

DATE: December 16, 2014

TO: Honorable Mayor & City Council

FROM: Richard Grady, Chairman, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of December 15, 2014

AGENDA ITEM NO. 7A - PUBLIC HEARING

ZONING CASE 2014-43

APPLICANT: HARTMAN PRESTONWOOD PROPERTIES, LLC

Request to expand Specific Use Permit #440 for Mini-Warehouse/Public Storage on 4.4± acres located on the south side of Plano Parkway, 821± feet east of Midway Road. Zoned Planned Development-112-Retail with Specific Use Permit #440 for Mini-Warehouse/Public Storage.

APPROVED: 8-0 **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 submitted.

FOR CITY COUNCIL MEETING OF: January 12, 2015 (To view the agenda for this meeting, see www.planotx.gov)

PUBLIC HEARING - ORDINANCE

ST/ks

xc: Rick Jones, ADV Plano Property Owner, LLC
Julian Kwok, Hartman Prestonwood Properties, LLC
Arlyn Samuelson, Pogue Engineering & Development Co., Inc.
Wayne Snell, Permit Services Manager

<http://goo.gl/maps/ZOFhJ>

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 15, 2014

Agenda Item No. 7A

Public Hearing: Zoning Case 2014-43

Applicant: Hartman Prestonwood Properties, LLC

DESCRIPTION:

Request to expand Specific Use Permit #440 for Mini-Warehouse/Public Storage on 4.4± acres located on the south side of Plano Parkway, 821± feet east of Midway Road. Zoned Planned Development-112-Retail.

REMARKS:

The requested zoning is for an expansion of Specific Use Permit (SUP) #440 for Mini-Warehouse/Public Storage. The Zoning Ordinance defines mini-warehouse/public storage as a building(s) containing separate, individual, self-storage units of 500 square feet or less for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established.

The subject property is zoned Planned Development-112-Retail (PD-112-R) which includes properties bounded by Barksdale Elementary School to the north, Park Boulevard to the south, Plano Parkway to the east, and Midway Road to the west. The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls, but not including wholesaling and warehousing. A Planned Development (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 to both off and onsite conditions.

PD-112-R was originally created in 2000. The subject property was previously zoned Light Industrial-1 (LI-1) and was rezoned in order to create zoning which was more consistent with surrounding land uses. The previous LI-1 zoning allowed for more intense uses by right such as mini-warehouse/public storage and new and used car dealers. The PD was established in order to encourage development which would be more consistent with retail shopping centers, while making allowances for some uses

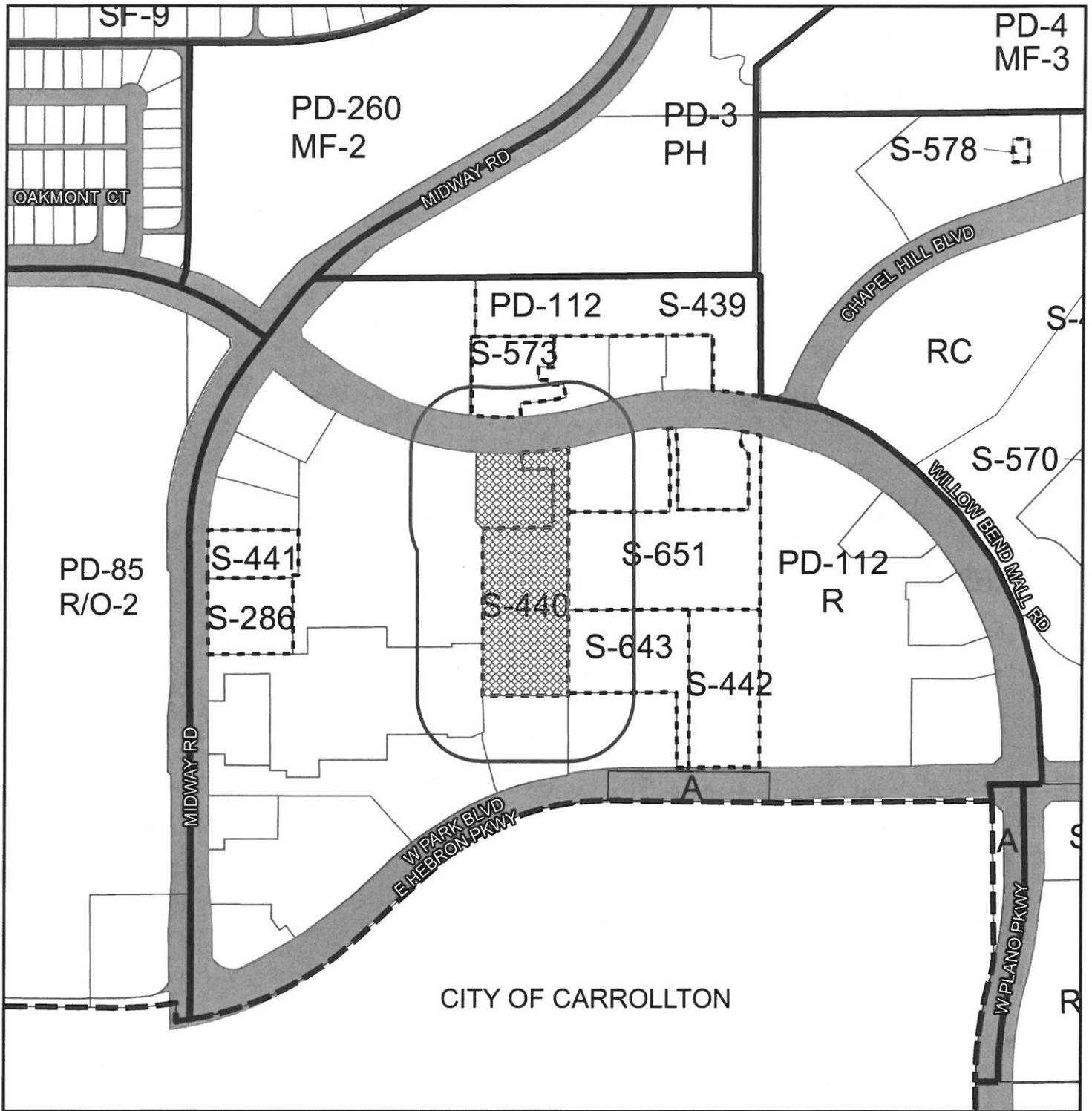
which were permitted within the previous LI-1 zoning. Currently, development within the PD includes retail, restaurant, mini-warehouse/public storage, convenience store with gas pumps, car wash, automobile repair-major, and car dealership uses.

The adjacent properties are all zoned PD-112-R. To the west of the subject property is an existing retail center. To the north, across Plano Parkway, are existing day care center and mini-warehouse/public storage uses. To the east is an existing day care center, a proposed mini-warehouse development, and an existing major automobile repair development. To the south, is an existing car wash.

The subject property is an expansion of the adjacent mini-warehouse/public storage facility to include the property adjacent to Plano Parkway. Although this is a stand-alone lot, staff believes the area is appropriate for additional mini-warehouse uses as it is an expansion of the existing business. Staff believes the additional mini-warehouse units will have minimal impact on surrounding properties since the use is already established in the general area. Staff is in support of the requested SUP.

RECOMMENDATION:

Recommended for approval as submitted.



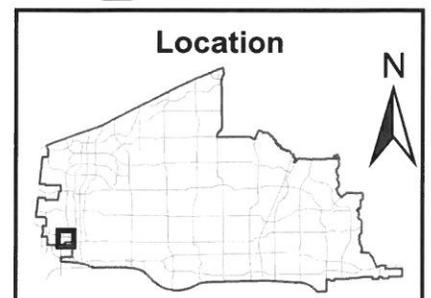
CITY OF CARROLLTON



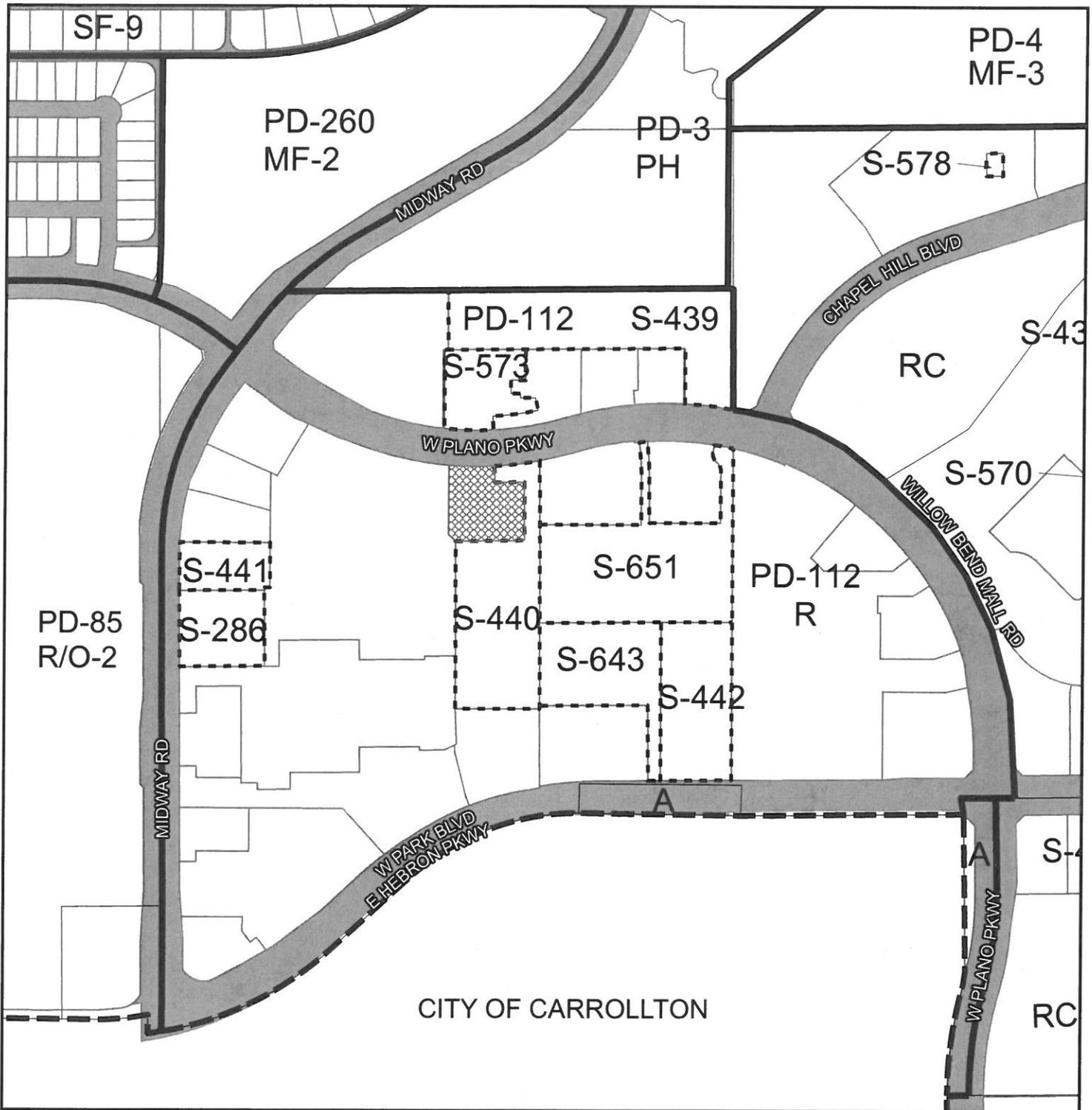
Zoning Case #: 2014-43

Existing Zoning: PLANNED DEVELOPMENT-112-RETAIL
w/SPECIFIC USE PERMIT #440

- 200' Notification Buffer
- Subject Property
- Zoning Boundary
- - - City Limits
- - - Specific Use Permit
- Right-of-Way



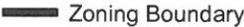
Source: City of Plano Planning Department



Item Submitted: PRELIMINARY SITE PLAN

Title: PRESTONWOOD PARK ADDITION
BLOCK A, LOT 13R

Zoning: PLANNED DEVELOPMENT-112-RETAIL

- | | | |
|--|---|---|
|  200' Notification Buffer |  Zoning Boundary |  Specific Use Permit |
|  Subject Property |  City Limits |  Right-of-Way |



Source: City of Plano Planning Department

Zoning Case 2014-43

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to expand Specific Use Permit No. 440 for the additional use of Mini-Warehouse/Public Storage on 4.4± acres of land out of the J.W. Haynes Survey, Abstract No. 456 and the J.M. Myers Survey, Abstract 619, located on the south side of Plano Parkway, 821± feet east of Midway Road, in the City of Plano, Collin County, Texas, presently zoned Planned Development-112-Retail with Specific Use Permit #440 for Mini-Warehouse/Public Storage; 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 12th day of January, 2015, for the purpose of considering the expansion of Specific Use Permit No. 440 for the additional use of Mini-Warehouse/Public Storage on 4.4± acres of land out of the J.W. Haynes Survey, Abstract No. 456 and the J.M. Myers Survey, Abstract 619, located on the south side of Plano Parkway, 821± feet east of Midway Road, in the City of Plano, Collin County, Texas, presently zoned Planned Development-112-Retail with Specific Use Permit #440 for Mini-Warehouse/Public Storage; 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 12th day of January, 2015; and

WHEREAS, the City Council is of the opinion and finds that expanding Specific Use Permit No. 440 for the additional use of Mini-Warehouse/Public Storage on 4.4± acres of land out of the J.W. Haynes Survey, Abstract No. 456 and the J.M. Myers Survey, Abstract 619, located on the south side of Plano Parkway, 821± feet east of Midway Road, in the City of Plano, Collin County, Texas, presently zoned Planned Development-112-Retail with Specific Use Permit #440 for Mini-Warehouse/Public Storage, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change 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 expand Specific Use Permit No. 440 allowing for the additional use of Mini-Warehouse/Public Storage on 4.4± acres of land out of the J.W. Haynes Survey, Abstract No. 456 and the J.M. Myers Survey, Abstract 619, located on the south side of Plano Parkway, 821± feet east of Midway Road, in the City of Plano, Collin County, Texas, presently zoned Planned Development-112-Retail with Specific Use Permit #440 for Mini-Warehouse/Public Storage, said property being more fully described on the legal description in Exhibit "A" attached hereto.

Section II. 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 III. 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 IV. 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 V. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and 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 VI. 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 VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 12TH DAY OF JANUARY, 2015.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2014-43

BEING a 4.4 acre tract of land situated in the J.W. Haynes Survey, Abstract No. 456 and in the J.M. Myers Survey, Abstract No. 619, Collin County, Texas; said tract being all of Lot 4, Block A, Midway Crossing Addition, an addition to the City of Plano, Texas according to the plat recorded in Cabinet N, Page 626 of the Plat Records of Collin County, Texas and all of Lot 13, Block A, Prestonwood Park Addition, an addition to the City of Plano, Texas according to the plat recorded in Cabinet L, Page 599 of the said Plat Records; said 4.4 acre tract being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found in the south right-of-way line of Plano Parkway (a 110-foot wide right-of-way); said point being the northeast corner of said Lot 4, Block A and also being the northwest corner of Lot 9, Block A, Park Place Center, an addition to the City of Plano, Texas according to the plat recorded in Volume 2011, Page 321 of the said Plat Records;

THENCE South, $00^{\circ} 08' 36''$ West, departing the said south line of Plano Parkway and along the east line of said Lot 4, Block A, a distance of 752.94 feet to a 5/8-inch iron rod found for corner; said point also being the northeast corner of Lot 14, Block A, Prestonwood Park Addition, an addition to the City of Plano, Texas according to the plat recorded in Volume 2007, Page 706 of the said Plat Records;

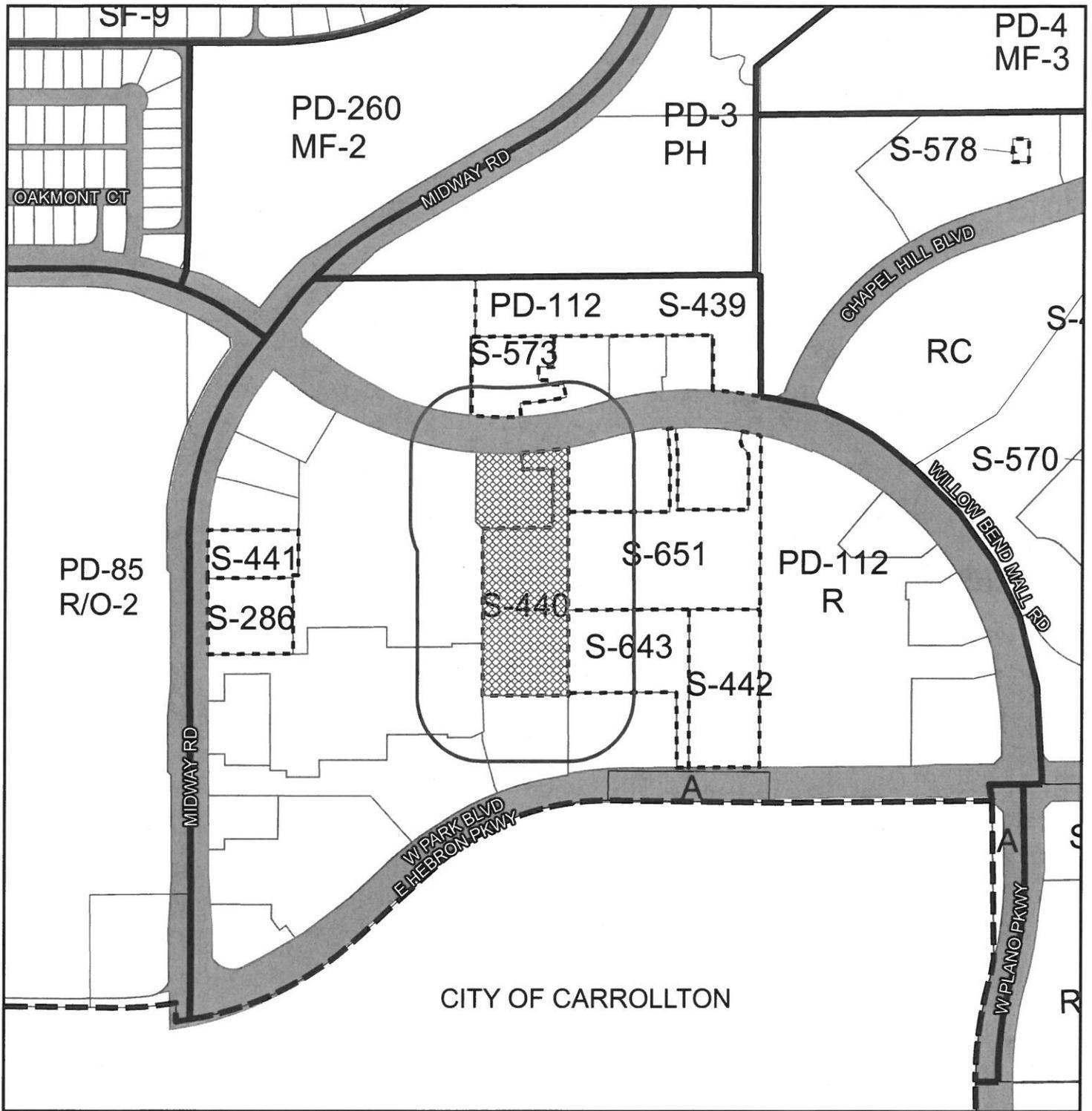
THENCE North, $89^{\circ} 52' 55''$ West, departing the said east line of Lot 4, Block A, and along the common line between the said Lot 4, Block A, and said Lot 14, Block A, a distance of 250.00 feet to a point for corner in the east line of Lot 2, Block A of said Prestonwood Park Addition recorded in Cabinet L, Page 599 of the said Plat Records; said point also being the northwest corner of said Lot 14, Block A;

THENCE North, $00^{\circ} 08' 36''$ East, departing the said common line between Lot 4, Block A, and Lot 14, Block A and along the west line of said Lot 4, Block A, a distance of 500.00 feet to a point for corner; said point also being the most southerly southwest corner of said Lot 13, Block A;

THENCE North, $44^{\circ} 56' 43''$ West, a distance of 42.38 feet to a "+" cut in concrete found at an angle point;

THENCE North, $00^{\circ} 07' 05''$ East, a distance of 210.95 feet to a 1/2-inch iron rod found for corner in the said south line of Plano Parkway; said point also being in a non-tangent curve to the left, the northwest corner of said Lot 13, Block A and the northeast corner of Lot 3, Block A of said Prestonwood Park Addition recorded in Cabinet L, Page 599 of the said Plat Records;

THENCE in an easterly direction, along the said south line of Plano Parkway and said curve to the left, having a central angle of $15^{\circ} 16' 18''$, a radius of 1,055.00 feet, a chord bearing and distance of North, $87^{\circ} 39' 13''$ East, 280.37 feet, at an arc distance of 141.21 feet passing a "+" cut in concrete found at the most northerly northeast corner of said Lot 13, Block A, and the northwest corner of said Lot 4, Block A, continuing in all a total arc distance of 281.20 feet to the POINT OF BEGINNING and CONTAINING 191,950 square feet or 4.4 acres of land more or less.



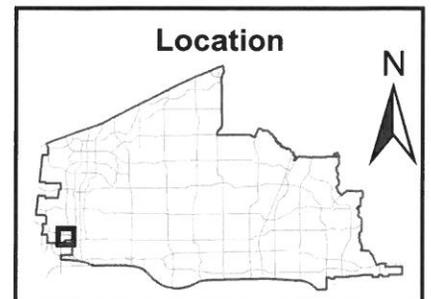
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Source: City of Plano Planning Department

