

DATE: December 22, 2009
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 21, 2009

**AGENDA ITEM NO. 6 - PUBLIC HEARING
ZONING CASE 2009-21
APPLICANT: RUTLEDGE HAGGARD**

Request to rezone 9.3± acres located at the southeast corner of Spring Creek Parkway and Communications Parkway from Agricultural to Regional Employment.

APPROVED: 8-0 **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:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: January 11, 2010 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dc

xc: Rutledge Haggard, Acres of Sunshine, Ltd.
Eric Weiner, SG Development

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 21, 2009

Agenda Item No. 6

Public Hearing: Zoning Case 2009-21

Applicant: Rutledge Haggard

DESCRIPTION:

Request to rezone 9.3± acres located at the southeast corner of Spring Creek Parkway and Communications Parkway **from** Agricultural **to** Regional Employment.

REMARKS:

The applicant is requesting to rezone an undeveloped 9.3± acre tract from Agricultural (A) to Regional Employment (RE). A companion specific use permit request (Zoning Case 2009-22) for a long-term care facility, as well as a companion preliminary site plan for a long-term care facility and medical office development, accompany this request.

The subject property is currently being used for agricultural purposes. The existing A district is intended to provide for farming, dairying, pasturage, horticulture, animal husbandry, and the necessary accessory uses for the packing, treating, or storing of produce. It is anticipated that all A districts will be changed to other zoning classifications as the city proceeds toward full development.

This property was annexed by the city in 1999 and at that time it was given the A zoning designation. The A zoning was put in place with the intention that the property would be rezoned once an applicant decided to develop the property.

The requested 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 consistent with

existing RE zoning along the Dallas North Tollway corridor, south of Spring Creek Parkway.

Surrounding Land Use and Zoning

The property to the south and east of this tract is currently undeveloped and is also zoned RE. To the north, across Spring Creek Parkway, a Type B+ thoroughfare, the property is undeveloped, and zoned Commercial Employment (CE). To the west, across Communications Parkway, a Type C Thoroughfare, is an existing single-family subdivision, Wolf Creek Estates 3, and is zoned Planned Development-464-Multifamily Residence-2 (PD-464-MF-2).

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Major Corridor Development (MCD). This request is in conformance with the Future Land Use Plan.

Adequacy of Public Facilities - Water and sanitary sewer services are available via extensions of existing services from Spring Creek Parkway and Communications Parkway.

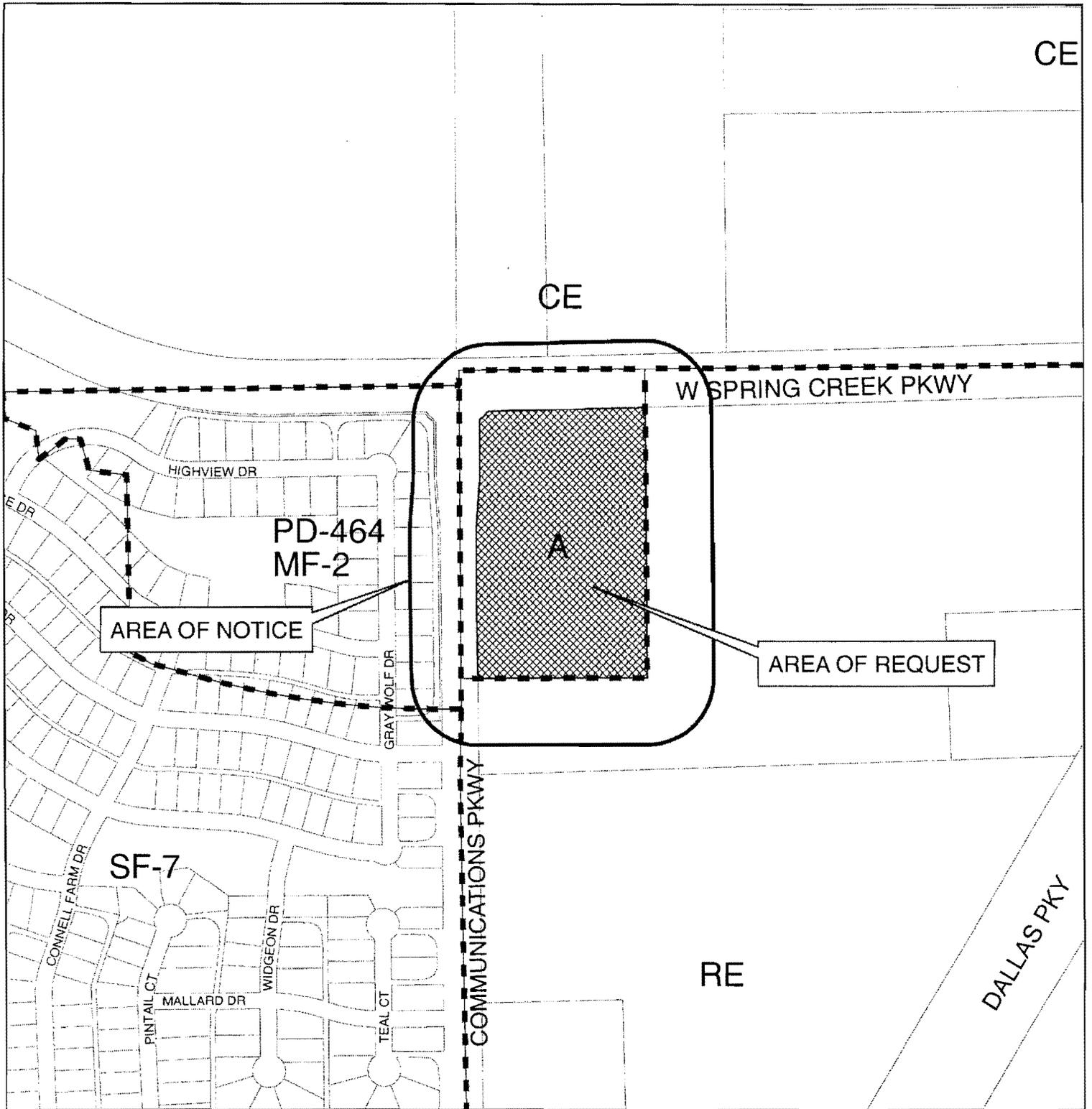
Traffic Impact Analysis (TIA) - A TIA is not required for this rezoning request. Existing traffic models for the City of Plano anticipated the rezoning of this property to a zoning district consistent with the Future Land Use Plan designation.

Summary

The applicant is requesting to rezone an undeveloped 9.3± acre tract from A to RE to allow for future long-term care facility (subject to approval of a specific use permit) and office development. The Zoning Ordinance specifically states that A zoning is anticipated to change as the city develops. The request is in conformance with the Comprehensive Plan and is consistent with the existing RE zoning of the properties to the east and south of the subject property.

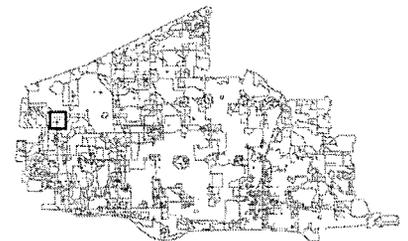
RECOMMENDATION:

Recommended for approval as submitted.

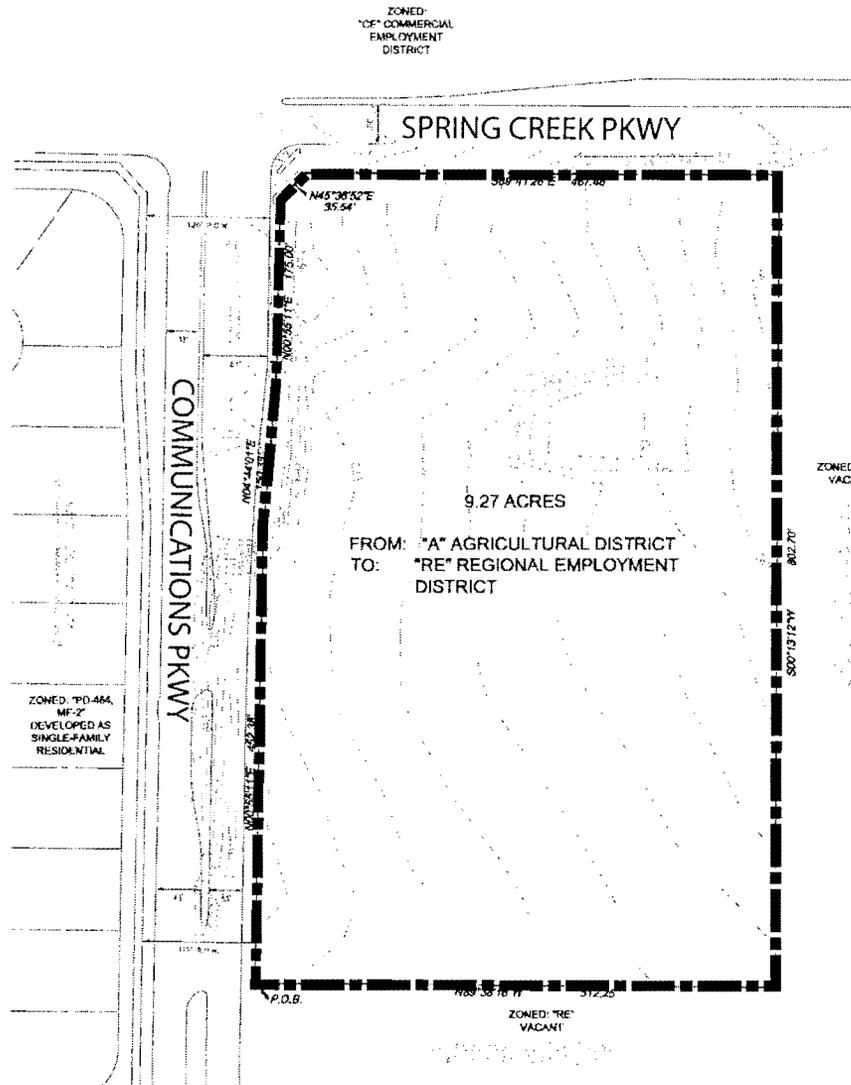


Zoning Case #: 2009-21

Existing Zoning: AGRICULTURAL/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer



ZONED:
"CE" COMMERCIAL
EMPLOYMENT
DISTRICT

SPRING CREEK PKWY

COMMUNICATIONS PKWY

9.27 ACRES

FROM: "A" AGRICULTURAL DISTRICT
TO: "RE" REGIONAL EMPLOYMENT
DISTRICT

ZONED: "RE"
VACANT

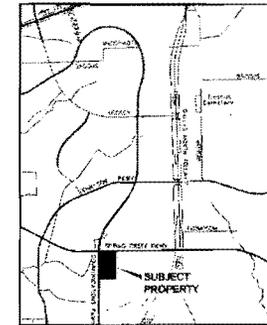
ZONED: "PD-4M,
MF-2"
DEVELOPED AS
SINGLE-FAMILY
RESIDENTIAL

ZONED: "RE"
VACANT

NOTE:
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 HEREON, OR THE INITIATION OF THE DEVELOPMENT PROCESS. PLANNING AND ZONING COMMISSION AND/OR CITY COUNCIL ACTION ON STUDIES, PLANS OR PLANS RELATING TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE.

ENGINEER:
BANNISTER
ENGINEERING
CONTACT: JEFF LINDER

PROPERTY OWNER:
ACRES OF SUNSHINE, LTD.
800 CENTRAL PKWY E.
SUITE 100
PLANO, TEXAS 75075-5675
PH: (972) 231-8600
CONTACT: SHANE JORDAN



VICINITY MAP

N.T.S.

BOUNDARY DESCRIPTION:

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the Henry B. Miller Survey, Abstract No. 614, being part of an 11.385 acre tract as recorded in Volume 4227, Page 835 of the Collin County Land Records with said premises being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found marking the southwest corner of said 11.385 acre tract, a northwest corner of a 37.721 acre tract as recorded in Volume 5474, Page 2914 of the Collin County Land Records, and being in the east right-of-way line of Communications Parkway;

THENCE with the south line of said 11.385 acre tract, and a north line of said 37.721 acre tract, South 89°38'16" East, 55.04 feet to the Point of Beginning;

THENCE with a west line of said premises, the east line of said 1.852 acre tract, and the east right-of-way line of said Communications Parkway as follows: North 00°55'11" East, 452.38 feet to a 600 mill set, North 04°49'01" East, 150.33 feet to a 1/2-inch Roome capped iron rod set; North 00°55'11" East, 175.00 feet to a 1/2-inch Roome capped iron rod set marking a northwest corner of said premises, an interior corner of said 1.852 acre tract and the southwest corner of a corner clip;

THENCE with a northwest line of said premises, the southeast line of said corner clip along a southeast line of said 1.852 acre tract, and the southeast right-of-way line of said Communications Parkway, North 45°36'52" East, 35.54 feet to a 1/2-inch Roome capped iron rod set marking an interior corner of said premises, the northeast corner of said corner clip, an interior corner of said 1.852 acre tract, and being in the south right-of-way line of Spring Creek Parkway;

THENCE with the north line of said premises, a south line of said 1.852 acre tract and the south right-of-way line of said Spring Creek Parkway, South 89°41'26" East, 467.46 feet to a 1/2-inch Roome capped iron rod set marking the northeast corner of said premises, the southeast corner of said 1.852 acre tract, and being in the west line of the aforementioned 37.721 acre tract;

THENCE with the east line of said 11.385 acre tract and the west line of said 37.721 acre tract, South 00°13'12" West, 802.70 feet to a 1/2-inch Roome capped iron rod set marking the southeast corner of said 11.385 acre tract, said premises and an interior corner of said 37.721 acre tract;

THENCE with the south line of said 11.385 acre tract, said premises and a north line of said 37.721 acre tract, North 89°38'16" West, 512.25 feet to the place of beginning and containing 403,663 square feet or 9.27 acres of land.

ZONING EXHIBIT
FOR
ZONING CASE #2009-21
9.27 ACRES OUT OF THE
HENRY B. MILLER SURVEY, ABST. NO. 614
FROM: "A" AGRICULTURAL DISTRICT
TO: "RE" REGIONAL
EMPLOYMENT DISTRICT
LOCATED IN THE
CITY OF PLANO, COLLIN COUNTY, TEXAS

PREPARED: NOV. 21, 2009
REVISED: DEC. 17, 2009

(Zoning Case 2009-21)

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 9.3± acres out of the Henry B. Miller Survey, Abstract No. 614, located at the southeast corner of Spring Creek Parkway and Communications Parkway, in the City of Plano, Collin County, Texas, from Agricultural to Regional Employment; 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, 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 11th day of January, 2010, for the purpose of considering rezoning 9.3± acres out of the Henry B. Miller Survey, Abstract No. 614, located at the southeast corner of Spring Creek Parkway and Communications Parkway, in the City of Plano, Collin County, Texas, from Agricultural to Regional Employment; 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 11th day of January, 2010; 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 9.3± acres out of the Henry B. Miller Survey, Abstract No. 614, located at the southeast corner of Spring Creek Parkway and Communications Parkway, in the City of Plano, Collin County, Texas, from Agricultural to Regional Employment, 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 person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section 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 11TH DAY OF JANUARY, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

SITUATED in the State of Texas, County of Collin, and City of Plano, being part of the Henry B. Miller Survey, Abstract No. 614, being part of an 11.385 acre tract as recorded in Volume 4,227, Page 835 of the Collin County Land Records with said premises being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found marking the southwest corner of said 11.385 acre tract, a northwest corner of a 37.721 acre tract as recorded in Volume 5,424, Page 2,914 of the Collin County Land Records, and being in the east right-of-way line of Communications Parkway;

THENCE with the south line of said 11.385 acre tract, and a north line of said 37.721 acre tract, south 89° 38' 16" East, 55.04 feet to the POINT OF BEGINNING;

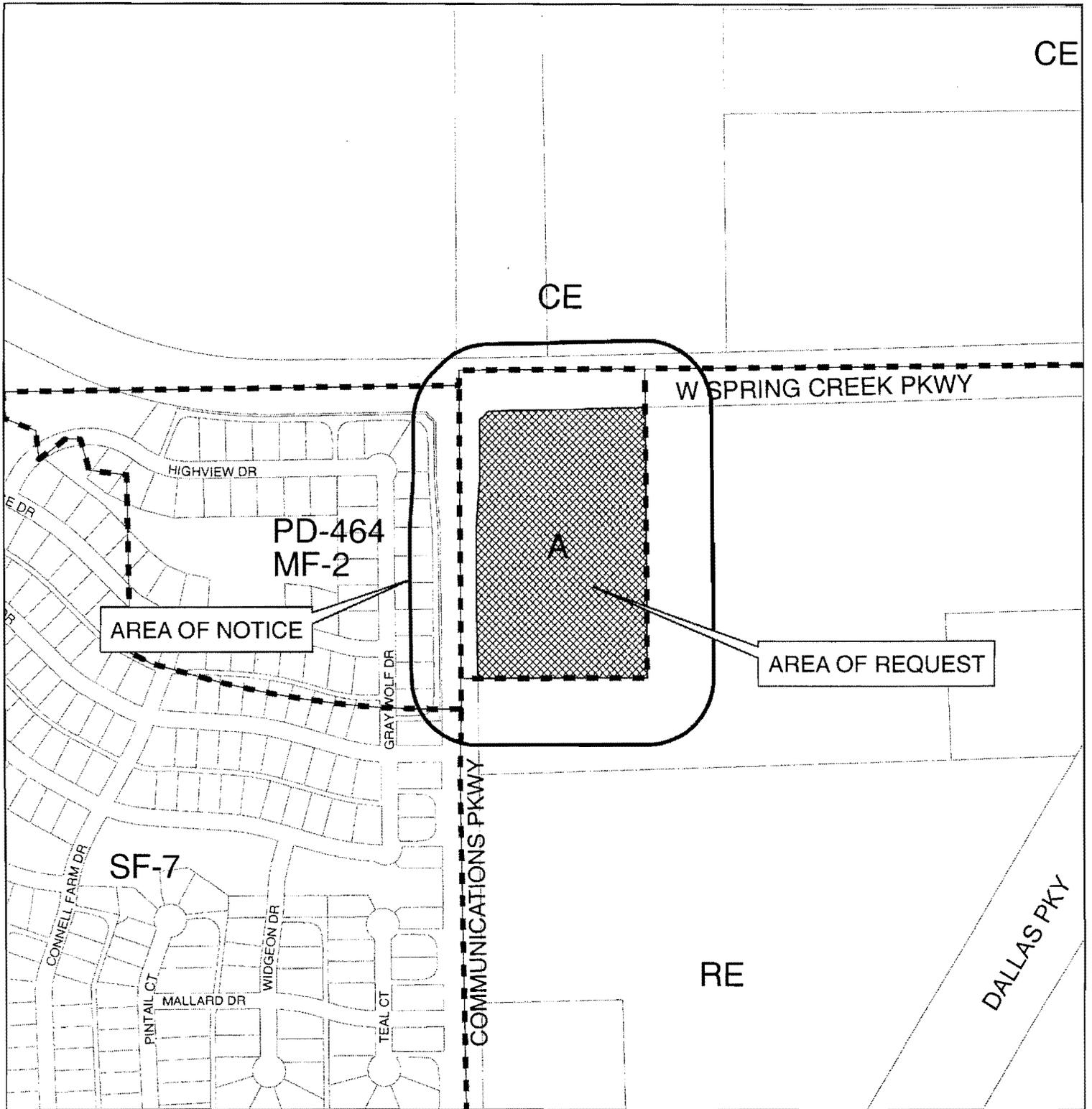
THENCE with a west line of said premises, the east line of said 1.852 acre tract, and the east right-of-way line of said Communications Parkway as follows: North 00° 55' 11" East, 452.38 feet to a 60D nail set; North 04° 44' 01" East, 150.33 feet to a 1/2-inch Roome capped iron rod set; North 00° 55' 11" East, 175.00 feet to a 1/2-inch Roome capped iron rod set marking a northwest corner of said premises, an interior corner of said 1.852 acre tract and the southwest corner of a corner clip;

THENCE with a northwest line of said premises, the southeast line of said corner clip along a southeast line of said 1.852 acre tract, and the southeast right-of-way line of said Communications Parkway, North 45° 36' 52" East, 35.54 feet to a 1/2-inch Rome capped iron rod set marking an interior corner of said premises, the northeast corner of said corner clip, an interior corner of said 1.852 acre tract, and being in the south right-of-way line of Spring Creek Parkway;

THENCE with the north line of said premises, a south line of said 1.852 acre tract and the south right-of-way line of said Spring Creek Parkway, South 89° 41' 26" East, 467.46 feet to a 1/2-inch Roome capped iron rod set marking the northeast corner of said premises, the southeast corner of said 1.852 acre tract, and being in the west line of the aforementioned 37.721 acre tract;

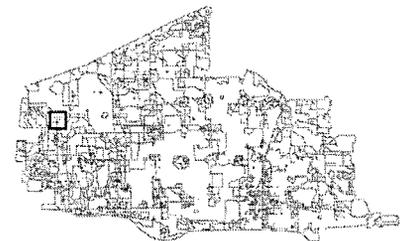
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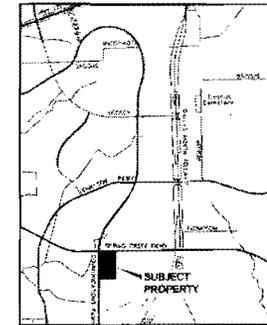
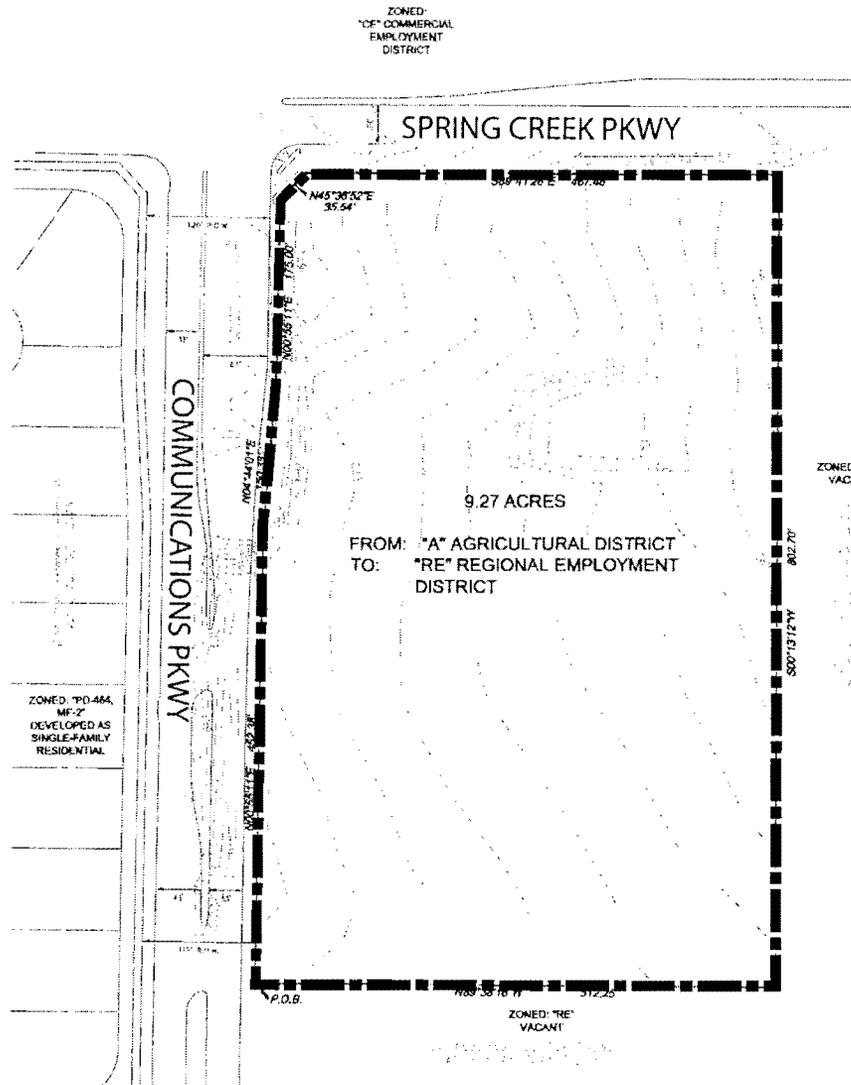


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ENGINEER:
BANNISTER
ENGINEERING
CONTACT: JEFF LINDER

PROPERTY OWNER:
ACRES OF SUNSHINE, LTD.
800 CENTRAL PKWY E.
SUITE 100
PLANO, TEXAS 75075-5675
PH: (972) 231-8600
CONTACT: SHANE JORDAN

PREPARED: NOV. 21, 2009
REVISED: DEC. 17, 2009