

ORDINANCE NO. 2004-03-028

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 15 ACRE TRACT, GENERALLY LOCATED ON THE SOUTHEAST CORNER OF FM 720 AND CUSTER ROAD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT GENERALLY FOR COMMERCIAL AND RETAIL USES 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 rezoning of an approximately 15 acre tract on the southeast corner of FM 720 and Custer Road, from "AG" – Agricultural District, to "PD" – Planned Development District, Generally for Commercial and Retail Uses, 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 is hereby amended so that an approximately 15 acre tract generally located on the southeast corner of FM 720 and Custer Road, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "AG" – Agricultural District, to "PD" – Planned Development District, Generally for Commercial and Retail Uses.

Section 2. Use and Development of the subject property shall conform to the Commercial and Retail District of the Regional Employment Center District, as set forth in Section 41-79 of the City of McKinney Code of Ordinances, and as amended, except as follows:

- (a) The subject property conform to the attached Zoning Exhibit and General Development Plan, more fully depicted on Exhibits "B" and "C" attached.
- (b) The subject property develop according to the Regional Employment Center (REC) Overlay District standards.
- (c) Approval of building elevations for the retail buildings along FM 720 and Custer Road are required as part of the site plan approval process. Elevations should be in keeping with the principles of the REC relative to compatible architectural style, streetscape and building materials.

(d) The anchor retail building shall be one hundred percent (100%) masonry.

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.

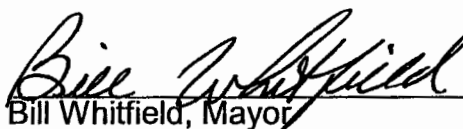
Section 4. The developer shall provide language in the deeds for notice (acceptable to the city attorney) to any residential lot purchaser, which adequately notifies purchasers of the existence of a private airport in the vicinity. An updated, scaled map shall be provided in conjunction with said notice.

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.

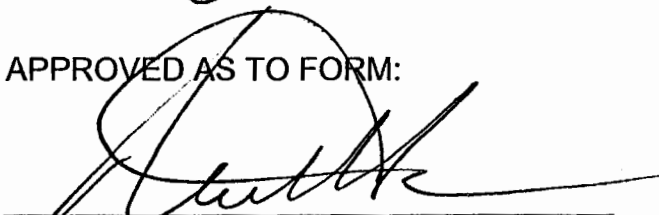
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 2ND DAY OF MARCH, 2004.


Bill Whitfield, Mayor

CORRECTLY ENROLLED:


JENNIFER G. SPROULL, City Secretary
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

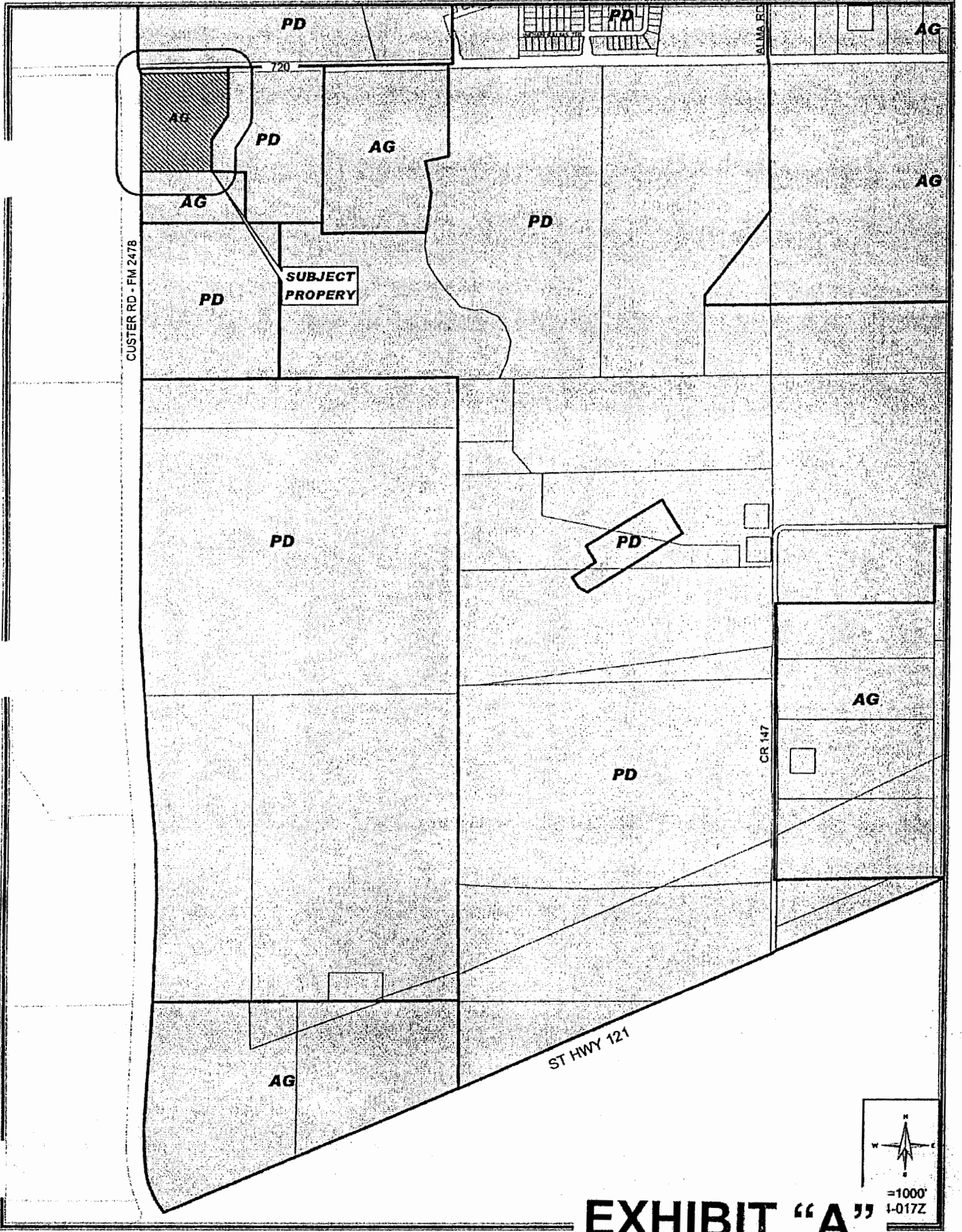
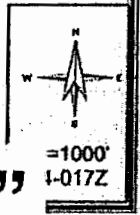


EXHIBIT "A"



OWNER:
AL GARTNER
163139 AC
L. QUINN BERRY SURVEY
CURRENT USE: VACANT
CURRENT ZONING: CI

CITY OF FRISCO

OWNER:
FLAND COIT PLAZA PROP.
1044 711
11.8713 AC
MCKINNEY & WILLIAMS
SURVEY
A-91 SADC
CURRENT USE: VACANT
CURRENT ZONING: SF-1

CITY OF FRISCO

CUSTER ROAD (F.M. HWY. 2478, 120' R.O.W.; 130' ULTIMATE R.O.W. WIDTH)

OWNER:
FERRY, MCGURKIN
1146-12
109-6914 AC
GEO-WHITE SURVEY
A-91 SADC
CURRENT USE: VACANT
CURRENT ZONING: PD

F.M. 720 (80' EXISTING R.O.W. EASEMENT; 130' ULTIMATE R.O.W. WIDTH)

OWNER:
GREENWAY CUSTER PARTNERS LP
4423-1179
13 AC
A-93 SADC
G. BACCUS SURVEY
CURRENT USE: VACANT
CURRENT ZONING: AG
PROPOSED ZONING: PD COMMERCIAL

OWNER:
KEDWICKER PRESBYTERIAN CHURCH
OF MCKINNEY
11-028719
G. BACCUS SURVEY
A-91 SADC
CURRENT USE: VACANT
CURRENT ZONING: AG

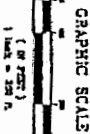
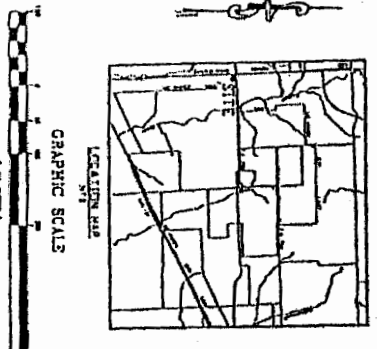
OWNER:
GRAND RANCH LLP
4793117
7934 AC
G. BACCUS SURVEY
A-93 SADC
CURRENT USE: VACANT
CURRENT ZONING: PD

Subject Property

DISCLAIMER STATEMENT
This Property owner information has been compiled from the Central Appraisal District of Collin County, Texas (CADCC)

OWNER:
SENIOR HOUSING SERVICES INC.
4890-2131
21 AC
G. BACCUS SURVEY
A-93 SADC
CURRENT USE: VACANT
CURRENT ZONING: PD

OWNER:
MCKINNEY
34511
G. BACCUS SURVEY
A-93 SADC
CURRENT USE: VACANT
CURRENT ZONING: PD



LINE	LENGTH	BEARING
1	132.00	S 89° 17' 00" E
2	17.50	S 89° 17' 00" E
3	17.50	S 89° 17' 00" E
4	17.50	S 89° 17' 00" E
5	17.50	S 89° 17' 00" E
6	17.50	S 89° 17' 00" E
7	17.50	S 89° 17' 00" E
8	17.50	S 89° 17' 00" E
9	17.50	S 89° 17' 00" E
10	17.50	S 89° 17' 00" E
11	17.50	S 89° 17' 00" E
12	17.50	S 89° 17' 00" E
13	17.50	S 89° 17' 00" E
14	17.50	S 89° 17' 00" E
15	17.50	S 89° 17' 00" E
16	17.50	S 89° 17' 00" E
17	17.50	S 89° 17' 00" E
18	17.50	S 89° 17' 00" E
19	17.50	S 89° 17' 00" E
20	17.50	S 89° 17' 00" E

NETS AND BOUNDS DESCRIPTION

1754.750 is the State of Texas, County of Collin, being part of the 1754.750 acre parcel known as the Greenway Custer Survey, Section 14, Township 33N, Range 12E, County of Collin, Texas, as shown on the plat of the said survey recorded in the Public Records of the County of Collin, Texas, Book 100, Page 100, and being more particularly described by name and number as follows:

8 BEGINNING at an "X" in concrete marking the intersection of the corner of F.M. Road 720 and the east right-of-way line of Custer Road (F.M. Highway 2478) 130' W.A. and beginning and ending on north-west corner of 130' x 20' area.

1 THENCE with the corner of F.M. Road 720 and the east right-of-way line of Custer Road (F.M. Highway 2478) 130' W.A. and beginning and ending on north-west corner of 130' x 20' area.

2 THENCE with the corner of F.M. Road 720 and the east right-of-way line of Custer Road (F.M. Highway 2478) 130' W.A. and beginning and ending on north-west corner of 130' x 20' area.

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OWNER:
MCKINNEY
34511
G. BACCUS SURVEY
A-93 SADC
CURRENT USE: VACANT
CURRENT ZONING: PD

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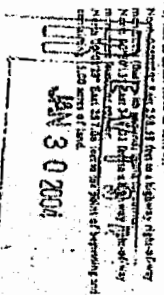
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OWNER:
MCKINNEY
34511
G. BACCUS SURVEY
A-93 SADC
CURRENT USE: VACANT
CURRENT ZONING: PD

Kimley-Horn and Associates, Inc.
2010 N. Wood, Suite 400
Denton, Texas 76201
Tel: (940) 313-0200
Fax: (940) 313-0200

S.E.C. F.M. 720 & CUSTER ROAD
City of McKinney, Texas

ZONING EXHIBIT

Scale: 1" = 200'
Designed by: [Signature]
Drawn by: [Signature]
Checked by: JLS/WHC
Date: JANUARY 2004
Project No.: 05/04000

EXHIBIT "R"

OWNER:
ALDASTINE
183.39 AC
183.39 AC
M. QUINN SURVEY
A-99 S.A.D.C.C.
CURRENT USE: VACANT
CURRENT ZONING: C1

OWNER:
PLANO COTT PLAZA P&O
158.71 AC
158.71 AC
WILSON & WILLIAMS
SURVEY
A-99 S.A.D.C.C.
CURRENT USE: VACANT
CURRENT ZONING: SP4

CITY OF FRISCO

CITY OF FRISCO

CUSTER ROAD (F.M. HWY. 2478, 120' R.O.W.; 130' ULTIMATE R.O.W. WIDTH)

OWNER:
JEARLY A. MCDUTCHIN
240.13 AC
109-4974 AC
D.E.O. WITTS SURVEY
A-99 S.A.D.C.C.
CURRENT USE: VACANT
CURRENT ZONING: PD

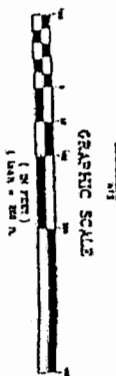
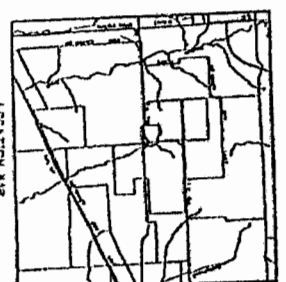
OWNER:
REDEEMER PRESBYTERIAN CHURCH
OF MCKINNEY
87-4109715
12 AC
G. BACCUS SURVEY
A-99 S.A.D.C.C.
CURRENT USE: VACANT
CURRENT ZONING: A2

OWNER:
GAINSPANCH II LP
477.41 AC
79.24 AC
G. BACCUS SURVEY
A-99 S.A.D.C.C.
CURRENT USE: VACANT
CURRENT ZONING: PD

OWNER:
SENOR HOUSING SERVICES INC.
429-2211
21 AC
G. BACCUS SURVEY
A-99 S.A.D.C.C.
CURRENT USE: VACANT
CURRENT ZONING: PD

OWNER:
DUNCANNEY SPCA
8123
6. BACCUS SURVEY
A-99 S.A.D.C.C.

DISCLAIMER STATEMENT
This Property owner information has been compiled from the Central Appraisal District of Collin County, Texas (CADCC)



GENERAL NOTES

The City of Frisco has indicated that they are shifting the alignment of F.M. 720 to the south. The City Engineer has indicated that the applicant may have to shift the subject property to the south to accommodate the new alignment, thus shifting the site configuration to some degree. The right-of-way for Custer Road (F.M. 2478) will also shift.

The applicant will be responsible for constructing a right turn lane at the intersection of Custer Road and F.M. 720.

Stormwater retention may be required in this site.

Median locations will need to be finalized on F.M. 720, prior to Approval.

REVISIONS

JAN 30 2014

Basic General Development Plan has been provided by Callaway Architects and only modified by Kimley-Horn and Associates

Client: University of North Texas
1311 Patterson Hall, Room 150
Denton, TX 76208
TEL: (817) 257-2222
FAX: (817) 257-0011

Applicant: Kimley-Horn and Associates Inc.
1914 S. Main, Suite 400
El Paso, TX 79902
TEL: (951) 313-0130
FAX: (951) 313-0545

Kimley-Horn and Associates, Inc.
2010 N. Main, Suite 100
El Paso, Texas 79902

S.E.C. F.M. 720 & CUSTER ROAD
City of McKinney, Texas

GENERAL DEVELOPMENT PLAN

Scale:	1" = 200'
Designed by:	K5/AM
Drawn by:	K5/AM
Checked by:	K5/AM
Date:	JANUARY 2014
Project No.:	106101001

EXHIBIT "C"