CITY OF PLANO
COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY	
☐ Consent ☐ Regular ☐ Statutory	

Council Meeting Date:	April 27, 2015
Department:	Planning
Department Head	Christina D. Day
Agenda Coordinator (include phone #):	**T. Stuckey, ext 7156**

CAPTION

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2014-48 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 6.4± acres of land out of the Andrew Piara Survey, Abstract No. 687, located on the north side of Park Boulevard, 334± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas, from Planned Development-13-Retail to Single-Family Residence Attached 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. Applicant: Lyons Equities, Inc., Trustee Texas Corp. Tabled February 9, 2015, February 23, 2015 and March 17, 2015.

FINANCIAL SUMMARY

☒ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☐ CIP

FISCAL YEAR: **2014-15**	**Prior Year (CIP Only)**	**Current Year**	**Future Years**	**TOTALS**
Budget	0	0	0	**0**
Encumbered/Expended Amount	0	0	0	**0**
This Item	0	0	0	**0**
BALANCE	0	0	0	**0**

FUND(S): N/A

COMMENTS: This item has no financial impact.

STRATEGIC PLAN GOAL: Consideration of a request to rezone relates to the City Council's goal of a Financially Strong City with Service Excellence.

SUMMARY OF ITEM

At its January 20, 2015 meeting, the Planning & Zoning Commission recommended approval of this request by a vote of 7-1. This item was tabled at the February 9, 2015, February 23, 2015, and March 17, 2015, City Council meetings.

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
Request to Table Email	
P&Z Follow-Up Memo	
Staff Report	
Locator Map	
Aerial Map	
Zoning Exhibit	
Preliminary Site Plan	
Ordinance	

From: Ross Altobelli
To: Karen Suiter
Subject: FW: Plano Zoning / City Council
Date: Thursday, March 05, 2015 9:39:01 AM
Attachments: image003.png
image004.png

Please take a moment to complete the City of Plano Customer Satisfaction Survey.

Plano
City of Excellence

Planning Department

Ross Altobelli
Planner

1520 K Avenue, 2nd Floor
Suite 250, Plano, Texas 75074
T 972.941.7151
F 972.941.7396
rossa@plano.gov
plano.gov

Connect with Plano

From: Chris Lyons [mailto:cml.gphone@gmail.com]
Sent: Wednesday, March 04, 2015 4:04 PM
To: Ross Altobelli
Subject: Plano Zoning / City Council

Kindly requesting that the following zoning/approval case numbers be tabled until 4/27:

2014-48
2014-49

I'll get you something on letterhead tomorrow morning.

Chris Lyons
Lyons Equities, Inc.
4562 Brass Way
Dallas, Texas 75236
214-720-7200.office
214-720-0701.fax
214-505-2566.mobile
chrislyons@glennlyons.com
cml.gphone@gmail.com

DATE: January 21, 2015

TO: Honorable Mayor & City Council

FROM: Richard Grady, Chairman, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of January 20, 2015

AGENDA ITEM NO. 6A - PUBLIC HEARING
ZONING CASE 2014-48
APPLICANT: LYONS EQUITIES, INC., TRUSTEE TEXAS CORP.

Request to rezone 6.4± acres located on the north side of Park Boulevard, 334± feet east of Los Rios Boulevard **from** Planned Development-13-Retail **to** Single-Family Residence Attached. Zoned Planned Development-13-Retail.

APPROVED: 7-1 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 7

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 61

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

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: February 9, 2015 (To view the agenda for this meeting, see www.planotx.gov)

PUBLIC HEARING - ORDINANCE

RA/ks

xc: Chris Lyons, Vice President, Lyons Equities, Inc., Trustee Texas Corp.
Mardy Brown, Texas Development Services

http://goo.gl/maps/svdo3

CITY OF PLANO

PLANNING & ZONING COMMISSION

January 20, 2015

Agenda Item No. 6A

Public Hearing: Zoning Case 2014-48

Applicant: Lyons Equities, Inc., Trustee Texas Corp.

DESCRIPTION:

Request to rezone 6.4± acres located on the north side of Park Boulevard, 334± feet east of Los Rios Boulevard **from** Planned Development-13-Retail **to** Single-Family Residence Attached. Zoned Planned Development-13-Retail.

REMARKS:

The purpose of this request is to rezone 6.4± acres located on the north side of Park Boulevard, 334± east of Los Rios Boulevard from Planned Development-13-Retail (PD-13-R) to Single-Family Residence Attached (SF-A). A planned development district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off- and onsite conditions. The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls but not including wholesaling and warehousing. The SF-A district is intended to provide for a variety of residential housing types and densities in medium density range (five-ten units/acres) on individually-platted lots or multiple units on a single lot.

The R zoning district allows SF-A development with approval of a Specific Use Permit (SUP). However, PD-13-R limits the maximum height of development to one-story or 32 feet, whichever is less. Rather than applying for an SUP, which would have a height limitation of one-story, the applicant is requesting to rezone which would allow for a two-story residential product.

A preliminary site plan, Venetian Villas North accompanies this request as Agenda Item 6B.

Surrounding Land Use and Zoning

The area of request is currently undeveloped. To the south, across Park Boulevard, is undeveloped land zoned Planned Development-6-Retail (associated with Zoning 2014-49). To the east are existing residences zoned Single-Family Residence-7 (SF-7). To the north are existing residences zoned Two-Family Residence (Duplex). To the west are existing retail uses zoned Planned Development-13-Retail.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Residential with Neighborhood Commercial at the intersection of Los Rios Boulevard and Park Boulevard. The request is in conformance to the Future Land Use Plan.

Interim Amendments to the Comprehensive Plan - In April 2012, the City Council adopted interim amendments to the Land Use Element of the Comprehensive Plan which included recommendations pertaining to the use of the city's undeveloped land. Two of these recommendations are applicable to this request.

1. All residential rezoning requests should be evaluated to determine the impact on infrastructure, public safety response, school capacity, and access to and availability of amenities and services.

The proposed site is served by the 107 acre Cottonwood Creek Greenbelt Park which is approximately 1,100 feet to the east. Additionally, PISD representatives have stated that there is sufficient capacity at all four schools serving the property. The Fire Department has determined that response times are sufficient for single-family development at this location. Therefore, this request is consistent with this interim amendment to the Comprehensive Plan.

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

The applicant is proposing 44 residential lots on the subject property. Although the proposed townhomes are a denser product than the existing residences in the area, single-family residential uses at this location are compatible with the adjacent single-family uses. The proposed units will be a rear entry product providing connectivity, via alley access, to the existing residential subdivision to the north and east. By expanding an existing neighborhood, this request is in conformance with this policy recommendation.

Infill Housing Policy Statement - The Infill Housing Policy recommends that infill housing be adjacent or be in close proximity to existing residential development to take advantage of existing amenities. The proposed development is an extension of an existing single-family neighborhood to the north and east. The policy statement also

recommends adding a variety of housing options to existing residential neighborhoods, to which this conforms.

Rezoning Property to Meet Demand - The subject property is physically appropriate for residential uses. The area is not affected by adverse environmental conditions such as noise, light, fumes, or related nuisances.

Additionally, the request is also consistent with the Housing Element of the Comprehensive Plan which encourages providing a wide variety of housing types to serve a diverse population. The Housing Element also states that the city should place medium density housing on the periphery of neighborhoods that have low density housing in the interior.

Adequacy of Public Facilities - Water and sanitary sewer services are available to serve the subject property via extensions from Park Boulevard. However, the applicant will need to verify that the sanitary sewer capacity is sufficient to accommodate the proposed change in use from commercial to single-family residential.

Traffic Impact Analysis (TIA) - A TIA is not required for this rezoning request. However in considering the traffic impact of the proposed residential development, using the average Institute of Traffic Engineers (ITE) trip generation rates, staff compared the proposed residential development with the potential build-out of the subject property as retail. Using the adjacent retail development and comparing it to the subject property we estimated that 39,000 square feet of retail could develop on the property. The table below shows the estimated traffic generation during peak hours (7:00-9:00 a.m. and 4:00-6:00 p.m.):

	AM	PM
SF-A	33	44
Retail	39	145

From these calculations, it is evident that retail development would generate greater traffic than the requested residential subdivision.

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	**Dooley**
Middle School	**Armstrong**
High School	**McMillen**
Senior High School	**Plano East**

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

Retail Zoning

In 2003, City Council adopted the *Retail Study of Underperforming and Vacant Retail Areas* initiated by the cities of Carrollton, Richardson, and Plano. This study examined the retail market conditions in the three cities and offered alternatives to address underperforming and vacant retail properties. The study identified Plano as having an overabundance of R zoning resulting in commercial decline. Rezoning to residential is a recommended strategy to reduce retail zoned land.

As a result of this study, City Council amended the R zoning district to allow Single-Family Residence-Attached (SF-A), Two-Family Residence (2F) and Patio Home (PH) development with an SUP. Due to the existing height restrictions within PD-13-R, the applicant is requesting to rezone the property to SF-A to allow for two-story residences.

The Los Rios Boulevard and Park Boulevard neighborhood commercial area has a retail vacancy rate ranging from 17%-23%, as determined in the *Housing Value Retention Analysis,* which is considered a strong vacancy rate. The percentage of retail vacancy has been found to have a statistically significant impact on home prices. The proposed SF-A subdivision would help reduce the amount of undeveloped retail zoned property within the city and will also support existing retail centers within the area.

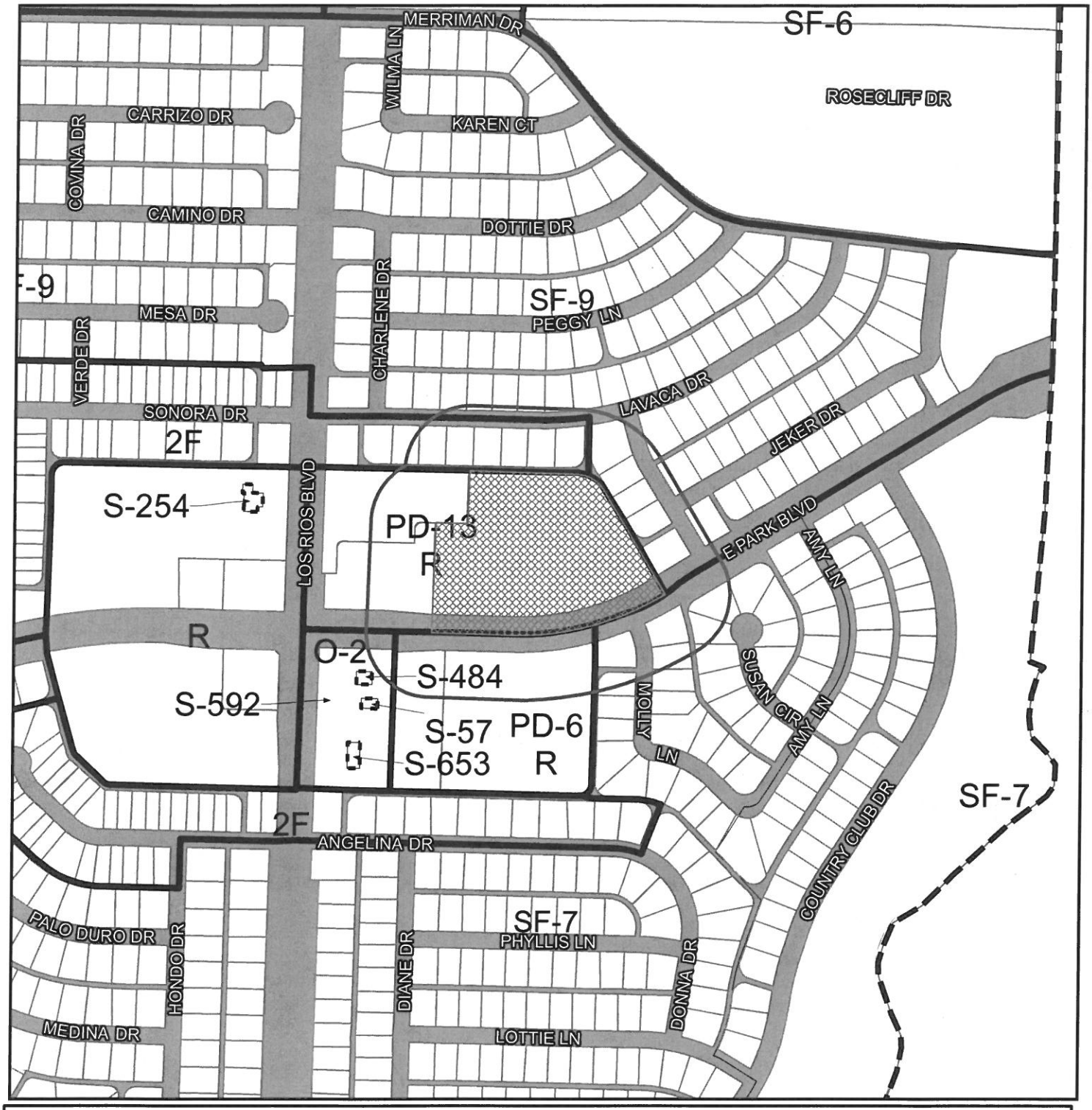
Summary

The applicant is requesting to rezone the subject property from Planned Development-13-Retail to Single-Family Residence Attached. The requested rezoning for SF-A is compatible with the existing adjacent single-family residential neighborhoods and complies with the Future Land Use Plan and interim amendments to the Land Use Element of the Comprehensive Plan. The proposed townhomes would add variety of housing to the area to serve a diverse population and a residential development at this location would help reduce the amount of undeveloped retail zoned property within the city. For these reasons, staff is in support of this zoning request.

RECOMMENDATION:

Recommended for approval as submitted.

DUE TO THE NUMBER OF RESPONSES, LETTERS FOR THIS ITEM HAVE BEEN POSTED UNDER SEPARATE COVER ON THE CITY'S WEBSITE.

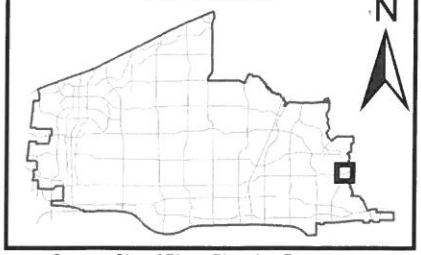


Plano

Zoning Case #: 2014-48

Existing Zoning: PLANNED DEVELOPMENT-13-RETAIL

Location



200' Notification Buffer | Zoning Boundary | Specific Use Permit

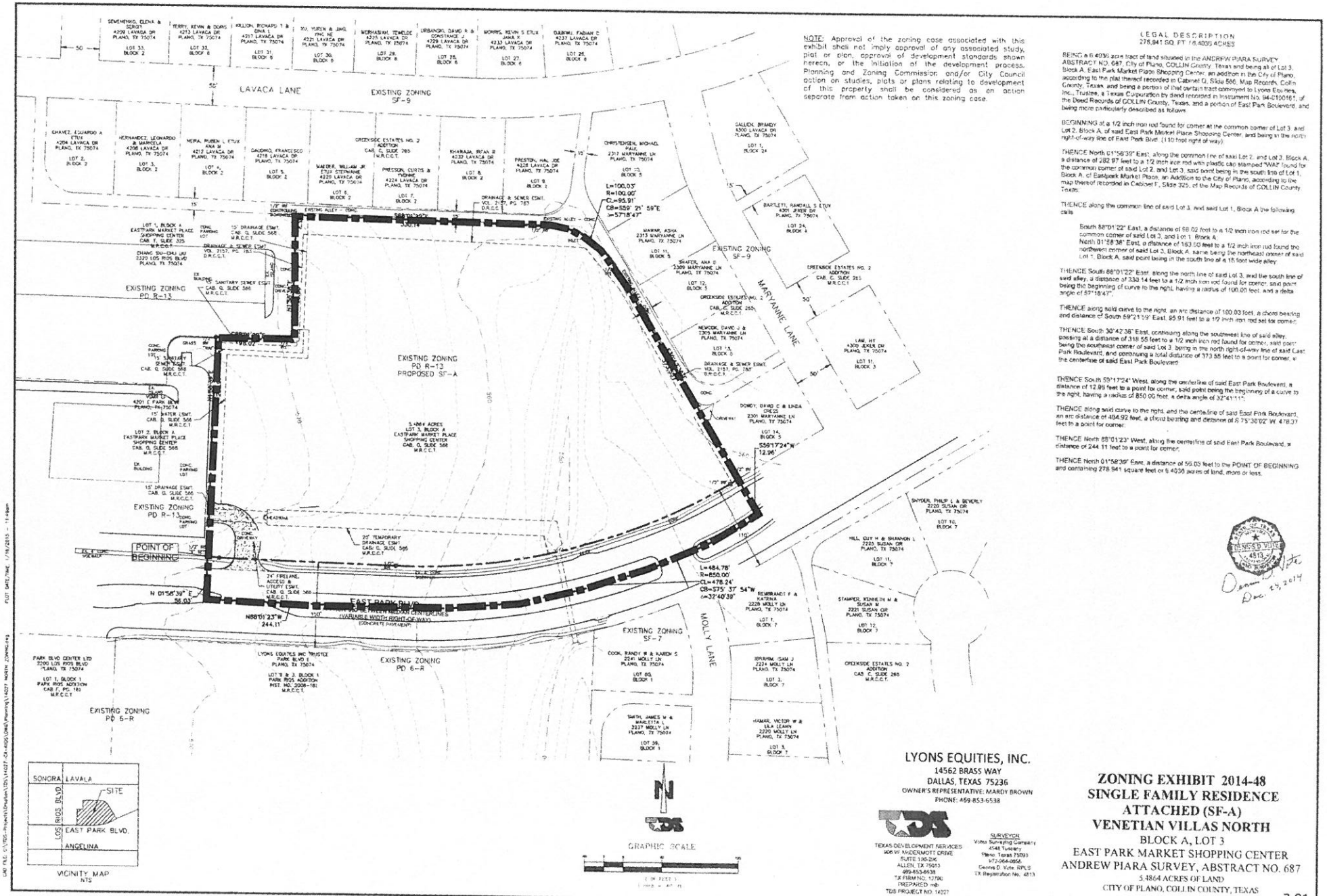
Subject Property | City Limits | Right-of-Way

Source: City of Plano Planning Department

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

Zoning Case 2014-48

dees 1/6/2015 X:\Dept\P&Z Locators & Graphics\Z2014-48A.mxd



NOTE: Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat or plan, approval of development standards shown hereon, or the initiation of the development process. Planning and Zoning Commission and/or City Council action on studies, plats or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.

LEGAL DESCRIPTION
278,941 SQ. FT / 6.4036 ACRES

BEING a 6.4036 acre tract of land situated in the ANDREW PIARA SURVEY, ABSTRACT NO. 687, City of Plano, COLLIN County, Texas and being all of Lot 3, Block A, East Park Market Place Shopping Center, an addition in the City of Plano, according to the plat thereof recorded in Cabinet G, Slide 566, Map Records, Collin County, Texas, and being a portion of that certain tract conveyed to Lyons Equities, Inc., Trustee, a Texas Corporation by deed recorded in Instrument No. 94-0100161, of the Deed Records of COLLIN County, Texas, and a portion of East Park Boulevard, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner at the common corner of Lot 3, and Lot 2, Block A, of said East Park Market Place Shopping Center, and being in the north right-of-way line of East Park Blvd. (110 foot right of way);

THENCE North 01°56'39" East, along the common line of said Lot 2, and Lot 3, Block A, a distance of 282.97 feet to a 1/2 inch iron rod with plastic cap stamped "WAT" found for the common corner of said Lot 2, and Lot 3, said point being in the south line of Lot 1, Block A, of Eastpark Market Place, an Addition to the City of Plano, according to the map thereof recorded in Cabinet F, Slide 325, of the Map Records of COLLIN County, Texas;

THENCE along the common line of said Lot 3, and said Lot 1, Block A the following calls:

South 88°01'22" East, a distance of 98.02 feet to a 1/2 inch iron rod set for the common corner of said Lot 3, and Lot 1, Block A;

North 01°58'38" East, a distance of 163.00 feet to a 1/2 inch iron rod found the northwest corner of said Lot 3, Block A, same being the northeast corner of said Lot 1, Block A, said point being in the south line of a 16 foot wide alley;

THENCE South 88°01'22" East, along the north line of said Lot 3, and the south line of said alley, a distance of 330.14 feet to a 1/2 inch iron rod found for corner, said point being the beginning of curve to the right, having a radius of 100.00 feet, and a delta angle of 57°18'47";

THENCE along said curve to the right, an arc distance of 100.03 feet, a chord bearing and distance of South 59°21'59" East, 95.91 feet to a 1/2 inch iron rod set for corner;

THENCE South 30°42'36" East, continuing along the southwest line of said alley, passing at a distance of 318.55 feet to a 1/2 inch iron rod found for corner, said point being the southeast corner of said Lot 3, being in the north right-of-way line of said East Park Boulevard, and continuing a total distance of 373.55 feet to a point for corner, in the centerline of said East Park Boulevard;

THENCE South 59°17'24" West, along the centerline of said East Park Boulevard, a distance of 12.96 feet to a point for corner, said point being the beginning of a curve to the right, having a radius of 850.00 feet, a delta angle of 32°41'11";

THENCE along said curve to the right, and the centerline of said East Park Boulevard, an arc distance of 484.92 feet, a chord bearing and distance of S 75°37'02" W, 478.37 feet to a point for corner;

THENCE North 88°01'23" West, along the centerline of said East Park Boulevard, a distance of 244.11 feet to a point for corner;

THENCE North 01°58'39" East, a distance of 56.03 feet to the POINT OF BEGINNING and containing 278,941 square feet or 6.4036 acres of land, more or less.

VICINITY MAP
NTS

LYONS EQUITIES, INC.
14562 BRASS WAY
DALLAS, TEXAS 75236
OWNER'S REPRESENTATIVE: MARDY BROWN
PHONE: 469-853-6538

TEXAS DEVELOPMENT SERVICES
906 W. McDERMOTT DRIVE
SUITE 136-2K
ALLEN, TX 75013
469-853-6538
TX FIRM NO. 12790
PREPARED mb
TDS PROJECT NO. 14027

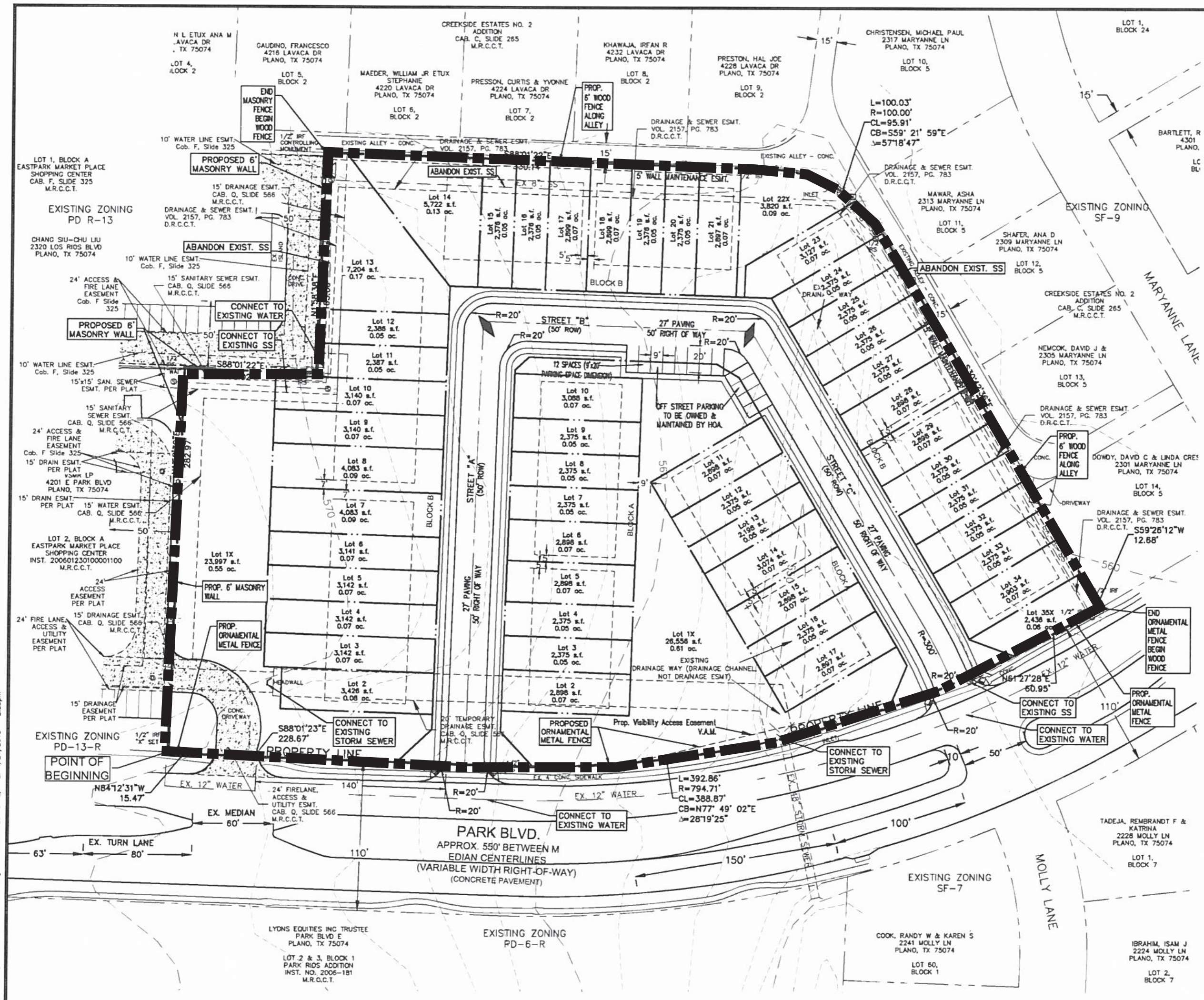
SURVEYOR
Vistra Surveying Company
4548 Tuscany
Plano, Texas 75093
972-964-0656
Dennis D. Vote, RPLS
TX Registration No. 4813

ZONING EXHIBIT 2014-48
SINGLE FAMILY RESIDENCE ATTACHED (SF-A)
VENETIAN VILLAS NORTH
BLOCK A, LOT 3
EAST PARK MARKET SHOPPING CENTER
ANDREW PIARA SURVEY, ABSTRACT NO. 687
5.4864 ACRES OF LAND
CITY OF PLANO, COLLIN COUNTY, TEXAS

Z-01

LICENSED STATE OF TEXAS 4813 SURVEYOR
Dennis D. Vote
Dec. 24, 2014

CAD FILE: C:\TDS - Projects\Dayton\2015\14027 - EA - 4005 Lyons\Planning\14027 - NORTH ZONING.dwg
PLOT DATE/TIME: 1/16/2015 - 11:49am



Site Data Summary Table

Item	Lot 1*
General Site Data	
Zoning (from zoning map)	PD-13-R
Land Use (from zoning ordinance)	SF-A
Lot Area (square feet & acres)	5.4864 acres
Building Footprint Area (square feet)	NA
Total Building Area (square feet)	NA
Building Height (# stories)	2 stories
Building Height (feet - distance to tallest building element)	35'
Lot Coverage (percent - x.xx%) Principal and Accessory Buildings	65%
Floor Area Ratio (ratio - x.xx:1)	NA
Parking	
Parking Ratio (from zoning ordinance)	2.25 unit
Required Parking (# spaces)	105.75
Provided Parking (# spaces)	108
Accessible Parking Required (# spaces)	0
Accessible Parking Provided (#spaces)	0
Parking in Excess of 110% of Required Parking (# spaces)	0
Landscape Area (including turf areas)	
Landscape Edge Area Provided (square feet)	NA
Open Space Required	NA
Open Space Provided	NA
Other Landscape Area within the lot including Storm Water Conservation Areas (square feet)	NA
Total Landscape Area (square feet)	NA
Permeable Area (not including landscaping or turf areas)	
Permeable Pavement (square feet)	0
Other Permeable Area within the lot not including landscaping or turf areas (square feet)	NA
Total Permeable Area (square feet)	NA
Impervious Area	
Building Footprint Area (square feet)	NA
Area of Sidewalks, Pavement & other Impervious Flatwork (square feet)	NA
Other Impervious Area	NA
Total Impervious Area	NA
Sum of Total Landscape Area + Total Permeable Area + Total Impervious Area (square feet) Note: Sum must equal Lot Area	NA
Total Impervious Area	NA
Less BMP Impervious Area Credit	NA
Billable Impervious Area	NA

SITE PLAN NOTES

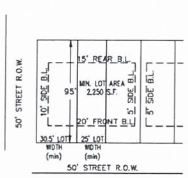
1. Buildings 6,000 square feet or greater shall be 100% fire sprinkled.
2. Fire lanes shall be designed and constructed per city standards.
3. Handicapped parking areas shall be designed and provided per city standards and shall comply with requirements of the current, adopted International Building Code.
4. Four-foot wide sidewalks shall be provided 2.5 feet off of the property line within the rights-of-way, unless a sidewalk easement is provided for a meandering sidewalk or an alternative design is approved by the city. Barrier-free ramps, per city standards, shall be provided on sidewalks at all curb crossings.
5. Mechanical units, dumpsters, and trash compactors shall be screened in accordance with the Zoning Ordinance.
6. All signage contingent upon approval by Building Inspection Department.
7. Approval of the site plan is not final until all engineering plans are approved.
8. Open storage, where permitted, shall be screened in accordance with the Zoning Ordinance.
9. Building facades within this development shall be compatible, as provided in the Retail Corner Design Guidelines.
10. Outdoor lighting shall comply with illumination standards within Section 6-466 of the Code of Ordinances.
11. Please contact the Building Inspection Department to determine the type of construction and occupancy group.
12. All electrical transmission, distribution, and service lines must be underground where required.
13. Uses shall conform in operation, location, and construction to the following performance standards in Section 3-1300 of the Zoning Ordinance: noise, smoke and particulate matter, odorous matter, fire or explosive material, toxic and noxious matter, vibration, and/or other performance standards.

NOTES:

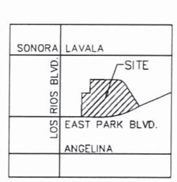
1. An easement for the benefit of each lot is hereby reserved over, across, and upon each lot adjoining to such lot for roof overhangs not exceeding two feet in width, and brick ledges which support exterior veneer walls and associated brick and veneers not exceeding six inches in width.
2. See GENERAL TREE SURVEY exhibit for tree masses.
3. Lots are front entry served.
4. Barrier free ramps to be directional ramps.
5. Left turn lanes to be designed and constructed per the City of Plano design requirements.
6. Off street parking to be owned and maintained by the HOA.
7. Ornamental metal fence along Park Blvd., Masonry screening wall and wood fence along property boundaries to be maintained by the HOA.
8. Five (5') Wall Maintenance Easement on residential lots with ornamental screening fence, masonry screening wall or wood screening fence.
9. Ornamental metal fence along Park Blvd. with irrigated landscaped edge to be maintained by the HOA
10. Location of existing utilities are for informational purposes only and not to be used for engineering.

LEGEND

- GAS METER
- GAS VALVE
- TELEPHONE PEDESTAL
- POWER POLE
- DOWN GUY
- SANITARY SEWER MAN HOLE
- IRF IRON ROD FOUND
- STORM DRAIN MAN HOLE
- FIRE HYDRANT
- WATER METER
- FUEL PORT
- WATER VALVE
- TRANSFORMER PAD
- 1/2" IRS IRON ROD SET WITH YELLOW CAP STAMPED "VOTEX R.P.L.S. #4813"
- "X" FND. "X" CUT FOUND IN CONCRETE
- CLEAN OUT
- TRAFFIC SIGNAL POLE
- TRAFFIC SIGNAL BOX
- SWB MAN HOLE
- VAULT
- ELECTRIC BOX
- TREE
- SIGN
- LIGHT POLE
- -X- TYPICAL FENCE
- -OHE- OVER HEAD ELECTRIC
- PILLAR
- GREASE TRAP
- COVERED PARKING



TYPICAL LOT DIMENSIONS
n.t.s.



VICINITY MAP
NTS

GRAPHIC SCALE

40 20 0 40 120

(IN FEET)
1 inch = 40 ft

LYONS EQUITIES, INC.
14562 BRASS WAY
DALLAS, TEXAS 75236
OWNER'S REPRESENTATIVE: MARDY BROWN
PHONE: 469-853-6538

TEXAS DEVELOPMENT SERVICES
906 W. McDERMOTT DRIVE
SUITE 196-296
ALLEN, TX 75013
469-853-6538
TX FIRM NO. 12790
PREPARED: mjb
TDS PROJECT NO. 14027

SURVEYOR
Votex Surveying Company
4548 Tuscany
Plano, Texas 75093
972-964-0858
Dennis D. Vota, RPLS
TX Registration No.: 4813

PRELIMINARY SITE PLAN
VENETIAN VILLAS NORTH
48 RESIDENTIAL LOTS
SINGLE-FAMILY RESIDENCE ATTACHED (SF-A)
4 COMMON AREA LOTS

EAST PARK MARKET SHOPPING CENTER
ANDREW PIARA SURVEY, ABSTRACT NO. 687
5.489 ACRES OF LAND
CITY OF PLANO, COLLIN COUNTY, TEXAS

PSP-01

CAD FILE: C:\TDS-Projects\Dropbox\TDS\14027-CA-RIOS\DWG\Planning\14027 NORTH ZONING.dwg PLOT DATE/TIME: 4/21/2015 - 2:25pm

Zoning Case 2014-48

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 6.4± acres of land out of the Andrew Piara Survey, Abstract No. 687, located on the north side of Park Boulevard, 334± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas, from Planned Development-13-Retail to Single-Family Residence Attached; 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 9th day of February, 2015, for the purpose of considering rezoning 6.4± acres of land out of the Andrew Piara Survey, Abstract No. 687, located on the north side of Park Boulevard, 334± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas, from Planned Development-13-Retail to Single-Family Residence Attached; 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 27th day of April, 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 6.4± acres of land out of the Andrew Piara Survey, Abstract No. 687, located on the north side of Park Boulevard, 334± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas, from Planned Development-13-Retail to Single-Family Residence Attached, said property being described in the legal description on Exhibit “A” attached hereto.

Section II. 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 III. 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 IV. The repeal of any ordinance or part of ordinances affectuated 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 V. 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 VI. 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 VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 27TH DAY OF APRIL, 2015.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2014-48

BEING a 6.4036 acre tract of land situated in the Andrew Piara Survey, Abstract No. 687, City of Plano, Collin County, Texas and being all of Lot 3, Block A, East Park Market Place Shopping Center, an addition in the City of Plano, according to the plat thereof recorded in Cabinet Q, Slide 566, Map Records, Collin County, Texas, and being a portion of that certain tract conveyed to Lyons Equities, inc., Trustee, a Texas Corporation by deed recorded in Instrument No. 94-0100161, of the Deed Records of Collin County, Texas, and a portion of East Park Boulevard, and being more particularly described as follows:

BEGINNING at 1/2-inch iron rod found for corner at the common corner of Lot 3, and Lot 2, Block A, of said East Park Market Place Shopping Center, and being in the north right-of-way line of East Park Boulevard. (110 foot right-of-way);

THENCE North 01° 58' 39" East, along the common line of said Lot 2, and Lot 3, Block A, a distance of 282.97 feet to a 1/2-inch iron rod with plastic cap stamped "WAI" found for the common corner of said Lot 2, and Lot 3, said point being in the south line of Lot 1, Block A, of East Park Market Place, an Addition to the City of Plano, according to the map thereof recorded in Cabinet F, Slide 325, of the Map Records of Collin County, Texas;

THENCE along the common line of said Lot 3, and said Lot 1, Block A the following calls:

> South 88° 01' 22" East, a distance of 98.02 feet to a 1/2- iron rod set for the common corner of said Lot 3, and Lot 1, Block A;
> North 01° 58' 38" East, a distance of 163.00 feet to a 1/2-inch iron rod found the northwest corner of said Lot 3, Block A, same being the northeast corner of said Lot 1, Block A, said point being in the south line of a 15 foot wide alley.

THENCE South 88° 01' 22" East, along the north line of said Lot 3, and the south line of said alley, a distance of 330.14 feet to a 1/2-inch iron rod found for corner, said point being the beginning of curve to the right, having a radius of 100.00 feet, and a delta angle of 57° 18' 47";

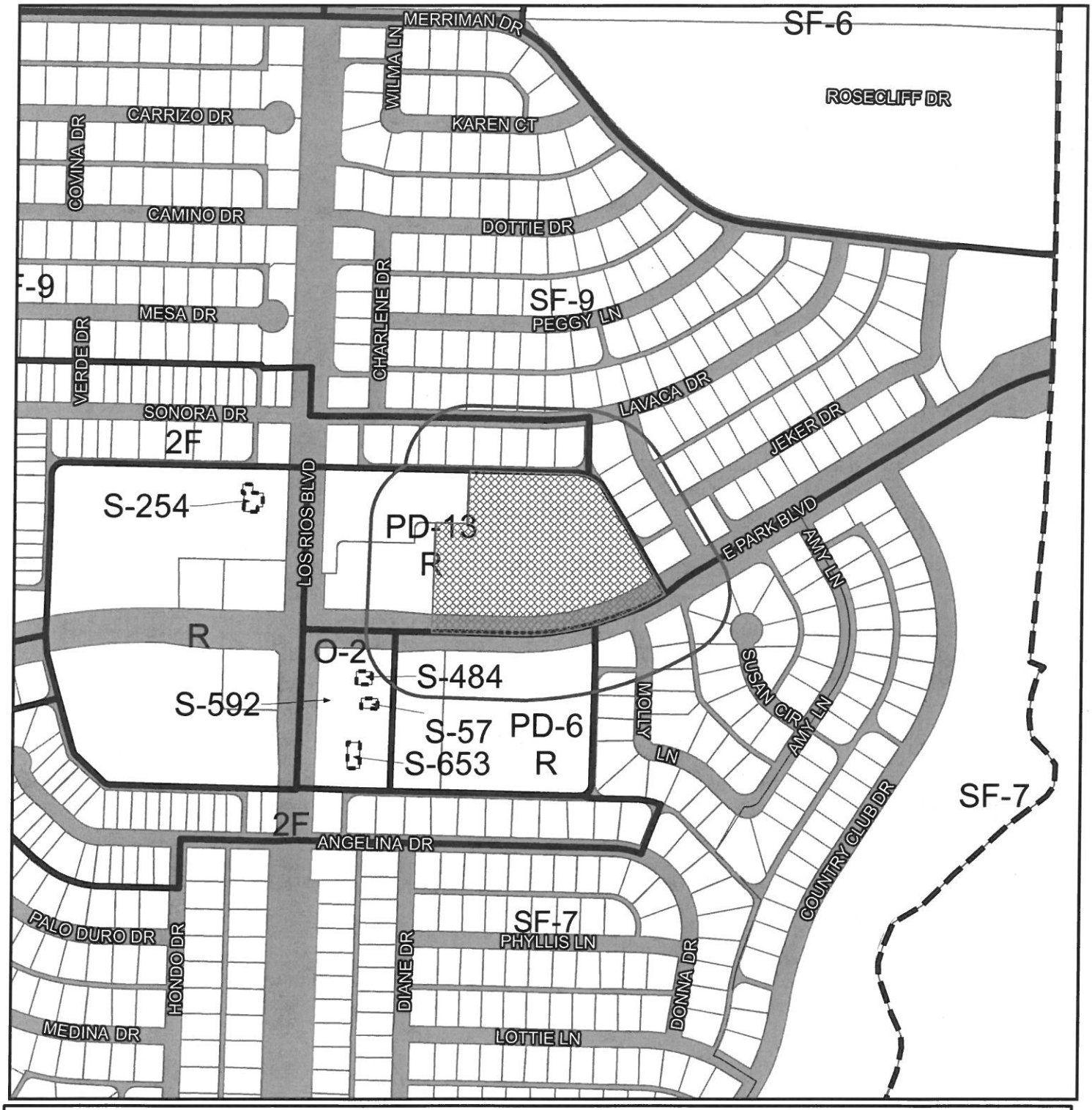
THENCE along said curve to the right, an arc distance of 100.03 feet, a cord bearing a distance of South 59° 21' 59" East, 95.91 feet to a 1/2-inch iron rod set for corner;

THENCE South 30° 42' 36" East, continuing along the southwest line of said alley, passing at a distance of 318.55 feet to a 1/2-inch iron rod found for corner, said point being the southeast corner of said Lot 3, being in the north right-of-way line of said East Park Boulevard, and continuing a total distance of 373.55 feet to a point for corner, in the centerline of said East Park Boulevard;

THENCE South 59° 17' 24" West, along the centerline of said East Park Boulevard, a distance of 12.96 feet to a point for corner; said point being the beginning of a curve to the right, having a radius of 850.00 feet, a delta angle of 32° 41' 11";

THENCE along said curve to the right, and the centerline of said East Park Boulevard, an arc distance of 484.92 feet, a cord bearing a distance of S 75° 38' 02" W, 478.37 feet to a point for corner;

THENCE North 01° 58' 39' East, a distance of 56.03 feet to the POINT OF BEGINNING and containing 278,941 square feet or 6.4036 acres of land, more or less.

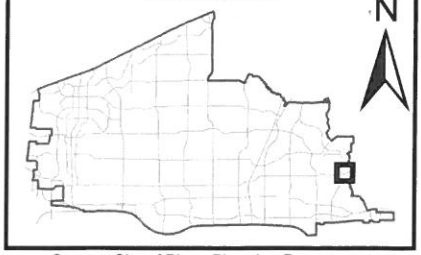


Plano

Zoning Case #: 2014-48

Existing Zoning: PLANNED DEVELOPMENT-13-RETAIL

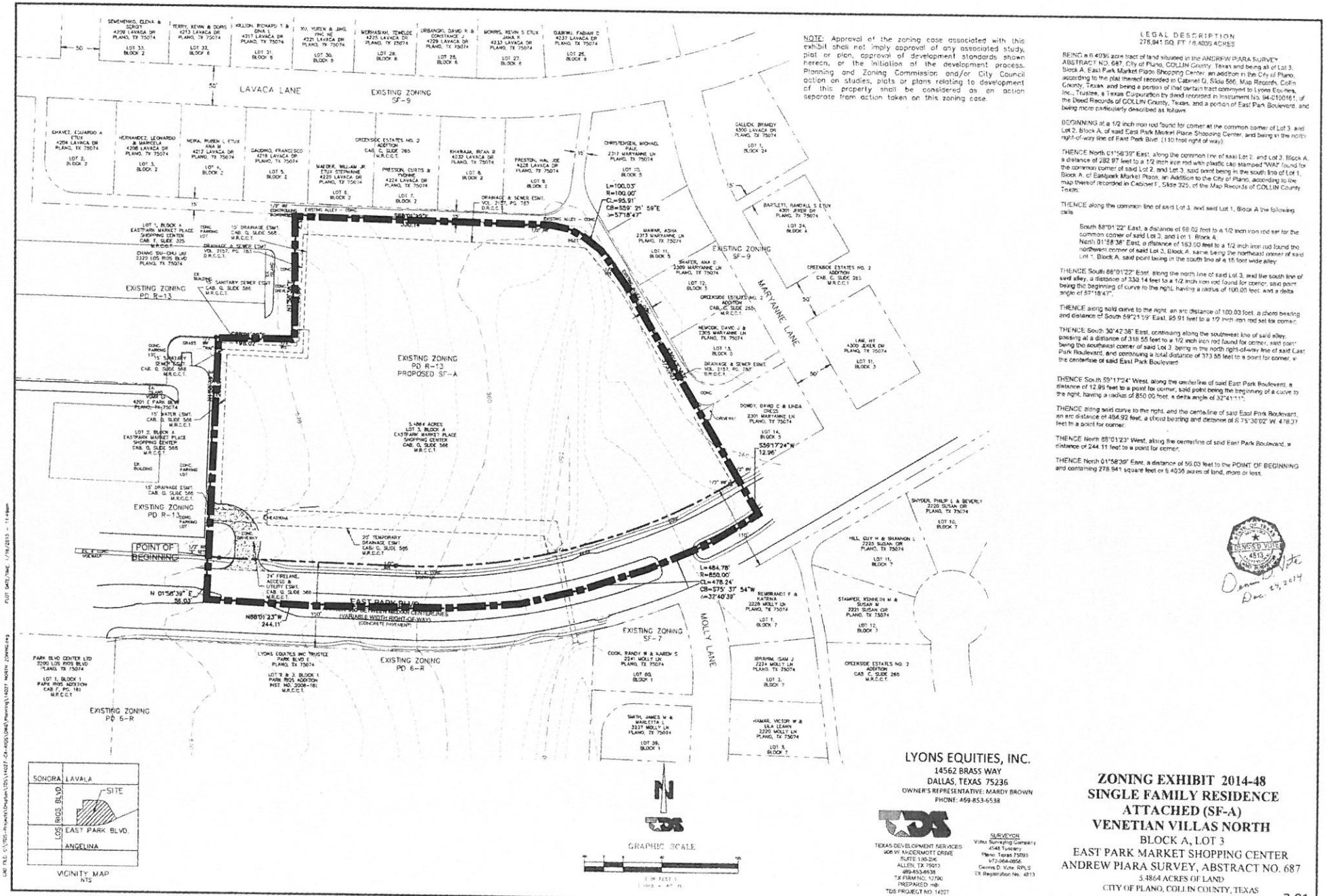
Location



200' Notification Buffer | Zoning Boundary | Specific Use Permit

Subject Property | City Limits | Right-of-Way

Source: City of Plano Planning Department



NOTE: Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat or plan, approval of development standards shown hereon, or the initiation of the development process. Planning and Zoning Commission and/or City Council action on studies, plats or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.

LEGAL DESCRIPTION
278,941 SQ. FT / 6.4036 ACRES

BEING a 6.4036 acre tract of land situated in the ANDREW PIARA SURVEY, ABSTRACT NO. 687, City of Plano, COLLIN County, Texas and being all of Lot 3, Block A, East Park Market Place Shopping Center, an addition in the City of Plano, according to the plat thereof recorded in Cabinet G, Slide 566, Map Records, Collin County, Texas, and being a portion of that certain tract conveyed to Lyons Equities, Inc., Trustee, a Texas Corporation by deed recorded in Instrument No. 94-0100161, of the Deed Records of COLLIN County, Texas, and a portion of East Park Boulevard, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner at the common corner of Lot 3, and Lot 2, Block A, of said East Park Market Place Shopping Center, and being in the north right-of-way line of East Park Blvd. (110 foot right of way);

THENCE North 01°56'39" East, along the common line of said Lot 2, and Lot 3, Block A, a distance of 282.97 feet to a 1/2 inch iron rod with plastic cap stamped "WAT" found for the common corner of said Lot 2, and Lot 3, said point being in the south line of Lot 1, Block A, of Eastpark Market Place, an Addition to the City of Plano, according to the map thereof recorded in Cabinet F, Slide 325, of the Map Records of COLLIN County, Texas;

THENCE along the common line of said Lot 3, and said Lot 1, Block A the following calls:

South 88°01'22" East, a distance of 98.02 feet to a 1/2 inch iron rod set for the common corner of said Lot 3, and Lot 1, Block A;

North 01°58'38" East, a distance of 163.00 feet to a 1/2 inch iron rod found the northwest corner of said Lot 3, Block A, same being the northeast corner of said Lot 1, Block A, said point being in the south line of a 16 foot wide alley;

THENCE South 88°01'22" East, along the north line of said Lot 3, and the south line of said alley, a distance of 330.14 feet to a 1/2 inch iron rod found for corner, said point being the beginning of curve to the right, having a radius of 100.00 feet, and a delta angle of 57°18'47";

THENCE along said curve to the right, an arc distance of 100.03 feet, a chord bearing and distance of South 59°21'59" East, 95.91 feet to a 1/2 inch iron rod set for corner;

THENCE South 30°42'36" East, continuing along the southwest line of said alley, passing at a distance of 318.55 feet to a 1/2 inch iron rod found for corner, said point being the southeast corner of said Lot 3, being in the north right-of-way line of said East Park Boulevard, and continuing a total distance of 373.55 feet to a point for corner, in the centerline of said East Park Boulevard;

THENCE South 59°17'24" West, along the centerline of said East Park Boulevard, a distance of 12.96 feet to a point for corner, said point being the beginning of a curve to the right, having a radius of 850.00 feet, a delta angle of 32°41'11";

THENCE along said curve to the right, and the centerline of said East Park Boulevard, an arc distance of 484.92 feet, a chord bearing and distance of S 75°37'02" W, 478.37 feet to a point for corner;

THENCE North 88°01'23" West, along the centerline of said East Park Boulevard, a distance of 244.11 feet to a point for corner;

THENCE North 01°58'39" East, a distance of 56.03 feet to the POINT OF BEGINNING and containing 278,941 square feet or 6.4036 acres of land, more or less.

VICINITY MAP
NTS

LYONS EQUITIES, INC.
14562 BRASS WAY
DALLAS, TEXAS 75236
OWNER'S REPRESENTATIVE: MARDY BROWN
PHONE: 469-853-6538

TEXAS DEVELOPMENT SERVICES
906 W. McDERMOTT DRIVE
SUITE 136-2K
ALLEN, TX 75013
469-853-6538
TX FIRM NO. 12790
PREPARED mb
TDS PROJECT NO. 14027

SURVEYOR
Vistra Surveying Company
4548 Tuscany
Plano, Texas 75093
972-964-0656
Dennis D. Vote, RPLS
TX Registration No. 4813

ZONING EXHIBIT 2014-48
SINGLE FAMILY RESIDENCE ATTACHED (SF-A)
VENETIAN VILLAS NORTH
BLOCK A, LOT 3
EAST PARK MARKET SHOPPING CENTER
ANDREW PIARA SURVEY, ABSTRACT NO. 687
5.4864 ACRES OF LAND
CITY OF PLANO, COLLIN COUNTY, TEXAS

Z-01

LICENSED STATE OF TEXAS 4813 SURVEYOR
Dennis D. Vote
Dec. 24, 2014

CAD FILE: C:\TDS - Projects\Dayton\2015\14027 - EA - 4005 Lyons\Planning\14027 - NORTH ZONING.dwg
PLOT DATE/TIME: 1/16/2015 - 11:49am