

**ORDINANCE NO. 2012-11-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 112.89 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF F.M. 543 AND STATE HIGHWAY 5 (MCDONALD STREET), IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY RESIDENTIAL AND COMMERCIAL USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**WHEREAS**, the City of McKinney has considered the rezoning of an approximately 112.89 acre property, located on the southwest corner of F.M. 543 and State Highway 5 (McDonald Street), which is more fully depicted on Exhibit A, attached hereto, from "AG" – Agricultural District to "PD" – Planned Development District, generally to allow for single family residential and commercial uses; and,

**WHEREAS**, after due notice of the requested rezoning as required by law, and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of McKinney, Texas, the City Council is of the opinion that the change in zoning district should be made.

**NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:**

Section 1. Ordinance No. 1270 is hereby amended in order to rezone an approximately 112.89 acre property, located on the southwest corner of F.M. 543 and State Highway 5 (McDonald Street), attached hereto, from "AG" – Agricultural District to "PD" – Planned Development District.

Section 2. Use and development of the residential portion of the subject property identified on Exhibit "B", attached hereto, shall conform to the regulations of Section 146-73 "RS 60" – Single Family Residence District of the Zoning Ordinance, and as amended, except as follows:

a) The subject property shall be subject to the attached development regulations (Exhibit C).

Section 3. The use and development of the portion of the subject property identified on Exhibit "B", attached hereto, as "BN" – Neighborhood Business District

shall conform to the regulations of Section 146-84 "BN" – Neighborhood Business District of the Zoning Ordinance, and as amended.

- Section 4. The use and development of the portion of the subject property identified on Exhibit "B", attached hereto, as "C" – Planned Center District shall conform to the regulations of Section 146-86 "C" – Planned Center District of the Zoning Ordinance, and as amended.
- Section 5. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.
- Section 6. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.
- Section 7. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.
- Section 8. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 6<sup>th</sup> DAY OF NOVEMBER, 2012.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

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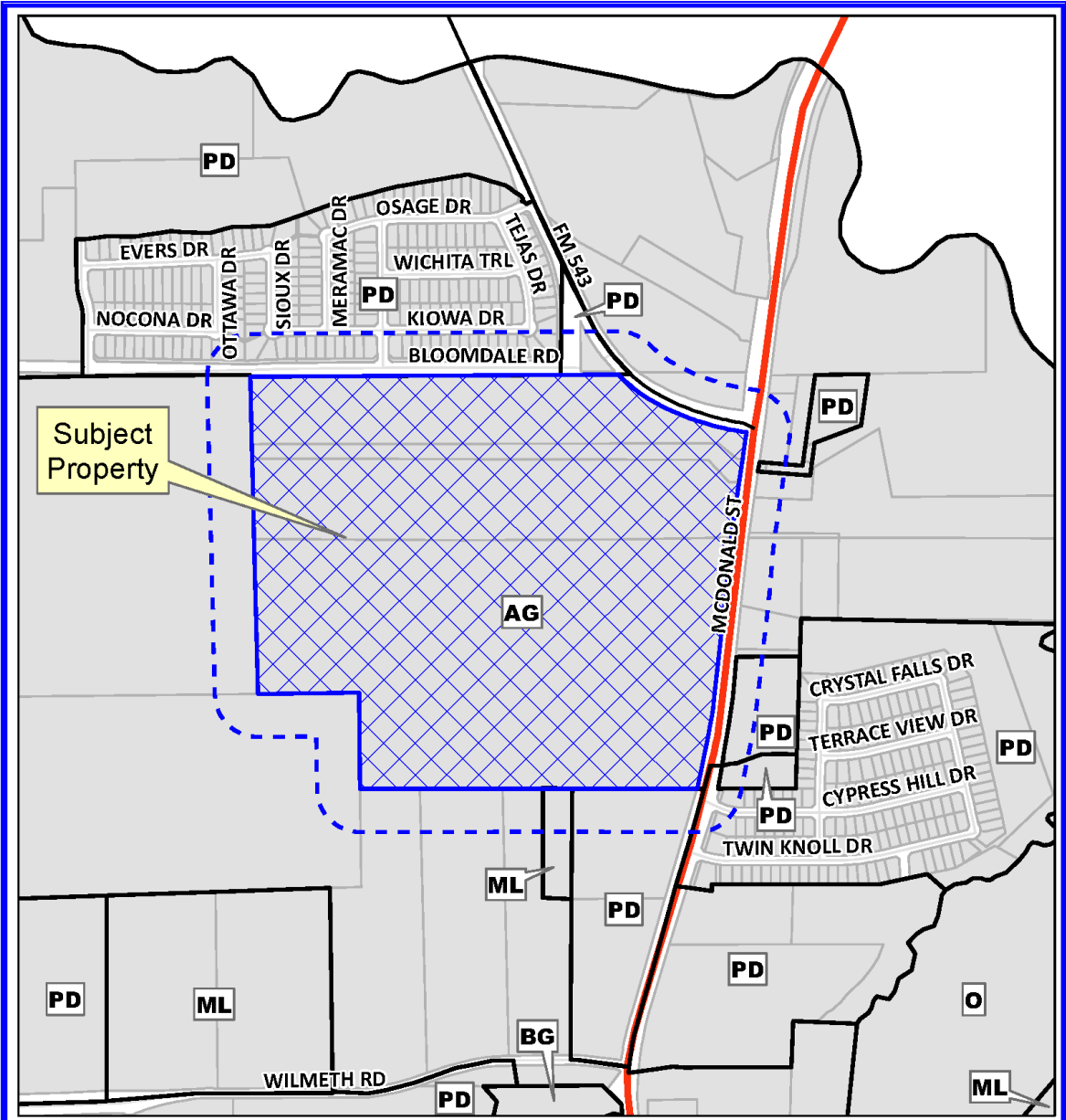
SANDY HART, TRMC, MMC  
City Secretary  
BLANCA I. GARCIA  
Assistant City Secretary

DATE: \_\_\_\_\_

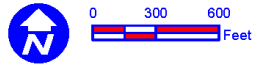
APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney



Subject Property

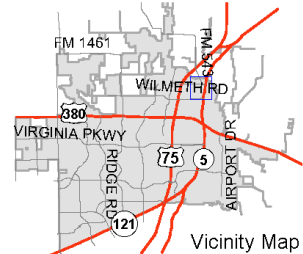


Notification Case

Case: 12-093Z

--- 200' Notification Buffer

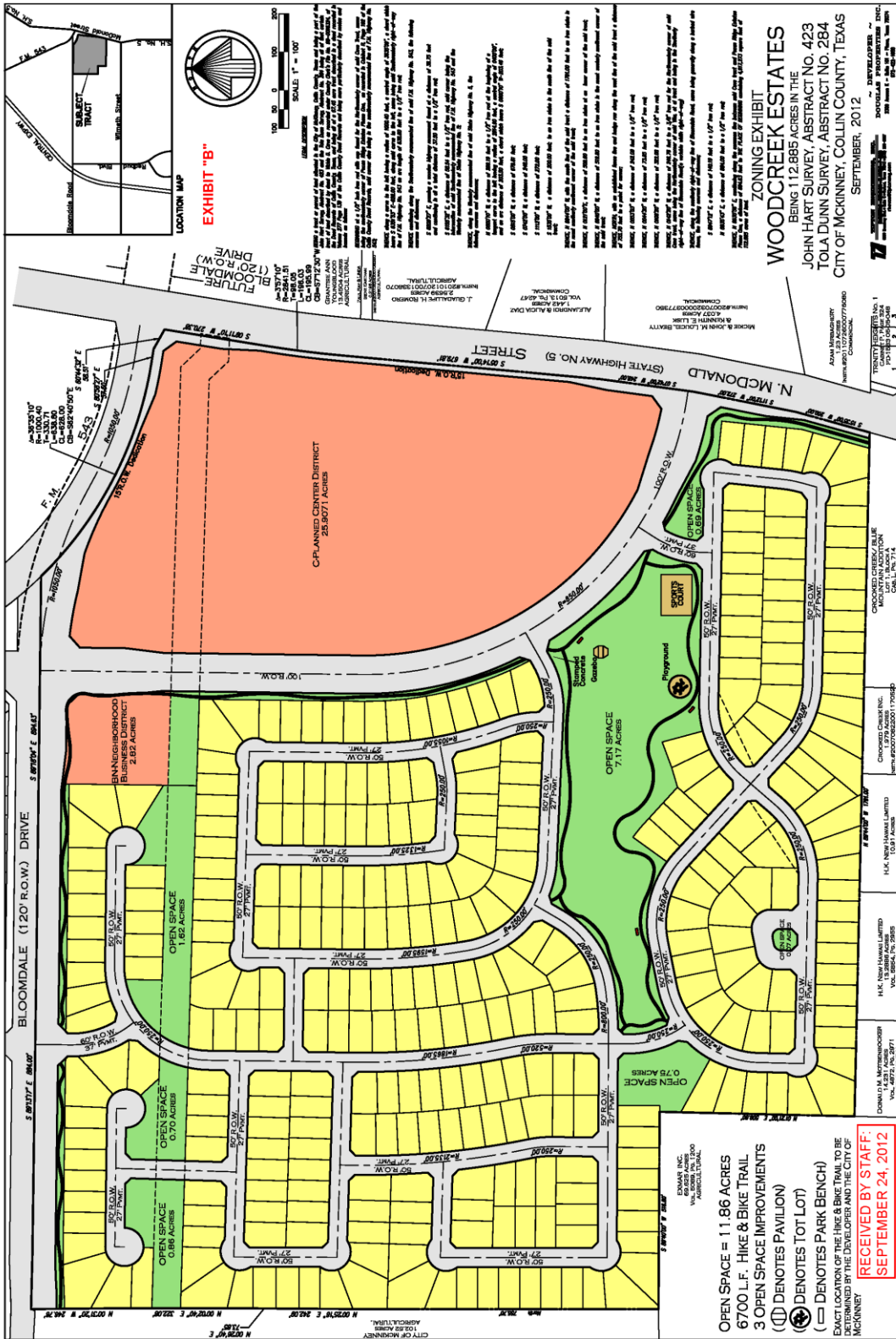
**EXHIBIT "A"**



Path: S:\MCKGIS\Notification\Projects\2012\12-093Z.mxd

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

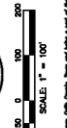
**EXHIBIT A**



**EXHIBIT "B"**



LOCATION MAP



SCALE: 1" = 100'

**GENERAL NOTES:**

1. THE ZONING DISTRICTS SHOWN ON THIS MAP ARE BASED ON THE CITY OF MCKINNEY ZONING ORDINANCE, AS AMENDED.
2. THE ZONING DISTRICTS SHOWN ON THIS MAP ARE BASED ON THE CITY OF MCKINNEY ZONING ORDINANCE, AS AMENDED.
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10. THE ZONING DISTRICTS SHOWN ON THIS MAP ARE BASED ON THE CITY OF MCKINNEY ZONING ORDINANCE, AS AMENDED.

**WOODCREEK ESTATES**

BEING 112.865 ACRES IN THE JOHN HART SURVEY, ABSTRACT NO. 423 TOLA DUNN SURVEY, ABSTRACT NO. 284 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

SEPTEMBER, 2012

**OPEN SPACE = 11.86 ACRES**  
**6700 L.F. HIKE & BIKE TRAIL**  
**3 OPEN SPACE IMPROVEMENTS**  
 (Ⓜ) DENOTES PAVILION  
 (Ⓞ) DENOTES TOT LOT  
 (□) DENOTES PARK BENCH

EXAMINER INC.  
 1102 S. W. 10TH ST.  
 AUSTIN, TEXAS 78741

**RECEIVED BY STAFF:**  
**SEPTEMBER 24, 2012**

TRINITY DEVELOPERS, INC. 10000 W. 10TH ST. SUITE 1000 FORT WORTH, TX 76132  
 AZDA MANAGEMENT 1102 S. W. 10TH ST. SUITE 1000 AUSTIN, TX 78741  
 CONCEPT DESIGN & ARCHITECTURE 1102 S. W. 10TH ST. SUITE 1000 AUSTIN, TX 78741  
 H&K NEW HAVELL LIMITED 1102 S. W. 10TH ST. SUITE 1000 AUSTIN, TX 78741  
 DENHAM MATTHEWS 1102 S. W. 10TH ST. SUITE 1000 AUSTIN, TX 78741  
 CONCEPT DESIGN & ARCHITECTURE 1102 S. W. 10TH ST. SUITE 1000 AUSTIN, TX 78741  
 H&K NEW HAVELL LIMITED 1102 S. W. 10TH ST. SUITE 1000 AUSTIN, TX 78741  
 DENHAM MATTHEWS 1102 S. W. 10TH ST. SUITE 1000 AUSTIN, TX 78741

**EXHIBIT B**

Planned Development  
Request:

Home/Lot Features

- 1) Automated Irrigation System and Sod Front, Side and Rear Yards
- 2) Each House will have a 30 square feet or larger front entry, or connected wrap-around two or more sides, or pitched cover incorporated into roof lines of house
- 3) Lighted house number stone plaque with number beside main entry of house
- 4) Houses with a chimney will be required to enclosed with masonry matching exterior walls, masonry stucco or hardy board and capped
- 5) Each home must have a masonry mailbox, however, two houses may use one box pared at the lot line
- 6) Each lot will have at least three (3") caliper canopy trees or larger
- 7) All single family residential units shall have a minimum of 80% of the exterior façade composed of kiln-fired clay brick or stone laid masonry units or masonry stucco with 20% stone or decorative brick accent, excluding windows, doors and other opening. Dormers, second story walls or other elements supported by roof structure may be composite materials as having the same durability as masonry or stone and when offset at least 2 feet from the first floor exterior wall. Wood, vinyl siding and EIFS materials shall not be used for exterior walls.

Community Features

- 1) Entry Feature and Screening Wall along Hwy 5 will be faced with brick and/or two or more different type/color of stone
- 2) Repetition of elevation will be described as 5 lots skipped on same side of street before repeating same elevation, 2 lots skipped opposite side of street before repeating same elevation
- 3) Street lights will be upgraded decorative poles with historical lanterns
- 4) See Zoning Exhibit "A" for additional Features:
  - A 28.73 Acres of Retail
  - At least +/- 12 Acres of Open Space
  - 6,700 L.F. of Hike & Bike Trail
  - Sports Court
  - Children's Tot Lot
  - Pavilion/Gazebo
  - At Least 4 Park Benches
  - Brick Pavers at Main Entry Way and each Trail Crossing

**EXHIBIT C**