

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S ZONING ORDINANCE NO. 11-04-09, REZONING A TRACT OF LAND CONSISTING OF 40.289 ACRES OF LAND, MORE OR LESS, SITUATED IN THE G. HABBERMACHER SURVEY, ABSTRACT NO. 364, THE CITY OF FRISCO, COLLIN COUNTY, TEXAS, HERETOFORE ZONED AGRICULTURAL (AG) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-SINGLE FAMILY-7 (PD-SF-7); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (“City Council”) has investigated and determined that the City of Frisco, Texas (“Frisco”) Zoning Ordinance No. 11-04-09 should be amended; and

WHEREAS, Alan J. Robinson, on behalf of Oak Branch Trust, and Peter and Korinne Vanderpool initiated a request to rezone 40.289 acres of land, more or less, situated in the G. Habbermacher Survey, Abstract No. 364, City of Frisco, Collin County, Texas, and being more particularly described in **Exhibit “A”**, attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the City Council has further investigated into and determined that it will be advantageous and beneficial to Frisco and its inhabitants to rezone this property as set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendments to Zoning Ordinance No. 11-04-09. Zoning Ordinance No. 11-04-09 is hereby amended as follows: The zoning designation of the below-described property containing 40.289 acres of land, more or less, situated in the G. Habbermacher Survey, Abstract No. 364, City of Frisco, Collin County, Texas, (“Property”) and all streets, roads and alleyways contiguous and/or adjacent thereto are hereby rezoned as Planned Development-Single Family-7. The Property as a whole and the boundaries are more particularly described in **Exhibit “A”**, attached hereto and incorporated herein for all purposes as if set forth verbatim. The general location of the Property is depicted on **Exhibit “A-1”**, attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, uses and schedules of the Property shall conform to, and comply with the planned development standards, attached hereto as **Exhibit “B”**; and the subdivision lot layouts, attached hereto as **Exhibit “C”** and **Exhibit “C-1”**, all of which are incorporated herein as if set forth verbatim. Except as amended by this Ordinance the development of the Property must comply with the requirements of all ordinances, rules and regulations of Frisco, as they currently exist or may be amended.

SECTION 3: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 4: Unlawful Use of Premises. It shall be unlawful for any person, firm, entity or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, entity or corporation to construct on said premises any building that is not in conformity with the permissible uses under this zoning Ordinance.

SECTION 5: Penalty. Any person, firm, corporation or entity violating this Ordinance or any provision of Zoning Ordinance No. 11-04-09, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not

exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7: Savings/Repealing Clause. Zoning Ordinance No. 11-04-09 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law and the Frisco City Charter.

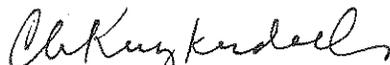
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this 16th day of April, 2013.

MAHER MASO, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

Jenny Page, City Secretary

APPROVED AS TO FORM:



Abernathy, Roeder, Boyd & Joplin, P.C.
Courtney A. Kuykendall, City Attorneys

DATES OF PUBLICATION: _____, Frisco Enterprise

Exhibit "A"
(Page 1 of 2)
Z13-0002

METES AND BOUNDS DESCRIPTION

BEING a tract of land situated in the G. Habbermacher Survey, Abstract No. 364, City of Frisco, Collin County, Texas, the subject tract being a portion of a tract of land conveyed to Oak Branch Trust according to the deed recorded in Document Number 20080502000530990 of the Deed Records, Collin County, Texas (DRCCT), a portion of a tract of land conveyed to Oak Branch Trust according to the deed recorded in Document Number 94-0078511 DRCCT, and a portion of a tract of land conveyed to Peter J. Vanderpool and wife, Korinne C. Vanderpool, according to the deed recorded in Volume 4047, Page 2157 DRCCT, the subject tract being more particularly described as follows;

BEGINNING at a 1/2" iron rod found for the northwest corner of the Oak Branch Trust tract and being an inset corner of a tract conveyed to 770 Gartner, Ltd., recorded in Volume 5978, Page 4481 DRCCT;

THENCE S 00°45'08" E, 1013.01 feet along the common line thereof, to a 1" iron pipe found on the north line of said Vanderpool tract;

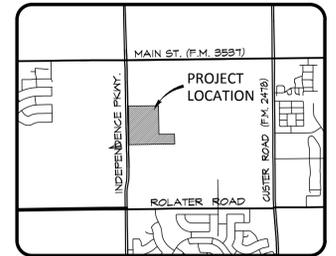
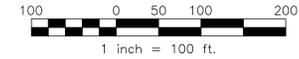
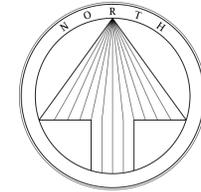
THENCE N 89°17'53" E, 557.61 feet along the common line thereof to a 3/4" iron pipe found;

THENCE S 01°10'29" E, 354.62 feet continuing along the common line thereof to a 3/4" iron pipe found for the southeast corner of the subject tract, said pipe being the northeast corner of a tract conveyed to Linda F. Carlton, recorded in Volume 1824, Page 302 DRCCT;

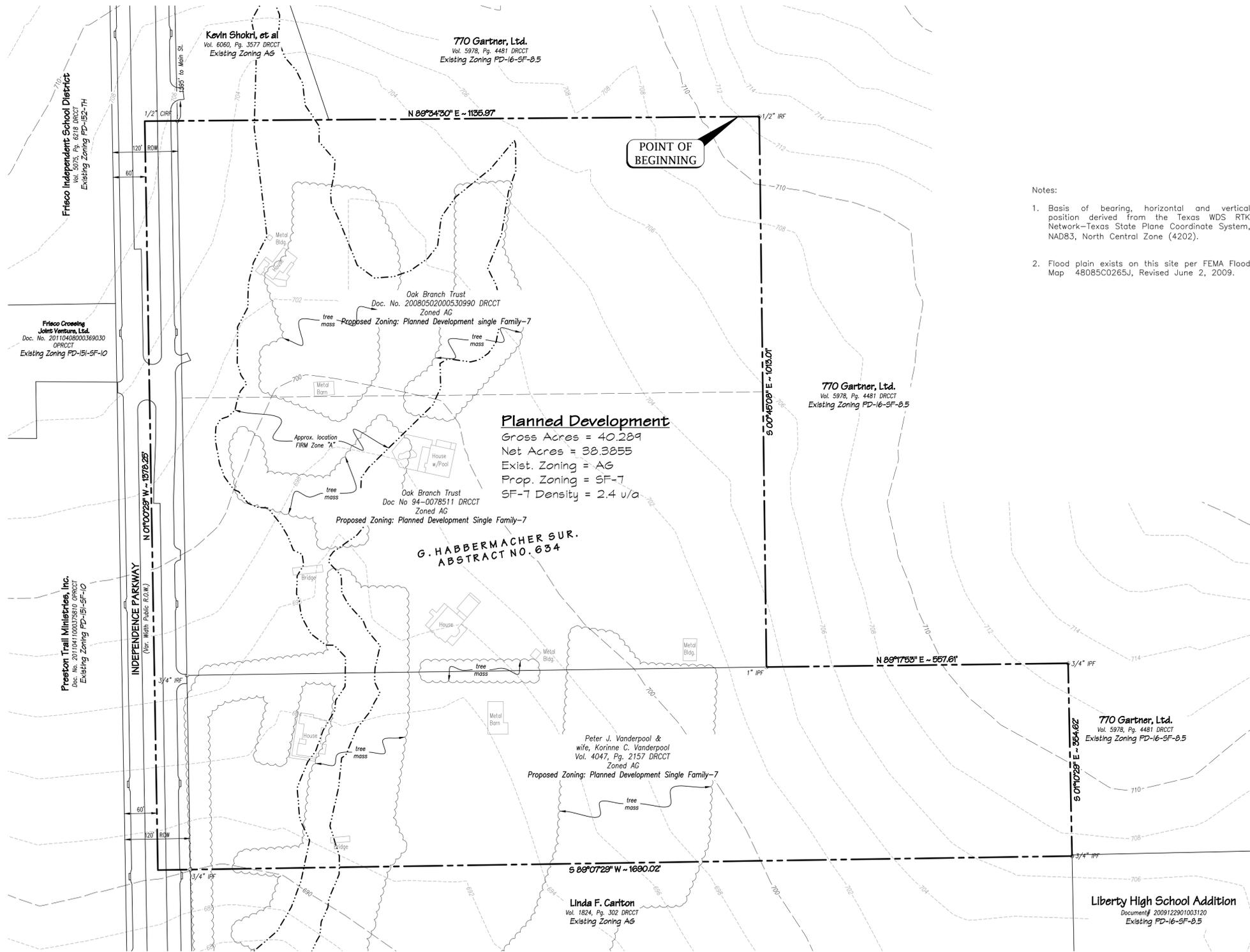
THENCE S 89°07'29" W, 1690.02 feet along the common line thereof to the centerline of Independence Parkway (a variable width public right-of-way), a point for corner;

THENCE N 01°00'29" W, 1378.25 feet to a point for corner;

THENCE N 89°34'30" E, passing the common corner between a tract conveyed to Kevin Shokri, et al, recorded in Volume 6060, Page 3577 DRCCT, continuing to the common corner between said Shokri tract and said 770 Gartner tract, continuing along the common line thereof a total distance of 1135.97 feet to the PLACE OF BEGINNING with the subject tract containing 1,754,977 square feet or 40.289 acres of land.



LOCATION MAP
Not To Scale



METES AND BOUNDS DESCRIPTION

BEING a tract of land situated in the G. Habbermacher Survey, Abstract No. 634, City of Frisco, Collin County, Texas, the subject tract being a portion of a tract of land conveyed to Oak Branch Trust according to the deed recorded in Document Number 20080502000530990 of the Deed Records, Collin County, Texas (DRCC), a portion of a tract of land conveyed to Oak Branch Trust according to the deed recorded in Document Number 94-0078511 DRCC, and a portion of a tract of land conveyed to Peter J. Vanderpool and wife, Korinne C. Vanderpool, according to the deed recorded in Volume 4047, Page 2157 DRCC, the subject tract being more particularly described as follows;

BEGINNING at a 1/2" iron rod found for the northwest corner of the Oak Branch Trust tract and being an inset corner of a tract conveyed to 770 Gartner, Ltd., recorded in Volume 5978, Page 4481 DRCC;

THENCE S 00°45'08" E, 1013.01 feet along the common line thereof, to a 1" iron pipe found on the north line of said Vanderpool tract;

THENCE N 89°17'53" E, 557.61 feet along the common line thereof to a 3/4" iron pipe found;

THENCE S 01°10'29" E, 354.62 feet continuing along the common line thereof to a 3/4" iron pipe found for the southeast corner of the subject tract, said pipe being the northeast corner of a tract conveyed to Linda F. Carlton, recorded in Volume 1824, Page 302 DRCC;

THENCE S 89°07'29" W, 1690.02 feet along the common line thereof to the centerline of Independence Parkway (a variable width public right-of-way), a point for corner;

THENCE N 01°00'29" W, 1378.25 feet to a point for corner;

THENCE N 89°34'30" E, passing the common corner between a tract conveyed to Kevin Shokri, et al, recorded in Volume 6060, Page 3577 DRCC, continuing to the common corner between said Shokri tract and said 770 Gartner tract, continuing along the common line thereof a total distance of 1135.97 feet to the PLACE OF BEGINNING with the subject tract containing 1,754,977 square feet or 40.289 acres of land.

Notes:

- 1. Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network—Texas State Plane Coordinate System, NAD83, North Central Zone (4202).
- 2. Flood plain exists on this site per FEMA Flood Map 48085C0265J, Revised June 2, 2009.

Planned Development
Gross Acres = 40.289
Net Acres = 38.3855
Exist. Zoning = AG
Prop. Zoning = SF-7
SF-7 Density = 2.4 u/a

Drawing: 03/12/12 08:51:12-144 Vanderpool Estates, MOVA... SURVEY, DWG, 12-144, Zoning, Exhibit.dwg, Saved By: jmbabits, Save Time: 2/26/2013, 2:38:18 PM
Printed by: jmbabits, Plot Date: 3/6/2013 2:52 PM

EXHIBIT "A" (Page 2 of 2) FOR Z13-0002

LIBERTY CROSSING
G. HABBERMACHER SURVEY, ABST. 364
CITY OF FRISCO, COLLIN COUNTY, TEXAS

APPLICANT K. Hovnanian Homes 5808 W. Plano Pkwy. Plano, TX 75093 Telephone: (469) 737-1400 Contact: Michael Dewers	ENGINEER/SURVEYOR Spiars Engineering, Inc. 765 Custer Road, Suite 100 Plano, TX 75075 Telephone: (972) 422-0077 Contact: Tim Spiars	OWNER Peter Vanderpool 8082 Independence Pkwy. Frisco, TX 75035 Telephone: (972) 529-9910 Contact: Peter Vanderpool	OWNER Oak Branch Trust 8992 Preston Rd., Ste. 233 Frisco, Texas 75034 Telephone: (214)395-9492 Contact: A.J. Robinson
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Exhibit "A-1"

Z13-0002 Liberty Crossing



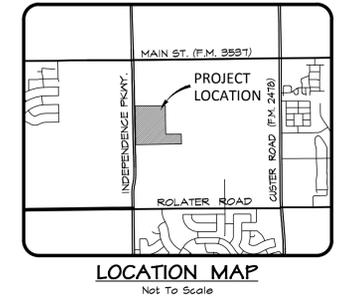
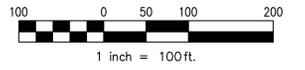
Exhibit "B"
Development Standards

The following development standards apply to the 40.289 acre property:

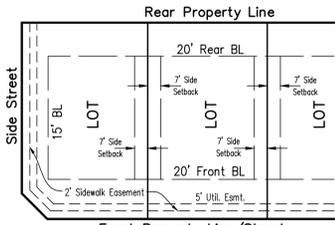
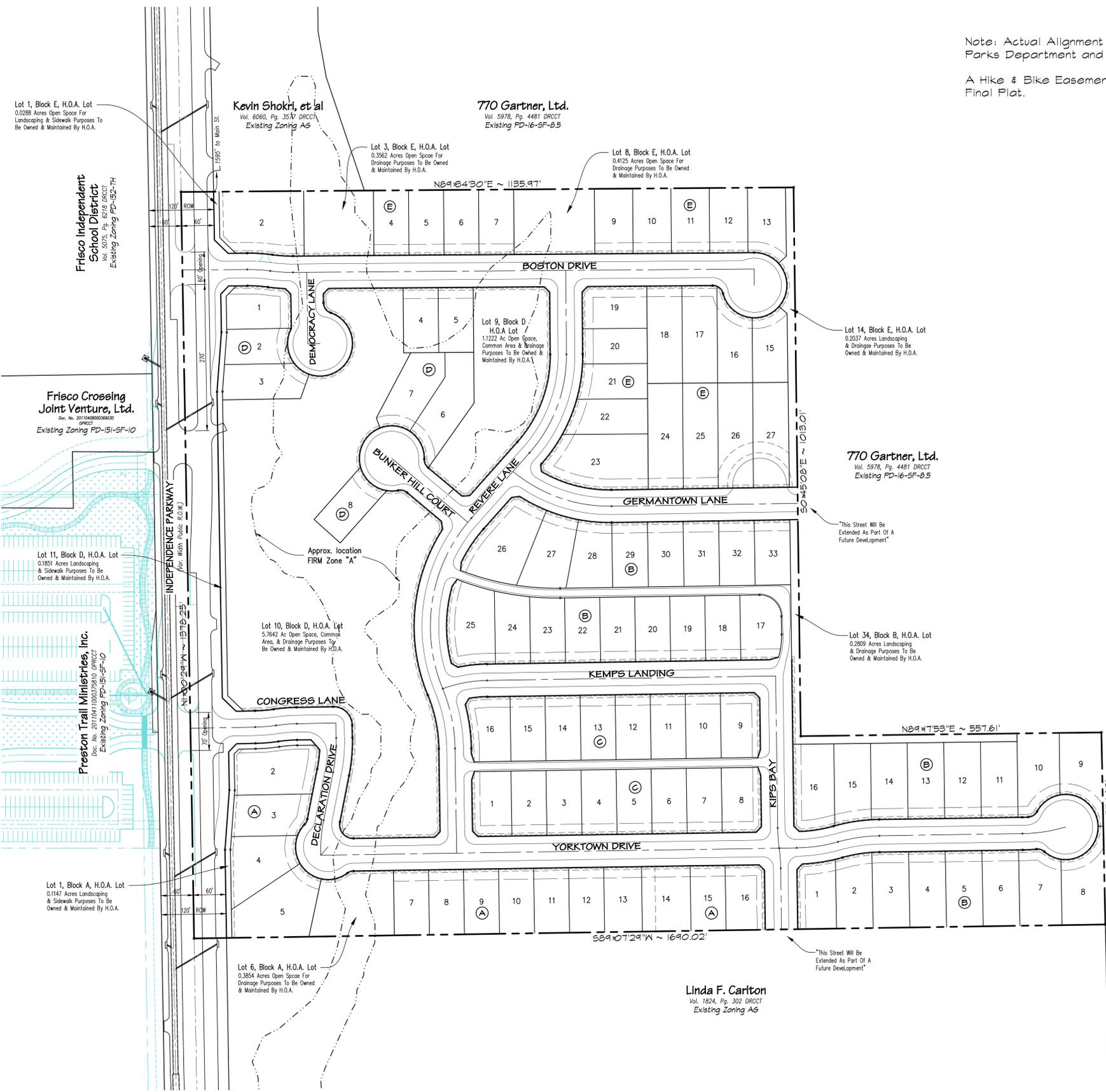
A. Development Standards

The property shall comply with Single Family-7 development standards in accordance with the Zoning Ordinance No. 11-04-09 or as amended, subject to the following conditions:

1. Zoning Exhibit "C" attached and incorporated into this Planned Development shall serve as a guide for the development of the property. The ultimate layout, including precise location and extent of streets, alleys, and open space areas as well as the specific lot layout, shall be finalized at the time of preliminary plat approval by the Planning & Zoning Commission.
2. Lots 17-33, Block B and Lots 1-16, Block C, as shown on Zoning Exhibit "C", shall be alley served lots. All other lots may be front entry.
3. Fencing on lots across the street from or abutting open space and Homeowners' Association lots, as shown on Zoning Exhibit "C-1", shall comply with the fencing requirements in Section S-4 of the Form-Based Code.
4. The minimum side yard shall be seven feet (7') for all lots adjacent to a floodplain, creek or an open space.
5. A 6' Hike & Bike Trail shall be constructed along the creek to connect the north end to the south end of the proposed development. The trail shall be installed prior to final acceptance of the subdivision.
6. Lots 1-16, Block B, Lots 9-13, Block E, Lots 15-18, Block E, and Lots 24-27, Block E shall have driveways adjacent to each other as shown on Zoning Exhibit "C-1".



Note: Actual Alignment Of Trail To Be Staked In The Field With Parks Department and Owner's Representative.
A Hike & Bike Easement To Be Provided For The Trail At Time Of Final Plat.



Front Property Line/Street
LOT DETAIL FOR
94 LOTS TO SF-7 STANDARDS
(94 Lots/38.3855 Acres = 2.45 units/acre)
The front building line is reduced from 25' to 20' for front entry on 60' ROW with Street trees per Zoning Ordinance Section 4.07.02(J).

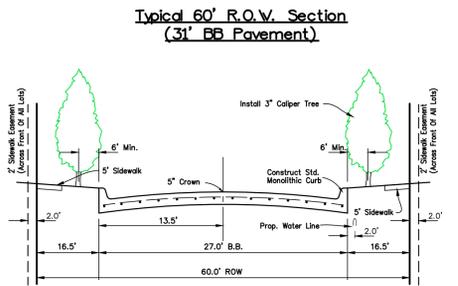
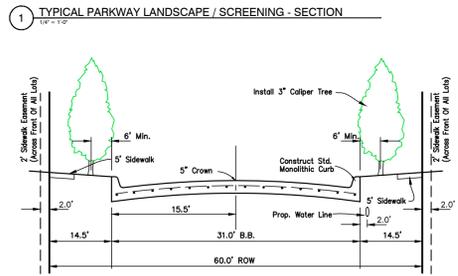
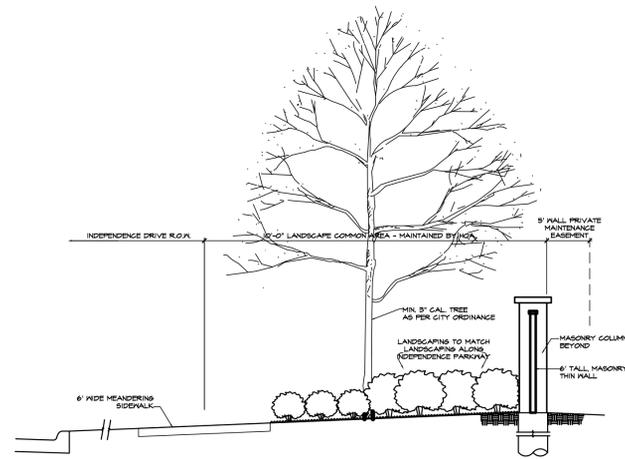
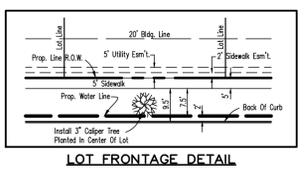
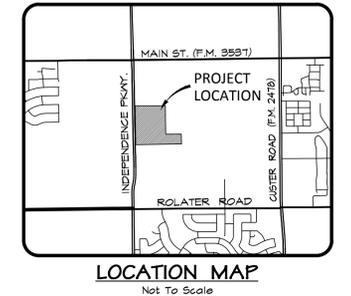
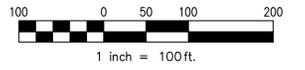
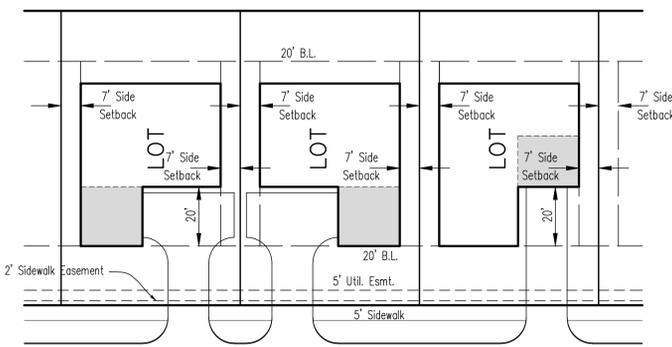
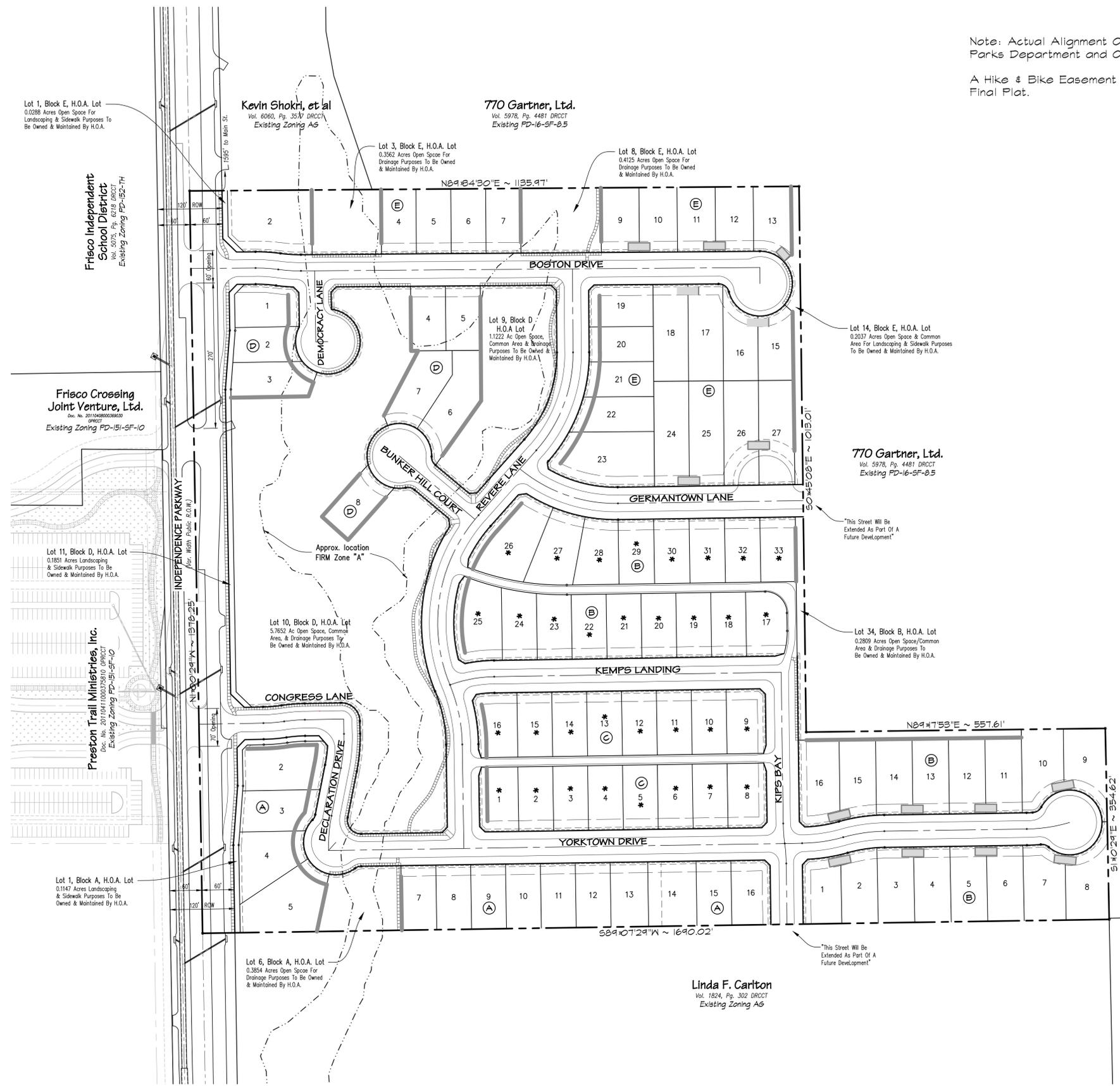


EXHIBIT "C" FOR Z13-0002
SUBDIVISION LOT LAYOUT
LIBERTY CROSSING
40.289 ACRES OUT OF THE
G. HABBERMACHER SURVEY, ABST. 364
CITY OF FRISCO, COLLIN COUNTY, TEXAS

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| APPLICANT
K. Hovnanian Homes
5808 W. Plano Pkwy.
Plano, TX 75093
Telephone: (469) 737-1400
Contact: Michael Dewers | OWNER
Peter Vanderpool
8082 Preston Rd., Ste. 233
Frisco, TX 75035
Telephone: (972) 529-9910
Contact: Peter Vanderpool | OWNER
Oak Branch Trust
8992 Preston Rd., Ste. 233
Frisco, Texas 75034
Telephone: (214) 395-9492
Contact: A.J. Robinson | ENGINEER/SURVEYOR
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TBPE No. F-2121
Contact: Tim Spiars |
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Note: Actual Alignment Of Trail To Be Staked In The Field With Parks Department and Owner's Representative.
A Hike & Bike Easement To Be Provided For The Trail At Time Of Final Plat.



ADJACENT DRIVEWAY EXHIBIT

- Denotes Location Of Form Based Code (S-4) Visible Fencing Requirements
- ▭ Denotes Location Of Adjacent Driveways
- * Block B, Lots 17-33 and Block C Lots 1-16 Must Have Driveway Access To The Alley And Not To The Street.

EXHIBIT "C-1" FOR Z13-002
SUBDIVISION LOT LAYOUT
LIBERTY CROSSING
40.289 ACRES OUT OF THE
G. HABBERMACHER SURVEY, ABST. 364
CITY OF FRISCO, COLLIN COUNTY, TEXAS

APPLICANT K. Hovnanian Homes 5808 W. Plano Pkwy. Plano, TX 75093 Telephone: (469) 737-1400 Contact: Michael Dewers	OWNER Peter Vanderpool 8082 Independence Pkwy. Frisco, TX 75035 Telephone: (972) 529-9910 Contact: Peter Vanderpool	OWNER Oak Branch Trust 8992 Preston Rd., Ste. 233 Frisco, Texas 75034 Telephone: (214) 395-9492 Contact: A.J. Robinson	ENGINEER/SURVEYOR Spiars Engineering, Inc. 765 Custer Road, Suite 100 Plano, TX 75075 Telephone: (972) 422-0077 TBPE No. F-2121 Contact: Tim Spiars
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