

Zoning Case 2023-018

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-37-Retail/Neighborhood Office to increase the amount of retail and restaurant square footage on 7.8 acres of land out of the James Ledbetter Survey, Abstract No. 545, located on the north side of 14th Street, 808 feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas; 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 7th day of November 2023, for the purpose of considering amending Planned Development-37-Retail/Neighborhood Office to increase the amount of retail and restaurant square footage on 7.8 acres of land out of the James Ledbetter Survey, Abstract No. 545, located on the north side of 14th Street, 808 feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas; and

WHEREAS, the City Secretary of 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 7th day of November 2023; and

WHEREAS, the City Council is of the opinion and finds that such rezoning, as amended by the stipulations agreed upon during the public hearing, 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; and

WHEREAS, the City Council authorized this Ordinance to be executed without further consideration, consistent with the stipulated restrictions presented at the hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to amend Planned Development-37-Retail/Neighborhood Office to increase the amount of retail and restaurant square footage on 7.8 acres of land located on the north side of 14th Street, 808 feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas, said property being described in the legal description on Exhibit A attached hereto.

Section II. The change in Section I is granted subject to the following restrictions, which were stipulated by the petitioner:

The permitted uses and standards shall be in accordance with the Retail (R) and Neighborhood Office (O-1) zoning districts unless otherwise specified herein:

1. Prohibited Uses:
 - a. Gasoline/fuel pumps
 - b. Freestanding convenience stores
 - c. Minor vehicle repair
2. Uses classified in the Retail Use Category in Article 14 (Allowed Uses and Use Classifications) and restaurants are limited to a combined maximum of 21,300 square feet, and must comply with the following requirements:
 - a. Freestanding restaurant buildings must have a minimum of 5,000 square feet of gross floor area and must not have drive-through or drive-in service.
 - b. Buildings containing these uses must be located within 300 feet of the northern right-of-way line of 14th Street.
3. Independent living facilities may be constructed under the provisions of the Retail District with the following additional stipulations:
 - a. Maximum Height – 3 Stories, 45 feet, and not to exceed 630 feet above sea level.
 - b. Maximum Floor to Area Ratio: 0.9:1
 - c. An irrigated living screen of evergreens shall be planted along the northern boundary of the district to grow to a height of at least 12 feet within two years of installation.

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 on the 7th day of November, 2023.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

EXHIBIT A

#ZC2023-018 LEGAL DESCRIPTION

BEING a tract of land situated in the JAMES LEDBETTER SURVEY, ABSTRACT NO. 545, and being all of Lot 2, Block A of 544 PARTNERS ADDITION, LOTS 1 & 2, BLOCK A, an addition to the City of Plano, Collin County, Texas, according to the Plat filed of record in Cabinet P, Page 940, Map Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with an orange plastic cap stamped "PIBURN" found in the north line of 14th Street, a variable width right-of-way, for the southeast corner of said Lot 2, said iron being common with the southwest corner of 544 GOLF TRAINING FACILITY ADDITION, Block A, Lot 1R, an Addition to the City of Plano, Collin County, Texas, according to the Replat filed of record in Cabinet P, Page 362, Map Records, Collin County, Texas;

THENCE S 04° 15' 50" W, leaving said north line and said common corner, a distance of 93.88 feet to a point for corner, said point being the approximate center line of said 14th Street;

THENCE N 84° 41' 13" W, with said approximate centerline, a distance of 465.15 feet to a point at the beginning of a curve to the right having a central angle of 00° 24' 57", a radius of 1145.92 feet and a chord bearing and distance of N 84° 28' 45" W, 8.32 feet;

THENCE With said curve to the right and said approximate centerline, an arc distance of 8.32 feet to a point for corner in said approximate centerline;

THENCE N 01° 30' 44" E, leaving said approximate centerline, and passing at a distance of 70.20 feet a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for the southwest corner of the above mentioned Lot 2, said iron being common with the southeast corner of Lot 1, Block A of 544 PARTNERS ADDITION, LOTS 1 & 2, BLOCK A, an Addition to the City of Plano, Collin County, Texas, according to the Plat filed of record in Cabinet 2006, Page 60, Official Public Records, Collin County, Texas, and continuing for a total distance of 708.03 feet to a 1/2 inch iron rod with an orange plastic cap stamped "PIBURN" found in the south line of said 544 GOLF TRAINING FACILITY ADDITION, Block A, Lot 1R, said iron being the northwest corner of said Lot 2, and being common with the northeast corner of said Lot 1, Block A of 544 PARTNERS ADDITION, LOTS 1 & 2, BLOCK A;

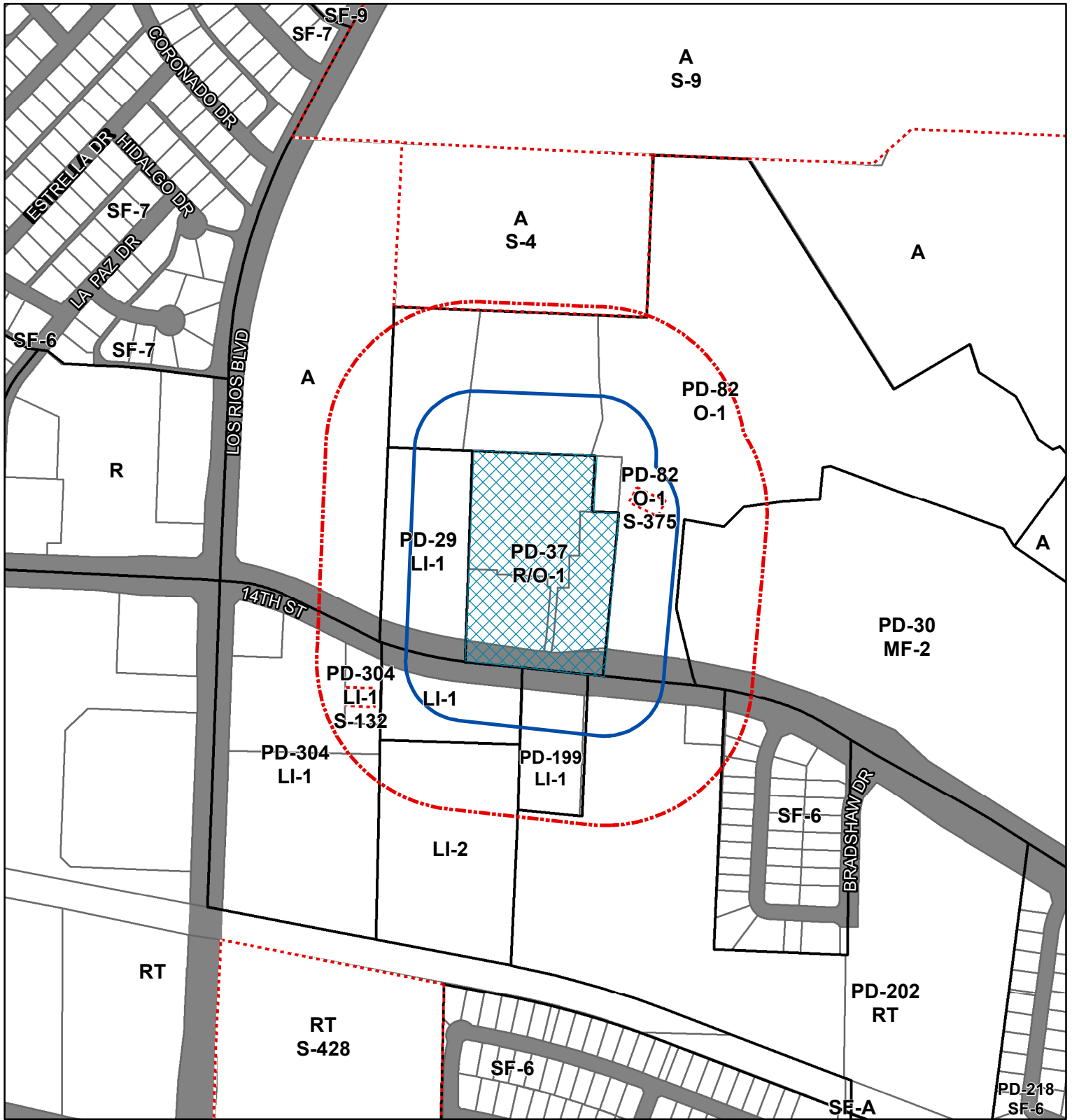
THENCE S 88° 36' 03" E, leaving said common corner and with said south line, said being common with the north line of said Lot 2, a distance of 415.47 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for the most northerly northeast corner of said Lot 2, said iron being common with an interior ell corner of said 544 GOLF TRAINING

FACILITY ADDITION, Block A, Lot 1R, from which a 1/2 inch iron rod with an orange plastic cap stamped "PIBURN" found bears N 84° 44' 23" E, 0.12 feet;

THENCE S 02° 09' 11" W, leaving said common corner, a distance of 190.02 feet to a 1/2 inch iron rod with an orange plastic cap stamped "PIBURN" found for an interior ell corner of said Lot 2, said iron being common with a west corner of said 544 GOLF TRAINING FACILITY ADDITION, Block A, Lot 1R;

THENCE S 88° 36' 03" E, leaving said common corner, a distance of 85.54 feet to a rail road spike found for the most easterly northeast corner of said Lot 2, said iron being common with an interior ell corner of said 544 GOLF TRAINING FACILITY ADDITION, Block A, Lot 1R;

THENCE S 04° 15' 50" W, leaving said common corner and with the east line of said Lot 2, same being common with a west line of said 544 GOLF TRAINING FACILITY ADDITION, Block A, Lot 1R, a distance of 457.18 feet to the **POINT OF BEGINNING**, and **CONTAINING** 7.769 acres of land, more or less.

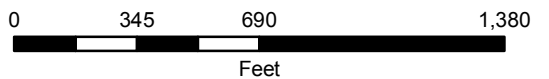
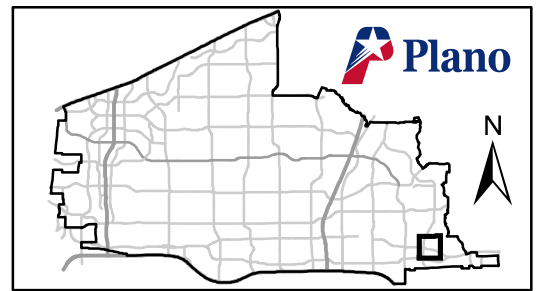


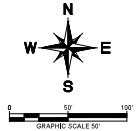
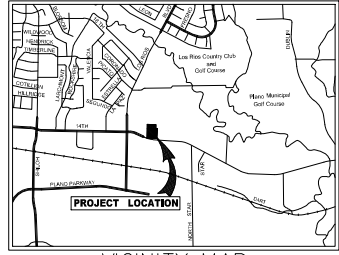
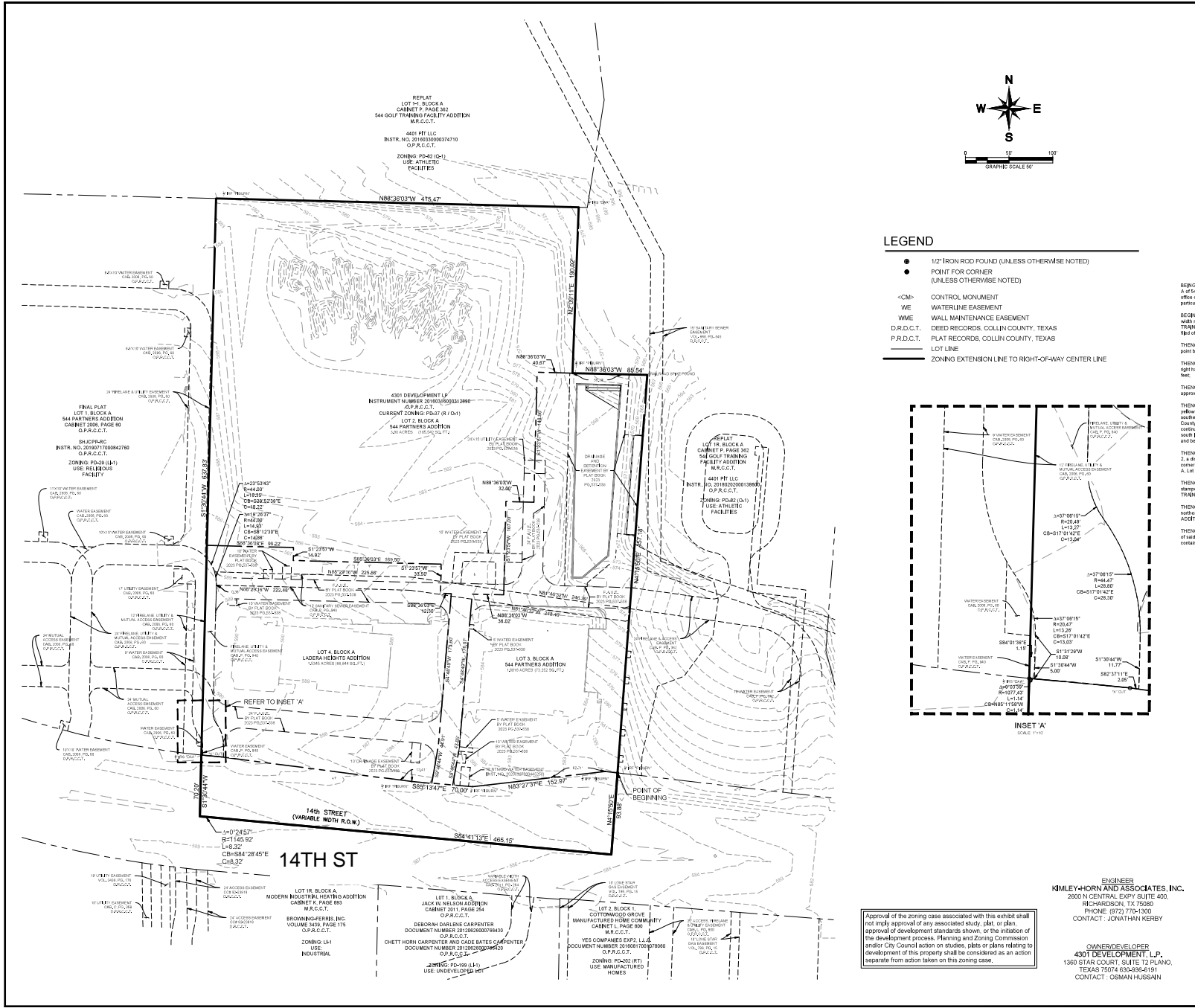
Zoning Case: 2023-018

Existing Zoning: Planned Development-37-Retail/Neighborhood Office

Proposed Zoning: Amend Planned Development-37-Retail/Neighborhood Office

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





LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- POINT FOR CORNER (UNLESS OTHERWISE NOTED)
- <MP> CONTROL MONUMENT
- WE WATERLINE EASEMENT
- WME WALL MAINTENANCE EASEMENT
- D.R.D.C.T. DEED RECORDS, COLLIN COUNTY, TEXAS
- P.R.D.C.T. PLAT RECORDS, COLLIN COUNTY, TEXAS
- LOT LINE
- ZONING EXTENSION LINE TO RIGHT-OF-WAY CENTER LINE

LEGAL DESCRIPTION
7.769 ACRES

BEING a tract of land situated in the JAMES LEDBETTER SURVEY, ABSTRACT NO. 545, and being all of Lots 2, 3 and 4, Block A of 544 PARTNERS ADDITION, an addition to the City of Plano, Collin County, Texas, according to the Plat filed of record in the office of County Clerk of Collin County, FBI Book 3523, Page 337, Map Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with an orange plastic cap stamped "PBUR" found in the north line of 14th Street, a variable width, right-of-way, for the southeast corner of said Lot 2, said iron being common with the southeast corner of 544 GOLF TRAINING FACILITY ADDITION, Block A, Lot 18; an addition to the City of Plano, Collin County, Texas, according to the Record filed of record in Collin County, Page 362, Map Records, Collin County, Texas;

THENCE S 04° 15' 50" W, bearing said north line and said common corner, a distance of 63.88 feet to a point for center, said point being the approximate center line of said 14th Street;

THENCE N 84° 41' 13" W, with said approximate centerline, a distance of 465.10 feet to a point at the beginning of a curve to the right having a central angle of 07° 24' 57", a radius of 1445.02 feet and a chord bearing and distance of S 64° 37' 40" W, 9.22 feet;

THENCE WB said curve to the right and said approximate centerline, an arc distance of 6.32 feet to a point for center of said approximate centerline;

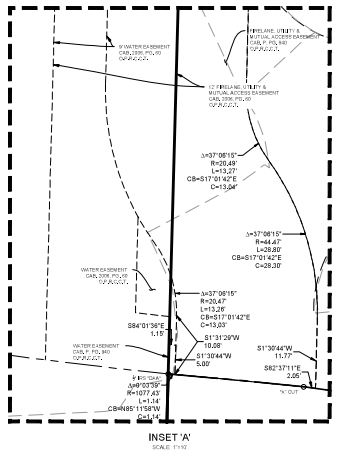
THENCE N 01° 32' 44" E, bearing said approximate centerline, and passing at a distance of 79.20 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAK" set for the southeast corner of the above mentioned Lot 2, said iron being common with the southeast corner of Lot 1, Block A of 544 PARTNERS ADDITION, LOTS 1 & 2, BLOCK A, an addition to the City of Plano, Collin County, Texas, according to the Plat filed of record in Collin County, Page 60, Official Public Records, Collin County, Texas, and continuing for a total distance of 770.02 feet to a 1/2 inch iron rod with an orange plastic cap stamped "PBUR" found in the south line of said 544 GOLF TRAINING FACILITY ADDITION, Block A, Lot 18; said iron being the northwest corner of said Lot 2, and being common with the northeast corner of said Lot 1, Block A of 544 PARTNERS ADDITION, LOTS 1 & 2, BLOCK A;

THENCE S 85° 36' 03" E, bearing said common corner and with said south line, said being common with the north line of said Lot 2, a distance of 415.47 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAK" set for the most northerly northeast corner of said Lot 2, said iron being common with an interior 48 corner of said 544 GOLF TRAINING FACILITY ADDITION, Block A, Lot 18, from which a 1/2 inch iron rod with an orange plastic cap stamped "PBUR" found bears N 64° 44' 23" E, 0.12 feet;

THENCE S 52° 09' 11" W, bearing said common corner, a distance of 180.02 feet to a 1/2 inch iron rod with an orange plastic cap stamped "PBUR" found for an interior 48 corner of said Lot 2, said iron being common with a west corner of said 544 GOLF TRAINING FACILITY ADDITION, Block A, Lot 18;

THENCE S 88° 36' 03" E, bearing said common corner, a distance of 85.54 feet to a call stake spike found for the most easterly northeast corner of said Lot 2, said iron being common with an interior 48 corner of said 544 GOLF TRAINING FACILITY ADDITION, Block A, Lot 18;

THENCE S 04° 15' 50" W, bearing said common corner and with the said line of said Lot 2, same being common with a west line of said 544 GOLF TRAINING FACILITY ADDITION, Block A, Lot 18, a distance of 491.81 feet to the POINT OF BEGINNING, and containing 7.769 acres or 338.309 square feet of land, more or less.



ZONING EXHIBIT
ZC2023-018

7.769 ACRES
BEING ALL OF LOT 2, BLOCK A
544 PARTNERS ADDITION

AN ADDITION TO THE CITY OF PLANO
JAMES LEDBETTER SURVEY, ABSTRACT NO. 545
COLLIN COUNTY, TEXAS
AUGUST 15, 2023

Kimley»Horn

2800 N Central Expy Suite 400 FRM # 10115600 Tel No. (972) 770-1300
Richardson, TX 75081 Fax No. (972) 238-3820

Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat or plan, approval of development standards shown, or the initiation of the development process. Planning and 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.

ENGINEER
KIMLEY-HORN AND ASSOCIATES, INC.
2800 N CENTRAL EXPY, SUITE 400,
RICHARDSON, TX 75080
PHONE: (972) 770-1300
CONTACT: JOYATHAN KERBY

CADD/DRAWER
4301 DEVELOPMENT LP,
1360 STAR COURT, SUITE T2 PLANO,
TEXAS 75074 636-886-8161
CONTACT: OSWAIN HUSSMAN

Scale	Drawn by	Checked by	Date	Printed by	Sheet No.
1" = 50'	RAC	RCL	AUG. 2023	064105012	1 OF 1