



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		02/08/2010		
Department:		Planning		
Department Head		P. Jarrell		
Agenda Coordinator (include phone #): <b>T. Stuckey -- 7156</b>				
<b>CAPTION</b>				
<p>An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended; thereby rescinding a portion of Heritage Resource Designation No. H-05 on a 0.1± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located on the west side of K Avenue, 355± feet south of 18th Street, situated in the City of Plano, Collin County, Texas; presently zoned Downtown Business/Government with Heritage Resource Designation H-05; 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.</p>				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
BALANCE	0	0	0	<b>0</b>
<b>FUND(S):</b>				
<b>COMMENTS:</b> This item has no fiscal impact.				
<b>SUMMARY OF ITEM</b>				
<p>The City Council approved Zoning Case 2009-24 rescinding a portion of Heritage Resource Designation No. H-05 at its January 25, 2009, meeting by a vote of 7-0. This ordinance finalizes the zoning action.</p>				
List of Supporting Documents: Ordinance		Other Departments, Boards, Commissions or Agencies		

**(Zoning Case 2009-24)**

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended; thereby rescinding a portion of Heritage Resource Designation No. H-05 on a 0.1± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located on the west side of K Avenue, 355± feet south of 18th Street, situated in the City of Plano, Collin County, Texas; presently zoned Downtown Business/Government with Heritage Resource Designation H-05; 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 25th day of January, 2010, for the purpose of considering a change in the Zoning Ordinance; 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 Heritage Commission considered this item on the 27th day of October, 2009, and recommended approval; and

**WHEREAS**, the Planning & Zoning Commission considered this item on the 4th day of January, 2010, and recommended approval; 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 25th day of January, 2010; and

**WHEREAS**, the City Council is of the opinion and finds that such change 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 rescind a portion of

the Heritage Resource Designation No. H-05 on a 0.1± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located on the west side of K Avenue, 355± feet south of 18th Street in the City of Plano, Collin County, Texas, presently zoned Downtown Business/Government with Heritage Resource Designation No. H-05, said property more fully described on the legal description in Exhibit "A" attached hereto.

**Section II.** That Heritage Resource Designation H-05 shall remain on Lot 6R, Block 2, of Original Donation, an addition to the City of Plano, Texas according to the map or plat thereof recorded in Volume 2010, Page 20 of the Plat Records of Collin County, Texas as filed January 22, 2010, comprising 0.537± acres.

**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 8TH DAY OF FEBRUARY, 2010.**

---

Phil Dyer, MAYOR

ATTEST:

---

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

---

Diane C. Wetherbee, CITY ATTORNEY

LEGAL DESCRIPTION  
ZONING CASE 2009-24

SITUATED in the State of Texas, County of Collin, and City of Plano, being part of the Joseph Klepper Survey, Abstract No. 213, being part of Lot 6, Block 2, Original Donation to the City of Plano and the same property owned by Workman as recorded under County Clerk No. 92-0023748 of the Collin County Land Records with said premises being more particularly described as follows:

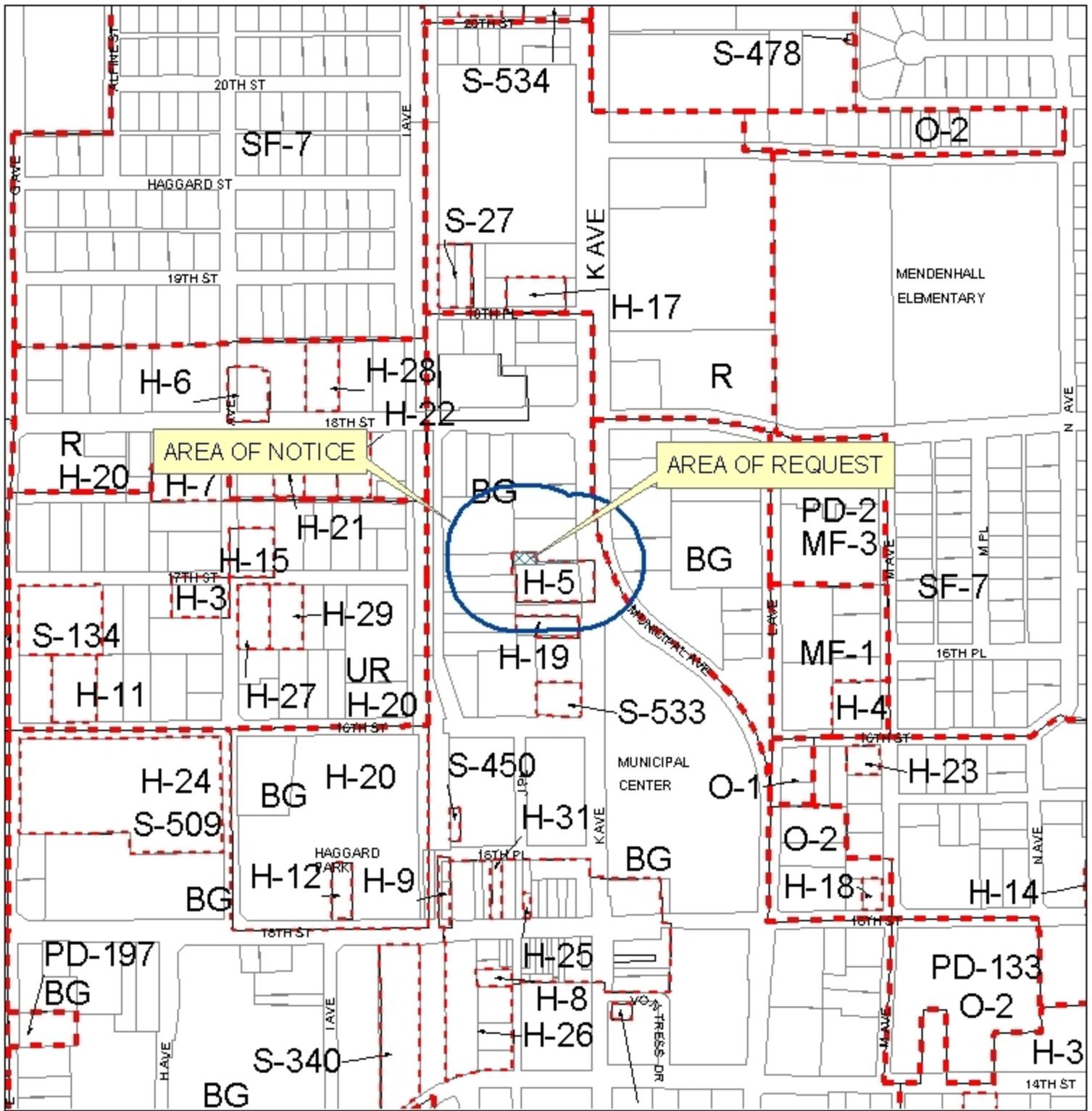
BEGINNING at a 1/2-inch iron rod found marking the northwest corner of said Workman property, said Lot 6, the most westerly southwest corner of Squiric Brothers property as recorded under County Clerk No. 98-0038787 of the Collin County Land Records and being in the east line of Fred Lauten's property as recorded in Volume 1926, Page 109 of the Collin County Land Records;

THENCE with a common line between said Workman property and Squiric's property as follows: South 87° 01' 06" East, 64.95 feet to a Roome capped iron rod set; South 02° 28' 02" West, 30.00 feet to a Roome capped iron rod set; South 88° 33' 37" East, 125.00 feet to a Roome capped iron rod set in the west right-of-way line of "K" Avenue marking the northeast corner of Workman's property and the southeast corner of Squiric's property;

THENCE with the west right-of-way line of "K" Avenue and the east line of Workman's property, South 04° 17' 19" East, 4.78 feet to a Roome capped iron rod set marking the southeast corner of the herein described premises from which a capped iron rod found for reference bears South 04° 17' 19" East, 126.83 feet;

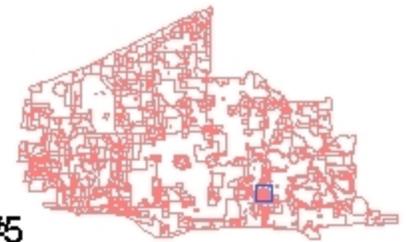
THENCE departing said right-of-way line, along the south line of said premises and the southerly overhang of an existing one story frame building, North 88° 05' 41" West, 190.15 feet to a Roome capped iron rod set marking the southwest corner of said premises in the west line of Workman's property, said Lot 6 and the east line of the aforementioned Lauten property;

THENCE with the west line of Workman's property, Lot 6, the east line of Lauten's property and the west line of said premises, North 01° 54' 25" East, 34.95 feet to the POINT OF BEGINNING and CONTAINING 2,756 square feet or 0.063 acre of land.



Zoning Case #: 2009-24

Existing Zoning: Downtown Business/Government  
w/Heritage Resource Designation #5



○ 200' Notification Buffer