

ORDINANCE NO. 2011-04-022

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 83.29 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF ALMA ROAD AND ON THE NORTH SIDE OF SILVERADO TRAIL, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, GENERALLY FOR SINGLE FAMILY RESIDENTIAL USES AND TO MODIFY THE DEVELOPMENT STANDARDS; 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 83.29 acre property, located on the east side of Alma Road and on the north side of Silverado Trail, be rezoned from "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District to "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District, generally for single family residential uses and to modify the development standards, 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. Ordinance No. 1270 is hereby amended in order to rezone an approximately 83.29 acre property, located on the east side of Alma Road and on the north side of Silverado Trail, which is more fully depicted on Exhibit "A," attached hereto, is hereby rezoned from "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District to "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District, generally for single family residential uses and to modify the development standards.

Section 2. Use and development of the subject property (83.29 acres), more fully depicted on Exhibit "A," shall conform to the following regulations:

1. The subject property shall develop according to the "REC" – Regional Employment Center Overlay District's Single Family Detached, Standard Lot, except as follows:

- a. The subject property shall generally develop according to the attached General Development Plan, Exhibit "B."
- b. The subject property shall generally develop according to the attached Landscape Concepts, Exhibit "C."
- c. The subject property shall develop according to the attached Development Standards, Exhibit "D."

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 5th DAY OF APRIL, 2011.

CITY OF MCKINNEY, TEXAS

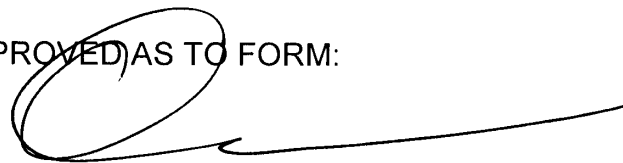

BRIAN LOUGHMILLER
Mayor

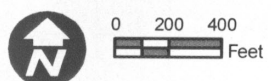
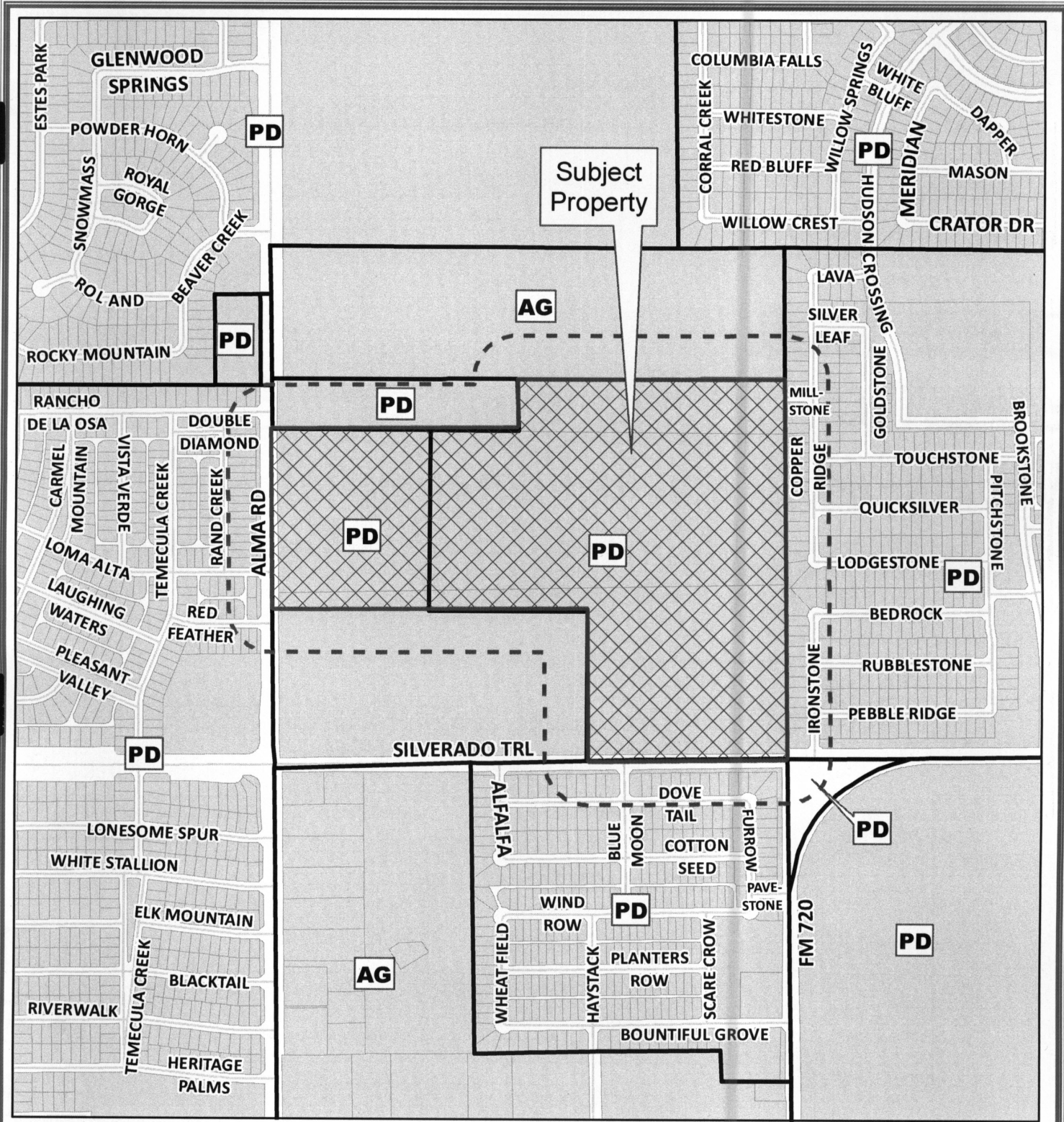
CORRECTLY ENROLLED:


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

DATE: April 6, 2011

APPROVED AS TO FORM:


MARK S. HOUSER
City Attorney

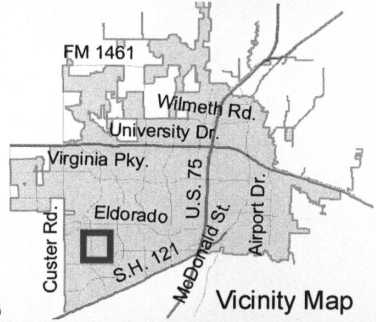


Notification Case

Notice Case: 10-118Z

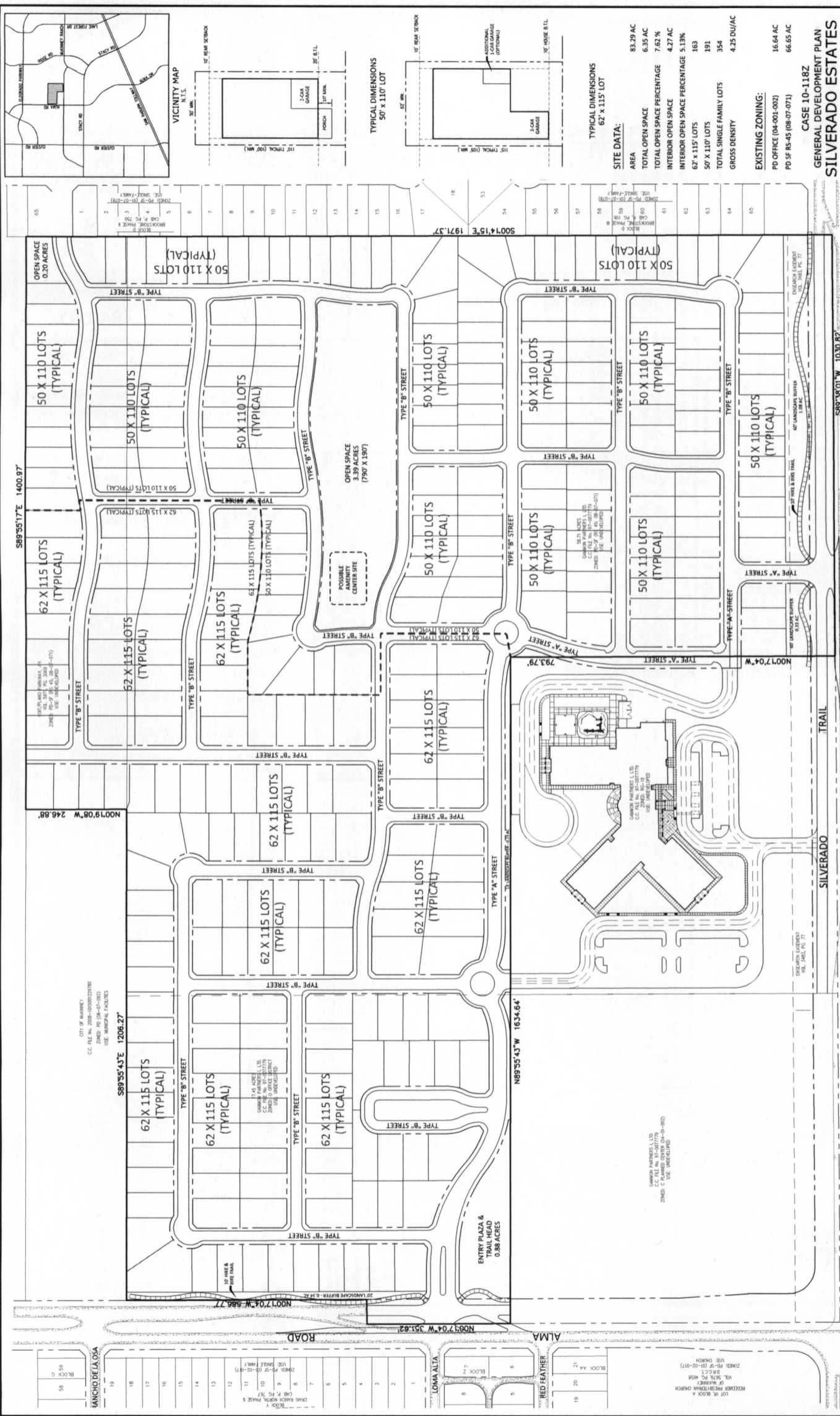
- - - 200' Notification Buffer

EXHIBIT A



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.

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SITE DATA:

AREA	83.29 AC
TOTAL OPEN SPACE	6.35 AC
TOTAL OPEN SPACE PERCENTAGE	7.62 %
INTERIOR OPEN SPACE	4.27 AC
INTERIOR OPEN SPACE PERCENTAGE	5.13 %
62' X 115' LOTS	163
50' X 110' LOTS	191
TOTAL SINGLE FAMILY LOTS	354
GROSS DENSITY	4.25 DU/AC

EXISTING ZONING:
 PD OFFICE (04-001-002) 16.64 AC
 PD SF RS-45 (08-07-071) 66.65 AC

**CASE 10-118Z
 GENERAL DEVELOPMENT PLAN
 SILVERADO ESTATES**

IN THE GEORGE HERNDON SURVEY,
 83.29 ACRES
 ABSTRACT 390
 CITY OF MCKINNEY, TEXAS
 SUBMITTED: OCTOBER 25, 2010
 REVISED: FEBRUARY 25, 2011

J. VOLK CONSULTING, INC.
 P.O. BOX 94028
 PLANO, TEXAS 75074
 TX REGISTRATION NO. 171162



APPLICANT:
 STANDARD PACIFIC OF TEXAS, INC.
 5220 SPRING VALLEY ROAD, SUITE 940
 IRVING, TEXAS 75039
 972-590-2430

OWNER:
 GAMMON PARTNERS I, LTD.
 1113 SHADY OAKS CIRCLE
 MCKINNEY, TEXAS 75070
 972-964-0000

OWNER:
 COIT/PLANO PARKWAY, J.V.
 1113 SHADY OAKS CIRCLE
 MCKINNEY, TEXAS 75070
 972-964-0000

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EXHIBIT B

PROJECT	SILVERADO ESTATES Landscape Concept
PROJECT	SILVERADO ESTATES Landscape Layout
SHEET	12

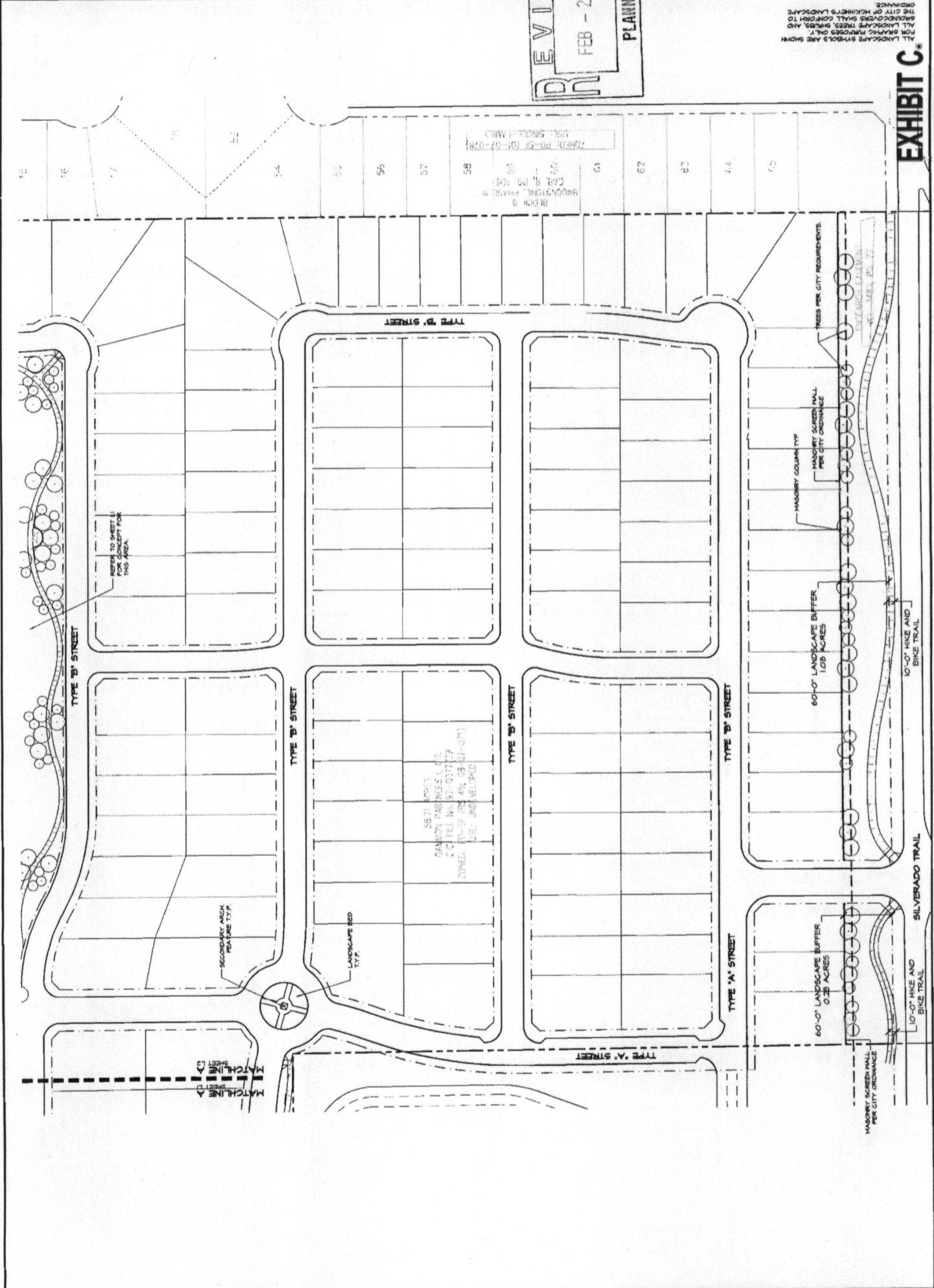


EXHIBIT C*

PLAN REVIEW REVISIONS	BY	DATE
CONSTRUCTION REVISIONS	BY	DATE

STUDIO
 444-11100
 3810 W. Loop West, Suite 100
 Fort Worth, Texas 76107

**10-118Z – Silverado Estates
Development Standards**

1. SITE DATA & PROPOSED USES

Base Zoning District	REC Residential District - Single Family Detached Standard Lot	
Maximum Lot Count	354	
Gross Density	4.2 du/ac	
	Area (ac)	Percentage of Site
Subject Property	83.29	100.00
Single-Family Detached	76.57	92.38
Interior Open Space	4.27	5.13
Total Open Space	6.35	7.62

2. PROPOSED DEVELOPMENT STANDARDS

CRITERIA	50' X 110' LOT	62' x 115' LOT
Lot Count	191	164
Typical Lot Depth	110'	115'
Minimum Lot Depth	100' (1)	105' (1)
Minimum Lot Width	50'	62'
Minimum Lot Area	5,000 SF	6,510 SF
Front Yard Build-to Line	20'	10'
Rear Yard Setback	10'	10'
Garage Access	Front Entry (2)	Side Swing (2)
Garage Offset	10' (3)	20'
Porch	Required with Min. 10' Depth (3)	Per Standard REC Neighborhood Zone
Masonry Requirement	100% first floor, 100% front elevation, and 75% overall	

(1) More than 90% of the lots will be at the typical depth. On street elbows and other isolated areas, some lots may be slightly less than the typical depth, but in no case will the depth be less than the minimum shown here.

(2) Front entry two-car garages shall have two single doors; three-car garages on 62' x 115' lots may be provided with a "two and one split" with the third bay facing street as shown on General Development Plan. Refer to comments in Letter of Intent regarding proposed home product for justification of these provisions.

(3) The smaller lots (50'x110') are proposed to have a required porch, with a minimum 10 feet in depth, coupled with a minimum 10-foot offset from the front façade of the garage door to the front of the porch.

EXHIBIT D