ORDINANCE NO. 2012-07-035

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF McKINNEY, TEXAS; SO THAT AN APPROXIMATELY 376.81 ACRE PROPERTY, LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 123 (FUTURE BLOOMDALE ROAD) AND APPROXIMATELY 5,600 FEET EAST OF CUSTER ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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 376.81 acre property, located on the south side of County Road 123 (Future Bloomdale Road) and approximately 5,600 feet east of Custer Road, which is more fully depicted on Exhibit A, attached hereto, is rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the 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. 1270 is hereby amended in order to rezone an approximately 376.81 acre property, located on the south side of County Road 123 (Future Bloomdale Road) and approximately 5,600 feet east of Custer Road, is rezoned from "PD" – Planned Development District to "PD" – Planned Development District.

Section 2. The subject property shall be zoned "PD" – Planned Development District shall be subject to the following special ordinance provisions:

a. The subject property shall develop in accordance with the attached development standards (Exhibit B).

b. The subject property shall generally develop in accordance with 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 THE 17TH DAY OF JULY, 2012.

CITY OF McKINNEY, TEXAS

TRAVIS USSERY
Mayor Pro-Tem

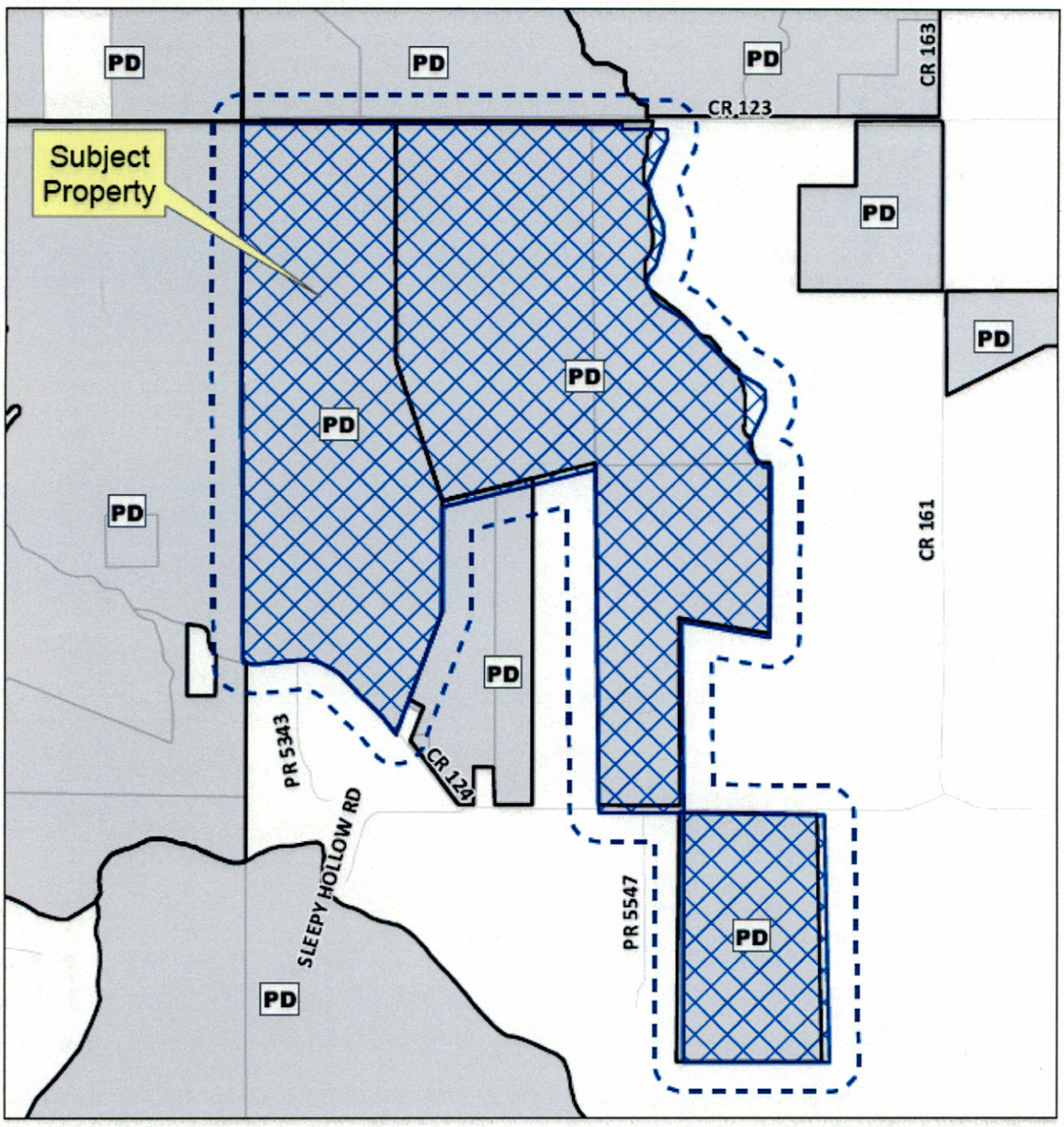
CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: July 17, 2012

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



0 500 1,000 Feet

McKINNEY TEXAS Unique by nature.

Notification Case

Case: 12-106Z

200' Notification Buffer

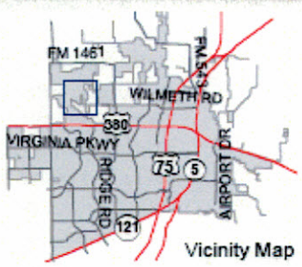


EXHIBIT A

DEVELOPMENT STANDARDS – EXHIBIT B

Billingsley Property – 376.806 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.

Hike and Bike Trails Required

A hike and bike trail shall be constructed on the subject property in the locations reflected by the City of McKinney's Master Plans.

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:

- Single family residential lots backing onto Stonebridge Drive within Tract 2 shall be a minimum of 7,200 square feet in size.
- Ten acres of open space shall be provided within Tract 2. These ten acres of open space may not consist of common areas or screening and buffering areas.
- An unloaded collector street system shall be provided for as per the Comprehensive Plan.
- 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:

- The Planning and Zoning Commission shall have discretionary approval of the plats for Tract 3 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 dwelling units per acre will be allowed.
- An unloaded collector street system shall be provided for as per the Comprehensive Plan.
- 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.

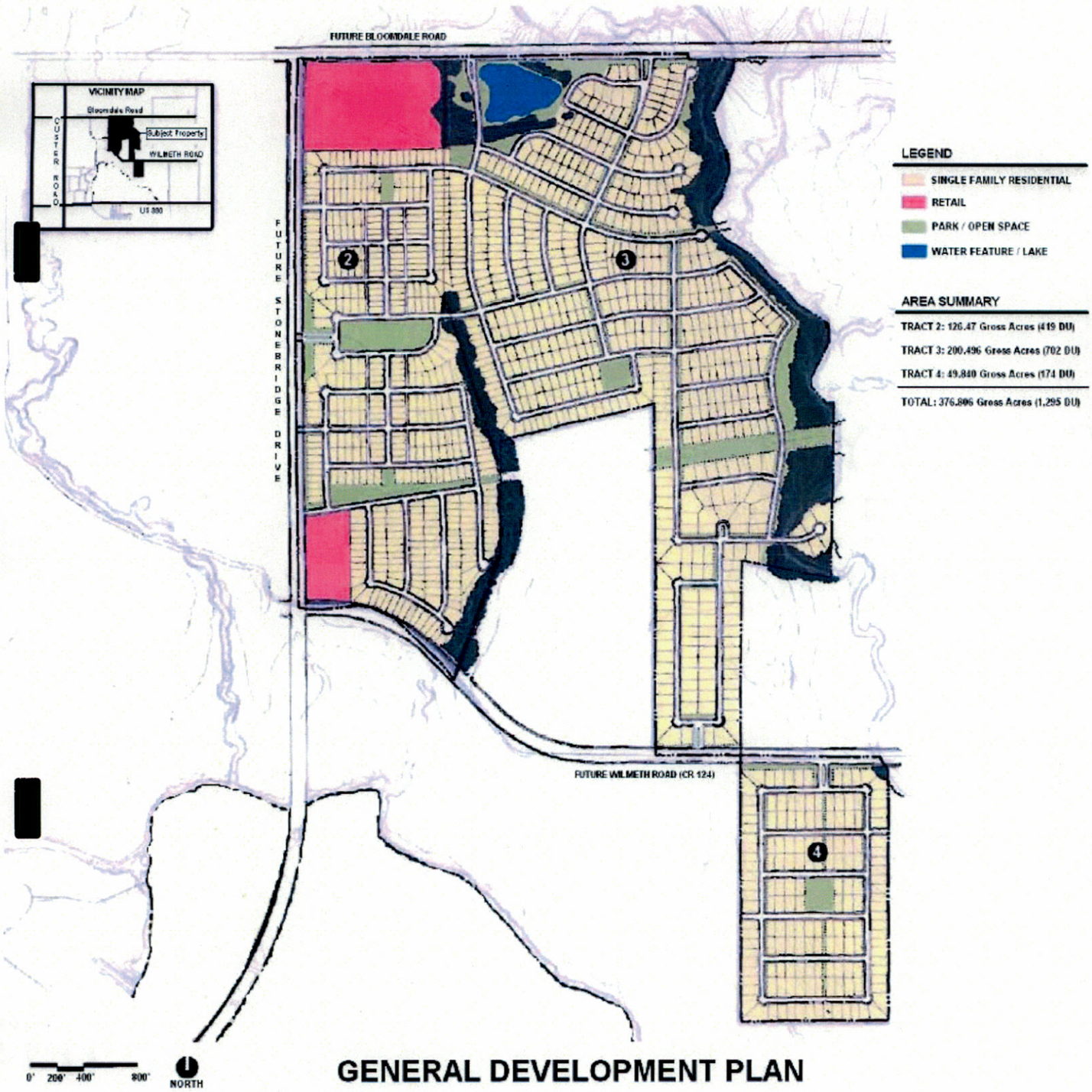
- Minimum Side Yard Setback: 5 ft.
- Maximum Lot Coverage: 50%
- Maximum Floor Area Ratio: None
- Mean and Median Lot Size: 7,200 sq. ft.

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

- The Planning and Zoning Commission shall have discretionary approval of the plats for Tract 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 dwelling units per acre will be allowed.
- An unloaded collector street system shall be provided for as per the Comprehensive Plan.
- 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.

END OF DEVELOPMENT STANDARDS

END OF EXHIBIT B



GENERAL DEVELOPMENT PLAN

EXHIBIT C