

**DATE:** June 5, 2012  
**TO:** Honorable Mayor & City Council  
**FROM:** Chris Caso, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of June 4, 2012

**AGENDA ITEM NO. 6 - PUBLIC HEARING  
ZONING CASE 2012-16  
APPLICANT: HD DEVELOPMENT PROPERTIES, LP**

Request for Specific Use Permit for Truck/Bus Leasing on 10.2± acres located on the south side of Park Boulevard, 700± feet west of Dallas North Tollway. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permit #427 for Building Material Sales.

**APPROVED:** 8-0 **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 subject to truck/bus leasing permitted as an accessory use only.

**FOR CITY COUNCIL MEETING OF:** June 25, 2012 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

EH/dw

xc: Erika Strawn, HD Development Properties, LP  
Greenberg Farrow, Development Properties, LP

# CITY OF PLANO

## PLANNING & ZONING COMMISSION

June 4, 2012

### Agenda Item No. 6

**Public Hearing:** Zoning Case 2012-16

**Applicant:** HD Development Properties, LP

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#### **DESCRIPTION:**

Request for Specific Use Permit for Truck/Bus Leasing on 10.2± acres located on the south side of Park Boulevard, 700± feet west of Dallas North Tollway. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permit #427 for Building Material Sales.

#### **REMARKS:**

The requested zoning is for a Specific Use Permit (SUP) for truck/bus leasing. 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 where no repair work is being done. 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 for such use during the review of an SUP application.

The subject property is zoned Regional Commercial (RC) with SUP #427 for Building Material Sales. The RC district provides for retail and service uses at appropriate nodes within the corridor of specified tollways and expressways serving Plano and surrounding communities, in addition to office and limited manufacturing uses. The district's standards are designed to ensure compatibility between various uses within a corridor and surrounding residential neighborhoods. The Zoning Ordinance defines building material sales as an establishment for the sale of materials customarily used in the construction of buildings and other structures, including facilities for storage outside a building.

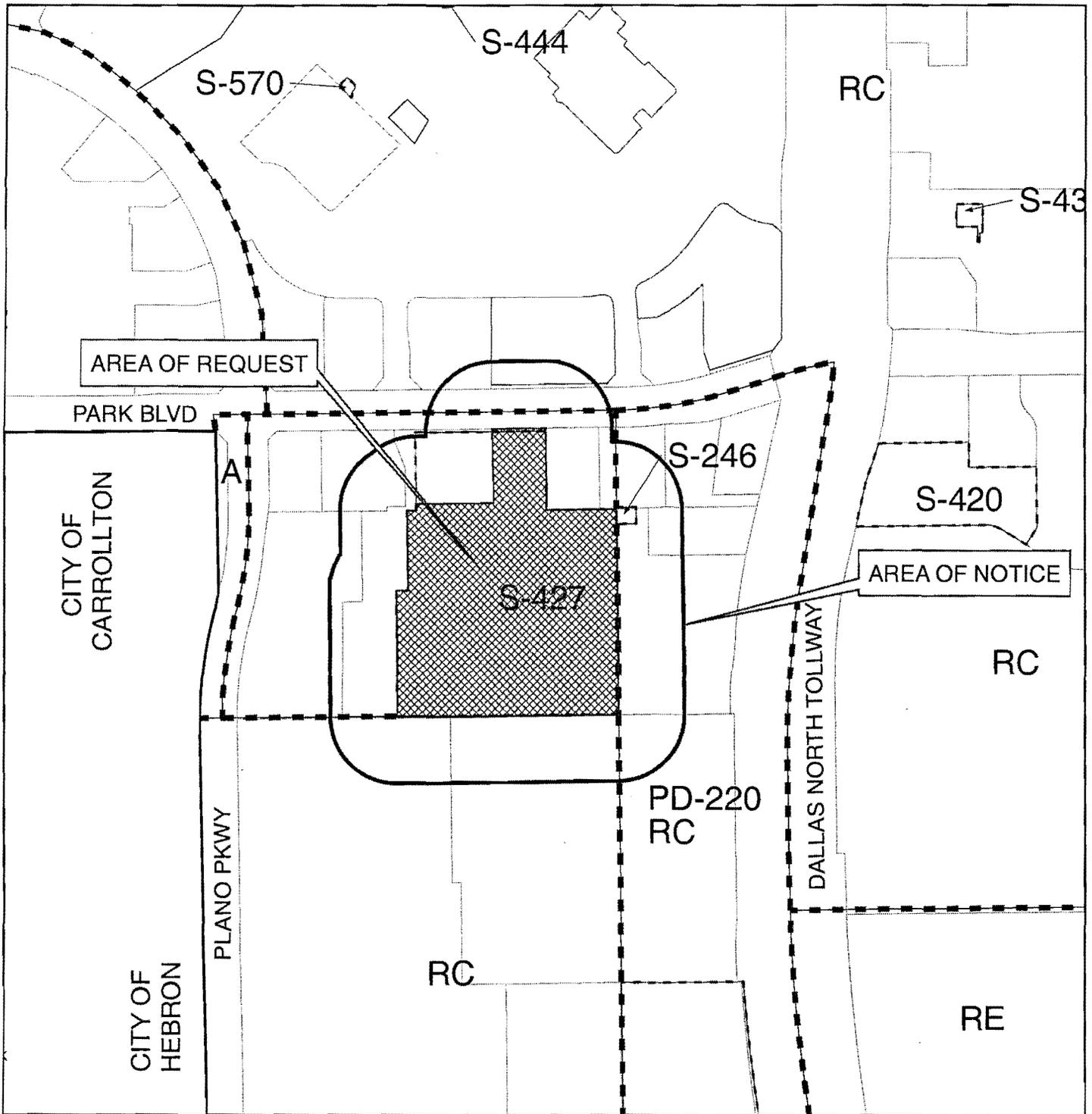
The land to the west of the subject property is zoned RC and is developed as retail and restaurant. To the north, across Park Boulevard, the property is zoned RC and is developed as bank, restaurant, and regional mall uses. The property to the east is zoned Planned Development-220-RC and is developed as retail and automotive uses. To the south, the land is zoned RC and is partially developed as retail uses.

The subject property has frontage on Park Boulevard and is developed as a retail superstore with garden center. The site will derive its primary access from Park Boulevard, and the trucks associated with the truck/bus leasing use will be stored in the existing parking lot. The proposed truck/bus leasing use is generally consistent with the existing mix of development within the Park Boulevard and Dallas North Tollway area which consists of retail, restaurant, and automotive uses. Truck/bus leasing facilities within the RC zoning district are limited to single-unit trucks with enclosed beds, with a maximum of two axles. Due to the high traffic volume of the Dallas North Tollway as well as the existing mix of development within this area, staff believes this is an appropriate location for truck/bus leasing.

Staff is concerned that permitting truck/bus leasing as an additional primary use would enable the property to redevelop as entirely truck/bus leasing. Although the use may be appropriate in conjunction with the existing superstore, staff believes an 10.2± acre truck/bus leasing development would not be consistent with the existing development mix within the surrounding area. Therefore, staff recommends that the truck/bus leasing use should be permitted only as an accessory use.

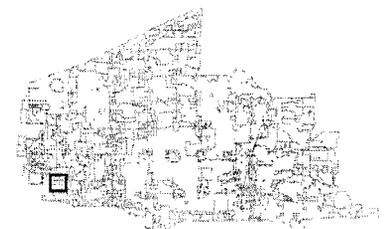
**RECOMMENDATION:**

Recommended for approval subject to truck/bus leasing permitted as an accessory use only.

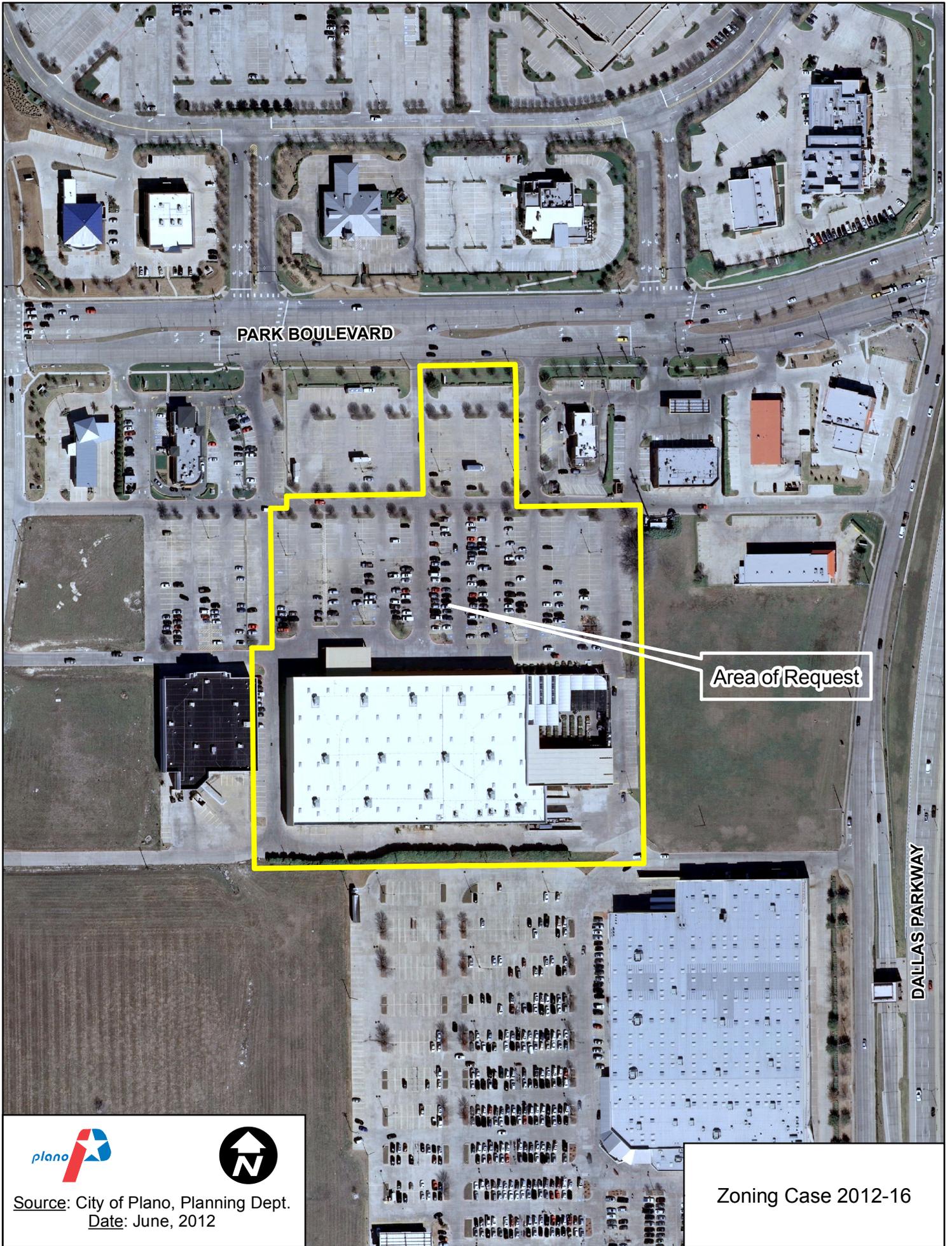


Zoning Case #: 2012-16

Existing Zoning: REGIONAL COMMERCIAL/  
 DALLAS NORTH TOLLWAY OVERLAY DISTRICT  
 w/SPECIFIC USE PERMIT #427



○ 200' Notification Buffer



PARK BOULEVARD

Area of Request

DALLAS PARKWAY

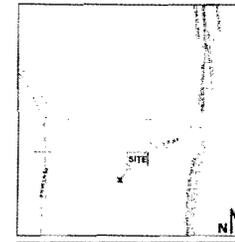


Source: City of Plano, Planning Dept.  
Date: June, 2012

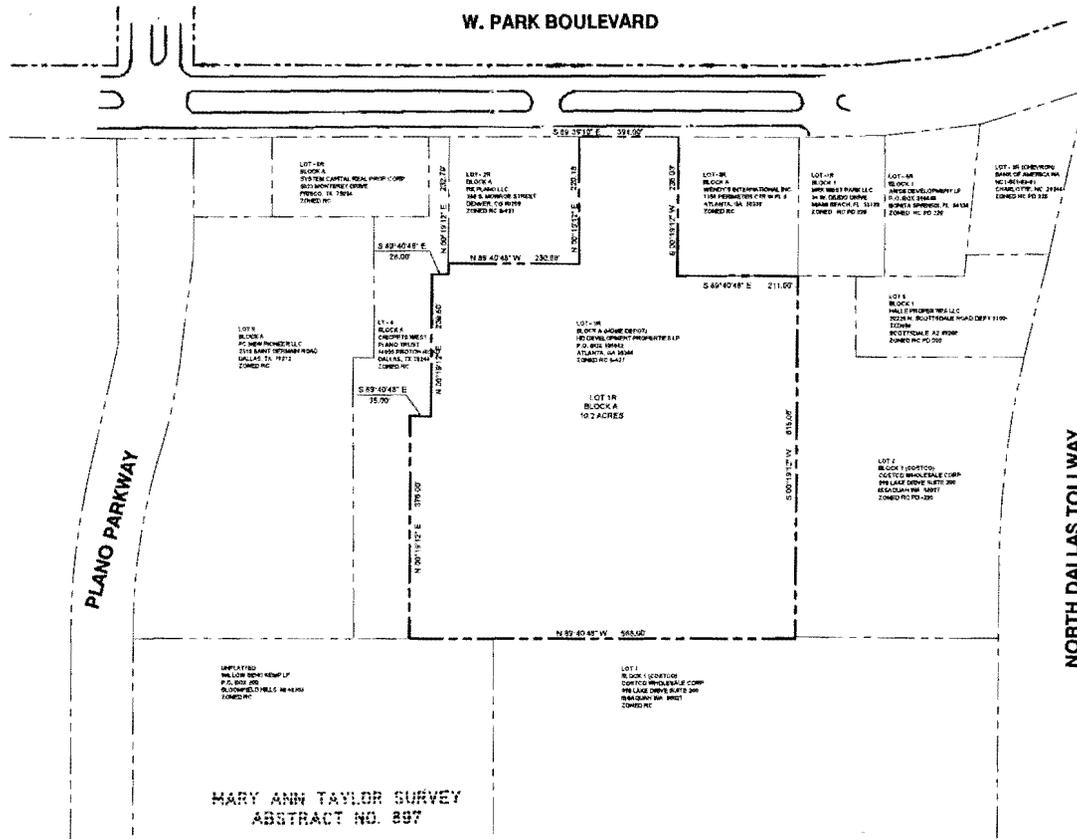
Zoning Case 2012-16

**LEGAL DESCRIPTION:**

Being a tract of land situated in the Mary Ann Taylor Survey, Abstract No. 897, in the City of Plano, Collin County, Texas, and being all of Block A, Lot 1R of Kemp Homestead No. 2, an addition to the City of Plano, Texas, according to the map or plat thereof recorded in Volume 2010, Page 233 of the Plat Records of Collin County, Texas, as filed on August 19, 2010, comprising 10.2 acres.



LOCATION MAP



## Zoning Case 2012-16

**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. 627 so as to allow the additional use of Truck/Bus Leasing on 10.2± acres of land out of the Mary Ann Taylor Survey, Abstract No. 897, located on the south side of Park Boulevard, 700± feet west of Dallas North Tollway, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial with Specific Use Permit No. 427 for Building Material Sales; 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 25th day of June, 2012, for the purpose of considering granting Specific Use Permit No. 627 for the additional use of Truck/Bus Leasing on 10.2± acres of land out of the Mary Ann Taylor Survey, Abstract No. 897, located on the south side of Park Boulevard, 700± feet west of Dallas North Tollway, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial with Specific Use Permit No. 427 for Building Material Sales; 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 25th day of June, 2012; and

**WHEREAS**, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 627 for the additional use of Truck/Bus Leasing on 10.2± acres of land out of the Mary Ann Taylor Survey, Abstract No. 897, located on the south side of Park Boulevard, 700± feet west of Dallas North Tollway, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial with Specific Use Permit No. 427 for Building Material Sales, 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. 627 for the additional use of Truck/Bus Leasing on 10.2± acres of land out of the Mary Ann Taylor Survey, Abstract No. 897, located on the south side of Park Boulevard, 700± feet west of Dallas North Tollway, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial with Specific Use Permit No. 427 for Building Material Sales, said property being more fully described on the legal description in Exhibit "A" attached hereto.

**Section II.** The change granted in Section I is granted subject to truck/bus leasing permitted as an accessory use only.

**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 25TH DAY OF JUNE, 2012.**

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

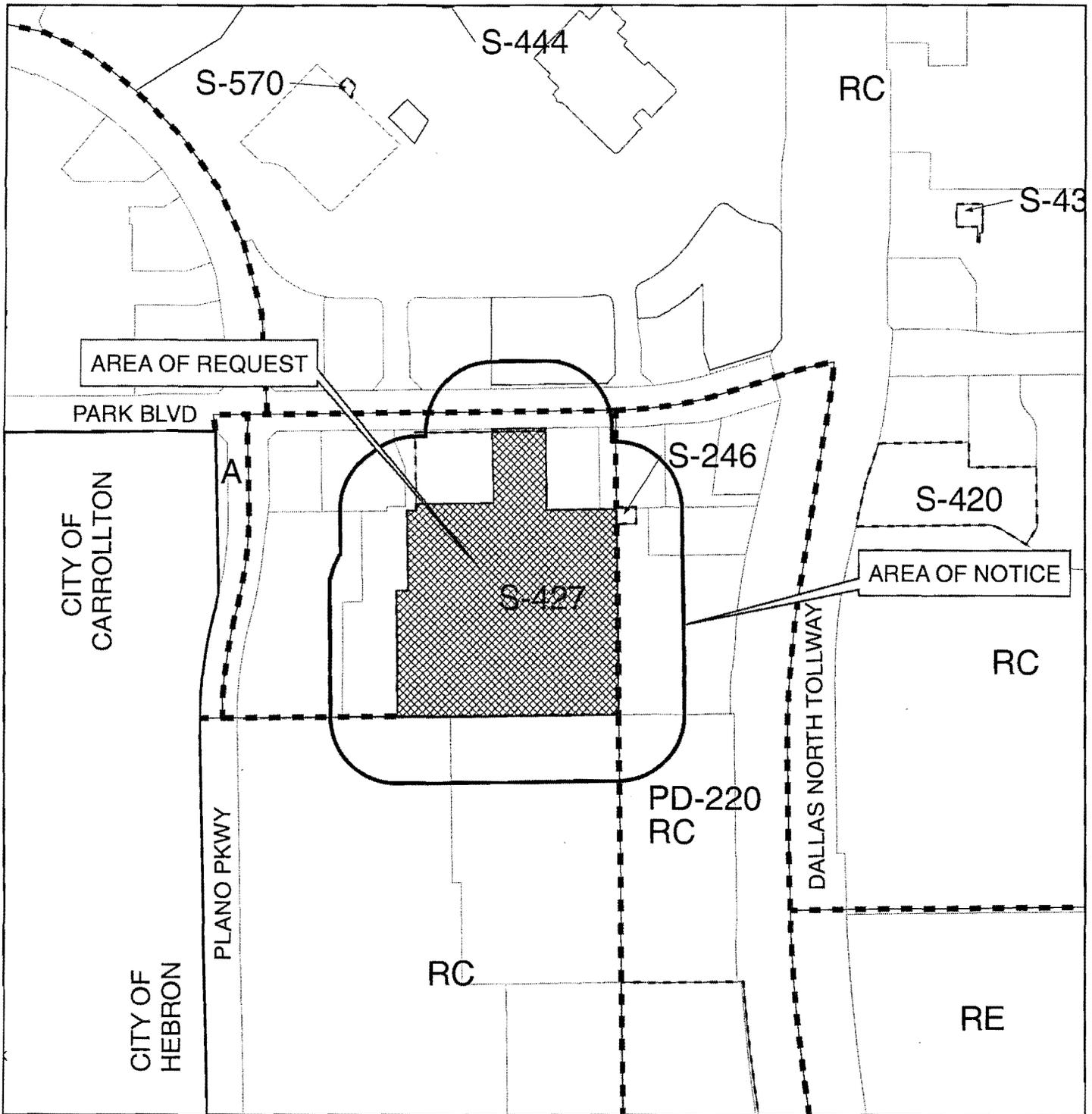
APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY

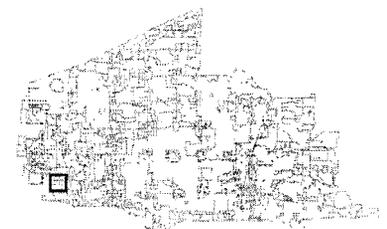
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Zoning Case #: 2012-16

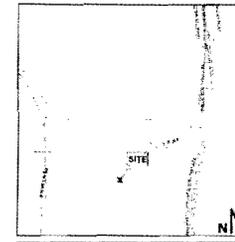
Existing Zoning: REGIONAL COMMERCIAL/  
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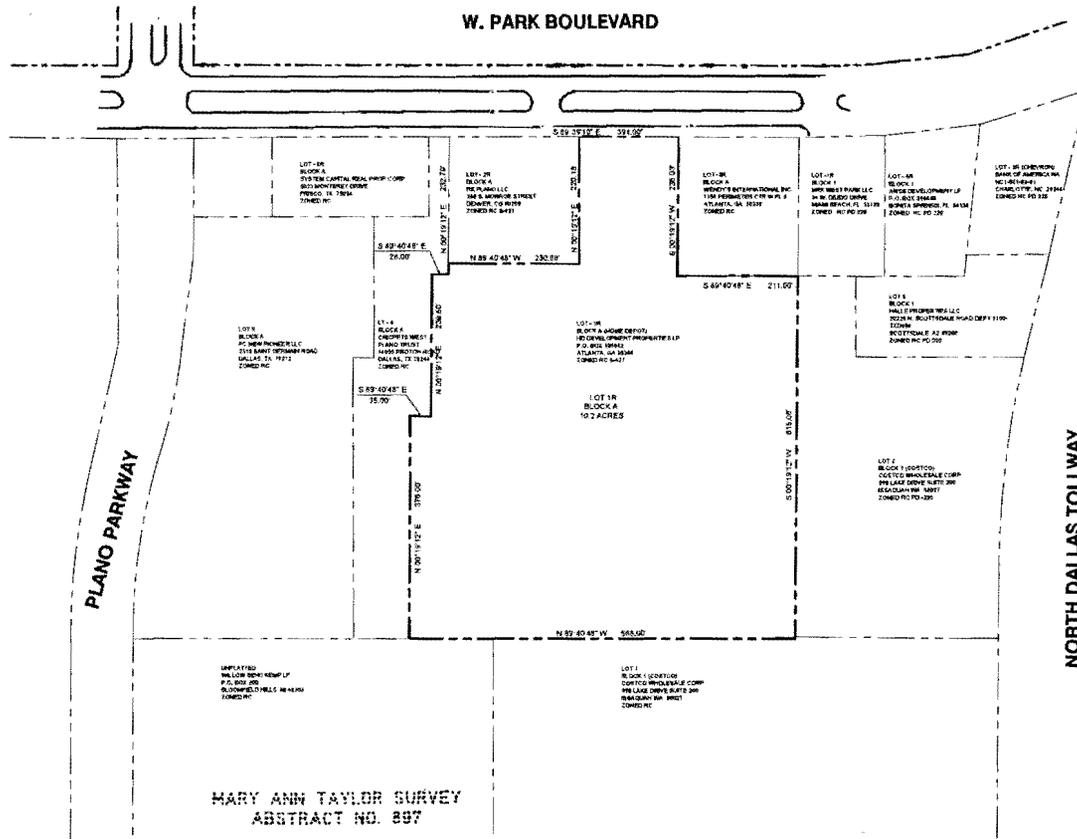
○ 200' Notification Buffer

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LOCATION MAP



\*APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAN, OR PLAN APPROVAL OF DEVELOPMENT STANDARDS SHOWN HEREON, OR THE INITIATION OF THE DEVELOPMENT PROCESS, PLANNING AND ZONING COMMISSION AND/OR CITY COUNCIL ACTION ON STUDIES, PLATS OR PLANS RELATING TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE.\*

PROPERTY OWNER:  
 HD DEVELOPMENT PROPERTIES LP  
 C/O THE HOME DEPOT USA  
 PO BOX 105842  
 ATLANTA, GA 30348-5842

**GreenbergFarrow**

21 S. Evergreen Ave., Suite 200  
 Arlington Heights, Illinois 60005  
 T. 847.788.9200 F. 847.788.9536

**PROJECT INFORMATION**

**PROJECT NOTES**

1. THIS CONCEPTUAL SITE PLAN IS FOR PLANNING PURPOSES ONLY. SITE SPECIFIC INFORMATION SUCH AS EXISTING CONDITIONS, ZONING, PARKING, LANDSCAPE REQUIREMENTS MUST BE VERIFIED.
2. THIS SITE PLAN EXHIBIT IS BASED ON BOUNDARY / TOPOGRAPHIC SURVEY PREPARED BY WINKELMANN AND ASSOCIATES, INC., DATED JANUARY 22, 1995.
3. ADJACENT PROPERTY OWNERSHIP INFORMATION HAS BEEN TAKEN FROM CURRENT COLLIN COUNTY TEXAS TAX RECORDS, GIS DATA.
4. ALL CURB CUTS AND TRAFFIC SIGNALS SHOWN EXISTING AND PROPOSED, MUST BE VERIFIED.
5. CC - TRUCKS/US LEASING ALLOWED WITH SUP FOR SINGLE-LINE TRUCKS WITH ENCLOSED REIS, MAXIMUM 2 AXLES.

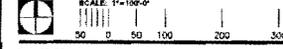
**DRAWING ISSUE/REVISION RECORD**

DATE	INITIATIVE	INITIALS
04/12/12	SUP APPLICATION	DJJ
05/08/12	SUP APPLICATION RESUBMITTAL	DJJ
06/14/12	REDUPLICATION OF PROPERTY BOUNDARY / CITY COMMENTS	DAU

SITE PLANNER: DJJ  
 SITE DEV. COORDINATOR: WRK

**THE HOME DEPOT**  
 PLANO, TX  
 NORTH DALLAS TOLLWAY  
 AND W. PARK BOULEVARD

ZONING CASE NO. 2012-16  
 GF PROJECT NUMBER 20110691.0



**ZONING EXHIBIT**