

## **Zoning Case 2020-029**

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Planned Development-374-Retail on 6.9 acres of land out of the F. McCullough Survey, Abstract No. 586, located at the northeast corner of Independence Parkway and Plano Parkway, in the City of Plano, Collin County, Texas, to modify the hours of operation restriction; 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 11th day of January 2021, for the purpose of considering amending Planned Development-374-Retail on 6.9 acres of land out of the F. McCullough Survey, Abstract No. 586, located at the northeast corner of Independence Parkway and Plano Parkway, in the City of Plano, Collin County, Texas, to modify the hours of operation restriction; 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 11th day of January 2021; and

**WHEREAS**, the City Council is of the opinion and finds that such amendment 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. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to amend Planned Development-374-Retail on 6.9 acres of land out of the F. McCullough Survey, Abstract No. 586, located at the northeast corner of Independence Parkway and Plano Parkway, in the City of Plano, Collin County, Texas, to modify the hours of operation restriction, 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:

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./S.H. 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.

**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 affectuated 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 11TH DAY OF JANUARY 2021.**

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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 2020-029**

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;

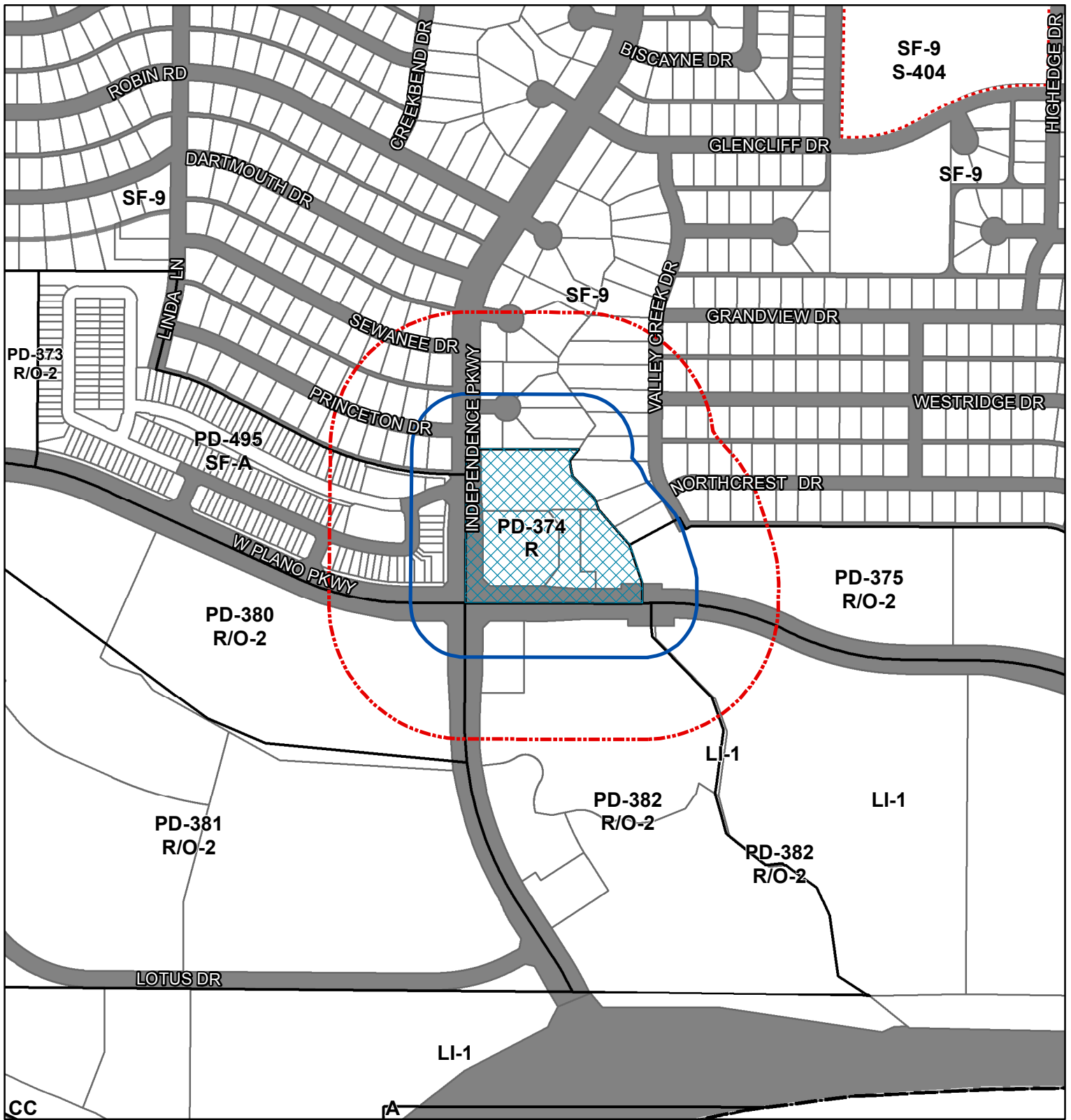
THENCE S 21°25'02" E, 50.00 feet along the east line of Lot 4 to the northeast corner of Lot 3;

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, 652.93 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.

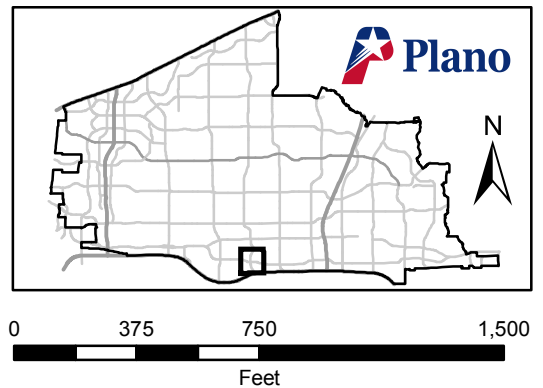


Zoning Case: 2020-029

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

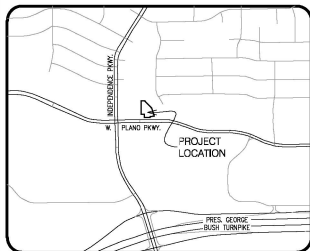
Proposed Zoning: Planned Development-374-Retail (PD-374-R) and located within 190 Tollway/Plano Parkway Overlay District

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



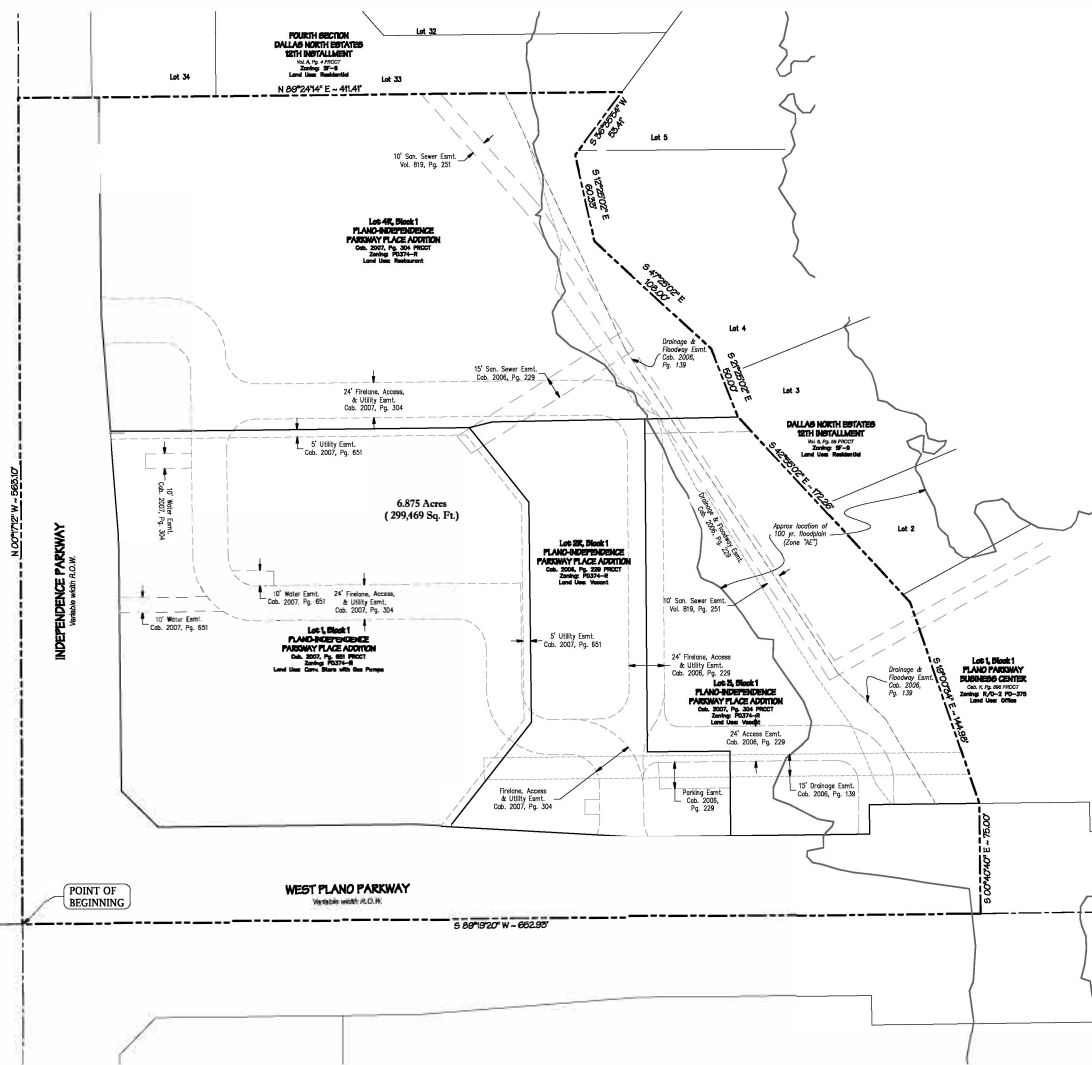


Basis of bearing: State Plane  
Coordinate System, North Texas  
Central Zone 4202, North American  
Datum of 1983 Adjustment  
Realization 2011.



LOCATION MAP

"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

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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  
765 Custer Road, Suite 100 • Plano, TX 75075 • 972.622.0077  
TBE No F-2121 • TBPUS No. F-100-63100 • [www.spiarsinc.com](http://www.spiarsinc.com)

**LOT 2R OWNER**  
Piano Parkway Independence Partners, Ltd.  
3838 Oak Lawn Ave, Suite 1416  
Dallas, Texas 75219

**LOT 3 AND 4R OWNER / APPLICANT**  
 Ltd., GC Plano Independence 2016, Ltd.  
 1131 Rockingham Drive, Suite 250  
 Richardson, Texas 75080  
 Telephone (469) 969-0880  
 Contact: Michael Parmelee

**LOT 1 OWNER / APPLICANT**  
RaceTrac Petroleum, Inc.  
200 Galleria Parkway SE, Suite 900  
Atlanta, Georgia 30339  
Telephone (770) 431-7600  
Contact: Andrew Malzer

**ENGINEER / SURVEYOR**  
Spiars Engineering, Inc.  
765 Custer Road, Suite 100  
Plano, TX 75075  
Telephone: (972) 422-0077  
BPES No. F-2121 and No. F-10043100  
Contact: David J. Bond, P.E.

Scale: 1" = 48' November, 2009 SE-1 Job No. 20-006