

**AGENDA**  
**PLANNING AND ZONING**  
**MARCH 8, 2012 @ 7:00 P.M.**

Notice is hereby given; the Planning and Zoning Commission for the City of Parker will hold a Regular Meeting on Thursday, March 8, 2012 at 7:00 P.M. at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002:

**CALL TO ORDER – Roll Call and Determination of a Quorum**

**PLEDGE OF ALLEGIANCE**

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

**INDIVIDUAL CONSIDERATION ITEMS**

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR OCTOBER 27, 2011.
2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A FINAL PLAT FOR MCCREARY CREEK ESTATES PHASE 2; BEING APPROXIMATELY 39.0361 ACRES IN THE SQUIRE T. LEWIS SURVEY, ABSTRACT NO. 529 CONTAINING TWENTY-SEVEN (27) SINGLE FAMILY RESIDENTIAL LOTS. APPLICANT MCCREARY/DONIHOO PARTNERS, LTD.
3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON FUTURE TRAINING FOR THE COMMISSION.

**ROUTINE ITEMS**

4. FUTURE AGENDA ITEMS
5. STAFF COMMENTS AND UPDATES
6. ADJOURN

In addition to any specifically identified Executive Sessions, the Planning and Zoning Commission may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions that require that a meeting be open. Should Commission elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before March 2, 2012 by 5:00 p.m. at the Parker City Hall, and as a courtesy, this Agenda is also posted to the City of Parker Website at [www.parkertexas.us](http://www.parkertexas.us)

Date Notice Removed

Carrie L. Smith, City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.

**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
October 27, 2011**

**Call to order**

The Parker Planning and Zoning Commission met on the above date. Chairman Russell Wright called the meeting to order at 7:00 P.M.

**Roll Call**

Commissioners Present:

X Chairperson Wright  
X Vice Chairperson Standridge  
X Secretary Pettle  
X Commissioner Stanislav

X Commissioner Stone  
X Alternate Lozano  
X Alternate Schroeder  
Alternate (Vacant)

Staff Present

X Interim City Administrator Jeff Flanigan

Other(s): \_\_\_\_\_

**Pledge of Allegiance**

Commissioner Stone led the Pledge of Allegiance. Commissioner Standridge led the Texas Pledge.

**Announcements by Commission Members**

Pettle recused herself from voting as the property under consideration is adjacent her property.

**Appointment of Alternates**

None

**Consideration and Action on Previous Meeting Minutes**

Motion was made to accept the Minutes of February 24, 2011.

<b>Motioned</b>	Leonard Stanislav
<b>Seconded</b>	Tom Stone
<b>Voted For</b>	Russell Wright, Ed Standridge, Tom Stone, Leonard Stanislav, Lee Pettle
<b>Voted Against</b>	None
<b>Abstained</b>	None

**PUBLIC HEARING, CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A SPECIFIC USE  
PERMIT REQUESTED BY JOHN CHISOLM FOR AN OUTBUILDING.**

Public Hearing Opened at 7:03 p.m.

**Citizen Comments**

John Chisolm (applicant)  
2905 Dublin Road  
Parker Texas 75002

-Indicated that he had talked with the neighbors of his property and they only had positive comments regarding his proposed outbuilding which he plans to use to garage his RV and tractor well as a hobby shop.

- There will not be any commercial activity at this location.

Harold Smith  
3009 Dublin Road  
Parker Texas 75002

- Indicted he is the closest neighbor with the best view of the property
- He has no objections to the outbuilding
- Recommends the SUP be approved as requested

Lee Pettle  
3000 Bluffs Lane  
Parker Texas 75002

- Indicated her property is adjacent to Mr. Chisolm's
- She has no objections to the outbuilding
- Dublin Creek Estates HOA has no objections nor do any of the individual homeowners

One Email accepted as part of the Record (in packet)

Ann Stormer McCook  
2900 Dublin Road  
Parker Texas 75002

- Indicated she has reviewed plans and building site
- Is supportive of his plans

Attachments  
Email from Ann Stormer McCook

Public Hearing Closed 7:13 p.m.

#### Commissioner Comments

Commissioner Lozano noted that the maximum height of 15 feet 11 inches was considered and not felt to be a problem.

Commissioner Stone reported that the 15 foot height was an arbitrarily set number designed to be a guideline.

Motion was made to recommend to Council approval of a specific use permit for an outbuilding to be located at 2905 Dublin Road, Parker Texas as requested by the property owner.

<b>Motioned</b>	Tom Stone
<b>Seconded</b>	Leonard Stanislav
<b>Voted For</b>	Russell Wright, Ed Standridge, Tom Stone, Leonard Stanislav
<b>Voted Against</b>	None
<b>Abstained</b>	Lee Pettle

#### Staff Comments

McCreary Creek Phase II is now under construction and may come back before this Commission  
Another developer will be making a presentation to Council soon that also may come before this Commission.

#### FUTURE AGENDA ITEMS

Refresher course by City Attorney to update Commission on rules and procedures

**Adjourn**

Adjourned at 7:31 p.m.

Minutes Approved:

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Russell Wright, Chairman

Attest:

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Lee Pettle, Secretary



Item No. 2

City Secretary's use only

**Meeting Date: March 8, 2012**

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**Agenda Subject:**

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A FINAL PLAT FOR MCCREARY CREEK ESTATES PHASE 2; BEING APPROXIMATELY 39.0361 ACRES IN THE SQUIRE T. LEWIS SURVEY, ABSTRACT NO. 529, CONTAINING TWENTY-SEVER (27) SINGLE FAMILY RESIDENTIAL LOTS. APPLICANT MCCREARY/DONIHOO PARTNERS, LTD.

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**Exhibits:**

1. Letter of review from City Engineer Birkhoff
2. Development Application
3. Proposed Final Plat
4. Letter regarding landscaping and Landscape Plan
5. Informational – Ordinance 600 – Zoning SFT with Special Conditions

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**Summary:**

This request is for approval of the Final Plat for McCreary Creek Estates Phase 2.

The Preliminary Plat was approved August 28, 2007 and extended June 15, 2010.

The property is zoned Single Family Transition (SFT) with Special Conditions, see Ordinance 600 attached.

All public improvements have been accepted by the City Engineer.

**CITY OF PARKER, SUBDIVISION REGULATIONS:**

The third step of the subdivision process is approval of the Final Plat. When the improvements have been constructed, inspected and recommended for acceptance by the City Engineer, the Final Plat may be presented to the Planning & Zoning Commission for a recommendation, and to Council for approval. All corrections and alterations to the plat are made prior to approval, thus eliminating the reasons for most replats.

**Possible action:**

MOTION: Move to recommend approval to the City Council, subject to correcting all issues noted in City Engineer letter date March 1, 2012.

**BIRKHOFF, HENDRICKS & CARTER, L.L.P.  
PROFESSIONAL ENGINEERS**

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Fax (214) 461-8390

Phone (214) 361-7900

JOHN W. BIRKHOFF, P.E.  
GARY C. HENDRICKS, P.E.  
JOE R. CARTER, P.E.  
PAUL A. CARLINE, P.E.  
MATT HICKEY, P.E.  
ANDREW MATA, JR., P.E.  
JOSEPH T. GRAJEWSKI, III, P.E.

March 1, 2012

Mr. Jeff Flanigan  
Public Works Director  
City of Parker  
5700 E. Parker Rd.  
Parker, Texas 75002

Re: McCrae Creek Estates Phase II Final Plat Review

Dear Mr. Flanigan:

We have completed our review of the Final Plat for the McCrae Creek Estates Phase II by Tipton Engineering for McCrae/Donahoo Partners, LTD.. Our review is based on the City of Parker's Code of Ordinances and Good Engineering Practice and does not relieve the design engineer of his responsibilities as the Engineer of Record with the Texas Engineering Practice Act. The following item is noted:

There is a discrepancy between the Owner's Certificate and the plat drawing exhibit on the length of one of the boundary lines. The plat drawing exhibit calls out the length as 0.19-feet and the Owner's Certificate identifies the same length as 0.18-feet.

We attended the City's final inspection of the addition and noted the following:

1. The streets need to be cleaned of silt.
2. The rock rip rap needs to be cleaned of silt build up. The developer should consider an erosion sock at the top to the rock rip rap, until vegetation is established.
3. Drop inlets between Phase I and Phase II need to be cleaned of silt and debris. In addition the silt fence will need to be re-established at each drop inlet and vegetation established.
4. Silt build up in the bottom of drainage channels need to be removed and vegetation established.
5. The developer needs to review the erosion controls established and consider erosion devices along some of the top of banks to prevent erosion. The City's storm water plan requires regular maintenance of the erosion control devices until vegetation is established.
6. In parts of the addition, the drainage channel has been cut to the weathered limestone. It could be difficult to establish grass at these locations. The limestone may need to be undercut, topsoil placed and sod pinned in place.

We are available to discuss this Final Plat review further at your convenience.

Sincerely,



John W. Birkhoff, P.E.

*Texas American Public Works Association 2011 Awardee  
Environmental Project of the Year \$2-\$10 Million – Columbian Pump Station Rehabilitation*



## DEVELOPMENT APPLICATION

City of Parker, Texas

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CITY OF PARKER

Proposed Name of Subdivision: MCCREARY CREEK ESTATES PHASE II

Plat Approval Requested      Filing Fee

Preliminary Plat      \$800.00 + \$30/acre  
 Site Plan      \$300.00 + \$25/acre  
 Replat/Amended      \$500.00 plus \$15/lot

Final Plat      \$800.00 + \$30/acre  
 Minor Plat (5 acres or less)      \$500.00 + \$100/lot  
 Development Plat      \$300.00 + \$30/acre

Filing Fee

Physical Location of Property: MCCREARY ROAD & MCCREARY CREEK LANE

(Address and General Location – Approximate distance to the nearest existing street corner)

Brief Legal description of Property (must attach accurate metes and bound description to application):

SQUIRE T. LEWIS SURVEY ABSTRACT NO. 529

(Survey/Abstract No. and Tracts: or platted Subdivision Name with Lot/Block)

Acreage: 39.0361 Existing # of Lots/Tracts: 27 Existing Zoning: SF-1  
 (If a PD, include the Ordinance with application)

Property Owner's Name: MCCREARY/DONIHOO PARTNERS, LTD. Phone Number: 214-368-0238

Applicant/Contact Person: STEPHEN SALLMAN Title: MANGER

Company Name: WARNER GROUP INC.

Street/Mailing Address: 4925 GREENVILLE AVE City: DALLAS State: TX Zip: 75206

Phone: 214-368-0238 Fax: 214-368-0812 Email Address: SLSALLMAN@SBCGLOBAL.NET

Engineering Company: TIPTON ENGINEERING INC.

Contact Person: RICHARD HOVAS Title: PRESIDENT

Street/Mailing Address: 6330 BROADWAY BLVD. City: GARLAND State: TX Zip: 75043

Phone: 972-226-2967 Fax: 972-226-1946 Email Address: RHOVAS@TIPTONENG.COM

\*\* READ BEFORE SIGNING BELOW: If there is more than one property owner, complete a separate sheet with the same wording as below. The City requires all Original Signatures. If applicant is other than the property owner, a "Power of Attorney" with original, notarized signatures is required.

STATE OF TEXAS ) (

COUNTY OF DALLAS ) (

BEFORE ME, a Notary Public, on this day personally appeared Stephen L. Sallman  
 the undersigned applicant, who, under oath, stated the following "I hereby certify that I am the owner, or duly  
 authorized agent of the owner, (Proof must be attached, e.g. "Power of Attorney") for the purposes of this  
 application; that all information submitted herein is true and correct. I understand that submitting this  
 application does not constitute approval, and incomplete applications will result in delays and possible denial."

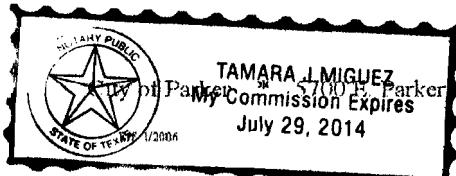
Stephen L. Sallman, Mgr.  
 (as Owner / Agent (circle one))

SUBSCRIBED AND SWORN TO before me, this the 2nd day of February, 2012

Notary Public in and for the State of Texas:

Tamara J. Miguez

Over



**SUBMITTAL DEADLINES:** Twenty eight (28) days prior to the Planning and Zoning Commission Meeting Date. Planning and Zoning Commission meets the second and fourth Thursday of each month.

**SUBMISSIONS.** Failure to submit all materials (including three sets of bound engineering plans) to the City with this application will result in delays scheduling the agenda date. Submit twelve (12) FOLDED to 8 1/2" X 11" copies of 24" X 36" prints [1"=100' scale] + electronic version in .jpeg, .tiff, or .pdf format. Applicant is to submit a complete copy of this application and drawings to the City Engineer

**ALL APPLICATIONS MUST BE COMPLETE BEFORE THEY WILL BE PLACED ON A CITY AGENDA.** It is the applicant's responsibility to be familiar with and to comply with, all City submittal requirements in the Zoning and Subdivision Ordinance ([www.parkertexas.us](http://www.parkertexas.us)), and any separate submittal policies, requirements and/or checklists that may be obtained from City staff)

**NOTICE OF PUBLIC RECORDS:** The submission of plans/drawings/etc. with this application makes such items public record, and the applicant understands that these items may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings/etc.) will be considered consent by the applicant that the general public may view and/or reproduce (i.e. copy) such documents.

**SUBMITTAL FEES:** All fees are due and payable at the time of application, except inspection, engineering and legal fees, which are due at the time of pre-Construction meeting with the City. No construction shall take place prior to the pre-construction meeting and submission of certified construction cost bid(s) by the contractor(s) and Owner. No hearing will be scheduled nor will any reviews be made until payment of required filing fees has been accomplished. Fees are non-refundable regardless of outcome of request.

**City Contact Information:**

Public Workers Superintendent  
City of Parker, Texas  
5700 E. Parker Road \* Parker, Texas 75002  
Phone 972-442-6811 \* Fax 972-442-2894 \* [www.parkertexas.us](http://www.parkertexas.us)

OFFICE USE ONLY: This submittal meets the City of Parker's requirements per City ordinances for processing.

Signature

Title

Fees Paid

Check #

From

P&Z Agenda Date

Action

CC: Agenda Date

Action

Current Zoning

Ordinance Number

Date Approved

Staff Comments forwarded to applicant on

Review Date no later than

Plans issued for review on

to:

- Public Works Director
- City Engineer
- Building Official
- Fire Department

Public Hearing Required:  Yes  No

Public Notice: (date)

Written Notice: (date)

**SUBMITTAL REQUIREMENTS:**

Failure to submit all materials to the City with complete application will result in delays scheduling the agenda date.

- Five (5) FOLDED copies of drawing(s) 24" X 36" [1"=100' scale]
- Twelve (12) FOLDED 11 X 17
- Three (3) Complete Engineering Plans (if applicable)
- Three (3) General Tree Survey
- Property Metes and Bounds on 8 1/2 X 11 Sheet
- Proof of Ownership (Warranty Deed or Tax Certificate)
- Power of Attorney

The face of the plat shall show the following:

- Date of preparation
- Scale of plat
- North arrow
- Name and address of:
  - Applicant
  - Engineer or Surveyor responsible for preparation of plat
- Survey and abstract with tract designation
- Location of major and/or secondary thoroughfares located with or adjacent to the property.
- Location of existing or platted streets within and adjacent to the existing property
- Location of existing right-of-ways, utility and/or drainage easements.
- Vicinity map showing location of tracts by reference to existing streets or highways.
- Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision. The subdivision boundary shall be construed to include the part of adjacent boundary streets which were previously established by dedication or purchase from the tract being subdivided.
- Legal description of the property to be subdivided, and metes and bounds description of the subdivision perimeter.
- Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
- Names of the owners of contiguous parcels of un-subdivided land, and names of contiguous subdivisions and the County Recorder's book and page number thereof, and the lot patterns of these subdivisions.
- Location of the city limits lines, the outer border of the City's extraterritorial jurisdiction and zoning district boundaries, if they traverse the subdivision, or form part of the boundary of the subdivision, or are contiguous to such boundary.
- If there is no adjacent subdivision, a map on a small scale shall be included with the preliminary plan, and oriented the same way, to show the nearest subdivision in each direction; it shall show how the streets, alleys, or highways in the subdivision submitted may connect with those in the nearest subdivision, if situated within two thousand (2,000) feet of the proposed subdivision.
- All other data required by the Zoning and Subdivision Ordinances, available for view at [www.parkertexas.us](http://www.parkertexas.us).

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FEB 09 2012

## WAIVER OF EXPEDITION

CITY OF PARKER

I HEREBY WAIVE MY RIGHTS TO APPROVAL THROUGH LACK OF CITY ACTION ON THE ABOVE REFERENCED PLAT WITHIN THE TIME FRAMES SET FORTH IN 212.009, TEXAS LOCAL GOVERNMENT CODE AND I AGREE THE PLAT SUBMITTED WILL BE APPROVED ONLY BY AFFIRMATIVE COUNCIL ACTION.

## APPLICANT:



(Signature)

Name: STEPHEN SALLMAN

Title: MANGER

Phone: 214-368-0238

Address: 4925 GREENVILLE AVE.

SUITE 1020

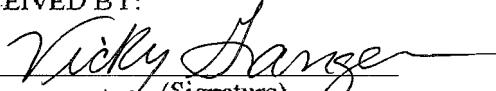
DALLAS, Tx. 75206

Date: 2/1/12

Corporation;  Partnership;  
 Individual; or  
 Other (description)

## CITY OF PARKER:

RECEIVED BY:



(Signature)

Name: Vicky Granger

Title: Administrative Assistant

Date: 2/9/12

Category	Amount	Comments
Customer Overstatement	10,347.00	
2/13/17 Deposit		
2017 REVENUE 1000-1000		
45200 PREMIUM		
6000.00		
18,750.00		
DEBTOR 1000-1000		
2017 REVENUE 1000-1000		
PATIENTS LTD.		
Receipt Notes		
1000-1000		
Carriage Due		
1000-1000		

City of Parker CONST-PHASE 2	Final Plat Fee (McCreary Creek Estates-Phase 2) Invoice #020112	2/2/2012	2,000.00
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McCreary-Ckkg (BOT Final Plat Fee	2,000.00
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LEGAL DESCRIPTION

CITY OF PARKER

BEING a tract of land situated in the Squire T. Lewis Survey, Abstract No. 529, Collin County, Texas the subject tract being part of a tract of land conveyed to McCreary/Donihoo Partners, Ltd. according to the deed recorded in Volume 5992, Page 2525 of the Official Public Records of Collin County, Texas (OPRCCT), the subject tract being more particularly described as follows;

COMMENNCING at the intersection of the northerly line of McCreary Creek Lane (an 85' ROW) and the easterly line of McCreary Road (a variable width ROW at this point), said point further being the southwest corner of Lot 1, Block A of McCreary Creek Estates Phase I, an addition to the City Of Parker according to the Final Plat recorded in Cabinet 2007, Page 486 (OPRCCT);

THENCE, in a northerly direction along the east line of McCreary Road (a variable width right of way), and the west line of said Lot 1, Block A of McCreary Creek Estates Phase I, the following:

N 00° 21' 15" E, a distance of 64.98 feet;

N 00° 13' 32" E, a distance of 75.67 feet;

Around a tangent curve to the left having a central angle of 01° 32' 45", a radius of 902.50 feet and a chord of N 00° 32' 51" W – 24.35 feet, an arc distance of 24.35 feet to the **PLACE OF BEGINNING** of the here-in described tract, and northwest corner of said Lot 1, Block A of McCreary Creek Estates Phase I, a 1/2" iron pin with a red cap stamped Tipton Eng, Inc. found at corner;

THENCE, in a northerly direction along the east line of McCreary Road (a variable width right of way), the following:

Around a curve to the left having a central angle of 11° 44' 02", a radius of 902.50 feet, and a chord of N 07° 11' 14" W – 184.50 feet, an arc distance of 184.83 feet to a 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at corner, from which a 5/8" iron pin found with a cap stamped Sparr bears N 76° 23' 09" W, a distance of 0.55 feet;

Around a tangent reverse curve having a central angle of 13° 16' 30", a radius of 797.50 feet and a chord of N 06° 25' 01" W – 184.36 feet, an arc distance of 184.77 feet;

N 00° 13' 09" E, a distance of 0.18 feet to the northwest corner of the here-in described tract and southwest corner of Lot 9, Block B of Moss Ridge Estates, an addition to the City Of Parker according to the Final Plat recorded in Cabinet D, Page 196 (OPRCCT), a 1/2" iron pin with a red cap stamped Tipton Eng, Inc.

found at corner, from which a 5/8" iron pin with a cap stamped DC & A found bears N 67° 29' 25" W, a distance of 0.70 feet;

THENCE, East, along the north line of said McCreary/Donihoo Partners, Ltd. tract (Volume 5992, Page 2525) and the south line of said Moss Ridge Estates, passing at a distance of 439.67 feet a 1/2" iron pin found, and continuing 2180.03 feet for a total distance of 2619.70 feet to a common property corner being the northeast corner of said McCreary/Donihoo Partners, Ltd. tract (Volume 5992, Page 2525) and the southeast corner of said Moss Ridge Estates, said corner further being on the west line of a tract of land conveyed to Campbell/Wylie Partners according to the deed recorded in Volume 4137, Page 1103 (OPRCCT), a 1/2" iron pin found at corner;

THENCE, S 00° 36' 30" E, along the west line of said Campbell/Wylie Partners, tract (Volume 4137, Page 1103) and the west line of Creekside Estates Phase 4 addition, an addition to the City Of Parker according to the Final Plat recorded in County Clerk File No. 20070611010002020 (OPRCCT), a distance of 900.50 feet to the northeast corner of Lot 16, Block A of the previously mentioned McCreary Creek Estates Phase I addition;

THENCE, along the north line of McCreary Creek Estates Phase I addition, the following;

S 89° 23' 30" W, a distance of 275.00 feet to a point on the east line of Forest Bend Drive (a 60' ROW);

N 00° 36' 30" W, a distance of 77.80 feet to a 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

N 89° 48' 23" W, a distance of 314.83 feet to a 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

N 00° 36' 30" W, a distance of 148.36 feet to a 1/2" iron pin found at corner;

N 79° 02' 04" W, a distance of 142.48 feet to a 1/2" iron pin found at corner;

S 88° 15' 33" W, a distance of 266.69 feet to a 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

S 77° 54' 06" W, a distance of 157.36 feet to a 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

N 85° 00' 26" W, a distance of 280.96 feet to a 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

N 81° 37' 43" W, a distance of 136.70 feet to a 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

S 88° 41' 21" W, a distance of 146.73 feet;

S 79° 36' 44" W, a distance of 226.70 feet to a 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

N 69° 57' 37" W, a distance of 73.19 feet to a 1/2" iron pin found at corner;

N 00° 17' 19" E, a distance of 158.63 feet to a 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

N 89° 42' 41" W, a distance of 250.00 feet to a 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

N 00° 17' 19" E, a distance of 136.94 feet;

N 89° 42' 41" W, a distance of 330.97 feet to the PLACE OF BEGINNING with the subject tract containing 1,700,415 square feet or 39.0361 acres of land.

RECEIVED

FEB 09 2012

CITY OF DALLAS

RETURN TO: CRO  
Republic Title of Texas, Inc.  
2626 Howell St., 10th Floor  
Dallas, TX 75204

2005- 8121008

5992 02525

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED WITH VENDOR'S LBN

DATE: August 29, 2005

GRANTOR: E. R. Donihoo a/k/a Edward Ray Donihoo, a married person not joined herein by his spouse since no portion of the hereafter described property constitutes all or any part of a rural or urban homestead and is the separate property of Grantor

GRANTOR'S MAILING ADDRESS:

P. O. Box 375  
Hamilton, Texas 76531

GRANTEE: McCreary/Donihoo Partners, Ltd.,  
a Texas limited partnership

GRANTEE'S MAILING ADDRESS:

4925 Greenville Avenue, Suite 1020  
Dallas, Texas 75206

CONSIDERATION:

Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration to the undersigned paid by Grantee, the receipt and sufficiency of which are hereby acknowledged, and the additional sum of One Million Six Hundred Thirty Thousand Six Hundred Thirty-Five and No/100 Dollars (\$1,630,635.00) to be paid by Grantee to Grantor in accordance with the terms and provisions, and as evidenced by, that certain Promissory Note ("Note") bearing even date herewith in said principal sum of \$1,630,635.00, executed by Grantee and payable to the order of Grantor, said Note bearing interest and being due and payable as is more particularly provided therein, and such Note containing the usual provisions regarding interest on past due principal and interest, attorneys' fees and acceleration of maturity. The Note is secured by vendor's LBN retained herein and by Deed of Trust of even date herewith from Grantee to Richard Seward, Trustee.

PROPERTY (INCLUDING ANY IMPROVEMENTS):

All that certain lot, tract or parcel of land situated in the Squire T. Lewis Survey, A-529, in Collin County, Texas, and being more particularly described on Exhibit A attached hereto and incorporated herein for all purposes.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

1. Standby fees, taxes and assessments by any taxing authority for the year 2005, and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership.

5992 02526

2. Easement to CoServe Gas Ltd. filed on March 30, 2000, recorded in Volume 4636, Page 2707 of the Land Records of Collin County, Texas, and as shown on survey dated August 11, 2005, prepared by Tipton Engineering, Inc., certified by Darren K. Brown, RPLS No. 5252.

3. Rights of third parties with respect to those portions of the Property lying within the boundaries of McCreary Road as shown on survey dated August 11, 2005, prepared by Tipton Engineering, Inc., certified by Darren K. Brown, RPLS No. 5252.

Grantor, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and hold the Property to Grantee and Grantee's heirs, successors and assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from and Exceptions to Conveyance and Warranty.

The conveyance made by Grantor to Grantee herein includes all appurtenances on the Property or in any wise appertaining to the Property and all buildings, structures, fixtures and improvements of Grantor located thereon, as well as all of Grantor's right, title and interest, if any, in and to adjacent streets, alleys, easements, rights-of-way, and existing rights of ingress and egress thereto and any adjacent strips or gores of real estate, and all rights, title and interests appurtenant to the Property and any improvements located thereon.

The vendor's lien against and superior title to the Property are retained until the Note is fully paid according to its terms, at which time this deed shall become absolute.

When the context requires, singular nouns and pronouns include the plural.

**EXECUTED EFFECTIVE** as of, although not necessarily on, the day and date first above shown.

GRANTOR:

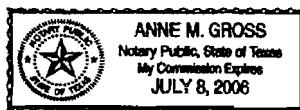
*E. R. Donihoo*  
E. R. Donihoo

5992 02527

**STATE OF TEXAS**      **§**  
**COUNTY OF DALLAS**      **§**

This instrument was acknowledged before me on August 2, 2005, by E. R. Dombo.

(seal)



Notary Public, State of Texas

~~After recording return to:~~

McCreary/Domhoff Partners, Ltd.  
4925 Greenville Avenue, Suite 1020  
Dallas, Texas 75206  
Attn: Stephen L. Sallman

5992 08588

EXHIBIT A

Legal Description

81.2254 Acres

All that certain lot, tract or parcel of land lying and situated in the ~~Square T. Lewis Survey, A-529, Collin County, Texas, the subject tract being all of a tract of land conveyed to Edward Ray Donihoo and wife, Patsy Sue Donihoo, according to deed recorded in Volume 549, Page 461 of the Deed Records of Collin County, Texas (DRCCT), the subject tract being more particularly described as follows:~~

**BEGINNING** at a 1/2 inch iron pin found at the northeast corner of the subject tract, same being the common rear lot corner of Lots 15 and 16, Block A of Moss Ridge Estates, an addition to the City of Parker, Collin County, Texas, according to the File Plat recorded in Cabinet D, Page 196 (DRCCT);

**THENCE** S 00° 36' 30" E, along the east line of the subject tract and the west line of a tract of land conveyed to Campbell/Wylie Partners according to deed recorded in Volume 4137, Page 1103 (DRCCT), a distance of 335.29 feet to a 1/2 inch iron pin with a red cap stamped Tipton Eng. Inc. set at corner;

**THENCE** N 89° 48' 23" W, along the south line of the subject tract and part of the way along the north line of a tract of land conveyed to Estates at Creekside, Phase III, Development, Inc. according to deed recorded in Volume 3830, Page 4529 (DRCCT), and part of the way along the north line of Creekside Estates Phase 2, an addition to the City of Wylie, Collin County, Texas, according to the file plat recorded in Cabinet P, Page 211 (DRCCT), passing a 5/8 inch iron pin with a yellow cap stamped Bury & Partners found at the northeast corner of said Creekside Estates Phase 2 at a distance of 488.67 feet continuing a total distance of 848.93 feet to a 1/2 inch iron pin with a red cap stamped Tipton Eng. Inc. set at corner;

**THENCE** N 89° 44' 58" W, continuing along the north line of said Creekside Estates Phase 2, and along the north line of Creekside Estates Phase 1, an addition to the City of Wylie, Collin County, Texas, according to the file plat recorded in Cabinet N, Page 893 (DRCCT), a distance of 1821.64 feet to a PK nail set in the approximate centerline of McCreary Road;

**THENCE** N 00° 17' 19" E, along the approximate centerline of said McCreary Road, a distance of 1324.40 feet to a PK nail set at corner;

**THENCE** N 90° 00' 00" E, along the south line of said Moss Ridge Estates, passing a 5/8 inch iron pin found with a yellow cap stamped DC&A, Inc. at a distance of 29.56 feet and continuing a total distance of 2649.70 feet to the **PLACE OF BEGINNING**, with the subject tract containing 3,538,181 square feet or 81.2254 acres of land.

5992 02529

UNOFFICIAL

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, LEASE, OR OTHER  
DISPOSITION OF REAL PROPERTY BASED UPON COLOR OR RACE IS UNLAWFUL AND  
UNENFORCEABLE UNDER FEDERAL LAW  
(THE STATE OF TEXAS) (CITY OF COLLIN)  
I hereby certify that this instrument was FILED in the Filing and Recording Section on the date  
and the time stamped hereon by me, and was 2005 RECORDED, in the Official Public  
Records of Real Property of Collin County, Texas, on

AUG 30 2005

Brenda Taylor



Filed for Record in:  
Collin County, McKinney TX  
Honorable Brenda Taylor  
Collin County Clerk

On Aug 30 2005  
At 11:01am

Doc/Num : 2005- 8121008

Recording/Type:D1 22.00  
Receipt #: 35160



STATE OF TEXAS X  
COUNTY OF COLLIN X

OWNERS CERTIFICATE

BEING a tract of land situated in the Squire T. Lewis Survey, Abstract No. 529, Collin County, Texas the subject tract being part of a tract of land conveyed to McCreary/Donihoo Partners, Ltd. according to the deed recorded in Volume 5992, Page 2525 of the Official Public Records of Collin County, Texas (OPRCCT), the subject tract being more particularly described as follows:

COMMENCING at the intersection of the northerly line of McCreary Creek Lane (on 85' ROW) and the easterly line of McCreary Road (a variable width ROW at this point), said point further being the southwest corner of Lot 1, Block A of McCreary Creek Estates Phase I, an addition to the City of Parker according to the Final Plat recorded in CG20070812010003260 (OPRCCT);

THENCE in a northerly direction along the east line of McCreary Road (a variable width right of way), and the west line of said Lot 1, Block A of McCreary Creek Estates Phase I, the following:

N 00° 21' 15" E, a distance of 64.98 feet;

N 00° 13' 32" E, a distance of 75.87 feet;

Around a tangent curve to the left having a central angle of 01° 32' 45", a radius of 902.50 feet and a chord of N 00° 32' 51" W - 24.35 feet, an arc distance of 24.35 feet to the PLACE OF BEGINNING of the herein described tract and northeasterly corner of said Lot 1, Block A of McCreary Creek Estates Phase I, a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. found at corner;

THENCE, in a northerly direction along the east line of McCreary Road (a variable width right of way), the following:

Around a curve to the left having a central angle of 01° 44' 02", a radius of 902.50 feet, and a chord of N 07° 11' 14" W - 184.50 feet, an arc distance of 184.53 feet to a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. set at corner, from which a 5/8" iron pin found with a cap stamped Sparr bears N 78° 23' 09" W, a distance of 0.55 feet;

Around a tangent reverse curve having a central angle of 13° 16' 30", a radius of 797.50 feet and a chord of N 08° 23' 01" W - 184.38 feet; an arc distance of 184.77 feet;

N 00° 13' 09" E, a distance of 0.15 feet to the northwest corner of the herein described tract and southwest corner of Lot 9, Block B of Moss Ridge Estates, an addition to the City of Parker according to the Final Plat recorded in Cabinet D, Page 198 (OPRCCT), a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. found at corner, from which a 5/8" iron pin with a cap stamped DC & A found bears N 87° 29' 25" W, a distance of 0.70 feet;

THENCE, East, along the north line of said McCreary/Donihoo Partners, Ltd. tract (Volume 5992, Page 2525) and the south line of said Moss Ridge Estates, an addition to the City of Parker according to the Final Plat recorded in Cabinet D, Page 198 (OPRCCT), a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. found at corner, further being the northeast corner of said McCreary/Donihoo Partners, Ltd. tract (Volume 5992, Page 2525) and the southeast corner of said Moss Ridge Estates, an addition to the City of Parker according to the Final Plat recorded in Volume 4137, Page 1103 (OPRCCT), a 1/2" iron pin found at corner;

THENCE, S 00° 38' 30" E, along the west line of said Campbell/Wylie Partners, tract (Volume 4137, Page 1103) and the west line of Creekside Estates Phase 4 addition, an addition to the City of Parker according to the Final Plat recorded in County Clerk File No. 20070811010002020 (OPRCCT), a distance of 900.50 feet to the northeast corner of Lot 16, Block A of the previously mentioned McCreary Creek Estates Phase I addition;

THENCE, along the north line of McCreary Creek Estates Phase I addition, the following:

S 89° 23' 30" W, a distance of 275.00 feet to a point on the east line of Forest Bend Drive (a 60' ROW);

N 00° 38' 30" W, a distance of 77.80 feet to a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. set at corner;

N 89° 48' 23" W, a distance of 314.83 feet to a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. set at corner;

N 00° 36' 30" W, a distance of 148.36 feet to a 1/2" iron pin found at corner;

N 79° 02' 04" W, a distance of 142.48 feet to a 1/2" iron pin found at corner;

S 88° 15' 33" W, a distance of 288.89 feet to a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. set at corner;

S 77° 54' 06" W, a distance of 157.36 feet to a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. set at corner;

N 85° 00' 26" W, a distance of 280.96 feet to a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. set at corner;

N 81° 37' 43" W, a distance of 136.70 feet to a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. set at corner;

S 88° 41' 21" W, a distance of 146.73 feet;

S 79° 36' 44" W, a distance of 228.70 feet to a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. set at corner;

N 89° 57' 37" W, a distance of 73.19 feet to a 1/2" iron pin found at corner;

N 00° 17' 19" E, a distance of 156.63 feet to a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. set at corner;

N 89° 42' 41" W, a distance of 250.00 feet to a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. set at corner;

N 00° 17' 19" E, a distance of 136.84 feet;

N 89° 42' 41" W, a distance of 330.97 feet to the PLACE OF BEGINNING with the subject tract containing 1,700.415 square feet or 39.0361 acres of land.

NOTICE: Selling a portion of this addition by metes and bounds is a violation of City ordinance and state law and is subject to fines and withholding of utilities and building permits.

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT, McCREARY/DONIHOO PARTNERS, LTD., acting herein by and through its duly authorized officer, do hereby adopt this plat designating the herein described property as MC CREARY CREEK ESTATES PHASE II, an addition to the City of Parker, Texas and does hereby declare the same to be available, to the public use and enjoyment of all persons. The easements, rights and interests herein described are hereby dedicated for the mutual use and accommodation of the City of Parker and of public utilities desiring to use or occupy same. All and any public utility and the City of Parker shall have the right to remove and keep removed all or parts of any building, fences, shrubs, trees, or other improvements or growths, which in the judgment of the City of Parker or of any public utility, are in conflict with the use of the property or on said Easements, and the City of Parker and all public utilities shall, at all times, have the full Right of ingress and egress to or from and upon said Easements for the purpose of constructing, reconstructing, inspecting, repairing, maintaining, and adding to or removing all or part of its respective systems, without the necessity, at any time or procuring the permission of anyone.

This plat approved subject to all plotting ordinances, rules, regulations, and resolutions of the City of Parker, Texas.

WITNESS MY HAND AT \_\_\_\_\_ TEXAS this the \_\_\_\_ day of \_\_\_\_ 2012.

MC CREARY/DONIHOO PARTNERS, LTD., a Texas limited partnership  
By: WARNER LAND ADVISORS, LP., a Texas limited partnership, its general partner  
By: WARNER CAPITAL, LLC., a Texas limited liability company, its general partner

By: Stephen L. Sollman, Manager

STATE OF TEXAS X  
COUNTY OF DALLAS X

BEFORE ME, the undersigned authority, on this day personally appeared Stephen L. Sollman, of MC CREARY/DONIHOO PARTNERS, LTD., known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said MC CREARY/DONIHOO PARTNERS, LTD., and that he executed the same as the act of such limited partnership for the purposes and consideration therein expressed, and in the capacity thereto stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This \_\_\_\_\_ day of \_\_\_\_\_, 2012.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYORS CERTIFICATE

I, Gregory A. McCall, Registered Professional Land Surveyor for Tipton Engineering, Inc., a Texas Corporation, do hereby certify that I and others have personally represented the results of an on-the-ground survey made in January 2012, under my direction and supervision, and further certify that all corners are as shown thereon, and that said plat has been prepared in accordance with the plotting rules and regulations of the City of Parker, Texas. No interior lot corners were staked at the time of this filing.

Date: This the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

TIPTON ENGINEERING, INC.

Gregory A. McCall  
Registered Professional Land Surveyor  
No. 4396

THE STATE OF TEXAS X  
COUNTY OF DALLAS X

BEFORE ME, the undersigned authority, on this day personally appeared Gregory A. McCall, whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said TIPTON ENGINEERING, INC., a Texas Corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND SEAL OF OFFICE, This \_\_\_\_\_ day of \_\_\_\_\_, 2012.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

RECOMMENDED FOR APPROVAL

Chairman, Planning and Zoning Commission  
City of Parker, Texas

Date \_\_\_\_\_

APPROVED AND ACCEPTED

Mayor, City of Parker, Texas

Date \_\_\_\_\_

The undersigned, the City Secretary of the City of Parker, hereby certifies that the foregoing preliminary map or plat of MC CREARY/DONIHOO PARTNERS, LTD., a subdivision or addition to the City of Parker was submitted to the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2012, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the approval thereof by signing his name herein above subscribed.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

City Secretary  
City of Parker, Texas

FINAL PLAT  
MC CREARY CREEK ESTATES PHASE II  
SQUIRE T. LEWIS SURVEY, ABSTRACT NO. 529  
CITY OF PARKER, COLLIN COUNTY, TEXAS  
OWNER

MC CREARY/DONIHOO PARTNERS, LTD.  
4825 Greenville Avenue ~ Suite 1020 ~ Dallas, Texas 75208  
214.368.0236

TIPTON ENGINEERING, INC.  
REGISTERED • SURVEYOR • PLANNER  
6330 Broadway Blvd • Suite C • Dallas, Texas 75203  
(972) 226-2847

27 Lots 1,700.415 Sq. Ft./39.0361 AC. 02/07/2012 #4870-PP

**MCCREARY DONIHOO PARTNERS, LTD.**

4925 Greenville Ave., Suite 1020

Dallas, Texas 75206

(214) 368-0238:Office

(214) 368-0812:Fax

February 17, 2012

Mr. Jeff Flanigan  
City of Parker  
5700 East Parker Road  
Parker, Texas 75002

Ref: McCreary Creek Estates Phase 2 - Final Plat and Acceptance of Public Improvements

Dear Jeff:

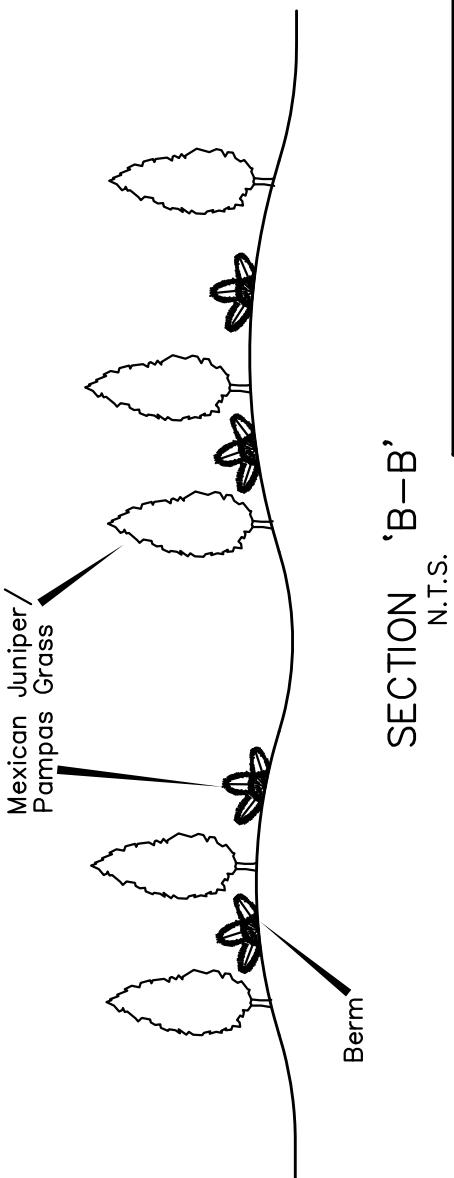
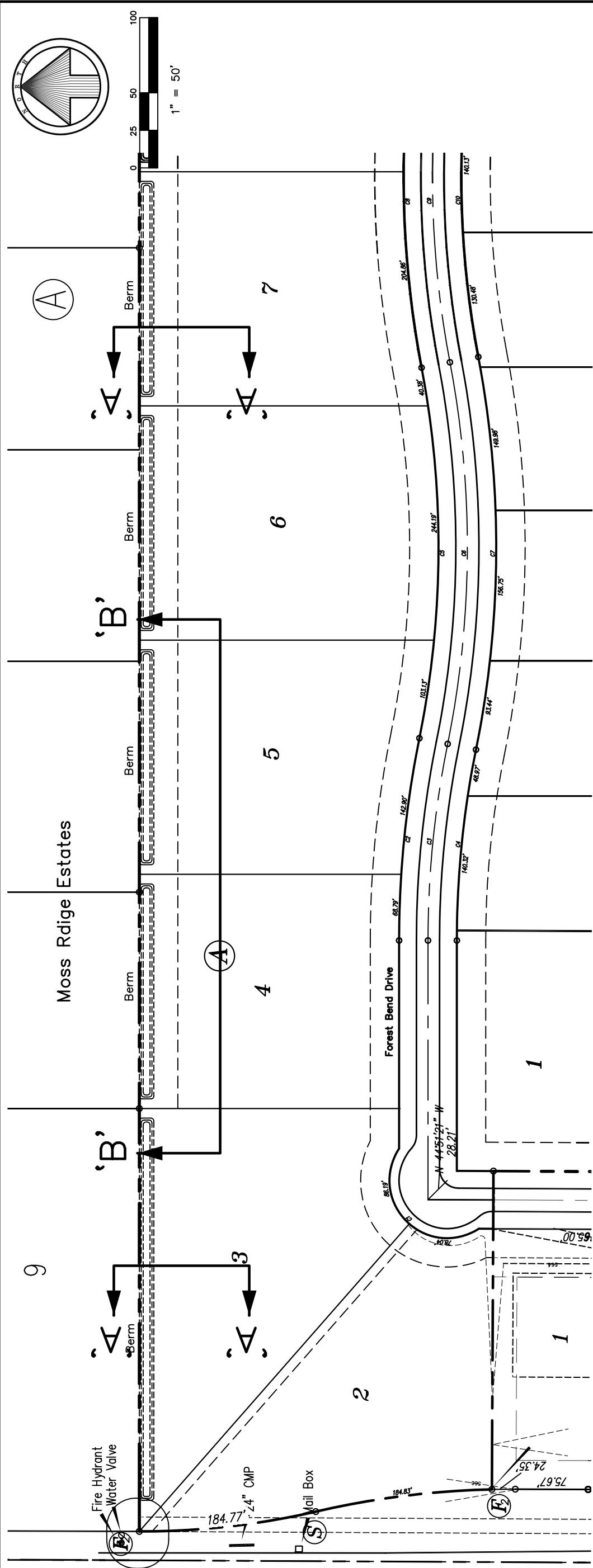
In conjunction with completing the improvements to the above referenced subdivision, the zoning ordinance requires construction of a berm with landscaping on the north side of the property adjacent to Moss Ridge. We have submitted a drawing of our planned improvements with the final plat, but wish to request that the construction of these improvements be delayed until a later date, and request that the subdivision be accepted and the plat filed prior to construction of the improvements. We propose to delay these improvements until water rationing has been relaxed to a level below the current Stage 3 status, and commit to installing these improvements within 60 days following the return to Stage 2.

Thank you for consideration of this request.

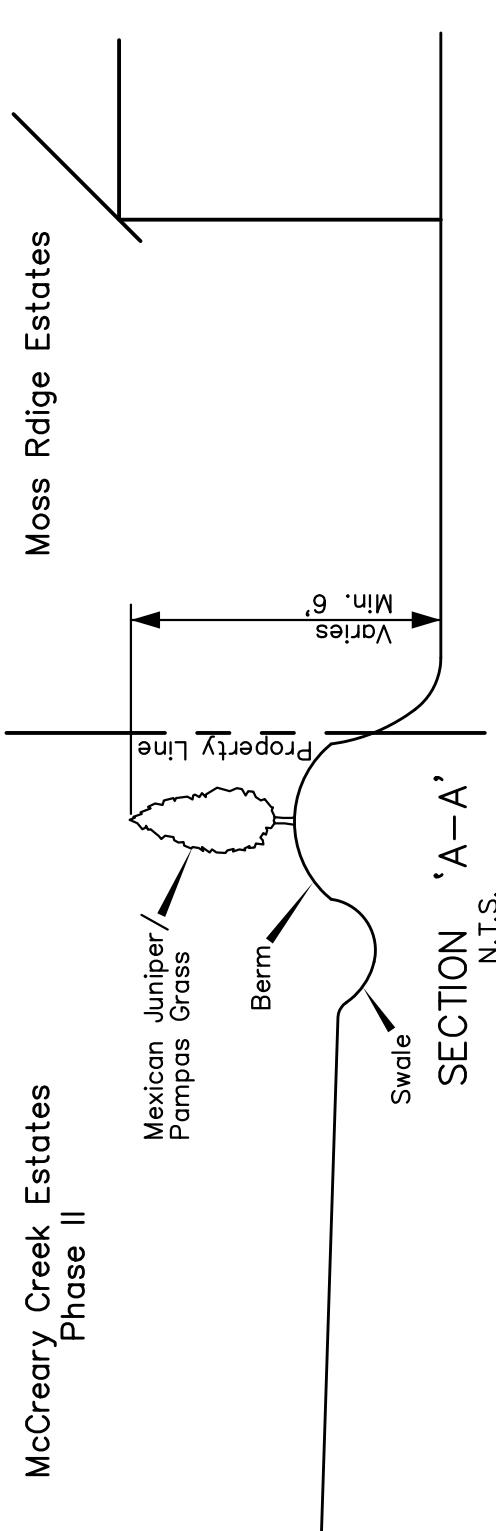
Sincerely,



Stephen L. Sallman  
Manager



# McCreary Creek Estates Phase II



## LANDSCAPE PLAN

**MCCREARY CREEK ESTATES PHASE 2  
PARKER, COLLIN COUNTY, TEXAS**

1111 UN ENGINEERING, INC.  
6330 Broadway Blvd. ~ Suite C ~ Garland, Texas 75040

DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
E, Inc.	E, Inc.	10-2006	1"=50'	TE, Inc.	4879	19

**BENCH MARKS**  
"X" CUT AT CENTERLINE INTERSECTION OF LEWIS  
DRIVE AND GREENWOOD DRIVE. ELEV: 548.91  
"X" CUT IN CENTERLINE OF LEWIS DRIVE 135±  
FEET SOUTH OF CENTERLINE INTERSECTION OF  
HINNANT AND I-75, DRIVE FIVE. 544.92

6330 Broadway Blvd. ~ Suite C ~ Garland, Texas 75040

DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
E, Inc.	E, Inc.	10-2006	1"=50'	TE, Inc.	4879	19

BENCH MARKS

"X" CUT AT CEN  
DRIVE AND GLEE

"X" CUT IN CEN  
FEET SOUTH OF  
HINNANT AND I



**ORDINANCE NO. 600**  
*(Zoning Parker Donihoo Tract/Sallman-78.2903 Acres)*

**AN ORDINANCE OF THE CITY OF PARKER, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF PARKER AS HERETOFORE AMENDED, BY ZONING A NEWLY ANNEXED PARCEL OF APPROXIMATELY 78.2903 ACRES OF LAND WITHIN THE CITY OF PARKER IN THE SQUIRE T. LEWIS SURVEY, ABSTRACT 529, COLLIN COUNTY, TEXAS, SINGLE FAMILY TRANSITIONAL (SFT), AS SET FORTH SPECIFICALLY HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$2,000.00 FOR EACH OFFENSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Parker Planning and Zoning Commission and the governing body of the City of Parker, in compliance with the laws of the State of Texas and the ordinances of the City of Parker, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance of the City of Parker should be amended to zone the land described herein;

**WHEREAS**, by Ordinance No. 566, the City of Parker did annex approximately 78.2903 acres of land in the Richard Sparks Survey, Abstract 850, Collin County, Texas formerly known as the Brooks tract (the “Subdivision” or the “78.2903 acre tract”); and

**WHEREAS**, Steve Sallman, for Donihoo/McCreary Partnership, Ltd. (“Developer”), has requested zoning of the Subdivision; and

**WHEREAS**, the property of approximately 78.2903 acres is to be zoned by this Ordinance Single Family Transitional (SFT), as more particularly described below;

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

**SECTION 1** The Comprehensive Zoning Ordinance of the City of Parker, Texas, Ordinance No. 483, as heretofore amended, be, and the same is hereby amended by zoning the 78.2903 acre tract submitted by the Developer, more particularly described by metes and bounds as shown on the attached Exhibit “A”. The property described in Exhibit “A” is zoned Single Family Transitional (“SFT”) with the following special conditions:

**A.** Front Setback - The minimum front yard setback for all lots 1.5 acres or greater in size shall be 50 feet.

**B.** Side Setback - The minimum side yard setback for Lots 12 and 17 of Block A shall be 25 feet.

**C. Average Lot Size** - The average lot size shall not be less than 1.21 acres on a net basis prior to dedication of McCreary Road right of way area.

**D. Lots Adjacent to Platted Lots Within City Limits** - Lots on the north side of the development, adjacent to Moss Ridge, will have a minimum of 1.5 acres and an average of 1.7 acres, creating no more than 9 lots along that boundary.

**E. Bufferyard Requirement** - On the South and East sides of the development, berms and/or landscaping may be used in lieu of the bufferyard requirement.

**F. Along the North side of the property a berm and landscaping shall be provided as visual screening.**

**G. For those lots not adjacent to another city, the minimum living space for a single family residence shall be 3,000 square feet of air-conditioned living space.**

**SECTION 2** That the property shall be used only in the manner and for the purposes as required in the SFT zoning classifications provided for by this Ordinance pursuant to the Amended Comprehensive Zoning Ordinance of the City of Parker, as heretofore amended, and subject to the aforementioned special conditions. Any dispute as to the operation, effect, or interpretation of this Ordinance shall be determined by the Parker City Council at a meeting properly noticed and held on the subject.

**SECTION 3 *Severability***. That should any word, phrase, paragraph, section or portion of this ordinance be held to be illegal, invalid or unenforceable, the legality, validity and enforceability of the remaining portions of the ordinance shall not be affected thereby, and each such illegal, invalid or unenforceable word, phrase, paragraph, section or portion shall not affect the ordinance as a whole.

**SECTION 4 *Repealer***. That all provisions of the ordinances of the City of Parker in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Parker not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 5 *Penalty***. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Parker, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of \$2,000.00 for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6 *Publication***. In accordance with Section 52.011 of the Local Government Code, the caption of this Ordinance shall be published either (a) in every issue of the official newspaper of the City of Parker for two days, or (b) one issue of the newspaper if the official newspaper is a weekly paper. An affidavit by the printer or the publisher of the official newspaper verifying the publication shall be filed in the office of the City Secretary.

**SECTION 7 *Effective Date.*** This Ordinance shall take effect upon publication of the caption, as the law in such case provides.

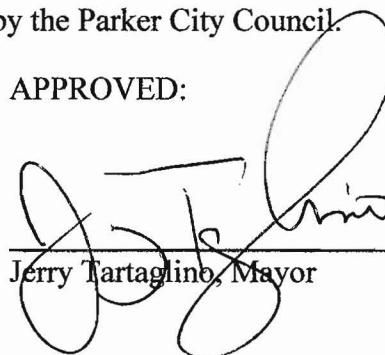
**ADOPTED** this 22<sup>nd</sup> day of August, 2006, by the Parker City Council.



ATTEST:

Carrie L. Smith  
Carrie Smith, City Secretary

APPROVED:



Jerry Tartaglino, Mayor

Exhibits:

A. Subdivision Metes and Bounds