

DATE: November 19, 2013
TO: Honorable Mayor & City Council
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of November 18, 2013

**AGENDA ITEM NO. 7 - PUBLIC HEARING
ZONING CASE 2013-30
APPLICANT: LENNAR HOMES**

Request for a Specific Use Permit for a Private Recreation Facility or Area on 0.6± acre at the northeast corner of Montville Way and Thetford Lane. Zoned Single-Family Residence-6.

APPROVED: 6-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **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 submitted.

FOR CITY COUNCIL MEETING OF: December 9, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

RA/dc

xc: David Auginbaugh, Lennar Homes
Leonard Reeves, Studio 13 Design Group
Cliff Bormann, Permit Services Manager

<http://goo.gl/maps/R9yQ2>

CITY OF PLANO
PLANNING & ZONING COMMISSION

November 18, 2013

Agenda Item No. 7

Public Hearing: Zoning Case 2013-30

Applicant: Lennar Homes

DESCRIPTION:

Request for a Specific Use Permit for a Private Recreation Facility or Area on 0.6± acre at the northeast corner of Montville Way and Thetford Lane. Zoned Single-Family Residence-6.

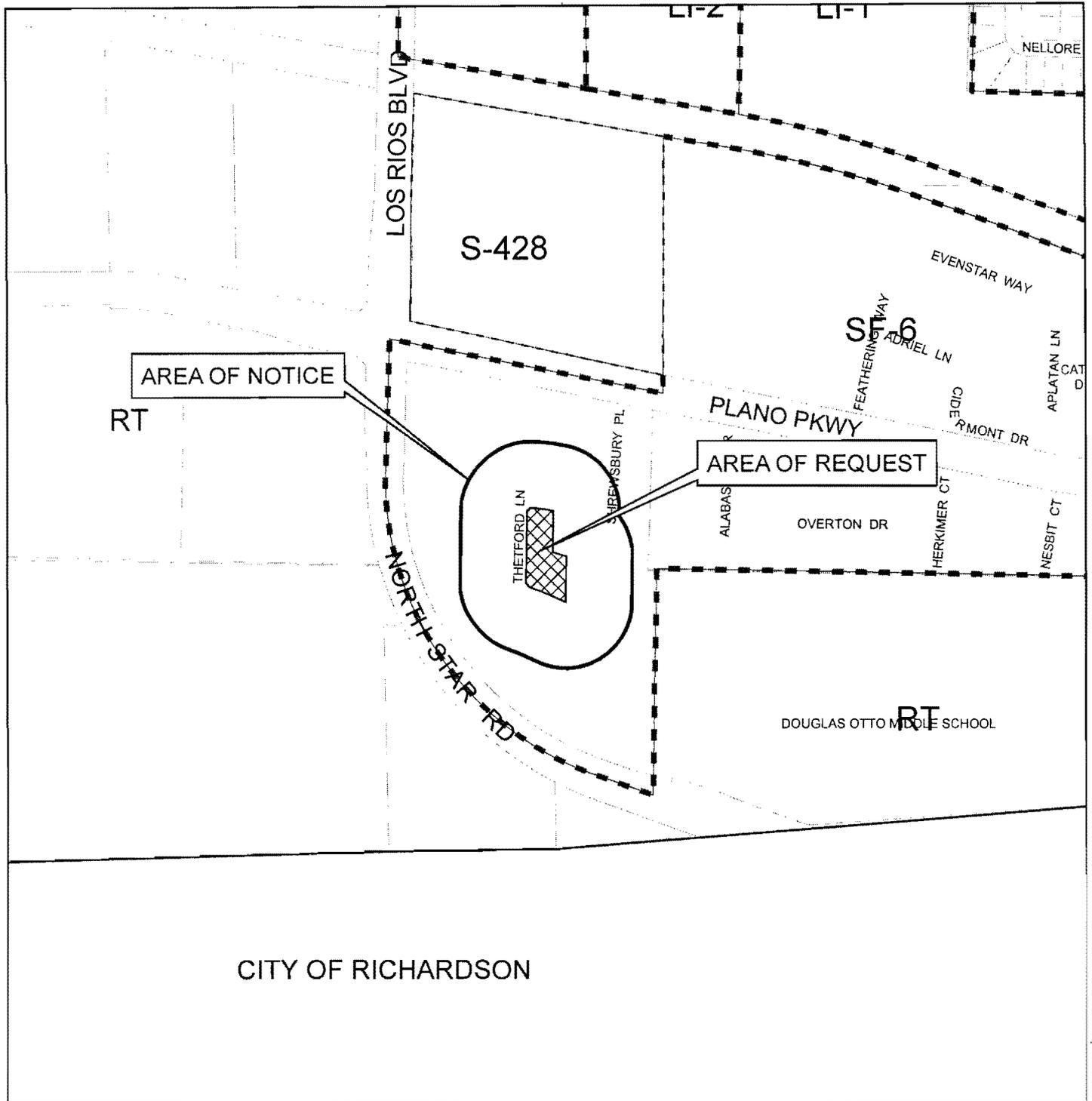
REMARKS:

The requested zoning is for a Specific Use Permit (SUP) for Private Recreation Facility or Area. The Zoning Ordinance defines a private recreation facility or area as a facility or area which is owned and/or operated by a nonprofit organization, that provides for sports, leisure, and recreation activities operated for the exclusive use of its members and their guests and not the general public. The current zoning is Single-Family Residence-6 (SF-6). The SF-6 district is primarily intended to provide for small-lot, urban, single-family development protected from excessive noise, illumination, odors, visual clutter, and other objectionable influences to family living. An SUP authorizes and regulates a use not normally permitted in a district which could be a benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established.

The proposed private recreation facility or area is located within Hudson Heights, a three phase, 152 lot subdivision currently being developed at SF-6 standards. A site plan is currently under review showing one building, pool, and play areas located on the 0.6± acre subject site. The site has sufficient access and parking. The proposed private recreation facility or area will be maintained by the neighborhood homeowner association. Should the association not want to maintain the facility in the future, the site could be developed into SF-6 lots.

RECOMMENDATION:

Recommended for approval as submitted.

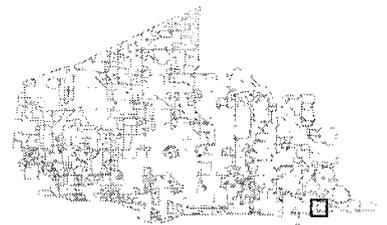


CITY OF RICHARDSON



Zoning Case #: 2013-30

Existing Zoning: SINGLE-FAMILY RESIDENCE-6



○ 200' Notification Buffer





PLANO PARKWAY

SHREWSBURY PLACE

OVERTON DRIVE

THETFORD LANE

NORTH STAR ROAD

Area of Request

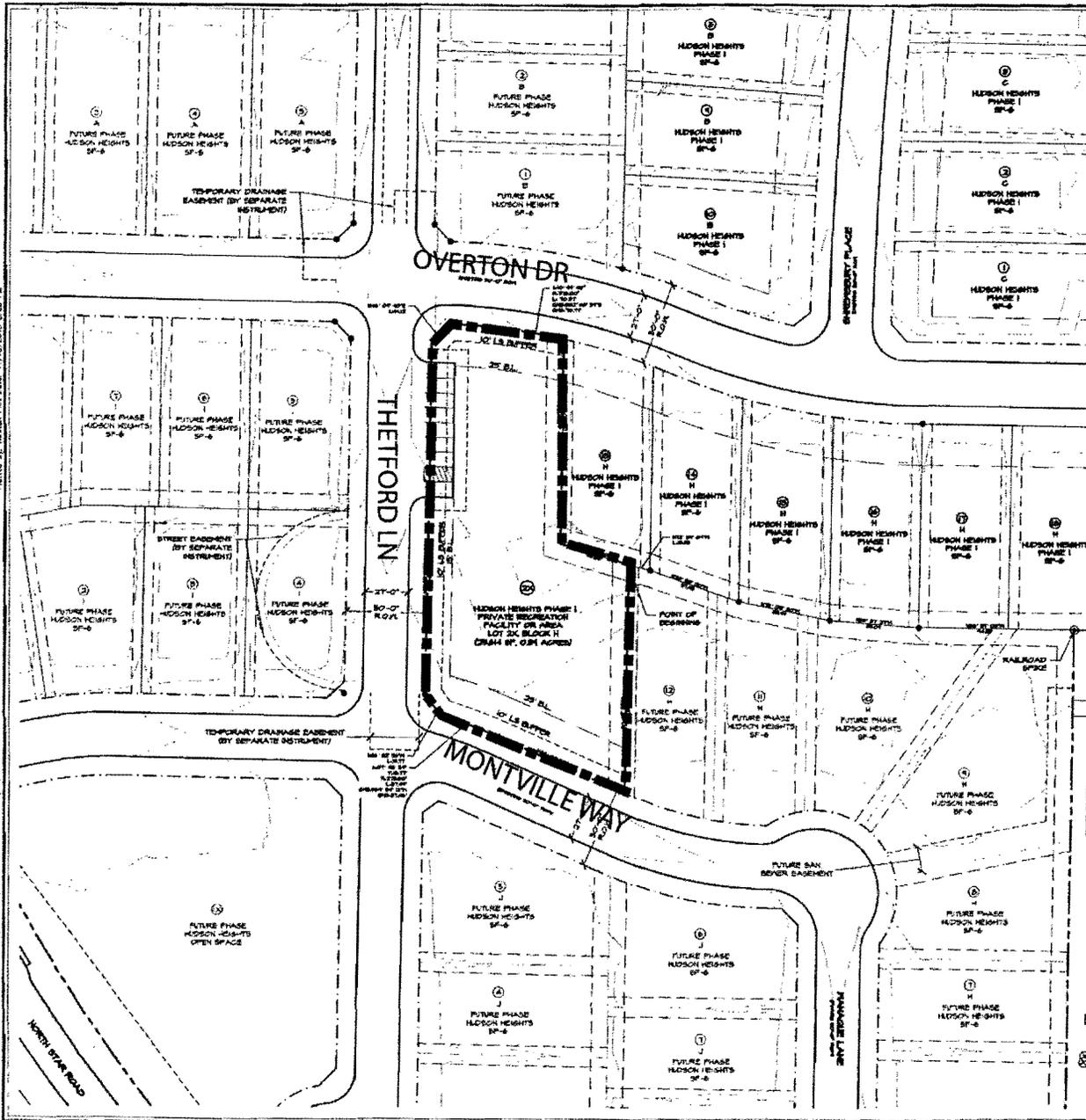


Source: City of Plano, Planning Dept.
Date: November, 2013

Zoning Case 2013-30

DATE: 11/13/2013 3:08 PM

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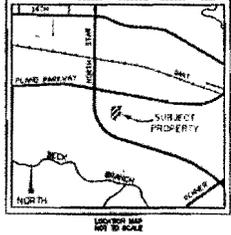
ZONING EXHIBIT

APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAN, OR PLAN, APPROVAL OF DEVELOPMENT STANDARDS SHOWN HEREIN, 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.

LEGEND



VICINITY MAP



BLOCK H, LOT 2X SITE INFORMATION

GENERAL SITE DATA
 ZONING: SP-6
 PROPOSED USE: PRIVATE RECREATION FACILITY OR AREA
 LOT AREA: 25,814 S.F. OR .588 ACRES

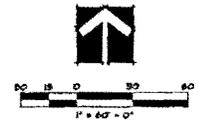
LEGAL DESCRIPTION OF PROPERTY

FIELD NOTE DESCRIPTION
 BEING a tract of land situated in the T.T. MCCULLOUGH SURVEY, ABSTRACT NO. 633, City of Plano, Collin County, Texas and being part of that tract of land described as deed to Lerner Homes of Texas Land and Construction, L.T.C., as provided under Document Number 2813014000033366, David Reeves, Collin County, Texas said tract being more particularly described as follows:

COMMENCING at a valid spike found for the northwest corner of Douglas Otto Nisbett School, according to the documents filed of record in Book 2009, Page 343, Map Records of Collin County, Texas:

THENCE over and across the above mentioned Lerner Homes tract the following five (5) courses and distances as follows:

- North 82° 57' 03" West, a distance of 94.53 feet to a point for a corner;
- North 83° 57' 27" West, a distance of 53.09 feet to a point for a corner;
- North 78° 02' 38" West, a distance of 53.59 feet to a point for a corner;
- North 70° 31' 09" West, a distance of 52.95 feet to a point for a corner;
- North 72° 59' 09" West, a distance of 83.55 feet to a point for a corner and the POINT OF BEGINNING for the tract of land described herein;
- THENCE South 01° 02' 57" West, a distance of 139.88 feet to a point for a corner;
- THENCE North 65° 59' 13" West, a distance of 84.02 feet to a point for a corner at the beginning of a curve to the right, having a radius of 213.50 feet, a central angle of 07° 48' 39", and a chord bearing and distance of North 89° 54' 12" West, 27.46 feet;
- THENCE with said curve to the right and arc distance of 37.49 feet to a point for a corner;
- THENCE North 36° 52' 56" West, a distance of 15.77 feet to a point for a corner;
- THENCE North 01° 05' 01" East, a distance of 217.11 feet to a point for a corner;
- THENCE North 49° 09' 40" East, a distance of 14.12 feet to a point for a corner at the beginning of a curve to the right, having a radius of 373.09 feet, a central angle of 10° 49' 41", and a chord bearing and distance of South 82° 46' 29" East, 70.77 feet;
- THENCE with said curve to the right and arc distance of 70.87 feet to a point for a corner;
- THENCE South 01° 02' 57" West, a distance of 123.00 feet to a point for a corner;
- THENCE South 72° 59' 09" West, a distance of 43.44 feet to the POINT OF BEGINNING and enclosing 0.59 acres of land, more or less.



RECEIVED

NOV 14 2013

PLANNING DEPT.

OWNERS:
 LERNER HOMES OF TEXAS LAND
 CONSTRUCTION, L.T.C.
 1707 MARKETPLACE BLVD
 SUITE 250
 PLANO, TEXAS 75093
 (972) 931-0694
 CONTACT: DAVID REEVES

ENGINEER:
 DOWDY, ANDERSON & ASSOC., INC.
 5225 VILLAGE CREEK DR
 SUITE 200
 PLANO, TEXAS 75093
 (972) 931-0694
 CONTACT: CASEY ROSS

ZONING EXHIBIT
HUDSON HEIGHTS, PH. 1
PRIVATE RECREATION
FACILITY OR AREA
Lot 2X, Block H

0.588 ACRES SITUATED IN THE
 J.T. MCCULLOUGH SURVEY,
 ABSTRACT NO. 633

CITY OF PLANO,
 COLLIN COUNTY, TEXAS

LANDSCAPE ARCHITECT/APPLICANT:
 STUDIO 13 DESIGN GROUP, PLLC.
 519 BENNETT LANE
 SUITE 203
 LEWISVILLE, TX 75057
 (469) 635-1900
 CONTACT: LEONARD W. REEVES, ASLA, RLA
 lreeves@studio13.biz

Zoning Case 2013-30

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 640 so as to allow the additional use of Private Recreation Facility or Area on 0.6± acre of land out of the J.T. McCullough Survey, Abstract No. 633, located at the northeast corner of Montville Way and Thetford Lane, in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-6; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 9th day of December, 2013, for the purpose of considering granting Specific Use Permit No. 640 for the additional use of Private Recreation Facility or Area on 0.6± acre of land out of the J.T. McCullough Survey, Abstract No. 633, located at the northeast corner of Montville Way and Thetford Lane, in the City of Plano, Collin County, Texas, presently zoned 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 9th day of December, 2013; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 640 so as to allow the additional use of Private Recreation Facility or Area on 0.6± acre of land out of the J.T. McCullough Survey, Abstract No. 633, located at the northeast corner of Montville Way and Thetford Lane, in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-6, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change 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 grant Specific Use Permit No. 640 so as to allow the additional use of Private Recreation Facility or Area on 0.6± acre of land out of the J.T. McCullough Survey, Abstract No. 633, located at the northeast corner of Montville Way and Thetford Lane, in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-6, said property being more fully described on the legal description in 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 9TH DAY OF DECEMBER, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2013-30

BEING a tract of land situation in the J.T. McCullough Survey, Abstract No. 633, City of Plano, Collin County, Texas and being part of that tract of land described in deed to Lennar Homes of Texas Land and Construction, LTD., as recorded under Document Number 20130114000055360, Deed Records, Collin County, Texas said tract being more particularly described as follows:

COMMENCING at a railroad spike found for the northwest corner of Douglas Otto Middle School, according to the document filed of record in Book 2009, Page 345, Map Records of Collin County Texas.

THENCE over and across the above mentioned Lennar Homes tract the following five (5) courses and distances as follows:

North, 88° 57' 03" West, a distance of 94.53 feet to a point for a corner;

North, 85° 37' 27" West, a distance of 55.09 feet to a point for a corner;

North, 78° 08' 30" West, a distance of 55.99 feet to a point for a corner;

North, 70° 35' 00" West, a distance of 57.95 feet to a point for a corner;

North, 72° 59' 09" West, a distance of 13.55 feet to a point for a corner and the POINT OF BEGINNING for the tract of land described herein;

THENCE South, 01° 02' 57" West, a distance of 139.88 feet to a point for a corner;

THENCE North, 65° 59' 53" West, a distance of 84.02 feet to a point for a corner at the beginning of a curve to the right, having a radius of 275.00 feet, a central angle of 07° 48' 39", and a chord bearing and distance of North, 69° 54' 12" West, 37.46 feet;

THENCE with said curve to the right and arc distance of 37.49 feet to a point for a corner;

THENCE North, 36° 52' 56" West, a distance of 15.77 feet to a point for a corner;

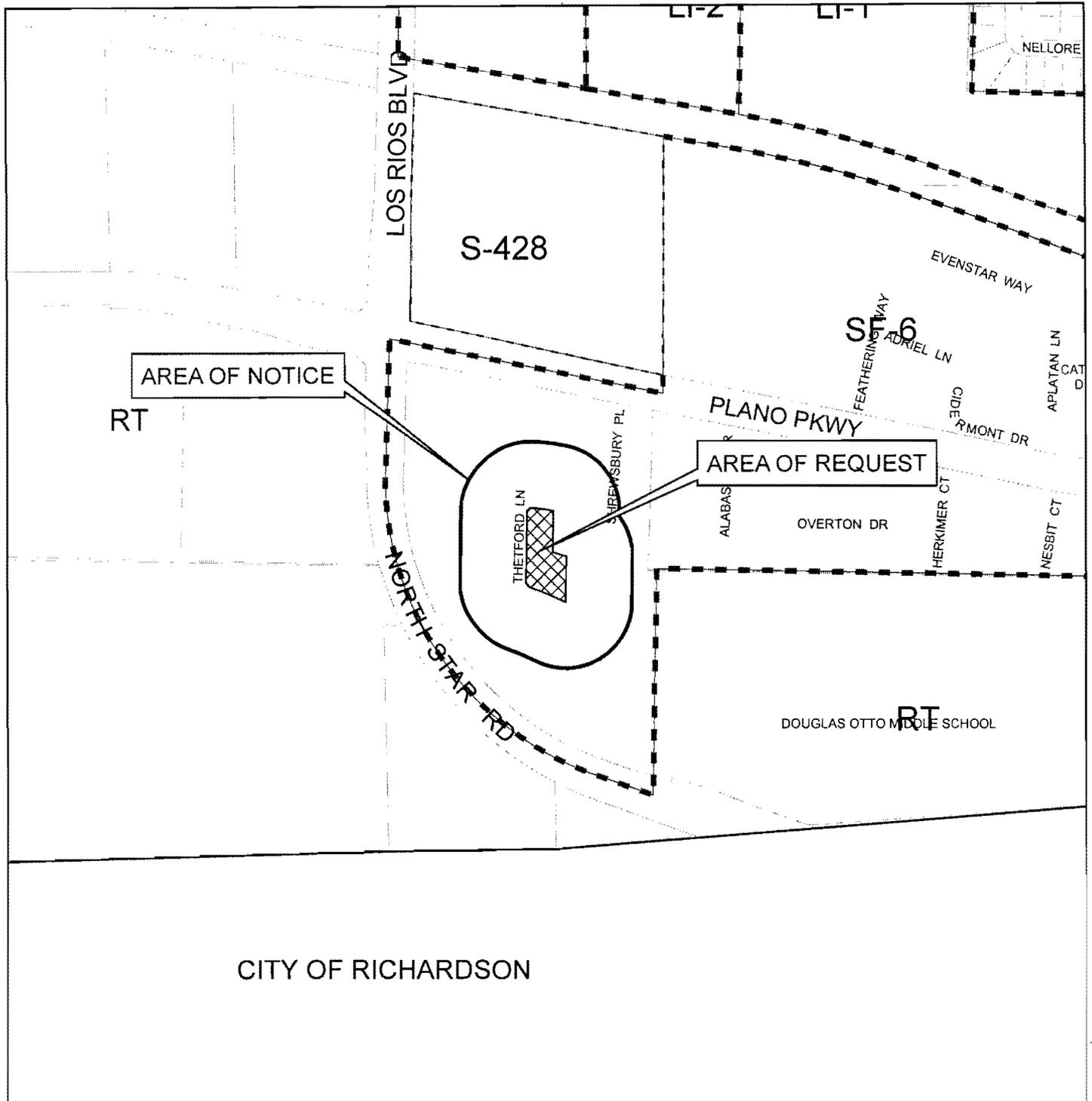
THENCE North, 01° 05' 01" East, a distance of 217.11 feet to a point for a corner;

THENCE North, 46° 09' 40" East, a distance of 14.12 feet to a point for a corner at the beginning of a curve to the right, having a radius of 375.00 feet, a central angle of 10° 49' 43", and a chord bearing and distance of South, 82° 46' 29" East, 70.77 feet;

THENCE with said curve to the right an arc distance of 70.87 feet to a point for a corner;

THENCE South, 01° 02' 57" West, a distance of 125.00 feet to a point for a corner;

THENCE South, 72° 59' 08" East, a distance of 43.66 feet to the POINT OF BEGINNING and CONTAINING 0.59 acres of land, more or less.

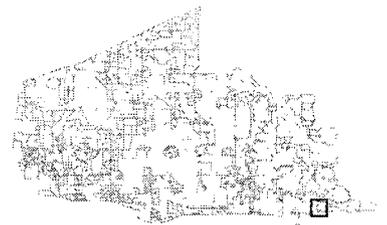


CITY OF RICHARDSON



Zoning Case #: 2013-30

Existing Zoning: SINGLE-FAMILY RESIDENCE-6

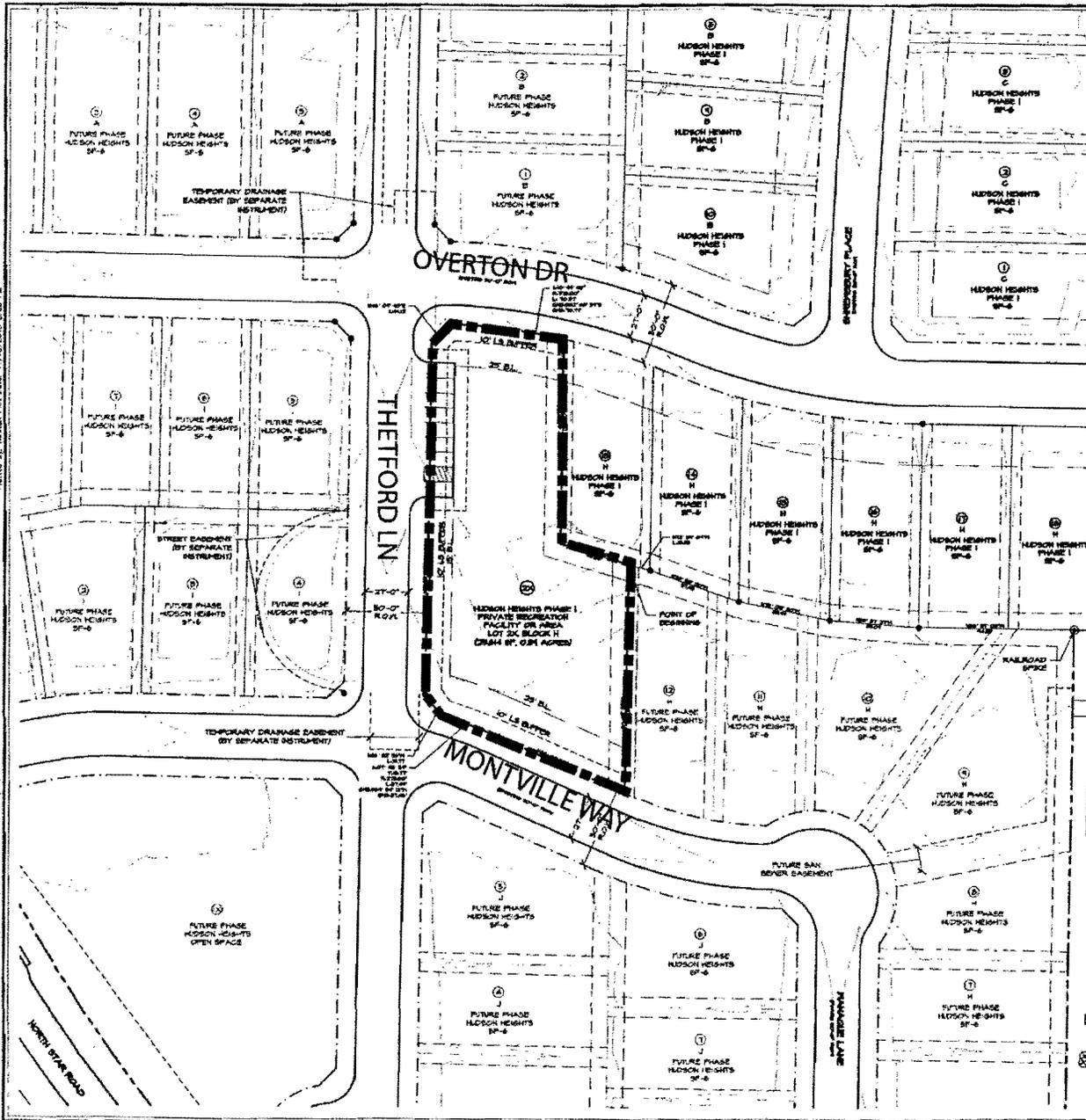


○ 200' Notification Buffer



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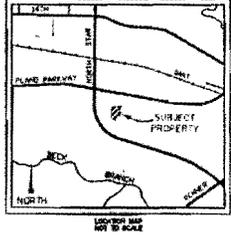
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LEGEND



VICINITY MAP



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 PROPOSED USE: PRIVATE RECREATION FACILITY OR AREA
 LOT AREA: 25,814 S.F. OR .589 ACRES

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NOV 14 2013

PLANNING DEPT.

OWNERS:
 LERNER HOMES OF TEXAS LAND
 CONSTRUCTION, L.T.C.
 1707 MARKETPLACE BLVD
 SUITE 250
 PLANO, TEXAS 75093
 CONTACT: DAVID REEVES

ENGINEER:
 DOWDY, ANDERSON & ASSOC., INC.
 5225 VILLAGE CREEK DR
 SUITE 200
 PLANO, TEXAS 75093
 (972) 931-0694
 CONTACT: CASEY ROSS

ZONING EXHIBIT
HUDSON HEIGHTS, PH. 1
PRIVATE RECREATION
FACILITY OR AREA
Lot 2X, Block H

0.588 ACRES SITUATED IN THE
 J.T. MCCULLOUGH SURVEY,
 ABSTRACT NO. 633

CITY OF PLANO,
 COLLIN COUNTY, TEXAS