ORDINANCE NO. 2007-08-072

AN ORDINANCE AMENDING ORDINANCE NO. 2002-03-019, AND AS AMENDED, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 107.13 ACRE PROPERTY (BARCELONA), GENERALLY LOCATED ON THE NORTHWEST CORNER OF FUTURE STACY ROAD AND FUTURE MCKINNEY RANCH PARKWAY, IS ZONED 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 TO MODIFY THE DISTRICT BOUNDARIES AND DEVELOPMENT STANDARDS; 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 City of McKinney has considered the rezoning of an approximately 107.13 acre property (Barcelona), generally located on the northwest corner of Future Stacy Road and Future McKinney Ranch Parkway, 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 to modify district boundaries and 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 HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS:

Section 1. Ordinance No. 2002-03-019 is hereby amended so that an approximately 107.13 acre property (Barcelona), generally located on the northwest corner of Future Stacy Road and Future McKinney Ranch Parkway, 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 to modify district boundaries and development standards, which is more fully depicted on Exhibit "A" attached hereto.

Section 2. Use and development of the subject property shall conform to the following regulations:

1. The subject property be developed according to "PD" – Planned Development 02-03-019, and as amended, and "REC" – Regional Employment Center Overlay District, except as follows:

    a. Parcel A of Tract 1 as shown on the attached Zoning Exhibit (Exhibit "B") shall be developed according to the Mixed Use/Low Density Residential (MU/SF) regulations, except as follows:

i. Housing Mix: A minimum of ten percent (10%) of each of the following housing types will be required in this parcel.

   1. Zero-Lot Line Houses or Townhomes on 38' x 120' lots (RG 27)

   2. Zero-Lot Line Houses on 50' x 100' lots (RS 45)

   3. Center-Loaded Houses on 50' x 120' lots (RS 45)

   4. Center-Loaded Houses on 55' x 115' lots (RS 45)

   5. Center-Loaded Houses on 60' x 120' lots (RS 72)

ii. "RS 72" lots shall be developed in accordance with the "RS 72" – Single-Family Residence District regulations with the following exceptions :

   1. The maximum lot coverage shall be 50%.

iii. "RS 45" lots shall be developed in accordance with the "RS 45" – Single-Family Residence District regulations with the following exceptions:

   1. The minimum side yard setback shall be 5'. Zero-Lot Line Houses on 38' x 120' and/or 50' x 100' lots shall have a minimum side yard setback of 0' with a 10' minimum building separation.

   2. The maximum lot coverage shall be 60%.

iv. "RG 27" lots shall be developed in accordance with the "RG 27" – General Residence District regulations with the following exceptions:

   1. The minimum side yard setback for detached single family residential uses shall be 0' with a minimum 10' building separation.

   2. The maximum lot coverage shall be 65%.

   3. The minimum rear yard setback shall be 18'. Accessory dwelling units, or granny-flats, shall be permitted with a 10' rear yard setback.

v. The minimum side yard at a corner shall be 7'.

vi. Garages shall be setback at least 10' from the front plane of the home.

vii. Definitions.

   1. Center-Loaded Houses. A center-loaded house is a single family residential structure that is located within the center of a lot with setback/build-to lines on all four sides.

   2. Granny-Flat. A granny-flat is an accessory structure that is located at the rear of a single family residential lot and is typically detached from the primary living quarters. A granny flat may

serve as a detached garage with living quarters on a higher floor or may serve only as living quarters so long as the required parking has been satisfied elsewhere on the lot.

3. Zero-Lot Line Houses. A zero-lot line house is a single family residential structure that is pushed to one side of the lot leaving a larger setback remaining on the other side.

b. Parcel B of Tract 1 as shown on the attached Zoning Exhibit (Exhibit "B") shall be developed according to the High Density Residential (HDR) regulations, except as follows:

i. No covered parking shall be required.

ii. The required 20 foot tandem space located in front of a garage may be counted towards the minimum parking requirements as set forth by the Zoning Ordinance if approved with the site plan by the Planning and Zoning Commission.

ii. Parallel parking spaces located directly adjacent to and on the same side of the street as a multi-family residential development may be counted towards the minimum parking requirements of that multi-family residential development.

iii. All buildings adjacent to or across from single family residential uses may be up to 3 stories in height. All other buildings may be up to 4 stories in height.

iv. The character of any multi-family residential development shall generally conform to the attached architectural renderings (Exhibit "D") and shall be subject to the requirements of the Architectural Standards section of the Zoning Ordinance.

c. Parcel C of Tract 1 and Tract 2 as shown on the attached Zoning Exhibit (Exhibit "B") shall be developed according to the Mixed Use/Retail (MU/RET) regulations.

d. The subject property shall generally conform to the attached general development plan (Exhibit "C").

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 THIS 6th DAY OF AUGUST, 2007.

BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:

SANDY HART, CMC, City Secretary
BEVERLY COVINGTON, CMC, Deputy City Secretary

DATE: August 7, 2007

APPROVED AS TO FORM:

MARK S. HOUSER, City Attorney

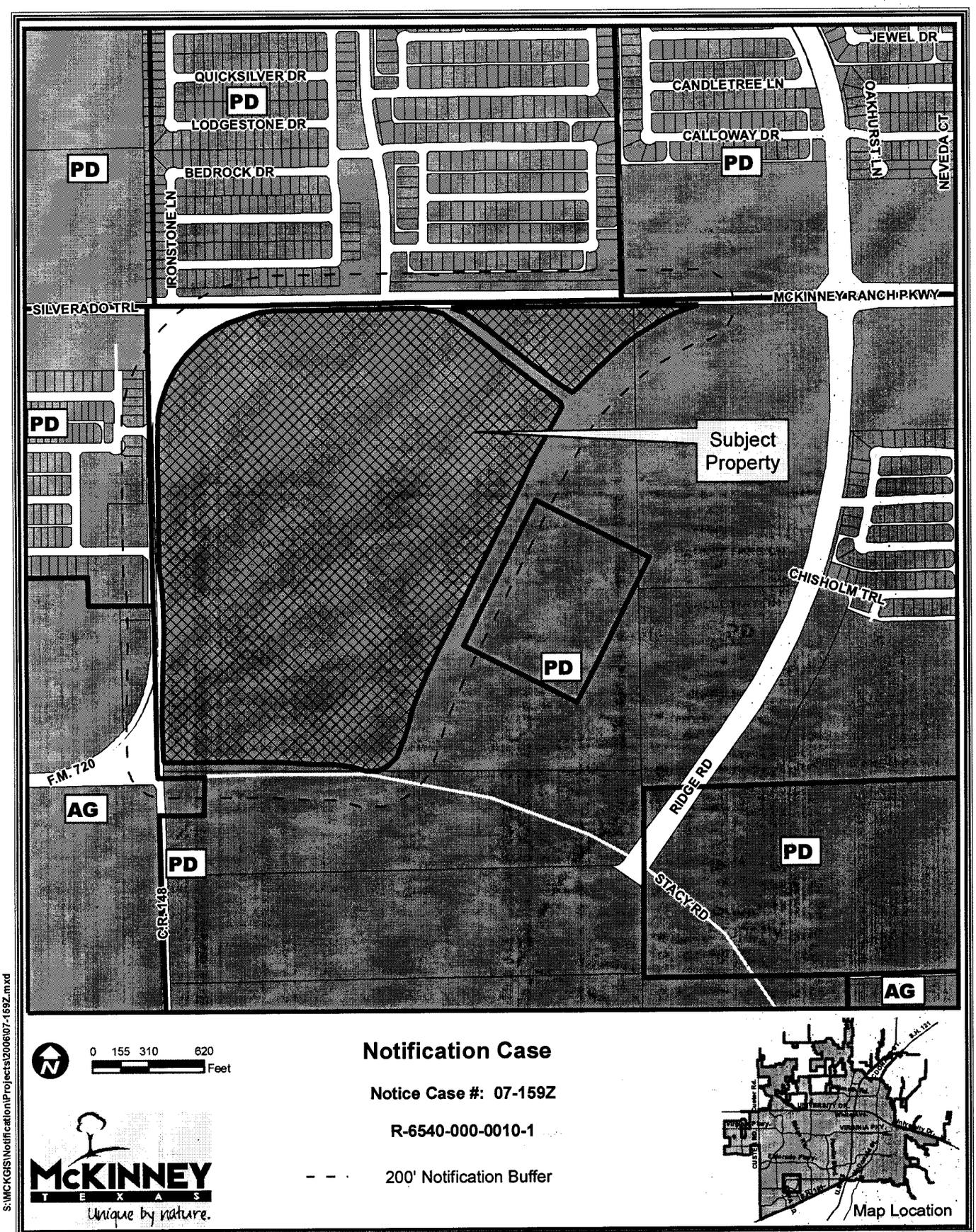

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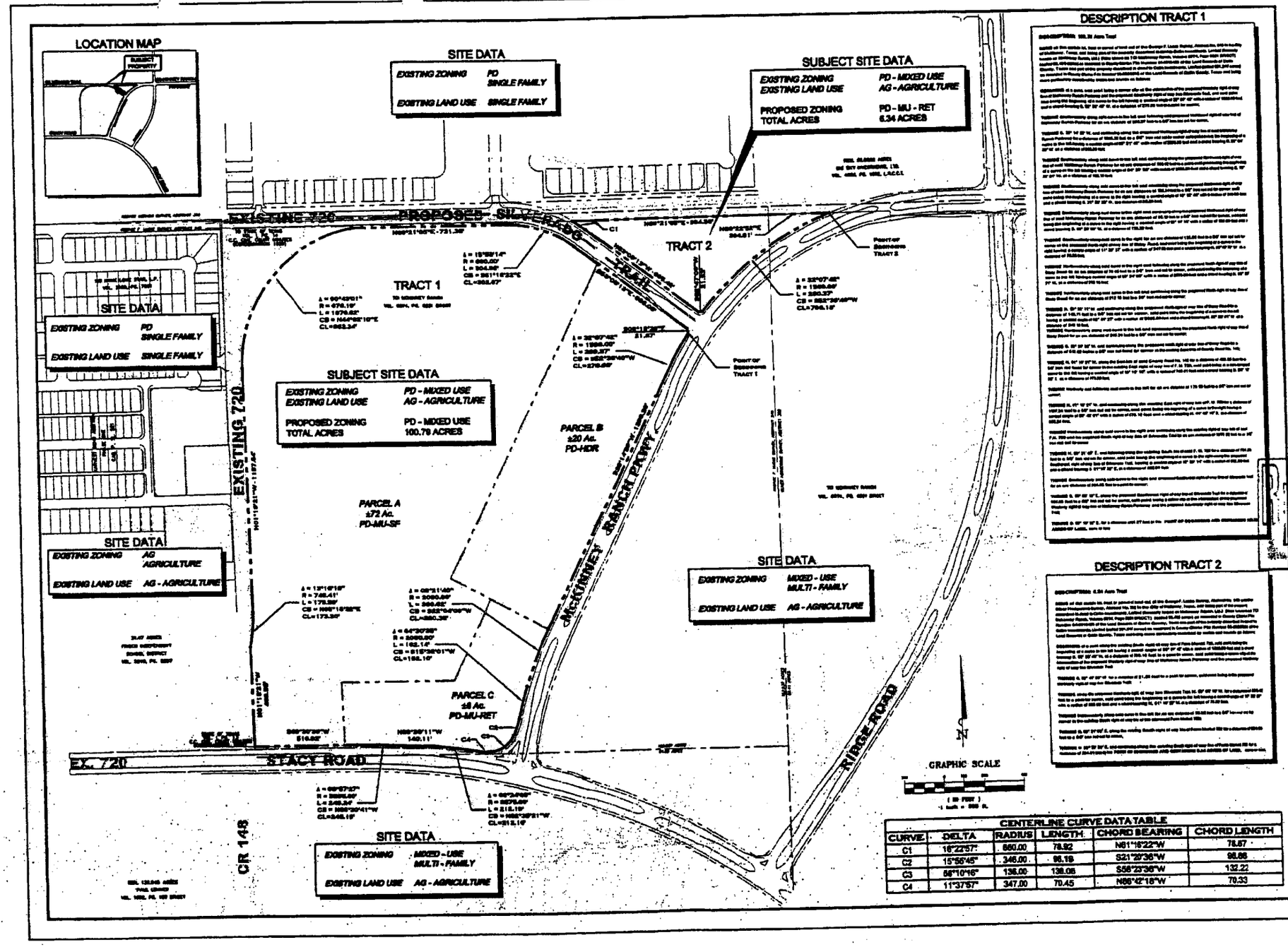
EXHIBIT A


LOCATION MAP
SUBJECT PROPERTY
SITE DATA
EXISTING ZONING PD SINGLE FAMILY
EXISTING LAND USE SINGLE FAMILY
SUBJECT SITE DATA
EXISTING ZONING PD - MIXED USE
EXISTING LAND USE AG - AGRICULTURE
PROPOSED ZONING PD - MU - RET
TOTAL ACRES 6.34 ACRES
EXISTING 720
PROPOSED SILVERADO
TRACT 1
TRACT 2
SITE DATA
EXISTING ZONING PD SINGLE FAMILY
EXISTING LAND USE SINGLE FAMILY
SUBJECT SITE DATA
EXISTING ZONING PD - MIXED USE
EXISTING LAND USE AG - AGRICULTURE
PROPOSED ZONING PD - MIXED USE
TOTAL ACRES 100.79 ACRES
PARCEL A
±72 Ac.
PD-MU-SF
PARCEL B
±20 Ac.
PD-HDR
PARCEL C
±8 Ac.
PD-MU-RET
McKINNEY RANCH PKWY
SITE DATA
EXISTING ZONING AG AGRICULTURE
EXISTING LAND USE AG - AGRICULTURE
SITE DATA
EXISTING ZONING MIXED - USE MULTI - FAMILY
EXISTING LAND USE AG - AGRICULTURE
SITE DATA
EXISTING ZONING MIXED - USE MULTI - FAMILY
EXISTING LAND USE AG - AGRICULTURE
EX. 720
STACY ROAD
CR 148
RIDGE ROAD
GRAPHIC SCALE
DESCRIPTION TRACT 1
DESCRIPTION TRACT 2
CENTERLINE CURVE DATA TABLE
CURVE | DELTA | RADIUS | LENGTH | CHORD BEARING | CHORD LENGTH
C1 | 16°22'57" | 660.00 | 78.92 | N81°16'22"W | 78.87
C2 | 15°56'45" | 346.00 | 96.19 | S21°29'36"W | 95.86
C3 | 56°10'16" | 136.00 | 138.08 | S56°23'36"W | 132.22
C4 | 11°37'57" | 347.00 | 70.45 | N66°42'16"W | 70.33
Master Planning
Civil Engineering
Land Development
SANCHEZ & Associates
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BARCELONA
REVISED
JUL 13 2007
PLANNING
ZONING EXHIBIT
EXHIBIT
EXHIBIT B

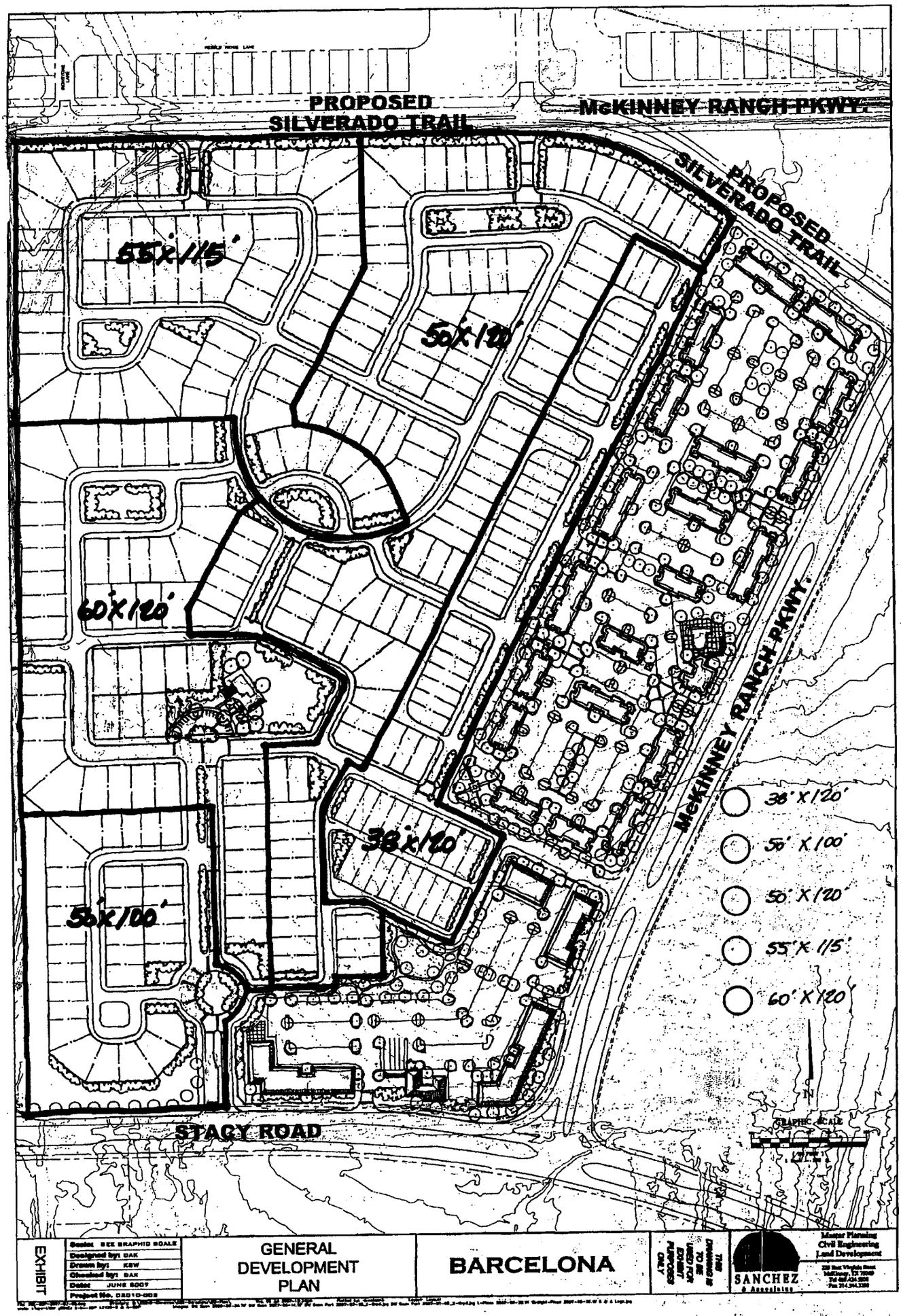
PROPOSED
SILVERADO TRAIL
McKINNEY RANCH PKWY.
PROPOSED
SILVERADO TRAIL
55'x115'
50'x120'
60'x120'
38'x120'
56'x100'
McKINNEY RANCH PKWY.
38' X 120'
50' X 100'
50' X 120'
55' X 115'
60' X 120'
N
GRAPHIC SCALE
STACY ROAD
EXHIBIT
Scale: SEE GRAPHIC SCALE
Designed by: DAK
Drawn by: KBW
Checked by: DAK
Date: JUNE 2007
Project No. 03010-003
GENERAL
DEVELOPMENT
PLAN
BARCELONA
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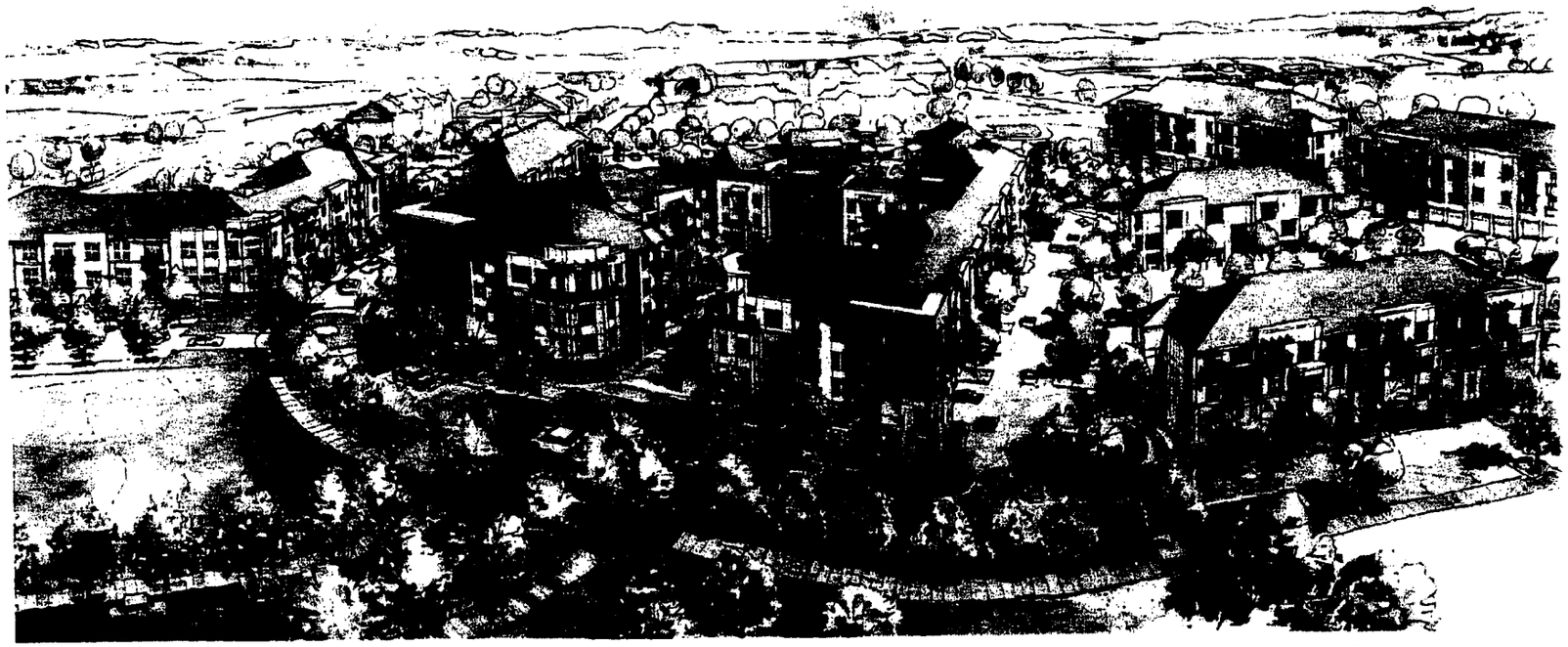
EXHIBIT C



James, Harwick Partners, Inc.

Zale 1 Corson Group

Not for Regulatory Approval, Permit, or Construction - J. MARK WOLF, Registered Architect - State of Texas, Registration no. 9126

EXHIBIT D

PROPOSED SILVERADO TRAIL

McKINNEY RANCH PKWY.

PROPOSED SILVERADO TRAIL

McKINNEY RANCH PKWY.

- 38'X120'
- 50'X100'
- 50X120'
- 55'X115'
- 60'X120'

N

GRAPHIC SCALE

100 0 50 100 200

(IN FEET)
1 Inch = 100 ft.

STACY ROAD

REVISED
JUL 5 2007
PLANNING

EXHIBIT

Scale:	SEE GRAPHIC SCALE
Designed by:	DAK
Drawn by:	KSW
Checked by:	DAK
Date:	JUNE 2007
Project No.	02010-002

GENERAL DEVELOPMENT PLAN

BARCELONA

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SANCHEZ & Associates

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JUL 11 2007
PLANNING

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