

**DATE:** October 21, 2014  
**TO:** Honorable Mayor & City Council  
**FROM:** Richard Grady, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of October 20, 2014

**AGENDA ITEM NO. 8A - PUBLIC HEARING  
ZONING CASE 2014-33  
APPLICANT: ACRES OF SUNSHINE, LTD**

Request to rezone 10.7± acres located at the southwest corner of Spring Creek Parkway and Parkwood Boulevard **from** Regional Commercial **to** Planned Development-Regional Commercial. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permit #654 for Mid-Rise Residential.

**APPROVED:** 7-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**STIPULATIONS:**

Recommended for approval as follows:

Restrictions:

The permitted uses and standards shall be in accordance with the Regional Commercial (RC) zoning district unless otherwise specified herein.

The following standards pertain to Mid-Rise Residential use only:

1. Floor Area Ratio: Not to exceed 4:1.
2. Maximum Height for Structured Parking: Structured parking decks may be four levels above grade. Parking is prohibited on the top deck which is reserved for a private recreation area.

**FOR CITY COUNCIL MEETING OF:** November 10, 2014 (To view the agenda for this meeting, see [www.planotx.gov](http://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/PXMLg>

CITY OF PLANO  
PLANNING & ZONING COMMISSION

October 20, 2014

**Agenda Item No. 8A**

**Public Hearing:** Zoning Case 2014-33

**Applicant:** Acres of Sunshine, LTD

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**DESCRIPTION:**

Request to rezone 10.7± acres located at the southwest corner of Spring Creek Parkway and Parkwood Boulevard **from** Regional Commercial **to** Planned Development-Regional Commercial. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permit #654 for Mid-Rise Residential.

**REMARKS:**

The purpose for this request is to rezone 10.7± acres located at the southwest corner of Spring Creek Parkway and Parkwood Boulevard from Regional Commercial to Planned Development-Regional Commercial. The Regional Commercial (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.

The requested zoning is Planned Development-Regional Commercial to amend regulations related to mid-rise residential use. A planned development (PD) district 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. Mid-rise residential is defined 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 preliminary site plan/concept plan, Haggard Farm Addition, Block A, Lots 1 and 2, was approved by the Planning & Zoning Commission on September 2, 2014. Due to inconsistencies of the requested floor area ratio and garage height with the RC zoning

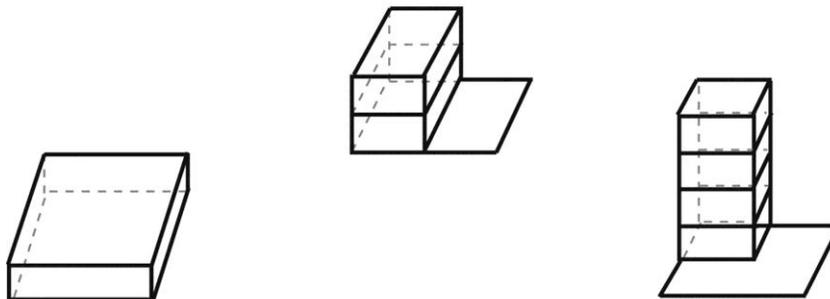
district, staff appealed the plan to the City Council. In response to staff's appeal, Council remanded the plan back to the Commission to be considered with this zoning request. The preliminary site plan/concept plan accompanies this request as Agenda Item No. 8B.

### **Surrounding Land Use and Zoning**

The area of request is currently undeveloped. 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.

### **Proposed Planned Development Stipulations**

The requested zoning is PD-RC in order to modify two design standards pertaining to mid-rise residential uses. The first modification is to increase the maximum floor area ratio. The Zoning Ordinance defines Floor Area Ratio (FAR) as the floor area of a main building or buildings on a lot, divided by the lot area.



EACH DRAWING ILLUSTRATES FLOOR AREA RATIO OF 1:1

The applicant is requesting to increase the maximum FAR from 1:1 to "not to exceed 4:1." Mid-rise residential uses are intended to be dense, urban forms of development with structured parking. The current FAR requirement is not consistent with this form of development and would require a large amount of fallow land to be included with the subject property. The preliminary site plan for Lot 1 shows a total building floor area of 320,000 square feet (excluding the parking structure). Per the current FAR, the development would require a total lot area of 7.4± acres to develop at a 1:1 FAR. The applicant is proposing to use 2.9± acres for Lot 1 as shown on the preliminary site plan. Staff believes the requested FAR is consistent with the mid-rise residential use and development form and is therefore in support of this stipulation. For comparison, the Downtown Business/Government district allows a 4:1 FAR.

The applicant is also requesting an increase to the current maximum height limit for structured parking. The RC district caps parking garage height to three levels total at or above grade. This standard was put in place to minimize the height of garages within the Tollway corridor, adjacent to residential uses. The subject property is approximately 1,200 feet from the nearest residential zoning district. Additionally, the requested garage height is consistent with the urban form of development for mid-rise residential uses and will contribute to minimizing the amount of surface parking provided. The applicant is also proposing to eliminate parking on the top deck, which will be utilized by a pool deck and amenities to serve residents. Staff believes the proposed structured parking increase is appropriate for this development.

#### **SUMMARY:**

The applicant is requesting to rezone 10.7± acres located at the southwest corner of Spring Creek Parkway and Parkwood Boulevard from Regional Commercial to Planned Development-Regional Commercial to amend regulations related to mid-rise residential use. Staff believes the proposed planned development stipulations are compatible with the proposed mid-rise residential development and is in support of the zoning request.

#### **RECOMMENDATION:**

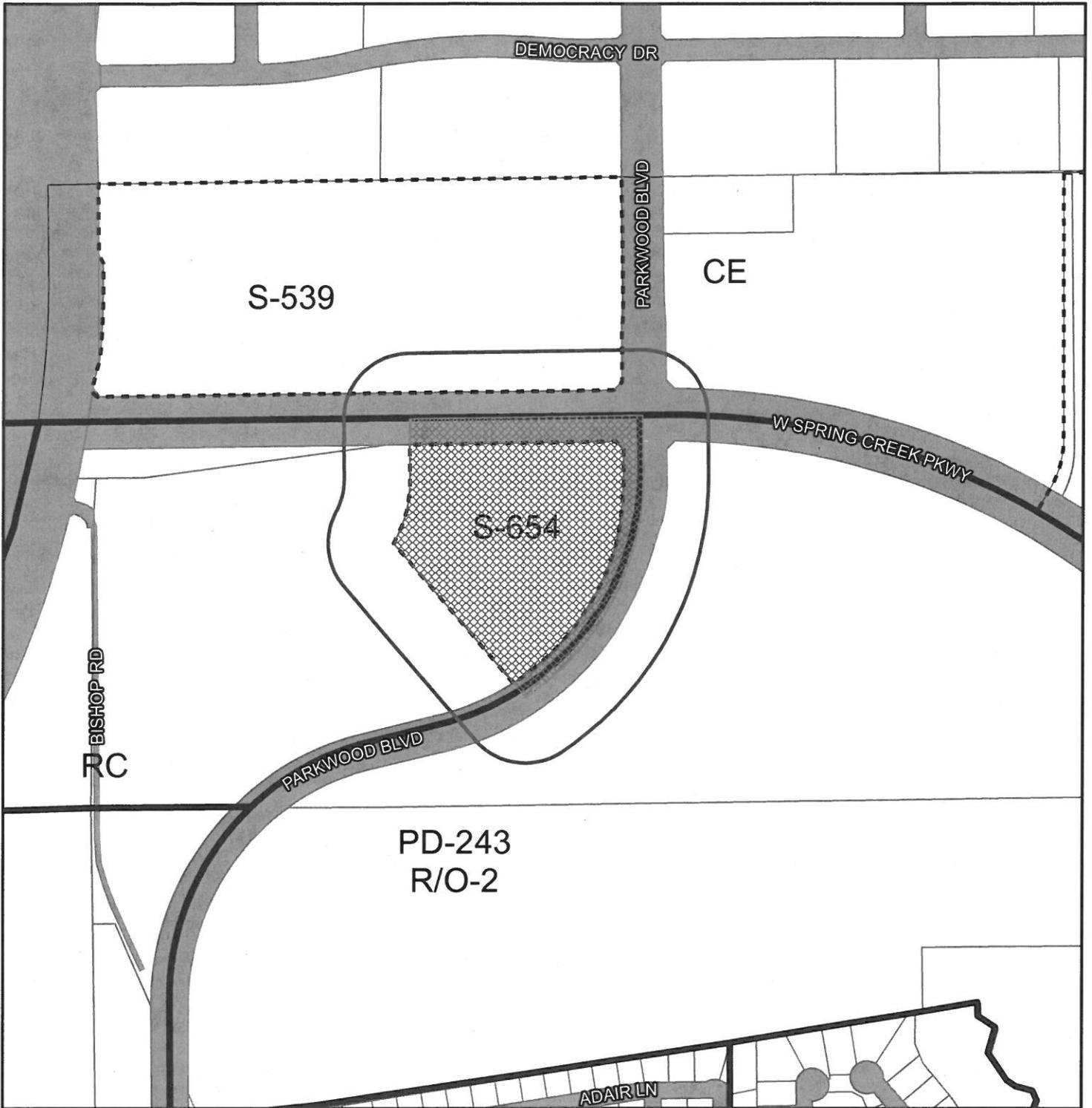
Recommended for approval as follows:

Restrictions:

The permitted uses and standards shall be in accordance with the Regional Commercial (RC) zoning district unless otherwise specified herein.

The following standards pertain to Mid-Rise Residential use only:

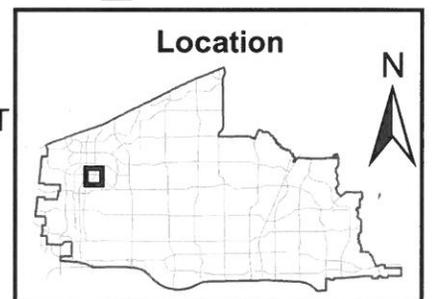
1. Floor Area Ratio: Not to exceed 4:1.
2. Maximum Height for Structured Parking: Structured parking decks may be four levels above grade. Parking is prohibited on the top deck which is reserved for a private recreation area.



Zoning Case #: 2014-33

Existing Zoning: REGIONAL COMMERCIAL/  
DALLAS NORTH TOLLWAY OVERLAY DISTRICT  
w/SPECIFIC USE PERMIT #654

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



Source: City of Plano Planning Department



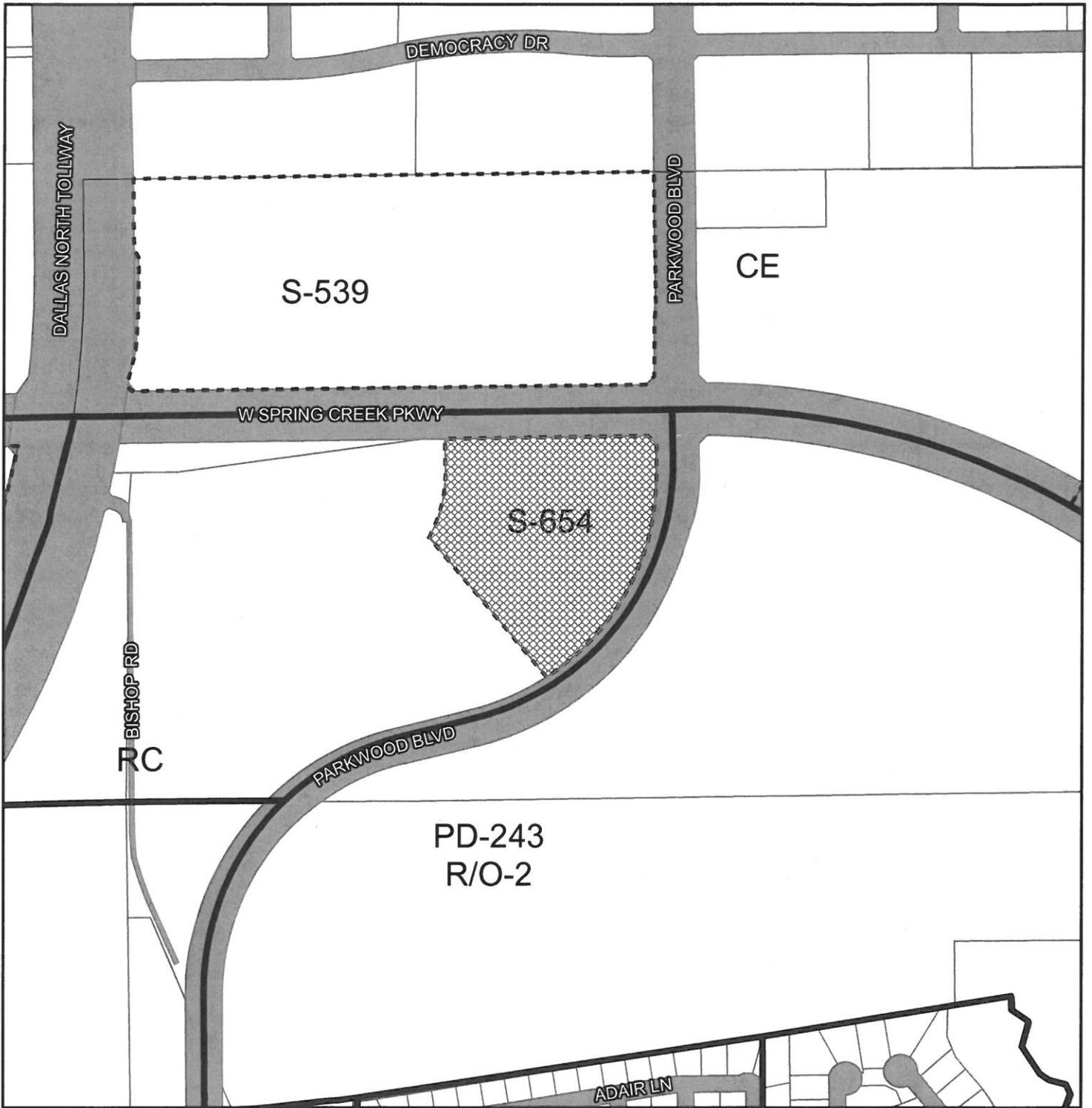
Area of Request



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

Zoning Case 2014-33

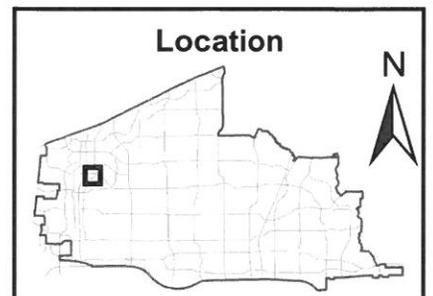




Item Submitted: PRELIMINARY SITE PLAN/CONCEPT PLAN

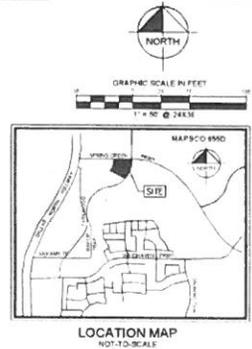
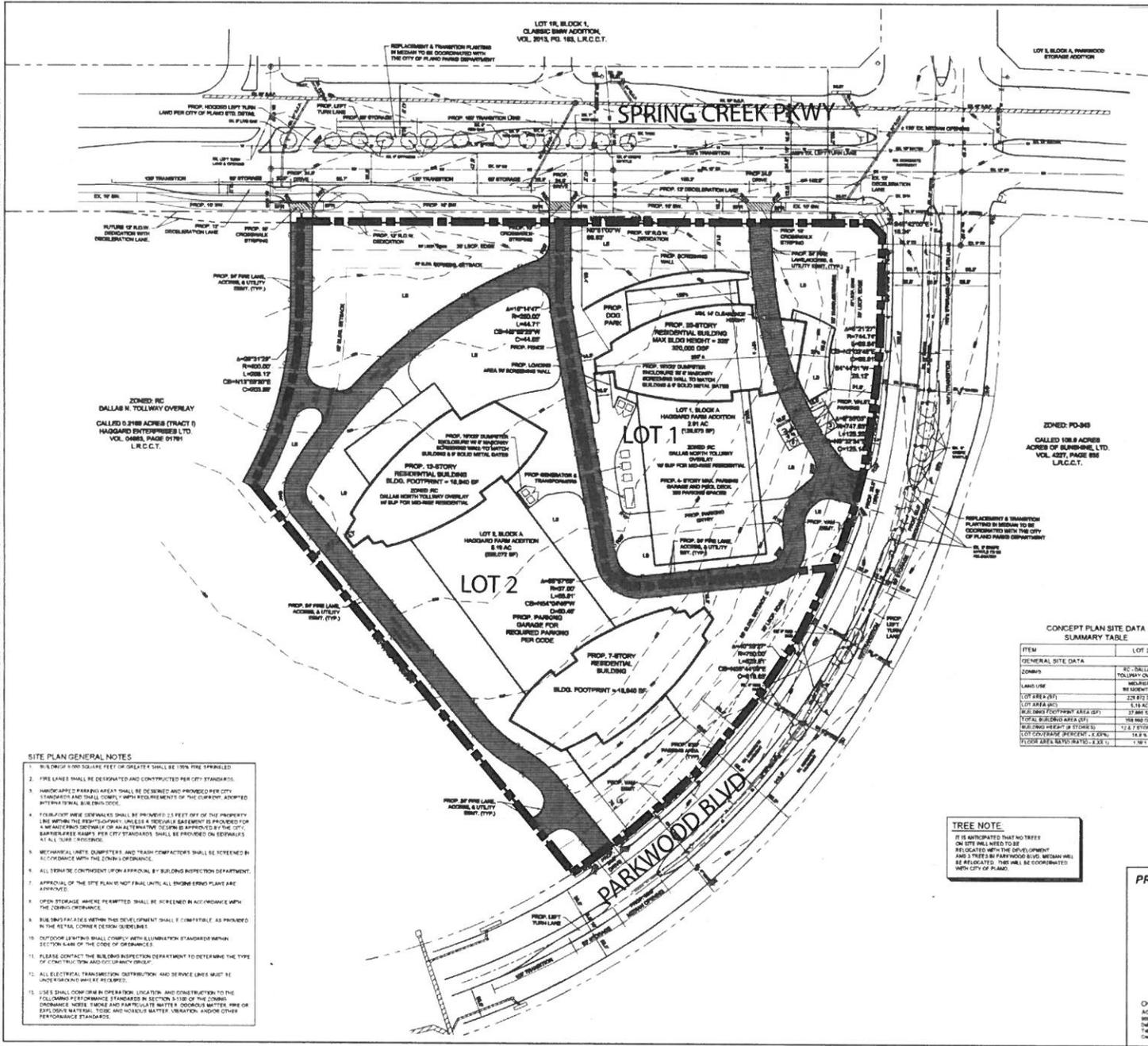
Title: HAGGARD FARM ADDITION  
BLOCK A, LOTS 1 & 2

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



**LEGEND**

- PROVIDED FIRE LANE ACCESS & UTILITY EASEMENT
- PROPERTY LINE
- EASEMENT
- SETBACK LINE
- TREE NUMBER - REFER TO TREE LEGEND (THIS SHEET)
- PARKING STALL (COLOR)
- LANDSCAPE AREA
- BARBER FARM RAMP
- TOTAL AREA
- EXISTING TREE

**SITE DATA SUMMARY TABLE**

ITEM	LOT 1	LOT 2
<b>GENERAL SITE DATA</b>		
ZONING	RES-D (DALLAS N TOLUARY OVERLAY)	RES-D (DALLAS N TOLUARY OVERLAY)
LAND USE	RESIDENTIAL	RESIDENTIAL
LOT AREA (SQ FT)	12,873 SF	12,873 SF
BUILDING FOOTPRINT AREA (SQ FT)	2,842 SF	2,842 SF
TOTAL BUILDING AREA (SQ FT)	11,000 SF	11,000 SF
BUILDING HEIGHT (FT) (MAX)	20 FT	20 FT
PERCENTAGE OPEN SPACE (TYPICAL)	10.4%	10.4%
PERCENTAGE IMPERVIOUS AREA (TYPICAL)	10.4%	10.4%
<b>PARKING</b>		
REQUIRED PARKING (PER CITY)	213 SPACES PER UNIT	213 SPACES PER UNIT
PROVIDED PARKING (PER SITE)	213 SPACES	213 SPACES
ACCESSIBLE PARKING (PER CITY)	306 SPACES	306 SPACES
PROVIDED ACCESSIBLE PARKING (PER SITE)	306 SPACES	306 SPACES
PERCENTAGE OF TOTAL PARKING (PER SITE)	100%	100%
<b>LANDSCAPE AREA (INCLUDING TURF AREAS)</b>		
LANDSCAPE AREA PROVIDED (SQ FT)	17,847 SF	17,847 SF
REQUIRED LANDSCAPE AREA (SQ FT)	42,747 SF	42,747 SF
OTHER LANDSCAPE AREA WITHIN THE LOT INCLUDING STORM WATER CONSERVATION AREAS (SQ FT)	0 SF	0 SF
TOTAL LANDSCAPE AREA (SQ FT)	17,847 SF	17,847 SF
PERMEABLE AREA (NOT INCLUDING LANDSCAPE OR TURF AREAS)	0 SF	0 SF
OTHER PERMEABLE AREA WITHIN THE LOT (NOT INCLUDING LANDSCAPE OR TURF AREAS)	0 SF	0 SF
TOTAL PERMEABLE AREA (SQ FT)	0 SF	0 SF
PERCENTAGE PERMEABLE AREA (TYPICAL)	0%	0%
<b>IMPERVIOUS AREA</b>		
BUILDING FOOTPRINT AREA (SQ FT)	2,842 SF	2,842 SF
AREA OF SURFACE ROOFS AND OTHER IMPERVIOUS PLATFORMS (SQ FT)	0 SF	0 SF
OTHER IMPERVIOUS AREA (SQ FT)	0 SF	0 SF
TOTAL IMPERVIOUS AREA (SQ FT)	2,842 SF	2,842 SF
PERCENTAGE IMPERVIOUS AREA (TYPICAL)	10.4%	10.4%
PERCENTAGE IMPERVIOUS AREA (TYPICAL)	10.4%	10.4%

**CONCEPT PLAN SITE DATA SUMMARY TABLE**

ITEM	LOT 1	LOT 2
<b>GENERAL SITE DATA</b>		
ZONING	RES-D (DALLAS N TOLUARY OVERLAY)	RES-D (DALLAS N TOLUARY OVERLAY)
LAND USE	RESIDENTIAL	RESIDENTIAL
LOT AREA (SQ FT)	12,873 SF	12,873 SF
BUILDING FOOTPRINT AREA (SQ FT)	2,842 SF	2,842 SF
TOTAL BUILDING AREA (SQ FT)	11,000 SF	11,000 SF
BUILDING HEIGHT (FT) (MAX)	20 FT	20 FT
PERCENTAGE OPEN SPACE (TYPICAL)	10.4%	10.4%
PERCENTAGE IMPERVIOUS AREA (TYPICAL)	10.4%	10.4%

**TREE NOTE**

IT IS ANTICIPATED THAT NO TREES ON SITE WILL NEED TO BE RELOCATED WITHIN THE DEVELOPMENT AND 3 TREES IN THE PARKWOOD BLVD. MEDIAN WILL BE RELOCATED. THIS WILL BE COORDINATED WITH THE CITY OF PLANO.

- SITE PLAN GENERAL NOTES**
- BUILDING FOOTPRINT SHALL BE 10% FIRE SPRINKLED.
  - FIRE LANE SHALL BE DEPARTMENT AND CONTRACTED PER CITY STANDARDS.
  - LANDSCAPE AREAS SHALL BE DEPARTMENT AND CONTRACTED PER CITY STANDARDS AND SHALL COMPLY WITH REQUIREMENTS OF THE CURRENT ADOPTED CITY ORDINANCE.
  - FOUR-FIVE (4-5) FEET OR MORE SHALL BE PROVIDED TO THE PROPERTY LINE WITHIN THE FRONT-YARD, UNLESS A VISIBLE BARRIER IS PROVIDED FOR A LANDSCAPE DESIGN OR AN ALTERNATE DESIGN IS APPROVED BY THE CITY. BARRIER RAMP PER CITY STANDARDS SHALL BE PROVIDED ON SIDEWAYS AT ALL CURB INTERSECTIONS.
  - MECHANICAL UNITS, CONDENSERS AND TRASH COMPACTORS SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
  - ALL SIGNAGE IS SUBJECT TO APPROVAL BY BUILDING INSPECTION DEPARTMENT.
  - APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED.
  - OPEN STORAGE, WHERE PERMITTED, SHALL BE PROVIDED IN ACCORDANCE WITH THE ZONING ORDINANCE.
  - BUILDING FACIES WITHIN THE DEVELOPMENT SHALL BE FINISHED AS PROVIDED IN THE DETAIL CORNER DESIGN SHEET(S).
  - OUTDOOR LIGHTING SHALL COMPLY WITH ILLUMINATION STANDARDS WITHIN SECTION LANE OF THE CODE OF ORDINANCES.
  - PLEASE CONTACT THE BUILDING INSPECTION DEPARTMENT TO DETERMINE THE TYPE OF CONSTRUCTION AND OCCUPANCY CLASS.
  - ALL ELECTRICAL TRANSMISSION DISTRIBUTION AND SERVICE LINES MUST BE CONCEALED WHERE REQUIRED.
  - USE SHALL COMPLY WITH OPERATIONAL LOCATION AND CONTRIBUTION TO THE FOLLOWING PERFORMANCE STANDARDS IN SECTION 3.1.1 OF THE ZONING ORDINANCE: WIND, NOISE AND PARTICULATE MATTER, OZONE MATTER, AIR OR EXHAUST MATERIAL, TOXIC AND NOXIOUS MATTER, VIBRATION, AND/OR OTHER PERFORMANCE STANDARDS.

**PRELIMINARY SITE PLAN & GENERAL TREE SURVEY**  
**LOT 1, BLOCK A - 2.91 ACRES**  
**CONCEPT PLAN**  
**LOT 2, BLOCK A - 5.19 ACRES**  
**OF HAGGARD FARM ADDITION**  
 OUT OF THE  
 MARIA C. VELA SURVEY, ABSTRACT NO. 935  
 CITY OF PLANO, COLLIN COUNTY, TEXAS  
 DATE: AUGUST 28, 2014

Owner: ACRES OF SUSHINE, LTD.  
 800 Jones Farm Rd. Suite 100  
 Dallas, TX 75241  
 Tel: 972-342-1111  
 Contact: David Haggard

Designer: VISIONS  
 1001 Ripley Ranch Court  
 Dallas, TX 75248  
 Tel: 972-342-1111  
 Contact: John Robinson

Engineer/Surveyor: KIMLEY-HORN AND ASSOCIATES, INC.  
 12760 West Dunes, Suite 1000  
 Dallas, Texas 75244  
 Tel: 972-775-1000  
 Contact: James E. Cook, P.E.

**Kimley»Horn**

ONE HAGGARD PLACE  
 500 SPRING CREEK & PARKWOOD  
 PLANO, TEXAS

CONCEPT PLAN,  
 PRELIMINARY SITE PLAN &  
 GENERAL TREE SURVEY

PROJECT NO. 14-00000000  
 DATE: OCT 2014  
 SCALE: AS SHOWN  
 DESIGNED BY: JES  
 DRAWN BY: JAM  
 CHECKED BY: JAM

SHEET NUMBER

## Zoning Case 2014-33

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 10.7± 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, from Regional Commercial with Specific Use Permit No. 654 for Mid-Rise Residential to Planned Development-492-Regional Commercial with Specific Use Permit No. 654 for Mid-Rise Residential; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability 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 10th day of November, 2014, for the purpose of considering rezoning 10.7± 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, from Regional Commercial with Specific Use Permit No. 654 for Mid-Rise Residential to Planned Development-492-Regional Commercial with Specific Use Permit No. 654 for Mid-Rise Residential; 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 10th day of November, 2014; and

**WHEREAS**, the City Council is of the opinion and finds that such rezoning would not be detrimental to the public health, safety, or general welfare, and 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 rezone 10.7± 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, from Regional Commercial with Specific Use Permit No. 654 for Mid-Rise Residential to Planned Development-492-Regional Commercial with Specific Use Permit No. 654 for Mid-Rise Residential, said property being described in the legal description on Exhibit "A" attached hereto.

**Section II.** The change granted in Section I is granted subject to the following:

Restrictions:

The permitted uses and standards shall be in accordance with the Regional Commercial (RC) zoning district unless otherwise specified herein.

The following standards pertain to Mid-Rise Residential use only:

1. Floor Area Ratio: Not to exceed 4:1.
2. Maximum Height for Structured Parking: Structured parking decks may be four levels above grade. Parking is prohibited on the top deck which is reserved for a private recreation area.

**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 10TH DAY OF NOVEMBER, 2014.**

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY

ZONING CASE 2014-33

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 more particularly described as follows:

BEGINNING at the intersection of the centerline of Spring Creek Parkway (a 160-foot wide right-of-way) and the centerline of Parkwood Boulevard (a variable width right-of-way);

THENCE with said center line of Parkwood Boulevard, the following courses and distances:

South,  $00^{\circ} 36' 55''$  East, a distance of 180.53 feet to a point at the beginning of a tangent curve to the right having a central angle of  $57^{\circ} 05' 22''$ , a radius of 805.00 feet, a chord bearing and distance of South,  $27^{\circ} 55' 45''$  West, 769.33 feet;

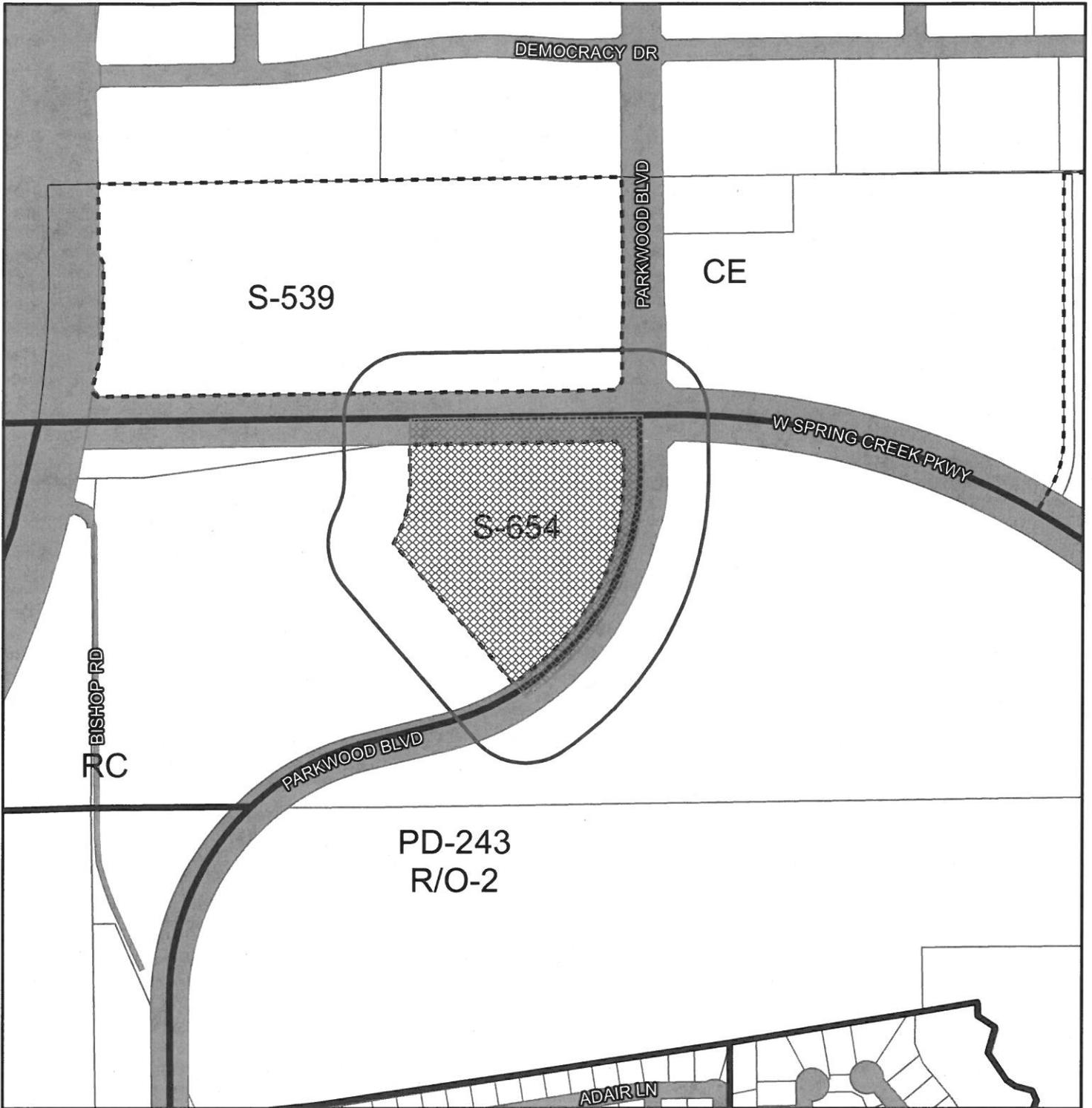
In a southwesterly direction, with said curve to the right, an arc distance of 802.10 feet to a point at the end of said curve;

THENCE departing said centerline of Parkwood Boulevard, North,  $40^{\circ} 17' 49''$  West, a distance of 614.25 feet to a point at the beginning of a non-tangent curve to the left having a central angle of  $29^{\circ} 31' 29''$ , a radius of 400.00 feet, a chord bearing and distance of North,  $13^{\circ} 58' 30''$  East, 203.85 feet;

THENCE in a northeasterly direction, with said curve to the left, an arc distance of 206.12 feet to a point at the end of said curve;

THENCE North,  $00^{\circ} 47' 14''$  West, a distance of 183.44 feet to a point for corner in said centerline of Spring Creek Parkway;

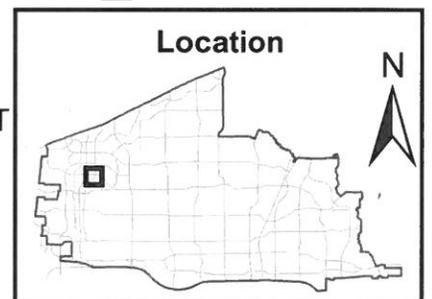
THENCE with said centerline of Spring Creek Parkway, North,  $89^{\circ} 09' 00''$  East, a distance of 709.04 feet to the POINT OF BEGINNING and CONTAINING 10.73 acres of land.



Zoning Case #: 2014-33

Existing Zoning: REGIONAL COMMERCIAL/  
DALLAS NORTH TOLLWAY OVERLAY DISTRICT  
w/SPECIFIC USE PERMIT #654

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



Source: City of Plano Planning Department

