

**PLANNING & ZONING COMMISSION
 PLANO MUNICIPAL CENTER
 1520 K AVENUE
 May 16, 2011**

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 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> <p>1. Legal Advice</p> <p>The Planning & Zoning Commission will convene into the Regular 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>1 Call to Order/Pledge of Allegiance</p> <p>2 Approval of Agenda as Presented</p> <p>3 Approval of Minutes for the May 2, 2011, Planning & Zoning Commission meeting</p> <p>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>	
5a KP	Preliminary Plat: Acres of Sunshine Addition, Block A, Lot 2 - Electrical substation on one lot on 6.3± acres located on the west side of Dallas North Tollway, 1,100± feet north of Windhaven Parkway. Zoned Regional Employment/Dallas North Tollway Overlay District. Neighborhood #26. Applicant: Brazos Electric Power Cooperative, Inc.
5b KP	Final Plat: Preston Village, Phase II - 56 Single-Family Residence Attached lots and three common area lots on 7.3± acres located at the northwest corner of Orion Drive and Durham Drive. Zoned Planned Development-150-Single-Family Residence Attached. Neighborhood #43. Applicant: Preston Villages Developers, L.P.
5c EH	Concept Plan: Coit Center, Block A, Lots 1R, 8, & 9 and Block B, Lot 4R - Multifamily and restaurant on three lots on 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane and multifamily on one lot on 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive. Zoned Corridor Commercial, Planned Development-215-Corridor Commercial, and Planned Development-216-Corridor Commercial with Specific Use Permits #545 and #546 for Regional Theater and Arcade/190 Tollway/Plano Parkway Overlay District. Neighborhood #72. Applicant: Coit 190, L.P. and Harkins Plano, L.P.
5d EH	Final Plat: QT 910 Addition, Block A, Lot 1 - Convenience store with gas pumps on one lot on 2.0± acres located at the southwest corner of State Highway 121 and Coit Road. Zoned Regional Commercial/State Highway 121 Overlay District. Neighborhood #1. Applicant: QuikTrip Corporation
5e EH	Preliminary Site Plan & Revised Concept Plan: Royal Addition No. 2, Block A, Lots 5, 6, 7, & 8 - Restaurant and retail on four lots on 4.0± acres located at the southeast corner of U.S. Highway 75 and Ozark Drive. Zoned Corridor Commercial. Neighborhood #59. Applicant: Michael and Dennison Royal
5f EH	Revised Conveyance Plat: Royal Addition No. 2, Block A, Lots 5, 6, 7, & 8 - Four conveyance lots on 4.0± acres located at the southeast corner of U.S. Highway 75 and Ozark Drive. Zoned Corridor Commercial. Neighborhood #59. Applicant: Michael and Dennison Royal

<p>5g EH</p>	<p>Preliminary Plat: Parkway Heights, Phase 1 - 96 Single-Family Residence-6 lots and two open space lots on 25.4± acres located at the southeast corner of Plano Parkway and Bradshaw Drive. Zoned Single-Family Residence-6. Neighborhood #69. Applicant: RH of Texas Limited Partnership</p>	
<p><u>END OF CONSENT AGENDA</u></p>		
<p><u>PUBLIC HEARINGS</u></p>		
<p>6 EH</p>	<p>Public Hearing: Zoning Case 2011-11 - Request for a Specific Use Permit for Private Club on 0.7± acre located on the north side of Spring Creek Parkway, 470± feet east of Custer Road. Zoned Retail. Applicant: O. B. Barsh</p>	
<p>7 KP</p>	<p>Public Hearing: Zoning Case 2011-12 - Request for Specific Use Permit for Trade/Commercial School on 0.1± acre located 575± feet west of Custer Road and 300± feet south of Parker Road. Zoned Planned Development-90-Retail. Applicant: Weingarten Realty, Inc.</p>	
<p>8 EH</p>	<p>Public Hearing: Zoning Case 2011-13 - Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and related sections of the Zoning Ordinance pertaining to religious facility operated or sponsored onsite homeless shelters. Applicant: City of Plano</p>	
<p>9 KP</p>	<p>Public Hearing - Replat: Capital One Addition, Block 1, Lot 3R - General office on one lot on 24.8± acres located on the west side of Preston Road, 1,036± feet north of Hedgcoxe Road. Zoned Commercial Employment/Preston Road Overlay District. Neighborhood #8. Applicant: Capital One National Association</p>	
<p><u>END OF PUBLIC HEARINGS</u></p>		
<p>10 PJ</p>	<p>Appeal of the Director of Planning's Interpretation of the Zoning Ordinance - An appeal of the Director of Planning's Interpretation of the Zoning Ordinance regulations as they apply to the use of outdoor athletic fields operated by a nonprofit organization. Tabled 04/18/11. Applicant: Custer Road United Methodist Church</p>	
<p>11 TF</p>	<p>Request to Call Public Hearing - A request to call a public hearing to consider amendments to Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Zoning Ordinance and related sections of the ordinance. Applicant: City of Plano</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 Members Harry LaRosiliere and André Davidson</p> <p style="text-align: center;">ACCESSIBILITY STATEMENT</p> <p>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.</p>	
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**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 30 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.

CITY OF PLANO
PLANNING & ZONING COMMISSION
CONSENT AGENDA ITEMS

May 16, 2011

Agenda Item No. 5a

Preliminary Plat: Acres of Sunshine Addition, Block A, Lot 2

Applicant: Brazos Electric Power Cooperative, Inc.

Electrical substation on one lot on 6.3± acres located on the west side of Dallas North Tollway, 1,100± feet north of Windhaven Parkway. Zoned Regional Employment/Dallas North Tollway Overlay District. Neighborhood #26.

The purpose for the preliminary plat is to propose easements necessary for the development of an electrical substation.

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

Agenda Item No. 5b

Final Plat: Preston Village, Phase II

Applicant: Preston Villages Developers, L.P.

56 Single-Family Residence Attached lots and three common area lots on 7.3± acres located at the northwest corner of Orion Drive and Durham Drive. Zoned Planned Development-150-Single-Family Residence Attached. Neighborhood #43.

The purpose of the final plat is to dedicate street right-of-way and easements and to establish the block and lot layouts necessary for completing development of the property as a residential subdivision.

Recommended for approval as submitted.

Agenda Item No. 5c

Concept Plan: Coit Center, Block A, Lots 1R, 8, & 9 and Block B, Lot 4R

Applicant: Coit 190, L.P. and Harkins Plano, L.P.

Multifamily and restaurant on three lots on 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane and multifamily on one lot on 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive. Zoned Corridor Commercial, Planned Development-215-Corridor Commercial, and Planned Development-216-Corridor Commercial with Specific Use Permits #545 and #546 for Regional Theater and Arcade/190 Tollway/Plano Parkway Overlay District. Neighborhood #72.

The purpose for the concept plan is to show the future multifamily and restaurant developments.

Recommended for approval as submitted.

Agenda Item No. 5d

Final Plat: QT 910 Addition, Block A, Lot 1

Applicant: QuikTrip Corporation

Convenience store with gas pumps on one lot on 2.0± acres located at the southwest corner of State Highway 121 and Coit Road. Zoned Regional Commercial/State Highway 121 Overlay District. Neighborhood #1.

The purpose of the final plat is to dedicate easements necessary for development of the property.

Recommended for approval as submitted.

Agenda Item No. 5e

Preliminary Site Plan & Revised Concept Plan: Royal Addition No. 2,
Block A, Lots 5, 6, 7, & 8

Applicant: Michael and Dennison Royal

Restaurant and retail on four lots on 4.0± acres located at the southeast corner of U.S. Highway 75 and Ozark Drive. Zoned Corridor Commercial. Neighborhood #59.

The purpose for the preliminary site plan is to show the proposed restaurant development on Lot 5.

The purpose for the revised concept plan is to show the future retail developments on Lots 6, 7, and 8.

Recommended for approval as submitted.

Agenda Item No. 5f

Revised Conveyance Plat: Royal Addition No. 2, Block A, Lots 5, 6, 7, & 8

Applicant: Michael and Dennison Royal

Four conveyance lots on 4.0± acres located at the southeast corner of U.S. Highway 75 and Ozark Drive. Zoned Corridor Commercial. Neighborhood #59.

The purpose for the revised conveyance plat is to subdivide Lot 5 into four lots.

Recommended for approval as submitted.

Agenda Item No. 5g

Preliminary Plat: Parkway Heights, Phase 1

Applicant: RH of Texas Limited Partnership

96 Single-Family Residence-6 lots and two open space lots on 25.4± acres located at the southeast corner of Plano Parkway and Bradshaw Drive. Zoned Single-Family Residence-6. Neighborhood #69.

The purpose for the preliminary plat is to propose 96 single-family lots, two open space lots, street layouts, and easements necessary for the development of the site as a residential subdivision.

Recommended for approval subject to:

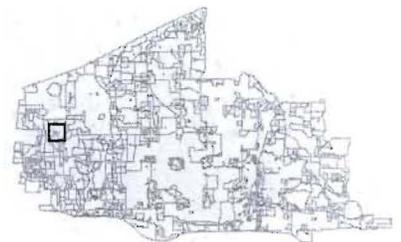
1. Additions and/or alterations to the engineering plans as required by the Engineering Department.
 2. Approval by the City Attorney and subsequent recordation at the County of the Declaration of Covenants, Conditions and Restrictions pertaining to the maintenance of the open space lots by the homeowners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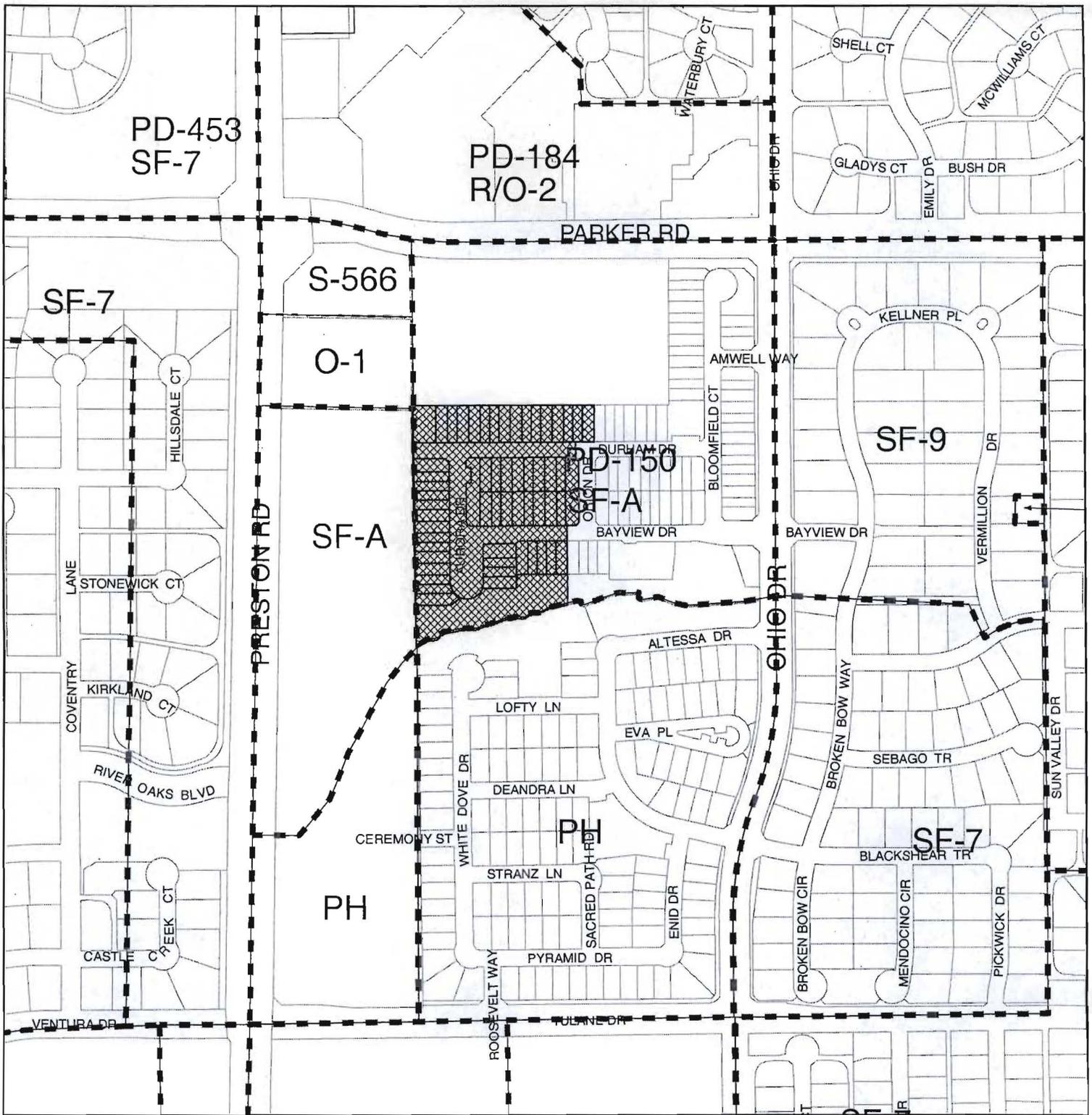
Item Submitted: PRELIMINARY PLAT

Title: ACRES OF SUNSHINE ADDITION
BLOCK A, LOT 2

Zoning: REGIONAL EMPLOYMENT/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



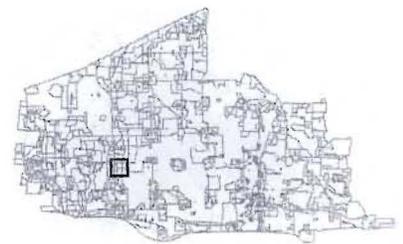
○ 200' Notification Buffer



Item Submitted: FINAL PLAT

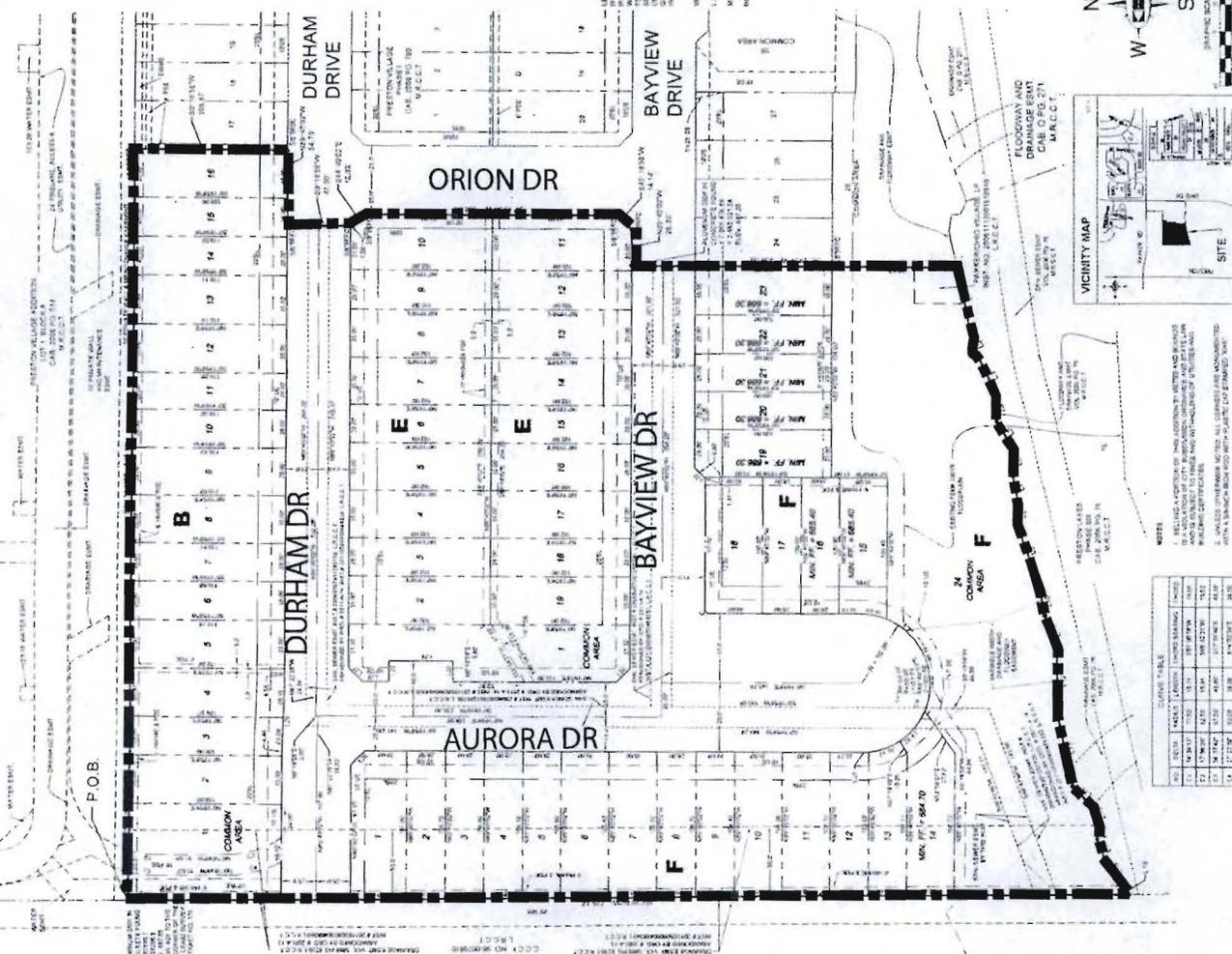
Title: PRESTON VILLAGE, PHASE II

Zoning: PLANNED DEVELOPMENT-150-
SINGLE-FAMILY RESIDENCE ATTACHED



○ 200' Notification Buffer

NO.	AREA	AREA (SQ. FT.)	AREA (ACRES)
1	1	10,000	0.23
2	2	10,000	0.23
3	3	10,000	0.23
4	4	10,000	0.23
5	5	10,000	0.23
6	6	10,000	0.23
7	7	10,000	0.23
8	8	10,000	0.23
9	9	10,000	0.23
10	10	10,000	0.23
11	11	10,000	0.23
12	12	10,000	0.23
13	13	10,000	0.23
14	14	10,000	0.23
15	15	10,000	0.23
16	16	10,000	0.23
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37	37	10,000	0.23
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45	45	10,000	0.23
46	46	10,000	0.23
47	47	10,000	0.23
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74	74	10,000	0.23
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90	90	10,000	0.23
91	91	10,000	0.23
92	92	10,000	0.23
93	93	10,000	0.23
94	94	10,000	0.23
95	95	10,000	0.23
96	96	10,000	0.23
97	97	10,000	0.23
98	98	10,000	0.23
99	99	10,000	0.23
100	100	10,000	0.23



NOTES:

1. ALL LOTS ARE TO BE DEVELOPED WITH A MINIMUM OF 1,000 SQ. FT. OF IMPAVED DRIVEWAY AND 100 SQ. FT. OF IMPAVED SIDEWALK.
2. ALL LOTS ARE TO BE DEVELOPED WITH A MINIMUM OF 1,000 SQ. FT. OF IMPAVED DRIVEWAY AND 100 SQ. FT. OF IMPAVED SIDEWALK.
3. ALL LOTS ARE TO BE DEVELOPED WITH A MINIMUM OF 1,000 SQ. FT. OF IMPAVED DRIVEWAY AND 100 SQ. FT. OF IMPAVED SIDEWALK.
4. ALL LOTS ARE TO BE DEVELOPED WITH A MINIMUM OF 1,000 SQ. FT. OF IMPAVED DRIVEWAY AND 100 SQ. FT. OF IMPAVED SIDEWALK.

SCALE: 1" = 20' (VERTICAL) 1" = 40' (HORIZONTAL)

PRELIMINARY

THE DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION

STATE OF TEXAS

COUNTY OF COLLIN

BEING 7.325 ACRES OUT OF THE B.M. CRAIG SURVEY, ABSTRACT NO. 178 CITY OF PLANO, COLLIN COUNTY, TEXAS

Kimley-Horn and Associates, Inc.

17200 Park Hollow Drive, Suite 1000
Dallas, Texas 75244
Phone: (214) 343-2200
Fax: (214) 343-2202

FINAL PLAT

PRESTON VILLAGE

PHASE II

56 RESIDENTIAL LOTS DEVELOPED AT SINGLE FAMILY-ATTACHED AREA LOTS AND 3 COMMON AREA LOTS

BEING 7.325 ACRES OUT OF THE B.M. CRAIG SURVEY, ABSTRACT NO. 178 CITY OF PLANO, COLLIN COUNTY, TEXAS

Kimley-Horn and Associates, Inc.

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Dallas, Texas 75244
Phone: (214) 343-2200
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STATE OF TEXAS

COUNTY OF COLLIN

BEING 7.325 ACRES OUT OF THE B.M. CRAIG SURVEY, ABSTRACT NO. 178 CITY OF PLANO, COLLIN COUNTY, TEXAS

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17200 Park Hollow Drive, Suite 1000
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Phone: (214) 343-2200
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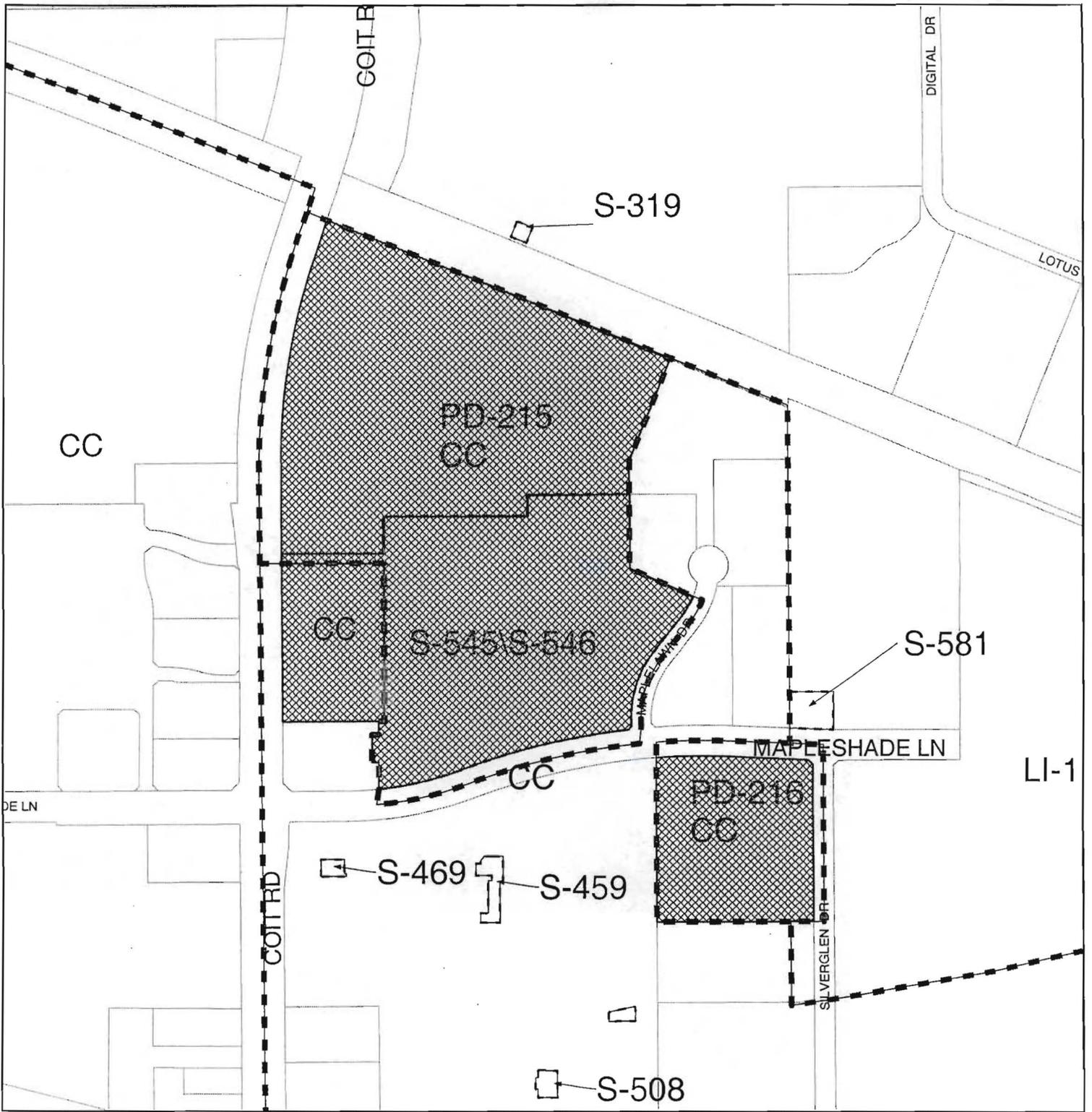
STATE OF TEXAS

COUNTY OF COLLIN

BEING 7.325 ACRES OUT OF THE B.M. CRAIG SURVEY, ABSTRACT NO. 178 CITY OF PLANO, COLLIN COUNTY, TEXAS

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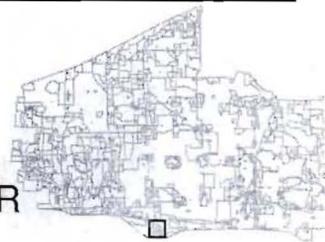
17200 Park Hollow Drive, Suite 1000
Dallas, Texas 75244
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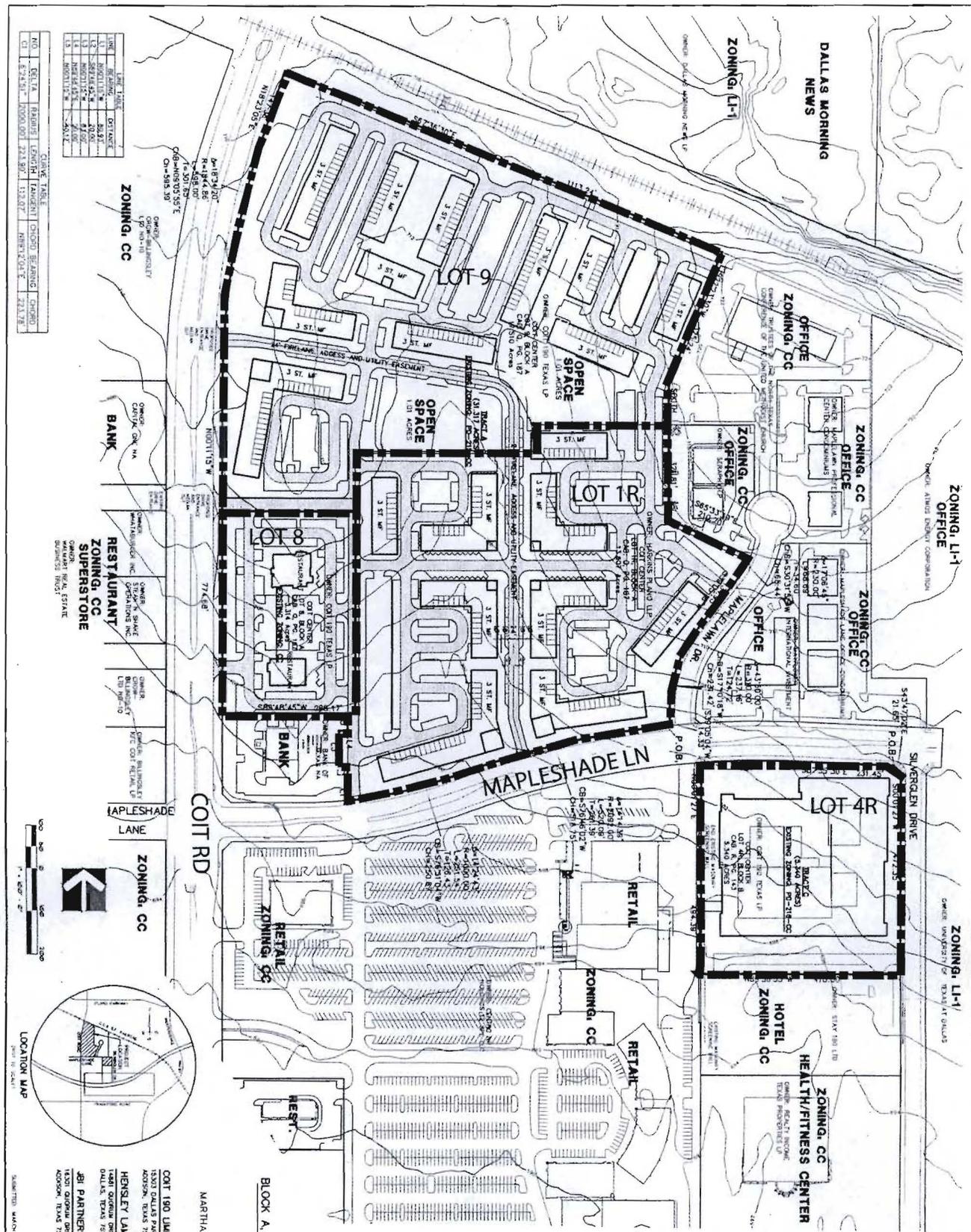


Item Submitted: CONCEPT PLAN

Title: COIT CENTER
BLOCK A, LOTS 1R, 8, & 9 and BLOCK B, LOT 4R

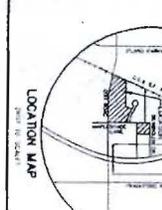
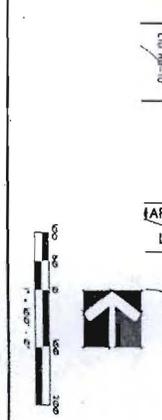
Zoning: CORRIDOR COMMERCIAL,
PLANNED DEVELOPMENT-215-CORRIDOR COMMERCIAL,
& PLANNED DEVELOPMENT-216-CORRIDOR COMMERCIAL/
190 TOLLWAY/PLANO PARKWAY OVERLAY DISTRICT
w/SPECIFIC USE PERMITS #545 & #546





LINE	LINE TYPE	LINE COLOR
1	BOUNDARY	RED
2	PROPERTY	GREEN
3	STREET	BLUE
4	UTILITY	YELLOW
5	LANDSCAPE	BROWN
6	WATER	CYAN

NO.	FIELD	PLANNING	DESIGN	CONSTRUCTION	REMARKS
1	1000000	1000000	1000000	1000000	1000000
2	1000000	1000000	1000000	1000000	1000000
3	1000000	1000000	1000000	1000000	1000000
4	1000000	1000000	1000000	1000000	1000000
5	1000000	1000000	1000000	1000000	1000000



CONCEPT PLAN
BLOCK A, LOTS 1R, 8 & 9
BLOCK B, LOT 4R
COIT CENTER
 39.971 ACRES

OUT OF THE
 MARTHA MCBRIDE SURVEY, ABSTRACT NO. 553
 CITY OF PLANO
 COLLIN COUNTY, TEXAS

OWNER/DEVELOPER
 COIT 190 LIMITED PARTNERSHIP
 15301 DALLAS PARKWAY, SUITE 200
 ADDISON, TEXAS 75001
 972-648-8855

ARCHITECT/PLANNER
 HENSLEY LAMKIN RACHEL, INC.
 15401 GORDON DRIVE, SUITE 200
 DALLAS, TEXAS 75244
 972-728-4500

SURVEYOR/ENGINEER
 JBI PARTNERS, INC.
 1630 GORDON DRIVE
 ADDISON, TEXAS 75001
 972-316-7676

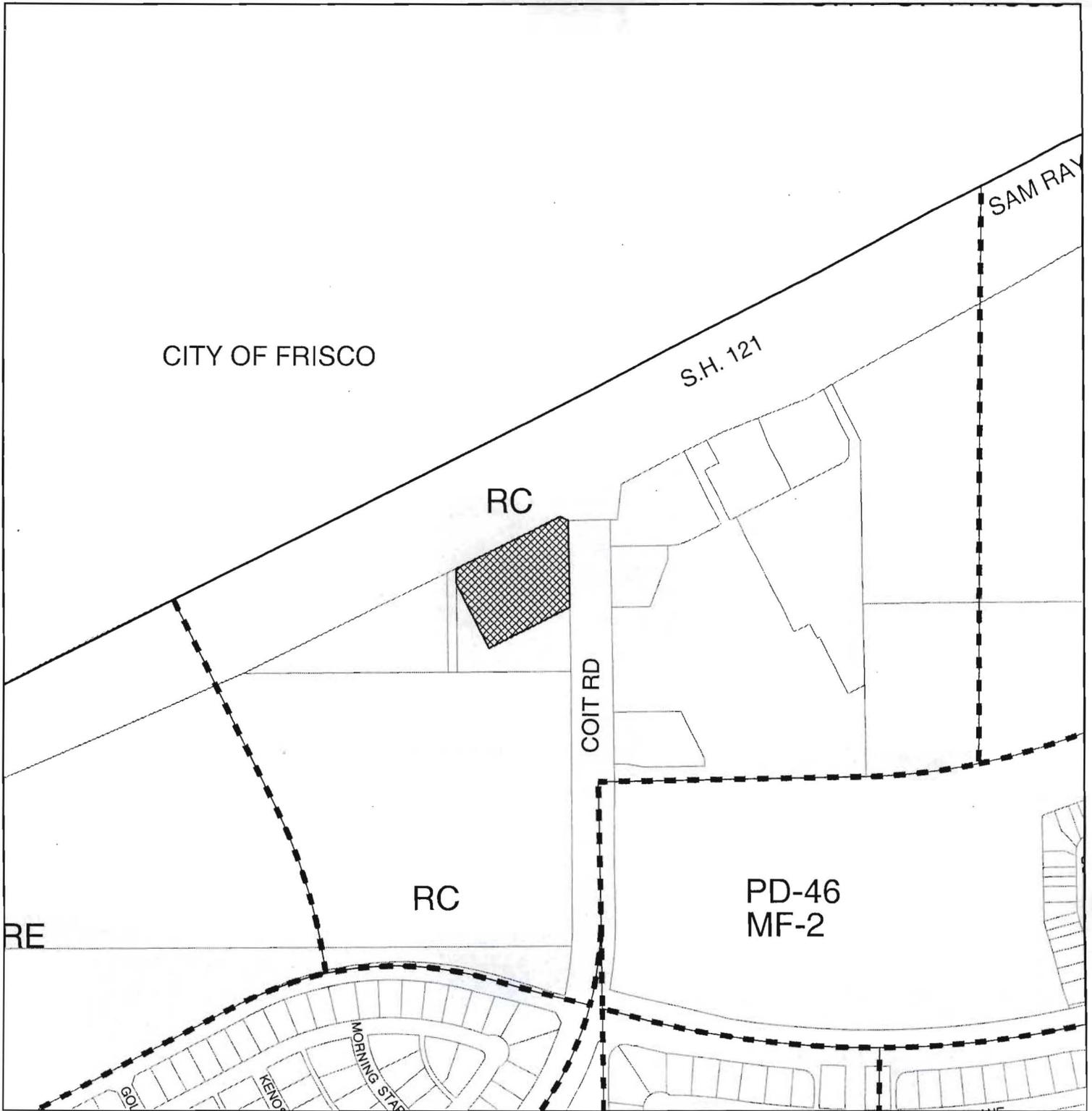
NO.	FIELD	PLANNING	DESIGN	CONSTRUCTION	REMARKS
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2	1000000	1000000	1000000	1000000	1000000
3	1000000	1000000	1000000	1000000	1000000
4	1000000	1000000	1000000	1000000	1000000
5	1000000	1000000	1000000	1000000	1000000

NO.	FIELD	PLANNING	DESIGN	CONSTRUCTION	REMARKS
1	1000000	1000000	1000000	1000000	1000000
2	1000000	1000000	1000000	1000000	1000000
3	1000000	1000000	1000000	1000000	1000000
4	1000000	1000000	1000000	1000000	1000000
5	1000000	1000000	1000000	1000000	1000000

DATE: 04/11/11
 SCALE: 1" = 50'

NO.	FIELD	PLANNING	DESIGN	CONSTRUCTION	REMARKS
1	1000000	1000000	1000000	1000000	1000000
2	1000000	1000000	1000000	1000000	1000000
3	1000000	1000000	1000000	1000000	1000000
4	1000000	1000000	1000000	1000000	1000000
5	1000000	1000000	1000000	1000000	1000000

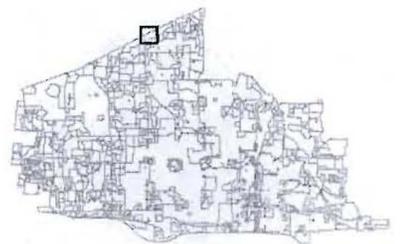
DATE: 04/11/11
 SCALE: 1" = 50'



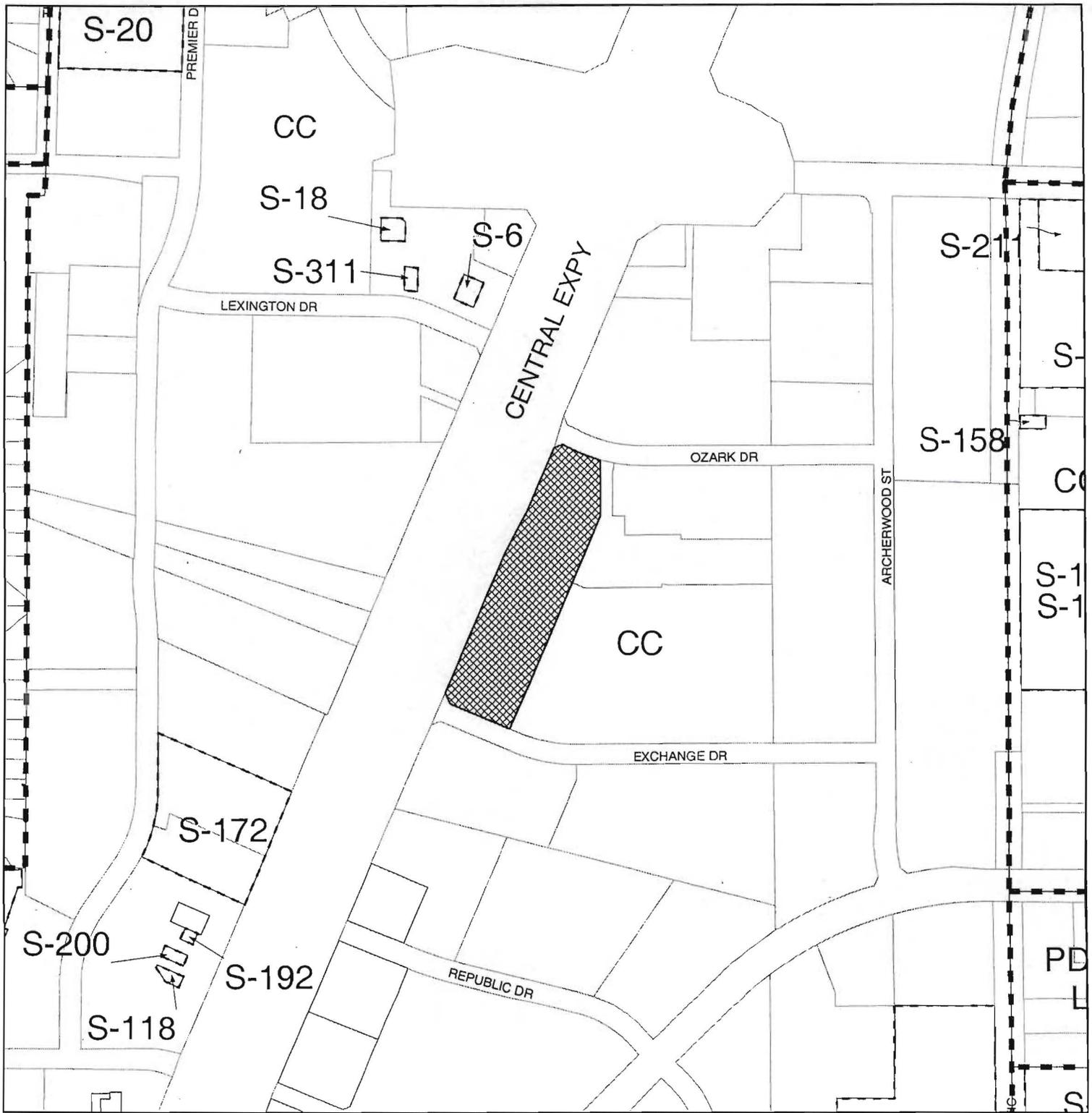
Item Submitted: FINAL PLAT

Title: QT 910 ADDITION
BLOCK A, LOT 1

Zoning: REGIONAL COMMERCIAL/
STATE HIGHWAY 121 OVERLAY DISTRICT



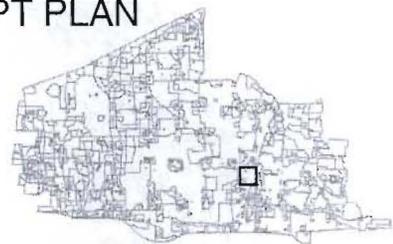
○ 200' Notification Buffer



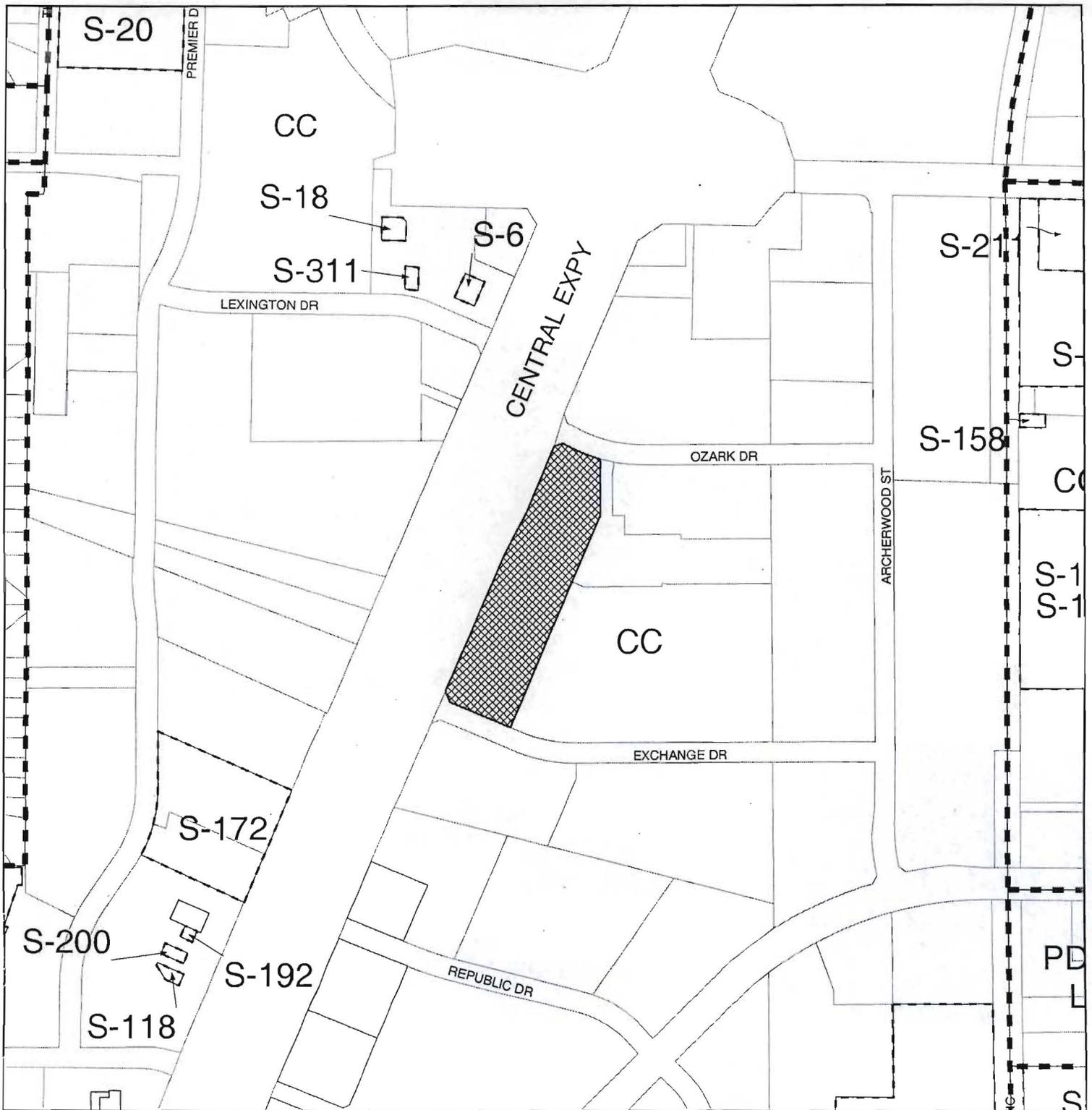
Item Submitted: PRELIMINARY SITE PLAN/REVISED CONCEPT PLAN

Title: ROYAL ADDITION NO. 2
BLOCK A, LOTS 5, 6, 7, & 8

Zoning: CORRIDOR COMMERCIAL



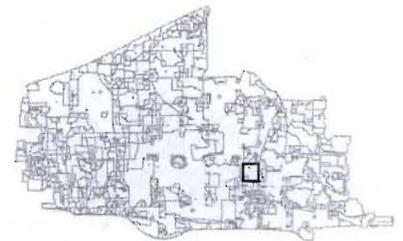
○ 200' Notification Buffer



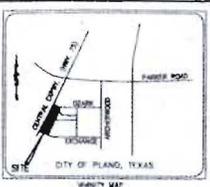
Item Submitted: REVISED CONVEYANCE PLAT

Title: ROYAL ADDITION NO. 2
BLOCK A, LOTS 5, 6, 7, & 8

Zoning: CORRIDOR COMMERCIAL



○ 200' Notification Buffer



CURVE TABLE

CURVE	LENGTH	BEARING	DELTA	PC	PT	PO
1	31.91	420.00	57.94	5,474.41	5,474.41	5,506.32
2	3.81	20.00	20.00	5,534.44	5,534.44	5,538.25
3	11.12	20.00	117.57	5,574.57	5,574.57	5,692.14
4	3.78	20.00	10.00	5,692.14	5,692.14	5,702.92
5	30.00	20.00	20.00	5,732.14	5,732.14	5,762.14
6	11.00	20.00	20.00	5,772.14	5,772.14	5,792.14
7	18.18	20.00	20.00	5,812.14	5,812.14	5,832.14
8	18.18	20.00	20.00	5,852.14	5,852.14	5,872.14
9	30.00	20.00	20.00	5,892.14	5,892.14	5,922.14
10	30.00	20.00	20.00	5,932.14	5,932.14	5,962.14
11	30.00	20.00	20.00	5,972.14	5,972.14	6,002.14
12	30.00	20.00	20.00	6,012.14	6,012.14	6,042.14
13	30.00	20.00	20.00	6,052.14	6,052.14	6,082.14
14	30.00	20.00	20.00	6,092.14	6,092.14	6,122.14
15	30.00	20.00	20.00	6,132.14	6,132.14	6,162.14
16	30.00	20.00	20.00	6,172.14	6,172.14	6,202.14
17	30.00	20.00	20.00	6,212.14	6,212.14	6,242.14
18	30.00	20.00	20.00	6,252.14	6,252.14	6,282.14
19	30.00	20.00	20.00	6,292.14	6,292.14	6,322.14
20	30.00	20.00	20.00	6,332.14	6,332.14	6,362.14
21	30.00	20.00	20.00	6,372.14	6,372.14	6,402.14
22	30.00	20.00	20.00	6,412.14	6,412.14	6,442.14
23	30.00	20.00	20.00	6,452.14	6,452.14	6,482.14
24	30.00	20.00	20.00	6,492.14	6,492.14	6,522.14
25	30.00	20.00	20.00	6,532.14	6,532.14	6,562.14
26	30.00	20.00	20.00	6,572.14	6,572.14	6,602.14
27	30.00	20.00	20.00	6,612.14	6,612.14	6,642.14
28	30.00	20.00	20.00	6,652.14	6,652.14	6,682.14
29	30.00	20.00	20.00	6,692.14	6,692.14	6,722.14
30	30.00	20.00	20.00	6,732.14	6,732.14	6,762.14
31	30.00	20.00	20.00	6,772.14	6,772.14	6,802.14
32	30.00	20.00	20.00	6,812.14	6,812.14	6,842.14
33	30.00	20.00	20.00	6,852.14	6,852.14	6,882.14
34	30.00	20.00	20.00	6,892.14	6,892.14	6,922.14
35	30.00	20.00	20.00	6,932.14	6,932.14	6,962.14
36	30.00	20.00	20.00	6,972.14	6,972.14	7,002.14
37	30.00	20.00	20.00	7,012.14	7,012.14	7,042.14
38	30.00	20.00	20.00	7,052.14	7,052.14	7,082.14
39	30.00	20.00	20.00	7,092.14	7,092.14	7,122.14
40	30.00	20.00	20.00	7,132.14	7,132.14	7,162.14
41	30.00	20.00	20.00	7,172.14	7,172.14	7,202.14
42	30.00	20.00	20.00	7,212.14	7,212.14	7,242.14
43	30.00	20.00	20.00	7,252.14	7,252.14	7,282.14
44	30.00	20.00	20.00	7,292.14	7,292.14	7,322.14
45	30.00	20.00	20.00	7,332.14	7,332.14	7,362.14
46	30.00	20.00	20.00	7,372.14	7,372.14	7,402.14
47	30.00	20.00	20.00	7,412.14	7,412.14	7,442.14
48	30.00	20.00	20.00	7,452.14	7,452.14	7,482.14
49	30.00	20.00	20.00	7,492.14	7,492.14	7,522.14
50	30.00	20.00	20.00	7,532.14	7,532.14	7,562.14
51	30.00	20.00	20.00	7,572.14	7,572.14	7,602.14
52	30.00	20.00	20.00	7,612.14	7,612.14	7,642.14
53	30.00	20.00	20.00	7,652.14	7,652.14	7,682.14
54	30.00	20.00	20.00	7,692.14	7,692.14	7,722.14
55	30.00	20.00	20.00	7,732.14	7,732.14	7,762.14
56	30.00	20.00	20.00	7,772.14	7,772.14	7,802.14
57	30.00	20.00	20.00	7,812.14	7,812.14	7,842.14
58	30.00	20.00	20.00	7,852.14	7,852.14	7,882.14
59	30.00	20.00	20.00	7,892.14	7,892.14	7,922.14
60	30.00	20.00	20.00	7,932.14	7,932.14	7,962.14
61	30.00	20.00	20.00	7,972.14	7,972.14	8,002.14
62	30.00	20.00	20.00	8,012.14	8,012.14	8,042.14
63	30.00	20.00	20.00	8,052.14	8,052.14	8,082.14
64	30.00	20.00	20.00	8,092.14	8,092.14	8,122.14
65	30.00	20.00	20.00	8,132.14	8,132.14	8,162.14
66	30.00	20.00	20.00	8,172.14	8,172.14	8,202.14
67	30.00	20.00	20.00	8,212.14	8,212.14	8,242.14
68	30.00	20.00	20.00	8,252.14	8,252.14	8,282.14
69	30.00	20.00	20.00	8,292.14	8,292.14	8,322.14
70	30.00	20.00	20.00	8,332.14	8,332.14	8,362.14
71	30.00	20.00	20.00	8,372.14	8,372.14	8,402.14
72	30.00	20.00	20.00	8,412.14	8,412.14	8,442.14
73	30.00	20.00	20.00	8,452.14	8,452.14	8,482.14
74	30.00	20.00	20.00	8,492.14	8,492.14	8,522.14
75	30.00	20.00	20.00	8,532.14	8,532.14	8,562.14
76	30.00	20.00	20.00	8,572.14	8,572.14	8,602.14
77	30.00	20.00	20.00	8,612.14	8,612.14	8,642.14
78	30.00	20.00	20.00	8,652.14	8,652.14	8,682.14
79	30.00	20.00	20.00	8,692.14	8,692.14	8,722.14
80	30.00	20.00	20.00	8,732.14	8,732.14	8,762.14
81	30.00	20.00	20.00	8,772.14	8,772.14	8,802.14
82	30.00	20.00	20.00	8,812.14	8,812.14	8,842.14
83	30.00	20.00	20.00	8,852.14	8,852.14	8,882.14
84	30.00	20.00	20.00	8,892.14	8,892.14	8,922.14
85	30.00	20.00	20.00	8,932.14	8,932.14	8,962.14
86	30.00	20.00	20.00	8,972.14	8,972.14	9,002.14
87	30.00	20.00	20.00	9,012.14	9,012.14	9,042.14
88	30.00	20.00	20.00	9,052.14	9,052.14	9,082.14
89	30.00	20.00	20.00	9,092.14	9,092.14	9,122.14
90	30.00	20.00	20.00	9,132.14	9,132.14	9,162.14
91	30.00	20.00	20.00	9,172.14	9,172.14	9,202.14
92	30.00	20.00	20.00	9,212.14	9,212.14	9,242.14
93	30.00	20.00	20.00	9,252.14	9,252.14	9,282.14
94	30.00	20.00	20.00	9,292.14	9,292.14	9,322.14
95	30.00	20.00	20.00	9,332.14	9,332.14	9,362.14
96	30.00	20.00	20.00	9,372.14	9,372.14	9,402.14
97	30.00	20.00	20.00	9,412.14	9,412.14	9,442.14
98	30.00	20.00	20.00	9,452.14	9,452.14	9,482.14
99	30.00	20.00	20.00	9,492.14	9,492.14	9,522.14
100	30.00	20.00	20.00	9,532.14	9,532.14	9,562.14

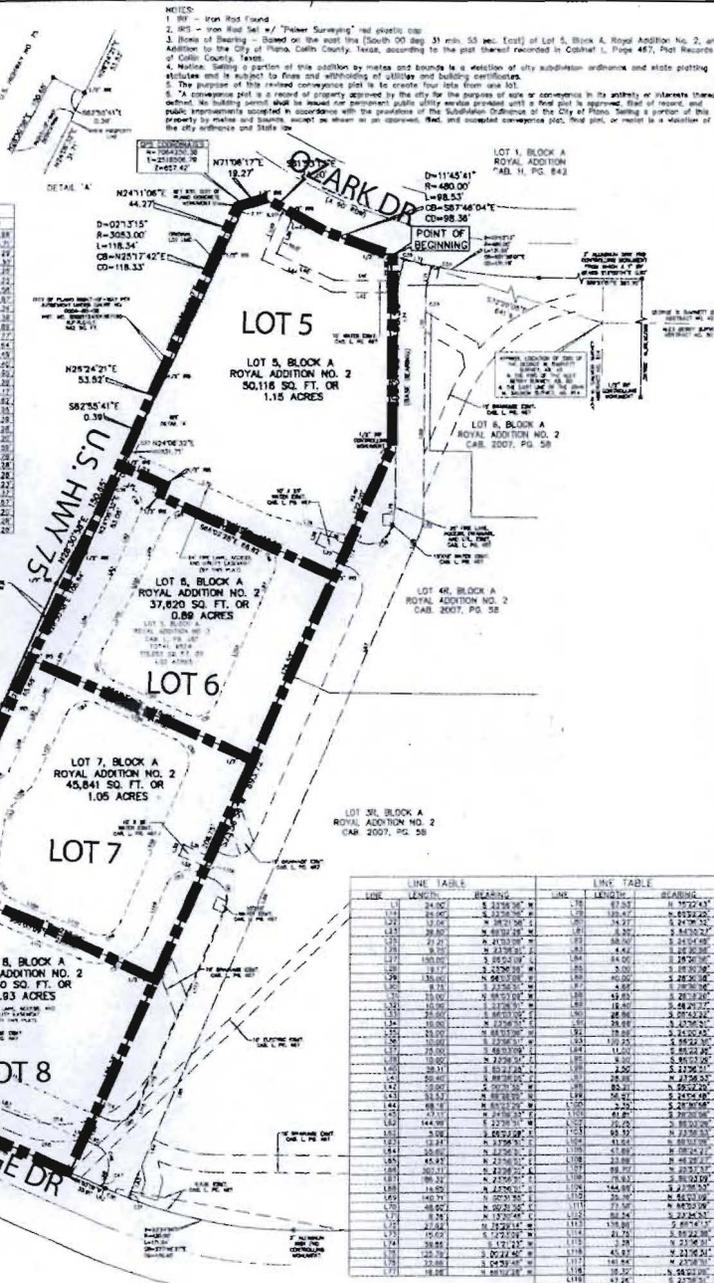
NOTES TO THE CITY OF PLANO COORDINATE SYSTEM

The State Grid Coordinates used herein are based on City of Plano General Monument No. 216, using NAD 83, Texas Central (Zone 4202).

NOTES TO THE CITY OF PLANO COORDINATE SYSTEM

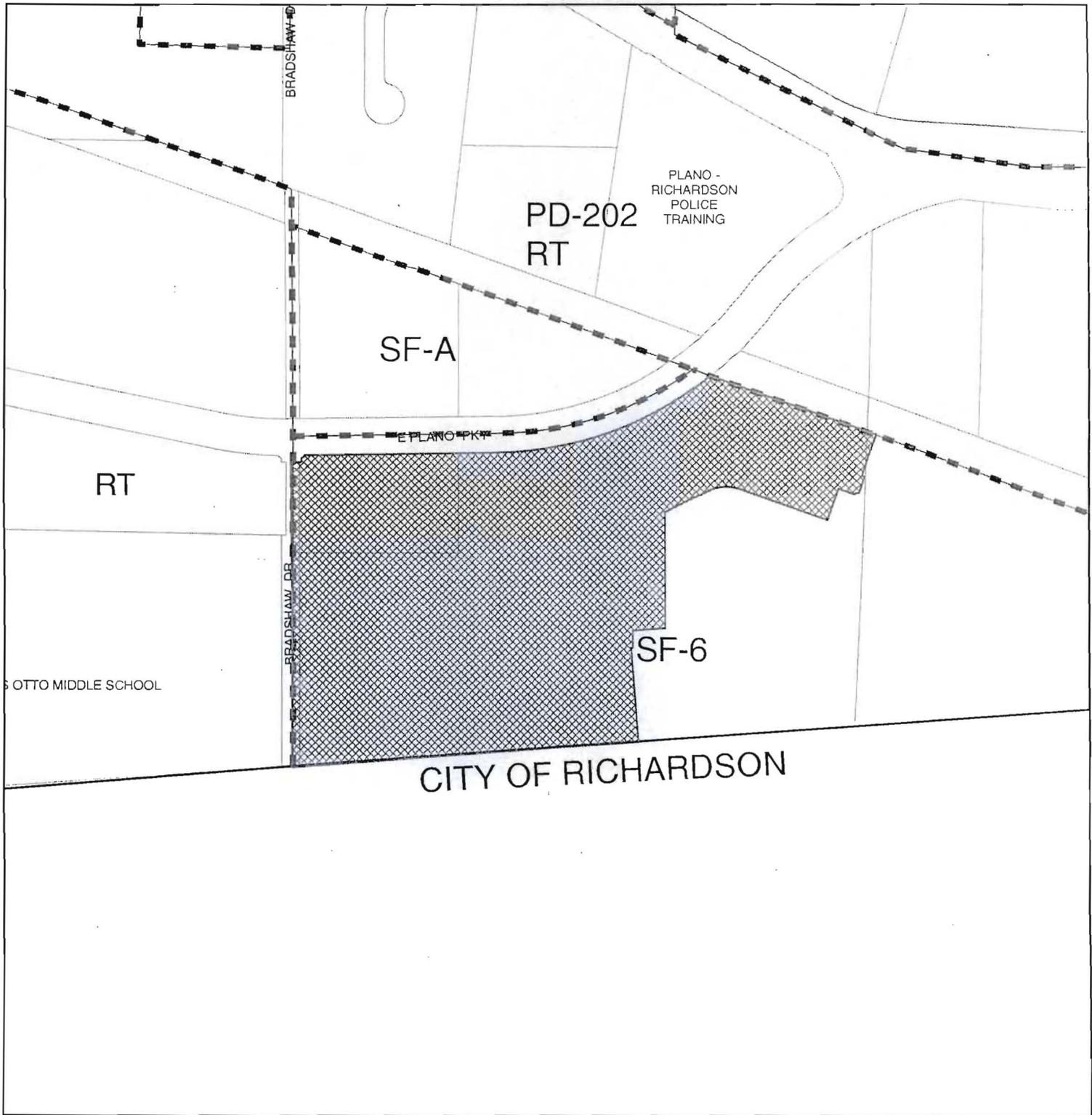
The State Grid Coordinates used herein are based on City of Plano General Monument No. 316, using NAD 83, Texas Central (Zone 4202).

Horizontal - 106M PA 504
Easting - 706,832.908
Elev. - 103,051.837
Elev. - 845.805



LINE TABLE

LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
1	11.12	S 117.57° E	11	11.12	S 117.57° E
2	3.81	S 20.00° E	12	3.81	S 20.00° E
3	31.91	S 42.00° E	13	31.91	S 42.00° E
4	3.78	S 10.00° E	14	3.78	S 10.00° E
5	30.00	S 20.00° E	15	30.00	S 20.00° E
6	11.00	S 20.00° E	16	11.00	S 20.00° E
7	18.18	S 20.00° E	17	18.18	S 20.00° E
8	18.18	S 20.00° E	18	18.18	S 20.00° E
9	30.00	S 20.00° E	19	30.00	S 20.00° E
10	30.00	S 20.00° E	20	30.00	S 20.00° E
21	30.00	S 20.00° E	31	30.00	S 20.00° E
22	30.00	S 20.00° E	41	30.00	S 20.00° E
23	30.00	S 20.00° E	51	30.00	S 20.00° E
24	30.00	S 20.00° E	61	30.00	S 20.00° E
25	30.00	S 20.00° E	71	30.00	S 20.00° E
26	30.00	S 20.00° E	81	30.00	S 20.00° E
27	30.00	S 20.00° E	91	30.00	S 20.00° E
28	30.00	S 20.00° E	101	30.00	S 20.00° E
29	30.00	S 20.00° E	111	30.00	S 20.00° E
30	30.00	S 20.00° E	121	30.00	S 20.00° E
31	30.00	S 20.00° E	131	30.00	S 20.00° E
32	30.00	S 20.00° E	141	30.00	S 20.00° E
33	30.00	S 20.00° E	151	30.00	S 20.00° E
34	30.00	S 20.00° E	161	30.00	S 20.00° E
35	30.00	S 20.00° E	171	30.00	S 20.00° E
36	30.00	S 20.00° E	181	30.00	S 20.00° E
37	30.00	S 20.00° E	191	30.00	S 20.00° E
38	30.00	S 20.00° E	201	30.00	S 20.00° E
39	30.00	S 20.00° E	211	30.00	S 20.00° E
40	30.00	S 20.00° E	221	30.00	S 20.00° E
41	30.00	S 20.00° E	231	30.00	S 20.00° E
42	30.00	S 20.00° E	241	30.00	S 20.00° E
43	30.00	S 20.00° E	251	30.00	S 20.00° E
44	30.00	S 20.00° E	261	30.00	S 20.00° E
45	30.00	S 20.00° E	271	30.00	S 20.00° E
46	30.00	S 20.00° E	281	30.00	S 20.00° E
47	30.00	S 20.00° E	291	30.00	S 20.00° E
48	30.00	S 20.00° E	301	30.00	S 20.00° E
49	30.00	S 20.00° E	311	30.00	S 20.00° E
50	30.00	S 20.00° E	321	30.00	S 20.00° E
51	30.00	S 20.00° E	331	30.00	S 20.00° E
52	30.00	S 20.00° E	341	30.00	S 20.00° E
53	30.00	S 20.00° E	351	30.00	S 20.00° E
54	30.00	S 20.00° E	361	30.00	S 20.00° E
55	30.00	S 20.00° E	371	30.00	S 20.00° E
56	30.00	S 20.00° E	381	30.00	S 20.00° E
57	30.00	S 20.00° E	391	30.00	S 20.00° E
58	30.00	S 20.00° E	401	30.00	S 20.00° E
59	30.00	S 20.00° E	411	30.00	S 20.00° E
60	30.00	S 20.00° E	421	30.00	S 20.00° E
61	30.00	S 20.00° E	431	30.00	S 20.00° E
62	30.00	S 20.00° E	441	30.00	S 20.00° E
63	30.00	S 20.00° E	451	30.00	S 20.00° E
64	30.00	S 20.00° E	461	30.00	S 20.00° E
65	30.00	S 20.00° E	471	30.00	S 20.00° E
66					



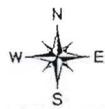
Item Submitted: PRELIMINARY PLAT

Title: PARKWAY HEIGHTS, PHASE 1

Zoning: SINGLE-FAMILY RESIDENCE-6



○ 200' Notification Buffer



$\Delta = 37^\circ 49' 56''$
 $R = 1055.00'$
 $L = 696.62'$
 $CB = N 71^\circ 08' 40'' E$
 $CH = 684.04'$

$\Delta = 6^\circ 09' 24''$
 $R = 1340.00'$
 $L = 143.99'$
 $CB = S 64^\circ 50' 32'' W$
 $CH = 143.92'$

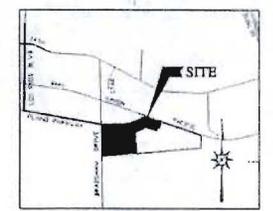
$\Delta = 48^\circ 40' 39''$
 $R = 115.00'$
 $L = 97.70'$
 $CB = S 86^\circ 06' 09'' W$
 $CH = 94.79'$

CURVE DATA

CURVE	LENGTH	CHORD BEARING	RADIUS	DELTA	CHORD
C1	28.08	N67°43'46"E	1055.00	37°49'56"	684.04
C2	23.10	N41°51'12"W	250.00	51°12'25"	23.09
C3	23.10	N68°09'24"W	250.00	117°40'34"	18.78

LINE DATA

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S88°56'11"E	30.37	L21	N44°37'23"W	31.08
L2	N45°03'38"E	20.30	L22	N25°28'37"E	15.23
L3	N45°03'37"E	14.40	L23	N41°15'12"E	12.93
L4	N64°33'31"W	50.59	L24	N47°01'59"W	11.81
L5	N62°33'31"W	48.38	L25	N47°11'12"E	14.71
L6	S88°56'11"E	30.37	L26	S62°52'12"W	11.81
L7	S88°56'11"E	30.37	L27	N47°22'22"W	26.78
L8	S88°56'11"E	30.37	L28	N23°15'21"E	36.38
L9	N44°33'31"E	27.55	L29	N45°02'31"W	14.00
L10	N44°33'31"E	27.55	L30	N29°18'14"E	14.93
L11	S88°56'11"E	30.37	L31	N47°50'11"E	20.31
L12	N16°38'09"W	22.27	L32	N45°35'42"W	11.64
L13	N45°24'23"E	21.61	L33	N43°33'38"E	13.73
L14	N45°24'23"E	21.61	L34	N46°06'42"W	13.64
L15	N44°33'31"E	27.55	L35	N46°35'42"W	11.82
L16	N44°33'31"E	27.55	L36	N43°11'18"E	14.73
L17	N45°03'37"E	20.30	L37	N43°11'18"E	14.73
L18	N45°03'37"E	20.30	L38	N45°02'42"W	13.84
L19	N44°18'25"W	14.14	L39	N73°33'49"E	49.18
L20	N45°22'37"E	14.22	L40	N20°35'29"E	19.71



LEGEND

30 R.M.	RIGHT OF WAY
VD	VOLUME
PC	PLATE
CB	CABINET
SL	SLIDE
D.P.C.T.	DEED RECORD, COLLIN COUNTY, TEXAS
P.P.C.T.	PLAT RECORD, COLLIN COUNTY, TEXAS
R.C.T.	RECORD WITH CAP FOUND
R.F.	REBAR FOUND
R.C.	REBAR WITH CAP
G.M.	GOODWIN & MARSHALL
BL	BUILDING LINE
DE	DRAINAGE EASEMENT
UE	UTILITY EASEMENT
W.E.	WARRANTY EASEMENT
W.H.E.	WALL MAINTENANCE EASEMENT

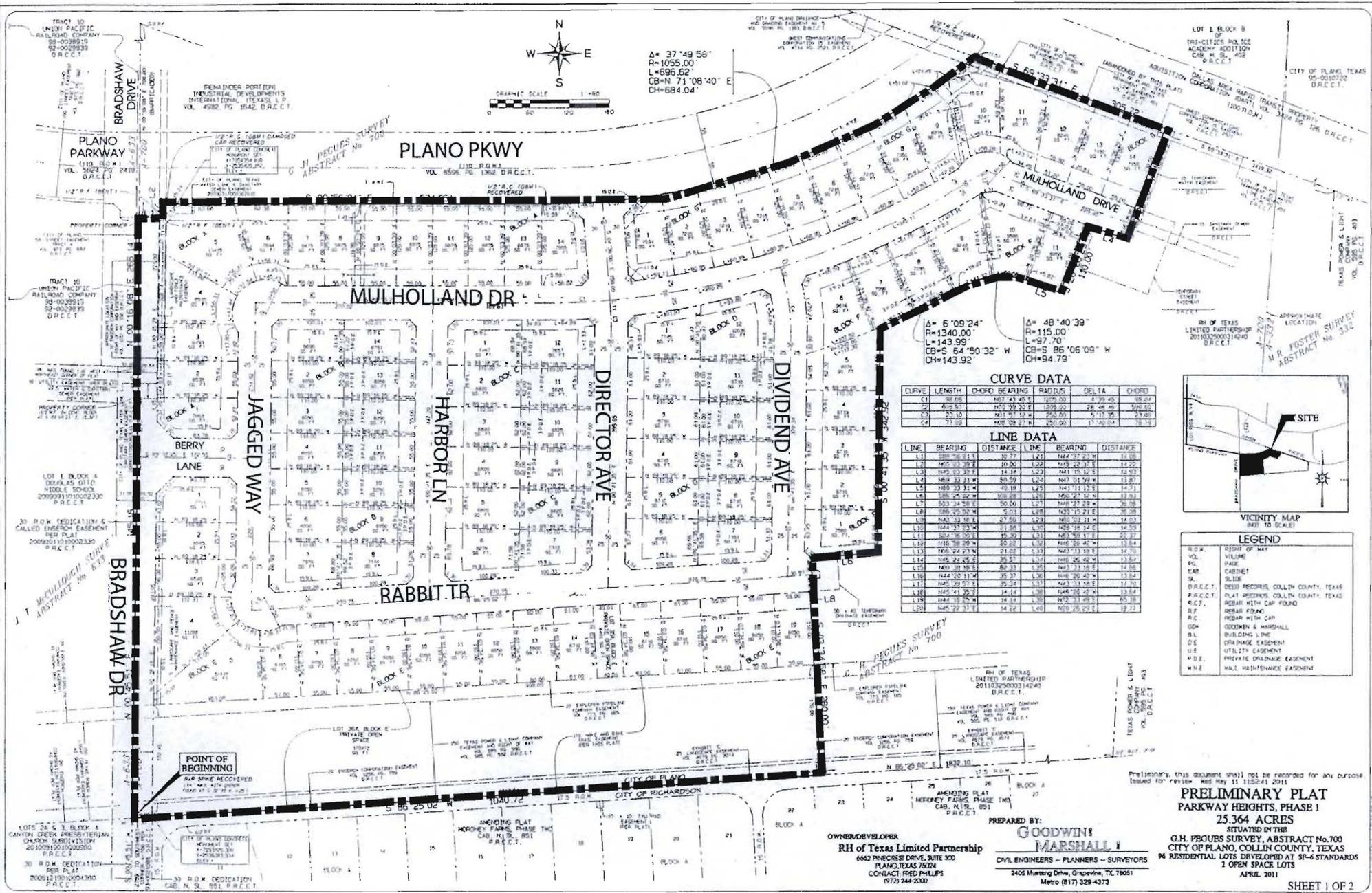
Preliminary, this document shall not be recorded for any purpose issued for review. May 11, 2011

PRELIMINARY PLAT
PARKWAY HEIGHTS, PHASE I
25.364 ACRES

SITUATED IN THE
G.H. PEGUES SURVEY, ABSTRACT No. 700
CITY OF PLANO, COLLIN COUNTY, TEXAS
 96 RESIDENTIAL LOTS DEVELOPED AT 30'-6" STANDARDS
 1 OPEN SPACE LOTS
 APRIL 2011

OWNER/DEVELOPER
RH of Texas Limited Partnership
 6652 PINECAST DRIVE, SUITE 300
 PLANO, TEXAS 75024
 CONTACT: FRED PHILIPS
 (972) 244-2000

PREPARED BY:
GOODWIN & MARSHALL
 CIVIL ENGINEERS - PLANNERS - SURVEYORS
 2405 Mustang Drive, Grapevine, TX 76051
 Metro (817) 329-4373



OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS RH of Texas Limited Partnership, a Maryland limited partnership, is the owner of a tract of land situated in the G.H. Pegues Survey, Abstract No. 700, City of Plano, Collin County, Texas, being a portion of that tract of land as described in deed recorded in 2011032500314240, Deed Records, Collin County, Texas (DNCCF) and being more particularly described as follows:

BEGINNING at a railroad spike recovered in Bradshaw Drive (R.O.M. varies) at the southwest corner of said RH of Texas Limited Partnership tract (hereinafter referred to as RH tract) the adjacent northwest corner of the annexed plat of Honey Farms, Phase Two, an addition to the City of Richardson, Collin County, Texas as recorded in Cabinet N, 5106 89L Plat Records, Collin County, Texas (DNCCF); the adjacent northeast corner of a right-of-way dedication as recorded in 2009121910204396 (DNCCF); and the adjacent southeast corner of the final plat of Lot L Block A Douglas Otto Middle School, an addition to the City of Plano, Collin County, Texas as recorded in 2009081010003330 (DNCCF), from which a 300' nail with yellow flag bears S 32° 15' 18" E, 425' feet;

THENCE N 00° 45' 51" E, within said Bradshaw Drive, along the west line of said RH tract, a distance of 645.16 feet to an angle point in the west line of said DDI tract, from which a 1/2" rebar in a block of concrete recovered bears S 89° 08' 21" E, 15.32' feet;

THENCE N 00° 16' 08" E, within said Bradshaw Drive, along the west line of said RH tract, at a distance of 40.47 feet bearing a "red" nail 1.16 feet westerly of line, continuing a total distance of 266.14 feet to point in the south line of Plano Parkway (R.O.M. varies per Volume 5596, Page 1362, DNCCF) at the most westerly northeast corner of said RH tract, from which a 3/8" rebar found at the northeast corner of a tract of land as described in deed to Industrial Development International (Texas), L.P., hereinafter referred to as IDI tract, recorded in Volume 4592, Page 1642, DNCCF bears N 00° 16' 08" E, 708.80 feet;

THENCE along the south line of said Plano Parkway and the north line of said RH tract, as follows:
S 89° 56' 21" E, a distance of 30.77 feet (R.O.M. Deed 25.28 feet) to a 1/2" rebar round bent;
N 00° 03' 39" E, a distance of 10.00 feet (R.O.M. Deed 10.00 feet) to a 1/2" rebar found bent;

N 45° 03' 39" E, a distance of 14.14 feet (R.O.M. Deed 14.14 feet) to a 1/2" rebar with a damaged plastic cap stamped "Goodwin & Marshall" recovered;

S 89° 56' 21" E, a distance of 571.85 feet (R.O.M. Deed 571.85 feet) to a 1/2" rebar with a plastic cap stamped "Goodwin & Marshall" recovered at the point of curvature of a curve to the left, having a radius of 1055.00 feet;

Northeasterly, along said curve, having a central angle of 37° 49' 58", an arc distance of 696.82 feet (R.O.M. Deed 696.82 feet) and a chord that bears N 71° 06' 40" E, 584.04 feet to a 1/2" rebar with a plastic cap stamped "Goodwin & Marshall" recovered at the intersection with the southeasterly line of a tract of land as described in deed to Dallas Area Rapid Transit Property Acquisition Corporation (DART), recorded in Volume 3424, Page 126, DNCCF, being the most northerly corner of said RH tract, from which a 5/8" rebar found at the northeast corner of said IDI tract bears N 69° 33' 31" N, 1241.09 feet;

THENCE S 69° 33' 31" E, departing the southerly line of said Plano Parkway, along the southeasterly line of said DART tract and the north line of said RH tract, a distance of 305.72 feet to a 1/2" rebar with a yellow plastic cap stamped "Goodwin & Marshall" set; hereinafter referred to as 1/2" rebar capped set; at the most easterly northeast corner of the herein described tract of land, from which a 1/2" rebar found at the northeast corner of said RH tract and the northeast corner of a tract of land as described in deed to Texas Power & Light Company, recorded in Volume 556, Page 403, DNCCF bears S 69° 33' 31" E, 1419.32 feet;

THENCE departing the southeasterly line of said DART tract, traversing said RH tract, as follows:

S 20° 26' 29" N, a distance of 190.00 feet to a 1/2" rebar capped set;

N 69° 33' 31" N, a distance of 60.29 feet to a 1/2" rebar capped set;

S 20° 26' 29" N, a distance of 110.00 feet to a 1/2" rebar capped set;

N 69° 33' 31" N, a distance of 49.18 feet to a 1/2" rebar capped set at the point of curvature of a curve to the left, having a radius of 115.00 feet;

Southeasterly, along said curve, having a central angle of 48° 46' 39", an arc distance of 97.70 feet, and a chord that bears S 186° 06' 09" W, 94.78 feet to a 1/2" rebar capped set at the point of reverse curvature of a curve to the right, having a radius of 1340.00 feet;

Southeasterly, along said curve, having a central angle of 06° 39' 24", an arc distance of 143.89 feet, and a chord that bears S 64° 50' 30" W, 143.96 feet to a 1/2" rebar capped set;

S 00° 41' 35" N, non tangent to said curve, a distance of 342.92 feet to a 1/2" rebar capped set;

S 06° 25' 02" N, a distance of 100.28 feet to a 1/2" rebar capped set;

S 03° 34' 58" E, a distance of 50.00 feet to a 1/2" rebar capped set;

S 06° 25' 02" N, a distance of 5.03 feet to a 1/2" rebar capped set;

S 03° 34' 58" E, a distance of 280.00 feet to a 1/2" rebar capped set in the south line of said RH tract and the north line of an alley (17.5' R.O.M.) per the final plat of said Honey Farms, Phase Two, from which a 1/2" rebar with a red plastic cap stamped "G.C." found at the southeast corner of said RH tract and the southwest corner of said Texas Power & Light Company tract bears N 86° 25' 02" E, 1832.10 feet;

THENCE S 86° 25' 02" N, along the south line of said RH tract and the north line of said alley, at a distance of 1010.64 feet passing the northeast corner of said alley, continuing a total distance of 1040.72 feet to the POINT OF BEGINNING and containing 1,104,867 square feet or 25,364 acres of land.

HON. THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT RH of Texas Limited Partnership, a Maryland limited partnership acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as PARKWAY HEIGHTS, PHASE I, an addition to the City of Plano, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements if approved by the City of Plano. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easements be used 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 entities 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 easements. The City of Plano and public utility entities shall, at all times, have the full right of ingress and egress to and from their respective easements for the purpose of constructing, reconstructing, inspecting, maintaining, and repairing, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

WITNESS MY HAND, this _____ day of _____, 2011.

RH of Texas Limited Partnership, a Maryland limited partnership

By: _____

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 purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

THIS _____ DAY OF _____, 2011.

NOTARY PUBLIC in and for the STATE OF TEXAS

SURVEYOR'S CERTIFICATE

This is to certify that I, Joel S. Barton, a Registered Professional Land Surveyor of the State of Texas, have plotted the above subdivision from an actual on the ground survey, and all lot corners, angle points and points of curve shall be properly marked on the ground and that this plat correctly represents that survey made by me or under my supervision.

Preliminary, this document shall not be recorded for any purpose. Issued for review: Wed May 11 11:52:44 2011

Joel S. Barton
Texas Registered Professional Land Surveyor No. 4914
Goodwin & Marshall, Inc.
2405 Mustang Drive
Grapevine, Texas 76132
Metro (817) 329-4373

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared Joel S. Barton 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 purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

THIS _____ DAY OF _____, 2011.

NOTARY PUBLIC in and for the STATE OF TEXAS

NOTES

1. The bearings shown hereon are referenced to the Street Dedication Plat for Shion Road and Plano Parkway, and Los Rios Boulevard recorded in Cabinet F, 5106 18L Plat Records, Collin County, Texas.

2. All property corners are 1/2" rebar with yellow plastic caps stamped "Goodwin & Marshall" set, unless otherwise noted.

3. According to the Federal Emergency Management Agency Flood Insurance Rate Map No. 68020Z0561, map revised June 2, 2008 the subject property appears to lie in ZONE X, NON SHADED (Areas determined to be outside the 0.2% annual chance floodplain).

4. The two (2) City of Plano monuments shown hereon are referenced to City of Plano Station Designation 02, GNS point #183, a 3-1/4" diameter dented aluminum disc located City of Plano Survey Marker, Station 02, is located on a storm sewer curb inlet along the west side of Los Rios Blvd. South of 1405 SW. Published datum is as follows:

NAD83 NORTHING = 7095006.004 FEET
NAD83 EASTING = 2534121.805 FEET
NAVD83 ELEVATION = 991.11 FEET

5. NOTICE: Selling a portion of this addition by notes and bonds is a violation of the city Subdivision Ordinance and State platting statutes and is subject to fines and withholding of utilities and building certificates.

6. Lots shall be graded to provide a minimum slope of 1.5 % to drain storm and irrigation water. Unconstructed swales of minimum 3 ft. width and 1.5 ft. slope for a total of 6 ft., with two lots combined will be provided on side lot lines. Said swales are to be within a private drainage easement. Maintenance of the swales is to be performed by the property owner. No permanent structures, including driveways, are permitted within the private drainage easement. Fences may be permitted as long as there is at least 3 inches minimum clearance between the bottom of the fence and the finished grade so as not to obstruct the flow of water. Utility boxes and poles less than 1.50 ft. in diameter may be permitted. These regulations shall be enforced by the HCA.

CERTIFICATE OF APPROVAL

APPROVED on this _____ day of _____, 2011 by the Planning & Zoning Commission, City of Plano, Texas.

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission or City Engineer

STATE OF TEXAS

COUNTY OF _____

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 purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

THIS _____ DAY OF _____, 2011.

NOTARY PUBLIC in and for the STATE OF TEXAS

STATE OF TEXAS

COUNTY OF _____

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 purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

THIS _____ DAY OF _____, 2011.

NOTARY PUBLIC in and for the STATE OF TEXAS

Preliminary, this document shall not be recorded for any purpose. Issued for review: Wed May 11 11:52:44 2011

PRELIMINARY PLAT
PARKWAY HEIGHTS, PHASE I
25,364 ACRES
SITUATED IN THE

G.H. PEGUES SURVEY, ABSTRACT NO. 700
CITY OF PLANO, COLLIN COUNTY, TEXAS
96 RESIDENTIAL LOTS DEVELOPED AT SR-4 STANDARDS
2 OPEN SR-40S LOTS
APRIL 2011

PREPARED BY:

GOODWIN & MARSHALL

CIVIL ENGINEERS - PLANNERS - SURVEYORS
2405 Mustang Drive, Grapevine, TX 76051
Metro (817) 329-4373

OWNER/DEVELOPER
RH of Texas Limited Partnership
6652 PINECREST DRIVE, SUITE 300
PLANO, TEXAS 75024
CONTACT: FRED PHILLIPS
(972) 244-2000

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 16, 2011

Agenda Item No. 6

Public Hearing: Zoning Case 2011-11

Applicant: O. B. Barsh

DESCRIPTION:

Request for a Specific Use Permit for Private Club on 0.7± acre located on the north side of Spring Creek Parkway, 470± feet east of Custer Road. Zoned Retail.

REMARKS:

The subject property is currently developed as a restaurant. The requested zoning is for a Specific Use Permit (SUP) for Private Club. The purpose and intent of a SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established. The Zoning Ordinance defines a Private Club as an establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of the Texas Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

The subject property is zoned Retail (R). The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls, but not including wholesaling and warehousing. To the east is an existing multifamily development zoned Planned Development-97-Multifamily Residence-2 (PD-97-MF-2). To the south, across Spring Creek Parkway, as well as to the west and north of the subject property, are existing retail developments zoned R.

PROPOSED REQUEST:

The applicant is requesting an SUP for Private Club for an existing restaurant. Section 3.105 (Private Clubs) of the Zoning Ordinance has specific criteria including required acreage, minimum distance setbacks to certain uses and districts (i.e. religious facilities, hospitals, schools, publicly owned parks and residential zoning districts), and seating requirements that must be met in order for the city to grant a SUP for Private Club. The

Zoning Ordinance specifies for determining the minimum distance requirements, the measurement is to be made in a straight line from the front door of the establishment requesting the SUP, to the property line of the nearby use or district. For hospitals, publicly owned parks and residential districts, the Zoning Ordinance provides the flexibility for the City Council to waive the distance requirements if it determines that the SUP would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.

Staff has summarized the related criteria below:

Criterion 1: Contiguous R zoning districts must collectively comprise 30 acres or more. The zoning to the north, south, and west is R, comprising approximately 32 acres.

Criterion 2: Private clubs are prohibited within 1,000 feet of a religious facility. To the southwest of this property, across Spring Creek Parkway, is an existing religious facility. The distance from the front door of the restaurant to the property line of the religious facility is approximately 780 feet. There is no provision in the Zoning Ordinance that allows the City Council to waive this distance requirement. The applicant is currently operating under a mixed beverage permit with food and beverage certificate from Texas Alcoholic Beverage Commission (TABC) in order to sell alcoholic beverages. The applicant is seeking to convert from a mixed beverage permit to a private club permit, hence the need for a SUP for a Private Club.

In 2009, the City Council adopted changes to Section 3.105 (Private Clubs) of Article 3 (Supplementary Regulations) of the Zoning Ordinance, which allowed private clubs by right within the Downtown Business/Government (BG) and Central Business-1 (CB-1) zoning districts only, subject to a 300-foot setback from religious facilities and schools. The subject property is zoned R, so these provisions do not apply. The private club regulations are less restrictive in the BG and CB-1 districts compared to the remaining nonresidential districts.

Additionally, the city's Code of Ordinances provides minimum distance separation requirements for establishments that sell alcoholic beverages from certain protected land uses. In some instances, these distances are significantly less than the distances specified in Section 3.105 of the Zoning Ordinance. However, since the applicant is requesting a SUP for Private Club, the more stringent requirements, as stated in Section 3.105, must also be met.

Criterion 3: Private clubs are prohibited within 300 feet of the boundary of any residential zoning district. To the east of this property, approximately 120 feet from the front door of the restaurant, is an existing multifamily residential development zoned PD-97-MF-2. The Zoning Ordinance does permit the City Council to waive this requirement if the Council determines that the SUP would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.

Criterion 4: For contiguous R zoning districts no more than two SUPs for Private Clubs may be granted for a tract of land that is greater than 30 acres, but less than 44 acres. There are currently no other Private Club SUPs in the contiguous R zoned district.

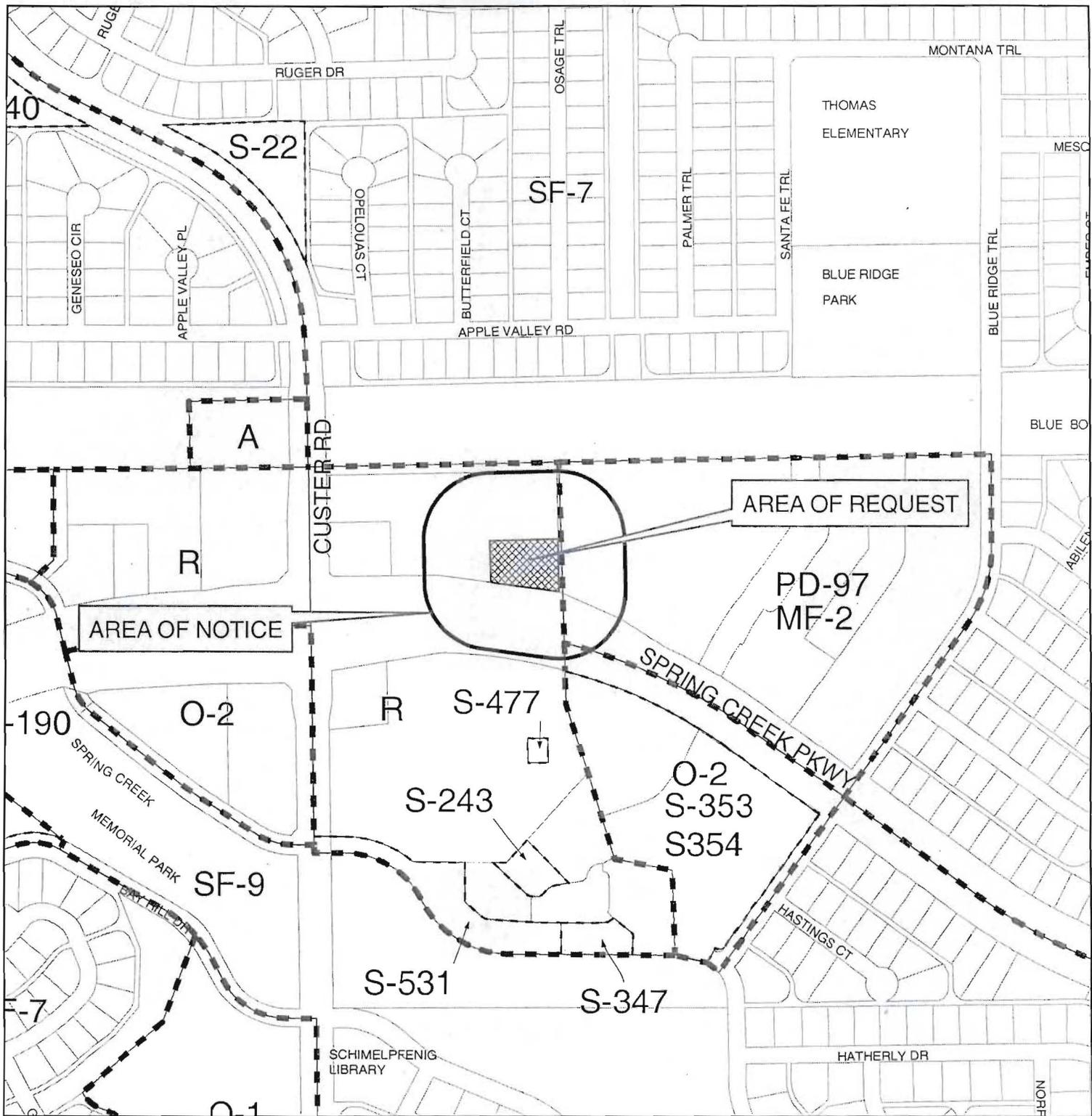
Criterion 5: All SUPs for Private Clubs shall be conditioned such that 65% of gross receipts be derived from the sale of food.

Criterion 6: The permitted premises contain a minimum of 80 dining seats allowing a minimum area of 12 square feet of dining area per dining chair. The existing restaurant meets these requirements.

The subject property is not in compliance with Criterion 2 or 3 as stated above. The City Council has the ability to waive the distance requirement from a residential zoning district (Criterion 3); however, it does not have the ability to waive the minimum 1,000-foot distance requirement from a religious facility (Criterion 2). Since the front door of the establishment is approximately 780 feet from the nearest religious facility, staff cannot support the applicant's request for a SUP for Private Club.

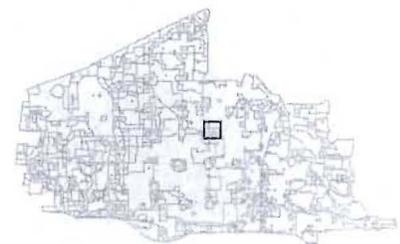
RECOMMENDATION:

Recommended for denial.



Zoning Case #: 2011-11

Existing Zoning: RETAIL



○ 200' Notification Buffer

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 16, 2011

Agenda Item No. 7

Public Hearing: Zoning Case 2011-12

Applicant: Weingarten Realty, Inc.

DESCRIPTION:

Request for Specific Use Permit for Trade/Commercial School on 0.1± acre located 575± feet west of Custer Road and 300± feet south of Parker Road. Zoned Planned Development-90-Retail.

REMARKS:

The requested zoning is for a Specific Use Permit (SUP) for Trade/Commercial School. The applicant proposes to operate a beauty school in conjunction with their existing beauty and hair salon (a Personal Service Shop). An SUP authorizes and regulates a use not normally permitted in a district, which could benefit in a particular case the general welfare, provided that adequate development standards and safeguards are established. Trade/Commercial Schools are establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art, or occupation. The applicant is proposing to locate the Trade/Commercial School in an existing 4,000± square foot tenant space, located in the middle of a larger shopping center building.

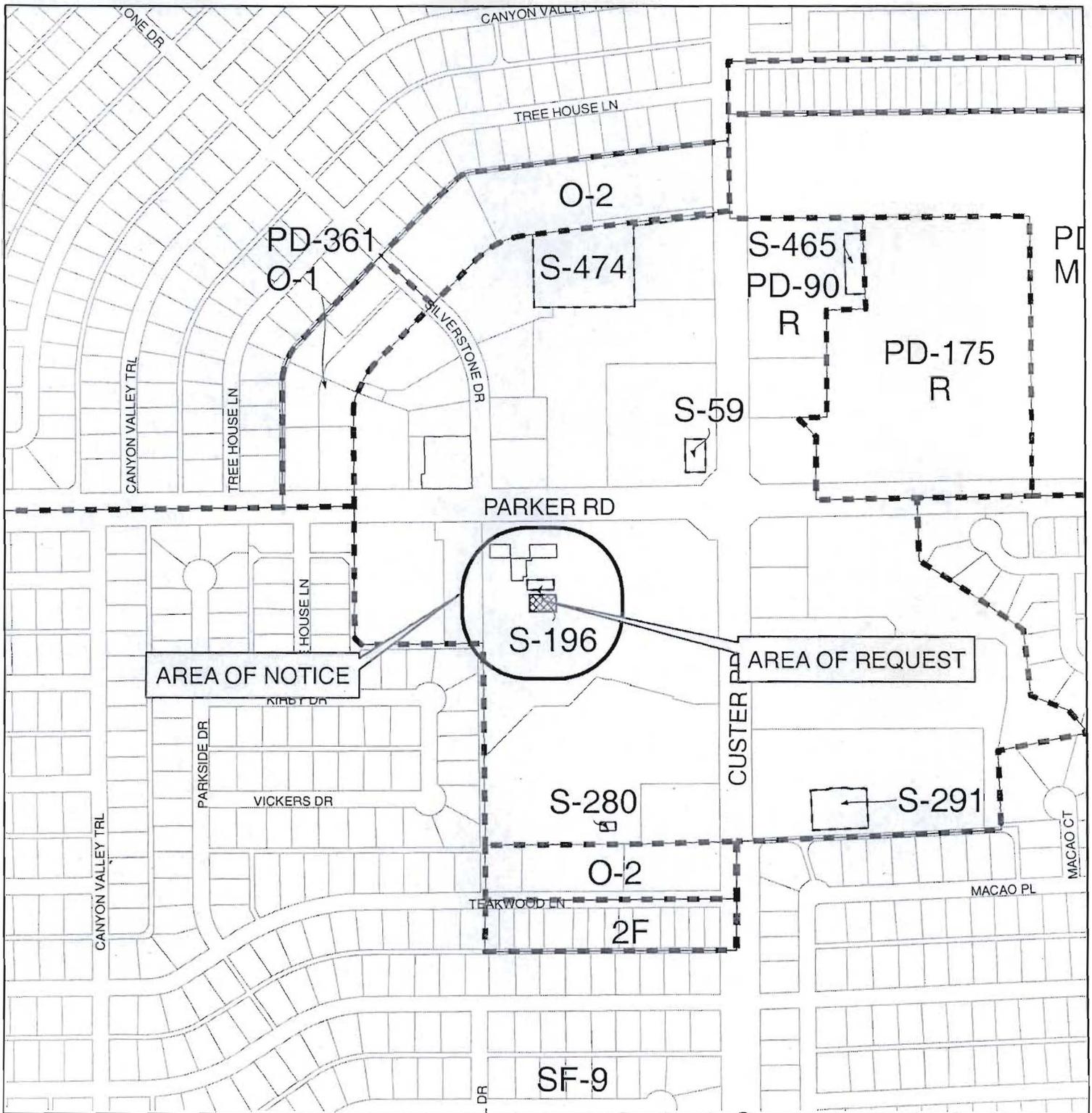
The current zoning is Planned Development-90-Retail (PD-90-R). The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls, but not including wholesaling or warehousing. A 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 onsite conditions.

The surrounding uses on this property are primarily restaurant and retail businesses. The area to the west of the shopping center is zoned Single-Family Residence-9 and is developed as residential. A masonry screening wall separates the shopping center from the residential property. Properties located across Parker Road to the north, across Custer Road to the east and northeast are all zoned PD-90-R and Planned Development-175-Retail. The trade/commercial school use is complimentary to the

adjacent land uses. Additionally, the site has sufficient parking to accommodate the requested use. Based on this analysis, staff believes this is an appropriate location for a Trade/Commercial School.

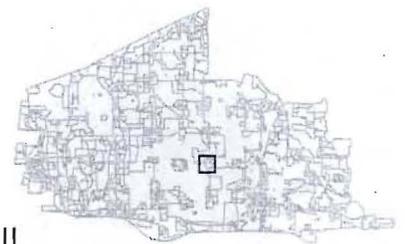
RECOMMENDATION:

Recommended for approval as submitted.

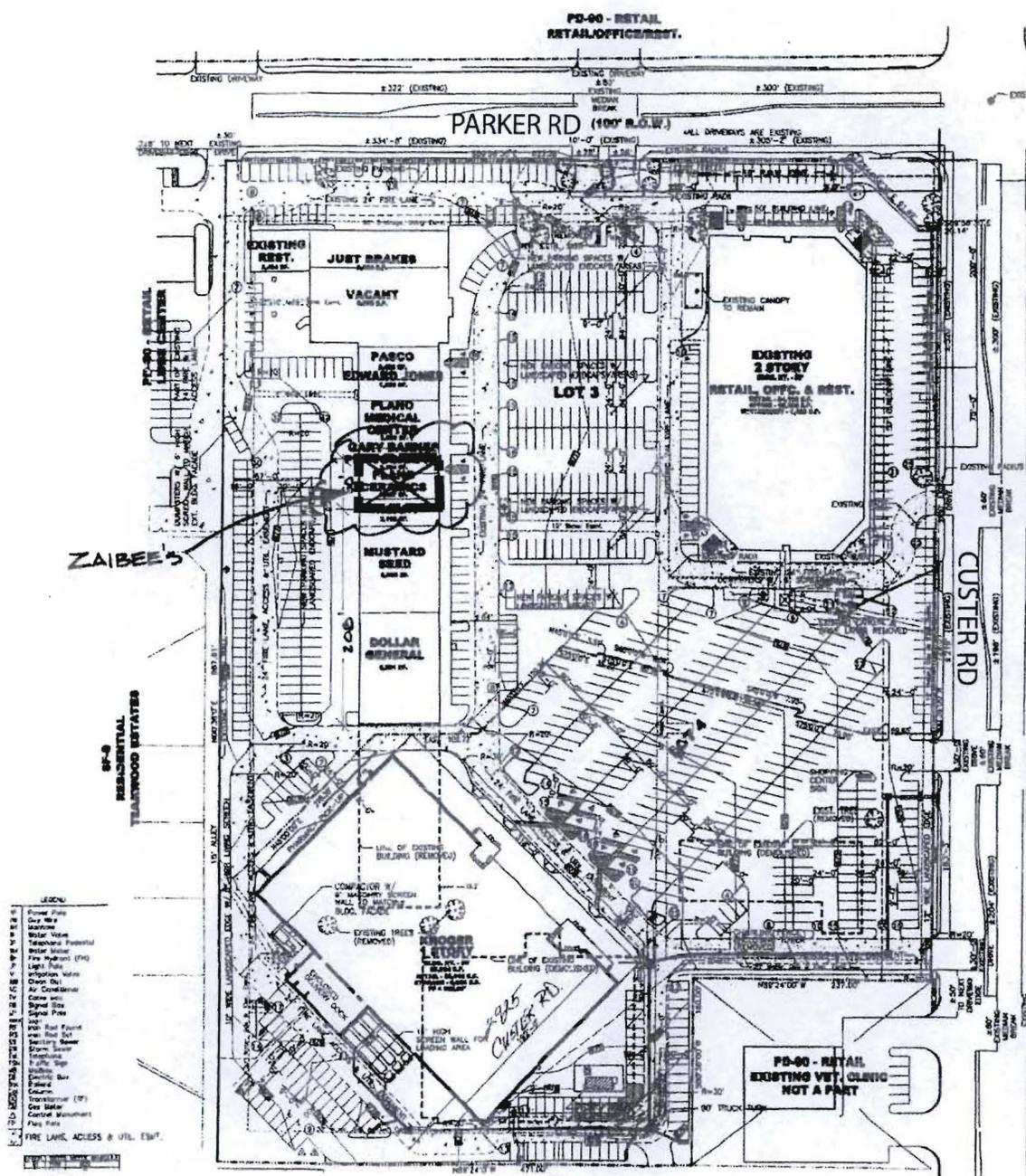


Zoning Case #: 2011-12

Existing Zoning: PLANNED DEVELOPMENT-90-RETAIL



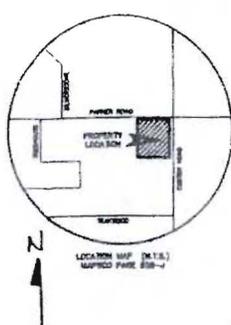
○ 200' Notification Buffer



**PD-90 - RETAIL
RETAIL/OFFICE/REST.**

ZONING EXHIBITS	
Exhibit Case #	2011-11
City Resolution No.	144 - Commercial District
Developer	Weingarten Realty Investors
Site	300 S. Custer Rd., Suite 200 Richardson, Texas 75080
Applicant	Alvira Realty Investors, LLC 2704 Dallas Branch, Suite 100 Dallas, Texas 75226

ZONING NOTES
 1. The applicant shall provide a copy of this zoning exhibit to the City of Dallas Planning Department for review and approval. The applicant shall also provide a copy of this zoning exhibit to the City of Dallas Planning Department for review and approval. The applicant shall also provide a copy of this zoning exhibit to the City of Dallas Planning Department for review and approval.



final site plan

**SWC Parker Rd. & Custer Rd.
Plano, Texas**

**A development of
WEINGARTEN REALTY INVESTOR**

PROJECT: 9937.2
 DATE: 8/27/09
 SCALE: 1" = 50'

tabulations

SITE AREA: 14.72 AC.
 ZONING: PD-90 - RETAIL
 PROPOSED USE: EXISTING RET./OFFICE/REST.
 LOT AREA: 302,995 S.F. / 6.79 AC.
 BUILDING S.F.: 113,544 S.F.
 BLDG. HT.: EXISTING 1- & 2-STORY BLDGS.
 1-STORY BLDG. - 30'-HT.
 2-STORY BLDG. - 30'-HT.

LOT COVERAGE: 29.85%
 FLOOR AREA RATIO: 0.38:1
 PARKING REQUIRED: 547 SP (TOTAL)
 RETAIL: 457 SP
 OFFICE: 34 SP
 REST: 34 SP
 PARKING PROVIDED: 563 SP
 HC PARKING REQ'D: 11 SP
 INT. LANDSCAPING PROV'D: 4,504 S.F.
 IMPERVIOUS SURFACE: 352,674 S.F.
 GROSS LANDSCAPE AREA: 30,311 S.F.

ADDITIONAL SITE PLAN
 1. FORM FOR RECORDING
 DO NOT DISCARD

LOT 4
 ZONING: PD-90 - RETAIL
 PROPOSED USE: RETAIL - KROGER
 LOT AREA: 256,336 S.F. / 5.83 AC.
 BUILDING S.F.: 65,084 S.F.
 BUILDING HT.: 1 STORY, 35'-HT.
 LOT COVERAGE: 25.18%
 FLOOR AREA RATIO: 0.25:1
 PARKING REQUIRED: 301 SP
 RETAIL: 295 SP
 STORAGE: 6 SP
 PARKING PROVIDED: 303 SP
 HC PARKING REQ'D: 8 SP
 INT. LANDSCAPING PROV'D: 2,424 S.F.
 IMPERVIOUS SURFACE: 231,981 S.F.
 GROSS LANDSCAPE AREA: 26,385 S.F.

**CUSTER PARK SHOPPING CENTER
Blk. A, Lots 3 & 4**

SCALE: 1" = 50'-0"

**PD-90 - RETAIL
RETAIL/OFFICE/REST.**

GENERAL NOTES

1. BUILDING SHALL BE OR Greater SHALL BE LOOK FIRE STRATEGIZED ALTERNATIVE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE BUILDING INSPECTOR AND FIRE DEPARTMENT.
2. FIRE LANES SHALL BE DESIGNED AND CONSTRUCTED PER CITY STANDARDS.
3. UNIMPROVED PARKING AREAS SHALL BE DESIGNED AND PROVIDED PER CITY STANDARDS, AND SHALL COMPLY WITH REQUIREMENTS OF THE CURRENT, ADOPTED UNIFORM BUILDING CODE.
4. FOUR-FOOT HIGH BARRICADES SHALL BE PROVIDED 2.5 FEET OFF THE PROPERTY LINE ALONG THE ROADSIDE, UNLESS A SIGNALY ERECTION IS PROVIDED PER A SIGNATURE SIGNATURE OF AN ALTERNATIVE DESIGN IS APPROVED BY THE CITY ENGINEER PER CHAPTER 101 CITY STANDARDS. SHALL BE PROVIDED ON SIDEWALKS AT ALL CURB CUTS.
5. MECHANICAL, SANITARY, EXHAUSTION, AND WASH CONNECTIONS SHALL BE DESIGNED IN ACCORDANCE WITH THE ZONING ORDINANCES, PER CITY STANDARDS.
6. ALL SIGNAGE CONTAINED UPON APPROVAL BY BUILDING INSPECTOR AND FIRE DEPARTMENT.
7. APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED.
8. OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE AS PROVIDED IN THE "RETAIL DESIGN GUIDELINES".
9. BUILDING FACADES WITH "P" DEVELOPMENT SHALL BE COMPATIBLE AS PROVIDED IN THE "RETAIL DESIGN GUIDELINES".
10. OUTDOOR LIGHTING SHALL COMPLY WITH ILLUMINATION STANDARDS WITHIN SECTION 8-4-04 OF THE CODE OF ORDINANCES.
11. PLEASE CONTACT THE BUILDING INSPECTOR DEPARTMENT TO DETERMINE THE TYPE OF CONSTRUCTION AND OCCUPANCY GROUP.
12. ALL ELECTRICAL, TELECOMMUNICATION, DETENTION AND SERVICE LINES SHALL BE UNDERGROUND.
13. USES SHALL COMPLY IN OPERATION, LOCATION, AND CONSTRUCTION WITH THE FOLLOWING PERFORMANCE STANDARDS IN SECTION 8-1-001 OF THE ZONING CODE: NOISE, VIBRATION AND PARTICULATE MATTER, SOOT/SMOKE, WATER FOG OR EXHAUST GASES, MATERIAL, TOXIC AND HAZARDOUS MATERIAL, VIBRATION AND OTHER PERFORMANCE STANDARDS.

CALLAWAY ARCHITECTS
 DEVELOPMENT SERVICES
 T.L. Callaway Architects, Inc.
 10000 Preston Road, Suite 1000
 Dallas, Texas 75240
 TEL: 972.382.1000
 FAX: 972.382.1001

* This site drawing was made with information researched in our office or provided to our office by some concerned parties, but does not include all boundary, roadway, utility or other site data of unknown nature or location site data not made available to our office. All warranties or guarantees are given as stated.

FILED:
8/15/09

REVISIONS:
 SUB. COR. - 3/14/09
 REV. - 3/22/09
 SP4 - 3/13/09
 SP4a - 8/20/09
 SP4b - 7/21/09
 SP4c - 7/28/09
 SP4d - 8/2/09

CALLAWAY ARCHITECTS
 DEVELOPMENT SERVICES

CUSTER PARK SHOPPING CENTER
 (PHASE V)
 S.W.C. CUSTER ROAD & PARKER ROAD
 PLANO, TEXAS

2225 CUSTER RD (LOT 4) 1-2229 CUSTER RD (LOT 3)

OWNER: KIS CHECKED
 DATE: 8/27/09
 TITLE: FINAL SITE PLAN
 CUSTER PARK SHOPPING CENTER
 BLOCK A
 LOTS 3 & 4

SHEET
SP-1

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 16, 2011

Agenda No. 8

Public Hearing: Zoning Case 2011-13

Applicant: City of Plano

DESCRIPTION:

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and related sections of the Zoning Ordinance pertaining to religious facility operated or sponsored onsite homeless shelters.

BACKGROUND:

In 2010, the city updated the Zoning Ordinance regulations relating to religious facilities. During discussions with the Planning & Zoning Commission and City Council, the issue of temporary homeless shelters sponsored or operated by religious facilities onsite was raised. The Commission and Council considered an ordinance amendment specifically to regulate this use, but ultimately decided not to modify the regulations regarding temporary homeless shelters. The Council believed that existing zoning regulations regulating homeless shelters (i.e. household care facility and household care institutions) were appropriate. Additionally, the Council believed that for religious facilities wanting to exceed the maximum number of persons allowed within a household care facility, the religious facility could pursue a variance from the Board of Adjustment (BOA). City Council has requested that the Commission consider this issue again.

REMARKS:

Religious facilities are allowed by right in all zoning districts, and many religious organizations support and encourage the feeding, housing, and care of homeless individuals, as these activities are congruent with their religious beliefs. Currently, these uses are defined as either household care facility or household care institution depending on the number of individuals housed. Household care facilities are allowed by right in all residential zoning districts and allow housing for up to eight persons plus two caregivers. Household care institutions are only allowed by specific use permit in multifamily residential zoning districts and several nonresidential zoning districts, and allow for the care of more than eight persons.

If homeless shelters associated with religious facilities are a use that the city believes it needs to address individually, staff recommends that the shelters be allowed in all zoning districts by right as an accessory use to religious uses only and not be allowed for fraternal, social, and institutional uses since these types of organizations (as well as religious facilities) can operate shelters in accordance with the city's current household care facility and household care institution uses. Additionally, staff recommends allowing homeless shelters as accessory uses to all religious facilities, regardless of size.

In previous discussions, staff suggested the following term and definition for a "temporary accessory housing shelter."

"A not-for-profit temporary housing shelter operated as an accessory use to a religious facility only, providing free lodging for indigent individuals or families with no regular home or residential address. A temporary accessory housing shelter shall house a maximum of 20 individuals at one time, and shall operate for a maximum of 30 days per calendar year. This definition shall not include household care facility and household care institutions."

This definition is the result of previous discussions with the Commission during 2010 when the Commission suggested the possibility of creating limits on the number of individuals allowed; restricting the time an individual is allowed to remain in a shelter; imposing a lot size or building square footage requirement; and creating a provision for bathroom facilities. There are several issues to consider related to this proposed use and definition:

- Any new regulations should be written such that they are not specific to one particular organization, but are inclusive of all religious facilities and shelter programs.
- Creating such limits on a temporary accessory housing shelter would prove difficult to monitor and enforce and could exclude certain organizations from providing services to homeless individuals.
- The use should be allowed for all religious facilities regardless of size.

Imposing a minimum square footage requirement for a religious facility to operate a shelter may exclude certain religious facilities from participating. Instead of including a provision to limit homeless shelters to religious facilities of a certain size, staff recommends that the city continue regulating homeless shelters based upon the city's existing building codes. The city uses the International Property Maintenance Code to determine minimum areas for livable areas. For bedrooms, the code requires a minimum of 70 square feet for rooms occupied by one person, and a minimum of 50 square feet per person for a bedroom occupied by more than one person. This square footage requirement would be applied to the area a religious facility would use to house homeless individuals. Upon request for a Certificate of Occupancy to operate a shelter, the Building Inspections Department would verify that the facility has the necessary square footage to accommodate homeless individuals, as well as that the facility is meeting all other applicable building codes.

In lieu of creating a new use, another option is that housing for the homeless remain classified as either household care facility or household care institution because these classifications already exist within the Zoning Ordinance and have limits placed upon them based upon the number of persons housed. If a religious facility believes that they cannot abide by the limits on the number of persons set forth in the household care definitions, particularly household care facilities since they are limited to eight persons plus two caregivers, the religious facility currently has the opportunity to apply for a variance with the BOA.

Staff revisited this issue with the Commission, at the request of the City Council, at the May 2, 2011, Planning & Zoning Commission meeting. During that discussion, the Commission reiterated that it does not wish to modify the regulations. However, if upon further discussion the Commission believes that religious facilities operating or sponsoring onsite homeless shelters should be regulated individually, staff recommends the Zoning Ordinance be amended to include the term "temporary accessory housing shelter" with the definition provided previously within this report, with the exception that the length of stay time limitation be removed due to the difficulty of enforcing the length of stay for individuals.

Additionally, staff recommends that temporary accessory housing shelter be allowed by right in all zoning districts. This would allow religious facilities in single-family districts to have shelters housing a maximum of 20 people by right in lieu of having to obtain variances due to household care facility limitations. Furthermore, this would allow religious facilities located in multifamily residential and nonresidential zoning districts to have shelters with a maximum of 20 people by right in lieu of having to obtain a specific use permit for household care institution.

RECOMMENDATION:

If the Planning & Zoning Commission believes that religious facilities operating onsite homeless shelters should be regulated individually, then staff recommends the Zoning Ordinance be amended as follows:

Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to include the following:

Temporary accessory housing shelter - A not-for-profit temporary housing shelter operated as an accessory use to a religious facility only, providing free lodging for indigent individuals or families with no regular home or residential address. A temporary accessory housing shelter shall house a maximum of 20 individuals at one time. This definition shall not include household care facility and household care institutions.

Amend Section 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow temporary accessory housing shelter by right in all zoning districts and adding End Note 45 as follows:

End Note 45: Permitted as an accessory use to a religious facility; see Section 1.600 (Definitions).

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 16, 2011

Agenda No. 9

Public Hearing - Replat: Capital One Addition, Block 1, Lot 3R

Applicant: Capital One National Association

DESCRIPTION:

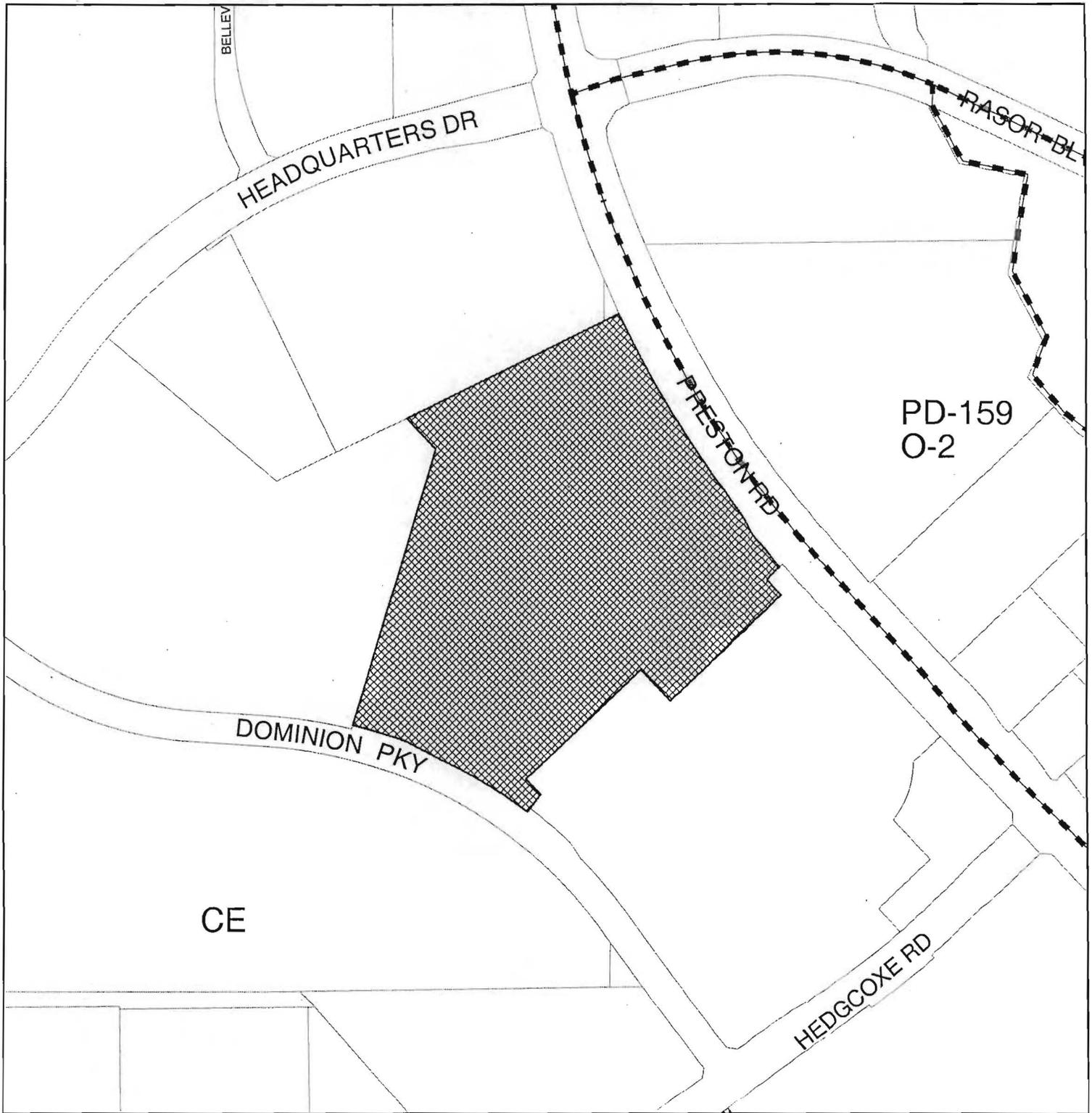
General office on one lot on 24.8± acres located on the west side of Preston Road, 1,036± feet north of Hedgcoxe Road. Zoned Commercial Employment/Preston Road Overlay District. Neighborhood #8.

REMARKS:

The purpose of the replat is to dedicate easements necessary for completing the development of the property.

RECOMMENDATIONS:

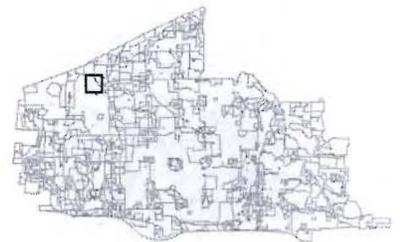
Recommended for approval as submitted.



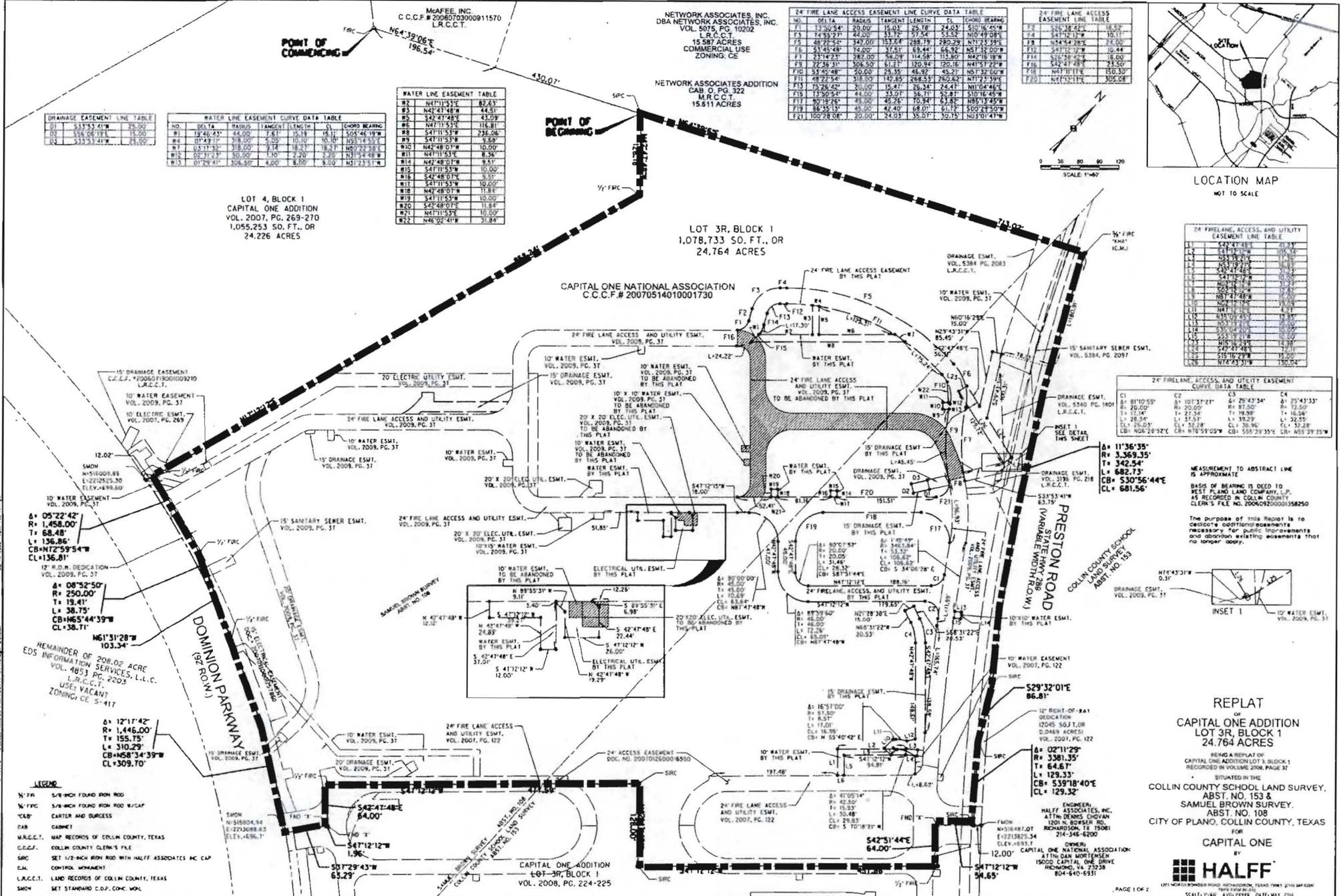
Item Submitted: REPLAT

Title: CAPITAL ONE ADDITION
BLOCK 1, LOT 3R

Zoning: COMMERCIAL EMPLOYMENT/
PRESTON ROAD OVERLAY DISTRICT



○ 200' Notification Buffer



POINT OF COMMENCING

POINT OF BEGINNING

DRAINAGE EASEMENT LINE TABLE

NO.	BEARING	LENGTH
D1	S33°53'41"W	25.00
D2	S58°08'19"E	15.00
D3	S33°53'41"W	25.00

WATER LINE EASEMENT CURVE DATA TABLE

NO.	DATA	RADIUS	TANGENT	LENGTH	CL	CHORD BEARING
W1	S18°46'43"	44.00	7.61	15.19	15.11	S05°46'19"W
W2	S01°29'17"	118.00	5.52	10.10	10.10	S03°14'53"E
W3	S13°17'32"	118.00	7.14	18.37	18.37	N07°02'36"E
W4	S02°11'47"	50.00	1.10	7.20	7.20	N31°24'49"W
W5	S01°29'17"	118.00	5.52	10.10	10.10	N31°23'51"W

WATER LINE EASEMENT TABLE

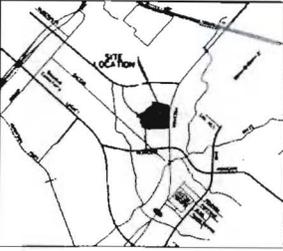
NO.	BEARING	LENGTH
W1	N47°11'53"E	82.63
W2	N42°47'48"W	44.31
W3	S42°47'48"E	43.09
W4	N47°11'53"E	116.81
W5	S47°11'53"W	236.06
W6	S47°11'53"W	8.89
W7	N42°48'07"W	10.00
W8	N47°11'53"E	8.36
W9	S47°11'53"W	10.00
W10	N42°48'07"E	9.51
W11	S47°11'53"W	10.00
W12	N42°48'07"W	11.81
W13	S47°11'53"W	10.00
W14	S42°48'07"E	9.51
W15	N42°48'07"W	11.81
W16	S47°11'53"W	10.00
W17	S42°48'07"E	11.81
W18	N42°48'07"W	10.00
W19	S47°11'53"W	10.00
W20	S42°48'07"E	11.81
W21	N47°11'53"E	10.00
W22	N46°02'41"W	31.84

24' FIRE LANE ACCESS EASEMENT LINE CURVE DATA TABLE

NO.	DATA	RADIUS	TANGENT	LENGTH	CL	CHORD BEARING
F1	S13°50'54"	20.00	15.03	25.78	24.03	S10°16'45"W
F2	S42°47'48"W	44.00	5.52	10.10	10.10	N10°49'08"E
F3	S42°47'48"E	44.00	5.52	10.10	10.10	N10°49'08"E
F4	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F5	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F6	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F7	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F8	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F9	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F10	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F11	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F12	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F13	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F14	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F15	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F16	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F17	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F18	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F19	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F20	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F21	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F22	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F23	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E
F24	S13°50'54"	20.00	15.03	25.78	24.03	N17°13'19"E

24' FIRE LANE ACCESS EASEMENT LINE TABLE

NO.	BEARING	LENGTH
F1	S13°50'54"	18.50
F2	S42°47'48"W	10.11
F3	N42°47'48"E	10.11
F4	S13°50'54"	10.44
F5	S13°50'54"	18.00
F6	S13°50'54"	18.00
F7	N47°11'53"E	150.30
F8	N47°11'53"E	305.00



LOT 4, BLOCK 1
CAPITAL ONE ADDITION
VOL. 2007, PG. 269-270
1,055,253 SQ. FT., OR
24.226 ACRES

LOT 3R, BLOCK 1
1,078,733 SQ. FT., OR
24.764 ACRES

CAPITAL ONE NATIONAL ASSOCIATION
C.C.C.F.# 20070514010001730

LOCATION MAP
NOT TO SCALE

24' FIRE LANE ACCESS AND UTILITY EASEMENT LINE TABLE

NO.	BEARING	LENGTH
L1	S27°17'17"W	7.00
L2	S27°17'17"W	7.00
L3	S27°17'17"W	7.00
L4	S27°17'17"W	7.00
L5	S27°17'17"W	7.00
L6	S27°17'17"W	7.00
L7	S27°17'17"W	7.00
L8	S27°17'17"W	7.00
L9	S27°17'17"W	7.00
L10	S27°17'17"W	7.00
L11	S27°17'17"W	7.00
L12	S27°17'17"W	7.00
L13	S27°17'17"W	7.00
L14	S27°17'17"W	7.00
L15	S27°17'17"W	7.00
L16	S27°17'17"W	7.00
L17	S27°17'17"W	7.00
L18	S27°17'17"W	7.00
L19	S27°17'17"W	7.00
L20	S27°17'17"W	7.00
L21	S27°17'17"W	7.00
L22	S27°17'17"W	7.00
L23	S27°17'17"W	7.00
L24	S27°17'17"W	7.00
L25	S27°17'17"W	7.00
L26	S27°17'17"W	7.00
L27	S27°17'17"W	7.00
L28	S27°17'17"W	7.00
L29	S27°17'17"W	7.00
L30	S27°17'17"W	7.00
L31	S27°17'17"W	7.00
L32	S27°17'17"W	7.00
L33	S27°17'17"W	7.00
L34	S27°17'17"W	7.00
L35	S27°17'17"W	7.00
L36	S27°17'17"W	7.00
L37	S27°17'17"W	7.00
L38	S27°17'17"W	7.00
L39	S27°17'17"W	7.00
L40	S27°17'17"W	7.00
L41	S27°17'17"W	7.00
L42	S27°17'17"W	7.00
L43	S27°17'17"W	7.00
L44	S27°17'17"W	7.00
L45	S27°17'17"W	7.00
L46	S27°17'17"W	7.00
L47	S27°17'17"W	7.00
L48	S27°17'17"W	7.00
L49	S27°17'17"W	7.00
L50	S27°17'17"W	7.00
L51	S27°17'17"W	7.00
L52	S27°17'17"W	7.00
L53	S27°17'17"W	7.00
L54	S27°17'17"W	7.00
L55	S27°17'17"W	7.00
L56	S27°17'17"W	7.00
L57	S27°17'17"W	7.00
L58	S27°17'17"W	7.00
L59	S27°17'17"W	7.00
L60	S27°17'17"W	7.00
L61	S27°17'17"W	7.00
L62	S27°17'17"W	7.00
L63	S27°17'17"W	7.00
L64	S27°17'17"W	7.00
L65	S27°17'17"W	7.00
L66	S27°17'17"W	7.00
L67	S27°17'17"W	7.00
L68	S27°17'17"W	7.00
L69	S27°17'17"W	7.00
L70	S27°17'17"W	7.00
L71	S27°17'17"W	7.00
L72	S27°17'17"W	7.00
L73	S27°17'17"W	7.00
L74	S27°17'17"W	7.00
L75	S27°17'17"W	7.00
L76	S27°17'17"W	7.00
L77	S27°17'17"W	7.00
L78	S27°17'17"W	7.00
L79	S27°17'17"W	7.00
L80	S27°17'17"W	7.00
L81	S27°17'17"W	7.00
L82	S27°17'17"W	7.00
L83	S27°17'17"W	7.00
L84	S27°17'17"W	7.00
L85	S27°17'17"W	7.00
L86	S27°17'17"W	7.00
L87	S27°17'17"W	7.00
L88	S27°17'17"W	7.00
L89	S27°17'17"W	7.00
L90	S27°17'17"W	7.00
L91	S27°17'17"W	7.00
L92	S27°17'17"W	7.00
L93	S27°17'17"W	7.00
L94	S27°17'17"W	7.00
L95	S27°17'17"W	7.00
L96	S27°17'17"W	7.00
L97	S27°17'17"W	7.00
L98	S27°17'17"W	7.00
L99	S27°17'17"W	7.00
L100	S27°17'17"W	7.00

24' FIRE LANE ACCESS AND UTILITY EASEMENT CURVE DATA TABLE

NO.	DATA	RADIUS	TANGENT	LENGTH	CL	CHORD BEARING
C1	S10°13'21"	4	25°43'34"	4	25°43'33"	
C2	S10°13'21"	4	25°43'34"	4	25°43'33"	
C3	S10°13'21"	4	25°43'34"	4	25°43'33"	
C4	S10°13'21"	4	25°43'34"	4	25°43'33"	
C5	S10°13'21"	4	25°43'34"	4	25°43'33"	
C6	S10°13'21"	4	25°43'34"	4	25°43'33"	
C7	S10°13'21"	4	25°43'34"	4	25°43'33"	
C8	S10°13'21"	4	25°43'34"	4	25°43'33"	
C9	S10°13'21"	4	25°43'34"	4	25°43'33"	
C10	S10°13'21"	4	25°43'34"	4	25°43'33"	
C11	S10°13'21"	4	25°43'34"	4	25°43'33"	
C12	S10°13'21"	4	25°43'34"	4	25°43'33"	
C13	S10°13'21"	4	25°43'34"	4	25°43'33"	
C14	S10°13'21"	4	25°43'34"	4	25°43'33"	
C15	S10°13'21"	4	25°43'34"	4	25°43'33"	
C16	S10°13'21"	4	25°43'34"	4	25°43'33"	
C17	S10°13'21"	4	25°43'34"	4	25°43'33"	
C18	S10°13'21"	4	25°43'34"	4	25°43'33"	
C19	S10°13'21"	4	25°43'34"	4	25°43'33"	
C20	S10°13'21"	4	25°43'34"	4	25°43'33"	
C21	S10°13'21"	4	25°43'34"	4	25°43'33"	
C22	S10°13'21"	4	25°43'34"	4	25°43'33"	
C23	S10°13'21"	4	25°43'34"	4	25°43'33"	
C24	S10°13'21"	4	25°43'34"	4	25°43'33"	
C25	S10°13'21"	4	25°43'34"	4	25°43'33"	
C26	S10°13'21"	4	25°43'34"	4	25°43'33"	
C27	S10°13'21"	4	25°43'34"	4	25°43'33"	
C28	S10°13'21"	4	25°43'34"	4	25°43'33"	
C29	S10°13'21"	4	25°43'34"	4	25°43'33"	
C30	S10°13'21"	4	25°43'34"	4	25°43'33"	
C31	S10°13'21"	4	25°43'34"	4	25°43'33"	
C32	S10°13'21"	4	25°43'34"	4	25°43'33"	
C33	S10°13'21"	4	25°43'34"	4	25°43'33"	
C34	S10°13'21"	4	25°43'34"	4	25°43'33"	
C35	S10°13'21"	4	25°43'34"	4	25°43'33"	
C36	S10°13'21"	4	25°43'34"	4	25°43'33"	
C37	S10°13'21"	4	25°43'34"	4	25°43'33"	
C38	S10°13'21"	4	25°43'34"	4	25°43'33"	
C39	S10°13'21"	4	25°43'34"	4	25°43'33"	
C40	S10°13'21"	4	25°43'34"	4	25°43'33"	
C41	S10°13'21"	4	25°43'34"	4	25°43'33"	
C42	S10°13'21"	4	25°43'34"	4	25°43'33"	
C43	S10°13'21"	4	25°43'34"	4	25°43'33"	
C44	S10°13'21"	4	25°43'34"	4	25°43'33"	
C45	S10°13'21"	4	25°43'34"	4	25°43'33"	
C46	S10°13'21"	4	25°43'34"	4	25°43'33"	
C47	S10°13'21"	4	25°43'34"	4	25°43'33"	
C48	S10°13'21"	4	25°43'34"	4	25°43'33"	
C49	S10°13'21"	4	25°43'34"	4	25°43'33"	
C50	S10°13'21"	4	25°43'34"	4	25°43'33"	
C51	S10°13'21"	4	25°43'34"	4	25°43'33"	
C52	S10°13'21"	4	25°43'34"	4	25°43'33"	
C53	S10°13'21"	4	25°43'34"	4	25°43'33"	
C54	S10°13'21"	4	25°43'34"	4	25°43'33"	
C55	S10°13'21"	4	25°43'34"	4	25°43'33"	
C56	S10°13'21"	4	25°43'34"	4	25°43'33"	
C57	S10°13'21"	4	25°43'34"	4	25°43'33"	
C58	S10°13'21"	4	25°43'34"	4	25°43'33"	
C59	S10°13'21"	4	25°43'34"	4	25°43'33"	
C60	S10°13'21"	4	25°43'34"	4	25°43'33"	
C61	S10°13'21"	4	25°43'34"	4	25°43'33"	
C62	S10°13'21"	4	25°43'34"	4	25°43'33"	
C63	S10°13'21"	4	25°43'34"	4	25°43'3	

CITY OF PLANO

PLANNING & ZONING COMMISSION

May 16, 2011

Agenda No. 10

Appeal of the Director of Planning's Interpretation of the Zoning Ordinance

Applicant: Custer Road United Methodist Church

DESCRIPTION:

An appeal of the Director of Planning's Interpretation of the Zoning Ordinance regulations as they apply to the use of outdoor athletic fields operated by a nonprofit organization. Tabled 04/18/11.

REMARKS:

This item was tabled at the April 18th meeting and must be removed from the table. The Commission tabled the item to receive more information concerning property standards issues related to the outdoor athletic fields located on the church property, and to further discuss how the athletic field use should be classified.

Custer Road United Methodist Church leases part of its property at the southeast corner of Custer Road and Legacy Drive to a private nonprofit soccer club. (A copy of the agreement between the church and the Texas Football Club is attached.) The club provides practice and game fields for its member teams, but the facility is not open for public use. The club maintains the facility and also holds tournaments and camps on the site. As a result of complaints from adjacent homeowners about various aspects of the fields' use, staff considered the appropriate zoning classification of the use to determine if it was allowed in the underlying Multifamily Residence-3 (MF-3) zoning district.

The Zoning Ordinance defines and regulates several types of indoor and outdoor recreational uses, as follows:

- Private Recreation Facility - A recreation facility operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public. This use is allowed by right in the MF-3 zoning district.
- Community Center - A building or complex of buildings that house cultural, recreational, athletic, or entertainment facilities owned and/or operated by a

governmental agency or private nonprofit agency. This use is allowed with approval of a specific use permit (SUP) in the MF-3 zoning district.

- Park/Playground - A recreation facility, recreation center, or park owned or operated by a public agency such as a city or school district, and available to the general public. This use is allowed by right in all residential and commercial zoning districts.
- Recreation Center - A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities. This use is not allowed either by right or by SUP in the MF-3 or other residential zoning districts.
- Commercial Amusement (Outdoor) - An outdoor area or structure open to the public, which provides entertainment or amusement for a fee or admission charge including, but not limited to, batting cages, miniature golf, go-kart tracks, and carnivals. This use is not allowed either by right or by SUP in the MF-3 zoning district.

In addition to the uses described above, many religious facilities have constructed athletic facilities and game fields and sponsor athletic teams and events for their members or associated schools. When used for activities sponsored by a religious facility, these facilities have been allowed by right as part of the campus.

The Zoning Ordinance also prescribes setbacks from adjacent residential zoning districts for bleachers and backstops associated with outdoor athletic fields.

At the April 18th meeting, the Commission also discussed whether or not the use could be considered as accessory to the church. The Zoning Ordinance defines Accessory Building or Use as "A building or use clearly subordinate to and functionally related to the primary building or use, which contributes to the comfort, convenience, or necessity of occupants of the primary building or use on the same platted lot. Accessory buildings shall be detached from the primary building and shall not be used for living quarters." The outdoor athletic fields are not on the same lot as the principal building in this case. However, the Commission should also consider the accessory use issue in a broader context. Is there a limit to what could be considered accessory to a church use? How close does the connection between a church and a use provided or administered by a different entity need to be in order to be considered as an accessory use?

Director of Planning's Interpretation

The outdoor activities conducted by the soccer association, do not fit neatly into any of the existing use definitions listed above. However, after reviewing the various definitions and uses, the Director of Planning determined that the use should be classified as a Community Center. Although the soccer club does not have a building on the property, this definition most closely matched the type of activities and the nature of the organization. This is the same use classification that has been applied to the two Plano Sports Authority facilities in the city, which also provide league sports facilities on park land leased from the City of Plano. One of these facilities is located in a residential

zoning district, and was therefore required to obtain a specific use permit. Another example of a community center permitted in a residential district with a specific use permit is the former YMCA on Glenclyff Drive (now Liberty Recreation Center.)

The applicant believes that the use should be classified as a "private recreation facility," which does not require a specific use permit in MF-3. However, this classification clearly refers to and has been used to regulate facilities such as community pools, clubhouses, and playgrounds owned and maintained by a homeowners or condominium association and limited to use by residents.

Since the soccer club is not a governmental entity and the fields are not open to the general public, the "Park and Playground" use is not appropriate either.

Planning & Zoning Commission Options

Section 6.300 of the Zoning Ordinance grants authority to the Director of Planning to determine the meaning and interpretation of provisions of the ordinance, with an appeal to the Planning & Zoning Commission. The determination of the Commission is final. Below are options for the Commission to consider:

- Upholding the interpretation of the Director of Planning.
- Classifying the outdoor athletic fields as another use defined in the Zoning Ordinance.
- Determining that none of the existing uses defined in the Zoning Ordinance adequately address this particular use. If the Commission chooses this option, then an amendment to create a new use and definition, and determining the appropriate districts for the new use, should be initiated.
- Classifying the outdoor athletic fields as an accessory use to the church. If this option is chosen, the Commission should consider amending the definition of accessory use to address the requirement that accessory uses be located on the same platted lot as the primary use.

Regardless of the use determination, the property standards violations on the site will still have to be addressed.

RECOMMENDATIONS:

The Planning & Zoning Commission may uphold the interpretation of the Director of Planning, or overturn it. If the Commission does not agree with the interpretation, staff requests guidance as to how the use should be classified or if ordinance amendments should be pursued. The Commission may call a public hearing to consider amending the ordinance for this purpose.

AGREEMENT

This Agreement is entered into as of the 18th day of February, 2008, between Custer Road United Methodist Church (the "Church") a Texas nonprofit corporation, located at 6601 Custer Road, Plano, Texas 75023, and Texas Football Club ("Club"), a Texas nonprofit corporation whose address is P.O. Box 1398, Allen, TX 75013.

WHEREAS, the Church is the owner of land (the "Land") located at the southeast corner of the intersection of Custer Road and Legacy Drive in Plano, Texas, as more fully described in Attachment A which is attached hereto and made a part hereof; and

WHEREAS, the Club desires to use the Land as a practice facility and for other activities related to its youth soccer team; and

WHEREAS, the Church agrees to allow the Club to use the Land solely for such purposes subject to the terms and conditions set forth below;

NOW, THEREFORE, the parties agree as follows:

1. TERM: The term of this Agreement shall begin as of the date set forth above and shall continue indefinitely until terminated by either party upon not less than ninety days prior written notice to the other. Notwithstanding any other provision hereof, in the event of a breach of this agreement by either party which is not substantially cured within five days after written notice thereof, the non-breaching party may, without prejudice to any other rights it might have, immediately terminate this Agreement.

2. PERMITTED USES: The Club shall use the Land solely as a practice facility for its youth soccer teams, as a venue for its youth soccer matches, for tryouts and for soccer day camps and practices. The Club shall not use the Land for any other purpose without the prior written consent of the Church's Board of Trustees. Notwithstanding any other provision hereof, on Sundays the Club shall not use the Land for any purpose prior to 12:30 p.m. Nothing contained herein shall limit the right of the Church to use the Land. The Church shall provide the Club with reasonable prior notice of its intention to use the Land.

3. COMPLIANCE WITH LAWS: The Club shall be solely responsible for compliance with all applicable governmental laws, rules, regulations and ordinances, including, without limitation, those relating to the environment and zoning ordinances.

4. NO WARRANTIES: The Church makes no representation or warranty that the Land is suitable for use by the Club and the Club accepts the Land "as is" with no representation or warranty of any kind from the Church.

5. OBLIGATIONS OF THE CLUB

- 5.1 The Club shall be responsible for maintaining the Land including watering, mowing, and keeping the Land free of litter and shall pay all associated costs. Without limiting the generality of the foregoing, the Club shall (i) mow the Land not less frequently than once every other week during the months of April through September, and as needed or requested by the Church during the remainder of the calendar year; and (ii) pay the Church the sum of \$800 each month during the term hereof to cover watering costs, such payment to be made on or before the 15th day of each month.
- 5.2 The Club shall maintain in force a liability policy with an insurance carrier reasonably acceptable to Church, in the amount of not less than \$1,000,000, the terms of which shall be reasonably satisfactory to the Church. The Church shall be named as an additional insured on such policy. Contemporaneous with its execution of this agreement, the Club shall provide the Church with a copy of the insurance policy.
- 5.3 The Club shall obtain the written permission of the Church's Board of Trustees prior to erecting any structure on the Land and, unless otherwise agreed to in writing by the Church's Board of Trustees, shall remove any such structure prior to the termination of this Lease. Notwithstanding the foregoing, the Club shall have the right to erect a portable storage building on the Land, the size and location of which shall be subject to the prior written approval of the Church's Board of Trustees, such approval not to be unreasonably withheld or delayed. Further, the Club may erect temporary lighting; provided however that any such lighting shall comply in all respects with applicable laws, regulations and codes; and, provided further that the Church's Board of Trustees shall approve the location of the lights. In addition the Club may erect a sign on the Land; provided however that any such sign shall comply in all respects with applicable laws, regulations and codes; and, provided further that the Church's Board of Trustees shall approve the size, design and location of any such sign

6. RELEASE AND INDEMNIFICATION:

- 6.1 The Club hereby releases, and shall cause each Club player, prospective player or other participant (each, a "Participant") in writing to release CHURCH from any and all liability and responsibility whatsoever, however caused, for any and all damages, claims, or causes of action that the Club, the Participant or Participant's parents or legal guardian(s) or their respective estates, heirs, administrators, executors, or assigns may have for any loss, illness, personal injury, death, or property damage arising out of, connected with, or in any manner pertaining to the Club's activities on, or its use of the Land, WHETHER CAUSED BY THE NEGLIGENCE OF THE CHURCH or otherwise.
- 6.2 The Club shall defend, indemnify and hold the Church harmless from any claim, loss, damage or injury arising out of or in any way connected with the Club's

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activities or its use of the Land WHETHER CAUSED BY THE NEGLIGENCE OF THE CHURCH or otherwise. The Club shall respond promptly to any complaint(s) by area property owners concerning its use of the Land.

7. AMENDMENT: This Lease Agreement may be amended only by an instrument in writing signed by the Trustees Chair and the Club's Director of Coaching.

8. NOTICES: Notices shall be in writing, shall be effective upon receipt and shall be directed as set forth below:

If to the Church: Custer Road United Methodist Church
6601 Custer Road
Plano, TX 75023
Attention: Associate Minister -- Administration

If to the Club: Texas Football Club
P.O. Box 1398
Allen, TX 75013
Attention: Board of Directors

Each party may change the address to which notices shall be sent by giving written notice to the other party.

9. ARBITRATION: This agreement is entered into in Collin County, Texas, and shall be governed by the laws of the State of Texas. Any disputes arising out of this agreement shall be submitted to arbitration in Dallas, Texas, under the rules of the American Arbitration Association as then in effect.

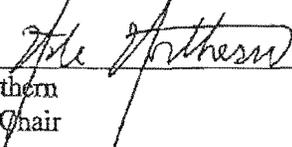
10. ASSIGNMENT: This agreement may not be assigned by either party without the prior written consent of the other.

11. MISCELLANEOUS: The Club shall at all times remain a non-profit corporation in good standing with the State of Texas. The Club shall notify the Church immediately of any change in corporate structure or forfeiture of non-profit status. Upon termination of this Agreement, the Club shall remove all equipment not permanently affixed to the Land, and return the Land to the Church in good condition and repair.

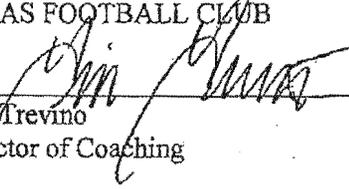
12. PRIOR AGREEMENTS: This agreement constitutes the entire agreement between the parties relating to the subject matter hereof and supersedes any prior agreements, arrangements and understandings, written or oral.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date first written above.

CUSTER ROAD UNITED METHODIST CHURCH

By: 
Nate Northern
Trustees Chair

TEXAS FOOTBALL CLUB

By: 
Tim Trevino
Director of Coaching



May 13, 2011

Planning and Zoning Commission
City of Plano
1520 K Avenue
Plano, TX 75074

RE: 6900 Custer Road

Dear Commissioners,

On behalf of Custer Road United Methodist Church, thank you for again considering the Director of Planning's determination that the church's activities at 6900 Custer Road constitute "Community Center" use and, therefore, requires a Specific Use Permit. In the time that we have discussed this matter, we have further clarified our position and ask for your consideration of the following:

1. **Land "Use", not Land "User"**. The Zoning Ordinance grants authority to regulate land use, but not who uses the land. The church has a limited use agreement with a non-profit organization to conduct a soccer club on the property. This is not a lease. The church derives no income from the agreement, but is only reimbursed for water use. At the same time, the church uses the property for its own recreational activities throughout the year. "Private Recreation Facility" appropriately defines these uses. If the commission upholds Ms. Jarrell's determination, it will substantially interfere with the church's ability to use the property for religious and other permitted activities.
2. **This use is integral to the church's mission and ministry**. The church has more scheduled activities on the property throughout the year than the soccer club does during its seasons. Recreational activities, as well as, weekend parking, Easter sunrise services, annual pumpkin sales, and community garage sales are all integral to the church's efforts to reach the community and communicate the gospel of Jesus Christ. Even use by the soccer club brings neighbors from around the city in contact with the church and its other ministries. Conversely, church member's children participate in the soccer club. These are religious uses essential to the church's mission. An SUP will substantially burden the church's religious use of their property.
3. **"Community Center" is inaccurate**. If "Private Recreation Center" is not a satisfactory description of the church's activities, "Community Center" is no better. If both descriptions are inadequate, the City has an obligation to clarify its ordinance rather than require the church to adapt its ministry to fit the intent of definitions in City ordinances.

4. **An SUP is burdensome and unnecessary.** The property has been used for a variety of ministry activities since its purchase in 1993. An SUP after almost 20 years is a substantial burden to the church. An SUP “may require from the applicant plans, information, operating data, and expert evaluation concerning the location, function, and characteristics of any building or use proposed” (Zoning Ordinance, 2.403). Further, an SUP may “establish conditions of operation, location, arrangement” (ibid.). The stated submittal requirements to obtain an SUP are lengthy and represent substantial cost. Even the church’s efforts to replace the landscape screen have been delayed for eight weeks by numerous and irrelevant submittal requirements. If required and approved, the SUP will force the church to question every current and future ministry use of its property. Both the process and result of obtaining an SUP is unnecessarily burdensome.
5. **The director has abused her discretion.** While “Private Recreation Facility” is clearly a better description of the church’s recreational activities, Ms. Jarrell has failed to adequately consider the religious use of the property and applied a less adequate definition. On its face, “Community Center” describes “a building or complex of buildings” (Zoning Ordinance, 1.6). Clearly, there are no buildings on this property. The director further abused her discretion by failing to consider the burden that an SUP and its stipulations will place on the church and its ministries.

In light of these facts, we are requesting that you find the use of this property consistent with its current zoning, and that no additional approvals or permits be required to continue these uses. We appreciate your consideration of this matter.

Sincerely,



Bryce Greene
President

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 16, 2011

Agenda Item No. 11

Request to Call Public Hearing

Applicant: City of Plano

DESCRIPTION:

A request to call a public hearing to consider amendments to Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Zoning Ordinance and related sections of the ordinance.

REMARKS:

Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Zoning Ordinance regulates signage in conjunction with the Code of Ordinances. The regulations address sign types, dimensions, placement, and more. During 2009, the Planning & Zoning Commission and City Council evaluated various changes to the sign regulations including the wall signage calculation method for retail shopping centers, electronic message center signs with shorter image display time, and allowing for light pole banner signs. Since that time, sign types and designs have continued to change as businesses find new ways to advertise. Additionally, staff has continued to receive variance requests to the existing regulations so it may be appropriate to consider whether or not the existing regulations need to be modified.

Staff believes it is appropriate to periodically review standards and procedures of the Zoning Ordinance, and requests that the Commission call a public hearing to consider amendments to the sign regulations.

RECOMMENDATION:

Recommended that a public hearing be called for this purpose.