

PLANNING & ZONING COMMISSION
October 6, 2008

COMMISSIONERS PRESENT

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

COMMISSIONERS ABSENT

Beth Weingarden

STAFF PRESENT

Phyllis M. Jarrell, Director of Planning
Tom Elgin, Development Review Manager
Lloyd Neal, Transportation Engineering Manager
Tina Firgens, Sr. Planner
Kate Perry, Sr. Planner
Bester Munyaradzi, Planner
Eric Hill, Planner
Paige Mims, Assistant City Attorney
Priscilla Parra, Planning Technician
Doris Carter, Sr. Administrative Assistant

The Planning & Zoning Commission meeting was called to order by Chairman Duggan at 7:00 p.m., Monday, October 6, 2008.

Commissioner Perry made a motion to approve the agenda as presented. Commissioner Bulla seconded the motion, which passed 7-0.

Second Vice Chair Armstrong made a motion to approve the minutes of the September 15, 2008, Planning & Zoning Commission meeting with a minor correction as noted to staff. Commissioner Caso seconded the motion, which passed 7-0.

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

CONSENT AGENDA

AGENDA ITEM NO. 5A - REVISED SITE PLAN 22/ALL STORAGE PLANO ADDITION, BLOCK A, LOT 1 APPLICANT: L.W.D. PARTNERS, LTD.

Mini-warehouse/public storage on one lot on 4.0± acres located on the east side of K Avenue, 850± feet south of Pecan Lane. Zoned Light Commercial. Neighborhood #22.

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

AGENDA ITEM NO. 5B - REVISED PRELIMINARY PLAT 22/ALL STORAGE PLANO ADDITION, BLOCK A, LOT 1 & 2 APPLICANT: L.W.D. PARTNERS, LTD.

Mini-warehouse/public storage on two lots on 5.0± acres located on the east side of K Avenue, 850± feet south of Pecan Lane. Zoned Light Commercial. Neighborhood #22.

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

AGENDA ITEM NO. 5C - PRELIMINARY PLAT 9/PRESTON/HEDGCOXE ADDITION, BLOCK B, LOT 2 APPLICANT: FAGIN INVESTMENTS III, LTD.

Medical and general offices on one lot on 5.6± acres located on the west side of San Jacinto Place, 380± feet south of Hedgcoxe Road. Zoned Planned Development-159-General Office/Preston Road Overlay District. Neighborhood #9.

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

AGENDA ITEM NO. 5D - SITE PLAN 68/ONE-NINETY AND JUPITER ADDITION, BLOCK A, LOT 5 APPLICANT: BRIAR OAKS PROPERTIES, LTD.

Restaurant on one lot on 1.0± acre located on the north side of State Highway 190, 325± feet east of Jupiter Road. Zoned Light Industrial-1. Neighborhood #68.

Approved as submitted.

AGENDA ITEM NO. 5E - PRELIMINARY PLAT 68/ONE-NINETY AND JUPITER ADDITION, BLOCK A, LOT 5 APPLICANT: BRIAR OAKS PROPERTIES, LTD.

Restaurant on one lot on 1.0± acre located on the north side of State Highway 190, 325± feet east of Jupiter Road. Zoned Light Industrial-1. Neighborhood #68.

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

**AGENDA ITEM NO. 5F - PRELIMINARY SITE PLAN
55/RENNER SVC SUBSTATION, BLOCK 1, LOT 1
APPLICANT: ONCOR ELECTRIC DELIVERY COMPANY**

Electrical substation on one lot on 44.2± acres located on the south side of Plano Parkway, 390± feet east of Fulgham Road. Zoned Light Industrial-1. Neighborhood #55.

Approved as submitted.

**AGENDA ITEM NO. 5G - REVISED PRELIMINARY SITE PLAN
8/THE VILLAGE AT STONEBRIAR, BLOCK A, LOT 1R
APPLICANT: VILLAGE AT STONEBRIAR, LLC**

Retail buildings on one lot on 7.3± acres located at the southeast corner of State Highway 121 and Parkwood Boulevard. Zoned Commercial Employment. Neighborhood #8.

Approved as submitted.

END OF CONSENT AGENDA

PUBLIC HEARINGS

Mr. Hill requested Items 6A and 6B be presented together.

**AGENDA ITEM NO. 6A - PUBLIC HEARING
ZONING CASE 2008-65
APPLICANTS: BRIAR OAKS PROPERTIES, LTD., GREENBRIAR PROPERTIES,
LTD., JOHN G. BRITTINGHAM CHARITABLE REMAINDER UNITRUST NO.
2, WYNNWOOD RESOURCES, LTD., & PATRICK E. HILLARY, JR.**

Eric Hill, Planner, stated this is a request to rezone 119.9± acres located at the northeast corner of State Highway 190 and Renner Road from Research/Technology Center to Planned Development-Retail. Zoned Research/Technology Center. There were two letters were received in support of the item and one letter received in opposition of the item. Staff made the following recommendation:

Recommended for approval as R zoning district and standards as amended by the 190 Tollway/Plano Parkway Overlay district, subject to the following:

General Standards

1. The zoning exhibit shall be adopted as part of the ordinance.

2. Maximum lot coverage: 50%. If structured parking is provided, the maximum lot coverage may be increased to 70%.
3. Maximum floor to area ratio: 1.75:1.
4. Maximum height: For buildings with multifamily residential use, the maximum height shall be 5 stories, 75 feet. The maximum height for all other buildings shall be 20 stories.
5. Minimum side yard: None, except as required by building or fire codes.
6. Minimum rear yard: None, except as required by building or fire codes.
7. Parking Regulations:
 - a. The minimum required parking within the district shall be as follows:
 - Multifamily – One Bedroom or Less: One parking space per unit. Two Bedrooms: One and one-half parking spaces per unit. Three Bedrooms or More: Two spaces per unit.
 - Freestanding Restaurant – One space per 100 square feet of floor area.
 - Hotel – Per Section 3.1100 (Off-Street Parking and Loading.)
 - Theater - Per Section 3.1100 (Off-Street Parking and Loading.)
 - All Other Nonresidential Uses – One space per 300 square feet of floor area.
 - b. On-street parking may count toward required parking and shall be permitted on both sides of interior public and quasi-public streets and fire lanes, except where prohibited for vehicular, fire, or pedestrian safety. On-street parking may be parallel, angle, or ninety-degree to the street. Where on-street parking is provided, islands shall be placed as a break to delineate travel lanes. An island break of a minimum six feet in width shall be placed no less than every 150 feet of continuous on-street parking.
 - c. No off-street loading spaces are required. Off-street loading for the loading and unloading of merchandise and goods must not occur in public streets or fire lanes, but may occur in parking areas or private drive aisles. Designated off-street loading spaces for nonresidential uses, if provided, may not be located adjacent to or across a street or alley from buildings containing residential uses unless the loading dock is screened by solid metal gates, masonry screening walls, overhead doors, buildings, or any combination of these.
 - d. Except for freestanding restaurants, no parking is required for outdoor patio and sidewalk dining areas or other public seating areas and open space.

Design Standards

8. Street Pattern: The maximum block length shall be 500 feet. Public streets, quasi-public streets, and/or fire lanes may be used to obtain this required block length.

9. Streetscape:

- a. Along Wynnwood Drive, Wynhurst Drive, Wyngate Boulevard, Wynview Drive, and required named quasi-public streets, sidewalks with a minimum width of six feet shall be placed no more than six feet from back of curb. Street trees shall be provided at a rate of one tree per fifty linear feet of street.
- b. Outdoor patio and sidewalk dining, as well as other public seating areas, are permitted within public rights-of-way provided accessible pathways are maintained.

10. Building Design:

- a. Nonresidential, multi-use buildings, except for parking garages, shall have a minimum of 40% of the ground floor comprised of window area. Buildings fronting State Highway 190 frontage road, Renner Road and Shiloh Road are exempt from this requirement. For the purposes of this standard, ground floor is defined as that portion of a building from the street-level finish floor elevation and extending 12.5 feet above the street-level finish floor elevation.
- b. Canopies, balconies, stoops, bay windows, awnings, and other building projections may encroach up to five feet into the public right-of-way provided accessible pathways are maintained.

11. Landscaping and Open Space:

- a. Except as stated in standard 10.b. below, landscaping shall be provided per Section 3.1200 (Landscaping Requirements) and Section 4.700 (190 Tollway/Plano Parkway Overlay District) except as follows:
 - i. No landscape edge is required along Wynnwood Drive, Wynhurst Drive, Wyngate Boulevard, Wynview Drive, and required named quasi-public streets.
 - ii. Landscape edge width may be reduced to 10 feet along Shiloh Road and along Renner Road between Wyngate Boulevard and Shiloh Road.

- b. A minimum five-foot landscape edge shall be provided between all surface parking lots and public and quasi-public streets. Street trees shall be provided at a rate of one tree per fifty linear feet of street.
- c. A minimum of two acres of open space shall be provided and shall be open to the public at all times. Open space shall have a minimum dimension of 80 feet.

12. Screening:

- a. The rear and service sides of nonresidential buildings oriented toward residential use or open space shall be screened as provided in Section 3.1000 (Screening, Fence, and Wall Regulations.)
- b. Refuse and recycling containers shall not be located within 30 feet of a public or quasi-public street, unless internal to the building, and shall be screened from view from streets and open space in accordance with Section 3.1000 (Screening, Fence, and Wall Regulations.)

13. Fencing: For residential use only, fencing is allowed in the front yard setback up to eight feet in height. Fencing must be a minimum of 50% open.

14. Signage:

- a. For buildings fronting State Highway 190 frontage road, Renner Road, and Shiloh Road, signage must comply with Section 3.1600 (Sign Regulations) and Section 4.700 (190 Tollway/Plano Parkway Overlay District).
- b. Signage for all other buildings must comply "Area A" standards within Subsection 3.1605 (Downtown Sign District.) Additionally, freestanding, single tenant buildings, may have monument signs per Section 4.700 (190 Tollway/Plano Parkway Overlay District.)

Multifamily Residential Development Standards

- 15. The maximum number of multifamily residential dwelling units shall be 1,200 units.
- 16. The minimum density for multifamily residential use is 35 dwelling units per acre.
- 17. Multifamily development shall be exempt from the supplemental regulations of Subsection 3.104 (Multifamily Residence.)

Standards Specific to Tracts 1 & 5-10

18. Uses:

- a. Multifamily use is an additional permitted use.
- b. Car wash use is prohibited.

19. Building Design:

- a. Buildings fronting to Renner Road or Shiloh Road:
 - i. The minimum front yard setback shall be 10 feet.
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 30 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line. The 30 feet distance may be increased to a maximum of 85 feet if parking or drive aisles are located between the building face and the street.
- b. Buildings fronting to Wynnwood Drive, Wynhurst Drive, Wyngate Boulevard, or Wynview Drive:
 - i. There is no minimum front yard setback.
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line.
- c. Buildings fronting required named quasi-public streets:
 - i. Front yard setbacks are measured from the street easement line.
 - ii. There is no minimum front yard setback.
 - iii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the street easement line.

Standards Specific to Tract 2

20. Uses: Car wash use is prohibited.

21. Building Design:

- a. Buildings fronting to Renner Road or Shiloh Road:
 - i. The minimum front yard setback shall be 30 feet.
 - ii. There is no maximum front yard setback.
- b. Buildings fronting to Wyngate Boulevard or Wynview Drive:
 - i. There is no minimum front yard setback.
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line.

Standards Specific to Tracts 3 & 4

22. Uses:

- a. Regional theater use and multifamily use are additional permitted uses.
- b. Car wash use is prohibited.

23. Street Pattern: Tract 4 shall be bisected by a named quasi-public street and shall comply with the streetscape requirements in standard 9 above.

24. Building Design:

- a. Buildings fronting to Wynnwood Drive, Wynthurst Drive, Wyngate Boulevard, or Wynview Drive:
 - i. There is no minimum front yard setback.
 - ii. Buildings shall be constructed such that a minimum of 50% of the façade falls within 30 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 50% of each facade must be built to the easement line. The 30 feet distance may be increased to a maximum of 100 feet if parking or drive aisles are located between the building face and the street.
- b. Buildings fronting required named quasi-public streets:
 - i. Front yard setbacks are measured from the street easement line.
 - ii. There is no minimum front yard setback.

- iii. The maximum front yard setback shall be 15 feet unless restricted by easements. If easements are present, the facade must be built to the easement line.

The commission had questions regarding fire and police coverage, and types of retail to be incorporated.

The public hearing was opened. David Hicks, representing the applicant, presenting the development layout, possible corporate and retail tenants, residential, medical facilities, conference center, restaurants, future full-service hotel, and entertainment. No one spoke in opposition to the item. The public hearing was closed.

After much discussion, Commissioner Perry made a motion to approve the item as R zoning district and standards as amended by the 190 Tollway/Plano Parkway Overlay district, subject to the following:

General Standards

25. The zoning exhibit shall be adopted as part of the ordinance.
26. Maximum lot coverage: 50%. If structured parking is provided, the maximum lot coverage may be increased to 70%.
27. Maximum floor to area ratio: 1.75:1.
28. Maximum height: For buildings with multifamily residential use, the maximum height shall be 5 stories, 75 feet. The maximum height for all other buildings shall be 20 stories.
29. Minimum side yard: None, except as required by building or fire codes.
30. Minimum rear yard: None, except as required by building or fire codes.
31. Parking Regulations:
 - a. The minimum required parking within the district shall be as follows:
 - Multifamily – One Bedroom or Less: One parking space per unit. Two Bedrooms: One and one-half parking spaces per unit. Three Bedrooms or More: Two spaces per unit.
 - Freestanding Restaurant – One space per 100 square feet of floor area.
 - Hotel – Per Section 3.1100 (Off-Street Parking and Loading.)
 - Theater - Per Section 3.1100 (Off-Street Parking and Loading.)
 - All Other Nonresidential Uses – One space per 300 square feet of floor area.

- b. On-street parking may count toward required parking and shall be permitted on both sides of interior public and quasi-public streets and fire lanes, except where prohibited for vehicular, fire, or pedestrian safety. On-street parking may be parallel, angle, or ninety-degree to the street. Where on-street parking is provided, islands shall be placed as a break to delineate travel lanes. An island break of a minimum six feet in width shall be placed no less than every 150 feet of continuous on-street parking.
- c. No off-street loading spaces are required. Off-street loading for the loading and unloading of merchandise and goods must not occur in public streets or fire lanes, but may occur in parking areas or private drive aisles. Designated off-street loading spaces for nonresidential uses, if provided, may not be located adjacent to or across a street or alley from buildings containing residential uses unless the loading dock is screened by solid metal gates, masonry screening walls, overhead doors, buildings, or any combination of these.
- d. Except for freestanding restaurants, no parking is required for outdoor patio and sidewalk dining areas or other public seating areas and open space.

Design Standards

32. Street Pattern: The maximum block length shall be 500 feet. Public streets, quasi-public streets, and/or fire lanes may be used to obtain this required block length.

33. Streetscape:

- a. Along Wynnwood Drive, Wynhurst Drive, Wyngate Boulevard, Wynview Drive, and required named quasi-public streets, sidewalks with a minimum width of six feet shall be placed no more than six feet from back of curb. Street trees shall be provided at a rate of one tree per fifty linear feet of street.
- b. Outdoor patio and sidewalk dining, as well as other public seating areas, are permitted within public rights-of-way provided accessible pathways are maintained.

34. Building Design:

- a. Nonresidential, multi-use buildings, except for parking garages, shall have a minimum of 40% of the ground floor comprised of window area. Buildings fronting State Highway 190 frontage road, Renner Road and Shiloh Road are exempt from this requirement. For the purposes of this standard, ground floor is defined as that portion of a building from the

street-level finish floor elevation and extending 12.5 feet above the street-level finish floor elevation.

- b. Canopies, balconies, stoops, bay windows, awnings, and other building projections may encroach up to five feet into the public right-of-way provided accessible pathways are maintained.

35. Landscaping and Open Space:

- a. Except as stated in standard 10.b. below, landscaping shall be provided per Section 3.1200 (Landscaping Requirements) and Section 4.700 (190 Tollway/Plano Parkway Overlay District) except as follows:
 - i. No landscape edge is required along Wynnwood Drive, Wynhurst Drive, Wyngate Boulevard, Wynview Drive, and required named quasi-public streets.
 - ii. Landscape edge width may be reduced to 10 feet along Shiloh Road and along Renner Road between Wyngate Boulevard and Shiloh Road.
- b. A minimum five-foot landscape edge shall be provided between all surface parking lots and public and quasi-public streets. Street trees shall be provided at a rate of one tree per fifty linear feet of street.
- c. A minimum of two acres of open space shall be provided and shall be open to the public at all times. Open space shall have a minimum dimension of 80 feet.

36. Screening:

- a. The rear and service sides of nonresidential buildings oriented toward residential use or open space shall be screened as provided in Section 3.1000 (Screening, Fence, and Wall Regulations.)
- b. Refuse and recycling containers shall not be located within 30 feet of a public or quasi-public street, unless internal to the building, and shall be screened from view from streets and open space in accordance with Section 3.1000 (Screening, Fence, and Wall Regulations.)

37. Fencing: For residential use only, fencing is allowed in the front yard setback up to eight feet in height. Fencing must be a minimum of 50% open.

38. Signage:

- a. For buildings fronting State Highway 190 frontage road, Renner Road, and Shiloh Road, signage must comply with Section 3.1600 (Sign Regulations) and Section 4.700 (190 Tollway/Plano Parkway Overlay District).

- b. Signage for all other buildings must comply “Area A” standards within Subsection 3.1605 (Downtown Sign District.) Additionally, freestanding, single tenant buildings, may have monument signs per Section 4.700 (190 Tollway/Plano Parkway Overlay District.)

Multifamily Residential Development Standards

- 39. The maximum number of multifamily residential dwelling units shall be 1,200 units.
- 40. The minimum density for multifamily residential use is 35 dwelling units per acre.
- 41. Multifamily development shall be exempt from the supplemental regulations of Subsection 3.104 (Multifamily Residence.)

Standards Specific to Tracts 1 & 5-10

42. Uses:

- a. Multifamily use is an additional permitted use.
- b. Car wash use is prohibited.

43. Building Design:

- d. Buildings fronting to Renner Road or Shiloh Road:
 - i. The minimum front yard setback shall be 10 feet.
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 30 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line. The 30 feet distance may be increased to a maximum of 85 feet if parking or drive aisles are located between the building face and the street.
- e. Buildings fronting to Wynnwood Drive, Wynthurst Drive, Wyngate Boulevard, or Wynview Drive:
 - i. There is no minimum front yard setback.
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line.

- f. Buildings fronting required named quasi-public streets:
 - i. Front yard setbacks are measured from the street easement line.
 - ii. There is no minimum front yard setback.
 - iii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the street easement line.

Standards Specific to Tract 2

44. Uses: Car wash use is prohibited.

45. Building Design:

- a. Buildings fronting to Renner Road or Shiloh Road:
 - i. The minimum front yard setback shall be 30 feet.
 - ii. There is no maximum front yard setback.
- b. Buildings fronting to Wyngate Boulevard or Wynview Drive:
 - i. There is no minimum front yard setback.
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line.

Standards Specific to Tracts 3 & 4

46. Uses:

- a. Regional theater use and multifamily use are additional permitted uses.
- b. Car wash use is prohibited.

47. Street Pattern: Tract 4 shall be bisected by a named quasi-public street and shall comply with the streetscape requirements in standard 9 above.

48. Building Design:

- a. Buildings fronting to Wynnwood Drive, Wynthurst Drive, Wyngate Boulevard, or Wynview Drive:

- i. There is no minimum front yard setback.
 - ii. Buildings shall be constructed such that a minimum of 50% of the façade falls within 30 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 50% of each facade must be built to the easement line. The 30 feet distance may be increased to a maximum of 100 feet if parking or drive aisles are located between the building face and the street.
- b. Buildings fronting required named quasi-public streets:
- i. Front yard setbacks are measured from the street easement line.
 - ii. There is no minimum front yard setback.
 - iii. The maximum front yard setback shall be 15 feet unless restricted by easements. If easements are present, the facade must be built to the easement line.

First Vice Chairman Norton seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 6B - CONCEPT PLAN
68/TURNPIKE COMMONS ADDITION, BLOCK 1, LOT 3
APPLICANTS: BRIAR OAKS PROPERTIES, LTD., GREENBRIAR PROPERTIES,
LTD., JOHN G. BRITTINGHAM CHARITABLE REMAINDER UNITRUST NO.
2, WYNNWOOD RESOURCES, LTD., & PATRICK E. HILLARY, JR.**

Mr. Hill stated this was a request for multiple uses on one lot on 119.9± acres located at the northeast corner of State Highway 190 and Renner Road. Zoned Research/Technology Center. Neighborhood #68. Staff recommended for approval subject to City Council approval of Zoning Case 2008-65.

After some discussion, 2nd Vice Chair Armstrong made a motion to approve the item as submitted. Commissioner Caso seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 7 - PUBLIC HEARING
ZONING CASE 2008-66
APPLICANT: MIKE EPPERSON**

Mr. Hill stated this is a request for a Specific Use Permit for Gymnastics/Dance Studio on one lot on 0.6± acre located on the north side of Summit Avenue, 500± feet east of Jupiter Road. Zoned Light Industrial-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, 1st Vice Chair Norton made a motion to approve the item as submitted. Commissioner Perry seconded the motion, which passed 7-0.

AGENDA ITEM NO. 8 - PUBLIC HEARING
1/REPLAT: THE LINCOLN AT TOWNE SQUARE ADDITION,
BLOCK 1, LOTS 4R, 5 & 6
APPLICANT: SATURN ASSET MANAGEMENT, LLP

Mr. Hill stated this is retail and office buildings on three lots on 4.0± acres located at the northwest corner of Ohio Drive and Razor Boulevard. 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 Caso made a motion to approve the item as submitted. Second Vice Chair Armstrong seconded the motion, which passed 7-0.

AGENDA ITEM NO. 9 - PUBLIC HEARING
52/REPLAT: TOLL ROAD OFFICE PARK, BLOCK 1, LOT 3R
APPLICANT: BANK OF AMERICA

Bank on one lot on 0.9± acre located at the southwest corner of Park Boulevard and Dallas North Tollway. Zoned Planned Development-220-Regional Commercial. Neighborhood #52. 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 Bulla made a motion to approve the item as submitted. First Vice Chair Norton seconded the motion, which passed 7-0.

AGENDA ITEM NO. 10 - PUBLIC HEARING
40/REPLAT: PRESTONWOOD ADDITION, BLOCK 1, LOT 1R
APPLICANT: PRESTONWOOD BAPTIST CHURCH

Bester Munyaradzi, Planner, stated this is a religious facility on one lot on 135.6± acres located at the northwest corner of Park Boulevard and Midway Road. Zoned Planned Development-85-Retail/General Office. Neighborhood #40. Staff recommended approval as submitted.

The public hearing was opened. David McCarver, representing the applicant, was available for questions. 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 7-0.

**AGENDA ITEM NO. 11 - PUBLIC HEARING
30/REPLAT & REVISED SITE PLAN: CONGREGATION ANSHAI TORAH,
BLOCK A, LOT 1
APPLICANT: CONGREGATION ANSHAI TORAH**

Mr. Hill stated this is a religious facility on one lot on 7.1± acres located at the northwest corner of Willow Bend Drive and Parker Road. Zoned Single-Family Residence-20. Neighborhood #30. Staff recommended approval subject to additions and/or alterations to the engineering plans as required by the Engineering Department.

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 7-0.

END OF PUBLIC HEARINGS

**AGENDA ITEM NO. 12 - REVISED SITE PLAN
67/CAP WIRE EAST ADDITION, BLOCK 1, LOT 1R
APPLICANT: 7012 LP DBA TIME SQUARE**

Tina Firgens, Sr. Planner, stated this is a service contractor (with outside storage) and office-showroom/warehouse on one lot on 1.8± acres located on the west side of J Place, 280± feet south of 10th Street. Zoned Light Commercial with Specific Use Permit #517 for Contract Construction. Neighborhood #67. Staff recommended approval subject to::

1. Property owner executing a hold harmless agreement, subject to approval by the Engineering Department, for placement of the fence within the existing water line easement adjacent to J Place right-of-way; and
2. Board of Adjustment granting approval of a variance to allow an 8-foot tall wrought iron fence within the required front yard setback.

Dan Tipps, the applicant, spoke in support of the item.

There being little discussion, Commissioner Bulla made a motion to approve the item subject to:

1. Property owner executing a hold harmless agreement, subject to approval by the Engineering Department, for placement of the fence within the existing water line easement adjacent to J Place right-of-way; and
2. Board of Adjustment granting approval of a variance to allow an 8-foot tall wrought iron fence within the required front yard setback.

Commissioner Perry seconded the motion, which passed 7-0.

**AGENDA NO. 13
APPEAL OF THE DIRECTOR OF PLANNING'S INTERPRETATION OF THE ZONING
ORDINANCE
APPLICANT: BAHMAN MOGHADAM**

Phyllis Jarrell, Director of Planning, stated this is an appeal of the Director of Planning's interpretation of the appropriate use classification for paintless dent repair. Her interpretation is that paintless dent repair falls within the definition of automotive repair, major.

Bahman Moghadam, the applicant, explained the procedures used with paintless dent repair. Mr. Moghadam stated that although his business repairs automobile body panels, the operation was minor in nature and more closely fits with minor automobile repair. Mr. Moghadam, therefore, asked the Commission to overturn the interpretation of Ms. Jarrell. Bob Reid, property owner, spoke in support of Mr. Moghadam's opinion.

After some discussion, 2nd Vice Chair Armstrong made a motion to uphold Ms. Jarrell's interpretation and deny Mr. Moghadam's appeal. Commissioner Caso seconded the motion, which passed 5-2. Commissioner Bulla and Chairman Duggan voted in opposition to the item, wanting clarity given to the current zoning.

Commissioner Caso subsequently made a motion to call a public hearing to consider amending the definition of automotive repair major and minor. Commissioner Bulla seconded the motion, which passed 7-0.

**AGENDA NO. 14 - INTRODUCTION AND DISCUSSION
PLANNING & ZONING COMMISSION ASSUMPTION OF TRANSPORTATION
ADVISORY COMMITTEE RESPONSIBILITIES
APPLICANT: CITY OF PLANO**

In September, 2008, City Council transferred the responsibilities of the former Transportation Advisory Committee (TAC) to the Planning & Zoning Commission.

Lloyd Neal, Transportation Engineering Manager, presented an overview of the TAC duties and noted that an in-depth training session for the Commission on TAC functions is scheduled for Tuesday, October 21, 2008.

**AGENDA NO. 15 - DISCUSSION AND DIRECTION
CONSIDERATION OF RESIDENTIAL USES IN A PORTION OF THE
RESEARCH/TECHNOLOGY CENTER ZONING DISTRICT
APPLICANT: CITY OF PLANO**

Kate Perry, Sr. Planner, stated that during deliberations on Zoning Case 2008-62, which rezoned a portion of the Research/Technology Center (RT) district to Planned Development-Research Technology Center (PD-RT), the Commission indicated a desire to consider residential uses for the area east of Bradshaw Road, west of Rowlett Creek, south of the Cotton Belt Railroad, and north of the city of Plano city limit line. Ultimately, the Commission recommended in favor of Zoning Case 2008-62, but the recommendation did not include residential use. The Commission did want to revisit the issue at a future time.

Ms. Perry presented a summary of the land use, infrastructure, and service issues that would arise should the area be rezoned to residential.

Alan Smith, a citizen of Plano, spoke in favor of residential development use in this area of the R/T district.

After much discussion, the Commission concluded that residential use in the RT district was inappropriate at this time.

**AGENDA ITEM NO. 16
REQUEST TO CALL A PUBLIC HEARING
APPLICANT: CITY OF PLANO**

Tom Elgin, Development Review Manager, stated this is a request to call a public hearing to consider amendments to the Zoning Ordinance regarding the Board of Adjustment. The proposed amendments may include revisions to the composition, authority, jurisdiction, action, and administrative procedures of the Board of Adjustment.

There being no discussed, Commissioner Bulla made a motion to approve the item as submitted. Commissioner Perry seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 17
REQUEST TO CALL A PUBLIC HEARING
APPLICANT: CITY OF PLANO**

Mr. Elgin stated this is a request to call a public hearing to consider amendments to the Zoning Ordinance regarding special vehicle storage. The proposed amendments may include revisions to the definition for special vehicles, and to the parking location, pavement, and other standards related to special vehicle storage.

After a brief discussion, Commissioner Caso made a motion to approve the item as submitted. Second Vice Chair Armstrong seconded the motion, which passed 7-0.

AGENDA NO. 18

**REQUEST TO CALL A PUBLIC HEARING
APPLICANT: CITY OF PLANO**

Mr. Elgin stated this is a request to call a public hearing to consider Zoning Ordinance amendments regarding Day Care Center use. The proposed amendments may include revised definitions, supplemental regulations, and schedule of permitted uses (use charts).

There being no discussion, 2nd Vice Chair Armstrong made a motion to approve the item as submitted. Commissioner Caso seconded the motion, which passed 7-0.

AGENDA ITEM NO. 19 - ITEMS FOR FUTURE DISCUSSION

Second Vice Chair Armstrong asked that, if the golf net zoning ordinance amendments are passed, she would like to know more about the process of a variance to increase the specific height.

There being no further discussion, Chairman Duggan adjourned the meeting at 9:15 p.m.

Planning & Zoning Commissioner

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