

ORDINANCE NO. 2011-12-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2007-08-072 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 20.87 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF MCKINNEY RANCH PARKWAY AND SILVERADO TRAIL, IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT AND “REC” – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT AND “REC” – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, GENERALLY TO MODIFY THE MULTI-FAMILY RESIDENTIAL 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 20.87 acre property, located on the southwest corner of McKinney Ranch Parkway and Silverado Trail, which is more fully depicted on Exhibit A and described by Exhibit B, attached hereto, is rezoned from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District, generally to modify the multi-family residential 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. 2007-08-072 is hereby amended in order to rezone an approximately 20.87 acre property, located on the southwest corner of McKinney Ranch Parkway and Silverado Trail, is rezoned from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District.

Section 2. Use and development of the subject property shall conform to the regulations as established by “PD” – Planned Development Ordinance No. 2007-08-072 and “REC” – Regional Employment Center Overlay District, and as amended, except as follows:

- a. Multi-family residential uses developed on the subject property shall be parked at the ratio of 1 parking space for every dwelling unit plus an additional 0.5 parking space for each bedroom. Tuck-under parking garages shall be required in each building except the clubhouse.
- b. The following ordinance provision as found in Zoning Ordinance Section 146-139 “Architectural and Site Standards” shall not apply to the subject property:
 - Multi-family residential structures within 150 feet of an adjacent single family residential use or zone shall be situated so that no exterior facing window is oriented towards said adjacent single family residential use or zone.

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 6TH DAY OF DECEMBER, 2012.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

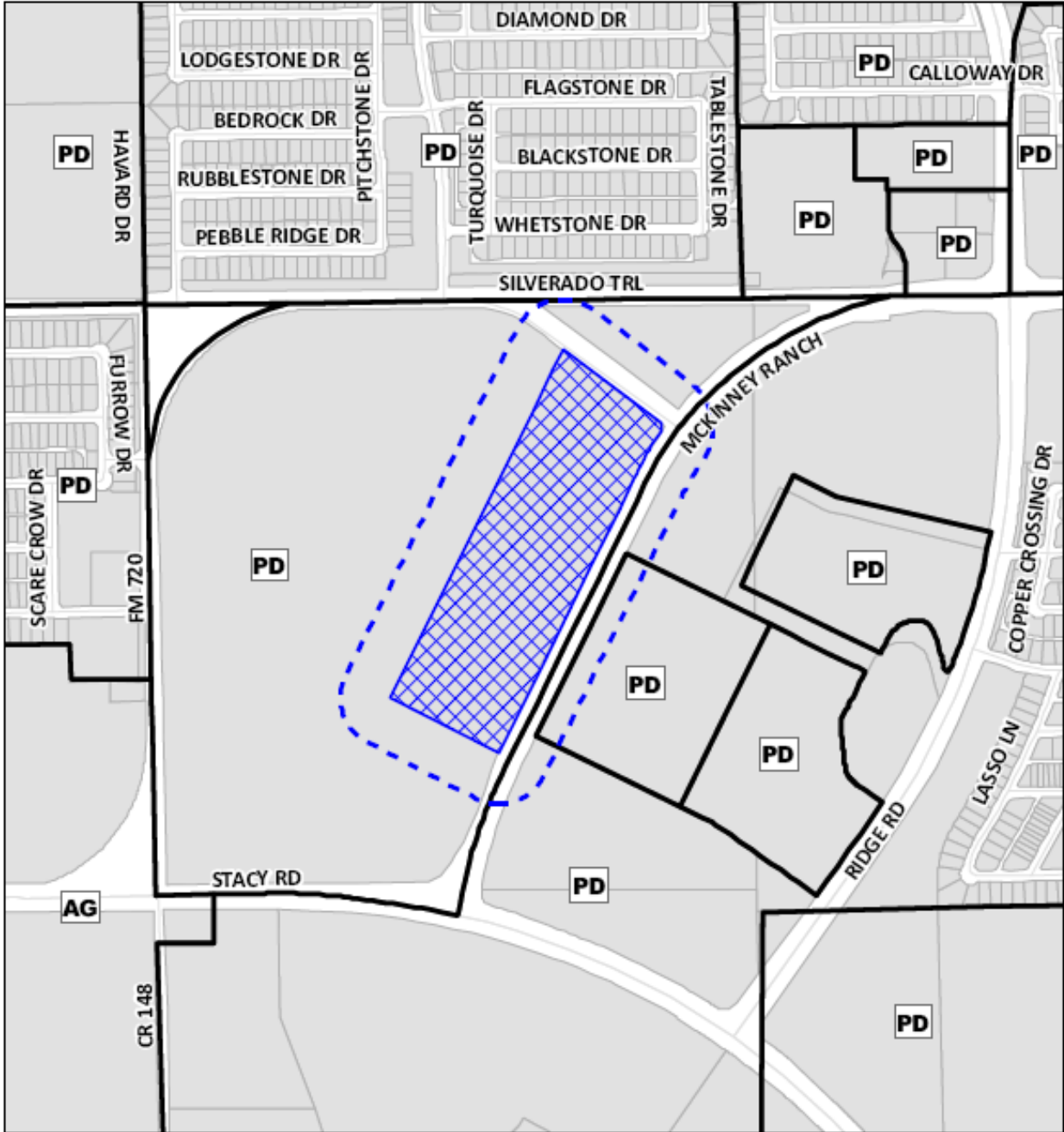
CORRECTLY ENROLLED:

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

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



Notification Case

Case: 11-1512

■ ■ ■ 200' Notification Buffer

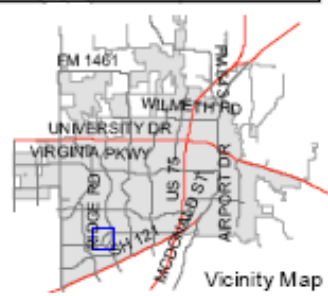


EXHIBIT A

METES AND BOUNDS DESCRIPTION

DESCRIPTION: 20.87 Acre Tract

BEING all that certain lot, tract or parcel of land out of the George F. Lucas Survey, Abstract No. 540 in the City of McKinney, Texas, and being part of the property described in deed to Collin Investments, Limited (formerly known as McKinney Ranch, Ltd.) (Now known as TCI McKinney Ranch, Volume 6074, Page 6221 DRCCCT) (called 98,406 acres) as recorded in County Clerks File Number 94-0016499 of the Land Records of Collin County, Texas and part of the property described in deed to Collin Investments, Limited (called 231,247 acres) as recorded in County Clerks File Number 93-0099695 of the Land Records of Collin County, Texas and being more particularly described by metes and bounds as follows;

BEGINNING at a point, said point being a corner clip at the intersection of the proposed Westerly right of way line of McKinney Ranch Parkway and the proposed Southerly right of way line Silverado Trail, and said point also being the beginning of a curve to the left having a central angle of $7^{\circ} 54' 30''$ with a radius of 1560.00 feet and a chord bearing S. $30^{\circ} 12' 14''$ W. at a distance of 215.15 feet to a point for corner;

THENCE Southwesterly along said curve to the left and following said proposed Northwest right of way line of McKinney Ranch Parkway for an arc distance of 215.32 feet to a 5/8" iron rod set for corner;

THENCE S. $26^{\circ} 14' 59''$ W. and continuing along the proposed Northwest right of way line of said McKinney Ranch Parkway for a distance of 1395.12 feet to a 5/8" Iron rod set for corner;

THENCE N. $62^{\circ} 39' 20''$ W. a distance of 548.83 feet to a 5/8" Iron rod set for corner;

THENCE N. $26^{\circ} 39' 45''$ E. a distance of 1,718.35 feet to a 5/8" Iron rod set for corner at the southwest right of way line of Silverado Trail;

THENCE S. $53^{\circ} 05' 13''$ E. along the proposed Southwest right of way line of Silverado Trail for a distance of 548.05 feet to a 5/8" iron rod set for corner, said point being a corner clip at the intersection of the proposed Westerly right of way line of McKinney Ranch Parkway and the proposed Southerly right of way line Silverado Trail;

THENCE S. $09^{\circ} 19' 36''$ E. for a distance of 21.67 feet to the **POINT OF BEGINNING AND CONTAINING 20.87 ACRES OF LAND**, more or less.

EXHIBIT B