

PLANNING & ZONING COMMISSION

PLANO MUNICIPAL CENTER

1520 K AVENUE

September 4, 2012

ITEM NO.	EXPLANATION	ACTION TAKEN
1	<p>6:30 p.m. - Dinner - Planning Conference Room 2E</p> <p>7:00 p.m. - Executive Session - Planning Conference Room 2E</p> <p>The Planning & Zoning Commission will open the regular meeting in Planning Conference Room 2E and immediately convene into Executive Session pursuant to Section 551.071 of the Texas Government Code, the Texas Open Meetings Act, to Consult with its attorney regarding the following posted item:</p> <ul style="list-style-type: none">1. Litigation - Roberta Cosgrove, Connie Cosgrove v. City of Plano <p>The Planning & Zoning Commission will reconvene into the Regular Open Meeting immediately following the Executive Session in the Council Chambers.</p> <p>The Planning & Zoning Commission may convene into Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with its attorney regarding posted items in the regular meeting.</p> <p>Call to Order/Pledge of Allegiance</p>	
2	Approval of Agenda as Presented	
3	Approval of Minutes for the August 20, 2012, Planning & Zoning Commission meeting	
4	General Discussion: The Planning & Zoning Commission will hear comments of public interest. Time restraints may be directed by the Chair of the Planning & Zoning Commission. Specific factual information, explanation of current policy, or clarification of Planning & Zoning Commission authority may be made in response to an inquiry. Any other discussion or decision must be limited to a proposal to place the item on a future agenda.	

	<p><u>CONSENT AGENDA</u></p> <p>5a BM Final Plat: Lexington Park Addition, Phase 1 - 14 Single-Family Residence-Attached lots and two open space lots on 1.1± acres located on the north side of 16th Street, 144± feet west of G Avenue. Zoned Planned Development-179-Downtown Business/Government/Heritage Resource Designation #20. Neighborhood #59. Applicant: CCDR Properties, LLC</p> <p>5b BM Conveyance Plat: Lexington Park Addition, Phase 2 - Four conveyance lots on 5.2± acres located at the southwest corner of 18th Street and G Avenue. Zoned Planned Development-179-Downtown Business/Government/ Heritage Resource Designation #20. Applicant: CCDR Properties, LLC</p> <p>5c BM Preliminary Plat: Parker Triangle Addition, Block A, Lot 1 - Convenience store with gas pumps on one lot on 2.4± acres located at the northwest corner of Parker Road and Jupiter Road. Zoned Planned Development-229-Retail. Neighborhood #37. Applicant: Meaders-Hale, Ltd.</p> <p><u>END OF CONSENT AGENDA</u></p> <p><u>PUBLIC HEARINGS</u></p> <p>6 BM Public Hearing: Zoning Case 2012-25 - Request to rezone 19.7± acres from Planned Development-202-Research/Technology Center to Single-Family Residence-6 on the south side of 14th Street, 350± feet east of Plano Parkway. Zoned Planned Development-202-Research/Technology Center. Tabled August 20, 2012. Applicants: Dale R. & Melody K. Burton, Treasure Ann Langford, and Harold B. Warnick Jr.</p> <p>7 BSM Public Hearing: Zoning Case 2012-26 - Request to amend Heritage Resource Designation #4 (Carpenter House) on 0.5± acre located at the northwest corner of M Avenue and 16th Street to allow assembly hall as an additional permitted use. Zoned Multifamily Residence-1 with Heritage Resource Designation #4. Applicant: Stanley E. & Pat M. Black</p> <p>8 BM Public Hearing - Replat: Stream Data Center, Block A, Lot 1R - Data center on one lot on 20.0± acres located on the west side of Pinecrest Drive, 90± feet north of Spring Creek Parkway. Zoned Commercial Employment. Neighborhood #16. Applicant: T5 Data Centers</p>	
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<p>9 EH</p>	<p>Public Hearing - Replat: Trinity Presbyterian Church Addition, Block A, Lot 5R - Day care center on one lot on 1.4± acres located on the north side of Hedgcoxe Road, 520± feet west of Ohio Drive. Zoned Planned Development-159-General Office/Preston Road Overlay District. Neighborhood #4. Applicant: Plano GSF Investments</p>	
<p><u>END OF PUBLIC HEARINGS</u></p>		
<p>10 PJ</p>	<p>Discussion & Direction: Proposed Urban Mixed-Use Zoning District Regulations - Discussion and direction on proposed standards for an Urban Mixed-Use zoning district.</p>	
<p>11 TF</p>	<p>Request to Call Public Hearing: Farmer's Market Use - Request to call a public hearing to consider amendments to the Zoning Ordinance regarding Farmer's Market use, including definitions, supplementary regulations, and schedule of permitted uses (use charts), and other related standards. Applicant: Rodney O. Haggard</p>	
<p>12</p>	<p>Items for Future Discussion - The Planning & Zoning Commission may identify issues or topics that they wish to schedule for discussion at a future meeting.</p>	
<p>Council Liaisons: Council Member Lee Dunlap and Council Member Pat Miner</p>		

ACCESSIBILITY STATEMENT

Plano Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the Planning Department at (972) 941-7151.

**CITY OF PLANO
PLANNING & ZONING COMMISSION
PUBLIC HEARING PROCEDURES**

The Planning & Zoning Commission welcomes your thoughts and comments on these agenda items. The Commission does ask, however, that if you wish to speak on an item you:

1. **Fill out a speaker card.** This helps the Commission know how many people wish to speak for or against an item, and helps in recording the minutes of the meeting. **However, even if you do not fill out a card, you may still speak.** Please give the card to the secretary at the right-hand side of the podium before the meeting begins.
2. **Limit your comments to new issues dealing directly with the case or item.** Please try not to repeat the comments of other speakers.
3. **Limit your speaking time so that others may also have a turn.** If you are part of a group or homeowners association, it is best to choose one representative to present the views of your group. The Commission's adopted rules on speaker times are as follows:
 - 15 minutes for the applicant - After the public hearing is opened, the Chair of the Planning & Zoning Commission will ask the applicant to speak first.
 - 3 minutes each for all other speakers, up to a maximum of 45 minutes. Individual speakers may yield their time to a homeowner association or other group representative, up to a maximum of 15 minutes of speaking time.

If you are a group representative and other speakers have yielded their 3 minutes to you, please present their speaker cards along with yours to the secretary.
 - 5 minutes for applicant rebuttal.
 - Other time limits may be set by the Chairman.

The Commission values your testimony and appreciates your compliance with these guidelines.

For more information on the items on this agenda, or any other planning, zoning, or transportation issue, please contact the Planning Department at (972) 941-7151.

PLANNING & ZONING COMMISSION
August 20, 2012

COMMISSIONERS PRESENT

Chris Caso, Chairman
Alan Smith, 2nd Vice Chair
Olufemi Adeoye
Michael Coleman
Douglas Cargo
David Downs
Tracey Dry

COMMISSIONERS ABSENT

Fred Balda, 1st Vice Chair

STAFF PRESENT

Phyllis Jarrell, Director of Planning
Tina Firgens, Planning Manager
Eric Hill, Sr. Planner
Bester Munyaradzi, Planner
Jon Hubach, Planner
Paige Mims, Deputy City Attorney
Dee Sarver, Sr. Planning Technician
Doris Carter, Senior Administrative Assistant
Shari Forbes, Technical Administrative Assistant

Chairman Caso called the meeting to order on Monday, August 20, 2012, at 7:00 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Commissioner Adeoye led the Commission in the Pledge of Allegiance.

Commissioner Downs made a motion to approve the agenda as submitted. Commissioner Adeoye seconded the motion, which passed 7-0.

Commissioner Downs made a motion to approve the August 6, 2012, Planning & Zoning Commission meeting minutes with a correction to Agenda Item No. 5e. Second Vice Chair Smith seconded the motion, which passed 7-0.

COMMENTS OF PUBLIC INTEREST

Jay B. Jones, owner of an office building located at Central Expressway and Park Boulevard, spoke in opposition to the new construction of an automobile repair business located in front of his office building that had been previously approved by the Planning and Zoning Commission.

CONSENT AGENDA

Commissioner Coleman made a motion to approve the Consent Agenda as submitted. Second Vice Chair Smith seconded the motion, which passed 7-0.

AGENDA ITEM NO. 5A - REVISED SITE PLAN 39/PLANO/544 BUSINESS PARK ADDITION, BLOCK A, LOT 2 APPLICANT: FAEC HOLDINGS (TA), LLC

Hospital on one lot on 12.1± acres located on the west side of Marsh Lane, 425± feet south of Plano Parkway. Zoned Light Commercial. Neighborhood #39.

Approved as submitted.

AGENDA ITEM NO. 5B - PRELIMINARY PLAT 40/PARKWAY CENTRE, PHASE 5, BLOCK C, LOT 5 APPLICANT: PLANO SNF REALTY, LLC

Long-term care facility on one lot on 5.4± acres located on the east side of Communications Parkway, 500± feet north of Chapel Hill Boulevard. Zoned Regional Employment/Dallas North Tollway Overlay District with Specific Use Permit #608 for Long-term Care Facility. Neighborhood #40.

Approved subject to additions and/or alterations to the engineering plans as required by the Engineering Department.

AGENDA ITEM NO. 5C - CONVEYANCE PLAT 31/TURNER HERITAGE ADDITION, BLOCK 1, LOTS 1, 2 & 3 APPLICANT: MARGARET E. TURNER

Three conveyance lots on 22.3± acres located at the southwest corner of Preston Road and Spring Creek Parkway. Zoned Planned Development-447-Retail/Multifamily Residence-2/Preston Road Overlay District. Neighborhood #31.

Approved as submitted.

AGENDA ITEM NO. 5D - PRELIMINARY PLAT 38/VILLAS OF PECAN CREEK APPLICANT: JEN TEXAS 1 LLC

99 Single-Family Residence-6 lots and one open space lot on 26.5± acres located at the northeast corner of Parker Road and Jupiter Road. Zoned Patio Home. Neighborhood #38.

Approved subject to:

1. Additions and/or alterations to the engineering plans as required by the Engineering Department.
2. Approval by the City Attorney and subsequent recordation at the County of the Declaration of Covenants, Conditions and Restrictions pertaining to the maintenance of the open space lots by the homeowners association, prior to approval of the final plat.

**AGENDA ITEM NO. 5E - PRELIMINARY SITE PLAN
1/THE LINCOLN AT TOWNE SQUARE ADDITION, BLOCK A, LOT 6R
APPLICANT: SATURN ASSET MANAGEMENT, LP**

Day care center on one lot on 1.1± acres located on the north side of Rasor Boulevard, 310± feet west of Ohio Drive. Zoned Planned Development-20-Mixed-Use/Preston Road Overlay District. Neighborhood #1.

Approved subject to a letter of approval from the property owner of The Lincoln at Towne Square, Block A, Lot 1 to allow the radius return to extend beyond the property line of Lot 6R.

END OF CONSENT AGENDA

PUBLIC HEARINGS

**AGENDA ITEM NO. 6 - PUBLIC HEARING
ZONING CASE 2012-12
APPLICANT: RACETRAC**

Eric Hill, Senior Planner, stated this a request to amend Planned Development-374-Retail on 6.9± acres located at the northeast corner of Plano Parkway and Independence Parkway to modify the development standards of the district including amending or repealing the limitation on the hours of operation. Zoned Planned Development-374-Retail/190 Tollway/Plano Parkway Overlay District. This item was tabled March 19, 2012, April 16, 2012, and July 16, 2012.

Commissioner Coleman made a motion to remove the item from the table. Commissioner Dry seconded the motion, which passed 7-0.

The public hearing was opened. Tommy Mann, the project representative, spoke in support of this item and answered the Commissioners questions. Robert Miller and Ken Eaken spoke in opposition to the item. The public hearing was closed.

After some discussion, Commissioner Downs made a motion to approve the item as follows: (Proposed additions are indicated by underlined text; deletions are indicated by strikethrough text.)

Restrictions:

1. Maximum Square Footage: 118,701 square feet of building area
2. Maximum Retail: 100% - Neighborhood Support Retail.
In addition to those uses permitted in the Retail districts, the following uses shall be permitted:
 - Office - showroom/warehouse
 - Office - technical
 - Scientific and research labs
3. Truck docks for these uses shall be located at grade level.
4. Maximum Floor Area Ratio: 0.5:1
5. Maximum Floor Area Ratio on any Given Lot: 0.75:1
6. Maximum Lot Coverage: 40% (inclusive of parking structures)
7. Maximum Building Height: 2 story (36 feet) - all heights shall include mechanical/penthouse
8. Maximum Parking Structure Height: 2 levels above grade (20 feet)
9. Setback Requirements: 50 feet from north property line and 50 feet from Plano Pkwy.

The zoning granted above is granted subject to the following additional stipulations:

1. Regulatory provisions of the Zoning Ordinance pertaining to additional setbacks from residential zoning districts (Sections 3.500, 3.600, and 3.700) shall apply to this tract.
2. A study of Plano Pkwy., from Jupiter Rd. to Preston Rd., shall be conducted by the city to evaluate standards and plans for driveway spacing, median breaks, acceleration/deceleration lanes, signalization, and intersection design. The objective of the study is to enhance the parkway's capacity without adding additional through lanes. The cost of the study shall be borne by the petitioners for zoning. The closing of Longworth Dr. north of Plano Pkwy. shall be a major consideration in the Plano Parkway Study.
3. All landscape areas required by the Design Guidelines (referenced after PD-393-R/O-2) shall be irrigated by an underground, automatic sprinkler system.
4. All subsequently approved preliminary site plans and site plans for this tract shall conform to the Design Guidelines for the Plano Pkwy./S.H. 190 Corridor as adopted by the City Council and as placed by the owner as Restrictive Covenants on the tract binding both the current and future owners to such guidelines.
5. This tract shall be deed restricted to limit the hours of operation to ~~47~~ 19 total hours, preferably ~~11:00 p.m.~~ 12:00 a.m. to 5:00 a.m. being ~~be~~ the closing closed hours.

6. No access to any tract shall be gained from the existing alley or alleys serving the residential area.
7. Truck docks and trash containers shall be to the interior of constructed buildings and at grade.
8. There will be no dedicated street adjacent and parallel to the residential district.
9. Parking structures shall be screened from view of the residential district through the use of natural screens.
10. Sodium vapor lights shall not be used for parking lots and other exterior lighting. All lighting shall meet the requirements of the Plano Lighting Ordinance.

Refer to Design Guidelines after PD-393-R/O-2 for additional stipulations.

Commissioner Dry seconded the motion, which passed 5-2. Commissioners Coleman and Adeoye voted in opposition to the motion because they wanted to leave the current restrictions in place with no modifications.

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2012-22
APPLICANT: MARGARET E. TURNER**

Agenda items 7A and 7B were presented together

Mr. Hill stated this is a request for a Specific Use Permit for Superstore on 19.3± acres located at the southwest corner of Preston Road and Spring Creek Parkway. Zoned Planned Development-447-Retail/Multifamily Residence-2/Preston Road Overlay District. Staff recommended approval as submitted.

The public hearing was opened. John Rose spoke in support of the item. The public hearing was closed.

There being no discussion, Commissioner Coleman made a motion to approve the item as submitted. Commissioner Cargo seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 7B - PRELIMINARY SITE PLAN/CONCEPT PLAN
31/TURNER HERITAGE ADDITION, BLOCK 1, LOTS 1, 2 & 3
APPLICANT: MARGARET E. TURNER**

Mr. Hill stated this is a superstore, convenience store with gas pumps, and retail on three lots on 22.3± acres located at the southwest corner of Preston Road and Spring Creek Parkway. Zoned Planned Development-447-Retail/Multifamily Residence-2/Preston Road Overlay District. Neighborhood #31. Staff recommended approval subject to City Council approval of Zoning Case 2012-22.

There being no discussion, Commissioner Coleman made a motion to approve the item as submitted. Commissioner Adeoye seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 8A - PUBLIC HEARING
ZONING CASE 2012-23
APPLICANT: UNIVERSITY OF TEXAS**

Agenda items 8A and 8B were presented together

Mr. Hill stated this is a request to rezone 4.5± acres located at the southeast corner of Silverglen Drive and Mapleshade Lane from Light Industrial-1 to Corridor Commercial and request for a Specific Use Permit for Assisted Living Facility. Zoned Light Industrial-1/190 Tollway/Plano Parkway Overlay District. Staff recommended approval as submitted.

The public hearing was opened. Hillary Donaldson, applicant representative, spoke in support of the item. The public hearing was closed.

After some discussion, Commissioner Downs made a motion to approve the item as submitted and that the Planning & Zoning Commission initiate a zoning case to rezone the remaining land south of the future extension of Mapleshade Lane from Light Industrial-1 to Corridor Commercial. . Commissioner Adeoye seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 8B - PRELIMINARY SITE PLAN
72/USMC-PLANO, BLOCK 1, LOT 1
APPLICANT: UNIVERSITY OF TEXAS**

Mr. Hill stated this is a request for an assisted living facility on one lot on 4.5± acres located at the southeast corner of Mapleshade Lane and Silverglen Drive. Zoned Light Industrial-1. Neighborhood #72. Staff recommended approval of this item subject to City Council approval of Zoning Case 2012-23.

After some discussion, Commissioner Downs made a motion to approve the item as submitted. Second Vice Chair Smith seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 9A - PUBLIC HEARING
ZONING CASE 2012-24
APPLICANT: BETTY MERRIMAN**

Agenda items 9A and 9B were presented together

John Hubach, Planner, stated this is a request to rezone 34.0± acres located north of the intersection of Jeker Drive and Merriman Drive **from** Agricultural and Estate Development **to** Single-Family Residence- 6. Zoned Agricultural and Estate Development. Staff recommended approval as submitted.

The public hearing was opened. Jim Douglas, the project representative, spoke in support of the item and answered questions for the Commissioners. Jim Grant, a resident of the area, asked several questions about traffic and drainage. The public hearing was closed.

After some discussion, Commissioner Adeoye made a motion to approve the item as submitted. Commissioner Downs seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 9B - CONCEPT PLAN
50/MERRIMAN ESTATES
APPLICANT: BETTY MERRIMAN**

Mr. Hubach stated this is a concept plan for 104 Single-Family Residence-6 lots, two open space lots, and park land on 34.0± acres located north of the intersection of Jeker Drive and Merriman Drive. Zoned Agricultural and Estate Development. Neighborhood #50. Staff recommended approval subject to City Council approval of Zoning Case 2012-24.

After some discussion, 2nd Vice Chair Smith made a motion to deny the item as submitted. Commissioner Cargo seconded the motion. Paige Mims, City Attorney, and Phyllis Jarrell, Planning Director, stated the Commission had to give a reason for the denial based on the Subdivision Ordinance regulations. The motion to deny failed 2-5. Chairman Caso and Commissioners Dry, Downs, Coleman, and Adeoye voted in opposition to the motion. Chairman Caso entertained a motion to approve the item. Commissioner Adeoye made a motion to approve the item as submitted and Commissioner Downs seconded the motion, which passed 4-3. Second Vice Chair Smith and Commissioners Dry and Cargo voted in opposition to the motion.

**AGENDA ITEM NO. 10 - PUBLIC HEARING
ZONING CASE 2012-25
APPLICANT: DALE R. BURTON**

Bester Munyaradzi, Planner, stated this is a request to rezone 19.7± acres from Planned Development-202-Research/Technology Center to Single-Family Residence-6 located on the south side of 14th Street, 350± feet east of Plano Parkway. Zoned Planned Development-202-Research/Technology Center. Staff recommended that the Planning & Zoning Commission accept the applicant's request to table this item until the September 4, 2012 meeting.

There being no discussion, Commissioner Cargo made a motion to table the item to the September 4, 2012 meeting. Commissioner Downs seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 11 - PUBLIC HEARING- PRELIMINARY REPLAT & REVISED
SITE PLAN:
PLANO WEST SENIOR HIGH SCHOOL, BLOCK A, LOT 1R
APPLICANT: PLANO INDEPENDENT SCHOOL DISTRICT**

Ms. Munyaradzi stated this is a public secondary school on one lot on 42.8± acres located at the northwest corner of Parker Road and Willow Bend Drive. Zoned Single-Family Residence-9 and Agricultural. Neighborhood #30. Staff recommended the following:

Preliminary Replat: Recommended for approval subject to additions and/or alterations to the engineering plans as required by the Engineering Department.

Revised Site Plan: Recommended for approval subject to:

1. City Council approval of the request for a parking reduction;
2. The applicant executing a performance agreement with the city, subject to approval by the City Attorney; and
3. Dedication of parking easements for the new proposed offsite parking on Lot 2, and the deferred parking areas on Lots 1R and 2, Block A, Plano West Senior High School Addition.

The public hearing was opened. No one spoke for or against the item. The public hearing was closed.

There being no discussion, Commissioner Coleman made a motion to approve the item as submitted. Commissioner Downs seconded the motion, which passed 6-1. The Commissioner voting against the motion did not state a reason for the opposition.

**AGENDA ITEM NO. 12 - PUBLIC HEARING - REPLAT
34/FIRE STATION NO. 4 ADDITION, BLOCK 1, LOT 1R
APPLICANT: CITY OF PLANO**

Mr. Hubach stated this is a fire station/public safety building on one lot on 1.5± acres located at the southeast corner of Spring Creek Parkway and Roundrock Trail. Zoned Single-Family Residence-9. Neighborhood #34. Staff recommended approval of this item as submitted.

The public hearing was opened. No one spoke for or against the item. The public hearing was closed.

There being no discussion, Commissioner Downs made a motion to approve the item as submitted. Commissioner Coleman seconded the motion, which passed 7-0.

**AGENDA ITEM NO. 13 - PUBLIC HEARING - REPLAT
1/THE LINCOLN AT TOWNE SQUARE ADDITION, BLOCK A, LOT 5R
APPLICANT: SATURN ASSET MANAGEMENT LLP**

Mr. Hill stated this is a parking lot on one lot on 1.0± acre located on the west side of Ohio Drive, 215± feet north of Razor Boulevard. Zoned Planned Development-20-Mixed-Use/Preston Road Overlay District. Neighborhood #1. Staff recommended approval of this item as submitted.

The public hearing was opened. No one spoke for or against the item. The public hearing was closed.

There being no discussion, Commissioner Coleman made a motion to approve the item as submitted. Commissioner Adeoye seconded the motion, which passed 7-0.

END OF PUBLIC HEARINGS

**AGENDA ITEM NO. 14
ITEMS FOR FUTURE DISCUSSION**

There being no further discussion, Chairman Caso adjourned the meeting at 8:41 p.m.

Chris Caso, Chair

CITY OF PLANO
PLANNING & ZONING COMMISSION
CONSENT AGENDA ITEMS

September 4, 2012

Agenda Item No. 5a

Final Plat: Lexington Park Addition, Phase 1

Applicant: CCDR Properties, LLC

14 Single-Family Residence-Attached lots and two open space lots on 1.1± acres located on the north side of 16th Street, 144± feet west of G Avenue. Zoned Planned Development-179-Downtown Business/Government/Heritage Resource Designation #20. Neighborhood #59.

The purpose for the final plat is to dedicate easements and right-of-way and establish the lot layout necessary for completing the residential development.

Recommended for approval as submitted.

Agenda Item No. 5b

Conveyance Plat: Lexington Park Addition, Phase 2

Applicant: CCDR Properties, LLC

Four conveyance lots on 5.2± acres located at the southwest corner of 18th Street and G Avenue. Zoned Planned Development-179-Downtown Business/Government/Heritage Resource Designation #20.

The purpose for the conveyance plat is to dedicate right-of-way and easements necessary for future development of the property.

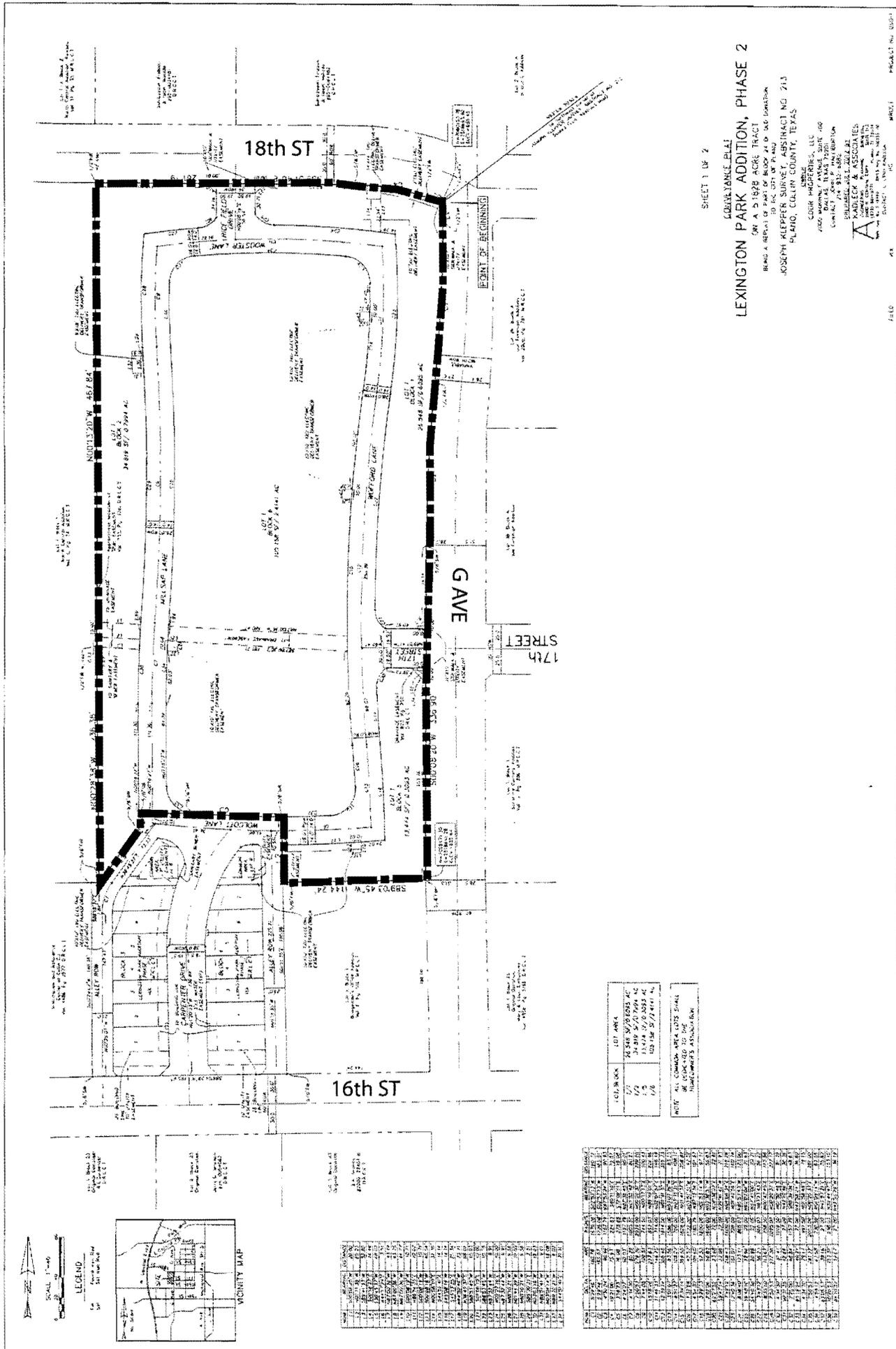
Recommended for approval as submitted.

Agenda Item No. 5c
Preliminary Plat: Parker Triangle Addition, Block A, Lot 1
Applicant: Meaders-Hale, Ltd.

Convenience store with gas pumps on one lot on 2.4± acres located at the northwest corner of Parker Road and Jupiter Road. Zoned Planned Development-229-Retail. Neighborhood #37.

The purpose for the preliminary plat is to propose easements necessary for the development of the site as a convenience store with gas pumps.

Recommended for approval subject to additions and/or alterations to the engineering plans as required by the Engineering Department.



SHEET 1 OF 2

LEXINGTON PARK ADDITION, PHASE 2

SUBJECT: 1828 ACRES TRACT
 BEING A REPART OF PART OF BLOCK 24 OF SAID SUBDIVISION
 JOSEPH KLEPPER SURVEY, ABSTRACT NO. 713
 PLANO, COLLIN COUNTY, TEXAS

COURT REPORTERS, LLC
 2100 MARINE AVENUE, SUITE 200
 DALLAS, TEXAS 75201
 LICENSE NO. 174 831-886-0010

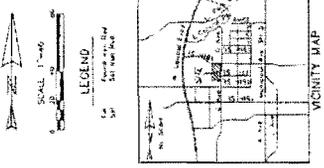
A
 SARGENT & LUNDY
 1000 MARINE AVENUE, SUITE 200
 DALLAS, TEXAS 75201
 LICENSE NO. 174 831-886-0010

PROJECT NO. 00001
 FILED

LOT NUMBER	LOT AREA
1/1	103,285 S.F. / 2.344 AC
1/2	12,114 S.F. / 0.278 AC
1/3	10,375 S.F. / 0.236 AC
1/4	10,375 S.F. / 0.236 AC

NOTE: ALL COMMON AREA LOTS SHALL BE CONVEYED TO THE HOA/PROPERTY'S ASSOCIATION

LOT NUMBER	LOT AREA	ACRES	PERCENTAGE OF TOTAL
1/1	103,285 S.F.	2.344	13.3%
1/2	12,114 S.F.	0.278	1.5%
1/3	10,375 S.F.	0.236	1.3%
1/4	10,375 S.F.	0.236	1.3%
TOTAL			
		175,149 S.F.	3.996 AC



LOT NUMBER	LOT AREA	ACRES	PERCENTAGE OF TOTAL
1/1	103,285 S.F.	2.344	13.3%
1/2	12,114 S.F.	0.278	1.5%
1/3	10,375 S.F.	0.236	1.3%
1/4	10,375 S.F.	0.236	1.3%
TOTAL			
		175,149 S.F.	3.996 AC

OWNER'S CERTIFICATE

STATE OF TEXAS }
COUNTY OF COLLIN }

WHEREAS, CDDR PROPERTIES, LLC, are the owners of a tract of land situated in the Joseph Nusper Survey, Abstract No. 213, City of Plano, Collin County, Texas, said tract being part of Block 24 of Old Donation to the City of Plano, and said tract conveyed to CDDR Properties, LLC by deed recorded in County Clerk File No. 2013020700140210, Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a found "x" on concrete pavement for a corner at the intersection of the west line of Avenue G (a variable width right of way) with the south line of 16th Street (a 80 foot right of way).

THENCE, the following courses and distances with the west line of Avenue G

- S 00°06'20" W, a distance of 20.00 feet to a found 1/4 inch iron rod at the beginning of a larger curve to the right with a central angle of 05°29'45", a radius of 1676.08 feet, a chord bearing of S 02°53'13" W and a chord distance of 180.72 feet,
- Southwesterly, along said curve, an arc distance of 140.78 feet to a found 1/4 inch iron rod with a plastic cap at the beginning of a reverse curve to the left with a central angle of 05°29'46", a radius of 1726.08 feet, a chord bearing of S 02°53'13" W and a chord distance of 185.51 feet,
- Southwesterly, along said curve, an arc distance of 165.57 feet to a set 5/8 inch iron rod at the end of said curve,
- S 00°09'20" W, a distance of 336.90 feet to a found 5/8 inch iron rod for a corner, said point being the northeast corner of Lot 1, Block 1 of Brogeman's Office Addition as recorded in Volume F, Page 516, Map Records of Collin County, Texas,

THENCE, S 89°03'45" W, departing the west line of Avenue G and with the north line of the said Brogeman's Office Addition, a distance of 144.24 feet to a found 5/8 inch iron rod for a corner, said point being the northwest corner of the said Brogeman's Office Addition.

THENCE, N 01°11'35" W, a distance of 66.23 feet to a set 5/8 inch iron rod for a corner, said point the beginning of a non-tangent curve to the right with a central angle of 04°30'04", a radius of 1,157.79 feet, a chord bearing of N 87°53'24" W and a chord distance of 90.85 feet.

THENCE, Northwesterly, along said curve, an arc distance of an arc distance of 90.96 feet to a set 5/8 inch iron rod for a corner.

THENCE, S 89°41'32" W, a distance of 52.80 feet to a set 5/8 inch iron rod for a corner.

THENCE, S 00°18'27" E, a distance of 14.48 feet to a set 5/8 inch iron rod for a corner.

THENCE, S 36°45'37" W, a distance of 68.02 feet to a found 5/8 inch iron rod for a corner, said point being the southeast corner of Lot 1 of North Central Addition, as recorded in Volume F, Page 74, Map Records of Collin County, Texas,

THENCE, N 00°28'38" W, with the east line of said Lot 1, North Central Addition, a distance of 236.38 feet to a found 1/4 inch rod with a plastic cap for an angle point.

THENCE, N 00°13'27" W, continuing with the east line of said Lot 1, North Central Addition, a distance of 467.84 feet to a found 1/4 inch iron rod with a plastic cap for a corner in the south line of 16th Street, said point being the northeast corner of said Lot 1, North Central Addition.

THENCE, the following courses and distances with the south line of 16th Street:

- S 85°51'47" E, a distance of 261.19 feet to a found 5/8 inch iron rod at the beginning of a curve to the right with a central angle of 18°21'00", a radius of 224.83 feet, a chord bearing of S 80°11'10" E and a chord distance of 76.57 feet,
- Southwesterly, along said curve, an arc distance of 76.93 feet to a found 1/4 inch iron rod with a plastic cap at the point of reverse curvature of a curve to the left with a central angle of 02°18'22", a radius of 279.66 feet, a chord bearing of S 72°07'51" E and a chord distance of 16.06 feet,
- Southwesterly, along said curve, an arc distance of 18.68 feet to the Point of Beginning and Containing 226,762 square feet or 5.1828 acres of land.

OWNER'S DEDICATION

STATE OF TEXAS }
COUNTY OF COLLIN }

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT We, CDDR PROPERTIES, LLC, acting by and through its authorized agent, do hereby adopt this plat designating the hereinabove described property as **LEXINGTON PARK ADDITION, PHASE 2**, an addition in the City of Plano, Texas, and do hereby, in the ample, dedicate to the public use forever, the streets and always shown hereon. The streets and always are dedicated for street purposes. The assessments and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on the plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the assessments as shown, except that landscape improvements may be placed in landscape assessments, if approved by the City of Plano. In addition, utility assessments may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the assessment limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Plano's use thereof. The City of Plano and public utility entity shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance or efficiency of their respective systems in said assessments. The City of Plano and public utility entities shall at all times have the full right of ingress and egress to or from their respective assessments for the purpose of constructing, reconstructing, inspecting, repairing, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all planning ordinances, rules, regulations and resolutions of the City of Plano, Texas.

WITNESS MY HAND, this _____ day of _____, 20__.

BY CDDR PROPERTIES, LLC
BY: Texas Capital Bank, Manager

BY: John P. Halliburton
Senior Vice President - ORE Manager

STATE OF TEXAS }
COUNTY OF COLLIN }

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared John P. Halliburton, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said CDDR Properties, LLC, and that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY SEAL OF OFFICE this _____ day of _____, 20__.

Notary Public, State of Texas

CERTIFICATE OF APPROVAL

APPROVED on this the _____ day of _____, 20__, by the Planning & Zoning Commission, City of Plano, Texas:

Chairman, Planning & Zoning Commission

STATE OF TEXAS }
COUNTY OF COLLIN }

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

THIS _____ DAY OF _____, 20__.

NOTARY PUBLIC in and for the STATE OF TEXAS

Secretary, Planning & Zoning Commission or City Engineer

STATE OF TEXAS }
COUNTY OF COLLIN }

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

THIS _____ DAY OF _____, 20__.

NOTARY PUBLIC in and for the STATE OF TEXAS

NOTE: A CONVEYANCE PLAT IS A RECORD OF PROPERTY APPROVED BY THE CITY FOR THE PURPOSE OF SALE OR CONVEYANCE IN ITS ENTIRETY OR INTERESTS THEREON DEFINED. NO BUILDING PERMIT SHALL BE ISSUED NOR PERMANENT PUBLIC UTILITY SERVICE PROVIDED UNTIL A FINAL PLAT IS APPROVED, FILED OF RECORD, AND PUBLIC IMPROVEMENTS ACCEPTED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ORDINANCE OF THE CITY OF PLANO SELLING A PORTION OF THIS PROPERTY BY METES AND BOUNDS EXCEPT AS SHOWN ON AN APPROVED, FILED, AND ACCEPTED CONVEYANCE PLAT, FINAL PLAT, OR REPLAT IS A VIOLATION OF THE CITY ORDINANCE AND STATE LAW.

NOTE: THE BEARING BASIS FOR THIS SURVEY IS A BEARING OF N 80°13'27" W FOR THE EAST LINE OF NORTH CENTRAL ADDITION AS RECORDED IN VOLUME F, PAGE 74 MAP RECORDS OF COLLIN COUNTY, TEXAS.

SURVEYOR'S CERTIFICATE

STATE OF TEXAS }

THAT, I, L. Lynn Kadleck, a Registered Professional Land Surveyor, do hereby certify that I have prepared this plat from an actual survey of the land and that the corner monuments shown hereon were found or properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Plano, Texas.

L. LYNN KADLECK
Registered Professional
Land Surveyor No. 3952

STATE OF TEXAS }
COUNTY OF COLLIN }

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared L. Lynn Kadleck, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY SEAL OF OFFICE this _____ day of _____, 20__.

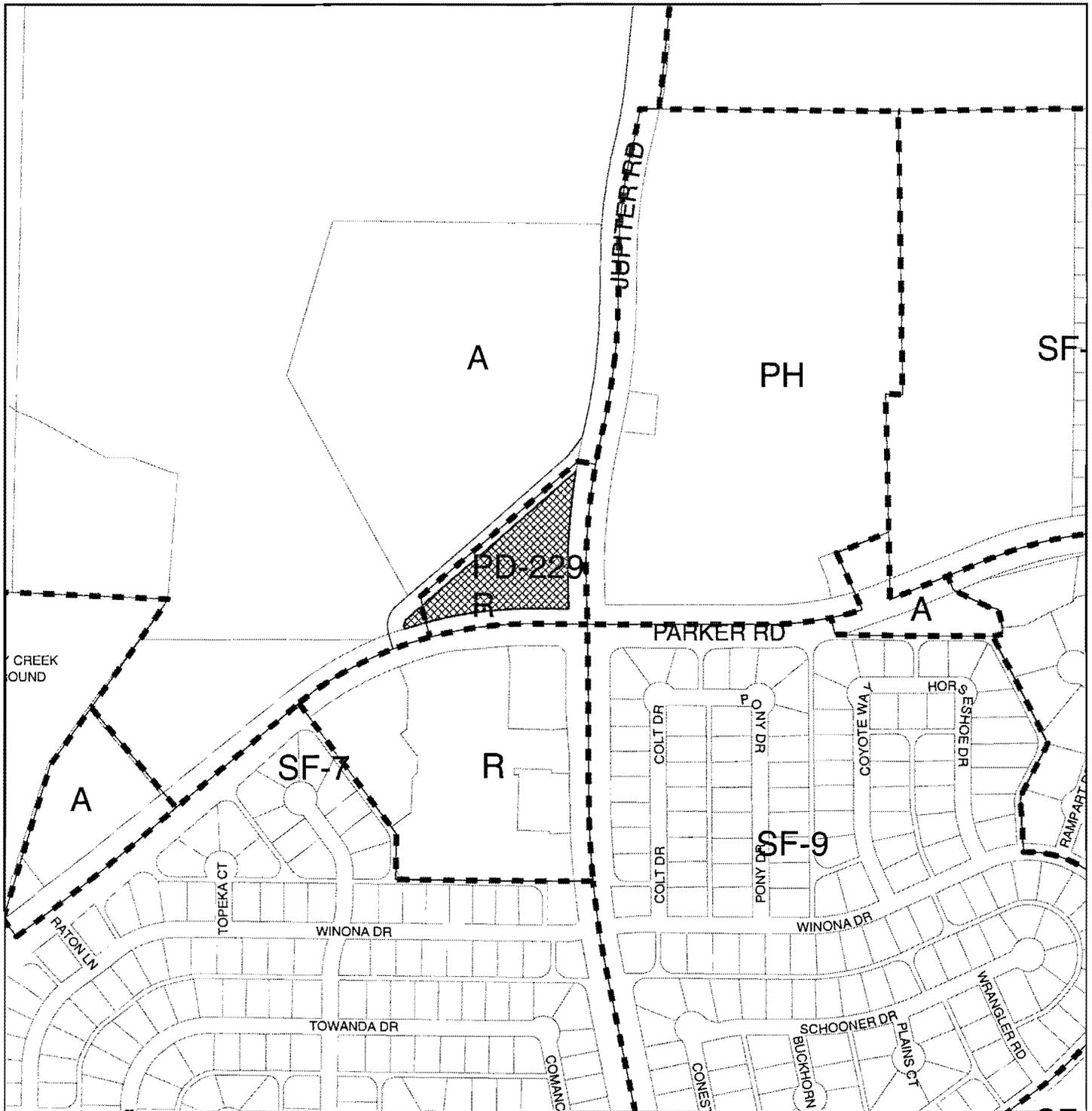
Notary Public, State of Texas

CONVEYANCE PLAT
LEXINGTON PARK ADDITION, PHASE 2

ON A 5.1828 ACRE TRACT
BEING A REPLAT OF PART OF BLOCK 24 OF OLD DONATION
TO THE CITY OF PLANO,
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
PLANO, COLLIN COUNTY, TEXAS

OWNER
CDDR PROPERTIES, LLC
2000 MCKINNEY AVENUE, SUITE 700
DALLAS, TEXAS 75201
CONTACT: JOHN P. HALLIBURTON
974-932-4862

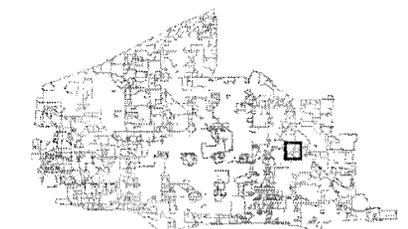
PREPARED JULY 2012 BY
KADLECK & ASSOCIATES
ENGINEERS, PLANNERS, SURVEYORS
2802 N. CENTRAL EXPY., SUITE 111
DALLAS, TEXAS 75205
PHONE: 972-434-0000 FAX: 972-434-0001
CONTACT: L. LYNN KADLECK



Item Submitted: PRELIMINARY PLAT

Title: PARKER TRIANGLE ADDITION
BLOCK A, LOT 1

Zoning: PLANNED DEVELOPMENT-229-RETAIL



○ 200' Notification Buffer



CITY OF PLANO
PLANNING & ZONING COMMISSION

September 4, 2012

Agenda Item No. 6

Public Hearing: Zoning Case 2012-25

Applicants: Dale R. & Melody K. Burton, Treasure Ann Langford,
and Harold B. Warnick Jr.

DESCRIPTION:

Request to rezone 19.7± acres from Planned Development-202-Research/Technology Center to Single-Family Residence-6 on the south side of 14th Street, 350± feet east of Plano Parkway. Zoned Planned Development-202-Research/Technology Center. Tabled August 20, 2012.

REMARKS:

This item was tabled at the August 20, 2012, Planning & Zoning Commission meeting. It must be removed from the table.

The applicant is requesting to rezone 19.7± acres from Planned Development-202-Research/Technology Center (PD-202-RT) to Single-Family Residence-6 (SF-6) on the south side of 14th Street, 350± feet east of Plano Parkway. This subject property is partially developed with two single-family residences.

The existing planned development district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off and on-site conditions. The RT zoning district is intended to create a low-density, employment center consisting of office, research, and development facilities, and limited assembly operations. RT districts should generally accommodate several users in a campus environment. The requested SF-6 district is intended to provide for small-lot, urban, single-family development protected from excessive noise, illumination, odors, visual clutter, and other objectionable influences to family living.

Surrounding Land Use and Zoning

Property to the west is the Plano-Richardson Police Training Academy that is zoned PD-202-RT. Property to the north, across 14th Street, is a golf course that is zoned Agriculture. To the east and southeast are mini-warehouse/public storage, and residential use properties that are zoned PD-202-RT. Property to the south, across the railroad, is vacant land zoned SF-6.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Research Technology/Center. Therefore, the SF-6 request does not conform to the Future Land Use Plan.

Adequacy of Public Facilities - Water service is available to serve the subject property. However, sewer capacity is not sufficient to accommodate the proposed change in use from commercial to single family residential. The applicant may be able to connect to the sanitary sewer line to the south of the railroad track. Another possible option may be to increase the capacity of the existing lift station to the west which is currently undersized to support the proposed residential uses.

School Capacity - The proposed development is located in the Plano Independent School District (PISD). This location is served by Dooley Elementary School, Armstrong Middle School, McMillen High School, and Plano East Senior High School. Based upon the current alignments, PISD has determined that these schools would have some limited capacity available at this time.

Public Safety Response Time - Based upon existing personnel, equipment, and facilities, fire emergency response times would exceed their stated response time goal of 6 minutes, 59 seconds, for 90% of their calls;

Access to and Availability of Amenities and Services - The subject property does not have nearby parks to serve the development and there are no planned or existing neighborhood park facilities that will serve homes in this location. The nearest park facility is Pecan Hollow Golf Course which is located on the north side of 14th Street.

The proposed rezoning area is located within the Harrington Library's service area, and service to the residents of this new area would be possible with the current library resources.

ISSUES:

2011 Research Technology/Center (RT) Analysis

At the City Council's direction, in late 2010/early 2011 the Planning & Zoning Commission worked with staff to develop a new plan for the RT area which included reviewing the "core" area of the RT district and considering where additional residential uses could be appropriate. Among other recommendations, the Commission recommended that the area east of Plano Parkway, south of 14th Street should retain

the existing PD-202-RT zoning. The recommendation from the Commission was due to the feedback received from the property owners in this area requesting to retain their existing PD-202-RT zoning. In March 2011, the City Council concurred with the Commission's recommendation to maintain the said area as PD-202-RT zoning.

There are two tracts located south and southeast of the subject property that are not part of the zoning request.

Creation of Isolated Neighborhoods

The proposed rezoning to SF-6 is not consistent with the recent Comprehensive Plan amendments. The amendments to Comprehensive Plan recommend that:

1. All residential rezoning requests should be evaluated to determine the impact on infrastructure, public safety response, school capacity, and access to and availability of amenities and services.
2. Isolated residential development should not be permitted; residential rezoning requests need to establish a complete new neighborhood or expand an existing neighborhood or an urban mixed-use center. Special needs housing (i.e. senior housing) could be an exception.

These two recommendations are further re-enforced by the Infill Housing Policy and Rezoning to Meet Demand policy recommendations of the Comprehensive Plan. The Infill Housing Policy recommends that infill housing be adjacent or be in close proximity to existing residential development to take advantage of existing amenities. The subject property is not adjacent to single-family residential neighborhoods. In addition, the proposed site does not have nearby neighborhood parks to serve the development, and there are no planned or existing neighborhood park facilities that will serve homes in this location. The nearest park facility is Pecan Hollow Golf Course which is located on the north side of 14th Street.

The Rezoning to Meet Demand Policy recommends that the area to be rezoned be an extension of a residential neighborhood and not be separated from the neighborhood by a Type "C" thoroughfare or larger. The proposed residential neighborhood is separated from the residential zoned area to the south by a railroad, and it is not an extension of an existing single-family neighborhood. The existing railroad tracks prevent the two residential areas from being integrated via street connections. Additionally, the proposed single-family housing at this location also introduces housing in an area where other adjacent developments are nonresidential such as the mini-warehouse/public storage facility to the east and the police training facility to the west.

The rezoning request is therefore not consistent with the recent Comprehensive Plan amendments to not create isolated neighborhoods. The proposed rezoning is also not consistent with the Infill Housing Policy and Rezoning to Meet Demand Policy recommendations of the Comprehensive Plan as well as the more recent direction received from the Council in March 2011 regarding this area of the city as noted above.

Adjacent Land Uses

The requested single-family residential zoning is not consistent with the adjacent PD-202-RT zoning to the west and east. Locating residential uses in an area that is zoned for nonresidential uses and where businesses are already located, such as the mini warehouse/public storage to the east and police training facility to the west, creates land use compatibility issues. This proposed rezoning is less than a mile from the pistol and rifle firing ranges associated with the police training facility. Depending on ambient noise and weather conditions, noise from both the pistol and rifle ranges can be heard from this site. Firing occurs regularly Monday through Saturday and is not typically conducive to a residential environment.

Inconsistent Zoning

The applicant is requesting SF-6 zoning amidst PD-202-RT zoned properties; therefore, the proposed SF-6 zoning district creates inconsistent zoning districts and land use patterns. It introduces piecemeal zoning districts which creates development challenges within the area. The rezoning will promote inconsistent zoning that is different from the classification of other land in the immediate area.

Access and Appropriate Future Surrounding Zoning

Development of this property must ensure public street access for the properties which are not part of the zoning request (refer to the attached aerial map). Presently these properties are served by a private access easement. If the proposed rezoning is approved, then a dedicated street will need to be extended so that properties to the south will have access to a public street.

Additionally, the proposed rezoning leaves PD-202-RT zoned properties south and southeast of the requested SF-6 zoning district. Staff does not believe that it is appropriate to have isolated nonresidential zoned property at the back of the residential zoned property. However, if the Planning & Zoning Commission and City Council believe that the requested SF-6 zoning is appropriate for the subject property, then staff recommends that a zoning case be initiated to determine the appropriate zoning for the south and southeast properties.

Summary

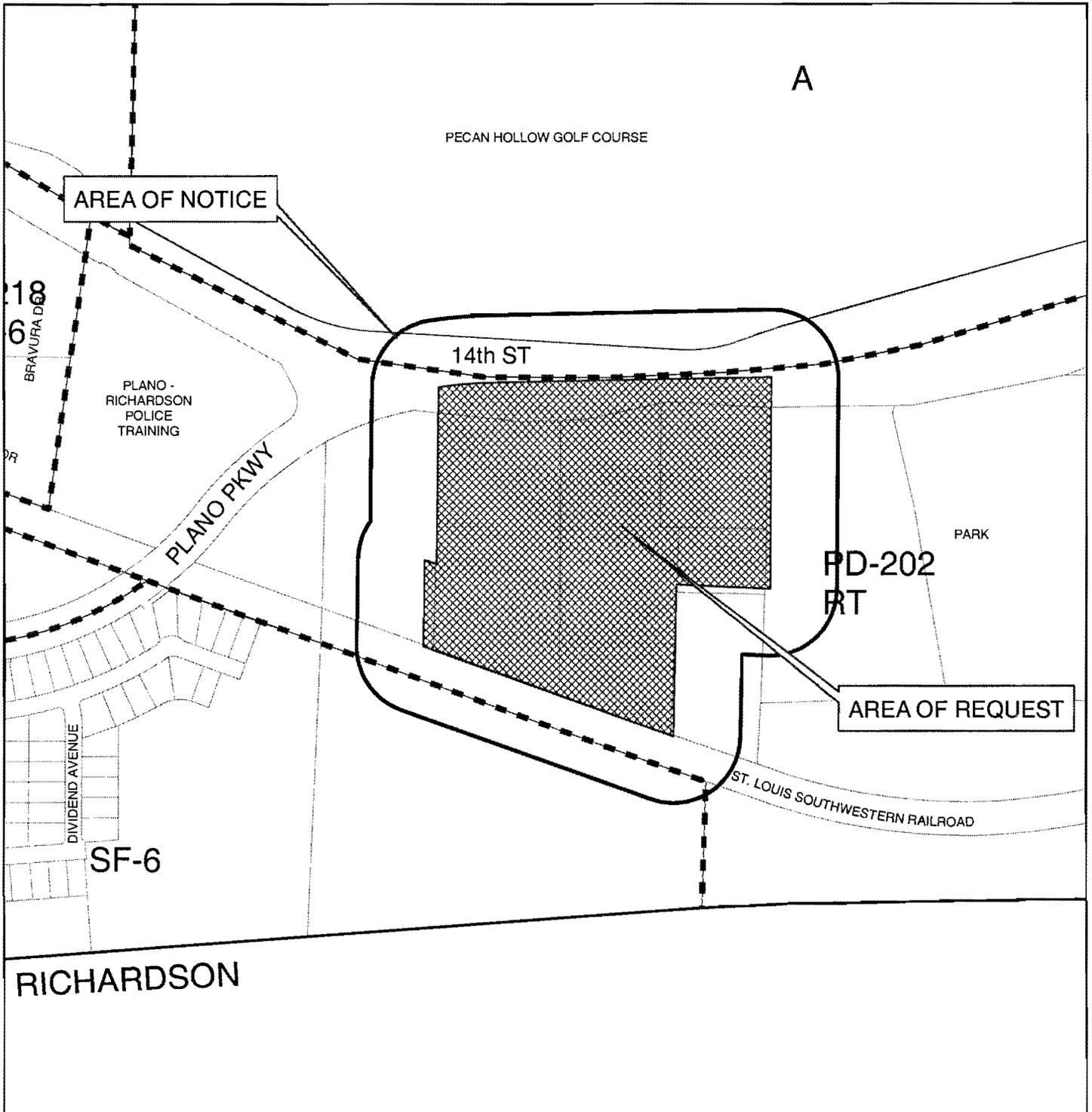
The applicant is requesting to rezone 19.7± acres from PD-202-RT to SF-6. The request is not in conformance with the Future Land Use Plan of the Comprehensive Plan, and it is not consistent with the Council's direction received in March 2011 to retain PD-202-RT zoning for the area east of Plano Parkway, south of 14th Street. Furthermore, the request is not consistent with Infill Housing and Rezoning to Meet Demand policy statements. The proposed rezoning also conflicts with recent amendments to the Comprehensive Plan regarding creation of isolated neighborhoods, and access to and availability of amenities and services. If this zoning case is approved, it will leave commercially zoned properties south of the subject property.

Overall, staff believes the proposed location is not appropriate for single-family uses as proposed. While there is a residential zoned area to the south, the proposed residential neighborhood is separated from the planned neighborhood to the south by a railroad, thus isolating the subject property from the planned residential neighborhood. The current PD-202-RT zoning allows numerous commercial uses that are more suitable at this location than what is being proposed. Single-family uses at the proposed location will not be the best and most appropriate use for the site. Therefore, staff recommends denial of the requested rezoning from PD-202-RT to SF-6.

RECOMMENDATION:

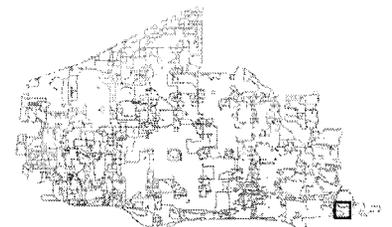
Recommended for denial.

If the Planning & Zoning Commission and City Council approve this zoning request, staff recommends the city initiate a zoning case to consider the appropriate zoning for the two properties located south and southeast of this property.

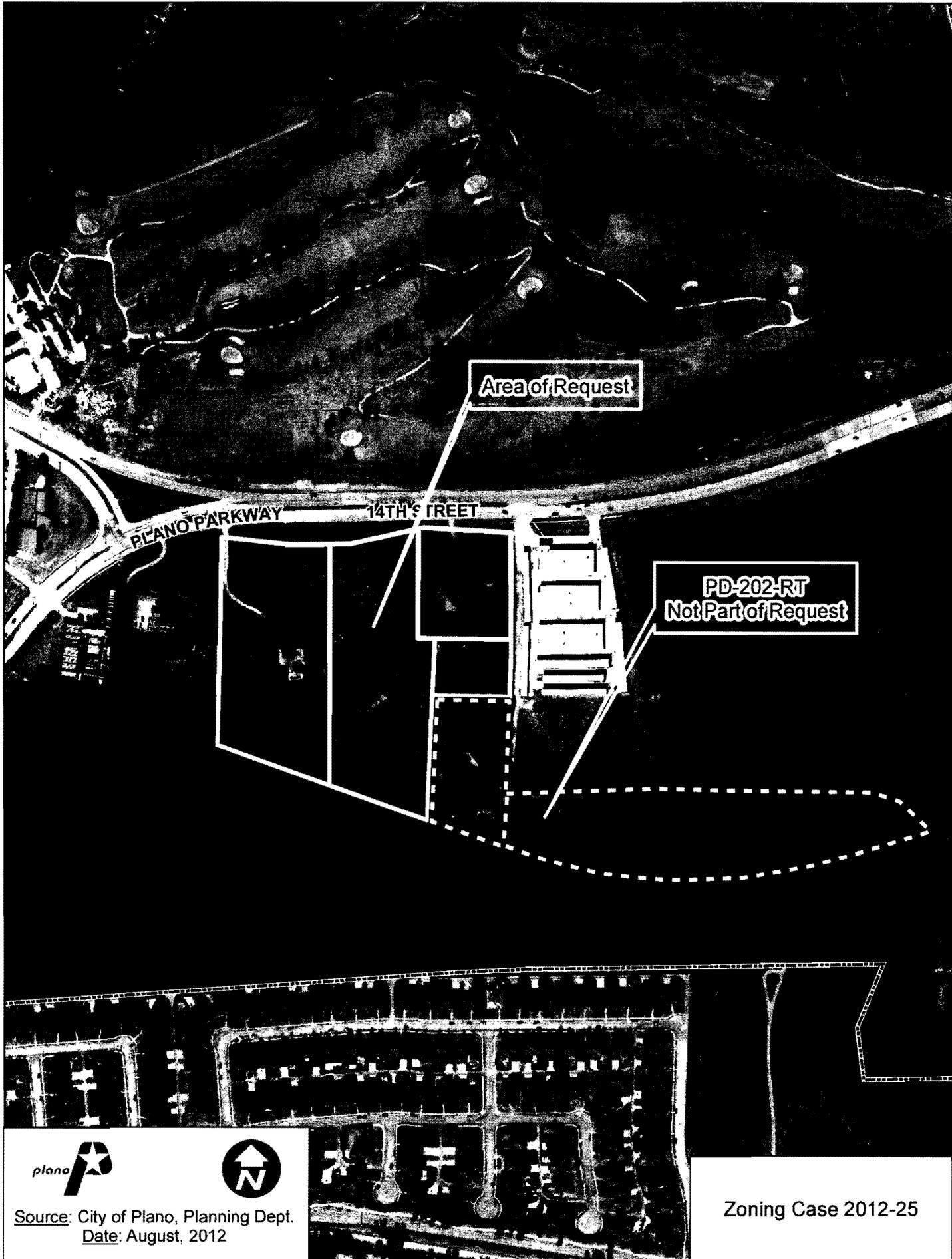


Zoning Case #: 2012-25

Existing Zoning: PLANNED DEVELOPMENT-202-
RESEARCH/TECHNOLOGY CENTER



○ 200' Notification Buffer



Area of Request

PLANO PARKWAY

14TH STREET

PD-202-RT
Not Part of Request



Source: City of Plano, Planning Dept.
Date: August, 2012

Zoning Case 2012-25

Dee Saver 7/19/2012 X:\Dept\PAZ Locators & Graphics\Z2012-25A.mxd

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 4, 2012

Agenda Item No. 7

Public Hearing: Zoning Case 2012-26

Applicant: Stanley E. & Pat M. Black

DESCRIPTION:

Request to amend Heritage Resource #4 Designation (Carpenter House) on 0.5± acre located at the northwest corner of M Avenue and 16th Street to allow assembly hall as an additional permitted use. Zoned Multifamily Residence-1 with Heritage Resource Designation #4.

REMARKS:

The subject property is located at the northwest corner of M Avenue and 16th Street and is the site of the Carpenter House. The structure was constructed circa 1898, and designated as a heritage resource in 1982. During 1992, the heritage resource designation was amended to allow bed and breakfast as an additional permitted use with restrictions. Bed and breakfast is a prohibited use in the property's base zoning, Multifamily Residence-1 (MF-1).

Heritage Resource Designation:

The heritage resource designation process allows owners of heritage resource properties to request additional permitted uses for their property that are otherwise prohibited by the property's base zoning. The City's Heritage Preservation Ordinance and Zoning Ordinance allow the Heritage Commission to recommend additional uses and standards for a heritage property in order to better protect the resource. Upon a favorable recommendation from the Heritage Commission, a zoning case is initiated for a property for consideration by the Planning & Zoning Commission and City Council. Therefore, the heritage resource designation is considered a zoning action and any additional uses granted for a property stays with the property regardless of the property's ownership.

Request:

The applicant is requesting to amend the subject property's heritage resource designation to allow weddings, receptions, events, meeting facilities, and social gatherings as additional permitted uses. These types of uses are classified by the Zoning Ordinance as "Assembly Hall" which is defined as "A building or portion of a building in which facilities are provided for civic, education, political, religious, or social purposes." This use is not permitted within the property's base zoning, MF-1. The intent of the MF-1 district is to provide for condominiums and apartments at a density of 12 residential units per acre in a park-like setting with extensive areas of usable open space and landscaping. MF-1 districts should be located along or near major thoroughfares and should not have principal access to standard residential streets. In addition to multifamily residences, additional permitted uses include schools, long term care facilities, and religious facilities.

Per the applicant, even though the property is marketed as a bed and breakfast use, they use this property as a residence and for hosting assembly hall events. The property has been used for many years as an assembly hall use. While this use is not permitted within the MF-1 zoning district, the city has not enforced the noncompliant use of the property due to no complaints being received from neighboring property owners. However, during June 2012, the city received complaints related to the use of the property and pursued enforcement; hence the reason for this heritage resource designation amendment request.

Surrounding Land Uses

Adjacent surrounding land uses and zoning districts include: to the south across 16th Street, single-family residences zoned Urban Residential (UR) with a Heritage Resource Designation #23 (Schell House); to the west and north, multifamily residences zoned MF-1; and single family residences to the east that are zoned Single-Family Residence-7.

ISSUES:

Parking

Consideration should be given to the potential impacts of parking associated with the requested use. The site is not of sufficient size to accommodate the parking needed for various assembly events hosted at the property given the potential occupancy of the building. Based on the configuration of the event (tables with seating, or seating only), the structure would be able to accommodate a range of 120 to 240 people thus potentially requiring 40 to 80 parking spaces. If the owner is to maximize the number of attendees, both onsite parking and parking along M Avenue adjacent to the property will not be sufficient to accommodate the maximum number of people given the limited site area and street frontage. Additionally, outdoor gatherings will necessitate more parking being provided. Should the Commission and Council determine that the requested use is appropriate for the property, the property owner shall have to obtain a site plan approval for the use demonstrating that minimum parking requirements can be addressed.

The Zoning Ordinance does allow for offsite parking within 300 feet of a subject property. There is a nearby parking lot associated with Plano Municipal Center within 300 feet of the subject property. The Municipal Center parking lot is available for businesses within the downtown area including the Carpenter House; therefore, required parking needs could be met at this parking lot.

Land Use

The subject property is surrounded by residential uses. Therefore, consideration should be given to the appropriateness of the requested land use within its residential setting. In addition to parking, there are other potential impacts associated with the requested use, such as noise, that may affect the surrounding residents. If this use is allowed to continue, the property owner shall be responsible for complying with the city's noise ordinance.

STAFF RECOMMENDATION TO THE HERITAGE COMMISSION:

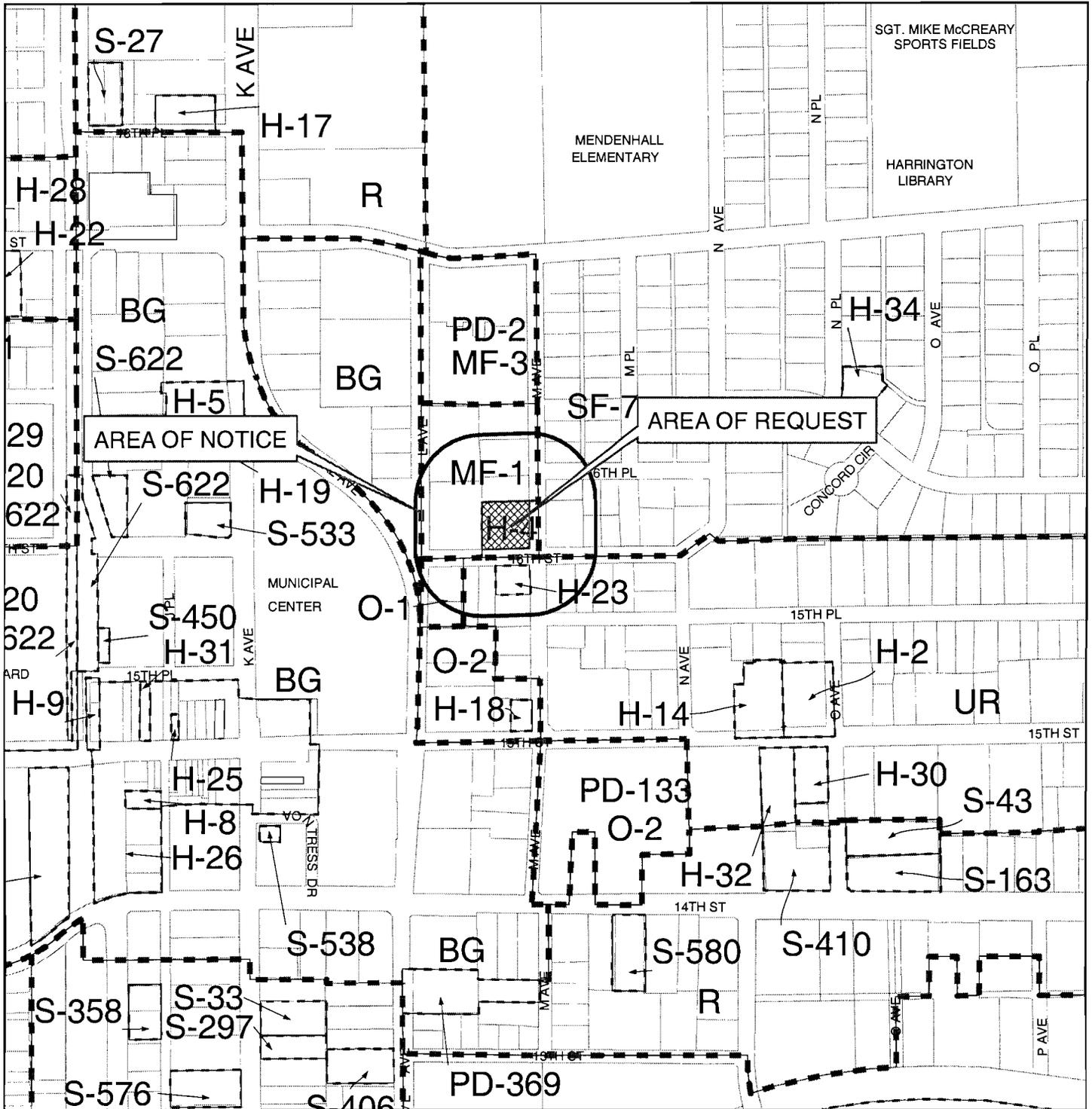
Staff recommended denial of the proposed request due to the requested assembly hall use being incompatible with surrounding residential land uses.

HERITAGE COMMISSION ACTION:

At its July 24, 2012 meeting, the Heritage Commission approved the heritage resource designation amendment request to allow assembly hall as an additional permitted use stating that the assembly hall use is appropriate for this heritage resource property and allows for continued preservation of the resource. Additionally, the Commission believed that since the property has been used as assembly hall uses for many years that it should be allowed to continue. The Commission acknowledged that the owner of the property needs to resolve parking and noise issues associated with the use of the property as an assembly hall.

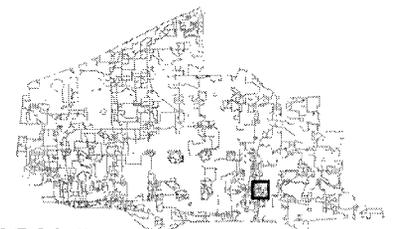
RECOMMENDATION:

The Heritage Commission recommends approval of the proposed heritage resource designation amendment to allow assembly hall as an additional permitted use for the subject property.



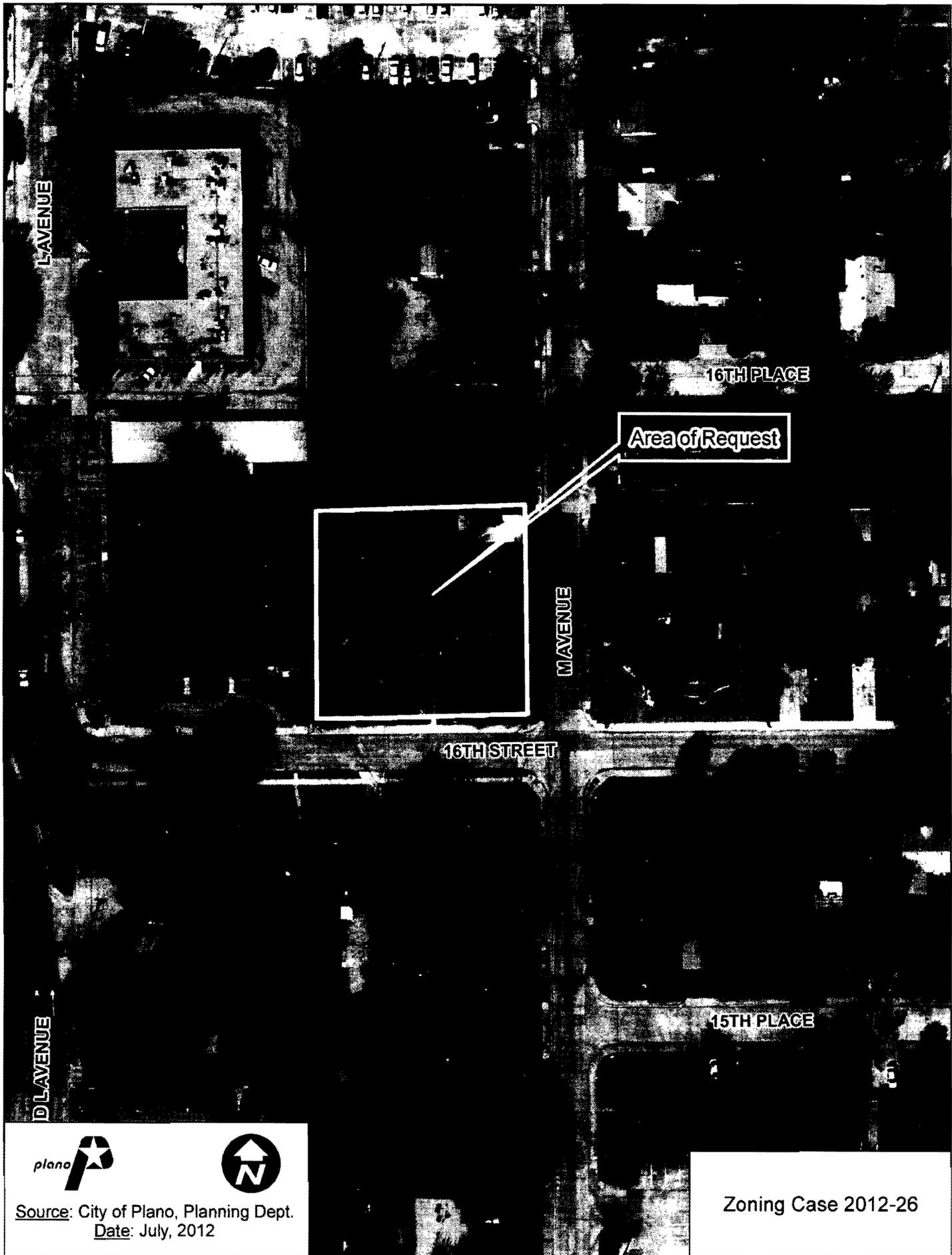
Zoning Case #: 2012-26

Existing Zoning: MULTIFAMILY RESIDENCE-1
w/HERITAGE RESOURCE DESIGNATION #4



○ 200' Notification Buffer





L AVENUE

16TH PLACE

Area of Request

M AVENUE

16TH STREET

15TH PLACE

D L AVENUE



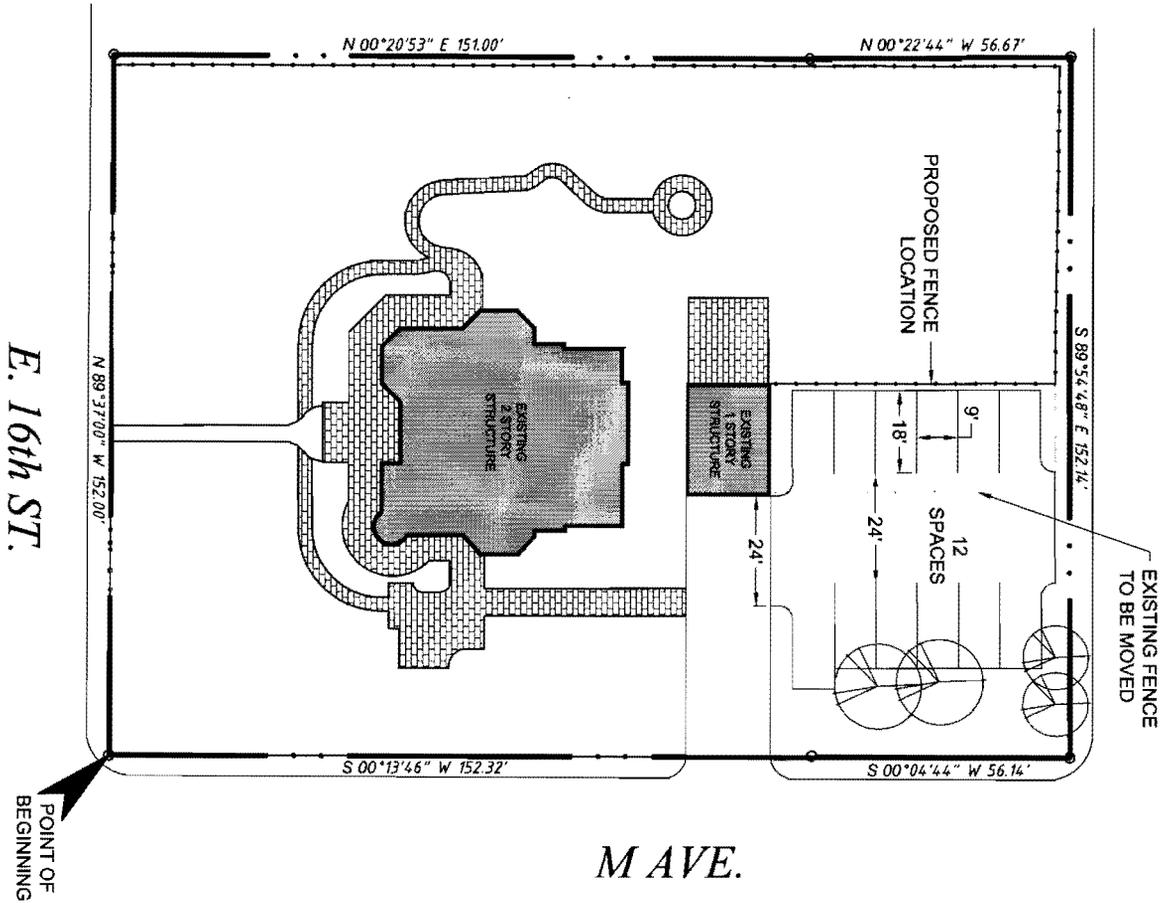
Source: City of Plano, Planning Dept.
Date: July, 2012

Zoning Case 2012-26

FOR INFORMATION PURPOSE ONLY



SITE PLAN
SCALE: 1" = 40'-0"



1211 E. 16th STREET
CITY OF PLANO, TEXAS

Baldwin
Associates

BALDWIN ASSOCIATES
3904 Elm St., Suite B
Dallas, Texas 75226
MOBILE: 214.729.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com

08/24/12
PROJECT NUMBER
CASE NUMBER

The Carpenter House Zoning Petition

The Black Family's History with The Carpenter House

My interest in purchasing a bed and breakfast stemmed from my years as a sales representative in the textbook business. My territory was, at various times, West Texas, East Texas, and New Mexico. During school years when there were no textbook adoptions in my territory, I was sent to work Oklahoma, Arkansas, Alabama, Florida and California schools. During my 15 years selling textbooks, I stayed in many bed and breakfast establishments in the various states, and quickly learned that B & B's provided a wonderful alternative to the hotels used by my competitors to lure teachers to after-school sales presentations of textbooks. The common thread that bound all of these B & B establishments was that their owners were delighted to get the extra income from renting their establishments for a textbook presentation to area teachers. They also had the added benefit of showcasing their properties to residents who might never have had the opportunity to take a look inside these historic homes. And above all, every B & B hosted events to make ends meet.

On Friday, June 2, 2000, using a combination of a severance package and a sales bonus from my previous employer, my IRA, funds contributed from our family income and a small piece of seller financing, my husband Stan and I purchased the wedding and event business and bed and breakfast known as The Carpenter House. Yvonne Cross sold us the property and her eight-year-old business after I had worked with her since February of 2000, learning the wedding and event business from the ground up. At that time, she was not offering bed and breakfast services, as in her own words, "It just wasn't my favorite thing" (personal interview, June 29, 2012). During the months that we were waiting to close on the sale of The Carpenter House, I actually took a course from the president of the Canton, Texas Bed and Breakfast Association in which he advised the class to plan for alternatives to financing the upkeep of an historical property because the income produced from bed and breakfast wouldn't even scratch the surface of maintenance costs. Weddings, receptions and parties were his top three recommendations. As those alternatives were already a major part of The Carpenter House business plan, I was not concerned (see photocopy 7D, Dallas Morning News article from the fall of 1999, and photocopy 7E, Coldwell Banker Realtor's listing of The Carpenter House from 1999-2000). After purchasing the business and providing bed and breakfast for a handful of guests in 2000 and 2001, I had to agree with Yvonne's assessment and have not done bed and breakfast since 2002. I have left the bed and breakfast information posted on my website (see www.thecarpenterhouse.com) however, as brides looking for a quaint, historical setting for their weddings often search on the internet for "bed and breakfast", so the information helps drive the search engines to my website. Even with the information posted there, I get very few inquiries for bed and breakfast stays. I receive an average of six inquiries a year, so without the wedding and event business, there would be no possible way to keep The Carpenter House painted, landscaped, repaired and maintained in good condition. Also, upon closing the sale of The Carpenter House in 2000, we fully expected to retain the 100% tax abatement that had been represented to us a part of the sales package, but were informed by the Heritage Commission shortly thereafter that our tax abatement would be cut in half due to the fact that we were a commercial enterprise. We were also forced to pay commercial water and sewer rates and were barred from using the city dump without paying a fee because we were a commercial operation. And yet, we



are to assume from the current proceedings that the City of Plano was unaware of our business.

In addition to the wedding and event business, The Carpenter House has given back to the community by hosting fund raisers for non-profit organizations such as the Leukemia and Lymphoma Society and the Collin County Children's Advocacy Center and women's shelter. We have opened our doors for tours to people like Chris Coats from the Dallas Morning News (see photocopy 7F), who put together the Haunted Downtown Plano Tour to raise money for scholarships for Collin County students. We also participated in the American Association of University Women's annual Holiday Tour of Homes, which raises money for scholarships for deserving young women (see "Plano Profile" magazine, pages 32-33, and "Tea in Texas" magazine, page 17). We opened the door to The Carpenter House for the Blackland Prairie Festival with Heritage Preservation Officer Marcus Watson. Dressed in our own costumes, Stan and I gave tours, answered questions and provided free refreshments to all of the people on the tour (see photos 7A, 7B, 7C and 7D). In order to raise money for a local charity, nationally renowned medium Kathleen Tucci did readings for clients who attended a gallery at The Carpenter House. In 2008, we hosted the choir awards banquet for Centennial High School in Frisco. Film, photography and art students from Plano, Collin College and the University of North Texas have been welcomed with open arms, and none of these people were charged fees to use the house and grounds. The Carpenter House also served as one of the set locations for seven-year-old singing sensation Rhema Marvanne's "Amazing Grace" music video at no charge (see <http://www.youtube.com/watch?v=DDDlxmsciqY>). At last count, this video had received over 6,243,800 viewings!

The Carpenter House has operated openly for twenty years, less than a block from City Hall and displaying a sign in the front yard advertising "Weddings", "Receptions" and "Special Events" (see photo 7E). In 2007, Plano Television Network filmed a Lone Star Emmy nominated video about The Carpenter House and what we do there, which is still in the City of Plano website archives at <http://planotx.swagit.com/player.php?refid=08242007-8>. Collin County Justice of the Peace John Payton, among others, has performed numerous wedding ceremonies at The Carpenter House, as we constantly get calls from couples who prefer an elegant setting to the JP office for their weddings. We have actually hosted weddings, receptions and anniversary celebrations for employees of the City of Plano. I recognize that the current situation between The Carpenter House and the City of Plano is a direct result of an inquiry from another property owner wanting to get zoning for his historical home to offer weddings and bed and breakfast services; however, there is a significant difference between a business that has been in operation for twenty years and should, at the very least, be grandfathered, and a residence looking to request a zoning change 20 years after the fact. My husband and I bought a fully operating, eight-year-old wedding and event business in 2000 (see actual wedding brochure from 1999 featuring Yvonne Cross's daughter-in-law Kelly's bridal photo). We have operated for twelve years under the agreements in effect between Yvonne Cross and the City of Plano, the Heritage Commission and the Planning and Zoning Commission. During that time, we have received absolutely no notice of any new ordinances which might suggest changes in the status of those prior agreements.

DA FIVE
NO 12


In 1998, Yvonne Cross indicated that she had hosted 71 weddings at The Carpenter House (see photocopy 7G). Over the twelve years that we have owned The Carpenter House, we have hosted fewer weddings, initially due to the fact that there was more competition, but also because there were just fewer weddings taking place due to a shift in social mores. Due to the ongoing recession, the number and especially the size of the weddings we have hosted at The Carpenter House have been reduced. The majority of our weddings and events such as showers, parties and rehearsal dinners are for less than 50 people. In the last three years, we have hosted events at the following rate:

1. In 2010, we hosted 22 weddings, 17 with receptions, 5 showers, 1 rehearsal dinner, 1 anniversary party, 1 high school graduation tea and 1 Christmas party.
2. In 2011, we hosted 28 weddings, 15 with receptions, and 3 showers
3. To date in 2102, we have hosted 11 weddings, 7 with receptions. We were forced to cancel one wedding with reception scheduled for September 2, 2012 and return the bride's deposit due to the "cease and desist" letter from the City of Plano Property Standards Department. I was fortunately able to contact the bride the week prior to her printing her wedding invitations.

Although I have posted package prices on my website for outdoor weddings in the spring and fall for up to 150 people, I do not intentionally book events for over 100 people. Those upper level packages are for brides whose guest lists spiral out of control, and they end up inviting more guests than they originally intended. In addition to posting "No Parking" signs on both 16th and M Streets (see photos 7F, 7G, 7H and 7I), we own a golf cart that we position at the front gate of The Carpenter House for events for over 50 people. Along with the posted signs, our guests are advised verbally to park in the Municipal Parking lot one block west of the house, and those who need assistance are shuttled to the house and back on our golf cart, complete with a brief one-minute welcome and history of The Carpenter House, courtesy of our costumed driver. Our guests love it, and we are able to keep any parking issues to a minimum.

In deference to our neighbors, I do not book any events at The Carpenter House that will go beyond our 10:30 cut-off time. All outdoor music must be turned off at 10:00 pm, and I can count on the fingers of one hand the number of times that we have had a complaint in the 12 years that we have owned the business. We have a decibel meter and use it to enforce noise levels for any outdoor music. As The Carpenter House caters to smaller, intimate gatherings, and we have a huge lot with strategically planted shrubs, hedges and trees screening the property, along with carefully constructed fences, we really have very few issues with noise (see photos 7J, 7K, 7L, 7M, 7N, 7O, 7P, and 7Q). And yet, many of our neighbors feel free to wander into our gardens and sit on the benches by the fountain, watching the birds and enjoying the tranquility that is The Carpenter House. I've even had residents of the apartments next door ask if it was OK for them to work in the flower beds, as they missed that part of their lives as homeowners!

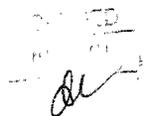
Finally, The Carpenter House continues to draw business to the downtown area in East Plano. Taylor Rental serves all of our chair, table and linen rental needs, as well as renting us equipment we



need to maintain the house and grounds. I refer my brides to Michael Hamilton, the outstanding florist at La Foofaraw on 15th Street. Dallas Digital Events on Avenue K provided the coffee table book from one of our weddings last October (see book provided with Attachment 7: Supplementary Materials), and we recommend their photography and video services, as well. Our brides continue to use the restaurants in the area such as Kelly's Eastside, Jorg's Café Vienna, Vickery Park, Urban Crust, etc. for their after-parties and rehearsal dinners. They love the shops downtown when they are searching for special gifts for their wedding parties and shower hostesses. It is a wonderful working relationship that we pride ourselves on fostering, as we understand the challenges of being a small business owner.

One of the most difficult hurdles I have faced since receiving the call on June 11, 2012 from Roderick Palmer in the Property Standards Department of the City of Plano, telling me that my business "should have been shut down twenty years ago", is that I have no alternative to recommend to brides, friends planning showers, grooms planning rehearsal dinners and families planning parties. The Carpenter House is unique. It is quaint and elegant, yet affordable and complete with fireflies-- a venue suitable for celebrating a wide range of special events in the lives of people. Please do take the time to look through the coffee table book put together by Chris Vouras of Dallas Digital Events on Avenue K, as these photos have truly captured the essence of The Carpenter House. I can only hope that the Heritage Committee will understand the importance of The Carpenter House to the citizens of Plano and the surrounding area, and vote to allow us to continue to provide a twenty-year tradition of event venue services to our clients.

~Pat M. Black

A handwritten signature in black ink is located in the bottom right corner of the page. Above the signature is a faint, rectangular stamp or box, possibly containing a date or reference number, though the text is illegible.

The Carpenter House Zoning Petition

History of the Property as an Event Venue

The following information is from notes taken during a telephone conversation on June 29, 2012 with Yvonne Cross, the previous owner of The Carpenter House, who leased the house in 1992 to start her event and bed and breakfast business there. During the term of her lease, she added two bathrooms upstairs and the black wrought iron fence around the front of the property, spending approximately \$50,000 to get the property ready to host events. She subsequently purchased the house from Randy Edwards in 1993 after her wedding and bed and breakfast business proved successful.

Yvonne approached Randy Edwards after seeing his sales ad in the newspaper for a Victorian home. She was looking to find another location to host weddings, as she had just had a deal that she had made to purchase the Rockwall Wedding Cottage fall through when the owner backed out at the last minute. In June of 1992, Randy Edwards wrote a letter (see photocopy 7A) to Frank Turner, Director of Planning for the City of Plano, requesting a meeting to discuss Yvonne's proposal for a bed and breakfast and wedding venue at The Carpenter House. By October of 1992, Karl Stundins, the Senior Planner for the City of Plano had outlined the actions required for her to proceed (see photocopy 7B), which included a parking plan and application for a Certificate of Appropriateness. Yvonne told me that the city planning department advised her that she must keep parking off of the street, and that they encouraged her to have event guests use the Municipal parking lot one block west of The Carpenter House. She stated that she had signs made to that effect, and they worked quite well.

Yvonne has very fond memories of the red-carpet treatment she received from the City of Plano. Plano had no bed and breakfast at the time, so the zoning was created for The Carpenter House. The lady who was the president of the downtown merchants' organization (Yvonne could not remember her name) was her ally, as she could see the advantage of bringing people into East Plano's downtown area for events scheduled at the house. Yvonne said that she sensed that the anticipation of having guests of The Carpenter House shopping in the downtown area was a very important factor in the City Council's consideration of Yvonne's proposal. Yvonne was adamant that she went to every meeting with every group, including the Historic Landmark Committee, the Planning and Zoning Commission and the Plano City Council, and put all of her cards on the table. She had done the research, and she made it clear that in order for her to be able to keep up an historical property, some source of revenue, in addition to bed and breakfast guests, would have to be in place. In countless B & B's across the United States, that additional source of income was and continues to be hosting events for the public. Yvonne assured me that everyone, every step of the way, was aware of her intentions. That statement is borne out by the inclusion in The Heritage Commission file on The Carpenter House of a copy of Yvonne's very first brochure (see photocopy 7C).

Yvonne stated that she was welcomed with quite a bit of fanfare. She was listed in a brochure put out by the Plano Centre, and a television crew did a piece on her business at The Carpenter House. A lady named Liza who worked in the Plano Parks and Recreation Department (she could not remember her last name), brought groups around and gave tours of the house. Liza also set up to hold cooking classes

JOAN FEE
AUG 14 2012
df

at The Carpenter House. Yvonne mentioned that her favorite class was on how to make delicious biscuits from scratch. The Plano Chamber of Commerce not only hosted a ribbon cutting to open The Carpenter House, but also held a big open house with wedding cake and tea punch provided as refreshments. The chamber continued to have meetings at the house on occasion. As word spread about the new business in town, Yvonne was invited by descendants of Plano pioneers to literally come and look through their garages, attics, etc. for items that she could use to display bits and pieces of Plano's rich history. Senior citizens brought her pictures and shared wonderful stories with her about the history of the house. The people of Plano were thrilled that this beautiful old home was open to the public, and there was a steady stream of requests for tours.

The exposure that The Carpenter House brought to the City of Plano was tremendous. A few notable events were:

1. A national Chevrolet commercial was filmed at the house, complete with a thick carpet of fake fall leaves spread on the front lawn as set dressing.
2. Realtors filmed a commercial that featured a young couple who were ecstatic new homeowners waltzing across the front porch.
3. J.C. Penney did catalog shoots and hosted business meetings at the house.
4. Ann Richards hosted a kick-off for her campaign in the area for Governor of the State of Texas. Her plane got fogged in in Austin, but the party and speeches went on without her.
5. The Democratic Women hosted a re-enactment celebrating women's getting the right to vote, complete with costumes, placard-carrying protestors and rousing speeches from the front porch.
6. The Dallas Morning News ran a full-page story about the business, featuring a color photo of Yvonne sitting on the front porch of The Carpenter House with her black cat, Thomas, cradled in her lap.
7. A church group of ladies from Arlington returned year after year for their "Christmas dinner" celebration at The Carpenter House.
8. The CEO of Ericsson held 3-day business meetings in the house with his top executives on several occasions as they made plans to meet the growing demand for their mobile telephones.
9. For several years, Lyrick Studios, producers of "Barney and Friends" (The Purple Dinosaur), came from their offices for week-long retreats, first with the New York business group, and then with the California production group.
10. Guests arrived from all over the United States, Europe, Asia, South America and Australia to attend weddings at The Carpenter House.

The key point here is that since The Carpenter House was opened as a business in 1992, it has functioned successfully as both a bed and breakfast and an event venue with the full knowledge and cooperation of the City of Plano. It has drawn people from all over the world and been an outstanding ambassador of good will for the City of Plano. Several times during our hour-plus conversation, Yvonne

30 JAN 2011
AM 11:50
de

expressed her shock, hurt and dismay that what she and the City of Plano had worked so hard to put together twenty years ago, had been cavalierly tossed out by a new generation as if it had no value.

Cross, Yvonne. Personal interview. 29 June 2012

REPLY FORM

RECEIVED

AUG 30 2012

PLANNING DEPT.

Planning & Zoning Commission
P.O. Box 860358
Plano, TX 75086-0358

Dear Commissioners:

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There is already a noise and parking issue with the current zone designation.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Barrie Horton
Name (Please Print)

Barrie Horton
Signature

1513 AVE M
Address
BHM

8/29/2012
Date

SEE BACK OF PAGE FOR REQUIRED SIGNATURES

REPLY FORM

RECEIVED

Planning & Zoning Commission
P.O. Box 860358
Plano, TX 75086-0358

AUG 28 2012
PLANNING DEPT.

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Illegal parking on our property, loud music & noise, trash, etc. I also have given packets to P+Z staff.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

*Grindstone Apts @ 1201 E, 16th St.
1604 L Ave.*
Name (Please Print) *Janis Frye Allman* Signature *Janis Frye Allman*
Frye Family Ltd. Represents 42 units
1607 L Ave, Plano Date *8-27-12*
75074

BHM

SEE BACK OF PAGE FOR REQUIRED SIGNATURES



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P.O. Box 860358
Plano, TX 75086-0358

AUG 18 2012
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TOO MUCH TRAFFIC NOW, NO MORE

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Michael Castanedo
Name (Please Print)

Michael Castanedo
Signature

1604 m Ave
Address

8-26-12
Date

BHM

SEE BACK OF PAGE FOR REQUIRED SIGNATURES

REPLY FORM

RECEIVED

AUG 28 2012

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Christopher D Burchett
Name (Please Print)

Chris D Burchett
Signature

1605 Ave L
Address

08/27/2012
Date

BHM

5001 LF

SEE BACK OF PAGE FOR REQUIRED SIGNATURES



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Why too much traffic and excess noise
now can't imagine later

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

JAMES HURST
Name (Please Print)

James Hurst → Edith Davis
Signature

1300 16th Place
Plano, TX
Address
BHM

8-23-12
Date

SEE BACK OF PAGE FOR REQUIRED SIGNATURES



REPLY FORM

Planning & Zoning Commission
P.O. Box 860358
Plano, TX 75086-0358

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Excessive noise into late night hours &
TOO MUCH TRAFFIC FOR 10+ YEARS

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

JOSE G. ALVICO
Name (Please Print)

JOSE G. ALVICO
Signature

1606 AVE M PLANO TX
Address
BHM 75074

08/23/2012
Date

SEE BACK OF PAGE FOR REQUIRED SIGNATURES



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Plano, TX 75086-0358

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*too much noise, why to must
crowd TRAFFIC*

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

TINO TRUSILLO
Name (Please Print)

[Signature]
Signature

1305 E. 16th ST
Address

8/19/2012
Date

BHM

SEE BACK OF PAGE FOR REQUIRED SIGNATURES



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Plano, TX 75086-0358

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NEVER enforced parking since 1992, Traffic
TRAFFIC can't get out of our drive ways, late
RIGHT NOW!

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Diane Stratton
Name (Please Print)

Diane Stratton
Signature

1301 16th St. Plano, Tx
Address
BHM
75074

8/22/12
Date

SEE BACK OF PAGE FOR REQUIRED SIGNATURES



REPLY FORM

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Planning & Zoning Commission
P.O. Box 860358
Plano, TX 75086-0358

AUG 28 2012
PLANNING DEPT.

Dear Commissioners:

This letter is regarding Zoning Case 2012-26. The property is one lot on 0.5± acre located at the northwest corner of M Avenue and 16th Street. The current zoning is Multifamily Residence-1 (MF-1) with Heritage Resource Designation #4 (H-4). The MF-1 district is intended to accommodate condominiums and apartments at a density of 12 residential units per acre in a park-like setting with extensive areas of usable open space and landscaping. MF-1 districts should be located along or near major thoroughfares and should not have principal access to standard residential streets. The minimum lot size is 8,400 square feet. The purpose of the Heritage Resource Designation (H) is to provide for the preservation of those areas, places, buildings, structures, works of art, and other objects having significant historical, archaeological, or cultural interests and values which reflect the heritage of the city of Plano. The requested zoning is to amend Heritage Resource Designation #4 (H-4) (Carpenter House) on one lot on 0.5± acre located at the northwest corner of M Avenue and 16th Street to allow assembly hall as an additional permitted use.

*****PLEASE TYPE OR USE BLACK INK*****

_____ I am **FOR** the requested zoning as explained on the attached cover sheet for Zoning Case 2012-26.

I am **AGAINST** the requested zoning as explained on the attached cover sheet for Zoning Case 2012-26.

This item will be heard on **September 4, 2012, 7:00 p.m.** at the Plano Municipal Center, 1520 K Avenue. Please provide your written comments below regarding the proposed zoning change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

excessive parking noise

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Randall GRIMM
Name (Please Print)

Landell D. Smith
Signature

1306 E. 16th St.
Address
BHM

8-27-12
Date

SEE BACK OF PAGE FOR REQUIRED SIGNATURES



REPLY FORM

RECEIVED

Planning & Zoning Commission
P.O. Box 860358
Plano, TX 75086-0358

AUG 28 2012
PLANNING DEPT.

Dear Commissioners:

This letter is regarding Zoning Case 2012-26. The property is one lot on 0.5± acre located at the northwest corner of M Avenue and 16th Street. The current zoning is Multifamily Residence-1 (MF-1) with Heritage Resource Designation #4 (H-4). The MF-1 district is intended to accommodate condominiums and apartments at a density of 12 residential units per acre in a park-like setting with extensive areas of usable open space and landscaping. MF-1 districts should be located along or near major thoroughfares and should not have principal access to standard residential streets. The minimum lot size is 8,400 square feet. The purpose of the Heritage Resource Designation (H) is to provide for the preservation of those areas, places, buildings, structures, works of art, and other objects having significant historical, archaeological, or cultural interests and values which reflect the heritage of the city of Plano. The requested zoning is to amend Heritage Resource Designation #4 (H-4) (Carpenter House) on one lot on 0.5± acre located at the northwest corner of M Avenue and 16th Street to allow assembly hall as an additional permitted use.

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Excessive noise & too much traffic

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Mary Braddock
Name (Please Print)

M Braddock
Signature

1510 Ave M
Address

8-19-12
Date

BHM

SEE BACK OF PAGE FOR REQUIRED SIGNATURES

RECEIVED
AUG 30 2012
AC

REPLY FORM

RECEIVED

AUG 28 2012

PLANNING DEPT.

Planning & Zoning Commission
P.O. Box 860358
Plano, TX 75086-0358

Dear Commissioners:

This letter is regarding Zoning Case 2012-26. The property is one lot on 0.5± acre located at the northwest corner of M Avenue and 16th Street. The current zoning is Multifamily Residence-1 (MF-1) with Heritage Resource Designation #4 (H-4). The MF-1 district is intended to accommodate condominiums and apartments at a density of 12 residential units per acre in a park-like setting with extensive areas of usable open space and landscaping. MF-1 districts should be located along or near major thoroughfares and should not have principal access to standard residential streets. The minimum lot size is 8,400 square feet. The purpose of the Heritage Resource Designation (H) is to provide for the preservation of those areas, places, buildings, structures, works of art, and other objects having significant historical, archaeological, or cultural interests and values which reflect the heritage of the city of Plano. The requested zoning is to amend Heritage Resource Designation #4 (H-4) (Carpenter House) on one lot on 0.5± acre located at the northwest corner of M Avenue and 16th Street to allow assembly hall as an additional permitted use.

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Due to the unknown future of the Carpenter House we will not support the requested zoning change.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

MICHAEL W. HAMILTON
DEBRA K. COLE HAMILTON
Name (Please Print)

Michael W. Hamilton
Debra K. Cole Hamilton
Signature

1610 E 16th St. Plano TX 75074
Address

Aug 27 2012
Date

BHM

SEE BACK OF PAGE FOR REQUIRED SIGNATURES



CITY OF PLANO
PLANNING & ZONING COMMISSION

September 4, 2012

Agenda Item No. 8

Public Hearing - Replat: Stream Data Center, Block A, Lot 1R

Applicant: T5 Data Centers

DESCRIPTION:

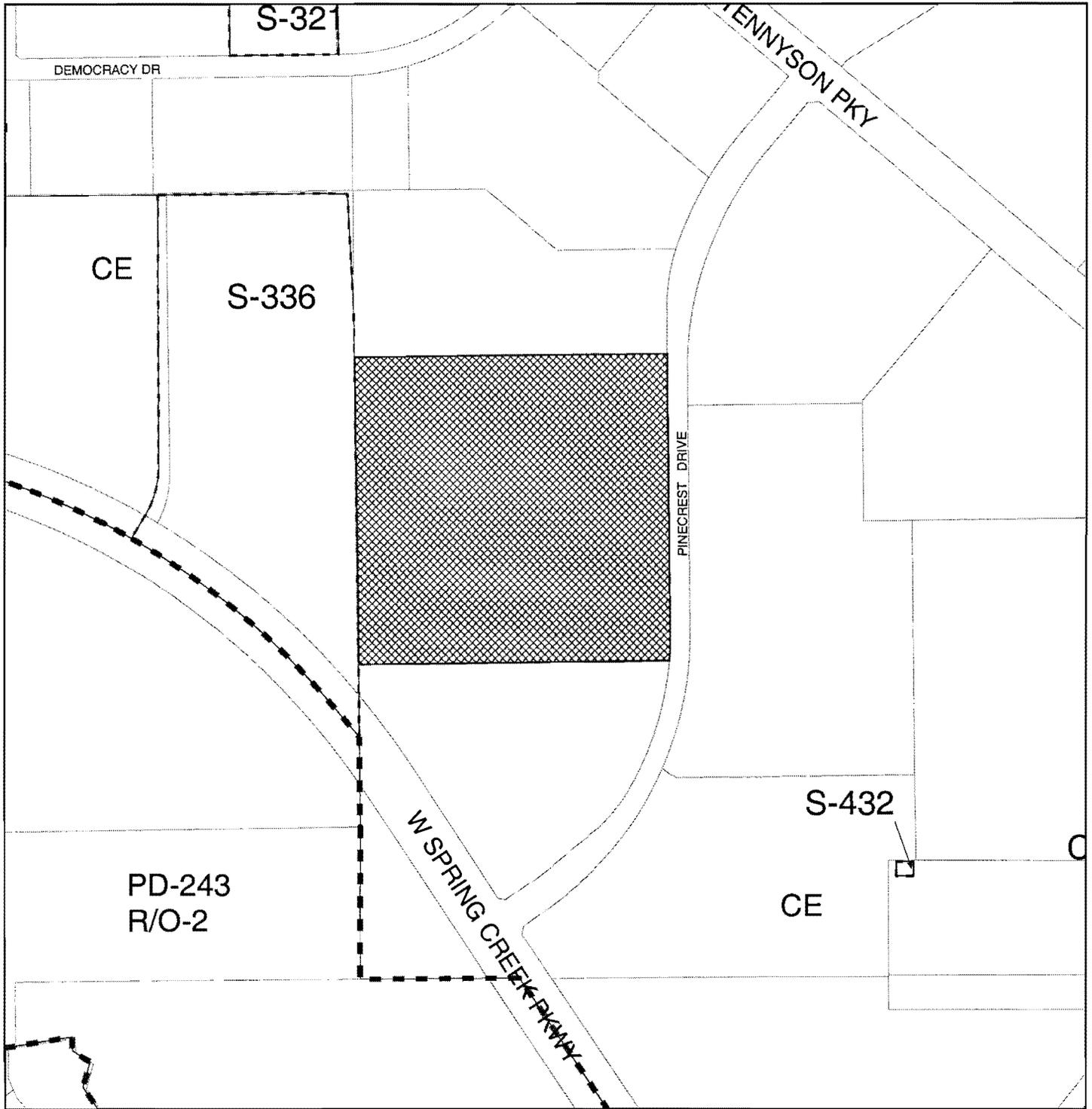
Data center on one lot on 20.0± acres located on the west side of Pinecrest Drive, 90± feet north of Spring Creek Parkway. Zoned Commercial Employment. Neighborhood #16.

REMARKS:

The purpose for the replat is to dedicate utility easements and abandon existing access easements.

RECOMMENDATION:

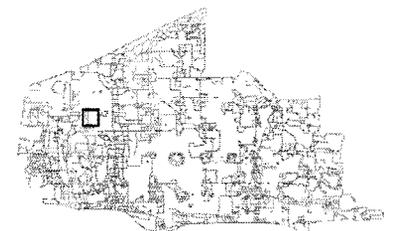
Recommended for approval as submitted.



Item Submitted: REPLAT

Title: STREAM DATA CENTER
BLOCK A, LOT 1R

Zoning: COMMERCIAL EMPLOYMENT



○ 200' Notification Buffer



CITY OF PLANO
PLANNING & ZONING COMMISSION

September 4, 2012

Agenda Item No. 9

Public Hearing - Replat: Trinity Presbyterian Church Addition, Block A, Lot 5R

Applicant: Plano GSF Investments

DESCRIPTION:

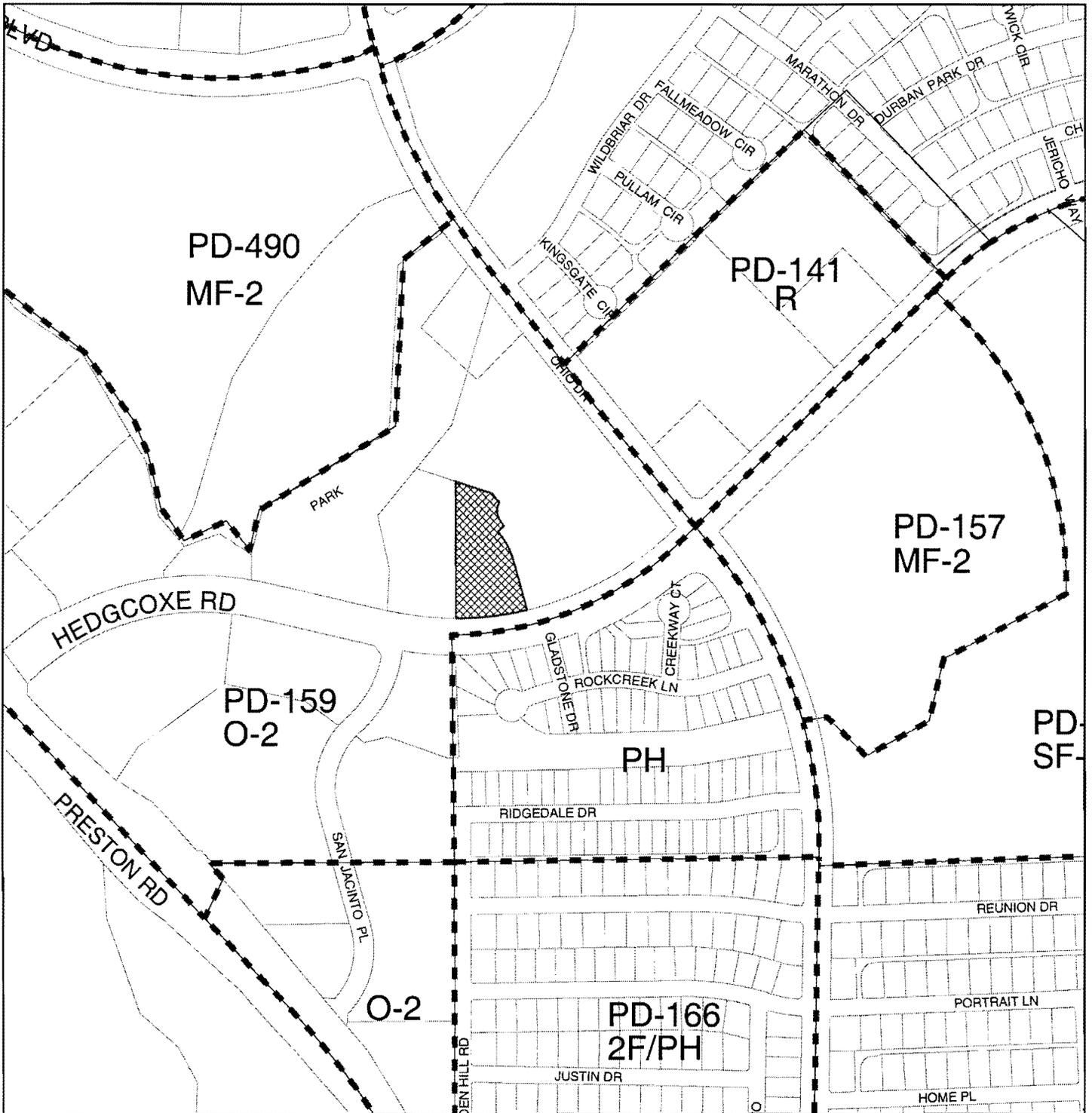
Day care center on one lot on 1.4± acres located on the north side of Hedgcoxe Road, 520± feet west of Ohio Drive. Zoned Planned Development-159-General Office/Preston Road Overlay District. Neighborhood #4.

REMARKS:

The purpose for the replat is to dedicate easements necessary for the completion of the day care center development.

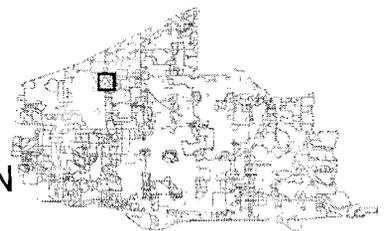
RECOMMENDATION:

Recommended for approval as submitted.



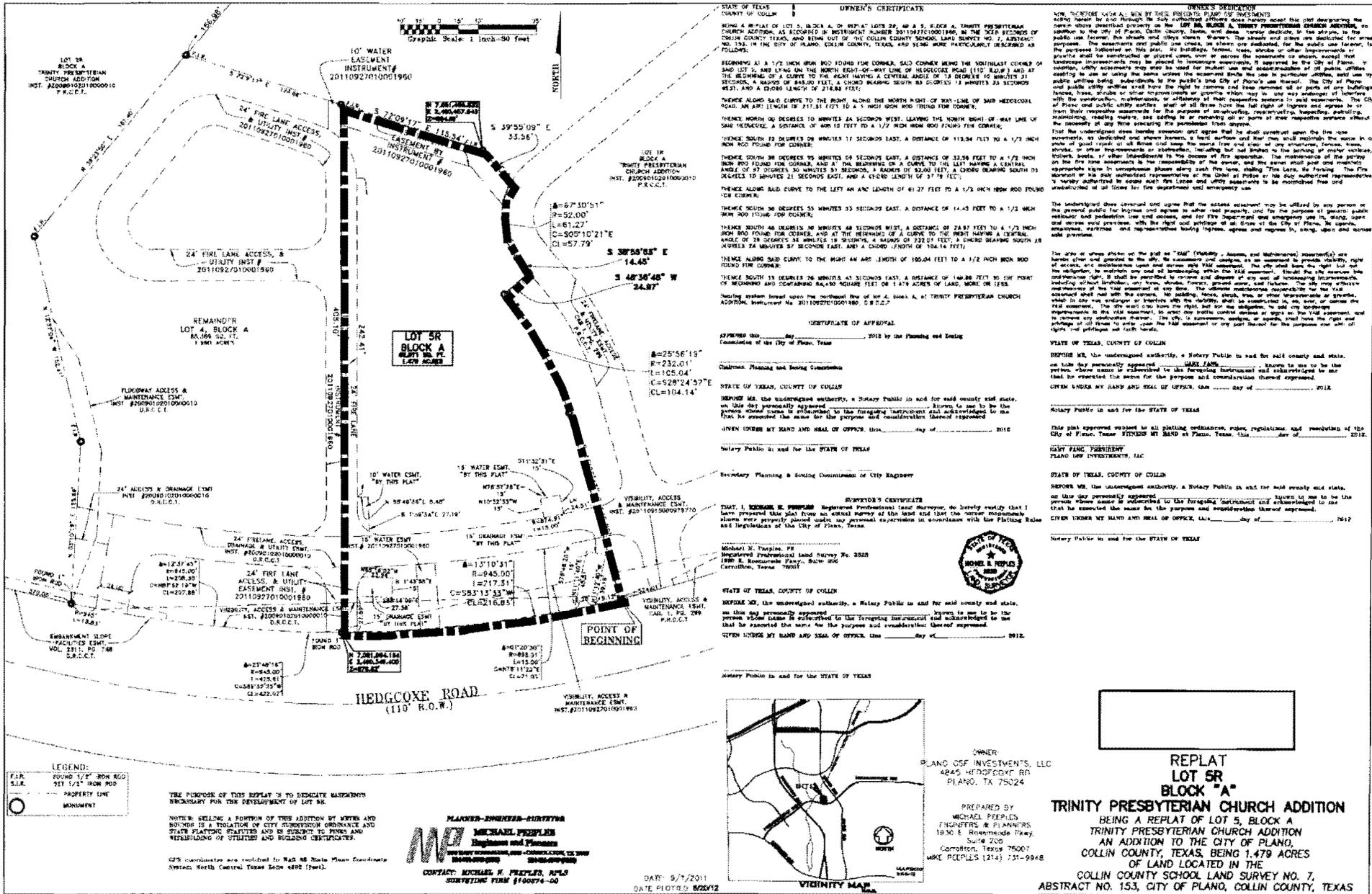
Item Submitted: REPLAT

Title: TRINITY PRESBYTERIAN CHURCH ADDITION
BLOCK A, LOT 5R



Zoning: PLANNED DEVELOPMENT-159-GENERAL OFFICE/
PRESTON ROAD OVERLAY DISTRICT





OWNER'S CERTIFICATE

I, the undersigned, being the owner of the above described property, do hereby certify that the survey shown on this plat was made by the undersigned or by a duly licensed and qualified surveyor, and that the same is correct and true to the best of my knowledge and belief, and that I have not been advised of any fraud or mistake in the same.

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly licensed and qualified surveyor, do hereby certify that the survey shown on this plat was made by me or by a duly licensed and qualified assistant surveyor, and that the same is correct and true to the best of my knowledge and belief, and that I have not been advised of any fraud or mistake in the same.

STATE OF TEXAS, COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2012.

Notary Public in and for the STATE OF TEXAS

STATE OF TEXAS, COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2012.

Notary Public in and for the STATE OF TEXAS

STATE OF TEXAS, COUNTY OF COLLIN

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GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2012.

Notary Public in and for the STATE OF TEXAS

PLANNED-ENGINEER-SURVEYOR

MICHAEL PEOPLES
 Registered Professional Land Surveyor
 1830 E. Stonebriar Way, Suite 200
 Carrollton, Texas 75007
 MIC PEOPLES (214) 251-9948

OWNER
 PLANO OSF INVESTMENTS, L.L.C.
 4245 HEDGCOXE RD.
 PLANO, TX 75024

PREPARED BY
 MICHAEL PEOPLES
 ENGINEERS & PLANNERS
 1830 E. Stonebriar Way, Suite 200
 Carrollton, Texas 75007
 MIC PEOPLES (214) 251-9948

REPLAT LOT 5R, BLOCK 'A'
TRINITY PRESBYTERIAN CHURCH ADDITION
 BEING A REPLAT OF LOT 5, BLOCK A,
 TRINITY PRESBYTERIAN CHURCH ADDITION,
 AN ADDITION TO THE CITY OF PLANO,
 COLLIN COUNTY, TEXAS, BEING 1.479 ACRES
 OF LAND LOCATED IN THE
 COLLIN COUNTY SCHOOL LAND SURVEY NO. 7,
 ABSTRACT NO. 153, CITY OF PLANO, COLLIN COUNTY, TEXAS

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 4, 2012

Agenda No. 10

Discussion & Direction: Proposed Urban Mixed-Use Zoning District Regulations

DESCRIPTION:

Discussion and direction on proposed standards for an Urban Mixed-Use zoning district.

REMARKS:

At the August 6, 2012 meeting, the Planning & Zoning Commission indicated general agreement with the goals and ideas that underpin the concept of urban mixed-use development in the city. To summarize:

- Mixed-use development should be higher density, compact, and pedestrian-oriented.
- An adopted development plan, illustrating the street grid, densities, and general location uses is essential to the establishment of an urban mixed-use development.
- A grid of streets, with short block lengths, enhances pedestrian travel and slows and disperses automobile traffic.
- A variety of appropriately-sized open space areas designed for multiple uses is critical, especially in mixed-use development with a large number of residential units.
- Higher residential densities are needed to achieve a compact, walkable development form.
- Parking requirements should be reduced and parking located primarily in garages and on-street spaces.

With these concepts in mind, the draft ordinance has been rewritten to separate general guidelines from ordinance requirements. The need to allow flexibility for individual developments and to respond to changes in the market has also been emphasized by both the development community and the Commission. The revised draft ordinance clearly indicates which standards may not be amended through the zoning process creating the Urban Mixed-Use (UMU) district.

The proposed schedule for adoption of the ordinance is as follows:

- September 4th and September 17th - review and refinement by the Planning & Zoning Commission
- October 1st - formal public hearing and consideration of the ordinance
- October 15th - if the zoning amendment is tabled at the October 1st meeting, this will be another opportunity for the Commission to finalize the ordinance

City Council will consider the ordinance three weeks after the Planning & Zoning Commission takes final action.

Summary of Changes

A number of changes have been made to the initial draft of the ordinance. Several are in response to the comments received from developers who have reviewed the ordinance. To summarize:

District Requirements - Guidelines for consideration in determining if a location is appropriate for a UMU district have been removed from the draft ordinance. These included minimum and maximum size, access to major transportation facilities, and adequacy of public facilities. These are best used as guidelines and should be incorporated into an amended and updated Mixed-Use Policy Statement.

Formatting - The regulations for the new district have been redesigned to match the standard formatting used for other zoning districts within the Zoning Ordinance.

Flexibility - To provide the flexibility desired by developers, the ordinance language clearly indicates which regulations may be amended through the process to establish a UMU district. Regulations that cannot be waived or amended include the adopted development plan, the requirement for some type of governance association, the minimum residential densities for multifamily development, and the requirement that a UMU district include three or more uses. These factors are critical to the long-term success and viability of a UMU district.

Residential Densities - The draft ordinance clarifies that the minimum residential density of 40 units per acre is an average. However, if developed in phases, no phase with less than 40 units per acre may be built unless preceded by, or concurrently built with, a phase which maintains the minimum density. New language sets a minimum density of any phase of multifamily development at 30 units per acre.

Nonresidential Use in First Phase - To prevent the first phase of a UMU district from consisting solely of apartments, the ordinance requires that a minimum of 20,000 square feet of nonresidential space be built as well. The revised draft clarifies that this may be in free-standing or in vertical mixed-use form and allows uses other than restaurant and retail to meet the nonresidential requirement.

Usable Open Space - A minimum and maximum percentage of open space is still specified, but these requirements may be amended through the establishment of a UMU district.

Parking Requirements - Staff heard from several developers that the maximum cap of 1 space/300 square feet was too restrictive, especially for office uses which now have higher densities of employees than before. The parking cap has been amended to 1 space/250 square feet for nonresidential uses. Parking requirements for multifamily uses have also been added.

“Permeability” of Buildings - The requirement for windows and doors on the first floor of buildings has been reduced from 70% to 60% in response to developer concerns.

Single-Family Attached (Townhouse) Regulations - Regulations for urban density single-family attached housing have been added.

RECOMMENDATION:

Staff requests that the Commission provide direction for continued refinement of the Urban Mixed-Use zoning district.

2.829 UMU - Urban Mixed-Use

1. Purpose

The Urban Mixed-Use district is intended to provide a planning, regulatory, and management framework for the design, development, and operation of urban mixed-use centers which promote social interaction, community identity, and efficient use of land and resources. The zoning district is applicable primarily to large undeveloped properties where higher density residential and commercial uses are appropriate.

2. Permitted Uses

See Subsection '2.502 Schedule of Permitted Uses' for a complete listing.

3. Area, Yard, and Bulk Requirements

Description	Requirement	
	Commercial and Multifamily	Single-Family Attached
Minimum Lot Area	None	700 square feet
Minimum Lot Width	None	20 feet
Minimum Lot Depth	None	35 feet
Front Yard Setbacks	75% of the building face shall be within 25 feet of the street curb. If easement are present, then 75% of the building face shall be built at the easement line.	See below
Side Yard Setbacks	Interior Side Yard - none Exterior Side Yard (Corner Lot) - shall be treated the same as front yards.	Interior Side Yard - None Exterior Side Yard (Corner Lot) Shall be treated the same as front yards.
Minimum Rear Yard	None.	None
Minimum Height	2 story	2 story
Maximum Height	15 story	3 story
Minimum Lot Coverage	60%	60%
Maximum Lot Coverage	None, except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above	100% including accessory buildings.

Minimum Floor Area Ratio	1:1	NA
Maximum Floor Area Ratio	6:1 except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above.	None

4. Definitions

The following terms and definitions only apply to the regulations of this district. Where they conflict with general definitions in the Zoning Ordinance, these definitions shall control.

- a. Gross Floor Area (GFA) - The sum of floor area within the perimeter walls of a building. GFA only includes air-conditioned space intended for human occupancy and excludes garages, patios, attics, balconies, roof decks, and other exposed or un-air-conditioned space.
- b. Gross Leasable Area - The total floor area intended for tenant occupancy and exclusive use, but excluding garages, patios, attics, balconies, roof decks, and other exposed or un-air-conditioned space.
- c. Residential Density - The number of individual residential living units per acre of the site or lot on which they are located. Calculation of residential density shall be based on the net size of the property, exclusive of public and private street rights-of-way, street easements, and park and open space accessible to the public.
- d. Effective Residential Density - A measure applied to a mixed-use building to estimate the potential density were the building solely in residential use. Effective density equals per acre density based on the total residential units plus the gross leasable area of nonresidential and or live/work space divided by average residential unit size.
- e. Live/Work/Flex Space - A dwelling unit of not less than 700 square feet or more than 1,500 square feet that, subject to building code compliance, may be used completely or in part for an allowed nonresidential use.
- f. Block - An area enclosed by streets on all sides, excluding divisions created by fire lanes, alleys, and service drives.
- g. Block Length - The distance along a street face uninterrupted by an intersecting street, excluding intersections with alleys and service drives.

- h. Reciprocal Easement Agreement - A contract among property owners and tenants governing the use and operation of property, especially shared common areas and parking. Comment: may need to be more specific. (We need to discuss.)
- i. Lot Coverage - The area of a site or lot covered by a building measured from the base of the perimeter walls, excluding covered walkways, porches, and un-air-conditioned space.

5. District Establishment and Administration

- a. The regulations contained within this zoning district shall be supplemented with additional standards and conditions required to execute an adopted development plan. The boundary of each Urban Mixed-Use district shall be defined on the zoning map and identified with the letters UMU followed by a unique number referencing the supplementary regulations. In considering the establishment of a UMU district, the Planning & Zoning Commission and City Council may amend the base UMU regulations to implement adopted development plans, with the exception of:
 - i. Requirement for an adopted development plan
 - ii. Requirement for a governance association
 - iii. Minimum residential densities for multifamily development
 - iv. Requirement to maintain three or more uses

6. Adopted Development Plan

A UMU district shall not be established without the concurrent adoption of a development plan for the district. The plan shall show the location and type of streets, blocks, parking areas, and open space. The plan shall specify the primary, secondary, and tertiary classes of land use, including the minimum and maximum amount of gross floor area designated for each class of use. The plan shall specify the minimum and maximum number of residential units. The plan shall enumerate all standards, conditions and performance, and implementation requirements not otherwise contained in the base zoning district requirements. The plan shall be adopted as part of the ordinance creating the UMU district and shall only be amended by the same process by which it was created. A UMU district adopted development plan must comply with the requirements for preliminary site plans contained within Article 5 (Site Plan Review) of the Zoning Ordinance.

7. Governance Association

No application for any plan or permit for development within a UMU district shall be accepted or approved until a property owners' governance association is established. The association shall be responsible for maintaining all common property, improvements, and amenities within the district. It shall have power sufficient to assess and collect dues and charges as required to perform its responsibilities. It may have additional powers to administer other programs, including but not limited to security, promotion and marketing, and entertainment. A Municipal Management district or Public Improvement district created in conformance with the Texas Local Government Code may be used to satisfy this requirement. A Reciprocal Easement Agreement (REA) allowing shared parking arrangements, public access to sidewalks and to other amenities shall also be required and incorporated in the governance documents, but the REA may be deferred until a plan for common areas and amenities is submitted.

8. Mixed-Use Requirement

Each UMU district must contain three or more use classes. Each class must be designated as primary, secondary, or tertiary according to the GFA for each use. Only residential, retail, and office and institutional may be a primary use class. A primary use class must include not less than 50% or more than 70% of the GFA. Secondary use classes may include not more than 40% or less than 20% of the GLA. Tertiary uses should not represent more than 20% of the GFA. The percentage of primary, secondary, and tertiary uses is to be defined in the adopting ordinance. The actual percentage constructed may vary by not more than plus or minus 10%, and the primary use must always be the largest amount of actual building area constructed and under construction. Use classes are designated below:

Class of Use	Functional Role
Primary Residential Uses	Primary, Secondary, or Tertiary
Retail Uses	Primary, Secondary, or Tertiary
Educational, Institutional, Public and Special Uses	Secondary or Tertiary
Office and Professional Uses	Primary, Secondary, or Tertiary
Service Uses	Tertiary
Transportation, Utility, and Communications Uses	Tertiary

9. Additional Use Regulations

- a. If residential use is designated as a primary, secondary, or tertiary use, a minimum 250 units is required. This requirement does not apply to mid-rise residential developments of 5-12 stories in height.
- b. An average residential density of 40 dwelling units per acre must be maintained within a UMU district. The average shall be computed based on the actual and effective residential density of units built and under construction (building permit issued). The reservation and allocation of residential units shall be managed by the association. Phased development shall have a minimum average density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall UMU district. No individual phase may be constructed at a density less than 30 units per acre.
- c. No less than 20,000 square feet of nonresidential space must be built as part of the first phase of development, consisting of at least one restaurant and one retail space. If freestanding, individual nonresidential buildings may not be less than 10,000 square feet in size. If integrated vertically into a building, there is no minimum size for individual lease spaces.

10. Streets and Sidewalks

- a. All streets within a UMU district must be platted as private streets, unless the city agrees to accept them as public streets. All streets are to be open for public use and may not be gated or have restricted access, except as may be permitted for special events. All streets must be located in a private street lot or in public right-of-way. The width of a street lot or right-of-way shall be determined by the adopted development plan. A private street lot or public right-of-way may vary in width but must be sufficient to accommodate travel lanes, medians, sidewalks, utilities, street furniture and fixtures, and landscaping of public or common ownership.
- b. All streets within a UMU district shall be constructed in accordance with the following general street classifications:
 - i. Median Divided - 4 11-foot travel lanes with parallel parking) only permitted if a Type D or larger thoroughfare is required by the city's Thoroughfare Plan.
 - ii. Major Street - 2 11-foot travel lanes with parallel or diagonal parking and valet or drop-off lanes

- iii. Minor Street - 2 11-foot travel lanes with parallel parking and designated loading zones.
 - iv. Mews Street (Single-Family Attached) - 2 11-foot travel lanes with 3 feet on each side to accommodate services for townhouses.
 - v. Alley/Service Drive - 2 12-foot travel lanes with no parking, may also be a fire lane.
- c. Street Design - A UMU district shall be organized into blocks created by a grid of streets. A variety of street types and block sizes may be incorporated to create the grid, including diagonal, off-set, and angled streets. Cul-de-sacs and curvilinear streets are prohibited.
- d. Block Size - The maximum block size is 3 acres, except as required for park or school use.
- e. Block Length - The maximum block length is 600 feet, except as may be required for park or school use.
- f. Required Main Street - A UMU district shall have a main street, designated on the development plan, which serves as the core of the district. It shall be a major street (2 11-foot travel lanes with parallel or diagonal parking.) Buildings of a minimum of two stories shall front onto the main street. No parking garages or surface parking lots shall directly abut the main street. A 600 foot to 1,200 foot contiguous section of adopted street shall be the activity center of the district core and shall be designated on the development plan. This area shall have the highest concentration of retail, restaurant, and entertainment square footage in the UMU district. The maximum width of store fronts in this area shall be limited to 100 feet. The perimeter of a superstore, food/grocery store, or regional theater must be lined with individual store fronts meeting this maximum width requirement. The development plan must define the main street. It shall also designate the location of at least 60% of the gross floor area for primary and secondary uses.
- g. Sidewalks - Sidewalks shall be provided on both sides of all streets. A clear pedestrian path of 7 feet in width shall be maintained on all minor streets and 12 feet in width on all major streets. Trees, landscaping, outdoor dining areas, and street furniture may be placed within the sidewalk, but may not reduce the clear path width. Awnings, canopies, and other detachable fixtures may extend into the street lot or public right-of-way. All public sidewalks and common areas to be maintained by the association shall be located in a street lot or public right-of-way. All other areas are to be on a building lot. Other walkways may be permitted to access open space, amenities, and services. Easements may be required within the street lot for

utilities and emergency access. All walkways are to open to the public unless designated as private.

11. Usable Open Space

- a. Usable public open space shall be provided in an amount not less than 5% nor more than 10% of the gross acreage of the development. Except for property located within a floodplain, open space shall fit into the grid street and building block plan. Unless arranged as a courtyard with buildings on three sides, public open space shall abut a street on two sides. Depending on the size of the district, one or more plazas or squares shall be located central to the district. Smaller usable open spaces may also be provided. Individual public open space areas shall be no larger than 3 acres or smaller than 1/4 acre. The arrangement of common open space areas shall be designated on the UMU district's adopted development plan when the district is established. The arrangement of common open space areas as shown on the development plan may be amended only through the same process as the district was created. The common open space is to be maintained by the association.
- b. Private open space is permitted consisting of interior courtyards and patios required for private amenities and individual business and residential use. Fencing and other enclosures may be used for building security, protection of play and pool areas, or as may be required for business and individual residential use. Exterior yards may not be fenced, except front yards assigned to individual residential units may be enclosed with a maximum 4-foot tall vertical rail metal fence.

12. Parking Requirements

- a. UMU districts shall be designed as compact, pedestrian-oriented developments. With the exception of neighborhood theaters, regional theaters, and assembly halls, the maximum permitted parking for nonresidential uses is capped at 1 space per 250 GLA. Theaters and assembly halls are capped at 1 space per 2.5 persons accommodated. On-street parking is included in the parking calculations for the UMU district. No more than 25% of parking for the entire development, as shown on the development plan, may be located in a surface parking lot.
- b. Parking for multifamily residential uses shall be provided as follows:
 - i. One bedroom or less: One parking space per unit
 - ii. Two bedrooms: One and one-half parking spaces per unit
 - iii. Three Bedrooms or more: Two parking spaces per unit

- c. On-Street Parking is required on all streets except in locations designated for loading, services, and pedestrian crossings.
- d. All surface parking lots must be designed as future development sites. They must be located on the on the outside edge of the development. No surface parking lot may contain more than 300 spaces.
- e. Private garages may be located (tucked) directly under and assigned to an individual residential unit.
- f. Podium parking or grade level parking may be located under a horizontal structural concrete or steel structure separating the parking level from uses located on the podium.
- g. One full level of a multi-level parking structure at or below grade must be open for general public parking. No parking structure serving primarily residential use shall serve more than two residential buildings. A residential parking garage must connect to at least one residential building.

13. Building Placement

- a. Buildings in a UMU district must be designed and oriented to reinforce the street grid. Buildings on opposing street faces should follow the same setbacks, height, and rhythm of building width and placement of doors and windows. The distance from building face to building face shall not exceed 100 feet on major streets, unless separated by usable open space. The building plane may be articulated, and small recesses for doorways and courtyards are permitted. Stoops, awnings, balconies, and bay windows are encouraged. Interior courtyards for amenities, parking, and services are permitted.
- b. Single Tenant Maximum Single Floor Space - 30,000 square feet.
- c. Permeability First Floor - With the exception of parking garage, podium garages, and loading and service areas, 60% of the building face must consist of windows and doors.
- d. Nonresidential and live/work/flex space must have a minimum floor-to-ceiling height of 12 feet.

14. Special Regulations for Multifamily Residences

- a. Minimum Floor Area per Dwelling Unit
 - i. 400 square feet for efficiency units
 - ii. 475 square feet for one bedroom units
 - iii. 625 square feet for two bedroom units
 - iv. 150 square feet for each additional bedroom
- b. Maximum Density: 100 dwelling units per acre
- c. Minimum Density: 40 dwelling units per acre
- d. Multifamily Residences in UMU districts are exempt from the requirements of Article 3 (Supplemental Regulations) Subsection 3.104 (Multifamily Residence) and Subsection 3.117 (Usable Open Space).

15. Single-Family Attached (Townhouse) Residence Regulations

- a. Each dwelling unit shall be on an individually-platted lot. No more than 50% of the lots within a development may abut a mews street as the only point of street frontage and access. Lots may derive frontage from both public and private streets.
- b. Maximum Density: 40 dwelling units per acre
- c. Minimum Floor Area per Dwelling Unit: 800 square feet
- d. Street trees are required at the rate of one tree per 40 linear feet of major and minor street frontage. Trees shall be placed in planting beds or tree grates within five feet of the back of the street curb.
- e. Sidewalks with a minimum unobstructed width of five feet shall be placed along major and minor street frontage. Sidewalks are in addition to and placed adjacent to street tree areas as described in the above paragraph.
- f. Stoops and landscape areas adjacent to the building may extend a maximum distance of five feet into the area between the front facade of the building and the back of the street curb.
- g. Maximum Building Length: 200 feet
- h. Buildings must be separated by a minimum distance of ten feet.

- i. No usable open space areas are required.
- j. Each dwelling unit shall have a garage with a minimum of two parking spaces. Garage entrances shall be allowed only from a mews street or alley. The distance from the garage to the travel lane of the alley or mews street shall be five or less feet in length or shall be 20 feet or greater in length. The elimination of the garage space, by enclosing the garage with a stationary wall, shall be prohibited.
- k. Fencing is allowed in the front yard setback up to eight feet in height. Fencing is restricted to wrought iron, tubular steel, tubular aluminum, or masonry. Fencing must be 50% open in construction for each unit. Each unit with a fence in the front yard must have an operable gate that opens to the street

16. Additional Requirements and Restrictions

- a. A UMU district or a group of buildings within the district may not be walled, fenced, or restricted from general public access.
- b. The second building constructed and all subsequent buildings may not be further than 150 feet from another building.
- c. The regulations, specifications, and design standards contained in Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Zoning Ordinance for signs shall apply unless otherwise specified in this ordinance or in the adopted development plan.

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 4, 2012

Agenda Item No. 11

Request to Call Public Hearing: Farmer's Market Use

Applicant: Rodney O. Haggard

DESCRIPTION:

Request to call a public hearing to consider amendments to the Zoning Ordinance regarding Farmer's Market use, including definitions, supplementary regulations, and schedule of permitted uses (use charts), and other related standards.

REMARKS:

Staff has received inquiries regarding expanding the definition of farmer's market to allow for a larger variety of items to be sold. Presently, the Zoning Ordinance defines farmer's market to include the retail sale of farm produce items by individual vendors, and limits the items to the sale of vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey. The sale of meat, fish, poultry, eggs, dairy products, and other items are excluded, which may otherwise be commonly sold at farmer's markets throughout the region. Additionally, consideration should be given as to the appropriateness of specifically regulating the types of items sold in the use definition rather than relying upon other city ordinances that regulate food health safety.

Staff believes that it may be appropriate to consider amending the definition of farmer's market, as well as reviewing other regulations within the Zoning Ordinance for this use. Therefore, staff requests that the Planning & Zoning Commission call a public hearing to amend the farmer's market requirements of the Zoning Ordinance.

RECOMMENDATION:

Recommended that a public hearing be called to consider amendments to the Zoning Ordinance as it pertains to regulating Farmer's Market uses.



August 21, 2012

City of Plano Planning and Zoning
1520 Avenue K
Plano, Texas 75074

RE: Fairview Farms Farmers Market Plano, Texas

It is my intent to create a successful farmers market at Fairview Farms. We established our market here twenty years ago. We have found the market place changing however these past few years with the increasing popularity of farmers markets in McKinney, Frisco, Park Cities, Dallas, Coppell, Lewisville and Rockwall. The other markets are attracting farmers and vendors with a variety of products that are creating a festive and creative environment that is attracting people to shop and enjoy these markets. We would like to expand our market to be able to compete with other successful farmers markets in the area.

We currently have facilities at Fairview for a farmers market that I believe are superior to other markets and permanent in nature. We are however losing vendors and customer base because we need to include a broader range of vendors and types of products to compete. The current definitions we have in Plano we have found with vendors are too restrictive with respect to allowed foods and goods to have sufficient variety to draw in the customers who are used to obtaining local food products of all types in other markets. Some of these non-allowed items include, but are not restricted to: frozen meat, poultry, dairy products, cheeses, and packaged goods. Currently we only have one vendor left.

We have had exciting interest from vendors who are in other farmers markets who would like to come to our market in Plano if the products could be expanded to include some of the restricted items our farmers market has at this time. We have been in conversation with the health department the past six months and would welcome the opportunity to work with the City Planning and Zoning to create a broader range of items in the ordinance to create a successful farmers market in Plano with the safety of product always the goal.

Sincerely,

Rodney O. Haggard

Fairview Farms

3314 N. Central Expy., Suite 100 ✪ Plano, TX 75074 ✪ (972) 422-2500 ✪ Fax (972) 578-0607

Email: fairviewfarms@verizon.net ✪ www.fairview-farms.com