

PLANNING & ZONING COMMISSION
May 16, 2011

COMMISSIONERS PRESENT

Christopher Caso, Chairman
David Downs, 1st Vice Chair
Fred Balda
Jim Norton
Doug Hazelbaker
Alan Smith
Tracey Dry

COMMISSIONERS ABSENT

Michael Coleman, 2nd Vice Chair

STAFF PRESENT

Tina Firgens, Planning Manager
Kate Perry, Sr. Planner
Eric Hill, Planner
Paige Mims, Assistant City Attorney
Dee Sarver, Sr. Planning Technician
Donna White, Technical Administrative Assistant

The Planning & Zoning Commission meeting was called to order by Chairman Caso at 7:05 p.m., Monday, May 16, 2011.

Commissioner Norton made a motion to convene into Executive Session. First Vice Chair Downs seconded the motion, which passed 7-0.

Chairman Caso adjourned Executive Session at 7:45 p.m. and reconvened into regular meeting at 7:49 p.m.

First Vice Chair Downs made a motion to approve the agenda as presented. Commissioner Norton seconded the motion, which passed 7-0.

Commissioner Dry made a motion to approve the minutes of the May 2, 2011, Planning & Zoning Commission meeting as submitted. Commissioner Smith seconded the motion, which passed 7-0.

First Vice Chair Downs made a motion to approve the consent agenda as submitted. Commissioner Norton seconded the motion, which passed 7-0.

CONSENT AGENDA

AGENDA ITEM NO. 5A - PRELIMINARY PLAT 26/ACRES OF SUNSHINE ADDITION, BLOCK A, LOT 2 APPLICANT: BRAZOS ELECTRIC POWER COOPERATIVE, INC.

Electrical substation on one lot on 6.3± acres located on the west side of Dallas North Tollway, 1,100± feet north of Windhaven Parkway. Zoned Regional Employment/Dallas North Tollway Overlay District. Neighborhood #26.

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

AGENDA ITEM NO. 5B - FINAL PLAT 43/PRESTON VILLAGE, PHASE II APPLICANT: PRESTON VILLAGES DEVELOPERS, L.P.

56 Single-Family Residence Attached lots and three common area lots on 7.3± acres located at the northwest corner of Orion Drive and Durham Drive. Zoned Planned Development-150-Single-Family Residence Attached. Neighborhood #43.

Approved as submitted.

AGENDA ITEM NO. 5C - CONCEPT PLAN 72/COIT CENTER, BLOCK A, LOTS 1R, 8, & 9 AND BLOCK B, LOT 4R APPLICANT: COIT 190, L.P. AND HARKINS PLANO, L.P.

Multifamily and restaurant on three lots on 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane and multifamily on one lot on 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive. Zoned Corridor Commercial, Planned Development-215-Corridor Commercial, and Planned Development-216-Corridor Commercial with Specific Use Permits #545 and #546 for Regional Theater and Arcade/190 Tollway/Plano Parkway Overlay District. Neighborhood #72.

Approved as submitted.

AGENDA ITEM NO. 5D - FINAL PLAT 1/QT 910 ADDITION, BLOCK A, LOT 1 APPLICANT: QUIKTRIP CORPORATION

Convenience store with gas pumps on one lot on 2.0± acres located at the southwest corner of State Highway 121 and Coit Road. Zoned Regional Commercial/State Highway 121 Overlay District. Neighborhood #1.

Approved as submitted.

**AGENDA ITEM NO. 5E - PRELIMINARY SITE PLAN & REVISED CONCEPT PLAN
59/ROYAL ADDITION NO. 2, BLOCK A, LOTS 5, 6, 7, & 8
APPLICANT: MICHAEL AND DENNISON ROYAL**

Restaurant and retail on four lots on 4.0± acres located at the southeast corner of U.S. Highway 75 and Ozark Drive. Zoned Corridor Commercial. Neighborhood #59.

Approved as submitted.

**AGENDA ITEM NO. 5F - REVISED CONVEYANCE PLAT
59/ROYAL ADDITION NO. 2, BLOCK A, LOTS 5, 6, 7, & 8
APPLICANT: MICHAEL AND DENNISON ROYAL**

Four conveyance lots on 4.0± acres located at the southeast corner of U.S. Highway 75 and Ozark Drive. Zoned Corridor Commercial. Neighborhood #59.

Approved as submitted.

**AGENDA ITEM NO. 5G - PRELIMINARY PLAT
69/PARKWAY HEIGHTS, PHASE 1
APPLICANT: RH OF TEXAS LIMITED PARTNERSHIP**

96 Single-Family Residence-6 lots and two open space lots on 25.4± acres located at the southeast corner of Plano Parkway and Bradshaw Drive. Zoned Single-Family Residence-6. Neighborhood #69.

Approved subject to:

1. Additions and/or alterations to the engineering plans as required by the Engineering Department.
2. Approval by the City Attorney and subsequent recordation at the County of the Declaration of Covenants, Conditions and Restrictions pertaining to the maintenance of the open space lots by the homeowners association, prior to approval of the final plat.

END OF CONSENT AGENDA

PUBLIC HEARINGS

**AGENDA ITEM NO. 6 - PUBLIC HEARING
ZONING CASE 2011-11
APPLICANT: O. B. BARSH**

Eric Hill, Planner, stated this is a request for a Specific Use Permit for Private Club on 0.7± acre located on the north side of Spring Creek Parkway, 470± feet east of Custer Road. Zoned Retail. Staff recommended denial.

O. B. Barsh, applicant, spoke in favor of the Specific Use Permit for Private Club. He was available to answer any questions.

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

After much discussion, 1st Vice Chair Downs made a motion to deny the item. Commissioner Smith seconded the motion, which passed 6-1.

Commissioner Norton voted in opposition to the motion and did not specify a reason.

**AGENDA ITEM NO. 7 - PUBLIC HEARING
ZONING CASE 2011-12
APPLICANT: WEINGARTEN REALTY INC.**

Kate Perry, Sr. Planner, stated this is a request for a Specific Use Permit for Trade/Commercial School on 0.1± acre located 575± feet west of Custer Road and 300± feet south of Parker Road. Zoned Planned Development-90-Retail. Staff recommended approval as submitted. There was one letter received in support of the item.

Blaine O'Bannon, representing the applicant, was available to answer any questions.

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

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

**AGENDA NO. 8 - PUBLIC HEARING
ZONING CASE 2011-13
APPLICANT: CITY OF PLANO**

Mr. Hill stated this is a request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and related sections of the Zoning Ordinance pertaining to religious facility operated or sponsored onsite homeless shelters. If the Planning & Zoning Commission believes that religious facilities operating onsite homeless shelters should be regulated individually, then staff recommends the Zoning Ordinance be amended as follows:

Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to include the following:

Temporary accessory housing shelter - A not-for-profit temporary housing shelter operated as an accessory use to a religious facility only, providing free lodging for indigent individuals or families with no regular home or residential address. A temporary accessory housing shelter shall house a maximum of 20 individuals at one

time. This definition shall not include household care facility and household care institutions.

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow temporary accessory housing shelter by right in all zoning districts and adding End Note 45 as follows:

End Note 45: Permitted as an accessory use to a religious facility; see Section 1.600 (Definitions).

The public hearing was opened. Citizens Gary Rodenbaugh, Marilyn Voskuil, M. Priscilla Kimery, and Alice Coder spoke in support of the item. The public hearing was closed.

After much discussion, Commissioner Norton made a motion for approval with changes to the definition proposed for temporary accessory housing shortage as follows:

Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to include the following:

Temporary accessory housing shelter - A not-for-profit housing shelter operated as an accessory use to a religious facility only, providing temporary free lodging for indigent individuals or families with no regular home or residential address. A temporary accessory housing shelter shall house a maximum of 14 individuals at one time, and shall operate for a maximum of 30 days per calendar year. This definition shall not include household care facility and household care institutions.

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow temporary accessory housing shelter by right in all zoning districts and adding End Note 45 as follows:

End Note 45: Permitted as an accessory use to a religious facility; see Section 1.600 (Definitions).

Commissioner Balda seconded the motion, which passed 4-3.

Chairman Caso and Commissioner's Dry and Smith voted in opposition to the motion. These Commissioners believed that homeless shelters should continue to be regulated under the existing household care facility and household care institution regulations.

AGENDA NO. 9 - PUBLIC HEARING
REPLAT: CAPITAL ONE ADDITION, BLOCK 1, LOT 3R
APPLICANT: CAPITAL ONE NATIONAL ASSOCIATION

Ms. Perry stated this is a request for a general office on one lot on 24.8± acres located on the west side of Preston Road, 1,036± feet north of Hedgcoxe Road. Zoned Commercial Employment/Preston Road Overlay District. 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 Hazelbaker made a motion to approve the item as submitted. Commissioner Norton seconded the motion, which passed 7-0.

END OF PUBLIC HEARINGS

Commissioner Balda stepped down.

AGENDA NO. 10

APPEAL OF THE DIRECTOR OF PLANNING'S INTERPRETATION OF THE ZONING ORDINANCE

APPLICANT: CUSTER ROAD UNITED METHODIST CHURCH

Tina Firgens, Planning Manager, stated this is a request for an appeal of the Director of Planning's Interpretation of the Zoning Ordinance regulations as they apply to the use of outdoor athletic fields operated by a nonprofit organization. Tabled 4/18/11. Staff recommended the following: The Planning & Zoning Commission may uphold the interpretation of the Director of Planning, or overturn it. If the Commission does not agree with the interpretation, staff requests guidance as to how the use should be classified or if ordinance amendments should be pursued. The Commission may call a public hearing to consider amending the ordinance for this purpose.

First Vice Chair Downs made a motion to remove the item from the table. Commissioner Smith seconded the motion, which passed 6-0.

Melanie Mattoon and Lori White, citizens of Plano, requested that the church be held accountable to apply for a specific use permit for a community center and for complying with property standards issues. Ms. Mattoon submitted a written statement to the Commission.

Pastor Ronald Henderson, applicant, Bryce Green, representing the applicant, Tim Trevino, Director of the Soccer Club, and citizens Tim Pullen, Arturo Ortiz, and David Wagner requested that the Commission classify the use of the outdoor athletic fields as Private Recreation Facility. They had concerns of having to obtain a specific use permit for a community center.

After much discussion, 1st Vice Chair made a motion to not uphold the Director of Planning's interpretation of the outdoor athletic fields operated by a nonprofit organization as a community center. Chairman Caso seconded the motion, which passed 5-1.

Commissioner Smith voted in opposition to the motion.

Additionally, the Commission directed staff to bring back proposed amendments to the Zoning Ordinance regarding the following:

- Amending the Accessory Use definition to allow religious facilities and other nonprofit organizations to have accessory uses not on the same platted lot as the primary use; and
- Amending the Community Center definition to include outdoor athletic fields.

Commissioner Balda resumed his seat.

**AGENDA ITEM NO. 11
REQUEST TO CALL PUBLIC HEARING
APPLICANT: CITY OF PLANO**

Ms. Firgens stated this is a request to call a public hearing to consider amendments to Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Zoning Ordinance and related sections of the ordinance. Staff recommended that a public hearing be called for this purpose.

There being no discussion, 1st Vice Chair Downs made a motion to call a public hearing to consider amendments to Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Zoning Ordinance and related sections of the ordinance. Commissioner Dry seconded the motion, which passed 7-0.

AGENDA ITEM NO. 12 - ITEMS FOR FUTURE DISCUSSION

Commissioner Dry made a motion to call a public hearing to consider amendments to the private club regulations as provided for in the Zoning Ordinance. First Vice Chair Downs seconded the motion, which passed 7-0.

There being no further discussion, Chairman Caso adjourned the meeting at 9:58 p.m.

Planning & Zoning Commissioner

xc: Honorable Mayor and City Council
Bruce Glasscock, City Manager