

ORDINANCE NO. 2017-04-040

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 47 ACRE PROPERTY, LOCATED APPROXIMATELY 900 FEET WEST OF MCDONALD STREET AND ON THE SOUTH SIDE OF STEWART ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR SINGLE FAMILY RESIDENTIAL DETACHED AND ATTACHED 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 47 acre property, located approximately 900 feet west of McDonald Street and on the south side of Stewart Road, which is more fully depicted on Exhibits "A", "B" and "C", attached hereto, from "PD" – Planned Development District to "PD" – Planned Development District, generally for single family residential detached and attached 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, THAT:

Section 1. The zoning map is hereby amended so that an approximately 47 acre property, located approximately 900 feet west of McDonald Street and on the south side of Stewart Road, which is more fully depicted on Exhibits "A", "B" and "C", attached hereto, from "PD" – Planned Development District to "PD" – Planned Development District, generally for single family residential detached and attached uses.

Section 2. The subject property shall develop in accordance with the "PD" – Planned Development District, and as amended, except as follows:

1. The subject property shall develop in accordance with attached Development Regulations – Exhibit "D."
2. The development of the subject property shall generally conform to the attached Concept Plan – Exhibit "E".

Section 3. 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 4. 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 5. 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 6. 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.

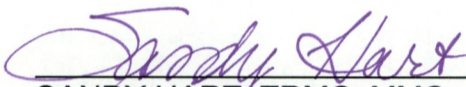
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 4th DAY OF APRIL, 2017.

CITY OF MCKINNEY, TEXAS



BRIAN LOUGHMILLER
Mayor


CORRECTLY ENROLLED:



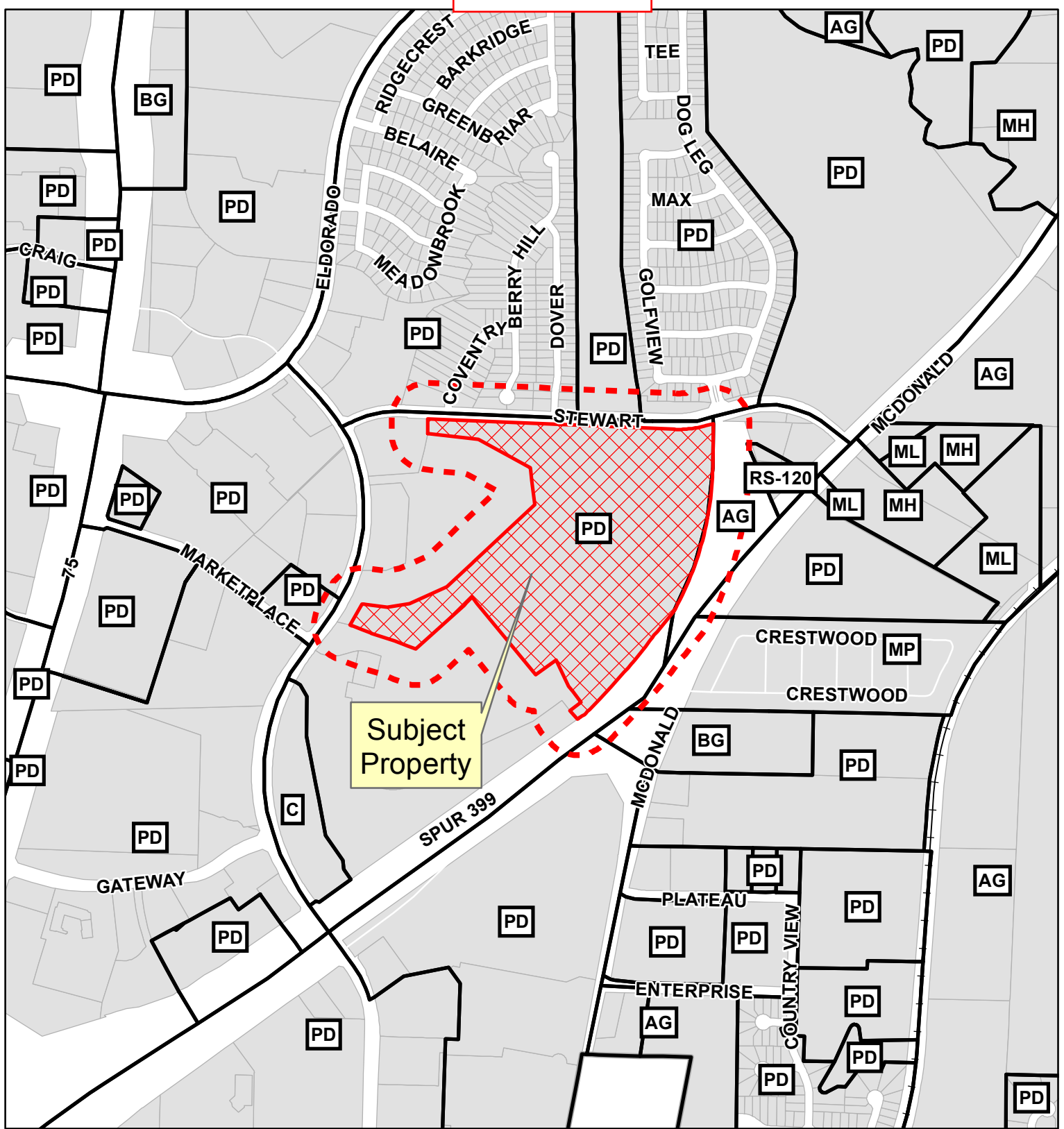
SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

DATE: April 4, 2017

APPROVED AS TO FORM:



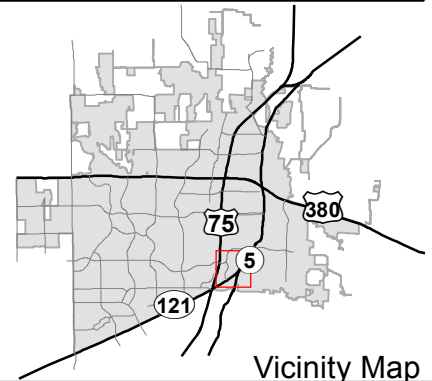
MARK S. HOUSER
City Attorney



Notification Map

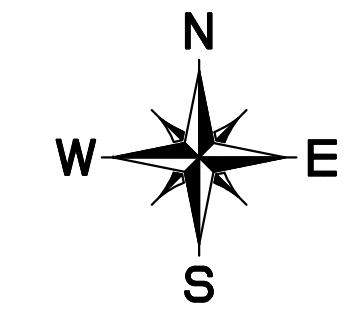
Case: 16-318Z

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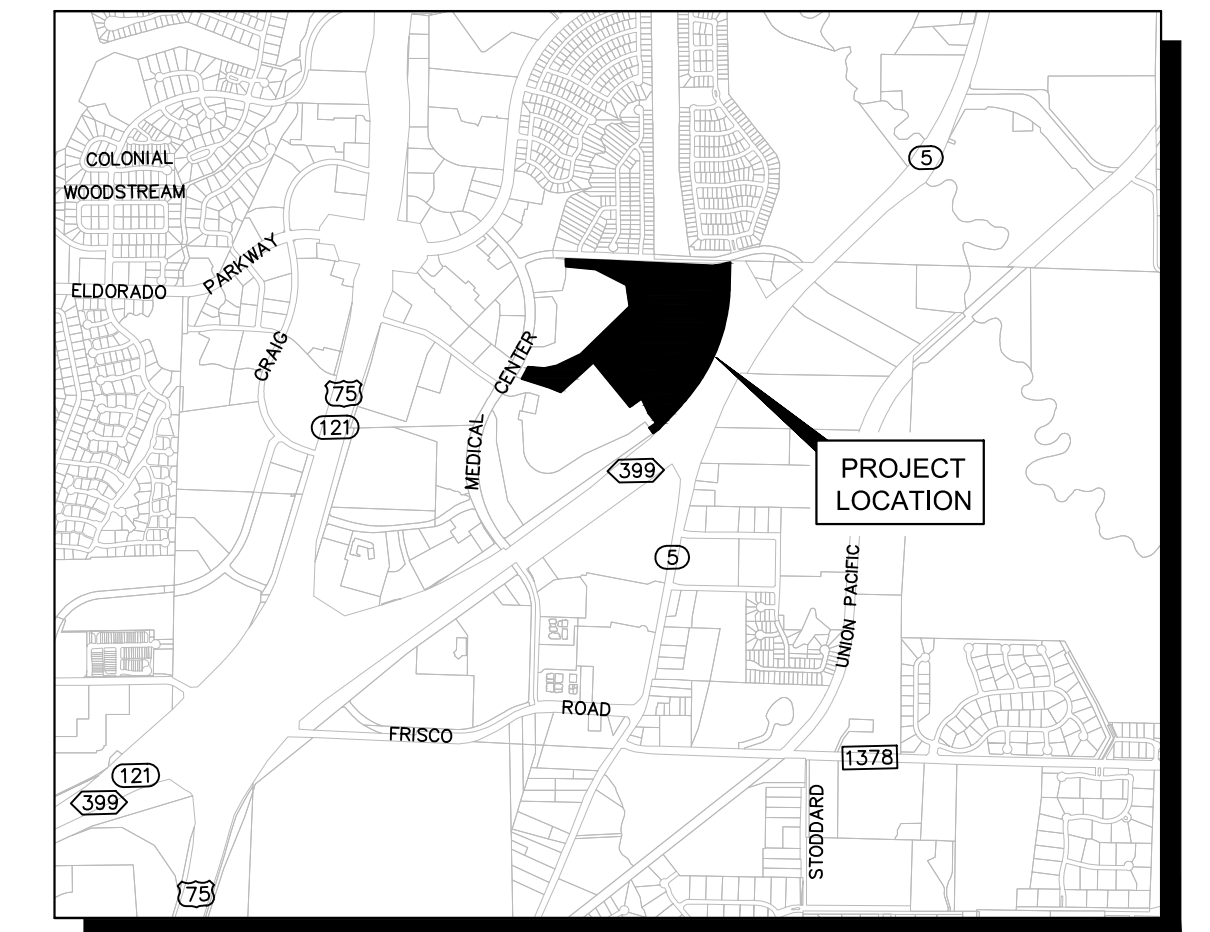
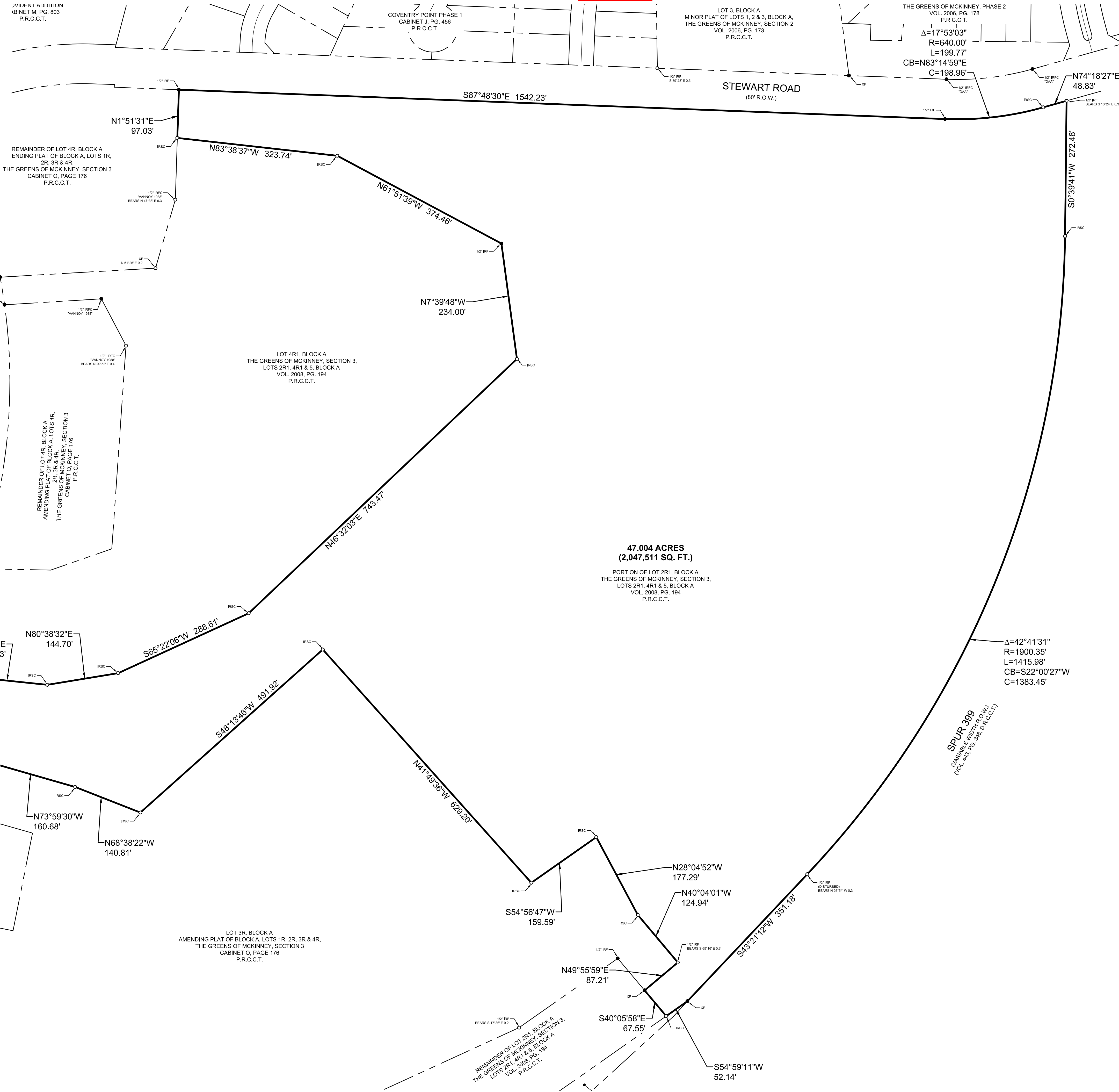


Vicinity Map

Path: S:\MCKGIS\Notification\Projects\2017\16-318Z.mxd



Plotted By: Lusk, Lori Date: October 21, 2016 10:30:46am File Path: K:\FRM\Civil\067125006-McKinneyGreens\Drawings\Preliminary\Exhibits\Zoning Exhibit.dwg
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VICINITY MAP
N.T.S.

ZONING EXHIBIT - PLANNED DEVELOPMENT

A PORTION OF LOT 2R1, BLOCK A,
THE GREENS OF MCKINNEY, SECTION 3

Greens of McKinney

47.004 ACRES IN THE WILLIAM HEMPHILL SURVEY, ABSTRACT NO 449
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS
October 2016

DEVELOPER:
Wilbow Corporation
4131 N. Central Expressway, Suite 990,
Lockbox 13
Dallas, TX 75204
PJ 972-865-1343
Contact: Jennifer Rabon
Email: jrabon@wilbowa.com

ENGINEER / SURVEYOR:
Kimley-Horn and Associates
State of Texas Registration No. F-928
5750 Genesis Court, Suite 200
Frisco, TX 75034
P (214) 952-0233
Contact: Craig Malan, PE
Email: craig.malan@kimley-horn.com



RECEIVED
By Planning Department at 3:10 pm, Feb 15, 2017

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED WITHOUT THE BENEFIT OF A SURVEY.
TOPOGRAPHY, UTILITIES, CONTACT WITH THE CITY, ETC.

EXHIBIT "C"

LEGAL DESCRIPTION

BEING a tract of land situated in the William Hemphill Survey, Abstract No.449, City of McKinney, Collin County, Texas and being a portion of Lot 2R1, Block A, The Greens of McKinney, Section 3, Lots 2R1, 4R1, & 5, Block A, an addition to the City of McKinney, Texas, according to the Record Plat thereof recorded in Volume 2008, Page 194, Plat Records of Collin County, Texas (P.R.C.C.T.) and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for the most northerly northwest corner of said Lot 2R1, same being the northerly northeast corner of Lot 4R, Block A, of the Amending Plat of Block A, Lots 1R, 2R, 3R, & 4R, The Greens of McKinney, Section 3, an addition to the City of McKinney, Texas, according to the plat recorded in Cabinet O, Page 176, P.R.C.C.T., also being in the south right-of-way of Stewart Road (80 foot wide right-of-way);

THENCE South 87°48'30" East, along the north line of said Lot 2R1 and the south right-of-way line of said Stewart Road, a distance of 1542.23 feet to a 1/2" iron rod found at the beginning of a tangent curve to the left having a central angle of 17°53'03", a radius of 640.00 feet, a chord bearing and distance of North 83°14'59" East, 198.96 feet;

THENCE in a northeasterly direction, continuing along the north line of said Lot 2R1 and the south right-of-way line of Stewart Road, with said curve to the left, an arc distance of 199.77 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for the point of tangency for said curve;

THENCE North 74°18'27" East, continuing along the north line of said Lot 2R1 and the south right-of-way line of Stewart Road, a distance of 48.83 feet to the northeast corner of said Lot 2R1, from said corner found 1/2" iron rod bears South 13°24' East, 0.3', same being on the westerly line of a called 18.47 acre tract of land conveyed to the State of Texas as recorded in Volume 443, Page 348, Deed Records of Collin County, Texas (D.R.C.C.T.);

THENCE South 0°39'41" West, along the east line of said Lot 2R1 and the west line of said 18.47 acre tract, a distance of 272.48 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set at the beginning of a tangent curve to the right having a central angle of 42°41'31", a radius of 1900.35 feet, a chord bearing and distance of South 22°00'27" West, 1383.45 feet;

THENCE in a southwesterly direction, continuing along the east line, becoming the southeasterly line of said Lot 2R1 and the west line, becoming northwesterly line of said 18.47 acre tract, with said curve to the right, an arc distance of 1415.98 feet to the point of tangency of said curve, same being on the northwesterly right-of-way line of Spur

EXHIBIT "C"

399, from which a 1/2" iron rod found bears North 26°54' West, 0.3';

THENCE South 43°21'12" West, continuing along the southeasterly line of said Lot 2R1 and the northwesterly line of said 18.47 acre tract and said Spur 399, a distance of 351.18 feet to a cut "X" found for corner, same being the northeasterly corner of a called 6.229 acre tract conveyed to the State of Texas as recorded in Volume 4572, Page 4253, D.R.C.C.T.;

THENCE South 54°59'11" West, continuing along the southeasterly line of said Lot 2R1 and the northwesterly right-of-way line of said Spur 399, as defined in said Volume 4572, Page 4253, a distance of 52.14 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner;

THENCE North 40°05'58" West, departing the southeasterly line of said Lot 2R1 and the northwesterly right-of-way line of said Spur 399, and crossing said Lot 2R1, a distance of 67.55 feet to a cut "X" found for corner on the northwesterly line of said Lot 2R1 same being the most easterly southeast corner of Lot 3R, Block A, as created in aforesaid Cabinet O, Page 176, P.R.C.C.T.;

THENCE in a northwesterly direction along the common line of said Lot 2R1 and said Lot 3R, the following:

North 49°55'59" East, a distance of 87.21 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner;

North 40°04'01" West, a distance of 124.94 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner;

North 28°04'52" West, a distance of 177.29 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner;

South 54°56'47" West, a distance of 159.59 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner;

North 41°49'36" West, a distance of 629.20 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner;

South 48°13'46" West, a distance of 491.92 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner;

North 68°38'22" West, a distance of 140.81 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner;

North 73°59'30" West, a distance of 160.68 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner;

North 70°31'12" West, a distance of 147.06 feet to a cut "X" found for a southwesterly corner of said Lot 2R1, same being the southerly southeast corner of Lot 4R1, Block A, as defined in aforesaid Volume 2008, Page 194;

THENCE in a northeasterly direction along the common line of said Lot 2R1 and said Lot 4R1, the following:

North 29°38'53" East, a distance of 148.56 feet to a cut "X" set for corner;

South 84°05'02" East, a distance of 164.33 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner;

North 80°38'32" East, a distance of 144.70 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner;

North 65°22'06" East, a distance of 288.61 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner;

North 46°32'03" East, a distance of 743.47 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner;

North 7°39'48" West, a distance of 234.00 feet to a 1/2" iron rod found for corner;

North 61°51'39" West, a distance of 374.46 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for corner;

North 83°38'37" West, a distance of 323.74 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for the northern most southwest corner of said Lot 2R1, common to the northwest corner of said Lot 4R1, same being on the east line of said Lot 4R;

THENCE North 1°51'31" East, along the west line of said Lot 4R1 and the east line of said Lot 4R, a distance of 97.03 feet to the **POINT OF BEGINNING** and containing 47.004 acres or 2,047,511 square feet of land, more or less.

EXHIBIT "D"

PLANNED DEVELOPMENT DISTRICT REGULATIONS

I. Permitted Uses.

- A. Detached single family residential uses both front entry and served by alley;
- B. Townhomes; and
- C. Amenity center and related uses for a single family residential development.

II. General Concept Plan.

- A. The Property shall develop generally in accordance with the General Concept Plan attached hereto as Exhibit "A".

III. Maximum Number of Units.

- A. The maximum number of dwelling units for single family detached and townhome combined will be 200.

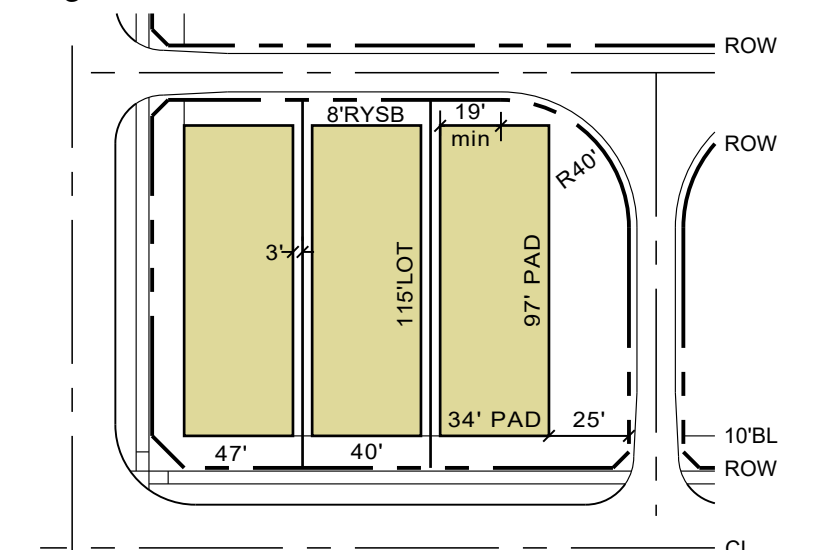
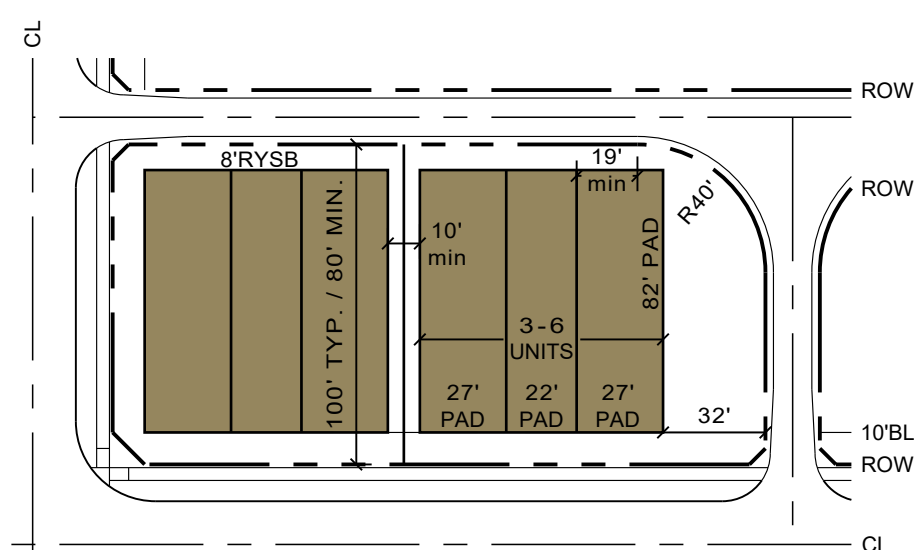
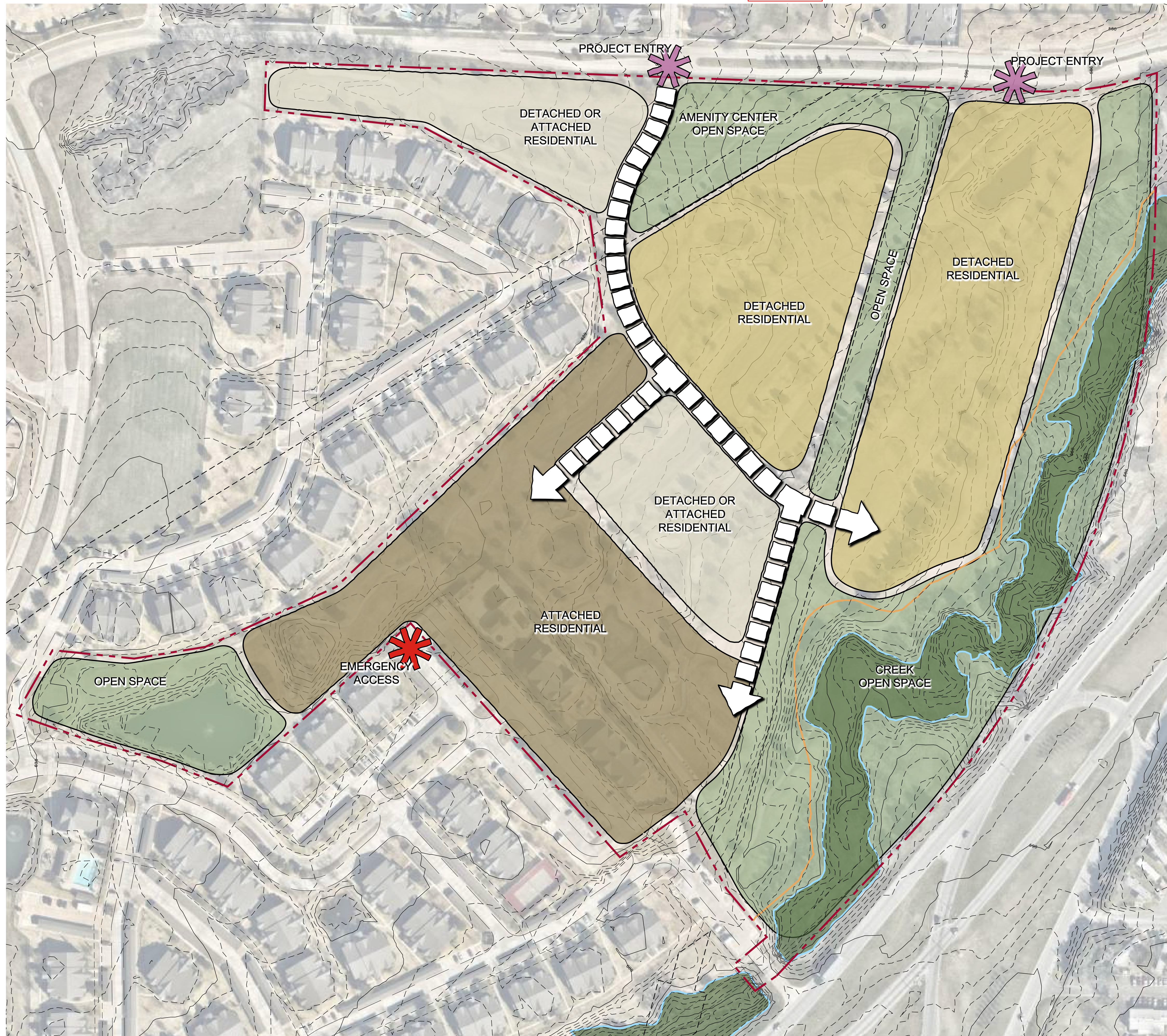
IV. Single Family Detached Regulations.

- A. Space Limits for Detached Single Family Lots less than 50'.
 - 1. Minimum lot width: 30';
 - 2. Minimum lot depth: 85';
 - 3. Minimum lot area: 2,550 sq. ft.;
 - 4. Front build-to line: 10', with the ability to encroach up to 5' for balconies, covered porches, stoops and similar architectural structures associated with the main dwelling unit;
 - 5. Lots will be alley-served
 - 6. Rear yard setback: 8';
 - 7. Minimum side yard setback: Houses will be situated on a lot either as an offset or a centered configuration with a minimum of six (6) feet of separation provided between buildings. For houses offset on lots, the minimum side yard setback on one side may be one (1) foot as long as a minimum of five (5) feet of side yard has been provided on the opposite side yard. For houses centered on lots, the minimum side yard setback will be five (5) feet, unless a side yard fence is prohibited in which event the minimum side yard setback will be three (3) feet. All ground level heating, ventilation, and air conditioning equipment shall not be permitted in a side yard that results in less than six (6) feet clear between adjacent structures;
 - 8. Minimum side yard at corner: Five (5) feet (except where otherwise warranted to maintain sight visibility requirements as determined by the City Engineer). If an adjacent lot is fronting onto the same street, the side yard at corner will be no less than the front build-to line of the adjacent lot; and
 - 9. Maximum Building Height: 35 feet.
- B. Space Limits for Detached Single Family Lots 50' or greater.
 - 1. Minimum lot width: 50';
 - 2. Minimum lot depth: 100';
 - 3. Minimum lot area: 5,000 sq. ft.;

4. Front build-to line:
 - a) 10', with the ability to encroach up to 5' for balconies, covered porches, stoops and similar architectural structures associated with the main dwelling unit;
 - b) Garage doors shall be set no less than 20' from the property line.
 6. Rear yard setback: 8';
 7. Minimum side yard setback: Houses will be situated on a lot with a centered configuration with a minimum of six (6) feet of separation provided between buildings. All ground level heating, ventilation, and air conditioning equipment shall not be permitted in a side yard that results in less than six (6) feet clear between adjacent structures;
 8. Minimum side yard at corner: Five (5) feet (except where otherwise warranted to maintain sight visibility requirements as determined by the City Engineer). If an adjacent lot is fronting onto the same street, the side yard at corner will be no less than the front build-to line of the adjacent lot; and
 9. Maximum Building Height: 35 feet.
- C. Architectural Standards for Primary Structures.
1. Front elevations shall consist of no less than eighty percent (80%) masonry materials including, but not limited to, brick, stone, synthetic stone or stucco, with the balance in lap siding (lap siding may include but not be limited to wood or cementitious fiber lap siding, but does not include vinyl lap siding or sheet siding fabricated to look like wood lap siding). No more than fifty percent (50%) of this elevation shall be finished in stucco;
 2. Side elevations shall consist of no less than seventy-five percent (75%) masonry materials including, but not limited to, brick, stone, synthetic stone or stucco, with the balance in lap siding (lap siding may include but not be limited to wood or cementitious fiber lap siding, but does not include vinyl lap siding or sheet siding fabricated to look like wood lap siding). No more than fifty percent (50%) of this elevation shall be finished in stucco;
 3. Rear elevations shall consist of no less than fifty percent (50%) masonry materials including, but not limited to, brick, stone, synthetic stone or stucco, with the balance in lap siding (lap siding may include but not be limited to wood or cementitious fiber lap siding, but does not include vinyl lap siding or sheet siding fabricated to look like wood lap siding).
 4. All single family residential structures shall incorporate at least three (3) of the following elements:
 - a) No pitched front roof plane with a horizontal length longer than twenty (20) feet exists;
 - b) A minimum of three (3) offsets in the front façade measuring at least two (2) feet deep are provided or a minimum of one (1) offset in the front façade measuring at least six (6) feet is provided;
 - c) The structure features an articulated front entrance through the use of lintels, pediments, keystones, pilasters, arches, columns, or other similar architectural elements;

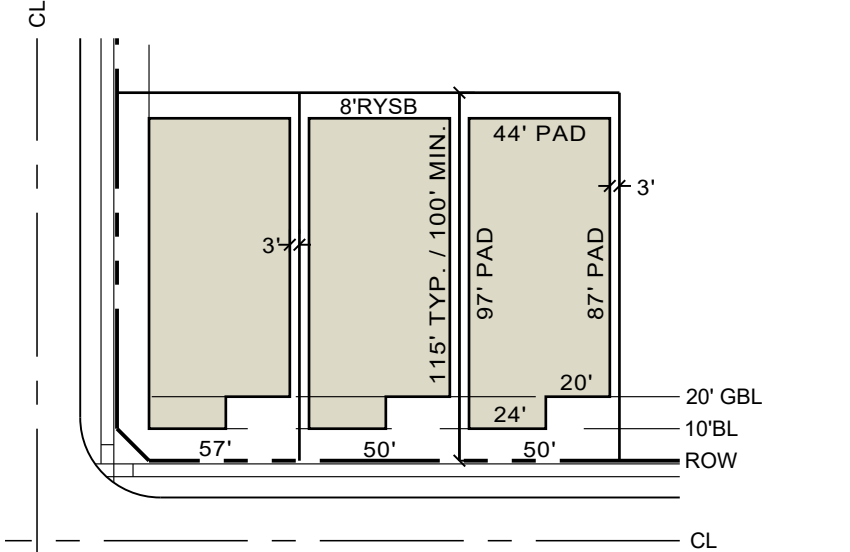
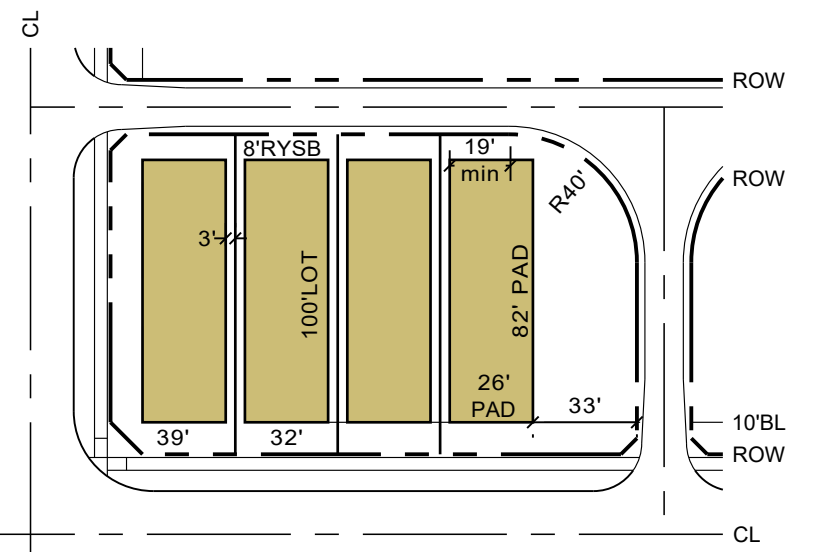
- d) At least one (1) dormer is provided for each roof plane over five hundred (500) square feet in area that faces a public street which must be appropriately scaled for the roof plane and is not be wider than the windows on the building elevation below;
 - e) All shutters for windows facing a street will be operational or appear operational and in scale with the corresponding window;
 - f) Exterior decorative lighting for the front door and above the garages are operational using photo cell;
 - g) Floor surface of front porch is brick, stone or patterned or salt finished concrete;
 - h) All ground level heating, ventilation, and air conditioning equipment is screened from view from the street on which the structure faces; or
 - i) Roof is clay-tiled.
- D. Fire Protection.
- 1. All residential structures that have less than ten (10) feet of separation will be required to meet a permitted exception under the IRC regulations in effect at the time of the issuance of building permits.
- V. Townhome Regulations.
- A. Space Limits for Townhome Lots;
- 1. Minimum lot width: 22’;
 - 2. Minimum lot depth: 80’;
 - 3. Minimum lot area: 1,760 sq. feet;
 - 4. Minimum front yard setback: 10’ with the ability to encroach up to 5’ for balconies bay or box window projections, covered porches, stoops and similar architectural structures associated with the main dwelling unit;
 - 5. Minimum rear yard setback: 8’;
 - 6. Minimum driveway length: either 8’ to face of garage door or at least 18’ to face of garage door;
 - 7. Minimum distance between buildings: 10’;
 - 8. Minimum side yard at corner: 10’; and
 - 9. Maximum height of structure: 35’.
- B. Architectural Standards.
- 1. Exterior finish on each side of every townhome unit shall be one hundred percent (100%) masonry, with the exception of porch posts and lintels, box or bay windows and dormers;
 - 2. Rooftop equipment shall be screened using either fiber cement board (hardi plank or hardi board) or architectural metal.
- C. Open Space Requirement.
- 1. There must be at least ½ acre of usable open space for every 100 townhome lots; however, there shall be no minimum distance from each townhome lot to such open space as long as adequate pedestrian access is provided.
- D. Fire Protection.
- 1. Townhomes shall be provided with an NFPA 13D residential sprinkler system.

- VI. Miscellaneous.
- A. Balconies, covered porches, stoops, and other similar structures, if utilized, shall have a minimum free and clear depth of at least 4 feet. Such features are prohibited from encroaching in the side yard setback.
 - B. Each detached residential lot less than 50' in width shall be required to provide at least 1 canopy tree in the front yard. All lots 50' or greater in width shall be required to provide at least 1 canopy tree in the front yard and 1 additional canopy tree on the lot. The placement of trees may not impede sight visibility. If a required tree conflicts with sight visibility requirements, the tree may be deleted or relocated to another appropriate area in the immediate vicinity, as determined by the Director of Planning.
 - C. Townhome structures shall be required to provide trees on not greater than 30' centers.
 - D. Each residential structure or unit will have a minimum of two (2) enclosed parking spaces on the lot.
 - E. Parking for the Amenity Center shall be allowed within the right-of-way but outside of the normal paving width.



STANDARD TOWNHOME LOT

STANDARD 40' LOT



STANDARD 32' LOT

STANDARD 50' LOT (FRONT ENTRY)

Greens of McKinney
 McKinney, Texas
 February 13, 2017

Kimley»Horn
 5750 Genesis Court
 Suite 200
 Frisco, Texas 75034
 972-335-3580
 State of Texas Registration No. F-928

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED WITHOUT THE BENEFIT OF A SURVEY, TOPOGRAPHY, UTILITIES, CONTACT WITH THE CITY, ETC.