

DATE: June 7, 2016
TO: Honorable Mayor & City Council
FROM: John Muns, Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of June 6, 2016

**AGENDA ITEM NO. 2 - PUBLIC HEARING
ZONING CASE 2016-017
APPLICANT: LEGACY WEST INVESTORS, LP**

Request for Specific Use Permit for New Automobile Dealer on 0.1 acre located on the east side of Windrose Avenue, 1,450 feet south of Headquarters Drive. Zoned Planned Development-65-Central Business-1/Dallas North Tollway Overlay District. Project #ZC2016-017.

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

Speaker Card(s) Received **Support:** 1 **Oppose:** 0 **Neutral:** 0

Letters Received Within 200' Notice Area: **Support:** 2 **Oppose:** 0 **Neutral:** 0

Letters Received Outside 200' Notice Area: **Support** 0 **Oppose:** 0 **Neutral:** 0

Petition(s) Received: 0 **# Of Signatures:** 0

STIPULATIONS:

Recommended for approval with the following stipulation:

- Maximum vehicle inventory: 10

FOR CITY COUNCIL MEETING OF: June 28, 2016 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

EM/amf

xc: Fehmi Karahan, Legacy West Investors, LP
Trey Braswell, Kimley-Horn
Wayne Snell, Permit Services Manager

<https://goo.gl/maps/baw8E1C2EP12>

CITY OF PLANO
PLANNING & ZONING COMMISSION

June 6, 2016

Agenda Item No. 2

Public Hearing: Zoning Case 2016-017

Applicant: Legacy West Investors, LP

DESCRIPTION:

Request for Specific Use Permit for New Automobile Dealer on 0.1 acre located on the east side of Windrose Avenue, 1,450 feet south of Headquarters Drive. Zoned Planned Development-65-Central Business-1/Dallas North Tollway Overlay District. Project #ZC2016-017.

REMARKS:

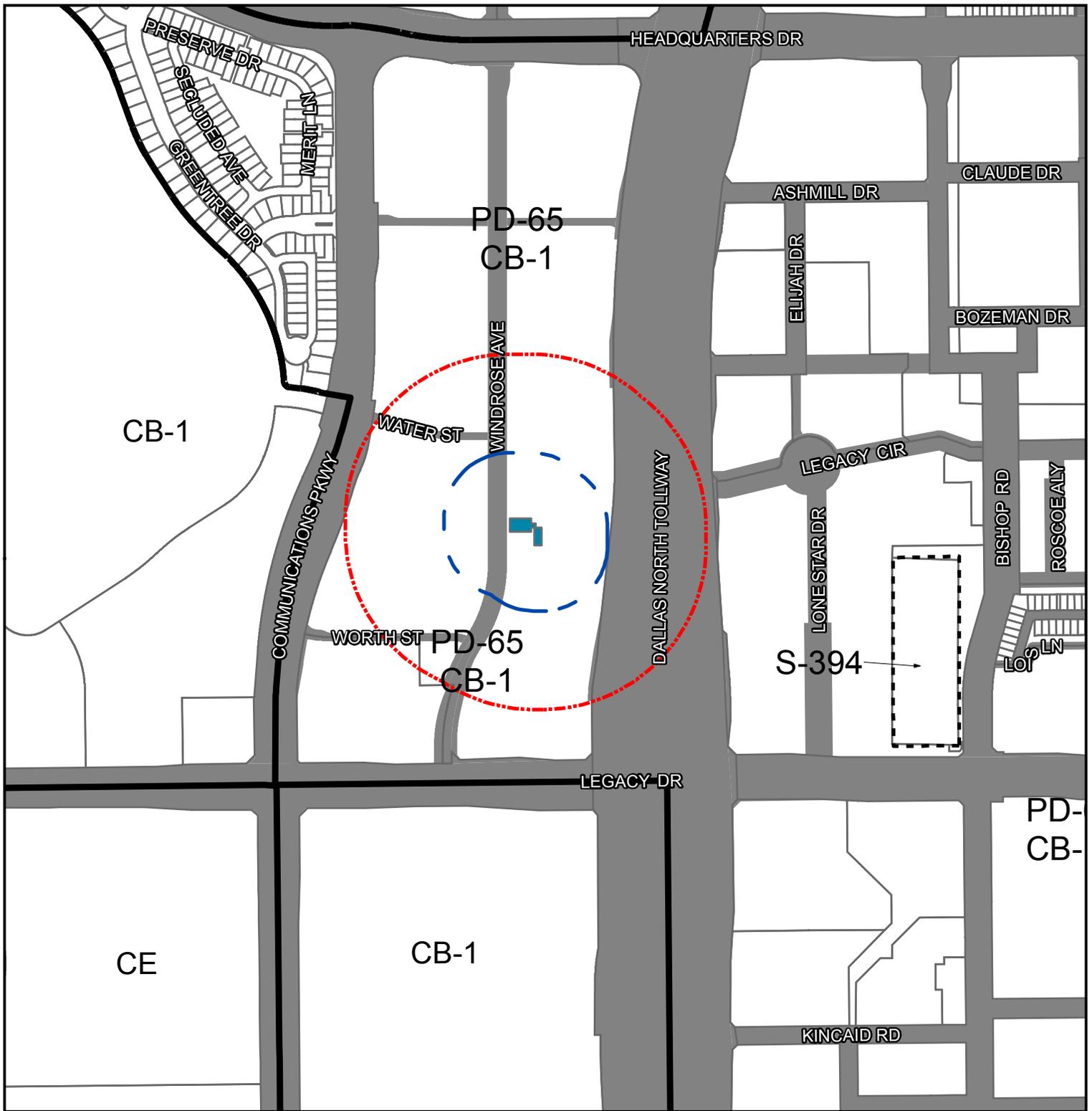
The requested zoning is for a Specific Use Permit (SUP) for New Automobile Dealer. The Zoning Ordinance defines a new automobile dealer as the retail sales and/or leasing of new automobiles or light load vehicles, including, as a minor part of the business, the sales and/or leasing of used automobiles or light load vehicles. 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.

The subject property, is zoned Planned Development-65-Central Business-1 (PD-65-CB-1) and is part of the Legacy West development. The proposed new automobile dealer will occupy a lease space within Tract C of the mixed-use development which will also include retail, restaurant, office, and multifamily uses. The associated cars will be parked in the adjacent parking garage. The subject property has an excess of 1,797 parking spaces of the city requirements. However, in order to limit the impact of the business within the development, the applicant is placing a restriction limiting the maximum inventory to 10 vehicles. These spaces are included within the limits of the SUP request. The requested new automobile dealer is complimentary to the existing zoning and proposed mix of uses, and the subject property has sufficient parking to accommodate the use. For these reasons, staff is in support of the SUP request.

RECOMMENDATION:

Recommended for approval with the following stipulation:

- Maximum vehicle inventory: 10

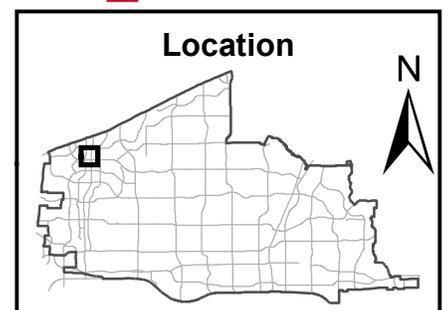


Zoning Case #: 2016-017

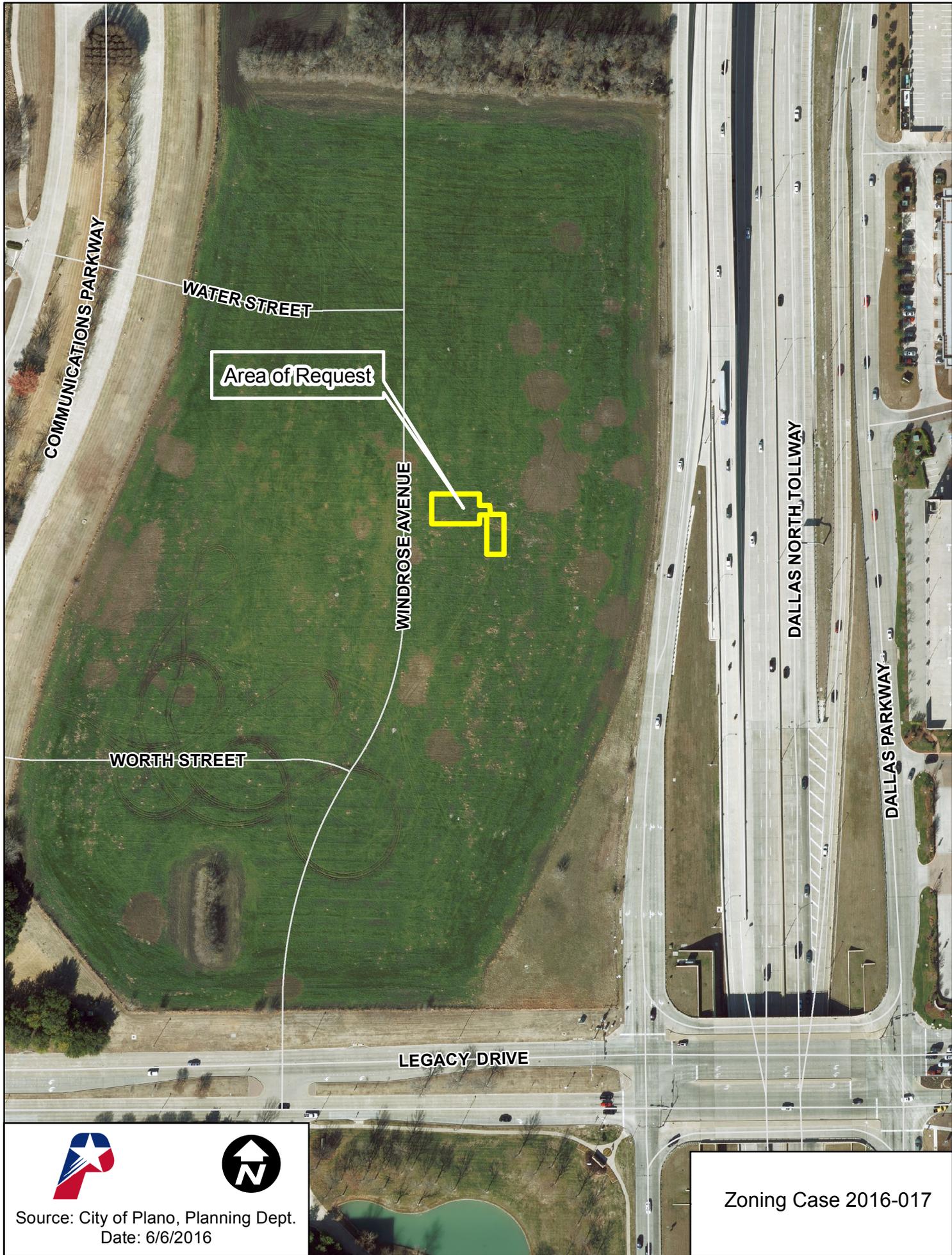
Existing Zoning: Planned Development-65-Central Business-1/Dallas North Tollway Overlay District (PD-65-CB-1)

Proposed Zoning: Specific Use Permit (SUP) for New Automobile Dealer

- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Zoning Boundary
- City Limits
- Subject Property
- Right-of-Way
- Specific Use Permit



Source: City of Plano Planning Department



sabena16/2/2016 X:\DepthP&Z Locators & Graphics\06-06-16\2016-017A.mxd



Source: City of Plano, Planning Dept.
Date: 6/6/2016

Zoning Case 2016-017

LOT 1A, BLOCK D
J.C. FENNEY HOME OFFICE
CAB. H, PAGE 698
M.R.C.C.T.
EXISTING ZONING
CB-1

LOT 1R BLOCK D
LEGACY WEST ADDITION
LOT 1 AND LOT 2, BLOCK D
CAB. 2015, PAGE 63
M.R.C.C.T.
EXISTING ZONING
PD-65-CB-1

COMMUNICATIONS PKWY
(VARIABLE WIDTH PUBLIC STREET)
(CAB. G, PAGE 783)

0.092 ACRES
4,025 SQ. FT.

P.O.B.

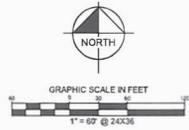
DALLAS PKWY

WINDROSE AVENUE
VARIABLE WIDTH QUAD-PUBLIC STREET EASEMENT
FIRELANE, ACCESS AND UTILITY EASEMENT
CAB. 2015, PAGE 41, M.R.C.C.T.

LEGACY DR

(FORMERLY CARPENTER ROAD)
(CAB. C, PG. 774)
(VARIABLE WIDTH R.O.W.)

LOT 1R, BLOCK A
BEAL BANK ADDITION
INST. NO. 20071219010054470
O.P.R.C.C.T.
EXISTING ZONING
CB-1



LEGEND

- Δ = CENTRAL ANGLE
- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
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- S.E. = STREET EASEMENT
- F.L.A.U.E. = FIRELANE ACCESS AND UTILITY EASEMENT
- VAM = VISIBILITY ACCESS AND MAINTENANCE

LEGAL DESCRIPTION

0.092 ACRE

BEING a tract of land situated in the Henry Cook Survey, Abstract No. 183, City of Plano, Collin County, Texas and being part of Lot 1R, Block D, of Legacy West Addition, Lot 1 and Lot 2, Block B, Lot 1, Block C, Lot 1R, Block D, and Lots 1 and 2, Block E, an addition to the City of Plano, Texas according to the plat recorded in Cabinet 2015, Page 63, Map Records of Collin County, Texas and being more particularly described as follows:

COMMENCING at an aluminum disk found at the northernmost end of a right-of-way corner clip at the intersection of the north right-of-way line of Legacy Drive (a variable width right-of-way) and the west right-of-way line of the Dallas North Tollway (a variable width right-of-way);

THENCE with said west right-of-way line, the following courses and distances to wit:

North 0°43'14" West, a distance of 157.42 feet to an aluminum disk found at the beginning of a tangent curve to the right having a central angle of 8°33'04", a radius of 263.13 feet, a chord bearing and distance of North 3°33'18" East, 39.23 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 39.27 feet to an aluminum disk found for corner;

North 7°49'49" East, a distance of 107.76 feet to an aluminum disk found at the beginning of a non-tangent curve to the right having a central angle of 2°29'42", a radius of 1442.39 feet, a chord bearing and distance of North 1°15'00" East, 59.03 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 59.03 feet to a 1" iron rod found for corner;

North 62°21'17" East, a distance of 248.02 feet to a point for corner;

THENCE leaving said west right-of-way line of the Dallas North Tollway, North 63°37'43" West, a distance of 233.87 feet to the POINT OF BEGINNING;

THENCE the following courses and distances to wit:

North 90°00'00" West, a distance of 23.00 feet to a point for corner;

North 0°00'00" East, a distance of 53.95 feet to a point for corner;

North 0°00'00" West, a distance of 18.00 feet to a point for corner;

South 0°00'00" East, a distance of 12.54 feet to a point for corner;

North 90°00'00" West, a distance of 65.00 feet to a point for corner;

North 90°00'00" East, a distance of 40.17 feet to a point for corner;

North 90°00'00" East, a distance of 15.33 feet to a point for corner;

North 90°00'00" East, a distance of 14.00 feet to a point for corner;

South 0°00'00" East, a distance of 12.25 feet to a point for corner;

South 90°00'00" East, a distance of 19.00 feet to a point for corner;

South 0°00'00" East, a distance of 54.00 feet to the POINT OF BEGINNING and containing 0.092 acre of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

RECEIVED
June 1, 2016
CITY OF PLANO PLANNING DEPARTMENT

ZONING EXHIBIT FOR 2016-017
LEGACY WEST ADDITION
BLOCK D, LOT 1R
0.092 ACRE SITUATED IN THE
HENRY COOK SURVEY, ABSTRACT NO. 183
CITY OF PLANO COLLIN COUNTY, TEXAS

ENGINEER:
KIMLEY-HORN AND ASSOCIATES, INC.
5750 GENESIS COURT, SUITE 200
FRESNO, TEXAS 75044
PHONE: 972-335-3640
CONTACT: TREY BRASWELL, P.E.
OWNER/APPLICANT:
LEGACY WEST INVESTORS, LP
7200 BISHOP ROAD, SUITE 250
PLANO, TX 75024
PHONE: 214-473-8700
CONTACT: Felicia Kierman

Kimley-Horn

12700 Main Drive, Suite 1000
Dallas, Texas 75251
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3620

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	DAB	TAB	April 2016	068111009	1 OF 1

NOTE:
Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning & Zoning Commission and/or City Council action on studies, plans, or plans relating to development of the property shall be considered as an action separate from action taken on this zoning case.

Zoning Case 2016-017

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 11 so as to allow the additional use of New Automobile Dealer on 0.1 acre of land out of the Henry Cook Survey, Abstract No. 183, located on the east side of Windrose Avenue, 1,450 feet south of Headquarters Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-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 June, 2016, for the purpose of considering granting Specific Use Permit No. 11 for the additional use of New Automobile Dealer on 0.1 acre of land out of the Henry Cook Survey, Abstract No. 183, located on the east side of Windrose Avenue, 1,450 feet south of Headquarters Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-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 June, 2016; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 11 for the additional use of New Automobile Dealer on 0.1 acre of land out of the Henry Cook Survey, Abstract No. 183, located on the east side of Windrose Avenue, 1,450 feet south of Headquarters Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-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. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 11 for the additional use of New Automobile Dealer on 0.1 acre of land out of the Henry Cook Survey, Abstract No. 183, located on the east side of Windrose Avenue, 1,450 feet south of Headquarters Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1, 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 a maximum inventory of ten vehicles.

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 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 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 28TH DAY OF JUNE, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2016-017

BEING a tract of land situated in the Henry Cook Survey, Abstract No. 183, City of Plano, Collin County, Texas and being part of Lot 1R, Block D, of Legacy West Addition, Lot 1 and Lot 2, Block B, Lot 1, Block C, Lot 1R, Block D, and Lots 1 and 2, Block E, an addition to the City of Plano, Texas according to the plat recorded in Cabinet 2015, Page 63, Map Records of Collin County, Texas and being more particularly described as follows:

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THENCE with said west right-of-way line, the following courses and distances to wit:

North 0°43'14" West, a distance of 157.42 feet to a an aluminum disk found at the beginning of a tangent curve to the right having a central angle of 8°33'04", a radius of 263.13 feet, a chord bearing and distance of North 3°33'18" East, 39.23 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 39.27 feet to a an aluminum disk found for corner;

North 7°49'49" East, a distance of 107.76 feet to a an aluminum disk found at the beginning of a non-tangent curve to the right having a central angle of 2°20'42", a radius of 1442.39 feet, a chord bearing and distance of North 5°11'56" East, 59.03 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 59.03 feet to a 1" iron rod found for corner;

North 6°22'17" East, a distance of 248.02 feet to a point for corner;

THENCE leaving said west right-of-way line of the Dallas North Tollway, North 83°37'43" West, a distance of 203.87 feet to the POINT OF BEGINNING;

THENCE the following courses and distances to wit:

North 90°00'00" West, a distance of 23.00 feet to a point for corner;

North 0°00'00" East, a distance of 53.96 feet to a point for corner;

North 90°00'00" West, a distance of 10.00 feet to a point for corner;

South 0°00'00" East, a distance of 12.54 feet to a point for corner;

North 90°00'00" West, a distance of 65.00 feet to a point for corner;

North 0°00'00" East, a distance of 40.17 feet to a point for corner;

North 90°00'00" East, a distance of 65.00 feet to a point for corner;

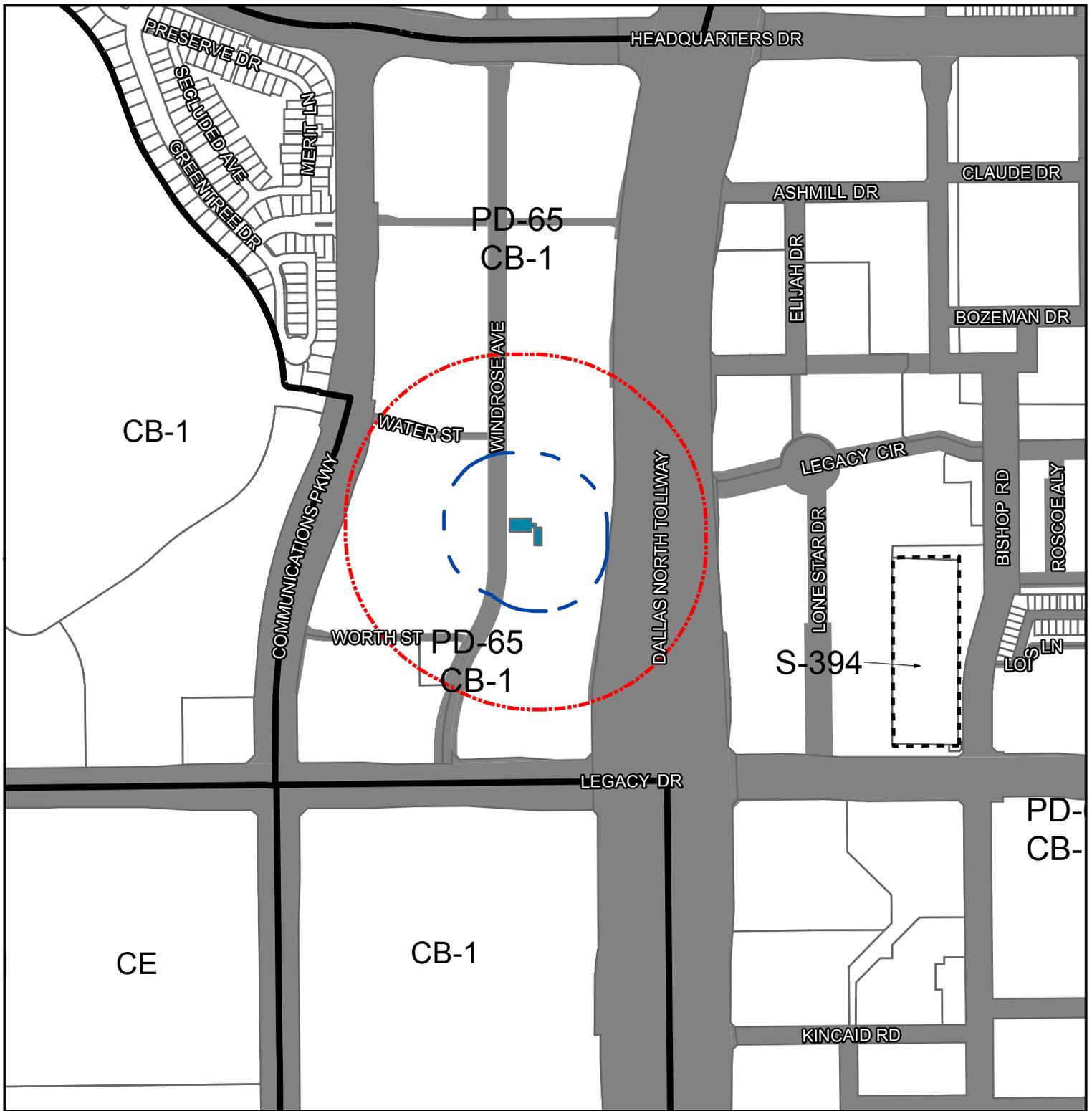
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Zoning Case #: 2016-017

Existing Zoning: Planned Development-65-Central Business-1/Dallas North Tollway Overlay District (PD-65-CB-1)

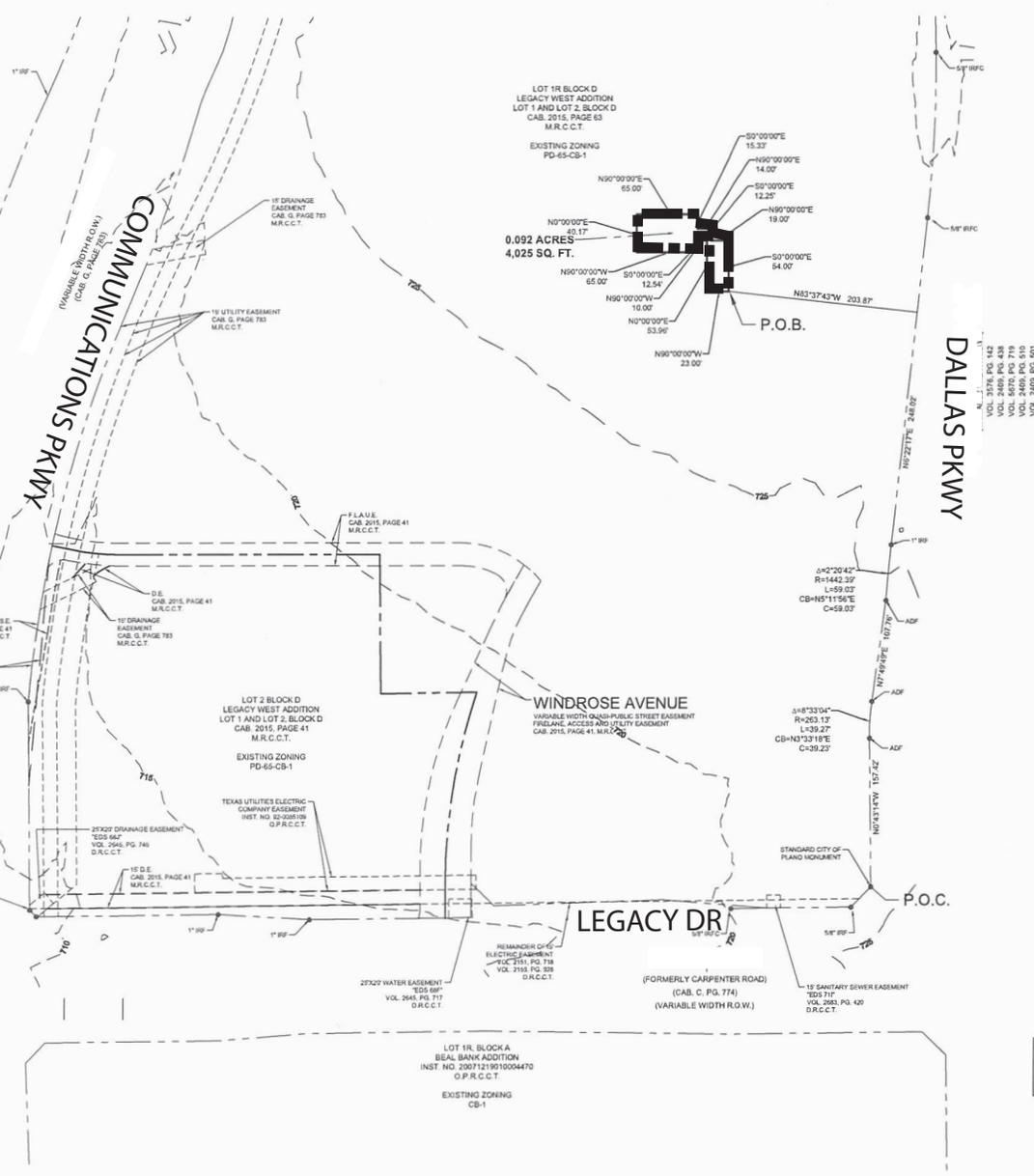
Proposed Zoning: Specific Use Permit (SUP) for New Automobile Dealer

- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Subject Property
- Zoning Boundary
- City Limits
- Right-of-Way
- Specific Use Permit



Source: City of Plano Planning Department

LOT 1A, BLOCK D
J.C. FENNEY HOME OFFICE
CAB. H, PAGE 698
M.R.C.C.T.
EXISTING ZONING
CB-1



LOT 1R BLOCK D
LEGACY WEST ADDITION
LOT 1 AND LOT 2, BLOCK D
CAB. 2015, PAGE 63
M.R.C.C.T.
EXISTING ZONING
PD-65-CB-1

0.092 ACRES
4,025 SQ. FT.

P.O.B.

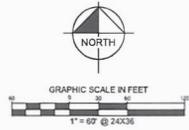
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WINDROSE AVENUE
VARIABLE WIDTH QUAD-PUBLIC STREET EASEMENT
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LEGACY DR

(FORMERLY CARPENTER ROAD)
(CAB. C. PG. 774)
(VARIABLE WIDTH R.O.W.)

LOT 1R, BLOCK A
BEAL BANK ADDITION
INST. NO. 20071219010054470
O.P.R.C.C.T.
EXISTING ZONING
CB-1



- LEGEND**
- Δ = CENTRAL ANGLE
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0.092 ACRE

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RECEIVED
June 1, 2016
CITY OF PLANO PLANNING DEPARTMENT

ZONING EXHIBIT FOR 2016-017
LEGACY WEST ADDITION
BLOCK D, LOT 1R
0.092 ACRE SITUATED IN THE
HENRY COOK SURVEY, ABSTRACT NO. 183
CITY OF PLANO COLLIN COUNTY, TEXAS

ENGINEER:
KIMLEY-HORN AND ASSOCIATES, INC.
5750 GENESIS COURT, SUITE 200
FRESNO, TEXAS 75044
PHONE: 972-335-3640
CONTACT: TREY BRASWELL, P.E.
OWNER/APPLICANT:
LEGACY WEST INVESTORS, LP
7200 BISHOP ROAD, SUITE 250
PLANO, TX 75024
PHONE: 214-473-9700
CONTACT: Felicia Kierman

Kimley»Horn

12700 Main Drive, Suite 1000
Dallas, Texas 75251
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3620

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	DAB	TAB	April 2016	068111009	1 OF 1