

## **Zoning Case 2021-023**

**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 8.2 acres of land out of the Maria Cantalina Vela Survey, Abstract No. 935, located 605 feet north of Windhaven Parkway and 820 feet west of Spring Creek Parkway in the City of Plano, Collin County, Texas, from Planned Development-243-Retail/General Office to General Office; 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 7th day of December 2021, for the purpose of considering rezoning 8.2 acres of land out of the Maria Cantalina Vela Survey, Abstract No. 935, located 605 feet north of Windhaven Parkway and 820 feet west of Spring Creek Parkway in the City of Plano, Collin County, Texas, from Planned Development-243-Retail/General Office to General Office; 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 7th day of December 2021; 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 8.2 acres of land out of the Maria Cantalina Vela Survey, Abstract No. 935, located 605 feet north of Windhaven Parkway and 820 feet west of Spring Creek Parkway in the City of Plano, Collin County, Texas, from Planned Development-243-Retail/General Office to General Office, said property being described in the legal description on Exhibit A attached hereto.

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

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All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section IV.** The repeal of any ordinance or part of ordinances 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 V.** 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 VI.** It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

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

**PASSED AND APPROVED THIS THE 7TH DAY OF DECEMBER 2021.**

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John B. Muns, 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 2021-023**

BEING a tract of land situated in the Maria Cantalina Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas and being a part of a called 18.2510 acre tract of land described in Special Warranty Deed to FOREFRONT LIVING PLANO, recorded in Instrument No. 20201228002332470, Official Public Records, Collin County, Texas and being part of Lot 1, Block A, Haggard Farm CCRC Addition, an addition to the City of Plano according to the plat recorded in Instrument No. 20201228010004930, of said Official Public Records and being more particularly described as follows:

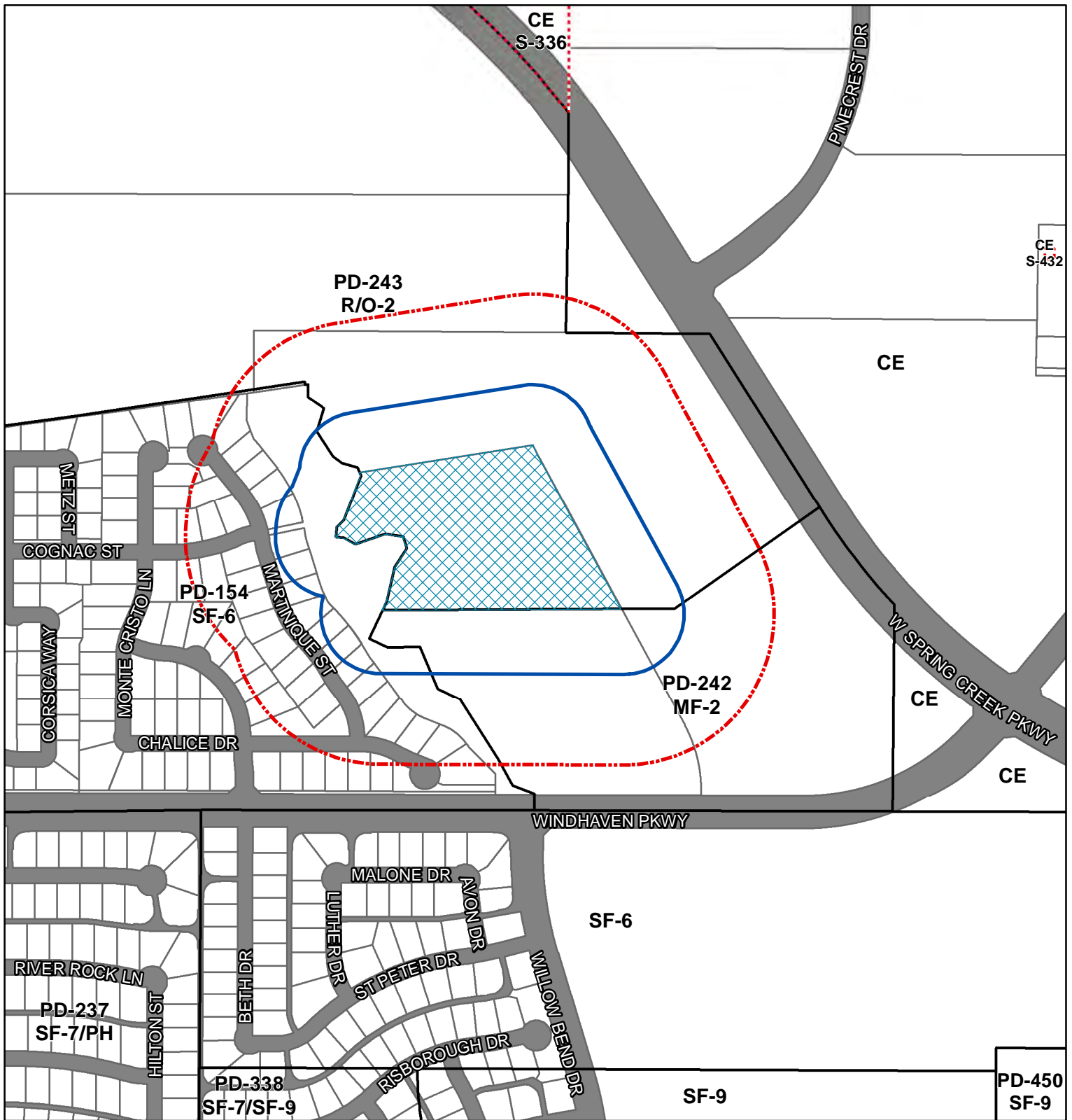
COMMENCING at a "X" cut in concrete found in the north right-of-way line of Windhaven Parkway (a 110-foot wide right-of-way) and being the southeast corner of Lot 58, Block A, Common Open Space, Avignon Windhaven Phase 3, an addition to the City of Plano according to the plat recorded in Cabinet 2011, Page 372 of said Official Public Records and being in the approximate center of Creek Number 5B29;

THENCE departing said north right-of-way line and with the east line of said Lot 58 and said approximate center of Creek Number 5B29, the following courses and distances: North 70°10'41" West, a distance of 85.66 feet to a point for corner; North 29°10'30" West, a distance of 94.13 feet to a point for corner; North 33°45'53" West, a distance of 241.49 feet to a point for corner; North 65°58'14" West, a distance of 80.28 feet to a point for corner; North 24°06'21" West, a distance of 153.63 feet to a point for corner; South 87°04'40" West, a distance of 106.17 feet to a point for corner; North 66°09'12" West, a distance of 68.85 feet to a point for corner; North 24°22'06" East, a distance of 93.82 feet to the POINT OF BEGINNING;

THENCE continuing with the east line of said Lot 58 and said approximate center of Creek Number 5B29, the following courses and distances: North 24°22'06" East, a distance of 41.83 feet to a point for corner; North 12°36'56" East, a distance of 118.29 feet to a point for corner; North 32°18'02" East, a distance of 73.41 feet to a point for corner; North 18°29'03" West, a distance of 40.94 feet to a point for corner; North 82°26'46" West, a distance of 60.18 feet to a point for corner; South 69°58'30" West, a distance of 105.43 feet to a point for corner; North 62°42'42" West, a distance of 43.19 feet to a point for corner; North 84°35'35" West, a distance of 27.36 feet to a point for corner; North 4°11'57" East, a distance of 34.37 feet to a point for corner; North 45°38'57" East, a distance of 30.73 feet to a point for corner; North 20°31'28" East, a distance of 160.27 feet to a point for corner; North 24°51'19" West, a distance of 11.80 feet to a point for corner;

THENCE departing said east line of said Lot 58 and said approximate center of Creek Number 5B29, the following courses and distances: North 80°06'01" East, passing a 5/8" iron rod with plastic cap stamped "KHA" found at a distance of 100.00 feet, continuing in all a distance of 584.19 feet to a 3 1/4" Aluminum Disk in concrete stamped "Survey Marker Do Not Disturb" found at the beginning of a non-tangent curve to the left having a

central angle of  $5^{\circ}13'41''$ , a radius of 450.00 feet, chord bearing and distance of South  $26^{\circ}59'05''$  East, 41.05 feet; In a southeasterly direction, with said curve to the left, an arc distance of 41.06 feet to a  $5/8$ " iron rod with plastic cap stamped "KHA" found for corner; South  $29^{\circ}35'55''$  East, a distance of 596.01 feet to a point for corner from which a  $5/8$ " iron rod with plastic cap stamped "KHA" found bears, South  $29^{\circ}35'55''$  East, at a distance of 420.41 feet; South  $89^{\circ}14'12''$  West, a distance of 809.31 feet to the POINT OF BEGINNING and CONTAINING 8.2556 acres or 359,616 square feet of land.

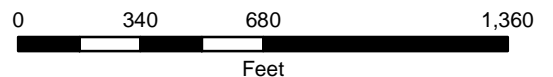
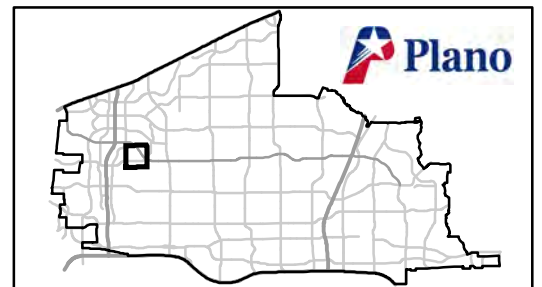


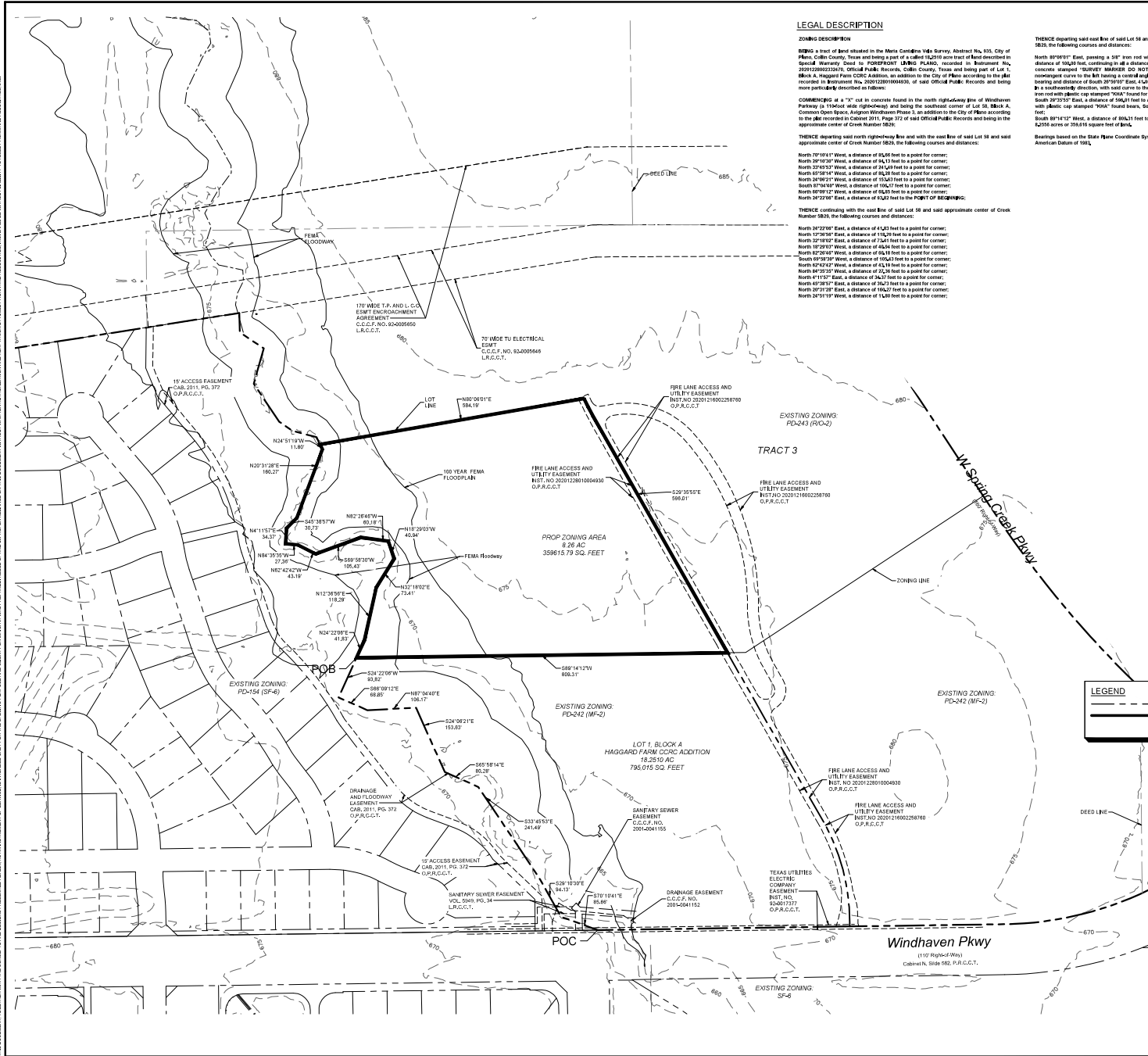
Zoning Case: 2021-023

Existing Zoning: Planned Development-243-Retail/General Office

Proposed Zoning: General Office

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





# LEGAL DESCRIPTION

## ZONING DESCRIPTION

**BEING** a tract of land situated in the Maria Carolina Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas and being a part of a called 162.00 acre tract of land described in Special Warranty Deed to FOREFRONT LIVING FUND, recorded in Instrument No. 20212202223476, Official Public Records, Collin County, Texas and being part of Lot 1, Block A, Haggard Farm CCRC Addition, as addition to the City of Plano according to the plat recorded in Instrument No. 20212202223476, Official Public Records, Collin County, Texas and being more particularly described as follows:

**COMMENCING** at a "X" cut in concrete found in the north right-of-way line of Windhaven Parkway (a 110-foot wide right-of-way) and being the southeast corner of Lot 58, Block A, Common Open Space, Angstrom Windhaven Phase 3, as addition to the City of Plano according to the plat recorded in Instrument No. 20212202223476, Official Public Records, Collin County, Texas and being more particularly described as follows:

**THENCE** departing said north right-of-way line and with the east line of said Lot 58 and said approximate center of Creek Number 1825, the following courses and distances:

North 17°18'11" West, a distance of 54.00 feet to a point for corner;  
North 28°15'33" West, a distance of 54.13 feet to a point for corner;  
North 63°58'14" West, a distance of 48.36 feet to a point for corner;  
North 18°29'12" West, a distance of 18.40 feet to a point for corner;  
South 67°16'43" West, a distance of 104.27 feet to a point for corner;  
South 18°18'11" West, a distance of 54.00 feet to a point for corner;  
North 24°22'08" East, a distance of 54.00 feet to the POINT OF BEGINNING;

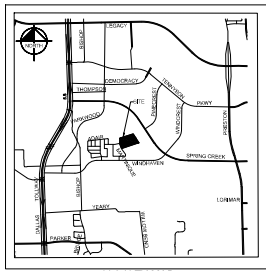
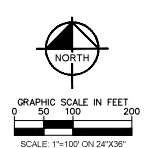
**THENCE** departing said north right-of-way line and with the east line of said Lot 58 and said approximate center of Creek Number 1825, the following courses and distances:

North 17°18'11" East, a distance of 4.83 feet to a point for corner;  
North 17°35'34" East, a distance of 114.29 feet to a point for corner;  
North 12°18'18" East, a distance of 124.61 feet to a point for corner;  
North 18°29'12" East, a distance of 48.36 feet to a point for corner;  
North 62°58'14" East, a distance of 48.36 feet to a point for corner;  
South 67°16'43" West, a distance of 104.27 feet to a point for corner;  
South 18°18'11" West, a distance of 54.00 feet to a point for corner;  
North 24°22'08" East, a distance of 54.00 feet to a point for corner;  
North 18°18'11" East, a distance of 54.00 feet to a point for corner;  
North 63°58'14" East, a distance of 48.36 feet to a point for corner;  
North 28°15'33" East, a distance of 54.13 feet to a point for corner;  
North 17°18'11" East, a distance of 54.00 feet to a point for corner;

**THENCE** departing said east line of said Lot 58 and said approximate center of Creek Number 1825, the following courses and distances:

North 89°00'00" East, passing a 3/4" iron rod with plastic cap stamped "90A" found at a distance of 104.27 feet, continuing in all a distance of 54.13 feet to a 1/4" diameter steel in concrete stamped "SURVEY MARKER DO NOT DISTURB" found at the beginning of a nonconforming curve to the left having a central angle of 27°14'1", a radius of 450.00 feet, closed bearing and distance of South 28°15'33" East, 4.83 feet;  
In a westerly direction, with said curve to the left, an arc distance of 4.83 feet to a 3/4" iron rod with plastic cap stamped "90A" found for corner;  
South 27°25'15" East, a distance of 104.27 feet to a point for corner from which a 3/4" iron rod with plastic cap stamped "90A" found bears, South 27°25'15" East, at a distance of 425.41 feet;  
South 67°16'43" West, a distance of 104.27 feet to the POINT OF BEGINNING and containing 4.20 acres or 253,175 square feet of land;

Bearings based on the State Plane Coordinate System, Texas North Central Zone 4302, North American Datum of 1983.



**NOTE**  
APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAT, OR PLAN, APPROVAL OF DEVELOPMENT STANDARDS, BROWN, HEREON, OR THE INTRUSION OF THE DEVELOPMENT PROCESS, PLANNING & ZONING COMMISSION AND/OR CITY COUNCIL ACTION ON STUDIES, PLATS, OR PLANS RELATIVE TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE.

LEGEND	
	PROPERTY LINE
	LEGAL DESCRIPTION UNITS (TO CENTER LINE OF A.D.U.) AND TRACT BOUNDARY LINES

ZONING CASE #ZC2021-023

## ZONING EXHIBIT

HAGGARD FARM CCRC ADDITION  
PART OF LOT 1, BLOCK A  
8.26 AC,  
SITUATED IN THE MARIA C. VELA  
SURVEY ABSTRACT NO. 935  
CITY OF PLANO, COLLIN COUNTY, TEXAS  
DATE: AUG. 27, 2021

**OWNER:**  
FOREFRONT LIVING FUND  
1340 West Dine  
Dallas, Texas 75241-1244  
Tel. No. 972-971-4125  
Contact: Steven Maly

**CIVIL ENGINEER:**  
KIMLEY-HORN AND ASSOCIATES, INC.  
1340 West Dine  
Dallas, Texas 75241-1244  
Tel. No. 972-971-4125  
Contact: Steven Maly

PROJECT NO. 04607560	DATE	AUG. 2021
	SCALE	AS SHOWN
	DESIGNED BY	SEB
	DRAWN BY	MZC
HAGGARD FARM CCRC ADDITION PART OF LOT 1, BLOCK A PLANO, TX	CHECKED BY	SEB
	DATE	
	REVISIONS	
	BY	
ZONING EXHIBIT		
SHEET NUMBER C-01		

**Kimley»Horn**  
1340 West Dine, Suite 100  
Dallas, Texas 75241-1244  
Phone: 972-971-4125  
Fax: 972-971-4125  
TEAS REGISTERED ENGINEERING #268