

Zoning Case 2022-018

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 5.2 acres of land out of the Samuel Klepper Survey, Abstract No. 216, located on the west side of J Place, 111 feet north of State Highway 190 in the City of Plano, Collin County, Texas, from Light Commercial to Planned Development-57-Corridor Commercial and rescind Specific Use Permits No. 525 and 529 for Contract Construction; No. 526 and 528 for Auto Storage; and No. 527 and 530 for Used Car Dealer; presently zoned Light Commercial with Specific Use Permits No. 525 and 529 for Contract Construction; No. 526 and 528 for Auto Storage; and No. 527 and 530 for Used Car Dealer; directing changes 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 April 2023, for the purpose of considering rezoning 5.2 acres of land out of the Samuel Klepper Survey, Abstract No. 216, located on the west side of J Place, 111 feet north of State Highway 190 in the City of Plano, Collin County, Texas, from Light Commercial to Planned Development-57-Corridor Commercial and rescinding Specific Use Permits No. 525 and 529 for Contract Construction; No. 526 and 528 for Auto Storage; and No. 527 and 530 for Used Car Dealer; and

WHEREAS, the City Secretary of 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 April 2023; and

WHEREAS, the City Council is of the opinion and finds that such rezoning 5.2 acres of land located on the west side of J Place, 111 feet north of State Highway 190 in the City of Plano, Collin County, Texas, from Light Commercial to Planned Development-57-Corridor Commercial and rescinding Specific Use Permits No. 525 and 529 for Contract Construction; No. 526 and 528 for Auto Storage; and No. 527 and 530 for Used Car Dealer 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 of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to rezone 5.2 acres of land out of the Samuel Klepper Survey, Abstract No. 216, located on the west side of J Place, 111 feet north of State Highway 190 in the City of Plano, Collin County, Texas, from Light Commercial to Planned Development-57-Corridor Commercial, said property being more fully described on the legal description in Exhibit A attached hereto.

Section II. Ordinance No.2003-11-16 duly passed and approved by the City Council of the City of Plano, Texas, on the 24th day of November 2003, granting Specific Use Permits No. 525 and 529 for Contract Construction; No. 526 and 528 for Auto Storage; and No. 527 and 530 for Used Car Dealer on 3.1 acres of land out of the Samuel Klepper Survey, Abstract No. 216, located on the west side of J Place, 111 feet north of State Highway 190 in the City of Plano, Collin County, Texas, presently zoned Light Commercial, more fully described on Exhibit A attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permits No. 525 and 529 for Contract Construction; No. 526 and 528 for Auto Storage; and No. 527 and 530 for Used Car Dealer are hereby rescinded.

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

The permitted uses and standards shall be in accordance with the Corridor Commercial (CC) zoning district unless otherwise specified herein.

Multifamily Residential Development Standards

1. Multifamily residence is an additional permitted use.
2. Maximum Floor to Area Ratio (excluding parking garage square footage): 1.75:1
3. Special Regulations for Multifamily Residences
 - a. Minimum Floor Area per Dwelling Unit:

Unit Type	Minimum Floor Area
Efficiency	400 square feet
One-bedroom	475 square feet
Two-bedroom	625 square feet
Each additional bedroom	150 square feet

- b. A minimum of 20% of units must be two bedrooms or more; and

- c. The average unit size will be a minimum of 700 square feet.
4. Required Parking:
- a. One Bedroom or fewer: One space per unit
 - b. Two Bedrooms: 1.5 spaces per unit
 - c. Three Bedrooms or more: 2 spaces per unit
5. Maximum of 325 multifamily dwelling units

Multifamily Residential Design Standards

In lieu of the supplemental regulations of Section 15.800 (Multifamily Residence) the following will be met:

1. Streetscape along J Place:
- a. On-street parking spaces will be provided along J Place
 - b. A sidewalk with a minimum width of 7 feet
 - c. Street trees are required at the rate of one three-inch caliper shade tree per 40 linear feet of street frontage. Trees shall be placed in planting beds or tree grates within five feet of the back of the street curb.
2. Building Design:
- a. A parking structure must be constructed between all residential units and the frontage road of S.H. 190; however, one residential unit on each floor of the eastern and western building facades may be exposed to the frontage road.
 - b. Maximum Front Yard Setback: Building must be constructed such that a minimum of 60% of the facade falls within 15 feet of the right-of-way line. Where easements are present, a minimum of 60% of each facade must be built to the easement line.
 - c. Minimum Setback from Northern Property Line: 50 feet
 - d. Building Articulation: All facades must meet the following minimum standards for articulation:
 - i. No building facade shall exceed a length of 100 feet without a horizontal and vertical break in the facade. The vertical break shall be a minimum depth/height of 3 feet for a minimum length of 10 feet, and facades shall contain repeating patterns of contrasting materials,

material colors, and material textures that visually break up the horizontal and vertical expanse of the facade.

- ii. Pitched roofs are not an allowed design except as may be approved on a facade plan at the discretion of the Planning & Zoning Commission.
 - iii. 30% of all units must have a true balcony, with a minimum 7-foot depth and 8-foot width to create outdoor living space. In lieu of balconies, outdoor common areas within the building (distinct from required public open space as listed in the following Section 3.d) may be provided at a rate of 100 square feet per unit where a balcony is required but not constructed.
3. Landscaping, Sidewalks, and Open Space: Landscaping will be provided per Article 17 (Landscaping and Tree Preservation) and Section 11.400 (190 Tollway/Plano Parkway Overlay District) except as follows:
- a. Along the north and south property lines, a minimum 10-foot landscape buffer and 8-foot ornamental fence are required. Within these landscape edges, an irrigated evergreen, full-to-ground, solid landscape screen must be installed and maintained. Two staggered rows of evergreen shrubs used for a landscape screen must be installed so as to create at least a 6-foot-tall solid screen at the time of installation. All landscaping shall be irrigated within an automatic sprinkler system and maintained in a healthy and growing condition.
 - b. Along the eastern property line, a minimum 5-foot landscape edge shall be provided between all parking lots and public streets. Within this landscape edge, 10 shrubs (5-gallon minimum) shall be planted per 500 square feet. The number of required shrubs shall be calculated solely on the area of the required landscape edge.
 - c. Along the western property line, a minimum 6-foot sidewalk is required to connect to the trail along the DART right-of-way at a feasible location. Along the western property line, streetscape landscaping shall be provided.
 - d. Interior Landscape Requirements: Parking termini at the end of every parking row and parking lot island per every eleven spaces are required. The minimum total area of such islands shall be approximately 180 square feet with minimum dimensions of 9 feet by 20 feet but may be designed so that the radii help to facilitate traffic maneuverability. Such islands shall contain at least one large canopy tree. The remainder of the island space shall be landscaped with shrubs, turf, and living ground cover not to exceed three feet in height.

- e. Open Space: 10% to 20% active open space must be provided. Examples include plazas, playgrounds, public art, water features, benches, courtyards, dog parks, and other pedestrian amenities.
4. Site Amenities: The following amenities are required:
- a. Indoor exercise facility,
 - b. Meeting room,
 - c. Dog run and dog waste stations, and
 - d. Swimming pool.

5. EHA Mitigation Measures

- a. Intake openings for outdoor air, as defined in the adopted International Mechanical Code, as amended, must not be on the southern face of the south building unless the parking garage is positioned between intake opening and expressway.
- b. 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.
 - i. Mechanical ventilation must exceed the building code as follows:
 - a) All ventilation units will be “outdoor-air sourced.”
 - b) Units will be installed on the roof of the building with air intakes not “ducted” to the southern face of the south building unless the parking garage is positioned between intake opening and expressway.
 - ii. 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 8 standard or greater, based on American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) ratings.
 - iii. 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.

- a) 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.
- b) No balconies will be within 300 feet of southern property line except if there is a building facing the easement dedicated to North Texas Municipal Water District (NTMWD) crossing east-west approximately midway through the property.

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 on the 10th day of April 2023.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

**ZONING CASE 2022-018
LEGAL DESCRIPTION**

BEING 5.189 acres in the Samuel Klepper Survey, Abstract Number 216, containing all of the tract of land described as Tract 1 and Tract 2 to Jan Martin as recorded in Instrument Number 20151228001607360 of the Official Public Records, Collin County Texas (O.P.R.C.C.T), all of the tract of land described to Baily Marshall recorded in Instrument Number 20080530000653290, O.P.R.C.C.T., and all of the tract of land described as Lot 1, Block A, L&L Addition, as recorded in Instrument Number 20190919010004030, O.P.R.C.C.T, and being described by metes and bounds as follows:

BEGINNING at a point for corner in the east right-of-way line of Dallas Area Rapid Transit (a 100-foot right-of-way), same point being the southwest corner of Lot 1, Block A of L&L Addition, an addition to the City of Plano, Collin County, Texas, as recorded in Instrument Number 20190919010004030, O.P.R.C.C.T., same point being the northwest corner described as William Herbert Hunt, Trust Estate as recorded in Volume 3690, Page 56, of the Deed Records, Collin, County, Texas (D.R.C.C.T.);

THENCE N 20°14'18" E, along the east right-of-way line of said Dallas Area Rapid Transit, a distance of 144.14 feet to a point for corner in the east right-of-way line of said Dallas Area Rapid Transit Tract, same point being the beginning of a non-tangent curve to the left;

THENCE northeasterly, continuing along the east right-of-way line of said Dallas Area Rapid Transit Tract and said non-tangent curve to the left, having a radius of 3,396.78 feet, a central angle of 07°17'01", a chord which bears N 16°35'48" E – 431.54 feet, and an arc length of 431.83 feet to a point for corner for the northwest corner of said Tract 1, same point being the southwest corner of Lot 1, Block 1 of 823 J Place Addition, an addition to the City of Plano, Collin County, Texas as recorded in Volume 4188, Page 254, D.R.C.C.T.;

THENCE N 88°24'33" E, with the common line of said 823 J Place Addition and said Tract 1, a distance of 323.41 feet to a point for corner in the centerline of J Place (a variable width right-of-way) and for the northeast corner of said Tract 1;

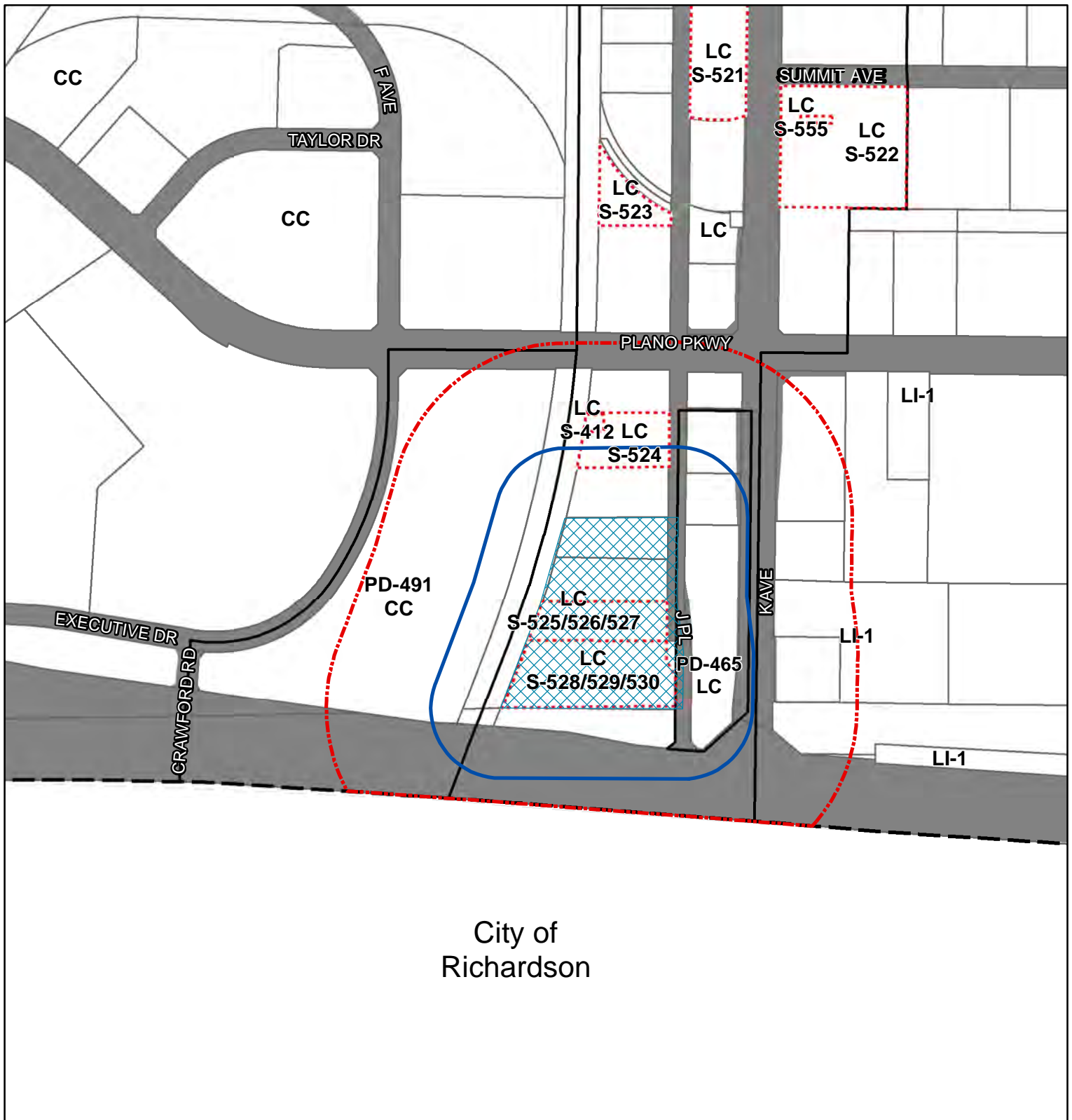
THENCE S 00°15'20" E, with the common line of said Lot 1, Block 1, and the west right-of-way of said J Place, a distance of 203.87 feet to a point for corner in the west right-of-way line of said J Place, same point being the beginning of a tangent curve to the left;

THENCE southeasterly, departing the west right-of-way line of said J Place and along said tangent curve to the left, having a radius of 450.00 feet, a central angle of 12°50'19", a chord which bears S 06°40'29" E – 100.62 feet, and an arc length of 100.83 feet to a point for corner in the centerline of said J Place and the beginning of a reverse curve to the right;

THENCE southeasterly, continuing along the centerline of said J Place and with said curve to the right, having a radius of 500.00, a central angle of 12°50'19", a chord which bears S 06°40'29" E – 111.80 feet, and an arc length of 112.04 feet to a point for corner in the centerline of said J Place;

THENCE S 00°15'20" E, continuing along the centerline of said J Place, a distance of 131.30 feet to a point for corner in the centerline of said J Place;









THENCE S 88°43'34" W, passing at a distance of 23.63 feet, a point for corner in the west right-of-way line of said J Place, same point being the southeast corner of said Lot 1, Block A, and continuing with the common line of said Lot 1, Block A and said William Herbert Hunt tract, in all, a total distance of 522.72 feet to the **POINT OF BEGINNING** and **CONTAINING** 5.189 acres (or 226,021 square feet) of land, more or less.

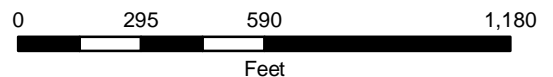
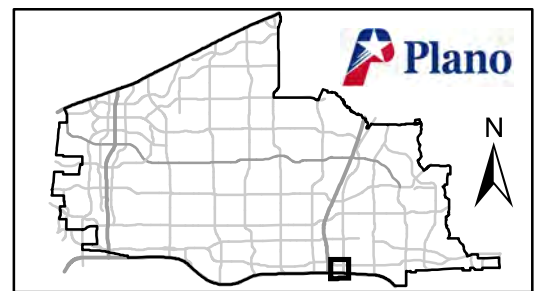


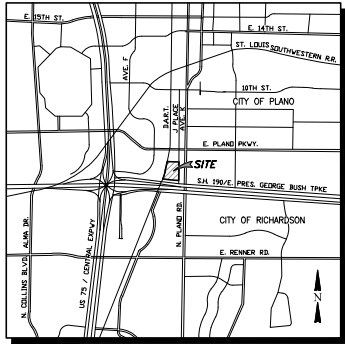
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Existing Zoning: Light Commercial with Specific Use Permits No. 525 and 529 for Contract Construction; No. 526 and 528 for Auto Storage; and No. 527 and 530 for Used Car Dealer and located within the 190 Tollway/Plano Parkway Overlay District

Proposed Zoning: Planned Development-Corridor Commercial (PD-CC)

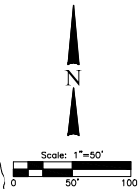
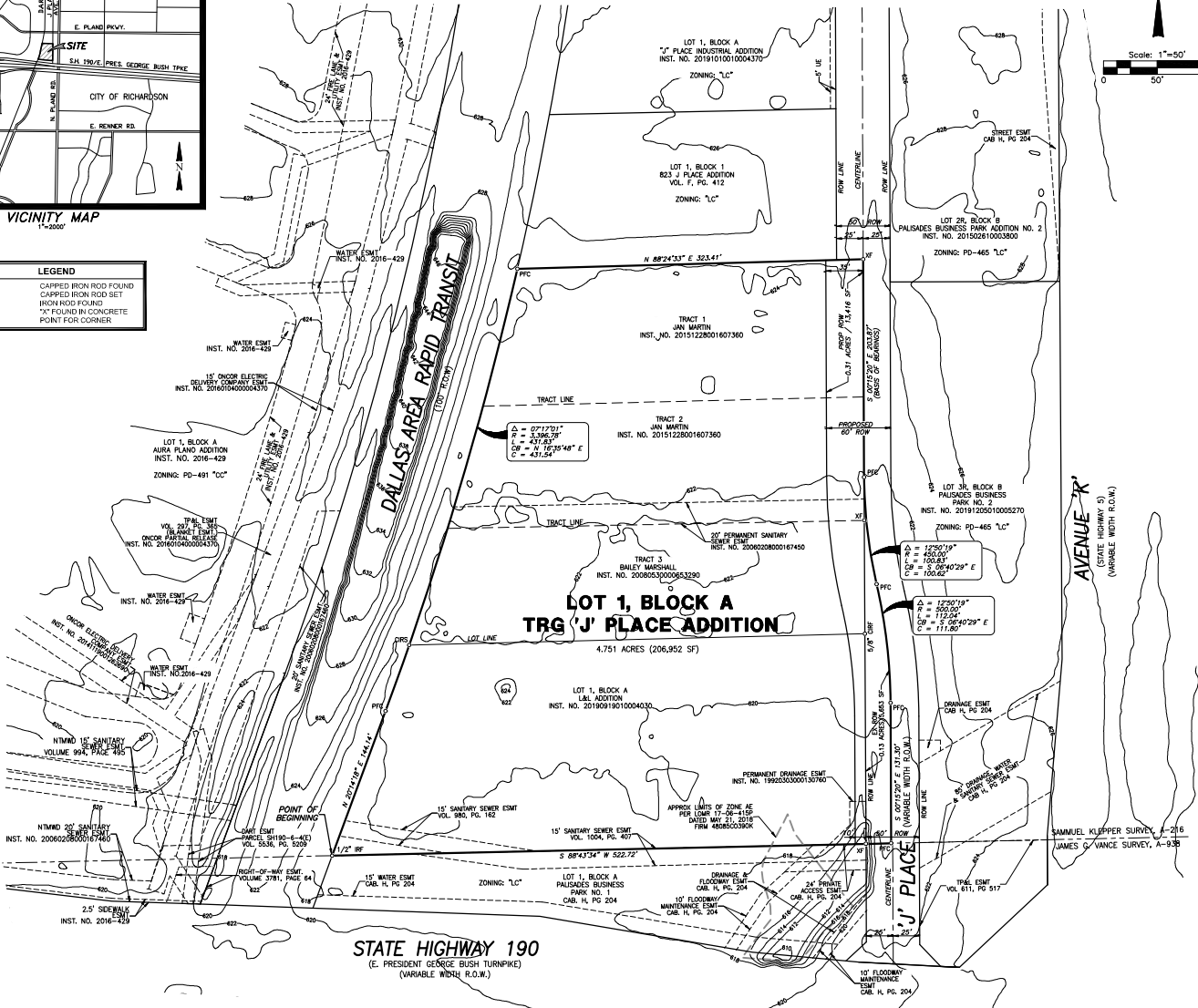
- | | | |
|---|--|---|
|  500' Courtesy Notification Buffer |  Streets |  Zoning Boundary |
|  200' Notification Buffer |  Municipal Boundaries |  Specific Use Permit |
|  Subject Property |  Zoning Boundary Change/SUP | |





VICINITY MAP
1"=500'

LEGEND	
CIRF	CAPPED IRON ROD FOUND
CIRS	CAPPED IRON ROD SET
IRF	IRON ROD FOUND
XF	"X" FOUND IN CONCRETE
PFIC	POINT FOR CORNER



DESCRIPTION

BEING 5.189 acres in the Samuel Klepper Survey, Abstract Number 216, containing all of the tract of land described as Tract 1 and Tract 2 to Jan Martin as recorded in Instrument Number 20151228001607360 at the Official Public Records, Collin County Texas (O.P.R.C.C.T.), all of the tract of land described to Bally Marshall recorded in Instrument Number 20080530000653290, O.P.R.C.C.T., and all of the tract of land described as Lot 1, Block A, L&L Addition, as recorded in Instrument Number 20190919010004030, O.P.R.C.C.T. and being described by metes and bounds as follows:

BEGINNING at a point for corner in the east right-of-way line of said Dallas Area Rapid Transit (a 100-foot right-of-way), same point being the southwest corner of Lot 1, Block A of L&L Addition, an addition to the City of Plano, Collin County, Texas, as recorded in Instrument Number 20190919010004030, O.P.R.C.C.T., same point being the northwest corner described as William Herbert Hunt, Trust Estate as recorded in Volume 3930, Page 58, of the Deed Records, Collin County, Texas (D.R.C.C.T.);

THENCE N 20°14'18" E, along the east right-of-way line of said Dallas Area Rapid Transit, a distance of 144.14 feet to a point for corner in the east right-of-way line of said Dallas Area Rapid Transit, same point being the beginning of a non-tangent curve to the left;

THENCE northeasterly, continuing along the east right-of-way line of said Dallas Area Rapid Transit Tract and said non-tangent curve to the left, having a radius of 3,396.78 feet, a central angle of 07°17'01", a chord which bears N 16°35'48" E - 431.54 feet, and an arc length of 431.83 feet to a point for corner in the northwest corner of said Tract 1, same point being the southwest corner of Lot 1, Block 1 of 823 J Place Addition, an addition to the City of Plano, Collin County, Texas as recorded in Volume 4188, Page 254, D.R.C.C.T.;

THENCE N 88°24'33" E, with the common line of said 823 J Place Addition and said Tract 1, a distance of 323.41 feet to a point for corner in the centerline of J Place (a variable width right-of-way) and for the northeast corner of said Tract 1;

THENCE S 00°15'20" E, with the common line of said Lot 1, Block 1, and the west right-of-way of said J Place, a distance of 263.87 feet to a point for corner in the west right-of-way line of said J Place, same point being the beginning of a tangent curve to the left;

THENCE southeasterly, departing the west right-of-way line of said J Place and along said tangent curve to the left, having a radius of 450.00 feet, a central angle of 12°50'19", a chord which bears S 06°40'29" E - 100.62 feet, and an arc length of 100.83 feet to a point for corner in the centerline of said J Place and the beginning of a reverse curve to the right;

THENCE southeasterly, continuing along the centerline of said J Place and with said curve to the right, having a radius of 300.00, a central angle of 12°50'19", a chord which bears S 05°40'29" E - 111.80 feet, and an arc length of 112.04 feet to a point for corner in the centerline of said J Place;

THENCE S 00°15'20" E, continuing along the centerline of said J Place, a distance of 131.30 feet to a point for corner in the centerline of said J Place;

THENCE S 88°43'34" W, passing at a distance of 23.63 feet, a point for corner in the west right-of-way line of said J Place, same point being the southeast corner of said Lot 1, Block A, and continuing with the common line of said Lot 1, Block A and said William Herbert Hunt tract, in all, a total distance of 522.72 feet to the POINT OF BEGINNING and CONTAINING 5.189 acres (or 226,021 square feet) of land, more or less.

THE FOLLOWING SUP ARE TO BE RESCINDED WITH APPROVAL OF THE PROPOSED ZONING:

- S-215: CONTRACT CONSTRUCTION (ORD. NO. 2003-11-16)
- S-216: CONTRACT CONSTRUCTION (ORD. NO. 2003-11-16)
- S-217: USED CAR DEALER (ORD. NO. 2003-11-16)
- S-218: AUTO STORAGE (ORD. NO. 2003-11-16)
- S-219: CONTRACT CONSTRUCTION (ORD. NO. 2003-11-16)
- S-220: USED CAR DEALER (ORD. NO. 2003-11-16)

ZONING EXHIBIT

CASE NO. ZC2022-018
 TRG 'J' PLACE ADDITION
 LOT 1, BLOCK A
 5.189 ACRES
 SAMUEL KLEPPER SURVEY, ABSTRACT NO. 216
 CITY OF PLANO, COLLIN COUNTY, TEXAS
 FEBRUARY 16, 2023

OWNER JAN MARTIN 841 "J" PLACE PLANO, TEXAS 75074 (214)577-2903	OWNER SMITH + LISLE HOLDINGS 1414 14th STREET PLANO, TEXAS 75074 (214)75-4203 CONTACT: BILL LISLE III	OWNER NUMERO UNO, LTD. AND GRAPELAND PROPERTIES, LLC AND S.H. INVESTMENTS, LLC 1350 MANUFACTURING STREET SUITE 101 DALLAS, TEXAS 75207 (214)741-5018 CONTACT: JIM LAKE
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APPLICANT TRENISC ACQUISITION COMPANY, LLC 8235 DOUGLAS AVENUE SUITE 950 DALLAS, TEXAS 75225 (214)462-7190 CONTACT: ADAM BROWN	ENGINEER ML CLARK CONSULTING, LLC PO BOX 170 ADDISON, TEXAS 75001 (214)675-1960 CONTACT: MICHAEL L. CLARK, PE
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APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAN, OR PLAN, 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 AS AN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE.