

**DATE:** May 8, 2012  
**TO:** Honorable Mayor & City Council  
**FROM:** Chris Caso, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of May 7, 2012

**AGENDA ITEM NO. 8 - PUBLIC HEARING  
ZONING CASE 2012-14  
APPLICANT: HD DEVELOPMENT PROPERTIES, LP**

Request to amend Planned Development-175-Retail to allow truck/bus leasing on 10.6± acres generally located at the northeast corner of Parker Road and Custer Road. Zoned Planned Development-175-Retail.

**APPROVED:** 6-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA:** **SUPPORT:** 0 **OPPOSE:** 1

**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 follows (additions are shown as underlined text):

Restrictions:

1. Building material sales, truck/bus leasing, and superstore are additional allowed uses.
2. The supplemental regulations for superstore use are amended as follows:
  - a. The required landscape edge along residential district boundary lines shall be a minimum of 20 feet in width.
  - b. The required landscape edge along Parker Rd. shall be a minimum of 25 feet in width.
  - c. The separation distance between the superstore building and adjacent residential zoning district shall be a minimum of 60 feet in width.
3. The required parking shall be 461 parking spaces.

4. The gate screening the loading and unloading area must be closed at all times except during the arrival and departure of vehicles accessing the loading and unloading area.
5. The revised preliminary site plan and facade plan, attached as Exhibits B and C respectively, are adopted as part of this ordinance.

EH/dw

xc: Richard Lally, PC Plaza, L.P.  
Michael Klingl, Greenbergfarrow

**Recommendation of the Planning & Zoning Commission  
Zoning Case 2012-14  
May 7, 2012 Meeting  
Second Vice Chairman's Report**

**Agenda Item No. 8 – Public Hearing**

**Zoning Case 2012-14** – Request to amend Planned Development-175-Retail to allow truck/bus leasing on 10.9+/- acres generally located at the northeast corner of Parker and Custer Road.

**Applicant:** HD Development Properties, L.P.

**Staff Recommendation:** Recommended for denial for the following reasons:

1. This type of use is allowed in more intense zoning districts such as LI-1 and LI-2 by right, and CC and RC with specific use permit.
2. The proposed truck/bus leasing use is inconsistent with the existing mix of development along Parker Road and at the Parker Road/Custer Road intersection; the use is also inconsistent with the intent of the Retail (R) district.

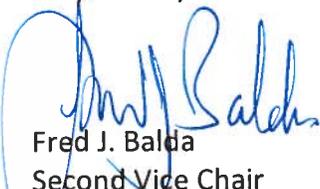
**Commission Action: APPROVED 6-0.**

The motion was made to approve the amendment to PD-175-R to allow truck/bus leasing in this district by Commissioner Downs and seconded by First Vice Chair Hazelbaker. Chairman Caso and Commissioners Cargo, Coleman and Smith were also in support of the motion. Second Vice Chair Balda and Commissioner Dry were absent.

**Additional Comments:** Commissioners also provided the following comments:

- Commissioners felt like this service would be convenient for the surrounding neighborhoods without detracting from the normal activities occurring at this Home Depot.
- There was interest requiring the trucks being stored towards the rear of the property where screening from the major roads was preferred but the Commission recognized the challenges with enforcement.

Respectfully submitted,



Fred J. Balda  
Second Vice Chair  
Plano & Zoning Commission

# CITY OF PLANO

## PLANNING & ZONING COMMISSION

May 7, 2012

### Agenda Item No. 8

**Public Hearing:** Zoning Case 2012-14

**Applicant:** HD Development Properties, LP

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#### **DESCRIPTION:**

Request to amend Planned Development-175-Retail to allow truck/bus leasing on 10.6± acres generally located at the northeast corner of Parker Road and Custer Road. Zoned Planned Development-175-Retail.

#### **REMARKS:**

The requested zoning is to amend Planned Development-175-Retail (PD-175-R) to allow truck/bus leasing as an additional permitted use. 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 and where no repair work is done. The existing retail superstore and garden center seeks approval to allow truck/bus leasing as an additional permitted use within the existing planned development district.

The subject property is zoned PD-175-R. The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls but not including wholesaling and warehousing. A PD district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls to both off and onsite conditions. PD-175-R was created in 2005 to allow redevelopment of the property for a Home Depot store.

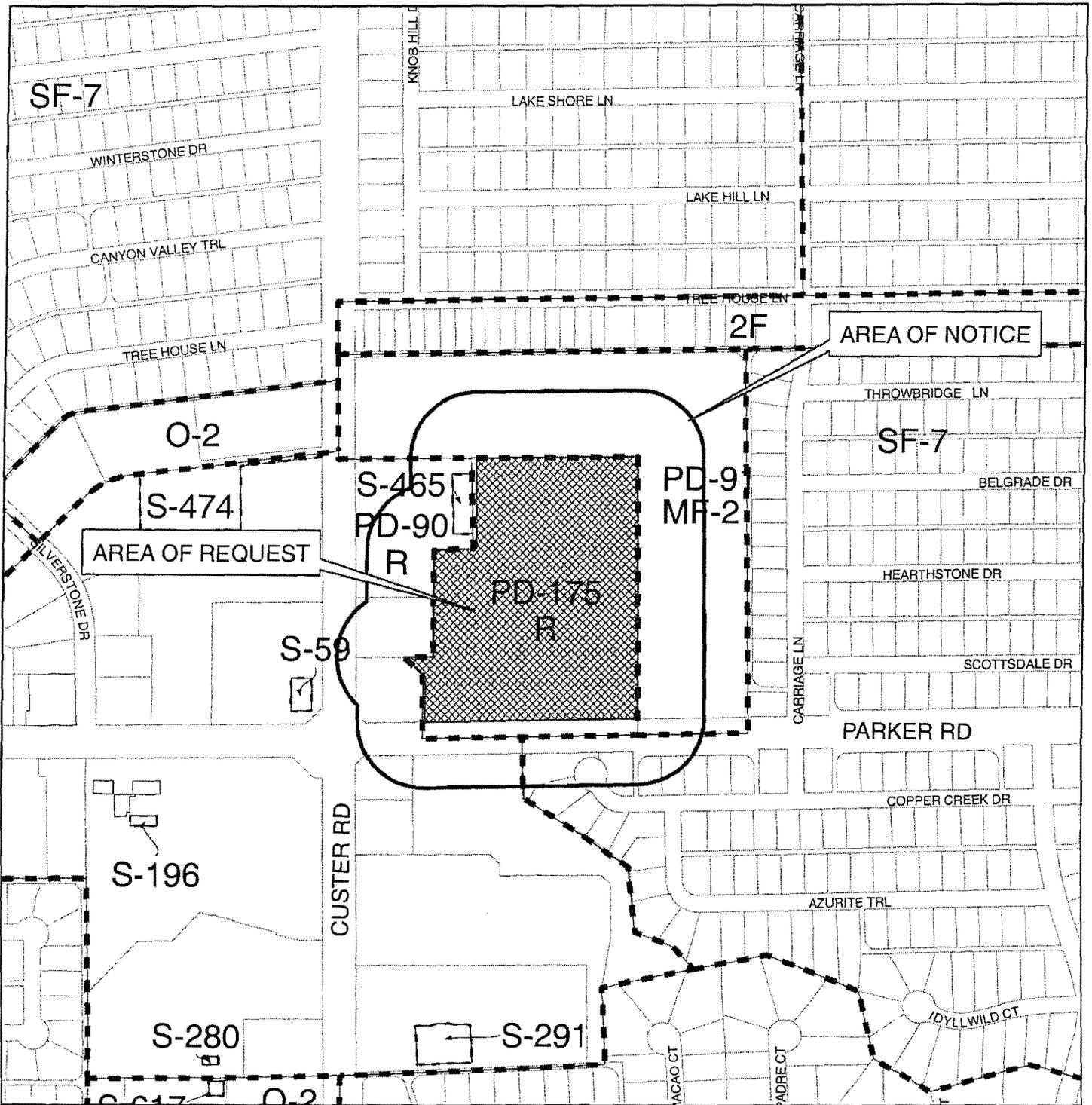
The land to the north and to the east of the subject property is zoned Planned Development-91-Multifamily Residence-2 (PD-91-MF-2) and is developed as multifamily residences. To the south, across Parker Road, is an existing single-family residential subdivision zoned Single-Family Residence-7 (SF-7), and an existing retail development zoned Planned Development-90-Retail (PD-90-R). To the west, the land is zoned PD-90-R and is developed as automotive, restaurant, and gymnastics/dance studio uses.

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 specific use permit (SUP) in the Corridor Commercial (CC) and Regional Commercial (RC) districts provided that the trucks are single-unit trucks with enclosed beds and maximum two axles. The Zoning Ordinance prohibits this use in the R district. The R zoning district allows limited automotive uses. Minor automotive repair is allowed by right, and automobile leasing/renting is permitted with an SUP. Prohibited automotive uses include major automotive repair, automobile storage, and new and used car dealer. The intent of the R district is to allow for retail, restaurant, and service uses which support the surrounding residential neighborhoods. Furthermore, the R district restricts certain uses due to the proximity of nearby residential zoning districts.

The subject property has frontage on Parker Road and is developed as a retail superstore with garden center. The site derives its primary access from Parker Road. Trucks associated with the truck/bus leasing use will be stored in the existing parking lot. The proposed truck/bus leasing use is inconsistent with the existing mix of development along Parker Road and at the intersection of Parker Road and Custer Road which includes limited automotive uses along with retail, restaurant, service uses, and residential neighborhoods. Truck/bus leasing will introduce the storage of larger vehicles, a use which is currently restricted to more intensive zoning districts. For these reasons, staff recommends denial of the zoning case.

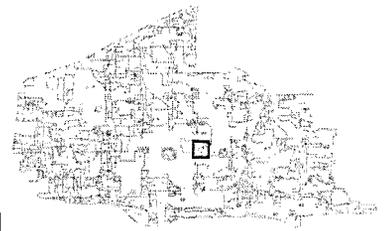
**RECOMMENDATION:**

Recommended for denial.

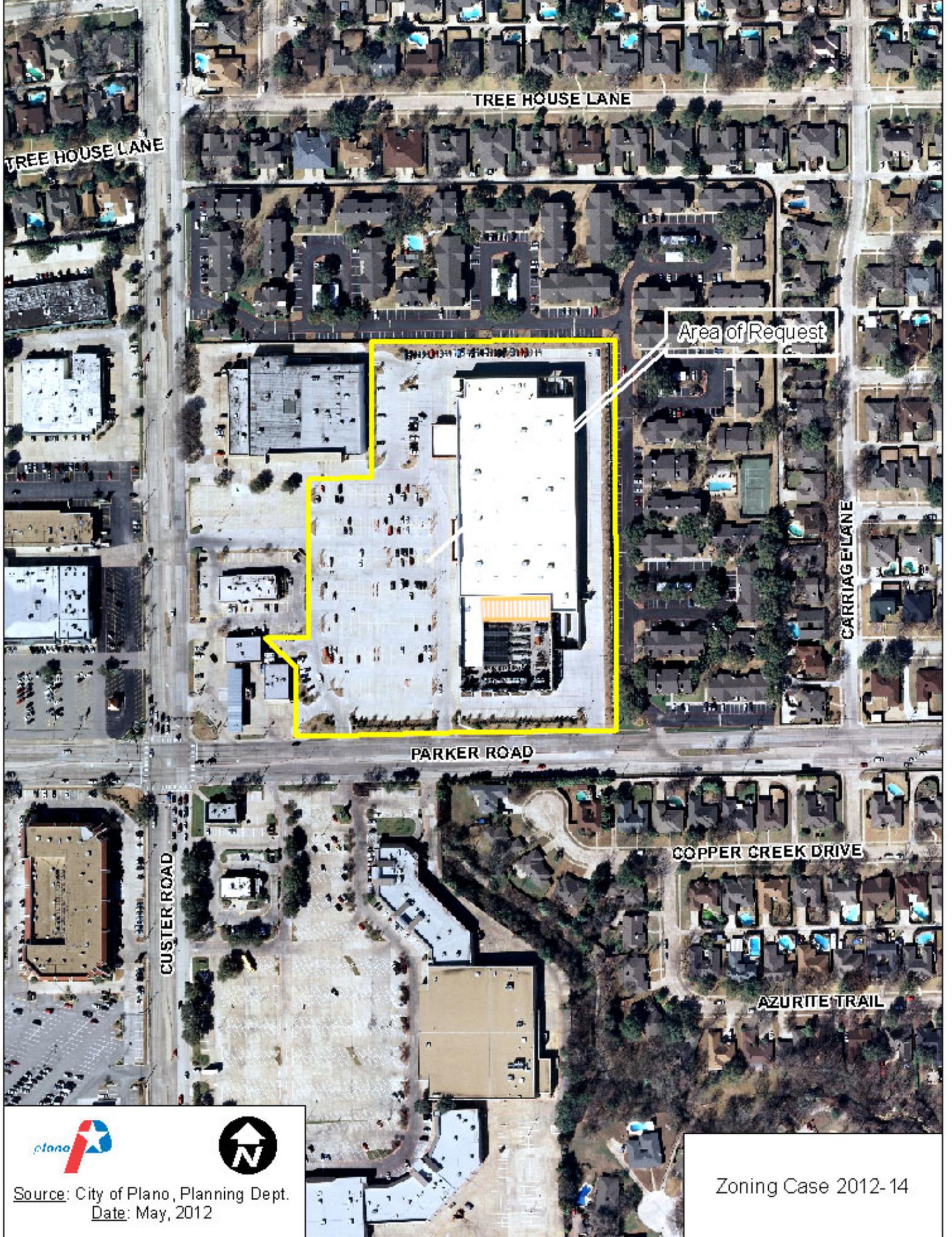


Zoning Case #: 2012-14

Existing Zoning: PLANNED DEVELOPMENT-175-RETAIL



○ 200' Notification Buffer



TREE HOUSE LANE

TREE HOUSE LANE

Area of Request

CARRIAGE LANE

PARKER ROAD

CUSTER ROAD

COPPER CREEK DRIVE

AZURITE TRAIL



Source: City of Plano, Planning Dept.  
Date: May, 2012

Zoning Case 2012-14



## Zoning Case 2012-14

**An Ordinance of the City of Plano amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development-175-Retail on 10.6± acres out of the Thomas Toby Survey, Abstract No. 927, generally located at the northeast corner of Parker Road and Custer Road in the City of Plano, Collin County, Texas, to allow truck/bus leasing as an additional permitted use; 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 29th day of May, 2012, for the purpose of considering amending Planned Development-175-Retail on 10.6± acres out of the Thomas Toby Survey, Abstract No. 927, generally located at the northeast corner of Parker Road and Custer Road in the City of Plano, Collin County, Texas, to allow truck/bus leasing as an additional permitted use; 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 29th day of May, 2012; and

**WHEREAS**, the City Council is of the opinion and finds that such amendment 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.** The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to amend Planned Development-175-Retail on 10.6± acres out of the Thomas Toby Survey, Abstract No. 927, generally located at the northeast corner of Parker Road and Custer Road in the City of Plano, Collin County, Texas, to allow truck/bus leasing as an additional permitted

use, said property being described in the legal description on Exhibit "A" attached hereto.

**Section II.** The change granted in Section I is granted subject to:

Restrictions:

1. Building material sales, truck/bus leasing and superstore are additional allowed uses.
2. The supplemental regulations for superstore use are amended as follows:
  - a. The required landscape edge along residential district boundary lines shall be a minimum of 20 feet in width.
  - b. The required landscape edge along Parker Rd. shall be a minimum of 25 feet in width.
  - c. The separation distance between the superstore building and adjacent residential zoning district shall be a minimum of 60 feet in width.
3. The required parking shall be 461 parking spaces.
4. The gate screening the loading and unloading area must be closed at all times except during the arrival and departure of vehicles accessing the loading and unloading area.
5. The revised preliminary site plan and facade plan, attached as Exhibits B and C respectively, are adopted as part of this ordinance.

**Section III.** 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 IV.** 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 V.** 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 VI.** 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 VII.** 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 VIII.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 29TH DAY OF MAY, 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

## Zoning Case 2012-14

WHEREAS, Kimco Plano 768, Inc., is the owner of all that certain lot, tract or parcel of land situated in the Thomas Toby Survey, Abstract No. 927, Collin County, Texas, and being all of Lot 3R in Block A of the Replat of Parker Plaza East, Sections Two and Three, an addition to the City of Plano, Texas according to the plat thereof recorded in Cabinet "J" at Slide 428 of the Plat Records of Collin County, Texas, and also being part of the property conveyed to Kimco Plano 768, Inc., by deed recorded in Volume 2005-0169268, Page 6057, of the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2" iron rod found in the north right of way line of Parker Road (100 foot wide) for the southeast corner of said Lot 3R, said point also being the southwest corner of Custer Park Apartments, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet "B" at Slide 117 of the Plat Records of Collin County, Texas;

THENCE South, 89° 29' 28" West, (Basis of Bearings per plat recorded in Cabinet "B" at Slide 117 of the Plat Records of Collin County, Texas) along the north right of way line of said Parker Road and being common to the south line of said Lot 3R for a distance of 624.27 feet to an "x" found in concrete for corner, said point being the southeast corner of Lot 1 in Block A of Parker Plaza East, Section One Addition, an addition to the City of Plano, Texas according to the plat thereof recorded in Volume 11 at Page 52 of the Plat Records of Collin County, Texas;

THENCE North, 00° 03' 58" East, and following along the common line of said Lot 3R and Lot 1 in Block A of the Parker Plaza East Section One for a distance of 143.00 feet to an "x" found in concrete for corner;

THENCE North, 45° 11' 30" West, and following along the common line of said Lot 3R and Lot 1 in Block A of the Parker Plaza East Section One for a distance of 80.12 feet to an "x" found in concrete for corner;

THENCE North, 89° 29' 38" East, along the south line of Lot 2R in Block A of the Replat of Parker Plaza East, Sections Two and Three, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet "J" at Slide 428 of the Plat Records of Collin County, Texas, for a distance of 87.96 feet to an "x" found in concrete for corner;

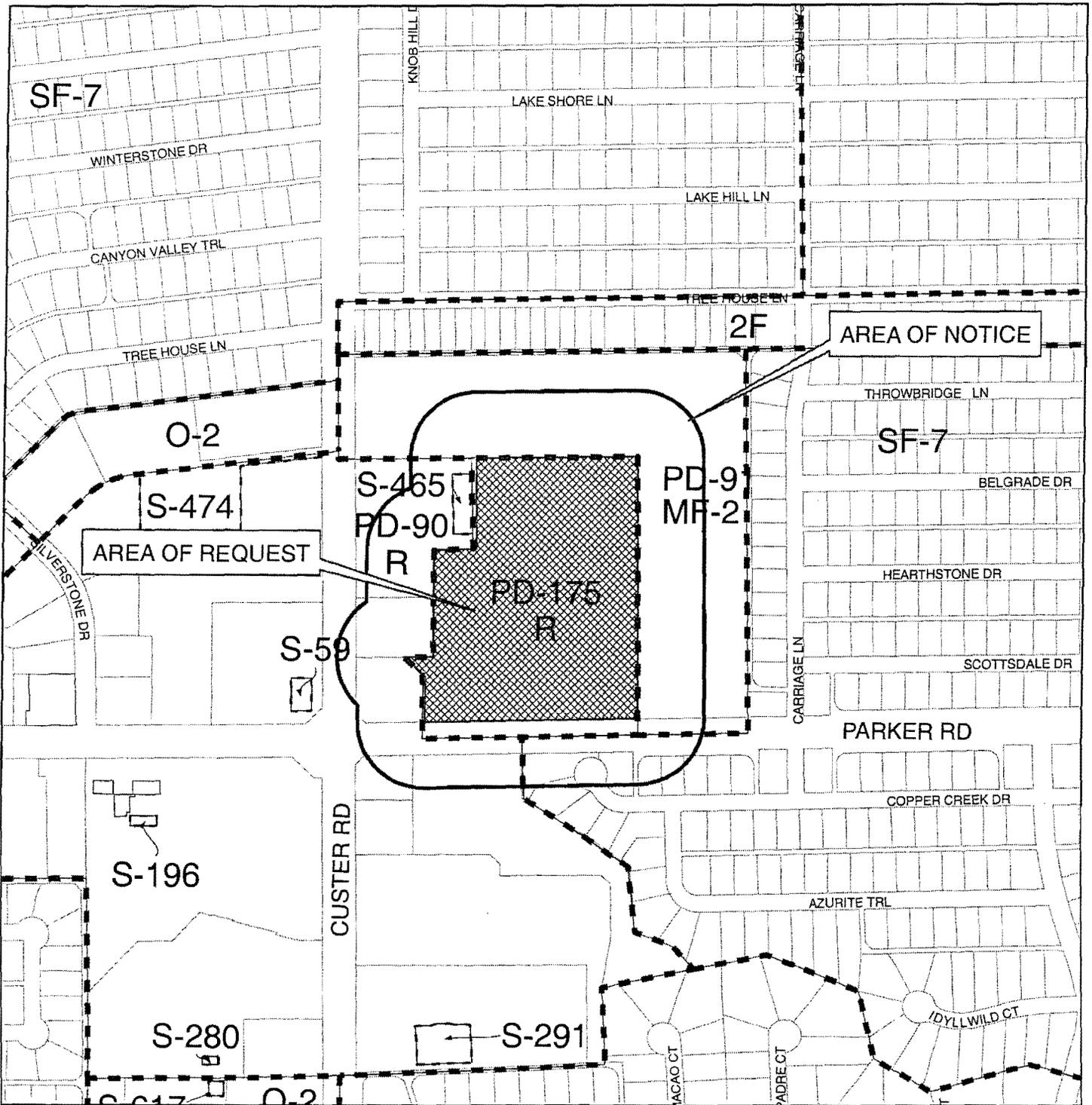
THENCE North, 00° 00' 33" East, and passing the northeast corner of said Lot 2R at a distance of 178.00 feet and continuing in all for a distance of 319.78 feet to an "x" found in concrete for corner;

THENCE South, 89° 57' 20" East, for a distance of 121.94 feet to an "x" found in concrete for the southeast corner of Lot 4R in Block A of the Replat of Parker Plaza East, Sections Two and Three, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet "J" at Slide 428 of the Plat Records of Collin County, Texas;

THENCE North, 00° 00' 33" East, along the common line of Lots 3R and 4R in Block A for a distance of 273.25 feet to an "x" found for the northwest corner of Lot 3R in Block A;

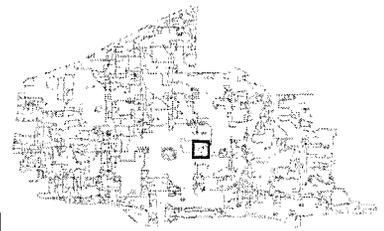
THENCE South, 89° 57' 20" East, along the north line of said Lot 3R, same being common to the aforesaid Custer Park Apartments for a distance of 494.32 feet to a 1/2" iron rod found for the northeast corner of said Lot 3R;

THENCE South, 00° 01' 41" West, for a distance of 787.04 feet to the POINT OF BEGINNING and CONTAINING 461,279 SQUARE FEET or 10.5895 acres of land, more or less.

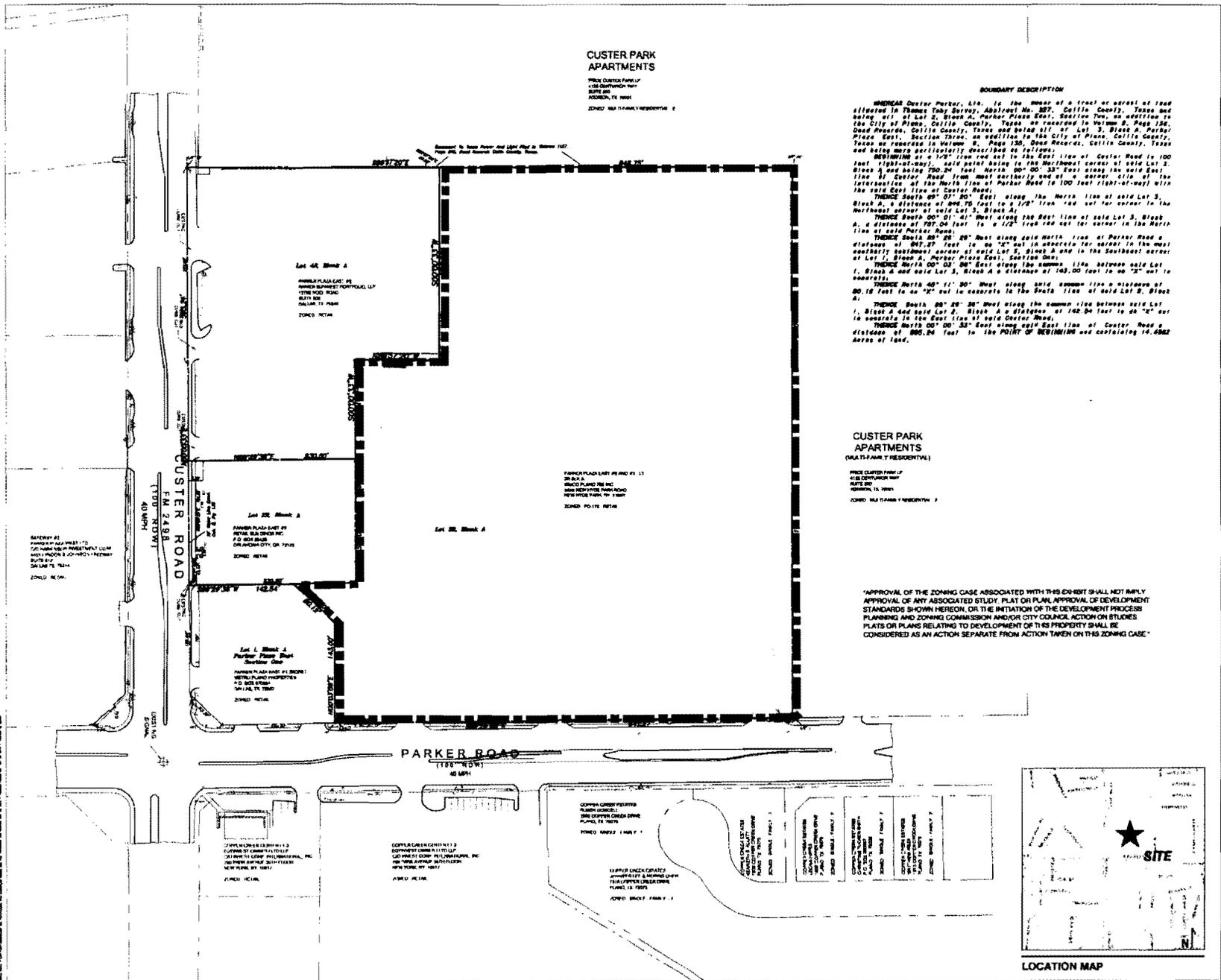


Zoning Case #: 2012-14

Existing Zoning: PLANNED DEVELOPMENT-175-RETAIL



○ 200' Notification Buffer



# GreenbergFarrow

21 S. Evergreen Ave. Suite 200  
 Arlington Heights, Illinois 60005  
 T: 847 788 9200 F: 847 788 9538

## PROJECT INFORMATION

**SITE AREA**  
 THE HOME DEPOT 10.59 ACRES

**SURVEY UNDERLAY PREPARED**  
 HERSEY AND ASSOCIATES  
 9304 FOREST LANE  
 SUITE 125  
 DALLAS, TX 75243  
 DATED: SEPTEMBER 27, 1996

**PROPERTY OWNER:**  
 KIMCO PLANO 788 INC  
 3333 NEW HYDE PARK ROAD  
 NEW HYDE PARK, NY 11042

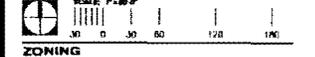
## PROJECT NOTES

DRAWING REVISION RECORD		
DATE	REVISION	INITIALS
02/06/13	ZONING APPLICATION	DU
07/19/17	CITY COMMENTS	DU

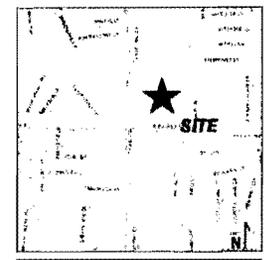
**SITE PLANNER** DU  
**SITE DEV. COORDINATOR** WRK



**ZONING CASE NO.** 2012-14  
**OF PROJECT NUMBER** 20110652.0



## ZONING EXHIBIT



LOCATION MAP