

SUPPLEMENTAL POSTING

PLANO CITY COUNCIL MEETING NOTICE

WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M., JULY 23, 2007, AND PRELIMINARY OPEN MEETING AND REGULAR SESSION IMMEDIATELY THEREAFTER, IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE, CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:

Mission Statement: The mission of the City of Plano is to provide outstanding services and facilities, through cooperative efforts with our citizens, that contribute to the quality of life in our community.

The following item on the Regular Session has been replaced in its entirety and now reads:

- 1. Public Hearing an Ordinance as requested in Zoning Case 2007-14 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 6.6± acres located on the east side of Spring Creek Parkway, 3,100± feet west of Tennyson Parkway in the City of Plano, Denton County, Texas, from Commercial Employment to Neighborhood Office and grant Specific Use Permit No. 585 for the additional use of veterinary clinic and kennel (indoor pens); 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. Applicant: HW Spring Creek Partners, L.P..**

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A is located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.

DATE: June 19, 2007
TO: Honorable Mayor & City Council
FROM: Carolyn Kalchthaler, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of June 18, 2007

AGENDA ITEM NO. 6A - PUBLIC HEARING 
ZONING CASE 2007-14
APPLICANT: HW SPRING CREEK PARTNERS, L.P.

Request to rezone 6.6± acres **from** Commercial Employment to Neighborhood Office and a Specific Use Permit for Veterinary Clinic and Kennel (Indoor Pens) located on the east side of Spring Creek Parkway, 3,100± feet west of Tennyson Parkway.

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

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

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 48 **OPPOSE:** 0

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

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: July 23, 2007 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

TMF/dw

xc: S. Curtis Welwood Jr. - HW Spring Creek Partners L.P.
Shane Jordan, Jordan Realty Advisors

CITY OF PLANO
PLANNING & ZONING COMMISSION

June 18, 2007

Agenda Item No. 6A

Public Hearing: Zoning Case 2007-14

Applicant: HW Spring Creek Partners, L.P.

DESCRIPTION:

Request to rezone 6.6± acres **from** Commercial Employment **to** Neighborhood Office and a Specific Use Permit for Veterinary Clinic and Kennel (Indoor Pens) located on the east side of Spring Creek Parkway, 3,100± feet west of Tennyson Parkway.

REMARKS:

The applicant is requesting to rezone 6.6± acres of property located on the east side of Spring Creek Parkway, approximately 3,100± feet west of Tennyson Parkway, from Commercial Employment (CE) to Neighborhood Office (O-1). A companion concept plan accompanies this rezoning and specific use permit request (Agenda Item 6B).

The subject property is currently undeveloped and is being used for agricultural purposes. The existing CE zoning district is intended to provide the flexibility for an integrated development that may include retail, office, commercial, light manufacturing, and multifamily residences.

The requested O-1 zoning district is intended to provide for low-rise, garden-type office development providing professional, medical, and other office services to residents in adjacent neighborhoods.

Additionally, the applicant is requesting approval of a specific use permit to allow a veterinary clinic and kennel with indoor pens only. A veterinary clinic is defined as an establishment, not including outside pens, where animals and pets are admitted for examination and medical treatment. A kennel (indoor pens) is defined as an establishment with indoor pens in which more than six dogs or domesticated animals are housed during the day or overnight, groomed, bred, boarded, exercised, trained, or sold for commercial purposes; animal transportation service may be provided.

Veterinary clinics and kennels with indoor pens only are allowed within the O-1 zoning district subject to approval of a specific use permit.

The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

The Zoning Ordinance stipulates that clinics may only be allowed in freestanding, single-occupancy buildings or the ground floor of a single- or multi-story, multi-occupant building. The Zoning Ordinance also requires that separate customer and service entrances must be provided from exterior building doorways. Additionally, disposal of all waste materials shall be in accordance with the Texas Department of Health regulations. A site plan will be required at a later date demonstrating compliance with technical zoning requirements subject to review and approval by the City, should the requested rezoning and SUP be granted.

Surrounding Land Use and Zoning

To the north, is the Frito Lay corporate offices on property zoned CE. To the west and southwest, across Spring Creek Parkway (type B+ thoroughfare) are single-family residences on property zoned Patio Home (PH). East and southeast of the subject property, the property is undeveloped and is zoned Single-Family Residence Attached (SF-A).

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Low Intensity Office (LIO). Both the current CE zoning and the requested zoning are in conformance with the Future Land Use Plan.

Adequacy of Public Facilities - Water and sanitary sewer services are available.

Traffic Impact Analysis (TIA) - A Traffic Impact Analysis is not required since the amount/intensity of neighborhood office development on the property would not warrant a traffic impact analysis. Additionally, the trip generation potential by the zoning and specific use permit request is less than trip generation potential of the existing zoning.

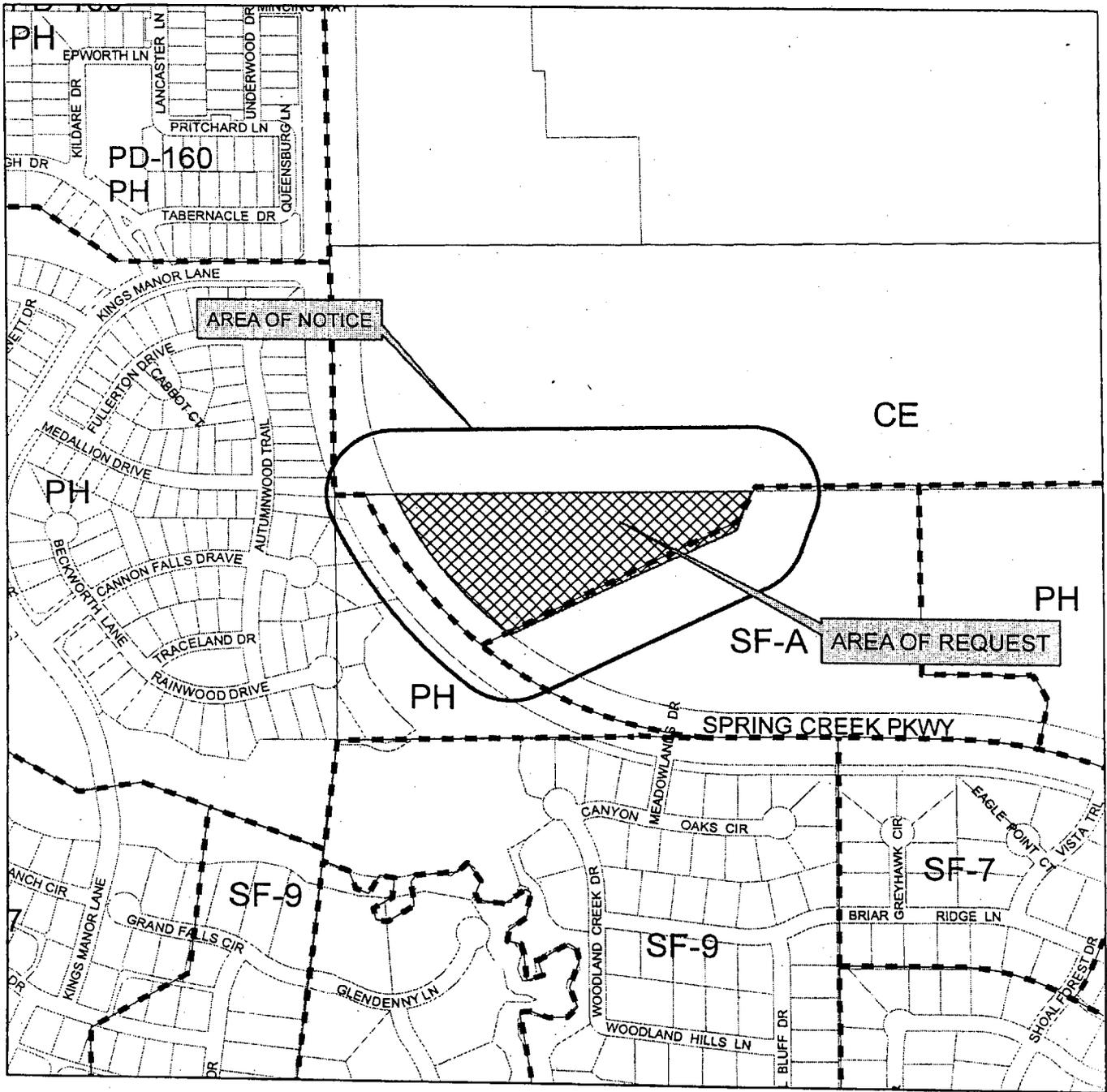
SUMMARY:

The applicant is requesting to rezone the subject property **from CE to O-1** to allow for low-rise, garden-type office development providing professional, medical, and other office services, as well as a Specific Use Permit for Veterinary Clinic and Kennel (Indoor Pens) only. The request is in conformance with the Comprehensive Plan. The requested zoning, Neighborhood Office, serves as a transition district between low intensity and higher intensity zoning districts.

Additionally, the companion concept plan demonstrates that the Specific Use Permit request for Veterinary Clinic and Kennel (Indoor Pens) can be accommodated on the subject property.

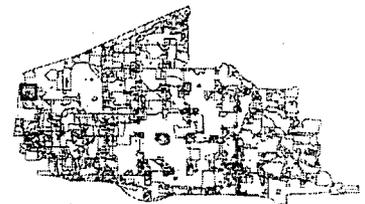
RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2007-14

Existing Zoning: COMMERCIAL EMPLOYMENT

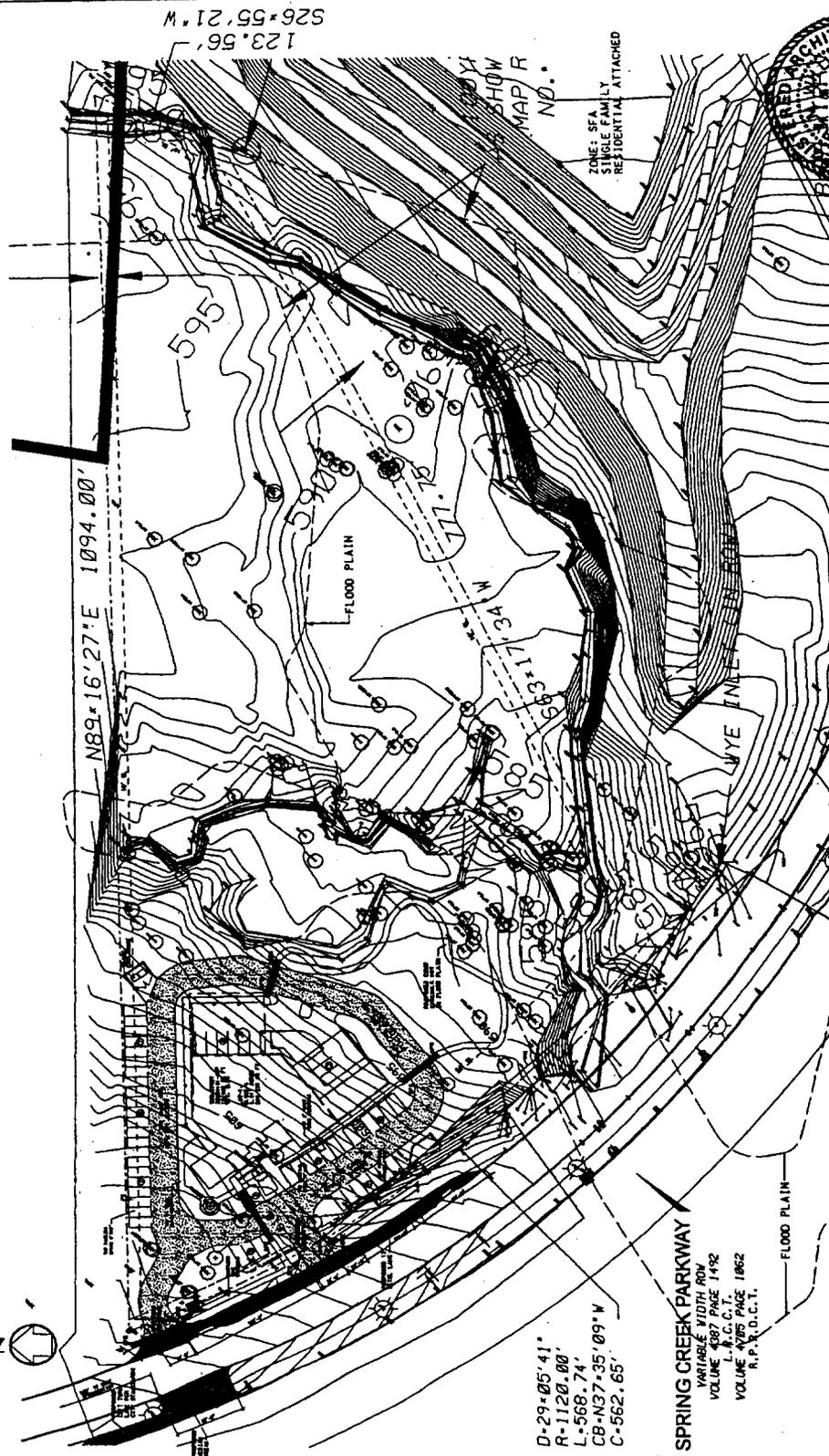


○ 200' Notification Buffer

1-4

1-6

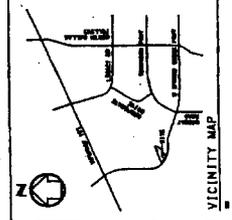
CHECKED BY: GWM DATE: 04/30/07		ARBOR HILLS PRT CARE CENTER		GARY MORGAN WILLIAMS / ARCHITECT	
NO	REVISION	DATE	BY	NO	REVISION
		5/29/07	GWM		CITY COMMENTS
		6/11/07	GWM		CITY COMMENTS
		5/29/07	GWM		CITY COMMENTS
RVS'D BY ISSUED DATE PROJECT: 0621					



D-29°05'41"
R-1120.00'
L-568.74'
CB-N37°35'09" N
C-562.65'

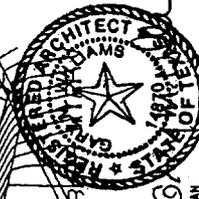
SPRING CREEK PARKWAY
VARIABLE WIDTH ROW
VOLUME 4387 PAGE 1432
L.R.C.C.T.
VOLUME 4785 PAGE 1862
R.P.V.D.C.T.

- NOTES:**
1. THE OWNER HAS BEEN ADVISED THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS.
 2. THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS.
 3. THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS.
 4. THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS.
 5. THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS.
 6. THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS.
 7. THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS.
 8. THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS.
 9. THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS.
 10. THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS AND THAT THE CITY OF DALLAS HAS A FLOOD PLAIN MAP FOR THE CITY OF DALLAS.



OWNER:
S. CURTIS WELWOOD, JR.
54 GUNTING CREEK PARTNERS, L.P.
17480 DALLAS PARKWAY #217
DALLAS, TEXAS 75287
214-636-9533

PREPARED BY:
GWM / ARCHITECT
CONTACT: GARY M. WILLIAMS
6332 BRIMWOOD DRIVE
PLANO, TEXAS 75093
214-336-6468



CONCEPT PLAN
ARBOR HILLS BLOCK-X
6.817 ACRES
288,223 SQUARE FEET
HENRY COUNTY, TEXAS
MAY 9, 2007

SHEET:
CSP

ORDINANCE NO. _____
(Zoning Case 2007-14)

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 6.6± ACRES OUT OF THE HENRY COOK SURVEY, ABSTRACT NO. 235, LOCATED ON THE EAST SIDE OF SPRING CREEK PARKWAY, 3,100± FEET WEST OF TENNYSON PARKWAY IN THE CITY OF PLANO, DENTON COUNTY, TEXAS, FROM COMMERCIAL EMPLOYMENT TO NEIGHBORHOOD OFFICE AND GRANT SPECIFIC USE PERMIT NO. 585 FOR THE ADDITIONAL USE OF VETERINARY CLINIC AND KENNEL (INDOOR PENS); 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 23rd day of July, 2007, for the purpose of considering rezoning 6.6± acres of land out of the Henry Cook Survey, Abstract No. 285, located on the east side of Spring Creek Parkway, 3,100± feet west of Tennyson Parkway in the City of Plano, Denton County, Texas, from Commercial Employment to Neighborhood Office and granting Specific Use Permit No. 585 for the additional use of Veterinary Clinic and Kennel (Indoor Pens); 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 23rd day of July, 2007; 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 6.6± acres out of the Henry Cook Survey, Abstract No. 235, located on the east side of Spring Creek Parkway, 3,100± feet west of Tennyson Parkway in the City of Plano, Denton County, Texas, from Commercial Employment to Neighborhood Office and grant Specific Use Permit No. 585 for the additional use of Veterinary Clinic and Kennel (Indoor Pens), 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 23RD DAY OF JULY, 2007.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

BEING of a tract of land out of the Henry Cook Survey, Abstract No. 235, in the City of Plano, Denton County, Texas, being part of the tract of land described in deed to Denton RRE, L.P. recorded in Volume 5623, Page 3655 of the Land Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod set with a plastic cap stamped "KHA" (hereinafter called 5/8" iron rod set) in the north right-of-way line of Spring Creek Parkway (160 foot right-of-way at this point) and being in the south line of a tract of land described in deed to Frito-Lay, Inc. recorded in Volume 2870, Page 660 of the Land Records of Denton County, Texas;

THENCE with said south line, North 89° 16' 27" East, a distance of 1,094.00 feet to a point for corner;

THENCE leaving said south line, the following courses and distances to wit;

South, 26° 55' 21" West, a distance of 123.56 feet to a point for corner;

South, 63° 17' 34" West, a distance of 777.75 feet to a point in the north right-of-way line of Spring Creek Parkway (160' right-of-way at this point) for the beginning of a non-tangent curve to the left with a radius of 1,480.00 feet, a central angle of 29° 05' 41", and a chord bearing and distance of North, 37° 35' 09" West, 562.65 feet;

THENCE northwesterly, with said north right-of-way line, an arc distance of 568.74 feet to the POINT OF BEGINNING and CONTAINING 6.617 acres of land.

Bearing system based on the monuments found in the north line of Tennyson Parkway according to the plat recorded in Cabinet P, Page 490 of the Map Records of Denton County, Texas.