

**DATE:** November 18, 2014

**TO:** Honorable Mayor & City Council

**FROM:** Richard Grady, Chairman, Planning & Zoning Commission

**SUBJECT:** Results of Planning & Zoning Commission Meeting of November 17, 2014

**AGENDA ITEM NO. 6A - PUBLIC HEARING**

**ZONING CASE 2014-35**

**APPLICANT: MILLENNIUM MANAGEMENT COMPANY**

Request to rezone 3.9± acres located on the south side of Hedgcoxe Road, 565± feet east of Custer Road **from** Retail **to** Planned Development-Retail. Zoned Retail.

**APPROVED:** 7-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA:** **SUPPORT:** 2 **OPPOSE:** 0

**LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA:** **SUPPORT:** 0 **OPPOSE:** 0

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

**STIPULATIONS:**

**Restrictions:**

The permitted uses and standards shall be in accordance with the Retail (R) zoning district unless otherwise specified herein.

Mini-warehouse/public storage is a permitted use subject to the following standards:

1. Maximum Height: Three stories, 38 feet.
2. Minimum Required Parking: One space for each 30 storage cubicles plus required parking for the office and caretaker's quarters. Parking spaces to be rented shall not be included in the requirement.
3. A 30-foot continuous landscape edge shall be located along Hedgcoxe Road. No parking shall be located in the front building setback.

**FOR CITY COUNCIL MEETING OF:** December 16, 2014 (To view the agenda for this meeting, see [www.planotx.gov](http://www.planotx.gov))

**PUBLIC HEARING – ORDINANCE**

EM/ks

xc: Joseph J. Tallal Jr., Millennium Management Company  
Dallas Cothrum, Masterplan

<http://goo.gl/maps/t4RLM>

# CITY OF PLANO

## PLANNING & ZONING COMMISSION

November 17, 2014

### **Agenda Item No. 6A**

**Public Hearing:** Zoning Case 2014-35

**Applicant:** Millennium Management Company

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#### **DESCRIPTION:**

Request to rezone 3.9± acres located on the south side of Hedgcoxe Road, 565± feet east of Custer Road **from** Retail **to** Planned Development-Retail. Zoned Retail.

#### **REMARKS:**

The applicant is requesting to rezone 3.9± acres located on the south side of Hedgcoxe Road, 565± feet east of Custer Road from Retail (R) to Planned Development-Retail (PD-R). The R zoning 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.

The requested zoning is Planned Development-Retail to allow for mini-warehouse/public storage as a permitted use and to modify development standards pertaining to required parking and maximum building height. A Planned Development (PD) 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 onsite conditions. Mini-warehouse/public storage is defined as, "a building(s) containing separate, individual, self-storage units of 500 square feet or less for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit." The subject property is undeveloped and is part of a larger retail corner which features existing retail, service, restaurant, and medical office developments.

A preliminary site plan, Hedgcoxe-Custer Addition, Block A, Lot 5, accompanies this rezoning request as Agenda Item B.

## **Surrounding Land Use and Zoning**

The property to the north, across Hedgcoxe Road, is in the City of Allen and is developed as retail, mini-warehouse/public storage, and a single-family subdivision. To the east, is a medical office building zoned R. To the south is a single-family subdivision zoned Single-Family Residence-7 (SF-7). To the west, is a proposed retail development and a medical office development currently under construction zoned R.

## **Conformance to the Comprehensive Plan**

**Future Land Use Plan** - The Future Land Use Plan designates this property as Neighborhood Commercial (NC). This request is in conformance with the future land use plan.

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

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

**Public Safety Response Time** - Based upon existing personnel, equipment, and facilities, fire emergency response times will be sufficient to serve the site.

## **Proposed Planned Development Stipulations:**

The requested zoning is Planned Development-Retail. There are two primary parts to this request: land use and building design standards.

**Land Use** - The applicant is proposing to retain R as the base zoning district with the additional use of mini-warehouse/public storage.

**Design Standards** - The requested design standards are to increase the allowable height to gain more flexibility in building design and to reduce the parking requirement.

Restrictions:

The permitted uses and standards shall be in accordance with the Retail (R) zoning district unless otherwise specified herein.

Mini-warehouse/public storage is a permitted use subject to the following standards:

1. Maximum Height: Three stories, 38 feet.
2. Minimum Required Parking: One space for each 30 storage cubicles plus required parking for the office and caretaker's quarters. Parking spaces to be rented shall not be included in the requirement.

## **ISSUES:**

### Rezoning Smaller Parcels for Individual Uses

The city's ordinances specifically disallow rezoning of smaller, individual parcels to accommodate one user and create an isolated zoning district, except where necessary to implement an adopted plan or study. Subsection 4.104 (Minimum District Size) of Section 4.100 (Planned Development District (PD)) of Article 4 (Special District Regulations) states, "no PD can be established smaller than five acres unless a specific finding is made by the City Council that the establishment of the district is required to implement the Comprehensive Plan or related study."

PDs should not be used as a form of legislative variance, but should further the city's goals as established in the Comprehensive Plan. The purpose of this request is to gain flexibility for the applicant in order to develop a specific building form, with limited parking. Staff does not find that the request is needed to implement the goals of the Comprehensive Plan. For this reason, staff does not support rezoning of this property for an individual PD due to violations of Subsection 4.104 (Minimum District Size) of Section 4.100 (Planned Development District (PD)) of Article 4 (Special District Regulations) of the Zoning Ordinance.

### Mini-Warehouse/Public Storage Use

The Zoning Ordinance allows mini-warehouse/public storage in the R district with approval of a Specific Use Permit (SUP). The subject property has minimal street frontage, and is located mid-block between existing retail and medical office developments. Additionally, access to the site is limited based on its proposed configuration.

Several properties within the City of Plano have developed with mini-warehouse uses on retail corners with approval of an SUP. These uses are appropriate for retail zoned properties with limited visibility which may not be suitable for typical retail uses. Due to this property's location and existing and proposed adjacent developments, staff believes the subject property is appropriate for mini-warehouse/public storage use and would support a request for an SUP for the use on this property.

### Parking

Mini-warehouse uses are required to provide a minimum of one parking space per 20 units plus parking for the office and caretaker's quarters. This parking standard has been applied consistently throughout the city. The applicant believes the required number of parking spaces is too onerous and is requesting to reduce the requirement from 44 to 35 spaces. There are several areas onsite which could accommodate the required spaces with minimal impact to the current layout. These areas include the portion of property in front of the gated entrance, along Hedgcoxe Road, which adjacent properties have used as parking both to the east and west. Additional parking can also be accommodated south of Building A. Staff believes that there is no compelling reason to rezone the property to reduce the parking requirement when the spaces can be accommodated on site with minimal impact to the development layout. Additionally, the

parking spaces are necessary to provide adequate parking for new customers as well as additional loading areas for patrons.

The following table illustrates recently approved mini-warehouse/public storage developments which have met the city's parking standards:

Project	Zoning	Acres	No. of Units	Parking Required	Parking Provided	Height in Feet	Height in Stories
Park Place Center, Block A, Lot 7R	PD-112-R	4.4	63 units	4	17	16'	1-story
U-Haul/Los Rios, Block A, Lot 2	PD-304-LI-1	6.9	337 units	17	17	15'	1-story
Parkwood Storage, Block A, Lot 1R	CE	2.9	1,060 units	58	58	50'	4-story

Staff researched nearby cities and provided some information on their associated parking calculations. The last column represents the parking that would be required if the subject property were to develop within the respective city.

City	Parking Ratio	Additional Parking	Subject Property's Minimum Parking
<b>Frisco</b>	Six spaces per complex outside of the security gates and accessible to the public.	Interior parking spaces for loading and unloading may be included as parallel spaces between the fire lane and storage buildings.	6
<b>Richardson</b>	One space per 20 units plus parking required for office areas.	N/A	44
<b>McKinney</b>	Four parking spaces.	A 12-foot wide loading zone required in front of all units and shall not conflict with required fire lanes. A single loading zone may accommodate units on both sides of fire lane.	41 (4 plus the equivalent of 37 spaces within required loading zones)
<b>Dallas</b>	Six spaces.	N/A	6
<b>Allen</b>	No base requirement.	Parking for office, retail and caretaker residence.	4

Based on this research, the Planning & Zoning Commission may wish to call a public hearing to consider amending parking standards for mini-warehouse/public storage uses.

### Height

The R zoning district restricts building height to two stories, 35 feet. The applicant is requesting to exceed the maximum height in order to construct a three story, 38-foot tall building along the eastern property line. The height restrictions in the R zoning district were established due in great part to the proximity of residential uses. In the case of the subject property, there is an existing residential subdivision immediately to the south. Residents within the city have a reasonable expectation that buildings adjacent to their properties will respect current height regulations.

Although the requested height increase to 38 feet is minimal, the resulting bulk of a dense, three story building with additional height is out of place in a traditional retail corner. The current restriction is intended to allow for the full height of suburban-style commercial structures to be developed with pitched roofs and required screening for roof mounted mechanical units. These developments are more in keeping with adjacent residential subdivisions, which generally have two story, 35 feet height limits.

Additionally, in lieu of a single three story building, staff believes it is possible for the applicant to construct multiple two story buildings, or modify their site design while remaining under the existing R height regulations. Since the height can be accommodated by modified building design, and due to the adjacent residential uses, staff is not in support of increasing the height on the subject property.

### **SUMMARY:**

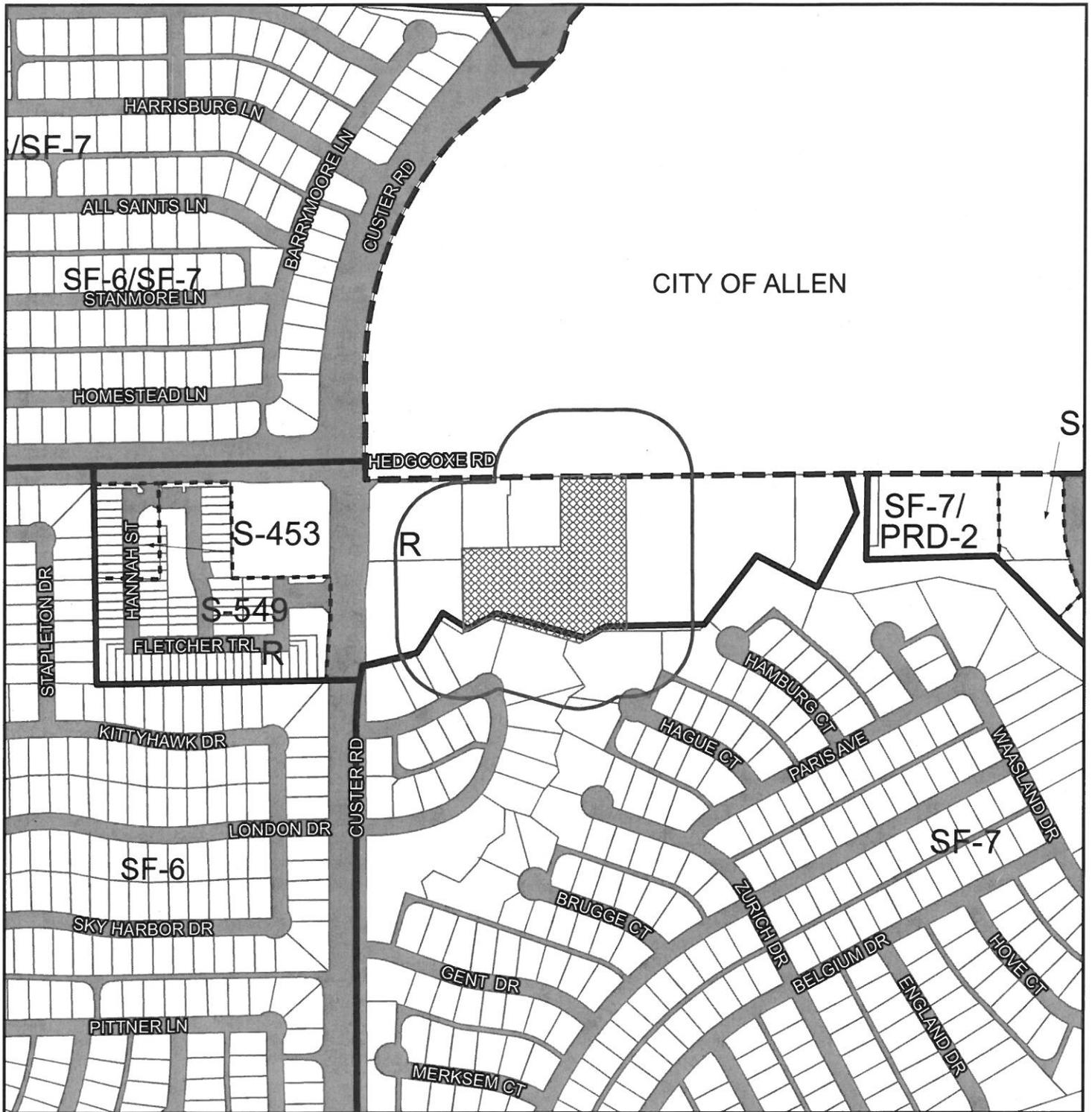
The applicant is requesting to rezone 3.9± acres located on the south side of Hedgcoxe Road, 565± feet east of Custer Road from Retail to Planned Development-Retail to allow for mini-warehouse/public storage as a permitted use with modified development standards. The proposed mini-warehouse/public storage use is consistent with surrounding zoning and development, and the Future Land Use Plan designation of Neighborhood Commercial.

Staff is not in support of a reduction in parking and believes the current required spaces are necessary for patrons and would have minimal impact on the layout of the site. Staff is also not in support of increasing the height on the property in order to gain more flexibility in building height and density. Finally, the Zoning Ordinance prohibits creating a PD less than five acres in size without compelling justification that the request furthers the goals of the Comprehensive Plan.

Staff believes the property is appropriate for the proposed use and would be in support of an SUP to allow for mini-warehouse/public storage use on the subject property. However, due to the requested modifications, staff believes individual PD zoning is inappropriate for the subject property and therefore recommends denial of the zoning request.

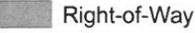
**RECOMMENDATION:**

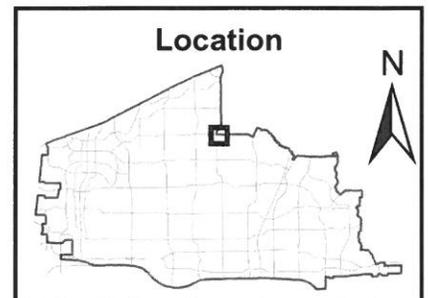
Recommend for denial.



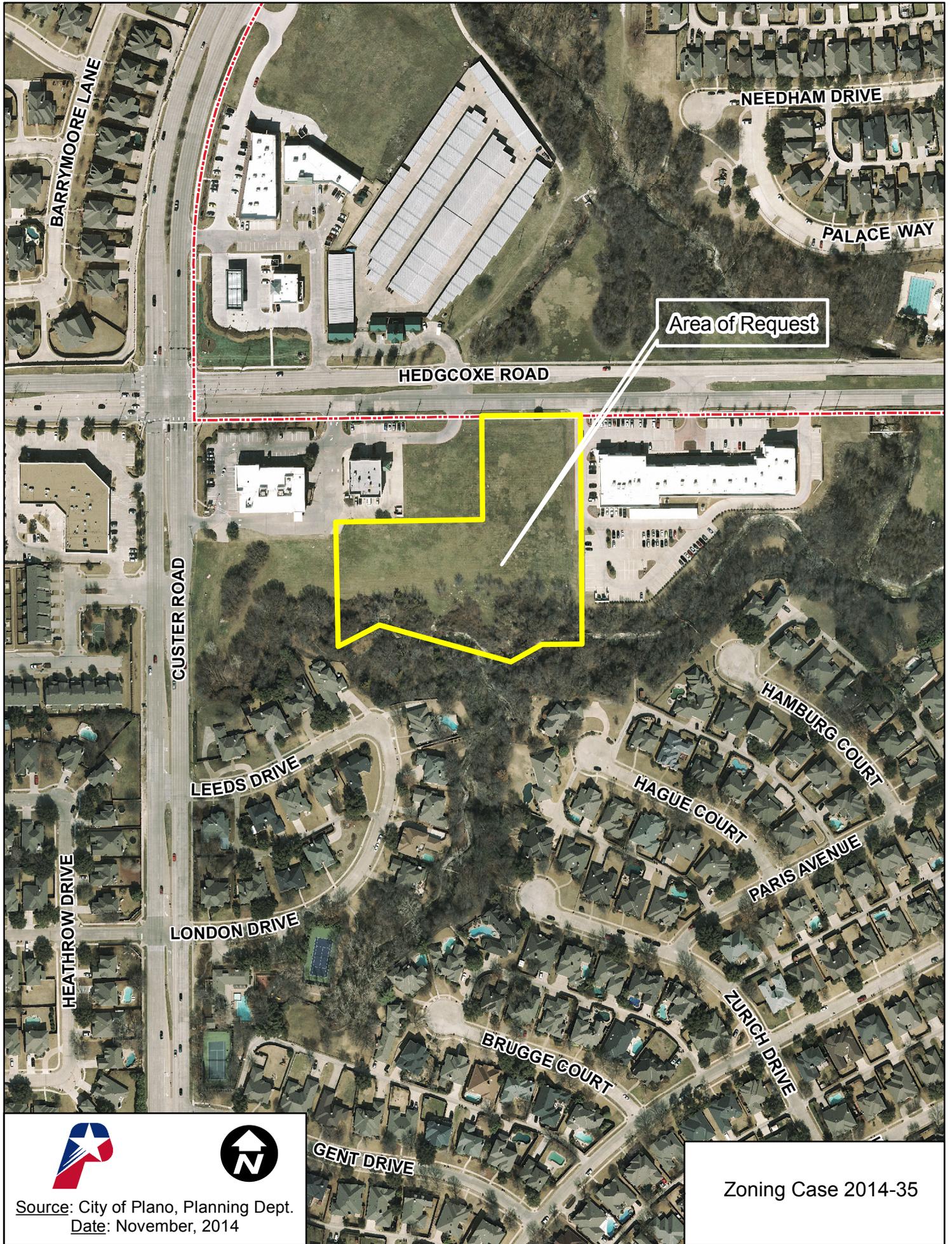
Zoning Case #: 2014-35

Existing Zoning: RETAIL

- |  |   |   |
|--|---|---|
|  200' Notification Buffer |  Zoning Boundary |  Specific Use Permit |
|  Subject Property         |  City Limits     |  Right-of-Way        |



Source: City of Plano Planning Department



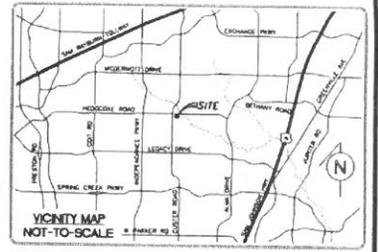
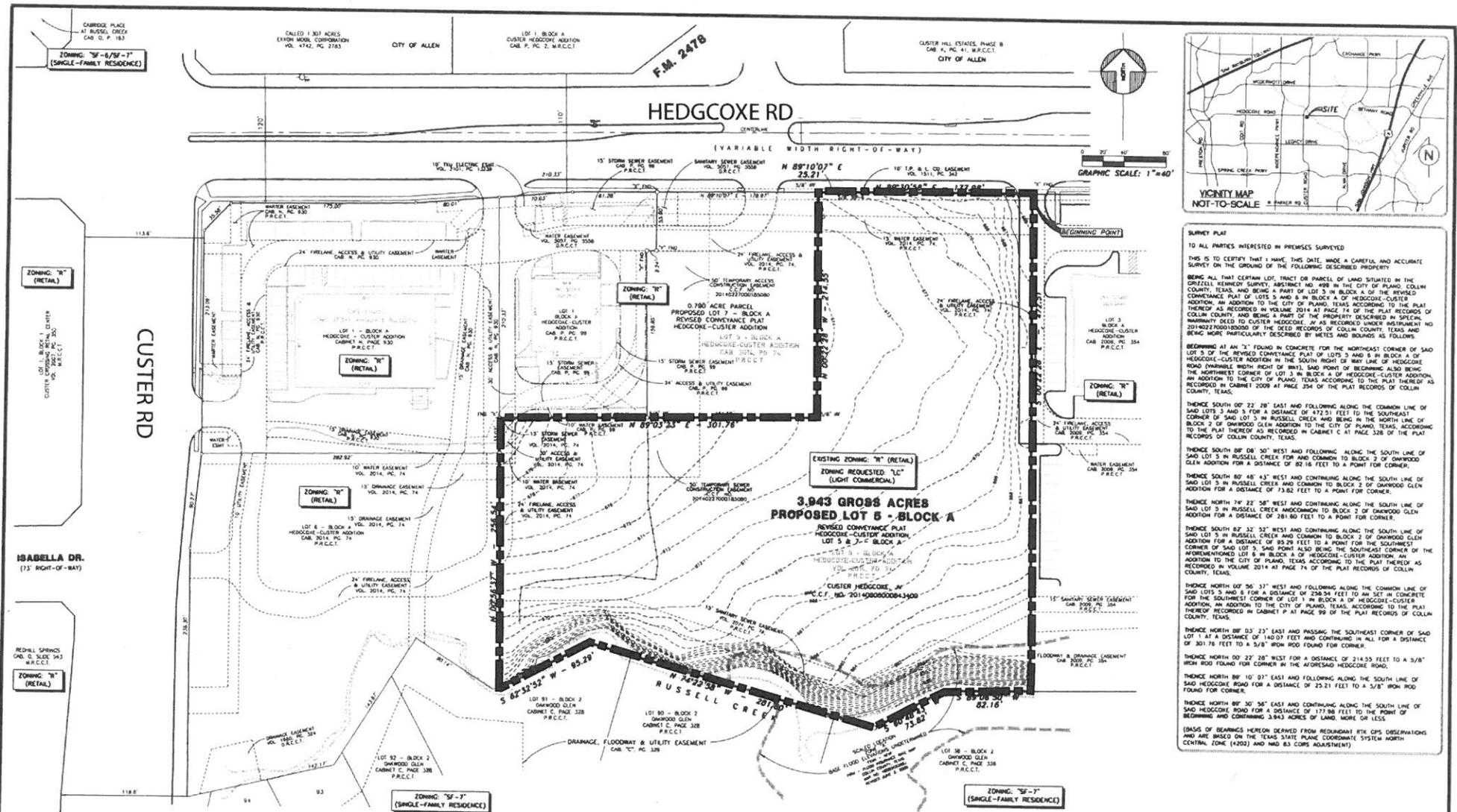
Area of Request

Dees 11/13/2014 X:\Dept\P&Z Locators & Graphics\22014-35A.mxd



Source: City of Plano, Planning Dept.  
Date: November, 2014

Zoning Case 2014-35



**SURVEY PLAT**  
TO ALL PARTIES INTERESTED IN PREMISES SURVEYED

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY ON THE GROUND OF THE FOLLOWING DESCRIBED PROPERTY:

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE GRIZZELL KENNEDY SURVEY, ACRES AND MORE IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND BEING A PART OF LOT 3 IN BLOCK A OF THE REVISED CONVEYANCE PLAT OF LOTS 3 AND 8 IN BLOCK A OF HEDGCOXE-CLUSTER ADDITION TO THE CITY OF PLANO, TEXAS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN VOLUME 2014 AT PAGE 74 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS, AND BEING A PART OF THE PROPERTY DESCRIBED BY SPECIAL WARRANTY DEED TO CUSTER HEDGCOXE, JR. AS RECORDED UNDER INSTRUMENT NO. 2014022000000000 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEING AT AN "X" FOUND IN CONCRETE FOR THE NORTHEAST CORNER OF SAO LOT 3 OF THE REVISED CONVEYANCE PLAT OF LOTS 3 AND 8 IN BLOCK A OF HEDGCOXE-CLUSTER ADDITION IN THE SOUTH RIGHT-OF-WAY LINE OF HEDGCOXE ROAD PARALLEL NORTH-TO-SOUTH TO THE POINT OF BEGINNING ALSO BEING THE NORTHEAST CORNER OF LOT 3 IN BLOCK A OF HEDGCOXE-CLUSTER ADDITION TO THE CITY OF PLANO, TEXAS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN CABINET 2009 AT PAGE 338 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS;

THENCE SOUTH 07° 22' 28" EAST AND FOLLOWING ALONG THE COMMON LINE OF SAO LOTS 3 AND 8 FOR A DISTANCE OF 432.51 FEET TO THE SOUTHWEST CORNER OF SAO LOT 3 IN RUSSELL CREEK AND BEING IN THE NORTH LINE OF BLOCK 2 OF DAWKWOOD GLEN ADDITION TO THE CITY OF PLANO, TEXAS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN CABINET C AT PAGE 338 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS;

THENCE SOUTH 07° 01' 50" WEST AND FOLLOWING ALONG THE SOUTH LINE OF SAO LOT 3 IN RUSSELL CREEK FOR A DISTANCE OF 82.16 FEET TO A POINT FOR CORNER;

THENCE SOUTH 80° 48' 13" WEST AND CONTINUING ALONG THE SOUTH LINE OF SAO LOT 3 IN RUSSELL CREEK AND COMMON TO BLOCK 2 OF DAWKWOOD GLEN ADDITION FOR A DISTANCE OF 73.82 FEET TO A POINT FOR CORNER;

THENCE NORTH 74° 22' 58" WEST AND CONTINUING ALONG THE SOUTH LINE OF SAO LOT 3 IN RUSSELL CREEK AND COMMON TO BLOCK 2 OF DAWKWOOD GLEN ADDITION FOR A DISTANCE OF 281.80 FEET TO A POINT FOR CORNER;

THENCE SOUTH 87° 32' 32" WEST AND CONTINUING ALONG THE SOUTH LINE OF SAO LOT 3 IN RUSSELL CREEK AND COMMON TO BLOCK 2 OF DAWKWOOD GLEN ADDITION FOR A DISTANCE OF 82.29 FEET TO A POINT FOR CORNER;

THENCE NORTH 74° 22' 58" WEST AND CONTINUING ALONG THE SOUTH LINE OF SAO LOT 3 IN RUSSELL CREEK AND COMMON TO BLOCK 2 OF DAWKWOOD GLEN ADDITION TO THE CITY OF PLANO, TEXAS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN VOLUME 2014 AT PAGE 74 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS;

THENCE NORTH 06° 56' 37" WEST AND FOLLOWING ALONG THE COMMON LINE OF SAO LOTS 3 AND 8 FOR A DISTANCE OF 238.54 FEET TO THE POINT OF BEGINNING FOR THE SOUTHWEST CORNER OF LOT 1 IN BLOCK A OF HEDGCOXE-CLUSTER ADDITION, AN ADDITION TO THE CITY OF PLANO, TEXAS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN CABINET P AT PAGE 79 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS;

THENCE NORTH 00° 03' 23" EAST AND PASSING THE SOUTHWEST CORNER OF SAO LOT 1 AT A DISTANCE OF 140.07 FEET AND CONTINUING IN ALL FOR A DISTANCE OF 301.76 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

THENCE NORTH 00° 22' 28" WEST FOR A DISTANCE OF 214.55 FEET TO A 3/8" IRON ROD FOUND FOR CORNER;

THENCE NORTH 01° 10' 11" EAST AND FOLLOWING ALONG THE SOUTH LINE OF SAO HEDGCOXE ROAD FOR A DISTANCE OF 23.21 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

THENCE NORTH 01° 30' 58" EAST AND CONTINUING ALONG THE SOUTH LINE OF SAO HEDGCOXE ROAD FOR A DISTANCE OF 177.98 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.943 ACRES OF LAND, MORE OR LESS.

(BASED ON BEARINGS HEREON DERIVED FROM REJURANDUM RTK GPS OBSERVATIONS AND ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE (NAD83) AND NAD 83 COORDINATES.)

REPRINTED OCTOBER 27, 2014 - REVISED ZONING PARCEL DESCRIPTION  
 REPRINTED OCTOBER 21, 2014 - REVISED DESCRIPTION CALL  
 REPRINTED OCTOBER 30, 2014 - REVISED ZONING PARCEL DESCRIPTION

**ZONING CASE NO. ZC 2014-35**  
**ZONING EXHIBIT**  
**3.943 GROSS ACRES**  
**GRIZZELL KENNEDY SURVEY**  
**ABSTRACT NO. 499**  
**CITY OF PLANO, COLLIN COUNTY, TEXAS**

BY: **DAVID PETREZ**  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 10980  
 11015 HEDGWAY ROAD  
 DALLAS, TEXAS 75229  
 PH. (214) 308-4300  
 FX. (214) 308-4300

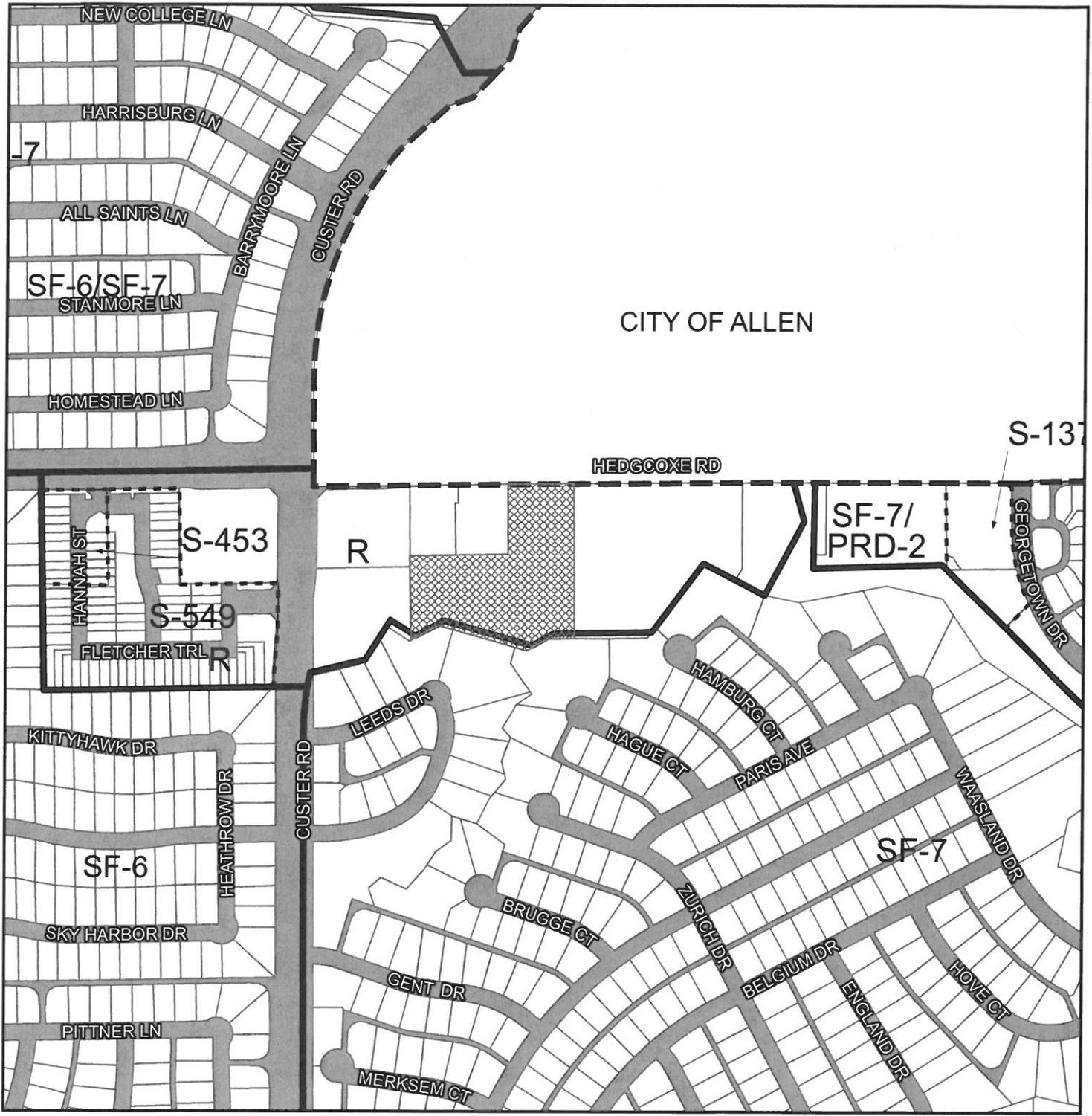
DATE: **SEPTEMBER 23, 2014**  
 SCALE: **1" = 40'**

**ZONING 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.

**PETITIONER/OWNER**  
 CUSTER HEDGCOXE, JR.  
 18250 KNOLL TRAIL DRIVE  
 SUITE 100  
 DALLAS, TEXAS 75248

- LEGEND**
- = FIRE HYDRANT
  - = CHASELLED "1" SET
  - = CHASELLED "2" FOUND
  - = IRON ROD FOUND
  - = IRON ROD SET
  - = UTILITY POLE W/ GUY
  - = UNDERGROUND ELECT/TELE
  - = LIGHT POLE
  - = SANITARY SEWER MANHOLE
  - = SAN. SEWER CLEAN OUT
  - = GAS VALVE
  - = WATER VALVE
  - = BOLLARD



CITY OF ALLEN

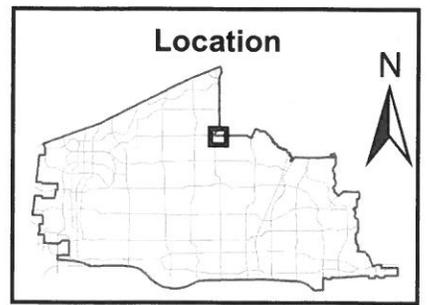
S-137

Item Submitted: PRELIMINARY SITE PLAN

Title: HEDGCOXE-CUSTER ADDITION  
BLOCK A, LOT 5

Zoning: RETAIL

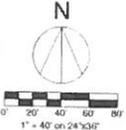
- 200' Notification Buffer
- ▨ Subject Property
- Zoning Boundary
- City Limits
- - - Specific Use Permit
- Right-of-Way



Source: City of Plano Planning Department

~ LINE TABLE ~

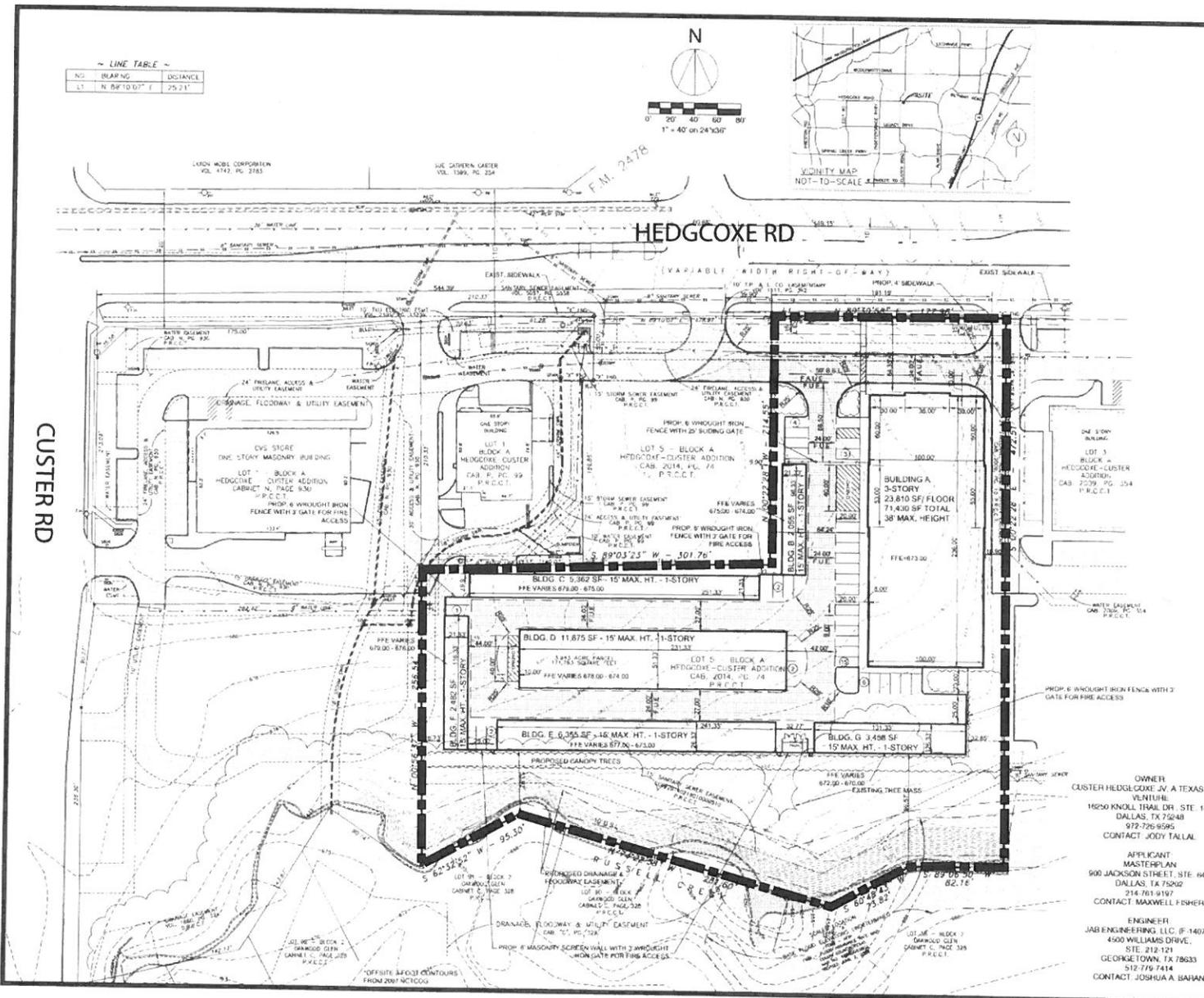
NO.	BEARING	DISTANCE
L1	N 88°10'07" E	25.21'



Site Data Summary Table

Item	Value
Lot Area (square feet) - Survey	6,187.5
Building Footprint Area (square feet)	8,814
Building Height (feet)	38
Lot Coverage (percent) - max	143.4%
Other Area (square feet) - max	0.00
<b>Parking</b>	
Required Parking (if spaces)	1,700 Spaces
Provided Parking (if spaces)	1,700 Spaces
Additional Parking (if spaces)	0 Spaces
Parking on Easement (if spaces)	0 Spaces
<b>Landscape Area (including turf areas)</b>	
Required Minimum Landscape Area (square feet)	5,742.0
Additional Minimum Landscape Area (square feet)	1,195.0
Other Landscape Area (square feet)	0.0
<b>Permeable Area (not including landscaping or turf areas)</b>	
Required Minimum Permeable Area (square feet)	0.0
Other Permeable Area (square feet)	0.0
<b>Impervious Area</b>	
Building / Paved Area (square feet)	8,814.0
Other Impervious Area (square feet)	0.0
<b>Sum of Total Landscape Area + Total Permeable Area</b>	6,937.0
<b>Total Impervious Area</b>	8,814.0
<b>Net Impervious Area</b>	1,877.0
<b>Other Impervious Area</b>	0.0
<b>Total Impervious Area Credits</b>	1,877.0
<b>Net Impervious Area</b>	0.0

- SITE PLAN GENERAL NOTES:
- Buildings 6,000 square feet or greater shall be 100% fire sprinkled.
  - Fire lanes shall be designed and constructed per city standards and shall comply with requirements of the current, adopted International Building Code.
  - Foundational area excavations shall be provided 2' below all of the property line within the right-of-way, unless a sidewalk easement is provided for a measuring setback or an alternative design is approved by the City. Storm area excavations shall be provided on setbacks at all curb elevations.
  - Mechanical units, dumpsters, and trash enclosures shall be screened in accordance with the zoning ordinance.
  - All signage and signs shall be approved by the Building Inspection Department.
  - Approval of the site plan is not final until all engineering plans are approved.
  - Open drainage within the perimeter shall be enclosed in accordance with the zoning ordinance. Drains, gutters, and downspouts shall be provided in accordance with the International Building Code.
  - 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 installation, distribution, and service lines must be underground when required.
  - Lines shall conform in operation, position, and construction to the following performance standards or methods: 6-1350 of the zoning ordinance; noise, smoke and particulate matter; radon; water; fire or explosive material; toxic and non-toxic matter; vibration; and/or other performance standards.



OWNER:  
 CUSTER HEDGCOXE JV, A TEXAS JOINT VENTURE  
 19250 KNOLL TRAIL DR. STE. 105  
 DALLAS, TX 75248  
 972-725-6595  
 CONTACT: JODY TALLAL

APPLICANT:  
 MASTERPLAN  
 900 JACKSON STREET, STE. 640  
 DALLAS, TX 75202  
 214-763-9197  
 CONTACT: MAXWELL FISHER

ENGINEER:  
 JAB ENGINEERING, L.L.C. (F-14076)  
 4500 WILLIAMS DRIVE,  
 STE. 212-121  
 GEORGE TOWN, TX 78633  
 512-719-7414  
 CONTACT: JOSHUA A. BAHAN

**PRELIMINARY SITE PLAN**  
**HEDGCOXE - CUSTER ADDITION**  
 LOT 5 - BLOCK A  
 3.943 ACRES SITUATED IN THE GRIZZELL  
 KENNEDY SURVEY, ABSTRACT NO. 490 IN THE  
 CITY OF PLANO, COLLIN COUNTY, TEXAS

PREPARED 10/30/2014

## Zoning Case 2014-35

**An Ordinance of the City of Plano, Texas amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 3.9± acres of land out of the Grizzell Kennedy Survey, Abstract No. 499, located on the south side of Hedgcoxe Road, 565± feet east of Custer Road in the City of Plano, Collin County, Texas, from Retail to Planned Development-493-Retail; 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 16th day of December, 2014, for the purpose of considering rezoning 3.9± acres of land out of the Grizzell Kennedy Survey, Abstract No. 499, located on the south side of Hedgcoxe Road, 565± feet east of Custer Road in the City of Plano, Collin County, Texas, from Retail to Planned Development-493-Retail; 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 16th day of December, 2014; 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 3.9± acres of land out of the Grizzell Kennedy Survey, Abstract No. 499, located on the south side of Hedgcoxe Road, 565± feet east of Custer Road in the City of Plano, Collin County, Texas, from Retail to Planned Development-493-Retail, 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 the following:

**Restrictions:**

The permitted uses and standards shall be in accordance with the Retail (R) zoning district unless otherwise specified herein.

Mini-warehouse/public storage is a permitted use subject to the following standards:

1. Maximum Height: Three stories, 38 feet.
2. Minimum Required Parking: One space for each 30 storage cubicles plus required parking for the office and caretaker's quarters. Parking spaces to be rented shall not be included in the requirement.
3. A 30-foot continuous landscape edge shall be located along Hedgcoxe Road. No parking shall be located in the front building setback.

**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 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 VI.** 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 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 16TH DAY OF DECEMBER, 2014.**

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY

## ZONING CASE 2014-35

BEING all that certain lot, tract, or parcel of land situated in the Grizzell Kennedy Survey, Abstract No. 499 in the City of Plano, Collin County, Texas, and being a part of Lot 5 in Block A of the Revised Conveyance Plat of Lots 5 and 6 in Block A of Hedgcoxe-Custer Addition, an addition to the City of Plano, Texas according to the plat thereof as recorded in Volume 2014, Page 74 of the Plat Records of Collin County, and being a part of the property described in Special Warranty Deed to Custer Hedgcoxe JV as recorded under Instrument No. 20140227000185050 of the Deed Records of Collin County, Texas, and a portion of the Hedgcoxe Road right-of-way and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" found in concrete for the northeast corner of said Lot 5 of the Revised Conveyance Plat of Lots 5 and 6 in Block A of Hedgcoxe-Custer Addition in the south right-of-way line of Hedgcoxe Road (variable width right-of-way), said point of beginning also being the northwest corner of Lot 3 in Block A of Hedgcoxe-Custer Addition, an addition to the City of Plano, Texas according to the plat thereof as recorded in Cabinet 2009, Page 354 of the Plat Records of Collin County, Texas;

THENCE South,  $00^{\circ} 22' 28''$  East, and following along the common line of said Lots 3 and 5 for a distance of 472.51 feet to the southeast corner of said Lot 5 in Russell Creek and being in the north line of Block 2 of Oakwood Glen Addition to the City of Plano, Texas, according to the plat thereof as recorded in Cabinet C, Page 328 of the Plat Records of Collin County, Texas;

THENCE South,  $89^{\circ} 06' 50''$  West and following along the south line of said Lot 5 in Russell Creek for and common to Block 2 of Oakwood Glen Addition for a distance of 82.16 feet to a point for corner;

THENCE South,  $60^{\circ} 48' 43''$  West, and continuing along the south line of said Lot 5 in Russell Creek and common to Block 2 of Oakwood Glen Addition for a distance of 73.82 feet to a point for corner;

THENCE North,  $74^{\circ} 22' 58''$  West, and continuing along the south line of said Lot 5 in Russell Creek and common to Block 2 of Oakwood Glen Addition for a distance of 281.60 feet to a point for corner;

THENCE South,  $62^{\circ} 32' 52''$  West, and continuing along the south line of said Lot 5 in Russell Creek and common to Block 2 of Oakwood Glen Addition for a distance of 95.29 feet to a point for the southwest corner of said Lot 5, said point also being the southeast corner of the aforementioned Lot 6 in Block A of Hedgcoxe-Custer Addition, an addition to the City of Plano, Texas according to the plat thereof as recorded in Volume 2014, Page 74 of the Plat Records of Collin County, Texas;

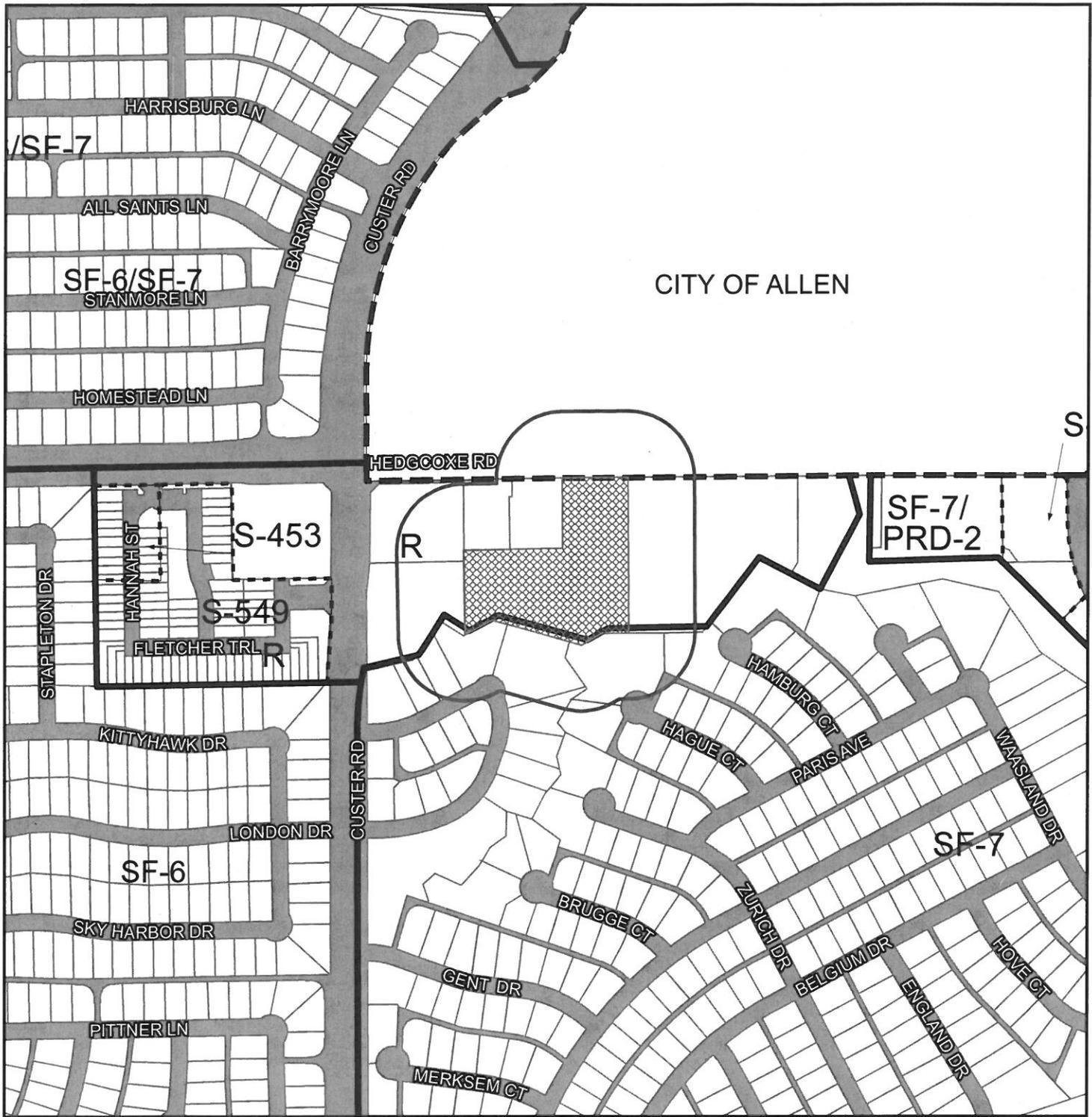
THENCE North, 00° 56' 37" West, and following along the common line of said Lots 5 and 6 for a distance of 256.54 feet to an "X" set in concrete for the southwest corner of Lot 1 in Block A of Hedgcoxe-Custer Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet P, Page 99 of the Plat Records of Collin County, Texas;

THENCE North, 89° 03' 23" East, and passing the southeast corner of said Lot 1 at a distance of 140.07 feet and continuing in all for a distance of 301.76 feet to a 5/8-inch iron rod found for corner;

THENCE North, 00° 22' 28" West, for a distance of 214.55 feet to a 5/8-inch iron rod found for corner in the aforesaid Hedgcoxe Road;

THENCE North, 89° 10' 07" East, and following along the south line of said Hedgcoxe Road for a distance of 25.21 feet to a 5/8-inch iron rod found for corner;

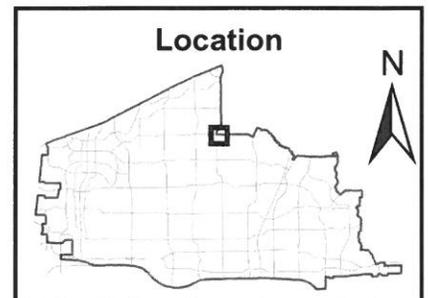
THENCE North, 89° 30' 58" East, and continuing along the south line of said Hedgcoxe Road for a distance of 177.98 feet to the POINT OF BEGINNING and CONTAINING 3.943 acres of land, more or less.



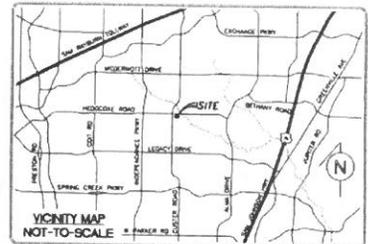
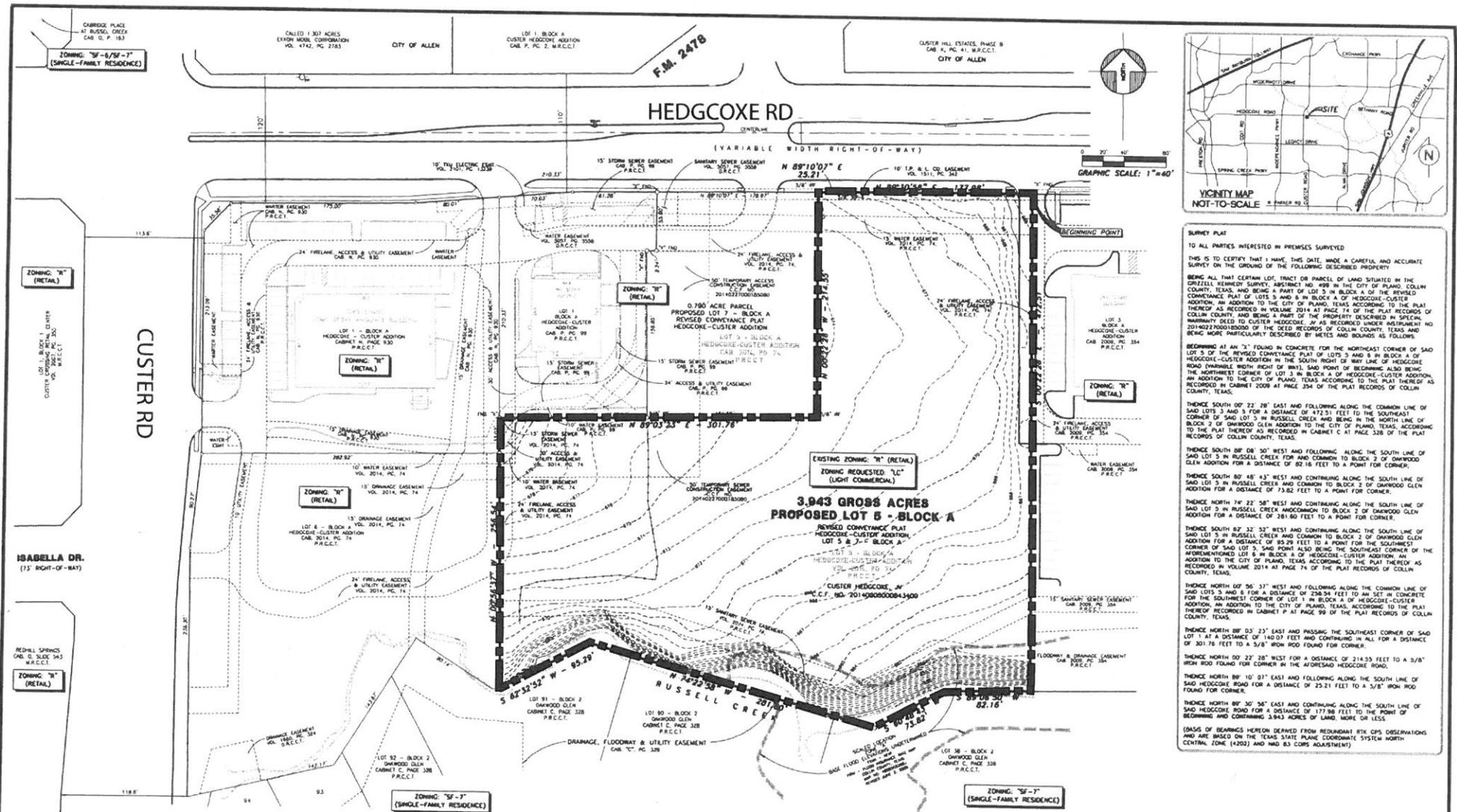
Zoning Case #: 2014-35

Existing Zoning: RETAIL

- |  |   |   |
|--|---|---|
|  200' Notification Buffer |  Zoning Boundary |  Specific Use Permit |
|  Subject Property         |  City Limits     |  Right-of-Way        |



Source: City of Plano Planning Department



**SURVEY PLAT**  
TO ALL PARTIES INTERESTED IN PREMISES SURVEYED

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY ON THE GROUND OF THE FOLLOWING DESCRIBED PROPERTY

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE GRIZZELL KENNEDY SURVEY, ACRES 1400 IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND BEING A PART OF LOT 3 IN BLOCK A OF THE REVISED CONVEYANCE PLAT OF LOTS 3 AND 8 IN BLOCK A OF HEDGCOXE-CUSTER ADDITION AS RECORDED IN VOLUME 2014 AT PAGE 74 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS, AND BEING A PART OF THE PROPERTY DESCRIBED BY SPECIAL WARRANTY DEED TO CUSTER HEDGCOXE, JR. AS RECORDED UNDER INSTRUMENT NO. 2014022000000000 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEING AT AN "X" FOUND IN CONCRETE FOR THE NORTHEAST CORNER OF SAO LOT 3 OF THE REVISED CONVEYANCE PLAT OF LOTS 3 AND 8 IN BLOCK A OF HEDGCOXE-CUSTER ADDITION IN THE SOUTH RIGHT-OF-WAY LINE OF HEDGCOXE ROAD PARALLEL NORTH RIGHT-OF-WAY LINE OF HEDGCOXE ROAD BEING THE NORTHEAST CORNER OF LOT 3 IN BLOCK A OF HEDGCOXE-CUSTER ADDITION, ACCORDING TO THE CITY OF PLANO, TEXAS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN CABINET 2009 AT PAGE 338 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS;

THENCE SOUTH 07° 22' 28" EAST AND FOLLOWING ALONG THE COMMON LINE OF SAO LOTS 3 AND 8 FOR A DISTANCE OF 432.51 FEET TO THE SOUTHWEST CORNER OF SAO LOT 3 IN RUSSELL CREEK AND BEING IN THE NORTH LINE OF BLOCK 2 OF DAWKWOOD GLEN ADDITION TO THE CITY OF PLANO, TEXAS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN CABINET C AT PAGE 338 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS;

THENCE SOUTH 07° 01' 50" WEST AND FOLLOWING ALONG THE SOUTH LINE OF SAO LOT 3 IN RUSSELL CREEK FOR A DISTANCE OF 82.16 FEET TO A POINT FOR CORNER;

THENCE SOUTH 80° 48' 13" WEST AND CONTINUING ALONG THE SOUTH LINE OF SAO LOT 3 IN RUSSELL CREEK AND COMMON TO BLOCK 2 OF DAWKWOOD GLEN ADDITION FOR A DISTANCE OF 73.82 FEET TO A POINT FOR CORNER;

THENCE NORTH 74° 22' 58" WEST AND CONTINUING ALONG THE SOUTH LINE OF SAO LOT 3 IN RUSSELL CREEK AND COMMON TO BLOCK 2 OF DAWKWOOD GLEN ADDITION FOR A DISTANCE OF 281.80 FEET TO A POINT FOR CORNER;

THENCE SOUTH 87° 32' 32" WEST AND CONTINUING ALONG THE SOUTH LINE OF SAO LOT 3 IN RUSSELL CREEK AND COMMON TO BLOCK 2 OF DAWKWOOD GLEN ADDITION FOR A DISTANCE OF 82.29 FEET TO A POINT FOR CORNER;

THENCE NORTH 74° 22' 58" WEST AND CONTINUING ALONG THE SOUTH LINE OF SAO LOT 3 IN RUSSELL CREEK AND COMMON TO BLOCK 2 OF DAWKWOOD GLEN ADDITION TO THE CITY OF PLANO, TEXAS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN VOLUME 2014 AT PAGE 74 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS;

THENCE NORTH 07° 56' 37" WEST AND FOLLOWING ALONG THE COMMON LINE OF SAO LOTS 3 AND 8 FOR A DISTANCE OF 238.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.943 ACRES OF LAND, MORE OR LESS.

THENCE NORTH 07° 22' 28" WEST FOR A DISTANCE OF 238.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.943 ACRES OF LAND, MORE OR LESS.

THENCE NORTH 07° 22' 28" WEST FOR A DISTANCE OF 238.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.943 ACRES OF LAND, MORE OR LESS.

THENCE NORTH 07° 22' 28" WEST FOR A DISTANCE OF 238.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.943 ACRES OF LAND, MORE OR LESS.

(BASED ON BEARINGS HEREON DERIVED FROM REJURANDUM RTK GPS OBSERVATIONS AND ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE (FAD03) AND NAD 83 COORDINATES)

REPRINTED OCTOBER 27, 2014 - REVISED ZONING PARCEL DESCRIPTION  
REPRINTED OCTOBER 21, 2014 - REVISED DESCRIPTION CALL  
REPRINTED OCTOBER 30, 2014 - REVISED ZONING PARCEL DESCRIPTION

**ZONING CASE NO. ZC 2014-35**  
**ZONING EXHIBIT**  
**3.943 GROSS ACRES**  
**GRIZZELL KENNEDY SURVEY**  
**ABSTRACT NO. 499**  
**CITY OF PLANO, COLLIN COUNTY, TEXAS**

BY: **DAVID PETREZ**  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 1090  
11015 HEDGCOXE ROAD  
DALLAS, TEXAS 75229  
PH: (214) 308-4300  
FX: (214) 308-4300

DATE: **SEPTEMBER 23, 2014**  
SCALE: **1" = 40'**

- LEGEND**
- = FIRE HYDRANT
  - = CHASELLED "1" SET
  - = CHASELLED "2" FOUND
  - = IRON PIPE FOUND
  - = IRON ROD SET
  - = UTILITY POLE W/ GUY
  - = UNDERGROUND ELECT/TELE
  - = LIGHT POLE
  - = SANITARY SEWER MANHOLE
  - = SAN. SEWER CLEAN OUT
  - = GAS VALVE
  - = WATER VALVE
  - = BOLLARD

**ZONING 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.

**PETITIONER/OWNER**  
CUSTER HEDGCOXE, JR.  
1820 KNOX TRAIL DRIVE  
SUITE 100  
DALLAS, TEXAS 75248