

AGENDA
CITY OF THE COLONY, TEXAS
BOARD OF ADJUSTMENT
Wednesday, May 18, 2016

After determining that a quorum is present, the Board of Adjustment of the City of The Colony, Texas will convene into Regular Session which will be held on Wednesday, May 18, 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
2.0	ITEM FOR CONSIDERATION
2.1	Consider approval of the minutes of the regular session of the February 17, 2016 Board of Adjustment meeting.
3.0	PUBLIC HEARING ITEMS
3.1	<i>BOA16-0001 – Detached Garage at 4534 N Shore Drive</i> Conduct a public hearing, discuss, and consider a variance request from Zoning Ordinance Section 13.101 requiring “an enclosed, attached garage” “shall be provided upon initial construction to each and every single-family dwelling unit”, requesting permission to build a detached garage at a later time for a proposed new single family home at 4534 N Shore Drive.
3.2	<i>BOA16-0002 – Pappy’s Pet Lodge at 4000 Paige Road</i> Conduct a public hearing, discuss, and consider a variance from Zoning Ordinance “Section 13-1385: Kennels that include any outdoor area shall be located a minimum of 2,000 feet from any single family property or zoning district” for a proposed Pappy’s Pet Lodge at 4000 Paige Road.

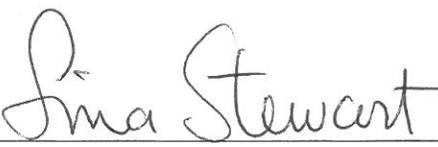
“Pursuant to the Texas Open Meetings Act, Government Code Chapter 551, one or more of the above items may be considered in executive session closed to the public. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session.”

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 Tina Stewart, Interim City Secretary, at 972-624-3105 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 PM on the 13th day of May 2016.





Tina Stewart, Interim City Secretary

**MINUTES
CITY OF THE COLONY
BOARD OF ADJUSTMENT
Wednesday, February 17, 2016**

After determining that a quorum was present, the Board of Adjustment of the City of The Colony, Texas convened into Regular Session which was held on Wednesday, February 17, 2016 at 6:55 p.m. 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: Charles Tredo, Constance Yahwak, Joel Ortega and Casey Truskunas

Board Members Absent: Gerald Odum

Present from Staff: Mike Joyce, AICP, Planning Director; Surupa Sen, AICP, Senior Planner, and Ed Voss, City Attorney

1.0	CALL REGULAR SESSION TO ORDER
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Chairman Tredo called the meeting to order at 6:55 p.m.

2.0	ITEM FOR CONSIDERATION
2.1	Consider approval of the minutes of the regular session of the January 20, 2016 Board of Adjustment meeting.

Board Member Yahwak moved to approve the minutes, seconded by Board Member Truskunas. The motion carried (4-0).

3.0	PUBLIC HEARING ITEM
3.1	<i>BOA15-0005 – Renew Resale Thrift Store</i> Conduct a public hearing, discuss, and consider a request for variance to “Section 10-2500: Thrift Stores, requiring a thrift store must be located a minimum 2 miles from another thrift store and drop off points shall be located a minimum of 200 feet from any residential use” for a proposed new thrift store to be located at 6700 Main Street, Suite 130.

Chairman Tredo read public hearing item 3.1 into record.

Ms. Sen presented the staff report.

Board Member Truskunas asked if there will be a drop off point for this proposed store, will there be a box placed in the middle of the parking lot.

Ms. Sen answered that there will not be any box placed in the parking lot. Usually for businesses within the shopping center the service door is at the back and that will probably be the drop off point for this store.

Chairman Tredo asked if there are trash receptacles in the shopping center.

Ms. Sen answered there are dumpster locations in the parking lot.

Chairman Tredo opened the public hearing at 7:02 pm.

Applicant Mrs. Carol Whites spoke during the public hearing regarding their request to open the thrift store at 6700 Main Street location.

Chairman Tredo closed the public hearing at 7:14 p.m.

Board Member Ortega moved to approve item 3.1, seconded by Board Member Yahawk. The motion carried (4-0).

Being no further discussion, Chairman Tredo adjourned the meeting at 7:17 p.m.

Charles Tredo, Chairman

Surupa Sen, AICP, Senior Planner

BOARD OF ADJUSTMENT STAFF REPORT

AGENDA DATE: May 18, 2016

DEPARTMENT: Engineering/Development Services Department

PLANNER: Surupa Sen, AICP, Senior Planner, 972-624-3164

SUBJECT: *BOA16-0001 – Detached Garage at 4534 N Shore Drive*

Conduct a public hearing, discuss, and consider a variance request from Zoning Ordinance Section 13.101 requiring “an enclosed, attached garage” “shall be provided upon initial construction to each and every single-family dwelling unit”, requesting permission to build a detached garage at a later time for a proposed new single family home at 4534 N Shore Drive.

APPLICANT/OWNER:

Viorica Radulescu

Lewisville, Texas

BACKGROUND:

Applicant Ms. Radulescu owns the property located at 4534 N Sore Drive, described as Lot 19R, Block 11, Garza Little Elm Lake Estates. The property was replatted in 2015 combining two lots into one. Planning and Zoning Commission approved the replat on September 22, 2015. Ms. Radulescu intends to build a single family residence on this property.

Zoning Ordinance Section 13-101 states “An enclosed, attached garage of not less than 440 square feet in floor area and with a minimum width of 20 feet shall be provided upon initial construction to each and every single-family dwelling unit, regardless of zoning district”.

The applicant does not want to build an attached garage and would like to build a detached garage. The applicant wishes to build the residence first, then a swimming pool at the back yard. And after completion of the swimming pool the garage will be built. As per the Zoning Ordinance, the garage has to be built with atleast 70% brick, stone or 3-step stucco process material.

FINDINGS:

According to Section 21-103 of the Code of Ordinances, The Board of Adjustment may grant a Variance if the following exist:

1. **The variance is necessary to permit development of a specific parcel of land which differs from other parcels of land because of special circumstances concerning the size, shape, area, topography, conditions and location of the parcel that is the subject of the variance request;**
There are no special circumstances concerning the property that may require approval of this variance request.
2. **The granting of the variance will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the Comprehensive Zoning Plan of the City;**

It is Staff's opinion that the granting of this variance will adversely affect the land use pattern in the vicinity or adversely affect any other feature of the Comprehensive Zoning Plan of the City as all new residences within the City are built with attached garage.

3. The granting of the variance will not be materially detrimental to the public welfare or to the use, enjoyment or values of the surrounding properties.

It is Staff's opinion that the granting of the variance will not be materially detrimental to the public welfare or to the use, enjoyment or values of the surrounding properties.

NOTIFICATION

Board of Adjustment public hearings require newspaper notification a minimum of ten (10) days prior to the meeting date. A legal notice was published in the *Dallas Morning News* on May 6, 2016. No comments either for or against this request were received as of the printing of this packet.

OPTIONS

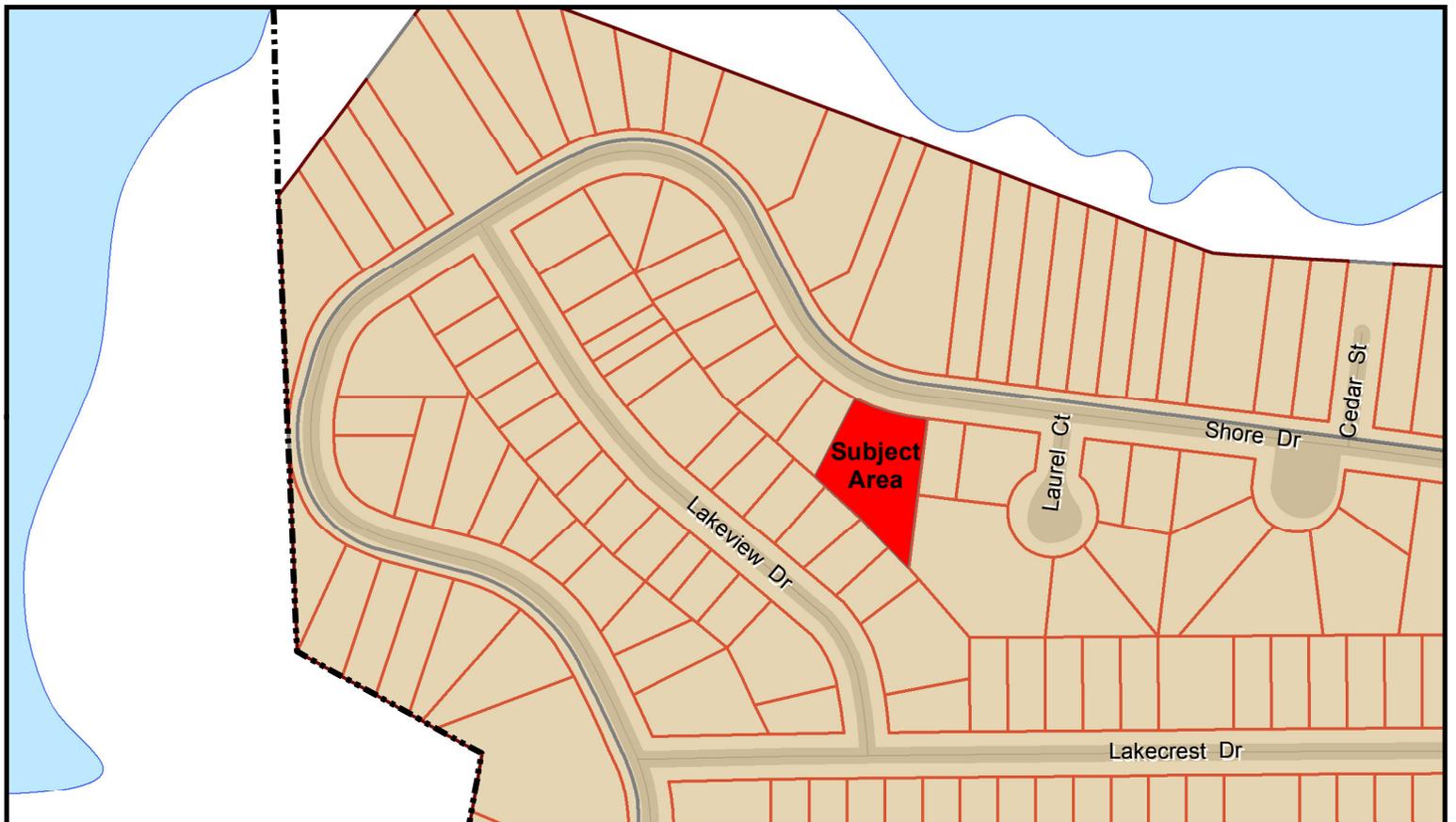
1. Approve as requested
2. Deny
3. Postpone consideration
4. Table item

RECOMMENDATION

Staff has no recommendation for the requested Variance.

ATTACHMENTS

1. Location Map
2. Proposed Site Plan



Project No. BOA16-0001 - Project Name: Detached Garage at 4534 N Shore Drive

- | | | | | |
|--------------------|--------------------------|------------------|----------------------|------------------------|
| 4534 N Shore Drive | 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.





PROPOSED DRAINAGE PLAN

LOT: 19-A BLK: 11 SUB: NORTH SHORE

JOB CODE: DRP0815062B

REVISION: A - 1/15/16; REVISED PER PLAN (B.S.)
 B - 1/25/16; REVISED PER PLAN (HDB)

DATE: 1/27/2016

SCALE: 1"=20'

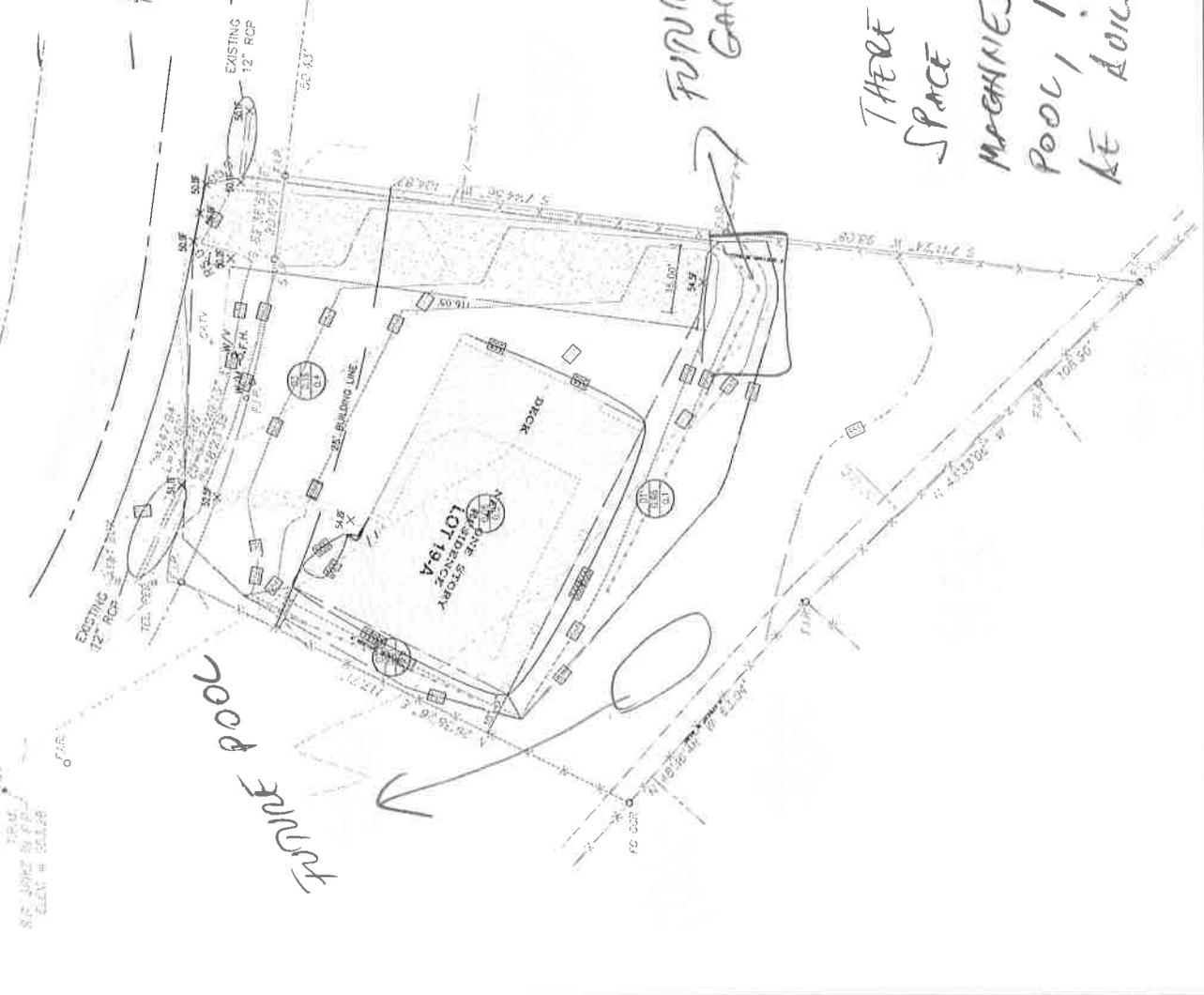
DRAWN BY: HDB

C2 SHEET



POST-DEVELOPMENT RUNOFF										
D1	0.3	0.047	0.01	3.02	0.043	4.55	0.065	0.094	6.59	Drains to D3
D2	0.3	0.011	0.00	1.91	0.006	2.92	0.010	0.014	4.24	Drains to D3
D3	0.4	0.162	0.06	3.02	0.197	4.55	0.297	0.431	6.59	Drains to XD4 through 12" RCP to offsite
D4	0.4	0.081	0.03	6.97	0.228	10.21	0.334	0.482	14.75	Drains to D1, D2, and D3

DRIVE WAY WILL BE AVOID WHEN HOUSE IS AVOID. POOL WILL BE AVOID NEX YEAR. GARAGE WILL BE AVOID AFTER SW/POOL.



Notes
 Topographical survey done by Landmark Surveying, LLC.

Benchmark
 Bench Mark #1 - Rail Road spike in power pole, Elev. 553.28'

Specified Grades
 Min. Earth Grade - 1.00%
 Max. Earth Grade - 25.0%
 Min. Pavement Grade - 1.0%
 Min. Ditch Grade - 1.0% (regrade front to slope away both directions)
 Min. Adjacent Grade - 5.0% (PC)
 Standing water shall not be allowed adjacent to the foundation.

Culvert
 11x18 Arch RCP - 22 LF
 Q100=0.670 cfs and s=0.56%

4:1 (9 LF) Pre-cast Concrete slope end sections at 4:1 with 1 foot wide concrete border around pipe end for ground stability.

LEGEND

- Flow Arrow
- Swale
- Existing Elevation
- Spot Elevation
- Proposed Elevation
- Retaining Well
- Drainage Area Boundary
- Drainage Area
- Callouts/Areas

THERE WILL BE NO SPACE TO MOVE MAGNET TO OLD FORD POOL, IF GARAGE WILL BE AVOID NOW.

Wider before

BOARD OF ADJUSTMENT STAFF REPORT

AGENDA DATE: May 18, 2016
DEPARTMENT: Engineering/Development Services Department
PLANNER: Surupa Sen, AICP, Senior Planner, 972-624-3164

SUBJECT: *BOA16-0002 – Pappy’s Pet Lodge at 4000 Paige Road*

Conduct a public hearing, discuss, and consider a variance from Zoning Ordinance “Section 13-1385: Kennels that include any outdoor area shall be located a minimum of 2,000 feet from any single family property or zoning district” for a proposed Pappy’s Pet Lodge at 4000 Paige Road.

APPLICANT/OWNER:

Pappy’s Pet Lodge Dallas, Texas

BACKGROUND:

The property at 4000 Paige Road used to house Cheers Liquor. The business has been closed for some time and the building hasn’t been occupied since. Pappy’s Pet Lodge would like to lease the whole building and have a dog boarding/kennel. They proposed to fence a portion of the parking lot and convert the area as an outdoor play area for dogs. The concrete will be kept in place and sealed for sanitation with artificial turf pads which are removable for cleaning and to be sanitized. A 6’ tall cedar wood solid 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 guests will be added.

The primary time that the pets could be 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.

As per “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 from a single family subdivision on the other side of Paige Road north of the new Holiday Inn hotel. If this variance is approved, the application will then be required to apply for a Specific Use Permit (SUP) to be reviewed and approved by Planning and Zoning Commission and City Council.

FINDINGS:

According to Section 21-103 of the Code of Ordinances, The Board of Adjustment may grant a Variance if the following exist:

- 1. The variance is necessary to permit development of a specific parcel of land which differs from other parcels of land because of special circumstances concerning the size,**

shape, area, topography, conditions and location of the parcel that is the subject of the variance request;

The subject property is nestled within established commercial area fronting SH 121. The single family subdivision in question is pretty far off to get affected by noise generated by this facility. Noise from the SH 121 and Hawaiian Falls (during open season) far supersedes the noise generated by the dog boarding facility. Given the location of the proposed Pappy's Pet Lodge, this variance is needed to allow the business to open.

2. The granting of the variance will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the Comprehensive Zoning Plan of the City;

It is Staff's opinion that the granting of this variance will not adversely affect the land use pattern in the vicinity or adversely affect any other feature of the Comprehensive Zoning Plan of the City.

3. The granting of the variance will not be materially detrimental to the public welfare or to the use, enjoyment or values of the surrounding properties.

It is Staff's opinion that the granting of the variance will not be materially detrimental to the public welfare or to the use, enjoyment or values of the surrounding properties.

NOTIFICATION

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OPTIONS

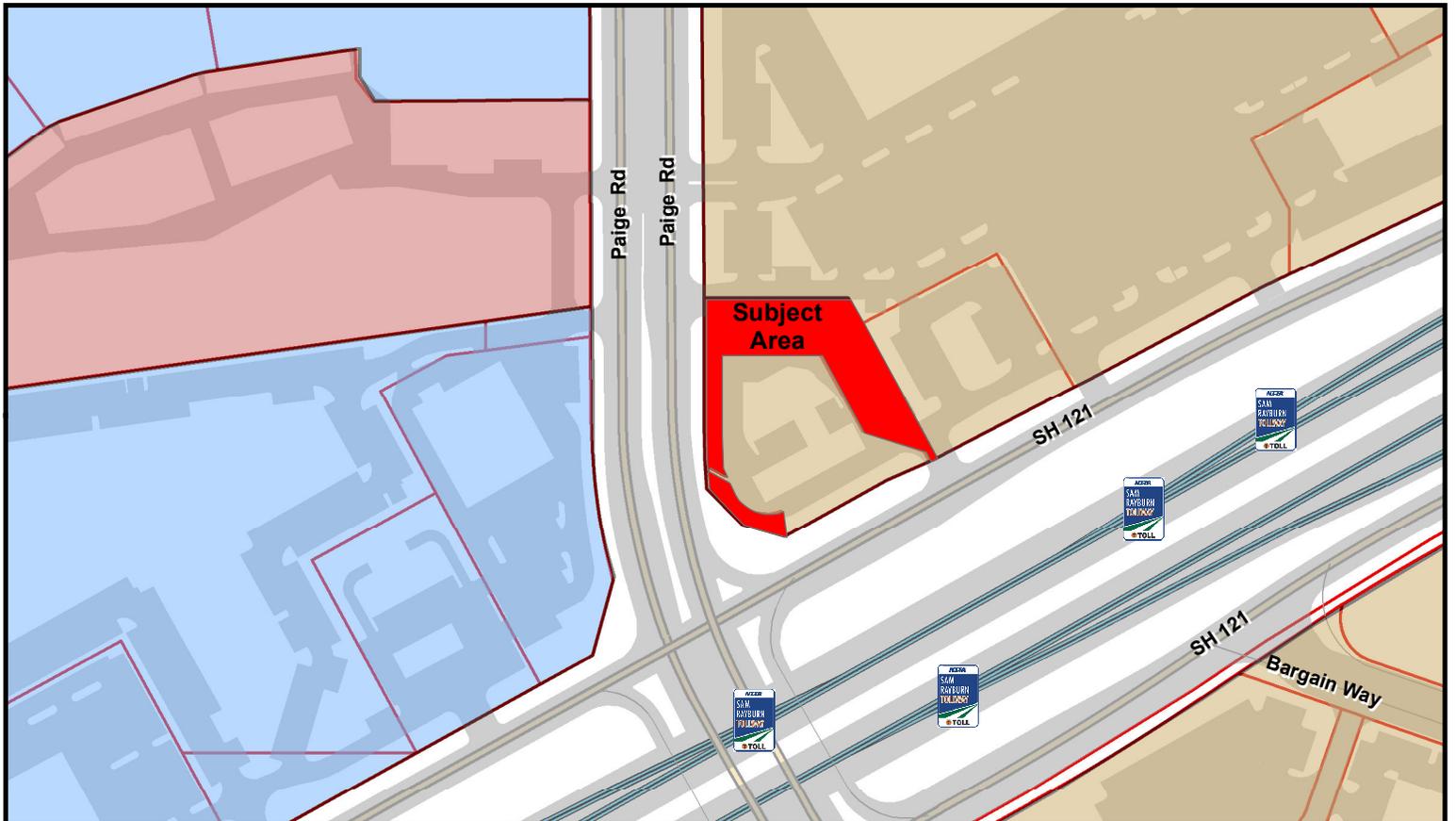
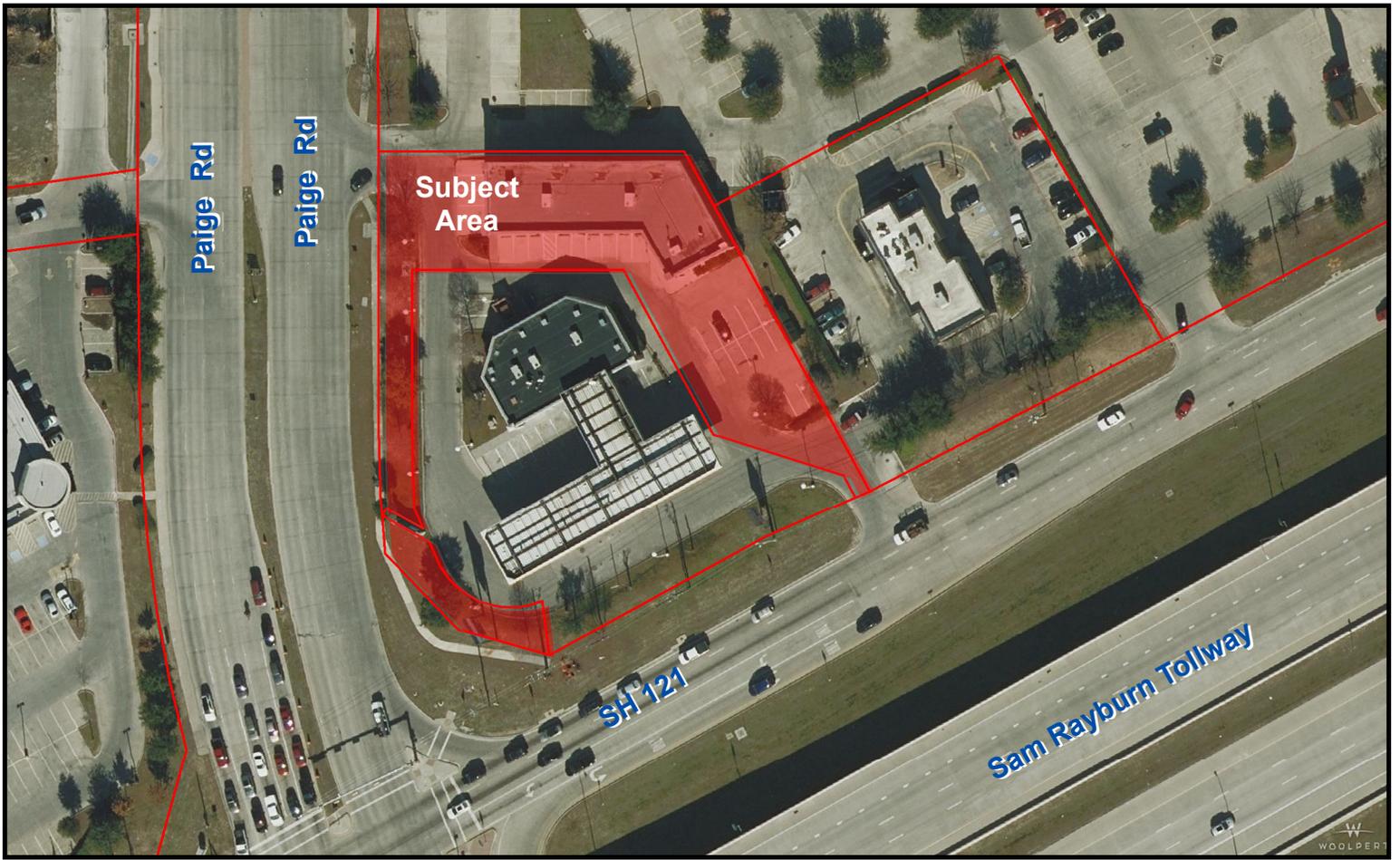
1. Approve as requested
2. Deny
3. Postpone consideration
4. Table item

RECOMMENDATION

Staff recommends approval of the requested Variance.

ATTACHMENTS

1. Location Map
2. 2000' buffer map
3. Owner's letter of request
4. Proposed Site Plan
5. Proposed interior layout

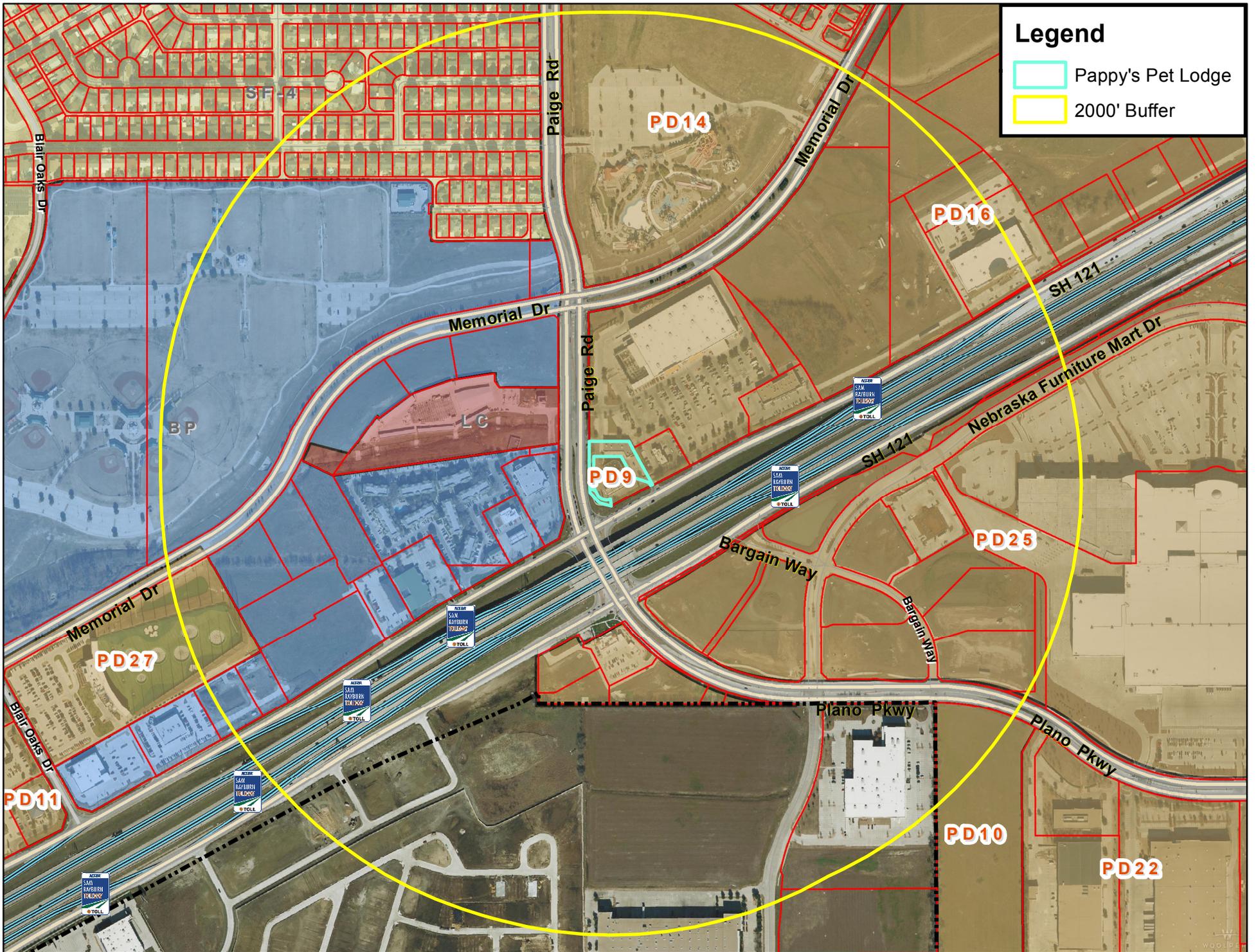


Project No. BOA16-0002 - Project Name: Pappy's Pet Lodge

- | | | | | |
|-------------------|--------------------------|------------------|----------------------|------------------------|
| 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 |

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Legend

-  Pappy's Pet Lodge
-  2000' Buffer

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.

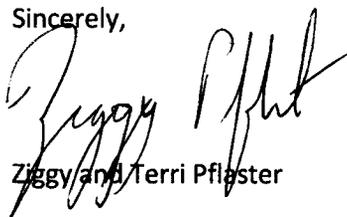
We realize this request will be for a variance and we think that the benefits outweigh the original intent of the code and would also ask for you to consider the following when making the decision to grant the variance or SUP:

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.

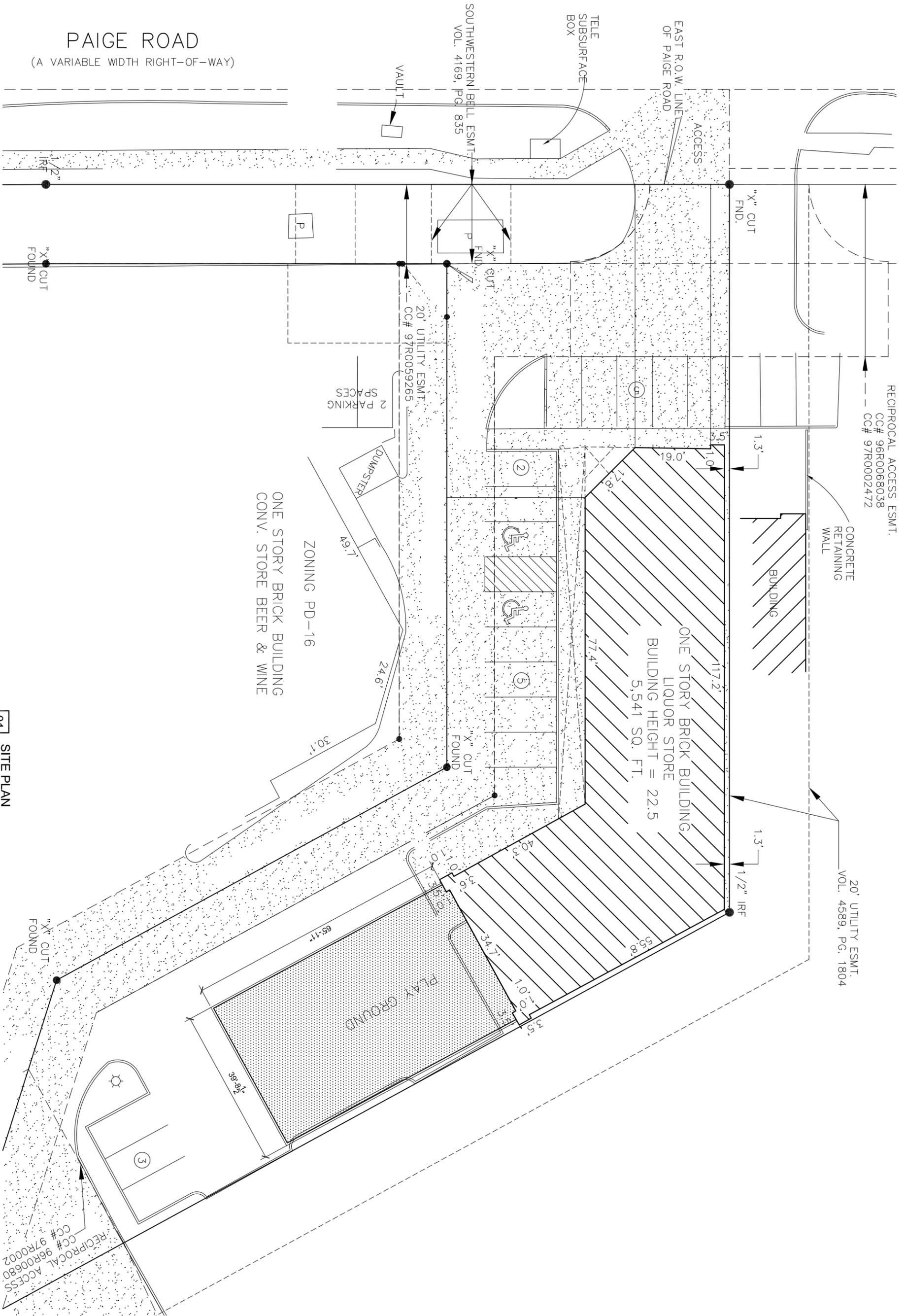
Sincerely,

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

Ziggy and Terri Pflaster

PAIGE ROAD

(A VARIABLE WIDTH RIGHT-OF-WAY)



01 SITE PLAN
SCALE: NTS

Engineer:

CSC CHRIS STEPHAN CONSTRUCTION, LLC
301 S. Sherman St., Suite #117 Richardson, TX 75081
Cell: (214) 315-0349 Fax: (903) 347-0980
Email: cstephanconstruction@gmail.com

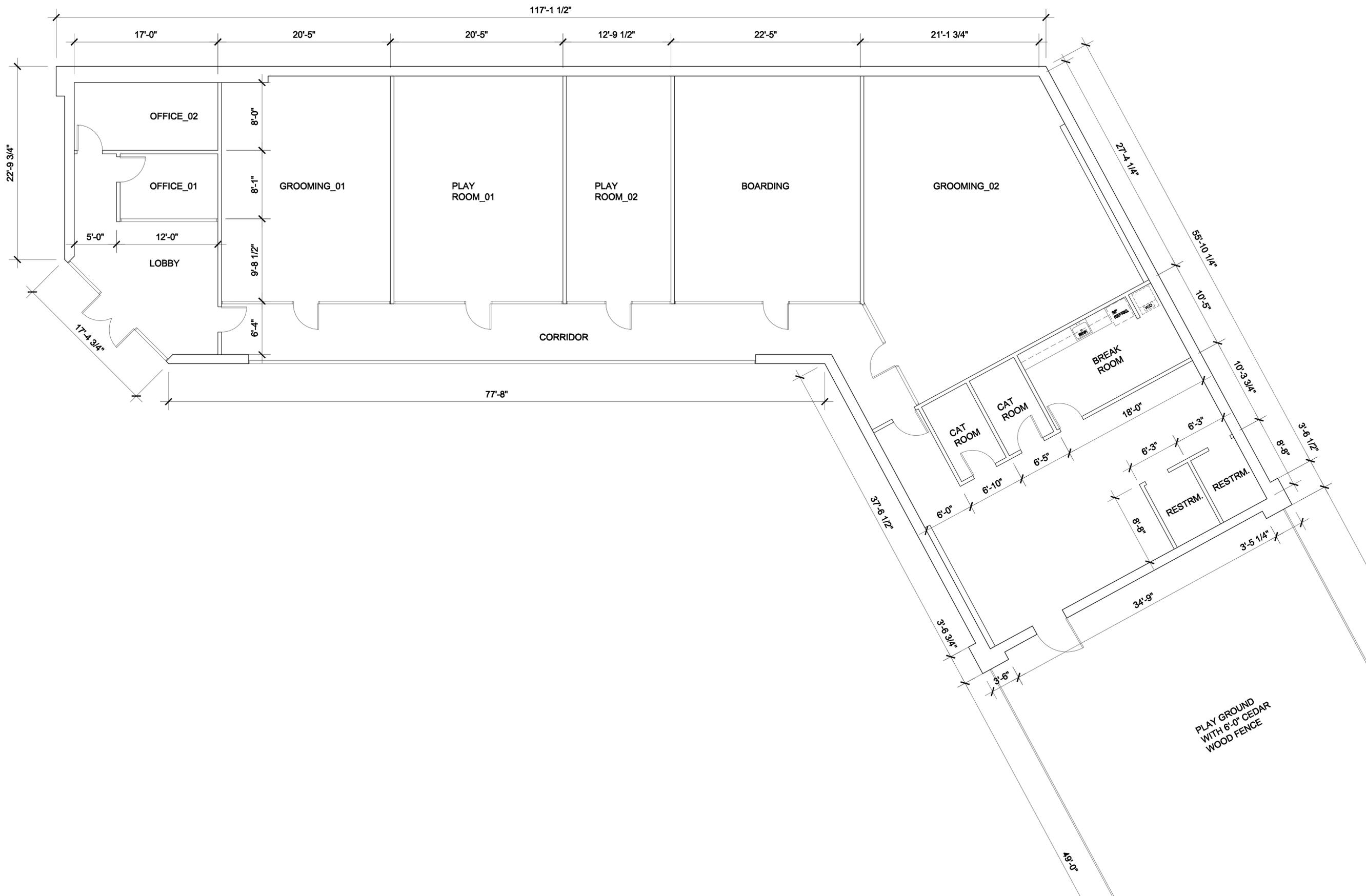
No.	Date	Description

Revisions:

Project No.: E335
Issue Date: 04/27/16
Drawn By: Kd

Project Name:
PET GROOMING
State Hwy 121 & Paige Road TX 7...

Sheet Number:
A1-3



Engineer:

**CHRIS
STEPHAN
CONSTRUCTION, LLC**



301 S. Sherman St., Suite #117 Richardson, TX 75081
 Cell: (214) 315-0549 Fax: (903) 347-0980
 Email: cstephanconstruction@gmail.com

Revisions:

No.	Date	Description

Project No.: E335

Issue Date: 04/27/16

Draw By: kd

Project Name:

PET GROOMING

State Hwy 121 & Paige Road TX 7...

Sheet Number:

A2-1