

PLANNING & ZONING COMMISSION
APRIL 19, 2004

COMMISSIONERS PRESENT

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

STAFF PRESENT

Phyllis M. Jarrell, Director of Planning
Kent McIlyar, Assistant City Attorney II
Tom Elgin, Development Review Manager
Christina Day, Sr. Planner
Charles Lee, Planner
Carrie Lee, Planner
Brad Roberts, Sr. Planning Technician
Eric Hill, Planning Technician
Michelle Campolla, Sr. Administrative Assistant
Stacy Christison, Technical Administrative Assistant

The Planning & Zoning Commission meeting was called to order by Chairman Dunlap at 7:00 p.m., Monday, April 19, 2004.

Second Vice Chair Neukranz made a motion to approve the agenda as presented. Commissioner Kezhaya seconded the motion, which passed 7-0.

First Vice Chair Williamson made a motion to approve the April 5, 2004, meeting minutes and the March 31, 2004, Joint City Council/Planning & Zoning Commission Retreat minutes. Commissioner Kezhaya seconded the motion, which passed 7-0.

Chairman Dunlap requested Agenda Item No. 4d be pulled for individual consideration. Commissioner Kezhaya made a motion to approve the remainder of the consent agenda. Commissioner Beach seconded the motion, which passed 7-0.

Commissioner Flick took her seat at 8:45 p.m.

CONSENT AGENDA

NO. 4A - PRELIMINARY PLAT 32/COIT-SPRING CREEK ADDITION, BLOCK 1, LOT 2 APPLICANT: GABRIEL SANTIAGO

A full-service carwash and minor automotive repair facility on one lot on 1.0± acres located on the west side of Coit Road, 350± feet south of Spring Creek Parkway. Zoned Retail.

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

NO. 4B - REVISED CONVEYANCE PLAT 32/COIT-SPRING CREEK ADDITION, BLOCK 1, LOTS 2 & 3 APPLICANT: GABRIEL SANTIAGO

Two conveyance lots on 11.6± acres on the southwest corner of Spring Creek Parkway and Coit Road. Zoned Retail.

Approved as submitted.

NO. 4C - REVISED PRELIMINARY SITE PLAN & REVISED CONCEPT PLAN 68/EXCHANGE BUSINESS CENTER, BLOCK 2, LOTS 3, 4 & 5 APPLICANT: MORSTAN L.P.

A proposed office-showroom/warehouse building on one lot on 2.4± acres and future office-showroom/warehouse developments on two lots on 11.5± acres on the south side of Guilder Drive, between Franc Drive and Krona Drive. Zoned Research Technology.

Approved as submitted.

NO. 4E - FINAL PLAT & REVISED CONVEYANCE PLAT 4/OHIO-HEDGCOXE ADDITION, BLOCK A, LOTS 2 & 4 APPLICANT: COPACABANA CORPORATION, INC.

A retail building on one lot on 1.4± acres and a conveyance lot on 6.2± acres on the north side of Hedgcoxe Road, 201± feet east of Ohio Drive. Zoned Planned Development-141-Retail.

Approved as submitted.

NO. 4F - REVISED PRELIMINARY SITE PLAN & REVISED CONCEPT PLAN 40/THE SHOPS AT WILLOW BEND, BLOCK 1, LOTS 9 & 12 APPLICANT: WILLOW BEND REALTY LIMITED PARTNERS

A proposed bank with drive-thru lanes on one lot on 1.4± acres and a future restaurant on one lot on 1.1± acres on the northeast corner of Park Boulevard and Plano Parkway. Zoned Regional Commercial.

Approved as submitted.

**NO. 4G - REVISED CONVEYANCE PLAT
16/WHITESTONE ADDITION, BLOCK A, LOTS 1 & 5
APPLICANT: WHITESTONE PARTNERS, LLP**

Two lots for conveyance on 6.7± acres on the northwest corner of Preston Road and Commonsgate Boulevard. Zoned Commercial Employment.

Approved as submitted.

**NO. 4H - PRELIMINARY PLAT
16/WHITESTONE ADDITION, BLOCK A, LOT 5
APPLICANT: WHITESTONE PARTNERS, LLP**

Four medical and two general one-story office buildings on one lot on 5.2± acres at the northwest corner of Preston Road and Commonsgate Boulevard. Zoned Commercial Employment.

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

END OF CONSENT AGENDA

ITEM FOR INDIVIDUAL CONSIDERATION

Chairman Dunlap stepped down for Agenda Item No. 4d. First Vice Chair Williamson assumed the chair.

**NO. 4D - FINAL PLAT
22/RANEY ADDITION, BLOCK 1, LOT 3
APPLICANT: RANDY BROYLES**

Charles Lee, Planner, stated this is a restaurant with a drive-thru on one lot on 0.8± acre on the north side of Spring Creek Parkway, 250± feet west of Des Moines Drive. Zoned Retail.

There being no discussion, Commissioner Kezhaya made a motion to approve the item as submitted. Commissioner LaRosiliere seconded the motion, which passed 6-0.

Chairman Dunlap resumed the chair and 1st Vice Chair Williamson resumed her seat.

END OF ITEM FOR INDIVIDUAL CONSIDERATION

PUBLIC HEARINGS

**NO. 5 - PUBLIC HEARING
ZONING CASE 2004-06
APPLICANT: CLASSIC BMW**

Mr. Lee stated this is a request for a Specific Use Permit (SUP) for a New Car Dealer on one lot on 21.8± acres on the northeast corner of Dallas North Tollway and Spring Creek Parkway. Zoned Commercial Employment (CE). Neighborhood #16. Tabled 3/1/04. Commissioner Kezhaya made a motion to remove the item from the table. Second Vice Chair Neukranz seconded the motion, which passed 7-0. No letters were received for the item. Staff recommended that the Planning & Zoning Commission accept the applicant's request to withdraw this zoning request.

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

There being no discussion, Commissioner Kezhaya made a motion to accept the applicant's request to withdraw this zoning request. First Vice Chair Williamson seconded the motion, which passed 7-0.

Mr. Lee presented Items 6A and 6B together.

**NO. 6A - PUBLIC HEARING
ZONING CASE 2004-09
APPLICANT: KOREAN FIRST BAPTIST CHURCH**

Mr. Lee stated this is a request to rezone 7.5± acres located on the southeast corner of Legacy Drive and Ohio Drive from Single-Family-7 to Planned Development-Office-1. Zoned Single-Family-7. Neighborhood #17. Eight letters were received for the item, one in support and seven in opposition. There were also 127 letters received from a petition, twenty-two of which were duplicates and four from residents who do not live within the City of Plano. Staff recommended approval as Planned Development-Office-1 subject to the following stipulations:

1. Bank, Savings & Loan, and Credit Union use is an additional allowed use.
2. The maximum building height shall be one-story, 25 feet except that buildings within 250 feet of the southern right-of-way line of Legacy Drive and within 500 feet of the eastern right-of-way line of Ohio Drive shall be a maximum height of two-stories, 35 feet.
3. Pole signs are prohibited.

The public hearing was opened. Tony Callaway, representing the applicant, spoke in support of the item. Melvin Minnard, 7000 Ebony; Dave Cornell, 4636 Birkshire Lane; Sander Wolf, 4693 Gentry; Andrew Hoodwin, 4649 Ainsley Drive; and Peter Weidenbruch, 4653 Hinton Drive, all spoke in opposition to the item. Concerns that were voiced were based on changing the zoning from residential to planned development, types of businesses, building height and traffic.

Twenty-five speaker cards were received for the item, twenty-one in support and four in opposition

After much discussion, 1st Vice Chair Williamson made a motion to approve the item as submitted with the exception of Stipulation #1. Commissioner Beach seconded the motion, which passed 4-3. Commissioners Kalchthaler, Kezhaya and 2nd Vice Chair Neukranz voted in opposition, stating the request was inconsistent with the Comprehensive Plan.

**NO. 6B - CONCEPT PLAN
LEGACY-OHIO OFFICE PARK, BLOCK 1, LOTS 1 & 2
APPLICANT: KOREAN FIRST BAPTIST CHURCH**

Mr. Lee stated this is a proposed general and medical office development and a bank with drive-thru lanes on two lots on 7.5± acres on the southeast corner of Legacy Drive and Ohio Drive. Zoned Single-Family-7. Neighborhood #17. Due to the Commission's recommendation to eliminate a use proposed on the concept plan, staff recommended that consideration of the plan be tabled until after City Council consideration of Zoning Request 2004-09 on May 10.

There being no discussion, 1st Vice Chair Williamson made a motion to table the item to the May 17, 2004, Planning & Zoning Commission meeting. Commission Kezhaya seconded the motion, which passed 7-0.

Chairman Dunlap called a break at 9:00 p.m.
The meeting was reconvened at 9:05 p.m.

Christina Day, Sr. Planner, presented Items 7A, 7B, and 7C together.

**NO. 7A - PUBLIC HEARING
ZONING CASE 2004-10
APPLICANTS: MYER LEVY LIMITED PARTNERSHIP, MEYER LEVY CHARITABLE
FOUNDATION, AND MEYER LEVY REVOCABLE TRUST**

Ms. Day stated this is a request to rezone 101.3± acres located on the east and west sides of Ohio Drive, between Parker Road and Tulane Drive from Agricultural (A) to Planned Development-Single-Family-Attached (PD-SF-A), Single-Family-9 (SF-9), Single-Family-7 (SF-7), and Patio Home (PH). Zoned Agricultural (A). Neighborhood #43. Five letters were received for the item, two in support and three in opposition. Staff recommended approval as PD-SF-A, PH, SF-7, and SF-9 per the attached zoning exhibit. The Planned Development-Single-Family-Attached zoning is subject to the following stipulations:

1. Additional uses of independent living facility, assisted living facility, long-term care facility, and continuing care facility shall be allowed by right as described in Section 3-115 of the Zoning Ordinance.
2. A height of three stories and 50 feet will be allowed for retirement housing uses, including independent living, assisted living, long-term care, and continuing care facilities.
3. Minimum lot depth for SF-A lots: 80 feet.
4. For SF-A residential lots that are front entry, the minimum front yard setback may be reduced to 10 feet provided that:
 - a. The garage shall maintain a minimum setback of 20 feet from the front property line.
 - b. The open yard area of either the rear yard or non-zero side yard is increased by an amount equal to or greater than that of the increased buildable area created by the reduction in the front yard setback.

The public hearing was opened. David Kalhoefer, representing the applicant, spoke in support of the item. Mr. Kalhoefer, however, requested that the minimum setback distance for a three-story retirement house be reduced from 150 feet to 130 feet. The reason for this reduction is to allow additional room in the front of the facility to provide area for a walking trail for residents. Larry Rehg, 4640 Shell Court; Richard Blanford, 2633 Red Bluff Court; and Doug Reeves, 4712 De Grey, all spoke in opposition to the item. Concerns were based on traffic and building height.

Two speaker cards were received for the item, one in support and one in opposition.

After some discussion, 1st Vice Chair Williamson made a motion to approve the item as submitted subject to:

1. Additional uses of independent living facility, assisted living facility, long-term care facility, and continuing care facility shall be allowed by right as described in Section 3-115 of the Zoning Ordinance.
2. A height of three stories and 50 feet will be allowed for retirement housing uses, including independent living, assisted living, long-term care, and continuing care facilities.
3. Minimum lot depth for SF-A lots: 80 feet.
4. A setback of 130 feet will be required between retirement housing of three stories and any adjacent Single-Family development.

Commissioner LaRosiliere seconded the motion, which passed 7-1. Chairman Dunlap voted in opposition, stating he wished to see the request extended to include the property to the west, adjacent to Preston Road. Additionally, Chairman Dunlap did not support the reduction in setback between the retirement housing and Single-Family development.

**NO. 7B - CONCEPT PLAN
PRESTON VILLAGE
APPLICANT: THE TINSLEY COMPANIES**

Ms. Day stated this is an Independent Living and Assisted Living Facility on one lot and 110 Single Family-Attached lots on 27.7± acres on the southwest corner of Parker Road and Ohio Drive. Zoned Agricultural (A). Neighborhood #43. No letters were received for the item. Staff recommended for approval subject to City Council approval of Zoning Case 2004-10.

The public hearing was opened. Joseph MacElwey, representing Sunrise Senior Living, spoke in support of the item. No one else spoke for or against the item. The public hearing was closed.

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

**NO. 7C - PHASE II LAND STUDY
CITY PARK AT PRESTON
APPLICANT: TOLL BROTHERS**

Ms. Day stated this is forty-three Single-Family-9 (SF-9) lots, 65 Single-Family-7 (SF-7) lots, 116 Patio Home lots, and 10 open space lots on 68.6± acres located both east and west of Ohio Drive on the north side of Tulane Drive. Zoned Agricultural (A). Neighborhood #43. Staff recommended approval subject to:

1. The Planning & Zoning Commission granting a permanent variance for an over-length street.
2. City Council approval of Zoning Case 2004-10.

The public hearing was opened. Bill Anderson, representing the applicant, spoke in support of the item. No one else spoke for or against the item. The public hearing was closed.

There being no discussion, 1st Vice Chair Williamson made a motion to approve the item subject to City Council approval of Zoning 2004-10. The Planning and Zoning Commission granted a permanent variance to the overlength street. Commissioner Kezhaya seconded the motion, which passed 8-0.

**NO. 8 - PUBLIC HEARING
ZONING CASE 2004-12
APPLICANT: EASTSIDE VILLAGE**

Carrie Lee, Planner, stated this is a request for a Specific Use Permit (SUP) for a Private Club in conjunction with an existing restaurant on 0.1± acre within one lot on the southeast corner of K Avenue and Vontress Drive. Zoned Downtown Business/Government. Neighborhood #60. No letters were received for the item. Staff recommended approval subject to City Council waiving the 1,000-foot distance requirement from a publicly owned park.

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

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

**NO. 9 - PUBLIC HEARING - REPLAT
12/OAKWOOD GLEN FIRST SECTION, BLOCK 9, LOT 43R
APPLICANT: JEFF SCHERER**

Ms. Lee stated this is a single-family residence on one lot on 0.6± acre on the west side of Hasselt Court, 299± feet north of USA Drive. Zoned Single-Family-7. Six letters were received in support of 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 LaRosiliere made a motion to approve the item as submitted. Commissioner Kezhaya seconded the motion, which passed 8-0.

**NO. 10 - PUBLIC HEARING - PRELIMINARY REPLAT & REVISED SITE PLAN
52/WEST PLANO RETAIL CENTER ADDITION, BLOCK 1, LOT 3R
APPLICANT: SEWELL VILLAGE CADILLAC COMPANY**

Ms. Lee stated this is an existing and a proposed new car dealer facility on one lot on 9.3± acres on the west side of Dallas North Tollway, 1,700± feet south of Park Boulevard. Zoned Planned Development-220-Regional Commercial with Specific Use Permit #483 for New Car Dealer. No letters were received for the item. Staff recommended approval subject to:

Preliminary Replat: Recommended for approval subject to additions and/or alterations to the engineering plans as required by the Engineering Department.

Revised Site Plan: Recommended for 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 Kezhaya made a motion to approve the item as submitted. Commissioner LaRosiliere seconded the motion, which passed 8-0.

END OF PUBLIC HEARINGS

Chairman Dunlap called a break at 10:15 p.m.
The meeting was reconvened at 10:20 p.m.

**NO. 11 - PRELIMINARY SITE PLAN
53/WAL-MART DNT ADDITION, BLOCK A, LOT 1
APPLICANT: WAL-MART, INC.**

Ms. Day stated this is a retail superstore on one lot on 23.1± acres located on the west side of Parkwood Boulevard, 580± feet south of Park Boulevard. Zoned Regional Commercial (RC). Seventy-three letters were received in opposition to the item. Staff recommended approval subject to Planning & Zoning Commission acceptance of the Traffic Impact Analysis (TIA).

James Hall, representing the applicant, spoke in support of the item. C. Robert Hasley, St. Andrew United Methodist Church, 5801 W. Plano Parkway; Dean Clubb, St. Andrew United Methodist Church, 1600 Cliffview Drive; Karen Dubrow, Stone Lake Estates Homeowners Association (HOA), 5856 Stonemeadow; Matt Hutchins, Glen Heather HOA, 1641 Glen Springs Drive; David Romick, 5856 Stone Meadow; Tonia Biggs, Stone Lake Estates HOA, 1413 Tree Farm Drive; Hal Stebbins, Stone Lake Estates HOA, 1408 Tree Farm Drive; Linda Parkinson, Glen Heather HOA, 1709 Glen Springs; Sandy Anderson, Fairways of Glen Eagles II HOA, 1817 Danby Drive; Patricia Templeton, 5800 Pathfinder Trail; Cara Mendelsohn, 5928 Pebblestone; Keith Haswell, Stone Lake Estates HOA, 1405 Beaver Creek; Frank Brander, Willow Bend West/North HOA, 5957 Kensington Drive; and David Murashige, 2604 Rutgers Court, all spoke in opposition to the item. 288 speaker cards were received in opposition to the item.

After much discussion, Commissioner Beach made a motion to approve the item as submitted. Commissioner LaRosiliere seconded the motion, which passed 7-1. Commissioner Flick voted in opposition, stating she requested a more extensive review of the TIA.

There being no further discussion, Chairman Dunlap adjourned the meeting at 1:20 a.m.

Planning & Zoning Commissioner

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