### Zoning Case 2022-001

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 amend Planned Development-64-Central Business-1 on 137.3 acres of land out of the J.C. Barrow Survey, Abstract No. 91, the G.R. Martin Survey, Abstract No. 622, the Collin County School Land Survey No. 6, Abstract No. 149, the J. Digman Survey, Abstract No. 279, and the H.N. Thompson Survey, Abstract No. 896, located at the southwest corner of State Highway 121 and the Dallas North Tollway in the City of Plano, Collin County, Texas, to modify the location and development standards for mid-rise residential and the requirements for open space; 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 23rd day of May 2022, for the purpose of considering amending Planned Development-64-Central Business-1 on 137.3 acres of land out of the J.C. Barrow Survey, Abstract No. 91, the G.R. Martin Survey, Abstract No. 622, the Collin County School Land Survey No. 6, Abstract No. 149, the J. Digman Survey, Abstract No. 279, and the H.N. Thompson Survey, Abstract No. 896, located at the southwest corner of State Highway 121 and the Dallas North Tollway in the City of Plano, Collin County, Texas, to modify the location and development standards for mid-rise residential and the requirements for open space; 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,** on the 23rd day of May 2022, the City Council of said City, held its public hearing and tabled the item to the 13th day of June 2022, wherein it held an additional public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance; and

**WHEREAS,** the City Council is of the opinion and finds that such amendment 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:

<u>Section I.</u> The Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to amend Planned Development-64-Central Business-1 on 137.3 acres of land out of the J.C. Barrow Survey, Abstract No. 91, the G.R. Martin Survey, Abstract No. 622, the Collin County School Land Survey No. 6, Abstract No. 149, the J. Digman Survey, Abstract No. 279, and the H.N. Thompson Survey, Abstract No. 896, located at the southwest corner of State Highway 121 and the Dallas North Tollway in the City of Plano, Collin County, Texas, to modify the location and development standards for mid-rise residential and the requirements for open space, as follows, said property being described in the legal description on Exhibit A attached hereto:

The permitted uses and standards shall be in accordance with the Central Business-1 (CB-1) zoning district unless otherwise specified herein.

- 1. Mid-rise residential is an additional permitted use subject to the following standards:
  - a. A maximum of 13 acres may be developed as mid-rise residential.
  - b. Mid-rise residential is prohibited within 400 feet of the right-of-way line of S.H. 121 and the Dallas North Tollway, except for the site located on the southeast corner of Windrose Ave and S.H. 121, which may be developed as mid-rise residential with the following restrictions:
    - i. The maximum number of units is 177.
    - ii. Minimum setback from northern and eastern property lines: 40 feet.
    - iii. Intake openings for outdoor air, as defined in the adopted International Mechanical Code, as amended, must be located on the southern and/or western facades.
    - iv. Pollution Mitigation Measures The following standards must be used during initial construction and must be added as notes to the site plan. The Building Official or designee may substitute equivalent or superior construction methods upon replacement or reconstruction, consistent with building code requirements.
      - 1. Mechanical ventilation must exceed the building code as follows:
        - a. All ventilation units will be "outdoor-air sourced."
        - Units will be installed on the roof of the building with air intakes "ducted" to the southernmost elevation of the building.
      - 2. Air Filtration:

- a. Each "outdoor-air sourced" mechanical ventilation unit must contain a filter box on its air-intake side.
- b. These filter boxes must contain a filter (or combination of filters in "series"), capable of filtering outdoor airborne "particulates" to the MERV 16 standard or greater, based on American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) ratings.
- v. Noise Mitigation Measures The following standards must be used during initial construction and must be added as notes to the site plan. The Building Official or designee may substitute equivalent or superior construction methods upon replacement or reconstruction, consistent with building code requirements.
  - 1. Construction documents sealed by an architect must be provided as part of the building construction plan set that details mitigation of the interior noise at each unit to a maximum level of 45 dBA. The engineer of record will be responsible for testing the interior noise and providing a noise study for all units to the Building Inspections Department prior to final building inspection.
  - 2. The minimum height for individual balcony rails is 4 feet. The minimum height for the pool terrace rail will be 5 feet. Laminated-glass will be used in the railings.
- c. Maximum Density: None
- d. Building Height: A maximum of 400 units may be constructed at a minimum height of 5 stories. The remaining units must be constructed at a minimum of 7 stories.
- e. Maximum Number of Dwelling Units: 1,000

# 2. Open Space

- a. The open space exhibit is adopted as part of this ordinance.
- b. Usable public open space must be provided in an amount not less than 2.5 acres as defined in the open space exhibit.
- c. Useable open space must be accessible to the public at all times and must not be fenced.
- d. Useable open space must have a minimum dimension of 30 feet long by 30 feet wide.

**Section II.** The change granted in Section I is granted subject to City Council approval of Zoning Case 2022-008.

<u>Section III</u>. 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.

<u>Section IV</u>. 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.

<u>Section V</u>. 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.

<u>Section VI</u>. 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.

<u>Section VIII</u>. This Ordinance shall become effective immediately upon its passage and publication as required by law.

#### PASSED AND APPROVED THIS THE 13TH DAY OF JUNE 2022.

	John B. Muns, MAYOR
ATTEST:	
Lisa C. Henderson, CITY SECRETARY	-
APPROVED AS TO FORM:	
	_
Paige Mims, CITY ATTORNEY	

## **Zoning Case 2022-001**

BEING a tract of land situated in the J.C. Barrow Survey, Abstract No. 91, the G.R. Martin Survey, Abstract No. 622, the Collin County School Land Survey No. 6, Abstract No. 149, the J. Digman Survey, Abstract No. 279, and the H.N. Thompson Survey, Abstract No. 896, City of Plano, Collin County, Texas and being all of Lot 1R, Block B, of Legacy West Addition Lot 1R, Block B, an addition to the City of Plano, Texas according to the plat thereof recorded in Volume 2021, Page 152, Official Public Records of Collin County, Texas; all of Lot 2R and Lot 3R, Block C, of Legacy West Addition, Lots 2R and 3R, Block C, an addition to the City of Plano, Texas according to the plat thereof recorded in Volume 2018, Page 45, Official Public Records of Collin County, Texas; all of Lot 4R, Block C, of Legacy West Addition, Lot 4R, Block C, an addition to the City of Plano, Texas according to the plat thereof recorded in Volume 2019, Page 745, Official Public Records of Collin County, Texas; all of Lot 5, Block C, of Legacy West Addition, Lot 5, Block C, an addition to the City of Plano, Texas according to the plat thereof recorded in Volume 2015, Page 601, Official Public Records of Collin County, Texas; all of Lot 6R, Block C, of Legacy West Addition, Lot 6R, Block C, an addition to the City of Plano, Texas according to the plat thereof recorded in Volume 2020, Page 313, Official Public Records of Collin County, Texas; all of Lot 7R, Block C, of Legacy West Addition, Lot 7R, Block C, an addition to the City of Plano, Texas according to the plat thereof recorded in Volume 2018, Page 684, Official Public Records of Collin County, Texas; all of Lot 8, and Lot 10, Block C, of Legacy West Addition, Lots 1R, 8, 9, 10 and 11, Block C, an addition to the City of Plano, Texas according to the plat thereof recorded in Volume 2017, Page 132, Official Public Records of Collin County, Texas; all of Lot 1R, Lot 9R, and Lot 11R, Block C, Legacy West Addition, Lots 1R, 9R and 11R, Block C, an addition to the City of Plano, Texas according to the plat thereof recorded in Volume 2019, Page 549, Official Public Records of Collin County, Texas; and portions of Leadership Drive, State Highway No. 121, the Dallas North Tollway, Communications Parkway and Headquarters Drive, all variable width public rights-of- way, and being more particularly described as follows:

BEGINNING at the intersection of the centerline of said Headquarters Drive (a variable width right-of-way) and the centerline of said Leadership Drive (a 110-foot wide right-of-way);

THENCE with said centerline of Leadership Drive, the following courses and distances: North 32°57'07" West, a distance of 119.35 feet to a point at the beginning of a tangent curve to the right having a central angle of 13°44'23", a radius of 1500.00 feet, a chord bearing and distance of North 26°04'56" West, 358.84 feet; In a northwesterly direction, with said curve to the right, an arc distance of 359.71 feet to a point for corner; North 19°12'44" West, a distance of 651.35 feet to the intersection of said centerli ne of Leadership Drive and the centerline of said State Highway No. 121 (a variable width right-of-way);

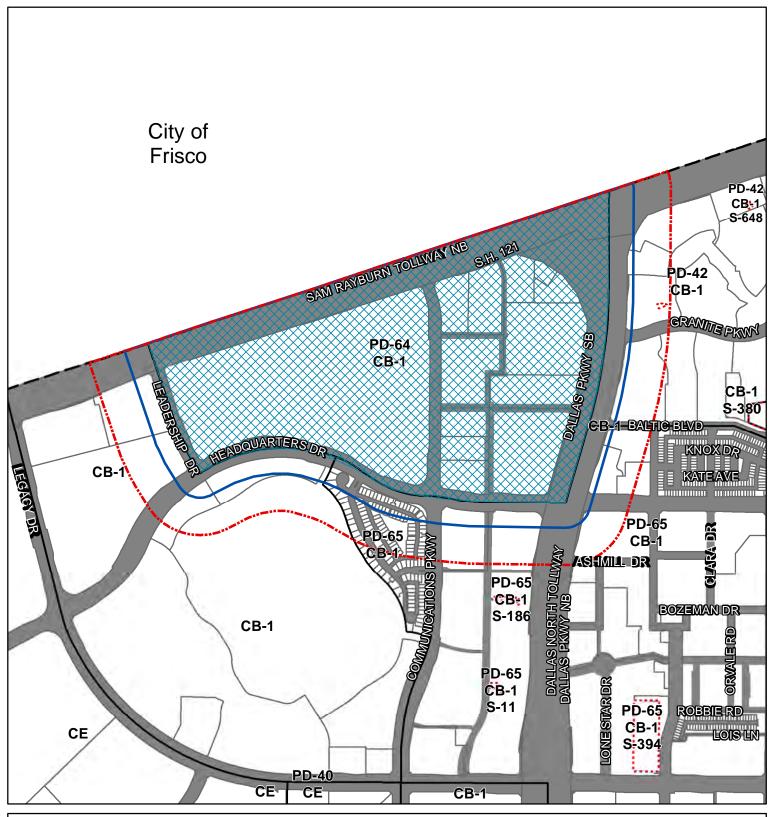
THENCE with said centerline of State Highway No. 121, North 70°54'39" East, a distance of 3922.34 feet to the intersection of said centerline and the centerline of said Dallas North Tollway (a variable width right-of-way);

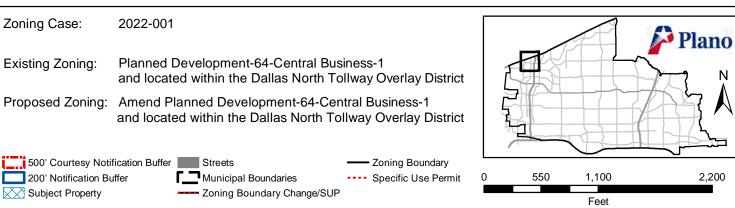
THENCE departing said centerline of State Highway No. 121 and with said centerline of the Dallas North Tollway, the following courses and distances: South 0°39'09" East, a distance of 791.53 feet to a point at the beginning of a tangent curve to the right having a central angle of 16°16'33", a radius of 3819.72 feet, a chord bearing and distance of South 7°29'07" West, 1081.41 feet; In a southwesterly direction, with said curve to the right, an arc distance of 1085.06 feet to a point for corner; South 15°30'18" West, a distance of 604.28 feet to a point at the beginning of a tangent curve to the left having a central angle of 1°02'17", a radius of 3819.72 feet, a chord bearing and distance of South 14°59'09" West, 69.20 feet; In a southwesterly direction, with said curve to the left, an arc distance of 69.20 feet to the intersection of said centerline and the centerline of said Headquarters Drive;

THENCE departing said centerline of the Dallas North Tollway, South 89°31'17" West, a distance of 674.39 feet to a point at the beginning of a non-tangent curve to the right with a radius of 4,279.20 feet, a central angle of 07°54'07", and a chord bearing and di stance of North 84°26'38" West, 589.70 feet;

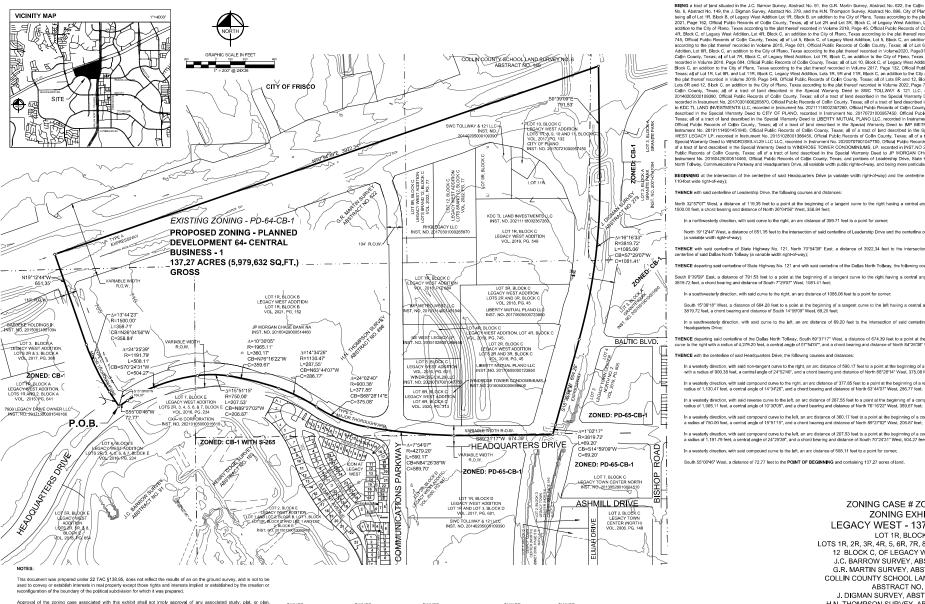
THENCE with the centerline of said Headquarters Drive, the following courses and distances: In a westerly direction, with said non-tangent curve to the right, an arc distance of 590.17 feet to a point at the beginning of a compound curve to the right with a radius of 900.38 feet, a central angle of 24°02'40", and a chord bearing and distance of North 68°28'14" West, 375.08 feet; In a westerly direction, with said compound curve to the right, an arc distance of 377.85 feet to a point at the beginning of a reverse curve to the left with a radius of 1,130.47 feet, a central angle of 14°34'26", and a chord bearing and distance of North 63°44'07" West, 286.77 feet; In a westerly direction, with said reverse curve to the left, an arc distance of 287.55 feet to a point at the beginning of a compound curve to the left with a radius of 1,965.11 feet, a central angle of 10°30'05", and a chord bearing and distance of North 76°16'22" West, 359.67 feet; In a westerly direction, with said compound curve to the left, an arc distance of 360.17 feet to a point at the beginning of a compound curve to the left with a radius of 750.00 feet, a central angle of 15°51'15", and a chord bearing and distance of North 89°27'02" West,

206.87 feet; In a westerly direction, with said compound curve to the left, an arc distance of 207.53 feet to a point at the beginning of a compound curve to the left with a radius of 1,191.79 feet, a central angle of 24°25'39", and a chord bearing and distance of South 70°24'31" West, 504.27 feet; In a westerly direction, with said compound curve to the left, an arc distance of 508.11 feet to a point for corner; South 55°00'46" West, a distance of 72.77 feet to the POINT OF BEGINNING and CONTAINING 137.27 acres of land.





Source: City of Plano



SWC TOLLWAY & 121 LLC

7200 Bishop Road, SuiteE 250 c/o Ryan LLC Plano, TX 75024 13155 Noel Ro

RHO LEGACY LLC

Dallas, Texas 75240

13155 Noel Road, Suite 100

approval of development standards shown hereon, or the initiation of the development process. Planning & Zoning Commission and/or City Council action on studies, plats or plans relating to development of this property shall be considered

All recording information shown hereon is referenced to the Deed, Land, Map or Official Public Records of Collin County

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of

as an action separate from action taken on this zoning case

BBING a tract of land situated in the J.C. Barrow Survey, Abstract No. 91, the G.R. Martin Survey, Abstract No. 622, the Collin County School Land Survey, No. 6, Asstract No. 149, the J. Digman Survey, Abstract No. 827, and the H.N. Thompson Survey, Abstract No. 896, City of Plano, Collin County, Toxas and being all of Lot 187, Bibbs 81, 61 adaption to the City of Plano. The case according to the plat thereoff recorded in Volume 2021, Page 152, Official Public Records of Collin County, Texas, all of Lot 28 and Lot 38, Block C, or Legacy West Addition, Lots 27 and 38, Block C, and addition to the City of Plano. Texas according to the plat thereoff recorded in Volume 2018, Page 45, Clinical Public Records of Collin County, Texas, all of Lot 28 and Lot 38, Block C, or Legacy West Addition, Lots 27 and 38, Block C, and Lot 38, Block C, and L addition to the City of Flano. Towas according to the plat thereof recorded in Volume 2019, Page 45, Official Public Records of Collin County, Texas all of Lot 48, Block C. on Jacage West Addition, Lot 48, Block C. on Jacage West Addition, Lot 48, Block C. on Jacage West Addition, Lot 48, Block C. on Jacage West Addition on Volume 2019, Page 745, Official Public Records of Collin County, Texas, all of Lot 58, Block C. of Legacy West Addition, Lot 58, Block C. on Jacage West Addition, Lot 69, Block C. on Jacage West Addition, Lot 78, Block C. J described in the Special Warranty Deed to CITY OF PLANO, recorded in Instrument No. 20170721000957450. Official Public Records of Collin County 

BEGINNING at the intersection of the centerline of said Headquarters Drive (a variable width right-of-way) and the centerline of said Leadership Drive (a

THENCE with said centerline of Leadership Drive, the following courses and distances

North 32'57'07" West, a distance of 119.35 feet to a point at the beginning of a tangent curve to the right having a central angle of 13"44'23", a radius of 1500.00 feet, a chord bearing and distance of North 26'04'56" West, 338.84 feet;

North 19"12'44" West, a distance of 651.35 feet to the intersection of said centerline of Leadership Drive and the centerline of said State Highway No. 121

THENCE with said centerline of State Highway No. 121, North 70°54'39" East, a distance of 3922.34 feet to the intersection of said centerline and the centerline of said Dallas North Tollway (a variable width right-of-way):

THENCE departing said centerline of State Highway No. 121 and with said centerline of the Dallas North Tollway, the following courses and distances:

South 0"39"09" East, a distance of 791.53 feet to a point at the beginning of a tangent curve to the right having a central angle of 16"16"33", a radius of 3819.72 feet, a chord bearing and distance of South 7"29"07" West, 1081.41 feet;

vesterly direction, with said curve to the right, an arc distance of 1085.06 feet to a point for come

South 15"30"18" West, a distance of 604.28 feet to a point at the beginning of a tangent curve to the left having a central angle of 1"02"17", a radius of 3819.72 feet, a chord bearing and distance of South 14°59'09" West, 69.20 feet

In a southwesterly direction, with said curve to the left, an arc distance of 69.20 feet to the intersection of said centerline and the centerline of said

THENCE departing said centerline of the Dallas North Tollway. South 89°31'17" West, a distance of 674 39 feet to a point at the beginning of a postangent

ve to the right with a radius of 4.279.20 feet, a central angle of 07"54"07", and a chord bearing and distance of North 84"26'38" West, 589.70 fee

THENCE with the centerline of said Headquarters Drive, the following courses and distances:

In a westerly direction, with said non-tangent curve to the right, an arc distance of 590.17 feet to a point at the beginning of a compound curve to the right with a radius of 900.38 feet, a central angle of 24°02'40", and a chord bearing and distance of North 68°28'14" West, 375.08 fee

In a westerty direction, with said compound curve to the right, an arc distance of 377.85 feet to a point at the beginning of a reverse curve to the left with a radius of 1,130.47 feet, a central angle of 14"34'26", and a chord bearing and distance of North 63"44"07" West, 286.77 feet;

In a westerly direction, with said reverse curve to the left, an arc distance of 287.55 feet to a point at the beginning of a compound curve to the left with a radius of 1,965,11 feet, a central angle of 10°30'05°, and a chord bearing and distance of North 76°16'22° West, 389,67 feet;

In a westerly direction, with said compound curve to the left, an arc distance of 360.17 feet to a point at the beginning of a compound curve to the left with a radius of 750.00 feet, a central angle of 15/51/15°, and a chord bearing and distance of North 89°27/02' West, 206.87 feet;

in a westerly direction, with said compound curve to the left, an arc distance of 207.53 feet to a point at the beginning of a compound curve to the left with

In a westerly direction, with said compound curve to the left, an arc distance of 508.11 feet to a point for corner

South 55°00'46" West, a distance of 72.77 feet to the POINT OF BEGINNING and containing 137.27 acres of land

#### ZONING CASE # ZC2022-001 ZONING EXHIBIT LEGACY WEST - 137.27 ACRES

LOT 1R, BLOCK B

LOTS 1R, 2R, 3R, 4R, 5, 6R, 7R, 8R, 9R, 10, 11R, AND 12 BLOCK C, OF LEGACY WEST ADDITION J.C. BARROW SURVEY, ABSTRACT NO. 91 G.R. MARTIN SURVEY, ABSTRACT NO. 622 COLLIN COUNTY SCHOOL LAND SURVEY NO. 6 ABSTRACT NO. 149

J. DIGMAN SURVEY, ABSTRACT NO. 279 H.N. THOMPSON SURVEY, ABSTRACT NO. 896 CITY OF PLANO, COLLIN COUNTY, TEXAS

APPLICANT:
KIMLEY-HORN AND ASSOCIATES, INC.
13455 Noel Road, Two Galleria Office
Tower, Sulte 700
Dallas, Texas 75240
Contact, Calile Valver, Per 1972-777-1300
Sultant Program Sultant Progra Contact: Femi Karahan PH. 214-473-9700 OWNER: JP MORGAN CHASE BANK NA 1111 Polaris Parkway, Suite 4P Columbus, Ohio 43240 wir METRO WEST LLC
clo GID
455 Market Street, Suite 1810
San Francisco, CA 94105
Suite Street OWNER: WINDROSE/LVL29 LLC 865 N. Cowan Avenue Lewisville, TX 75057 OWNER: WINDROSE TOWER CONDOMINIUMS, LI 7500 San Jacinto Plano, TX 75024

CITY OF PLANO 1520 K Avenue Plano, TX 75074

KDC TL LAND INVESTMENTS LLC

8115 Preston Road, Suite 700 Dallas, TX 75225

LIBERTY MUTUAL PLANO LLC 175 Berkeley Street Boston MA, 02116

#### **OPEN SPACE TABLE**

BLOCK - LOT	OPEN SPACE (AC)
B - 1	0.86
C - 1R, 6R, & 7R	1.67
TOTAL PROVIDED	2.53
TOTAL REQUIRED	MIN. 2.50

- THE OPEN SPACE EXHIBIT IS ADOPTED AS PART OF THIS ORDINANCE. USABLE PUBLIC OPEN SPACE MUST BE PROVIDED IN AN AMOUNT NOT LESS THAN 2.5 ACRES AS DEFINED IN THE OPEN SPACE EXHIBIT.

  USABLE OPEN SPACE MUST BE ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND MUST NOT BE FENCED.

  USABLE OPEN SPACE MUST BE ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND MUST NOT BE FENCED.

  USABLE OPEN SPACE MUST HAVE A MINIMUM DIMENSION OF 30 FEET LONG BY 30 FEET WIDE.







100 W. Oak Street Suite 203 Denton, Texas 76201 940 536 0175 State of Texas Registration No. F-928 LEGACY WEST PD-64-CB-1
137.27 AGRES
REVISED OPEN SPACE PLAN
ROSP2022-001
LEGACY WEST ADDITION
LEGACY WEST ADDITION
LOT SIR, BR, AND 7R BLOCK C, AND LOT 1R, BLOCK B
COLLIN COLUNTS OCHOOL AND SURVEY, ABSTRACT NO. 149
G.R. MARTIN SURVEY, ABSTRACT NO. 680
M. THOMPSON SURVEY