

PLANNING & ZONING COMMISSION

PLANO MUNICIPAL CENTER

1520 K AVENUE

June 15, 2009

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>6:30 p.m. - Dinner - Planning Conference Room 2E</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 June 1, 2009, 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 Final Plat: One-Ninety and Jupiter Addition, Block A, Lot 5 - Restaurant on one lot on 1.0± acre located on the north side of State Highway 190, 325± feet east of Jupiter Road. Zoned Light Industrial-1/190 Tollway/Plano Parkway Overlay District. Neighborhood #68. Applicant: Firebrand Properties, LP</p> <p>5b BM Revised Conveyance Plat: Promontory on Preston, Block A, Lot 3R - Conveyance lot on 20.4± acres located at the southeast corner of Spring Creek Parkway and Preston Road. Zoned Planned Development-176-Retail/Preston Road Overlay District. Neighborhood #32. Applicant: Promontory Ltd.</p>	

<p>5c EH</p>	<p>Revised Site Plan: Park & Alma Addition, Block A, Lot 2R - Convenience store with gas pumps on one lot on 1.8± acres located at the southwest corner of Park Boulevard and Alma Drive. Zoned Planned Development-109-Retail/General Office. Neighborhood #58. Applicant: Hunt Properties</p>	
<p>5d BM</p>	<p>Final Plat: Custer-Ridgeview Addition, Block 1, Lot 5 - Retail building on one lot on 1.5± acres located at the northwest corner of Custer Road and Ridgeview Drive. Zoned Retail. Neighborhood #3. Applicant: CVS Pharmacy</p>	
<p><u>END OF CONSENT AGENDA</u></p>		
<p><u>PUBLIC HEARINGS</u></p>		
<p>6 EH</p>	<p>Public Hearing - Replat: Capital Wire and Cable Co., Block 1, Lot 1R - Warehouse buildings on one lot on 17.9± acres located on the south side of 10th Street, 300± feet west of J Place. Zoned Light Industrial-1. Neighborhood #67. Applicant: Tenth Street Plano, L.P.</p>	
<p>7 EH</p>	<p>Public Hearing - Preliminary Replat: Park & Alma Addition, Block A, Lot 2R & Collin Creek Corporate Center, Block A, Lot 1R - Convenience store with gas pumps and general office buildings on two lots on 25.1± acres located at the southwest corner of Park Boulevard and Alma Drive. Zoned Planned Development-109-Retail/General Office and Planned Development-60-General Office. Neighborhood #58. Applicant: Hunt Properties</p>	
<p><u>END OF PUBLIC HEARINGS</u></p>		
<p>8 KP</p>	<p>Discussion and Direction: Estate Development District - Discussion and direction to consider amendments to the uses and related development standards of the Estate Development (ED) zoning district. Applicant: City of Plano</p>	
<p>9</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>	

ACCESSIBILITY STATEMENT

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

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

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

1. **Fill out a speaker card.** This helps the commission know how many people wish to speak for or against an item, and helps in recording the minutes of the meeting. **However, even if you do not fill out a card, you may still speak.** Please give the card to the secretary at the right-hand side of the podium before the meeting begins.
2. **Limit your comments to new issues dealing directly with the case or item.** Please try not to repeat the comments of other speakers.
3. **Limit your speaking time so that others may also have a turn.** If you are part of a group or homeowners association, it is best to choose one representative to present the views of your group. The commission's adopted rules on speaker times are as follows:
 - 15 minutes for the applicant - After the public hearing is opened, the Chair of the Planning & Zoning Commission will ask the applicant to speak first.
 - 3 minutes each for all other speakers, up to a maximum of 30 minutes. Individual speakers may yield their time to a homeowner association or other group representative, up to a maximum of 15 minutes of speaking time.

If you are a group representative and other speakers have yielded their 3 minutes to you, please present their speaker cards along with yours to the secretary.

- 5 minutes for applicant rebuttal.
- Other time limits may be set by the Chairman.

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

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

CITY OF PLANO
PLANNING & ZONING COMMISSION
CONSENT AGENDA ITEMS

June 15, 2009

Agenda Item No. 5a

Final Plat: One-Ninety and Jupiter Addition, Block A, Lot 5

Applicant: Firebrand Properties, LP

Restaurant on one lot on 1.0± acre located on the north side of State Highway 190, 325± feet east of Jupiter Road. Zoned Light Industrial-1/190 Tollway/Plano Parkway Overlay District. Neighborhood #68.

The purpose for this final plat is to dedicate easements necessary for completing the development of the property as a restaurant.

Recommended for approval as submitted.

Agenda Item No. 5b

Revised Conveyance Plat: Promontory on Preston, Block A, Lot 3R

Applicant: Promontory Ltd.

Conveyance lot on 20.4± acres located at the southeast corner of Spring Creek Parkway and Preston Road. Zoned Planned Development-176-Retail/Preston Road Overlay District. Neighborhood #32.

The purpose of this conveyance plat is to abandon Spring Creek Parkway right-of-way dedication reserve that is no longer needed and revise easements.

Recommended for approval as submitted.

Agenda Item No. 5c
Revised Site Plan: Park & Alma Addition, Block A, Lot 2R
Applicant: Hunt Properties

Convenience store with gas pumps on one lot on 1.8± acres located at the southwest corner of Park Boulevard and Alma Drive. Zoned Planned Development-109-Retail/General Office. Neighborhood #58.

The purpose of this revised site plan is to allow for the redevelopment of this site as a larger convenience store with gas pumps facility.

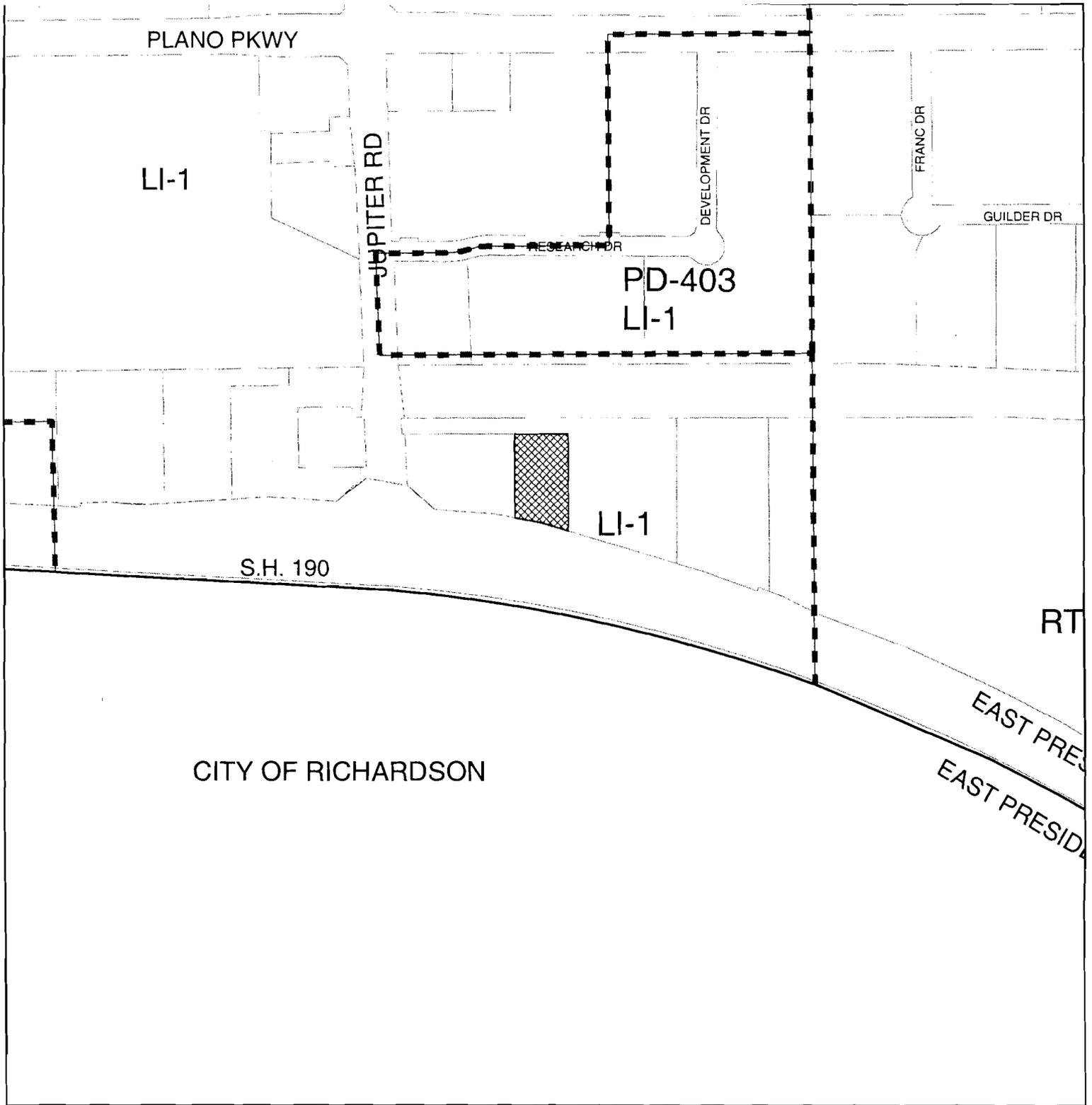
Recommended for approval as submitted.

Agenda Item No. 5d
Final Plat: Custer-Ridgeview Addition, Block 1, Lot 5
Applicant: CVS Pharmacy

Retail building on one lot on 1.5± acres located at the northwest corner of Custer Road and Ridgeview Drive. Zoned Retail. Neighborhood #3.

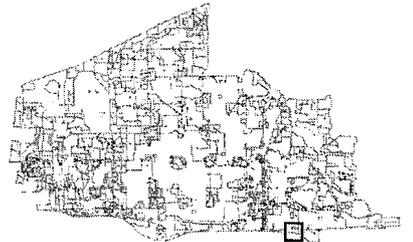
The purpose for this final plat is to dedicate easements necessary for completing the development of the property as a pharmacy.

Recommended for approval as submitted.



Item Submitted: FINAL PLAT

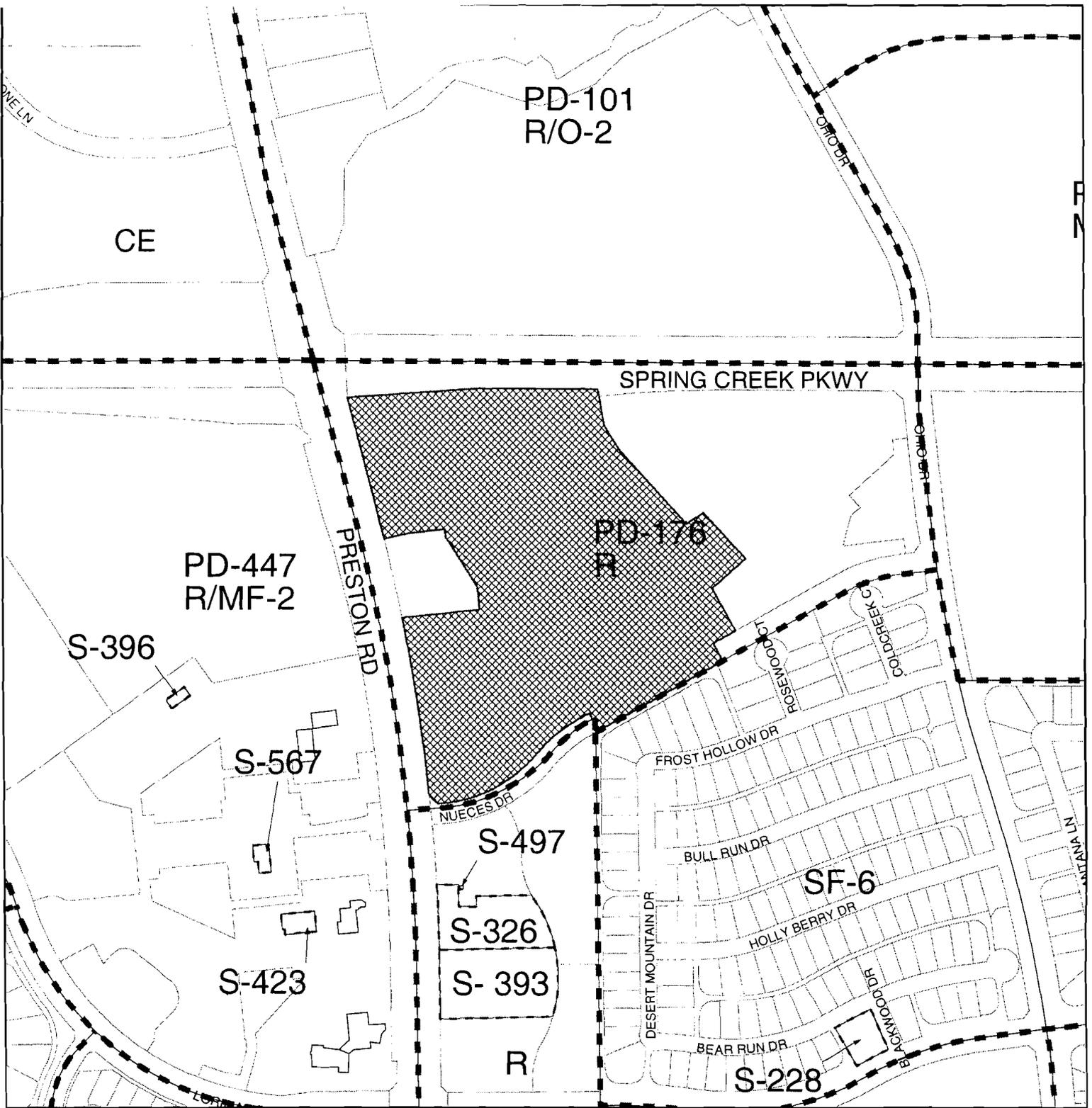
Title: ONE-NINETY AND JUPITER ADDITION
BLOCK A, LOT 5



Zoning: LIGHT INDUSTRIAL-1/
190 TOLLWAY/PLANO PARKWAY OVERLAY DISTRICT



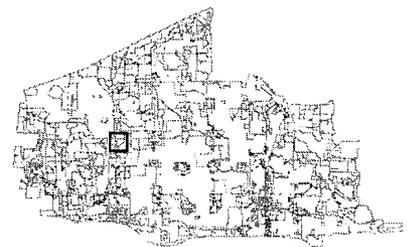
○ 200' Notification Buffer



Item Submitted: REVISED CONVEYANCE PLAT

Title: PROMONTORY ON PRESTON
BLOCK A, LOT 3R

Zoning: PLANNED DEVELOPMENT-176-RETAIL/
PRESTON ROAD OVERLAY DISTRICT



○ 200' Notification Buffer

BASIS OF BEARING
 CITY OF PLANO CONTROL STATION P. 6 AND P. 5
 AND SOLAR OBSERVATIONS TAKEN ON 1-1999
 WERE USED FOR ESTABLISHING GRID-NORTH FOR
 THE BASIS OF BEARING. HORIZONTAL COORDINATES
 SHOWN ARE GRID VALUES HAD THEY BEEN ON THE
 CITY OF PLANO CONTROL MONUMENTS P. 6 & P. 5



RESERVED FOR
 RIGHT-OF-WAY DEDICATION
 1.124 Acres
 C.M. 178.48 P.P.C.C.T.
 TO BE ABANDONED BY THIS PLAN

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 RIGHT-OF-WAY DEDICATION
 1.124 Acres
 C.M. 178.48 P.P.C.C.T.
 TO BE ABANDONED BY THIS PLAN

POINT OF BEGINNING
 200' from East End of
 Spring Creek Parkway

SPRING CREEK PARKWAY
 (VARIABLE WIDTH R.O.W.)
 VOL. 937, PG. 438 D.R.C.C.T.

OHIO DRIVE
 (85' R.O.W.)
 C.A.B. 7, SECTION 10, P.P.C.C.T.

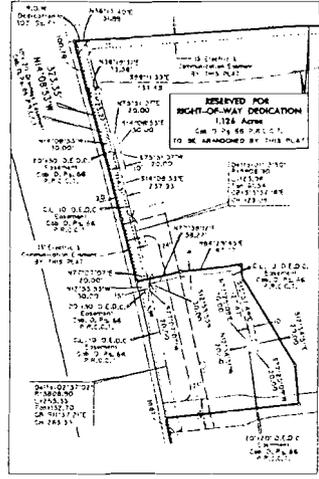
SUMMER MEADOWS APARTMENTS
 C.A.B. F, PG. 407 P.P.C.C.T.

PROMONTORY ON PRESTON
 LOT 2, BLOCK A
 C.A.B. L, PG. 147 P.P.C.C.T.

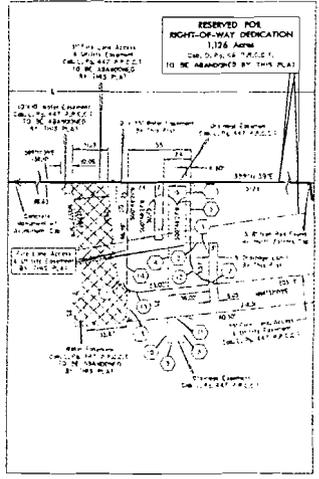
LOT 3R, BLOCK A
 REVISED
 CONVEYANCE PLAT
 20.385 ACRES
 (887,984 + SQ. FT.)

PROMONTORY ON PRESTON
 LOT 6, BLOCK A
 C.A.B. O, PG. 66 P.P.C.C.T.

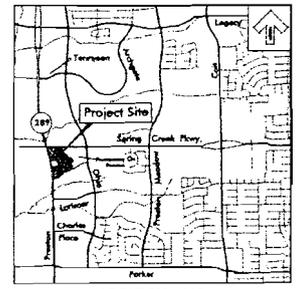
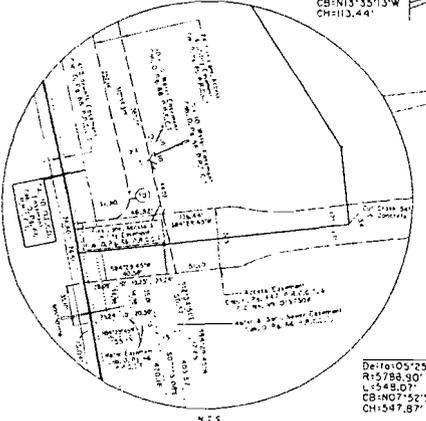
PRESTON VIEW PHASE 2
 C.A.B. I, PG. 218 P.P.C.C.T.



DETAIL "A"
 N.T.S.



DETAIL "B"
 N.T.S.



LOCATION MAP
 N.T.S.

PRESTON ROAD
 STATE HIGHWAY No. 289
 (VARIABLE WIDTH R.O.W.)

LAKEPOINTE CROSSING
 C.C. # 84-0101043
 C.A.B. I, PG. 393

③ EASEMENT DATA NO.

EASEMENT DATA	BEARING	LENGTH
1	S89°18'31"W	35.79
2	S89°11'39"E	15.40
3	S00°48'21"W	17.00
4	S00°48'21"W	26.22
5	S00°48'19"W	66.53
6	S83°32'09"W	10.80
7	N03°27'51"W	22.60
8	S00°48'19"W	22.60
9	N88°11'31"W	15.00
10	N00°48'21"E	21.00
11	N86°13'24"E	5.08
12	S00°48'19"W	15.00
13	S00°48'21"W	29.29
14	S00°48'21"W	93.98

④ EASEMENT DATA NO.

BOUNDARY & LOT LINE DATA	BEARING	LENGTH
1	S05°27'51"E	16.78
2	S31°30'30"E	88.55
3	N80°23'19"W	148.50
4	N47°47'47"E	16.53
5	S27°47'42"W	135.44
6	S28°16'31"E	25.42
7	S00°03'29"W	78.32
8	S28°16'31"E	60.00
9	N28°16'31"E	60.00
10	S80°03'29"W	23.78
11	S80°23'19"W	12.27
12	S77°18'12"W	78.86
13	S84°29'35"W	106.00
14	N03°30'12"W	231.27
15	N33°17'21"W	173.00
16	N03°30'12"W	67.92
17	N84°29'45"E	235.22
18	N48°00'57"W	55.48

⑤ EASEMENT CURVE DATA

CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
1	33°36'23"	23.00	18.26	S73°43'12"E	17.37
2	25°41'42"	81.00	33.49	S72°33'00"W	33.26
3	23°41'42"	15.00	12.55	S72°33'00"W	12.27
4	2°43'07"	100.00	43.17	N85°08'43"W	48.90
5	18°43'51"	23.00	9.17	N86°08'43"W	9.43
6	18°43'48"	150.00	49.20	S75°07'30"W	49.28
7	18°44'03"	49.00	23.48	S74°07'10"W	24.40
8	13°00'33"	119.30	31.67	S54°47'59"W	31.81
9	8°17'54"	20.00	31.93	S08°18'48"E	28.64
10	8°17'53"	12.00	13.80	S33°51'17"W	23.88
11	14°53'03"	283.00	61.62	S00°03'09"E	61.33
12	7°17'42"	26.50	25.04	S14°43'00"E	23.92
13	37°23'51"	20.00	13.55	S28°46'03"E	13.83

ABBREVIATIONS:
 (ELECT.) DIRECT ELECTRIC DELIVERY COMPANY, LLC

NOTICE:
 SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS, AS A VIOLATION OF CITY SUBDIVISION ORDINANCES, AND STATE PLATTING STATUTES AND IS SUBJECT TO FINES AND FORFEITURES OF UP TO FIFTY THOUSAND DOLLARS.
 A CONVEYANCE PLAT IS A RECORD OF PROPERTY APPROVED BY THE CITY FOR THE PURPOSE OF SALE OR CONVEYANCE IN ITS ENTIRETY OR INTEREST THEREON. THE BUILDING PERMIT SHALL BE ISSUED NOT NEARER PUBLIC UTILITY SERVICE PROVIDED UNTIL A FINAL PLAT IS APPROVED. THIS PROPERTY AND PUBLIC IMPROVEMENTS ACCEPTED IN ACCORDANCE WITH THE PROVISIONS OF THE ORDINANCE OF THE CITY OF PLANO SELLING A PORTION OF THIS PROPERTY BY METES AND BOUNDS EXCEPT AS SHOWN ON APPROVED FILED AND ACCEPTED CONVEYANCE PLATTING PLAT, OR REPEAT IS A VIOLATION OF THE CITY ORDINANCE AND STATE LAW.

REVISED
 CONVEYANCE PLAT
 LOT 3R, BLOCK A
 PROMONTORY ON PRESTON
 A
 20.385 ACRE TRACT OF LAND
 OUT OF THE
 ROBERT BEN-FLEURY SURVEY, ABSTRACT NO. 99
 CITY OF PLANO, COLLIN COUNTY, TEXAS
 A REFERENCE TO THE PLAN RECORDED
 IN CABINET O, PAGE 64

Prepared by
PROMONTORY LTD.
 11000 North Main Street
 Suite 100
 Dallas, Texas 75243
 Phone: (214) 343-1100
 Fax: (214) 343-1101
 www.promontory.com

Engineered/Drawn by
HUITZ-ZOLLARS
 1901 West Loop, Suite 1000
 Dallas, Texas 75219
 Phone: (214) 750-1000
 Fax: (214) 750-1001
 www.huitz-zollars.com

OWNER CERTIFICATE

STATE OF TEXAS
COUNTY OF COLLIN
I, the undersigned authority, a Notary Public in and for the State of Texas, do hereby certify that the foregoing survey was compiled from an accurate survey made on-the-ground, under my personal supervision.

THENCE, along the Northern line of said Lot 6, Block A, Promontory on Preston the following courses:
South 84 Degrees 29 Minutes 45 Seconds West, a distance of 104.00 feet to a cut corner found in concrete for a corner;

South 77 Degrees 38 Minutes 15 Seconds West, a distance of 78.84 feet to a cut corner found in concrete for a corner;
South 77 Degrees 38 Minutes 15 Seconds West, a distance of 78.84 feet to a cut corner found in concrete for a corner;
North 84 Degrees 29 Minutes 45 Seconds East, a distance of 104.00 feet to a cut corner found in concrete for a corner;

THENCE, along the Northern line of said Lot 6, Block A, Promontory on Preston the following courses:
South 84 Degrees 29 Minutes 45 Seconds West, a distance of 104.00 feet to a cut corner found in concrete for a corner;
South 77 Degrees 38 Minutes 15 Seconds West, a distance of 78.84 feet to a cut corner found in concrete for a corner;

THENCE, along the Northern line of said Lot 6, Block A, Promontory on Preston the following courses:
South 84 Degrees 29 Minutes 45 Seconds West, a distance of 104.00 feet to a cut corner found in concrete for a corner;
South 77 Degrees 38 Minutes 15 Seconds West, a distance of 78.84 feet to a cut corner found in concrete for a corner;

THENCE, along the Northern line of said Lot 6, Block A, Promontory on Preston the following courses:
South 84 Degrees 29 Minutes 45 Seconds West, a distance of 104.00 feet to a cut corner found in concrete for a corner;
South 77 Degrees 38 Minutes 15 Seconds West, a distance of 78.84 feet to a cut corner found in concrete for a corner;

THENCE, along the Northern line of said Lot 6, Block A, Promontory on Preston the following courses:
South 84 Degrees 29 Minutes 45 Seconds West, a distance of 104.00 feet to a cut corner found in concrete for a corner;
South 77 Degrees 38 Minutes 15 Seconds West, a distance of 78.84 feet to a cut corner found in concrete for a corner;

THENCE, along the Northern line of said Lot 6, Block A, Promontory on Preston the following courses:
South 84 Degrees 29 Minutes 45 Seconds West, a distance of 104.00 feet to a cut corner found in concrete for a corner;
South 77 Degrees 38 Minutes 15 Seconds West, a distance of 78.84 feet to a cut corner found in concrete for a corner;

THENCE, along the Northern line of said Lot 6, Block A, Promontory on Preston the following courses:
South 84 Degrees 29 Minutes 45 Seconds West, a distance of 104.00 feet to a cut corner found in concrete for a corner;
South 77 Degrees 38 Minutes 15 Seconds West, a distance of 78.84 feet to a cut corner found in concrete for a corner;

THENCE, along the Northern line of said Lot 6, Block A, Promontory on Preston the following courses:
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South 77 Degrees 38 Minutes 15 Seconds West, a distance of 78.84 feet to a cut corner found in concrete for a corner;

THENCE, along the Northern line of said Lot 6, Block A, Promontory on Preston the following courses:
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THENCE, along the Northern line of said Lot 6, Block A, Promontory on Preston the following courses:
South 84 Degrees 29 Minutes 45 Seconds West, a distance of 104.00 feet to a cut corner found in concrete for a corner;
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THENCE, along the Northern line of said Lot 6, Block A, Promontory on Preston the following courses:
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South 84 Degrees 29 Minutes 45 Seconds West, a distance of 104.00 feet to a cut corner found in concrete for a corner;
South 77 Degrees 38 Minutes 15 Seconds West, a distance of 78.84 feet to a cut corner found in concrete for a corner;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:
I, Eric J. Tabor, a Registered Professional Land Surveyor, hereby certify that the foregoing survey was compiled from an accurate survey made on-the-ground, under my personal supervision.

Approved and signed by me, Eric J. Tabor, Notary Public in and for the State of Texas, on this 20th day of June, 2009, at the City of Plano, Texas.

APPROVED this 20th day of June, 2009, by the Planning and Zoning Commission
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 20th day of June, 2009, I know 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 consideration therein expressed.

APPROVED this 20th day of June, 2009, by the Planning and Zoning Commission
Chairman, Planning and Zoning Commission

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REVISIONS
CONVEYANCE PLAT
LOT 3R, BLOCK A
PROMONTORY ON PRESTON
20.385 ACRE TRACT OF LAND
CITY OF PLANO, COLLIN COUNTY, TEXAS

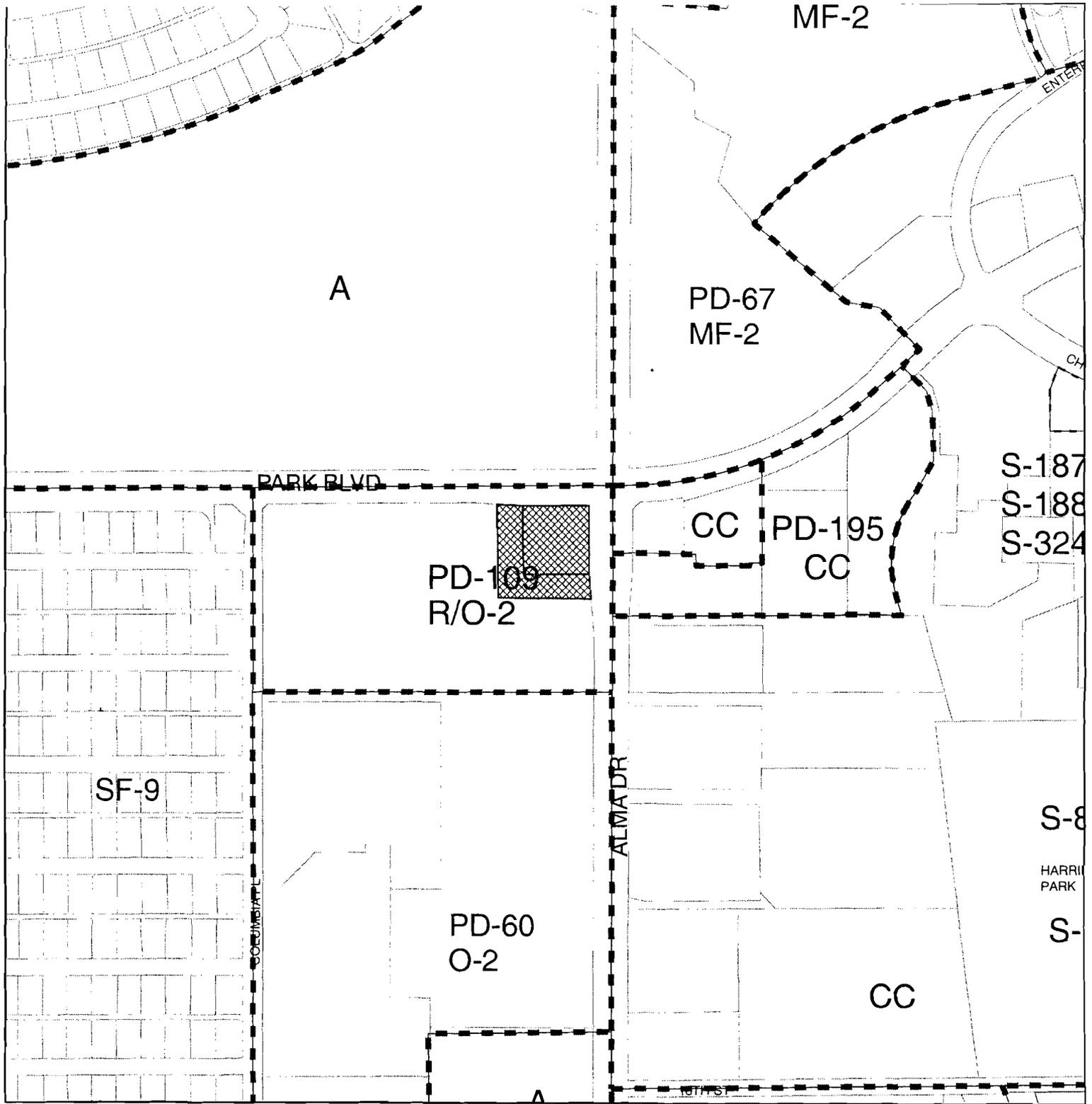
NOTICE:
SELLING A PORTION OF THIS ADDITION BY MEETS AND INTERESTS THEREON DEFINED AS IS SHOWN ON THE PLAT, THE CITY OF PLANO, TEXAS, HAS FILED FOR RECORD AND PUBLIC IMPROVEMENTS ACCEPTED IN ORDINANCE OF THE CITY OF PLANO SELLING A PORTION OF THIS PROPERTY BY LOTS AND BLOCKS, BEING AS SHOWN ON PLAT OR REPEAT IS A VIOLATION OF THE CITY ORDINANCE AND STATE LAW.

APPROVED this 20th day of June, 2009, by the Planning and Zoning Commission
Chairman, Planning and Zoning Commission

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BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this 20th day of June, 2009, I know 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 consideration therein expressed.

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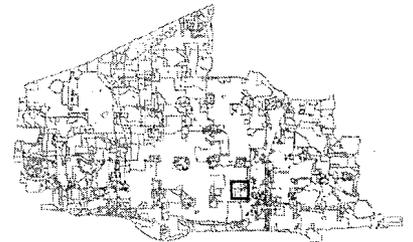
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Item Submitted: REVISED SITE PLAN

Title: PARK & ALMA ADDITION
BLOCK A, LOT 2R

Zoning: PLANNED DEVELOPMENT-109-RETAIL/GENERAL OFFICE



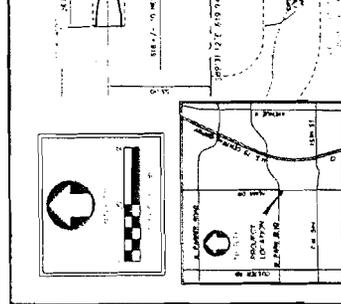
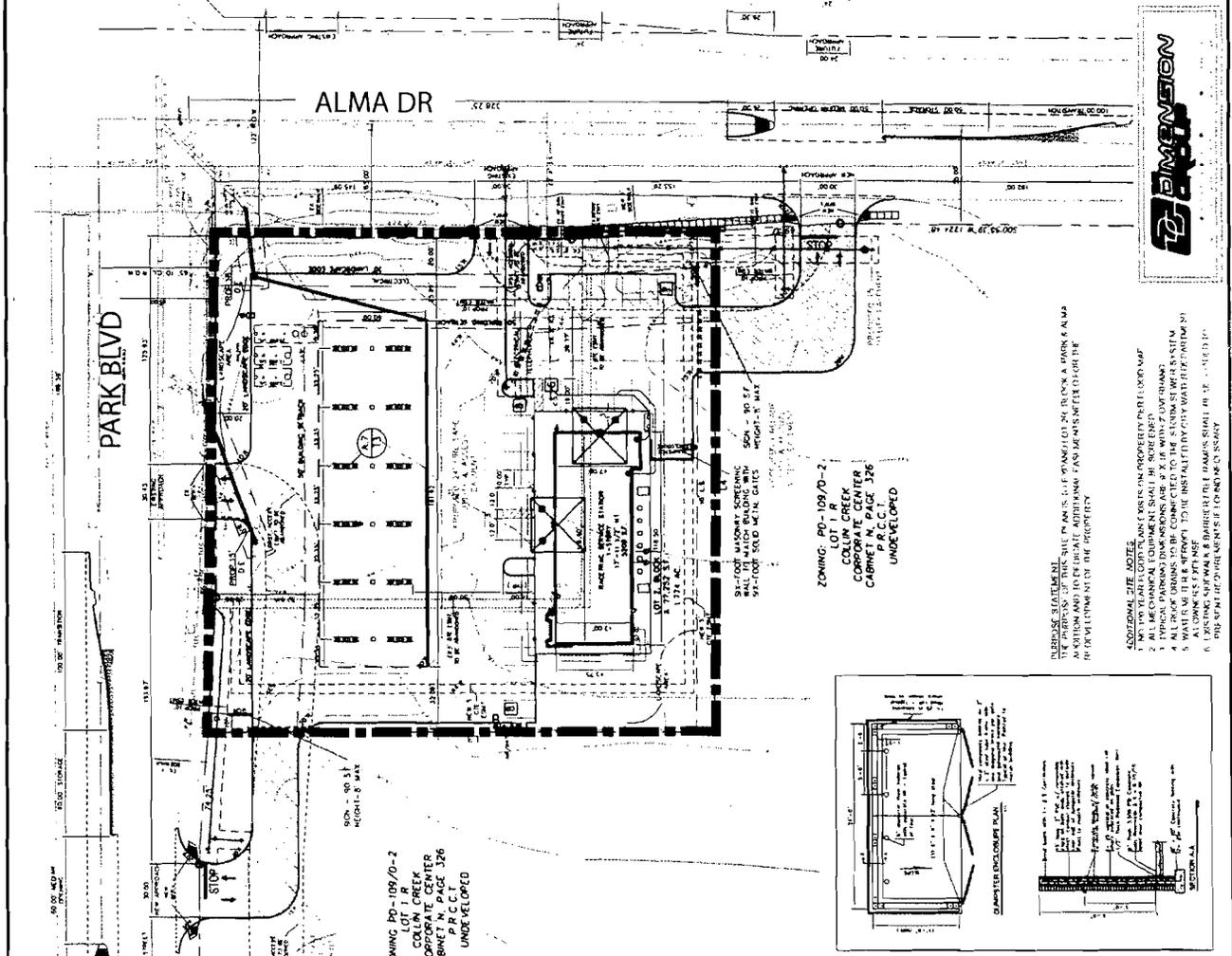
○ 200' Notification Buffer

- SEE PLAN GENERAL NOTES**
1. BUILDINGS 6,000 SQUARE FEET OR GREATER SHALL BE DOCK FREE EQUIPPED
 2. PARK LAMES SHALL BE DESIGNED AND CONSTRUCTED PER CITY STANDARDS
 3. HANDICAPPED PARKING SPACES SHALL BE 8' BY 56' AND 5' CLEARANCE. MINIMUM WIDTH SHALL BE 8' AND 5' CLEARANCE. MINIMUM WIDTH SHALL BE 8' AND 5' CLEARANCE.
 4. ALL PARKING SPACES SHALL BE PROVIDED AS PER CITY STANDARDS. THE PROPORTION OF HANDICAPPED PARKING SPACES SHALL BE 2% OF THE TOTAL NUMBER OF PARKING SPACES. THE PROPORTION OF HANDICAPPED PARKING SPACES SHALL BE 2% OF THE TOTAL NUMBER OF PARKING SPACES.
 5. ALL PARKING SPACES SHALL BE PROVIDED AS PER CITY STANDARDS. THE PROPORTION OF HANDICAPPED PARKING SPACES SHALL BE 2% OF THE TOTAL NUMBER OF PARKING SPACES. THE PROPORTION OF HANDICAPPED PARKING SPACES SHALL BE 2% OF THE TOTAL NUMBER OF PARKING SPACES.
 6. ALL PARKING SPACES SHALL BE PROVIDED AS PER CITY STANDARDS. THE PROPORTION OF HANDICAPPED PARKING SPACES SHALL BE 2% OF THE TOTAL NUMBER OF PARKING SPACES. THE PROPORTION OF HANDICAPPED PARKING SPACES SHALL BE 2% OF THE TOTAL NUMBER OF PARKING SPACES.
 7. APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED
 8. APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED
 9. ALL ELECTRICAL TRANSMISSION, DISTRIBUTION AND SERVICE LINES MUST BE UNDERGROUND UNLESS OTHERWISE SPECIFIED
 10. ALL ELECTRICAL TRANSMISSION, DISTRIBUTION AND SERVICE LINES MUST BE UNDERGROUND UNLESS OTHERWISE SPECIFIED
 11. PLEASE CONTACT THE BUILDING INSPECTION DEPARTMENT TO DETERMINE THE TYPE OF CONSTRUCTION AND OCCUPANT GROUP
 12. ALL ELECTRICAL TRANSMISSION, DISTRIBUTION AND SERVICE LINES MUST BE UNDERGROUND UNLESS OTHERWISE SPECIFIED
 13. USES SHALL CONFORM TO PERMITS, REGULATIONS AND CONVENTIONS TO THE FOLLOWING PERFORMANCE STANDARDS IN SECTION 2-300 OF THE ZONING CODE. HOUSE, SHOP, AND OFFICE USES SHALL CONFORM TO THE FOLLOWING PERFORMANCE STANDARDS IN SECTION 2-300 OF THE ZONING CODE. HOUSE, SHOP, AND OFFICE USES SHALL CONFORM TO THE FOLLOWING PERFORMANCE STANDARDS IN SECTION 2-300 OF THE ZONING CODE.

ITEM	DESCRIPTION	AMOUNT	UNIT
1	EXISTING TOTAL AREA	12,327.57	SQ. FT.
2	EXISTING TOTAL AREA	12,327.57	SQ. FT.
3	EXISTING TOTAL AREA	12,327.57	SQ. FT.
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48	EXISTING TOTAL AREA	12,327.57	SQ. FT.
49	EXISTING TOTAL AREA	12,327.57	SQ. FT.
50	EXISTING TOTAL AREA	12,327.57	SQ. FT.

REVISED SITE PLAN
PARK & ALMA ADDITION
LOT 2R, BLOCK A
 1.774 ACRES
 SITUATED IN THE 14TH AND 15TH WARD, CITIES OF PLANO AND ALMA,
 COUNTY OF COLLIN, TEXAS
 FEBRUARY 24, 2008

SCALE: AS SHOWN
 DATE: 02/24/2008
 DRAWN BY: [Name]
 CHECKED BY: [Name]



LEGEND

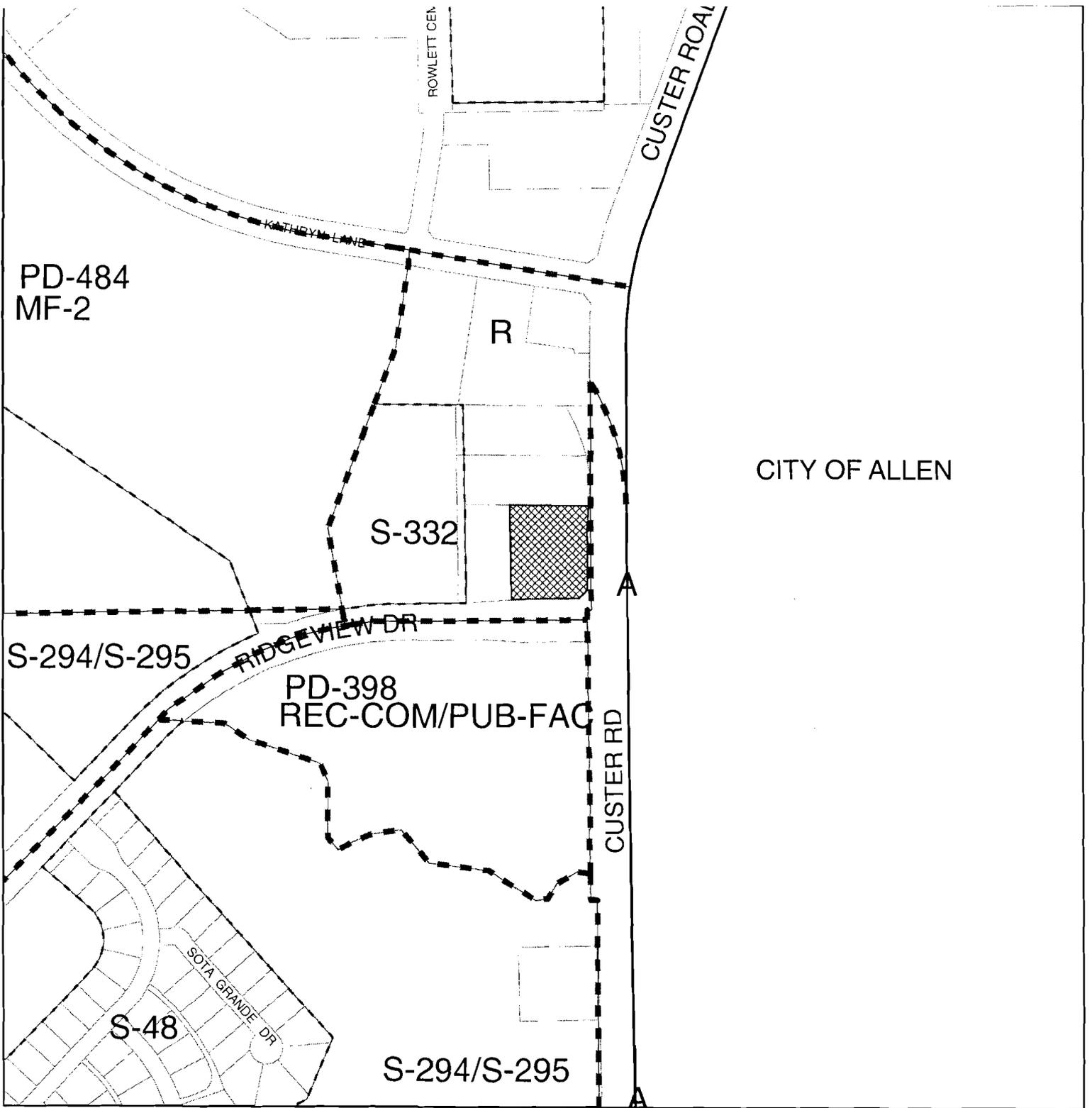
1	NEW 6" SCHEDULE 40 PIPE
2	NEW 4" SCHEDULE 40 PIPE
3	NEW 3" SCHEDULE 40 PIPE
4	NEW 2" SCHEDULE 40 PIPE
5	NEW 1 1/2" SCHEDULE 40 PIPE
6	NEW 1" SCHEDULE 40 PIPE
7	NEW 3/4" SCHEDULE 40 PIPE
8	NEW 1/2" SCHEDULE 40 PIPE
9	NEW 1/4" SCHEDULE 40 PIPE
10	NEW 1/8" SCHEDULE 40 PIPE
11	NEW 1/16" SCHEDULE 40 PIPE
12	NEW 1/32" SCHEDULE 40 PIPE
13	NEW 1/64" SCHEDULE 40 PIPE
14	NEW 1/128" SCHEDULE 40 PIPE
15	NEW 1/256" SCHEDULE 40 PIPE
16	NEW 1/512" SCHEDULE 40 PIPE
17	NEW 1/1024" SCHEDULE 40 PIPE
18	NEW 1/2048" SCHEDULE 40 PIPE
19	NEW 1/4096" SCHEDULE 40 PIPE
20	NEW 1/8192" SCHEDULE 40 PIPE
21	NEW 1/16384" SCHEDULE 40 PIPE
22	NEW 1/32768" SCHEDULE 40 PIPE
23	NEW 1/65536" SCHEDULE 40 PIPE
24	NEW 1/131072" SCHEDULE 40 PIPE
25	NEW 1/262144" SCHEDULE 40 PIPE
26	NEW 1/524288" SCHEDULE 40 PIPE
27	NEW 1/1048576" SCHEDULE 40 PIPE
28	NEW 1/2097152" SCHEDULE 40 PIPE
29	NEW 1/4194304" SCHEDULE 40 PIPE
30	NEW 1/8388608" SCHEDULE 40 PIPE
31	NEW 1/16777216" SCHEDULE 40 PIPE
32	NEW 1/33554432" SCHEDULE 40 PIPE
33	NEW 1/67108864" SCHEDULE 40 PIPE
34	NEW 1/134217728" SCHEDULE 40 PIPE
35	NEW 1/268435456" SCHEDULE 40 PIPE
36	NEW 1/536870912" SCHEDULE 40 PIPE
37	NEW 1/1073741824" SCHEDULE 40 PIPE
38	NEW 1/2147483648" SCHEDULE 40 PIPE
39	NEW 1/4294967296" SCHEDULE 40 PIPE
40	NEW 1/8589934592" SCHEDULE 40 PIPE
41	NEW 1/17179869184" SCHEDULE 40 PIPE
42	NEW 1/34359738368" SCHEDULE 40 PIPE
43	NEW 1/68719476736" SCHEDULE 40 PIPE
44	NEW 1/137438953472" SCHEDULE 40 PIPE
45	NEW 1/274877906944" SCHEDULE 40 PIPE
46	NEW 1/549755813888" SCHEDULE 40 PIPE
47	NEW 1/1099511627776" SCHEDULE 40 PIPE
48	NEW 1/2199023255552" SCHEDULE 40 PIPE
49	NEW 1/4398046511104" SCHEDULE 40 PIPE
50	NEW 1/8796093022208" SCHEDULE 40 PIPE
51	NEW 1/17592186444416" SCHEDULE 40 PIPE
52	NEW 1/35184372888832" SCHEDULE 40 PIPE
53	NEW 1/70368745777664" SCHEDULE 40 PIPE
54	NEW 1/140737491555296" SCHEDULE 40 PIPE
55	NEW 1/281474983110592" SCHEDULE 40 PIPE
56	NEW 1/562949966221184" SCHEDULE 40 PIPE
57	NEW 1/1125899932442368" SCHEDULE 40 PIPE
58	NEW 1/2251799864884736" SCHEDULE 40 PIPE
59	NEW 1/4503599729769472" SCHEDULE 40 PIPE
60	NEW 1/9007199459538944" SCHEDULE 40 PIPE
61	NEW 1/18014398919077888" SCHEDULE 40 PIPE
62	NEW 1/36028797838155776" SCHEDULE 40 PIPE
63	NEW 1/72057595676311552" SCHEDULE 40 PIPE
64	NEW 1/14411519135262304" SCHEDULE 40 PIPE
65	NEW 1/28823038270524608" SCHEDULE 40 PIPE
66	NEW 1/57646076541049216" SCHEDULE 40 PIPE
67	NEW 1/115292153082098432" SCHEDULE 40 PIPE
68	NEW 1/230584306164196864" SCHEDULE 40 PIPE
69	NEW 1/461168612328393728" SCHEDULE 40 PIPE
70	NEW 1/922337224656787456" SCHEDULE 40 PIPE
71	NEW 1/1844674449313754112" SCHEDULE 40 PIPE
72	NEW 1/3689348898627508224" SCHEDULE 40 PIPE
73	NEW 1/7378697797255016448" SCHEDULE 40 PIPE
74	NEW 1/14757395594510032896" SCHEDULE 40 PIPE
75	NEW 1/29514791189020065792" SCHEDULE 40 PIPE
76	NEW 1/59029582378040131584" SCHEDULE 40 PIPE
77	NEW 1/118059164756080263168" SCHEDULE 40 PIPE
78	NEW 1/236118329512160526336" SCHEDULE 40 PIPE
79	NEW 1/472236659024321052672" SCHEDULE 40 PIPE
80	NEW 1/944473318048642105344" SCHEDULE 40 PIPE
81	NEW 1/188894663609728420688" SCHEDULE 40 PIPE
82	NEW 1/377789327219456841376" SCHEDULE 40 PIPE
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85	NEW 1/3022314617755654731008" SCHEDULE 40 PIPE
86	NEW 1/6044629235511309462016" SCHEDULE 40 PIPE
87	NEW 1/12089258471022618924032" SCHEDULE 40 PIPE
88	NEW 1/24178516942045237848064" SCHEDULE 40 PIPE
89	NEW 1/48357033884090475696128" SCHEDULE 40 PIPE
90	NEW 1/96714067768180951392256" SCHEDULE 40 PIPE
91	NEW 1/193428135536361902784512" SCHEDULE 40 PIPE
92	NEW 1/386856271072723805569024" SCHEDULE 40 PIPE
93	NEW 1/7737125421454476111378048" SCHEDULE 40 PIPE
94	NEW 1/1547425084290895222757696" SCHEDULE 40 PIPE
95	NEW 1/3094850168581790445515392" SCHEDULE 40 PIPE
96	NEW 1/6189700337163580891030784" SCHEDULE 40 PIPE
97	NEW 1/12379400674327161782061568" SCHEDULE 40 PIPE
98	NEW 1/2475880134844332356412336" SCHEDULE 40 PIPE
99	NEW 1/4951760269688664712824672" SCHEDULE 40 PIPE
100	NEW 1/9903520539377329425649344" SCHEDULE 40 PIPE

EXISTING WATER METER SCHEDULE

ID	TYPE	SIZE	NO.	SANITARY	REMARKS
1	100A	1"	1	6"	EXISTING
2	100B	1"	1	N/A	EXISTING

GENERAL NOTES

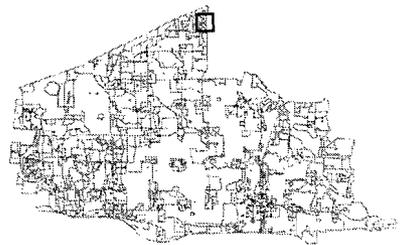
1. THE WATER METER SCHEDULE IS SUBJECT TO CHANGE WITHOUT NOTICE.
2. THE WATER METER SCHEDULE IS SUBJECT TO CHANGE WITHOUT NOTICE.
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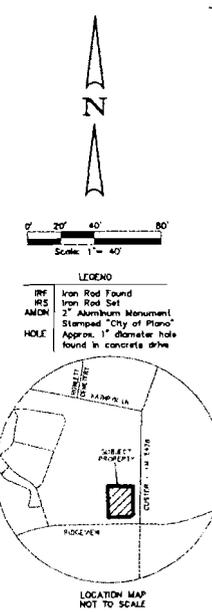
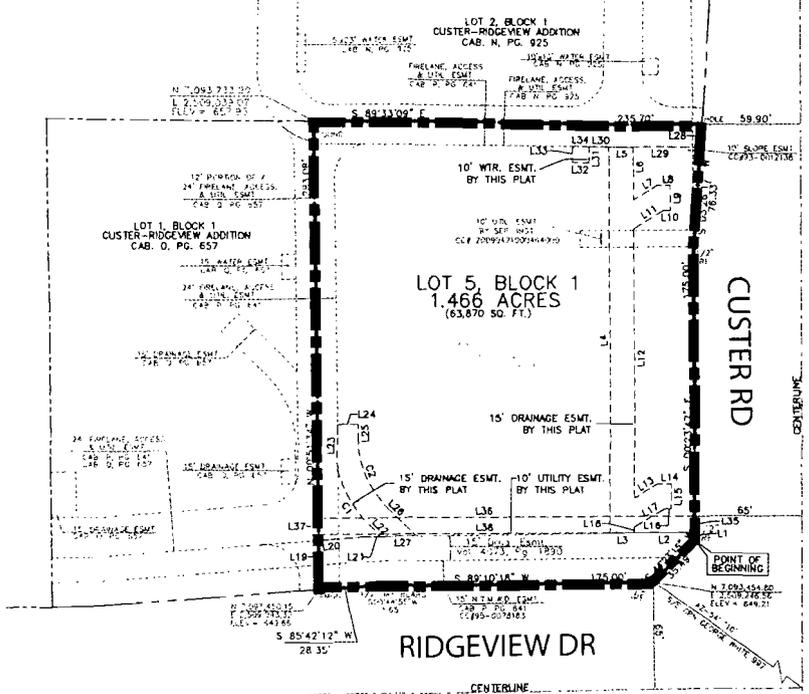
Item Submitted: FINAL PLAT

Title: CUSTER-RIDGEVIEW ADDITION
BLOCK 1, LOT 5

Zoning: RETAIL



○ 200' Notification Buffer



MOW, THEREFORE, KNOWN ALL MEN BY THESE PRESENTS:

THAT CVS PHARMACY INC., a Rhode Island Corporation, acting herein by and through its duly authorized officers, do hereby adopt this plat designating the herein above described property as the Custer-Ridgeview Addition, Lot 5, Block 1, an addition to the City of Plano, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for 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 a particular utility, said use by public utilities being subordinate to the Public's and City of Plano's use thereof. The City of Plano and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with construction, maintenance, or efficiency of their respective systems in said Easements. The City of Plano and public utility entities shall at all times have 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 lanes easements, as dedicated and shown hereon, a hard surface that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstructions, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lanes 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 the department emergency use.

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

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

LEGEND

IRF Iron Rod Found
IRS Iron Rod Set
AMDN Aluminum Monument
Stamped "City of Plano"
HOLE Approx. 1" diameter hole found in concrete drive



OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS CVS PHARMACY, INC., a Rhode Island Corporation is the owner of a tract of land in the George White Survey, Abstract No. 992, Collin County, Texas, and being all of Lot 5, Block 1, Custer-Ridgeview Addition, recorded in Cabinet P, Page 641, Collin County, Texas, and being more particularly described as:

BEGINNING at a 1/2 inch iron rod found for the northerly corner of a corner clip located at the intersection of the westerly Right of Way line of Custer Road/FM 2478 (Variable ROW), and the northerly line of Ridgeview Drive (Variable ROW);

THENCE departing the westerly line of said Custer Road along said corner clip South 44 deg 23 min 15 sec West a distance of 35.49 feet to a 1/2 inch iron rod found for corner in the northerly line of said Ridgeview Drive;

THENCE along the northerly line of said Ridgeview Drive as follows:

South 89 deg 10 min 18 sec West a distance of 175.00 feet to a point for corner from which a 1/2 inch iron rod found bears South 00 deg 44 min 55 sec West a distance of 1.65 feet;

South 85 deg 42 min 12 sec West a distance of 28.35 feet to a 2" Aluminum Monument stamped "City of Plano" set for corner;

THENCE departing the northerly line of said Ridgeview Drive North 00 deg 51 min 34 sec West a distance of 283.08 feet to an X-Cut found for corner;

THENCE South 89 deg 33 min 08 sec East a distance of 235.70 feet to an approximately 1" diameter hole found in concrete for corner, said point being in the westerly Right of Way line of said Custer Road;

THENCE along the westerly Right of Way line of said Custer Road as follows:

South 03 deg 26 min 17 sec West a distance of 76.33 feet to a 1/2 inch iron rod found for corner;

South 00 deg 23 min 47 sec East a distance of 175.00 feet to the POINT OF BEGINNING;

Containing within these metes and bounds 1.466 Acres, or 63,870 Square Feet of land, more or less.

BEARINGS cited herein are based on Custer-Ridgeview Addition, an addition to the City of Plano as recorded in Cabinet P, Page 641

CURVE TABLE

No.	Delta	Radius	Length	CH. I	CH. B
C1	26°52'28"	77.50'	40.41'	39.95'	N30°53'28"W
C2	45°25'55"	62.50'	49.56'	48.27'	S23°06'44"E

LINE TABLE			LINE TABLE		
No.	Bearing	Length	No.	Bearing	Length
L1	N07°23'47"W	5.00'	L20	S85°42'12"W	27.46'
L2	S89°10'18"W	36.78'	L21	S89°10'18"W	10.00'
L3	S89°10'18"W	15.00'	L22	N45°49'42"W	7.83'
L4	N07°23'47"W	233.82'	L23	N05°51'34"W	28.29'
L5	S89°33'19"E	15.00'	L24	N89°36'13"E	12.39'
L6	S02°23'47"E	32.25'	L25	S02°23'47"E	7.50'
L7	N59°36'13"E	17.05'	L26	S45°49'42"E	22.83'
L8	N89°36'13"E	8.01'	L27	S89°10'18"W	21.21'
L9	S02°23'47"E	15.00'	L28	N32°26'17"E	13.58'
L10	S89°36'13"W	3.99'	L29	N89°33'19"W	40.98'
L11	S59°36'13"W	21.70'	L30	N89°33'19"W	12.14'
L12	S02°23'47"E	162.74'	L31	S02°26'41"W	10.00'
L13	N59°36'13"E	17.05'	L32	N89°33'19"W	10.00'
L14	N89°36'13"E	8.01'	L33	N02°26'41"E	10.00'
L15	S02°23'47"E	15.00'	L34	S89°33'19"W	10.00'
L16	S89°36'13"W	3.99'	L35	N02°23'47"W	10.00'
L17	S89°36'13"W	21.70'	L36	S89°36'13"W	228.63'
L18	S02°23'47"E	3.85'	L37	S05°51'34"E	10.00'
L19	N05°51'34"W	30.00'	L38	N89°36'13"E	228.55'

FLOOD NOTE

According to the Federal Emergency Management Agency, Flood Insurance Rate Map Community Panel No. 48085C0430C, dated January 18, 1996, this property is within Flood Zone X, Zone 2 - Areas determined to be outside the 100-year floodplain.

This flood statement does not imply that the property and/or the structure thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

Notice: Setting a portion of this addition by metes and bounds is a violation of city subdivision ordinance and state platting statutes and is subject to fines and winding up of utilities and building certificates.

CERTIFICATE OF APPROVAL

APPROVED, this the _____ day of _____, 2009,

By the Planning & Zoning Commission, City of Plano

Chairman, Planning & Zoning Commission _____

STATE OF TEXAS
COUNTY OF COLLIN

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE

This _____ day of _____, 2009.

Notary Public in and for the State of Texas
My Commission Expires _____

Secretary, Planning & Zoning Commission or City Engineer _____

STATE OF TEXAS
COUNTY OF COLLIN

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE This _____ day of _____, 2009.

Notary Public in and for the State of Texas
My Commission Expires _____

SURVEYOR'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

I, Leonard J. Lueker, do hereby certify that I have prepared this plat from an actual survey of the land and that the corner monuments shown were properly placed under my personal supervision in accordance with the platting rules and regulations of the City of Plano, Texas.

WITNESS MY HAND, THIS THE _____ DAY OF _____, 2009.

CVS PHARMACY, INC., a Rhode Island Corporation
BY: Michael B. Nulmon, Assistant Secretary

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared Michael B. Nulmon, 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 thereof expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

This _____ day of _____, 2009.

Notary Public in and for the State of RHODE ISLAND
My Commission Expires: _____

Leonard J. Lueker
Registered Professional Land Surveyor
Texas Registration #5714
Winkelmann & Associates, Inc.
6750 Hillcrest Plaza Dr. #325
Dallas, Texas 75230
972/490-7090

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared LEONARD J. LUEKER, 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 thereof expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE This _____ day of _____, 2009.

Notary Public in and for the State of Texas
My Commission Expires: _____

FINAL PLAT
CUSTER-RIDGEVIEW ADDITION
LOT 5, BLOCK 1
GEORGE WHITE SURVEY, ABSTRACT NO. 992
CITY OF PLANO
COLLIN COUNTY, TEXAS
1.466 ACRES

BING A REPLAT OF LOT 5, BLOCK 1
CUSTER-RIDGEVIEW ADDITION, LOTS 1 & 3, BLOCK 1
RECORDED IN CABINET P, PG. 641, MAP RECORDS OF COLLIN COUNTY, TEXAS

OWNER:
CVS PHARMACY, INC.
A RHODE ISLAND CORPORATION
ONE CVS DRIVE
WOONSOCKET, RI 02888
(617) 770-0022

ENGINEER/SURVEYOR:
WINKELMANN & ASSOCIATES, INC.
8750 HILLCREST PLAZA DR., SUITE 325
DALLAS, TEXAS 75230
(972) 490-7090

Winkelmann & Associates, Inc.
A RHODE ISLAND CORPORATION
WOONSOCKET, RI 02888

GEORGE WHITE SURVEY, ABSTRACT NO. 992
CITY OF PLANO
COLLIN COUNTY, TEXAS
CVS PHARMACY, INC.
A RHODE ISLAND CORPORATION
ONE CVS DRIVE
WOONSOCKET, RI 02888

FINAL PLAT
CUSTER-RIDGEVIEW ADDITION
LOT 5, BLOCK 1

Scale: 1" = 40'
Date: 06/11/09
PL: 4387H/dwg
Project No.: 4387-02(53)

SHEET
08
9

CITY OF PLANO
PLANNING & ZONING COMMISSION

June 15, 2009

Agenda Item No. 6

Public Hearing - Replat: Capital Wire and Cable Co., Block 1, Lot 1R

Applicant: Tenth Street Plano, L.P.

DESCRIPTION:

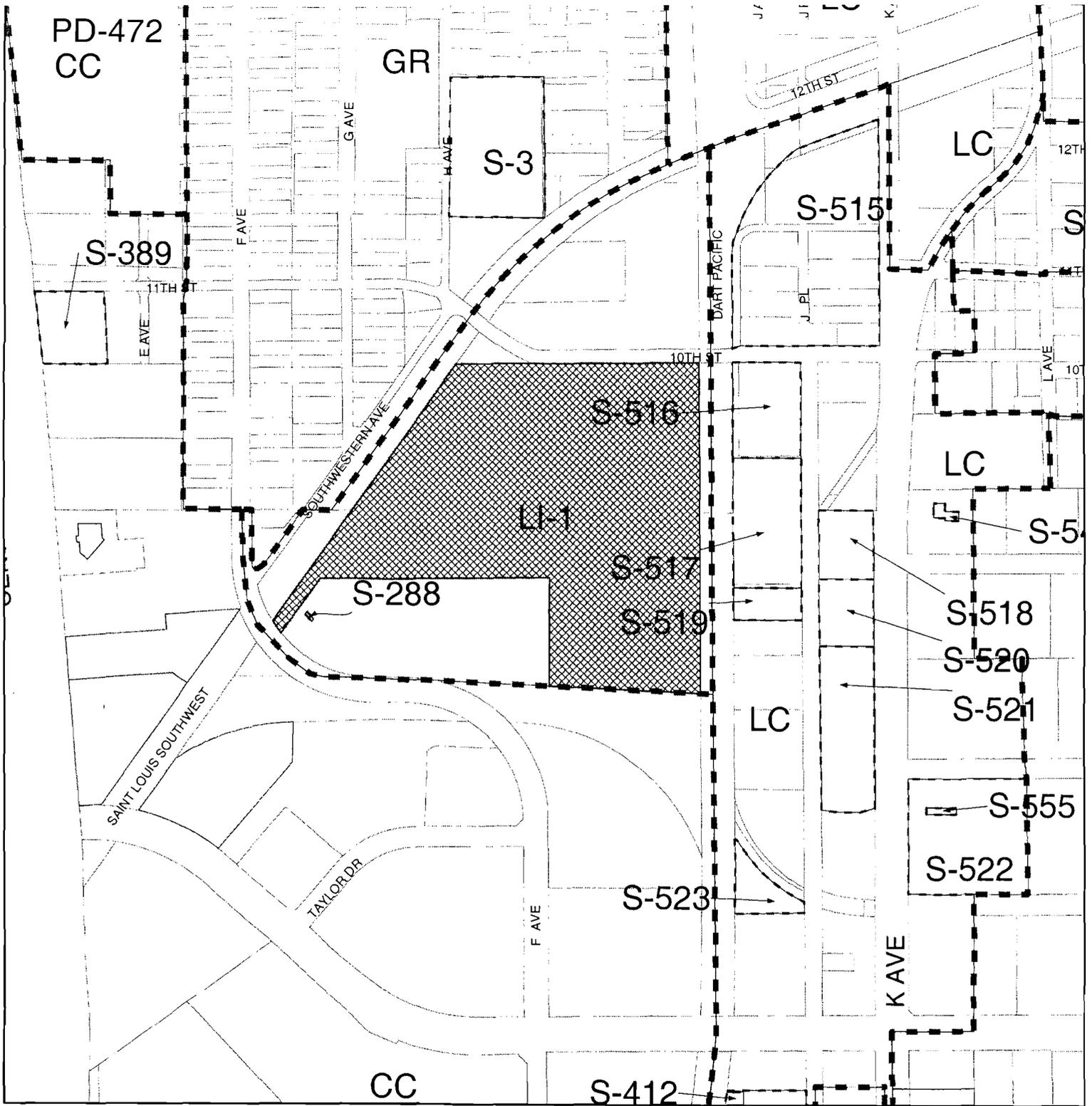
Warehouse buildings on one lot on 17.9± acres located on the south side of 10th Street, 300± feet west of J Place. Zoned Light Industrial-1. Neighborhood #67.

REMARKS:

The purpose for this replat is to dedicate easements necessary for the existing warehouse buildings.

RECOMMENDATION:

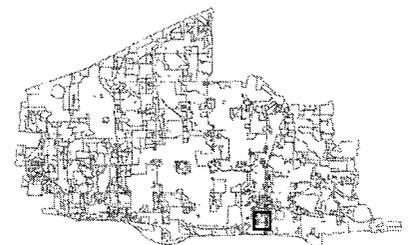
Recommended for approval as submitted.



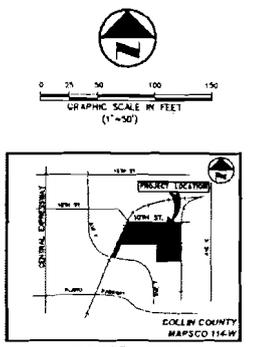
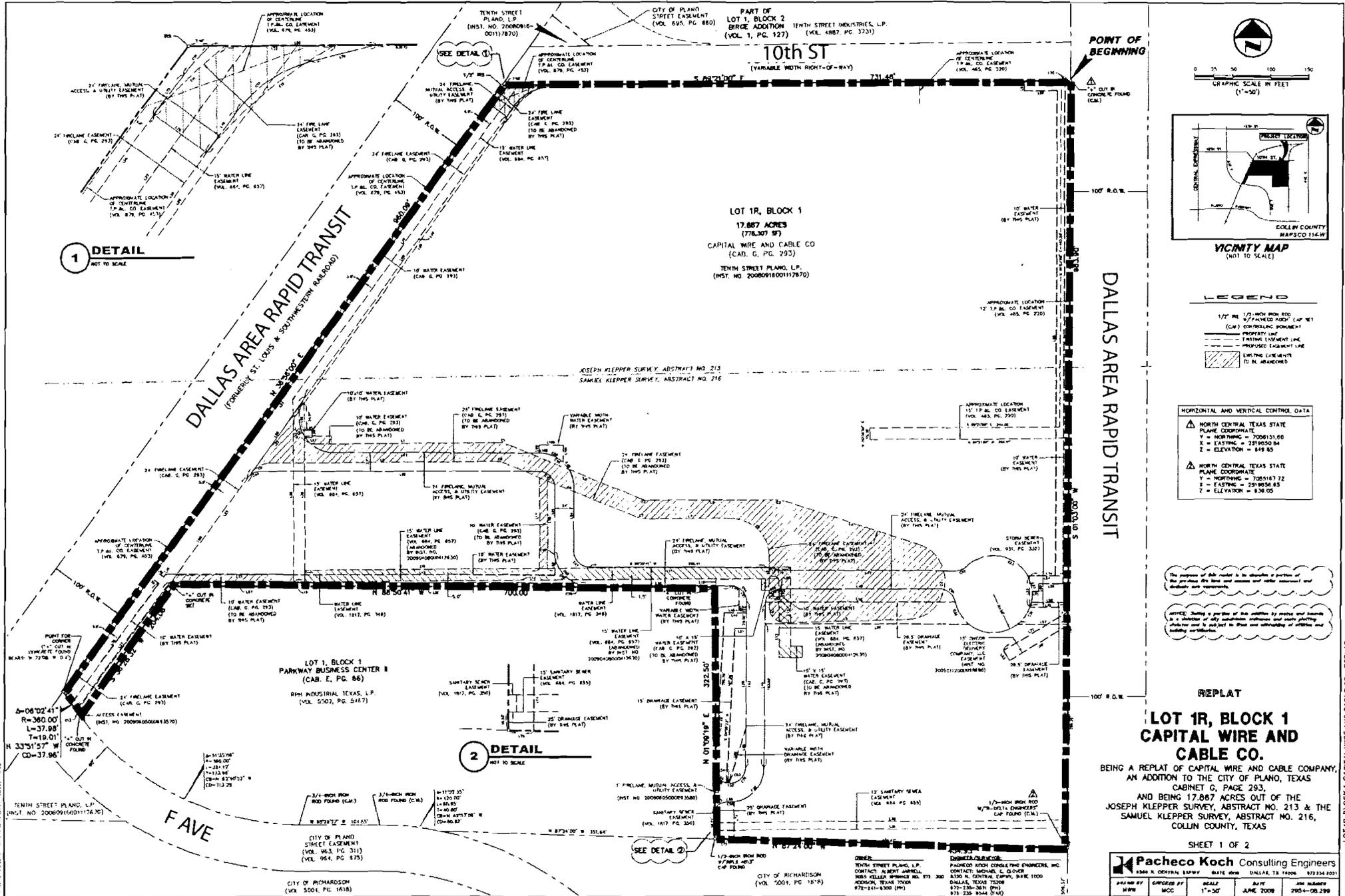
Item Submitted: REPLAT

Title: CAPITAL WIRE AND CABLE COMPANY
BLOCK 1, LOT 1R

Zoning: LIGHT INDUSTRIAL-1



○ 200' Notification Buffer



LEGEND

- 1/2" P.C. 1/2" HIGH IRON ROD W/ FRAMED FOOT (CAP. 16)
- (C.W.) CONTROLLING POINTMENT
- PROPERTY LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- EXISTING EASEMENT TO BE ABANDONED

HORIZONTAL AND VERTICAL CONTROL DATA

NORTH CENTRAL TEXAS STATE PLANE COORDINATE
Y = NORTING = 7026131.60
X = EASTING = 2319530.84
Z = ELEVATION = 649.85

NORTH CENTRAL TEXAS STATE PLANE COORDINATE
Y = NORTING = 7026167.22
X = EASTING = 2319534.83
Z = ELEVATION = 638.05

The portions of this plat that are a portion of the portions of other plats and surveys and are hereby incorporated herein.

Notice: Being a portion of this plat, by recite and bound to a number of city, counties, and state platting, and shall be subject to their use and authority of parties and liability certificates.

REPLAT

LOT 1R, BLOCK 1
CAPITAL WIRE AND CABLE CO.

BEING A REPLAT OF CAPITAL WIRE AND CABLE COMPANY, AN ADDITION TO THE CITY OF PLANO, TEXAS, CABINET G, PAGE 293, AND BEING 17.887 ACRES OUT OF THE JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213 & THE SAMUEL KLEPPER SURVEY, ABSTRACT NO. 216, COLLIN COUNTY, TEXAS

SHEET 1 OF 2

Pacheco Koch Consulting Engineers
3840 N. CENTRAL EXPRESSWAY SUITE 4000 DALLAS, TX 75204 972.344.2011

DATE	BY	REVISION
11-1-07	MOG	17-1-07
06-01-08	MOG	17-1-07
06-01-08	MOG	17-1-07

DATE P.L.C. 2011-08-29 09:06

LOT 1R, BLOCK 1, CAPITAL WIRE AND CABLE CO. - REPLAT

CITY OF PLANO
PLANNING & ZONING COMMISSION

June 15, 2009

Agenda Item No. 7

Public Hearing - Preliminary Replat: Park & Alma Addition, Block A, Lot 2R & Collin Creek Corporate Center, Block A, Lot 1R

Applicant: Hunt Properties

DESCRIPTION:

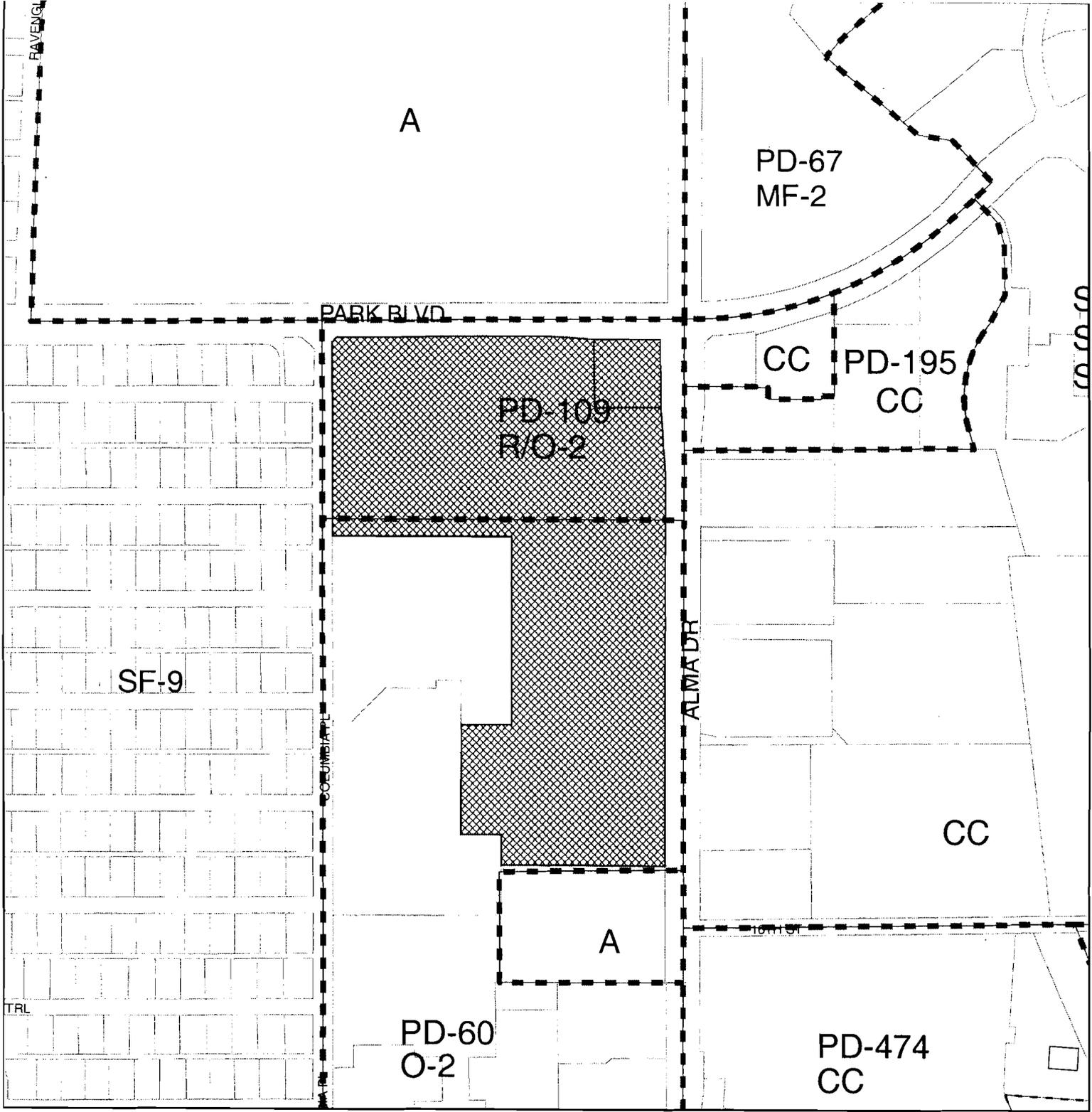
Convenience store with gas pumps and general office buildings on two lots on 25.1± acres located at the southwest corner of Park Boulevard and Alma Drive. Zoned Planned Development-109-Retail/General Office and Planned Development-60-General Office. Neighborhood #58.

REMARKS:

The purpose for this preliminary replat is to modify the common lot line between Park & Alma Addition, Block A, Lot 2R, and Collin Creek Corporate Center, Block A, Lot 1R and propose easements necessary for the redevelopment of Lot 2R as a new convenience store with gas pumps facility.

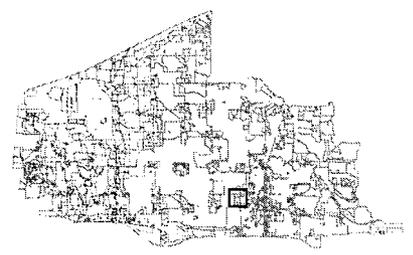
RECOMMENDATION:

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



Item Submitted: PRELIMINARY REPLAT

Title: PARK & ALMA ADDITION
 BLOCK A, LOT 2R AND
 COLLIN CREEK CORPORATE CENTER
 BLOCK A, LOT 1R



Zoning: PLANNED DEVELOPMENT-109-RETAIL/GENERAL OFFICE &
 PLANNED DEVELOPMENT-60-GENERAL OFFICE

CITY OF PLANO
PLANNING & ZONING COMMISSION

June 15, 2009

Agenda Item No. 8

Discussion and Direction: Estate Development District

Applicant: City of Plano

DESCRIPTION:

Discussion and direction to consider amendments to the uses and related development standards of the Estate Development (ED) zoning district.

REMARKS:

The Planning & Zoning Commission has requested a review of the regulations for the ED zoning district. A periodic review of uses, standards and procedures of the Zoning Ordinance helps to ensure this ordinance continues to meet the needs of today's residents.

The ED zoning district is intended to provide areas for single-family development in a rural or ranch-like setting or where topography and/or utility capacities limit the use of the land. Provisions are made for limited ranching pursuits as well as those uses necessary and incidental to single-family living. Accessory dwelling units are permitted for use by family members. A copy of the ED permitted uses and standards is attached for reference.

The ED district applies to three areas of the city, Ranch Estates, El Rancho, and the Ryan/Mitcham area (see attached maps). A summary of these areas is as follows:

Ranch Estates

Is located in the far eastern portion of the city, just south of Los Rios Boulevard and east of Spring Creek Parkway. This area includes approximately 318 acres of land, divided into 97 lots which range in size from .15 acres to 67.07 acres (Plano East High School campus). The average size of a Ranch Estates lot is approximately 3.28 acres.

Planned Development-173-Estate Development (PD-173-ED) and Planned Development-320-Estate Development (PD-320-ED) apply to portions of this area. PD-173-ED establishes a minimum two-acre lot size requirement and has regulations pertaining to fence type and height. PD-320-ED allows for estate lots; however, it primarily focuses on developing properties in accordance with Single-Family-7 (SF-7) and Single-Family-9 (SF-9) regulations, as well as dedication of floodplain for park purposes in the larger Stoney Hollow development.

El Rancho

Is located in the western portion of the city, near the northeast corner of Parker Road and Willow Bend Drive. This area includes approximately 79 acres of land, divided into 27 lots which range in size from 1.25 acres to 4.62 acres. The average size of an El Rancho lot is approximately 2.94 acres.

Ryan/Mitcham

Is located in the far western portion of the city, near the southwest corner of Midway Road and Red Wolf Lane. This area includes approximately 21 acres of land, divided into 11 lots which range in size from .11 acres to 5.5 acres. The average size of a lot in this area is approximately 1.9 acres.

Planned Development-54-Estate Development (PD-54-ED) applies to a portion of this area (see attached). PD-54-ED varied certain lot dimensions and setback requirements and established minimum street improvement criteria.

Combined these three areas include approximately 418 acres of land for a total of 135 lots.

ISSUES:

When the ED district was originally created, it was intended to support single-family development in a rural or ranch-like context. District regulations focus on the creation of a rural setting where animals and supporting accessory structures are permitted. Recently, this area has experienced some changes including “tear downs” of homes, new construction, and construction of homes larger than those typical in the district. In some cases, the emphasis has shifted away from the openness of a ranch-like setting and the need to accommodate large animals on the properties.

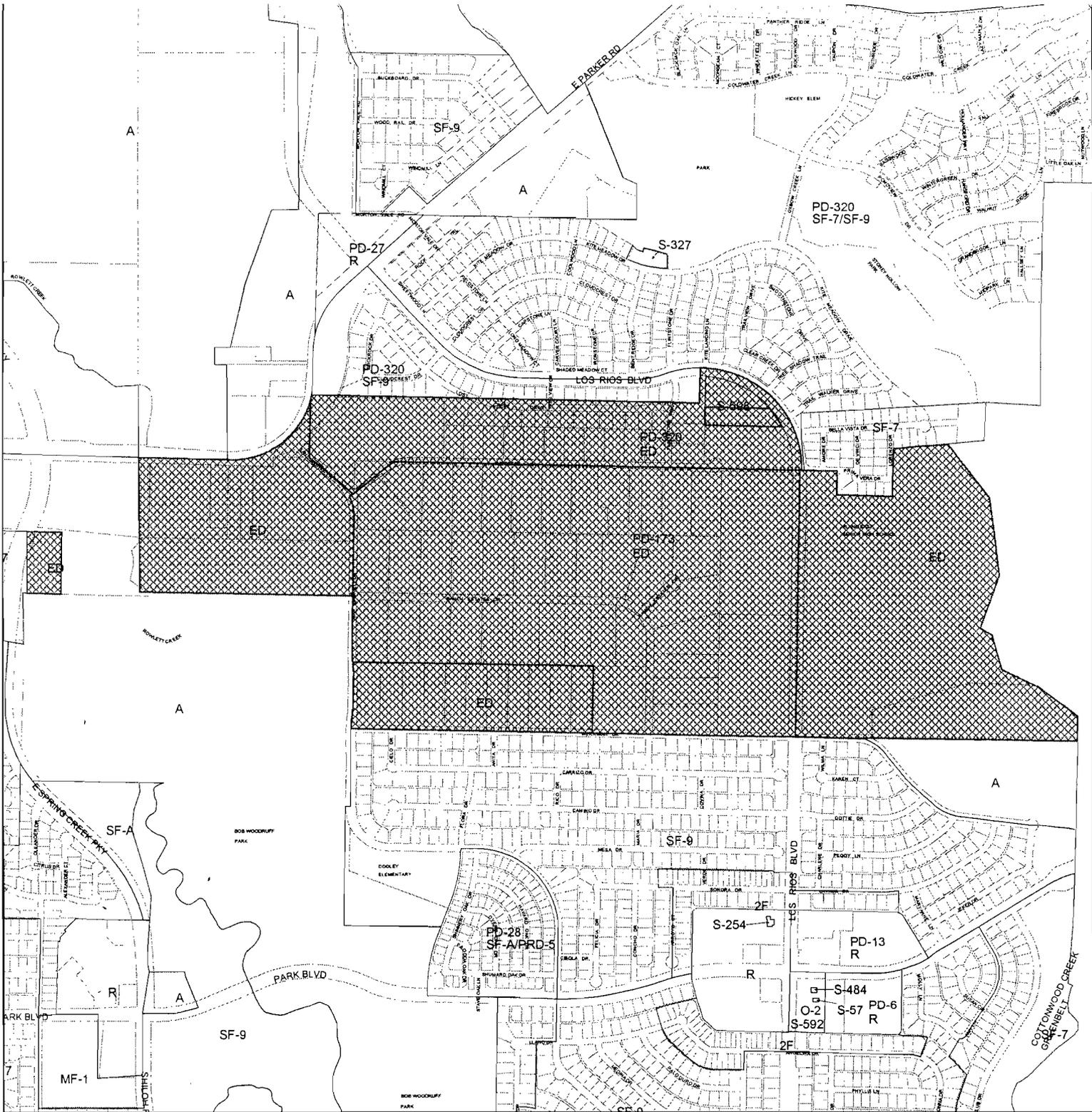
There are a number of pertinent cases that have come before the Planning & Zoning Commission and the Board of Adjustment (BOA) related to the ED district. In 2001, several work sessions were held to consider the appropriate fencing type in the Ranch Estates neighborhood. It was determined that painted, wood rail fences were an important part of the character of this area. Therefore PD-173-ED was created to restrict the height of fences within the required front

Additionally, within the last year two appeals of the Director of Planning's Interpretation of the Zoning Ordinance have been made to the Planning & Zoning Commission. One appeal request dealt with regulations pertaining to the setback of accessory buildings and the second dealt with fencing. Please see attached copies of the write-ups for more detail on these. In both cases, the Commission supported the Director of Planning's interpretation.

As interested stakeholders, staff invited all ED district property owners to submit their input and to attend the Commission's meeting of June 15, 2009, to provide input and hear the Commission's discussion. Letters and emails received in response are attached.

RECOMMENDATION:

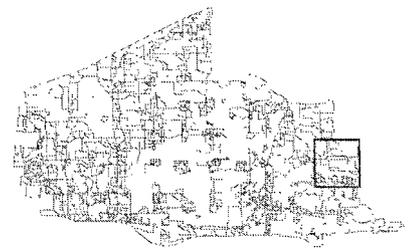
Recommended that the Planning & Zoning Commission consider whether amendments to the ED district are necessary.



Item Submitted: RANCH ESTATES

Title: 98 LOTS

Zoning: ESTATE DEVELOPMENT



○ 200' Notification Buffer

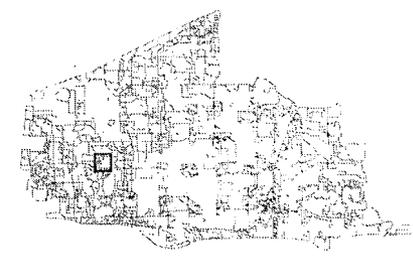




Item Submitted: EL RANCHERO

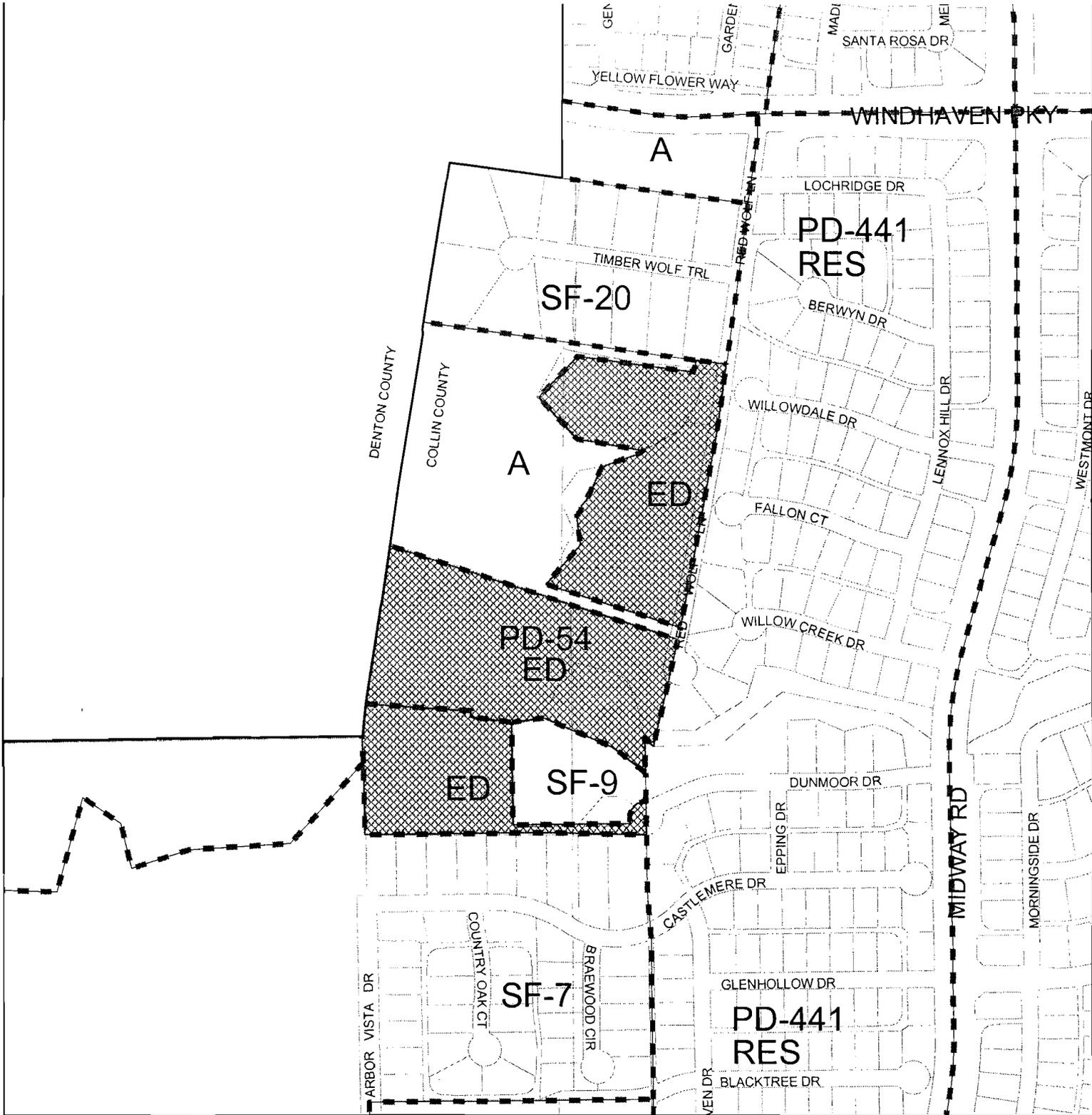
Title: 28 LOTS

Zoning: ESTATE DEVELOPMENT



○ 200' Notification Buffer

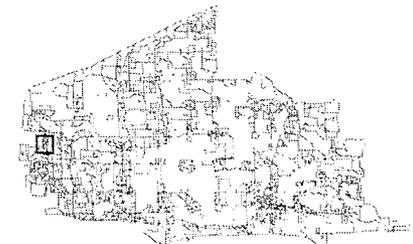




Item Submitted: RYAN/MITCHAM

Title: 10 LOTS

Zoning: ESTATE DEVELOPMENT



○ 200' Notification Buffer



2.802 ED - Estate Development

(1) Purpose

The ED district is intended to provide areas for single-family development in a rural or ranch-like setting or where topography and/or utility capacities limit the use of the land. Provisions are made for limited ranching pursuits as well as those uses necessary and incidental to single-family living. Accessory dwelling units are permitted for use by family members.

(2) Permitted Uses

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

(3) Area, Yard, and Bulk Requirements

Description	Requirement
Minimum Lot Area	43,560 square feet, 85,000 square feet if any large animals are kept
Minimum Lot Width	150 feet
Minimum Lot Depth	250 feet
Minimum Front Yard	50 feet, except as provided in Section 3.500
Minimum Side Yard (Ordinance No. 95-4-30)	15 feet or ten percent of lot width, whichever is greater (See Section 3.600.)
--of Corner Lot	25 feet on street side (See Section 3.600.)
Maximum Side Yard	30 feet
Minimum Rear Yard	Ten feet (See Section 3.700.)
Minimum Floor Area per Dwelling Unit	800 square feet
Maximum Height	Three story provided the third story may not exceed ten percent of the total floor area of the building, 40 feet (See Section 3.800.)
Maximum Coverage	20%, plus ten percent additional coverage permitted for accessory buildings (See Subsection 3.701.)
Parking Requirements	Two parking spaces per dwelling unit (See Section 3.1100.)

(4) Special District Requirements

(a) Animal Restrictions in the ED District:

(i) Number

No more than two larger animals, specifically, cattle, horses, sheep, and goats can be maintained per acre of lot area.

(ii) Type

Swine and fowl are expressly prohibited. Other types of animals which introduce an unusual disturbance to the community or adjoining property owners shall not be maintained.

(iii) Breeding

No large animals other than horses shall be kept for breeding purposes.

(b) Accessory Buildings

- (i)** Accessory buildings in the ED district, except garages, must be located behind the main dwelling in the rear yard.
- (ii)** Accessory buildings shall be at least 50 feet from any side property line and 25 feet from the rear property line.
- (iii)** Accessory buildings must be 100 feet or more from a dwelling on an adjoining property.
- (iv)** The number of accessory buildings shall be limited to one, except that more than one may be granted by approval of a site plan.
- (v)** Accessory buildings must be designed and constructed so that they are in keeping with the general architecture of the development.
- (vi)** Accessory buildings with corrugated metal siding shall not be permitted, but flat metal siding with raised ribs or seams is acceptable. Corrugated metal roofing will be acceptable.

(c) Accessory Dwelling Units

Accessory dwelling units in the ED district shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and shall comply with the above requirements for accessory buildings and with the following:

- (i)** No temporary buildings, mobile homes, or travel trailers may be used for onsite dwelling purposes.
- (ii)** The accessory dwelling unit must be constructed to the rear of the main dwelling. Each lot must have a minimum of one acre per dwelling unit or accessory dwelling unit constructed upon it. For example, a house with two accessory dwelling units would require a minimum lot size of three acres.
- (iii)** The accessory dwelling unit shall contain a minimum of 500 square feet of floor area.
- (iv)** The accessory dwelling unit may be constructed only with approval of a site plan.
- (v)** The accessory dwelling unit may not be sold separate from sale of the entire property, including the main dwelling unit.

(d) Fences (ZC 2001-21; Ordinance No. 2001-8-26)

All fences within an ED district shall comply with the following standards:

- (i)** Fences within the front yard setback shall be no more than 48 inches in height. Combinations of berms and fences shall not exceed 48 inches in height.
- (ii)** Fences within the front yard setback shall be horizontal rail or vertical wrought iron with or without masonry columns.
- (iii)** All fencing shall be at least 50% see-through, except that required for enclosing swimming pools.
- (iv)** No farm or rural fencing (such as barbed wire) shall be used. Smooth, non-climbable two-inch by four-inch mesh on metal posts will be acceptable behind the building line.
- (v)** Solid type or stockade fencing or walls shall not be constructed on property lines.

Disclaimer - Uses listed by zoning district are provided as a convenience but should not be relied upon as the most current and accurate source of information. Please contact the City of Plano Planning Department to verify a specific use.

ED - Estate Development Permitted Uses

Accessory and Incidental Uses	
Accessory Building or Use (8)*	P
Caretaker's/Guard's Residence	S
Construction Yard (Temporary) (9)*	35
Field Office (9)*	35
Home Occupation (11)*	P
Homebuilder Marketing Center (10)*	S
* = (8) - See Section 3.200 of the Zoning Ordinance; (9) - For construction yard, field offices, and other temporary buildings, see Subsection 3.103 of the Zoning Ordinance; (10) - See Subsection 3.103 of the Zoning Ordinance; (11) - See Subsection 3.110 of the Zoning Ordinance	

Commercial, Manufacturing, and Industrial Uses	
Concrete/Asphalt Batching Plant (Temporary)	36

Educational, Institutional, Public, and Special Uses	
Cemetery/Mausoleum	S
Church and Rectory (5)*	P
College/University (5)*	S
Community Center (ZC 98-101)	S
Farm, Ranch, Garden, or Orchard	P
Fire Station/Public Safety Building	P
Golf Course/Country Club (Private)	S
Household Care Facility (ZC 04-15, ZC 91-07, ZC 90-57)	P
Park/Playground	P
Private Recreation Facility	S
Rehabilitation Care Facility	S
School - Primary or Secondary (Private) (5)*	S
School - Primary or Secondary (Public or Parochial) (5)*	P
* = (5) - See Subsection 3.401 of the Zoning Ordinance	

Primary Residential Uses	
Private Street Development	S
Single-Family Residence Detached	P

Service Uses	
Day Care Center (ZC 01-51, ZC 96-32, ZC 93-45) (13)*	S
Day Care (In-Home) (16)*	P
* = (13) - See Section 1.600 and Subsections 3.102, 3.1107, and 3.1114 of the Zoning Ordinance; (16) - See Section 1.600 of the Zoning Ordinance for specific use permit requirements for certain in-home day care operations	

Transportation, Utility, and Communications Uses	
Antenna	34
Antenna Support Structure (Commercial and Amateur) (ZC 99-43)	34
Electrical Substation	S
Private Utility (other than listed)	S
Service Yard of Governmental Agency	S
Sewage Treatment Plant	S
Transportation and Utility Structures/Facility	P
Utility Distribution/Transmission Line	P
Water Treatment Plant	S

PD-50-SF Single-Family Residence

- 7. Minimum Rear Yard: Ten feet
- 8. Maximum Height: 35 feet
- 9. All units shall have rear entry, two car garages.

PD-52-SF-7 Single-Family Residence

ZC 98-31/98-7-15 Location: NW corner of Plano Pkwy. and Mira Vista Blvd.
 Acreage: 23.7±

Restrictions:

- 1. Maximum Building Height: Three story (48 feet)
- 2. Underground placement of all utilities along street frontages.
- 3. Provisions of a 30-foot hike and bike easement along the west property line and Plano Pkwy. and a 15-foot hike and bike easement along Mira Vista Blvd.
- 4. Existing trees in the 100 year floodplain and in the 30-foot hike and bike easement along the western boundary shall be preserved. Trees removed from these areas shall be mitigated in accordance with the Tree Preservation Ordinance.
- 5. A 30-foot landscape setback shall be applied on all property lines. This landscape area shall coincide with the hike and bike easements.
- 6. Landscaping along the western property line shall consist of three-inch caliper shade trees with maximum spacing of 40 feet on center. Additional shrubs and groundcover should be planted to enhance a buffer.
- 7. Installation of a masonry and wrought iron screening wall along the western property line. The wall shall connect to the existing screening wall at the southwest corner of the property and include a locked gate for landscape maintenance purposes.

 **PD-54-ED Estate Development**

ZC 98-50/98-8-22 Location: West side of Red Wolf Ln., 1,500± feet south of Windhaven Pkwy.
 Acreage: 8.1±

Restrictions:

- 1. Development must comply with the ED district requirements, except as follows:
 - a. Minimum Lot Width: 125 feet
 - b. Minimum Lot Depth: 125 feet
 - c. Minimum Front Yard: 20 feet
 - d. Minimum Side Yard: Five feet (ten feet for a corner lot)
- 2. Minimum Street Right-of-Way Width: 34 feet (43.5 feet for the cul-de-sac bulb)
- 3. Minimum Pavement Width: 24 feet with no curbs or gutters
- 4. No sidewalks are required.

PD-164-MF-2 Multifamily Residence-2

3. One hundred percent stucco veneer shall be allowed for the exterior walls of each structure in the apartment complex.

PD-166-MF-2 Multifamily Residence-2

ZC 79-56/80-11-9 Location: West side of Ohio Dr., south of Hedgcoxe Rd.

Acreage: 32.7±

Restrictions:

1. A minimum of 20% of the area shall be developed in accordance with the Two-Family zoning district regulations.
2. A maximum of 80% of the area may be developed*in accordance with the Single-Family-7 zoning district regulations, or in accordance with the Patio Home zoning district regulations.

PD-172-MF-2 Multifamily Residence-2

ZC 90-17/90-8-28 Location: NE corner of Ohio Dr. and Spring Creek Pkwy.

Acreage: 29.1±

Restriction:

One hundred percent stucco veneer is allowed for the exterior walls of each structure.

**PD-173-ED Estate Development**

ZC 2001-22/2001-8-23 Location: East of San Gabriel Dr. at Ranch Estates Dr.

ZC 85-71/86-3-14 Acreage: 147.2±

Restrictions:

1. Minimum Lot Size: Two acres
2. Maximum allowable height for fences within the front yard setback shall be 48 inches.
3. All fencing within the front yard setback shall be horizontal, rail-type fencing.

PD-175-R Retail

ZC 2005-25/2005-9-34 Location: NE corner of Parker Rd. and Custer Rd.

Acreage: 10.6±

Restrictions:

1. Building material sales and superstore are additional allowed uses.
2. The supplemental regulations for superstore use are amended as follows:
 - a. The required landscape edge along residential district boundary lines shall be a minimum of 20 feet in width.
 - b. The required landscape edge along Parker Rd. shall be a minimum of 25 feet in width.
 - c. The separation distance between the superstore building and adjacent residential zoning district shall be a minimum of 60 feet in width.
3. The required parking shall be 461 parking spaces.

 **PD-320-SF-9/SF-7/ED Single-Family Residence-9/Single-Family Residence-7/
Estate Development**

ZC 84-25/84-11-6

Location: NE corner of San Gabriel Dr. and Parker Rd.

Acreage: 390.6±

Restrictions:

1. Maximum Density: 950 dwelling units, which shall be decreased by three units per acre for each acre over 61 acres which is not reclaimed from the 100 year floodplain.
2. A land study shall be required for the entire planned development before any portion of it is platted.
3. Dedication of Cottonwood Creek floodplain for a greenbelt and provision of a neighborhood park site.
4. The area north of Cottonwood Creek shall be developed with a minimum of ten percent of the lots at SF-9 standards and the balance at SF-7 standards.
5. The area between Cottonwood Creek and Los Rios Blvd. shall be developed with a minimum of 50% of the lots at SF-9 standards and the balance at SF-7 standards.

PD-322-R/O-2 Retail/General Office

ZC 91-25/92-1-20

Location: SE corner of Pleasant Valley Dr. and Spring Creek Pkwy.

ZC 91-15/91-8-11

Acreage: 6.3±

ZC 84-21

Restrictions:

1. Within 400 feet of Pleasant Valley Dr., the maximum height of the structures shall be two stories.
2. The maximum height allowed on the remainder of the tract is three stories.

PD-324-R/O-1 Retail/Neighborhood Office

ZC 84-72/85-1-20

Location: NE corner of Alma Dr. and Old Alma Rd.

Acreage: 3.6±

Restriction:

Maximum Retail Space: 20,000 square feet

PD-325-SF-9 Single-Family Residence-9

ZC 84-73/85-2-19

Location: South side of Parker Rd., east of Jupiter Rd.

Acreage: 23.6±

Restrictions:

1. Preservation of six inch caliper or larger trees throughout the site where construction is not required.
2. Provision for fencing and landscaping along the eastern property line and for landscaping along Parker Rd. and the southern property line. The landscaping is to be maintained by the homeowners association.
3. No illumination of amenities in common areas.

APPEAL SUMMARY

#04-22Z

APPLICANT: Jarek and Dorta Zalewski

ADDRESS: 3840 Ridgetop Lane

ZONING: Estate Development
Planned Development-173

APPLICANT REQUEST:

The applicant is requesting a variance to allow a fence in PD-173 to be vertical wrought iron in the front yard setback.

ORDINANCE REQUIREMENTS:

PD-173 (3) of the Zoning Ordinance number 86-3-14 requires all fencing within the front yard setback to be horizontal rail type fencing.

STAFF FINDINGS:

A variance was issued in 2002 for this property to allow the existing horizontal rail fence (to include the columns and gates) to exceed the allowed 48" height in the front yard by 30", 6.5' total height. In March of this year, the applicant was proposing to replace the existing fence along the front property line. At that time the applicant contacted city staff. It was determined that there was not permit required since the replacement portion was not more than 25% of the total fence length. The allowed height was also verified. However, the applicant was not advised of the PD requirement for horizontal rail fencing. Therefore, the applicant proceeded with the construction of the fence.

STAFF FINDINGS:

Staff has no recommendation.

**BOARD OF ADJUSTMENT
JULY 27, 2004**

PRESENT:

Chris Caso, Chairman
Michael Broderick
Jackie Westbrook
George Elwell, Alternate
Christ Polito, Alternate

ABSENT:

Arthur Stone
Kevin Cain
Stephen Harvey, Alternate

STAFF:

John Gilliam, First Assistant City Attorney
Keith Schmidt, Assistant Building Official
Susan Thompson, Sr. Code Compliance Representative
Tamra Beck, Sr. Administrative Assistant

A Public Hearing of the Board of Adjustment was called to order by Chairman Caso on Tuesday, July 27, 2004 at 6:00 p.m. in the Council Chamber of the Municipal Center. A quorum was present and notice of the meeting had been posted for the time and manner required by law.

1. Approval of Minutes: July 13, 2004

Mr. Chris Polito made a motion to approve the minutes from July 13, 2004, Mr. George Elwell seconded. The Board approved the minutes with a vote of 5/0.

2. Discussion of new Board of Adjustment Procedural Instructions

The board had discussion regarding the wording of the new Board of Adjustment Procedural Instructions. Changes were requested.

Mr. George Elwell made a motion to adopt the new Board of Adjustment Procedural Instructions with changes, Ms. Jackie Westbrook seconded. The motion was approved with a vote of 5/0.

Chairman Caso chose to hear agenda item #4 before agenda item #3.

4. Appeal #04-19S 4708 W. Plano Pkwy: A request to vary Section 3-1603(C)(3)(b) of the Zoning Ordinance number 86-3-14 to allow an additional freestanding sign on a property in the Plano Pkwy Overlay District.

Board of Adjustment

July 27, 2004

Page 2 of 3

Ms. Jackie Westbrook made a motion to remove appeal #04-19S from the table, Mr. Michael Broderick seconded, the motion was approved by a 5/0 vote.

Ms. Taylor, applicant made a request to table appeal #04-19S for another 30 days.

Mr. JoJo Cheung, business owner, made a request that the item would not be tabled. This is only delaying the sign project.

Mr. Chris Polito made a motion to table appeal #04-19S until the August 10, 2004 meeting, Mr. Michael Broderick seconded, the motion was approved with a vote of 5/0.



3. Appeal #04-22Z 3840 Ridgetop Lane: A request to vary Restriction #3 of Planned Development 173-ED to allow a fence to be vertical wrought iron in the front yard setback.

Ms. Susan Thompson testified that the above request was made and showed pictures of the property and fence. Staff made no recommendations.

Mr. Jarek Zalewski, applicant testified that the house was purchased approximately 2 years ago. There was chicken wire along the top of the existing fence. The fence has been cleaned up; the gate was also replaced. While constructing a new fence the applicant came to the City of Plano to explain what was being done, they were told that everything was o.k. The neighbors like the new fence. There are two large dogs in the yard that would get out; they can not get out through the new fence. After the fence was built the applicant received a call from the city, the applicant further testified that he does not understand what is wrong.

Ms. Sandra Luchrs, neighbor of applicant, testified that this is a horsing community, horses have to be safeguarded. There is a green strip by the road and fence where people ride their horses to the horse trails. This is not very safe with people speeding in the street. The 3 rail fence was wood or vinyl, if a horse or rider fell into the fence, it would break away. The tall wrought iron fence would impale a rider or the horse. The new fence is only on the front, the side fence is in no better condition to keep dogs in the yard. The community values their animals and feels there has been a huge mis-communication regarding the fence. Metal is a safety issue.

Ms. Nancy Jenison, neighbor of applicant, testified that the week the applicants moved into the neighborhood, she and her husband took a plate of cookies and welcomed them. As they were leaving they noticed the repairs being done on the gate and mentioned the tall metal posts. She told the applicants about the rules for horizontal fences in the area; the applicant told her that it did not apply to him. Ms. Jenison further testified that the applicants were forewarned, as far as the dogs go, a lot of the neighbors have electronic, invisible devices that work very well.

Board of Adjustment

July 27, 2004

Page 3 of 3

Mr. Lee Robeson, president of the homeowners association at Ranch Estates, testified that two years ago many of the homeowners went to the Planning and Zoning Commission and the City Council. Appeals were made and variances granted for the heights of the 3 rail fences. Wrought iron fences such as this are narrow, horses kick and get tangled in them. A key point when granting the earlier variances was that they were for existing conditions, not future installations. Mr. Robeson further testified that he does not have horses, but would like to maintain the property for any future owner that may like to have horses.

Ms. Dorta Zalewski, applicant, testified that the requested variance is about the fence being horizontal or vertical, not about wood or vinyl. The fence is 6 ft. and is not dangerous. It would be dangerous if it were a lower height.

After examining the application, supporting documents, and hearing the testimony, Mr. Michael Broderick made a motion to approve appeal #04-22Z, Mr. Chris Polito seconded. The motion was denied by a vote of 3/2 with Mr. Chris Caso, Ms. Jackie Westbrook and Mr. George Elwell casting the dissenting votes.

There being no further business, the meeting was adjourned at 7:00 p.m.

Chris Caso, Chairman

APPEAL SUMMARY
#08-32Z

APPLICANT: Matthew G. Twyman, property owner

ADDRESS: 3620 Ranchero Rd

ZONING: Estate Development (ED)

APPLICANT REQUEST: The applicant is requesting to vary Subsections 2.802 (4) (d) (iii) and (v) of the Zoning Ordinance number 2006-4-24 to allow a solid masonry fence to be constructed along the property lines; and waive the required 50% open in construction.

ORDINANCE REQUIREMENTS: Subsection 2.802 (4) (d) (iii) of the Zoning Ordinance 2006-4-24 states that all fencing shall be at least 50% see-through, except that required for enclosing swimming pools. Subsection 2.802 (4) (d) (v) states that solid type or stockade fencing or walls shall not be constructed on property lines.

STAFF FINDINGS: This 3.32 acre property is located on Ranchero Rd., north of Parker Rd. The property is located within an estate development (ED) zoned district. Applicant is currently seeking approval to construct an eight foot tall solid masonry/stone wall along the north and east sides of the property to separate him from the adjacent single-family residence-9 (SF-9) zoned district. Per applicant, all other fencing/walls on the property will meet code requirements. This appeal was originally tabled at the October 14th, 2008, meeting in order to discuss the (ED) zoning district requirements as it pertains to fencing and walls both along property lines and those enclosing swimming pools with the applicant. Staff met with applicant October 28th, 2008, and discussed (ED) zoning district requirements as it pertains to fencing/walls and swimming pool enclosures. It was determined at the meeting that the exception mentioned under subsection 2.802 (4) (d) (iii) of the Zoning Ordinance 2006-4-24 only pertains to fencing surrounding the immediate area of the pool and not the perimeter of the property. It was also determined that subsection 2.802 (4) (d) (v) of the Zoning Ordinance 2006-4-24 would not allow a solid type fence or wall to be constructed as proposed by applicant as it conflicts with the intent of the ordinance. Applicant advised staff that he wished to pursue the variance request with the Board of Adjustment on November 11, 2008.

**Board of Adjustment
November 11, 2008**

Board Members Present:

Chris Polito, Chairman
Randy Hart
Mike Pirek
Carolyn Kalchthaler, Alternate
William Suttle, Alternate

Board Members Absent:

Joe Milkes
Donnie Swango
Roger Bolin, Alternate

Staff Present:

Selso Mata, Building Official
Victoria Huynh, Assistant City Attorney III
Anthony Han, Plan Review supervisor
Robert Whitley, Code Compliance Representative
Tamra Beck, Sr. Administrative Assistant

A public hearing of the Board of Adjustment was called to order by Chairman Chris Polito on Tuesday, November 11, 2008 at 6:00 p.m. in the Building Inspections Training Room at the Plano Municipal Center. A quorum was present and notice of the meeting had been posted for the time and manner required by law. Chairman Polito swore in those persons planning on giving testimony before the Board.

1. Approval of Minutes: October 28, 2008

Mr. Randy Hart made a motion to approve the minutes of October 28, 2008. Mr. Mike Pirek seconded the motion. Motion was approved with a vote of 5/0.

Chairman Polito admitted all records and testimony received at the meeting to be part of the official meeting record.

2. Public Comments: There were no public comments.



3. *APPEAL # 08-32Z 3620 RANCHERO RD:* A request to vary Subsections 2.802 (4) (d) (iii) and (v) of the Zoning Ordinance number 2006-4-24 to allow a solid masonry fence to be constructed along the property lines; and waive the required 50% open in construction. This appeal is requested by property owner, Matthew G. Twyman. (Tabled 10/14/08)

Mr. Robert Whitley gave a photo presentation and testified that the applicant is requesting to vary Subsections 2.802 (4) (d) (iii) and (v) of the Zoning Ordinance number 2006-4-24 to allow a solid masonry fence to be constructed along the property lines; and waive the required 50% open in construction.

Subsection 2.802 (4) (d) (iii) of the Zoning Ordinance 2006-4-24 states that all fencing shall be at least 50% see-through, except that required for enclosing swimming pools. Subsection 2.802 (4) (d) (v) states that solid type or stockade fencing or walls shall not be constructed on property lines.

This 3.32 acre property is located on Ranchero Rd., north of Parker Rd. The property is located within an estate development (ED) zoned district. Applicant is currently seeking approval to construct an eight foot tall solid masonry/stone wall along the north and east sides of the property to separate him from the adjacent single-family residence-9 (SF-9) zoned district. Per applicant, all other fencing/walls on the property will meet code requirements. This appeal was originally tabled at the October 14th, 2008, meeting in order to discuss the (ED) zoning district requirements as it pertains to fencing and walls both along property lines and those enclosing swimming pools with the applicant. Staff met with

applicant October 28th, 2008, and discussed (ED) zoning district requirements as it pertains to fencing/walls and swimming pool enclosures. It was determined at the meeting that the exception mentioned under subsection 2.802 (4) (d) (iii) of the Zoning Ordinance 2006-4-24 only pertains to fencing surrounding the immediate area of the pool and not the perimeter of the property. It was also determined that subsection 2.802 (4) (d) (v) of the Zoning Ordinance 2006-4-24 would not allow a solid type fence or wall to be constructed as proposed by applicant as it conflicts with the intent of the ordinance. Applicant advised staff that he wished to pursue the variance request with the Board of Adjustment on November 11, 2008.

The city had received one letter requesting a postponement of the Board of Adjustment proceeding.

Mr. Matthew Twyman, applicant showed a slide presentation and submitted additional paperwork to the board. He testified that per Condition 1 (intent of the ordinance) the purpose stated in Subsection 2.802 of the Estate Development zoning ordinance is to "...provide areas for single-family development in a rural or ranch-like setting.

Condition 2 (unique physical characteristics) his property borders, on two sides, an SF-9 Zoning District. Only two other properties on his street and zoning district share a direct outer border with homes in SF-9. All other homes in his zoning district are bordered on the outer perimeter by the substantial natural and permanent physical barriers of floodway easements.

Condition 3 (applicant's role in the hardship) He did not cause this hardship.

Condition 4 (rights enjoyed by others but deprived to him) He would be deprived the "rural or ranch-like setting" as well as privacy that other properties enjoy as a direct result of the interpretation of the provisions of the ordinance as a direct result of Condition 2.

Mr. Allen Ader testified against the requested variance stating that he and his wife had lived in Rancho for 32 years. He was there when the property was annexed into the City of Plano. The ordinance was written to keep the rural setting and that is how he and the other property owners in this area like it.

Mr. Chris Price testified against the requested variance stating that he and others purchased their property because of the wide open feel. He asked that a landscape buffer be used instead of a solid masonry fence.

Chairman Polito closed the public meeting.

Mr. Chris Polito made a motion to deny Appeal #08-32Z. Mr. Greg Suttle seconded. The motion was approved with a vote of 5/0.

4. APPEAL # 08-37Z 3512 WILLOW BEND DR: *A request to vary Subsections 2.802 (4) (b) (ii) and (iii) and 2.802 (4) (d) (iii) and (v) of the Zoning Ordinance number 2006-4-24 to:*

- *Allow a barn to be remain 27 feet 3 inches within the required 50 foot side property line setback for accessory buildings for an overall setback of 22 feet 9 inches*
- *Allow a barn to be remain 29 feet 3 inches within the required 100 foot adjoining property dwelling setback for accessory buildings for an overall setback of 70 feet 9 inches*
- *Allow 186 feet of an 8 foot solid wood fence to remain along the south side of the property and waive the 50% see-through requirement*

This appeal is requested by property owner, N. Scott Carpenter.

Mr. Robert Whitley gave a photo presentation and testified that Subsection 2.802 (4) (b) (ii) of the Zoning Ordinance 2006-4-24 states that accessory buildings shall be at least 50 feet from any side property line and 25 feet from the rear property line. Subsection 2.802 (4) (b) (iii) states that accessory buildings must be 100 feet or more from a dwelling on an adjoining property. Subsection 2.802 (4) (d) (iii) states that all fencing shall be at least 50% see-through, except that required for enclosing swimming pools. Subsection 2.802 (4) (d) (v) states that solid type or stockade fencing or walls shall not be constructed on property lines.

This 2.7051 acre property is located on Willow Bend Dr., between Parker Rd. and Yeary Rd., just north of Hamptondale Rd. The property is located within an estate development (ED) zoned district. Per applicant, the accessory building in question was originally a barn that had been damaged due to a storm. Applicant advised that when repairs were made, he decided to convert the barn to both an accessory dwelling unit and accessory building, making it much larger and adding a second floor. This construction also increased the encroachment into to the required side property line setback and adjacent property dwelling separation setback. When this construction transpired, the barn was no longer a legal non-conforming structure and had to meet all current applicable codes. Due to not meeting all code requirements for accessory dwelling units, staff is considering the current structure as an accessory building that shall not be used as a dwelling unit. The current accessory building encroaches into the 50 foot required side yard property line setback by 27 feet 3 inches. The current accessory building encroaches into the 100 foot required adjacent dwelling separation setback by 29 feet 3 inches. Per applicant, the 186 feet of an 8 foot solid wood fence which was constructed along the south side of the property serves as a privacy buffer for traffic that travels through a required ingress/egress easement.

Mr. Scott Carpenter, applicant testified that the property had been built in 1979 including the barn. The barn measured 20x30 and was composed of cinderblock, composition roof shingles and included 2 horse stalls. He bought the property in 2003 and the contractor obtained a permit to add a 4 car garage, media room, workout room, master suite and expand the living area.

The barn was damaged by a tree during a storm. He decided that instead of repairing the barn it would be an opportune time to build the addition to it. It was never his intention to build without a permit. The contractor became ill and had not obtained the required permit.

His intention is to use the barn as storage space and to house his lawn equipment and hunting dogs. There is no plumbing and only electrical for storage.

When a neighbor built his house in 1997 the existing barn became a legal non-conforming structure.

There are approximately 145 mature trees on the property and if the barn were built elsewhere on the property, it would cause him to have to cut down 20 to 25 trees.

After examining the application, supporting documents and hearing testimonies and taking into consideration the letter received requesting postponement of the hearing, Mr. Mike Pirek made a motion to table Appeal #08-37Z for a period not to exceed 2 months to allow applicant to converse with parties involved. Ms. Carolyn Kalchthaler seconded. The motion was approved with a vote of 5/0.

5. Items for Future Agenda

Staff had not received any applications for the meeting scheduled on December 9, 2008, the cutoff date is November 21, 2008.

The Public Hearing adjourned at 8:15 p.m.

Chris Polito, Chairman

APPEAL SUMMARY #08-37Z

APPLICANT: N. Scott Carpenter, property owner

ADDRESS: 3512 Willow Bend Dr

ZONING: Estate Development (ED)

APPLICANT REQUEST: The applicant is requesting to vary Subsections 2.802 (4) (b) (ii) and (iii) and 2.802 (4) (d) (iii) and (v) of the Zoning Ordinance number 2006-4-24 to:

- Allow a barn to remain 27 feet 3 inches within the required 50 foot side property line setback for accessory buildings for an overall setback of 22 feet 9 inches
- Allow a barn to remain 29 feet 3 inches within the required 100 foot adjoining property dwelling setback for accessory buildings for an overall setback of 70 feet 9 inches
- Allow 186 feet of an 8 foot solid wood fence to remain along the south side of the property and waive the 50% see-through requirement

ORDINANCE REQUIREMENTS: Subsection 2.802 (4) (b) (ii) of the Zoning Ordinance 2006-4-24 states that accessory buildings shall be at least 50 feet from any side property line and 25 feet from the rear property line. Subsection 2.802 (4) (b) (iii) states that accessory buildings must be 100 feet or more from a dwelling on an adjoining property. Subsection 2.802 (4) (d) (iii) states that all fencing shall be at least 50% see-through, except that required for enclosing swimming pools. Subsection 2.802 (4) (d) (v) states that solid type or stockade fencing or walls shall not be constructed on property lines.

STAFF FINDINGS: This 2.7051 acre property is located on Willow Bend Dr., between Parker Rd. and Yeary Rd., just north of Hamptondale Rd. The property is located within an estate development (ED) zoned district. Per applicant, the accessory building in question was originally a barn that had been damaged due to a storm. Applicant advised that when repairs were made, he decided to convert the barn to both an accessory dwelling unit and accessory building, making it much larger and adding a second floor. This construction also increased the encroachment into the required side property line setback and adjacent property dwelling separation setback. When this construction transpired, the barn was no longer a legal non-conforming structure and had to meet all current applicable codes. Due to not meeting all code requirements for accessory dwelling units, staff is considering the current structure as an accessory building that shall not be used as a dwelling unit. The current accessory building encroaches into the 50 foot required side yard property line setback by 27 feet 3 inches. The current accessory building encroaches into the 100 foot required adjacent dwelling separation setback by 29 feet 3 inches. Per applicant, the 186 feet of an 8 foot solid wood fence which was constructed along the south side of the property serves as a privacy buffer for traffic that travels through a required ingress/egress easement.

**Board of Adjustment
November 11, 2008**

Board Members Present:

Chris Polito, Chairman
Randy Hart
Mike Pirek
Carolyn Kalchthaler, Alternate
William Suttle, Alternate

Board Members Absent:

Joe Milkes
Donnie Swango
Roger Bolin, Alternate

Staff Present:

Selso Mata, Building Official
Victoria Huynh, Assistant City Attorney III
Anthony Han, Plan Review supervisor
Robert Whitley, Code Compliance Representative
Tamra Beck, Sr. Administrative Assistant

A public hearing of the Board of Adjustment was called to order by Chairman Chris Polito on Tuesday, November 11, 2008 at 6:00 p.m. in the Building Inspections Training Room at the Plano Municipal Center. A quorum was present and notice of the meeting had been posted for the time and manner required by law. Chairman Polito swore in those persons planning on giving testimony before the Board.

1. Approval of Minutes: October 28, 2008

Mr. Randy Hart made a motion to approve the minutes of October 28, 2008. Mr. Mike Pirek seconded the motion. Motion was approved with a vote of 5/0.

Chairman Polito admitted all records and testimony received at the meeting to be part of the official meeting record.

2. Public Comments: There were no public comments.

3. *APPEAL # 08-32Z 3620 RANCHERO RD:* A request to vary Subsections 2.802 (4) (d) (iii) and (v) of the Zoning Ordinance number 2006-4-24 to allow a solid masonry fence to be constructed along the property lines; and waive the required 50% open in construction. This appeal is requested by property owner, Matthew G. Twyman. (Tabled 10/14/08)

Mr. Robert Whitley gave a photo presentation and testified that the applicant is requesting to vary Subsections 2.802 (4) (d) (iii) and (v) of the Zoning Ordinance number 2006-4-24 to allow a solid masonry fence to be constructed along the property lines; and waive the required 50% open in construction.

Subsection 2.802 (4) (d) (iii) of the Zoning Ordinance 2006-4-24 states that all fencing shall be at least 50% see-through, except that required for enclosing swimming pools. Subsection 2.802 (4) (d) (v) states that solid type or stockade fencing or walls shall not be constructed on property lines.

This 3.32 acre property is located on Rancho Rd., north of Parker Rd. The property is located within an estate development (ED) zoned district. Applicant is currently seeking approval to construct an eight foot tall solid masonry/stone wall along the north and east sides of the property to separate him from the adjacent single-family residence-9 (SF-9) zoned district. Per applicant, all other fencing/walls on the property will meet code requirements. This appeal was originally tabled at the October 14th, 2008, meeting in order to discuss the (ED) zoning district requirements as it pertains to fencing and walls both along property lines and those enclosing swimming pools with the applicant. Staff met with

applicant October 28th, 2008, and discussed (ED) zoning district requirements as it pertains to fencing/walls and swimming pool enclosures. It was determined at the meeting that the exception mentioned under subsection 2.802 (4) (d) (iii) of the Zoning Ordinance 2006-4-24 only pertains to fencing surrounding the immediate area of the pool and not the perimeter of the property. It was also determined that subsection 2.802 (4) (d) (v) of the Zoning Ordinance 2006-4-24 would not allow a solid type fence or wall to be constructed as proposed by applicant as it conflicts with the intent of the ordinance. Applicant advised staff that he wished to pursue the variance request with the Board of Adjustment on November 11, 2008.

The city had received one letter requesting a postponement of the Board of Adjustment proceeding.

Mr. Matthew Twyman, applicant showed a slide presentation and submitted additional paperwork to the board. He testified that per Condition 1 (intent of the ordinance) the purpose stated in Subsection 2.802 of the Estate Development zoning ordinance is to "...provide areas for single-family development in a rural or ranch-like setting.

Condition 2 (unique physical characteristics) his property borders, on two sides, an SF-9 Zoning District. Only two other properties on his street and zoning district share a direct outer border with homes in SF-9. All other homes in his zoning district are bordered on the outer perimeter by the substantial natural and permanent physical barriers of floodway easements.

Condition 3 (applicant's role in the hardship) He did not cause this hardship.

Condition 4 (rights enjoyed by others but deprived to him) He would be deprived the "rural or ranch-like setting" as well as privacy that other properties enjoy as a direct result of the interpretation of the provisions of the ordinance as a direct result of Condition 2.

Mr. Allen Ader testified against the requested variance stating that he and his wife had lived in Rancho for 32 years. He was there when the property was annexed into the City of Plano. The ordinance was written to keep the rural setting and that is how he and the other property owners in this area like it.

Mr. Chris Price testified against the requested variance stating that he and others purchased their property because of the wide open feel. He asked that a landscape buffer be used instead of a solid masonry fence.

Chairman Polito closed the public meeting.

Mr. Chris Polito made a motion to deny Appeal #08-32Z. Mr. Greg Suttle seconded. The motion was approved with a vote of 5/0.



4. APPEAL # 08-37Z 3512 WILLOW BEND DR: *A request to vary Subsections 2.802 (4) (b) (ii) and (iii) and 2.802 (4) (d) (iii) and (v) of the Zoning Ordinance number 2006-4-24 to:*

- *Allow a barn to be remain 27 feet 3 inches within the required 50 foot side property line setback for accessory buildings for an overall setback of 22 feet 9 inches*
- *Allow a barn to be remain 29 feet 3 inches within the required 100 foot adjoining property dwelling setback for accessory buildings for an overall setback of 70 feet 9 inches*
- *Allow 186 feet of an 8 foot solid wood fence to remain along the south side of the property and waive the 50% see-through requirement*

This appeal is requested by property owner, N. Scott Carpenter.

Mr. Robert Whitley gave a photo presentation and testified that Subsection 2.802 (4) (b) (ii) of the Zoning Ordinance 2006-4-24 states that accessory buildings shall be at least 50 feet from any side property line and 25 feet from the rear property line. Subsection 2.802 (4) (b) (iii) states that accessory buildings must be 100 feet or more from a dwelling on an adjoining property. Subsection 2.802 (4) (d) (iii) states that all fencing shall be at least 50% see-through, except that required for enclosing swimming pools. Subsection 2.802 (4) (d) (v) states that solid type or stockade fencing or walls shall not be constructed on property lines.

This 2.7051 acre property is located on Willow Bend Dr., between Parker Rd. and Yeary Rd., just north of Hamptondale Rd. The property is located within an estate development (ED) zoned district. Per applicant, the accessory building in question was originally a barn that had been damaged due to a storm. Applicant advised that when repairs were made, he decided to convert the barn to both an accessory dwelling unit and accessory building, making it much larger and adding a second floor. This construction also increased the encroachment into to the required side property line setback and adjacent property dwelling separation setback. When this construction transpired, the barn was no longer a legal non-conforming structure and had to meet all current applicable codes. Due to not meeting all code requirements for accessory dwelling units, staff is considering the current structure as an accessory building that shall not be used as a dwelling unit. The current accessory building encroaches into the 50 foot required side yard property line setback by 27 feet 3 inches. The current accessory building encroaches into the 100 foot required adjacent dwelling separation setback by 29 feet 3 inches. Per applicant, the 186 feet of an 8 foot solid wood fence which was constructed along the south side of the property serves as a privacy buffer for traffic that travels through a required ingress/egress easement.

Mr. Scott Carpenter, applicant testified that the property had been built in 1979 including the barn. The barn measured 20x30 and was composed of cinderblock, composition roof shingles and included 2 horse stalls. He bought the property in 2003 and the contractor obtained a permit to add a 4 car garage, media room, workout room, master suite and expand the living area.

The barn was damaged by a tree during a storm. He decided that instead of repairing the barn it would be an opportune time to build the addition to it. It was never his intention to build without a permit. The contractor became ill and had not obtained the required permit.

His intention is to use the barn as storage space and to house his lawn equipment and hunting dogs. There is no plumbing and only electrical for storage.

When a neighbor built his house in 1997 the existing barn became a legal non-conforming structure.

There are approximately 145 mature trees on the property and if the barn were built elsewhere on the property, it would cause him to have to cut down 20 to 25 trees.

After examining the application, supporting documents and hearing testimonies and taking into consideration the letter received requesting postponement of the hearing, Mr. Mike Pirek made a motion to table Appeal #08-37Z for a period not to exceed 2 months to allow applicant to converse with parties involved. Ms. Carolyn Kalchthaler seconded. The motion was approved with a vote of 5/0.

5. Items for Future Agenda

Staff had not received any applications for the meeting scheduled on December 9, 2008, the cutoff date is November 21, 2008.

The Public Hearing adjourned at 8:15 p.m.

Chris Polito, Chairman

**Board of Adjustment
January 13, 2009**

Board Members Present:

Randy Hart, Chairman
Joe Milkes
Mike Pirek
Donnie Swango
Carolyn Kalchthaler, Alternate

Board Members Present, not seated

Henry Pauly, Alternate
Ed Stankunas, Alternate

Board Members Absent:

Greg Suttle
Salvator LaMastra, Alternate

Staff Present:

Victoria Huynh, Assistant City Attorney III
Selso Mata, Building Official
Cliff Bormann, Assistant Building Official
Anthony Han, Plan Review supervisor
Robert Whitley, Code Compliance Representative
Tamra Beck, Sr. Administrative Assistant

A public hearing of the Board of Adjustment was called to order by Chairman Randy Hart on Tuesday, January 13, 2009 at 3:00 p.m. in the Council Chambers of the Municipal Center. A quorum was present and notice of the meeting had been posted for the time and manner required by law. Chairman Hart swore in those persons planning on giving testimony before the Board.

1. Approval of Minutes: December 9, 2008

Mr. Mike Pirek made a motion to approve the minutes of December 9, 2008. Mr. Joe Milkes seconded the motion. Motion was approved with a vote of 5/0.

2. Public Comments: There were no public comments.

Chairman Hart called for a 5 minute recess for staff to address the technical difficulties with the recording equipment.

Chairman Hart reconvened the meeting at 3:10 p.m.

*** 3. APPEAL # 08-37Z 3512 WILLOW BEND DR: A request to vary Subsections 2.802 (4) (b) (ii) and (iii) and 2.802 (4) (d) (iii) and (v) of the Zoning Ordinance number 2006-4-24 to:**

- **Allow a barn to be remain 27 feet 3 inches within the required 50 foot side property line setback for accessory buildings for an overall setback of 22 feet 9 inches**
- **Allow a barn to be remain 29 feet 3 inches within the required 100 foot adjoining property dwelling setback for accessory buildings for an overall setback of 70 feet 9 inches**
- **Allow 186 feet of an 8 foot solid wood fence to remain along the south side of the property and waive the 50% see-through requirement**

This appeal is requested by property owner, N. Scott Carpenter. (Tabled on 11/11/08).

Mr. Joe Milkes made a motion to remove Appeal #08-37Z from the table, Ms. Carolyn Kalchthaler seconded. The motion was approved with a vote of 5/0.

Mr. Robert Whitley, Code Compliance Representative, testified that Subsection 2.802 (4) (b) (ii) of the Zoning Ordinance 2006-4-24 states that accessory buildings shall be at least 50 feet from any side property line and 25 feet from the rear property line. Subsection 2.802 (4) (b) (iii) states that accessory buildings must be 100 feet or more from a dwelling on an adjoining property. Subsection 2.802 (4) (d) (iii) states that all fencing shall be at least 50% see-through, except that required for enclosing swimming pools. Subsection 2.802 (4) (d) (v) states that solid type or stockade fencing or walls shall not be constructed on property lines.

Robert Whitley further testified that the 2.7051 acre property is located on Willow Bend Dr., between Parker Rd. and Yeary Rd., just north of Hamptondale Rd. The property is located within an estate development (ED) zoned district. Per applicant, the accessory building in question was originally a barn that had been damaged by a storm. Applicant advised staff that when repairs were made, he decided to convert the barn to both an accessory dwelling unit and accessory building, making it much larger and adding a second floor. This construction also increased the encroachment into the required side property line setback and adjacent property dwelling separation setback. When this construction transpired, the barn was no longer a legal non-conforming structure and had to meet all current applicable codes. The structure does not meet code requirements to be an accessory dwelling unit, and is considered an accessory building that cannot be used as a dwelling unit. The current accessory building encroaches into the 50 foot required side yard property line setback by 27 feet 3 inches. The current accessory building encroaches into the 100 foot required adjacent dwelling separation setback by 29 feet 3 inches. Per applicant, the 8 foot solid wood fence stretching 186 feet along the south side of the property serves as a privacy buffer for traffic that travels through a private ingress/egress easement.

Mr. Scott Carpenter, Applicant, testified in favor of the variance, stating that there was no new information since the last meeting on November 11, 2008. Mr. Carpenter also stated the new owner of the nearby property stated they did not object to the variance.

Mr. Joe Milkes was not present at the November 11, 2008 meeting and asked for an elaboration of the facts.

Mr. Carpenter testified that the original barn was on the property years before he bought the property and it was a legal non-conforming barn. Technically, Mr. Baillargeon encroached on the required setback when he built his house. Other placement of the barn would cause him to cut down trees that are over 100 years old. The barn is not visible from Willow Bend Drive.

Mr. Carpenter further testified that he had used a contractor for some home remodeling. He was using the same contractor for the barn when the contractor became ill and passed away. He had been unaware that the contractor had not obtained a permit.

Mr. Carpenter further testified that the fence was put up along the drive way for his neighbor Rosemary Leach who had been ill and had a lot of traffic going through the property for hospice, family members, lawn service, pool service etc.

Chairman Hart closed the public meeting.

After considering the evidence presented, Mr. Mike Pirek made a motion to approve Appeal #08-37Z as written, Chairman Hart seconded. When the Chairperson called for a vote to approve the request as written, no board members raised their hand. Since there was no concurring vote of 75 percent to approve the variance, the motion failed.

Mr. Mike Pirek made a second motion to approve only Sub-point #3 of Appeal #08-37Z, , which would only allow the 8 foot solid wood fence to remain along the south side of the property and waive the 50% see-through requirement. Mr. Donnie Swango seconded the motion. The motion was approved with a vote of 5/0.

4. Items for future agenda: Staff had not received any application for variance for the January 27, 2009 meeting.

Chairman Hart requested training on the operation of equipment in the Council Chamber.

The Public Hearing adjourned at 3:45 P.M.

Randy Hart, Chairman

**APPEAL SUMMARY
#08-38Z**

APPLICANT: Van and Anne Taylor, property owners

ADDRESS: 3520 Ranchero Road

ZONING: (ED) – Estate Development

APPLICANT REQUEST:

The applicant is requesting to vary Subsection 2.802 (4) (d) (i) of the Zoning Ordinance number 2006-4-24 to allow a fence within the front yard to have a height of 72” instead of the 48” allowed maximum height.

ORDINANCE REQUIREMENTS:

Subsection 2.802 (4) (d) (i) of the Zoning Ordinance number 2006-4-24 states that fences within the front yard setback shall be no more than 48 inches in height. Combinations of berms and fences shall not exceed 48 inches in height.

STAFF FINDINGS:

This property is located north of Parker Road within El Rancho Country Estates Subdivision.

The applicants' home was broken into in August and three security consultants evaluated their home determining that a front fence/gate would dramatically increase security. Per the homeowner, the fence will not block view or increase privacy, only add much needed security for their family. Also according to the security consultants a four foot fence will not be adequate for security purposes but the additional two feet are merited and necessary.

The proposed fence/gate would not exceed six feet in height and would be constructed along the front property lines. Also, the proposed fence/gate complies with the required wrought iron with or without masonry columns within the front yard setback. Currently, the property is surrounded by wrought iron fencing along the perimeter (sides and rear). Staff has received an approval letter from Oncor Electric to allow the fencing along the west side of the property.

**Board of Adjustment
December 9, 2008**

Board Members Present:

Chris Polito, Chairman
Randy Hart
Joe Milkes
Roger Bolin, Alternate
William Suttle, Alternate

Board Members Present, not seated

Carolyn Kalchthaler, Alternate

Board Members Absent:

Mike Pirek
Donnie Swango

Staff Present:

Selso Mata, Building Official
Victoria Huynh, Assistant City Attorney III
Cliff Bormann, Assistant Building Official
Patti Hoffer, Code Compliance Representative
Tamra Beck, Sr. Administrative Assistant

A public hearing of the Board of Adjustment was called to order by Chairman Chris Polito on Tuesday, December 9, 2008 at 6:00 p.m. in the Building Inspections Training Room at the Plano Municipal Center. A quorum was present and notice of the meeting had been posted for the time and manner required by law. Chairman Polito swore in those persons planning on giving testimony before the Board.

Chairman Polito admitted all documents and testimonies received during this meeting to be part of the official meeting record.

1. Approval of Minutes: November 11, 2008

Mr. Randy Hart made a motion to approve the minutes of November 11, 2008. Mr. Roger Bolin seconded the motion. Motion was approved with a vote of 5/0.

2. Public Comments: There were no public comments.

***3. APPEAL # 08-38Z 3520 RANCHERO ROAD:** A request to vary Subsection 2.802 (4) (d) (i) of the Zoning Ordinance number 2006-4-24 to allow a fence within the front yard to have a height of 72" instead of the 48" allowed maximum height. This appeal is requested by property owners Van and Anne Taylor.

Ms. Patti Hoffer provided the facts of the request including photographs of the property and testified that subsection 2.802 (4) (d) (i) of the Zoning Ordinance number 2006-4-24 states that fences within the front yard setback shall be no more than 48 inches in height. Combinations of berms and fences shall not exceed 48 inches in height.

The applicants' home was broken into in August and three security consultants evaluated their home determining that a front fence/gate would dramatically increase security. Per the homeowner, the fence will not block view or increase privacy, only add much needed security for their family. Also according to the security consultants a four foot fence will not be adequate for security purposes but the additional two feet are merited and necessary.

The proposed fence/gate would not exceed six feet in height and would be constructed along the front property lines. Also, the proposed fence/gate complies with the required wrought iron with or without masonry columns within the front yard setback. Currently, the property is surrounded by wrought iron fencing along the perimeter (sides and rear). Staff has received an approval letter from Oncor Electric to allow the fencing along the west side of the property.

Mr. Van Taylor, applicant, testified that he had bought his home approximately two years ago. He liked the wide open spaces, but over the previous year there had been four break in's in the neighborhood his house being one of them. He had met with two security companies who suggested the fence.

Mr. Allen Ader, testified against the requested variance stating that he had lived in the neighborhood for 34 year and break in's only happen in a construction phase when the alarm was not activated.

Mr. Dennis Gorman testified against the requested variance stating that he was the only person that would be uniquely harmed by the fence. His property adjoins the applicant's property and he did not want to look out his front yard at a fence. His property had been robbed 12 years ago and he put a security system in with the perimeter and motion sensors and that has worked to keep him safe.

Mr. Gorman submitted letters from Elizabeth D. Daigle and Judy Broadwell both neighbors against the requested variance.

Mr. J.D. Young, testified against the requested variance stating that of the 19 lots on Rancho 5 are under construction or recently underwent construction. Once we start granting variances the original vision to have openness would be gone. He has lived at this residence for 11 years with no problems. The break in at Mr. Taylor's home happened while he was out of town and he noticed groups of people who did not live there enjoying the facility. There are other alternatives using stones or shrubs.

Mr. David Burns testified against the requested variance stating that his concern was the openness and with all the new construction going on this would set a precedent.

Mr. Tommy Horner testified against the requested variance stating that he and his wife had lived at their residence for 18 years and have had zero issues with security. He does not have a fence and he feels very strongly against putting up fences. He enjoys the openness and the feeling of peacefulness when he comes home from work.

Mr. Van Taylor, applicant again testified that he was not proposing putting up a brick wall, but one that is see through so not to take away from the neighborhood but would give the security he and his family required.

Chairman Polito closed the public hearing.

Mr. Randy Hart made a motion to deny Appeal #08-38Z, Mr. Joe Milkes seconded. The motion was approved to deny the variance with a vote of 5/0. The variance was denied.

4. APPEAL # 08-39S 1881 CENTRAL EXPRESSWAY: A request to vary Subsection 3.1603 (2) (d) (i) of the Zoning Ordinance number 2006-4-24 to allow a freestanding sign to be located zero feet from existing pole sign instead of the required 60 feet distance. This appeal is requested by Scott Remphrey with Ivy Park Crossing L.P., represented by Robert Baldwin.

Ms. Patti Hoffer provided the facts of the request including photographs of the property and testified that Subsections 3.1603 (2) (d) (i) of the Zoning Ordinance number 2006-4-24 states that Identification signs shall be located a minimum of 60 feet from any other freestanding sign.

This property is located on the south west corner of Chisholm Place and US Highway 75 Frontage Road.

Per the applicant, there was a similar sign located on this lot prior to the new development. Also, the proposed identification sign would improve the ability for citizens to locate the office and the shopping area. The proposed sign would not encroach onto the 45' visibility clip.

The existing pole sign was approved in 2007 with a minimum 10 foot setback from the nearest edge of the sign to the front property line. Currently, the existing pole sign only has one tenant panel with an overall width of 10 feet.

The proposed sign would be constructed adjacent to the pole, facing the north east corner of the property. The required setbacks for the proposed identification sign shall be eight feet from front property line and 30 feet from adjoining private property line, and shall be located a minimum of 60 feet from any other freestanding sign. Staff received an application in June of 2008, to permit the proposed sign at an alternate location. At this time the sign application is in deny status, did not meet the minimum 30' from the adjoining private property line.

A letter was received from Rob Baldwin, applicant stating that he would not be able to attend the meeting and requested hat Ms. Vicki Rader be allowed to represent his variance request.

Ms. Vicki Rader testified in favor of the requested variance stating the original sign was a three faced monument sign that faced Chisolm Place and the service road. There is one pole sign on the property after the development was replatted for Starbuck's, now Jersey Mikes. In the contract with the buyer,

they were supposed to put the identification sign back up. We have tried to do that at every location, we can't seem to meet the criteria due to live oak trees on the property. The proposed sign would have no negative impact with visibility for traffic.

Chairman Polito closed the public hearing.

Mr. Greg Suttle made a motion to approve Appeal #08-39S, Mr. Roger Bolin seconded. The motion was approved with a vote of 5/0. The variance was approved.

5. Items for Future Agenda

Appeal # 08-37Z was tabled at the November 11, 2008 meeting. It is scheduled to be heard at the January 13, 2009 meeting. Staff had not received any additional applications; however the cutoff date will be on December 24, 2008.

The Public Hearing adjourned at 7:10 P.M.

Chris Polito, Chairman

APPEAL SUMMARY
#09-03Z

APPLICANT: David G. Burns, property owner

ADDRESS: 3545 Ranchero Rd

ZONING: Estate Development (ED)

APPLICANT REQUEST: The applicant is requesting to vary Subsections 2.802 (4) (d) (iii) and (v) and Subsection 3.1002 (2) of the Zoning Ordinance number 2006-4-24 to:

- Allow 90 feet of a solid wood stockade fence to remain along the north side property line and waive the 50% see-through requirement; and
- Allow 90 feet of a solid wood stockade fence to remain along the north side property line that exceeds the maximum allowed height of 8 feet by 4 feet, for a total height of 12 feet.

ORDINANCE REQUIREMENTS: Subsection 2.802 (4) (d) (iii) states that all fencing shall be at least 50% see-through, except that required for enclosing swimming pools. Subsection 2.802 (4) (d) (v) states that solid type or stockade fencing or walls shall not be constructed on property lines. Subsection 3.1002 (2) states that any fence or wall located to the rear of the front yard setback shall not exceed eight feet in height above the grade of the adjacent property or eight feet when placed on a retaining wall.

STAFF FINDINGS: This property is located on Ranchero Rd., north of Parker Rd. The property is located within an estate development (ED) zoned district. Per applicant, approximately 90 feet of solid wood stockade type fencing was constructed along the north side of the property to serve as a privacy buffer from the adjacent property. The fence that was constructed exceeds the allowed maximum height by 4 feet, for a total height of 12 feet.

**Board of Adjustment
March 24, 2009**

Board Members Present:

Randy Hart, Chairman
Joe Milkes
Mike Pirek
Greg Suttle
Donnie Swango

Board Members Present, not seated

Ed Stankunas, Alternate

Staff Present:

Victoria Huynh, Assistant City Attorney III
Selso Mata, Building Official
Cliff Bormann, Assistant Building Official
Robert Whitley, Code Compliance Representative
Tamra Beck, Sr. Administrative Assistant

A public hearing of the Board of Adjustment was called to order by Chairman Randy Hart on Tuesday, March 24, 2009 at 3:00 p.m. in the Council Chambers of the Municipal Center. A quorum was present and notice of the meeting had been posted for the time and manner required by law. Chairman Hart swore in those persons planning on giving testimony before the Board.

1. Approval of Minutes: February 24, 2009

Mr. Joe Milkes made a motion to approve the minutes of February 24, 2009. Mr. Donnie Swango seconded the motion. Motion was approved with a vote of 5/0.

2. Public Comments:

There were no public comments.

Chairman Hart admitted all documents and testimonies presented into the official record.

4. APPEAL # 09-04Z 620 WATER OAK DR: A request to vary Subsection 3.1002 (2) of the Zoning Ordinance number 2006-4-24 to allow 42.5 feet of a golf-net style fence to remain towards the rear of and along the northeast side property line that exceeds the maximum allowed height of 8 feet by 12 feet, for a total height of 20 feet. This appeal is requested by property owner, Antonio Santiago.

Staff previously advised that this case needs to be tabled until April 9, 2009 at 6:00 p.m. to allow the notice letter to be sent to the applicable surrounding property owners. Applicant was aware of the postponement and did not attend the meeting.

Chairman Hart called agenda item number 4 for a vote to table. Mr. Joe Milkes made a motion to table Appeal #09-04Z until the April 9, 2009 meeting. Mr. Donnie Swango seconded the motion. Motion was approved with a vote of 5/0.



3. APPEAL # 09-03Z 3545 RANCHERO RD: A request to vary Subsections 2.802 (4) (d) (iii) and (v) and Subsection 3.1002 (2) of the Zoning Ordinance number 2006-4-24 to:

- a) Allow 90 feet of a solid wood stockade fence to remain along the north side property line and waive the 50% see-through requirement; and,
- b) Allow 90 feet of a solid wood stockade fence to remain along the north side property line that exceeds the maximum allowed height of 8 feet by 4 feet, for a total height of 12 feet.

This appeal is requested by property owner, David G. Burns.

Mr. Robert Whitley, Code Compliance Representative, testified that Subsection 2.802 (4) (d) (iii) states that all fencing shall be at least 50% see-through, except that required for enclosing swimming pools. Subsection 2.802 (4) (d) (v) states that solid type or stockade fencing or walls shall not be constructed on property lines. Subsection 3.1002 (2) states that any fence or wall located to the rear of the front yard setback shall not exceed eight feet in height above the grade of the adjacent property or eight feet when placed on a retaining wall.

This property is located on Rancho Rd., north of Parker Rd. The property is located within an estate development (ED) zoned district. Per applicant, approximately 90 feet of solid wood stockade type fencing was constructed along the north side of the property to serve as a privacy buffer from the adjacent property. The fence that was constructed exceeds the allowed maximum height by 4 feet, for a total height of 12 feet.

Mr. David Burns, applicant, testified in favor of the requested variance stating that his side yard is against the neighbor's back yard. Both have large families and there is a lot of entertaining and noise. There is also a lot of pool equipment, HVAC units, a big screen TV and speakers.

He initially had an 8 ft. fence installed, but it did not block the noise well enough, so he has another 4 ft. added to avoid friction with the neighbors. The fence is not visible from the street. It is hidden with foliage except one area that if asked, they would add more foliage to cover that area.

Mrs. Christine Burns, co-owner of the property in question, also testified in favor of the requested variance stating that the fence is not visible and she would have no problem adding the additional shrubbery for coverage as necessary.

There is also another similar fence in the area at a property that has a dog run which is also not visible from the street.

Mr. Dennis Gorman, neighbor, testified in favor of the requested variance stating that the fence is not visible and it is the most sensible way for the two neighbors to address their problems.

Mr. Matt Twyman, neighbor, testified in favor of the requested variance stating that he supports the Burns need and desire for privacy.

Chairman Hart closed the public meeting.

After considering the evidence presented, Mr. Donnie Swango made a motion to approve Appeal #09-03Z, Mr. Greg Suttle seconded. The motion was approved with a vote of 4/1, with Mr. Mike Pirek casting the dissenting vote.

Chairman Hart then stated that the Board would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with the Board's attorney and receive legal advice pursuant to Section 551.071(2), for which a certified agenda is not required pursuant to 551.103(a).

Chairman Hart reconvened the hearing at 3:57 p.m. in the Council Chamber to hear the remaining matters.

5. APPEAL # 09-05S 4550 LEGACY DR: A request to vary Subsection 3.1603 (2) (e) of the Zoning Ordinance number 2006-4-24 to allow an institution sign to be erected in a residential zoning district that exceeds the 32 maximum allowed square footage by 48 square feet, for a total overall size of 80 square feet. This appeal is requested by Director Adam Ruef of Christ Church of Plano, Inc., property owner.

Mr. Adam Ruef representing the applicant requested to withdraw Appeal #09-05S.

The Board accepted the withdrawal of Appeal #09-05S.

6. Discuss and adopt Board of Adjustment Bylaws.

Mr. Joe Milkes made a motion to adopt the Board of Adjustment Bylaws without change. Mr. Mike Pirek seconded. The motion was approved with a vote of 5/0.

7. Discuss election procedures and make official nominations for Vice Chairman position.

Nominations for vice chairman were made for Mr. Joe Milkes, Mr. Mike Pirek and Mr. Greg Suttle.

Mr. Greg Suttle withdrew his name from nomination.

8. Items for future Agenda.

Appeal #09-04Z will be heard on April 9, 2009 and the Board will vote on Vice Chairman.

The Board has one case for the meeting scheduled on April 14, 2009.

The Public Hearing adjourned at 4:49 P.M.

Randy Hart, Chairman

CITY OF PLANO
PLANNING & ZONING COMMISSION

November 17, 2008

Agenda No. 16

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

Applicant: Matthew Twyman

DESCRIPTION:

Appeal of the Director of Planning's Interpretation of the Regulations for Fences in the Estate Development Zoning District.

REMARKS:

Subsection 2.802.4(d) of the Zoning Ordinance contains special regulations for fences in the Estate Development (ED) district. The ED district regulations are intended to foster a more rural or ranch-like large lot style of development, with a minimum lot size of one acre. The fence regulations further support this development style by requiring all fencing to be at least 50% open and prohibiting solid screening fences or walls along property lines. The only fencing exempted from the 50% requirement is that used for swimming pool enclosures. The fence regulations are as follows:

Subsection 2.802.4(d) (Fences)

All fences within an ED district shall comply with the following standards:

- (i) Fences within the front yard setback shall be no more than 48 inches in height. Combinations of berms and fences shall not exceed 48 inches in height.
- (ii) Fences within the front yard setback shall be horizontal rail or vertical wrought iron with or without masonry columns.
- (iii) All fencing shall be at least 50% see-through, except that required for enclosing swimming pools.
- (iv) No farm or rural fencing (such as barbed wire) shall be used. Smooth, nonclimbable two-inch by four-inch mesh on metal posts will be acceptable behind the building line.

- (v) Solid type or stockade fencing or walls shall not be constructed on property lines.

Mr. Matthew Twyman owns a 3.3± acre property on Ranchero Road in an ED district. Mr. Twyman wishes to construct solid screening walls along the northern and eastern property lines of his lot to provide privacy for his backyard and swimming pool. Mr. Twyman's proposal does not comply with the prohibition of solid fencing or walls along property lines. He could comply with the ordinance, however, by erecting 50% open fencing along the property lines and a solid fence or wall around the swimming pool itself. Pool enclosures are typically located near the edge of the pool decking to provide privacy and security for the immediate pool area. This arrangement would give the applicant the same opportunities for fencing and privacy as that enjoyed by property owners in other residential zoning districts.

At it's November 11, 2008, meeting, the Board of Adjustments denied Mr. Twyman's variance requests to allow a solid masonry fence to be constructed along the property lines and to waive the 50% open in construction requirement.

It is true that the ordinance does not specify a minimum distance separation between the pool and solid fencing, nor does it address a minimum setback from the property lines for solid screening. However, in reading the fence regulations in their entirety, along with the stated intent of the ED district to provide a more rural, open pattern of development, the Director of Planning's interpretation of the ordinance requirements is that solid fencing or walls should only be erected as needed to enclose the immediate swimming pool area.

Mr. Twyman has appealed this interpretation of the ordinance. Section 6.300 (Interpretation) of the Zoning Ordinance grants authority to the Director of Planning to determine the meaning and interpretation of provisions of the ordinance, with an appeal to the Planning & Zoning Commission. The determination of the Commission is final.

RECOMMENDATIONS:

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

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 6, 2009

Agenda Item No. 10

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

Applicant: Matthew Twyman

DESCRIPTION:

An appeal of the Director of Planning's Interpretation of the Zoning Ordinance Regulations pertaining to the setback of accessory buildings in the Estate Development zoning district from dwelling units on adjoining property.

REMARKS:

Subsection 2.802(b)(iii) (ED - Estate Development) of the Zoning Ordinance requires that accessory buildings be located 100 feet or more from a dwelling on an adjoining property. The applicant is appealing the Director of Planning's interpretation that this distance setback applies not only to dwellings on adjoining property that have ED zoning, but also dwellings on property that are in a different residential zoning district. He wishes to place a pool cabana within 100 feet of a dwelling unit on an adjacent lot that is zoned Single-Family Residence-9.

The ED regulations contain several requirements for the placement of accessory buildings that are more restrictive than in other residential zoning districts, and that are intended to maintain a more open, rural landscape. Since large animals are allowed in the ED district, the setback requirements also address barns, sheds, stables, and other structures that might house animals and the attendant noise and odors. As in many of the single-family residential districts, the ED district permits accessory buildings up to ten percent of the lot area. For example, a 4,356 square foot accessory building is possible for a one acre lot (the minimum lot size for the ED district.). The 100 foot separation distance between accessory buildings and residential dwellings helps to buffer potentially large accessory buildings from adjoining residential dwellings.

Typically, zoning regulations that seek to provide additional setbacks, screening, etc. for the protection of residential dwellings do not distinguish between lot size and residential district classification. For example, the screening wall required for commercial developments adjacent to residential areas apply equally to single-family and multifamily districts. The height-slope setback in the Regional Employment and

Regional Commercial districts apply to all residential zoning districts. For these reasons, it is the Director's interpretation that the setback provisions for accessory buildings were intended to apply to all dwellings on adjacent properties, regardless of zoning.

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

RECOMMENDATIONS:

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

CITY OF PLANO

PLANNING & ZONING COMMISSION

August 6, 2001

Agenda No. 7

Public Hearing: Zoning Case 2001-22

Applicant: City of Plano

DESCRIPTION:

Request to amend the zoning of Planned Development-173-Estate Development (PD-173-ED) on 147.2+ acres located due east of San Gabriel Drive at Ranch Estates Drive. This zoning case proposes to amend the existing development stipulations to add standards for fences within the required front yard setback. Zoned PD-173-ED. Neighborhood #50.

REMARKS:

This request was originally noticed for the July 2, 2001, Planning & Zoning Commission meeting; however, no action was taken due to an error in the public hearing notice. A corrected notice with a public hearing date of August 6, 2001, was mailed to property owners within the limits of PD-173-ED, and to property owners within 200 feet of the area of this request.

The current zoning is PD-173-ED. Estate Development (ED) district is intended to provide areas for single-family development in a rural or ranch-like setting or where topography and/or utility capacities limit the use of the land. Planned Development (PD) district provides the ability to amend use, height, setback, and other requirements at the time of zoning to promote innovative design and better development controls appropriate to both off- and on-site conditions. PD-173-ED stipulates the minimum lot size shall be two acres.

At the request of City Council, the Planning & Zoning Commission held a series of work sessions over the past few months to discuss changes to the Zoning Ordinance for both general fence regulations and specific standards for fences within the ED district. Summaries of the general discussions can be found in Zoning Case 2001-21.

In discussing the specific fence standards within the ED district, the Commission received testimony from residents of Ranch Estates, the area encompassed by PD-173-ED, as to the unique nature of their development compared to other ED subdivisions within the city. Some of the residents expressed that painted wood rail fences were necessary to maintain the unique, aesthetic qualities of their subdivision and to provide safety for large animals and riders. They noted that the projection of spikes on some wrought iron fences are hazardous to animals and riders. Other residents noted that they did not have animals and felt that there were other types of fences that are aesthetically suitable for their subdivision. Please note the comments in the attached response letters from property owners within PD-173-ED and property owners within 200 feet of PD-173-ED.

Staff feels it is appropriate to use PD districts to recognize unique characteristics for a particular development. For this reason, staff recommended that the particular fence standards for Ranch Estates be made a part of PD-173-ED rather than include these in the broader ED district fence standards.

RECOMMENDATIONS:

Recommended that the two-acre minimum lot size stipulation be maintained, and that the Commission establish the appropriate fence types for this particular planned development.

Kate Perry

From: ceplanotx@yahoo.com
Sent: Wednesday, June 10, 2009 4:46 PM
To: Kate Perry
Subject: Don't Change the ED Rules!

Any concern about the land value exceeding the home value in ED zoning is a testament to the success of the current ED requirements, not a problem. To change the ED rules to accommodate new money moving into an existing ED development would undermine the very reasons for the ED success.

Hundreds of families have chosen to locate in Plano ED districts for the spacious open views and country-like environment that ED zoning protects.

Please don't change the rules our families have relied upon to accommodate some few who want walled compounds.

Respectfully,

Chuck & Pat Evans
3333 Rancho Rd
972-403-0144

June 8, 2008
Joan and Allen Ader
3600 Ranchero Road
Plano, Texas 75093
(972) 403-0081
theadefamily@verizon.net

Kate Perry, AICP
Planning Department
Plano Municipal Center
1520 K Avenue
Plano, Texas 75074

Dear Ms. Perry,

We have lived on Ranchero Road for almost 34 years ever since James Muns first developed El Rancho. We were attracted to his sub-division because it offered an open country feel and a place where we could safely raise our family. To protect that natural ambience and the look we all treasure, James had the foresight to write "restrictions" into our property deeds. When we were annexed into the City of Plano, a formal ED Zoning Ordinance was written which in part, continued and preserved James's vision for El Rancho.

Over the years, the ED Zoning Ordinance that the Planning and Zoning Commission is now reviewing, has served our neighborhood extremely well. Whenever a neighbor wanted to build a building or some other structure that was not in code, they would informally meet with their other neighbors to explain their pressing need and unusual situation that led to their request for a code variance. The intent was to work out a solution that was acceptable to every one and protected the look and feel of El Rancho. That "neighbor to neighbor approach" has always worked for the entire neighborhood's benefit.

Within the past two years, two "new" neighbors have purchased property in El Rancho with the intent to tear down an existing home and build a new one. These "new" owners were either unfamiliar with the existing ED Zoning when purchasing the property or hoped they could gain a future variance. During their construction phase, they appealed to the Board of Adjustments for a variance. At one hearing, the "old" neighbors from El Rancho and Lakeside on Legacy that were most affected by a potential "out of code" structure testified as to why they did not agree with the variance. After hearing from both parties, the Board of Adjustments ruled. A democratic process that is fair to all affected parties. The "new" owners requested variances to build solid masonry walls and fences in excess of eight feet. The "old" neighbors opposed those changes because we firmly believe a modification to the ED Zoning permitting such structures would

be extremely detrimental to the neighborhood and ruin El Rancho's current look and feel that James Muns created. We don't want "walled fortresses"!

Also, we sincerely request that you do not change the existing ED Zoning Ordinance because the system as it now exists works extremely well. In most cases, neighbors can reach a mutually acceptable solution. Until recently, that is what has happened here in El Rancho. In those rare cases where agreement cannot be reached, a hearing and ruling by the Board of Adjustments is the fairest system to all the neighbors. Any changes made to the current ED Zoning Ordinance or the system could create major problems that do not exist today.

Thank you for your time to consider our opinion. We appreciate it.

Sincerely,

Joan C. Ader

Allen M. Ader

June 7, 2009

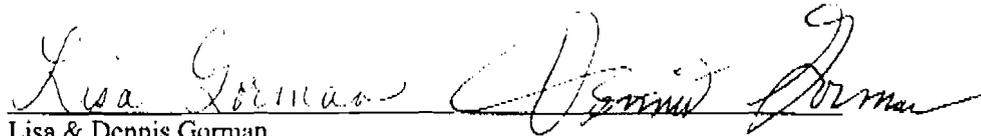
Kate Perry, AICP
Planning Department
Plano Municipal Center
1520 Avenue K
Plano, TX 75074
Fax: 972-461-6878
Email: katep@plano.gov
Phone: 972-941-5249

To: Kate Perry and the Planning & Zoning Commission

Re: Regulations Pertaining to the Estate District ("ED")

I am strongly opposed to changing the ED regulations in any way whatsoever. I purchased my property in Plano relying upon the ED regulations to protect and preserve it. These regulations have served us very well in Plano and developed many beautiful and valuable neighborhoods, including the El Ranchero neighborhood in which we live. We are strongly opposed to changing the ED regulations in any manner and we have strongly relied upon the ED regulations and the enforcement of them by the City of Plano ever since we purchased our home.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Gorman".

Lisa & Dennis Gorman
3540 Ranchero Road
Plano, TX 75093
Purchased August 1996

JUN 09 2009

PLANNING DEPT

David G. Burns and Christine Burns
3545 Ranchero Rd.
Plano, Texas 75093
972-473-2429

June 8, 2009

Kate Perry, AICP
Planning Department
Plano Municipal Center
1520 Avenue K
Plano, TX 75074

Re: Regulations Pertaining to the Estate District Zoning ("ED")

Dear Ms. Perry:

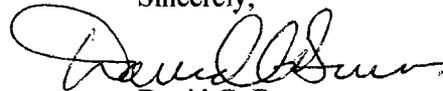
After living in the north Dallas area for the better part of 20 years, my wife, Christine, discovered the subdivision known as El Ranchero Estates here in Plano. We were looking for more of the open country type atmosphere without getting to far from the city. We purchased our property in El Ranchero and built our home 5 years ago relying upon the ED Zoning Ordinance which is currently in place. The ED Zoning Ordinance was put into place many years ago to help protect homeowners and the City of Plano and in our particular situation, preserve the creation of the original developer of El Ranchero.

It appears to us that over the years the regulations currently in place, particularly those that pertain to El Ranchero, have served the City of Plano very well. There are so many beautiful neighborhoods in Plano. When we tell people where we live and in particular, El Ranchero, we often here the words "amazing lot", "beautiful neighborhood" and "how did you find this place". We believe the current regulations in place and the procedures requesting any variances thereto allow property owners and the City of Plano the means to work together to preserve the integrity of the ED Zoning Ordinance. The current system is working.

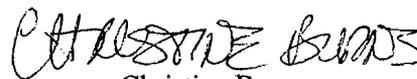
We therefore would oppose changing or modifying in any way the ED Zoning Ordinance.

Thank you for your time and consideration.

Sincerely,



David G. Burns



Christine Burns

RECEIVED

JUN 11 2009

PLANNING DEPT

JD Young
3500 Ranchero Road
Plano, TX 75093
972.403.1323

June 9, 2009

City of Plano
Planning Department
Attn: Ms. Kate Perry, AICP
PO Box 860358
Plano, TX 75086-0358

Dear Ms. Perry:

I am a homeowner at the above referenced address situated within the Estate District (ED) zoning within the city limits. I would like to add my voice to those opposed to any changes in the ED zoning.

I bought this lot in 1997 and have lived in this house since that time. I researched the zoning on this development and bought specifically because my neighbors and I would be bound by the covenants therein.

I have relied on these covenants to maintain the look and feel that James Muns originally incorporated into deed restrictions on his development. When the City annexed El Ranchero Estates, ED was created to address these very restrictions.

I must point out that there is a process in place for variances to the zoning to be granted. The process requires collaboration and cooperation, which prevents individuals from trampling on the rights of others. We are not a fortress community, and don't want to be a collection of houses unseen behind tall masonry walls. Any buyer that purchases a lot on this street can afford to buy in any of the fortress communities nearby. That such a buyer bought poorly and is building conspicuously without regard to ordinances that predate them may have a problem, but the problem is neither mine nor the city's.

I might further observe that any changes here on Ranchero Road may very well require an environmental impact study, due to the proximity of a waterway on a number of the parcels. The movement of several species is dependent on the open spaces that are a direct result of the ordinance's limitations on walls and fences.

Your notification letter notes that you have received "several requests" recently for variances to the ordinance. It turns out that most of the requests have originated with a very small number of recent purchasers. One would think that a curt review of the zoning would be in order prior to spending this much money on land and a home.

The name El Rancho connotes ranches and open land. We do not wish to change that now.

Sincerely,

A handwritten signature in black ink, appearing to be "JD Young", written in a cursive style.

JD Young

Kate Perry

From: J Broadwell [jbroadwell@verizon.net]
Sent: Thursday, June 11, 2009 9:32 AM
To: Kate Perry
Subject: Proposed review of Regulations Pertaining to the Estate District ("ED")

June 11, 2009

Kate Perry, AICP
Planning Department
Plano Municipal Center
1520 Avenue K
Plano, TX 75074
Fax: 972-461-6878
Email: katep@plano.gov
Phone: 972-941-5249

To: Kate Perry and the Planning & Zoning Commission
Re: Regulations Pertaining to the Estate District ("ED")

We are strongly opposed to any change to the ED regulations. We purchased estate property in Plano in April, 1979, understanding and believing that the ED regulations would protect and preserve its beauty and its value. These regulations have served us well, and subsequent to the development of El Rancho Estates, additional estate neighborhoods, beautiful and valuable, have emerged and taken their place in the diversity of our community. We have relied upon the existing ED regulations [and their enforcement by the City of Plano] for over 30 years, and we are strongly opposed to the review and possible changes you propose;

Sincerely,

Ron and Judy Broadwell
3400 Rancho Road
Plano, TX 75093
972.403.0071
jbroadwell@verizon.net
rebwell@verizon.net

6/11/2009

Kate Perry

From: Chris Price [cprice1@airmail.net]
Sent: Friday, June 12, 2009 11:36 AM
To: Kate Perry
Subject: Review of Estate District Zoning

Ms Perry:

I live at 5224 Runnin River in Lakeside Estates. My back yard backs up directly to the new home that is currently under construction. When the variance was requested for a solid masonry fence was first requested I polled the 9 homeowners in Lakeside that, like myself, back up to Mr. Twaymans estate lot. I received signatures from each of the homeowners I talked with. The letter and signatures opposing a solid wall were presented and turned in at the P & Z hearing.

I, like my neighbors, purchased my lot and paid a premium for it receiving in return an un-obstructed, open view from my back yard. This zoning requirement was in place when I and my other neighbors purchased their homes. It is an ordinance that preserves and protects the environment in which we purchased our homes and is valued by all but a very few new homeowners. Please here the voice of the majority, not the minority with the time and money to pursue this.

Chris Price
2591 East Pioneer Drive
Irving, Texas 75061
Office 972-554-8111 x 302
Cell 214-287-5865
Fax 972-554-8222
cprice1@airmail.net