

PLANNING & ZONING COMMISSION
May 4, 2009

COMMISSIONERS PRESENT

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

STAFF PRESENT

Phyllis M. Jarrell, Director of Planning
Tina Firgens, Development Review Manager
Kate Perry, Senior Planner
Jeff Green, Senior Traffic Engineer
Paige Mims, Assistant City Attorney
Priscilla Parra, Planning Technician
Evelyn Trull, Technical Administrative Assistant

The Planning & Zoning Commission meeting was called to order by Chairman Duggan at 7:00 p.m., Monday, May 4, 2009.

Commissioner Perry made a motion to approve the agenda as presented. Commissioner Bulla seconded the motion, which passed 8-0.

Commissioner Caso made a motion to approve the April 20, 2009, Planning & Zoning Commission minutes with a minor correction to Agenda Item No. 7b. Commissioner Coleman seconded the motion, which passed 8-0.

Second Vice Chair Armstrong made a motion to approve the consent agenda as submitted. Commissioner Caso seconded the motion, which passed 8-0.

CONSENT AGENDA

**AGENDA ITEM NO. 5A - FINAL PLAT
36/FAIRVIEW PREMIER PHASE II ADDITION, BLOCK 1, LOT 1
APPLICANT: FAIRVIEW PREMIER DRIVE, LLC**

Kennel (indoor pens)/commercial pet sitting on one lot on 2.5± acres located on the west side of Premier Drive, 550± feet north of Renaissance Drive. Zoned Corridor Commercial. Neighborhood #36.

Approved as submitted.

END OF CONSENT AGENDA

PUBLIC HEARINGS

AGENDA ITEM NO. 6 - PUBLIC HEARING AMENDMENTS TO THE SUBDIVISION ORDINANCE REGARDING THE LAND STUDY REVIEW PROCESS APPLICANT: CITY OF PLANO

Kate Perry, Senior Planner, stated that this is a request to amend Section 3 (Platting Procedures) and related sections of the Subdivision Ordinance to change the development review process for single-family detached residential development from a land study review process to a concept plan process and delete the land study process. Staff recommended approval as submitted.

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

After some discussion, Commissioner Bulla made a motion to approve the item as submitted. Commissioner Perry seconded the motion, which passed 8-0.

AGENDA ITEM NO. 7 - PUBLIC HEARING ZONING CASE 2009-03 APPLICANT: CITY OF PLANO

Ms. Perry stated that this is a request to amend Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses); Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses), Section 3.1200 (Landscaping Requirements) and Section 3.1700 (Storm Water Management) of Article 3 (Supplementary Regulations); Section 4.100 (Planned Development District) of Article 4 (Special District Regulations) and related sections of the Zoning Ordinance to change the development review process for single-family detached residential development from a land study review process to a concept plan process and delete the land study process. Staff recommended approval as follows:

2.822 CB-1 - Central Business-1

(5) Special District Requirements

(a) Miscellaneous

- (iv) A general phasing plan for the total development of the property shall be approved at the time of ~~land study~~ concept plan approval.
- (v) The general allocation of permitted density levels of development on the various sections of the property shall be approved at the time of ~~land study~~ concept plan approval.

2.823 CE – Commercial Employment

(6) Special District Requirements (ZC 2002-33; Ordinance No. 2002-8-14)

(a) Miscellaneous

- (vi) A general phasing plan for the total development of the property shall be approved at the time of ~~land study~~ concept plan approval.
- (vi) The general allocation of permitted density levels of development on the various sections of the property shall be approved at the time of ~~land study~~ concept plan approval.

3.103 Construction Yards, Field Offices, Model Homes, and Other Temporary Buildings

(2) Homebuilder Marketing Centers (ZC 92-99)

- (d) A center located in a residential district shall be limited to an area where a ~~Phase II land study~~ concept plan or preliminary site plan for a residential development has been approved for the site, and the center is sponsored by the developer(s) of the residential development. The temporary structure shall be removed after the center is abandoned. However, if the building is to be reused, the building shall be designed and constructed as a permanent structure.

3.104 Multifamily Residence

- (3) The minimum setback from the zoning district boundary for an apartment building adjacent to land proposed (as shown on an approved ~~land study~~ concept plan or preliminary site plan), developed, or zoned for single-family, patio home, or two-family shall be: (ZC 2000-83; Ordinance No. 2000-11-30)

One Story	20 feet
Two Story	60 feet
Three Story	150 feet

3.115 Retirement Housing

(3) Minimum Residential Setback

The minimum setback from the zoning district boundary line and/or property line of land proposed (as shown on an approved ~~land study~~ concept plan or preliminary site plan), developed or zoned for single-family, patio home, or two-family to independent living, assisted living, long-term care, and/or continuing care facilities shall be:

One Story	20 feet
Two Story	60 feet
Three Story	150 feet

3.1200 Landscaping Requirements

(7) Tree Preservation and Protection

(c) Exemptions

- (i) This section does not apply to individual single-family, duplex, and single-family attached lots after initial development and final inspection of the dwelling units by the Building Inspection Department or to properties for which an approved site plan, ~~phase II land study~~ concept plan, preliminary site plan, preliminary plat, or preliminary replat is in effect on the date of adoption of this ordinance.

(e) Tree Survey and Preservation Plan Required

(i) Preliminary Development Plans

A general survey of natural vegetation showing tree groupings and anticipated tree losses shall be submitted with all preliminary site plan ~~and phase II land study~~ applications. Required data includes approximate locations and species of individual trees eight inches or larger in caliper and a range of sizes and species for tree groupings. Photographs of the site showing tree cover are also required.

3.1703 Development Incentives and Alternative Standards

Development incentives and alternative standards listed below may be used provided the development complies with associated nonstructural storm water controls, such as storm water conservation areas and/or structural storm water controls, such as permeable pavement, grassy swales/buffer strips, storm water ponds, and bioretention areas. The intent of a storm water conservation area is to reduce impervious surfaces; to allow natural infiltration of storm water runoff; to preserve floodplain, wetlands, and other undisturbed natural areas; and to provide space for other nonstructural or structural storm water controls. The intent of permeable pavement, grassy swales/buffer strips, storm water ponds, bioretention areas, and other structural controls is to provide infiltration, filtration, and pollutant removal of storm water runoff.

Developments that propose to use the development incentives and alternative standards shall follow the site plan review process in Article 5 (Site Plan Review) and the plat review process in Article III (Platting Procedures) of the Subdivision Ordinance. The areas proposed for nonstructural and/or structural

storm water controls shall be shown as a storm water conservation area on any site plan ~~and/or land study~~ associated with the development and shall be designated as a storm water quality easement on any plat associated with the development. In addition to the site plan and plat review process, developments shall follow the site-specific storm water management plan procedures in 3.1704 below.

3.1704 Site-Specific Storm Water Management Plan

A site-specific storm water management plan shall be submitted for review as part of any site plan, ~~land study~~, or plat application for a development that proposes to use storm water development incentives and/or alternative standards. The purpose of the site-specific storm water management plan is to evaluate the design, appropriateness, and effectiveness of proposed nonstructural or structural storm water controls.

4.110 Initial Plan Review

A concept plan ~~or land study~~ shall be normally required as part of an application for establishing or amending a PD district. Additional information, studies, and plans may be required by the Planning & Zoning Commission or the City Council to determine the merit of establishing a PD district and as required to develop regulations to be incorporated in the ordinance establishing or amending a PD district. The requirement for submitting a concept plan ~~or land study~~ may be waived by the Planning & Zoning Commission or the City Council if they determine sufficient information exists to evaluate the proposed establishment or amendment of a PD district. Where this requirement is waived at the time of establishing a PD, approval of a concept plan ~~or land study~~ shall be required prior to the approval of any plan, plat, or permit related to development of the property. (See Section 5.200 for concept plan requirements ~~and Subdivision Ordinance, Section 3.2 for land study requirements.~~)

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

There being no discussion, Commissioner Bulla made a motion to approve the item as submitted. First Vice Chair Norton seconded the motion, which passed 8-0.

**AGENDA ITEM NO. 8 - PUBLIC HEARING
AMENDMENTS TO THE SUBDIVISION ORDINANCE REGARDING WAIVERS FROM
DEVELOPMENT EXACTIONS
APPLICANT: CITY OF PLANO**

Tina Firgens, Development Review Manager, stated that this is a request to amend Subsection 1.12 (Waivers from Development Exactions) of Article 1 (General Provisions) and related sections of the Subdivision Ordinance, pertaining to procedures and requirements for waivers of exactions for dedications and public improvements. Staff recommended approval as follows:

1.12 Waivers from Development Exactions

The property owner or applicant for preliminary plat approval may file a petition for relief from a dedication or construction requirement that is applied or imposed as a condition of approval of a ~~Phase II land study~~, conveyance plat, preliminary plat or final plat. Waiver requests shall be considered in accordance with the following procedures:

- a. Petition for Relief - The property owner or applicant must submit a written petition for relief to the Planning Department at least 10 days prior to the Planning & Zoning Commission's consideration of a ~~Phase II land study~~, conveyance plat, preliminary plat, or final plat. The petition shall set forth the reasons for the waiver request and must indicate the dedication and/or construction requirements for which relief is being requested. An applicant may also submit a petition for relief from conditions of plat approval added by the Commission in its consideration of a ~~Phase II land study~~, conveyance plat, preliminary plat or final plat. This petition must be submitted no later than 10 days following the Commission's action.
- b. Consideration of Plat - After receipt of a petition for relief, the Planning Department shall schedule consideration of the plat only, within the 30 day time frame required by state law. The Planning & Zoning Commission shall approve the plat subject to future consideration of the applicant's petition for relief from a dedication or construction requirement, or disapprove the plat.
- c. Study Requirements - ~~The petitioner city shall provide a study in support of the dedication or construction requirements. The petitioner may provide a study in support of the waiver request for petition for relief within 14 days of filing their petition for relief. The Director of Planning may extend the time for submitting the study for an additional 14 days upon the request of the applicant.~~ The city's study shall include the following information:
 1. Total capacity of the city's public infrastructure system or improvements to be dedicated to the city to be utilized by the proposed subdivision, employing standard measures of capacity and equivalency tables that relate the type of development proposed to the quantity of system capacity. In no case shall the calculation of the capacity used by a proposed commercial or multifamily development be based on

development intensities less than the mid-point of intensity allowed by the particular zoning for the property. If the proposed subdivision is to be developed in phases, such information shall be provided for the entire development, including any phases already developed.

2. Total capacity to be supplied to the city's public infrastructure system by the proposed dedication of an interest in land or construction of capital improvements. If the development application is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of capital improvements.
 3. Comparison of the capacity of the city's public facilities system to be consumed by the proposed subdivision with the capacity to be supplied by the proposed dedication of an interest in land or construction of capital improvements. In making this comparison, the impacts on the city's public facilities system from the entire development shall be considered.
 4. The effect of any city participation in the costs of oversizing the capital improvements to be constructed in accordance with the city's requirements.
- d. Processing of Petition - The City Engineer shall evaluate the petition and any supporting study provided by petitioner and make a recommendation to the Planning & Zoning Commission based upon the city's study, any submitted petitioner's study and his own analysis. The City Engineer may utilize any reasonable methodology and information in evaluating the ~~petitioner's study information~~.
- e. Consideration of Petition for Relief - The petition for relief will be considered by the Planning & Zoning Commission no later than 30 days after receipt of a ~~complete supporting study~~ an applicant's petition for relief. Based upon the application, the city's study, any submitted petitioner supporting study and the City Engineer's report, the Commission shall determine whether the application of the regulations for dedication or public improvements is roughly proportional to the nature and impact created by the development. The Planning & Zoning Commission shall take one of the following actions in considering the petition for relief:
1. Deny the petition for relief, and impose the standard or condition requiring dedication or construction of capital improvements in accordance with the regulations contained within this ordinance.
 2. Grant the petition for relief, and waive in whole or in part any dedication or construction requirement necessary to meet the criteria for approval.
 3. Accept alternative designs for the public infrastructure system or improvements to be dedicated to the city.

4. Delay the imposition of the requirement until a future phase of development. If a delay is granted, the future phase of development must be clearly defined.
 5. Reduce the applicant's cost of the dedication or construction requirement.
- f. Criteria for Approval - The Planning & Zoning Commission shall determine whether the application of the regulations requiring dedication of an interest in land for public improvements or construction of capital improvements is roughly proportional to the nature and extent of the impacts created by the proposed development on such water, wastewater, roadway, or drainage system, and reasonably benefits the development. The Commission shall take into account the evidence submitted by the city, the petitioner and the City Engineer's report and recommendation.
 - g. Appeals – The decision of the Planning & Zoning Commission on a petition for relief may be appealed in accordance with Article III, Section 3.9 of this ordinance. An appeal constitutes authorization for the plat to also be placed on the City Council's agenda for consideration and action. After hearing any testimony and reviewing the evidence, the City Council shall make a determination within 30 days following the final submission of any testimony or evidence by the developer in accordance with Section 212.904 of the Texas Local Government Code.
 - h. Lapse of Plat Approval - If relief is granted to the petitioner, it shall remain in effect for the time period specified in Article III for each type of plat, and shall end upon expiration of the plat. Plat approvals may be extended as provided in Article III.
 - i. Plat Modification - If a plat for which relief was granted is modified to increase the number of residential units or the intensity of nonresidential uses, the City Engineer may ~~require~~ prepare a new study to validate the relief. The petitioner may file for relief and the new application and study shall be submitted and processed according to the procedures outlined in Sections 1-5 above.

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. 2nd Vice Chair Armstrong seconded the motion, which passed 8-0.

END OF PUBLIC HEARINGS

**AGENDA ITEM NO. 9 - DISCUSSION & DIRECTION
AMENDMENTS TO THE THOROUGHFARE STANDARDS RULES AND
REGULATIONS**

APPLICANT: CITY OF PLANO

Ms. Firgens stated that this item is a discussion and direction regarding potential amendments to the Thoroughfare Standards Rules and Regulations. Jeff Green, Senior Transportation Engineer, presented this item to the Commission. Staff recommended that the Planning & Zoning Commission provide direction on potential Thoroughfare Standards Rules and Regulations amendments.

After some discussion, the Commission directed staff to proceed forward with amending the Thoroughfare Standards Rules & Regulations as presented in the staff write-up.

**AGENDA ITEM NO. 10 - DISCUSSION & DIRECTION
AMENDMENTS TO THE ZONING ORDINANCE REGULATIONS FOR HOUSEHOLD
CARE AND REHABILITATION CARE FACILITIES, BOARDING HOUSES,
AND ESTABLISHING A REASONABLE ACCOMMODATION PROCESS FOR
PERSONS WITH DISABILITIES**

APPLICANT: CITY OF PLANO

Phyllis Jarrell, Director of Planning, stated that this is a discussion and direction on amending the Zoning Ordinance regulations for Household Care and Rehabilitation Care Facilities and Institutions, Boarding Houses and Establishing a Reasonable Accommodation Process for Housing for Persons with Disabilities.

After much discussion, the Commission directed staff to prepare regulations consistent with the information presented in the staff write-up.

AGENDA ITEM NO. 11 - ITEMS FOR FUTURE DISCUSSION

The Commission had no items they wished to discuss.

There being no further discussion, Chairman Duggan adjourned the meeting at 7:47 p.m.

Planning & Zoning Commissioner

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