

DATE: November 2, 2010
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of November 1, 2010

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2010-18
APPLICANT: RONALD MCCUTCHIN FAMILY PARTNERSHIP, LTD.**

Request to amend Planned Development-434-Retail on 10.5± acres located at the northeast corner of McDermott Road and Coit Road to reduce landscape edge requirements and related sections of the ordinance. Zoned Planned Development-434-Retail.

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:** 0

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

STIPULATIONS:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

Amend Planned Development-434-Retail as follows:

3. ~~Thirty~~ Fifteen foot landscape edge is required along ~~S.H. 121, Coit Rd. and McDermott Rd. crossing major thoroughfares (Type C or above).~~ A ~~15-foot~~ landscape edge is required along ~~Type E thoroughfares.~~ The ~~buffer~~ landscape edge shall be measured from the property line. ~~The area between the curb and the property line should also be maintained in living condition by the property owner.~~

BM/dw

xc: Ronald Lee McCutchin, Ronald McCutchin Family Partnership, Ltd.
Kevin Wier, Spiars Engineering

CITY OF PLANO
PLANNING & ZONING COMMISSION

November 1, 2010

Agenda Item No. 7A

Public Hearing: Zoning Case 2010-18

Applicant: Ronald McCutchin Family Partnership, Ltd.

DESCRIPTION:

Request to amend Planned Development-434-Retail on 10.5± acres located at the northeast corner of McDermott Road and Coit Road to reduce landscape edge requirements and related sections of the ordinance. Zoned Planned Development-434-Retail.

REMARKS:

This is a vacant property on 10.5± acres located at the northeast corner of McDermott Road and Coit Road, zoned Planned Development-434-Retail (PD-434-R). The Retail district is 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 or warehousing. 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 on-site conditions.

The applicant is proposing to amend PD-434-R to reduce the required landscape edge along Coit Road and McDermott Road from 30 feet to 15 feet. Currently, PD-434-R requires a 30-foot landscape edge along Coit Road and McDermott Road and the applicant is requesting that the PD be amended to reduce the required landscape edge to 15 feet. Additionally, staff is proposing to clean-up the existing ordinance language as it pertains to landscape edge requirements since this PD is no longer adjacent to S.H. 121 nor does the city anticipate any additional secondary or major thoroughfares through the subject property. Maintenance of the area between the street curb and property line is addressed generally in the city's Code of Ordinance and there is no need to have this addressed in the PD.

A 30-foot landscape edge is the typical landscape edge required along major thoroughfares and highways within the city's overlay districts. This property is not in an overlay district to necessitate a 30-foot landscape edge. For properties such as this outside of overlay, districts a 15-foot landscape edge is required for corner properties

with a 10-foot landscape edge being provided beyond the first drive approach. Properties surrounding this property have a 15-foot landscape edge. For these reasons, staff supports the requested landscape edge reduction.

Surrounding Properties

Adjacent land uses and zoning districts include: Single-Family Residence-6 zoned property with existing single-family residences to the west across Coit Road; Single-Family Residence-7 zoned property with a public middle school to the east; Planned Development-433-Multifamily Residence-2 zoned property with multifamily residences to the north; and Planned Development-261-Retail zoned property with retail uses to the south across McDermott Road.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Neighborhood Commercial (NC). Neighborhood Commercial centers are intended to serve adjacent residential neighborhoods and include grocery stores, drugstores, small retail, and services uses. The proposed reduction to the landscape edge does not have any negative impact on the future land use plan designation for this property.

Adequacy of Public Facilities - Water and sanitary sewer services are available to serve this property.

Traffic Impact Analysis (TIA) - A TIA is not required for this zoning request.

Summary

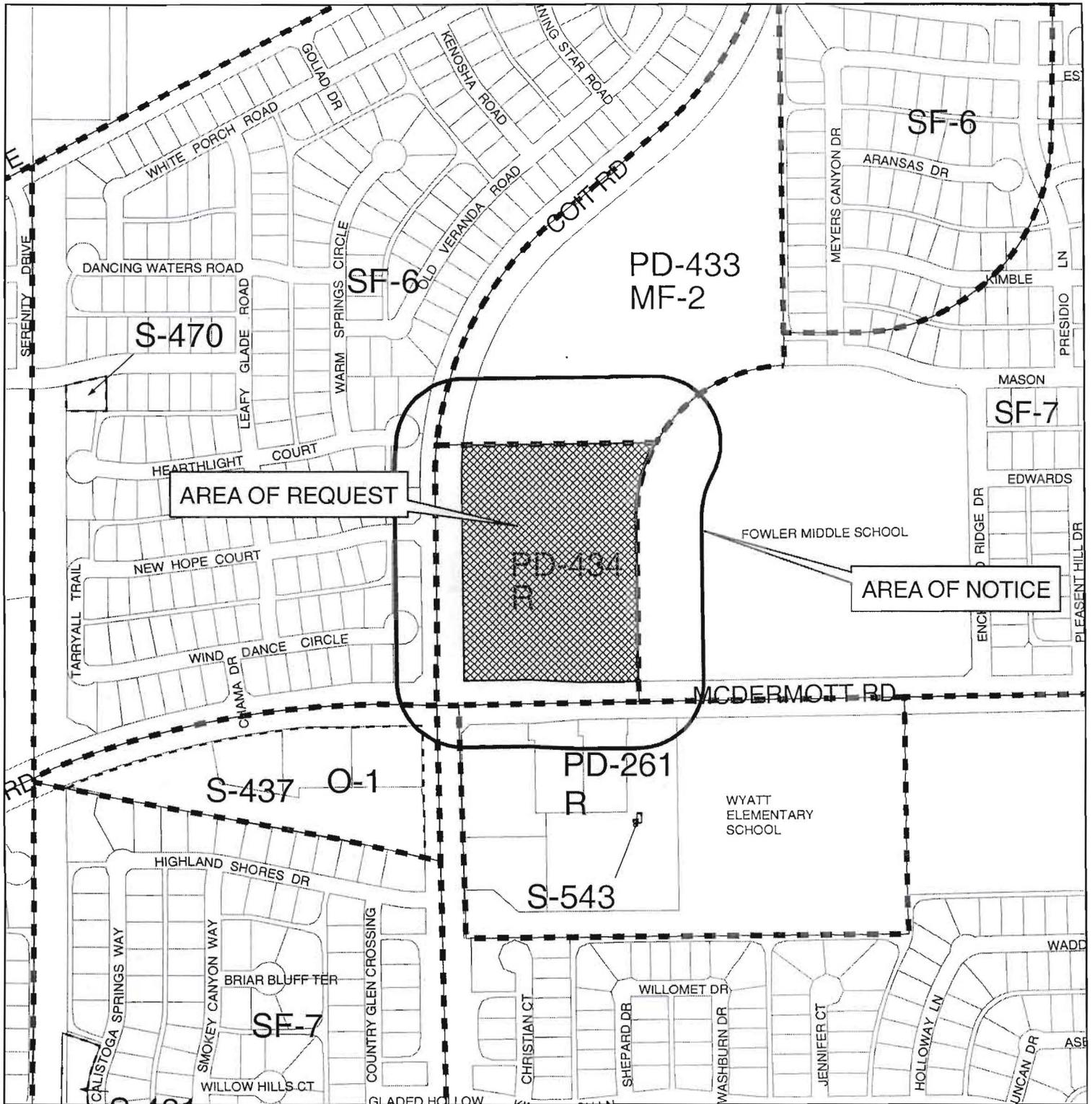
The applicant is requesting to amend PD-434-R to reduce the required landscape edge along Coit Road and McDermott Road from 30 feet to 15 feet and to clean-up the existing ordinance language as it pertains to landscape edge requirements. Staff recommends approval of the requested reduction for the required landscape edge from 30 feet to 15 feet.

RECOMMENDATION:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

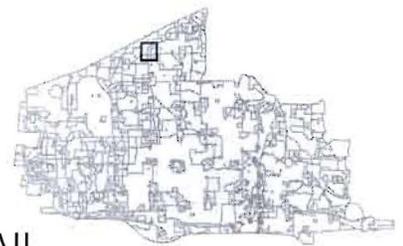
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3. ~~Thirty~~ Fifteen foot landscape edge is required along ~~S.H. 121, Coit Rd. and McDermott Rd. crossing major thoroughfares (Type C or above).~~ A 15-foot landscape edge is required along Type E thoroughfares. The ~~buffer~~ landscape edge shall be measured from the property line. ~~The area between the curb and the property line should also be maintained in living condition by the property owner.~~

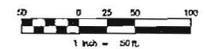
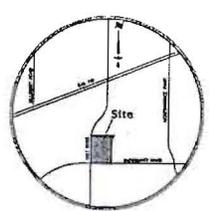
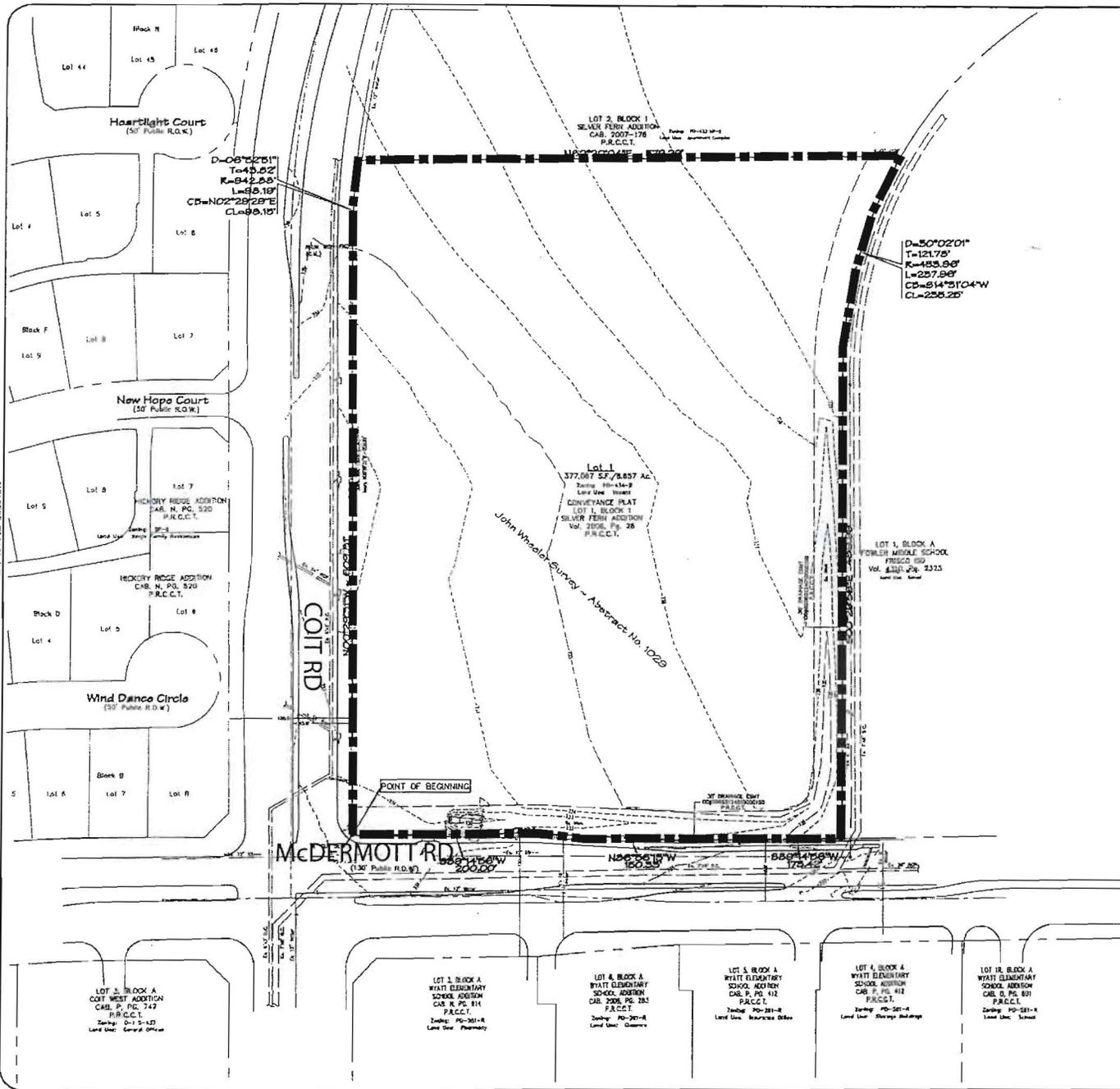


Zoning Case #: 2010-18

Existing Zoning: PLANNED DEVELOPMENT-434-RETAIL



○ 200' Notification Buffer



METES AND BOUNDS DESCRIPTION

Being a 8.657 acre tract of land situated in the John Wheeler Survey, Abstract No. 1029 City of Plano, Collin County, Texas, and being all of Lot 1, Block 1 of Silver Fern Addition, as addition to the City of Plano as recorded in Volume 2006, Page 26, Map Records, Collin County, Texas and being more particularly described as follows:

BEGINNING of a "X" cut set at the southwest corner of said Lot 1 and also being at the intersection of the north line of McDermott Road (130' Public Right-of-Way) and the west line of Coit Road (130' Public Right-of-Way);

THENCE North 02°23'31" West along said west line of Coit Road and the west line of said Lot 1, for a distance of 609.67 feet to a station monument (controlling monument) found for corner at the beginning of a curve to the right;

THENCE along said curve to the right whose chord bears North 02°29'28" East, 82.15 feet and through a central angle of 00°32'51", a radius of 942.83 feet and on arc length of 98.19 feet to a 1/2 inch iron rod with plastic cap stamped "SPARSENG" set for corner at the northwest corner of said Lot 1;

THENCE North 87°20'04" East departing said west line of Coit Road and along the common line of said Lot 1 and Lot 2 of said Silver Fern Addition, for a distance of 579.22 feet to a 3/8 inch capped iron rod found for common corner of said Lots 1 and 2 and also in the west line of Fowler Middle School tract as recorded in Volume 4310, Page 2322, Deed Records, Collin County, Texas, and also being the beginning of a curve to the left;

THENCE along said curve to the left whose chord bears South 14°31'04" West, 235.25 feet and through a central angle of 30°02'01", a radius of 453.88 feet and on arc length of 237.68 feet to a 1/2 inch iron rod with plastic cap stamped "SPARSENG" set for corner at the west line of said Lot 1 and west line of said Fowler Middle School tract;

THENCE South 02°29'56" East along the common line of said Lot 1 and Fowler Middle School tract, for a distance of 488.98 feet to a 1/2 inch iron rod with plastic cap stamped "SPARSENG" set for corner at the southeast corner of said Lot 1 and southwest corner of said Fowler Middle School tract and also being in said north line of McDermott Road;

THENCE along said north line of McDermott Road and the south line of said Lot 1, the following courses and distances:

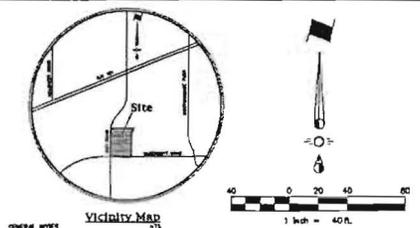
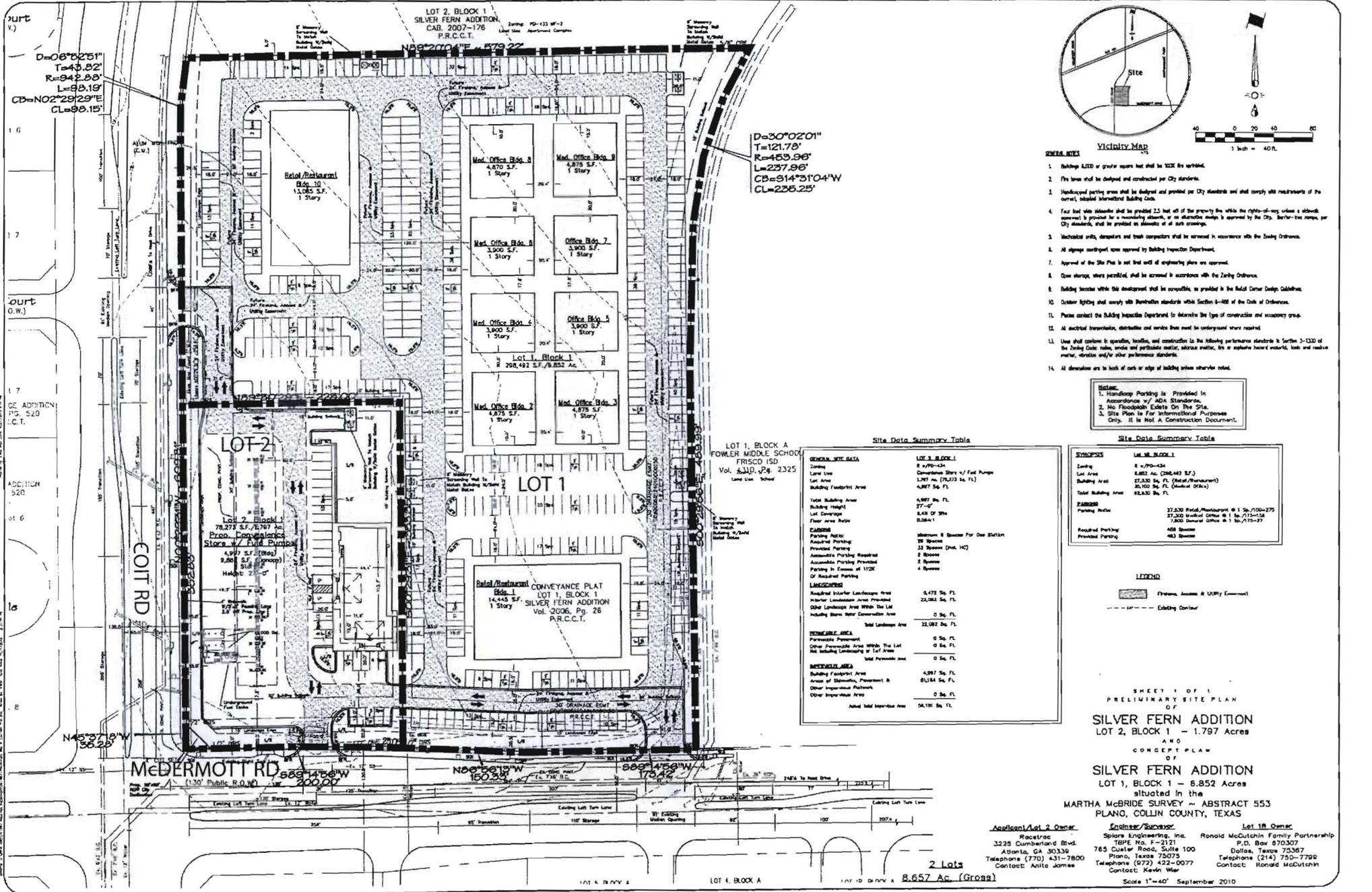
- South 89°14'58" West, 173.42 feet to a 1/2 inch iron rod with plastic cap stamped "SPARSENG" set for corner;
- North 88°56'13" West, 120.33 feet to a 1/2 inch iron rod with plastic cap stamped "SPARSENG" set for corner;
- South 87°14'58" West, 200.00 feet to the Point of Beginning and enclosing 377,067 square feet or 8.657 acres of land.

Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plan, or plat, or plans 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.

Request to amend PD-434-R to revise landscape edge along Coit Rd. & McDermott Rd.

ZONING CASE #2010-18
ZONING EXHIBIT
OF
SILVER FERN ADDITION
LOT 1, BLOCK 1 - 8.657 Acres
 situated in the
MARTHA MCBRIDE SURVEY ~ ABSTRACT 553
PLANO, COLLIN COUNTY, TEXAS

Applicant	Engineer/Surveyor	Owner
Rocetrac 3228 Cumberland Blvd. Atlanta, GA 30339 Telephone (770) 431-7800 Contact: Anita James	Splere Engineering, Inc. TYPE No. F-2121 765 Quarter Road, Suite 100 Plano, Texas 75075 Telephone (972) 422-0077 Contact: Karla Wier	Ronald McCutchen Family Partnership P.O. Box 870307 Dallas, Texas 75387 Telephone (214) 750-7799 Contact: Ronald McCutchen



- NOTES**
- Buildings L202 or greater require that be 2000 ft. setback.
 - The lines shall be developed and constructed per City standards.
 - Handicapped parking areas shall be designed and provided per City standards and shall comply with requirements of the current, adopted International Building Code.
 - Four foot wide sidewalks shall be provided 2.5 feet off of the property line within the right-of-way, unless a sidewalk easement is provided for a secondary sidewalk, or an alternative design is approved by the City. Berth/line ramps, per City standards, shall be provided on sidewalks at all street crossings.
 - Mechanical units, dumpsters and trash compactors shall be screened in accordance with the Zoning Ordinance.
 - All signage shall conform to rules approved by Building Inspection Department.
 - Approval of the Site Plan is not final until all engineering plans are approved.
 - Open storage, where permitted, shall be screened in accordance with the Zoning Ordinance.
 - Building facades within this development shall be compatible, as provided in the Retail Center Design Guidelines.
 - Outdoor lighting shall comply with International standards within Section 5-406 of the Code of Ordinances.
 - Please contact the Building Inspection Department to determine the type of construction and occupancy areas.
 - All electrical installations, distribution and service lines shall be underground where required.
 - Use of soil carbon in granules, biochar, and construction in the following performance standards in Section 5-132D of the Zoning Code: rules, under and particulate matter, nitrous oxide, SO₂ or sulphate based materials, lead and radon matter, vibration and/or other performance standards.
 - All dimensions are to back of curb or edge of building unless otherwise noted.

Notes:
 1. Handicapped Parking is Provided in Accordance w/ ADA Standards.
 2. No Floodplain Exists On This Site.
 3. Site Plan is For Informational Purposes Only. It is Not A Construction Document.

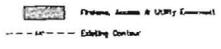
Site Data Summary Table

GENERAL SITE DATA	LOT 2, BLOCK 1
Zoning	R-1700-434
Lot Area	Comprehensive Survey w/ Fuel Pump 1,297 sq. ft. (29,223 sq. ft.)
Building Footprint Area	4,987 Sq. Ft.
Total Building Area	4,987 Sq. Ft.
Building Height	27'-0"
Lot Coverage	3.8% OF SITE
Floor Area Ratio	0.2841
CARSPACES	Minimum 8 Spaces For One Station
Parking Ratio	28 Spaces
Required Parking	33 Spaces (incl. HC)
Automobile Parking Provided	2 Spaces
Accessible Parking Provided	4 Spaces
Parking in Conance of 112% Of Required Parking	
LANDSCAPING	
Required Buffer Landscape Area	6,473 Sq. Ft.
Water Landscape Area Provided	22,063 Sq. Ft.
Other Landscape Area Within The Lot Not Including Landscaping w/ Top Areas	0 Sq. Ft.
Total Landscape Area	28,536 Sq. Ft.
PERMISSIBLE AREA	
Permissible Area	0 Sq. Ft.
Other Permissible Area Within The Lot Not Including Landscaping w/ Top Areas	0 Sq. Ft.
Total Permissible Area	0 Sq. Ft.
IMPERMISSIBLE AREA	
Building Footprint Area	4,987 Sq. Ft.
Area of Sidewalks, Pavement, & Other Impervious Pathways	61,184 Sq. Ft.
Other Impervious Area	0 Sq. Ft.
Actual Total Impervious Area	66,171 Sq. Ft.

Site Data Summary Table

STOPS	LOT 1, BLOCK 1
Zoning	R-1700-434
Lot Area	8,853 Ac. (386,442 S.F.)
Building Area	22,630 Sq. Ft. (Retail/Pharmacy)
Total Building Area	26,100 Sq. Ft. (Medical Office)
PERMITS	
Required Parking	27,200 Retail/Pharmacy @ 1 Sp./100-275
Provided Parking	27,200 Medical Office @ 1 Sp./175-250
	7,800 General Office @ 1 Sp./175-275
Required Parking	468 Spaces
Provided Parking	463 Spaces

LEGEND



SHEET 1 OF 1
 PRELIMINARY SITE PLAN
 OF
SILVER FERN ADDITION
 LOT 2, BLOCK 1 - 1.797 Acres
 AND
 CONCEPT PLAN
SILVER FERN ADDITION
 LOT 1, BLOCK 1 - 8.852 Acres
 situated in the
MARTHA MCBRIDE SURVEY - ABSTRACT 553
 PLANG, COLLIN COUNTY, TEXAS

Applicant/Lot 2 Owner: Racertrac, 3225 Cumberland Blvd, Atlanta, GA 30339, Telephone (770) 431-7800, Contact: Anita James

Engineer/Surveyor: Spore Engineering, Inc., 783 Outer Road, Suite 100, Plano, Texas 75075, Telephone (972) 422-0077, Contact: Kevin War

Lot 1B Owner: Ronald McCutchin Family Partnership, P.O. Box 870307, Dallas, Texas 75367, Telephone (214) 750-7790, Contact: Ronald McCutchin

2 Lots
 8,657 Ac. (Gross)

Scale 1"=40' September 2010

Zoning Case 2010- 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 amend Planned Development-434-Retail, on 10.5± acres out of the John Wheeler Survey, Abstract No. 1029, located at the northeast corner of McDermott Road and Coit Road in the City of Plano, Collin County, Texas, to reduce landscape edge requirements and amend related sections of the ordinance; 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 22nd day of November, 2010, for the purpose of considering amending Planned Development-434-Retail, on 10.5± acres out of the John Wheeler Survey, Abstract No. 1029, located at the northeast corner of McDermott Road and Coit Road in the City of Plano, Collin County, Texas, to reduce landscape edge requirements and amend related sections of the ordinance; 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 22nd day of November, 2010; and

WHEREAS, the City Council is of the opinion and finds that such amendment 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 amend Planned Development-434-Retail, on 10.5± acres out of the John Wheeler Survey, Abstract No. 1029, located at the northeast corner of McDermott Road and Coit Road in the City of Plano, Collin County, Texas, to reduce landscape edge requirements and amend related sections of the ordinance, 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:

Amend Planned Development-434-Retail as follows:

3. Fifteen foot landscape edge is required along Coit Rd. and McDermott Rd. The landscape edge shall be measured from the property line.

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 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 VI. 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 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 22ND DAY OF NOVEMBER, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ZC 2010-18

BEING a 10.5 acre tract of land situated in the John Wheeler Survey, Abstract No. 1029, City of Plano, Collin County, Texas, and being all of Lot 1, Block 1 of Silver Fern Addition, an addition to the City of Plano as recorded in Volume 2006, Page 26, Map Records, Collin County, Texas, part of the right-of-way of McDermott Road and Coit Road, and being more particularly described as follows:

BEGINNING at the centerline intersection of McDermott Road (130 foot public right-of-way) and Coit Road (130 foot public right-of-way);

THENCE North $00^{\circ} 29' 31''$ West along said centerline of Coit Road for distance of 675.10 to a point for corner at the beginning of a curve to the right;

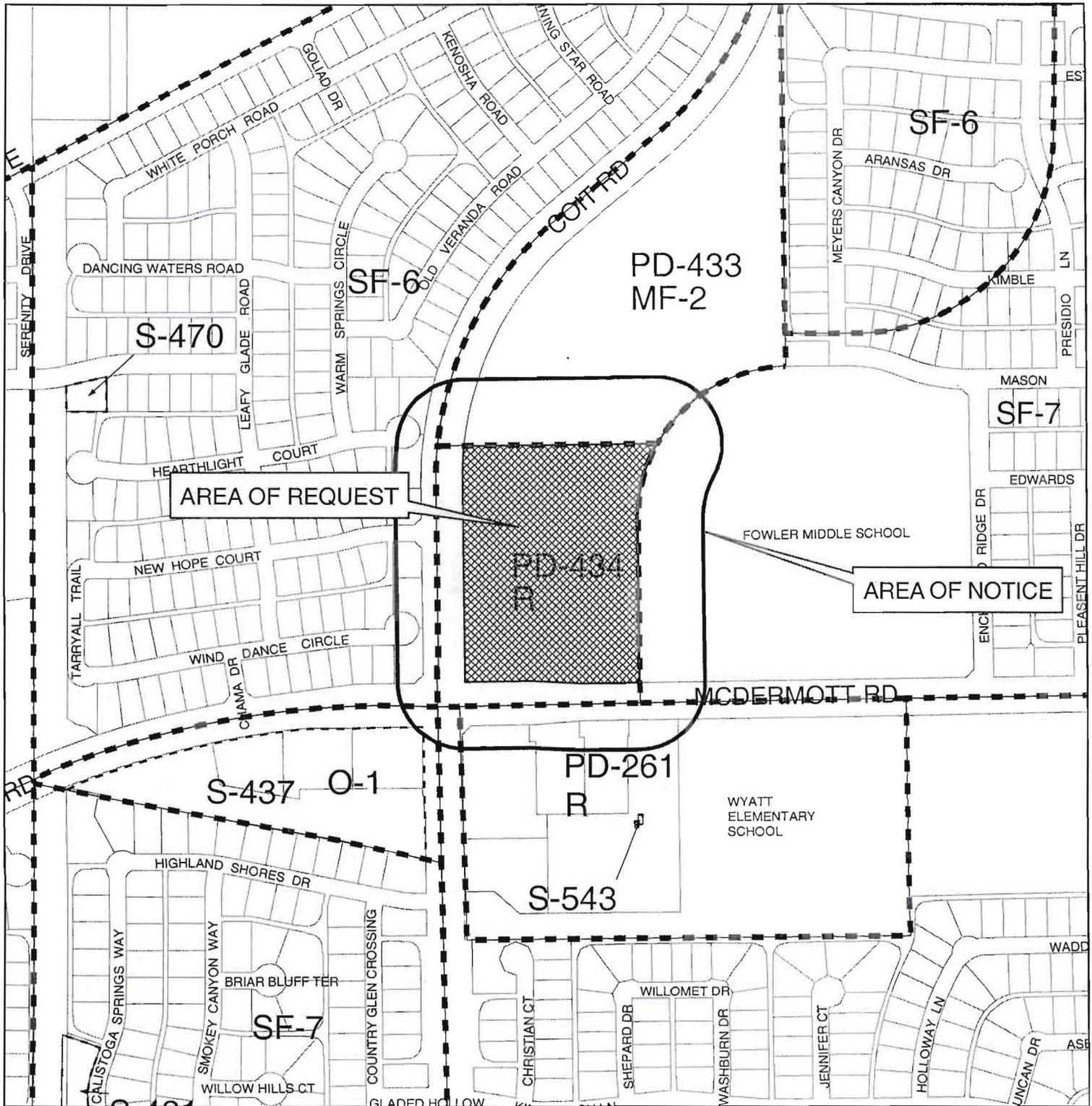
THENCE along said centerline and curve to the right whose chord bears North $02^{\circ} 17' 33''$ East, 97.93 feet and through a central angle of $05^{\circ} 34' 09''$, a radius of 1007.88 feet and an arc length of 97.97 feet to a point for corner;

THENCE North $89^{\circ} 20' 04''$ East departing said centerline of Coit Road passing at a distance 65.35 feet, the common corner of said Lot 1 and Lot 2 of said Silver Fern Addition, continuing for a total distance of 644.57 feet to a 5/8 inch capped iron rod found for common corner of said Lots 1 and 2, and also being in the west line of Fowler Middle School tract as recorded in Volume 4310, Page 2325, Deed Records, Collin County, Texas, and also being the beginning of a curve to the left;

THENCE along said curve to the left whose chord bears South $14^{\circ} 31' 04''$ West, 235.25 feet and through a central angle of $30^{\circ} 02' 01''$, a radius of 453.96 feet and an arc length of 237.96 feet to a 1/2 inch iron rod with plastic cap stamped "SPIARSENG" set for corner in the east line of said Lot 1 and west line of said Fowler Middle School tract;

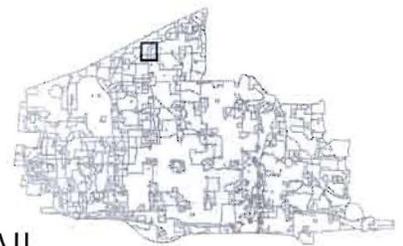
THENCE South $00^{\circ} 29' 56''$ East along the common line of said Lot 1 and Fowler Middle School tract, passing the southeast corner of said Lot 1 at a distance of 489.99 feet and continuing for a total distance of 544.99 to a point for corner in said centerline of McDermott Road;

THENCE South $89^{\circ} 14' 56''$ West, along said centerline of McDermott Road a distance of 588.47 feet to the POINT OF BEGINNING and CONTAINING 458,854 square feet or 10.5 acres of land.

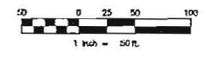
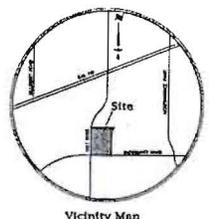
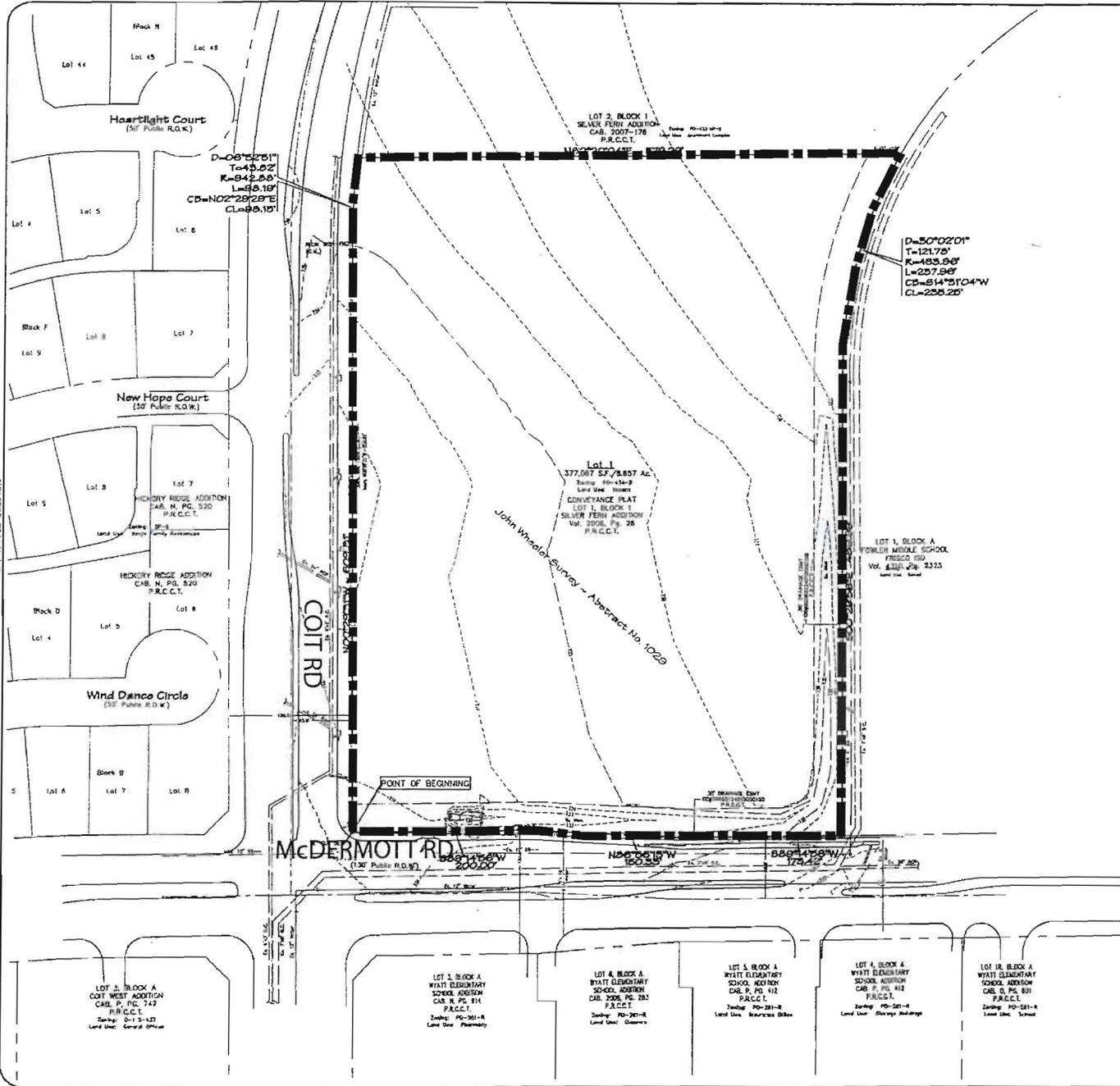


Zoning Case #: 2010-18

Existing Zoning: PLANNED DEVELOPMENT-434-RETAIL



○ 200' Notification Buffer



METES AND BOUNDS DESCRIPTION

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Request to amend PD-434-R to revise landscape edge along Coit Rd. & McDermott Rd.

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LOT 1, BLOCK 1 - 8.657 Acres
 situated in the
MARTHA MCBRIDE SURVEY ~ ABSTRACT 553
PLANO, COLLIN COUNTY, TEXAS

Applicant	Engineer/Surveyor	Owner
Rocetrac 3228 Cumberland Blvd. Atlanta, GA 30339 Telephone (770) 431-7800 Contact: Anita James	Splere Engineering, Inc. TYPE No. F-2121 765 Quarter Road, Suite 100 Plano, Texas 75075 Telephone (972) 422-0077 Contact: Karla Wier	Ronald McCutchen Family Partnership P.O. Box 870307 Dallas, Texas 75387 Telephone (214) 750-7799 Contact: Ronald McCutchen