

**DATE:** September 22, 2015

**TO:** Honorable Mayor & City Council

**FROM:** Doug Bender, Chairman, Planning & Zoning Commission

**SUBJECT:** Results of Planning & Zoning Commission Meeting of September 21, 2015

**AGENDA ITEM NO. 6A**

**PUBLIC HEARING: ZONING CASE 2015-23**

**APPLICANT: NANCY BAKER HIGDON**

Request to rezone 31.0± acres located at the southeast corner of 14th Street and Park Vista Road **from** Agricultural **to** Single-Family Residence-6.

**APPROVED:** 7-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: SUPPORT: 2 OPPOSE: 0**

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

**PETITION(s) RECEIVED: 0 # OF SIGNATURES: 0**

**STIPULATIONS:**

Recommended for approval as submitted.

ST/dr

xc: Nancy Baker Higdon  
Jim Douglas, Douglas Properties  
Wayne Snell, Permit Services Manager

<https://www.google.com/maps/@33.0086182,-96.6328741,16z/data=!3m1!1e3>

CITY OF PLANO  
PLANNING & ZONING COMMISSION

September 21, 2015

**Agenda Item No. 6A**

**Public Hearing:** Zoning Case 2015-23

**Applicant:** Nancy Baker Higdon

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**DESCRIPTION:**

Request to rezone 31.0± acres located at the southeast corner of 14th Street and Park Vista Road **from** Agricultural **to** Single-Family Residence-6.

**REMARKS:**

The purpose of this request is to rezone the subject property from Agricultural (A) to Single-Family Residence-6 (SF-6). The A district is intended to provide for farming, dairying, pasturage, horticulture, animal husbandry, and the necessary accessory uses for the packing, treating, or storing of produce. It is anticipated that all A districts will be changed to other zoning classifications as the city proceeds toward full development.

The requested zoning is SF-6. The SF-6 district is intended to provide for small-lot, urban, single-family development protected from excessive noise, illumination, odors, visual clutter, and other objectionable influences to family living.

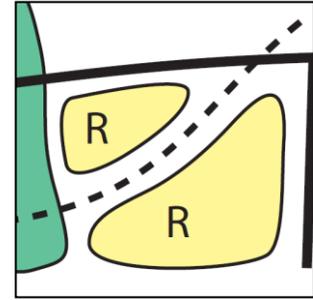
A concept plan, Heritage Ridge Estates, accompanies this request as Agenda Item No. 6B.

**Surrounding Land Use and Zoning**

The area of the request is currently undeveloped. To the north, across 14th Street, is an existing hospital and medical office development located within the City of Murphy. To the east is vacant property located in the City of Murphy. To the south, the property is zoned Planned Development-498-Multifamily Residence-3 (PD-498-MF-3) with a proposed independent living facility, and across the DART right-of-way, is an existing single-family residential development zoned Single-Family Residence-7 (SF-7). The property to the west, across the existing floodplain, is developed as a convenience store with gas pumps and is zoned Light Industrial-1 (LI-1).

## **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.



**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. One of these recommendations is applicable to this request.

1. 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 (5 to 12 stories) and special needs housing (i.e. senior housing) could be an exception if the surrounding land uses are compatible.

The applicant is proposing 130 residential lots on the subject property. There are two adjacent residential developments including the proposed independent living facility immediately to the south and the existing residential subdivision located south of the DART right-of-way. This request is in conformance with this policy recommendation.

**Adequacy of Public Facilities** - Water service is available at the site. Sanitary sewer and storm water facilities have sufficient capacity, but services have to be extended to the site.

**School Capacity** - Plano Independent School District has provided a letter regarding school capacity which staff has included as an attachment.

## **Adjacent Nonresidential Zoning**

The property to the west, across the creek, is zoned LI-1 and is currently developed as a convenience store with gas pumps. Although LI-1 zoning and the associated gas station development is not appropriate in close proximity to residential uses, the subdivision will be separated from the commercial lot by floodplain and existing vegetation. The nearest proposed residential lot is 300± feet to the southeast of the gas station development.

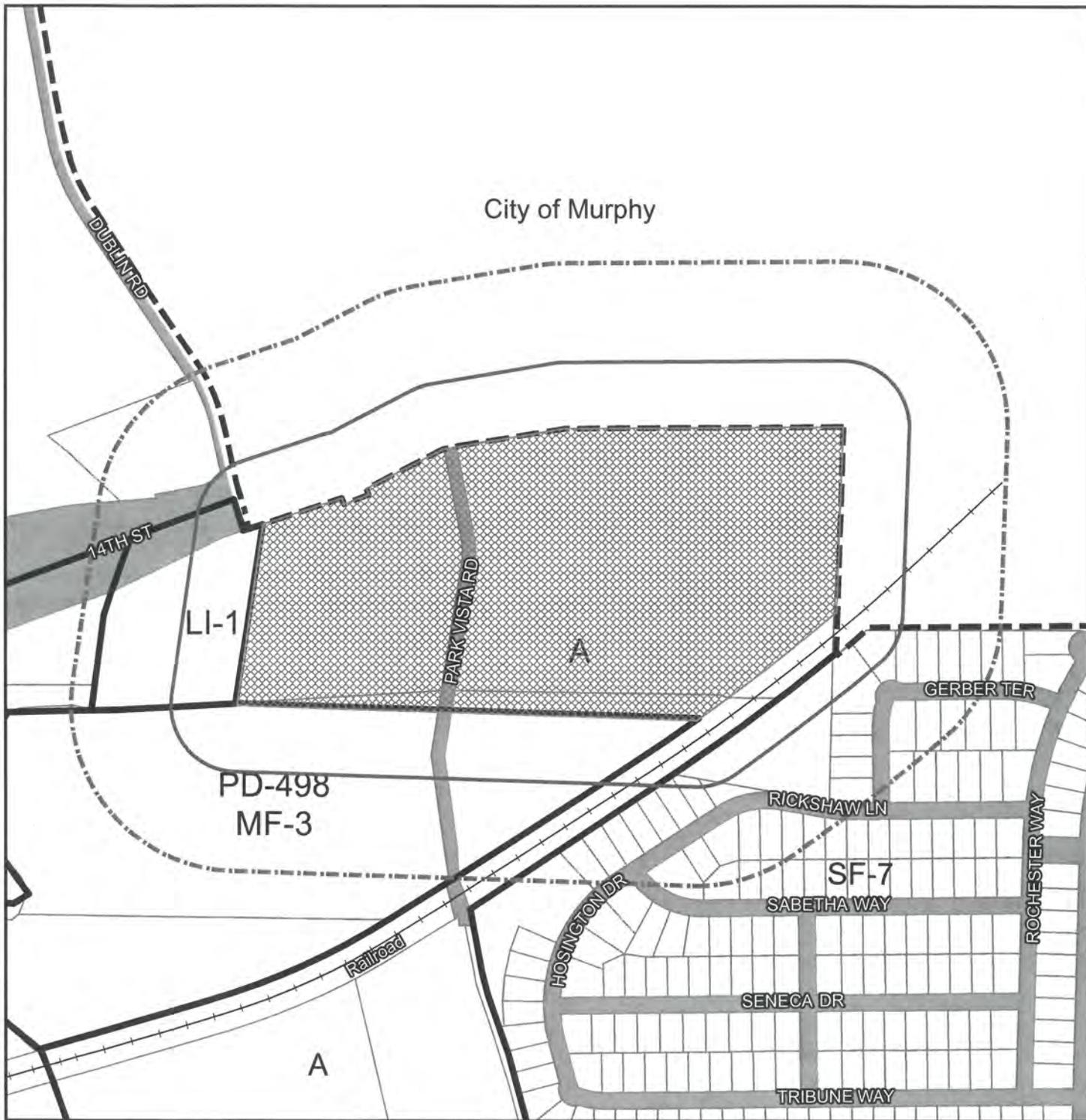
Although this situation is not ideal, staff believes the proposed rezoning request is appropriate due to the existing vegetation, floodplain, and distance from the gas station development which will create a natural buffer for future residences. Additionally, the distance to the fuel dispensing facilities complies with the minimum requirements of the Residential Adjacency Standards within the Zoning Ordinance. For these reasons, staff believes the residential uses are appropriate for the subject property.

**SUMMARY:**

The applicant is requesting to rezone 31.0± acres located at the southeast corner of 14th Street and Park Vista Road from Agricultural to Single-Family Residence-6. The requested rezoning for SF-6 is compatible with the existing adjacent residential neighborhood and the proposed independent living facility to the south. The request complies with the Future Land Use Plan and interim amendments to the Land Use Element of the Comprehensive Plan. For these reasons, staff is in support of this request.

**RECOMMENDATION:**

Recommended for approval as submitted.



Zoning Case #: 2015-23

Existing Zoning: Agricultural (A)

Proposed Zoning: Single-Family Residence-6 (SF-6)



500' Courtesy Notification

200' Notification Buffer



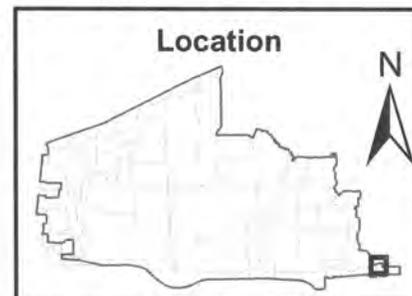
Subject Property

Zoning Boundary

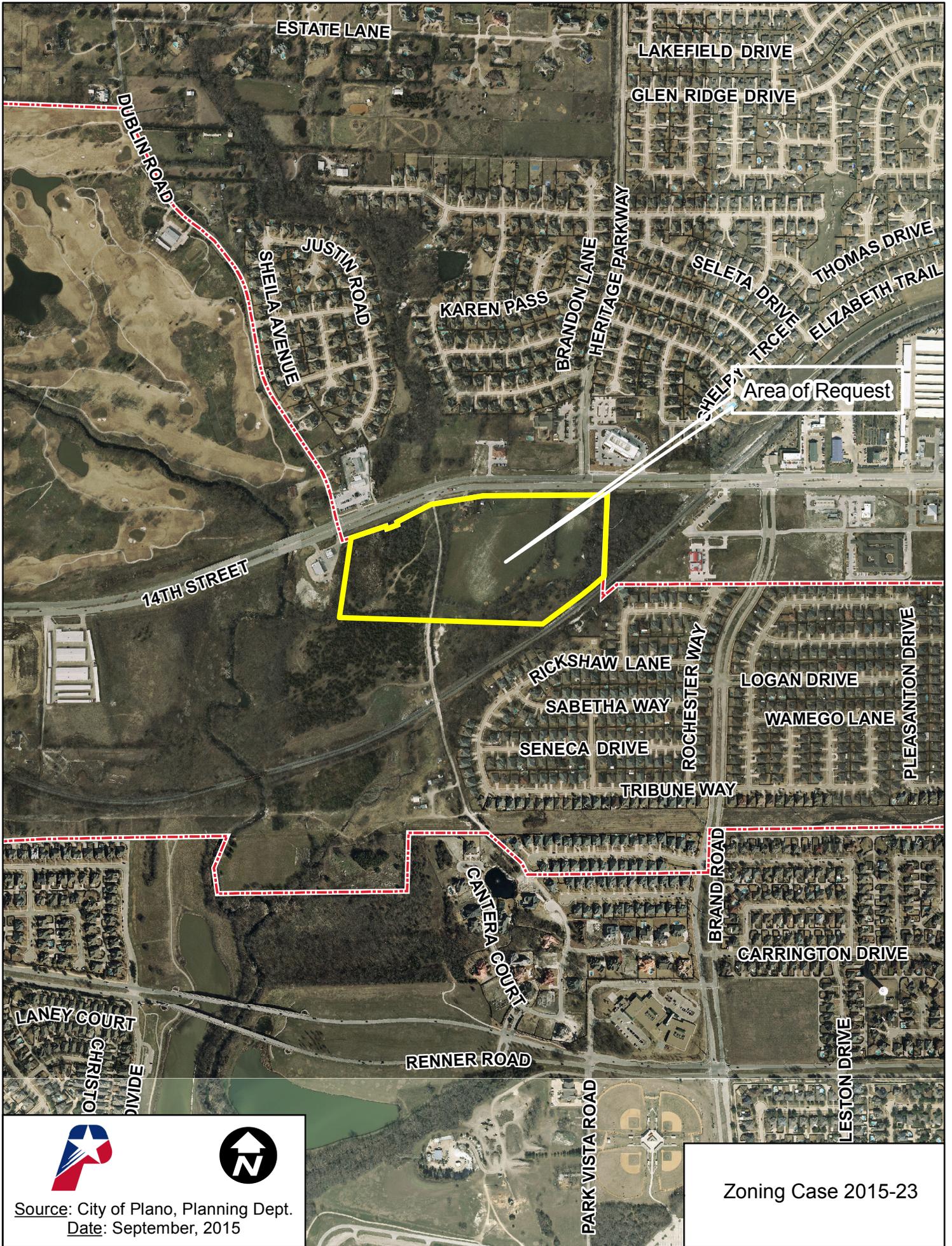
City Limits

Specific Use Permit

Right-of-Way



Source: City of Plano Planning Department



Dees 9/14/2015 X:\Dept\P&Z Locators & Graphics\22015-23A.mxd

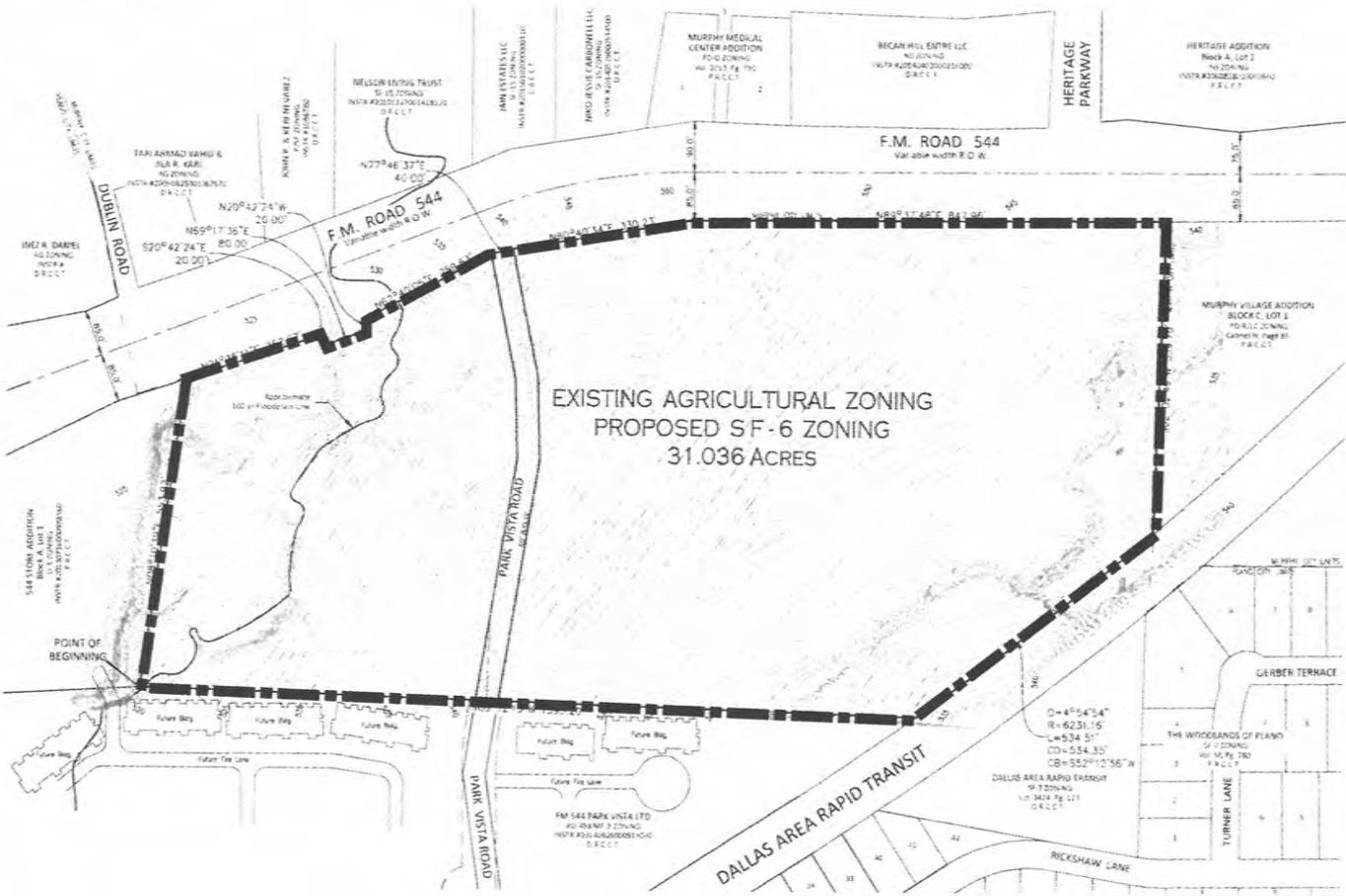


Source: City of Plano, Planning Dept.  
Date: September, 2015

Zoning Case 2015-23



HERITAGE RIDGE ESTATES



EXISTING AGRICULTURAL ZONING  
 PROPOSED SF-6 ZONING  
 31.036 ACRES

**LEGAL DESCRIPTION**

BEING 31.036 acres of land located in MARY SCOTT SURVEY, ABSTRACT No. 859, City of Plano, Collin County, Texas, being a remainder of the tracts of land designated as Tract 1-A and Tract 1-B, in deed to Nancy Baker Higdon, recorded in Volume 2071, Page 797, of the Deed Records of Collin County, Texas, and 9.550 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod in concrete, found at the Southwest corner of said Tract 1-A, and the Southeast corner of LOT 1, BLOCK A, 544 STORE ADDITION, according to the Plat recorded in Cabinet K, Page 94, of the Plat Records of Collin County, Texas, and said Point of Beginning also being in the North boundary line of the tract of land designated as Tract 2 in deed to FM 544 PARK VISTA, LTD., recorded in County Clerk's instrument number 2014092000918040, of the Deed Records of Collin County, Texas;

THENCE N 08 degrees 30 minutes 26 seconds E, distance of 551.77 feet, along the West boundary line of said Tract 1-A, and East boundary line of said Lot 1, to a 1/2" iron rod marked Brittan & Crawford, set at the Northeast corner of said Lot 1, and the South right-of-way, line of Fairs to Market Road 544 (variable width right-of-way), also known as East 14th Street;

THENCE along the along the South right-of-way line of said Fairs to Market Road 544, as follows:

- N 71 degrees 31 minutes 25 seconds E, a distance of 252.74 feet, to a point in Rowlett Creek;
- S 70 degrees 46 minutes 31 seconds E, distance of 20.00 feet, to a point in Rowlett Creek;
- N 03 degrees 17 minutes 30 seconds E, a distance of 79.98 feet, to a point in Rowlett Creek;
- N 20 degrees 38 minutes 17 seconds W, a distance of 20.00 feet, to a point in Rowlett Creek;
- N 62 degrees 40 minutes 05 seconds E 259.53 feet, to a point on top of water valve, at the Southeast corner of said FM 544;
- N 77 degrees 46 minutes 37 seconds E 401.00 feet, to a Tdot Monument W/Aluminum disk found;
- N 80 degrees 71 minutes 47 seconds E, a distance of 350.73 feet, to a 5/8" iron rod found;
- N 89 degrees 37 minutes 48 seconds E, a distance of 847.06 feet, to a 1/2" iron rod marked Brittan & Crawford, found at the Northwest corner of a remainder of the tract of land conveyed to McInney #544 Joint Venture, by the deed recorded in Volume 2644, Page 123, of the Deed Records of Collin County, Texas;

THENCE S 02 degrees 02 minutes 49 seconds W, a distance of 559.70 feet, along the East boundary line of said Tract 1-B, and the West boundary line of said McInney #544 Joint Venture tract, to a 5/8" iron rod, marked Carter & Buegler, found at the most Easterly Southeast corner of said Tract 1-B, lying in the Northwest right-of-way line of DART Railroad (a 100' railroad right-of-way);

THENCE Southwesterly a distance of 534.51 feet, along the Southeast boundary line of said Tract 1-B, and the Northwest right-of-way line of said DART Railroad, with a curve to the right, having a radius of 6231.36 feet, a central angle of 4 degrees 58 minutes and 54 seconds, and a chord bearing of S 92 degrees 12 minutes 56 seconds W 534.35 feet, to a 1/2" iron rod marked Brittan & Crawford, set at the most Southerly Southeast corner of said Tract 1-B, and the Northeast corner of aforesaid Tract 1 in deed to FM 544 PARK VISTA, LTD.

THENCE N 88 degrees 12 minutes 11 seconds W 1935.20 feet, along the South boundary line of said Tract 1-A, and the North boundary line of said Tract 2 in deed to FM 544 PARK VISTA, LTD., to the POINT OF BEGINNING, containing 31.036 acres (± 351,930 square feet) of land.

ZONING EXHIBIT 2015-23  
 OF  
**HERITAGE RIDGE ESTATES**  
 31.036 ACRES

OUT OF THE  
 MARY SCOTT SURVEY - ABSTRACT NO. 859  
 IN THE  
 CITY OF PLANO, COLLIN COUNTY TEXAS  
 OWNER  
 NANCY BAKER HIGDON  
 PO BOX 22153, SANTA FE, NM 87502  
 DEVELOPER  
 DOUGLAS PROPERTIES INC.  
 2309 AVENUE K, SUITE 100, PLANO, TX 75074

JIM DOUGLAS, P.E.  
**Westwood**

Professional Engineer  
 State of Texas License No. 10000  
 10000  
 10000

NOTE: APPROVAL OF THE ZONING COMMISSION ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAN, OR PLAN APPROVAL OF DEVELOPMENT STANDARDS SCHEMATIC HEREON OR THE INITIATION OF THE DEVELOPMENT PROCESS, PLANNING, A 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 EXHIBIT.





## Zoning Case 2015-23

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 31.0± acres of land out of the Mary Scott Survey, Abstract No. 859, located at the southeast corner of 14th Street and Park Vista Road in the City of Plano, Collin County, Texas, from Agricultural to Single-Family Residence-6; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication 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 October, 2015, for the purpose of considering rezoning 31.0± acres of land out of the Mary Scott Survey, Abstract No. 859, located at the southeast corner of 14th Street and Park Vista Road in the City of Plano, Collin County, Texas, from Agricultural 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 October, 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. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to rezone 31.0± acres of land out of the Mary Scott Survey, Abstract No. 859, located at the southeast corner of 14th Street and Park Vista Road in the City of Plano, Collin County, Texas, from Agricultural 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 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 12TH DAY OF OCTOBER, 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 2015-23

BEING 30.98 acres of land located in Mary Scott Survey, Abstract No. 859, City of Plano, Collin County, Texas, being a reminder of the tracts of land designated as Tract 1-A and Tract 1-B, in deed to Nancy Baker Higdon, recorded in Volume 2071, Page 797, of the Deed Records of Collin County, Texas. Said 9.150 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod in concrete, found at the southwest corner of said Tract 1-A, and the southeast corner of Lot 1, Block A, 544 Store Addition, according to the Plat recorded in Cabinet K, Page 94, of the Plat Records of Collin County, Texas, and said Point of Beginning also lying in the north boundary line of the tract of land designated as Tract 2 in deed to FM 544 Park Vista, LTD., recorded in County Clerk's instrument number 20140826000919040, of the Deed Records of Collin County, Texas;

THENCE North 08°10'26" East, distance of 553.77 feet, along the West boundary line of said Tract 1-A and east boundary line of said Lot 1, to a 1/2-inch iron rod marked Brittain & Crawford, set at the northeast corner of said Lot 1, and the south right-of-way line of Farm to Market Road 544 (variable width right-of-way), also known as East 14th Street;

THENCE along the along the south right-of-way line of said Farm to Market Road 544, as follows:

North 71°33'25" seconds East, a distance of 252.74 feet, to a point in Rowlett Creek;

South 20°46'31" seconds East, distance of 20.00 feet, to a point in Rowlett Creek;

North 69°17'10" East, a distance of 79.98 feet, to a point in Rowlett Creek;

North 20°38'17" West, a distance of 20.00 feet, to a point in Rowlett Creek;

North 62°40'05" East 259.53 feet, to a point on top of water valve, at the Southeast corner of said FM 544;

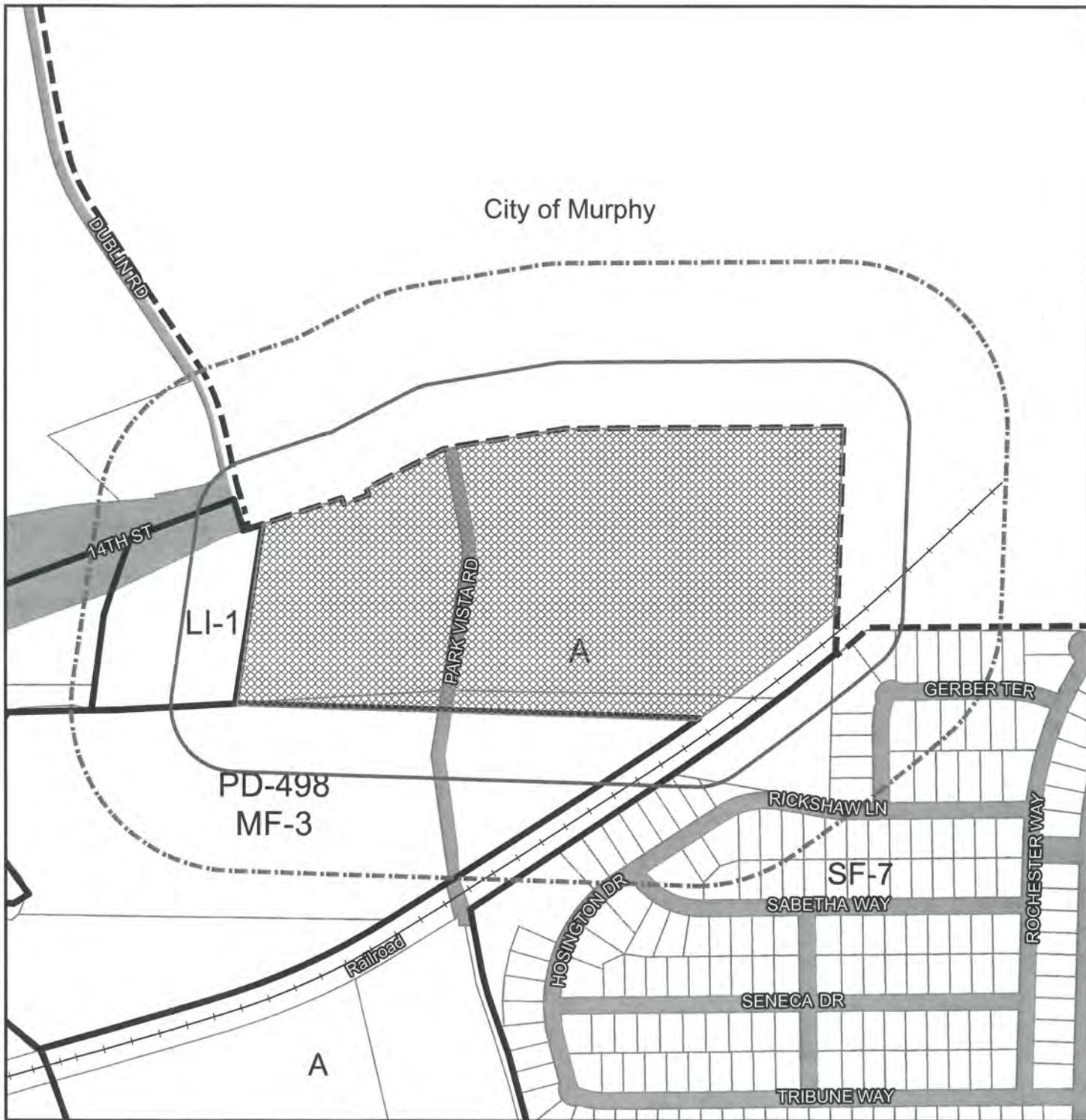
North 80°21'47" East, a distance of 370.19 feet, to a 5/8-inch iron rod found;

North 89°37'48" seconds East, a distance of 847.96 feet, to a 1/2-inch iron rod marked Brittain & Crawford, found at the Northwest corner of a reminder of the tract of land conveyed to McBirney #544 Joint Venture, by the deed recorded in Volume 2644, Page 123, of the Deed Records of Collin County, Texas;

THENCE South  $02^{\circ}02'49''$  seconds West, a distance of 559.70 feet, along the east boundary line of said Tract 1-B, and the west boundary line of said McBirney #544 Joint Venture tract, to a 5/8-inch iron rod, marked Carter & Burgess, found at the most Easterly Southeast corner of said Tract 1-B, lying in the northwest right of way line of DART Railroad (a 100' railroad right of way):

THENCE Southwesterly, a distance of 534.51' feet, along the southeast boundary line of said Tract 1-B, and the northwest right-of-way line of said D.A.R.T. Railroad, with a curve to the right, having a radius of 6,231.16 feet, a central angle of  $4^{\circ}54'54''$ , and a chord bearing of South  $52^{\circ}12'56''$  West -534.35 feet, to a 1/2-inch rod marked Brittain & Crawford, set at the most southerly southeast corner of said Tract 1-B, and the northeast corner of aforesaid Tract 1 in deed to FM 544 Park Vista, LTD;

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Zoning Case #: 2015-23

Existing Zoning: Agricultural (A)

Proposed Zoning: Single-Family Residence-6 (SF-6)



500' Courtesy Notification

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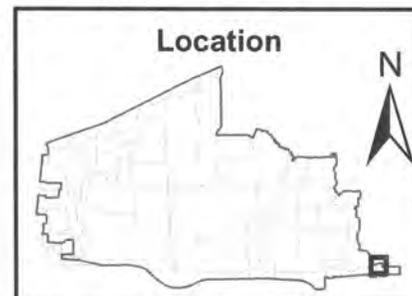
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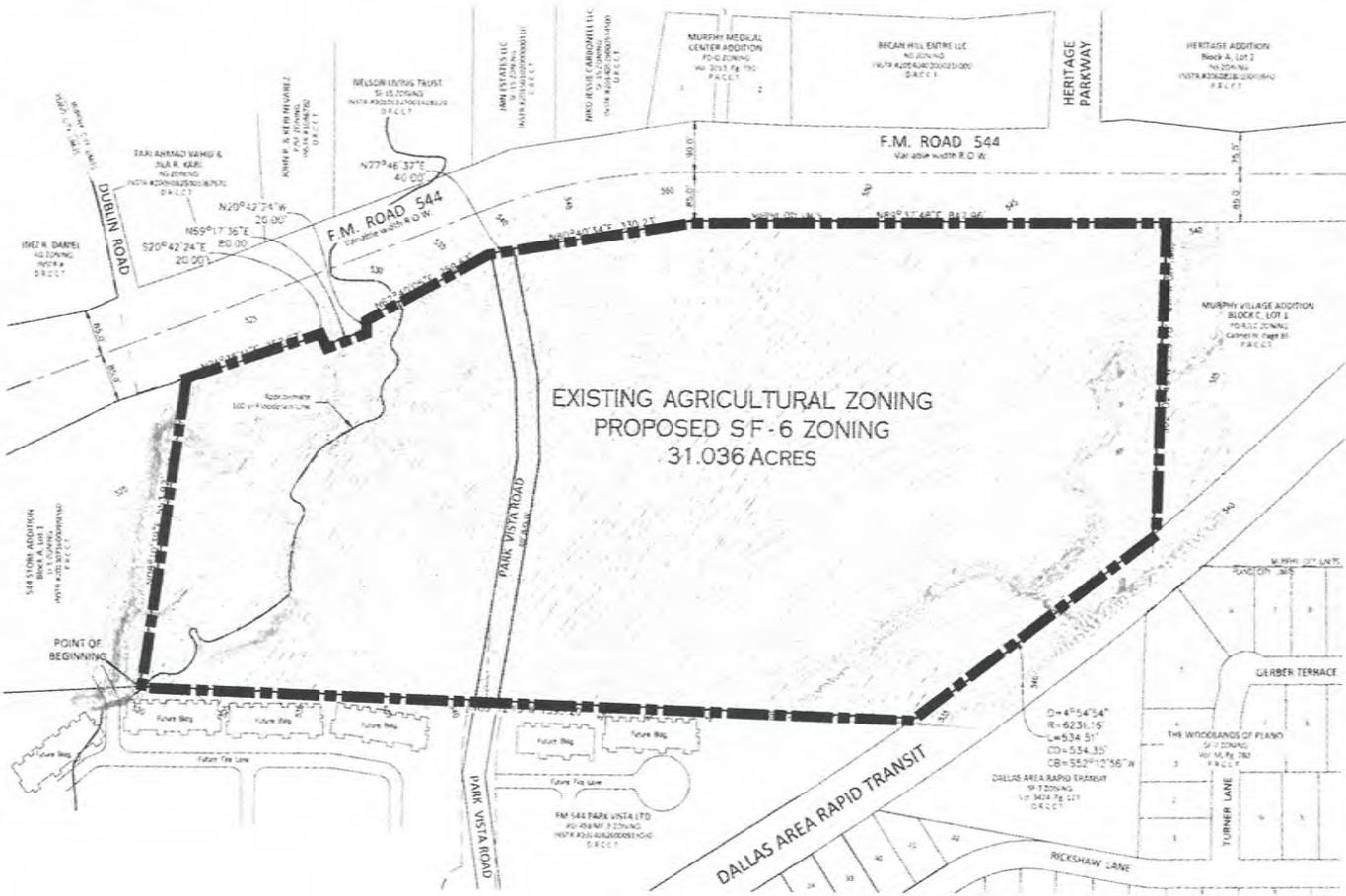
Right-of-Way



Source: City of Plano Planning Department



HERITAGE RIDGE ESTATES



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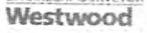
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**ZONING EXHIBIT 2015-23  
OF  
HERITAGE RIDGE ESTATES  
31.036 ACRES**

OUT OF THE  
MARY SCOTT SURVEY - ABSTRACT NO. 859  
IN THE  
CITY OF PLANO, COLLIN COUNTY TEXAS  
OWNER  
NANCY BAKER HIGDON  
PO BOX 22153, SANTA FE, NM 87502  
DEVELOPER  
DOUGLAS PROPERTIES INC.  
2309 AVENUE K, SUITE 100, PLANO, TX 75074  
JIM DOUGLAS, 97-24221678  
ENGINEER/SURVEYOR



Westwood  
Professional Services, Inc.  
10114 LITZ ROAD, SUITE 100, PLANO, TEXAS 75074  
PHONE: 972-447-4100 FAX: 972-447-4101  
www.westwoodps.com

NOTE: APPROVAL OF THE ZONING COMMISSION 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, A 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 EXHIBIT.



