

DATE: July 20, 2010
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of July 19, 2010

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2010-08
APPLICANT: MORLEDGE HOLDINGS, LP**

Request for a Specific Use Permit for a 90-foot Commercial Antenna Support Structure on 0.1± acre located 220± feet east of Coit Road and 480± feet north of Hedgcoxe Road. Zoned Retail.

APPROVED: 7-0 **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 subject to the commercial antenna support structure being constructed as a flagpole stealth design.

FOR CITY COUNCIL MEETING OF: August 9, 2010 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dc

xc: Vincent Huebinger, Vincent Gerard & Assoc. Inc.

MEMO

July 27, 2010

TO: Tom Muehlenbeck, City Manager
Frank Turner, Deputy City Manager

FROM: Eric Hill, Planner

RE: Zoning Case 2010-08

Staff received a letter in opposition to Zoning Case 2010-08 from an adjacent property owner. Because the property owner's opposition constitutes more than 20% of the land area within the 200-foot zoning notice area, Chapter 211 of the Local Government Code requires that a three-quarter majority vote, rather than a simple majority vote, will be necessary for City Council to approve Zoning Case 2010-08.

Phyllis Jarrell, Director of Planning, and Tina Firgens, Planning Manager, will be present at the City Council meeting to address any questions regarding this item.

CITY OF PLANO
PLANNING & ZONING COMMISSION

July 19, 2010

Agenda Item No. 7A

Public Hearing: Zoning Case 2010-08

Applicant: Morledge Holdings, LP

DESCRIPTION:

Request for a Specific Use Permit for a 90-foot Commercial Antenna Support Structure on 0.1± acre located 220± feet east of Coit Road and 480± feet north of Hedgcoxe Road. Zoned Retail.

REMARKS:

This item was tabled at the July 6, 2010, Planning & Zoning Commission meeting. It needs to be removed from the table.

The requested zoning is a Specific Use Permit (SUP) for a 90-foot Commercial Antenna Support Structure. A commercial antenna is defined as any antenna system that provides, directly or indirectly for a fee, telecommunications services to the public or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. 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. The property is currently zoned Retail (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.

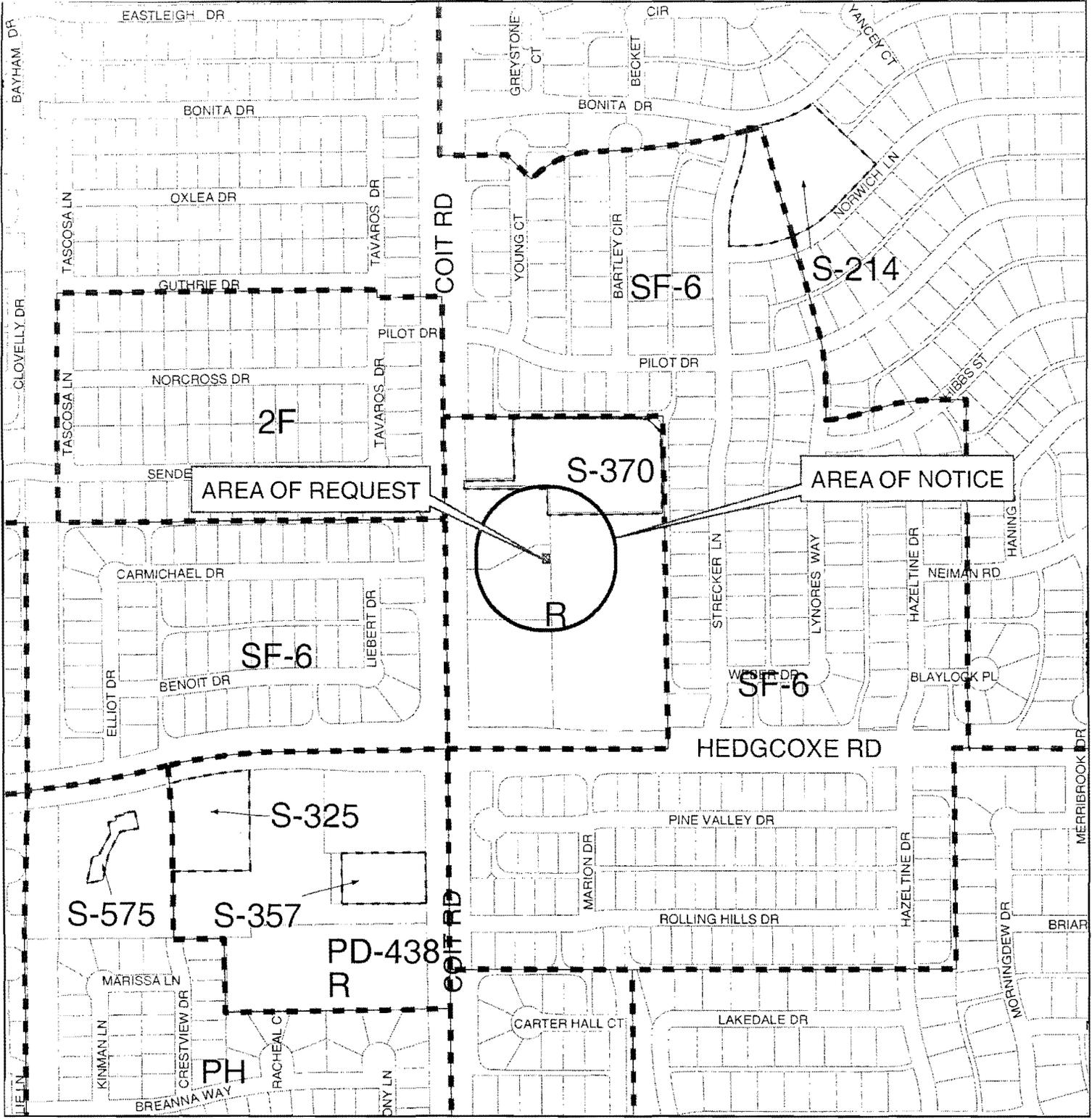
The subject property is currently developed as a minor automobile repair business and includes an existing 60-foot commercial antenna support structure; the existing tower is allowed by right in the R district. The applicant proposes to remove the existing 60 foot tower and construct a new 90 foot tower in the same location. Because the requested tower exceeds 60 feet in height, an SUP is required. The maximum height of a commercial antenna support structure that may be requested is 120 feet in the R district. The reason why the applicant is requesting an additional 30 feet in height is to provide adequate coverage and to allow for collocation for multiple carriers.

The land surrounding the area of request is zoned R and is occupied by veterinary clinic, day care, post office, and retail uses. Approximately 400 feet to the north and 370 feet to the east is a residential subdivision, Highland Ridge 7. To the south across Hedgcoxe Road and to the west across Coit Road are additional residential subdivisions, Parkdale and Highland Meadows.

Due to the subject property's proximity to existing residential subdivisions, staff has recommended that the applicant provide a stealth design for the requested support structure. The purpose for this request is to minimize the visual effect of a traditional 90-foot tall support structure with visible antenna. The applicant is proposing a "flagpole" design which will completely enclose and hide the antenna within a large pole. The applicant's design will help minimize the aesthetic impact of the proposed antenna support structure from the neighboring residential subdivisions and commercial developments, while also limiting the necessary height of the pole. According to the applicant the new pole design will be able to accommodate three antenna carriers (the existing carrier, the applicant, and one other carrier). Staff believes that the proposed design meets the intent of a stealth commercial antenna support structure.

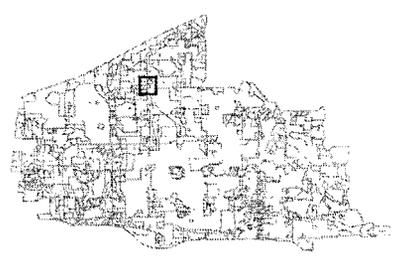
RECOMMENDATION:

Recommended for approval.



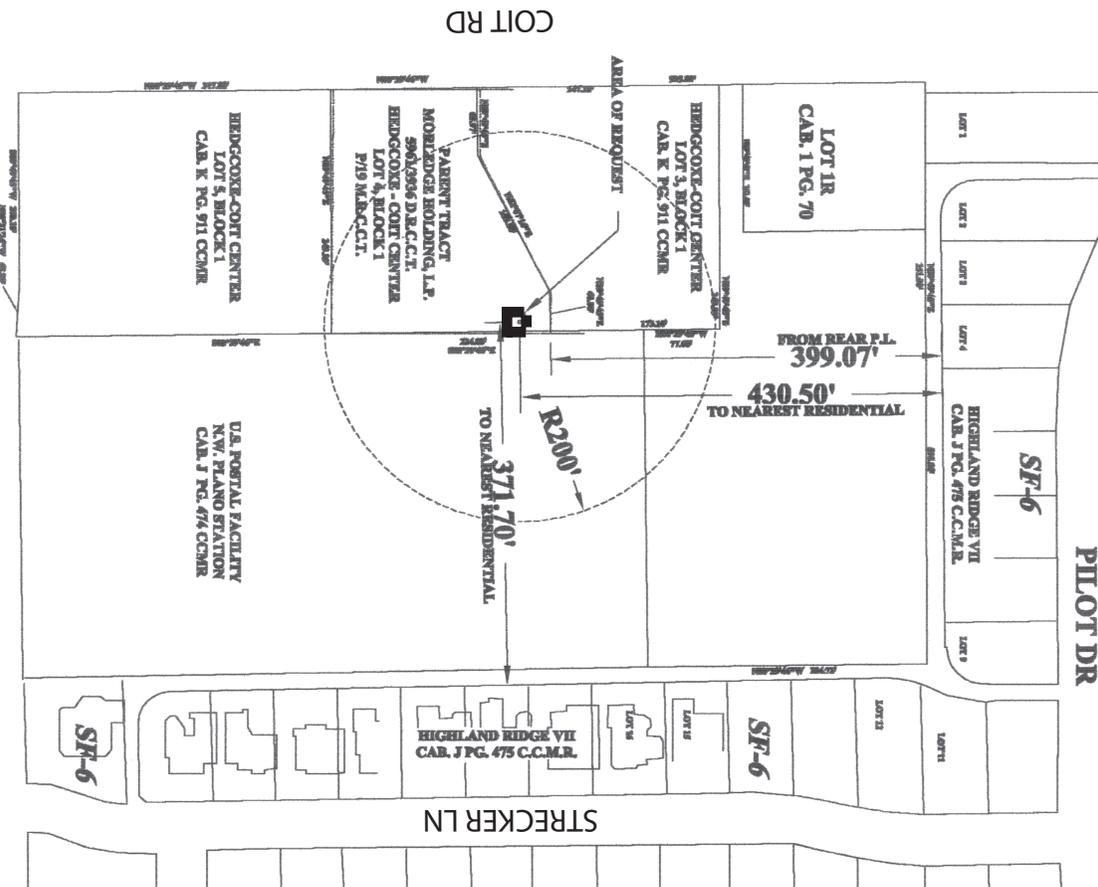
Zoning Case #: 2010-08

Existing Zoning: RETAIL



○ 200' Notification Buffer

NO.	DESCRIPTION	DATE	BY	REVISIONS / CORRECTIONS
1	FOR THE PURPOSES OF THIS ZONING EXHIBIT, THE SITE IS ASSUMED TO BE A 1.048 ACRE PARCEL WITH A 1.048 ACRE LOT.	1	438	08/10



NO.	DESCRIPTION	DATE	BY	REVISIONS / CORRECTIONS
1	FOR THE PURPOSES OF THIS ZONING EXHIBIT, THE SITE IS ASSUMED TO BE A 1.048 ACRE PARCEL WITH A 1.048 ACRE LOT.	1	438	08/10

PURPOSE
PURPOSE OF THIS ZONING EXHIBIT IS TO PROVIDE A ZONING DISTRICT WITH SUPPORT STRUCTURE FOR STRUCTURE FOR SERVICE PROVIDERS.

ENGINEERS/ARCHITECTS
ALTON CONSULTING GROUP, INC.
1401 VALLEY VIEW LANE, SUITE 200 DALLAS TX 75243
PHONE: (972) 624-8372

LAND OBTAINER
LAND OBT: CARMICHAEL, SHERRY
1401 VALLEY VIEW LANE, SUITE 200 DALLAS TX 75243
PHONE: 972.677.5141

APPLICANT INFO.
-MOBILE
4401 PRESTON RD. STE 110
AUSTIN, TX 78746
CONTACT: (512) 328-2885
FAX: (512) 328-2885

LEGAL DESCRIPTION
LOT 4, BLOCK 1, HDGCOXE COIT CENTER - COIT CENTER

ZONING
1. THE ZONING DISTRICT IS A ZONING DISTRICT FOR COMMERCIAL USES.
2. THE ZONING DISTRICT IS A ZONING DISTRICT FOR COMMERCIAL USES.
3. THE ZONING DISTRICT IS A ZONING DISTRICT FOR COMMERCIAL USES.
4. THE ZONING DISTRICT IS A ZONING DISTRICT FOR COMMERCIAL USES.

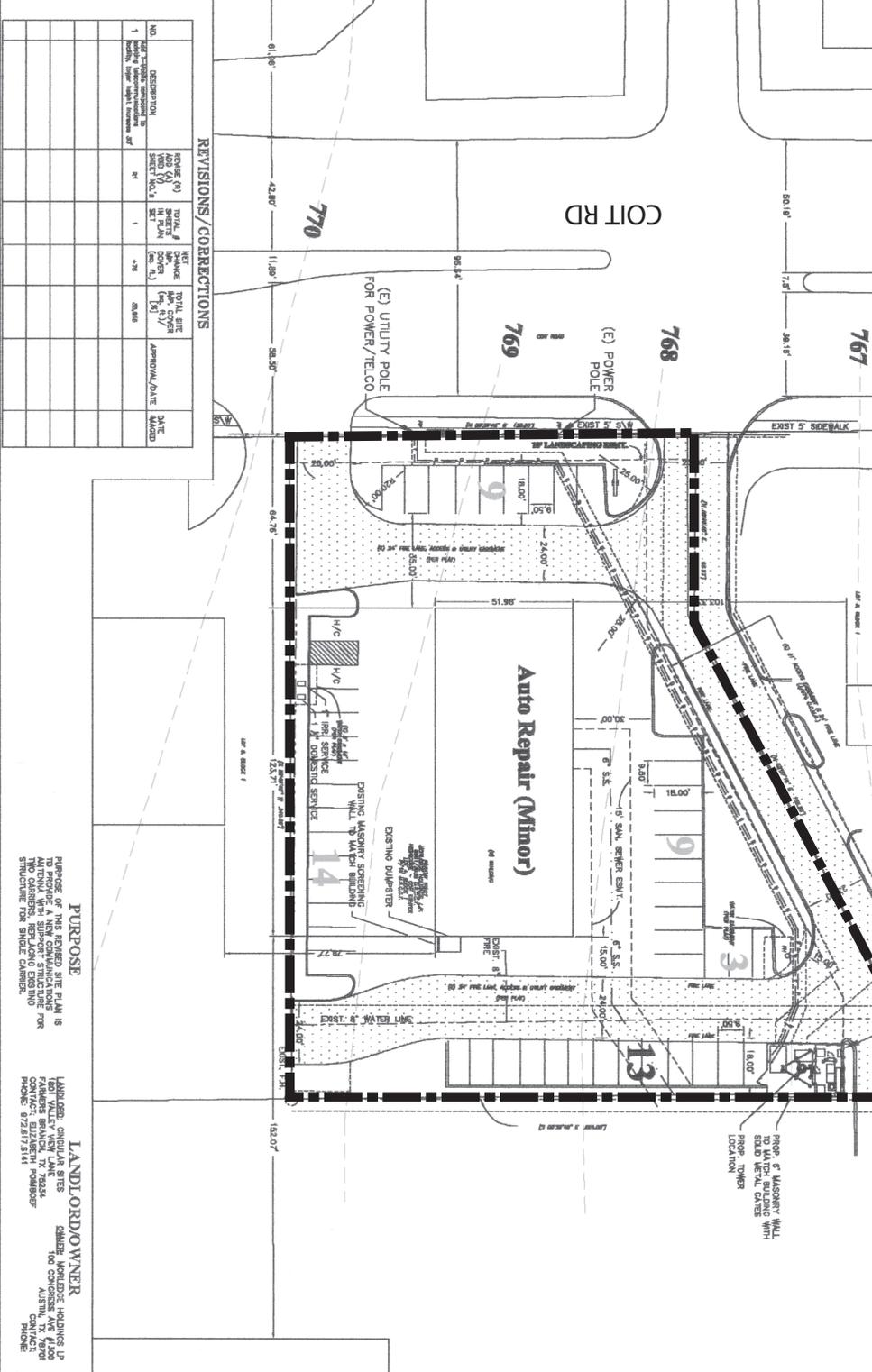
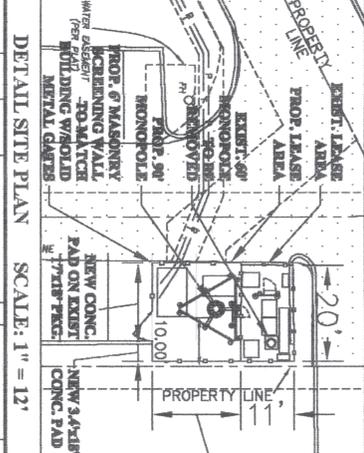
SCALE: 1" = 60'

SITE LOCATION

VINCENT GERARD & ASSOCIATES
LAND PLANNING & ZONING CONSULTANTS
1715 CAPITAL OF TEXAS HIGHWAY SOUTH, SUITE 207
AUSTIN, TEXAS
(512) 328-2893 • 528-4011 (FAX)
EMAIL ADDRESS: www.vg@vgerard.com

PLANO AT&T ZONING EXHIBIT
ZONING CASE 2010-08
ZONING EXHIBIT
8012 COIT ROAD - PLANO, TEXAS 75024

F-Mobile
7668 Warren Parkway, SUITE 100
PLANO, TEXAS 75024
DATE: 06/22/2010 2:22:21 PM



REVISIONS/CORRECTIONS

NO.	DESCRIPTION	DATE	BY	APPROVAL/DATE
1	Initial site plan	08/18/10	VG	

PURPOSE

LANDLORD/OVERNER

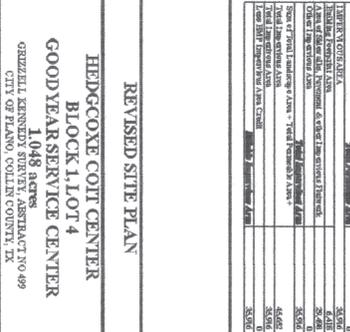
PREPARED BY: VINCENT GERARD & ASSOCIATES

DATE: 08/18/10

LANDLORD/OVERNER

PREPARED BY: VINCENT GERARD & ASSOCIATES

DATE: 08/18/10



EXISTING UTILITIES AND SERVICES

ID	TYPE	SIZE	NO.	EXT.	SEWER
1	WATER	12\"/>			

1. Building footprint to be constructed in accordance with the applicable zoning ordinance.
2. All proposed structures shall be designed and constructed in accordance with the applicable zoning ordinance.
3. All proposed structures shall be constructed in accordance with the applicable zoning ordinance.
4. All proposed structures shall be constructed in accordance with the applicable zoning ordinance.
5. All proposed structures shall be constructed in accordance with the applicable zoning ordinance.
6. All proposed structures shall be constructed in accordance with the applicable zoning ordinance.
7. All proposed structures shall be constructed in accordance with the applicable zoning ordinance.
8. All proposed structures shall be constructed in accordance with the applicable zoning ordinance.
9. All proposed structures shall be constructed in accordance with the applicable zoning ordinance.
10. All proposed structures shall be constructed in accordance with the applicable zoning ordinance.
11. All proposed structures shall be constructed in accordance with the applicable zoning ordinance.
12. All proposed structures shall be constructed in accordance with the applicable zoning ordinance.
13. All proposed structures shall be constructed in accordance with the applicable zoning ordinance.

Zoning Case 2010-08

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. 604 so as to allow the additional use of a 90-foot Commercial Antenna Support Structure on 0.1± acre of land out of the Grizzel Kennedy Survey, Abstract No. 499, located 220± feet east of Coit Road and 480± feet north of Hedgcoxe Road, in the City of Plano, Collin County, Texas, presently zoned 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 9th day of August, 2010, for the purpose of considering granting Specific Use Permit No. 604 for the additional use of 90-foot Commercial Antenna Support Structure on 0.1± acre of land out of the Grizzel Kennedy Survey, Abstract No. 499, located 220± feet east of Coit Road and 480± feet north of Hedgcoxe Road, in the City of Plano, Collin County, Texas, presently zoned 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 9th day of August, 2010; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 604 for the additional use of a 90-foot Commercial Antenna Support Structure on 0.1± acre of land out of the Grizzel Kennedy Survey, Abstract No. 499, located 220± feet east of Coit Road and 480± feet north of Hedgcoxe 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. 604 for the additional use of a 90-foot Commercial Antenna Support Structure on 0.1± acre of land out of the Grizzel Kennedy Survey, Abstract No. 499, located 220± feet east of Coit Road and 480± feet north of Hedgcoxe Road, in the City of Plano, Collin County, Texas, presently zoned Retail, said property being more fully described on the legal description in Exhibit "A" attached hereto.

Section II. The specific use permit for the 90-foot Commercial Antenna Support Structure is hereby granted subject to said structure being constructed as a flagpole stealth design.

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 9TH DAY OF AUGUST, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ZC 2010-08

BEING a 0.014 acre tract (592.00 square feet) and being all that certain lot, tract or parcel of land situated in the Grizzel Kennedy Survey, Abstract No. 499, City of Plano, Collin County, Texas, and being part of a tract described in a deed from John Morledge and Jeanne Morledge to Morledge Holdings, L.P. as recorded in Volume 5961, Page 3936, Deed Records of Collin County, Texas, (said tract also being known as Lot 4, Block 1 of the Hedgcoxe - Coit Center, according to the plat thereof recorded in Volume P, Page 19, Map Records of Collin County, Texas), and being more particularly described as follows:

COMMENCING from a 1/2 inch iron rod found at the southeast corner of said Lot 4 and the northeast corner of Lot 5, for a corner;

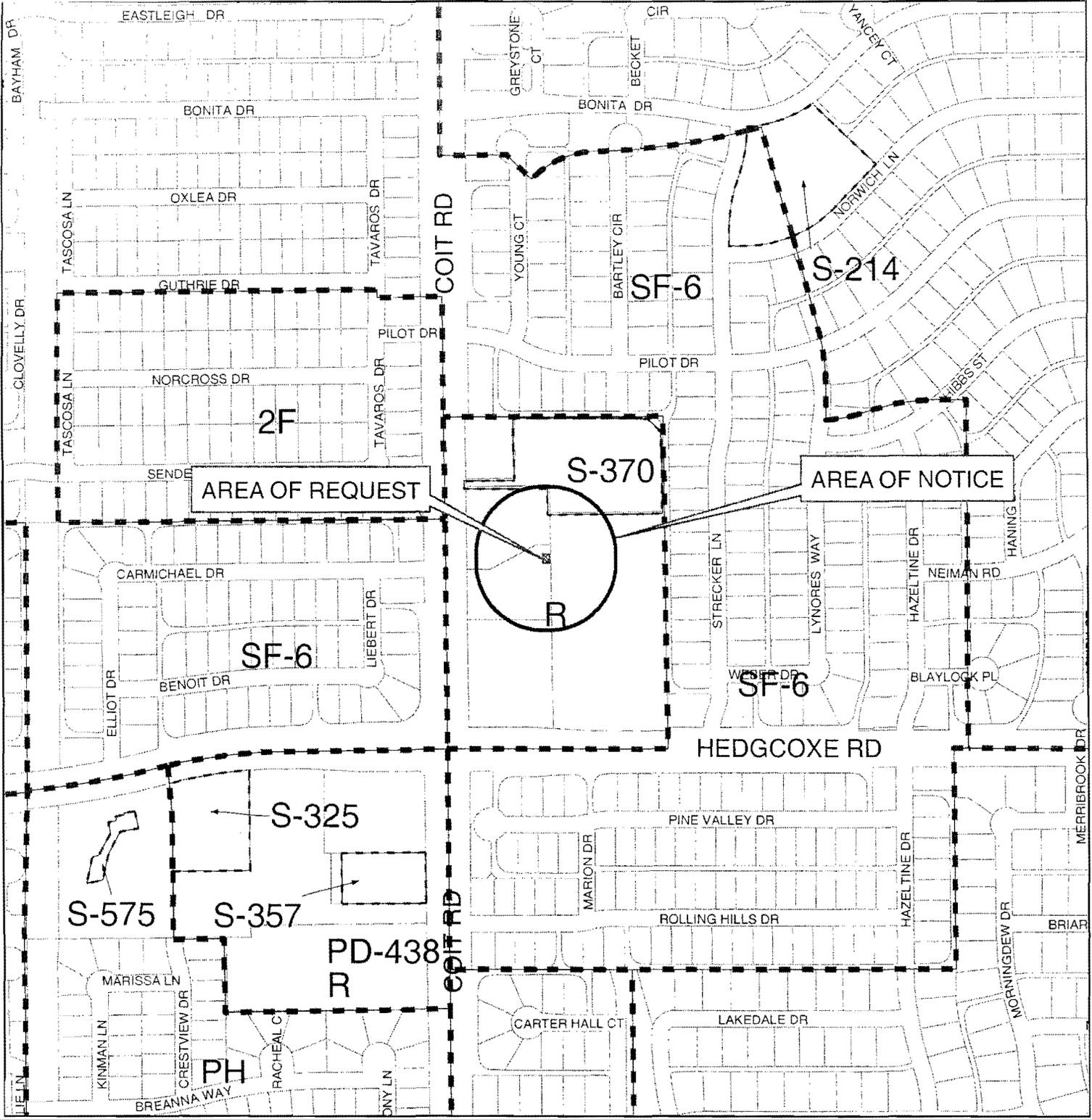
THENCE North 00° 31' 30" West along the east line of said Lot 4 a distance of 167.98 feet and South 89° 28' 30" West across said Lot 4 a distance of 1.14 feet to a capped 1/2 inch iron rod stamped "WIMBERLY 6005" set at the POINT OF BEGINNING of said lease area;

THENCE South 89° 28' 30" West across said Lot 4 a distance of 20.00 feet to an x-found, for a corner;

THENCE North 00° 31' 30" West across said Lot 4 a distance of 29.60 feet to an x-found, for a corner;

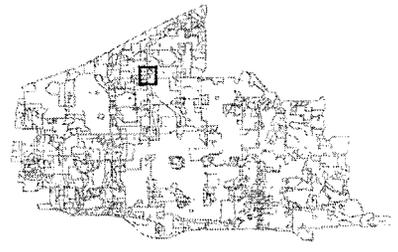
THENCE North 89° 28' 30" East across said Lot 4 a distance of 29.60 feet to a capped 1/2 inch iron rod stamped 'BEASLEY' found, for a corner;

THENCE South 00° 31' 30" East across said Lot 4 a distance of 20.60 feet to the POINT OF BEGINNING and CONTAINING 0.014 acres (592.00 square feet) of land.



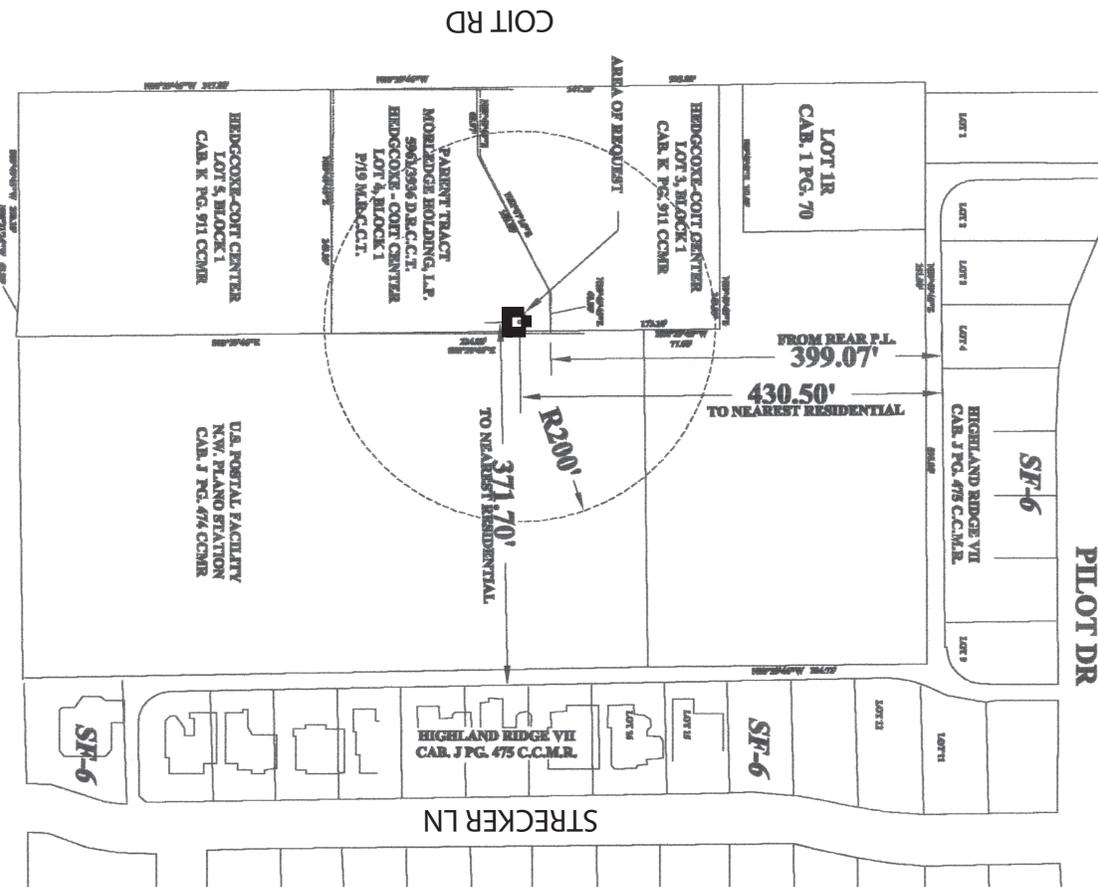
Zoning Case #: 2010-08

Existing Zoning: RETAIL



○ 200' Notification Buffer

REVISIONS / CORRECTIONS				
NO.	DESCRIPTION	DATE	BY	APP'D.
1	ADD 1/4" scale drawing to include site plan, zoning map, and other information as required by the City of Plano.	08/10	AG	



ZONING EXHIBIT	
ZONING CASE 2010-08	HDGCOXE COIT CENTER
BLOCK 1 LOT 4	GOOD YEAR SERVICE CENTER
1 OF 2	

PURPOSE
PURPOSE OF THIS ZONING EXHIBIT IS TO PROVIDE A ZONING DISTRICT WITH SUPPORT STRUCTURE FOR THE HDGCOXE COIT CENTER SERVICE CENTER.

ENGINEERS/ARCHITECTS
ALDRIN CONSULTING GROUP, INC.
1401 VALLEY VIEW LANE, SUITE 200 DALLAS TX 75243
PHONE: (972) 424-8372

LAND OBTAINER
LAND OBT: CARMICHAEL, SHARON
1401 VALLEY VIEW LANE, SUITE 200 DALLAS TX 75243
PHONE: 972.677.6141

APPLICANT INFO.
-MOBILE
4401 PRESTON RD, SUITE 110
AUSTIN, TX 78746
CONTACT: VINCENT GERARD
PHONE: (512) 328-2885

LEGAL DESCRIPTION
LOT 4, BLOCK 1, HDGCOXE COIT CENTER

ZONING
1. THE CITY OF PLANO HAS ADOPTED THE FOLLOWING ZONING DISTRICTS:
1. HDGCOXE COIT CENTER ZONING DISTRICT (HDGCOXE COIT CENTER ZONING DISTRICT) IS A ZONING DISTRICT FOR THE HDGCOXE COIT CENTER SERVICE CENTER. THE HDGCOXE COIT CENTER ZONING DISTRICT IS A ZONING DISTRICT FOR THE HDGCOXE COIT CENTER SERVICE CENTER. THE HDGCOXE COIT CENTER ZONING DISTRICT IS A ZONING DISTRICT FOR THE HDGCOXE COIT CENTER SERVICE CENTER.



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EMAIL ADDRESS: vgerard@vgerard.com

PLANO AT&T ZONING EXHIBIT
ZONING CASE 2010-08
ZONING EXHIBIT
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