

## **Zoning Case 2020-027**

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 28.4 acres of land out of the Jeremiah Muncy Survey, Abstract No. 621 and the Daniel Rowlett Survey, Abstract No. 738, located on the north side of Spring Creek Parkway, 468 feet east of K Avenue, in the City of Plano, Collin County, Texas, from Retail to Planned Development-45-Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.**

**WHEREAS**, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 14th day of December 2020, for the purpose of considering rezoning 28.4 acres of land out of the Jeremiah Muncy Survey, Abstract No. 621 and the Daniel Rowlett Survey, Abstract No. 738, located on the north side of Spring Creek Parkway, 468 feet east of K Avenue, in the City of Plano, Collin County, Texas, from Retail to Planned Development-45-Retail; and

**WHEREAS**, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 14th day of December 2020; and

**WHEREAS**, the City Council is of the opinion and finds that such rezoning would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

**IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to rezone 28.4 acres of land out of the Jeremiah Muncy Survey, Abstract No. 621 and the Daniel Rowlett Survey, Abstract No. 738, located on the north side of Spring Creek Parkway, 468 feet east of K Avenue, in the City of Plano, Collin County, Texas, from Retail to Planned Development-45-Retail, said property being described in the legal description on Exhibit A attached hereto.

**Section II.** The change granted in Section I is granted subject to the following:

Restrictions:

The permitted uses and standards shall be in conformance with the Retail zoning district unless otherwise specified herein.

1. The location of multifamily uses and the reduction and rehabilitation of the mall building will be generally consistent with the concept plan approved with Zoning Case 2020-027.
2. Buildings located along any UMU standard street shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the street easement line. If other easements are required in addition to the street easement, then 60% of the facade must be built to the additional easement line.
3. Multifamily residence is an additional allowed use subject to the following restrictions:
  - a. Maximum Number of Dwelling Units: 325
  - b. Maximum Building Height: 3 Stories, 50 feet
  - c. Dwelling unit size will conform to the requirements of the MF-3 District.
  - d. Two-story buildings will be set back a minimum of 95 feet from the property line from any single-family residential zoning district boundary line.
  - e. Three-story buildings will be set back a minimum of 190 feet from any single-family residential zoning district boundary line.
  - f. Phasing:
    - i. Any construction permit for any multifamily building will not be approved until permit(s) have been pulled for new construction, and/or exterior remodel and interior finish out of a minimum of 100,000 square feet of nonresidential space within the property.
    - ii. A certificate of occupancy for any multifamily building will not be approved until:
      1. The East/West hike and bike trail has been installed connecting K Avenue to Des Moines Drive
      2. A minimum of 0.25 acre of public open space is installed; and

3. All landscaped areas are installed within the overhead electrical easement; and

4. Items from stipulations 5.b. through 5.f. below have been constructed.

g. Design Standards:

i. 75% of all units must have one of the following design features: a true balcony, stoop or patio to provide access to outdoor space.

ii. No building facade parallel to the East/West direction may exceed a length of 250 feet without a break in the facade of a minimum depth of 50 feet for a minimum length of 50 feet. One paseo at grade for the entire depth of the building must be provided.

iii. A minimum of two materials are required on each facade.

iv. 65% of the visible elevation from grade will consist of gabled or pitched roofs.

h. Parking requirements will be in accordance with the Zoning Ordinance except that a maximum of 45% of the spaces required for multifamily may be provided and used jointly for office uses.

4. Streets will be constructed in accordance with Urban Mixed-Use (UMU) street standards.

a. An East/West minor street will be provided connecting K Avenue and Des Moines Drive.

b. A North/South major or minor street will be provided connecting Spring Creek Parkway to the northern boundary of the planned development district.

c. All streets must be platted as private streets, unless the city agrees to accept dedication of some or all as public streets. All streets are to be open for public use and may not be gated or have restricted access, except as may be permitted for special events.

5. Open Spaces, Landscaping, and Building Materials – The open space and landscaping requirements of the Retail and Multifamily Residence-3 zoning districts will apply except as amended below:

a. A minimum of 150,000 square feet will be provided as public open space and landscaping, including walks, amenities, and other hardscape elements.

- b. A minimum 15,000-square-foot public open space will be provided adjacent to the multifamily building with minimum dimensions of 150 feet by 100 feet.
  - c. A minimum 10-foot wide East/West hike and bike trail with a minimum 5-foot wide landscape buffer will be constructed with the following elements:
    - i. One 4-inch caliper tree will be planted every 40 feet.
    - ii. Benches will be placed every 100 feet.
    - iii. A minimum of 2 bike racks will be located along the trail.
  - d. A minimum 50-foot landscape buffer with one 4-inch caliper tree planted every 40 feet will be constructed and maintained between the 2-story multifamily units and Des Moines Drive.
  - e. A 50-foot landscape buffer will be constructed and maintained along the northern property line of the planned development district between the neighborhood to the north, Oak Point Estates Phase 2, Block A.
  - f. Exterior building materials will conform to Section 23.300 of the Plano Zoning Ordinance with the following exceptions:
    - i. Metal exterior wall construction will be a maximum of 50% of any exposed exterior wall.
    - ii. A minimum of 50% of exterior wall construction will be masonry, 3-step stucco, glass or a combination of these materials.
    - iii. No building facade will exceed 250 feet in length without a change in materials.
6. Restaurants must provide patio space and must be oriented to public open space, trails, or other amenity areas where adjacent to such features.

**Section III.** It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

**Section IV.** All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section V.** The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

**Section VI.** Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Section VII.** It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**Section VIII.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 14TH DAY OF DECEMBER 2020.**

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY

**Zoning Case 2020-027**

Being a tract of land situated in the Jeremiah Muncy Survey, Abstract No. 621 and the Daniel Rowlett Survey, Abstract No. 738, Collin County, Texas being all of Lot 1, Block A, of the Replat of Outlet Malls of America-Plano, an Addition to the City of Plano, Collin County, Texas recorded in Cabinet G, Page 410, Map Records of Collin County, Texas and being all of a tract of land described in a deed from Roger Williams Financial, Inc., to Plano Outlet Mall, Ltd., recorded in Clerk's File Number 92-0051142, Collin County, Texas and being more fully described by metes and bounds as follows:

Beginning at the intersection of the centerline of Spring Creek Drive (160 foot wide right of way) and west line of Lot 1, Block A, of the Replat of Outlet Malls of America-Plano;

Thence North 03 degrees 19 minutes 25 seconds East, with the most southerly west line of said Lot 1, a distance of 430.77 feet, to a chiseled "+" found in concrete being an interior corner of said Lot 1, Block A, and being the northeast corner of the Replat of Cortland Corners, an Addition to the City of Plano, Collin County, Texas recorded in Cabinet F, Page 22, of the Map Records of Collin County, Texas, for the most southerly southwest corner of this tract;

Thence, North 86 degrees 40 minutes 34 seconds West, with the north line of said Cortland Corners, a distance of 468.12 feet, to the centerline of Avenue "K", (a 110 foot wide dedicated public right of way,) being a non-tangent curve to the left;

Thence, with said non-tangent curve to the left and along said centerline, an arc distance of 379.30 feet, (having a radius of 1000.00 feet, a central angle of 21 degrees 43 minutes 56 seconds, a tangent length of 191.96 feet, a chord bearing of North 22 degrees 36 minutes 29 seconds West, to the end of said curve;

Thence, North 33 degrees 28 minutes 28 seconds West, with said centerline, a distance of 50.00 feet, to the beginning a tangent curve to the right;

Thence, with said tangent curve and said centerline, an arc distance of 406.98 feet, (having a radius of 1000.00 feet, a central angle of 23 degrees 19 minutes 05 seconds, a tangent length of 206.34 feet, a chord bearing of North 21 degrees 48 minutes 56 seconds West, a chord distance of 404.17 feet to the intersection of said Avenue K centerline and the north line of said Lot 1, Block A, also being the south line of a 26 foot wide Fire lane, Access, Drainage and Utility Easement recorded in Cabinet G, Page 410, of the Map Records of Collin County, Texas and being the south line of a tract of land described in a deed to Levitz Furniture Company of Texas, Inc., recorded in Cabinet I, Page 339, of the Deed Records of Collin County, Texas;

Thence, South 86 degrees 40 minutes 35 seconds East, with the north line of said Lot 1, Block A, a distance of 1710.66 feet, to the intersection of said north line and the center line of Des Moines Drive (a 60 foot wide dedicated public Right of Way);

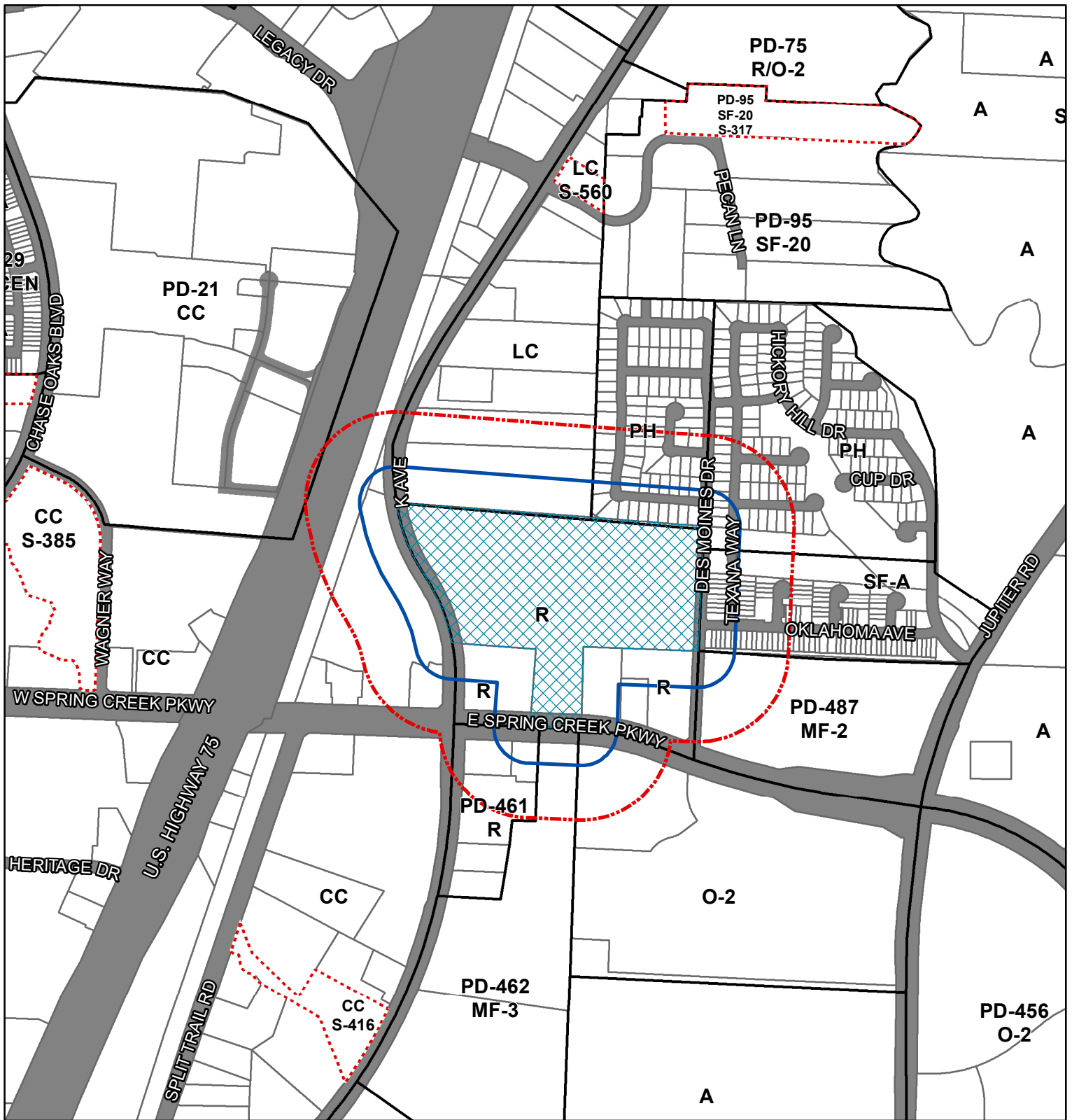
Thence, South 01 degree 29 minutes 17 seconds West, with said centerline, a distance of 688.14 feet to the intersection of said centerline and the south line of said Lot 1, Block A;

Thence, North 88 degrees 53 minutes 09 seconds West, with said north line, a distance of 628.96 feet;

Thence, North 89 degrees 50 minutes 44 seconds West, with said north line, a distance of 9.31 feet to a 1" iron rod found being an interior corner of said Lot 1, Block A;

Thence, South 00 degrees 19 minutes 54 seconds East, with the most southerly east line of said Lot 1, Block A, a distance of 455.11 feet, to the centerline of Spring Creek Drive;

Thence: North 88 degrees 26 minutes 10 seconds West, with said centerline, a distance of 284.16 feet, to the Point of Beginning containing 1,236,963 square feet or 28.397 acres of land.



Zoning Case: 2020-027

Existing Zoning: Retail (R)

Proposed Zoning: Planned Development-Retail (PD-R)

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|-----------------------------------|----------------------------|---------------------|
| 500' Courtesy Notification Buffer | Streets                    | Zoning Boundary     |
| 200' Notification Buffer          | Zoning Boundary Change/SUP | Specific Use Permit |
| Subject Property                  | Municipal Boundaries       |                     |

