ORDINANCE NO. 2004-06-068

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270, AND AS AMENDED, OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 883 ACRE TRACT LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 380, EAST OF STONEBRIDGE DRIVE AND APPROXIMATELY 6,000 FEET WEST OF LAKE FOREST DRIVE (F.M. 1461), IS HEREBY REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT FOR SINGLE-FAMILY, MULTI-FAMILY, RETAIL, AND MIXED USES; 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 883 acre tract located on the north side of U.S. Highway 380, east of Stonebridge Drive and approximately 6,000 feet west of Lake Forest Drive (F.M. 1461), from "PD" – Planned Development District to "PD" – Planned Development District for Single-Family, Multi-Family, Retail, and Mixed 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. Zoning Ordinance No. 1270, and as amended, of the City of McKinney is hereby amended so that an approximately 883 acre tract located on the north side of U.S. Highway 380, east of Stonebridge Drive and approximately 6,000 feet west of Lake Forest Drive (F.M. 1461), in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "C" attached hereto, is hereby rezoned from its present classification of "PD" – Planned Development District to "PD" – Planned Development District for Single-Family, Multi-Family, Retail, and Mixed Uses.

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

1. If the designated school site located within Tract 1 does not develop as shown on the general development plan, then that area shall be designated as open space or public use facility.

2. Single-family lots backing onto Stonebridge Drive within Tract 2 shall be a minimum of 7,200 square feet in size.

3. Ten acres of open space shall be provided within Tract 2 as required by the existing zoning. These ten acres of open space may not consist of common areas or screening and buffering areas.

4. The Planning and Zoning Commission shall have discretionary approval of the plats for Tracts 3 and 4 in determining whether or not the proposed layout conforms to the Urban Design Element of the Comprehensive Plan, which will determine whether a density of 3.2 or 3.4 dwellings units per acre will be allowed.

5. An unloaded collector street system shall be provided for as per the Comprehensive Plan.

6. The subject property shall develop according to the attached planned development district regulations, architectural concepts and general development plan, Exhibits "A", "B", and "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 $2000.00, 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, 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 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 15th DAY OF JUNE, 2004.

BILL WHITFIELD, Mayor

ATTEST:

JENNIFER SPROULL, City Secretary
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER, City Attorney

EXHIBIT "A"

DEVELOPMENT STANDARDS

Crow Billingsley McKinney 380, Ltd. – 883 Acre Tract (the "Property")
McKinney, Texas

Introduction

The purpose of this Planned Development District is to provide for the unified and coordinated development of parcels within this tract of land to allow for a specific blend of land uses and relationships that responds to current market demands within the given land context. Special consideration has been given to the topography, tree cover, flood plain and other spatial concerns to develop a unique set of guidelines or development standards by which the Property will be developed.

The City of McKinney Subdivision Ordinance No. 1290 (as amended) and the City of McKinney Zoning Ordinance No. 1270 (as amended) will govern development of the Property, except for the following specific standards.

Development within the subject property is subject to discretionary general development plan review and approval by the City Council. Such general development plan review is to ensure conformance with the guidelines required herein and the goals and objectives of the City of McKinney Comprehensive Plan.

Tract 1 Development Standards

Tract 1 is located along the north side of US 380 (University Drive) and contains a total of 505.911 gross acres of land. (See the attached legal description for a specific metes and bounds description of the tract.) Land uses that will be allowed within this tract include single family residential, townhouse, multifamily, retail, mixed use, school and park/open space. Please refer to the attached General Development Plan for this tract for the approximate location of each of the land use areas. The development standards for each land use are defined as follows.

Single Family Residential – Tract 1

The single family area of the tract shall be developed in accordance with the development standards for the RS-60 district regulations (Ordinance No. 1270, Section 41-67) with 917 maximum number of dwelling units except as follows:

- Minimum Front Yard Setback: 20 ft.
- Average Front Yard Setback: 25 ft
- Minimum Rear Yard Setback: 15 ft.
- Average and Median Rear Yard Setback: 20 ft.
- Minimum Side Yard Setback: 5 ft.
- Maximum Lot Coverage: 50%
- Maximum Floor Area Ratio: None
- Mean and Median Lot Size: 7,000 sq. ft.

Concurrent with the standards described above, the following allowances shall apply to lots within Tract 1:

- A maximum of 10% of the lots may be platted as "zero-lot-line", that is having one side yard setback of ten feet and one side yard setback of zero feet.
- Within a maximum of 10% of the lots, porches may be allowed to encroach seven feet into the minimum front yard setback. Such porches shall have a minimum depth of eight feet and a minimum area of fifty square feet.
- A maximum of 10% of the lots may have a depth of eighty feet. Standards for lots of this type shall be as follows:
  - Minimum Front Yard Setback: 15 ft.
  - Minimum Rear Yard Setback: 10 ft.
  - Minimum Side Yard Setback: 5 ft.
  - Maximum Lot Coverage: 50%
  - Maximum Floor Area Ratio: None

  - Minimum Lot Size: 5,200 sq. ft.
- A maximum of 15% of the lots may be allowed a front yard setback of fifteen feet to allow for J-driveways.
- A maximum of 5% of the lots may be allowed a width of forty feet. Standards for lots of this type shall be as follows:
  - Minimum Front Yard Setback: 15 ft.
  - Minimum Rear Yard Setback: 10 ft.
  - Minimum Side Yard Setback: 5 ft.
  - Maximum Lot Coverage: 50%
  - Maximum Floor Area Ratio: None
  - Minimum Lot Size: 5,000 sq. ft.

Townhome – Tract 1
The townhomes for sale will be built between the multi-family residences and the single-family homes. They are a response to the needs of our changing population that desires the benefits of home ownership while reducing the maintenance requirements. Townhomes are also more secure by design and respond to the safety concerns of many residents.

The townhouses will be built in a variety of concepts:

Concept A:	Large articulated single building with individual ground floor entrances for each townhouse.
Concept B:	Individual identical townhouse modules repeated to create larger buildings.
Concept C:	Individual townhouse modules that are highly differentiated in style, roofs and materials, and combined to create larger buildings.
Concept D:	Buildings of similar style combined to create courtyards and plazas for the residents.

A minimum of 10% of each townhouse concept built will be used in the total development in an effort to provide a variety in the home mix.

Building Materials – all exterior building materials exclusive of windows and doors will be brick, stone, synthetic stone, split face block, or stucco.

The townhome area of the tract shall be developed in accordance with the development standards for the RG-27 district regulations (Ordinance No. 1270, Section 41-70) with a maximum of 170 dwelling units except as follows.

- Minimum Lot Area: 700 SF
- Minimum Width of Lot: 20 ft.
- Minimum Depth of Lot: 35 ft.
- Maximum Height of Building: 3 Story, 50 ft.
- Minimum Front Yard Setback: 16 ft. from the back of curb, except that front stoops may project up to 5 ft. into the required front yard setback
- Minimum Rear Yard Setback: 5 ft.
- Minimum Side Yard Setback: 5 ft., 16 ft. to back of curb on corner lots
- Maximum Lot Coverage: 100%, including accessory buildings
- Maximum Floor Area Ratio: None
- Maximum Gross Density: 15 du/ac

- Maximum Building Length: 200 ft.
- Maximum Units per Building: 10
- Minimum Number of Parking: 2 spaces per garage with rear entry access

Urban Residential (Multifamily) – Tract 1
A variety of building types will be used to build and enrich the residential community. Various bricks, stones, stucco and other finishes as well as a variety of colors will be used to enrich the varied designs of the buildings. Outlined below are some examples of the building types that will be used. A minimum of 10% of the total units will be built using at least five different building types.

Urban Residential Building Types (see attached sample photographs illustrating the concepts)

A. Townhouses – two- and three-story individual townhouses all with rear entry garages. Townhouses will have private yards if possible.

B. Lofts/Studios – three- and four-story buildings with ten-foot ceilings. Buildings can be built over a one level parking structure.

C. Garden Buildings – two- and three-story buildings ranging from twelve to twenty-four units facing a street and providing direct street access to each ground floor unit.

D. Mews – two- and three-story story buildings facing pedestrian alleys, courtyards, or circulation paths that provide direct access to all ground floor units.

E. Rowhouses – four-, six-, and eight-unit buildings that are combined in changing orders of materials and colors to provide variety within the larger buildings. Rowhouses will have private gardens if possible.

F. Villas / Duplexes – two-, four-, and six-unit detached buildings that look like large single family homes. Villas will have private gardens if possible.

The Urban Residential area of the tract shall be developed with a maximum of 1,780 dwelling units as follows:

- Maximum Height of Building: four-story, fifty ft., measured to the midpoint of the roof as defined in the City Zoning Ordinance. When structured parking is placed directly below a residential building, the fifty ft. height restriction will be measured from the upper roof deck of the parking structure. Maximum height of a parking garage will be ten feet above the average grade surrounding the building.
- Minimum Front Yard Setback: 5 ft., except 25 ft. along US 380
- Minimum Rear Yard Setback: 5 ft.
- Minimum Side Yard Setback: 5 ft., 16 ft. to back of curb on corner lots
- Maximum Lot Coverage: 100%, including accessory buildings
- Maximum Floor Area Ratio: None
- Maximum Gross Density: Allowable density will be between twenty-four dwelling units per gross acre to forty dwelling units per gross acre. Diversity of housing types is encouraged including townhomes, lofts, live/work units, studios, two-, three- & four-story houses.
- Minimum Number of Parking: One parking space per bedroom with tandem parking

provided outside each garage space counting toward the required number of spaces. Parking within the street right of way will count toward a maximum of 10% of the required spaces.

- Building Placement: Buildings located within fifty ft. of a street right of way should be placed in a manner that helps define the streetscape (parallel to the street right of way). At least 50% of all ground floor units will have direct access from the street, preferably a front door.
- Roofing Materials: Pitched roofs will have a 4:12 minimum pitch, but flat roofs will also be allowed.
- Building Materials: A minimum of 75% of the building façade (exclusive of windows and doors) shall be constructed of brick, stone, synthetic stone materials, split face block or stucco.

Mixed Use – Tract 1
The mixed use area of the tract shall be developed in accordance with the development standards for the BN district regulations (Ordinance No. 1270, Section 41-74) and the Urban Residential district standards as described above except as follows (see attached sample photographs illustrating the concepts):

- Maximum Residential Density: twenty-four dwelling units per gross acre to forty dwelling units per gross acre will be allowed next to the multifamily area as shown on the Concept Plan not to exceed 287 dwelling units.
- Maximum Height of Building: six stories, seventy-five ft.

Retail – Tract 1
The retail area of the tract shall be developed in accordance with the development standards for the BG district regulations (Ordinance No. 1270, Section 41-75).

Tract 2 Development Standards
Tract 2 is located at the southeast corner of the future extension of Stonebridge Drive and C.R. 123 and contains a total of 126.47 gross acres of land. (See the attached legal description for a specific metes and bounds description of the tract.) Land uses that will be allowed within this tract include single-family residential, retail, school and park/open space. Please refer to the attached General Development Plan for this tract for the approximate location of each of the land use areas. The development standards for each land use are defined as follows.

Single Family Residential – Tract 2
The single family area of the tract shall contain a maximum of 419 dwelling units and shall be developed in accordance with the development standards for the RS-60 district regulations (Ordinance No. 1270, Section 41-67) except as follows:

- Minimum Front Yard Setback: 20 ft.
- Average Front Yard Setback: 25 ft.
- Minimum Rear Yard Setback: 15 ft.
- Average and Median Rear Yard Setback: 20 ft.
- Minimum Side Yard Setback: 5 ft.
- Maximum Lot Coverage: 50%
- Maximum Floor Area Ratio: None
- Mean and Median Lot Size: 6,000 sq. ft.

Concurrent with the standards described above, the following allowances shall apply to lots within Tract 2:

- A maximum of 10% of the lots may be platted as "zero-lot-line", that is having one side yard setback of ten feet and one side yard setback of zero feet.
- Within a maximum of 10% of the lots, porches may be allowed to encroach seven feet into the minimum front yard setback. Such porches shall have a minimum depth of eight feet and a minimum area of fifty square feet.
- A maximum of 10% of the lots may have a depth of eighty feet. Standards for lots of this type shall be as follows:
    - Minimum Front Yard Setback: 15 ft.
    - Minimum Rear Yard Setback: 10 ft.
    - Minimum Side Yard Setback: 5 ft.
    - Maximum Lot Coverage: 50%
    - Maximum Floor Area Ratio: None
    - Minimum Lot Size: 5,200 sq. ft.
- A maximum of 15% of the lots may be allowed a front yard setback of fifteen feet to allow for J-driveways.
- A maximum of 5% of the lots may be allowed a width of forty feet. Standards for lots of this type shall be as follows:
    - Minimum Front Yard Setback: 15 ft.
    - Minimum Rear Yard Setback: 10 ft.
    - Minimum Side Yard Setback: 5 ft.
    - Maximum Lot Coverage: 50%
    - Maximum Floor Area Ratio: None
    - Minimum Lot Size: 5,000 sq. ft.

Retail – Tract 2
The retail area of the tract shall be developed in accordance with the development standards for the BG district regulations (Ordinance No. 1270, Section 41-75).

Tract 3 Development Standards
Tract 3 is located immediately east of Tract 2 and contains a total of 200.496 gross acres of land. (See the attached legal description for a specific metes and bounds description of the tract.) Land uses that will be allowed within this tract include single-family residential, school and park/open space. Please refer to the attached General Development Plan for this tract for the approximate location of land use areas. The development standards are defined as follows:

Single Family Residential – Tract 3
The single family area of the tract shall contain a maximum of 702 dwelling units and shall be developed in accordance with the development standards for the RS-60 district regulations (Ordinance No. 1270, Section 41-67) except as follows:

- Minimum Front Yard Setback: 20 ft.
- Average Front Yard Setback: 25 ft.
- Minimum Rear Yard Setback: 15 ft.
- Average and Median Rear Yard Setback: 20 ft.
- Minimum Side Yard Setback: 5 ft.
- Maximum Lot Coverage: 50%
- Maximum Floor Area Ratio: None
- Mean and Median Lot Size: 7,200 sq. ft.

Concurrent with the standards described above, the following allowances shall apply to lots within Tract 3:

- A maximum of 10% of the lots may be platted as "zero-lot-line", that is having one side yard setback of ten feet and one side yard setback of zero feet.
- Within a maximum of 10% of the lots, porches may be allowed to encroach seven feet into the minimum front yard setback. Such porches shall have a minimum depth of eight feet and a minimum area of fifty square feet.
- A maximum of 10% of the lots may have a depth of eighty feet. Standards for lots of this type shall be as follows:
    - Minimum Front Yard Setback: 15 ft.
    - Minimum Rear Yard Setback: 10 ft.
    - Minimum Side Yard Setback: 5 ft.
    - Maximum Lot Coverage: 50%
    - Maximum Floor Area Ratio: None
    - Minimum Lot Size: 5,200 sq. ft.
- A maximum of 15% of the lots may be allowed a front yard setback of fifteen feet to allow for J-driveways.
- A maximum of 5% of the lots may be allowed a width of forty feet. Standards for lots of this type shall be as follows:
    - Minimum Front Yard Setback: 15 ft.
    - Minimum Rear Yard Setback: 10 ft.
    - Minimum Side Yard Setback: 5 ft.
    - Maximum Lot Coverage: 50%
    - Maximum Floor Area Ratio: None
    - Minimum Lot Size: 5,000 sq. ft.

Tract 4 Development Standards

Tract 4 is located southeast of Tract 3 and contains a total of 49.840 gross acres of land. (See the attached legal description for a specific metes and bounds description of the tract.) Land uses that will be allowed within this tract include single-family residential, school and park/open space. Please refer to the attached General Development Plan for this tract for the approximate location of land use areas. The development standards are defined as follows:

Single Family Residential – Tract 4

The single family area of the tract shall contain a maximum of 174 dwelling units and shall be developed in accordance with the development standards for the RS-60 district regulations (Ordinance No. 1270, Section 41-67) except as follows:

- Minimum Front Yard Setback: 20 ft.
- Average Front Yard Setback: 25 ft.
- Minimum Rear Yard Setback: 15 ft.
- Average and Median Rear Yard Setback: 20 ft.
- Minimum Side Yard Setback: 5 ft.
- Maximum Lot Coverage: 50%
- Maximum Floor Area Ratio: None
- Mean and Median Lot Size: 7,200 sq. ft.

Concurrent with the standards described above, the following allowances shall apply to lots within Tract 4:

- A maximum of 10% of the lots may be platted as "zero-lot-line", that is having one side yard setback of ten feet and one side yard setback of zero feet.

- Within a maximum of 10% of the lots, porches may be allowed to encroach seven feet into the minimum front yard setback. Such porches shall have a minimum depth of eight feet and a minimum area of fifty square feet.
- A maximum of 10% of the lots may have a depth of eighty feet. Standards for lots of this type shall be as follows:
    - Minimum Front Yard Setback: 15 ft.
    - Minimum Rear Yard Setback: 10 ft.
    - Minimum Side Yard Setback: 5 ft.
    - Maximum Lot Coverage: 50%
    - Maximum Floor Area Ratio: None
    - Minimum Lot Size: 5,200 sq. ft.
- A maximum of 15% of the lots may be allowed a front yard setback of fifteen feet to allow for J-driveways.
- A maximum of 5% of the lots may be allowed a width of forty feet. Standards for lots of this type shall be as follows:
    - Minimum Front Yard Setback: 15 ft.
    - Minimum Rear Yard Setback: 10 ft.
    - Minimum Side Yard Setback: 5 ft.
    - Maximum Lot Coverage: 50%
    - Maximum Floor Area Ratio: None
    - Minimum Lot Size: 5,000 sq. ft.

LIST OF EXHIBITS:

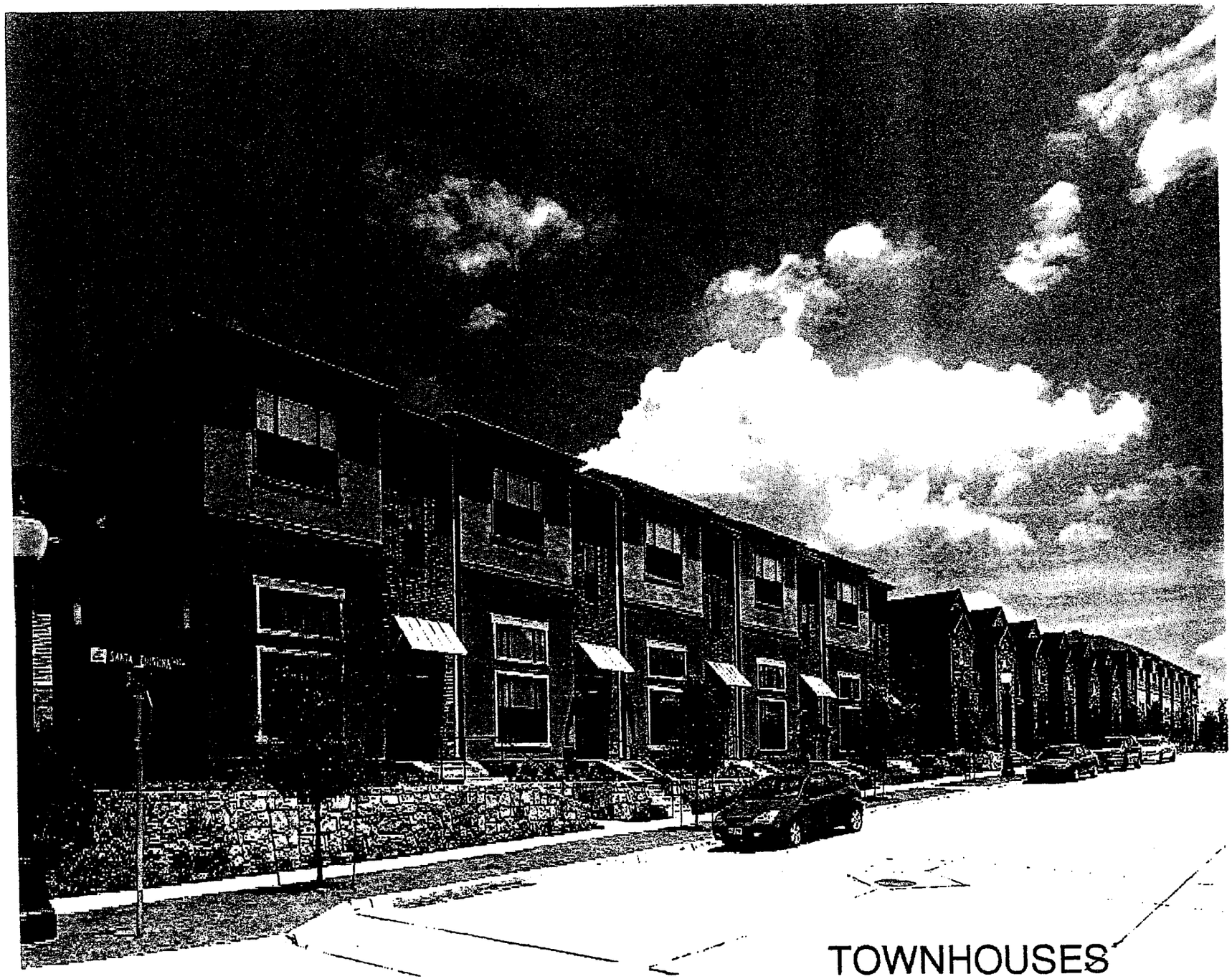
1. General Development Plan – Tract 1 (previously submitted)
2. General Development Plan – Tracts 2, 3 and 4 (previously submitted)
3. Urban Residential - Architectural Concept Examples (previously submitted)

The following exhibits are included as a part of this Planned Development Ordinance in order to provide examples of the architectural concepts of the different types of Urban Residential products. (all previously submitted)

- Townhouses
- Lofts/Studios
- Garden Buildings
- Mews
- Rowhouses
- Villas/Duplexes

END OF DEVELOPMENT STANDARDS

EXHIBIT B



TOWNHOUSES

LOFTYSTUDIOS

LOFTS @ EBELOK

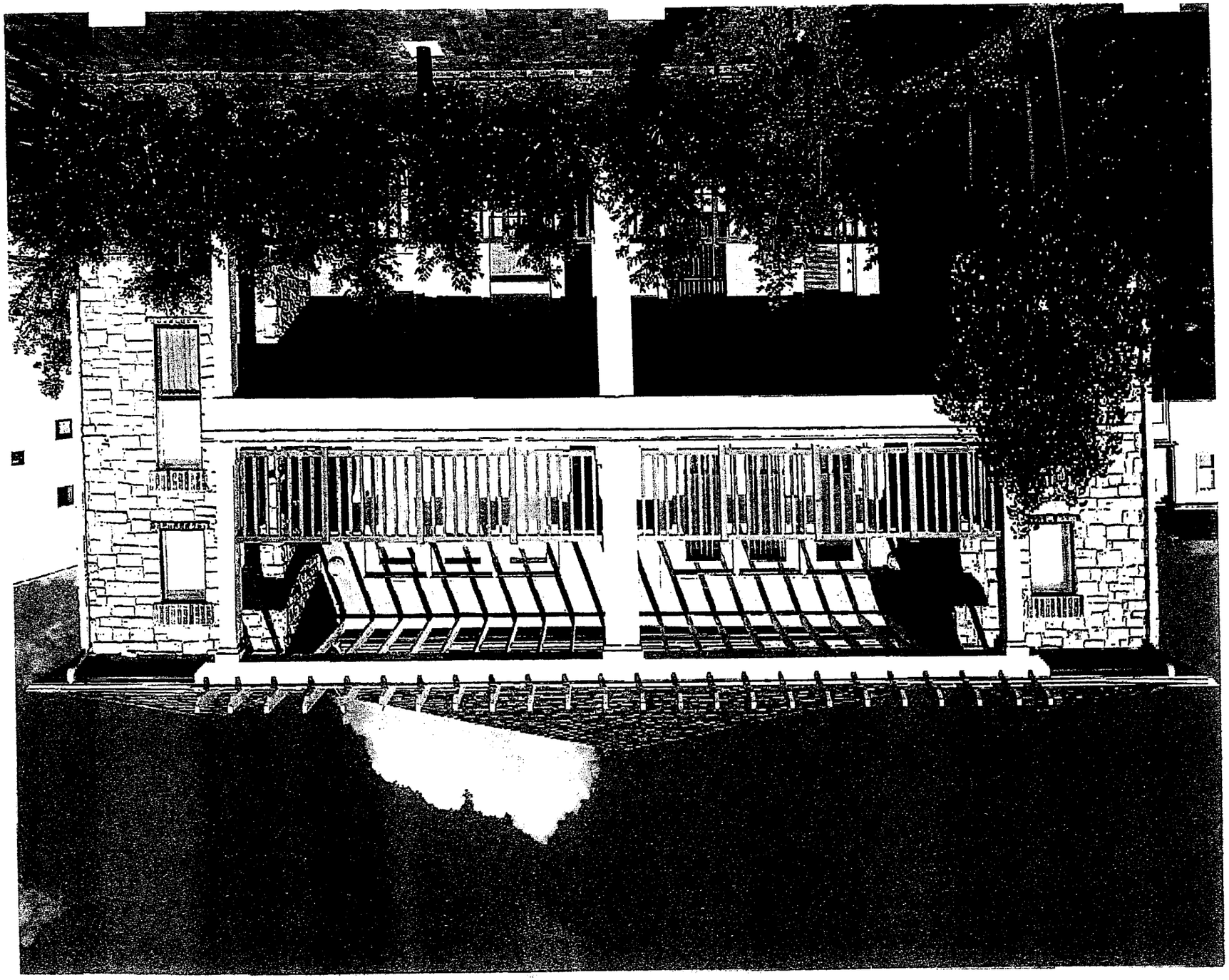
GAR-V

MEWS

MEMS

ROWHOUSES

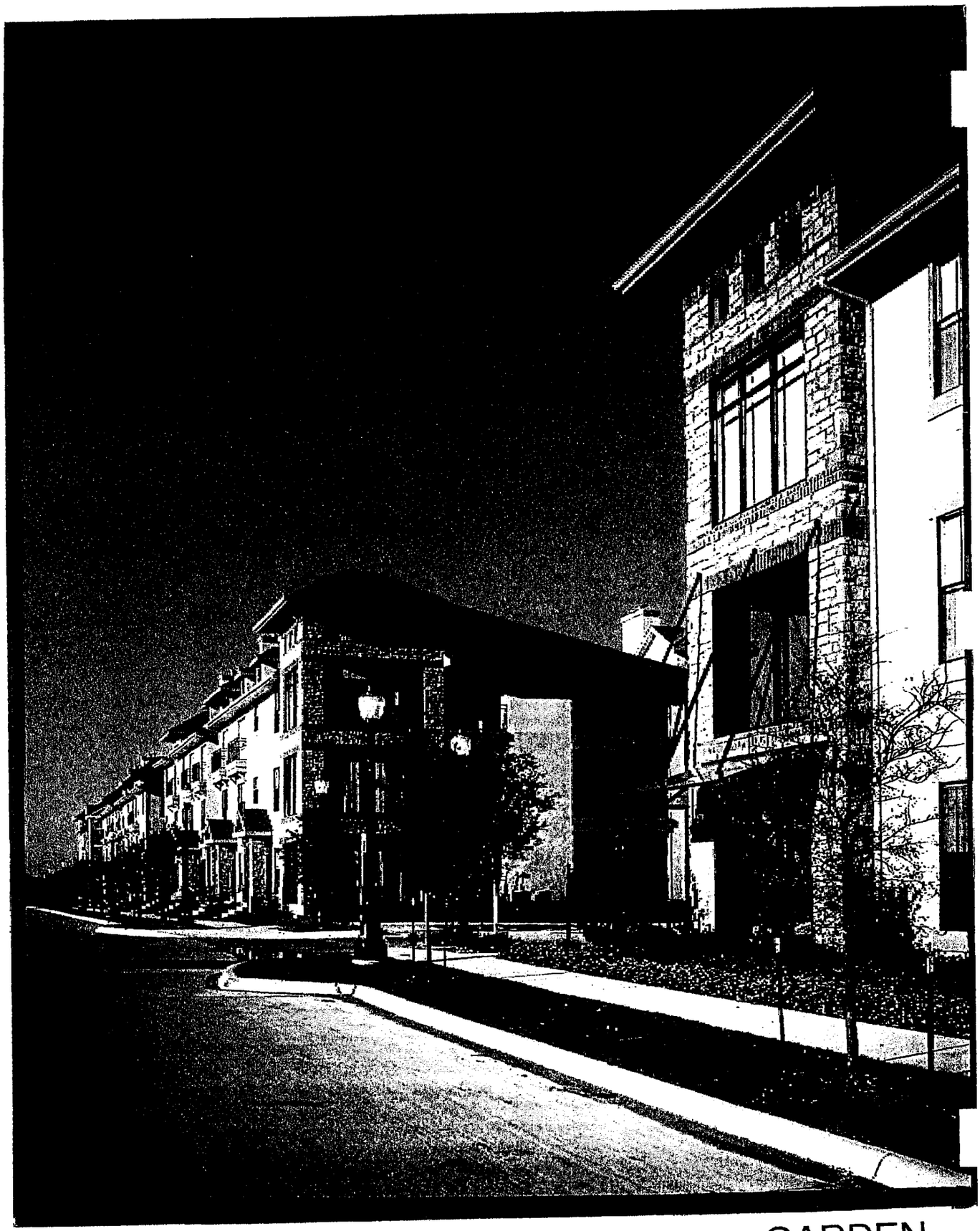
ROWHOUSES



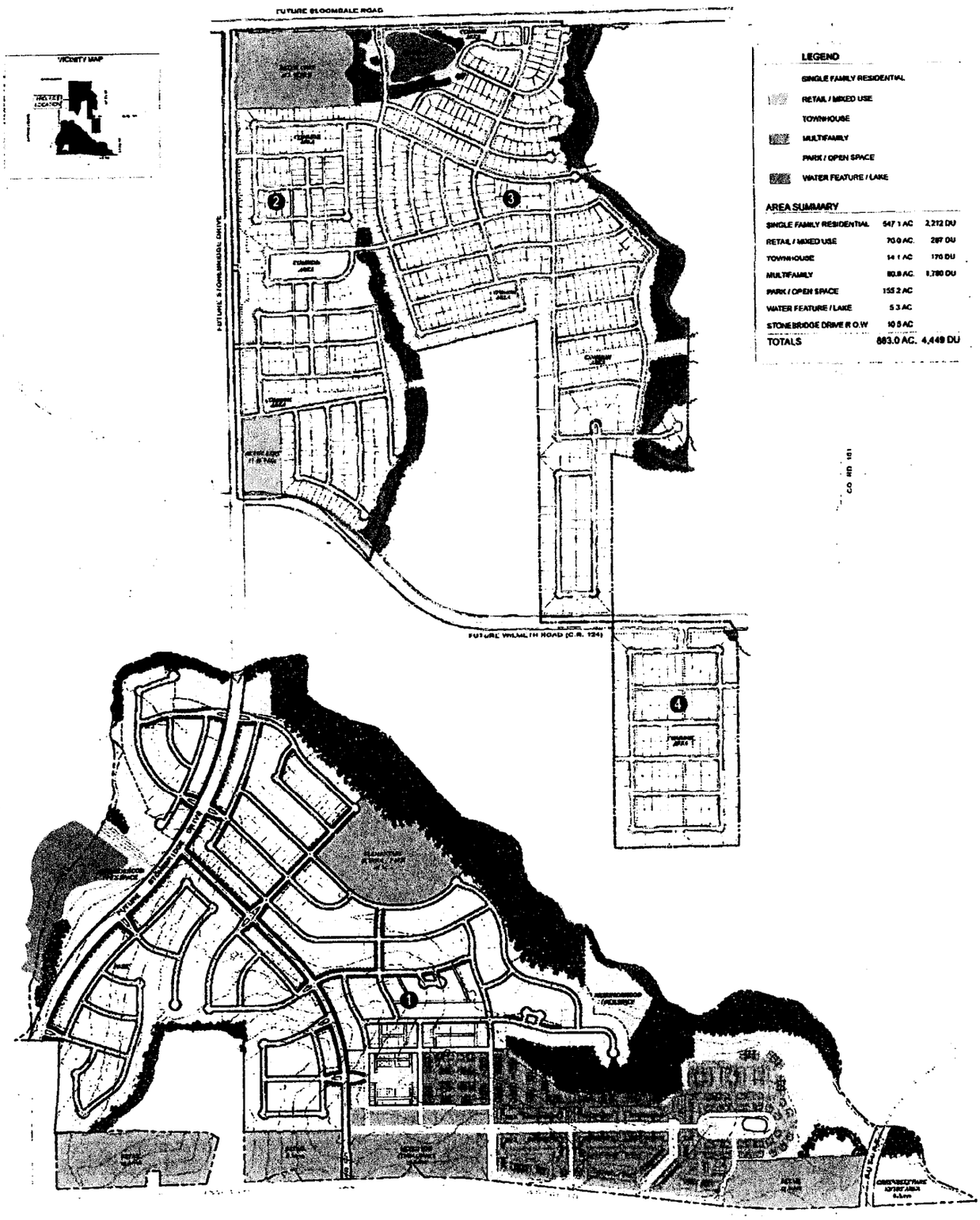
MIXED USE

MIXED USE

MIXED USE



GARDEN



Prepared for:

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GENERAL DEVELOPMENT PLAN

883 ACRES IN McKINNEY, TEXAS

MAY 19, 2004

EXHIBIT "C"