

**DATE:** November 20, 2012  
**TO:** Honorable Mayor & City Council  
**FROM:** Chris Caso, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of November 19, 2012

**AGENDA ITEM NO. 9A - PUBLIC HEARING  
ZONING CASE 2012-50  
APPLICANT: OWEN HAGGARD & ACRES OF SUNSHINE, LTD.**

Request to rezone 37.4± acres from Regional Employment to Commercial Employment with Specific Use Permit for New Car Dealer located on the west side of the Dallas North Tollway, 1,200± feet south of Spring Creek Parkway. Zoned Regional Employment.

**APPROVED:** 6-2 **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. The Commissioners voting in opposition to the motion did not cite any reasons for their opposition.

**FOR CITY COUNCIL MEETING OF:** December 10, 2012 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

EH/dc

xc: Owen Haggard  
Rutledge Haggard, Acres of Sunshine, Ltd.  
Bennet Ratliff, The Ratliff Group, LLC.  
Cliff Bormann, Permit Services Manager

CITY OF PLANO  
PLANNING & ZONING COMMISSION

November 19, 2012

**Agenda Item No. 9A**

**Public Hearing:** Zoning Case 2012-50

**Applicant:** Owen Haggard & Acres of Sunshine, Ltd.

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**DESCRIPTION:**

Request to rezone 37.4± acres **from** Regional Employment **to** Commercial Employment with Specific Use Permit for New Car Dealer located on the west side of the Dallas North Tollway, 1,200± feet south of Spring Creek Parkway. Zoned Regional Employment.

**REMARKS:**

The applicant is requesting to rezone 37.4± acres from Regional Employment to Commercial Employment with Specific Use Permit for New Car Dealer located on the west side of the Dallas North Tollway, 1,200± feet south of Spring Creek Parkway. The subject property is currently partially developed as a farm with a single-family residence.

The current zoning is Regional Employment (RE). The RE district is intended to provide for office and limited manufacturing uses that are consistent with the regional status of certain tollways and expressways serving Plano and surrounding communities. Some retail uses are also appropriate when developed in conjunction with the primary uses. The district's standards are designed to ensure compatibility between the various uses within a corridor and surrounding residential neighborhoods.

The requested zoning is Commercial Employment (CE). The CE district is intended to provide the flexibility for an integrated development that may include retail, office, commercial, light manufacturing, and multifamily residences. The major focus of the CE district is to be corporate headquarters and research facilities arranged in a campus-like setting.

The requested zoning is also for a Specific Use Permit (SUP) for New Car Dealer. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district, which could benefit in a particular case the general welfare, provided that adequate development standards and safeguards are established. The Zoning

Ordinance defines new car dealer as retail sales and/or leasing of new automobiles or light load vehicles, including, as a minor part of the business, the sales and/or leasing of used automobiles or light load vehicles.

A preliminary site plan/concept plan, Ewing Auto Addition, Block 1, Lots 1 - 4 accompanies this request.

### **Surrounding Land Use and Zoning**

To the west of the subject property the land is zoned RE and is partially developed as a farm with a single-family residence. To the north, properties are zoned RE and CE with SUP #615 for New Car Dealer. A new car dealer is currently under construction immediately to the north of the subject property. To the east, across the Dallas North Tollway, the property is zoned RE and is undeveloped. The properties to the south are zoned RE with SUP #586 and #606 for Electrical Substation and are developed as substations.

### **Conformance to the Comprehensive Plan**

**Future Land Use Plan** - The Future Land Use Plan designates this property as Major Corridor Development. This request is generally consistent with this designation.

**Economic Development Element** - The Economic Development Element of the Comprehensive Plan provides a general guide for decision makers regarding Plano's future economic growth. The long range land use recommendations in this element indicate that the corridor should be preserved for future economic development opportunities. The requested CE zoning is consistent with recommendations in this element of the Comprehensive Plan given that this district allows some uses that support the Comprehensive Plan recommendation (i.e. office uses). However, the CE district also allows for a wider range of uses than the existing RE zoning.

**Land Use Element** - On April 23, 2012, the City Council adopted amendments to the Land Use Element of the Comprehensive Plan to include new revised policies pertaining to the use of undeveloped land. These amendments affirmed the city's position to reserve land along the Dallas North Tollway for economic development and employment uses. The tollway, as a major regional corridor and the main entrance to the Legacy Business Park, continues to be in demand for office and other high density employment development; therefore, large parcels of undeveloped land within this corridor should be reserved for these uses.

**Rezoning to Meet Demand** - This comprehensive planning policy provides guidance when considering requests to rezone properties. One area of focus is to ensure land use compatibility by grouping complimentary land use activities and creating transitions between conflicting activities. The requested CE zoning would allow a much wider range of uses than the RE district, including moderate-intensity manufacturing, retail uses, mini-warehouse/public storage, and warehouse/distribution center. CE also allows for new car dealer uses with a specific use permit.

The intensity and character of uses allowed within the CE district may not be appropriate within this section of the Dallas North Tollway. When the Dallas North Tollway corridor was rezoned to the RE and Regional Commercial (RC) districts (formerly Tollway Employment and Tollway Commercial), it was done to provide consistent zoning along the corridor and increase building setbacks and landscaping where adjacent to residences. It is possible that the impact associated with the more intense uses permitted in the CE district may be mitigated by the proposal to retain RE zoning on the narrower properties between the subject property and Communications Parkway (adjacent to the residential development).

A significant amount of undeveloped land remains in the CE district north and east of Spring Creek Parkway, south of State Highway 121, and west of Preston Road. This land provides opportunities for uses such as new car dealers to develop.

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

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

### **SUP Request**

In addition to the requested CE zoning, the applicant is requesting approval of an SUP for New Car Dealer. The proposed site for the new car dealer would have frontage on the Dallas North Tollway with access to Communications Parkway to the west. The site is bounded by a new car dealer under construction to the north, as well as electrical substations to the south. It is possible that the remaining RE property to the west could serve as a buffer between this use and the existing residential neighborhoods on the west side of Communications Parkway.

If the Planning & Zoning Commission determines CE to be an appropriate zoning designation for this property, staff recommends that they also consider the concurrent request for an SUP for New Car Dealer.

The Commission and City Council need to consider whether new car dealer uses are the highest and best use of land within the city's expressway corridors. Land along expressway corridors is very desirable for higher density employment development uses given the convenient access and visibility offered within these corridors. Additionally, preservation of land for the future development opportunities is important for a city's long term economic vitality to not impair our ability to attract high density employment uses that desire expressway frontage, such as along the Dallas North Tollway. Employers continue to locate along the Dallas North Tollway corridor as evidenced by the existing mid-rise development near Park Boulevard, and northward in Frisco. Additionally, the nearby electrical substations to the south also provide the needed infrastructure desired by some uses such as data centers.

Furthermore, car dealer sites can be difficult to reuse and/or redevelopment in the future as evidenced by former sites in other nearby cities. There are limited uses that can occupy a former car dealer site and that require large expansive parking areas.

However, if car dealer uses continue to be allowed within the Dallas North Tollway corridor, consideration should be given towards amending the RE and RC districts to allow the use with a specific use permit, in lieu of continuing to rezone property to CE in order to accommodate a single use.

### **Surrounding Zoning Districts**

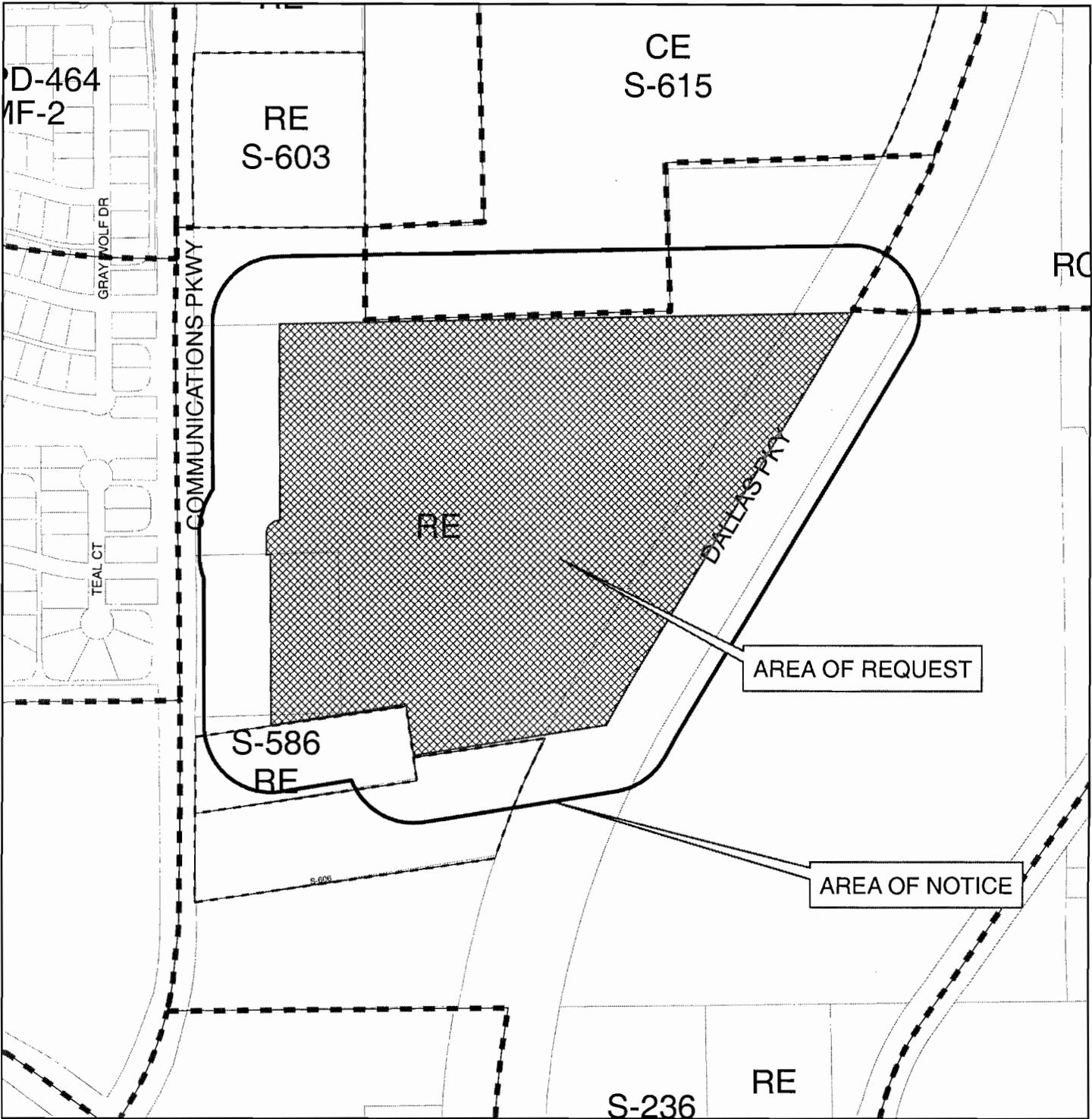
Currently, the RE zoning on the subject property is contiguous with existing RE zoning on properties to the west, adjacent to Communications Parkway, and to the north, adjacent to the Dallas North Tollway. If the subject property were rezoned to CE, the property to the north adjacent to the Dallas North Tollway would be an individually zoned RE site. It has not been the city's policy to create inconsistently zoned parcels. Staff is concerned that the wide range of allowed uses within CE would create land use inconsistencies between these properties.

### **Summary**

The applicant is requesting to rezone 37.4± acres from Regional Employment to Commercial Employment with Specific Use Permit for New Car Dealer located on the west side of the Dallas North Tollway, 1,200± feet south of Spring Creek Parkway. The requested CE zoning allows a much wider range of uses than the RE district. Furthermore, there is extensive undeveloped land within the city already zoned CE as well as other zoning districts that allow for new car dealer as a permitted use with an SUP. It is not appropriate to rezone land to allow for one additional use. Additionally, earlier this year, the City Council affirmed the city's land use policies to reserve large parcels of undeveloped land along the Dallas North Tollway for economic development and employment uses. Therefore, staff recommends denial of the proposed zoning request.

### **RECOMMENDATION:**

Recommended for denial.



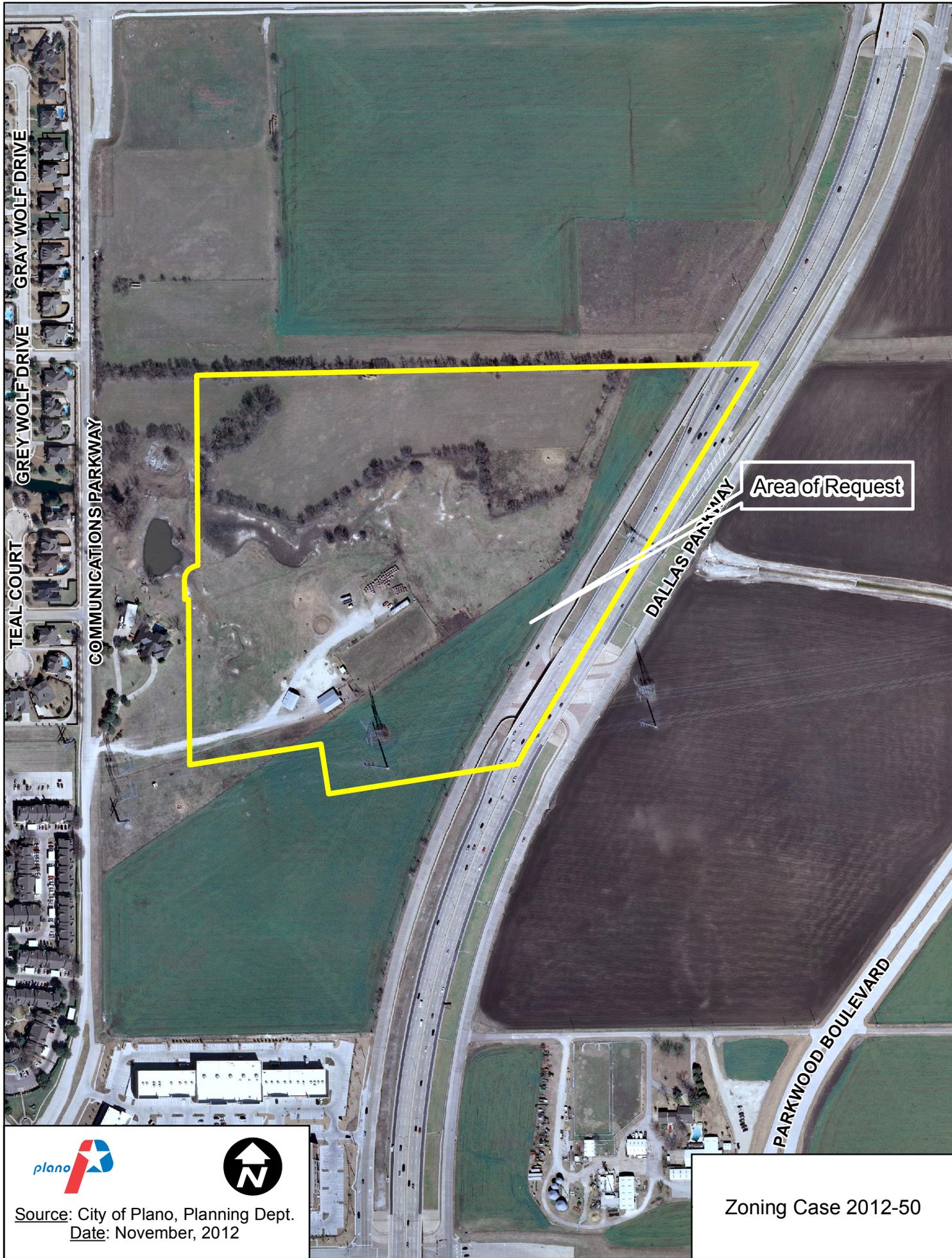
Zoning Case #: 2012-50

Existing Zoning: REGIONAL EMPLOYMENT/  
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer



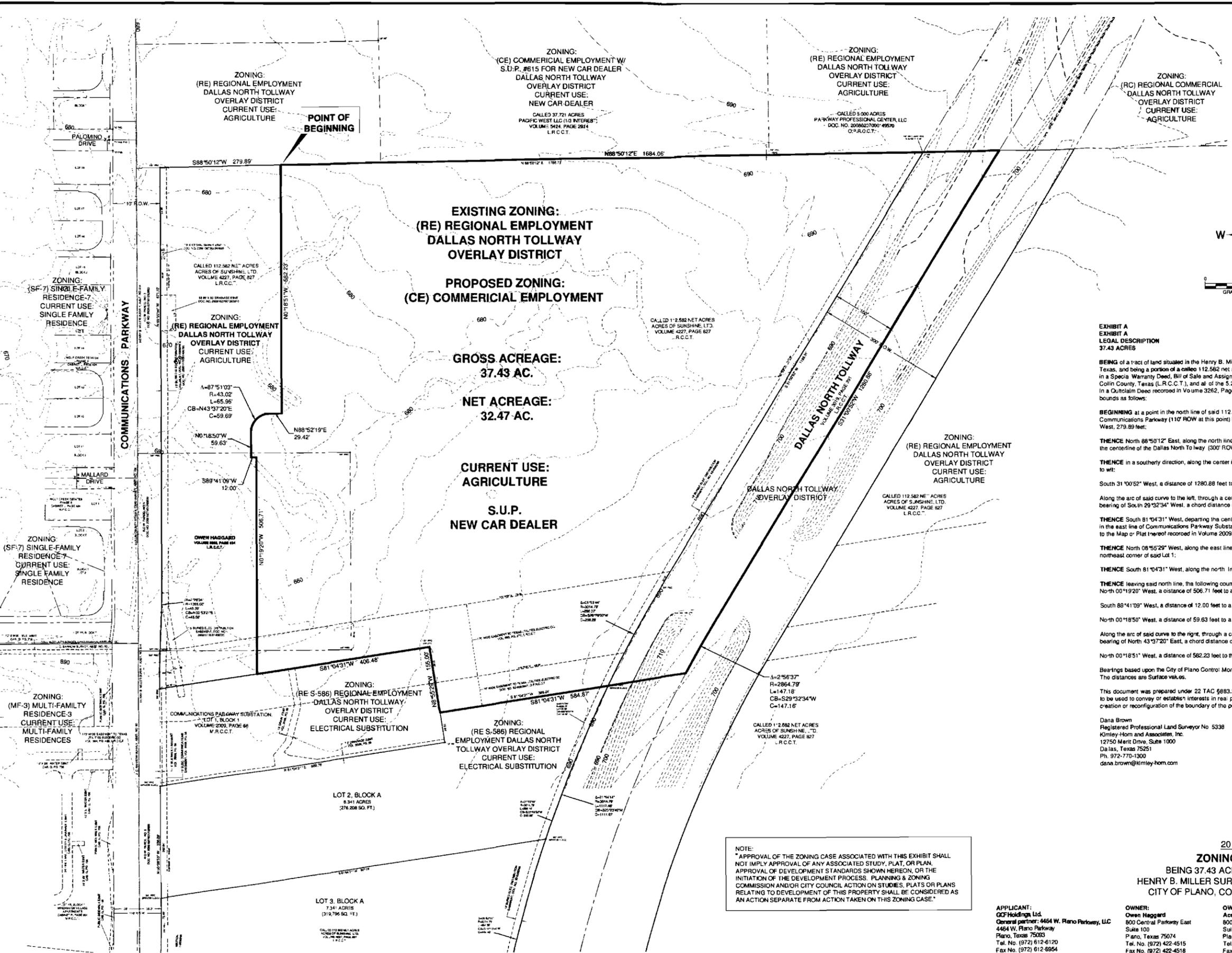


Source: City of Plano, Planning Dept.  
Date: November, 2012

Zoning Case 2012-50



VICINITY MAP (NOT TO SCALE)



EXISTING ZONING: (RE) REGIONAL EMPLOYMENT DALLAS NORTH TOLLWAY OVERLAY DISTRICT
PROPOSED ZONING: (CE) COMMERCIAL EMPLOYMENT

GROSS ACREAGE: 37.43 AC.

NET ACREAGE: 32.47 AC.

CURRENT USE: AGRICULTURE

S.U.P. NEW CAR DEALER

EXHIBIT A LEGAL DESCRIPTION 37.43 ACRES

BEING a tract of land situated in the Henry B. Miller Survey, Abstract No. 814, in the City of Plano, Collin County, Texas, and being a portion of a called 112,582 net acre tract of land conveyed to Acres of Sunshine, Ltd., as evidenced in a Special Warranty Deed, Bill of Sale and Assignment recorded in Volume 4227, Page 0627 of the Land Records of Collin County, Texas (L.R.C.C.T.), and all of the 5.25 acre tract of land described in deed to Owen Haggard as evidenced in a Quitclaim Deed recorded in Volume 3262, Page 624, L.R.C.C.T. and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the north line of said 112,582 acre tract from which a point in the east right of way line of Communications Parkway (110' ROW at this point) bears South 88°50'12" West, 279.89 feet;
THENCE North 88°50'12" East, along the north line of said 112,582 net acre tract, a distance of 1684.06 feet to a point in the centerline of the Dallas North Tollway (300' ROW);
THENCE in a southerly direction, along the center line of said Dallas North Tollway, the following courses and distances to wit:
South 31°00'52" West, a distance of 1280.88 feet to a point for the point of curvature of a curve to the left;
Along the arc of said curve to the left, through a central angle of 2°56'37", having a radius of 2864.79 feet, a chord bearing of South 29°32'34" West, a chord distance of 147.16 feet and an arc length of 147.18 feet;
THENCE South 81°04'31" West, departing the centerline of said Dallas North Tollway, a distance of 584.87 feet to a point in the east line of Communications Parkway Substation, Lot 1, Block 1, an Addition to the City of Plano, Texas, according to the Map or Plat thereof recorded in Volume 2009, Page 56, M.R.C.C.T.;
THENCE North 08°55'29" West, along the east line of said Lot 1, Block 1, a distance of 155.00 feet to a point for the northeast corner of said Lot 1;
THENCE South 81°04'31" West, along the north line of said Lot 1, Block 1, a distance of 406.48 feet to a corner;
THENCE leaving said north line, the following courses and distances to wit:
North 00°19'20" West, a distance of 506.71 feet to a point for corner;
South 88°41'09" West, a distance of 12.00 feet to a point for corner;
North 00°18'50" West, a distance of 59.63 feet to a point for the point of curvature of a curve to the right;
Along the arc of said curve to the right, through a central angle of 87°51'03", having a radius of 43.02 feet, a chord bearing of North 43°17'20" East, a chord distance of 59.63 feet and an arc length of 65.95 feet to point for corner;
North 00°18'51" West, a distance of 582.23 feet to the POINT OF BEGINNING and containing 37.43 acres of land.

Bearings based upon the City of Plano Control Monuments, Station 820 and Station DB. The bearings are Grid bearings. The distances are Surface values.
This document was prepared under 22 TAC §683.21, 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.

Dana Brown
Registered Professional Land Surveyor No. 5338
Kimley-Horn and Associates, Inc.
12750 Merit Drive, Suite 1000
Dallas, Texas 75251
Ph. 972-770-1300
dana.brown@kimley-horn.com

NOTE:
\*APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAT, OR PLAN, APPROVAL OF DEVELOPMENT 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.\*

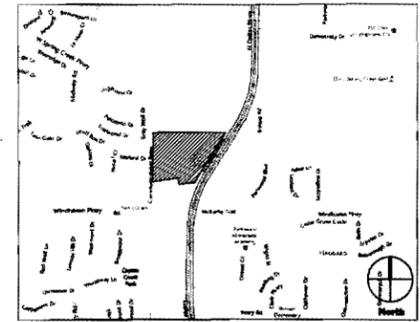
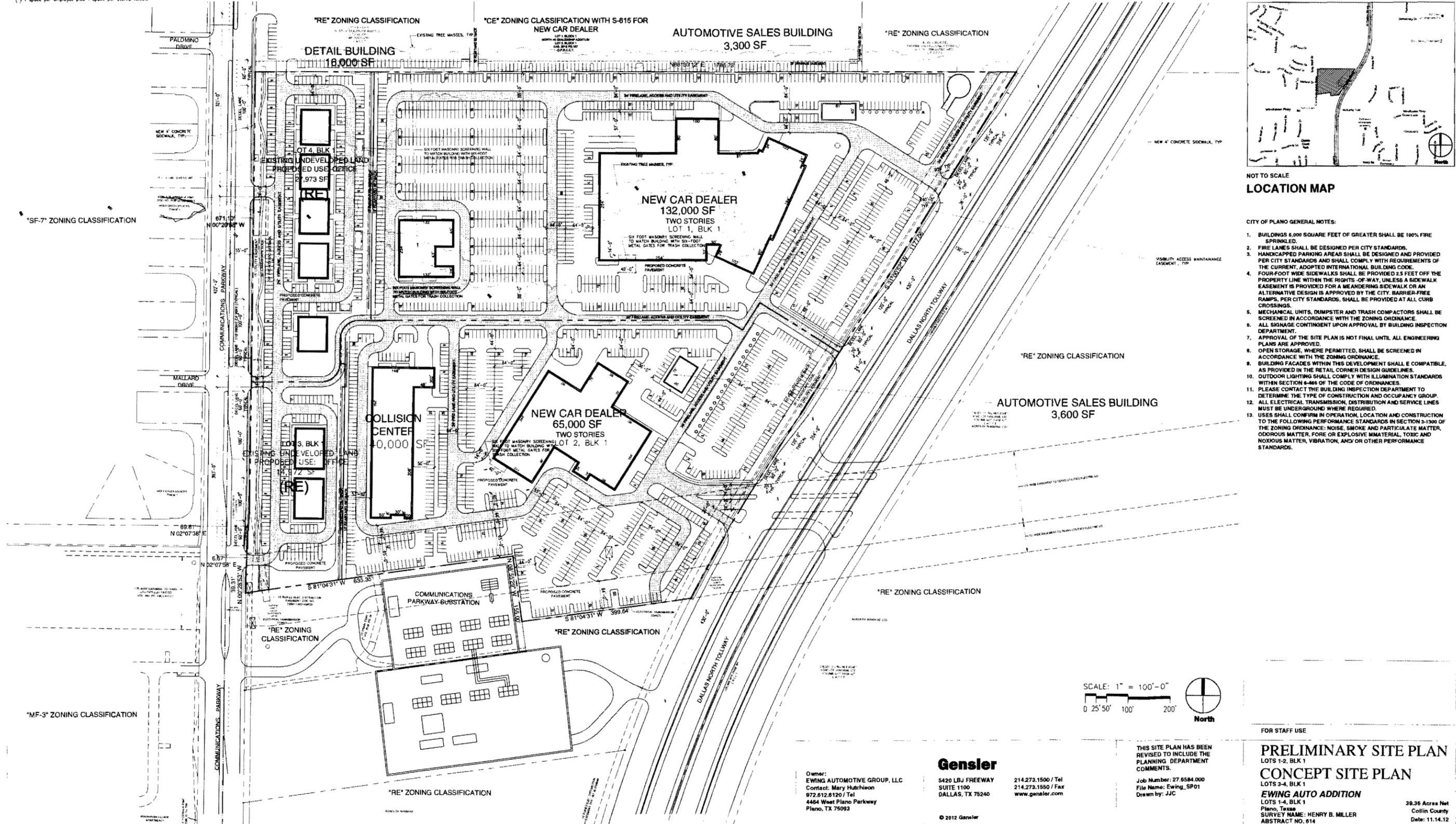
2012-50
ZONING EXHIBIT
BEING 37.43 ACRES SITUATED IN
HENRY B. MILLER SURVEY ABSTRACT NO. 614
CITY OF PLANO, COLLIN COUNTY, TEXAS

APPLICANT: GCF Holdings Ltd. General partner: 4464 W. Plano Parkway, LLC
OWNER: Owen Haggard
OWNER: Acres of Sunshine, Ltd.
SURVEYOR: Kimley-Horn and Associates, Inc.

ITEM	Lot #1	Lot #2	Lot #3	Lot #4	Total for All Lots
General Site Data					
Zoning (from Zoning Map)	CE / DNT00	CE / DNT00	RE / DNT00	RE / DNT00	CE & RE / DNT00
Land Use (from Zoning Ordinance)	NEW CAR DEALER	NEW CAR DEALER	GENERAL OFFICE	GENERAL OFFICE	
Lot Area (square feet & acres)	776,649 (17.87)	634,820 (14.57)	107,559 (2.47)	193,383 (4.44)	1,714,411 (39.36)
Building Footprint Area (square feet)	141,801	102,651	13,574	29,430	285,999
Total Building Area (square feet)	151,300	108,600	27,148	58,860	345,908
Building Height (# stories)	2 Stories	2 Stories	2 Story	2 Story	2 Stories
Building Height (feet - distance to tallest building element)	38 ft	38 ft	38 ft	38 ft	38 ft
Lot Coverage (percent - x.xx)	18.7%	16.2%	12.6%	15.2%	18.7%
Floor Area Ratio (ratio - x.xx:1)	0.19:1	0.17:1	0.23:1	0.30:1	0.20:1
Parking					
Parking Ratio (from Zoning Ordinance)	(1)	(1)	1 per 300 sf	1 per 300 sf	
Required Parking (# spaces)	1,107	841	90	197	
Provided Parking (# spaces)	1,107	841	94	216	
Accessible Parking Required (# spaces)	21	16	4	7	
Accessible Parking Provided (# spaces)	21	16	4	10	
Parking in Excess of 110% of Required Parking (# spaces)	0	0	0	0	

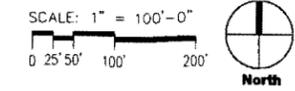
ITEM	Lot #1	Lot #2	Lot #3	Lot #4	Total for All Lots
Landscape Area (Including Turf Areas)					
Landscape Edge Area Provided (square feet)	25,882	21,126	18,042	25,882	90,932
Required Interior Landscape Area (parking lot landscaping) (square feet)	8,856	6,648	752	1,728	17,984
Additional Interior Landscape Area provided (square feet)	42,755	59,002	21,204	37,287	159,810
Other Landscape Area within the lot including Storm Water Conservation Areas (square feet)	0	0	0	0	0
Total Landscape Area (square feet)	77,023	86,776	39,998	64,897	268,694
Permeable Area (not including Landscaping or Turf Areas)					
Permeable Pavement (square feet)	0	0	0	0	0
Other Permeable Area within the lot not including landscaping or turf areas (square feet)	0	0	0	0	0
Total Permeable Area (square feet)	0	0	0	0	0
Impervious Area					
Building Footprint Area (square feet)	141,801	102,651	13,574	29,430	285,999
Area of Sidewalks, Pavement & other Impervious Flatwork (square feet)	48,001	26,002	4,020	13,116	141,801
Other Impervious Area	513,824	419,391	49,967	87,387	1,010,569
Total Impervious Area (square feet)	701,626	548,044	67,561	128,486	1,445,717

ITEM	Lot #1	Lot #2	Lot #3	Lot #4	Total for All Lots
Sum of Total Landscape Area + Total Permeable Area + Total Impervious Area (square feet) Note: Sum must equal Lot Area	776,649	634,820	107,559	193,383	1,714,411
Total Impervious Area	701,626	548,044	67,561	128,486	1,445,717
Less BMP Impervious Area Credit	0	0	0	0	0
Becomes Impervious Area	701,626	548,044	67,561	128,486	1,445,717



NOT TO SCALE  
LOCATION MAP

- CITY OF PLANO GENERAL NOTES:
- BUILDINGS 6,000 SQUARE FEET OF GREATER SHALL BE 100% FIRE SPRINKLED.
  - FIRE LANES SHALL BE DESIGNED 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 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 AT ALL CURB CROSSINGS.
  - MECHANICAL UNITS, DUMPSTER 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 6-466 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 CONFIRM IN OPERATION, LOCATION AND CONSTRUCTION TO THE FOLLOWING PERFORMANCE STANDARDS IN SECTION 3-1300 OF THE ZONING ORDINANCE: NOISE, SMOKE AND PARTICULATE MATTER, ODOROUS MATTER, FOIE OR EXPLOSIVE MATERIAL, TOXIC AND NOXIOUS MATTER, VIBRATION, AND/OR OTHER PERFORMANCE STANDARDS.



Owner: EWING AUTOMOTIVE GROUP, LLC  
 Contact: Mary Hutchison  
 972.612.8120 / Tel  
 4464 West Plano Parkway  
 Plano, TX 75093

5420 LBJ FREEWAY  
 SUITE 1100  
 DALLAS, TX 75240

214.273.1500 / Tel  
 214.273.1550 / Fax  
 www.gensler.com

Job Number: 27 6584.000  
 File Name: Ewing\_SP01  
 Drawn by: JJC

© 2012 Gensler

FOR STAFF USE

**PRELIMINARY SITE PLAN**  
 LOTS 1-2, BLK 1  
**CONCEPT SITE PLAN**  
 LOTS 3-4, BLK 1  
**EWING AUTO ADDITION**  
 LOTS 1-4, BLK 1  
 Plano, Texas  
 SURVEY NAME: HENRY B. MILLER  
 ABSTRACT NO. 614

38.36 Acres Net  
 Collin County  
 Date: 11.14.12

## Zoning Case 2012-50

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 37.4± acres of land out of the Henry B. Miller Survey, Abstract No. 614, located on the west side of the Dallas North Tollway, 1,200± feet south of Spring Creek Parkway in the City of Plano, Collin County, Texas, from Regional Employment to Commercial Employment; with Specific Use Permit No. 633 so as to allow the additional use of New Car Dealer; 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 10th day of December, 2012, for the purpose of considering rezoning 37.4± acres of land out of the Henry B. Miller Survey, Abstract No. 614, located on the west side of the Dallas North Tollway, 1,200± feet south of Spring Creek Parkway in the City of Plano, Collin County, Texas, from Regional Employment to Commercial Employment; with Specific Use Permit No. 633 so as to allow the additional use of New Car Dealer; 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 10th day of December, 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 37.4± acres of land out of the Henry B. Miller Survey, Abstract No. 614, located on the west side of the Dallas North Tollway, 1,200± feet south of Spring Creek Parkway in the City of Plano, Collin County, Texas, from Regional Employment to Commercial Employment; with Specific Use Permit No. 633 so as to allow the additional use of New Car Dealer, 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 10TH DAY OF DECEMBER, 2012.**

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY

## ZONING CASE 2012-50

BEING of a tract of land situated in the Henry B. Miller Survey, Abstract No. 614, in the City of Plano, Collin County, Texas, and being a portion of a called 112.582 net acre tract of land conveyed to Acres of Sunshine, Ltd., as evidenced in a Special Warranty Deed, Bill of Sale and Assignment recorded in Volume 4227, Page 0827 of the Land Records of Collin County, Texas (L.R.C.C.T.) and all of the 5.25 acre tract of land described in deed to Owen Haggard as evidenced in a Quitclaim Deed recorded in Volume 3262, Page 624, L.R.C.C.T. and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the north line of said 112.582 acre tract from which a point in the east right-of-way line of Communications Parkway (110-foot right-of-way at this point) bears South, 88° 50' 12" West, 279.89 feet;

THENCE North, 88° 50' 12" East, along the north line of said 112.582 net acre tract, a distance of 1,684.06 feet to a point in the centerline of the Dallas North Tollway (300-foot right-of-way);

THENCE in a southerly direction along the centerline of said Dallas North Tollway, the following courses and distances to wit:

South, 31° 00' 52" West, a distance of 1,280.88 feet to a point for the point of curvature of a curve to the left;

Along the arc of said curve to the left, through a central angle of 02° 56' 37", having a radius of 2,864.79 feet, a chord being of South, 29° 32' 34" West, a chord distance of 147.16 feet and an arc length of 147.18 feet;

THENCE South, 81° 04' 31" West, departing the centerline said Dallas North Tollway, a distance of 584.87 feet to a point in the east line of Communications Parkway Substation, Lot 1, Block 1, an Addition to the City of Plano, Texas, according to the Map or Plat thereof recorded in Volume 2009, Page 56, M.R.C.C.T.;

THENCE North, 08° 55' 29" West, along the east line of said Lot 1, Block 1, a distance of 155.00 feet to a point for the northeast corner of said Lot 1;

THENCE South, 81° 04' 31" West, along the north line of said Lot 1, Block 1, a distance of 406.48 feet to a point for corner;

THENCE leaving said north line, the following courses and distances to wit:

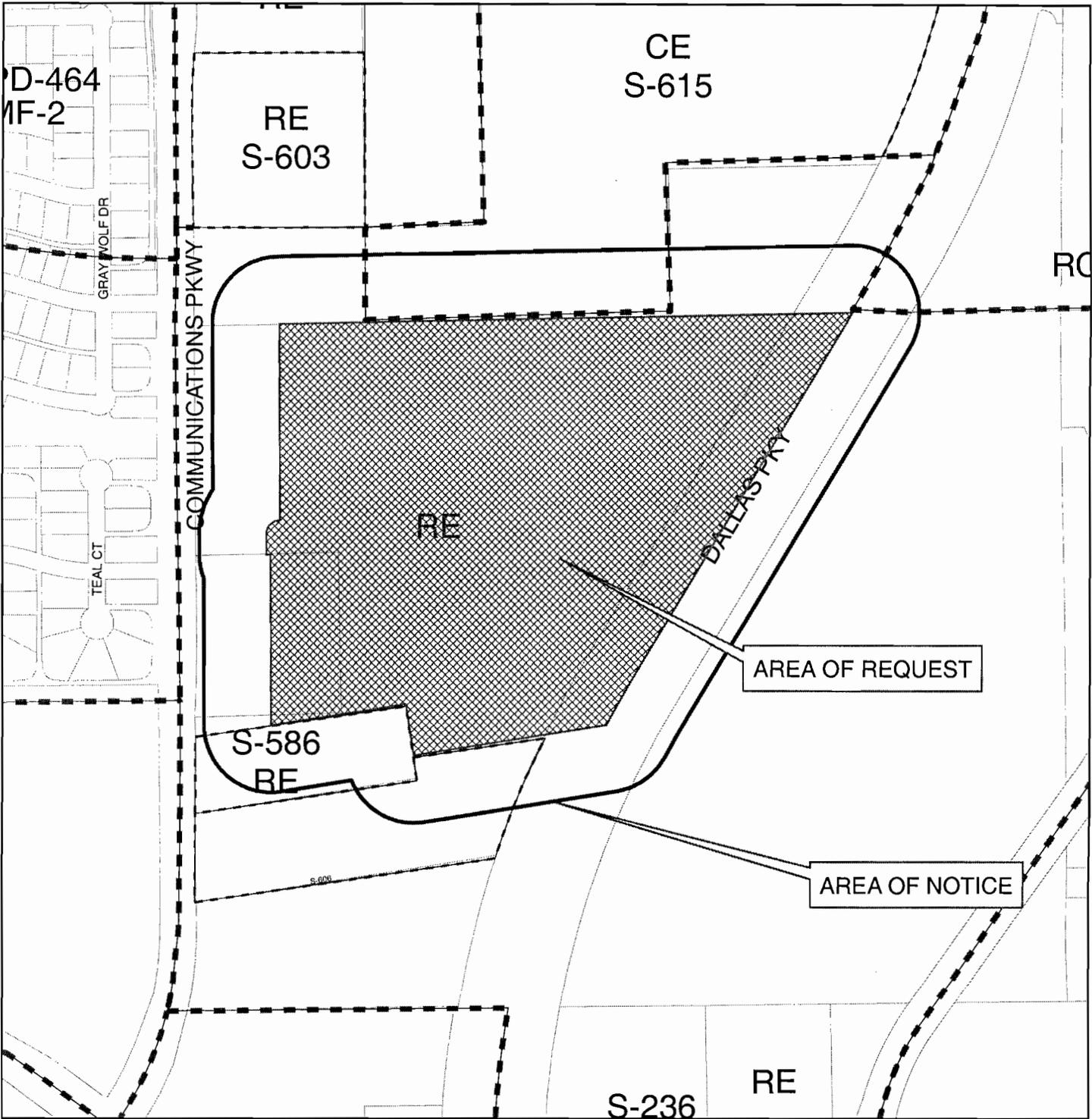
North, 00° 19' 20" West, a distance of 506.71 feet to a point for corner;

South,  $89^{\circ} 41' 09''$  West, a distance of 12.00 feet to a point for corner;

North,  $00^{\circ} 18' 50''$  West, a distance of 59.63 feet to a point the point of curvature of a curve to the right;

Along the arc of said curve to the right, through a central angle of  $87^{\circ} 51' 03''$ , having a radius of 43.02 feet, a chord bearing of North,  $43^{\circ} 37' 20''$  East, a chord distance of 59.69 feet and an arc length of 65.96 feet to a point for corner;

North,  $00^{\circ} 18' 51''$  West, a distance of 582.23 feet to the POINT OF BEGINNING and CONTAINING 37.43 acres of land.



Zoning Case #: 2012-50

Existing Zoning: REGIONAL EMPLOYMENT/  
DALLAS NORTH TOLLWAY OVERLAY DISTRICT

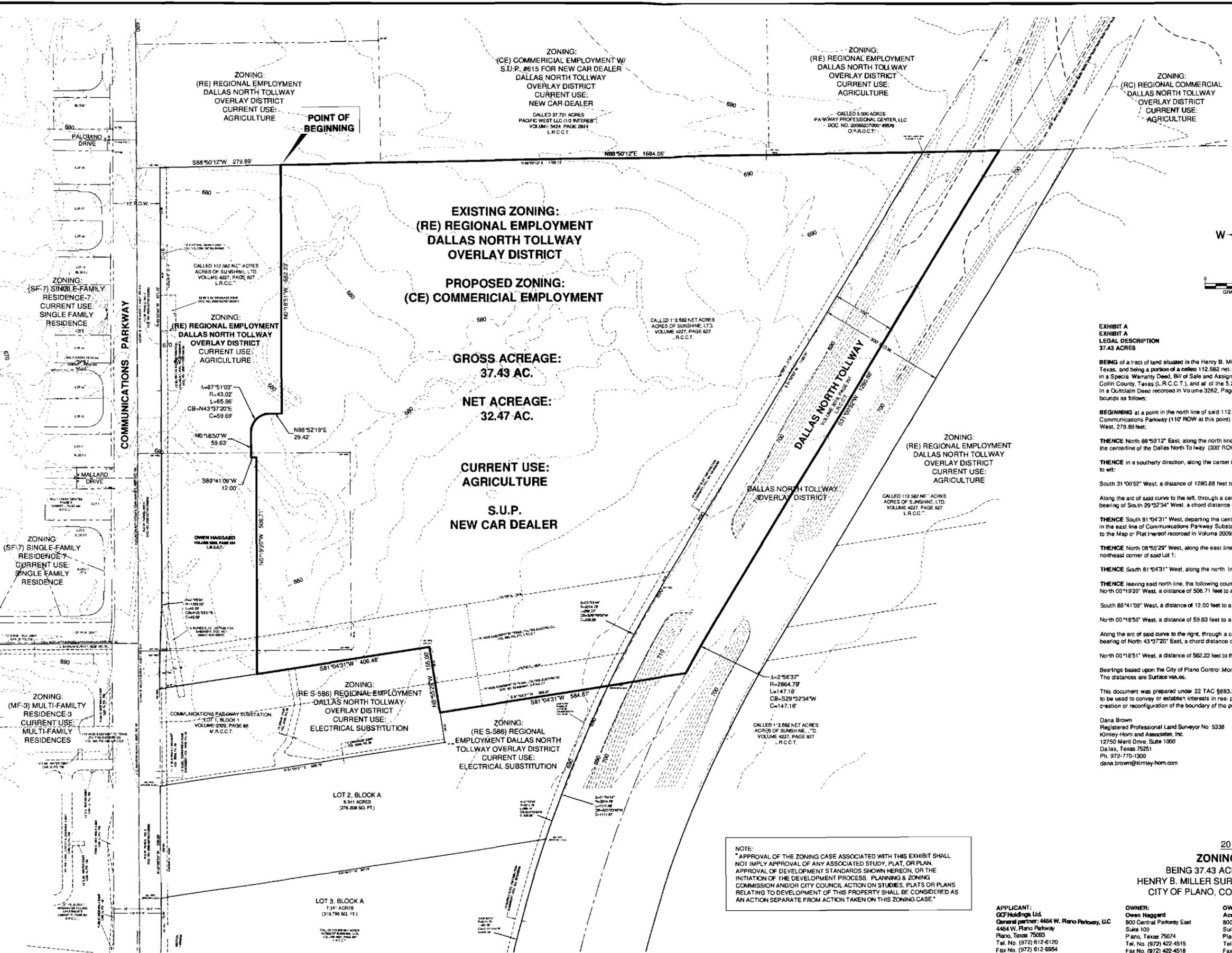


○ 200' Notification Buffer





VICINITY MAP (NOT TO SCALE)



ZONING: (RE) REGIONAL EMPLOYMENT DALLAS NORTH TOLLWAY OVERLAY DISTRICT CURRENT USE: AGRICULTURE

ZONING: (CE) COMMERCIAL EMPLOYMENT W/ S.U.P. #615 FOR NEW CAR DEALER DALLAS NORTH TOLLWAY OVERLAY DISTRICT CURRENT USE: NEW CAR DEALER

ZONING: (RE) REGIONAL EMPLOYMENT DALLAS NORTH TOLLWAY OVERLAY DISTRICT CURRENT USE: AGRICULTURE

ZONING: (RC) REGIONAL COMMERCIAL DALLAS NORTH TOLLWAY OVERLAY DISTRICT CURRENT USE: AGRICULTURE

EXISTING ZONING: (RE) REGIONAL EMPLOYMENT DALLAS NORTH TOLLWAY OVERLAY DISTRICT

PROPOSED ZONING: (CE) COMMERCIAL EMPLOYMENT

GROSS ACREAGE: 37.43 AC.

NET ACREAGE: 32.47 AC.

CURRENT USE: AGRICULTURE

S.U.P. NEW CAR DEALER

EXHIBIT A LEGAL DESCRIPTION 37.43 ACRES

BEING a tract of land situated in the Henry B. Miller Survey, Abstract No. 614, in the City of Plano, Collin County, Texas, and being a portion of a called 112.582 net acre tract of land conveyed to Acres of Sunshine, Ltd., as evidenced in a Special Warranty Deed, Bill of Sale and Assignment recorded in Volume 4227, Page 0627 of the Land Records of Collin County, Texas (L.R.C.C.T.), and all of the 5.25 acre tract of land described in deed to Owen Haggard as evidenced in a Quitclaim Deed recorded in Volume 3262, Page 624, L.R.C.C.T. and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the north line of said 112.582 acre tract from which a point in the east right of way line of Communications Parkway (110' ROW at this point) bears South 88°50'12" West, 279.89 feet;

THENCE North 88°50'12" East, along the north line of said 112.582 net acre tract, a distance of 1684.06 feet to a point in the centerline of the Dallas North Tollway (300' ROW);

THENCE in a southerly direction, along the center line of said Dallas North Tollway, the following courses and distances to wit:

South 31°00'52" West, a distance of 1280.88 feet to a point for the point of curvature of a curve to the left;

Along the arc of said curve to the left, through a central angle of 2°56'37", having a radius of 2864.79 feet, a chord bearing of South 29°32'34" West, a chord distance of 147.16 feet and an arc length of 147.18 feet;

THENCE South 81°04'31" West, departing the centerline of said Dallas North Tollway, a distance of 584.87 feet to a point in the east line of Communications Parkway Substation, Lot 1, Block 1, an Addition to the City of Plano, Texas, according to the Map or Plat thereof recorded in Volume 2009, Page 56, M.R.C.C.T.;

THENCE North 08°55'29" West, along the east line of said Lot 1, Block 1, a distance of 155.00 feet to a point for the northeast corner of said Lot 1;

THENCE South 81°04'31" West, along the north line of said Lot 1, Block 1, a distance of 406.48 feet to a corner;

THENCE leaving said north line, the following courses and distances to wit:

North 00°19'20" West, a distance of 506.71 feet to a point for corner;

South 88°41'09" West, a distance of 12.00 feet to a point for corner;

North 00°18'50" West, a distance of 59.63 feet to a point for the point of curvature of a curve to the right;

Along the arc of said curve to the right, through a central angle of 87°51'03", having a radius of 43.02 feet, a chord bearing of North 43°17'20" East, a chord distance of 59.63 feet and an arc length of 65.95 feet to point for corner;

North 00°18'51" West, a distance of 582.23 feet to the POINT OF BEGINNING and containing 37.43 acres of land.

Bearings based upon the City of Plano Control Monuments, Station 820 and Station DB. The bearings are Grid bearings. The distances are Surface values.

This document was prepared under 22 TAC §683.21, 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.

Dana Brown Registered Professional Land Surveyor No. 5398 Kimley-Horn and Associates, Inc. 12750 Merit Drive, Suite 1000 Dallas, Texas 75251 Ph. 972-770-1300 dana.brown@kimley-horn.com

NOTE: APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAT, OR PLAN, APPROVAL OF DEVELOPMENT 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.

2012-50 ZONING EXHIBIT BEING 37.43 ACRES SITUATED IN HENRY B. MILLER SURVEY ABSTRACT NO. 614 CITY OF PLANO, COLLIN COUNTY, TEXAS

APPLICANT: GCF Holdings Ltd. General partner: 4454 W. Plano Parkway, LLC 4454 W. Plano Parkway Suite 100 Plano, Texas 75063 Tel. No. (972) 612-6120 Fax No. (972) 612-6954 Contact: President and Managing Member: Finlay Ewing, III CFO and Registered Agent: Mary Hutchinson

OWNER: Owen Haggard 800 Central Parkway East Suite 100 Plano, Texas 75074 Tel. No. (972) 422-4515 Fax No. (972) 422-4518 Contact: Owen Haggard

OWNER: Acres of Sunshine, Ltd. 800 Central Parkway East Suite 100 Plano, Texas 75074 Tel. No. (972) 422-4515 Fax No. (972) 422-4518 Contact: Owen Haggard

SURVEYOR: Kimley-Horn and Associates, Inc. 12750 Merit Drive, Suite 1000 Dallas, Texas 75251 Tel. No. 972-770-1300 Fax No. 972-239-3820