

ORDINANCE NO. 2006-05-054

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2005-01-005 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 23.4 ACRE TRACT LOCATED ON THE SOUTH SIDE OF MCKINNEY RANCH PARKWAY AND APPROXIMATELY 1500 FEET WEST OF LAKE FOREST DRIVE, IS REZONED TO "PD" – PLANNED DEVELOPMENT DISTRICT, TO "PD" – PLANNED DEVELOPMENT DISTRICT FOR TOWNHOMES 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 23 acre tract located on the south side of McKinney Ranch Parkway and approximately 1500 feet west of Lake Forest Drive, from "PD" – Planned Development District, to "PD" – Planned Development District generally for townhomes 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. 2005-01-005 is hereby amended so that an approximately 23 acre tract located on the south side of McKinney Ranch Parkway and approximately 1500 feet west of Lake Forest Drive, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "PD" – Planned Development District, to "PD" – Planned Development District generally for townhomes and "REC" – Regional Employment Center Overlay District.

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

1. The subject property shall develop in accordance with "PD" – Planned Development District Ordinance No. 05-01-005, and as amended, with the following exception:
 - (a) The subject property shall generally develop in accordance with the attached general development plan, Exhibit "B".
2. The required two shade trees per lot may be planted elsewhere on site, totaling 326.
3. The subject property develop according to the Regional Employment Center Overlay (REC) District standards, with the following exceptions:

- (a) Three unit buildings be permitted.
- (b) Three story buildings be permitted.

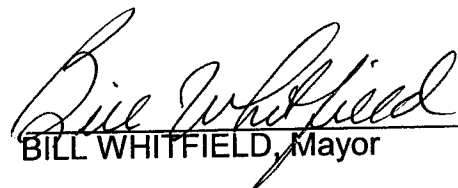
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of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

Section 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.

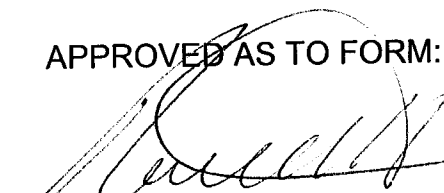
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 2ND DAY OF MAY, 2006.

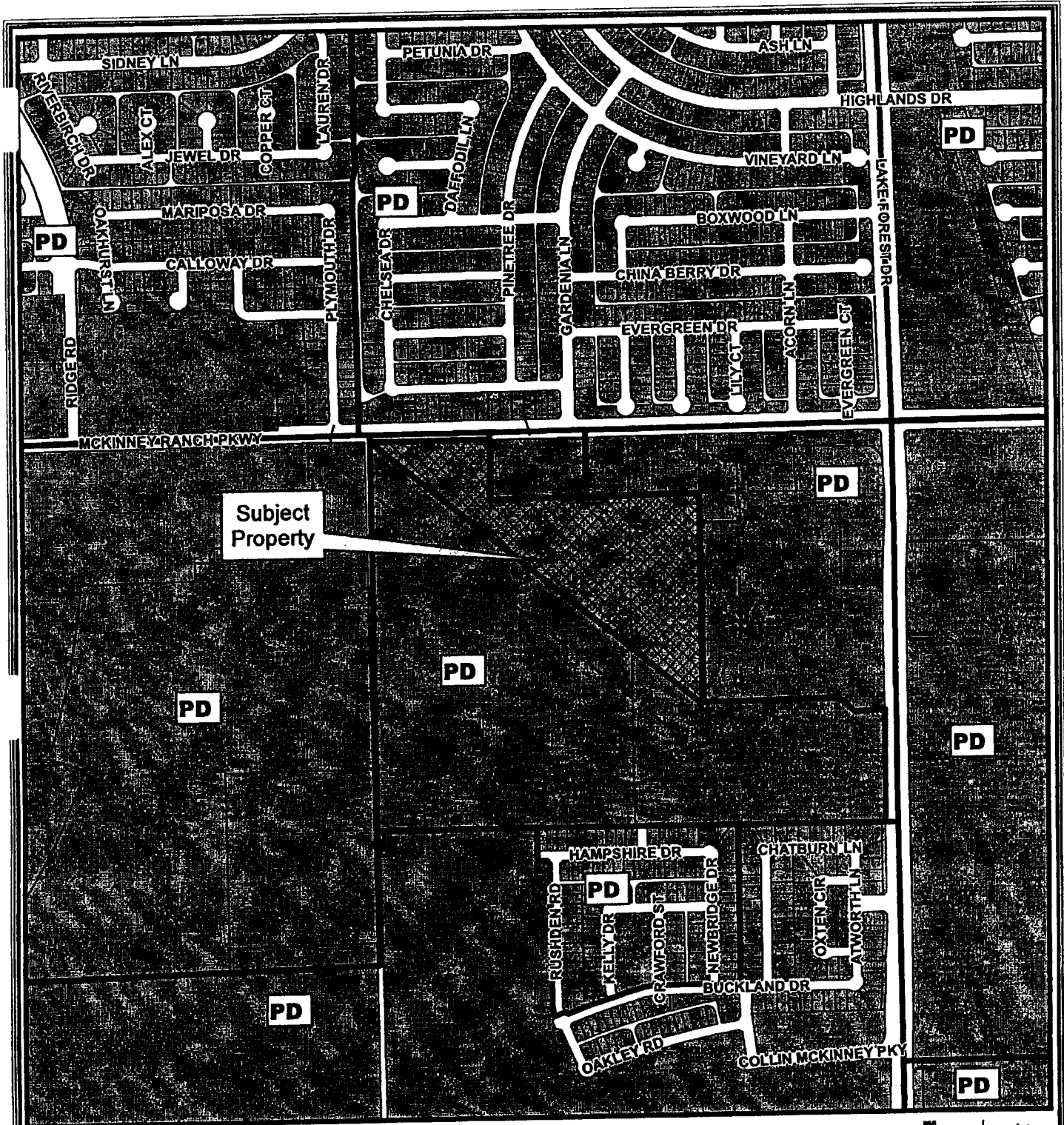

BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:


SANDY HART, CMC
City Secretary
BEVERLY COVINGTON
Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney



Subject Property

PD

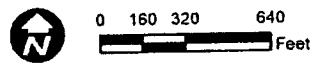
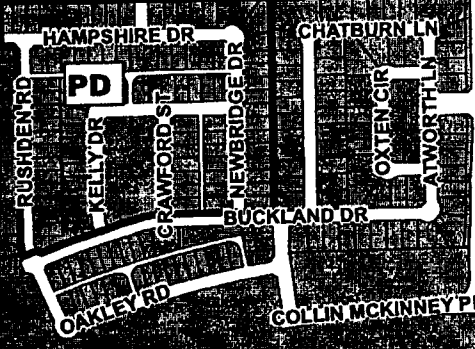
PD

PD

PD

PD

PD



Notification Case

Notice Case #: 06-033Z

R-6392-000-0090-1

--- 200' Notification Buffer

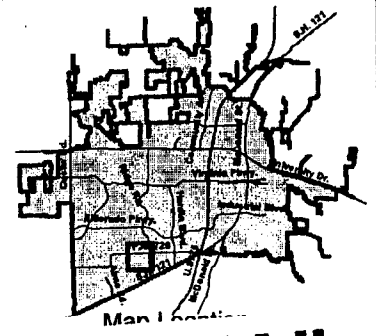


EXHIBIT "A"

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancy

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PECAN PARK

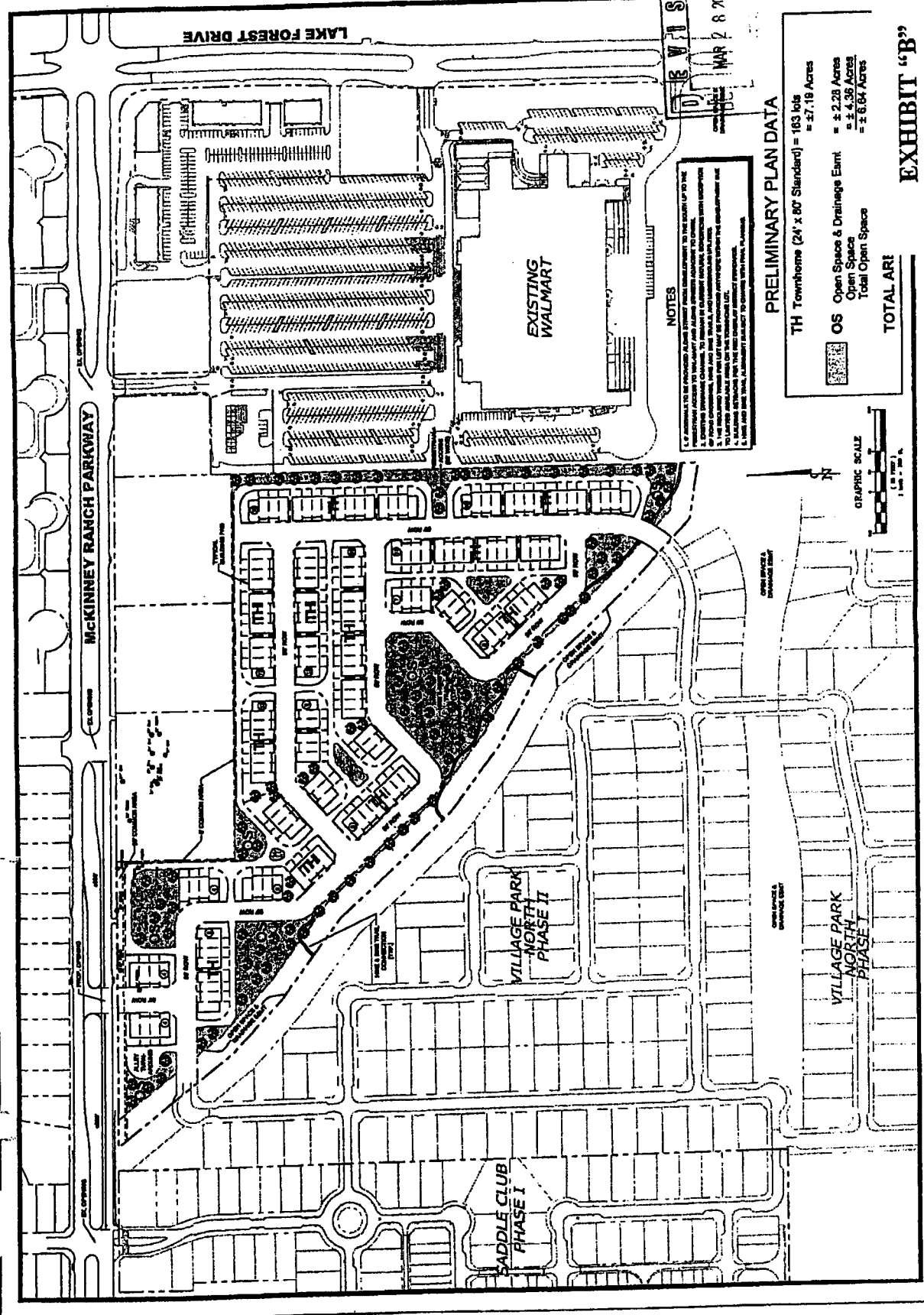
GENERAL DEVELOPMENT PLAN

THIS DRAWING IS TO BE USED FOR EXHIBIT PURPOSES ONLY.

SANCHEZ & ASSOCIATES
 Civil Engineering
 Land Development
 10000 N. Loop West, Suite 200
 Houston, TX 77040
 Tel: 281.485.1111
 Fax: 281.485.1112

Project: PECAN PARK	Scale: AS SHOWN
Drawn by: LCA	Checked by: LCA
Approved by: LCA	Approved by: LCA
Project No: 2008-001	Date: 03/10/09

EXHIBIT "B"



NOTES

1. ALL LOTS ARE TO BE DEVELOPED IN ACCORDANCE WITH THE CITY OF HOUSTON'S SUBDIVISION MAP ACT AND ALL APPLICABLE ORDINANCES AND REGULATIONS. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HOUSTON AND ALL APPLICABLE AGENCIES.

2. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY UTILITY SERVICES TO ALL LOTS AND SHALL BE RESPONSIBLE FOR THE COST OF SUCH SERVICES.

3. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY DRAINAGE SERVICES TO ALL LOTS AND SHALL BE RESPONSIBLE FOR THE COST OF SUCH SERVICES.

4. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY TRAFFIC SERVICES TO ALL LOTS AND SHALL BE RESPONSIBLE FOR THE COST OF SUCH SERVICES.

PRELIMINARY PLAN DATA

TH Townhome (24' x 80' Standard) = 183 lots
 = 27.19 Acres

OS Open Space & Drainage Easmt
 Open Space = ± 2.28 Acres
 = ± 4.36 Acres
 Total Open Space = ± 6.64 Acres

TOTAL ARI

EXHIBIT "B"