

DATE: October 18, 2011
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of October 17, 2011

**AGENDA ITEM NO. 6A - PUBLIC HEARING
ZONING CASE 2011-14
APPLICANT: CENCOR REALTY SERVICES**

Request to amend Planned Development-185-Regional Commercial on 14.8± acres located at the northeast corner of Dallas North Tollway and Parker Road to modify the development standards of the district. Zoned Planned Development-185-Regional Commercial/Dallas North Tollway Overlay District. Tabled June 6, 2011, July 5, 2011, August 1, 2011, September 6, 2011, and October 3, 2011.

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as follows:

PROPOSED PD-185-RC AMENDMENTS

Proposed additions are indicated by underlined text; deletions are indicated by strikethrough text.

Restrictions:

The permitted uses and standards shall be in accordance with the Regional Commercial (RC) zoning district unless otherwise specified herein.

General Provisions of the Planned Development

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

~~4.~~ 2. A maximum of 265 multifamily residential dwelling units shall be allowed by right within Tract 1. Multifamily residential is prohibited within Tracts 2 and 3.

~~2.~~ 3. Site Design

- a. The district shall have a central north/south pedestrian-oriented private roadway that runs from Parker Rd. to the existing east/west fire lane of the regional theater property to the north. The private roadway shall have diagonal or 90° on-street parking and sidewalks on both sides of the roadway. The minimum width of the sidewalks shall be 22 12 feet. The sidewalks may be used for outdoor eating areas, outdoor display, and other activities commonly associated with a pedestrian-oriented development, if a minimum six feet sidewalk clearance and/or distance to curb line of a ~~street or public way~~ of five feet the private roadway is maintained.
- ~~b. First floor uses shall be nonresidential except for lobbies for residential uses which may be on the first floor. Residential dwelling units shall be located on second or higher floors.~~
- ~~c. Building Materials: First floor exterior elevations of buildings and parking structures shall comply with the building material requirements of the RC zoning district. Second floor and higher exterior elevations shall comply with the building material standards except that specified materials shall only be required on 60% of the facade elevation. Interior elevations concealed by buildings or parking garages shall be exempt from material standards but shall be consistent in color and finish with the rest of the building or parking structure. Elevations of parking garages that face public streets, the north/south pedestrian-oriented private roadway, and the east/west fire lane into the regional theater shall comply with the building material requirements of the RC zoning district.~~

4. Trash collection facilities shall be exempt from the minimum distance requirements from rights-of-way of Type C and above thoroughfares as specified in Section 2.824 (Regional Commercial) Subsection 6 (a) (Special District Requirements).

3. 5. Area, Yard, and Bulk Requirements

- a. Minimum Building Height: two story (30 feet) for buildings that ~~front along the north/south pedestrian-oriented private roadway and along the east/west fire lane of the regional theater property to the north~~ within Tracts 1 and 3.
- b. Maximum Building Height: eight story (120 feet) for hotel use; six story (100 feet) for all other structures other than parking structures garages; 52 feet for parking structures garages with no maximum number of levels. (The parking structures garages shall be permitted to have levels of parking over and above retail, surface parking, or other permitted uses on the ground level.) ~~Visual barriers shall be installed to cover any openings between parking levels of a parking structure for openings that both (i) face a residential use east of Parkwood Blvd. directly across from the property and (ii) are located above the third level of the parking structure. Visual barriers measuring at least four feet in height shall extend above the parapet walls of the top levels of parking structure facades that both (i) face a residential use east of Parkwood Blvd. directly across from the property and (ii) are located above the third level of the parking structure.)~~

- c. Maximum Building Setback: Buildings fronting the north/south pedestrian-oriented private roadway and the existing east/west fire lane of the regional theater shall be constructed such that a minimum of 60% of the facade is located within 20 feet from the back of curb unless restricted by easements. Where easements are present, 60% of the facade must be built to the easement line.
- d. Setbacks and Height Adjacent to Residential from Parkwood Blvd.: Setbacks from Parkwood Blvd., adjacent to residential uses shall be a Minimum of 50 feet as measured from the property line or three times the height, minus 90 feet as measured from the nearest residential district boundary line, whichever is more restrictive. Conversely, the allowed height of a main building, parking structure, or accessory building, at a certain setback, would be equal to one-third the setback plus 30 feet. Structures with hotel uses are exempt from this additional setback adjacent to residential uses.

4. 6. Landscaping

- a. Except as stated below, landscaping shall be provided per Section 3.1200 (Landscaping Requirements) and Section 4.600 (Dallas North Tollway Overlay District):
 - i. The required 30-foot landscape edge along the Dallas North Tollway frontage road and Parkwood Blvd. may be reduced to ten feet in width, and the required 30-foot landscape edge along Parkwood Blvd. may be reduced to eight feet in width provided (i) Parkwood Blvd. commencing at a point no less than 50 feet south of the northeastern entrance into the property from Parkwood Blvd. and extending southward along the Parkwood Blvd. right-of-way to a point no less than 50 feet north of the intersection of Parker Rd. and Parkwood Blvd. and (ii) along the Dallas North Tollway frontage road commencing at a point no less than 100 feet south of the northwestern entrance into the property from the Dallas North Tollway frontage road and extending southward along the Dallas North Tollway frontage road to a point no less than 50 feet north of the intersection of Parker Rd. and the Dallas North Tollway frontage road. A continuous meandering sidewalk interspersed with plant materials and berms as set forth in Subsection 4.604(3) shall not be required.
 - ii. Street trees shall be provided at a rate of one tree per 50 linear feet of street along all public streets and on both sides of the north/south pedestrian-oriented private roadway. The number of trees provided shall be equal to one tree per 40 lineal feet per side of the north/south pedestrian-oriented private roadway. Street trees may be placed in tree islands, between the curb and the sidewalk, or in the landscape edge. There is no minimum or maximum spacing between trees.
 - iii. All other landscaping shall comply with Section 3.1200 (Landscaping Requirements) and Section 4.600 (Dallas North Tollway Overlay District).

5.7. Parking

- a. Unless listed below, the minimum required parking within this planned development shall comply with Section 3.1100 (Off-street Parking and Loading). The minimum required parking for multifamily uses and nonresidential uses other than hotels shall be provided as follows:
 - i. Multifamily Use: 4 One space per bedroom
 - ii. Nonresidential Uses: 4 One space per 250 square feet of floor area
- b. Total required parking shall be computed on a district-wide basis regardless of any phase/property lines. Parking stall and drive aisle dimensions shall comply with Section 3.1100 (Off-street Parking and Loading).

8. Building Materials

- a. Building Materials: First floor exterior elevations of buildings and parking garages shall comply with the building material requirements of the RC zoning district. Second floor and higher exterior elevations shall comply with the building material standards except that specified materials shall only be required on 60% of the facade elevation. Interior elevations concealed by buildings or parking garages shall be exempt from material standards but shall be consistent in color and finish with the rest of the building or parking garage.
- b. Elevations of parking garages that face public streets, the north/south pedestrian-oriented private roadway, and the existing east/west fire lane into of the regional theater, shall comply with the building material requirements of the RC zoning district.
- c. Visual barriers shall be installed to cover any openings between parking levels of a parking structure garage for openings that both (i) face a residential use east of Parkwood Blvd. directly across from the property and (ii) are located above the third level of the parking structure garage. Visual barriers measuring at least four feet in height shall extend above the parapet walls of the top levels of parking garage facades that both (i) face a residential use east of Parkwood Blvd. directly across from the property and (ii) are located above the third level of the parking structure garage.
- d. Buildings with first floor nonresidential uses that front the north/south pedestrian-oriented private roadway, except for parking garages, shall have a minimum of 40% of the ground floor facade comprised of window area. 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.

9. Signage

- a. For building facades and sidewalks/parkways fronting the north/south pedestrian-oriented private roadway and building facades fronting the existing east/west fire lane of the regional theater property to the north allowable signs must comply with Subsection 3.1605 (Downtown Sign District).

- b. All other signage must comply with Section 3.1600 (Sign Regulations) and Section 4.600 (Dallas North Tollway Overlay District).

FOR CITY COUNCIL MEETING OF: November 14, 2011 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dw

xc: David Palmer, Cencor Realty Services
Gary Pevler, Hodges

CITY OF PLANO
PLANNING & ZONING COMMISSION

October 17, 2011

Agenda Item No. 6A

Public Hearing: Zoning Case 2011-14

Applicant: Cencor Realty Services

DESCRIPTION:

Request to amend Planned Development-185-Regional Commercial on 14.8± acres located at the northeast corner of Dallas North Tollway and Parker Road to modify the development standards of the district. Zoned Planned Development-185-Regional Commercial/Dallas North Tollway Overlay District. Tabled June 6, 2011, July 5, 2011, August 1, 2011, September 6, 2011, and October 3, 2011.

REMARKS:

This item was tabled at the October 3, 2011, Planning & Zoning Commission meeting. It must be removed from the table.

The applicant is requesting to amend Planned Development-185-Regional Commercial (PD-185-RC). The RC district is intended to provide for retail and service uses at appropriate nodes within the corridor of specified tollways and expressways serving the surrounding communities, in addition to office and limited manufacturing uses. The district's standards are designed to ensure compatibility between various uses within a corridor and surrounding residential neighborhoods. A PD district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off- and onsite conditions.

PD-185-RC was initially approved by City Council on January 8, 2007, and amended on December 3, 2007. With this zoning case, the applicant is requesting to amend various development stipulations including allowing for first floor residential uses, reducing the width of interior sidewalks, and creating tracts to limit the location of certain uses. One major modification is the allowance for first floor residential units. In the current PD stipulations, residential is restricted to the second floor and above. The applicant is proposing to allow for residential uses on all floors of residential buildings, and to locate residential uses within Tract 1 only. While vertically integrated uses within a mixed use development are desirable, the city's Mixed Use Policy statement allows for horizontal integration of uses. Therefore, staff is in favor of this amendment, and believes that

locating residential uses within Tract 1 only will help separate the residential development from the noise and other issues associated with the Dallas North Tollway.

Surrounding Land Uses and Zoning

The area of the request is currently undeveloped. The property to the north is the Cinemark Tinseltown movie theater and is zoned Regional Employment (RE). To the west, across the Dallas North Tollway, the property is zoned RC and has been developed as retail. South of the property, across Parker Road, is a retail shopping center zoned RC. To the east, across Parkwood Boulevard., is an existing multifamily development zoned Multifamily Residence-3 (MF-3).

Proposed Planned Development Zoning Stipulations

The requested zoning is to amend the design standards and location of uses within PD-185-RC. Many of the requested changes in the PD stipulations have been recommended by staff in order to update the language for consistency with other recently approved PDs, and also to simplify and clarify the previous approved PD language.

The applicant is proposing to create three distinct tracts. Tract 1, is on the eastern portion of the subject property with frontage on Parkwood Boulevard, and is proposed to be developed as multistory multifamily residential. Tract 2 is on the southern end of the subject property adjacent to Parker Road, and is proposed to be developed as single story retail and restaurant uses. Tract 3 is on the western portion of the subject property with frontage on Dallas North Tollway, and is proposed to be developed as multistory retail, restaurant, and office buildings.

The PD proposes to restrict the multifamily residential use to Tract 1. Previously, multifamily use was permitted within multistory buildings only, on the second floor and above. The applicant is requesting that multifamily be allowed on all floors, but restricted to within Tract 1. Additionally, the applicant is requesting to reduce the width of sidewalks adjacent to the proposed north/south pedestrian-oriented roadway. The PD currently proposes 22-foot wide sidewalks, and the applicant is requesting that this requirement be reduced to 12 feet. The reason for this is so that the applicant can capture some additional developable area within the lot, while still providing for wider pedestrian-oriented sidewalks. The other requested amendments are as follows:

- Adopting the zoning exhibit to delineate the three tracts.
- Clarification and reorganization of sections to simplify and clarify the stipulations of the PD.
- Amending the building height requirement to allow for single story nonresidential buildings within Tract 2, reducing the requirement from the existing two story (30 feet) height requirement.
- Modifying the interior building setback measurement from the north/south pedestrian-oriented private roadway in order to be consistent with recently approved PDs. This will result in a minimal change in building placement.
- Simplifying the building setback requirements from Parkwood Boulevard and existing residential uses.

- Clarification of the landscape language, reduction of the landscape edge requirement adjacent to Parkwood Boulevard (from ten feet to eight feet), and reduction of the landscape edge requirement at the intersections of Dallas North Tollway and Parkwood Boulevard and Parker Road (from 30 feet to ten feet).

A revised preliminary site plan, Tinseltown Addition, Block A, Lot 1, accompanies this request.

PROPOSED PD-185-RC AMENDMENTS

Proposed additions are indicated by underlined text; deletions are indicated by strikethrough text.

Restrictions:

The permitted uses and standards shall be in accordance with the Regional Commercial (RC) zoning district unless otherwise specified herein.

General Provisions of the Planned Development

1. The zoning exhibit shall be adopted as part of the ordinance.
- ~~4.~~ 2. A maximum of 265 multifamily residential dwelling units shall be allowed by right within Tract 1. Multifamily residential is prohibited within Tracts 2 and 3.
- ~~2.~~ 3. Site Design
 - a. The district shall have a central north/south pedestrian-oriented private roadway that runs from Parker Rd. to the existing east/west fire lane of the regional theater property to the north. The private roadway shall have diagonal or 90° on-street parking and sidewalks on both sides of the roadway. The minimum width of the sidewalks shall be ~~22~~ 12 feet. The sidewalks may be used for outdoor eating areas, outdoor display, and other activities commonly associated with a pedestrian-oriented development, if a minimum six feet sidewalk clearance and/or distance to curb line of ~~a street or public way of five feet~~ the private roadway is maintained.
 - ~~b. First floor uses shall be nonresidential except for lobbies for residential uses which may be on the first floor. Residential dwelling units shall be located on second or higher floors.~~
 - ~~c. Building Materials: First floor exterior elevations of buildings and parking structures shall comply with the building material requirements of the RC zoning district. Second floor and higher exterior elevations shall comply with the building material standards except that specified materials shall only be required on 60% of the facade elevation. Interior elevations concealed by buildings or parking garages shall be exempt from material standards but shall be consistent in color and finish with the rest of the building or parking structure. Elevations of parking garages that face public streets, the north/south pedestrian-oriented private roadway, and the east/west fire lane~~

~~into the regional theater shall comply with the building material requirements of the RC zoning district.~~

~~4. Trash collection facilities shall be exempt from the minimum distance requirements from rights-of-way of Type C and above thoroughfares as specified in Section 2.824 (Regional Commercial) Subsection 6 (a) (Special District Requirements).~~

~~3. 5. Area, Yard, and Bulk Requirements~~

~~a. Minimum Building Height: two story (30 feet) for buildings that front along the north/south pedestrian-oriented private roadway and along the east/west fire lane of the regional theater property to the north within Tracts 1 and 3.~~

~~b. Maximum Building Height: eight story (120 feet) for hotel use; six story (100 feet) for all other structures other than parking structures garages; 52 feet for parking structures garages with no maximum number of levels. (The parking structures garages shall be permitted to have levels of parking over and above retail, surface parking, or other permitted uses on the ground level.) ~~Visual barriers shall be installed to cover any openings between parking levels of a parking structure for openings that both (i) face a residential use east of Parkwood Blvd. directly across from the property and (ii) are located above the third level of the parking structure. Visual barriers measuring at least four feet in height shall extend above the parapet walls of the top levels of parking structure facades that both (i) face a residential use east of Parkwood Blvd. directly across from the property and (ii) are located above the third level of the parking structure.)~~~~

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~~d. Setbacks and Height Adjacent to Residential from Parkwood Blvd.: Setbacks from Parkwood Blvd., adjacent to residential uses shall be a Minimum of 50 feet as measured from the property line or three times the height, minus 90 feet as measured from the nearest residential district boundary line, whichever is more restrictive. Conversely, the allowed height of a main building, parking structure, or accessory building, at a certain setback, would be equal to one-third the setback plus 30 feet. Structures with hotel uses are exempt from this additional setback adjacent to residential uses.~~

~~4. 6. Landscaping~~

~~a. Except as stated below, landscaping shall be provided per Section 3.1200 (Landscaping Requirements) and Section 4.600 (Dallas North Tollway Overlay District):~~

~~i. The required 30-foot landscape edge along the Dallas North Tollway frontage road and Parkwood Blvd. may be reduced to ten feet in~~

~~width, and the required 30-foot landscape edge along Parkwood Blvd. may be reduced to eight feet in width provided (i) Parkwood Blvd. commencing at a point no less than 50 feet south of the northeastern entrance into the property from Parkwood Blvd. and extending southward along the Parkwood Blvd. right-of-way to a point no less than 50 feet north of the intersection of Parker Rd. and Parkwood Blvd. and (ii) along the Dallas North Tollway frontage road commencing at a point no less than 100 feet south of the northwestern entrance into the property from the Dallas North Tollway frontage road and extending southward along the Dallas North Tollway frontage road to a point no less than 50 feet north of the intersection of Parker Rd. and the Dallas North Tollway frontage road. A continuous meandering sidewalk interspersed with plant materials and berms as set forth in Subsection 4.604(3) shall not be required.~~

- ~~ii. Street trees shall be provided at a rate of one tree per 50 linear feet of street along all public streets and on both sides of the north/south pedestrian-oriented private roadway. ~~The number of trees provided shall be equal to one tree per 40 lineal feet per side of the north/south pedestrian-oriented private roadway.~~ Street trees may be placed in tree islands, between the curb and the sidewalk, or in the landscape edge. There is no minimum or maximum spacing between trees.~~
- ~~iii. All other landscaping shall comply with Section 3.1200 (Landscaping Requirements) and Section 4.600 (Dallas North Tollway Overlay District).~~

5. 7. Parking

- a. Unless listed below, the minimum required parking within this planned development shall comply with Section 3.1100 (Off-street Parking and Loading). The minimum required parking for multifamily uses and nonresidential uses other than hotels shall be provided as follows:
 - i. Multifamily Use: 4 One space per bedroom
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- b. Elevations of parking garages that face public streets, the north/south pedestrian-oriented private roadway, and the existing east/west fire lane ~~into~~ of the regional theater, shall comply with the building material requirements of the RC zoning district.
- c. Visual barriers shall be installed to cover any openings between parking levels of a parking structure garage for openings that both (i) face a residential use east of Parkwood Blvd. directly across from the property and (ii) are located above the third level of the parking structure garage. Visual barriers measuring at least four feet in height shall extend above the parapet walls of the top levels of parking garage facades that both (i) face a residential use east of Parkwood Blvd. directly across from the property and (ii) are located above the third level of the parking structure garage.
- d. Buildings with first floor nonresidential uses that front the north/south pedestrian-oriented private roadway, except for parking garages, shall have a minimum of 40% of the ground floor facade comprised of window area. 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.

9. Signage

- a. For building facades and sidewalks/parkways fronting the north/south pedestrian-oriented private roadway and building facades fronting the existing east/west fire lane of the regional theater property to the north allowable signs must comply with Subsection 3.1605 (Downtown Sign District).
- b. All other signage must comply with Section 3.1600 (Sign Regulations) and Section 4.600 (Dallas North Tollway Overlay District).

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Major Corridor Development (MCD). Development in these corridors is expected to include a mix of commercial, office, and technical production uses. Residential development is generally not appropriate within these corridors. However, in 2007, City Council determined that multifamily residential is appropriate for the subject property.

Adequacy of Public Facilities - Adequate water and sanitary sewer services are available via extensions from existing lines along Dallas North Tollway frontage road and Parkwood Boulevard.

Traffic Impact Analysis - A TIA is not required for this request.

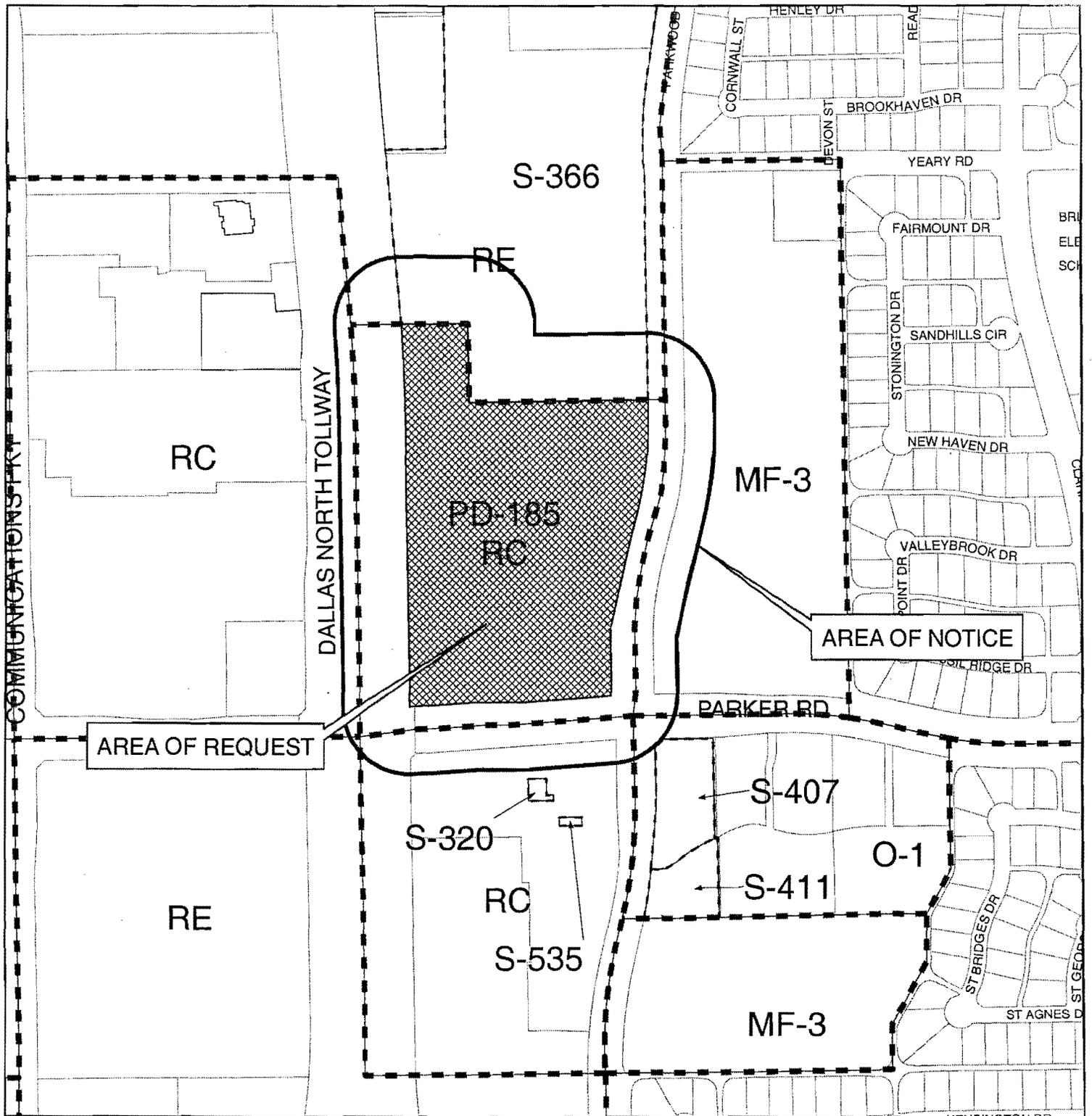
SUMMARY:

The applicant is requesting to amend PD-185-RC to reflect refinements to their development plan. The proposed PD amendments are consistent with the form and intent of the existing PD. The restriction of residential uses to Tract 1 (along Parkwood Boulevard.) will provide a better quality of life for future residents since the residential

use will now be further separated from the noise and other issues associated with Dallas North Tollway. The other amendments to the PD are intended to improve upon the proposed form of the development, be consistent with other recently approved PDs, and clarify existing regulations. Staff supports the amendments as requested.

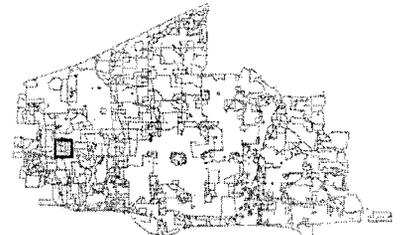
RECOMMENDATION:

Recommended for approval as submitted.

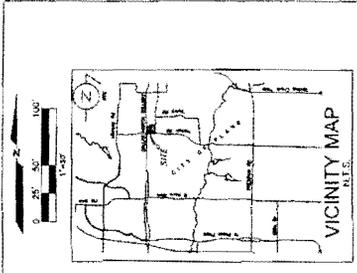


Zoning Case #: 2011-14

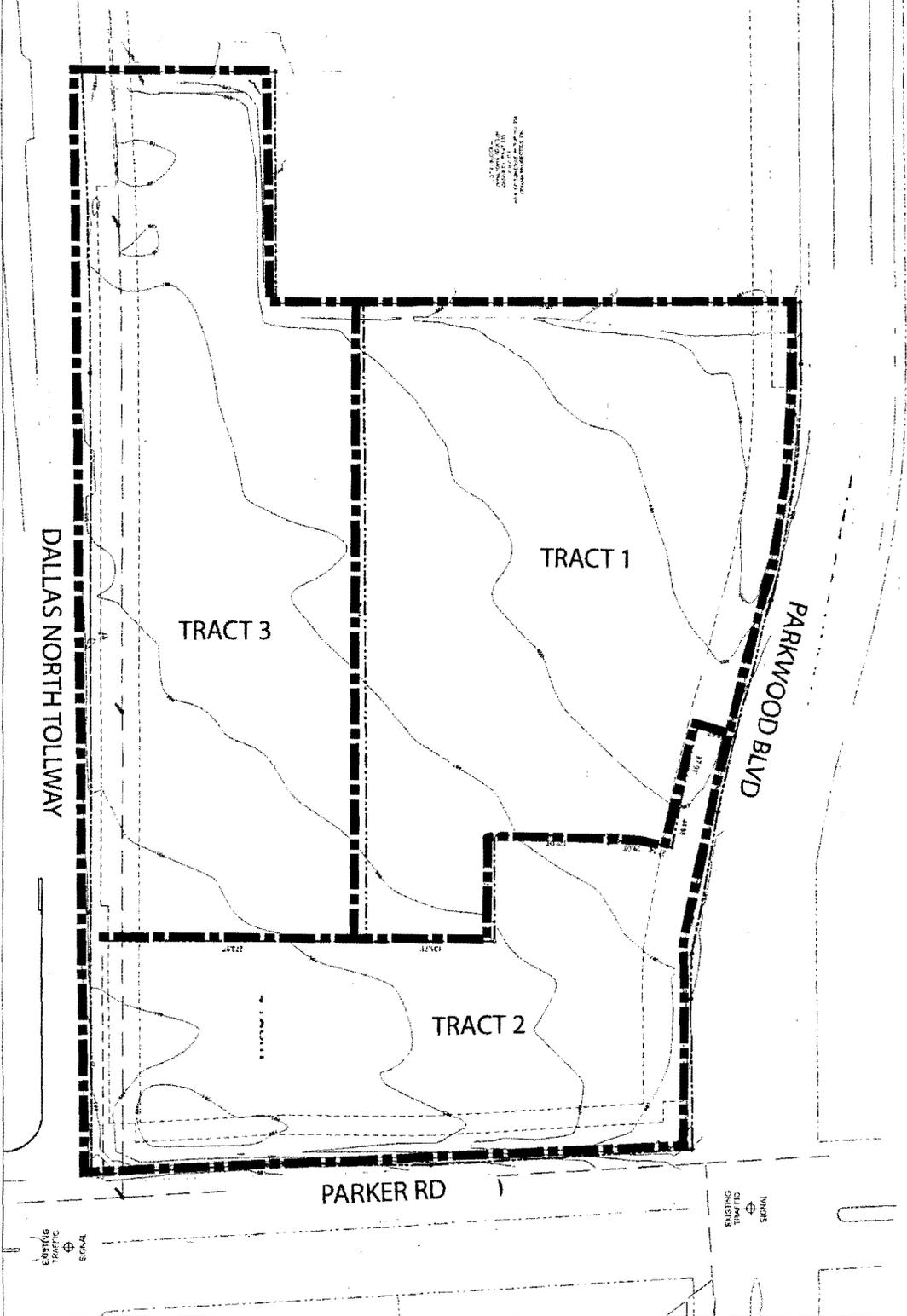
Existing Zoning: PLANNED DEVELOPMENT-185-REGIONAL COMMERCIAL/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer



APPROVAL OF THE ZONING CASE ASSOCIATED WITH THE EARLY PLAN APPROVAL OF ANY ASSOCIATED STUDY PLAN OF PLAN APPROVAL OF DEVELOPMENT STANDARDS SHOWN HEREIN OR THE INITIATION OF THE DEVELOPMENT PROCESS, INCLUDING STUDIES, PLATS OR PLANS RELATING TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE.



- NOTES:
- 1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
 - 2. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
 - 3. ALL DIMENSIONS ARE TO THE EXTERIOR UNLESS OTHERWISE NOTED.
 - 4. ALL DIMENSIONS ARE TO THE INTERIOR UNLESS OTHERWISE NOTED.
 - 5. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
 - 6. ALL DIMENSIONS ARE TO THE EXTERIOR UNLESS OTHERWISE NOTED.
 - 7. ALL DIMENSIONS ARE TO THE INTERIOR UNLESS OTHERWISE NOTED.
 - 8. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
 - 9. ALL DIMENSIONS ARE TO THE EXTERIOR UNLESS OTHERWISE NOTED.
 - 10. ALL DIMENSIONS ARE TO THE INTERIOR UNLESS OTHERWISE NOTED.

THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED AS A BASIS FOR ANY OTHER ACTION.

ZONING EXHIBIT - CASE NO. 2011-14
WEST PLANO VILLAGE

LOT 1 - BLOCK A, TRINSETTOWN ADDITION (14.748 AC)
THE CITY OF PLANO, COLLIN COUNTY, TEXAS

VERSION	DATE	SCALE	NOTES	FILE	NO.
01	10/14/11	1:50	-	-	1

Zoning Case 2011-14

An Ordinance of the City of Plano amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development-185-Regional Commercial on 14.8± acres out of the D. M. Tucker Survey, Abstract No. 913, located at the northeast corner of Dallas North Tollway and Parker Road in the City of Plano, Collin County, Texas, to modify the development standards of the district; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 14th day of November, 2011, for the purpose of considering amending Planned Development-185-Regional Commercial on 14.8± acres out of the D. M. Tucker Survey, Abstract No. 913, located at the northeast corner of Dallas North Tollway and Parker Road in the City of Plano, Collin County, Texas, to modify the development standards of the district; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 14th day of November, 2011; and

WHEREAS, the City Council is of the opinion and finds that such amendment would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to amend Planned Development-185-Regional Commercial on 14.8± acres out of the D. M. Tucker Survey, Abstract No. 913, located at the northeast corner of Dallas North Tollway and Parker Road in the City of Plano, Collin County, Texas, to modify the development standards of

the district, said property being described in the legal description on Exhibit "A" attached hereto.

Section II. The change granted in Section I is granted subject to the following:

Restrictions:

The permitted uses and standards shall be in accordance with the Regional Commercial (RC) zoning district unless otherwise specified herein.

General Provisions of the Planned Development

1. The zoning exhibit shall be adopted as part of the ordinance.
2. A maximum of 265 multifamily residential dwelling units shall be allowed by right within Tract 1. Multifamily residential is prohibited within Tracts 2 and 3.
3. Site Design
 - a. The district shall have a central north/south pedestrian-oriented private roadway that runs from Parker Rd. to the existing east/west fire lane of the regional theater property to the north. The private roadway shall have diagonal or 90° on-street parking and sidewalks on both sides of the roadway. The minimum width of the sidewalks shall be 12 feet. The sidewalks may be used for outdoor eating areas, outdoor display, and other activities commonly associated with a pedestrian-oriented development, if a minimum six feet sidewalk clearance and/or distance to curb line of the private roadway is maintained.
4. Trash collection facilities shall be exempt from the minimum distance requirements from rights-of-way of Type C and above thoroughfares as specified in Section 2.824 (Regional Commercial) Subsection 6 (a) (Special District Requirements).
5. Area, Yard, and Bulk Requirements
 - a. Minimum Building Height: Two story (30 feet) for buildings within Tracts 1 and 3.
 - b. Maximum Building Height: Eight story (120 feet) for hotel use; six story (100 feet) for all other structures other than parking garages; 52 feet for parking garages with no maximum number of levels. (The parking garages shall be permitted to have levels of parking over and above retail, surface parking, or other permitted uses on the ground level.)
 - c. Maximum Building Setback: Buildings fronting the north/south pedestrian-oriented private roadway and the existing east/west fire lane of the regional theater shall be constructed such that a minimum of 60% of the facade is located within 20 feet from the back of curb unless restricted by easements.

Where easements are present, 60% of the facade must be built to the easement line.

- d. Setbacks from Parkwood Blvd.: Minimum of 50 feet as measured from the property line or three times the height, minus 90 feet as measured from the nearest residential district boundary line, whichever is more restrictive.

6. Landscaping

- a. Except as stated below, landscaping shall be provided per Section 3.1200 (Landscaping Requirements) and Section 4.600 (Dallas North Tollway Overlay District):
 - i. The required 30-foot landscape edge along the Dallas North Tollway frontage road may be reduced to ten feet in width, and the required 30-foot landscape edge along Parkwood Blvd. may be reduced to eight feet in width. A continuous meandering sidewalk interspersed with plant materials and berms as set forth in Subsection 4.604(3) shall not be required.
 - ii. Street trees shall be provided at a rate of one tree per 50 linear feet of street along all public streets and on both sides of the north/south pedestrian-oriented private roadway. Street trees may be placed in tree islands, between the curb and the sidewalk, or in the landscape edge. There is no minimum or maximum spacing between trees.

7. Parking

- a. Unless listed below, the minimum required parking within this planned development shall comply with Section 3.1100 (Off-street Parking and Loading). The minimum required parking for multifamily uses and nonresidential uses other than hotels shall be provided as follows:
 - i. Multifamily Use: One space per bedroom
 - ii. Nonresidential Uses: One space per 250 square feet of floor area
- b. Total required parking shall be computed on a district-wide basis regardless of any phase/property lines. Parking stall and drive aisle dimensions shall comply with Section 3.1100 (Off-street Parking and Loading).

8. Building Materials

- a. Building Materials: First floor exterior elevations of buildings and parking garages shall comply with the building material requirements of the RC zoning district. Second floor and higher exterior elevations shall comply with the building material standards except that specified materials shall only be required on 60% of the facade elevation. Interior elevations concealed by buildings or parking garages shall be exempt from material standards but shall be consistent in color and finish with the rest of the building or parking garage.

- b. Elevations of parking garages that face public streets, the north/south pedestrian-oriented private roadway, and the existing east/west fire lane of the regional theater, shall comply with the building material requirements of the RC zoning district.
- c. Visual barriers shall be installed to cover any openings between parking levels of a parking garage for openings that both (i) face a residential use east of Parkwood Blvd. directly across from the property and (ii) are located above the third level of the parking garage. Visual barriers measuring at least four feet in height shall extend above the parapet walls of the top levels of parking garage facades that both (i) face a residential use east of Parkwood Blvd. directly across from the property and (ii) are located above the third level of the parking garage.
- d. Buildings with first floor nonresidential uses that front the north/south pedestrian-oriented private roadway, except for parking garages, shall have a minimum of 40% of the ground floor facade comprised of window area. 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.

9. Signage

- a. For building facades and sidewalks/parkways fronting the north/south pedestrian-oriented private roadway and building facades fronting the existing east/west fire lane of the regional theater property to the north allowable signs must comply with Subsection 3.1605 (Downtown Sign District).
- b. All other signage must comply with Section 3.1600 (Sign Regulations) and Section 4.600 (Dallas North Tollway Overlay District).

Section III. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

Section IV. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section V. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section VI. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VII. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VIII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 14TH DAY OF NOVEMBER, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2011-14

BEING a 14.75 acre tract of land situated in the D. M. Tucker Survey, Abstract No. 913 in the City of Plano, Collin County, Texas, and being a part of that 164.66 acre tract of land described in deed to Haggard Enterprises Limited, Ltd. as recorded in Volume 2006, Page 342 of the Deed Records of Collin County, Texas (D.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a 1-inch iron rod set at the intersection of the north right-of-way line of Parker Road (130 feet wide at this point) and the west right-of-way line of Parkwood Boulevard (130 feet wide at this point);

THENCE South, 85° 57' 46" West, along said north right-of-way line a distance of 270.18 feet to a 1-inch iron rod set for corner;

THENCE South, 89° 46' 36" West, along said north right-of-way line a distance of 150.33 feet to a 1-inch iron rod set for corner (right-of-way 140 feet wide at this point);

THENCE South, 85° 57' 46" West, along said north line a distance of 199.07 feet to a 1-inch iron rod set on the east right-of-way line of Dallas North Tollway (right-of-way varies);

THENCE North, 00° 48' 27" West, along said east line a distance of 825.43 feet to a 1-inch iron rod found for the point of curvature of a circular curve to the left whose radius is 5,879.58 feet and whose chord bears North, 02° 18' 45" West, a distance of 308.87 feet;

THENCE along said east line and along said curve through a central angle of 03° 00' 37", an arc length of 308.91 feet to a scribed "Y" in concrete found on the common line between the herein described tract and that tract of land described in deed to Cinemark, USA, Inc. as recorded in Doc. No. 96-0029446, D.R.C.C.T.;

THENCE North, 89° 13' 12" East, departing said east line and along said common line a distance of 202.13 feet to a "PK nail" found for corner;

THENCE South, 00° 46' 48" East, along said common line a distance of 237.00 feet to an "X" found for corner;

THENCE North, 89° 13' 12" East, along said common line a distance of 543.34 feet to an "X" found on the west right-of-way line of Parkwood Boulevard (variable width right-of-way, 110 feet wide at this point);

THENCE South, 00° 46' 47" East, departing said common line and along said west line a distance of 62.76 feet to a 1/2-inch iron rod with "HALFF ASSOC. INC." yellow plastic cap (thereafter called "with cap") found for the point of curvature of a circular curve to the right whose radius is 916.14 feet and whose chord bears South, 06° 54' 15" West, a distance of 244.99 feet;

THENCE along said west line and along said curve through a central angle of 15° 22' 05", an arc distance of 245.73 feet to a 1/2-inch iron rod with cap found for corner;

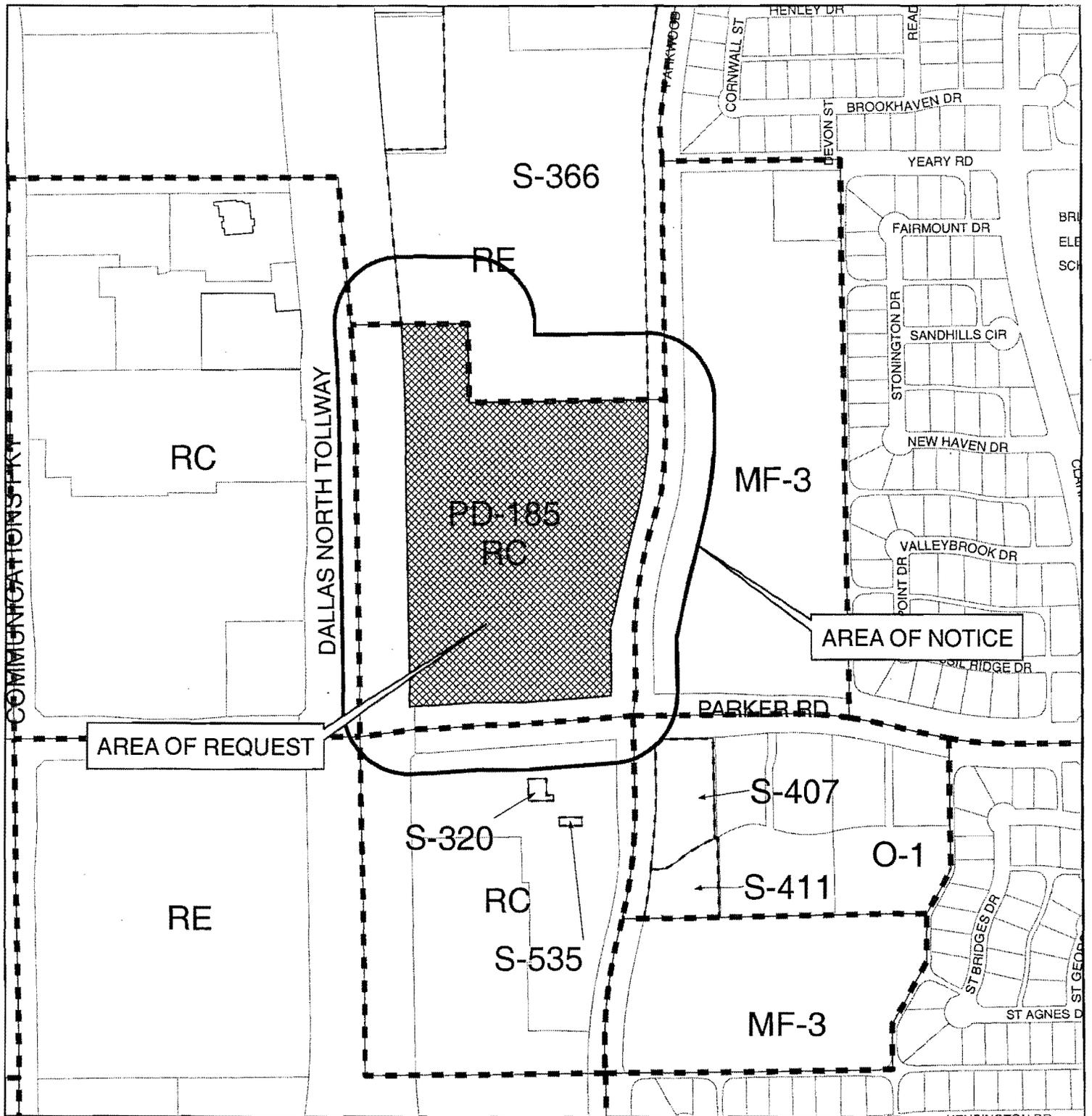
THENCE South $14^{\circ} 35' 18''$ West, along said west line a distance of 145.46 feet to a 1/2-inch iron rod with cap found for the point of curvature of circular curve to the left whose radius is 1,026.14 feet and whose chord bears South $12^{\circ} 22' 02''$ West, a distance of 79.54 feet;

THENCE along said west line and along said curve through a central angle of $04^{\circ} 26' 32''$, an arc distance of 79.56 feet to a 1/2-inch iron rod with cap found for corner;

THENCE South, $09^{\circ} 47' 48''$ West, along said west line a distance of 150.00 feet to a 1/2-inch iron rod with cap found for corner, said point also being on a non-tangent circular curve to the left whose radius is 1036.14 feet and whose chord bears South, $00^{\circ} 31' 17''$ West, a distance of 47.04 feet;

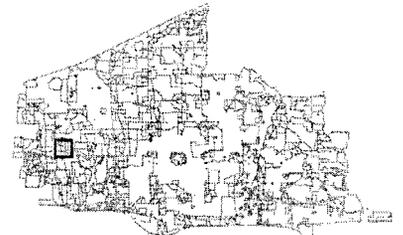
THENCE along said west line and along said curve through a central angle of $02^{\circ} 36' 05''$, an arc distance of 47.04 feet to a concrete monument found for corner;

THENCE South, $00^{\circ} 46' 47''$ East, along said west line a distance of 154.25 feet to the POINT OF BEGINNING and CONTAINING 642,504 square feet or 14.75 acres of land, more or less.

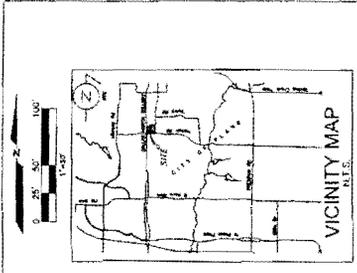


Zoning Case #: 2011-14

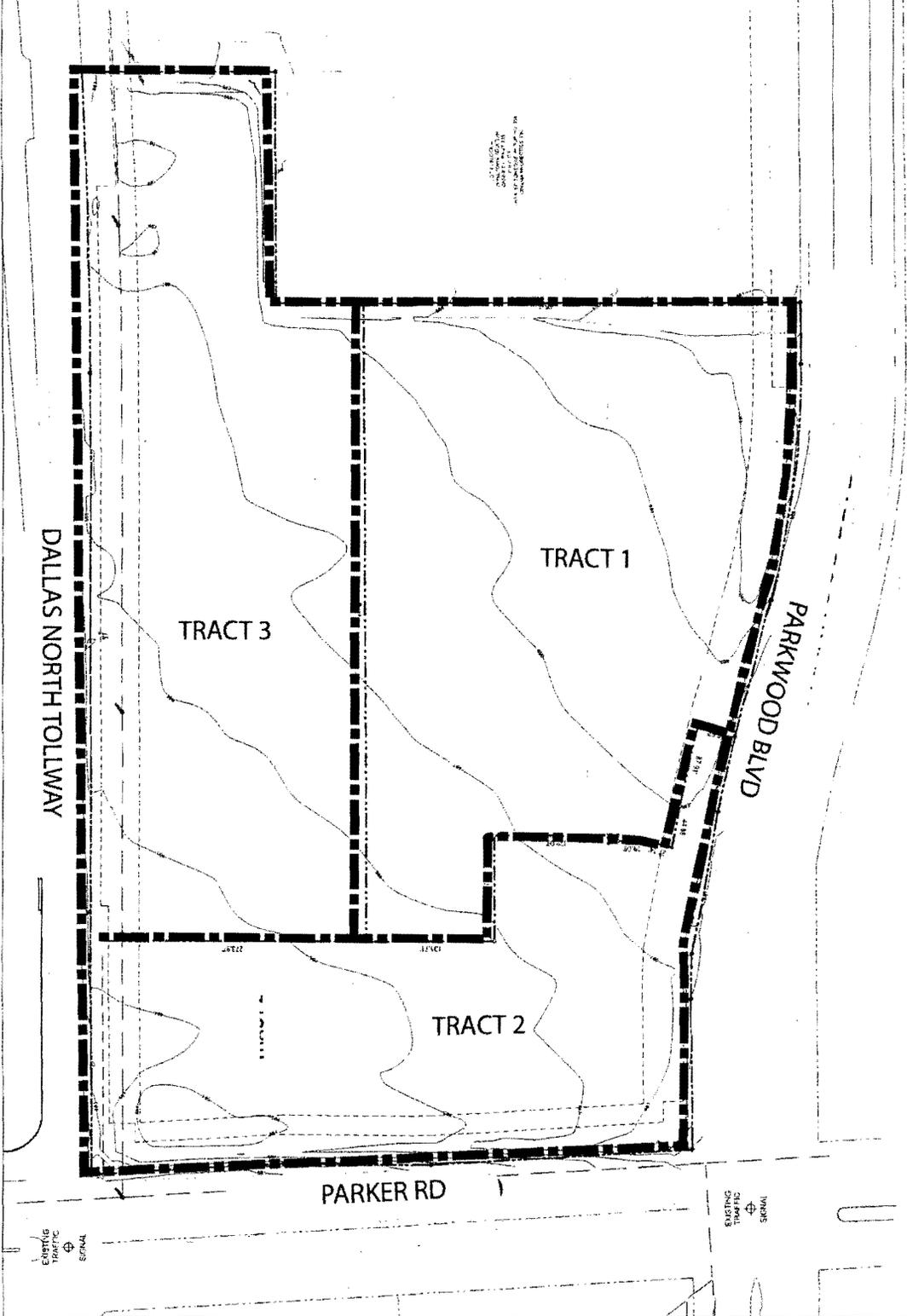
Existing Zoning: PLANNED DEVELOPMENT-185-REGIONAL COMMERCIAL/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer



APPROVAL OF THE ZONING CASE ASSOCIATED WITH THE EARLY PLAN APPROVAL OF ANY ASSOCIATED STUDY PLAN OF PLAN APPROVAL OF DEVELOPMENT STANDARDS SHOWN HEREIN OR THE INITIATION OF THE DEVELOPMENT PROCESS, INCLUDING STUDIES, PLATS OR PLANS RELATING TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION BENEFITING FROM ACTION TAKEN ON THIS ZONING CASE.



- NOTES:
1. ALL DIMENSIONS ARE IN FEET.
 2. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
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 10. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT OR SERVICE. THE INFORMATION IS NOT INTENDED TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION. THE INFORMATION IS NOT INTENDED TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION.

ZONING EXHIBIT - CASE NO. 2011-14
WEST PLANO VILLAGE

LOT 1 - BLOCK A, TRINSETTOWN ADDITION (14.748 AC)
THE CITY OF PLANO, COLLIN COUNTY, TEXAS

VERSION	DATE	SCALE	NOTES	FILE	NO.
01	10/11/11	1:50	-	-	1