ORDINANCE NO. 98-08-44

AN ORDINANCE OF THE CITY OF McKINNEY, TEXAS AMENDING ZONING ORDINANCE NO. 1270; CREATING A "PD" – PLANNED DEVELOPMENT DISTRICT -- APPLICABLE TO A 215.59-ACRE TRACT LOCATED AT THE NORTHWEST CORNER OF VIRGINIA PARKWAY AND CUSTER ROAD (F.M. 2478); PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the owner(s) of a 215.59-acre tract located at the northwest corner of Virginia Parkway and Custer Road (F.M. 2478), in the City of McKinney, Collin County, Texas, have petitioned the City of McKinney to rezone such parcel of land from "AG" - Agriculture District to a "PD" - Planned Development District, a complete legal description of such property being attached hereto and marked Exhibit "A", and made a part hereof for all purposes; and,

WHEREAS, after due notice of such requested zoning change 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, the City Council is of the opinion that such zoning change should be made.

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

- Section 1. That Ordinance No. 1270 is hereby amended so that the 215.59-acre tract described in the attached Exhibit "A" is hereby zoned "PD" Planned Development District.
- Section 2. That the development and use of said tract shall conform to the Zoning Exhibit map, marked Exhibit "B" and attached hereto.
- Section 3. That the development and use of said tract shall conform to all regulations applicable to the Planned Development District, as set forth within the zoning regulations, marked Exhibit "C" and attached hereto.
- Section 4. That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development zone, or specific regulations contained herein. This Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.
- Section 5. 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 6. 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 \$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

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violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

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 1800 DAY OF CHECKET, 1998.

DON DOZIER,

CORRECTLY ENROLLED:

MARK S. HOUSER, City Attorney



GENERAL NOTES:

For a period of Period (3) years, the developer shoth display a lean-sided sign at least 4'46' in size at the somer of Virginia Periody and Custer Road India states, "MRPORT 1/2 bitLE (with prove develope west)".

The developer shall provide a machinism for notice (acceptable to the kity atterney) to any residential lot purchaser, which adequately neither purchasers of the enistence of a private errors in the inicity. An undered, scoled map shall be previded in conjunction with such notice.

GROSS RESIDENTIAL DENSITY:

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Not more than 19% of the number of residential units on any residential tract may be transferred to another residential tract se long as the 700 maximum number of availing units is not secretaed.

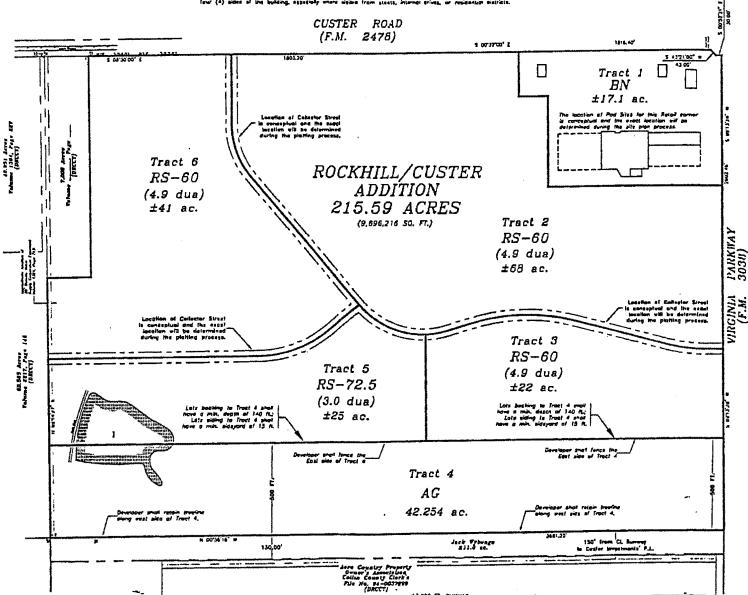


NORTH



ELEVATION DRAWINGS:

All non-residential buildings shall have direction desirings approved as part of their site plan approved process to determine soniforally with other buildings within the immediate precisional and to make reservable consideration for the finish of all form (s) sides of the building, approved order either form seath, internet erical, or replantion building.



"AG" DISTRICT

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"RS-72.5" DISTRICT

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"RS-80" DISTRICT

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"BN" RETAIL DISTRICT

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Special Provisions:

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Additional Permitted Uses:

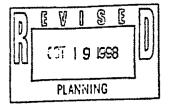
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(c.) Service station military experience a physical state optimistic service, and not property on the two socialists immediately objected to the interaction of Coulor Road and Viginia Review, and not pop property with replacemize adjectment.

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ZONING EXHIBIT ROCKHILL/CUSTER ADDITION 215.59 Acres

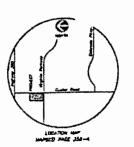
JOHN R. BURROWS SURVEY, ABST. NO. 70 CITY OF MEXIMINEY, COLLIN CTY., TEXAS

Custer Investments, Inc. 36'8 Romand D'in Daffall, Taxon 75252 (9'72) 746-1320

Kurtz . Bedford ... Associates, Inc.

Consulting Engineers - Surveyore

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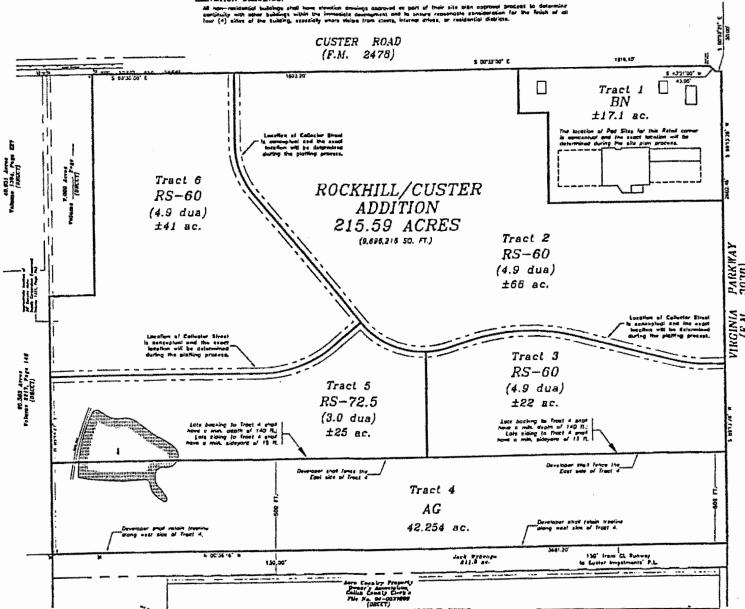
GENERAL NOTES:

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GROSS RESIDENTIAL DENSITY:

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ELEVATION DRAWINGS:



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"AG" DISTRICT

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"RS-72.5" DISTRICT

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"RS-80" DISTRICT

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Space limits which and differ from more of the AS-60 District

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Special Provisions

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(b) Filtram (13) ported, and, incommun.
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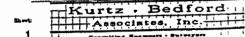
(i.) Boordinghouse or hooming house.
(ii.) Durmitaries.
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(iii.) Helf- act houses.
(iii.) Auto parts made.
(iii.) Service stations with duta regain facilities.



ZONING EXHIBIT ROCKHILL/CUSTER ADDITION 215.59 Acres

JOHN R. BURROWS SURVEY, ABST. NO. 70 CITY OF MCKINNEY, COLLIN CTY., TEXAS

Custer Investments, Inc. 2816 Reprint Dies Dates, James 75752 [877] 746-1325



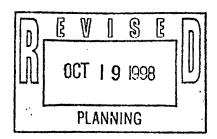
IN MANUFACTURE OF COLUMN ASSESSMENT AND ADMITTAL

ZONING ORDINANCE

ROCKHILL / CUSTER ADDITION 215.59 ACRES

MIXED-USE DEVELOPMENT

APPROVED AT CITY COUNCIL: AUGUST 18, 1998



Owner: Custer Investments, Inc. 5916 Rosebud Drive Dallas, Texas 75252 (972) 248-1330 - Phone (972) 248-2377 - Fax Representative: Winstead, Sechrest, & Minick 5400 Renaissance Tower 1201 Elm Street Dallas, Texas 75270-2199 (214) 745-5400 - Phone (214) 745-5864 - Fax

ROCKHILL / CUSTER ADDITION 215.59 ACRES

PLANNED DEVELOPMENT DISTRICT ZONING ORDINANCE

SECTION 1. The subject tract of land is located at the northwest corner of Virginia Parkway and Custer Road (FM 2478) in the City of McKinney, Collin County, Texas, which is more fully described on Exhibit "A" and depicted on Exhibit "B" attached hereto, is hereby rezoned from "AG" - Agricultural to "PD" - Planned Development District.

SECTION 2. "AG" DISTRICT

The portion of property designated as a "AG" district shall develop to the standards of Section 3.02 of Ordinance 1270, the "AG" Agricultural District Regulations, and all other regulations applicable to development within said zoning district, as amended from time to time.

- (1) Special Provisions:
 - (a) The developer shall retain the tree line on the west side of Tract 4.
 - (b) The developer shall fence the east side of Tract 4.

SECTION 3. "RS-72.5" DISTRICT

The portion of property designated as a "PD RS-72.5" district shall develop to the standards of Section 3.07 of Ordinance 1270, the "RS-60" Single Family Residential District Regulations, and all other regulations applicable to development within said zoning district, as amended from time to time, except as specified otherwise herein.

(1) Special Provisions:

(a) Max. density:

3.0 dwelling units per acre.

(2) Space limits which shall differ from those of the "RS-60" District:

(a) Min. lot area:

Seven thousand two hundred fifty (7,250) square feet.

(b) Min. front yard:

Twenty (20) feet for one (1) story homes. Twenty five (25) feet for

two (2) story homes.

(c) Min. rear yard:

Twenty (20) feet to main structure (excluding accessory buildings,

cabanas, decks, pools, etc.)

(d) Min. side yard:

Seven and one half (7.5) feet; Fifteen (15) feet at corner; Fifteen

(15) feet for lots adjacent to Tract 4.

(c) Min. lot depth:

100 feet; lots backing to Tract 4 shall have a minimum depth of 140

fcct.

(f) Max. lot coverage:

Thirty five percent (35%) of the lot area excluding maximum of four

hundred (400) square feet in garage.

Rockhill/Custer Addition 215.59 Acre Planned Development District Zoning Ordinance Page 2 of 3

SECTION 4. "RS-60" DISTRICT

The portion of property designated as a "PD RS-60" district shall develop to the standards of Section 3.07 of Ordinance 1270, the "RS-60" Single Family Residential District Regulations, and all other regulations applicable to development within said zoning district, as amended from time to time, except as specified otherwise herein.

(1) Special Provisions:

(a) Max. density: 4.9 dwelling units per acre.

(2) Space limits which shall differ from those of the "RS-60" District:

(a) Min. front yard: Twenty (20) feet for one (1) story homes. Twenty five (25) feet for

two (2) story homes.

(b) Min. rear yard: Twenty (20) feet to main structure (excluding accessory buildings,

cabanas, decks, pools, etc.)

(c) Min. side yard: Five (5) feet; Fifteen (15) feet at corner; Fifteen (15) feet for lots

adjacent to Tract 4.

(d) Min. lot depth: 100 feet; lots backing to Tract 4 shall have a minimum depth of 140

fcct.

(c) Max. lot coverage: Forty percent (40%) of the lot area excluding maximum of four

hundred (400) square feet in garage.

SECTION 5. "BN" RETAIL DISTRICT

The portion of the property designated as "PD BN" Retail District shall develop to the standards as Section 3.12 of Ordinance 1270, the "BN" Neighborhood Business District regulations, and all other regulations applicable to development with said zoning district, except as specified otherwise herein.

- (1) Special Provisions:
 - (a) Pad sites or free standing buildings besides the main retail building shall be limited to three (3).
 - (b) Fifteen (15) acres, net, maximum.
 - When the first phase of the BN tract is developed, the screening for the entire district shall be installed and shall include a 25 foot building setback, the first ten (10) feet of which shall be a landscape buffer with a six (6) foot masonry screening fence atop a three (3) foot berm along the west and north sides of the tract. One (1) evergreen canopy tree shall be provided every 40 feet within this landscape buffer.
 - (d) The rear architectural design of all buildings shall be comparable to the front and sides.

Rockhill/Custer Addition
215.59 Acre Planned Development District
Zoning Ordinance
Page 3 of 3

(2) Additional Permitted Uses:

(a) Restaurant with drive-through window.

(b) Service station without auto repair and a single stall automatic car wash, only on the two pad sites immediately adjacent to the intersection of Custer Road and Virginia Parkway, and not on property with residential adjacency. A Specific Use Permit shall be required for more than four (4) fueling stations on a single lot within the BN District.

(3) Uses NOT permitted:

- (a) Boardinghouse or rooming house.
- (b) Dormitorics.
- (c) Multiple family dwellings.
- (d) Half-way houses.
- (c) Auto parts sales.
- (f) Service stations with auto repair facilities.

SECTION 6. RESIDENTIAL DENSITY

The gross density, including in its calculation all streets, alleys, and other public use areas of the cumulative area platted at any time within the designated ± 156.0 acre parcels of land for residential zoning shall not exceed five (5.00) dwelling units per acre.

Not more than 15 percent of the number of residential units on any residential tract may be transferred to another residential tract so long as the 780 maximum number of dwelling units is not exceeded.

Such transfers of densities shall be approved through the General Development Plan process, as described within the Subdivision Ordinance and including a public hearing at both the Planning and Zoning Commission and the City Council with the normal notification process to surrounding property owners in and within 200 feet of the subject property(s).

SECTION 7. ELEVATION DRAWINGS

All non-residential buildings shall have elevation drawings approved as part of their site plan approval process to determine continuity with other buildings within the immediate development and to ensure reasonable consideration for the finish of all four (4) sides of the building, especially where visible from streets, drives, or residential districts.

SECTION 8. MISCELLANEOUS

The developer shall provide a mechanism for notice (acceptable to the city attorney) to any residential lot purchaser, which adequately notifies purchasers of the existence of a private airport in the vicinity. An updated, scaled map shall be provided in conjunction with said notice.

For a period of three (3) years, the developer shall display a two-sided sign at least $4' \times 6'$ in size at the corner of Virginia Parkway and Custer Road that states "AIRPORT 1/2 MILE (with arrow pointing west)".

October 6 1998
zoning3g.ord
Kovised 10-22-98