

ORDINANCE NO. 2004-08-087

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 04-02-017 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 47 ACRE TRACT, LOCATED APPROXIMATELY 750 FEET EAST OF GRAVES STREET AND APPROXIMATELY 450 FEET SOUTH OF LEE STREET, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT 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 47 acre tract located approximately 750 feet east of Graves Street, approximately 450 feet south of Lee Street, in order to amend the "PD" – Planned Development Zoning District.

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. 04-02-017 is hereby amended so that an approximately 47 acre tract located approximately 750 feet east of Graves Street and approximately 450 feet south of Lee Street 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 Residential Uses.

Section 2. Use and Development of the subject property shall conform to the Planned Development District Ordinance 04-02-017, and as amended, with the following exceptions:

(a) The subject property shall generally conform to the attached zoning exhibit (Exhibit "A").

(b) Street trees may be planted in the parkways located within the City rights-of-way with the following provisions: Street trees shall be irrigated and species must be approved by the City Arborist. Furthermore, protective installation measures will be mandatory, including root barrier protection or other similar products, in a reasonable and acceptable installation method, as approved by the City Arborist, Director of Public Works, and the City Engineer.

(c) Detached garages shall observe a three foot (3') minimum side yard and a five foot (5') minimum rear yard setback. Detached garages on corner lots shall observe the same street side yard setback as the main structure."

(d) The City Attorney shall review and approve Homeowners' Association documents which will provide for the Homeowners' Association Maintenance of street trees.

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.

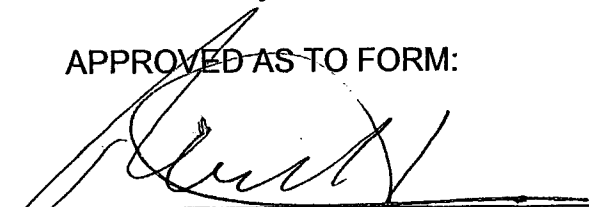
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 17th DAY OF AUGUST, 2004.

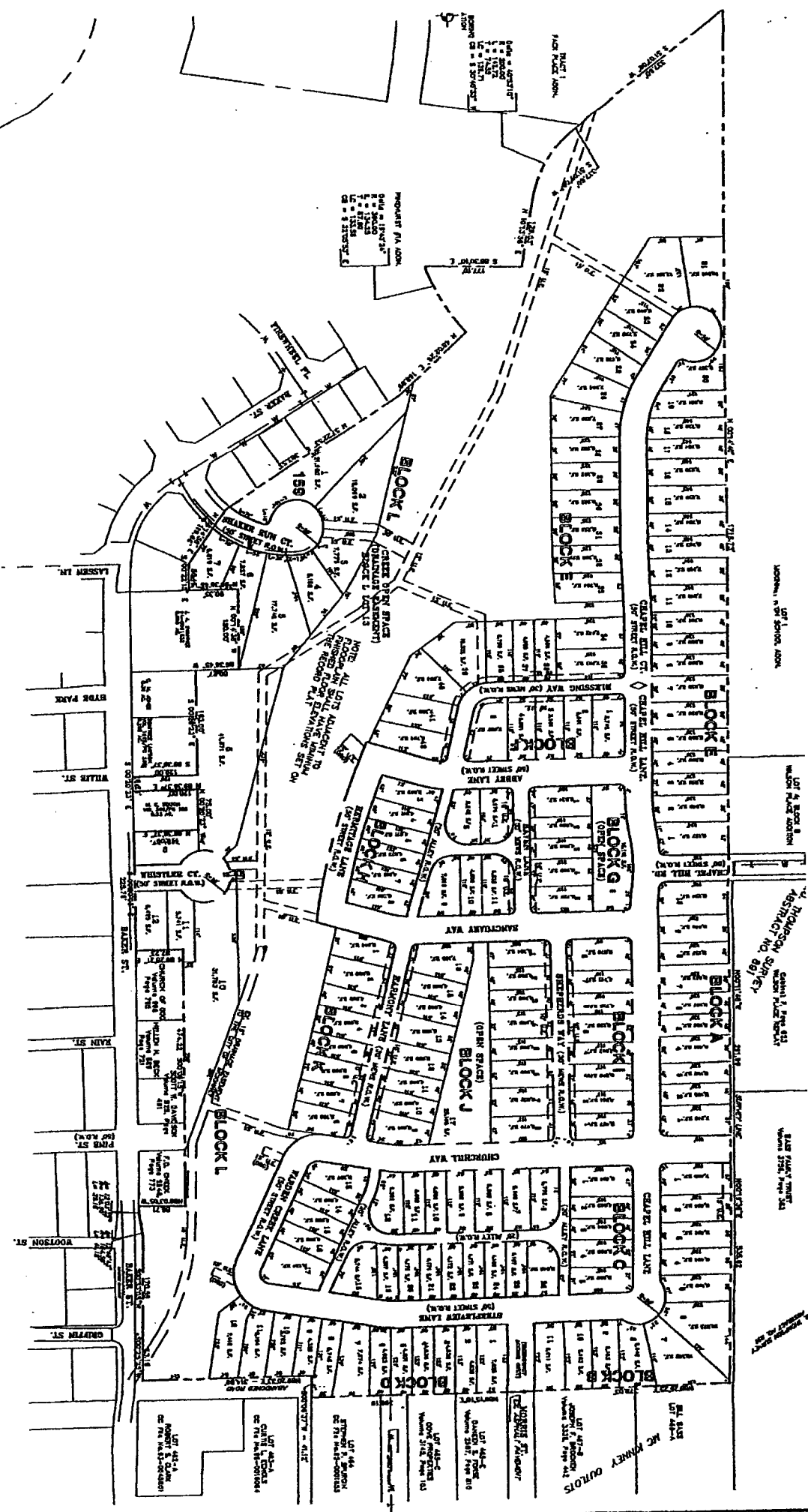

BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:


BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney



LAND USE SCHEDULE

LAND USE	ZONING	# OF LOTS	# OF UNITS	NET ACREAGE
SINGLE FAMILY RESIDENTIAL	PD	168	168	13,111
OPEN SPACE		189	2	12,229
TOTALS		189	169	41,340

- NOTES:**
1. PROPOSED ZONING: PD
 2. INTENSIFIED ZONING: PD
 3. INTERNAL STREET FRONTAGE: 1,145'-0" (SEE PLAN)
 4. INTERNAL TO ALLEYS HAVE 20' R.O.W.
 5. ALLEYS HAVE 25' B-B DIMENSION IN R.O.W.
 6. EROSION CONTROL: EROSION CONTROL MEASURES TO BE PROVIDED ON FINAL PLAN.
 7. GRADE SHALL BE AS SHOWN.
 8. STATE PLANT COVER TO BE PROVIDED ON FINAL PLAN.

THE SEAL APPEARING ON THIS ELECTRONIC DRAWING WAS AUTHORIZED BY RICHARD W. DOTTE, TX. NO. 74332 ON JULY 12, 2004.

Richard W. Dotte
7-11-04

OWNER/DEVELOPER:
LOWEY CORPORATION
745 LOCKBOX 88
FORT WORTH, TEXAS 76103
PHONE (817) 589-0000 FAX (817) 589-0000

ENGINEER:
DOTTIE, INC.
2553 EAST LOOP 820 NCR
FORT WORTH, TEXAS 76103
PHONE (817) 589-0000 FAX (817) 589-0000

47.546 ACRES OUT OF THE ED BRADLEY SURVEY, ABSTRACT 18
JULY 12, 2004

CHAPEL HILL
AN ADDITION TO THE
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

PRELIMINARY-FINAL PLAT FOR REVIEW PURPOSES ONLY
APPROVED FOR PREPARATION OF RECORD PLAT
APPROVED AND ACCEPTED:

MAYOR

JUL 20 2004

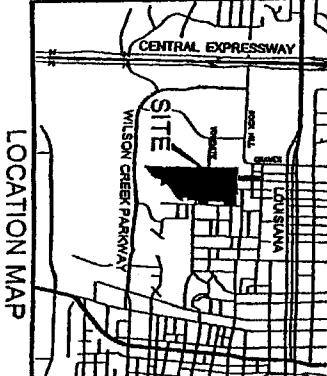


EXHIBIT 66A