

PLANNING & ZONING COMMISSION
February 18, 2008

COMMISSIONERS PRESENT

James Duggan, Chairman
Jim Norton, 1st Vice Chair
Maggie Armstrong, 2nd Vice Chair
Jeff Bulla
Christopher Caso
Michael Coleman
Craig Perry
Beth Weingarden

STAFF PRESENT

Phyllis M. Jarrell, Director of Planning
Tom Elgin, Development Review Manager
Tina Firgens, Sr. Planner
Eric Hill, Planner
Bester Tauro, Planner
Paige Mims, Assistant City Attorney
Dee Sarver, Planning Technician
Donna White, Technical Administrative Assistant

The Planning & Zoning Commission meeting was called to order by Chairman Duggan at 7:00 p.m., Tuesday, February 18, 2008.

Second Vice Chair Armstrong made a motion to approve the agenda as presented. Chairman Perry seconded the motion, which passed 8-0.

Commissioner Caso made a motion to approve the minutes of the February 4, 2008, Planning & Zoning Commission meeting with corrections. Second Vice Chair Armstrong seconded the motion, which passed 8-0.

Commissioner Weingarden made a motion to approve the consent agenda as submitted. Commissioner Perry seconded the motion, which passed 8-0.

CONSENT AGENDA

**AGENDA ITEM NO. 5A - FINAL PLAT
3/CUSTER-RIDGEVIEW ADDITION, BLOCK 1, LOT 7
APPLICANT: FRED OWENS**

Commercial pet sitting on one lot on 2.0± acres located on the south side of Kathryn Lane, 320± feet west of Custer Road. Zoned Retail. Neighborhood #3.

Approved as submitted.

**AGENDA ITEM NO. 5B - FINAL PLAT
8/LEGACY TOWN CENTER (NORTH), BLOCK A, LOT 1
APPLICANT: LEGACY NORTH PT MFA I, L.P.**

390 multifamily units on one lot on 6.8± acres located at the northwest corner of Parkwood Boulevard and Robbie Road. Zoned Planned Development-65-Central Business-1. Neighborhood #8.

Approved as submitted.

**AGENDA ITEM NO. 5C - REVISED PRELIMINARY SITE PLAN
8/GRANITE PARK ADDITION, BLOCK B, LOT 6 & 7
APPLICANT: TOLLWAY/121 PARTNERS, LTD.**

General office on two lots on 12.0± acres located at the southwest corner of Granite Parkway and State Highway 121. Zoned Central Business-1. Neighborhood #8.

Approved as submitted.

**AGENDA ITEM NO. 5D - REVISED PRELIMINARY PLAT
8/VILLAGE AT 121 ADDITION, BLOCK 1, LOT 1
APPLICANT: 121 VILLAGE, LTD.**

Retail, restaurant, and indoor commercial amusement development on one lot on 53.7± acres located at the southwest corner of State Highway 121 and Preston Road. Zoned Commercial Employment. Neighborhood #8.

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

**AGENDA ITEM NO. 5E - REVISED CONVEYANCE PLAT
8/VILLAGE AT 121 ADDITION, BLOCK 1, LOTS 1-5
APPLICANT: 121 VILLAGE, LTD.**

Retail and restaurant development on one lot and four conveyance lots on 84.1± acres located at the southwest corner of State Highway 121 and Preston Road. Zoned Commercial Employment. Neighborhood #8.

Approved as submitted.

**AGENDA ITEM NO. 5F - FINAL PLAT
1/THE TRIBECA ADDITION, BLOCK A, LOT 1
APPLICANT: TRIBECA APARTMENTS, LTD.**

396 Multifamily Residence-1 units on one lot on 11.6± acres located on the west side of Ohio Drive, 245± feet south of McDermott Road. Zoned Planned Development-20-Mixed Use. Neighborhood #1.

Approved as submitted.

END OF CONSENT AGENDA

PUBLIC HEARINGS

**AGENDA ITEM NO. 6 - PUBLIC HEARING
ZONING CASE 2007-16
APPLICANT: CITY OF PLANO**

Tina Firgens, Sr. Planner, stated this is a request to amend Section 1.600 (Definitions) of Article 1 (General Regulations) and Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations), and related sections of the Zoning Ordinance regarding golf nets. Staff recommended approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

1. Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to create the following definition for golf nets:

Golf Nets - A vertical net designed to confine golf balls to country club (private), outdoor commercial amusement, or golf course uses.

2. Amend Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) by adding the following new standards for golf nets to read as follows:

3.1005 Golf Nets

Country club (private), outdoor commercial amusement, or golf course uses in any zoning district, but not residential uses, shall be permitted to install golf nets in accordance with the following:

- (1) Golf nets shall be constructed of flexible netting and be cable-supported with structural supports.
- (2) Golf nets shall be exempt from setback requirements.
- (3) Golf nets including any structural supports shall not exceed a maximum height of 60 feet.

(4) No flags, signs, banners or other appurtenances shall be attached to the structural supports or golf nets.

There were no letters received in support of or opposition to the item.

The public hearing was opened. Cindy Torgussen, resident of the City of Plano, spoke in opposition of the item. Ms. Torgussen had concerns regarding net height and declination of property values.

Bob Gehbauer, resident of the City of Plano, spoke in opposition of the item. Mr. Gehbauer had concerns regarding net height, declination of property values, fear of being unable to sell his property, appearance of the net, and vulnerability to errant golf balls.

Robert Rickman, representing the Hills of Indian Creek HOA, spoke in opposition of the item. Mr. Rickman stated the proposed ordinance did not have the support of the HOA and had concerns regarding declination of property values.

Michael Nolan, resident of the City of Plano, spoke in opposition of the item. Mr. Nolan had concerns regarding the declination of property values and was fearful that the ordinance would set a dangerous precedent for fences.

Gerhard Torgussen, resident of the City of Plano, spoke in opposition of the item. Mr. Torgussen had concerns regarding property values and the affect the net would have on the appearance of the properties.

Sassan Salek, resident of the City of Plano, spoke in opposition of the item. Mr. Salek had concerns regarding the affect the net would have on the appearance of the properties, property damage, and safety of children due to errant golf balls. Mr. Salek stated that it should be the golf course's responsibility to keep the residents and property safe.

Saadi Darvish, resident of the City of Plano, spoke in opposition of the item. Mr. Darvish resides on the property with the golf net. Mr. Darvish had concerns regarding property values and the safety of residents and property. Mr. Darvish stated he was opposed to the way the ordinance is worded and stated the ordinance need to be more specific and stringent.

Bortai Gamini, resident of the City of Plano, spoke in opposition of the item. Ms. Gamini stated that she had investment property near the location of the golf net and had no problem selling the property. Ms. Gamini stated the net was necessary to protect property and residents and was not an obstruction of their view.

Ryan Bibb, representing the Darvishes, spoke in opposition of the item. Mr. Bibb stated the ordinance did not take into consideration safety of the residents. Mr. Bibb stated the proposed ordinance did not address aesthetics, allows golf courses to erect a net but has no mandate, and does not give residents the opportunity to protect their own property.

Jerry Andrlik, resident of the City of Plano, spoke in opposition of the item. Mr. Andrlik had concerns regarding the safety of the residents.

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

After much discussion, Commissioner Bulla made a motion to deny the item for the following reasons:

Concerns regarding setting a precedence throughout the city for allowing golf nets;

Aesthetics; and

Decreased property values.

Commissioner Perry seconded the motion, which passed 8-0

Commissioner Perry stepped down for Agenda Item No. 7 due to conflict of interest.

AGENDA ITEM NO. 7 - PUBLIC HEARING

ZONING CASE 2007-61

APPLICANT: CITY OF PLANO

Eric Hill, Planner, stated this is a request to rescind Specific Use Permit #207 for Private Club on one lot on 1.0± acre located on the east side of Preston Road, 1,370± feet north of Park Boulevard. Zoned Retail. Staff recommended approval as submitted. There were four letters received in support of the item and no letters received in opposition.

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

There being no discussion, Commissioner Caso made a motion to approve the item as submitted. Commissioner Coleman seconded the motion, which passed 7-0

Commissioner Perry resumed his seat.

AGENDA ITEM NO. 8A - PUBLIC HEARING

ZONING CASE 2008-01

APPLICANT: CITY OF PLANO

Tom Elgin, Development Review Manager, stated this is a request to rescind Specific Use Permit #367 for Private Club on one lot on 0.9± acre located on the north side of 18th Street, 200± feet west of K Avenue. Zoned Downtown Business/Government. Staff recommended approval as submitted. There were no letters received in support of or opposition to the item.

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

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

AGENDA ITEM NO. 8B - PUBLIC HEARING
ZONING CASE 2008-02
APPLICANT: CITY OF PLANO

Mr. Elgin stated this is a request to rescind Specific Use Permit #372 for Private Club on one lot on 2.3± acres located on the east side of U.S. Highway 75, 1,660± feet north of Parker Road. Zoned Corridor Commercial. Staff recommended approval as submitted. There were no letters received in support of or opposition to the item.

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

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

AGENDA ITEM NO. 8C - PUBLIC HEARING
ZONING CASE 2008-03
APPLICANT: CITY OF PLANO

Mr. Elgin stated this is a request to rescind Specific Use Permit #373 for Private Club on one lot on 0.1± acre located on the north side of Spring Creek Parkway, 625± feet west of Coit Road. Zoned Retail. Staff recommended approval as submitted. There were no letters received in support of or opposition to the item.

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

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

Commissioner Perry stepped down due to conflict of interest of Agenda Item No. 8D.

AGENDA ITEM NO. 8D - PUBLIC HEARING
ZONING CASE 2008-04
APPLICANT: CITY OF PLANO

Mr. Elgin stated this is a request to rescind Specific Use Permit #392 for Private Club on one lot on 0.7± acre located at the northwest corner of Park Boulevard and Ohio Drive. Zoned Retail. Staff recommended approval as submitted. There were no letters received in support of or opposition to the item.

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

There being no discussion, Commissioner Weindgarden made a motion to approve the item as submitted. Commissioner Coleman seconded the motion, which passed 7-0.

Commissioner Perry resumed his seat.

AGENDA ITEM NO. 8E - PUBLIC HEARING
ZONING CASE 2008-05
APPLICANT: CITY OF PLANO

Mr. Elgin stated this is a request to rescind Specific Use Permit #397 for Private Club on one lot on 0.2± acre located on the west side of Dallas North Tollway, 1,340± feet north of Parker Road. Zoned Regional Commercial. Staff recommended approval as submitted. There were no letters received in support of or opposition to the item.

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

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

AGENDA ITEM NO. 8F - PUBLIC HEARING
ZONING CASE 2008-06
APPLICANT: CITY OF PLANO

Mr. Elgin stated this is a request to rescind Specific Use Permit #401 for Private Club on one lot on 1.5± acres located on the west side of Dallas North Tollway, 1,200± feet north of Parker Road. Zoned Regional Commercial. Staff recommended approval as submitted. There were no letters received in support of or opposition to the item.

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

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

AGENDA ITEM NO. 8G - PUBLIC HEARING
ZONING CASE 2008-07
APPLICANT: CITY OF PLANO

Mr. Elgin stated this is a request to rescind Specific Use Permit #405 for Private Club on one lot on 0.1± acre located 380± feet west of Coit Road, 750± feet north of Spring Creek Parkway. Zoned Retail. Staff recommended approval as submitted. There were no letters received in support of or opposition to the item.

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

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

AGENDA ITEM NO. 8H - PUBLIC HEARING
ZONING CASE 2008-08
APPLICANT: CITY OF PLANO

Mr. Elgin stated this is a request to rescind Specific Use Permit #408 for Private Club on one lot on 0.2± acre located 50± feet west of Preston Road, 50± feet north of Lorimar Drive. Zoned Planned Development-447-Retail/Multifamily Residence-2. Staff recommended approval as submitted. There were no letters received in support of or opposition to the item.

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

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

AGENDA ITEM NO. 9 - PUBLIC HEARING
ZONING CASE 2008-09
APPLICANT: H. H. P. L. LIMITED

Mr. Elgin stated this is a request to rezone 5.6± acres located on the north side of Tradition Trail, 470± feet east of Ohio Drive from Planned Development-131-Light Industrial-1 and Planned Development-426-Retail/General Office to Planned Development-426-Retail/General Office. Zoned Planned Development-131-Light Industrial-1 and Planned Development-426-Retail/General Office. Staff recommended this item be tabled to the March 3, 2008, Planning & Zoning Commission meeting. There were no letters received in support of or opposition to the item.

The public hearing was opened. Alan Hucaby, representing the applicant, was present to answer any questions. No one spoke for or against the item. The public hearing was closed.

There being no discussion, 2nd Vice Chair Armstrong made a motion to table the item to the March 3, 2008, Planning & Zoning Commission meeting. Commissioner Caso seconded the motion, which passed 8-0.

AGENDA ITEM NO. 10 - PUBLIC HEARING
8/REPLAT: CHILDREN'S MEDICAL CENTER LEGACY CAMPUS, BLOCK A, LOT 1
APPLICANT: CHILDREN'S MEDICAL CENTER

Ms. Firgens stated this a request for a hospital and medical offices on one lot on 56.1± acres located at the southwest corner of Preston Road and Hedgcoxe Road. Zoned Commercial Employment. Neighborhood #8. 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 Caso made a motion to approve the item as submitted. Second Vice Chair Armstrong seconded the motion, which passed 8-0.

AGENDA ITEM NO. 11 - PUBLIC HEARING
50/PRELIMINARY REPLAT: HINCKLEY ADDITION, BLOCK A, LOTS 1R & 3
APPLICANT: THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Ms. Firgens stated this is a request for a church on one lot and vacant lot on 5.9± acres located on the west side of Los Rios Boulevard, 80± feet south of Trail Walker Drive and generally on the north side of Ridgetop Lane. Zoned Planned Development-320-Estate Development. Neighborhood #50. Staff recommended the Commission accept the applicant's request to withdraw.

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

There being no discussion, Commissioner Perry made a motion to accept the applicant's request to withdraw. Commissioner Weingarden seconded the motion, which passed 8-0.

AGENDA ITEM NO. 12 - PUBLIC HEARING
26/REPLAT: POINTE WEST ADDITION, BLOCK A, LOTS 3R-9R, 11R, 19R, 20R,
22R-28R, BLOCK B, LOTS 1R-4R & BLOCK C, LOTS 6R-10R
APPLICANT: PLANO POINTE WEST, L.P.

Mr. Hill stated this is a request for 32 Single-Family Residence-6 lots on 4.5± acres located at the northwest corner of Windhaven Parkway and Garden Gate Drive. Zoned Single-Family Residence-6. Neighborhood #26. Staff recommended approval as submitted.

The public hearing was opened. Steven Brooks, representing the applicant, was available to answer any questions. No one spoke for or against the item. The public hearing was closed.

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

AGENDA ITEM NO. 13 - PUBLIC HEARING
4/REPLAT: REGENCY PARK ADDITION, BLOCK A, LOTS 3R-9R, BLOCK B,
LOTS 2R-7R, 10R-15R, BLOCK C, LOTS 1R-5R, & BLOCK D, LOTS 3R, 4R,
10R-16R
APPLICANT: REGENCY PARK, L.P.

Mr. Hill stated this is a request for 41 Single-Family Residence-6 lots on 5.8± acres located generally on the east side of Ohio Drive, 220± feet south of McDermott Road.

Zoned Planned Development-155-Single-Family Residence-6. Neighborhood #4. 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 Coleman made a motion to approve the item as submitted. Commissioner Caso seconded the motion, which passed 8-0.

AGENDA ITEM NO. 14 - PUBLIC HEARING

**5/PRELIMINARY REPLAT & REVISED SITE PLAN: CHURCH OF CHRIST ON MCDERMOTT ROAD ADDITION, BLOCK 1, LOT 1R
APPLICANT: CHURCH OF CHRIST ON MCDERMOTT ROAD**

Bester Tauro, Planner, stated this is a request for a church on one lot on 12.0± acres located at the southwest corner of McDermott Road and Clifford Drive. Zoned Single-Family Residence-6. Neighborhood #5. Staff made the following recommendations:

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

Revised Site Plan: 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 Caso made the following motion:

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

Revised Site Plan: Approve as submitted.

Second Vice Chair Armstrong seconded the motion, which passed 8-0.

AGENDA ITEM NO. 15 - PUBLIC HEARING

**59/REPLAT: PARKER SQUARE ADDITION, BLOCK 2, LOT 3R
APPLICANT: HALLE PROPERTIES, LLC**

Ms. Tauro stated this is a request for a tire dealer on one lot on 1.3± acres located on the south side of Park Boulevard, 150± feet west of K Avenue. Zoned Planned Development-23-Light Commercial. Neighborhood #59. 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 Perry made a motion to approve the item as submitted. Commissioner Bulla seconded the motion, which passed 8-0.

AGENDA ITEM NO. 16 - PUBLIC HEARING

36/REPLAT: UNITED NATIONAL BANK ADDITION, BLOCK 1, LOTS 1R & 2R

APPLICANT: COMERICA BANK

Ms. Tauro stated this is a request for retail on one lot on 1.9± acres located at the northeast corner of Parker Road and Premier Drive. Zoned Corridor Commercial. Neighborhood #36. Staff recommended approval as submitted.

The public hearing was opened. Mike Dodd, representing the applicant was available to answer any questions. No one spoke for or against the item. The public hearing was closed.

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

AGENDA ITEM NO. 17 - PRELIMINARY SITE PLAN

68/GULF OIL ADDITION NO. 1, BLOCK 1, LOT 1R

APPLICANT: QUIK TRIP CORPORATION

Ms. Tauro stated this is a request for a convenience store with gas pumps on one lot on 1.3± acres located at the southeast corner of Plano Parkway and K Avenue. Zoned Light Industrial-1. Neighborhood #68. Staff recommended approval subject to the Board of Adjustment granting a variance from the overlay requirement for utilities to be placed underground.

The public hearing was opened. Karen Mitchell, representing the applicant was available to answer any questions. No one spoke for or against the item. The public hearing was closed.

There being no discussion, Commissioner Perry made a motion to approve subject to the Board of Adjustment granting a variance from the overlay requirement for utilities to be placed underground. Second Vice Chair Armstrong seconded the motion, which passed 8-0.

END OF PUBLIC HEARINGS

**AGENDA ITEM NO. 18 - REQUEST TO WAIVE THE TWO-YEAR WAITING PERIOD
55/PLANNED DEVELOPMENT-131-LIGHT INDUSTRIAL-1
APPLICANT: H. H. P. L. LIMITED**

Mr. Elgin stated this is a request to waive the two-year waiting period for consideration of a rezoning request for 5.6± acres located on the north side of Tradition Trail, 470± feet east of Ohio Drive from Planned Development-131-Light Industrial-1 and Planned Development-426-Retail/General Office to Planned Development-426-Retail/General Office. Zoned Planned Development-131-Light Industrial-1 and Planned Development-426-Retail/General Office. Neighborhood #55. Staff recommended that a waiver of the two-year waiting period be granted if the Planning & Zoning Commission finds substantive reasons for granting the request.

After some discussion, Commissioner Bulla made a motion to waive the two-year waiting period. Commissioner Perry seconded the motion, which passed 8-0. The Planning & Zoning Commission found that there were substantive reasons to waive the waiting period including the continued development of the Baylor Hospital campus.

AGENDA ITEM NO. 19 - ITEMS FOR FUTURE DISCUSSION

The Commission had no items they wished to discuss.

There being no further discussion, Chairman Duggan adjourned the meeting at 8:38 p.m.

Planning & Zoning Commissioner

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