

City of Carrollton

1945 E. Jackson Road
Carrollton, TX 75006



REGULAR WORKSESSION & MEETING

Tuesday, June 4, 2024

5:45 PM

CITY HALL, 2nd Floor

City Council

Mayor Steve Babick
Mayor Pro Tem Nancy S. Cline
Councilmember Christopher Axberg
Councilmember Jason Carpenter
Councilmember Richard Fleming
Councilmember Andrew Palacios
Councilmember Daisy Palomo
Councilmember Rowena Watters

*****PRE-MEETING / EXECUTIVE SESSION*******5:45 P.M. – COUNCIL BRIEFING ROOM**

1. Receive **information and discuss Agenda.**
2. Council will convene in Executive Session pursuant to Texas Government Code:
 - **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional Conduct regarding confidential communication with the City Council.
 - **Section 551.087** to discuss Economic Development.
3. Council will reconvene in open session to consider action, if any, on matters discussed in the Executive Session.

*****WORKSESSION*****

4. Discuss **Final Results Of The Sale Of City Of Carrollton General Obligation Improvement Bonds, Series 2024 And Of The Waterworks And Sewer System Revenue Bonds, Series 2024.**
5. **Mayor And Council Reports And Information Sharing.**

*****REGULAR MEETING 7:00 PM*****

INVOCATION - Councilmember Andrew Palacios

PLEDGE OF ALLEGIANCE - Councilmember Richard Fleming

PUBLIC COMMENT

- 6. Hearing of any citizen/visitor on items listed on the regular meeting agenda. Citizens wishing to address the Council regarding items not on the posted agenda will be called to speak during the Public Forum.**

Citizens/visitors should complete an appearance card located on the table at the entrance to the City Council Chambers. Speakers must address their comments to the presiding officer rather than to individual Council members or staff; Stand at the podium, speak clearly into the microphone and state your name and address prior to beginning your remarks; Speakers will be allowed between 2 and 5 minutes for testimony; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room; Unauthorized remarks from the audience, stamping of feet, whistles, yells, clapping, and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chambers or in any other room in which the Council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.

CONSENT AGENDA

*(*All items marked with a single asterisk are part of a Consent Agenda and require no deliberation by the Council. Each Council member has the prerogative of removing an item from this agenda so that it may be considered separately. Contracts and agreements are available in the City Secretary's Office.)*

MINUTES

- *7. Consider Approval Of The May 14, 2024 Regular Meeting Minutes.**

CONTRACTS & AGREEMENTS

- *8. Consider Authorizing The City Manager To Execute Change Order No. 2 With C. Green Scaping, LP For The Hebron Parkway Guardrail And Live Screening Improvements Project On The South Side Of Hebron Parkway And Adjacent To The Estates Of High Country Neighborhood In An Amount Not To Exceed \$93,316.00, Increasing The Total Project Contract To An Amount Not To Exceed \$872,559.00.**

RESOLUTIONS

- *9. Consider A Resolution Authorizing The City Manager To Enter Into A Professional Services Contract For System And Account Auditing For The Utility Customer Service Billing System By Iteres Group, LP In An Amount Not To Exceed \$100,000.00.**

- *10.** Consider A Resolution Authorizing The City Manager To Negotiate And Execute An Economic Development Grant Incentive Agreement With Fenway Development, Inc. For The Removal And Replacement Of Trees Under Overhead Power Lines At The Carroll Crest Subdivision Along Crosby Road, East Of Broadway, In An Amount Not To Exceed \$52,691.75.
- *11.** Consider A Resolution Appointing A Member To The Metrocrest Hospital Authority.

PUBLIC HEARING - INDIVIDUAL CONSIDERATION

- 12.** Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Establish A Special Use Permit To Allow A Tattoo Parlor On An Approximately 0.976-Acre Tract Zoned Planned Development 124 (PD-124) For The (LR-2) Local Retail District And Located At 1621 West Hebron Parkway And Encircled By Fairway Court And Along West Hebron Parkway; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2024-039 Kultura Tattoo.
- 13.** Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Establish A Special Use Permit To Allow A Smoke Shop Retailer On An Approximately 0.80-Acre Tract Zoned (DTC) Downtown Transit Center District And Historic Square Sub-District, And Located At 1014 South Broadway, Suite 104; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2024-036 Vape And Smoke Retail.
- 14.** Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Establish A Special Use Permit To Allow Miscellaneous Manufacturing On An Approximately 1.45-Acre Tract Zoned For The (LI) Light Industrial District And Located At 3218 Skylane Drive And Approximately 680 Feet East of Commander Drive; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2024-024 Umbrella Scents.

PUBLIC FORUM

- 15. Hearing of any citizen/visitor on items not listed on the regular meeting agenda. Citizens wishing to address the Council regarding items on the posted agenda will be called to speak during the Council's consideration of such items.**

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ADJOURNMENT

CERTIFICATE - I certify that the above agenda giving notice of meeting was posted on the bulletin board at the City Hall of Carrollton, Texas on the 31st day of May 2024 at 12:00pm.

Chloe Sawatzky

Chloe Sawatzky, City Secretary

This building is wheelchair accessible. For accommodations or sign interpretive services, please contact City Secretary's Office at least 72 hours in advance at 972-466-3001. Opportunities and services are offered by the City of Carrollton without regard to race, color, age, national origin, religion, sex or disability.

Pursuant to Section 551.071 of the Texas Government Code, the City Council reserves the right to consult in a closed meeting with its attorney and to receive legal advice regarding any item listed on this agenda. Further, the Texas Open Meetings Act, codified in Chapter 551 of the Texas Government Code, does not require an agenda posting where there is a gathering of a quorum of the City Council at a regional, state or national convention or workshop, social function, convention, workshop, ceremonial event or press conference. The City Secretary's Office may occasionally post agendas for social functions, conventions, workshops, ceremonial events or press conference; however, there is no legal requirement to do so and in the event a social function, convention, workshop, ceremonial event or press conference is not posted by the City Secretary's Office, nothing shall preclude a quorum of the City Council from gathering as long as "deliberations" within the meaning of the Texas Open Meetings Act do not occur.

FIREARMS PROHIBITED at City Council meetings pursuant to Texas Penal Code Sections 46.035(c) and 30.05.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6706

Agenda Date: 6/4/2024

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 4.

CC MEETING: June 4, 2024

DATE: May 29, 2024

TO: Erin Rinehart, City Manager

FROM: Diana Vaughn, Chief Financial Officer
Chrystal Davis, Assistant City Manager

Discuss **Final Results Of The Sale Of City Of Carrollton General Obligation Improvement Bonds, Series 2024 And Of The Waterworks And Sewer System Revenue Bonds, Series 2024.**



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo File Number: 5231

Agenda Date:

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 5.

Mayor And Council Reports And Information Sharing.



Agenda Memo

Agenda Date:

Version: 1

Status: Public Forum

In Control: City Council

File Type: Public Forum

Agenda Number: 6.

Hearing of any citizen/visitor on items listed on the regular meeting agenda. Citizens wishing to address the Council regarding items not on the posted agenda will be called to speak during the Public Forum.

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City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6709

Agenda Date: 6/4/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: *7.

CC MEETING: June 4, 2024

DATE: May 30, 2024

TO: Erin Rinehart, City Manager

FROM: Chloe Sawatzky, City Secretary

Consider **Approval Of The May 14, 2024 Regular Meeting Minutes.**

**CARROLLTON CITY COUNCIL
REGULAR MEETING AND WORKSESSION
MAY 14, 2024**

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, May 14, 2024 at 6:30 p.m. with the following members present: Mayor Steve Babick, Mayor Pro Tem Nancy Cline, Deputy Mayor Pro Tem H.A. “Rusty” Pendleton, Councilmembers Christopher Axberg, Jason Carpenter, Richard Fleming, Andrew Palacios, and Daisy Palomo. Also present were City Manager Erin Rinehart, Assistant City Managers Marc Guy and Chrystal Davis, City Attorney Meredith Ladd and City Secretary Chloe Sawatzky.

6:30 P.M. – COUNCIL BRIEFING ROOM

*****PRE-MEETING *****

Mayor Babick called the meeting to order at 6:30 p.m.

1. Receive information and discuss Agenda.

Agenda items were reviewed. Staff responded to Council’s questions.

City Secretary Chloe Sawatzky told the Council that Consent Items 9 and 10 (election results) have been updated with the final election results received from the Counties. Copies of those updated ordinances were provided to the Council members.

*****EXECUTIVE SESSION*****

2. Council will convene into Executive Session pursuant to Texas Government Code:
 - **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional Conduct regarding confidential communication with the City Council.
3. Council will reconvene in Open Session to consider action, if any, on matters discussed in the Executive Session.

Executive Session was not convened.

*****WORKSESSION*****

4. Mayor And Council Reports And Information Sharing.

Worksession concluded at approximately 6:45 p.m.

*****REGULAR MEETING 7:00 P.M.*****

Mayor Babick called the Regular meeting to order at 7:00 p.m.

Mayor Babick introduced several special guests who were present at the meeting. He also recognized the mothers in the room, wishing them a Happy Mother’s Day.

Mayor Babick also stated that resident and previous Councilmember Shirley Tarpley recently passed away and offered a moment of silence.

INVOCATION – Councilmember Daisy Palomo

PLEDGE OF ALLEGIANCE – Councilmember Jason Carpenter

PUBLIC COMMENT

5. Hearing of any citizen/visitor on items listed on the regular meeting agenda. Citizens wishing to address the Council regarding items not on the posted agenda will be called to speak during the Public Forum.

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Mayor Babick opened and closed the public comment period with no one wishing to speak.

CONSENT AGENDA

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Mayor Pro Tem Cline moved to approve Consent Agenda Items 6-10 (9 and 10 as amended); second by Councilmember Palomo. The motion was approved with a unanimous 7-0 vote.

MINUTES

***6. Consider Approval Of The April 16, 2024 Regular Meeting Minutes.**

BIDS & PURCHASES

***7. Consider Approval Of The Purchase And Installation Of Cardio Equipment And Weight Equipment From Comm-Fit For The Rosemeade Recreation Center Through An Inter-Local Agreement With Buy-Board In An Amount Not To Exceed \$77,612.87.**

***8. Consider Authorizing The City Manager To Reject The Proposal Received For Bid #24-019, Outdoor Fitness Equipment.**

ORDINANCES

- *9. Consider An Ordinance Canvassing The Returns And Declaring The Results Of The Special Charter Election Held May 4, 2024 To Consider Charter Propositions A-C.**
- *10. Consider An Ordinance Canvassing The Returns And Declaring The Results Of The May, 2024 General Election For Council Places 1, 3, 5, And 7.**

PRESENTATIONS

- 11. Presentation Acknowledging The Service Of Outgoing Councilmembers And Welcoming The Newly Elected Officials.**

Mayor Babick recognized City Attorney Meredith Ladd for ten (10) years of service to the City of Carrollton. He presented her with a 10-Year Challenge Coin.

Mayor Babick recognized retiring City Councilmember Rusty Pendleton. He stated that Mr. Pendleton served on the Council since 2021 and named the many committees he has served on over the years. His service and commitment to the betterment of the City were recognized. Mayor Babick presented Mr. Pendleton with a City street sign and a photo album documenting his term on Council.

Mr. Pendleton spoke and expressed his appreciation to his family, City staff, as well as former and present Council members. He reviewed his involvement in many projects and events while serving on the Council. He stated that he will continue to participate on City boards and commissions, as well as fire department functions.

Swearing In Ceremony

Re-Elected Councilmembers

- Place 1- Christopher Axberg
- Place 3- Richard Fleming
- Place 5- Nancy Cline

Newly Elected Councilmember

- Place 7- Rowena Waters

Following the administration of the Oaths of Office, each Councilmember signed their Oath documents and were given the opportunity to offer personal comments and goals for their next term.

Mayor Babick offered closing remarks. He stated the next City Council meeting will be May 21st.

ADJOURNMENT - Mayor Babick adjourned the meeting at 8:10 p.m.

ATTEST:

Chloe Sawatzky, City Secretary

Steve Babick, Mayor



Agenda Memo
File Number: 6700

Agenda Date: 6/4/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *8.

CC MEETING: June 4, 2024

DATE: May 28, 2024

TO: Erin Rinehart, City Manager

FROM: Jonathan Wheat, P.E., Director of Engineering
Marc Guy, Assistant City Manager

Consider **Authorizing The City Manager To Execute Change Order No. 2 With C. Green Scaping, LP For The Hebron Parkway Guardrail And Live Screening Improvements Project On The South Side Of Hebron Parkway And Adjacent To The Estates Of High Country Neighborhood In An Amount Not To Exceed \$93,316.00, Increasing The Total Project Contract To An Amount Not To Exceed \$872,559.00.**

BACKGROUND:

City Council awarded a contract on June 6, 2023, to C. Green Scaping in the amount of \$772,501.00 for the construction of approximately 1,035 linear feet of guardrail, sidewalk and Skyrocket Juniper along the south side of East Hebron Parkway between 1st Street and Marsh Ridge Road. The construction plans underestimated the quantities needed for the concrete sidewalk. Revised quantities have been recalculated and verified by both the contractor and the design engineer. This change order provides all labor, materials and appurtenances necessary to complete the work and will be added to the contract at the unit prices included in the original bid.

The duration of construction will extend by 21 calendar days, bringing the total construction period to 161 calendar days.

FINANCIAL IMPLICATIONS:

Change order no. 1 was approved administratively in the amount of \$6,742.00 on December 11, 2023.

C. Green Scaping submitted a proposal to the City to accomplish the work in change order no. 2 in an amount not to exceed \$93,316.00. The total amount of all change orders is \$100,058.00, resulting in a revised contract amount of \$872,559.00, which is an increase of 12.9% from the original contract amount of \$772,501.00. Funding is available in the Streets Consolidated account.

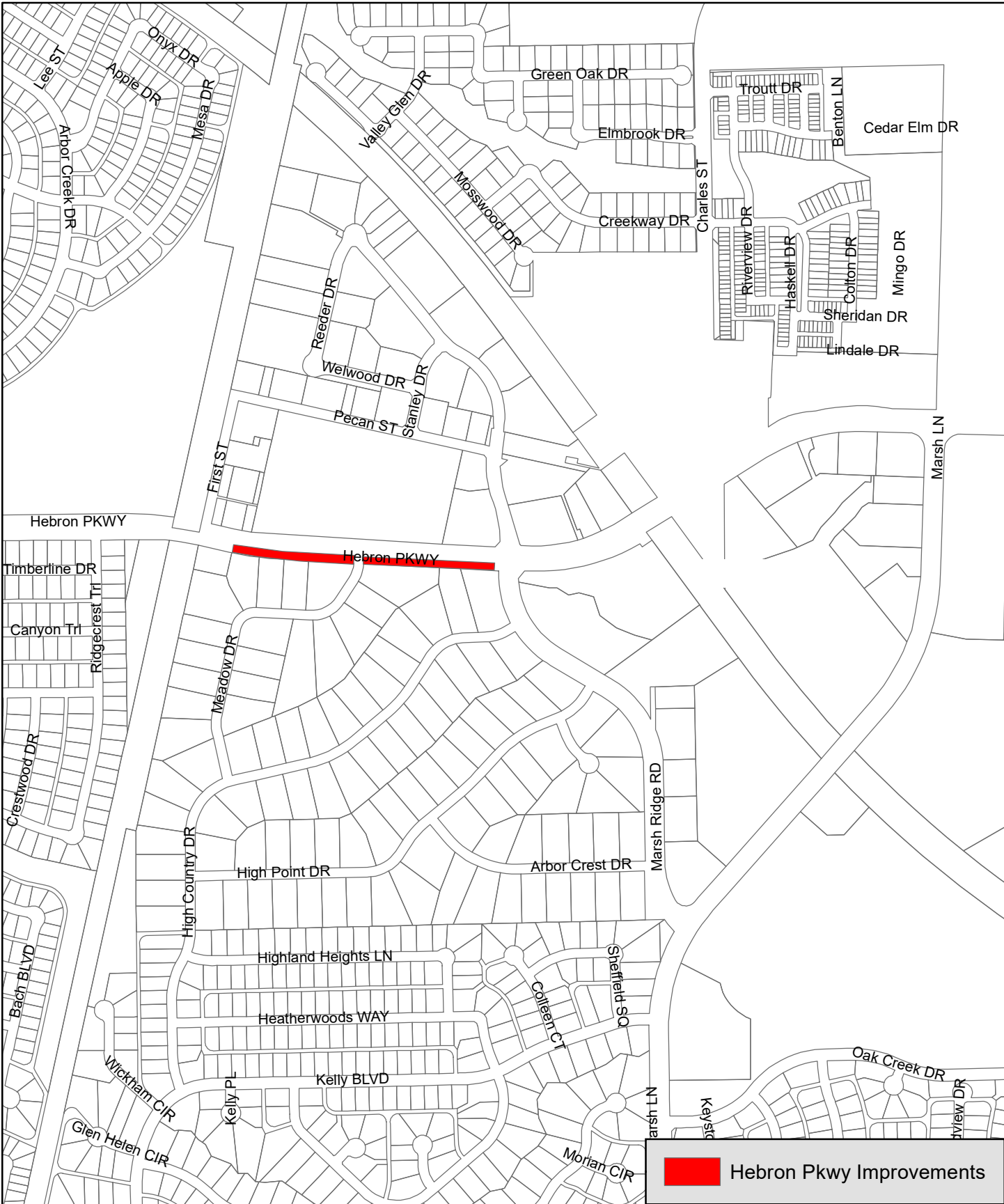
IMPACT ON COMMUNITY SUSTAINABILITY:


This project will support the City Council's strategic objectives and vision of building a community that families and businesses want to call home by:

- Sustaining quality of life - The proposed project is intended to improve the appearance of a major arterial street corridor and community entryway.

STAFF RECOMMENDATION/ACTION DESIRED:

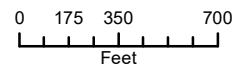
Staff recommends City Council authorize the City Manager to execute change order no. 2 with C. Green Scaping, LP in an amount not to exceed \$93,316.00, for a revised contract amount not to exceed \$872,559.00.



 Hebron Pkwy Improvements



Hebron Parkway Improvements



U:\GIS DATA\MXD\
5-8-2024 Hebron Pkwy Improvements
M.Natseway Engineering Technician



Agenda Memo
File Number: 6703

Agenda Date: 6/4/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *9.

CC MEETING: June 4, 2024

DATE: May 21, 2024

TO: Erin Rinehart, City Manager

FROM: Diana Vaughn, Chief Financial Officer
Chrystal Davis, Assistant City Manager

Consider A Resolution Authorizing The City Manager To Enter Into A Professional Services Contract For System And Account Auditing For The Utility Customer Service Billing System By Iteres Group, LP In An Amount Not To Exceed \$100,000.00.

BACKGROUND:

In December 2023, the Utility Customer Service Department implemented a new water utility billing system to replace it’s 35-year-old legacy system. This new system was also integrated with the new ERP (finance) system that went live in January 2024. As a final step in the implementation of both new systems, we are now ready to conduct a full system and account audit to ensure all system functions are operating as designed, revenues are being booked and appropriately accounted for, and customer account information is accurate.

The terms of the contract include compensation for Iteres Group to audit the systems’ billing cycles, total dollars billed by rate class and service type, total number of bills by rate class and service type, operation and age of service orders, payment balances, active and inactive meters, and meter reads.

FINANCIAL IMPLICATIONS:

Based on system size and 80,000 active services being billed across 39,000 active accounts, Iteres Group will provide 600 hours of professional services via 2 staff at a blended hourly rate of \$157.50 for a total compensation amount not to exceed \$100,000.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council authorize the City Manager to enter into a contract with Iteres Group, LP for professional system and account auditing for the Utility Customer Service’s Customer Information System.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ITERES GROUP, LP, FOR PROFESSIONAL SYSTEM AND ACCOUNT AUDITING FOR THE UTILITY CUSTOMER SERVICE'S CUSTOMER INFORMATION SYSTEM; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

SECTION 1

The City Manager is authorized to enter into an agreement with Iteres Group, LP. for Professional Audit Services at a blended hourly rate of \$157.50 for a total compensation amount not to exceed \$100,000.

SECTION 2

The City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this Resolution.

SECTION 3

That this Resolution shall take effect upon passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 4th day June, 2024.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

Approved as to form:

Approved as to content:

Meredith Ladd
City Attorney

Diana Vaughn
Chief Financial Officer



Agenda Memo
File Number: 6704

Agenda Date: 6/4/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *10.

CC MEETING: June 4, 2024

DATE: May 28, 2024

TO: Erin Rinehart, City Manager

FROM: Brett L. King, Building Official
Ravi Shah, Director of Development Services
Marc Guy, Assistant City Manager

Consider A **Resolution Authorizing The City Manager To Negotiate And Execute An Economic Development Grant Incentive Agreement With Fenway Development, Inc. For The Removal And Replacement Of Trees Under Overhead Power Lines At The Carroll Crest Subdivision Along Crosby Road, East Of Broadway, In An Amount Not To Exceed \$52,691.75.**

BACKGROUND:

The property owner and developer of Carroll Crest have requested a grant through the Tree Removal and Replacement Program to remove three trees under the power lines along Crosby Road. The trees have been affected beyond the point of rehabilitation from pruning by Oncor. These trees and stumps will be completely removed and replaced by ornamental trees that will grow outside of the area maintained by Oncor.

City Council amended the program criteria on April 16, 2024, to provide grant eligibility for trees that are located on private property, are in a strategic location and have been affected by excessive trimming. The City Council Re-Development Committee has reviewed the initial proposal and determined that it meets the intent and eligibility requirements of the Tree Removal and Replacement Program. Grants under this program are performance-based. The grant amount is \$52,691.75.

FINANCIAL IMPLICATIONS:

The property owner is eligible for a grant not to exceed \$52,691.75. The grant is receipt reimbursable. Funding is available from the Tree Reforestation Fund.

IMPACT ON COMMUNITY SUSTAINABILITY:

This project will enhance an entryway into the City along Crosby Road and support

the re-development of the surrounding area.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval of a resolution authorizing the City Manager to negotiate and execute an economic development grant incentive agreement with Fenway Development, Inc. in an amount not to exceed \$52,691.75, in accordance with the Tree Removal and Replacement Program.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY AND FENWAY DEVELOPMENT, INC., ESTABLISHING A PROGRAM OF GRANTS IN AMOUNTS NOT TO EXCEED \$52,691.75 FOR 1300, 1400, 1501 & 1603 E. CROSBY RD. AND 1410 FANNIDELLA DR., TO PROMOTE LOCAL ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY WITHIN THE CITY; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Carrollton, Texas (“City Council”), has authority to reduce blight in order to protect the health, safety, and welfare of the residents of the City of Carrollton, Texas (“City”); and

WHEREAS, the City Council has taken steps towards promoting enhanced corridor beautification; and

WHEREAS, the Carroll Crest subdivision, located at 1300, 1400, 1501 & 1603 E. Crosby Rd. and 1410 Fannidella Dr. (“Property”) is located at a major entry corridor to Downtown Carrollton within the City; and

WHEREAS, the City Council has been presented a grant request by Fenway Development Inc. (the “Owner”) to establish a program of grants in an amount not to exceed \$52,691.75 for the removal and replacement of mature trees damaged by excessive pruning along the Property, as further described in Exhibit “A”, in order to promote local economic development and stimulate business and commercial activity within the City in accordance with the City’s Tree Removal and Replacement Grant Program (a Chapter 380 Economic Development Program); and

WHEREAS, the Owner’s proposal is to make the Property suitable for a new residential subdivision, redeveloping 18.5301 acres of dilapidated property, including making improvements to the Property’s landscaping along a major entry corridor into the City and Downtown.

WHEREAS, the Property’s current estimated valuation is \$1.4M, and the Owner’s total redevelopment budget is approximately \$13.1M; and

WHEREAS, upon full review and consideration of the terms of the request, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager shall be authorized to negotiate and execute an agreement with Owner on behalf of the City of Carrollton;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

SECTION 1.

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2.

The requested terms and conditions of a proposed economic development agreement with Fenway Development Inc., having been reviewed by the City Council, and found to be acceptable and in the best interests of the City and its citizens, are hereby in all things approved.

SECTION 3.

The City Manager is hereby authorized to negotiate and execute an economic development agreement, and all other documents in connection therewith, on behalf of the City of Carrollton, substantially according to the terms and conditions set forth in this Resolution for a total grant amount not to exceed \$52,691.75.

SECTION 4.

This Resolution shall take effect upon passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 4th day of June 2024.

ATTEST:

CITY OF CARROLLTON, TEXAS

Chloe Sawatzky, City Secretary

Steve Babick, Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Meredith A. Ladd
City Attorney

Brett L. King
Building Official

Ravi Shah
Director of Development Services

Exhibit A

Location Map



Site Plan





Agenda Memo

File Number: 6707

Agenda Date: 6/4/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *11.

CC MEETING: June 4, 2024

DATE: May 30, 2024

TO: Erin Rinehart, City Manager

FROM: Chloe Sawatzky, City Secretary

Consider A **Resolution Appointing A Member To The Metrocrest Hospital Authority.**

BACKGROUND:

The City of Carrollton appointee for the Metrocrest Hospital Authority Board is up for re-appointment on July 1st of this year. Dr. Rufino Talatala, a Carrollton resident in the Country place neighborhood, has a Family Practice in Carrollton on Medical Parkway and is the current appointee. The Metrocrest Hospital Authority is requesting Dr. Talatala to be reappointed to the Board for another term.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF CITY OF CARROLLTON, TEXAS, APPOINTING A MEMBER TO SERVE ON THE METROCREST HOSPITAL AUTHORITY BOARD; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

SECTION 1

The following individual is appointed to serve on the Metrocrest Hospital Authority Board of Directors at the pleasure of the City Council for the term specified or from the date of their qualification to serve until their successors are appointed and qualified to serve.

Dr. Rufino Talatala

SECTION 2

This resolution shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 4th day of June, 2024.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

APPROVED AS TO FORM:

Chloe Sawatzky, City Secretary

Meredith A. Ladd, City Attorney



Agenda Memo
File Number: 6708

Agenda Date: 6/4/2024

Version: 1

Status: Public
Hearing/Individual
Consideration

In Control: City Council

File Type: Public Hearing

Agenda Number: 12.

CC MEETING: June 4, 2024

DATE: May 15, 2024

TO: Erin Rinehart, City Manager

FROM: Loren Shapiro, AICP, Planning Manager
Marc Guy, Assistant City Manager

Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Establish A Special Use Permit To Allow A Tattoo Parlor On An Approximately 0.976-Acre Tract Zoned Planned Development 124 (PD-124) For The (LR-2) Local Retail District And Located At 1621 West Hebron Parkway And Encircled By Fairway Court And Along West Hebron Parkway; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2024-039 Kultura Tattoo.

BACKGROUND:

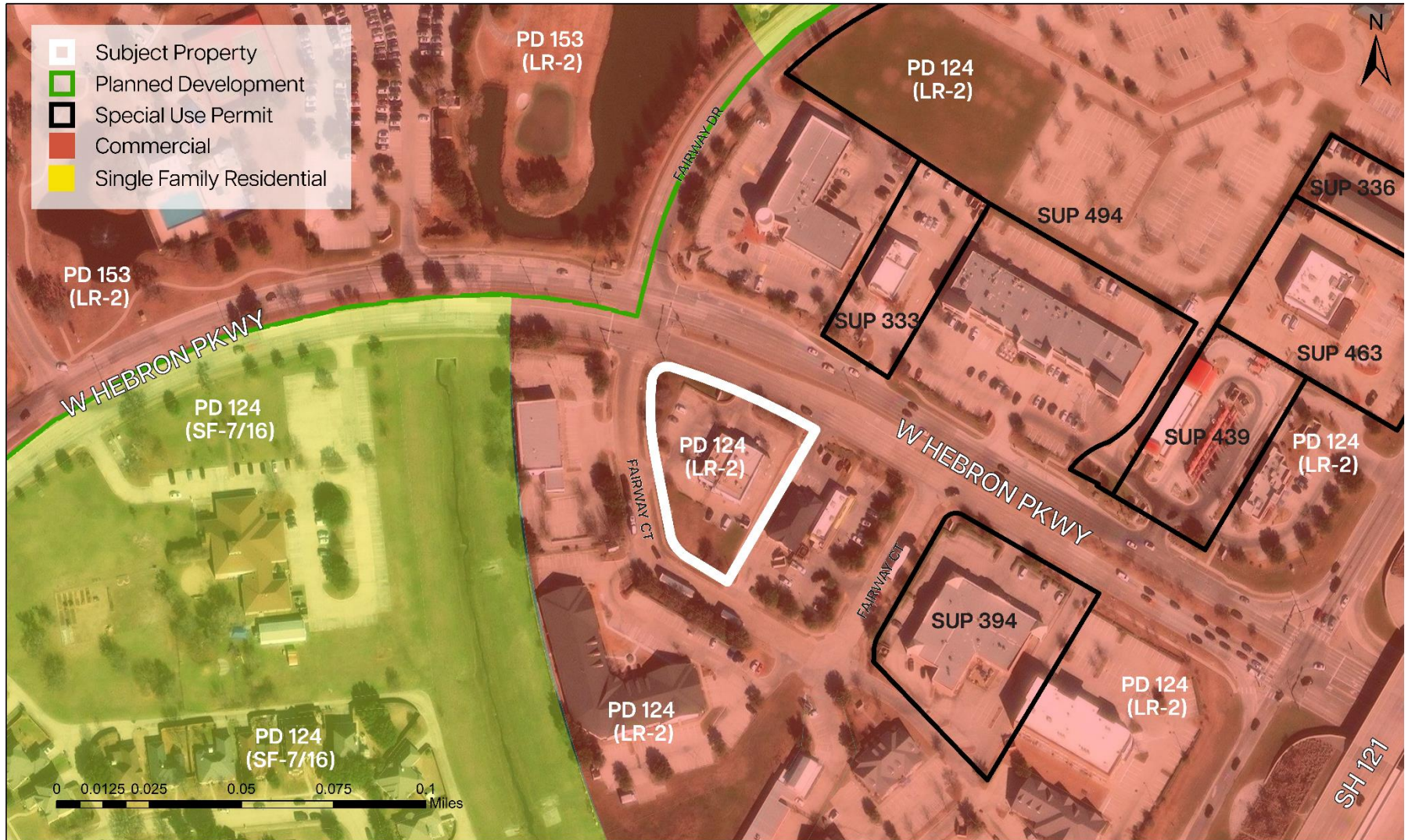
The applicant is requesting approval of a special use permit (SUP) for a tattoo parlor.

STAFF RECOMMENDATION/ACTION DESIRED:

On April 4, 2024, the Planning and Zoning Commission recommended **APPROVAL** of the request. However, on May 28, 2024, the applicant withdrew the SUP request after the public hearing notice was already mailed for the June 4, 2024, City Council meeting.

Staff recommends that City Council accept the applicant’s request for withdrawal.

SITE LOCATION AND ZONING MAP



From: [Doyle Klein](#)
To: [Emily Offer](#)
Subject: Re: [EXT]Re: PLSUP 2024-039 Kultura Tattoo
Date: Tuesday, May 28, 2024 1:49:48 PM

That's unfortunate.
I would like to withdraw the subject case.

There's a place I'm looking at that's close to the original place. Are you able to tell me if I need an SUP for this address?
4116 State Hwy 121 #100, Carrollton, TX 75010

Thank you so much,
Doyle



Agenda Memo
File Number: 6699

Agenda Date: 6/4/2024

Version: 1

Status: Public
Hearing/Individual
Consideration

In Control: City Council

File Type: Public Hearing

Agenda Number: 13.

CC MEETING: June 4, 2024

DATE: May 23, 2024

TO: Erin Rinehart, City Manager

FROM: Loren Shapiro, AICP, Planning Manager
Marc Guy, Assistant City Manager

Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Establish A Special Use Permit To Allow A Smoke Shop Retailer On An Approximately 0.80-Acre Tract Zoned (DTC) Downtown Transit Center District And Historic Square Sub-District, And Located At 1014 South Broadway, Suite 104; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2024-036 Vape And Smoke Retail.

BACKGROUND:

This is a request for approval of a special use permit (SUP) to allow a smoke shop retailer in the (DTC) Downtown Transit Center District And Historic Square Sub-District.

On December 6, 2022, the City Council approved a special use permit allowing a smoke shop retailer in the (DTC) District and Urban General sub-district at 1208 East Belt Line Road, Suite 112.

STAFF RECOMMENDATION/ACTION DESIRED:

On May 2, 2024, the Planning and Zoning Commission recommended **APPROVAL** of the request. The attached ordinance reflects the action of the Commission.

Staff recommends **APPROVAL** and adoption of the ordinance.

RESULTS SHEET

Date: 06/04/24

Case No./Name: PLSUP 2024-036 Vape and Smoke Retail

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Staff recommends **APPROVAL** of the Special Use Permit for a smoke shop retailer with the following stipulations:

1. Permitted use: Smoke Shop Retailer.
2. Smoking or consumption of the products is prohibited in the store.
3. Business days and hours of operation shall be limited to:
 Sunday - Wednesday 9:00am – 10:00pm
 Thursday - Saturday 9:00am – 12:00am
4. In the event there is any inconsistency between the text of this ordinance and any conceptual plan, the text of this ordinance shall control.

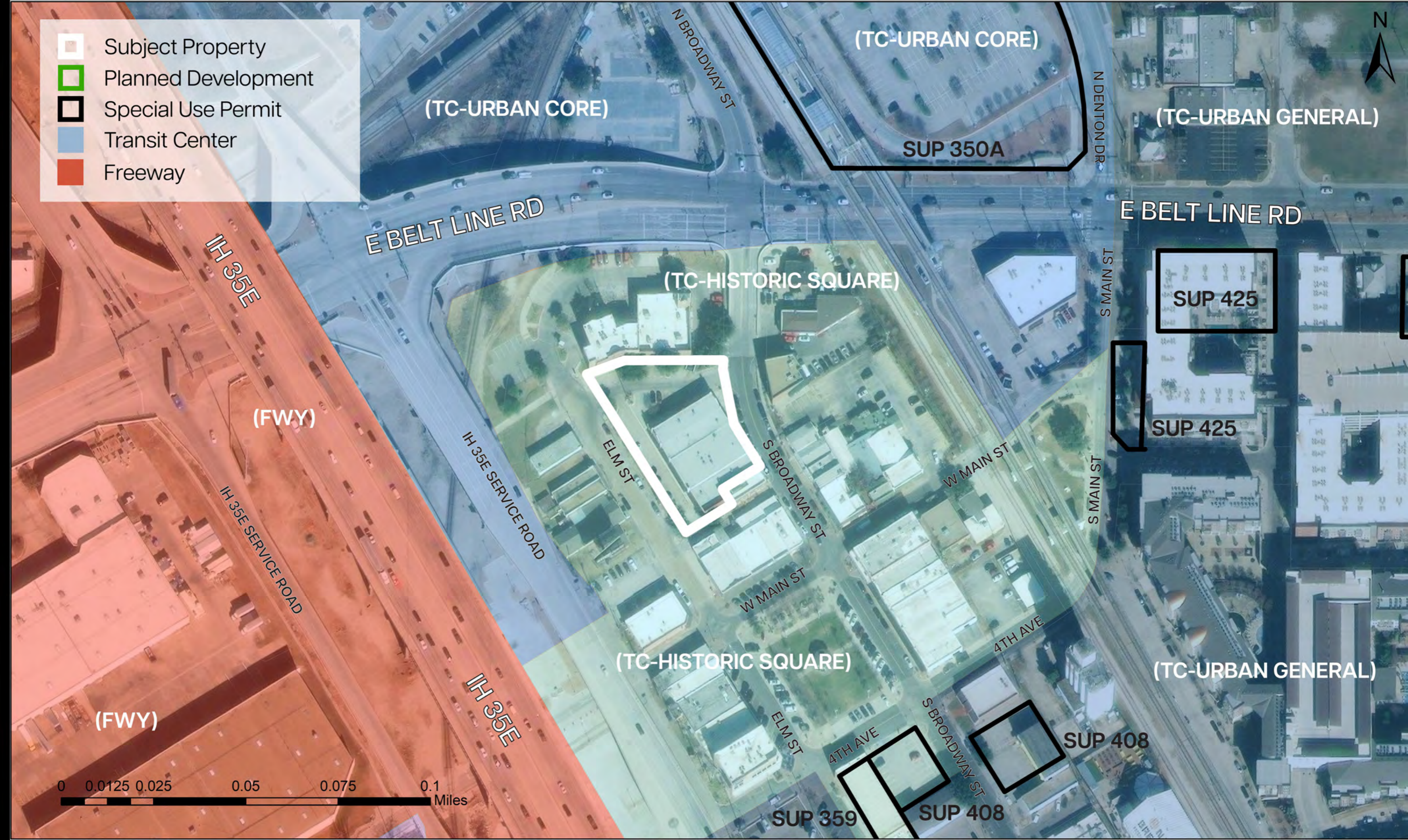
B. P&Z ACTION from P&Z meeting: 05/02/24

Result: **APPROVED** /Vote: 6-1 (Overholt opposed; Martin and Yarbrough absent)

C. CC PUBLIC HEARING / ORDINANCE ACTION from CC meeting: 06/04/24

Result: /Vote:

-  Subject Property
-  Planned Development
-  Special Use Permit
-  Transit Center
-  Freeway



(TC-URBAN CORE)

(TC-URBAN CORE)

(TC-URBAN GENERAL)

SUP 350A

E BELT LINE RD

E BELT LINE RD

IH 35E

(TC-HISTORIC SQUARE)

SUP 425

(FWY)

S MAIN ST

SUP 425

IH 35E SERVICE ROAD

ELM ST

S BROADWAY ST

W MAIN ST

S MAIN ST

IH 35E SERVICE ROAD

(TC-HISTORIC SQUARE)

(TC-URBAN GENERAL)

W MAIN ST

4TH AVE

(FWY)

IH 35E

ELM ST

4TH AVE

S BROADWAY ST

SUP 408

0 0.0125 0.025 0.05 0.075 0.1 Miles

SUP 359

SUP 408

APPLICANT'S NARRATIVE

The SUP is being requested for Vapour King LLC a premium smoke and vape store dedicated to providing a diverse range of high-quality smoking and vaping products to our customers. Located in the heart of Carrollton, our store aims to be a one-stop destination for enthusiasts and beginners alike, offering a welcoming environment and expert advice.

The requested location is situated in a convenient and accessible location within Carrollton downtown, ensuring easy access for both local residents and visitors. Our spacious and inviting storefront will feature a modern layout with dedicated sections for smoke and vape products. The retail location will be focused on selling vape and smoke product, with no consumption allowed within the store.

Store Hours

Sunday - Wednesday: 9am - 10pm CST

Thursday - Saturday: 9am - 12am CST

Product Offering

We pride ourselves on offering a diverse range of smoking and vaping products, including:

- Premium e-liquids in a variety of flavors and nicotine strengths
- High-quality vaping devices, from beginner-friendly starter kits to advanced mods and tanks
- Tobacco products, including cigarettes, and rolling papers
- Smoking accessories such as pipes, bongs, grinders, and lighters
- CBD products, including oils, edibles, and topicals

Our product selection is carefully curated to cater to the unique preferences and needs of our customers, with a focus on quality, innovation, and value.

Smoke and Vape retail experience:

The management team of Vapour King LLC are seasoned smoke and vape retailers who also own Groovy Vape LLC, a high-end smoke and vape retailer with stores in Denton and Lewisville/ Colony, TX.

Customer Experience:

Vapour King LLC prioritize the customer experience above all else. Our friendly and knowledgeable staff are passionate about smoking and vaping culture and are dedicated to providing personalized assistance and guidance to every customer.

Legal Compliance:

Vapour King LLC is fully committed to complying with all local, state, and federal regulations governing the sale and distribution of smoking and vaping products. We are dedicated to upholding the highest standards of integrity, transparency, and accountability in everything we do.

SPECIAL USE PERMIT

Case Coordinator: Michael McCauley

GENERAL PROJECT INFORMATION

SITE ZONING: (DTC) Downtown Transit Center District and Historic Square Sub-District

	<u>SURROUNDING ZONING</u>	<u>SURROUNDING LAND USES</u>
NORTH	(DTC) Downtown Transit Center District with Historic Square Sub-District	Office
SOUTH	(DTC) Downtown Transit Center District with Historic Square Sub-District	Vacant
EAST	(DTC) Downtown Transit Center District with Historic Square Sub-District	Office
WEST	(DTC) Downtown Transit Center District with Historic Square Sub-District	Retail

REQUEST: Approve a Special Use Permit (SUP) to allow a smoke shop retailer

PROPOSED USE: Smoke Shop Retailer

ACRES/LOTS: 0.80-acres / 1 lot

LOCATION: 1014 S. Broadway Street, Suite 104

HISTORY: The multi-tenant building was constructed around 1940.

COMPREHENSIVE PLAN: Transit – Mixed Use / Urban

TRANSPORTATION PLAN: S. Broadway Street is designated as a (C2U) 2-Lane Undivided Collector.

OWNER: James P. Christon / Prescott Interests LTD

REPRESENTED BY: Malik Velani

STAFF ANALYSIS

REQUEST

This is a request for approval of a SUP to allow a smoke shop retailer.

ORDINANCE REQUIREMENTS

Article V. of Carrollton's Comprehensive Zoning Ordinance (CZO) requires a SUP for a smoke shop retailer in the (DTC) Downtown Transit Center District and Historic Square Sub-District.

ELEMENTS TO CONSIDER

1. Suite 104 is 1,250 square feet.
2. The (DTC) Downtown Transit Center District is an area consisting of many uses, including multi-family residential, office, retail, and restaurants.
3. The area has ample shared parking and pedestrian connectivity throughout the district.
4. Each SUP application is discretionary and must be evaluated as to its probable effect on the adjacent properties and the community welfare; it may be approved or denied as the findings indicate appropriate.
5. A SUP should not have negative impacts that exceed the impacts associated and anticipated with a use permitted "as-of-right" in the zoning district.
6. The concern and input of neighbors affected by a proposed use is an integral component of the zoning process.
7. On June 21, 2022, the CZO was amended to require a SUP to allow smoke shop retailers in the DTC District.
8. On December 6, 2022, SUP-489 was approved allowing a smoke shop retailer in the DTC District and Urban General Sub-District.
9. Public comments were received.

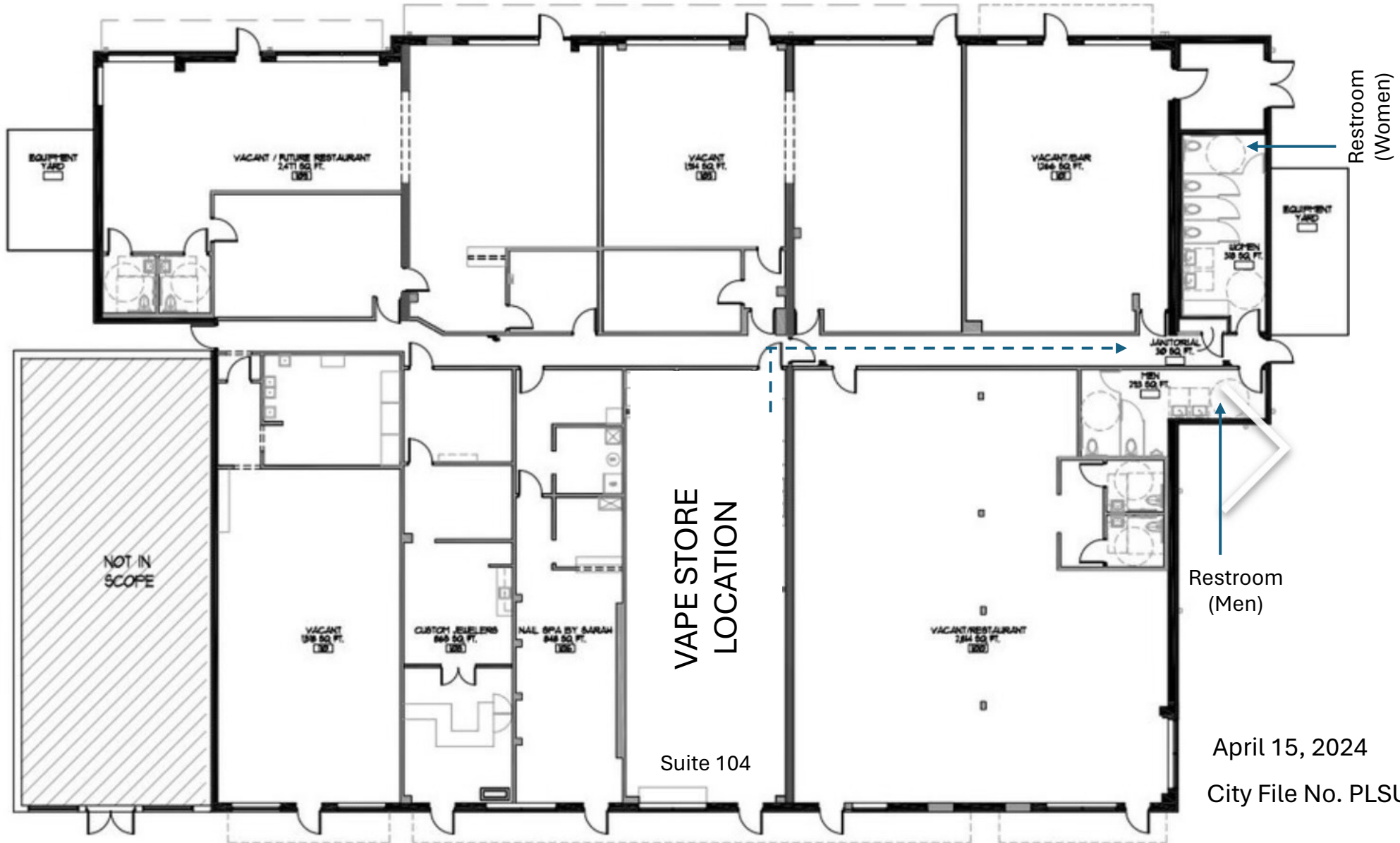
PURPOSE OF THE SPECIAL USE PERMIT

The purpose of the Special Use Permit is to authorize and regulate uses which may be beneficial in a specific instance to the general welfare of the community yet ensure that such uses are not detrimental to surrounding property and are consistent with the stated purpose of the zoning district in which such uses are located regarding conditions of operation, location, arrangement, and construction.

CONCLUSION

Staff believes the use is appropriate for this location.

1014 S Broadway Street, Carrollton



April 15, 2024

City File No. PLSUP 2024-036





**DRAFT Minutes
City of Carrollton
Planning & Zoning Commission
May 2, 2024**

Briefing Session and Meeting

A meeting of the City of Carrollton Planning & Zoning Commission was held on Thursday, May 2, 2024 at 6:15 p.m. in the Council Chambers at City Hall.

Commission Members Present:

Scott Windrow, Chair
Jim Doyle
John Powell
Greg Kramer
Al Overholt
Kathleen Foster
Dave Hermon

Commission Members Absent:

Mark Yarbrough, 1st Vice Chair
Willadean, Martin, Vice Chair

Staff Members Present:

Loren Shapiro, Planning Manager
Mike McCauley, Senior Planner

Emily Offer, Planner
Ed Green, Plan Review Manager
Lydia Tormos, Admin Support Specialist

Herb Cavanaugh, Assistant Fire Chief
Brian Passwaters, Community Services
Division Manager
John Romberger, Transportation Engineer
Albert Thomas, Asst. City Attorney
Cory Heiple, Director of Environmental
Services

Guests Present:

Councilmember Rusty Pendleton

*(Note: * = designation of a motion)*

-
8. Hold A Public Hearing To Consider An Ordinance Amending The Zoning To Establish A Special Use Permit To Allow A Smoke Shop Retailer On An Approximately 0.80-Acre Tract Zoned (DTC) Downtown Transit Center District And Historic Square Sub-District, And Located At 1014 South Broadway Street, Suite 104; Amending The Official Zoning Map Accordingly. **Case No. PLSUP 2024-036 Vape And Smoke Retail.** Case Coordinator: Michael McCauley

Michael McCauley advised this item is a request for a special use permit for a vape and smoke shop in the Downtown Transit Center District. He reviewed that the Commission previously approved a similar request for this area several months prior. He advised the suite under consideration is approximately 1,200 square feet and currently vacant. The surrounding businesses in this area were described. Staff recommends approval with stipulations.

**PLANNING & ZONING COMMISSION
DRAFT MAY 2, 2024 MINUTES**

Commissioner Foster inquired what the status is of the previous request for a smoke shop downtown. Mr. McCauley responded he is unaware of the status.

Chair Windrow asked if there was an applicant present who would like to speak.

The applicant, Malik Velani, 4730 Windhaven Parkway, Suite 140, The Colony, stated that he has other shops in Denton and The Colony/Lewisville. He stated that no consumption will occur inside the store, only retail sales.

Commissioner Overholt expressed his concerns regarding the health and safety of vaping, in particular as it relates to minors, and stated he will vote against this item. The applicant responded that they do not sell to anyone under the age of 21 and will card the purchasers if in doubt of the age.

Albert Thomas, Assistant City Attorney, reminded the Commission to only consider what has been presented to them for consideration.

Chair Windrow opened the public hearing. There being no speakers he asked if the Commissioners had any questions or motions.

Commissioner Doyle asked the applicant whether he notified the other occupants in the building of his intent with this business. The applicant responded that he had not; he has not yet signed a lease agreement. Commissioner Doyle expressed his concern that the adjacent tenants have not been made aware of this request.

Loren Shapiro, Planning Manager, responded to Commissioner Doyle's comment stating that the law requires the property owners within 200 feet of the address under consideration to be notified, and those notifications were made. He added that the applicant is not required to make notifications.

Mr. McCauley reminded the Commission that this case is identical to one previously approved by the Commission in the Downtown Transit Area. He stated that selling vaping products to minors is illegal. He also stated that signage was placed on the suite door noticing of the zoning change. Some of the adjacent business operators contacted staff for more information as to what is under consideration.

Chair Windrow opened the floor for discussion or a motion.

- * ***Commissioner Foster moved to close the public hearing and approve Item 8, Case No. PLSUP 2024-036 Vape And Smoke Retail with staff stipulations. Commissioner Powell seconded the motion. The motion was approved with a 6-1 vote (Windrow, Powell, Foster, Doyle, Kramer and Hermon in favor, Overholt opposed, Yarborough and Martin absent).***

PUBLIC COMMENTS
PLSUP 2024-036 Vape and Smoke Retail

Name: JOHN MEADOWS BACHOWS LLC
Address: 1106 W. MAIN
City, ST, ZIP: CARROLLTON, TX 75006

For your opinion of opposition or support on the proposed change to be considered by the Planning & Zoning Commission or City Council, **Received** completely fill out this form, sign and date it and return it before end of business day one day prior to the public hearing. **APR 29 2024**

I hereby register my: Support Opposition Planning
City of Carrollton

To Case No./Name: PLSUP 2024-36 Vape and Smoke.

Comments: They only have a single target group to sell to & they are not a family friendly customer base that we need to grow our community in downtown Carrollton.

Signature:  Date: 4/28/24

PUBLIC COMMENTS

From: [Becky Chappell](#)
To: [Planning](#)
Subject: [EXT]6/4 City Council Meeting
Date: Tuesday, May 21, 2024 11:25:16 AM

Some people who received this message don't often get email from beautybaronthesquare@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello there!

My name is Becky Schmidt and I am a business owner in the downtown Carrollton square. I will not be able to attend the meeting on Tuesday. I will be visiting my 98 year old grandmother.

As you may be aware the crime has gotten out of control here with business owners being threatened at gun and knifepoint recently.

Who can I express my concerns to about the idea of a "smoke shop" getting passed?

I also would like to express my concerns about the overgrowing trash piles in the alley area that I have reported in the past.

And lastly I need to discuss the road closure for an evening event that happens on our busiest Saturday of the year in December. That Saturday is detrimental to all of the businesses on my side of Broadway. Especially in the morning hours. The roads should not need to be closed 12 hours prior to an event.

I was told to email this address but if there's someone different I need to reach out to for each of these issues please let me know. I am looking for guidance.

Thank you for your time.

Becky

I own Savannah Hoffman Designs at 1017 S Broadway in the Historic Downtown/Transit District.

I'm writing to voice my objections and concerns involving the proposed rezoning to let a smoke shop open. I think it's the wrong fit for the area. There was a reason that these businesses were prohibited from being in the transit district.

If we want to be a destination area and be considered the jewel of Carrollton, smoke shops are not part of that vision.

We also have very limited parking especially on this street. There is a smoke shop on Beltline that is probably less than a mile from this location. There is already plans for a late night convenience store and bringing a smoke shop to the area is going to make this quaint and quiet downtown into anything but a shopping destination for people looking for a family friendly place to shop and eat.

There's been talks of heightened police presence in the area because of these businesses because they attract loitering and homeless people looking for handouts.

Thank you
Felicia Akop
972-522-9447

From: Daniel Baum <daniel@lemmacoffeeroasters.com>

Sent: Thursday, May 16, 2024 11:42 AM

To: Planning <Planning@cityofcarrollton.com>

Subject: [EXT]Lemma Coffee Co - Downtown Carrollton

Some people who received this message don't often get email from daniel@lemmacoffeeroasters.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

My name is Daniel Baum, I own Lemma Coffee Co.

We opened a coffee shop in downtown Carrollton back in 2019.

It's come to my attention that our landlord is seeking a zoning change to allow a smoke / vape shop to open as our neighbor.

The reason I write is we've worked unbelievably hard to build a business in this town. When we opened, the street was closed for a year. The following year, the pandemic hit. We believe we have built a very community focused and supported business for this town, and absolutely love the idea of having complimentary neighbors. For example, our new next door neighbor "Dead Wax Records" openly admits that our (Lemma's) daily foot traffic greatly benefits their business.

Allowing a smoke / vape shop is not what I believe the folks involved with the city development have in mind for what this downtown area can be.

I want the best for this town. We are at the end of our 5 year lease and are looking to renew. It's incredibly important that we continue to see the right kind of businesses open so that this town can continue to grow.

I believe a smoke and vape shop is not that business.

Thanks,

Daniel Baum

Lemma Coffee Roasters

www.lemmacoffeeroasters.com

From: [Dillon Brunton](#)
To: [Planning](#)
Subject: [EXT]PLSUP 2024-36
Date: Thursday, May 2, 2024 5:14:05 PM

Some people who received this message don't often get email from dillonbrunton4@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I would like to express my opposition to allowing a vape and smoke shop near the downtown square. I do not believe that it fits the vision of the square that is family friendly. I live near the area and I believe this location and the other one located by the a to z Mart are too close to the square. If you look at other downtowns, McKinney, Garland they do not have these types of shops near the downtown area.

Thank you for your time.

Sincerely,
Dillon Brunton
1505 Francis St, Carrollton, TX 75006

To whom It may concern:

As a property and business owner on the Old Downtown Square of Carrollton I oppose the permit of a smoke and vape shop on the square. It is not in following with the concept of the square as a tourist and family destination.

Sincerely

Donald Slater

1102 S Elm St.

Owner, Nature's Gallery

PLANNING DEPARTMENT
CITY OF CARROLLTON
DATE: 06/04/2024

SPECIAL USE PERMIT NO. 502
DEVELOPMENT NAME: VAPE AND
SMOKE RETAIL

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING SPECIAL USE PERMIT NUMBER 502 PROVIDING FOR A SMOKE SHOP RETAILER ON AN APPROXIMATELY 0.80-ACRE TRACT ZONED (DTC) DOWNTOWN TRANSIT CENTER DISTRICT AND HISTORIC SQUARE SUB-DISTRICT AND LOCATED AT 1014 SOUTH BROADWAY STREET, SUITE 104; AMENDING THE OFFICIAL ZONING MAP; PROVIDING PENALTY, SEVERABILITY, REPEALER, AND SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Second day of May 2024, the Planning & Zoning Commission considered and made recommendation on a certain request for a Special Use Permit (Case No. PLSUP 2024-036); and

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended; and

WHEREAS, the City Council conducted a public hearing on the Fourth day of June 2024, at which all persons were given an opportunity to present testimony; and

WHEREAS, the City Council has determined the following amendment to the zoning laws to allow the requested use is not detrimental to the surrounding property, and is consistent with the purpose of the zoning district in which the above-described property is located; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

Section 1.

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified, and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2.

Special Use Permit Number 502 is hereby established for a certain approximately 0.80-acre tract, located at 1014 S. Broadway Street, Suite 104, and being more generally depicted on Exhibit A, providing for the following:

I. Permitted Use

Smoke Shop Retailer

II. Special Development Standards

Development shall be in accordance with the following special conditions, restrictions, and regulations:

1. Smoking or consumption of the products is prohibited in the store.
2. Business days and hours of operation shall be limited to:
 - Sunday - Wednesday 9:00am - 10:00pm
 - Thursday - Saturday 9:00am - 12:00am
3. In the event there is any inconsistency between the text of this ordinance and any conceptual plan, the text of this ordinance shall control.

Section 3.

The Comprehensive Zoning Ordinance and the Official Map are hereby amended to reflect the action taken herein.

Section 4.

Any person violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

Section 5.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

Section 6.

This ordinance shall be cumulative of all provisions of ordinances of the City of Carrollton, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 7.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 8.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Fourth day of June 2024.

CITY OF CARROLLTON

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky
City Secretary

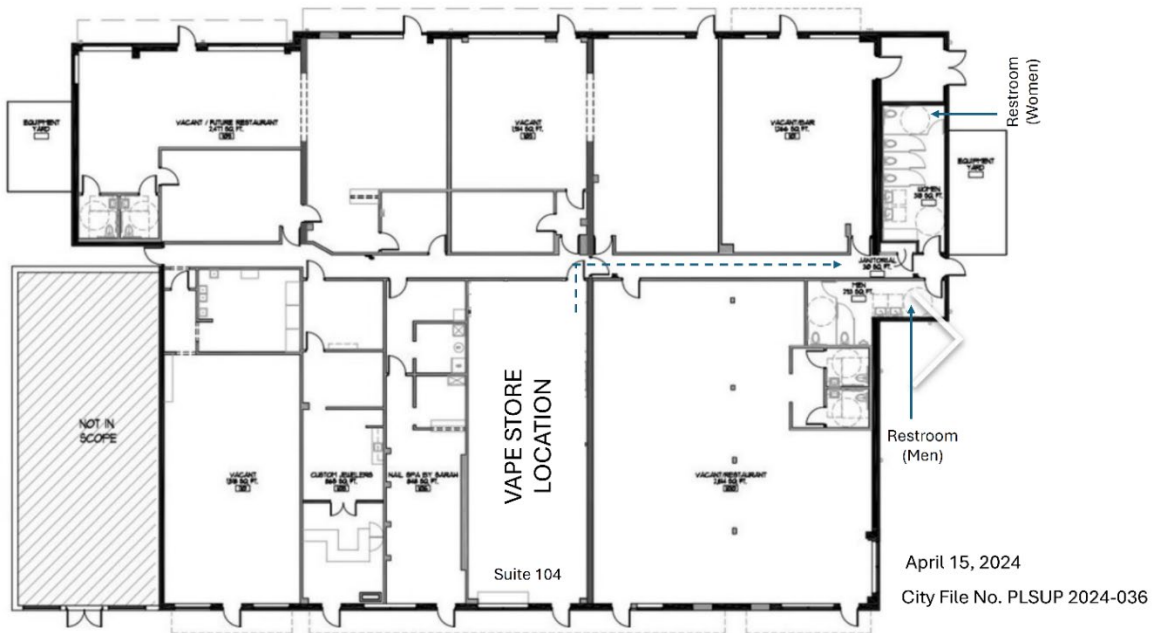
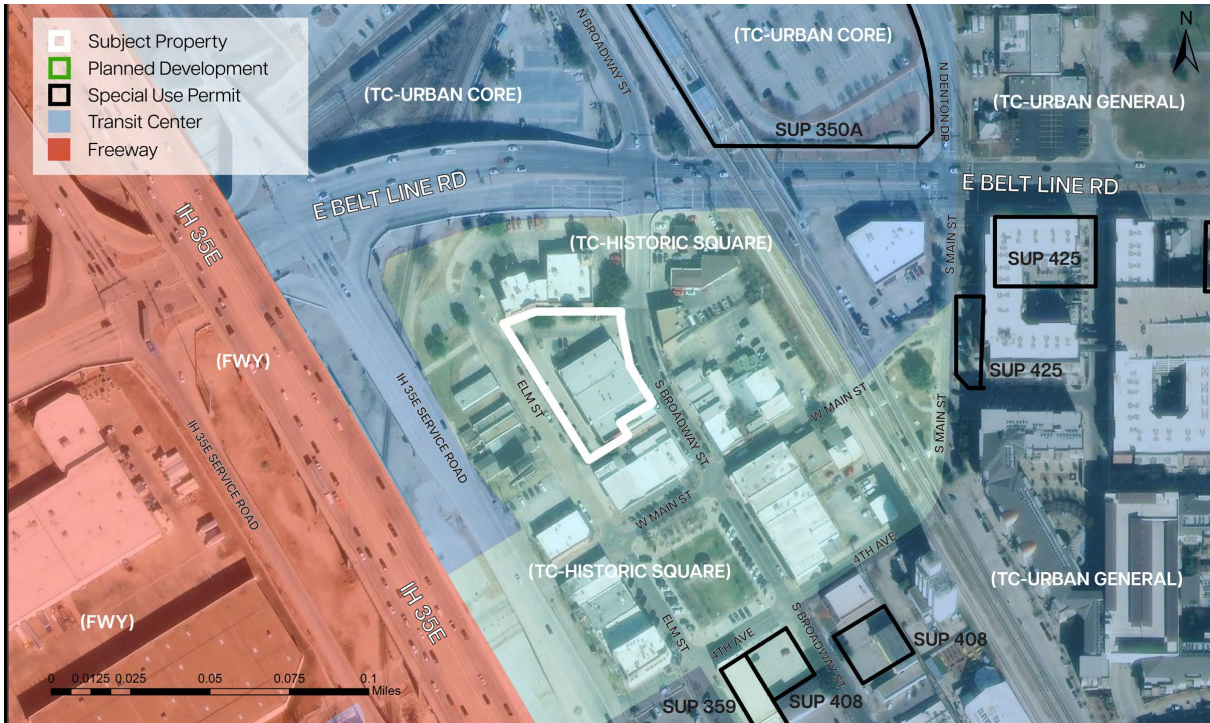
APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Albert Thomas
Assistant City Attorney

Michael McCauley
Senior Planner

**EXHIBIT A
GENERAL DEPICTION**





Agenda Memo
File Number: 6702

Agenda Date: 6/4/2024

Version: 1

Status: Public
Hearing/Individual
Consideration

In Control: City Council

File Type: Public Hearing

Agenda Number: 14.

CC MEETING: June 4, 2024

DATE: May 15, 2024

TO: Erin Rinehart, City Manager

FROM: Loren Shapiro, AICP, Planning Manager
Marc Guy, Assistant City Manager

Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Establish A Special Use Permit To Allow Miscellaneous Manufacturing On An Approximately 1.45-Acre Tract Zoned For The (LI) Light Industrial District And Located At 3218 Skylane Drive And Approximately 680 Feet East of Commander Drive; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2024-024 Umbrella Scents.

BACKGROUND:

The applicant is requesting approval of a special use permit (SUP) to allow ‘miscellaneous manufacturing’ for a candle manufacturing facility.

STAFF RECOMMENDATION/ACTION DESIRED:

On May 2, 2024, the Planning and Zoning Commission recommended **APPROVAL** of the request.

The attached ordinance reflects the action of the Commission.

RESULTS SHEET

Date: 06/04/24

Case No./Name: PLSUP 2024-024 Umbrella Scents

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Staff recommends **APPROVAL** with the following stipulation:

1. Development shall be in general conformance with the attached conceptual floor plan as depicted in the applicant's attached exhibits.

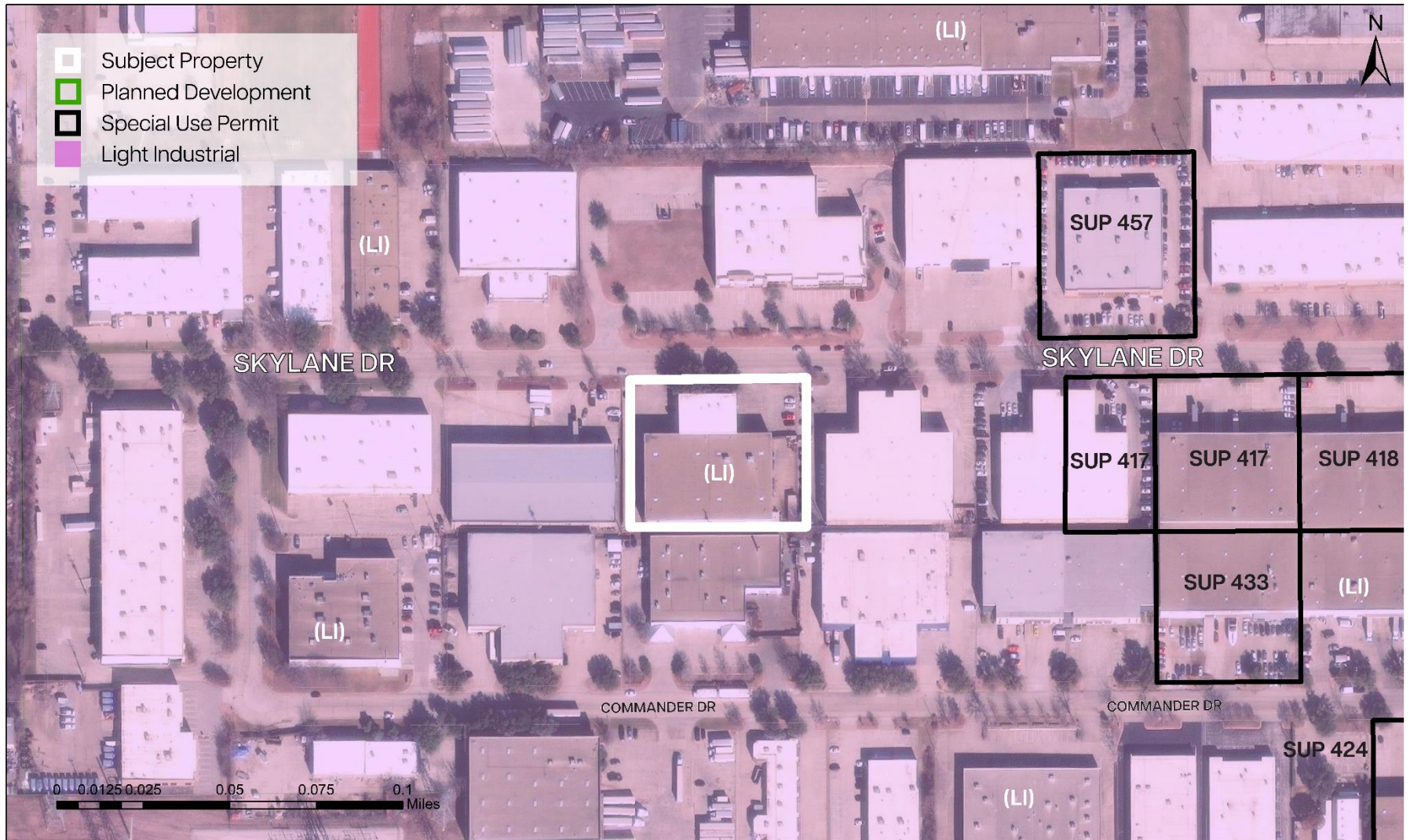
B. P&Z ACTION from P&Z meeting: 05/02/24

Result: **APPROVAL** /Vote: (7-0) Yarbrough and Kramer Absent

C. CC PUBLIC HEARING / ORDINANCE ACTION from CC meeting: 06/04/24

Result: /Vote:

SITE LOCATION AND ZONING MAP



APPLICANT'S NARRATIVE (1 OF 2)

At 3218 Skylane Drive, Umbrella Scents US LLC will operate as Warehouse Distributor (perfume filling) and is applying for a special use permit for Miscellaneous Manufacturing (candle making) for its "Lazy Royal" brand. Umbrella Scents US LLC operates many brands, including Oil Perfumery, Oakcha and Lazy Royal. Lazy Royal makes and sells candles, reed diffusers and car fresheners. Lazy Royal has hand poured and sold 8 oz candles in its warehouse in Toronto, Canada since 2022 and is moving its operations to Dallas, Texas. The warehouse is open 5 days a week and operates from 8:30 am to 5 pm. The candle making process will need approximately 1000 Sq ft of warehouse space of the 31,500 sq ft of total warehouse space. The daily production output is 400-500 Units and depends on the popularity of the specific candle that is being poured.

Operations

The candle making process involves labelling jars, placing candle wicks, pouring and mixing candle wax and fragrance, and trimming wicks and packaging products. (we have added pictures as well to help understand our process)

Step 1 – Labeling:

First, candle jars are labeled with a manual applicator machine. The label applicator machine guarantees precision and consistency in presentation, ensuring that each candle delivers not only olfactory delight but also visual appeal. See below picture of applicator.



Step 2 – Wick Placement

The foundation of the candles – the wick – is meticulously positioned by hand within each jar. This step is crucial, as the placement of the wick directly influences the burn quality and longevity of the candle. The staff ensure that each wick is centered and secured, setting the stage for the wax pouring phase.

Step 3 - Preparation for wax Pouring:

Prepared jars are carefully arranged on dishwasher racks, which serve as trays for easy handling and transportation to the pouring tables. The use of racks allows us to efficiently organize and streamline the pouring process, while maintaining the highest standards of cleanliness and order.

APPLICANT'S NARRATIVE (2 OF 2)



Step 4 - Wax And Fragrance mixing and pouring:

The heart of the candle making process lies in the blending and pouring of wax with fragrance. Utilizing a specialized wax and fragrance mixing machine, we achieve a perfect harmony of scent and wax. This machine precisely heats, mixes, and dispenses the wax and fragrance into our prepared jars, ensuring a consistent fragrance distribution and optimal burn quality. Staff also ensure that the wicks are centered in each jar after pouring.

Please also see below links of a similar machine operating:

<https://youtu.be/pQU2p2OPlko?si=CoERWfO8pistZHrD>

<https://www.youtube.com/watch?v=8uHufHHbaLA>



Finally, after a 24-hour wax solidification period, staff precisely trim the wicks for a clean, even burn. The candles are then carefully boxed, marking them ready for sale, and ensuring they reach our customers in perfect condition for easy enjoyment.

SPECIAL USE PERMIT

Case Coordinator: Emily Offer

GENERAL PROJECT INFORMATION

SITE ZONING: (LI) Light Industrial

	<u>SURROUNDING ZONING</u>	<u>SURROUNDING LAND USES</u>
NORTH	(LI) Light Industrial	Automotive Paint and Body
SOUTH	(LI) Light Industrial	Automotive Repair
EAST	(LI) Light Industrial	Automotive Sales
WEST	(LI) Light Industrial	Multitenant Industrial

REQUEST: Establish a Special Use Permit (SUP) to allow candle manufacturing.

PROPOSED USE: Perfume and Candle Manufacturing, Warehouse and Office

ACRES/LOTS: Approximately 1.45-acres / 1 lot

LOCATION: 3218 Skylane Drive Suite 102

HISTORY: The property was developed in 1988.

The current landowner has owned the property since 2012.

COMPREHENSIVE PLAN: Industrial

TRANSPORTATION PLAN: Skylane Drive is classified as a local Industrial road.

OWNER: Anna Schultz and Barbara Walls/ Maria Concewicz Revocable Trust

REPRESENTED BY: Abdul Aziz Mohammad Ghani/ Umbrella Holdings Ltd. LLC

STAFF ANALYSIS

REQUEST

This is a request to establish a SUP for “Miscellaneous Manufacturing” to allow a candle manufacturing facility.

ORDINANCE REQUIREMENTS

Article V. of Carrollton’s Comprehensive Zoning Ordinance (CZO) requires a SUP for Miscellaneous Manufacturing in the (LI) Light Industrial Zoning District. Candle Manufacturing is included under the “Miscellaneous Manufacturing” use outlined in Article V. of Carrollton’s Comprehensive Zoning Ordinance (CZO) according to (NAICS) North American Industry Classification System.

ELEMENTS TO CONSIDER

1. The property is surrounded by similarly intensive uses. The closest residentially zoned area is approximately 2,000 linear feet from the proposed development.
2. The candle manufacturing use will be located in suite 102 and will occupy approximately 2,000 square feet of warehouse space.
3. There will be little to no modifications to the existing site.
4. The candle manufacturing use is in accordance with the Future Land Use Plan.
5. No public comments have been received.

PURPOSE OF THE SPECIAL USE PERMIT

The purpose of the Special Use Permit is to authorize and regulate uses which may be beneficial in a specific instance to the general welfare of the community yet ensure that such uses are not detrimental to surrounding property and are consistent with the stated purpose of the zoning district in which such uses are located regarding conditions of operation, location, arrangement, and construction.

CONCLUSION

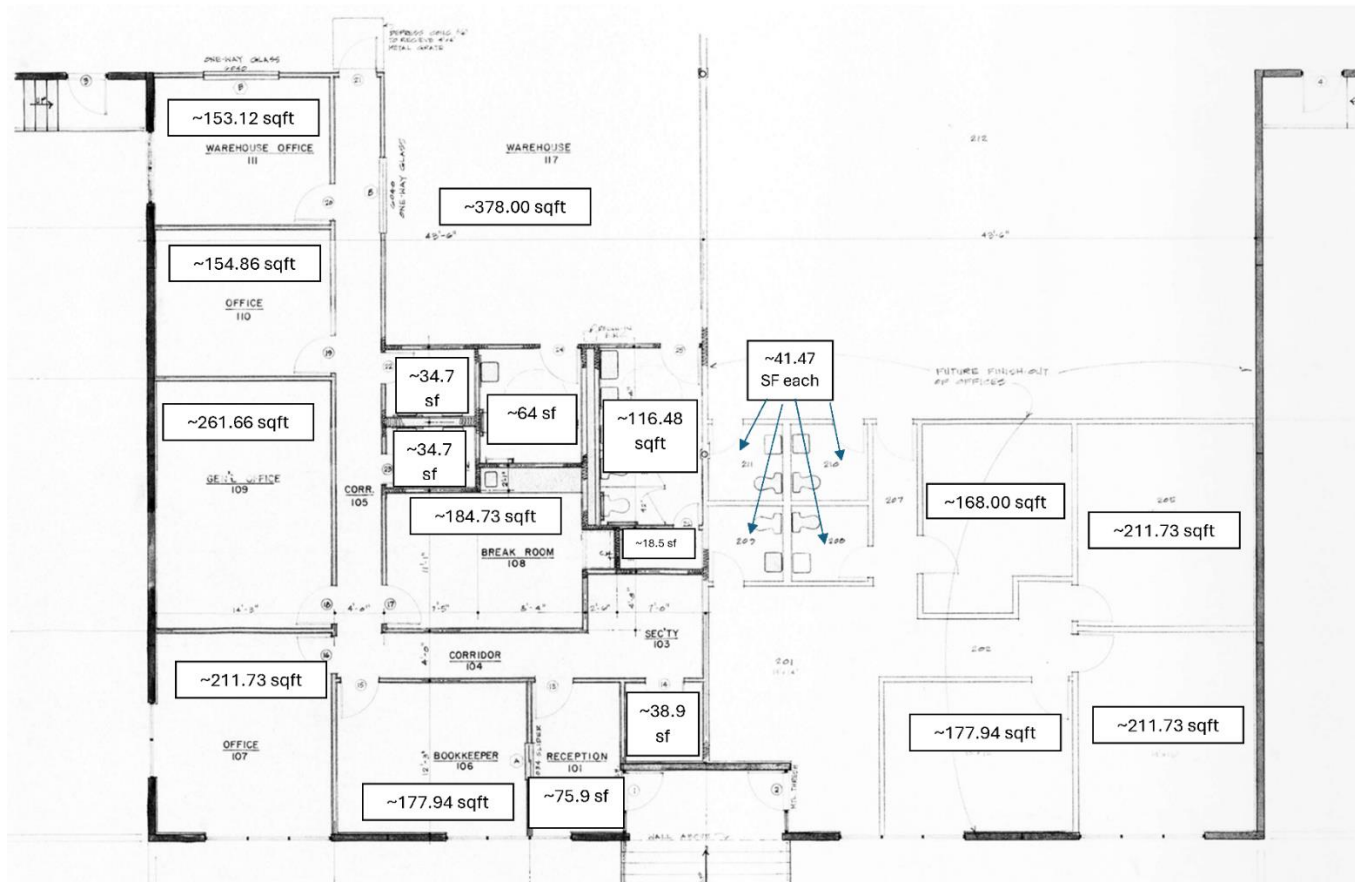
Staff believes the request should not adversely impact the surrounding properties, with the stipulation recommended in the results sheet.

CONCEPTUAL FLOOR PLAN (1 OF 2)

Floor Plan

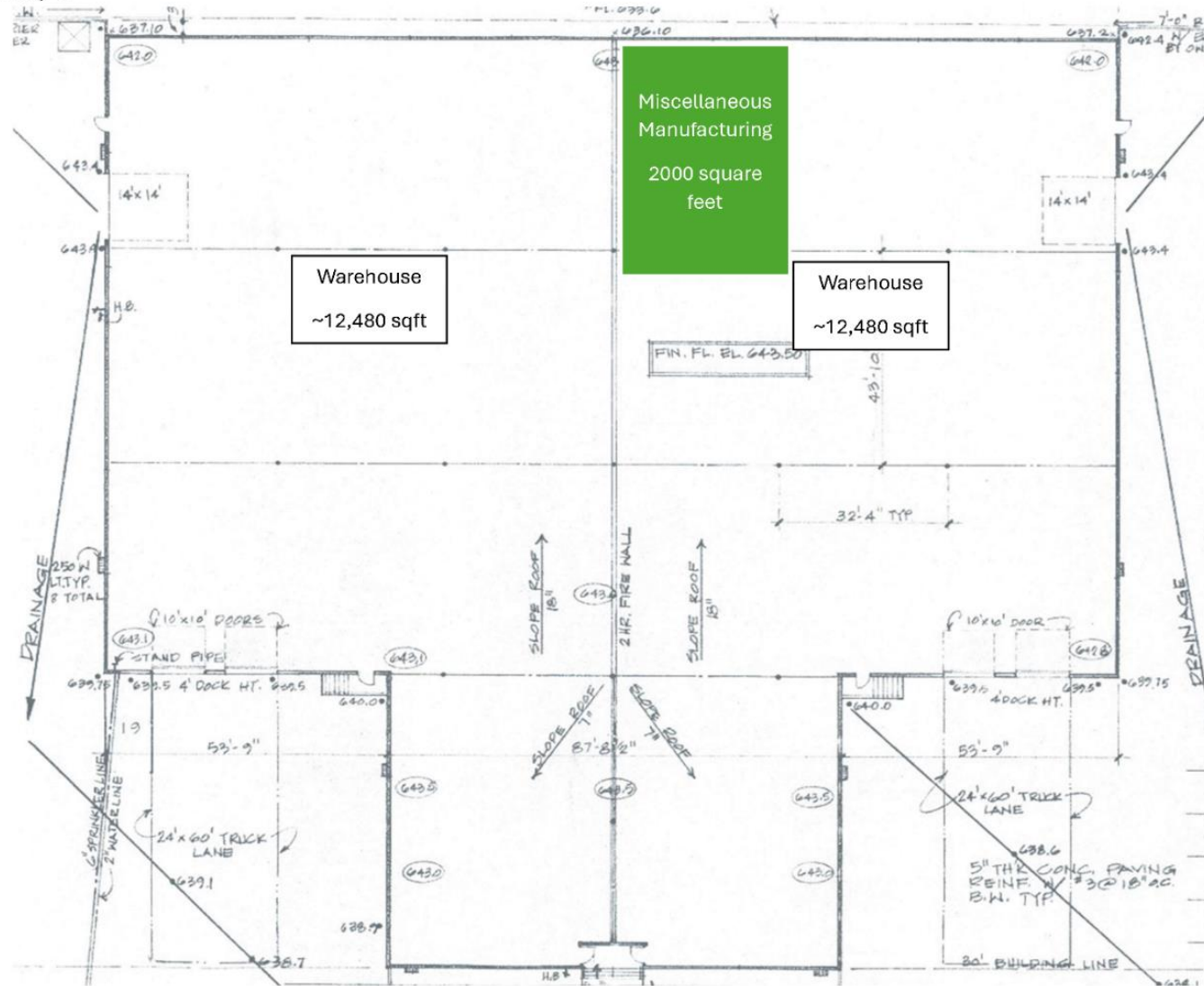
PLSUP 2024-024

Office Floor Plan with SQFT:



CONCEPTUAL FLOOR PLAN (2 OF 2)

Warehouse SQFT:



**APPLICANT'S EXHIBIT (1 OF 4)
NORTH ELEVATION**



**APPLICANT'S EXHIBIT (2 OF 4)
EAST ELEVATION**



**APPLICANT'S EXHIBIT (3 OF 4)
SOUTH ELEVATION**



**APPLICANT'S EXHIBIT (4 OF 4)
WEST ELEVATION**





**DRAFT Minutes
City of Carrollton
Planning & Zoning Commission
May 2, 2024**

Briefing Session and Meeting

A meeting of the City of Carrollton Planning & Zoning Commission was held on Thursday, May 2, 2024 at 6:15 p.m. in the Council Chambers at City Hall.

Commission Members Present:

Scott Windrow, Chair
Jim Doyle
John Powell
Greg Kramer
Al Overholt
Kathleen Foster
Dave Hermon

Commission Members Absent:

Mark Yarbrough, 1st Vice Chair
Willadean, Martin, Vice Chair

Staff Members Present:

Loren Shapiro, Planning Manager
Mike McCauley, Senior Planner

Emily Offer, Planner
Ed Green, Plan Review Manager
Lydia Tormos, Admin Support Specialist

Herb Cavanaugh, Assistant Fire Chief
Brian Passwaters, Community Services
Division Manager
John Romberger, Transportation Engineer
Albert Thomas, Asst. City Attorney
Cory Heiple, Director of Environmental
Services

Guests Present:

Councilmember Rusty Pendleton

*(Note: * = designation of a motion)*

PUBLIC HEARING:

6. Hold A Public Hearing To Consider An Ordinance Amending The Zoning To Establish A Special Use Permit To Allow Miscellaneous Manufacturing On An Approximately 1.45-Acre Tract Zoned For The (LI) Light Industrial District And Located At 3218 Skylane Drive And Approximately 680 Feet East of Commander Drive; Amending The Official Zoning Map Accordingly. **Case No. PLSUP 2024-024 Umbrella Scents.** Case Coordinator: Emily Offer.

Emily Offer, Planner, presented this item. She reviewed the location of the building being considered for the special use permit and confirmed that it is in the Light Industrial District. She stated the request is to allow a candle manufacturing operation and stated it is an appropriate use in this area. The building contains approximately 2,000 square feet of warehouse space. Exterior

**PLANNING & ZONING COMMISSION
MAY 2, 2024 DRAFT MINUTES**

photos of the building and conceptual floor plans were reviewed. Staff is recommending approval with stipulations.

Commissioner Foster asked Ms. Offer if the building is a stand-alone building. Ms. Offer replied that it is.

Chair Windrow asked if there is an applicant present who would like to speak.

The applicant, Abdul Aziz Mohammad Ghani/ Umbrella Holdings Ltd. LLC, described the plans for the building, stating that only a small area in the building is for manufacturing and the remainder is warehouse for E-Commerce.

Commissioner Hermon confirmed with the applicant that there will be no retail or walk in traffic on-site.

Commissioner Doyle inquired whether there is a need for special ventilation due to fumes from the manufacturing. The applicant responded that there is not.

Chair Windrow open the public hearing. There being no speakers he asked if the Commissioners had any questions or motions.

- * ***Commissioner Doyle moved to approve Item 6, PLSUP 2024-024 Umbrella Scents with staff stipulations. Commissioner Foster seconded the motion. Motion passed unanimously with a vote of 7-0 (Yarborough and Martin absent).***

PLANNING DEPARTMENT
CITY OF CARROLLTON
DATE: 06/04/2024

SPECIAL USE PERMIT NO. 504
DEVELOPMENT NAME: UMBRELLA SCENTS

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING SPECIAL USE PERMIT NUMBER 504 PROVIDING FOR MISCELLANEOUS MANUFACTURING (CANDLE MANUFACTURING) ON AN APPROXIMATELY 1.45-ACRE TRACT ZONED FOR THE (LI) LIGHT INDUSTRIAL DISTRICT AND LOCATED AT 3218 SKYLANE DRIVE; AMENDING THE OFFICIAL ZONING MAP; PROVIDING PENALTY, SEVERABILITY, REPEALER, AND SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Second day of May 2024, the Planning & Zoning Commission considered and made recommendation on a certain request for a Special Use Permit (Case No. PLSUP 2024-024); and

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended; and

WHEREAS, the City Council conducted a public hearing on the Fourth day of June 2024, at which all persons were given an opportunity to present testimony; and

WHEREAS, the City Council has determined the following amendment to the zoning laws to allow the requested use is not detrimental to the surrounding property, and is consistent with the purpose of the zoning district in which the above-described property is located; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

Section 1.

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified, and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2.

Special Use Permit Number 504 is hereby established, located at 3218 Skylane Drive, Lot 6, Block A Beltwood North Phase 4, and being more generally depicted on Exhibit A, providing for the following:

I. Permitted Use

Miscellaneous Manufacturing (Candle Manufacturing)

Section 3.

The Comprehensive Zoning Ordinance and the Official Map are hereby amended to reflect the action taken herein.

Section 4.

Any person violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

Section 5.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

Section 6.

This ordinance shall be cumulative of all provisions of ordinances of the City of Carrollton, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 7.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 8.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Fourth day of June 2024.

CITY OF CARROLLTON

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky
City Secretary

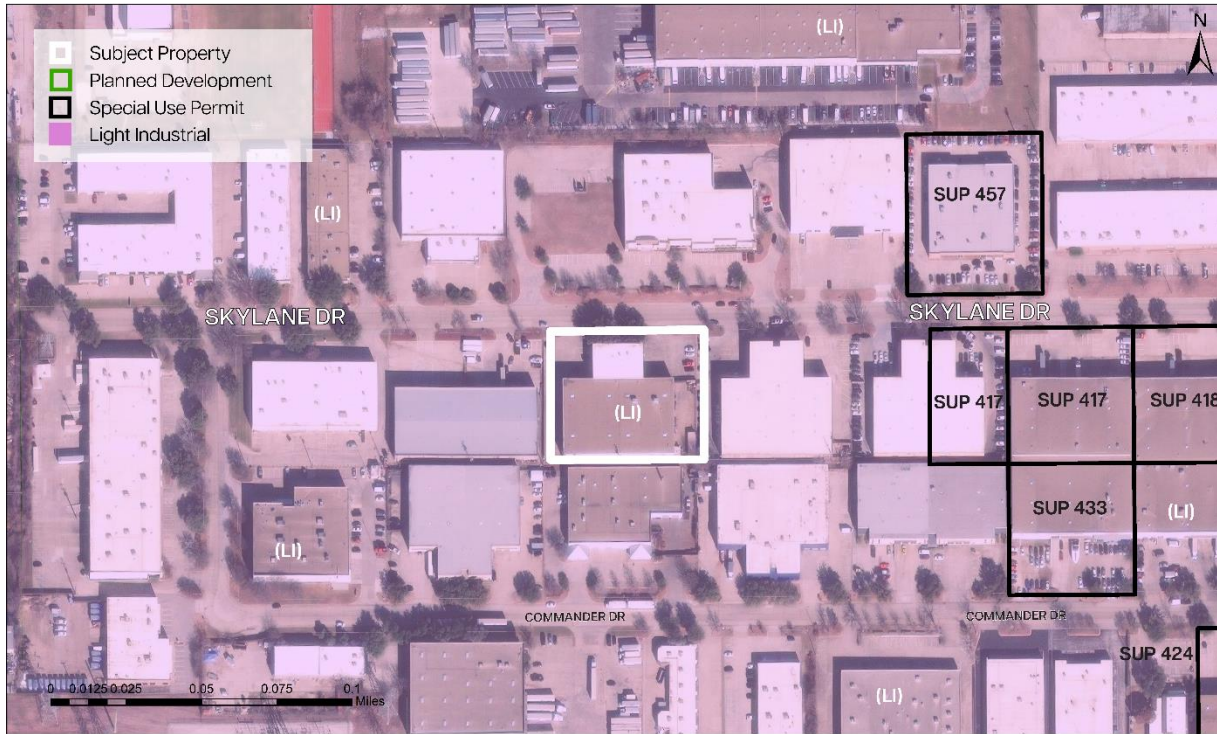
APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Albert Thomas
Assistant City Attorney

Emily Offer
Planner

EXHIBIT A
GENERAL DEPICTION
Lot 6, Block A. Beltwood North Phase 4





Agenda Memo

Agenda Date:

Version: 1

Status: Public Forum

In Control: City Council

File Type: Public Forum

Agenda Number: 15.

Hearing of any citizen/visitor on items not listed on the regular meeting agenda. Citizens wishing to address the Council regarding items on the posted agenda will be called to speak during the Council's consideration of such items.

Citizens/visitors should complete an appearance card located on the table at the entrance to the City Council Chambers. Speakers must address their comments to the presiding officer rather than to individual Council members or staff; Stand at the podium, speak clearly into the microphone and state your name and address prior to beginning your remarks; Speakers will be allowed between 2 and 5 minutes for testimony; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room; Unauthorized remarks from the audience, stamping of feet, whistles, yells, clapping, and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chambers or in any other room in which the Council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.