

DATE: September 16, 2014
TO: Honorable Mayor & City Council
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of September 15, 2014

**AGENDA ITEM NO. 9A - PUBLIC HEARING
ZONING CASE 2014-28
APPLICANT: J.C. PENNEY CO., INC. AND SWC TOLLWAY &
STATE HIGHWAY 121, LLC**

Request to rezone 137.3± acres located at the southwest corner of State Highway 121 and the Dallas North Tollway **from** Central Business-1 **to** Planned Development-Central Business-1. Zoned Central Business-1/Dallas North Tollway Overlay District. Tabled September 2, 2014.

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 1

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

STIPULATIONS:

Recommend for approval as noted below; subject to City Council approval of Zoning Case 2014-27:

The permitted uses and standards shall be in accordance with the Central Business-1 (CB-1) zoning district unless otherwise specified herein.

Restrictions:

1. Mid-rise residential is an additional permitted use subject to the following standards:
 - a. A maximum of 10 acres may be developed as mid-rise residential.
 - b. Mid-rise residential is prohibited within 700 feet of the right-of-way line of State Highway 121 and the Dallas North Tollway.
 - c. Minimum density: None

- d. Minimum building height: 7 story
- e. Maximum number of dwelling units: 1,000

Refer to Design Guidelines after PD-65-CB-1 for additional stipulations.

Design Guidelines for Planned Development-65-Central Business-1 and Planned Development-Central Business-1

OPEN SPACE

1. A minimum of 5% of the gross acreage of PD- CB-1 and Tracts C & D within PD-65-CB-1 shall be provided as open space.
2. A minimum of 0.25 acre shall be located on the quasi-public street within Tract C of PD-65-CB-1.
3. Open space shall be accessible to the public at all times and shall not be fenced.
4. Open space shall have a minimum dimension of 30 feet long by 30 feet wide.

FOR CITY COUNCIL MEETING OF: October 13, 2014 (To view the agenda for this meeting, see www.planotx.gov)

PUBLIC HEARING - ORDINANCE

EM/dc

xc: Fehmi Karnahan, SWC Tollway & State Highway 121, LLC
Trey Braswell, Kimley-Horn and Associates, Inc.
Wayne Snell, Permit Services Manager

<http://goo.gl/maps/5onbE>

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 15, 2014

Agenda Item No. 9A

Public Hearing: Zoning Case 2014-28

Applicant: J.C. Penney Co., Inc. and SWC Tollway & State Highway 121, LLC

DESCRIPTION:

Request to rezone 137.3± acres located at the southwest corner of State Highway 121 and the Dallas North Tollway **from** Central Business-1 **to** Planned Development-Central Business-1. Zoned Central Business-1/Dallas North Tollway Overlay District. Tabled September 2, 2014.

REMARKS:

This item was tabled at the September 2, 2014 Planning and Zoning Commission meeting. It must be removed from the table.

The purpose of this request is to rezone 137.3± acres located at the southwest corner of State Highway 121 and the Dallas North Tollway from Central Business-1 to Planned Development-Central Business-1. The Central Business-1 district is intended for use in conjunction with the Commercial Employment (CE) district to permit a highly concentrated business center similar to traditional downtown areas of major cities.

The requested zoning is Planned Development-Central Business-1 to allow for a limited amount of mid-rise residential with modified development standards. 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. Mid-rise residential is defined as buildings not less than five floors designed for residential occupancy and including accessory uses including but not limited to parking garages, recreational amenities meeting space, storage, and personal services. A mid-rise residential development may include a mix of residential and nonresidential uses in the same structure.

Surrounding Land Use and Zoning

The property to the north, across S.H. 121, is in the City of Frisco and is developed as new car dealers. To the east, across the Dallas North Tollway, are general office, restaurant and retail uses zoned Planned Development-65-Central Business-1 (PD-65-

CB-1) and CB-1. To the south is a general office development zoned CB-1 with Specific Use Permit #265 (S-265) for Day Care Center and undeveloped land included in Zoning Case 2014-27. To the west, across Leadership Drive, is undeveloped property zoned CB-1.

Conformance to the Comprehensive Plan

Future Land Use Plan: The Future Land Use Plan designates this property as Major Corridor Development (MCD). 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 along expressway corridors 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. Residential should be set back a minimum of 1,200 feet from the centerline of State Highway 121 and Dallas North Tollway. Factors including existing development patterns should be considered in applying this standard.
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 (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 a maximum of 1,000 mid-rise residential units within an area not to exceed ten acres of the subject property located a minimum of 700 feet from the centerline of State Highway 121 and the Dallas North Tollway. The subject property does not expand into any existing residential neighborhoods; however, the large number of units requested is sufficient to establish a complete neighborhood in the context of the proposed expansion of Legacy Town Center (Zoning Case 2014-27).

Adequacy of Public Facilities: Water and sanitary sewer services are available to serve the subject property. A lift station will be needed to address sanitary sewer capacity in the area.

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 Frisco Independent School District and is served by the following schools:

Elementary School	Spears
Middle School	Hunt
High School	Frisco

Per the district's representative, there may be capacity issues at the schools if all the proposed residential units were built today. However, Planning staff does not have a concrete study or report from the school district supporting overcrowding at any of these facilities and does not recommend considering school capacity as a factor for land use decisions. The District's policy indicates they follow the teacher-student ratio consistent with the Texas Education Code 25.111.

Public Safety Response Time: Based upon existing personnel, equipment and facilities, fire emergency response times will be sufficient to serve the site. Additional 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. The PD proposes to establish a minimum of five percent open space for the combined acreage of the subject property as well as the property within the proposed expansion for Legacy Town Center.

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

ISSUES:

Proposed Planned Development Stipulations:

Restrictions:

The permitted uses and standards shall be in accordance with the Central Business-1 (CB-1) zoning district unless otherwise specified herein.

1. Mid-rise residential is an additional permitted use subject to the following standards:
 - a. A maximum of 10 acres may be developed as mid-rise residential.
 - b. Mid-rise residential is prohibited within 700 feet of the centerline of State Highway 121 and the Dallas North Tollway.
 - c. Minimum density: None
 - d. Minimum building height: 7 story
 - e. Maximum number of dwelling units: 1,000

Refer to Design Guidelines after PD-65-CB-1 for additional stipulations.

Design Guidelines for Planned Development-Central Business-1 and Planned Development-65-Central Business-1

OPEN SPACE

1. A minimum of 5% of the gross acreage of PD-CB-1 and Tracts C & D within PD-65-CB-1 shall be provided as open space.
2. A minimum of 0.25 acre shall be located on the quasi-public street within Tract C of PD-65-CB-1.
3. Open space shall be accessible to the public at all times and shall not be fenced.
4. Open space shall have a minimum dimension of 30 feet long by 30 feet wide.

Mid-Rise Residential

Currently, mid-rise residential is not permitted within the CB-1 zoning district. The applicant's request is to allow 1,000 mid-rise units by right, within a maximum of 10 acres, with a minimum height of seven stories located a minimum of 700 feet from the centerline of the Dallas North Tollway. Mid-rise residential is a unique residential product which does not currently exist within Plano. The applicant is requesting this zoning in concert with the proposed expansion of Legacy Town Center (Zoning Case 2014-27) and residents in this subject property will benefit from the employment, retail and entertainment opportunities provided by the proposed town center expansion. Furthermore, the proposed 700-foot setback will create a significant buffer for these developments from the Dallas North Tollway and State Highway 121. For these reasons, staff believes that mid-rise residential is appropriate in this location.

Open Space

The applicant is proposing to provide a minimum of 6.8± acres of open space to be shared by the subject property and the properties within the proposed expansion of Legacy Town Center. Open space is a key element of dense, urban development. The amount of open space provided is equivalent to 5% of the gross acreage of all of these properties combined. This percentage is consistent with the minimum amount of open space required by the Urban Mixed-Use (UMU) zoning district. Staff believes the proposed required open space is appropriate to support the needs of the future residents of the subject property.

SUMMARY:

The applicant is requesting to rezone 137.3± acres located at the southwest corner of State Highway 121 and the Dallas North Tollway from CB-1 to PD-CB-1 to allow for a limited amount of mid-rise residential with modified development standards. The proposed Planned Development zoning district is consistent with the recommendations of the Comprehensive Plan due to the adjacent requested expansion of Legacy Town Center. Staff is in support of the zoning request.

RECOMMENDATION:

Recommend for approval as noted below; subject to City Council approval of Zoning Case 2014-27:

The permitted uses and standards shall be in accordance with the Central Business-1 (CB-1) zoning district unless otherwise specified herein.

Restrictions:

1. Mid-rise residential is an additional permitted use subject to the following standards:
 - a. A maximum of 10 acres may be developed as mid-rise residential.
 - b. Mid-rise residential is prohibited within 700 feet of the right-of-way line of State Highway 121 and the Dallas North Tollway.
 - c. Minimum density: None
 - d. Minimum building height: 7 story
 - e. Maximum number of dwelling units: 1,000

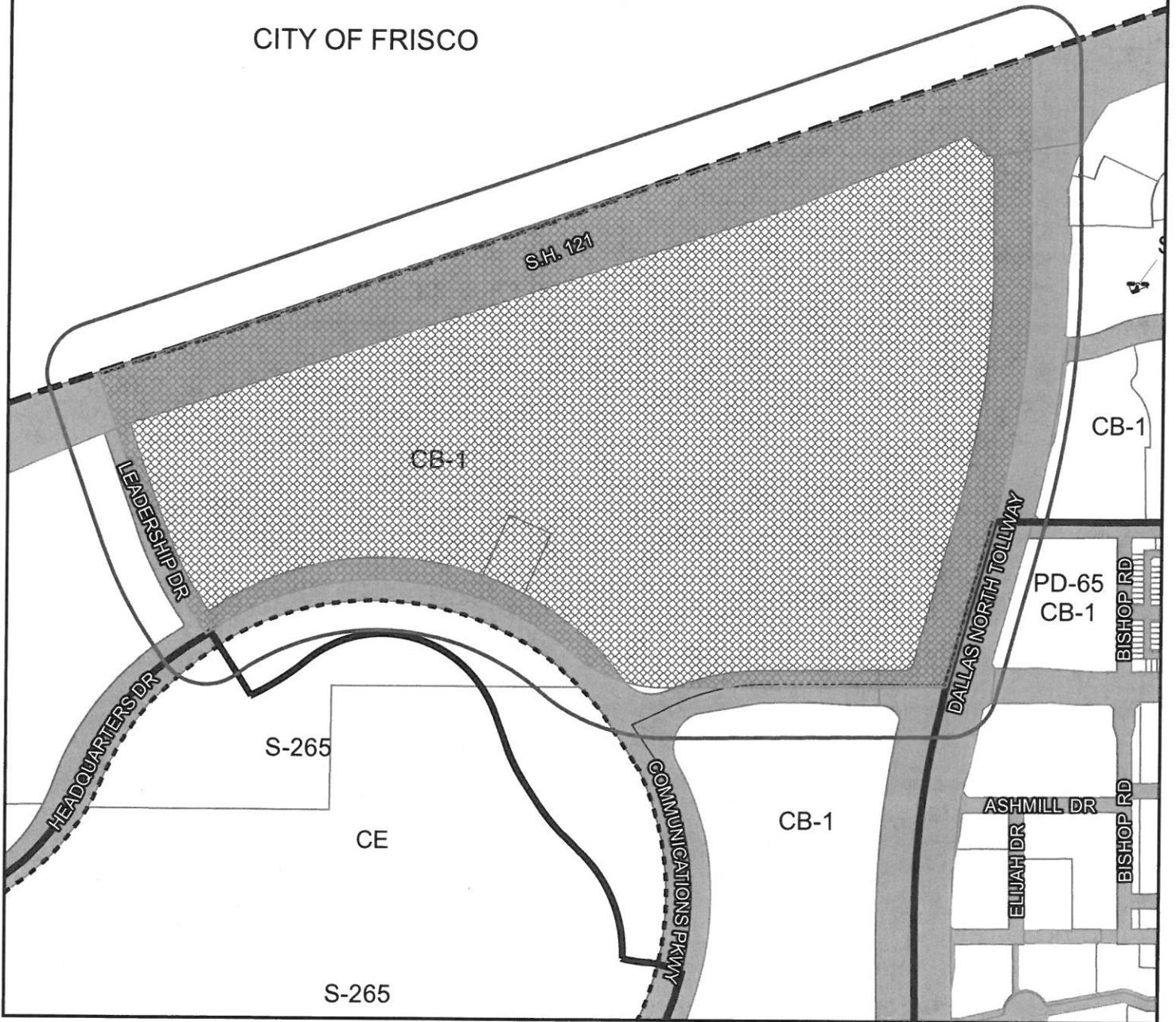
Refer to Design Guidelines after PD-65-CB-1 for additional stipulations.

Design Guidelines for Planned Development-65-Central Business-1 and Planned Development-Central Business-1

OPEN SPACE

1. A minimum of 5% of the gross acreage of PD-CB-1 and Tracts C & D within PD-65-CB-1 shall be provided as open space.
2. A minimum of 0.25 acre shall be located on the quasi-public street within Tract C of PD-65-CB-1.
3. Open space shall be accessible to the public at all times and shall not be fenced.
4. Open space shall have a minimum dimension of 30 feet long by 30 feet wide.

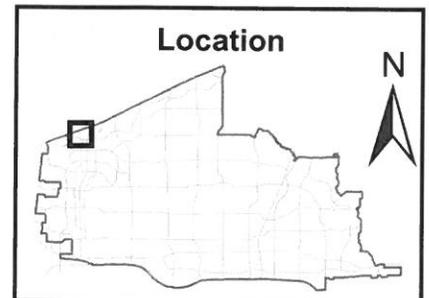
CITY OF FRISCO



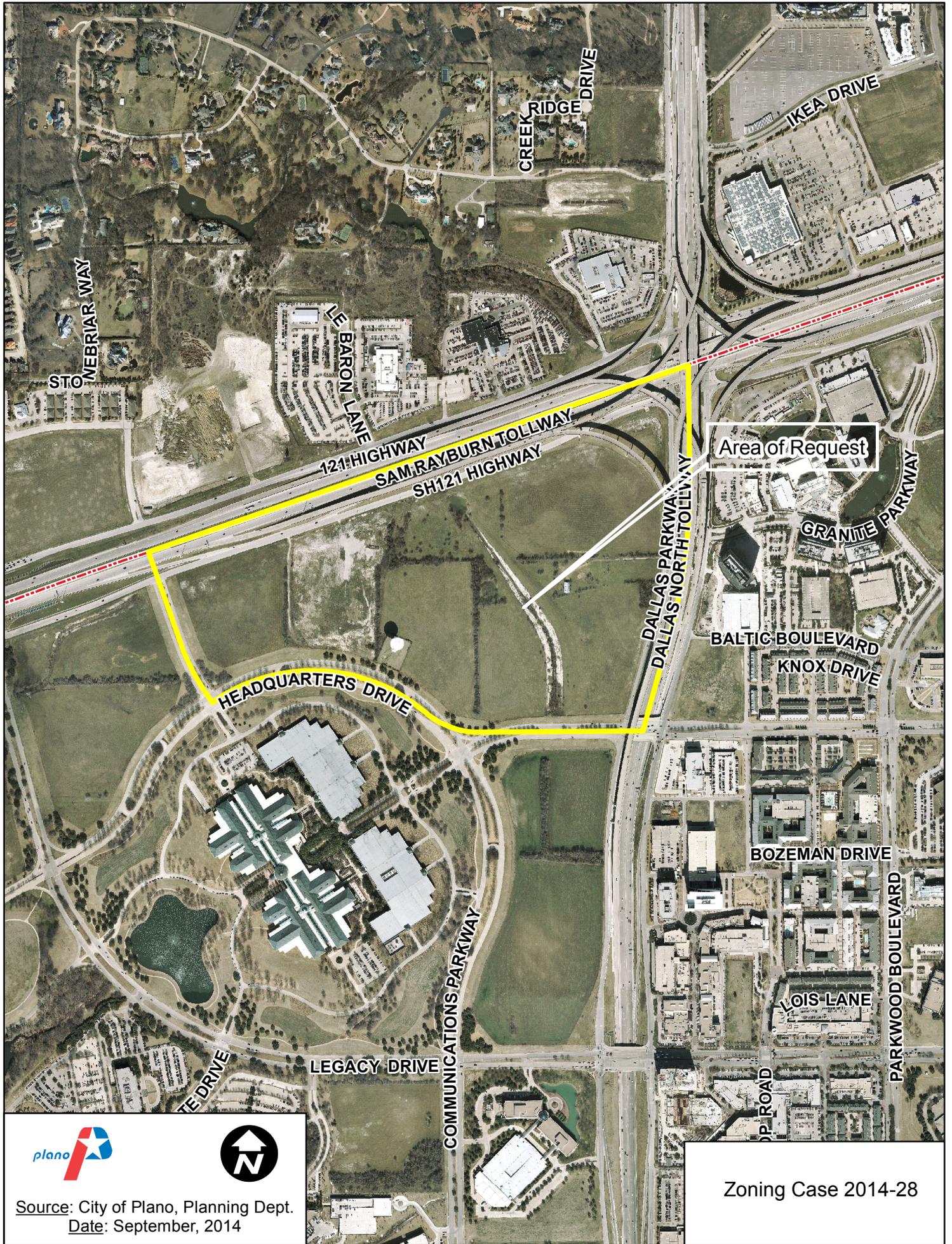
Zoning Case #: 2014-28

Existing Zoning: CENTRAL BUSINESS-1/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT

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



Source: City of Plano Planning Department



Area of Request



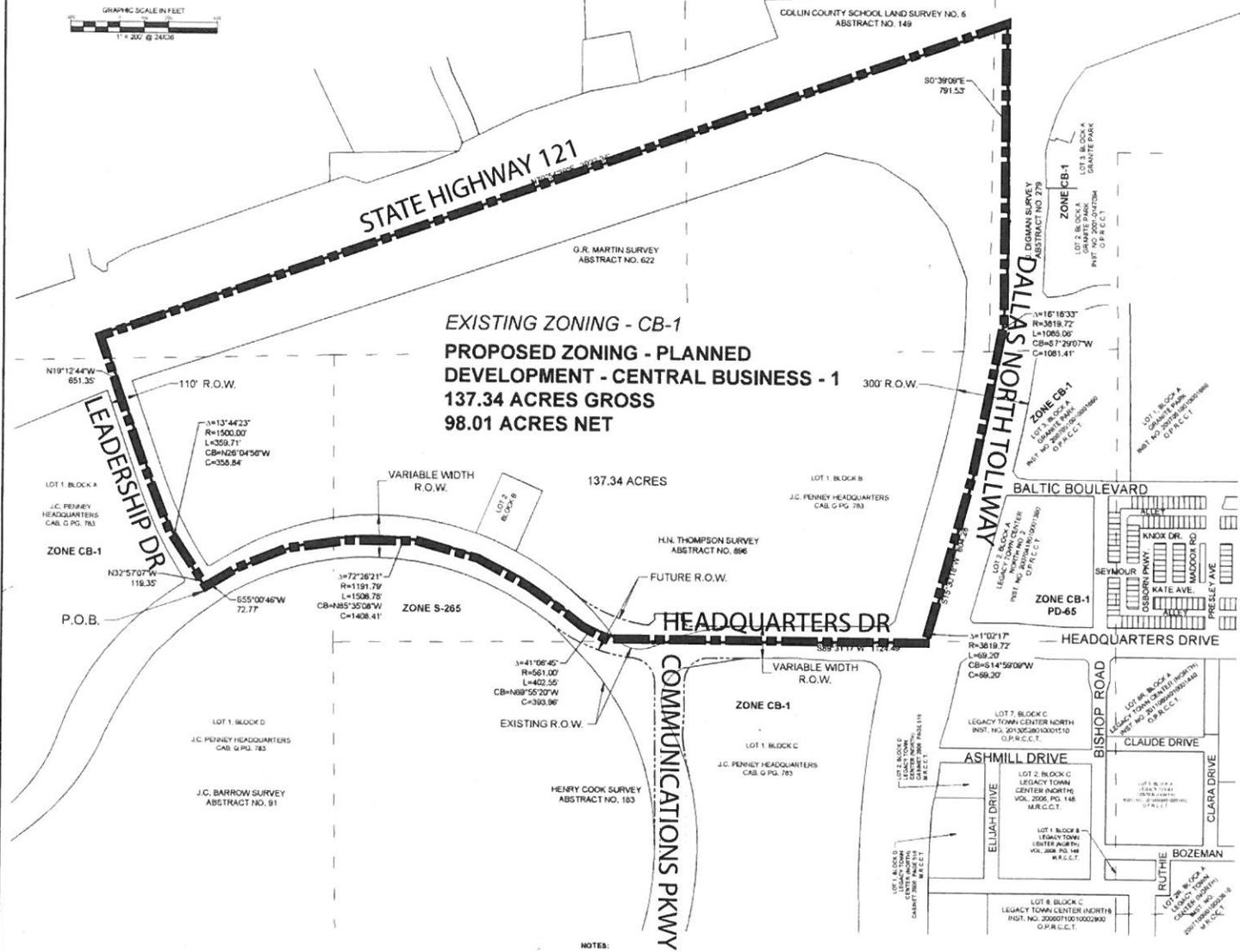
Source: City of Plano, Planning Dept.
Date: September, 2014

Zoning Case 2014-28



STATE HIGHWAY 121

EXISTING ZONING - CB-1
PROPOSED ZONING - PLANNED
DEVELOPMENT - CENTRAL BUSINESS - 1
137.34 ACRES GROSS
98.01 ACRES NET



LEGAL DESCRIPTION

BEING a tract of land situated in the J.C. Barrow Survey, Abstract No. 91, the G.R. Martin Survey, Abstract No. 622, the Collin County School Land Survey No. 6, Abstract No. 149, the J. Digman Survey, Abstract No. 279, and the H.N. Thompson Survey, Abstract No. 896, Collin County, Texas and being part of Lot 1 and all of Lot 2, Block B, J.C. Penney Headquarters, an addition to the City of Plano, Texas according to the plat recorded in Colored Book Page 783, Map Records of Collin County, Texas.

BEGINNING at the intersection of the centerline of Headquarters Drive (a variable width right-of-way) and the centerline of Leadership Drive (a 110-foot wide right-of-way);

THENCE with said centerline of Leadership Drive, the following courses and distances to wit:
North 32°57'07" West, a distance of 119.25 feet to a point at the beginning of a tangent curve to the right having a central angle of 13°44'23", a radius of 1500.00 feet, a chord bearing and distance of North 26°04'56" West, 358.84 feet
In a northeasterly direction, with said curve to the right, an arc distance of 358.71 feet to a point for corner
North 15°12'44" West, a distance of 601.35 feet to the intersection of said centerline of Leadership Drive and the centerline of State Highway No. 121 (a variable width right-of-way).

THENCE with said centerline of State Highway No. 121, North 70°54'30" East, a distance of 362.34 feet to the intersection of said centerline and the centerline of The Dallas North Tollway (a variable width right-of-way);

THENCE departing said centerline of State Highway No. 121 and with said centerline of the Dallas North Tollway, the following courses and distances to wit:

South 0°39'06" East, a distance of 791.53 feet to a point at the beginning of a tangent curve to the right having a central angle of 16°16'33", a radius of 3819.72 feet, a chord bearing and distance of South 7°20'07" West, 1081.41 feet
In a southeasterly direction, with said curve to the right, an arc distance of 1085.06 feet to a point for corner
South 15°30'18" West, a distance of 654.26 feet to a point at the beginning of a tangent curve to the left having a central angle of 11°02'17", a radius of 3818.72 feet, a chord bearing and distance of South 14°59'09" West, 68.20 feet
In a southeasterly direction, with said curve to the left, an arc distance of 69.20 feet to the intersection of said centerline and the centerline of said Headquarters Drive.

THENCE departing said centerline of the Dallas North Tollway, the following courses and distances to wit:

South 68°31'17" West, a distance of 1124.88 feet to a point at the beginning of a tangent curve to the right having a central angle of 41°06'45", a radius of 561.00 feet, a chord bearing and distance of North 03°55'20" West, 363.96 feet
In a northeasterly direction, with said curve to the right, an arc distance of 402.55 feet to a point in said centerline of Headquarters Drive at the beginning of a reverse curve to the left having a central angle of 72°26'21", a radius of 1181.29 feet, a chord bearing and distance of North 65°35'08" West, 1408.41 feet

THENCE with said centerline of Headquarters Drive, the following courses and distances to wit:

In a northeasterly direction, with said curve to the left, an arc distance of 1506.78 feet to a point for corner
South 55°00'48" West, a distance of 72.77 feet to the **POINT OF BEGINNING** and containing 137.34 acres of land.

Rearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

This document was prepared under 22 TAC, §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

ZONING CASE # 2014-28

ZONING EXHIBIT
137.34 ACRES

J.C. BARROW SURVEY, ABSTRACT NO. 91
G.R. MARTIN SURVEY, ABSTRACT NO. 622
COLLIN COUNTY SCHOOL LAND SURVEY NO. 6
ABSTRACT NO. 149
J. DIGMAN SURVEY, ABSTRACT NO. 279
H.N. THOMPSON SURVEY, ABSTRACT NO. 896
CITY OF PLANO, COLLIN COUNTY, TEXAS

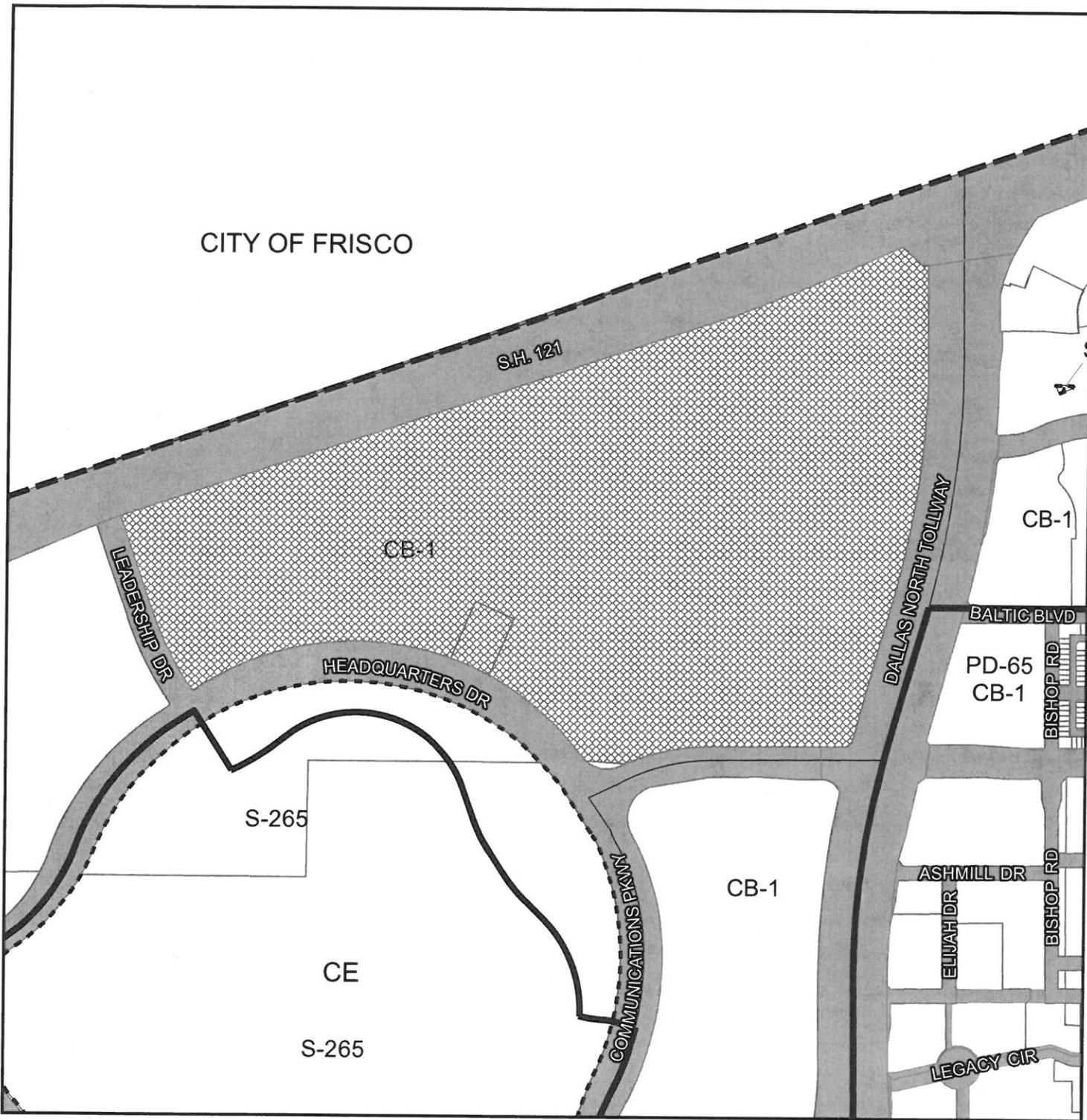
Kimley»Horn

12750 Merit Drive, Suite 1000 Dallas, Texas 75251	FIRM # 101155-00	Tel. No. (972) 770-1300 Fax No. (972) 238-3620
Scale: 1" = 200'	Drawn by: SHD	Checked by: TBL
Date: AUG. 2014	Project No.: 0681110209	Sheet No.: 1 of 1

OWNER/APPLICANT:
SVC TOLLWAY & T21, LLC
7200 BISHOP ROAD, SUITE 250
PLANO, TX 75024

SURVEYOR/PREPARER:
KIMLEY-HORN AND ASSOCIATES, INC.
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251

NOTES:
Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of developer's standards shown hereon, or the initiation of the development process. Planning & 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.

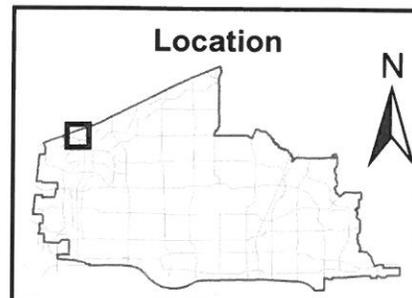


Item Submitted: CONCEPT PLAN

Title: LEGACY WEST
BLOCK B, LOT 1 & BLOCK C, LOT 1

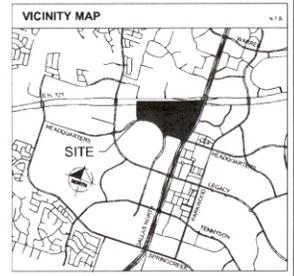
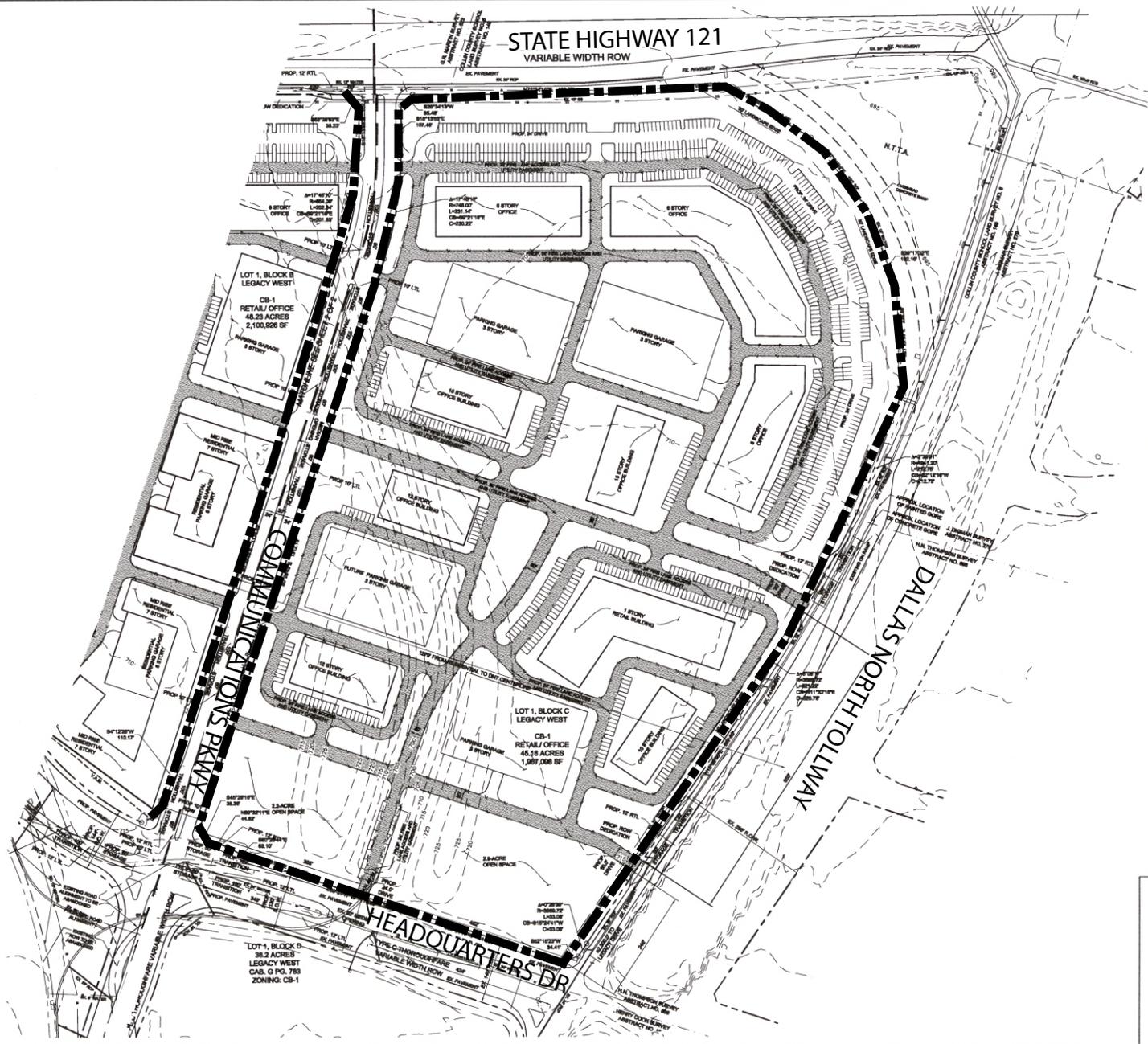
Zoning: CENTRAL BUSINESS-1/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT

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



Source: City of Plano Planning Department

DATE PLOTTED: 02/20/2014 PM 4:00
 THIS DOCUMENT, TOGETHER WITH THE CONTRACT AND ANY OTHER INSTRUMENTS, IS A CONTRACT. IT IS TO BE READ IN CONJUNCTION WITH THE CONTRACT AND ANY OTHER INSTRUMENTS. IT IS TO BE READ IN CONJUNCTION WITH THE CONTRACT AND ANY OTHER INSTRUMENTS. IT IS TO BE READ IN CONJUNCTION WITH THE CONTRACT AND ANY OTHER INSTRUMENTS.



SITE DATA SUMMARY TABLE

GENERAL SITE DATA	BLOCK B	BLOCK C
ZONING	CB-1	CB-1
LAND USE	MIXED USE	MIXED USE
LOT AREA	82.4	132.26
BUILDING FOOTPRINT AREA	1,087,008 SF	1,310,772 SF
LOT COVERED AREA	1,240,212 SF	1,310,772 SF
TOTAL COVERED AREA	2,590	262
TOTAL AREA RATIO	1.081	1.661
MULTI-FAMILY UNITS	1,000 (MAX)	

NO.	REVISIONS	DATE	BY

Kimley»Horn

© 2014 KIMLEY-HORN AND ASSOCIATES, P.C.
 5750 GREENWAY, SUITE 200, DALLAS, TX 75244
 PHONE: 972-355-5550 FAX: 972-355-3779
 WWW.KIMLEY-HORN.COM
 TEXAS REGISTERED ENGINEERING FIRM E-928

Kimley»Horn

FOR REVIEW ONLY
 Not for construction or final permit approval
 Prepared by: ROY BISSWELL, P.E.
 P.L. No. 10408 Issue: 2/20/2014

MOA PROJECT	DATE
8811008	2/20/2014
SCALE AS SHOWN	
DRAWN BY: BJB	
CHECKED BY: HGS	
DATE PLOTTED: 02/20/2014	

LEGACY WEST
 PLANO, TEXAS

CONCEPT PLAN

SHEET NUMBER
 1 OF 2

CONCEPT PLAN
LEGACY WEST
 LOT 1, BLOCK B & LOT 1, BLOCK C

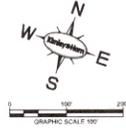
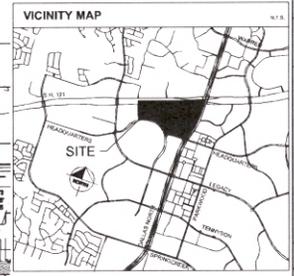
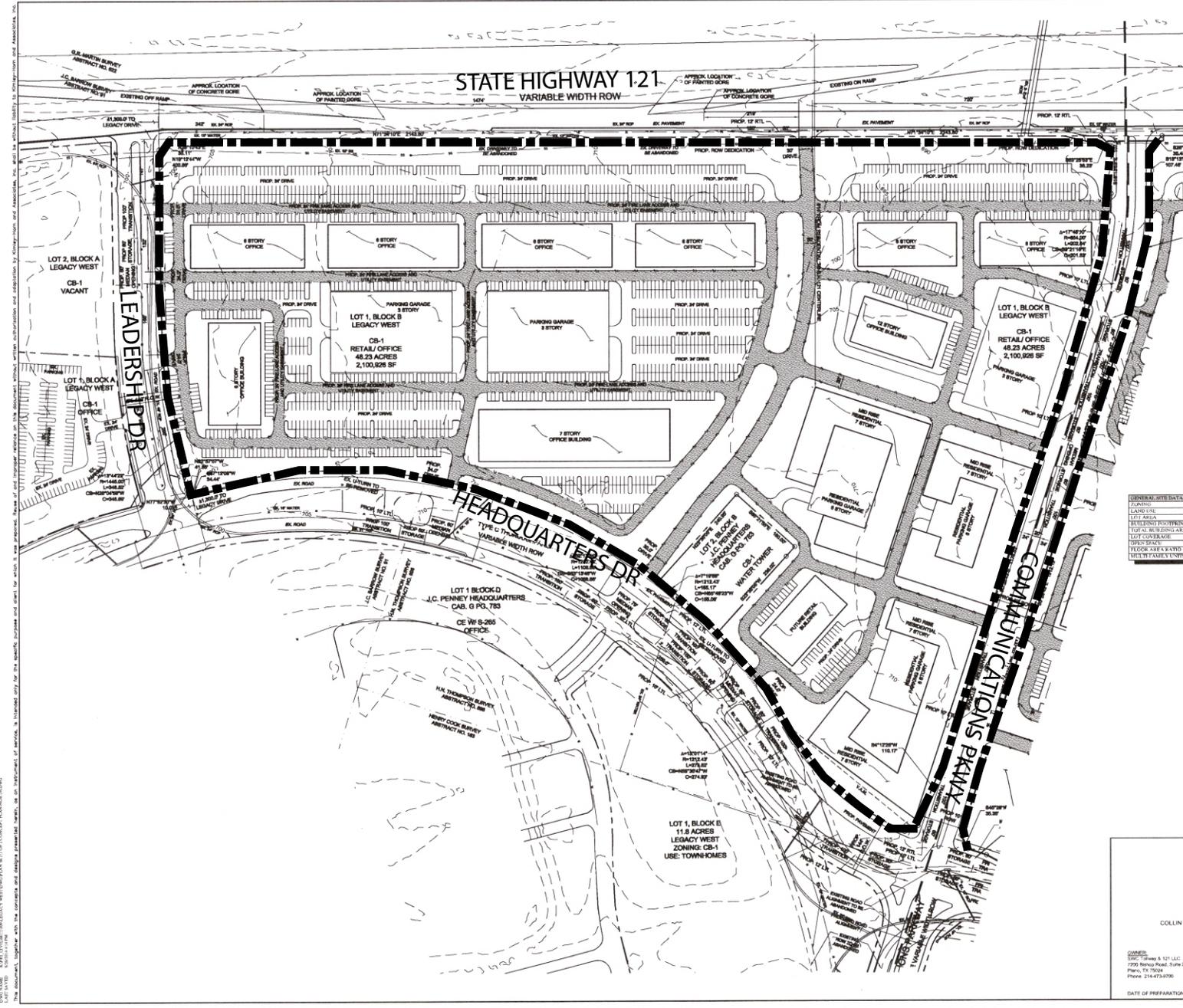
93.4 AC.
 SITUATED IN THE
 G.R. MARTIN SURVEY, ABSTRACT NO. 622
 H.N. THOMPSON SURVEY, ABSTRACT NO. 896
 COLLIN COUNTY SCHOOL LAND SURVEY NO. 6, ABSTRACT NO. 149
 J.C. BARROW SURVEY, ABSTRACT NO. 31
 J. DIGMAN SURVEY, ABSTRACT NO. 279
 CITY OF PLANO, COLLIN COUNTY, TEXAS

OWNER:
 5750 Greenway Dr., Suite 200 Dallas, TX 75244
 Phone: 972-355-5550

CIVIL ENGINEER:
Kimley»Horn
 5750 Greenway Dr., Suite 200 Dallas, TX 75244
 Phone: (972) 355-5550 Fax: (972) 355-3779

DATE OF PREPARATION: 02/20/2014

THIS DOCUMENT, TOGETHER WITH THE SURVEY AND MAPS REFERENCED HEREIN, IS A REPRESENTATION OF THE PROJECT AS APPROVED BY THE CITY OF PLANO, TEXAS. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF KIMLEY-HORN. THE CITY OF PLANO, TEXAS, IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY OF PLANO, TEXAS, IS NOT PROVIDING ANY WARRANTY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY OF PLANO, TEXAS, IS NOT PROVIDING ANY WARRANTY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.



SITE DATA SUMMARY TABLE

GENERAL SITE DATA	BLK. K	BLK. C
LAND USE	OFFICE	OFFICE
LOT AREA	107,274 SF	107,274 SF
BUILDING FOOTPRINT AREA	200,000 SF	200,000 SF
TOTAL BUILDING AREA	2,240,000 SF	2,240,000 SF
LOT COVERAGE	20%	20%
PERFECTION	1.00	1.00
TRUCK VEH. KATS	1.00	1.00
MULTI-FAMILY UNITS	(NONE)	(NONE)

CONCEPT PLAN
LEGACY WEST
 LOT 1, BLOCK B; LOT 1, BLOCK C

91.4 AC
 SITUATED IN THE
 S.R. MARTINI SURVEY, ABSTRACT NO. 632
 H.N. THOMPSON SURVEY, ABSTRACT NO. 896
 COLLIN COUNTY SCHOOL LAND SURVEY NO. 6, ABSTRACT NO. 149
 J.C. BARROW SURVEY, ABSTRACT NO. 9
 J. DIGMAN SURVEY, ABSTRACT NO. 279
 CITY OF PLANO, COLLIN COUNTY, TEXAS

OWNER:
 ERG Talley & J2, LLC
 7700 Brentwood, Suite 250
 Plano, TX 75024
 Phone: 214-474-9700

Kimley-Horn
 3750 Glenview Dr., Suite 200
 Plano, TX 75024
 Contact: Troy Brummett, P.E.

DATE OF PREPARATION: 05/20/14

5250 GREENWAY, SUITE 200, PLANO, TEXAS 75094
 PHONE: 972-355-5500 FAX: 972-355-3779
 WWW.KIMLEY-HORN.COM
 TEXAS REGISTERED ENGINEERING FIRM # 228

LEGACY WEST
 PLANO, TEXAS

CONCEPT PLAN

SHEET NUMBER
2 OF 2

NO.	REVISIONS	DATE	BY

Zoning Case 2014-28

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 137.3± acres of land out of the J.C. Barrow Survey, Abstract No. 91, the G.R. Martin Survey, Abstract No. 622, the Collin County School Land Survey No. 6, Abstract No. 149, the J. Digman Survey, Abstract No. 279, and the H.N. Thompson Survey, Abstract No. 896, located at the southwest corner of State Highway 121 and the Dallas North Tollway, in the City of Plano, Collin County, Texas, from Central Business-1 to Planned Development-64-Central Business-1; 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 13th day of October, 2014, for the purpose of considering rezoning 137.3± acres of land out of the J.C. Barrow Survey, Abstract No. 91, the G. R. Martin Survey, Abstract No. 622, the Collin County School Land Survey No. 6, Abstract No. 149, the J. Digman Survey, Abstract No. 279, and the H.N. Thompson Survey, Abstract No. 896, located at the southwest corner of State Highway 121 and the Dallas North Tollway, in the City of Plano, Collin County, Texas, from Central Business-1 to Planned Development-64-Central Business-1; 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 13th day of October, 2014; 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

137.3± acres of land out of the J.C. Barrow Survey, Abstract No. 91, the G.R. Martin Survey, Abstract No. 622, the Collin County School Land Survey No. 6, Abstract No. 149, the J. Digman Survey, Abstract No. 279, and the H.N. Thompson Survey, Abstract No. 896, located at the southwest corner of State Highway 121 and the Dallas North Tollway; in the City of Plano, Collin County, Texas, from Central Business-1 to Planned Development-64-Central Business-1, 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 Central Business-1 (CB-1) zoning district unless otherwise specified herein.

1. Mid-rise residential is an additional permitted use subject to the following standards:
 - a. A maximum of 10 acres may be developed as mid-rise residential.
 - b. Mid-rise residential is prohibited within 700 feet of the right-of-way line of State Highway 121 and the Dallas North Tollway.
 - c. Minimum density: None
 - d. Minimum building height: 7 story
 - e. Maximum number of dwelling units: 1,000

Refer to Design Guidelines after PD-65-CB-1 for additional stipulations.

Design Guidelines for Planned Development-65-Central Business-1 and Planned Development-Central Business-1

OPEN SPACE

1. A minimum of 5% of the gross acreage of PD-64-CB-1 and Tracts C & D within PD-65-CB-1 shall be provided as open space.
2. A minimum of 0.25 acre shall be located on the quasi-public street within Tract C of PD-65-CB-1.
3. Open space shall be accessible to the public at all times and shall not be fenced.

4. Open space shall have a minimum dimension of 30 feet long by 30 feet wide.

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 13TH DAY OF OCTOBER, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2014-28

BEING a tract of land situated in the J.C. Barrow Survey, Abstract No. 91, the G.R. Martin Survey, Abstract No. 622, the Collin County School Land Survey No. 6, Abstract No. 149, the J. Digman Survey, Abstract No. 279, and the H.N. Thompson Survey, Abstract No. 896, Collin County, Texas, and being part of Lot 1 and all of Lot 2, Block B, J.C. Penney Headquarters, an addition to the City of Plano, Texas according to the plat recorded in Cabinet G, Page 783, Map Records of Collin County, Texas,

BEGINNING at the intersection of the centerline of Headquarters Drive (a variable width right-of-way) and the centerline of Leadership Drive (a 110-foot wide right-of-way);

THENCE with said centerline of Leadership Drive, the following courses and distances to wit:

North, $32^{\circ}57' 07''$ West, a distance of 119.35 feet to a point at the beginning of a tangent curve to the right having a central angle of $13^{\circ} 44' 23''$, a radius of 1,500.00 feet, a chord bearing and distance of North, $26^{\circ} 04' 56''$ West, 358.84 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 359.71 feet to a point for corner; North, $19^{\circ} 12' 44''$ West, a distance of 651.35 feet to the intersection of said centerline of Leadership Drive and the centerline of State Highway No. 121 (a variable width right-of-way);

THENCE with said centerline of State Highway No. 121, North, $70^{\circ} 54' 39''$ East, a distance of 3,922.34 feet to the intersection of said centerline and the centerline of the Dallas North Tollway (a variable width right-of-way);

THENCE departing said centerline of State Highway No. 121 and with said centerline of the Dallas North Tollway, the following courses and distances to wit:

South, $00^{\circ} 39' 09''$ East, a distance of 791.53 feet to a point at the beginning of a tangent curve to the right having a central angle of $16^{\circ} 16' 33''$, a radius of 3,819.72 feet, a chord bearing and distance of South, $07^{\circ} 29' 07''$ West, 1,081.41 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 1,085.06 feet to a point for corner; South, $15^{\circ} 30' 18''$ West, a distance of 604.28 feet to a point at the beginning of a tangent curve to the left having a central angle of $01^{\circ} 02' 17''$, a radius of 3,819.72 feet; a chord bearing of South, $14^{\circ}59' 09''$ West, 69.20 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 69.20 feet to the intersection of said centerline and the centerline of said Headquarters Drive;

THENCE departing said centerline of the Dallas North Tollway, the following courses and distances to wit:

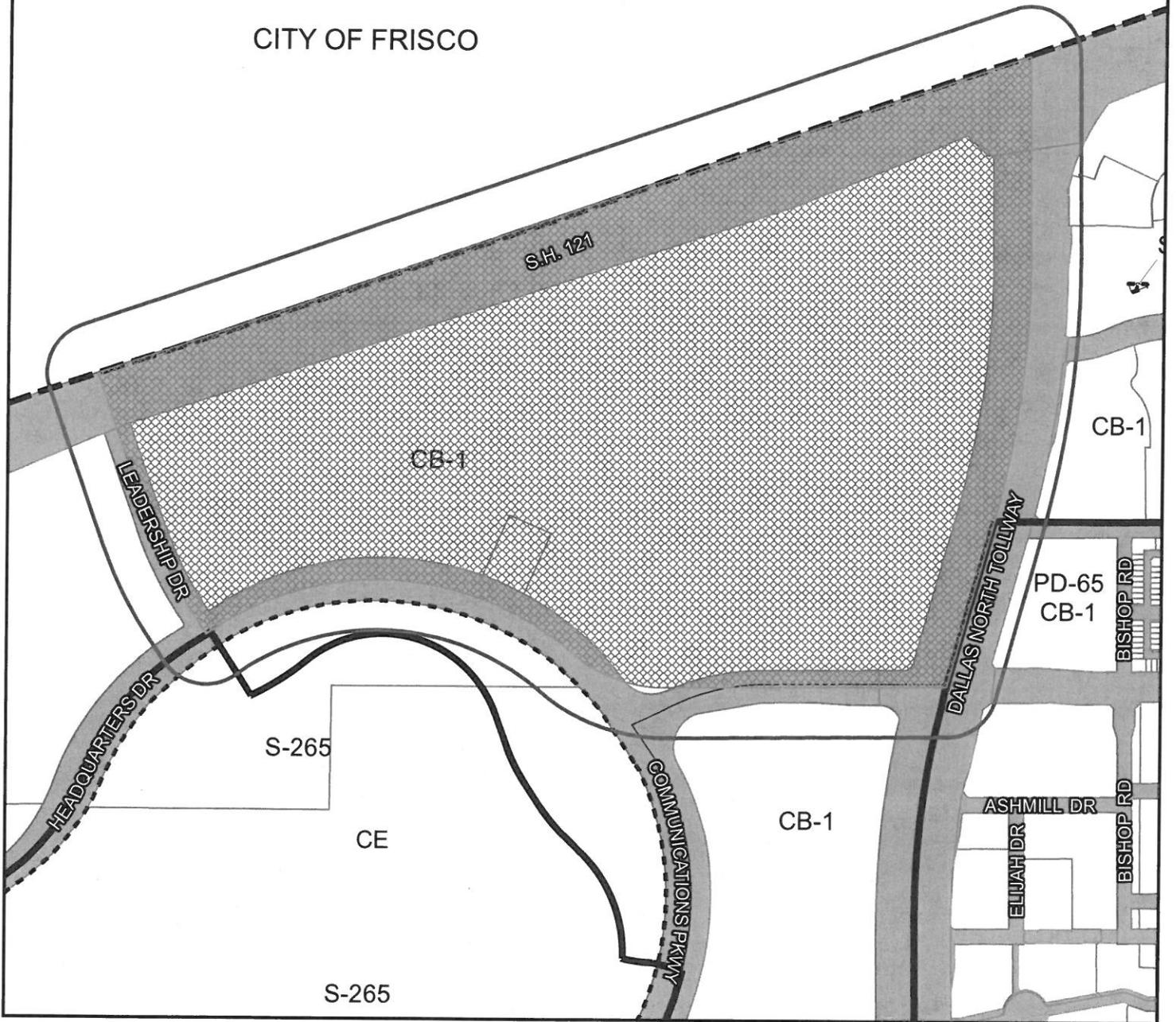
South, $89^{\circ} 31' 17''$ West, a distance of 1,124.49 feet to a point at the beginning of a tangent curve to the right having a central angle of $41^{\circ} 06' 45''$, a radius of 561.00 feet, a chord bearing and distance of North, $69^{\circ} 55' 20''$ West, 393.96 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 402.55 feet to a point in said centerline of Headquarters Drive at the beginning of a reverse curve to the left having a central angle of $72^{\circ} 26' 21''$, a radius of 1,191.79 feet, a chord bearing and distance of North, $85^{\circ} 35' 08''$ West, 1,408.41 feet;

THENCE with said centerline of Headquarters Drive, the following courses and distances to wit:

In a northwesterly direction, with said curve to the left, an arc distance of 1,506.78 feet to a point for corner; South, $55^{\circ} 00' 46''$ West, a distance of 72.77 feet to the POINT OF BEGINNING and CONTAINING 137.34 acres of land.

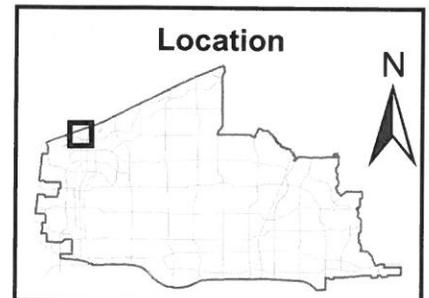
CITY OF FRISCO



Zoning Case #: 2014-28

Existing Zoning: CENTRAL BUSINESS-1/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT

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



Source: City of Plano Planning Department



STATE HIGHWAY 121

EXISTING ZONING - CB-1
PROPOSED ZONING - PLANNED
DEVELOPMENT - CENTRAL BUSINESS - 1
137.34 ACRES GROSS
98.01 ACRES NET

LEGAL DESCRIPTION

BEING a tract of land situated in the J.C. Barrow Survey, Abstract No. 91, the G.R. Martin Survey, Abstract No. 622, the Collin County School Land Survey No. 6, Abstract No. 149, the J. Digman Survey, Abstract No. 279, and the H.N. Thompson Survey, Abstract No. 896, Collin County, Texas and being part of Lot 1 and all of Lot 2, Block B, J.C. Penney Headquarters, an addition to the City of Plano, Texas according to the plat recorded in Colored Book Page 783, Map Records of Collin County, Texas.

BEGINNING at the intersection of the centerline of Headquarters Drive (a variable width right-of-way) and the centerline of Leadership Drive (a 110-foot wide right-of-way);

THENCE with said centerline of Leadership Drive, the following courses and distances to wit:
North 32°57'07" West, a distance of 119.25 feet to a point at the beginning of a tangent curve to the right having a central angle of 13°44'23", a radius of 1500.00 feet, a chord bearing and distance of North 26°04'56" West, 358.84 feet
In a northeasterly direction, with said curve to the right, an arc distance of 358.71 feet to a point for corner
North 15°12'44" West, a distance of 601.35 feet to the intersection of said centerline of Leadership Drive and the centerline of State Highway No. 121 (a variable width right-of-way).

THENCE with said centerline of State Highway No. 121, North 70°54'30" East, a distance of 392.54 feet to the intersection of said centerline and the centerline of The Dallas North Tollway (a variable width right-of-way);

THENCE departing said centerline of State Highway No. 121 and with said centerline of the Dallas North Tollway, the following courses and distances to wit:

South 0°39'06" East, a distance of 791.53 feet to a point at the beginning of a tangent curve to the right having a central angle of 16°16'33", a radius of 3819.72 feet, a chord bearing and distance of South 7°20'07" West, 1081.41 feet
In a southeasterly direction, with said curve to the right, an arc distance of 1085.06 feet to a point for corner
South 15°30'18" West, a distance of 654.26 feet to a point at the beginning of a tangent curve to the left having a central angle of 11°02'17", a radius of 3818.72 feet, a chord bearing and distance of South 14°59'09" West, 68.20 feet
In a southeasterly direction, with said curve to the left, an arc distance of 69.20 feet to the intersection of said centerline and the centerline of said Headquarters Drive.

THENCE departing said centerline of the Dallas North Tollway, the following courses and distances to wit:

South 68°31'17" West, a distance of 1124.88 feet to a point at the beginning of a tangent curve to the right having a central angle of 41°06'45", a radius of 561.00 feet, a chord bearing and distance of North 03°55'20" West, 363.96 feet
In a northeasterly direction, with said curve to the right, an arc distance of 402.55 feet to a point in said centerline of Headquarters Drive at the beginning of a reverse curve to the left having a central angle of 72°26'21", a radius of 1181.29 feet, a chord bearing and distance of North 65°35'08" West, 1408.41 feet

THENCE with said centerline of Headquarters Drive, the following courses and distances to wit:
In a northeasterly direction, with said curve to the left, an arc distance of 1506.78 feet to a point for corner
South 55°00'48" West, a distance of 72.77 feet to the **POINT OF BEGINNING** and containing 137.34 acres of land.

Rearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

This document was prepared under 22 TAC, §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

ZONING CASE # 2014-28

ZONING EXHIBIT
137.34 ACRES

J.C. BARROW SURVEY, ABSTRACT NO. 91
G.R. MARTIN SURVEY, ABSTRACT NO. 622
COLLIN COUNTY SCHOOL LAND SURVEY NO. 6
ABSTRACT NO. 149
J. DIGMAN SURVEY, ABSTRACT NO. 279
H.N. THOMPSON SURVEY, ABSTRACT NO. 896
CITY OF PLANO, COLLIN COUNTY, TEXAS

Kimley»Horn

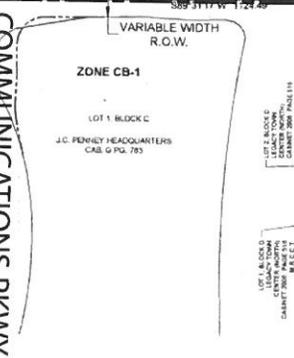
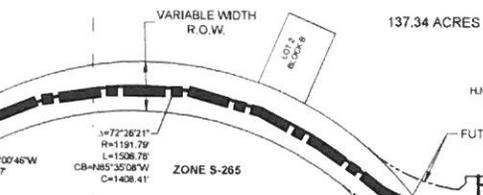
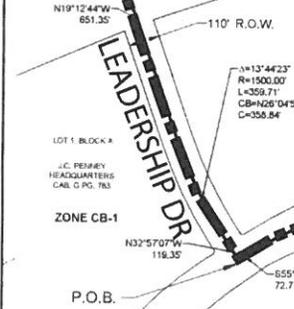
12750 Merit Drive, Suite 1000 Dallas, Texas 75251 FIRM # 101155-00 Tel. No. (972) 770-1300 Fax No. (972) 238-3620

Scale: Drawn by: Checked by: Date: Project No.: Sheet No.: 1 of 1

OWNER/APPLICANT:
SVC TOLLWAY & T21, LLC
7200 BONAPARTE ROAD, SUITE 250
PLANO, TX 75024

SURVEYOR/PREPARER:
KIMLEY-HORN AND ASSOCIATES, INC.
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251

NOTES:
Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of developer's standards shown hereon, or the initiation of the development process. Planning & 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.



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