

DATE: April 2, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 1, 2013

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2013-05
APPLICANT: 5930 WEST PLANO PARKWAY LTD**

Request to expand Specific Use Permit #561 for New Car Dealer on 1.4± acres located at the southeast corner of Dallas North Tollway and Plano Parkway. Zoned Planned Development-211-Light Commercial/Dallas North Tollway Overlay District.

APPROVED: 6-0 **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: April 22, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

JH/sf

xc: Scott Ginsburg, 5930 West Plano Parkway Ltd.
Paul Padilla, Multatech Engineering, Inc.
Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 1, 2013

Agenda Item No. 7A

Public Hearing: Zoning Case 2013-05

Applicant: 5930 West Plano Parkway LTD

DESCRIPTION:

Request to expand Specific Use Permit #561 for New Car Dealer on 1.4± acres located at the southeast corner of Dallas North Tollway and Plano Parkway. Zoned Planned Development-211-Light Commercial/Dallas North Tollway Overlay District.

REMARKS:

The subject property is 1.4± acres located at the southeast corner of Dallas North Tollway and Plano Parkway. The property was previously used as a convenience store with gas pumps and the buildings have been demolished with some pavement remaining on the site. The property is currently zoned Planned Development-211-Light Commercial (PD-211-LC) and is being used as a parking lot.

The adjacent property to the south and east of the subject property is developed as a new car dealer. This property is zoned PD-211-LC with Specific Use Permit (SUP) #561 for New Car Dealer. 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.

The owner of the adjacent new car dealer site has acquired the 1.4± acre subject property and wants to expand the new car dealer use onto the subject property. However, in order to expand the use, a SUP for New Car Dealer is required for the subject property. Therefore, the applicant is requesting to modify the boundaries of the existing SUP #561 for New Car Dealer to include the 1.4± acre subject property.

A revised site plan, Boardwalk Motor Cars Addition, Block A, Lot 2R accompanies this request.

Surrounding Land Use and Zoning

North of the subject property, across Plano Parkway is undeveloped land that is currently zoned Planned Development-200-Regional Employment (PD-200-RE). Across Dallas North Tollway to the west, is a convenience store with gas pumps and medical office building zoned Light Industrial-1 (LI-1). To the south and east of the subject property is a new car dealer, zoned PD-211-LC with SUP #561 for New Car Dealer.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan of the Comprehensive Plan designates this area as Major Corridor Development. This zoning request is consistent with the existing area's land use 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 Economic Development Element recommends any redevelopment opportunities in this area should maintain the existing nonresidential zoning to encourage business recruitment and expansion for economic development. This zoning request is consistent with the Economic Development Element as it supports a current business' expansion and allows reuse of the subject property, thus making it more economically viable.

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

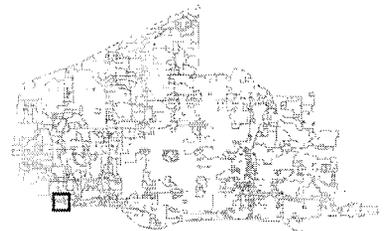
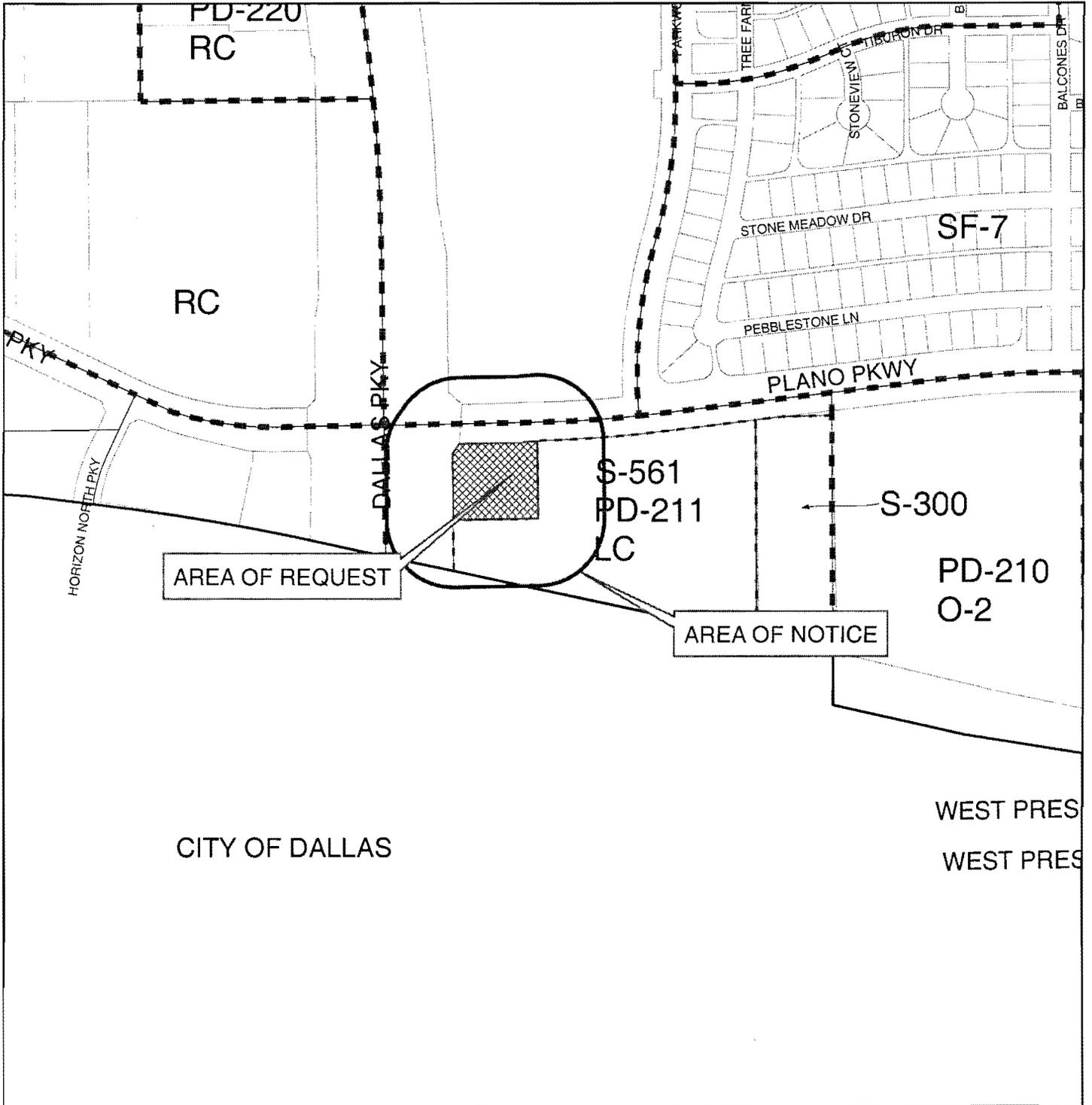
Traffic Impact Analysis (TIA) - A TIA is not required for this request.

Summary

There is an existing new car dealer located generally at the southeast corner of Dallas North Tollway and Plano Parkway, zoned PD-211-LC with SUP #561 for New Car Dealer. The owner of the new car dealer is requesting to expand SUP #561 for New Car Dealer to include an additional 1.4± acres located at the hard corner of Plano Parkway and Dallas North Tollway, adjacent to the existing new car dealer. The subject property requires an SUP for New Car Dealer in order to be used by the applicant. The request to expand the existing SUP to include the subject property is consistent with the Future Land Use Plan designation Major Corridor Development, and the Economic Development Element of the Comprehensive Plan. Therefore, staff recommends approval of the proposed zoning request.

RECOMMENDATION:

Recommended for approval as submitted.

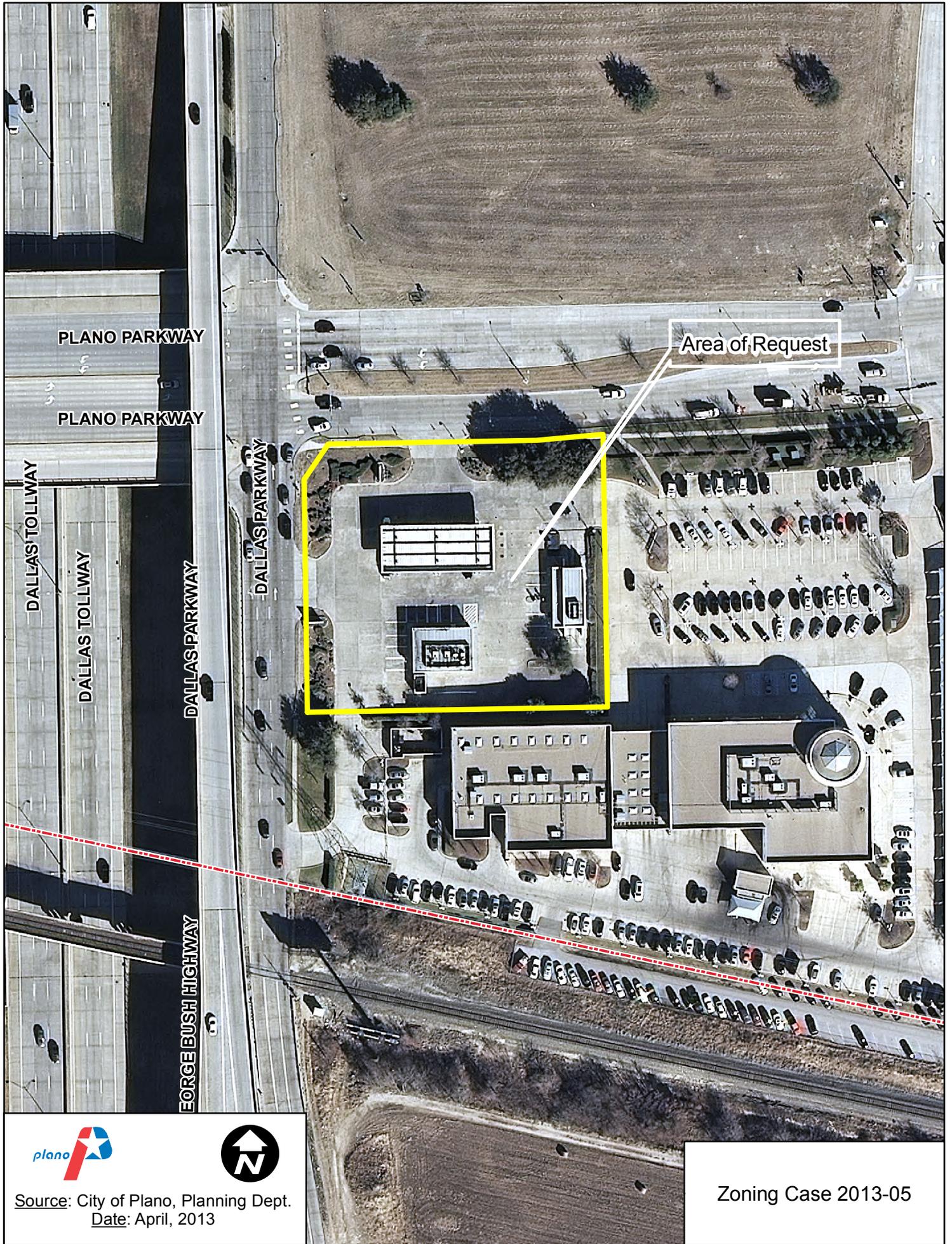


Zoning Case #: 2013-05

Existing Zoning: PLANNED DEVELOPMENT-211-LIGHT COMMERCIAL/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT

○ 200' Notification Buffer





PLANO PARKWAY

PLANO PARKWAY

DALLAS TOLLWAY

DALLAS TOLLWAY

DALLAS PARKWAY

DALLAS PARKWAY

GEORGE BUSH HIGHWAY

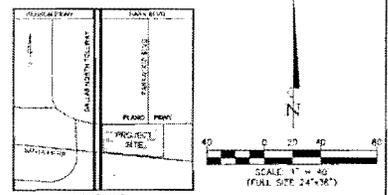
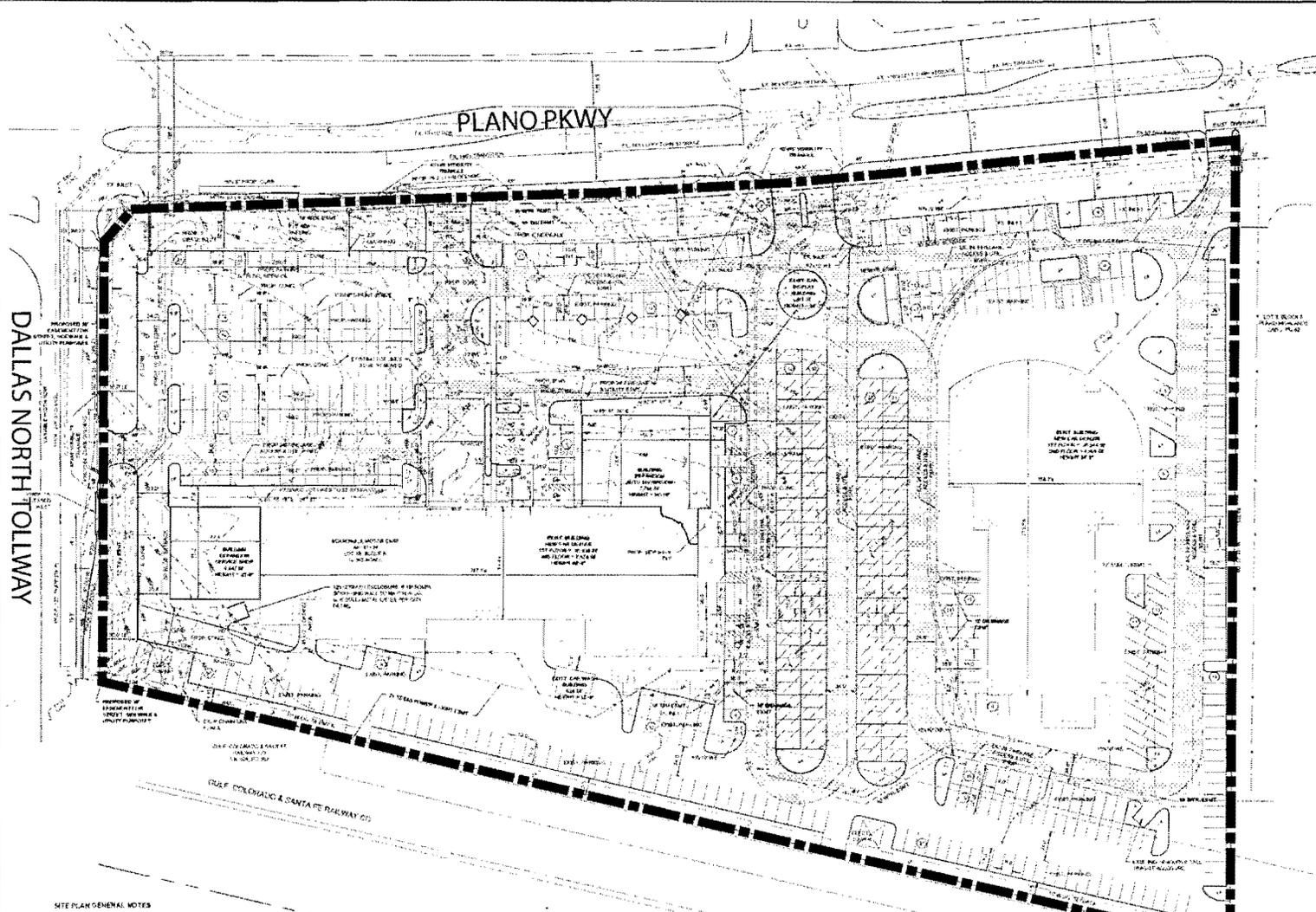
Area of Request



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

Zoning Case 2013-05

DALLAS NORTH TOLLWAY



LEGEND

⊙	NO. OF PARKING SPACES
⊙	LANDSCAPE AREA
⊙	BIODEGRADABLE PLANT AREA
⊙	LANDSCAPE EDGE
⊙	EXISTING CLADITY

EXISTING DATA SUMMARY TABLE

Item	Total Area (Total)
Overall Site Area	10,000.00
Building Footprint Area	10,000.00
Landscaping Area	10,000.00
Biodegradable Plant Area	10,000.00
Landscaping Edge	10,000.00
Existing Cladity	10,000.00

- SITE PLAN GENERAL NOTES**
1. All parking spaces shall be designed to meet the minimum requirements of the current applicable International Building Code.
 2. All parking spaces shall be designed to meet the minimum requirements of the current applicable International Building Code.
 3. All parking spaces shall be designed to meet the minimum requirements of the current applicable International Building Code.
 4. All parking spaces shall be designed to meet the minimum requirements of the current applicable International Building Code.
 5. All parking spaces shall be designed to meet the minimum requirements of the current applicable International Building Code.
 6. All parking spaces shall be designed to meet the minimum requirements of the current applicable International Building Code.
 7. All parking spaces shall be designed to meet the minimum requirements of the current applicable International Building Code.
 8. All parking spaces shall be designed to meet the minimum requirements of the current applicable International Building Code.
 9. All parking spaces shall be designed to meet the minimum requirements of the current applicable International Building Code.
 10. All parking spaces shall be designed to meet the minimum requirements of the current applicable International Building Code.
 11. All parking spaces shall be designed to meet the minimum requirements of the current applicable International Building Code.
 12. All parking spaces shall be designed to meet the minimum requirements of the current applicable International Building Code.
 13. All parking spaces shall be designed to meet the minimum requirements of the current applicable International Building Code.
 14. All parking spaces shall be designed to meet the minimum requirements of the current applicable International Building Code.

WATCH METER SCHEDULE

W	M	T	R	S	D
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4

GENERAL NOTES

1. ALL DIMENSIONS ARE CENTER LINE UNLESS OTHERWISE NOTED.

2. ALL DIMENSIONS ARE CENTER LINE UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE CENTER LINE UNLESS OTHERWISE NOTED.

4. ALL DIMENSIONS ARE CENTER LINE UNLESS OTHERWISE NOTED.

Purpose of Revised Site Plan is to show proposed building improvements and elevations. Also the existing Lot 1 and Lot 2R are being combined into one Lot.

REQUEST FOR A S.U.P. EXPANSION FOR A NEW CAR DEALER TO INCLUDE LOT 1, BLOCK A, OF PLANO HIGHLANDS ADDITION AS PART OF S.U.P.-561 FOR A NEW CAR DEALER

BOARDWALK MOTOR CARS ADDITION

BY THE REPLACEMENT OF LOT 1, BLOCK A OF PLANO HIGHLANDS ADDITION AND LOT 2R, BLOCK A OF PLANO HIGHLANDS ADDITION WITH A BOARDWALK MOTOR CARS ADDITION.

REVISED SITE PLAN

MORIS A. JACKSON ENGINEERING, ABSTRACT NO. 888, CITY OF DALLAS, DALLAS COUNTY, TEXAS.

MULTITECH

12000 WEST PLANO PARKWAY, SUITE 100, PLANO, TEXAS 75075
 CONTACT: JOHN DAVID WEAVER
 PHONE: 972-392-1100
 FAX: 972-392-1101

DATE: 10/20/11
 SHEET NO.: C-201

Zoning Case 2013-05

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. 561 for the additional use of New Car Dealer on 1.4± acres of land out of the Moses A. Jackson Survey, Abstract No. 486, located at the southeast corner of Dallas North Tollway and Plano Parkway, in the City of Plano, Collin County, Texas, presently zoned Planned Development-211-Light Commercial; 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 22nd day of April, 2013, for the purpose of considering the expansion of Specific Use Permit No. 561 for the additional use of New Car Dealer, on 1.4± acres of land out of the Moses A. Jackson Survey, Abstract No. 486, located at the southeast corner of Dallas North Tollway and Plano Parkway, in the City of Plano, Collin County, Texas, presently zoned Planned Development-211-Light Commercial; 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 22nd day of April, 2013; and

WHEREAS, the City Council is of the opinion and finds that expanding Specific Use Permit No. 561 for New Car Dealer on 1.4± acres of land out of the Moses A. Jackson Survey, Abstract No. 486, located at the southeast corner of Dallas North Tollway and Plano Parkway, in the City of Plano, Collin County, Texas, 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. 561 allowing for the additional use of New Car Dealer on 1.4± acres of land out of the Moses A. Jackson Survey, Abstract No. 486, located at the southeast corner of Dallas North Tollway and Plano Parkway, in the City of Plano, Collin County, Texas, presently zoned Planned Development-211-Light Commercial, 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 22ND DAY OF APRIL, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2013-05

BEING a tract of land situated in the Moses A. Jackson Survey, Abstract No. 486, being all of Lot 1, Block A, Plano Highlands Addition, an Addition in the City of Plano, Texas according to the Plat thereof recorded in Cabinet H, Page 111, Plat Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found with cap stamped "Miller" at the north end of a cutoff at the intersection of the south right-of-way line of Plano Parkway (a variable right-of-way) with the east right-of-way line of Dallas Parkway (a variable right-of-way), being at the northwest corner of said Lot 1, Block A;

THENCE North, 89° 58' 09" East, along the south right-of-way line of Plano Parkway and the north line of said Lot 1, Block A, a distance of 178.47 feet to a 1/2-inch iron rod set with yellow cap stamped AJL LANE RPLS 2509" for angle point;

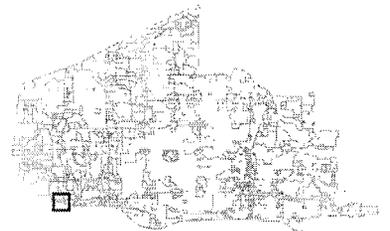
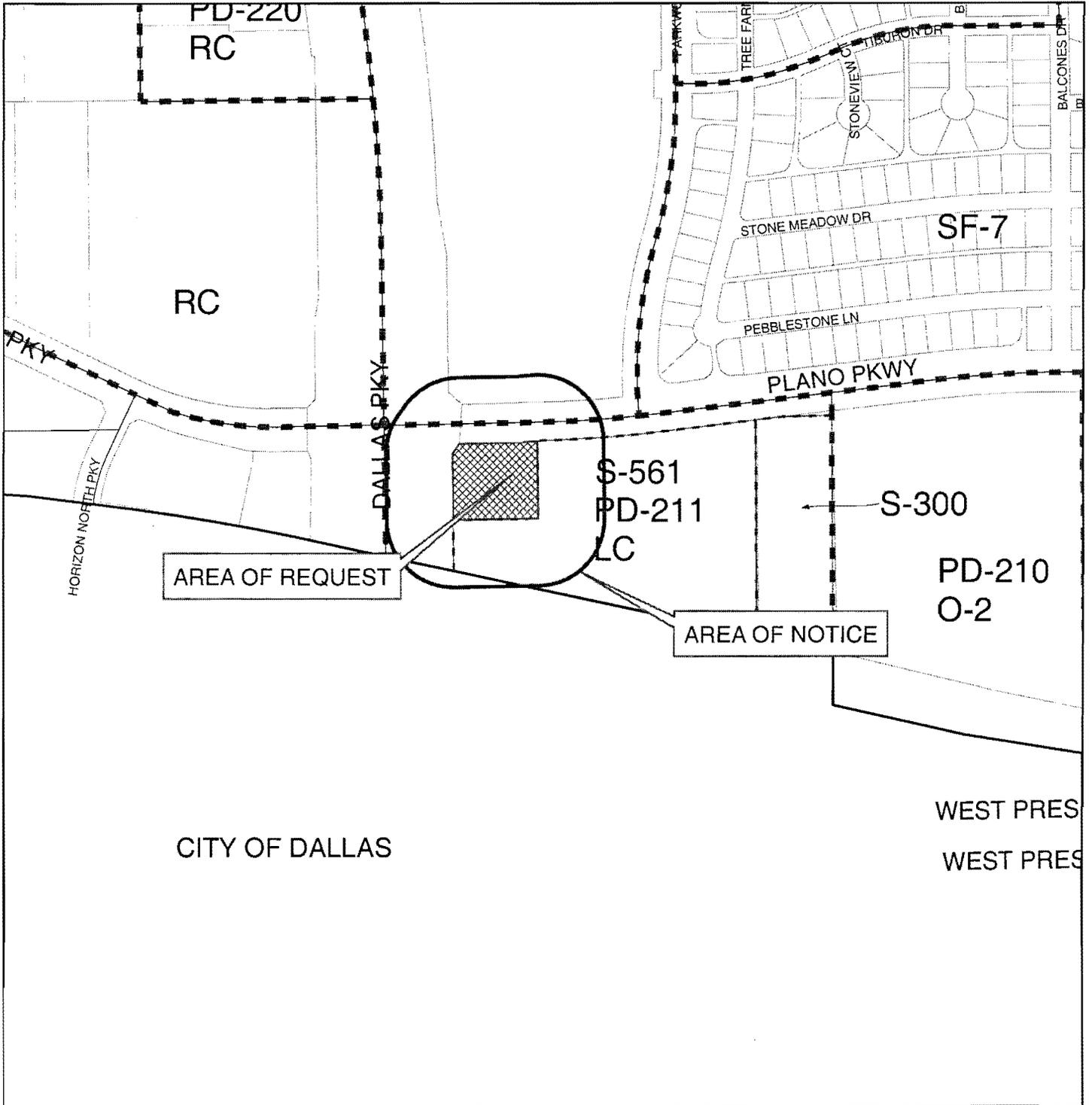
THENCE North, 86° 10' 31" East, along the south right-of-way line of Plano Parkway and the north line of said Lot 1, Block A, a distance of 57.27 feet to a point for corner at the northeast corner of said Lot 1, Block A and the most northerly northwest corner of Lot 2R, Block A, Boardwalk Motor Cars Addition, recorded in Book 2008, Page 359, Plat Records, Collin County, Texas;

THENCE South, 00° 01' 17" West, departing the south right-of-way line of Plano Parkway and along the common line of said Lot 1, Block A and said Lot 2R, Block A, a distance of 233.79 feet to a 5/8-inch iron rod found stamped "BDD" at the southeast corner of said Lot 1;

THENCE South, 89° 55' 16" West, continuing along said common line, a distance of 257.27 feet to a point for corner in the east right-of-way line of Dallas Parkway, said point being at the Southwest corner of said Lot 1, Block A and the most southerly northwest corner of said Lot 2R, Block A;

THENCE North, 00° 04' 30" East, along the east right-of-way line of Dallas Parkway and the west line of said Lot 1, Block A, a distance of 200.02 feet to a cross found at the south end of said cutoff at the intersection of the east right-of-way line of Dallas Parkway with the south right-of-way line of Plano Parkway;

THENCE North, 35° 24' 37" East, along said cutoff, a distance of 37.07 feet to the PLACE OF BEGINNING and CONTAINING 58,959 square feet or 1.354 acres of land.

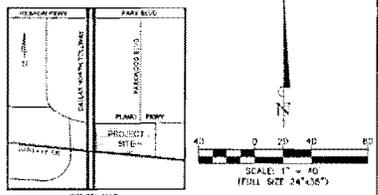
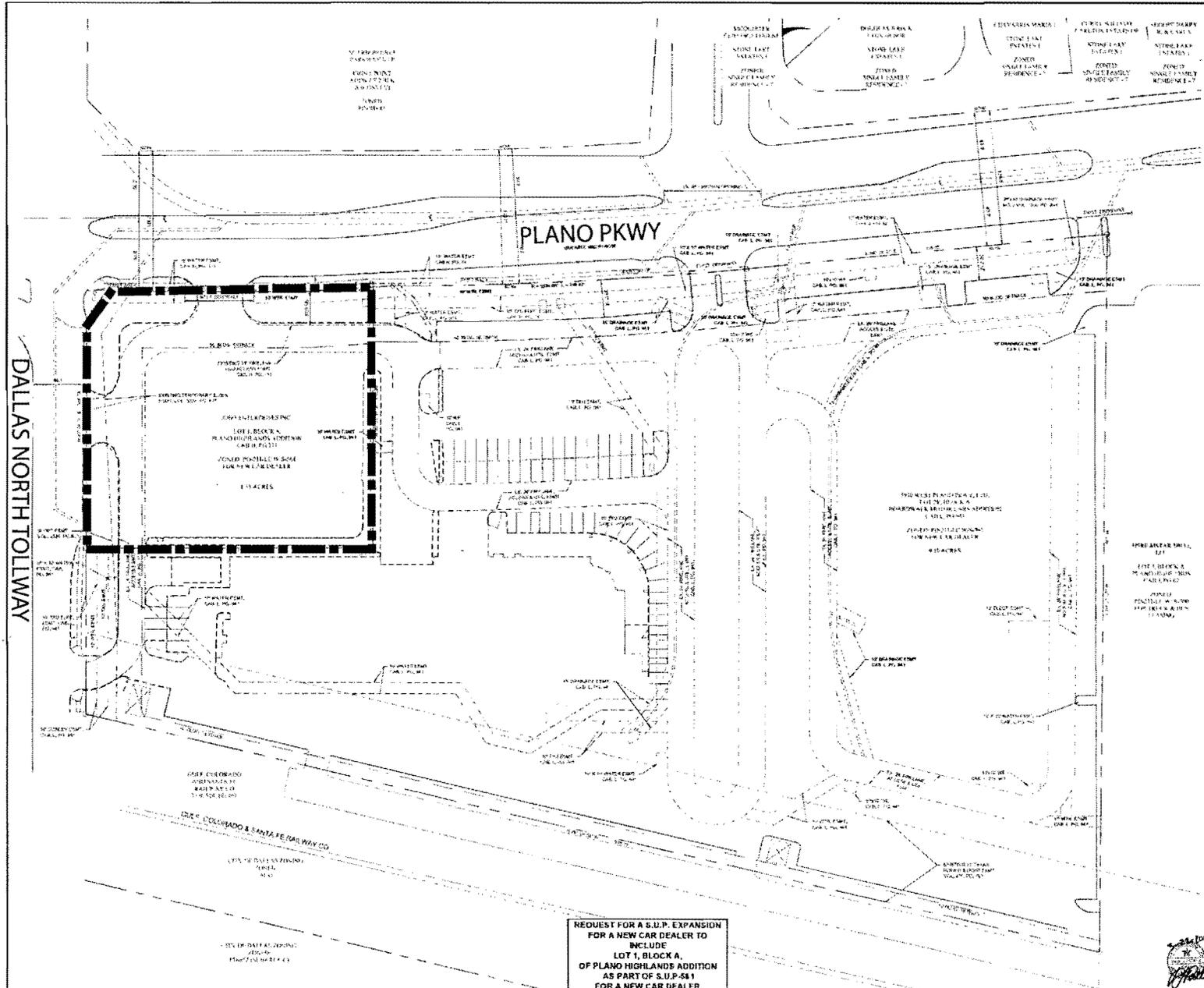


Zoning Case #: 2013-05

Existing Zoning: PLANNED DEVELOPMENT-211-LIGHT COMMERCIAL/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT

○ 200' Notification Buffer





PROPERTY DESCRIPTION

1. A certain tract of land situated in the County of Rockwall, State of Texas, containing 4.00 acres, more or less, being all of Lot 1, Block A, of the Plano Highlands Addition, as shown on the plat of the same recorded in Official Public Records, Rockwall County, Texas, and being more particularly described as follows:

2. A certain tract of land situated in the County of Rockwall, State of Texas, containing 4.00 acres, more or less, being all of Lot 1, Block A, of the Plano Highlands Addition, as shown on the plat of the same recorded in Official Public Records, Rockwall County, Texas, and being more particularly described as follows:

3. A certain tract of land situated in the County of Rockwall, State of Texas, containing 4.00 acres, more or less, being all of Lot 1, Block A, of the Plano Highlands Addition, as shown on the plat of the same recorded in Official Public Records, Rockwall County, Texas, and being more particularly described as follows:

4. A certain tract of land situated in the County of Rockwall, State of Texas, containing 4.00 acres, more or less, being all of Lot 1, Block A, of the Plano Highlands Addition, as shown on the plat of the same recorded in Official Public Records, Rockwall County, Texas, and being more particularly described as follows:

5. A certain tract of land situated in the County of Rockwall, State of Texas, containing 4.00 acres, more or less, being all of Lot 1, Block A, of the Plano Highlands Addition, as shown on the plat of the same recorded in Official Public Records, Rockwall County, Texas, and being more particularly described as follows:

ZONING SUMMARY TABLE

	LOT 1, BLOCK A	LOT 2, BLOCK A
EXISTING ZONING	LIGHT COMMERCIAL (PC15)	LIGHT COMMERCIAL (PC15) (S)
REQUESTED ZONING	LIGHT COMMERCIAL (PC15) (S)	NO CHANGE
CHANGE ACRES	1.55 ACRES	0.14 ACRES

APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY UNZONED STUDY, PLAN, OR PLANS. APPROVAL OF DEVELOPMENT STANDARDS, REGULATIONS, AND ZONING COMMISSION AND CITY COUNCIL ACTIONS STUDIED, PLANS OR PLANS RELATING TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AN INDEPENDENT PROCESS TAKEN ON THE ZONING CASE.

BOUNDARIES

BOUNDARY 1
 CORNER OF LOT 1, BLOCK A AND LOT 2, BLOCK A AT THE INTERSECTION OF THE EAST AND WEST STREETS.
 ELEVATION: 402.00'

BOUNDARY 2
 CORNER FROM CITY OF PLANO, STATION 8+25.
 ELEVATION: 402.00'

OWNER
 PLANO HIGHLANDS ADDITION
 CONTACT: JOHN DAVIS McFARREN
 10000 W. HAWK CREEK ROAD
 PLANO, TEXAS 75075
 (972) 462-2285

SURVEYOR
 LANE'S SURVEYING INC.
 2111 MILLER DRIVE, SUITE B
 MCKINNEY, TEXAS 75069-2702
 (972) 581-4462

ZONING CASE 2013-05

LOT 1, BLOCK A
 PLANO HIGHLANDS ADDITION
 CASE NO. 13118-05-01
 MIDDLE A. JACKSON QUINCY, ARCHITECT P.A.
 CITY OF PLANO, COLLEGE PARK, TEXAS

ZONING EXHIBIT

THESE REVISIONS
 2013-05-01
 2013-05-01
 2013-05-01
 2013-05-01
 2013-05-01

DATE PREPARED BY: TARA BADELA, PLS
 DATE: 05/01/13
 SHEET NO.: ZE-1

REQUEST FOR A S.U.P. EXPANSION FOR A NEW CAR DEALER TO INCLUDE LOT 1, BLOCK A, OF PLANO HIGHLANDS ADDITION AS PART OF S.U.P.-541 FOR A NEW CAR DEALER

DALLAS NORTH TOLLWAY

PLANO PKWY

