

## Zoning Case 2019-005

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, amending Specific Use Permit No. 550 for Day Care Center and granting Specific Use Permit No. 551 for Private School on 7.5 acres out of the Jessie Stiff Survey, Abstract No. 793, located at the southeast corner of Legacy Drive and Ohio Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7 with Specific Use Permit No. 550 for Day Care Center; 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 July 2019, for the purpose of amending Specific Use Permit No. 550 for Day Care Center and granting Specific Use Permit No. 551 for Private School on 7.5 acres out of the Jessie Stiff Survey, Abstract No. 793, located at the southeast corner of Legacy Drive and Ohio Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7 with Specific Use Permit No. 550 for Day Care Center; 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 July 2019; and

**WHEREAS**, amending Specific Use Permit No. 550 for Day Care Center and granting Specific Use Permit No. 551 for Private School on 7.5 acres out of the Jessie Stiff Survey, Abstract No. 793, located at the southeast corner of Legacy Drive and Ohio Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7 with Specific Use Permit No. 550 for Day Care Center, 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 the granting of the specific use permit 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 amend Specific Use Permit No. 550 for Day Care Center and grant Specific Use Permit No. 551 for Private School on 7.5 acres out of the Jessie Stiff Survey, Abstract No. 793, located at the southeast corner of Legacy Drive and Ohio Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7 with Specific Use Permit No. 550 for Day Care Center, said property being more fully described on the legal description in Exhibit A attached hereto.

**Section II.** The change in Section I as it relates to Specific Use Permit No. 550 for Day Care Center is granted subject to the following stipulation:

Maximum number of children: 304

**Section III.** The change in Section I as it relates to Specific Use Permit No. 551 for Private School is granted subject to the following stipulations:

- a. Maximum number of students: 50. This number must be combined with the number of day care center children and must not exceed a combined total of 304 children as restricted by Specific Use Permit No. 550 for Day Care Center.
- b. Students must be under 14 years of age.
- c. An irrigated landscaped edge with a combination of trees and shrubs must be installed between the easternmost building and the eastern property line.
- d. Solid waste enclosures must be located between Ohio Drive and the westernmost building.

**Section IV.** 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 V.** 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 VI.** 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 VII.** 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 VIII.** 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 IX.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 22ND DAY OF JULY 2019.**

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY

**Zoning Case 2019-005**

Whereas Montessori New Beginnings Academy, Inc. is the owner of a 7.47-acre tract of land located in the Jessie Stiff Survey, Abstract No. 793, City of Plano, Collin County, Texas, being all of Lot 1, Block 1, Legacy Ohio-Montessori Addition, an addition to the City of Plano as recorded in Instrument No. 20060921010004080, Official Public Records Collin County, Texas, and being more particularly described as follow:

BEGINNING at a set City of Plano monument (aluminum disk in concrete) for the southerly southeast corner for the intersection of Ohio Drive (variable width right of way) and Legacy Drive (variable width right of way), being the westerly northwest corner for said Lot 1;

THENCE N44°35'30"E, a distance of 33.74 feet to a set 5/8 inch iron rod with cap marked "Adams Surveying Company, LLC" (CIRS) for the most northerly northwest corner of said Lot 1 and being on the southerly right of way line for said Legacy Drive;

THENCE easterly with said southerly right of way line as follow: S87°50'52"E, a distance of 149.82 to a found 1 inch iron rod for the beginning of a curve to the left; Along said curve to the left, having a central angle of 13°20'33", a radius of 2511.80, an arc length of 584.92 feet, and a chord of N85°28'52"E, 583.60 feet to a set City of Plano monument (aluminum disk in concrete) to replace a found 1 inch iron rod for the northeast corner of said Lot 1;

THENCE S07°09'08"W leaving said right of way line, a distance of 583.44 feet to a set "X" in a concrete flume;

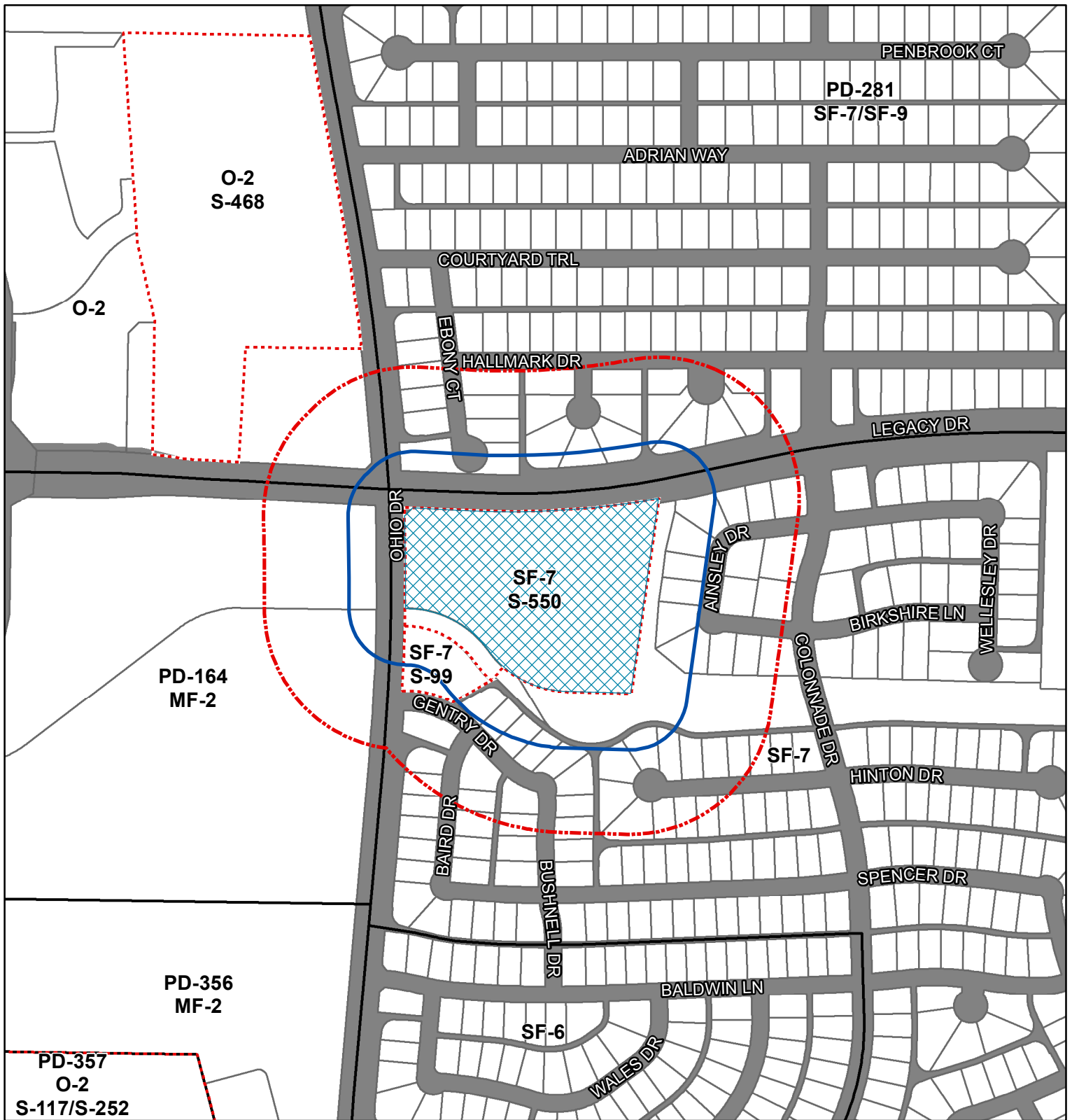
THENCE N89°25'38"W, a distance of 190.42 to a point for corner, being the beginning of a curve to the right;

THENCE westerly along said curve to the right, having a central angle of 52°22'56", a radius of 300.00 feet, an arc length of 274.27, and a chord of N63°14'08"W, 264.82 feet to a found 1 inch iron rod for a point of reverse curvature;

THENCE along said reverse curve, having a central angle of 53°12'26", a radius of 300.00, an arc length of 278.59 feet, and a chord of N63°38'50"W, 268.69 feet to a point for corner;

THENCE S89°44'58"W, a distance of 7.50 to a point for corner, being the southwest corner of said Lot 1, and being on the easterly right of way for Ohio Drive;

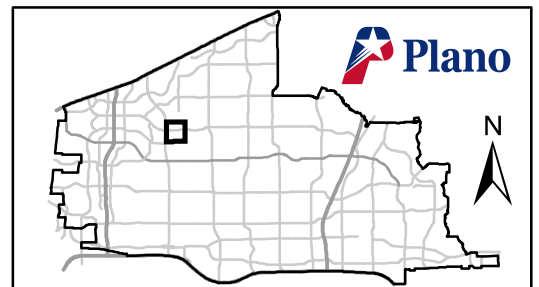
THENCE northerly along said right of way line and a curve to the left, having a central angle of 02°36'02", a radius of 6042.37, an arc length of 274.25 feet, and a chord of N01°33'01"W, 274.22 feet to the POINT OF BEGINNING and CONTAINING 7.47 acres (325,359 square feet) of land, more or less.



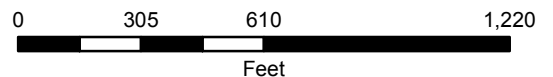
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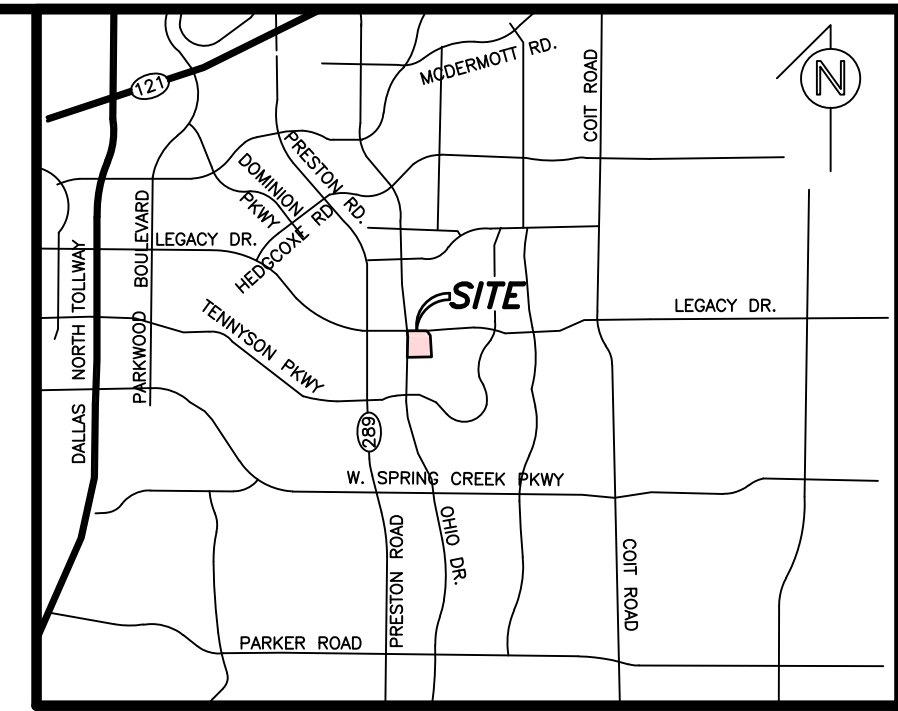
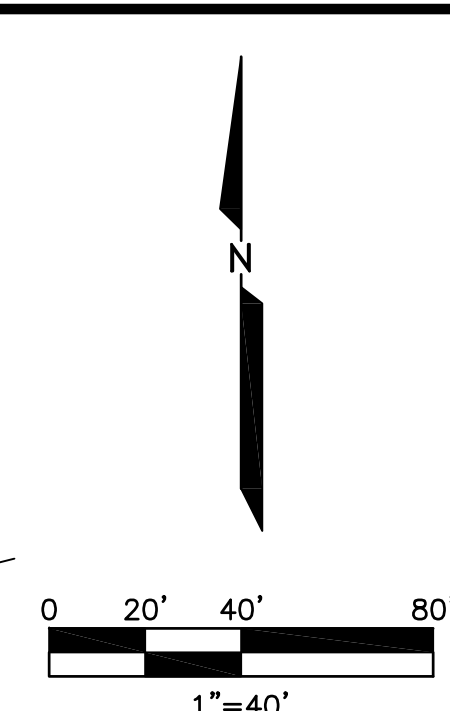
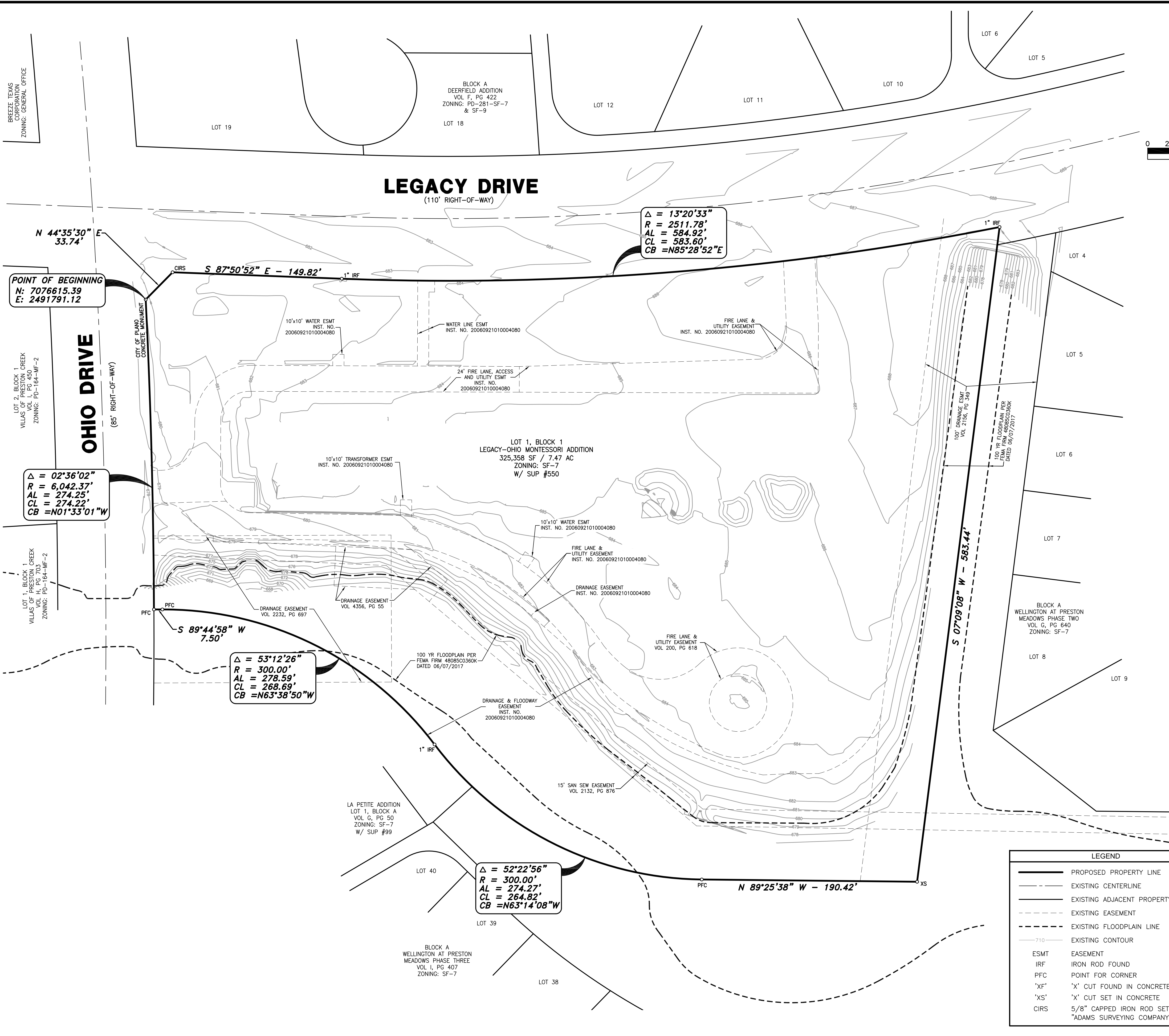
Existing Zoning: Single-Family Residence-7 with Specific Use Permit No. 550 for Day Care Center (SF-7 w/ S-550)

Proposed Zoning: Specific Use Permit for Private School and Amend Specific Use Permit No. 550 for Day Care Center



- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Subject Property
- Zoning Boundary Change/SUP
- City Limits
- Streets
- Zoning Boundary





VICINITY MAP  
NOT-TO-SCALE

**LEGAL DESCRIPTION AND METES & BOUNDS:**

WHEREAS MONTESSORI NEW BEGINNINGS ACADEMY, INC. IS THE OWNER OF A 7.47 ACRE TRACT OF LAND LOCATED IN THE JESSIE STIFF SURVEY, ABSTRACT NO. 793, CITY OF PLANO, COLLIN COUNTY TEXAS, BEING ALL OF LOT 1, BLOCK 1, LEGACY OHIO-MONTESSORI ADDITION, AN ADDITION TO THE CITY OF PLANO AS RECORDED IN INSTRUMENT NO. 20060921010004080, OFFICIAL PUBLIC RECORDS COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

BEGINNING AT A SET CITY OF PLANO MONUMENT (ALUMINUM DISK IN CONCRETE) FOR THE SOUTHERLY SOUTHEAST CORNER FOR THE INTERSECTION OF OHIO DRIVE (VARIABLE WIDTH RIGHT OF WAY) AND LEGACY DRIVE (VARIABLE WIDTH RIGHT OF WAY), BEING THE WESTERLY NORTHWEST CORNER FOR SAID LOT 1;

THENCE N44°35'30"E, A DISTANCE OF 33.74 FEET TO A SET 5/8 INCH IRON ROD WITH CAP MARKED "ADAMS SURVEYING COMPANY, LLC" (CIRS) FOR THE MOST NORTHERLY NORTHWEST CORNER OF SAID LOT 1 AND BEING ON THE SOUTHERLY RIGHT OF WAY LINE FOR SAID LEGACY DRIVE;

THENCE EASTERLY WITH SAID SOUTHERLY RIGHT OF WAY LINE AS FOLLOW:  
S87°50'52"E, A DISTANCE OF 149.82 TO A FOUND 1 INCH IRON ROD FOR THE BEGINNING OF A CURVE TO THE LEFT;  
ALONG SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 13°20'33", A RADIUS OF 2511.78, AN ARC LENGTH OF 584.92 FEET, AND A CHORD OF N85°28'52"E, 583.60 FEET TO A SET CITY OF PLANO MONUMENT (ALUMINUM DISK IN CONCRETE) TO REPLACE A FOUND 1 INCH IRON ROD FOR THE NORTHEAST CORNER OF SAID LOT 1;

THENCE S07°09'08"W LEAVING SAID RIGHT OF WAY LINE, A DISTANCE OF 583.44 FEET TO A SET "X" IN A CONCRETE FLUME;

THENCE N89°25'38"W, A DISTANCE OF 190.42 TO A POINT FOR CORNER, BEING THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE WESTERLY ALONG SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 52°22'56", A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 274.27, AND A CHORD OF N63°14'08"W, 264.82 FEET TO A FOUND 1 INCH IRON ROD FOR A POINT OF REVERSE CURVATURE;

THENCE ALONG SAID REVERSE CURVE, HAVING A CENTRAL ANGLE OF 53°12'26", A RADIUS OF 300.00, AN ARC LENGTH OF 278.59 FEET, AND A CHORD OF N63°38'50"W, 268.69 FEET TO A POINT FOR CORNER;

THENCE S89°44'58"W, A DISTANCE OF 7.50 TO A POINT FOR CORNER, BEING THE SOUTHWEST CORNER OF SAID LOT 1, AND BEING ON THE EASTERLY RIGHT OF WAY FOR OHIO DRIVE;

THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE AND A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 02°36'02", A RADIUS OF 6042.37, AN ARC LENGTH OF 274.25 FEET, AND A CHORD OF N01°33'01"W, 274.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.47 ACRES (325,359 SQUARE FEET) OF LAND, MORE OR LESS.

APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED 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 DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM THE ACTION TAKEN ON THIS ZONING CASE.

<b>OWNER</b>	<b>ENGINEER</b>
ARCHGATE MONTESSORI ACADEMY 4660 LEGACY DRIVE PLANO, TEXAS 75024 (972) 491-1230 CONTACT: IAN MATTINGLY	CATES-CLARK & ASSOCIATES, LLP 14800 QUORUM DRIVE, SUITE 200 DALLAS, TEXAS 75254 (972) 385-2272 CONTACT: ROBERT PRUETT, P.E.

ZONING CASE NO.: 2019-005

<b>ZONING EXHIBIT</b>						
LOT 1, BLOCK 1, LEGACY-OHIO MONTESSORI ADDITION						
7.47 ACRES IN THE JESSIE STIFF SURVEY, ABSTRACT NO. 793						
THE CITY OF PLANO, COLLIN, COUNTY, TEXAS						
<b>CATES-CLARK</b>						
						14800 Quorum Drive, Suite 200 Dallas, Texas 75254 972-385-2272 TBPE F-3751
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
CCA	CCA	05/20/19	1"=40'	DSTA	250-001 SUP	CO.1

LEGEND	
	PROPOSED PROPERTY LINE
	EXISTING CENTERLINE
	EXISTING ADJACENT PROPERTY LINE
	EXISTING EASEMENT
	EXISTING FLOODPLAIN LINE
	EXISTING CONTOUR
	EASEMENT
	IRON ROD FOUND
	POINT FOR CORNER
	"X" CUT FOUND IN CONCRETE
	"X" CUT SET IN CONCRETE
	5/8" CAPPED IRON ROD SET "ADAMS SURVEYING COMPANY, LLC"