

DATE: December 8, 2020
TO: Honorable Mayor & City Council
FROM: M. Nathan Barbera, Chair, Planning & Zoning Commission 
SUBJECT: Results of Planning & Zoning Commission Meeting of December 7, 2020

AGENDA ITEM NO. 3 - PUBLIC HEARING
ZONING CASE 2020-029
APPLICANT: RACETRAC PETROLEUM, INC.; PLANO PARKWAY INDEPENDENCE PARTNERS, LTD.; AND GC PLANO INDEPENDENCE 2016 LTD.

Request to amend Planned Development-374-Retail on 6.9 acres located at the northeast corner of Independence Parkway and Plano Parkway to modify the hours of operation restriction. Zoned Planned Development-374-Retail and located within the 190 Tollway/Plano Parkway Overlay District. Project #ZC2020-029.

APPROVED:	<u>8-0</u>	DENIED:	<u> </u>	TABLED:	<u> </u>
Speaker Card(s) Received	Support: <u>1</u>	Oppose: <u>0</u>	Neutral: <u>0</u>		
Letters Received Within 200' Notice Area:	Support: <u>0</u>	Oppose: <u>4</u>	Neutral: <u>0</u>		
Petition Signatures Received:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>		
Other Responses:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>		

STIPULATIONS:

Recommended for approval as follows: (Proposed changes are indicated by underlined text.)

Restrictions:

1. Maximum Square Footage: 118,701 square feet of building area
2. Maximum Retail: 100% – Neighborhood Support Retail

In addition to those uses permitted in Retail districts, the following uses shall be permitted:

- office-showroom/warehouse
- office-technical
- scientific and research labs

3. Truck docks for these uses shall be located at grade level.
4. Maximum Floor Area Ratio: 0.5:1
5. Maximum Floor Area Ratio on any Given Lot: 0.75:1
6. Maximum Lot Coverage: 40% (inclusive of parking structures)
7. Maximum Building Height: 2 story (36 feet) – all heights shall include mechanical/penthouse
8. Maximum Parking Structure Height: 2 levels above grade (20 feet)
9. Setback Requirements: 50 feet from north property line and 50 feet from Plano Pkwy.

The zoning granted above is granted subject to the following additional stipulations:

1. Regulatory provisions of the Zoning Ordinance pertaining to additional setbacks from residential zoning districts (Sections 13.500.2, 13.500.3, and 13.500.4) shall apply to this tract.
2. A study of Plano Pkwy., from Jupiter Rd. to Preston Rd., shall be conducted by the city to evaluate standards and plans for driveway spacing, median breaks, acceleration/deceleration lanes, signalization, and intersection design. The objective of the study is to enhance the parkway's capacity without adding additional through lanes. The cost of the study shall be borne by the petitioners for zoning. The closing of Longworth Dr. north of Plano Pkwy. shall be a major consideration in the Plano Parkway Study.
3. All landscape areas required by the Design Guidelines (referenced after PD-393-R/O-2) shall be irrigated by an underground, automatic sprinkler system.
4. All subsequent approved preliminary site plans for this tract shall conform to the Design Guidelines for the Plano Pkwy./SH 190 Corridor as adopted by the City Council and as placed by the owner as Restrictive Covenants on the tract binding both the current and future owners to such design guidelines.
5. The hours of operation for uses located within this district are limited to 5:00 a.m. to 12:00 a.m. (19 hours) except for convenience store with gas pumps use.
6. No access to any tract shall be gained from the existing alley or alleys serving the residential area.
7. Truck docks and trash containers shall be to the interior of constructed buildings and at grade.
8. There will be no dedicated street adjacent and parallel to the residential district.

9. Parking structures shall be screened from view of the residential district through the use of natural screens.
10. Sodium vapor lights shall not be used for parking lots and other exterior lighting. All lighting shall meet the requirements of the Plano Lighting Ordinance.

Refer to Design Guidelines after PD-393-R/O-2 for additional stipulations.

MR/kob

xc: Brian Thornton, Racetrac Petroleum, Inc.
Michael Parmerlee, GC Plano Independence 2016 Ltd.
David Bond, Spiars Engineering, Inc.
Jeanna Scott, Building Inspections Manager

<https://goo.gl/maps/hpxwif2kDxgyYGrE6>

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 7, 2020

Agenda Item No. 3

Public Hearing: Zoning Case 2020-029
(Submitted under the Interim Comprehensive Plan)

Applicant: RaceTrac Petroleum, Inc.; Plano Parkway Independence Partners, Ltd.;
and GC Plano Independence 2016, Ltd.

DESCRIPTION:

Request to amend Planned Development-374-Retail on 6.9 acres located at the northeast corner of Independence Parkway and Plano Parkway to modify the hours of operation restriction. Zoned Planned Development-374-Retail and located within the 190 Tollway/Plano Parkway Overlay District. Project #ZC2020-029.

HISTORY:

PD-374-R was initially approved by City Council in 1987, along with several other similar PDs in the Plano Parkway corridor and included a requirement limiting businesses to operating a total of 17 hours a day.

In 2005, a preliminary site plan and concept plan for four lots in PD-374-R were approved including a waiver allowing a living screen along the eastern property line and requiring filing and recording of a deed restriction in accordance with the (then current) planned development stipulation limiting hours of operation to 17 hours per day.

In 2012, the property owner requested an amendment to remove the time restriction on hours of operation. The PD was amended to adjust the restriction for hours of operation to 19 hours per day.

REMARKS:

The applicant is requesting to amend Planned Development-374-Retail (PD-374-R) in order to allow convenience stores with gas pumps to operate 24 hours a day.

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. A planned development 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. Other stipulations of PD-374-R limit the maximum allowable square footage, floor area ratio (FAR), as well as other area, yard, and bulk requirements. This PD has stipulations regarding landscaping, lighting, truck dock, and trash enclosure construction and has design guidelines covering signs, screening, landscaping, illumination, street furniture, transit stops, and building materials, and other standards specific to the Plano Parkway corridor.

Currently, the PD specifies that “the hours of operation for uses located within this district are limited to 5:00 a.m. to 12:00 a.m. (19 hours).” The applicant owns and operates an existing convenience store with gas pumps facility at this location and would like to operate the store 24 hours a day. In addition to the existing convenience store with gas pumps, the subject property is partially developed with a restaurant with drive-through. Two lots to the east of the convenience store with gas pumps remain undeveloped.

Surrounding Land Uses and Zoning

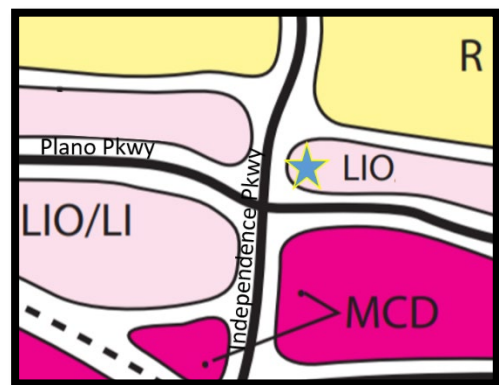
North	Single-family residences zoned Single-Family Residence (SF-9)
East	Single-family residences zoned SF-9 and professional/general administrative office zoned Planned Development-375-Retail/General Office (PD-375-R/O-2)
South	Independent living facility and medical office zoned Planned Development-382-Retail/General Office (PD-382-R/O-2).
West	Across Independence Parkway, single-family residences zoned Planned Development-495-Single-Family Residence Attached (PD-495-SF-A)

Conformance with the Interim Comprehensive Plan

The 2011 Land Use Map designates this property as Low Intensity Office (LIO).

In the Land Use Element, the Appendix defines the land use category, Low Intensity Office, as including a variety of employment uses which serve local needs and heights are typically less than four stories with FARs less than 0.4:1.

This request is in conformance with the *Interim Comprehensive Plan*.



Request

The applicant is requesting to amend PD-374-R in order to remove a stipulation limiting the hours of operation for convenience stores with gas pumps. The restriction is proposed to remain in place for all other uses. This standard was initially put in place because the surrounding homeowners were concerned about 24-hour operations occurring at this location. In 2012, the property owner requested to remove the restriction for all uses. However, due to homeowner opposition at the time, the Planning & Zoning

Commission and City Council voted to retain the restriction and expand operating hours from 17 to 19 hours.

The City of Plano has adopted ordinances which limit noise and lighting, as well as other performance standards. It is the intent of these ordinances to allow businesses to operate 24 hours a day, if preferred, while providing adequate development standards and safeguards important to the welfare and protection of adjacent properties and residents.

Additionally, Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) of the Zoning Ordinance contains residential adjacency standards which prohibit fuel dispensing facilities from locating within 150 feet of residential zoning districts. The purpose of the residential adjacency standards is to preserve the integrity, enjoyment and property values of residential neighborhoods from uses that may impact the neighborhoods.

The lot with the existing convenience store with gas pumps is approximately 160 feet from the adjacent residential zoning district to the east; the gas pumps are approximately 240 feet from the zoning district boundary. The residential adjacency standards along with the performance standards within the Zoning Ordinance, are designed to establish community-wide standards that protect properties uniformly from possible nuisances. Based on the existence of these protections, staff is in support of removing the limitation regarding hours of operations as it pertains to convenience store with gas pumps uses, per the request.

RECOMMENDATION:

Recommended for approval as follows:

(Proposed changes are indicated by underlined text.)

Restrictions:

1. Maximum Square Footage: 118,701 square feet of building area
2. Maximum Retail: 100% – Neighborhood Support Retail

In addition to those uses permitted in Retail districts, the following uses shall be permitted:

- office-showroom/warehouse
 - office-technical
 - scientific and research labs
3. Truck docks for these uses shall be located at grade level.
 4. Maximum Floor Area Ratio: 0.5:1

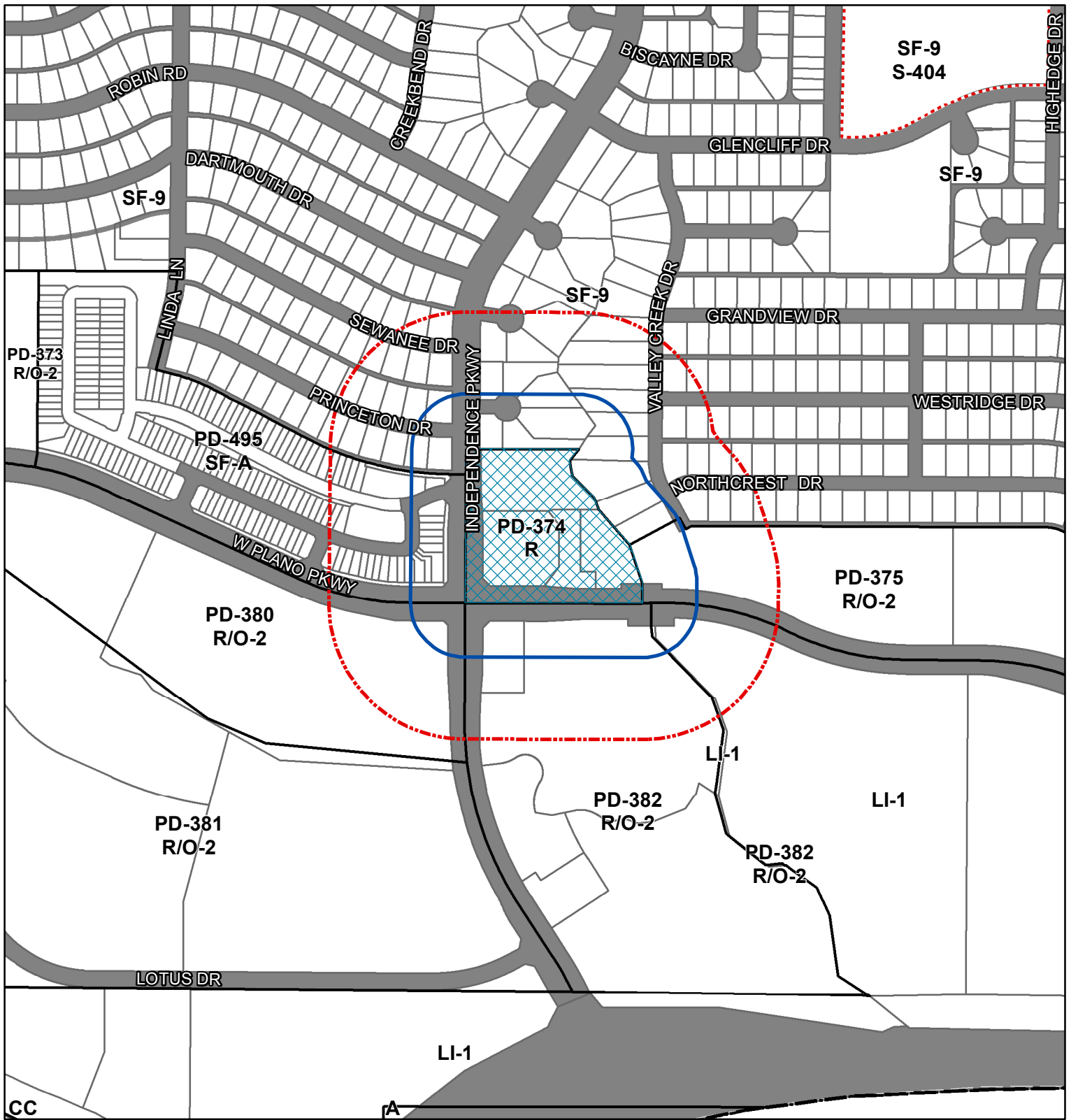
5. Maximum Floor Area Ratio on any Given Lot: 0.75:1
6. Maximum Lot Coverage: 40% (inclusive of parking structures)
7. Maximum Building Height: 2 story (36 feet) – all heights shall include mechanical/penthouse
8. Maximum Parking Structure Height: 2 levels above grade (20 feet)
9. Setback Requirements: 50 feet from north property line and 50 feet from Plano Pkwy.

The zoning granted above is granted subject to the following additional stipulations:

1. Regulatory provisions of the Zoning Ordinance pertaining to additional setbacks from residential zoning districts (Sections 13.500.2, 13.500.3, and 13.500.4) shall apply to this tract.
2. A study of Plano Pkwy., from Jupiter Rd. to Preston Rd., shall be conducted by the city to evaluate standards and plans for driveway spacing, median breaks, acceleration/deceleration lanes, signalization, and intersection design. The objective of the study is to enhance the parkway's capacity without adding additional through lanes. The cost of the study shall be borne by the petitioners for zoning. The closing of Longworth Dr. north of Plano Pkwy. shall be a major consideration in the Plano Parkway Study.
3. All landscape areas required by the Design Guidelines (referenced after PD-393-R/O-2) shall be irrigated by an underground, automatic sprinkler system.
4. All subsequent approved preliminary site plans for this tract shall conform to the Design Guidelines for the Plano Pkwy./SH 190 Corridor as adopted by the City Council and as placed by the owner as Restrictive Covenants on the tract binding both the current and future owners to such design guidelines.
5. The hours of operation for uses located within this district are limited to 5:00 a.m. to 12:00 a.m. (19 hours) except for convenience store with gas pumps use.
6. No access to any tract shall be gained from the existing alley or alleys serving the residential area.
7. Truck docks and trash containers shall be to the interior of constructed buildings and at grade.
8. There will be no dedicated street adjacent and parallel to the residential district.
9. Parking structures shall be screened from view of the residential district through the use of natural screens.
10. Sodium vapor lights shall not be used for parking lots and other exterior lighting.

All lighting shall meet the requirements of the Plano Lighting Ordinance.

Refer to Design Guidelines after PD-393-R/O-2 for additional stipulations.

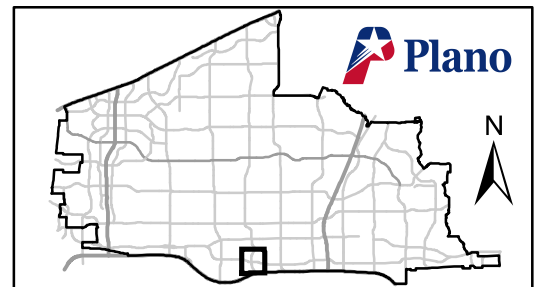


Zoning Case: 2020-029

Existing Zoning: Planned Development-374-Retail (PD-374-R) and located within 190 Tollway/Plano Parkway Overlay District

Proposed Zoning: Planned Development-374-Retail (PD-374-R) and located within 190 Tollway/Plano Parkway Overlay District


- | | | |
|-----------------------------------|----------------------------|---------------------|
| 500' Courtesy Notification Buffer | Streets | Zoning Boundary |
| 200' Notification Buffer | Zoning Boundary Change/SUP | Specific Use Permit |
| Subject Property | Municipal Boundaries | |



0 375 750 1,500
Feet



Zoning Case 2020-029

 Area of Request

0 200 400
Feet



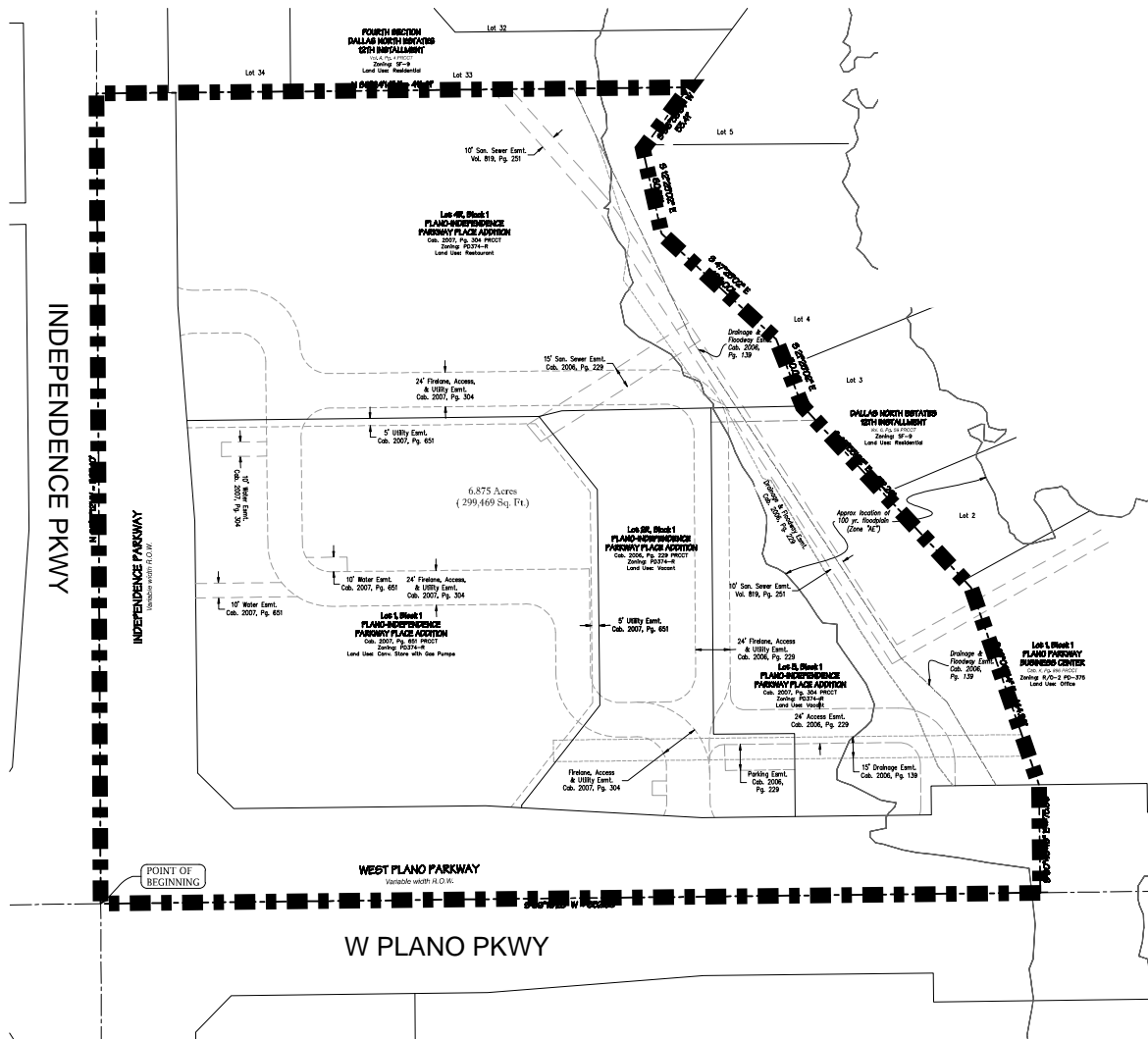
1 Inch = 40 ft.

Base of bearing: State Plane
Coordinate System, North Texas
Central Zone 4202, North American
Datum of 1983, Adjustment
Realization 2011.



LOCATION MAP
T-1-1007

"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."



METES AND BOUNDS DESCRIPTION

BEING a tract of land situated in the F. McCullough Survey, Abstract No. 586, City of Plano, Collin County, Texas, being all of Lots 1, 2R, 3, and 4, Block 1, Plano-Independence Parkway Place Addition, recorded in Volume 821, Page 347 of the Deed Records, Denton County, Texas (DRDCT), with the subject tract being more particularly described as follows:

BEGINNING at a point being the intersection of the centerlines of Plano Parkway, a variable width right-of-way, with Independence Parkway, a variable width right-of-way;

THENCE N 00°17'12" W, 563.10 feet along Independence Parkway;

THENCE N 89°24'14" E, 411.41 feet departing said right-of-way, along the north line of Lot 4 to the northeast corner thereof;

THENCE S 36°35'54" W, 53.41 feet along the east line of Lot 4;

THENCE S 12°25'02" E, 60.33 feet along the east line of Lot 4;

THENCE S 47°25'02" E, 108.00 feet along the east line of Lot 4;

THENCE S 21°25'02" E, 50.00 feet along the east line of Lot 4 to the northeast corner of Lot 3;

THENCE S 42°55'02" E, 172.26 feet along the east line of Lot 3;

THENCE S 19°00'34" E, 144.98 feet along the east line of Lot 3 to the southeast corner thereof;

THENCE S 00°40'40" E, 75.00 feet into Plano Parkway to the centerline thereof;

THENCE S 89°19'20" W, 652.83 feet along the centerline thereof to the POINT OF BEGINNING with the subject tract containing 299,469 square feet or 6.875 acres of land.

CITY CASE NO ZC2020-029

ZONING EXHIBIT

PLANO-INDEPENDENCE PARKWAY PLACE ADDITION

LOTS 1, 2R, 3, AND 4R, BLOCK 1 - 6.875 Acres
IN THE F. McCULLOUGH SURVEY, ABSTRACT NO. 586
CITY OF PLANO, COLLIN COUNTY, TEXAS

SPIARS
ENGINEERING & SURVEYING
786 Cluster Road, Suite 100 • Plano, TX 75075 • 972.422.0077
TXPE No. F-2121 • TBLPS No. F-1008102 • www.spiarseng.com

LOT 2R OWNER	LOT 3 AND 4R OWNER / APPLICANT	LOT 1 OWNER / APPLICANT	ENGINEER / SURVEYOR
Plano Parkway-Independence Partners, L.P. 3838 Oak Lawn Ave., Suite 1416 Dallas, Texas 75219	022 Plano-Independence 2016, L.L.C. 1131 Rockingham Drive, Suite 250 Richardson, Texas 75080 Telephone: (972) 684-9850 Contact: Michael Parnell	Plano-Ind. Newcomer, Inc. 200 Galleria Parkway SE, Suite 900 Atlanta, Georgia 30339 Telephone: (770) 451-7000 Contact: Andrew Valzer	Spiars Engineering Inc. 766 Cluster Road, Suite 100 Plano, TX 75075 Telephone: (972) 452-0077 TBPELS No. F-2121 and No. F-10043100 Contact: David J. Bond, P.E.



City of Plano
Planning Department
1520 K. Avenue, 2nd floor, Suite 250
Plano, TX 75074

Official Purpose Letter – Zoning Case ZC2020-029 – Amend PD-374-R

To whom it may concern,

RaceTrac Petroleum, Inc. owns and operates an existing store located at 2865 W Plano Pkwy, Plano, TX 75075. This property and store operates under the regulations of existing PD-374-R.

RaceTrac is proposing to complete a comprehensive remodel of this existing store. In conjunction with this planned reinvestment into the community, RaceTrac is thereby proposing to amend PD-374-R to remove the restriction on hour of operation for gas stations and convenience store uses.

If approved, removing the hours restriction from this store will clear the way for the remodel to commence and greatly improve operational efficiency at this location.

If you have any questions or concerns, please do not hesitate to reach out to the project manager, Andrew Malzer by email (amalzer@racetrac.com) or by cell phone (706 288 767).

Kind Regards,

A handwritten signature in blue ink, appearing to read "Andrew Malzer", with a long horizontal flourish extending to the right.

Andrew Malzer
Engineering Project Manager