

Zoning Case 2018-004

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. 83 for Recreational Vehicle Sales and Service on 13.2 acres of land out of the Samuel Clepper Survey, Abstract 216, and the James G. Vance Survey, Abstract 938, located at the northwest corner of U.S. Highway 75 and State Highway 190, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial and located within the 190 Tollway/Plano Parkway Overlay District; 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 22nd day of October 2018, for the purpose of considering granting Specific Use Permit No. 83 for Recreational Vehicle Sales and Service on 13.2 acres of land out of the Samuel Clepper Survey, Abstract 216, and the James G. Vance Survey, Abstract 938, located at the northwest corner of U.S. Highway 75 and State Highway 190, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial and located within the 190 Tollway/Plano Parkway Overlay District; 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 22nd of October 2018; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 83 for Recreational Vehicle Sales and Service on 13.2 acres of land out of the Samuel Clepper Survey, Abstract 216, and the James G. Vance Survey, Abstract 938, located at the northwest corner of U.S. Highway 75 and State Highway 190, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial and located within the 190 Tollway/Plano Parkway Overlay District, 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. 83 for Recreational Vehicle Sales and Service on 13.2 acres of land out of the Samuel Clepper Survey, Abstract 216, and the James G. Vance Survey, Abstract 938, located at the northwest corner of U.S. Highway 75 and State Highway 190, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial and located within the 190 Tollway/Plano Parkway Overlay District, 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:

1. Removal of the existing billboard sign.
2. Removal of the North Texas Municipal Water District lift station.

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 22ND DAY OF OCTOBER 2018.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

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Being a 13.162 acres (573,339 square feet) of land situated in the Samuel Clepper Survey, Abstract 216 and the James G. Vance Survey, Abstract 938, in Collin County, Texas and being all of a called 8.2785 acre tract of land, conveyed to Pitman Partners, LTD, as recorded under Collin County Clerk's File (C.C.C.F.) No. 96-0100464, Save and Except a called 0.302 acre tract of land, conveyed to the City of Plano, as recorded under C.C.C.F. No. 96-0100464, said 13.162 acre parcel being more particularly described by metes and bounds as follows:

Beginning at a 5/8-inch iron rod with cap stamped "STANTEC" set at the intersection of the westerly right-of-way line of U.S. Highway No. 75 (width varies) and the southeasterly right-of-way line of Dallas Area Rapid Transit, also known as St. Louis & Southwestern Railroad (called 100 feet wide) as recorded in Volume 39, Page 79 of the Collin County Deed Records (C.C.D.R.), also marking the northerly corner of said 13.162 acre tract and of the herein described parcel;

Thence, along the westerly right-of-way of said U.S. Highway No. 75 and the east line of said 8.2785 acre tract, also along a curve to the right having a central angle of $00^{\circ}52'18''$, a radius of 3639.72 feet, a chord bearing and distance of South $01^{\circ}04'32''$ East, 55.37 feet, and arc length of 55.37 feet to 1/2-inch iron rod found, marking the northerly corner of a called 8.8013 acre tract, conveyed to City of Plano, as recorded in Volume 3293, Page 697 of the C.C.D.R., also being an angle point of said 8.2785 acre tract and the end of said curve to the right;

Thence, continuing along the westerly right-of-way of said U.S. Highway No. 75 and the east line of said 8.8013 acre tract, also along a curve to the right having a central angle of $06^{\circ}38'55''$, a radius of 3640.66 feet, a chord bearing and distance of South $02^{\circ}41'08''$ West, 422.23 feet, and an arc length of 422.47 feet, to an angle point;

Thence, South $05^{\circ}05'43''$ West, continuing along the westerly right-of-way of said U.S. Highway No. 75 and the east line of said 8.8013 acre tract, a distance of 634.45 to an angle point, marking the Southeast corner of said 8.8013 acre tract and the Northeast corner of called 1.3171 acre tract, conveyed to the City of Plano, as recorded in Volume 3293, Page 697 of the C.C.D.R., same point being the Southeast property corner of said 13.162 acre tract;

Thence, South $88^{\circ}47'52''$ West, along the south line of said 8.8013 acre tract and the north line of said 1.3171 acre tract, a distance of 664.53 feet to an angle point;

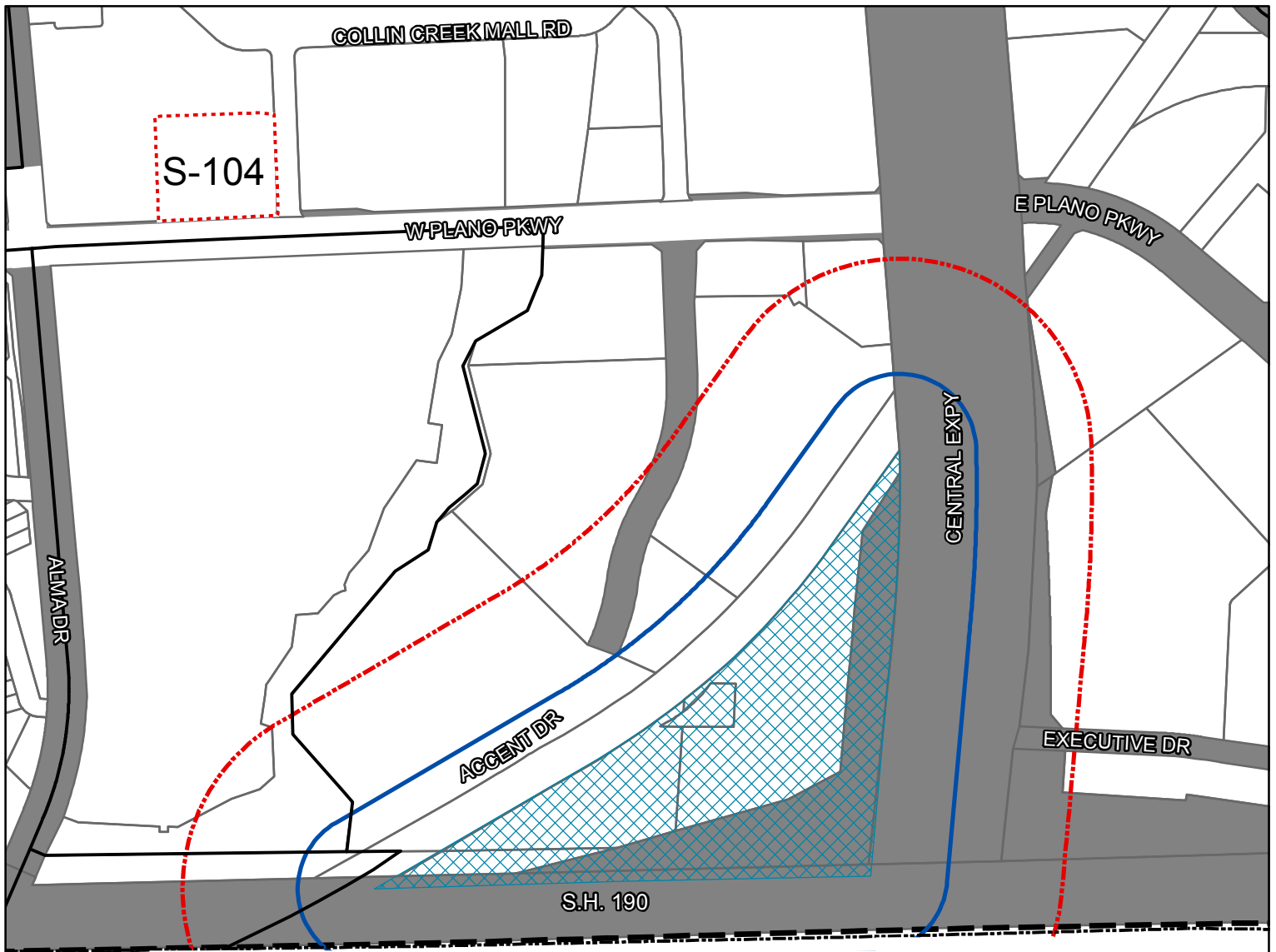
Thence, South $88^{\circ}13'12''$ West, over and across said 1.3171 acres, a distance of 40.01 feet, to a point, on the most northeast line of said 1.3171 acres;

Thence, South $88^{\circ}13'12''$ West, leaving said 1.3171 acre tract, over and across said 8.8013 acres, a distance of 588.51 feet, to a 5/8" iron rod with cap stamped "STANTEC" set marking the westerly corner of said 13.162 acre tract and a gore point of said 8.8013 acre tract; also being a point on the southeasterly right-of-way line of said railroad tract of land;

Thence, along the southeasterly line of said railroad tract of land and the northwesterly line of said 8.8725 acre tract, the following bearings and distances: North $59^{\circ}44'58''$ East, a distance of 671.38 feet to a 5/8-inch iron rod with cap stamped "STANTEC" marking the beginning of a curve to the left;

Thence, along the arc of said curve to the left having a central angle of $24^{\circ}00'25''$, a radius of 1959.86 feet, a chord bearing and distance of North $47^{\circ}44'46''$ East, 815.19 feet, and an arc length of 821.18 feet to a 5/8-inch iron rod with cap stamped "STANTEC" set marking the end of said curve to the right;

Thence, North $35^{\circ}44'33''$ East, a distance of 315.60 feet to the POINT OF BEGINNING, containing an area of 13.162 acres (573,339 square feet) of land.

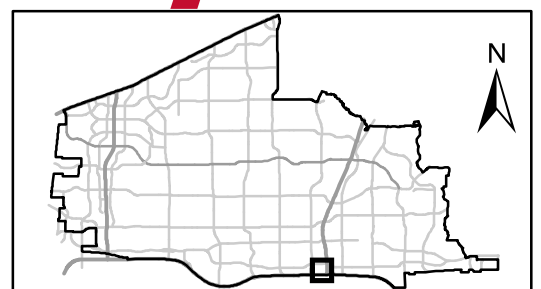


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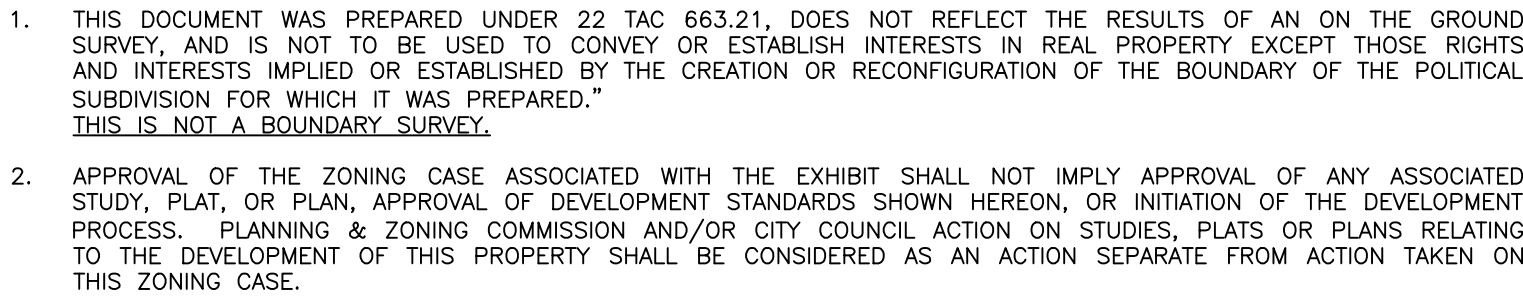
Existing Zoning: Corridor Commercial (CC) Located Within The 190 Tollway/Plano Parkway Overlay District

Proposed Zoning: Specific Use Permit for Recreational Vehicle Sales & Services

- | | | |
|--------------------------------|-----------------------------------|------------------|
| --- Zoning Boundary Change/SUP | --- Specific Use Permit | Subject Property |
| --- City Limits | 500' Courtesy Notification Buffer | Right-of-Way |
| --- Zoning Boundary | 200' Notification Buffer | |



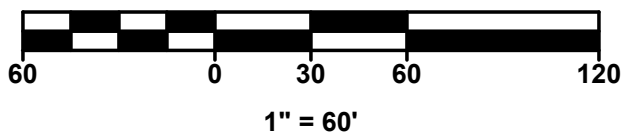
Source: City of Plano Planning Department



DEVELOPER/APPLICANT
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TBPLS #: F-10194229



ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE.

BEING 13.162 ACRES OUT OF THE
SAMUEL CLEPPER SURVEY, ABSTRACT NO. 216
JAMES G. VANCE SURVEY, ABSTRACT NO. 938
CITY OF PLANO, COLLIN COUNTY, TEXAS
AUGUST 21, 2018