

## **Zoning Case 2021-015**

**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 2.9 acres of land out of the Sanford Beck Survey, Abstract No. 73, located at the northeast corner of 15th Street and M Avenue in the City of Plano, Collin County, Texas, from Urban Residential to Planned Development-53-Urban Residential; 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 10th day of January 2022, for the purpose of considering rezoning 2.9 acres of land out of the Sanford Beck Survey, Abstract No. 73, located at the northeast corner of 15th Street and M Avenue in the City of Plano, Collin County, Texas, from Urban Residential to Planned Development-53-Urban Residential; 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 10th day of January 2022; 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.

**WHEREAS**, the City Council finds that the establishment of the Planned Development district is required to implement the Comprehensive Plan and related studies, including the Downtown Vision and Strategy Update and Housing Trends and Strategic Plan Report.

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

**Section I.** The City Council finds that the establishment of the Planned Development district is required to implement the Comprehensive Plan and related studies, including the Downtown Vision and Strategy Update and Housing Trends and Strategic Plan Report.

**Section II.** The Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to rezone 2.9 acres of land out of the Sanford Beck Survey, Abstract No. 73, located at the northeast corner of 15th Street and M Avenue in the City of Plano, Collin County, Texas, from Urban Residential to Planned Development-53-Urban Residential, said property being described in the legal description on Exhibit A attached hereto.

**Section III.** The change in Section II is granted subject to the following restrictions: The permitted uses and standards will be in conformance with the Urban Residential (UR) zoning district unless otherwise specified herein:

1. All lots must have garages and driveways that access a mews street, except for lots fronting on M Avenue with no access to a mews street. For these lots, garages will be located to the rear of the lot and not directly facing M Avenue.
2. Mews Street Development Standards: Right-of-way of 28 feet in width containing two 11-foot travel lanes with three feet on each side to accommodate utilities and services. All mews streets must be platted as public streets.
3. Minimum Lot Area: 3,000 square feet
4. Minimum Lot Width: All lots fronting on 15th Street must have a minimum lot width of 35 feet. For other lots, the minimum width must be:
  - a. Interior Lots – 30 feet
  - b. Corner Lots – 35 feet
5. Minimum Lot Depth – 70 feet; 48 feet for lots adjacent to the east side of the existing lots that face 15th Place.
6. Setbacks:
  - a. From Mews Streets – 3 feet, except garages must be set back a minimum of 20 feet in accordance with the BG district standards in Section 10.800.5.h.x of the Zoning Ordinance.
  - b. From Existing Adjacent Residential Lots – 10 feet, except detached garages must have a minimum setback of five feet.
  - c. Front Yard Setbacks from Other Streets – 10 feet

- d. Side Yard Setbacks: Interior Lots – 3 feet; Corner Lots – 5 feet
- 7. Setbacks are not subject to the provisions of Sections 13.500.2.I, 13.500.2.O, 13.500.3.A, 13.500.3.I, 13.500.3.K, 13.500.4.A and 13.500.4.D.
- 8. Canopies, balconies, stoops, porches, bay windows, awnings, and other building projections may extend a maximum of 5 feet into the front yard setbacks.
- 9. Maximum Height:
  - a. Dwelling Units Not Fronting N Avenue or 15th Street: Two stories, 35 feet.
  - b. Dwelling Units Fronting N Avenue or 15th Street: three stories, 38 feet which includes roof decks, outdoor living areas, patios, and related service areas above the second story. Third-story conditioned space must not exceed the second floor square footage.
  - c. Detached Garages: One story, 20 feet
- 10. Roof decks are allowed but may not be placed on the rear or side of units adjacent to existing residential lots in the block.
- 11. Front yards may be fenced in accordance with UR standards. Fences will not be installed in the side yard on the property line where units are only six feet apart. Rear yards may be fenced on property lines where there is more than six feet between the units.

**Section IV.** 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 V.** 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 VI.** 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 VII.** 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 VIII.** 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 IX.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 10TH DAY OF JANUARY 2022.**

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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 2021-015**

BEING a 2.946 acre tract of land situated in the Sanford Beck Survey, Abstract No. 73, City of Plano, Collin County, Texas, being a part of the rights of way of 15TH Place, 15TH Street, M Avenue, and N Avenue, and being all of the Lots 3A, 3B, 6A, and 6B, Clint Forman Addition, (an unrecorded subdivision), and being all of Lot 2, Block B of the First Baptist Church-Plano, a plat to the City of Plano as recorded in Cabinet I, Slide 674, Official Public Records, Collin County, Texas; said tract also being all of Tract II as shown in a Special Warranty Deed conveyed to TWCP Westheimer Wilcrest LTD, as recorded in Instrument Number 20191101001382540, Official Public Records, Collin County, Texas, said 2.946 acre tract being more particularly described as follows:

BEGINNING at a found 1/2-inch capped iron rod stamped "ROOME" at the northeast corner of said Lot 3, Block B of said First Baptist Church-Plano plat and being in the south line of said 15th Place (a variable width right-of-way);

THENCE North 00 degrees 46 minutes 45 seconds West with the projection of the east line of said Lot 3, Block B into the right of way of 15th Place, a distance of 20.00 feet to the center line of 15th Place;

THENCE North 89 degrees 13 minutes 15 seconds East along the centerline of said 15th place, a distance of 171.32 feet to a point for corner at the centerline intersection of said 15th Place and N Avenue (a variable width right-of-way);

THENCE South 01 degree 32 minutes 45 seconds East along the centerline of said Avenue N, a distance of 361.54 feet to a point for corner at the centerline intersection of N Avenue and 15th Street;

THENCE South 89 degrees 13 minutes 17 seconds West, a distance of 440.10 feet to a point for corner; said corner being located at the centerline intersection of said 15th Street and M Avenue (a variable width right-of-way)

THENCE North 00 degrees 56 minutes 45 seconds West, along the centerline of said M Avenue, a distance of 276.50 feet to a point for corner;

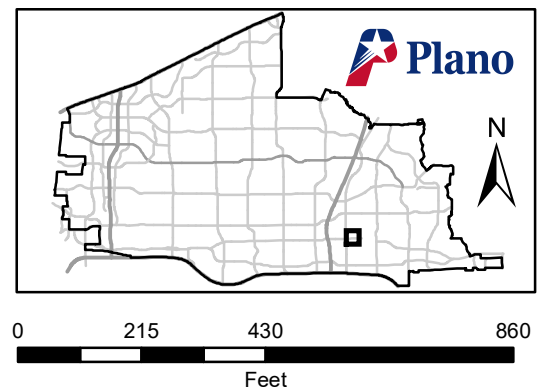
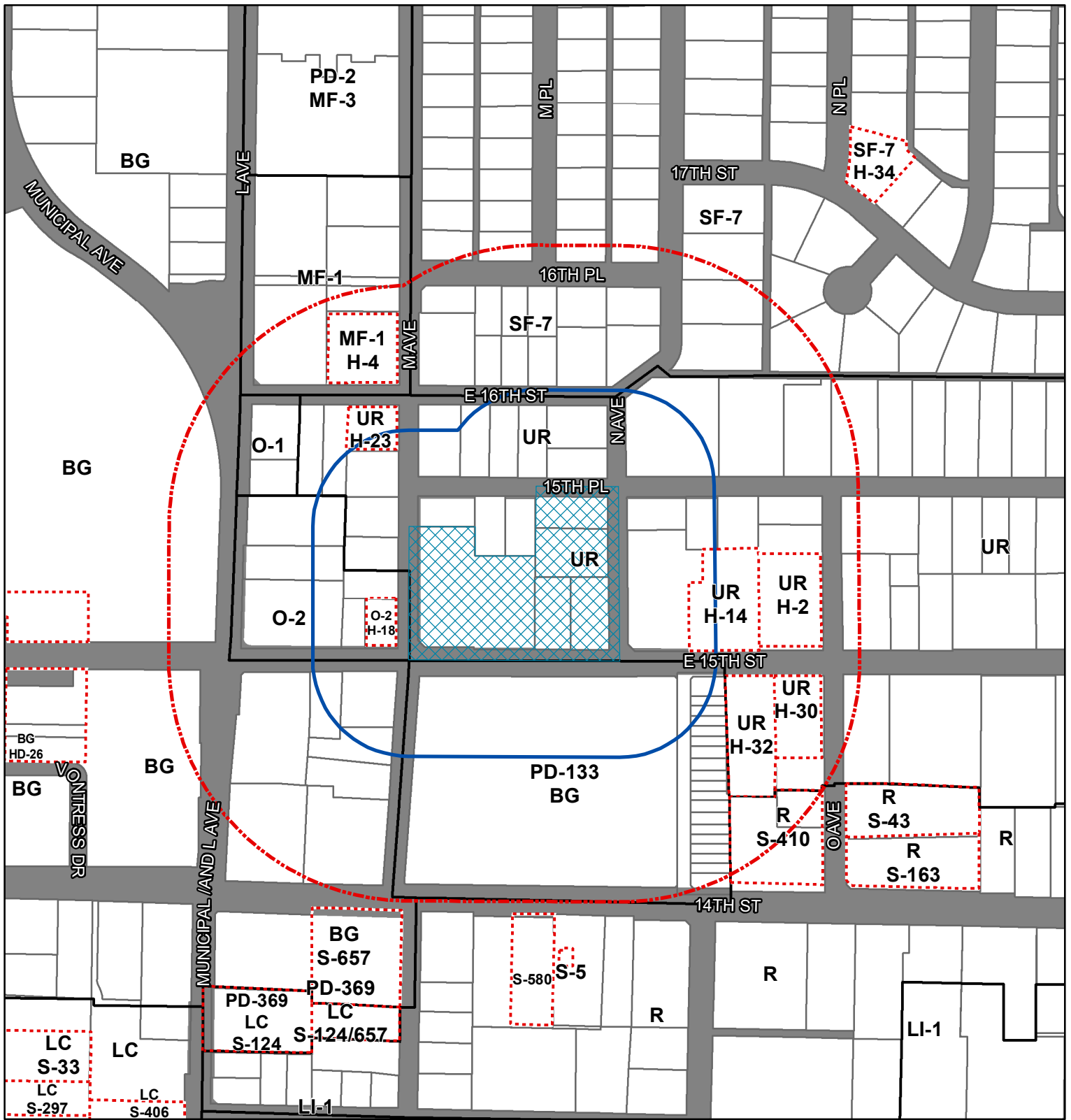
THENCE North 89 degrees 13 minutes 15 seconds East, departing said centerline of M Avenue, passing at a distance 20.00 feet, a power pole found for the northwest corner of said Tract II, and continuing with the north line of said Tract II, and the south line of Lot 1, Block B of said First Baptist Church-Plano plat, a total distance of 138.74 feet to a set 1/2-inch capped iron rod stamped "WESTWOOD PS" for a northeast corner of said Tract II, the southeast corner of said Lot 1, Block B and in the west line of a tract of land conveyed to the Ergonis Family Living Trust as recorded in Instrument Number 98-0016454, Deed Records, Collin County, Texas;

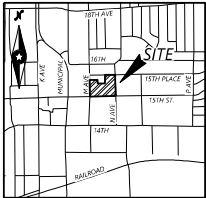
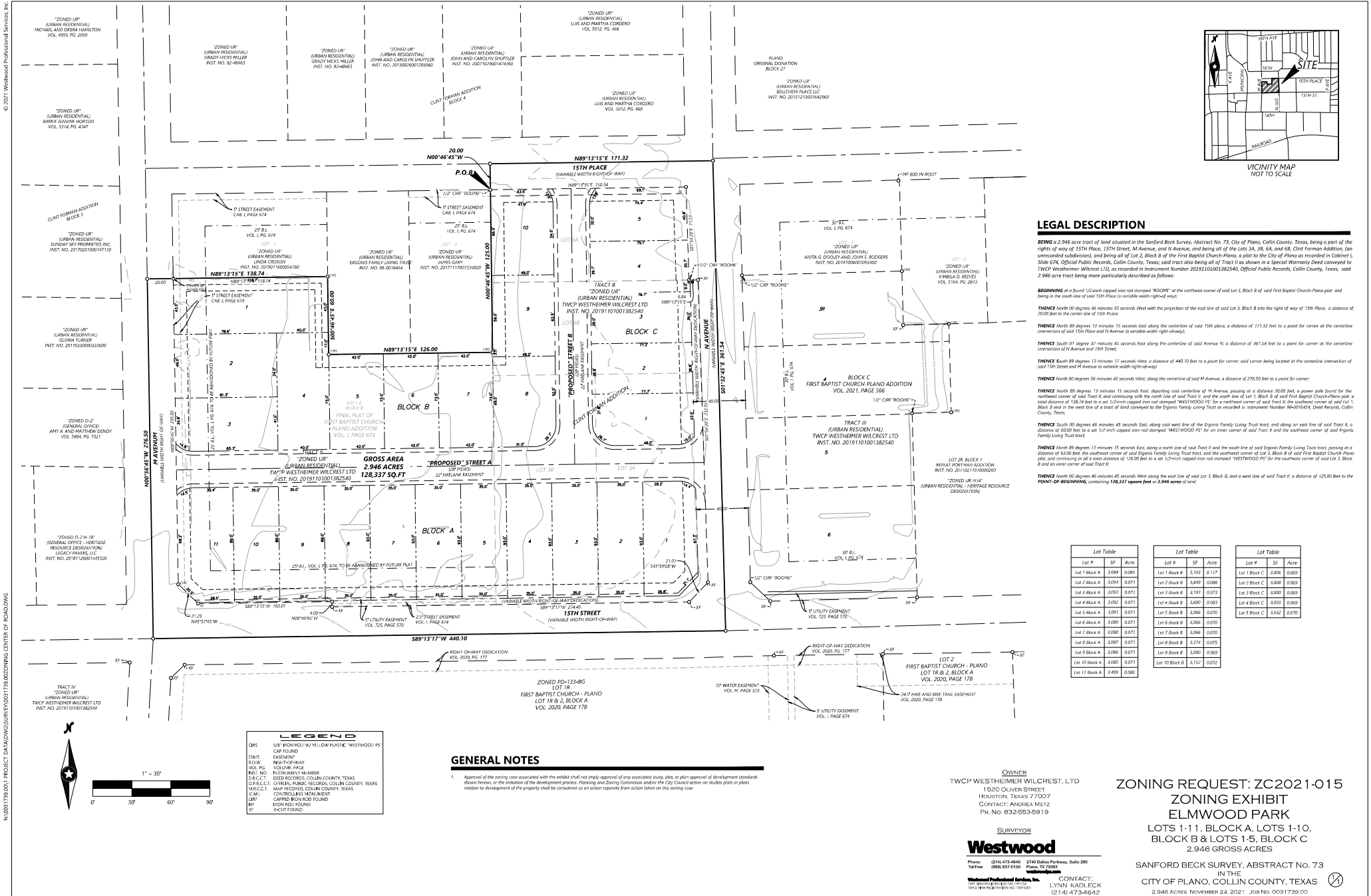
THENCE South 00 degrees 46 minutes 45 seconds East, along said west line of the Ergonis Family Living Trust tract, and along an east line of said Tract II, a distance of

60.00 feet to a set 1/2-inch capped iron rod stamped "WESTWOOD PS" for an inner corner of said Tract II and the southeast corner of said Ergonis Family Living Trust tract;

THENCE North 89 degrees 13 minutes 15 seconds East, along a north line of said Tract II and the south line of said Ergonis Family Living Trust tract, passing at a distance of 63.00 feet, the southeast corner of said Ergonis Family Living Trust tract, and the southwest corner of Lot 3, Block B of said First Baptist Church-Plano plat, and continuing in all a total distance of 126.00 feet to a set 1/2-inch capped iron rod stamped "WESTWOOD PS" for the southeast corner of said Lot 3, Block B and an inner corner of said Tract II;

THENCE North 00 degrees 46 minutes 45 seconds West along the east line of said Lot 3, Block B, and a west line of said Tract II, a distance of 125.00 feet to the POINT-OF-BEGINNING, containing 128,337 square feet or 2.946 acres of land.





LEGAL DESCRIPTION

**BEING** a 2.946 acre tract of land situated in the Sanford Beck Survey, Abstract No. 73, City of Plano, Collin County, Texas, being a part of the rights of way of 15th Place, 15th Street, M Avenue, and N Avenue, and being all of the Lots 3A, 3B, 6A, and 6B, said Forman Addition, (an unrecorded subdivision), and being all of Lot 2, Block B of the First Baptist Church-Plano, a plat to the City of Plano as recorded in Cabinet L, Slide 67A, Official Public Records, Collin County, Texas; said tract also being all of Tract II as shown in a Special Warranty Deed conveyed to TWCP Westheimer Wilcrest LTD, as recorded in instrument Number 202101101001382540, Official Public Records, Collin County, Texas, said 2.946-acre tract being more particularly described as follows:

**BEGINNING** at a found 1/2-inch capped iron rod stamped "3000E" at the northeast corner of said Lot 3, Block B of said First Baptist Church-Plano plat and being in the south line of said 15th Place in variable width right-of-way;

**THENCE** North 00 degrees 46 minutes 45 seconds West with the projection of the east line of said Lot 3, Block B into the right of way of 15th Place, a distance of 20.00 feet to the center line of 15th Place;

**THENCE** North 89 degrees 13 minutes 15 seconds East along the centerline of said 15th Place, a distance of 171.32 feet to a point far corner at the centerline intersection of said 15th Place and N Avenue in variable width right-of-way;

**THENCE** South 01 degree 21 minutes 45 seconds East along the centerline of said Avenue N, a distance of 361.54 feet to a point far corner at the centerline intersection of N Avenue and 15th Street;

**THENCE** South 89 degrees 13 minutes 17 seconds West, a distance of 440.10 feet to a point far corner; said corner being located at the centerline intersection of said 15th Street and M Avenue in variable width right-of-way;

**THENCE** North 00 degrees 56 minutes 45 seconds West, along the centerline of said M Avenue, a distance of 276.50 feet to a point far corner;

**THENCE** North 89 degrees 13 minutes 15 seconds East, departing said centerline of M Avenue, passing at a distance 20.00 feet, a power pole found for the northeast corner of said Tract I and continuing with the north line of said Tract I, and the south line of Lot 1, Block A of said First Baptist Church-Plano plat a total distance of 188.40 feet to a set 1/2-inch capped iron rod stamped "M21TW000125" for a northeast corner of said Tract I at the southeast corner of said Lot 1, Block B and in the west line of a tract of land conveyed to the Ergon Family Living Trust as recorded in instrument Number 98-0016454, Deed Records, Collin County, Texas;

**THENCE** South 00 degrees 46 minutes 45 seconds East, along said west line of the Ergon Family Living Trust tract, and along an east line of said Tract A, a distance of 40.00 feet to a set 1/2-inch capped iron rod stamped "WESTWOOD P5" for an inner corner of said Tract I and the southeast corner of said Ergon Family Living Trust tract;

**THENCE** North 89 degrees 13 minutes 15 seconds East, along a north line of said Tract I and the south line of said Ergon Family Living Trust tract, passing at a distance of 63.00 feet, the southeast corner of said Ergon Family Living Trust tract, and the southwest corner of Lot 3, Block B of said First Baptist Church-Plano plat, and continuing in all of a total distance of 126.00 feet to a set 1/2-inch capped iron rod stamped "WESTWOOD P5" for the southeast corner of said Lot 3, Block B and an inner corner of said Tract B;

**THENCE** North 00 degrees 46 minutes 45 seconds West along the east line of said Lot 3, Block B, and a west line of said Tract I, a distance of 126.00 feet to the **POINT-OF-BEGINNING**, containing **128,337 square feet or 2.946 acres** of land.

Lot Table					Lot Table					Lot Table				
Lot #	SF	Acres	Lot #	SF	Acres	Lot #	SF	Acres	Lot #	SF	Acres	Lot #	SF	Acres
Lot 1 Block A	3,084	0.085	Lot 1 Block B	5,103	0.117	Lot 1 Block C	3,006	0.080	Lot 1 Block C	3,006	0.080	Lot 1 Block C	3,006	0.080
Lot 2 Block A	3,094	0.077	Lot 2 Block B	3,849	0.088	Lot 2 Block C	3,068	0.080	Lot 2 Block C	3,068	0.080	Lot 2 Block C	3,068	0.080
Lot 3 Block A	3,093	0.077	Lot 3 Block B	3,791	0.077	Lot 3 Block C	3,000	0.080	Lot 3 Block C	3,000	0.080	Lot 3 Block C	3,000	0.080
Lot 4 Block A	3,092	0.077	Lot 4 Block B	3,690	0.081	Lot 4 Block C	3,003	0.080	Lot 4 Block C	3,003	0.080	Lot 4 Block C	3,003	0.080
Lot 5 Block A	3,091	0.077	Lot 5 Block B	3,096	0.070	Lot 5 Block C	3,096	0.070	Lot 5 Block C	3,096	0.070	Lot 5 Block C	3,096	0.070
Lot 6 Block A	3,089	0.077	Lot 6 Block B	3,096	0.070	Lot 6 Block C	3,096	0.070	Lot 6 Block C	3,096	0.070	Lot 6 Block C	3,096	0.070
Lot 7 Block A	3,088	0.077	Lot 7 Block B	3,096	0.070	Lot 7 Block C	3,096	0.070	Lot 7 Block C	3,096	0.070	Lot 7 Block C	3,096	0.070
Lot 8 Block A	3,087	0.077	Lot 8 Block B	3,096	0.070	Lot 8 Block C	3,096	0.070	Lot 8 Block C	3,096	0.070	Lot 8 Block C	3,096	0.070
Lot 9 Block A	3,086	0.077	Lot 9 Block B	3,096	0.070	Lot 9 Block C	3,096	0.070	Lot 9 Block C	3,096	0.070	Lot 9 Block C	3,096	0.070
Lot 10 Block A	3,085	0.077	Lot 10 Block B	3,096	0.070	Lot 10 Block C	3,096	0.070	Lot 10 Block C	3,096	0.070	Lot 10 Block C	3,096	0.070
Lot 11 Block A	3,089	0.080												

GENERAL NOTES

Approval of the zoning use associated with the exhibit shall not imply approval of any associated study, plat, or plan approval of development standards shown herein, or the initiation of the development process. Planning and Zoning Commission and/or the City Council action on studies, plats or plans submitted to development of the property shall be considered as an action separate from action taken on this zoning case.

**OWNER**  
TWCP WESTHEIMER WILCREST, LTD  
1520 OLIVER STREET  
HOUSTON, TEXAS 77007  
CONTACT: ANDREA METZ  
PH. NO. 832-553-5919

**SURVEYOR**  
**Westwood**  
Westwood Professional Services, Inc.  
1501 WEST WILSON STREET, SUITE 200  
PLANO, TEXAS 75075  
TEL: (214) 473-4640 FAX: (214) 473-4642  
WWW.WESTWOODPROFESSIONALSERVICES.COM

**ZONING REQUEST: ZC2021-015**  
**ZONING EXHIBIT**  
**ELMWOOD PARK**  
**LOTS 1-11, BLOCK A, LOTS 1-10,**  
**BLOCK B & LOTS 1-5, BLOCK C**  
**2.946 GROSS ACRES**

**SANFORD BECK SURVEY, ABSTRACT NO. 73**  
**IN THE**  
**CITY OF PLANO, COLLIN COUNTY, TEXAS**  
2.946 ACRES NOVEMBER 24, 2021 JOB NO. 0031739-00

LEGEND	
URS	5/8" PINK RED W/ YELLOW PLASTIC - WESTWOOD PS
CAF	FOUND
1/2"	EASEMENT
1/4"	RIGHT-OF-WAY
1/8"	VOLUME PAGE
1/16"	INSTRUMENT NUMBER
1/32"	DEED RECORDS, COLLIN COUNTY, TEXAS
1/64"	OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
1/128"	MAP RECORDS, COLLIN COUNTY, TEXAS
1/256"	CONTROLLING INSTRUMENT
1/512"	CAPED ROAD FOUND
1/1024"	IRON ROD FOUND
1/2048"	1/4" CUT FOUND

