

PLANNING & ZONING COMMISSION
October 20, 2008

COMMISSIONERS PRESENT

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

COMMISSIONERS ABSENT

James Duggan, Chairman
Beth Weingarden

STAFF PRESENT

Phyllis M. Jarrell, Director of Planning
Tom Elgin, Development Review Manager
Tina Firgens, Sr. Planner
Bester Munyaradzi, Planner
Eric Hill, Planner
Paige Mims, Assistant City Attorney
Dee Sarver, Sr. Planning Technician
Donna White, Technical Administrative Assistant

The Planning & Zoning Commission meeting was called to order by 1st Vice Chair Norton at 7:00 p.m., Monday, October 20, 2008.

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

Commissioner Bulla made a motion to approve the minutes of the October 6, 2008, Planning & Zoning Commission meeting. Commissioner Caso seconded the motion, which passed 6-0.

Commissioner Perry made a motion to approve the consent agenda as submitted. Commissioner Bulla seconded the motion, which passed 6-0.

CONSENT AGENDA

AGENDA ITEM NO. 5A - PRELIMINARY SITE PLAN 69/ASSURED 14TH ADDITION, BLOCK A, LOT 1 APPLICANT: THE ASSURED GROUP

Mini-warehouse/public storage on one lot on 9.4± acres located on the south side of 14th Street, 1,820± feet west of Dublin Road. Zoned Planned Development-202-Research/Technology Center. Neighborhood #69.

Approved subject to the Fire Department granting a variance to the 150-foot hose lay length requirement for buildings O, N, and K.

AGENDA ITEM NO. 5B - PRELIMINARY SITE PLAN 69/DOUGLAS OTTO MIDDLE SCHOOL, BLOCK A, LOT 1 APPLICANT: PLANO INDEPENDENT SCHOOL DISTRICT

Public secondary school on one lot on 22.9± acres located on the west side of Bradshaw Drive, 242± feet south of Plano Parkway. Zoned Research/Technology Center Neighborhood #69.

Approved subject to acquisition of off-site fire lane, access, and utility easement from Canyon Creek Presbyterian Church to the south.

AGENDA ITEM NO. 5C - PRELIMINARY SITE PLAN 15/DIODES CORPORATE HEADQUARTERS ADDITION, BLOCK A, LOT 1 APPLICANT: DIODES, INC.

General office building on one lot on 16.0± acres located at the southwest corner of Legacy Drive and Communications Parkway. Zoned Commercial Employment. Neighborhood #15.

Approved as submitted.

AGENDA ITEM NO. 5D - REVISED CONVEYANCE PLAT 50/HINCKLEY ADDITION, PHASE II, BLOCK A, LOTS 2R & 4 APPLICANT: JOHN W. JOLLY

Two conveyance lots on 3.9± acres located on the south side of Los Rios Drive, 100± feet west of Trail Walker Drive. Zoned Planned Development-320-Estate Development. Neighborhood #50.

Approved as submitted.

**AGENDA ITEM NO. 5E - PRELIMINARY PLAT
71/DALTEX-MAPLESHADE ADDITION, BLOCK 2, LOT 2
APPLICANT: DALTEX MAPLESHADE**

Hotel on one lot on 2.1± acres located on the south side of Mapleshade Lane 1,500± feet west of Coit Road. Zoned Corridor Commercial. Neighborhood #71.

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

**AGENDA ITEM NO. 5F - CONVEYANCE PLAT
31/LAKESIDE MARKET, PHASE 2, BLOCK A, LOTS 1 & 2
APPLICANT: LSM LAND PARTNERS, LP**

Two conveyance lots on 22.3± acres located at the southwest corner of Spring Creek Parkway and Preston Road. Zoned Planned Development-447-Retail/Multifamily Residence-2. Neighborhood #31.

Approved as submitted.

**AGENDA ITEM NO. 5G - FINAL PLAT
72/COIT CENTER, BLOCK A, LOT 7
APPLICANT: BANK OF TEXAS, N.A.**

Bank on one lot on 1.3± acres located at the northeast corner of Coit Road and Mapleshade Lane. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District. Neighborhood #72.

Approved as submitted.

END OF CONSENT AGENDA

PUBLIC HEARINGS

**AGENDA ITEM NO. 6 - PUBLIC HEARING
ZONING CASE 2008-67
APPLICANT: QD RECREATION ACADEMY**

Bester Munyaradzi, Planner, stated this is a request for Specific Use Permit for Day Care Center on one lot on 0.4± acre located on the south side of Legacy Drive, 270± feet west of Coit Road. Zoned Retail. Staff recommended approval subject to:

1. Planning & Zoning Commission waiving the requirement for outdoor play space;
2. Day care shall be provided for less than four hours per day for an individual person. However, the day care facility may operate multiple sessions of four hours or less in length.

The public hearing was opened. Ke Lias, applicant, was available to answer any questions. No one spoke for or against the item. The public hearing was closed.

After a brief discussion, Commissioner Caso made a motion to approve the item as submitted. Second Vice Chair Armstrong seconded the motion, which passed 6-0.

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2008-69
APPLICANT: JOHN W. JOLLY**

Eric Hill, Planner, stated this is a request for a Specific Use Permit for Day Care Center on one lot on 1.9± acres located on the south side of Los Rios Boulevard, 100± feet west of Trail Walker Drive. Zoned Planned Development-320-Estate Development. There was one letter received in support of the item and one letter received in opposition of the item. Staff recommended approval as submitted.

The public hearing was opened. Mark Wainscott, representing the applicant, was available to answer any questions. No one spoke for or against the item. The public hearing was closed.

There being no discussion, Commissioner Coleman made a motion to approve the item as submitted. Second Vice Chair Armstrong seconded the motion, which passed 6-0.

**AGENDA ITEM NO. 7B - PRELIMINARY SITE PLAN & CONCEPT PLAN
50/HINCKLEY ADDITION, PHASE II, BLOCK A, LOTS 2R & 4
APPLICANT: JOHN W. JOLLY**

Mr. Hill stated this is a request for a day care center and religious facility on two lots on 3.9± acres located on the south side of Los Rios Boulevard, 100± feet west of Trail Walker Drive. Zoned Planned Development-320-Estate Development. Neighborhood #50. Staff recommended approval subject to City Council approval of Zoning Case 2008-69.

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

**AGENDA ITEM NO. 8A - PUBLIC HEARING
ZONING CASE 2008-68
APPLICANT: CITY OF PLANO**

Tina Firgens, Sr. Planner, stated this is a request to rezone 58.4± acres located at the southwest corner of Preston Road and Spring Creek Parkway from Planned Development-447-Retail/Multifamily Residence-2 to Planned Development-Retail. Zoned Planned Development-447-Retail/Multifamily Residence-2. There were no letters received in support of the item and six letters received in opposition of the item.

Staff recommended approval subject to:

1. Banner signs being prohibited within the proposed Planned Development-Retail ordinance; and
2. Planning & Zoning Commission finding, based upon the TIA, that the thoroughfares can accommodate anticipated traffic volumes at an acceptable level of service.

The request is for PD-R zoning with the following stipulations:

General Conditions for the Planned Development District:

1. The map attached hereto as Exhibit A (Zoning Exhibit) is hereby adopted as part of this ordinance.
2. The regulations within this planned development district shall apply to all properties within the district, unless otherwise specified for a particular tract as depicted on Exhibit A.

Specific Provisions of the Planned Development District:

1. Additional Permitted Uses:
 - a. One mini-warehouse/public storage development only shall be allowed by right on Tract 2 provided that access to all units must be from the interior of the building.
 - b. Mini-warehouse/public storage developments are prohibited on Tract 1.
2. Area, Yard, and Bulk Requirements:
 - a. Maximum Allowable Building Area (excluding parking garages):
 - i. Tract 1 – 269,000 square feet.
 - ii. Tract 2 – 658,000 square feet.
 - b. Maximum Height:
 - i. Tract 1 – Two Stories (50 feet).
 - ii. Tract 2 – Maximum six stories (105 feet), except structures within 100 feet of residentially zoned properties shall have a maximum height of four stories (60 feet). Buildings and parking structures in Tract 2 are exempt from residential slope setback requirements in Subsections 3.511, 3.606, and 3.704.
 - c. Maximum Floor Area:

- i. Tract 1 – 0.6:1. Parking structures shall be excluded in the FAR calculations.
 - ii. Tract 2 – 1:1. Parking structures shall be excluded in the FAR calculations.
 - d. Maximum Lot Coverage: 50%. Parking structures shall be excluded in the lot coverage calculations.
- 3. Parking:
 - a. Mini-warehouse/public storage: one space per 3,000 square feet.
 - b. Parking for all other uses shall be in accordance with Section 3.1100 (Off-Street Parking).

4. General Requirements/Other:

Pad sites (structures less than 5,000 square feet) shall be limited to one site per five acres.

5. Signage Regulations:

In addition to signs permitted by Section 3-1600 of the Zoning Ordinance and as amended by the Preston Road Overlay District (Section 4-500), the following additional signs and/or revised sign definitions and standards are permissible:

a. Freestanding Identification Signs

i. General

A maximum of two freestanding identification signs shall be permitted. One sign may be located along Spring Creek Parkway within Tract 2 and one sign may be located along Preston Road within Tract 1. The sign may be an architectural entry feature that spans the driveway entrance and the height shall be limited to maximum 35 feet.

ii. Size

Sign copy area shall be limited to maximum 150 square feet and shall span the driveway entrance only.

iii. Setbacks

Freestanding identification signs may be located within the required front yard setback and are exempt from the requirement that they be located at least 30 feet from a property line and are exempt from

the requirement that they be located at least 60 feet from a general business sign.

b. Multipurpose Signs

Multipurpose signs shall be prohibited along Spring Creek Parkway and Preston Road.

c. General Business Signs

General business signs may be used and shall comply with the standards in Section 3-1600 as amended by the Preston Road Overlay District (Section 4-500). The maximum number of general business signs along Preston Road shall be ten, the maximum number of general business signs along Spring Creek Parkway shall be five, and the maximum number of general business signs along Lorimar Drive/Bay Water Drive shall be five.

d. Identification Signs

One identification sign is allowed at the southwest corner of Spring Creek Parkway and Preston Road only. The sign shall not exceed 100 square feet in sign copy area and the sign copy area may be incorporated into a masonry retaining wall.

e. Directional Signs

i. General

A directional sign is any noncommercial sign, which directs the public to various locations, for instance, but not limited to, retail, office, hotel, or parking areas. A directional sign may be a freestanding sign, a wall sign, a projecting sign, or mounted to a vertical support. These signs shall not contain advertising and shall be specifically directional in nature.

ii. Size

A directional sign mounted to a vertical support shall not exceed 15 square feet and the maximum sign width is three feet wide. The bottom of the sign shall not fall below seven feet from the ground surface.

f. Directory Map

i. General

A directory map is a noncommercial map listing the occupants within a shopping center, retail district, office district, or commercial site. A directory map may be free standing, mounted to a wall, mounted to a vertical support, or incorporated into a kiosk. A directory map is used to provide wayfinding information for pedestrians.

ii. Size

A directory map shall not exceed 28 square feet.

g. Sloping Roof Signs

i. General

A sloping roof sign sits at the base of a sloping roof structure/awning element and does not extend above the roofline of the structure or element.

ii. Size

Sloping roof sign height shall not exceed one third of the height of the sloping roof seen in true elevation.

h. A-frame Signs

ii. General

An A-frame sign is a self-supporting A-shaped sign with two visible sides that is located on or adjacent to a private sidewalk. The sign shall be sufficiently weighted or anchored.

ii. Size

The maximum square footage is eight square feet per sign face and the maximum sign height is four feet high.

i. Projecting Signs

i. General

Projecting signs must keep a minimum clearance of eight feet above the sidewalk.

ii. Size

The horizontal portion of any projecting sign shall not be more than six feet six inches in length measured from the building face. The projecting sign shall not exceed 18 square feet per side.

j. Kiosks

i. General

Freestanding kiosk structures may be erected on individual lots. All accessibility and visibility requirements must be met. A maximum of eight freestanding kiosks may be installed within the zoning district; a maximum of four kiosks within Tract 1 and a maximum of four kiosks within Tract 2. Kiosks may display directory maps, artwork, or messages that pertain to the district or special events or be used for commercial advertising signs and/or merchandising sales.

ii. Size

Signage on kiosks may not exceed 60 square feet. For multiple-sided kiosks, the gross surface area of each side shall not exceed two times the allowable square footage divided by the number of sign faces.

The public hearing was opened. Steven DiNapoli, applicant, explained his request and was available to answer any questions. Brett Sheldon, Salvo Real Estate Solutions, was available to answer any questions. No one spoke for or against the item. The public hearing was closed.

The Commission asked staff to review the use and standards for the mini-warehouse/public storage portion of the request and to draft standards for banner signs.

After much discussion, Commissioner Bulla made a motion to table the item to the November 3, 2008, Planning & Zoning Commission meeting. Commissioner Caso seconded the motion, which passed 6-0.

**AGENDA ITEM NO. 8B - REVISED CONCEPT PLAN
31/LAKESIDE MARKET, PHASES 1 & 2
APPLICANT: LSM CENTER PARTNERS, LP**

Ms Firgens stated this is a multi-use development on seven lots on 49.5± acres located at the southwest corner of Preston Road and Spring Creek Parkway. Zoned Planned Development-447- Retail/Multifamily Residence-2. Neighborhood #31. Staff recommended approval subject to City Council approval of Zoning Case 2008-68.

After much discussion, Commissioner Perry made a motion to table the item to the November 3, 2008, Planning & Zoning Commission meeting. Commissioner Bulla seconded the motion, which passed 6-0.

**AGENDA ITEM NO. 9 - PUBLIC HEARING
ZONING CASE 2008-70
APPLICANT: CITY OF PLANO**

Ms. Firgens stated this is a request to rezone 12.0± acres located on the east side of Bay Water Drive, 230± feet south of Spring Creek Parkway from Planned Development-447-Retail/Multifamily Residence-2 to Multifamily Residence-2. Zoned Planned Development-447-Retail/Multifamily Residence-2. Staff recommended approval as submitted subject to approval of Zoning Case 2008-68.

Since this item was in conjunction with the prior zoning request, staff recommended tabling of this request until November 3, 2008.

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 table the item to the November 3, 2008, Planning & Zoning Commission meeting. Commissioner Perry seconded the motion, which passed 6-0.

**AGENDA NO. 10 - PUBLIC HEARING
ZONING CASE 2008-71
APPLICANT: CITY OF PLANO**

Ms. Firgens stated this is a request to amend Section 1.600 (Definitions) of Article 1 (General Regulations) and Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations), and related sections of the Zoning Ordinance regarding golf nets. Staff recommended approval as: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

1. Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to create the following definition for golf nets:

Golf Nets – A vertical net, horizontal or sloping net, or combination thereof, designed to confine golf balls to a country club (private), outdoor commercial amusement, or golf course uses.

2. Amend Section 3.1000 (Screening, Fence and Wall Regulations) of Article 3 (Supplementary Regulations) by adding the following new standards for golf nets to read as follows:

3.1005 Golf Nets

(1.) Golf nets are allowed in accordance with the following:

(a.) Golf nets associated with nonresidential uses.

(i.) Golf nets shall be permitted for driving ranges only, whether as a primary use, or as an accessory use to a golf course, country club (private), and/or outdoor commercial amusement uses, in any zoning district. Golf nets shall be prohibited in other areas of a golf course, country club (private) or outdoor commercial amusement uses.

(ii.) Golf nets shall be vertical nets only and may be constructed to a maximum height of 60 feet including the structural supports.

(iii.) Golf nets shall be exempt from side and rear yard setback requirements. (b.) Golf nets associated with residential uses.

(i.) Golf nets are permitted on residential properties that are contiguous to a country club (private) or golf course, and on residential lots with frontage on a public right-of-way that separates the country club (private) or golf course from the residential lots.

(ii.) Golf nets are exempt from side and rear yard setback requirements and shall not extend forward of the primary structure(s) on the property.

(iii.) Golf nets may consist of vertical nets, horizontal or sloping nets, or a combination thereof, and may create an enclosure of the yard area. The maximum height for a residential golf net including the structural supports is 20 feet.

(2.) All golf nets shall comply with the following requirements:

(a.) Golf nets shall be constructed of flexible netting that is designed, manufactured and sold as golf netting. Chain link fencing is prohibited as a material for golf nets.

(b.) Golf nets shall be staked and/or cable-supported with structural supports.

(c.) No flags, signs, banners or other appurtenances shall be attached to the structural supports or golf nets.

The public hearing was opened. Robert Buss, citizen of Plano, made a suggestion to file criminal trespass charges against the golf course for errant golf balls. Mr. Buss stated that 24-foot nets were not tall enough to help ward off errant golf balls.

Rob Rickman, citizen of Plano, stated he was opposed to the addition of more golf nets. Mr. Rickman stated that if an ordinance was mandated to allow golf nets, he would like them to be 10-foot maximum.

Bob Gehbauer, citizen of Plano, stated that golf nets should only be constructed for the protection of human life; not protection of the home. Mr. Gehbauer stated there should be a height limitation set and a requirement for a public hearing and approval from neighbors for any nets taller than the ordinance states.

Bob Hill, citizen of Plano, stated that he would like the homeowner's associations be the deciding factor in whether a golf net can be constructed as well as the dimensions and placement of the golf nets.

Glen Carter, citizen of Plano, had concerns regarding back yard enclosures. Mr. Carter stated enclosures were designed as a screen to stop insects, not to stop golf balls. He stated they were an eye sore. Mr. Carter favored a 30-foot safety barrier.

Jonathon Vinson, representing Willard Montgomery, citizen of Plano, had concerns regarding the legality of golf nets. Mr. Vinson agreed to a criminal trespass law and the homeowner's association having a legal right in deciding on construction and height.

Lori Edwards, citizen of Plano, had safety concerns and suggested a minimum of a 30-foot net.

Michelle Bayse, citizen of Plano, had concerns regarding the appearance of golf nets and property value depreciation.

John Riley, citizen of Plano, had concerns regarding personal safety and property safety. Mr. Riley suggested the ordinance to allow for the homeowner's association to be the deciding factor of golf net construction and height.

Mike Riley, citizen of Plano, suggested that construction of golf nets be left up to the discretion of the homeowners with a maximum height of no more than 35 feet.

Weldon Montgomery, citizen of Plano, spoke in support of the homeowner's association being the deciding factor of golf net construction. Mr. Montgomery suggested that he and the other homeowners would be willing to work with the Commission to come up with a solution.

Lynn Ray, citizen of Plano, had safety concerns and suggested that golf nets need to be no less than 30 feet in height.

The public hearing was closed.

After much discussion, Commissioner Caso made a motion to approve as: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

3. Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to create the following definition for golf nets:

Golf Nets – A vertical net, horizontal or sloping net, or combination thereof, including structural supports, designed to confine golf balls to a country club (private), outdoor commercial amusement, or golf course uses.

4. Amend Section 3.1000 (Screening, Fence and Wall Regulations) of Article 3 (Supplementary Regulations) by adding the following new standards for golf nets to read as follows:

3.1005 Golf Nets

(1.) Golf nets are allowed in accordance with the following:

(a.) Golf nets associated with nonresidential uses.

(i.) Golf nets shall be permitted for driving ranges only, whether as a primary use, or as an accessory use to a golf course, country club (private), and/or outdoor commercial amusement uses, in any zoning district. Golf nets shall be prohibited in other areas of a golf course, country club (private) or outdoor commercial amusement uses.

(ii.) Golf nets shall be vertical nets only and may be constructed to a maximum height of 60 feet.

(iii.) Golf nets shall be exempt from side and rear yard setback requirements.

(b.) Golf nets associated with residential uses.

(i.) Golf nets are permitted on residential properties that are contiguous to a country club (private) or golf course, and on residential lots with frontage on a public right-of-way that separates the country club (private) or golf course from the residential lots.

(ii.) Golf nets are exempt from side and rear yard setback requirements and shall not extend forward of the primary structure(s) on the property.

(iii.) Golf nets may consist of vertical nets, horizontal or sloping nets, or a combination thereof, and may create an enclosure of the yard area. The maximum height for a residential golf net is 20 feet.

(2.) All golf nets shall comply with the following requirements:

- (a.) Golf nets shall be constructed of flexible netting that is designed, manufactured and sold as golf netting. Chain link fencing is prohibited as a material for golf nets.
- (b.) Golf nets shall be staked and/or cable-supported with structural supports.
- (c.) No flags, signs, banners or other appurtenances shall be attached to the structural supports or golf nets.

Commissioner Bulla seconded the motion, which passed 4-2.

The Commissioners voting in opposition did not want to allow any new residential nets being installed, but wanted to “grandfather” some of the existing residential golf nets up to a certain height.

END OF PUBLIC HEARINGS

AGENDA ITEM NO. 11 - ITEMS FOR FUTURE DISCUSSION

The Commission had no items they wished to discuss.

There being no further discussion, 1st Vice Chair Norton adjourned the meeting at 10:37 p.m.

Planning & Zoning Commissioner

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