

Zoning Case 2020-020

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 167 on 1.6 acres of land out of the Joseph Klepper Survey, Abstract No. 213 located west of J Avenue at 12th Street in the City of Plano, Collin County, Texas, presently zoned Light Commercial and Light Industrial-1; 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 6th day of April 2021, for the purpose of considering granting Specific Use Permit No. 167 on 1.6 acres of land out of the Joseph Klepper Survey, Abstract No. 213 located west of J Avenue at 12th Street in the City of Plano, Collin County, Texas, presently zoned Light Commercial and Light Industrial-1; 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, on the 6th day of April 2021, the City Council of said City, tabled the item to the 26th day of April 2021, when it held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 167 for Transit Center/Station on 1.6 acres of land out of the Joseph Klepper Survey, Abstract No. 213 located west of J Avenue at 12th Street in the City of Plano, Collin County, Texas, presently zoned Light Commercial and Light Industrial-1, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change 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 grant Specific Use Permit No. 167 on 1.6 acres of land out of the Joseph Klepper Survey, Abstract No. 213 located west of J Avenue at 12th Street in the City of Plano, Collin County, Texas, presently zoned Light Commercial and Light Industrial-1, said property being more fully described on the legal description in Exhibit A attached hereto.

Section II. 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 III. 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 IV. The repeal of any ordinance or part of ordinances effectuated 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 V. 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 VI. 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 VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 26TH DAY OF APRIL 2021.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

METES AND BOUNDS DESCRIPTION

BEING a 1.6005 acre tract of land located in the Joseph Klepper Survey, Abstract No. 213, City of Plano, Collin County, Texas, said 1.6005 acre tract of land being a portion of a called 0.3859 acre tract of land conveyed to the City of Plano, by deed thereof filed for records in Volume 4720, Page 3146, D.R.C.C.T., said 1.6005 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point on the west property line of a called 0.146 acre tract of land described in "Exhibit B-2", conveyed to the Dallas Area Rapid Transit by deed thereof filed for record in Volume 5491, Page 9228, D.R.C.C.T., said beginning point being North 00° 09' 32" West, a distance of 183.14 feet of the southwest property corner of the said 0.146 acre tract;

THENCE South 89° 42' 42" West, over and across the said Dallas Area Rapid Transit property, 100.00 feet to the west property line of the said Dallas Area Rapid Transit property;

THENCE North 00° 09' 32" West, in part along the west property line of the said Dallas Area Rapid Transit property, and over and across the said Dallas Area Rapid Transit property, a distance of 537.45 feet;

THENCE continuing over and across the said Dallas Area Rapid Transit property the following course and distances:

South 89° 50' 28" West, a distance of 28.00 feet;

North 00° 09' 32" West, a distance of 80.06 feet;

North 89° 50' 28" East, at a distance of 165.49 feet passing the west right-of-way line of J Avenue (being a called 60 feet wide public right-of-way), and continuing over and across said J Avenue, in all a total distance of 224.85 feet;

THENCE South 00° 11' 29" East, along the said right-of-way line, a distance of 44.65 feet to a northerly property line of the aforementioned 0.3859 acre tract;

THENCE along the northerly property line of the said 0.3859 acre tract the following courses and distances:

South 89° 50' 27" West, a distance of 45.34 feet;

South 41° 36' 02" West, a distance of 21.34 feet;

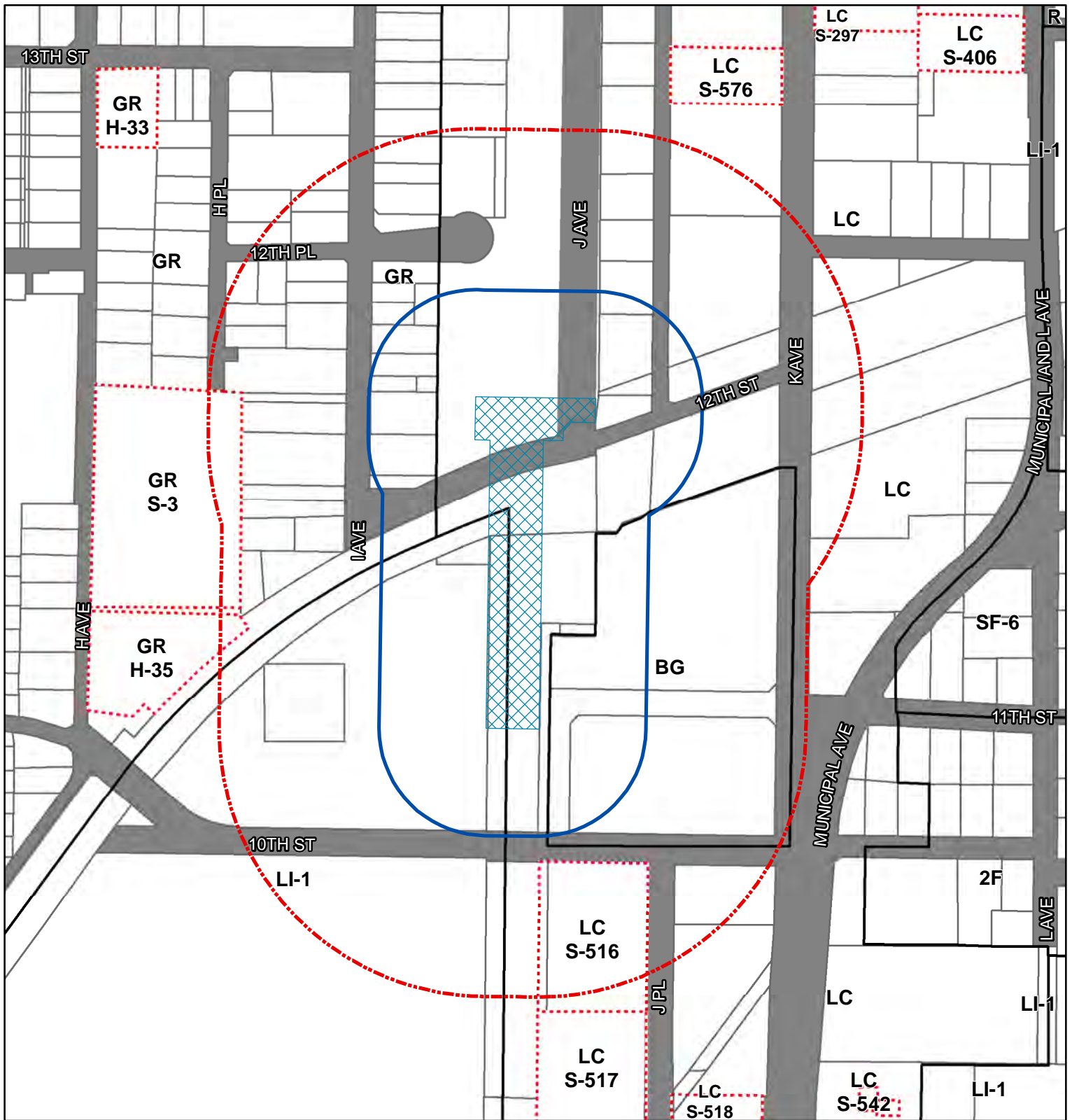
THENCE over and across the said 0.3859 acre tract the following courses and distances:

South 00° 11' 29" East, a distance of 18.82 feet;

South 89° 50' 27" West, a distance of 37.34 feet;

South 00° 09'32" East, a distance of 45.32 feet passing the south property line of said 0.3859 acre tract, and continuing over and across the said Dallas Area Rapid Transit property, at a distance of 333.15 feet passing the northwest property corner of the aforementioned 0.146 acre tract, and continuing along the west property line of the said 0.146 acre tract, in all a total distance of 537.90 feet to the POINT OF BEGINNING.

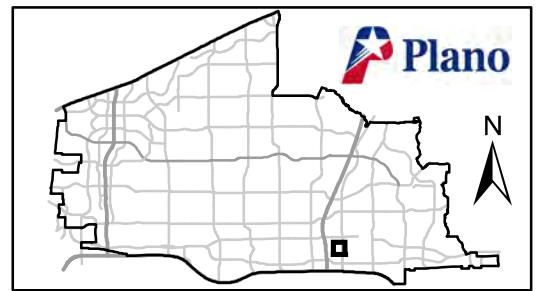
The hereinabove described tract of land contains a computed area of 1.6005 acres (69,716 square feet), SAVE AND EXCEPT 0.1921 acres (8,368 square feet) of land owned by the City of Plano, leaving a net area of 1.4084 acres (61,348 square feet) of land, more or less.



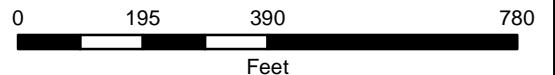
Zoning Case: 2020-020

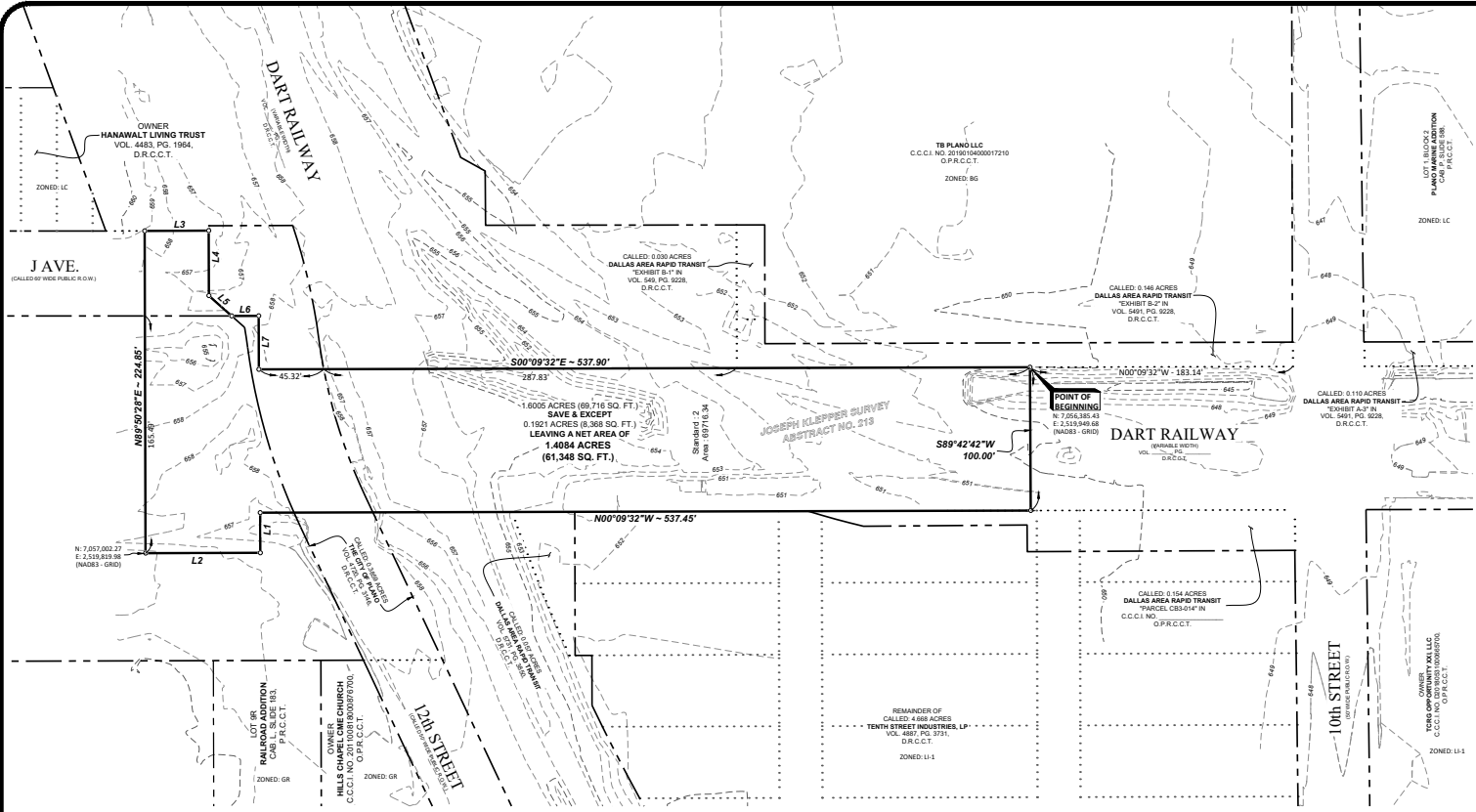
Existing Zoning: Light Commercial (LC) and Light Industrial-1 (LI-1)

Proposed Zoning: Specific Use Permit for Transit Center/Station



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





*** METES AND BOUNDS DESCRIPTION ***

BEING a 1.6005 acre tract of land located in the Joseph Klepper Survey, Abstract No. 213, City of Plano, Collin County, Texas, said 1.6005 acre tract of land being a portion of those certain tracts of land conveyed to the **DALLAS AREA RAPID TRANSIT** (said tract to record in Deed Records, Collin County, Texas (D.R.C.C.T.)), said 1.6005 acre tract of land also being a portion of a called 0.3859 acre tract of land conveyed to the **CITY OF PLANO**, by deed thereof filed for record in Volume 4726, Page 3238, D.R.C.C.T., said 1.6005 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point on the west property line of a called 0.146 acre tract of land described in "Exhibit B-2", conveyed to the Dallas Area Rapid Transit by deed thereof filed for record in Volume 5491, Page 3238, D.R.C.C.T., said beginning point being North 00°09'32" West, a distance of 183.14 feet of the southwest corner of the said 0.146 acre tract;

THENCE South 07°12'30" East, over and across the said Dallas Area Rapid Transit property, 100.00 feet to the west property line of the said Dallas Area Rapid Transit property, same being the west line of a called 0.154 acre tract of land described in "Exhibit C83-014", conveyed to the Dallas Area Rapid Transit by deed thereof filed for record in Collin County Clerk's Instrument No. _____, Official Public Records, Collin County, Texas;

THENCE North 00°09'32" West, in part along the west property line of the said Dallas Area Rapid Transit property, and over and across the said Dallas Area Rapid Transit property, a distance of 137.45 feet;

THENCE continuing over and across the said Dallas Area Rapid Transit property the following courses and distances:

South 89°50'28" West, a distance of 28.00 feet;

North 00°09'32" West, a distance of 80.00 feet;

North 89°50'28" East, at a distance of 165.49 feet passing the west right-of-way line of J Avenue (being a called 60 feet wide public right-of-way), and continuing over and across said J Avenue, in all a total distance of 224.85 feet;

THENCE South 07°12'30" East, along the said right-of-way line, a distance of 44.65 feet to a northerly property line of the aforementioned 0.3859 acre tract;

THENCE along the northerly property line of the said 0.3859 acre tract the following courses and distances:

South 89°50'27" West, a distance of 45.34 feet;

South 07°12'30" East, a distance of 18.82 feet;

South 41°30'02" West, a distance of 21.34 feet;

THENCE over and across the said 0.3859 acre tract the following courses and distances:

South 00°11'29" East, a distance of 18.82 feet;

South 89°50'27" East, a distance of 37.34 feet;

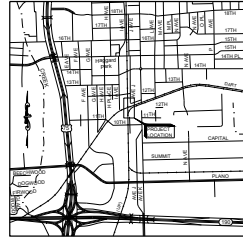
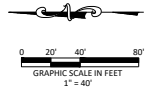
South 00°09'32" East, at a distance of 45.2 feet passing the south property line of the said 0.3859 acre tract, and continuing over and across the said Dallas Area Rapid Transit Property, at a distance of 133.15 feet passing the northerly property corner of the aforementioned 0.146 acre tract, and continuing along the west property line of the said 0.146 acre tract, in all a total distance of 537.90 feet to the **POINT OF BEGINNING**.

The heretofore described tract of land contains a computed area of 1.6005 acres (69,716 square feet). **SAVE AND EXCEPT** 0.9211 acres (8,368 square feet) of land owned by the City of Plano, leaving a net area of **1,4084 acres (61,348 square feet)** of land, more or less.

- * GENERAL NOTES ***
- The bearings, distances and coordinates shown hereon are referenced to the Texas Coordinate System of 1983, Texas North Central Zone 4202, and are based on the North American Datum of 1983, 2011 Adjustment. Coordinates shown are scaled to surface distances at G.D., using a combined scale factor of 1.0001350566. All areas shown hereon are calculated based on surface measurements.
 - According to the Flood Insurance Rate Map published by the Federal Emergency Management Agency, Department of Homeland Security and by graphic plotting only, the subject property appears to be located in Zone "X" (areas determined to be outside the 1% annual chance floodplain) as shown on Map No. 48085C0395; map revised June 2, 2009, for Collin County and incorporated areas. This flood statement does not imply that the property and/or structures located in Zone "X" will be free from flooding or flood damage. This flood statement shall not create liability on the part of the Surveyor.
 - This survey was prepared without the benefit of a Title Commitment prepared by a title company. The easements shown hereon are the only easements known by Spooner & Associates and does not imply that the any other easements, covenants, restrictions, or other matters of record do not affect the subject property. No other research was performed by Spooner & Associates, Inc.
 - Contour data shown hereon are based on the provided data of the DART Cotton Belt Regional Rail project and should be used for reference purposes only. Spooner & Associates, Inc. did not perform an on-the-ground Topographic Survey.
 - Approval of the zoning case associated with this exhibit shall not imply approval of any additional study, plan, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning & Zoning Commission and/or City Council action on studies, plans, or plans relating to the development of this property shall be considered as an action separate from action taken on this case.

- * LEGEND ***
- CRF IRON ROD WITH CAP FOUND
 - IRF IRON ROD FOUND
 - P.F.C. POINT FOR CORNER
 - CAB. CABINET
 - C.C.C.I. COLLIN COUNTY CLERK'S INSTRUMENT
 - VOL. VOLUME
 - P.G. PAGE
 - R.O.W. RIGHT-OF-WAY
 - D.R.C.C.T. DEED RECORDS, COLLIN COUNTY, TEXAS
 - O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS COLLIN COUNTY, TEXAS
 - P.R.C.C.T. PLAT RECORDS, COLLIN COUNTY, TEXAS

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°50'28"W	28.00'
L2	N00°09'32"W	80.00'
L3	S00°11'29"E	44.65'
L4	S89°50'27"W	45.34'
L5	S41°30'02"W	21.34'
L6	S00°11'29"E	18.82'
L7	S89°50'27"W	37.34'



THIS DOCUMENT IS
PRELIMINARY
FOR REVIEW PURPOSES ONLY
ERIC S. SPOONER, R.P.L.S.
DECEMBER 22, 2020

CITY CASE NO. 2020-020
ZONING EXHIBIT OF
DALLAS AREA RAPID TRANSIT
BEING 1.6005 ACRES LOCATED IN THE JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213, CITY OF PLANO, COLLIN COUNTY, TEXAS.

1.6005 ACRES (69,716 SQ. FT.) GROSS
SAVE AND EXCEPT
0.9211 ACRES (8,368 SQ. FT.)
LEAVING A NET AREA OF
1,4084 ACRES (61,348 SQ. FT.)



DALLAS AREA RAPID TRANSIT
1401 PARK AVENUE
DALLAS, TEXAS 75202
PH: (214) 879-1121
ATTN: _____



777 MAIN STREET
FRI, WORTH, TEXAS 76106
PH: (817) 879-5887
ATTN: JANNIE JACKSON

SURVEYOR:



309 IRVING STREET, SUITE 100, DALLAS, TEXAS 75209
(817) 385-5446 WWW.SPOONERANDASSOCIATES.COM
TSPS (PR) NO. 100490-040-11054-3
ATTN: ERIC S. SPOONER, R.P.L.S.