

**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

**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)

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**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**

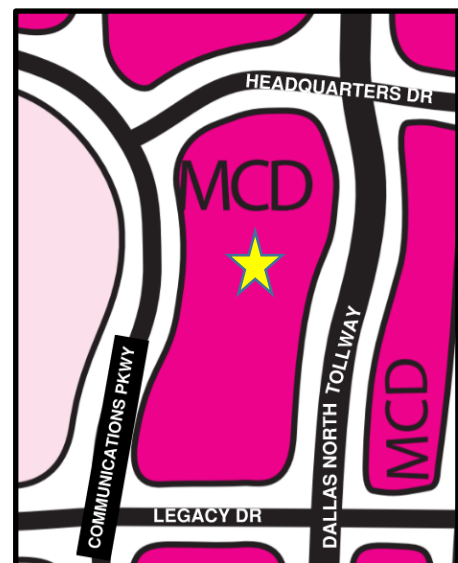
This zoning request was reviewed for conformance with the *Interim Comprehensive Plan (1986 based)* adopted in August 2020.

## **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 areas. Residential development is generally not appropriate within these corridors, although residential development may be 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.

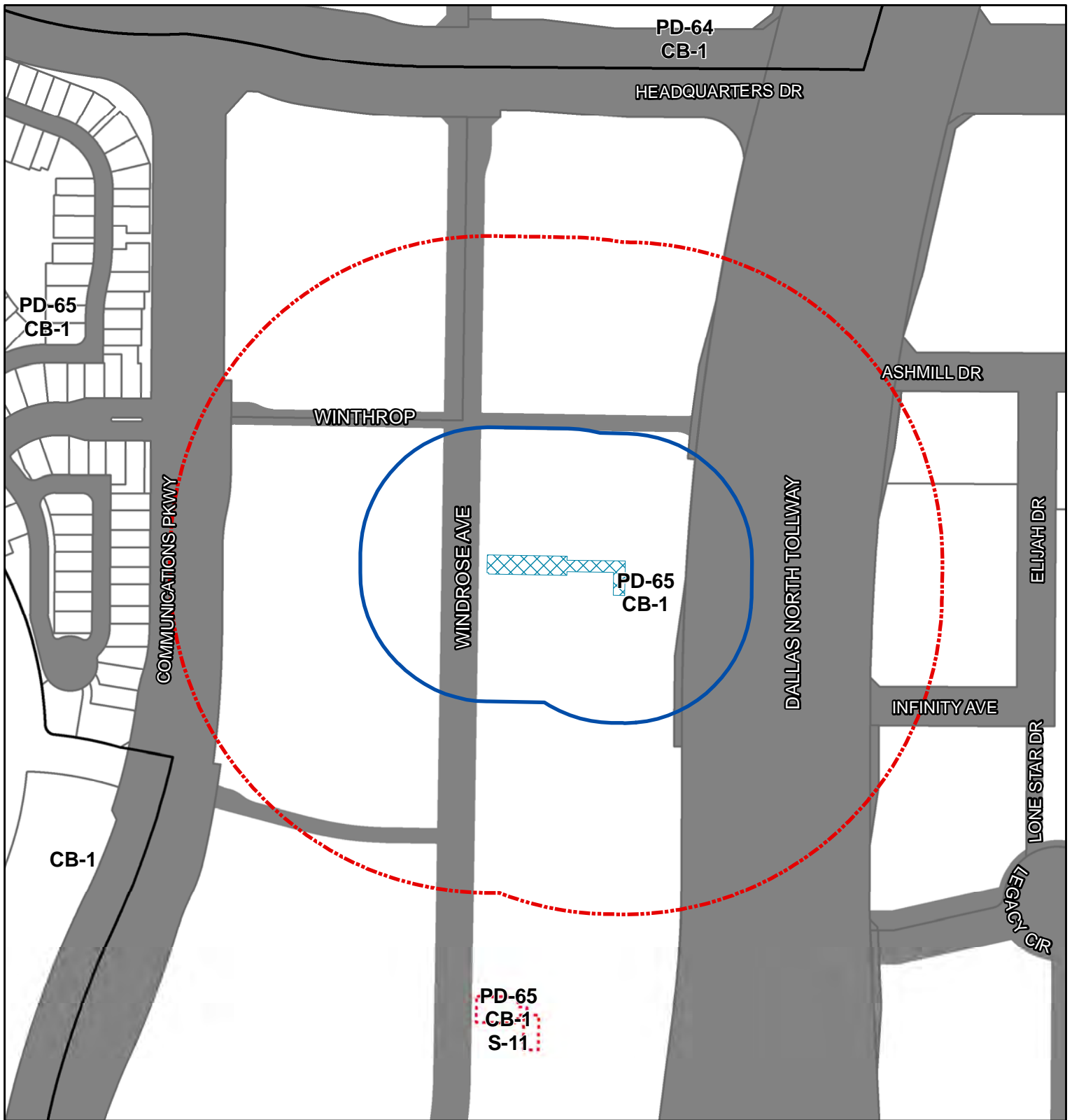
The requested new vehicle dealer is complementary to the existing zoning and mix of uses. Currently, an existing Tesla new vehicle dealer (SUP No. 11) is located within a lease space to the south of this request. The property has sufficient parking to accommodate the storage of vehicles, and the request 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.

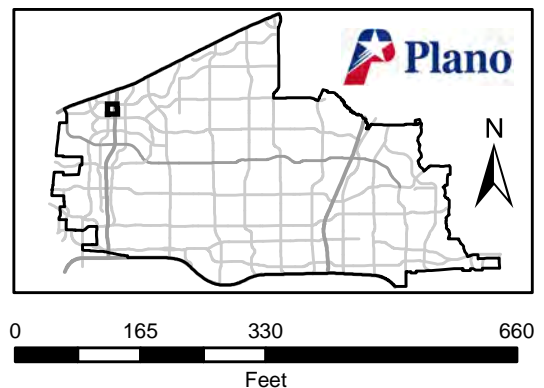


Zoning Case: 2021-021

Existing Zoning: Planned Development-65-Central Business-1 and located within the Dallas North Tollway Overlay District

Proposed Zoning: Specific Use Permit for New Vehicle Dealer

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







ASHMILL DR

WINTHROP ST

WINDROSE AVE

DALLAS NORTH TOLLWAY

INFINITY AVE

WATER ST

LEGACY CIR



Zoning Case 2021-021



Area of Request





## (VARIABLE WIDTH R.O.W.)

**OWNER/APPLICANT:**  
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PLANO, TX 75024  
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CONTACT: Fehmi Karahan

**ENGINEER:**  
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DENTON, TEXAS 76201  
PHONE: 940-536-0175  
CONTACT: TREY BRASWELL, P.E.