

**DATE:** March 6, 2012  
**TO:** Honorable Mayor & City Council  
**FROM:** Doug Hazelbaker, 1st Vice Chair, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of March 5, 2012

**AGENDA ITEM NO. 9 - PUBLIC HEARING  
 ZONING CASE 2012-07  
 APPLICANT: CITY OF PLANO**

Request to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses), and Subsection 2.824 (RC-Regional Commercial) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Zoning Ordinance in order to allow truck/bus leasing as a permitted use within the Regional Commercial zoning district.

**APPROVED:** 6-1 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**STIPULATIONS:**

Recommended for approval as follows: (Additions shown as underlined text.)

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), such portion of subsection to read as follows:

Permitted Uses	Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial
Truck/Bus Leasing	Auto & Related								R	R		<u>IS</u> <u>27</u>		R 27
Bus/Truck Leasing	Auto & Related								R	R		<u>IS</u> <u>27</u>		R 27

End Note 27: Allowed by specific use permit only for single-unit trucks with enclosed beds; maximum two axles.

The Commissioner voting in opposition believed that truck/bus leasing should not be permitted in the Regional Commercial zoning district.

**FOR CITY COUNCIL MEETING OF:** March 26, 2012 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

EH/dw

**Recommendation of the Planning & Zoning Commission  
Zoning Case 2012-07  
March 5, 2012 Meeting  
Second Vice-Chairman's Report**

**Agenda Item No. 9 – Public Hearing**

**Zoning Case 2012-07** – Request to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses), and Subsection 2.824 (RC – Regional Commercial) of Section 2.800 (District Charts) of Article 2 (Zoning District and Uses) and related sections of the Zoning Ordinance in order to allow truck/bus leasing as a permitted use within the Regional Commercial (RC) zoning district.

**Applicant:** City of Plano

**Staff Recommendation:** Recommended for denial since the addition of truck/bus leasing in the Regional Commercial (RC) zoning district is not consistent with the type of uses and development intended to occur along the expressway corridors. The RC district was created to encourage development of retail and restaurant uses with limited service uses, and encouraging employment uses. Furthermore, the proximity to residential zoning districts may create conflicts in regards to noise, traffic and aesthetic concerns.

Staff also suggested that should the Commission believe this to be a suitable use, then perhaps allowing approval by a specific use permit (SUP) only and restricting the trucks to be single unit with enclosed beds and a maximum of two axles would be more appropriate. The Commission and City Council would then be in a position to review each request on a case by case basis.

**Commission Action: APPROVED 6-1.**

Several Commissioners expressed concern allowing the use by right within the RC district, and supported allowing the use with approval of an SUP including the vehicle restrictions suggested by staff. Therefore, the motion was made by Commissioner Downs to allow truck/bus leasing to occur in the RC District with an SUP only, along with staff's recommended vehicle restrictions. The motion was supported by Commissioners Balda, Cargo, Coleman, Downs and Hazelbaker. Commissioner Dry voted against the motion due to there being other locations within the city where this use is presently allowed. Chairman Caso was absent.

Respectfully submitted,



Fred J. Balda  
Second Vice Chair  
Plano & Zoning Commission

CITY OF PLANO  
PLANNING & ZONING COMMISSION

March 5, 2012

**Agenda Item No. 9**

**Public Hearing:** Zoning Case 2012-07

**Applicant:** City of Plano

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**DESCRIPTION:**

Request to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses), and Subsection 2.824 (RC-Regional Commercial) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Zoning Ordinance in order to allow truck/bus leasing as a permitted use within the Regional Commercial zoning district.

**REMARKS:**

At the January 17, 2012, Planning & Zoning Commission meeting, the Commission called a public hearing to consider amending the RC zoning district to allow truck/bus leasing as a permitted use. The public hearing was called on behalf of a property owner that operates four retail superstores with garden centers within the city. The intent of the RC district is to provide for retail and service uses at appropriate nodes within the corridor of specified tollways and expressways serving Plano and 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. Additionally, uses allowed within the RC district are designed to support office and limited manufacturing uses located in the nearby Regional Employment (RE) zoned areas. The Zoning Ordinance defines truck/bus leasing as the rental of new or used panel trucks, vans, trailers, recreation vehicles, or motor-driven buses in operable condition where no repair work is being done.

Currently, truck/bus leasing is an allowed use in the Light Industrial-1 (LI-1) and Light Industrial-2 (LI-2) districts by right, and allowed by SUP in the Corridor Commercial (CC) district provided that the trucks are single-unit trucks with enclosed beds and maximum two axles. The Zoning Ordinance prohibits this use in the RC district.

There are several truck/bus leasing facilities that exist within the city. There is currently one truck/bus leasing facility located on the south side of State Highway 121, 285± feet west of Kathryn Lane, zoned Planned Development-106-Regional Commercial, and is

allowed by right in this Planned Development zoning district. Additionally, there are existing truck/bus leasing facilities at the southwest corner of Chase Oaks Boulevard and U.S. Highway 75 and on the west side of K Avenue, 1,500± feet south of Spring Creek Parkway, both zoned CC with existing SUPs for truck/bus leasing. There is also an existing truck/bus leasing facility at the northeast corner of Plano Parkway and Commerce Drive, within an LI-1 district. Lastly, there is a truck leasing facility at the southeast corner of K Avenue and Dobie Drive on property zoned Light Commercial (LC) with an SUP for truck leasing. At one time the LC district allowed truck leasing by SUP; however, the use is no longer permitted within the LC district.

The RC zoning district allows limited automotive uses. Minor automotive repair is allowed by right; and automobile leasing/renting, as well as new car dealer are permitted with an SUP. Prohibited automotive uses include major automotive repair, automobile storage, and used car dealer. The intent of the RC district is to allow less intensive retail and service uses, in addition to the restaurant, office, and employment uses allowed within the expressway corridors, that support uses within the adjacent RE zoned areas. Furthermore, the RC district restricts certain uses due to the proximity of nearby residential zoning districts.

The addition of truck/bus leasing in the RC zoning district is not consistent with the type of uses and development intended to occur along the expressway corridors. The RC and RE districts were created to encourage development of retail and restaurant uses along with limited service uses at certain intersections while encouraging development of employment uses. Truck/bus leasing will introduce the storage of larger vehicles, a use which is currently restricted to more intensive zoning districts. Additionally, the proximity to residential zoning districts may create conflicts in regards to noise, traffic, and aesthetic concerns. For these reasons, staff recommends denial of the zoning case.

If the Commission believes that this use is suitable for the RC district, staff recommends that truck/bus leasing be permitted by SUP only, so that the Commission and City Council can determine the appropriateness of a truck/bus leasing use for individual sites. Furthermore, staff recommends that the restriction on the types of vehicles which is applied to the CC district, that the trucks be single-unit trucks with enclosed beds and maximum two axles, be applied to the RC district as well.

**RECOMMENDATION:**

Recommended for denial.

## Zoning Case 2012-07

**An Ordinance of the City of Plano, Texas, amending Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to allow truck/bus leasing as a permitted use within the Regional Commercial zoning district; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability 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 26th day of March, 2012, for the purpose of considering a change in the Zoning Ordinance; 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 26th day of March, 2012; and

**WHEREAS**, the City Council is of the opinion and finds that such change 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.** Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to allow truck/bus leasing as a permitted use within the Regional Commercial zoning district with approval of a specific use permit.

**Section II.** That the change granted in Section I is also subject to the following:

Section 2.500 (Permitted Uses)

Subsection 2.502 (Schedule of Permitted Uses)

End Note 27: Allowed by specific use permit only for single-unit trucks with enclosed beds; maximum two axles.

**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 affectuated 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 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 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 26TH DAY OF MARCH, 2012.**

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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