

Zoning Case 2019-008

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 7.8 acres of land out of the Sanford Beck Survey, Abstract No. 73, located at the northeast corner of 14th Street and M Avenue, in the City of Plano, Collin County, Texas, from Planned Development-133-General Office, Retail, and Urban Residential to Planned Development-133-Downtown Business/Government with modified development standards; 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 14th day of October, 2019, for the purpose of considering 7.8 acres of land out of the Sanford Beck Survey, Abstract No. 73, located at the northeast corner of 14th Street and M Avenue, in the City of Plano, Collin County, Texas, from Planned Development-133-General Office, Retail, and Urban Residential to Planned Development-133-Downtown Business/Government with modified development standards; 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 14th day of October, 2019; 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:

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 7.8 acres of land out of the Sanford Beck Survey, Abstract No. 73, located at the northeast corner of 14th Street and M Avenue in the City of Plano, Collin County, Texas, from Planned Development-133-General Office, Retail, and Urban Residential to Planned Development-133-Downtown Business/Government with modified development standards, said property being described in the legal description on Exhibit "A" attached hereto.

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

Restrictions:

The permitted uses and standards shall be in accordance with the Downtown Business/Government (BG) zoning district, unless otherwise specified herein:

1. General Standards

- a. The existing 4,000 square foot building at the southeast corner of 15th Street and M Avenue must remain onsite and must be used for nonresidential uses only.
- b. Maximum number of multifamily units: 270
- c. Uses located within 75 feet of the southern right-of-way line of 15th Street or located within 200 feet of the eastern boundary of the planned development district must be restricted to single-family residence attached, with the exception of the existing 4,000 square foot nonresidential building.
- d. Parking for Hotel or Motel: One space per room.
- e. Street trees are required at the rate of one tree per 40 linear feet along 14th Street, 15th Street, and M Avenue. Trees shall be placed in planting beds or tree grates within 5 feet of the back of the street curb.
- f. Sidewalks are in addition to and placed adjacent to street tree areas.
 - i. Along 15th Street, a sidewalk with a minimum unobstructed width of 10 feet.
 - ii. Along 14th Street, a 10 foot sidewalk with a minimum unobstructed width of 5 feet.

- iii. Along M Avenue, a sidewalk with a minimum unobstructed width of 5 feet.

2. Building Standards

- a. The multifamily building along 14th Street must have a building offset with a minimum size of 80 feet in length and 15 feet in depth.
- b. Maximum Height for Nonresidential and Multifamily Uses:
 - i. 4 stories, 52 feet: Buildings must be set back a minimum of 90 feet from the southern right-of-way line of 15th Street.
 - ii. 5 stories, 70 feet: Buildings must be set back a minimum of 165 feet from the southern right-of-way line of 15th Street. Construction of a horizontal structural concrete podium above parking and/or nonresidential uses is not required. However, flex space units are required along the 14th Street frontage.
- c. All units adjacent to 14th Street must have one of the following design features: a true balcony, stoop, or patio to create outdoor living space.

3. Phasing

- a. Prior to or concurrent with the approval of a building permit for any multifamily unit, building permits for a minimum of 19 single-family residence attached lots must be approved.
- b. Prior to issuance of a certificate of occupancy for any multifamily units, the following requirements must be met:
 - i. 10,000 square feet of public open space must be installed; and
 - ii. Building permit(s) for a minimum of 10,000 square feet of nonresidential uses must be approved, excluding leasing offices, fitness rooms, and other uses related to multifamily.

4. Single-Family Residence Attached uses must be developed in accordance with the Downtown Business/Government (BG) zoning district requirements except as noted below:

- a. Maximum Height: 2 stories, 35 feet for units within 80 feet of the eastern boundary of the planned development district and within 325 feet of the southern right-of-way line of 15th Street adjacent to a residential zoning district.

- b. Outdoor living areas, patios, and decks are allowed above the third stories of single-family residence attached units except for units located within 50 feet of the eastern property line of the planned development district. Improvements must not exceed the maximum building height.
 - c. Minimum Building Setback: 15 feet from the eastern boundary of the planned development district.
 - d. 65% of single-family residence attached lots may abut a mews street as the only point of street frontage and access.
5. Open Space: A minimum of 10% of the gross acreage of the planned development district must be provided as public open space per the following standards. Landscape edges adjacent to streets shall not be considered public open space. A useable open space plan must be submitted as part of any preliminary site plan or site plan for any residential development.
- a. Usable open space must conform to the general standards in Section 13.800 (Usable Open Space) with the following dimensional standards:
 - i. A primary usable open space with a minimum of 12,375 square feet must be provided. This open space area must be a minimum of 45 feet wide by 275 feet long.
 - ii. Secondary usable open spaces must be provided on the east and west sides of the existing building on 15th Street. The two open spaces shall collectively measure not less than 6400 square feet, with minimum dimensions of 40 feet by 80 feet.
 - iii. Any additional usable open space must not have a minimum dimension less than 15 feet wide by 200 feet long.
 - b. Two concrete sidewalks with a minimum width of 5 feet must be constructed at the following locations:
 - i. A minimum of 5 feet from the eastern most property boundary of the planned development connecting 14th Street and 15th Street; and
 - ii. A minimum of 5 feet from the rear property boundary of the western most townhouse lots connecting 14th Street and 15th Street.

6. Fencing and Screening:

- a. Fencing is restricted to wrought iron, tubular steel, tubular aluminum, masonry or combination of these materials. Fencing must be at least 50% open construction.
- b. For all nonresidential properties, with the exception of patios, stoops, and balconies, fencing is not permitted in front of any building face.
- c. A minimum five foot wide irrigated landscape screen and 4 foot tubular steel fence and landscape screen with maximum height of 4 feet must be placed along the entire eastern property boundary of the planned development.
- d. Fencing is permitted in front yard setbacks, and/or in rear yard setbacks adjacent to common areas up to a maximum of 4 feet in height and must be at least 50% open construction. Fencing in the front and/or rear yard must have an operable gate that opens to the street, public pedestrian path, or open space areas.

7. Mews Street Development Standard: Minimum 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.

8. Governance Association: Building permits for development within the planned development district shall not be accepted or approved until a property owner's governance association is established. The association shall be responsible for maintaining all common property, improvements, and amenities within the district. It shall have power sufficient to assess and collect dues and charges as required to perform its responsibilities.

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 14TH DAY OF OCTOBER, 2019.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

ZONING DESCRIPTION

Being a tract of land situated in the Sanford Beck Survey, Abstract No. 73, City of Plano, Collin County, Texas, and being all of Lot 1R, Block A of the First Baptist Church-Plano Addition an addition to the City of Plano according to the Replat thereof recorded in Volume M, Page 523, Plat Records of Collin County, Texas, and described to First Baptist Church – Plano and also including half of the adjacent Right-of-Ways of 14th Street, 15th Street and M Avenue, and being more particularly described by as follows;

BEGINNING at the centerline intersection of said 14th Street and said M Avenue, (both variable width public right -of ways);

THENCE along the centerline of said M Avenue, the following courses and distances:

North 3°12'50" East, a distance of 457.86 feet to a point for corner;

North 1°55'12" East, a distance of 34.88 feet to the centerline of said 15th Street;

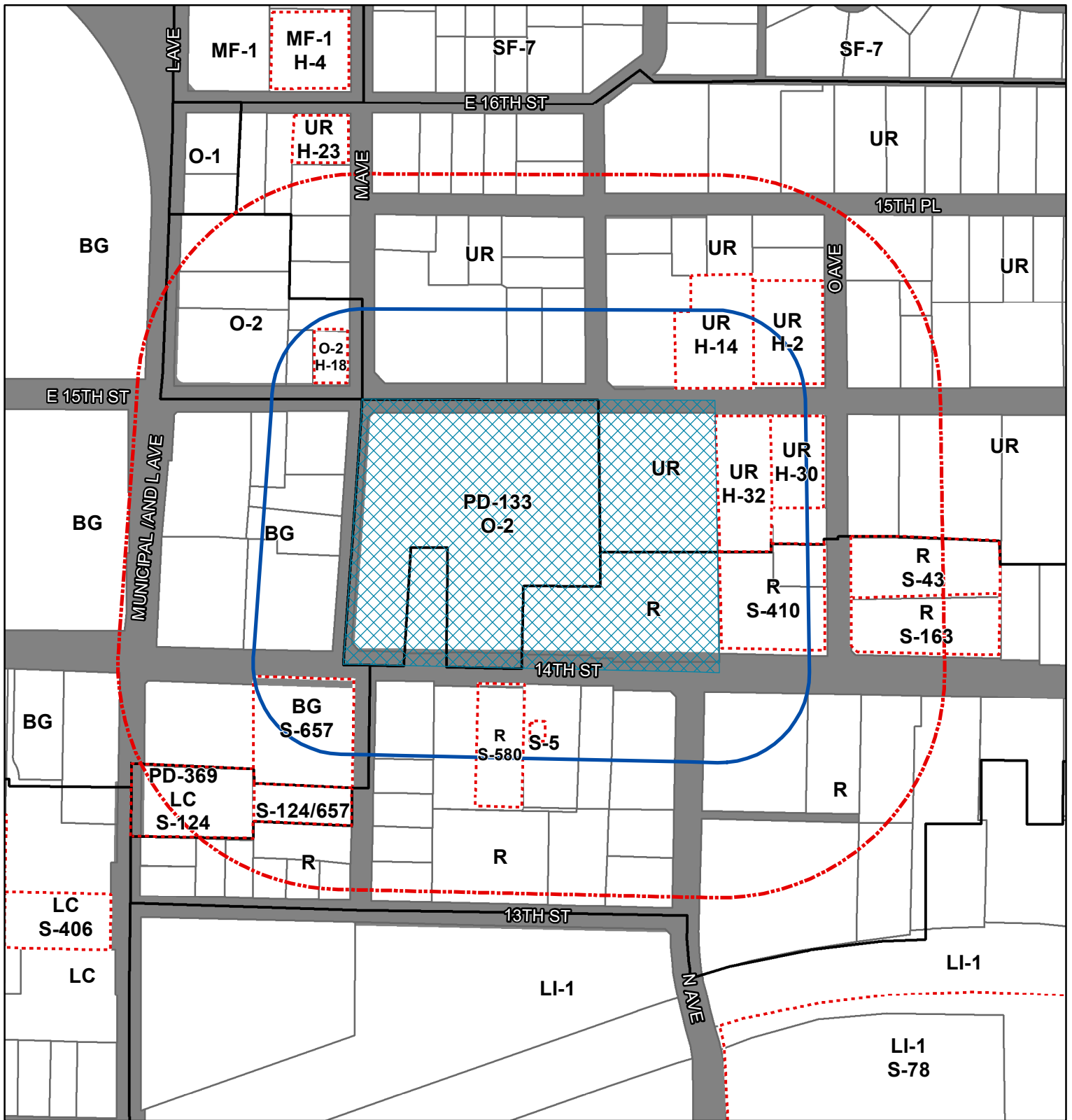
THENCE North 89°12'10" East, along the centerline of said 15th Street, a distance of 657.80 feet to the point of intersection of said centerline with the projected east line of said Lot 1R, Block A;

THENCE South 01°54'20" East along the projected east line part of the way and along the east line of said Lot 1R, Block A, a distance of 504.82 feet to the centerline of said 14th Street;

THENCE North 89°43'23" West, along the centerline of said 14th Street, a distance of 701.37 feet to the **POINT OF BEGINNING** and containing a computed area of 338,406 square feet or 7.77 acres of land, more or less.

Bearings and Distances called for herein are based on shape files provided by City of Plano as directed.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



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Existing Zoning: Planned Development-133-General Office (PD-133-O-2), Retail (R), and Urban Residential (UR)

Proposed Zoning: Planned Development-133-Downtown Business/Government (PD-133-BG)

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

