

ORDINANCE NO. 2014-03-016

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 379.15 ACRE PROPERTY IS ZONED "PD" - PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY RESIDENTIAL, INDEPENDENT LIVING, OFFICE, AND AGRICULTURAL USES, LOCATED ON THE NORTH SIDE OF F.M. 1461 AND ALONG THE WEST SIDE OF C.R. 168; 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 379.15 acre property, located on the north side of F.M. 1461 and along the west side of C.R. 168, which is more fully depicted on Exhibits "A" and "B", attached hereto, to "PD" – Planned Development District, generally to allow for single family residential, independent living, office, and agricultural uses; 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 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 amended so that an approximately 379.15 acre property, located on the north side of F.M. 1461 and along the west side of C.R. 168, which is more fully depicted on Exhibits "A" and "B", attached hereto, to "PD" – Planned Development District, generally to allow for single family residential, independent living, office, and agricultural uses.

Section 2. Use and development of the subject property, more fully depicted on Exhibits "A" and "B", shall be zoned "PD" – Planned Development District, and as amended, and shall conform to the following special ordinance provision:

1. The subject property shall develop in accordance with the attached Development Regulations - Exhibit "C" and Land Use Plan - Exhibit "D".

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.

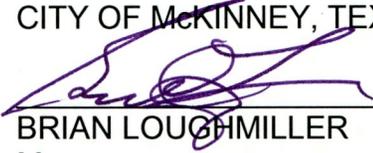
Section 4. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue 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 4th DAY OF MARCH, 2014.

CITY OF MCKINNEY, TEXAS



BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:



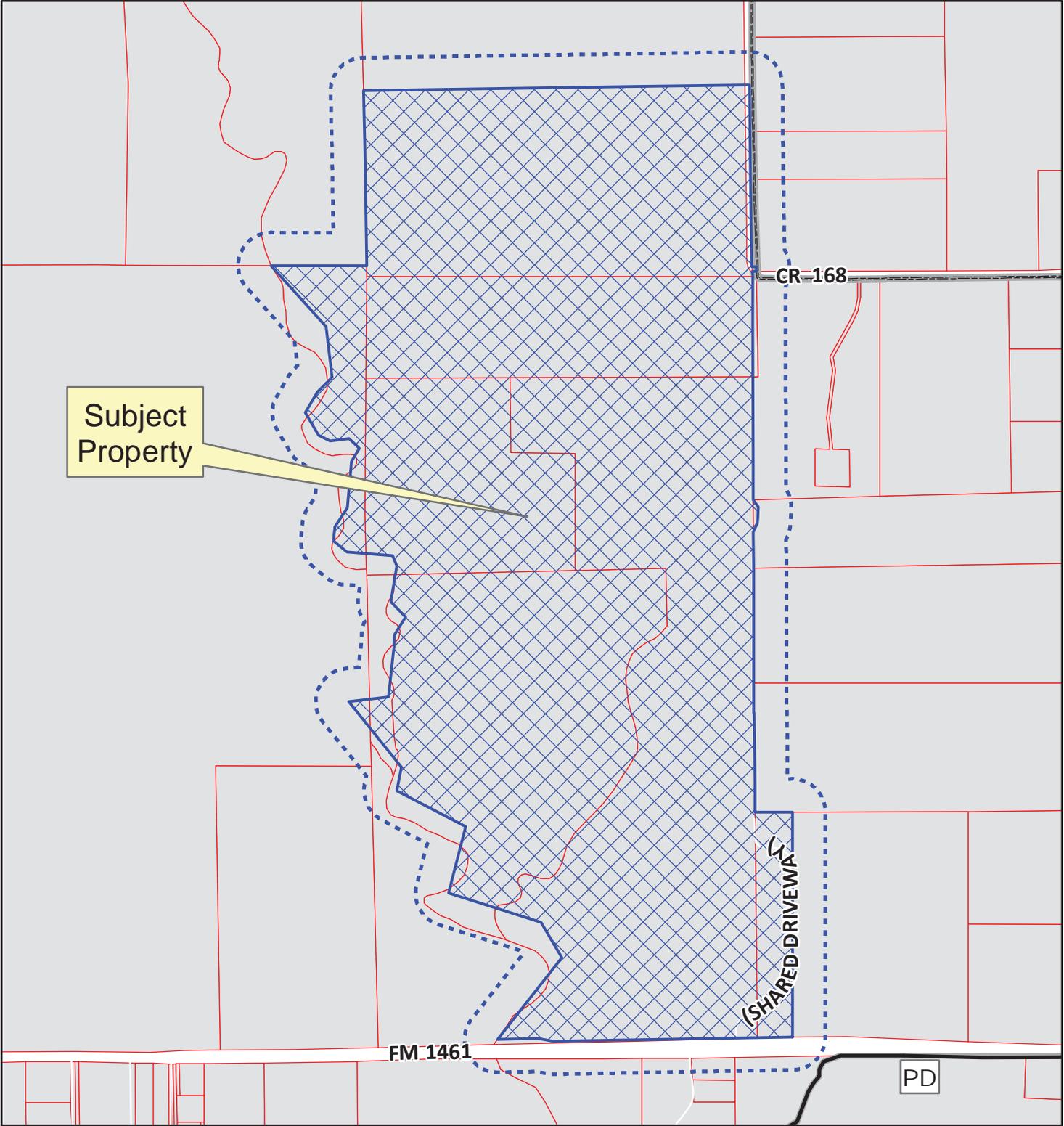
SANDY HART, TRMC, MMC
City Secretary

DATE: March 4, 2014

APPROVED AS TO FORM:



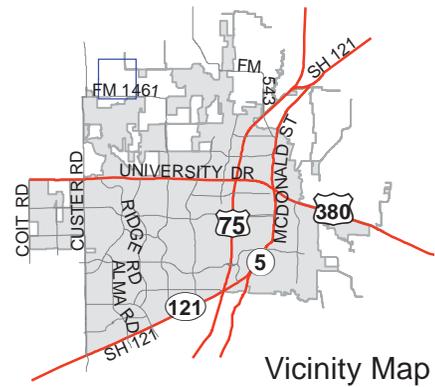
MARK S. HOUSER
City Attorney



Notification Map

Case: 13-219Z

--- 200' Notification Buffer



FIELD NOTE DESCRIPTION

Being a tract of land situated in the C.A. BURNS SURVEY, Abstract No. 109, C. WATSON SURVEY, Abstract No. 945, S.W. CASH SURVEY, Abstract No. 237 and the BENJAMIN THAYER SURVEY, Abstract No. 915 and being all of a tract of land conveyed to John C. Franklin, Trustee as recorded in Volume 1632, Page 953 and all of a tract of land conveyed to H.C. Franklin as recorded in Volume 1457, Page 669 of the Land Records of Collin County, Texas (LRCCT) and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set at the most southwesterly corner of a tract of land conveyed to Mark E. Smith as recorded in CC#92-0021451 (LRCCT) said point being set in the northerly Right-of-Way line of FARM TO MARKET ROAD #1461 (variable width Right-of-Way);

THENCE departing the westerly line of said Smith tract and along the northerly Right-of-Way line of said FARM TO MARKET ROAD #1461 as follows:

South 88°57'13" West a distance of 1643.09 feet to a concrete highway marker found for corner;

North 79°44'11" West a distance of 101.98 feet to a concrete highway marker found for corner;

South 88°57'13" West a distance of 279.00 feet to a point for corner in the approximate centerline of STOVER CREEK;

THENCE departing the northerly Right-of-Way line of said FARM TO MARKET ROAD #1461 and along the approximate centerline of said STOVER CREEK as follows:

North 38°27'28" East a distance of 709.90 feet to a point for corner;

North 30°32'32" West a distance of 280.00 feet to a point for corner;

North 72°32'32" West a distance of 666.40 feet to a point for corner;

North 14°27'28" East a distance of 469.00 feet to a point for corner;

North 62°32'32" West a distance of 530.00 feet to a point for corner;

North 10°57'28" East a distance of 164.50 feet to a point for corner;

North 39°02'32" West a distance of 575.00 feet to a point for corner;

North 83°42'28" East a distance of 276.20 feet to a point for corner;

North 05°57'28" East a distance of 348.00 feet to a point for corner;

North 03°42'59" East a distance of 77.74 feet to a point for corner;

North 31°26'58" East a distance of 140.90 feet to a point for corner;

North 43°00'22" West a distance of 145.78 feet to a point for corner;

North 09°41'38" East a distance of 247.40 feet to a point for corner;

North 22°34'00" West a distance of 73.42 feet to a point for corner;

North 84°52'57" West a distance of 316.43 feet to a point for corner;

North 50°31'02" West a distance of 117.15 feet to a point for corner;

North 05°41'10" East a distance of 95.53 feet to a point for corner;

North 32°51'21" East a distance of 155.32 feet to a point for corner;

North 05°07'03" East a distance of 316.43 feet to a point for corner;

North 31°06'24" East a distance of 105.48 feet to a point for corner;

North 47°26'38" West a distance of 95.53 feet to a point for corner;

South 83°05'43" West a distance of 130.86 feet to a point for corner;

North 63°45'28" West a distance of 89.44 feet to a point for corner;

North 30°27'51" West a distance of 179.23 feet to a point for corner;

North 30°56'27" East a distance of 163.78 feet to a point for corner;

North 44°40'38" East a distance of 141.42 feet to a point for corner;

North 06°56'10" West a distance of 347.31 feet to a point for corner;

North 37°41'11" West a distance of 624.95 feet to a point for corner, said point being the most southwesterly corner of a tract of land conveyed to Thomas Stacy Wood as recorded in CC#95-0024457 (LRCCT);

THENCE departing the approximate centerline of said STOVER CREEK and along the southerly line of said Thomas Stacy Wood tract South 89°22'58" East a distance of 685.52 feet to a 1/2 inch iron rod set for corner, said point being the most southeasterly corner of said Thomas Stacy Wood tract;

THENCE departing the southerly line of said Thomas Stacy Wood tract and along the easterly line of said Thomas Stacy Wood tract as follows:

North 00°21'18" East a distance of 715.90 feet to a 1/2 inch iron rod set for corner;

North 00°11'01" East a distance of 424.08 feet to a 3/8 iron rod found for corner, said point being the most southwesterly corner of a tract of land conveyed to Johnnie Fred Robinson et al, as recorded in CC#94-0012199 (LRCCT);

THENCE departing the easterly line of said Thomas Stacy Wood tract and along the southerly line of said Robinson tract as follows:

South 89°57'25" East a distance of 1838.66 feet to a 1/2 inch iron rod set for corner;

North 89°49'03" East a distance of 799.31 feet to a 1/2 inch iron rod found for corner in the approximate centerline of COUNTY ROAD #168;

THENCE departing the southerly line of said Robinson tract and along the approximate centerline of said COUNTY ROAD #168 South 00°28'43" East a distance of 1275.74 feet to a 1/2 inch iron rod set for corner in the northerly line of a tract of land conveyed to Nelson W. Day as recorded in Volume 1253, Page 386 (LRCCT);

THENCE departing the approximate centerline of said COUNTY ROAD #168 and along the northerly line of said Day tract West a distance of 7.00 feet to a 1/2 inch iron rod set for corner, said point being the most northwesterly corner of said Day tract;

THENCE departing the northerly line of said Day tract and along the westerly line of said Day tract and with the westerly line of a tract of land conveyed to Nelson W. Day as recorded in Volume 732, Page 464 (LRCCT) as follows:

South 00°09'20" East a distance of 229.35 feet to a point for corner;

South 00°02'40" East a distance of 194.25 feet to a point for corner;

South 00°13'46" East a distance of 273.77 feet to a point for corner;

South 00°03'46" East a distance of 410.28 feet to a point for corner;

South 00°30'54" East a distance of 182.35 feet to a point for corner;

South 00°19'46" East a distance of 241.30 feet to a point for corner;

South 08°48'46" East a distance of 50.69 feet to a point for corner;

South 02°35'34" West a distance of 76.70 feet to a point for corner;

South 04°18'15" West a distance of 33.51 feet to a point for corner;

South 03°54'45" West a distance of 56.66 feet to a point for corner;

South 00°02'08" West a distance of 235.49 feet to a point for corner;

South 00°50'15" West a distance of 13.84 feet to a 1/2 inch iron rod found for corner, said point being the most northwesterly corner of a tract of land conveyed to Clarence Furr as recorded in Volume 811, Page 633 (LRCCT);

THENCE departing the westerly line of said Day tract and along the westerly line of said Furr tract as follows:

South 12°42'11" West a distance of 54.57 feet to a point for corner;

South 00°09'48" East a distance of 85.96 feet to a point for corner;

South 00°15'11" West a distance of 320.72 feet to a point for corner;

South 00°28'28" West a distance of 325.06 feet to a point for corner;

South 00°03'10" West a distance of 201.62 feet to a 5/8 inch iron rod found for corner;

East a distance of 6.50 feet to a 5/8 inch iron rod found for corner;

South 00°06'08" East a distance of 516.78 feet to a point for corner;

South 00°14'28" East a distance of 155.28 feet to a 1/2 inch iron rod set for corner; said point being the most southwesterly corner of said Furr tract;

THENCE departing the westerly line of said Furr tract and along the southerly line of said Furr tract South 89°10'37" East a distance of 262.99 feet to a 1/2 inch iron rod found for corner, said point being the most northwesterly corner of said Mark E. Smith tract;

THENCE departing the southerly line of said Furr tract and along the westerly line of said Smith tract South 00°23'28" West a distance of 1534.51 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 379.128 acres or 16,514,829 square feet of land more or less.

FIELD NOTE DESCRIPTION

BEING 900 square feet of land located in the Benjamin Thayer Survey, Abstract No. 915, Collin County, Texas and being part of a 20.00 acre tract of land owned by CROWN S LTD., according to the deed recorded in Doc# 2004-0071135 of the Official Public Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a 3/4 inch iron rod found for the southwest corner of said 20.00 acre tract of land and being in the bend of County Road 168 running northerly and easterly from this point;

THENCE along the west line of said 20.00 acres, NORTH 00°20'46" EAST a distance of 30.00 feet to a point for corner;

THENCE departing said west line, SOUTH 89°38'23" EAST a distance of 30.00 feet to a point for corner located in the west line of a 10' wide strip of land annexed by the City of McKinney Ordinance 94-03-09;

THENCE along the west line of said annexed strip, SOUTH 00°20'16" WEST a distance of 30.00 feet to a point for corner located in the south line of said 20.00 acre tract of land;

THENCE NORTH 89°38'23" WEST a distance of 30.00 feet to the POINT OF BEGINNING;

CONTAINING 900 square feet of land more or less.

Planned Development Regulations

1. Land Use Areas. The Zoning Exhibit divides the Property into five tracts, designated "Single Family Residential", "Townhome", and "Office", "Single Family/Independent Living" and "Agricultural" (collectively, the "Land Use Areas"). The sizes and configurations of the Land Use Areas shown on the Zoning Exhibit are approximations and subject to change. The regulations contained herein shall prevail over any conflicting regulations within Chapter 146 (Zoning Regulations) of the City of McKinney's Code of Ordinances, including but not limited to Section 146-130 (Vehicle Parking), Section 146-135 (Landscape Requirements), and Section 146-139 (Architectural and Site Standards).

2. Single-Family Detached Residential. Tract 1, shown on the Zoning Exhibit, shall be developed according to the following regulations. If Tract 3, shown on the Zoning Exhibit, develops as Single-Family Detached Residential, it shall be developed according to the following regulations.

- a. **Single Family Detached Residential Density.** The overall maximum density shall be 3.2 units per acre, subject to an increase in density of up to 3.4 units per acre upon conformance with the design for density provisions provided in the Comprehensive Plan.
- b. **Lot Size.** The minimum mean and median residential lot sizes for the subject property shall be 7,200 square feet.
- c. **Lot Types.** The following single-family lot types (by reference to the City's comprehensive zoning code in effect on the effective date of the approval of this Planned Development) may be developed subject to the standards established by Chapter 146, Zoning Regulations, of the City's Code of Ordinances, for each respective residential district, except as follows:

- i. RS-45

- Minimum front yard setback: 20 feet
- Minimum rear yard setback: 20 feet
- Minimum side yard setback: 5 feet or 0 feet on one side with 10 feet on the other side (minimum 10-foot separation between buildings)
- Minimum side-at-corner setback: 15 feet
- Minimum lot width: 40 feet
- Minimum lot depth: 100 feet
- Minimum lot size: 4,500 square feet
- Maximum height: 35 feet

- ii. RS-60

- Minimum front yard setback: 20 feet
- Minimum rear yard setback: 15 feet
- Minimum side yard setback: 5 feet
- Minimum side-at-corner setback: 15 feet
- Minimum lot width: 50 feet
- Minimum lot depth: 100 feet
- Minimum lot size: 5,750 square feet
- Maximum height: 35 feet

- iii. RS-72

- Minimum front yard setback: 25 feet
- Minimum rear yard setback: 15 feet
- Minimum side yard setback: 5 feet
- Minimum side-at-corner setback: 15 feet
- Minimum lot width: 60 feet

- Minimum lot depth: 100 feet
- Minimum lot size: 7,200 square feet
- Maximum height: 35 feet

d. **Architectural Standards.** All primary structures for single family detached residential shall conform to the following architectural standards:

i. front elevations shall consist of no less than eighty percent (80%) masonry materials including, but not limited to, brick, stone, synthetic stone or stucco (however, no more than 50% of this elevation shall be finished with stucco), with the balance in wood lap siding, vinyl siding, cast concrete modular siding or EIFS;

ii. side elevations shall consist of no less than seventy-five percent (75%) masonry materials including, but not limited to, brick, stone, synthetic stone or stucco (however, no more than 50% of this elevation shall be finished with stucco), with the balance in wood lap siding, vinyl siding, cast concrete modular siding or EIFS; and

iii. rear elevations shall consist of no less than fifty percent (50%) masonry materials including, but not limited to, brick, stone, synthetic stone or stucco (however, no more than 50% of this elevation shall be finished with stucco), with the balance in wood lap siding, vinyl siding, cast concrete modular siding or EIFS.

e. **Permitted Uses.** Single family residential (detached) and commonly associated land uses including, but not limited to, residential amenity centers, golf courses and country clubs, places of worship, recreation areas (private), schools (public and private), swimming pools (public and private), and other similar uses approved by the Director of Planning on a case by case basis.

3. **Townhome.** Tract 2 shown on the Zoning Exhibit shall allow only single family residential (attached) development in accordance with the development regulations for “RG 27” – General Residence Townhome District under the City’s Zoning Ordinance with a maximum density of 8 dwelling units per acre.

4. **Independent Living (Retirement Community).** Independent Living (Retirement Community) development may consume all or any portion of Tract 3. Tract 3 shall be developed in accordance with the development regulations under the City’s comprehensive zoning ordinance, as amended.

a. allowed uses shall include single unit, two-plex to six-plex units and multi-story residential dwellings, community activities centers and administrative offices. Accessory uses shall include swimming pools, tennis and other outdoor recreational facilities, pavilions, private parking garages, parking areas and other accessory uses and buildings customarily appurtenant to independent living facilities;

b. All Independent Living developments shall include communal dining with on-site meal preparation and service as well as transportation services;

c. the maximum height of structures shall be four stories;

d. Perimeter fencing shall be no less than six (6) feet in height and consist of ornamental metal fencing and evergreen shrubs with masonry columns on twenty (20) foot centers and/or masonry fencing;

e. There shall be no restriction on the location of any building in relation to a perimeter boundary of Tract 3 with exception to the required landscape buffers; however, any building exceeding two (2) stories in height shall be set back from the easternmost perimeter of the IL Property by no less than eighty-five (85) feet.

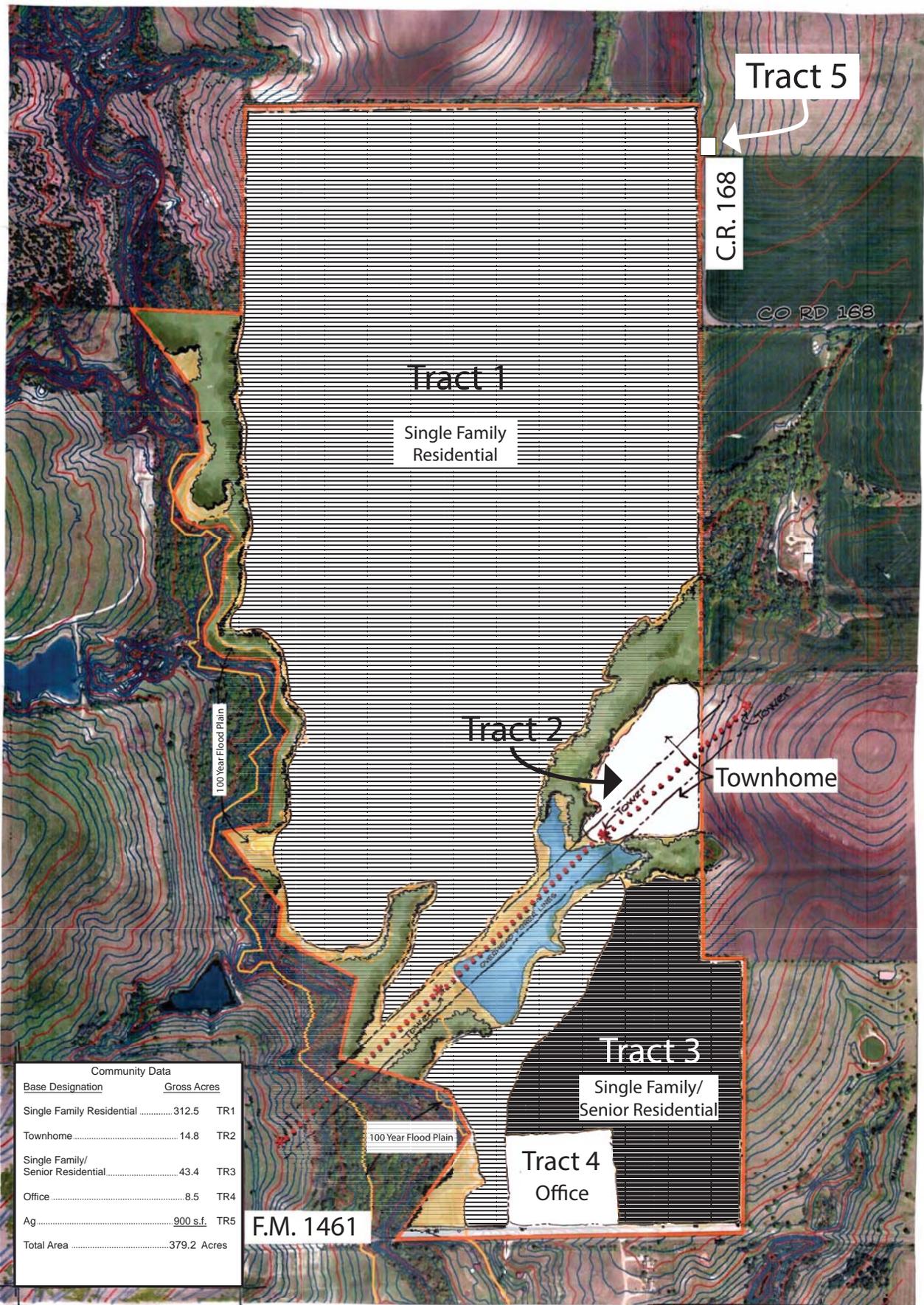
5. **Office.** Tract 4 shown on the Zoning Exhibit allows commercial development in accordance with the development regulations for “O” – Office District under the City’s Zoning Ordinance, and as amended, with the additional permitted uses:

- a. fitness club, gymnasium, exercise area or similar use
- b. cleaning shop and pressing

- c. drug store or pharmacy
- d. florist or garden shop

6. **Agricultural.** Tract 5 (900 square feet) shown on the Zoning Exhibit allows agricultural development in accordance with the development regulations for “AG” – Agricultural District under the City’s Zoning Ordinance, and as amended.

7. **Additional Permitted Uses.** A tree or plant farm and/or farmers’ market shall be allowed uses on the Property so long as the same have no permanent structures and are situated on no less than twenty (20) acres of the Property.



| Community Data | | |
|--------------------------------------|-------------|-----|
| Base Designation | Gross Acres | |
| Single Family Residential | 312.5 | TR1 |
| Townhome | 14.8 | TR2 |
| Single Family/ Senior Residential | 43.4 | TR3 |
| Office | 8.5 | TR4 |
| Ag | 900 s.f. | TR5 |
| Total Area | 379.2 Acres | |

F.M. 1461

ZONING EXHIBIT
Starnes Creek Ranch



**Starnes Creek
Venture, Ltd.**