



Meeting Minutes
Planning and Zoning Commission

Tuesday, July 12, 2022

5:00 PM

Council Chamber

4:30 - 5:00 PM - Work Session for Agenda Review

The work session was opened by Chairman Mercer at 4:31 p.m.

Since PZ 22-003 is a continuation from the June meeting of the Planning & Zoning Commission, it was decided that Commissioner Walsh would continue as Acting Chairman for today's public hearing on this agenda item.

Chairman Mercer asked City Planner Jessica Rees to present the items for today's agenda.

For item PZ 22-003, Mrs. Rees stated that Staff has received no new information from the applicant since the last public hearing, so there are no updates or items to present at this time. The applicants will be in attendance during the public hearing and can provide the Commission with any updates that they may have.

Commissioner Walsh asked if Staff's recommendation on the case has changed since the last public hearing. Mrs. Rees stated that Staff's recommendation for denial remains the same.

As a new member who was not present at the last meeting, Commissioner Hudson asked for background on Staff's recommendation to not approve the request. Mrs. Rees explained that lack of parking is the biggest issue for Staff's recommendation. For any new, multifamily building being constructed today, the parking requirement is one parking space per bedroom. Based on the scope of work for the proposed project, it would be required that everything including parking be brought up to today's code standards. What has been presented to the Commission by the applicant is a concept for the building to have thirty (30) bedrooms, while making no increases to the parking, which is currently only seven (7) spaces.

Mrs. Rees then moved on to present agenda item PZ 22-004. This is a request to amend PD 1-R with approval of a detailed site plan to build a new building at 6600 Snider Plaza. About one year ago, the property owner had requested and was approved to build a three story structure with two levels of underground parking. For reasons that the applicant can speak to during the public hearing, they have now decided to go a different direction with the building, so they are seeking to amend the approved detailed site plan. An aerial photo and map was shown of the (200) foot buffer around the property. Property owners within this area received notice of the public hearing by mail. Of eighteen (18) notices mailed out, staff received three (3) responses prior

to the meeting; (1) undecided and (2) in opposition.

Staff presented copies of the previously approved plan to compare to what is currently being requested. The first floor is staying basically the same. The biggest difference to this plan is that they are doing away with the underground parking area, instead adding nine (9) parking spaces in the back which will be on private property. The parking spaces to be added are slightly smaller than the required 9' x 20' due to the turning angle needed based on the width of the alley. Staff does not have an issue with these smaller spaces as there is a five (5) foot sidewalk in the back of the property that could be slightly reduced to increase the area for the parking. The proposed plan meets the parking ratio requirements for the Planned Development District. The second floor layout is around (5,700) square feet of office space. The overall structure is now planned to be two (2) stories instead of three (3), and falls within the allowable height requirements. Elevation renderings for the building were displayed, showing views of the building from both the Snider Plaza side and the Daniel Avenue side.

With no further items for discussion, the work session was closed at 4:56 p.m.

Call to Order

The meeting was called to order by Chairman, Blair Mercer at 5:00 p.m.

Introduction of Commission Members

Present: 5 - Chairman Blair Mercer, Commissioner Doug Roach, Commissioner James Bristow, Commissioner John Walsh, and Commissioner Rusty Goff

Excused: 3 - Commissioner David DeLorenzo and Commissioner Doug Hanna

Seated: 2 - Commissioner Stephen Hudson and Commissioner Brian Smoot

Staff in Attendance

Jessica Rees, City Planner
Ashley Wendler-Moulton, Plan Reviewer/Inspector
Rob Dillard, City Attorney

The Planning and Zoning Commission of the City of University Park will conduct a public hearing in the Council Chamber. Consideration will be given to the following item(s):

[PZ 22-003](#)

Consider a request by Masterplan to create a Planned Development District and approval of a detailed site plan for an existing multifamily structure. The subject site is located at 3312 Daniel Avenue and currently zoned Multifamily 3.

The first case on today's agenda is Case PZ 22-003. This is a continuation from the June 14, 2022 meeting of the Planning & Zoning Commission in which the public hearing was left open. Current Chairman Blair Mercer turned the meeting over to Commissioner John Walsh who was Acting Chairman during the public hearing held on June 14, 2022.

Acting Chairman Walsh stated for the record that the Commissioners here tonight are the same Commissioners who heard the public hearing and the reports at the last meeting. Before opening the floor to comments from the public, Acting Chairman Walsh asked if Staff or the requesting party had anything to present for the continuation of this case.

City Planner Jessica Rees stated that Staff was not provided with any additional information or new items since the last meeting. Therefore, Staff's recommendation for denial on the case has not changed, and there are no further items to present.

Acting Chairman Walsh invited Dallas Cothrum with Masterplan to begin his presentation. Mr. Cothrum introduced himself and stated that he is a resident of 6700 Golf.

Mr. Cothrum stated that he and his clients have looked at the plan, and can drop the number of bedrooms down to twenty-eight (28). His clients would like to speak later in the meeting to give information on how this number of units was reached. Mr. Cothrum stated that he still does not know that parking is the biggest challenge that the city is facing, nor that this particular property is the only factor in the parking issue. By lowering the number of bedrooms to twenty-eight (28), that is almost a 15% decrease and considerably less need for parking. Moreover, SMU is willing to sell parking passes to residents of the building to be able to use the parking garage directly next door to the property. Additionally, Mr. Cothrum presented a slide showing parking options that are within 1/4 mile of the property. As reported during the June meeting, neighborhood support for the project has been positive, and to date there have been sixty-seven (67) letters in favor of the remodel. Most people believe the premise of this project would change the student profile while lowering the density and improving the structure, and these are all good. However, this project will never get to the number needed to meet the parking requirement. Mr. Cothrum and his clients feel that the opportunity to improve the property shouldn't be passed on, as the building is historically worth preserving, has merit and still has a youthful life span.

Keith Casey of 7 High Gate Drive, San Antonio, Texas approached the podium to address the Commission. Mr. Casey is one of three owners of the property at 3312 Daniel. As a property investor involved with several multi-family properties in Texas, what their firm seeks to do is not flip and sell properties. Instead they look for opportunities in old structures in desirable areas that need to be improved and rehabbed for today's market. For this property, Mr. Casey and his team have explored the options for the project from all angles. Economically the option is not there to tear down and rebuild with underground parking. However, they were able to scale the plans down to twenty-eight (28) bedrooms. Mr. Casey also reiterated that the target tenant

population for this property is for single parents and families that are looking for rental space within HPISD, along with adjunct professors, law students and masters students of SMU. Currently 68% of the building is rented out, and this is the tenant dynamic. This dynamic is important because it means that the breakdown is not necessarily a car per bedroom when there are families with young children renting the units. SMU has affirmed that they will continue to sell parking passes to residents of the property, regardless if they are affiliated with SMU, and this will allow parking in the garage directly next door to the building. Along with the reduction in bedrooms, an optional concept was designed that would create fourteen (14) parking spaces instead of just seven (7). While their team is not able to completely solve the parking situation, they feel that they are able to dramatically improve upon it while working to achieve the common vision of transforming the property to meet the community's standards as well as addressing all the building's safety issues.

Jay Cutcher of 3945 Dalgreen Drive, Dallas, Texas approached the podium to address the Commission. Mr. Cutcher is one of three owners of the property at 3312 Daniel. His firm, CI Management, has redeveloped multiple properties in the East Dallas area, and has a good track record with this type of project. The property at 3312 Daniel is the first project for their firm in University Park.

Acting Chairman Walsh asked if anyone from the public would like to speak for or against the project, to please come to the podium. There were no speakers for or against the project.

Acting Chairman Walsh asked if any of the fellow Commissioners had any questions for Staff or the property owners.

Commissioner Blair Mercer stated that he had several comments and questions, because there have been a few things presented today that he doesn't feel like Staff has had the opportunity to review. First, with parking being the big issue, since the last meeting, the Commission and Staff were not aware of any type of agreement being in place with SMU in regards to the parking garage. If that is something that is new, then it would need to be presented to Staff for their review, as a formal document. Secondly, City Attorney Rob Dillard pointed out at the last meeting that the number of bedrooms is a concern in regards to the occupancy ordinance. The concept plan is saying that there are a reduced number of beds, but how does that affect the occupancy ordinance? Again, this would need to be presented to Staff for their review.

Mr. Cutcher stated that Staff has a copy of the parking agreement that has been in place with SMU, going back many years. Although this agreement is not going to be renewed, SMU has agreed to allow the tenants to individually purchase parking passes that would allow them to use the garage. City Planner Jessica Rees stated that Staff does have a copy of the property's parking agreement with SMU that expired in June 2022. But if there is a new agreement in place, Staff has not seen or received a copy of it. Mr. Cutcher responded that there is not a formal agreement, and anyone from the public can purchase the parking passes from SMU to then be able to use the law school's parking garage.

Mr. Cothrum further explained that SMU is not going to sign a new parking agreement for the tenants of the building at 3312 Daniel. However, while it may not be a parking agreement, SMU is willing to sell parking passes to the tenants, and this particular garage will be converted to an all-student parking area accessible to anyone with a parking pass. Mr. Cothrum mentioned that there was a similar situation for the parking at Hotel Lumen, and it also doesn't meet the code parking requirement. That is the nature of a community that is more than 100 years old, and short of tearing the building down, we aren't going to solve the parking problem. Mr. Cothrum and his team are trying to make the building structurally better, and if unsuccessful in this case, the building will continue to operate as legally nonconforming with the same eight (8) parking spaces, and the improvements will probably not be done.

Commissioner Mercer clarified that if there is a current parking agreement between the property owner and SMU, it has not been presented to Staff since the last meeting. With parking being the most important issue in this case, if there is a formal parking agreement providing a possible solution, then this needs to be shown to Staff and the Commission. Mr. Cothrum responded that SMU does not want to do a formal agreement, as they are not extending the parking lease agreement that has been in place for decades. Therefore it will not meet code, as it is only a good faith letter, which could be taken away.

Acting Chairman Walsh added that what the Commissioners are hearing today is that there is the potential for more parking spaces and less bedrooms, but, there have been no actual plan submittals showing these changes. As the Commission is being asked to consider this property for a Planned Development District, which by definition is fairly specific, then there needs to be specific plans for the request that are submitted to Staff with enough time prior to the hearing so that these items can be placed in the agenda packets for the Commission's review. Acting Chairman Walsh asked City Attorney Rob Dillard if the Commission can even vote to approve a Planned Development District if an official plan has not been submitted. Mr. Dillard replied that no, without an officially submitted plan, the Commission would not be able to approve a request for a Planned Development District.

Mr. Cothrum voiced that a month was simply not long enough for he and his team to work on getting the number of units down, visit with SMU in regards to the parking agreement and develop a new site plan. He also stated that during this time, the owners were trying to weigh their options to determine what is going to be the most beneficial, whether it is leaving the building as a legally nonconforming structure, or, investing the money to improve the property. Additionally, he and his team would like more advice and feedback from Staff and the Commission on a plan that could be approved, and if they are even close with getting the number of bedrooms down to twenty-eight (28).

Acting Chairman Walsh stated that he doesn't want the Commission to come across as not listening or not giving feedback, and he feels that feedback was offered at the last hearing in regards to what needs to be done to create an acceptable plan. And while the Commission appreciates seeing the letters of

support from residents, with no revisions or additional items being submitted prior to today's hearing, the Commission's decision can't be based on just the support of fifty or so residents. It must be based on what is best for the City.

Commissioner Roach stated that if there was in fact a parking agreement with SMU, that could potentially change the decision. Mr. Cothrum said that he again does not feel like SMU wants to enter into a formal agreement in regards to parking, although they are willing to sell the parking passes to the tenants of the property. If having a formal parking agreement is something that would make a difference for the case, then Mr. Cothrum and his team are willing to discuss this with SMU.

Commissioner Mercer stated that even if the parking agreement with SMU is worked out, there is still the issue of the occupancy ordinance that needs to be addressed.

Acting Chairman Walsh addressed Mr. Cothrum advising that he and his team regroup to find a solution to the parking and occupancy issues, and to create and submit an official plan that can be presented to the Commission as a request for a Planned Development District. At this time, with no new information or plan submittals from the requestor, and no one further to speak on the case, Commissioner Walsh recommended that the public hearing be closed.

With this, a motion was made by Commissioner Goff, seconded by Chairman Mercer, that the public hearing on Case PZ 22-003 be closed. The motion carried by a unanimous vote.

Acting Chairman Walsh asked for any discussion or questions from Commission members.

City Attorney Dillard further advised that nothing said at today's hearing resolves the parking issue, as there must be a written agreement. Credit for off-street parking spaces would not be given based on the tenants having SMU parking passes. Secondly, the bigger issue in this matter is the occupancy ordinance. This type of building design is ready made for violations of the occupancy ordinance, and no matter what the current demographic of the property is, there are no guarantees to say that the same demographic will exist in six months.

Acting Chairman Walsh asked if this items can be tabled, or withdrawn by the requestor, or does the Commission need to do an up and down vote on the item? City Attorney Dillard stated that the Commission can take it under advisement and close the public hearing, the applicant can change their plan and bring it back, or they can withdraw and not be prejudiced by the waiting period.

Mr. Cothrum addressed the Commission, stating that at this time, he and his team feel the best decision is for the case to be held under advisement, and that a new date not be set. Once the applicant and his team have had a chance to work on a solution and a new plan for the request, it will be

presented to Staff and then brought back to the Commission. Or, if his team decides to not continue on with the request, it will be withdrawn.

A motion was made by Commissioner Goff, seconded by Commissioner Bristow, that Case PZ 22-003 be tabled for an undefined period of time, and if Mr. Cothrum and the ownership decide to come back to Staff, then the Commission can go through the normal process of hearing the case again. The motion carried by a unanimous vote.

PZ 22-004

Property Owner, Jim Strode, requesting to amend Planned Development District 1-R with approval of a detailed site plan to build a new building at 6600 Snider Plaza. The property is zoned Planned Development District 1-R.

Chairman Mercer opened the public hearing for Case PZ 22-004, and gave the floor to City Planner Jessica Rees to begin her presentation.

Mrs. Rees began her presentation by PowerPoint, showing an aerial photo and map of the (200) foot buffer around the property. Property owners within this area received notice of the public hearing by mail. Of eighteen (18) notices mailed out, staff received three (3) responses prior to the meeting; (1) undecided and (2) in opposition.

For any Planned Development District, if there are requests for dimensional changes to the structure, a site plan and related building plans must be submitted and approved for the amendment. About one year ago, the property owner had requested and was approved to build a three story structure with two levels of underground parking. As things have changed, the applicant has now submitted a detailed site plan to instead build a two story structure with no underground parking. A rendering of the proposed first floor was shown. This level would have two (2) tenants and nine (9) parking spaces on private property behind the building. The proposed second floor rendering is for office space.

For this Planned Development District, there are several design elements that must be met, three of them being the installation of a sidewalk zone, a maximum building height of less than three (3) stories or forty-six (46) feet, and clear glass windows for 60-80% of the ground floor facade. The detailed site plan that has been submitted for this request does meet these requirements. A breakdown of the square footage for both floors and for the total building was shown. Parking requirements for the building were shown. A total of seventy-nine (79) spaces would be required for the building. This breaks down into seventy (70) spaces for the retail or restaurant space on the first floor along with nine (9) spaces for the second floor office space. The proposed site plan meets this requirement with seventy (70) parking spaces provided for in Snider Plaza and the remaining nine (9) spaces to be provided for on private property behind the building. Elevation renderings for the building were displayed, showing views of the building from both the Snider Plaza side and the Daniel Avenue side.

Staff's recommendation is for the Commission to review the merits of the proposed plan, conduct a public hearing for additional community comments

and to consider a recommendation to the City Council. The applicant is here today if the Commission has any questions for him.

Chairman Mercer asked if anyone from Strode Property Company had anything to present.

Mr. Adam Richey with Strode Property Co., 6565 Hillcrest Avenue, Suite #210, introduced himself to the Commission. Mr. Richey stated that when they took the originally approved project to market for bid, the costs to build the underground parking area were too high, which made the project economically unfeasible. Upon redesign of the project, Strode made sure that all of the required elements of the Planned Development District were in place so that they would not be asking for any type of a variance. The total square footage of the project has been reduced by almost half, and the parking all falls within the boundaries of the Planned Development District.

Chairman Mercer asked if anyone from the public would like to speak for or against the project, to please come to the podium. There were no speakers for or against the project, so the public hearing was closed by the Chairman.

Chairman Mercer asked for any discussion or questions from the Commission members. Commissioner Roach stated that the plan looked good. Commissioner Goff stated that he appreciated seeing a submitted plan that met all of the requirements of the Zoning Ordinance and Staff.

A motion was made by Commissioner Walsh, seconded by Commissioner Roach, that the amendment requested in Case PZ 22-004 be recommended for approval. The motion carried by a unanimous vote.

Consider the previous meeting minutes with or without corrections:

[22-126](#)

P&Z Minutes 06.14.22

A motion was made by Commissioner Walsh, seconded by Commissioner Bristow, that the Minutes from June 14, 2022 be approved. The motion carried by a unanimous vote.

ADJOURNMENT: With there being no further business before the Commission, Chairman Mercer adjourned the meeting at 5:46 p.m.

Approved by:

Chairman Blair Mercer

Date