

AN ORDINANCE REPEALING ORDINANCE NO. 94-10-40 AND AMENDING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT A 56.3 ACRE TRACT OF LAND LOCATED AT THE NORTHEAST CORNER OF UNIVERSITY BOULEVARD (U.S. HIGHWAY 380) AND SKYLINE DRIVE IS ZONED "PD" PLANNED DEVELOPMENT FOR SINGLE FAMILY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL AND COMMERCIAL PLANNED CENTER DEVELOPMENT; PROVIDING REGULATIONS; PROVIDING FOR SITE PLAN AND LANDSCAPE PLAN APPROVAL; 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 owner of a tract of land located at the northeast corner of University Blvd. (U.S. Highway. 380) and Skyline Drive, in the City of McKinney, Collin County, Texas, has petitioned the City of McKinney to amend the provisions of Ordinance 94-10-40 with respect to a 46.0 acre part of such parcel of land to provide for revised space limits for the single family residential part of the "PD" - Planned Development District and to reallocate the single family and multiple family areas, reducing the multi-family and increasing the single family areas respectively and reducing the permitted number of multi-family dwelling units accordingly, as provided in the "PD" - Planned Development Regulations attached hereto, complete legal descriptions of such 46.0 acre tract to which the amendments are being made and the total area of the "PD" - Planned Development District established herein being attached hereto and marked as Exhibit "E," and Exhibit "A" respectively, and made a part hereof for all purposes; and,

WHEREAS, after due notice of the requested zoning 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 said rezoning should be made.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

SECTION 1. The subject 56.3 acre tract of land, located at the northeast corner of University Blvd. (U.S. Highway. 380) and Skyline Drive, in the City of McKinney, Collin County, Texas, which is more fully described on Exhibit "A" and depicted on Exhibit "B" - "PD" ZONING MAP attached hereto and made a part hereof for all purposes, is hereby rezoned to "PD" - Planned Development District as specified herein.

SECTION 2. The attached Exhibit "C" - "PD" ZONING DISTRICT REGULATIONS shall provide for zoning regulations and shall govern development regarding the property zoned hereby. The regulations specified by Exhibit "C" shall apply to the respective areas depicted on Exhibit "B" herein reconfigured. The zoning map shall be amended accordingly and shall serve as an attachment to this zoning.

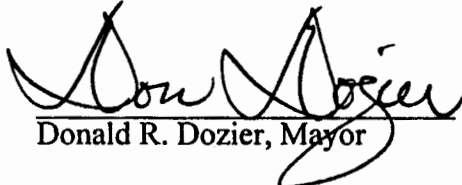
SECTION 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and to this end, the provisions of this 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 therefor, shall be fined any sum not exceeding \$200.00, 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. The no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, or specific regulations contained herein. The ordinance 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 3rd DAY OF JUNE, 1997.


Donald R. Dozier, Mayor

CORRECTLY ENROLLED:


JENNIFER G. SMITH, City Secretary

APPROVED AS TO FORM:

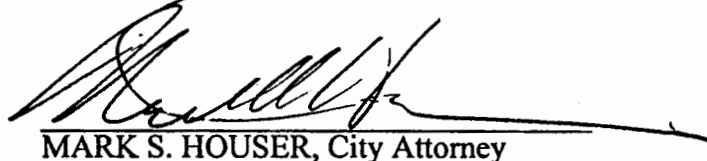

MARK S. HOUSER, City Attorney

EXHIBIT "A"
56.272 AC.
LEGAL DESCRIPTION

SITUATED in the Jacob Dunbaugh Survey, Abstract No. 257, in the City of McKinney, Collin County, Texas and being part of a called 56.541 acre tract of land conveyed to Ben B. West and Patrick F. Deprez by deed recorded in Volume 923, Page 239 of the Deed Records of Collin County, Texas and said part of the called 56.541 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a highway department monument found in the north right-of-way line of U.S. Highway No. 380 (a 140 foot right-of-way) at the northeast corner of a 0.1863 acre tract of land conveyed by Ben B. West and Patrick F. Deprez to the State of Texas by deed dated May 24, 1990 and recorded in Volume 3360, Page 703 of the Deed Records of Collin County, Texas; and, said Point of Beginning lies N 0° 20' 10" E 10.02 feet from the southwest corner of the McKinney Heights No. 2, an addition to the City of McKinney according to the plat recorded in Volume 6, Page 40 of the Map and Plat Records of Collin County, Texas; and,

THENCE: S 89° 16' 00" W 802.88 feet along the north line of the said 0.1863 acre tract of land conveyed to the State of Texas to a point therein for corner; and,

THENCE: N 44° 51' 00" W 146.68 feet along the north line of the said 0.1863 acre tract of land conveyed to the State of Texas to a point in the center of Skyline Drive; and,

THENCE: N 01° 13' 28" E 2250.16 feet along and near the center of Skyline Drive and along the west line of the said 56.541 acre tract to its northwest corner in the center of Old Celina Road; and,

THENCE: Along the north line of the said 56.541 acre tract and along the approximate centerline of Old Celina Road, as follows:

1. N 88° 26' 04" E 305.45 feet to a 1/2" iron rod set for a corner;
2. S 88° 48' 09" E 872.50 feet to a railroad spike set for a corner;

THENCE: S 01° 16' 13" W 1334.92 feet along the west line of Block A and Block E, McKinney Heights 3, an addition to the City of McKinney, according to the plat recorded in Cabinet E, Slide 10 of the Map Records of Collin County, Texas, to a 5/8" iron rod found at the southwest corner of Lot 13 of said Block E, McKinney Heights 3, said point being in the north line of a 20 foot alley, as dedicated by the plat of McKinney Heights No. 2, an addition to the City of McKinney, according to the plat recorded in Volume 6, Page 40 of the Map Records of Collin County, Texas;

THENCE: Along the north and west lines of the aforesaid McKinney Heights No. 2, as follows:

1. N 89° 00' 05" W 104.38 feet to a 1/2" iron rod found for a corner;
2. N 60° 04' 56" W 48.27 feet to a 1/2" iron rod found for a corner;
3. S 74° 05' 33" W 140.87 feet to a 1/2" iron rod found for a corner;
4. S 15° 47' 18" E 35.00 feet to a 3/8" iron rod found for a corner;
5. S 74° 13' 22" W 145.00 feet to a 1/2" iron rod found for a corner;
6. S 15° 50' 12" E 456.56 feet to a 1/2" iron rod found for corner;
7. S 0° 20' 10" W 473.84 feet to the **POINT OF BEGINNING** containing 56.272 acres of land more or less.

EXHIBIT "C"
"PD" ZONING DISTRICT REGULATIONS

- A. "RS-84" - SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS
"RS-84" - Single-Family Residence District Regulations shall conform in every instant to Section 3.06 "RS-84" SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS of Ordinance No. 1270, including subsequent amendments, and such regulation is made a part hereof for all purposes.
- B. "RS-60" - SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS
"RS-60" - Single-Family Residence District Regulations shall conform in every instant to Section 3.07 "RS-60" SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS of Ordinance No. 1270, including subsequent amendments, and such regulation is made a part hereof for all purposes, EXCEPT that Space Limits which differ from those of an "RS-60" District shall be as follows:
- a. Minimum depth of lot: As specified by the "RS-60" District, except that lots with a lesser depth as shown on Exhibit "D" shall have a depth not less than that shown.
 - b. Minimum front yard: 25 feet, except as shown otherwise on Exhibit "D".
 - c. Minimum rear yard: 25 feet, except as shown otherwise on Exhibit "D".
 - d. Minimum interior side yard: 5 feet. (An interior side yard is one that does not adjoin a street.)
 - e. Maximum lot coverage: As specified by the "RS-60" District, except that the maximum coverage on those lots where the minimum front and/or rear yard depth is 20 feet, as shown on Exhibit "D", shall be 44 percent.
 - f. Maximum floor area ratio: None.
- C. "RG-18" GENERAL RESIDENCE DISTRICT REGULATIONS
"RG-18" - General Residence District Regulations shall conform in every instance to Section 3.10 "RG-18" General Residence District Regulation of Ordinance No. 1270, including subsequent amendments, and such regulation is made part hereof for all purposes, EXCEPT for the following additional limitations and regulations:
- 1. STATEMENT OF PURPOSE:
To provide for quality multi-family development by providing aesthetic amenities in the design of buildings and landscaping as detailed herein.
 - 2. DENSITY LIMITS:
The minimum lot area for residential buildings containing more than four (4) dwelling units shall be two thousand, two hundred (2,200) square feet per dwelling unit.
 - 3. BUILDING AND LANDSCAPE AMENITIES:
 - a. Staggered Building Wall Line: There shall be a minimum four (4) foot offset between the relative front walls (exclusive of exterior balconies) of every two units in the same building for every four (4), or less, unit foot prints. The setback, or staggered area, shall extend a minimum of two units.
 - b. Roof Slope: The minimum slope for roofs shall be four on twelve (4:12) except for hipped roofs or porch, patio or balcony covers.
 - c. Balconies: Each upper floor unit shall be provided with a balcony of a minimum thirty-two (32) sq. ft. floor area. Balconies shall be placed under the main roof.

- d. Masonry Requirements: All units shall be constructed of masonry exterior in the amount of 75% of the overall site average other than the areas designated to be glass and architectural accent materials.
- e. Exterior Lighting: Exterior lighting fixtures whether attached to buildings or free standing shall be of harmonious design. Security lights over ten (10) feet above grade and abutting residential uses shall be placed along the rear property line and shall be of a "down-light" type to minimize glare onto adjoining property.
- f. Sight Barrier Screening Walls:
 - 1. Sight Barrier Screening Wall shall extend along the entire length of the east "RG-18" Zone District Line and shall be six (6) feet high constructed of brick and shall be constructed concurrent with construction of the multi-family dwelling units.
 - 2. Sight Barrier Screening Wall shall extend along the entire length of the north "RG-18" Zone District Line and shall be constructed of materials and height as required in Ordinance #1270 and shall be constructed concurrent with construction of the multi-family dwelling units.
 - 3. Sight Barrier Screening Wall shall extend along the entire length of the north "C" Zone District Line and shall be constructed of materials and height as required in Ordinance #1270 and shall be constructed concurrent with construction of the multi-family dwelling units.
 - 4. Sight Barrier Screening Wall shall extend along the entire length of the east "C" Zone District Line and shall be six (6) feet high constructed of brick and shall be constructed concurrent with development of the One Story Garden Office Tract in the "C" Zone District.

D. "C" - COMMERCIAL DISTRICT REGULATIONS

"C" - Commercial District Regulations shall conform in every instant to Section 3.14 "C" PLANNED CENTER DISTRICT REGULATIONS of Ordinance No. 1270, including subsequent amendments, and such regulation is made a part hereof for all purposes. The eastern 300' (three hundred feet) of the Commercial District shall be restricted to offices with a maximum height of one-story.

- E. A site plan and landscape plan shall be submitted, reviewed according to established procedure for site plan review, and approved by the City Council prior to development of areas within the "RG-18" and "C" Zoning Districts.

ALL RESIDENTIAL
PD-RS-60 & PD-RS-84 & PD-RG-18
46.00 AC.
LEGAL DESCRIPTION

SITUATED in the Jacob Dunbaugh Survey, Abstract No. 257, in the City of McKinney, Collin County, Texas and being part of a called 56.541 acre tract of land conveyed to Ben B. West and Patrick F. Deprez by deed recorded in Volume 923, Page 239 of the Deed Records of Collin County, Texas and said part of the called 56.541 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a highway department monument found in the north right-of-way line of U.S. Highway No. 380 (a 140 foot right-of-way) at the northeast corner of a 0.1863 acre tract of land conveyed by Ben B. West and Patrick F. Deprez to the State of Texas by deed dated May 24, 1990 and recorded in Volume 3360, Page 703 of the Deed Records of Collin County, Texas; and, said Point of Commencing lies N 0° 20' 10" E 10.02 feet from the southwest corner of the McKinney Heights No. 2, an addition to the City of McKinney according to the plat recorded in Volume 6, Page 40 of the Map and Plat Records of Collin County, Texas; and,

THENCE: Along the west line of the McKinney Heights No. 2 addition as follows:

1. N 0° 20' 10" E 473.84 feet to a 3/8 inch iron rod found for corner therein; and,
2. N 15° 50' 12" W 12.19 feet to a point for corner in the west line of the said McKinney Heights No. 2., also being the **POINT OF BEGINNING** for the tract of land described herein; and,

THENCE: N 88° 46' 32" W upon and across the hereinabove referenced 56.541 acre tract of land 897.13 feet to a point for corner on the west line of the said 56.541 acre tract of land in the center of skyline road; and,

THENCE: N 1° 13' 28" E 1839.06 feet along the west line of the said 56.541 acre tract of land and the center of Skyline Road to the northwest corner of the said 56.541 acre tract of land lying in the intersection of the extensions of the center lines of Skyline Road and Celina Road; and,

THENCE: N 88° 26' 04" E along the north line of the said 56.541 acre tract of land, a distance of 305.45 feet to an angle point in the center of Celina Road; and,

THENCE: S 88° 48' 09" E along the north line of the said 56.541 acre tract of land and the center of Celina Road a distance of 872.50 feet to the northeast corner of the said 56.541 acre tract of land in the center of Skyline Road; and,

THENCE: S 01° 16' 13" W 1334.92 feet along the west line of Block A and Block E, McKinney Heights 3, an addition to the City of McKinney, according to the plat recorded in Cabinet E, Slide 10 of the Map Records of Collin County, Texas, to a 5/8" iron rod found at the southwest corner of Lot 13 of said Block E, McKinney Heights 3, said point being in the north line of a 20 foot alley, as dedicated by the plat of McKinney Heights No. 2, and addition to the City of McKinney, according to the plat recorded in Volume 6, Page 40 of the Map Records of Collin County, Texas; and,

Along the north and west lines of the aforesaid McKinney Heights No. 2, as follows:

1. N 89° 00' 05" W 104.38 feet to a 1/2" iron rod found for a corner; and,
2. N 60° 04' 56" W 48.27 feet to a 1/2" iron rod found for a corner; and,
3. S 74° 05' 33" W 140.87 feet to a 1/2" iron rod found for a corner in the west line of Wisteria Way, a 50 foot right-of-way; and,
4. S 15° 47' 12" E 35.00 feet along the west line of Wisteria Way and along a west line of McKinney Heights No. 2 to a point for corner in a north line of McKinney Heights No. 2; and,
5. S 74° 13' 22" W 145.00 feet along a north line of McKinney Heights No. 2 to the most westerly northwest corner of McKinney Heights No. 2; and,

THENCE: S 15° 50' 12" E 444.37 feet to the **POINT OF BEGINNING** and containing 46.00 acres of land more or less.

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EXHIBIT "E"

PRELIMINARY PLAT FOR REVIEW PURPOSES ONLY

Approved for Preparation of Final Plat

<u> </u> <u>City of Baltimore, Maryland</u> <u>Mayor</u>	<u> </u> <u>City of Baltimore, Maryland</u> <u>Commissioner and Zoning Commissioner</u>
Date _____	Date _____

[illegible]

PRELIMINARY PLAT
BELLE MEADE ADDITION
30.208 ACRES
JACOB DUNBAUGH SURVEY
ABSTRACT NO. 257
MCKINNEY, COLLIN CO., TEXAS

R S - 84	
BLOCK A	7
BLOCK B	11
BLOCK C	3
TOTAL RS-84	21
PD - RS - 60	
BLOCK D	20
BLOCK E	24
BLOCK F	23
BLOCK G	10
BLOCK H	24
BLOCK I	17
TOTAL RS-60	118

PS

MAY 28 1997

O W N E R

[illegible]

EXHIBIT "D"