

**August 16, 2016 P&Z Meeting Minutes**

Public Hearing – Conduct a Public Hearing and consider a request to amend the development regulations and adopt a Concept Plan and Building Elevations relating to a 13.605± acre portion of Planned Development PD No. 92 located in the F. Dosser Survey, Abstract No. 280; generally located north of Stacy Road and west of Chelsea Boulevard. (Z-5/3/16-36) [Garage Condos and Self-Storage]

Ms. Madhuri Kulkarni, Senior Planner, presented the item to the Commission. She stated that the item is a public hearing and a PD amendment for Garage Condos and Self-Storage.

The property is located north of Stacy Road and west of Chelsea Boulevard. The property to the north is zoned Planned Development PD No. 92 Single-Family Residential R-7. The property to the west is zoned Planned Development PD No. 92 Single-Family Residential R-7 and Planned Development PD No. 92 Single-Family Residential R-5. To the south (across Stacy Road), the property is zoned Planned Development PD No. 45 Corridor Commercial CC. The property to the east (across Chelsea Boulevard) is zoned Planned Development PD No. 78 Corridor Commercial CC and Planned Development PD No. 102 Corridor Commercial CC.

Ms. Kulkarni said that the applicant is proposing to develop the roughly 13½ acre tract for a mini-warehouse/public storage facility and garage condos. The property will be divided into three lots; Lot 3 for a future restaurant use, Lot 4 for the mini-warehouse/public storage facility, and Lot 5 for the garage condos. The property is zoned Planned Development PD No. 92 Shopping Center SC. The applicant is proposing to amend the Development Regulations, and adopt a Concept Plan and Building Elevations for the property. Ms. Kulkarni explained the definition of garage condos as personal property with a declaration of condominium; it is a personal storage facility that customers own as opposed to rent.

Ms. Kulkarni explained the development on Lot 4 and Lot 5. There are two proposed mini-warehouse/public storage buildings on Lot 4 that total approximately 93,700 square feet, with 1,050 square feet dedicated for office use. These buildings will primarily be one story, except for a portion of Building A, which will be two story with a maximum height of 30'. The five proposed buildings for garage condos on Lot 5 total approximately 373,514 square feet. The garage condo buildings will be one story with a maximum height of 25'.

Parking and landscaping provided exceeds *ALDC* requirements. There are a total of six access points into the development; three access points on Chelsea Boulevard (one existing and two proposed), two existing access points from the southern properties through firelane and access easements, and one existing access point on Stacy Road. Left turn lanes will also be constructed on Chelsea Boulevard.

Ms. Kulkarni presented the screening plan of the property and said that there is no required screening for the property. Screening for the property will consist of an eight-foot tubular steel fence on the western side of Lot 4. Screening will consist of altering panels of eight-foot masonry screening wall and eight-foot tubular steel fence with enhanced landscaping on the western side of Lot 5 along the 24' Firelane. Additionally, a six-foot masonry screening wall exists along the western property line. Screening on the eastern side of Lot 4 will be provided through the side of the buildings and an eight-foot wrought iron fence with opaque gates. Screening on the eastern side of Lot 5 is also provided through the side of the buildings and an eight foot wrought iron fence with opaque gates, in addition to an eight-foot masonry screening wall.

Ms. Kulkarni presented the building elevations, and said the primary exterior building materials include brick, split-face CMU, metal, and glass with standing seam metal roofing.

Ms. Kulkarni summarized the development regulations:

- Additional Permitted Use: Mini-Warehouse/Public Storage and Garage Condos
- Garage Condo Defined: A structure used solely for storage of personal property which can be defined as a “condominium” as set forth in Texas Property Code, and subject to a declaration of condominium that complies with the Texas Property Code
- Concept Plan: The property shall be developed in general conformance with the Concept Plan
- Building Elevations: The exterior façades of buildings shall generally conform with the Building Elevations
- Screening: Screening shall be constructed in general conformance with the Concept Plan and the Screening Plan. No building permit to be issued until the fence permit has been issued and screening wall construction begun. No final inspection to be conducted until the construction and installation of all required screening has been completed.
- Street Improvements: The Developer shall construct all improvements necessary to install the left-turn lanes on Chelsea Boulevard. Common access will be provided on the Property for the use of property to the south to access the first full median opening located north of Stacy Road. No building permit for any structure shall be issued until completion of construction.
- Hours of Operation:
  - Mini-Warehouse Office: Monday – Friday (8:30 a.m. to 6:30 p.m.); Saturday (8:30 a.m. to 5:00 p.m.); Sunday (Closed)
  - Mini-Warehouse Access (6:00 a.m. to 9:00 p.m. daily)
  - Garage Condos Access (No time limitations)
- Auctions: Auctions related to sale of private property held in storage units or garage condos shall be permitted 2 times/year with a Temporary Use/Special Event Permit.
- Special Zoning Provisions: In addition to the stipulations in ALDC Section 6.06.5, the following modifications and/or additions apply to the mini-warehouse/public storage and garage condos:
  1. An on-site caretaker office and residence is not required.
  2. Maximum building height shall be 2 stories or 30’
  3. Roof-mounted mechanical equipment (not visible from adjacent public streets) is permitted
  4. Conduct of sales, business, or any activity other than storage, including the conversion of any individual storage unit or garage condo to an office, retail, or other non-residential use, is prohibited
  5. No portion of the Property may be used for residential purposes (except for manager of business)
- Declaration of Condominium: Development and use of the Property for Garage Condo purposes shall not commence prior to the execution and recording of a declaration of condominium

Ms. Kulkarni expanded on the Declaration of Condominium. She said they are very similar to HOAs and include greater detail and restrictions for the property. Some restrictions include noise regulations (no nuisance to surrounding properties) and landscaping provisions. The applicant has also mentioned that they screen their buyers before selling their condo units.

Ms. Kulkarni said an additional regulation was not included in the development regulations. It is to decrease the side yard setback from 10’ to 5’ on Lot 5. She said that would be part of the motion if P&Z recommends approval.

The PD Amendment request has been reviewed by the Technical Review Committee. The applicant also participated in two public meetings that they held over the last few weeks with surrounding residents.

One letter of opposition was received with four major concerns:

- Concern with two stories (two stories is only at the Chelsea side, not close by the residential side)
- Concern that nobody will live on the property
- Concern that there is 24/7 access (evolving technology)
- Concern with businesses operating on the property (this will be a development regulation so no commercial activity will take place)

Commissioner Ogrizovich asked if the HOA would maintain the building and the grounds.

Ms. Kulkarni answered yes.

Commissioner Hollingsworth asked about the typical sizes of the garage condos.

Mr. Fred Gans, 3401 Lee Parkway, Dallas, Texas, applicant (Cornerstone Development), addressed the Commission. He said they are the developers of the self-storage and condo storage. He answered that the smallest unit is 500 square feet and the largest is 2,500 square feet. Sometimes people combine units, so sizes may vary. An average unit size is 1,000 square feet.

Commissioner Orr asked if the condos are owned individually.

Ms. Gans said that is correct. There is an HOA that operates the common area and regulates the rules/regulations to which the owners are bound. They will sell all the units, and then the board will regulate the HOA.

Chairman Cocking said garage condos are very common in other parts of the country and are beginning to appear in this part of the country.

Commissioner Ogrizovich asked if there is a separation between the traditional self-storage and the garage condos.

Mr. Gans answered yes, there is a separation. There is no access between the two as they are two separate developments.

Commissioner Ogrizovich said the two developments appear to be one development due to the similar elevations.

Mr. Gans said correct, the elevations are purposefully similar in architecture.

1<sup>st</sup> Vice-Chair Trahan said he has seen garage condos before for people to store their car collections, RV's, and other items as it is a bigger storage place.

Mr. Gans said they just built the first garage condos in Texas by Willow Bend Mall. They sold 69 units before they finished construction. Out of the 54 buyers, 50 were car collectors.

Commissioner Ogrizovich asked about security.

Mr. Gans said his facilities have 24 cameras, monitored 24/7 for the exterior. The owners have individual interior security as well.

Commissioner Orr asked if there is any repair or maintenance allowed in the units.

Mr. Gans said light maintenance is allowed. Some owners collect cars or improve cars. There is no high degree of body work or painting which could cause odor or noise issues. The owners must be respectful to the neighbors. He also said they are very rigid about who they let in and ensure the owners are a good fit for the development.

Commissioner Ogrizovich said in most HOAs, after a certain level of occupancy, the management changes to the owners. He asked if that is the intention.

Mr. Gans said yes, and that they have to once the units are 75% sold. They have established the board. Since Mr. Gans is not an owner of a unit, he is not a member. There is a professional HOA board company that manages for the board along with the board members.

Commissioner Ogrizovich said that that group of owners could set the rules moving forward.

Mr. Gans said these owners cannot amend the Condo documents without board approval. The Condo documents are set in stone. Making an amendment would take a majority vote of the owners.

Commissioner Orr stated that one person can own more than one condo, and asked if there is a limit to how many units one person can own.

Mr. Gans said there is no limit. Their buyers are the owners of a few cars. Those with more cars usually own their own buildings somewhere else. Typically their owners own 3-7 cars. He said there is an example of someone who owns four condos with multiple cars and need additional space.

Commissioner Trahan explained that the Condo association is similar to an HOA where a majority is needed to make any changes.

Mr. Gans said the Condo association documents will be submitted to the City for review.

Commissioner Trahan asked if the units are climate and moisture controlled.

Mr. Gans said yes. Additionally, most people make large investments in the interior finish-outs.

Chairman Cocking added that the condos are a space that can be personalized.

Chairman Cocking said the development regulations specifically state "solely for storage" which would not allow any minor maintenance and restoration. It sounds like condo owners can do minor restorations except for paint and body.

Mr. Gans said he does not know the difference between minor restoration and full restoration.

Chairman Cocking said it appears that condo owners can do restoration, but not paint and body work.

Mr. Gans said even the body work is specified in the Condo documents with regards to the degree of work someone can do. The most extensive body work or car repair he has seen is work on a car bumper, as an example. Owners do not do work similar to a body shop.

Chairman Cocking said that most Condo owners will probably do mechanical work and replacement of brakes.

Mr. Gans said yes, on their own cars.

Chairman Cocking said the development regulations only state the purpose is for storage, not for any automotive repair use. Having a minor auto repair use would require additional requirements regarding noise and waste. He asked if this proposal was reviewed as a minor automotive repair use.

1<sup>st</sup> Vice-Chair Trahan said perhaps the auto use is more recreational.

Chairman Cocking said if the intent is for a commercial use, it has to be treated accordingly. There is only one waste facility and nothing else for potential fluids. Should the garage condos also be viewed as a minor auto repair use?

Ms. Kulkarni said minor automotive repair is not permitted at this location. It sounds like the work that may be done is something that one would do at garages in their own homes and would not be more extensive than that.

Mr. Battle said minor/major automotive repair use is intended to cover commercial operations, which means multiple cars with a high intensity. Mr. Battle said a comparison was not made from what would happen at an automotive repair place to what might happen at the garage condos. Owners here might work on their individual cars, but would still have to meet the provisions of the ALDC for nuisance type issues. Minor auto would not be a primary use, but rather more accessory. Any number of uses might be permitted here depending on what people store and collect. This is looked at as private individuals purchasing private property and pursuing private activity versus a commercial use.

Chairman Cocking said there are 90 garages and that is a high concentration. He asked if staff should look at this as a minor auto repair use or if staff is comfortable with this being primarily a self-storage facility.

Mr. Battle said staff does not see this as a major concern especially with the provisions in place such as screening and other requirements.

Chairman Cocking opened the public hearing.

Chairman Cocking closed the public hearing.

Chairman Cocking said that one letter of opposition was received: Richard and Dana Fergesen, 842 Deerfield Road, Allen, Texas

Commissioner Ogrizovich clarified that the onsite caretaker is not prohibit, but just not required.

Mr. Kulkarni said yes.

1<sup>st</sup> Vice-Chair Trahan said the garage condos are mainly for recreation, not for fixing, restoring, or for commerce.

Commissioner Ogrizovich asked about the height of the garage condos.

Mr. Gans said they are 24' high.

Commissioner Ogrizovich asked if individuals can have lifts inside the units.

Mr. Gans said yes they can, for storage purposes. He added that out of the 54 owners, only two do light restoration on their own cars. Others are just storing the cars.

Chairman Cocking asked how the applicant will handle nuisance violations after-hours. He asked how police can access gated areas.

Mr. Battle said public safety officials have access through knox-box or their own access codes to gated areas.

Mr. Gans said the average owners are 60 years and older, and most are not working on their cars, but are enjoying their collection.

Chairman Cocking said the challenge is when someone sells a unit to someone who does not meet the standards.

Mr. Gans said the new buyer would have to be approved by the board. The board ensures that the next owner meets the standard or else the current owner cannot sell. The Condo documents will address all of these concerns.

Chairman Cocking said there is an elevation change between this facility and the Starcreek subdivision. He asked if that elevation will be leveled.

Mr. Gans said the property will remain the way it is right now and will not be leveled.

Chairman Cocking asked about light pollution due to grade.

Mr. Battle said as with all commercial properties, the developer will have to meet the photometric standards with no light pollution over the property line. In addition, this property is separated by over 130' of buffer in addition to two masonry walls.

**Motion:** Upon a motion by 1<sup>st</sup> Vice-Chair Trahan, and a second by Commissioner Mangrum, the Commission voted 7 IN FAVOR, and 0 OPPOSED to recommend approval of the request to amend the development regulations and adopt a Concept Plan and Building Elevations relating to a 13.605± acre portion of Planned Development PD No. 92 located in the F. Dosser Survey, Abstract No. 280; generally located north of Stacy Road and west of Chelsea Boulevard, with the additional provision to include the reduction of the side yard setback from 10' to 5' on the southern side of Lot 5.

**The motion carried.**