

## PLANNING & ZONING COMMISSION

September 16, 2002

### **Present:**

Lee Dunlap, 1st Vice Chair  
Laura Williamson, 2nd Vice Chair  
Carolyn Kalchthaler  
Bill Neukranz  
Joy Flick  
Jerry Kezhaya

### **Absent:**

Michael Davidoff, Chairman  
Joyce Beach

### **Staff:**

Phyllis M. Jarrell, Director of Planning  
Tom Elgin, Development Review Manager  
Jeff Zimmerman, Planning & Information Manager  
Christina Day, Sr. Planner  
Carrie Lee, Planner  
Charles Lee, Planner  
Kent McIlyar, Assistant City Attorney II  
Renaë Ollie, Sr. Planning Technician  
Jean Stellatella, Technical Administrative Assistant

The Planning & Zoning Commission meeting was called to order by 1st Vice Chair Dunlap at 7:00 p.m., Monday, September 16, 2002. Commissioner Williamson made a motion to approve the agenda. Commissioner Kezhaya seconded the motion, which passed 5-0. Commissioner Neukranz made a motion to approve the August 20, 2002, Work Session Minutes. Commissioner Flick seconded the motion, which passed 5-0. Commissioner Williamson made a motion to approve the September 3, 2002, meeting Minutes with minor corrections. Commissioner Flick seconded the motion, which passed

5-0. Commissioner Kalchthaler arrived at the meeting. 1st Vice Chair Dunlap requested Agenda Item No. 4d be pulled for individual consideration. Commissioner Kezhaya made a motion to approve the remainder of the Consent Agenda. Commissioner Flick seconded the motion, which passed 6-0.

### **CONSENT AGENDA**

#### **Agenda No. 4a - Final Plat: 16/Legacy Town Center South, Block G, Lots 1 & 3 - Applicant: Post Properties, Inc.**

This is a request for a mixed-use development on two lots on 4.3± acres at the northeast corner of Bishop Road and Martin Road. Zoned Planned Development-65-Central Business-1.

Approved as submitted.

#### **Agenda No. 4b - Preliminary Site Plan & Concept Plan: 67/Schultz Addition, Block A, Lots 1 & 2 - Applicant: Andy Schultz**

This is a request for a proposed used auto dealership on one lot on 0.9± acre and a concept lot on 1.8± acres on the east side of K Avenue, 150± feet north of 11th Street. Zoned Light Commercial.

Approved subject to staff approval of the general tree survey.

#### **Agenda No. 4c - Preliminary Plat & Revised Conveyance Plat: 41/Parkway Hills Addition, Block A, Lots 9 & 10 - Applicant: OS Realty**

This is a request for a medical office building on one lot on 0.9± acre and one conveyance lot on 1.4± acres on the northwest corner of Parkwood Boulevard and Nassau Drive. Zoned Regional Employment.

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

**Agenda No. 4e - Preliminary Plat & Conveyance Plat: 4/Ohio-Hedgcoxe Addition, Block A, Lots 2 & 3 - Applicant: Copacabana Corporation**

This is a request for a mini-warehouse/public storage development on one lot and one conveyance lot on 11.7± acres on the north side of Hedgcoxe Road, 845± feet east of Ohio Drive. Zoned Planned Development-Retail.

Approved subject to staff approval of the landscape plan and the facade plan.

**END OF CONSENT AGENDA**

**ITEMS FOR INDIVIDUAL CONSIDERATION**

**Agenda No. 4d - Preliminary Site Plan & Conveyance Plat: 55/Preston Park Business Center Addition, Block A, Lots 1-3 - Applicant: Dallas Home for the Jewish Aged**

Carrie Lee, Planner, stated this is ten office buildings on three lots on 8.4± acres on the northwest corner of Ohio Drive and Old Shepard Place. Zoned Planned Development-189-Retail/Office-2. Staff recommended approval subject to staff approval of the general tree survey.

The public hearing was opened. Craig Wallendorf, applicant, answered Commissioner Flick's questions about building heights, landscape, and fire lane widths and 1st Vice Chair Dunlap's question about dumpster location. No one else spoke for or against the item. The public hearing was closed.

After some discussion, Commissioner Flick made a motion to approve the item as submitted. Commissioner Kezhaya seconded the motion, which passed 6-0.

## **END OF ITEMS FOR INDIVIDUAL CONSIDERATION**

## **PUBLIC HEARINGS**

### **Agenda No. 5 - Public Hearing: Zoning Case 2002-38 - Applicant: John Parks & Wanda Parks**

Ms. Lee stated this is a request for a Specific Use Permit (SUP) for an Arcade in a shopping center on one lot on 10.4± acres on the northwest corner of 14th Street and Jupiter Road. Zoned Retail. Neighborhood #60. Forty-five letters were received for the item, two in favor and forty-three in opposition. Staff recommended approval as submitted.

The public hearing was opened. Cinthia Henderson stated she and her husband James were seeking a specific use permit to open the arcade in a vacant 2,500 square-foot space that could house up to 60 video slot machines. Ms. Henderson told the commission that the business would be open from 10:00 a.m. to 12:00 a.m. and would target adults 40 to 60 years old. She said no one under 18 would be allowed in the arcade.

The following people spoke in opposition to the item: Ron Hewitt, 1733 15th Place; Elias Vasquez, 1730 15th Place; and Patricia Ann Cole, 1711 14th Place, representative for the Southwood Estates and Olde Town Homeowners Association. Their concerns were associated with the impact on the neighborhood, e.g., how the age

of customers would be monitored, school truancy, increased traffic, noise, vandalism, drugs, and loitering in the neighborhood. No one else spoke for or against the item. The public hearing was closed.

After much discussion, Commissioner Williamson made a motion to deny the item. Commissioner Kalchthaler seconded the motion, which passed 5-1. The majority of commissioners voting in opposition had concerns about issuing a specific use permit that could be transferred to another business, including an arcade aimed at youths, and that the specific use permit would not benefit the general welfare and its close proximity to the neighborhood.

**Agenda No. 6 - Public Hearing: Zoning Case 2002-39 - Applicant: White Family Trust**

Ms. Lee stated this is a request for a Specific Use Permit (SUP) for an 84-foot tall Commercial Antenna Support Structure on 0.01± acre on the west side of Coit Road, 850± feet south of Legacy Drive. Zoned Planned Development-429-Office-1. Neighborhood #17. Three letters were received for the item, one in favor and two in opposition. Staff recommended approval as submitted.

The public hearing was opened. Peter Kavanagh, representative for the applicant, spoke in support of the item and explained the purpose and the need to extend the height of the existing 59-foot antenna by 25 feet. Dr. Dale Selzer, owner of the building adjacent to the antenna and representing Big Boy Management, spoke in opposition of the item. His concerns were the unsightliness of the antenna, its proximity to the doctor's offices, and the impact it will have regarding the property's resale value. No one else spoke for or against the item. The public hearing was closed.

After much discussion, Commissioner Flick made a motion to approve the item as submitted. Commissioner Williamson seconded the motion, which passed 5-1. Commissioner Kalchthaler voted in opposition and felt there were other, better existing choices and options in the area rather than the requested location.

**Agenda No. 7 - Public Hearing: Zoning Case 2002-41 - Applicant: Stuart Sargeant**

Charles Lee, Planner, stated this is a request to rescind Specific Use Permit (SUP) #213 for a Private Club granted to a specific entity and operator, that was no longer in business, and to grant a new SUP for a Private Club on one lot on 1.6± acres on the north side of West Park Boulevard, 300± feet west of Preston Road. Zoned Planned Development-68-Retail with SUP #213 for a Private Club. Neighborhood #42. One letter was received in favor of this item. Staff recommended approval as submitted.

The public hearing was opened. Steve Fields, representative for the applicant, explained the restaurant's concept and answered 1st Vice Chair Dunlap's questions about exterior renovations. Mr. Fields stated the exterior renovations will be formally submitted to staff for approval. No one else spoke for or against the item. The public hearing was closed.

After some discussion, Commissioner Williamson made a motion to approve the item as submitted. Commissioner Flick seconded the motion, which passed 6-0.

**Agenda No. 8 - Public Hearing: Zoning Case 2002-43 - Applicant: City of Plano**

Tom Elgin, Development Review Manager, stated this is a request to amend the Zoning Ordinance, Subsection 3-1602 (Definitions) and Subsection 3-1603 (Design and Construction Specifications) of Section 3-1600 (Sign Regulations) of Article 3

(Supplementary Regulations) and related sections of the Zoning Ordinance to add standards for unified-lot signs. Staff recommended for approval as follows (additions are indicated in underlined text and deletions are indicated in “strike-through” text):

1. Amend Section 3-1602 (Definitions) to add the following definition:

“Sign, Unified-lot - Any identification or multi-purpose sign located on a premise consisting of two or more contiguous lots that the owner(s) have agreed to treat as one lot for the limited purpose of providing shared signage.”

2. Amend Section 3-1603 (Design and Construction Specifications), B. (Freestanding Signs) to add standard ‘12’ as follows:

“12. Unified-lot Sign -

- a. Unified-lot signs may be erected in non-residential zoning districts and shall comply with all area, height, setback, spacing and composition restrictions applicable to multi-purpose signs.
- b. One unified-lot sign per street front may be placed on a premise consisting of two or more contiguous lots where each lot owner has entered into a binding agreement to treat their separate lots as one lot for the limited purpose of signage. The agreement shall contain a legal description of the properties subject to the agreement; state that the parties, their heirs and assigns forego any rights to additional freestanding street front signage on the premises covered by the agreement; state that the agreement is a covenant running with the land to be filed and made a part of the deed records of Collin or Denton County, Texas; and that the agreement cannot be amended or terminated without the consent of the building official.
- c. A unified-lot sign agreement shall not be effective until a true and correct copy of the approved agreement is filed in the deed records of the applicable county and a file-marked copy is filed with the building official.
- d. Individual lots that are part of a unified-lot sign agreement shall not be entitled to any other freestanding street front signage.”

The public hearing was opened. The following people spoke in support of the item: Jonathan Vinson, 1445 Ross Avenue, Dallas, Texas; Ray Griffith, Deerfield Homeowners Association, 7420 Tweedsgate Drive; and Clay Bruno, Deerfield Homeowners Association, 4689 Adrian Way. No one else spoke for or against the item. The public hearing was closed.

After much discussion, Commissioner Flick made a motion to approve the item subject to staff's recommendation with clarification on the limitation of one sign per street front. Commissioner Kalchthaler seconded the motion, which passed 5-1. 1st Vice Chair Dunlap voted in opposition and expressed concerns with application of the requirements to large parcels of land.

**Agenda No. 9 - Public Hearing - Replat: 55/Preston Pointe Courtyard, Block A, Lot 2R - Applicant: First National Bank of Omaha**

Christina Day, Sr. Planner, stated this is a bank with drive-thru on one lot on 1.3± acres on the northeast corner of Preston Road and Plano Parkway. Zoned Planned Development-194-Office-2 with Specific Use Permit #23 for a Restaurant and Specific Use Permit #355 for a Private Club. No letters were received for the item. 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 Williamson made a motion to approve the item, requesting staff to move forward to rescind the Specific Use Permit for a Private Club. Commissioner Kalchthaler seconded the motion, which passed 6-0.

**Agenda No. 10 - Public Hearing - Preliminary Replat & Revised Site Plan 53/Boardwalk Motor Cars Addition, Block A, Lot 2R - Applicant: Boardwalk Motor Group**

Mr. Lee stated this is an existing new car dealership and a proposed new car dealership on one lot on 9.2± acres on the south side of Plano Parkway, 260± feet east of the Dallas North Tollway. Zoned Planned Development-211-Light Commercial. No letters were received for the item. Staff recommended approval as follows:

Preliminary 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 subject to staff approval of the landscape plan.

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

After a brief discussion, Commissioner Flick made a motion to approve the item subject to staff's recommendation. Commissioner Kalchthaler seconded the motion, which passed 6-0.

**END OF PUBLIC HEARINGS**

**Agenda No. 11 - Discussion and Direction - Sign Ordinance Regulations**

When City Council considered the last set of amendments to the Sign Ordinance in July, the Council asked the Building Inspections Department to review the portion of the ordinance dealing with signs on fences and garage sale signs. Fence signs are currently prohibited. Garage sale signs are not allowed in public rights-of-way or on off-site private property. Russ Mower, Chief Building Official, presented results of a review

and recommendations for rewording an ordinance amendment. After much discussion between the Planning & Zoning Commission and staff, it was agreed that more dialogue was needed before the Commission could give direction on these two issues. It was decided to table the item to the October 8, 2002, Work Session.

**Agenda No. 12 - Discussion and Direction: The Parker Road Study**

This item was tabled to the October 8, 2002, work session.

**Agenda No. 13 - Discussion and Direction: Town Home Regulations within the Downtown/Business Government zoning district**

This item was tabled to the October 8, 2002, work session.

There being no further discussion, 1st Vice Chair Dunlap adjourned the meeting at 10:27 p.m.

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Planning & Zoning Commissioner

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