

**DATE:** May 17, 2011  
**TO:** Honorable Mayor & City Council  
**FROM:** Chris Caso, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of May 16, 2011

**AGENDA ITEM NO. 7 - PUBLIC HEARING  
ZONING CASE 2011-12  
APPLICANT: WEINGARTEN REALTY INC.**

Request for Specific Use Permit for Trade/Commercial School on 0.1± acre located 575± feet west of Custer Road and 300± feet south of Parker Road. Zoned Planned Development-90-Retail.

**APPROVED:** 7-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA:** **SUPPORT:** 1 **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:** June 13, 2011 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

KP/dw

xc: Don Deering, Weingarten Realty Inc.  
Drew Johnson, SLSJ & Associates

CITY OF PLANO  
PLANNING & ZONING COMMISSION

May 16, 2011

**Agenda Item No. 7**

**Public Hearing:** Zoning Case 2011-12

**Applicant:** Weingarten Realty, Inc.

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**DESCRIPTION:**

Request for Specific Use Permit for Trade/Commercial School on 0.1± acre located 575± feet west of Custer Road and 300± feet south of Parker Road. Zoned Planned Development-90-Retail.

**REMARKS:**

The requested zoning is for a Specific Use Permit (SUP) for Trade/Commercial School. The applicant proposes to operate a beauty school in conjunction with their existing beauty and hair salon (a Personal Service Shop). An SUP authorizes and regulates 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. Trade/Commercial Schools are establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art, or occupation. The applicant is proposing to locate the Trade/Commercial School in an existing 4,000± square foot tenant space, located in the middle of a larger shopping center building.

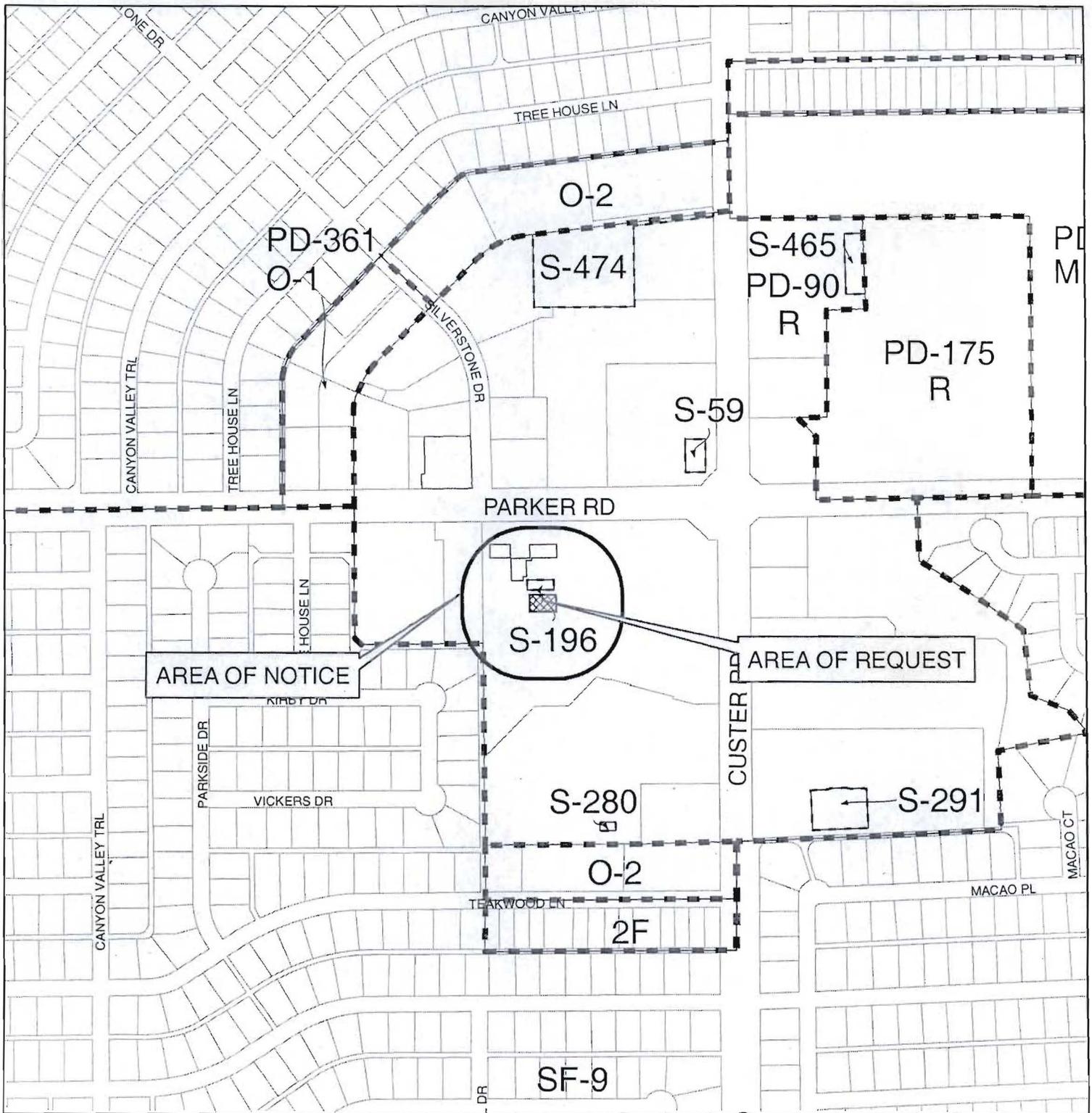
The current zoning is Planned Development-90-Retail (PD-90-R). The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls, but not including wholesaling or warehousing. A planned development 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 surrounding uses on this property are primarily restaurant and retail businesses. The area to the west of the shopping center is zoned Single-Family Residence-9 and is developed as residential. A masonry screening wall separates the shopping center from the residential property. Properties located across Parker Road to the north, across Custer Road to the east and northeast are all zoned PD-90-R and Planned

Development-175-Retail. The trade/commercial school use is complimentary to the adjacent land uses. Additionally, the site has sufficient parking to accommodate the requested use. Based on this analysis, staff believes this is an appropriate location for a Trade/Commercial School.

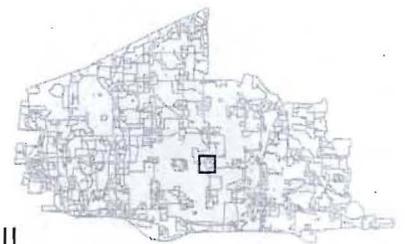
**RECOMMENDATION:**

Recommended for approval as submitted.

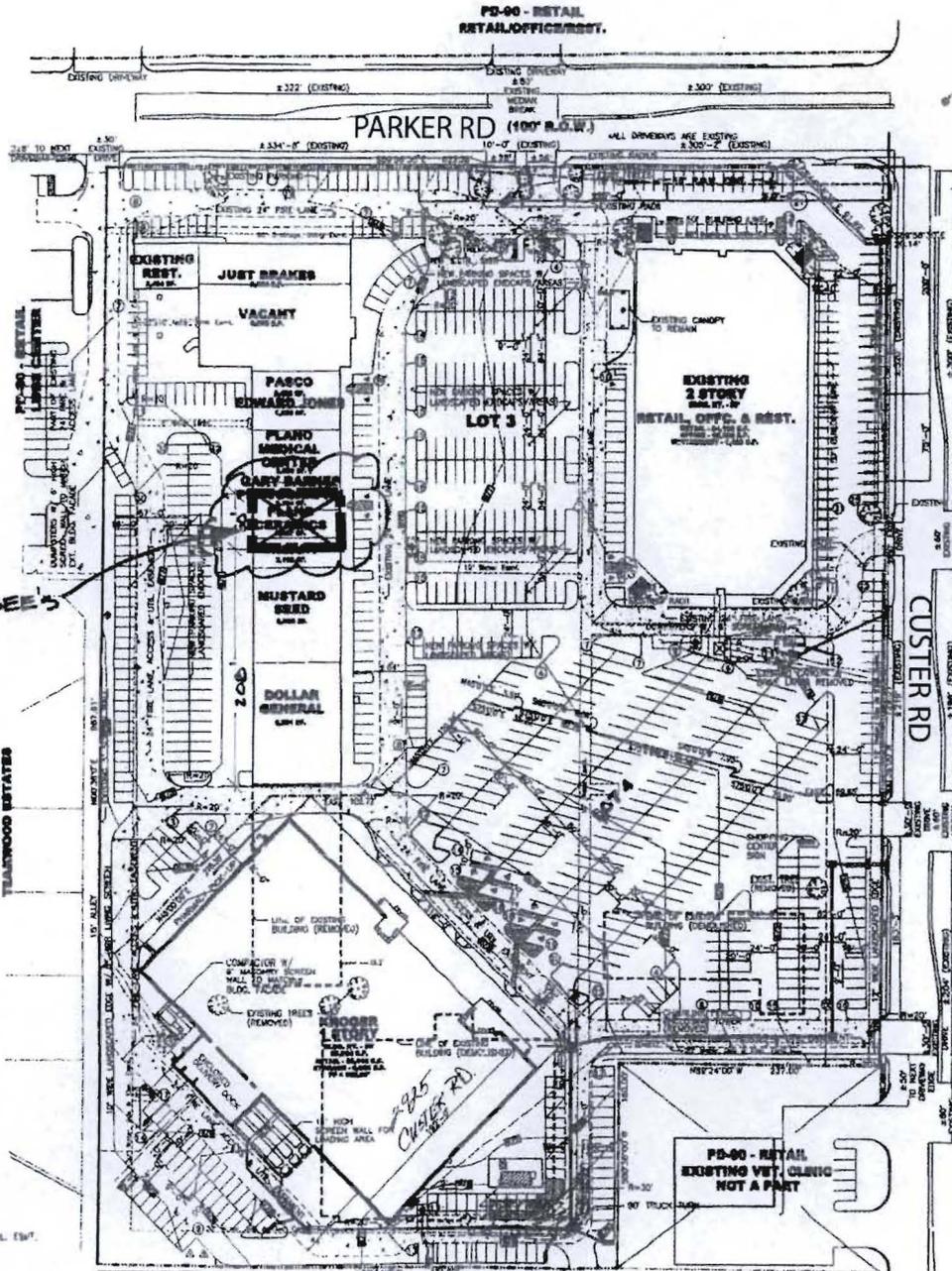


Zoning Case #: 2011-12

Existing Zoning: PLANNED DEVELOPMENT-90-RETAIL



○ 200' Notification Buffer



PD-90 - RETAIL  
RETAIL/OFFICE/REST.

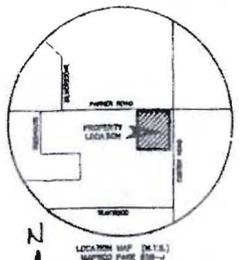
PD-90 - RETAIL  
RETAIL/OFFICE/REST.

ZONING EXHIBITS	
Exhibit No.	2011-11
City	City of Commerce, Texas
Author	Wingarten Realty Investors
Location	100 S. Commerce St., Suite 200 Richardson, Texas 75081
Applicant	Wingarten Realty Investors, LLC 2700 Dallas Rd., Suite 902 Plano, Texas 75075

**ZONING NOTES**

1. The applicant shall provide a copy of this zoning exhibit to the City of Commerce, Texas, for review and approval. The City of Commerce, Texas, shall have the final authority on the zoning of this property.

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**final site plan**

SWC Parker Rd. & Custer Rd.  
Plano, Texas

A development of  
**WEINGARTEN REALTY INVESTOR**

PROJECT: 9937.2  
DATE: 8/27/09  
**tabulations**

SITE AREA: 14.72 AC.

LOT 3  
ZONING: PD-90 - RETAIL  
PROPOSED USE: EXISTING RET./OFFICE/REST.  
LOT AREA: 302,995 S.F. / 6.79 AC.  
BUILDING S.F.: 113,544 S.F.  
BLDG. HT.: EXISTING 1- & 2-STORY BLDGS.  
1-STORY BLDG. - 30'-HT.  
2-STORY BLDG. - 30'-HT.

LOT COVERAGE: 29.85%  
FLOOR AREA RATIO: 0.36:1  
PARKING REQUIRED: 547 SP (TOTAL)  
RETAIL: 457 SP  
OFFICE: 34 SP  
REST: 34 SP  
PARKING PROVIDED: 563 SP  
HC PARKING REQ'D: 11 SP  
HC PARKING PROV.: 12 SP  
INT. LANDSCAPING PROV'D: 4,504 S.F.  
IMPERVIOUS SURFACE: 18,043 S.F.  
GROSS LANDSCAPE AREA: 30,311 S.F.

LOT 4  
ZONING: PD-90 - RETAIL  
PROPOSED USE: RETAIL - KROGER  
LOT AREA: 256,336 S.F. / 5.83 AC.  
BUILDING S.F.: 65,084 S.F.  
BUILDING HT.: 1 STORY, 35'-HT.  
LOT COVERAGE: 25.18%  
FLOOR AREA RATIO: 0.25:1  
PARKING REQUIRED: 301 SP  
RETAIL: 295 SP  
STORAGE: 6 SP  
PARKING PROVIDED: 303 SP  
HC PARKING REQ'D: 8 SP  
HC PARKING PROV.: 12 SP  
INT. LANDSCAPING PROV'D: 2,424 S.F.  
IMPERVIOUS SURFACE: 6,957 S.F.  
GROSS LANDSCAPE AREA: 26,395 S.F.

PD-90 - RETAIL  
RETAIL/OFFICE/REST.

**GENERAL NOTES**

1. BUILDINGS SHALL BE ORIENTED TO FACE THE STRAIGHTENED ALTERNATE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE BUILDING INSPECTOR AND FIRE DEPARTMENT.
2. FIRE LANES SHALL BE DESIGNED AND CONSTRUCTED PER CITY STANDARDS.
3. UNIMPROVED PARKING AREAS SHALL BE DESIGNED AND PROVIDED PER CITY STANDARDS, AND SHALL COMPLY WITH REQUIREMENTS OF THE CURRENT, ADOPTED UNIFORM BUILDING CODE.
4. FOUR-FOOT HIGH BARRICADES SHALL BE PROVIDED 2.5 FEET OFF THE PROPERTY LINE ALONG THE ROADSIDE, UNLESS A SIGNATURE SIGNATURE IS PROVIDED FOR A SIGNATURE SIGNATURE OF AN ALTERNATE DESIGN IS APPROVED BY THE CITY. BARRICADES SHALL BE CONSTRUCTED AND SHALL BE PROVIDED ON SIDEWALKS AT ALL CURB CUTS.
5. MECHANICAL, SANITARY, EXHAUSTION, AND WASH CONNECTIONS SHALL BE DESIGNED IN ACCORDANCE WITH THE ZONING ORDINANCE, PER CITY STANDARDS.
6. ALL SIGNAGE CONTAINED HEREON SHALL BE APPROVED BY BUILDING INSPECTOR AND FIRE DEPARTMENT.
7. APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED.
8. OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE AS PROVIDED IN THE "RETAIL" OWNER DESIGN GUIDELINES.
9. BUILDING FACADES WITH "P" DEVELOPMENT SHALL BE COMPATIBLE AS PROVIDED IN THE "RETAIL" OWNER DESIGN GUIDELINES.
10. OUTDOOR LIGHTING SHALL COMPLY WITH ILLUMINATION STANDARDS WITHIN THE ZONING ORDINANCE.
11. PLEASE CONTACT THE BUILDING INSPECTOR DEPARTMENT TO DETERMINE THE TYPE OF CONSTRUCTION AND OCCUPANCY GROUP.
12. ALL ELECTRICAL, TELECOMMUNICATION, DETENTION AND SERVICE LINES SHALL BE UNDERGROUND.
13. USES SHALL COMPLY IN OPERATION, LOCATION, AND CONSTRUCTION WITH THE FOLLOWING PERFORMANCE STANDARDS: SECTION 3-100 OF THE ZONING CODE. NOISE, VIBRATION AND PARTICULATE MATTER, SOOT/SMOKE, WATER FOG OR EXHAUST GASES, MATERIAL, TOXIC AND HAZARDOUS MATERIAL, VIBRATION AND/OR OTHER PERFORMANCE STANDARDS.

**CALLAWAY ARCHITECTS**  
ARCHITECTS  
2111 Commerce Street, Suite 200  
Richardson, Texas 75081  
TEL: 972.509.1111  
FAX: 972.509.1112

This site drawing was made with information researched in our office or provided to our office by some concerned parties, but does not include all boundary, roadway, utility or other site data of unknown nature or location site data not made available to our office. All warranties or guarantees are given as limited.

**CUSTER PARK SHOPPING CENTER**  
Blk. A, Lots 3 & 4

SCALE: 1" = 80'-0"



DATE: 8/15/09

REVISIONS:

SUB. COM - 3/14/09

REV - 3/22/09

SP4 - 3/13/09

SP4a - 8/20/09

SP4b - 7/21/09

SP4c - 7/28/09

SP4d - 8/2/09

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**CALLAWAY ARCHITECTS**  
ARCHITECTS  
2111 Commerce Street, Suite 200  
Richardson, Texas 75081  
TEL: 972.509.1111  
FAX: 972.509.1112

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**CUSTER PARK SHOPPING CENTER**  
(PHASE V)  
S.W.C. CUSTER ROAD & PARKER ROAD  
PLANO, TEXAS

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OWNER: KIS CHECKED

DATE: 8/27/09

TITLE: FINAL SITE PLAN  
CUSTER PARK SHOPPING CENTER  
BLOCK A  
LOTS 3 & 4

SHEET: SP-1

## Zoning Case 2011-12

**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. 610 so as to allow for a Trade/Commercial School on 0.1± acre of land out of the Mary Katherine and Sally Owens Survey, Abstract No. 672, located 575± feet west of Custer Road and 300± feet south of Parker Road, in the City of Plano, Collin County, Texas, presently zoned Planned Development-90-Retail; 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 13th day of June, 2011, for the purpose of considering granting Specific Use Permit No. 610 so as to allow for a Trade/Commercial School on 0.1± acre of land out of the Mary Katherine and Sally Owens Survey, Abstract No. 672, located 575± feet west of Custer Road and 300± feet south of Parker Road, in the City of Plano, Collin County, Texas, presently zoned Planned Development-90-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 13th day of June, 2011; and

**WHEREAS**, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 610 so to allow for a Trade/Commercial School on 0.1± acre of land out of the Mary Katherine and Sally Owens Survey, Abstract No. 672, located 575± feet west of Custer Road and 300± feet south of Parker Road 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 grant Specific Use Permit No. 610 for a Trade/Commercial School on 0.1± acre of land out of the Mary Katherine and Sally Owens Survey, Abstract No. 672, located 575± feet west of Custer Road and 300± feet south of Parker Road, in the City of Plano, Collin County, Texas, presently zoned Planned Development-90-Retail, 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 13TH DAY OF JUNE, 2011.**

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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

ZC 2011-12

BEING a 4,000 square foot portion of Lot 3, Block A, of Custer Park Shopping Center, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Cabinet N, Slide 650, Plat Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 1-inch iron rod found for the most easterly northeast corner of said Lot 3 from which a 1/2-inch iron rod found bears North 89° 56' 30" West, 20.14 feet, same being at the intersection of the south right-of-way line of Parker Road (a 100 foot right-of-way), with the west right-of-way line of Custer Road (F.M. 2478) (a 100 foot right-of-way);

THENCE South 62° 39' 31" West, through the interior of said Lot 3, a distance of 557.74 feet to the southeast corner of the herein described tract, said point being in the east wall of a one-story tilt wall building, same being the POINT OF BEGINNING;

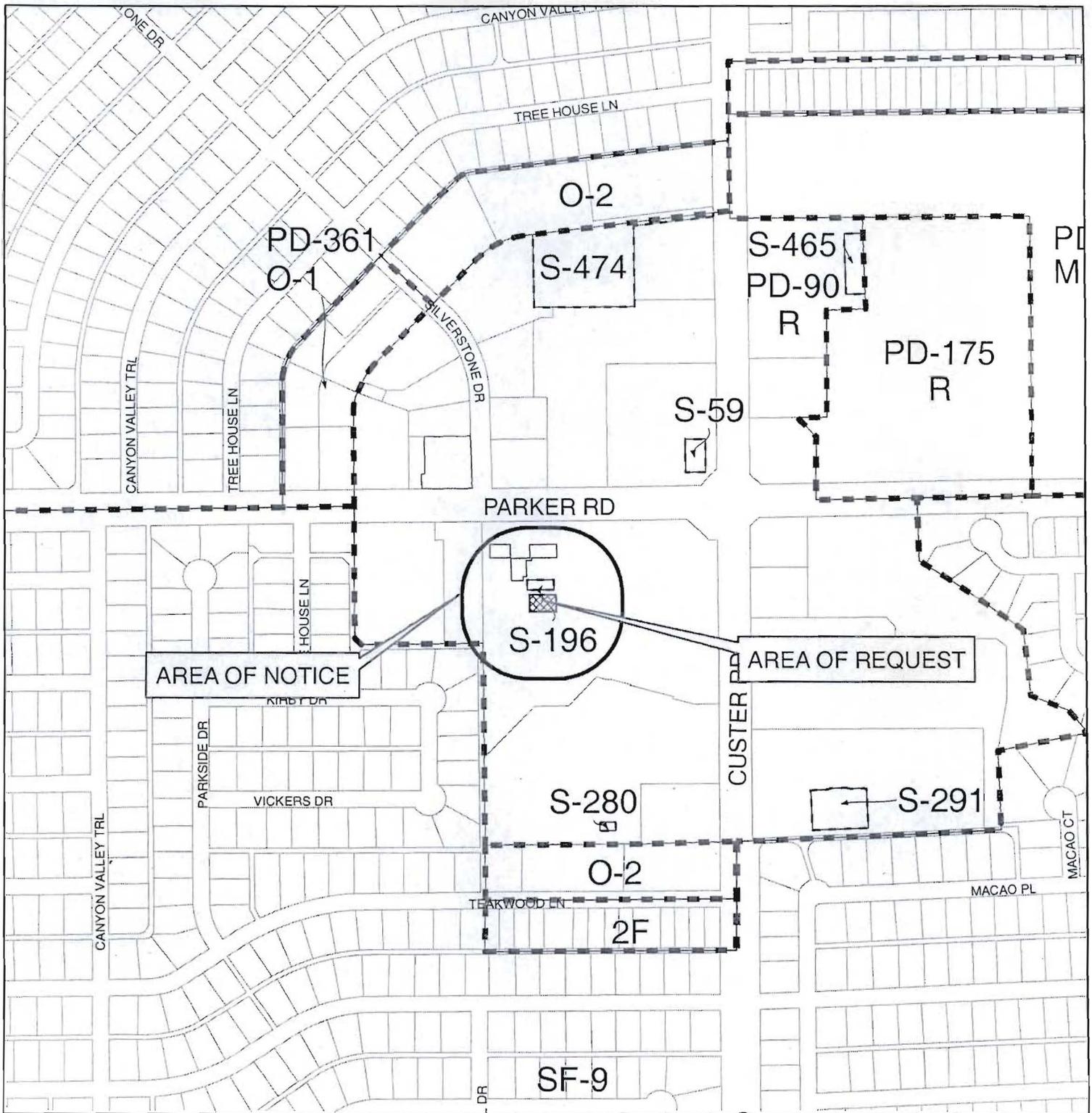
THENCE continuing through the interior of said Lot 3 as follows:

North 89° 53' 26" West, a distance of 80.00 feet to the southwest corner of the herein described tract, same being in the west wall of said one-story tilt wall building;

North 00° 06' 34" West along the west wall of said one-story tilt wall building, a distance of 50.00 feet to the northwest corner of the herein described tract;

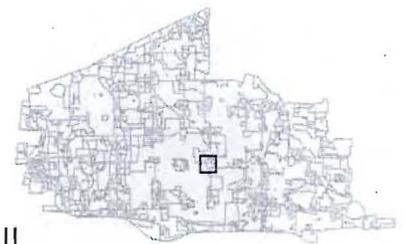
South 89° 53' 26" West, a distance of 80.00 feet to the northwest corner of the herein described tract, same being in the east wall of said one-story tilt wall building;

South 00° 06' 34" West, along the east wall of said one-story tilt wall building, a distance of 50.00 feet to the POINT OF BEGINNING and CONTAINING 4,000 square feet or 0.092 acre of computed land, more or less.

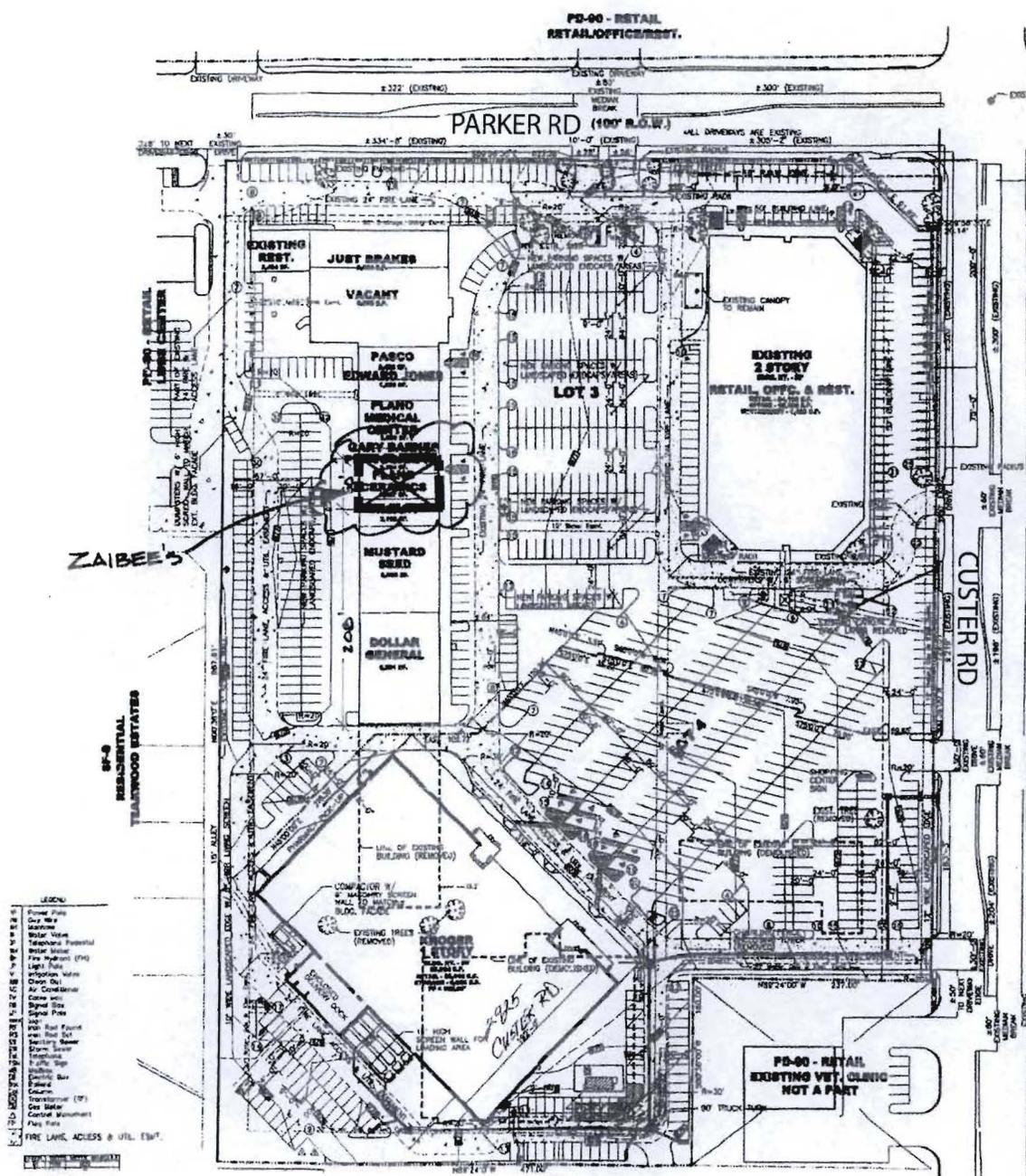


Zoning Case #: 2011-12

Existing Zoning: PLANNED DEVELOPMENT-90-RETAIL



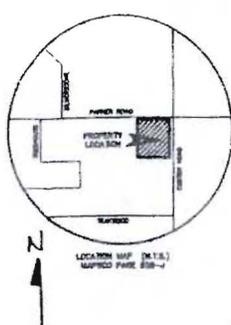
○ 200' Notification Buffer



**PD-90 - RETAIL  
RETAIL/OFFICE/REST.**

ZONING EXHIBITS	
Exhibit Case #	2011-11
City Resolution No.	144 - Commercial District
Developer	Weingarten Realty Investors
Site	300 S. Custer Rd., Suite 200 Richardson, Texas 75081
Applicant	Alvira Realty Investors, LLC 2704 Dallas Branch, Suite 100 Dallas, Texas 75226

**ZONING NOTES**  
 1. The applicant shall provide a site plan showing the proposed development in accordance with the zoning code. The site plan shall include the following information:  
 a. A site plan showing the proposed development in accordance with the zoning code.  
 b. A site plan showing the proposed development in accordance with the zoning code.  
 c. A site plan showing the proposed development in accordance with the zoning code.



**final site plan**

**SWC Parker Rd. & Custer Rd.  
Plano, Texas**

**A development of  
WEINGARTEN REALTY INVESTOR**

PROJECT: 9937.2  
 DATE: 8/27/09  
 SCALE: 1" = 50'

**tabulations**

SITE AREA: 14.72 AC.

**LOT 3**  
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 1-STORY BLDG. - 30'-HT.  
 2-STORY BLDG. - 30'-HT.

LOT COVERAGE: 29.85%  
 FLOOR AREA RATIO: 0.38:1  
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 RETAIL: 457 SP  
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 REST: 34 SP  
 PARKING PROVIDED: 563 SP  
 HC PARKING REQ'D: 11 SP  
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 IMPERVIOUS SURFACE: 352,674 S.F.  
 GROSS LANDSCAPE AREA: 30,311 S.F.

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 BUILDING HT.: 1 STORY, 35'-HT.  
 LOT COVERAGE: 25.18%  
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 PARKING PROVIDED: 303 SP  
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 IMPERVIOUS SURFACE: 231,981 S.F.  
 GROSS LANDSCAPE AREA: 26,395 S.F.

**PD-90 - RETAIL  
RETAIL/OFFICE/REST.**

**GENERAL NOTES**

1. BUILDINGS SHALL BE ORIENTED SHALL BE LOOK FINE STRIPED. ALTERNATE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE BUILDING INSPECTOR AND FIRE DEPARTMENT.
2. FIRE LANES SHALL BE DESIGNED AND CONSTRUCTED PER CITY STANDARDS.
3. UNIMPROVED PARKING AREAS SHALL BE DESIGNED AND PROVIDED PER CITY STANDARDS, AND SHALL COMPLY WITH REQUIREMENTS OF THE CURRENT, ADOPTED UNIFORM BUILDING CODE.
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8. OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCES.
9. BUILDING FACADES WITH THIS DEVELOPMENT SHALL BE COMPATIBLE AS PROVIDED BY THE RETAIL OWNER DESIGN GUIDELINES.
10. OUTDOOR LIGHTING SHALL COMPLY WITH ILLUMINATION STANDARDS WITHIN SECTION 8-4-04 OF THE CODE OF ORDINANCES.
11. PLEASE CONTACT THE BUILDING INSPECTOR DEPARTMENT TO DETERMINE THE TYPE OF CONSTRUCTION AND OCCUPANCY GROUP.
12. ALL ELECTRICAL, TELECOMMUNICATION, DETENTION AND SERVICE LINES SHALL BE UNDERGROUND.
13. USES SHALL COMPLY IN OPERATION, LOCATION, AND CONSTRUCTION WITH THE FOLLOWING PERFORMANCE STANDARDS IN SECTION 8-1-00 OF THE ZONING CODE: NOISE, VIBRATION AND PARTICULATE MATTER, SOOT/SMOKE, WATER FOG OR EXHAUST GASES, MATERIAL, TASTE AND ODOROUS MATTER, VIBRATION AND/OR OTHER PERFORMANCE STANDARDS.

**CALLAWAY ARCHITECTS**  
 DEVELOPMENT SERVICES  
 T.L. Callaway Architects, Inc.  
 10000 Preston Road, Suite 1000  
 Dallas, Texas 75242  
 TEL: 972.382.1100  
 FAX: 972.382.1101

This site drawing was made with information researched in our office or provided to our office by some concerned parties, but does not include all boundary, roadway, utility or other site data of unknown nature or location site data not made available to our office. All warranties or guarantees are given as limited.

**CUSTER PARK SHOPPING CENTER  
Blk. A, Lots 3 & 4**

SCALE: 1" = 50'-0"



FILED:  
8/15/09

REVISIONS:  
 SUB. COR. - 3/14/09  
 REV. - 3/22/09  
 SP4 - 3/13/09  
 SP4a - 8/20/09  
 SP4b - 7/21/09  
 SP4c - 7/28/09  
 SP4d - 8/2/09

CALLAWAY ARCHITECTS  
 DEVELOPMENT SERVICES

CUSTER PARK SHOPPING CENTER  
 (PHASE V)  
 S.W.C. CUSTER ROAD & PARKER ROAD  
 PLANO, TEXAS

2225 CUSTER RD (LOT 4) 1-2229 CUSTER RD (LOT 3)

DRIVEN YES CHECKED  
 CO NO. 9937.2

TITLE  
 FINAL SITE PLAN  
 CUSTER PARK SHOPPING CENTER  
 BLOCK A  
 LOTS 3 & 4

SHEET  
 SP-1