

Zoning Case 2020-019

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. 166 on 5.5 acres of land out of the S. Beck Survey, Abstract No. 73, located at the southeast corner of K Avenue and 12th Place, in the City of Plano, Collin County, Texas, presently zoned Light Commercial; 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. 166 on 5.5 acres of land out of the S. Beck Survey, Abstract No. 73, located at the southeast corner of K Avenue and 12th Place, in the City of Plano, Collin County, Texas, presently zoned Light Commercial; 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. 166 for Transit Center/Station on 5.5 acres of land out of the S. Beck Survey, Abstract No. 73, located at the southeast corner of K Avenue and 12th Place, in the City of Plano, Collin County, Texas, presently zoned Light Commercial, 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. 166 on 5.5 acres of land out of the S. Beck Survey, Abstract No. 73, located at the southeast corner of K Avenue and 12th Place, in the City of Plano, Collin County, Texas, presently zoned Light Commercial, 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 5.4820 acre tract of land located in the S. Beck Survey, Abstract No. 73, City of Plano, Collin County, Texas, said tract being a portion of an existing 120 foot wide right of way, conveyed to DALLAS AREA RAPID TRANSIT, deed thereof filed for record in Volume 3424, Page 126, Deed Records, Collin County, Texas, said 5.4820 acre tract of land being all of a called 1.239 acre tract of land described as "Parcel CB-001" conveyed to DALLAS AREA RAPID TRANSIT, by deed thereof filed for record in Collin County Clerk's Instrument number 20130916001299600, O.P.R.C.C.T., said 5.4820 acre tract of land also being all of a called 0.435 acre tract of land, conveyed to JAMES E. MURREY & M. MAJETTA MURREY, by deed thereof filed for record in Collin County Clerk's Instrument number 20061130001689890. O.P.R.C.C.T., said 5.4820 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod with a cap stamped "ROOME" found on the westerly right of way line of Municipal Drive (being a 60 feet wide public right of way), and being on the north property line of the remainder of a called 0.81841 acre tract of land conveyed to the City of Plano, by deed thereof filed for record in Collin County Clerk's Instrument number 92-0014169, O.P.R.C.C.T.;

THENCE South 88° 58' 44" West, along the north line of the said 0.81841 acre tract, a distance of 170.26 feet to a point for corner at the northwest property corner of the said 0.81841 acre tract, and being on the east right of way line of Avenue K, (being a 60 feet wide public right of way at this point), from which a ½ inch iron rod with a cap stamped "ROOME" found bears South 88° 58' 44" West, a distance of 0.18 feet;

THENCE North 00° 22' 15" West, along the said east right of way line, a distance of 284.62 feet to a 5/8 inch iron rod with a cap stamped "LMB-STAR" found at the intersection of the said east right of way line with the south right of way line of the said Dallas Area Rapid Transit Railroad;

THENCE North 00° 18' 22" West, departing the said south right of way line, over and across the said Dallas Area Rapid Transit Railroad, a distance of 127.84 feet to the intersection of the said east right of way line with the north right of way line of the said Dallas Area Rapid Transit Railroad, said point also being at the southwest property corner of the aforesaid 1.239 acre tract of land;

THENCE North 00° 27' 50" West, along the west property line of the said 1.239 acre tract of land and along the said east right of way line, a distance of 138.42 feet to the northwest property corner of the said 1.239 acre tract, same being the southwest property corner of the said 0.435 acre tract;

THENCE North 00° 01' 49" West, along the said east right of way line and along the west property line of the said 0.435 acre tract, a distance of 117.71 feet to the northwest property corner of the said 0.435 acre tract, same being the intersection of the said east right of way line of Avenue K with the south right of way line of 12th Street (being a called 40 feet wide public right of way at this point);

THENCE South 89° 46' 20" East, along the north property line of the said 0.435 acre tract and along the said south right of way line, 315.73 feet to the northeast property corner of the said 0.435 acre tract, same being a north property corner of the said 1.239 acre tract;

THENCE South 89° 48' 36" East, along the north property line of the said 1.239 acre tract and along the said south right of way line, 79.92 feet to the northeast property corner of the said 1.239 acre tract, same being the intersection of the said south right of way line of 12th street with the aforementioned west right of way line of Municipal Drive;

THENCE South 03° 08' 54" East, along the east property line of the said 1.239 acre tract and along the said west right of way line, a distance of 107.05 feet to the southeast property corner of the said 1.239 acre tract, same being at the intersection of the said west right of way with the said north right of way line of the Dallas Area Rapid Transit Railroad;

THENCE South 03° 12' 30" East, over and across the said Dallas Area Rapid Transit Railroad, 126,26 feet to a PK nail with a washer stamped "LAMB-STAR" found at the intersection of the said south railroad right of way with the said west right of way line of Municipal Drive;

THENCE along the said westerly right of way line the following courses and distance:

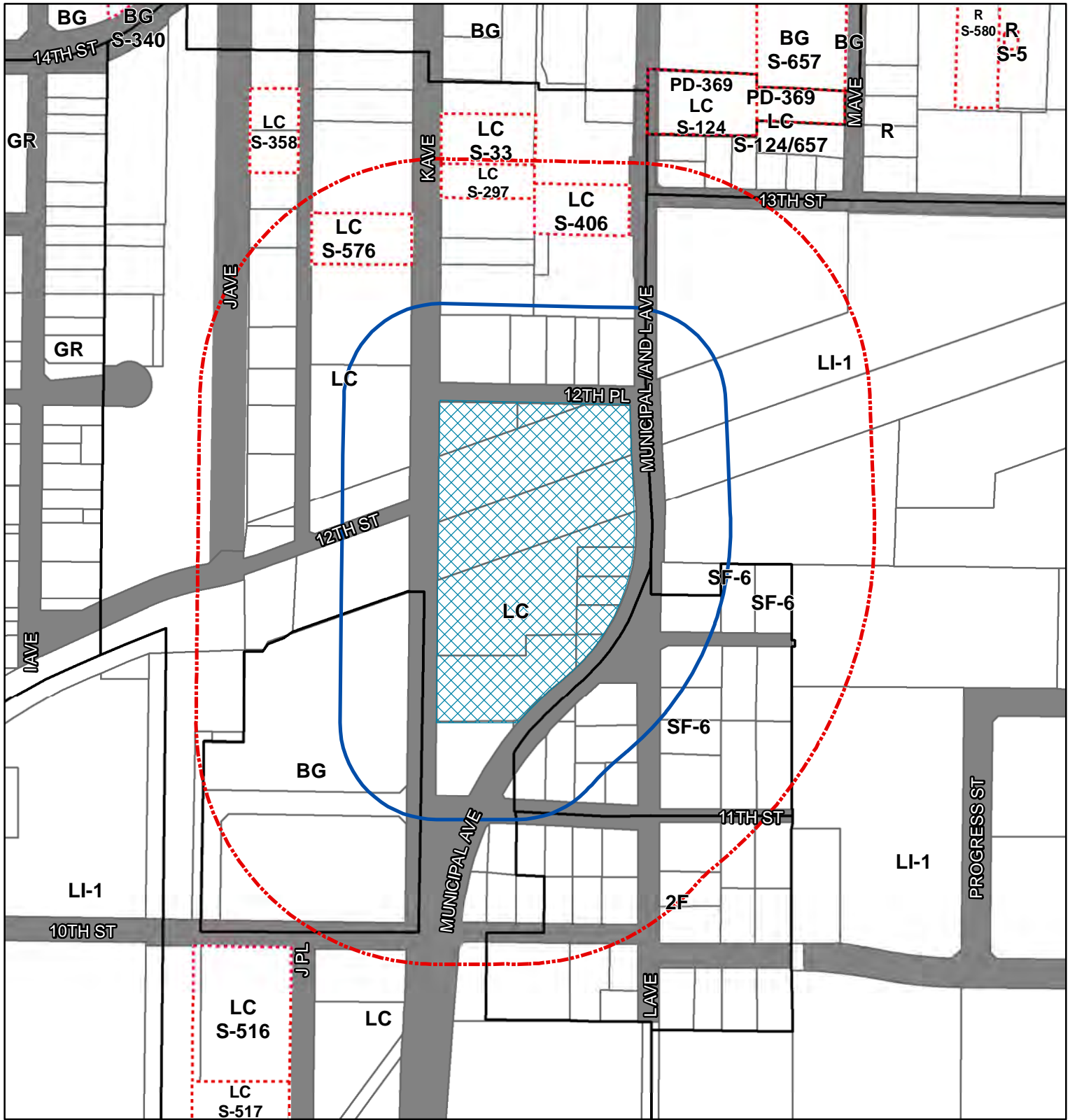
South 03° 45' 37" East, a distance of 12.79 feet to an ½ inch iron rod found at the beginning of a curve to the right having a radius of 399.95 feet;

Along said curve to the right, an arc length of 367.22 feet, and across a chord which bears South 23° 27' 33" West, a chord length of 354.46 feet to a ½ inch iron rod with a cap stamped "ROOME" found;

South 49° 45' 46" West, a distance of 9.51 feet to a ½ inch iron rod with a cap stamped "ROOME" found at the beginning of a curve to the left having a radius of 748.85 feet;

Along said curve to the left, an arc length of 123.26 feet, and across a chord which bears South 45° 02' 42" West, a chord length of 123.12 feet to the POINT OF BEGINNING

The hereinabove described tract of land contains a computed area of 5.4820 acres (238,796 square feet) of land, more or less.

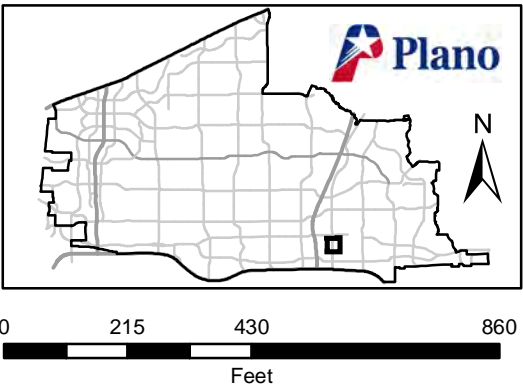


Zoning Case: 2020-019

Existing Zoning: Light Commercial (LC)

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



DALLAS AREA RAPID TRANSIT
1401 PACIFIC AVENUE
DALLAS, TEXAS 75202
PH: (214) 979-1111
ATTN: _____