

PLANNING & ZONING COMMISSION

PLANO MUNICIPAL CENTER

1520 K AVENUE

April 5, 2010

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>4:00 p.m. - Tour of Gun Ranges at the Police Academy (4840 E. Plano Parkway) - One or more members of the Planning & Zoning Commission will travel to the Research/Technology Center District to tour the Plano/Richardson Police Training Center Firing Range and listen to the sound of firing in and around the range. The tour will convene at the City of Plano Municipal Center.</p> <p>5:15 p.m. - Dinner - Planning Conference Room 2E</p> <p>6:00 p.m. - Work Session to be held in Council Chambers - Discussion & Direction: Consideration of residential uses in a portion of the Research/Technology Center zoning district east of Los Rios Boulevard.</p> <p>7:00 p.m. - Regular Meeting - Council Chambers</p> <p>The Planning & Zoning Commission may convene into Executive Session pursuant to Section 551.071 of the Texas Government Code to Consult with its attorney regarding posted items in the regular meeting.</p> <p>1 Call to Order/Pledge of Allegiance</p> <p>2 Approval of Agenda as Presented</p> <p>3 Approval of Minutes for the March 15, 2010, Planning & Zoning Commission meeting</p> <p>4 General Discussion: The Planning & Zoning Commission will hear comments of public interest. Time restraints may be directed by the Chair of the Planning & Zoning Commission. Specific factual information, explanation of current policy, or clarification of Planning & Zoning Commission authority may be made in response to an inquiry. Any other discussion or decision must be limited to a proposal to place the item on a future agenda.</p>	

	<p><u>CONSENT AGENDA</u></p> <p>5a BM Preliminary Plat: The Plaza at Chase Oaks, Block A, Lot 2 - Independent living facility on one lot on 14.1± acres located on the south side of Chase Oaks Boulevard, 1,500± feet west of U.S. Highway 75. Zoned Planned Development-277-Retail/General Office and Corridor Commercial. Neighborhood #13. Applicant: Unified Housing of Chase Oaks, LLC</p> <p>5b EH Revised Site Plan: The Shops at Willow Bend, Block 1, Lot 6R - Regional mall on 61.6± acres located at the northwest corner of Dallas North Tollway and Park Boulevard. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permits #434, #444, #448, and #570 for Private Club and Auto Leasing/Renting. Neighborhood #40. Applicant: Taubman Realty Group</p> <p>5c EH Revised Site Plan: Shiloh/544 Addition, Block A, Lot 2 - Religious facility on one lot on 1.0± acre located on the west side of Shiloh Road, 300± feet south of 14th Street. Zoned Light Commercial. Neighborhood #68. Applicant: Noori Masjid</p> <p><u>END OF CONSENT AGENDA</u></p> <p><u>PUBLIC HEARINGS</u></p> <p>6 BM Public Hearing: Zoning Case 2010-01 - Request to amend Subsection 2.818 (R - Retail) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and Subsection 3.1001 (Screening Walls or Visual Barriers) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding screening requirements for single-family and two-family residential uses within the Retail and General Residential zoning districts. Applicant: City of Plano</p> <p>7 EH Public Hearing - Replat: Parker Coit Addition, Block 1, Lots 1R & 2R - Fire station/public safety buildings and retail buildings on two lots on 6.5± acres located on the north side of Parker Road, 500± feet west of Coit Road. Zoned Planned Development-31-Retail with Specific Use Permit #400 for Day Care Center. Neighborhood #32. Applicant: City of Plano</p>	
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<p>8 EH</p>	<p>Public Hearing - Preliminary Replat and Revised Site Plan: Kemp Homestead No. 2, Block A, Lots 1R & 2R - Restaurant, medical office, superstore, and garden center on two lots on 11.4± acres located on the south side of Park Boulevard, 720± feet west of Dallas North Tollway. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permit #427 for Building Material Sales. Neighborhood #52. Applicant: HD Development Properties</p> <p><u>END OF PUBLIC HEARINGS</u></p>	
<p>9 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 definitions and associated regulations for fences as they apply to golf course netting. Applicant: Robert P. Buss</p>	
<p>10 DW</p>	<p>Presentation: Human and Vehicle Signage - Presentation regarding human and vehicle signage. Applicant: City of Plano</p>	
<p>11 EH</p>	<p>Discussion & Direction: Church and Rectory Uses - Discussion and direction regarding church and rectory uses. Applicant: City of Plano</p>	
<p>12</p>	<p>Items for Future Discussion - The Planning & Zoning Commission may identify issues or topics that they wish to schedule for discussion at a future meeting.</p>	
<p>Council Liaisons: Mayor Pro Tem Harry LaRosiliere and Council Member Pat Miner</p>		
<p>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 AND ZONING COMMISSION

April 5, 2010

Work Session

Discussion & Direction: Consideration of residential uses in a portion of the Research/Technology Center zoning district east of Los Rios Boulevard

Applicant: City of Plano

DESCRIPTION:

Discussion and direction regarding residential uses in the eastern portion of the Research/Technology Center zoning district.

HISTORY:

The Research/Technology Center District (RT) was designated in 1998 to create a low density employment center consisting of office, research and development facilities, and limited assembly operations. The district contains approximately 777 acres of land zoned RT and another 190 acres at the eastern end zoned Planned Development-202-Research/Technology Center (PD-202-RT) for a total of 967 acres.

In 2008, PD-202-RT was created to provide more use options for development of property in the eastern portion of the district where some of the properties are smaller and have more topographic constraints. A number of commercial uses such as mini-warehouse/public storage, commercial amusement (indoor), veterinary clinic, and dance/gymnastics studio were added to those already allowed in the base RT zoning district. Also in 2008, Planned Development-207-Retail (PD-207-R) was created at the northeast corner of the State Highway 190 and Renner Road, rezoning 120 acres from RT. This PD allows for office, hotel, retail, restaurant, and multifamily residential uses in a quasi mixed use district.

During the discussions which resulted in the creation of PD-202-RT, the possibility of residential development in the eastern part of the RT district was also discussed with the Planning & Zoning Commission. At that time, the Commission determined that they would not proactively rezone this area for residential uses but noted that specific applications would be considered. The 2nd Vice Chair Report summarizing the Commission's evaluation of this issue is attached.

Since that time, staff has received inquiries from time to time regarding allowing residential uses within the RT district. Staff has advised potential developers of the

Commission's decision in 2008. Today, we now have two zoning petitions filed requesting to rezone portions of the RT to allow residential uses. Given the Commission's direction in 2008, staff believes it is appropriate to revisit this issue with the Commission prior to consideration of these zoning petitions and update the Commission regarding any new information (since 2008) that needs to be considered.

Even though specific zoning petitions have been submitted, in the interest of preserving the integrity of the public hearing process for those zoning petitions, and in order to comply with legal requirements for noticing public hearings, the discussion of this particular agenda item must remain focused on the appropriateness of residential within the district in general. Separate public hearings are scheduled for discussion and consideration of the specific zoning petitions at a later date.

REMARKS:

Staff has assembled additional supporting information for the Commission's consideration below. This information was obtained from analysis by several city departments as to the suitability of residential use, the availability of adequate utilities and infrastructure, and the ability to provide services to the area if it were to develop residentially. Similar information was provided to the Commission in 2008 and this information has been updated for the Commission's consideration today.

Area Description

The portion of the RT district being considered for residential development is located at the far southeastern part of the city of Plano (map attached). It contains approximately 190 acres of land; of this, approximately 43 acres are located in the 100-year floodplain. Current uses in the area include: the Plano/Richardson Training Center (the Police Academy and Firing Range), mini-warehouse, office, the Cottonwood Glen Mobile Home Community, and individual homes. A map is attached identifying these and other features of the area.

In the surrounding area, the Pecan Hollow golf course is located to the north, single-family homes are located to the south (in the city of Richardson), Allied Waste Services (recycling facility) is located to the west, and to the east (across Rowlett Creek) there is single-family residential development and vacant land.

Consistency with the Comprehensive Plan

Residential development would not comply with the Comprehensive Plan and Future Land Use map, which designate this area of the city for Research/Technology Center. This is important because the Land Use map forms the basis for the design capacities of Plano's roadway network and utilities, and for the provision of city services such as recreation, waste collection, and public safety. Allowing residential development will also require significant adjustments to the service plans of many city departments as well as Plano Independent School District (PISD) service plans. Details are attached.

The Economic Development Element of the Comprehensive Plan establishes a goal of preserving land for economic development: *"Rezoning requests must be carefully*

examined to ensure that proposed locations are suitable for residential development and that Plano's economic viability is not being jeopardized in order to accommodate short-term demand. The availability of undeveloped "greenfield" sites is vital to encourage expansion and relocation of businesses. Therefore, the City of Plano should preserve land along the expressway corridors and in the employment centers for future economic development opportunities".

Other Considerations

- This area is adjacent to the Cotton Belt Railroad which currently carries approximately ten freight trains each day. Quiet zones are in the process of being established at crossings in the area (Los Rios Boulevard, Plano Parkway, and Park Vista Road). The rail line is owned by Dallas Area Rapid Transit (DART) and this line is anticipated to be designated as a commuter rail line. If this comes to fruition, a site in this area will need to be identified to serve as a station. Additionally, freight rail operations will likely still need to continue in addition to the commuter rail service. Staff has contacted DART and the North Central Texas Council of Governments (NCTCOG) to request consideration of an appropriate station location in the area east of Shiloh Road.
- This area is located approximately 1/10 to 3/10 of a mile from the outdoor firing range at the Plano Richardson Training Center.
- PISD's Otto Middle School is located just west of this area (opens fall 2010).
- Other adjacent uses would still be commercial (RT, PD-202-RT, or Light Industrial-1 (LI-1)). Juxtaposition of residential uses and RT/LI-1 uses could create land use incompatibilities.
- Rezoning to residential will not guarantee development of these sites.
- If the Commission deems residential development appropriate for the area, staff recommends that one contiguous area be designated for residential so that a better residential environment might be established and services may be provided most efficiently.

RECOMMENDATION:

Staff is providing this information for consideration of the numerous issues associated with rezoning land in the eastern part of the Research/Technology Center district. No formal action is necessary at this time; staff seeks further guidance if additional information or clarification is needed.

Research/Technology Center District - Residential Analysis

In reviewing the impacts of changing the zoning designation of property in the Research/Technology Center (RT) district to residential, Planning Department staff requested the input from other city departments as well as Plano Independent School District (PISD). Staff requested information based on two scenarios (below). Responses from each of the departments and PISD are provided below.

1. Developers have submitted requests to rezone two separate properties for residential development. This will result in approximately 300 homes being built in the area (221 Single-Family Residence-6 (SF-6) lots and 79 Single-Family Residence Attached (SF-A)).
2. If the Planning & Zoning Commission deems residential as appropriate for this area, staff would suggest that they look at rezoning the surrounding properties as well to provide some continuity and achieve benefits of massing. In this scenario, this might include most properties generally located north and east of Bradshaw Rd. This could result in a total of approximately 98 acres of residential development (equivalent to approximately 400 SF-6 lots).

Engineering Department

Staff has analyzed the sewer capacities issues in the RT area east of Los Rios Boulevard. The analysis indicated that the existing commercial land use currently creates capacity issues with the existing lift station and gravity sewer lines. The land use change to residential would significantly increase the sewer needs and a new line would need to be extended east and south of the DART railroad across Rowlett Creek to connect to an existing North Texas Municipal Water District sewer main. We would also have to increase the capacity of the existing lift station and some of the gravity lines.

Fire Department

We have reviewed the proposal to rezone portions of the RT Zoning district to residential use. Residential use presents some unique response issues for the Fire Department. In the case of fire response, residential properties of this size are not required to be fire sprinkled, where as commercial properties in the RT District will be fire sprinkled. Emergency Medical Service (EMS) responses are higher in residential districts and this location presents some response issues. If the RT District were rezoned to residential, a study of the location of Fire Station No. 3 would be needed. Fire Station No. 3 may need to be relocated south to provide adequate response time coverage for this zoning district and the panhandle section in far east Plano. The Murphy Fire Department is currently providing first response in the panhandle area.

The call volume to this district is expected to increase if residential development is considered. We cannot provide the maximum response time standard of 6:59 minutes or less to this portion of the city for EMS response from the current location of Fire Station No. 3. Should the area develop residentially, we would recommend that all homes in the area be fire sprinkled. While this will reduce the fire impact, it will not help the increase in response time for EMS calls.

Libraries

Residential use would have a slight impact on services mainly due to the distance from Harrington Library. If 400-800 homes are built with two people per home, there is the potential of 800-1600 people. In Harrington Library service population area, approximately 85% apply for a library card and approximately 41% of those cards are active users (use the library at least once a year). This would result in approximately 258-516 active cards. Given the distance from the library, the numbers may be less. Harrington Library has 40,272 registered users and 16,508 active users as of February 28, 2010.

Parks and Recreation Department

Scenario 1

1. The current Park Master Plan does not include any neighborhood park facilities in the area due to the planned RT district land use. The smaller site to the west currently falls within Park Fee Service Area 1. The larger property located in the eastern portion of the district does not currently fall within a Park Fee Service Area and no park fees will be collected. If residential zoning is approved for the property the City of Plano should consider adding it to Park Fee Service Area 1.
2. The fees collected for 221 SF-6 lots and 79 SF-Attached lots would be \$140,241. Park Fee Service Area 1 has a current balance of \$136,000. These funds came primarily from the neighborhood development east of Brand Road. These neighborhoods combined could only fund a portion of a typical neighborhood park. There are many variables in land prices, available acres of land, and extent of facilities provided; but it is likely that an additional \$400,000 to \$700,000 in bond funds would be needed to provide neighborhood park facilities in this area depending on land cost and availability.
3. Neighborhood parks typically serve 6,000 to 7,000 residents within a one square mile area. These two developments would likely result in 800 to 900 residents. The existing residential development east of Brand Road currently has an estimated 1,141 residents. The total number of residents served would be much less than typical for neighborhood park facilities.
4. The Douglas Otto Middle School site may provide an opportunity to create a small neighborhood park area adjacent to the school. Middle schools do not typically have playgrounds and picnic shelters, but they do have open sports fields that can serve as community practice space. If residential zoning in the area is approved, the City of Plano should move forward with discussions with PISD about the use of this property. Location of neighborhood park facilities adjacent to a major thoroughfare is not generally desirable but could be accommodated with fencing adjacent to the roadway.
5. The existing overhead utility easement could provide a way to link the neighborhood east of Brand Road to the middle school site and any potential neighborhood park area. If residential zoning is approved, the City of Plano should pursue acquiring an easement or ownership of the power line easement

from the middle school site to the Murphy city limit line. The City of Murphy has indicated some interest in making a trail connection to Plano via this power line easement.

6. If property is not available adjacent to the middle school site, it may be more difficult to provide neighborhood park facilities in the area. However, there is additional undeveloped property in the area that could be available.
7. The Park Master Plan and Park Fee Ordinance should be updated to reflect residential development in this area if it is approved.
8. There is an existing 20 acre parcel of undeveloped park land along the east side of Rowlett Creek south of 14th Street. This property is entirely in the flood plain and it could not have a playground or picnic shelter on the property. It was acquired for the purpose of connecting the Rowlett Creek Greenbelt between Plano and Richardson. The power line easement could provide an opportunity to connect adjacent residential properties to the greenbelt.

Scenario 2

1. It would be beneficial from a park perspective if additional property in the area is also zoned residential. This would increase the potential to collect Park Fee Revenue in the area and reduce the amount of bond funds needed to provide neighborhood park facilities. It would also create a greater need for the facilities and help the expenditure to be beneficial to a larger number of residents.

Additional Comment

The smaller site to the west currently falls within Park Fee Service Area 1. There are no neighborhood park facilities planned in the area. The nearest neighborhood park facilities are at Shoshoni Park which is outside of our recommended service range for neighborhood parks. *If we collect the fees we are required to provide access to neighborhood park facilities.* The fees collected by this isolated development would not be sufficient to fund a neighborhood park within reasonable access to this development. If this site proceeds as residential without any other residential development in the area, we may need to consider removing this site from Park Fee Service Area 1.

Police Department

We have reviewed the proposal to rezone a portion of the RT district for residential use. With regard to Calls for Service, this location does not appear to present any significant problems. The potential increase in call volume is approximately 210 calls for service per year. This potential workload increase can be absorbed with our current staffing levels.

Most potential impacts on residential development would come from the functions performed at the Plano/Richardson Police Training Center. This facility is located on property purchased by the City of Plano in 1969. In 1976, the first gun range was constructed on this property. The second pistol range and the first rifle range, along with the Police Training Center main building were constructed on this property in 1991.

The first two gun ranges were relatively isolated, but over the years homes, businesses, and schools have been constructed in closer proximity to the gun range.

The primary impact on any residences built in close proximity to the Police Training Center will be from operation by Plano and Richardson on the pistol range and rifle range. The new pistol range and the remodeled rifle range were completed in September of 2008. Shortly afterwards, complaints on the noise of gun fire began coming in from residents north of the range in Plano and from residents just to the east inside the Murphy city limits. The new pistol range and remodeled rifle range continue to have a down range direction of nearly due south pointing toward the residential area in Richardson. The new pistol range has twelve shooting lanes, like the old range, but it sports a vastly different baffling system. The new overhead angled baffling system increases the operational safety level of the range. However, it is to a great extent still an open air range, so sound can be heard. It is important to note that extensive acoustical materials have been added to the pistol range since it opened and it has dramatically reduced the sound of the gun fire coming from the range. Additionally, Training Center policy restricts the hours of shooting. Shooting is only allowed Monday through Friday from 8:00 a.m. to 9:00 p.m. On Saturday shooting is allowed from 8:00 a.m. till 12:00 noon, and no shooting on Sundays. It is important to note shooting does not occur on a daily basis but does occur at fairly regular intervals, as it is necessary for officers to practice with their issued weapons. Further, both police departments have instituted patrol rifle programs, and the sound of rifle fire is generally louder than that of pistols.

As noted, the acoustical work has dramatically lowered the sound of gun fire, to the background noise level in many instances. But, some noise can still be heard by residents in the vicinity, especially outdoors. If homes are built closer to the firing range, the noise experienced by those residents will likely be louder.

Sustainability and Environmental Waste Services

Most homes (400 range) could be serviced by existing drivers, but if it is on the high-end and recycling continues to increase, it could require an additional driver and maybe even a truck. The annual costs for a driver would be \$47,957 (includes benefit costs) and an automated truck would be \$39,542 (does not include the garage maintenance & fuel).

Plano Independent School District

In reviewing the two scenarios, the smaller site to the west would be zoned Dooley Elementary, Armstrong Middle School, and McMillen High School; all these schools have sufficient capacity to absorb any additional students resulting from this development. The properties to the east are zoned Schell Elementary, Otto Middle School, and Williams High School; development of these properties as residential will most likely cause capacity issues at the elementary campus (Schell).

This verbiage is similar to the existing calculation for assembly uses. During the review process, the applicant will note on the site plan the number of persons that can be accommodated whether it is fixed seating or some other seating method, and then staff can verify the required parking is being provided. Is this language acceptable for a proposed parking calculation? If not, is there a different method of parking calculation that the city should consider?

RECOMMENDATION:

Recommended that the Planning & Zoning Commission provide direction on potential Zoning Ordinance amendments regarding church and rectory uses, and call a public hearing to consider a zoning case. Should the Commission call a public hearing; staff will then begin drafting a proposed ordinance amendment for future consideration.

**Recommendation of the
Planning & Zoning Commission
October 6, 2008 Meeting
2nd Vice Chair Report**

Consideration of Residential Uses in a Portion of the Research/Technology Center Zoning District. This area is located at the far southeastern part of the city of Plano. It contains approximately 66 acres of land (excluding the far eastern portion which is in the flood plain). In August 2008, the area was rezoned from RT district to PD-RT which allows some additional commercial uses. The Cottonbelt Railroad is located to the north; there are overhead transmission lines to the south. Also to the south is single-family residential development in Richardson; and a future PISD middle school site is located to the west.

Applicant: City of Plano as directed by the City Council at the request of the Planning and Zoning Commission.

Staff Recommendation: Based on unfavorable conditions for residential development and the cost to provide city services, staff does not support rezoning this area for residential development.

Commission Action: Commissioners agreed not to move forward with action to rezone this area to allow residential. Comments made included:

- Adding residential use to the existing RT uses was considered. As this would allow homes to be built next to manufacturing uses as well as allowing RT uses to operate within a home, this idea was questionable. Staff advised against this option.
- Allowing a mixed use development with office, commercial and higher density residential was discussed. Higher density residential development would alleviate many of the problems staff identified with single family development in this location.
- Comments were made in agreement with the staff analysis of the problems with single family development versus commercial development consistent with the current zoning and the city's master plan. These problems included infrastructure requirements and cost to the city, difficulties providing emergency services and existing uses that would be undesirable in close proximity to residential uses.
- For several months P & Z has considered changes to the RT District while striving to preserve the original intent of the district as a location for well paying jobs. The impetus for the changes was to: 1.) provide additional uses appropriate for smaller parcels and for land adjacent to problematic existing uses and 2.) allow the development of amenities to support existing investments in the RT District and to attract new development to the area (restaurants, retail, hotel and convention facilities). Since these changes have not fully been implemented nor been given time to see results; further changes at this time did not seem appropriate.

Additional Comments: Commissioners acknowledged any specific application for residential use would be considered.

Respectfully submitted, Maggie Armstrong, Second Vice Chair

Article 2. Zoning Districts and Uses

2.826 RT - Research/Technology Center

(ZC 98-69; Ordinance No. 98-10-10)

1. Purpose

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.

2. Permitted Uses

See '2.500 Permitted Uses', for a complete listing.

3. Area, Yard, and Bulk Requirements

Description	Requirement
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Minimum Front Yard	50 feet, except as provided in Section 3.500 and Other Setback Requirements below
Minimum Side Yard	30 feet, except as provided in Section 3.600 and Other Setback Requirements below
Minimum Rear Yard	30 feet, except as provided in Section 3.700 and Other Setback Requirements below
Maximum Height	20 story, not to exceed 325 feet in height. One story buildings shall not exceed 28 feet, inside clear height (exclusive of interior support structures), except as specified in Other Setback Requirements below.
Maximum Lot Coverage	45%, 60% with structured parking
Maximum Floor Area Ratio	1:1
Minimum District Size	25 contiguous acres

Article 2. Zoning Districts and Uses

Description	Requirement
Other Setback Requirements	In addition to the above yard requirements, the following additional setbacks shall apply (as measured from nearest residential district boundary line):
	A minimum setback of three times the height up to a maximum height of eight stories or 140 feet, whichever is more restrictive, for a minimum distance of 1,000 feet.
	Beyond 1,000 feet, the setback shall be increased at one time the height above eight stories or 140 feet, whichever is more restrictive, up to 12 stories or 200 feet in height, whichever is more restrictive.

4. Off-Street Parking and Loading Requirements (See '3.1100 Off-Street Parking and Loading'.) (ZC 2002-48; Ordinance No. 2002-10-41)

a. Maximum Loading Facilities

Buildings in RT districts shall not exceed the following ratios for loading spaces:

Square Feet of Gross Floor Area in Structure	Maximum Loading Spaces or Berths
Zero to 20,000	Four
Over 20,000	One for each additional 10,000 square feet up to a maximum of 12

b. The design and orientation of the building(s) shall minimize the exposure of loading and trash collection areas from adjacent streets and from adjacent properties unless they are part of the same approved preliminary site plan. No loading spaces shall face streets. No loading spaces or areas shall be located within 100 feet of the boundary line of a residential district. In addition, the Planning & Zoning Commission may require a combination of wing walls extended from a building, screening walls, landscape berms, and plant materials to further obscure the view of loading and trash collection areas. The above screening elements shall be designed and located in conformance with applicable yard and setback requirements. Screening must extend the entire length of the loading area.

Screening elements should be a minimum of eight feet in height at installation. Berms should not exceed a slope of three feet, horizontal to one foot, vertical. Retaining walls may be used on the interior side of the berm but should not face adjacent streets or properties. The height shall be measured from the top of the curb of adjacent streets or from the average grade of property lines with adjacent tracts of land. Depending upon the average grade of the adjacent streets and properties, the minimum height at installation may be increased to as high as 12 feet.

Plant materials used for screening shall include a combination of shade and ornamental trees (four-inch minimum caliper), conifers (eight-foot minimum height), and shrubs (five gallon minimum). The plant materials shall be arranged in a manner which significantly obscures the view from adjacent streets and properties.

Article 2. Zoning Districts and Uses

Proposed screening elements shall be identified on the preliminary site plan. A detailed plan showing the angles of view and the specific placement of screening elements shall be submitted with the final site plan.

- c. Loading areas in RT districts are intended to provide for short-term pick-up and delivery. Onsite storage of delivery vehicles, including trailers and shipping containers, is prohibited. No delivery vehicles shall be parked outside of the designated loading areas.
- 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.

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.

6. Signage Standards (ZC 2009-04; Ordinance No. 2009-6-15)

All freestanding general business, identification, institution, and multipurpose signs, as defined in the Sign Ordinance (No. 91-4-12) and its subsequent updates and revisions, shall be monument type. An additional allowance of up to three feet in height may be permitted for earthen berms, stone mounds, or other landscape features if part of an approved landscape plan. Except for those signs located within 150 feet of a residential zoning district, the following standards shall apply:

General Business/Institution Signs	
Maximum Height	12 feet
Maximum Size	90 square feet

Identification Signs	
Maximum Height	12 feet
Maximum Size	125 square feet

Article 2. Zoning Districts and Uses

Multipurpose Signs	
Maximum Height	15 feet
Maximum Size	225 square feet
Maximum Size of Copy Area	Identification - 50 square feet
	Directory* - 70 square feet
	Reader Board* - 30 square feet
* Any combination of directory and reader board is permitted if it does not exceed 100 square feet	

For freestanding signs located within 150 feet of a residential zoning district, the following standards shall apply:

General Business/Institution Signs	
Maximum Height	Six feet
Maximum Size	50 square feet

Identification Signs	
Maximum Height	Six feet
Maximum Size	70 square feet

Multipurpose Signs	
Maximum Height	Six feet
Maximum Size	125 square feet
Maximum Size of Copy Area	Identification - 25 square feet
	Directory* - 35 square feet
	Reader Board* - 20 square feet
* Any combination of directory and reader board is permitted if it does not exceed 55 square feet.	

All other provisions of Ordinance No. 91-4-12 and its subsequent updates and provisions shall apply. Where conflicts exist, the provisions of this ordinance shall apply.

7. Special District Requirements

- a. In the RT district, permitted uses shall meet the following standards:
 - i. Operations should be fully enclosed with no outside storage of goods or materials.
 - ii. No noise, vibration, odor, smoke, and dust should impact adjacent properties in conformance with the performance standards in Section 3.1300.

Article 2. Zoning Districts and Uses

- 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/cafeteria 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.

- c. An office - showroom/warehouse use is permitted in an RT district only when the first floor of the building housing said use does not exceed 100,000 square feet of gross floor area. In addition, any office - showroom/warehouse use shall not have more than 70% of its gross floor area devoted to warehousing. Existing office - showroom/warehouse and/or storage or wholesale warehouse developments and properties with a valid preliminary site plan or site plan for said uses, approved prior to the initial zoning of property as RT, are exempt from the above requirements for maximum building size and percentage of space devoted to warehousing. If a valid, approved preliminary site plan expires before approval of a site plan or if a valid, approved site plan expires before issuance of a building permit, the above exemptions shall no longer apply. The above exemption does not apply to uses other than office - showroom/warehouse and/or storage or wholesale warehouse. Existing uses other than those permitted by right in an RT district or preliminary site plan or site plan proposing uses other than those permitted by right in an RT district, except storage or wholesale warehouse, are not exempted from the above requirements. Notwithstanding Subsection 2.703, if such a development is destroyed or partially destroyed, it may be reconstructed but not expanded. For a use within a development as described above in which more than 70% of its gross floor area is devoted to warehousing, the period of time that the structure is vacant between tenants shall not be deemed an intentional abandonment of the nonconforming use as described in Subsection 2.704. (ZC 2000-36; Ordinance No. 2000-6-26)
- d. Any existing development or properties with a valid preliminary site plan or site plan approved prior to the zoning of a property as RT shall be exempted from the Area, Yard, and Bulk, Off-Street Parking and Loading, and Landscaping requirements specified for RT districts, and the preceding standards shall apply except for 4.c. above regarding loading areas. Notwithstanding Subsection 2.703, if such a development is destroyed or partially destroyed, it may be reconstructed but not expanded. (ZC 2002-48; Ordinance No. 2002-10-41)

Article 2. Zoning Districts and Uses

- e. Warehousing is allowed as an accessory use to light-intensity manufacturing use and is not subject to the maximum percentage requirements in 7.c. above. (*ZC 2005-20; Ordinance No. 2005-6-34*)

PD-200-RE Regional Employment

4. A 30-foot wide landscape edge shall be provided along Parkwood Blvd. The landscape edge standards and improvements shall be those specified for the Dallas North Tollway Overlay District.
5. The maximum floor area for retail uses is 90,000 square feet. The maximum floor area for all other uses is 850,000 square feet.

PD-201-LC Light Commercial

ZC 79-13/79-11-18

Location: SW corner of Plano Pkwy. and Preston Rd.

Acreage: 16.1±

Restriction:

Maximum Building Height: Eight story

PD-202-RT Research/Technology Center

ZC 2008-62/2008-8-5

Location: West side of Rowlett Creek, south side of 14th St., 990± feet east of Los Rios Blvd., north side of the Cotton Belt Railroad and east side of Bradshaw Dr., and extending 920± feet south of Plano Pkwy. to Plano's city limit line

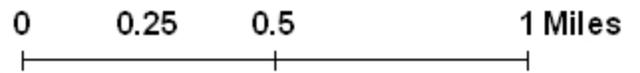
Acreage: 189.6±

Restrictions:

In addition to those uses allowed by right or by specific use permit (SUP) in the Research/Technology Center district, the following uses are allowed by right:

- mini-warehouse/public storage
- service contractor (no storage yard)
- dance/gymnastics studio
- commercial amusement (indoor)
- commercial amusement (outdoor) (by SUP)
- kennel (indoor pens)/commercial pet sitting
- veterinary clinic
- cabinet/upholstery shop
- tool rental shop
- print shop (minor)
- household appliance service and repair
- repair/storage of furniture and appliances (inside)
- hardware
- artisan's workshop
- fraternal organization, lodge, or civic club (by SUP)
- assisted living facility (by SUP)

RT District - Residential Analysis



Cottonwood Grove Mobile Home Park

Allied Waste Services

Raytheon

Plano Richardson Training Center

Firing Range

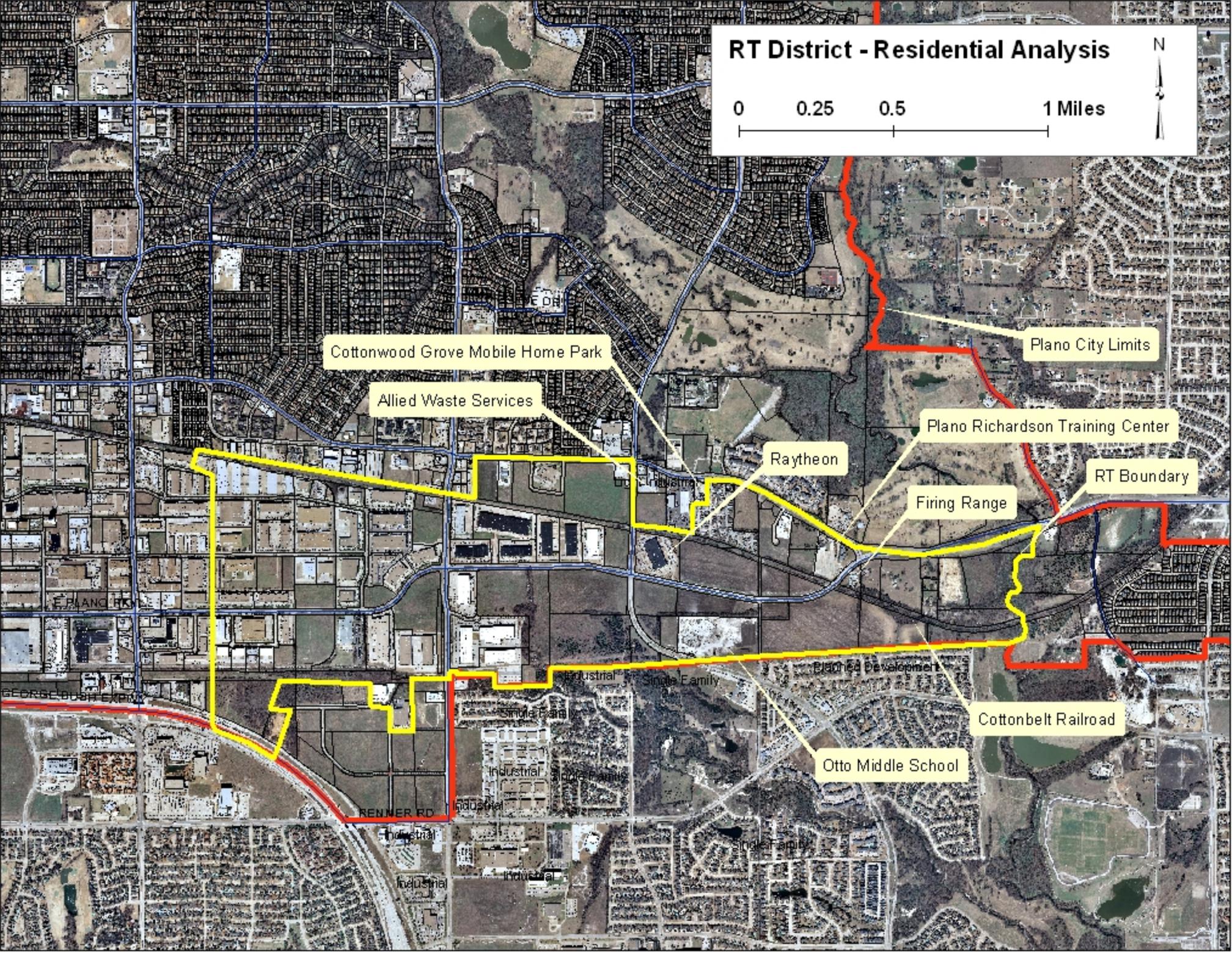
Plano City Limits

RT Boundary

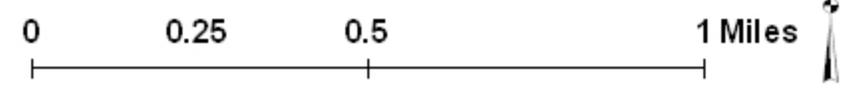
Planned Development

Cottonbelt Railroad

Otto Middle School



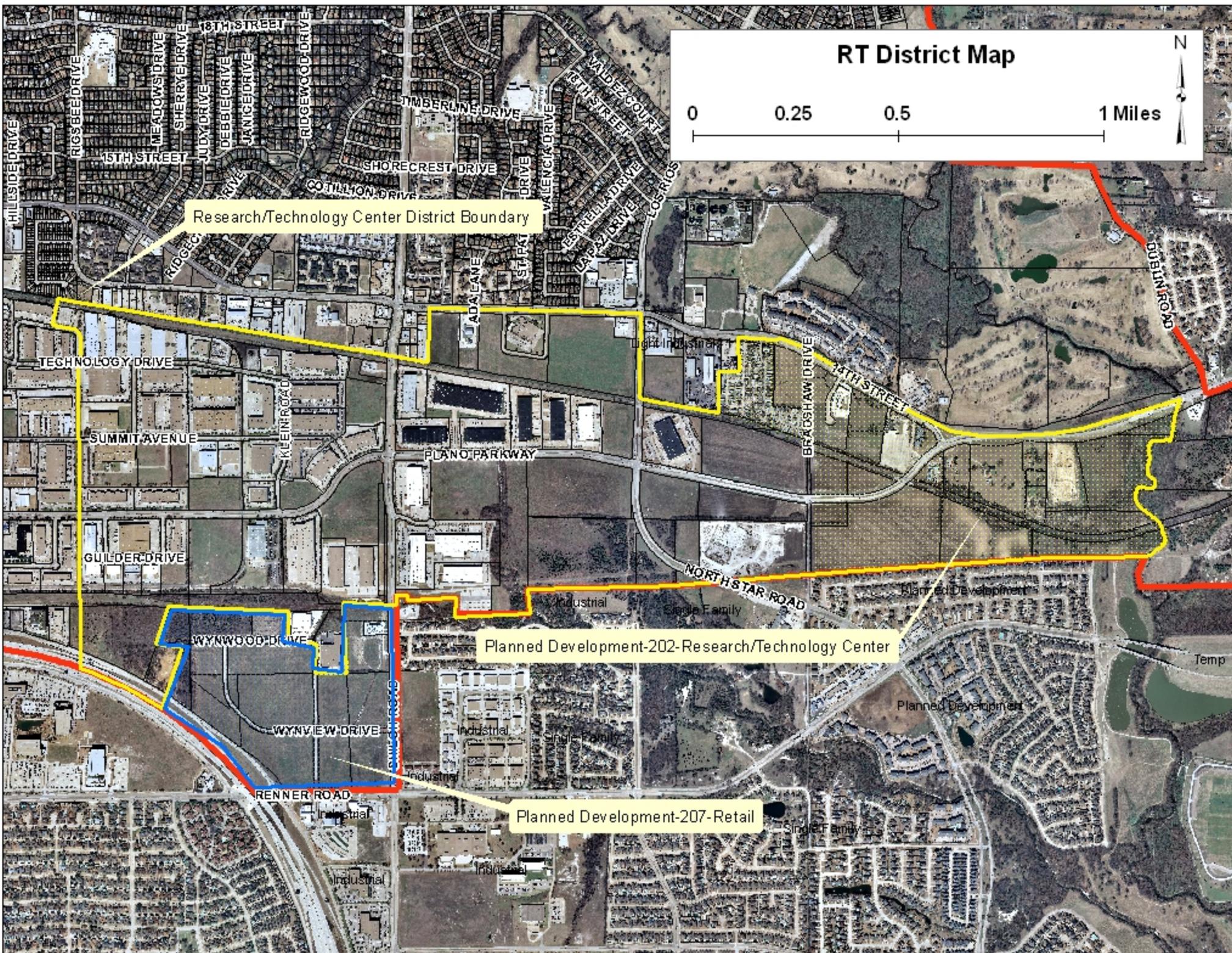
RT District Map



Research/Technology Center District Boundary

Planned Development-202-Research/Technology Center

Planned Development-207-Retail



Alan E. Smith

4225 Dottie Drive
Plano, TX 75074
Tel 972-424-3457 Cell 972-740-8636
e-mail alan@unbreakyourhealth.com

March 31, 2010

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

Dear Planning & Zoning Commissioners:

Two years ago the residents of the Los Rios area requested a zoning change for the Eastern portion of the Research/Technology District to residential. Our request was made in response to the construction of the Otto Middle School in this area. Today we are again supporting a rezoning request to residential for the area East of Los Rios/Northstar, this time by the property owner IDI.

With the scheduled opening of the new middle school this fall it makes sense to add residential zoning to this area. It makes more sense to have families living around a school than anything else. While we would support any zoning restrictions that the Planning & Zoning Commission would like to add regarding noise abatement or construction requirements the noise problem in the area has been reduced due to changes at the police department's gun range.

I'd like to point out that Plano already has residential zoning further East of this area, apartments and trailer homes North of the area and Richardson has some very nice homes immediately South of the proposed changes. In other words, there isn't a valid reason not to accept IDI's request to change their property from R/T to residential.

My apologies for not being able to attend the meeting on April 5th but having already spoken to you several times before on this issue I'm certain a letter will suffice at this point.

Thank you for your time and consideration.

Sincerely,

Alan E. Smith
Spokesman for Creekside North

CITY OF PLANO
PLANNING & ZONING COMMISSION
CONSENT AGENDA ITEMS

April 5, 2010

Agenda Item No. 5a

Preliminary Plat: The Plaza at Chase Oaks, Block A, Lot 2

Applicant: Unified Housing of Chase Oaks, LLC

Independent living facility on one lot on 14.1± acres located on the south side of Chase Oaks Boulevard, 1,500± feet west of U.S. Highway 75. Zoned Planned Development-277-Retail/General Office and Corridor Commercial. Neighborhood #13.

The purpose for the preliminary plat is to propose easements necessary for the development of the property as an independent living facility.

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

Agenda Item No. 5b

Revised Site Plan: The Shops at Willow Bend, Block 1, Lot 6R

Applicant: Taubman Realty Group

Regional mall on 61.6± acres located at the northwest corner of Dallas North Tollway and Park Boulevard. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permits #434, #444, #448, and #570 for Private Club and Auto Leasing/Renting. Neighborhood #40.

The purpose for this revised site plan is to propose a 7,000 square foot retail addition and open storage area.

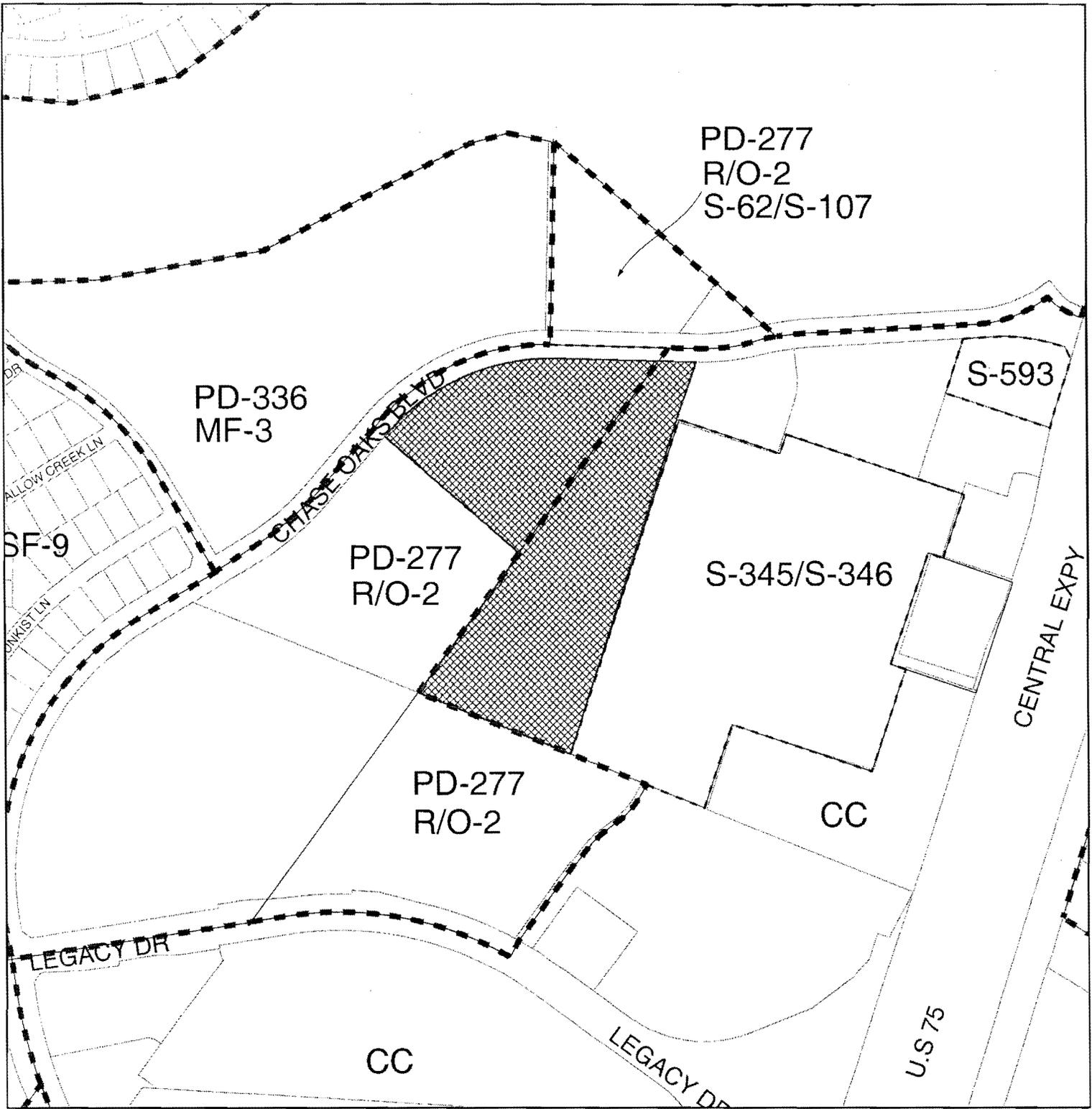
Recommended for approval as submitted.

Agenda Item No. 5c
Revised Site Plan: Shiloh/544 Addition, Block A, Lot 2
Applicant: Noori Masjid

Religious facility on one lot on 1.0± acre located on the west side of Shiloh Road, 300± feet south of 14th Street. Zoned Light Commercial. Neighborhood #68.

The purpose for this revised site plan is to propose a 10,000 square foot religious facility with associated parking and site improvements.

Recommended for approval as submitted.

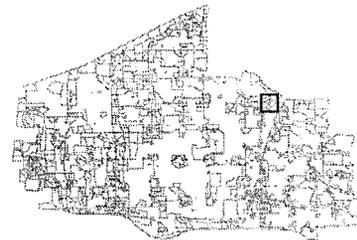


Item Submitted: PRELIMINARY PLAT

Title: THE PLAZA AT CHASE OAKS
BLOCK A, LOT 2

Zoning: PLANNED DEVELOPMENT-277-RETAIL/GENERAL OFFICE
& CORRIDOR COMMERCIAL

○ 200' Notification Buffer



OWNER'S CERTIFICATE

STATE OF TEXAS *
COUNTY OF COLLIN *

WHEREAS, UNIFIED HOUSING OF CHASE OAKS, LLC IS THE OWNER OF A 14,050 OF AN ACRE TRACT OF LAND SITUATED IN THE DANIEL ROWLETT SURVEY, ABSTRACT NO. 738, CITY OF PLANO, COLLIN COUNTY, TEXAS AND BEING ALL OF LOT 2, BLOCK A OF THE PLAZA AT CHASE OAKS, AN ADDITION TO THE CITY OF PLANO ACCORDING TO THE CONVEYANCE PLAT THEREOF RECORDED IN CABINET O, PAGE 672, PLAT RECORDS OF COLLIN COUNTY, TEXAS, (PRCCT) AND ALSO BEING A PORTION OF THAT CALLED 22,338 ACRE TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED TO UNIFIED HOUSING OF CHASE OAKS, LLC RECORDED IN VOLUME 5572, PAGE 194, DEED RECORDS OF COLLIN COUNTY, TEXAS, (DRCC), S/AID 14,050 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD WITH CAP STAMPED "VOTEX RPLS 4813" FOUND FOR THE NORTHEAST CORNER OF SAID LOT 2, SAME BEING THE NORTHWEST CORNER OF LOT 8, BLOCK A OF LEGACY CENTRAL THEATER ADDITION, AN ADDITION TO THE CITY OF PLANO ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2008, PAGE 369, PRCCT, AND BEING IN THE SOUTHERLY RIGHT-OF-WAY LINE OF CHASE OAKS BOULEVARD, (A CALLED 85 FOOT PUBLIC RIGHT-OF-WAY) AND FROM WHICH 1/2-INCH IRON ROD FOUND BEARS SOUTH 88° EAST, A DISTANCE OF 0.80 FEET;

THENCE SOUTH 18°56'37" WEST ALONG THE COMMON LINE OF SAID LOT 2 AND SAID LOT 8, A DISTANCE OF 189.21 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "VOTEX RPLS 4813" FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 8 AND BEING THE NORTHWEST CORNER OF LOT 1R, BLOCK A, LEGACY CENTRAL THEATER ADDITION, AN ADDITION TO THE CITY OF PLANO ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET M, PAGE 492, PRCCT;

THENCE SOUTH 18°41'17" WEST ALONG THE COMMON LINE OF SAID LOT 2 AND SAID LOT 1R, A DISTANCE OF 1047.87 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "VOTEX RPLS 4813" FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 1R AND BEING IN THE NORTH LINE OF LOT 1, BLOCK A, FELLOWSHIP BIBLE CHURCH-NORTH ADDITION, AN ADDITION TO THE CITY OF PLANO ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2007, PAGE 686, PRCCT;

THENCE NORTH 67°04'46" WEST ALONG THE COMMON LINE OF SAID LOT 2, BLOCK A OF THE PLAZA AT CHASE OAKS AND LOT 1, BLOCK A OF FELLOWSHIP BIBLE CHURCH-NORTH ADDITION, A DISTANCE OF 493.84 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "VOTEX RPLS 4813" FOUND FOR THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 2 SAME BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK A OF THE PLAZA AT CHASE OAKS, AN ADDITION TO THE CITY OF PLANO ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2008, PAGE 639, PRCCT AND FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS NORTH 82° EAST, A DISTANCE OF 1.93 FEET;

THENCE NORTH 37°07'20" EAST ALONG THE COMMON LINE OF SAID LOT 2, AND LOT 1 OF THE PLAZA AT CHASE OAKS, A DISTANCE OF 518.87 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "VOTEX RPLS 4813" FOUND FOR THE EAST CORNER OF SAID LOT 1, AND FROM WHICH A 1/2-INCH IRON ROD FOUND, (DISTURBED), BEARS SOUTH 51° EAST, A DISTANCE OF 2.52 FEET;

THENCE NORTH 49°19'13" WEST CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 532.53 FEET TO THE NORTH CORNER OF SAID LOT 1, THE MOST WESTERLY CORNER OF SAID LOT 2 AND BEING IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE AFOREMENTIONED CHASE OAKS BOULEVARD AND FROM WHICH A CUT "X" FOUND BEARS NORTH 09° WEST, A DISTANCE OF 0.15 FEET;

THENCE ALONG THE SOUTHEASTERLY AND SOUTHERLY RIGHT-OF-WAY LINE OF SAID CHASE OAKS BOULEVARD THE FOLLOWING:

NORTH 47°40'47" EAST, A DISTANCE OF 15.95 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "VOTEX RPLS 4813" FOUND FOR THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 847.50 FEET;

NORTHEASTERLY WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 50°37'22" FOR AN ARC LENGTH OF 572.09 FEET, A CHORD BEARING OF NORTH 68°50'28" EAST AND A CHORD DISTANCE OF 553.86 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "VOTEX RPLS 4813" FOUND FOR THE POINT OF TANGENCY AND FROM WHICH A 5/8-INCH IRON ROD FOUND BEARS SOUTH 62° EAST, A DISTANCE OF 1.05 FEET;

SOUTH 87°41'53" EAST, A DISTANCE OF 418.85 FEET TO THE POINT OF BEGINNING;
CONTAINING A COMPUTED AREA OF 812,015 SQUARE FEET OR 14,050 ACRES OF LAND.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT UNIFIED HOUSING OF CHASE OAKS, LLC ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREBY DESCRIBED PROPERTY AS LOT 2, BLOCK A, THE PLAZA AT CHASE OAKS, AN ADDITION TO THE CITY OF PLANO, TEXAS, AND DOES HEREBY DEDICATE IN FEE SIMPLE TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON, THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES, THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT, NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF PLANO IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE 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 IN 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 AT ANY TIME OF PROCURING PERMISSION FROM ANYONE.

THAT THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT THEY SHALL CONSTRUCT UPON THE FIRE LANE EASEMENTS, AS DEDICATED AND SHOWN HEREON, A HARD SURFACE AND THAT 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 OBSTRUCTION, INCLUDING BUT NOT LIMITED TO THE PARKING OF MOTOR VEHICLES, TRAILERS, BOATS, OR OTHER IMPROVEMENTS 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 LANE, STATING "FIRE LANE, NO PARKING." THE POLICE OR HIS DULY AUTHORIZED REPRESENTATIVE IS HEREBY AUTHORIZED TO CAUSE SUCH FIRE LANE 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 ANY REAL PROPERTY, AND FOR THE PURPOSES 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.

THE AREAS SHOWN ON THE PLAT AS "VAM" (VISIBILITY, ACCESS, AND MAINTENANCE) EASEMENT ARE HEREBY GIVEN AND GRANTED TO THE CITY, ITS SUCCESSORS AND ASSIGNS, AS AN EASEMENT TO PROVIDE VISIBILITY, RIGHT OF ACCESS, AND MAINTENANCE UPON AND ACROSS SAID VAM EASEMENT, THE CITY SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO MAINTAIN ALL LANDSCAPING WITHIN THE VAM EASEMENT, SHOULD THE CITY EXERCISE THIS MAINTENANCE RIGHT, IT SHALL BE PERMITTED TO REMOVE AND DISPOSE OF ANY AND ALL LANDSCAPING IMPROVEMENTS INCLUDING WITHOUT LIMITATION, ANY TREES, SHRUBS, FLOWERS, GROUND COVER, AND FIXTURES, THE CITY MAY WITHDRAW MAINTENANCE OF THE VAM EASEMENT AT ANY TIME, THE ULTIMATE MAINTENANCE RESPONSIBILITY FOR THE VAM EASEMENT SHALL REST WITH THE OWNERS, NO BUILDING, FENCE, SHRUB, TREE, OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE VISIBILITY, SHALL BE CONSTRUCTED IN, ON, OVER, OR ACROSS THE VAM EASEMENT, THE CITY SHALL ALSO HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ADD ANY LANDSCAPE IMPROVEMENTS TO THE VAM EASEMENT, TO ERECT ANY TRAFFIC CONTROL DEVICES OR SIGNS ON THE VAM EASEMENT AND TO REMOVE ANY OBSTRUCTION THEREON, THE CITY, ITS SUCCESSORS, ASSIGNS, OR AGENTS, SHALL HAVE THE RIGHT AND PRIVILEGE AT ALL TIMES TO ENTER UPON THE VAM EASEMENT OR ANY PART THEREOF FOR THE PURPOSES AND WITH ALL RIGHTS AND PRIVILEGES SET FORTH HEREIN.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF THE PLANO, TEXAS.

WITNESS MY HAND THIS _____ DAY OF _____, 2010

UNIFIED HOUSING OF CHASE OAKS, LLC
BY: UNIFIED HOUSING FOUNDATION, INC.-SOLE MEMBER

R. NEIL CROUCH, PRESIDENT

STATE OF TEXAS *
COUNTY OF DALLAS *

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED R. NEIL CROUCH, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2010.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE

THAT I, DAVID J. DE WEIROT, DO HEREBY CERTIFY THAT I HAVE PREPARED THIS PLAT FROM AN ACTUAL ON THE GROUND SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN HEREON WERE PROPERLY PLACED OR FOUND UNDER MY SUPERVISION, IN ACCORDANCE WITH THE PLATTING RULES AND REGULATIONS OF THE CITY OF PLANO, TEXAS.

DAVID J. DE WEIROT, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 5086

DATE

Preliminary
This document shall not be
recorded for any purpose
for Review Purposes Only
Date: J. De Weirot, R.P.L.S.
Registration No. 5086
March 29, 2010

STATE OF TEXAS *
COUNTY OF DALLAS *

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE, ON THIS DAY PERSONALLY APPEARED DAVID J. DE WEIROT, 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 IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2010.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

APPROVED THIS _____ DAY OF _____, 2010 BY THE PLANNING & ZONING COMMISSION, CITY OF PLANO, TEXAS.

CHAIRMAN, PLANNING & ZONING COMMISSION DATE

CITY SECRETARY, PLANNING & ZONING COMMISSION OR CITY ENGINEER DATE

STATE OF TEXAS *
COUNTY OF COLLIN *

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREOF EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2010.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS *
COUNTY OF COLLIN *

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREOF EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2010.

NOTARY PUBLIC, STATE OF TEXAS

PRELIMINARY PLAT

**THE PLAZA AT CHASE OAKS
LOT 2, BLOCK A,**

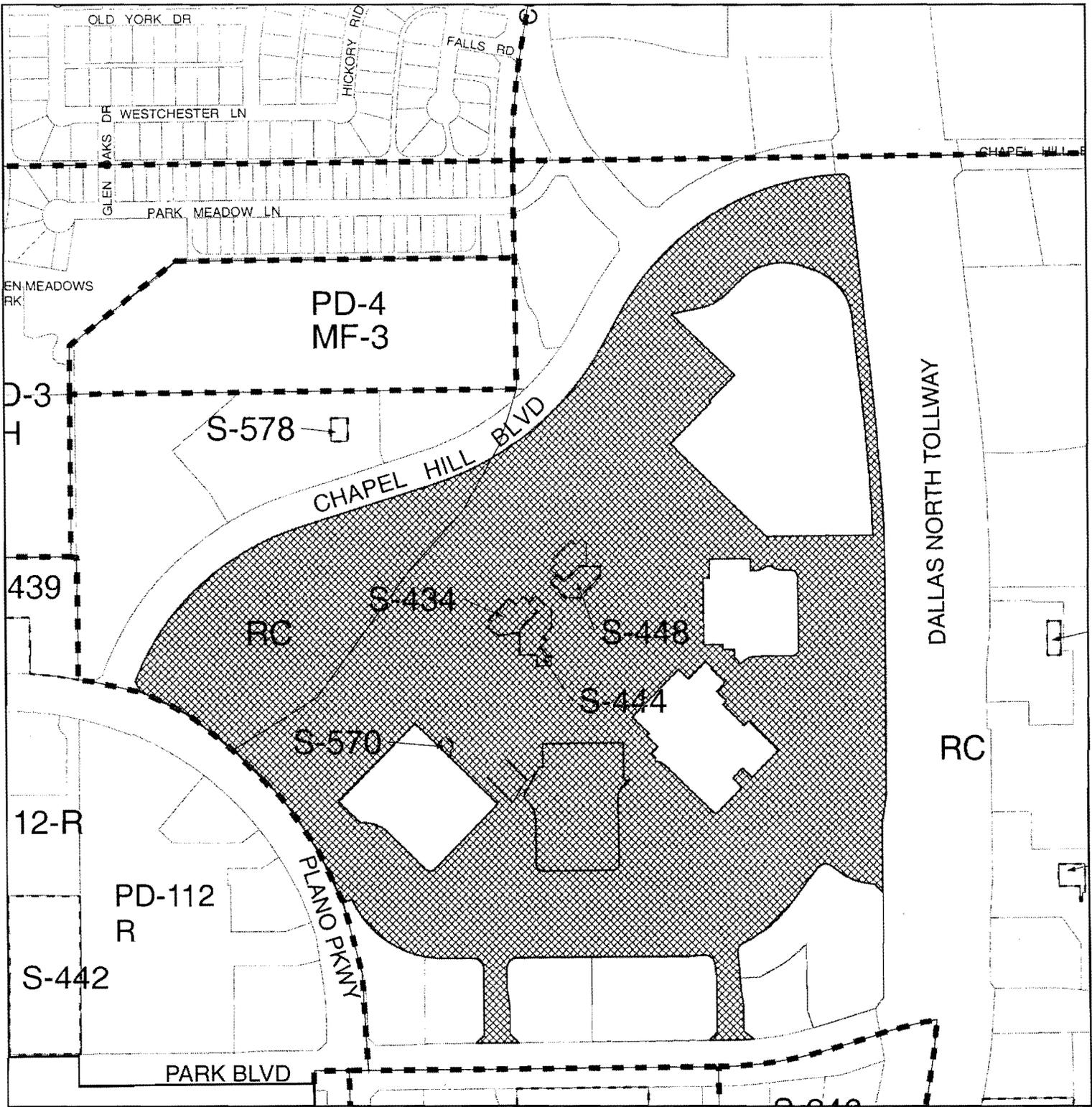
BEING ALL OF LOT 2, BLOCK A
OF THE CONVEYANCE PLAT OF THE PLAZA AT CHASE OAKS,
AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS
RECORDED IN CABINET O, PAGE 672,
PLAT RECORDS OF COLLIN COUNTY, TEXAS
AND BEING 14,050 ACRES SITUATED IN
THE DANIEL ROWLETT SURVEY, ABSTRACT NO. 738,
CITY OF PLANO, COLLIN COUNTY, TEXAS.

MARCH 29, 2010

APPLICANT/OWNER:
UNIFIED HOUSING OF CHASE OAKS, LLC
C/O ROCKMISTONE DEVELOPMENT
1750 VALLEY VIEW LANE, SUITE 420
DALLAS, TEXAS 75234
PHONE: (214) 243-4205
CONTACT: CLIFTON PHILLIPS

SURVEYOR:
BURY & PARTNERS-OF-PC, INC.
510 HARVEST HILL, SUITE 100
DALLAS, TEXAS 75230
PHONE: (972) 391-0011
CONTACT: DAVID J. DE WEIROT, R.P.L.S.

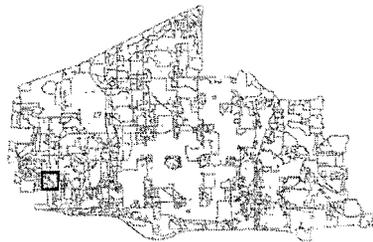
2:\BPI\2010-04\BURY\30424-04\PL1.dwg modified by rshelton at: Mar 29, 2010 - 8:56am



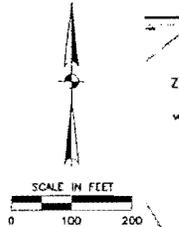
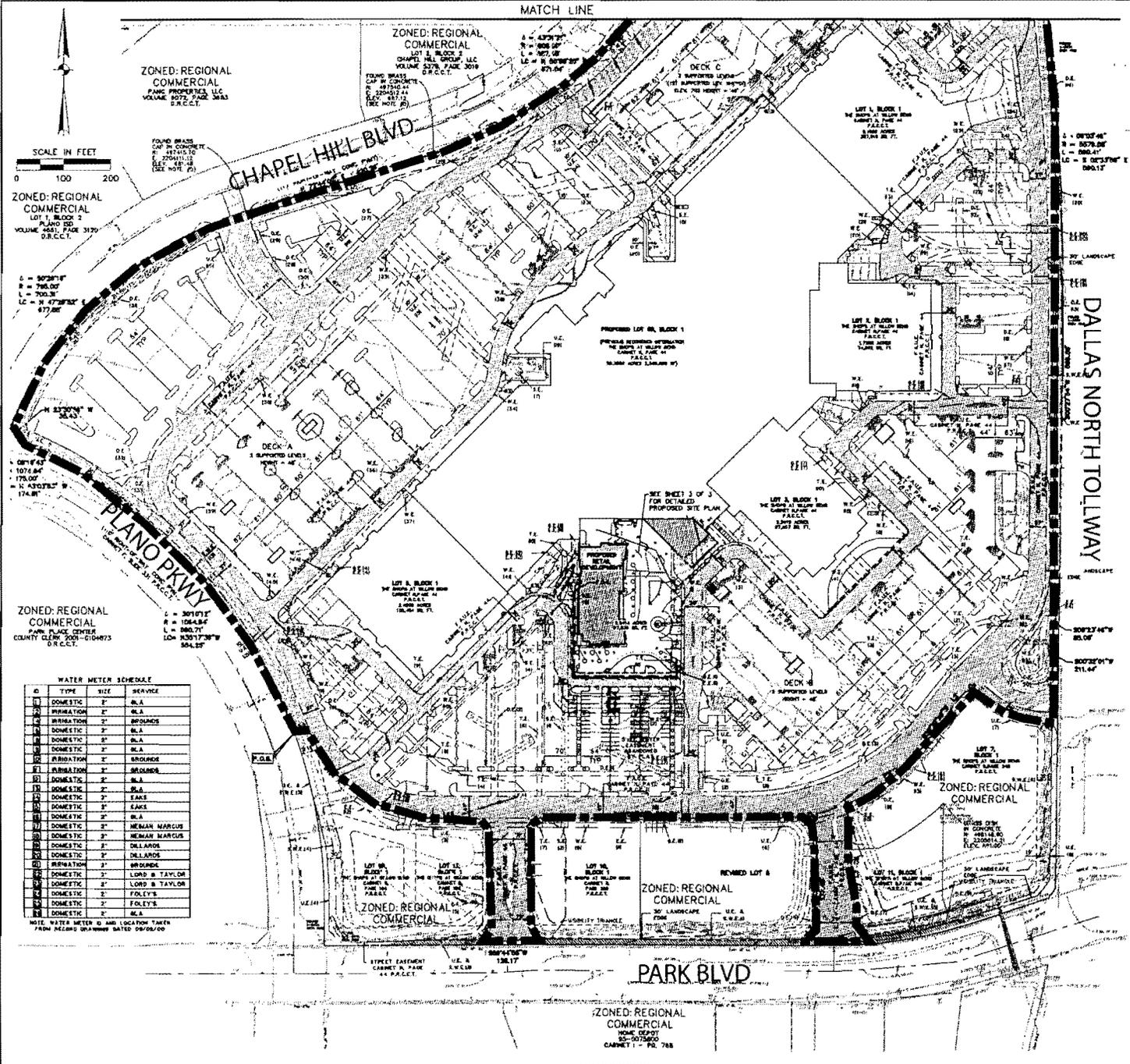
Item Submitted: REVISED SITE PLAN

Title: THE SHOPS AT WILLOW BEND
BLOCK 1, LOT 6R

Zoning: REGIONAL COMMERCIAL w/SPECIFIC USE PERMITS
#434, #444, #448, & #570/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer



ZONED: REGIONAL COMMERCIAL
 LOT 1, BLOCK 2
 VOLUME 4881, PAGE 3979
 D.R.C.C.T.

L = 507.91'
 R = 795.00'
 L = 700.31'
 L = 477.86'

ZONED: REGIONAL COMMERCIAL
 PARK PLACE CENTER
 COUNTY CLERK 2010-010873
 D.R.C.C.T.

L = 307.97'
 R = 104.84'
 L = 180.71'
 L = 430.17'
 L = 304.12'

WATER METER SCHEDULE

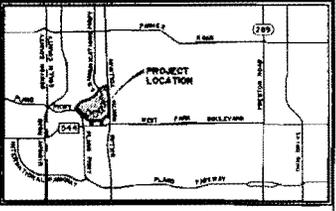
ID	TYPE	SIZE	SERVISE
01	DOMESTIC	2"	SLA
02	IRRIGATION	2"	SLA
03	IRRIGATION	2"	BIPOLEAS
04	DOMESTIC	2"	SLA
05	DOMESTIC	2"	SLA
06	DOMESTIC	2"	SLA
07	IRRIGATION	2"	BIPOLEAS
08	IRRIGATION	2"	BIPOLEAS
09	DOMESTIC	2"	SLA
10	DOMESTIC	2"	EAKL
11	DOMESTIC	2"	SLA
12	DOMESTIC	2"	SLA
13	DOMESTIC	2"	SLA
14	DOMESTIC	2"	SLA
15	DOMESTIC	2"	SLA
16	DOMESTIC	2"	SLA
17	DOMESTIC	2"	MENAN MARCUS
18	DOMESTIC	2"	MENAN MARCUS
19	DOMESTIC	2"	DILLARDS
20	DOMESTIC	2"	DILLARDS
21	IRRIGATION	2"	BIPOLEAS
22	DOMESTIC	2"	LORD & TAYLOR
23	DOMESTIC	2"	LORD & TAYLOR
24	DOMESTIC	2"	FOLEY'S
25	DOMESTIC	2"	FOLEY'S
26	DOMESTIC	2"	SLA

NOTE: WATER METER ID AND LOCATION TAKEN FROM RECORD DRAWINGS DATED 06/06/00

MATCH LINE

LEGEND

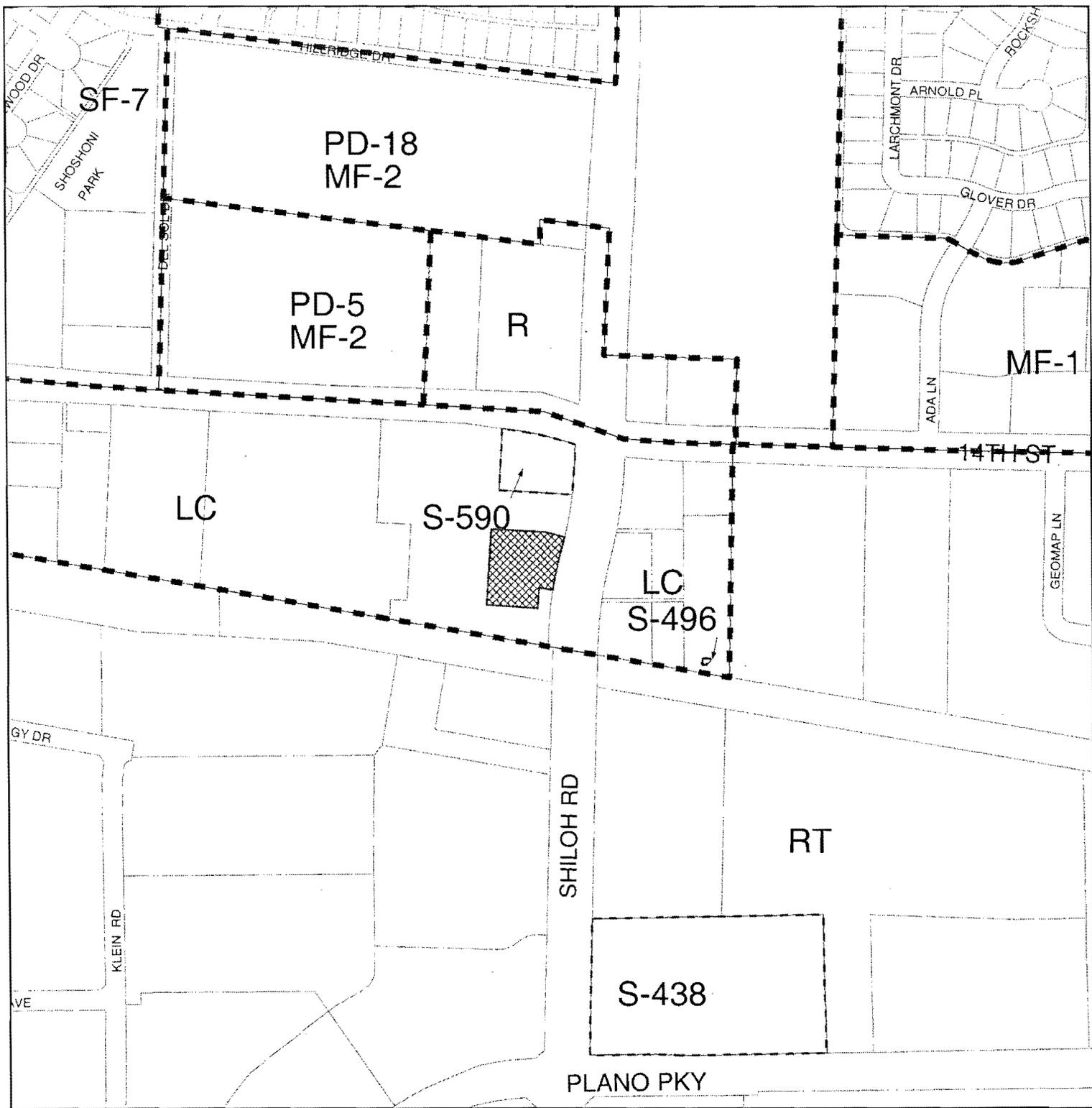
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- 30000" BHM



LOCATION MAP
 SCALE 1" = 400'

LINE TABLE

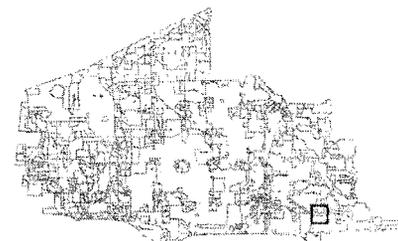
LINE	BEARING	LENGTH
01	N 15° 00' 00" E	115.00
02	S 75° 00' 00" W	115.00
03	N 15° 00' 00" E	115.00
04	S 75° 00' 00" W	115.00
05	N 15° 00' 00" E	115.00
06	S 75° 00' 00" W	115.00
07	N 15° 00' 00" E	115.00
08	S 75° 00' 00" W	115.00
09	N 15° 00' 00" E	115.00
10	S 75° 00' 00" W	115.00
11	N 15° 00' 00" E	115.00
12	S 75° 00' 00" W	115.00
13	N 15° 00' 00" E	115.00
14	S 75° 00' 00" W	115.00
15	N 15° 00' 00" E	115.00
16	S 75° 00' 00" W	115.00
17	N 15° 00' 00" E	115.00
18	S 75° 00' 00" W	115.00
19	N 15° 00' 00" E	115.00
20	S 75° 00' 00" W	115.00
21	N 15° 00' 00" E	115.00
22	S 75° 00' 00" W	115.00
23	N 15° 00' 00" E	115.00
24	S 75° 00' 00" W	115.00
25	N 15° 00' 00" E	115.00
26	S 75° 00' 00" W	115.00
27	N 15° 00' 00" E	115.00
28	S 75° 00' 00" W	115.00
29	N 15° 00' 00" E	115.00
30	S 75° 00' 00" W	115.00
31	N 15° 00' 00" E	115.00
32	S 75° 00' 00" W	115.00
33	N 15° 00' 00" E	115.00
34	S 75° 00' 00" W	115.00
35	N 15° 00' 00" E	115.00
36	S 75° 00' 00" W	115.00
37	N 15° 00' 00" E	115.00
38	S 75° 00' 00" W	115.00
39	N 15° 00' 00" E	115.00
40	S 75° 00' 00" W	115.00
41	N 15° 00' 00" E	115.00
42	S 75° 00' 00" W	115.00
43	N 15° 00' 00" E	115.00
44	S 75° 00' 00" W	115.00
45	N 15° 00' 00" E	115



Item Submitted: REVISED SITE PLAN

Title: SHILOH/544 ADDITION
BLOCK A, LOT 2

Zoning: LIGHT COMMERCIAL



○ 200' Notification Buffer

SITE DATA SUMMARY TABLE

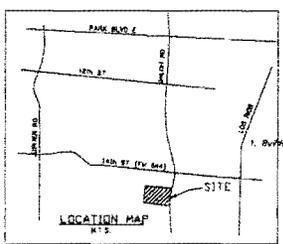
GENERAL SITE DATA	
ZONING (from zoning map)	LIGHT COMMERCIAL (LC)
LAND USE (from zoning ordinance)	RELIGIOUS FACILITY
LOT AREA (square feet & acres)	44,411 SF (1.0196 ACS)
EXIST. BUILDING FOOT PRINT AREA (square feet)	1980 S.F. ±
1 ST FLOOR BUILDING FOOT PRINT AREA (1 ST floor)	8782 S.F. ± (Phase 1)
PROP. BUILDING FOOT PRINT AREA (2 ND floor)	4680 S.F. ± (Phase 2)
TOTAL BUILDING AREA (square feet)	13462 S.F. ±
BUILDING HEIGHT (stories)	TWO
BUILDING HEIGHT (feet - distance to tallest building element)	36 FT. ±
LOT COVERAGE	17.48%
FLOOR AREA RATIO	4.28:1 ±
PARKING	
PARKING RATIO (from zoning ordinance)	1 PARKING SPACE PER 8 SEATS
REQUIRED PARKING (# spaces)	FOR 80 SEATS 40 SPACES
PROVIDED PARKING (# spaces)	40 SPACES
ACCESSIBLE PARKING REQUIRED (# spaces)	2 SPACES FOR 28 PARKING SPACES
ACCESSIBLE PARKING PROVIDED (# spaces)	2 SPACES
PARKING IN EXCESS OF 10% REQUIRED PARKING (# spaces)	NONE
LANDSCAPE AREA (including Turf area)	
Landscape Edge Area (square feet)	3,874 S.F. - Existing
Required Interior Landscape Area (square feet)	NONE
Additional Landscape Area provided (square feet)	9,481 S.F. ±
Other Landscape Area within the lot (square feet)	NONE
Total Landscape Area (square feet)	13,356 S.F. ±
PERMEABLE AREA (not including landscape or Turf area)	
Permeable Pavement (square feet)	NONE
Other Permeable Area within the lot (square feet)	NONE
Total Permeable Area (square feet)	NONE
IMPERVIOUS AREA	
BUILDING FOOT PRINT AREA	7,708 S.F. ±
AREA OF SIDEWALKS, PAVEMENT & OTHER IMPERVIOUS FLATWORK	23,019 S.F. ±
OTHER IMPERVIOUS AREA	271 S.F. ±
TOTAL IMPERVIOUS AREA	31,098 S.F. ±
BUM OF TOTAL LANDSCAPE AREA + TOTAL PERMEABLE AREA	
TOTAL PERMEABLE AREA	31,098 S.F. ±
BILLABLE IMPERVIOUS AREA	31,098 S.F. ±

- GENERAL NOTES:**
1. Buildings 5,000.00 square feet or greater shall be 100% fire sprinkled.
 2. Fire lanes shall be shown and constructed per city standards.
 3. Handicapped parking spaces shall be designed and provided per city standards and shall comply with requirements of the current, adopted International Building Code.
 4. Four (4) foot wide sidewalks shall be provided 2.5 feet off of the property line when the right-of-way, unless a sidewalk easement is provided for a neighboring adjacent or an alternate design is approved by the City Engineer - free ramps per city standards shall be provided on sidewalks at all curb crossings.
 5. Mechanical units, dumpsters and trash compactors shall be screened in accordance with the zoning Ordinance.
 6. All signage contingent upon approval by Building Inspection Department.
 7. Approval of this site plan is not final until all engineering plans are approved.
 8. Open storage, where permitted, shall be screened in accordance with the zoning Ordinance.
 9. Building footprints within this development shall be compatible, as provided in the local Ordinance.
 10. Outdoor lighting shall comply with Illumination standards within Section 6-455 of the Code of Ordinances.
 11. Please contact the Building Inspection Department to determine the type of construction and materials.
 12. All electrical transmission, distribution and service lines must be underground where required.
 13. Lines shall conform to applicable, location, and construction to the following engineering standards:
 - a. Section 3-1200 of the zoning Code.
- Notes: smoke and petroleum matter, odorous matter, fire or explosive hazard material, toxic and noxious matter, vibration and/or other nuisances.

WATER METER SCHEDULE

ID	TYPE	SIZE	NO.	SAN. SEWER	REMARKS
1	DOMESTIC	1.0"	1	8"	EXISTING
2	IRRIGATION	1.0"	1	4/A	EXISTING
3	DOMESTIC	1.0"	1	8"	PROPOSED

WATER METER & SERVICE TO BE INSTALLED BY CITY WATER DEPARTMENT AT OWNERS EXPENSE.



PROPERTY LINE TABLE

LINE	DISTANCE	BEARING
1	23.57'	S 15.32° 48' W

PROPERTY CURVE TABLE

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD	CHORD BEARING
C1	00°51'17"	1080.93'	8.06'	16.13'	16.12'	S 15°07'10" W
C2	05°40'43"	1210.93'	60.06'	120.02'	119.97'	S 12°42'26" W

LEGEND

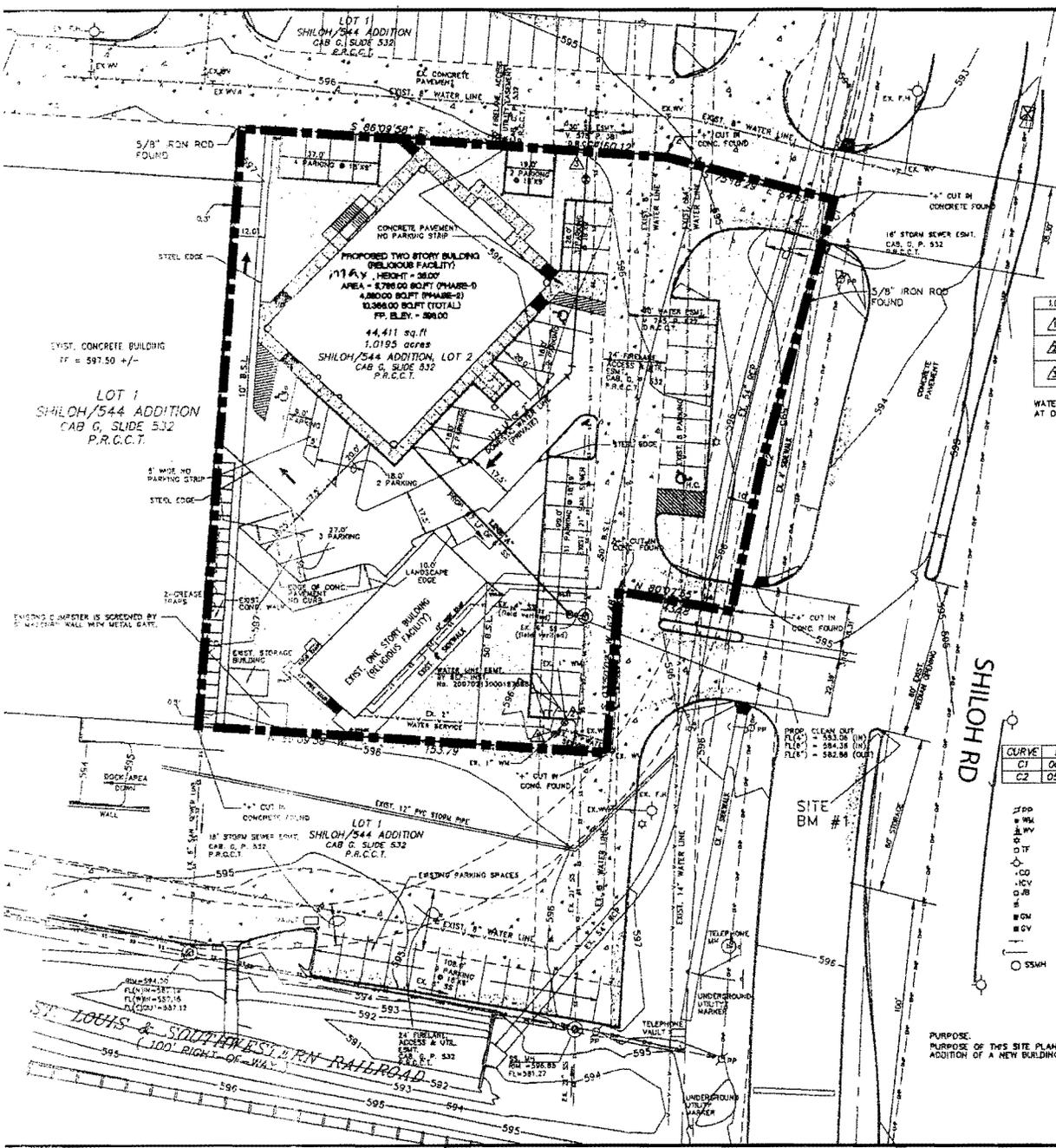
- PP POWER POLE
- WM WATER METER
- WV WATER VALVE
- LS LIGHT STANDARD
- DT TRANSFORMER
- FD FIRE HYDRANT
- CO CLEANOUT
- JCV JUNCTION CONTROL VALVE
- JB JUNCTION BOX
- WV WATER VALVE
- GM GAS METER
- GV GAS VALVE
- MS METAL SIGN
- PPA POWER POLE ANCHOR
- SSMH SANITARY SEWER MANHOLE
- OP OVERHEAD POWER LINE
- EW EXIST. WATER LINE
- ES EXIST. SANITARY SEWER LINE
- FH FENCE
- AC AIR CONDITION UNIT
- TR TELEPHONE RISER
- CR CABLE RISER
- EM ELECTRIC METER
- CI GRATE INLET
- FL FLOOD LIGHT
- MW MONITORING WELL
- WS WHEEL STOP
- PS PAVEMENT STRIPING

PURPOSE: PURPOSE OF THIS SITE PLAN REVISION IS ADDITION OF A NEW BUILDING

Seal of the State of Texas, City of Dallas, County of Tarrant. **Shahaf** 3/31/10. DDC, Inc. DESIGN DEVELOPMENT CONSULTANTS/ REGISTRATION # 10870. CIVIL, MUNICIPAL & LAND DEVELOPMENT CONSULTANT. 503 WADE COURT, FLEISS, TEXAS 75039. TEL: 214-888-9320 Fax: 214-432-2401

REVISED SITE PLAN
ISLAMIC ACADEMY
 SHILOH/544 ADDITION BLOCK LOT 2
 AN ADDITION TO THE CITY OF PLANO, TEXAS

Scale: 1" = 30'
 Date: 3-31-10
 Design: S.A.
 Draft: J.H.
 Checked: J.P.
 Job #: 10552-0
 Plot #: PLOT0101C
 1 of 1



CITY OF PLANO
PLANNING & ZONING COMMISSION

April 5, 2010

Agenda Item No. 6

Public Hearing: Zoning Case 2010-01

Applicant: City of Plano

DESCRIPTION:

Request to amend Subsection 2.818 (R - Retail) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and Subsection 3.1001 (Screening Walls or Visual Barriers) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding screening requirements for single-family and two-family residential uses within the Retail and General Residential zoning districts.

HISTORY:

In March 2004, the City Council amended Subsection 2.818 (R - Retail) of Section 2.800 (District Charts) and Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses), of Article 2 (Zoning Districts and Uses), and other related sections of the Zoning Ordinance to expand the number of uses allowed by specific use permit in the Retail (R) zoning district. Included among those uses were residential in the form of patio home, two-family residence (duplex), and single-family residence attached (townhome) developments. At that time staff did not properly address screening requirements between R zoned properties developed as single-family and two-family residential uses where adjacent to single-family and two-family residential zoned properties.

Therefore, on February 15, 2010, the Planning & Zoning Commission called a public hearing to consider proposed amendments to the Zoning Ordinance pertaining to screening wall requirements in Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations), and other sections of the Zoning Ordinance as it pertains to screening requirements for single-family and two-family residential uses within the R zoning district where adjacent to single-family and two-family residential zoning districts.

ISSUES:

Current Requirements

Subsection 3.1001 (Screening Walls or Visual Barriers) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) of the Zoning Ordinance requires that any nonresidential zoning district that sides or backs to a single-family or two-family residential district shall erect a minimum six-foot tall (maximum eight-foot) solid screening wall or fence (or an irrigated living screen if approved by the Commission) along the entire property line separating these districts regardless of what the use is on the property. Given the existing screening requirements, if an R zoned property were to develop as a single-family or two-family residential use adjacent to another single-family or two-family residential neighborhood that has residential zoning, then the developer would be required to construct a screening wall between the two residential neighborhoods because of their underlying zoning differences.

Staff believes that when R zoned property is developed as a single-family or two-family residential use where adjacent to single-family or two-family residential zoned property, the minimum screening wall separation requirement is not necessary since residential neighborhoods should be connected. Additionally, the Zoning Ordinance does not require screening walls to separate single-family and two-family residential developments adjacent to other single-family and two-family residential developments that are both zoned residential.

Proposed Amendments

In order to address above screening wall requirements for single-family and two-family residential development in the R district, staff recommends the ordinance be amended to eliminate the screening wall requirement when R zoned property is developed as a single-family or two-family residential use.

Additionally, in reviewing Section 3.1000 (Screening, Fence, and Wall Regulations) staff discovered that the General Residential (GR) zoning district was omitted from the listed residential districts that require screening between nonresidential and residential zoned properties. As such, staff recommends that the GR district be added to the list of residential districts requiring a screening wall or fence where nonresidential zoned properties side or back to properties zoned GR.

Furthermore, staff recommends that a reference note be added to Subsection 2.818 (R - Retail) 5. (Landscaping) of Section 2.800 (District Charts) that directs applicants to the residential landscaping requirements as stated in Section 3.1200 (Landscaping Requirements) 2. (Residential Landscaping Requirements) b. (Landscaping Requirements for Single-Family, Patio Home, Single-Family Attached, and Two-Family Developments). The reference note should make it clearer that single-family and two-family residential developments in the R district will need to follow residential landscaping requirements and not the nonresidential landscaping requirements.

Staff proposes the following amendments to the Zoning Ordinance:

- Add to Subsection 3.1001 (Screening Walls or Visual Barriers) (1) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) the GR zoning district to the list of residential districts and an exception note that references provisions specific for the R zoning district.
- Add language to Subsection 3.1001 (Screening Walls or Visual Barriers) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) that eliminates the screening requirements in the R zoning district when R zoned property is developed as single-family or two-family residential uses.
- Add a reference note to Subsection 2.818 (R - Retail) of Section 2.800 (District Charts) that directs applicants to residential landscaping requirements when R zoned property is developed as a single-family or two-family residential use.

RECOMMENDATION:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

1. Amend Subsection 3.1001 (Screening Walls or Visual Barriers) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) to read as follows:

3.1001 Screening Walls or Visual Barriers

- (1) In the event that an MF-1, MF-2, MF-3, BG, O-1, O-2, CE, CB-1, R, LC, RC, RE, CC, RT, LI-1, or LI-2 district sides or backs upon an ED, SF-20, SF-9, SF-7, SF-6, SF-A, PH, 2F, GR or UR district except as noted in (2) below, or in the event that any nonresidential district sides or backs to an MF-1, MF-2, or MF-3 district, a solid screening wall or fence of not less than six nor more than eight feet in height shall be erected along the entire property line separating these districts, except where visibility triangles or easements are required. (See Subsections 3.503 and 3.508.) The purpose of the screening wall or fence is to provide a visual barrier between the properties. The owner of such property shall be responsible for and shall build the required wall or fence along the entire property line dividing his property from the residential district. In cases where the Planning & Zoning Commission finds this requirement to be impractical for immediate construction, it may grant a temporary or permanent waiver of the required screening wall or fence until such time as the screening wall or fence may be deemed necessary by the City Council. In cases where the Planning & Zoning Commission finds this requirement to be better met by an irrigated living screen, the same may be substituted for the screening wall.
- (2) No solid screening wall or fence shall be required as stated in Subsection 3.1001 (1) above when single-family or two-family residential uses are developed within the Retail zoning district.

- (23) Any screening wall or fence required under the provisions of this section, a specific use permit, planned development district, or other requirement shall be constructed of masonry or reinforced concrete which does not contain openings more than 40 square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence. The use of prefabricated, patterned concrete panels is prohibited.
- (34) No fence, screen, wall, or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street or drive intersection, in accordance with Subsection 3.508.
- (45) Where an alley intersects with a street, no fence or plant taller than 30 inches may be placed within a sight visibility triangle defined by measuring eight feet to a point along the property lines and joining said points to form the hypotenuse of the triangle.
- (56) All required screening walls shall be equally finished on both sides of the wall.
2. Amend Subsection 2.818 (R - Retail) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) to read as follows:
5. Landscaping (See Section 3.1200; residential uses as allowed in the Retail district shall comply with Section 3.1200 (2)(b).)

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 5, 2010

Agenda Item No. 7

Public Hearing - Replat: Parker Coit Addition, Block 1, Lots 1R & 2R

Applicant: City of Plano

DESCRIPTION:

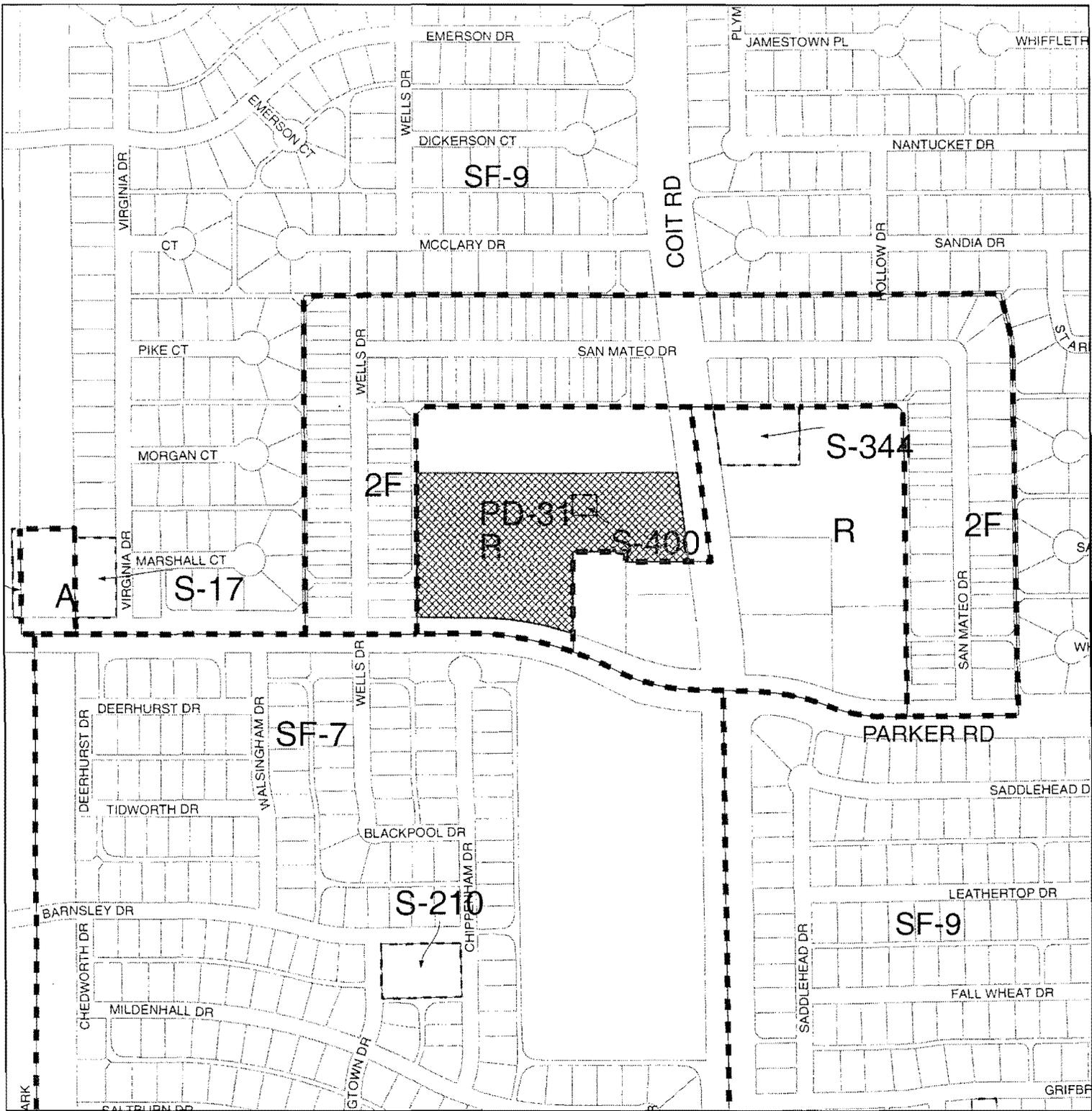
Fire station/public safety buildings and retail buildings on two lots on 6.5± acres located on the north side of Parker Road, 500± feet west of Coit Road. Zoned Planned Development-31-Retail with Specific Use Permit #400 for Day Care Center. Neighborhood #32.

REMARKS:

The purpose for this replat is to abandon and dedicate fire lane, access, utility, water, and drainage easements necessary for completing the development of Lot 2R as a fire station/public safety building.

RECOMMENDATION:

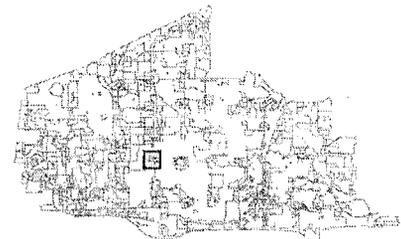
Recommended for approval as submitted.



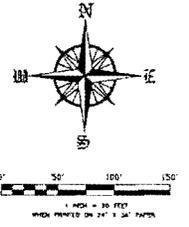
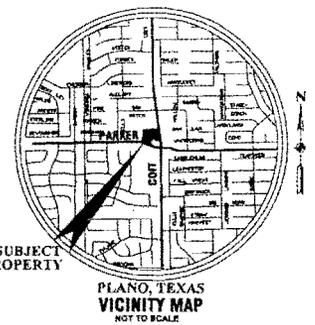
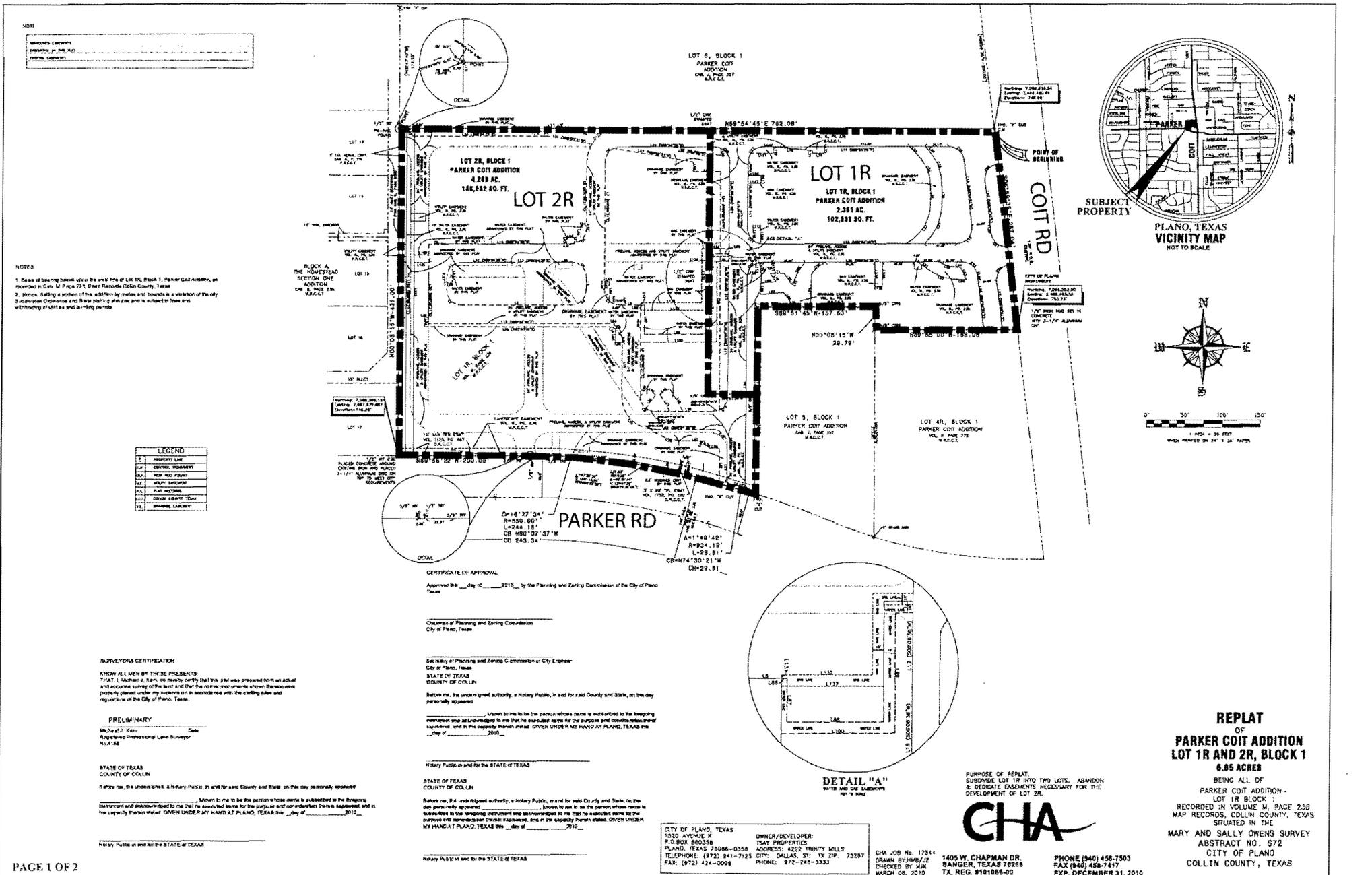
Item Submitted: REPLAT

Title: PARKER COIT ADDITION
BLOCK 1, LOTS 1R & 2R

Zoning: PLANNED DEVELOPMENT-31-RETAIL
w/SPECIFIC USE PERMIT #400



○ 200' Notification Buffer



NOTES

1. RECONSTRUCT EXISTING PARKER RD TO 40' WIDE AND 10' HIGH CURBS.

2. RECONSTRUCT EXISTING COIT RD TO 40' WIDE AND 10' HIGH CURBS.

NOTES

1. Base of bearing shown on the west line of Lot 1R, Block 1, Parker Coit Addition, as recorded in City Map Page 738, Dallas County, Texas.

2. Since a portion of this addition is within a portion of the city Subdivision Ordinance and Base points of reference are subject to these and subsequent amendments and all other laws and regulations of the City and State of Texas.

LEGEND	
1	PROPERTY LINE
2	CONCRETE HIGHWAY
3	ASPHALT HIGHWAY
4	GRAVEL DRIVEWAY
5	GRAVEL DRIVEWAY
6	GRAVEL DRIVEWAY
7	GRAVEL DRIVEWAY
8	GRAVEL DRIVEWAY
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97	GRAVEL DRIVEWAY
98	GRAVEL DRIVEWAY
99	GRAVEL DRIVEWAY
100	GRAVEL DRIVEWAY

CERTIFICATE OF APPROVAL

Approved this ___ day of _____, 2010, by the Planning and Zoning Commission of the City of Plano, Texas.

Chairman of Planning and Zoning Commission
City of Plano, Texas

Secretary of Planning and Zoning Commission of City Engineer
City of Plano, Texas
STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared _____

_____ whom to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purposes and consideration therein expressed, and in his capacity therein stated. GIVEN UNDER MY HAND AT PLANO, TEXAS this ___ day of _____, 2010.

Notary Public in and for the STATE OF TEXAS

STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public, in and for said County and State, on this day personally appeared _____

_____ whom to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purposes and consideration therein expressed, and in his capacity therein stated. GIVEN UNDER MY HAND AT PLANO, TEXAS this ___ day of _____, 2010.

Notary Public in and for the STATE OF TEXAS

SURVEYORS CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS THAT I, Michael J. Klein, State Licensed Professional Land Surveyor, No. 4116, and my assistants, have surveyed and plotted the above described property in accordance with the existing laws and regulations of the State of Texas.

PRELIMINARY

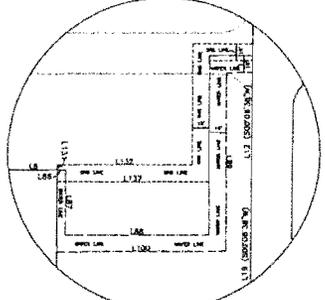
Michael J. Klein Date _____
Registered Professional Land Surveyor
No. 4116

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 _____

_____ whom to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purposes and consideration therein expressed, and in his capacity therein stated. GIVEN UNDER MY HAND AT PLANO, TEXAS this ___ day of _____, 2010.

Notary Public in and for the STATE OF TEXAS



DETAIL "A"
WITH AND SEE EASEMENTS
ON THIS MAP

CITY OF PLANO, TEXAS
1020 AVENUE K
P.O. BOX 800358
PLANO, TEXAS 75066-0358
TELEPHONE: (972) 941-7125
FAX: (972) 424-0998

OWNER/DEVELOPER
TSAY PROPERTIES
ADDRESS: 4222 TRINITY WOLLS
CITY: DALLAS, TX 75217 75287
PHONE: 972-248-3333

CHA JOB No. 17344
DRAWN BY: MARY/O
CHECKED BY: MJK
MARCH 08, 2010



1405 W. CHAPMAN DR.
BANGER, TEXAS 76208
TX. REG. #101086-02

PHONE (840) 458-7503
FAX (840) 458-7417
EXP. DECEMBER 31, 2010

REPLAT
OF
PARKER COIT ADDITION
LOT 1R AND 2R, BLOCK 1
6.85 ACRES

BEING ALL OF
PARKER COIT ADDITION -
LOT 1R BLOCK 1
RECORDED IN VOLUME M, PAGE 238
MAP RECORDS, COLLIN COUNTY, TEXAS
SITUATED IN THE
MARY AND SALLY OWENS SURVEY
ABSTRACT NO. 672
CITY OF PLANO
COLLIN COUNTY, TEXAS

OWNER CERTIFICATE & DEDICATION

WHEREAS TEXAS PROPERTY INC. AND THE CITY OF PLANO, use the sole ownership of a tract of land located in the Mary and Sally Owens Survey, Abstract No. 872 City of Plano, Collin County, Texas, said tract being all of PARKER COIT ADDITION LOT 1R BLOCK 1, an addition to the City of Plano according to the Final Plat recorded in Cabinet "M", Page 238, Map Records, Collin County, Texas and being more fully described by name and bounds as follows:

BEGINNING at an "x" set in concrete found in the west line of Oak Road (a 130 foot right-of-way) at the northeast corner of Lot 1R, Block 1, same being the southeast corner of Lot 8 Block 1 of Parker Coit Addition an addition to the City of Plano according to the Plat recorded in Cabinet "L", Page 307, Map Records of Collin County, Texas.

THENCE South 08 degrees 58 minutes 26 seconds East along the west line of said Oak Road a distance of 297.04 feet to a 1/2 inch iron rod set in concrete with 3-1/4" aluminum cap.

THENCE South 88 degrees 55 minutes 00 seconds west bearing the west line of Oak Road, along the south line of said Lot 1R, Block 1 a distance of 188.08 feet to a 5/8 inch iron rod with red cap, stamped, "CHA" see for corner, hereinafter called 5/8 inch iron rod set.

THENCE North 00 degrees 08 minutes 15 seconds West, a distance of 29.78 feet to a 5/8 inch iron rod set.

THENCE South 88 degrees 51 minutes 48 seconds West along the south line of said Lot 1R, Block 1 a distance of 167.83 feet to a 5/8" iron rod set.

THENCE South 00 degrees 08 minutes 18 seconds East with an East line of said Lot 1R, Block 1, a distance of 248.58 feet to an "x" set found in the north line of Parker Street (a 110 feet right-of-way) at the beginning of a non-tangent curve to the left, having a radius of 804.18 feet, a central angle of 01 degrees 48 minutes 42 seconds and a chord bearing and distance of North 74 degrees 30 minutes 21 seconds West, 28.91.

THENCE along and north line of Parker Street with said curve in the left set an distance of 39.81 feet to a 5/8" iron rod set, and the end of said curve and the beginning of a non-tangent curve to the left, having a central angle of 18 degrees 27 minutes 34 seconds, a radius of 850.00 feet and a chord bearing and distance of North 80 degrees 07 minutes 17 seconds West, 240.34 feet.

THENCE along said curve to the left and along the north line of Parker Road, now variable width right-of-way, an an distance of 241.18 feet to a 5/8 inch iron rod set.

THENCE North 89 degrees 55 minutes 22 seconds West, a distance of 260.00 feet to a 1/2 inch iron rod found for corner.

THENCE North 02 degrees 08 minutes 18 seconds West, departing said north line of Parker Road and with the east line of Block A, The Homestead Section 08, Range 12E, County of Plano, Collin County, Texas, according to the plat recorded in Cabinet B, Page 238, Map Records, Collin County, Texas, a distance of 431.00 feet to a POBNT from which a P.M. Nail, found below South 70 degrees 22 minutes 00 seconds West, a distance of 0.52 feet, and a 1/2 inch iron rod found below North 94 degrees 58 minutes 41 seconds West a distance of 0.80 feet.

THENCE North 88 degrees 54 minutes 46 seconds East, along the south line of said Lot 8, Block 1, Parker Coit Addition passing at a distance of 411.48 feet a 1/2 inch iron rod found stamped "MPLB 3647" and continuing for a total distance of 782.08 feet to the POINT OF BEGINNING and containing 268,291 square feet or 6.65 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT TEXAS PROPERTY, INC. AND CITY OF PLANO, acting herein by and through its duly authorized officers, does hereby certify this plat designating the boundaries described herein as PARKER COIT ADDITION LOT 1R AND 2R 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 hereon. The streets and alleys are dedicated for street purposes. The easements and public use shown, as shown, are dedicated for the public use however, for the purposes indicated on this plat, no buildings, fences, ditches, or other improvements or growth shall be constructed or placed upon, over or across the easements so shown, except that landscape improvements may be placed in landscaped 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 laying their lines across the easements for the use of particular utilities, such use by public utilities being subordinate to the public's and City of Plano's use thereof. The City of Plano and public utility owners shall have the right to remove and keep removed all or parts of any buildings, fences, ditches, or other improvements or growth 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 owners shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of conducting, reconstructing, repairing, maintaining, marking, meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

The undersigned does hereby covenant and agree that he (they) shall construct upon the five acre easements so described and shown hereon, a road and alleys 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, ditches, or other improvements or obstructions, including but not limited to the parking of motor vehicles, trailers, boats, or other items prohibited by the ordinance of the applicable. The maintenance or paving on the five acre easements is the responsibility of the owner, and the corner and point and meridian appropriate signs in conspicuous places along such five acres, stating "Five Acres, No Parking". The public or his duly authorized representatives is hereby authorized to locate such five acres and utility easements to be described here and constructed at all times for the department and emergency use.

The undersigned does covenant and agree that the Access Easement may be utilized by any person of the general public to ingress and egress to other use property, and for the purpose of Demand Public Volunteer and pedestrian use and access and for the Department and Emergency use, in, along, upon and across said premises, with the right and privilege of all lines 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 pending ordinances, rules, regulations, and resolutions of the City of Plano, Texas.

WITNESS, our hands, the this _____ day of _____, 2010.

City of Plano: TEXAS Properties, Inc. Authorized Agent

STATE OF TEXAS COUNTY OF COLLIN

Before me, the undersigned, 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 same for the purpose and consideration therein expressed, and in the presence of _____

Whose names GIVEN UNDER MY HAND AT PLANO, TEXAS this _____ day of _____, 2010.

Notary Public in and for the STATE OF TEXAS

STATE OF TEXAS COUNTY OF COLLIN

Before me, the undersigned, 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 same for the purpose and consideration therein expressed, and in the presence of _____

Whose names GIVEN UNDER MY HAND AT PLANO, TEXAS this _____ day of _____, 2010.

Notary Public in and for the STATE OF TEXAS

LINE	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE	PERCENTAGE	AREA
1	S 08° 58' 26" E	297.04	S 08° 58' 26" E	297.04	100.00	0.0000
2	S 88° 55' 00" W	188.08	S 88° 55' 00" W	188.08	100.00	0.0000
3	N 00° 08' 15" W	29.78	N 00° 08' 15" W	29.78	100.00	0.0000
4	S 88° 51' 48" W	167.83	S 88° 51' 48" W	167.83	100.00	0.0000
5	S 00° 08' 18" E	248.58	S 00° 08' 18" E	248.58	100.00	0.0000
6	N 74° 30' 21" W	28.91	N 74° 30' 21" W	28.91	100.00	0.0000
7	N 80° 07' 17" W	240.34	N 80° 07' 17" W	240.34	100.00	0.0000
8	N 02° 08' 18" W	431.00	N 02° 08' 18" W	431.00	100.00	0.0000
9	S 70° 22' 00" W	0.52	S 70° 22' 00" W	0.52	100.00	0.0000
10	N 94° 58' 41" W	0.80	N 94° 58' 41" W	0.80	100.00	0.0000
11	N 88° 54' 46" E	411.48	N 88° 54' 46" E	411.48	100.00	0.0000
12	N 88° 54' 46" E	782.08	N 88° 54' 46" E	782.08	100.00	0.0000

LINE	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE	PERCENTAGE	AREA
1	S 08° 58' 26" E	297.04	S 08° 58' 26" E	297.04	100.00	0.0000
2	S 88° 55' 00" W	188.08	S 88° 55' 00" W	188.08	100.00	0.0000
3	N 00° 08' 15" W	29.78	N 00° 08' 15" W	29.78	100.00	0.0000
4	S 88° 51' 48" W	167.83	S 88° 51' 48" W	167.83	100.00	0.0000
5	S 00° 08' 18" E	248.58	S 00° 08' 18" E	248.58	100.00	0.0000
6	N 74° 30' 21" W	28.91	N 74° 30' 21" W	28.91	100.00	0.0000
7	N 80° 07' 17" W	240.34	N 80° 07' 17" W	240.34	100.00	0.0000
8	N 02° 08' 18" W	431.00	N 02° 08' 18" W	431.00	100.00	0.0000
9	S 70° 22' 00" W	0.52	S 70° 22' 00" W	0.52	100.00	0.0000
10	N 94° 58' 41" W	0.80	N 94° 58' 41" W	0.80	100.00	0.0000
11	N 88° 54' 46" E	411.48	N 88° 54' 46" E	411.48	100.00	0.0000
12	N 88° 54' 46" E	782.08	N 88° 54' 46" E	782.08	100.00	0.0000

LINE	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE	PERCENTAGE	AREA
1	S 08° 58' 26" E	297.04	S 08° 58' 26" E	297.04	100.00	0.0000
2	S 88° 55' 00" W	188.08	S 88° 55' 00" W	188.08	100.00	0.0000
3	N 00° 08' 15" W	29.78	N 00° 08' 15" W	29.78	100.00	0.0000
4	S 88° 51' 48" W	167.83	S 88° 51' 48" W	167.83	100.00	0.0000
5	S 00° 08' 18" E	248.58	S 00° 08' 18" E	248.58	100.00	0.0000
6	N 74° 30' 21" W	28.91	N 74° 30' 21" W	28.91	100.00	0.0000
7	N 80° 07' 17" W	240.34	N 80° 07' 17" W	240.34	100.00	0.0000
8	N 02° 08' 18" W	431.00	N 02° 08' 18" W	431.00	100.00	0.0000
9	S 70° 22' 00" W	0.52	S 70° 22' 00" W	0.52	100.00	0.0000
10	N 94° 58' 41" W	0.80	N 94° 58' 41" W	0.80	100.00	0.0000
11	N 88° 54' 46" E	411.48	N 88° 54' 46" E	411.48	100.00	0.0000
12	N 88° 54' 46" E	782.08	N 88° 54' 46" E	782.08	100.00	0.0000

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2	S 88° 55' 00" W	188.08	S 88° 55' 00" W	188.08	100.00	0.0000
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7	N 80° 07' 17" W	240.34	N 80° 07' 17" W	240.34	100.00	0.0000
8	N 02° 08' 18" W	431.00	N 02° 08' 18" W	431.00	100.00	0.0000
9	S 70° 22' 00" W	0.52	S 70° 22' 00" W	0.52	100.00	0.0000
10	N 94° 58' 41" W	0.80	N 94° 58' 41" W	0.80	100.00	0.0000
11	N 88° 54' 46" E	411.48	N 88° 54' 46" E	411.48	100.00	0.0000
12	N 88° 54' 46" E	782.08	N 88° 54' 46" E	782.08	100.00	0.0000

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3	N 00° 08' 15" W	29.78	N 00° 08' 15" W	29.78	100.00	0.0000
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7	N 80° 07' 17" W	240.34	N 80° 07' 17" W	240.34	100.00	0.0000
8	N 02° 08' 18" W	431.00	N 02° 08' 18" W	431.00	100.00	0.0000
9	S 70° 22' 00" W	0.52	S 70° 22' 00" W	0.52	100.00	0.0000
10	N 94° 58' 41" W	0.80	N 94° 58' 41" W	0.80	100.00	0.0000
11	N 88° 54' 46" E	411.48	N 88° 54' 46" E	411.48	100.00	0.0000
12	N 88° 54' 46" E	782.08	N 88° 54' 46" E	782.08	100.00	0.0000

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12	N 88° 54' 46" E	782.08

CITY OF PLANO, TEXAS
1520 AVENUE K
P.O. BOX 883558
PLANO, TEXAS 75086-0358
TELEPHONE: (972) 841-7125
CHECKED BY: MWR
MARCH 08, 2010

OWNER/DEVELOPER:
TSW PROPERTIES
ADDRESS: 4222 TRINITY WILLS
CITY: DALLAS, ST. TX ZIP: 75287
PHONE: 872-646-3333



1405 W. CHAPMAN DR.
SANGER, TEXAS 76286
TX. REG. #101068-00

PHONE (840) 488-7503
FAX (840) 458-7417
EXP. DECEMBER 31, 2010

REPLAT
OF
PARKER COIT ADDITION
LOT 1R AND 2R, BLOCK 1
0.65 ACRES
BEING ALL OF
PARKER COIT ADDITION -
LOT 1R BLOCK 1
RECORDED IN VOLUME M, PAGE 238
MAP RECORDS, COLLIN COUNTY, TEXAS
SITUATED IN THE
MARY AND SALLY OWENS SURVEY
ABSTRACT NO. 872
CITY OF PLANO
COLLIN COUNTY, TEXAS

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 5, 2010

Agenda Item No. 8

Public Hearing - Preliminary Replat and Revised Site Plan: Kemp Homestead
No. 2, Block A, Lots 1R & 2R

Applicant: HD Development Properties

DESCRIPTION:

Restaurant, medical office, superstore, and garden center on two lots on 11.4± acres located on the south side of Park Boulevard, 720± feet west of Dallas North Tollway. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permit #427 for Building Material Sales. Neighborhood #52.

REMARKS:

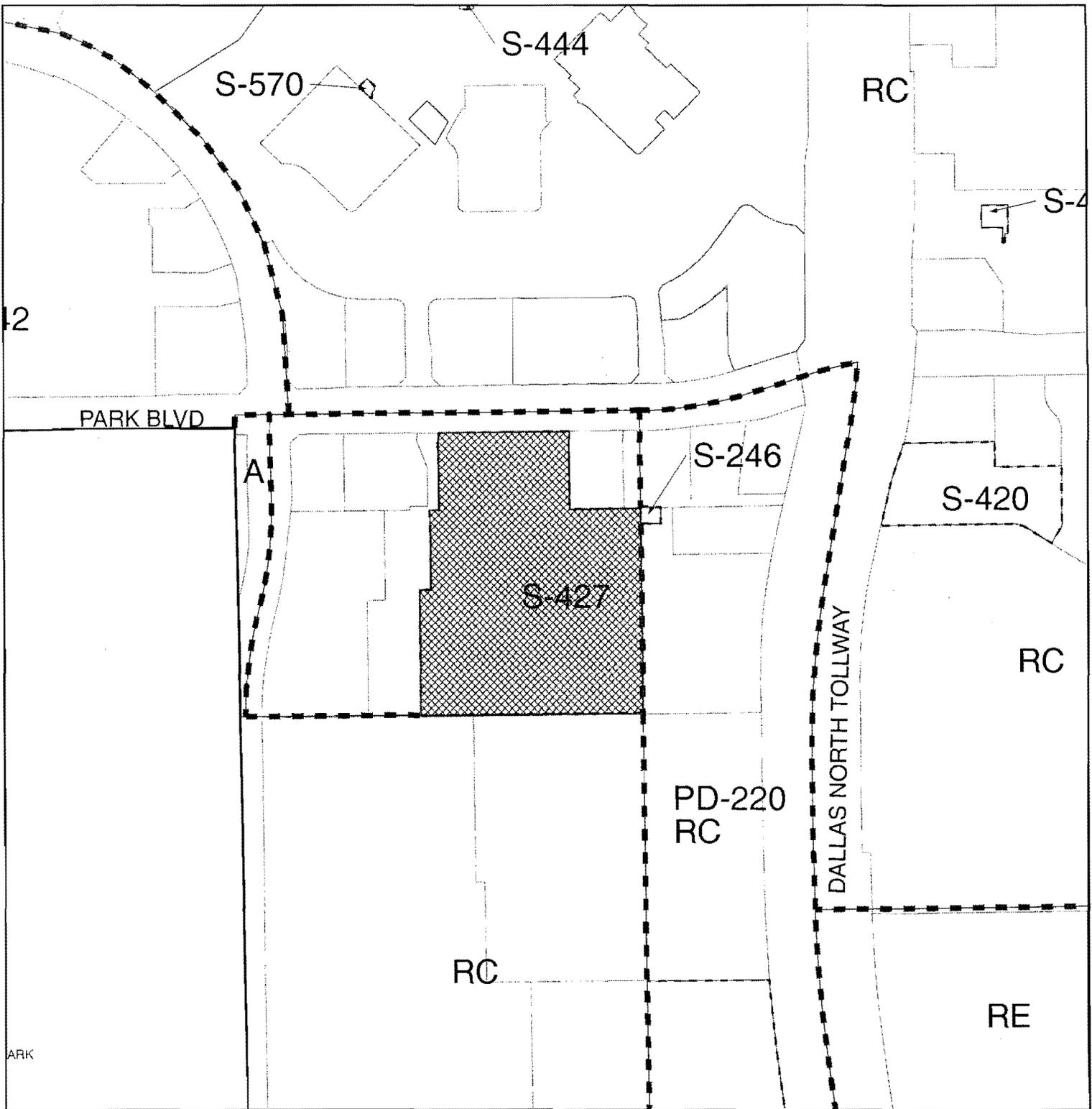
The purpose for the preliminary replat is to subdivide Lot 1R into Lots 1R and 2R, and to propose fire lane, access, and utility easements necessary for the development of Lot 2R as a restaurant and medical office building.

The purpose for the revised site plan is to show the subdivision of Lot 1R into Lots 1R and 2R, the proposed restaurant and medical office building and related site improvements on Lot 2R, and the existing superstore and garden center on Lot 1R.

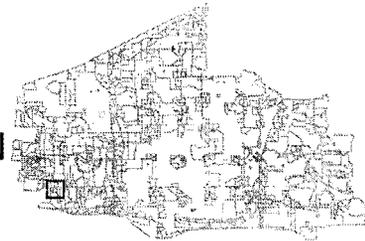
RECOMMENDATION:

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 as submitted.



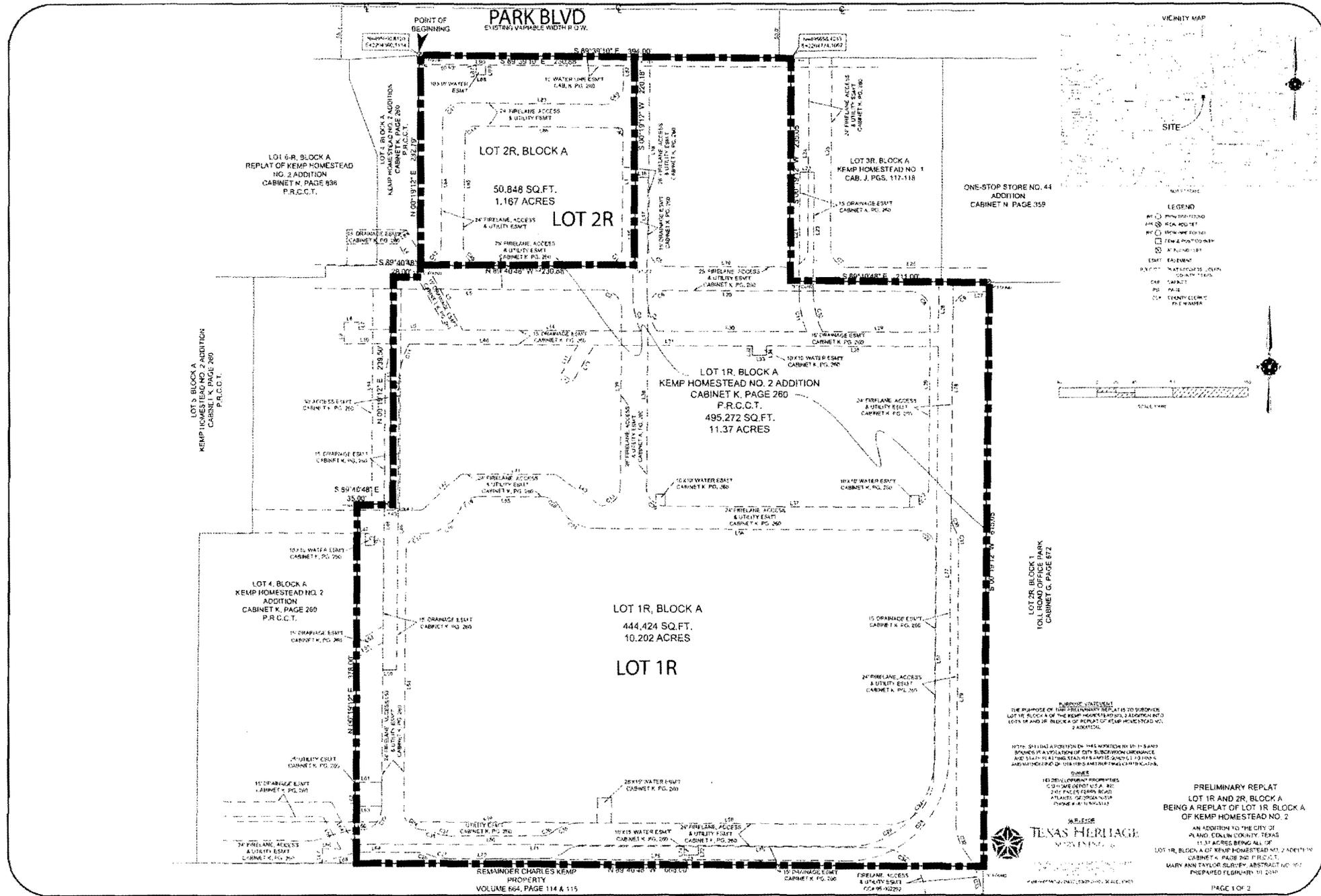
Item Submitted: PRELIMINARY REPLAT & REVISED SITE PLAN



Title: KEMP HOMESTEAD NO. 2
BLOCK A, LOTS 1R & 2R

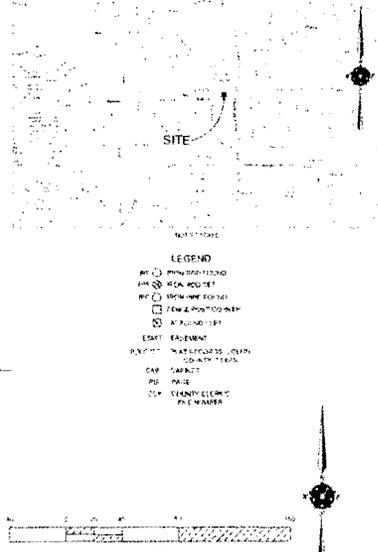
Zoning: REGIONAL COMMERCIAL w/SPECIFIC USE PERMIT #427/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT





PARK BLVD
EXISTING VARIABLE WIDTH R.O.W.

VICINITY MAP



LOT 6-R, BLOCK A
REPLAT OF KEMP HOMESTEAD
NO. 2 ADDITION
CABINET M, PAGE 898
P.R.C.C.T.

LOT 2R, BLOCK A
50,848 SQ. FT.
1.167 ACRES
LOT 2R

LOT 3R, BLOCK A
KEMP HOMESTEAD NO. 1
CAB. J, PGS. 117-118

ONE-STOP STORE NO. 44
ADDITION
CABINET N, PAGE 359

LOT 5, BLOCK A
KEMP HOMESTEAD NO. 2 ADDITION
CABINET K, PAGE 260
P.R.C.C.T.

LOT 1R, BLOCK A
KEMP HOMESTEAD NO. 2 ADDITION
CABINET K, PAGE 260
P.R.C.C.T.
495,272 SQ. FT.
11.37 ACRES

LOT 4, BLOCK A
KEMP HOMESTEAD NO. 2
ADDITION
CABINET K, PAGE 260
P.R.C.C.T.

LOT 1R, BLOCK A
444,424 SQ. FT.
10.202 ACRES
LOT 1R

PLANNING STATEMENT
THE PURPOSE OF THIS PRELIMINARY REPLAT IS TO SUBDIVIDE
LOT 1R, BLOCK A OF THE KEMP HOMESTEAD NO. 2 ADDITION INTO
LOTS 1R AND 2R, BLOCK A OF REPLAT OF KEMP HOMESTEAD NO.
2 ADDITION.

NOTE: SHOWN A PORTION OF THIS PORTION BY 80-11-8 AND
80-11-9 IN A REPLAT OF THIS SUBDIVISION UNDER
AND 10-11-10 IN THE REPLAT OF KEMP HOMESTEAD NO. 2
ADDITION AND 10-11-11 IN THE REPLAT OF KEMP HOMESTEAD NO. 2
ADDITION.

TEXAS HERITAGE
SPECIALISTS

PRELIMINARY REPLAT
LOT 1R AND 2R, BLOCK A
BEING A REPLAT OF LOT 1R, BLOCK A
OF KEMP HOMESTEAD NO. 2

AN ADDITION TO THE CITY OF
PLANO, DALLAS COUNTY, TEXAS
10.202 ACRES BEING ALL OF
LOT 1R, BLOCK A OF KEMP HOMESTEAD NO. 2 ADDITION
CABINET K, PAGE 260 OF BLOCK C
MARY ANN TAYLOR SLIPPY ABSTRACT NO. 101
PREPARED FEBRUARY 11, 2010

REMAINDER CHARLES KEMP
PROPERTY
VOLUME 84, PAGE 114 & 115

THE STATE OF TEXAS
COUNTY OF COLLIN

Whereas HD Development Properties, LP is the sole owner of a 11.37 acre tract of land in the City of Plano, Collin County, Texas, situated in the Mary Ann Taylor Survey, Abstract No. 897, being Lot 1R, Block A of the Kemp Homestead No. 2 Addition, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Cabinet K, Page 266 of the Map Records of Collin County, Texas, being that certain tract of land conveyed to the same HD Development Properties, LP by deed recorded in Volume 4453, Page 2379 of the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at an "X" found in concrete for corner in the South right-of-way line of West Park Boulevard (Variable width R.O.W.), said point being the Northeast corner of Lot 4, Block A of said addition, same being the Northwest corner of said Lot 1R and being the Northwest corner of herein described tract:

Thence South 89 Degrees 39 Minutes 10 Seconds East, along the South right-of-way line of said West Park Boulevard, a distance of 394.00 feet to a 1 inch iron rod found for corner, said point being the Northwest corner of Lot 3R, Block A of Kemp Homestead No. 1, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Cabinet J, Pages 117-118 of the Map Records of Collin County, Texas, same being the most northerly Northeast corner of said Lot 1R;

Thence South 00 Degrees 19 Minutes 12 Seconds West, along the West line of said Lot 3R, a distance of 235.05 feet to an "X" found for corner, said point being the Southwest corner of said Lot 3R;

Thence South 89 Degrees 40 Minutes 48 Seconds East, along the South line of said Lot 3R, a distance of 211.00 feet to an "X" found for corner, said point being the Northwest corner of Lot 2R, Block 1 of Toll Road Office Park, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Cabinet G, Page 672 of the Plat Records of Collin County, Texas, same being most southerly Northeast corner of said Lot 1R, and being the most southerly Northeast corner of herein described tract;

Thence South 00 Degrees 19 Minutes 12 Seconds West, along the West line of said Lot 2R, a distance of 615.05 feet to an "X" found for corner, said point being the Northeast corner of the Remainder of Kemp Property recorded in Volume 664, Pages 114 and 115 of the Deed Records of Collin County, Texas, same being the Southeast corner of said Lot 1R, and being the Southeast corner of herein described tract;

Thence North 89 Degrees 40 Minutes 48 Seconds West, along the North line of said Remainder tract, a distance of 668.00 feet to a 1/2 inch iron rod set for corner with a yellow cap stamped (TXHS RPLS 5299), said point being the Southeast corner of the aforementioned Lot 4, same being the Southwest corner of said Lot 1R, and being the Southwest corner of herein described tract;

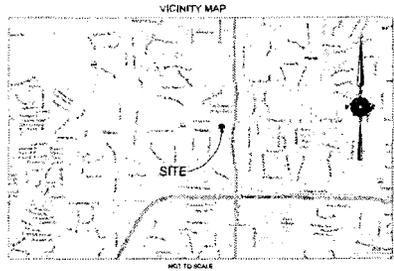
Thence North 00 Degrees 19 Minutes 12 Seconds East, along the East line of said Lot 4, a distance of 379.00 feet to a 1/2 inch iron rod found for corner;

Thence South 89 Degrees 40 Minutes 48 Seconds East, a distance of 35.00 feet to an "X" found for corner;

Thence North 00 Degrees 19 Minutes 12 Seconds East, along the East line of said Lot 4, a distance of 239.50 feet to a 1/2 inch iron rod set for corner with a yellow cap stamped (TXHS RPLS 5299);

Thence South 89 Degrees 40 Minutes 48 Seconds East, a distance of 26.00 feet to an "X" found for corner;

Thence North 00 Degrees 19 Minutes 12 Seconds East, along the East line of said Lot 4, a distance of 232.79 feet to the Point of Beginning and containing 495,272 square feet or 11.37 acres of land.



NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT HD Development Properties, LP acting herein by and through it's duly authorized officers, does hereby adopt this plat designating the herein above described property as Preliminary Replat of Lots 1R and 2R, Block A of the Replat of Kemp Homestead No. 2, an addition to the City of Plano, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Plano. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities 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 of parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Plano and public utility entities shall at all times have the full right of Ingress and Egress to 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 at 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 herein, 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 growths, 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 regress in, along, upon, and across said premises.

The area or areas shown on the plat as "VAM" (Visibility, Access, and Maintenance) easement(s) are hereby given and granted to the city, its successors and assigns, as an easement to provide visibility, right of access, and maintenance upon and across said VAM easement. The city shall have the right, but not the obligation, to maintain any and all landscaping within the VAM easement. Should the city exercise this maintenance right, it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover, and fixtures. The city may withdraw maintenance of the VAM easement at any time. The ultimate maintenance responsibility for the VAM easement shall rest with the owners. No building, fence, shrub, tree, or other improvements or growths, which in any way endanger or interfere with the visibility, shall be constructed in, on, over, or across the VAM easement. The city shall also have the right, but not the obligation, to add any landscape improvements to the VAM easement, to erect any traffic control devices or signs on the VAM easement, and to remove any obstruction thereon. The city, its successors, assigns, or agents, shall have the right and privilege at all times to enter upon the VAM easement or any part thereof for the purposes and with all rights and privileges set forth herein.

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

WITNESS, my hand this the ____ day of _____, 2010.

HD Developing Properties, LP

Printed Name and Title

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 appeared HD Development Properties, LP, 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, and as the act and deed of said venture, and in the capacity therein stated.

Given under my hand and seal of this office this ____ Day of _____, 2010.

Notary Public, State of Texas

SURVEYORS CERTIFICATE

THAT, I, GARY E. JOHNSON, Texas Registered Professional Land Surveyor No. 5299, do hereby certify that this plat represents a survey made by me and under my direct supervision and that all monuments shown hereon actually exist, and that their location, size, and material description are correct and true.

Gary E. Johnson
Texas Registered Professional Land Surveyor No. 5299

STATE OF TEXAS
COLLIN COUNTY

Before me the undersigned Notary Public in and for the said County and State, on this day personally appeared Gary E. Johnson, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that he executed the same for the purpose and considerations therein expressed.

GIVEN under my hand and seal of office this ____ day of _____ AD, 2010.

Notary Public in and for the State of Texas

STATE OF TEXAS, COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the instrument for the purpose and consideration therein expressed.

Given under my hand and seal of office this ____ Day of _____, 2010.

Notary Public, State of Texas

EASEMENT LINE TABLE with columns: LINE #, LENGTH, DIRECTION. Rows 1.1 to 1.25.

EASEMENT LINE TABLE with columns: LINE #, LENGTH, DIRECTION. Rows 1.26 to 1.36.

EASEMENT LINE TABLE with columns: LINE #, LENGTH, DIRECTION. Rows 1.37 to 1.45.

EASEMENT LINE TABLE with columns: LINE #, LENGTH, DIRECTION. Rows 1.46 to 1.56.

EASEMENT LINE TABLE with columns: LINE #, LENGTH, DIRECTION. Rows 1.57 to 1.60.

CERTIFICATE OF APPROVAL

Approved this ____ Day of _____, 2010, 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 the State of Texas, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the instrument for the purpose and consideration therein expressed.

Given under my hand and seal of office this ____ Day of _____, 2010.

Notary Public, State of Texas

Secretary, Planning and Zoning Commission of City Engineer

EASEMENT CURVE TABLE with columns: CURVE #, LENGTH, RADIUS, DELTA, CHORD. Rows C1 to C20.

EASEMENT CURVE TABLE with columns: CURVE #, LENGTH, RADIUS, DELTA, CHORD. Rows C21 to C45.

EASEMENT CURVE TABLE with columns: CURVE #, LENGTH, RADIUS, DELTA, CHORD. Rows C46 to C48.

PRELIMINARY REPLAT LOT 1R AND LOT 2R, BLOCK A BEING A REPLAT OF LOT 1R, BLOCK A OF KEMP HOMESTEAD NO. 2. TEXAS HERITAGE SURVEYING, INC. PREPARED FEBRUARY 10, 2010. PAGE 2 OF 2.

CITY OF PLANO

PLANNING & ZONING COMMISSION

April 5, 2010

Agenda No. 9

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

Applicant: Robert P. Buss

DESCRIPTION:

An appeal of the Director of Planning's interpretation of the Zoning Ordinance definitions and associated regulations for fences as they apply to golf course netting.

REMARKS:

The applicant is appealing the Director of Planning's interpretation of the Zoning Ordinance as it applies to the definition and associated regulations for fences as they apply to golf course netting. Article 6, Section 6.300 (Interpretation) of the Zoning Ordinance gives the Director of Planning the authority to determine the meaning and interpretation of any provision of the Zoning Ordinance. The interpretation may be appealed to the Planning & Zoning Commission, which has the final authority to make decisions on interpretations.

Attached is a series of letters containing the applicant's requests for an interpretation and the Director's response. The applicant has been cited in Municipal Court for a violation of the Zoning Ordinance in relation to a golf net erected on his residential property. The applicant has requested an interpretation of the word "fence" as it is used in Article VII of the Plano Municipal Code. This section of the code states that "All fences and fence locations shall conform to the requirements of the Zoning Ordinance of the City, and nothing in this article shall be construed as permitting construction of a fence which would violate the provisions of the Zoning Ordinance or Section 19-3 (commonly known as the Sight Distance Ordinance), as the same now exists or may be hereafter amended." The Director of Planning's jurisdiction for interpretation only extends to the Zoning Ordinance, and the interpretation has been limited to that ordinance.

Article 1, Section 1.600 (Definitions) of the Zoning Ordinance contains multiple definitions but does not include one for "fence". The same section states that "Terms not herein defined or in the Building Code shall have the meaning customarily assigned to them."

Merriam-Webster's Online Dictionary (<http://www.m-w.com>) provides the following definition for fence:

"A barrier intended to prevent escape or intrusion or to mark a boundary; especially: such as a barrier made of posts and wire or boards."

Golf nets appear to function in one commonly understood manner of a fence - to prevent intrusion. Therefore, the Director's interpretation is that golf nets are fences and should be regulated as such.

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 on how the ordinance language can be clarified. The Commission may call a public hearing to consider amending the ordinance for this purpose.

Ms. Phyllis Jarrell
Plano Municipal Center
1520 K Avenue
Plano, Texas 75074

RECEIVED
FEB 17 2009
PLANNING DEPT.

Re. Request for interpretation of the word "Fence" or "fence" as such term is used in Article VII of the Plano Municipal Code.

Dear Ms. Jarrell

The undersigned Robert P. Buss is a Plano Texas Resident and Homeowner who lives with his Wife Oksana and family at 624 Water Oak Drive, Plano, Texas. That home, to our collective sorrow, is located about 240 yards from the tee box on hole Number 8 of the Chase Oaks Golf Course in a position where you will see from the enclosed map of that course places our home in a direct line of fire from the 8th tee. When we purchased the Home in October 2004 we noted the existence of a mesh golf safety net that was tied into a four foot high metal fence and asked the then homeowner whether any golf balls had landed on the property. He said "No, hardly ever". We later learned to our sorrow that despite the existence of the safety net that our neighbors have advised has been in place for more that 16 years our property has been bombarded by at least 100 golf balls per week from April through October and a lesser but significant number during the remaining months.

We have lost more than seven hundred dollars in broken house windows during the five and one half years we have been here and last summer my Wife lost a \$1,300 front windshield on her brand new Lexis while it was parked in the street. We routinely park on the street because cars parked in the driveway behind the house leading into our inadequate two Car garage (we have 3 drivers and 3 cars in the family) have had windshields broken on a routine basis. During this period the City of Plano has done nothing to protect us or to regulate the Golf Course business operation of its neighboring City despite the fact that the City of allen can not claim sovereign immunity under the Texas Government Code due to the excepted nature of the Golf Course as an amusement operation. At the same time the City of Plano has refused to prosecute a trespass or other crime against a Golfer who confessed to breaking one of our Home windows.

Now the City of Plano, in reliance upon Article VII of the Plano Municipal Code, has cited us for a violation of that ordinance based upon a claim that our 18 year old Golf safety net is really a fence whose height exceeds the eight foot limit the City contends is proscribed by that ordinance. We strongly disagreed with that interpretation and intended to make our case to the Jury. Unfortunately, we will not be allowed to do so for purposes of a trial in the Plano Municipal Court. I have been instructed by Prosecutor Paige Mims that I must instead seek the interpretation from you that I am seeking herein regarding the meaning of the term "Fence" before proceeding (if necessary) to the Zoning Board of Appeals and then (if necessary) to the appropriate Court all pursuant to Section 211.008 through 211.011 of the Texas Local Government Code Annotated (Vernon 1999).

Accordingly, I am hereby asking you to interpret the word "Fence" for purposes of Article VII of the Plano Municipal Code and to tell me whether that interpretation applies to the Golf Safety net that has been in place at 624 Water Oak for more than 18 years. In making that interpretation I would hope that you will consider the special risks and perils that would be experienced by any occupant of our home due to the dangerous layout of the 8th hole at Chase Oaks, the improvements in Golf Clubs and balls and the deterioration of the quality of the average Golfer at Chase Oaks since the Course was designed and built in the late 1980's. The design of that Golf Course was reviewed by its current owner, the City of Allen Texas, and found to be dangerous enough for the City of Allen to propose redesigning the course as part of a Master Plan that has been approved but has yet to be funded by that City and may never be funded or implemented.

In making your interpretation I would ask that you first consider Section 6-177 of Division 1 of Article VII which states that:

*"The purpose of this article is to regulate the construction, erection, enlargement, alteration and maintenance of all fences within the boundaries of the city in order to provide a **practical safeguarding of life, health and property** from **hazards** that may arise from improper construction of such installations."*

In adopting an ordinance designed to **safeguard life, health and property** the enactors would have been relying upon the grant of Municipal Authority under Section 211.004 (2) of the Texas Municipal Government Code that provides that zoning regulations must be designed to:

"(2) secure safety from fire, panic and other dangers"

In enacting an ordinance specifically enacted to provide a practical **safeguarding of life, health and property**, the drafters of Article VII could not possibly have intended to include Golf Safety nets within the meaning of the term "Fence" and in so doing limit Golf Safety Nets which were routinely being constructed at heights ranging from 20 to 50 feet in residential neighborhoods in Plano and elsewhere to the totally inadequate height of eight feet. At the time of the enactment of the ordinance the term "Golf Safety Net" had acquired a "**technical and particular meaning**" all its own that was separate and apart from the "**technical and particular meaning**" than the meaning acquired by the word "Fence".

If the drafters had any intention to eight feet to include Golf safety nets within the term fence for purposes of an ordinance limiting fences to eight feet in height that would have done so in direct contradiction of their specifically stated legislative purpose of "**safeguarding life, health and property**". Moreover the enactment of such an ordinance which had no "grandfathering clause" would have criminalized homeowners who had Golf Safety Nets in place at the time the ordinance was enacted. The answer to all of these questions is very simple. The drafters were not schizophrenic. They never intended to safeguard life, health and property by extending the term Fence to include Golf Safety Nets.

In making your interpretation I would also hope that you will choose to be guided (as the Courts will be) by Chapter 311 Sections 311-311.032 of the Texas Code Construction Act (enclosed) and particularly Section 311.011 of that Act which provides:

- (a) "Words and phrases shall be read in context and construed according to the rules of grammar and common usage.
- (b) Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly."

The term "Golf Safety Net" has acquired a technical and particular meaning since the term was first introduced many years ago to describe the devices that were designed to provide protection to homeowners, passers by, motorists and others from the hazards of balls that can be struck at horrific and sometimes killing speeds. When people refer to Golf Safety nets they describe them as such not as "Very tall fences". A Golf Safety Net is designed to protect against very different risks than the typical four to eight foot high enclosing fences that are found in homes and residential neighborhoods across Plano and the State of Texas.

Surely the drafters of Article VII of the Plano Municipal Code did not intend to restrict the height of Golf Safety Nets to eight feet when the ordinance was drafted. Such an interpretation of that regulation would have struck them as patently absurd. Moreover if they had actually intended to adopt an ordinance that would prevent homeowners from erecting Golf Safety Nets designed to protecting their families, visitors and their property from the hazards posed by golf ball projectiles struck at very high speeds they would have said so specifically.

If they had actually intended to restrict the height of Golf safety nets to eight feet they would have had to contend with the very real possibility that any homeowner who had been adversely affected by such an ordinance could seek compensation from the City of Plano for a "**taking**" as such term is defined in Article 1 Section 17 of the Texas Sate Constitution. As it is, even with the existing Golf Safety Net that had been in place long before we bought our home, we have lost the use of our driveway, must endure the risks posed by incoming golf balls while using our backyard and patio are and must pay the price for the damage caused by incoming balls which continue to strike our property at an alarming rate. If the city of Plano intends to apply an ordinance which I believe I have clearly demonstrated was never intended to restrict the height of Golf Safety nets to eight feet, it will have accomplished a "taking" of my property by ruling out any use of our backyard during the interminable "Golf Season" and subjecting us to additional loses in terms of the breaking of windows and damage to our building structure.

In closing, I would ask that you consider each of the foregoing principles of legislative construction and what I believe was the clear intention of the drafters of Article VII of the Plano Zoning Ordinances in adopting an ordinance designed for the specifically stated legislative purpose of "**safeguarding life, health and property**" beginning with the

lives, health and property of this living at or visiting our home at 624 Water Oak Drive,
Plano, Texas.

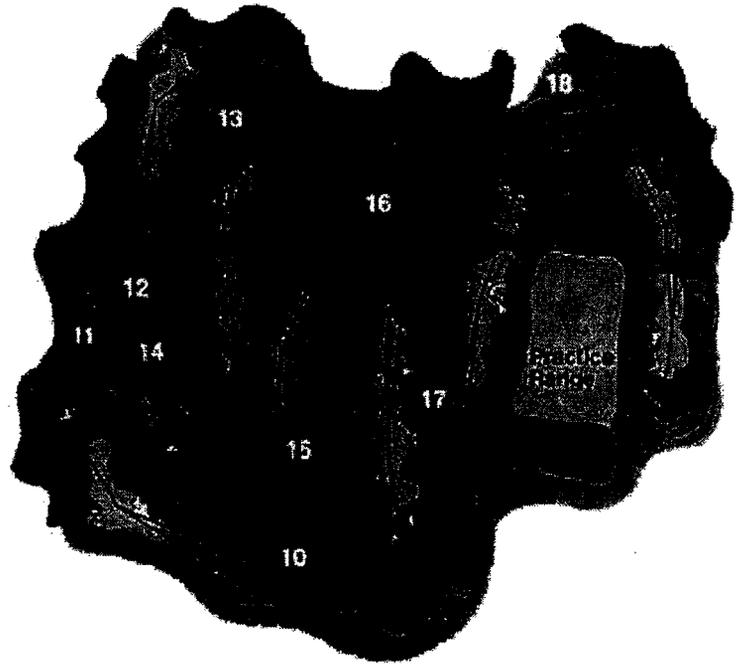
Sincerely

Robert P. Buss

Robert P. Buss
624 Water Oak Drive
Plano, Texas 75025
(214) 850-1492



Sawtooth Course Map



ARTICLE VII. FENCES

DIVISION 1. GENERALLY

Sec. 6-176. Penalty.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in the sum of not more than one thousand dollars (\$1,000.00) for each such violation.

(Ord. No. 77-1-11, § 20, 1-24-77)

Sec. 6-177. Purpose.

The purpose of this article is to regulate the construction, erection, enlargement, alteration, and maintenance of all fences within the boundaries of the city in order to provide a practical safeguarding of life, health, and property from hazards that may arise from improper construction of such installations. However, this article shall not apply to fences erected or maintained in districts within the city which are zoned agricultural.

(Ord. No. 77-1-11, § 2, 1-24-77)

Sec. 6-178. Reserved.

Editor's note: Ord. No. 88-3-21, § 1, adopted March 14, 1988, repealed § 6-178, concerning appeals from decision under this article, as derived from Ord. No. 77-1-11, § 17, adopted Jan. 24, 1977.

Sec. 6-179. Permit to install or alter.

(a) It shall be unlawful for any person to install or cause to be installed, or to permit any person to install a fence, or to make any alterations, additions or changes to a fence, without first having procured a permit to do so from the building official.

Notwithstanding the foregoing, a permit shall not be required for alterations, additions or changes if repairs do not exceed twenty-five (25) percent of the area of the fence over a twelve-month period.

(b) When installing a new fence parallel to and within three (3) feet of an existing fence on the same lot, the existing fence shall be removed. The term "parallel" is defined as a corresponding fence that runs in the same direction as the existing fence but does not have to maintain a precise constant distance from one another.

(c) The fee for permit required by this section shall be twenty dollars (\$20.00) and shall be paid prior to the issuance of the permit.

(Ord. No. 77-1-11, § 3, 1-24-77; Ord. No. 78-9-14, 9-25-78; Ord. No. 82-9-29, § 1, 9-27-82; Ord. No. 97-4-12, § I, 4-14-97)

Sec. 6-180. Electric fences.

(a) No fence constructed in such a manner that it may continuously conduct electrical current may be allowed in any zoning district wherein farm animals are not allowed.

(b) Single-strand wires designed to conduct electricity through an approved low-voltage regulator shall be allowed only along the interior base line of an otherwise permitted fence. No permit shall be required for the erection and maintenance of such single-strand electric wires.

(Ord. No. 77-1-11, § 4, 1-24-77)

Cross references: Electrical code, § 6-271 et seq.

Sec. 6-181. Compliance with other provisions.

All fences and fence locations shall conform to the requirements of the zoning ordinance of the city, and nothing in this article shall be construed as permitting construction of a fence which would violate the provisions of the zoning ordinance or section 19-3 (commonly known as the sight distance ordinance), as the same now exists or may be hereafter amended.

(Ord. No. 77-1-11, § 5, 1-24-77)

Cross references: Visibility obstructions, § 19-3; zoning, App. A.

Sec. 6-182. Location on or protrusion over city property.

No privately owned fence or guy wires, braces or any other part of a privately owned fence shall be constructed upon or caused to protrude over property owned by the city.

(Ord. No. 77-1-11, § 6, 1-24-77)

Sec. 6-183. Fence arms.

Fence arms shall not be permitted in residential districts or districts other than heavy industrial or light industrial. Fence arms may be permitted on fences located in heavy industrial or light industrial districts so long as they do not extend beyond the property line.

(Ord. No. 77-1-11, § 12, 1-24-77)

Sec. 6-184. Barbed wire.

In no event shall barbed wire be permitted except on arms in heavy industrial and light industrial zoning districts.

(Ord. No. 77-1-11, § 13, 1-24-77)

Sec. 6-185. Inspection of new fences.

When any fence for which a permit has been issued under this article is completed, it must be inspected. The chief building official's office shall be notified upon completion of the fence. The chief building official will issue a card of acceptance if the fence complies with the provisions of this article or reject the fence if it does not so comply.

(Ord. No. 77-1-11, § 15, 1-24-77)

Sec. 6-186. Maintenance.

All fences constructed under the provisions of this article shall be maintained so as to comply with the requirements of this article at all times. Such requirements include, but are not necessarily limited to, the following maintenance standards:

- (1) The fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence. Except, however, for fencing four (4) feet or less in height, the vertical alignment shall not be more than six (6) inches from the vertical measured at the top of the fence.
- (2) Any and all broken, loose, damaged, insect damaged, or missing parts (i.e., slats, posts, wood rails, bricks, panels) having a combined total area of twenty (20) square feet or more of said fences shall be replaced or repaired within sixty (60) days of notification

of non-compliance. Fences enclosing swimming pools or spas must be repaired immediately.

Repairs of any nature shall be made with materials of comparable composition, color, size, shape, and quality of the original fence to which the repair is being made. Products manufactured for other uses such as plywood, corrugated steel, or fiberglass panels are prohibited as fencing materials. Nothing herein shall be construed so as to prohibit the complete removal of a fence, unless such fence encloses a swimming pool or spa.

(3) No fencing material and/or supports shall be located within a street or alley right-of-way.

(Ord. No. 77-1-11, § 16, 1-24-77; Ord. No. 97-4-12, § II, 4-14-97)

Sec. 6-187. Enclosures for swimming pools.

(a) *Required.* Every swimming pool, or excavation designed or intended to ultimately become a swimming pool, while under construction as well as after completion, shall be continuously protected by an enclosure surrounding the pool or excavated area in such a manner as to make such pool or excavated area reasonably inaccessible to small children or animals. Subsection (a) of this section shall not apply to bodies of water other than swimming pools which are owned or controlled by the federal, state, county, or any agency, subdivision or department thereof and bodies of water located in natural drainageways.

(b) *Area to be enclosed.* In single-family occupancies, the enclosure may surround the entire single-family premises. In multifamily occupancies, the enclosure may include the courtyard which surrounds the pool.

(c) *Specifications.* An enclosure shall be a fence, wall or building not less than four (4) feet in height with no openings, holes or gaps larger than four (4) inches measured in any direction except that measurement for a picket fence (one composed primarily of vertical members) shall be measured in a horizontal direction between members.

(d) *Latches on gates and doors.* Gates and doors opening directly into such enclosure shall be equipped with self-closing and self-latching devices designed to keep and capable of keeping such doors or gates securely closed. The latching device shall be attached to the gate or door not less than thirty-six (36) inches above the grade or the floor. The doors of any building forming any part of the required enclosure need not be so equipped.

(e) *Plans, inspection, approval.* All plans submitted to the city for swimming pools to be constructed shall show compliance with the requirements of this section, and the final inspection and approval of all pools constructed shall be withheld until all requirements of this section have been complied with by the owner, purchaser under contract, lessee, tenant, or licensee.

(Ord. No. 77-1-11, § 18, 1-24-77)

Cross references: Swimming pools, § 6-436 et seq.

Sec. 6-188. Drainage easements.

No fence shall be constructed within any drainage easement in the corporate limits of the city unless the city engineer shall have first determined and advised the chief building official, in writing, that he believes such fence shall, in all probability, not interfere with or impair the natural flow of water across the drainage easement.

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SUBTITLE B. LEGISLATION
CHAPTER 311. CODE CONSTRUCTION ACT
SUBCHAPTER A. GENERAL PROVISIONS

□ **311.001. Short Title**

This chapter may be cited as the Code Construction Act.
 Acts 1985, 69th Leg., ch. 479, □ 1, eff. Sept. 1, 1985.

□ **311.002. Application**

This chapter applies to:

- (1) each code enacted by the 60th or a subsequent legislature as part of the state's continuing statutory revision program;
- (2) each amendment, repeal, revision, and reenactment of a code or code provision by the 60th or a subsequent legislature;
- (3) each repeal of a statute by a code; and
- (4) each rule adopted under a code.

Acts 1985, 69th Leg., ch. 479, □ 1, eff. Sept. 1, 1985.

□ **311.003. Rules Not Exclusive**

The rules provided in this chapter are not exclusive but are meant to describe and clarify common situations in order to guide the preparation and construction of codes.

Acts 1985, 69th Leg., ch. 479, □ 1, eff. Sept. 1, 1985.

□ **311.004. Citation of Codes**

A code may be cited by its name preceded by the specific part concerned. Examples of citations are:

- (1) Title 1, Business & Commerce Code;
- (2) Chapter 5, Business & Commerce Code;
- (3) Section 9.304, Business & Commerce Code;
- (4) Section 15.06(a), Business & Commerce Code; and
- (5) Section 17.18(b)(1)(B)(ii), Business & Commerce Code.

Acts 1985, 69th Leg., ch. 479, □ 1, eff. Sept. 1, 1985. Amended by Acts 1985, 69th Leg., ch. 117, □ 13(b), eff. Sept. 1, 1985.

□ **311.005. General Definitions**

The following definitions apply unless the statute or context in which the word or phrase is used requires a different definition:

- (1) "Oath" includes affirmation.
- (2) "Person" includes corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.
- (3) "Population" means the population shown by the most recent federal decennial census.
- (4) "Property" means real and personal property.
- (5) "Rule" includes regulation.
- (6) "Signed" includes any symbol executed or adopted by a person with present intention to authenticate a writing.
- (7) "State," when referring to a part of the United States, includes any state, district, commonwealth, territory, and insular possession of the United States and any area subject to the legislative authority of the United States of America.
- (8) "Swear" includes affirm.
- (9) "United States" includes a department, bureau, or other agency of the United States of America.
- (10) "Week" means seven consecutive days.
- (11) "Written" includes any representation of words, letters, symbols, or figures.
- (12) "Year" means 12 consecutive months.
- (13) "Includes" and "including" are terms of enlargement and not of limitation or exclusive enumeration, and use of the terms does not create a presumption that components not expressed are excluded.

Acts 1985, 69th Leg., ch. 479, □ 1, eff. Sept. 1, 1985. Amended by Acts 1989, 71st Leg., ch. 340, □ 1, eff. Aug. 28, 1989.

□ **311.006. Internal References**

In a code:

(1) a reference to a title, chapter, or section without further identification is a reference to a title, chapter, or section of the code; and

(2) a reference to a subtitle, subchapter, subsection, subdivision, paragraph, or other numbered or lettered unit without further identification is a reference to a unit of the next larger unit of the code in which the reference appears. Added by Acts 1993, 73rd Leg., ch. 131, § 1, eff. May 11, 1993.

SUBCHAPTER B. CONSTRUCTION OF WORDS AND PHRASES

§ 311.011. Common and Technical Usage of Words

(a) Words and phrases shall be read in context and construed according to the rules of grammar and common usage.

(b) Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

Acts 1985, 69th Leg., ch. 479, § 1, eff. Sept. 1, 1985.

§ 311.012. Tense, Number, and Gender

(a) Words in the present tense include the future tense.

(b) The singular includes the plural and the plural includes the singular.

(c) Words of one gender include the other genders.

Acts 1985, 69th Leg., ch. 479, § 1, eff. Sept. 1, 1985.

§ 311.013. Authority and Quorum of Public Body

(a) A grant of authority to three or more persons as a public body confers the authority on a majority of the number of members fixed by statute.

(b) A quorum of a public body is a majority of the number of members fixed by statute.

Acts 1985, 69th Leg., ch. 479, § 1, eff. Sept. 1, 1985.

§ 311.014. Computation of Time

(a) In computing a period of days, the first day is excluded and the last day is included.

(b) If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

(c) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

Acts 1985, 69th Leg., ch. 479, § 1, eff. Sept. 1, 1985.

§ 311.015. Reference to a Series

If a statute refers to a series of numbers or letters, the first and last numbers or letters are included.

Acts 1985, 69th Leg., ch. 479, § 1, eff. Sept. 1, 1985.

§ 311.016. "May," "Shall," "Must," etc.

The following constructions apply unless the context in which the word or phrase appears necessarily requires a different construction or unless a different construction is expressly provided by statute:

(1) "May" creates discretionary authority or grants permission or a power.

(2) "Shall" imposes a duty.

(3) "Must" creates or recognizes a condition precedent.

(4) "Is entitled to" creates or recognizes a right.

(5) "May not" imposes a prohibition and is synonymous with "shall not."

(6) "Is not entitled to" negates a right.

(7) "Is not required to" negates a duty or condition precedent.

Added by Acts 1997, 75th Leg., ch. 220, § 1, eff. May 23, 1997.

SUBCHAPTER C. CONSTRUCTION OF STATUTES

§ 311.021. Intention in Enactment of Statutes

In enacting a statute, it is presumed that:

(1) compliance with the constitutions of this state and the United States is intended;

(2) the entire statute is intended to be effective;

(3) a just and reasonable result is intended;

(4) a result feasible of execution is intended; and

(5) public interest is favored over any private interest.

Acts 1985, 69th Leg., ch. 479, § 1, eff. Sept. 1, 1985.

§ 311.022. Prospective Operation of Statutes

A statute is presumed to be prospective in its operation unless expressly made retrospective.

Acts 1985, 69th Leg., ch. 479, § 1, eff. Sept. 1, 1985.

□ 311.023. Statute Construction Aids

In construing a statute, whether or not the statute is considered ambiguous on its face, a court may consider among other matters the:

- (1) object sought to be attained;
- (2) circumstances under which the statute was enacted;
- (3) legislative history;
- (4) common law or former statutory provisions, including laws on the same or similar subjects;
- (5) consequences of a particular construction;
- (6) administrative construction of the statute; and
- (7) title (caption), preamble, and emergency provision.

Acts 1985, 69th Leg., ch. 479, □ 1, eff. Sept. 1, 1985.

□ 311.024. Headings

The heading of a title, subtitle, chapter, subchapter, or section does not limit or expand the meaning of a statute.

Acts 1985, 69th Leg., ch. 479, □ 1, eff. Sept. 1, 1985.

□ 311.025. Irreconcilable Statutes and Amendments

(a) Except as provided by Section 311.031(d), if statutes enacted at the same or different sessions of the legislature are irreconcilable, the statute latest in date of enactment prevails.

(b) Except as provided by Section 311.031(d), if amendments to the same statute are enacted at the same session of the legislature, one amendment without reference to another, the amendments shall be harmonized, if possible, so that effect may be given to each. If the amendments are irreconcilable, the latest in date of enactment prevails.

(c) In determining whether amendments are irreconcilable, text that is reenacted because of the requirement of Article III, Section 36, of the Texas Constitution is not considered to be irreconcilable with additions or omissions in the same text made by another amendment. Unless clearly indicated to the contrary, an amendment that reenacts text in compliance with that constitutional requirement does not indicate legislative intent that the reenacted text prevail over changes in the same text made by another amendment, regardless of the relative dates of enactment.

(d) In this section, the date of enactment is the date on which the last legislative vote is taken on the bill enacting the statute.

(e) If the journals or other legislative records fail to disclose which of two or more bills in conflict is latest in date of enactment, the date of enactment of the respective bills is considered to be, in order of priority:

- (1) the date on which the last presiding officer signed the bill;
- (2) the date on which the governor signed the bill; or
- (3) the date on which the bill became law by operation of law.

Acts 1985, 69th Leg., ch. 479, □ 1, eff. Sept. 1, 1985. Amended by Acts 1989, 71st Leg., ch. 340, □ 2, eff. Aug. 28, 1989; Acts 1997, 75th Leg., ch. 220, □ 2, eff. May 23, 1997.

□ 311.026. Special or Local Provision Prevails Over General

(a) If a general provision conflicts with a special or local provision, the provisions shall be construed, if possible, so that effect is given to both.

(b) If the conflict between the general provision and the special or local provision is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later enactment and the manifest intent is that the general provision prevail.

Acts 1985, 69th Leg., ch. 479, □ 1, eff. Sept. 1, 1985.

□ 311.027. Statutory References

Unless expressly provided otherwise, a reference to any portion of a statute or rule applies to all reenactments, revisions, or amendments of the statute or rule.

Acts 1985, 69th Leg., ch. 479, □ 1, eff. Sept. 1, 1985. Amended by Acts 1993, 73rd Leg., ch. 131, □ 2, eff. May 11, 1993.

□ 311.028. Uniform Construction of Uniform Acts

A uniform act included in a code shall be construed to effect its general purpose to make uniform the law of those states that enact it.

Acts 1985, 69th Leg., ch. 479, □ 1, eff. Sept. 1, 1985.

□ 311.029. Enrolled Bill Controls

If the language of the enrolled bill version of a statute conflicts with the language of any subsequent printing or reprinting of the statute, the language of the enrolled bill version controls.

Acts 1985, 69th Leg., ch. 479, □ 1, eff. Sept. 1, 1985.

□ 311.030. Repeal of Repealing Statute

The repeal of a repealing statute does not revive the statute originally repealed nor impair the effect of any saving provision in it.

Acts 1985, 69th Leg., ch. 479, § 1, eff. Sept. 1, 1985.

§ 311.031. Saving Provisions

(a) Except as provided by Subsection (b), the reenactment, revision, amendment, or repeal of a statute does not affect:

(1) the prior operation of the statute or any prior action taken under it;

(2) any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred under it;

(3) any violation of the statute or any penalty, forfeiture, or punishment incurred under the statute before its amendment or repeal; or

(4) any investigation, proceeding, or remedy concerning any privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the statute had not been repealed or amended.

(b) If the penalty, forfeiture, or punishment for any offense is reduced by a reenactment, revision, or amendment of a statute, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the statute as amended.

(c) The repeal of a statute by a code does not affect an amendment, revision, or reenactment of the statute by the same legislature that enacted the code. The amendment, revision, or reenactment is preserved and given effect as part of the code provision that revised the statute so amended, revised, or reenacted.

(d) If any provision of a code conflicts with a statute enacted by the same legislature that enacted the code, the statute controls.

Acts 1985, 69th Leg., ch. 479, § 1, eff. Sept. 1, 1985.

§ 311.032. Severability of Statutes

(a) If any statute contains a provision for severability, that provision prevails in interpreting that statute.
(b) If any statute contains a provision for nonseverability, that provision prevails in interpreting that statute.
(c) In a statute that does not contain a provision for severability or nonseverability, if any provision of the statute or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the statute that can be given effect without the invalid provision or application, and to this end the provisions of the statute are severable.

Acts 1985, 69th Leg., ch. 479, § 1, eff. Sept. 1, 1985.

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March 2, 2010

Phil Dyer
Mayor

Harry LaRosiliere
Mayor Pro Tem

Lee Dunlap
Deputy Mayor Pro Tem

Pat Miner
Place 1

Ben Harris
Place 2

Mabrie Jackson
Place 3

Lissa Smith
Place 4

Jean Callison
Place 7

Thomas H. Muehlenbeck
City Manager

Mr. Robert P. Buss
624 Water Oak Drive
Plano, TX 75025

RE: Ordinance Interpretation

Dear Mr. Buss:

You have asked for my interpretation of the word "fence" as it is used in Article VII of the Plano Municipal Code and its application to golf nets. Under the provisions of Section 6.300 of the Zoning Ordinance I, in my position as the Director of Planning, have the authority to determine the meaning and interpretation of any provision of that ordinance. I do not have similar authority to interpret other parts of the Municipal Code. However, Sec. 6-181 of Article VII states that "All fences and fence locations shall conform to the requirements of the zoning ordinance of the city, and nothing in this article shall be construed as permitting construction of a fence which would violate the provisions of the zoning ordinance or section 19-3 (commonly known as the sight distance ordinance), as the same now exists or may be hereafter amended." It is my understanding from Ms. Mims that you have been cited for a violation of the Zoning Ordinance, so I will limit my interpretation to that document.

Article 1, Section 1.600 of the Zoning Ordinance contains multiple definitions but does not include one for "fence". This same section states that "Terms not herein defined or in the Building Code shall have the meaning customarily assigned to them."

Merriam-Webster's Online Dictionary (<http://www.m-w.com>) provides the following definition for fence:

"A barrier intended to prevent escape or intrusion or to mark a boundary; especially: such as barrier made of posts and wire or boards."

Golf nets appear to function in one commonly understood manner of a fence -- to prevent intrusion. Therefore, my interpretation is that golf nets are fences and should be regulated as such.

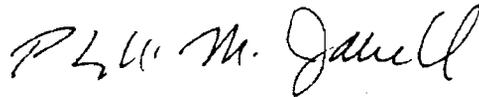
P.O. Box 860358
Plano, Texas 75086-0358
972-941-7000
www.plano.gov

Mr. Robert P. Buss
March 2, 2010
Page Two

Article 6, Section 6.300 of the Zoning Ordinance allows anyone to appeal my interpretation to the Planning & Zoning Commission. The Commission has the final authority to make decisions on interpretations. If you wish to appeal this interpretation, please send a letter to my attention requesting such appeal. I will then schedule the appeal on a future Commission agenda for consideration.

Please do not hesitate to contact me at (972) 941-7151 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Phyllis M. Jarrell". The signature is written in a cursive style with a large, looped initial "P".

Phyllis M. Jarrell, AICP
Director of Planning

XC: Paige Mims, Assistant City Attorney

Ms. Phyllis Jarrell
Plano Municipal Center
1520 K Avenue
Plano, Texas 75074

March 17, 2010

Re. Request for Reconsideration of your interpretation of the word "Fence" or "fence" as such term is used in Article VII of the Plano Municipal Code.

Dear Ms. Jarrell

I recently wrote you what I believed was a well reasoned and thoroughly researched letter requesting your interpretation of the word "Fence" or "fence" as such term is used in Article VII of the Plano Municipal Code.

Such letter referenced the clearly stated legislative purpose of the applicable Zoning Ordinance as it appears in the very first segment of the Ordinance itself of the framers of the Zoning Ordinance namely:

*"The purpose of this article is to regulate the construction, erection, enlargement, alteration and maintenance of all fences within the boundaries of the city in order to provide a **practical safeguarding of life, health and property** from hazards that may arise from improper construction of such installations."*

As I advised in my letter, in enacting an ordinance specifically enacted to provide a practical **safeguarding of life, health and property**, the drafters of Article VII could not possibly have intended to include Golf Safety nets within the meaning of the term "Fence" and in so doing limit Golf Safety Nets which were routinely being constructed at heights ranging from 20 to 50 feet in residential neighborhoods in Plano and elsewhere to the totally inadequate height of eight feet. As I indicated in my letter, surely if the drafters had any intention to eight feet to include Golf safety nets within the term fence for purposes of an ordinance limiting fences to eight feet in height that would have done so in direct contradiction of their specifically stated legislative purpose of **"safeguarding life, health and property"**. Moreover the enactment of such an ordinance which had no "grandfathering clause" would have criminalized homeowners who had Golf Safety Nets in place at the time the ordinance was enacted.

My letter further reminded you of the standards of interpretation contained in Chapter 311 Sections 311-311.032 of the Texas Code Construction Act and particularly Section 311.011 of that Act. These are the standards of interpretation that a Court would apply in construing the subject Zoning Ordinance or any Zoning Ordinance. Section 311.011 of that Act provides that in construing and interpreting statutes and ordinances:

- (a) "Words and phrases shall be read in context and construed according to the rules of grammar and common usage.

- (b) Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.”

My letter advised that at the time of the enactment of the ordinance the term “Golf Safety Net” had acquired a **“technical and particular meaning”** all its own that was separate and apart from the **“technical and particular meaning”** than the meaning acquired by the word “Fence”. At the time the Zoning Law in question was enacted the term “Golf Safety Net” has acquired a technical and particular meaning since the term was first introduced many years ago to describe the devices that were designed to provide protection to homeowners, passers by, motorists and others from the hazards of balls that can be struck at horrific and sometimes killing speeds.

I have now received a letter from you in which you appear to have disregarded the clearly stated legislative purpose contained in the Zoning Ordinance itself as well as the standards for interpretation set forth in 311-311.032 of the Texas Code Construction Act and substituted your own standard namely the Merriam-Webster's Online Dictionary (<http://www.m-w.com>) definition of the term fence:

"A barrier intended to prevent escape or intrusion or to mark a boundary; especially: such as barrier made of posts and wire or boards."

You then by passed consideration of whether the framers of the zoning ordinance ever intended to include structures such as Golf Safety Nets within the definition of the term fence and announced your conclusion that:

“Golf nets appear to function in one commonly understood manner of a fence --to prevent intrusion. Therefore, my interpretation is that golf nets are fences and should be regulated as such”.

Ms. Jarrell, with all due respect, your interpretation is simply incorrect. Golf nets were not designed to prevent intrusion in the manner a fence prevents intrusion. The Golf Safety Net located at my property has gaps in the places where the Golf Safety Net is tied into the actual four foot high metal fence that any would be intruder could circumvent quite easily. My safety net is of the mesh see through that any passer by would have no trouble seeing through. It provides no element of privacy as the typical eight foot high wooded fence that is so prevalent in Plano and elsewhere provides. A Golf Safety Net is designed to protect against very different risks than the typical four to eight foot high enclosing fences that are found in homes and residential neighborhoods across Plano and the State of Texas.

I must also respectfully disagree with the conclusion that you have apparently reached that you can apply your own standards in interpreting the subject Zoning Ordinance. You are bound to consider the express legislative purpose of the

Zoning Ordinance as stated by the framers at the time the law was enacted namely:

*“The purpose of this article is to regulate the construction, erection, enlargement, alteration and maintenance of all fences within the boundaries of the city in order to provide a **practical safeguarding of life, health and property from hazards that may arise from improper construction of such installations.**”*

You should also have considered the standards of construction set forth in Chapter 311 Sections 311-311.032 of the Texas Code Construction Act and particularly Section 311.011 of that Act. You did neither.

I respectfully disagree with your conclusion and request that you reconsider such interpretation. If you are unwilling to give this a second look please regard this letter as an appeal of your interpretation.

Regarding your instructions concerning such appeal while I agree that Article 6, Section 6.300 of the Zoning Ordinance allows anyone to appeal your interpretation to the Planning & Zoning Commission I must disagree with your statement that The Commission has the final authority to make decisions on interpretations. They do not.

Under Section 211.009 of the Texas Local Government Code, among other things, the Zoning Board of Adjustment is to:

“(1) hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this subchapter or an ordinance adopted under this subchapter;”

Under Sec. 211.011 of the Texas Local Government Code:

*“a person aggrieved by a decision of the board; or
a taxpayer*

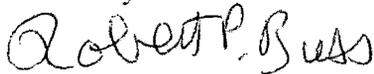
may present to a district court, county court, or county court at law a verified petition stating that the decision of the Board of Adjustment is illegal in whole or in part and specifying the grounds of the illegality”

I am both a taxpayer and a person aggrieved by your decision and any adverse decision of the Board of Adjustment. Please note that the Texas Statute clearly provides that my appeal to the Courts must proceed from a decision of the Board of Adjustment. Under Texas Law the Board of Adjustment (not the Planning and Zoning Commission which is separate and distinct from the Board of Adjustment) is the appropriate body to consider my appeal from your decision. While I am willing to appeal your decision to the Plano Zoning Commission in the hopes that

they will reverse your decision, in so doing I can not be required to and will not waive my rights to appeal your interpretation to the Board of Adjustment either before or after the Zoning Commission has rendered its ruling.

Ms. Jarrell. I am hoping that you will reconsider your interpretation in light of this letter, my prior letter, the clearly expressed intention of the framers of the Zoning Ordinance and the standards for Interpretation set forth in the Texas Government Code. Please feel free to call me if you would like to discuss this matter. Thank you for your consideration and (I hope) reconsideration of my request for interpretation of the word "Fence" or "fence" as such term is used in Article VII of the Plano Municipal Code.

Sincerely

A handwritten signature in black ink that reads "Robert P. Buss". The signature is written in a cursive style with a large initial "R".

Robert P. Buss
624 Water Oak Drive
Plano, Texas 75025
(214) 850-1492



March 22, 2010

Phil Dyer
Mayor

Harry LaRosiere
Mayor Pro Tem

Lee Dunlap
Deputy Mayor Pro Tem

Pat Miner
Place 1

Ben Harris
Place 2

Mabrie Jackson
Place 3

Lissa Smith
Place 4

Jean Callison
Place 7

Thomas H. Muehlenbeck
City Manager

Mr. Robert P. Buss
624 Water Oak Drive
Plano, TX 75025

RE: Zoning Ordinance Interpretation

Dear Mr. Buss:

I am in receipt of your letter in response to my interpretation of the City of Plano's Zoning Ordinance regulation of golf nets as fences. With all due respect, I understand that you disagree with the interpretation and the manner in which I reached it. However, I believe that it is the proper interpretation and I stand by it.

As indicated in your letter, you wish to appeal my interpretation to the Planning & Zoning Commission in the event that I do not reconsider and change it. Therefore, I have scheduled the appeal for the next available Commission meeting, which will be on April 5, 2010. I will provide copies of our correspondence to the Commission, and you are welcome to include additional material as well. I would need to have additional material submitted by Wednesday, March 31, 2010, for inclusion in the Commission's agenda packet.

Please let me know if I can provide additional information.

Sincerely,

Phyllis M. Jarrell, AICP
Director of Planning

xc: Paige Mims, Assistant City Attorney

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 5, 2010

Agenda Item No. 10

Presentation: Human and Vehicle Signage

Applicant: City of Plano

DESCRIPTION:

Presentation regarding human and vehicle signage.

REMARKS:

Per the Planning & Zoning Commission's request, Diane Wetherbee, City Attorney, will be making a presentation to the Commission at its meeting on April 5, 2010, pertaining to human signs, as well as regarding vehicles whose primary function is advertising.

RECOMMENDATION:

No action required.

CITY OF PLANO

PLANNING & ZONING COMMISSION

April 5, 2010

Agenda No. 11

Discussion & Direction: Church and Rectory Uses

Applicant: City of Plano

DESCRIPTION:

Discussion and direction regarding church and rectory uses.

REMARKS:

Over the past several months the Planning & Zoning Commission discussed potential Zoning Ordinance amendments pertaining to church and rectory uses. Staff is seeking further refinement from the Commission regarding the definition for church and rectory uses (or religious facilities) and accessory uses, the issue of churches operating homeless shelters and parking requirements.

ISSUES:

The following are issues for the Commission to consider pertaining to church and rectory uses.

Definition of Church and Rectory and Accessory Uses

The city's current definition is "A building for regular assembly for religious worship which is used primarily for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, or rabbis on the premises." The Commission suggested using the city of Frisco's existing definition with some modifications, and discussed the possibility of including some accessory uses. In response to the comments, we have prepared two options for your consideration:

1. "A building used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, including but not limited to: school, day care, retail/service (incidental), health/fitness center, and the place of residence for religious personnel on the premises."

2. "A building used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for religious personnel on the premises."

Staff is requesting that the Commission provide feedback regarding if specific accessory uses and descriptions of religious personnel should be included in the definition, and if so, which uses and descriptions are appropriate to include or exclude.

Housing for the Homeless

At the March 15, 2010, Planning & Zoning Commission meeting, the Commission discussed the regulation of homeless shelters. Currently, these uses are defined as either household care facility or household care institution depending on the number of individuals housed; however, staff believes it might be appropriate to separate the homeless shelter use from the other household care uses, and allow them as accessory uses for religious facilities only. Additionally, staff recommends that homeless shelters as an accessory use, be limited to religious uses only and not allowed for fraternal, social, and institutional uses since these types of organizations can operate shelters in accordance with the city's current household care facility and household care institution uses. These items can be addressed, but staff is seeking direction from the Commission regarding if it is comfortable with allowing homeless shelters as accessory uses, and if so, allowing them in all zoning districts since religious uses are currently allowed in all zoning districts.

To further assist the discussion, staff is proposing the following suggested definition for an "accessory housing shelter":

"A housing shelter located on a site with a primary building owned or operated by a religious facility providing free accessory lodging for indigent individuals or families with no regular home or residential address."

Staff requests the Commission consider if the above definition appropriately describes an accessory housing shelter. At the previous meeting; the Commission discussed the possibility of creating limits on the number of individuals allowed; restricting the time an individual is allowed to remain in a shelter; imposing a lot size regulation; and creating a provision for bathroom facilities. Staff believes that creating such limits on an accessory housing shelter would prove difficult to monitor and enforce.

Parking

Currently, the Zoning Ordinance requires churches to provide parking at "one space per every five seats in the main sanctuary". From the discussion at the January 19, 2010, Planning & Zoning Commission meeting, the consensus of the Commission was to keep the parking ratio calculation at one per five, but to amend the method of calculation from "seats" to more all-encompassing language. Staff is recommending that parking for religious facilities be calculated as follows:

"One space per every five persons accommodated in the main assembly area(s)."

This verbiage is similar to the existing calculation for assembly uses. During the review process, the applicant will note on the site plan the number of persons that can be accommodated whether it is fixed seating or some other seating method, and then staff can verify the required parking is being provided. Is this language acceptable for a proposed parking calculation? If not, is there a different method of parking calculation that the city should consider?

RECOMMENDATION:

Recommended that the Planning & Zoning Commission provide direction on potential Zoning Ordinance amendments regarding church and rectory uses, and call a public hearing to consider a zoning case. Should the Commission call a public hearing; staff will then begin drafting a proposed ordinance amendment for future consideration.