

ORDINANCE NO. 2006-07-092

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAN AN APPROXIMATELY 15 ACRE TRACT, GENERALLY LOCATED 1750 FEET NORTH OF COLLIN COUNTY ROAD 152 AND EAST OF ALMA ROAD, IS ZONED TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR RESIDENTIAL USES; 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 located 1750 Feet North of Collin County Road 152 and East of Alma Road, from "AG" – Agricultural, to "PD" – Planned Development, generally for residential uses, 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 located 1750 feet north of Collin County Road 152 and east of Alma Road, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "AG" – Agricultural, to "PD" – Planned Development, generally for residential uses.

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

1. Lot 1, as shown on Exhibit "B" attached hereto, of the subject property shall conform to the "RS 84" – Single-Family Residence District as set forth in Section 41-66 of the Zoning Ordinance.
2. Use and Development of Lot 2, as shown on Exhibit "B" attached hereto, of the subject property shall conform to the "RS 45" – Single-Family Residence District – Zero Lot Line Homes as set forth in Section 41-69 of the Zoning Ordinance, with the following exceptions:
 - a. All lots shall have a minimum lot depth of 95 feet.
 - b. The subject property shall generally conform to the General Development Plan, as shown on Exhibit "C" attached hereto.
3. Lot 1, if redeveloped, and Lot 2 of the subject property shall conform to the standards of the

Regional Employment Center (REC) Overlay District, and as amended.

4. The screening requirements for the proposed church on Lot 1 shall be suspended until the adjacent properties currently zoned for residential uses are developed for residential uses. The owner of Lot 1 shall have 120 days from the time the first residential building permit is issued by the City to install a screening device in accordance with Section 41-205 of the Zoning Ordinance.
5. The requirement on Lot 1 for one large tree to be planted every 40 feet within a 10 foot landscape buffer adjacent to a residential use shall be suspended until the adjacent properties that are currently zoned for residential uses are developed for residential uses. The owner of Lot 1 shall have 120 days from the time the first residential building permit is issued by the City to install the required landscaping in accordance with Section 41-211 of the Zoning Ordinance.

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.

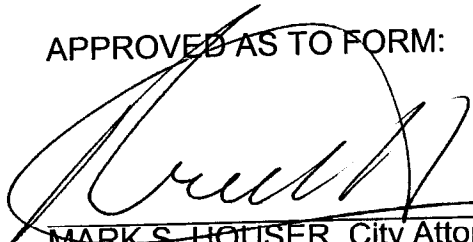
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 18th DAY OF JULY, 2006.


BRIAN LOUGHMILLER, Mayor Pro-Tem

CORRECTLY ENROLLED:


SANDY HART, CMC, City Secretary
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

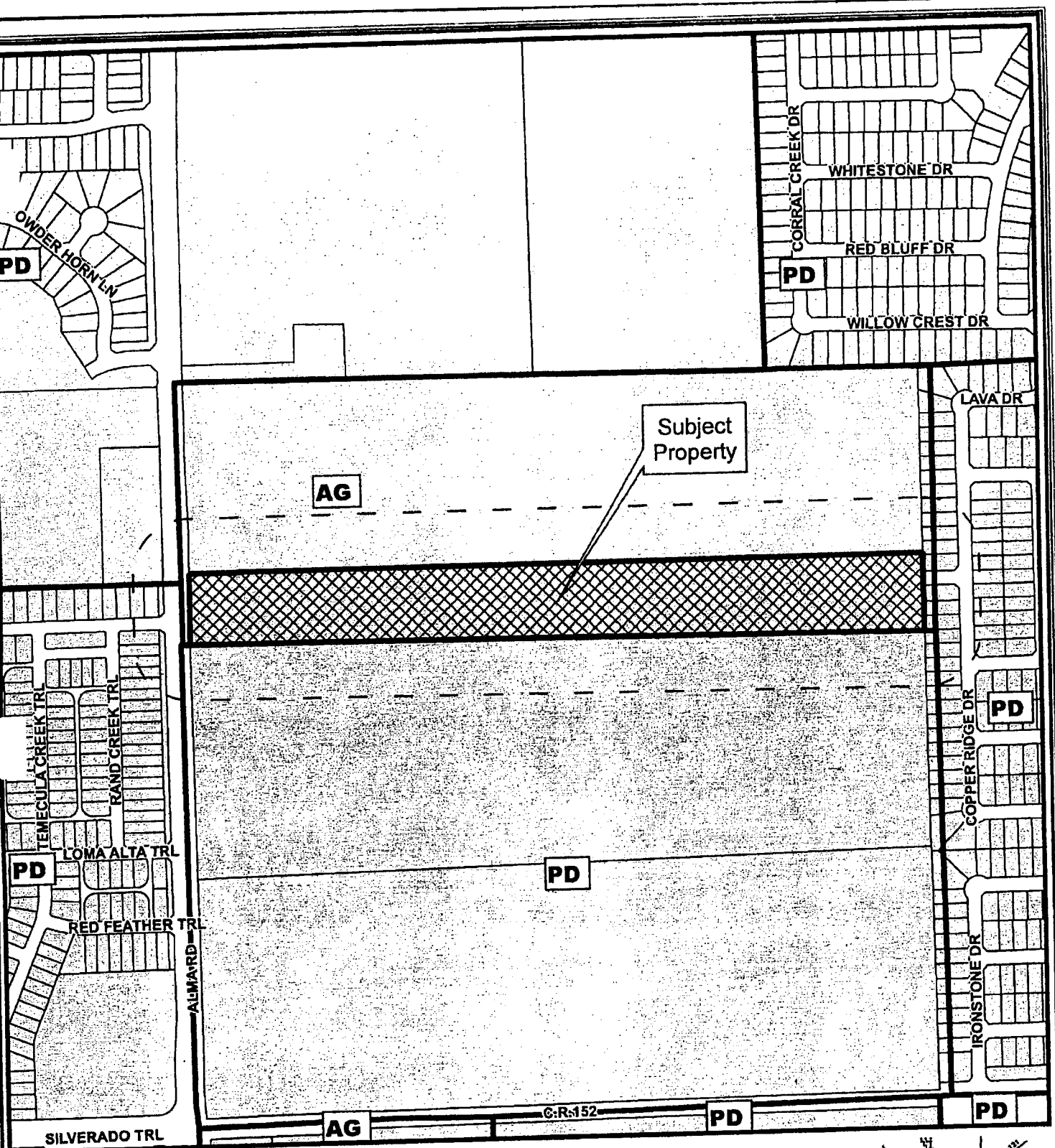
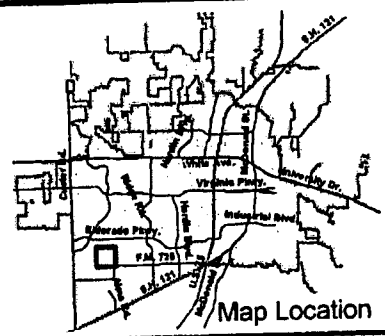
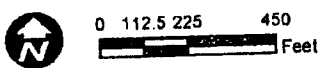


EXHIBIT "A"

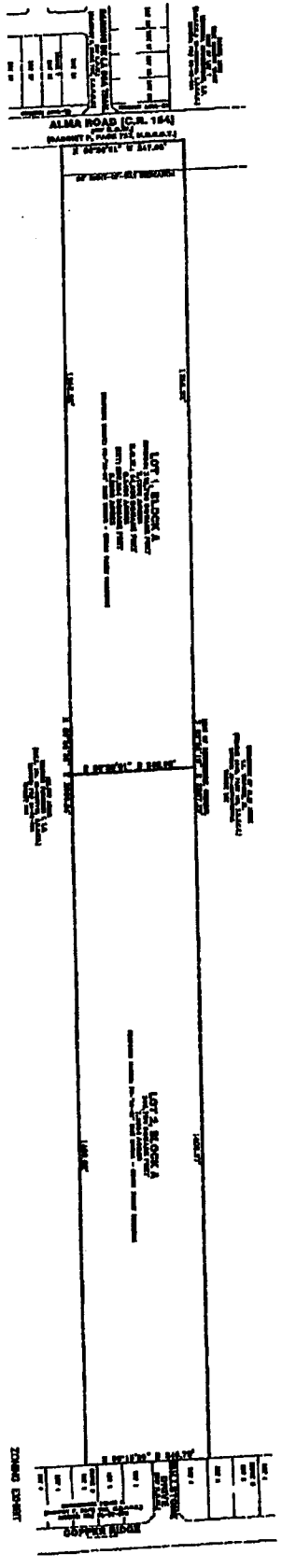
Notice Case #: 06-231Z

R-6390-000-0120-1

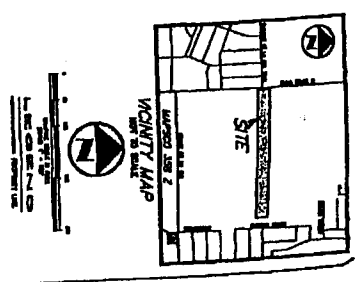
--- 200' Notification Buffer



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.



JAN 13 2006
PLANNING



STATE OF TEXAS
COUNTY OF TARRANT

EXHIBIT 4 B

FELLOWSHIP OF STONEBRIDGE
3445 ALMA ROAD
GEORGE HERNDON SURVEY, ABSTRACT NO. 390
CITY OF McWINEY TEXAS

NO.	DATE	REVISION / DESCRIPTION
1	02-23-06	AS SHOWN
2	02-23-06	AS SHOWN

LOT 1, BLOCK A
FELLOWSHIP OF STONEBRIDGE, INC.
2870 WINDYBUSH, TOWN OF WINDYBUSH
MC WINEY, TEXAS 75074
(972) 567-8556 FAX
(972) 567-8554 FAX

LOT 3, BLOCK A
FELLOWSHIP OF STONEBRIDGE, INC.
2870 WINDYBUSH, TOWN OF WINDYBUSH
MC WINEY, TEXAS 75074
(972) 567-8556 FAX
(972) 567-8554 FAX

POGUE

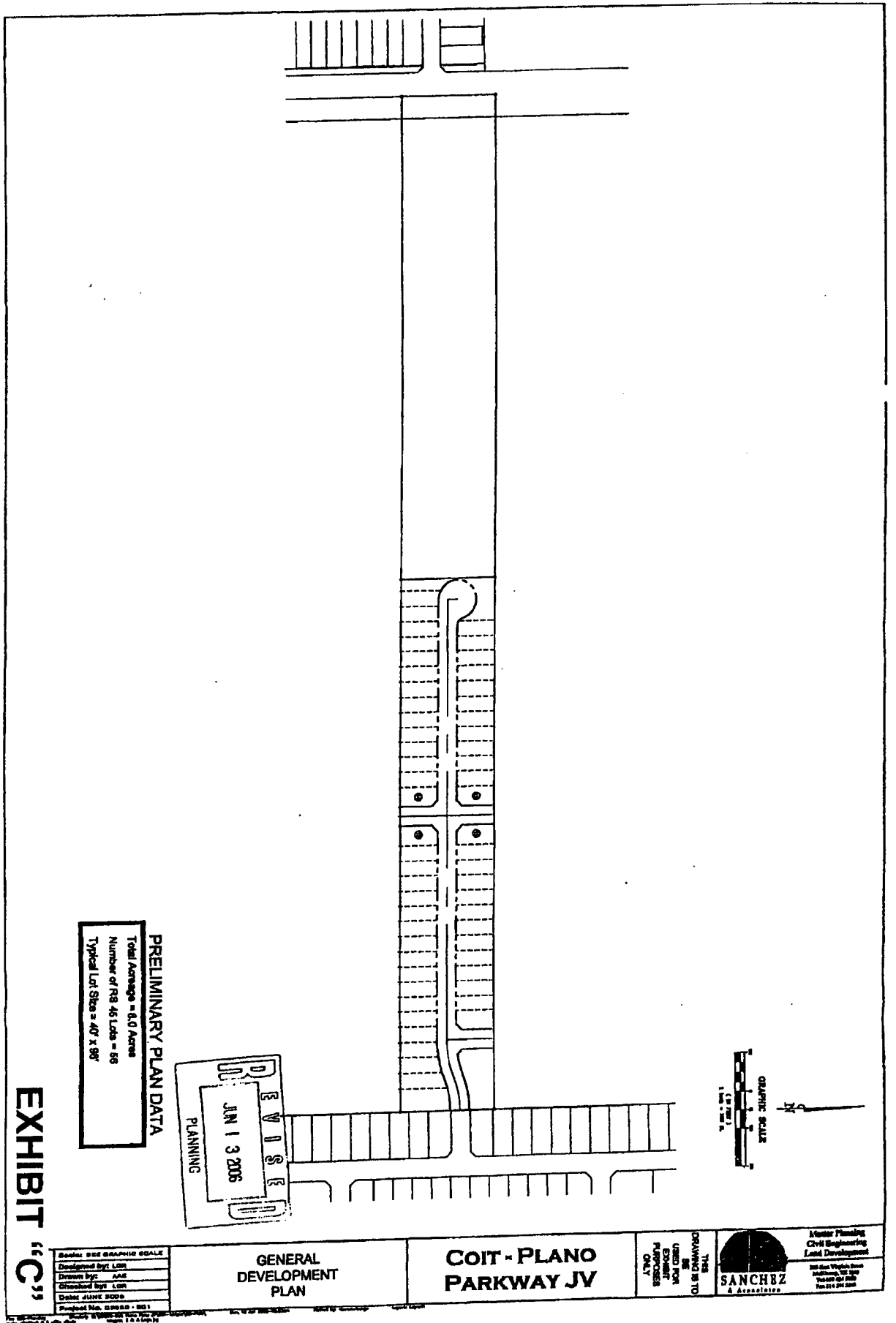
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PRELIMINARY PLAN DATA
 Total Acreage = 8.0 Acres
 Number of R18 45 Lots = 66
 Typical Lot Size = 40' x 98'

REVISION
 JUN 13 2006
 PLANNING

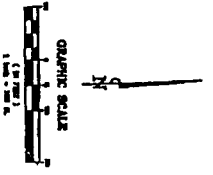


EXHIBIT C

Revised by	SEE GRAPHIC SCALE
Designed by	LOM
Drawn by	AAC
Checked by	LOM
Date	JUNE 2006
Project No.	20060 - 001

GENERAL DEVELOPMENT PLAN

COIT - PLANO PARKWAY JV

THIS DRAWING IS TO BE USED FOR EXHIBIT PURPOSES ONLY

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