

DATE: April 8, 2014
TO: Honorable Mayor & City Council
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 7, 2014

**AGENDA ITEM NO. 8 - PUBLIC HEARING
ZONING CASE 2014-07
APPLICANT: ENTERPRISE HOLDINGS**

Request for Specific Use Permit for Automobile Leasing/Renting on 0.1± acre located 165± feet south of State Highway 121 and 510± feet west of Granite Parkway. Zoned Central Business-1/State Highway 121/Dallas North Tollway Overlay Districts.

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 28, 2014 (To view the agenda for this meeting, see www.planotx.gov)

PUBLIC HEARING - ORDINANCE

RA/dc

xc: James Kirchhoff, Granite Properties
Heath Middleton, Enterprise Holdings
Wayne Snell, Permit Services Manager

<http://goo.gl/maps/bODRh>

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 7, 2014

Agenda Item No. 8

Public Hearing: Zoning Case 2014-07

Applicant: Enterprise Holdings

DESCRIPTION:

Request for Specific Use Permit for Automobile Leasing/Renting on 0.1± acre located 165± feet south of State Highway 121 and 510± feet west of Granite Parkway. Zoned Central Business-1/State Highway 121/Dallas North Tollway Overlay Districts.

REMARKS:

The requested zoning is for a Specific Use Permit (SUP) for Automobile Leasing/Renting. The Zoning Ordinance defines automobile leasing/renting as the storage, leasing, or renting of automobiles, motorcycles, and light load vehicles. 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 zoned Central Business-1 (CB-1). The CB-1 district is intended for use in conjunction with the Commercial Employment (CE) district to permit a highly concentrated business center similar to traditional downtown areas of major cities.

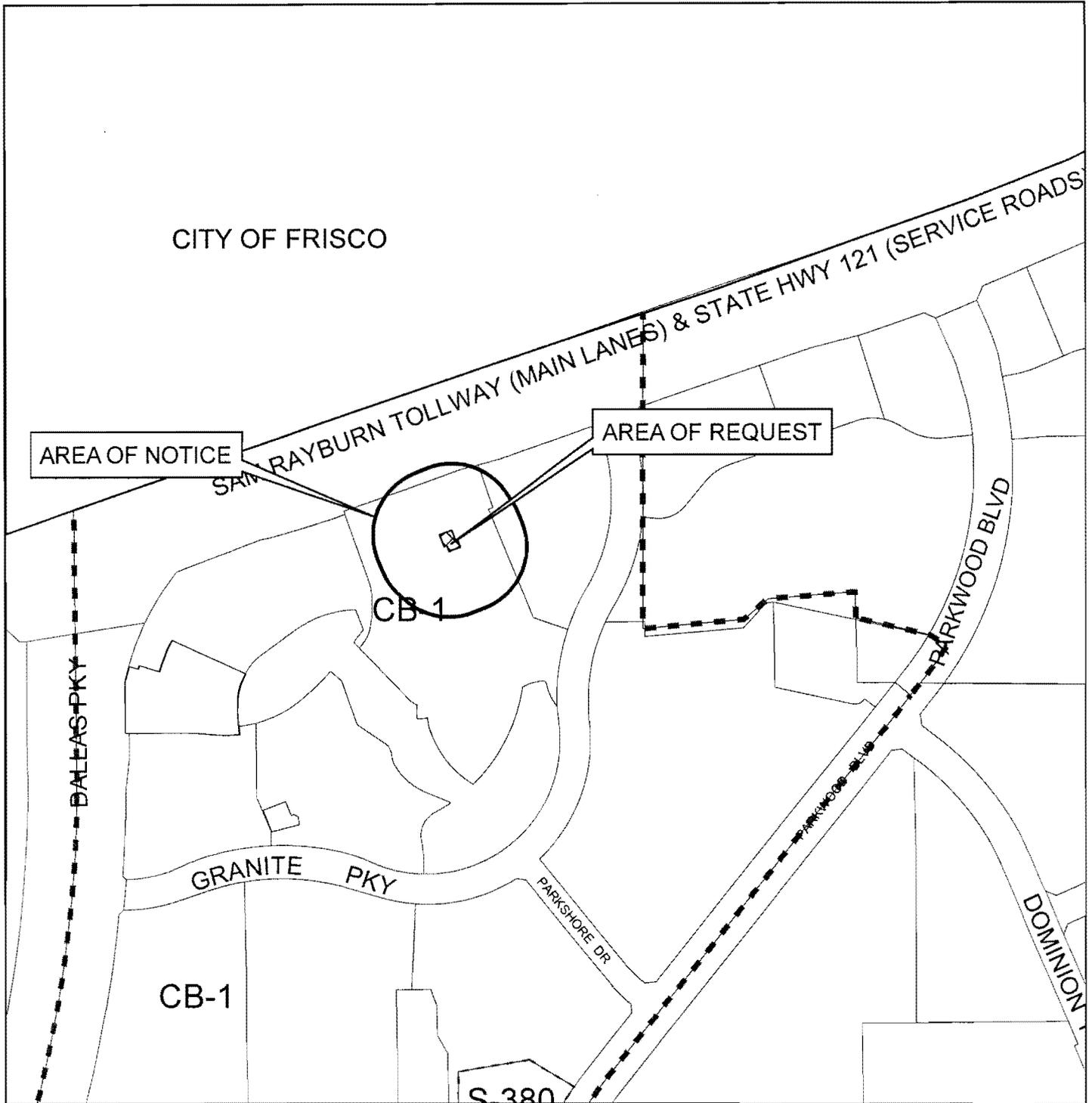
The land to the west, east, and south (across from Granite Parkway) of the subject property is zoned CB-1 and is undeveloped. To the north, across State Highway 121, the property is located within the City of Frisco and is developed as retail.

The subject property has frontage on State Highway 121 and is developed as office, retail, restaurant, and parking garage. The site will derive its primary access from the frontage road of State Highway 121, and the vehicles associated with the automobile leasing/renting use will be stored in designated spaces within the existing parking garage. The proposed automobile leasing/renting use is consistent with the existing mix of development within the State Highway 121 and Dallas North Tollway corridor which generally consists of retail, restaurant, and automotive uses.

Due to the high traffic volume of the State Highway 121 and Dallas North Tollway corridor, and existing access from the frontage road, as well as the existing mix of development within this corridor, staff believes this is an appropriate location for automobile leasing/renting.

RECOMMENDATION:

Recommended for approval as submitted.



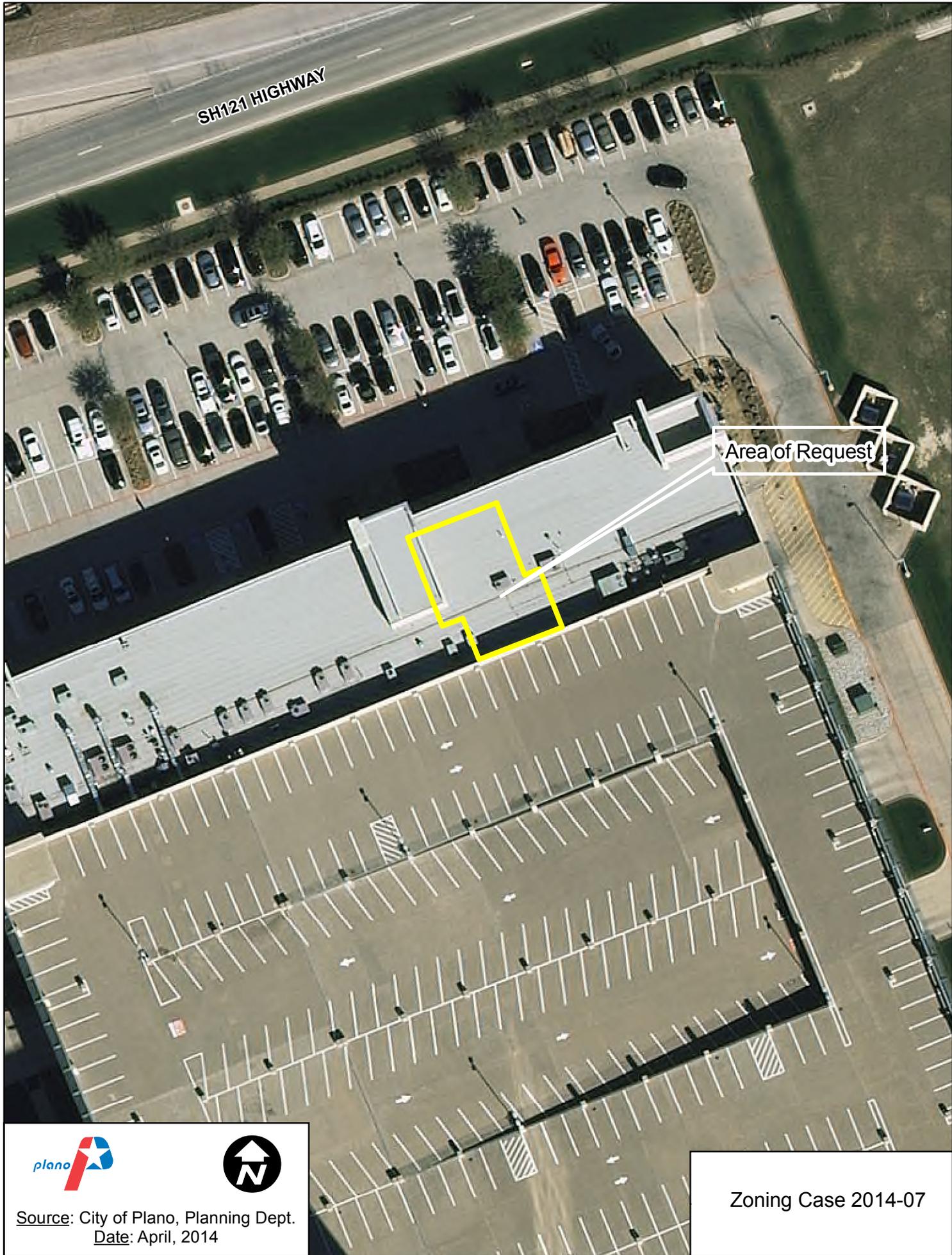
Zoning Case #: 2014-07

Existing Zoning: CENTRAL BUSINESS-1/
STATE HIGHWAY 121 &
DALLAS NORTH TOLLWAY OVERLAY DISTRICTS



○ 200' Notification Buffer





SH121 HIGHWAY

Area of Request



Source: City of Plano, Planning Dept.
Date: April, 2014

Zoning Case 2014-07

Zoning Case 2014-07

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. 648 so as to allow the additional use of Automobile Leasing/Renting on 0.1± acre of land out of the Jabez Degman Survey, Abstract No. 279, and the S.H. Brown Survey, Abstract No. 108, located 165± feet south of State Highway 121, and 510± feet west of Granite Parkway, in the City of Plano, Collin County, Texas, presently zoned Central Business-1; 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 28th day of April, 2014, for the purpose of considering granting Specific Use Permit No. 648 so as to allow the additional use of Automobile Leasing/Renting on 0.1± acre of land out of the Jabez Degman Survey, Abstract No. 279, and the S.H. Brown Survey, Abstract No. 108, located 165± feet south of State Highway 121, and 510± feet west of Granite Parkway, in the City of Plano, Collin County, Texas, presently zoned Central Business-1; 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 28th day of April, 2014; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 648 so as to allow the additional use of Automobile Leasing/Renting on 0.1± acre of land out of the Jabez Degman Survey, Abstract No. 279, and the S.H. Brown Survey, Abstract No. 108, located 165± feet south of State Highway 121, and 510± feet west of Granite Parkway, in the City of Plano, Collin County, Texas, presently zoned Central Business-1, 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. 648 so as to allow the additional use of Automobile Leasing/Renting on 0.1± acre of land out of the Jabez Degman Survey, Abstract No. 279, and the S.H. Brown Survey, Abstract No. 108, located 165± feet south of State Highway 121, and 510± feet west of Granite Parkway, in the City of Plano, Collin County, Texas, presently zoned Central Business-1, 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 28TH DAY OF APRIL, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2014-07

BEING a tract of land located in the Jabez Degman Survey, Abstract No. 279 and the S.H. Brown Survey, Abstract No. 108, Collin County, Texas, being a portion of Lot 6, Block B, Granite Park, an addition to the City of Plano, Collin County, Texas, as described in deeds recorded by County Clerk No. 98-0037186 of the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point, from which the northeast corner of said Lot 6 and the northwest corner of Lot 7, Block B, of said Granite Park, bears North, 22° 20' 40" East, 211.31 feet, said corner being in the south right-of-way line of State Highway No. 121 (a variable width right-of-way);

THENCE South, 21° 17' 49" East, 31.62 feet to a point;

THENCE North, 68° 42' 11" East, 6.50 feet to a point;

THENCE South, 21° 17' 49" East, 25.50 feet to a point;

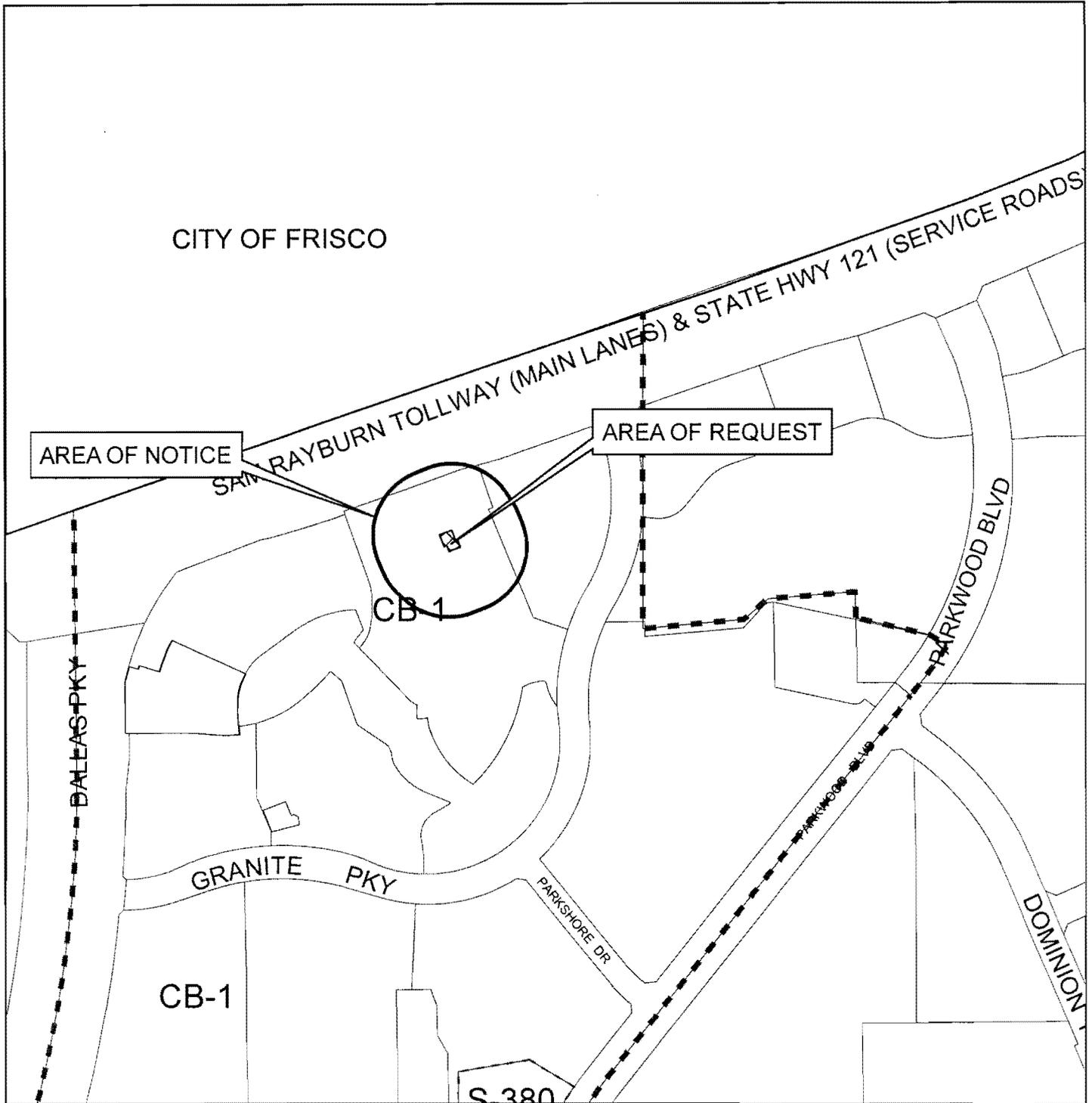
THENCE South, 68° 42' 11" West, 36.47 feet to a point;

THENCE North, 21° 17' 49" West, 18.20 feet to a point;

THENCE South, 68° 42' 11" West, 9.03 feet to a point;

THENCE North, 21° 17' 49" West, 38.93 feet to a point;

THENCE North, 68° 42' 11" East, 39.00 feet to the PLACE OF BEGINNING and CONTAINING 0.051 acre (2,229 square feet) of land, more or less.



CITY OF FRISCO

AREA OF NOTICE

AREA OF REQUEST

CB-1

CB-1

S 380



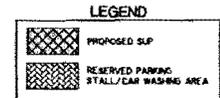
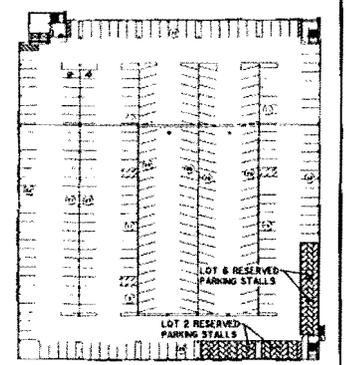
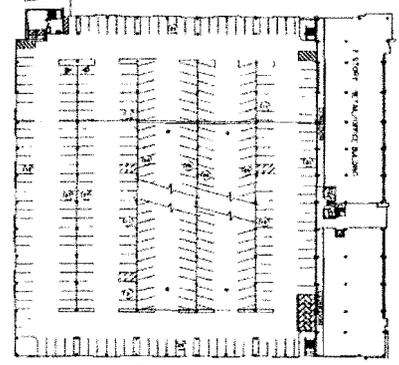
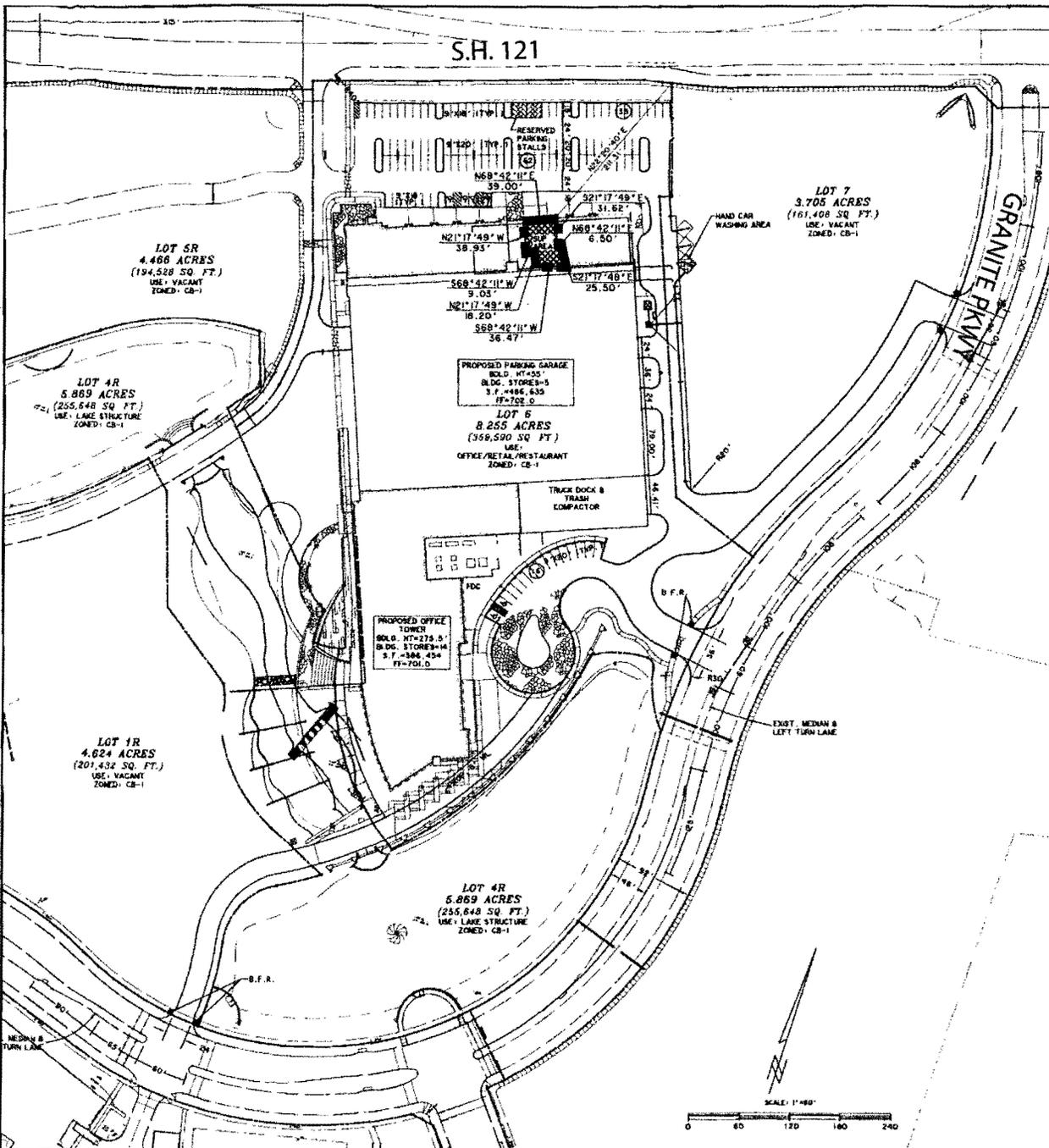
Zoning Case #: 2014-07

Existing Zoning: CENTRAL BUSINESS-1/
STATE HIGHWAY 121 &
DALLAS NORTH TOLLWAY OVERLAY DISTRICTS



○ 200' Notification Buffer



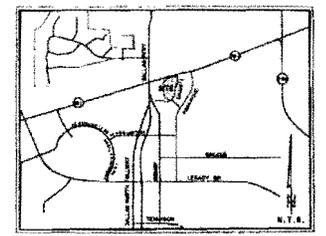


•FIELD NOTES-CAR LEASE TRACT•
Lot 6, Block B, Granite Park

BEING A TRACT OF LAND LOCATED IN THE JABEZ DEGMAN SURVEY, ABSTRACT No. 279 AND THE S H BROWN SURVEY, ABSTRACT No. 108, COLLIN COUNTY, TEXAS, BEING A PORTION OF LOT 6, BLOCK B, GRANITE PARK, AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS, RECORDED IN VOLUME 2006, PAGE 525, PLAT RECORDS, TARRANT COUNTY, TEXAS (P. R. T. C. T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT, FROM WHICH THE NORTHEAST CORNER OF SAID LOT 6 AND THE NORTHWEST CORNER OF LOT 7, BLOCK B, OF SAID GRANITE PARK, BEARS N 22° 20' 40" E, 211.31 FEET, SAID CORNER BEING IN THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY No. 121 (A VARIABLE WIDTH RIGHT-OF-WAY),

- THENCE S 21° 17' 49" E, 31.62 FEET TO A POINT,
- THENCE N 68° 42' 11" E, 6.50 FEET TO A POINT,
- THENCE S 21° 17' 49" E, 25.50 FEET TO A POINT,
- THENCE S 68° 42' 11" W, 36.47 FEET TO A POINT,
- THENCE N 21° 17' 49" W, 18.20 FEET TO A POINT,
- THENCE S 68° 42' 11" W, 9.03 FEET TO A POINT,
- THENCE N 21° 17' 49" W, 38.93 FEET TO A POINT,
- THENCE N 68° 42' 11" E, 39.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.051 ACRES (2,229 SQUARE FEET) OF LAND, MORE OR LESS.



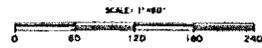
RECEIVED
MAR 10 2014

PLANNING DEPT.
ZONING EXHIBIT
FOR ZO 2014-07
GRANITE PARK PHASE III
ADDITION
BLOCK B, LOT 8

AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS AND BEING 8.255 ACRES OF LAND LOCATED IN THE SAMUEL H. BROWN SURVEY, ABSTRACT No. 108 AND THE JABEZ DEGMAN SURVEY, ABSTRACT No. 279, CITY OF PLANO, COLLIN COUNTY, TEXAS.

PREPARED BY:
WIA WIER & ASSOCIATES, INC.
ENGINEERS SURVEYORS LAND PLANNERS
701 HIGHLANDER BLVD, SUITE 300 ARLINGTON, TEXAS 76010 MEMO (817) 467-7700
Texas Firm Registration No. 1-376 www.wierandassociates.com

OWNER & DEVELOPER:
TOLLWAY/121 PARTNERS LTD
5801 GRANITE PARKWAY, SUITE 800
PLANO, TEXAS 75024
CONTACT: MR. DAVID CUNNINGHAM
PH: (972) 731-2300
FAX: (972) 731-2338
REPRESENTATIVE
WIER & ASSOCIATES
701 HIGHLANDER BLVD, SUITE 300
ARLINGTON, TEXAS 76010
CONTACT: MR. UZYS LANE
PH: (817) 467-7700
FAX: (817) 467-7718



NOTE: SUBJECT TO FAA APPROVAL AT TIME OF SITE PLAN APPROVAL.

DATE: 03-04-2014
W.A. No. 0328.03