

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. 12 - PUBLIC HEARING
ZONING CASE 2012-10
APPLICANT: CITY OF PLANO**

Request for Specific Use Permit for Transit Center/Station on 9.5± acres located on the east side of Communications Parkway and 800± feet south of Tennyson Parkway. Zoned Commercial Employment/Dallas North Tollway Overlay District.

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 submitted.

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

PUBLIC HEARING - ORDINANCE

BM/dw

CITY OF PLANO
PLANNING & ZONING COMMISSION

March 05, 2012

Agenda Item No. 12

Public Hearing: Zoning Case 2012-10

Applicant: City of Plano

DESCRIPTION:

Request for Specific Use Permit for Transit Center/Station on 9.5± acres located on the east side of Communications Parkway and 800± feet south of Tennyson Parkway. Zoned Commercial Employment/Dallas North Tollway Overlay District.

REMARKS:

The requested zoning is a Specific Use Permit (SUP) for Transit Center/Station. A transit center/station is any premises for the loading and unloading of passengers by a public or private transit company including the temporary parking of transit vehicles between routes or during stopovers, and excluding overnight parking, storage, and maintenance of transit vehicles. This definition shall not include bus stops along rights-of-way. 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 on 9.5± acres located on the east side of Communications Parkway and 800± feet south of Tennyson Parkway. The property is presently under construction for future transit center/station that will provide local and regional transit bus service.

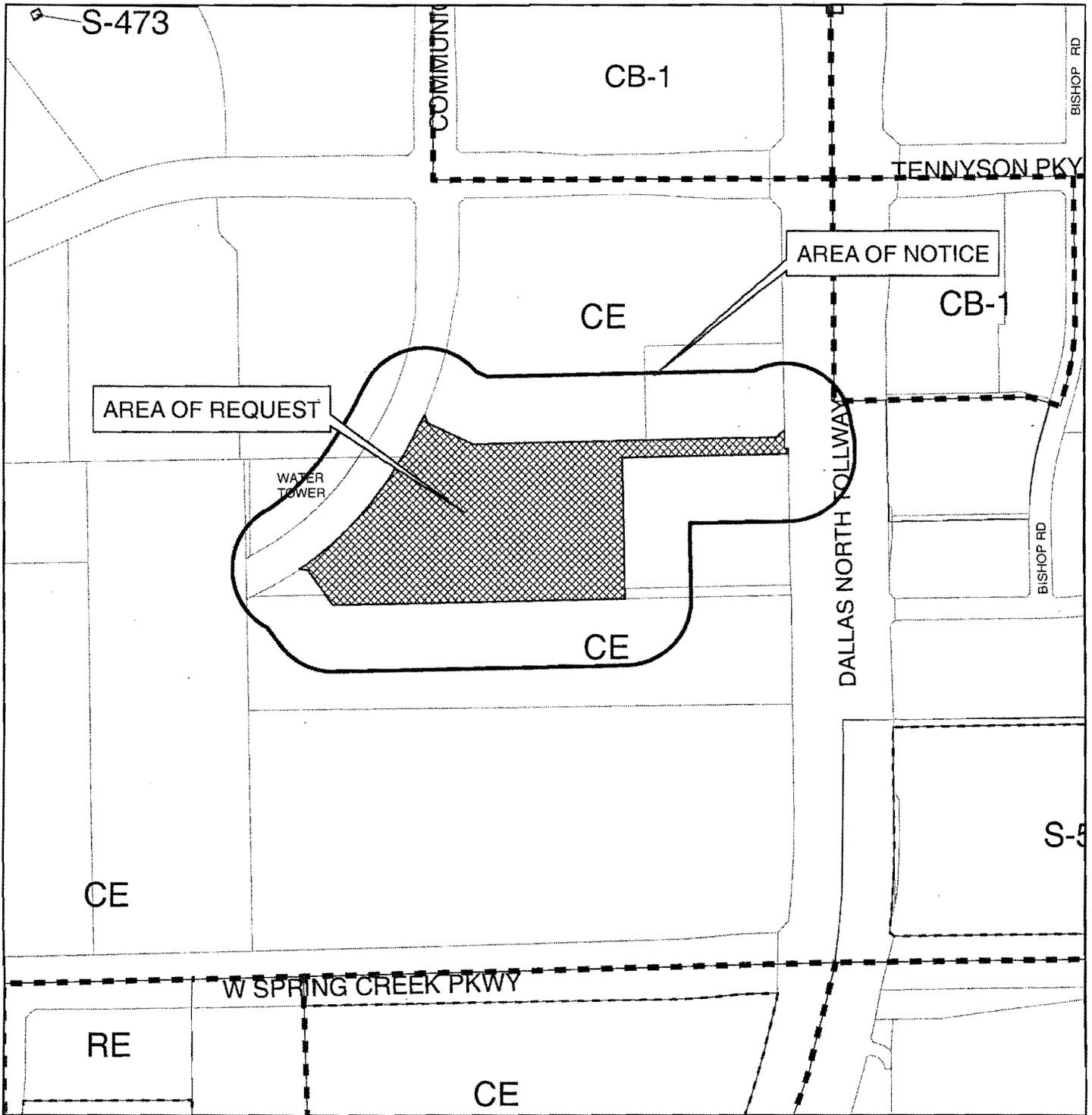
Prior to December 12, 2011, the Zoning Ordinance permitted transit center/stations by right in the Commercial Employment (CE) zoning district. On December 12, 2011, the City Council amended the Zoning Ordinance to allow transit center/stations in the CE zoning district subject to approval of a specific use permit. The Zoning Ordinance amendment resulted in the transit center/ station that is under construction becoming a nonconforming use. Therefore, this SUP request proposes to rectify the nonconforming status of the transit center/station presently under construction.

The property will have adequate access from Communications Parkway and the Dallas North Tollway in order to serve users of the facility and to accommodate the bus and

vehicle traffic generated by this facility. Additionally, the Future Land Use Plan and Master Thoroughfare Plan of the Comprehensive Plan designate this area as a DART Facility; therefore, this request is consistent with both of these plans. For these reasons, staff recommends approval of the requested SUP.

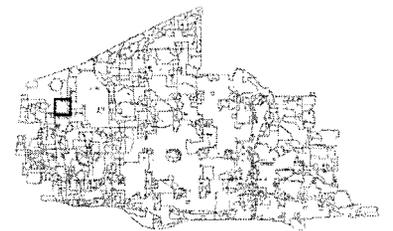
RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2012-10

Existing Zoning: COMMERCIAL EMPLOYMENT/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer



Zoning Case 2012-10

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. 624 so as to allow the additional use of Transit Center/Station on 9.5± acres of land out of the Collin County School Land Survey, Abstract No. 150, and the Henry B. Miller Survey, Abstract No. 614 located on the east side of Communications Parkway and 800± feet south of Tennyson Parkway, in the City of Plano, Collin 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 26th day of March, 2012, for the purpose of considering granting Specific Use Permit No. 624 for the additional use of Transit Center/Station on 9.5± acres of land out of the Collin County School Land Survey, Abstract No. 150, and the Henry B. Miller Survey, Abstract No. 614, located on the east side of Communications Parkway and 800± feet south of Tennyson Parkway, in the City of Plano, Collin 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 26th day of March, 2012; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 624 for the additional use of Transit Center/Station on 9.5± acres of land out of the Collin County School Land Survey, Abstract No. 150, and the Henry B. Miller Survey, Abstract No. 614, located on the east side of Communications Parkway and 800± feet south of Tennyson Parkway in the City of Plano, Collin 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. 624 for the additional use of Transit Center/Station on 9.5± acres of land out of the Collin County School Land Survey, Abstract No. 150, and the Henry B. Miller Survey, Abstract No. 614, located on the east side of Communications Parkway and 800± feet south of Tennyson Parkway, in the City of Plano, Collin 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 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.

Phil Dyer, MAYOR

ATTEST:

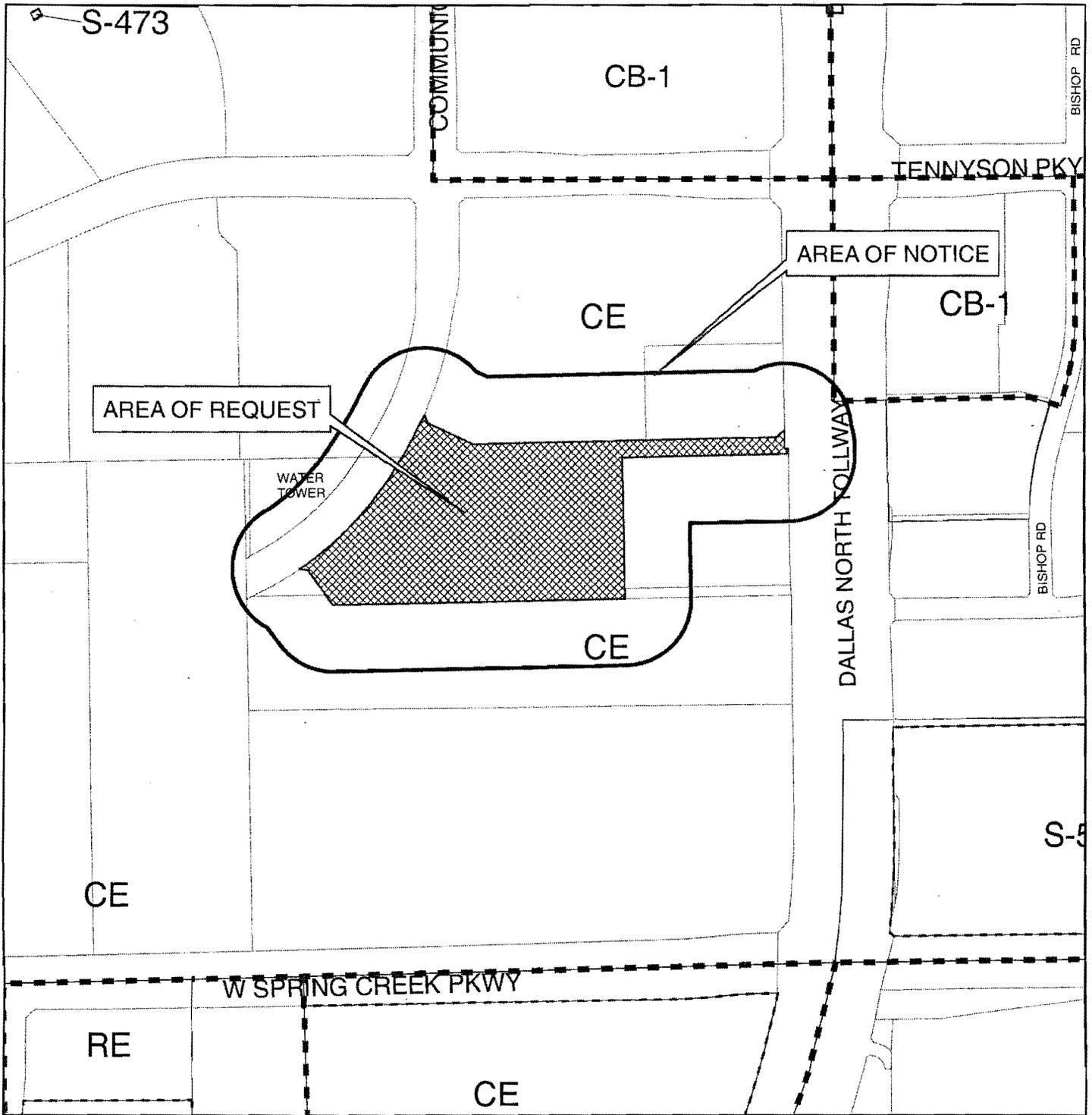
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

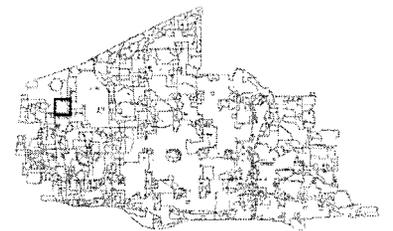
Zoning Case 2012-10

BEING a tract of land situated in the Collin County School Land Survey, Abstract No. 150 and Henry B. Miller Survey, Abstract No. 614, in the City of Plano, Collin County, Texas, and being all of Block A, Lot 1, NW Plano Park & Ride Addition, an addition to the City of Plano, Texas, according to a plat recorded in Volume 2011, Page 133, of the Plat Records of Collin County, Texas, as filed on June 10, 2011, comprising 9.6 acres.



Zoning Case #: 2012-10

Existing Zoning: COMMERCIAL EMPLOYMENT/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer

