DATE: September 8, 2021

TO: Honorable Mayor & City Council

FROM: M. Nathan Barbera, Chair, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of September 7, 2021

Cost

AGENDA ITEM NO (4) - ZONING CASE 2021-021 APPLICANT: LEGACY WEST INVESTORS, LP

Request for a Specific Use Permit for New Vehicle Dealer on 0.1 acre located 14 feet east of Windrose Avenue, 197 feet south of Winthrop Street. Zoned Planned Development-65-Central Business-1 and located within the Dallas North Tollway Overlay District. Project #ZC2021-021.

APPROVED:	8-0 DENIED :		TABLED:				
Speaker Card(s) Received		Support:	9	Oppose:	0	Neutral:	0
Letters Received Within 200' Notice Area:		Support:	0	Oppose:	0	Neutral:	0
Petition Signatures Received:		Support:	0	Oppose:	0	Neutral:	0
Other Responses:		Support:	0	Oppose:	0	Neutral:	0

STIPULATIONS:

Recommended for approval with a maximum inventory of nine vehicles.

DF/kob

cc: Jon T. Fulton, Legacy West Investors, LP
Dykema Gossett, PLLC, Lucid Group USA, Inc.
Jeanna Scott, Building Inspections Manager

https://goo.gl/maps/SsWAqLoKa8Fw8wA29

CITY OF PLANO

PLANNING & ZONING COMMISSION

September 7, 2021

Agenda No. 4

Public Hearing: Zoning Case 2021-021

Applicant: Legacy West Investors, LP

(Submitted under the Interim Comprehensive Plan)

DESCRIPTION:

Request for a Specific Use Permit for New Vehicle Dealer on 0.1 acre located 14 feet east of Windrose Avenue, 197 feet south of Winthrop Street. Zoned Planned Development-65-Central Business-1 and located within the Dallas North Tollway Overlay District. Project #ZC2021-021.

SUMMARY:

The applicant is requesting a Specific Use Permit (SUP) for New Vehicle Dealer. The request is in conformance with the recommendations of the Interim Comprehensive Plan and will complement the mix of uses within the Legacy West Development. In addition, the applicant is requesting to limit the inventory to nine vehicles, and the existing parking garage has sufficient parking to accommodate the use. For these reasons, staff is in support of the SUP request.

REMARKS:

The requested zoning is for a Specific Use Permit (SUP) for New Vehicle Dealer. The Zoning Ordinance defines new vehicle dealer as retail sales and/or leasing of new personal vehicles or light commercial vehicles including, as a minor part of the business, the sales and/or leasing of used personal vehicles or light commercial vehicles. The purpose and intent of a specific use permit 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 for such use during the review of a specific use permit application.

Surrounding Land Uses and Zoning

The request is located within an existing lease space in the Legacy West development. The north, east, south, and west areas are zoned Planned Development-65-Central Business-1 and are developed with retail, restaurant, office, and multifamily uses.

Conformance to the Comprehensive Plan

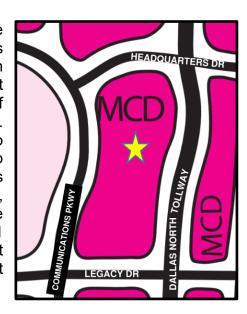
This zoning request was reviewed for conformance with the *Interim Comprehensive Plan* (1986 based) adopted in August 2020.

Land Use Element

The Land Use Plan (2011) designates the subject property as Major Corridor Development (MCD).

The MCD category is defined as follows:

"This designation applies to three areas that are served by major expressway facilities: the Dallas North Tollway Corridor, President George Bush Turnpike, and the S.H. 121 Corridor. Development in these corridors is expected to include a mix of commercial, office, and technical production uses. Floor area ratios (FAR) should range from 0.4:1 to 1:1, and heights should be limited by proximity to Residential development is residential areas. generally not appropriate within these corridors, although residential development may considered along the southern edge of the S.H. 121 corridor. This corridor is wider than the others, but residential uses should not be closer than 1200 feet south of the future center line of S.H. 121."



Dealerships and car sales are not specifically defined in the Land Use Element. Therefore, even though it is different in style and function than larger dealerships, this new car dealership would be considered a commercial use.

In the Economic Development Element (2008), Existing Commercial Areas, Dallas North Tollway, an indirect reference is made as follows:

"The long range land use recommendations and zoning map propose nonresidential uses, and the corridor should be preserved for future economic development opportunities."

The terms vehicle and vehicles are used multiple times in the Transportation Element, but not with respect to sales.

New Vehicle Dealer Use

The subject property is zoned Planned Development-65-Central Business-1 (PD-65-CB-1) and is part of the Legacy West development. The proposed new vehicle dealer will occupy a lease space within Tract C of the mixed-use development. The associated cars will be parked in the showroom and adjacent parking spaces. The subject property has an excess of 1,556 parking spaces of the city requirements. However, in order to limit the impact of the business within the development, the applicant is placing a restriction limiting the maximum inventory to nine vehicles. Therefore, these spaces are included within the limits of the SUP request.

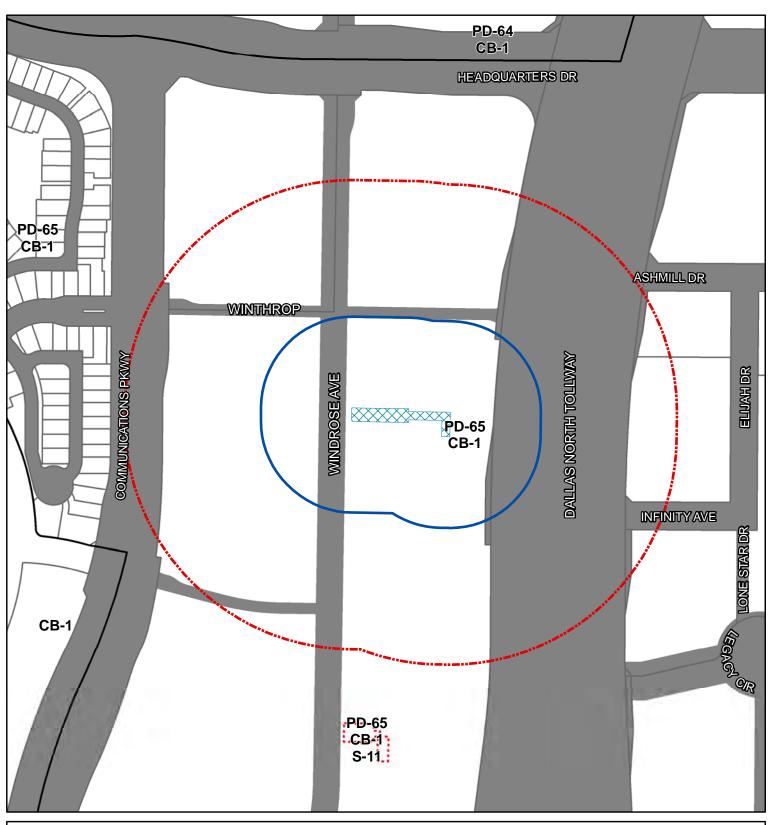
The requested new vehicle dealer is complementary to the existing zoning and mix of uses. Currently, an existing Tesla new vehicle dealer (SUP No. 11) is located within a lease space to the south of this request. The property has sufficient parking to accommodate the storage of vehicles, and the request is in conformance with the recommendations of the Comprehensive Plan. For these reasons, staff is in support of this request with the restriction noted below.

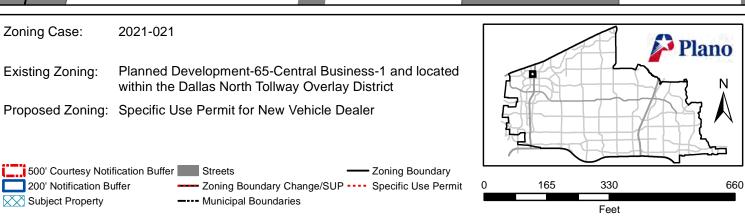
SUMMARY:

The applicant is requesting a Specific Use Permit (SUP) for New Car Dealer. The request is in conformance with the recommendations of the Interim Comprehensive Plan and will complement the mix of uses within the Legacy West Development. In addition, the applicant is requesting to limit the inventory to nine vehicles, and the existing parking garage has sufficient parking to accommodate the use. For these reasons, staff is in support of the SUP request.

RECOMMENDATION:

Recommended for approval with a maximum inventory of nine vehicles.







HEADQUARTERS DR

(VOL. 2010, PO. 601) (VARIABLE WIDTH R.O.W.)

AREA DESCRIPTION

BEING a tract of land situated in the Henry Cook Survey, Abstract No. 183, City of Plano, Collin County, Texas and being a portion of Lot 1R, Block D, of Legacy West Addition, Lot 1R and Lot 3, Block D, and addition to the City of Plano according to the plate thereof recorded in Cabine 2017, Page 681, Official Public Records, Collin County, Texas, and being a portion of a called Tract IV described in Special Warranty, Dead, to LEGACY VEST INVESTORS, L.P. recorded in Instrument Number 2015/02/04/0017/25/70, Official Public Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at an "X" cut in concrete found for the easternmost northeast corner of said Lot 1R, Block D, in the west right-of-way line of the Dallas North Tollway (a variable width nght-of-way), and being the beginning of a non-tangent curve to the left having a central angle of 3"1305", a radius of 3968.38 feet, a chord bearing and distance of South 10"13'32" West, 222.85 feet;

THENCE with said west right-of-way line, the following courses and distances:

In a southwesterly direction, with said curve to the left, an arc distance of 222.88 feet to a 5/8" iron rod with clastic cap stamped "KHA" found for corner:

South 14*0057" West, a distance of 111.16 feet to a 5/6" from rod with plastic cap stamped "KHA" found at the beginning of a non-langent curve to the left having a central angle of 2"05'21", a radius of 3981.72 feet, a chord bearing and distance of South 5"58'45" West, 145.18 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 145.19 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

South 85'03'85' East, a distance of 12.00 feet to a 5l6' iron rod with plastic cap stamped "KHA" found at the beginning of a non-langent curve to the left having a central angle of 2'41'58', a radius of 3971.35 feet, a chord bearing and distance of South 3''35'02' West, 187.05 feet,

In a southwesterly direction, with said curve to the left, an arc distance of 187.10 feet to a 5/8" iron rod with dastic cap stamped "KHA" found for corner:

THENCE over and across said Lot 1R, the following courses and distances

South 73"14"37" West, a distance of 99.87 feet to the POINT OF BEGINNING

North 90°00'00" West, a distance of 18.00 feet

North 0°00'00" East, a distance of 36.00 feet;

North 90°00'00" West, a distance of 73.72 feet

South 0°00'00" East, a distance of 5.63 feet

North 0°00'00" East, a distance of 2.08 feet;

North 90°00'00' West a distance of 2.45 feet

North 0°00'00" East, a distance of 27.80 feet;

North 90°00'00" East, a distance of 125.62 feet

South 0"00'00" East, a distance of 6.25 feet;

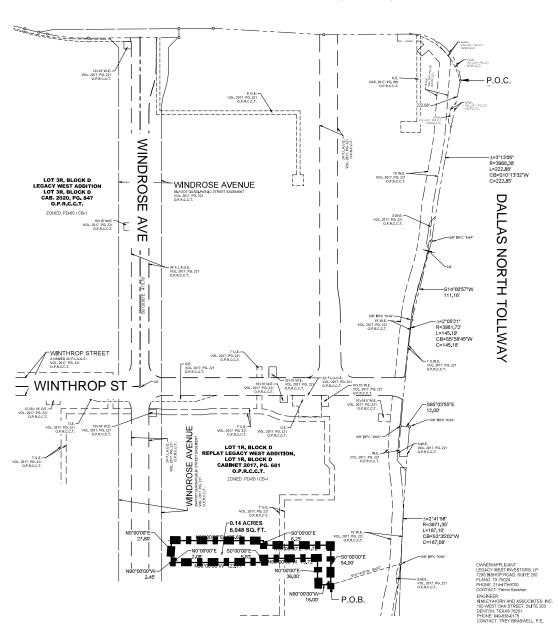
North 90°00'00" East, a distance of 91,72 feet

South 0°00'00" East, a distance of 54.00 feet to the **POINT OF BEGINNING** and containing a computed area of 6,048 square feet or 0.14 acres.

This document was prepared under 22 TAC §138.05, 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.

LEGEND

A = CENTRAL ANALE
POBLE - PORT OF EECHNING
RISC = IRON ROD W. CAR SET
IRFO = IRON ROD W. CAR SET
IRFO







NOTES

Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of development standards as shown hereon, of the insidiation of the development process.

This document was prepared under 22 TAC §138.95, 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.

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT DAVID J. DE WEIRDT, R.P.L.S. REGISTRATION NO. 5066 JULY 21, 2021

ZONING EXHIBIT ZONING CASE NO. 2021-021

0.14 ACRES
A PORTION OF
REPLAT LOT 1R, BLOCK D
LEGACY WEST ADDITION
LOT 1R AND LOT 3, BLOCK D
HENRY COOK SURVEY ABSTRACT NO. 183
CITY OF PLANO, COLLIN COUNTY, TEXAS

Kimley»Horn

oel Road, Two Galleria Office Julie 700, Dallas, Texas 75240 FIRM # 10115500

Tel. No. (97 FRM # 10115500 Fax No. (97

wn by <u>Checked by</u> <u>Date</u> JE DJD JULY 2021

Project No 068111010

Fax No. (972) 239-3820 Project No. Sheet No. 068111010 1 OF 1