

**PLANNING & ZONING COMMISSION**  
**February 20, 2012**

**COMMISSIONERS PRESENT**

Christopher Caso, Chairman  
David Downs  
Michael Coleman  
Alan Smith  
Fred Balda, 2nd Vice Chair  
Doug Hazelbaker, 1st Vice Chair  
Douglas Cargo

**COMMISSIONERS ABSENT**

Tracey Dry

**STAFF PRESENT**

Phyllis Jarrell, Director of Planning  
Tina Firgens, Planning Manager  
Eric Hill, Sr. Planner  
Diane Wetherbee, City Attorney  
Dee Sarver, Sr. Planning Tech  
Doris Carter, Sr. Administrative Assistant

The Planning & Zoning Commission meeting was called to order by Chairman Caso at 7:00 p.m., Monday, February 20, 2012, in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Commissioner Cargo led the Pledge of Allegiance.

Tina Firgens, Planning Manager, made a request that a correction be accepted for Agenda Item No. 9, to change the direction from east to west in the description. Commissioner Coleman made a motion to approve the agenda with the change as requested. Commissioner Cargo seconded the motion, which passed 7-0.

Commissioner Coleman made a motion to approve the minutes of the February 6, 2012, Planning & Zoning Commission meeting as presented. First Vice Chair Hazelbaker seconded the motion, which passed 7-0.

**COMMENTS OF PUBLIC INTEREST**

There were no comments of public interest.

## **CONSENT AGENDA**

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

### **AGENDA ITEM NO. 5A - PLAT VACATION 25/KINGS GATE, BLOCK A, LOT 26R APPLICANT: SHADMAN AND CHRISTIE ZAFAR**

One Single-Family Residence-20 lot on 2.1± acres located at the southwest corner of Old Gate Road and High Gate Road. Zoned Single-Family Residence-20 with Specific Use Permit #281 for Private Streets. Neighborhood #25.

Approved subject to recordation at the county of the separate instrument document necessary to vacate the replat.

### **AGENDA ITEM NO. 5B - REVISED CONVEYANCE PLAT 72/PALOMINO CROSSING, BLOCK 1, LOTS 1 - 4 APPLICANT: SEALY SPRING CREEK PARTNERS, L.P.**

Four conveyance lots on 40.7± acres located at the southeast corner of Spring Creek Parkway and State Highway 121. Zoned Commercial Employment. Neighborhood #72.

Approved as submitted.

## **END OF CONSENT AGENDA**

## **PUBLIC HEARINGS**

### **AGENDA ITEM NO. 6 - PUBLIC HEARING ZONING CASE 2012-01 APPLICANT: CITY OF PLANO**

Eric Hill, Sr. Planner, stated this is a request to amend or repeal Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance pertaining to Private Clubs. Staff recommended approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

Amend Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) such portion of subsection to read as follows:

1. Private clubs are allowed by right in the Downtown Business/Government and Central Business-1 zoning districts. Private club uses in these districts are prohibited within 300 feet of a religious facility or public or private school,

measured as prescribed ~~below~~ in 3.105.2.b, except that the prohibition will not apply to a property within 300 feet of a religious facility if the City Council affirmatively finds that the private club would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.

2. The following standards and regulations apply to any private club use except for private club uses located in the Downtown Business/Government and Central Business-1 zoning districts requiring a specific use permit:

a. ~~Private clubs shall be restricted to the following use districts:~~

- ~~i. Contiguous Regional Commercial and/or Regional Employment zoning districts collectively comprising 30 acres or more.~~
- ~~ii. Contiguous Retail zoning districts collectively comprising 30 acres or more.~~
- ~~iii. Contiguous Light Commercial zoning districts collectively comprising 30 acres or more.~~
- ~~iv. Contiguous Office-2 zoning districts collectively comprising 30 acres or more.~~
- ~~v. Contiguous Research/Technology Center zoning districts collectively comprising 30 acres or more.~~
- ~~vi. Contiguous Corridor Commercial zoning districts collectively comprising 30 acres or more.~~
- ~~vii. Contiguous Commercial Employment zoning districts collectively comprising 30 acres or more.~~
- ~~viii. The Contiguous Light Commercial, retail, Office-2, Light Industrial-1, Light Industrial-2, and Corridor Commercial zoning districts which are located adjacent to U.S. Highway 75 and is not further west than 1,500 feet from the right-of-way of U.S. Highway 75, and is not further east than 1,000 feet from the right-of-way of U.S. Highway 75.~~
- ~~ix. Office-2, Retail, Light Commercial, Regional Employment, Regional Commercial, Corridor Commercial, Research/Technology Center, Light Industrial-1, or Light Industrial-2 zoning districts when operated in conjunction with a hotel or motel or in conjunction with a regional shopping mall of not less than 750,000 square feet.~~
- ~~x. Any zoning district when in conjunction with a country club or golf course.~~

- a. No person shall sell alcoholic beverages if the place of business is within three hundred (300) feet of a religious facility, public or private school, or public hospital except as provided by the Texas Alcoholic Beverage Code. The sale of alcoholic beverages is also prohibited within one thousand (1,000) feet of a private school if the city council adopts by resolution a request for the one thousand (1,000) foot separation from the governing body of a private school.
- b. ~~A private club shall be prohibited within 1,000 feet of the property line of any religious facility, public or parochial school, hospital, or publicly-owned park, except that this prohibition will not apply to property located within 1,000 feet of a hospital or publicly-owned park if the City Council affirmatively finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.~~
- b. The measurement of the distance between the place of business where alcoholic beverages are sold and the religious facility or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:
- (1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
- (2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- c. ~~A private club shall be prohibited within 300 feet of the boundary of any residential-zoned district, except that this prohibition will not apply to property located within 300 feet of the boundary of a residential-zoned district if the City Council affirmatively finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.~~
- d. ~~All distances provided for in this section shall be determined by measurement to be made in a straight line from the front door of the premises to be permitted to the nearest boundary line of the said religious facility, public or parochial school, hospital, publicly-owned park, or residential district.~~

- e. ~~The following limitations are established for the issuance of specific use permits for private clubs:~~
- i. ~~For contiguous Retail, contiguous Office-2, contiguous Light Commercial, contiguous Corridor Commercial, Research/Technology Center, and combined zoning districts within the city but excluding (1) a hotel or motel and (2) a regional shopping mall of not less than 750,000 square feet, specific use permits may be issued in accordance with the following:~~
    - 1. ~~No more than two specific use permits shall be issued for a tract of land which is greater than 30 acres but less than or equal to 44 acres.~~
    - 2. ~~No more than three specific use permits shall be issued for a tract of land which is greater than 45 acres but less than or equal to 59 acres.~~
    - 3. ~~No more than four specific use permits shall be issued for a tract of land which is greater than 60 acres but less than or equal to 74 acres.~~
    - 4. ~~No more than five specific use permits shall be issued for a tract of land which is greater than 75 acres but less than or equal to 89 acres.~~
    - 5. ~~In areas which are 90 acres or larger, the number of specific use permits issued for private clubs shall not be limited based upon acreage.~~
  - ii. ~~A hotel or motel shall be issued not more than one specific use permit, provided that the floor area of the restaurant need not be contiguous as long as all the floor area within the private club is situated within the same building.~~
  - iii. ~~For contiguous Commercial Employment zoning districts collectively comprising 100 acres or more, a maximum of one specific use permit may be issued for each 100 acres of land.~~
  - iv. ~~A country club or golf course shall not be issued more than one specific use permit.~~
  - v. ~~For the contiguous Light Commercial, Retail, Office-2, Corridor Commercial, Light Industrial-1, and Light Industrial-2 zoning districts described in 2.a.viii above there shall be no limitation on the number of private clubs which may be permitted.~~
  - vi. ~~In calculating the acreage in contiguous Retail, Office-2, Corridor Commercial, Light Commercial, Light Industrial-1, and Light Industrial-2 zoning districts outside of and adjacent to the areas described in 2.a.viii above, acreage in contiguous Retail, Office-2,~~

~~Light Commercial, and Corridor Commercial zoning districts within the described adjacent area shall be included up to a maximum of 30 acres~~

- ~~f. c.~~ All specific use permits issued for the operation of private clubs shall be conditioned that operate in accordance with:
- ~~i.~~ ~~Sixty-five~~ A minimum of 35% percent of gross receipts be derived from the sale of food, subject to an annual audit provided upon request within 90 days at the expense of the permitted private club for review by the City Council.
  - ~~ii.~~ The permitted premises contain a minimum of 80 dining seats allowing a minimum area of 12 square feet of dining area per dining chair.
- ~~g.~~ The permittee comply with the provisions of the Alcoholic Beverage Code and receive a private club permit from the State of Texas within six months from the date of issuance of the specific use permit by the City Council, each such limitation in time being subject to review and possible extension by the City Council.
- ~~h.~~ Such other conditions and restrictions which the City Council may determine at the time of granting the specific use permit are necessary to protect and provide for the health, safety, and general welfare of the community.
- ~~i.~~ City Council may revoke a specific use permit granted hereunder if it finds that any of the conditions imposed at the time of granting the permit are not met or thereafter cease to exist. City Council may deny a specific use permit for the operation of a private club if it should affirmatively determine that issuance of the same would be detrimental or offensive to the neighborhood or otherwise be contrary to the health, safety, and general welfare of the city and its inhabitants.
- ~~j. d.~~ All specific use permits issued for the operation of private clubs shall be further conditioned that the same may be canceled, suspended, or revoked in accordance with the provisions of Ordinance No. 79-6-10 which is incorporated herein by reference and made a part hereof for all purposes.

The public hearing was opened. No one spoke in favor of or against the item. The public hearing was closed.

After some discussion, Commissioner Downs made a motion to approve the item as submitted. Second Vice Chair Balda seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 7 - PUBLIC HEARING  
ZONING CASE 2012-02  
APPLICANT: HD DEVELOPMENT PROPERTIES, LP**

Mr. Hill stated this is a request for Specific Use Permit for Truck/Bus Leasing on 10.9± acres located at the southeast corner of U.S. Highway 75 and 13/14th Street Connector. Zoned Planned Development-472-Corridor Commercial. There was one letter received in support of this item, and none in opposition. Staff recommended approval as submitted.

The public hearing was opened. Mike Klingl, GreenbergFarrow, was present to answer any questions. No one spoke in favor of or against the item. The public hearing was closed.

After some discussion, Commissioner Downs made a motion to approve the item as submitted. Commissioner Coleman seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 8 - PUBLIC HEARING  
ZONING CASE 2012-03  
APPLICANT: PLANO CENTER ASSOCIATES, LTD.**

Mr. Hill stated this is a request for Specific Use Permit for Private Club on 0.1± acre located 80± feet south of Parker Road and 700± feet east of Independence Parkway. Zoned Retail. There were no letters received in favor of or against the item. Staff recommended approval as submitted.

The public hearing was opened. No one spoke in favor of or against the item. The public hearing was closed.

After some discussion, 1st Vice Chair Hazelbaker made a motion to approve the item as submitted. Commissioner Downs seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 9 - PUBLIC HEARING  
64/ REPLAT - ALCATEL USA ADDITION, BLOCK A, LOT 7  
APPLICANT: ONCOR ELECTRIC DELIVERY COMPANY**

Mr. Hill stated this is an electrical substation on one lot on 4.3± acres located on the south side of Lotus Drive, 1,342± feet west of Independence Parkway. Zoned Light Industrial-1/190 Tollway/Plano Parkway Overlay District. Neighborhood #64. There were no letters received in favor of or against the item. Staff recommended for approval as submitted.

The public hearing was opened. Mark Housewright, MasterPlan Consultants on behalf of Oncor Electric, was present to answer any questions. No one spoke in favor of or against the item. The public hearing was closed.

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

Commissioner Cargo stepped down for Agenda Item No. 10.

**AGENDA ITEM NO. 10 - PUBLIC HEARING**

**68/PRELIMINARY REPLAT: CENTRAL PLANO INDUSTRIAL PARK, PHASE III,  
BLOCK 7, LOT 1R**

**APPLICANT: ARGENT PLANO REALTY, L.P**

Mr. Hill stated this is an office-showroom/warehouse on one lot on 6.7± acres located on the north side of Plano Parkway, 419± feet east of Klein Road. Zoned Research/Technology Center/190 Tollway/Plano Parkway Overlay District. Neighborhood #68. Staff recommended approval subject to additions and/or alterations to the engineering plans as required by the Engineering Department.

The public hearing was opened. Ed Kepner, Argent Plano Realty, was present to answer any questions. No one spoke in favor of or against the item. The public hearing was closed.

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

Commissioner Cargo returned to his seat.

**AGENDA ITEM NO. 11 - PUBLIC HEARING**

**PARK MASTER PLAN MAP AMENDMENT**

**APPLICANT: CITY OF PLANO**

Steve Sims, Sr. Planner, stated this is a request to amend the Park Master Plan map of the Comprehensive Plan. Staff recommended approval as submitted.

The public hearing was opened. Robin Reeves, Chief Park Planner, was present to answer any questions. No one spoke in favor of or against the item.

After some discussion, Commissioner Downs made a motion to approve the item as submitted. Commissioner Coleman seconded the item, which passed 7-0.

**END OF PUBLIC HEARINGS**

**AGENDA ITEM NO. 12 - CONCEPT PLAN  
72/PALOMINO CROSSING, BLOCK 1, LOTS 1-10  
APPLICANT: SEALY SPRING CREEK PARTNERS, L.P.**

Mr. Hill stated this is office, retail and restaurant on ten lots on 40.7± acres located at the southeast corner of Spring Creek Parkway and State Highway 121. Zoned Commercial Employment. Neighborhood #72. Staff recommended approval subject to the Planning & Zoning Commission granting a waiver to the Subdivision Ordinance requirement for direct access to a public street for Lots 7 and 9.

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

**AGENDA ITEM NO. 13 - ITEMS FOR FUTURE DISCUSSION**

There were no items for future discussion.

There being no further discussion, Chairman Caso adjourned the meeting at 7:44 p.m.

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Planning & Zoning Commissioner