

ORDINANCE NO. 2001-02-024

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 1948.03 ACRE TRACT LOCATED GENERALLY ON THE WEST SIDE OF CUSTER ROAD (F.M. 2478), APPROXIMATELY 2,000 FEET SOUTH OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), ON THE EAST SIDE OF FUTURE COIT ROAD, AND APPROXIMATELY 2,000 FEET NORTH OF ELDORADO PARKWAY, IS HEREBY REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT, TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY ALLOWING SINGLE FAMILY RESIDENTIAL USES, MULTIPLE FAMILY RESIDENTIAL USES, OFFICE USES, RETAIL USES, AND OPEN SPACE; PROVIDING REGULATIONS; 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 1948.03 acre tract located generally on the west side of Custer Road (F.M. 2478), approximately 2,000 feet south of U.S. Highway 380 (University Drive), on the east side of future Coit Road, and approximately 2,000 feet north of Eldorado Parkway, from "PD" – Planned Development District, to "PD" – Planned Development District, generally allowing single family residential uses, multiple family residential uses, office uses, retail uses, and open space; 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, THAT:

Section 1. Zoning Ordinance No. 1270 of the City of McKinney is hereby amended so that an approximately 1948.03 acre tract located, generally on the west side of Custer Road (F.M. 2478), approximately 2,000 feet south of U.S. Highway 380 (University Drive), on the east side of future Coit Road, and approximately 2,000 feet north of Eldorado Parkway, in the City of McKinney, Collin County, Texas, which is depicted in Exhibit "A" attached hereto, is hereby rezoned from its present classification of "PD" – Planned Development District to "PD – Planned Development District allowing single family residential uses, multiple family residential uses, office uses, retail uses, and open space.

Section 2. The tracts comprising the property herein rezoned shall be developed according to the respective regulations specified for each said district in Exhibit "B" attached hereto, and as shown on Exhibit "C". The boundaries of each district are approximate. Final boundaries will be determined by the locations of streets, alleys and other plat lines when the areas are platted in a manner conforming substantially to the tract boundaries and areas shown on Exhibit "C."

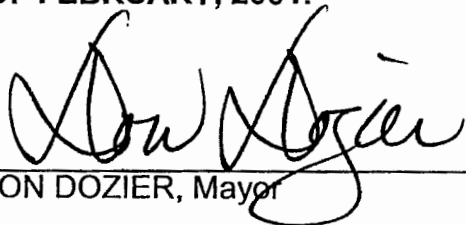
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 4. 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 \$2000.00, 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.

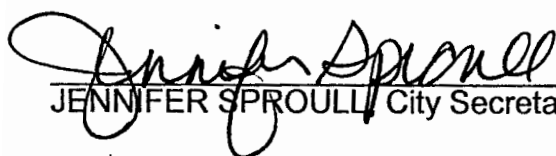
Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

Section 6. 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.

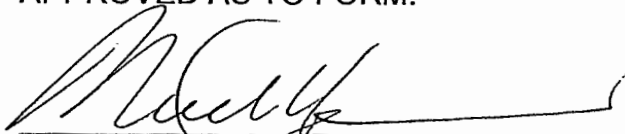
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 19th DAY OF FEBRUARY, 2001.


DON DOZIER, Mayor

ATTEST:


JENNIFER SPROULL, City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

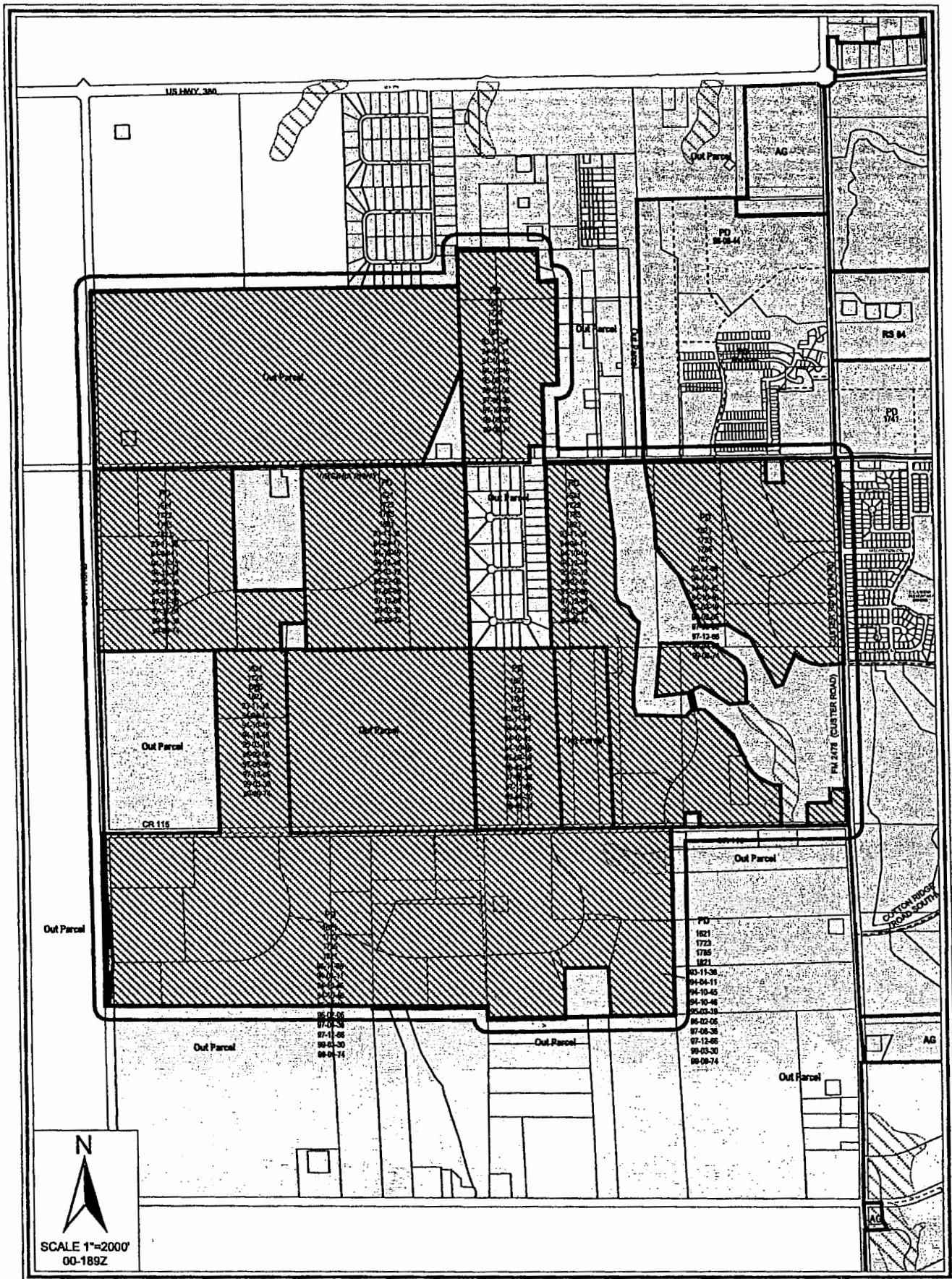
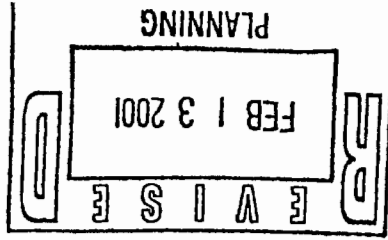


EXHIBIT "A"

COMPUTED MASTER PLAN

PLANNING AREA 11A

TRACT NO.	GROSS AC		ROW AC		NET AC		% TRACT	Zoning Classification	Min Lot Area	Min Lot Width	Min Lot Depth	Max Height	Min Front Yard	Min Rear Yard	Min Side Yard	Min Corner Side Yard	Max Lot cover	DU/JAC	MAX. NO. DU's	POP/UNIT	PROJECTED POPULATION
	AC	AC	AC	AC	Min	Min															
11A01	14.15	2.15	12.00	4.15	R-1	N/A	N/A	35'	25'	20'(b)	35'	20'(b)	5'	0'(d)	15'	.40 FAR	N/A	N/A	N/A	N/A	N/A
11A02	50.41	2.44	47.97	14.79	SF-2	6000 SF	50'	90'	35'	20'(b)	35'	20'(b)	5'	20'(b)	15'	4.8	230	3	690	N/A	
11A03	47.13	3.07	44.06	13.83	SF-2	6000 SF	50'	90'	35'	20'(b)	35'	20'(b)	5'	20'(b)	15'	4.8	211	3	633	N/A	
11A04	53.23	4.97	48.26	15.62	SF-2	6000 SF	50'	90'	35'	20'(b)	35'	20'(b)	5'	20'(b)	15'	4.8	232	3	698	N/A	
11A05	26.39	2.00	24.39	7.75	MF-1	1800 SF	50'	100'	50'	20'(c)	50'	20'(c)	7'	10'(c)	15'	18.0	439	2	790	N/A	
11A06	8.12	0.35	7.77	2.38	P	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11A07	28.14	2.78	25.36	8.26	SF-2	6000 SF	50'	90'	35'	20'(b)	35'	20'(b)	5'	20'(b)	15'	4.8	122	3	366	N/A	
11A08	9.77	0.75	9.02	2.87	ES	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11A09	3.54	1.04	2.50	1.04	O-1	N/A	N/A	120'(g)	25'	0'(b)	N/A	N/A	0'(b)	N/A	25'	.75 FAR	N/A	N/A	N/A	N/A	N/A
11A10	50.13	3.48	46.65	14.71	SF-2	6000 SF	50'	90'	35'	20'(b)	35'	20'(b)	5'	20'(b)	15'	4.8	224	3	672	N/A	
11A11	2.12	0.11	2.01	0.62	P	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11A12	8.43	0.71	7.72	2.47	ES	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11A13	11.44	1.42	10.02	3.36	SF-2	6000 SF	50'	90'	35'	20'(b)	35'	20'(b)	5'	20'(b)	15'	4.8	48	3	144	N/A	
11A14	27.73	2.67	25.06	8.14	SF-2	6000 SF	50'	90'	35'	20'(b)	35'	20'(b)	5'	20'(b)	15'	4.8	120	3	360	N/A	
TOTAL:	340.73	27.94	312.79	100.00													1,626		4,351		



PLANNING AREA 11B

TRACT NO.	GROSS AC		ROW AC		NET AC		% TRACT	Zoning Classification	Min Lot Area	Min Lot Width	Min Lot Depth	Max Height	Min Front Yard	Min Rear Yard	Min Side Yard	Min Corner Side Yard	Max Lot cover	DU/JAC	MAX. NO. DU's	POP/UNIT	PROJECTED POPULATION
	AC	AC	AC	AC	Min	Min															
11B01	87.78	5.47	76.83	14.32	SF-3	4000 SF	35'	60'	35'	20'(e)	35'	20'(e)	0' One Side/10' b/wm bldgs	20'(e)	15'	6.2	476	3	1,428	N/A	
11B01a			5.48	0.00	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11B02	71.37	4.81	64.39	11.64	SF-3	4000 SF	35'	60'	35'	20'(e)	35'	20'(e)	0' One Side/10' b/wm bldgs	20'(e)	15'	6.0	388	3	1,158	N/A	
11B02a			2.17	0.00	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11B03	82.26	1.86	78.04	13.42	SF-3	4000 SF	35'	60'	35'	20'(e)	35'	20'(e)	0' One Side/10' b/wm bldgs	20'(e)	15'	5.1	398	3	1,194	N/A	
11B03a			0.76	0.00	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11B03b			0.27	0.00	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11B03c			0.45	0.00	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11B03d			0.88	0.00	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11B04	129.84	1.77	128.07	21.18	GC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11B05	20.79	0.00	20.79	3.39	SF-3	4000 SF	35'	60'	35'	20'(e)	35'	20'(e)	0' One Side/10' b/wm bldgs	20'(e)	15'	5.2	108	3	324	N/A	
11B06	5.07	0.73	4.34	0.83	R-1	N/A	N/A	N/A	25'	0'(b)	N/A	N/A	0'(b)	N/A	15'	.40 FAR	N/A	N/A	N/A	N/A	N/A
11B07	66.03	3.17	61.97	10.77	SF-3	4000 SF	35'	60'	35'	20'(e)	35'	20'(e)	0' One Side/10' b/wm bldgs	20'(e)	15'	5.4	335	3	1,005	N/A	
11B07a			0.89	0.00	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11B08	29.90	1.75	28.15	4.88	SF-3	4000 SF	35'	60'	35'	20'(e)	35'	20'(e)	0' One Side/10' b/wm bldgs	20'(e)	15'	5.5	158	3	474	N/A	
11B09	28.63	2.41	23.57	4.67	MF-1	1800 SF	50'	100'	50'	20'(c)	50'	20'(c)	7'	10'(c)	15'	12.5	295	2	531	N/A	
11B09a			2.85	0.00	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11B10	25.46	1.28	24.18	4.15	R-1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11B11	14.27	1.39	12.88	2.33	SF-3.5	3300 SF	50'	55'	35'	0'	35'	0'	10' Between Bldgs	0'	0'	.40 FAR	N/A	N/A	N/A	N/A	N/A
11B12	38.36	2.99	34.36	6.26	SF-3	4000 SF	35'	60'	35'	20'(e)	35'	20'(e)	0' One Side/10' b/wm bldgs	20'(e)	15'	5.1	175	3	525	N/A	
11B12a			1.01	0.00	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11B13	10.25	0.00	10.25	1.57	P	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11B14	2.95	0.45	2.50	0.48	R-1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL:	612.96	28.08	584.88	100.00													2,421		6,909		

EXHIBIT "B"

PLANNING AREA 12

TRACT NO.	GROSS AC		ROW		NET AC		% TRACT	Zoning Classification	Min Lot Area	Min Lot Width	Min Lot Depth	Max Height	Min Front Yard	Min Rear Yard	Min Side Yard	Max Lot cover	Min Corner Side Yard	DU/JAC	MAX NO. DU's	POP/UNIT	PROJECTED POPULATION
	AC	AC	AC	AC	AC	AC															
1201	22.78	2.74	20.04	4.75	N/A	N/A	25	0'(0)	15	50%	40 FAR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1202	26.37	2.01	24.36	5.50	1800 SF	50'	10'(0)	7	15'	80%	18.0	438	2	788							
1203	13.05	1.46	11.59	2.72	3300 SF	50'	0'	5	60%	7.00	81	3.0	243								
1204	55.61	3.33	52.28	11.60	4000 SF	35'	20'(e)	10' One Side/10' bwn bldgs	60%	5.8	303	3	909								
1205	58.99	1.46	57.53	12.30	6000 SF	50'	20'(e)	5	60%	4.8	276	3	828								
1206	64.12	4.49	59.63	13.37	4000 SF	35'	20'(e)	10' One Side/10' bwn bldgs	60%	5.8	346	3	1,038								
1207	13.02	1.41	11.61	2.71	3300 SF	50'	0'	5	60%	7.00	81	3.0	243								
1208	25.93	1.95	23.98	5.41	1800 SF	50'	10'(0)	7	80%	15	432	2	778								
1209	14.10	2.10	12.00	2.94	N/A	N/A	25	0'(0)	15'	50%	40 FAR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1210	52.13	6.53	46.60	10.87	6000 SF	50'	20'(e)	5	60%	4.8	224	3	672								
1211	21.99	1.75	20.24	4.59	4000 SF	35'	20'(e)	10' One Side/10' bwn bldgs	60%	5.6	113	3	339								
1212	42.03	5.38	36.65	8.76	6000 SF	50'	20'(e)	5	60%	4.8	176	3	528								
1213	11.39	0.73	10.66	2.36	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1214	11.00	0.08	10.94	2.29	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1215	25.97	2.24	23.73	5.42	6000 SF	50'	20'(e)	5	60%	4.8	114	3	342								
1216	10.79	0.79	10.00	2.25	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1217	10.30	0.30	10.00	2.15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL:	479.57	37.73	441.84	100.00															2,584		6,708

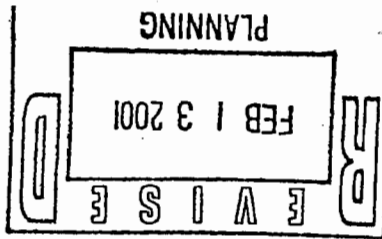
PLANNING AREA 13

TRACT NO.	GROSS AC		ROW		NET AC		% TRACT	Zoning Classification	Min Lot Area	Min Lot Width	Min Lot Depth	Max Height	Min Front Yard	Min Rear Yard	Min Side Yard	Max Lot cover	Min Corner Side Yard	DU/JAC	MAX NO. DU's	POP/UNIT	PROJECTED POPULATION	
	AC	AC	AC	AC	AC	AC																
1301	45.42	1.02	39.96	100.00	4000 SF	35'	20'(e)	10' One Side/10' bwn bldgs	60%	15'	6.4	256	3	768								
1301a			4.44	0.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL:	45.42	1.02	39.96	100.00															256		768	

PLANNING AREA 14

TRACT NO.	GROSS AC		ROW		NET AC		% TRACT	Zoning Classification	Min Lot Area	Min Lot Width	Min Lot Depth	Max Height	Min Front Yard	Min Rear Yard	Min Side Yard	Max Lot cover	Min Corner Side Yard	DU/JAC	MAX NO. DU's	POP/UNIT	PROJECTED POPULATION
	AC	AC	AC	AC	AC	AC															
1401A	33.46	2.80	30.66	20.40	6000 SF	50'	20'(e)	5	60%	4.8	147	3	441								
1401B	31.39	0.73	30.66	19.14	7200 SF	60'	20'(e)	10% of Lot Width	60%	3.80	117	3.0	351								
1402	22.02	2.02	20.00	13.43	4000 SF	35'	20'(e)	10' One Side/10' bwn bldgs	60%	12.0	240	3	720								
1403	14.09	2.09	12.00	8.59	N/A	N/A	25	0'(0)	15'	50%	40 FAR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1404	42.76	2.72	40.04	26.07	6000 SF	50'	20'(e)	5	60%	4.8	192	3	576								
1405	6.97	0.23	6.74	4.25	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1406	11.52	0.03	11.49	7.02	6000 SF	50'	20'(e)	5	60%	4.8	55	3	165								
1407	1.79	0.58	1.21	1.09	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL:	164.00	11.20	152.80	100.00															751		2,253

EXHIBIT "B"



CUSTER WEST PARTNERS, L.P.

AERO COUNTY AIRPORT



0 400 800 1200
SCALE IN FEET

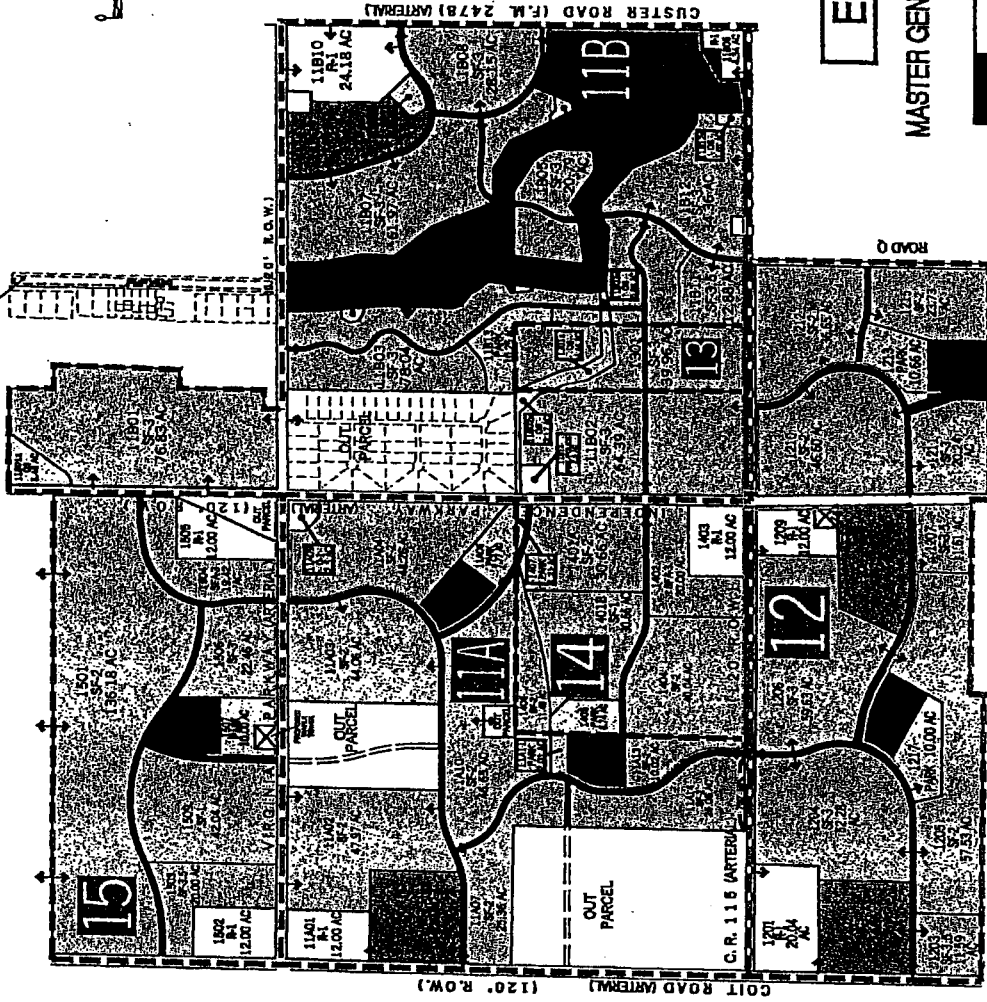


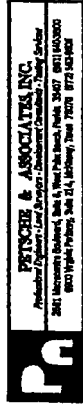
EXHIBIT A-1

REVISED
FEB 13 2001
PLANNING

EXHIBIT A-1

MASTER GENERAL DEVELOPMENT PLAN

JUNE, 2000



This map is an exhibit to the Master General Development Plan for the Aero County Airport, L.P., and is subject to the same terms and conditions as the Master General Development Plan. The Aero County Airport, L.P., and its affiliates make no representation or warranty as to the accuracy or completeness of the information shown on this map. The Aero County Airport, L.P., and its affiliates make no representation or warranty as to the accuracy or completeness of the information shown on this map. The Aero County Airport, L.P., and its affiliates make no representation or warranty as to the accuracy or completeness of the information shown on this map.

- DENOTES PLANNING AREA NUMBER
 - DENOTES PLANNING AREA BOUNDARY
 - DENOTES INTERSECTING RESIDENTIAL CIRCULATION STREETS - DRIVEWAY ACCESS MAY BE POSSIBLE
 - DENOTES INTERSECTING RESIDENTIAL CIRCULATION STREETS - NO DRIVEWAY ACCESS ALLOWED
 - DENOTES EXISTING MEDIAN OPENING LOCATIONS
 - DENOTES ACCESS POINTS FOR MAJOR PARCEL ENTRIES. ADDITIONAL MINOR ENTRIES MAY BE ADDED AT PLANNING POSSIBLE MEDIAN LOCATIONS WILL BE DETERMINED AT TIME OF SITE PLAN REVIEW OF INDIVIDUAL TRACTS
- NOTE: NO DRIVEWAY ACCESS WILL BE PERMITTED FOR THE FIRST 200 FEET OFF-ARTERIAL ROADWAYS AND FOR THE FIRST 100 FEET OFF OF COLLECTOR STREETS.

- SINGLE FAMILY RESIDENTIAL
- MULTI FAMILY RESIDENTIAL MEDIUM DENSITY
- MULTI FAMILY RESIDENTIAL HIGH DENSITY
- OFFICE
- LIGHT MANUFACTURING
- RETAIL
- DENOTES H/KE/KE TRAIL
- OPEN SPACE
- GOLF COURSE

EXHIBIT "C"