CITY OF PLANO
COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY	
☐ Consent ☐ Regular ☐ Statutory	
Council Meeting Date:	March 17, 2015
Department:	Planning
Department Head	Christina Day
Agenda Coordinator (include phone #):	**Tammy Stuckey, ext 7156**

CAPTION

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2014-47 - Request for a Specific Use Permit for Mid-Rise Residential on 2.4± acres located at the northeast corner of Spring Creek Parkway and Headquarters Drive. Zoned Commercial Employment. Applicant: Winstead, P.C. Tabled February 23, 2015.

FINANCIAL SUMMARY

☒ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☐ CIP

FISCAL YEAR: **2014-15**	**Prior Year (CIP Only)**	**Current Year**	**Future Years**	**TOTALS**
Budget	0	0	0	**0**
Encumbered/Expended Amount	0	0	0	**0**
This Item	0	0	0	**0**
BALANCE	0	0	0	**0**

FUND(S): N/A

COMMENTS: This item has no financial impact.

STRATEGIC PLAN GOAL: Consideration of a Specific Use Permit request relates to the City Council's goal of a Financially Strong City with Service Excellence.

SUMMARY OF ITEM

At its January 20, 2015 meeting, the Planning & Zoning Commission denied this request by a vote of 6-2. The applicant has appealed the Commission's denial. This item was tabled at the February 23, 2015 City Council meeting.

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
Letter of Appeal from Applicant	Planning & Zoning Commission
2nd Vice Chair Report	
P&Z Follow-up Memo	
Staff Report	
Locator Map	
Aerial	
Zoning Exhibit	
Revised Concept Plan	

KIRK R. WILLIAMS
DIRECT: (214) 745-5746
kwilliams@winstead.com

RECEIVED
JAN 20 2015
PLANNING DEPT

January 21, 2015

Erica Marohnic
Planning Department
1520 Avenue K
Plano, TX 75074

Re: Zoning Case 2014-47
NEC of W. Spring Creek Parkway and Headquarters Drive
Item 11A, Plano P&Z Agenda for January 20, 2015

Dear Erica:

As you are aware, Winstead PC represents the Applicant in the referenced matter. On Tuesday, January 20, 2015, the Plano P&Z heard this case and recommended denial of Item 11A. On behalf of the Applicant, I appeal the adverse recommendation of the P&Z and request that this matter be placed on the Plano City Council Agenda for February 23, 2015. I have enclosed a check in the amount of $180.00 which I understand is the fee for said appeal.

Please confirm receipt of this appeal and the scheduling of this matter for consideration by the City Council on February 23. Should you have questions or need additional information, please let me know.

Your attention to this matter is appreciated.

Sincerely,

/s/ Kirk R. Williams

Kirk R. Williams

KRW/plp
Enclosure

cc: Megan Lasch
Lisa Stephens

Recommendation of the Planning & Zoning Commission

Zoning Case 2014-47

January 20, 2015

Second Vice Chairman's Report

Zoning Case 2014-47, Agenda Items No. 11A, and 11B – Public Hearing. Items heard together, but voted separately. All eight Commissioners were present.

Applicant: Winstead, P.C.

Zoning Case 2014-47 Agenda Item No. 11A, and 11B– Request for Specific Use Permit (SUP) to allow for Mid-Rise Residential on 2.4 +/- acres located at the northeast corner of Spring Creek Parkway and Headquarters Drive. Zoned Commercial Employment (CE).

Staff Recommendation: The Staff recommended Approval of the zoning change for the following reasons:

1. Although the adjacent convenience store with gas station is not appropriate for traditional residential uses, mid-rise residential may be appropriate due to the fact that the use operates as an independent development with private amenities built-in to service residents.
2. Mid-rise uses can also benefit from common open space, services, retail and employment opportunities found within the context of an urban center.

Commission Action:

Comments made in Support of the issue 11A and 11B included:

- The applicant was the only speaker in support of the Re-Zoning.
- Water and sanitary sewer services are available to serve the property.
- Public safety response times are sufficient to serve a residential use of this site.
- Property is serviced by the Lewisville Independent School District (LISD) which indicates that currently adequate capacity exists.

Comments made in Opposition of issue 11A and 11B included:

- Staff report noted that the subject property is not located within a park fee service area and there are no parks nearby.
- Set back from S.H.121 is only 600 feet rather than the 1200 feet required, and the residential development is not part of a mixed use planned development, or urban mixed-use center.
- The residential project appears to be isolated from other residential neighborhoods and residential services and amenities surrounded by CE corridor uses.
- Adjacent proximity to under construction convenience store with gas pumps is not appropriate for traditional residential living.
- Doesn't conform to comprehensive plan for mid-rise developments within CE corridor zoning.

A motion was made for the denial of the Zoning Case 2014-47, item 11A, in opposition to staff recommendation. Motion for Denial was approved by the Commission 6 votes to 2. (Commissioners Grady and Hicks voted against the motion).

Zoning Case 2014-47 Agenda Item No. 11B – Concept Plan for 107 mid-rise residential units on 2.4 +/- acres located at the northeast corner of Spring Creek Parkway and Headquarters Drive. Zoned Commercial Employment. Neighborhood #14.

This Concept plan application is contingent upon approval of Zoning Case 2014-47 (Agenda Item No 11A). Since Zoning Case 2014-47 was denied, a motion was made for Denial of the Case 2014-47 Agenda Item No. 11B – Concept Plan, and was approved by the Commission 6 votes to 2. (Commissioners Grady and Hicks voted against the motion).

Respectfully Submitted,

William Hilburn

Second Vice-Chair

Planning & Zoning Commission

DATE: January 21, 2015

TO: Honorable Mayor & City Council

FROM: Richard Grady, Chairman, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of January 20, 2015

AGENDA ITEM NO. 11A - PUBLIC HEARING
ZONING CASE 2014-47
APPLICANT: WINSTEAD, P.C.

Request for a Specific Use Permit for Mid-Rise Residential on 2.4± acres located at the northeast corner of Spring Creek Parkway and Headquarters Drive. Zoned Commercial Employment.

APPROVED: _____ **DENIED:** 6-2 **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **OPPOSE:** 0

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

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

STIPULATIONS:

Denied.

EM/ks

xc: Michael Sealy, Sealy & Compnay, Inc.
James Yu, P.E., Pape-Dawson Engineers

http://goo.gl/maps/wO3Cj

CITY OF PLANO

PLANNING & ZONING COMMISSION

January 20, 2015

Agenda Item No. 11A

Public Hearing: Zoning Case 2014-47

Applicant: Winstead, P.C.

DESCRIPTION:

Request for a Specific Use Permit for Mid-Rise Residential on 2.4± acres located at the northeast corner of Spring Creek Parkway and Headquarters Drive. Zoned Commercial Employment.

REMARKS:

The applicant is requesting a Specific Use Permit (SUP) to allow for mid-rise residential. 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 that adequate development standards and safeguards are established. The Zoning Ordinance defines mid-rise residential as, "buildings containing not less than five floors designed for residential occupancy and including accessory uses including but not limited to parking garages, recreational amenities, meeting space, storage, and personal services. A mid-rise residential development may include a mix of residential and nonresidential uses in the same structure."

The subject property is 2.4± acres in size and is currently undeveloped. The existing zoning on the property is Commercial Employment (CE). The CE district is intended to provide the flexibility for an integrated development that may include retail, office, commercial, light manufacturing, and multifamily residences. The majority of focus of the CE district is to be corporate headquarters and research facilities arranged in a campus-like setting.

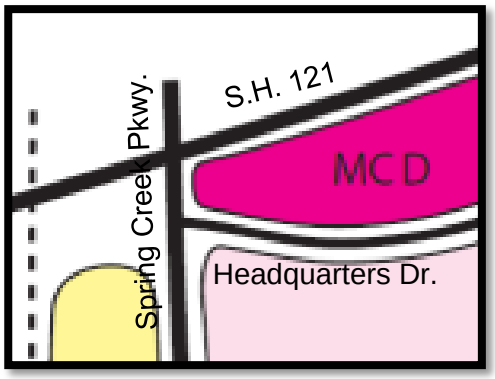
A revised concept plan for Palomino Crossing Addition, Block 1, Lot 4 accompanies this request as Agenda Item 11B.

Surrounding Land Use and Zoning

The property to the north, is zoned CE and is developed as a convenience store with gas pumps. The properties to the east are undeveloped and zoned CE. To the south, across Headquarters Drive is an existing office development also zoned CE. The

property to the west across Spring Creek Parkway is within the City of The Colony and is under construction as retail.

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.

The city's current land use policies recommend that land along expressway corridors be reserved for economic development and employment opportunities. However, residential development may be appropriate accordance with the interim amendment policy recommendations of the Comprehensive Plan that were adopted in April, 2012. The policies that apply to this request include:

1. Residential should be set back a minimum of 1,200 feet from the centerline of the Dallas North Tollway. Factors including topography, creeks, vegetation and existing development patterns should be considered in applying this standard.

The subject property is approximately 600 feet from the centerline of State Highway 121. Although the property is within the 1,200 foot setback, existing development and topography provide a buffer from the highway.

2. Isolated residential development should not be permitted; residential rezoning requests need to establish a complete new neighborhood or expand an existing neighborhood or an urban mixed-use center. Mid-rise multifamily development (five to twelve stories) and special needs housing (i.e. senior housing) could be an exception if the surrounding land use is compatible.

The request does not expand into any existing residential neighborhoods. Although the existing convenience store with gas pumps is not conducive to traditional residential living, mid-rise uses are distinct because they do not necessarily require adjacency to other residential uses and can function as standalone sites. The Planning & Zoning Commission should consider if this is an appropriate location for residential living.

3. New multifamily zoning should require a minimum density of 40 dwelling units per acre on the project site. Phased development should have a minimum average density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall project. Additionally, mid-rise multifamily development and neighborhood mixed-use zoning districts could be exceptions to this minimum density requirement.

The proposed mid-rise residential development will maintain a minimum density of 45 dwelling units per acre, in compliance with the city's density policy.

Adequacy of Public Facilities: Water and sanitary sewer services are available to serve the subject property. However, the applicant will need to verify that the sanitary sewer capacity is sufficient to accommodate the proposed change in use from commercial to residential.

Traffic Impact Analysis (TIA): A TIA is not required for this SUP request.

School Capacity: This is provided for informational purposes only. The property is served by the Lewisville Independent School District (LISD).

Elementary School	Tom Hicks
Middle School	Arbor Creek
High School	Hebron

At this time and based upon current boundaries, LISD has determined that there is sufficient capacity at all three schools.

Public Safety Response Time: Based upon existing personnel, equipment, and facilities, fire emergency response times will be sufficient to serve the site. Mid-rise residential units in this area will increase EMS and fire calls for service, and may impact future staffing levels and the type of equipment assigned to area fire stations.

Access to and Availability of Amenities and Services: The subject property is not located within a park fee service area and there are no nearby parks.

The property is located within Parr Library's service area, which has sufficient capacity to serve the development.

ISSUES:

Mid-Rise Residential

The city currently does not have any mid-rise residential developments. The Comprehensive Plan policies support mid-rise uses in expressway corridors as an alternative neighborhood if adjacent uses are appropriate. Although the adjacent convenience store with gas pumps is not appropriate for traditional residential uses, mid-rise residential may be appropriate due to the fact that the use operates as an independent development with private amenities built-in to serve residents.

Mid-rise uses can also benefit from common open space, services, retail and employment opportunities found within the context of an urban center. Although this request is not proposed within an urban center, the subject property may be appropriate for mid-rise residential due to the self-contained and urban nature of the development

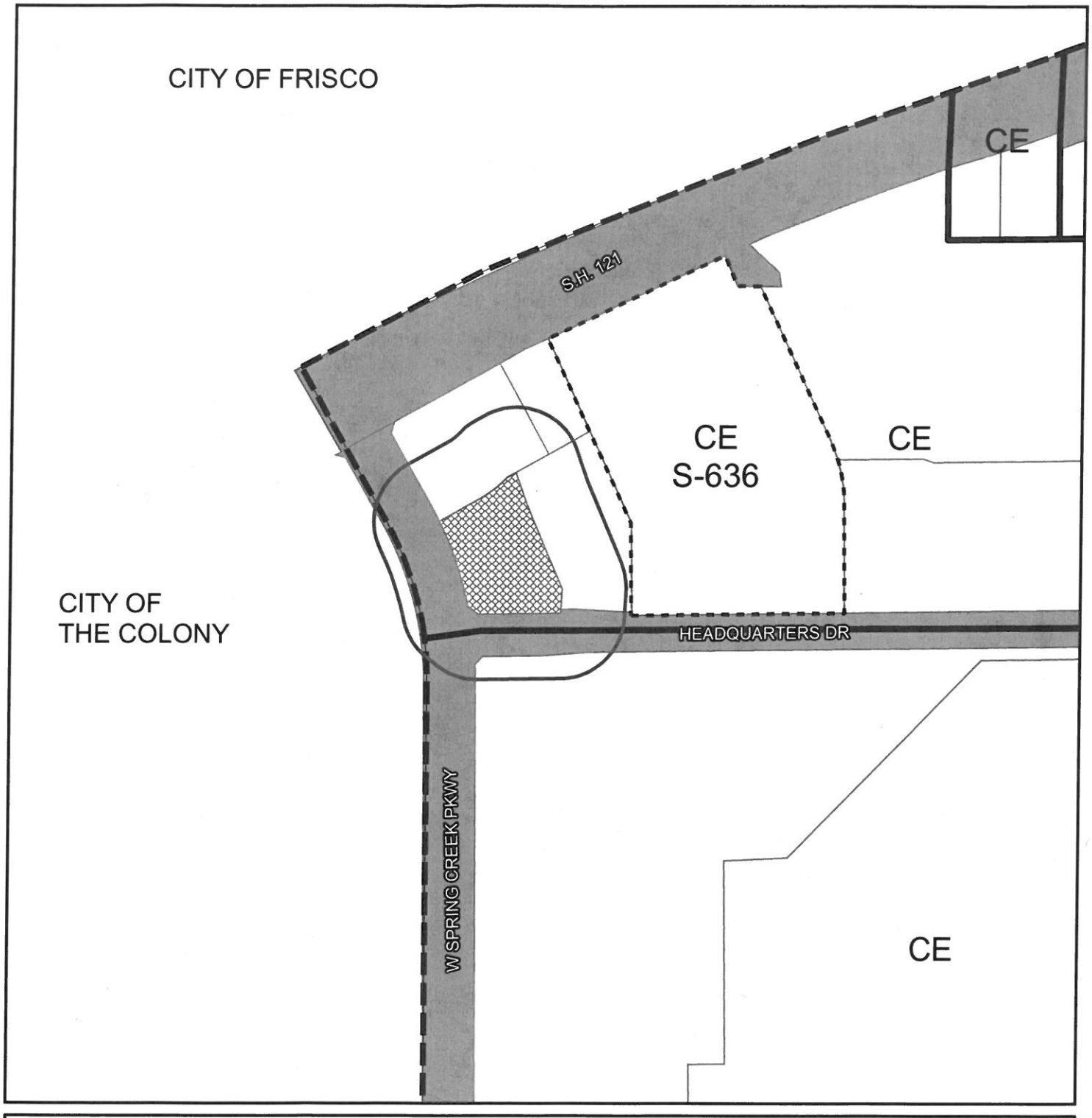
and proximity to jobs and services in Legacy Business Park. Potential residents of the requested mid-rise development will be able to benefit from existing and future employment uses in the area, as well as the urban center development proposed at the southeast corner of Headquarters Drive and Communications Parkway which includes office, retail, restaurant and open space as well as residential uses. Due to the self-contained nature of mid-rise development, as well as the existing and planned developments in the surrounding area, staff is in support of the SUP request.

SUMMARY:

The applicant is requesting an SUP for mid-rise residential on 2.4± acres located at the northeast corner of Spring Creek Parkway and Headquarters Drive. The proposed use is consistent with the Comprehensive Plan's 2012 interim amendments and the Future Land Use Plan of the Comprehensive Plan which recommends mid-rise residential in expressway corridors. As mid-rise uses are often standalone, independent developments, and due to future residential and nonresidential development opportunities in the surrounding area, staff is in support of the proposed SUP.

RECOMMENDATION:

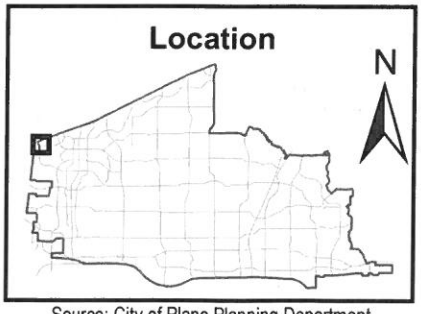
Recommended for approval as submitted.



Plano

Zoning Case #: 2014-47

Existing Zoning: COMMERCIAL EMPLOYMENT



200' Notification Buffer

Subject Property

Zoning Boundary

City Limits

Specific Use Permit

Right-of-Way

Source: City of Plano Planning Department

Source: City of Plano, Planning Dept.
Date: January, 2015

Zoning Case 2014-47

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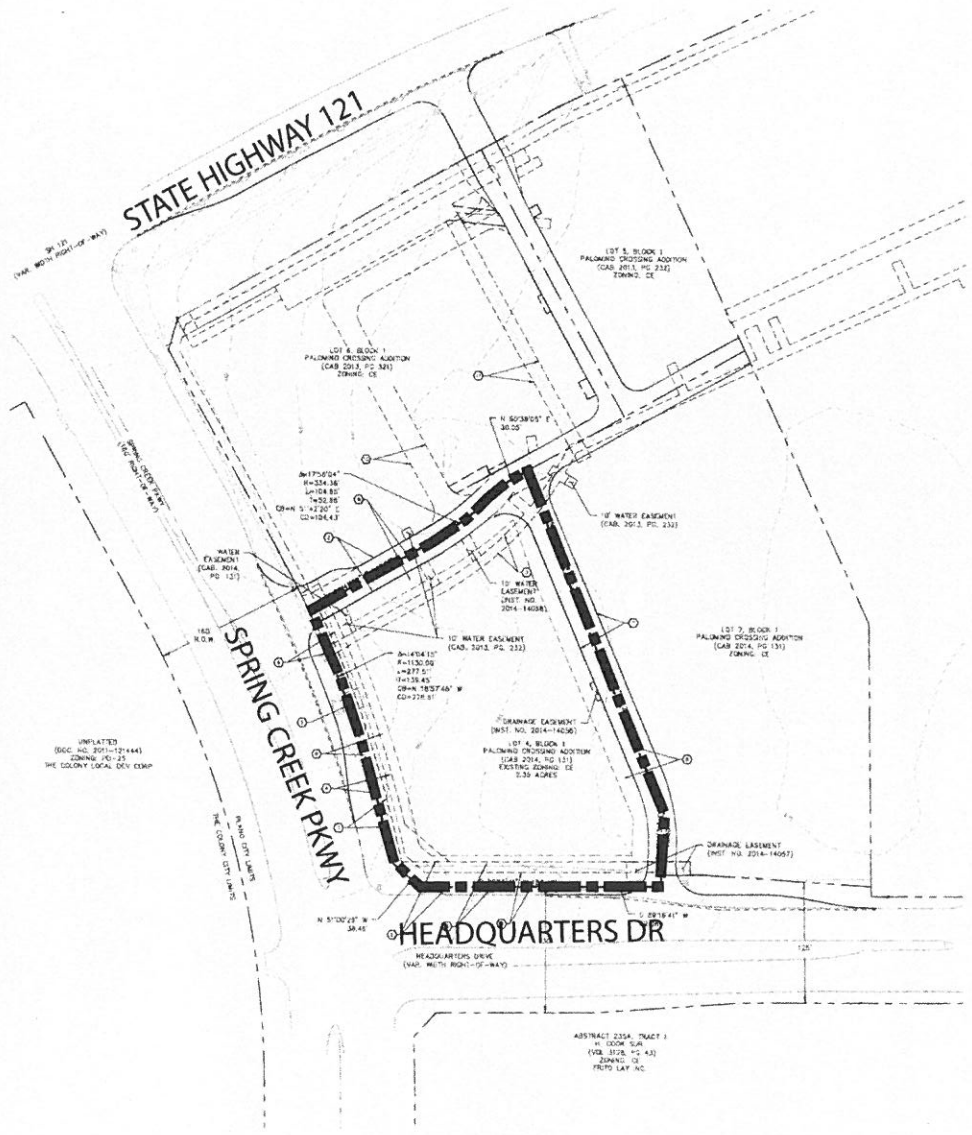


PETITIONER:

D SQUARED DEVELOPMENT, LLC
421 W 3RD ST, SUITE 1504
AUSTIN, TEXAS 78701

OWNER:

SEALY SPRING CREEK PARTNERS, L.P.
8401 N. CENTRAL EXPWY, SUITE 1560
DALLAS, TEXAS 75225

ENGINEER:

PAPE-DAWSON ENGINEERS, INC.
5700 W. PLANO PKWY, SUITE 2500
PLANO, TEXAS 75093
PHONE: (214) 420-8484
FAX: (214) 420-8488

SURVEYOR:

CONVEYANCE PLAT THAT CREATED THE LOT ASSOCIATED WITH THIS ZONING APPLICATION WAS PREPARED BY:

PACHECO KOCH CONSULTING ENGINEERS
8350 N. CENTRAL EXPWY, SUITE 1000
DALLAS, TEXAS 75206

LOCATION MAP
MAPSCO MAP GRID: 355 N
NOT-TO-SCALE

NO.	REVISION	DATE

LEGAL DESCRIPTION

LOT 4, BLOCK 1, PALOMINO CROSSING ADDITION, A SUBDIVISION OF RECORD IN CABINET 2014, PAGE 131 OF THE OFFICIAL RECORDS OF DENTON COUNTY, TEXAS.

EASEMENT INFORMATION:

NOTE:
THESE EASEMENTS ARE LOCATED WITHIN THE PROPERTY OR ADJACENT TO THE PROPERTY

1. 10' ONCOR ELECTRIC DELIVERY COMPANY, LLC EASEMENT (INST. NO. 2009-38324)
2. 30' FIRELANE, ACCESS, AND UTILITY EASEMENT (CAB. 2013, PG. 232)
3. 10' WATER EASEMENT (CAB. Y, PG. 87)
4. 2'± DRAINAGE EASEMENT (CAB. Y, PG. 87)
5. 15'x20' DRAINAGE EASEMENT (VOL. 4481, PG. 1413)
6. 26' WATER AND DRAINAGE EASEMENT (CAB. Y, PG. 87)
7. 30' FIRELANE, ACCESS, AND UTILITY EASEMENT (INST. NO. 2014-140355)
8. 25' BUILDING SETBACK (PROPOSED)
9. 15' LANDSCAPE BUFFER (PROPOSED)
10. 24' FIRELANE, ACCESS, AND UTILITY EASEMENT (PROPOSED)
11. 15' SANITARY SEWER EASEMENT (CAB. Y, PG. 87)

PROPOSED SPECIAL USE PERMIT

PROPOSED MID-RISE RESIDENTIAL SPECIAL USE PERMIT FOR THE 2.35-ACRE SITE CURRENTLY ZONED CE.

LEGEND

- SITE BOUNDARY
- EXISTING 5' CONTOUR
- LOT LINE
- 200' ZONING NOTIFICATION BOUNDARY

NOTE:

APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED SITE PLAN, OR PLAN, APPROVAL OF DEVELOPMENT STANDARDS SHOWN HEREON, OR THE INITIATION OF THE DEVELOPMENT PROCESS. PLANNING AND ZONING COMMISSION AND/OR CITY COUNCIL ACTION ON PLATS, PLATS OR PLANS RELATING TO THE DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE.

SCALE: 1" = 60'
0' 60' 120' 180'

PROPERTY OWNER
SEALY SPRING CREEK PARTNERS
333 TEXAS STREET, SUITE 1050
SHREVEPORT, LA 71101
CONTACT: MICHAEL P. SEALY
PHONE: 214-298-5105

PAPE-DAWSON ENGINEERS
5700 W. PLANO PKWY, SUITE 2500 | PLANO, TEXAS 75093 | PHONE: 214.420.8484 FAX: 214.420.8488
TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470
CONTACT: JAMES N. KU, P.E.

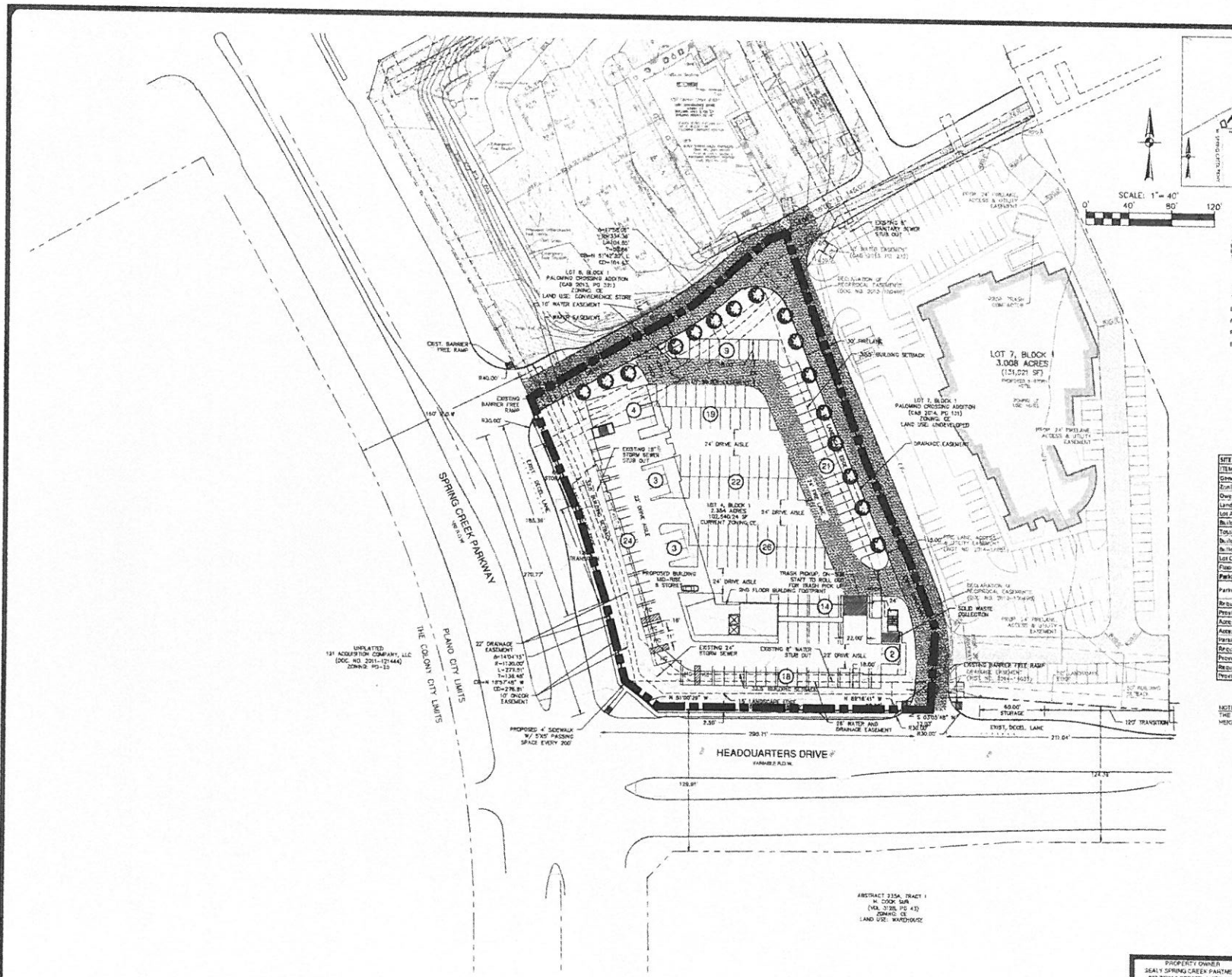
PALOMINO CROSSING ADDITION
LOT 4, BLOCK 1
R.P. HARDIN SURVEY, ABSTRACT NO. 811 &
THE B.B.B. & C.R. SURVEY, ABSTRACT NO. 174
2.354 ACRES
ZONING CASE # 2014-47

THE ASTONIA
ZONING EXHIBIT

CITY OF PLANO, TEXAS
DENTON COUNTY

DATE OF PREPARATION: 10/31/2014

Date: Oct 31, 2014, 9:06am User ID: SKaplow
N:\Engineering\Projects\Palomino Crossing Addition\Planning\Exhibits\Zoning Exhibit.dwg



LOCATION MAP

LEGAL DESCRIPTION

LOT 4, BLOCK 1, PALOMINO CROSSING ADDITION, A SUBDIVISION OF RECORD IN CABINET 2014, PAGE 131 OF THE OFFICIAL RECORDS OF DENTON COUNTY, TEXAS.

LEGEND

EXISTING CONTOUR
FIRE LANE
PROPERTY BOUNDARY
BUILDING FOOTPRINT

BUILDING SUMMARY:	
UNITS:	
1 BED	24
2 BED	57
3 BED	26
TOTAL	107

SITE DATA SUMMARY TABLE	
ITEM	LOT 4
General Site Data	
Zoning	CE
Dwelling Density (Units/Acre)	45
Land Use	Mid-Rise Residential
Lot Area (SF/Acres)	102,540.24/2.354
Building Footprint Area (SF)	25,868.26
Total Building Area (SF)	121,062
Building Height	6
Building Height (FT)	65
Lot Coverage	26.00%
Floor Area Ratio	1.18/1
Parking	
Parking Ratio	1/1 bed, 1.5/2 bed, 2/3 bed
Required Parking	162
Provide Parking	165
Accessible Parking Required	6
Accessible Parking Provided	6
Parking in Excess of 110% of Required Parking	0
Required Parking Landscape (SF)	1403
Provided Parking Landscape (SF)	1443
Required Lot Landscape	15%
Provided Lot Landscape	23%

NOTE:
THE BUILDING SETBACK IS CALCULATED AS 1/2 THE BUILDING HEIGHT PER COMMERCIAL EMPLOYMENT (CE) ZONING.

NO.	REVISION	DATE

PAPE-DAWSON ENGINEERS

5700 W. PLANO PKWY. SUITE 2500 | PLANO, TEXAS 75093 | PHONE: 214.420.8494 FAX: 214.420.8498

TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470
CONTACT: JAMES H. YU, P.E.

PALOMINO CROSSING ADDITION
LOT 4, BLOCK 1
R.P. HARDIN SURVEY, ABSTRACT NO. 611 &
THE B.B.B. & C.R. SURVEY, ABSTRACT NO. 174
2.354 ACRES
ZONING CASE # 2014-47

THE ASTONIA
REVISED CONCEPT PLAN
CITY OF PLANO, TEXAS
DENTON COUNTY

PROPERTY OWNER
SEALY SPRING CREEK PARTNERS
533 TEXAS STREET, SUITE 1050
SHREVEPORT, LA 71101
CONTACT: MICHAEL P. SEALY
PHONE: 214-229-5105

DATE OF PREPARATION: 1/15/2015