

Zoning Case 2020-032

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 142.5 acres of land out of the Maria Cantalina Vela Survey, Abstract No. 935, located at the southeast corner of Spring Creek Parkway and Parkwood Boulevard in the City of Plano, Collin County, Texas, from Planned Development-242-Multifamily Residence-2, Planned Development-243-Retail/General Office, and Commercial Employment to Planned Development-51-Retail/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 142.5 acres of land out of the Maria Cantalina Vela Survey, Abstract No. 935, located at the southeast corner of Spring Creek Parkway and Parkwood Boulevard in the City of Plano, Collin County, Texas, from Planned Development-242-Multifamily Residence-2, Planned Development-243-Retail/General Office, and Commercial Employment to Planned Development-51-Retail/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 142.5 acres of land out of the Maria Cantalina Vela Survey, Abstract No. 935, located at the southeast corner of Spring Creek Parkway and Parkwood Boulevard in the City of Plano, Collin County, Texas, from Planned Development-242-Multifamily Residence-2, Planned Development-243-Retail/General Office, and Commercial Employment to Planned Development-51-Retail/General Office, said property being described in the legal description on Exhibit A attached hereto.

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

Restrictions:

The permitted uses and standards shall be in accordance with the R, Retail and O-2, General Office zoning districts unless otherwise specified herein. Tract references refer to the Zoning Exhibit:

1. Uses:

a. Permitted Uses:

- i. Tracts 1 and 2 must be developed with uses allowed in the R or O-2 zoning districts with the following additions:
 1. Multifamily Residence
 2. Winery
 3. Village Retail: This development form will consist of 1- to 2-story building(s) organized around pedestrian-friendly hardscape and green space and which will be anchored by at least one restaurant and include retail, assembly hall, and/or related uses.
- ii. Tract 3 must be developed with uses allowed in the R or O-2 zoning districts.
- iii. Tract 4 must be developed with Single-Family Residence Attached and/or Single-Family Residence Detached uses in accordance with the Single-Family Residence Attached (SF-A) and/or Patio Home (PH) zoning district standards.

b. Additional Prohibited Uses:

- i. Vehicle Repair (Minor/Fueling Station)
- ii. Cemetery/Mausoleum

- iii. Car Wash
- iv. Compact Construction & Transportation Equipment Sales & Service
- v. Funeral Parlor Mortuary
- vi. Mini-Warehouse/Public Storage
- vii. Boarding/Rooming House
- viii. Data Center
- ix. Vehicle Parts Sales
- x. Assisted Living Facility in Tracts 1 and 2
- xi. Continuing Care Facility in Tracts 1 and 2
- xii. Independent Living Facility in Tracts 1 and 2
- xiii. Long-Term Care Facility in Tracts 1 and 2

2. Nonresidential, multifamily, and retirement housing development must be in accordance with the O-2 area, yard, and bulk requirements with the following exceptions:

Description	Requirement
Maximum Height	<p>Office: Four-story, 60 feet; except that one building located at the northeast corner of Parkwood Boulevard and the Future Type D Thoroughfare may be five stories, 70 feet</p> <p>Multifamily: Four-story, 55 feet</p> <p>Retail/Restaurant: Two-story, 35 feet</p> <p>All Other Uses: Five-story, 70 feet</p> <p>Development is exempt from Sections 13.500.2.I</p> <p>Development in Tract 3 is exempt from setbacks in Section 13.500.2.N of the Zoning Ordinance related to residential development in Tract 4.</p>

Maximum Floor Area Ratio	0.5:1 except as otherwise provided herein: <ul style="list-style-type: none"> • 1:1 for lots fronting on Type D Thoroughfares in Tracts 1 and 2. • 1.35:1 for lots fronting on Type D Thoroughfares and adjacent to the linear park along the creek or the three-acre park located in Tract 2. • 1:1 for property in Tract 3 that is more than 500 feet north of Windhaven Parkway and more than 300 feet west of Spring Creek Parkway ROW
Maximum Square Footage per Tract	Tract 1: 1,190,000 square feet Tract 2: 520,000 square feet Tract 3: 500,000 square feet

a. Maximum Total Number of Multifamily Units: 700; A maximum of 350 units may be located in Tract 1, and a maximum of 350 units may be located in Tract 2 and must be constructed per the phasing requirements below.

b. Additional Multifamily Standards:

i. The minimum setback from Planned Development-154-Single-Family Residence-6 (PD-154-SF-6) for any multifamily building or associated parking garage must be 350 feet.

ii. A minimum of 80% of required parking must be located within a parking structure.

iii. Required parking:

a. Efficiency or one-bedroom units: one parking space per unit

b. Two-bedroom units: two parking spaces per unit

c. Three-bedroom and larger units: three parking spaces per unit

3. Retirement Housing Standards: Retirement housing is exempt from the setback provisions of section 15.1300.3 of the Zoning Ordinance.

4. Phasing:

- a. Phase 1: A certificate of occupancy will not be issued for the first phase of multifamily, not to exceed 350 units and located in Tract 1, until the following are completed:
 - i. A certificate of occupancy has been issued for a minimum of 100,000 square feet of nonresidential use(s) in Tract 1, including 10,000 square feet of Village Retail; for the purposes of this standard, retirement housing will not be considered a nonresidential use; and
 - ii. The trail along the full extent of the creek in Tract 2 is connected to development in Tract 1 via a pedestrian bridge within the creek.
- b. Phase 2: A certificate of occupancy will not be issued for the second phase of multifamily, not to exceed 350 units and located in Tract 2, until the following are completed:
 - i. A certificate of occupancy has been issued for a minimum of a cumulative 300,000 square feet of nonresidential uses in Tract 1 and Tract 2, which includes the 100,000 square feet required within Phase 1; for the purposes of this standard, retirement housing will not be considered a nonresidential use; and
 - ii. The completion of all open spaces located in Tract 1 and Tract 2.

5. Parking Garages:

- a. Parking garage facades visible from public streets or other properties must have architecturally integrated facades compatible with the buildings they serve. The design of the structure must reflect the massing, fenestration, and detailing of adjacent and abutting buildings and shall not exceed either the height of such adjacent and abutting buildings or 45 feet, whichever is less.
- b. Garages must be screened so that no headlights from within the structure are visible from surrounding properties or streets. All parking garage lighting must be designed and operated so as not to reflect or shine on adjacent properties.
- c. Garage facades facing the proposed Type D Thoroughfare shall limit openings on upper levels to less than 50% of the face of façade and shall be designed in a manner to screen vehicles substantially. Any opening shall be no larger than the dimension of a typical window along the façade of the building it serves.
- d. External elevator towers and stairwells must be open to public view or enclosed with transparent glazing.

- e. Garage screening is required to be installed along the proposed Type D Thoroughfare as shown on the Zoning Exhibit in locations between right-of-way and parking structures or stalls and shall consist of the following:
 - i. A fifty-foot landscape buffer with a sodded berm not less than thirty feet wide and four feet in height with a maximum slope of three to one shall be constructed in a “teardrop” layout to allow surface drainage. The design shall accommodate a trail or sidewalk meeting city requirements; and
 - ii. For every thirty-five linear feet of landscape buffer: One shade tree with a trunk diameter at the time of planting of not less than five caliper inches measured at twelve inches above the ground must be planted within the berm in a naturalized and random planting scheme; and
 - iii. The distance between shade trees in the landscape buffer shall not exceed thirty-five feet; and
 - iv. One ornamental tree with a minimum size of eight to ten feet height must be planted for each shade tree with a minimum distance of not less than twelve feet; and
 - v. The distance between ornamental trees in the landscape buffer shall not exceed thirty-five feet; and
 - vi. A living screen shall be planted on the front slope near the top of the berm, consisting of staggered evergreen shrubs and aforementioned trees placed so as to create at least a 6-foot tall solid screen at the time of their installation; and
 - vii. All landscaping must be irrigated with an automatic sprinkler system and maintained in a healthy and growing condition; and
 - viii. The landscape design along the proposed Type D Thoroughfare shall include transitions to ensure the landscape buffer for these garages fits within the overall landscape design of the area, as determined on the approved landscape plan.

6. Open space will consist of the following:

- a. A minimum three-acre park located outside of the floodplain in Tract 2;
- b. A minimum nine-acre linear park must be located between Tracts 1 and 2, and may be located in the floodplain;
- c. A 12-foot pedestrian trail located along the creek extending from the northern border of Tract 2 to the southern border of Tract 3; and

- d. A minimum 12.7-acre linear park, with a minimum width of 240 feet, which will include a 12-foot pedestrian trail located in the power line easement along the future Type D thoroughfare in Tract 1.
7. An enhanced crosswalk must be provided across the proposed Type D Thoroughfare near the southern end of the proposed three-acre park in Tract 2 in accordance with the following standards or alternate standards approved by the City Engineer:
 - a. A “Z-Crossing” that provides a refuge area in the median;
 - b. Differentiated paving material consisting of pavers or stamped concrete;
 - c. Standard MUTCD Traffic Signage and Striping; and
 - d. A Rectangular Rapid-Flashing Beacon at each end of the crossing.
8. Trees and associated irrigation to meet City of Plano standards and inspections must be installed within the median of the future Type D thoroughfare, except where prohibited by easements.

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 7TH DAY OF DECEMBER 2021.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2020-032

BEING a tract of land situated in the Maria Cantalina Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas; and being part of Windhaven Parkway, Spring Creek Parkway and Parkwood Boulevard and being part of a tract of land described in Special Warranty Deed to Haggard Enterprises Limited, LTD. recorded in Volume 2523, Page 172 of the Land Records of Collin County, Texas and being part of a tract of land described in Special Warranty Deed to Haggard Enterprises Limited, LTD. recorded in Volume 2739, Page 967 of said Land Records and being part of a tract of land described in Special Warranty Deed, Bill of Sale and Assignment to Acres of Sunshine, LTD. recorded in Volume 4227, Page 835 of the Land Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at the intersection of the centerline of Spring Creek Parkway (a variable width right-of-way) and the centerline of Windhaven Parkway (a variable width right-of-way);

THENCE with said centerline of Windhaven Parkway, the following courses and distances: South 42°22'41" West, a distance of 158.86 feet to a point at the beginning of a non-tangent curve to the right having a central angle of 46°00'40", a radius of 800.00 feet, a chord bearing and distance of South 66°13'45" West, 625.31 feet; In a southwesterly direction, with said curve to the right, an arc distance of 642.44 feet to a point for corner; South 89°14'05" West, a distance of 337.88 feet to a point for corner;

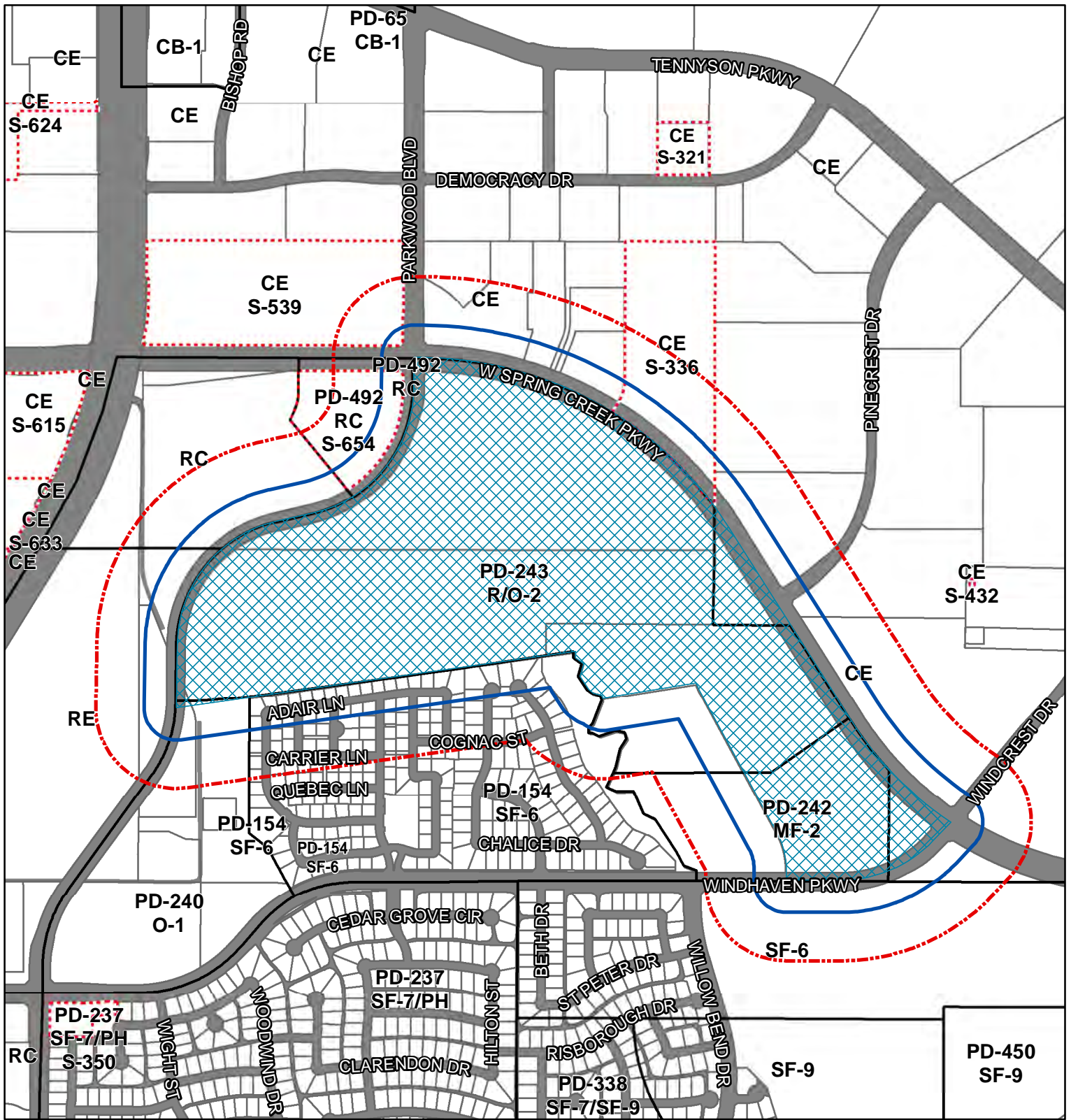
THENCE said centerline of Windhaven Parkway, the following courses and distances: North 0°00'00" East, a distance of 63.50 feet to a point at the beginning of a tangent curve to the left having a central angle of 29°35'57", a radius of 450.00 feet, a chord bearing and distance of North 14°47'58" West, 229.89 feet; In a northwesterly direction, with said curve to the left, an arc distance of 232.47 feet to a point for corner; North 29°36'05" West, a distance of 1011.83 feet to a point at the beginning of a non-tangent curve to the right having a central angle of 5°58'43", a radius of 441.64 feet, a chord bearing and distance of North 27°16'14" West, 46.06 feet; In a northwesterly direction, with said curve to the right, an arc distance of 46.08 feet to a point for corner; South 80°03'46" West, a distance of 584.73 feet to a point in the east line 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 Instrument No. 20111209010002540 of the Official Public Records of Collin County, Texas; and being in the approximate centerline of Creek Number 5B29;

THENCE with the east line of said Lot 58 and said approximate centerline of Creek Number 5B29, the following courses and distances: North 24°50'38" West, a distance of 17.56 feet to a point for corner; North 75°15'49" West, a distance of 53.86 feet to a point for corner; North 55°19'20" West, a distance of 34.91 feet to a point for corner; North 33°59'39" West, a distance of 99.90 feet to a point for corner; North 15°48'40" East, a distance of 80.20 feet to a point for corner; North 56°15'56" West, a distance of 62.96 feet to a point for corner; North 0°28'11" West, a distance of 42.59 feet to the northeast corner of said Lot 58;

THENCE with the north line of said Block A, Avignon Windhaven, Phase 3, South $81^{\circ}04'33''$ West, passing at a distance of 691.05 feet the northwest corner of said Block A, Avignon Windhaven, Phase 3 and the northeast corner of Lot 38, Block A, Avignon Windhaven, Phase 2 an addition to the City of Plano according to the plat recorded in Instrument No. 20091008010002560 of the Official Public Records of Collin County, Texas, continuing with north line of said Block A, Avignon Windhaven, Phase 2, passing at a distance of 1126.56 feet the northwest corner of said Block A, Avignon Windhaven, Phase 2 and the northeast corner of Lot 31, Block A, Avignon Windhaven, Phase 1 an addition to the City of Plano according to the plat recorded in Cabinet R, Slide 205 of the Map Records of Collin County, Texas, continuing with the north line of said Block A, Avignon Windhaven, Phase 1, passing at a distance of 2040.83 feet the northeast corner of said Block A, Avignon Windhaven, Phase 1, continuing in all a total distance of 2505.50 feet to a point for corner in said centerline of Parkwood Boulevard; said point also being at the beginning of a non-tangent curve to the left having a central angle of $2^{\circ}41'09''$, a radius of 774.92 feet, a chord bearing and distance of North $1^{\circ}21'12''$ East, 36.32 feet;

THENCE with said centerline of Parkwood Boulevard, the following courses and distances: In a northeasterly direction, with said curve to the left, an arc distance of 36.32 feet to a point at the end of said curve; North $0^{\circ}00'44''$ East, a distance of 359.06 feet to a point at the beginning of a tangent curve to the right having a central angle of $76^{\circ}22'01''$, a radius of 789.72 feet, a chord bearing and distance of North $38^{\circ}11'45''$ East, 976.38 feet; In a northeasterly direction, with said curve to the right, an arc distance of 1052.58 feet to a point at the end of said curve; North $76^{\circ}22'45''$ East, a distance of 230.20 feet to a point at the beginning of a tangent curve to the left having a central angle of $76^{\circ}59'40''$, a radius of 805.00 feet, a chord bearing and distance of North $37^{\circ}52'55''$ East, 1002.19 feet; In a northeasterly direction, with said curve to the left, an arc distance of 1081.76 feet to a point at the end of said curve; North $0^{\circ}36'55''$ West, a distance of 180.53 feet to at the intersection of the centerline of Spring Creek Parkway (a variable width right-of-way) and the centerline of Parkwood Boulevard (a variable width right-of-way);

THENCE with said centerline of Spring Creek Parkway, the following course and distances: North $89^{\circ}12'46''$ East, a distance of 47.67 feet to a point at the beginning of a tangent curve to the right having a central angle of $57^{\circ}23'42''$, a radius of 2270.36 feet, a chord bearing and distance of South $62^{\circ}05'23''$ East, 2180.39 feet; In a southeasterly direction, with said curve to the right, an arc distance of 2274.29 feet to a point for corner; South $33^{\circ}23'29''$ East, a distance of 1403.39 feet to a point at the beginning of a tangent curve to the left having a central angle of $23^{\circ}53'29''$, a radius of 2153.93 feet, a chord bearing and distance of South $45^{\circ}20'14''$ East, 891.66 feet; In a southeasterly direction with said curve to the left, an arc distance of 898.15 feet to the POINT OF BEGINNING and CONTAINING 142.49 acres of land.

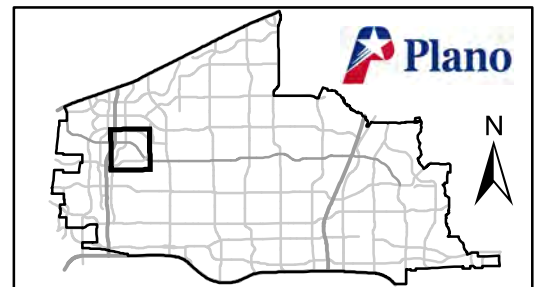


Zoning Case: 2020-032

Existing Zoning: Planned Development-242-Multifamily Residence-2, Planned Development-243-Retail/General office, and Commercial Employment

Proposed Zoning: Planned Development-Retail/General Office

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



0 625 1,250 2,500
Feet

