

ORDINANCE NO. 2004-02-017

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 47.54 ACRE TRACT LOCATED GENERALLY SOUTHEAST OF THE INTERSECTION OF ROCKHILL ROAD AND GRAVES STREET, IS HEREBY REZONED FROM "AG" – AGRICULTURAL DISTRICT AND "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT GENERALLY FOR SINGLE FAMILY RESIDENTIAL 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 47.54 acre tract located generally southeast of the intersection of Rockhill Road and Graves Street, from "AG" – Agricultural District and "PD" – Planned Development District to "PD" – Planned Development District generally for single family residential 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 47.54 acre tract located generally southeast of the intersection of Rockhill Road and Graves Street, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from its present classification "AG" – Agricultural District and "PD" – Planned Development District to "PD" – Planned Development District generally for single family residential uses.

Section 2. Use and development of the subject property shall conform to the City of McKinney Zoning Ordinance No. 1270, and as amended, except as specified by the following regulations:

1. The subject property shall develop according to the attached regulations and zoning exhibits, see Exhibits "B", "C" and "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 \$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.

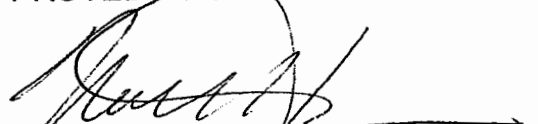
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 3<sup>RD</sup> DAY OF FEBRUARY, 2004.**

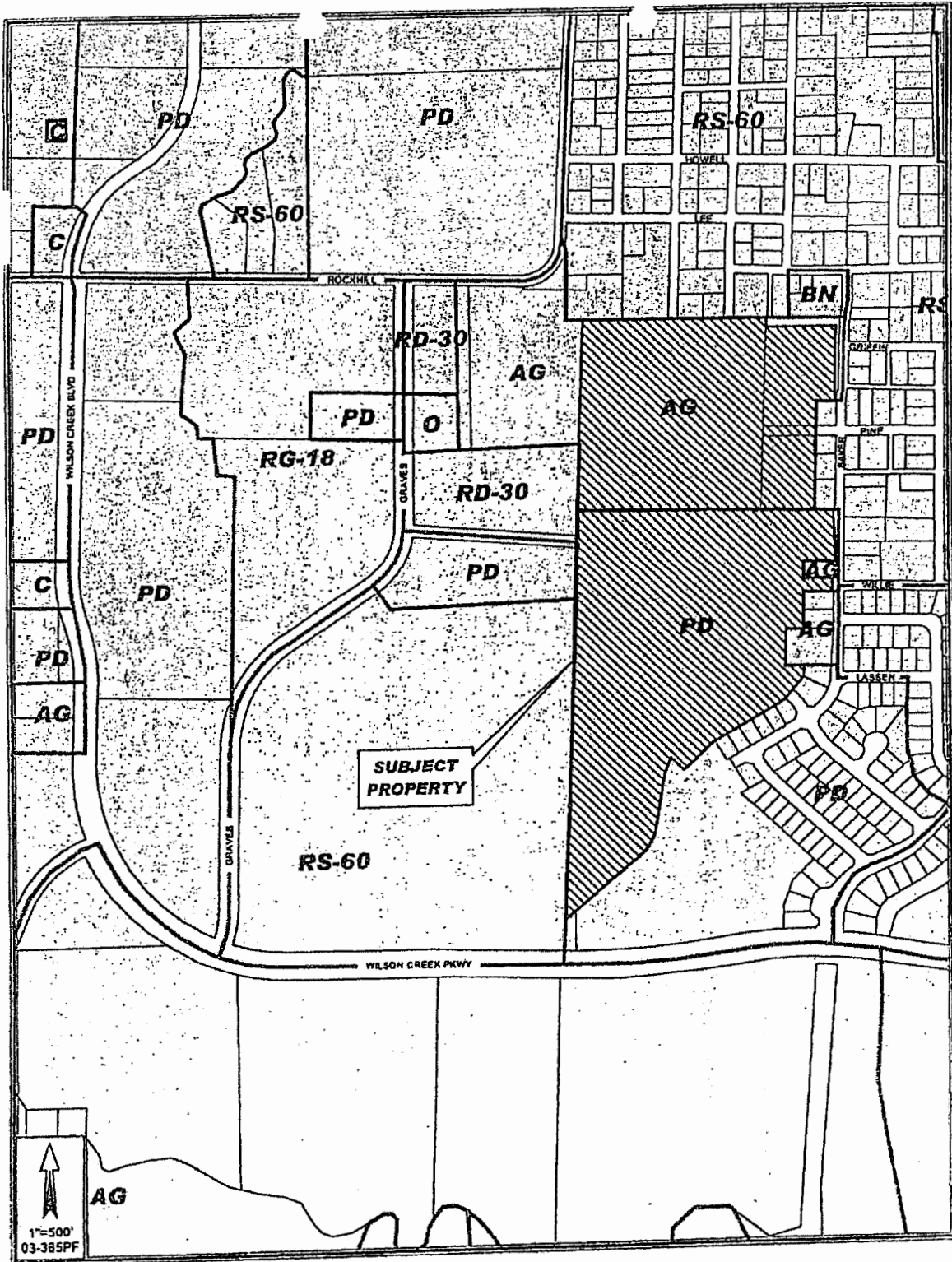
  
BILL WHITFIELD, Mayor

ATTEST:

  
JENNIFER SPROULL, City Secretary  
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:

  
MARK S. HOUSER, City Attorney



**EXHIBIT "A"**

## **Planned Development District for the "Chapel Hill" Tract McKinney, Texas**

### **Purpose Statement**

This site is located between the older historic urban fabric of McKinney to the east, and the newer vehicular oriented types of development to the west including large churches and the high school. The site lies within the Town Center District and thus replication of the street patterns, architectural patterns, and setbacks are appropriate in this context. Also, the proposed development is intended to appeal to residents who would choose as often to walk or bike as drive to the town square. The proposed PD district allows for a variety of moderately sized lot sizes and common open space. Front yard maintenance will be provided by a master homeowners association, which will also care for private common areas. Houses will orient to the front streets with architectural features such as front porches, or other embellishments known as "gifts to the street". These elements are allowed to project or encroach into the front yard setbacks to provide a more urban pedestrian scaled walking experience. Sidewalks will be 5 feet wide to allow two people to walk side by side. Street trees are required to provide shade to pedestrians, slow traffic, and create outdoor rooms between porches and street.

### **PLANNED DEVELOPMENT GARDEN HOME DISTRICT ON approx. 47 ACRES**

The tract may be developed under the regulations of the RS 45 Zero Lot Line District as outlined in the Comprehensive Zoning Ordinance, as it currently exists or may be amended, subject to the following additional conditions:

#### **Patio Home Lots**

1. The minimum lot area is 4,000 square feet.
2. The minimum lot depth is 100 feet, except as shown on the attached exhibit.
3. The minimum lot width is thirty-five feet (35') at a cul-de-sac and forty feet (40') otherwise, as measured at the front setback line.
4. The minimum front yard for the front porch is five feet (5').
5. The minimum front yard for the main building is ten feet (10').
6. The minimum side yard is three feet (3') on one side and seven feet (7') on the opposite side of the lots. A three-foot (3') maintenance and exclusive use easement shall be provided in the three foot (3') side yard and dedicated on the final plat.
7. The minimum side yard for a corner lot adjacent to a street is ten feet (10'). The minimum side yard for a porch on a corner lot is five feet (5').
8. The minimum rear yard for the main building is twelve feet (12') for rear alley lots and twenty feet (20') on front entry lots.
9. The minimum rear yard for garages in which the garage door faces the alley is a minimum of eighteen feet (18'). This setback, coupled with the alley parkway, shall insure that the alleys are passable at all times.
10. Maximum lot coverage is sixty-five percent (65%).

## Planned Development District for the "Chapel Hill" Tract McKinney, Texas

11. The minimum setback to the face of a garage door that faces the public street is twenty-five feet (25').

*This PD is only subject to the above setbacks, areas, and percentages.*

### General Conditions

#### **Infrastructure**

~~The trees to be planted in the parkway shall be planted as directed by the City Arborist. Street trees, if approved by the City Engineer and City Arborist, shall be planted between the sidewalk and the back of the street curb along all public streets. Street trees will be a minimum two and a half inch (2-1/2") caliper and be of a species compatible with sidewalks, streets, and utilities. The placement of trees and utilities will be coordinated to compliment each other. These trees will count toward any additional city tree requirements. One tree per lot will be planted in the parkway zone, except for corner lots which will typically plant two (2) trees on the side street frontage.~~

#### **Residential Architecture**

The intent of this Planned Development is to create a wide variety of architectural texture within the public streetscape of the community. To achieve this, the following patterns shall be implemented:

1. The Porch Zone allows the furnishing of a street with people places such as unscreened porches, footed bay windows, stoops, balconies, and masonry-faced chimneys. The furnishing of the street with these architectural elements should be encouraged. The allowance for these elements to be built up to five feet (5') into the front setback removes the penalty of reducing private back yard space that a single front setback would impose. The Porch Zone wraps around the street elevation of homes built on corner lots. A minimum of seventy-five percent (75%) of the lots served by alleys shall have a porch having a minimum depth of six feet (6') and not be less than fifty (50) square feet in area. Porch columns shall be appropriate to the architecture of the structure and will include a variety of round columns, square box columns with or without brick or stone bases, hewn timber posts, and/or turned wood columns.
2. In order to encourage a variety of architectural styles, and to introduce color to the streetscape, cement fiberboard (such as Hardi-Plank or equivalent) will be considered a qualified masonry equivalent as long as it is in plank form and covered by a minimum twenty-five (25) year manufacturer's warranty.
3. Detached garages are allowed. The detached garage and main building may be connected by an unenclosed breezeway. Detached garages shall observe the same side and rear setbacks as

## Planned Development District for the "Chapel Hill" Tract McKinney, Texas

the main structure as described previously herein. If the rear garage utilizes an alley, the rear setback shall be as set forth previously herein. The area covered by the detached garage will count toward the calculation of the overall lot coverage area of the home on the lot.

Accessory rooms (Granny Flats) of no more than 660 sf may be built above detached garages.

4. Roof pitches and roof shingle colors will be varied per architectural style. Uniform roof shingle colors will not be permitted.
5. Seventy-five percent (75%) of the homes will be predominantly single story. This will allow a bonus room or guest room and bath on the second floor, however the predominant scale of the house will be single story to achieve a predominant cottage street scale to the community.
6. Homes will be built in a variety of exterior materials including cementations plank siding, stucco, real or man-made stone, and/or brick. The choice of materials will be consistent and appropriate to the architectural style of the house. No single exterior material shall be used exclusively.
7. No identical elevation shall be built on adjacent lots or on opposing lots on the same street or within three (3) consecutive lots on the same street.
8. The builder(s) shall employ a range of historically based styles, varying rooflines, exterior materials and colors, and varying front setbacks to achieve a rich built environment suggestive of established neighborhoods built over time representative of the diversity within City of McKinney's Historic District.
9. The architectural styles of the houses shall feature styles prevalent between approximately 1915 and 1935 in American cities and generally represented by Exhibit "A" but inclusive of European period revival styles in addition to American vernacular styles. Each home shall include a minimum of three (3) key features of its intended architectural style, such as:
  - A. **Victorian**
    - i. Prominent covered front porch
    - ii. Wrap-around front porch
    - iii. Gables on multiple sides
    - iv. Dormer(s)
    - v. Steep roof pitch
    - vi. Tower element
    - vii. Turned wood porch columns
    - viii. Gingerbread porch or gable trim
    - ix. Minimum of three (3) exterior paint colors
    - x. Multiple roof shingle patterns
    - xi. Multiple siding patterns
    - xii. Divided panes in top sash of windows
  - B. **Vernacular Cottage**
    - i. Low pitched hipped roof
    - ii. Asymmetrical or symmetrical elevation
    - iii. Two-story component
    - iv. Devoid of gingerbread

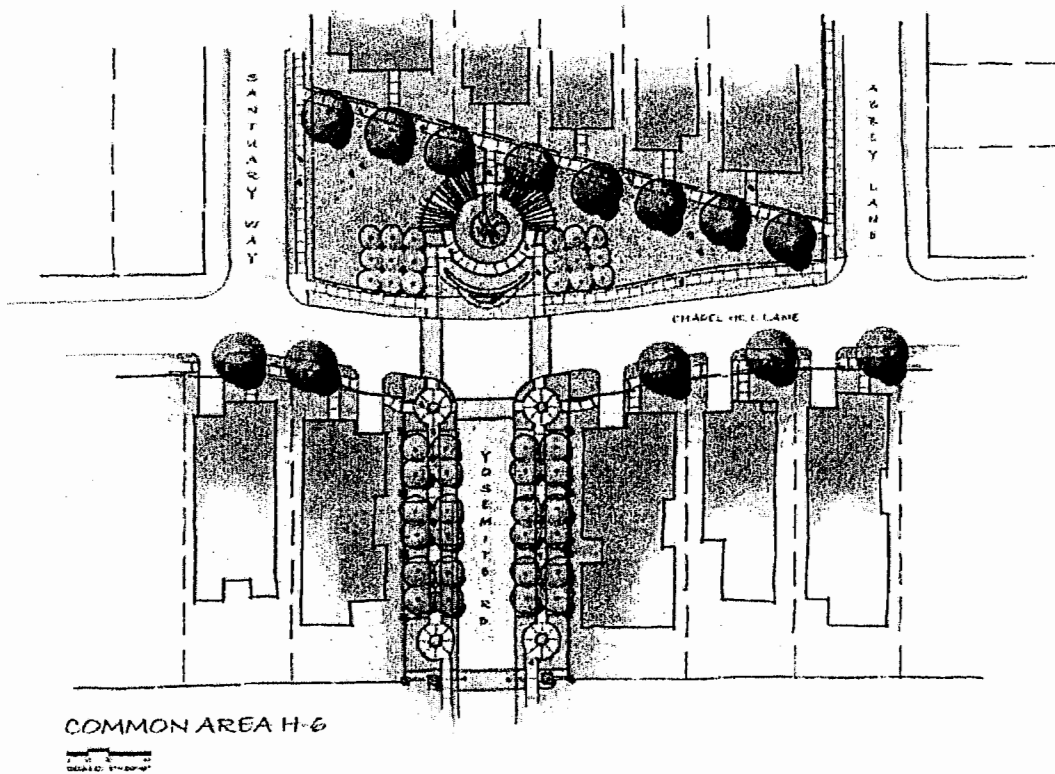
**Planned Development District for the "Chapel Hill" Tract  
McKinney, Texas**

- v. Turned wood porch columns or simple square or round columns
  - vi. Lap siding on body of house
  - vii. Small or prominent covered porch
  - viii. Top sash of windows may have divided panes or both sashes may be single panes
- C. Craftsman Bungalow**
- i. Low pitch gabled or hipped roof
  - ii. Single or one-and-a-half story
  - iii. Prominent covered porch
  - iv. Transoms over windows and doors
  - v. Gables or dormers covered in shingles with body of house covered in lap siding
  - vi. Exposed rafter tails
  - vii. Divided or single large window panes
  - viii. Masonry porch base
  - ix. Tapered square columns with or without masonry pedestals
- D. Colonial Revival**
- i. Multi-pane windows in both top and bottom sashes
  - ii. Round or square box columns
  - iii. Decorative front doorway with or without pediment
  - iv. Centered large or small portico/porch with gable or arch
  - v. Gabled dormers symmetrically arranged on roof
  - vi. Window shutters
  - vii. Full or partial symmetrical elevation
  - viii. Palladian window or fan light in gable
  - ix. Painted brick
  - x. Singular use of lap siding with or without brick on chimneys, foundations, porch floors, and/or front elevation
  - xi. Single window style on elevation
- E. European Revival**
- i. Tall gable(s) on front
  - ii. Curved window frames
  - iii. Window shutters
  - iv. Steep roof pitch
  - v. Porte-cochere
  - vi. Asymmetrical elevation
  - vii. Turret or tower element
  - viii. Mixture of stone and brick and/or stucco on elevation
  - ix. Multiple gables on one elevation
  - x. Variety of window sizes and pane patterns on elevation
  - xi. Dormers may be decorative attic vents
  - xii. Diminutive or no front porch
  - xiii. Hewn timber posts and brackets
  - xiv. Timber lintels over window and door openings

**Planned Development District for the "Chapel Hill" Tract  
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- xv. Decorative chimney stacks, flues, or caps
10. The City's Historic Preservation Officer shall approve the front building elevations prior to issuance of the first building permit for the property to ensure that 3 key features of the architectural style have been included.
  11. Rear yard fencing shall be of solid wood and a maximum of six feet (6') in height. The fence may also be decorative steel picket with a maximum of six feet (6') in height or white vinyl solid slatted fencing six feet (6') in height.
  12. Ornamental fencing shall be allowed in the front yards to a maximum of forty inches (40") in height and shall be of a decorative picket design. Gateways and trellises may exceed forty inches (40") in height. These ornamental fences, gateways, and trellises shall be no closer than eighteen inches (18") from the property line.

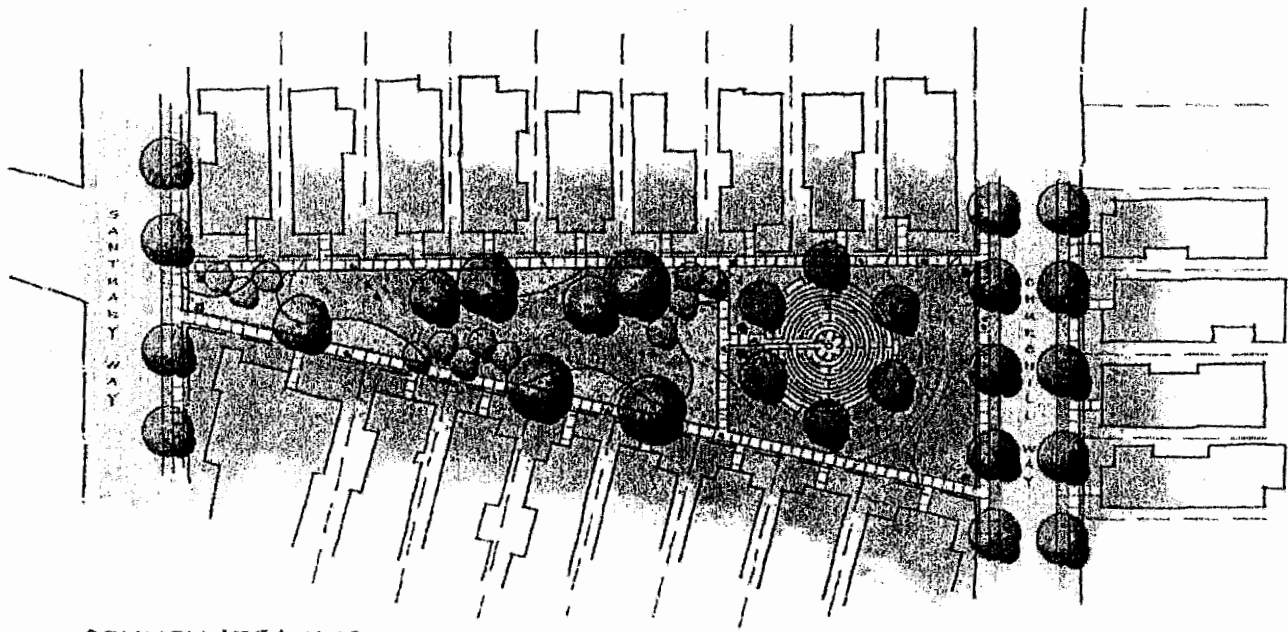




CHAPEL HILL  
COMMON AREA CONCEPTS  
MCKINNEY, TEXAS

JANUARY, 2004

EXHIBIT "C"



COMMON AREA K-10



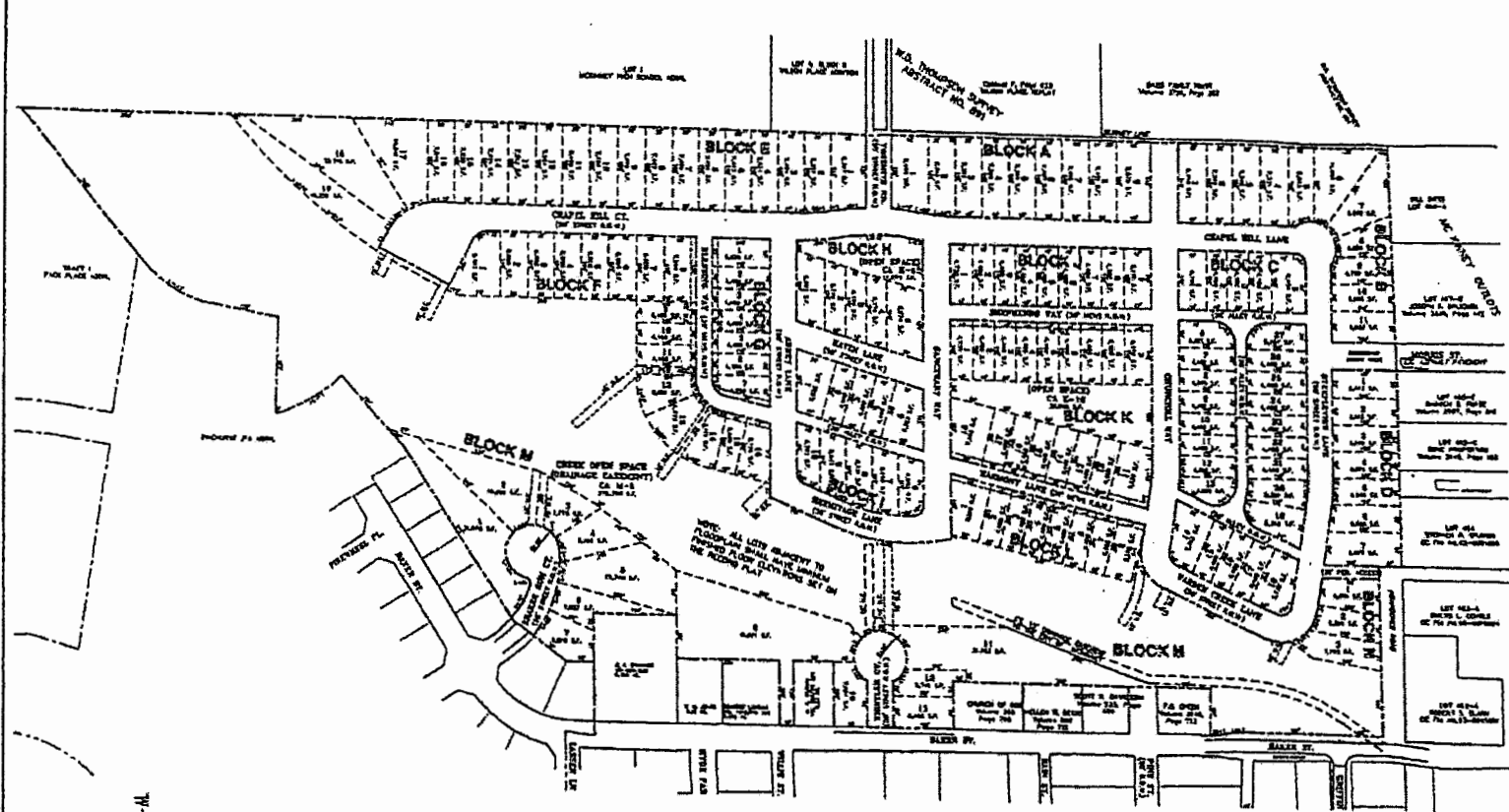
WILLOW  
ARCHITECTURE

## CHAPEL HILL

ITC  
ARCHITECTS

COMMON AREA CONCEPTS  
MCKINNEY, TEXAS

JANUARY 2004



LOCATION MAP

JAN - 8 2004

PRELIMINARY-FINAL PLAT FOR REVIEW PURPOSES ONLY  
 APPROVED FOR PREPARATION OF RECORD PLAT  
 "APPROVED AND ACCEPTED"

MAYOR

WE SEAL APPROVING THIS ELECTRONIC DRAWING HAS APPROVED BY ARNOLD N. OETTING, IS. NO. 74322 ON JANUARY 7, 2004.

*Richard D. Pelt*  
 1-8-04

PRELIMINARY - FINAL PLAT  
 A 183 - LOT SUBDIVISION  
 BLOCK A, LOTS 1-6; BLOCK B, LOTS 1-6; BLOCK C, LOTS 1-6; BLOCK D, LOTS 1-6;  
 BLOCK E, LOTS 1-6; BLOCK F, LOTS 1-6; BLOCK G, LOTS 1-6; BLOCK H, LOTS 1-6;  
 BLOCK I, LOTS 1-6; BLOCK J, LOTS 1-6; BLOCK K, LOTS 1-6; BLOCK L, LOTS 1-6;  
 BLOCK M, LOTS 1-6; 183 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS

**CHAPEL HILL**

AN ADDITION TO THE CITY OF MESQUITE, COLLIN COUNTY, TEXAS  
 47.340 ACRES OUT OF THE ED BRADLEY SURVEY, ABSTRACT 85  
 JANUARY 7, 2004

LAND USE SCHEDULE				
LAND USE	TOWNSHIP	# OF LOTS	# OF UNITS	NET ACREAGE
SINGLE FAMILY RESIDENTIAL	R9	180	180	23.51
OPEN SPACE	A0	3	3	14.827
TOTALS		183	183	38.337

- NOTES:
1. PROPOSED TOWNSHIP R9
  2. ROAD SECTION IS 27 S-8
  3. MINIMUM STREET RIGHT-OF-WAYS ARE 30 FEET WIDE
  4. MINIMUM 10' ALIQUOT HAVE 20' R.O.W.
  5. WORK HAVE 25' P-8 PAYMENT IN 30' R.O.W.

RECORD OWNERS  
 PLANNING DATE, LP  
 29 SHADY BEND DRIVE  
 MELISSA, TEXAS 75454-9119

DEVELOPER  
 BENDERSON DEVELOPMENT COMPANY, INC.  
 370 DELAWARE AVENUE  
 BUFFALO, NEW YORK 14202  
 PHONE: 716-479-8418 FAX: 716-479-2894

ENGINEER  
 WILCOX CORPORATION  
 ABBOTT CENTER, 3030 DAL FREIGHTWAY  
 SUITE 743, LOCKPORT 63  
 DALLAS, TEXAS 75243  
 PHONE (972) 478-0927 FAX (972) 478-0927

ENGINEER  
 DRYFTEL, INC.  
 3881 EAST LOOP 839 NORTH  
 FORT WORTH, TEXAS 76116  
 PHONE (817) 588-0000 FAX (817) 580-6007

CITY CASE # \_\_\_\_\_

**EXHIBIT "D"**