

ORDINANCE NO. 2006-04-045

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270, AND AS AMENDED BY ZONING ORDINANCE 01-12-132 AND ZONING ORDINANCE 05-11-124 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 35 ACRE TRACT LOCATED ON THE SOUTH SIDE OF F.M. 720 AND ON THE EAST SIDE OF CUSTER ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT FOR MULTI-FAMILY USES TO "PD" – PLANNED DEVELOPMENT DISTRICT IN ORDER TO MODIFY THE SITE LAYOUT, AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT; 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 zoning of an approximately 35 acre tract located on the south side of F.M. 720 and on the east side of Custer Road, is zoned from "PD" – Planned Development District for multi-family uses to "PD" – Planned Development District in order to modify the site layout and "REC" – Regional Employment Center Overlay District, 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, and as amended by Ordinance 01-12-132 and Ordinance 05-11-124 is hereby amended so that an approximately 35 acre tract located on the south side of F.M. 720 and on the east side of Custer Road, which is more fully depicted on Zoning Exhibit "A" attached hereto, is hereby rezoned from "PD" – Planned Development District for multi-family uses to "PD" – Planned Development District in order to modify the site layout and "REC" – Regional Employment Center Overlay District.

Section 2. Use and development of the subject property shall conform to the following regulations:

- (a) The subject property shall generally develop according to attached Zoning Exhibit "B".
- (b) The subject property shall develop according to the "REC" – Regional Employment Center Overlay Guidelines.
- (c) The associated site plan shall be approved by the City Council.


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.

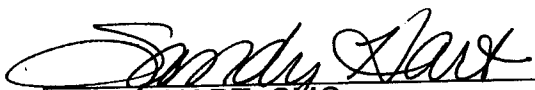
Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner 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

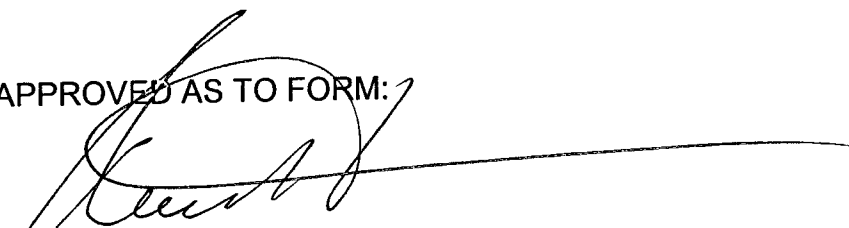
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 18th DAY OF APRIL, 2006.

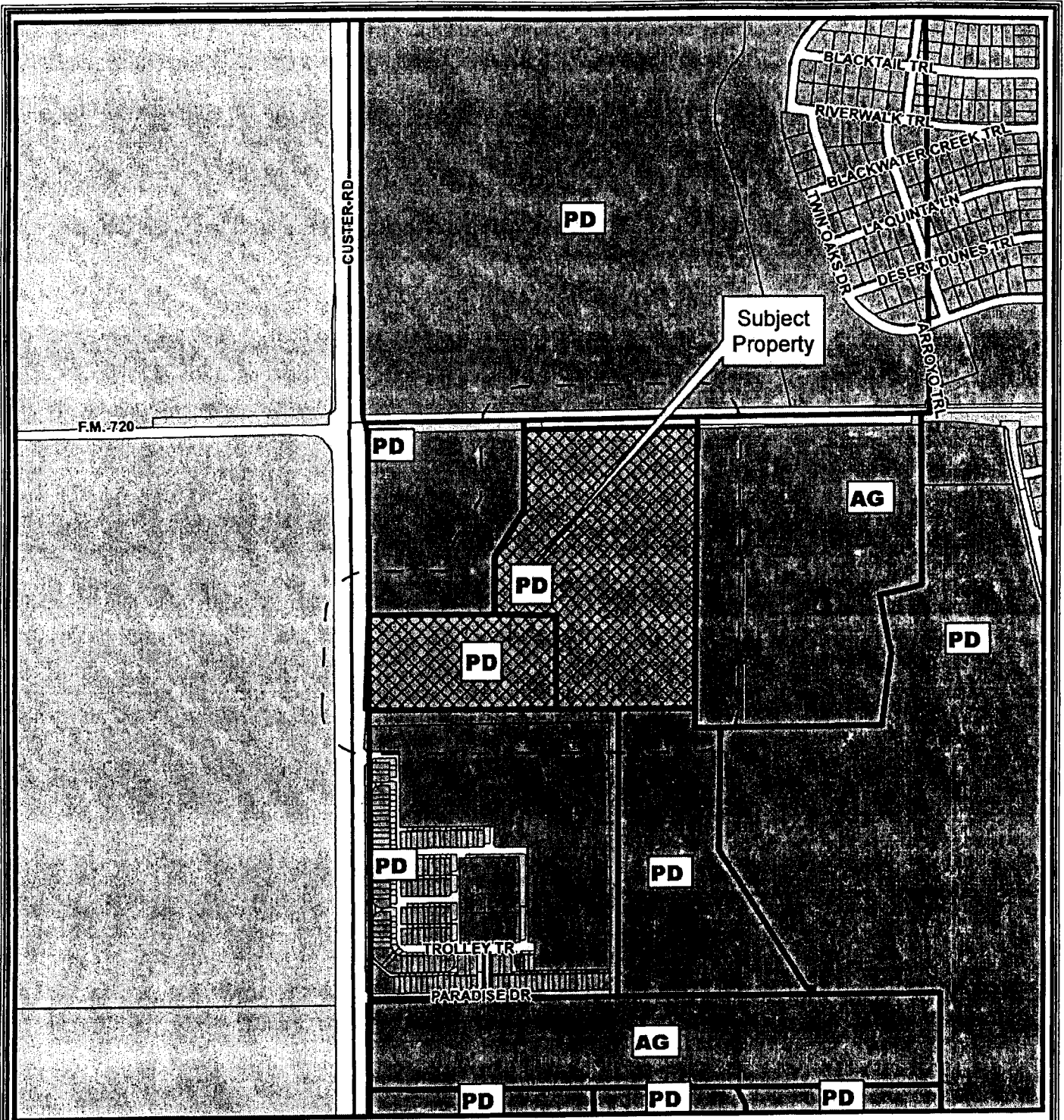

BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:

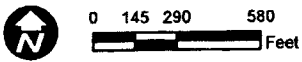

SANDY HART, CMC
City Secretary
BEVERLY COVINGTON
Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney



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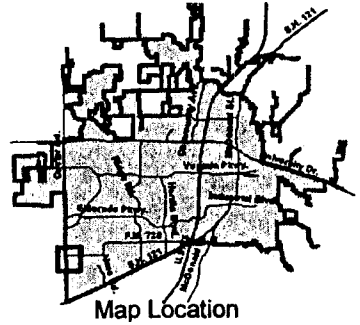


Notification Case

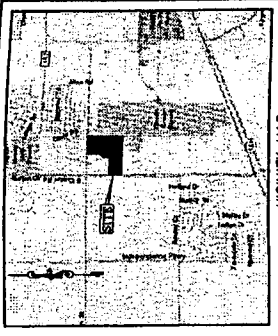


EXHIBIT "A"

--- 200' Notification Buffer



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.



VICINITY MAP
M.S.

SPACES REQUIRED BY ORDINANCE:	200
SPACES PROVIDED:	
2 PER DWELLING UNIT:	812
(2-GARAGE, 2-50' DRIVE):	
CLUB HOUSE:	7
TOTAL SPACES:	819

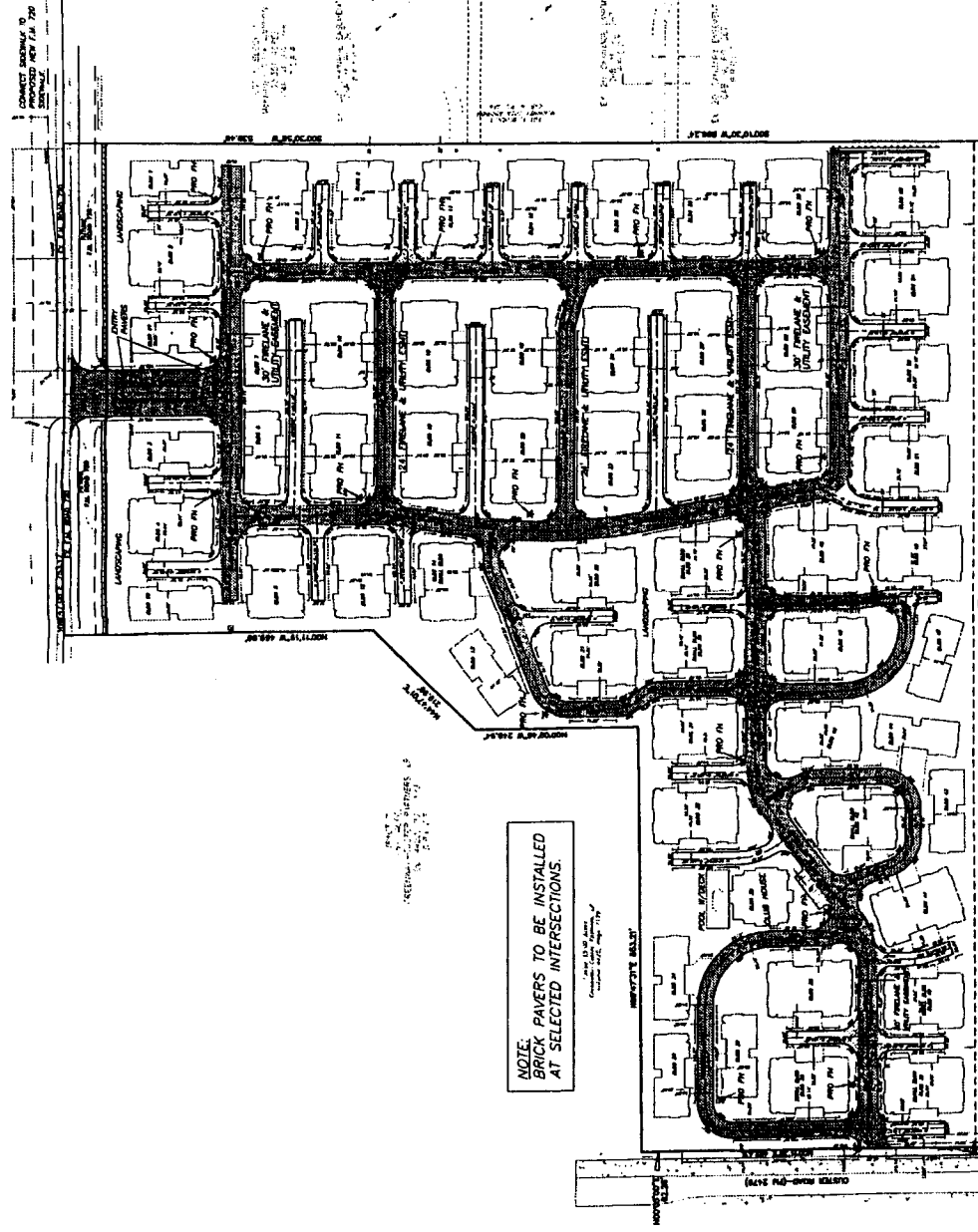
LOT AREA:
33.00 ACRES
PROPOSED USE:
HIGH DENSITY RESIDENTIAL USE
ZONING DISTRICT:
33.00 ACRES-PD

DEVELOPMENT LOCATION:
APPROXIMATELY EAST, EAST OF THE INTERSECTION OF FM 720
AND SOUTH OF FM 720. APPROXIMATELY WEST, WEST OF THE
INTERSECTION OF FM 720 & CLUSTER ROAD.

NOTES:
1. MECHANICAL AND HEATING AND AIR CONDITIONING EQUIPMENT
IN NON-RESIDENTIAL USES SHALL BE SCREENED FROM VIEW
BY MOUNTAIN-SIDE PLANTING AND FROM ADJACENT
RESIDENTIAL PROPERTIES.

2. THE LIGHTING FOR THE SUBJECT PROPERTY WILL BE
CONSTRUCTED IN COMPLIANCE WITH SECTION 41-205
LIGHTING AND GLARE REGULATIONS OF THE CITY OF McHENNEY
CODE OF ORDINANCES.

3. HANDICAPPED RAMPS ARE REQUIRED AT ALL INTERSECTIONS.



RECEIVE

FEB 28 2006

PLANNING

SITE PLAN FOR

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
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EXHIBIT "B"

TABLE

NO.	DESCRIPTION	AMOUNT
1	26.80	\$7,212,313
2	25.50	\$6,700,000
3	49.04	\$8,752,583
4	19.97	\$3,710,028
5	11.85	\$2,620,103
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TABLE

CURVE	LENGTH	RADIUS	AREA	PERIMETER	CHORD	CHORD BEARING	AREA	PERIMETER	CHORD	CHORD BEARING
C1	49.19	37.50	681.46	111.45	37.50	165.00	260.00	111.45	37.50	165.00
C2	255.32	600.00	16,041.18	651.27	600.00	301,052.20	1,600.00	651.27	600.00	301,052.20
C3	48.79	35.00	78,552.74	29.50	44.64	\$2,032.48	1,570.00	29.50	44.64	\$2,032.48
C4	21.60	100.00	1,722.37	10.84	21.58	51,879.33	215.00	10.84	21.58	51,879.33
C5	31.87	100.00	2,110.95	15.94	31.88	80,879.22	215.00	15.94	31.88	80,879.22
C6	21.60	100.00	1,722.37	10.84	21.58	51,879.33	215.00	10.84	21.58	51,879.33
C7	48.79	35.00	78,552.74	29.50	44.64	\$2,032.48	1,570.00	29.50	44.64	\$2,032.48
C8	49.19	37.50	681.46	111.45	37.50	165.00	260.00	111.45	37.50	165.00
C9	255.32	600.00	16,041.18	651.27	600.00	301,052.20	1,600.00	651.27	600.00	301,052.20
C10	48.79	35.00	78,552.74	29.50	44.64	\$2,032.48	1,570.00	29.50	44.64	\$2,032.48
C11	21.60	100.00	1,722.37	10.84	21.58	51,879.33	215.00	10.84	21.58	51,879.33
C12	31.87	100.00	2,110.95	15.94	31.88	80,879.22	215.00	15.94	31.88	80,879.22
C13	21.60	100.00	1,722.37	10.84	21.58	51,879.33	215.00	10.84	21.58	51,879.33
C14	48.79	35.00	78,552.74	29.50	44.64	\$2,032.48	1,570.00	29.50	44.64	\$2,032.48
C15	49.19	37.50	681.46	111.45	37.50	165.00	260.00	111.45	37.50	165.00
C16	255.32	600.00	16,041.18	651.27	600.00	301,052.20	1,600.00	651.27	600.00	301,052.20
C17	48.79	35.00	78,552.74	29.50	44.64	\$2,032.48	1,570.00	29.50	44.64	\$2,032.48
C18	21.60	100.00	1,722.37	10.84	21.58	51,879.33	215.00	10.84	21.58	51,879.33
C19	31.87	100.00	2,110.95	15.94	31.88	80,879.22	215.00	15.94	31.88	80,879.22
C20	21.60	100.00	1,722.37	10.84	21.58	51,879.33	215.00	10.84	21.58	51,879.33
C21	48.79	35.00	78,552.74	29.50	44.64	\$2,032.48	1,570.00	29.50	44.64	\$2,032.48
C22	49.19	37.50	681.46	111.45	37.50	165.00	260.00	111.45	37.50	165.00
C23	255.32	600.00	16,041.18	651.27	600.00	301,052.20	1,600.00	651.27	600.00	301,052.20
C24	48.79	35.00	78,552.74	29.50	44.64	\$2,032.48	1,570.00	29.50	44.64	\$2,032.48
C25	21.60	100.00	1,722.37	10.84	21.58	51,879.33	215.00	10.84	21.58	51,879.33
C26	31.87	100.00	2,110.95	15.94	31.88	80,879.22	215.00	15.94	31.88	80,879.22
C27	21.60	100.00	1,722.37	10.84	21.58	51,879.33	215.00	10.84	21.58	51,879.33
C28	48.79	35.00	78,552.74	29.50	44.64	\$2,032.48	1,570.00	29.50	44.64	\$2,032.48
C29	49.19	37.50	681.46	111.45	37.50	165.00	260.00	111.45	37.50	165.00
C30	255.32	600.00	16,041.18	651.27	600.00	301,052.20	1,600.00	651.27	600.00	301,052.20
C31	48.79	35.00	78,552.74	29.50	44.64	\$2,032.48	1,570.00	29.50	44.64	\$2,032.48
C32	21.60	100.00	1,722.37	10.84	21.58	51,879.33	215.00	10.84	21.58	51,879.33
C33	31.87	100.00	2,110.95	15.94	31.88	80,879.22	215.00	15.94	31.88	80,879.22
C34	21.60	100.00	1,722.37	10.84	21.58	51,879.33	215.00	10.84	21.58	51,879.33
C35	48.79	35.00	78,552.74	29.50	44.64	\$2,032.48	1,570.00	29.50	44.64	\$2,032.48
C36	49.19	37.50	681.46	111.45	37.50	165.00	260.00	111.45	37.50	165.00
C37	255.32	600.00	16,041.18	651.27	600.00	301,052.20	1,600.00	651.27	600.00	301,052.20
C38	48.79	35.00	78,552.74	29.50	44.64	\$2,032.48	1,570.00	29.50	44.64	\$2,032.48
C39	21.60	100.00	1,722.37	10.84	21.58	51,879.33	215.00	10.84	21.58	51,879.33
C40	31.87	100.00	2,110.95	15.94	31.88	80,879.22	215.00	15.94	31.88	80,879.22
C41	21.60	100.00	1,722.37	10.84	21.58	51,879.33	215.00	10.84	21.58	51,879.33
C42	48.79	35.00	78,552.74	29.50	44.64	\$2,032.48	1,570.00	29.50	44.64	\$2,032.48
C43	49.19	37.50	681.46	111.45	37.50	165.00	260.00	111.45	37.50	165.00
C44	255.32	600.00	16,041.18	651.27	600.00	301,052.20	1,600.00	651.27	600.00	301,052.20
C45	48.79	35.00	78,552.74	29.50	44.64	\$2,032.48	1,570.00	29.50	44.64	\$2,032.48
C46	21.60	100.00	1,722.37	10.84	21.58	51,879.33	215.00	10.84	21.58	51,879.33
C47	31.87	100.00	2,110.95	15.94	31.88	80,879.22	215.00	15.94	31.88	80,879.22
C48	21.60	100.00	1,722.37	10.84	21.58	51,879.33	215.00	10.84	21.58	51,879.33
C49	48.79	35.00	78,552.74	29.50	44.64	\$2,032.48	1,570.00	29.50	44.64	\$2,032.48
C50	49.19	37.50	681.46	111.45	37.50	165.00	260.00	111.45	37.50	165.00