

**PLANNING & ZONING COMMISSION**  
**December 15, 2008**

**COMMISSIONERS PRESENT**

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

**ABSENT**

James Duggan, Chairman

**STAFF PRESENT**

Phyllis M. Jarrell, Director of Planning  
Tom Elgin, Development Review Manager  
Tina Firgens, Sr. Planner  
Kate Perry, Sr. Planner  
Eric Hill, Planner  
Paige Mims, Assistant City Attorney  
Jeff Zimmerman, Long Range Planning Manager  
Lloyd Neal, Transportation Engineering Manager  
Dee Sarver, Planning Technician  
Doris Carter, Sr. Administrative Assistant  
Evelyn Trull, Technical Administrative Assistant

The Planning & Zoning Commission meeting was called to order by 1st Vice Chair Norton at 7:00 p.m., Monday, December 15, 2008.

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

Commissioner Caso made a motion to approve the minutes of the December 1, 2008, Planning & Zoning Commission meeting. Commissioner Coleman seconded the motion, which passed 7-0.

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

## **CONSENT AGENDA**

### **AGENDA ITEM NO. 5A - PRELIMINARY SITE PLAN & CONCEPT PLAN 71/190 MAPLESHADE ADDITION, BLOCK 1, LOTS 1 & 2 APPLICANT: CHARLES D. YOST**

Hotel and general office buildings on two lots on 8.0± acres located on the south side of Mapleshade Lane, 990± feet west of Coit Rd. Zoned Corridor Commercial. Neighborhood #71.

Approved as submitted.

### **AGENDA ITEM NO. 5B - CONVEYANCE PLAT 71/190 MAPLESHADE ADDITION, BLOCK 1, LOTS 1 & 2 APPLICANT: CHARLES D. YOST**

Two conveyance lots on 8.0± acres located on the south side of Mapleshade Lane, 990± feet west of Coit Rd. Zoned Corridor Commercial. Neighborhood #71.

Approved as submitted.

### **AGENDA ITEM NO. 5C - PRELIMINARY PLAT 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 subject to additions and/or alterations to the engineering plans as required by the Engineering Department.

### **AGENDA ITEM NO. 5D - REVISED SITE PLAN 55/TEXAS AMERICAN BANK PLANO, BLOCK 1, LOT 1 APPLICANT: BAYLOR HEALTHCARE SYSTEM**

Parking on one lot on 0.7± acre located at the southwest corner of Plano Parkway and Allied Drive. Zoned Planned Development-350-Retail/General Office. Neighborhood #55.

The purpose of this revised site plan is to remove an existing bank building and propose a new parking lot.

Approved as submitted.

**AGENDA ITEM NO. 5E - FINAL PLAT  
52/BILLINGSLEY OFFICE BUILDING ADDITION, BLOCK A, LOT 6  
APPLICANT: BILLINGSLEY COMPANY**

General office building on one lot on 12.1± acres located at the southwest corner of Plano Parkway and Horizon North Parkway. Zoned Light Industrial-1. Neighborhood #52.

Approved as submitted.

**AGENDA ITEM NO. 5F - PRELIMINARY PLAT  
68/ONE-NINETY AND JUPITER ADDITION, BLOCK A, LOT 4R  
APPLICANT: MAGNOLIA LODGING DEVELOPMENT, LLC**

Hotel on one lot on 5.0± acres located on the north side of State Highway 190, 2,150± feet east of Jupiter Road. Zoned Research/Technology Center. Neighborhood #68.

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

**AGENDA ITEM NO. 5G - FINAL PLAT  
1/THE LINCOLN AT TOWNE SQUARE, PHASE II, BLOCK A, LOT 3  
APPLICANT: MILLENNIUM GROUP MANAGEMENT LLC**

302 multifamily units on one lot on 10.7± acres located on the west side of Ohio Drive at Towne Square Drive. Zoned Planned Development-20-Mixed Use. Neighborhood #1.

Approved as submitted.

**AGENDA ITEM NO. 5H - REVISED SITE PLAN  
50/HINCKLEY ADDITION, BLOCK A, LOTS 1R & 3  
APPLICANT: THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**

Religious facility on one lot and one Estate Development lot on 5.9± acres located on the west side of Los Rios Boulevard, 80± feet south of Trail Walker Drive and generally on the north side of Ridgetop Lane. Zoned Planned Development-320-Estate Development. Neighborhood #50.

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

**END OF CONSENT AGENDA**

**AGENDA NO. 6 - DISCUSSION AND DIRECTION  
2009 BOND PROJECTS  
APPLICANT: CITY OF PLANO**

Jeff Zimmerman, Long Range Planning Manager, noted that this item was a continuation of the Planning & Zoning Commission discussion of the preliminary 2009 Bond Referendum Project List on December 1, 2008. At that meeting, the Commission agreed that the project list was generally consistent with the strategies and policies statement of the Comprehensive Plan, but decided that more was needed to review the proposed projects before forwarding its comments to the City Council.

Mr. Zimmerman identified several projects that appeared to align with specific strategies and policy statements of the Comprehensive Plan. He indicated that the Commission might wish consider the following actions;

1. Inform City Council the 2009 Project List is generally consistent with the Comprehensive Plan.
  2. Highlight individual projects or groups of projects that align with specific strategy or policy statements from the Comprehensive Plan.
  3. Express any concerns regarding projects and their connection to the Comprehensive Plan.
- A question was raised regarding financing costs for the proposed projects. Staff had no information to present on this matter as the Council will be responsible for evaluating the financial implications of the bond proposal.

Commissioner Caso made a motion to inform the City Council that the 2009 Bond Referendum Project List is consistent with the policy statements and strategies of the Comprehensive Plan. Commissioner Perry seconded the motion, which was approved 7-0.

**PUBLIC HEARINGS**

**AGENDA ITEM NO. 7 - PUBLIC HEARING  
ZONING CASE 2008-73  
APPLICANT: CITY OF PLANO**

Eric Hill, Planner, stated that this is a request to amend Subsection 3.1108 (Special Off-Street Parking Regulations) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding definitions and standards for special vehicle storage. Tabled 12/01/08. Commissioner Coleman made a motion to remove the item from the table. Commissioner Caso seconded the motion, which passed 7-0. Staff recommended approval as follows: (Additions are indicated by underlined text; deletions are indicated by strikethrough text.)

1. Subsection 3.1108 (4) (Special Vehicle Storage) of Section 3.1100 (Off-Street Parking and Loading) is amended to read as follows:

(a) A special vehicle is defined as:

~~(i) Any A trailer (including boats or any other item stored there on) of any length designed to be towed on public streets or~~

~~(ii) (a) (b) any self-propelled vehicle which exceeds 22 feet in length. Self-propelled Vvehicle length shall be measured to include trailer connections and any overhang of the vehicle or trailer, including the and/or any item being carried on the trailer apparatus or attachment affixed to the vehicle.~~

~~(c) Storage is defined as the continuous parking of the vehicle for 48 hours or longer.~~

~~(b) (d) All special vehicles must meet conform to the following requirements:~~

(i) No special vehicle may be stored on required off-street parking.

(ii) No part of a special vehicle may extend over a public easement or right-of-way.

(iii) No special vehicle stored on a residential lot may be used for housekeeping, living, or sleeping quarters.

(iv) If required, federal and state licensing and registration must be current.

(v) All special vehicles must be maintained in an operable condition.

(vi) Stored vehicles must be secured with wheel stops or maintained so as not to present a safety problem to the neighborhoods in which they are located.

(vii) All special vehicles must be stored on an improved driveway or improved parking surface such as concrete, asphalt, paving stones, or brick. Gravel or crushed rock may be used in the side and rear yards but not in the front yard. The parking surface must be continuous from a driveway contiguous with and be an extension of the driveway, and the area of the parking surface shall not be less than the full dimensions of the special vehicle.

(viii) Special vehicles must be stored behind the front building line in the side or rear yard unless the lot is served by a driveway from a public street and which is its only point of vehicular access, or the lot does not have access to a standard alley (ten-foot wide paved alley).

~~(ix)~~ ~~(xii)~~ Special vehicles stored in the side yard or rear yard behind the front building line must be screened from view from ~~adjacent lots and side streets, but not alleys.~~ In addition, these special vehicles must be screened in the front if brought onto the lot from the rear. (See Section 3.1000.)

~~(x)~~ ~~(ix)~~ Where permissible in (viii) above, only one special vehicle may be stored in the front yard, and the a special vehicle stored in the front yard length must be parked oriented perpendicular to the front property line.

(c) ~~(xi)~~ Special vehicle permit requirements:

(i) The storage in the front yard of a any special vehicle exceeding 22 feet in length, including trailers, in the front yard shall require a permit issued by the city, certifying that the special vehicle will be stored in compliance with this ordinance.

(ii) For the purpose of this section, trailer length shall be measured to include trailer connections, any overhang of the trailer or any item, apparatus, or attachment carried on or affixed to the trailer.

(iii) To obtain a permit, the applicant must submit a plan of the lot illustrating how the vehicle will be stored. The permit shall specify the special vehicle to be stored and the owner of the lot. The permit is only valid for the vehicle and owner specified. Permits may be revoked if the vehicle is not stored in accordance with this ordinance.

2. Subsection 3.1108 (6) of Section 3.1100 (Off-Street Parking and Loading) shall be deleted as follows and existing standards renumbered accordingly:

~~On a residential lot all self-propelled vehicles not defined as special vehicles must be parked on an improved surface.~~

The public hearing was opened. 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. Commissioner Caso seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 8 - PUBLIC HEARING  
ZONING CASE 2008-82  
APPLICANT: CITY OF PLANO**

Tom Elgin, Development Review Manager, stated that this is a request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), 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 regarding private club use. Staff recommended approval as follows: (Additions are indicated by underlined text; deletions are indicated by strikethrough text)

3. Amend the definition for private club in Section 1.600 (Definitions) of Article 1 (General Regulations) to read as follows:

“An establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, ~~the of Title 3, Chapter 32, Vernon’s Texas Codes Annotated~~ Texas Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs. (See Subsection 3.105.)

4. Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to permit private club use by right in the Downtown Business/Government and Central Business-1 zoning districts.
5. Amend Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to read as follows:

### **3.105 Private Clubs**

(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 church or public or private school, measured as prescribed, below, except that the prohibition will not apply to a property within 300 feet of a church 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 requiring a specific use permit:

(a)~~(4)~~Private clubs shall be restricted to the following use districts:

~~(a.)~~The ~~Downtown Business/Government~~ district

(i)~~b.~~ Contiguous Regional Commercial and/or Regional Employment districts collectively comprising 30 acres or more.

(ii)~~c.~~ Contiguous Retail districts collectively comprising 30 acres or more.

(iii)~~d.~~ Contiguous Light Commercial districts collectively comprising 30 acres or more.

(iv)~~e.~~ Contiguous Office-2 districts collectively comprising 30 acres or more.

- ~~(f.)~~ ~~Contiguous Central Business-1 districts collectively comprising 30 acres or more.~~
- ~~(v)g.~~ Contiguous Research/Technology Center districts collectively comprising 30 acres or more.
- ~~(vi)h.~~ Contiguous Corridor Commercial districts collectively comprising 30 acres or more.
- ~~(vii)i.~~ Contiguous Commercial Employment districts collectively comprising 100 acres or more.
- ~~(viii)j.~~ The contiguous Light Commercial, Retail, Office-2, Light Industrial-1, Light Industrial-2, and Corridor Commercial zoning which is 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)k.~~ Office-2, Retail, Light Commercial, Regional Employment, Regional Commercial, Corridor Commercial, Research/Technology Center, Light Industrial-1, or Light Industrial-2 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)l.~~ Any district when in conjunction with a country club or golf course.
- ~~(b)(2)~~ A private club shall be prohibited within 1,000 feet of the property line of any church, 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. ~~In the BG district, the minimum separation between a private club and any church or public or private school shall be 300 feet, measured as prescribed above. All other separation provisions shall be as noted above, except that the prohibition will not apply to property located within 300 feet of a church 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.~~
- ~~(c)(3)~~ A private club shall be prohibited within 300 feet of the boundary of any residentially-zoned district, except that this prohibition will not apply to property located within 300 feet of the boundary of a residentially-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)~~(4) 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 church, public or parochial school, hospital, publicly-owned park, or residentially-zoned district.
- ~~(e)~~(5) The following limitations are established for the issuance of specific use permits for private clubs:
- ~~(i)~~(a) For contiguous Retail, contiguous Office-2, contiguous Light Commercial, ~~contiguous Downtown Business/Government~~, 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.~~(i) 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.~~(ii) 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.~~(iii) 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.~~(iv) 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.~~(v) 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)~~b. 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)~~c. For contiguous Commercial Employment districts collectively comprising 100 acres or more, a maximum of one specific use permit may be issued for each 100 acres of land.
  - ~~(d)~~ For ~~contiguous Central Business-1 districts collectively comprising 30 acres or more, a maximum of two specific use permits may be issued for each 30 acres of land.~~
  - ~~(iv)~~e. A country club or golf course shall not be issued more than one specific use permit.

- (v)f. For the contiguous Light Commercial, Retail, Office-2, Light Industrial-1, Light Industrial-2, and Corridor Commercial zoning described in 2.a.viii above, there shall be no limitation on the number of private clubs which may be permitted.
- (vi)g. 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)6. All specific use permits issued for the operation of private clubs shall be conditioned that:

  - (i)a. Sixty-five percent of gross receipts be derived from the sale of food, subject to an annual audit provided at the expense of the permitted for review by the City Council.
  - (ii)b. 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)e. 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)d. 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)7. 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)8. 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 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 Dry seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 9 - PUBLIC HEARING - REPLAT & REVISED SITE PLAN  
1/PRESTON CREEK SHOPPING CENTER ADDITION NO. 3, BLOCK A, LOT 1R  
APPLICANT: ASG PRESTON CREEK RETAIL CENTER, LTD.**

Mr. Hill stated that this is a retail and restaurant development on one lot on 9.5± acres located at the northeast corner of Preston Road and Towne Square Drive. Zoned Planned Development-20-Mixed-Use with Specific Use Permit #553 for Private Club. 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. Commissioner Perry seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 10 - PUBLIC HEARING - REPLAT & REVISED SITE PLAN  
21/R.C. CLARK ADDITION, BLOCK A, LOT 1  
APPLICANT: PLANO INDEPENDENT SCHOOL DISTRICT**

Tina Firgen, Sr. Planner, stated that this is a public secondary school on one lot on 25.5± acres located on the north side of Spring Creek Parkway, 620± feet west of Chase Oak Boulevard. Zoned Planned Development-329-Community Center. Neighborhood #21. Staff recommended approval as follows:

Replat: Recommended for approval subject to additions and/or alterations to the engineering plans as required by the Engineering Department.

Revised Site Plan: Recommended for approval as submitted.

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

Commissioner Bulla made a motion to approve the both items as submitted. Commissioner Dry seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 11 - PUBLIC HEARING - REPLAT  
54/WALTON PARK SQUARE ADDITION, BLOCK 1, LOT 1R  
APPLICANT: WOODMONT PLANO, L.P.**

Mr. Hill stated that this is a retail development on one lot on 17.7± acres located on the west side of Preston Road, 315± feet south of Park Boulevard. Zoned Retail. Neighborhood #54. Staff recommended approval as submitted.

The public hearing was opened. Eric Kreiner, the applicant, and Erik Coslik, representing Woodmont Plano L.P., were both available to answer any questions. 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. Commissioner Coleman seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 12 - PUBLIC HEARING - REPLAT  
21/PEARCY/CHRISTON ADDITION, BLOCK 1, LOTS 1R & 5R  
APPLICANT: SPRING CREEK PLANO RETAIL LP**

Ms. Firgens stated that this is a bank and retail on two lots on 11.4± acres located at the northeast corner of Spring Creek Parkway and Wagner Way. Zoned Corridor Commercial. Neighborhood #21. 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. Commissioner Caso seconded the motion, which passed 7-0.

**END OF PUBLIC HEARINGS**

**AGENDA ITEM NO. 13 - DISCUSSION AND DIRECTION  
MIXED-USE POLICY STATEMENT  
APPLICANT: CITY OF PLANO**

Kate Perry, Sr. Planner, opened a discussion and direction regarding the draft Mixed-Use Policy Statement proposed for inclusion in the City of Plano Comprehensive Plan. Ms. Perry stated that this project is intended to create a policy statement that will help define the role of mixed-used policy in the City of Plano.

After some discussion, Commissioner Bulla made a motion to call a Public Hearing on this item. Commissioner Caso seconded the motion, which passed 6-1. Commissioner Dry had some concerns about the document being too specific and limiting as to what type of developers would come to Plano based on the information provided in the document.

**AGENDA ITEM NO. 14 - WORK SESSION  
SAFE STREETS PROGRAM  
APPLICANT: CITY OF PLANO**

Lloyd Neal, Transportation Engineering Manager, stated that this item is to advise the Commission on the appeal process of the Safe Streets Program. Mr. Neal stated that there are two processes for the public to appeal.

## **AGENDA ITEM NO. 15 - ITEMS FOR FUTURE DISCUSSION**

The Commission had no issues that they wished to discuss.

There being no further discussion, 1st Vice Chair Norton adjourned the meeting at 8:05 p.m.

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Planning & Zoning Commissioner

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