

**ORDINANCE NO. 2013-05-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2013-04-042 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 3.00 ACRE PROPERTY, LOCATED APPROXIMATELY 2,200 FEET WEST OF INDEPENDENCE PARKWAY AND APPROXIMATELY 2,300 FEET SOUTH OF VIRGINIA PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY DEVELOPMENT STANDARDS; 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 3.00 acre property, located approximately 2,200 feet west of Independence Parkway and approximately 2,300 feet south of Virginia Parkway, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify 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. 2013-04-042 is hereby amended in order to rezone an approximately 3.00 acre property, located approximately 2,200 feet west of Independence Parkway and approximately 2,300 feet south of Virginia Parkway, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify development standards.
- Section 2. Use and development of the subject property, more fully depicted on Exhibits "A" and "B", shall develop in accordance with Ordinance No. 2013-04-042, and as amended, except as follows:
- a. The maximum density shall be 4.67 dwelling units per acre.
  - b. The development of the subject property shall generally conform to the attached concept plan.
- 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 \$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 5. 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 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 THE 21<sup>ST</sup> DAY OF MAY, 2013.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

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

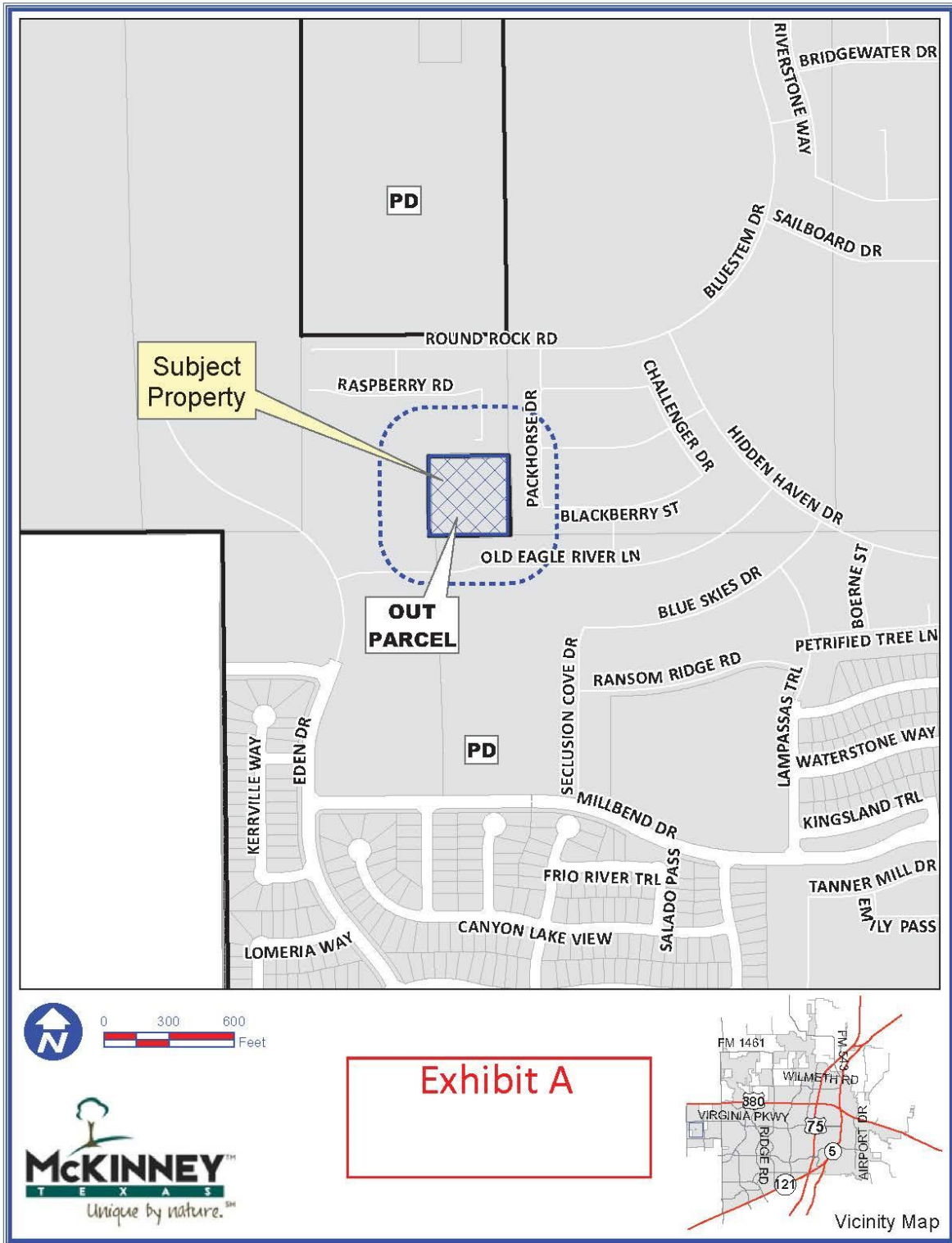
DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney

# EXHIBIT A



Path: S:\MCKGIS\Notification\Projects\0113\13-0302.mxd

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 B

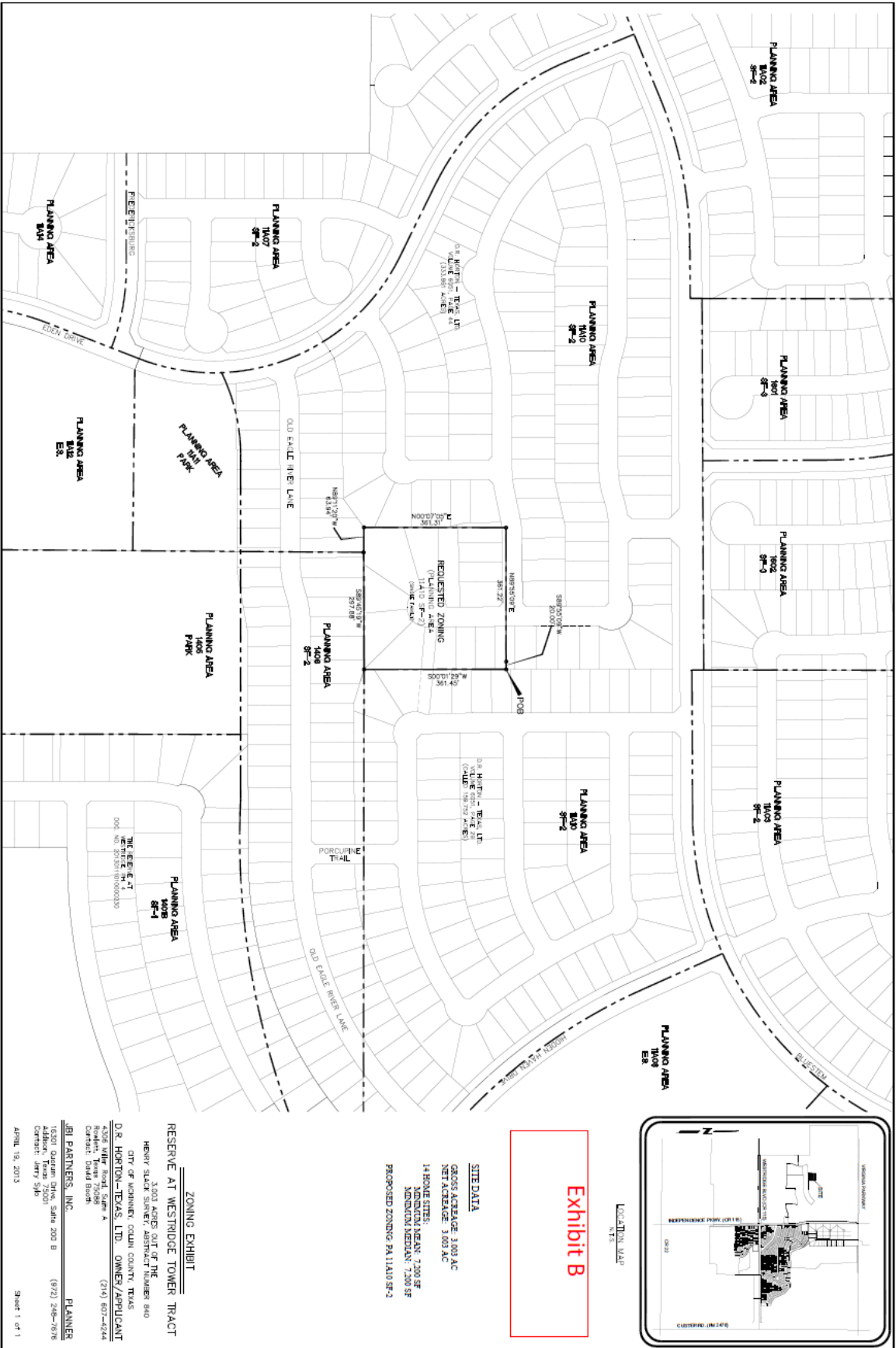


Exhibit B

**SITE DATA**  
 GROSS ACREAGE 3.003 AC  
 NET ACREAGE 3.003 AC  
 14 HOME SITES  
 MEDIAN HOME VALUE 7,200 SF  
 MEDIAN MEDIAN 7,200 SF  
 PROPOSED ZONING RA 11410 SF-2

**ZONING EXHIBIT**

**RESERVE AT WESTRIDGE TOWER TRACT**

3.003 ACRES OUT OF THE  
 HENRY SLACK SURVEY, ABSTRACT NUMBER 840  
 CITY OF WOODHONEY, COULIN COUNTY, TEXAS

**D.R. HORTON-TEXAS, LTD. OWNER/APPLICANT**  
 4308 Wilfrid Road, Suite A  
 Rockport, Texas 75086  
 Contact: David Brock (714) 607-6246

**JBI PARTNERS, INC. PLANNER**  
 16301 Dugan Drive, Suite 200 B (972) 246-1076  
 Addison, Texas 75001  
 Contact: Jerry Slay

April 19, 2013 Sheet 1 of 1

