only sign on that segment to prevent traffic from entering the neighborhood.

Mr. Scruggs mentioned that staff has looked at the traffic numbers. Primary concern will be speeding, but these roadway segments being too short, speeding might not occur and if occurs the City can put three way stop signs. So if necessary the City can put stop sign or one-way signs in that area.

Commissioner Hebb asked that the cul-de-sacs are only 40' radius, is that sufficient for the Fire Department access.

Ms. Sen responded that the Fire Marshall has reviewed the plans and the minimum requirement is 30' radius.

Commissioner Hebb asked what the foot candle will be for street lights within this development.

Mr. Samuel could not respond to the question.

Mr. Scruggs mentioned that the development has to comply with City requirements for type of light and spacing and that will be reviewed and approved during the construction drawings approval.

Commissioner Molina asked if the water line on Memorial has to be complete before this subdivision is built as that will be providing water to this project.

Mr. Scruggs agreed that the 16" line on Memorial will be serving this project and connects to the water tower in Legends.

Commissioner Hebb asked if there will be a crosswalk from this development on Memorial Drive.

Mr. Scruggs responded that ultimately the Memorial Drive will be a six lane divided roadway and the City would prefer crosswalk at the intersection.

Commissioner Hebb asked if a signal will be installed for this project.

Mr. Scruggs responded that signal is not warranted at this location and it is too close to the existing signalized intersection at S Colony Blvd and Memorial Drive.

Commissioner Molina moved to approve Item 4.1 Commissioner Hebb seconded the motion. Motion carried (7-0).

4.2	<i>SP16-0007, Scooters Coffee Site Plan Amendment</i> Discuss and consider making a recommendation to the City Council on a request for Site Plan Amendment to allow Scooters Coffee, a 458 sf drive-through coffee kiosk on Lot 2R, Colony Corners Addition on a vacant pad next to existing strip center located at the southeast corner of Main Street and S Colony BLVD. within General Retail (GR) zoning district.
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Chairman Hames read the discussion item 4.2 into record.

Ms. Sen presented the staff report.

Commissioner Hebb stated that the stacking for the proposed Scooters Coffee is on the wrong side of the road and incoming traffic from Main Street through the driveway on the west side of the building will be in conflict with the incoming traffic from South Colony Blvd that is trying to stack next to the parking. Also where will the employee parking be?

Ms. Sen stated that there is no designated employee parking. Employees will be parking in the available parking spaces around the strip center.

Commissioner Rockenbaugh added that there will not be enough room for two way traffic within the internal drive way with the stacking lane introduced to the left.

Chairman Hames also stated that there will be issues with parking as the stacking will block people from getting out of the parking spaces.

Applicant David Bond with Spiars Engineering agreed that there is no designated employee parking. They will park in the existing parking spaces of the center. Also for people coming from Main Street, there will be signage to show drive through exit only. So that people coming from Main Street will drive through the alley on the south side of the building and come around to get into the stacking lane.

Megan Boise with Scooter's Coffee addressed Commission stating that usually drive through lanes follow the curb of the building, so the traffic being on the wrong side of the road is not really a problem that has been seen in their existing stores. Also the business model requires fast efficient service where the stacking to be that long is very rare.

Commissioner Hebb asked if there will be any patio area where people can come to order coffee and wait.

Mr. Bond stated there will not be a patio area. The business is based on drive-through only.

Commissioner Pool expressed concern over the stacking of cars blocking the parking where patrons will not be able to back out of their parking spaces when cars are stacked behind them.

Ms. Angela Durett with Tom Day Company, the property managers for this location addressed commission and stated that they have contacted the existing tenants regarding this addition and they have not expressed any concerns about the stacking might impacting the parking. Also regarding anyone parking in those spaces and not being able to back out, probably only the employees of Pizza Hut might come in early and they would know about this new tenant and would park in spaces not blocked by the stacked cars.

Commissioner Hebb asked as there is no one walking up to get coffee in this model, why a handicap accessible parking space is proposed.

Mr. Bond responded that being a ADA requirement in case an employee required such accessibility.

Commissioner Hebb asked how wide the island is between the drive through lane and the existing driveway.

Mr. Bond stated that to be 2' wide.

Commissioner Hebb expressed concern over the island being too narrow and people driving over it.

Commissioner Buffington asked if the drivers existing Scooters Coffee will be allowed to turn left and go through the alley as that is not allowed by law and people have been cited before on this issue. Commissioner Hebb agreed.

Mr. Scruggs mentioned that it is against the law to cut through from one street to another through a drive approach. But if people using the shopping center of the Coffee shop takes a left turn to exit on the alley that is legal and allowed.

Enquired by Commissioner Hebb, Chairman Hames requested to move to Executive Session at 7:33 p.m. to receive legal counsel.

Commission convened to regular session at 7:48 p.m.

Commissioner Molina moved to table item 4.2 till June 28th Planning and Zoning commission meeting to allow applicant to address the concerns expressed by the Commission tonight and bring it back for consideration, Commissioner Hebb seconded the motion. Motion carried (7-0).

There being no further business to come before the Commission, Chairman Hames adjourned the Regular Session of the Planning and Zoning Commission at 7: 40 p.m.

Karen Hames, Chairman

Surupa Sen, AICP, Senior Planner

AGENDA DATE: June 14, 2016
DEPARTMENT: Development Services Department
PLANNER: J. Michael Joyce, AICP, Planning Director, 972-624-3162

SUBJECT *SUP12-0004, Lots 77 through 88 of the Garza Little Elm Lake Estates*

Conduct a public hearing, discuss and consider making a recommendation to City Council regarding the revocation of a Specific Use Permit in a General Retail zoning district which allowed outside display of vehicles and merchandise on a tract of land totaling approximately 0.88 acres, generally located on the east side of Main Street (FM 423). The property is located at 7228, 7300 and 7320 Main Street.

APPLICANT/OWNER

UAC of Garland, Inc. c/o Mr. James Ramsey Rochelle, TX

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission voted (4-2) to recommend approval of the proposed Specific Use Permit (SUP) at their September 25, 2012 public hearing with the stipulation that the Planning and Zoning Commission schedule a hearing on this item to consider a zoning change on September 24, 2013 to determine compliance on the proposed site improvements.

On March 1, 2016, the staff made a presentation to City Council requesting that the revocation of the Specific Use Permit occur due to none of the required site improvements being completed. Also at this meeting, the City Council was notified that Mr. Jue's offices were no longer located on the subject property and he was no longer involved with the project. The City Council agreed at March 1, 2016 meeting for the City staff to begin the process to revoke the Specific Use Permit.

OPTIONS

1. Approve as submitted.
2. Approve with conditions.
3. Deny.
4. Postpone consideration.
5. Table item.

ATTACHMENTS

1. Staff Analysis
2. Location Map
3. Phase I and Phase II Exhibit – Staff-Enhanced Drawing

Staff Analysis

Summary of Request

On October 2, 2012, the City Council approved Ordinance 2012-1981 for a Specific Use Permit (SUP) to allow the outside display of motor vehicles on approximately 0.88-acre tracts or tracts of land consisting of Lots 77 through 88 of Little Garza Elm Lake Estates Addition. These tracts are addressed as 7228, 7300, and 7320 Main Street in The Colony, Texas. The applicant, Mr. James Ramsey was represented by Mr. Lewis Jue, who was one of Mr. Ramsey's tenants at that time.

The 2012 SUP approval by the City Council was based on the applicant completing specific improvements to the subject property in two (2) phases. In Phase I, the applicant proposed to clean-up the subject properties and make repairs and/or replace portions to the existing asphalt parking areas. Improvements for Phase II included additional concrete parking for the existing automobile sales/tire repair building. This new paving would have been used in conjunction with an existing concrete slab found north of the existing building.

On June 3, 2014, The City Council received a presentation from the Planning staff indicating that the approved stipulations from the 2012 SUP approval had not been complied with or completed. At this meeting, Mr. Jew addressed the City Council requesting a six (6) month extension of the deadline to complete the property improvements required in the SUP. The City Council approved this extension request, which has now expired. To date, none of the 2012 required improvements in either Phase 1 or Phase 2 have been completed except for the picking up of site rubbish.

On November 19, 2015, a letter was sent to the owner of the property, Mr. James Ramsey & the tenants which indicated the City was going to begin the process to revoke the SUP. The Planning and Engineering Staff met with Mr. Ramsey's attorney in late November 2015 concerning the paving and site drainage improvements which needed to be made to the property per the SUP stipulations. It was also indicated that a Civil Engineer was needed to design the paving and drainage plans as well.

On March 1, 2016, the staff made a presentation to City Council requesting that the revocation of the Specific Use Permit occur due to none of the required site improvements being completed. Also at this meeting, the City Council was notified that Mr. Jue's offices were no longer located on the subject property and he was no longer involved with project. The City Council agreed at this meeting for the City staff to begin the process to revoke the Specific Use Permit.

Subject Property Zoning and Adjacent Property Zoning and Land Use

Subject Property	General Retail Zoning District (GR) – <i>Vacant Building formerly State Farm Insurance, Low Price Auto Sales and The Tire Shop</i>
North	General Retail Zoning District (GR) – <i>Stained Glass Unlimited</i> retail store.
South	General Retail Zoning District (GR) – <i>Meridian Wellness Center</i>
East	General Retail Zoning District (GR) – <i>Colony Car Care</i> and single family residences
West	Duplex Zoning District (D) – two-family residences

Specific Use Permit Revocation Criteria

Section 10-907 "Specific Use Permit Revocation/Abandonment Criteria," of Appendix A, Zoning Ordinance, states that the Planning and Zoning Commission and City Council shall review and evaluate a Specific Use Permit revocation using the following criteria:

- (a) A Specific Use Permit shall be deemed revoked if the proposed use or phase does not possess an approved building permit within one year from date of approval, unless a longer period is approved by City Council. If the permit requires Site Plan review approval, the permit shall be deemed revoked if the use or phase is not developed within one year of the date of Site Plan being approved.
- (b) A Specific Use Permit may be revoked or modified, after notice to the property owner and a hearing before the City Council, for either of the following reasons:
 1. The Specific Use Permit was obtained or extended by fraud or deception; or
 2. The one or more of the conditions imposed by the permit has not been met or has been violated.

The 2012 Concept Plan indicated that the petitioner was to accomplish site improvements in two (2) phases. As of today, the owner of the property has not completed any of the site improvements (paving and/or drainage improvements) required when the Specific Use Permit was approved in 2012.

Specific Use Permit Revocation Procedure

Section 10-908, Public Hearings. The notification and public hearing process for a Specific Use Permit or revocation thereof shall be the same as for zoning amendments under Section 24.

1. Conformance with the City of The Colony's Comprehensive Plan;

The request for the SUP designation is in conformance with the 2007 Comprehensive Plan as the plan calls for this area to be developed with commercial uses.

2. Conformance with applicable regulations and standards established by the zoning regulations;

The existing property is not in conformance with applicable zoning regulations and is "legally nonconforming." Section 20-100, "Nonconforming Uses and Structures," of the Zoning Ordinance states that when a use or structure which does not conform to the regulations prescribed in the zoning district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the previous Zoning Ordinance and has been operating without discontinuance, it is labeled "legally non-conforming."

In this case, the two businesses locations were in existence prior to the incorporation of Eastvale into The City of The Colony and, as far as staff can ascertain, have had tenants in the buildings more or less on a continuous basis. This means that as long as they are continually used as businesses, they may remain in the legally non-conforming status that they have currently established.

3. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features, architectural compatibility;

The proposed use (outside display of vehicles and merchandise) is compatible with some of the uses found in the general area. This area of Main Street is a mix of office, retail and commercial uses. There is an automobile dealership to the north of the subject property which has been in existence since the early 1980s when the Town of Eastvale was incorporated into the City of The Colony.

4. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use;

This Specific Use Permit (SUP) was proposed to provide for the outside storage and display of vehicles. With the pavement improvements proposed in Phase I and Phase II, dust and other impacts of deteriorating pavement would have been abated and allowed for positive drainage off the property. The proposed planting of trees and the vegetative screening of the air conditioning units would have provided more aesthetic appeal on the site.

5. Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare;

The attached Concept Plan from October 2, 2012 indicated the petitioner proposed to accomplish improvements to the site in two (2) phases.

In Phase I, the applicant proposes to clean-up the subject properties and make repairs and/or replace portions to the existing asphalt parking areas. Parking spaces would have been delineated on the new pavement and will increase the number of paved parking spaces currently found on the property. The repaving of the parking lots, as shown on the rough drawing completed by staff, indicates that an additional ten (10) off-street parking spaces could be placed on the property. Drive aisles were proposed which met or exceeded the minimum two-way traffic width standard of twenty-four (24) feet. The applicant also proposed to provide a minimum of five (5) outdoor display spaces for automobile sales. The planting of five (5) trees were also proposed in Phase I. These trees would have been planted along Main Street (FM 423) outside of the new right-of-way of the future expansion of the road.

Phase II would have been developed on the property located north of the existing automobile sales/tire repair building. Proposed was an additional concrete parking area to be used in conjunction with the existing concrete slab found on this portion of the subject property. An additional two (2) trees would have been provided as well as screening of the existing air conditioning units that are now visible from the street.

6. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area, existing zoning and land uses in the area;

The ingress to the building at 7228 Main Street is provided by a shared access easement with the property to the south, *Meridian Wellness*.

The driveway ingress to the building at 7300 Main Street, which houses *Low Cost Auto Sales* and *The Tire Shop*, is existing and was built prior to the currently adopted City's standards. At this time, there is no sidewalk in this area.

With the completion of the widening of Main Street (FM 423), the subject property will have two (2) new driveways and sidewalks provided which will meet both TxDOT and City standards. The two approved driveway locations are shown on the Concept Plan.

With the Phase I parking lot improvements proposed, the delineated parking areas and drive aisles should provide a safer condition for both vehicles and pedestrians.

7. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, air quality, generation of dust and odors, and similar hazards and impacts;

This criterion does not apply.

8. Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties;

The location and type of signs on the property meet the Code standards.

9. Adequacy and convenience of off-street parking and loading facilities;

Section 13-102, Parking Space Schedule Nonresidential Uses, of the Zoning Ordinance, provides only a cursory parking space schedule. The applicant's representative in the past has stated that only the first floor of the two story building at 7228 Main Street was utilized as general office space. The Code standard for parking for general office is 1 space per 300 square feet of total floor area. Using only the 1,440 square foot first floor to determine the parking requirement, this office building has adequate parking.

Determining the required off-street parking for the building at 7300 Main Street is more difficult due to the limited categories available in Section 13-102. Using a general retail category would require that the 5,881 square foot building provide 30 off-street parking spaces. However, the two actual uses of a tire store and auto sales do not fit in the model of a typical retail sales establishment.

Within Section 13-102, the gasoline service station use requires a minimum of 6 spaces, which more closely relates to the tire store use than the general retail parking ratio. Additionally, Section 13-102 does not have a category for automobile or other vehicle sales. In writing the new Zoning Ordinance, staff has researched numerous ordinances from several cities located within the Metroplex. The new Zoning Ordinance standard staff is proposing to use for vehicle sales/leasing would require 1 parking space per each 4,000 SF of site area with a minimum of 4 parking spaces. Using the two standards would require that 7300 Main Street provide 10 parking spaces, in lieu of the 30 parking spaces if the building was considered a typical retail establishment. Additionally, no off-street loading space is required.

10. Determination that the proposed use is in accordance with the objectives of these zoning regulations and the purpose of the zoning district in which the site is located;

As the subject property now exists, it is considered to be a legally non-conforming use. The submitted Concept Plan indicates that with the completion of the proposed Phase I and Phase II site improvements and driveway and sidewalk improvements for the widening of Main Street (FM 423), the applicant is working toward the site becoming a conforming land use under the Zoning Ordinance and becoming compliant with the zoning regulations and purpose of the zoning district in which the site is located.

11. Determination that the proposed use will comply with each of the applicable provisions of these zoning regulations;

As stated in the review of Criterion 10, the improvements proposed with the completion of the proposed Phase I and Phase II site improvements and the planned State-funded improvements of Main Street (FM 423), the applicant is working toward the site and land uses becoming compliant with the zoning regulations.

12. Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity;

The proposed outdoor storage and sales of vehicles and the existing tire store is compatible with some of the existing uses found in the general area. This area of Main Street is a mix of office, retail and commercial uses. There is an automobile dealership to the north of the subject property which has been in existence when the Town of Eastvale was incorporated into the City of The Colony. Additionally, there is a combination oil change and tire sales located further north on the same side of Main Street.

13. Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses in the same district and the surrounding area; and,

The proposed Phase I and Phase II site improvements would minimize potentially unfavorable impacts on nearby uses in the same district and the surrounding area.

14. Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

The proposed Phase I and Phase II site improvements should not have been detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

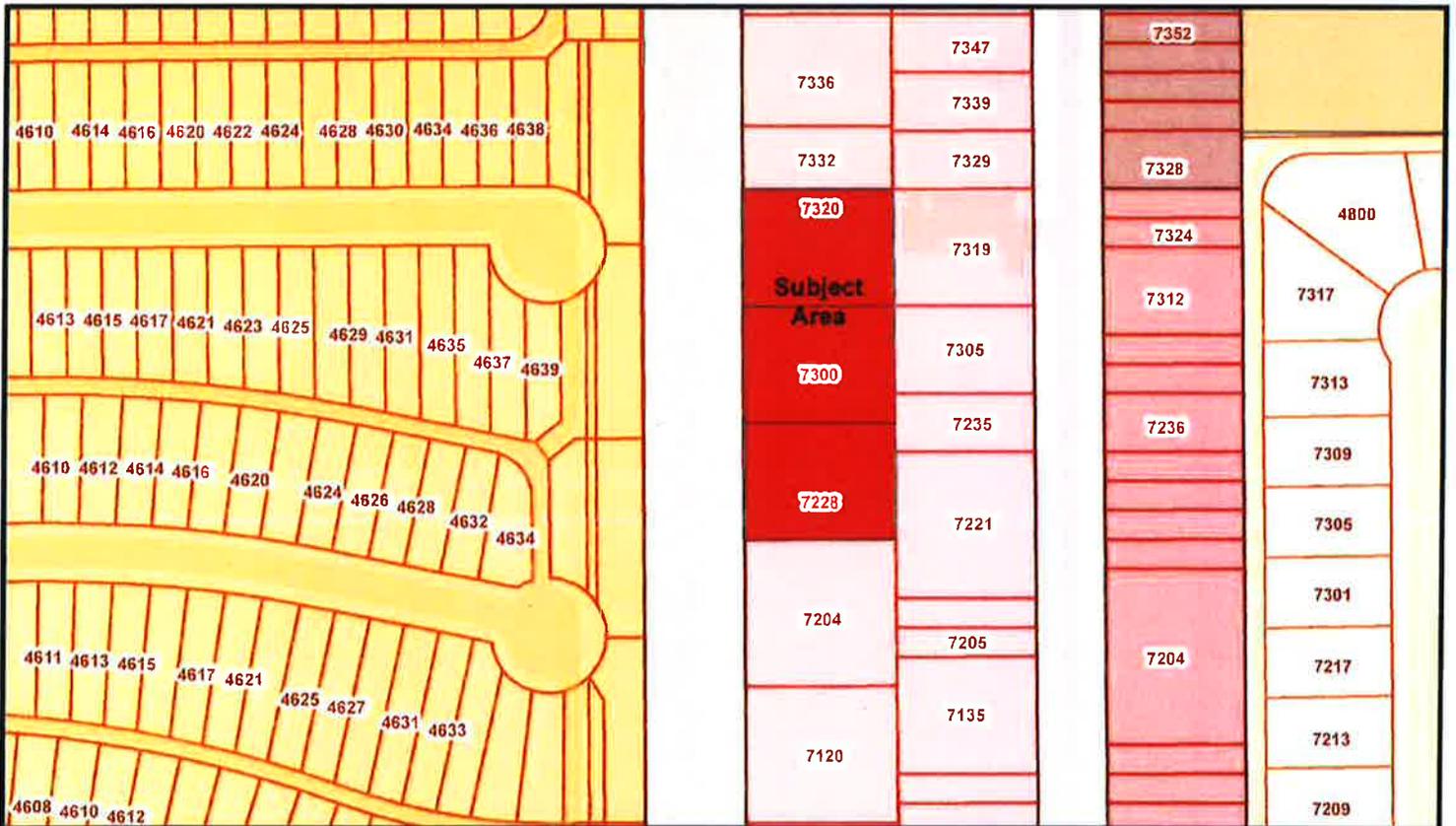
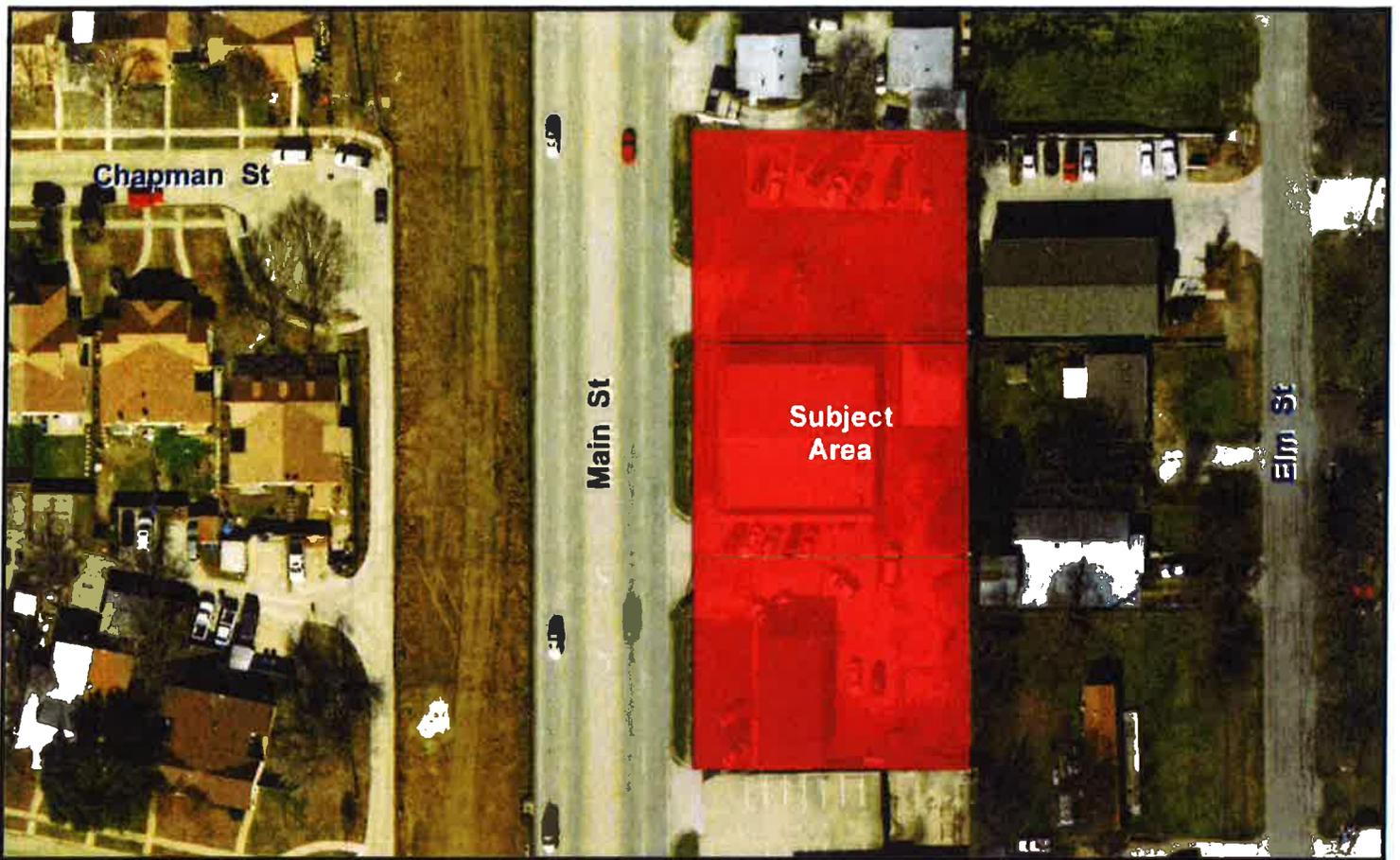
Notification

The Zoning Ordinance requires newspaper notification a minimum of ten (10) days prior to the Planning and Zoning Commission meeting. Notice for this SUP Public Hearing was published in *The Dallas Morning News* on June 3, 2016. In addition, Zoning Ordinance also requires notification of property owners located within 200 feet of the subject property a minimum of ten (10) days prior to the public hearing. Postcards were mailed on June 2, 2016 to twenty-nine (29)

property owners. No comments either for or against the SUP revocation was received as of the printing of this packet.

Development Review Committee Review

The Development Review Committee (DRC) recommends revocation of the SUP which would allow the outdoor storage of automobiles since one or more of the approval conditions imposed by the permit have not been met.



Project No. SUP2012-1981 - Project Name: SUP Revocation



- SUP 2012-1981 Revocation
- Business Park/Industrial
- Heavy Commercial
- Mobile Home
- Planned Development
- Agricultural
- Duplex Dwelling
- Industrial
- Neighborhood Service
- Shopping Center
- Business Park
- General Retail
- Light Commercial
- Office District 1
- Single Family Dwelling



This map was generated by GIS data provided by The Colony GIS Department. The City of The Colony does not guarantee the correctness or accuracy of any features on this map. These digital products are for illustration purposes only and are not suitable for site-specific decision making.

Notes:

Phase I – Area is comprised of existing concrete and asphalt pavement. Project calls for clean-up, repairs and designation of additional parking. This will allow for more efficient use of the property in addition to making the area more aesthetically pleasing. Proposed Tx Dot R.O.W. will remove any existing shrubs and bushes along FM 423 frontage. Project calls for the planting of new trees along street frontage as shown below. Proposed project will allow an initial display of 5 to 7 vehicles and an allowance of 25ft width for the driveway into property.

Phase II – Area is comprised of an existing concrete slab and remaining area undeveloped. Possible future expansion would be a new concrete parking lot. A barrier will be built to shield the A/C units that are now visible from the street.

POB 

MAIN STREET (FM 423)

ATTACHMENT 3
 Concept Plan
 Applicant's Drawing



N 89°37' W 129.8'

CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2012-1981

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF THE COLONY, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM GR (GENERAL RETAIL) TO GR-SUP (GENERAL RETAIL-SPECIFIC USE PERMIT) APPROVING A SPECIFIC USE PERMIT ALLOWING OUTSIDE DISPLAY OF VEHICLES ON AN APPROXIMATELY 0.88 ACRE TRACT OR TRACTS OF LAND CONSISTING OF LOTS 77 THROUGH 88 OF THE GARZA LITTLE ELM LAKE ESTATES ADDITION, LOCATED WITHIN THE CITY OF THE COLONY, DENTON COUNTY, TEXAS, COMMONLY KNOWN AS 7228, 7300, AND 7320 MAIN STREET, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council of the City of The Colony, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, have given requisite notices by publication and otherwise, and after holding due public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the City Council of the City of The Colony, Texas, is of the opinion and finds that Zoning Application No. SUP12-0004 to allow the outside display of vehicles, on the approximately 0.88 acres of land, consisting of Lots 77 through 88 of the Garza Little Elm Lake Estates addition, located within the City of The Colony, Denton County, Texas, and generally located at 7228, 7300, and 7320 Main Street, The Colony, Texas, should be approved, and in the exercise of legislative discretion have conclude that the Comprehensive Zoning Ordinance and Map should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of The Colony, Texas, duly passed by the governing body of the City of The Colony, Texas, as heretofore amended, be and the same is hereby amended to grant a change in zoning from General Retail (GR) to General Retail-Specific Use Permit (GR-SUP) to allow the outside display of vehicles on the approximately 0.88 acres of land, consisting of Lots 77 through 88 of the Garza Little Elm Lake Estates addition, located within the City of The Colony, Denton County, Texas, and generally located at 7228, 7300, and 7320 Main Street, The Colony, Texas, and being more particularly described in *Exhibit A* which is attached hereto and incorporated herein.

SECTION 2. That the City Council of the City of The Colony, Texas, does hereby approve the Specific Use Permit.

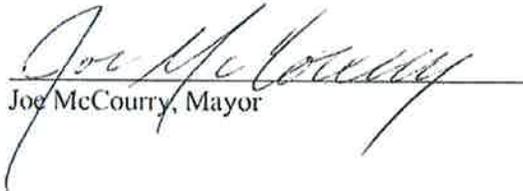
SECTION 3. That, the Specific Use Permit granted by this Ordinance shall be subject to the requirement that the property for which the Specific Use Permit is issued must actually be used for the use designated within one (1) year from the date of issuance by October 2, 2013. If such designated use is not made of the property within the above-described time period, the City Council reserves the right to initiate a rezone of the property to cancel and revoke this Specific Use Permit.

SECTION 4. That it is hereby declared to be the intention of the City Council of the City of The Colony, Texas, that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

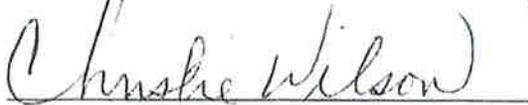
SECTION 5. That any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 6. That this Ordinance shall become effective immediately upon its passage.

DULY PASSED by the City Council of the City of The Colony, Texas, this the 2nd day of October, 2012.


Joe McCourry, Mayor

ATTEST:


Christie Wilson, City Secretary

APPROVED AS TO FORM:


Jeff Moore, City Attorney



PLANNING AND ZONING COMMISSION REPORT

AGENDA DATE: June 14, 2016
DEPARTMENT: Engineering/Development Services Department
PLANNER: Surupa Sen, AICP, Senior Planner, 972-624-3164

SUBJECT: SUP14-0004 Pappy's Pet Lodge Specific Use Permit

Conduct a public hearing, discuss and consider making a recommendation to City Council regarding a Specific Use Permit request for proposed Pappy's Pet Lodge at 4000 Paige Road within Planned Development 9 (PD-9) zoning district.

OWNER/APPLICANT

Applicant:	Pappy's Pet Lodge	Dallas, Texas
Owner:	Pflaster Antiques Ltd.	Dallas, Texas

EXISTING CONDITION OF PROPERTY

The property at 4000 Paige Road previously housed Cheers Liquor. The business has been closed for some time with the building unoccupied.

PROPOSED DEVELOPMENT

The applicant, Pappy's Pet Lodge proposes to lease the building at 4000 Paige Road with a dog boarding/kennel facility with outside play area.

ADJACENT ZONING AND LAND USE

North - Planned Development 16 (PD 16) – Home Depot
South - Planned Development 9 (PD-9) – Gas station and SH 121
East- Planned Development 16 (PD 16) – Home Depot, Wendy's
West- Business Park (BP) – Walgreens across Paige Road

DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW

The Development Review Committee (DRC) finds the Specific Use Permit (SUP) meet the requirements Section 10-905 of the Zoning Ordinance, as outlined in the Staff Report.

ATTACHMENTS

1. Staff Analysis
2. Location Map
3. Property Owner's letter of request
4. Proposed Site Plan
5. Proposed interior layout

ATTACHMENT 1

Staff Analysis

Summary of Request

The applicant, Pappy's Pet Lodge proposes to lease the building at 4000 Paige Road with a dog boarding/kennel facility with outside play area. The building is 5,541 sf in area and 22.5' tall. The applicant proposes to fence a portion of the parking lot and convert the area to an outdoor play area for dogs. The concrete will be kept in place and sealed for sanitation with artificial turf pads. The artificial turf pads are removable for cleaning and to be sanitized. A 8 foot tall solid cedar wood fence will be constructed to fully enclose the space for safety and additional sound buffering. It is likely that a shade structure for the comfort of the animals will also be added.

The primary time that the pets could be kept in the outside enclosed area will be between 8:30 a.m. and 6:30 p.m. In no case will there be pets outside the building before 7 a.m. or after 7 p.m. There will be days when very few pets will be outside more than a few minutes at a time each day if there is inclement weather, very cold temperatures or further because of safety requirements with temperatures above 90 degrees.

Existing Condition of Property

The property at 4000 Paige Road previously housed Cheers Liquor. The business has been closed for some time with the building unoccupied.

Platting Status

The subject property is platted as Centennial Addition, Block A, Lot 1R.

Adjacent Zoning/Land Use

North - Planned Development 16 (PD 16) – Home Depot
South - Planned Development 9 (PD-9) – Gas station and SH 121
East- Planned Development 16 (PD 16) – Home Depot, Wendy's
West- Business Park (BP) – Walgreens across Paige Road

Land Use Analysis

The property is PD 9 and it allows land uses allowed under General Retail (GR) zoning district. The Zoning Ordinance requires a Specific Use Permit (SUP) for Kennels with outside runs, within GR zoning.

Infrastructure Improvements

There are no infrastructure improvements planned for this area.

Kennel with outside run requirements

Section 13-1385 of the Zoning Ordinance states: "Kennels that include any outdoor area shall be located a minimum of 2,000 feet from any single family property or zoning district".

The subject property is within the 2,000 feet distance of a single family subdivision on the other side of Paige Road north of the new Holiday Inn hotel. The applicant had requested a variance from this section of the Zoning Ordinance from the Board of Adjustment (BOA). BOA has approved the variance request at their May 18, 2016 meeting.

Specific Use Permit (SUP) Criteria

In accordance with Section 10-905 (Special Use Permits - Approval Criteria) of the Zoning Ordinance, the Planning and Zoning Commission and City Council shall review and evaluate a Specific Use Permit application using the following criteria:

1. **Conformance with the City of The Colony's Comprehensive Plan;**
The Future Land Use Map identifies this area as "SH 121 Corridor Development Zone". This area contains a variety of existing and planned land uses including single-family, multi-family, commercial, retail, office and industrial. During development of SH 121 Corridor Plan, destination oriented recreational and entertainment land uses were identified as the most favorable for the future growth of the corridor. The proposed Pappy's Pet Lodge is a commercial operation and is in compliance with the Comprehensive Plan.
2. **Conformance with applicable regulations and standards established by the zoning regulations;**
With the approval of the SUP, the application will be in conformance with the Zoning Ordinance.
3. **Compatibility with existing or permitted uses on abutting sites, in terms of building height, build and scale, setbacks on open spaces, landscaping and site development, access and circulation features, architectural compatibility;**
The proposed Pappy's Pet Lodge will be located in primarily a commercial area facing SH 121. Noise issues generated by this use are greatly mitigated by proximity to the highway and commercial nature of the surrounding businesses.
4. **Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area, existing zoning and land uses in the area;**
10 parking spaces will be converted to an outdoor fenced in play area for the pets. Pappy's Pet Lodge being the sole occupant of the building, remaining parking spaces should suffice for their customer and employee needs.
5. **Protection of persons and property from erosion, flood, or water damage, fire, noise, glare, air quality, generation of dust and odors, and similar hazards and impacts;**
There are no potential hazardous impacts from this proposed use.
6. **Location, lighting and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties;**
There is pylon sign available for this business and they are allowed to have wall signs and monument sign if needed.
7. **Adequacy and convenience of off-street parking and loading facilities;**
There is adequate parking on site.
8. **Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity;**
The proposed use will be compatible with existing uses in the vicinity.

9. **Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses in the same district and surrounding area; and**

No special conditions are being recommended by staff.

10. **Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare of materially injurious to properties or improvements in the vicinity.**

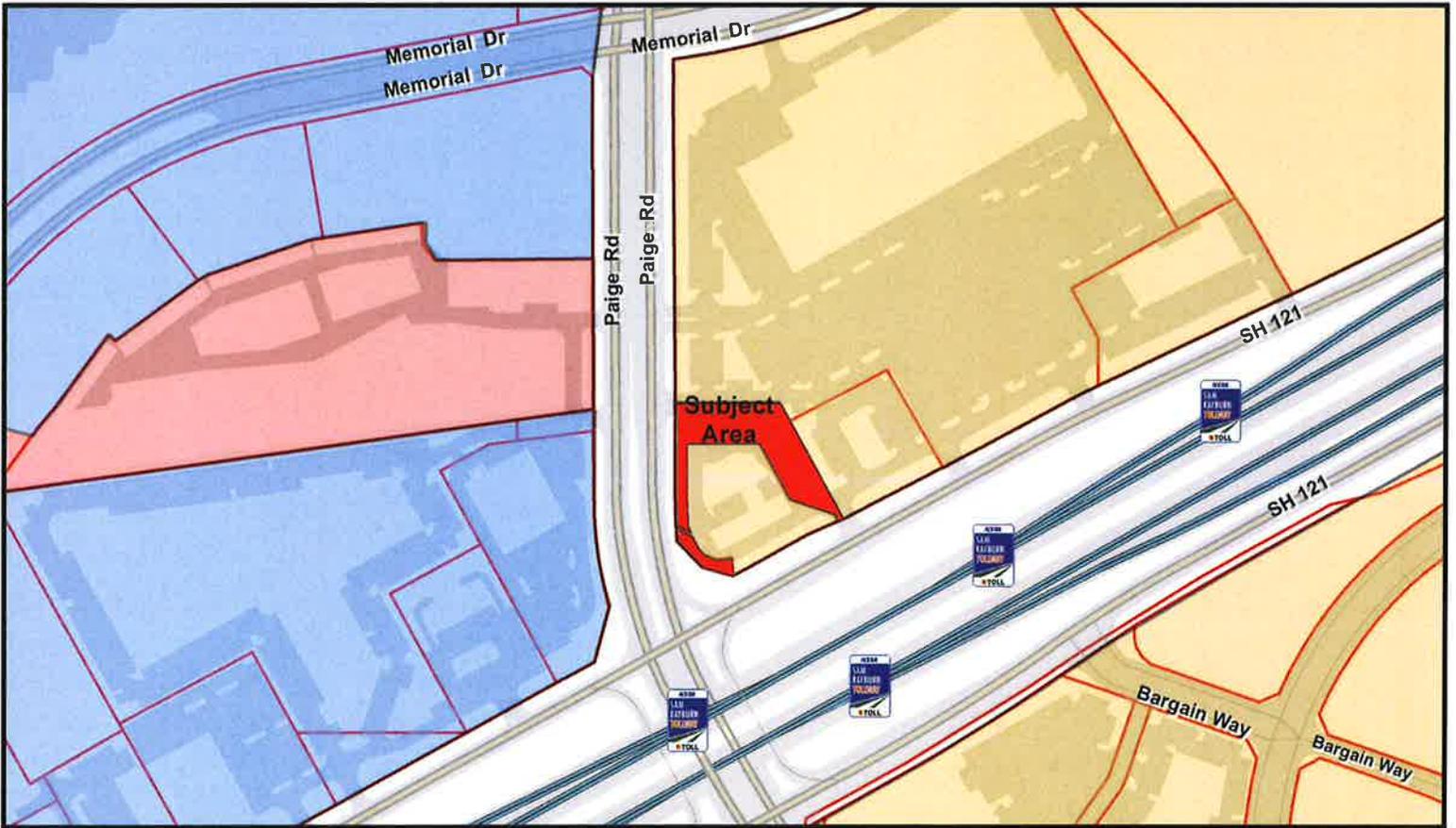
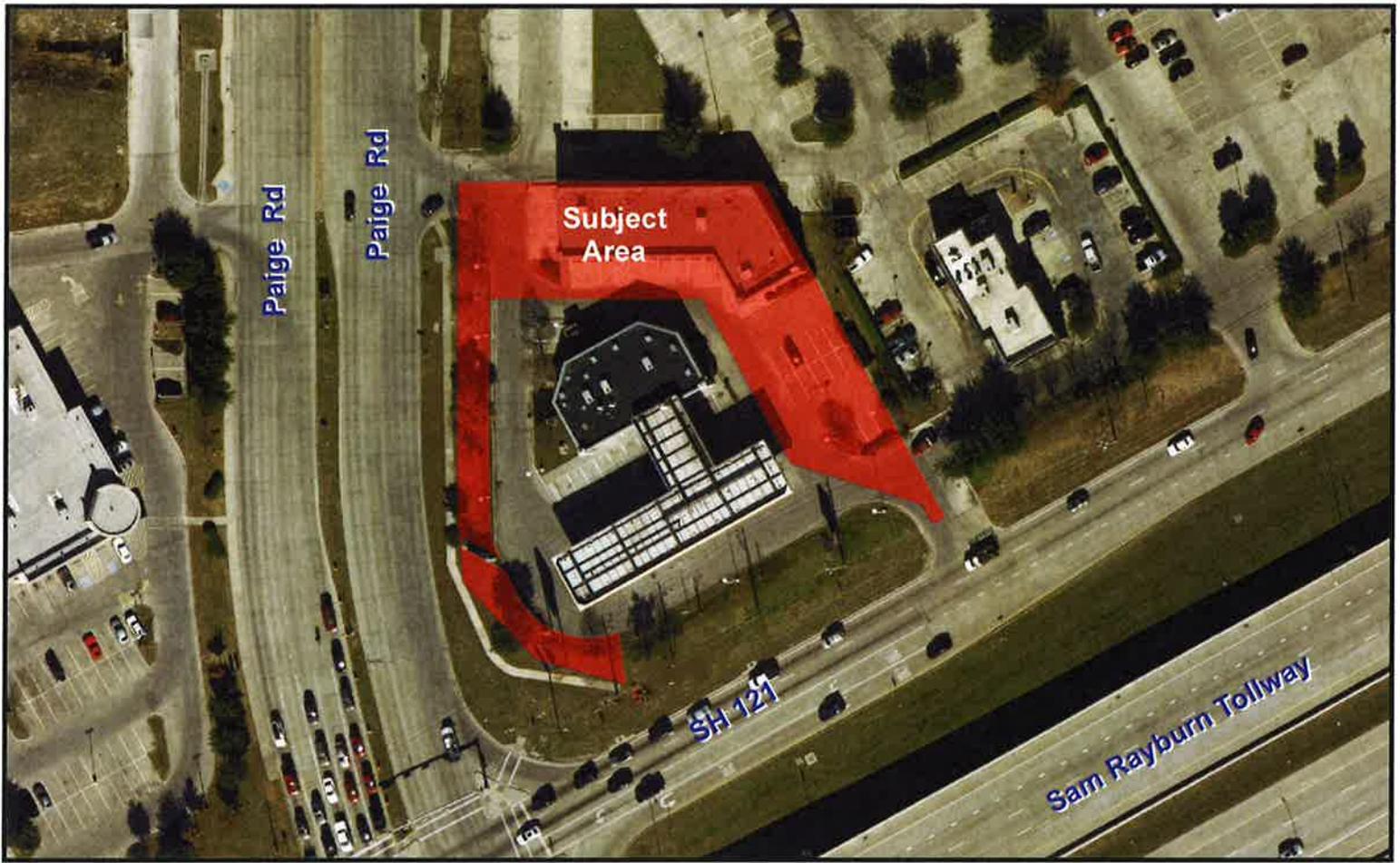
The proposed use is not detrimental to the public health, safety, or welfare.

Notification

The Zoning Ordinance requires newspaper notification a minimum of ten (10) days prior to the Planning and Zoning Commission meeting. Notice for this SUP Public Hearing was published in *The Dallas Morning News* on June 3, 2016. In addition, Zoning Ordinance also requires notification of property owners located within 200 feet of the subject property a minimum of ten (10) days prior to the public hearing. Notices were mailed on June 1, 2016 to six (6) property owners. No comment have been received as of printing of this packet.

Development Review Committee Review

The Development Review Committee (DRC) recommends approval for the SUP.



Project No. SUP16-0004 - Project Name: Pappy's Pet Lodge

- | | | | | |
|-------------------|--------------------------|------------------|----------------------|------------------------|
| Pappy's Pet Lodge | Business Park/Industrial | Heavy Commercial | Mobile Home | Planned Development |
| Agricultural | Duplex Dwelling | Industrial | Neighborhood Service | Shopping Center |
| Business Park | General Retail | Light Commercial | Office District 1 | Single Family Dwelling |

This map was generated by GIS data provided by The Colony GIS Department. The City of The Colony does not guarantee the correctness or accuracy of any features on this map. These digital products are for illustration purposes only and are not suitable for site-specific decision making.



May 2, 2016

City of the Colony
6800 Main Street,
The Colony, TX 75056

Ziggy Pflaster
Pflaster Antiques, Ltd.
7522 Campbell Road #113
Dallas, TX 75248
ziggy@dazillc.com
terri@dazillc.com
469-826-7813

Dear City Council Members:

Thank you for considering our case. Please forgive us for not being at this meeting in person due to the need to work abroad, as we manufacture furniture and had already purchased tickets to be working overseas at the time when we learned of the meeting.

We wish for you to know that we have every confidence in Bill Kinder the owner of Pappy's Pet Lodge and in Peter Nguyen the Franchisee and are in agreement with them to represent information and any requests they have, we give them our full support. Bill has 6 Pappy's locations and his family has years of experience in owning and operating award winning facilities. Peter has years of experience with two other franchises and his passion is to take care of pets.

We ask you to please take into consideration the following when hearing this case:

Approving the Paddy's requests will provide the City with the following benefits:

1. Additional revenue for the City from Pappy's
2. Higher property taxes paid to the City
3. More traffic and draw and more revenue for the surrounding businesses
4. Pet services is a much needed service in this area with all the large companies moving into the area.
5. Family oriented business and positive service for folks, unlike the old use of a liquor store.
6. Looks good for a building to be full, this building has been sitting empty for almost 3 years. Businesses want to be near more businesses.
7. A full building keeps away criminal elements and lowers crime risks to businesses around the building.
8. Owners and pets will be happier and healthier with access to sunshine and fresh air.

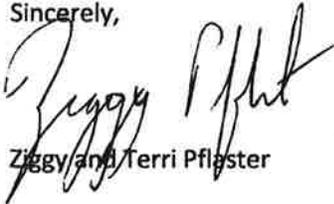
We realize this request will be for a variance and we think that the benefits out weight the original intent of the code and would also ask for you to consider the following when making the decision to grant the variance or SUP:

1. The change in the parking area is easily converted back to more parking if the building has a different use later.
2. Home Depot is a buffer for any possible noise issues.
3. Holiday Inn is a buffer for possible noise issues
4. Hawaiian Falls Sits behind Home Depot, to act as a further buffer to the homes that could be affected by noise and tends to have its own noise level due to the nature of their business.
5. Operating hours for Pappy's would only have pets outside during normal business hours and for a limited period of time.
6. Dog space would sit in front of the building to further buffer noise and face the freeway, which would likely washout any noise from pets.

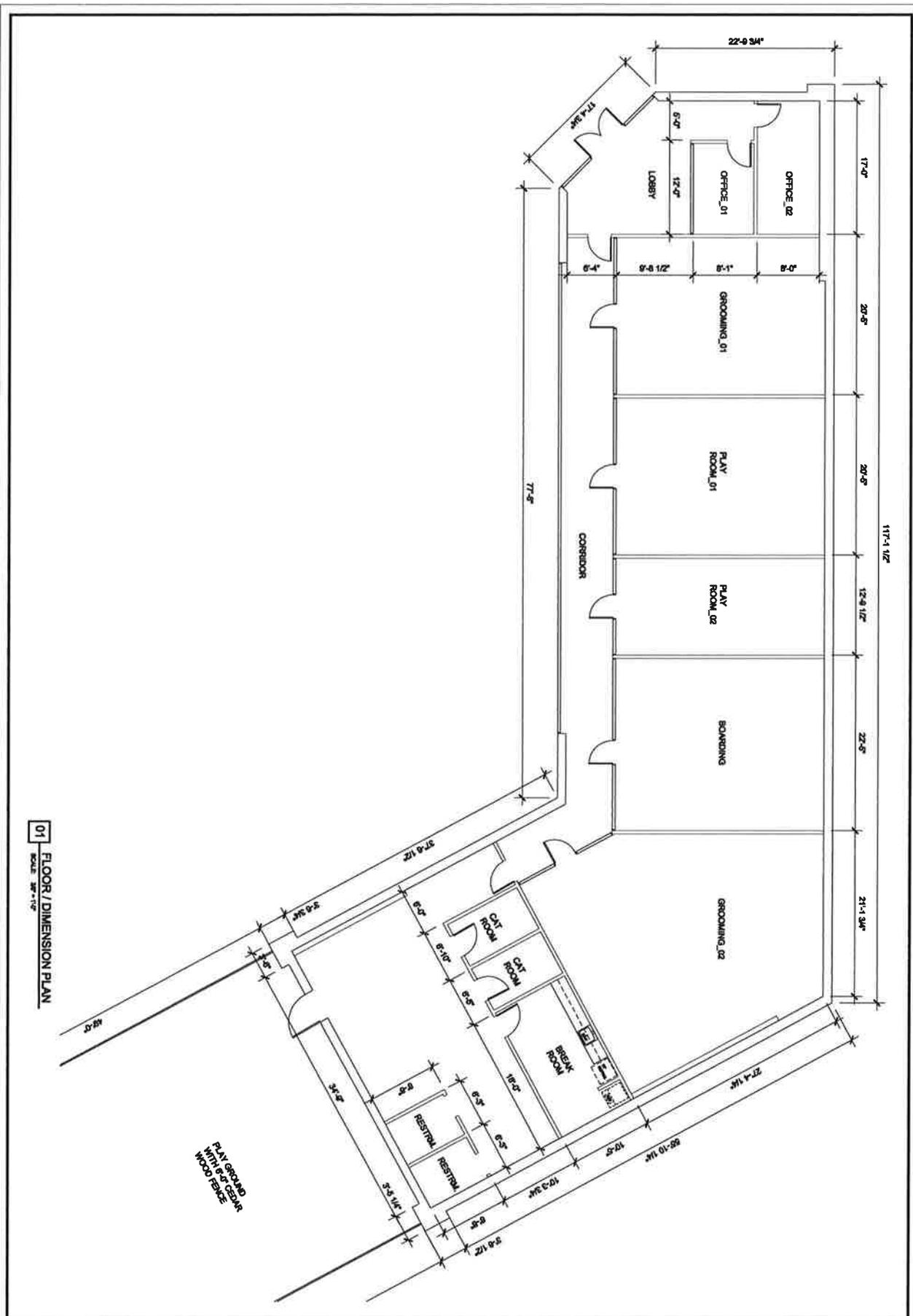
On a personal note, we would like to share with you that we originally purchased this building to be Ziggy's retirement income (he is nearly 67), and instead it pulls \$3,000 a month from our personal income which has not been easy for us to meet for almost 3 years. We have tried hiring multiple companies and agents to find a tenant for this building and even take calls personally with not much success so it is very valuable to us to do everything we can to approach this process with open minds and do what we can to create a positive mutually beneficial way to work this out.

Thank you kindly for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Ziggy Pflaster". The signature is written in a cursive, flowing style.

Ziggy and Terri Pflaster



01 FLOOR / DIMENSION PLAN
SCALE: 3/8" = 1'-0"

Sheet Number
A2-1

PET GROOMING
Slate Hwy 121 & Paige Road TX 75001

Project Name:		
Project No.:	2335	
Issue Date:	04/27/16	
Drawn By:	ld	
Check By:		
Scale:		
Revision:		
No.	Date	Description

CSC CHRIS STEPHAN CONSTRUCTION, LLC
 301 S. Sherman St., Suite 8117 Richardson, TX 75081
 Call: (214) 315-0549 Fax: (940) 347-8888
 Email: csc@chrisstephanconstruction.com

Reference: