

Zoning Case 2019-014

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. 37 for Compact Construction and Transportation Equipment Sales & Service on 11.5 acres of land out of the Collin County School Land Survey No. 7, Abstract No. 153, located on the south side of State Highway 121, 330 feet east of Ohio Drive, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial with Specific Use Permits No. 424 for Building Material Sales and No. 628 for Truck/Bus Leasing; 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 14th day of October, 2019, for the purpose of considering granting Specific Use Permit No. 37 for Compact Construction and Transportation Equipment Sales & Service on 11.5 acres of land out of the Collin County School Land Survey No. 7, Abstract No. 153, located on the south side of State Highway 121, 330 feet east of Ohio Drive, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial with Specific Use Permits No. 424 for Building Material Sales and No. 628 for Truck/Bus Leasing; 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 14th day of October, 2019; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 37 for Compact Construction and Transportation Equipment Sales & Service on 11.5 acres of land out of the Collin County School Land Survey No. 7, Abstract No. 153, located on the south side of State Highway 121, 330 feet east of Ohio Drive, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial with Specific Use Permits No. 424 for Building Material Sales and No. 628 for Truck/Bus Leasing; 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. 37 for Compact Construction and Transportation Equipment Sales & Service on 11.5 acres of land out of the Collin County School Land Survey No. 7, Abstract No. 153, located on the south side of State Highway 121, 330 feet east of Ohio Drive, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial with Specific Use Permits No. 424 for Building Material Sales and No. 628 for Truck/Bus Leasing, said property being described in the legal description on Exhibit "A" attached hereto.

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

Restrictions:

1. Maximum number of compact construction equipment: 12
2. Compact construction equipment must be stored on the western side of the subject property, must be fully screened from residential homes, and be a minimum of 400 feet south of the State Highway 121 right-of-way.
3. Allowed as an accessory use operated in conjunction with a building material sales superstore by the same operator.
4. No repairs or service of equipment are done onsite.

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 14TH DAY OF OCTOBER, 2019.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

FOR ZONING EXHIBIT ONLY

Being a tract of land situated in the Collin County School Land Survey No. 7, Abstract No. 153, Collin County, Texas, and being all of Lot 3R, Block A of HAGGAR SQUARE RETAIL CENTER ADDITION, an addition to the City of Plano, Collin County, Texas, as recorded in Cabinet L, Page 794, of the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a ½ inch iron rod found for corner in the southeast right-of-way line of STATE HIGHWAY NO. 121, (variable width right-of-way), said iron rod being the most northerly corner of said Lot 3R, and also being the most westerly corner of Lot 2, Block A of HAGGAR SQUARE RETAIL CENTER ADDITION, an addition to the City of Plano, Collin County, Texas, as recorded in Cabinet K, Page 616, of the Deed Records of Collin County, Texas;

THENCE, departing said southeast right-of-way line of STATE HIGHWAY NO. 121, (variable width right-of-way), South 27° 56' 33" East a distance of 242.94 feet, to a ½ inch iron rod found for corner, said iron rod being a northerly corner of said Lot 3R, and being the southwest corner of said Lot 2;

THENCE, along a north line of said Lot 3R, and along the south line of said Lot 2, North 89° 35' 11" East, a distance of 316.85 feet, to a ½ inch iron rod found for corner, said iron rod being the northeast corner of said Lot 3R, and being the southeast corner of said Lot 2, and being in a west line of a tract of land conveyed to CAY TRUST NO. 2 AND THE NINE FIFTEEN TRUSTS, by deed, as recorded in County Clerk's File No. 95-0039500, of the Deed Records of Collin County,

Texas;

THENCE, departing said south line of Lot 2, and along a westerly line of said CAY TRUST tract, South 20° 26' 18" East, a distance of 269.34 feet, to a ½ inch iron rod found for corner;

THENCE, along a westerly line of said CAY TRUST tract, South 25° 42' 26" East a distance of 145.50 feet, to a point for corner from which a ½ inch iron rod found bears South 22° 05' 17" East, a distance of 2.27 feet, said point being the most easterly corner of said Lot 3R;

THENCE, South 63° 14' 46" West, a distance of 160.99 feet, to a ½ inch iron rod found for corner;

THENCE, South 00° 24' 49" East, a distance of 158.46 feet, to a ½ inch iron rod found for corner, said iron rod being the most southeasterly corner of said Lot 3R, and being a southeast corner of Lot 6, Block A of HAGGAR SQUARE RETAIL CENTER ADDITION, an addition to the City of Plano, Collin County, Texas, as recorded in Cabinet L, Page 794, of the Deed Records of Collin County, Texas;

THENCE, along the most southern line of said Lot 3R, South 89° 35' 11" West, a distance of 624.00 feet, to an 'X' cut found for corner, said 'X' cut being the most southwesterly corner of said Lot 3R;

THENCE, along a southwest line of said Lot 3R, North 00° 24' 49" West, a distance of 83.20

feet, to an 'X' cut found for corner and beginning of a curve to the left, said curve having a radius of 500.00 feet and a chord bearing North 10° 05' 55" West, a distance of 168.23 feet;

THENCE, along said curve to the left, through a central angle of 19° 22' 11" and an arc length of 169.03 feet, to an 'X' cut found for corner in an easterly line of said Lot 6;

THENCE, along an easterly line of said Lot 6, North 19° 47' 00" West, a distance of 227.27 feet, to an 'X' cut found for corner in an easterly line of said Lot 6, said 'X' cut being the beginning of a curve to the right, said curve having a radius of 200.00 feet and a chord bearing North 10° 05' 55" West, a distance of 67.29 feet;

THENCE, along said curve to the right, through a central angle of 19° 22' 11" and an arc length of 67.61 feet, to an 'X' cut found for corner;

THENCE, along a northeasterly line of said Lot 4, North 00° 24' 49" West, a distance of 115.05 feet, to an 'X' cut found for corner;

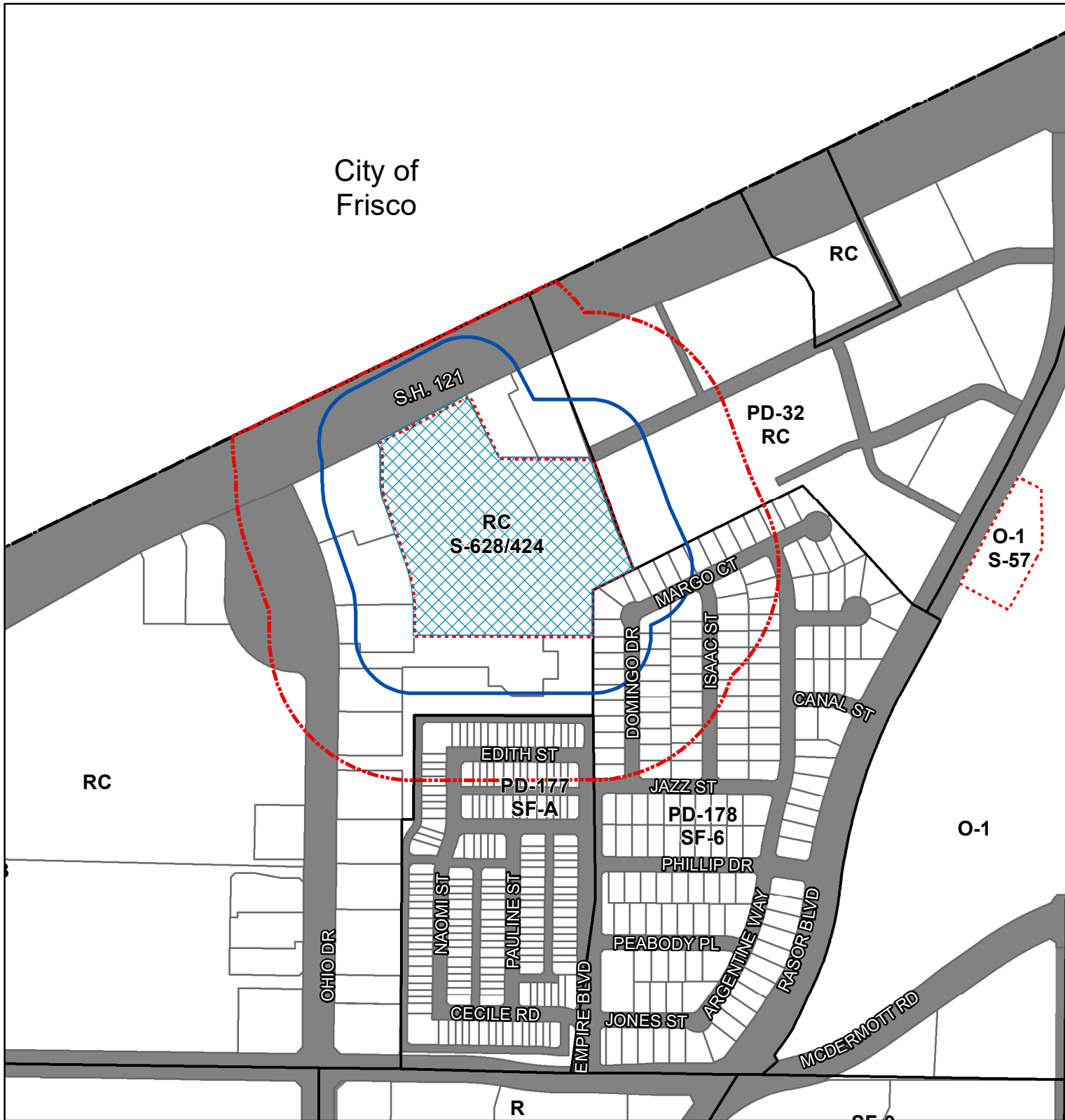
THENCE, along a northeast corner of said Lot 6, North 26° 14' 50" West, a distance of 25.83 feet, to a ½ inch iron rod found for corner in said southeast right-of-way line of STATE HIGHWAY NO. 121, (variable width right-of-way), said iron rod being the northwest corner of said Lot 3R, and being the beginning of a curve to the right, said curve having a radius of 5777.58 feet and a chord bearing North 62° 17' 52" East, a distance of 48.45 feet;

THENCE, along said curve to the right, through a central angle of $00^{\circ} 28' 50''$ and an arc length of 48.45 feet, to a $\frac{1}{2}$ inch iron rod found for corner in said southeast right-of-way line of STATE HIGHWAY NO. 121, (variable width right-of-way);

THENCE, along said southeast right-of-way line of STATE HIGHWAY NO. 121, (variable width right-of-way), North $62^{\circ} 03' 27''$ East, a distance of 302.14 feet, to the POINT OF BEGINNING;

Containing within these metes and bounds, 11.452 acres or 498,840 square feet of land, more or less. Bearings shown hereon are based upon the Final Plat of HAGGAR SQUARE RETAIL CENTER ADDITION, an addition to the City of Plano, Collin County, Texas, as recorded in Cabinet K, Page 616, of the Deed Records of Collin County, Texas.

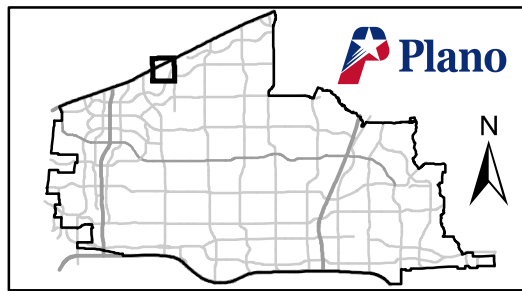
City of Frisco



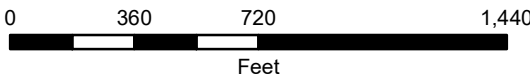
Zoning Case: 2019-014

Existing Zoning: Regional Commercial with Specific Use Permits No. 424 for Building Material Sales and No. 628 for Truck/Bus Leasing (RC w/ S-424 & S-628) and located within the State Highway 121 Overlay District

Proposed Zoning: Request for a Specific Use Permit for Compact Construction and Transportation Equipment Sales & Service

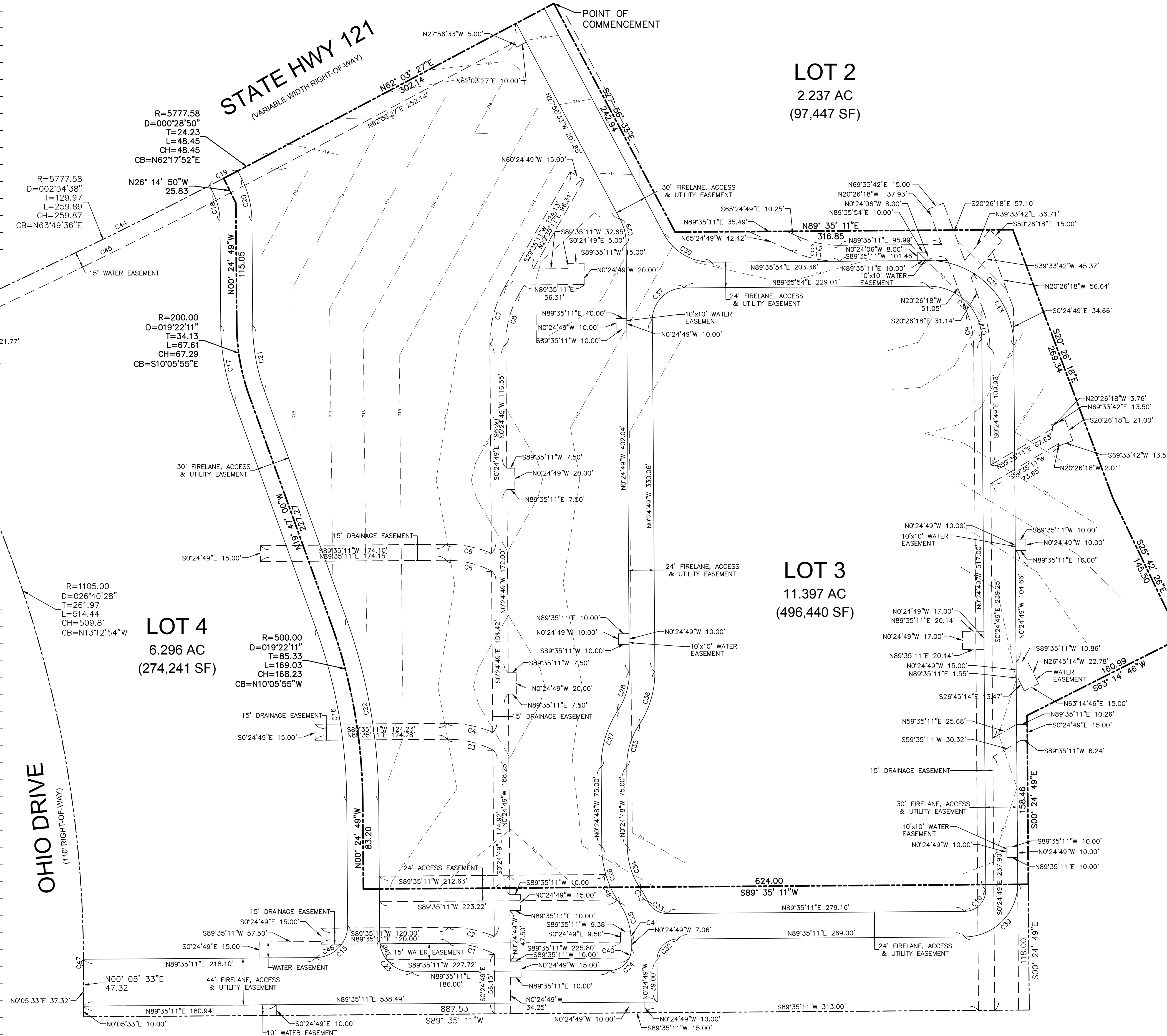


- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Subject Property
- Zoning Boundary Change/SUP
- Municipal Boundaries
- Zoning Boundary
- Specific Use Permit
- Streets



Curve #	Length	Radius	Delta	Tangent	Chord	Bearing
C1	44.16	92.50	27°21'08"	22.51	43.74	N76° 44' 15"W
C2	43.69	107.50	23°17'16"	22.15	43.39	N78° 46' 11"W
C3	44.16	92.50	27°21'08"	22.51	43.74	N76° 44' 15"W
C4	43.69	107.50	23°17'16"	22.15	43.39	N78° 46' 11"W
C5	44.16	92.50	27°21'08"	22.51	43.74	N76° 44' 15"W
C6	43.69	107.50	23°17'16"	22.15	43.39	N78° 46' 11"W
C7	56.30	107.50	30°00'25"	28.81	55.66	S14° 34' 56"W
C8	48.44	92.50	30°00'11"	24.79	47.89	S14° 35' 05"W
C9	32.33	92.50	20°01'27"	16.33	32.16	N10° 25' 33"W
C10	31.42	20.00	90°00'00"	20.00	28.28	N44° 35' 11"E
C11	46.90	107.50	24°59'58"	23.83	46.53	S77° 54' 50"E
C12	40.36	92.50	24°59'58"	20.51	40.04	S77° 54' 50"E

Curve #	Length	Radius	Delta	Tangent	Chord	Bearing
C13	13.73	89.00	8°50'29"	6.88	13.72	N29° 45' 53"W
C14	37.57	107.50	20°01'27"	18.98	37.38	N10° 25' 33"W
C15	47.12	30.00	90°00'00"	30.00	42.43	N44° 35' 11"E
C16	163.96	485.00	19°22'10"	82.77	163.18	N10° 05' 54"W
C17	72.68	215.00	19°22'08"	36.69	72.34	S10° 05' 56"E
C18	27.05	60.00	25°50'01"	13.76	26.82	N13° 19' 50"W
C19	30.01	5777.57	0°17'51"	15.00	30.01	N62° 32' 17"E
C20	40.58	90.00	25°50'01"	20.64	40.24	N13° 19' 50"W
C21	62.54	185.00	19°22'08"	31.57	62.24	S10° 05' 56"E
C22	174.10	515.00	19°22'10"	87.89	173.27	N10° 05' 54"W
C23	47.12	30.00	90°00'00"	30.00	42.43	S45° 24' 49"E
C24	31.42	20.00	90°00'42"	20.00	28.29	N44° 34' 50"E
C25	38.31	65.00	33°46'09"	19.73	37.76	N17° 17' 54"W
C26	56.00	95.00	33°46'28"	28.84	55.19	S17° 18' 00"E
C27	56.00	95.00	33°46'28"	28.84	55.19	S16° 28' 21"W
C28	38.34	65.00	33°47'56"	19.75	37.79	N16° 27' 26"E
C29	24.02	50.00	27°31'30"	12.25	23.79	N14° 10' 34"W
C30	54.50	50.00	62°27'09"	30.31	51.84	S59° 10' 32"E
C31	125.66	80.00	90°00'00"	80.00	113.14	N45° 24' 49"W
C32	31.42	20.00	90°00'00"	20.00	28.28	S44° 35' 11"W
C33	22.71	20.00	65°03'40"	12.76	21.51	S57° 52' 42"E
C34	41.85	71.00	33°46'28"	21.55	41.25	S17° 18' 03"E
C35	41.85	71.00	33°46'28"	21.55	41.25	S16° 28' 20"W
C36	52.50	89.00	33°47'56"	27.04	51.74	N16° 27' 27"E
C37	47.13	30.00	90°00'43"	30.01	42.43	S44° 35' 33"W
C38	78.53	50.00	89°59'17"	49.99	70.70	N45° 24' 28"W
C39	78.54	50.00	90°00'00"	50.00	70.71	N44° 35' 11"E
C40	8.78	20.00	25°09'10"	4.46	8.71	N12° 09' 04"E
C41	8.97	65.00	7°54'25"	4.49	8.96	N4° 22' 01"W
C42	16.43	30.00	31°22'44"	8.43	16.23	S22° 47' 24"E
C43	79.88	80.00	57°12'45"	43.63	76.61	N29° 01' 12"W
C44	308.34	5783.49	3°03'17"	154.21	308.30	N63° 35' 14"E
C45	355.33	5792.58	3°30'53"	177.72	355.27	N63° 48' 53"E
C46	28.44	30.00	54°18'59"	15.39	27.39	N62° 24' 51"E
C47	6.68	110.00	0°20'47"	3.34	6.68	N0° 03' 03"W
C48	26.32	95.00	15°52'25"	13.24	26.24	S24° 14' 16"E



LEGAL DESCRIPTION
 Being a tract of land situated in the Collin County School Land Survey No. 7, Abstract No. 153, Collin County, Texas, and being all of Lot 3R, Block A of HAGGAR SQUARE RETAIL CENTER ADDITION, an addition to the City of Plano, Collin County, Texas, as recorded in Cabinet L, Page 794, of the Deed Records of Collin County, Texas, and being more particularly described as follows:
 BEGINNING at a 1/2 inch iron rod found for corner in the southeast right-of-way line of STATE HIGHWAY NO. 121, (variable width right-of-way), said iron rod being the most northerly corner of said Lot 3R, and also being the most westerly corner of Lot 2, Block A of HAGGAR SQUARE RETAIL CENTER ADDITION, an addition to the City of Plano, Collin County, Texas, as recorded in Cabinet K, Page 616, of the Deed Records of Collin County, Texas;
 THENCE, departing said southeast right-of-way line of STATE HIGHWAY NO. 121, (variable width right-of-way), South 27° 56' 33" East a distance of 242.94 feet, to a 1/2 inch iron rod found for corner, said iron rod being a northerly corner of said Lot 3R, and being the southwest corner of said Lot 2;
 THENCE, along a north line of said Lot 3R, and along the south line of said Lot 2, North 89° 35' 11" East, a distance of 318.85 feet, to a 1/2 inch iron rod found for corner, said iron rod being the northeast corner of said Lot 3R, and being the southeast corner of said Lot 2, and being in a west line of a tract of land conveyed to CAY TRUST NO. 2 AND THE NINE FIFTEEN TRUSTS, by deed, as recorded in County Clerk's File No. 95-005050, of the Deed Records of Collin County, Texas;
 THENCE, departing said south line of Lot 2, and along a westerly line of said CAY TRUST tract, South 20° 26' 18" East, a distance of 269.34 feet, to a 1/2 inch iron rod found for corner;
 THENCE, along a westerly line of said CAY TRUST tract, South 25° 42' 28" East a distance of 145.50 feet, to a point for corner from which a 1/2 inch iron rod found bears South 22° 05' 17" East, a distance of 2.27 feet, said point being the most easterly corner of said Lot 3R;
 THENCE, South 63° 14' 46" West, a distance of 180.99 feet, to a 1/2 inch iron rod found for corner;
 THENCE, South 00° 24' 49" East, a distance of 188.46 feet, to a 1/2 inch iron rod found for corner, said iron rod being the most southerly corner of said Lot 3R, and being a southeast corner of Lot 6, Block A of HAGGAR SQUARE RETAIL CENTER ADDITION, an addition to the City of Plano, Collin County, Texas, as recorded in Cabinet L, Page 794, of the Deed Records of Collin County, Texas;
 THENCE, along the most southern line of said Lot 3R, South 89° 35' 11" West, a distance of 624.00 feet, to an 'X' cut found for corner, said 'X' cut being the most westerly corner of said Lot 3R;

LEGAL DESCRIPTION CONT'D
 THENCE, along a southwest line of said Lot 3R, North 00° 24' 49" West, a distance of 83.20 feet, to an 'X' cut found for corner and beginning of a curve to the left, said curve having a radius of 500.00 feet and a chord bearing North 10° 05' 55" West, a distance of 168.23 feet;
 THENCE, along said curve to the left, through a central angle of 19° 22' 11" and an arc length of 169.03 feet, to an 'X' cut found for corner in an easterly line of said Lot 6;
 THENCE, along an easterly line of said Lot 6, North 19° 47' 05" West, a distance of 227.27 feet, to a 3" 'X' cut found for corner in an easterly line of said Lot 6, said 'X' cut being the beginning of a curve to the right, said curve having a radius of 200.00 feet and a chord bearing North 10° 05' 55" West, a distance of 67.29 feet;
 THENCE, along said curve to the right, through a central angle of 19° 22' 11" and an arc length of 67.61 feet, to an 'X' cut found for corner;
 THENCE, along a northeasterly line of said Lot 4, North 00° 24' 49" West, a distance of 115.05 feet, to an 'X' cut found for corner;
 THENCE, along a northeast corner of said Lot 6, North 26° 14' 50" West, a distance of 25.83 feet, to a 1/2 inch iron rod found for corner in said southeast right-of-way line of STATE HIGHWAY NO. 121, (variable width right-of-way), said iron rod being the northwest corner of said Lot 3R, and being the beginning of a curve to the right, said curve having a radius of 5777.58 feet and a chord bearing North 62° 17' 52" East, a distance of 48.45 feet;
 THENCE, along said curve to the right, through a central angle of 00° 28' 50" and an arc length of 48.45 feet, to a 1/2 inch iron rod found for corner in said southeast right-of-way line of STATE HIGHWAY NO. 121, (variable width right-of-way);
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 THENCE, along a westerly line of said CAY TRUST tract, South 25° 42' 28" East a distance of 145.50 feet, to a point for corner from which a 1/2 inch iron rod found bears South 22° 05' 17" East, a distance of 2.27 feet, said point being the most easterly corner of said Lot 3R;
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 THENCE, along the most southern line of said Lot 3R, South 89° 35' 11" West, a distance of 624.00 feet, to an 'X' cut found for corner, said 'X' cut being the most westerly corner of said Lot 3R;

LARS ANDERSEN & ASSOCIATES, INC.
 CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
 4694 WEST JACQUELYN AVENUE - FRESNO CALIFORNIA 93722
 TEL: 559 276-2790 FAX: 559 276-0850 WWW.LARSANDERSEN.COM
 Texas Registered Engineering Firm F-18450

LOCATION MAP NOT TO SCALE

VICINITY MAP NOT TO SCALE

THE PURPOSE OF THIS ZONING EXHIBIT IS THE ADDITION OF OUTDOOR DISPLAY AREAS.

CONTACTS:
 CONSULTANT
 LARS ANDERSEN & ASSOCIATES, INC.
 4694 W. JACQUELYN AVENUE
 FRESNO, CA 93722
 (559) 276-2790

OWNER
 HD DEVELOPMENT PROPERTIES, L.P.
 C/O HOME DEPOT U.S.A., INC.
 2455 PACES FERRY ROAD
 ATLANTA, GA 30339
 770-384-2406
 CONTACT: SUZANNE RUSSO

ZONING EXHIBIT

THE HOME DEPOT N. PLANO
 HAGGAR SQUARE RETAIL CENTER
 BLOCK A, LOT 3R
 ZC2019-014

11.45 ACRES IN THE
 COLLIN COUNTY SCHOOL SURVEY,
 AB. NO. 153

CITY OF PLANO,
 COLLIN COUNTY, TX

DATE: 07/01/2019
 REVISION DATE: 08/05/2019

SITE PLANNER: DEREK FINNEGAN
 SITE DEVELOPMENT COORDINATOR: SCOTT MOMMER
 REAL ESTATE MARKET:
 REAL ESTATE AGENDA NAME:

THE HOME DEPOT PLANO, TX
 4600 STATE HWY 121, PLANO, TX 75024

THE HOME DEPOT SITE ID NUMBER: 0527
 LA PROJECT NUMBER: 19011.00

SCALE: 1"=50'-0"

SHEET 1 OF 1