

PLANNING & ZONING COMMISSION
November 21, 2011

COMMISSIONERS PRESENT

Christopher Caso, Chairman
Michael Coleman, 2nd Vice Chair
Douglas Cargo
Doug Hazelbaker
Fred Balda
Tracey Dry

COMMISSIONERS ABSENT

David Downs, 1st Vice Chair
Alan Smith

STAFF PRESENT

Phyllis Jarrell, Director of Planning
Tina Firgens, Planning Manager
Kate Perry, Sr. Planner
Eric Hill, Planner
Paige Mims, Deputy 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 7:03 p.m., Monday, November 21, 2011.

Commissioner Dry made a motion to approve the agenda as presented. Commissioner Balda seconded the motion, which passed 6-0.

Second Vice Chair Coleman made a motion to approve the minutes of the November 7, 2011, Planning & Zoning Commission meeting as submitted. Commissioner Cargo seconded the motion, which passed 6-0.

Commissioner Balda made a motion to approve the consent agenda as submitted. Second Vice Chair Coleman seconded the motion, which passed 6-0.

CONSENT AGENDA

AGENDA ITEM NO. 5A - PRELIMINARY PLAT 8/CAPITAL ONE ADDITION, BLOCK 1, LOT 4 APPLICANT: CAPITAL ONE NATIONAL ASSOCIATION

General office on one lot on 23.5± acres located at the southeast corner of Headquarters Drive and Dominion Parkway. 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. 5B - PRELIMINARY PLAT 8/MEDASSETS ADDITION, BLOCK 1, LOT 1 APPLICANT: WEST PLANO LAND COMPANY, BY TCC WEST PLANO GP, INC.

General office on one lot on 19.0± acres located on the north side of Legacy Drive, 1,000± feet east of Parkwood Boulevard. 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. 5C - REVISED SITE PLAN 43/PRESTON TOWNE CROSSING, BLOCK 1, LOT 7R APPLICANT: AMRETT SSPF PTC ANCHOR, LP

Retail on one lot on 5.3± acres located on the east side of Preston Road, 470± feet north of Park Boulevard. Zoned Retail/Preston Road Overlay District. Neighborhood #43.

Approved as submitted.

AGENDA ITEM NO. 5D - PRELIMINARY SITE PLAN/CONCEPT PLAN 65/CUSTER/190 ADDITION, BLOCK A, LOTS 4 & 5 APPLICANT: WATER TOWER PARK, LP

Long-term care facility and general office on two lots on 9.8± acres located on the north side of Plano Parkway, 1,200± feet east of Independence Parkway. Zoned Planned Development-376-Retail/General Office/190 Tollway/Plano Parkway Overlay District. Neighborhood #65.

Approved as submitted.

**AGENDA ITEM NO. 5E - REVISED CONVEYANCE PLAT
65/CUSTER/190 ADDITION, BLOCK A, LOTS 4 & 5
APPLICANT: WATER TOWER PARK, LP**

Two conveyance lots on 9.8± acres located on the north side of Plano Parkway, 1,200± feet east of Independence Parkway. Zoned Planned Development-376-Retail/General Office/190 Tollway/Plano Parkway Overlay District. Neighborhood #65.

Approved as submitted.

**AGENDA ITEM NO. 5F - PRELIMINARY PLAT
15/ERICSSON VILLAGE ADDITION, BLOCK A, LOT 2
APPLICANT: ERICSSON**

General office on one lot on 19.8± acres located at the northwest corner of Tennyson Parkway and Communications Parkway. Zoned Commercial Employment. Neighborhood #15.

Approved subject to:

1. Additions and/or alterations to the engineering plans as required by the Engineering Department.
2. Approval and subsequent recordation at the county of the separate instrument documents pertaining to offsite access and utility easements.

**AGENDA ITEM NO. 5G - FINAL PLAT
30/TINSELTOWN ADDITION, BLOCK A, LOT 7
APPLICANT: AOS-WATTSEC BD, LLC**

Restaurant on one lot on 2.0± acres located on the east side of Dallas North Tollway, 500± feet south of Windhaven Parkway. Zoned Regional Employment and Regional Commercial/Dallas North Tollway Overlay District. Neighborhood #30.

Approved as submitted.

**AGENDA ITEM NO. 5H - PRELIMINARY SITE PLAN/CONCEPT PLAN
1/WHITE ROCK CROSSING, BLOCK A, LOTS 1, 2, 3, & 4
APPLICANT: WHITE ROCK CROSSING, LP**

General and medical offices on four lots on 6.9± acres located at the southeast corner of McDermott Road and Ohio Drive. Zoned Retail. Neighborhood #1.

Approved as submitted.

**AGENDA ITEM NO. 5I - CONVEYANCE PLAT
1/WHITE ROCK CROSSING, BLOCK A, LOTS 1, 2, 3, & 4
APPLICANT: WHITE ROCK CROSSING, LP**

Four conveyance lots on 6.9± acres located at the southeast corner of McDermott Road and Ohio Drive. Zoned Retail. Neighborhood #1.

Approved as submitted.

END OF CONSENT AGENDA

PUBLIC HEARINGS

Kate Perry, Sr. Planner, requested that agenda items 6A and 6B be presented together.

**AGENDA ITEM NO. 6A - PUBLIC HEARING
ZONING CASE 2011-32
APPLICANT: SCHEEF AND STONE, L.L.P.**

Ms. Perry stated this is a request to rezone 27.4± acres located at the southwest corner of Spring Creek Parkway and Dallas North Tollway **from** Regional Employment to Commercial Employment and request for a Specific Use Permit for New Car Dealer. Staff recommended denial of the proposed rezoning request since the request is not consistent with established goals of the Comprehensive Plan. There was one letter received in support of the item and no letters received in opposition of the item.

Kirk Williams, representing the applicant, was available to answer any questions.

The public hearing was opened.

Mike McLelland, President of the Wolfcreek Estates HOA, spoke in support of the item. Tim Cromwell, citizen of Plano, did not speak in support or opposition of the item.

The public hearing was closed.

After much discussion, Commissioner Hazelbaker made a motion to approve the item as submitted. Second Vice Chair Coleman seconded the motion, which passed 5-1. Commissioner Cargo voted in opposition because he had concerns regarding a precedent being set for any future car dealerships being built at the intersection of Dallas North Tollway and Spring Creek Parkway.

**AGENDA ITEM NO. 6B - CONCEPT PLAN
26/NORTH 40 DEALERSHIP ADDITION
APPLICANT: SHEEF AND STONE L.L.P.**

Ms. Perry stated this is a request for a new car dealer and two office buildings on three lots on 37.4± acres located at the southwest corner of Spring Creek Parkway and Dallas North Tollway. Zoned Regional Employment/Dallas North Tollway Overlay District.

Neighborhood #26. Staff recommended denial due to staff's recommendation for companion Zoning Case 2011-32. If the Planning & Zoning Commission recommends approval of the companion Zoning Case 2011-32 as submitted, then staff recommends approval of the concept plan as submitted.

After much discussion, Commissioner Hazelbaker made a motion to approve the item as submitted. Second Vice Chair Coleman seconded the motion, which passed 6-0.

Eric Hill, Planner, requested that agenda items 7A and 7B be presented together.

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2011-34
APPLICANT: ONE BANK AND TRUST**

Mr. Hill stated this is a request for a Specific Use Permit for Arcade on 2.1± acres located on the south side of Chase Oaks Boulevard, 300± feet west of U.S. Highway 75. Zoned Corridor Commercial. Staff recommended approval subject to City Council waiving the 300-foot distance requirement from residentially zoned property. There were no letters received in support or opposition of the item.

The public hearing was opened. Dan Burgess, applicant, was available to answer any questions.

After some discussion, 2nd Vice Chair Coleman made a motion to approve the item as submitted. Commissioner Hazelbaker seconded the motion, which passed 6-0.

**AGENDA ITEM NO. 7B - PRELIMINARY SITE PLAN
13/LEGACY CENTRAL THEATER ADDITION, BLOCK A, LOTS 7R & 9
APPLICANT: ONE BANK AND TRUST**

Mr. Hill stated this is a request for a commercial amusement (indoor) with arcade and retail on two lots on 3.6± acres located on the south side of Chase Oaks Boulevard, 350± feet west of U.S. Highway 75. Zoned Corridor Commercial. Neighborhood #13. Staff recommended approval subject to City Council approval of Zoning Case 2011-34.

After some discussion, 2nd Vice Chair Coleman made a motion to approve the item as submitted. Commissioner Hazelbaker seconded the motion, which passed 6-0.

**AGENDA ITEM NO. 8 - PUBLIC HEARING
1/REPLAT: THE CANAL ON PRESTON ADDITION, BLOCK A, LOT 11R
APPLICANT: PERFECT BUILDERS**

Tina Firgens, Planning Manager, stated this is a request for retail and general office on one lot on 1.3± acres located on the south side of McDermott Road, 189± feet east of Angels Drive. Zoned Planned Development-20-Mixed Use. Neighborhood #1. 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 Dry made a motion to approve the item as submitted. Second Vice Chair Coleman seconded the motion, which passed 6-0.

AGENDA ITEM NO. 9 - PUBLIC HEARING

**64/REPLAT: THE DALLAS MORNING NEWS NORTH PLANT, BLOCK A,
LOTS 1R, 2, 3, & 4**

**APPLICANT: THE DALLAS MORNING NEWS, INC., BIG MAVERICK, LLC, &
PHYSICIANS CAPITAL INVESTMENTS**

Mr. Hill stated this is a request for a general commercial plant on Lot 1R, light-intensity manufacturing on Lot 2, convenience store with gas pumps on Lot 3, and future office and restaurant on Lot 4 on 37.0± acres located at the southeast corner of Coit Road and Plano Parkway. Zoned Light Industrial-1/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #319 for Commercial Antenna Support Structure. Neighborhood #64. 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 Balda made a motion to approve the item as submitted. Second Vice Chair Coleman seconded the motion, which passed 6-0.

END OF PUBLIC HEARINGS

AGENDA ITEM NO. 10 - DISCUSSION & DIRECTION

**CONSIDERATION OF PROPOSED AMENDMENTS TO THE PLANNING & ZONING
COMMISSION'S ADOPTED RULES AND PROCEDURES**

APPLICANT: CITY OF PLANO

Phyllis Jarrell, Director of Planning, stated this is a request for consideration of proposed amendments to the Planning & Zoning Commission's adopted rules and procedures. Staff recommended approval as submitted.

After some discussion, Commissioner Cargo made a motion to approve the item with the following changes.

1.0 Purpose - The following rules and procedures have been adopted by the Plano Planning & Zoning Commission concerning the preparation of their agendas, the scheduling and conduct of their meetings, the holding of public hearings, the making of reports and recommendations and the appointment of committees. Except where prescribed by State Law or City Ordinance, the rules and procedure defined herein may be amended by a favorable vote of two thirds of the commission.

2.0 Meetings

- 2.1 Regular Meetings - The number of meetings per month and a schedule of meeting dates shall be established, and may be changed at any regularly scheduled meeting. Two regular meeting dates are currently established each month on the first and third Mondays at 7:00 p.m. in the Council Chambers.
- 2.2 Pre-meetings –Shall be held at the direction of the Chair prior to the regular meeting.
- 2.3 Special Meetings - Additional meetings may be held at any time upon the call of the Chair, or by a majority of the voting members of the commission, or upon request of the City Council, following at least seventy-two hours notice to each member of the commission. In case of emergency or urgent public necessity, which shall be clearly identified in the notice, it shall be sufficient if notice is posted two hours before a meeting is convened. Notification of emergency meetings to members of the Commission shall be through telephone or electronic mail.
- 3.0 Notice and Records
- 3.1 Open Meeting and Open Records Act - The activities of the Planning & Zoning Commission are governed by the State's Open Meetings and Open Records Act.
- 3.2 Notice of Meetings - Notice of all meetings shall be posted in a place readily accessible to the general public at all times in compliance with the Texas Open Meetings Act
- 4.0 Officers - The officers of the Planning & Zoning Commission shall be: Chair, 1st Vice Chair, 2nd Vice Chair, and Secretary. The method of appointment, duties and term of office are defined below:
- 4.10 Chair
- 4.11 Appointment - The Chair shall be appointed each October by the City Council. Should the office become vacant, the City Council shall appoint a new chair to fill the unexpired term.
- 4.12 Duties - The Chair is responsible for:
- a. Conducting the meeting of the Planning & Zoning Commission.
 - b. Appointing committees and committee chair, except where appointed by the City Council.
 - c. Liaison to the City Council.
 - d. Voting on all matters, unless a conflict of interest exists.
 - e. Signing plats, after approval by the Planning & Zoning Commission for filing.

4.13 Term - One year

4.20 1st Vice Chair

4.21 Appointment - The 1st Vice Chair shall be elected by the Planning & Zoning Commission each year at its first regular meeting in November. Should the office become vacant, a special election shall be called by the Chair to fill the unexpired term.

4.22 Duties - The 1st Vice Chair is responsible for:

- a. Serving in the place of the Chair in his/her absence.
- b. Assisting the Chair.

4.23 Term - One year

4.30 2nd Vice Chair

4.31 Appointment - The 2nd Vice Chair shall be elected by the Planning & Zoning Commission each year at its first regular meeting in November. Should the office become vacant, a special election shall be called by the Chair to fill the unexpired term.

4.32 Duties - The 2nd Vice Chair is responsible for:

- a. Preparing all special reports and correspondence of the Planning & Zoning Commission. (See 2nd Vice Chair's Report, Section 10.0.)
- b. Serving in the place of the 1st Vice Chair in his/her absence.

4.33 Term - One year

4.40 Secretary

4.41 Appointment - The Director of Planning or his/her designee shall serve as the Secretary of the Planning & Zoning Commission. This position is a non-voting position.

4.42 Duties - The Secretary is responsible for signing plats and other documents as required by state and local laws and ordinances.

4.43 Term - Continuous.

5.0 Quorum - A majority of the Planning & Zoning Commission entitled to vote shall constitute a quorum for the transaction of business.

- 6.0 Deadlines for Agendas - The filing deadline for placement on the agenda shall be eighteen working days prior to review by the Planning & Zoning Commission. This deadline may be shortened by the Director of Planning (except for zoning cases) for a reasonable cause.
- 7.0 Order of Business - The following procedure will normally be observed. It may be rearranged by the Chair for the expeditious conduct of business.
- a. The Chair calls the meeting to order;
 - b. The chair or designated commissioner leads the assembly in the Pledge of Allegiance.
 - c. The commission approves the agenda as presented (or rearranges the order, or make additions or deletions to the agenda).
 - d. The commission approves the minutes (with any corrections).
 - e. The commission allows general discussion for members of the audience to make comments of public interest. Time restraints may be directed by the Chair of the Planning & Zoning Commission. Specific factual information, explanation of current policy, or clarification of the commission's authority may be made in response to an inquiry. Any other discussion or decision must be limited to a proposal to place the item on a future agenda.
 - f. The commission reviews the consent agenda. Any item will be automatically removed from the consent agenda if requested by a member of the commission, staff or any person present at the meeting.
 - g. The commission votes on the consent agenda (which consists of items requiring administrative approval).
 - h. All items which were removed from the consent agenda are considered individually, in order. Staff presents each agenda item for individual consideration. The commission approves, approves with changes, tables, or denies the item.
 - i. The commission reviews items on the regular agenda in the following order:
Public Hearings - plans and studies, zoning cases, and replats.
Administrative Items - site plans, land studies, commercial and residential subdivisions, preliminary site plans, and final plats. These items do not require a public hearing; however, if a member of the audience wishes to address an item on the agenda, the commission may allow them to do so.
Other Business - items placed on the agenda during approval of the agenda, or if a member of the audience wishes to address the commission.
- 8.0 Public Hearings - Order of Proceedings - The following procedure will normally be observed. It may be rearranged by the Chair for the expeditious conduct of business.
- a. Description of Agenda Item
 - b. Staff Presentation
 - c. Technical Questions from Commissioners
 - d. Correspondence
 - e. Open Public Hearing
- Time limits may be set at the Chair's discretion but generally are as follows:

Applicant's presentation - 15 minutes

Open comment (total of 45 minutes for speakers other than applicant)

Individual speakers - 3 minutes each. Individual speakers may yield their time to a homeowner association or other group representative, up to a maximum of 15 minutes.

Applicant's rebuttal - 5 minutes

Extension of discussion (at Chair's discretion)

- f. Close of Public Hearing
- g. Discussion Among Commissioners
- h. Motions and Amendments
- i. Discussion on Motions
- j. Voting
- k. Reconsideration (Upon motion and second from the prevailing side and approval of the majority of the voting members present. Must occur before adjournment of the meeting.)

8.1 Administrative Items - Order of Proceedings - The following procedure will normally be observed. It may be rearranged by the Chair for the expeditious conduct of business.

- a. Description of Agenda Item
- b. Staff Presentation
- c. Public Comment (at Chair's discretion)
- d. Motions and Amendments
- e. Discussion on Motions
- f. Voting
- g. Reconsideration (upon motion and second from the prevailing side and approval of the majority of the voting members present. Must occur before adjournment of the meeting.)

9.0 Actions - Legislative and Administrative

9.1 Legislative Items - Following the public hearing, the Planning & Zoning Commission may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application. If the applicant accepts the recommendation of the Planning & Zoning Commission the applicant may continue his original request and subsequent public notice shall be written as originally submitted; however, any part of the request not conforming to the Planning & Zoning Commission recommendations shall be presumed to have been denied by the Planning & Zoning Commission. The Planning & Zoning Commission may table for study any zoning case for up to 90 days.

When an application is denied by the Planning & Zoning Commission, the Planning & Zoning Commission should offer reasons to the applicant for such denial.

When the Planning & Zoning Commission denies a zoning application, it may deny said application with or without prejudice. If it shall deny the application and fail to clearly state the same is being denied with prejudice, then it shall be deemed that said application is denied without prejudice against refiling. If an application is denied with prejudice, no application may be filed for all or a part of the subject tract of land, for a period of two years from the date of denial by the Planning & Zoning Commission. If it is determined by the Planning & Zoning Commission there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the two-year waiting period and grant a new hearing. The Planning & Zoning Commission may deny, in whole or in part, a zoning application. The effect of a denial, as defined by the ordinance, shall only apply to the part of request which is denied.

- 9.2 Administrative Items - The commission approves, approves with changes, tables, or denies the item. The commission may not table a plat/replat; however, the applicant may voluntarily withdraw the plat/replat from consideration, and may resubmit within 60 days without payment of additional fees. If the applicant does not withdraw the plat, then some action must be taken on the plat/replat or it will automatically be approved within 30 days from the date of submittal.

For replats, if a variance is required and the owners of 20% of the land area to whom notice is sent file with the City a written protest of the replatting before or at the hearing, the replat must be approved by three-fourths of all members of the commission. In computing the percentage of land area, the area of streets and alleys shall be included.

- 9.3 Motions and Voting - A motion concerning an item may be made by a member of the commission at anytime following the close of a public hearing or following the presentation of an item if no public hearing is required. A motion must receive a second from another member of the commission before it may be discussed. If no second is received the motion fails. Motions receiving a second are open for discussion among the commission. When the commission completes its discussion of the item, the chairman asks the members to record their votes and then displays the vote and announces the results.

Effect of Voting – A motion is approved if it receives a positive vote by the majority of the members present and voting.

A motion fails if it does not receive a positive vote by the majority of the members present and voting. A motion receiving a tie vote fails.

Failure of a motion to deny shall not constitute approval of the item and further consideration is required.

Consideration of an item is concluded when a motion is approved.

Consideration of an item is concluded when a motion to approve fails and no other motion is made.

9.4 Requests to Table or Withdraw - If an applicant requests to have an item tabled or withdrawn, a public hearing (if needed) does not have to be opened, but it may be opened at the Chair's direction to receive comments before the commission takes action on a request to table or withdraw.

10.0 Items for Discussion on Future Agendas - Two members of the commission may request that the commission schedule items for discussion on future agendas.

11.0 2nd Vice Chair's Report - The 2nd Vice Chair shall prepare a letter to the Mayor and City Council explaining the considerations and recommendations of the commission when, at a minimum, any of the following conditions result:

- A split vote of approval of a zoning case.
- A denial of a zoning case or development plan (including a partial denial), when appealed to the City Council.
- An approval of a zoning case which does not conform to the Comprehensive Plan.

12.0 Committees - The Planning & Zoning Commission may rely on committees as needed to carry out its responsibilities.

12.1 Appointment - Committees may be appointed by the Chair or City Council.

Chairman Caso seconded the motion, which passed 6-0.

AGENDA ITEM NO. 11 - ITEMS FOR FUTURE DISCUSSION

The Commission had no items they wished to discuss.

There being no further discussion, Chairman Caso adjourned the meeting at 8:04 p.m.

Planning & Zoning Commissioner

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