

Zoning Case 2021-021

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. 186 for New Vehicle Dealer on 0.1 acre of land out of the Henry Cook Survey, Abstract No. 183, located 14 feet east of Windrose Avenue, 197 feet south of Winthrop Street in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-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 27th day of September 2021, for the purpose of considering granting Specific Use Permit No. 186 for New Vehicle Dealer on 0.1 acre of land out of the Henry Cook Survey, Abstract No. 183, located 14 feet east of Windrose Avenue, 197 feet south of Winthrop Street in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-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, 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 27th of September 2021; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 186 for New Vehicle Dealer on 0.1 acre of land out of the Henry Cook Survey, Abstract No. 183, located 14 feet east of Windrose Avenue, 197 feet south of Winthrop Street in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-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. 186 for New Vehicle Dealer on 0.1 acre of land out of the Henry Cook Survey, Abstract No. 183, located 14 feet east of Windrose Avenue, 197 feet south of Winthrop Street in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1, said property being more fully described on the legal description in Exhibit A attached hereto.

Section II. The change in Section I is granted subject to the following:

Restriction:

Maximum inventory of nine vehicles.

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 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 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 27TH DAY OF SEPTEMBER 2021.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2021-021

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, an addition to the City of Plano according to the plat thereof recorded in Cabinet 2017, Page 681, Official Public Records, Collin County, Texas, and being a portion of a called Tract IV described in Special Warranty Deed, to LEGACY WEST INVESTORS, LP, recorded in Instrument Number 20150204000125170, 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 right-of- way), and being the beginning of a non-tangent curve to the left having a central angle of $3^{\circ}13'05''$, a radius of 3968.38 feet, a chord bearing and distance of South $10^{\circ}13'32''$ 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 $\frac{5}{8}$ " iron rod with plastic cap stamped "KHA" found for corner;

South $14^{\circ}00'57''$ West, a distance of 111.16 feet to a $\frac{5}{8}$ " iron rod with plastic cap stamped "KHA" found at the beginning of a non-tangent curve to the left having a central angle of $2^{\circ}05'21''$, a radius of 3981.72 feet, a chord bearing and distance of South $5^{\circ}58'45''$ West, 145.18 feet;

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

South $85^{\circ}03'55''$ East, a distance of 12.00 feet to a $\frac{5}{8}$ " iron rod with plastic cap stamped "KHA" found at the beginning of a non-tangent curve to the left having a central angle of $2^{\circ}41'58''$, a radius of 3971.35 feet, a chord bearing and distance of South $3^{\circ}35'02''$ West, 187.08 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 187.10 feet to a $\frac{5}{8}$ " iron rod with plastic cap stamped "KHA" found for corner;

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

South $73^{\circ}14'37''$ West, a distance of 99.87 feet to the POINT OF BEGINNING;

North $90^{\circ}00'00''$ 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 90°00'00" West, a distance of 123.17 feet;

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

North 90°00'00" West, a distance of 2.45 feet;

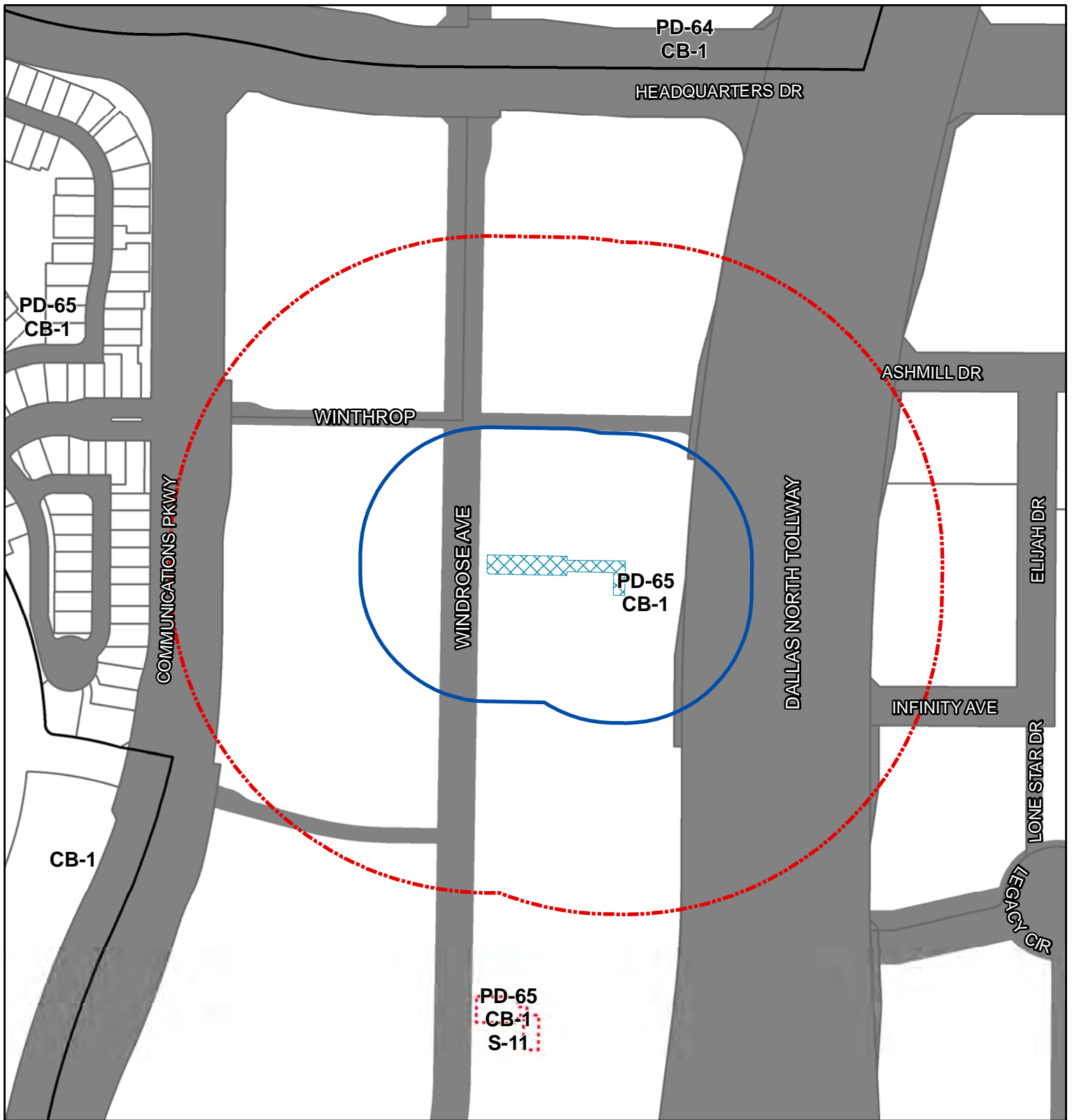
North 0°00'00" East, a distance of 27.80 feet;

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;

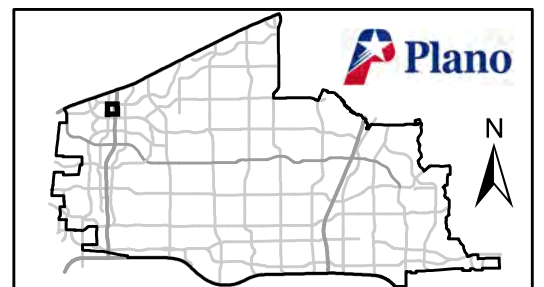
South 0°00'00" East, a distance of 54.00 feet to the POINT OF BEGINNING and CONTAINING a computed area of 6,048 square feet or 0.14 acres.



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

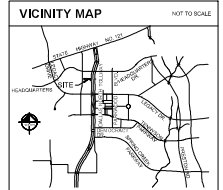


- | | | |
|-----------------------------------|----------------------------|---------------------|
| 500' Courtesy Notification Buffer | Streets | Zoning Boundary |
| 200' Notification Buffer | Zoning Boundary Change/SUP | Specific Use Permit |
| Subject Property | Municipal Boundaries | |

0 165 330 660
Feet

HEADQUARTERS DRIVE

(FORMERLY NIDERMOTT ROAD VOL. C, PG. 174)
(VOL. 2015, PG. 253)
(VOL. 2015, PG. 801)
(VARIABLE WIDTH R.O.W.)



GRAPHIC SCALE IN FEET
1" = 40' @ 24X36

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, an addition to the City of Plano according to the plat thereof recorded in Cabinet 2017, Page 681, Official Public Records, Collin County, Texas, and being a portion of a called Tract IV described in Special Warranty Deed, to LEGACY WEST INVESTORS, LP, recorded in Instrument Number 20150204000125170, 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 right-of-way), and being the beginning of a non-tangent curve to the left having a central angle of 3°13'05", 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 plastic cap stamped "KHA" found for corner;

South 14°00'57" West, a distance of 111.16 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the beginning of a non-tangent 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, 145.19 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°03'55" East, a distance of 12.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the beginning of a non-tangent 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, 187.08 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 plastic 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 90°00'00" West, a distance of 123.17 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" West, 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 §138.95, 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.

LEGEND

Δ = CENTRAL ANGLE
P.O.B. = POINT OF BEGINNING
IRSC = IRON ROD W/ CAP SET
IRFC = IRON ROD W/ CAP FOUND
XF = "X" CUT IN CONCRETE FOUND
XF = "X" CUT IN CONCRETE SET
MNS = MAG NAIL SET
L.R.D.C.T. = LAND RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
D.E. = DRAINAGE EASEMENT
W.E. = WATER EASEMENT
S.S.E. = SANITARY SEWER EASEMENT
S.W.E. = SIDE WALK EASEMENT
F.L.A.L.E. = FIRELANE ACCESS AND UTILITY EASEMENT
O.E. = ONCOR ELECTRIC DELIVERY COMPANY LLC EASEMENT
U.E. = UTILITY EASEMENT

**LOT 3R, BLOCK D
LEGACY WEST ADDITION
CAB. 2020, PG. 847
O.P.R.C.C.T.**

ZONED: PD-55 / CB-1

WINDROSE AVENUE
88-001 DRAINAGE-PUBLIC STREET EASEMENT
VOL. 2017, PG. 221
O.P.R.C.C.T.

WINTHROP STREET
A NAMED 24' F.L.A.L.E.
VOL. 2017, PG. 221
O.P.R.C.C.T.

**LOT 1R, BLOCK D
REPLAT LEGACY WEST ADDITION,
LOT 1R, BLOCK D
CABINET 2017, PG. 681
O.P.R.C.C.T.**

ZONED: PD-55 / CB-1

0.14 ACRES
6,048 SQ. FT.

DALLAS NORTH TOLLWAY
(VARIABLE WIDTH R.O.W.)

OWNER/APPLICANT:
LEGACY WEST INVESTORS, LP
7200 BISHOP ROAD, SUITE 250
PLANO, TX 75024
PHONE: 214-475-9700
CONTACT: Fatma Karahan
ENGINEER:
KIMLEY-HORN AND ASSOCIATES, INC.
100 WEST OAK STREET, SUITE 203
DENTON, TEXAS 76201
PHONE: 940-436-4175
CONTACT: TREV BRASWELL, P.E.

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, or the initiation of the development process. Planning & Zoning Commission and/or city council action on studies, plats, or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.

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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 WERTH, R.P.L.S.
REGISTRATION NO. 0088
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

13455 Noel Road, Two Galleria Office
Tower, Suite 700, Dallas, Texas 75240
Tel. No. (972) 770-1300
Fax No. (972) 258-3630
PRM # 10115500
Scale: 1" = 40'
Drawn by: BJE
Checked by: DJD
Date: JULY 2021
Project No.: 068111010
Sheet No.: 1 OF 1