

RECEIVED

By Kathy Wright at 11:21 am, Oct 14, 2013

**ABERNATHY
ROEDER &
BOYD
JOPLIN • P.C.**

1700 Redbud Boulevard, Suite 300 • P.O. Box 1210 • McKinney, Texas 75070-1210
Metro 214.544.4000 • Fax 214.544.4044

ATTORNEYS AT LAW

ROBERT H. ROEDER
Qualified Mediator

rroeder@abernathy-law.com
Direct Dial 214.544.4003

October 14, 2013

City of McKinney
Planning Department
P.O. Box 517
McKinney, Texas 75069

Re: Letter of Intent supporting request for a zoning change for 379.128 acres in the C.A. Burns Survey, Abstract No. 109; C. Watson Survey, Abstract 945; S.W. Cash Survey, Abstract 237; and the Benjamin Thayer Survey, Abstract 915, Collin County, Texas (the "Property")

Dear Planners:

This letter accompanies the application for a zoning change submitted by me on behalf of the owner, Starnes Creek Venture, Ltd., on October 14, 2013, together with an application for annexation, and incorporates the information contained therein which is recited again as follows:

1. The acreage of the Property is 379.128 acres as shown on the general site plan which accompanies the application.
2. The existing zoning on the Property is AG-Agricultural District.
3. The requested zoning for the Property is PD, Planned Development District, to allow the Property to be developed generally as shown on the attached Zoning exhibit, with the single family areas being developed according to the RS-45, RS-60 and RS-72 development standards as modified by the accompanying Regulations, the townhome area being developed according to the RG-27 development standards as the same exist on the date of approval of the PD ordinance, and the commercial area being developed according to the O-office development standards as the same may be amended from time to time. The requested zoning also permits a portion of the Property as shown on the Zoning exhibit to be alternatively developed for senior independent living according to the RG-18 development standards modified as set forth in the Regulations. Agricultural uses are also incorporated as permitted uses within the Property. All development within the Property shall conform to the development and architectural standards set forth in the Regulations.

4. The applicant is requesting this zoning in conjunction with the annexation of the Property and in conformity with the Future Land Use Plan.

5. Other than as set forth in the accompanying Regulations, there are no special considerations requested or required.

6. The subject property has approximately 1,922.09 feet of frontage on the north side of FM 1461 located in the City of McKinney ETJ with an address of: north of FM 1461; east of FM 2478; south of CR 125; and west of CR 165 and 168.

7. The applicant requests an appearance before the Planning and Zoning Commission and the City Council at the earliest possible dates.

In the event that any other information is required for this Letter of Intent, please refer to the application previously filed.

Yours truly,



Robert H. Roeder

RHR/mva

621123

Enc.

cc: John C. Franklin
Richard Loren Franklin

Planned Development Regulations

1. **Land Use Areas.** The Zoning Exhibit divides the Property into "Single Family Residential", "Townhome" and "Office" land use areas and an area designated "Single Family/Independent Living" (collectively, the "Land Use Areas"). The Zoning Exhibit also identifies drainage and floodplain areas located on the Property and thoroughfares located adjacent to the Property. The sizes and configurations of the Land Use Areas and other areas shown on the Zoning Exhibit are approximations and subject to change.

2. **Single-Family Detached Residential.** Single-Family Detached Residential Land Use Areas shown on the Zoning Exhibit shall be developed according to the following regulations.

a. **Single Family Detached Residential Density.** The maximum number of lots that may be developed within the Single Family Detached Residential Areas (assuming the Single Family/Independent Living is not developed as Independent Living) shall be 1,188 single family lots. For each acre within the Single Family/Independent Living that develops as Independent Living, the maximum number of single family lots within the Single Family Detached Residential Areas shall be reduced by 3.4 units. The maximum number of lots that must conform to the RS-60 standards or less shall be 720, of which no more than 300 may conform to the RS-45 standards.

b. **Lot Types.** The following single-family lot types (by reference to the City's comprehensive zoning code in effect on the effective date of the approval of this Planned Development) may be developed subject to the standards established by Chapter 146, Zoning Regulations, of the City's Code of Ordinances, for each respective residential district, except as follows:

i. RS-45

- minimum side yard setback 5 feet or 0 feet on one side and 10 feet on the other (with a minimum of 10 feet of separation between primary structures); and
- minimum corner side setback equal to the lesser of 15 feet or the front yard setback.

ii. RS-60

- minimum lot size 5,750 square feet;
- minimum front yard setback 20 feet;
- minimum rear yard setback 15 feet; and
- minimum corner side setback equal to the lesser of 15 feet or the front yard setback.

iii. RS-72

- minimum rear yard setback 15 feet;
- minimum side yard setback five feet; and
- minimum corner side setback equal to the lesser of 15 feet or the front yard setback.

- c. **Permitted Uses.** The principal and accessory uses permitted under Section 146-73 (RS-60 single family residential) of the City's comprehensive zoning code in effect as of the effective date of this Planned Development shall constitute the principal and accessory permitted uses in the Single Family Detached Residential Areas.
- d. **Single Family Detached Residential Area Design Regulations.** Development within Single Family Detached Residential Areas is subject to the following:
- i. No block face may be longer than 1,200 feet; however Open Space with a width greater than 50 feet will be deemed to terminate a block face. A block face may be extended to 1,500 feet without a waiver request or amendment to this Agreement when any of the following conditions is present:
 1. the block is adjacent to non-residential uses;
 2. the block is adjacent to a floodplain, creek, or other natural feature through which a crossing is not desirable or feasible;
 3. the block is adjacent to a subdivision that has not provided sufficient street connections;
 4. the block is adjacent to an arterial roadway; or
 5. other property conditions (including, but not limited to, natural conditions) would result in an undue hardship unless the block length is extended.
 - ii. Each Residential Lot must be within a 1,320 foot radius of Open Space or Common Area as defined below.
 - iii. Residential Lots less than 50 feet wide must be alley entry and shall not provide any front-entry off-street parking (including drives, garages, and carports).
 - iv. Large residential developments must be segmented into smaller, more distinct neighborhoods and villages through the use of common areas and open spaces (natural and improved), screening and buffering improvements, street layout, and lot orientation. These smaller neighborhoods shall be no larger than 60 acres. The 60-acre maximum shall not include the area of the elements creating the segmentation, including the area of non-loaded collector roads with screening and buffering improvements. The 60-acre maximum may be increased with the approval of the Planning and Zoning Commission if the plat meets the intent of this paragraph but site conditions and constraints, including but not limited to, geometry, acreage, and adjacent uses preclude segmentation of the development into 60 acres or less, or the 60-acre maximum requirement would otherwise cause a less desirable plan to be implemented.
 - v. For neighborhoods that exceed 50 lots, at least one of the entrances to the neighborhood shall feature a divided entrance containing a landscaped median separating the traffic entering the neighborhood from the traffic exiting the neighborhood. The divided entrance, including the required median, shall meet all safety standards of the City's Fire Marshall. The required median shall be provided within a common area that is owned and maintained by the homeowners' association and shall feature all of the following:

1. The required median shall be at least 10 feet wide and at least 50 feet long (measured from back of curb to back of curb). The median and its plantings shall not be permitted to interfere with necessary sight visibility lines; and
 2. The required median shall include at least one canopy tree for every 50 linear feet that the median extends (in length); and
 3. The required median shall include at least two ornamental trees for every 50 linear feet that the median extends (in length); and
 4. The required median shall be covered with living plant materials and shall be provided with an automatic underground irrigation system as specified in Section 146-135(e)(2) of the City's comprehensive zoning code, as amended. Non-living materials including, but not limited to, concrete, pavers, stone, decomposed granite, or similar materials may be used for secondary design elements, sidewalks, and/or crosswalks.
- vi. A minimum of 60 percent of a property's frontage on a natural area such as a creek and/or lake that includes public participation of any kind (e.g.: NRCS lakes) shall feature single loaded streets adjacent to them.
- vii. Cul-de-sacs shall not be perfectly round. Instead, they must be more off-center in nature. A landscaped common area island within the cul-de-sac is encouraged.

3. Townhome. The Townhome Land Use Area shown on the Zoning Exhibit allows townhome development in accordance with the development regulations for RG 27 – General Residential Townhome District under the City's comprehensive zoning ordinance with a maximum density of 8 dwelling units per acre.

4. Residential Architectural and Site Standards. The following architectural and site standards shall apply to Single Family Detached Residential and Townhome Areas.

- a. The following exterior finishing materials shall be required:
- i. Front Elevation. 100% of this elevation shall be finished with masonry materials including, but not limited to, brick, stone, synthetic stone, or stucco.
 - ii. Side Elevation. 75% of this elevation shall be finished with masonry materials including, but not limited to, brick, stone, synthetic stone, or stucco. The remaining 25 percent may be finished with wood lap siding, vinyl siding, cast concrete modular siding, or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited.
 - iii. Rear Elevation. 50% of this elevation shall be finished with masonry materials including, but not limited to, brick, stone, synthetic stone, or stucco. The remaining 50% may be finished with wood lap siding, vinyl siding, cast concrete modular siding, or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited.

- iv. Walls Above the Roof Line. Walls provided in conjunction with an architectural element located above the roof line (example: walls for dormers) may only be finished with brick, stone, synthetic stone, stucco, wood lap siding, vinyl siding, cast concrete modular siding, or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited.
 - v. Calculation of Percentages. The percentages set forth above are calculated exclusive of doors and windows.
- b. All residential units shall be required to provide at least three of the following architectural elements:
- i. 100 percent of each wall is finished with a masonry finishing material;
 - ii. The front facade contains two types of complementary masonry finishing materials with each of the materials being used on at least 25 percent of the front façade;
 - iii. A minimum of 10 percent of the unit's front facade features patterned brick work, excluding soldier or sailor brickwork provided in association with a door or window;
 - iv. No pitched roof plane with a horizontal length longer than 20 feet exists;
 - v. The unit only features one-car garage doors that have a carriage style design. These doors typically feature vertical slats, high windows, antiqued hardware, and additional detailing to give the appearance of swinging or sliding doors;
 - vi. The unit's chimney is finished on all sides with 100 percent masonry finishing materials;
 - vii. A minimum of three offsets in the front façade measuring at least two feet deep are provided or a minimum of one offset in the front façade measuring at least five feet is provided.
 - viii. The unit features an articulated front entrance through the use of lintels, pediments, keystones, pilasters, arches, columns, or other similar architectural elements;
 - ix. A covered front porch which is at least 100 square feet in area is provided;
 - x. A covered back porch which is at least 200 square feet in area is provided;
 - xi. At least one dormer is provided for each roof plane over 500 square feet in area that faces a public street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevation below;
 - xii. All windows facing a street feature shutters. The shutters provided must be operational or appear operational and must be in scale with the corresponding window; or
- c. All ground level mechanical, heating, ventilation, and air conditioning equipment are screened by an opaque screening device that is at least six feet tall.

5. Office. The Office Land Use Area shown on the Zoning Exhibit allows commercial development in accordance with the development regulations for "O – Office District" under the City's comprehensive zoning code, as amended, together with those additional uses set forth on Exhibit A.

6. Independent Living (Retirement Community). Independent Living (Retirement Community) development may consume all or any portion of the Single Family/Independent Living Land Use Area. The Single Family/Independent Living property ("IL Property") shall be developed in accordance with the development regulations for "RG-18, General Residence District" under the City's comprehensive zoning ordinance, as amended, except as set forth herein:

- a. occupancy of each residential unit, save and except residential units occupied by managers, shall be restricted to persons age 55 or older without children in conformity with the Fair Housing Act;
- b. allowed uses shall include single unit, two-plex to six-plex units and multi-story residential dwellings, community activities centers and administrative offices. Accessory uses shall include swimming pools, tennis and other outdoor recreational facilities, pavilions, private parking garages, parking areas and other accessory uses and buildings customarily appurtenant to independent living facilities;
- c. up to 28 residential units per gross acre may be constructed;
- d. the maximum height of structures shall be six stories;
- e. all structures shall have the following exterior finishing materials (all percentages calculated exclusive of doors and windows):
 - i. Front elevation - no less than 85% masonry materials including, but not limited to, brick, stone, synthetic stone or stucco, with the balance in wood lap siding, vinyl siding, cast concrete modular siding or EIFS;
 - ii. Side elevation -- no less than 75% masonry materials including, but not limited to, brick, stone, synthetic stone or stucco, with the balance in wood lap siding, vinyl siding, cast concrete modular siding or EIFS;
 - iii. Rear elevation – no less than 50% masonry materials including, but not limited to, brick, stone, synthetic stone or stucco, with the balance in wood lap siding, vinyl siding, cast concrete modular siding or EIFS.
- f. Perimeter fencing shall be no less than six (6) feet in height and consist of wrought iron fencing and evergreen shrubs with masonry columns on twenty (20) foot centers and/or masonry fencing;
- g. There shall be no restriction on the location of any building in relation to a perimeter boundary of the IL Property.

7. Agricultural Uses. Agricultural uses shall be permitted within the Property in accordance with the regulations of the "AG- Agricultural District" of the City's comprehensive zoning ordinance, with the following additional permitted uses:

- i. Tree or plant nursery; and

ii. Farmers' market.

EXHIBIT A

Office Land Use Area Additional Uses

In addition to the permitted uses set forth in Appendix F, Section F-4, Schedule of Uses, Office, in the City's comprehensive zoning ordinance, the following uses shall be permitted uses within the Office Land Use Area:

1. fitness club, gymnasium, exercise area or similar use;
2. cleaning shop and pressing;
3. drug store or pharmacy;
4. florist or garden shop.