



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		08/23/10		
Department:		Planning		
Department Head		Phyllis M. Jarrell		
Agenda Coordinator (include phone #): <b>T. Stuckey, ext. 7156</b>				
<b>CAPTION</b>				
Public Hearing and Consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2010-09 - Request to rezone 7.1± acres located on the east side of North Star Road, 710± feet south of Plano Parkway from Research/Technology Center to Planned Development Research/Technology Center. Applicant: The Assured Group				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
BALANCE	0	0	0	<b>0</b>
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
At its July 19, 2010 meeting, the Planning & Zoning Commission denied this request by a vote of 6-2. The applicant has appealed the Commission's denial. A 3/4 vote, or 6 of the 8 City Council members, is required for approval of the request.				
List of Supporting Documents: Letter of Appeal from Applicant 2nd Vice Chair Report P&Z Follow-up Memo Staff Report Maps			Other Departments, Boards, Commissions or Agencies	

# The Assured Group

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Ms. Phyllis Jarrell  
Director of Planning  
City of Plano  
1520 Avenue K  
Plano, Texas 75074

RECEIVED  
JUL 29 2010  
PLANNING DEPT.

RE: Zoning request 2010-09, North Star Road for the Assured Group

Dear Ms. Jarrell,

Please accept this letter as our official request to appeal the decision of the Planning and Zoning Commission to the City Council regarding Zoning Case 2010-009 and the accompanying Preliminary Site Plan.

We believe that the proposed development was judged strictly on the requirements of the RT District and did not look at the case on its own merit. We believe that the project will promote the growth of new businesses, provide jobs for the community and stimulate the economic development of the area. We further believe that the project will fill the needs of a variety of businesses and individuals in the City of Plano.

I would appreciate if you could schedule the project for consideration by the City Council for further review.

Sincerely,



Don Valk

Plano Planning and Zoning Commission

Second Vice-Chair Report

Item No. 8A and B—July 19, 2010 Planning and Zoning Commission Meeting

On July 19, 2010, the Commission considered Zoning Case 2010 in which the applicant, The Assured Group, sought to rezone approximately 7.1 acres located on the east side of North Star Road, approximately 710 feet south of Plano Parkway from Research/Technology Center to Planned Development Research/Technology Center. The Applicant also submitted a proposed site plan for approval. The Applicant sought the rezoning to permit it to develop the property mini-warehouse/public storage and recreation vehicle parking lot as additional permitted uses as well as amending related development standards to accommodate the requested uses. The miniwarehouse/public storage and recreation vehicle parking lot uses are not allowed in the RT zoning district, either by right or with a specific use permit. Staff recommended denial based on the fact that the proposed uses were not consistent with the intent of the RT District to promote low density employment centers.

The Commission conducted a public hearing. At the conclusion of the public hearing the Commission noted that the Applicant's proposal to include incubator office space in the proposal was a positive aspect of the proposal. The majority of the Commission concluded; however, that they did not favor the piecemeal approach of chipping away at the RT District with uses that were not consistent with the RT District and supported the Staff's recommendation of denial. Several Commission members were also concerned that the proposed miniwarehouse/public storage and recreation vehicle parking lot uses were not consistent with the RT District's goals of promoting low density employment centers.

The Commission denied the application by a vote of 6-2.

Christopher J. Caso

Second Vice Chair

**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. 8A - PUBLIC HEARING  
ZONING CASE 2010-09  
APPLICANT: THE ASSURED GROUP**

Request to rezone 7.1± acres located on the east side of North Star Road, 710± feet south of Plano Parkway from Research/Technology Center to Planned Development Research/Technology Center.

**APPROVED:** \_\_\_\_\_ **DENIED:** 6-2 **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 denial. The Commissioners who voted in opposition to the motion liked the requested uses and recognized the need for small business tenant spaces with storage. Additionally, the Commissioners liked that the recreation vehicle parking lot was shielded from view.

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

**PUBLIC HEARING - ORDINANCE**

EH/dc

xc: Don Valk  
Walter Nelson, Walter Nelson and Associates

CITY OF PLANO  
PLANNING AND ZONING COMMISSION

July 19, 2010

**Agenda Item No. 8A**

**Public Hearing:** Zoning Case 2010-09

**Applicant:** The Assured Group

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**DESCRIPTION:**

Request to rezone 7.1± acres located on the east side of North Star Road, 710± feet south of Plano Parkway **from** Research/Technology Center **to** Planned Development Research/Technology Center.

**REMARKS:**

The applicant is requesting to rezone 7.1± acres located on the east side of North Star Road, 710± feet south of Plano Parkway **from** Research/Technology Center (RT) **to** Planned Development-Research/Technology Center (PD-RT). The RT district is intended to create a low density employment center consisting of office, research and development facilities, and limited assembly operations.

The requested zoning is for a PD which 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 applicant is proposing a PD district with RT as the base zoning district in order to allow mini-warehouse/public storage and recreation vehicle parking lot as additional permitted uses as well as amend related development standards to accommodate the requested uses. Currently, mini-warehouse/public storage and recreation vehicle parking lot uses are not allowed within the RT zoning district either by right or with a specific use permit (SUP).

In addition to the requested mini-warehouse/public storage and recreation vehicle parking lot uses, the applicant intends to have some office-showroom/warehouse space which is a permitted use with the current RT district. Additionally, there will be an office center and caretaker's residence affiliated with the development.

## Surrounding Land Use and Zoning

Adjacent land uses and zoning districts include a public middle school that is zoned RT to the east and vacant RT zoned properties to the north, south and west (across North Star Road).

## Proposed Planned Development Stipulations

The applicant is requesting PD-RT with the following proposed stipulations:

Allow mini-warehouse/public-storage as an additional permitted use by right, including the following:

1. Maximum size of individual, self-storage units shall be 750 square feet.
2. Office-showroom/warehouse individual tenant lease spaces shall be allowed as an additional permitted use subject to the following requirements:
  - a. Maximum size tenant lease space for the office-showroom/warehouse use shall be 1,400 square. feet.; and
  - b. The minimum 30% office-showroom use/maximum 70% warehouse use requirement of the RT district shall not apply.
3. Recreation vehicle parking lot shall be allowed as an accessory use only.

## Conformance to the Comprehensive Plan

The Future Land Use Plan designates this area as “Research/Technology Center” (RT). While the requested base zoning district proposed is consistent with the Comprehensive Plan, the requested additional uses do not meet the intent of the RT district and plan recommendations.

Adequacy of Public Facilities - Water and sanitary sewer services are available to serve the subject property.

Traffic Impact Analysis (TIA) - A TIA is not required for this zoning request since the applicant is not proposing to amend densities currently allowed by the existing zoning.

## **ISSUES:**

### Requested Uses

The applicant is proposing a PD district to allow mini-warehouse/public storage and recreation vehicle parking lot as additional permitted uses. The applicant proposes to limit the recreation vehicle parking lot as an accessory use. Mini-warehouse/public storage and recreation vehicle parking lot are currently prohibited in the RT zoning

district. The proposed uses are not consistent with the district's intent which is to create a low density employment center consisting of office, research and development facilities, and limited assembly operations. Additionally, the RT district currently prohibits onsite storage of delivery vehicles, including trailers, and open storage of material and equipment.

Mini-warehouse/public storage with recreation vehicle parking lot are uses that are not generally appropriate in an area that is intended to have research and development facilities, offices, limited assembly operations, and no storage of vehicles or other materials. If the proposed uses were suitable for the area, the uses would have been included when the RT district was created. Staff believes the proposed uses are not the best and appropriate land uses for this subject property and surrounding area. In addition, creating a PD for two additional uses is not something that staff believes is best for a property that is surrounded by RT zoned properties that prohibits the uses. Overall, staff believes that it is not appropriate to rezone this property to a PD to accommodate uses that are not aligned with the intent of the RT zoning district.

### Development Standards

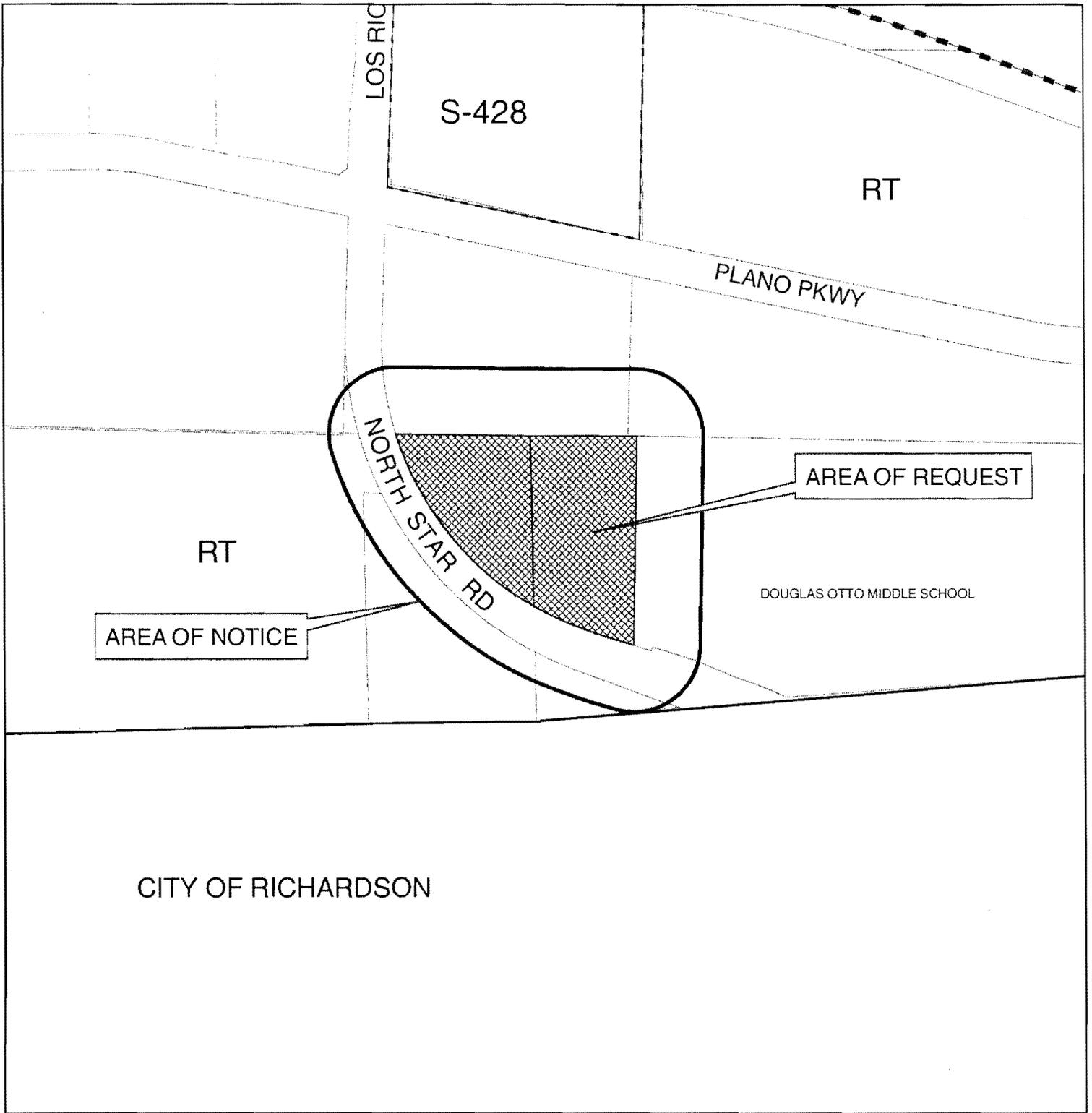
Currently per the city's Zoning Ordinance, the definition of mini-warehouse/public storage limits storage units to 500 square feet. Therefore, the applicant is proposing a maximum 750 square foot unit size to accommodate a larger storage area for enclosed recreation vehicle storage and maximum 1,400 square feet for office-showroom/warehouse spaces for small office tenants with storage area needs. In addition, the RT district currently limits office-showroom/warehouse uses to minimum 30% office-showroom with maximum 70% warehouse; therefore, the applicant is proposing to remove this limitation to allow flexibility for the office-showroom/warehouse tenants.

### Summary

The applicant is requesting to rezone the subject property from RT to PD-RT to allow mini-warehouse/public storage and recreation vehicle parking lot as additional permitted uses, as well as amend related development standards to accommodate the requested uses. While the base zoning district of this request is consistent with the Comprehensive Plan land use recommendation, the additional requested uses are not consistent with the intent of the RT district to promote a low density employment center consisting of office, research and development facilities, and limited assembly operations. Additionally, the RT district prohibits open storage and the storage of delivery vehicles, including trailers. The requested uses are not the best and appropriate uses for the subject property. Therefore, staff recommends denial of the proposed request.

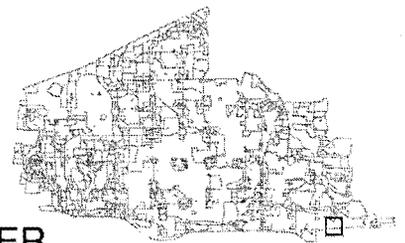
### **RECOMMENDATIONS:**

Recommended for denial.

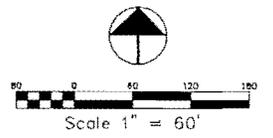
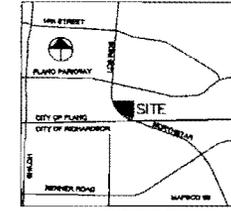


Zoning Case #: 2010-09

Existing Zoning: RESEARCH/TECHNOLOGY CENTER

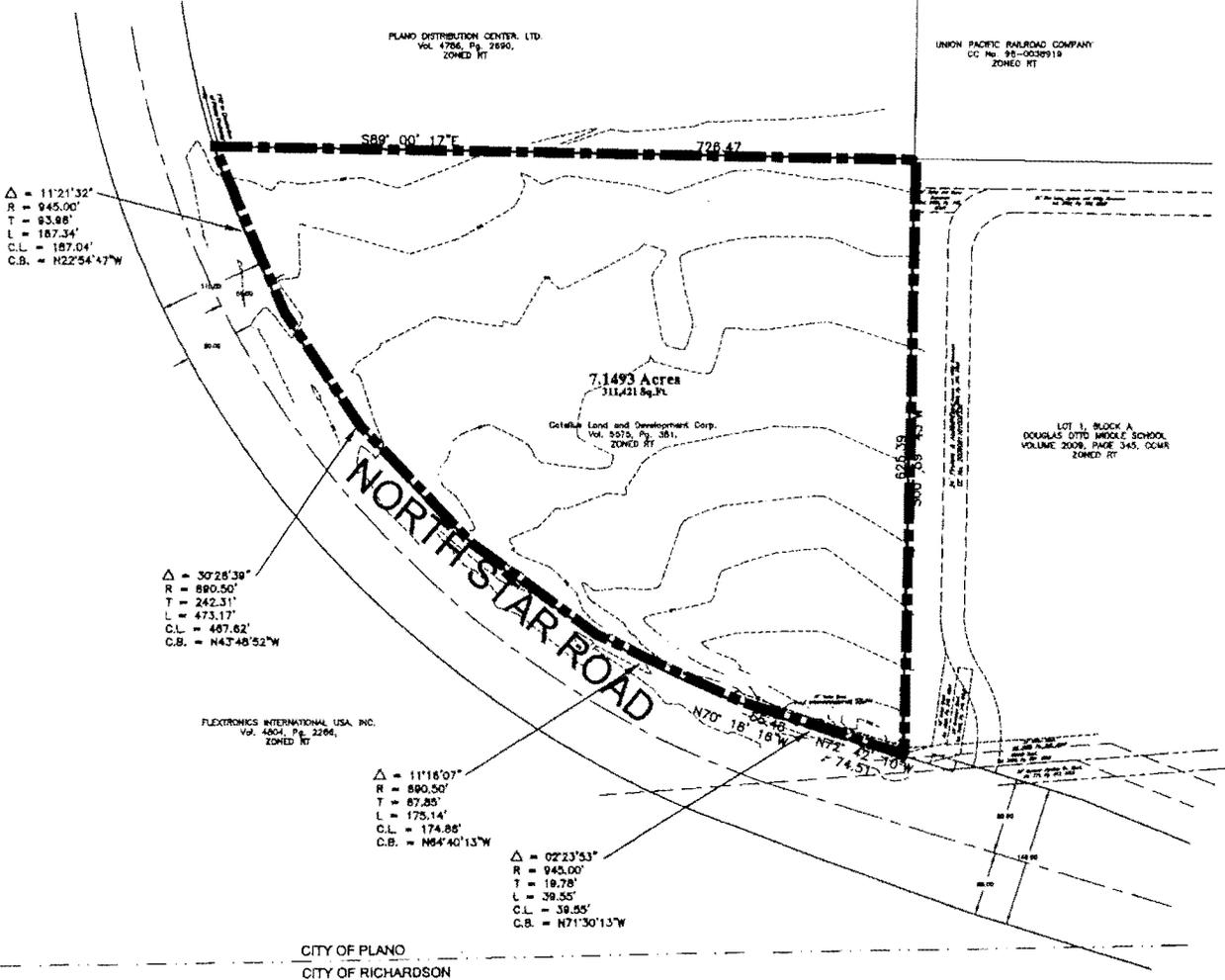


○ 200' Notification Buffer



PLANO DISTRIBUTION CENTER, LTD.  
Vol. 4756, Pg. 2890,  
ZONED RT

UNION PACIFIC RAILROAD COMPANY  
CC No. 98-0039919  
ZONED RT



$\Delta = 11^{\circ}21'32''$   
R = 945.00'  
T = 93.98'  
L = 187.34'  
C.L. = 187.04'  
C.B. = N22^{\circ}54'47''W

$\Delta = 30^{\circ}28'39''$   
R = 890.50'  
T = 242.31'  
L = 473.17'  
C.L. = 467.62'  
C.B. = N43^{\circ}48'52''W

ELECTRONICS INTERNATIONAL USA, INC.  
Vol. 4804, Pg. 3266,  
ZONED RT

$\Delta = 11^{\circ}18'07''$   
R = 590.50'  
T = 87.85'  
L = 175.14'  
C.L. = 174.88'  
C.B. = N64^{\circ}40'13''W

$\Delta = 02^{\circ}23'53''$   
R = 945.00'  
T = 19.78'  
L = 39.55'  
C.L. = 39.55'  
C.B. = N71^{\circ}30'13''W

CITY OF PLANO  
CITY OF RICHARDSON

**Site & Block Description**

STATED in the State of Texas, County of Collin, and City of Plano, being part of the J.T. McCullough Survey, Abstract No. 633, being the re-survey of a certain 2,875 acre tract of land and part of a 30,812 acre tract as recorded in Volume 0576, Page 361 of the Collin County Land Records with said premises being more particularly described as follows:

BEING a portion of a Railroad right-of-way found in the north line of said 30,812 acre tract marking the northeast corner of said premises and the northern corner of Lot 1, Block A, Douglas Otto Middle School, as shown in the City of Plano as recorded in Volume 2009, Page 343 of the Collin County Map Records.

THENCE with the east line of said premises and the west line of said Lot 1, South 07^{\circ}36'43'' West, 625.38 feet to an 'X' and found on top of a stone retaining wall in the northeast right-of-way line of North Star Road marking the southeast corner of said premises.

THENCE with the northeast right-of-way line of North Star Road and the south line of said premises as follows: North 72^{\circ}42'10'' West, 74.51 feet to a point marking the beginning of a curve to the right, northwesterly along said curve through a central angle of 272.33' for an arc distance of 36.50 feet and having a radius of 948.00 feet (chord = North 71^{\circ}30'13'' West, 39.55 feet) to a corner capped iron rod set marking the end of said corner; North 70^{\circ}19'18'' West, 52.48 feet to a corner capped iron rod set marking the beginning of a curve to the right, northwesterly along said curve through a central angle of 11^{\circ}18'07'' for an arc distance of 175.14 feet and having a radius of 890.50 feet (chord = North 84^{\circ}02'37'' West, 174.88 feet) to a point marked by a nail found in the west line of said 30,812 acre tract marking the northeast corner of said 2,875 acre tract and being the point of compound curvature for a curve to the right, northwesterly along said curve and along the south line of said 2,875 acre tract through a central angle of 30^{\circ}28'39'' for an arc distance of 473.17 feet and having a radius of 890.50 feet (chord = North 47^{\circ}48'52'' West, 457.62 feet) to a corner capped iron rod set marking the point of compound curvature for a curve to the right, northwesterly along said curve through a central angle of 11^{\circ}21'32'' for an arc distance of 187.34 feet and having a radius of 945.00 feet (chord = North 22^{\circ}54'47'' West, 187.04 feet) to a corner capped iron rod set marking the end of said curve, the northeast corner of said 2,875 acre tract, and the northeast corner of said premises.

THENCE with the north line of said 2,875 acre tract and the north line of said premises, South 89^{\circ}07'17'' East, passing the northeast corner of said 2,875 acre tract and the northeast corner of said 30,812 acre tract of 51.21 feet and continuing for a total distance of 726.47 feet to the point of beginning and containing 7.149 acres of land.

LOT 1, BLOCK A  
DOUGLAS OTTO MIDDLE SCHOOL  
VOLUME 2009, PAGE 343, OCMR  
ZONED RT

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 & Zoning Commission and/or City Council action on this exhibit, plans or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.

OWNER:  
CATELLIS LAND & DEVELOPMENT CO.  
4545 AIRPORT WAY  
DENVER, CO 80239

APPLICANT:  
DON VALI  
5613 BLUEBIRD AVENUE  
DALLAS, TEXAS 75237  
(214) 823-8333  
(214) 823-8330 FAX

ENGINEER:  
WALTER NELSON & ASSOCIATES  
FIRM # 0062  
5613 BLUEBIRD AVENUE  
DALLAS, TEXAS 75237  
(214) 823-8333  
(214) 823-8330 FAX

SURVEYOR:  
RODNEY LAMM SURVEYING, INC.  
2000 AVE. Q, SUITE 610  
PLANO, TEXAS 75074  
(972) 423-4375  
(972) 423-7523 FAX



- PO STIPULATIONS**
- To allow mini-warehouse/public-storage as an additional permitted use by right, including the following:
1. Maximum size of individual, self-storage units shall be 750 sq. ft.
  2. Office/showroom/warehouse individual board lease spaces shall be allowed as an additional permitted use subject to the following requirements:
    - a. Maximum size board lease space for the office/showroom/warehouse use shall be 1,400 sq. ft. and
    - b. The minimum 50% office/showroom use/maximum 70% warehouse use requirement of the RT district shall not apply.
  3. Recreational Vehicle Parking Lot shall be allowed as an accessory use only.

ZC-2010-09  
ZONING EXHIBIT  
ASSURED NORTH STAR ADDITION  
CONTAINING 7.149 ACRES OF LAND  
IN THE CITY OF PLANO,  
COLLIN COUNTY, TEXAS  
J.T. McCULLOUGH SURVEY, ABSTRACT NO. 633  
JULY 6, 2010

