

CITY OF PRINCETON

ORDINANCE NO. 2015-03-09

AN ORDINANCE OF THE CITY OF PRINCETON AMENDING THE COMPREHENSIVE ZONING ORDINANCE NUMBER 2009-06-09 OF THE CITY OF PRINCETON, FROM 'C2, COMMERCIAL 2 TO "PD 12" PLANNED DEVELOPMENT 12, ON A PORTION OF THE HARDIN WRIGHT SURVEY, ABSTRACT NO. 957; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the property generally described as 16.816 acre tract of land situated in Hardin Wright Survey, Abstract No. 957, City of Princeton, Collin County, Texas; and

WHEREAS, the tract of land subject of this zoning amendment from "C2" Commercial to "PD 12" Planned Development 12, is more particularly described by metes and bounds description set forth in Exhibit B; and

WHEREAS, the Planning and Zoning Commission held a public hearing, heard the case on March 2, 2015 and recommended approval of the zoning amendment from "C2" Commercial to "PD 12" Planned Development 12 on March 9, 2015 and

WHEREAS, the City Council held a public hearing, heard the case and recommended approval of the zoning amendment from "C2" Commercial to "PD 12" Planned Development 12 and the Concept Plan on March 9, 2015 and

WHEREAS, the property subject of Planned Development No. 12, shall be subject to specific Development Regulations, attached hereto as Exhibit A; and

WHEREAS, all legal requirements, conditions and pre requisites having been complied with, the case now comes before the City Council for the City of Princeton for final consideration.

WHEREAS, the conceptual plan submitted as submitted in Exhibit C, includes sufficient information in order to fulfill the requirements of a conceptual plan and a development plan per Section 20, 4.3.1 (a), (b) & (c) of the 2009-06-09 Zoning Ordinance; and

WHEREAS, the City Council waives the requirement for a second public hearing.

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

Section 1. That the above recitals are hereby found to be true and correct and incorporated herein for all purposes.

EXHIBIT "A"

Mockingbird Building Group Inc.
Planned Development #12
Princeton Luxury Multifamily and Retail Complex

Planned Development Regulations
A 16.816 acre tract of land situated in the Hardin Wright Survey, Abstract 957
City of Princeton, Collin County, Texas

Article I. General Description and Definitions

This Planned development permits a maximum of 300 units within a multifamily complex of varying sizes and layouts and one or more retail establishments on this tract of land. The Multifamily portion of the development may incorporate a maintenance building and a main office building within the development. The development standards and definitions used herein are outlined in the text of the City of Princeton Zoning Ordinance #2009-06-09 as it exists or as amended, if not specifically addressed herein. In the event of a conflict between the City of Princeton Zoning Ordinance and this Planned Development Zoning Document, this Planned Development Document shall control. Mockingbird Building Group agrees to develop the property substantially in conformance with the Preliminary Plat. The City of Princeton recognizes the preliminary plat as a "Permit" as defined by Chapter 245, of the Texas Local Government Code, and the Preliminary Plat reflects the "Project" for the property. Mockingbird Building group agrees to comply with all the City of Princeton's ordinances in effect on March 9, 2015 as they exist or as amended upon the approval of this Planned Development.

Article II. Use and Regulations

Permitted uses shall be those of the Multi Family MF-2 Zoning District and the Commercial C-1 Zoning District identified in the City of Princeton Zoning Ordinance #2009-06-09, as it exists or as amended unless specifically addressed in this document.

Article III. Number of Attached Units

There shall be a maximum of 32 units attached in one structure within the multifamily development. The size of a unit shall be a minimum of 500 sf.

Article IV. Height Regulations

The maximum height of any structure shall not exceed 50 feet from the adjacent grade.

Article V. Area Regulations

The maximum lot coverage of buildings shall be no more than 50%. There shall be a minimum of 2 access points accessing fire lanes from Princeton Dr. (Hwy 380) for fire department access. There shall be a Knox Box placed securely at the Front Entry Gates.

Article VI. Parking and Garage Requirement

The parking ratio, including handicap and guest parking, for the multifamily complex shall be calculated at no less than a 1.65 spaces to 1 unit ratio. The Commercial site shall be calculated at no less than the required parking spaces outlined in the City of Princeton Zoning Ordinance 2009-06-09 as it exists or as amended. The number of commercial parking spaces may be calculated based on the individual uses and spaces within the establishment. Individual covered parking garages may be included in calculation of the total number of parking spaces required within the multifamily portion.

Article VII. Building Setback

All dwelling units within the multifamily development shall have a minimum of 10 foot setback from the foundation line. Covered garages built along property lines abutting commercial zones or city right of way shall have a minimum of 2' foot setback at the foundation line. No roof lines shall be constructed past the property line. Garages constructed along city right of way may be staggered to enhance the appearance from the street.

Article VIII. Refuse Disposal

The multifamily complex shall have sufficient refuse disposal capacity. An acceptable in-house refuse management plan with a compactor dedicated to the site that is contracted for disposal shall be allowed upon review and approval by the City Manager.

The commercial facility shall have at minimum one 6 yard dumpster placed within the site. All dumpsters shall be screened from view on 4 sides. Dumpster Access Doors shall be steel cross braced, painted, 16 Gage (minimum), aluminum or steel doors, on wheels or sliding with a lock.

Article IX. Screening Requirements

There shall be a minimum of a 6 foot wrought iron fencing separating the neighboring C-2 zones from the Multi Family development. There shall be a minimum of a 6 foot wrought iron fence with masonry pilasters separating the right of way along Princeton Dr. Garages separating the single family zone adjacent to Tickey Dr. shall have 100% masonry (masonry being brick and or stucco) along the Tickey Dr. The use of foam banding, stucco banding or stone for architectural relief is encouraged.

Article X. Masonry Requirements

All structures within the development shall have a minimum of 85% masonry excluding windows and openings. This requirement may be satisfied with Brick, Austin stone, Cement Stucco, Stone, or other masonry product approved prior to construction. Hardi-Plank is allowed on the balconies and breezeways and for exterior ceiling and fire rating treatment.

Article XI. Amenities

The complex shall incorporate the following amenities.

1. Pool and Outdoor Kitchen Grill area
2. BBQ area
3. Club House
4. Fitness Center
5. Business Center
6. On Site Management Office
7. Guest Kitchen, Game Room
8. Exercise Room
9. Puppy Park
10. Puppy Wash
11. Car wash
12. Court yards
13. Manned gates

Article XII. Landscape Requirements

The landscaping shall be in general conformity to the conceptual plan and follow the City of Princeton Landscaping Ordinance #2012-05-14 as it exists or as amended.

Article XIII. Signage

There may be a total of 1 pole sign within the Commercial development portion of the development and 1 monument sign meeting the city sign ordinance placed within the multifamily development. The Commercial Development may have signage on the face of the building subject to approval per City Ordinance. Additional signage (ie Property Name, Welcome, and Thank You) may be placed above the entry of the Club House and on the front of the Manned Gate. Additional directional signs, address signs, parking signs, may be placed within the development as needed following approval from the building official.

Article XIV. Lighting

Developer/Owner of the Commercial Pad, will ensure that the use of security and parking lot lighting on the Commercial Pad will not reflect into the adjoining residential units. High Impact LED lighting is allowed, provided that the appropriate top or bottom filters are used to direct the lighting down toward the property line.

Article XV. Fire Safety Requirements

The multifamily units shall be equipped with an automatic fire suppression system (NFPA13R), and alarm system designed and installed per the 2009 International Fire and Building code as they exist or as amended.

Article XVI. General Conformance

The Preliminary Plat will be required to be in general conformance with the approved conceptual plan, except for street and lot layout may be altered to accommodate unforeseen engineering issues. Such changes shall be as minor as the circumstances allow, and may be approved administratively without the resubmittal of the Conceptual Plan. The City Manager may approve minor changes to the plan provided it generally conforms to the originally approved conceptual plan. The Preliminary Plat shall be valid for a period of 36 months from the date of approval by the City Council. As construction phases are constructed, it shall extend the validity of the Preliminary Plat for an additional 24 months from the time the City accepts the phase. If construction does not commence within 36 months, the Preliminary Plat shall become invalid. The City Council may grant extensions for the validity of the Preliminary Plat upon request by the owner. All easements must be in place on the Final Plat prior to acceptance by the City Council.

Article XVII. Legal Description

See exhibit "B"

BEING a tract of land situated in the Hardin wright Survey, Abstract No. 957, City of Princeton, Collin County, Texas, and being a portion of a called 55.46 acre tract of land described in the deed to Princeton 55, Ltd, a Texas Limited Partnership, as recorded in Instrument No. 20070219000228440 & Instrument No. 20070219000228450, Official Public Records of Collin County, Texas, and a portion of a called 1.99725 acre tract of land described in the deed to E-Z Mart Stores, Inc. as recorded in Instrument No. 20100723000755790, said Official Public Records, and being more particularly described as follows:

COMMENCING at a ½-inch iron rod with a cap stamped "JE SMITH 3700" found at the eastern-most northeast corner of a called 1.99725 acre tract of land described in the deed to E-Z Mart Stores, Inc., as recorded in Instrument No. 20100723000755790, said Official Public Records of Collin County, Texas, and on the northerly line of said 55.46 acre tract, and on the southerly line of a called 5.88 acre tract of land described in the deed to State of Texas, as recorded in Volume 313, Page 200, Land Records of Collin County, Texas, and on the southerly right-of-way line of Princeton Drive (U.S. Highway 380, variable width right-of-way);

THENCE along the northerly line of said 55.46 acre tract and the southerly line of said 5.88 acre tract and the southerly right-of-way line of said Princeton Drive, the following six (6) courses:

1. South 73°49'09" East , a distance of 138.03 feet to a 5/8-inch iron rod with a red plastic cap stamped "KHA" set for corner;
2. South 69°51'31" East, a distance of 101.80 feet to a 5/8-inch iron rod with a red plastic cap stamped "KHA" set for corner;
3. South 77°14'44" East, a distance of 253.47 feet to a 5/8-inch iron rod with a red plastic cap stamped "KHA" set for corner;
4. South 79°44'44" East, a distance of 253.47 feet to a 5/8-inch iron rod with a red plastic cap stamped "KHA" set for corner;
5. South 82°14'46" East, a distance of 253.47 feet to a 5/8-inch iron rod with a red plastic cap stamped "KHA" set for corner;
6. South 84°44'46" East, a distance of 69.71 feet to a 5/8-inch iron rod with a red plastic cap stamped "KHA" set for the **POINT OF BEGINNING**;

THENCE continuing along the northerly line of said 55.46 acre tract and the southerly line of said 5.88 acre tract and the southerly right-of-way line of said Princeton Drive, the following two (2) courses:

1. South 84°44'46" East, a distance of 184.98 feet to a point for corner;
2. South 86°00'28" East, a distance of 701.89 feet to a 5/8-inch iron rod found for the northeast corner of said 55.46 acre tract, same being the northwest corner of a tract of land described in the deed to The North Texas district of the Assemblies of God, as

recorded in Instrument No. 20100503000436110, said Official Public Records of Collin County, Texas;

THENCE South 00°59'17" West, departing the southerly right-of-way line of said Princeton Drive, along the easterly line of said 55.46 acre tract and the westerly line of said The North Texas district of the Assemblies of God tract, a distance of 578.13 feet to an axle found for corner at the southeast corner of said 55.46 acre tract, and at the southwest corner of said The North Texas district of the Assemblies of God tract, and at the beginning of a non-tangent curve to the right having a central angle of 27°37'42", a radius of 1829.88 feet, a chord bearing and distance of South 77°02'35" West, 873.86 feet;

THENCE along the southerly line of said 55.46 acre tract, the following three (3) courses:

1. In a southwesterly direction, along the northerly right-of-way line of said Tickey Drive, and along said curve to the right, an arc distance of 882.38 feet to a 5/8-inch iron rod found for corner at the end of said curve;
2. South 00°51'26" West, along the west right-of-way line of said Tickey Drive, a distance of 50.00 feet to a 5/8-inch iron rod with a red plastic cap stamped "KHA" set for corner on the southerly right-of-way line of said Tickey Drive, and on the northerly line of a called 216.976 acre tract of land described in the deed to Princeton 380 LTD, as recorded in Volume 5341, Page 3993, said Land Records of Collin County, Texas, and at the beginning of a non-tangent curve to the right having a central angle of 05°59'15", a radius of 1879.88 feet, a chord bearing and distance of North 86°10'18" West, 196.36 feet, and from which a 1/2" iron rod found for witness bears North 86°19'13" West, a distance of 3.46 feet;
3. In a northwesterly direction, along the northerly line of said 216.976 acre tract, and along said curve to the right, an arc distance of 196.45 feet to a 5/8-inch iron rod with a red plastic cap stamped "KHA" set for corner at the end of said curve;

THENCE North 17°19'09" East, departing the southerly line of said 55.46 acre tract and crossing said 55.46 acre tract, a distance of 454.71 feet to a 5/8-inch iron rod with a red plastic cap stamped "KHA" set for corner;

THENCE North 72°40'15" West, continuing across said 55.46 acre tract, a distance of 95.00 feet to a 5/8-inch iron rod with a red plastic cap stamped "KHA" set for corner;

THENCE North 17°19'09" East, continuing across said 55.46 acre tract, a distance of 433.97 feet to the **POINT OF BEGINNING** and containing 16.816 acres (732,500 square feet) of land, more or less.



McClintock Building Group
 1100 West 10th Street
 Fort Worth, Texas 76102
 Phone: 817.339.1111
 Fax: 817.339.1112

Preliminary Concept Plan for
 Planned Development
 Approved by The City of
 Princeton, Princeton, Texas

David Cannon & Associates
 Architect
 2000 Ross Avenue, Suite 1000
 Fort Worth, Texas 76102
 Phone: 817.339.1111
 Fax: 817.339.1112

Project Title
**The Princeton
 Luxury Apartments**
 Princeton, Texas

PRELIMINARY:
 PERMITTED:
 REGULATORY:
 CONSTRUCTION

Project No. 1401

- General Notes:**
1. All work shall be in accordance with the City of Princeton, Texas Ordinance 1401.
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 14. All work shall be in accordance with the City of Princeton, Texas Ordinance 1401.
 15. All work shall be in accordance with the City of Princeton, Texas Ordinance 1401.

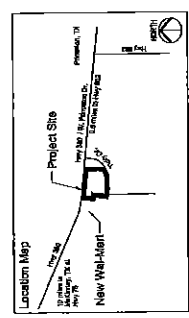
Keywords:

Architect: David Cannon & Associates
 2000 Ross Avenue, Suite 1000
 Fort Worth, Texas 76102
 Phone: 817.339.1111
 Fax: 817.339.1112

Engineer: [Blank]
 1100 West 10th Street
 Fort Worth, Texas 76102
 Phone: 817.339.1111
 Fax: 817.339.1112

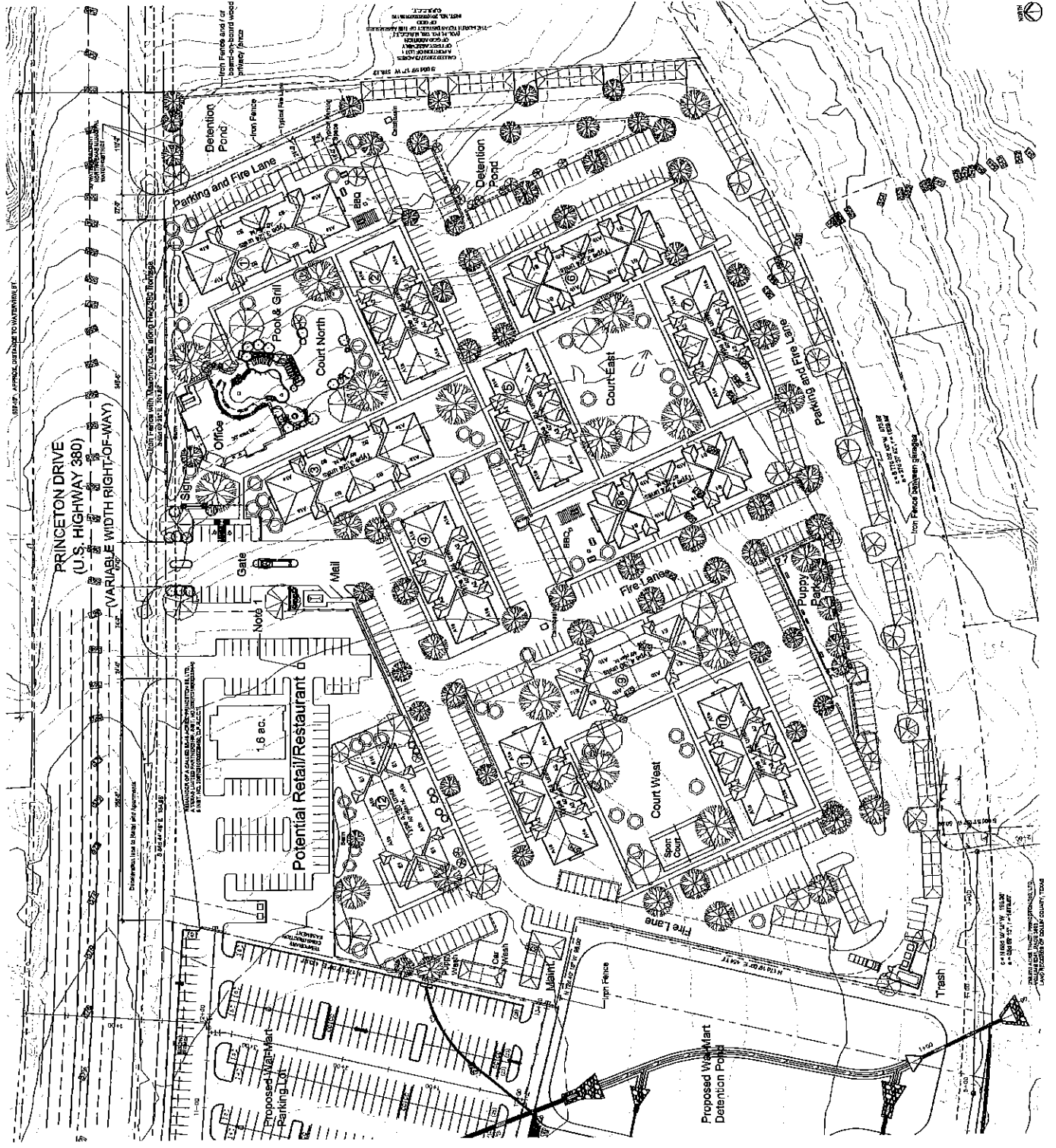
Participants:

Client: Princeton City
 1100 West 10th Street
 Fort Worth, Texas 76102
 Phone: 817.339.1111
 Fax: 817.339.1112



Location Map
 Project Site
 Princeton Drive
 Highway 380
 New Wall-Art
 Princeton, TX

Scale: 1" = 100'
 North Arrow



Concept Site Plan
 Scale: 1" = 100'



North

Scale: 1" = 100'

Legend

1" = 100'

1" = 100'

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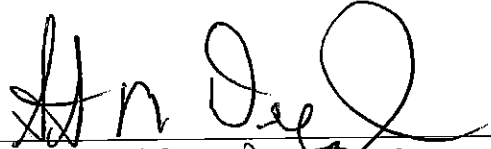
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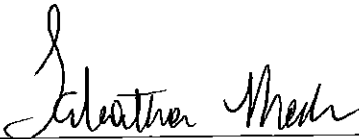
1" = 100'

- Section 2.** The Comprehensive Zoning Ordinance Number 2009-06-09 of the City of Princeton, and the same is hereby, amended by amending the Zoning Map of the City of Princeton so as to reflect the property described in Exhibits A and B, the zoning change classification from "C2" Commercial to "PD 12" Planned Development 12.
- Section 3.** That Planned Development No. 12 shall be subject to the Development Regulations attached hereto as Exhibit A and incorporated herein by reference as if fully set forth herein and for all purposes.
- Section 4.** That all ordinances of the City of Princeton in conflict with the provisions of this Ordinance be, and are the same hereby repealed, and all other provisions of the ordinances of the City of Princeton not in conflict with the provisions of this Ordinance shall remain in full force and effect.
- Section 5.** If any word, section, article, phrase, paragraph, sentence, clause or portion of this ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect for any reason, the validity of the remaining portion of this ordinance; and the City Council hereby declares it would have passed such portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.
- Section 6.** Any person, firm or corporation who violates any provision of this Ordinance or Princeton's Comprehensive Zoning Ordinance No. 2009-06-09 shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be fined in a sum not exceeding Two Thousand Dollars (\$2000.00), and each and every day such violation continues shall be continued a separate offense; provided, however, such penal provision shall not preclude a suit to enjoin such violation.
- Section 7.** This ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED by the City Council of the City of Princeton, Texas, on this 9th day of March, 2015.


~~Ken Bowers, Mayor pro-tempore~~
Steve Deffebaut

ATTEST:



Tabatha Monk, Deputy City Secretary

