

ORDINANCE NO. 2011-01-002

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 59.98 ACRE PROPERTY, LOCATED ON THE SOUTH SIDE OF BOIS D'ARC ROAD AND APPROXIMATELY 800 FEET WEST OF JORDAN ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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 59.98 acre property, located on the south side of Bois D'Arc Road and approximately 800 feet west of Jordan Road, be rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards, 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. Ordinance No. 1270 is hereby amended in order to rezone an approximately 59.98 acre property, located on the south side of Bois D'Arc Road and approximately 800 feet west of Jordan Road, which is more fully depicted on Exhibit A, attached hereto, is hereby rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards.

Section 2. Use and development of the subject property (59.98 acres), more fully depicted on Exhibit B, shall conform to the following regulations:

1. The subject property shall be developed in accordance with Section 146-74 "RS 84" – Single Family Residence District of the City of McKinney Zoning Ordinance, and as amended, except as follows:
 - a. Portable buildings be allowed on the subject property indefinitely.
 - b. The associated site plan for the portable buildings be approved administratively by Staff.
 - c. A maximum of 11 portable buildings be allowed on the subject property, generally in the locations shown on Exhibit B.

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

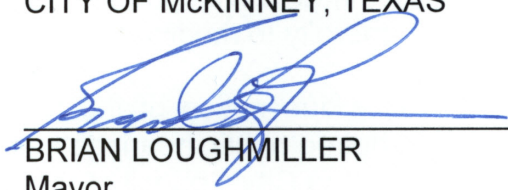
be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

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 THE 4th DAY OF JANUARY, 2011.

CITY OF MCKINNEY, TEXAS

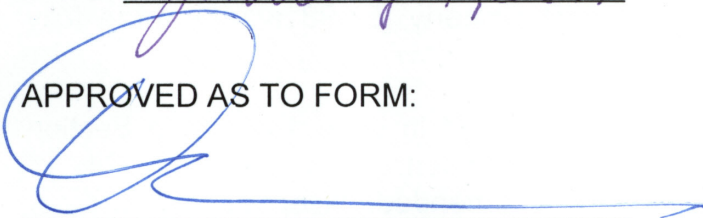

BRIAN LOUGHMILLER
Mayor

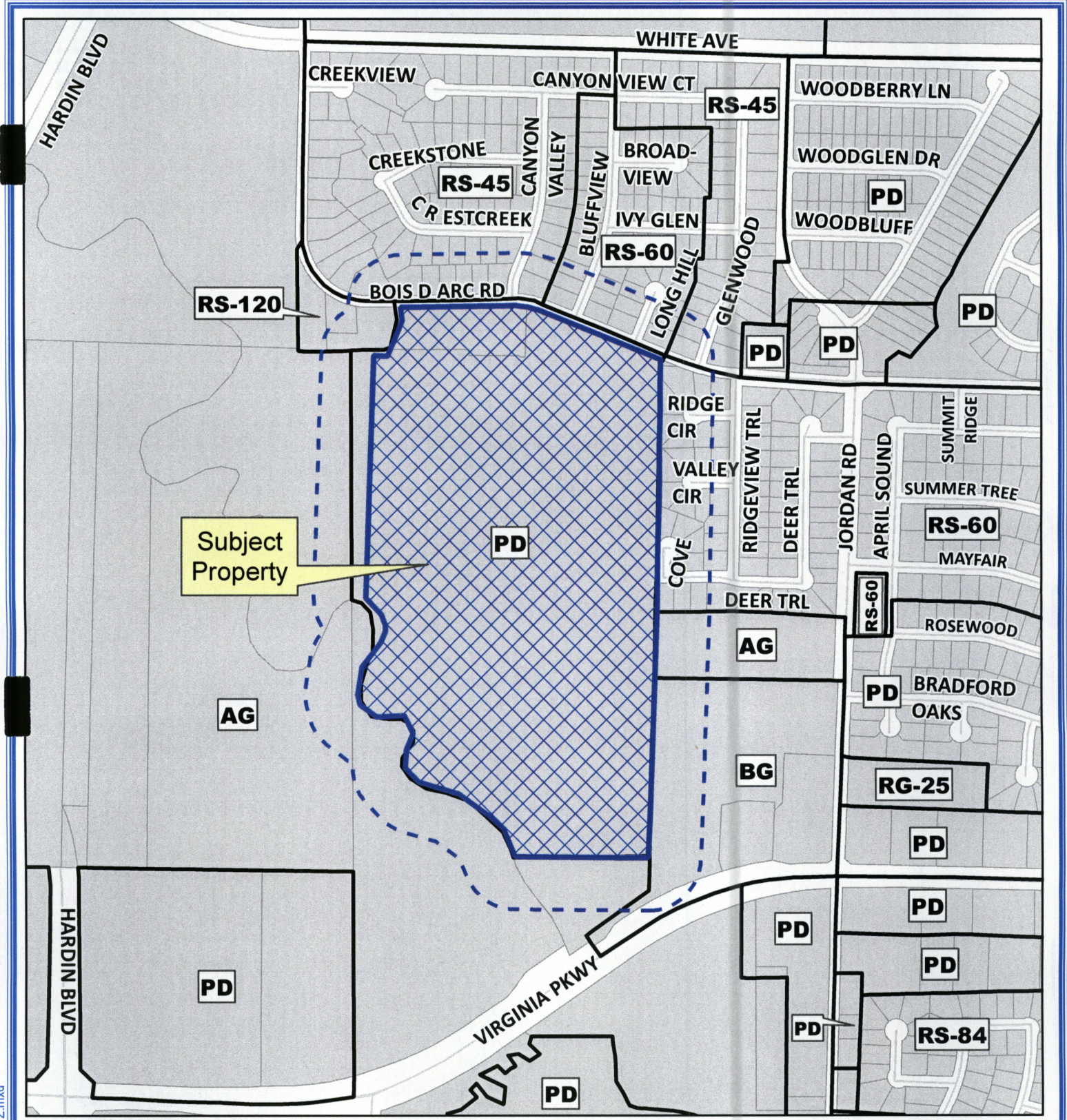
CORRECTLY ENROLLED:


SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

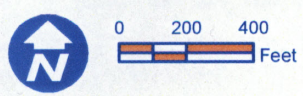
DATE: January 4, 2011

APPROVED AS TO FORM:


MARK S. HOUSER
City Attorney



Subject Property



Notification Case
 Notice Case: 10-117Z

--- 200' Notification Buffer

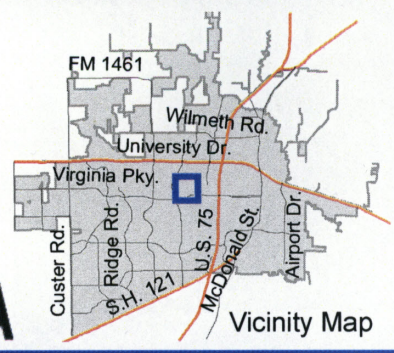


EXHIBIT A

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.

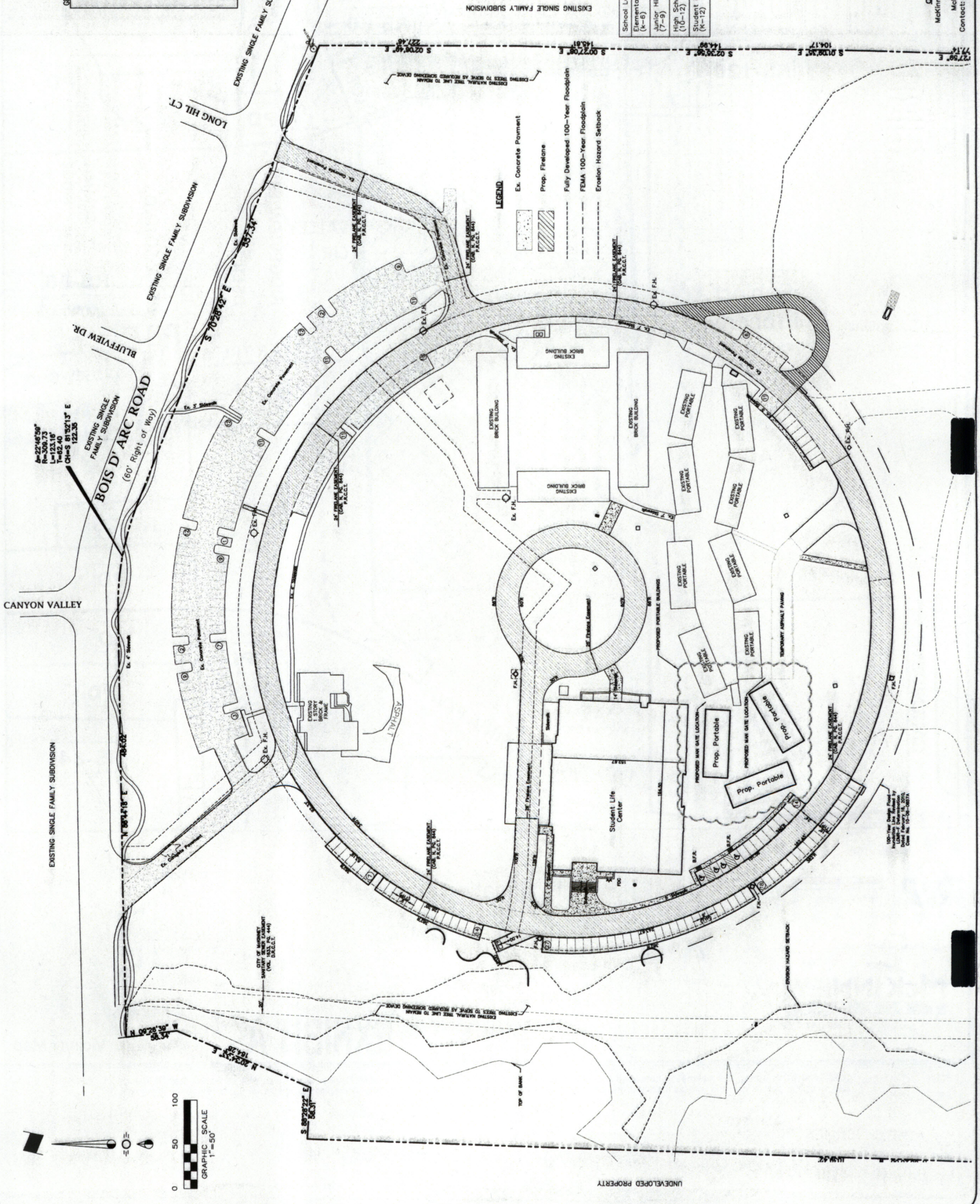
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GENERAL NOTES:
 1. THE SUBMITTAL SHALL BE IN CONFORMANCE WITH CHAPTER 15 OF THE CITY OF MCKINNEY CODE OF ORDINANCES.
 2. FIRE HYDRANTS TO BE SPACED A MAXIMUM OF 500'-0" O.C. FOR SPRINKLERED BUILDINGS AND 300'-0" O.C. FOR NON-SPRINKLERED BUILDINGS.
 3. FIRE HYDRANT REQUIRED WITH 100'-0" OF E.D.C. AND PREFERABLY AT CITY'S REQUEST, ON SAME SIDE OF BUILDING.
 4. "MECHANICAL AND HEATING AND AIR CONDITIONING EQUIPMENT IN NONRESIDENTIAL USES SHALL BE SCREENED FROM VIEW FROM PUBLIC RIGHT-OF-WAY AND FROM ADJACENT RESIDENTIAL PROPERTIES."
 5. "THE SANITATION CONTAINER SCREENING WALLS WILL BE BRICK CONSTRUCTION WITH 100% OPEN SCREENING WALLS, PAINTED AND THE SANITATION CONTAINER SCREENING WALLS, GATE, AND PAD SITE WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF MCKINNEY DESIGN SPECIFICATIONS."
 6. SANITATION CONTAINER SCREENING WALLS WILL BE BRICK CONSTRUCTION WITH 100% OPEN SCREENING WALLS, PAINTED AND THE SANITATION CONTAINER SCREENING WALLS, GATE, AND PAD SITE WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF MCKINNEY DESIGN SPECIFICATIONS."
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SYNOPSIS
 PD#2004-08-085
 59.98 AC. (2,612,791 S.F.)
 Current Zoning
 Lot Area
 Existing Buildings S.F.

School Level	Required Parking Ratio	Classrooms	Parking Required
Elementary School (K-6)	25 parking spaces per classroom	24	60
Junior High School (7-9)	25 parking spaces per classroom	8	20
High School (10-12)	8 parking spaces per classroom	10	80
Student Life (K-12)	8 parking spaces per classroom	4	32
	Total Parking Required		192
	Total Parking Provided		229



OWNER/DEVELOPER
 McKinney Christian Academy
 1101 Bois D'Arc
 McKinney, Texas 75069
 Contact: Kevin Finley
 (214) 544-XXXX

ENGINEER
 Cross Engineering Consultants, Inc.
 1101 Bois D'Arc
 McKinney, Texas 75069
 Telephone 972-562-4409
 Fax 972-562-4471