

**AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, REPEALING ORDINANCE NO. 99-12-09 AND AMENDING FRISCO'S ZONING ORDINANCE NO. 11-04-09, REZONING A TRACT OF LAND CONSISTING OF 16.1± ACRES, SITUATED IN THE J.D. HAWKINS SURVEY, ABSTRACT NO. 579, CITY OF FRISCO, DENTON COUNTY, TEXAS, HERETOFORE ZONED PLANNED DEVELOPMENT-130-OFFICE-2 (PD-130-O-2); PROVIDING THAT THE TRACT IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-OFFICE-1 (PD-O-1); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("Frisco") to repeal Ordinance No. 99-12-09 in its entirety and replace it with this Ordinance; and

WHEREAS, the City Council has further investigated and determined that Frisco's Zoning Ordinance No. 11-04-09, as amended ("Zoning Ordinance"), should be amended; and

WHEREAS, DFW Teel Eldorado Limited Partnership ("Applicant") initiated a request to rezone 16.1± acres of land, situated in the J.D. Hawkins Survey, Abstract No. 579, City of Frisco, Denton County, Texas, and being more particularly described in **Exhibit "A"**, attached hereto and incorporated herein for all purposes ("Property"); and

WHEREAS, Applicant has requested that the Zoning Ordinance be amended to rezone the Property heretofore zoned and classified in the Planned Development-130-Office-2 (PD-130-O-2) zoning classification by placing it in the Planned Development-Office-1 (PD-O-1) zoning classification; and

WHEREAS, the City Council has investigated and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the City Council has further investigated into and determined that it will be advantageous and beneficial to Frisco and its inhabitants to rezone this property as set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:**

**SECTION 1: Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2: Ordinance No. 99-12-09 Repealed.** Ordinance No. 99-12-09 is repealed in its entirety and replaced by this Ordinance. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance at which time Ordinance No. 99-12-09 shall be repealed. Such repeal shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance No. 99-12-09 occurring before the effective date of this Ordinance.

**SECTION 3: Amendments to the Zoning Ordinance.** The Zoning Ordinance is amended as follows: The zoning designation of the below-described Property, consisting of 16.1± acres of land, situated in the J.D. Hawkins Survey, Abstract No. 579, City of Frisco, Denton County, Texas, and all streets, roads and alleyways contiguous and/or adjacent thereto are hereby rezoned as Planned Development-Office-1. The Property, as a whole, and the boundaries thereof, are more particularly described in **Exhibit “A”**. The general location of the Property is depicted on **Exhibit “A-1”**, attached hereto and incorporated herein for all purposes.

The development plans, standards and uses for the Property shall conform to and comply with: the development standards attached hereto as **Exhibit “B”** and the exhibit attached hereto as **Exhibit “C”**, both of which are incorporated herein for all purposes.

Except as amended by this Ordinance, the development of the Property must comply with the requirement of all ordinances, rules and regulations of Frisco, as they currently exist or may be amended.

**SECTION 4: No Vested Interest/Repeal.** No developer or property owner shall acquire any vested interest in this Ordinance or in any specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

**SECTION 5: Unlawful of Use of Premises.** It shall be unlawful for any person, firm, entity or corporation to make use said premises in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, entity or corporation to construct on said premises any building that is not in conformity with the permissible uses under this zoning Ordinance.

**SECTION 6: Penalty.** Any person, firm, corporation or entity violating this Ordinance or any provision of the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day’s violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 7: Severability. Should any section, subsection, sentence, clause and/or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause and/or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional and/or invalid.

SECTION 8: Savings/Repealing Clause. The Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 9: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

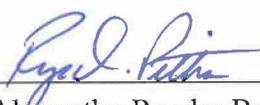
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS** on this 20<sup>th</sup> day of May, 2014.

\_\_\_\_\_  
Maher Maso, Mayor

**ATTESTED TO AND  
CORRECTLY RECORDED BY:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jenny Page, City Secretary

  
\_\_\_\_\_  
Abernathy Roeder Boyd & Joplin P.C.  
Ryan D. Pittman, City Attorneys

*Date(s) of Publication:* \_\_\_\_\_, *Frisco Enterprise*

## Exhibit "A"

**BEING** all that certain lot, tract or parcel of land situated in the J. D. Hawkins Survey, Abstract Number 579, City of Frisco, Denton County, Texas, and being a part of that certain tract of land described by deed to DFW RE Investments, recorded under Instrument Number 2004-134047 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

**BEGINNING** at a ½ inch iron rod with a yellow cap stamped "*ARTHUR SURVEYING COMPANY*" set for the northeast corner of said DFW tract and the northwest corner of that certain tract of land described by deed to Villas at Belle Creek, LLC, recorded under Document Number 2013-64562 of the Real Property Records of Denton County, Texas, and being in the south line of Lot 11, Block D, Knolls of Frisco, Phase 1, an addition to the City of Frisco, Denton County, Texas, according to the plat thereof recorded in Cabinet X, Page 953 of the Plat Records of Denton County, Texas;

**THENCE** with the west line of said Villas at Belle Creek tract the following three (3) calls in a southerly direction:

South 01 degrees 21 minutes 56 seconds East, a distance of 492.21 feet to a ½ inch iron rod with a yellow cap stamped "*ARTHUR SURVEYING COMPANY*" set for corner;

South 20 degrees 01 minutes 12 seconds West, a distance of 188.76 feet to a ½ inch iron rod with a yellow cap stamped "*ARTHUR SURVEYING COMPANY*" set for corner;

South 11 degrees 00 minutes 17 seconds West, a distance of 203.83 feet to an "X" set in concrete for the southwest corner of said Villas at Belle Creek tract and being in the north line of Eldorado Parkway, a public roadway;

**THENCE** to the center line of said Eldorado Parkway in a southerly direction:

South 00 degrees 14 minutes 42 seconds East, a distance of 68.91 ft;

**THENCE** along the approx. center line of said Eldorado Parkway in a westerly direction:

South 89 degrees 45 minutes 18 seconds West, a distance of 677.49 ft;

**THENCE** along the approx. center line of said Teel Parkway in a northerly direction:

South 00 degrees 17 minutes 14 seconds West, a distance of 929.37 ft;

**THENCE** North 89 degrees 42 minutes 46 seconds East, for a total distance of 70.00 feet;

**THENCE** North 89 degrees 03 minutes 19 seconds East, with the north line of said DFW tract and continuing with the south line of said Block D of Knolls of Frisco, Phase 1, passing a ½ inch iron rod found for the southeast corner of Lot 20 and the southwest corner of Lot 19 of said Block D a distance of 217.01 feet and passing a ½ inch iron rod found for the southeast corner of said Lot 19 and the southwest corner of Lot 18 of said Block D a distance of 272.01 feet, passing a ½ inch iron rod found for the southeast corner of Lot 15 and the southwest corner of Lot 14 a distance of 437.02 feet, passing a ½ inch iron rod found for the southeast corner of said Lot 14 and the southwest corner of Lot 12 of said Block D a distance of 492.02 feet, passing a ½ inch iron rod found for the southeast corner of said Lot 13 and the southwest corner of Lot 12 of said Block D a distance of 547.02 feet and continuing for a total distance of 703.75 feet to the **POINT OF BEGINNING**, and containing 16.032 acres of land, more or less.

Exhibit "A-1"

# Z14-0004 NEC Eldorado & Teel Parkway

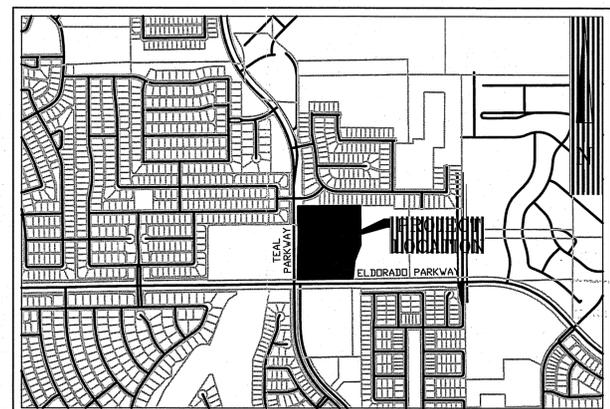
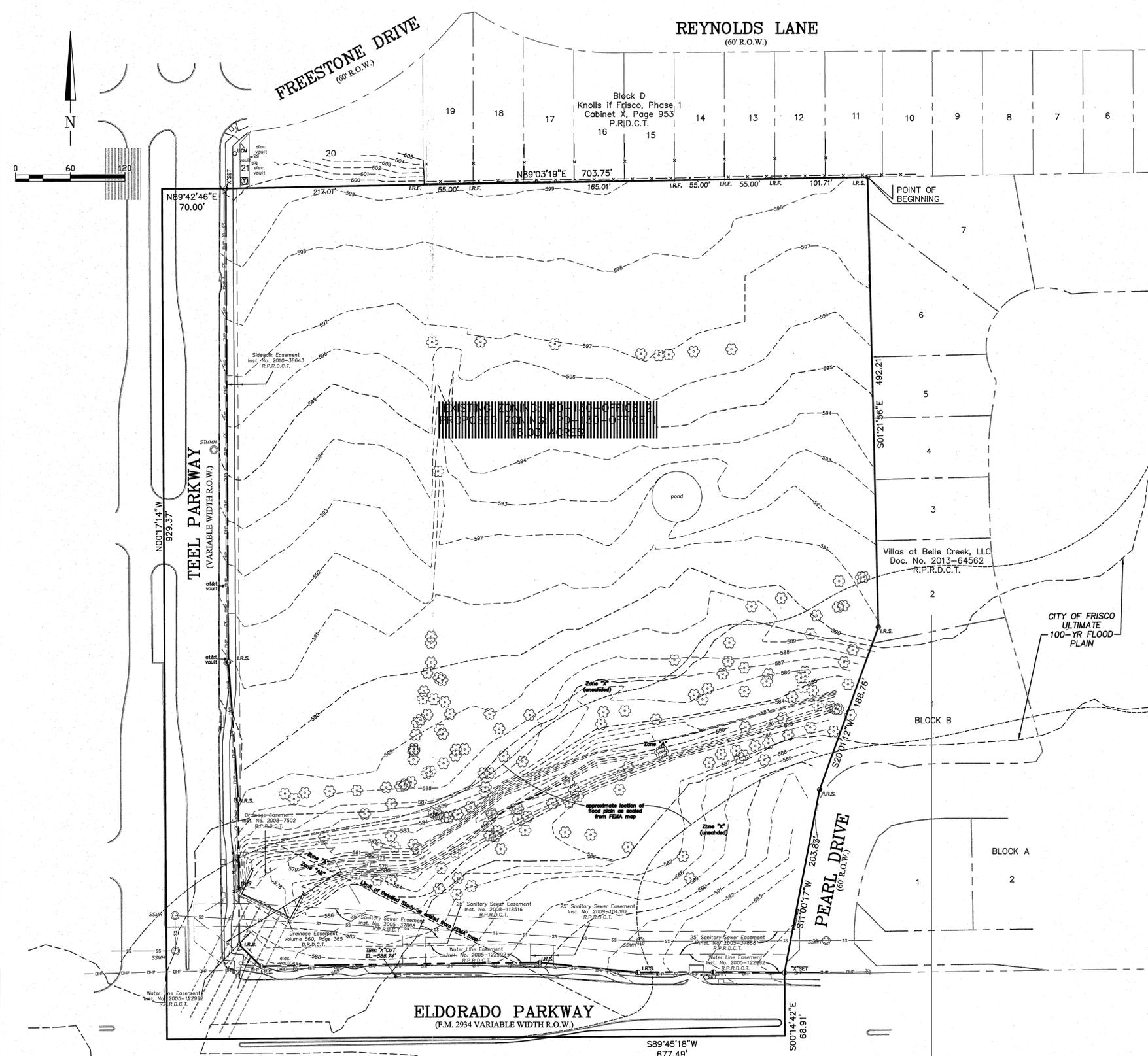


**Exhibit “B”**  
**Development Standards**

**PLANNED DEVELOPMENT STANDARDS**

The tract shall be developed under the regulations of the Planned Development-Office-1 (O-1) District as outlined in Zoning Ordinance No. 11-04-09, as it exists or may be amended, subject to the following conditions:

1. Permitted Uses – Permitted uses shall include all uses allowed in the Planned Development-Office-1 District plus the following additional uses allowed by right:
  - a. Restaurant – Restaurant shall not have drive-thru or drive-in access and shall include outdoor seating areas in an amount equal to ten percent (10%) of the total gross floor area of the restaurant. The outdoor seating area shall be located between the building and the flood plain. No off-street parking may be located between the building and the flood plain.
  - b. Assisted Living Facility.
  - c. Gymnastics/Dance Studio.
  
2. Open Space – Open space shall be provided as shown on **Exhibit “C”**. The open space area shall be improved with an eight-foot (8’) wide concrete pedestrian path. The pedestrian path shall be constructed parallel to the north and south sides of the flood plain. The pedestrian path shall connect the north and south sides of the flood plain and the public sidewalk at the intersection of Eldorado Parkway and Teel Parkway.



Vicinity Map 1"=1000'

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BEGINNING at a 1/2 inch iron rod with a yellow cap stamped "ARTHUR SURVEYING COMPANY" set for the northeast corner of said DFW tract and the northwest corner of that certain tract of land described by deed to Villas at Belle Creek, LLC, recorded under Instrument Number 2013-64562 of the Real Property Records of Denton County, Texas, and being in the south line of Lot 11, Block D, Knolls of Frisco, Phase 1, an addition to the City of Frisco, Denton County, Texas, according to the plat thereof recorded in Cabinet X, Page 953 of the Plat Records of Denton County, Texas;

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P&Z Commission  
 Date: 3/25/14 City Council  
 Approved/ Denied 6-0 Date: 4/15/14  
 Approved/ Denied 6-0

EXHIBIT A: Z14-0004  
 CURRENT ZONING: PD-130  
 PROPOSED ZONING: PD-130 (MODIFIED)  
 16.032 ACRES OUT OF THE J. D. HAWKINS SURVEY, ABST. No. 579  
 FRISCO, DENTON COUNTY, TEXAS

PRELIMINARY PLANS  
 THIS DOCUMENT IS CONCEPTUAL AND FOR PRELIMINARY REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.  
 CLINT D. LANNEN, PE # 107845  
 DATE: 03/03/2014

LEGEND			
I.R.F.	IRON ROD FOUND	☉	POWER POLE
I.R.S.	IRON ROD SET	☼	LIGHT POLE
"X"	CUT X IN CONCRETE	T	WATER VALVE
F.C.P.	FENCE CORNER POST	⊙SSMH	SANITARY SEWER MANHOLE
///	ASPHALT	⊙	FIRE HYDRANT
⊙	TELEPHONE MANHOLE	⊙WM	WATER METER

**OWNER**  
 DFW TEEL ELDORADO LIMITED PARTNERSHIP  
 5726 GOODWIN AVENUE  
 DALLAS, TEXAS 75206  
 CONTACT: FREDERIC CHANG  
 PHONE: 469-688-1337

**DEVELOPER**  
 JP COMMERCIAL PROPERTY DEVELOPERS, LLC  
 859 DEERFIELD ROAD  
 ALLEN, TEXAS 75013  
 CONTACT: SRINIVASA JAMPANA  
 PHONE: 214-235-2105

**ENGINEER**  
 COMPASS CIVIL ENGINEERING & CONSULTING, LLP  
 108 TIBBS DRIVE  
 VALLEY MILLS, TEXAS 76689  
 CONTACT: CLINT D. LANNEN, P.E.  
 PHONE: 214-534-5803

**SURVEYOR**  
 ARTHUR SURVEYING CO., L.P.  
 220 ELM STREET, #220  
 LEWISVILLE, TEXAS 75057  
 CONTACT: DOUG ARTHUR  
 PHONE: 972-221-9439

TBPE FIRM  
 REGISTRATION NO.  
 F-13342  
**COMPASS**  
 CIVIL ENGINEERING & CONSULTING, LLP  
 108 TIBBS DRIVE, SUITE 200  
 VALLEY MILLS, TEXAS 76689  
 PHONE 214-534-5803  
 WWW.COMPASSCIVILENGINEERING.COM



JP TEEL COMMERCIAL  
 NE CORNER OF ELDORADO PARKWAY & TEEL PARKWAY  
 16.032 AC, ZONED: PD-130  
 OFFICE (0-2)  
 FRISCO, DENTON COUNTY, TEXAS

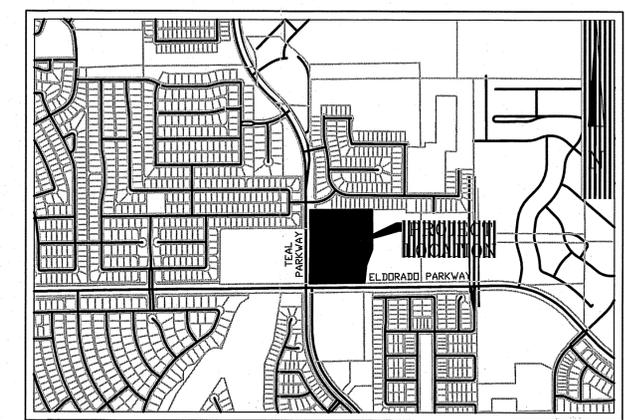
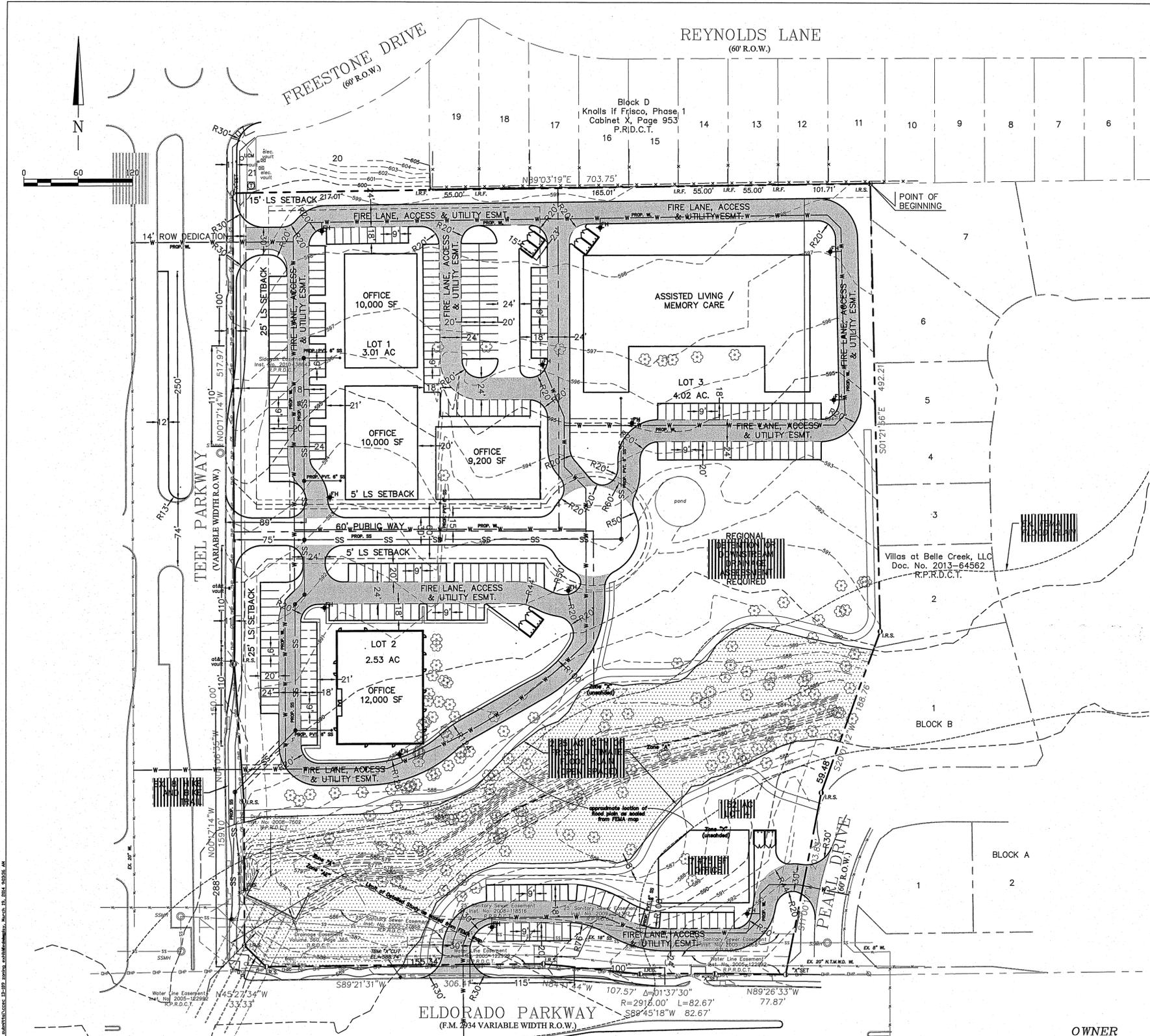
ZONING EXHIBIT A

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 MAR 19 2014

BY: .....

DRAWN: CCEC  
 DATE: 09/05/2013  
 CCEC #: 13-109

SHEET NO:  
 EXHIBIT



Vicinity Map 1"=1000'

**LEGEND**

I.R.F.	IRON ROD FOUND	⊗	POWER POLE
I.R.S.	IRON ROD SET	⊙	LIGHT POLE
"X"	CUT X IN CONCRETE	T	WATER VALVE
F.C.P.	FENCE CORNER POST	⊙SSMH	SANITARY SEWER MANHOLE
///	ASPHALT	⊙	FIRE HYDRANT
⊙	TELEPHONE MANHOLE	⊙WM	WATER METER

- NOTE**
- 1.) THE LAYOUT AND PROPOSED BUILDING USES ARE PER THE DIRECTION OF THE DEVELOPER AND DIRECTION OF THE CITY OF FRISCO.
  - 2.) LOTS ALONG CREEK DO NOT INCLUDE THE CITY OF FRISCO ULTIMATE FLOOD PLAN. THE PROPOSED LOT ACREAGE DOES NOT INCLUDE ANY FLOOD PLAN AREA.
  - 3.) THIS EXHIBIT PROPOSES THE USE OF AN ASSISTED LIVING/ MEMORY CARE FACILITY IN THE LOCATION SHOWN ON THE PLAN. THE GENERAL ZONING THEME SHALL BE CHANGED FROM OFFICE-2 TO OFFICE -1. LOT 2 SHALL RETAIN O-2 ZONING.
  - 4.) LOT 2 MAY BE DEVELOPED FOR A RESTAURANT USE (WITHOUT DRIVE-THRU OR DRIVE -IN). RESTAURANTS SHALL INCLUDE OUTDOOR SEATING AREAS TO EQUAL TEN PERCENT (10%) OF THE TOTAL GROSS FLOOR AREA OF THE RESTAURANT. THE OUTDOOR SEATING AREA SHALL BE LOCATED BETWEEN THE BUILDING AND THE FLOOD PLAN. NO OFF-STREET PARKING MAY BE LOCATED BETWEEN THE BUILDING THE FLOOD PLAN.
  - 5.) SHOULD LOT 3 NOT DEVELOP AS AN ASSISTED LIVING/ MEMORY CARE USE, IT MAY DEVELOP FOR A USE IN CONFORMANCE WITH OFFICE-1 ZONING.
  - 6.) LOT 4 MAY BE DEVELOPED FOR A RESTAURANT USE (WITHOUT DRIVE-THRU OR DRIVE -IN). RESTAURANTS SHALL INCLUDE OUTDOOR SEATING AREAS TO EQUAL TEN PERCENT (10%) OF THE TOTAL GROSS FLOOR AREA OF THE RESTAURANT. THE OUTDOOR SEATING AREA SHALL BE LOCATED BETWEEN THE BUILDING AND THE FLOOD PLAN. NO OFF-STREET PARKING MAY BE LOCATED BETWEEN THE BUILDING THE FLOOD PLAN.
  - 7.) MODIFICATION TO THIS ZONING EXHIBIT FOR SITE PLAN ELEMENTS AND LAYOUT (NOT FOR INTENDED USES) SHALL BE APPROVED BY P&Z WITH A PRELIMINARY SITE PLAN.

**SITE DATE SUMMARY - RESTAURANT USE (NO DRIVE THRU) IS ALLOWED FOR LOTS 2 & 4 PER THE DEVELOPMENT STANDARDS (EXHIBIT B)**

LOT	ZONING	PROP. USE	BLDG. AREA (SQ. FT)	BLGD. HGT.	LOT COVERAGE		FLR AREA RATIO	PARKING			
					REQ.	PROV.		REQ. RATIO	REQ.	PROV.	REQ.
1	PD-130	OFFICE	29,200	-	25%	22.25%	-	17,000 SF @ 1/200 SF - MED. OFFICE			
								12,200 SF @ 1/350 SF - GEN. OFFICE			
2	PD-130	OFFICE	12,000	1 STORY	25%	10.89%	-	1/200 SF - MED. OFFICE			
3	PD-130	ASST. LIVING/MEMORY	-	-	25%	-	-	1/ 5 BEDS, 1/ 1000 SF O.S. -(100 BEDS MAX THIS SITE)			
4	PD-130	OFFICE	7,475	-	25%	11.31%	-	1/350 SF - GEN. OFFICE			

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 PHONE: 972-221-9439

P&Z Commission  
 Date: 3/25/14  
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City Council  
 Date: 4/15/14  
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**COMPASS**  
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 NE CORNER OF ELDORADO PARKWAY & TEEL PARKWAY  
 16.032 AC ± ZONED: PD-130  
 OFFICE (O-2)  
 FRISCO, DENTON COUNTY, TEXAS

ZONING EXHIBIT C

**RECEIVED**  
 MAR 19 2014

BY: .....

DRAWN: CCEC

DATE: 09/05/2013

CCEC #: 13-109

SHEET NO: EXHIBIT