



**Meeting Minutes**  
**Planning and Zoning Commission**

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**Tuesday, August 9, 2022**

**5:00 PM**

**Council Chamber**

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

The work session was opened by Chairman Mercer at 4:30 p.m.

City Planner Jessica Rees stated that we have two (2) items on the agenda today. Mrs. Rees stated that if preferred, Chairman Mercer can ask that the order of the agenda items be switched, as the second item, PZ 22-006, will be a quicker presentation and will probably require less discussion. Chairman Mercer agreed, and stated that PZ 22-006 will be presented first during the hearing.

Mrs. Rees presented Case PZ 22-006 to the Commission by PowerPoint, stating that Property owner Highland Park Presbyterian Church is requesting to amend Planned Development District 36 with approval of a detailed site plan to construct a new fountain within the existing Rhodus Garden Courtyard. The property is addressed 3821 University Boulevard and zoned Planned Development District 36. An aerial photo was shown of the (200) foot buffer around the property. Property owners within this area received notice of the public hearing by mail. Of thirty-one (31) notices mailed, staff received one (1) response prior to the meeting that was in favor of the amendment.

Mrs. Rees presented the detailed site plan for the entire church campus and indicated the courtyard area for the placement of the proposed fountain. This is an exterior courtyard, however, it is encased by the church buildings and is not visible from the street. The design, dimensions and water depth of the fountain were displayed.

Chairman Mercer asked how this request was initiated. Mrs. Rees stated that plans for the fountain were submitted for a permit request, and at that time, the applicant was told that because the church falls within a Planned Development District, requests to amend the existing site plan would require a recommendation from the Planning and Zoning Committee and final approval from City Council.

Mrs. Rees moved on to present item PZ 22-005 before the Commission. For this item, property owners John and Jae Carpenter are requesting to amend Planned Development District 6 (PD-6) with approval of a detailed site plan to build a new single-family structure at 6108 Golf Drive. The property is zoned Planned Development District 6. An aerial photo was shown of the (200) foot buffer around the property. Property owners within this area received notice of the public hearing by mail. Of twenty-four (24) notices mailed, staff received three (3) responses prior to the meeting, all of which were opposed to the

request.

Planned Development District 6 (PD-6) is the biggest Planned Development District that we have in the City. For this reason, it is written that as long as requested amendments from property owners within this district meet code, they do not have to have their request approved before the Planning and Zoning Commission and City Council. However, if the requested amendment does not meet current code, approval from the Planning and Zoning Commission and Council is required, which is why this case is before the Commission today. This is not a request for a variance, which would have gone before the Board of Adjustment, but instead, a requested amendment to the detailed site plan. For the plan that has been submitted by the property owners, they are asking to change the required minimum setback of three (3) feet for a side accessory structure to be approved for their plan at two (2) feet to allow for the detached garage. Additionally, the maximum plate height allowed is twenty-three (23) feet, and the owners are asking for this to be amended to allow them to have a max of twenty-four (24) feet five (5) inches for the planned balcony on the front of the home.

Commission members asked about an alternative option for the garage orientation, whether or not a balcony should be considered in the determination of the maximum plate height, and if the current plan meets the allowed impermeable calculations. Mrs. Rees stated that from Staff's opinion, the garage could be reconfigured and attached to the house to meet the current setback requirements, and the owners would still have room for their planned pool. Mrs. Rees also stated that the current plan is in compliance with the impermeable calculations. Commissioner Goff stated that from a construction standpoint, the plate height is typically determined from the area where the roof rafters bear down to the top of the plate.

Commissioners also discussed the minimum setback requirement for the detached garage, and asked if this number is determined by fire code and the amount of space needed to adequately respond to an emergency involving the structure. City Attorney Rob Dillard confirmed that yes, this is based on fire code. Mrs. Rees also added that at one time, the Zoning Ordinance did allow for a minimum two (2) feet setback on an accessory structure as long as the walls were fully fire-rated. Due to various practicality reasons, this allowance was eventually removed from the Ordinance.

The Carpenter family was in attendance and offered to answer any questions from the Commissioners. Mr. Carpenter was asked if their architect had offered any other thoughts or recommendations for placement of the garage. Mr. Carpenter stated that the detached garage was preferred so that they would be able to see their children from inside the house if they are playing in the backyard or in the pool. If the garage was attached, this would not be an option. Additionally, when the lot was purchased by, Mr. Carpenter was not aware of the alley easement, and therefore thought the lot was wider than it is, which would not have created a problem with the garage orientation. The architect also had a version of the Zoning Ordinance stating that the minimum setback allowed was two (2) feet as long as the wall was fully fire-rated. The Carpenters were prepared to install a masonry, brick or any other type of

approved fire-rated wall to meet this code. Commissioners briefly discussed what defines a fully-rated fire wall. Commissioner Goff stated that for residential construction, they do double-rock to create a two (2) hour fire wall.

With no further items for discussion, the work session was closed at 5:00 p.m.

#### *Call to Order*

The meeting was called to order by Chairman Blair Mercer at 5:07 p.m.

#### *Introduction of Commission Members*

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

**Excused:** 2 - Commissioner Duncan Fulton and Commissioner Doug Hanna

**Seated:** 3 - Commissioner David DeLorenzo, Commissioner Stephen Hudson and Commissioner Brian Smoot

#### *Staff in Attendance*

Jessica Rees, City Planner  
Amber Lively, Community Development Technician  
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 22-005](#)

Property owners John and Jae Carpenter, requesting to amend Planned Development District 6 with approval of a detailed site plan to build a new single-family structure at 6108 Golf Drive. The property is zoned Planned Development District 6.

Chairman Mercer opened the public hearing for Case PZ 22-005, and gave the floor to City Planner Jessica Rees to begin her presentation.

Mrs. Rees presented Case PZ 22-005 to the Commission by PowerPoint. An aerial photo was shown of the (200) foot buffer around the property. Property owners within this area received notice of the public hearing by mail. Of twenty-four (24) notices mailed, staff received three (3) responses prior to the meeting, all of which were opposed to the request.

The property at 6108 Golf falls within Planned Development District 6 (PD-6). Planned Development District 6 (PD-6) is the biggest Planned Development

District that we have in the City. For this reason, it is written that as long as requested amendments from property owners within this district meet code, they do not have to have their request approved before the Planning and Zoning Commission and City Council. However, if the requested amendment does not meet current code, approval from the Planning and Zoning Commission and Council is required, which is why this case is before the Commission today. Based on the plans that were submitted for the property, there are two (2) items that do not meet the current code. The property owners are asking that the required minimum setback of three (3) feet for a side accessory structure be approved for their plan at two (2) feet to allow for a detached garage. And, the maximum plate height allowed is twenty-three (23) feet, and the owners are asking for this to be amended to allow them to have a max of twenty-four (24) feet five (5) inches for the planned balcony on the main structure. The proposed site plan was shown, with views of the proposed garage and balcony.

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 family is here today if the Commission has any questions for them.

Chairman Mercer asked if the Commission had any questions for Staff. There were none.

Chairman Mercer asked if anyone from the Carpenter Family would like to make any comments on their case. Mr. John Carpenter approached the podium, and stated that his current address is 6050 N. Central Expressway, Dallas, Texas. Mr. Carpenter stated that his family purchased the lot in April 2021, and began working with their architect to get plans together for the home. Their architect was working with an online version of the City's Zoning Ordinance in regards to setbacks, and thought it was acceptable to have a minimum two (2) foot setback for the detached garage structure as long as there was a fully-rated fire wall. It wasn't until plans were submitted that the Carpenters and their architect learned that this version of the Zoning Ordinance was no longer correct. Mr. Carpenter and his family are here today asking for their requested amendments to be passed so that they can build their home, and stated that they are willing to comply with any regulations in regards to fire code that need to happen.

Chairman Mercer thanked Mr. Carpenter for his comments, and asked if any of the Commissioners had questions for the applicant. The Commissioners had no questions for Mr. Carpenter.

Chairman Mercer asked if there was anyone else present that wished to speak in favor of the proposed amendments. There were none.

Chairman Mercer asked if there was anyone who wished to speak in opposition to the proposed amendments.

Resident Meredith Sheth of 3732 Binkley, University Park, Texas, approached the podium. Ms. Sheth's home is one of the two lots that back up to the

Carpenter's property. With no offense to the Carpenters, she would like to respectfully ask that the Commission not recommend the zoning change as it will allow them to build so close to her property that it will almost be invasive. Additionally, she stated that it would not be contiguous with the neighborhood, and the area is already very crowded as it is close to the middle school which generates a heavy amount of traffic during student drop-off and pick-up. Commissioner Bristow asked Ms. Sheth if she had specific concerns in regards to the proposed garage or balcony for the home, as these are the two (2) items that are currently being considered before the Commission. Mr. Bristow asked Mrs. Sheth if her specific concerns are with the garage and where it is placed. Mrs. Sheth confirmed yes, she feels that the garage will be too close to her property. Chairman Mercer stated that the Commission understands her concern, and thanked her for her time.

Resident Alexandra Wagner of 3729 Binkley, University Park, Texas, approached the podium. Ms. Wagner stated that she understands that the Carpenters are trying to maximize the small lot, and it is nothing personal, but she is also opposed to any sort of variance to the setback requirement as it sets a terrible precedent. Her home is on a similar lot, truncated in the back on the opposite side of Binkley, and she feels that the three (3) feet setback is already really close to allow structures to be built at the property line. She would like to see our Zoning Ordinance upheld. Chairman Mercer thanked her for her time.

Chairman Mercer asked if there was anyone else who wanted to speak in opposition to the request. There were none, and the public hearing was closed.

Chairman Mercer opened the floor for discussion from the Commissioners.

Commissioner Goff stated that during the work session, Commissioners heard from Staff that previously, a two (2) foot setback was allowed with the construction of a two (2) hour fire wall. The definition of maximum plate height was also discussed during the work session, and was interpreted by Commissioners to mean the area where the roof rafters rest on the wall section. Under this interpretation, the proposed balcony rail would not be considered in the determination of the plate height.

Commissioner Roach stated that this is an extremely unique situation, and we are only talking about a matter of inches on what is being proposed and the current code. He is in favor of allowing the amendments.

Commissioner Walsh stated that our Zoning Ordinance was changed not that long ago, and the definition of plate height may not have been as clear as it could be. He has very little concern about the plate height issue in regards to the proposed balcony, and it will not be a view line to any of the neighbors. He stated that we do know that if the owners of this property wanted to build the exact same size structures and just rearrange the orientation, they could have done that in accordance with the Planned Development, and would not have had to come before the Planning and Zoning Commission. So we really are dealing with a matter of inches, and given the alternatives we discussed

in the work session, it would be a much better result to allow the requested amendments for a plan that meets all other code requirements. Commissioner Walsh would also vote in favor of approval.

Commissioner Bristow agreed that the balcony, especially since it is recessed, should not be used in the determination of the plate height for the structure. Mr. Bristow also agrees with Commissioner Walsh on the proposed garage, stating that this is a unique situation and lot but otherwise fully compliant. Given the other alternatives and the fact that we are only talking about six (6) inches, this orientation of the garage seems best, and he would vote in favor of approval with the condition of a two (2) hour fire wall being built.

Chairman Mercer asked for any other comments or discussion from the Committee. There were none.

**A motion was made by Commissioner Walsh, seconded by Commissioner Roach, that the amendments requested in Case PZ 22-005 be recommended for approval with the caveat that the garage be constructed with a two (2) hour fire wall on the south side. The motion was carried by a unanimous vote.**

#### [PZ 22-006](#)

Property owner Highland Park Presbyterian Church, requesting to amend Planned Development District 36 with approval of a detailed site plan to construct a new fountain within the existing Rhodus Garden courtyard. The property is addressed 3821 University Boulevard and zoned Planned Development District 36.

During the work session held prior to the public hearing, Planning and Zoning Commissioners determined that item PZ 22-006 would be presented before PZ 22-005.

Chairman Mercer opened the public hearing for Case PZ 22-006, and gave the floor to City Planner Jessica Rees to begin her presentation.

Mrs. Rees presented Case PZ 22-006 to the Commission by PowerPoint, stating that property owner Highland Park Presbyterian Church is requesting to amend Planned Development District 36 with approval of a detailed site plan to construct a new fountain within the existing Rhodus Garden Courtyard. The property is addressed 3821 University Boulevard and zoned Planned Development District 36. An aerial photo was shown of the (200) foot buffer around the property. Property owners within this area received notice of the public hearing by mail. Of thirty-one (31) notices mailed, staff received one (1) response prior to the meeting that was in favor of the amendment.

Mrs. Rees presented the currently approved, detailed site plan for the entire church campus and indicated the courtyard area for the placement of the proposed fountain. This is an exterior courtyard, however, it is encased by the church buildings and is not visible from the street. The design, dimensions and water depth of the fountain were displayed.

Staff has no objections to the request. The applicant is here today if the Commission has any questions.

Chairman Mercer asked if the applicants would like to speak in regards to their request. Joanna Hampton with the architectural firm Omniplan introduced herself and offered to answer any questions from the Commission.

Chairman Mercer asked if anyone present for the public hearing wanted to speak for or against the request. There were none.

Chairman Mercer closed the public hearing, and asked if there were any questions or discussions from the Commissioners. There were none.

**A motion was made by Commissioner Walsh, seconded by Commissioner Roach, that the amendment requested in Case PZ 22-006 be recommended for approval. The motion was carried by a unanimous vote.**

*Consider the previous meeting minutes with or without corrections:*

[22-144](#)

Planning & Zoning - Meeting Minutes 07.12.22

**A motion was made by Commissioner Bristow, seconded by Commissioner Walsh, that the Minutes from July 12, 2022 be approved. The motion was carried by a unanimous vote.**

**ADJOURNMENT: With there being no further business before the Commission, Chairman Mercer adjourned the meeting at 5:27 p.m.**

Approved by:

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Chairman Blair Mercer

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Date