



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		09/26/2011		
Department:		Planning		
Department Head		Phyllis M. Jarrell		
Agenda Coordinator (include phone #): T. Stuckey, ext 7156				
CAPTION				
<p>An Ordinance of the City of Plano amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 13.9± acres out of the George White Survey, Abstract No. 992, located at the northwest corner of Kathryn Lane and Rowlett Cemetery Road in the City of Plano, Collin County, Texas, from Regional Commercial to Single-Family Residence-6; 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: Birkel Custer 121 Partners Ltd.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	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):				
COMMENTS:				
SUMMARY OF ITEM				
<p>On September 12, 2011, City Council approved Zoning Case 2011-18. The attached ordinance finalizes the Council's action on September 12, 2011.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Ordinance Maps		Planning & Zoning Commission		

Zoning Case 2011-18

An Ordinance of the City of Plano amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 13.9± acres out of the George White Survey, Abstract No. 992, located at the northwest corner of Kathryn Lane and Rowlett Cemetery Road in the City of Plano, Collin County, Texas, from Regional Commercial to Single-Family Residence-6; 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 12th day of September, 2011, for the purpose of considering rezoning 13.9± acres out of the George White Survey, Abstract No. 992, located at the northwest corner of Kathryn Lane and Rowlett Cemetery Road in the City of Plano, Collin County, Texas, from Regional Commercial to Single-Family Residence-6; 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 12th day of September, 2011; 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 13.9± acres out of the George White Survey, Abstract No. 992, located northwest corner of Kathryn Lane and Rowlett Cemetery Road in the City of Plano, Collin County, Texas, from Regional Commercial to Single-Family Residence-6, 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 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 V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, 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 26TH DAY OF SEPTEMBER, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2011-18

BEING all of Lot 8, Block 1 situated in the George White Survey, Abstract No. 992 in the City of Plano, Collin County, Texas, and being part of the Custer/121 Addition, an addition to the City of Plano, according to the plat thereof recorded in Cabinet O, Slide 403 in the Land Records of Collin County, Texas (LRCCT), the subject tract being more particularly described as follows:

BEGINNING at the northwest corner of said Lot 8, Block 1 and the southeast corner of Lot 7-1, Block 1 of said Custer/121 Addition Final Plat;

THENCE South, $56^{\circ} 05' 15''$ East, a distance of 516.45 feet;

THENCE NORTH, $89^{\circ} 14' 12''$ East, a distance of 431.26 feet to the centerline of Rowlett Cemetery Road (a 90 foot right-of-way);

THENCE South, $00^{\circ} 45' 48''$ East, along the centerline of said Rowlett Cemetery Road a distance of 246.67 feet;

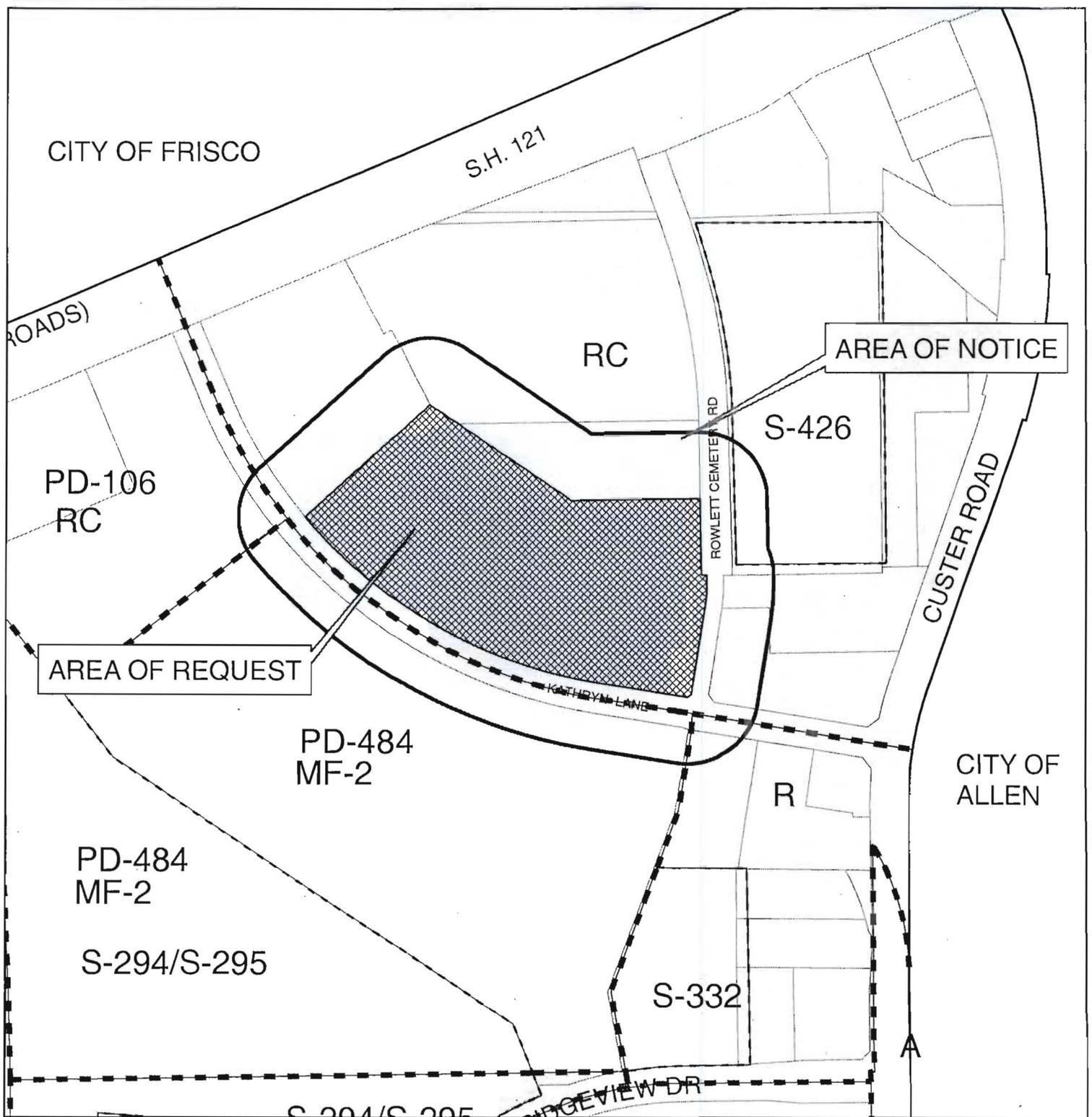
THENCE continuing along said centerline, the beginning of a tangent curve to the right having a central angle of $09^{\circ} 46' 20''$, a radius of 500.00 feet and an arc distance of 85.28 feet, and a chord bearing of South $04^{\circ} 07' 20''$ West 85.18 feet;

THENCE South, $09^{\circ} 00' 33''$ West, a distance of 319.30 feet to the centerline of Kathryn Lane (a 92 feet right-of-way);

THENCE North, $80^{\circ} 59' 27''$ West, along said centerline of Kathryn Lane, a distance of 303.28 feet;

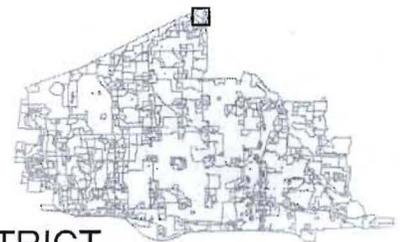
THENCE continuing along said centerline, the beginning of a tangent curve to the right having a central angle of $40^{\circ} 51' 00''$, a radius of 1501.00 feet and an arc distance of 1,070.17 feet, and a chord bearing of North, $60^{\circ} 34' 00''$ West 1,047.65 feet;

THENCE North, $47^{\circ} 48' 48''$ East, a distance of 546.55 feet to the PLACE OF BEGINNING with the subject tract CONTAINING 689,136 square feet or 15.8203 gross acres of land (604,612 square feet or 13.9± net acres of land).



Zoning Case #: 2011-18

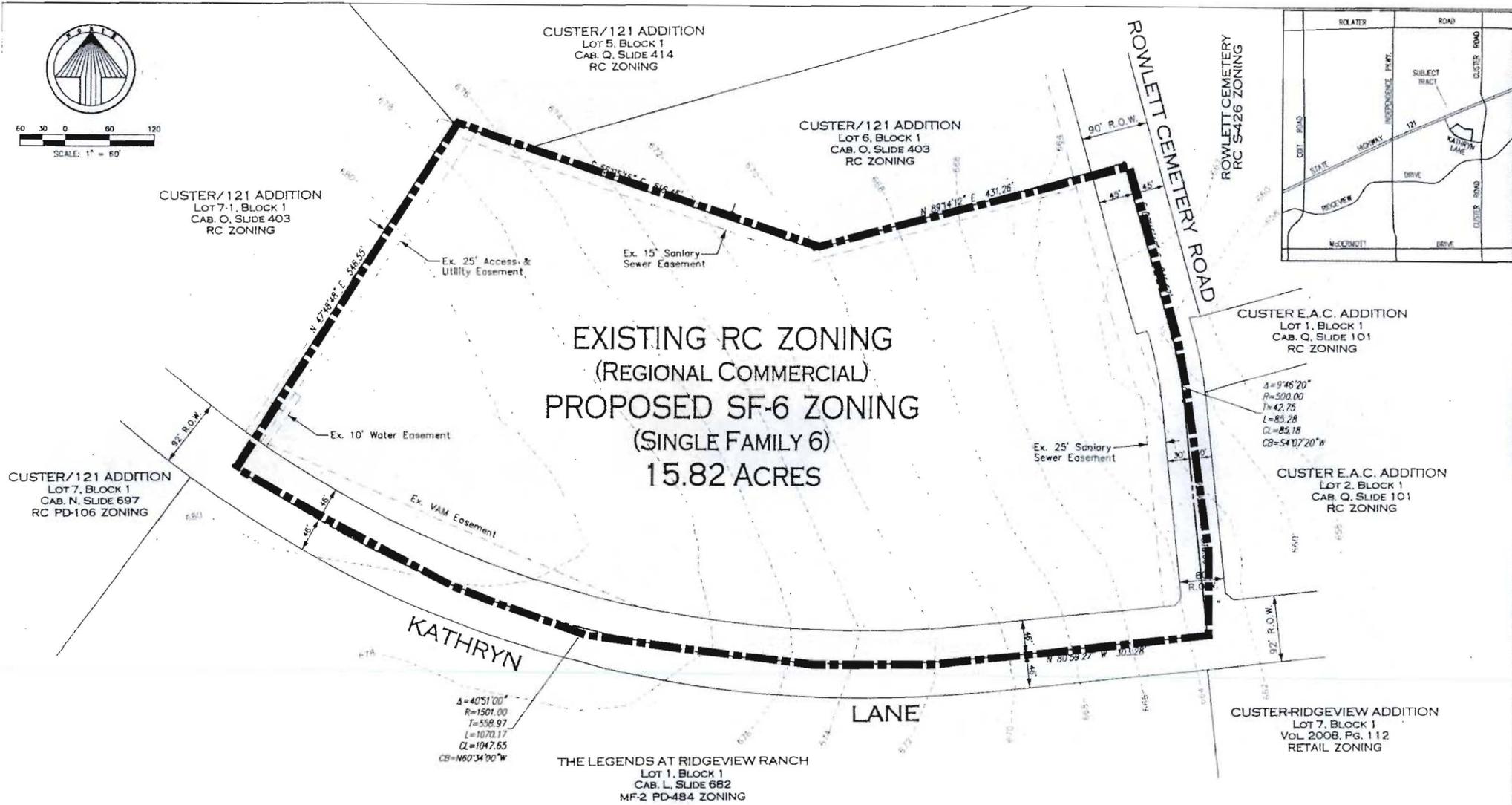
Existing Zoning: REGIONAL COMMERCIAL/
STATE HIGHWAY 121 OVERLAY DISTRICT



○ 200' Notification Buffer



60 30 0 90 120
SCALE: 1" = 60'



~ OWNER ~
BIRKEL CUSTER 121 PARTNERS LTD
 3824 Cedar Springs Road ~ Dallas, Texas 75219
 979-828-3968

~ DEVELOPER ~
DOUGLAS PROPERTIES INC.
 2309 Avenue K ~ Suite 101 ~ Plano, Texas 75074
 972-422-1658

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

LEGAL DESCRIPTION

BEING all of Lot 6, Block 1 of the CUSTER/121 ADDITION as recorded in Exhibit D, Slide 403 in the Public Records of Collin County, Texas (LACD), the subject tract being more particularly described as follows:

BEGINNING at the northwest corner of said Lot 6, Block 1 and the southeast corner of Lot 7-1, Block 1 of said CUSTER/121 ADDITION Final Plat;

THENCE S 09° 05' 15" E, a distance of 316.45 feet;

THENCE N 89° 14' 17" E, a distance of 431.28 feet to the centerline of Rowlett Cemetery Road (90' R.O.W.);

THENCE S 00° 45' 48" E, along the centerline of said Rowlett Cemetery Road a distance of 348.87 feet;

THENCE, continuing along said centerline, the beginning of a tangent curve to the right having a central angle of 08° 46' 00", a radius of 300.00 feet and an arc distance of 85.28 feet, and a chord bearing of S 04° 07' 37" W=85.18 feet;

THENCE S 09° 05' 15" E, a distance of 316.50 feet to the centerline of Kathryn Lane (82' R.O.W.);

THENCE S 80° 38' 27" W, along said centerline of Kathryn Lane a distance of 303.38 feet;

THENCE, continuing along said centerline, the beginning of a tangent curve to the right having a central angle of 40° 35' 00", a radius of 100.00 feet and an arc distance of 107.01 feet, and a chord bearing of N 80° 34' 20" W=107.02 feet;

THENCE N 47° 46' 46" E, a distance of 348.25 feet to the Place of Beginning with the subject tract containing 886,136 square feet or 15.8207 acres of land.

ZC-2011-18
 ZONING EXHIBIT
KATHRYN PARK
 BEING 15.82 ACRE IN THE
 GEORGE WHITE SURVEY, ABSTRACT NO. 992
 CITY OF PLANO, COLLIN COUNTY, TEXAS
 JULY 07, 2011

TIPTON ENGINEERING, INC.
 ENGINEERING • SURVEYING • PLANNING • F-2026
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