

CITY OF CELINA, TEXAS

ORDINANCE NO. 2003- 68

ORDINANCE NO. 97-10, AS HERETOFORE AMENDED, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY DESIGNATING THE ZONING ON THREE CERTAIN TRACTS OF LAND, COLLECTIVELY DESCRIBED AS A 291.04 ACRE TRACT OF LAND, BEING MORE PARTICULARLY DESCRIBED AS TRACT ONE - A 28.28 ACRE TRACT OF LAND SITUATED IN THE SAMUEL MCCULLOUGH SURVEY, ABSTRACT NO. 593 AND THE BBB & CRR CO. SURVEY, AN ORDINANCE OF THE CITY OF CELINA, TEXAS, AMENDING ABSTRACT NO. 132 IN COLLIN COUNTY, TEXAS AND BEING A CALLED 28.15 ACRE TRACT OF LAND THAT WAS CONVEYED TO MILDRED GRAHAM SHORT IN PARTITION DEED RECORDED IN VOLUME 2325, PAGE 801 OF THE LAND RECORDS OF COLLIN COUNTY, TEXAS, LOCATED GENERALLY TO THE NORTH AND WEST OF FM 428, TRACT TWO - A 22.741 ACRE TRACT OF LAND SITUATED IN THE BBB & CRR SURVEY, ABSTRACT NO. 132, COLLIN COUNTY, TEXAS, SAID TRACT BEING SHOWN BY DEED TO E. L. HIGGINS, DATED APRIL 8, 1987, AND RECORDED IN VOLUME 2599, PAGE 892 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, LOCATED GENERALLY TO THE SOUTHEAST OF CR 56, AND TRACT THREE - A 157.54 ACRE TRACT OF LAND SITUATED IN THE BBB & CRR CO. SURVEY, ABSTRACT NO. 132, IN COLLIN COUNTY, TEXAS, AND BEING A CALLED 158.83 ACRE TRACT OF LAND DESCRIBED IN SUBSTITUTE TRUSTEE'S DEED RECORDED IN VOLUME 2998, PAGE 196 OF THE LAND RECORDS OF COLLIN COUNTY, TEXAS, LOCATED GENERALLY TO THE EAST OF FM 428 AND NORTH OF CR 55, AND TRACT THREE (CONT.) - A 0.95 ACRE TRACT OF LAND SITUATED IN THE BBB & CRR CO. SURVEY, ABSTRACT NO. 132, COLLIN COUNTY, TEXAS, LOCATED GENERALLY TO THE NORTH OF CR 55, ALL SUCH TRACTS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN, TO BE ZONED "PD" PLANNED DEVELOPMENT, OLD CELINA LTD. NO. 4; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR ZONING DESIGNATION AND DEVELOPMENT STANDARDS; PROVIDING FOR APPLICABLE REGULATIONS; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE PLANNED DEVELOPMENT ZONING DISTRICT FOR THE SUBJECT PROPERTY; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 AND A

SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO PUBLIC HEALTH AND SAFETY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the five tracts of land (the "Land"), collectively described as a 291.039 acre tract of land more specifically described in Exhibit "A" attached hereto and incorporated herein, filed an application with the City Planning and Zoning Commission requesting zoning of the Land to be "PD" Planned Development. Such application further requested an amendment to the official Zoning District Map of the City in accordance with Ordinance No. 97-10 of the City (the "Comprehensive Zoning Ordinance"); and

WHEREAS, all legal notices, requirements and conditions having been complied with, the case to zone the Land came before the Planning and Zoning Commission; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Council the adoption of the amendments to Comprehensive Zoning Ordinance No. 97-10 as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before City Council at which the City Council considered, among other things, the character of the land and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the City, and does hereby find that the zoning approved hereby accomplishes such objectives; and

WHEREAS, the City Council has determined that there is a necessity and need for the zoning designation and that the proposal is consistent with the Comprehensive Land Use Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CELINA, TEXAS:

SECTION 1.
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2.
FINDINGS

After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City of Celina, Texas, and of the public health, safety and welfare.

SECTION 3.
ZONING AND DEVELOPMENT STANDARDS

Ordinance No. 97-10 of the City of Celina, Texas, the same being the City's Comprehensive Zoning Ordinance, is hereby amended by designating the zoning on the Land, more particularly described in Exhibit "A", attached hereto and incorporated herein, as "PD" Planned Development, Old Celina Ltd. No. 4, for use in accordance with the requirements of this Ordinance and all other applicable ordinances, rules, and regulations of the City. Requirements of this Ordinance are more specifically described and set forth in Exhibit "B", Development Standards for Planned Development 4, which is attached hereto and incorporated herein for all purposes.

SECTION 4.
APPLICABLE REGULATIONS

In all respects the Land shall be subject to the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances and regulations of the City, in accordance with the rules and guidelines set forth in Exhibit "B".

SECTION 5.
ZONING MAP

The City Secretary is hereby directed to mark and indicate on the official Zoning District Map of the City the zoning designation herein made.

SECTION 6.
CUMULATIVE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance.

SECTION 7.
SAVINGS

All rights and remedies of the City of Celina, Texas, are expressly saved as to any and all

violations of the provisions of any other Ordinance affecting regulations governing and regulating the zoning, platting, and subdivision of land which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8.
SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 9.
PENALTY

9.01 That any person violating any of the provisions of this Ordinance shall be deemed guilty of a Class C misdemeanor upon conviction and shall be fined, except as otherwise provided herein, in a sum not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

9.02 That if the governing body of the City of Celina determines that a violation of this Ordinance creates a threat to the public safety, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity. The City of Celina is not required to give bond as a condition to the issuance of injunctive relief.

SECTION 10.
PUBLICATION

The City Secretary of the City of Celina is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

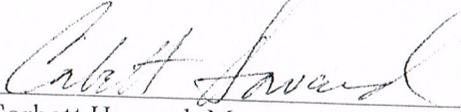
SECTION 11.
ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Celina is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty and Effective Date in the minutes of the City Council and by filing this Ordinance in the ordinance records of the City.

SECTION 12.
EFFECTIVE DATE.

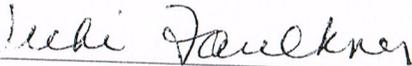
This Ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Celina, Texas, this 11 day of November, 2003.



Corbett Howard, Mayor
City of Celina, Texas

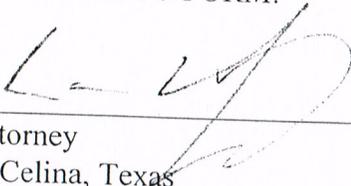
ATTEST:



Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:



City Attorney
City of Celina, Texas

Annexation Petition and Zoning Submittal for

291.04 Acres

constituting

A Planned Development (PD #4)

in

Celina, Texas

Prepared For:

Old Celina Ltd.

17130 Dallas Parkway, Suite 200
Dallas, Texas 75248

Prepared By:

Huitt-Zollars, Inc.

3131 McKinney Avenue, Suite 600
Dallas, Texas 75204-2489

January 30, 2002

(revised June 25, 2002)

(revised January 31, 2003)

(revised June 24, 2003)

June 24, 2003

Mr. Scott Albert, City Administrator
City of Celina
302 W. Walnut
Celina, Texas 75009

RE: **Application for Annexation and Zoning Change and Related Documents for a Proposed
Planned Development of 291.04 Acres in Celina, Texas.**

Dear Mr. Albert:

Please find enclosed for your review one revised copy of the proposed PD Document for approximately 291.04 acres of land. The proposed Planned Development (PD) is planned in accordance with Section 20 of the City's Zoning Ordinance and designed in conformance to current planning considerations published by the City.

At the request of the City, we have separated into five parts our previous single request for the zoning and annexation of approximately 742 acres. (Please reference previously submitted check in the amount of \$4,090.00 dated January 30, 2002 as well as previously submitted deposit in the amount of \$2,500.00 toward potential professional review costs as authorized by City of Celina Ordinance No. 02-22.)

Thank you for your consideration in this matter. If you need additional details or information, please contact me at 214-871-3311.

Thank you.

Respectfully,

Bill Muenchinger, AICP
Project Manager

c: Mr. Rex Glendenning
Mr William S. Dahlstrom

Form 1.07 Application for Zoning Change

1. Applicant- if owner(s), so state. If agent or other type of relationship, a letter of authorization must be furnished from owner(s).

Name: **Ocie L. Vest, Vice-President
Huitt-Zollars, Inc.**

Mailing Address: **3131 McKinney, Suite 600
Dallas, TX 75204**

Telephone: **(214) 871.3311**

2. Property Location: **City of Celina / Celina ETJ, Collin County, Texas**

3. Legal Descriptions: **(see attached)**

Acreage: **Approx. 291.04 acres (see attached metes and bounds descriptions.)**

4. Existing uses of Properties: **Agricultural uses**

5. Give explanation of proposed uses of property and attach supporting information:

**Residential Uses
Commercial Uses
Industrial Uses
Institutional Uses**

6. Zoning Request:

From: **AG - Agricultural**
To: **PD - Planned Development**

7. Give brief explanation of reason for request:

To offer flexibility in the ongoing planning of this development over time and to provide the opportunity for the application of a broad planning concept that includes multiple land uses.

8. The undersigned hereby requests rezoning of the above-described properties as indicated.

Owner(s)/Agent

Date

Fee Received by: _____

Date Received: _____ Amount: _____

Cash/Check Number: _____ Receipt Number: _____

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3. Legal Description
4. Tax Map
5. Concept Plan
6. Allowable Uses

Development Standards for Planned Development 4

1. Concept Plan:

Consistent with the intent of Section 20 (Planned Development District) of the City of Celina's Zoning Ordinance, Exhibit 5 identifies and locates the general location of proposed land uses and illustrates the potential integration of these land uses in a mixed-use development (the "Concept Plan"). Development of the Property must generally conform with the Concept Plan.

2. Uses Permitted:

a. Main Uses: The only uses allowed on the Property are those uses set forth in the land use table in Exhibit 6 which is attached hereto for all purposes and advertising products, such as signs and billboards

b. Conditional Uses: Conditional uses allowed as a conditional use in the C-2 Commercial District, as specified in the City of Celina Zoning Ordinance No. 97-10, Section 16, are hereby allowed subject to the provisions of Section 6 of that Ordinance.

3. Area Regulations

a. Residential: Residential uses must comply with the following standards:

Development Requirement	Residential Product Type				
	Detached family	Single-	Duplex	Quadplex / Cluster / Townhouse	Multiple-family
Max. Gross Density	4.0 du/ac		8.0 du/ac	12.0 du/ac	16.0 du/ac
Min. Lot Area	5,500 sq. ft.		7,000 sq. ft.	2,500 sq. ft.	8,000 sq. ft.
Avg. Lot Area	7,500 sq. ft.		not applicable	not applicable	not applicable
Min. Lot Width	50'		65'	25'	75'
Min. Lot Depth	100'		100'	90'	120'
Min. Front Setback	20'		20'	25'	25'
Min. Rear Setback	10'		10'	15'	15'
Min. Side Setback (interior lot)	The greater of 10% of lot width or 5'		10% of lot width	The greater of 10% of lot width or 5'	15'
Min. Side Setback (corner lot)	15'		15'	15'	15'
Min. Side Setback (key lot)	Equal to front yard setback		20'	25'	25'
Max. Lot Coverage*	50%		50%	50%	50%
Min. Floor Area / Dwelling Unit	1,600 sq. ft.		800 sq. ft.	850 sq. ft.	650 sq. ft.
Max. Building Height	35'		35'	45'	45'

* An additional 10% coverage is allowed for accessory uses

b. Commercial: The requirements regulating the minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings as pertains to this district shall conform to the provisions of Section 22, "Schedule of District Regulations", and other applicable provisions of Section 23, "Supplementary District Regulations" of the City of Celina Zoning Ordinance No. 97-10, as amended.

c. Industrial: The requirements regulating the minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings as pertains to this district shall conform to the provisions of Section 22, "Schedule of District Regulations", and other applicable provisions of Section 23, "Supplementary District Regulations" of the City of Celina Zoning Ordinance No. 97-10, as amended.

4. Parking

Parking regulations shall comply with Section 25 of the City of Celina Zoning Ordinance No. 97-10, as amended.

5. Screening Regulations

a. Location: Within this Planned Development, when a non-residential use adjoins a residential use, or when a multiple-family use adjoins a detached single-family use, a solid screen of not less than six feet nor more than eight feet in height shall be erected along the entire property line separating those districts, except where visibility triangles or easements are required.

b. Responsibility for Construction and Maintenance: The owner of the property of the lesser restrictive use shall be responsible for the construction and maintenance of the screen. In cases where the Planning and Zoning Commission finds that screening is impractical for immediate construction, it may grant a temporary or permanent waiver of the required screening until such time as the screening may be deemed necessary by the City Council.

c. Conflict: In the event of a conflict between these screening regulations and the screening regulations in the City of Celina Zoning Ordinance No. 97-10, as amended, the more restrictive regulation shall apply.

6. Effect of City of Celina Zoning Ordinance:

Except as otherwise amended herein, the provisions of the City of Celina Zoning Ordinance No. 97-10 concerning "C-2" Commercial District remain in full force and effect and apply to the development of the Property.

Exhibits

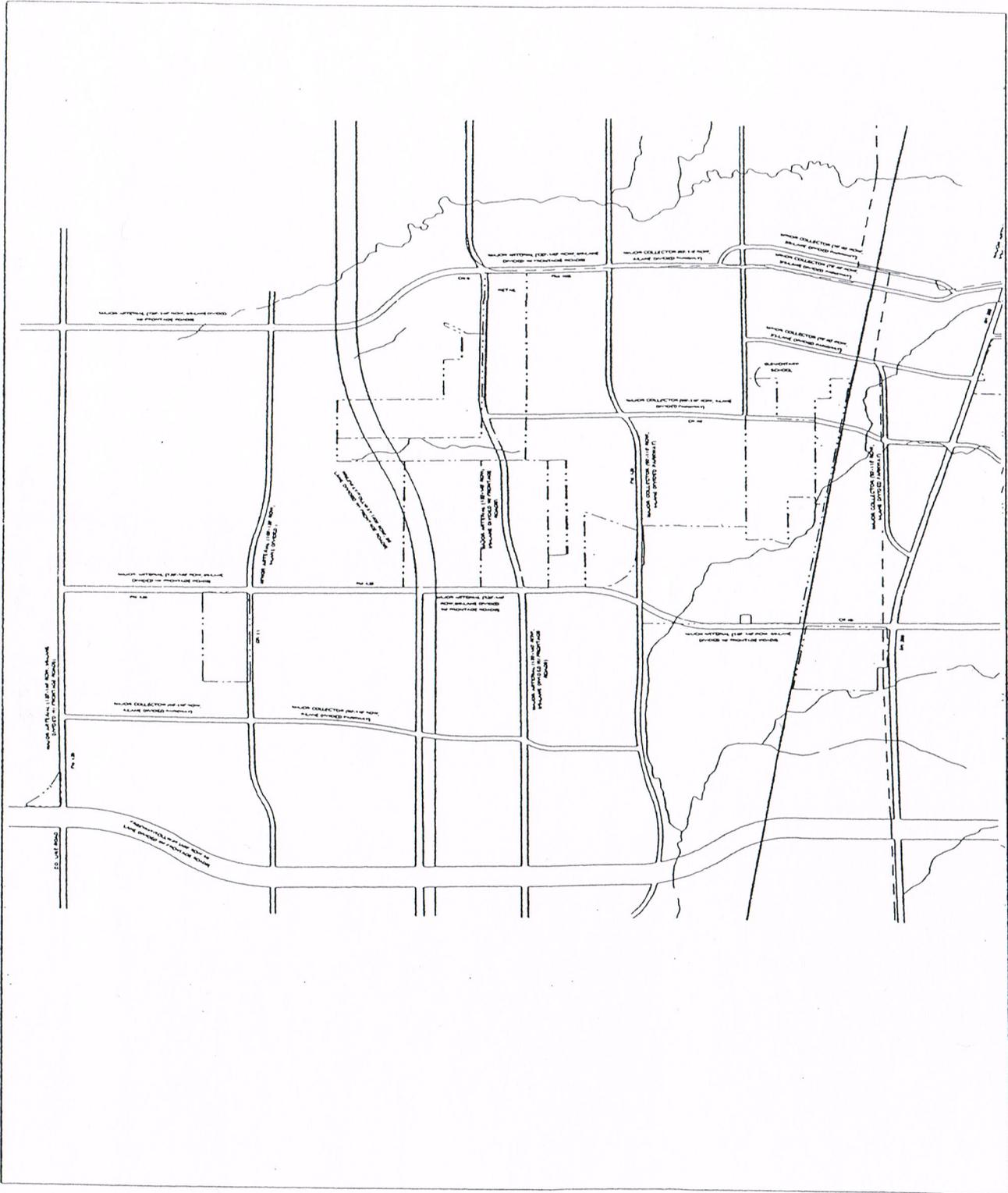


Exhibit 1 - Location Map

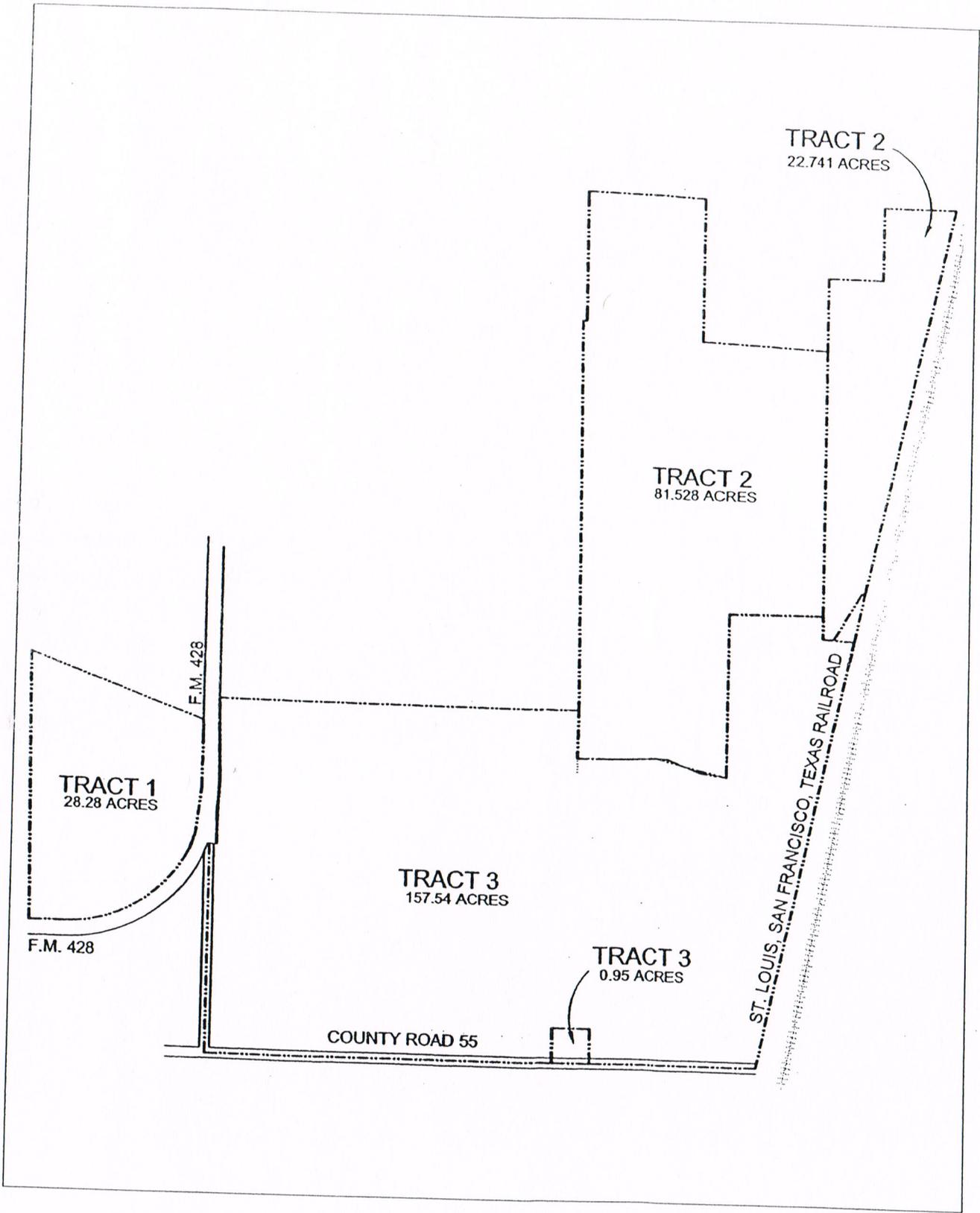


Exhibit 2 - Boundary Exhibit

Situated in the Samuel McCullough Survey, Abstract No. 593 and the BBB & CRR Co. Survey, Abstract No. 132 in Collin County, Texas, and being a called 28.15 Acre tract of land that was conveyed to Mildred Graham Short in Partition Deed recorded in Volume 2325, Page 801 of the Land Records of Collin County, Texas, being more particularly described by metes and bounds to-wit:

BEGINNING at an Iron Pin found being the Southwest corner of said tract;

THENCE North 1 degree 05 minutes 30 seconds West with the West line of said tract 1561.28 feet to an Iron Pin set;

THENCE South 69 degrees 51 minutes 27 seconds East with the North line of said tract 1066.72 feet to an Iron Pin set in the West right-of-way line of FM Hwy. 428;

THENCE with said right-of-way line as follows:

South 1 degree 29 minutes East 82.92 feet an Iron Pin set;

South 0 degrees 20 minutes West 316.0 feet an Iron Pin set;

South 7 degrees 08 minutes West 264.4 feet an Iron Pin set;

South 18 degrees 24 minutes West 94.2 feet to an Iron Pin set, being the P.C. of a curve to the right having a central angle of 64 degrees 08 minutes 34 seconds radius of 773.5 feet and a chord bearing of South 57 degrees 30 minutes 40 seconds West;

THENCE with said curve 865.95 feet to an Iron Pin set;

THENCE South 89 degrees 31 minutes West with said right-of-way line 216.6 feet to the place of beginning, containing 28.28 Acres.

Exhibit 3a - Legal Description of Tract 1

TRACT I

BEING all that certain tract or parcel of land situated in the B.B.B. & C.R.R. Survey, Abstract No. 132, County of Collin, State of Texas; said tract being part of a called 81.85 acre tract as shown by Deed to E. L. Higgins, dated April 8, 1987, and recorded in Volume 2599, Page 900 of the Deed Records of the County of Collin, State of Texas, and being more fully described as follows:

BEGINNING for the Southwest corner of the tract being described herein at a found 1/2 inch rebar by a fence corner post, said rebar being the Southwest corner of said Higgins tract, and an ell corner of a called 157.83 acre tract as shown by Substitute's Deed and recorded in Volume 2998, Page 196 of said Deed Records;

THENCE North 00 degrees 43 minutes 13 seconds East, with the West line of said Higgins tract, a distance of 282.98 feet to a found 1/2 inch rebar for a corner;

THENCE North 00 degrees 17 minutes 49 seconds West, with the West line of said Higgins tract, a distance of 2303.19 feet to a found 1/2 inch rebar for a corner in Collin County Road Number 56 (a gravel surfaced public road);

THENCE South 85 degrees 53 minutes 29 seconds East, a distance of 19.49 feet to a found 1/2 inch rebar for a corner;

THENCE North 00 degrees 01 minutes 05 seconds East, with the West line of said Higgins tract, and in said road, a distance of 744.59 feet to a found 1/2 inch rebar for a corner;

THENCE South 87 degrees 53 minutes 54 seconds East, with the North line of said Higgins tract, and along the North line of Cedar Street (an asphalt surfaced public street), a distance of 672.70 feet to a set 1/2 inch steel square tubing for a corner;

THENCE South 00 degrees 01 minutes 29 seconds West, with the West line of a 10 foot wide concrete alley part of the way, a distance of 824.71 feet to a set 1/2 inch steel square tubing for a corner;

THENCE South 87 degrees 14 minutes 21 seconds East, with the South line of a 10 foot wide concrete alley part of the way, a distance 708.19 feet to a set 1/2 inch steel square tubing for a corner on the East line of said Higgins tract, and the West line of a called 22.74 acre tract as shown by Deed to E. L. Higgins dated April 8, 1987, and recorded in Volume 2599, Page 892 of said Deed Records;

THENCE South 00 degrees 00 minutes 40 seconds East, with the East line of said Higgins tract, and the West line of said 22.74 acre tract, a distance of 1562.30 feet to a found 1/2 inch rebar for a corner;

THENCE South 89 degrees 04 minutes 33 seconds West, with an old fence and tree line, a distance of 533.74 feet to a found 1/2 inch rebar for a corner;

Exhibit 3b - Legal Description of Tract 2

THENCE South 00 degrees 06 minutes 14 seconds West, with an old fence and tree line, a distance of 963.27 feet to a set 1/2 inch steel square tubing for a corner;

THENCE North 76 degrees 30 minutes 57 seconds West, a distance of 411.39 feet to a set 1/2 inch steel square tubing for a corner;

THENCE South 87 degrees 43 minutes 31 seconds West, a distance of 186.92 feet to a set 1/2 inch steel square tubing for a corner;

THENCE South 89 degrees 58 minutes 09 seconds West, a distance of 268.63 feet to the POINT OF BEGINNING and containing 81.528 acres of land.

TRACT II

BEING all that certain tract or parcel of land situated in the B.B.B. & C.R.R. Survey, Abstract Number 132, County of Collin, State of Texas; said tract being shown by Deed to E. L. Higgins, dated April 8, 1987, and recorded in Volume 2599, Page 892 of the Deed Records of the County of Collin, State of Texas, and being more fully described as follows:

BEGINNING for the Northeast corner of the tract being described herein at a set 1/2 inch steel square tubing by a fence corner post, said tubing being the Northeast corner of said Higgins tract, and on the West right-of-way line of the St. Louis, San Francisco & Texas Railroad;

THENCE South 11 degrees 58 minutes 12 seconds West, with the East line of said Higgins tract, and the West line of said Railroad right-of-way, a distance of 2313.40 feet to a set 1/2 inch steel square tubing for a corner;

THENCE South 73 degrees 35 minutes 22 seconds West, a distance of 20.00 feet to a set 1/2 inch steel square tubing for a corner;

THENCE South 29 degrees 22 minutes 23 seconds West, a distance of 320.00 feet to a set 1/2 inch steel square tubing for a corner;

THENCE South 88 degrees 37 minutes 53 seconds West, a distance of 62.38 feet to a fence corner post for the Southwest corner of said Higgins tract;

THENCE North 00 degrees 01 minutes 25 seconds East, with the West line of said Higgins tract, a distance of 135.91 feet to a found 1/2 inch rebar for a corner;

THENCE North 00 degrees 00 minutes 40 seconds West, with the West line of said Higgins tract, a distance of 1567.31 feet to a found 1/2 inch rebar for a corner;

THENCE North 00 degrees 02 minutes 00 seconds East, with the West line of said Higgins tract, a distance of 421.32 feet to a found 1/2 inch rebar for a corner;

THENCE North 89 degrees 30 minutes 57 seconds East, a distance of 311.57 feet to a fence corner post for a corner;

THENCE North 00 degrees 03 minutes 04 seconds West, a distance of 416.61 feet to a fence corner post for a corner;

THENCE North 89 degrees 15 minutes 06 seconds East, a distance of 407.15 feet to the POINT OF BEGINNING and containing 22.741 acres of land.

Exhibit 3b - Legal Description of Tract 2 (cont.)

SITUATED in the BBB & CRR Co. Survey, Abstract No. 132 in Collin County, Texas, and being a called 158.83 acre tract of land described in Substitute Trustee's Deed recorded in Volume 2998, Page 196 of the Land Records of Collin County, Texas, being more particularly described by metes and bounds to-wit:

BEGINNING at a point at the intersection of the South line of the BBB & CRR Co. Survey, and the West R.O.W. line of the St. Louis - San Francisco and Texas Railroad;

THENCE SOUTH 89 degrees 52 minutes West with the South line of said survey, same being the centerline of County Road 55, 951.4 feet to an iron pin;

THENCE NORTH 0 degrees 37 minutes West with an old established fence being the East line of a tract of land described in Volume 2849, Page 861, 203.4 feet to a corner post;

THENCE SOUTH 89 degrees 39 minutes West with said fence, same being the North line of said tract 208.86 feet to a corner post;

THENCE SOUTH 0 degrees 18 minutes East with said fence 202.63 feet to an iron pin in the centerline of County Road 55;

THENCE SOUTH 89 degrees 52 minutes West with said road 1971.8 feet to an iron pin found;

THENCE NORTH 0 degrees 03 minutes West with said County Road 1196 feet to an iron pin found;

THENCE SOUTH 89 degrees 58 minutes East 45.25 feet to an iron pin found;

THENCE in a Northerly direction with the East R.O.W. line of FM Highway 428 as follows:

NORTH 0 degrees 13 minutes West 183.6 feet a concrete marker;

NORTH 2 degrees 49 minutes East 200.13 feet a concrete marker;

NORTH 1 degree 23 minutes West 468.59 feet to an iron pin found;

THENCE SOUTH 89 degrees 47 minutes 24 seconds East with an established fence 2048.6 feet to an iron pin found;

THENCE SOUTH 1 degree 02 minutes West with a fence 283.82 feet to an iron pin found;

THENCE EASTERLY with an old fence as follows:

NORTH 89 degrees 43 minutes East 197.4 feet;

NORTH 88 degrees 35 minutes East 324 feet;

SOUTH 68 degrees 25 minutes East 205 feet;

SOUTH 82 degrees 14 minutes East 146.2 feet to an iron pin found.

THENCE NORTH 0 degrees 13 minutes East with a fence 962.42 feet to an iron pin found;

THENCE NORTH 88 degrees 56 minutes East with a fence 533.9 feet to an iron pin found;

THENCE SOUTH 0 degrees 06 minutes East 135.84 feet to an iron pin found;

THENCE SOUTH 87 degrees 45 minutes East 176.4 feet to an iron pin found in the West R.O.W. line of the St. Louis - San Francisco and Texas Railroad;

THENCE SOUTH 11 degrees 51 minutes West with said R.O.W. line 2547 feet to the place of beginning,

CONTAINING 157.54 acres.

Exhibit 3c - Legal Description of Tract 3

SITUATED in the B.B.B. & C. RR. Co. Survey, Abstract No. 132, Collin County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod set for the Southeast corner of the herein described tract, said iron rod is located West 980 feet from the intersection of the middle of a county road and the West line of the S.L.S.F. & T. Railroad Right-of-Way;

THENCE West with the middle of the said county road for a distance of 208.8 feet to an iron rod set for corner;

THENCE North 00 degrees 04 minutes West for a distance of 198.3 feet to a fence corner found for corner;

THENCE South 89 degrees 58 minutes East for a distance of 108.1 feet to a fence corner found for corner;

THENCE South 00 degrees 17 minutes East for a distance of 198.2 feet to the PLACE OF BEGINNING, CONTAINING 0.95 acres of land, more or less.

Exhibit 3c - Legal Description of Tract 3 (cont.)

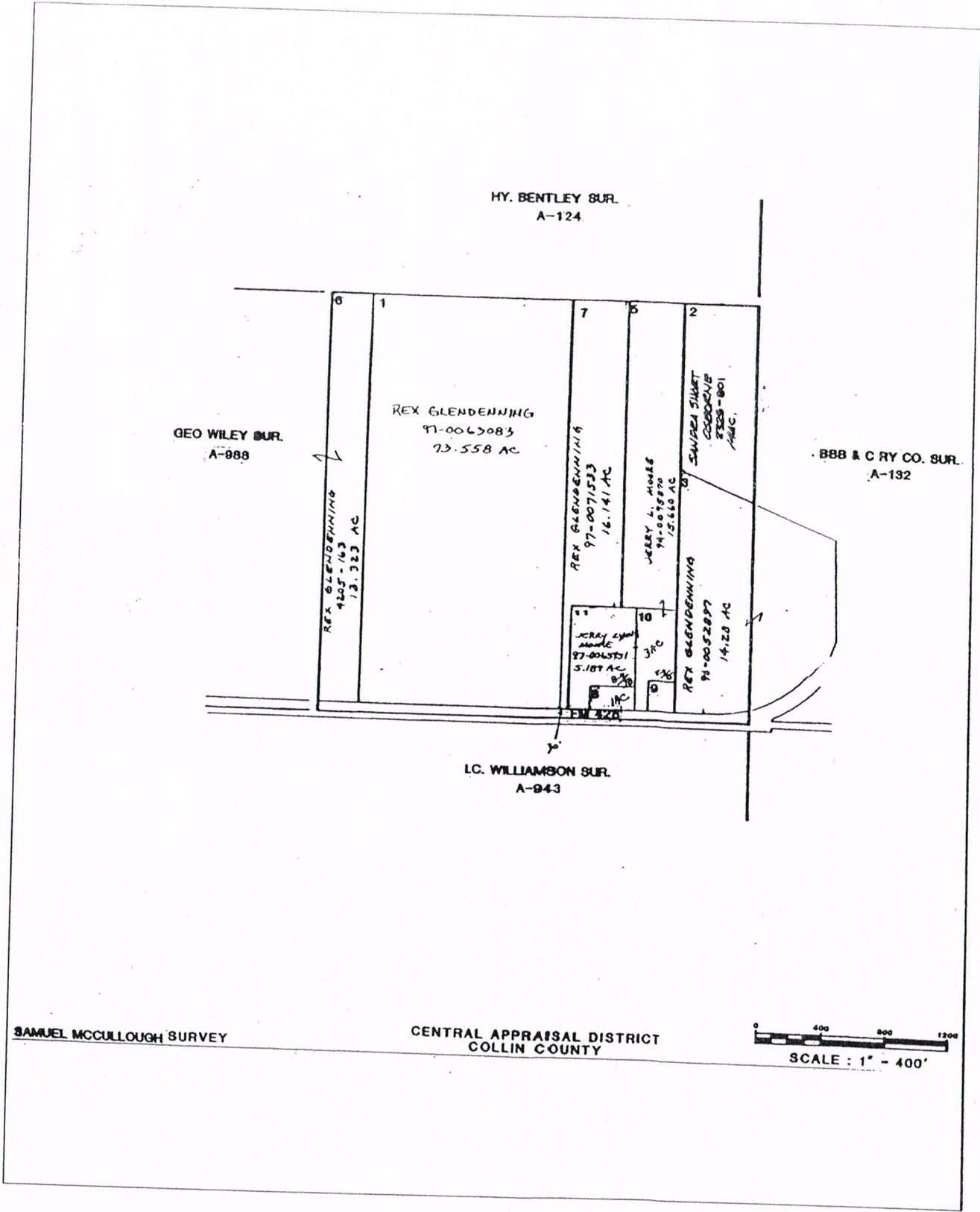


Exhibit 4 - Tax Map

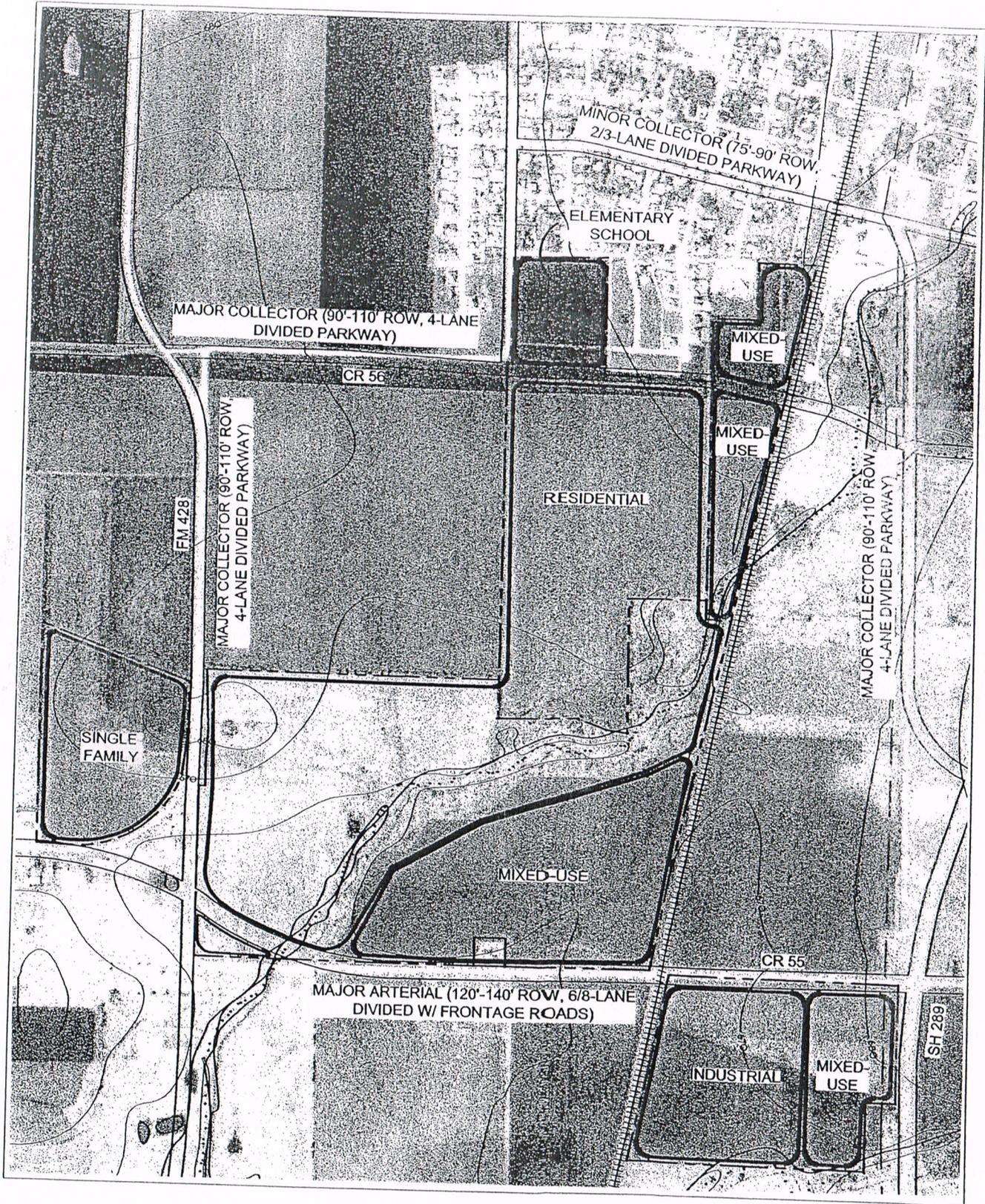


Exhibit 5 - Concept Plan

Exhibit 6 – Allowable Uses

RESIDENTIAL USES	PD-1	PD-2	PD-3	PD-4	PD-5
Accessory Building/Structure (Residential)		P	P	P	
Accessory Building/Structure (Non-residential)	P	P	P	P	P
Accessory Dwelling					
Caretaker's/Guard's Residence	C	C	C	C	
Community Home					
Duplex / Two-Family					
Family Home Adult Care			P	P	
Family Home Child Care					
Four Family (Quadraplex)					
Home Occupation			P	P	
Multi-Family (Apartments)			P	P	
Private Street Subdivision		P	P	P	P
Rooming/Boarding House			C	C	
Single Family Detached			P		
HUD code–Manufactured Home			P	P	
Single Family Industrialized Home					
Single Family Townhouse (Attached)					
Single Family Zero Lot Line / Patio Homes			P	P	
Swimming Pool (Private)			P	P	
Three Family (Triplex)			P	P	P
			P	P	
P - Designates use permitted in District indicated - Designates use prohibited in District indicated C - Designates use may be approved as Conditional Use					

OFFICE USES	PD-1	PD-2	PD-3	PD-4	PD-5
Armed Services Recruiting Center	P	P	P	P	P
Check Cashing Service	P	P	P	P	P
Credit Agency	P	P	P	P	P
Insurance Agency Offices	P	P	P	P	P
Offices (Brokerage Services)	P	P	P	P	P
Offices (Health Services)	P	P	P	P	P
Offices (Legal Services)	P	P	P	P	P
Offices (Medical Office)	P	P	P	P	P
Offices (Professional)	P	P	P	P	P
Offices (Parole-Probation)	P	P	P	P	P
Real Estate Offices	P	P	P	P	P
Telemarketing Agency	P	P	P	P	P
Bank	C	P	P	C	P
Savings and Loan	P	P	P	P	P
Security Monitoring Company (No Outside Storage)	P	P	P	P	P
	C	P	P	C	P
P - Designates use permitted in District indicated - Designates use prohibited in District indicated C - Designates use may be approved as Conditional Use					

PERSONAL AND BUSINESS SERVICE USES	PD-1	PD-2	PD-3	PD-4	PD-5
Appliance Repair					P
Artist Studio	P		P	P	P
Ambulance Service (Private)	C		C	C	P
Automobile Driving School	C		C	C	P
Automatic Teller Machines (ATM's)	P	P	P	P	P
Barber Shop (Non-College)	P	P	P	P	P
Beauty Shop (Non-College)	P	P	P	P	P
Bed & Breakfast Inn					
Communication Equip. (Installation and/or Repair -- No outdoor sales or storage)					P
Computer Sales	P	P	P	P	P
Credit Unions	P	P	P	P	P
Dance/Drama/Music Schools (Performing Arts)	P	P	P	P	P
Extended Stay Hotels / Motels (Residence Hotels)	C	C	C	C	P
Exterminator Service (No outdoor sales or storage)					P
Financial Services (Advice/Invest)	P	P	P	P	P
Funeral Home					
Hotel/Motel	C	P	P	C	P
Martial Arts School	P			P	P
Kiosk (Providing A Service)	P	P	P	P	P
Laundry/Dry Cleaning (Drop Off/Pick Up)	P	P	P	P	P
Locksmith	P	P	P	P	P
Mini-Warehouse/Self Storage					P
Photo Studio	P	P	P	P	P
Photocopying/Duplicating	P	P	P	P	P
Security Quarters as Associated with a Business (Live-In)	C	C	C	C	C
Sexually Oriented Business					
Shoe Repair	P	P	P	P	P
Studio for Radio or Television (without tower)	P	P	P	P	P
Tailor Shop	P	P	P	P	P
Tool Rental (Indoor Storage)					P
Tool Rental (Outdoor Storage)					P
Travel Agency	P	P	P	P	P
P - Designates use permitted in District indicated - Designates use prohibited in District indicated C - Designates use may be approved as Conditional Use					

RETAIL USES	PD-1	PD-2	PD-3	PD-4	PD-5
All Terrain Vehicle (go-carts) Dealer / Sales Only					P
Art Dealer / Gallery	P	P	P	P	P
Auto Dealer (New)	C		C	C	P
Auto Supply Store for New & Rebuilt Parts					P
Bakery (Retail)	P	P	P	P	P
Bike Sales and/or Repair	P		P	P	P
Bakery (Retail)	P	P	P	P	P

RETAIL USES (cont.)	PD-1	PD-2	PD-3	PD-4	PD-5
Bike Sales and/or Repair					
Book Store	P		P	P	P
Building Material Sales	P	P	P	P	P
Cabinet Shop (Manufacturing)					P
Cafeteria					P
Confectionery Store (Retail)					P
Consignment Shop	P	P	P	P	P
Convenience Store with or without gas sales	P		P	P	P
Department Store	P	P	P	P	P
Drapery Shop / Blind Shop		P	P		P
Florist	P	P	P	P	P
Food or Grocery Store	P	P	P	P	P
Furniture Sales (Indoor)	P	P	P	P	P
Garden Shop (Inside Storage)	P	P	P		P
Gravestone/Tombstone Sales			P		P
Handicraft Shop					
Hardware Store	P	P	P	P	P
Home Improvement Center	P	P	P	P	P
Lawnmower Sales and/or Repair					P
Major Appliance Sales (Indoor)					P
Market (Public)					P
Motorcycle Dealer (New)					P
Personal Watercraft Sales (New)	C		C	C	P
Needlework Shop	C		C	C	P
Pet Shop / Supplies	P	P	P	P	P
Pharmacy	P	P	P	P	P
Plant Nursery (Retail Sales / outdoors)	P	P	P	P	P
Recycling Kiosk		C	C		P
Restaurant	C	C	C	C	P
Restaurant (Drive-In)	P	P	P	P	P
Retail Store (Misc.)	P	P	P	P	P
Security Systems Installation Company	P	P	P	P	P
Studio Tattoo or Body Piercing	C	P	P	C	P
Temporary Outdoor Retail Sales / Commercial Promotion		C	C		P
Upholstery Shop (Non-Auto)	P	P	P	P	P
Used merchandise; Furniture, Antique Shop Store	P	P	P	P	P
Vacuum Cleaner Sales and Repair	P	P	P	P	P
Veterinarian (Indoor Kennels)	P	P	P	P	P
Woodworking Shop (Ornamental)	P	P	P	P	P
					P
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TRANSPORTATION AND AUTO SERVICE USES	PD-1	PD-2	PD-3	PD-4	PD-5
Auto Body Repair					
Auto Financing & Leasing (Indoor)					
Auto Glass Repair/Tinting	P	P	P	P	P
Auto Interior Shop / Upholstery					
Auto Muffler Shop					
Auto Paint Shop					
Auto Repair (General)					
Auto Repair as an Associated Use to Retail Sales					
Auto Tire Repair /Sales (Indoor)	C	C	C	C	P
Auto Wrecker Service					
Car Wash (Self Service)					
Full Service Car Wash (Detail Shop)	C	C	C	C	C
Limousine / Taxi Service	C	P	P	C	P
Public Garage / Parking Structure	C	P	P	C	P
Quick Lube/Oil Change/Minor Inspection	C	P	P	C	P
Tire Sales (Outdoors)	C	C	C	C	P
P - Designates use permitted in District indicated - Designates use prohibited in District indicated C - Designates use may be approved as Conditional Use					

AMUSEMENT AND RECREATION SERVICE USES	PD-1	PD-2	PD-3	PD-4	PD-5
Amusement Devices/Arcade (Four or More Devices)					
Amusement Services (Indoors)		C	C		P
Amusement Services (Outdoors)	C	C	C	C	P
Billiard / Pool Facility (Three or More Tables)		C	C		C
Bingo Facility		C	C		C
Bowling Center		C	C		C
Broadcast Station (with Tower)		C	C		C
Country Club (Private)	C	C	C	C	C
Dance Hall / Dancing Facility	C	C	C	C	C
Day Camp					
Dinner Theatre	C	C	C	C	C
Driving Range	P	P	P	P	P
Earth Satellite Dish (Private, less than 3' in diameter)	C	C	C	C	C
Exhibition Hall	P	P	P	P	P
Fair Ground					
Golf Course (Miniature)	C		C	C	C
Golf Course (Public/Private)	C	C	C	C	C
Health Club (Physical Fitness)	C	C	C	C	C
Membership Sports	C	P	P	C	P
Motion Picture Theater (Indoors)					
Motion Picture Studio, Commercial Film	C	P	P	C	P
		P	P		P

AMUSEMENT AND RECREATION SERVICE USES (cont.)	PD-1	PD-2	PD-3	PD-4	PD-5
Museum	P	P	P	P	P
Park and/or Playground	P	P	P	P	P
Travel Trailers / R.V.'s (Short Term Stays)					
Rodeo grounds					
Skating Rink		P	P		P
Swimming Pool (Public / Private)	P	P	P	P	P
Tennis Court (Lighted)	C	P	P	C	P
Tennis Court (Private / Not Lighted)	P	P	P	P	P
Theater (Non-Motion Picture)	C	P	P	C	P
Video Rental / Sales	P	P	P	P	P
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INSTITUTIONAL AND GOVERNMENTAL USES	PD-1	PD-2	PD-3	PD-4	PD-5
Antenna (Non-Commercial)	P	P	P	P	P
Assisted Living Facility	C	P	P	C	C
Cemetery and/or Mausoleum					
Child Day Care (Business)	C	P	P	C	C
Church/Place of Worship	P	P	P	P	P
Civic Club	P	P	P	P	P
Clinic (Medical)	P	P	P	P	P
Community Center (Municipal)	P	P	P	P	P
Electrical Generating Plant	C	C	C	C	P
Electrical Substation	C	C	C	C	P
Electrical Transmission Line	C	C	C	C	P
Emergency Care Clinic	P	P	P	P	P
Fire Station	P	P	P	P	P
Franchised Private Utility (not listed)	P	P	P	P	P
Fraternal Organization		P	P		P
Gas Transmission Line (Regulating Station)	C	C	C	C	C
Governmental Building (Municipal, State or Federal)	P	P	P	P	P
Group Day Care Home		P	P		P
Heliport					
Helistop					
Hospice					
Hospital (Acute care / Chronic Care)		P	P		P
Library (Public)	P	P	P	P	P
Mailing Service (Private)		P	P		P
Maternity Homes					
Non-Profit Activities by Church	P	P	P	P	P
Nursing/Convalescent Home	P	P	P		P
Orphanage					
Philanthropic organization	P	P	P	P	P

INSTITUTIONAL AND GOVERNMENTAL USES (cont.)	PD-1	PD-2	PD-3	PD-4	PD-5
Phone Exchange/Switching Station		C	C		P
Police Station	P	P	P	P	P
Post Office (Governmental)	P	P	P	P	P
Radio/Television Tower (Commercial)		C	C		C
Rectory/Parsonage	C	P	P	C	P
Retirement Home/Home for the Aged	C	P	P	C	P
School, Driving/Defensive Driving	P	P	P	P	P
School, K through 12 (Private)	P	P	P	P	P
School, K through 12 (Public)	P	P	P	P	P
School, Vocational (Business/Commercial Trade)		P	P		P
Sewage Pumping Station	P	P	P	P	P
Utility Distribution Line	P	P	P	P	P
Wastewater Treatment Plant (Public)					P
Water Supply Facility (Private)					P
Water Supply Facility (Elevated Water Storage)	C	P	P	P	P
Water Treatment Plant (Public)					P
P - Designates use permitted in District indicated - Designates use prohibited in District indicated C - Designates use may be approved as Conditional Use					

COMMERCIAL AND WHOLESALE TRADE USES	PD-1	PD-2	PD-3	PD-4	PD-5
Book Binding		P	P		P
Feed & Grain Store					
Furniture Manufacture		C	C		P
Heating & Air-conditioning Sales / Services					P
Livestock - Wholesale					
Pawn Shop					
Propane Sales (Retail)					P
Taxidermist					
Transfer Station (Refuse/Pick-up)					
Veterinarian (Outdoor Kennels or Pens)					P
Warehouse / Office		C	C		C
Welding Shop					P
P - Designates use permitted in District indicated - Designates use prohibited in District indicated C - Designates use may be approved as Conditional Use					

MANUFACTURING AND INDUSTRIAL USES	PD-1	PD-2	PD-3	PD-4	PD-5
Contractor's Office/Sales, No Outside Storage including Vehicles	C	C	C	C	C
Contractor's Temporary On-Site Construction Office	C	C	C	C	C
Electronic Assembly			P		P
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair					
Exploration and Extraction of Hydrocarbons					
Extraction of Sand, Gravel, Caliche or Stone					
Laboratory Equipment Manufacturing					
Machine Shop			P		P
Maintenance & Repair service for Buildings					
Manufacturing or Assembly Processes other than Those Listed Elsewhere			C		P
Meat Packing Under State/Federal Regulations			C		C
Micro Brewery (onsite mfg. & sales)					
Outside Storage					C
Plumbing Shop					
Research Lab (Non-Hazardous)					
Sand/Gravel/Caliche/Stone Sales (Storage)			C		P
Sign Manufacturing					
Smelter or Foundry					
Stone/Clay/Glass Manufacturing					
P - Designates use permitted in District indicated - Designates use prohibited in District indicated C - Designates use may be approved as Conditional Use					