

**DATE:** March 5, 2013  
**TO:** Honorable Mayor & City Council  
**FROM:** Chris Caso, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of March 4, 2013

**AGENDA ITEM NO. 7A - PUBLIC HEARING  
ZONING CASE 2013-03  
APPLICANT: SEALY & COMPANY**

Request for Specific Use Permit for New Car Dealer on 15.6± acres located 460± feet east of Spring Creek Parkway and on the south side of State Highway 121. Zoned Commercial Employment.

**APPROVED:** 7-1 **DENIED:** \_\_\_\_\_ **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:**

Recommended for approval as submitted.

The Commissioner voting in opposition to the motion expressed concern that the land is better suited for other uses than what is being requested.

**FOR CITY COUNCIL MEETING OF:** March 25, 2013 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

JH/sf

xc: Michael Sealy, Sealy & Company  
Tommy Mann/Kirk Williams, Winstead PC

CITY OF PLANO  
PLANNING & ZONING COMMISSION

March 4, 2013

**Agenda Item No. 7A**

**Public Hearing:** Zoning Case 2013-03

**Applicant:** Sealy & Company

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**DESCRIPTION:**

Request for Specific Use Permit for New Car Dealer on 15.6± acres located 460± feet east of Spring Creek Parkway and on the south side of State Highway 121. Zoned Commercial Employment.

**REMARKS:**

The applicant is requesting a Specific Use Permit (SUP) for New Car Dealer. The property is currently zoned Commercial Employment (CE) and approval of a SUP is required for new car dealer uses. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district, which could benefit in a particular case the general welfare, provided that adequate development standards and safeguards are established. The Zoning Ordinance defines new car dealer as retail sales and/or leasing of new automobiles or light load vehicles, including, as a minor part of the business, the sales and/or leasing of used automobiles or light load vehicles.

A revised concept plan, Palomino Crossing Addition, Block 1, Lots 1-9, accompanies this request.

**Surrounding Land Use and Zoning**

The subject property is undeveloped land. To the north across State Highway 121 is the City of Frisco. To the south across Headquarters Drive, the property is zoned CE and is developed as manufacturing-light-intensity and general office. To the west and east of the subject property is undeveloped land zoned CE.

**Conformance to the Comprehensive Plan**

**Future Land Use Plan** - The Future Land Use Plan designates this property as Major Corridor Development. The zoning request is generally consistent with this designation.

**Economic Development Element** - The Economic Development Element of the Comprehensive Plan provides a general guide for decision makers regarding Plano's

future economic growth. The long range land use recommendations in this element indicate that the State Highway 121 corridor should be preserved for future economic development opportunities. Maintaining this area for retail and office uses is consistent with recommendations in this element of the Comprehensive Plan. This zoning request is not consistent with the long-term economic viability goals for the area.

**Land Use Element** - On April 23, 2012, City Council adopted amendments to the Land Use Element of the Comprehensive Plan to include new revised policies pertaining to the use of undeveloped land. These amendments affirmed the city's desire to reserve land along State Highway 121 for economic development and employment uses including a mix of commercial, office, and technical production uses. State Highway 121 is a major regional corridor and serves to commercial and office developments in Plano including the Legacy Business Park and Granite Park areas. This area continues to be in demand for office and other high density employment development uses; therefore, large parcels of undeveloped land within this corridor should be reserved for these uses.

The Commission and Council need to consider whether new car dealer uses are the highest and best use of land within the city's expressway corridors. There are a limited number of uses that can occupy a former car dealer site and that require large expansive parking areas. Furthermore, car dealer sites can be difficult to reuse and/or redevelop in the future as evidenced by former sites in Plano and other nearby cities.

Additionally, preservation of land for future development opportunities is important for a city's long term economic vitality as to not impair the ability to attract high density employment uses that desire expressway frontage, such as along State Highway 121.

**Adequacy of Public Facilities** - Water and sanitary sewer services are available to serve the subject property.

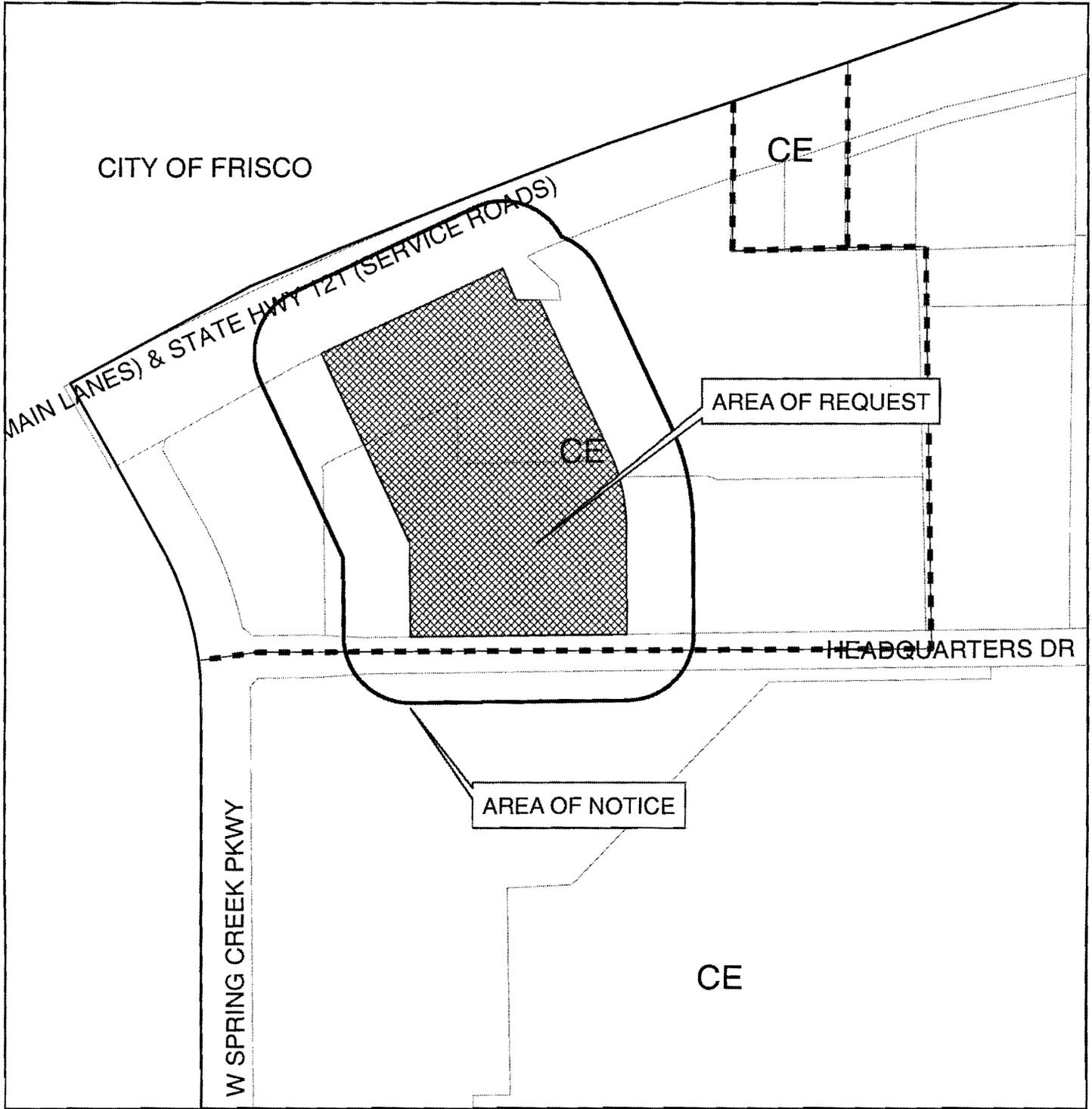
**Traffic Impact Analysis (TIA)** - A TIA is not required for this request.

### **Summary**

The applicant is requesting a Specific Use Permit for New Car Dealer on 15.6± acres located 460± feet east of Spring Creek Parkway and on the south side of State Highway 121. The property is currently zoned CE. While the SUP request is consistent with the Future Land Use Plan designation Major Corridor Development, it is not consistent with the city's long range planning policies provided for in the Land Use Element and Economic Development Element of the Comprehensive Plan. The land use policies encourage the preservation of land in this area for long-term economic viability land uses such as high density employment, technical production and research facilities. Additionally, in April 2012 the City Council affirmed the city's land use policies to preserve undeveloped land along the State Highway 121 corridor for economic development and employment uses. Therefore, staff recommends denial of the proposed zoning request.

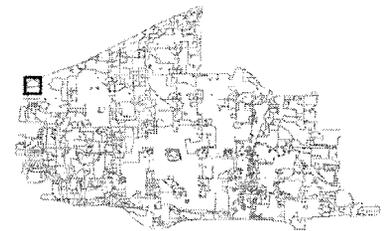
### **RECOMMENDATION:**

Recommended for denial.

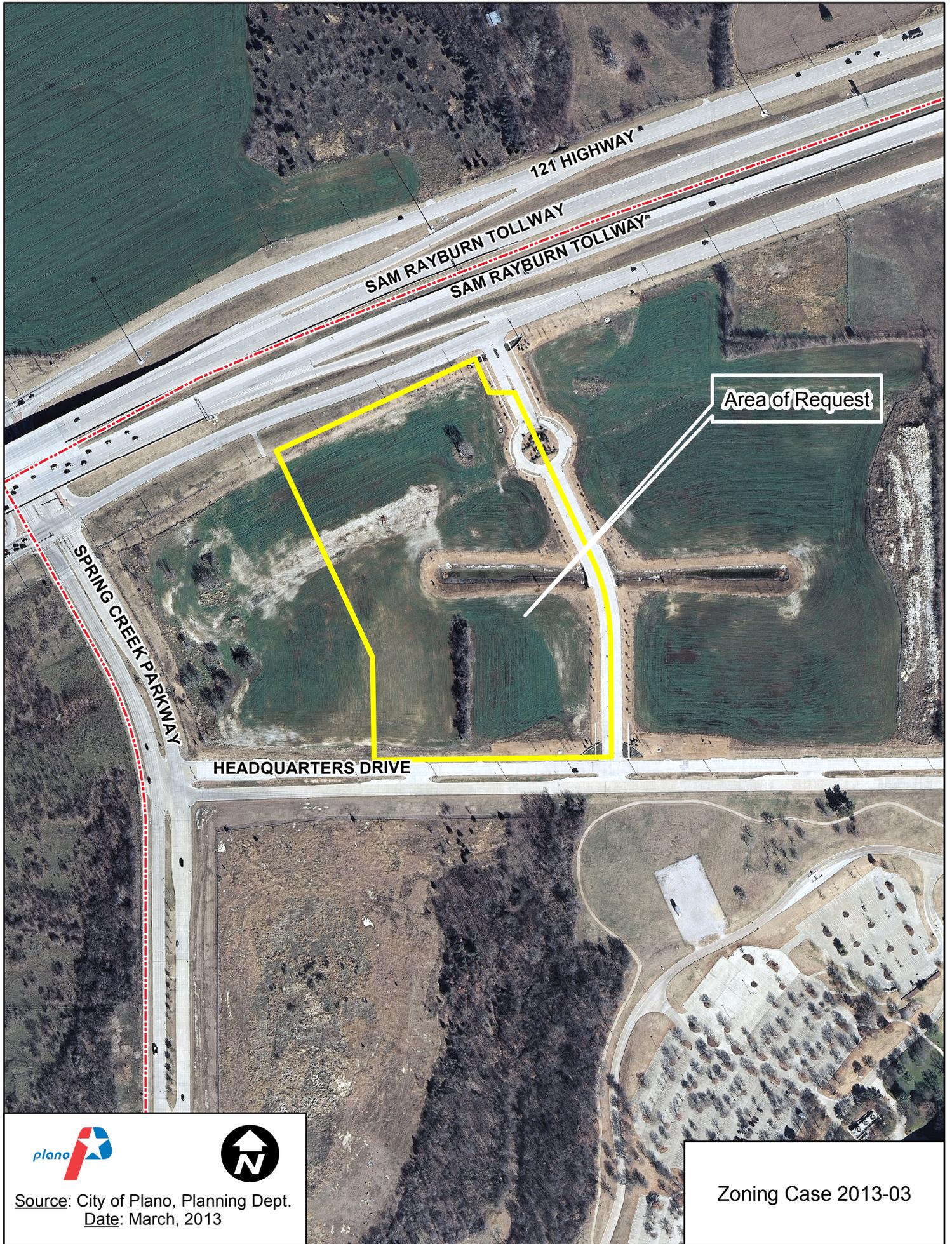


Zoning Case #: 2013-03

Existing Zoning: COMMERCIAL EMPLOYMENT



○ 200' Notification Buffer



121 HIGHWAY

SAM RAYBURN TOLLWAY  
SAM RAYBURN TOLLWAY

Area of Request

SPRING CREEK PARKWAY

HEADQUARTERS DRIVE



Source: City of Plano, Planning Dept.  
Date: March, 2013

Zoning Case 2013-03



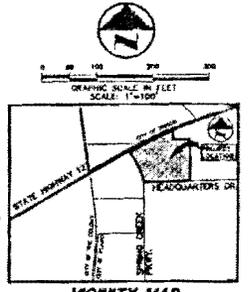
**LINE TABLE**

LINE	BEARING	LENGTH
L1	S 22° 54' 42" E	100.57
L2	S 89° 37' 14" E	182.26
L3	N 8° 46' 15" W	48.37
L4	S 47° 36' 37" W	126.45
L5	S 81° 35' 45" E	26.24
L6	N 80° 41' 20" E	142.87
L7	N 23° 17' 45" W	212.56
L8	S 75° 14' 28" W	148.75
L9	S 40° 35' 20" W	296.20
L10	N 14° 14' 37" W	222.37
L11	N 21° 05' 21" A	75.30
L12	S 20° 38' 40" E	212.12
L13	S 67° 36' 04" W	264.46
L14	N 63° 02' 27" W	614.77
L15	N 0° 43' 18" W	264.52
L16	S 25° 02' 27" E	502.92
L17	S 0° 42' 28" E	224.73
L18	N 89° 17' 24" E	283.67
L19	N 70° 42' 26" W	55.06
L20	S 80° 17' 24" W	814.81
L21	S 88° 16' 41" E	190.82
L22	S 80° 44' 20" E	196.20

**CURVE TABLE**

CURVE	INT. AN.	ARC LENGTH	CHORD BEARING	CHORD BEARING	CHORD BEARING	CHORD BEARING
C1	173° 02'	124.26'	124.26'	26.86°	S 87° 12' 17" W	124.26'
C2	147° 02'	140.00'	139.34'	114.25°	S 17° 22' 27" W	287.82'

- LEGEND**
- WILLARD
  - FLOODING METER
  - POWER POLE
  - LIGHT STANDINGS
  - WATER METER
  - WATER VALVE
  - PERMANENT CONCRETE VALVE
  - PIPE
  - PIPE FITTING
  - CLEARANCE
  - MANHOLE
  - TRAFFIC SIGNAL CONTROL
  - TRAFFIC SIGNAL POLE
  - TELEPHONE BOX
  - FLOOD LIGHT
  - PLUG POLE
  - TRAFFIC SIGN
  - 1/2" HOOD SIGN AND
  - W/BACKLASH SIGN CAP SET
  - CONCRETE LINE MONUMENT
  - PROPERTY LINE
  - FENCE
  - OVERLAP VULNERITY LINE
  - PIPE LINE, HOODS AND UTILITY LAYOUTS

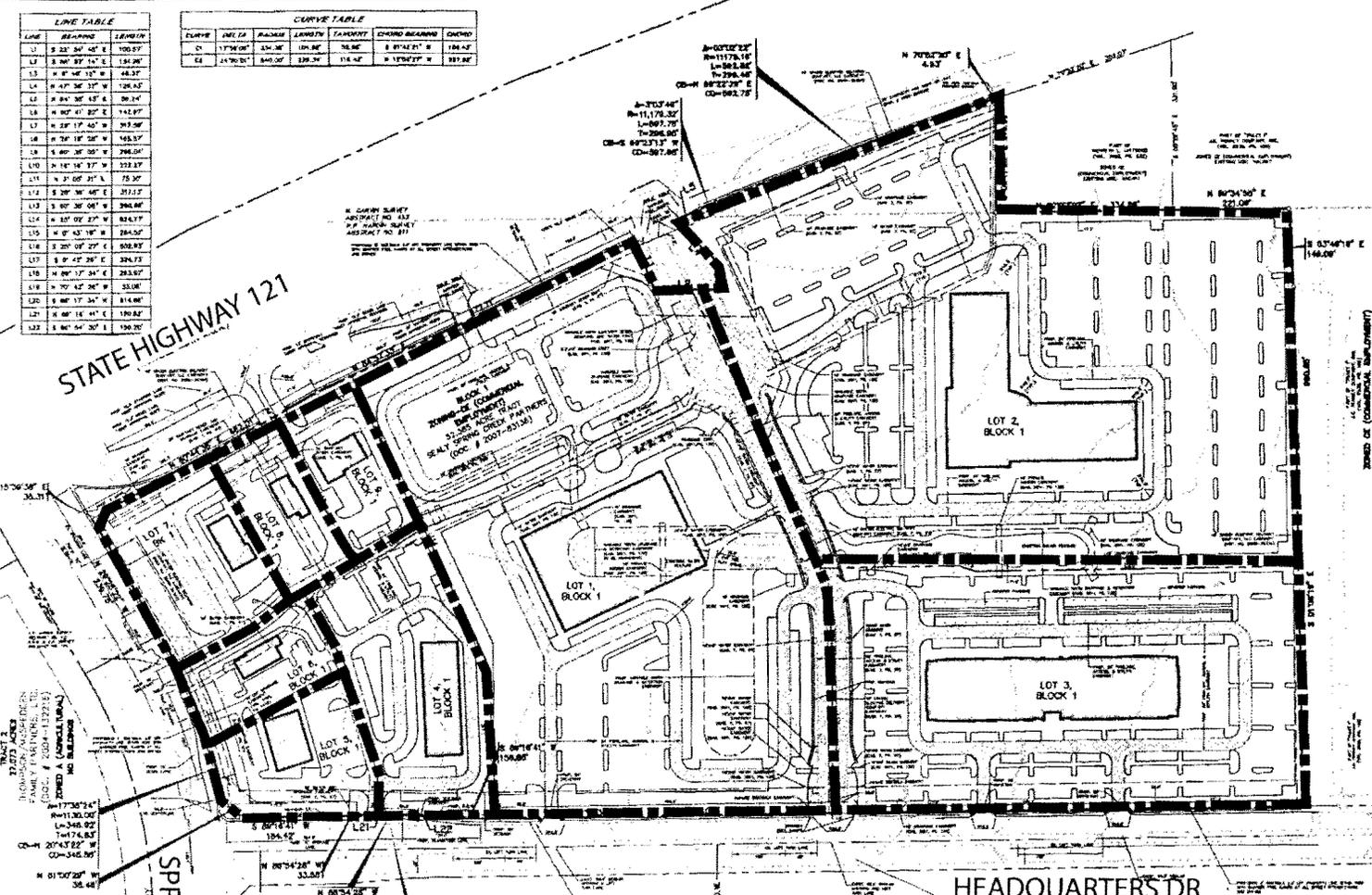


**LOT SUMMARY TABLE**

LOT #	LOT AREA (ACRES)	LOT AREA (SQ. FEET)	BLDG. AREA (SQ. FEET)	PROG. BLDG. USE	PROG. # STORIES
LOT 1	15.817	682,013	86,000	CE. NEW CAR WASH/WIP	2
LOT 2	17.728	772,222	65,000	CE. OFFICE	2
LOT 3	8.448	411,043	138,000	CE. OFFICE	2
LOT 4	2.519	108,200	14,200	CE. RETAIL	1
LOT 5	1.018	43,700	7,000	CE. RESTAURANT	1
LOT 6	1.280	55,171	12,800	CE. RESTAURANT	1
LOT 7	1.884	81,848	4,700	CE. RETAIL	1
LOT 8	1.281	55,200	2,100	CE. RESTAURANT	1
LOT 9	1.530	65,827	1,800	CE. RETAIL	1

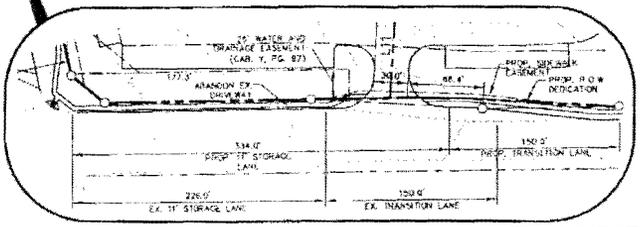
- SITE PLAN GENERAL NOTES**
- BLDG. 6,000 SQ. FT. OF EXISTING SHALL BE REUSE AS SPECIFIED.
  - PIPE LINES SHALL BE LOCATED AND CONSTRUCTED PER CITY SPECIFICATIONS.
  - LANDSCAPE PLANNING SHALL BE OBTAINED AND PROVIDED PER CITY STANDARDS AND SHALL COMPLY WITH REQUIREMENTS OF THE CURRENT, ADOPTED MUNICIPAL BLDG. CODE.
  - POUR-STOP SIDE DRIVEWAYS SHALL BE PROVIDED 3.0 FEET OFF OF THE PROPERTY LINE WITH THE INTERIOR SIDE LANEWAY. A SIDEWALK LANEWAY IS PROVIDED FOR A WALKING SIDEWALK ON AN ADJACENT DRIVEWAY AS APPROVED BY THE CITY. BARRIERS PER CITY SPECIFICATIONS SHALL BE PROVIDED AT ALL DRIVE DRIVEWAYS.
  - MECHANICAL UNITS, CONDENSERS AND TRASH COMPACTORS SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
  - ALL GRASSY CORRIDORS UPON APPROVAL BY BUILDING INSPECTOR DEPARTMENT.
  - APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL EXISTING PLANS ARE APPROVED.
  - OVER STORAGE, WHERE PROVIDED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
  - BUILDING FACADES WITHIN THIS DEVELOPMENT SHALL BE FINISHED, AS PROVIDED IN THE RETAIL OWNER DESIGN AGREEMENT.
  - OUTDOOR LIGHTING SHALL COMPLY WITH ILLUMINATION STANDARDS WITHIN 4' ARE OF THE DOOR OF OPERATIONS.
  - PLEASE CONTACT THE BUILDING DEPARTMENT TO DETERMINE THE TYPE OF CONSTRUCTION AND COORDINATE.
  - ALL ELECTRICAL, TRANSMISSION, DISTRIBUTION AND SERVICE LINES MUST BE UNDERGROUND BEFORE RETAIL.
  - OWNER SHALL COMPLY IN OPERATING, MAINTAIN AND CONTRIBUTION TO ALL FOLLOWING PERFORMANCE STANDARDS, SECTION 12.04 OF THE ZONING CODE, WITH THE FOLLOWING PARTICULARS: BATTERY, CONDENSED WATER, FUEL OIL, AIR POLLUTION, NOISE AND VIBRATION, HAZARDOUS WASTE, AND OTHER PERFORMANCE STANDARDS.

THE PURPOSE OF THIS REVISION IS TO ADD A NEW CAR WASH/WIP (LOT 1) AND REUSE EXISTING BLDG. (LOT 1) AND REUSE EXISTING BLDG. (LOT 1)



STATE HIGHWAY 121  
SPRING CREEK PKWY

FRITO-LAY, INC. (VOL. 3128, PG. 43)  
ZONED CE (COMMERCIAL EMPLOYMENT)  
EXISTING USE: DISTRIBUTION CENTER / WAREHOUSE



ALL DIMENSIONS ARE TO BACK-OF-CURB UNLESS OTHERWISE NOTED.

DESIGNED AND PREPARED BY: PACHECO KOCH ARCHITECTS, P.C.  
3300 S. CENTRAL EXPRESSWAY, SUITE 1000  
DALLAS, TEXAS 75226  
PHONE: 972-250-3000  
FAX: 972-250-3001  
CONTACT: CHRIS H. HANDELS

DATE: 01/11/2011  
SCALE: 1"=100'

**Pacheco Koch** 3300 S. CENTRAL EXPRESSWAY, SUITE 1000, DALLAS, TX 75226  
PH: 972-250-3000 FAX: 972-250-3001

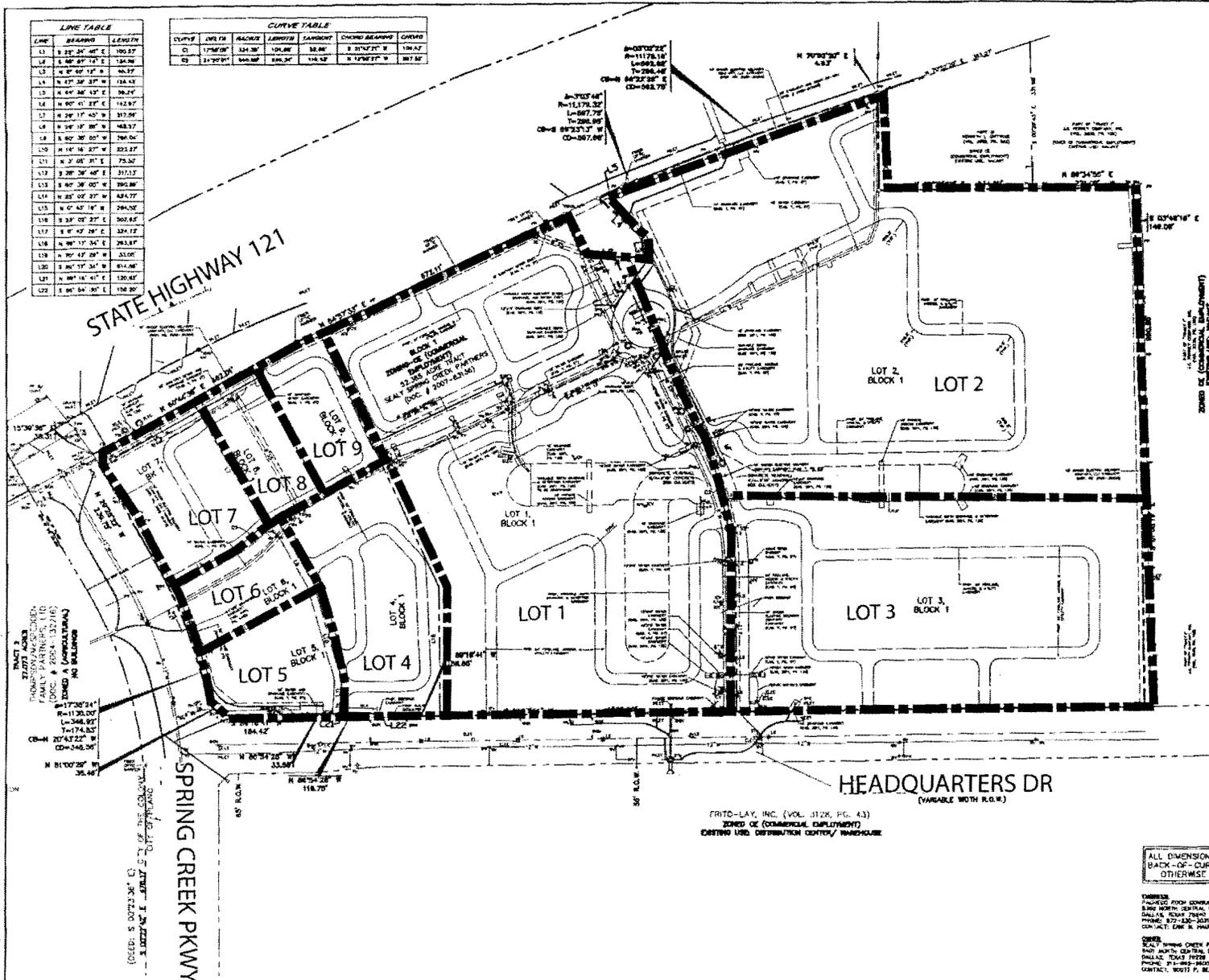
**REVISED CONCEPT PLAN**  
(1 OF 2)  
LOTS 1-9, BLOCK 1  
PALOMINO CROSSING  
BEING ALL OF LOTS 1-9 OF THE REVISED CONVEYANCE PLAT OF LOTS 1, 2, 3 & 4, BLOCK 1 PALOMINO CROSSING ADDITION  
52.385 ACRES  
R.P. HARDIN SURVEY, ABSTRACT NO. 611  
M. GARVIN SURVEY, ABSTRACT NO. 453  
B.B.B. & C.R. SURVEY, ABSTRACT NO. 174  
CITY OF PLANO, DENTON COUNTY, TEXAS

DESIGN	DATE	SCALE	NOTES	FILE	NO.
DMH	MG	JAN 2011	1"=100'		C1.0

FILE NO: 2009-12-12  
DATE: 01/11/2011  
SCALE: 1"=100'

LINE	BEARING	LENGTH
L1	S 21° 24' 40" E	790.57
L2	S 40° 27' 12" E	154.76
L3	S 6° 00' 12" E	145.57
L4	N 17° 30' 37" W	184.43
L5	N 64° 36' 12" E	36.29
L6	N 90° 41' 27" E	142.97
L7	N 29° 17' 45" W	397.96
L8	N 19° 10' 00" W	148.37
L9	N 80° 30' 00" W	789.56
L10	N 14° 16' 37" W	823.87
L11	N 3° 05' 21" E	75.50
L12	S 28° 26' 46" E	313.13
L13	S 90° 36' 00" E	795.86
L14	N 83° 02' 27" W	484.77
L15	N 0° 42' 18" W	284.32
L16	S 23° 02' 27" E	367.63
L17	S 0° 42' 26" E	324.72
L18	N 90° 17' 54" E	263.87
L19	N 70° 14' 00" W	33.00
L20	S 80° 17' 34" W	804.46
L21	N 90° 14' 40" E	130.45
L22	S 90° 54' 30" E	138.90

CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING	CHORD
C1	179.87	124.20	124.20	S 20° 27' 12" E	179.87
C2	217.97	149.30	149.30	N 17° 30' 37" W	217.97



**LEGEND**

- 1. BOLLARD
- 2. ELECTRIC METER
- 3. POWER POLE
- 4. LIGHT SIGNAGE
- 5. WATER METER
- 6. WATER VALVE
- 7. IRRIGATION CONTROL VALVE
- 8. THE ATORWAY
- 9. CLEAVANT
- 10. KNOCK
- 11. PRIVATE SIGNAL ENTRANCE
- 12. TRAFFIC SIGNAL POLE
- 13. TELEPHONE BOX
- 14. FLOOR LIGHT
- 15. FLAG POLE
- 16. TRAFFIC SIGN
- 17. TRUCK STOP SIGN
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**VICINITY MAP**  
(NOT TO SCALE)

**LOT SUMMARY TABLE**

LOT #	LOT SIZE (ACRES)	LOT AREA (SQ FT)	BUILDING SQ FT	ZONING	PROP. BUILDING USE	PROP. # STORES
LOT 1	15.667	682,071	60,000	CE	NEW CAR DEALERSHIP	2
LOT 2	13.728	593,338	30,000	CE	OFFICE	2
LOT 3	8.484	368,033	120,000	CE	OFFICE	1
LOT 4	8.848	384,308	12,000	CE	RETAIL	1
LOT 5	1.438	62,706	7,000	CE	RETAIL/RESTAURANT	1
LOT 6	1.286	55,724	2,000	CE	RESTAURANT	1
LOT 7	1.886	82,348	1,700	CE	RETAIL	1
LOT 8	1.081	46,808	2,300	CE	RETAIL	1
LOT 9	1.728	74,271	4,000	CE	RETAIL	1

- SITE PLAN GENERAL NOTES**
1. THE LINES SHALL BE REMOVED AND CONNECTED PER CITY STANDARDS.
  2. UNDEVELOPED FARMING AREAS SHALL BE REZONED AND PROVIDED FOR CITY STANDARDS AND SHALL COMPLY WITH REQUIREMENTS OF THE CURRENT, ADOPTED INTERNATIONAL BUILDING CODE.
  3. FOUR-FOOT SIDE SETBACKS SHALL BE PROVIDED 10 FEET OFF OF THE PROPERTY LINE WITHIN THE FRONT-YARD. LARGER A REEPLY LAYOUT IS PROVIDED FOR A WAREHOUSE TYPE BUILDING AS AN ALTERNATIVE DESIGN IS APPROVED BY THE CITY. SHAMBER-FRAME ROOF PER CITY STANDARDS SHALL BE PROVIDED ON BUILDINGS AT ALL CORNERS.
  4. MECHANICAL, LIGHT, DUMPSTER AND TRASH COMPACTORS SHALL BE SCREENED BY ACCORDANCE WITH THE ZONING ORDINANCE.
  5. ALL SERVICE DRIVEWAYS UPON APPROVAL BY BUILDING DEPARTMENT.
  6. APPROVAL OF THE SITE PLAN BY CITY SHALL HAVE ALL UTILITIES PLANS AND APPROVED.
  7. OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
  8. BUILDING FACADES WITHIN THIS DEVELOPMENT SHALL BE COMPLIANT, AS PROVIDED IN THE RETAIL CORNER DESIGN GUIDELINES.
  9. OUTDOOR LIGHTING SHALL COMPLY WITH ILLUMINATION STANDARDS WITH SECTION 6-406 OF THE CODE OF ORDINANCES.
  10. PLEASE CONTACT THE BUILDING DEPARTMENT TO DETERMINE THE TYPE OF CONSTRUCTION AND SIGNAGE GROUP.
  11. ALL ELECTRICAL, TELECOMMUNICATION, DISTRIBUTION AND SERVICE LINES MUST BE ABOVEGROUND WHERE PERMITTED.
  12. LINES SHALL BE IDENTIFIED BY OPERATIONAL LOCATION AND CONTRIBUTION TO THE FOLLOWING PERFORMANCE STANDARDS IN SECTION 2.1.02 OF THE ZONING CODE: NOISE, SHADOW, AND MICROCLIMATE WITHIN THE CITY. PART OF THE OPERATIONAL, TYPICAL AND ACOUSTIC MATERIAL, VIBRATION ANALYSIS OTHER PERFORMANCE STANDARDS.

THE NUMBER OF THE REVISED CONCEPT PLAN IS 02 AND IS BEING CHANGED FROM LOT 1 AND REVISED LAYOUT OF LOTS 1-4

FRITO-LAY, INC. (VOL. 3128, PG. 43)  
ZONED OF (COMMERCIAL EMPLOYMENT)  
DESIGN USE: DISTRIBUTION CENTER/ WAREHOUSE

ALL DIMENSIONS ARE TO BACK-OF-CURB UNLESS OTHERWISE NOTED.

DESIGNED BY: FRITO-LAY, INC.  
DRAWN BY: FRITO-LAY, INC.  
CHECKED BY: FRITO-LAY, INC.  
DATE: 08/11/2011  
SCALE: AS SHOWN  
PROJECT: FRITO-LAY, INC.  
SHEET: 01 OF 01

DESIGNED BY: FRITO-LAY, INC.  
DRAWN BY: FRITO-LAY, INC.  
CHECKED BY: FRITO-LAY, INC.  
DATE: 08/11/2011  
SCALE: AS SHOWN  
PROJECT: FRITO-LAY, INC.  
SHEET: 01 OF 01

REVISED

**Pacheco Koch** 8300 N. CENTRAL EXPY., SUITE 1000 DALLAS, TX 75246 972.413.1471

**REVISED CONCEPT PLAN**  
**UTILITY EXHIBIT (2 OF 2)**  
**LOTS 1-9, BLOCK 1**  
**PALOMINO CROSSING**

BEING ALL OF LOTS 1-4 OF THE REVISED CONVEYANCE PLAT OF LOTS 1,2,3 & 4, BLOCK 1 PALOMINO CROSSING PLAT

**52.385 ACRES**

R.P. HARDIN SURVEY, ABSTRACT NO. 611  
M. GARVIN SURVEY, ABSTRACT NO. 453  
B.B.B. & C.R. SURVEY, ABSTRACT NO. 174

**CITY OF PLANO, DENTON COUNTY, TEXAS**

DESIGN	DATE	SCALE	NOTES	PLT	NO.
DMH	NOV 2011	1"=100'			<b>C1.1</b>

THE FILE NO. 1000-13-07  
(SEE ADDITIONAL SHEETS)

## Zoning Case 2013-03

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 636 so as to allow the additional use of New Car Dealer on 15.6± acres of land out of the R.P. Hardin Survey, Abstract No. 611, located 460± feet east of Spring Creek Parkway and on the south side of State Highway 121, in the City of Plano, Denton County, Texas, presently zoned Commercial Employment; 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 25th day of March, 2013, for the purpose of considering granting Specific Use Permit No. 636 for the additional use of New Car Dealer on 15.6± acres of land out of the R.P. Hardin Survey, Abstract No. 611, located 460± feet east of Spring Creek Parkway and on the south side of State Highway 121, in the City of Plano, Denton County, Texas, presently zoned Commercial Employment; 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 25th day of March, 2013; and

**WHEREAS**, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 636 for the additional use of New Car Dealer on 15.6± acres of land out of the R.P. Hardin Survey, Abstract No. 611, located 460± feet east of Spring Creek Parkway and on the south side of State Highway 121, in the City of Plano, Denton County, Texas, presently zoned Commercial Employment, 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 grant Specific Use Permit No. 636 for the additional use of New Car Dealer on 15.6± acres of land out of the R.P. Hardin Survey, Abstract No. 611, located 460± feet east of Spring Creek Parkway and on the south side of State Highway 121, in the City of Plano, Denton County, Texas, presently zoned Commercial Employment, 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 25TH DAY OF MARCH, 2013.**

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2013-03

DESCRIPTION, of a 15.657 acre tract of land situated in the R.P. Hardin Survey, Abstract No. 611, Denton County, Texas; said tract being part of Lots 1 and 4, Block 1 of the Revised Conveyance Plat of Palomino Crossing Addition, an addition to the City of Plano, Texas according to the plat recorded in Cabinet 2012, Page 134 of the Official Records of Denton County, Texas; said tract also being part of that certain tract of land described in Special Warranty Deed to Sealy Spring Creek Partners, L.P. recorded in Document No. 2007-83136 of said Official Records; said 15.657 acre tract being more particularly described as follows (bearing system for this survey is based on a bearing of South, 89°, 17', 34" West, for the north right-of-way line of Headquarters Drive according to the said plat of Palomino Crossing Addition):

BEGINNING, at a 1/2 -inch iron rod with "PACHECO KOCH" cap found for corner in the southeast right-of-way line of State Highway 121 (a variable width right-of-way); said point being the northernmost corner of said Lot 4 and an angle point in the said southeast line of State Highway 121;

THENCE, in a southeasterly direction, along an offset in the said southeast line of State Highway 121, the following two (2) calls:

South, 22° 34' 45" East, along a northeast line of said Lot 4, a distance of 100.57 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner; said point being a reentrant corner of said Lot 4 and an angle point in the said southeast line of State Highway 121;

South, 88°, 57' 14" East, along a north line of said Lot 4, a distance of 70.61 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner; said point being the northeast corner of said Lot 4 and the southernmost northwest corner of Lot 2, Block 1 of said Palomino Crossing Addition;

THENCE, departing the said southeast line of State Highway 121 and along the northeast line of said Lot 4, a southwest line of said Lot 2, the easternmost line of said Lot 1 and the west line of Lot 3, Block 1 of said Palomino Crossing Addition, the following three (3) calls:

South, 25° 02' 27" East, a distance of 502.97 feet to a 'Y' cut in concrete found at the beginning of a tangent curve to the right;

Along said curve to the right, having a central angle of 24°, 20' 01" a radius of 540.00 feet, a chord bearing and distance of South, 12° 52' 27" East, 227.62 feet, at an arc distance of 31.93 feet passing the easternmost corner of said Lot 4 and the northeast corner of said Lot 1, at an arc distance of 81.29 feet passing the southwest corner of said Lot 2 and the northwest corner of said Lot 3, continuing in all a total arc distance 229.34 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found at end of said curve;

South, 00° 42' 26" East, a distance of 324.73 feet to a 'Y' cut in concrete found for corner in the said north line of Headquarters Drive (a variable width right-of-way); said point being the southeast corner of said Lot 1 and the southwest corner of said Lot 3;

THENCE, in a westerly direction, along the said north line of Headquarters Drive and the south line of said Lot 1, the following two (2) calls:

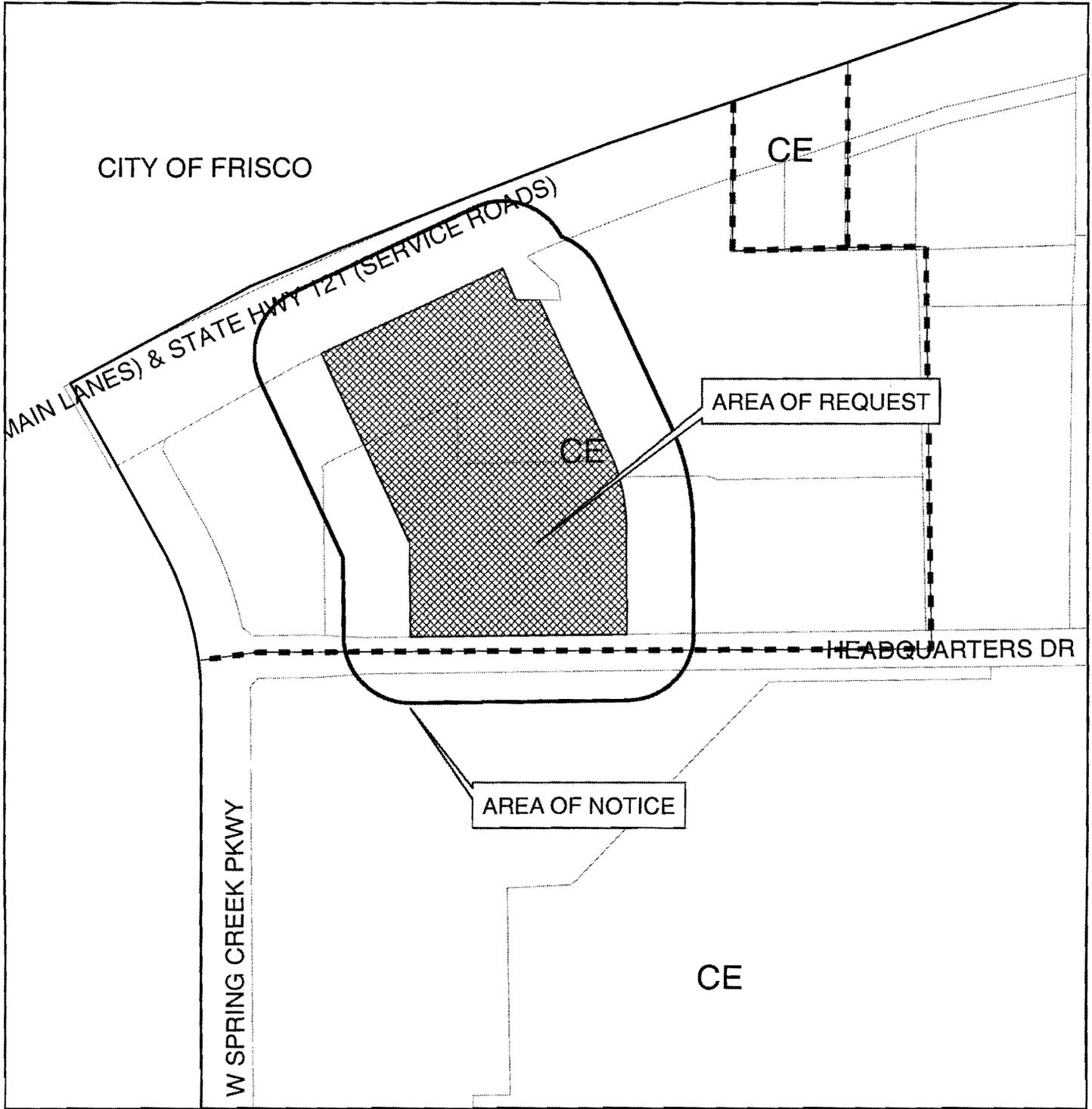
South, 89° 17' 34" West, a distance of 635.10 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found at an angle point;

South, 89° 16' 41" West, a distance of 17.34 feet to a point for corner;

THENCE, North, 00' 43' 19" West, departing the said north line of Headquarters Drive and over and across said Lot 1, a distance of 284.52 feet to an angle point;

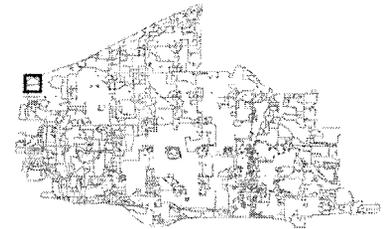
THENCE, North, 25° 02' 27" West, at a distance of 321.51 feet passing a northwest line of said Lot 1 and the southeast line of said Lot 4, continuing over and across said Lot 4 in all a total distance of 624.77 feet to a point for corner in the said southeast line of State Highway 121 and the northwest line of said Lot 4;

THENCE, North, 64° 57' 33" East, along the said southeast line of State Highway 121 and the said northwest line of Lot 4, a distance of 600.00 feet to the POINT OF BEGINNING; CONTAINING, 682,013 square feet or 15.657 acres of land, more or less.



Zoning Case #: 2013-03

Existing Zoning: COMMERCIAL EMPLOYMENT



○ 200' Notification Buffer

