

## PLANNING & ZONING COMMISSION

April 1, 2002

### **Present:**

Michael Davidoff, Chairman  
Lee Dunlap, 1st Vice Chair  
Laura Williamson, 2nd Vice Chair  
Jerry Kezhaya  
Joyce Beach  
Carolyn Kalchthaler  
Bill Neukranz  
Joy Flick

### **Staff:**

Phyllis M. Jarrell, Director of Planning  
Tom Elgin, Development Review Manager  
Christina Day, Sr. Planner  
Carrie Lee, Planner  
Charles Lee, Planner  
Kent McIlyar, Assistant City Attorney II  
Brad Roberts, Planning Technician  
Robin Horton, Technical Administrative Assistant

The Planning & Zoning Commission meeting was called to order by Chairman Davidoff at 7:02 p.m., Monday, April 1, 2002.

Commissioner Williamson made a motion to approve the agenda. Commissioner Neukranz seconded the motion, which passed 8-0. Commissioner Flick made a motion to approve the March 18, 2002, Meeting and Pre-Meeting minutes. Commissioner Kezhaya seconded the motion, which passed 8-0. Chairman Davidoff stated Agenda Item No. 4d would be pulled for individual consideration. Commissioner Kezhaya made a motion to approve the remainder of the Consent Agenda. Commissioner Dunlap seconded the motion, which passed 8-0.

**CONSENT AGENDA**

**Agenda No. 4a - Preliminary Site Plan: 68/Shiloh/544 Addition, Block A, Lot 4 - Applicant: The Salvation Army**

This is a request for a church on one lot on 7.3± acres on the south side of 14th Street, 600± feet west of Shiloh Road. Zoned Light Industrial-1.

Approved as submitted.

**Agenda No. 4b - Preliminary Site Plan: 37/Shawnee Park - Applicant: City of Plano**

This is a request for improvements to an existing city park on 44.0± acres on the north side of Parker Road, 600± feet east of P Avenue. Zoned Single-Family-7 and Agricultural.

Approved as submitted.

**Agenda No. 4c - Preliminary Plat: 40/The Shops at Willow Bend, Block 1, Lot 11 - Applicant: Omni Group, Inc.**

This is a request for a professional, general administrative office building on one lot on 0.9± acre on the north side of Park Boulevard, 190± feet west of the Dallas North Tollway. Zoned Regional Commercial.

Approved subject to additions and/or alterations to the engineering plans as required by the Engineering Department.

**Agenda No. 4e - Final Plat: 70/Fairfield of Plano, Phase II - Applicant: First Texas Homes, Inc.**

This is a request for 174 Single-Family-7 lots on 42.0± acres, west of Murphy Road, 650± feet south of 14th Street (FM 544). Zoned Single-Family-7.

Approved as submitted.

**Agenda No. 4f - Final Plat: 67/Bruce Landscaping Addition, Block 1, Lot 1 - Applicant: Bruce Landscaping**

This is a request for a contract construction (landscape) building on one lot on 2.0± acres on the west side of Placid Avenue, 480± feet north of Precision Drive. Zoned Light Industrial-2.

Approved as submitted.

**Agenda No. 4g - Final Plat & Revised Conveyance Plat: 68/Plano Tech Center II, Block 1, Lots 2 & 5 - Applicant: Argent Plano Realty, L.P.**

This is a request for two office and limited assembly/manufacturing buildings on one lot and one revised conveyance lot on 40.6± acres on the southwest corner of Shiloh Road and Plano Parkway. Zoned Research Technology.

Approved subject to recordation of T.P.&L. right-of-way dedication and drainage and floodway, sanitary sewer, utility, access, fire lane, and sidewalk easements by separate instrument.

**Agenda No. 4h - Conveyance Plat: 22/Spencer Addition, Block B, Lots 1 & 2 - Applicant: Jerry John Spencer**

This is a request for a proposed major automotive facility on one lot on 1.6± acres and future commercial development on one lot on 6.5± acres on the northwest corner of K Avenue and Legacy Drive. Zoned Corridor Commercial.

Approved as submitted.

**END OF CONSENT AGENDA**

**ITEM FOR INDIVIDUAL CONSIDERATION**

**Agenda No. 4d - Preliminary Plat: 22/Spencer Addition, Block A, Lot 4 - Applicant: Rosser Interest**

Charles Lee, Planner, stated this is a request for a major automotive repair facility on one lot on 0.7± acre on the west side of K Avenue, 525± feet south of Legacy Drive. Zoned Corridor Commercial. Staff recommended approval subject to additions and/or alterations to the engineering plans as required by the Engineering Department.

Approved subject to additions and/or alterations to the engineering plans as required by the Engineering Department.

**END OF ITEM FOR INDIVIDUAL CONSIDERATION**

**PUBLIC HEARINGS**

Carrie Lee, Planner, presented Agenda Item No.'s 5A and 5B together.

**Agenda No. 5A - Public Hearing: Zoning Case 2002-10 - Applicant: Breeze Texas Corporation**

Carrie Lee, Planner, stated this is a request for a Specific Use Permit (SUP) for a health/fitness center on one lot on 12.4± acres on the west side of Ohio Drive, 370± feet north of Legacy Drive. Zoned Office-2. Neighborhood #9. Ten letters were received for the item, six in favor and four in opposition. Staff recommended approval as submitted.

The public hearing was opened. Bill Dahlstrom, representing the applicant, and Mark Zapst, Vice President of Lifetime Fitness, presented a summary of the proposed facility. They noted its compatibility with existing and proposed land uses in the vicinity. Mr. Zapst stated the fitness center will offer physical fitness education classes, a secure child care

center, food bar, and other amenities that are not found at typical fitness centers. He presented the design of the building and the landscaping plan, and noted that Lifetime Fitness had worked with adjacent homeowners associations to arrive at this design. Clay Bruno, representing Deerfield Homeowners Association, stated the homeowners associations was in favor of the project. No one else spoke for or against the item. The public hearing was closed.

After much discussion, Commissioner Kezhaya made a motion to approve the item as submitted. Commissioner Kalchthaler seconded the motion, which passed 8-0.

**Agenda No. 5B - Preliminary Site Plan & Revised Concept Plan: 9/Legacy Corporate Center - Applicant: Breeze Texas Corporation**

Ms. Lee stated this is a request for a proposed health/fitness center on one lot on 12.4± acres and a future office and retail complex on one lot on 14.1± acres on the northeast corner of Preston Road and Legacy Drive. Zoned Office-2. Staff recommended approval subject to:

1. Planning & Zoning Commission granting a waiver of the required masonry screening wall in lieu of a living screen along the existing wrought iron fence of the adjacent multi-family development.
2. City Council approval of Zoning Case 2002-10.

The Commission and the applicant discussed the amount of parking provided and whether it was essential for the operation of the facility.

After a brief discussion, Commissioner Kezhaya made a motion to approve the item subject to City Council approval of Zoning Case 2002-10.

Commissioner Dunlap seconded the motion, which passed 8-0.

Planning & Zoning Commission granting a waiver of the required masonry screening wall in lieu of a living screen along the existing wrought iron fence of the adjacent multi-family development.

**Agenda No. 6 - Public Hearing - Replat: 37/Fairview Farm Marketplace, Block A, Lots 2R & 7 - Applicant: Cypress Equities, Inc. & Fairview Farm Land Co., Ltd.**

Ms. Lee stated this is a request for a retail building on one lot on 6.5± acres and future development on one lot on 1.2± acres on the east side of U.S. Highway 75, 350± feet north of Parker Road. Zoned Corridor Commercial. No letters were received for the item. Staff recommended approval as submitted.

The public hearing was opened. No one spoke for or against the item. The public hearing was closed.

After a brief discussion, Commissioner Dunlap made a motion to approve the item as submitted. Commissioner Kezhaya seconded the motion, which passed 8-0.

**Agenda No. 7 - Public Hearing - Replat: 52/Kemp Homestead No. 2, Block A, Lots 6R & 7 - Applicant: System Capital Real Property Corporation & Colonial Bank**

Ms. Lee stated this is a request for a restaurant with a drive-thru lane on one lot on 1.2± acres and a bank on one lot on 0.8± acre on the southeast corner of West Park Boulevard and Plano Parkway. Zoned Regional Commercial. No letters were received for the item. Staff recommended approval as submitted.

The public hearing was opened. No one spoke for or against the item. The public hearing was closed.

There being no discussion, Commissioner Beach made a motion to approve the item as submitted. Commissioner Kalchthaler seconded the motion, which passed 8-0.

Chairman Davidoff stepped down from Agenda Item No. 8.

**Agenda No. 8 - Appeal of an Interpretation of the Zoning Ordinance - Applicant: Alec Morton**

Tom Elgin, Development Review Manager, stated this is a request for an appeal of the Director of Planning's interpretation of Article 2, Section 2-802 D (Estate Development) and other sections of the Zoning Ordinance concerning the application of maximum height regulations for fences in the front yard setback to gates and columns.

Mr. Elgin noted that the Commission has two options on this issue. One option is to uphold the interpretation of the Director of Planning. The second option is to not uphold the interpretation and find that gates and columns are not subject to fence height requirements. If the Commission disagrees with the Director of Planning's interpretation, staff would recommend that consideration be given to amending the Zoning Ordinance to specifically address maximum heights for gates and columns. Otherwise, no height limits would govern the gates and columns except the overall height restrictions for the individual zoning district.

Alec Morton, applicant, stated he wanted the Planning & Zoning Commission to go by the ordinance he believed had been practiced for years. Mr. Morton said that the City has consistently not applied fence height standards to columns and gates. He also stated he had lived in the neighborhood since the mid 1980s and he wanted to be left alone. Russ Mower, Building Official, noted that enforcement began about a year ago as a result of complaints from neighbors in the Ranch Estates subdivision.

After much discussion, Commissioner Neukranz made a motion to uphold the Director of Planning's interpretation of the Zoning Ordinance regarding the application of maximum height regulations for fences in the front yard setback to gates and columns. Commissioner Flick seconded the motion, which passed 6-1. Commissioner Williamson voted in opposition with concerns of non-compliance all over town.

**END OF PUBLIC HEARINGS**

There being no further discussion, 1st Vice-Chair Dunlap adjourned the meeting at 8:37 p.m.

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Planning & Zoning Commissioner

xc: Honorable Mayor and City Council  
Thomas H. Muehlenbeck, City Manager