



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:		10/22/12		
Department:		Planning		
Department Head		Phyllis Jarrell		
Agenda Coordinator (include phone #): T. Stuckey, ext. 7156				
CAPTION				
<p>Consideration of 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 19.7± acres of land out of the M.R. Foster Survey, Abstract No. 332, located on the south side of 14th Street, 350± feet east of Plano Parkway in the City of Plano, Collin County, Texas, from Planned Development-202-Research/Technology Center 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. Applicants: Dale R. and Melody K. Burton, Treasure Ann Langford, and Harold B. Warnick Jr.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2012-13	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: Rezoning relates to the City's goal of Partnering for Community Benefit.				
SUMMARY OF ITEM				
On October 8, 2012, City Council approved Zoning Case 2012-25. The attached ordinance finalizes the Council's action on October 8, 2012.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Ordinance		Planning & Zoning Commission		
Maps				

Zoning Case 2012-25

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 19.7± acres of land out of the M.R. Foster Survey, Abstract No. 332, located on the south side of 14th Street, 350± feet east of Plano Parkway in the City of Plano, Collin County, Texas, from Planned Development-202-Research/Technology Center 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, held on the 8th day of October, 2012, for the purpose of considering rezoning 19.7± acres of land out of the M.R. Foster Survey, Abstract No. 332, located on the south side of 14th Street, 350± feet east of Plano Parkway in the City of Plano, Collin County, Texas, from Planned Development-202-Research/Technology Center 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 8th day of October, 2012; 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 19.7± acres of land out of the M.R. Foster Survey, Abstract No. 332, located on the south side of 14th Street, 350± feet east of Plano Parkway in the City of Plano, Collin County, Texas, from Planned Development-202-Research/Technology Center 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 22ND DAY OF OCTOBER, 2012.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2012-25

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the M.R. Foster Survey, Abstract No. 332, being all of Treasure Ann Langford's 6.18 acre tract of land as recorded under County Clerk No. 20100709000704850 of the Collin County Land records, being all of Melody and Dale Burton's 6.18 acre tract of land as recorded under County Clerk No. 20100709000704840 of the Collin County Land records, all of Dale Burton's 4.09 acre tract of land being the remainder of the 5.00 acre tract as recorded in Volume 986, Page 299 (less right-of-way for F.M. Highway 544) of the Collin County Land Records, and all of Harold Warnick's 1.00 acre tract of land as recorded in Volume 1128, Page 850 of the Collin County Land Records, and being part of the right-of-way of F.M. Highway 544, with said premises being more particularly described as follows:

BEGINNING at a Roome capped 1/2-inch iron rod set in the south right-of-way line of F.M. Highway 544 marking the northwest corner of Langford's 6.18 acre tract, being in the east line of a City of Plano 6.032 acre tract as recorded under County Clerk No. 95-0010722 of the Collin County Land Records, being in the south line of a City of Plano 1.87 acre right-of-way parcel as recorded under County Clerk No. 95-0086879 of the Collin County Land records and marking the most northerly northwest corner of the herein described premises;

THENCE North, 00° 43' 03" East, 76.50 feet into F.M. Highway 544 to a point for corner;

THENCE, along the approximate centerline thereof, the following courses:

Around a non-tangent curve to the right, with a radius of 1,290.50 feet, a central angle of 07° 25' 47" , an arc length of 167.34 feet, whose long chord bears North, 85° 10' 23" East, 167.23 feet, to a point;

And North, 88° 53' 17" East, 834.01 feet to a point;

THENCE South, 00 19' 14" West, 90.39 feet departing said centerline, to an "X" cut in concrete marking the northeast corner of said 4.09 acre tract;

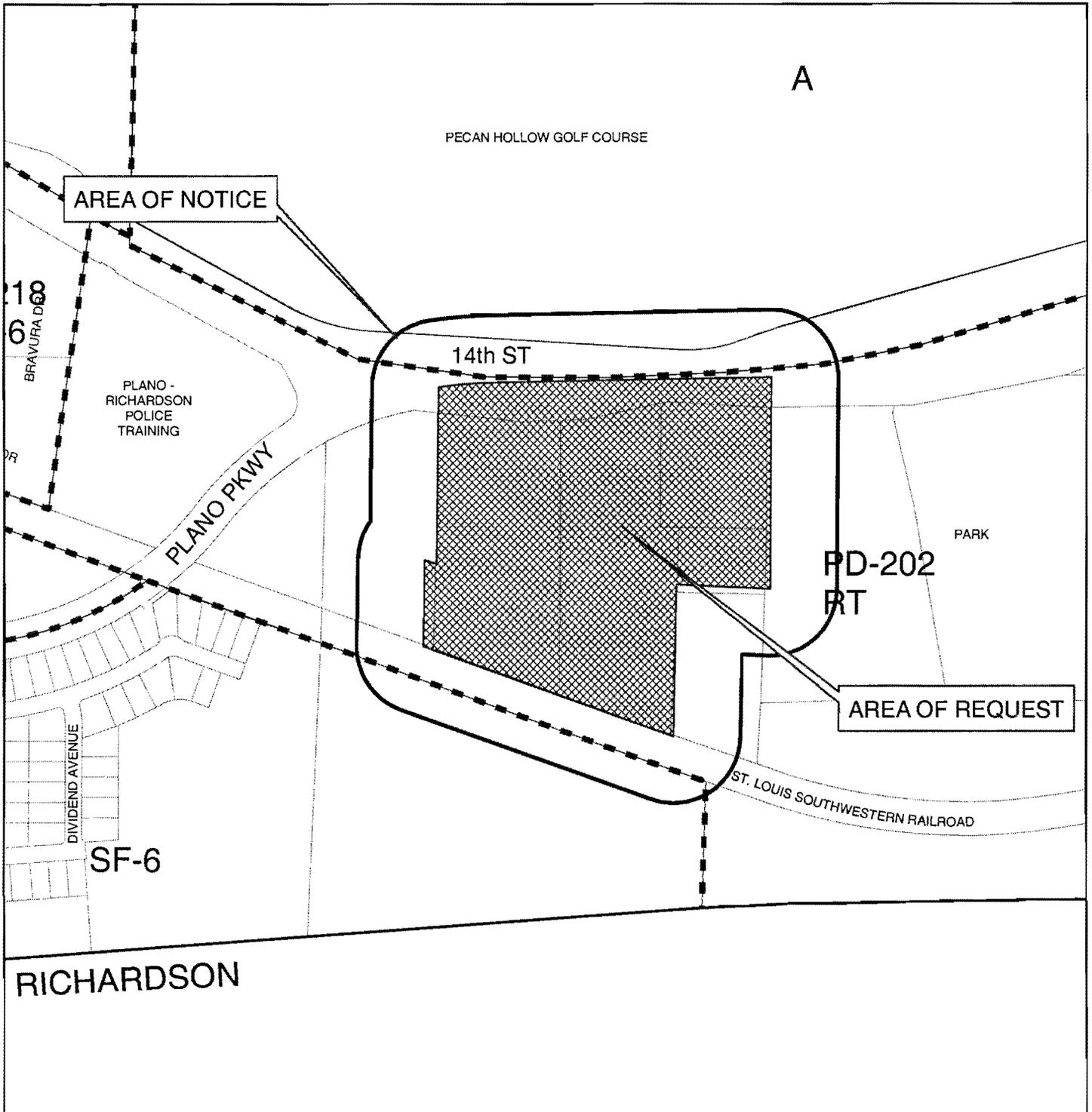
THENCE with the east line of said 4.09 acre tract and Warnick's 1.00 acre tract, South 00° 19' 14" West, 540.76 feet to a Roome capped iron rod set marking the southeast corner of said 1.00 acre tract and the northeast corner of Rushing's 3.1978 acre tract as recorded under County Clerk No. 20061221001794340 of the Collin County Lane Records;

THENCE with the south line of said 1.00 acre tract and the north line of said 3.1978 acre tract, North, 87° 27' 36" West, 280.46 feet to a Roome capped iron rod set marking the southwest corner of said 1.00 acre tract, the northwest corner of said 3.1978 acre tract and being in the east line of Burton's 6.18 acre tract;

THENCE with the west line of said 3.1978 acre tract and the east line of Burton's 6.18 acre tract, South, $01^{\circ} 12' 10''$ West, 454.01 feet to a 5/8-inch iron rod found marking the southwest corner of said 3.1978 acre tract, the southeast corner of Burton's 6.18 acre tract, the most southerly southeast corner of the herein described premises and being in the northeast right-of-way line of a Dallas Area Rapid Transit Railway;

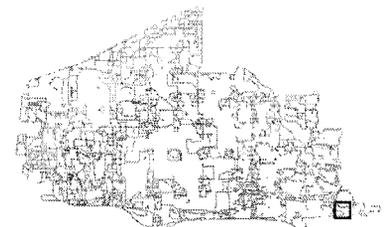
THENCE with the northeast right-of-way line of a said Dallas Area Rapid Transit Railway, and the southwest line of said Burton 6.18 acre tract and Langford 6.18 acre tract, North, $70^{\circ} 22' 28''$ West, 799.75 feet to a point marking the southwest corner of Langford's 6.18 acre tract, the southeast corner of the aforementioned City of Plano 6.032 acre tract, and the most southerly southwest corner of the herein described premises;

THENCE with the west line of Langford's 6.18 acre tract, the east line of City of Plano's 6.032 acre tract and the west line of said premises as follows: North, $00^{\circ} 59' 34''$ East, 259.11 feet to a point for corner; South, $70^{\circ} 12' 54''$ East, 37.14 feet to a Roome capped iron rod and North, $00^{\circ} 43' 03''$ East, 450.80 feet to the POINT OF BEGINNING and CONTAINING 19.663 acres of land.



Zoning Case #: 2012-25

Existing Zoning: PLANNED DEVELOPMENT-202-
RESEARCH/TECHNOLOGY CENTER



○ 200' Notification Buffer

