



Trophy Club Entities

100 Municipal Drive
Trophy Club, Texas 76262

Meeting Minutes Planning & Zoning Commission

Thursday, January 5, 2012

7:00 PM

Svore Municipal Building Boardroom

Call To Order and announce a quorum.

Chairman Hill called the meeting to order at 7 p.m. with a quorum (6 members) present.

COMMISSION MEMBERS:

Present: 6 - Vice Chair James Stephens, Commissioner Mike Davidson, Commissioner Dennis Sheridan, Commissioner Dale Forest, Chairman Gene Hill, and Commissioner Clayton Reed

Absent: 1 - Commissioner Gary Richert

STAFF PRESENT:

Carolyn Huggins, Community Development Director

COUNCIL PRESENT:

Councilman Bill Rose

PUBLIC HEARING

1. [2011-653-T](#) Public Hearing regarding an Amendment to Ordinance No. 1999-17 P&Z, Planned Development No. 21 (PD-21), Plaza Shopping Center, to allow a fuel station as a permitted use. Applicant: Regency Centers, L.P. on behalf of Tom Thumb Grocery Store. (PD AMD-11-038)

Chairman Hill opened the public hearing and asked the applicant to come forward.

Dorothy Parks, Regency Centers, L.P., stated that the proposal is to allow a fuel center as a permitted use. The location of the fuel center will be north of the Bank of America Center in the existing Tom Thumb parking lot. The location was determined based on consideration of the other retail tenants as well as the proximity to Tom Thumb's front door. The proposal is to allow for four (4) fuel kiosks which would be a total of eight (8) pump stations. Ms. Parks showed stone/EFIS elevations for the kiosks and stated that they believe they are consistent with the façade of the existing center. A kiosk would be manned during store hours which are currently 6 a.m. to 1 a.m.

There were no requests to speak for this item.

Ms. Huggins informed the Chairman and Commissioners that a letter of support was received from a resident, Joseph Hill, 3 Shasta Drive, a copy of which was given to each Commissioner at the meeting this evening.

Chairman Hill closed the public hearing and moved to Item 6 of the agenda to have the decision of the public hearing item.

Referred to the Town Council due back on 1/23/2012

REGULAR SESSION

2. [2011-633-T](#) Consider and take appropriate action regarding granting a Special Privilege Request to the Trophy Club Women's Club to hold two Community Garage Sale Events in 2012. Applicant: Sally Freeman on behalf of Trophy Club Women's Club.
- Ms. Freeman thanked the Commissioners for their time and stated that she is here to seek authorization for the garage sale dates of Saturday, April 21, 2012 and October 20, 2012. She stated that the dates have been coordinated with Town Staff – April Reiling, Carolyn Huggins, Stephen Seidel and Mike Slye via emails with Joyce Frey the President of Trophy Club Women's Club. She asked for waiver of the \$25 fee so that there will be an extra \$25 to submit to charitable causes.*
- Commissioner Forest made a motion recommending approval to the Town Council to grant a Special Privilege Request to the Trophy Club Women's Club to hold two Community Garage Sale Events, April 21 and October 20, 2012 and to waive the fee. Commissioner Davidson seconded the motion. The vote was unanimous 6-0.**
- Aye:** 6 - Vice Chair Stephens, Commissioner Davidson, Commissioner Sheridan, Commissioner Forest, Chairman Hill, and Commissioner Reed
3. [2011-634-T](#) Consider and take appropriate action regarding approval of a Final Plat for Neighborhood 6, Phase 2F (7.722 acres) located in The Highlands at Trophy Club, R. Allen Survey, Abstract No. 5 and Abstract No. 17.
- A. Consider and take appropriate action regarding a Subdivider's Agreement between the Town and High Trophy Development, LP for Neighborhood 6, Phase 2F.
- Kyle Salzman, Jacobs Engineering, introduced himself and stated that he is available to answer any questions from the Commissioners.*
- Commissioner Davidson asked if Sheet 12 of the construction plans was included in the packet. Ms. Huggins stated that it was not. The construction plans are reviewed and approved by the Town Engineer, Tom Rutledge, who is in attendance this evening if the Commissioners have any questions. Mr. Rutledge confirmed that he would review the final plans and ensure that the discrepancy on Sheet 12 is corrected.*
- Commissioner Sheridan asked why Note 4 is different on this plat from the other two plats under consideration. Ms. Huggins stated that Staff will be asking that the note be added to the other two plats.*
- Vice Chairman Stephens recommended approval to the Town Council for the final plat of Neighborhood 6, Phase 2F. Commissioner Reed seconded the motion. The vote was unanimous 6-0.**
- Aye:** 6 - Vice Chair Stephens, Commissioner Davidson, Commissioner Sheridan, Commissioner Forest, Chairman Hill, and Commissioner Reed
4. [2011-637-T](#) Consider and take appropriate action regarding approval of a Final Plat for Waters Edge at Hogan's Glen, Phase 2B-2, consisting of 6 residential lots and 2 common area lots for a total of 3.913 acres, located in Planned Development No. 22.
- Jaison Stephen, Jacobs Engineering, came forward and asked for approval.*

Sheridan: Can you confirm that the Developer is paying for the continuation of the Indian Creek pavement. Ms. Huggins: That's correct.

Ms. Huggins: On page 35 of the packet there are a number of stipulations that staff is requesting for this plat:

- (1) Revise the side building line from 10-ft. to 15-ft. for Lot 2, Block M and Lot 42, Block L.*
- (2) Update year to 2012 in Owner's Dedication, Notary, and Approval signature blocks.*
- (3) Add a note that the Homeowners Association is responsible for maintenance of all common areas.*
- (4) Remove extra space between "Improvements" and "Associated" in Note 3.*

Mr. Sheridan: Note 3 will include an item that if the HOA doesn't maintain all common areas.... What happens? Mr. Lenart: We'll refer to whatever has been done on previous plats. Mr. Sheridan: I'm looking for the verbiage on the previous plats. Ms. Huggins: We'll add it.

Chairman Hill: Correct a misspelled word – "separate" needs to be corrected just above Block N, Lots 1 and 2.

Commissioner Reed recommended approval to the Town Council for the final plat of Waters Edge at Hogan's Glen, Phase 2B-2. Commissioner Forest seconded the motion. The vote was unanimous 6-0.

Aye: 6 - Vice Chair Stephens, Commissioner Davidson, Commissioner Sheridan, Commissioner Forest, Chairman Hill, and Commissioner Reed

5. [2011-652-T](#)

Consider and take appropriate action regarding approval of a Final Plat for Canterbury Hills, Phase 1A (11.165 acres) located out of the M. Medlin Survey, Abstract No. 832 in the Town of Trophy Club, Denton County, Texas.

Ms. Huggins: This is straight zoning, R-12, but the neighborhood will be gated and part of the Hogan's Glen HOA. However, these are not estate lots or villa lots like the rest of Hogan's Glen. They will be built to R-12 district standards.

As part of the Hogan's Glen HOA, the streets will be private and maintained by the HOA, therefore, two notes will be added to the plat. A "private street" notation will be added and also a note that the streets will be maintained by the Homeowners Association.

Vice Chairman Stephens recommended approval to the Town Council for the final plat of Canterbury Hills, Phase 1A with the stipulation that two notes regarding the private streets be added to the plat. Commissioner Davidson seconded the motion. The vote was unanimous 6-0.

Aye: 6 - Vice Chair Stephens, Commissioner Davidson, Commissioner Sheridan, Commissioner Forest, Chairman Hill, and Commissioner Reed

6. [2011-654-T](#)

Consider and take appropriate action to approve an Amendment to Ordinance No. 1999-17 P&Z, Planned Development No. 21 (PD-21), Plaza Shopping Center, to allow a fuel station as a permitted use.

Vice Chairman Stephens: What is the anticipated number of customers on a day-to-day basis? What is the anticipated revenue? Ms. Parks responded that Tom Thumb finds this a convenience that is an expected use in their stores.

Mr. Stephens: My question relates to traffic. We do have a lot of traffic in that area and now we'll have more traffic. Perhaps it will just be the grocery store customers who use the fuel station... Ms. Parks: They have a reward program and customers can save up to \$1.00 per gallon of gas based off of the card you swipe so generally a

majority of their customers are the grocery customers using the fuel station.

Chairman Hill asked if Ms. Parks works for Tom Thumb. Ms. Parks responded that she works for the property owner, Regency, not Tom Thumb.

Ms. Huggins stated that a request for an amendment to a planned development must come from the property owner, not the tenant. Although this request is for Tom Thumb grocery store, it must have the approval and support of the property owner and the property owner must make the request. Regency is the property owner; Tom Thumb is the tenant. Also, the PD document allows staff to request, if determined necessary, a traffic impact analysis submittal with the site plan for this use.

Mr. Sheridan: The current hours of operation are 6 a.m. to 1 a.m. but the grocery store is allowed to be open 24-hours, correct? Ms. Huggins: Correct.

Mr. Sheridan: I'm wondering if we want to limit the number of hours. I'm for the gas station. I don't know if I'm for it for 24 hour operation. I'm leaning toward 6 a.m. to 11 p.m. because those are the hours of operation of most of the tenants in that shopping center. Does the Police Department have any preference? Ms. Huggins: No.

Mr. Sheridan: My preference would be 6 a.m. to 11 p.m. and manned. Why is the location so far away from the store?

Ms. Parks: They didn't want to take away convenience from their grocery store parking.

Ms. Huggins: Staff also asked for that location for circulation purposes. In looking at the current use of the shopping center, that is an area that is used the least.

Mr. Sheridan: That takes away a location for a future pad site. Does this interfere with the coverage? Ms. Huggins: It does not.

Mr. Sheridan: Is there any other sales besides fuel at the station? Ms. Parks: No.

Vice Chair Stephens: Chips? Butterfingers?

Ms. Huggins: There is a restriction in the PD for no outdoor sales. They can't place a rolling cart outside the kiosk for food or beverage sales. The merchandise would have to be inside the kiosk – cigarettes, perhaps? Ms. Parks: They are not set up to handle merchandise that way. They don't have the equipment in the kiosk to do that.

Mr. Sheridan: Do we get any sales tax revenue for gas? Ms. Huggins: Not sure. I'll have to check on that.

Mr. Forest: I'm concerned for traffic flow and the ingress/egress to the station. It seems congested.

Ms. Parks: The existing curb cut, the existing ingress/egress will make it fairly easy to access the station.

Vice Chair Stephens: To get out to go to Highway 114 means circling the bank or coming down to the main driveway in front of Tom Thumb. The median cuts are there.

Ms. Huggins: Staff discussed the ingress/egress with Regency, suggesting changes to the shopping center main in/out, but they did not want to change the entrances. Eventually staff agreed to leave the entrances/exits as they are so that the closest entrance and exit is a right in, right out so if the customer wanted to go left out of the

shopping center to go south to Highway 114, they would have to go between Walgreens and the Bank of America or down to the Tom Thumb.

Mr. Forest: Right now they cut through the parking lot of the bank. Ms. Huggins: Correct, that's how it is right now. Mr. Forest: So its causing problems even now.

Chairman Hill: My primary concern is getting a fuel tanker in there to get the gas tanks full. That's a semi-trailer and I don't see a traffic flow that allows a tanker truck that carries 8,000 gallons of fuel a way to get in there. Ms. Parks: There is a program that we use, called Auto Turn, and we've done the analysis on this and I'd be happy to give that to you to show how the trucks will get in and out. Chairman Hill: I'd like to see that with the site plan because the hours of delivery are 6 a.m. to 6 p.m., daytime hours, to try to get the truck in there with the grocery store and the bank and all other retail customers there at the same time. That's a concern. Ms. Parks: That's a concern of ours too. We'd like to be able to deliver earlier, but because of the restricts, we can't. We've taken all of that into consideration regarding the location.

Mr. Reed: My main concern is traffic safety. I think the location makes sense in order to move the station away from the store so that it will be away from the bulk of the traffic. Most of the parking is up toward Tom Thumb. I can see that putting it any closer to the grocery store would complicate the situation. I think someone should be working there anytime that it is open and I suggest setting the hours of the station the same as the store.

Mr. Sheridan: What if the store goes 24 hours. Do you have a problem with that? Most of the Commissioners responded that they did not have a problem with 24 hour grocery and fuel store hours.

Mr. Reed: I'm also concerned, like Chairman Hill, of how the tanker truck will get in and out of the location.

Mr. Davidson: Carolyn, does that bump our restriction from five buildings to six buildings? Ms. Huggins: It does change the density, yes.

Mr. Davison: How does that change the parking requirement in this PD? Ms. Huggins: I don't know specifically how many parking spaces will be removed until the site plan is completely reviewed. Preliminary review suggests that about 40 spaces will be removed by this request. We can specify the number of parking spaces for the PD on the site plan and in the PD amendment we can state that the required number of spaces will be as shown on the site plan.

Chairman Hill: As it is now, the number of spaces exceeds the required amount of parking. Ms. Huggins: Yes sir.

Mr. Davidson: As Mr. Sheridan stated, there are potentially two other pad sites available in this shopping center, but with the parking now possibly below the minimum it won't allow moving forward with any of that. So the decision here is putting in the gas kiosk and foregoing further development. I don't have an issue with that, I just want to make sure we are clear what we set forth in the PD. In addition to that, if they decide to go 7/24, I don't have a problem with that. If you want to make it 6 a.m. to 1 a.m. right now that's fine as well.

Vice Chairman Stephens: Should we change the hours of delivery? Mr. Davidson: I think it then becomes a noise issue to the surrounding community. Obviously a truck does not necessarily tread lightly. Vice Chairman Stephens: I don't see noise as big of a problem as the big delivery truck becoming a traffic issue problem.

Mr. Davidson: Understand, but at the same time you see that same activity take place at countless other gas stations where they bring trucks in whenever the whim calls for it and it could be in the middle of the day and it's not necessarily convenient for everybody else but they have no qualms about blocking traffic and mixing it up in the middle of the day so I don't know that it really will cure that particular issue. I don't think they will take advantage of it as frequently as you think.

Ms. Parks: The good news in this particular situation, unlike other gas stations around the area, Tom Thumb is very aware that if they bring big trucks in and fill their tanks at an inconvenient time, they are inconveniencing their own customers so that's not an issue they want to get into. They want to make it as easy as possible for their customers to get in the door to buy groceries and then stop to get gas, or vice versa.

Vice Chairman Stephens: I was thinking about getting on the plus side of safety. It's rare that you have any instances, but I think if we can err on the side of safety, we need to think about that. I don't have any problems with the hours of operation. I have a rewards card... come on down.

Mr. Sheridan: Any special lighting? Ms. Parks: The lighting will follow the rules and regulations of Trophy Club. It's a balance because we want everyone to feel safe and we want the station to be well lit, but we also don't want it to be a nuisance. Mr. Sheridan: Our current ordinances protect the residents living across the street from any ambient light? Ms. Huggins: That's correct and that's the balance Tom Thumb will be required to work to achieve.

Commissioner Sheridan made a motion to recommend approval to the Town Council to amend PD-21 subject to limiting the sales to fuel only, manned only, and specifying six buildings maximum density. Vice Chairman Stephens seconded the motion. The motion passed unanimously 6-0.

Aye: 6 - Vice Chair Stephens, Commissioner Davidson, Commissioner Sheridan, Commissioner Forest, Chairman Hill, and Commissioner Reed

Adjourn

Chairman Hill adjourned the meeting at 7:41p.m.

Gene Hill, Chairman

Carolyn Huggins, Community Development Director