

ORDINANCE NO. 97-05-33

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; TO CHANGE THE ZONING OF A 49.49 ACRE TRACT LOCATED ON THE SOUTH SIDE OF VIRGINIA PARKWAY, WEST OF LAKE FOREST DRIVE, FROM "AG" - AGRICULTURAL DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, PROVIDING REGULATIONS; 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 owner(s) of a 49.49 acre tract located on the south side of Virginia Parkway, west of Lake Forest Drive, in the City of McKinney, Collin County, Texas, 1.06 acres of which will be in public streets, resulting in a net development area of 48.43 acres, have petitioned the City of McKinney to rezone such parcel of land from "AG" - Agricultural District to "PD" Planned Development District, a complete legal description of such property being attached hereto and marked Exhibit "A", and made a part hereof for all purposes; and,

WHEREAS, after due notice of the requested zoning 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, and the City Council is of the opinion that said zoning should be made.

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

- Section 1. A 49.49 acre tract located on the south side of Virginia Parkway, west of Lake Forest Drive, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "B" attached hereto, is hereby rezoned from "AG" - Agriculture District to Planned Development District.
- Section 2. Exhibit "B" shall govern the locations and areas of the tracts referenced herein. The final boundaries between tracts when platted may differ a small amount as a result of the boundaries of the final plat or plats approved by the City of McKinney.
- Section 3. Tracts TR-1 through TR-7 inclusive as shown on Exhibit "B" shall be developed according to the respective regulations specified by Exhibit "C", PROPOSED DEVELOPMENT STANDARDS FOR THE 48.43 ACRE CRUTCHER TRACT, THE CITY OF MCKINNEY, TEXAS. The zoning map shall be amended accordingly and shall serve as an attachment to this zoning.
- Section 4. Prior to development of any tract within the Planned Development District, a site plan shall be reviewed by the Planning and Zoning Commission and the City Council, and approved according to procedures specified for such site plan review by Ordinance 1270, as may be amended.

- Section 5. Prior to the construction or modification of any pond along the creek which traverses the property, the City Engineer shall review and approve the plans for such construction or modification for conformance with appropriate or applicable drainage and erosion control standards.
- Section 6. No pedestrian access shall be allowed within the south 410 feet or the west 510 feet of Tract 2 through the perimeter fence required around that tract (Tract TR-2, Section 6-J of the Development Standards).
- Section 7. 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 8. 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 therefor, shall be fined any sum not exceeding \$200.00, 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 9. No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, 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 10. 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 FIRST READING ON THE 20th DAY OF May, 1997.


JOHN E. GAY, Mayor

ATTEST:


JENNIFER G. SMITH, City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

LEGAL DESCRIPTION

SITUATED in Collin County, Texas in the James M. McReynolds Survey, Abstract Number 578 and being part of an original 90 acre tract described in Volume 68, page 431 of the Probate Court Minutes of Collin County, Texas, and being a part of a called 71.875 acre tract recorded in Volume 823, page 102 of the deed records of Collin County, Texas, and being all of that certain called 24.788 acre tract recorded in the County Clerks file No. 93-0020975 Collin County, Texas, and being part of a called 1.00 acre tract recorded in Volume 476, Page 296 of the D.R.C.C.T. and being a part of a called 1.03 acre tract recorded in Volume 334, Page 388 of the D.R.C.C.T., and being all of that certain called 1.00 acre tract recorded in Volume 334, Page 388 of the D.R.C.C.T. said parcel to be more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the Southwest corner of the above described 24.788 acre tract and also being in the North line of the Quail Creek Phase V Subdivision recorded in Volume H, page 226 of the Map and Plat records of Collin County, Texas, said point also being the Southeast corner of the above described 71.875 acre tract:

THENCE: North 02 deg. 03 min. 58 sec. East, a distance of 535.90 feet along west line of said 24.788 acre tract and the East line of said 71.875 acre tract to a 1/2" iron rod found for corner;

THENCE: South 77 deg. 46 min. 43 sec. West, a distance of 72.10 feet to a 1/2" iron rod found for corner at the South edge of a dry pond;

THENCE: South 77 deg. 46 min. 43 sec. West, a distance of 59.98 feet to a 1/2" iron rod found for corner at the South edge of a dry pond;

THENCE: North 28 deg. 24 min. 23 sec. West, a distance of 51.53 feet to a 1/2" iron rod found for corner at the South edge of a dry pond;

THENCE: South 66 deg. 49 min. 17 sec. West, a distance of 208.88 feet to the centerline of a branch at the mouth of a dry pond;

THENCE: Along the centerline of said branch as follows:

South 84 deg. 45 min. 12 sec. West, a distance of 64.48 feet;

South 71 deg. 36 min. 52 sec. West, a distance of 72.25 feet;

South 54 deg. 12 min. 23 sec. West, a distance of 93.86 feet;

South 74 deg. 14 min. 00 sec. West, a distance of 149.28 feet;

North 83 deg. 11 min. 03 sec. West, a distance of 71.31 feet;

North 84 deg. 25 min. 37 sec. West, a distance of 309.17 feet;

North 82 deg. 03 min. 17 sec. West, a distance of 103.53 feet;

North 71 deg. 52 min. 57 sec. West, a distance of 73.41 feet to a point in the South line of said 1.03 acre tract;

North 59 deg. 44 min. 34 sec. West, a distance of 50.45 feet to a point in the East line of said 1.00 acre tract and the West line of said 1.03 acre tract;

North 83 deg. 41 min. 22 sec. West, a distance of 57.85 feet;

South 75 deg. 43 min. 32 sec. West, crossing the West line of said 1.00 acre tract at 45.10 feet and continuing a total distance of 47.14 feet;

South 87 deg. 57 min. 13 sec. West, a distance of 72.35 feet;

North 54 deg. 48 min. 27 sec. West, a distance of 30.57 feet;

South 82 deg. 02 min. 32 sec. West, a distance of 112.09 feet;

South 84 deg. 47 min. 00 sec. West, a distance of 49.74 feet;

South 36 deg. 27 min. 49 sec. West, a distance of 109.47 feet;

South 48 deg. 40 min. 55 sec. West, a distance of 68.03 feet;

South 30 deg. 44 min. 12 sec. West, a distance of 52.03 feet;

South 15 deg. 29 min. 28 sec. East, a distance of 44.20 feet;

South 03 deg. 24 min. 55 sec. West, a distance of 103.79 feet;

South 14 deg. 35 min. 48 sec. West, a distance of 65.61 feet;

South 17 deg. 13 min. 30 sec. West, a distance of 116.72 feet to a point in the South line of said original 90 acre tract and also being in the North line of a called 34.40 acre tract recorded in Volume 68, Page 431 Probate Court Minutes of Collin County, Texas.

EXHIBIT "A"

THENCE: South 89 deg. 50 min. 12 sec. West, a distance of 251.28 feet to a 1/2" iron rod found for the Northwest corner of said 38.40 acre tract and also being the Northeast corner of a called 23.274 acre tract recorded in Volume I, Page 264 of the M.P.R.C.C.T.

THENCE: South 89 deg. 48 min. 30 sec. West, a distance of 812.55 feet along the North line of said 23.274 acre tract and the South line of said original 90 acre tract to a 1/2" iron rod found for the Southwest corner of said original 90 acre tract;

THENCE: North 01 deg. 32 min. 45 sec. East, a distance of 401.55 feet along the West line of said original 90 acre tract and the Northerly East line of said 23.274 acre tract to a 1/2" iron rod found for the Southwest corner of a 2.000 acre tract owned by Trinity United Presbyterian Church;

THENCE: South 89 deg. 57 min. 08 sec. East, a distance of 500.23 feet along the South line of said 2.000 acre tract to a 1/2" iron rod found for the Southeast corner of said 2.000 acre tract;

THENCE: North 01 deg. 32 min. 45 sec. East, along the East line of said 2.000 acre tract passing the Northeast corner of said 2.000 acre tract same being the Southeast corner of a called 4.031 acre tract recorded in Volume 3417, Page 441 of the D.R.C.C.T. at 174.18 feet and continuing along the East line of said 4.031 acre tract a total distance of 528.28 feet to a 1/2" iron rod found for the Northeast corner of said 4.031 acre tract and also being in the South Right-Of-Way line of Virginia Parkway;

THENCE: South 89 deg. 58 min. 33 sec. East, a distance of 982.90 feet along the South Right-Of-Way line of Virginia Parkway to a 1/2" iron rod set for the Northwest corner of said 1.00 acre tract recorded in Volume 476, Page 298 of the D.R.C.C.T., said point also being in the East line of said original 90 acre tract;

THENCE: South 89 deg. 53 min. 24 sec. East, a distance of 394.44 feet along the South Right-Of-Way line of Virginia Parkway to a 1/2" iron rod set at the beginning of a curve to the right having a Radius of 8503.71 feet and a Delta angle of 5 deg. 30 min. 13 sec.;

THENCE: with said curve a chord bearing of South 87 deg. 39 min. 59 sec. East, and a chord distance of 818.52 feet to a 1/2" iron rod set for corner;

THENCE: South 84 deg. 23 min. 11 sec. East, a distance of 158.42 feet along the South Right-Of-Way line of Virginia Parkway to a 1/2" iron rod set for the Northwest corner of said 24.788 acre tract and also being in the East line of said 78.675 acre tract;

Thence: South 84 deg. 18 min. 04 sec. East, a distance of 231.20 feet along the South Right-Of-Way line of Virginia Parkway to a 1/2" iron rod set for the beginning of a curve to the right having a radius of 1,290 feet and a delta angle of 09 deg. 43 min. 59 sec.;

Thence: with said curve a chord bearing of South 79 deg. 25 min. 03 sec. East and a chord distance of 218.88 feet to a 1/2" iron rod found for corner;

Thence: South 74 deg. 32 min. 33 sec. East, a distance of 182.49 feet to a 1/2" iron rod set at the beginning of a curve to the left having a radius of 2,060 feet and a delta angle of 03 deg. 00 min. 24 sec.;

Thence with said curve a chord bearing of South 78 deg. 07 min. 13 sec. East and a chord distance of 108.09 feet to a 1/2" iron rod set for corner;

Thence: South 77 deg. 33 min. 07 sec. East, a distance of 317.29 feet along the South Right-Of-Way line of Virginia Parkway to a 1/2" iron rod found for the Northeast corner of said 24.788 acre tract, said point also being in the West Right-Of-Way line of Lake Forest Drive;

Thence: South 01 deg. 38 min. 04 sec. West, a distance of 355.53 feet along the West Right-Of-Way line of Lake Forest Drive and the East line of said 24.788 acre tract to a 1/2" iron rod found for corner, said point being at the beginning of a curve to the left and having a Radius of 4,060 feet and a delta angle of 00 deg. 37 min. 35 sec.;

Thence: with said curve a chord bearing of South 01 deg. 19 min. 16 sec. West, and a chord distance of 44.39 feet to a 1/2" iron rod set for the most Easterly Southeast corner of said 24.788 acre tract, said point also being the Northeast corner of a called 0.92 acre tract recorded in Volume 3261, Page 213 of the D.R.C.C.T.;

Thence: South 89 deg. 53 min. 59 sec. West, a distance of 208.93 feet along the North line of said 0.92 acre tract to a 1/2" iron rod set for corner, said point being the Northwest corner of said 0.92 acre tract;

Thence: South 00 deg. 05 min. 39 sec. West, a distance of 150.38 feet along the West line of said 0.92 acre tract to a 1/2" iron rod set for the most Southerly Southeast corner of said 24.788 acre tract and also being the Southwest corner of said 0.92 acre tract, said point also being in the North line of Tract No. 12 of Stonebridge Ranch Development Corp. recorded in Volume 3824, Page 288 of the D.R.C.C.T.;

Thence: South 89 deg. 47 min. 24 sec. West, a distance of 1337.12 feet along the North line of said Tract No. 12 and the North line of Quail Creek Phase V subdivision and the South line of said 24.788 acre tract back to the POINT OF BEGINNING and containing 59,308 acres of land more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

Situated in Collin County, Texas in the James M. McReynolds Survey, Abstract No. 578 and being part of that certain called 24.768 acre tract as recorded in Collin County Clerk File #93-0020975 said tract to be more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod set for the southeast corner of the herein described tract said point being in the south line of said 24.768 acre tract and in the north line of Stonebridge Ranch Development Corporation Tract No. 12 as recorded in Volume 3624, Page 268 of the D.R.C.C.T., said point also being located South 89° 47' 20" West, a distance of 353.32 feet from the most southerly southeast corner of said 24.768 acre tract;

THENCE South 89° 47' 20" West, a distance of 983.82 feet along the north line of Stonebridge Ranch Development Tract No. 12 and along the north line of Quail Creek Phase 5 subdivision recorded in Cabinet H, Page 226 of the Plat Records of Collin County, Texas and also along the south line of said 24.768 acre tract to a 1/2" iron rod found for the southwest corner of said 24.768 acre tract said point also being the southeast corner of a called 71.49 acre tract recorded in County Clerk File #94-0024528;

THENCE North 02° 03' 58" East, a distance of 636.83 feet along the west line of said 24.768 acre tract and along the east line of said 71.49 acre tract to a point in the center line of a branch;

THENCE with the centerline of branch as follows:

THENCE South 79° 38' 20" East, a distance of 27.54 feet;

THENCE South 88° 34' 50" East, a distance of 81.79 feet;

THENCE North 66° 34' 59" East, a distance of 165.70 feet;

THENCE North 50° 20' 47" East, a distance of 17.78 feet;

THENCE North 32° 39' 28" East, a distance of 25.36 feet;

THENCE North 48° 01' 38" East, a distance of 8.98 feet;

THENCE North 72° 28' 58" East, a distance of 6.65 feet;

THENCE South 77° 28' 38" East, a distance of 24.62 feet;

THENCE South 42° 58' 08" East, a distance of 39.67 feet;

THENCE South 66° 48' 43" East, a distance of 24.77 feet;

THENCE North 14° 41' 49" East, a distance of 130.23 feet departing from centerline of said branch to a 1/2" iron rod set for corner in the north line of said 24.768 acre tract and in the south right-of-way line of Virginia Parkway (120' R.O.W.) said point also being in a curve;

THENCE in an easterly direction with said curve to the right having a radius of 1,290.00 feet a central angle of 02° 05' 02" a length of 46.92 feet and a chord bearing and distance of South 75° 35' 34" East, a distance of 46.91 feet along the north line of said 24.768 acre tract and along the south right-of-way line of Virginia Parkway to a 1/2" iron rod set for corner;

THENCE South 74° 32' 33" East, a distance of 13.07 feet along the north line of said 24.768 acre tract and along the south right-of-way line of Virginia Parkway to a 1/2" iron rod set for corner;

THENCE South 14° 41' 49" West, a distance of 171.93 feet to a 1/2" iron rod set for corner at the beginning of a curve to the left;

THENCE in a southerly direction with said curve to the left having a radius of 470.00 feet a central angle of 14° 54' 25" a length of 122.28 feet and a chord bearing and distance of South 07° 14' 37" West, a distance of 121.94 feet to a 1/2" iron rod set for corner;

THENCE South 00° 12' 36" East, a distance of 223.81 feet to a 1/2" iron rod set for corner at the beginning of a curve to the right;

THENCE in a southerly direction with said curve to the right having a radius of 200.00 feet a central angle of 14° 28' 39" a length of 50.54 feet a chord bearing and distance of South 07° 01' 44" West, a distance of 50.40 feet to a 1/2" iron rod set for corner;

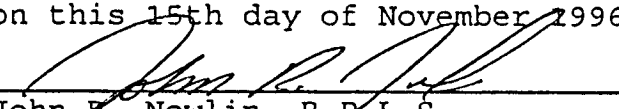
THENCE North 89° 47' 27" East, a distance of 348.10 feet to a 1/2" iron rod set for corner;

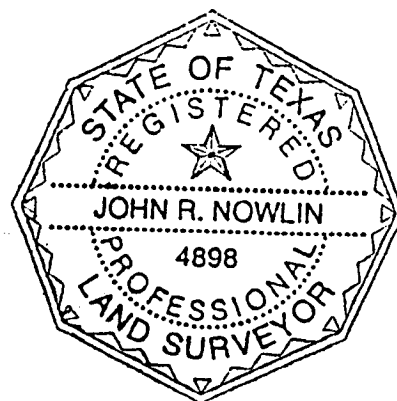
THENCE North 66° 35' 29" East, a distance of 76.16 feet to a 1/2" iron rod set for corner;

THENCE North 89° 47' 24" East, a distance of 140.00 feet to a 1/2" iron rod set for corner;

THENCE South 00° 12' 36" East, a distance of 270.00 feet back to the POINT OF BEGINNING and containing 9.818 acres of land or 427,672.08 square feet more or less.

Prepared Under My Hand and Seal
on this 15th day of November 1996


John R. Nowlin, R.P.L.S.
State of Texas, No. 4898



NOTE: THE BEARING BACK OF THIS PLAT IS THE BACK LANE OF A 25.774 ACRE TRACT RECORDED IN VOLUME 1, PAGE 204 OF THE MAP AND PLAT RECORDS, COLLIN COUNTY, TEXAS.



CURVE DATA

BEARING	RADIUS	ARC LENGTH	CH. BEARING	CH. DISTANCE
C-1 32° 04' 28"	479.00'	202.24'	N 18° 04' 30" W	250.25'
C-2 30° 42' 37"	200.00'	100.00'	N 18° 48' 18" E	140.26'
C-3 37° 38' 11"	230.00'	101.48'	N 18° 18' 18" E	110.26'
C-4 32° 08' 27"	230.00'	200.25'	N 18° 04' 42" E	220.27'
C-5 14° 28' 35"	220.00'	60.25'	N 07° 04' 42" E	60.25'
C-6 16° 54' 28"	479.00'	122.25'	N 07° 14' 28" E	121.24'

BEARING TABLE - TRACT 1

TANGENT NUMBER	BEARING	LENGTH
1	S 7° 45' 30" W	2.04'
2	S 07° 07' 12" W	72.86'
3	N 04° 48' 18" E	306.25'
4	S 02° 06' 31" W	112.25'

BEARING TABLE - TRACT 2

TANGENT NUMBER	BEARING	LENGTH
5	S 04° 48' 48" W	49.74'
6	S 36° 27' 42" W	109.17'
7	S 46° 30' 42" E	88.02'
8	S 30° 44' 18" W	61.01'
9	S 15° 25' 24" E	44.20'
10	S 02° 24' 24" E	162.79'
11	S 14° 36' 07" W	68.01'
12	S 17° 13' 30" W	116.72'
13	S 09° 05' 12" W	207.24'

BEARING TABLE - TRACT 3

TANGENT NUMBER	BEARING	LENGTH
14	S 02° 02' 36" E	170.25'
15	S 10° 04' 18" W	202.25'
16	S 18° 48' 18" W	140.26'
17	N 02° 18' 24" E	6.25'
18	N 02° 03' 18" E	208.17'
19	N 02° 03' 18" E	103.25'
20	N 77° 02' 06" W	72.47'
21	N 14° 36' 07" W	68.01'
22	N 02° 41' 24" W	67.00'
23	S 7° 42' 31" W	44.10'

BEARING TABLE - TRACT 3

TANGENT NUMBER	BEARING	LENGTH
24	S 02° 03' 48" E	232.00'
25	S 10° 48' 24" E	42.47'
26	S 08° 18' 18" E	152.44'
27	S 04° 48' 18" E	106.66'
28	S 04° 45' 12" W	64.48'
29	S 77° 38' 42" E	72.23'
30	S 04° 48' 18" E	64.66'
31	S 74° 13' 18" W	149.26'
32	N 02° 11' 24" E	6.75'
33	N 14° 36' 07" W	116.72'
34	N 18° 04' 42" E	232.27'
35	N 02° 04' 24" E	170.41'
36	S 04° 22' 12" E	102.25'

BEARING TABLE - TRACT 4

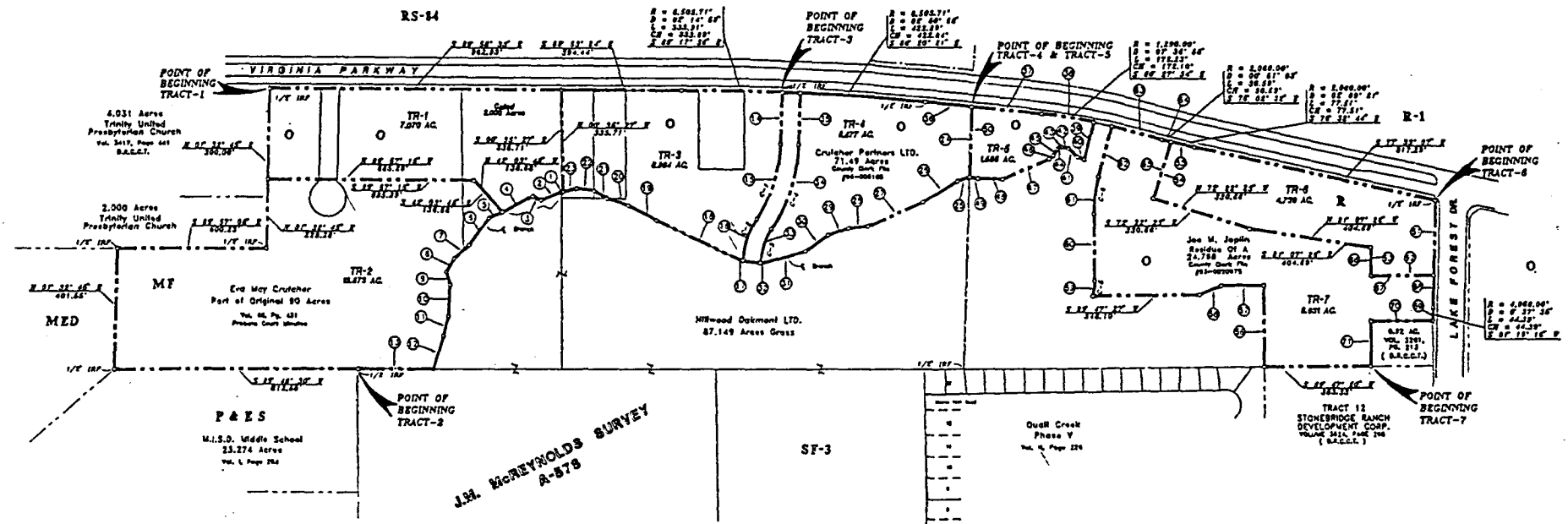
TANGENT NUMBER	BEARING	LENGTH
37	S 04° 18' 06" E	231.20'
38	S 20° 21' 36" S	172.10'
39	S 14° 37' 48" E	129.80'
40	N 07° 48' 30" E	24.40'
41	N 42° 04' 18" E	23.77'
42	N 77° 24' 36" E	24.52'
43	S 72° 28' 54" E	8.82'
44	S 48° 04' 18" E	8.78'
45	S 32° 39' 24" E	22.30'
46	S 50° 20' 07" E	17.79'
47	S 48° 34' 07" E	162.79'
48	N 06° 34' 06" W	61.79'
49	N 72° 38' 30" E	27.44'
50	N 02° 03' 48" E	232.00'

BEARING TABLE - TRACT 6

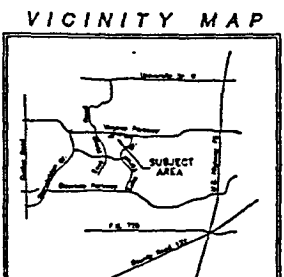
TANGENT NUMBER	BEARING	LENGTH
51	S 07° 38' 06" E	249.86'
52	S 09° 53' 06" E	210.72'
53	N 02° 04' 24" E	35.41'
54	N 17° 37' 37" E	135.22'
55	S 7° 32' 24" E	77.21' - CROSS

BEARING TABLE - TRACT 7

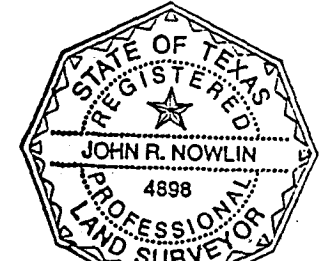
TANGENT NUMBER	BEARING	LENGTH
56	N 00° 12' 36" E	270.00'
57	S 07° 47' 24" E	140.00'
58	S 04° 24' 06" E	70.18'
59	N 07° 31' 06" E	62.40' - CROSS
60	N 00° 18' 36" E	222.61' - CROSS
61	N 01° 18' 36" E	187.81' - CROSS
62	S 74° 32' 37" E	183.42'
63	S 72° 02' 06" E	60.24' - CROSS
64	S 72° 02' 06" E	182.22'
65	S 15° 27' 37" E	102.25'
66	S 00° 06' 36" E	88.41'
67	N 02° 42' 36" E	210.72'
68	S 07° 34' 06" E	102.25'
69	S 07° 18' 18" E	44.20' - CROSS
70	S 02° 42' 36" E	206.25'
71	S 04° 04' 36" E	100.24'



**ZONING MAP
SHOWING PART OF THE
J.M. McREYNOLDS SURVEY A-578
COLLIN COUNTY, TEXAS
SCALE: 1" - 200'**



NOTE:
This Plat was prepared for zoning purposes only and does not reflect any amendments or improvements upon subject property.



CERTIFICATION
I, John R. Nowlin, Registered Professional Land Surveyor in and for the State of Texas, hereby certify that the Plat before me is true and correct to the best of my knowledge.
John R. Nowlin 2-11-97
JOHN R. NOWLIN, R.P.L.S. No. 4898

EXHIBIT "B"

PROPOSED DEVELOPMENT STANDARDS
FOR
THE 48.43 ACRE CRUTCHER TRACT
THE CITY OF MCKINNEY, TEXAS

Prepared for and by:
Joplin Partners, Ltd.
Crutcher Partners, Ltd.
101 E. Davis
McKinney, Texas 75069

EXHIBIT "C"

TABLE OF CONTENTS

		<u>PAGE</u>
	GENERAL REGULATIONS	1
TRACTS 1,3,4 AND 5	PD-O OFFICE DISTRICT REGULATIONS	5-6
TRACT 2	PD-MU MIXED USE DISTRICT REGULATIONS	7-9
TRACT 6	PD-R RETAIL DISTRICT REGULATIONS	2-4

GENERAL REGULATIONS

1. **SPECIAL AMENITIES:** The 48.43 Acre Crutcher Tract will incorporate a number of unique amenities and aesthetic improvements, such as landscaping, berming, and irrigation systems and accessory facilities. The Developer or Builder agrees to preserve the existing creek area west of the most easterly 300 feet of Tr-7, as a private or public park and/or greenbelt. This greenbelt area could provide a pedestrian connection to the Ruth Dowell Middle School. The Developer or Builder agrees to accept responsibility for the construction and maintenance of such aesthetic or specialty items until the responsibility is turned over to a mandatory landowners association or the City. The City at its sole discretion may agree to accept maintenance of these facilities in the future.

2. **SPECIAL SCREENING/LANDSCAPED AREAS:** To address the unique natural amenity provided by the existing tree line between the single family residential uses adjacent to the property and the non-single family residential uses in this Planned Development District the following screening provisions shall apply in each tract:
 - a. A six foot (6') fence constructed of wrought iron and/or masonry shall be installed inside of the property lines of Tr-2. Along the southern boundary of Tracts Tr-5, Tr-4, Tr-3, and Tr-2 to the northwest corner of a 87.149 acre tract of land owned by Hillwood/Oakmont, Ltd. shall exist or be installed large trees (minimum 3" caliber at the time of planting) on thirty (30) foot centers within this landscape buffer area. Along the boundary of Tr-2 and TR-1 adjacent to the Trinity Presbyterian Church shall exist or be installed a row of large trees (minimum 3" caliber at the time of planting) existing or installed thirty (30) feet on center.

3. **OFFICE AND RETAIL AREAS:** The intent of the non-residential development standards is to allow for the development of office and neighborhood serving retail which is low density, village style to be compatible with the residential scale of the general area.

PD-R
RETAIL DISTRICT REGULATIONS
TR-6

1. **PURPOSE:** This district provides for low-density, village style retail and office developments to serve the neighborhood residents as well as to take advantage of the access and visibility provided by Virginia Parkway. It is the intent of these restrictions to encourage developments that will be compatible with the residential and semi-public uses in this area.

2. **PRINCIPAL PERMITTED USES:**
 - A. Any use permitted in district "BN", except residential uses are specifically prohibited.
 - B. Banks and financial institutions,
 - C. Food stores,
 - D. Business or commercial schools (classroom and office instruction only, no trade school),
 - E. Restaurants (sit-down). NO drive through or drive in service permitted [2 maximum],
 - F. Clothing and shoe stores,
 - G. Office buildings.
 - H. The hours of operation of any gas station shall be limited between 6:00 a.m. and 10:00 pm.
 - I. Other than gas stations, all automotive uses are specifically prohibited.
 - J. Dry cleaners are limited to pick-up and drop-off shops.
 - K. Arcades, radio broadcast stations, auto part sales, halfway houses, cleaning, household appliance sales and paint and related sales are specifically prohibited.

3. **PERMITTED ACCESSORY USES:** Any permitted accessory use allowed in the "BN" zone under the conditions specified of that zone.

4. **SPECIFIC USE PERMITS:**
 - A. Private Clubs

5. **SPACE LIMITS:**

Shall conform to the "BN" regulations except the following:

- A. Minimum lot area: None
- B. Minimum width of lot: None
- C. Maximum height of building: Thirty-five (35) feet
- D. Minimum rear yard: Twenty-five (25) feet required where abutting any residential district
- E. Maximum lot coverage: Forty (40) percent.
- F. Maximum floor area ratio: The maximum floor area ratio per platted lot shall be twenty-five hundredths to one (0.25:1) for retail uses, and 0.35:1 for office uses.
- G. Exterior Lighting: Exterior lighting fixtures, whether attached to buildings or free-standing, shall be of a harmonious design. No lighting fixtures shall produce glare or direct illumination across the boundary line of any residential district from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of residential property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any residential boundary line above a height of three feet (3'). The allowance maximum intensity measured at the line abutting a residential use shall be 0.5 foot candles.
- H. Detached Signage: There shall be a maximum of one free standing sign per platted lot. Signs shall be limited to monument type only, with a maximum height of 6 feet from grade of Virginia Parkway, or from the natural or general site grade, whichever is higher. The supporting structure and design of the sign shall be architecturally compatible with the main building.
- I. Architectural Regulations: If any buildings are built in excess of 15,000 square feet, developers and/or builders shall utilize an architectural design that will give the appearance of buildings no more than 15,000 square feet, e.g., roof variations or a variance in the use of exterior materials. Due to the residential/village appearance, no single roof ridge/area shall cover more than 15,000 square feet.

6. **SPECIAL PROVISIONS:**

- A. Concept plan approval shall be required at the Planning and Zoning Commission and City Council for TR-6, prior to site plan approval, if development is to be such that it would not be detailed on a single site plan at the time of overall site plan approval.
- B. General Provisions
 - A. Each lot within Tr. 6 shall be provided access to a median opening in Virginia Parkway by way of private access easements or joint use agreements across other lots as necessary. This requirement shall be a consideration of the City's review of proposed concept plans, site plans and plats.

PD-O
OFFICE DISTRICT REGULATIONS
TR-7, TR-5, TR-4, TR-3

1. **PURPOSE:** This district provides for office buildings with attendant retail and service uses intended primarily for occupants of such office buildings. These buildings shall be of residential scale and character.

2. **PRINCIPAL PERMITTED USES:**
 - A. Any principal permitted use allowed in the "O" Office District Regulations.
 - B. Restaurants (sit-down) shall be allowed on Tr. 3 and Tr. 4 only. NO drive through or drive in service permitted. A maximum of two restaurants shall be allowed on each tract.

3. **PERMITTED ACCESSORY USES:**

Any permitted accessory use allowed in the "O" Office District Zone.

4. **SPECIFIC USE PERMITS**

Private Clubs

5. **SPACE LIMITS:**

Shall conform to the "O" regulation except the following:

 - A. Maximum height of building: Thirty-five (35) feet.
 - B. Minimum front yard: twenty-five (25) feet; front yards shall be observed adjacent to all streets
 - C. Minimum side yard: None, except twenty-five (25) feet required where abutting any district requiring a side yard
 - D. Maximum floor area ratio: 0.22:1, unless and until TR-1 is developed for residential purposes, at which time all remaining property subject to Office District Regulations shall have a maximum floor area ratio of 0.25:1.
 - E. Maximum square footage: No single building shall contain more than 15,000 square feet of floor area.

6. MISCELLANEOUS PROVISIONS:

- A. Minimum landscape buffer: Refer to the General Regulations of this Ordinance.
- B. Roof Materials and Design: All roofs shall be of pitched residential design and materials of a contrasting and complimentary color to the primary wall material of the building(s).
- C. The percentage of reflectiveness of glass used for exterior building material must not exceed twenty-seven (27) percent unless otherwise approved on the site plan.
- D. Exterior Lighting: Exterior lighting fixtures, whether attached to buildings or free-standing, shall be of a harmonious design. No lighting fixtures shall produce glare or direct illumination across the boundary line of any residential district from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of residential property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any residential boundary line above a height of three feet (3'). The allowance maximum intensity measured at the line abutting a residential use shall be 0.5 foot candles.
- E. Detached Signage: there shall be a maximum of one free standing sign per platted lot. Signs shall be limited to monument type only, with a maximum of 6 feet from grade of Virginia Parkway or the natural or general site grade, whichever is the higher. The supporting structure and design of the sign shall be architecturally compatible with the main building.
- F. Concept plan approval at the Planning and Zoning Commission and City Council shall be required for tracts zoned "PD-O", prior to site plan approval, if development is to be such that it would not be detailed on a single site plan at the time of overall site plan approval.

PD-MU
MIXED USES DISTRICT REGULATIONS
TR-1, TR-2

1. **PURPOSE:** The purpose of this district is to provide for an appropriate mixture of land uses to provide for a transition from the existing church to the west of Tr-1 and the office and retail uses planned for Tr-3, Tr-4, Tr-5, Tr-6 and Tr-7. The development of multi-family units has been deemed appropriate for some of this land, along with a mixture of office and limited retail uses, and potentially some special uses. However, the precise location of some of the uses has not been determined. In no event, however, shall the maximum number of multi-family units exceed 300.

2. **PRINCIPAL USES PERMITTED:**

Tr-1 a. Office use as defined in Tr-7, Tr-5, Tr-4, and Tr-3 of the Planned Development, plus

- i. day care center
- ii. nursing home
- iii. medical office building
- iv. professional office building
- v. business or commercial schools (classroom and office instruction only, no trade schools).

and/or

b. Any principal permitted uses allowed in the "RG 27" General Residential District Regulations, when developed according to the regulations applicable to that District, except as specified in paragraph 4 below.

Tr-2 a. Any principal permitted uses allowed in the "RG 18" General Residential District Regulations, when developed according to the regulations applicable to that District, except as specified in paragraph 4 below.

3. **PERMITTED ACCESSORY USES:**

Any permitted accessory use allowed in the "RG 25" zone when established according to the rules and regulations of the "RG 25" zone.

4. SPACE LIMITS:

A. Tract TR-2 shall conform to RG-18 Regulation except the following:

- (i) Minimum lot area: One thousand nine hundred forty (1,940) square feet of land area per dwelling unit within Tract 2.
- (ii) Maximum Height: 35 Feet.
- (iii) Minimum building separation between buildings on the same lot or parcel (measured to the main building excluding protrusions for fireplaces, stairwells, etc.) Shall be as defined on the site plan but not less than:
 - a) Ten (10) feet if one building has no opening in the closest adjacent wall.
 - b) Twenty (20) feet if both buildings have openings in the closest adjacent walls.
- (iv) Minimum separation between parking and building - ten (10) feet.

B. Tract TR-1 shall conform to the Regulations specified in RG-27 District if developed in residential use. Otherwise, it shall conform to the PD-0 District Regulations.

5. MISCELLANEOUS PROVISIONS:

- A. Mutual Access Easement: At the time of platting Tr-1, a mutual access easement shall be provided for the benefit of the Trinity Presbyterian Church located to the west of Tr-1. The purpose of this easement and the resultant landscaped open space is to provide access to the Trinity United Church site to a proposed median cut in Virginia Parkway approximately 200 feet east of the east boundary of Trinity Presbyterian Church.

6. MISCELLANEOUS PROVISIONS - MULTIFAMILY:

- A. Landscaping and Open Spaces: A minimum of 30% of the site shall be devoted to site landscaping, open areas, pools and similar recreational activity areas. All landscaped areas shall be provided with a permanent automatic irrigation system. Within the landscaped open spaces, areas shall be created for both passive and active outdoor recreation activities such as sand volleyball, tennis courts, playgrounds and picnic area.

- B. **Minimum Unit Size:** The minimum average square footage of the units will be 900 square feet. There will not be any efficiency apartments within this development and the three bedroom apartments represent less than 10% of the units.
- C. **Minimum Dwelling Unit Volume:** A minimum of one (1) vaulted ceiling with a minimum eleven (11) foot peak shall be provided for each dwelling unit on the upper floor of any building.
- D. **Exterior Lighting:** Exterior lighting fixtures, whether attached to buildings or free-standing, shall be of a harmonious design. In no event shall "area" lighting other than "cut off" type fixtures for general area illumination and decorative fixtures for architectural accent mounted 12' or less above grade, be allowed to be mounted on a exterior building wall.
- E. **Off-street Parking:** Two (2) parking spaces shall be provided per unit. A minimum of 50% of these parking spaces shall be within an enclosed garage. Other covered parking shall be designed and constructed to compliment the residential structures in relation to form, colors and materials, and to function unobtrusively.
- F. **Storage:** An enclosed storage facility will be available for each dwelling unit.
- G. **Rooftop Equipment:** Rooftop mounted air conditioning equipment shall be prohibited.
- H. **Satellite Dishes and Antennas:** Satellite dishes and antennas shall be placed unobtrusively and screened from the perimeter of the project.
- I. **Signs:** All signage shall be architecturally compatible with the main buildings.
- J. **Security/Screening:** All property lines and access points to this residential development shall have 6 foot perimeter fence, which shall be constructed of wrought iron, with masonry columns at 30' on center when adjacent to any public street. All points of entry shall have an automatic limited access gate system. Points of exit may have domestic exit devices only.
- K. **Roof Pitch:** Minimum roof pitch shall be 5:12.
- L. **Washer/Dryer Connections:** all units shall have washer and dryer connections.
- M. **Clubhouse:** A minimum of one Clubhouse, shall be provided for this property. This facility shall contain a fitness/weight room, business center, community room with a kitchen, bar and audio/visual theater. This community facility shall also include a pool side deck/cabana area. This facility shall be available to all residents of this development.