

ORDINANCE NO. 2010-11-051

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 67.22 ACRE PROPERTY IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND SO THAT AN APPROXIMATELY 67.22 ACRE PROPERTY IS ZONED "PD" – PLANNED DEVELOPMENT DISTRICT, LOCATED ON THE SOUTHEAST CORNER OF F.M. 2478 (CUSTER ROAD) AND F.M. 1461; 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 67.22 acre property, located on the southeast corner of F.M. 2478 (Custer Road) and F.M. 1461, which is more fully depicted on Exhibit A, attached hereto, is rezoned from "AG" – Agricultural District to "PD" – Planned Development District; and,

WHEREAS, the City of McKinney has considered the zoning of an approximately 67.22 acre property, located east of the southeast corner of F.M. 2478 (Custer Road) and F.M. 1461, which is more fully depicted on Exhibit A, attached hereto, is zoned "PD" – Planned Development District; 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 67.22 acre property, located on the southeast corner of F.M. 2478 (Custer Road) and F.M. 1461, is rezoned from "AG" – Agricultural District to "PD" – Planned Development District.
- Section 2. Ordinance No. 1270 is hereby amended in order to zone an approximately 67.22 acre property, located east of the southeast corner of F.M. 2478 (Custer Road) and F.M. 1461, is zoned "PD" – Planned Development District.
- Section 3. The use and development of the subject property shall conform to the following regulations:
- a. The subject property shall generally develop according to the attached Zoning Exhibit (Exhibit C).
 - b. The subject property shall develop according to the attached Planned Development District Regulations (Exhibit B).
- Section 4. 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 5. 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 6. 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.

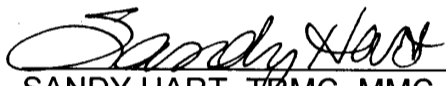
Section 7. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 16TH DAY OF NOVEMBER, 2010.

CITY OF MCKINNEY, TEXAS

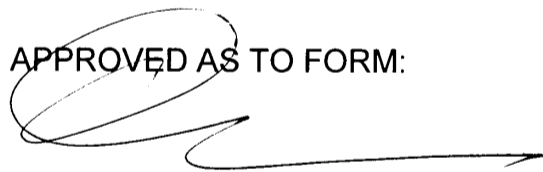

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

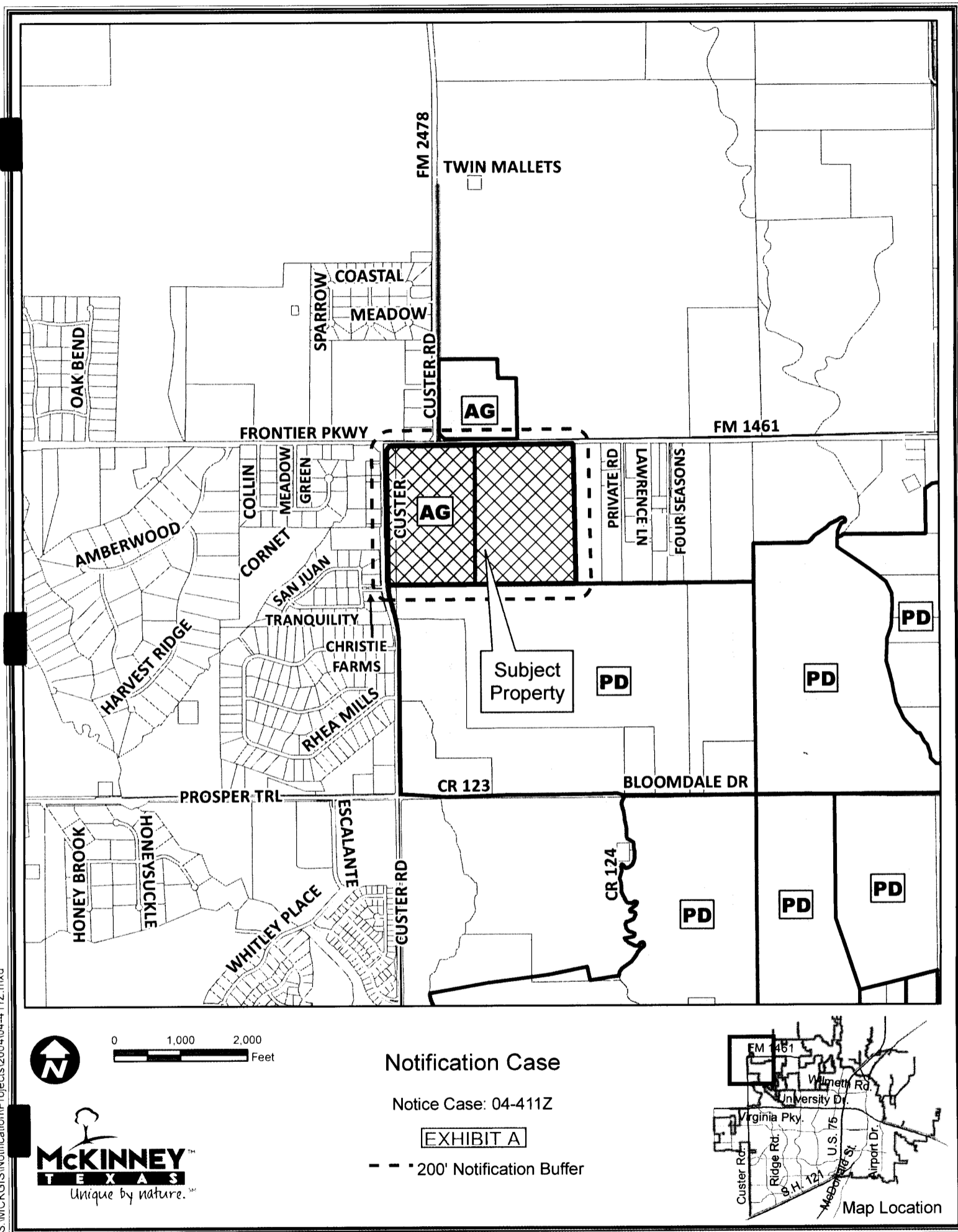

SANDY HART, TRMC, MMC
City Secretary

DATE: November 17, 2010

APPROVED AS TO FORM:


MARK S. HOUSER
City Attorney

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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.

DEVELOPMENT STANDARDS

Application

This Planned Development District shall apply to the area (the Property) more clearly depicted by the attached Zoning Exhibit.

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 configuration of the property to develop a unique set of guidelines or development standards by which the Property may be developed.

The City of McKinney Subdivision Ordinance and the City of McKinney Zoning Ordinance will govern development of the Property, except for the following specific standards.

Development within the 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.

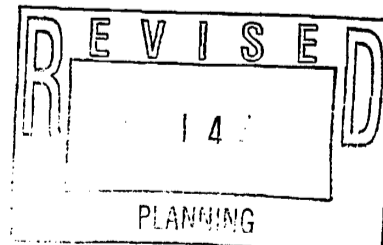
General Development Plan

A general development plan shall be submitted and approved by the City Council prior to the approval of any plat for the medium and low density areas of the proposed development. The general development plan shall show the schematic layout of the both areas and their relationship to adjacent properties. The required general development plan shall delineate the proposed characteristics of the areas in terms of the number of dwelling units, proposed density, acreage, and general layout of lots and streets.

Development Standards

Land uses that will be allowed within the Property include single family residential, townhouse, commercial, mixed-use and park/open space. Please refer to the attached Zoning Exhibit 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.

All of the residential lots within the proposed development will be subject to an overall median and mean lot size of 7,200 square feet and an overall maximum density of 3.2 dwelling units per acre. While portions of the proposed development may achieve densities in excess of 3.2 dwelling units per acre, the overall residential density shall not exceed 3.2 dwelling units per acre. However, if the Property develops per the requirements of the "Design for Density" section of the City's Comprehensive Plan, an overall maximum residential density of 3.4 dwelling units per acre may be achieved.



1. Single Family Residential Uses (Low Density Area) – Approximately 68.4 Acres

The low density area of the Property shall allow for the construction of low-density single family detached uses and shall be developed with no more than 219 dwelling units (3.2 dwelling units/acre). If this area develops per the requirements described under the "Design for Density" section in the City's Comprehensive Plan, a maximum of 232 units (3.4 dwelling units/acre) shall be allowed.

This area shall be developed in accordance with the development standards for the RS-60 district regulations (Section 146-73 of the Zoning Ordinance, and as amended) except as follows:

- Minimum Rear Yard Setback: 20 feet
- Maximum Lot Coverage: 50%
- Maximum Floor Area Ratio: 0.5:1

2. Mixed Residential Uses (Medium Density Area) – Approximately 24.4 Acres

The medium-density area of the Property shall allow for the construction of low-density single family detached homes, medium-density single family detached homes, townhomes or a combination of the three.

If low-density single family detached homes are proposed within the medium density area, then the development standards of Section 1, above, shall be applicable.

If medium-density single family detached homes are proposed within the medium density area, then the development standards for the RS-45 district regulations (Section 146-74 of the Zoning Ordinance, and as amended) shall be applicable, except as follows:

- Minimum Front Yard Setback: 20 feet, front stoops may project up to 5 feet into required front yard setback.
- Minimum Rear Yard Setback: 10 feet, except 20 feet where rear yards abut low-density uses as described herein.
- Minimum Side Yard Setback: 5 feet, except for zero-lot-line homes, which shall have a side yard of zero feet on the zero-lot-line side and 10 feet on the non-zero-lot-line side, providing a minimum 10 feet between buildings.
- Maximum Lot Coverage: 60%, including accessory buildings
- Maximum Floor Area Ratio: 0.6:1

The provision for a townhome product is a response to the needs of a changing population, one that desires the benefits of home ownership while reducing the maintenance requirements. If the medium density area is developed as townhomes, then the development standards for the RG-27 district regulations (Section 146-76 of the Zoning Ordinance, and as amended) shall be applicable, except as follows:

- Maximum Height of Building: 3 stories or 40 feet, except 2 stories or 35 feet where abutting low-density single family detached uses as described herein.
- Minimum Front Yard Setback: 10 feet for front-entry, except that garages shall be set back a minimum of 20 feet; 10 feet for rear-entry. For front-entry units, front stoops may project up to 5 feet into required front yard setback.
- Minimum Rear Yard Setback: 10 feet for front-entry units, except 20 feet where rear yards abut low-density single family detached uses as described herein; 20 feet for rear-entry units.
- Maximum density for townhome uses: 8 dwelling units per acre.

No more than 50% of all townhome units shall be front entry.

3. Retail / Commercial Uses – Approximately 30.9 Acres

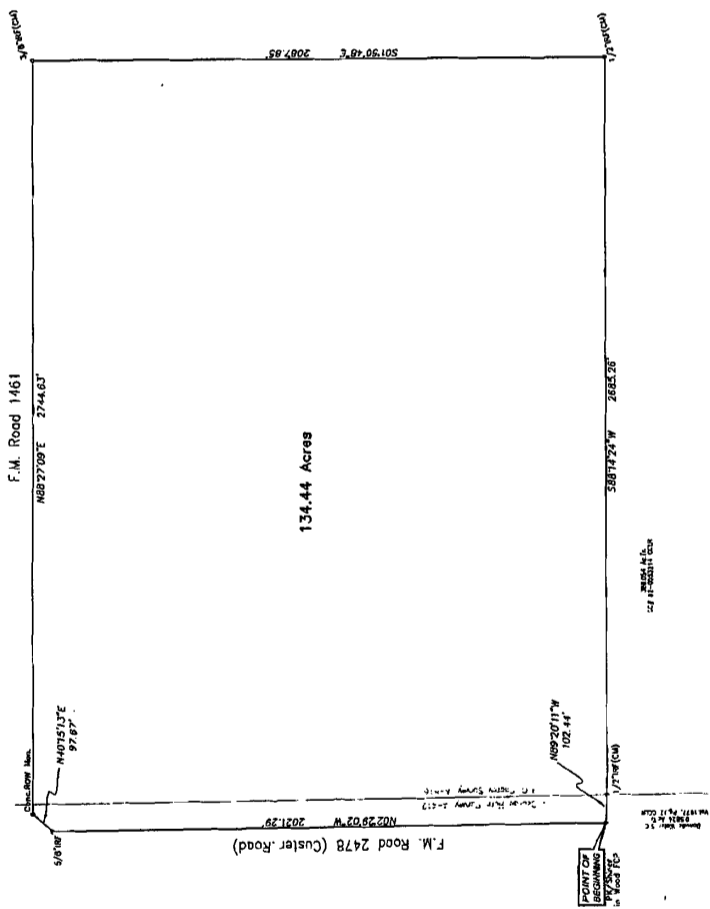
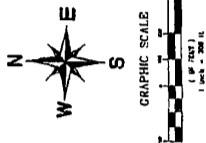
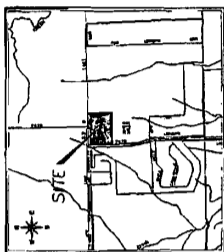
The retail/commercial areas of the Property shall be developed in accordance with the development standards for the BG district regulations (Section 146-85 of the Zoning Ordinance, and as amended). This planned development shall include approximately 30.9 acres of commercial development as shown on the Zoning Exhibit.

LIST OF EXHIBITS:

1. Zoning Exhibit
2. Metes and Bounds Description

END OF DEVELOPMENT STANDARDS

EVENT CONTINUED

[illegible]

**ZONING EXHIBIT
HAGGARD TRACT**

**WANTED BY THE
FEDERAL BUREAU OF INVESTIGATION**

**L.C. HENRICH SURVEY, ABSTRACT NO. 818
GEORGE HORN SURVEY, ABSTRACT NO. 416
CITY OF MCKENNEY, COLUMBIA COUNTY, TEXAS**

APPLICANT:
TERRY WAGGARD
Box 100
McKenney, Texas 75057

CHIL ENGINEERS/ SURVEYOR
**John Horn
and Associates**
12000 Hwy. 280, Box 100
McKenney, Texas 75057
For (817) 471-4248

ALLEGED ENTERPRISES LIMITED, LTD
10000 Hwy. 280
Box 100
McKenney, Texas 75057
For (817) 471-4248

10000 Hwy. 280, Box 100
McKenney, Texas 75057
For (817) 471-4248

AUGUST 14, 1984

AUGUST 14, 1964

HAGGARD TRACT
MCKINNEY, TEXAS

ZONING EXHIBIT

5.1.

Scale: AS SHOWN
Designed by KHA
Drawn by JTH
Checked by AJF
Date: JULY 2006
Project No. 06401002

13HG

Kumley-Horn
and Associates, Inc.

12700 Park Central Drive, Suite 1800
Dallas, Texas 75228
Tel. (817) 272-1300
Fax. (817) 272-1302

LEGAL DESCRIPTION
134.44 ACRES
L.C. SEARCY SURVEY, ABSTRACT NO. 816
GEORGE HORN SURVEY, ABSTRACT NO. 412
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

SITUATED in the State of Texas, County of Collin, being part of the L.C. Searcy Survey, Abstract No. 816 and the George Horn Survey, Abstract No. 412, being the westerly portion of an originally called 137.812 acre tract as recorded in Volume 265, Page 194 of the Collin County Land Records, and being more particularly described as follows;

BEGINNING at a PK nail in a shiner in a wood fence corner post in the east right-of-way line of F.M. Road 2478 (Custer Road) marking the southwest corner of said 134.44 acre tract and the northwest corner of a Danville Water Supply Corporation 0.5824 acre tract as recorded in Volume 1977, Page 12 of the Collin County Land Records;

THENCE with the east right-of-way line of F.M. Road 2478 (Custer Road), the west line of said 134.44 acre tract, North 02°29'02" West, 2021.29 feet to a 5/8-inch iron rod found marking a corner-clip at the intersection of the east right-of-way line of F.M. Road 2478 (Custer Road) with the south right-of-way line of F.M. Road 1461;

THENCE with said right-of-way corner-clip, the northwest line of said tract, North 40°15'13" East, 97.67 feet to a concrete right-of-way monument found marking the end of said corner-clip in the south right-of-way line of F.M. Road 1461 and the north line of said 134.44 acre tract;

THENCE with the south right-of-way line of F.M. Road 1461 and the north line of said 134.44 acre tract, North 88°27'09" East, 2744.63 feet to the northeast corner of said tract from which a 3/8-inch iron rod found marking the northeast corner;

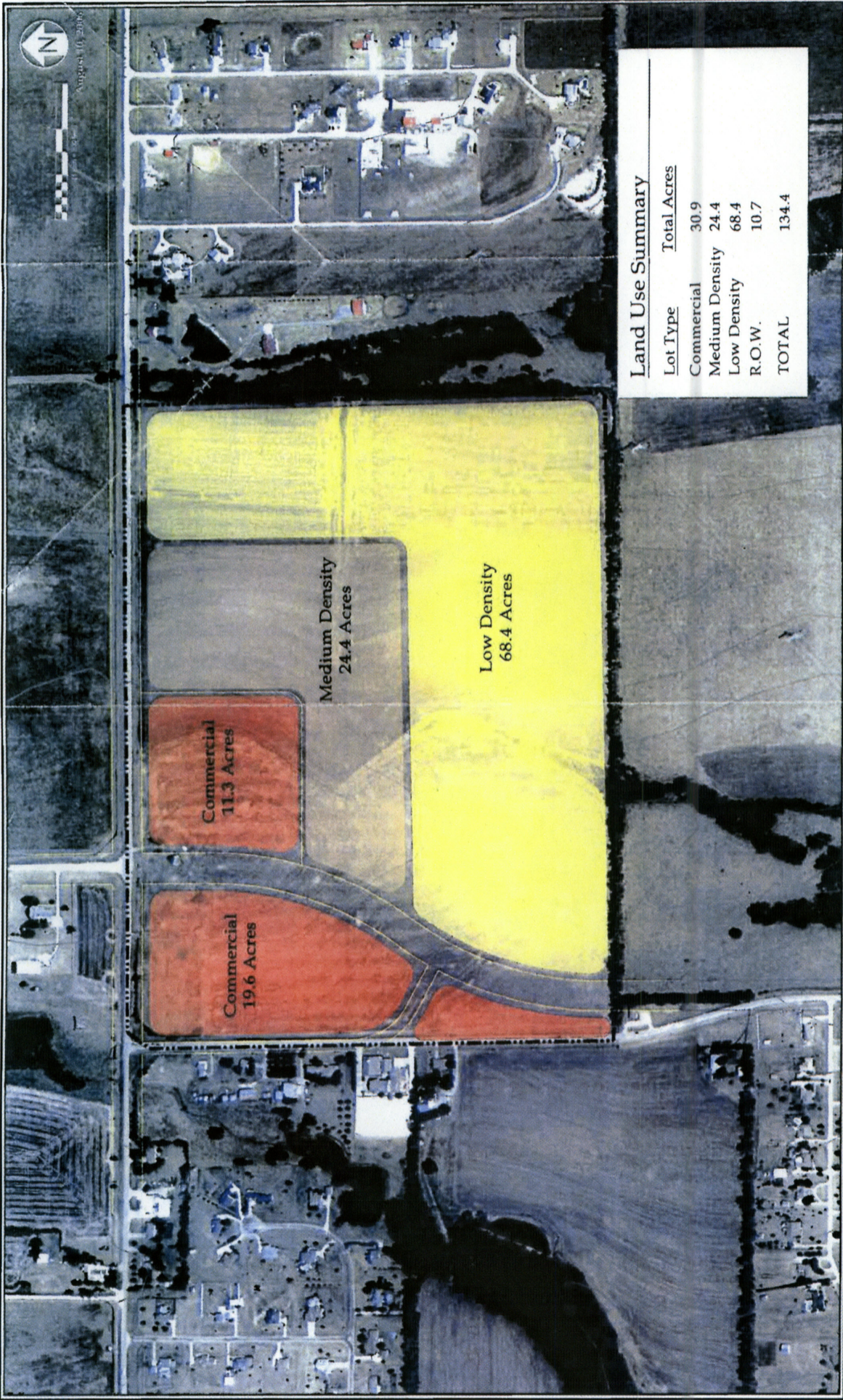
THENCE crossing an open field along the east line of said tract, South 01°50'48" East, 2087.85 feet to the southeast corner of said tract, the south line of the original 137.812 acre tract and also being in a north line of a 388.054 acre tract as recorded under County Clerk No. 92-0053214 of the Collin County Land Records, from said corner a 1/2-inch iron rod found marking the southeast corner;

THENCE with a south line of said 134.44 acre tract, a south line of said 137.812 acre tract and a north line of said 388.054 acre tract, South 88°14'24" West, 2685.26 feet to a 1/2-inch iron rod found marking the most northerly northwest corner of said 388.054 acre tract and the northeast corner of the aforementioned Danville Water Supply Corporation 0.5824 acre tract;

THENCE with a south line of said 134.44 acre tract, a south line of said 137.812 acre tract, and the north line of said 0.5824 acre tract, North 89°20'11" West, 102.44 feet to the **POINT OF BEGINNING** and containing 134.44 acres of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.


EXHIBIT B CONTINUED



Land Use Summary	
Lot Type	Total Acres
Commercial	30.9
Medium Density	24.4
Low Density	68.4
R.O.W.	10.7
TOTAL	134.4

Haggard Tract - 134 +/- Acres

EXHIBIT C

 Kimley-Horn
and Associates, Inc.
17500 York Road, Suite 1000
Dallas, Texas 75242
Phone: 972.222.1500
Fax: 972.222.1501
Email: kha@kimley-horn.com
August 10, 2006

PLANNING