



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:		November 25, 2013		
Department:		Planning		
Department Head		Phyllis Jarrell		
Agenda Coordinator (include phone #): Doris Carter, ext. 7151				
CAPTION				
Consideration of an Appeal of the Planning & Zoning Commission's Denial of the Concept Plan for Swaminarayan Gurukul Addition, Block A, Lot 1, including consideration of requested variances from the Subdivision Ordinance - Religious facility on one lot on 22.9± acres located on the west side of Park Vista Road, 1,500± feet south of 14th Street. Zoned Agricultural. Applicant: Swaminarayan Gurukul				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
At its October 7, 2013 meeting, the Planning & Zoning Commission denied the concept plan by a vote of 6-1. The applicant has appealed the Commission's denial. A simple majority, or 5 out of the 8 City Council members, is required for approval of the request.				
List of Supporting Documents: Letter of Appeal from Applicant Staff Memorandum Second Vice Chair Report P&Z Follow-up Memo Staff Report Locator Map Aerial Photo Concept Plan Variance Request Letter		Other Departments, Boards, Commissions or Agencies Planning & Zoning Commission		

WINSTEAD

Austin Charlotte Dallas Fort Worth Houston New Orleans San Antonio The Woodlands Washington, D.C.

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2728 N. Harwood Street
Dallas, Texas 75201214.745.5400 OFFICE
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winstead.com

October 14, 2013

Arthur J. Anderson
direct dial: 214.745.5745
aanderson@winstead.comPhyllisj@plano.gov & fax 972.941.7396Ms. Phyllis Jarrell
City of Plano
Department of Planning
P. O. Box 860358
Plano, Texas 75086Re: Swaminarayn Gurukul Temple ("Temple") Appeal of Denial of Concept Plan and
Variances (Item No. 10EH – 10/7/13 P&Z hearing)

Dear Phyllis:

The Temple hereby appeals the Plano Planning & Zoning Commission's October 7, 2013, denial of the Temple's Concept Plan and variance requests. P&Z, staff and the applicant all agree that the two points of access and overlength street variances should be approved. Furthermore, the proposed Temple building, parking, etc., meet City code requirements. Therefore, the sole variance and issue to be addressed by the Council concerns the pavement improvements to Park Vista Road between the railroad tracks and FM 544.

With respect to the dedicatory nature of Park Vista, it is clear that the road is public and vehicular traffic traveled to and from Renner Road and FM 544 for decades. After the City of Richardson closed and abandoned its portion of Park Vista right-of-way, the portion in the City of Plano was still used for public traffic. Furthermore, Park Vista is a public city street for the following reasons:

1. Section 12-258(c) of the City's ordinances lists Park Vista Road with numerous other city streets as a quiet zone.
2. All of the City's maps show Park Vista Road.
3. The City previously spent thousands of dollars to improve 240' of Park Vista on either side of the railroad tracks.
4. The City Council passed an ordinance abandoning a portion of dedicated Park Vista Road.

Plano has not consistently maintained Park Vista Road north of the railroad tracks which has triggered this request. The beneficiaries of an improved road surface are the Temple, the general public and the adjoining property owners north of the railroad tracks to FM 544. Access to an improved road would increase the value and marketability of both adjacent tracts for residential subdivisions. Our efforts

Ms. Phyllis Jarrell
October 14, 2013
Page 2

to reach out to these property owners to participate in a dedication/cost-sharing effort have so far been unsuccessful.

Our engineer estimates the cost to design and construct a 23' Vista Road pavement section from the railroad tracks to FM 544 to be approximately \$500,000.00. We have reviewed the various alternatives to share costs to construct the road and request that the City Council take one of the following actions:

1. The City takes the lead to communicate and negotiate cost-sharing arrangements with the adjoining landowners to the north of the railroad tracks. Obviously the City has more resources to bring these landowners to the table to participate in an agreeable solution.
2. The City holds a benefit/assessment hearing under Chapters 313 or 314 of the Texas Transportation Code to recoup the road construction costs from the adjoining property owners. If the decision is made that the benefits to the adjoining property owners are less than the road construction cost, the Temple will agree to pay the difference between the amounts levied against the adjoining landowners and the road construction cost.
3. The City and the Temple agree to a mutually acceptable cost-sharing arrangement taking into consideration the City's street maintenance obligations.
4. The Temple enters into a development agreement with the City where it will pay for the road construction cost but the adjoining landowners will be required to pay a pro rata fee to access the road at the time of development of their tracts.

We would appreciate the opportunity to meet with staff to discuss these and any other fair and reasonable alternatives. Please advise as to when the City Council will hear our client's appeal. It is our understanding that the applicant's § 212.904 proportionality application is contingent upon the Council's decision on the variance. If you have any questions or need additional information, please let me know.

Sincerely,



Arthur J. Anderson

AJA/plp

cc: Diane Wetherbee (dianew@plano.gov & fax 972.424.0099)
Paige Mims (paigem@plano.gov) & fax 972.424.0099

DALLAS_1/6166932v.2
53758-1 10/14/2013

DATE: November 15, 2013

TO: Bruce D. Glasscock, City Manager
Frank F. Turner, Deputy City Manager

FROM: Christina Day, Development Review Manager

RE: Appeal of Concept Plan for Swaminarayan Gurukul Addition

On October 7, 2013, the Planning & Zoning Commission denied the concept plan for Swaminarayan Gurukul Addition, Block A, Lot 1 due to concerns regarding a variance request to forego improvement of Park Vista Road as a dedicated paved street between the railroad tracks and 14th Street, north of the subject property. Staff also recommended denial of the plan.

Since that time, staff has further considered the issues related to site access. The existing undedicated roadway, known as Park Vista Drive, will provide adequate emergency access with the completion of a secondary means of access, through a connecting hike and bike trail to Brand Road. The legal representative for the Swaminarayan Gurukul Addition has stated that the existing roadway is adequate for their purposes. A future public street connecting 14th Street to the Temple property will be developed by the abutting property owners. The street's alignment is undetermined; however, the street should meet collector street standards. Interim improvement to and maintenance of the existing roadway may be done subject to the rights of the abutting property owners. Based on these findings staff recommends:

1. City Council approve the variances requested by the applicant and conditionally approve the concept plan subject to provision of modifications as required by the flood study.
2. The City Council call a public hearing to add a Type F, secondary undivided thoroughfare to the Thoroughfare Plan connecting the improved rail crossing adjacent to Swaminarayan Gurukul Addition to 14th Street.

Recommendation of the Planning and Zoning Commission

Concept Plan: Swaminarayan Gurukul Addition, Block A, Lot 1.

October 7, 2013

Second Vice- Chairman's Report

Agenda Item No. 10

Description: Religious facility on one lot on 22.9 +/- acres located on the west side of Park Vista Road, 1,500 +/- feet south of 14th Street. Zoned Agriculture. Neighborhood #13.

Applicant: Swaminarayan Gurukul

Staff Recommendation: Staff presented detailed explanations as to the several variances that the Applicant was requesting. A primary concern had to do with access.

The property is located at the end of Park Vista Road. At one time, Park Vista Road extended from 14th Street to Renner Road. However, in 2002, the city of Richardson abandoned a section of the roadway south of the subject property, leaving it only one means of access. Coupled with property's location south of the railroad tracks, the lack of options for additional access points complicates the development of the property. The Subdivision Ordinance states that land must be adequately served by essential public facilities and services including improved street access and utilities. In this case, Park Vista Road would have to be improved from the railroad tracks north to 14th street. The applicant believes that the city should bear the cost of improving Park Vista Road from the railroad tracks to 14th Street.

Staff recommended **denial** of the concept plan.

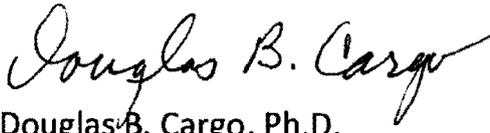
Discussion: Sohil Vrani, Art Anderson and Mathew Thomas spoke in support of the item. Mr. Anderson questioned whether the item could be approved based on approval of four variances.

Chairman Caso informed the public that the concept plan could not be approved without approval of all variance requests. The majority of the Commissioners indicated general support for the requested variances concerning a second point of access and temporary overlength street, but not for the requested variances to not to improve Park Vista Road as a dedicated paved street from the railroad tracks to 14th Street.

Assistant Fire Chief David Kerr was available to answer questions.

Vote: After much discussion, 2nd Vice-Chair Cargo made a motion to **deny** the concept plan as submitted. First Vice-Chair Smith seconded the motion, which passed 6-1. The Commissioner voting in opposition did not state a reason for the vote.

Respectively Submitted,

A handwritten signature in cursive script that reads "Douglas B. Cargo".

Douglas B. Cargo, Ph.D.

Second Vice-Chair

Planning and Zoning Commission

DATE: October 8, 2013
TO: Applicants with Items before the Planning & Zoning Commission
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of October 7, 2013

**AGENDA ITEM NO. 10 - CONCEPT PLAN
SWAMINARAYAN GURUKUL ADDITION, BLOCK A, LOT 1
APPLICANT: SWAMINARAYAN GURUKUL**

Religious facility on one lot on 22.9± acres located on the west side of Park Vista Road, 1,500± feet south of 14th Street. Zoned Agricultural. Neighborhood #13.

APPROVED: _____ **DENIED:** 6-1 **TABLED:** _____

STIPULATIONS:

Denied.

The Commissioner voting in opposition did not state a reason for the vote.

EH/av

xc: Dinesh Gajera, Swaminarayan Gurukul, USA

<http://goo.gl/maps/cxWtD>

CITY OF PLANO
PLANNING & ZONING COMMISSION

October 7, 2013

Agenda Item No. 10

Concept Plan: Swaminarayan Gurukul Addition, Block A, Lot 1

Applicant: Swaminarayan Gurukul

DESCRIPTION:

Religious facility on one lot on 22.9± acres located on the west side of Park Vista Road, 1,500± feet south of 14th Street. Zoned Agricultural. Neighborhood #13.

REMARKS:

The purpose for the concept plan is to show the proposed religious facility development and related site improvements. The applicants propose to construct a 23,763 square foot building and associated parking.

The property is located at the end of Park Vista Road. At one time, Park Vista Road extended from 14th Street to Renner Road. However, in 2002 the city of Richardson abandoned a section of the roadway south of the subject property, leaving it only one means of access. Coupled with the property's location south of the railroad tracks, the lack of options for additional access points complicates development of the property. The applicant is requesting a number of variances to allow development to proceed.

ISSUES:

Second Point of Access - There is limited opportunity for the applicant to obtain a second point of access to the property, as required by Article V, Section 5.1c.1 of the Subdivision Ordinance and the Fire Code. There is no opportunity for an additional railroad crossing to serve the property, and the residential subdivisions to the south and east provide no street connections. The applicant is requesting to provide the second point of access via an offsite hike and bike trail easement connection which would be limited to use by emergency vehicles if the first point of access to the property was blocked. The Fire Department has approved a variance request to allow for the offsite hike and bike trail to serve as the property's second point of access for emergency vehicles. A variance from the Subdivision Ordinance is also required. Staff supports this variance since there is no other option for a second point of access to the property.

Over-Length Street - The applicant is also requesting a variance from Section 15. (Street and Alley Length) of Subsection b (Design Standards) of Section 5.4 (Streets and Thoroughfares) of Article 5 (Requirements for Public Improvements, Reservation and Design) of the Subdivision Ordinance in order to allow for a temporary over-length street. The Subdivision Ordinance states that the maximum street length shall not exceed 1,200 feet in length between intersections (outlets). The distance along Park Vista Road from 14th Street to the subject property is approximately 1,400 feet. The properties north of the railroad tracks are currently undeveloped. At such time when these properties develop, the construction of one or more streets will be required to connect to Park Vista Road and to 14th Street in order to provide additional points of access to the area. Staff is in support of this variance request.

Improvement of Park Vista Road - The subject property is only accessible via Park Vista Road, which is currently unpaved. Section 5.1 (General Requirements) c. (Adequate Public Facilities Policy) of the Subdivision Ordinance states that land must be adequately served by essential public facilities and services including improved street access and utilities. All platted lots must have direct access to an improved public street, private street, or an approved public way and connected by improved public streets to an improved public thoroughfare. For properties with access to an unimproved street, the Subdivision Ordinance requires a minimum 23-foot wide section of pavement to be constructed. In this case, Park Vista Road would have to be improved from the railroad tracks north to 14th Street, which is the closest improved thoroughfare. Ultimately, the street will be widened to 36 feet in width to improve access to the applicant's property as well as future development in the area.

A 30-foot wide section of right-of-way adjacent to the subject property was dedicated with the development of the residential subdivision to the east. However, the city does not have dedicated right-of-way for other parts of the road. To improve the road north of the railroad tracks, right-of-way will need to be dedicated by easement or deed. Park Vista Road has been in place for decades and has been used by what is known as "prescriptive access," in which underlying property that is privately owned is openly used over a period of time by non-owners to access other properties without permission of the owner.

The applicant believes that the existing gravel road surface is sufficient to handle traffic going to and from the proposed development, and has requested a variance from the requirement for improved roadway access. The applicant believes that the city should bear the cost of improving Park Vista Road from the railroad tracks to 14th Street. However, a gravel roadway surface is not sufficient to meet the city's Adequate Public Facilities policy or the Fire Code's requirement for a paved surface for emergency access. This is a basic requirement that applies to all developments in the city, regardless of use. The Fire Department has indicated that the gravel road is not sufficient to guarantee emergency access to the property. Staff cannot support a variance to the requirement for an improved connection to 14th Street.

Right-of-way Abandonment - As noted above, a short section of right-of-way for Park Vista Road was dedicated adjacent to the applicant's property when the residential subdivision to the east was developed. No street improvements were made, however, and staff has indicated to the applicant that the city would support abandoning the right-

of-way if the adjacent residential subdivision's homeowner association is in agreement. Oncor also owns a tract of land that has access to the street right-of-way, and the company's consent would be needed as well.

Street Access for Religious Facilities - The Zoning Ordinance requires religious facilities to have access to a street with a minimum pavement width of 36 feet. The proposed concept plan shows a proposed 23-foot wide extension of Park Vista Road; however, a variance will not be required since the religious facility will ultimately have access to a 36-foot wide street when the street is widened in the future.

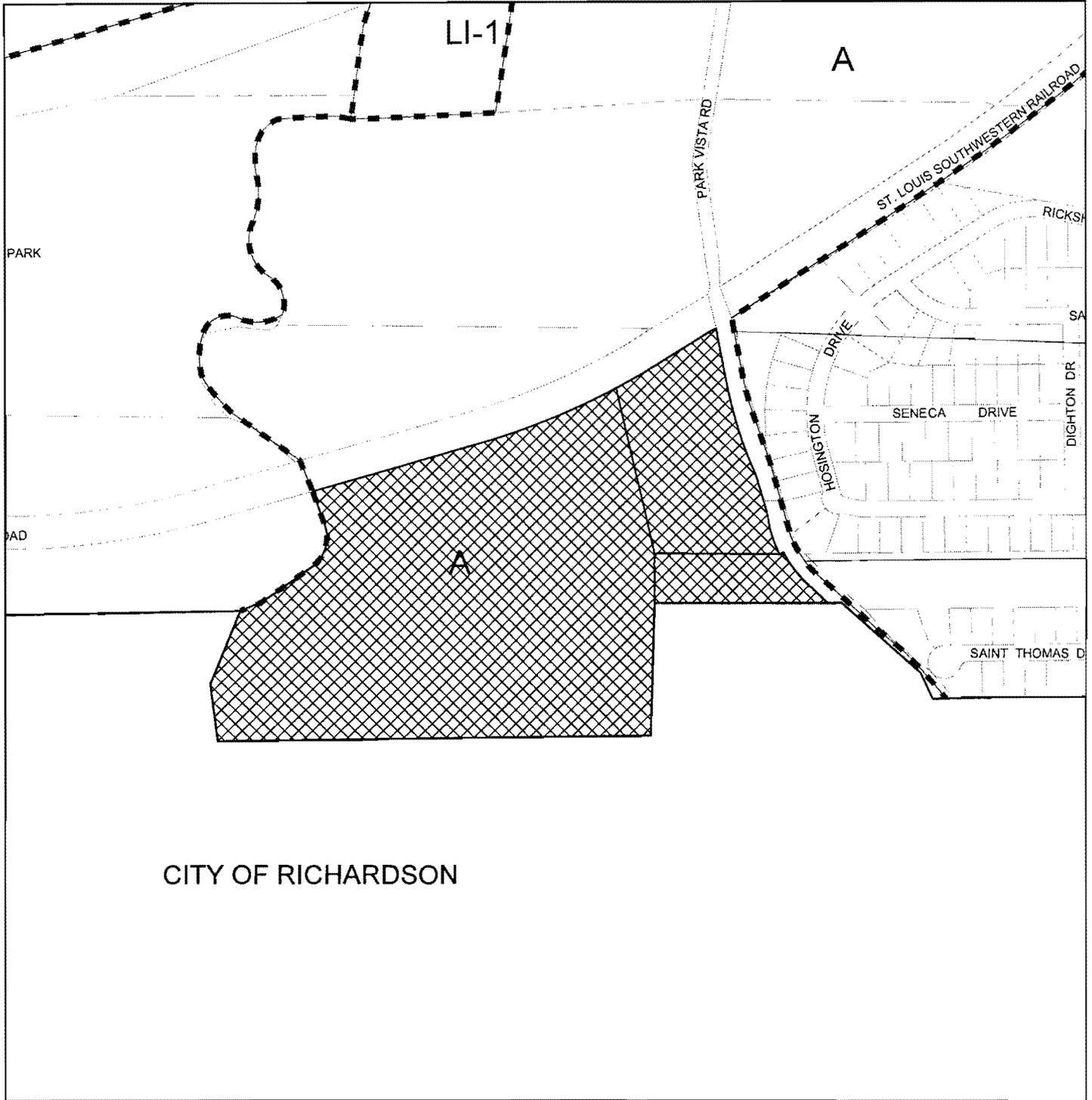
Flood Study - A portion of the subject property lies within the established 100-year floodplain. The proposed layout for the religious facility development and the location of any improvements on site is contingent upon approval of a flood study. The applicant has submitted a flood study which is currently being reviewed by an engineering consultant.

SUMMARY:

There are several challenges associated with development of this property. Staff has been working with the applicant to resolve issues and, as noted above, supports several variances to allow development. However, paved access to the property is necessary to comply with adequate public facility requirements and fire code requirements for emergency access. Staff cannot recommend approval of a variance to this requirement, and recommends denial of the concept plan.

RECOMMENDATION:

Recommended for denial.



Item Submitted: CONCEPT PLAN

Title: SWAMINARAYAN GURUKUL ADDITION
BLOCK A, LOT 1

Zoning: AGRICULTURAL



○ 200' Notification Buffer





14TH STREET

PARK VISTA ROAD

RICKSHAW LANE

SABETHA WAY

Area of Request

SENECA DRIVE

DIGHTON DRIVE

TRIBUNE WAY

CANTERA COURT

MORONEY DIVIDE

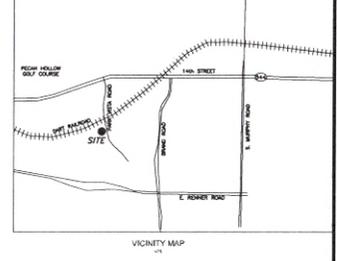
RENNER ROAD



Source: City of Plano, Planning Dept.
Date: October, 2013

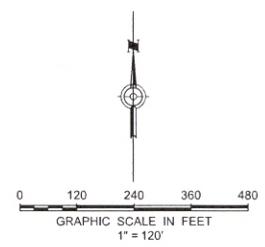
Swaminarayan Gurukul Addn.
Block A, Lot 1

REVISION	DESCRIPTION	DATE
	THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF: MATHIEW THOMAS, P.E. LICENSED ENGINEER # 81576	2 Oct 2013
	PRELIMINARY NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION	

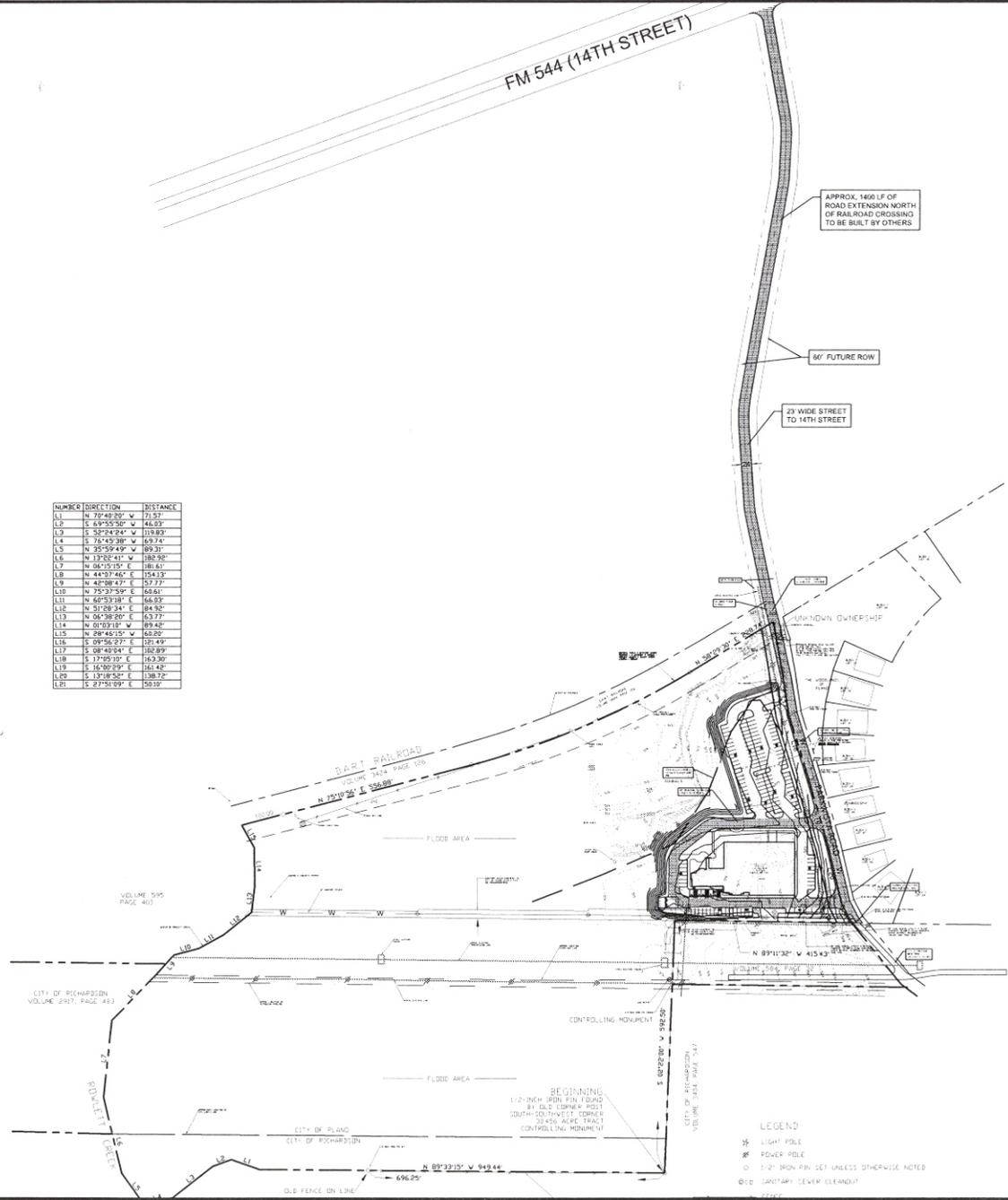


LEGEND:

- PROPERTY LINE
- ADJOINED PROPERTY
- BUILDING SETBACK LINE
- EASEMENTS
- PROPOSED CURB AND GUTTER
- PAINTED STRIPE (TRAFFIC WHITE)
- PAINTED WALKWAY (TRAFFIC WHITE)
- FIRE LANE
- PARK VISTA ROAD
- 4" THICK CONCRETE SIDEWALK
- INTERIOR LANDSCAPED AREA (RE: LANDSCAPE PLANS)
- PARKING STALL COUNT



NUMBER	DIRECTION	DISTANCE
L1	N 72°49'00" W	71.93
L2	S 69°55'50" W	46.93
L3	S 52°24'44" W	118.83
L4	S 76°43'38" W	63.74
L5	N 35°59'49" W	89.35
L6	N 13°52'41" W	380.90
L7	N 06°15'15" E	181.61
L8	N 44°57'46" E	154.19
L9	N 42°08'47" E	57.77
L10	N 75°27'59" E	68.61
L11	N 46°53'38" E	66.93
L12	N 51°08'34" E	84.90
L13	N 06°38'00" E	63.77
L14	N 01°03'18" W	89.42
L15	N 08°45'18" W	63.82
L16	S 09°56'57" E	121.49
L17	S 09°43'04" E	120.89
L18	S 17°05'17" E	163.90
L19	S 16°02'29" E	164.42
L20	S 13°18'58" E	128.32
L21	S 27°51'09" E	58.19



CONCEPT PLAN

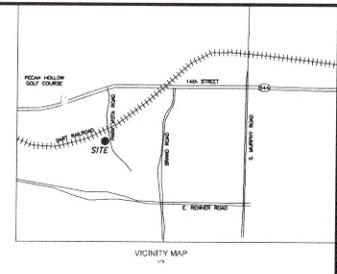
SWAMINARAYAN GURUKUL ADDITION
 BLOCK A, LOT 1
 30.38 ACRES M.R. FOSTER SURVEY,
 ABSTRACT NO. 332, COLLIN COUNTY, TEXAS
 621 PARK VISTA ROAD, PLANO, TEXAS 75094

DEVELOPER: SWAMINARAYAN GURUKUL
 621 PARK VISTA ROAD
 PLANO, TX 75094
 ATTN: DINESH GAJRA - PH: 972-467-6036

ENGINEER: THOMAS SITE DEVELOPMENT
 ENGINEERING INC.
 4654 BILL SIMMONS ROAD, COLLEYVILLE, TX 75034
 ATTN: MATHIEW THOMAS, P.E. - PH: (214) 892-2728

REVISION	DESCRIPTION	DATE

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERVIEW UNDER THE AUTHORITY OF:
MATTHEW THOMAS, P.E.
LICENSED ENGINEER #41078
7-Oct-2013
PRELIMINARY
NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION



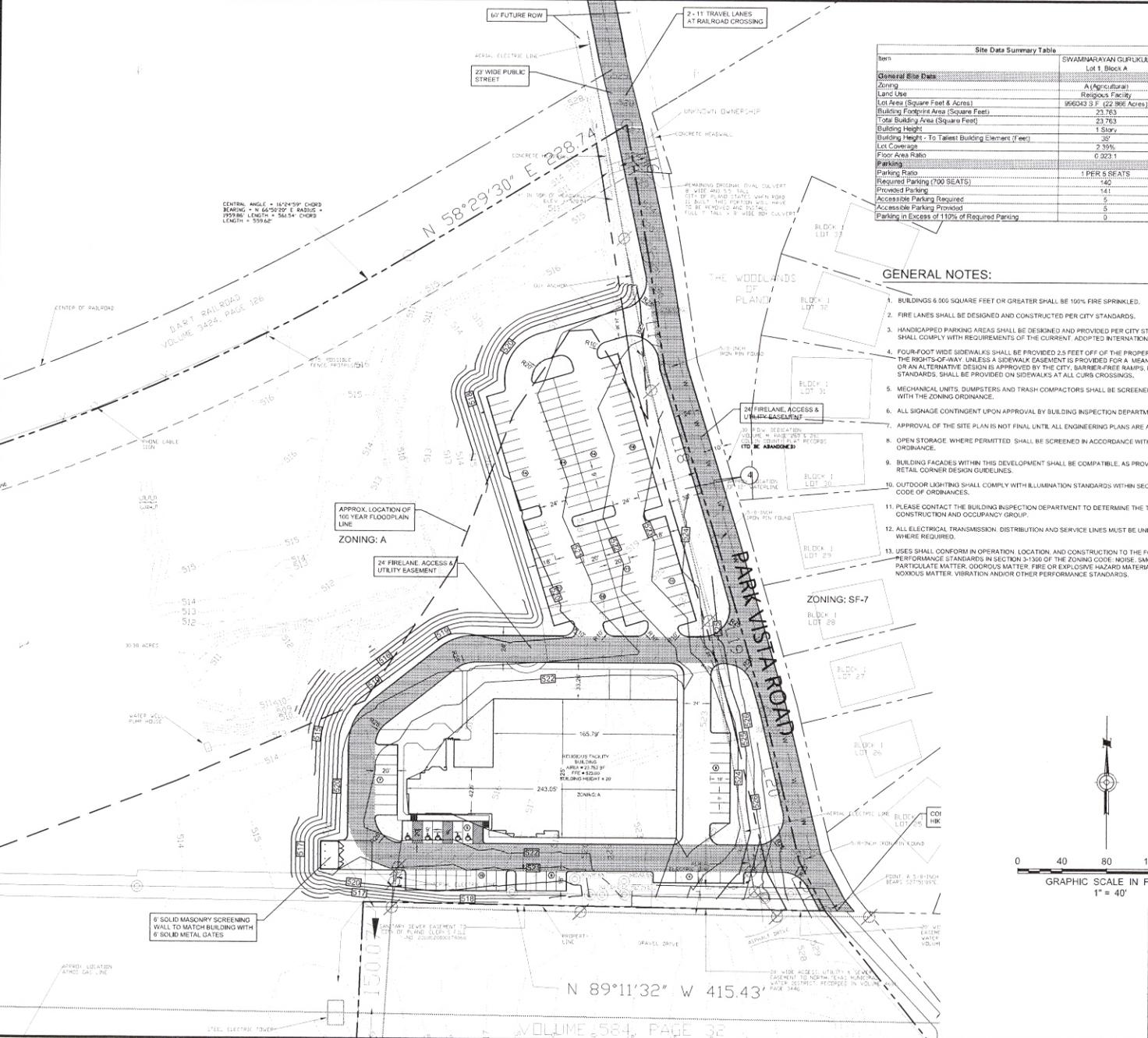
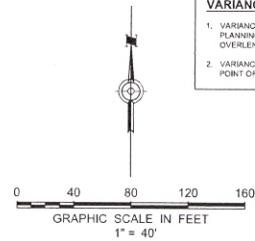
Site Data Summary Table	
Owner	SWAMINARAYAN GURUKUL, Lot 1, Block A
General Site Data:	
Zoning	A (Agricultural)
Lot Area	96643.3 F. (22.86 Acres)
Building Footprint Area (Square Feet)	23,763
Total Building Area (Square Feet)	23,763
Building Height	1 Story
Building Height - To Tallest Building Element (Feet)	35'
Lot Coverage	2.39%
Floor Area Ratio	0.0231
Parking	1 PER 6 SEATS
Required Parking (700 SEATS)	140
Provided Parking	141
Accessible Parking Required	5
Accessible Parking Provided	5
Parking in Excess of 110% of Required Parking	0

GENERAL NOTES:

- BUILDINGS 6 000 SQUARE FEET OR GREATER SHALL BE 10% FIRE SPRINKLED.
- FIRE LANES SHALL BE DESIGNED 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 RIGHTS-OF-WAY UNLESS A SIDEWALK EASEMENT IS PROVIDED FOR A MEANDERING SIDEWALK OR AN ALTERNATIVE DESIGN IS APPROVED BY THE CITY. BARRIER-FREE RAMPS, PER CITY STANDARDS, SHALL BE PROVIDED ON SIDEWALKS AT ALL CURB CROSSINGS.
- MECHANICAL UNITS, DUMPSTERS AND TRASH COMPACTORS SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
- ALL SIGNAGE CONTINGENT UPON APPROVAL 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 CORNER DESIGN GUIDELINES.
- OUTDOOR LIGHTING SHALL COMPLY WITH ILLUMINATION STANDARDS WITHIN SECTION 6-4660F OF THE CODE OF ORDINANCES.
- PLEASE CONTACT THE BUILDING INSPECTION DEPARTMENT TO DETERMINE THE TYPE OF CONSTRUCTION AND OCCUPANCY GROUP.
- ALL ELECTRICAL TRANSMISSION DISTRIBUTION AND SERVICE LINES MUST BE UNDERGROUND, WHERE REQUIRED.
- USES SHALL CONFORM IN OPERATION, LOCATION, AND CONSTRUCTION TO THE FOLLOWING PERFORMANCE STANDARDS IN SECTION 3-1306 OF THE ZONING CODE: NOISE, SMOKE AND PARTICULATE MATTER, ODOROUS MATTER, FIRE OR EXPLOSIVE HAZARD MATERIAL, TOXIC AND NOXIOUS MATTER, VIBRATION AND/OR OTHER PERFORMANCE STANDARDS.

- NOTE:**
- FUTURE PLANS WILL DEDICATE A UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT TO ALLOW EXTENSION OF SANITARY SEWER LINE TO THE ADJACENT PROPERTY TO THE NORTH.
 - APPROVALS FOR IMPROVEMENT ARE SUBJECT TO FLOOD STUDY

- VARIANCES REQUESTED:**
- VARIANCE REQUESTED FROM THE SUBDIVISION ORDINANCE BY THE PLANNING AND ZONING COMMISSION TO ALLOW A TEMPORARY OVERLENGTH STREET (OVER 1200 LF) (PARK VISTA ROAD).
 - VARIANCE FROM THE FIRE DEPARTMENT TO APPROVE THE SECOND POINT OF ACCESS BY THE OFFSITE HIKE AND BIKE TRAIL.



500 Winstead Building 214.745.5400 OFFICE
2728 N. Harwood Street 214.745.5390 FAX
Dallas, Texas 75201 winstead.com

October 2, 2013

Arthur J. Anderson
direct dial: 214.745.5745
aanderson@winstead.com

VIA EMAIL Phyllis@plano.gov
VIA FAX to 972.941.7396

Ms. Phyllis Jarrell
City of Plano
Department of Planning
P. O. Box 860358
Plano, Texas 75086

Re: Swaminarayn Gurukul Temple ("Temple") Appeal of City Off-Site Exactions

Dear Phyllis:

Our firm represents the Temple. We appreciate the City's assistance in resolving many of the off-site development issues related to the Temple's project. It is our understanding that the only outstanding exactions issue between the parties involves off-site improvements to Park Vista Road. The Temple hereby appeals the following off-site street exactions pursuant to §§ 1.11 and 1.12 of the City's subdivision ordinance:

1. A variance to the City staff requirement that the Temple to obtain right-of-way to be formally dedicated to the City north of the railroad tracks.

A search of "Park Vista" on the City's website shows dozens of references to Park Vista as a City street, and the City has improved portions of Park Vista. There should not be a dispute that Park Vista is a City street. The Temple does not control the property owners to the north of the railroad tracks. Correspondence was sent to the two property owners to the north of the railroad tracks who would be required to dedicate the right-of-way requested by City staff and the property owners have indicated no interest in dedicating the right-of-way. The Temple obviously does not have the power of condemnation and therefore cannot acquire the right-of-way otherwise and requests that any off-site road improvements be restricted to the existing Park Vista right-of-way. In the alternative, the Temple requests that the City condemn the right-of-way it believes is necessary.

2. A variance to the City Staff requirement that a 23-foot section for Park Vista be constructed by the Temple north of the railroad tracks.

If the current paving is not up to City standards, then it is the City's obligation to maintain the street that it owns and controls. Therefore, the Temple requests that any required improvements to the surface be made by the City of Plano. As you know, the City has the right to assess adjacent property owners for the costs of these improvements pursuant to § 311.090, Tex. Transp. Code.

3. A variance to allow for a temporary over-length street that exceeds 1,200 feet in length.
4. A variance to § 3.402 of the zoning ordinance to allow access by a religious institution to a 24' wide street.

Staff supports the temporary over-length street since it is anticipated that another street may be brought through the property to the northeast someday connecting 14th Street to Park Vista Road north of the railroad tracks.

Approving these variances meets the following criteria in the City's subdivision ordinance:

1. The granting of the variance will not be detrimental to the public safety, health or welfare of injurious to other property: The City's street requirements to handle trips to and from the Temple will be met.
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property: The location of the Temple's property and the discontinuance of Park Vista to the south by the actions of Plano and Richardson make this unique.
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out: The location of the Temple's property and the discontinuance of Park Vista to the south by the actions of Plano and Richardson make this unique. In addition, the Temple does not control the property owners to the north.
4. The variance will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan, except that those documents may be amended in the manner prescribed by law: The variances do not impact the zoning ordinance or comprehensive plan.

It is my understanding that this matter will be considered by the Plano Planning & Zoning Commission at its October 7, 2013 meeting. If you have any questions or need additional information, please let me know.

Sincerely,



Arthur J. Anderson

AJA/plp

Ms. Phyllis Jarrell
October 2, 2013
Page 3

cc: Diane Wetherbee (via email dianew@plano.gov)
VIA FAX to 972.424.0099

Eric Hill (via email erich@plano.gov)
VIA FAX to 972.941.7396

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