

**REVISED**  
**NOTICE OF MEETING**

**NOTICE IS HEREBY GIVEN THAT THE BOARD OF ADJUSTMENT WILL MEET IN A REGULAR SESSION IN THE COUNCIL CHAMBER OF THE MUNICIPAL CENTER, 1520 AVENUE K, PLANO, TEXAS AT 3:00 P.M. TUESDAY, APRIL 24, 2012.**

The Board of Adjustment may convene into Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with its attorney regarding posted items in the regular meeting.

**PUBLIC COMMENTS:**

1. The Board of Adjustment will hear comments of public interest. Time restraints may be directed by the Chair of the Board of Adjustment. Specific factual information, explanation of current policy, or clarification of Board of Adjustment authority may be made in response to an inquiry. Any other discussion or decision must be limited to a proposal to place the item on a future agenda.

**APPROVAL OF MINUTES:**

2. March 27, 2012 meeting.

**ZONING APPEAL REQUEST**

3. **APPEAL # 12-08Z 7605 GARDEN HILL ROAD:** A request to vary Subsection 2.817 (3) of the Zoning Ordinance number 2006-4-24 to allow:
- a) a reduction of the required 50 feet front building line setback facing Preston Road to zero feet and,
  - b) a reduction of the required 50 feet front building line setback facing Garden Hill Road to 20 feet.
- This appeal is requested by property owner Michael C. Fannin to be represented by Dave Kirk.
4. **APPEAL # 12-09Z 3401 K AVENUE:** A request to vary Subsection 2.819 (3) of the Zoning Ordinance number 2006-4-24 to allow:
- c) a reduction of the required 50 feet front building line setback facing K Avenue to 20 feet and,
  - d) a reduction of the required 10 feet rear yard building line setback to zero feet.
- This appeal is requested by Lori Kind with Public Storage Texas Properties Ltd, to be represented by Dave Kirk.
5. **APPEAL # 12-10Z 1701 OHIO DRIVE:** A request to vary Subsection 3.1301 of the Zoning Ordinance number 2006-4-24 to allow a generator scale limits to be 85 decibels, exceeding the allowable 58 decibels. This appeal is requested by Said Hashemipour with Day Surgery Center of North Texas, LTD, to be represented by Nathan Howell.

**OTHER:**

6. **Items for future Agenda.**

**Council Liaisons: Councilmen Ben Harris and Patrick Gallagher**

Municipal Center is wheelchair accessible. A slope curb entry is available at the main entrance facing Ave. L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. The Council Chamber is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting by calling the Building Inspection Department at 972-941-7140.

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 1520 Avenue K

Plano, Texas on the 17<sup>th</sup> day of April  
2012, at 5 o'clock p.m.

for: Phonon Kirk SA  
City Secretary



**Board of Adjustment**  
**March 27, 2012**

Board Members Present

Michael Pirek, Chairman  
Ed Stankunas  
Steven Patten  
Peter Krause, Alternate  
Mark Godfrey, Alternate

Board Members Absent

Henry Pauly  
Carolyn Kalchthaler  
Bill Gibson, Alternate  
Jackie Hager, Alternate

Staff

Victoria Huynh, Deputy City Attorney  
Selso Mata, Building Official  
Cliff Bormann, Assistant Building Official  
Patti Hoffer, Code Compliance Representative  
Diana Casady, Sr. Administrative Assistant

A public hearing of the Board of Adjustment was called to order by Chairman Mike Pirek on Tuesday, March 27, 2012 at 3:00 p.m. in the Council Chamber of the Municipal Center. A quorum was present and notice of the meeting had been posted for the time and manner required by law.

Below is a summary of the actions taken under each of the posted items.

1. Public comments: **There was no public comment.**
2. Approval of Minutes from February 28, 2012

**Board member Ed Stankunas made the motion to approve the minutes from February 28, 2012. Board Member Steve Patten seconded the motion. The Board voted 5/0 to approve the meeting minutes from February 28, 2012.**

Chairman Pirek admitted all records and testimony given into the official Board of Adjustment record.

3. APPEAL # 12-07S 659 E. 16<sup>TH</sup> STREET: A request to vary Subsection 3.1603 (2) (b) of the Zoning Ordinance number 2006-4-24 to allow a freestanding apartment sign to:
  - a) be over the allowable 25 square feet in size by an additional 5.69 feet for an overall size of 30.69 square feet and,
  - b) encroach 10.38 feet into the required setback of 15 feet from the front property line.

**Patti Hoffer, Code Compliance Representative, gave a presentation on the property at 659 E. 16<sup>th</sup> Street, and answered questions from the Board.**

**The applicant, Flora Dadgari, was present but did not initially testify.**

**Chairman Pirek closed the floor to public comment. After discussion amongst the board, Chairman Pirek opened the floor to public comment. Flora Dadgari, property owner, testified that this new sign is smaller than the one sign and questioned why the Board would not allow the new sign. Chairman Pirek explained that the Board understood the rationale for her request to vary the set-back requirements; however, some of Board members were not convinced that they had the legal basis to grant a variance to the size requirements. Ms. Dadgari asked to withdraw her application to modify her request.**

3. Items for Future Agendas

**There are no cases for the April 10th meeting.**

The Public Hearing adjourned at 3:28 P.M.

---

Mike Pirek, Chairman

RECEIVED  
APR 04 2012  
BY:

CITY OF PLANO  
ZONING APPEAL TO THE BOARD OF ADJUSTMENT

APPEAL #: \_\_\_\_\_  
\$ 75-RESIDENTIAL (HOMESTEAD ENCROACHMENTS ON HOMES BUILT PRIOR TO MAY 1987)  
\$150-RESIDENTIAL (HOMESTEAD) # 12-08Z  
\$265-RESIDENTIAL/COMMERCIAL

PLEASE TYPE OR PRINT USING BLACK INK

APPEAL LOCATION:

Street Address: 7605 Garden Hill Rd. Zoning District: 0-2  
Lot Number: 1 Block: A Addition: Robinson Point

TO THE HONORABLE BOARD OF ADJUSTMENT:

\*

Michael C Fannin 9727479233  
15700 St Hwy 121 Frisco TX 75035  
(Applicant's Street Address) City State Zip

In accordance with the provisions of Section 6-204, et seq. of the City of Plano Zoning Ordinance, appeal is now made to the Honorable Board of Adjustment to grant the following variance request. (Please be specific in request):

Requesting a reduction in the Preston Road front yard setback to zero feet and a reduction in the Garden Hill Rd front yard setback to twenty feet. This would allow full use of the telecom compound as prior to annexation.

In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that all of the following conditions are met. State how your request meets these conditions. Please note that the stated hardship shall not be financial nor self-induced.

- a. The requested variance does not violate the intent of the ordinance or its amendments:  
This request does not violate the intent of the ordinance
- b. Special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district:  
The subject property fronts on two streets, Garden Hill Rd and Preston Rd. Having two front yard setbacks, takes up the majority of the property. The entire telecom compound is within the setbacks.
- c. The hardship is in no way the result of the applicant's own actions:  
The applicant did not create the two front yards on this property. Apparently the property was annexed after the telecom site was built.
- d. The interpretation of the provisions of this ordinance or its amendments would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, that comply with the same provisions:  
Without two front yard setbacks, this property would have more development opportunities as enjoyed by other properties in this same district.
- e. How is the property going to be used?  
The specific area in question is used as a telecommunications tower site. The remainder of the property is unlikely to be developed further due to the size and adjacent development.

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**ZONING APPEAL TO THE BOARD OF ADJUSTMENT**

PAGE 2

f. Is the denial of the variance going to cause a substantial burden on religious activities of the property owner/user?  
Circle one: Yes / No (If Yes, see question (g) below)

No

g. If yes, please explain how the denial of the variance will cause a burden on religious activities of the property owner/user?

.....  
The undersigned officer(s) and/or agent(s) of the property owner(s) are the properly authorized officials and by signing below have the necessary authority to execute this application on behalf of applicant hereto.

\*

Michael Fannin 15700 St Hwy 121 Frisco TX 75035 3/27/12  
Name Address City State Zip Date

PLEASE CHECK ONE:

I will represent this variance request at the Board meeting

I will not be able to represent this variance at the Board meeting. My authorized representative who will represent this variance before the Board of Adjustment is:

Dave Kirk 1901 Royal Ln., Ste. 104 Dallas TX 75229  
Name Street Address City State Zip

.....  
I hereby certify that the above statements are true and correct to the best of my knowledge.

\*

Michael C Fannin  
Applicant's Signature  
Michael C Fannin  
Please Print Name

STATE OF TEXAS  
COUNTY OF COLLIN

\*

Subscribed and sworn to before me this 27 day of March, 2012



Lynn M Doster  
Notary Public

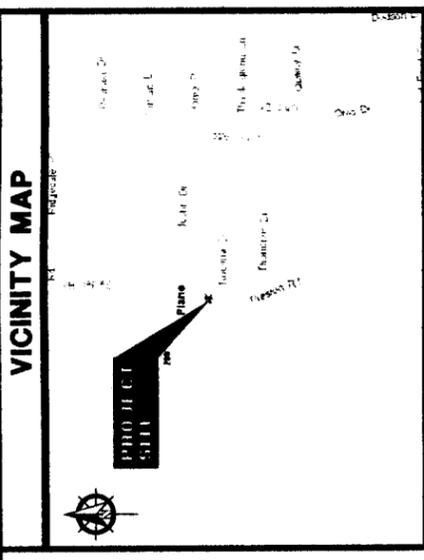
My commission expires: 9/7/2013

NOTE TO APPLICANT:

A notice of meeting will be sent only to the applicant, or to the authorized representative, if one is designated. If the variance is denied, it may be two years before the variance can be reheard. The decision of the Board of Adjustment shall be final on all sign cases. Refer to The City of Plano Zoning Ordinance: Article 6, Section 6-209(3) to appeal the decision of the Board regarding a zoning case.

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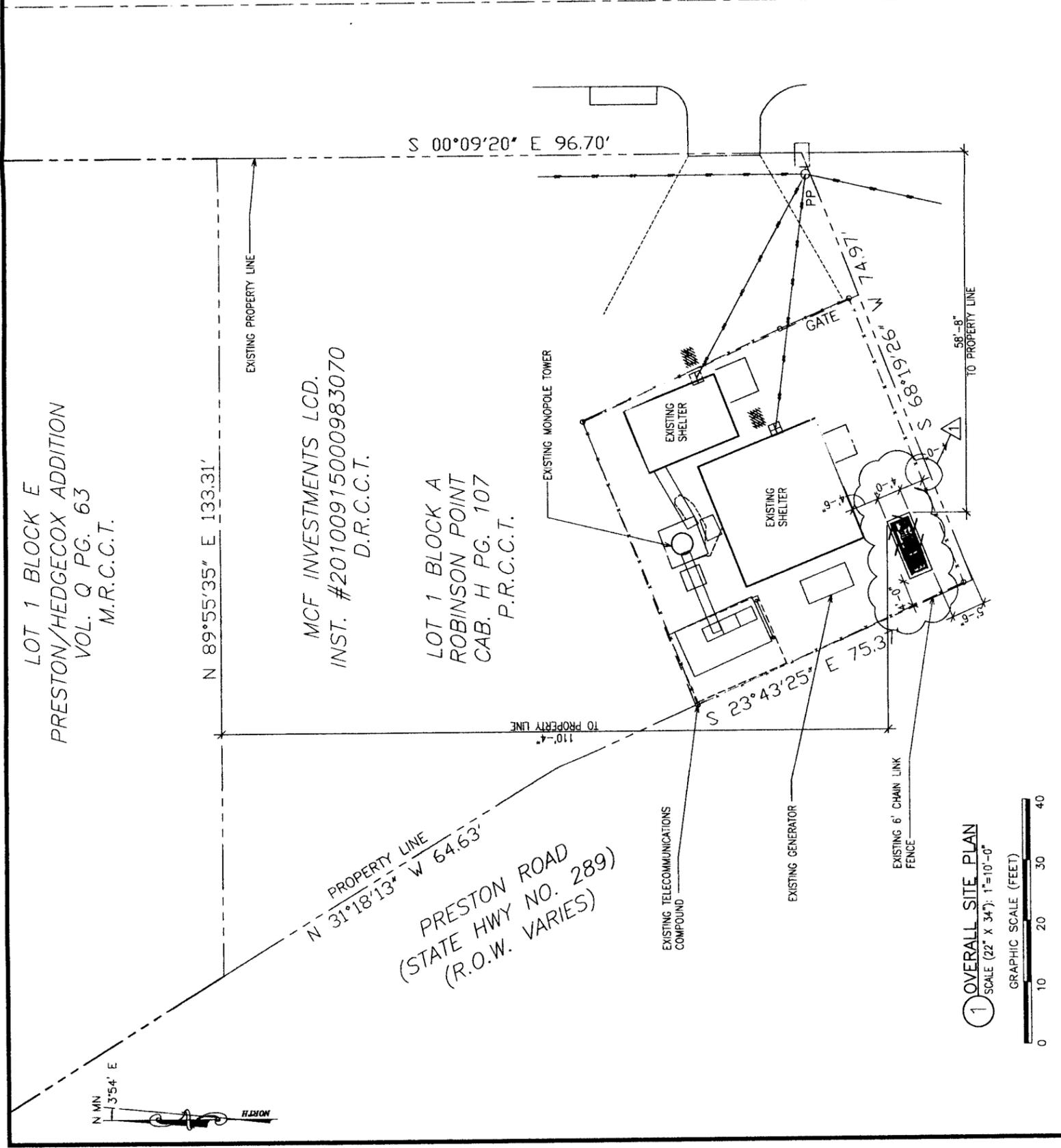




LOT 26 BLOCK 4  
PRESTON BEND  
PHASE ONE  
VOL. 6 PG. 155  
M.R.C.C.T.

NOCONA DRIVE  
(50' R.O.W.)

GARDEN HILL ROAD  
(50' R.O.W.)



**DESIGNER:**  
NAME: THE CELERIS GROUP, INC.  
ADDRESS: 2201 N. COLLINS ST., STE. 125  
CITY, STATE, ZIP: ARLINGTON, TX 76011  
CONTACT: MARK STAPLETON  
PHONE: 817-446-1700

**ENGINEER:**  
NAME: EPB ASSOCIATES, INC.  
ADDRESS: 5501 LBJ FREEWAY, STE. 225  
CITY, STATE, ZIP: DALLAS, TX 75240  
CONTACT: EDGARDO BRANDAO, P.E.  
PHONE: 972-239-5495

**APPLICANT/LEASSEE:**  
NAME: AT&T MOBILITY  
ADDRESS: 1801 VALLEY VIEW LANE  
CITY, STATE, ZIP: FARMERS BRANCH, TX 75234  
CONTACT: STEWART CREEK VENTURE  
PHONE:

**PROPERTY OWNER:**  
NAME: STEWART CREEK VENTURE  
ADDRESS:  
CITY, STATE, ZIP:  
CONTACT:  
PHONE:

**LEGEND**

△ PROPOSED 4' X 10' CONCRETE PAD WITH GENERATOR

PRELIMINARY  
NOT FOR  
CONSTRUCTION

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW  
UNDER THE AUTHORITY OF EDGARDO A. BRANDAO, P.E.  
LICENSE # 100118. IT IS NOT TO BE USED FOR CONSTRUCTION  
UNLESS SO NOTED OTHERWISE.

**SCSP12-????**

**SUBSTANTIALLY CONFORMING SITE PLAN**

**ROBINSON POINT**  
**LOT 1, BLOCK A**  
**BEING 0.260 ACRES OUT OF**  
**MARIA C. VELA SURVEY,**  
**ABSTRACT #A0935**

**CITY OF PLANO, COLLIN COUNTY, TEXAS**

**CITY OF FRISCO SITE PLAN NOTES:**

1. ANY REVISION TO THIS PLAN WILL REQUIRE CITY APPROVAL AND WILL REQUIRE REVISIONS TO ANY CORRESPONDING PLANS TO AVOID CONFLICTS BETWEEN PLANS.
2. OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE COMPREHENSIVE ZONING ORDINANCE.
3. BUILDINGS OF 5,000 SQUARE FEET OR GREATER SHALL BE 100% FIRE SPRINKLED. ALTERNATIVE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE FIRE DEPARTMENT.
4. ALL SIGNAGE IS SUBJECT TO BUILDING INSPECTION DIVISION APPROVAL.
5. ALL FENCES AND RETAINING WALLS SHALL BE SHOWN ON THE SITE PLAN AND ARE SUBJECT TO BUILDING INSPECTION DIVISION APPROVAL.

**APPEAL SUMMARY  
#12-08Z**

**APPLICANT:** Michael C. Fannin, property owner to be represented by Dave Kirk

**ADDRESS:** 7605 Garden Hill Road

**ZONING:** General Office (O-2)

**APPLICANT REQUEST:** The applicant is requesting to vary Subsection 2.817 (3) of the Zoning Ordinance number 2006-4-24 to allow:

- a) a reduction of the required 50 feet front building line setback facing Preston Road to zero feet and,
- b) a reduction of the required 50 feet front building line setback facing Garden Hill Road to 20 feet.

**ORDINANCE REQUIREMENTS:**

Subsection 2.817 (3) states that a minimum required front yard setback of 50 feet, except as provided in section 3.500.

**STAFF FINDINGS:**

This property is located between Preston Road and Garden Hill Road, situated within general office zoning district.

Per the applicant, this property fronts two streets requiring two front yard setbacks taking up the majority of the property; the entire telecom compound is within the setbacks.

This lot has two frontages one facing Preston Road and the other is Garden Hill Road. Each required street frontage is 50 feet from property line(s). The applicant is requesting to reduce the required 50 foot building line setback facing Preston Road to zero feet allowing the proposed generator to be constructed 4 feet from front property line and 5.5 feet from south property line. Also, the applicant is requesting to reduce the required 50 foot building line setback facing Garden Hill Road to 20 feet for possible future development.

As an option the planning department has suggested a masonry wall along the Garden Hill Road frontage that would allow this street frontage to be considered a rear yard, therefore requiring a 10 foot rear yard building line setback.

There are existing structures on this lot, which were annexed from the county and no record of permits.

## Article 2. Zoning Districts and Uses

### 2.817 O-2 - General Office

#### 1. Purpose

The O-2 district is intended to allow for a variety of low-, mid-, and high-rise office developments providing for professional, financial, medical, and similar services to local residents; corporate offices for regional and national operations; and major centers of employment for Plano and surrounding communities.

#### 2. Permitted Uses

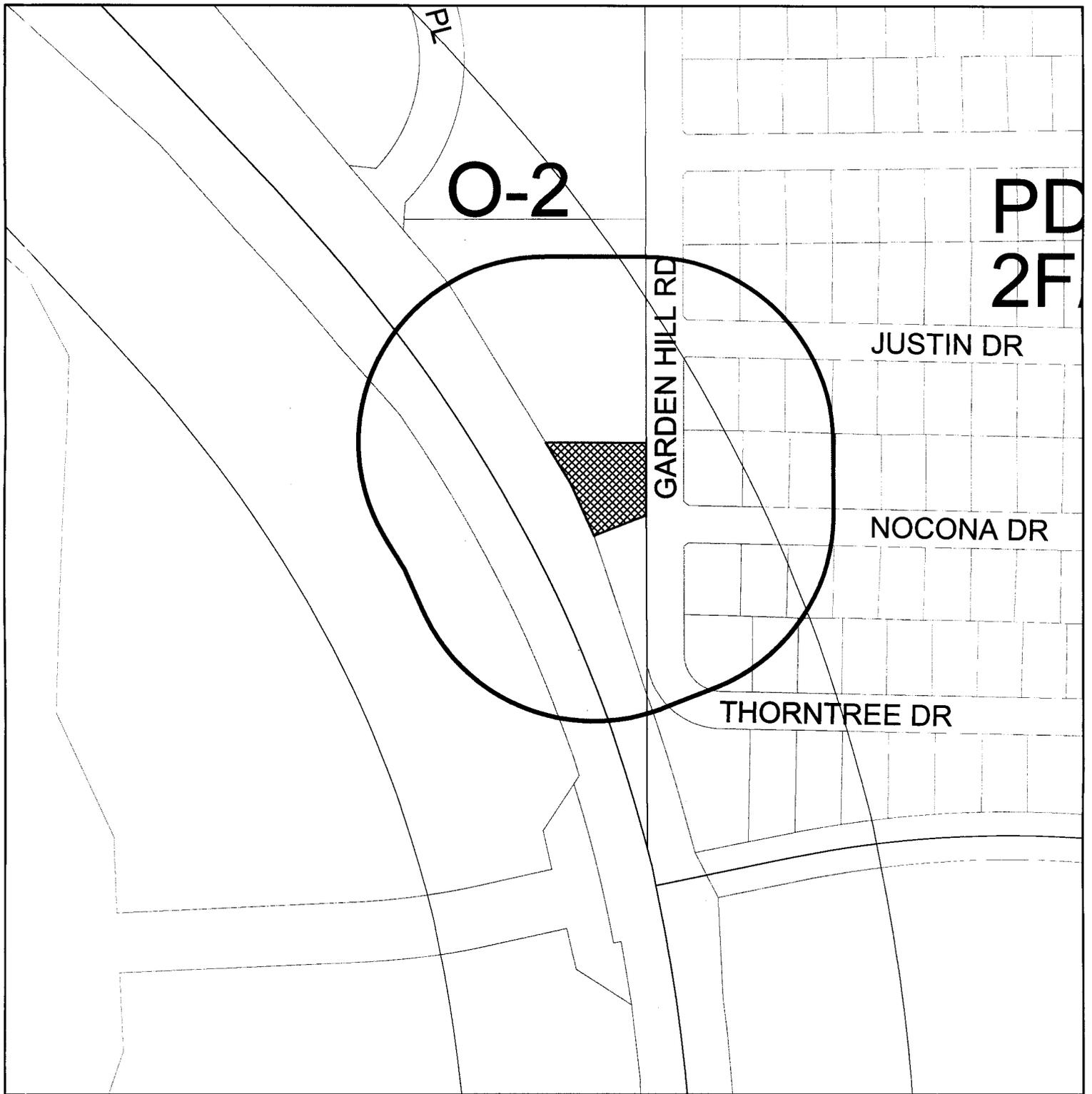
See Subsection '2.502 Schedule of Permitted Uses', for a complete listing.

#### 3. Area, Yard, and Bulk Requirements

Description	Requirement
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Minimum Front Yard	50 feet, except as provided in Section 3.500
Minimum Side Yard	None (See Section '3.600 Side Yard Regulations'.)
--of Corner Lot	50 feet on street side
Minimum Rear Yard	Ten feet where no alley abuts the rear property line (See Section '3.700 Rear Yard Regulations'.)
Maximum Lot Coverage	50%, including a maximum of 30% for accessory buildings and structures.
Maximum Height	None
Maximum Floor Area Ratio	1:1

#### 4. Parking Requirements (See Section '3.1100 Off-Street Parking and Loading'.)

#### 5. Landscaping (See Section '3.1200 Landscaping Requirements'.)



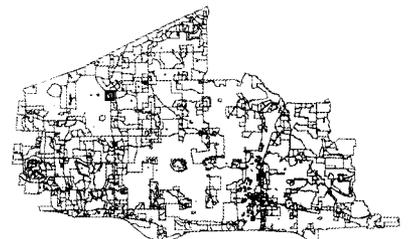
Board of Adjustment



Appeal #: 12-08Z

Address: 7605 GARDEN HILL ROAD

Zoning: GENERAL OFFICE - (O-2)



○ 200' Notification Buffer



# 12-08Z



FOREMAN BRIAN C ETUX  
SHIH BE-FONG  
2209 ALL SAINTS LN  
PLANO, TX 75025-5535

TSENG HUANG NAN ETUX WEN-CHI  
4916 NOCONA DR  
PLANO, TX 75024-2472

MANIAS STEPHANIE D  
4908 JUSTIN DR  
PLANO, TX 75024-2460

MCF INVESTMENTS LTD  
15700 STATE HIGHWAY 121  
FRISCO, TX 75035-4645

POMAR MATTHEW  
4917 JUSTIN DR  
PLANO, TX 75024-2461

COPPERMARK BANK  
3333 NW EXPRESSWAY  
OKLAHOMA CITY, OK 73112-4417

KHANIPOUR MOHSEN  
2046 CAMELOT DR  
ALLEN, TX 75013-3016

DOHERTY ROBERT E JR ETUX  
4909 THORNTREE DR  
PLANO, TX 75024-2495

CHILDRENS MEDICAL CENTER FOUNDATION  
1935 MOTOR ST  
DALLAS, TX 75235-7701

GHAVIDEL SATTAR B ETUX SHAMSI  
4917 NOCONA DR  
PLANO, TX 75024-2473

QUINN KATHERINE M  
4908 NOCONA DR  
PLANO, TX 75024-2472

SMITH JULIE C  
PO BOX 261581  
PLANO, TX 75026-1581

COX MICHAEL C & PATRICIA  
4916 JUSTIN DR  
PLANO, TX 75024-2460

WU GEORGE T C ETUX  
4913 NOCONA DR  
PLANO, TX 75024-2473



Easy Peel® Labels  
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Feed Paper



Bend along line to  
expose Pop-up Edge™



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THORNTREE LLC  
909 26TH AVE NW  
NORMAN, OK 73069-6366

SIMMS DONALD EDWARD  
4904 JUSTIN DR  
PLANO, TX 75024-2460

MANALO ROBERT M ETUX  
4916 THORNTREE DR  
PLANO, TX 75024-2494

URIAS FRANK E JR  
4912 NOCONA DR  
PLANO, TX 75024-2472

CHROBAK ANTHONY  
107 RIDGEVIEW DR  
MURPHY, TX 75094-3216

MENZIES BERNADETTE A &  
MENZIES-LANZA BRENDA Y  
4913 JUSTIN DR  
PLANO, TX 75024-2461

RECEIVED

APR 04 2012

CITY OF PLANO  
ZONING APPEAL TO THE BOARD OF ADJUSTMENT:

APPEAL #:  
\$ 75-RESIDENTIAL (HOMESTEAD ENCROACHMENTS ON HOMES BUILT PRIOR TO MAY 1987)  
\$150-RESIDENTIAL (HOMESTEAD) 12-09Z  
\$265-RESIDENTIAL/COMMERCIAL

PLEASE TYPE OR PRINT USING BLACK INK

APPEAL LOCATION:

Street Address: 3401 Avenue K Zoning District: LC, S-102  
Lot Number: 1 Block: 1 Addition: Greenville Square

TO THE HONORABLE BOARD OF ADJUSTMENT:

PS Texas Properties, Ltd. (Public Storage) (918) 244-8080 x1350  
701 Western Ave. Glendale, CA (Applicant's Street Address City State Zip)

In accordance with the provisions of Section 6-204, et seq. of the City of Plano Zoning Ordinance, appeal is now made to the Honorable Board of Adjustment to grant the following variance request. (Please be specific in request):

requesting a reduction of the front yard setback to twenty feet as seen on historic city documents and a reduction of the rear yard setback to zero feet to utilize the telecom site as originally approved by the city.

In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that all of the following conditions are met. State how your request meets these conditions. Please note that the stated hardship shall not be financial nor self-induced.

- a. The requested variance does not violate the intent of the ordinance or its amendments:  
This request does not violate the intent of the ordinance.
- b. Special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district:  
The subject property has a 50 foot front yard setback and a 16 foot rear yard setback, which makes this portion of the property undevelopable.
- c. The hardship is in no way the result of the applicant's own actions:  
The setbacks were not created by the applicant. The telecom site has some documented history showing a lesser 20 foot front setback.
- d. The interpretation of the provisions of this ordinance or its amendments would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, that comply with the same provisions:  
The other properties in this district are not fully encumbered by setbacks.
- e. How is the property going to be used?  
The property is currently used as a telecommunications tower site. The entire compound is within the setbacks, but the limited history on the tower site shows different setbacks at the time of initial approval.

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Building Inspections Department - 1520 Ave K, Suite 140 Plano, TX 75074 - 972-941-7140 fax 972-941-7187  
www.buildinginspections.org  
FMG24MP029 REV. 09/28/10

Oper: KARENNE  
Date: 4/04/12 00 Receipt no: 432398  
Total tendered \$265.00  
Total payment \$265.00

DX1056 Var. App

**ZONING APPEAL TO THE BOARD OF ADJUSTMENT**

PAGE 2

f. Is the denial of the variance going to cause a substantial burden on religious activities of the property owner/user?  
Circle one: Yes / No (if Yes, see question (g) below)

g. If yes, please explain how the denial of the variance will cause a burden on religious activities of the property owner/user?

The undersigned officer(s) and/or agent(s) of the property owner(s) are the property authorized officials and by signing below have the necessary authority to execute this application on behalf of applicant hereto.

*Public Storage*  
Lori Kind 701 Western Ave. Alhambra, CA 91201 March 27, 2012  
Name Address City State Zip Date

PLEASE CHECK ONE:

I will represent this variance request at the Board meeting

I will not be able to represent this variance at the Board meeting. My authorized representative who will represent this variance before the Board of Adjustment is:

Dave Kirk 1901 Royal Ln., Ste. 104 Dallas TX 75229  
Name Street Address City State Zip

I hereby certify that the above statements are true and correct to the best of my knowledge.

Lori Kind  
Applicant's Signature  
LORI Kind  
Please Print Name

STATE OF ~~TEXAS~~ CALIFORNIA  
COUNTY OF ~~GOLLIN~~ LOS ANGELES

Subscribed and sworn to before me this 27TH day of MARCH, 20 12



[Signature]  
Notary Public

My commission expires: APRIL 18, 2014

NOTE TO APPLICANT:

A notice of meeting will be sent only to the applicant, or to the authorized representative, if one is designated. If the variance is denied, it may be two years before the variance can be reheard. The decision of the Board of Adjustment shall be final on all sign cases. Refer to The City of Plano Zoning Ordinance: Article 6, Section 6-209(3) to appeal the decision of the Board regarding a zoning case.

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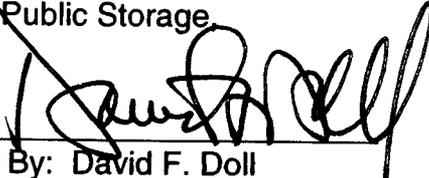
Building Inspections Department - 1520 Ave K, Suite 140 Plano TX 75074 - 972-941-7140 fax: 972-941-7187  
[www.buildinginspections.org](http://www.buildinginspections.org)  
FMR24MP029 REV 09/28/10

DX10510 Var. App

### ACKNOWLEDGEMENT OF SIGNATURE AUTHORIZATION

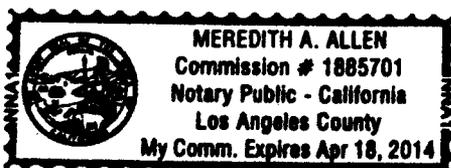
This will confirm that as Wireless Leasing Manager for Public Storage, Lori Kind is authorized to execute and take any necessary action on behalf of Public Storage and its related entities in connection with planning, zoning and development of wireless lease agreements, specifically, Letters of Authorization (LOA's), Owners Authorization agreements, Access agreements, standard site walk and testing permissions, various city permits for wireless use such as CUP's, modifications to wireless sites, building permits, design review and wireless/telecom applications, and applications for development reviews process.

Acknowledged this 16<sup>th</sup> day of August, 2010

Public Storage  
  
By: David F. Doll  
Senior Vice President and  
Executive Officer, Public Storage

State of California  
County of Los Angeles

On August 16, 2010 before me, Meredith A. Allen, Notary Public Personally appeared David F. Doll who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

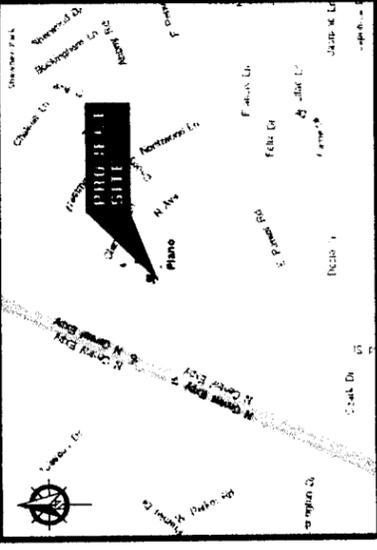


I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.  
WITNESS my hand and official seal.

  
\_\_\_\_\_  
Signature of Notary Public

My Commission Expires: April 18, 2014

**VICINITY MAP**



**DESIGNER:**  
 THE CELERS GROUP, INC.  
 2201 N. COLLINS ST., STE. 125  
 ARLINGTON, TX 76011  
 CONTACT: MARK STAPLETON  
 PHONE: 817-446-1700

**ENGINEER:**  
 EPB ASSOCIATES, INC.  
 5501 LBJ FREEWAY, STE. 225  
 DALLAS, TX 75240  
 CONTACT: EDGARDO BRANDAO, P.E.  
 PHONE: 972-239-5495

**APPLICANT/LEASSEE:**  
 AT&T MOBILITY  
 1801 VALLEY VIEW LANE  
 FARMERS BRANCH, TX 75234

**PROPERTY OWNER:**  
 STORAGE TRUST PROPERTIES  
 DEPT - PT - TX - 28111  
 GLENDALE, CA 91221

**LEGEND**

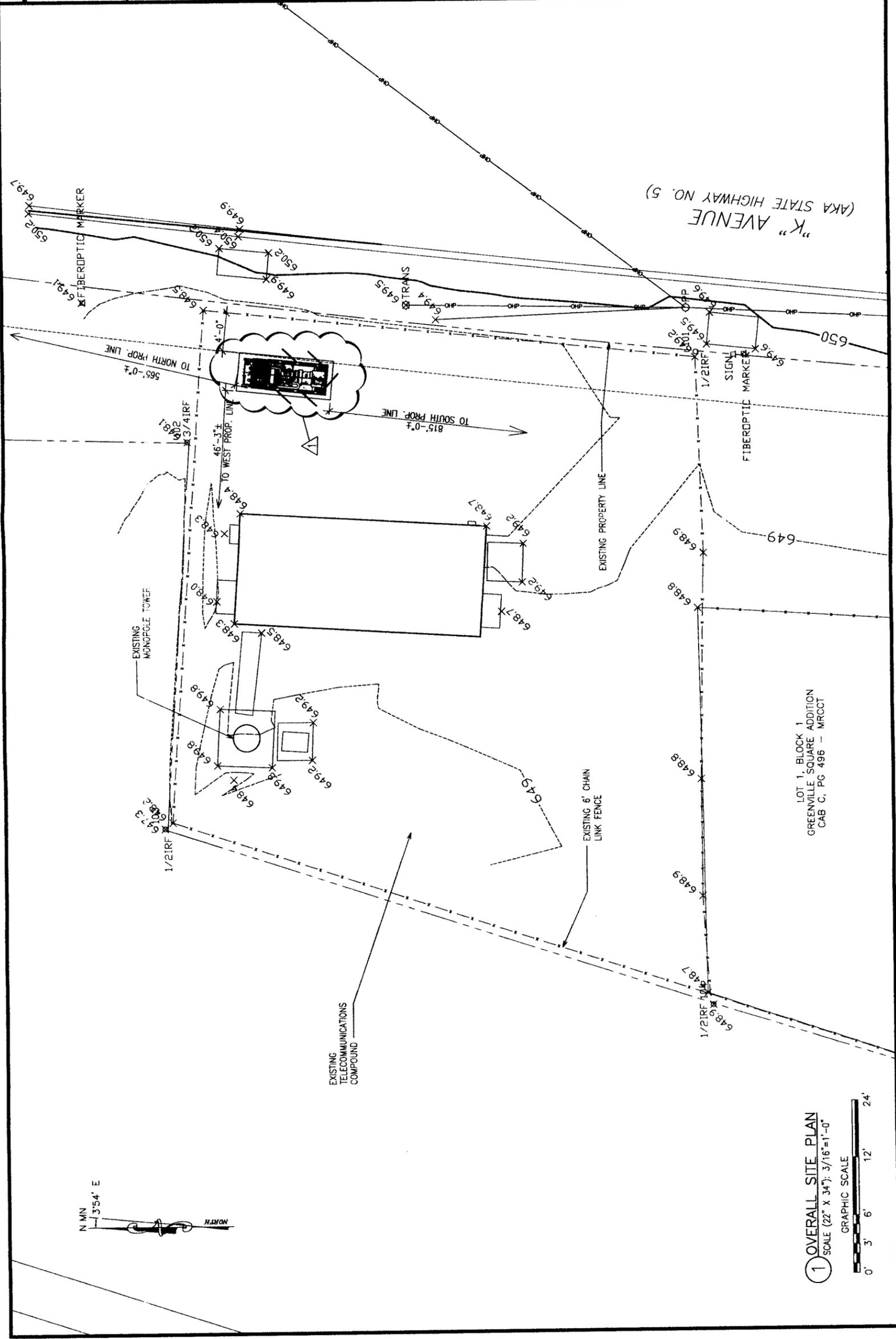
▲ PROPOSED 4' X 10' CONCRETE PAD WITH GENERATOR

PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

THIS DOCUMENT IS RELEASED BY THE CITY OF PLANO, TEXAS, UNDER THE PROVISIONS OF THE OPEN PUBLIC RECORDS ACT. THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, RECORDING, OR ANY OTHER PURPOSE.

**SCSP12-????**

**SUBSTANTIALLY CONFORMING SITE PLAN**  
**GREENVILLE SQUARE ADDITION**  
**LOT 1, BLOCK 1**  
**BEING 0.074755 ACRES OUT OF**  
**DANIEL ROWLETT SURVEY,**  
**ABSTRACT #738**  
**CITY OF PLANO, COLLIN COUNTY, TEXAS**



- CITY OF PLANO SITE PLAN NOTES:**
1. ANY REVISION TO THIS PLAN WILL REQUIRE CITY APPROVAL AND WILL REQUIRE REVISIONS TO ANY CORRESPONDING PLANS TO AVOID CONFLICTS BETWEEN PLANS.
  2. OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE COMPREHENSIVE ZONING ORDINANCE.
  3. BUILDINGS OF 5,000 SQUARE FEET OR GREATER SHALL BE 100% FIRE SPRINKLED. ALTERNATIVE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE FIRE DEPARTMENT.
  4. ALL SIGNAGE IS SUBJECT TO BUILDING INSPECTION DIVISION APPROVAL.
  5. ALL FENCES AND RETAINING WALLS SHALL BE SHOWN ON THE SITE PLAN AND ARE SUBJECT TO BUILDING INSPECTION DIVISION APPROVAL.



**APPEAL SUMMARY**  
**#12-09Z**

**APPLICANT:** Lori Kind with Public Storage Texas Properties Ltd, to be represented by Dave Kirk

**ADDRESS:** 3401 K Avenue

**ZONING:** Light Commercial (LC), S-102

**APPLICANT REQUEST:** The applicant is requesting request to vary Subsection 2.819 (3) of the Zoning Ordinance number 2006-4-24 to allow:

- a) a reduction of the required 50 foot front building line setback facing K Avenue to 20 feet and,
- b) a reduction of the required 10 feet rear yard building line setback to zero feet.

**ORDINANCE REQUIREMENTS:**

Subsection 2.819 (3) states that a minimum required front yard setback of 50 feet, except as provided in section 3.500.

**STAFF FINDINGS:**

This property is located facing K Avenue just north of East Parker Road and situated within Light Commercial zoning district.

Per the applicant, this property has a 50 foot front yard setback and a 10 feet rear yard setback, which makes this portion of the property undevelopable.

The applicant is requesting to reduce the required 50 foot building line setback facing K Avenue to 20 feet to allow the construction of a proposed generator. Also, the applicant is requesting to reduce the required 10 foot building line setback to zero feet allowing full use of the lot. This lot has a specific use permit only to allow the use of an antenna tower for this particular lot.

## Article 2. Zoning Districts and Uses

### 2.819 LC - Light Commercial

#### 1. Purpose

The LC district is intended to provide for a wide array of retail, office, and service uses to meet the needs of local residents and businesses. Some automobile related uses and limited assembly, which address local service and employment opportunities, are also included in LC districts. (ZC 98-67; Ordinance No. 99-10-13)

#### 2. Permitted Uses

See Subsection '2.502 Schedule of Permitted Uses', for a complete listing.

#### 3. Area, Yard, and Bulk Requirements

Description	Requirement
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Minimum Front Yard	50 feet, except as provided in Section 3.500
Minimum Side Yard	None, except as provided in Section 3.600
--of Corner Lot	50 feet on street side
Minimum Rear Yard	Ten feet where no alley abuts the rear property line (See Section '3.700 Rear Yard Regulations'.)
Maximum Height	Two story, 35 feet (See Section '3.800 Height Regulations'.)
Maximum Lot Coverage	40% (For gasoline service stations, see 6. below.)
Maximum Floor Area Ratio	0.8:1

#### 4. Parking Requirements (See Section '3.1100 Off-Street Parking and Loading'.)

#### 5. Landscaping (See Section '3.1200 Landscaping Requirements'.)

#### 6. Special District Requirements (ZC 2002-33; Ordinance No. 2002-8-14)

- a. For gasoline service stations, canopies shall be considered as an accessory structure and shall be included in all calculations of lot coverage. A maximum 30% of the lot may be covered by the primary and/or accessory structures.
- b. For mini-warehouse/public storage developments, maximum 50% lot coverage shall be allowed.

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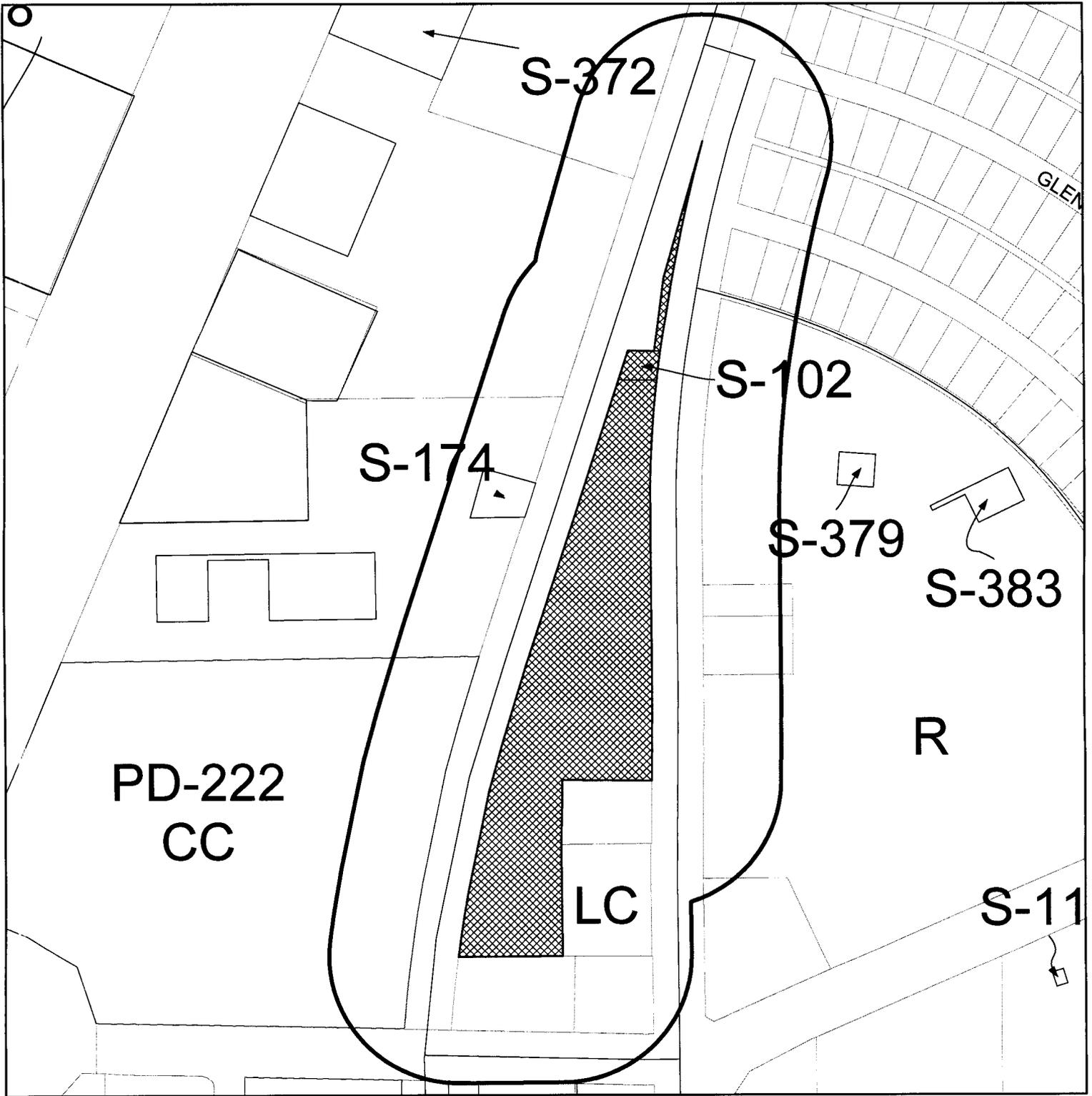
## Article 2. Zoning Districts and Uses

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### 7. **Light-intensity Manufacturing (ZC 2005-20; Ordinance No. 2005-6-34)**

In the LC district, light-intensity manufacturing uses shall meet the following standards: (ZC 98-67; Ordinance No. 99-10-13)

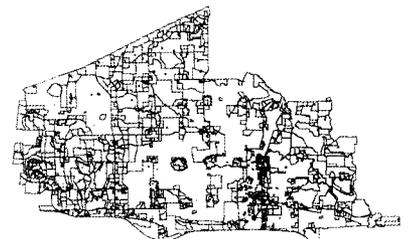
- a. Operations should be fully enclosed with no outside storage of goods or materials.
- b. Storage and distribution facilities should be incidental to the main use.
- c. Dock areas should be screened from adjacent properties and public streets.
- d. No noise, vibration, odor, smoke, and dust should impact adjacent properties in conformance with the performance standards in Section 3.1300.



Board of Adjustment  
 Appeal #: 12-09Z

Address: 3401 K AVENUE

Zoning: LIGHT COMMERCIAL (LC),  
 S-102



○ 200' Notification Buffer



# 12-09Z

RPI PARKER TOWNE CENTRE LTD  
C/O RETAIL PLAZAS INC  
2929 CARLISLE ST STE 170  
DALLAS, TX 75204-4067

PLS INVESTMENT PROPERTY OF TEXAS LP  
300 N ELIZABETH ST # 450  
CHICAGO, IL 60607-1143

HITE GARRETT  
3449 GLENWOOD LN  
PLANO, TX 75074-2405

PARKER CENTRAL PLAZA LTD  
C/O DALSAN PROPERTIES INC  
2001 PRESTON RD  
PLANO, TX 75093-2313

MORALES HILARIO &  
ADELINA MORALES  
3440 N AVE  
PLANO, TX 75074-2421

PS TEXAS HOLDINGS LTD  
DEPT - PT - TX 20904  
GLENDALE, CA 91221-5025

FERGUSON HOYT & JEAN  
1307 N GRAVES ST  
MCKINNEY, TX 75069-3117

SALAS JOSE  
2600 RIDGEWOOD DR  
PLANO, TX 75074-3102

BOUERI ISSA Z &  
KHOURY SALWA I  
3333 K AVE  
PLANO, TX 75074-2305

YANES RAMON BONILLA a/k/a RAMON YANES  
BONILLA &  
MARIA MORENA AYALA  
1205 POTOMAC DR  
PLANO, TX 75075-8738

ARRIAZA MARIA S  
3456 GLENWOOD LN  
PLANO, TX 75074-2419

YALDE FLAMM PROPERTIES LLC  
C/O MAGASINN & FELDMAN  
3033 5TH AVE 335  
SAN DIEGO, CA 92103

GOOD TAC REMAINDER IV LLC  
C/O U S REALTY ADVISORS LLC  
1370 AVENUE OF THE AMERICAS  
NEW YORK, NY 10019-4602

MOORE LAUFTON B  
1257 CROWELL RD  
KAUFMAN, TX 75142-6351



DALLAS AREA RAPID TRANSIT  
PO BOX 660163  
DALLAS, TX 75266-0163

COSTCO WHOLESALE CORP  
PROPERTY TAX DEPT 664  
999 LAKE DR STE 200  
ISSAQUAH, WA 98027-8982

STORAGE TRUST PROPERTIES  
C/O PUBLIC STORAGE  
DEPT - PT - TX - 28111  
GLENDALE, CA 91221-5025

MC COLLUM BOB  
926 PRAIRE DELL CHURCH RD  
SALADO, TX 76571-6121

ANDREWS BOBBY R ETUX DEB  
3445 GLENWOOD LN  
PLANO, TX 75074-2405

FAIRVIEW FARM LAND CO LTD  
3314 N CENTRAL EXPY STE 100  
PLANO, TX 75074-2331

TERRY W E  
3437 N AVE  
PLANO, TX 75074-2422

STREETER ARTHUR & MAXINE  
3512 TOURS LN  
PLANO, TX 75023-7021

RED O LTD &  
P & J PEGASUS LP  
1515 HERITAGE DR STE 101  
MCKINNEY, TX 75069-3378

OLIVERIE JERRY  
3910 INTERSTATE 30  
MESQUITE, TX 75150-2022

HAYNES BRANDON &  
HAYNES KARA  
3535 MOUNTAIN CREEK RD APT 203  
CHATTANOOGA, TN 37415-6712



**CITY OF PLANO**  
**ZONING APPEAL TO THE BOARD OF ADJUSTMENT**

APPEAL #: \_\_\_\_\_  
**\$ 75-RESIDENTIAL (HOMESTEAD ENCROACHMENTS ON HOMES BUILT PRIOR TO MAY 1987)**  
**\$150-RESIDENTIAL (HOMESTEAD)**  
**\$265-RESIDENTIAL/COMMERCIAL**      *12-10Z*

**PLEASE TYPE OR PRINT USING BLACK INK**

**APPEAL LOCATION:**

Street Address: 1701 Ohio Dr. Zoning District: PD-189 R/O-2  
 Lot Number: 2R Block: A Addition: Preston Park

**TO THE HONORABLE BOARD OF ADJUSTMENT:**

Day Surgery Center of North Texas, LTD.	214-291-3000
(Applicant)	(Applicant's Phone Number)
1701 Ohio Drive	Plano TX 75093
(Applicant's Street Address)	City State Zip)

In accordance with the provisions of Section 6-204, et seq. of the City of Plano Zoning Ordinance, appeal is now made to the Honorable Board of Adjustment to grant the following variance request. (Please be specific in request):

See attached letter

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In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that all of the following conditions are met. State how your request meets these conditions. Please note that the stated hardship shall not be financial nor self-induced.

a. The requested variance does not violate the intent of the ordinance or its amendments:  
 See attached letter

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b. Special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district:  
 See attached letter

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c. The hardship is in no way the result of the applicant's own actions:  
 See attached letter

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d. The interpretation of the provisions of this ordinance or its amendments would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, that comply with the same provisions:  
 See attached letter

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e. How is the property going to be used?  
 See attached letter

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This handout is for informational purposes only and should not be relied on in place of official regulations and/or policies. The CITY OF PLANO makes no representations, guarantees, or warranties as to the accuracy, completeness, currency, or suitability of the information provided via the handout. Customers and citizens are personally responsible for complying with all local, state, and federal laws pertaining to projects within the city. Copies of the CITY OF PLANO adopted codes and Zoning Ordinances can be found on the city website at [www.plano.gov](http://www.plano.gov) or at the CITY OF PLANO Municipal Center at 1520 Ave K, Suite 140, Plano, TX 75074 ~ 972-941-7140.



**Building Inspections Department** ~ 1520 Ave K, Suite 140 Plano, TX 75074 ~ 972-941-7140  
[www.buildinginspections.org](http://www.buildinginspections.org)  
 FM624MP029 REV. 09/28/10

**Open: KARENNE**  
**Date: 4/06/12 00**      **Receipt no: 436739**  
**Total Tended**      **\$265.00**  
**Total payment**      **\$265.00**

**ZONING APPEAL TO THE BOARD OF ADJUSTMENT**

PAGE 2

f. Is the denial of the variance going to cause a substantial burden on religious activities of the property owner/user? Circle one: Yes ( ) No (X) If Yes, see question (g) below

g. If yes, please explain how the denial of the variance will cause a burden on religious activities of the property owner/user? N/A

The undersigned officer(s) and/or agent(s) of the property owner(s) are the properly authorized officials and by signing below have the necessary authority to execute this application on behalf of applicant hereto.

SAED HASHEMPOUR 1705 ONTO DR #100 PLANO TX 75093
Name Address City State Zip Date

PLEASE CHECK ONE:

I will represent this variance request at the Board meeting
X I will not be able to represent this variance at the Board meeting. My authorized representative who will represent this variance before the Board of Adjustment is:

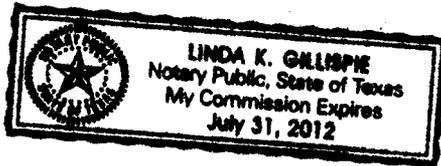
Nathan Howell 1250 E. Copeland Rd., Suite 500 Arlington TX 76011
Name Street Address City State Zip

I hereby certify that the above statements are true and correct to the best of my knowledge.

Applicant's Signature SAED HASHEMPOUR
Please Print Name

STATE OF TEXAS
COUNTY OF COLLIN

Subscribed and sworn to before me this 6 day of APRIL, 2012



Notary Public signature

(seal)

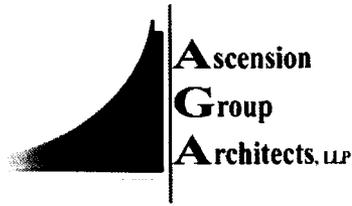
My commission expires: 7/31/12

NOTE TO APPLICANT:

A notice of meeting will be sent only to the applicant, or to the authorized representative, if one is designated. If the variance is denied, it may be two years before the variance can be reheard. The decision of the Board of Adjustment shall be final on all sign cases. Refer to The City of Plano Zoning Ordinance: Article 6, Section 6-209(3) to appeal the decision of the Board regarding a zoning case.

This handout is for informational purposes only and should not be relied on in place of official regulations and/or policies. The CITY OF PLANO makes no representations, guarantees, or warranties as to the accuracy, completeness, currency, or suitability of the information provided via the handout. Customers and citizens are personally responsible for complying with all local, state and federal laws pertaining to projects within the city. Copies of the CITY OF PLANO adopted codes and Zoning Ordinances can be found on the city website at www.plano.gov or at the CITY OF PLANO Municipal Center at 1520 Avenue K, Plano, Texas.





City of Plano  
Board of Adjustment  
1520 Ave K  
Plano, TX 75074

RE: Zoning Appeal to the Board of Adjustment

**In Accordance with the provisions of Section 6-204, et seq. of the City of Plano Zoning Ordinance, appeal is now being made to the Honorable Board of Adjustment to grant the following variance request. (Please be specific in request):**

We are requesting a variance to allow the measured decibel levels measured at the property line for a generator to be 85 dBA.

**A. The Requested variance does not violate the intent of the ordinance or its amendments:**

The requested variance will not prevent any adjacent property owner from using or enjoying their property. The owners of the affected properties, located at 4601 Old Shepard place and 1705 Ohio drive, have been contacted and will be providing letters of support for the variance.

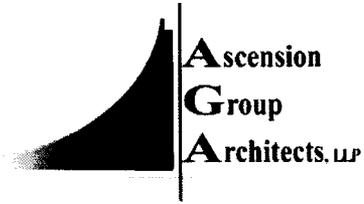
**B. Special conditions of the restricted area, shape, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district:**

The available area of the property is currently very limited due to required easements and setbacks. The generator enclosure must be relocated to allow room for expansion of the existing building. The generator is currently sitting on the north property line at 1701 Ohio dr. As part of an expansion to our facility we have to relocate the generator to approximately 30' to the west property line. The enclosure currently consists of 8' tall masonry screen walls. The generator enclosure was constructed in 2003 after the enactment of the city noise ordinance, and was not enforced at the time. The current enclosure does not meet the limits of 65 decibels during the day and 58 decibels at night. The current decibel readings on the exterior of the enclosure at the north property line are 85 dBA. We are requesting variance to relocate the generator and enclosure as constructed to the proposed new location on the west property line. This would allow the generator to maintain current sound levels of 85 dBA at the property line. The sound ratings of 58 dBA will still be achieved at the property lines to the south and east adjacent to residential neighborhoods. Please note that the generator is for emergency use only. It does not run for regular use. It will only run in power outage situations. It does not run at night as the facility does not operate during night hours. (See attached study from acoustical engineer based on existing readings and calculations.)

**C. The hardship is in no way the result of the applicant's own actions:**

There is nowhere on the property that the generator and enclosure can be relocated to that will comply with the ordinance, without significant acoustical engineering of the enclosure.

*Architecture Planning Interior Design*  
1250 East Copeland Road, Suite 500  
Arlington, Texas 76011  
tel 817.226.1917  
fax 817.226.1919  
www.ascensiongroup.biz



**D. The interpretation of the provisions of this ordinance or its amendments would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, that comply with the same provisions:**

Not relocating the generator significantly impacts the ability to further develop the property. Relocating the generator as proposed does not greatly increase the noise trespass from current levels.

**E. How is the property going to be used?**

The property is currently in use as an Ambulatory Surgical Center, and will remain as such.

April 9, 2012

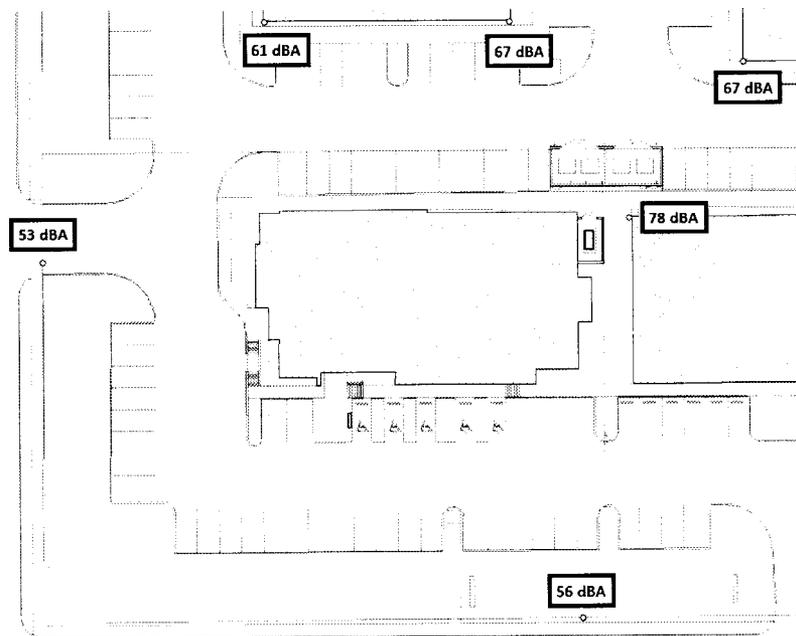
Nathan Howell  
Ascension Group Architects  
[nhowell@ascensiongroup.biz](mailto:nhowell@ascensiongroup.biz)

Re: **USPI Emergency Generator Environmental Noise Analysis**

Dear Nathan,

Acoustic Dimensions calculated the environmental noise impact of relocating a Kohler Model 125 Genset to the west property line of the USPI Baylor Surgicare at Plano facility. We performed these calculations for all six locations that you requested, both before and after the relocation. A building height of approximately 19-ft. was used in the calculations. The Genset was enclosed in an 8-ft. tall masonry wall, similar to the enclosure it is currently located in. The noisier fan end of the Genset was pointed east, towards the USPI Baylor Surgicare building. The door to the enclosure was placed in the east wall and considered to be sealed around its entire perimeter and mullion.

The analysis was based on sound pressure levels we previously measured at the generator's current site. No sound power data for this unit was available from the manufacturer. All levels described below were calculated using SoundPlan, based off the measurements we made.



**Figure 1 – Noise Levels Calculated with Current Genset Location**

# ACOUSTIC DIMENSIONS

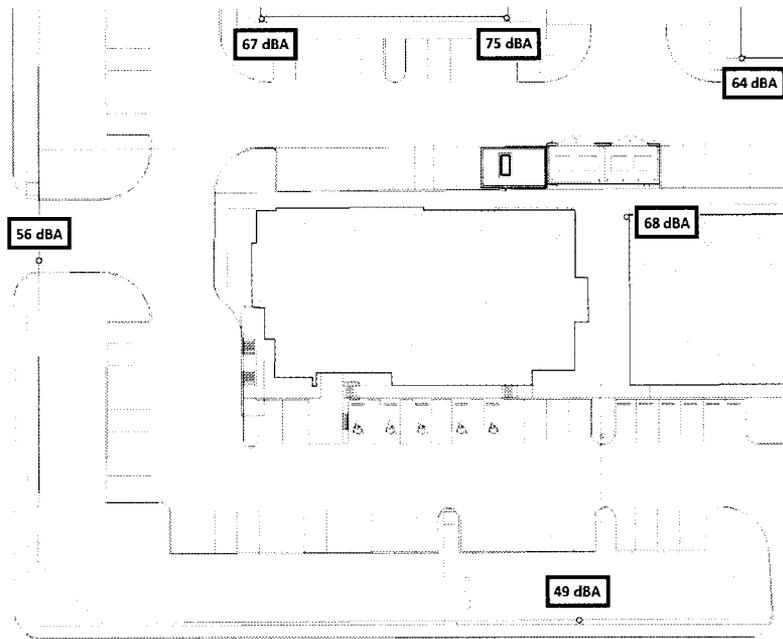


Figure 2 – Noise Levels Calculated with Genset Relocated

I hope this information is helpful. Please feel free to call me if you have any questions.

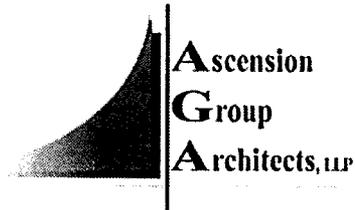
Best regards,

**ACOUSTIC** DIMENSIONS

James Black  
Consultant

T | 469.726.4290

E | [jblack@acousticdimensions.com](mailto:jblack@acousticdimensions.com)



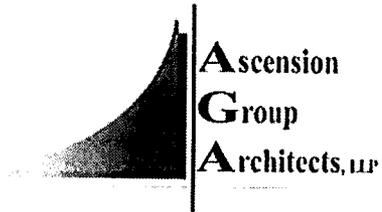
Owners/ Tenants  
4601 Old Shepard Place, Building 1 & 4  
1705 Ohio Drive  
Plano, TX 75093

RE: Zoning Appeal - Noise  
Baylor Surgicare at Plano  
1701 Ohio Dr.  
Plano, TX

To Whom It May Concern,

The Baylor Surgicare at Plano is currently in process of expanding their facility at 1701 Ohio Drive. As a part of this process they are relocating the existing generator and its enclosure from its existing location at the north property line, to the west property line of our lot. This will place the new generator enclosure at the backside of the building adjacent to the existing dumpster enclosures. The current generator is located on the property line between their building at 1701 Ohio and the building located at 1705 Ohio. The current enclosure was constructed with the building in 2003. The city of Plano at that time had in effect a noise ordinance that restricts noise at the property lines of any use (ie. commercial, residential, etc.) to a maximum of 65 decibels during the day and 58 decibels at night. The generator as designed and constructed in 2003 did not meet these requirements, and the ordinance was not enforced by the city. In our relocation of the generator for the expansion of the facility, the city has decided to now enforce this ordinance. In order to meet the cities requirements for the noise ordinance, extreme measures have been incorporated in the method of construction for the new enclosure. This involves a roof, sound deadening insulation, acoustical doors, and custom fabricated acoustical sound louvers and silencers. We believe this has put undue hardship on the project and are planning to appeal to the city of Plano's Zoning Appeal board. We plan to appeal to the city to remove the restriction of the noise ordinance for the internal property lines located between the property at 1701 Ohio, 1705 Ohio, and 4601 Old Shepherd Place. If approved, we are proposing to relocate the generator and enclosure to the west property line (as stated above) with an 8' tall masonry enclosure in the same manner as currently constructed. The proposed relocation will slightly increase existing noise levels for building 1 at 4601 Old Shepherd, while decreasing existing noise levels for building 4 at 4601 Old Shepherd and 1705 Ohio.

*Architecture Planning Interior Design*  
1250 East Copeland Road, Suite 500  
Arlington, Texas 76011  
tel 817.226.1917  
fax 817.226.1919  
[www.ascensiongroup.biz](http://www.ascensiongroup.biz)



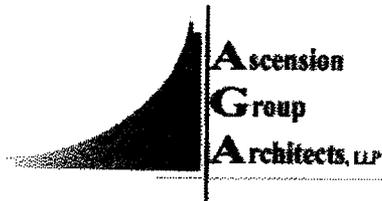
The generator serves the facility in emergency situations and is only used during power failure, or during the weekly 15 min test. We are writing this letter on behalf of the owner to explain our proposed variance to the city's noise ordinance and request your support in this matter. Attached you will find site plan drawings that show the existing and proposed generator locations. If you are in agreement with the proposed variance, we ask that you sign and return the enclosed statement to the Board of Adjustment. This will be provided for consideration at the variance meeting. Thank you for your consideration.

Sincerely,

Chad Duren  
Associate Principal

A handwritten signature in black ink, appearing to read 'Chad Duren'.

*Architecture Planning Interior Design*  
1250 East Copeland Road, Suite 500  
Arlington, Texas 76011  
tel 817.226.1917  
fax 817.226.1919  
[www.ascensiongroup.biz](http://www.ascensiongroup.biz)



City of Plano  
Board of Adjustment  
1520 Ave K  
Plano, TX 75074

RE: Zoning Appeal - Noise  
ZC 99-21; Ordinance No. 99-12-15  
Baylor Surgicare at Plano  
Plano, TX

To Whom it May Concern,

This letter is being issued in addendum to the submitted zoning ordinance appeal on behalf of Baylor Surgicare at Plano, at 1701 Ohio Dr., Plano, TX. The above facility has submitted documentation to the city of Plano for the relocation of an existing emergency generator. This generator serves the facility located at 1701 Ohio Drive, a licensed ambulatory surgical center. The existing generator and enclosure were constructed in 2003 on the north property line of Lot 2R, Block A of Preston Park Business Center Expansion. The existing generator and its enclosure as originally permitted by the city of Plano, do not comply with the existing noise ordinance. The facility is now requesting to relocate the existing generator and enclosure approximately 30' to be situated on the west property line of Lot 2R Block A, in preparation for a building expansion. The property owners are requesting that the city approve a variance granting them reprieve from ordinance no. 99-12-15 dealing with noise levels at property lines. Realizing that this will slightly increase noise from their current levels in relation to Lot 3 Block A, and that no affect will be realized to the residential properties located to the south and east of Lot 2R Block A; I, the undersigned, owner of the building and property, have reviewed and agree with the proposal for variance to ordinance 99-12-15.

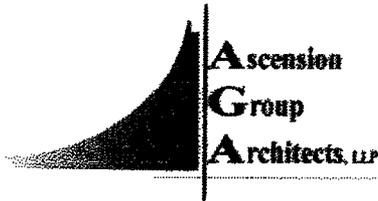
Property Address: 4601 Old Shepard Place #403

Property Owner: Hash-Taba LLC

Printed Name: Said Hashemipour, MD

Signature: 

*Architecture Planning Interior Design*  
1250 East Copeland Road, Suite 500  
Arlington, Texas 76011  
tel 817.226.1917  
fax 817.226.1919  
www.ascensiongroup.biz



City of Plano  
Board of Adjustment  
1520 Ave K  
Plano, TX 75074

RE: Zoning Appeal - Noise  
ZC 99-21; Ordinance No. 99-12-15  
Baylor Surgicare at Plano  
Plano, TX

To Whom it May Concern,

This letter is being issued in addendum to the submitted zoning ordinance appeal on behalf of Baylor Surgicare at Plano, at 1701 Ohio Dr., Plano, TX. The above facility has submitted documentation to the city of Plano for the relocation of an existing emergency generator. This generator serves the facility located at 1701 Ohio Drive, a licensed ambulatory surgical center. The existing generator and enclosure were constructed in 2003 on the north property line of Lot 2R, Block A of Preston Park Business Center Expansion. The existing generator and its enclosure as originally permitted by the city of Plano, do not comply with the existing noise ordinance. The facility is now requesting to relocate the existing generator and enclosure approximately 30' to be situated on the west property line of Lot 2R Block A, in preparation for a building expansion. The property owners are requesting that the city approve a variance granting them reprieve from ordinance no. 99-12-15 dealing with noise levels at property lines. Realizing that this will slightly increase noise from their current levels in relation to Lot 3 Block A, and that no affect will be realized to the residential properties located to the south and east of Lot 2R Block A; I, the undersigned, owner of the building and property, have reviewed and agree with the proposal for variance to ordinance 99-12-15.

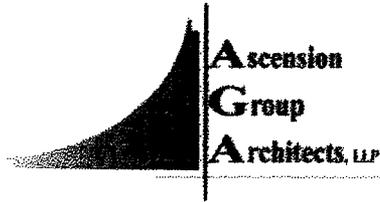
Property Address: 1705 Ohio Dr.

Property Owner: Ohio-Shepard MOB LTD

Printed Name: Todd Odorn, MD

Signature: 

*Architecture Planning Interior Design*  
1250 East Copeland Road, Suite 500  
Arlington, Texas 76011  
tel 817.226.1917  
fax 817.226.1919  
www.ascensiongroup.biz



City of Plano  
Board of Adjustment  
1520 Ave K  
Plano, TX 75074

RE: Zoning Appeal - Noise  
ZC 99-21; Ordinance No. 99-12-15  
Baylor Surgicare at Plano  
Plano, TX

To Whom it May Concern,

This letter is being issued in addendum to the submitted zoning ordinance appeal on behalf of Baylor Surgicare at Plano, at 1701 Ohio Dr., Plano, TX. The above facility has submitted documentation to the city of Plano for the relocation of an existing emergency generator. This generator serves the facility located at 1701 Ohio Drive, a licensed ambulatory surgical center. The existing generator and enclosure were constructed in 2003 on the north property line of Lot 2R, Block A of Preston Park Business Center Expansion. The existing generator and its enclosure as originally permitted by the city of Plano, do not comply with the existing noise ordinance. The facility is now requesting to relocate the existing generator and enclosure approximately 30' to be situated on the west property line of Lot 2R Block A, in preparation for a building expansion. The property owners are requesting that the city approve a variance granting them reprieve from ordinance no. 99-12-15 dealing with noise levels at property lines. Realizing that this will slightly increase noise from their current levels in relation to Lot 3 Block A, and that no affect will be realized to the residential properties located to the south and east of Lot 2R Block A; I, the undersigned, owner of the building and property, have reviewed and agree with the proposal for variance to ordinance 99-12-15.

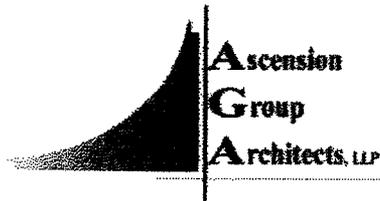
Property Address: 4601 Old Shepard Place #209

Property Owner: Ashton-Austin LLC

Printed Name: Rachael Teer

Signature: Rachael Teer

*Architecture Planning Interior Design*  
1250 East Copeland Road, Suite 500  
Arlington, Texas 76011  
tel 817.226.1917  
fax 817.226.1919  
[www.ascensiongroup.biz](http://www.ascensiongroup.biz)



City of Plano  
Board of Adjustment  
1520 Ave K  
Plano, TX 75074

RE: Zoning Appeal - Noise  
ZC 99-21; Ordinance No. 99-12-15  
Baylor Surgicare at Plano  
Plano, TX

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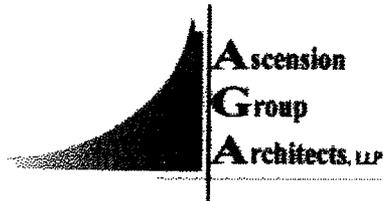
Property Address: 4601 Old Shepard Place #100

Property Owner: Old Shepherd Ventures LP

Printed Name: Mike Ghan

Signature: [Handwritten Signature]

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1250 East Copeland Road, Suite 500  
Arlington, Texas 76011  
tel 817.226.1917  
fax 817.226.1919  
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City of Plano  
Board of Adjustment  
1520 Ave K  
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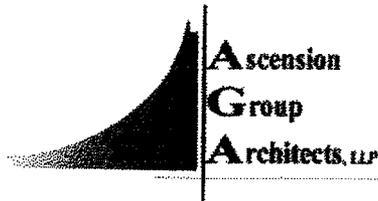
Property Address: 4601 Old Shepard Place #401

Property Owner: Varrichio Enterprises LTD

Printed Name: Jennifer Stewart

Signature: 

*Architecture Planning Interior Design*  
1250 East Copeland Road, Suite 500  
Arlington, Texas 76011  
tel 817.226.1917  
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City of Plano  
Board of Adjustment  
1520 Ave K  
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RE: Zoning Appeal - Noise  
ZC 99-21; Ordinance No. 99-12-15  
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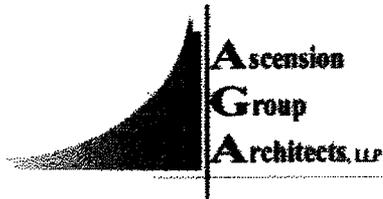
Property Address: 4601 Old Shepard Place #402

Property Owner: Fam Faithi G

Printed Name: Father Fam

Signature: [Handwritten Signature]

*Architecture Planning Interior Design*  
1250 East Copeland Road, Suite 500  
Arlington, Texas 76011  
tel 817.226.1917  
fax 817.226.1919  
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City of Plano  
Board of Adjustment  
1520 Ave K  
Plano, TX 75074

RE: Zoning Appeal - Noise  
ZC 99-21; Ordinance No. 99-12-15  
Baylor Surgicare at Plano  
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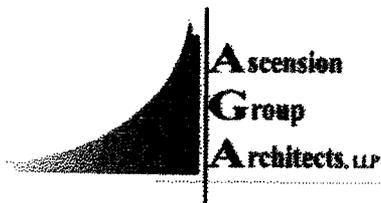
Property Address: 4601 Old Shepard Place #201

Property Owner: Lepton LLC

Printed Name: Anullis J. Gee

Signature: [Handwritten Signature]

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1250 East Copeland Road, Suite 500  
Arlington, Texas 76011  
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ZC 99-21; Ordinance No. 99-12-15  
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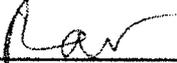
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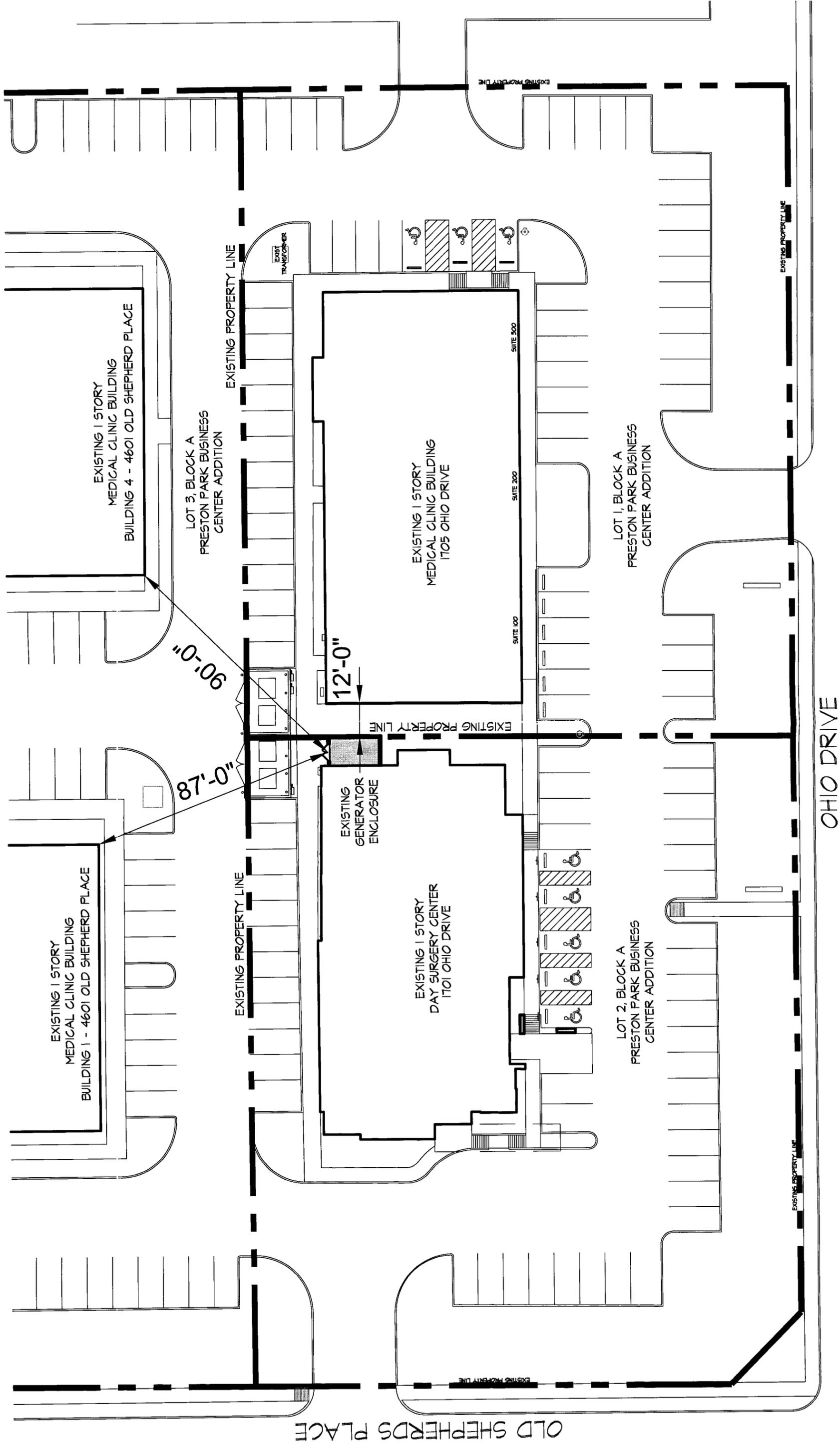
Property Address: 4601 Old Shepard Place #406

Property Owner: GR Real Estate LLC

Printed Name: PANASAM RASAM

Signature: 

*Architecture Planning Interior Design*  
1250 East Copeland Road, Suite 500  
Arlington, Texas 76011  
tel 817.226.1917  
fax 817.226.1919  
www.ascensiongroup.biz



OLD SHEPHERDS PLACE

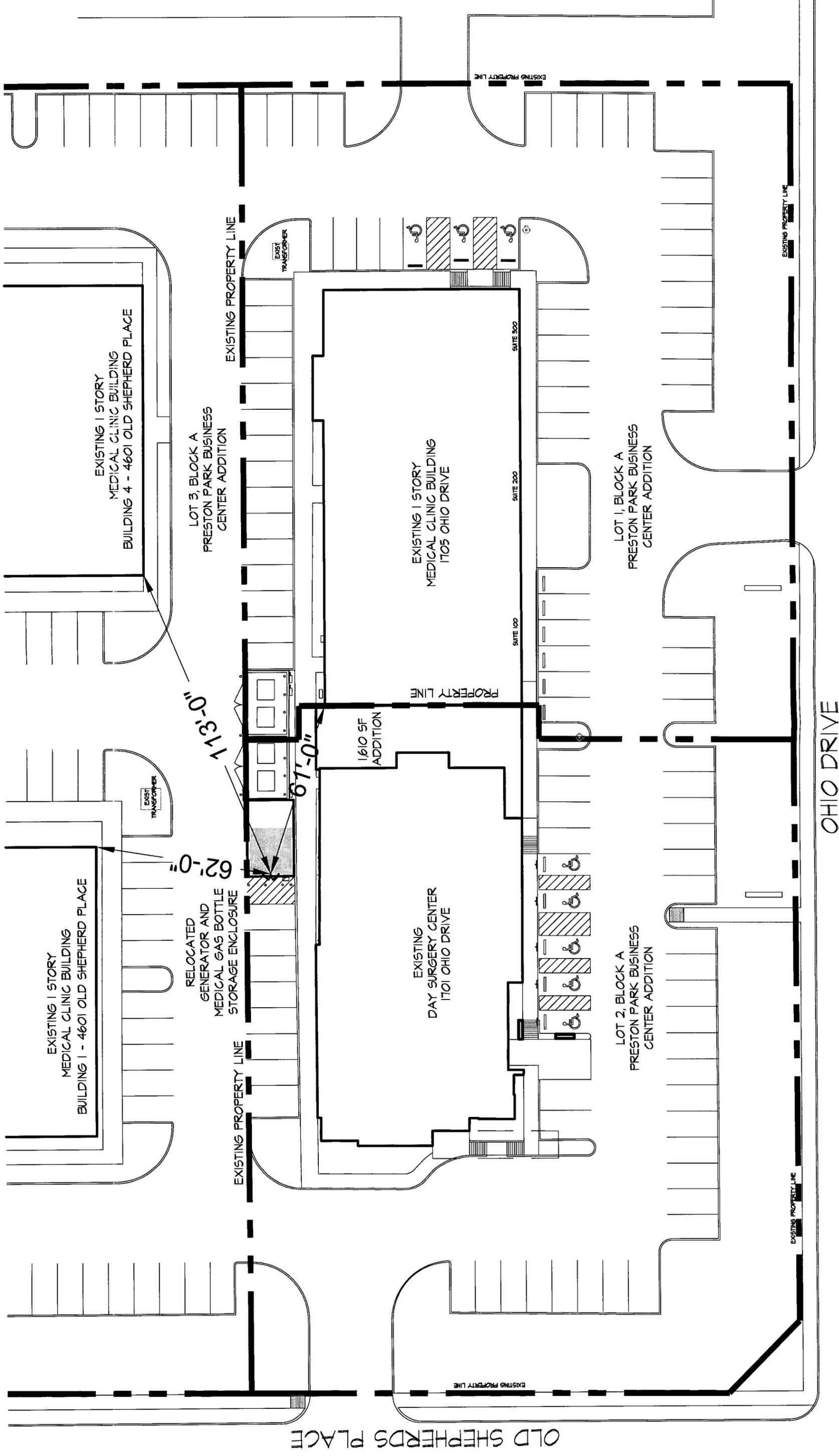
# Existing Generator Enclosure

March 2012

1701 Ohio Dr

1/32" = 1'-0"

Generator Relocation



OLD SHEPHERDS PLACE

# Relocated Generator Enclosure

March 2012

## **APPEAL SUMMARY #12-10Z**

**APPLICANT:** Said Hashemipour with Day Surgery Center of North Texas, LTD, to be represented by Nathan Howell

**ADDRESS:** 1701 Ohio Drive

**ZONING:** Retail / General Office (R/O-2)

### **APPLICANT REQUEST:**

The applicant is requesting to vary Subsection 3.1301 of the Zoning Ordinance number 2006-4-24 to allow a generator scale limits to be 85 decibels, exceeding the allowable 58 decibels.

### **ORDINANCE REQUIREMENTS:**

Subsection 3.1301 states that at no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the A scale limits of 65 decibels for daytime and 58 decibels at nighttime. Measurement of noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute (ANSI). For this section, daytime is defined as the time period from 7:00 a.m. to 10:00 p.m., and nighttime is defined as the time period from 10:01 p.m. to 6:59 a.m. The boundary property line is the common line between two parcels of property. (*ZC 99-21; Ordinance No. 99-12-15*)

### **STAFF FINDINGS:**

This property is located at the northwest corner of Ohio Drive and Old Shepard Place and situated within Retail / General Office zoning district.

Per the applicant the original location of the enclosed generator was located on the north side of this lot and since the lot has been replatted to accommodate an expansion, therefore the generator will be relocated to the west side at the property line.

The proposed location on the west side of this lot for this generator has been approved for permitting on March 02, 2012; along with all the required acoustical engineering for the generator and enclosure to meet the required 58 decibels. The applicant is proposing to allow the generator without acoustical engineering at the 85 decibels since the generator will only be used for emergencies and also since the facility is not operating during night hours.

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## Article 3. Supplementary Regulations

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### 3.1300 Performance Standards

In all zoning districts, any use indicated as a permitted use shall conform in operation, location, and construction to the performance standards hereinafter specified. In the CE, LI-1, and LI-2 districts, in addition to the permitted uses, there shall be permitted any other manufacturing, processing, fabricating, packing, or storage use, except those requiring specific use permits, which conform in operation, location, and construction to the performance standards hereinafter specified for noise, smoke and particulate matter, odorous matter, fire or explosive hazard material, toxic and noxious matter, vibration, and glare.

#### 3.1301 Noise

At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the A scale limits of 65 decibels for daytime and 58 decibels at nighttime. Measurement of noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute (ANSI). For this section, daytime is defined as the time period from 7:00 a.m. to 10:00 p.m., and nighttime is defined as the time period from 10:01 p.m. to 6:59 a.m. The boundary property line is the common line between two parcels of property. (ZC 99-21; Ordinance No. 99-12-15)

#### 3.1302 Smoke and Particulate Matter

No operation or use shall cause, create, or allow the emission for more than three minutes in any one hour of air contaminants which at the emission point or within the bounds of the property are:

1. As dark or darker in shade as that designated as No. 2 on the Ringleman Chart as published by the United States Bureau of Mines Information Circular 7118.
2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in 1. above, except that when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the atmosphere, this standard and the standard specified in 1. above shall not apply.
3. The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the plant site per any one hour.
4. The open storage and open processing operations, including onsite transportation movements which are the source of wind or airborne dust or other particulate matter; or which involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage, or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per 1,000 cubic feet of air.

**ARTICLE V. - NOISE** [84]

The purpose of this article is to prevent any loud, disturbing and unnecessary noise which is reasonably calculated to disturb the ordinary sensibilities of a reasonable and prudent person unless otherwise further restricted by this article.

(Ord. No. 99-12-12, § 1, 12-13-99)

Sec. 14-85. - Making of noise detrimental to life or health prohibited.

Sec. 14-86. - Noise interfering with enjoyment of property or public peace and comfort.

Sec. 14-87. - Acts creating unlawful noises.

Sec. 14-88. - Exemptions.

Secs. 14-89—14-91. - Reserved.

**Sec. 14-85. - Making of noise detrimental to life or health prohibited.**

It shall be unlawful for any person to knowingly make or allow noise of such character, intensity and duration that is detrimental to the life or health of any individual in the city.

(Ord. No. 99-12-12, § 1, 12-13-99)

**Sec. 14-86. - Noise interfering with enjoyment of property or public peace and comfort.**

It shall be unlawful for any person to knowingly make, cause to be made or allow any loud, disturbing and unnecessary noise in the city which is offensive to the sensibilities of a reasonable and prudent person, so that it renders the enjoyment of life or property uncomfortable, or interferes with the public peace and comfort.

(Ord. No. 99-12-12, § 1, 12-13-99)

**Sec. 14-87. - Acts creating unlawful noises.**

The following acts are declared to create loud, disturbing and unnecessary noises, and a person commits an offense if they knowingly perform or allow the following:

- (1) *Animals:* Owning, keeping, possessing or harboring any animal or animals which, by frequent or habitual noisemaking, is disturbing to a reasonable and prudent person of ordinary sensibilities. The provisions of this subsection shall apply to all public and private facilities, including any animal shelter, commercial kennel, or veterinary clinic that holds or treats animals.
- (2) *Radios, television sets, musical instruments and similar devices:* Operate or permit to be operated any radio receiver set, musical instrument, television, phonograph, stereo, or device in such a manner as to unreasonably disturb or interfere with the public peace and comfort, or disturb the ordinary sensibilities of a reasonable and prudent person.
- (3) *Vehicle loudspeaker:* Operate or permit to be operated any loudspeaker or sound-amplifying equipment in a fixed or movable position mounted on or in any vehicle in or upon any street, alley, sidewalk, park, or other

public property so that the sound is clearly audible for fifty feet from its source.

- (4) *Power and pneumatic equipment:* Operate or permit to be operated any power or pneumatic equipment outdoors in a residential zone or within one hundred fifty (150) feet of the boundary line of a residence between the hours of 10:00 p.m. and 7:00 a.m. Motorized electric or fuel powered equipment including but not limited to tractors, lawnmowers and other similar devices or equipment shall be considered power equipment.
- (5) *Powered model or mechanical devices:* Flying of model aircraft powered by internal combustion engines, whether tethered or not, or the flying or operating of model rocket vehicles or similar noise-producing devices, in a residential area between the hours or 10:00 p.m. and 7:00 a.m.
- (6) *Refuse collection:* The collection of garbage, waste, or refuse between the hours of 10:00 p.m. and 7:00 a.m. in any area zoned residential, or within three hundred (300) feet of an area zoned residential.
- (7) *General amplification of sound:* Operate or cause to be operated any mechanical or electrical device, machine, apparatus, or instrument that will intensify, amplify or reproduce the human voice or any other sound whereby the sound is plainly audible to adjacent private property or for fifty (50) feet onto public property.

*(Ord. No. 99-12-12, § 1, 12-13-99)*

#### **Sec. 14-88. - Exemptions.**

The following activities are exempt from this article:

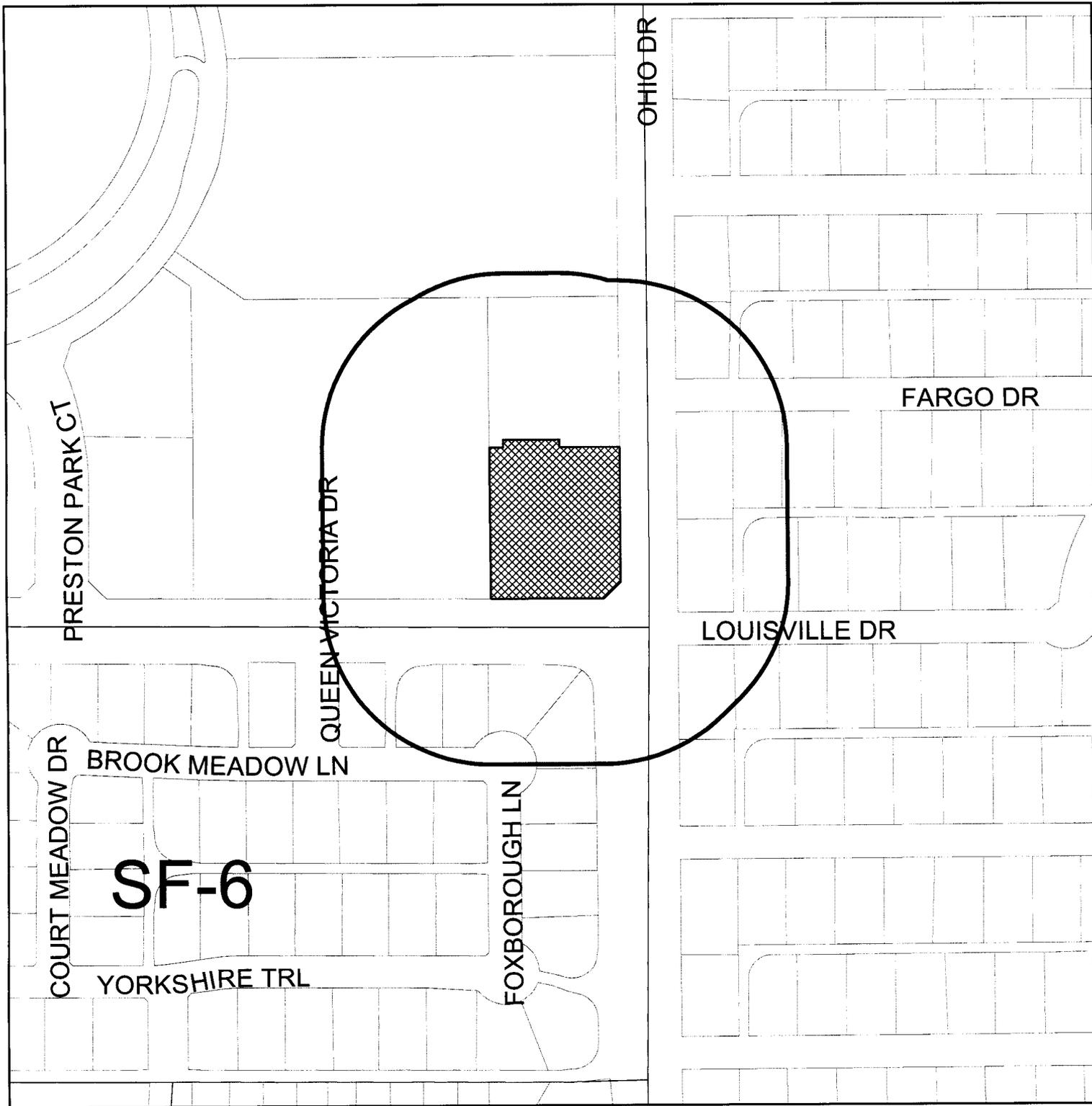
- (1) Sound caused by emergency or public service work, including police, fire and public utility operations, when the sound is associated with the performance of lawful duties to protect the health, safety or welfare of the community.
- (2) Amplifiers used on vehicles to attract patrons that are operated by ice cream and snow-cone vendors that produce jingles or music from 8:00 a.m. to 8:00 p.m. However, such amplified jingles or music shall not be done in a loud manner so as to be offensive to the ordinary sensibilities of a reasonable and prudent person.
- (3) The use and operation of an amplified, mechanical bell system in connection with the use and occupancy of a church structure. However, such systems shall not be used or operated in a manner so as to be offensive to the ordinary sensibilities of a reasonable and prudent person..
- (4) Individuals possessing an authorized permit from the city such as a special event or parade permit shall be allowed to engage in activity authorized by the permit. Under no circumstances should the amplification of sound be in a manner that is offensive to the ordinary sensibilities of a reasonable and prudent person or in such a manner as to interfere with the public peace and comfort.

*(Ord. No. 99-12-12, § 1, 12-13-99)*

#### **Secs. 14-89—14-91. - Reserved.**

#### **FOOTNOTE(S):**

<sup>(84)</sup> *Editor's note— Ord. No. 99-12-12, § 1, adopted Dec. 13, 1999, repealed former Art. V of this chapter and added new provisions as Art. V to read as herein set out. Former Art. V, §§ 14-85—14-91, pertained to similar subject matter and derived from Ord. No. 87-4-26, § 1, adopted April 27, 1987. (Back)*



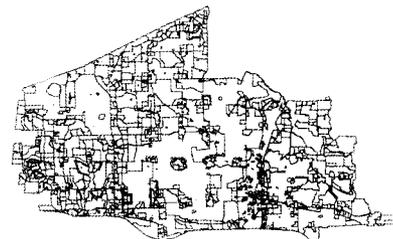
Board of Adjustment



Appeal #: 12-10Z

Address: 1701 OHIO DRIVE

Zoning: RETAIL/GENERAL OFFICE (R/O-2)



○ 200' Notification Buffer



STEMBRIDGE CHRISTI P & ARDIS  
4548 ELDORADO DR  
PLANO, TX 75093-5405

OHIO-SHEPARD MOB LTD  
1705 OHIO DR STE 200  
PLANO, TX 75093-5257

WOMACK JAMES J & MARLA C  
4540 FARGO DR  
PLANO, TX 75093-5422

BLESSINGS INVESTMENTS INC  
5806 BENT OAK CT  
DALLAS, TX 75248-2722

SALCEDO JOE G ETUX SYLVIA  
628 LAREDO DR  
MURPHY, TX 75094-3669

A & B PROPERTIES INC  
ATTN: LEASING DEPT  
822 BISHOP ST  
HONOLULU, HI 96813-3924

NTPT PARTNERS LLC  
C/O MIKE GHANI  
PO BOX 704074  
DALLAS, TX 75370-4074

SILVER LYNN DR  
4601 EATON CT  
PLANO, TX 75093-7126

FAM FATHI G  
4601 OLD SHEPARD PL STE 402  
PLANO, TX 75093-5275

GR REAL ESTATE LLC  
4601 OLD SHEPARD PL STE 406  
PLANO, TX 75093-5377

T BANK NA  
C/O STEVE JONES  
16000 DALLAS PKWY STE 125  
DALLAS, TX 75248-6618

VARRICHIO ENTERPRISES LTD  
4601 OLD SHEPARD PL STE 401 BLDG 4  
PLANO, TX 75093-5274

LEPTON LLC  
3308 PRESTON RD STE 350 PMB 349  
PLANO, TX 75093-7471

HASH-TABA LLC  
1705 OHIO DR STE 100  
PLANO, TX 75093-5256



WOLIVER TOM ETUX PATRICIA  
4548 LOUISVILLE DR  
PLANO, TX 75093-5446

OLD SHEPHERD VENTURES LP  
C/O MIKE GHANI  
PO BOX 704074  
DALLAS, TX 75370-4074

BAIN RICHARD W  
4548 FARGO DR  
PLANO, TX 75093-5422

MUSE MARK E ETUX DEBORAH  
4601 BROOK MEADOW LN  
PLANO, TX 75093-5245

LU PEGGY &  
LU DAVID C  
4609 BROOK MEADOW LN  
PLANO, TX 75093-5245

MUCCI MICHAEL A & MEGAN  
4544 LOUISVILLE DR  
PLANO, TX 75093-5446

STUPP MELVYN R ETUX  
4549 HARTFORD DR  
PLANO, TX 75093-5420

SEATVET ERIC R & LINDA J  
1520 FOXBOROUGH LN  
PLANO, TX 75093-5234

DAY SURGERY CENTER OF NORTH TEXAS LTD &  
OHIO-SHEPHERD MOB LTD  
1701 OHIO DR  
PLANO, TX 75093-5208

JORDAN RICHARD L & KAREN J  
4605 BROOK MEADOW LN  
PLANO, TX 75093-5245

ARMSTRONG MARION H &  
ARMSTRONG MARGARET C  
4613 BROOK MEADOW LN  
PLANO, TX 75093-5245

ECHOLS COURTNEY & AARON  
4549 LOUISVILLE DR  
PLANO, TX 75093-5447

HOON MELISSA A  
4545 LOUISVILLE DR  
PLANO, TX 75093-5447

SIMMONS WALTER S ETUX  
4544 FARGO DR  
PLANO, TX 75093-5422



12-10Z

INNOVEST LIMITED LP  
PO BOX 251186  
PLANO, TX 75025-1186

ASHTON-AUSTIN LLC  
1705 OHIO DR STE 100  
PLANO, TX 75093-5256

LIANG WEI &  
HELEN DU  
5637 CROWDALE DR  
PLANO, TX 75093-8502

12-10Z

