

**PLANNING & ZONING COMMISSION
 PLANO MUNICIPAL CENTER
 1520 K AVENUE
 April 18, 2011**

ITEM NO.	EXPLANATION	ACTION TAKEN
	6:30 p.m. - Dinner - Planning Conference Room 2E	
	7:00 p.m. - Regular Meeting - Council Chambers	
	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.	
	1 Call to Order/Pledge of Allegiance	
	2 Approval of Agenda as Presented	
	3 Approval of Minutes for the April 4, 2011, Planning & Zoning Commission meeting	
	4 General Discussion: The Planning & Zoning Commission will hear comments of public interest. Time restraints may be directed by the Chair of the Planning & Zoning Commission. Specific factual information, explanation of current policy, or clarification of Planning & Zoning Commission authority may be made in response to an inquiry. Any other discussion or decision must be limited to a proposal to place the item on a future agenda.	
	<u>CONSENT AGENDA</u>	
	5a Revised Preliminary Site Plan: McDermott Square Addition, Block A, Lots 2, 3, 4, & 6R - Retail on four lots on 6.4± acres located generally at the northeast corner of Independence Parkway and McDermott Road. Zoned Planned Development-400-Retail. Neighborhood #64. Applicant: McDermott Square, L.P.	

<p>5b EH</p>	<p>Preliminary Plat: The Tribeca, Block A, Lot 2 - 240 multifamily units on one lot on 8.2± acres located at the southwest corner of McDermott Road and Ohio Drive. Zoned Planned Development-20-Mixed Use. Neighborhood #1. Applicant: The Encore Apartments, LLC</p>
<p>5c EH</p>	<p>Preliminary Plat: NW Plano Park & Ride Addition, Block A, Lot 1 - Transit center on one lot on 9.6± acres located on the east side of Communications Parkway, 800± feet south of Tennyson Parkway. Zoned Commercial Employment/Dallas North Tollway Overlay District. Neighborhood #15. Applicant: Dallas Area Rapid Transit</p>
<p><u>END OF CONSENT AGENDA</u></p>	
<p><u>PUBLIC HEARINGS</u></p>	
<p>6 KP</p>	<p>Public Hearing: Zoning Case 2011-06 - Request to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) and Subsection 2.826 (RT-Research/Technology Center) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Zoning Ordinance with regard to development standards and uses within the Research/Technology Center zoning district. Applicant: City of Plano</p>
<p>7A BM</p>	<p>Public Hearing: Zoning Case 2011-07 - Request to rezone 11.1± acres located on the east side of Ohio Drive, 641± feet north of Rasor Boulevard from Retail to Planned Development-Single-Family Residence-6. Zoned Retail. Applicants: Megatel Homes, Inc.</p>
<p>7B BM</p>	<p>Concept Plan: Beverly Hills Estates I Addition & Beverly Hills Estates II Addition, Block F, Lots 1-3 - 50 Planned Development-Single-Family Residence-6 lots and one open space lot on 11.1± acres and retail, restaurant, and convenience store with gas pumps on three lots on 3.8± acres located at the northeast corner of Ohio Drive and Rasor Boulevard. Zoned Retail. Neighborhood #1. Applicants: Megatel Homes, Inc.</p>
<p>8 KP</p>	<p>Public Hearing - Revised Preliminary Replat & Revised Site Plan: Capital One Addition, Block 1, Lot 3R - General office on one lot on 25.6± 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>9 EH</p>	<p>Public Hearing - Preliminary Replat & Revised Site Plan: Spring Creek Campus Addition, Block 1, Lot 1R - College on one lot on 97.5± acres located on the east side of Jupiter Road and on the south side of Spring Creek Parkway. Zoned Planned Development-456-General Office/Parkway Overlay District. Neighborhood #38. Applicant: Collin County Community College District</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. Applicant: Custer Road United Methodist Church</p>	
<p>11</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>	

**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

April 18, 2011

Agenda Item No. 5a
Revised Preliminary Site Plan: McDermott Square Addition
Block A, Lots 2, 3, 4, & 6R
Applicant: McDermott Square, L.P.

Retail on four lots on 6.4± acres located generally at the northeast corner of Independence Parkway and McDermott Road. Zoned Planned Development-400-Retail. Neighborhood #64.

The purpose for the revised preliminary site plan is to show the proposed retail building developments and related site improvements.

Recommended for approval as submitted.

Agenda Item No. 5b
Preliminary Plat: The Tribeca, Block A, Lot 2
Applicant: The Encore Apartments, LLC

240 multifamily units on one lot on 8.2± acres located at the southwest corner of McDermott Road and Ohio Drive. Zoned Planned Development-20-Mixed Use. Neighborhood #1.

The purpose for the preliminary plat is to propose easements necessary for the development of the site as multifamily residential.

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

Agenda Item No. 5c

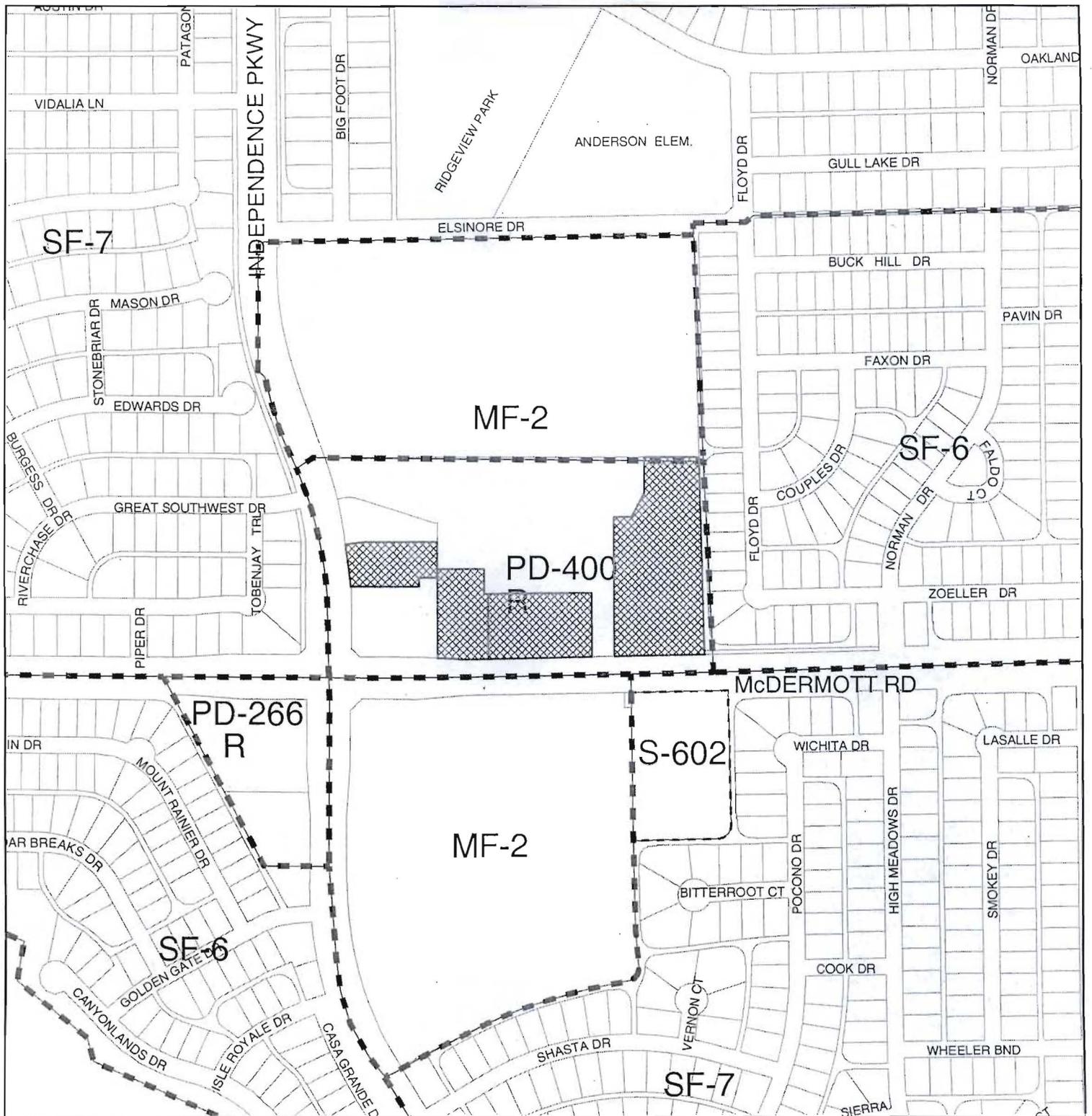
Preliminary Plat: NW Plano Park & Ride Addition, Block A, Lot 1

Applicant: Dallas Area Rapid Transit

Transit center on one lot on 9.6± acres located on the east side of Communications Parkway, 800± feet south of Tennyson Parkway. Zoned Commercial Employment/Dallas North Tollway Overlay District. Neighborhood #15.

The purpose for the preliminary plat is to propose easements necessary for the development of the site as a transit center.

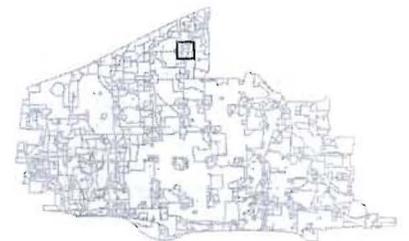
Recommended for approval subject to additions and/or alterations to the engineering plans as required by the Engineering Department.



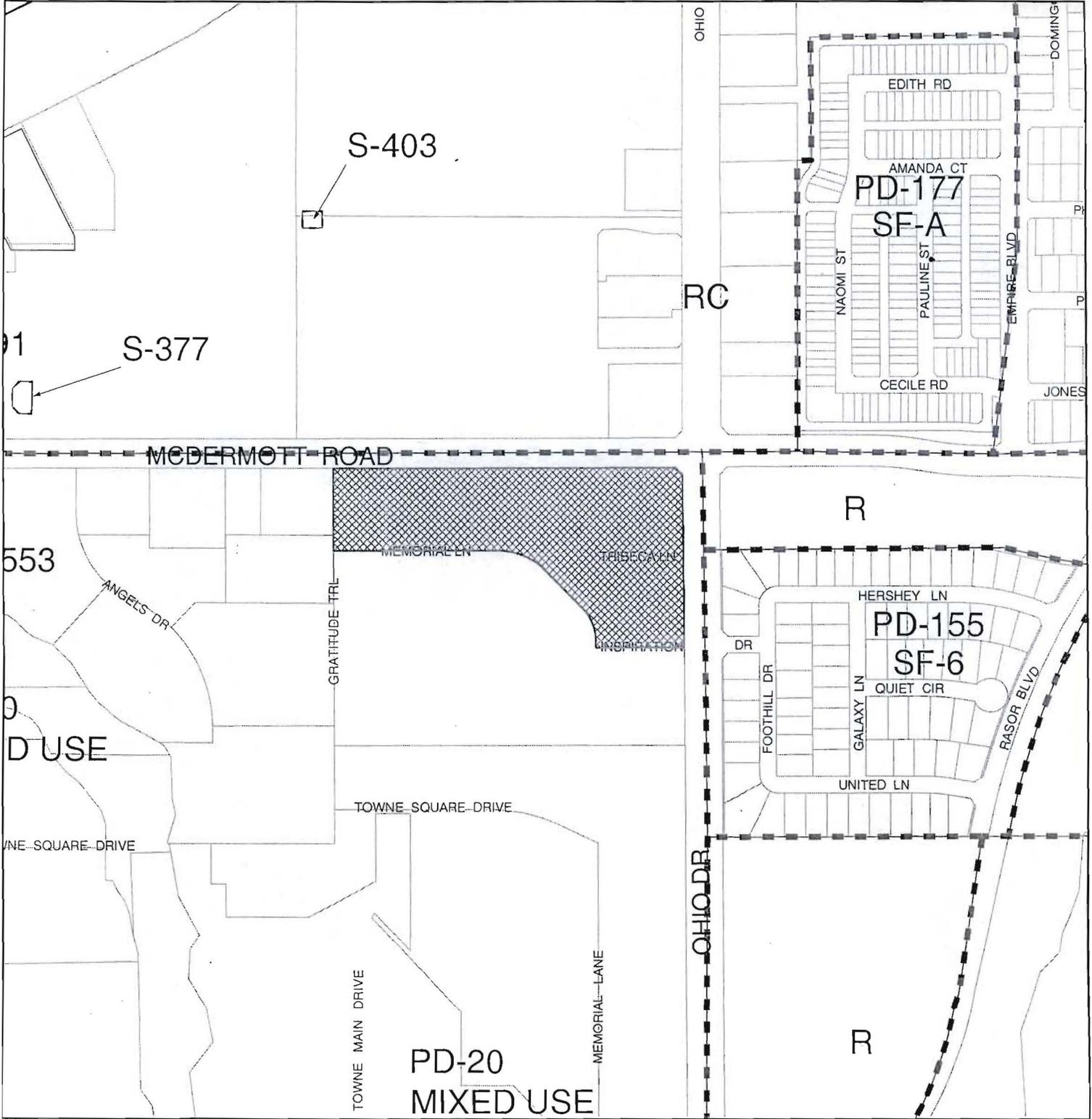
Item Submitted: REVISED PRELIMINARY SITE PLAN

Title: McDERMOTT SQUARE ADDITION
BLOCK A, LOTS 2, 3, 4, & 6R

Zoning: PLANNED DEVELOPMENT-400-RETAIL



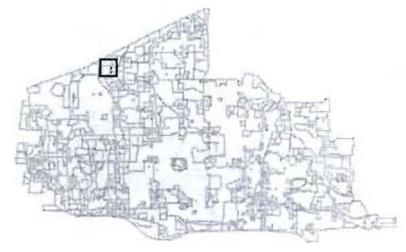
○ 200' Notification Buffer



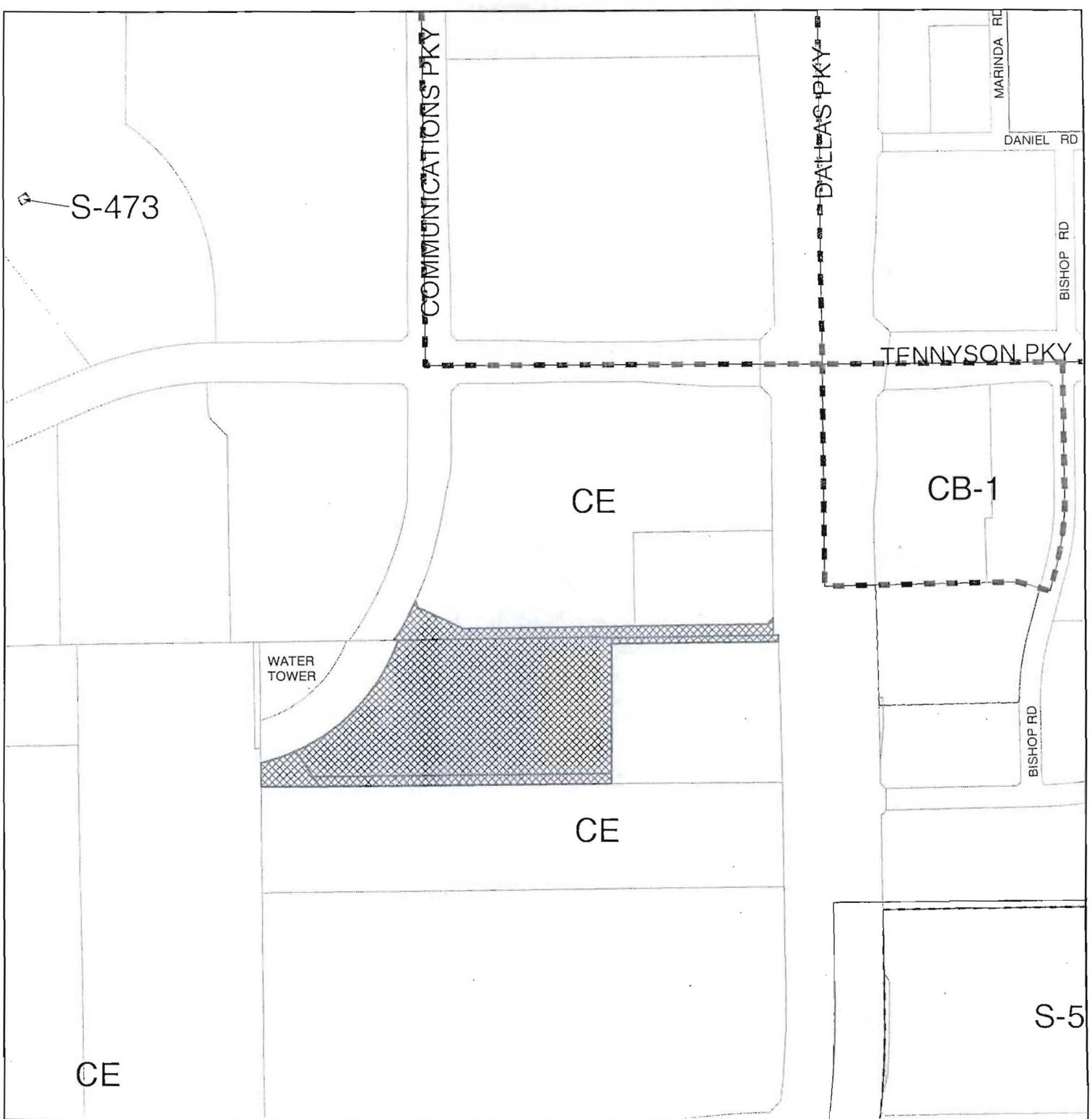
Item Submitted: PRELIMINARY PLAT

Title: THE TRIBECA
BLOCK A, LOT 2

Zoning: PLANNED DEVELOPMENT-20-MIXED USE



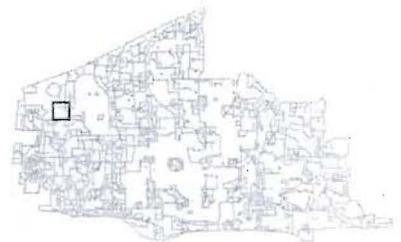
○ 200' Notification Buffer



Item Submitted: PRELIMINARY PLAT

Title: NW PLANO PARK & RIDE ADDITION
BLOCK A, LOT 1

Zoning: COMMERCIAL EMPLOYMENT/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer

OWNER'S CERTIFICATE (LOT 1, BLOCK A)

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, Dallas Area Rapid Transit is the owner of a 9.474 acre parcel of land situated in the COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 150 and the HENRY B. MILLER SURVEY, ABSTRACT NO. 614, in the City of Plano, Collin County, Texas, said parcel being part of a called 10029 square foot tract of land described as Parcel 2 (NW-100) 1 in a deed to Dallas Area Rapid Transit recorded in Volume 5268, Page 4368 of the Official Public Records of Collin County, Texas, part of a called 43,229 square foot tract of land described in Exhibit A in a deed to Dallas Area Rapid Transit recorded in Volume 5370, Page 3624 of said said Records, part of a called 7,051 acre tract of land described in a deed to Dallas Area Rapid Transit recorded in Volume 5268, Page 4368 of said Official Public Records, and all of a called 26,505 square foot tract of land described in a deed to Dallas Area Rapid Transit recorded in Volume 5268, Page 4357 of said Official Public Records, said 9.474 acre parcel also being described as all of Lot 1, Block A of NW Plano Park & Ride Addition, an addition to the City of Plano according to the Conveyance Plat thereof recorded in Cabinet _____ of the Map Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 3/4-inch steel rod with a cap marked AZ88 set at the interior left corner of said Lot 1, which is also the northwest corner of Lot 2, Block A of said addition;

THENCE South 01 degree 06 minutes 02 seconds East, along the common line between said Lot 1 and Lot 2 and the prolongation thereof, a distance of 420.97 feet to a 3/4-inch steel rod with a cap marked AZ88 set for the southeast corner of said Lot 1;

THENCE along the southerly boundary of said Lot 1 the following courses and distances:

South 88 degrees 53 minutes 58 seconds West, a distance of 876.07 feet to a 3/4-inch steel rod with a cap marked AZ88 set for an angle point;

North 35 degrees 51 minutes 32 seconds West, a distance of 127.40 feet to a 3/4-inch steel rod with a cap marked AZ88 set for an angle point;

North 80 degrees 19 minutes 48 seconds West, a distance of 21.10 feet to a 3/4-inch steel rod with a cap marked AZ88 set for the most westerly corner of said Lot 1 on the easterly right-of-way line of Communications Parkway (variable right-of-way);

THENCE Northeasterly, along the easterly right-of-way line of Communications Parkway and along a non-tangent curve to the left which has a chord that bears North 42 degrees 30 minutes 19 seconds East for 458.78 feet, a radius of 1105.00 feet and a central angle of 23 degrees 57 minutes 41 seconds, for an arc distance of 462.12 feet to a 3/4-inch steel rod with a cap marked AZ88 set for the end of said curve and the beginning of a non-tangent curve to the left;

THENCE Northeasterly, continuing along the easterly right-of-way line of Communications Parkway and along a non-tangent curve to the left which has a chord that bears North 27 degrees 36 minutes 17 seconds East for 136.93 feet, a radius of 1105.00 feet and a central angle of 07 degrees 06 minutes 16 seconds, for an arc distance of 137.02 feet to a 3/4-inch steel rod with a cap marked AZ88 set for the most northerly west corner of said Lot 1 and the southwest corner of Lot 4, Block A of Tenney Parkway Office Center, an addition to the City of Plano according to the Conveyance Plat thereof recorded in Volume 5007, Page 175 of said Official Public Records;

THENCE along the northerly boundary of said Lot 1 the following courses and distances:

South 20 degrees 23 minutes 30 seconds East, a distance of 26.25 feet to a 3/4-inch steel rod with a cap marked AZ88 set for corner;

South 85 degrees 06 minutes 11 seconds East, a distance of 148.45 feet to a 3/4-inch steel rod with a cap marked AZ88 set for corner;

North 88 degrees 53 minutes 22 seconds East, a distance of 816.78 feet to a 3/4-inch steel rod with a yellow cap found for corner;

North 44 degrees 15 minutes 26 seconds East, a distance of 25.52 feet to a 3/4-inch steel rod with a cap marked AZ88 set for the north corner of said Lot 1;

THENCE South 00 degrees 43 minutes 16 seconds East, along the most easterly line of said Lot 1 and the west line of said Lot 2, a distance of 68.18 feet to a 3/4-inch steel rod with a cap marked AZ88 set in the north line of said Lot 2 for the most easterly southeast corner of said Lot 1;

THENCE South 88 degrees 53 minutes 58 seconds West, along the easterly south line of said Lot 1 and the north line of said Lot 2, a distance of 485.33 feet to the POINT OF BEGINNING and containing 412,670 square feet, or 9.474 acres of land, more or less.

OWNER'S DEDICATION

STATE OF TEXAS
COUNTY OF COLLIN

That Dallas Area Rapid Transit acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described as NW Plano Park and Ride Addition - Lot 1, Block A in addition to the City of Plano, Texas, and does hereby dedicate to the City of Plano, Texas, for public use forever, the streets, alleys, public use areas, and easements shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated to the City of Plano, Texas, 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 so 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 some unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public 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 or said easements. The City of Plano and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or parts of their respective systems without the necessity of any time of procuring permission from anyone.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as delineated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstructions, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating Fire Lane, No Parking. The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

The undersigned does covenant and agree that the Access Easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and Emergency use, in, along, upon and across said premises, with the right and privilege at all times of the City of Plano, its agents, employees, workmen and representatives having ingress, egress, and egress in, along, upon and across said premises.

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

Witness my hand at this the _____ day of _____, 2011.

Dallas Area Rapid Transit (DART)
a Texas Regional Transportation Authority

By: _____
Name: Timothy H. McKay
Title: Senior Vice President, Roll Program Development

STATE OF TEXAS
COUNTY OF _____

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

GIVEN under my hand and seal of office this the _____ day of _____, 2011.

Notary Public in and for the State of Texas

My Commission Expires: _____

SURVEYOR'S CERTIFICATE

I, JEFFREY H. SHEPPARD, a Registered Professional Land Surveyor, hereby certify that I have performed, for this plat, an actual on-the-ground survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the City of Plano, Texas.

PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.
JEFFREY H. SHEPPARD
Registration No. 3696

STATE OF TEXAS
COUNTY OF _____

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

GIVEN under my hand and seal of office, this the _____ day of _____, 2011.

Notary Public in and for the State of Texas

My Commission Expires: _____

CERTIFICATE OF APPROVAL

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

Chairman, Planning and Zoning Commission

STATE OF TEXAS
COUNTY OF COLLIN

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

GIVEN under my hand and seal of office this the _____ day of _____, 2011.

Notary Public in and for the State of Texas

My Commission Expires: _____

Secretary, Planning & Zoning Commission
Or City Engineer

STATE OF TEXAS
COUNTY OF COLLIN

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

GIVEN under my hand and seal of office this the _____ day of _____, 2011.

Notary Public in and for the State of Texas

My Commission Expires: _____

SHEET 2 OF 2
PRELIMINARY PLAT
OF

NW PLANO PARK & RIDE ADDITION

LOT 1, BLOCK A
BEING 412,670 SQ.FT. OR 9.474 ACRES
SITUATED IN THE

COLLIN COUNTY SCHOOL LAND SURVEY ~ ABSTRACT 150 &
HENRY B. MILLER SURVEY ~ ABSTRACT 614

PLANO, COLLIN COUNTY, TEXAS

OWNER - LOT 1
DALLAS AREA RAPID TRANSIT
1401 PACIFIC AVENUE
DALLAS, TEXAS 75202
TELEPHONE (214) 749-2905
CONTACT: ALI RABIEE

SURVEYOR
AZ&B, INC.
11355 MCREE ROAD
DALLAS, TEXAS 75238
TELEPHONE (214) 341-9900
CONTACT: JEFFREY SHEPPARD

ENGINEER
CP&Y, INC. (FIRM REG. NO. 1741)
1820 REGAL ROW, SUITE 200
DALLAS, TEXAS 75235
TELEPHONE (214) 638-0500
CONTACT: LARRY BEENKEN

1 Lot
9.474 AC. (NET)
9.474 AC. (GROSS)

NOTICE:
SELLING ANY PORTION OF THIS ADDITION
BY METES AND BOUNDS IS A VIOLATION
OF CITY SUBDIVISION ORDINANCE AND
STATE PLATTING STATUTES, AND IS
SUBJECT TO FINES AND WITHHELDING OF
UTILITIES AND BUILDING CERTIFICATES.

BASIS OF BEARINGS:
TEXAS COORDINATE SYSTEM, NORTH AMERICAN
DATUM OF 1983 (NAD 83), NORTH CENTRAL ZONE
USING THE WGS/VR5 NETWORK.

CITY OF PLANO

PLANNING & ZONING COMMISSION

April 18, 2011

Agenda No. 6

Public Hearing: Zoning Case 2011-06

Applicant: City of Plano

DESCRIPTION:

Request to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) and Subsection 2.826 (RT-Research/Technology Center) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Zoning Ordinance with regard to development standards and uses within the Research/Technology Center zoning district.

REMARKS:

Last fall, approximately 70 acres in the far southeast portion of Plano was rezoned from Planned Development-202-Research/Technology Center to Single-Family Residence-6 (SF-6) and Single-Family Residence Attached (SF-A) zoning (map attached). Following these rezoning cases and based on the changing conditions in this region of the city, the City Council requested a review of the existing Research/Technology Center district (RT) and directed staff to work with the Planning & Zoning Commission to develop a new plan for this area.

The Planning & Zoning Commission discussed this at several meetings where they received input from property owners, tenants, residents, and Economic Development and Planning staff. Letters were mailed to all RT property owners to invite them to participate in each of the Commission's discussions. Staff and commissioners attended the Southeast Plano Business Alliance meeting on January 11, 2011, to solicit additional feedback from area businesses regarding the zoning district regulations.

The Commission's recommendations regarding the RT district were presented to the Council during the Preliminary Open meeting on March 9, 2011. At that time, the Council concurred with the Commission's recommendation and directed the Commission and staff to move ahead with implementation of the recommended changes to the RT zoning district regulations. The Planning & Zoning Commission's recommendations to City Council were as follows:

District Boundaries

In evaluating the current zoning, recent changes, and existing development the Commission made the following recommendations about the RT zoning district boundaries and appropriate uses:

- The area west of Bradshaw Drive currently zoned as RT constitutes the “core” of the RT district and should remain intact.
- The area east of Plano Parkway, south of 14th Street should retain the current PD-202-RT zoning.
- The area east of Bradshaw, north of the railroad tracks, west of Plano Parkway and south of 14th Street, is appropriate for additional residential development. However, during the discussions, these specific property owners were not present. Therefore, given the lack of input from the property owners, the Commission does not recommend a city-initiated rezoning or amendment to the Future Land Use Plan at this time.

Research/Technology Center Zoning District Regulations

During the discussion of the RT zoning district, several issues related to the existing RT district development regulations emerged. The main issues centered on concerns that certain regulations unnecessarily restrict development in the area. The Zoning Ordinance states that “the RT district is intended to create a low density, employment center consisting of office, research and development facilities, and limited assembly operations. RT districts should generally accommodate several users in a campus environment.” The Commission determined that this is still a valid intent and evaluated the district regulations based on this guidance.

The Commission determined that certain regulations such as the prohibition of open storage and delivery vehicles, limitations on the number of dock doors, and limitations on the gross floor area for office/showroom warehouse uses are critical to the intent and character of the RT district and should not be changed. The Commission identified areas of the ordinance that appear to be adding substantial cost or unnecessary restrictions to development and redevelopment of RT properties without providing commensurate benefit to the district. The Commission therefore supports modifying the RT regulations as described below.

Landscaping Requirements

The RT district currently requires that “A minimum of 20% of the total lot area shall be landscaping.” This requirement contributes positively to the overall look and feel of the RT district. However, it does require a significant amount of land be dedicated to landscaping which raises the cost of development and, in some cases, can inhibit redevelopment of a site. The standard nonresidential landscaping requirements, as defined in Section 3.1200 (Landscaping) of the Zoning Ordinance would be less restrictive while still requiring a significant amount of landscaping in support of the overall look and feel of the RT district. Additionally, a substantial portion of the properties in the RT district are subject to the regulations in Section 4.700 (190

Tollway/Plano Parkway Overlay District) which contains landscape requirements that further enhance these properties.

The Commission recommended removing the unique provisions for landscaping in the RT zoning district and replacing them with the standard nonresidential landscaping regulations as required elsewhere throughout the city.

Parking

The RT district requires that “In order to accommodate future changes in use, approved site plans shall include adequate land area to increase parking to the minimum requirements for office development (one space per 300 square feet) for 75% of the gross floor area of any building.” This requirement is sometimes problematic, especially for sites that were initially developed under light industrial regulations that are now seeking to redevelop under RT requirements. This provision does help to keep options open for future reuse of sites for office and other uses with higher parking requirements, but the net result may be that it is too restrictive to be useful for the district. The Commission supported removing this requirement from the RT zoning district.

Restaurants in Research/Technology Center

A freestanding (sole use and occupant) restaurant/cafeteria is permitted in an RT district when it is built as part of a larger development and constitutes no more than 10% of that development, it has a minimum of 5,000 square feet of gross floor area, and no drive-in window. It has been noted on several occasions that there are a limited number of restaurants in the immediate vicinity of the RT district to serve the employees working in the area; however, there are many within a few miles, including those in downtown Plano, near Collin Creek mall and an increasing number in the State Highway 190 corridor. It is difficult to determine if the lack of restaurants is due to the regulations or perhaps a result of lack of appropriate sites with sufficient traffic and visibility for restaurant uses.

The Commission recommended removing the 10% restriction because the change would not adversely impact the district and it would open up the possibility for a freestanding restaurant to develop without being part of a larger project. The Commission supported retaining the 5,000 square-foot minimum size and restriction on no drive-in windows. This change is the same modification that was made to the Regional Employment district last year.

The specific text amendments reflecting the recommended changes to the district regulations are given below.

RECOMMENDATIONS:

Recommended for approval as follows (additions are indicated by underlined text and deletions are indicated by strike-through text).

1. Amend (4) (Off-Street Parking and Loading Requirements) (e) of Subsection 2.826 (RT-Research/Technology Center) of Section 2.800 (District Charts) of

Article 2 (Zoning Districts and Uses), such portion of subsection to be deleted as follows:

~~4. Off-Street Parking and Loading Requirements~~

~~d. In order to accommodate future changes in use, approved site plans shall include adequate land area to increase parking to the minimum requirements for office development (one space per 300 square feet) for 75% of the gross floor area of any building.~~

2. Amend (5) (Landscaping) of Subsection 2.826 (RT-Research/Technology Center) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), such portion of subsection to read as follows:

~~5. Landscaping (ZC 2006-02; Ordinance No. 2006-4-24)~~

~~A minimum of 20% of the total, lot area shall be landscaping which may include courtyards, plazas, walkways, water features, and related treatments in addition to plant materials. (See '3.1200 Landscaping Requirements'.) Per the development standards and incentives in Section 3.1700 (Storm Water Management), up to 50% of this required landscape area may be placed outside of the parking lot and/or landscaping along street rights-of way if designated as storm water conservation area on a site-specific storm water management plan per Section 3.1700.~~

5. Landscaping (See Section 3.1200 Landscaping Requirements and Section 4.700 190 Tollway/Plano Parkway Overlay District).

3. Amend (7) (Special District Requirements) (b) of Subsection 2.826 (RT-Research/Technology Center) of Section 2.800 (District Charts) (b) of Article 2 (Zoning Districts and Uses), such portion of subsection to read as follows:

7. Special District Requirements

b. Retail and service uses identified with an “*” in Subsection 2.502, Schedule of Permitted Uses, may not occupy more than ten percent of the gross floor area** of a building unless the building and the designated location and amount of said uses are part of an approved site plan for more than one building, and the amount of space for these uses does not exceed ten percent of the combined floor area of all constructed buildings. The space for these uses may be redistributed within and among the buildings with the approval of a revised site plan. If a site plan includes multiple lots, all property owners must authorize the application. These uses may not be distributed among noncontiguous parcels of land.

A freestanding (sole use and occupant) restaurant/cafe/tereria is permitted in an RT district as part of the ten percent allowance described above if it has a minimum of 5,000 square feet of gross floor area** and no drive-in window.

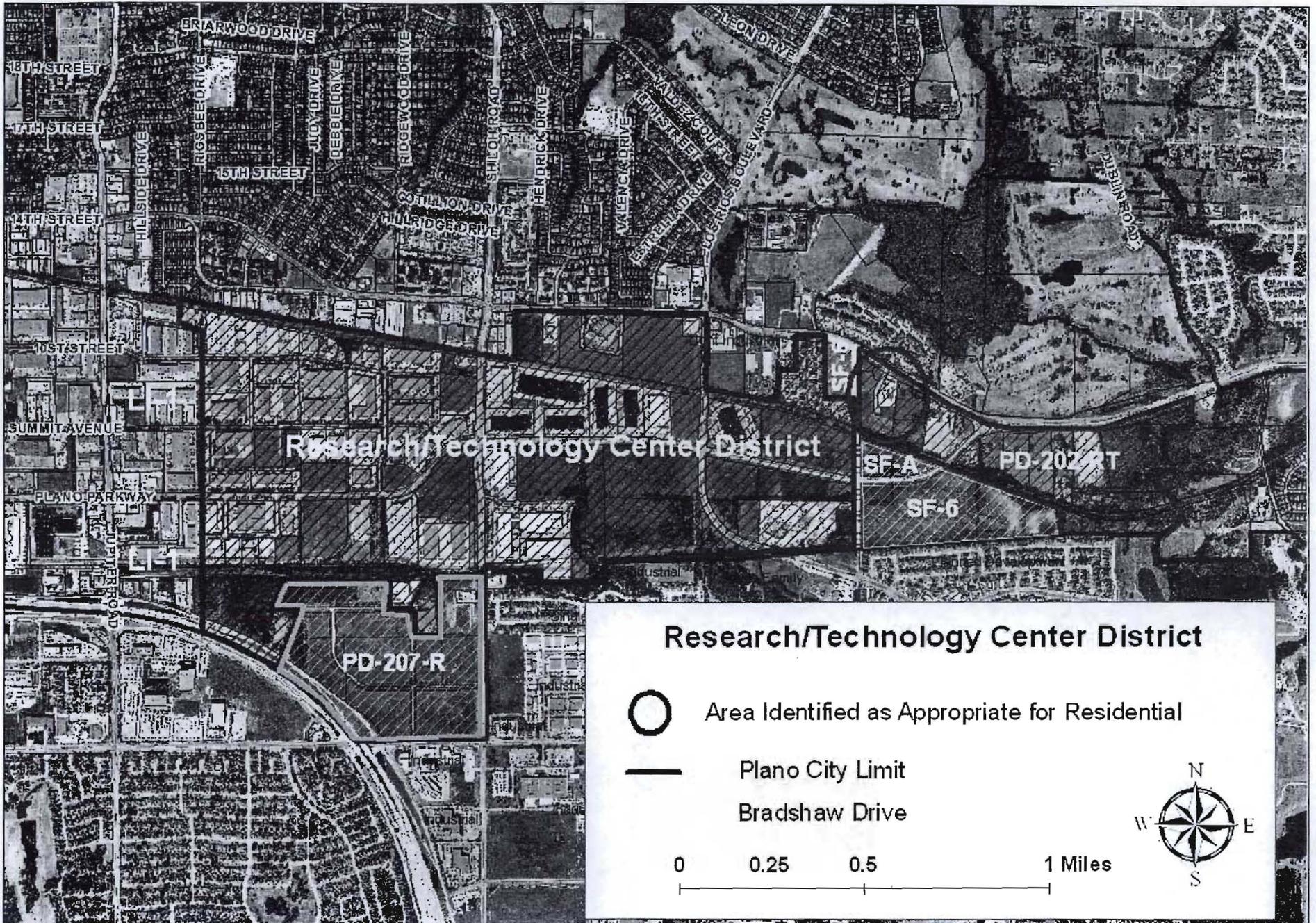
**“Gross Floor Area” means the total floor area of a building from the exterior face of a building or from the centerline of a wall separating two

buildings, but shall exclude any space where the floor-to-ceiling height is less than six feet and all patios, balconies, and parking facilities.

4. Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow restaurant/cafeteria by right in the Research/Technology Center zoning district and adding End Note 44 as follows:

Permitted uses	Category												
		O-1 - Neighborhood Office											
		O-2 - General Office	S										
		R - Retail	P										
		BG - Downtown Business/Government	P										
		LC - Light Commercial	P										
		CE - Commercial Employment	P										
		CB-1 - Central Business-1	P										
		LI-1 - Light Industrial-1	P										
		LI-2 - Light Industrial-2	P										
		RE - Regional Employment	P							43			
		RC - Regional Commercial	P										
		RT - Research/Technology Center	P							44			
Restaurant/ Cafeteria	Service												

44	See '2.826 RT - Research/Technology Center.
----	---



Research/Technology Center District

○ Area Identified as Appropriate for Residential

— Plano City Limit
 — Bradshaw Drive

0 0.25 0.5 1 Miles



CITY OF PLANO
PLANNING & ZONING COMMISSION

April 18, 2011

Agenda Item No. 7A

Public Hearing: Zoning Case 2011-07

Applicants: Megatel Homes, Inc.

DESCRIPTION:

Request to rezone 11.1± acres located on the east side of Ohio Drive, 641± feet north of Razor Boulevard **from** Retail **to** Planned Development-Single-Family Residence-6. Zoned Retail.

REMARKS:

The applicant is requesting to rezone 11.1± acres located on the east side of Ohio Drive, 641± feet north of Razor Boulevard **from** Retail (R) **to** Planned Development-Single-Family Residence-6 (PD-SF-6).

The current zoning is R. The R district is 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.

The requested zoning is PD-SF-6. 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 SF-6 district is intended to provide for small-lot, urban, single-family development protected from excessive noise, illumination, odors, visual clutter, and other objectionable influences to family living.

The planned development zoning request proposes to allow for a maximum of nine lots with a minimum lot width of 50 feet. All other remaining lots shall comply with the minimum lot width requirements for the SF-6 district. The SF-6 district requires a minimum of a 6,000 square-foot lot size with a minimum lot width of 55 feet. A concept plan, Beverly Hills Estates I Addition & Beverly Hills Estates II Addition, Block F, Lots 1-3, accompanies this request as Agenda Item No 7B.

The applicant is retaining the remaining undeveloped, R zoned 3.8± acres at the northeast corner of Ohio Drive and Razor Boulevard, for future nonresidential uses.

The remaining site is large enough to be developed with nonresidential uses as shown on the accompanying concept plan, Beverly Hills Estates II Addition.

Surrounding Land Use and Zoning

The area of the request is currently undeveloped. The property to the north is developed as single-family residential and is zoned Planned Development-155-Single-Family Residence-6 (PD-155-SF-6). To the west, across Ohio Drive, are existing multifamily residences zoned Planned Development-20-Mixed Use (PD-20-MU). Across Razor Boulevard, to the southeast, is a linear park and single-family residences zoned Patio Home (PH).

Proposed Planned Development Stipulations

The requested zoning is PD-SF-6. As noted previously, the request proposes a maximum of nine lots with a minimum lot width of 50 feet. All other lots shall comply with the minimum lot width requirement for the SF-6 district, which is 55 feet. The applicant is not proposing any other changes to the SF-6 district. The request for nine lots with narrower lot width is due to the overall site configuration that is affecting the lot design. The site is narrow from west to east, coupled with the fact that the applicant wants to retain the remaining southern 3.8± acres for retail uses, results in a need for narrower lot widths in order to achieve the desired number of lots for the development. All the lots are designed to meet the required minimum SF-6 lot area (6,000 square feet).

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Residential (R). Development in this land use designation is expected to include inclusive and cohesive residential neighborhoods with a mix of housing opportunities. The proposed Single-Family Residence-6 homes are in conformance with the Future Land Use Plan recommendation.

Housing Element and Infill Housing Policy Statement - The Housing Element of the Comprehensive Plan states that opportunities to build new homes on undeveloped land in Plano are diminishing due to limited supply of undeveloped land zoned for residential uses. The objectives of the Housing Element and the Infill Housing Policy Statement recommend that Plano's housing stock should be expanded even as the availability of land decreases recognizing that there may be tracts of land zoned for nonresidential uses that may not develop for that purpose.

In addition, the Housing Element encourages the conversion of excess nonresidential properties to residential use. This rezoning request proposes to rezone a portion of undeveloped Retail zoned property to residential uses. Given the location of this property in relation to the existing nonresidential development located to the north at Ohio Road and State Highway 121, staff believes that the entire 11.1± acres will likely not develop as nonresidential uses. The proposed project provides an opportunity to create new housing opportunities that compliment and support existing residential

developments to the north and east of the subject property, while also reducing the amount of retail zoned land that may not develop for that purpose.

The Infill Housing Policy Statement provides criteria framework for evaluating infill housing proposals. The proposed rezoning request satisfies all the policy criteria.

1. Adjacent or in close proximity to existing residential development - The development is adjacent to existing residential development to the north and would be able to take advantage of the existing amenities within the overall surrounding area. The proposed development is close to existing parks and schools as well as businesses located at the intersections of Preston Road and Rasor Boulevard and Ohio Drive and State Highway 121.
2. Site and configuration to support housing - The proposed site and configuration is large enough to support infill housing and make the residential project viable. The site is 11.1± acres and generally free of factors that could make development difficult, such as steep grades and locations within a floodplain.
3. Access to existing utilities - The proposed development has water and sanitary sewer services available to serve the subject property.
4. Positive impact on future economic development - The proposed single-family homes will provide potential customers for existing retail centers within the nearby area.
5. Proximity to parks - The proposed housing is located near the existing linear park and trail system along the creek to the east across Rasor Boulevard. The trail system provides access to other area parks.

Tri-City Retail Study - The Tri-City Retail Study completed by the cities of Carrollton, Plano, and Richardson in 2002, noted that excessive retail zoning was a contributing factor to vacant and underproductive retail centers and the lack of development of many retail zoned properties. The study further noted that some tracts zoned for nonresidential uses have remained undeveloped for many years. In particular, the study points out that Plano has three times the retail per capita for the nation, and it is unlikely that many of these tracts will be developed for commercial purposes. Therefore, the proposed rezoning from retail to residential alleviates the city of the excessive retail zoned land.

Rezoning Property to Meet Demand Policy Statement - The Rezoning Property to Meet Demand Policy Statement recognizes that Plano has an imbalance between residential and nonresidential zoning and that more land is zoned for retail, office, and industrial uses than is likely to develop. Retail zoned land exceeds demand in Plano, and this proposed rezoning request is an example of owners of nonresidential property that are seeking rezoning for residential uses. The fact that this subject property has not developed as retail uses, combined with the underutilized retail building to the west of the property, indicates the need for properties such as this to be rezoned for residential uses as proposed.

Additionally, the Rezoning Property to Meet Demand Policy Statement provides criteria framework for evaluating requests. The proposed request satisfies all of the criteria.

- The rezoning request site is physically appropriate with 11.1± acres and well able to fit 50 single-family homes as is shown on the companion Beverly Hills Estates I Addition concept plan.
- The area to be rezoned is an extension of an existing residential neighborhood to the north and is not separated from the neighborhood by a thoroughfare of Type C or larger.
- The applicant is proposing a minimum six-foot screening wall at the property line between the proposed residential uses to the north and retail uses to the south. In addition, the remaining retail property will be subject to the Residential Adjacency Standards for certain uses.
- As noted previously, the proposed rezoning request conforms to the objectives and strategies of the Housing Element of the Comprehensive Plan and Infill Housing Policy Statement.
- This rezoning request would not result in a shortage of land required for neighborhood retail or service uses given existing nonresidential development to the north and west as well as the remaining 3.8± acres zoned R to the south being retained for nonresidential uses.
- The rezoning request would not result in residual tracts that are inconsistent with the Comprehensive Plan.
- The rezoning request is consistent with the intent of reducing the overall impact of zoning imbalance on the city's land use system.

Adequacy of Public Facilities

Water and sanitary sewer services are available to serve the subject property.

Traffic Impact Analysis (TIA) - A TIA is not required for this rezoning request.

SUMMARY:

The applicant is requesting to rezone 11.1± acres located on the east side of Ohio Drive, 641± north of Rasor Boulevard **from R to PD-SF-6** to allow for reduced lot width requirements. The proposed zoning request is in conformance with the Future Land Use Plan, which recommends Residential for the property. Furthermore, the request is consistent with the Housing Element of the Comprehensive Plan and the Infill Housing and Rezoning to Meet Demand policy statements.

The proposed rezoning request meets the city's land use policies, and the need to reduce retail zoned properties wherever possible given the oversupply of

underperforming retail properties within the city. Therefore, staff recommends approval of the proposed zoning request.

RECOMMENDATIONS:

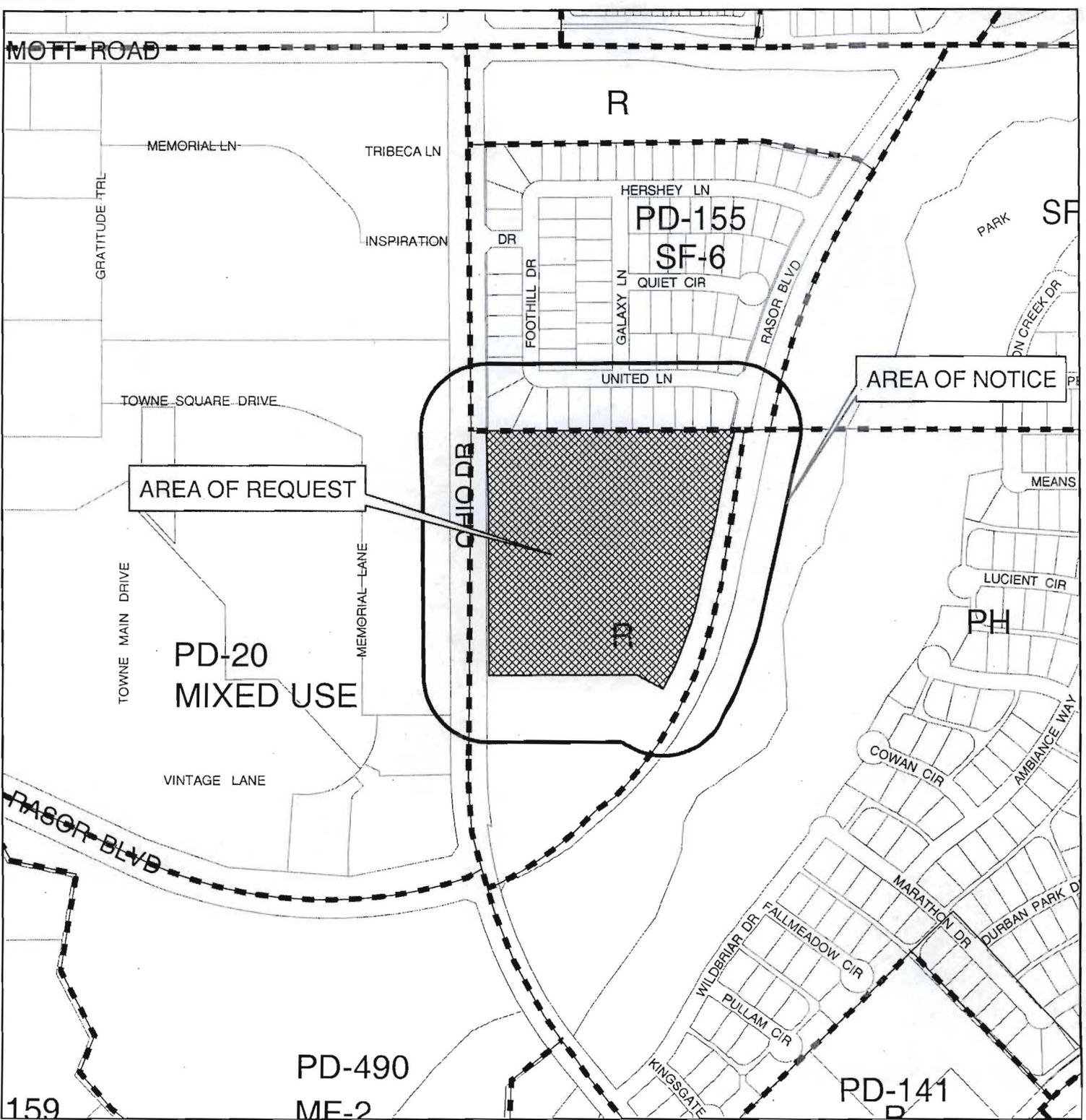
Recommended for approval as follows:

Restrictions:

The permitted uses and standards shall be in accordance with the Single-Family Residence-6 (SF-6) zoning district unless otherwise specified herein.

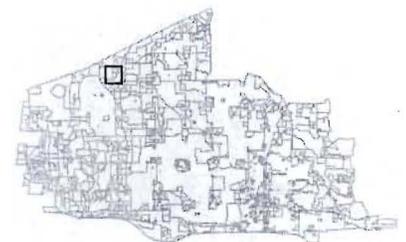
General Provisions of the Planned Development

1. The zoning exhibit shall be adopted as part of the ordinance.
2. A maximum of nine lots shall have a minimum lot width of 50 feet; all other lots shall comply with the minimum lot width requirements for the SF-6 district.

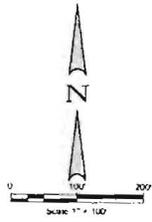


Zoning Case #: 2011-07

Existing Zoning: RETAIL



○ 200' Notification Buffer

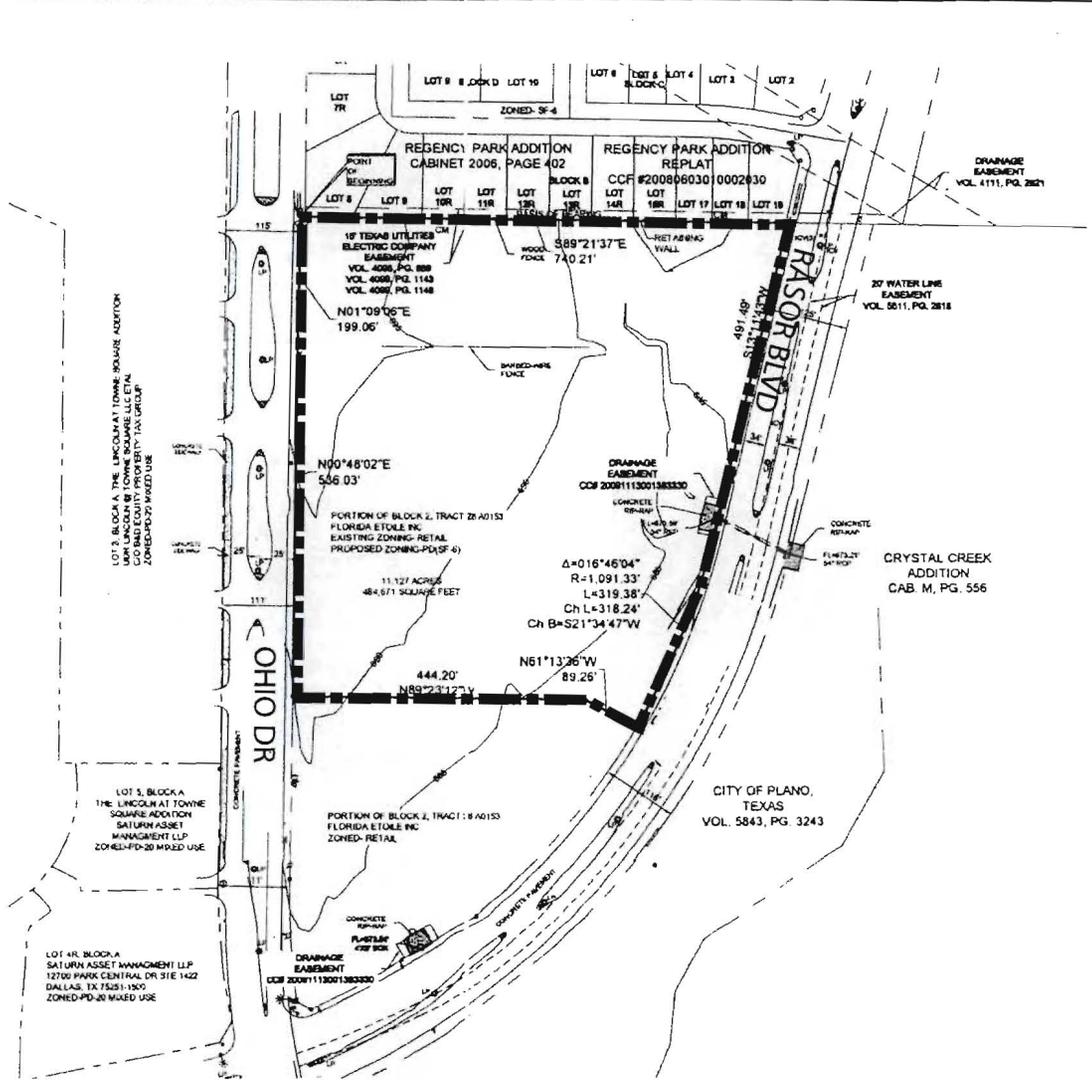


VICINITY MAP
NOT TO SCALE

PROPOSED ZONING: PD(SF-6)

PD REGULATIONS

- 1. MINIMUM LOT WIDTH SHALL BE 52' WIDE



PROPERTY DESCRIPTION

BEING a 11.127 acre tract or parcel of land situated in the Collin County School Land Survey, Abstract No. 153 in the City of Plano, Collin County, Texas and being a portion of that certain 118.052 acre tract conveyed to Copeland Corporation, Inc. by deed recorded in Volume 2655, Page 136 of the Deed Records of Collin County, Texas, and 11.127 acre tract being more particularly described by metes and bounds as follows:

BEGINS at a 1/2 inch iron rod with red plastic cap stamped "WAF" set for corner in the east right-of-way line of Ohio Drive, from the corner, the southeast corner of Regency Park Addition, an addition to the City of Plano, according to the plat thereof recorded in Cabinet 2006, Page 402, Plat Records, Collin County, Texas (PAC 021), bears South 89 deg 21 min 37 sec East, a distance of 7.95 feet;

THENCE South 89 deg 21 min 37 sec East, along the north line of said Copeland's Tract and the south line of said Regency Park Addition, a distance of 740.21 feet to a point on a 1/2 inch iron rod with red plastic cap stamped "WAF" set for corner in the westerly right-of-way line of RASOR Road (variable width R.O.W.);

THENCE along said westerly right-of-way line of said RASOR Road the following courses:

South 13 deg 11 min 43 sec West, a distance of 491.46 feet to a 1/2 inch iron rod with red plastic cap stamped "WAF" set for corner, also the beginning of a curve to the right having a radius of 1591.23 feet, a central angle of 16 deg 48 min 04 sec, a chord bearing and distance of South 21 deg 34 min 47 sec West, 318.24 feet to a 1/2 inch iron rod with red plastic cap stamped "WAF" set for corner;

THENCE North 01 deg 13 min 36 sec West, clearing said westerly right-of-way line, a distance of 89.26 feet to a 1/2 inch iron rod with red plastic cap stamped "WAF" set for corner;

THENCE North 88 deg 23 min 12 sec West, a distance of 444.20 feet to a 1/2 inch iron rod with red plastic cap stamped "WAF" set for corner, said iron rod being situated in the easterly right-of-way line of Ohio Drive (variable width R.O.W.);

THENCE North 00 deg 48 min 02 sec East, along the east right-of-way line of said Ohio Drive, a distance of 536.03 feet to a 5/8 inch iron rod with cap found for corner;

THENCE North 01 deg 09 min 08 sec East, along said East right-of-way line, a distance of 199.06 feet to the POINT OF BEGINNING.

CORNERING within these metes and bounds 11.127 acres or 484,871 square feet of land more or less.

Bearings contained herein are based upon an on the ground survey performed in the field on the 14th day of February, 2011, utilizing a GPS measurement of S89°21'37\"/>

APPROVED	Winkelmann & Associates, Inc.
REVISION	ENGINEER, SURVEYOR, COLLIN COUNTY, TEXAS
DATE	10/23/11
NO.	5902

COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 153 CITY OF PLANO COLLIN COUNTY, TEXAS

SRM DEVELOPMENT

5001 SPRING VALLEY ROAD, SUITE 1100W DALLAS, TEXAS 75244

ZONING EXHIBIT
11.127 ACRES

NOTES

1. APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAN, OR PLAN APPROVAL OF DEVELOPMENT STANDARDS SHOWN HEREON, OR THE INITIATION OF THE DEVELOPMENT PROCESS, PLANNING & ZONING COMMISSION AND/OR CITY COUNCIL ACTION ON STUDIES, PLANS OR PLANS RELATING TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE.

OWNER:
FLORIDA ETOILE, INC.
13876 SW 56TH STREET, #3242
MIAMI, FLORIDA 33175-6021
676 SW MILLER DEVELOPMENT
(872) 419-4024

ENGINEER/SURVEYOR:
WINKELMANN & ASSOCIATES, INC.
8750 HILLCREST PLAZA DR., SUITE 325
DALLAS, TEXAS 75230
(972) 490-7090
TEXAS ENGINEERS REGISTRATION NO. 89
TEXAS SURVEYORS NO. 100866-00

2C-2011-07
BEVERLY HILLS ESTATES
PORTION OF BLOCK 2, TRACT 28
COLLIN COUNTY SCHOOL SURVEY, ABSTRACT NO. 153
CITY OF PLANO COLLIN COUNTY, TEXAS
11.127 ACRES

BEING AN EXHIBIT OF A PORTION OF BLOCK 2, TRACT 28
OHIO & RASOR
RECORDED IN CAS . SUDS . PLAT RECORDS OF COLLIN COUNTY, TEXAS
DATE: 03-29-11

Date: 03/29/11	Scale: 1" = 100'
Plan: 50027-Zoning Plat	Project No.: 5902
SHEET	
1	OF
1	

CITY OF PLANO

PLANNING & ZONING COMMISSION

April 18, 2011

Agenda Item No. 7B

Concept Plan: Beverly Hills Estates I Addition & Beverly Hills Estates II Addition,
Block F, Lots 1-3

Applicants: Megatel Homes, Inc.

DESCRIPTION:

50 Planned Development-Single-Family Residence-6 lots and one open space lot on 11.1± acres and retail, restaurant, and convenience store with gas pumps on three lots on 3.8± acres located at the northeast corner of Ohio Drive and Rasor Boulevard. Zoned Retail. Neighborhood #1.

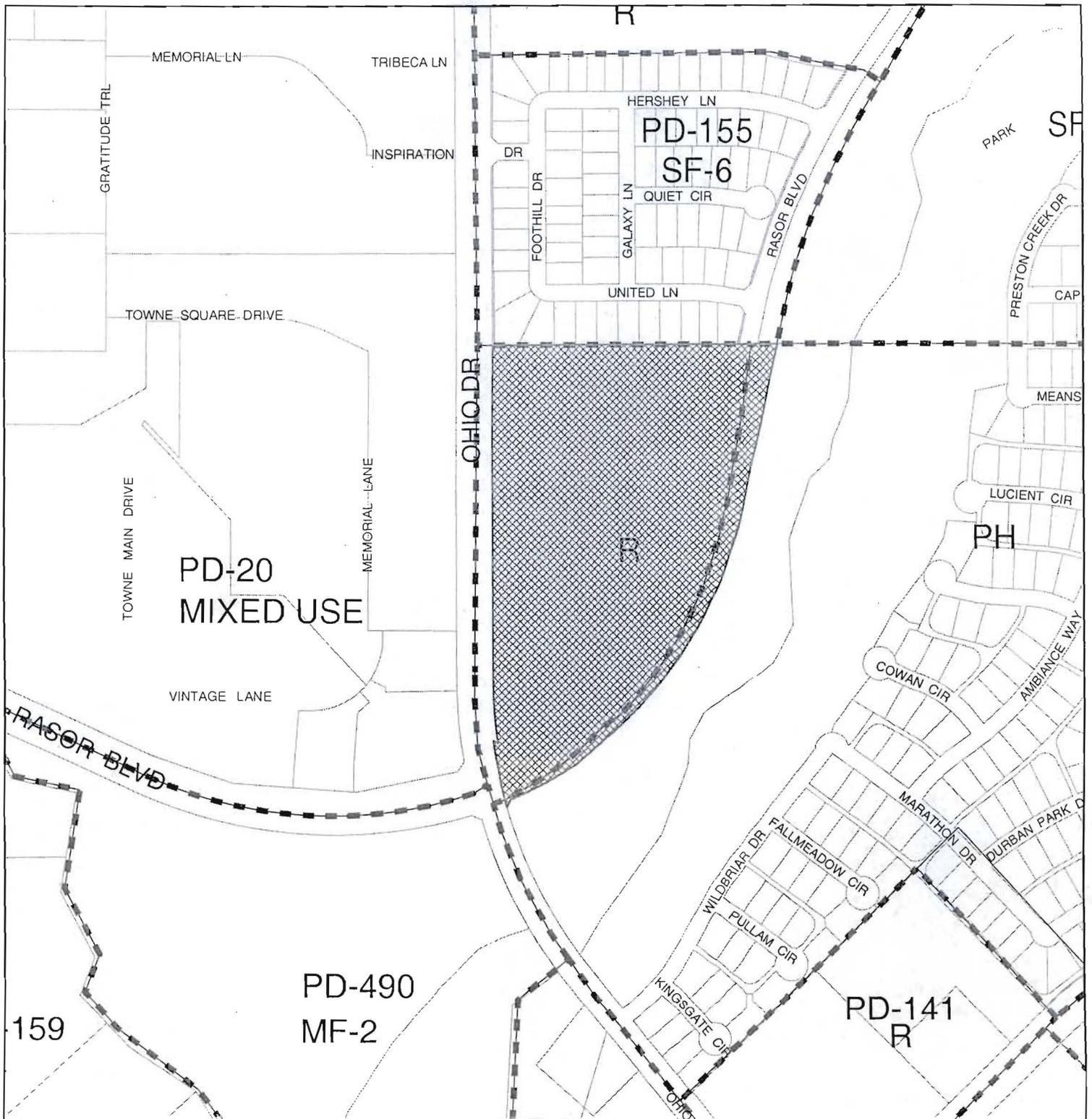
REMARKS:

This concept plan is associated with Zoning Case 2011-07.

The concept plan proposes 50 Single-Family Residence-6 lots and one open space lot on the northern end of subject property; and retail, restaurant, and convenience store with gas pumps uses on the southern end of the property. The nonresidential uses proposed are allowed within the existing Retail zoning district. The single-family residential use is subject to approval of Zoning Case 2011-07. The residential and nonresidential developments both have access from Ohio Drive and Rasor Boulevard. A screening wall shall separate the residential use from the nonresidential uses.

RECOMMENDATION:

Recommended for approval subject to City Council approval of Zoning Case 2011-07.



Item Submitted: CONCEPT PLAN

Title: BEVERLY HILLS ESTATES I ADDITION & BEVERLY HILLS ESTATES II ADDITION BLOCK F, LOTS 1-3



Zoning: RETAIL

○ 200' Notification Buffer

CITY OF PLANO

PLANNING & ZONING COMMISSION

April 18, 2011

Agenda No. 8

Public Hearing - Revised Preliminary Replat & Revised Site Plan

Capital One Addition, Block 1, Lot 3R

Applicant: Capital One National Association

DESCRIPTION:

General office on one lot on 25.6± 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:

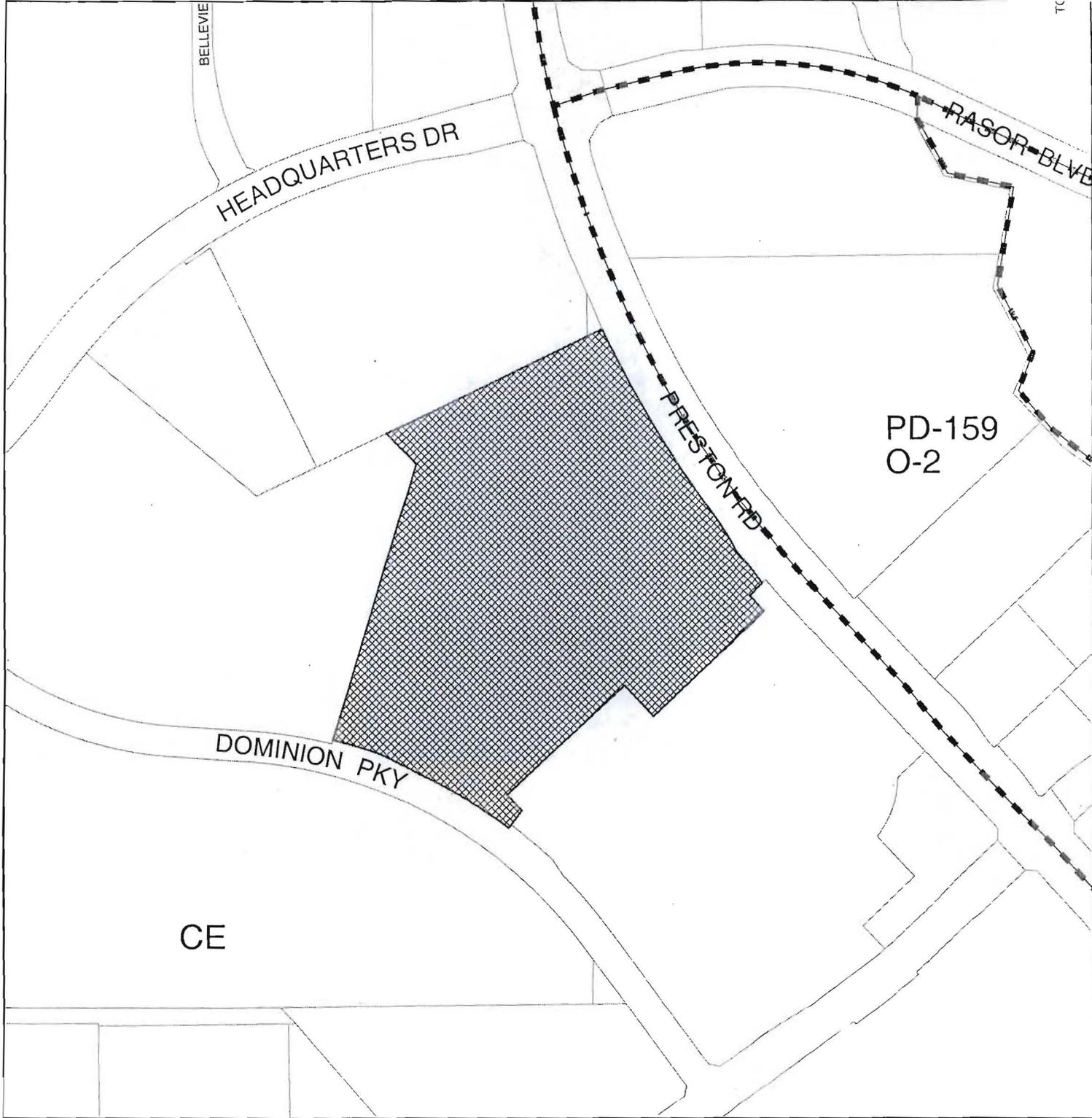
The purpose for this revised preliminary replat is to abandon and dedicate additional easements necessary to accommodate modifications to the site.

The purpose of the revised site plan is to show the addition of a proposed multipurpose building to the existing office campus on Block 1, Lot 3.

RECOMMENDATIONS:

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

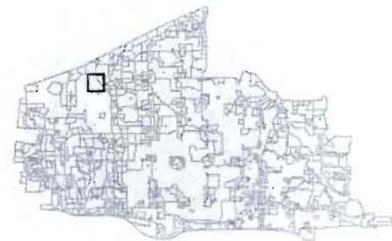
Revised Site Plan: Recommended for approval subject to Fire Department approval of a variance to the 150-foot hose-lay requirement.



Item Submitted: REVISED PRELIMINARY REPLAT & REVISED PRELIMINARY SITE PLAN

Title: CAPITAL ONE ADDITION
BLOCK 1, LOT 3R

Zoning: COMMERCIAL EMPLOYMENT/
PRESTON ROAD OVERLAY DISTRICT



○ 200' Notification Buffer



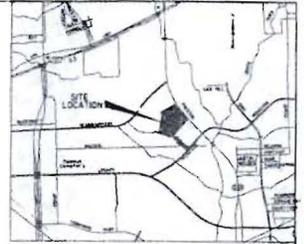
NO.	BEARING	DIST.
1	N172°22'W	81.02
2	N42°50'57"W	52.89
3	S47°12'12"E	102.50
4	N42°50'57"W	22.75
5	N42°50'57"W	22.75
6	N42°50'57"W	22.75
7	N42°50'57"W	22.75
8	N42°50'57"W	22.75
9	N42°50'57"W	22.75
10	N42°50'57"W	22.75
11	N42°50'57"W	22.75
12	N42°50'57"W	22.75
13	N42°50'57"W	22.75
14	N42°50'57"W	22.75
15	N42°50'57"W	22.75
16	N42°50'57"W	22.75
17	N42°50'57"W	22.75
18	N42°50'57"W	22.75
19	N42°50'57"W	22.75
20	N42°50'57"W	22.75
21	N42°50'57"W	22.75
22	N42°50'57"W	22.75
23	N42°50'57"W	22.75
24	N42°50'57"W	22.75
25	N42°50'57"W	22.75
26	N42°50'57"W	22.75
27	N42°50'57"W	22.75
28	N42°50'57"W	22.75
29	N42°50'57"W	22.75
30	N42°50'57"W	22.75
31	N42°50'57"W	22.75
32	N42°50'57"W	22.75
33	N42°50'57"W	22.75
34	N42°50'57"W	22.75
35	N42°50'57"W	22.75
36	N42°50'57"W	22.75
37	N42°50'57"W	22.75
38	N42°50'57"W	22.75
39	N42°50'57"W	22.75
40	N42°50'57"W	22.75

NO.	DATA	MARK	TRANSIT	LENGTH	CHORD BEARING
1	100.00	100.00	100.00	100.00	N172°22'W
2	100.00	100.00	100.00	100.00	N42°50'57"W
3	100.00	100.00	100.00	100.00	S47°12'12"E
4	100.00	100.00	100.00	100.00	N42°50'57"W
5	100.00	100.00	100.00	100.00	N42°50'57"W
6	100.00	100.00	100.00	100.00	N42°50'57"W
7	100.00	100.00	100.00	100.00	N42°50'57"W
8	100.00	100.00	100.00	100.00	N42°50'57"W
9	100.00	100.00	100.00	100.00	N42°50'57"W
10	100.00	100.00	100.00	100.00	N42°50'57"W
11	100.00	100.00	100.00	100.00	N42°50'57"W
12	100.00	100.00	100.00	100.00	N42°50'57"W
13	100.00	100.00	100.00	100.00	N42°50'57"W
14	100.00	100.00	100.00	100.00	N42°50'57"W
15	100.00	100.00	100.00	100.00	N42°50'57"W
16	100.00	100.00	100.00	100.00	N42°50'57"W
17	100.00	100.00	100.00	100.00	N42°50'57"W
18	100.00	100.00	100.00	100.00	N42°50'57"W
19	100.00	100.00	100.00	100.00	N42°50'57"W
20	100.00	100.00	100.00	100.00	N42°50'57"W
21	100.00	100.00	100.00	100.00	N42°50'57"W
22	100.00	100.00	100.00	100.00	N42°50'57"W
23	100.00	100.00	100.00	100.00	N42°50'57"W
24	100.00	100.00	100.00	100.00	N42°50'57"W
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27	100.00	100.00	100.00	100.00	N42°50'57"W
28	100.00	100.00	100.00	100.00	N42°50'57"W
29	100.00	100.00	100.00	100.00	N42°50'57"W
30	100.00	100.00	100.00	100.00	N42°50'57"W
31	100.00	100.00	100.00	100.00	N42°50'57"W
32	100.00	100.00	100.00	100.00	N42°50'57"W
33	100.00	100.00	100.00	100.00	N42°50'57"W
34	100.00	100.00	100.00	100.00	N42°50'57"W
35	100.00	100.00	100.00	100.00	N42°50'57"W
36	100.00	100.00	100.00	100.00	N42°50'57"W
37	100.00	100.00	100.00	100.00	N42°50'57"W
38	100.00	100.00	100.00	100.00	N42°50'57"W
39	100.00	100.00	100.00	100.00	N42°50'57"W
40	100.00	100.00	100.00	100.00	N42°50'57"W

POINT OF COMMENCING

POINT OF BEGINNING

31 BEAR ADDRESS, INC.
DBA ACTORUS ASSOCIATES, LLC
15.58 ACRES
M.M. 7
15.58 ACRES



LOCATION MAP
NOT TO SCALE

DOMINION PKWY

PRESTON RD

REMAINING 1/2 ACRES
EAST 1/2 OF SECTION 1
T. 12 N. R. 20 E. CO. 10
SURREY, TEXAS

CAPITAL ONE ADDITION
LOT 38, BLOCK 1
25.539 ACRES

NOTICE:
Selling a portion of this addition by
metes and bounds is a violation of
city subdivision ordinance and state
planning statutes and is subject to
fines and abatement of utilities and
building certificates.

MEASUREMENT TO ABSTRACT LINE IS
APPROXIMATE

BASE OF BEARING IS USED TO
WEST PLAND LAND COMPANY, L.P.
AS RECORDED IN COLLIN COUNTY
CLERK'S FILE NO. 200802000032820

The purpose of this Report is to
provide additional measurements
necessary for public improvements,
conforming existing easements that
no longer exist, and show revised
lot configuration.

ENGINEER:
HALFF ASSOCIATES, P.C.
4174 DENNIS CROWMAN
1001 N. BOWSER RD.
RICHMOND, TX 75081
214-546-6200

OWNER:
CAPITAL ONE NATIONAL ASSOCIATION
ATTN: GARY MORTENSEN
15000 CAPITAL ONE DRIVE
RICHMOND, VA 23238
801-840-6951

REVISED
PRELIMINARY REPLAT
CAPITAL ONE ADDITION
LOT 38, BLOCK 1
25.539 ACRES

BEING A REPLAT OF
CAPITAL ONE ADDITION LOT 38, BLOCK 1
RECORDED IN COLLIN COUNTY PAGE
SITUATED IN THE
COLLIN COUNTY SCHOOL LAND SURVEY,
ABST. NO. 153 &
SAMUEL BROWN SURVEY,
ABST. NO. 108
CITY OF PLANO, COLLIN COUNTY, TEXAS

CAPITAL ONE
BY
HALFF

LEGEND

1/4" = 1/4" BOUND FOUND WITH THIS

3/4" = 3/4" BOUND FOUND WITH THIS

1" = 1" BOUND FOUND WITH THIS

2" = 2" BOUND FOUND WITH THIS

3" = 3" BOUND FOUND WITH THIS

4" = 4" BOUND FOUND WITH THIS

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35" = 35" BOUND FOUND WITH THIS

36" = 36" BOUND FOUND WITH THIS

37" = 37" BOUND FOUND WITH THIS

38" = 38" BOUND FOUND WITH THIS

39" = 39" BOUND FOUND WITH THIS

40" = 40" BOUND FOUND WITH THIS

LEGAL DESCRIPTION

BEING a tract of land situated in the Samuel Brown Survey, Abstract No. 108, and the Collin County School Land Survey, Abstract No. 153, in the City of Plano, Collin County, Texas, being a part of those two tracts of land described in deeds to Capital One National Association, as recorded in Collin County Clerk's Office, C.C.C.F. No. 20070522000919120, and No. 20070522000919120, and No. 20070522000919120, both records of Collin County, Texas, L.R.C.C.T., and being also Lot 3R, Block 1 of the Final Plat of Capital One Addition Lot 3R, Block 1, an addition to the City of Plano as recorded in Volume 2009, Page 38, of the Official Public Records of Collin County, Texas, L.R.C.C.T., and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod found at the southwest corner of a tract of land described in deed to McAfee, Inc., recorded in C.C.C.F. No. 20060103000919120, L.R.C.C.T., and being a reentrant corner on the north line of Lot 4, Block 1 of the Conveyance Plot of Capital One Addition Lots 3 & 4, Block 1, an addition to the City of Plano as recorded in Volume 2007, Page 269, D.P.R.C.C.T.

THENCE North 64 degrees 39 minutes 06 seconds East, with the southeast line of said McAfee tract, and a north line of Lot 4, Joshua of a total distance of 196.54 feet the southeast corner of said McAfee tract, also being the southeast corner of Network Associates, an addition to the City of Plano according to the plat thereof recorded in Cabinet B, Page 322 of the Map Records of Collin County, Texas, L.R.C.C.T., and continuing along the southeast line of said Network Associates addition and the north line of said Lot 4, in a total distance of 430.07 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "Half Assoc. Inc." hereafter referred to as "with cap" found for the northwesterly corner of said Capital One Addition Lot 3R, Block 1, for the POINT OF BEGINNING of the herein described tract:

THENCE North 64 degrees 39 minutes 06 seconds East, continuing along the southeast line of said Network Associates addition and along the northwesterly line of said Lot 3R, Block 1, a distance of 713.02 feet to a 5/8-inch iron rod with a cap stamped "Timber-Turn" found on the westerly right-of-way line of Preston Road (State Highway 289) (variable width right-of-way) for the beginning of a non-tangent curve to the left with a radius of 3,369.35 feet and a chord bearing South 30 degrees 36 minutes 44 seconds East, a distance of 681.56 feet.

THENCE Southeastery along said westerly right-of-way line and with said curve to the left, through a central angle of 11 degrees 36 minutes 35 seconds, an arc distance of 682.13 feet to a 1/2-inch iron rod with cap set for corner:

THENCE South 29 degrees 32 minutes 01 second East, continuing along said westerly right-of-way line, a distance of 86.81 feet to a 1/2-inch iron rod with cap set for the beginning of a non-tangent curve to the left with a radius of 3,381.35 feet and a chord bearing South 39 degrees 18 minutes 40 seconds East, a distance of 129.32 feet.

THENCE Southeastery along said westerly right-of-way line and with said curve to the left, through a central angle of 02 degrees 11 minutes 29 seconds, an arc distance of 129.33 feet to a 1/2-inch iron rod with cap found for the southeast corner of said Lot 3R, Block 1, also being on the northerly line of Lot 2, Block 1 of the Final Plat of Capital One Addition, Lot 2, Block 1, an addition to the City of Plano, recorded in Volume 2008, Page 224, L.R.C.C.T.

THENCE departing said westerly right-of-way line and along the common line southerly line of said Lot 3R, Block 1 and northerly line of said Lot 2, Block 1, the following bearings and distances:

South 47 degrees 12 minutes 12 seconds West, a distance of 54.65 feet to an "X" in concrete found for corner:

South 42 degrees 51 minutes 44 seconds East, a distance of 64.00 feet to a 1/2-inch iron rod with cap found for corner:

South 47 degrees 12 minutes 12 seconds West, a distance of 457.86 feet to a 1/2-inch iron rod with cap found for corner:

North 42 degrees 47 minutes 48 seconds West, a distance of 128.00 feet to a 1/2-inch iron rod with cap found for corner:

South 47 degrees 12 minutes 12 seconds West, a distance of 477.59 feet to a 1/2-inch iron rod with cap found for corner:

South 42 degrees 47 minutes 48 seconds East, a distance of 64.00 feet to an "X" in concrete found for corner:

South 47 degrees 12 minutes 12 seconds West, a distance of 1.96 feet to an "X" in concrete found for corner:

South 37 degrees 29 minutes 43 seconds West, a distance of 63.29 feet to a standard C.P.P. concrete monument found for corner on the easterly right-of-way line of Danlinson Parkway as recorded in C.C.C.F. No. 2006120500708310, L.R.C.C.T., and being on a non-tangent curve to the left with a radius of 1,446.00 feet and a chord bearing North 58 degrees 34 minutes 39 seconds West, a distance of 309.70 feet.

THENCE northwesterly departing said common line and along said easterly right-of-way line and with said curve to the left, through a central angle of 12 degrees 17 minutes 42 seconds, an arc distance of 310.23 feet to a 1/2-inch iron rod with cap found for corner:

THENCE North 41 degrees 31 minutes 28 seconds West, along the northwesterly line of a 2,489 square foot right-of-way tract as dedicated by said Capital One Addition Lot 3R, Block 1, a distance of 103.34 feet to a 1/2-inch iron rod with cap found for the beginning of a non-tangent curve to the left with a radius of 2520.00 feet and a chord bearing North 65 degrees 44 minutes 39 seconds West, a distance of 38.71 feet:

THENCE northwesterly continuing along the northeast line of said right-of-way dedication and with said curve to the left, through a central angle of 08 degrees 52 minutes 50 seconds, an arc distance of 38.75 feet to a 1/2-inch iron rod with cap found for the beginning of a non-tangent curve to the left with a radius of 1,458.00 feet and a chord bearing North 72 degrees 59 minutes 54 seconds West, a distance of 136.81 feet:

THENCE northwesterly continuing along the northeast line of said right-of-way dedication and with said curve to the left, through a central angle of 05 degrees 22 minutes 42 seconds, an arc distance of 136.86 feet to a 1/2-inch iron rod with cap found for the southwest corner of said Lot 3R, Block 1, also being on the easterly line of said Lot 4, Block 1:

THENCE departing said right-of-way line and along the common line between said Lot 3R, Block 1 and Lot 4, Block 1, the following bearings and distances:

North 17 degrees 12 minutes 12 seconds East, a distance of 312.27 feet to a 1/2-inch iron rod with cap set for corner:

North 42 degrees 50 minutes 57 seconds West, a distance of 710.1 feet to a 1/2-inch iron rod with cap set for corner:

North 17 degrees 12 minutes 12 seconds East, a distance of 546.04 feet to a 1/2-inch iron rod with cap set for corner:

THENCE North 42 degrees 47 minutes 48 seconds West, continuing along said common line, a distance of 55.13 feet to the POINT OF BEGINNING AND CONTAINING 1,112,481 square feet or 25.539 acres of land, more or less.

SURVEYOR'S CERTIFICATE

This is to certify that on _____ Andrew J. Shaffer, a Registered Professional Land Surveyor of the State of Texas, is the author of this plat designating the hereinabove survey on the ground, and that other corners, angle points, and points of curve shown marked on the ground, and that this plat correctly represents a survey made by me, or under my supervision.

PRELIMINARY - FOR REVIEW ONLY

Andrew J. Shaffer
Registered Professional
Land Surveyor
Texas
No. 5017

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State on this day personally appeared Andrew J. Shaffer, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2011.

Signature

Printed Name

Notary Public, State of
Texas
My Commission expires:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT CAPITAL ONE NATIONAL ASSOCIATION acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as CAPITAL ONE ADDITION LOT 3R, BLOCK 1, 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 public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Plano's use thereof. The City of Plano and public utility 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 encroach 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 right of ingress and egress to or from their respective easements for the purpose of construction, reconstructing, inspecting, painting, repainting, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstructions, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and owner and post and maintain appropriate signs in conspicuous places along such fire lanes, entitled "Fire Lane, No Parking." The police or his duly authorized representative and is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

The undersigned does covenant and agree that the Access Easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use in, along, upon and across said premises, with the right and privilege of all times of the City of Plano, its agents, employees, workers and representatives having ingress, egress, and egress in, along, upon and across said premises.

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

IN WITNESS, my hand, this the _____ day of _____, 2011.

By CAPITAL ONE NATIONAL ASSOCIATION

STATE OF VIRGINIA

COUNTY OF FAYETTE

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2011.

Signature

Printed Name

Notary Public, State of Virginia

My commission expires

CERTIFICATE OF APPROVAL

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

Chairman, Planning & Zoning Commission, City of Plano, TX

Secretary, Planning & Zoning Commission or City Engineer, City of Plano, TX

STATE OF TEXAS

COUNTY OF COLLIN

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2011.

Signature

Printed Name

Texas

express:

STATE OF TEXAS

COUNTY OF COLLIN

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2011.

Signature

Printed Name

Texas

express:

REVISED
PRELIMINARY REPLAT
CAPITAL ONE ADDITION
LOTS 3R, BLOCK 1
25.539 ACRES

BEING A REPLAT OF
CAPITAL ONE ADDITION LOT 3R, BLOCK 1
RECORDED IN VOLUME, PAGE
SITUATED IN THE
COLLIN COUNTY SCHOOL LAND SURVEY,
ABST. NO. 153 &
SAMUEL BROWN SURVEY,
ABST. NO. 108,
CITY OF PLANO, COLLIN COUNTY, TEXAS
FOR
CAPITAL ONE

ENGINEER
HALFF ASSOCIATES, INC.
4110 W. STATE ST. SUITE 400
DALLAS, TEXAS 75247
PHONE: 214-348-6200
FAX: 214-348-6200

OWNER
CAPITAL ONE NATIONAL ASSOCIATION
ATTN: JUAN VARGAS
15000 CAPITAL ONE DRIVE
HOUSTON, TX 77056
PHONE: 281-346-6622

HALFF
1501 NORTH HORTON ROAD, RICHARDSON, TEXAS 75081 (972) 346-4700
SCALE: 1"=100' AYS: 2/14/11 DATE: APRIL 2011

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 18, 2011

Agenda Item No. 9

Public Hearing - Preliminary Replat & Revised Site Plan:
Spring Creek Campus Addition, Block 1, Lot 1R

Applicant: Collin County Community College District

DESCRIPTION:

College on one lot on 97.5± acres located on the east side of Jupiter Road and on the south side of Spring Creek Parkway. Zoned Planned Development-456-General Office/Parkway Overlay District. Neighborhood #38.

REMARKS:

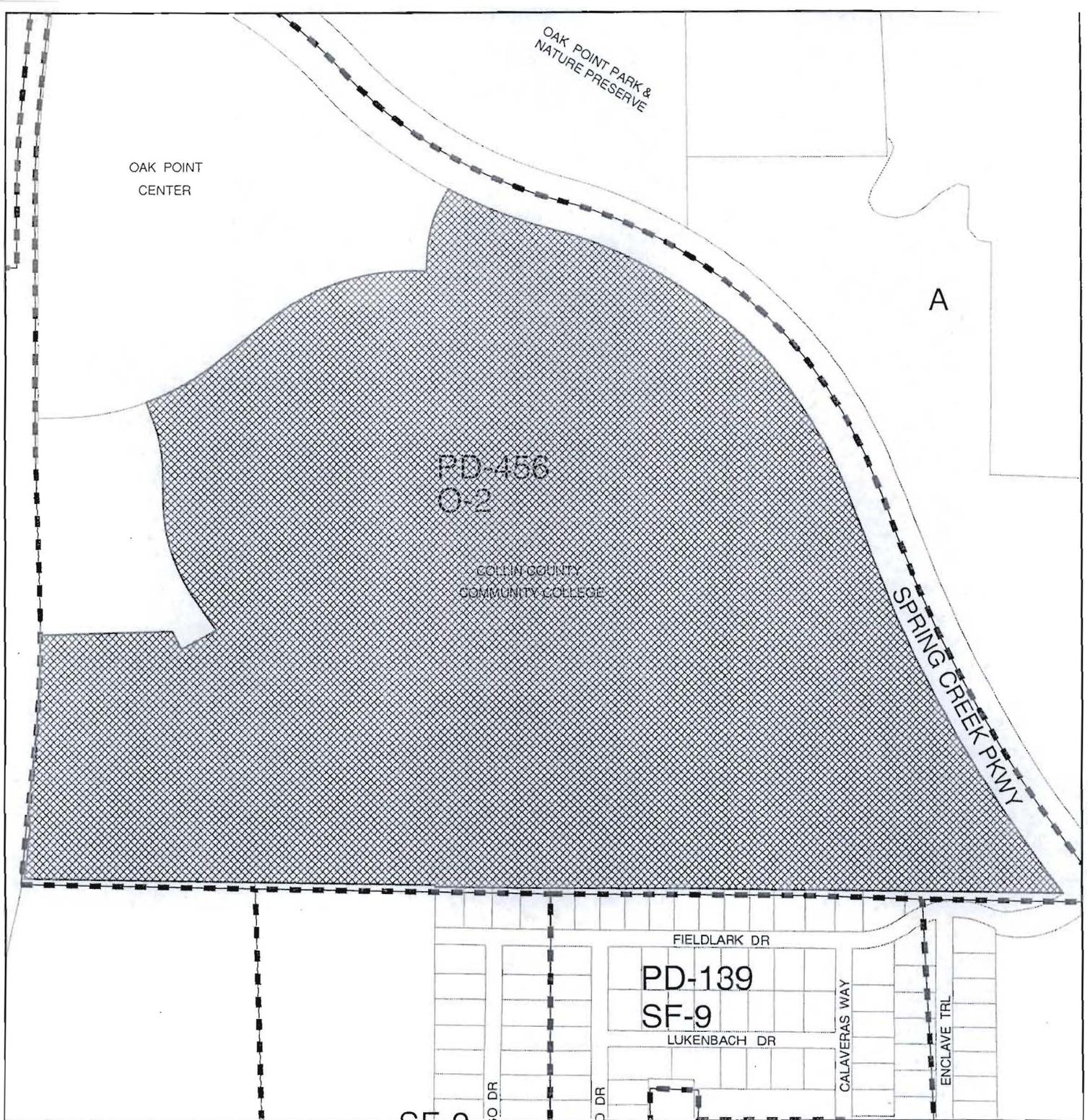
The purpose for the preliminary replat is to abandon and propose easements necessary for the building and parking additions.

The purpose for the revised site plan is to show the new building and parking additions and associated site improvements.

RECOMMENDATIONS:

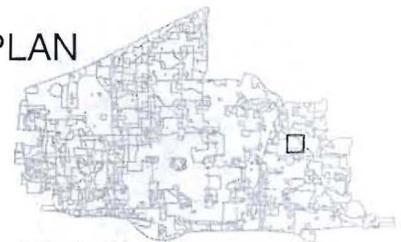
Preliminary Replat: Recommended for approval subject to additions and/or alterations to the engineering plans as required by the Engineering Department

Revised Site Plan: Recommended for approval subject to Fire Department approval of a variance to the 150-foot hose-lay requirement.



Item Submitted: PRELIMINARY REPLAT & REVISED SITE PLAN

Title: SPRING CREEK CAMPUS ADDITION
BLOCK 1, LOT 1R



Zoning: PLANNED DEVELOPMENT-456-GENERAL OFFICE/
PARKWAY OVERLAY DISTRICT



○ 200' Notification Buffer



PURPOSE OF REPLAT:

To modify the existing easements.

NOTE: 1" Iron Pins Shall Be Set At All Back Corners, P.C.A. P.T.'s, And Angle Points.
1/2" Iron Pins Shall Be Set At All Other Lot Corners

NOTICE: Setting any portion of this addition by metes and bounds is a violation of City Subdivision Ordinance and State Platting Statutes, and is subject to fines and withholding of utilities and building certificates.

LOCUTION MAP

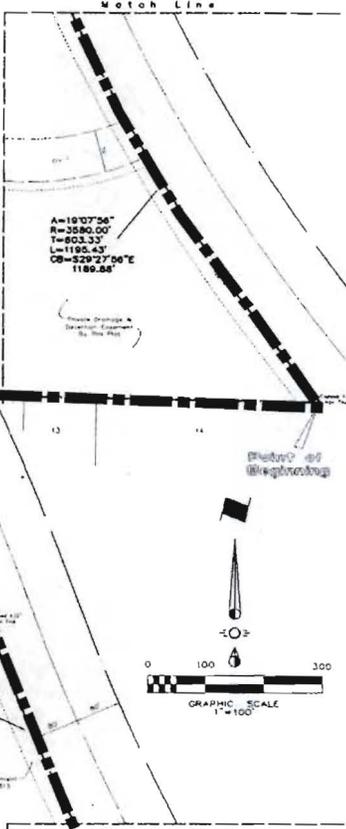
411

JUPITER RD

SPRING CREEK PKWY

Match Line

Match Line



A=50°07'32"
R=1320.00'
T=429.04'
L=1174.04'
CB=548°27'14"E
1136.72'

A=04°04'27"
R=3418.99'
T=121.65'
L=243.19'
CB=321°56'11"E
243.14'

A=19°07'56"
R=3590.00'
T=603.33'
L=1195.43'
CB=529°27'06"E
1199.08'

A=19°00'01"
R=763.94'
T=127.84'
L=253.34'
CB=N40°29'50"E
262.16'

A=18°29'59"
R=436.49'
T=78.00'
L=148.59'
CB=N10°12'01"W
147.83'

A=34°31'12"
R=516.87'
T=180.00'
L=310.28'
CB=N17°45'36"W
306.59'

N35°01'12"W
113.85'

A=05°30'29"
R=3583.00'
T=171.01'
L=361.78'
CB=N03°09'12"E
341.83'

A=34°28'00"
R=20.00'
T=8.20'
L=12.03'
CB=N89°39'28"W
11.85'

A=02°28'02"
R=837.82'
T=18.47'
L=36.93'
CB=N05°31'09"E
36.93'

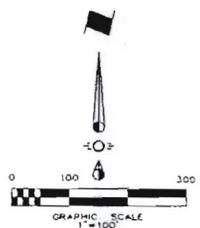
A=42°44'31"
R=706.00'
T=273.92'
L=522.19'
CB=N72°22'18"E
510.17'

N03°44'31"E
56.79'

N28°05'59"E
42.98'

A=24°21'28"
R=390.00'
T=82.01'
L=161.55'
CB=N15°55'15"E
180.33'

A=13°02'03"
R=1490.00'
T=189.07'
L=336.65'
CB=86°20'02"E
335.94'



SHEET 1 OF 2
PRELIMINARY REPLAT
**SPRING CREEK
CAMPUS ADDITION**
LOT 1R, BLOCK 1
Being A Replat Of
Spring Creek Campus Addition
Lot 1R, Block 1
Recorded in Cabinet P, Pg. 911
97.531 Acres Situated In The
MANLEY S. BECK SURVEY ~ ABST. 75
PLANO, COLLIN COUNTY, TEXAS

Owner:
Collin County Community College
4800 Preston Park Boulevard
Plano, Texas 75096
Telephone: 972-756-9600

Engineer:
RFA Engineering, Inc.
114 Wood Street
Allen, Texas 75013
Telephone: 972-396-1733
Texas Registration No. 339

Surveyor:
Sullivan Surveying, Inc.
400 Blue Lake
Allen, Texas 75010
Telephone: 972-324-6200
April 4, 2011

12	11	10	9	8	7	6	5	4	3	2	1	1	2	3	4	5	6	7	8	9	10	11	12
Block 1 The Area Of Spring Creek Campus C C&P 2009, Pg. 444												Block 2 The Area Of Spring Creek C&P 2009, Pg. 529											

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, Collin County Community College is the owner of a tract of land situated in the Manley S. Beck Survey, Abstract No. 76, City of Plano, Collin County, Texas, as being all of Lot 1R, Block 1, Spring Creek Campus, on addition to the City of Plano, Texas, as recorded in Cabinet P, Page 911, Plat Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a capped 1/2" iron rod found for corner in the southeast line of Spring Creek Parkway (a 150' R.O.W.) said point also being the southeast corner of the aforementioned Lot 1R, Block 1;

THENCE N85D11'11"W, leaving Spring Creek Parkway, a distance of 3140.54 feet to a capped 1/2" iron rod found for corner in the east line of Jupiter Road (a variable width R.O.W. at this point);

THENCE N02'45'10"E, with the east line of Jupiter Road, a distance of 35.90 feet to a capped 1/2" iron rod found for corner and the beginning of a curve to the left having a central angle of 02'28'02", a radius of 857.82 feet, a tangent length of 18.47 feet, and a chord bearing N08'19'07"E, 36.83 feet;

THENCE in a northerly direction along said curve to the left, and with the east line of Jupiter Road, an arc distance of 36.83 feet to a capped 1/2" iron rod found for corner and the end of said curve;

THENCE N06'12'45"E, with the east line of Jupiter Road, a distance of 95.23 feet to an "x" out found for corner and the beginning of a non-tangent curve to the right having a central angle of 34'28'00", a radius of 20.00 feet, a tangent length of 8.20 feet, and a chord bearing N69'39'26"W, 11.85 feet;

THENCE in a northeasterly direction along said curve to the right, an arc distance of 12.03 feet to an "x" out found for corner and the end of said curve;

THENCE N05'34'28"E, with the east line of Jupiter Road (a 110' R.O.W. at this point), a distance of 219.28 feet to a capped 1/2" iron rod found for corner and the beginning of a curve to the left having a central angle of 03'29'29", a radius of 3555.00 feet, a tangent length of 171.01 feet, and a chord bearing N03'09'12"E, 341.63 feet;

THENCE in a northerly direction along said curve to the left, and with the east line of Jupiter Road, an arc distance of 351.78 feet to a capped 1/2" iron rod found for corner and the end of said curve, said point being the southwest corner of Lot 2, Block 1, Spring Creek Campus;

THENCE N82'20'36"E, leaving Jupiter Road, a distance of 396.77 feet to a capped 1/2" iron rod found for corner;

THENCE S27'30'17"E, a distance of 59.86 feet to a capped 1/2" iron rod found for corner;

THENCE N02'09'43"E, a distance of 118.02 feet to an "x" out found for corner;

THENCE N35'01'12"W, a distance of 113.85 feet to a capped 1/2" iron rod found for corner and the beginning of a curve to the right having a central angle of 34'11'12", a radius of 516.57 feet, a tangent length of 160.00 feet, and a chord bearing N17'45'36"W, 305.59 feet;

THENCE in a northerly direction along said curve to the right, an arc distance of 310.26 feet to a capped 1/2" iron rod found for corner and the end of said curve;

THENCE N00'30'01"W, a distance of 63.03 feet to a capped 1/2" iron rod found for corner and the beginning of a curve to the left having a central angle of 19'28'59", a radius of 436.48 feet, a tangent length of 75.00 feet, and a chord bearing N10'15'01"W, 147.83 feet;

THENCE in a northerly direction along said curve to the left, an arc distance of 148.55 feet to a capped 1/2" iron rod found for corner and the end of said curve;

THENCE N20'00'03"W, a distance of 65.00 feet to an "x" out found for corner, said point being the northeast corner of the aforementioned lot 2, Block 1, and being the beginning of a non-tangent curve to the left having a central angle of 19'00'01", a radius of 763.94 feet, a tangent length of 127.84 feet, and a chord bearing N06'29'59"E, 232.18 feet;

THENCE in a northeasterly direction along said curve to the left, an arc distance of 253.14 feet to a capped 1/2" iron rod found for corner and the end of said curve;

THENCE N51'00'00"E, a distance of 177.16 feet to a capped 1/2" iron rod found for corner and the beginning of a curve to the right having a central angle of 42'44'31", a radius of 702.00 feet, a tangent length of 273.92 feet, and a chord bearing N12'22'15"E, 510.17 feet;

THENCE in an easterly direction along said curve to the right, an arc distance of 522.19 feet to an "x" out found for corner and the end of said curve;

THENCE N03'44'31"E, a distance of 56.79 feet to a capped 1/2" iron rod found for corner and the beginning of a curve to the right having a central angle of 24'21'28", a radius of 300.00 feet, a tangent length of 82.01 feet, and a chord bearing N19'35'15"E, 160.33 feet;

THENCE in a northerly direction along said curve to the right, an arc distance of 161.35 feet to a capped 1/2" iron rod found for corner and the end of said curve;

THENCE N38'05'59"E, a distance of 42.56 feet to a pin nail found for corner in the aforementioned southwest line of Spring Creek Parkway, said point being the beginning of a non-tangent curve to the left having a central angle of 13'02'03", a radius of 1482.00 feet, a tangent length of 169.07 feet, and a chord bearing S68'25'02"E, 335.86 feet;

THENCE in an easterly direction along said curve to the left, and with the southwestern line of Spring Creek Parkway, an arc distance of 336.88 feet to a capped 1/2" iron rod found for corner and the beginning of a reverse curve to the right having a central angle of 30'27'37", a radius of 1320.00 feet, a tangent length of 629.04 feet, and a chord bearing S49'27'14"E, 1135.72 feet;

THENCE in a southeasterly direction along said curve to the right, and with the southwest line of Spring Creek Parkway, an arc distance of 1174.04 feet to a capped 1/2" iron rod found for corner and the beginning of a compound curve to the right having a central angle of 04'04'27", a radius of 3419.89 feet, a tangent length of 121.85 feet, and a chord bearing S21'56'11"E, 243.14 feet;

THENCE in a southeasterly direction along said curve to the right, and with the southwest line of Spring Creek Parkway, an arc distance of 243.19 feet to a capped 1/2" iron rod found for corner and the beginning of a reverse curve to the left having a central angle of 10'07'56", a radius of 3580.00 feet, a tangent length of 603.33 feet, and a chord bearing S29'27'56"E, 1189.88 feet;

THENCE in a southeasterly direction along said curve to the left, and with the southwest line of Spring Creek Parkway, an arc distance of 1155.43 feet to the POINT OF BEGINNING AND CONTINUING 4,248.454 square feet, or 97.531 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT Collin County Community College, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as Lot 1R, Block 1, Spring Creek Campus, on addition to the City of Plano, Texas, and does hereby dedicate, in fee simple, for 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 gravels 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 some unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Plano's use thereof. The City of Plano and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or gravels which may in any way endanger or interfere with the construction, maintenance or efficiency of their respective systems on said Easements. The City of Plano and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any type of procuring permission from anyone.

That the undersigned does hereby covenant and agree that he shall construct upon the fire lanes easements, as dedicated and shown hereon, a hard surface and that he shall maintain the same in a state of good repair at all times and keep the same free and clear any structures, fences, trees, shrubs, or other improvements or obstructions, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the easement for fire apparatuses. The City of Plano and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking", the police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency uses.

The undersigned does covenant and agree that the Access Easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use in, along, upon, and across said premises, with the right and privilege at all times of the City of Plano, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

PRIVATE DRAINAGE AND DETENTION EASEMENT

This plat is hereby adopted by the Owner and approved by the City of Plano, Texas (called "City") subject to the following conditions which shall be binding upon the owner, their heirs, administrators, successors and assigns. The portion of Lot 1R, Block 1 as shown on the plat is called "Private Drainage and Detention Easement". The said Private Drainage and Detention Easement within the limits of this addition will remain open at all times and will be maintained in a safe and sanitary condition by the Owner. The City will not be responsible for the maintenance and operation of said Easement or for any damage to property (real or personal) (a) that results from conditions in the Easement, or for the control of erosion. No obstruction to the natural flow of storm water shall be permitted by the Owner. The Owner shall be responsible for the maintenance and operation of the said Private Drainage and Detention Easement unless approved by the City Engineer; provided, however, that in the event of any damage to property necessary for the City to erect or consider erecting any type of drainage structure (a) in order to improve the storm drainage that may be occasioned by drainage in or adjacent to the property, then in such event, the City shall have the right to enter upon said Private Drainage and Detention Easement at any time, or points, to investigate, survey or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. The Owner shall have the right to install Private Drainage and Detention Easement drain and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the Owner to alleviate any undesirable conditions which may occur. The natural drainage through the said Private Drainage and Detention Easement is subject to natural water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be held liable for any damage of any nature resulting from the occurrence of these natural phenomena or resulting from the failure of any structure, or structures, within the Easement.

BASIS OF BEARINGS

The Final Plat of Spring Creek Campus, as recorded in Cabinet P, Page 911, Plat Records of Collin County, Texas.

PURPOSE OF REPLAT

To modify the existing easements.

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

Witness my hand this the ___ day of ___, 2011.

Collin County Community College

Printed Name and Title

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 the ___ day of ___, 2011.

Notary Public in and for the State of Texas

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS: That I, David J. Surdick, do hereby certify that I prepared this plat from an accurate and actual survey of land, and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the subdivision regulations of the City of Plano, Texas.

David J. Surdick
Registration No. 4613

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally David J. Surdick, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN under my hand and seal of office, this the ___ day of ___, 2011.

Notary Public in and for the State of Texas

NOTE: 1" Iron Pins Shall Be Set At All Block Corners, P.C.'s, P.T.'s, and Angle Points. 1/2" Iron Pins Shall Be Set At All Other Lot Corners.

NOTICE: Setting any portion of this addition by metes and bounds is a violation of City Subdivision Ordinances and State Plotting Statutes, and is subject to fines and withholding of utilities and building certificates.

Table with columns: Station, Curve, Point, Curve, Point, Curve, Point, Curve, Point, Curve, Point. It contains detailed curve data for the project.

CERTIFICATE OF APPROVAL

APPROVED this ___ day of ___, 2011, by the Planning and Zoning Commission, City of Plano, Texas.

Chairman, Planning and Zoning Commission

STATE OF TEXAS
COUNTY OF COLLIN

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

Given under my hand and seal of office this the ___ day of ___, 2011.

Notary Public in and for the State of Texas

Secretary, Planning & Zoning Commission
Or City Engineer

STATE OF TEXAS
COUNTY OF COLLIN

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

Given under my hand and seal of office this the ___ day of ___, 2011.

Notary Public in and for the State of Texas

BASIS OF BEARINGS

The Final Plat of Spring Creek Campus, as recorded in Cabinet P, Page 911, Plat Records of Collin County, Texas.

PURPOSE OF REPLAT

To modify the existing easements.

SHEET 2 OF 2
PRELIMINARY REPLAT
SPRING CREEK
CAMPUS ADDITION
LOT 1R, BLOCK 1
Being A Replot Of
Spring Creek Campus Addition
Lot 1R, Block 1
Recorded in Cabinet P, Pg. 911
97.531 Acres Situated in the
MANLEY S. BECK SURVEY ~ ABST. 76
PLANO, COLLIN COUNTY, TEXAS

Collin County Community College
4600 Preston Park, Building
Plano, Texas 75086
Telephone: 972 750-3800

BLK Engineering, Inc.
111 West Main Street
Allen, Texas 75013
Telephone: 972 259-1733
Texas Registration No. 579

Surdick Surveying, Inc.
PO Box 108
Plano, Texas 75074
Telephone: 972 824-8300

CITY OF PLANO

PLANNING & ZONING COMMISSION

April 18, 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.

REMARKS:

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. 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 outdoor activities conducted by the soccer association do not fit neatly into any of the existing use definitions. 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 classification that has been applied to the two Plano Sports Authority facilities in the city, which also provide league sports facilities. For all these uses, the Zoning Ordinance also prescribes setbacks from adjacent residential zoning districts for bleachers and backstops associated with outdoor athletic fields.

The applicant believes that the use should be classified as a "private recreation facility", which does not require a SUP. 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 homeowner's 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.

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.

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.



April 14, 2011

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

Dear Commissioners,

On behalf of Custer Road United Methodist Church, we are requesting clarification from the Planning and Zoning Commission regarding approved uses for the church's property at 6900 Custer Road. This property is located at the southeast intersection of Custer and Legacy Roads.

The subject property is zoned MF-3. In addition to weekly parking for worship services, the church uses the property for a variety of church activities, including recreational soccer, basketball, football and volleyball. Because of these athletic activities, City staff is requiring the church to obtain a Specific Use Permit for Community Center use. We disagree with this requirement. The Schedule of Uses for this zoning district allows Private Recreation Facilities by right. This use is defined as, **"A recreation facility operated for the exclusive use of private residents or neighborhood groups and their guests and not the general public."** The definition of this use adequately describes the activities on this property.

On the other hand, the definition of Community Center includes numerous descriptions that do not accurately depict the activities on this property. This use—**"A building or complex of buildings that house cultural, recreational, athletic, or entertainment facilities owned and/or operated by a governmental agency or private non-profit agency"**—stretches the meaning of what is nothing more than wholesome recreation by church-sponsored or church-approved groups.

In addition to re-defining the use of this property, the process of obtaining an SUP will burden the church with an expenditure of time and resources that, in the end, will yield no benefit to its ministry or mission.

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