#### **ORDINANCE NO. 2015-04-024**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF McKINNEY, TEXAS; SO THAT AN APPROXIMATELY 306.59 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF STATE HIGHWAY 5 (MCDONALD STREET) AND ON THE SOUTH SIDE OF COUNTY ROAD 278. IS ZONED "PD" - PLANNED DEVELOPMENT DISTRICT, **GENERALLY FOR** SINGLE **FAMILY RESIDENTIAL** COMMERCIAL USES; 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 zoning of an approximately 306.59 acre property, located on the east side of State Highway 5 (McDonald Street) and on the south side of County Road 278, which is more fully depicted on Exhibits "A" and "B", attached hereto, to "PD" Planned Development District, generally for single family residential and commercial 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:

- Section 1. The zoning map is hereby amended so that an approximately 306.59 acre property, located on the east side of State Highway 5 (McDonald Street) and on the south side of County Road 278, which is more fully depicted on Exhibits "A" and "B", attached hereto, is zoned "PD" Planned Development District, single family residential and commercial uses.
- Section 2. The subject property shall develop in accordance with the "PD" Planned Development District, and as amended, except as follows:
  - 1. The subject property shall develop in accordance with attached Exhibit "C" General Development Plan and Exhibit "D" Site Plan.
  - 2. Tracts designated as "Retail" on attached Exhibits "C" and "D" shall develop in accordance with Section 146-84 ("BN" Neighborhood Business District) of the Zoning Ordinance, and as amended.
  - 3. Single family residential uses shall develop in accordance with attached Exhibit "D" Site Plan and Exhibit "E" Single Family Residential Architectural Design Requirements.
  - 4. No more than 204 single family lots shall be permitted north of the future east/west arterial roadway and no more than 655 single family lots shall be permitted south of the future east/west arterial roadway, further depicted on attached Exhibit "D" Site Plan.
- Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which

shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

- Section 4. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.
- Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.
- Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 7<sup>th</sup> DAY OF APRIL, 2015.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER

Mayor

**CORRECTLY ENROLLED:** 

SANDY HART, TRMC, MMC

City Secretary

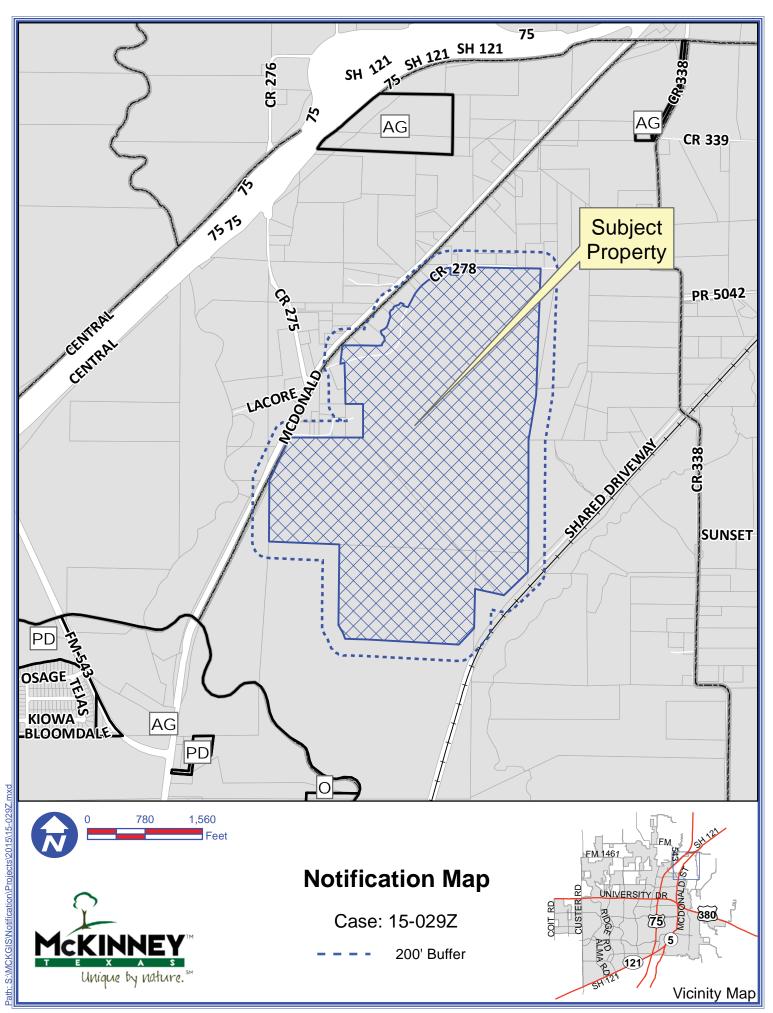
DENISE VICE, TRMC Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER

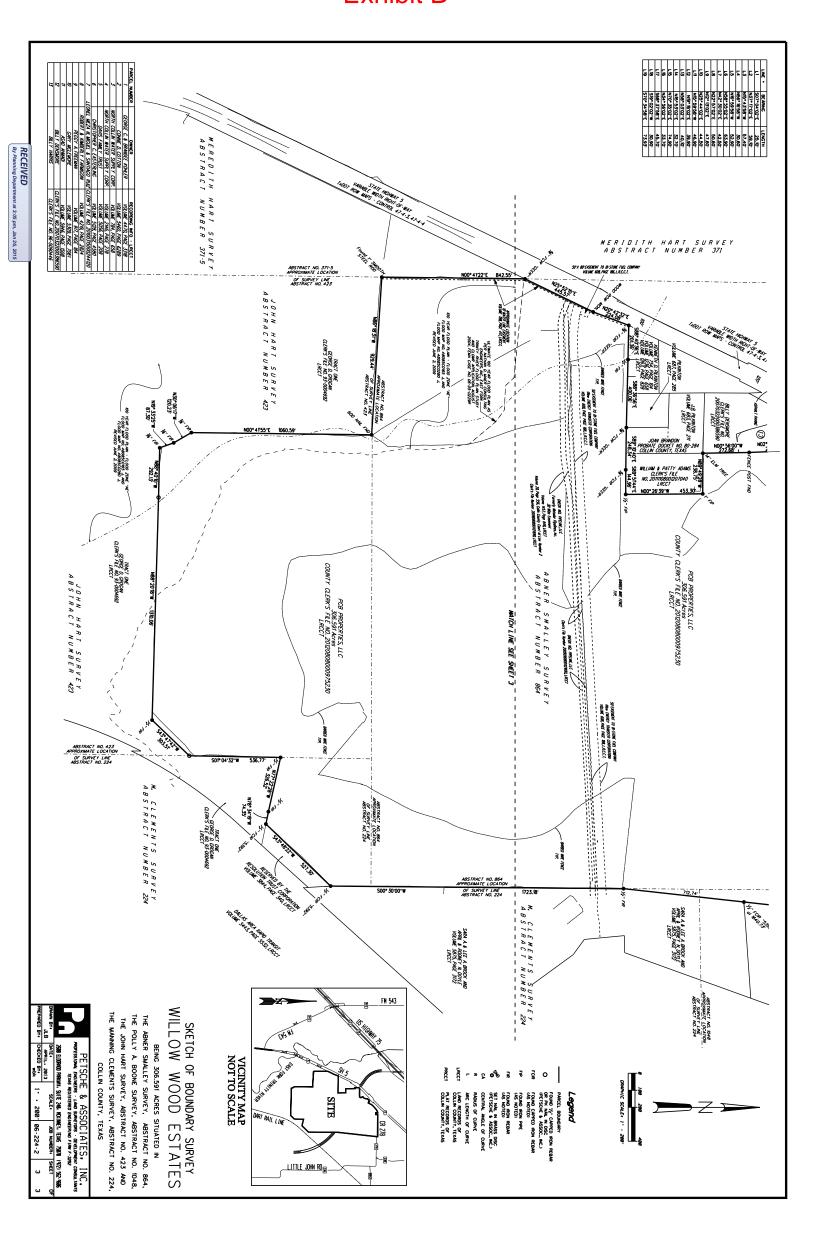
City Attorney

## Exhibit A



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

# Exhibit B



LEGAL DESCRIPTION: OVERALL BOUNDARY FOR WILLOW WOOD ESTATES

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FROME SERVIPOTET som the sent let of let ACCODE INT., of IDST for pass of 3/2 caped into more into S. SERVI found for all more services. SERVI found on the services of the se

THENCE 543° 48'22''W along the north or northeest line of sold RTC tract a distance of 52'7.30 feet to a ½" capped iron rebor RPLS 5392') found for corner of the southwest corner of sold RTC, some being in a north line of sold GROCAN tracts centima dong soid common fee 500°,9000°W o deloces of 1725M feet to o 1½° copped and networ 608°S, to come on the northwest Corner of a total creament by the RESS CORPORATION (RTC) and of TAMCT the soid deed to GCDRGC D, CROCKA or recorded in Centrs File Number 95°0004692 of the Loud Records of Colin file bond deed to CENTRE D, CROCKA D, CROCKA OF COLIN COLI

HENCE along a north line of said GROGAN tract in a westerly direction the following two (2) courses:

1.) N78" 54":9"W a distance of 74.35 feet to a  $\frac{1}{2}$ " iron rebor found at an angle point: 2.) N77" 22":26"W a distance of 326.52 feet

to a ½" fron rebor found for an inner ell corner hereof, same being a northeest corner of said GROCAN tracts MENCE 501º04-32™W along a west line of said GROGAN tract a distance of 536,77 feet to a ½" capped iron rebor IPETSCHE ASSOC., MCJ set for corners INCE S43\*47'42"W along a north or northwest line of said GROGAN tract a distance of 303.51 feet to a ½" iron rebar found

ENCE along the most southerly south line of sold PCB trast, some being a north line of sold CROCAN trast, partially along and or a barbed wire fence, in a mesterly direction the following two (2) courses: () NBB\*2016\*W a distance of 13t0.06 feet to a ½" capped iron rebar (PETSCHE & ASSOC, NC.) set at an angle point 2.) NBB\*4016\*W a distance of 292.15 feet

to a 1/6" iron rebor found for corners

to a 600 spike found for corner at an inner ell corner hereof in old, down barbed wire fences HENCE along a west line of said GROGAN tract in a northerly direction the following three (3) courses: 1) HAP \$25,200 or deleter of 82.50 feet to Agricon report load at an owya point under a Mr. Em Iree 22.14000 985777 or deleter of 102.55 feet to a Agricon report found at an owya point 3.14000 419575 partially doing and may a based with small, a deleter of 1000.55 feet

(ERCE KID/A1275 doing the most northerly east line of said CROCAN (roct a distance of 842.55 feet to 0 % coaped iron rebor GEER) lound for corner of the most northerly corner of said CROCAN (roct, some being in the east line of STATE HICHENY 5 with vortest) THENCE MB6\*18'57'm along a north line of sold GROGAN tract a distance of 929,44 feet to a 1° smooth steetrad found for corner Near a ferce corner post at the most westerly southwest corner of sold PCB tract, some being on liner etcorner of sold GROGAN tract HENCE in a northeasterly direction, along sold line of STATE HIGHWAY 5, the following two (2) coursess

o My for each (CEER) loand for control is in northeast corner of said sautheast corner of the loands onest by PauliOOA, as section of seath records in Volume 204, Page 104, Loands 887, Page 204, Volume 1205, Page 604, and the control of Records of Codin County, Texast 1.1 N25\*52\*15\*E a distance of 445.57 feet to a wood right-of-way manument found at an angle points 2.1 N20\*42\*32\*E a distance of 224.08 feet

HENCE in an easterly direction, along the south line of soid PILKINTON and BRANDON lands, the following four (4) coursess

o ½" to mpt food for on how electron haved at the scatheast corner of soid 80-MDON tract, some being the scatheast corner to fix scatheast control of the scatheast in a deed to 811.04 and 04.117 ADAMS, as recorded in Curk's Tal humber 2011108001201040 of the total Records of Codin Codin), feasible 11 SBB-1028 to delinete of 20138 feet to by't han electricard of an opey both!
21 SBB-2028 to delinete of 400.06 let to by't han electricard for the CERR found of on opey both!
21 SBB-2028 to delinete of 400.06 let to by't capped from rebor (CERR found of an opey both!
31 SBB-2014 to delinete of 144.58 let let to by't capped from rebor (CERR found of an opey both!
43 SBB-2014 to delinete of 144.58 let

TRICKE MBN-99278" dong the outh five of soid ADMAS tract a dislance of JSB.75 feet to a Kr. Em. tree found for corner of the boundment carrier of a corner of the boundment carrier of a corner of the Loud Rescribes of Code. County, Teases
of the Loud Rescribe of Code. County, Teases THENCE MODY 26:39"W along the east line of said ADAYS tract a distance of 453.30 feet to a 1" iron pipe found for corner at the northeast corner of said ADAYS tract:

EMECT. NOT-SEOTH door the east like of told DESSUDGE (roct, a) 21(5) set pass the southeast corner of a tract of load secribed in Wirrority. Devel to BLLY Hubbits, as fleed for record under Cent's File ib, 95-00044-6 of the Land Records of Codin Jourly, Tests, continuing in also distance of 272,68 feet to a fince post flourd of an only's point:

TREACE continue down the seat Se of sold HARRS (rect. MOZ-59.55°F a distance of 2010) feet to a ½" copped kon repor MPISONE & ASSOC, ANC. set for corner at the notheast corner of sold HARRS (rect. some being in the center of obsersed COARTY ROAD 278:

TRICE NOT-2720FE dong on east fee of said DENSIADRE tract, a distance of 242.76 feet to a wood right-of-way monoment Lond for corner of the most northerly corner of said DENSIADRE tract, some being in the oldresoid east fee of STATE HOWKIN NO. 5:

TRACE SHF4537F doing said lieu, o distance of 52.58 feet to a mod right-of-may movement lound for corner of the seathment corner of a tract described in a deed to ASAO MepAOs as seconded in Volume 5946, Page 508 of the Lond Records of Colin County, Terops

2) NOT-PRIZEZ o distance of 25,00 fiest to on week point 2) NOT-PRIZEZ of distance of 26,00 fiest to on week point 3) NOT-PRIZEZ of distance of 50,00 fiest to on week point 4) NOT-PRIZEZ OF OF distance of 50,00 fiest to on week point 4) NOT-PRIZEZ OF OF SINCH CONTROL (SEE 10 on week point 5) NOT-PRIZEZ OF SINCH CONTROL (SEE 10 on week point 7) NOT-PRIZEZ OF SINCH CONTROL (SEE 10 on week point 10) NOT-PRIZEZ OF SINCH CONTRO

THÉNCE leaving soid center of umanned branch, 570° 34°58°E a distance of 73,93 feet to a PK nailin disc (PETSCHE & ASSOC., NC.) set for corner in the center of aloresoid COUNTY ROAD 278:

IHENCE in a northeasterly direction, along said centerline of COUNTY ROAD 278, the following six (6) courses:

to to a PK naish disc set for corner at the northwest corner of a tract described in a deed to NORTH COLLIN WATER SUPPLY CORPORATION, as recorded in Youme 784, Page 658 of the Land Records of Colin County, Texass

THENCE 589° 36'56'E along the the centerine of soid COUNTY ROAD 278, a distance of 1508.35 feet back to the POINT OF BEGRANNE and containing 306.591 acres of land, more or less.

DIRPHASPUTE o distance of 18207 test to a PK waith disc set of the point of curreture of a curve having a reduc of 1820.00 1) representation of the current of the right, a distance of 189.47 feet to a PK waith disc set for at the point of tangency of seid

TREACT, SAP-25-57: dong the south de of soci MORTH COLLNI WATER SLIPPLY CORPORATION, as now look out one in use, a distance of 15.50 fail for 5 regard from elsor IPCTSCHE & ASSOC, MC,) set for corner of the southwest corner of soci MORTH COLLNI WATER SLIPPLY CORPORATION

TRIACE 289-28°FE dang Iha skulh ika ol sed ASAD AMADI Kert, a delares ed 21851 kall to o 1½°FE kon nekor kand (or corne ol Iha southest centre ol sed ASAD AMADI Kert, tama seking ha southest (corne ol 1001 (18,000 k. ol) iha c § f. ADDTON occoding to the Minor Pay Ihareol, as recorded in Cobinel O, Paya 486 of the Pay Records of Cokin County, Teasts

NEWE 589-5977-E. along the south boundary of soid LOT L.BLOCK A. a distance of 235,38 feet to a ½- capped iron rebor (PETSCHE). ASSOC., NCJ set at an angle points

THENCE M87°25'02"E along the south boundary of said Lot (, a distance of 69.67 feet to a point for corner in the center of an unnamed branchs

9.) MOTE DELETED on 3 May 2013:

MENCE in a northerly direction, along a westerly boundary of sold sold PCB tract, and with the center of sold branch the allowing eighteen (18) courses:

feet to an angle points

THENCE SOOT 2504-78 doing the west like of soid HORTH COLLIN WATER SUPPLY CORPORATION, on now loid out lood in CORPORATION OF 10 OF 11 OF 12 TWO INDEX FORM FOR THE CORPOR OF THE SOUTHWATER SUPPLY CORPORATION

(.) The field Survey was performed in June and July of 2007.

2.1 The survey was performed with the bewelf of Title Commitment based by Commonwell Load Title of Delay, Of No. CR2229-222800-USA, effective date february 14, 2015, based february 27, 2015 of 800 cm. 5.) The subject properly les within the City of lackieney, feese, flood Zones "AC" and "X" as indicated on Federal Emergency Management Agency's (FEMA Flood Insurance Rate Map Number 48085C085 J Revised June 2, 2009, and Flood Insurance Rate Map Number 48085C0250 J. Revised June 2, 2009.

4.) The existing gas the within the ST exsement to MATACKS PPELRES, NC., is now award and was bagged in the field by CHECK Pipeline Company. The Itags were then located by Petache & Associates, Nc., as about on this survey.

5.) The enishing gas like within the OT essement to BI-STOME FUEL COMPARY is now owned and was blagged in the field by Chergy Transfer. The blags were then located by Pelsone & Associates, New, as shown on this survey.

7.3 NOTE DELETED on 3 May 2013: 6.3 NOTE DELETED on 3 Noy 2013:

il his Station of Boundary Survey excursiony despitis the results of a survey made upon the ground of the property ("PROPERTY") made by ma, or under my direct supervision, in Jane and Japon 2007? L Wilden Boyd Kidinger, Registered Professional Land Surveyor, do hereby cerilly to PCB Properlies, LLP, Will Development Co., LP, Whow Wood Pariners, LP, Park Cities Bons, and Commonwealth Land Title Hourance Company that: (2.) The laboring items, aboun in Commitment for litte insurance, CF the, CN2228-2228004.386 (assed by Commonwealth Load Title of Dates on February 44, 2015, with an effective date of February 27, 2015 of 800 a.m.). Edited in Schedule B. Item. 10, offect the hereon described frect as fathers: vil) This Survey was conducted in accordance with the standards for a Collegory IA, Condition Sourvey as specified by the latest edition to the Manualot Practice for Land Surveying by Team Society of Professionalized Surveyors, and conforms to the current standards promulgated by the Teams Board of Professionalized Surveyors, and conforms to the current standards promulgated by the Teams Board of Professionalized Surveyors, and conforms to the current standards promulgated by the Teams Board of Professionalized Surveyors, ish a partion of the property lies which a 100-year flood poin or other flood prone oreas The sociject property lies which the City of Ackdoney, Teach, Flood Zones "AE" and "X" as indicated on residented on the property is a society of the property is a society of the property is a society of the property in the property is a society of the property in the property is a society of the property is a partial property in the property of the property is a society of the property of the property is a partial property in the property of the property is a society of the property of the property is a society of the property of the property is a partial property of the property of the property is a partial property of the property of (v) the Property reflected hereon has access to and from a publicly dedicated roadway as shown on the Surveys ia) the Survey correctly shows the location of dirights of-vary, essements, improvements and excroachments which are either viable or are of record in Colin County, Texas, as set forth in the insurance commitment issued by Commonwealth Land Title Insurance Company, Of Mo, CHIZZEROH-388, Effective date February 47, 2015, issued on February 27, 2015. din Sung constit your he location of deviding bidding, structure and other violet improvement, if any, or the Property and execut and when on the Sungs, there are no executioned to despision provides, exempents to despision provides, exempents or despision provides and exempents and the property by violet improvements alleated on adjoint provides. ti) the legal description of the Property contained hereon or atlached hereto is an accurate and complete legal description of the property and forms a mathematically cased figures (1) The existing soler the which the moter the ecomments were lapped in the field by therth Calin Stoler Supply Corporation. The flags were then located by Petsche & Associates, Inc., as shown on this survey. The approximate ecomment locations were then based on this, the ecomment may very based on a more definite location of the water main. 10.) No underground or overhead improvements have been localed unless shawn hereon. D. Bering team haves are tead or a standar deridar of 509/2017, dang hat for antendarly find of the operal bad devided in Special are considered in Special are 

UPDATE Boundary Survey - Lost Date of Field Survey: Monday 6 May 2013.

WILLOW WOOD ESTATES SKETCH OF BOUNDARY SURVEY

THE MANNING CLEMENTS SURVEY, ABSTRACT NO. 224 THE POLLY A. BOONE SURVEY, ABSTRACT NO. 1048, THE JOHN HART SURVEY, ABSTRACT NO. 423 AND THE ABNER SMALLEY SURVEY, ABSTRACT NO. 864, BEING 306.591 ACRES SITUATED IN COLLIN COUNTY, TEXAS

200 Edurado Patsey, Suite 240, McKimey, Texas 75070 (972) 562-9606

Doile: SCALE: JOB NUMBER: SHEET PETSCHE & ASSOCIATES, INC.
Professional Engineers - Land Surreyors - Development Consultations
fenas Registered Engineering From F-32522 FOUND IRON REBAR (AS NOTED) FOUND IRON PIPE (AS NOTED) FOUND CAPPED IRON REBAR (AS NOTED) SET 1/2" CAPPED IRON REBAR OR PK NAIL IN DISC (PETSCHE & ASSOC., INC.) PARCEL BOUNDARY

SITE

LITTLE JOHN RD

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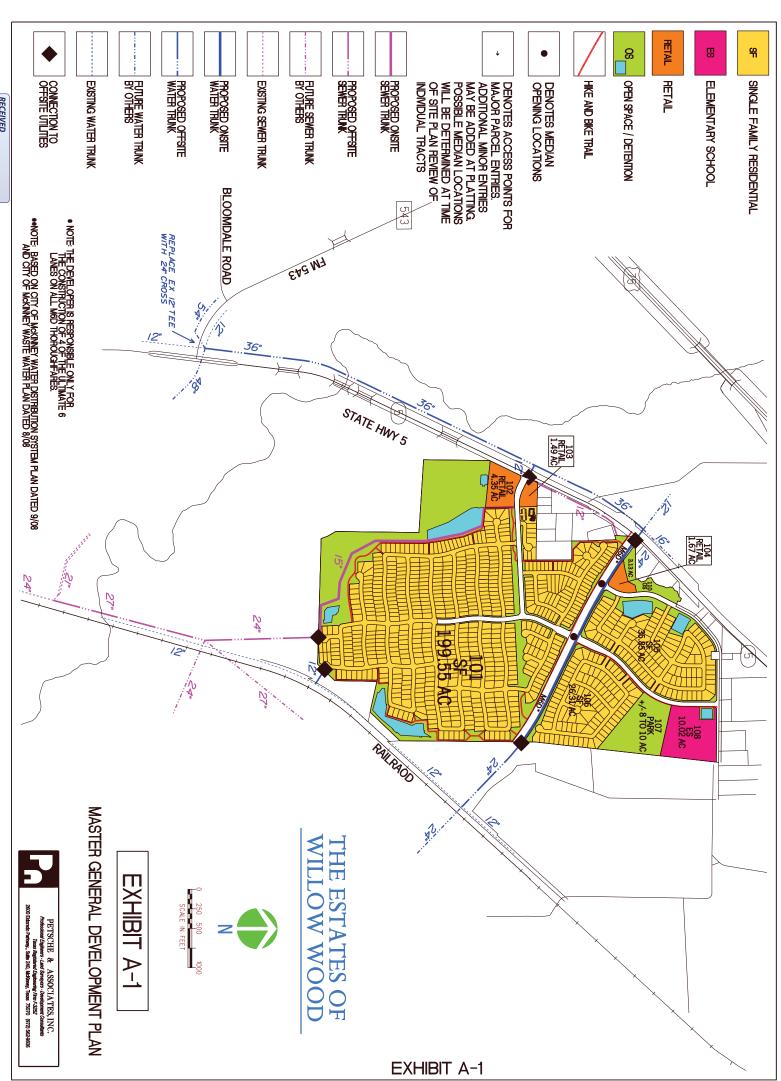
SET NAL IN BRASS DISC (PETSCHE & ASSOC., INC.) CENTRAL ANGLE OF CURVE RADIUS OF CURVE

Legend

LRCCT ARC LENGTH OF CURVE

⊏ ສ ເ **ວ**ໃນ ຊື LAND RECORDS OF COLLIN COUNTY, TEXAS

VICINITY MAP NOT TO SCALE



02/10/2015 8:15:57 AM

### Exhibit E

#### 1. SINGLE FAMILY RESIDENTIAL ARCHITECTURAL DESIGN REQUIREMENTS

- i. Front elevation: 100 percent of this elevation shall be finished with masonry materials to include brick, stone, or synthetic stone.
- ii. Side elevation: 75 percent of this elevation shall be shall be finished with masonry materials to include brick, stone, or synthetic stone. The remaining 25 percent may be finished with wood lap siding, vinyl siding, cast concrete modular siding (including cementitious fiber siding; i.e., Hardie Board or Hardiplank), stucco, or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited.
- iii. Rear elevation: 50 percent of this elevation shall be shall be finished with masonry materials to include brick, stone, or synthetic stone. The remaining 50 percent may be finished with wood lap siding, vinyl siding, cast concrete modular siding (including cementitious fiber siding; i.e., Hardie Board or Hardiplank), stucco or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited.
- iv. Walls provided in conjunction with an architectural element which is located above the roof line (example: walls for dormers or chimneys) may only be finished with brick, stone, synthetic stone, stucco, wood lap siding, vinyl siding, cast concrete modular siding (including cementitious fiber siding; i.e., Hardie Board or Hardiplank), or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited.
- v. The percentages contained herein are to be calculated exclusive of doors and windows.
- vi. All single family residential units shall be required to provide at least three of the following architectural elements:
  - a. 100 percent of each elevation is finished with a masonry finishing material;
  - The front facade contains two types of complementary masonry finishing materials with each of the materials being used on at least 25 percent of the front facade;
  - c. A minimum of 10 percent of the unit's front facade features patterned brick work, excluding soldier or sailor brickwork provided in association with a door or window;
  - d. No pitched roof plane with a horizontal length of longer than 20 feet exists:
  - e. The unit only features one-car garage doors that have a carriage style design. These doors typically feature vertical slats, high windows, antiqued hardware, and additional detailing to give the appearance of swinging or sliding doors;
  - f. The unit's chimney is finished on all sides with 100 percent masonry finishing materials (brick, stone, or synthetic stone only);
  - g. A minimum of three offsets in the front façade measuring at least two feet deep are provided or a minimum of one offset in the front façade measuring at least five feet is provided;
  - h. The unit features an articulated front entrance through the use of lintels, pediments, keystones, pilasters, arches, columns, or other similar architectural elements;
  - i. A covered front porch which is at least 100 square feet in area is

### Exhibit E

provided;

- j. A covered back porch which is at least 200 square feet in area is provided;
- k. At least one dormer is provided for each roof plane over 500 square feet in area that faces a public street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevation below;
- I. All windows facing a street feature shutters. The shutters provided must be operational or appear operational and must be in scale with the corresponding window; or
- m. All ground-level mechanical, heating, ventilation, and air conditioning equipment shall be completely screened by an opaque screening device that is at least six feet tall.