

**DATE:** February 17, 2015  
**TO:** Honorable Mayor & City Council  
**FROM:** Doug Bender, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of February 16, 2015

**AGENDA ITEM NO. 9A - PUBLIC HEARING  
ZONING CASE 2014-50  
APPLICANTS: FAIRVIEW FARM LAND CO., LTD & FAIRVIEW PREMIER DRIVE,  
LLC**

Request to rezone 11.4± acres located on the north side of Premier Drive, 885± feet east of Renaissance Drive **from** Corridor Commercial **to** Planned Development-Corridor Commercial to allow for multifamily residence with modified development standards. Zoned Corridor Commercial.

**APPROVED:** 7-1 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA:** **SUPPORT:** 0 **OPPOSE:** 0

**LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA:** **SUPPORT:** 0 **OPPOSE:** 0

**PETITION(s) RECEIVED:** N/A **# OF SIGNATURES:** N/A

**STIPULATIONS:**

The Commissioner voting in opposition did not state a reason for their opposition.

Recommended for approval with the following stipulations:

**Restrictions:**

The permitted uses and standards shall be in accordance with the existing Corridor Commercial (CC) zoning district unless otherwise specified herein:

Multifamily residence is a permitted use and shall be developed in accordance with the Multifamily Residence-2 (MF-2) zoning district with the following exceptions:

1. Minimum Side Yard Setback: 10 feet
2. Maximum Height: One story (20 feet)
3. Maximum Number of Units: 122 total, of which no more than 26 will be duplexes.  
The remaining units will be detached, single units.

**FOR CITY COUNCIL MEETING OF:** March 17, 2015 (To view the agenda for this meeting, see [www.planotx.gov](http://www.planotx.gov))

**PUBLIC HEARING - ORDINANCE**

ST/ks

xc: Rodney Haggard, Fairview Farm Land Co., LTD & Fairview Premier Drive LLC  
Jon Van De Voorde, NexMetro Communities

<http://goo.gl/maps/aL0gi>

CITY OF PLANO  
PLANNING & ZONING COMMISSION

February 16, 2015

**Agenda Item No. 9A**

**Public Hearing:** Zoning Case 2014-50

**Applicants:** Fairview Farm Land Co., LTD & Fairview Premier Drive, LLC

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**DESCRIPTION:**

Request to rezone 11.4± acres located on the north side of Premier Drive, 885± feet east of Renaissance Drive **from** Corridor Commercial **to** Planned Development-Corridor Commercial to allow for multifamily residence with modified development standards. Zoned Corridor Commercial.

**REMARKS:**

The purpose of this request is to rezone 11.4± acres located on the north side of Premier Drive, 885± feet east of Renaissance Drive from Corridor Commercial (CC) to Planned Development-Corridor Commercial (PD-CC). The CC district is intended to provide for retail, service, office, and limited manufacturing uses within major regional transportation corridors. The regulations and standards of this district are reflective of the high traffic volumes and high visibility of these regional highways.

The requested zoning is PD-CC to allow for multifamily residence as a permitted use with modified development standards. A PD district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off- and onsite conditions.

A preliminary site plan, Fairview Central Park Addition, Block B, Lot 1R accompanies this request as Agenda Item No. 9B.

**Surrounding Land Use and Zoning**

The area of the request is currently undeveloped. To the north and south are vacant properties zoned CC. The property to the west is zoned CC with Specific Use Permit #363 for Retirement Housing and is developed as an assisted living facility. To the east, is zoned CC with an existing restaurant development and a hotel development currently under construction.

## **Proposed Planned Development Stipulations**

The requested zoning is PD-CC. There are two primary parts to this request: land use and design standards.

**Land Use** - The applicant is proposing to retain CC as the base zoning district with the additional use of multifamily residence allowed by the PD.

**Design Standards** - The language in the proposed PD district would allow this site to be developed as multifamily residences built to Multifamily Residence-2 (MF-2) standards with modified development standards.

The requested PD stipulations are as follows:

The permitted uses and standards shall be in accordance with the existing Corridor Commercial (CC) zoning district unless otherwise specified herein:

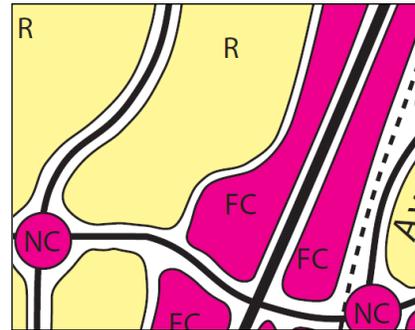
Multifamily residence is a permitted use and shall be developed in accordance with the Multifamily Residence-2 (MF-2) zoning district with the following exceptions:

1. Minimum Side Yard Setback: 10 feet
2. Maximum Height: One story (20 feet)
3. Maximum Number of Units: 122 total, of which no more than 26 will be duplexes.  
The remaining units will be detached, single units.

## **Conformance to the Comprehensive Plan**

**Future Land Use Plan** - The Future Land Use Plan designates this property as Residential (R). This request is in conformance with the Future Land Use Plan.

The city's current land use policies recommend that land along expressway corridors be reserved for economic development and employment opportunities. However, residential development may be appropriate in accordance with the interim amendment policy recommendations of the Comprehensive Plan that were adopted in April, 2012. The policies that apply to this request include:



1. New multifamily zoning should require a minimum density of 40 dwelling units per acre on the project site. Phased development should have a minimum average density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall project. Additionally, mid-rise multifamily development and neighborhood mixed-use zoning districts could be exceptions to this minimum density requirement.

The applicant is proposing a minimum residential density of 14 units per acre. This request is not in conformance with this recommendation.

2. Isolated residential development should not be permitted; residential rezoning requests need to establish a complete new neighborhood or expand an existing neighborhood or an urban mixed-use center. Mid-rise multifamily development (5 to 12 stories) and special needs housing (i.e. senior housing) could be an exception if the surrounding land use is compatible.

Multifamily residential on the subject property is not an expansion of an existing neighborhood nor is it a part of a proposed mixed-use development. However, the associated preliminary site plan shows a total of 122 units.

3. The 1,200-foot setback for residential uses from the centerline of State Highway 121 should be retained, and applied to the Dallas North Tollway, State Highway 190/President Bush Turnpike, and U.S. Highway 75. Factors including topography, creeks, vegetation, and existing development patterns should be considered in applying this standard.

This request is approximately 650 feet from the centerline of U.S. Highway 75. The subject property is at grade with adjacent streets and there is existing single-story commercial development between the site and U.S. Highway 75.

### **Housing Element**

The Housing Element of the Comprehensive Plan specifically discusses alternative neighborhood formats, since the amount of land available for future residential development is limited. Much of it lies outside of typical neighborhood settings and is separated by major thoroughfares, natural features such as floodplains, and nonresidential development from existing neighborhoods. Some land zoned for nonresidential uses is not in a prime location for development and lacks the access and visibility required for commercial uses. The element specifically states that “a reasonable alternative use for these properties may include some form of medium- to high-density housing in an area that is not sized and configured like a typical neighborhood project.”

Given the limited visibility from U.S. Highway 75, the subject property is not a “prime location” for commercial uses. Residential uses may be an appropriate use for the site in an alternative neighborhood format. The PD would establish a medium density housing product which, as an independent multifamily development, is not configured like a typical neighborhood. For these reasons, staff believes the request is in conformance with the Housing Element.

### **Housing Density Policy Statement**

The Housing Density Policy statement recommends limiting the concentration of multifamily units to a maximum of 500 in each location with a minimum required distance of 1,500 feet from multifamily concentrations of 500 units (excluding urban centers). The applicant’s request includes limiting the concentration of units to a total of

122. There are no existing multifamily developments within 1,500 feet of the subject property. This request is in conformance with the Housing Density Policy Statement.

**Adequacy of Public Facilities** - Water and sanitary sewer services are available to serve the subject property.

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

**School Capacity** - This is provided for informational purposes only. The subject property is within the Plano Independent School District and is served by the following schools:

Elementary School	Christie
Middle School	Carpenter
High School	Clark
Senior High School	Plano Senior

At this time and based upon current boundaries, PISD has determined that there is sufficient capacity at all four schools.

**Public Safety Response Time** - Based upon existing personnel, equipment and facilities, fire emergency response times will be sufficient to serve the site. Residential units in this area will increase EMS and fire calls for service, and may impact future staffing levels, and the type of equipment assigned to area fire stations.

**Access to and Availability of Amenities and Services** - The subject property is not within a Park Fee service area. There are no existing neighborhood parks or linear parks to serve this area and the Park Master Plan does not identify any proposed parks to be located within this area of the city. Private open space will serve the residents of this area. This request is consistent with the requirement of the MF-2 zoning district.

The subject property is located within the Harrington Library's service area, and service to future residents would be possible with the current library resources.

## **ISSUES:**

### **Residential Use**

The subject property is an infill site with good access to Premier Drive, but limited visibility from U.S. Highway 75 due to existing development on the highway frontage. Although this property is designated as Residential on the Future Land Use Plan, it is zoned for commercial uses. Adjacent properties to the west and east are currently developed or under construction as senior housing, hotel and restaurant uses. The proposed hotel development to the east of the subject property is approved at four stories in height. Staff is concerned that the height of this development may create a significant commercial presence which would be detrimental to residential uses.

The applicant is requesting MF-2 zoning in order to develop a product which appeals to residents seeking lower density rental homes with little maintenance. As shown by the companion preliminary site plan, the developer intends to construct single-story detached units with amenities and open space to serve future residents. With the exception of the future land use plan designation of Residential, the Housing Density Policy Statement and the Housing Element, the Comprehensive Plan's policies do not support residential uses in this area. However, as an infill development, it may be appropriate to allow for an alternative form of multifamily residence in order to promote more diversity of housing opportunities within the city. Although the subject property is not ideally suited for residential uses, staff believes the request could be an opportunity for a modern form of lower density multifamily product.

### **Side Yard Setback**

The requested MF-2 zoning district requires a minimum side yard setback of 15 feet. The applicant is proposing to reduce this standard to 10 feet in order to capture more property for development. Although this is a minor reduction, staff believes the existing setback is necessary to provide additional setback area for residents from proposed and existing commercial development, including the adjacent four-story hotel.

Additionally, the property is large enough to allow for flexibility in site design in order to accommodate setbacks in accordance with MF-2 standards. Staff believes the applicant should comply with the required 15-foot setback, if the site is appropriate for multifamily residential uses. Therefore, staff is not in support of amending the side yard setback.

### **SUMMARY:**

The applicant is requesting to rezone 11.4± acres located on the north side of Premier Drive, 885± feet east of Renaissance Drive from Corridor Commercial to Planned Development-Corridor Commercial to allow for multifamily residence with modified development standards. The request is in conformance with the Future Land Use Plan designation of Residential, the Housing Density Policy Statement and the Housing Element, but it is not consistent with the interim amendments to the Land Use Element of the Comprehensive Plan. The subject property is not in a prime location for commercial development due to limited visibility from U.S. Highway 75, and the site may be appropriate for multifamily in order to appeal to residents seeking low-density, detached rental homes. Although staff is concerned regarding the height of the proposed adjacent hotel development, and the applicant's requested reduction in side yard setback, staff believes this site could be an appropriate location for the requested multifamily development if the Planning & Zoning Commission determines the property is suited for this use.

### **RECOMMENDATION:**

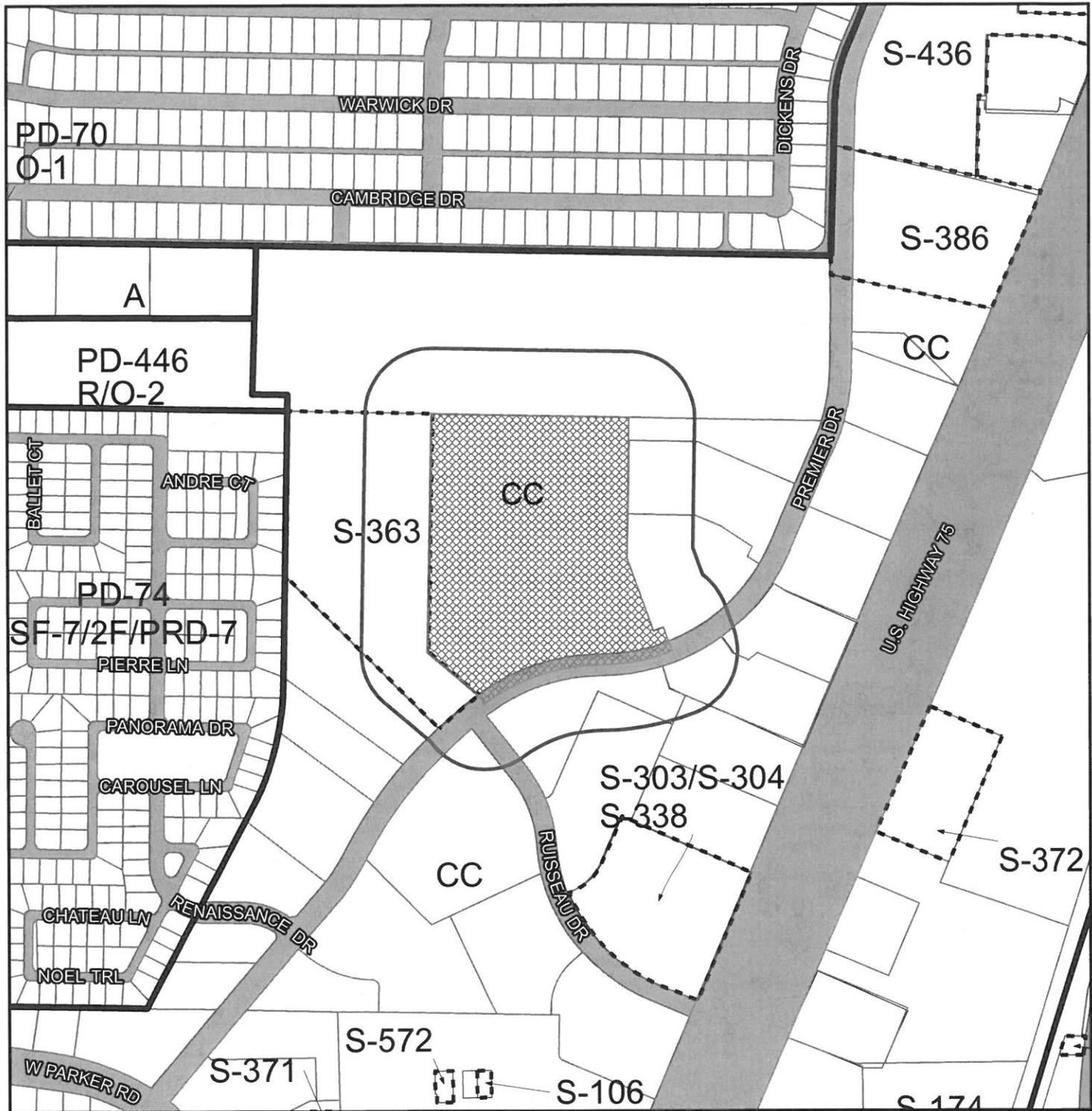
Recommended that the Planning & Zoning Commission provide direction regarding the appropriateness of multifamily residence, subject to the following standards requested by the applicant:

**Restrictions:**

The permitted uses and standards shall be in accordance with the existing Corridor Commercial (CC) zoning district unless otherwise specified herein:

Multifamily residence is a permitted use and shall be developed in accordance with the Multifamily Residence-2 (MF-2) zoning district with the following exceptions:

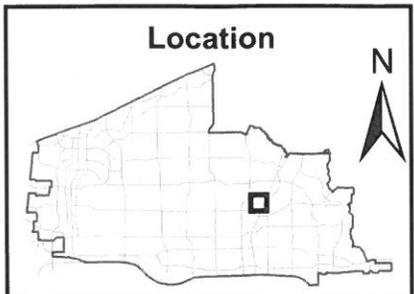
1. Minimum Side Yard Setback: 10 feet
2. Maximum Height: One story (20 feet)
3. Maximum Number of Units: 122 total, of which no more than 26 will be duplexes.  
The remaining units will be detached, single units.





Zoning Case #: 2014-50  
 Existing Zoning: CORRIDOR COMMERCIAL

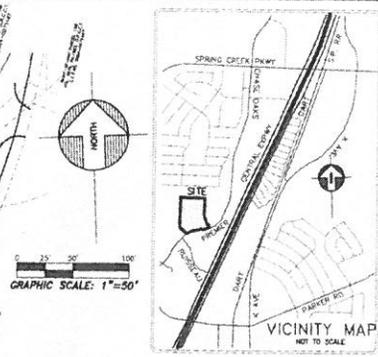
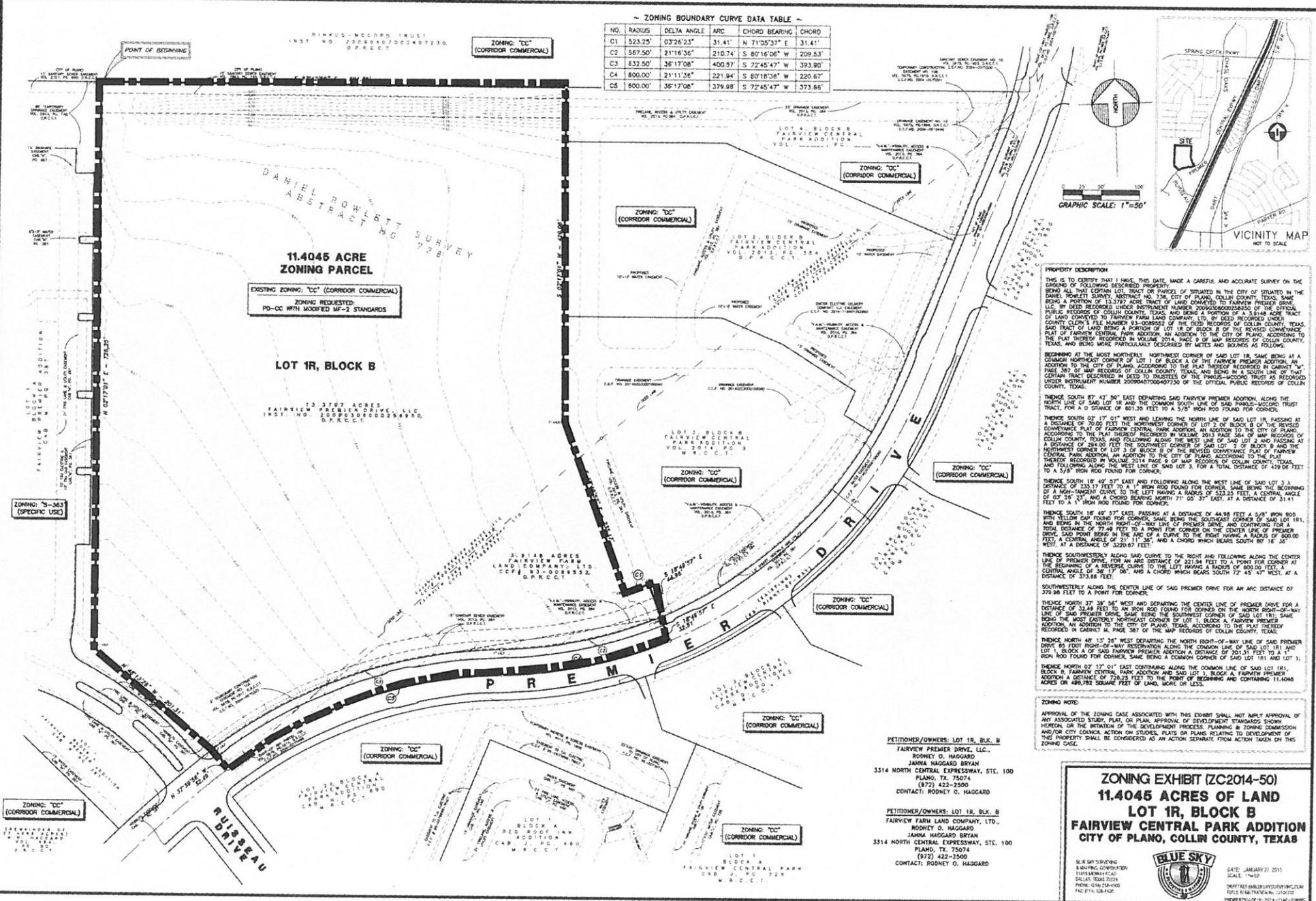
<p>○ 200' Notification Buffer</p> <p>▨ Subject Property</p>	<p>— Zoning Boundary</p> <p>— City Limits</p>	<p>- - - Specific Use Permit</p> <p>■ Right-of-Way</p>
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Source: City of Plano Planning Department

~ ZONING BOUNDARY CURVE DATA TABLE ~

NO.	RADIUS	DELTA ANGLE	ARC	CHORD BEARING	CHORD
C1	523.25'	03°26'33"	31.41'	N 71°05'37" E	31.41'
C2	567.50'	21°16'36"	210.74'	S 80°16'06" W	209.53'
C3	832.50'	36°17'08"	400.57'	S 72°45'47" W	393.90'
C4	800.00'	21°11'56"	221.84'	S 80°18'36" W	220.67'
C5	800.00'	36°17'08"	379.68'	S 72°45'47" W	373.66'



**PROPERTY DESCRIPTION**

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY ON THE GROUNDS FOLLOWING DESCRIBED PROPERTY, BEING THAT CERTAIN LOT, TRACT OR PARCEL OF SITUATED IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, SAME BEING A PORTION OF THE TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 200903060000000000 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEING TO THE MOST NORTHERLY, NORTHWEST CORNER OF SAID LOT 1R, SAME BEING AS A COMMON NORTHEAST CORNER OF LOT 1 OF BLOCK A OF THE FAIRVIEW PREMIER ADDITION, AN ADDITION TO THE CITY OF PLANO, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3817 PAGE 387 OF THE MAP RECORDS OF COLLIN COUNTY, TEXAS, AND BEING IN A SOUTH LINE OF SAID CERTAIN TRACT DESCRIBED IN DEED TO TRUSTEES OF THE FINKUS-WOODCOCK TRUST AS RECORDED UNDER INSTRUMENT NUMBER 20090407000407030 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS.

THENCE SOUTH 87° 47' 50" EAST DEPARTING SAID FAIRVIEW PREMIER ADDITION ALONG THE NORTH LINE OF SAID LOT 1R AND THE COMMON SOUTH LINE OF SAID FINKUS-WOODCOCK TRUST TRACT A DISTANCE OF 801.30 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

THENCE SOUTH 07° 17' 01" WEST AND LEAVING THE NORTH LINE OF SAID LOT 1R, PASSING AT A DISTANCE OF 70.00 FEET TO THE NORTHWEST CORNER OF LOT 2 OF BLOCK B OF THE REVISED COMMERCE PLAT OF FAIRVIEW CENTRAL PARK ADDITION, AN ADDITION TO THE CITY OF PLANO, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3813 PAGE 384 OF MAP RECORDS OF COLLIN COUNTY, TEXAS, AND FOLLOWING ALONG THE WEST LINE OF SAID LOT 2 AND PASSING AT A DISTANCE OF 284.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2 AND PASSING AT A DISTANCE OF 284.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2 OF BLOCK B AND THE NORTHERN CORNER OF LOT 3 OF BLOCK B OF THE REVISED COMMERCE PLAT OF FAIRVIEW CENTRAL PARK ADDITION, AN ADDITION TO THE CITY OF PLANO, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3814 PAGE 8 OF MAP RECORDS OF COLLIN COUNTY, TEXAS, AND FOLLOWING ALONG THE WEST LINE OF SAID LOT 3, FOR A TOTAL DISTANCE OF 429.06 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

THENCE SOUTH 18° 49' 57" EAST AND FOLLOWING ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 233.17 FEET TO A 1" IRON ROD FOUND FOR CORNER, SAME BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 523.25 FEET, A CENTRAL ANGLE OF 03° 26' 33" AND A CHORD BEARING NORTH 71° 05' 37" EAST, AT A DISTANCE OF 31.41 FEET TO A 1" IRON ROD FOUND FOR CORNER;

THENCE SOUTH 18° 49' 57" EAST, PASSING AT A DISTANCE OF 44.38 FEET A 5/8" IRON ROD WITH YELLOW CAP FOUND FOR CORNER, SAME BEING THE SOUTHWEST CORNER OF SAID LOT 1R, AND BEING IN THE NORTH RIGHT-OF-WAY LINE OF PREMIER DRIVE, AND CONTINUING FOR A TOTAL DISTANCE OF 77.48 FEET TO A POINT FOR CORNER ON THE CENTER LINE OF PREMIER DRIVE, SAID POINT BEING IN THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 21° 11' 56", AND A CHORD WHICH BEARS SOUTH 80° 18' 36" WEST, AT A DISTANCE OF 373.66 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE RIGHT AND FOLLOWING ALONG THE CENTER LINE OF PREMIER DRIVE, FOR AN ARC DISTANCE OF 373.66 FEET TO A POINT FOR CORNER;

THENCE NORTH 37° 38' 54" WEST AND DEPARTING THE CENTER LINE OF PREMIER DRIVE FOR A DISTANCE OF 33.48 FEET TO AN IRON ROD FOUND FOR CORNER ON THE NORTH RIGHT-OF-WAY LINE OF SAID PREMIER DRIVE, SAME BEING THE SOUTHWEST CORNER OF SAID LOT 1R, SAME BEING THE MOST EASTERLY NORTHEAST CORNER OF LOT 1, BLOCK A, FAIRVIEW PREMIER ADDITION, AN ADDITION TO THE CITY OF PLANO, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET M, PAGE 387 OF THE MAP RECORDS OF COLLIN COUNTY, TEXAS;

THENCE NORTH 07° 17' 01" WEST DEPARTING THE NORTH RIGHT-OF-WAY LINE OF SAID PREMIER DRIVE, 50 FEET RIGHT-OF-WAY RESTRICTION ALONG THE COMMON LINE OF SAID LOT 1R AND LOT 1, BLOCK A, FAIRVIEW PREMIER ADDITION A DISTANCE OF 203.31 FEET TO A 1" IRON ROD FOUND FOR CORNER, SAME BEING A COMMON CORNER OF SAID LOT 1R AND LOT 1, BLOCK A, FAIRVIEW CENTRAL PARK ADDITION AND SAID LOT 1, BLOCK A, FAIRVIEW PREMIER ADDITION, A DISTANCE OF 274.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 11.4045 ACRES OR 499,782 SQUARE FEET OF LAND, MORE OR LESS.

**ZONING NOTES**

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

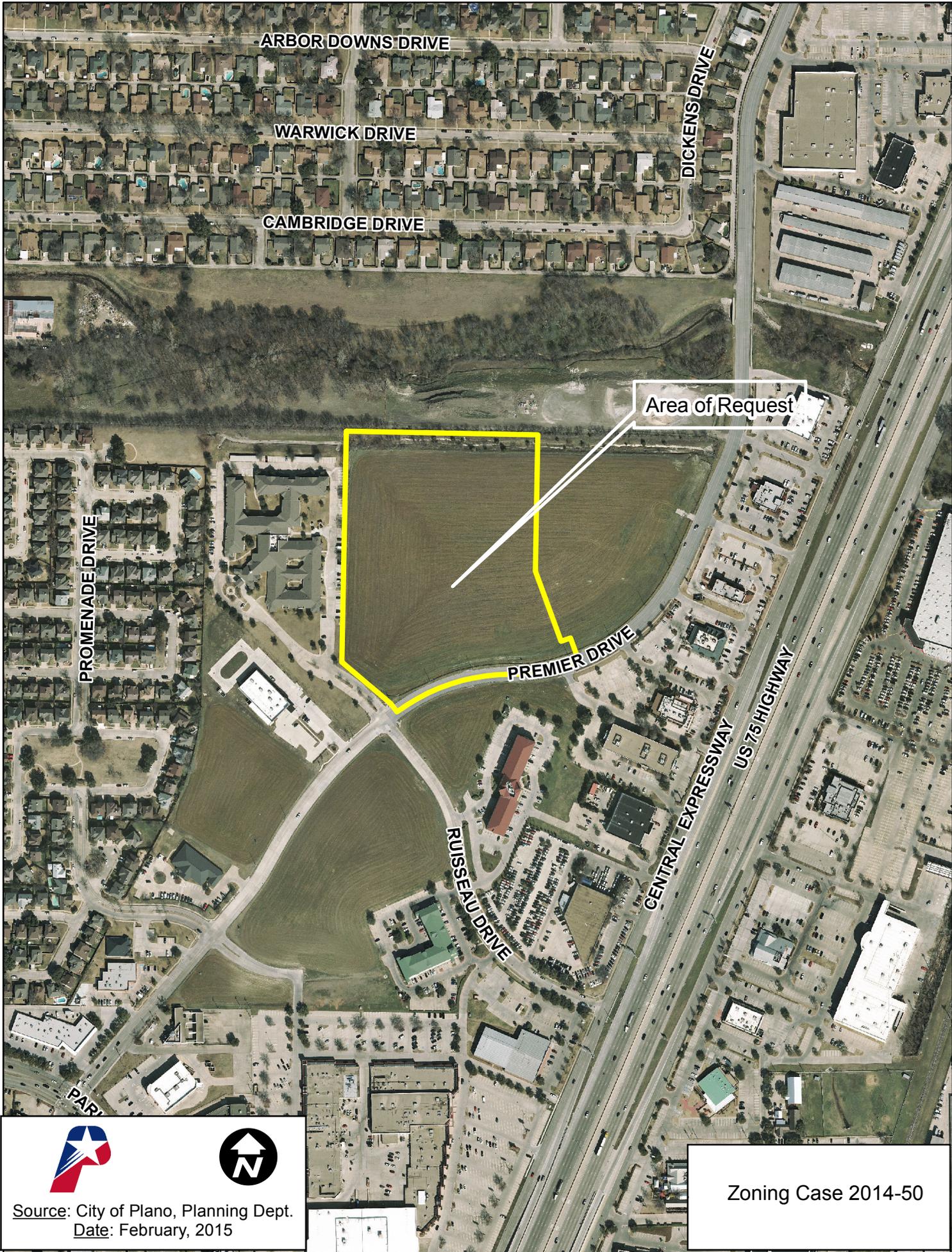
**PETITIONER/OWNERS: LOT 1R, BLK. B**  
 FAIRVIEW PREMIER DRIVE, LLC.  
 RODNEY O. HAGGARD  
 JANNIA HAGGARD BRYAN  
 3514 NORTH CENTRAL EXPRESSWAY, STE. 100  
 PLANO, TX. 75074  
 (972) 422-2500  
 CONTACT: RODNEY O. HAGGARD

**PETITIONER/OWNERS: LOT 1R, BLK. B**  
 FAIRVIEW FARM LAND COMPANY, LTD.  
 RODNEY O. HAGGARD  
 JANNIA HAGGARD BRYAN  
 3514 NORTH CENTRAL EXPRESSWAY, STE. 100  
 PLANO, TX. 75074  
 (972) 422-2500  
 CONTACT: RODNEY O. HAGGARD

**ZONING EXHIBIT (ZC2014-50)**  
**11.4045 ACRES OF LAND**  
**LOT 1R, BLOCK B**  
**FAIRVIEW CENTRAL PARK ADDITION**  
**CITY OF PLANO, COLLIN COUNTY, TEXAS**

BLUE SKY SURVEYING & ENGINEERING, L.P.  
 1101 BARKLEY ROAD  
 DALLAS, TEXAS 75228  
 PHONE: 972-288-2888  
 FAX: 972-288-4342

DATE: JANUARY 27, 2015  
 SCALE: 1"=50'  
 SHEET NO. 01 OF 01  
 PROJECT NO. 140100000000000000  
 FILE NO. 140100000000000000  
 PREPARED BY: J. O. HAGGARD



ARBOR DOWNS DRIVE

WARWICK DRIVE

CAMBRIDGE DRIVE

DICKENS DRIVE

Area of Request

PROMENADE DRIVE

PREMIER DRIVE

RUISSEAU DRIVE

CENTRAL EXPRESSWAY

US 75 HIGHWAY

PARK DRIVE



Source: City of Plano, Planning Dept.  
Date: February, 2015

Zoning Case 2014-50



## Zoning Case 2014-50

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 11.4± acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the north side of Premier Drive, 885± feet east of Renaissance Drive in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-496-Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date.**

**WHEREAS**, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 17th day of March, 2015, for the purpose of considering rezoning 11.4± acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the north side of Premier Drive, 885± feet east of Renaissance Drive in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-496-Corridor Commercial; and

**WHEREAS**, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 17th day of March, 2015; and

**WHEREAS**, the City Council is of the opinion and finds that such rezoning would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

**IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to rezone 11.4± acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the north side of Premier Drive, 885± feet east of Renaissance Drive in the City of Plano, Collin County,

Texas, from Corridor Commercial to Planned Development-496-Corridor Commercial, said property being described in the legal description on Exhibit "A" attached hereto.

**Section II.** The change granted in Section I is granted subject to the following:

Restrictions:

The permitted uses and standards shall be in accordance with the existing Corridor Commercial (CC) zoning district unless otherwise specified herein:

Multifamily residence is a permitted use and shall be developed in accordance with the Multifamily Residence-2 (MF-2) zoning district with the following exceptions:

1. Minimum Side Yard Setback: 10 feet
2. Maximum Height: One story (20 feet)
3. Maximum Number of Units: 122 total, of which no more than 26 will be duplexes. The remaining units will be detached, single units.

**Section III.** It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

**Section IV.** All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section V.** The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

**Section VI.** Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Section VII.** It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**Section VIII.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 17TH DAY OF MARCH, 2015.**

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY

## ZONING CASE 2014-50

Being all that certain lot, tract or parcel of land situated in the Daniel Rowlett Survey, Abstract No. 738, City of Plano, Collin County, Texas, same being a portion of 13.3797 acre tract of land conveyed to Fairview Premier Drive, LLC, by deed recorded under Instrument Number 20090306000256950 of the official public records of Collin County, Texas, and being a portion of a 3.9148 acre tract of land conveyed to Fairview Farm Land Company, LTD, by deed recorded under county clerk's File Number 93-0089552 of the Deed Records of Collin County, Texas, said tract of land being a portion of Lot 1R of Block B of the revised conveyance plat of Fairview Central Park Addition, an addition to the City of Plano, according to the plat thereof recorded in Volume 2014, Page 9 of Map Records of Collin County, Texas, and being more particularly described by metes and bounds as follow:

BEGINNING at the most northerly northwest corner of said Lot 1R, same being at a common northeast corner of Lot 1 of Block A of the Fairview Premier Addition, an addition to the City of Plano, according to the plat thereof recorded in Cabinet "M," Page 387 of Map Records of Collin County, Texas, and being in a south line of that certain tract described in deed to trustees of the Pinkus-McCord Trust as recorded under Instrument Number 20090407000407230 of the official public records of Collin County, Texas.

THENCE South  $87^{\circ}42'59''$  East departing said Fairview Premier Addition, along the north line of said Lot 1R and the common south line of said Pinkus-McCord Trust Tract for a distance of 601.35 feet to a 5/8-iron rod found for corner;

THENCE South  $02^{\circ}17'01''$  West and leaving the north line of said Lot 1R, passing at a distance of 70.00 feet the northwest corner of Lot 2 of Block B of the revised conveyance plat of Fairview Central Park Addition, an addition to the City of Plano, according to the plat thereof recorded in Volume 2013 Page 384 of Map Records of Collin County, Texas, and following along the west line of said Lot 2 and passing at a distance of 294.00 feet the southwest corner of said Lot 2 of Block B and the northwest corner of Lot 3 of Block B of the revised conveyance plat of Fairview Central Park Addition, an addition to the City of Plano, according to the plat thereof recorded in Volume 2014 Page 9 of Map Records of Collin County, Texas, and following along the west line of said Lot 3, for a total distance of 429.06 feet to a 5/8-inch iron rod found for corner;

THENCE South  $18^{\circ}49'57''$  East and following along the west line of said Lot 3 a distance of 235.17 feet to a 1-inch iron rod found for corner, same being the beginning of a non-tangent curve to the left having a radius of 523.25 feet, a central angle of  $03^{\circ}26'23''$ , and a chord bearing North  $71^{\circ}05'37''$  East, at a distance of 31.41 feet to a 1-inch iron rod found for corner;

THENCE South  $18^{\circ}49'57''$  East, passing at a distance of 44.98 feet a 5/8-inch iron rod with yellow cap found for corner, same being the southeast corner of said Lot 1R1, and

being in the north right-of-way line of Premier Drive, and continuing for a total distance of 77.49 feet to a point for corner on the center line of Premier Drive, said point being in the arc of a curve to the right having a radius of 600.00 feet, a central angle of 21°11'36", and a chord which bears South 80°18'36" West, at a distance of 3,220.67 feet;

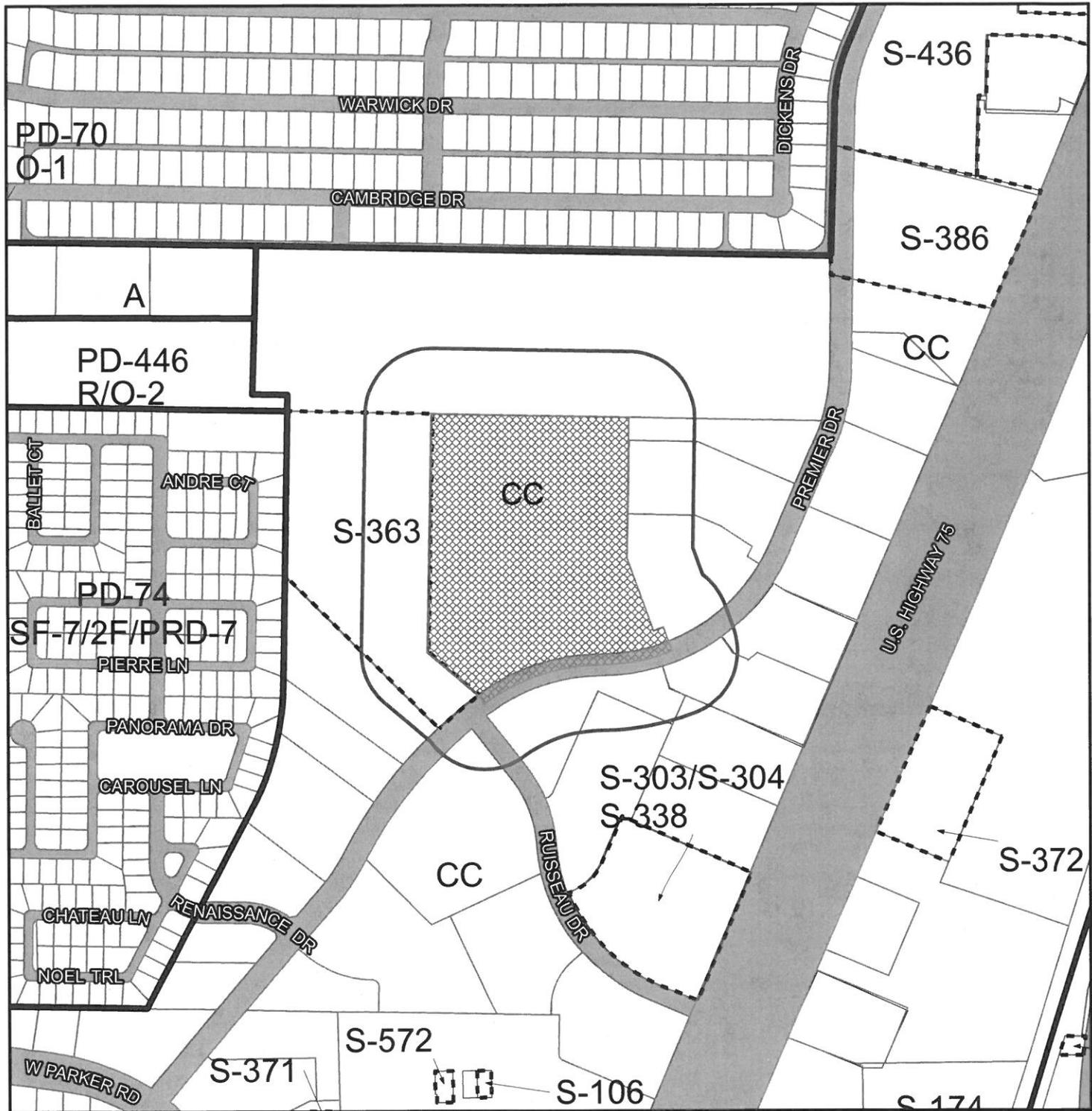
THENCE southwesterly along said curve to the right and following along the center line of Premier Drive, for an arc distance of 221.94 feet to a point for corner at the beginning of a reverse curve to the left having a radius of 600.00 feet, a central angle of 36°17'08", and a chord which bears South 72°45'47" West, at a distance of 373.66 feet;

Southwesterly along the center line of said Premier Drive for an arc distance of 379.98 feet to a point for corner;

THENCE North 37°39'56" West and departing the center line of Premier Drive for a distance of 32.49 feet to an iron rod found for corner on the north right-of-way line of said Premier Drive, same being the southwest corner of said Lot 1R1; same being the most easterly northeast corner of Lot 1, Block A, Fairview Premier Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet M, Page 387 of the Map Records of Collin County, Texas;

THENCE North 48°13'26" West departing the north right-of-way line of said Premier Drive 65 foot right-of-way reservation along the common line of said Lot 1R1 and Lot 1, Block A of said Fairview Premier Addition a distance of 201.31 feet to a 1-inch iron rod found for corner, same being a common corner of said Lot 1R1 and Lot 1;

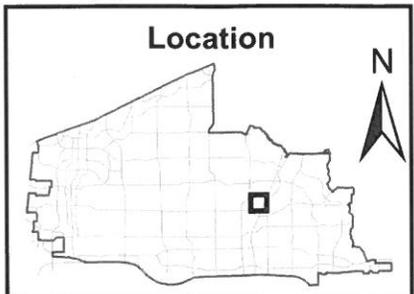
THENCE North 02°17'01" East continuing along the common line of said Lot 1R1, Block B, Fairview Central Park Addition and said Lot 1, Block A, Fairview Premier Addition a distance of 726.25 feet to the POINT OF BEGINNING and CONTAINING 11.4045 acres or 496,782 square feet of land, more or less.



Zoning Case #: 2014-50

Existing Zoning: CORRIDOR COMMERCIAL

- 200' Notification Buffer
- Subject Property
- Zoning Boundary
- - - City Limits
- - - Specific Use Permit
- Right-of-Way



Source: City of Plano Planning Department

