



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		06/11/12		
Department:		Planning		
Department Head		Phyllis Jarrell		
Agenda Coordinator (include phone #): T. Stuckey, ext. 7156				
CAPTION				
<p>Public Hearing and consideration of 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 rezone 3.6± acres out of the J.M. Salmons Survey, Abstract No. 815, located at the northwest corner of Parker Road and Jupiter Road in the City of Plano, Collin County, Texas, from Agricultural to Planned Development-229-Retail; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Tabled 5/29/12.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
<p>On May 29, 2012, City Council tabled this zoning case at the applicant's request to the June 11, 2012 meeting. This item must be removed from the table.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
P&Z Followup Memo		Planning & Zoning Commission		
2nd Vice Chair Report				
Staff Writeup and Maps				
Ordinance				

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. 6A - PUBLIC HEARING
ZONING CASE 2012-05
APPLICANT: RACETRAC**

Request to rezone 3.6± acres located at the northwest corner of Parker Road and Jupiter Road **from** Agricultural **to** Planned Development-Retail. Zoned Agricultural. Tabled March 5, 2012, March 19, 2012, and April 2, 2012.

APPROVED: 6-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **OPPOSE:** 2

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:

The permitted uses and standards shall be in accordance with the R zoning district unless otherwise specified herein.

1. Fuel dispensing facilities shall be permitted within 150 feet of a residential zoning district.
2. A five-foot landscape edge shall be provided along all adjacent streets.

EH/dw

xc: Jolly Tucker, Meader-Hale, Ltd.
Kevin Weir, Spiars Engineering

Recommendation of the Planning & Zoning Commission
Zoning Case 2012-05
May 7, 2012 Meeting
Second Vice Chairman's Report

Agenda Item No. 6A – Public Hearing

Zoning Case 2012-05 – Request to rezone 3.6 acres located at the northwest corner of Parker Road and Jupiter Road from Agricultural to Planned Development Retail. This case had been tabled at three prior meetings (March 5, 2012, March 19, 2012 and April 2, 2012).

Applicant: RaceTrac

Staff Recommendation: Recommended for denial for the following reasons:

1. Request is not in conformance with the Future Land Use Plan.
2. Plano, as well as this specific area, currently has an overabundance of Retail (R) zoned property.
3. Rezoning small individual parcels (less than 5 acres) or the creation of a PD in order to amend two development standards should be avoided. The City's policy has always been to have appropriately sized, contiguously zoned properties to provide for compatible land uses and development standards as opposed to "spot zoning".
4. Request proposes a use that is prohibited by the residential adjacency standards when adjacent to residential zoned property.

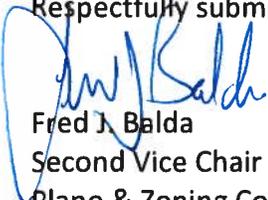
Commission Action: APPROVED 6-0.

The motion was made to approve the rezoning request by Commissioner Downs and seconded by Commissioner Smith. Chairman Caso, First Vice Chair Hazelbaker and Commissioners Cargo and Coleman were also in support of motion. Second Vice Chair Balda and Commissioner Dry were absent.

Additional Comments: Commissioners also provided the following comments:

- Commissioners felt like there is a need for this use on the east side of Plano.
- The aesthetics of the building and landscaping are appealing.
- Good use for this unique site configuration.
- Liked the fact that this is a "user" and not speculative zoning which occurred on the southwest corner of this same intersection.
- Would still like to see the adjacent property try to work out the access issues between the properties.
- Consider removing the requirement of building a masonry screening wall between the properties in order not to deter connectivity in the future.

Respectfully submitted,


Fred J. Balda
Second Vice Chair
Plano & Zoning Commission

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 7, 2012

Agenda Item No. 6A

Public Hearing: Zoning Case 2012-05

Applicant: RaceTrac

DESCRIPTION:

Request to rezone 3.6± acres located at the northwest corner of Parker Road and Jupiter Road **from** Agricultural **to** Planned Development-Retail. Zoned Agricultural. Tabled March 5, 2012, March 19, 2012, and April 2, 2012.

REMARKS:

This item was tabled at the April 2, 2012, Planning & Zoning Commission meeting. It must be removed from the table.

The applicant is requesting to rezone an undeveloped 3.6± acre tract from Agricultural (A) to Planned Development-Retail (PD-R) zoning. This tract was created when the rights-of-way for the Jupiter Road and Parker Road intersection was realigned.

The subject property is currently undeveloped. The existing A district is intended to provide for farming, dairying, pasturage, horticulture, animal husbandry, and the necessary accessory uses for the packing, treating, or storing of produce. It is anticipated that all A districts will be changed to other zoning classifications as the city proceeds toward full development.

The requested zoning is PD-R. 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 appropriate to both off and onsite conditions. The PD district requested proposes the following but is not limited to: exempting the subject property from the minimum distance separation requirements pertaining to fuel dispensing facilities from residential zoning districts, and reduced landscape edge requirements.

Surrounding Land Use and Zoning

The property to the west and north of this tract is zoned A, and is partially developed as single-family residences and a farm. To the east, across Jupiter Road, the property is

undeveloped, and was recently rezoned to Patio Home for future single-family residences. To the south, across Parker Road, the property is zoned R and is partially developed as a convenience store with gas pumps.

Proposed Planned Development Stipulations

The requested zoning is PD-R. The purpose for the PD is to exempt the proposed convenience store with gas pumps use from Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards (RAS)) of Article 3 (Supplementary Regulations) which prohibits fuel dispensing facilities from locating within 150 feet of a residential zoning district. Additionally, the applicant is requesting a five-foot landscape edge along public rights-of-way instead of the current 15-foot landscape edge requirement.

The requested PD is as follows:

Restrictions:

The permitted uses and standards shall be in accordance with the R zoning district unless otherwise specified herein.

1. Fuel dispensing facilities shall be permitted within 150 feet of a residential zoning district.
2. A five-foot landscape edge shall be provided along all adjacent streets.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan primarily designates this property as Residential, with Neighborhood Commercial (NC) at the intersection of Parker Road and Jupiter Road. NC centers are located at the intersections of major arterial streets. One or two corners may develop with commercial uses at intersections designated as a neighborhood commercial center on the Land Use Plan, based on the size and population of the service area. The southwest corner of the intersection is zoned R, and is partially developed as a convenience store with gas pumps, with 8.7± acres of additional undeveloped land. Given the large amount of undeveloped R zoned property immediately to the south of the subject property, it would not be appropriate to rezone additional land for R uses. This request is not in conformance with the Future Land Use Plan.

Adequacy of Public Facilities - Water and sanitary sewer services are available via extensions of existing services from Parker Road and Jupiter Road.

ISSUES:

Rezoning Land for Retail Use

In 2003, City Council adopted the *Retail Study of Underperforming and Vacant Retail Areas* initiated by the cities of Carrollton, Richardson, and Plano. This study examined the retail market conditions in the three cities and offered alternatives to address

underperforming and vacant retail properties. The study identified Plano as having an overabundance of R zoning.

The requested change in zoning would add additional retail development to the area. To the south of the subject property, across Parker Road, is existing R zoned property that is mostly undeveloped. This property was zoned R in 1980. A convenience store with gas pumps is the only development on the site; however, some public improvements are already in place which would allow for a future retail development, including the possibility for an additional convenience store with gas pumps. The additional requested R zoning would further increase the overabundance of R zoning in Plano.

Rezoning Smaller Parcels for Individual Uses

The applicant is requesting to rezone 3.6± acres to accommodate the proposed convenience store with gas pumps. The creation of smaller, individually zoned properties is generally not encouraged. Historically, it has not been the city's policy to rezone smaller, individual parcels to accommodate one user. Additionally, "spot zoning" should be discouraged.

The Comprehensive Plan defines a neighborhood commercial center as having 10-15 acres in size. If the Commission believes that additional R zoning is appropriate for this location, then additional property should be included within the zoning request so that a larger retail center could be accommodated at this location. The addition of more contiguous acres of commercial zoned property would provide opportunities for additional retail and restaurant uses in the area, and would also provide a buffer for the proposed convenience store with gas pumps so that it could comply with residential adjacency setback requirements.

Residential Adjacency Standards

Residential adjacency standards were created in 1999 to preserve and protect the integrity, enjoyment, and property values of residential neighborhoods through the establishment of standards for certain nonresidential uses that may impact surrounding residential land uses. The adjacent A zoning is a residential zoning district, and there are a few existing residences to the west of the subject property. Additionally, the farm land to the north of the subject property is designated as residential on the Future Land Use Plan and is expected to develop as single-family residences. The addition of a fuel dispensing facility immediately adjacent to a residential zoning district could create unwanted noise, odors, or activities that would be contrary to the purpose and intent of the residential adjacency standards.

In most commercial zoning districts in the city, such as the property at the southwest corner of Jupiter Road and Parker Road, fuel dispensing facilities are located on parcels adjacent to major streets and are buffered by additional commercial zoned property. These larger parcels of contiguous commercially zoned properties allow for car wash and fuel dispensing facilities to locate on parcels which meet the minimum residential adjacency setback requirements. Though there are some instances where fuel dispensing facilities are adjacent to residential zoning districts, since the institution of

the residential adjacency standards, these regulations have been consistently enforced throughout the city.

Additionally, Subsection 3.1504 provides the Planning & Zoning Commission the ability to require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of fuel dispensing facilities that are within 300 feet but greater than 150 feet of a residential district. However, Subsection 3.1504 does not provide the Commission the opportunity to require any additional design elements or screening if a convenience store with gas pumps is allowed within the 150-foot setback. If the requested zoning is approved, the applicant would only be required to provide a six-foot masonry screening wall at the rear of their property.

Purpose of Planned Developments

The purpose of a planned development district is to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off and onsite conditions. PDs are typically created to allow for specific development conditions to occur in order to provide flexibility to modify building placement, allow uses not already permitted within the base zoning district, and vary other development standards. The city has not encouraged the creation of PDs to amend a small number of uses, setbacks, or standards.

The applicant is requesting PD zoning in order to remove the setback from residential zoning for fuel dispensing facilities as required by the Residential Adjacency Standards, and to reduce the landscape edge from 15 feet to five feet. The reduction in landscape edge will allow the applicant to provide a larger building footprint and a larger canopy area with more pump islands. It is possible for the applicant to design the site so that it complies with the required landscape edge and still provide sufficient area for building, pump islands, and parking; however, the applicant's desire is to have a larger development similar in size to its other locations within Plano. Staff is concerned that this proposed development is too large for the 3.6± acre tract, and is not in support of reducing the landscape edge from 15 feet to five feet.

Subsection 4.104 (Minimum District Size) of Section 4.100 (Planned Development District (PD)) of Article 4 (Special District Regulations) of the Zoning Ordinance states that "no PD district may be established smaller than five acres unless a specific finding is made by the City Council that the establishment of the district is required to implement the Comprehensive Plan or related study." PDs often will encompass larger parcels of land in order to accommodate more comprehensive developments, such as Legacy Town Center (PD-65) and Haggar Square (PD-20). This 3.6± acre tract is significantly less than the five acre minimum and the PD request does not further the goals of, nor is necessary to implement the Comprehensive Plan or related study. Staff believes that this site is not appropriate for PD zoning.

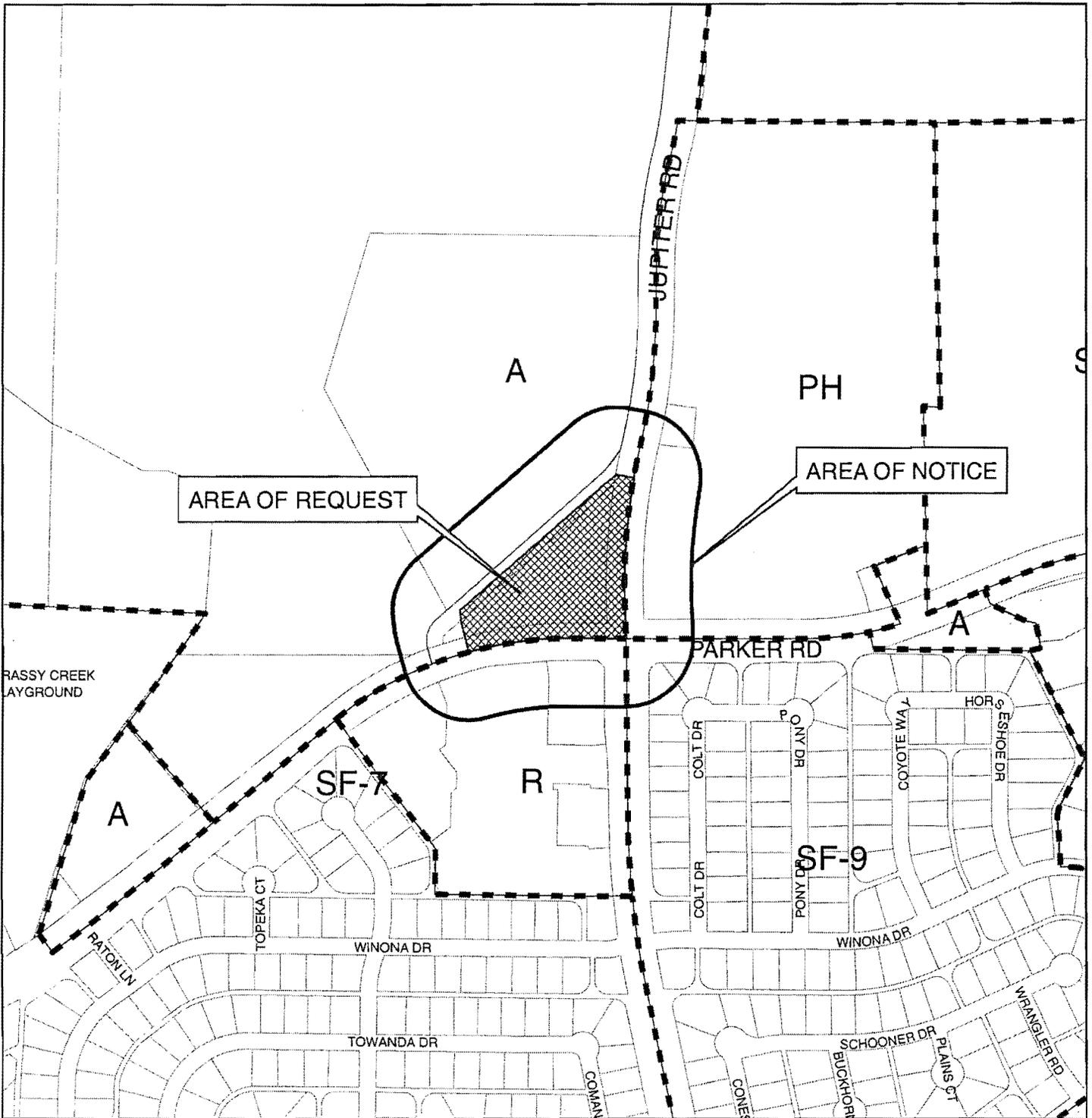
Summary

The applicant is requesting to rezone an undeveloped 3.6± acre tract at the northwest corner of Parker Road and Jupiter Road from A to PD-R. Due to the existing amount of undeveloped R zoned property to the south of the subject property, this request is not in

conformance with the Future Land Use Plan. Plano currently has an overabundance of R zoned property, and the creation of more commercial zoning in an area with 8.7± acres of existing undeveloped R zoned property should be avoided. Staff does not support the rezoning of small individual parcels or the creation of a PD district in order to amend two development standards. The city's policy has always been to have appropriately sized contiguously zoned properties to provide for compatible land uses, and to have zoning districts with consistent development standards. Furthermore, the residential adjacency standards have been applied consistently throughout the city and staff is not in support of allowing a use which is prohibited by the standards, immediately adjacent to a residential zoning district. For these reasons, staff is not in support of this zoning request.

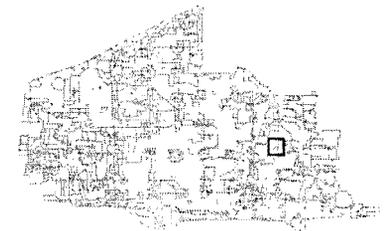
RECOMMENDATION:

Recommended for denial.



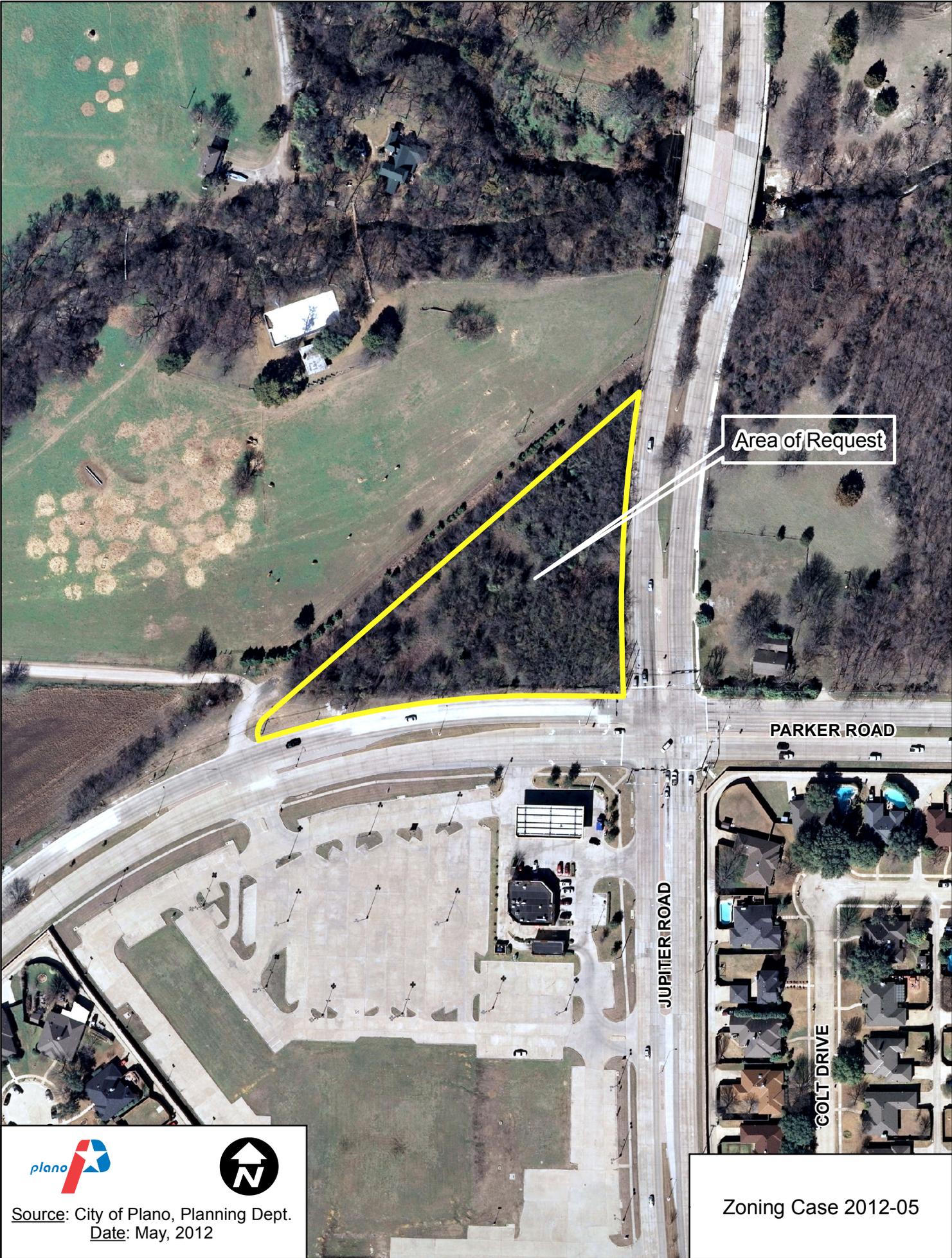
Zoning Case #: 2012-05

Existing Zoning: AGRICULTURAL



○ 200' Notification Buffer





Area of Request

PARKER ROAD

JUPITER ROAD

COLT DRIVE



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

Zoning Case 2012-05

Zoning Case 2012-05

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 rezone 3.6± acres out of the J.M. Salmons Survey, Abstract No. 815, located at the northwest corner of Parker Road and Jupiter Road in the City of Plano, Collin County, Texas, from Agricultural to Planned Development-229-Retail; directing a change accordingly in the official zoning map of the City; 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 29th day of May 2012, for the purpose of considering rezoning 3.6± acres out of the J.M. Salmons Survey, Abstract No. 815, located at the northwest corner of Parker Road and Jupiter Road in the City of Plano, Collin County, Texas, from Agricultural to Planned Development-229-Retail; 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 11th day of June, 2012; and

WHEREAS, the City Council is of the opinion and finds that such rezoning 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 rezone 3.6± acres out of the J.M. Salmons Survey, Abstract No. 815, located at the northwest corner of Parker Road and Jupiter Road in the City of Plano, Collin County, Texas, from Agricultural to Planned Development-229-Retail, 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:

The permitted uses and standards shall be in accordance with the R zoning district unless otherwise specified herein.

1. Fuel dispensing facilities shall be permitted within 150 feet of a residential zoning district.
2. A five-foot landscape edge shall be provided along all adjacent streets.

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 11TH DAY OF JUNE, 2012.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2012-05

BEING all that certain lot, tract, or parcel of land situated in the J.M. Salmons Survey, Abstract No. 815, and being a part of a called 168.55 acre tract described in deed to Meaders-Hale Ltd., recorded in Document No. 99-0001562 of the Deed Records, Collin County, Texas (DRCCT), and being all of that certain tract described as a 0.425 acre tract described in a quitclaim deed (Exhibit "B") to Abbie Lou Meaders, recorded in Volume 3007, Page 452 (DRCCT), and including a portion of the rights-of-way of Jupiter Road and Parker Road, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found on the west line of Jupiter Road (a public, 110-foot right-of-way) for the northeast corner of said 0.425 acre tract, and being a southeast corner of that certain tract conveyed to the Todd Andrew Moore-Jonathan Allen Moore Family Limited Partnership, Ltd., recorded in Document No. 97-17326 (DRCCT);

THENCE South, 79° 40' 35" east, 55.00 feet to the approximate centerline of Jupiter Road;

THENCE along an arc to the left, with a radius of 1,800.00 feet, a central angle of 12° 28' 40", an arc length of 392.00 feet, whose long chord bears South, 04° 05' 05" West, 391.23 feet;

THENCE South, 02° 09' 15" East, 88.90 feet to the intersection of said centerline with the approximate centerline of Parker Road;

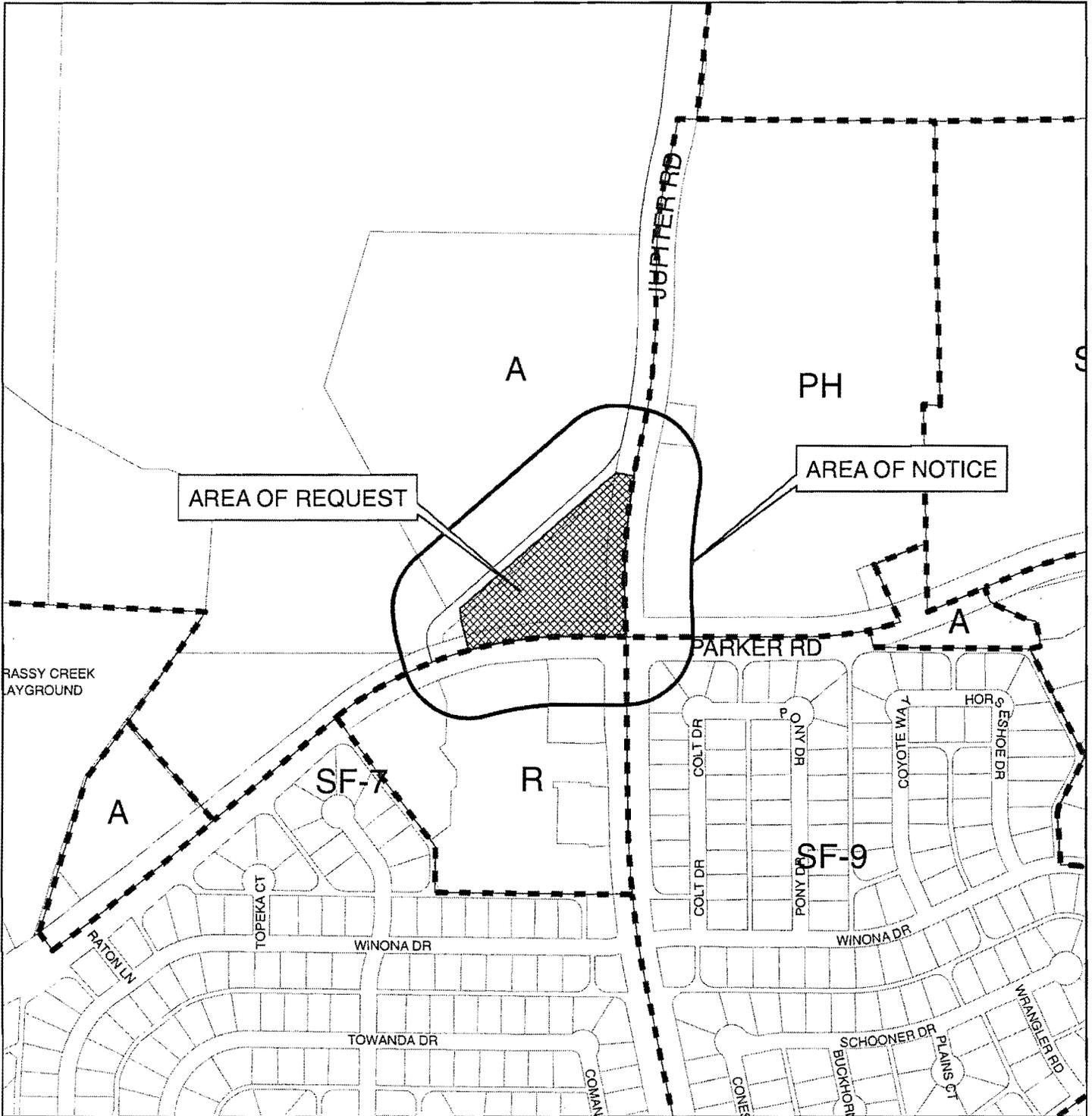
THENCE North, 89° 24' 53" West, 163.12 feet along said centerline;

THENCE along an arc to the left, with a radius of 1,150.92 feet, a central angle of 15° 46' 36", an arc length of 316.91 feet, whose long chord bears South, 82° 41' 49" West, 315.91 feet;

THENCE North, 15° 11' 28" West, 86.62 feet departing said centerline to the intersection of said 0.425 acre tract and said 168.55 acre tract, and being in the abandoned right-of-way of Old Jupiter Road;

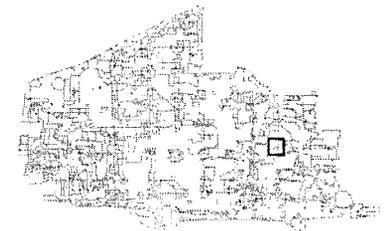
THENCE North 06° 41' 23" West, 39.89 feet across the aforementioned old right-of-way to the northwest corner of said 0.425 acre tract and for a southerly corner of said Moore tract;

THENCE along the common line between said 0.425 acre tract and said Moore tract, North, 49° 18' 37" East, 171.90 feet, and North 49° 39' 02" East, 451.21 feet to the POINT OF BEGINNING, and CONTAINING 154,851 square feet, or 3.555 acres of land.



Zoning Case #: 2012-05

Existing Zoning: AGRICULTURAL



○ 200' Notification Buffer



