

ORDINANCE NO. 2015-07-071

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 59.82 ACRE PROPERTY, LOCATED APPROXIMATELY 600 FEET WEST OF CUSTER ROAD AND ON THE SOUTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT, "AG" – AGRICULTURAL DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL AND SINGLE FAMILY ATTACHED AND DETACHED RESIDENTIAL 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 rezoning of an approximately 59.82 acre property, located approximately 600 feet west of Custer Road and on the south side of U.S. Highway 380 (University Drive), which is more fully depicted on Exhibits "A" and "B", attached hereto, from "PD" – Planned Development District, "AG" – Agricultural District, and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, generally to allow for commercial and single family attached and detached 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:

Section 1. The zoning map is hereby amended so that an approximately 59.82 acre property, located approximately 600 feet west of Custer Road and on the south side of U.S. Highway 380 (University Drive), which is more fully depicted on Exhibits "A" and "B", attached hereto, is rezoned from "PD" – Planned Development District, "AG" – Agricultural District, and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, generally to allow for commercial and single family attached and detached residential uses.

Section 2. The subject property shall develop in accordance with the "PD" – Planned Development District, and as amended, except as follows:

1. The use and development of Tract 1 (approximately 11.72 acres), as shown on Exhibit "C" – Boundary Exhibit, shall conform to the regulations of Section 146-112 ("C2" – Local Commercial District) of the Zoning Ordinance and "CC" – Corridor Commercial Overlay District, and as amended.
2. The use and development of Tract 2 (approximately 20.05 acres), as shown on Exhibit "C" – Boundary Exhibit, shall conform to the regulations of Section 146-108 ("TH" – Townhome Residential District) of the Zoning Ordinance and "CC" – Corridor Commercial Overlay District, and as amended, except as follows:

- a. No structures shall be permitted within 150 feet of the adjacent airport runway as designated on the attached boundary exhibit.
 - b. Prior to the issuance of a building permit for any residential structures on the subject property, an 8' tall solid pre-cast masonry wall shall be constructed along the western property line of Tract 2 (within a common area owned and maintained by the homeowners' association) in the location shown on the attached boundary exhibit.
3. The use and development of Tract 3 (approximately 28.05 acres), as shown on Exhibit "C" – Boundary Exhibit, shall conform to the regulations of Section 146-106 ("SF5" – Single Family Residential District) of the Zoning Ordinance and "CC" – Corridor Commercial Overlay District, and as amended, except as follows:
 - a. All single family detached residential units shall conform to the Exhibit "D" – Architectural Standards.
4. The Developer shall record an agreement, approved by the City Attorney, which provides notice to existing and future property owners within the subject property of the adjacent airport use.

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 21st DAY OF JULY, 2015.

CITY OF MCKINNEY, TEXAS

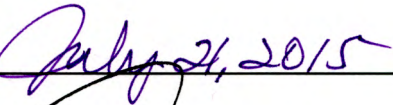

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:



SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

DATE:

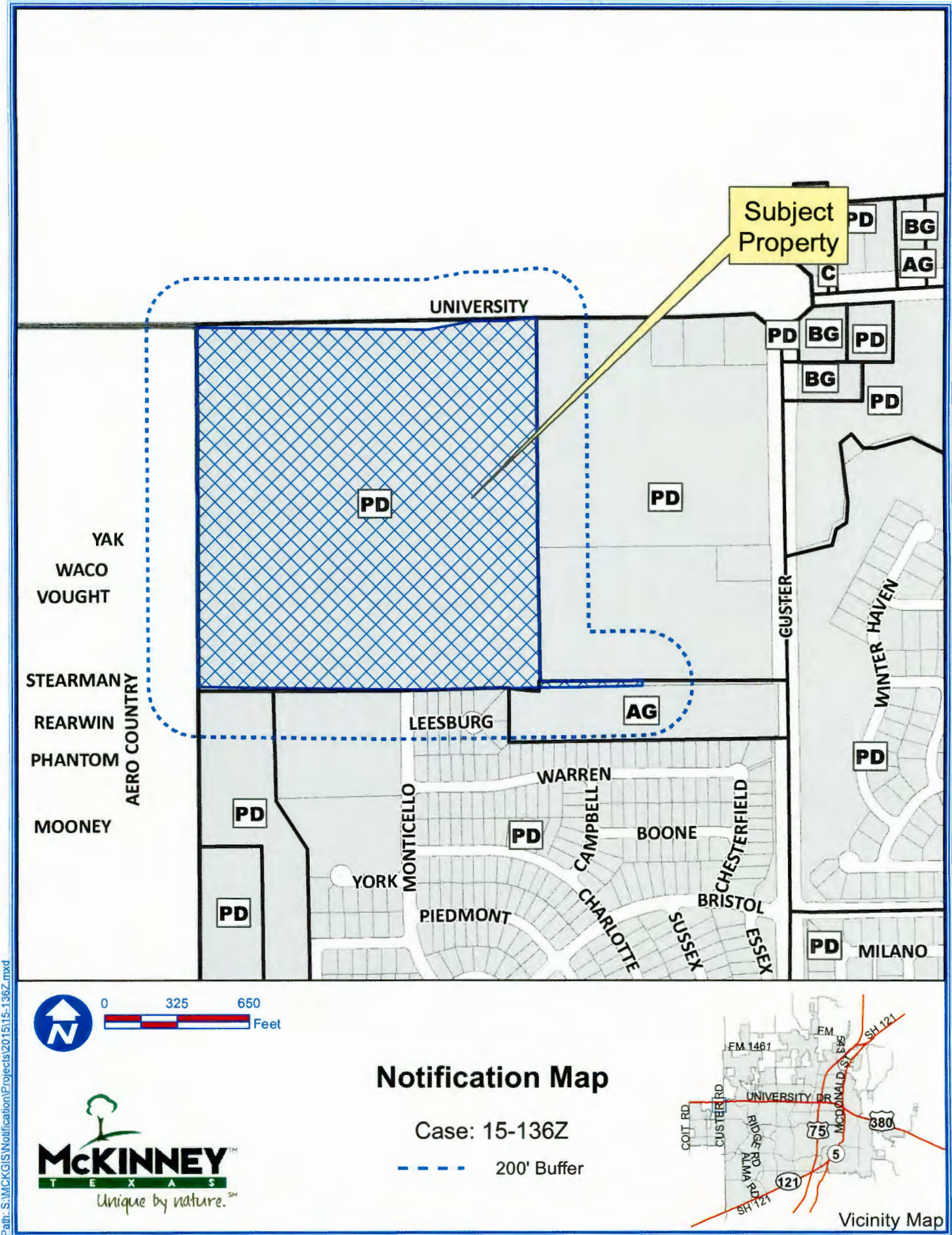


APPROVED AS TO FORM:



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 – Tract 1

BEING, a tract of land situated in the State of Texas, County of Collin, and City of McKinney, being part of the J.R. Burrows Survey, Abstract No. 70, and being the remainder of a called 60.565 acre tract as recorded in Volume 2217, Page 146 in the Deed Records of Collin County, Texas with said premises being more particularly described as follows:

BEGINNING at a 3/8-inch iron rod found in the south right-of-way line of U.S. Highway 380 (Variable Width Right-of-Way) marking the northeast corner of said 60.565 acre tract, the northeast corner of said premises, and being in the west line of Lot 1, Block A of Custer Wal-Mart Addition, an addition to the City of McKinney as recorded in Volume 2006, Page 249 of the Collin County Map Records;

THENCE, South 00°45'00" East, along the west line of said Lot 1, for a distance of 282.37 feet, to a calculated point for corner;

THENCE, South 89°23'45" West, departing said west line, for a distance of 357.63 feet, to a calculated point for corner;

THENCE, South 70°58'09" West, for a distance of 216.30 feet, to a calculated point for corner;

THENCE, South 89°23'44" West, for a distance of 997.25 feet, to calculated point in the west line of said 60.565 acre tract;

THENCE, North 00°31'19" West, along the west line of said 60.565 acre tract, for a distance of 353.54 feet, to a TxDot Monument found at the northwest corner of said 60.565 acre tract, being in the south line of said U.S. Highway 380;

THENCE, North 89°30'44" East, along the north line of said 60.565 acre tract and the south line of said U.S. Highway 380, for a distance of 244.76 feet, to a TxDot Monument Found;

THENCE, South 87°39'05" East, continuing along said north and south lines, for a distance of 200.26 feet, to a calculated point for corner;

THENCE, North 89°30'25" East, continuing along said north and south lines, for a distance of 600.04 feet, to a calculated point for corner;

THENCE, North 85°47'42" East, continuing along said north and south lines, for a distance of 199.44 feet, to a calculated point for corner;

THENCE, South 89°59'43" East, continuing along said north and south lines, for a distance of 314.99 feet, to the POINT OF BEGINNING and containing 11.72 acres of land.

LEGAL DESCRIPTION – Tract 2

BEING, a tract of land situated in the State of Texas, County of Collin, and City of McKinney, being part of the J.R. Burrows Survey, Abstract No. 70, and being the remainder of a called 60.565 acre tract as recorded in Volume 2217, Page 146 in the Deed Records of Collin County, Texas with said premises being more particularly described as follows:

BEGINNING at a 3/8-inch iron rod at the southwest corner of said 60.565 acre tract and being the northwest corner of Lot 36 Block A out of Aero County East Addition, an addition to the City of McKinney, as described in Doc. No. 2010-186 in said Plat Records;

THENCE, North 00°52'24" West, along the west line of said 60.565 acre tract, for a distance of 723.86 feet, to a 5/8 inch iron found;

Exhibit B

THENCE, North 00°26'53" West, continuing along said west line, for a distance of 361.59 feet, to a ½ inch iron rod found;

THENCE, North 00°31'19" West, continuing along said west line, for a distance of 228.41 feet, to a calculated point for corner;

THENCE, North 89°23'44" East, departing said west line, for a distance of 792.80 feet, to a calculated point for corner, on a curve to the right, having a radius of 675.00 feet, a central angle of 16°00'28", and a tangent of 94.91 feet;

THENCE, along said curve to the right for an arc distance of 188.59 feet (Chord Bearing South 15°17'29" West – 187.97 feet), to a calculated point at the point of tangency;

THENCE, South 23°17'43" West, for a distance of 175.23 feet, to a calculated point at the point of curvature of a curve to the left, having a radius of 525.00 feet, a central angle of 23°53'59", and a tangent of 111.11 feet;

THENCE, along said curve to the left for an arc distance of 218.99 feet (Chord Bearing South 11°20'44" West – 217.41 feet), to a calculated point at the point of tangency;

THENCE, South 00°36'16" East, for a distance of 105.99 feet, to a calculated point at the point of curvature of a curve to the left, having a radius of 1025.00 feet, a central angle of 08°03'13", and a tangent of 72.16 feet;

THENCE, along said curve to left for an arc distance of 144.07 feet (Chord Bearing South 04°37'52" East – 143.96 feet), to a calculated point at the point of tangency;

THENCE, South 08°39'29" East, for a distance of 105.03 feet, to a calculated point for corner;

THENCE, South 00°36'16" East, for a distance of 217.30 feet, to a calculated point for corner;

THENCE, South 06°43'00" West, for a distance of 188.34 feet, to a calculated point in the south line of said 60.565 acre tract;

THENCE, South 89°10'03" West, along the south line of said 60.565 acre tract, for a distance of 624.06 feet, to the POINT OF BEGINNING and containing 20.05 acres of land.

LEGAL DESCRIPTION – Tract 3

BEING, a tract of land situated in the State of Texas, County of Collin, and City of McKinney, being part of the J.R. Burrows Survey, Abstract No. 70, and being the remainder of a called 60.565 acre tract as recorded in Volume 2217, Page 146 in the Deed Records of Collin County, Texas with said premises being more particularly described as follows:

BEGINNING at a "x" cut found at the southeast corner of Lot 1R, Block A out of Shops at Eagle Point, as described in Doc. No. 2011-175, in the Plat Records of Collin County, Texas;

THENCE, South 01°04'53" East, for a distance of 24.82 feet, to a ½ inch iron rod found in the north line of a 7.00 acre tract, as described in Clerks File No. 96-0070638, in said Deed Records;

THENCE, South 89°15'21" West, along the north line of said 7.00 acre tract, for a distance of 301.62 feet, to a calculated point for corner;

Exhibit B

THENCE, South 89°18'24" West, for a distance of 161.82 feet, to a 3/8 inch iron rod found at the southeast corner of a 60.565 acre tract, as described in Vol. 2217, Pg. 146, in said Deed Records;

THENCE, South 89°10'03" West, along the south line of said 60.565 acre tract, for a distance of 938.39 feet, to a calculated point for corner;

THENCE, North 06°43'00" East, departing said south line, for a distance of 188.34 feet, to a calculated point for corner;

THENCE, North 00°36'16" West, for a distance of 217.30 feet, to a calculated point for corner;

THENCE, North 08°39'29" West, for a distance of 105.03 feet, to a calculated point at the point of curvature of a curve to the right, having a radius of 1025.00 feet, a central angle of 08°03'13", and a tangent of 72.16 feet;

THENCE, along said curve to the right for an arc distance of 144.07 feet (Chord Bearing North 04°37'52" West – 143.96 feet), to a calculated point at the point of tangency;

THENCE, North 00°36'16" West, for a distance of 105.99 feet, to a calculated point at the point of curvature of a curve to the right, having a radius of 525.00 feet, a central angle of 23°53'59", and a tangent of 111.11 feet;

THENCE, along said curve to the right for an arc distance of 218.99 feet (Chord Bearing North 11°20'44" East – 217.41 feet), to a calculated point of tangency;

THENCE, North 23°17'43" East, for a distance of 175.23 feet, to a calculated point at the point of curvature of a curve to the left, having a radius of 675.00 feet, a central angle of 16°00'28" and a tangent of 94.91 feet;

THENCE, along said curve to the left for an arc distance of 188.59 feet (Chord Bearing North 15°17'29" East – 187.97 feet), to a calculated point for corner;

THENCE, North 89°23'44" East, for distance of 204.45 feet, to a calculated point for corner;

THENCE, North 70°58'09" East, for a distance of 216.30 feet, to a calculated point for corner;

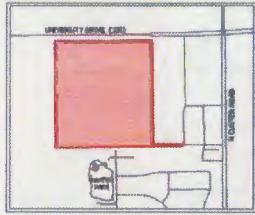
THENCE, North 89°23'45" East, for a distance of 357.63 feet, to a calculated point in the east line of said 60.565 acre tract;

THENCE, South 00°45'40" East, along the east line of said 60.565 acre tract, for a distance of 742.93 feet, to the southwest corner of said Lot 1R, Block A;

THENCE, North 89°05'30" East, departing said east line and along the south line of said Lot 1R Block A, for a distance of 162.11 feet, to a calculated point for corner;

THENCE, North 89°17'26" East, continuing along said south line, for a distance of 301.46 feet, to the POINT OF BEGINNING and containing 28.05 acres of land.

59.82 acres



Planner:



SAGE GROUP, INC.
Planner / Planner
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
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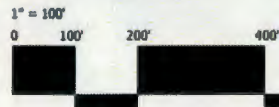


Exhibit "A" - Zoning Exhibit

Hidden Lakes

McKinney, Collin County, Texas

Exhibit C

Exhibit D

Development Regulations

1. The following architectural and site standards shall apply to all single family detached residential units constructed on Tract 3:

- a. The following exterior finishing materials shall be required:

- i. Front Elevation. A minimum of 100% of this elevation shall be finished with masonry finishing materials (brick, stone, synthetic stone or stucco); however no more than 50% of this elevation shall be finished with stucco.
- ii. Side Elevation. A minimum of 75% of this elevation shall be finished with masonry finishing materials; however no more than 50% of this elevation shall be finished with stucco. The remaining 25% may be finished with masonry finishing materials, wood lap siding, cast concrete modular siding, cementitious fiber board (hardi-board or hardi-plank), or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited.
- iii. Rear Elevation. A minimum of 50% of this elevation shall be finished with masonry finishing materials; however no more than 50% of this elevation may be finished with stucco. The remaining 50% may be finished with masonry finishing materials, wood lap siding, cast concrete modular siding, cementitious fiber board (hardi-board or hardi-plank), or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited.
- iv. Calculation of Percentages. The percentages set forth above shall be calculated exclusive of doors, windows, and or dormers which are located above a roof line which extends from a hip roof.
- v. Each building shall have a consistent architectural design on all sides.

- b. All single family residential units shall be required to provide at least three of the following architectural elements:

- i. 100 percent of each elevation is finished with a masonry finishing material (excluding stucco);
- ii. The front facade contains at least two types of complementary masonry finishing materials with each of the materials being used on at least 25 percent of the front facade;
- iii. A minimum of 10 percent of the unit's front facade features patterned brick work including, but not limited to soldier, herringbone, or sailor coursework; excluding soldier or sailor brickwork provided in association with a door or window;
- iv. No pitched roof plane with a horizontal length of longer than 20 feet exists;
- v. Each home has at least three distinct horizontal façade planes on the front elevation which are separated by at least 5 feet of depth.
- vi. 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;

Exhibit D

- vii. The unit's chimney is finished on all sides with 100 percent masonry finishing materials (excluding stucco);
- viii. The unit features an articulated front entrance through the use of lintels, pediments, keystones, pilasters, arches, columns, or other similar architectural elements;
- ix. All windows that are visible from the right-of-way are articulated through the use of lintels, pediments, keystones, pilasters, arches, columns, or other similar architectural elements;
- x. A covered front porch which is at least 100 square feet in area is provided;
- xi. A covered back porch which is at least 200 square feet in area is provided;
- xii. 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;
- xiii. 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
- xiv. All ground level mechanical, heating, ventilation, and air conditioning equipment is completely screened by an opaque screening device that is at least six feet tall.