

ORDINANCE NO. 2013-06-057

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 4.51 ACRE PROPERTY IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND SO THAT AN APPROXIMATELY 1.44 ACRE PROPERTY IS ZONED "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY RESIDENTIAL USES AND TO MODIFY THE DEVELOPMENT STANDARDS, LOCATED ON THE NORTHEAST CORNER OF COUNTRY CLUB ROAD AND NATURE PLACE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

**WHEREAS**, the City of McKinney has considered the rezoning of an approximately 4.51 acre property, located on the northeast corner of Country Club Road and Nature Place, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "AG" – Agricultural District to "PD" – Planned Development District, generally allow for single family residential uses and to modify the development standards; and,

**WHEREAS**, the City of McKinney has considered the zoning of an approximately 1.44 acre property, located on the northeast corner of Country Club Road and Nature Place, which is more fully depicted on Exhibits "A" and "B", attached hereto, is zoned "PD" – Planned Development District, generally allow for single family residential uses and to modify the development standards; and,

**WHEREAS**, after due notice of the requested rezoning as required by law, and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of McKinney, Texas, the City Council is of the opinion that the change in zoning district should be made.

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

Section 1. Ordinance No. 1270 is hereby amended in order to rezone an approximately 4.51 acre property, located on the northeast corner of Country Club Road and Nature Place, from "AG" – Agricultural District to "PD" – Planned Development District, generally allow for single family residential uses and to modify the development standards.

Section 2. Ordinance No. 1270 is hereby amended in order to zone an approximately 1.44 acre property, located on the northeast corner of Country Club Road and Nature Place, is zoned to "PD" – Planned Development District, generally allow for single family residential uses and to modify the development standards.

Section 3. Use and development of the subject property, more fully depicted on Exhibits "A" and "B", shall conform to the following regulations:

a) The subject property develop in accordance with Section 146-71 "RS 84" – Single Family Residence District the Zoning Ordinance, and as amended, except as follows:

i. Setbacks on the subject property shall conform to Exhibit "C".

- ii. Density of the subject property shall be a maximum of 2.4 dwelling units per acre.
- b) Three 4" caliper canopy trees (providing at least two of the trees in the front yard) or two 6" caliper trees (providing at least one of the trees in the front yard) shall be provided for each residential lot.
- c) The development of the subject property shall generally conform to Exhibit "C".

Section 4. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

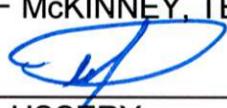
Section 5. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

Section 6. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

Section 7. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 18<sup>th</sup> DAY OF JUNE, 2013.**

CITY OF MCKINNEY, TEXAS

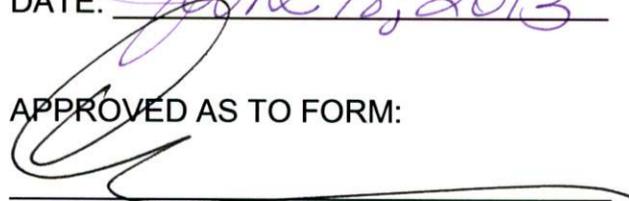
  
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TRAVIS USSERY  
Mayor Pro-Tem

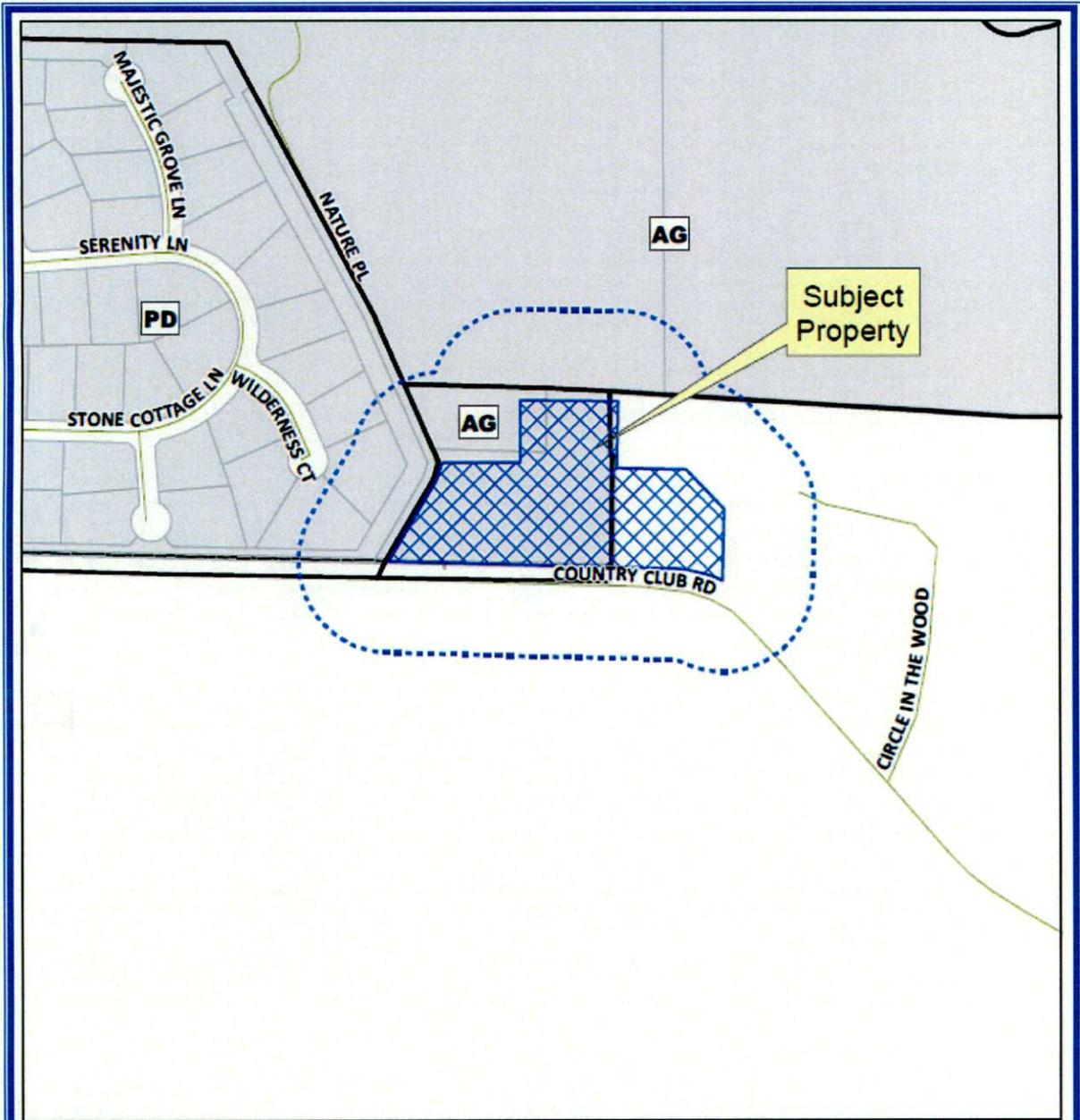
CORRECTLY ENROLLED:

  
\_\_\_\_\_  
SANDY HART, TRMC, MMC  
City Secretary  
BLANCA I. GARCIA  
Assistant City Secretary

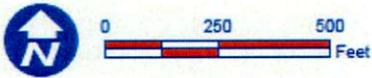
DATE: June 18, 2013

APPROVED AS TO FORM:

  
\_\_\_\_\_  
MARK S. HOUSER  
City Attorney



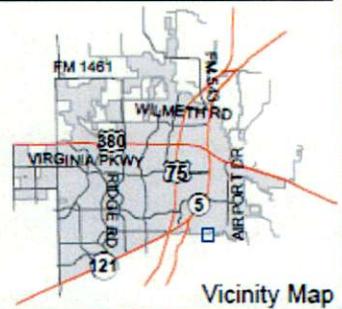
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**Notification Map**

Case: 12-199Z

Exhibit A



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

**EXHIBIT A**

## METES AND BOUNDS DESCRIPTION

BEING all that certain lot, tract, or parcel of land situated in the M. Hart Survey, Abstract No. 447, Collin County, Texas, and being all of that certain tract described in deed to Honey Creek Partners, L.P., recorded in Document Number 2005-0178038 of the Deed Records, Collin County, Texas (DRCCT), and being all of that certain tract described in deed to Jon W. Bayless, recorded in Document Number 98-0019490 DRCCT, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found on the north line of Farm to Market Road 1378 (a 90 foot right-of-way, also known as Country Club Road) for the southeast corner of said Bayless tract, and being the southwest corner of Lot 9R1 of The Woods of Ascot Heath, an addition to Collin County according to the plat thereof recorded in Cabinet 2011, Page 242 of the Plat Records, Collin County, Texas (PRCCT);

THENCE along the common line between said Bayless tract and said road, along an arc to the left, with a radius of 327.70 feet, an arc length of 136.15 feet, with a central angle of 23°48'16", whose long chord bears N 77°16'18" W, 135.17 feet, to a point for corner;

THENCE N 88°54'01" W, 119.34 feet continuing along said line, to a 1/2" capped iron rod found for the common corner between said Bayless tract and said Honey Creek Partners tract;

THENCE N 88°35'45" W, 577.78 feet along the common line between said Honey Creek Partners tract and said road to a PK nail found in the approximate centerline of Nature Place (a public road) for the southwest corner of said Honey Creek Partners tract;

THENCE N 30°34'40" E, 231.01 feet along said public road to a PK Nail found;

THENCE N 18°11'48" E, 48.27 feet continuing along said public road to a PK nail found for the southwest corner of that certain tract described as Tract One in deed to Irma Leigh Goleman recorded in Document Number 2003-0069498 DRCCT;

THENCE S 89°58'04" E, 193.51 feet along the common line between said Honey Creek Partners tract and said Tract One to a 1/2" iron rod set with a yellow cap stamped "SPIARSENG", from which a 1/2" iron rod found bears N 39°50'40" W, 0.48 feet;

THENCE N 00°06'16" W, 155.00 feet continuing along the common line between said Honey Creek Partners tract and said Tract One, passing the northeast corner thereof and the southeast corner of Tract Two in the aforementioned Goleman instrument, continuing along the east line thereof to 1/2" iron rod set with a yellow cap stamped "SPIARSENG" on the south line of that certain tract described in a deed of trust to Bessie Heard and the First National Bank in Dallas, Trustees of the Bessie Heard Foundation, recorded in Volume 656, Page 266 DRCCT;

THENCE S 89°26'40" E, 243.00 feet along the common line between said said Honey Creek Partners tract and said Heard tract to a 1/2" iron rod found for the northwest corner of Lot 8R of The Woods of Ascot Heath;

THENCE S 01°13'48" W, 165.68 feet along the common line between said said Honey Creek Partners tract and said Lot 8R, to a 1/2" iron rod found for the northwest corner of said Bayless tract;

THENCE S 88°55'08" E, 172.62 feet along the common line between said Bayless tract and said Lot 8R, to a 1/2" iron rod found;

THENCE S 43°53'40" E, 136.12 feet continuing along said common line to a 1/2" iron rod found for the common corner between Lots 8R and 9R1;

THENCE S 01°07'07" W, 176.56 feet along the common line between said Bayless tract and said Lot 9R1, to the POINT OF BEGINNING, and containing 223,881 square feet, or 5.140 acres of land.

EXHIBIT B

