

DATE: September 3, 2014
TO: Applicants with Items before the Planning & Zoning Commission
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of September 2, 2014

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2014-30
APPLICANT: ACRES OF SUNSHINE, LTD**

Request for a Specific Use Permit for Mid-Rise Residential and a Specific Use Permit for Helistop on 8.3± acres located at the southwest corner of Spring Creek Parkway and Parkwood Boulevard. Zoned Regional Commercial/Dallas North Tollway Overlay District.

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:** 278

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

SUP for Mid-Rise Residential: Recommended for approval.

SUP for Helistop: Approved 8-0 to accept applicant's request to withdraw the Helistop request.

FOR CITY COUNCIL MEETING OF: September 22, 2014 (To view the agenda for this meeting, see www.planotx.gov)

PUBLIC HEARING - ORDINANCE

ST/dc

xc: Owen Haggard, Acres of Sunshine, LTD
Sarah Scott, Kimley Horn and Associates, Inc.

<http://goo.gl/maps/Wb3ll>

Date: September 12, 2014

To: Bruce D. Glasscock, City Manager
Frank F. Turner, Deputy City Manager

From: Christina D. Day, Director of Planning

Subject: Zoning Case 2014-30

At its September 2, 2014, meeting, the Planning & Zoning Commission (P&Z) considered this zoning petition and recommended approval with a vote of 8-0. Upon further review of the case, staff noted there were stipulations requested by the applicant that were not addressed within the staff report and could not be granted through the SUP process. These stipulations are as follows:

Stipulation 1: Floor Area Ratio (FAR) not to exceed 4:1. – The applicant’s plan requires a floor-area-ratio exceeding 3:1. The base zoning RC district allows a ratio of 1:1, yet allows heights of 20 stories and 325 feet. Practically speaking, this would require a large amount of land to remain fallow in order to meet the allowable height and FAR in the same project if the parking is structured. Staff believes the structured parking is a more efficient use of the land, and therefore supports a modification to the FAR.

Stipulation 2: Structured parking may be four levels above grade; however parking is prohibited on the top deck which is reserved for a private recreation area. – The applicant is requesting to use the top floor of the parking structure to provide a private recreation area for residents, including a pool deck. Staff finds this is largely compliant with the intent of the RC district to limit parking to 3 levels, as the depth of the pool will limit parking on the fourth level.

The specific use provision of the zoning ordinance is intended to provide flexibility in permitting a use of property within a district that is not otherwise allowed, through a limited zoning amendment. It is not a process for relaxing the base zoning requirements pertaining to height, bulk, or setback. As an example, you may apply for an SUP to construct certain non-residential uses within a single-family district, but you may not use an SUP to increase the height of the proposed non-residential use above the maximum height permitted by the base district. The requested stipulations are not permissible under an SUP because they do not “impose such development standards and safeguards” which are “important to the welfare and protection of adjacent property”, but rather amend the base zoning regulations to be more permissible.

The correct vehicle for this type of amendment is through the Planned Development process. If Council finds the use appropriate, staff recommends that City Council call a public hearing

to consider a planned development district with these stipulations on the eight acres within the SUP request area.

If the Council finds that these stipulations should be considered more fully by the P&Z, they may remand Zoning Case 2014-30 back to P&Z for further consideration. However, if the Council finds the information on the zoning exhibit to be sufficient, they may take action on Zoning Case 2014-30 based on the P&Z's review and recommendation from September 2, 2014.

Additionally, the applicant has withdrawn their requests for an SUP for helistop and to reduce the landscape edge on the site. The plan and exhibit have been updated to note these changes. Please let me know if you have questions.

Recommendations

1. Approval of Zoning Case 2014-30 for an SUP for Mid-rise Residential Use with no stipulations.
2. If the SUP is approved, the Council call a public hearing to initiate a zoning case for a planned development district on the Zoning Case 2014-30 property that would include the two stipulations noted above.

XC: Paige Mims, City Attorney
Victoria Huynh, Deputy City Attorney
Eric Hill, Development Review Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 2, 2014

Agenda Item No. 7A

Public Hearing: Zoning Case 2014-30

Applicant: Acres of Sunshine, LTD

DESCRIPTION:

Request for a Specific Use Permit for Mid-Rise Residential and a Specific Use Permit for Helistop on 8.3± acres located at the southwest corner of Spring Creek Parkway and Parkwood Boulevard. Zoned Regional Commercial/Dallas North Tollway Overlay District.

REMARKS:

The applicant is requesting a Specific Use Permit (SUP) for Mid-Rise Residential and an SUP for Helistop. The purpose and intent of an SUP is to authorize and regulate 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 Zoning Ordinance defines mid-rise residential as buildings containing not less than five floors designed for residential occupancy and including accessory uses including but not limited to parking garages, recreational amenities, meeting space, storage, and personal services. A mid-rise residential development may include a mix of residential and nonresidential uses in the same structure. A helistop is defined as an area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities. Helistop is the same as a heliport, except that no refueling, maintenance, repairs, or storage of helicopters is permitted.

The subject property is zoned Regional Commercial (RC). The RC district is primarily intended for use in conjunction with a Regional Employment (RE) district. It 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.

A preliminary site plan and concept plan, Haggard Farm Addition, Block A, Lots 1 and 2, accompanies this request as Agenda Item 7B.

Surrounding Land Use and Zoning

To the north, across Spring Creek Parkway, there is an existing automobile dealership zoned Commercial Employment with Specific Use Permit #539 for New Car Dealer. To the east, across Parkwood Boulevard, is vacant land zoned Planned Development-243-Retail/General Office. To the south and west are vacant properties zoned RC.

Conformance to the Comprehensive Plan

Future Land Use Plan: The Future Land Use plan designates this property as Major Corridor Development (MCD). The city's current land use policies recommend that land along expressway corridors be reserved for economic development and employment opportunities. However, residential development may be appropriate along expressway corridors in accordance with the interim amendment policy recommendations of the Comprehensive Plan that were adopted in April, 2012. The policies that apply to this request include:

1. Residential should be set back a minimum of 1,200 feet from the centerline of the Dallas North Tollway. Factors including existing development patterns should be considered in applying this standard.

The subject property is located outside the 1,200 foot setback from the Dallas North Tollway. Additionally, residential development in major expressway corridors could be classified as an alternative neighborhood setting in conformance with the Economic Development Element of the Comprehensive Plan.

2. Isolated residential development should not be permitted; residential rezoning requests need to establish a complete new neighborhood or expand an existing neighborhood or an urban mixed-use center. Mid-rise multifamily development (5 to 12 stories) and special needs housing (i.e. senior housing) could be an exception if the surrounding land use is compatible.

Although the request does not expand into any existing residential neighborhoods, the number of potential units proposed by the associated preliminary site plan/concept plan for Haggard Farm Addition could establish a new neighborhood of residential development. The property is surrounded by streets and vacant property with nonresidential zoning on all adjacent properties. The closest existing development is a new car dealer to the north, across Spring Creek Parkway. Allowing residential uses in this area is not compatible with the existing adjacent zoning. However, mid-rise uses are distinct because they do not necessarily require adjacency to other residential uses and can function as standalone sites.

3. New multifamily zoning should require a minimum density of 40 dwelling units per acre on the project site. Phased development should have a minimum average density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with

a phase which maintains the minimum 40 dwelling units for the overall project. Additionally, mid-rise multifamily development and neighborhood mixed-use zoning districts could be exceptions to this minimum density requirement.

Mid-rise residential uses could be exceptions to the city's density policy as individual units may be large, resulting in a reduction of overall density.

Adequacy of Public Facilities: Water and sanitary sewer services are available to serve the property via extensions from Spring Creek Parkway and Parkwood Boulevard.

School Capacity: This is provided for informational purposes only. The subject property is within the Plano Independent School District and is served by the following schools:

| | |
|--------------------|------------|
| Elementary School | Brinker |
| Middle School | Renner |
| High School | Shepton |
| Senior High School | Plano West |

Per the district's representative, there may be capacity issues at the schools if all the proposed residential units were built today. However, Planning staff does not have a concrete study or report from the school district supporting overcrowding at any of these facilities and does not recommend considering school capacity as a factor for land use decisions. The District's policy indicates they follow the teacher-student ratio consistent with the Texas Education Code 25.111.

Public Safety Response Time: Based upon existing personnel, equipment, and facilities, fire emergency response times would be acceptable for mid-rise residential development in this location.

Access to and Availability of Amenities and Services: The northern boundary of the subject property is located along and served by the Bluebonnet Trail.

The subject property is located within the Parr Library Service area, and service to the residents of the structure would be possible with the current library services.

ISSUES:

Mid-Rise Residential

The applicant is requesting an SUP to allow mid-rise residential within the subject property. Currently, the city does not have any existing mid-rise developments. An SUP is required for mid-rise uses in order to determine the appropriateness of these residences in proximity to surrounding properties. Mid-rise uses effectively operate as independent developments with private amenities built-in to serve residents. Mid-rise uses can also benefit from common open space, services, retail and employment opportunities found within the context of an urban center. Although this request is not

proposed within an urban center, the subject property may be appropriate for mid-rise residential due to the self-contained and urban nature of their development.

However, staff is concerned that adjacent nonresidential zoning may allow for uses which might be incompatible to residential living. As shown in the associated preliminary site plan/concept plan, the subject property is intended to be a private development with drives and parking that serve the subject property. Although the property is not intended to be integrated with adjacent development, due to surrounding nonresidential zoning the property is not fully compliant with the recommendations of the Comprehensive Plan. The request would be more appropriate if located within an Urban Mixed-Use (UMU) district or similar urban center zoning. The Commission should determine if surrounding land uses and zoning are appropriate for a mid-rise development.

Helistop

The applicant is requesting to withdraw their request for an SUP for a Helistop.

Summary

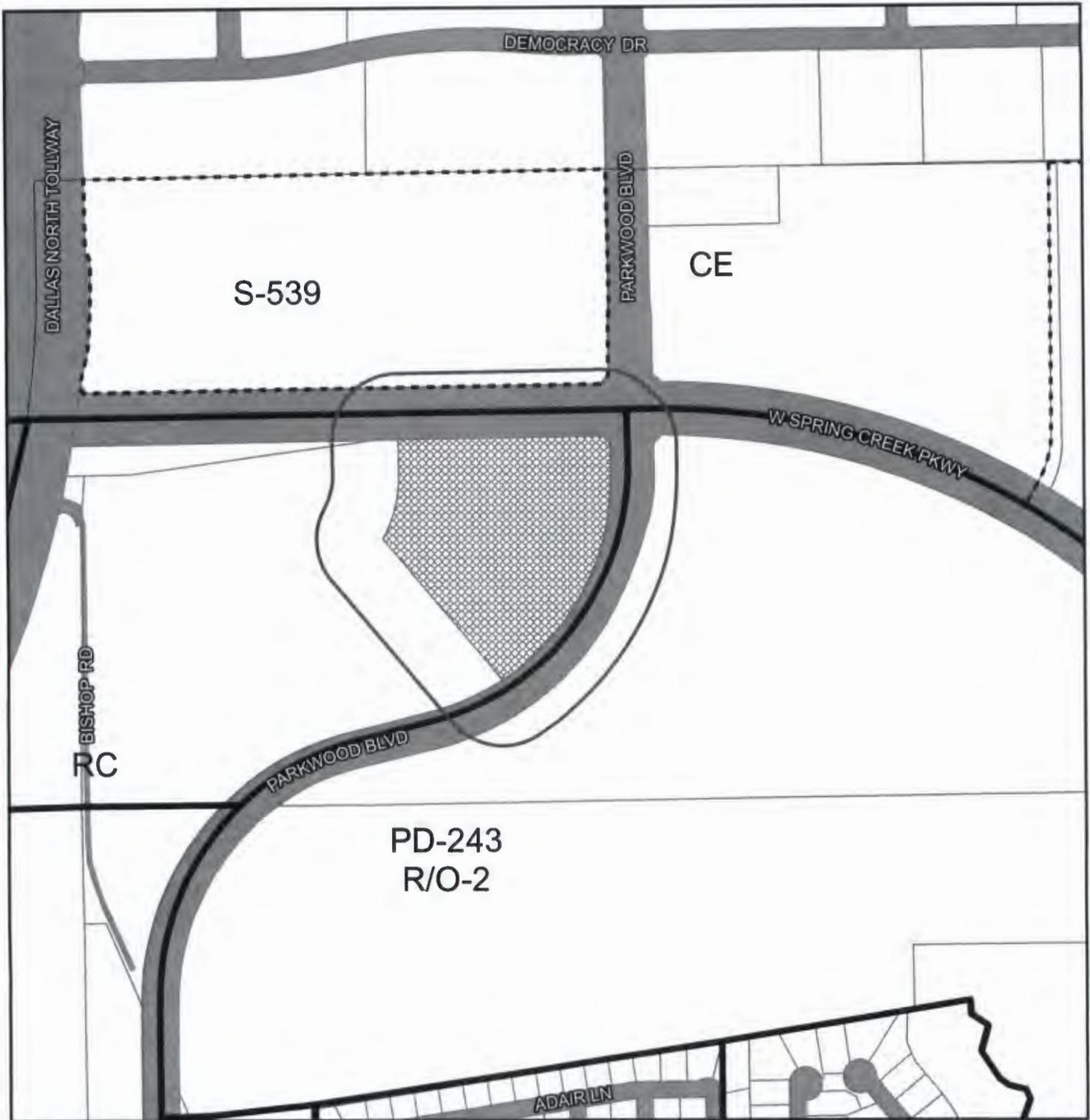
The applicant is requesting a Specific Use Permit (SUP) for Mid-Rise Residential and is requesting to withdraw their request for an SUP for Helistop. The proposed residential use is not fully consistent with the Future Land Use Plan and interim amendments to the comprehensive planning land use policies. Although mid-rise residential uses may be appropriate due to the independent nature of their development, staff is concerned about the potential for future land-use conflicts which may occur due to adjacent nonresidential zoning. For this reason, staff is recommending approval provided the Commission determines that surrounding land uses are compatible.

RECOMMENDATION:

SUP for Mid-Rise Residential: Recommended for approval if the Planning & Zoning Commission determines surrounding land uses are compatible.

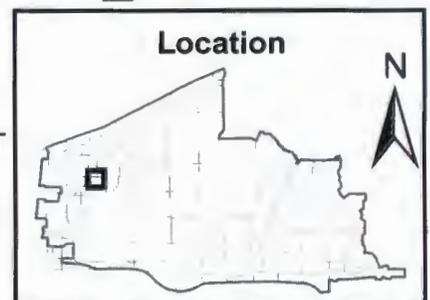
SUP for Helistop: Recommended that the Planning & Zoning Commission accept the applicant's request to withdraw the Helistop SUP from consideration.

DUE TO THE NUMBER OF RESPONSES, LETTERS RECEIVED FOR THIS ZONING CASE HAVE BEEN INCLUDED IN HARDCOPY FORM TO EACH P&Z COMMISSIONER AND UNDER SEPARATE COVER ON THE PLANNING DEPARTMENT WEBSITE.



Zoning Case #: 2014-30

Existing Zoning: REGIONAL COMMERCIAL/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



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

Source: City of Plano Planning Department



DEMOCRACY DRIVE

DALLAS NORTH TOLLWAY

DALLAS PARKWAY

Area of Request

SPRING CREEK PARKWAY

BISHOP ROAD

PARKWOOD BOULEVARD

ADAIR LANE

CORSICA WAY

MARTINDALE

COGNAC

CARRIER LANE



Source: City of Plano, Planning Dept.
Date: September, 2014

Zoning Case 2014-30

Zoning Case 2014-30

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. 654 so as to allow the additional use of Mid-Rise Residential on 8.3± acres of land out of the Maria C. Vela Survey, Abstract No. 935, located at the southwest corner of Spring Creek Parkway and Parkwood Boulevard, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial; 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 22nd day of September, 2014, for the purpose of considering granting Specific Use Permit No. 654 for the additional use of Mid-Rise Residential on 8.3± acres of land out of the Maria C. Vela Survey, Abstract No. 935, located at the southwest corner of Spring Creek Parkway and Parkwood Boulevard, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial; 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 22nd day of September, 2014; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 654 for the additional use of Mid-Rise Residential on 8.3± acres of land out of the Maria C. Vela Survey, Abstract No. 935, located at the southwest corner of Spring Creek Parkway and Parkwood Boulevard, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial, 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. 654 for the additional use of Mid-Rise Residential on 8.3± acres of land out of the Maria C. Vela Survey, Abstract No. 935, located at the southwest corner of Spring Creek Parkway and Parkwood Boulevard, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial, 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 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 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 22ND DAY OF SEPTEMBER, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2014-30

BEING a tract of land situated in the Maria C. Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas and being part of a called 108.9 acre tract of land described in Special Warranty Deed, Bill of Sale and Assignment to Acres of Sunshine, LTD. recorded in Volume 4227, Page 835, of the Official and being particularly described as follows:

BEGINNING at the north end of a right-of-way corner clip of the south right-of-way line of Spring Creek Parkway (a 160-foot wide right-of-way) and the west right-of-way line of Parkwood Boulevard (a variable width right-of-way);

THENCE with said right-of-way corner clip, South 45° 42' 00" East, a distance of 35.29 feet to a point for corner in said west right-of-way line of Parkwood Boulevard;

THENCE with said west right-of-way line of Parkwood Boulevard, the following courses and distance:

South, 00° 36' 55" East, a distance of 75.35 feet to a point at the beginning of a tangent curve to the right having a central angle of 05° 21' 27", a radius of 744.74 feet, a chord bearing and distance of South, 02° 03' 48" West, 69.61 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 69.64 feet to a point at the end of said curve;

South, 04° 44' 31" West, a distance of 28.12 feet to a point at the beginning of a tangent curve to the right having a central angle of 09° 36' 05", a radius of 747.63 feet, a chord bearing and distance of South, 09° 32' 34" West, 125.14 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 125.28 feet to a point at the beginning of a non-tangent curve to the right having a central angle of 28° 49' 42", a radius of 750.00 feet, a chord bearing and distance of South, 30° 54' 47" West, 373.39 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 377.36 feet to a point at the end of said curve;

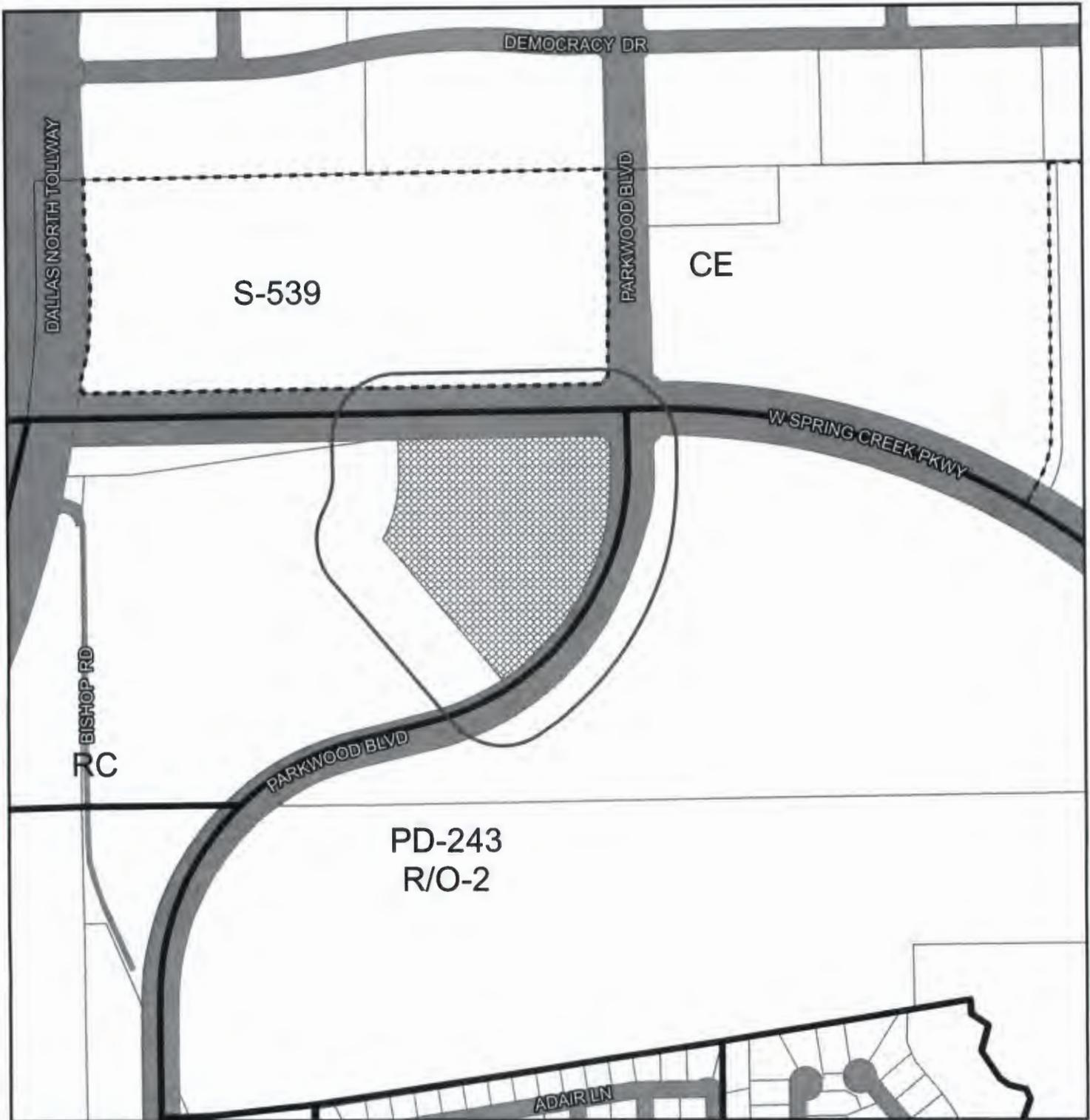
THENCE departing said west right-of-way line of Parkwood Boulevard, the following courses and distances:

North, 71° 27' 49" West, a distance of 617.97 feet to a point at the beginning of a non-tangent curve to the left having a central angle of 53° 47' 03", a radius of 400.00 feet, a chord bearing and distance of North, 26° 54' 19" East, 361.85 feet;

In a northeasterly direction, with said curve to the left, an arc distance of 375.49 feet to a point at the end of said curve;

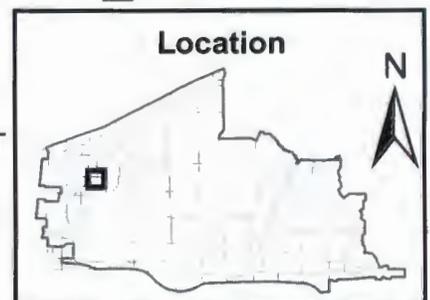
North, 00° 00' 47" East, a distance of 113.78 feet to a point for corner in said right-of-way line of Spring Creek Parkway;

THENCE with said south right-of-way line of Spring Creek Parkway, North, 89° 12' 46 East, a distance of 613.53 feet to the POINT OF BEGINNING and CONTAINING 8.33 acres of land.



Zoning Case #: 2014-30

Existing Zoning: REGIONAL COMMERCIAL/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



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

Source: City of Plano Planning Department

