

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."

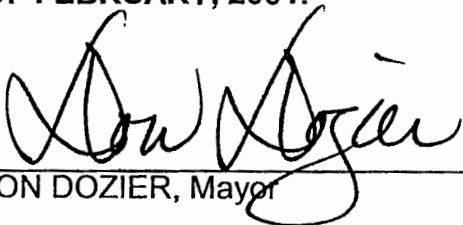
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and to this end, the provisions of this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

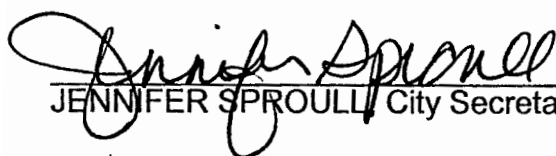
Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, 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

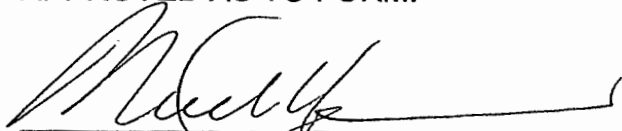
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 19th DAY OF FEBRUARY, 2001.


DON DOZIER, Mayor

ATTEST:


JENNIFER SPROULL, City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

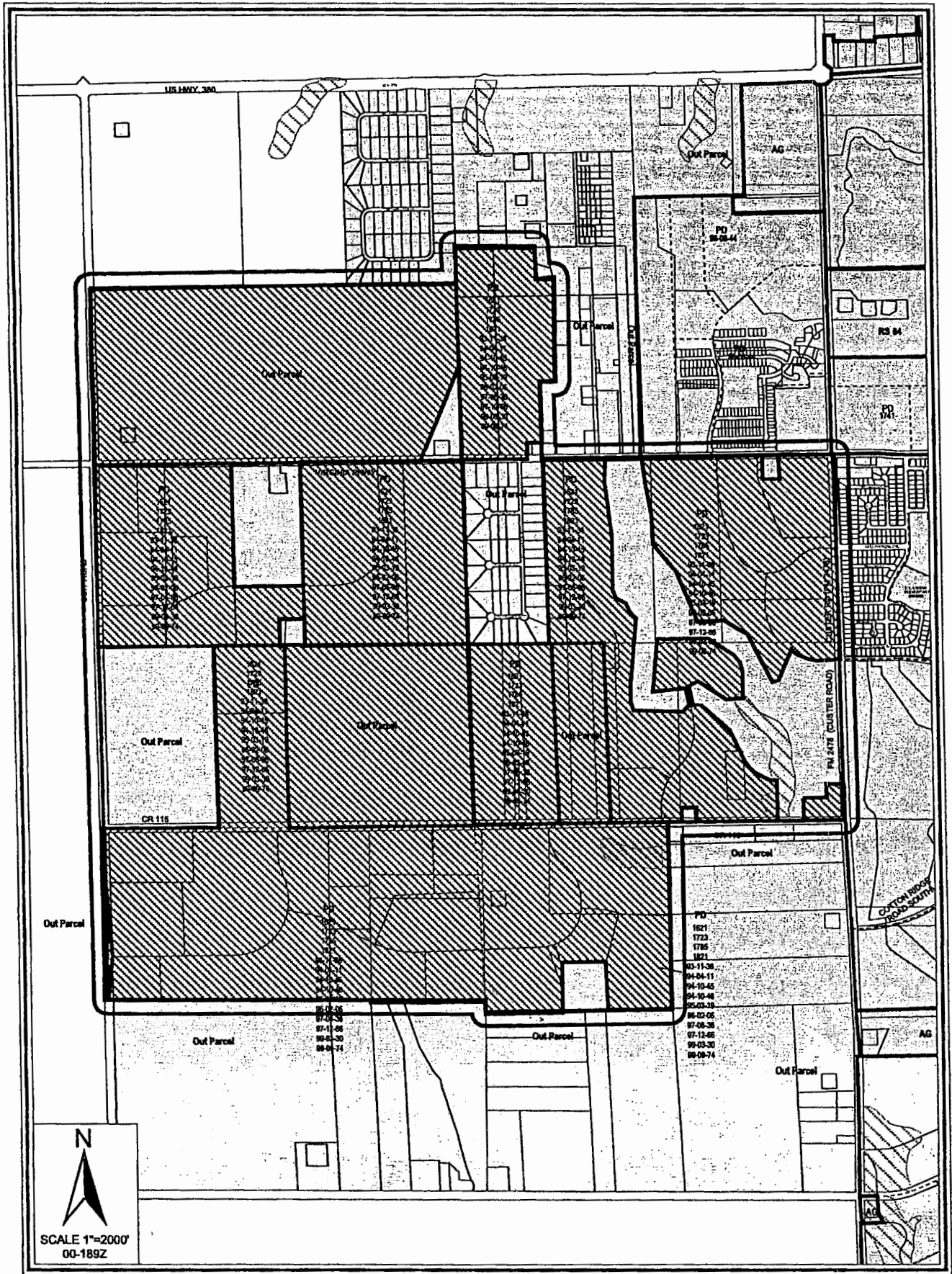


EXHIBIT "A"

EXHIBIT 'B'

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	Max Lot cover	Min Corner Side Yard	DU/AC	MAX. NO. DU's	POP/UNIT	PROJECTED POPULATION
11A01	14.15	2.15	12.00	4.15	R-1	N/A	N/A	N/A	35'	25'	0'(b)	0'(d)	50%	15'	.40 FAR	N/A	N/A	N/A
11A02	50.41	2.44	47.97	14.79	SF-2	6000 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.8	230	3	690
11A03	47.13	3.07	44.06	13.83	SF-2	6000 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.8	211	3	633
11A04	53.23	4.97	48.26	15.62	SF-2	6000 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.8	232	3	696
11A05	28.39	2.00	24.39	7.75	MF-1	1800 SF	50'	100'	50'	20'(e)	10'(c)	7'	80%	15'	18.0	439	2	790
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
11A07	28.14	2.78	25.36	8.26	SF-2	6000 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.8	122	3	366
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
11A09	3.54	1.04	2.50	1.04	O-1	N/A	N/A	N/A	120'(g)	25'	0'(b)	0'(b)	60%	25'	.75 FAR	N/A	N/A	N/A
11A10	50.13	3.48	46.65	14.71	SF-2	6000 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.8	224	3	672
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
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
11A13	11.44	1.42	10.02	3.36	SF-2	6000 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.8	48	3	144
11A14	27.73	2.67	25.06	8.14	SF-2	6000 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.8	120	3	360
TOTAL:	340.73	27.94	312.79	100.00												1,626		4,351

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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	Max Lot cover	Min Corner Side Yard	DU/AC	MAX. NO. DU's	POP/UNIT	PROJECTED POPULATION
11B01	87.78	5.47	76.83	14.32	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(e)	0' One Side/10' btwn bldgs	60%	15'	6.2	476	3	1,428
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
11B02	71.37	4.81	64.39	11.64	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(e)	0' One Side/10' btwn bldgs	60%	15'	6.0	386	3	1,158
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
11B03	82.26	1.86	78.04	13.42	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(e)	0' One Side/10' btwn bldgs	60%	15'	5.1	398	3	1,194
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
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
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
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
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
11B05	20.79	0.00	20.79	3.39	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(e)	0' One Side/10' btwn bldgs	60%	15'	5.2	108	3	324
11B06	5.07	0.73	4.34	0.83	R-1	N/A	N/A	N/A	35'	25'	0'(b)	0'(d)	50%	15'	.40 FAR	N/A	N/A	N/A
11B07	66.03	3.17	61.97	10.77	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(e)	0' One Side/10' btwn bldgs	60%	15'	5.4	335	3	1,005
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
11B08	29.90	1.75	28.15	4.88	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(e)	0' One Side/10' btwn bldgs	60%	15'	5.6	158	3	474
11B09	28.63	2.41	23.57	4.67	MF-1	1800 SF	50'	100'	50'	20'(e)	10'(c)	7'	80%	15'	12.5	295	2	531
11B09a			2.65	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
11B10	25.46	1.28	24.18	4.15	R-1	N/A	N/A	N/A	35'	25'	0'(b)	0'(d)	50%	15'	.40 FAR	N/A	N/A	N/A
11B11	14.27	1.39	12.68	2.33	SF-3.5	3300 SF	50'	55'	35'	0'	5'	10' Between Bldgs	60%	0'	7.00	90	3.0	270
11B12	38.36	2.99	34.36	6.26	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(e)	0' One Side/10' btwn bldgs	60%	15'	5.1	175	3	525
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
11B13	10.25	0.00	10.25	1.67	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
11B14	2.95	0.45	2.50	0.48	R-1	N/A	N/A	N/A	35'	25'	0'(b)	0'(d)	50%	15'	.40 FAR	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 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	Max Lot cover	Min Corner Side Yard	DU/AC	MAX. NO. DU's	POP/UNIT	PROJECTED POPULATION
1201	22.78	2.74	20.04	4.75	R-1	N/A	N/A	N/A	35'	25'	0'(b)	0'(d)	50%	15'	.40 FAR	N/A	N/A	N/A
1202	26.37	2.01	24.36	5.50	MF-1	1800 SF	50'	100'	50'	20'(e)	10'(c)	7'	80%	15'	18.0	438	2	788
1203	13.05	1.46	11.59	2.72	SF-3.5	3300 SF	50'	55'	35'	0'	5'	10' Between Bldgs	60%	0'	7.00	81	3.0	243
1204	55.61	3.33	52.28	11.60	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' btwn bldgs	60%	15'	5.8	303	3	909
1205	58.99	1.46	57.53	12.30	SF-2	6000 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.8	276	3	828
1206	64.12	4.49	59.63	13.37	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' btwn bldgs	60%	15'	5.8	346	3	1,038
1207	13.02	1.41	11.61	2.71	SF-3.5	3300 SF	50'	55'	35'	0'	5'	10' Between Bldgs	60%	0'	7.00	81	3.0	243
1208	25.93	1.95	23.98	5.41	MF-1	1800 SF	50'	100'	50'	20'(e)	10'(c)	7'	80%	15'	18.0	432	2	778
1209	14.10	2.10	12.00	2.94	R-1	N/A	N/A	N/A	35'	25'	0'(b)	0'(d)	50%	15'	.40 FAR	N/A	N/A	N/A
1210	52.13	5.53	46.60	10.87	SF-2	6000 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.8	224	3	672
1211	21.99	1.75	20.24	4.59	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' btwn bldgs	60%	15'	5.6	113	3	339
1212	42.03	5.38	36.65	8.76	SF-2	6000 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.8	176	3	528
1213	11.39	0.73	10.66	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
1214	11.00	0.06	10.94	2.29	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
1215	25.97	2.24	23.73	5.42	SF-2	6000 SF	50'	90'	35'	20'	20'(e)	5'	60%	15'	4.8	114	3	342
1216	10.79	0.79	10.00	2.25	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
1217	10.30	0.30	10.00	2.15	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
TOTAL:	479.57	37.73	441.84	100.00												2,584		8,708

PLANNING AREA 13

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	Max Lot cover	Min Corner Side Yard	DU/AC	MAX. NO. DU's	POP/UNIT	PROJECTED POPULATION
1301	45.42	1.02	39.96	100.00	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' btwn bldgs	60%	15'	6.4	256	3	768
1301a			4.44	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
TOTAL:	45.42	1.02	39.96	100.00												256		768

PLANNING AREA 14

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	Max Lot cover	Min Corner Side Yard	DU/AC	MAX. NO. DU's	POP/UNIT	PROJECTED POPULATION
1401A	33.46	2.80	30.66	20.40	SF-2	6000 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.8	147	3	441
1401B	31.39	0.73	30.66	19.14	SF-1	7200SF	60'	100'	35'	20'	20'(a)	10 % of Lot Width	60%	15'	3.80	117	3.0	351
1402	22.02	2.02	20.00	13.43	SFA-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' btwn bldgs	60%	15%	12.0	240	3	720
1403	14.09	2.09	12.00	8.59	R-1	N/A	N/A	N/A	35'	25'	0'(b)	0'(d)	50%	15'	.40 FAR	N/A	N/A	N/A
1404	42.76	2.72	40.04	26.07	SF-2	6000 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.8	192	3	576
1405	6.97	0.23	6.74	4.25	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
1406	11.52	0.03	11.49	7.02	SF-2	6000 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.8	55	3	165
1407	1.79	0.58	1.21	1.09	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
TOTAL:	164.00	11.20	152.80	100.00												751		2,253

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EXHIBIT "B"

PLANNING AREA 15

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	Max Lot cover	Min Corner Side Yard	DU/AC	MAX. NO. DU's	POP/UNIT	PROJECTED POPULATION
1501	142.52	6.34	136.18	46.67	SF-2	6000 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.8	654	3	1,962
1502	14.15	2.15	12.00	4.63	R-1	N/A	N/A	N/A	35'	25'	0'(b)	0'(d)	50%	15'	.40 FAR	N/A	N/A	N/A
1503	21.81	1.81	20.00	7.14	SF-3.5	3300 SF	50'	55'	35'	0'	5'	10' Between Bldgs	60%	0'	7.00	140	3.0	420
1504	22.00	2.58	19.42	7.20	SFA-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' btwn bldgs	60%	15%	12.0	233	3.0	699
1505	12.29	0.29	12.00	4.02	R-1	N/A	N/A	N/A	35'	25'	0'(b)	0'(d)	50%	15'	.40 FAR	N/A	N/A	N/A
1506	25.10	2.64	22.46	8.22	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' btwn bldgs	60%	15'	5.8	130	3	390
1507	11.33	1.33	10.00	3.71	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
1508	10.86	0.86	10.00	3.56	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
1509	45.29	3.25	42.04	14.83	SF-1	7200SF	60'	100'	35'	20'	20'(a)	10 % of Lot Width	60%	15'	3.80	160	3.0	480
TOTAL:	305.35	21.25	284.10	100.00												1,317		3,951

Footnotes:

- (a) Setback may be 10' when adjacent to private recreation open space or 0' when adjacent to lake or water body.
- (b) 25 feet required when abutting any District requiring a rear (side) yard, or where abutting a Golf Course.
- (c) When adjacent to Residential District, the greater rear yard requirement of the two will prevail.
- (d) 15 feet required when abutting any zone requiring a side yard.
- (e) May be reduced to 10' with site plan approval.
- (f) Office, Hotel, & Multi-Family up to 260' are permitted.
- (g) Building height may not exceed 35' unless required yards are increased by one foot for each one foot of additional building height.

REVISION 11-28-00:FINAL ACREAGE RECONCILIATION
 REVISION 12-21-00:REVISE PA 11A, 11B, 13, 14 & 15; PER CITY COMMENTS
 REVISION 2-06-01:ADD OS IN PA 11B AND PA 13
 REVISION 2-13-01:REVISE TR 1401 & 1509 AND COLLECTOR STRTEETS IN PA 11B & 13

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CUSTER WEST PARTNERS, L.P.

AERO COUNTY AIRPORT



0 400 800 1600
SCALE IN FEET

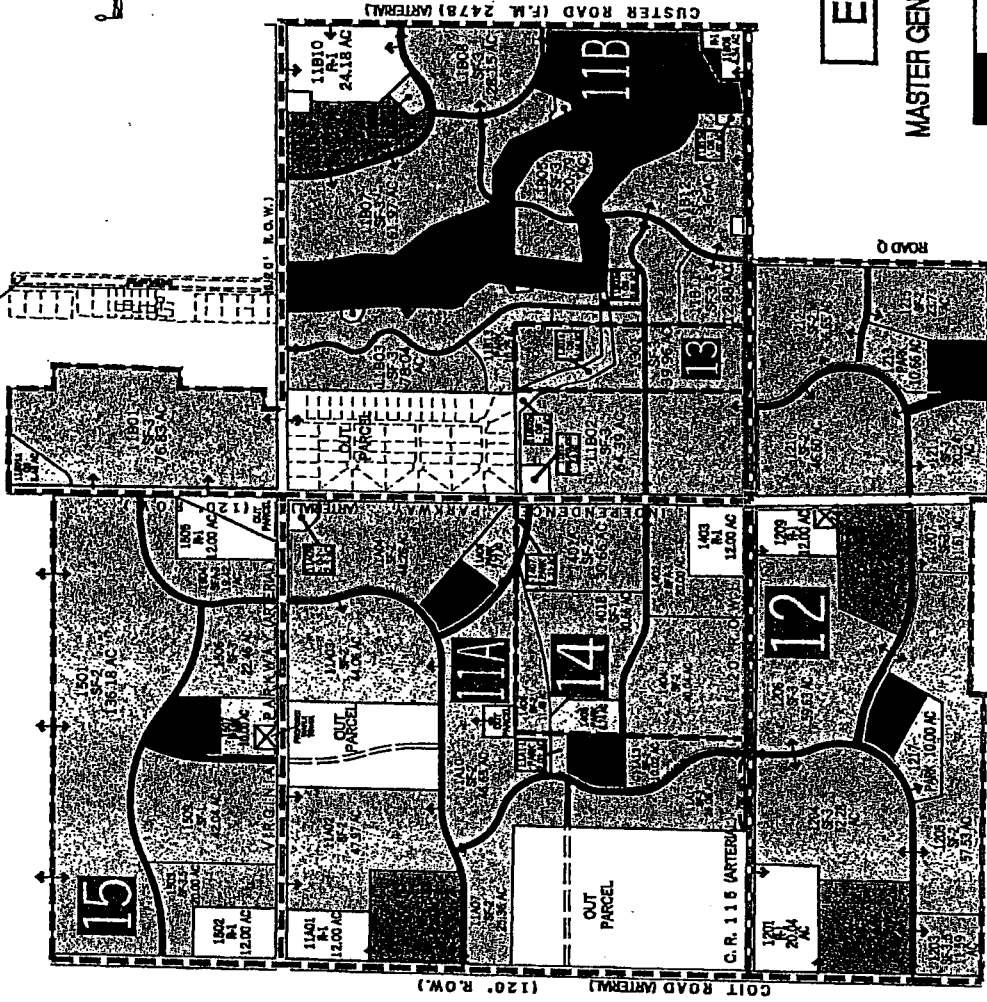


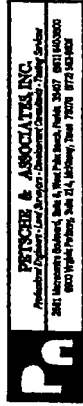
EXHIBIT A-1

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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 HIKE/BIKE TRAIL
- OPEN SPACE
- GOLF COURSE

EXHIBIT "C"