

ORDINANCE NO. 2012-12-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1452 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 5.50 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF COLLEGE STREET AND APPROXIMATELY 875 FEET NORTH OF ELDORADO PARKWAY, 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 5.50 acre property, located on east side of College Street and approximately 875 feet north of Eldorado Parkway, which is more fully depicted on Exhibits A and B, attached hereto, 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 HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

Section 1. Ordinance No. 1452 is hereby amended in order to rezone an approximately 5.50 acre property, more fully depicted on Exhibits A and B, located on east side of College Street and approximately 875 feet north of Eldorado Parkway, from "PD" – Planned Development District to "PD" – Planned Development District.

Section 2. Use and development of the subject property shall conform to "PD" – Planned Development District Ordinance No. 1452, except as follows:

- a. Occupancy of the facility shall be restricted to persons age 55 or older without children, in conformity with the Fair Housing Act.
- b. The facility shall provide transportation services, as well as recreational/enrichment/socialization activities, for its residents; no on-site health supervision or related care for residents is required.
- c. The maximum number of units allowed on the property shall be 160, which units may be individually metered.
- d. The maximum height of the facility shall be four (4) stories.
- e. The number of parking spaces to be provided shall be one (1) per unit and no less than 50% of those parking spaces shall be covered or enclosed.
- f. Garages and covered parking shall be allowed no closer than 10 feet from each side property line and no closer than 20 feet from of each front and rear property line.
- g. The minimum landscape buffer for front and rear yards shall be 20 feet; the minimum landscape buffer for side yards shall be 10 feet. Perimeter trees shall be planted on 30 foot centers; however, the

required minimum number of perimeter trees in the front yard may be grouped instead of spread.

- h. All exterior walls of the facility that are not located within a courtyard shall consist of no less than 85% brick, stone, synthetic stone or stucco; the balance may consist of hardi-plank, metal, wood or other exterior material approved by the City staff.
- i. Six (6) foot high masonry screening wall shall not be required along the side and rear property lines.

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 DECEMBER, 2012.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

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

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT B

LEGAL DESCRIPTION

5.50 ACRES

CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

BEING a tract of land situated in the Samuel McFarland Survey, Abstract No. 558, City of McKinney, Collin County, Texas and being part of Lot 2R, Block A, of "Lots 2R and 3, Block A and Lots 1 and 2, Block B of the Action Two Addition", an addition to the City of McKinney, Texas according to the plat recorded in Cabinet 2007, Page 135, Map Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at the southwest corner of said Lot 2R, Block A, in the east right-of-way line of College Street (a 60-foot wide right-of-way);

THENCE with said east right-of-way line, the following courses and distances:

North 15°33'27" East, a distance of 468.39 feet to a point for corner at the beginning of a non-tangent curve to the left;

With said non-tangent curve to the left, having a central angle of 9°50'20", a radius of 440.83 feet, a chord bearing and distance of North 10°40'24" East, 75.61 feet, and having an arc distance of 75.70 feet to a point for corner;

THENCE departing said east right-of-way line, North 82°14'06" East, a distance of 211.00 feet to a point for corner;

THENCE South 74°15'04" East, a distance of 227.05 feet to a point for corner in the west line of a tract of land described in Special Warranty Deed to K & H McKinney, LLC, recorded in Instrument No. 20060614000816160, Land Records of Collin County, Texas;

THENCE with said west line, the following courses and distances:

South 15°44'56" West, a distance of 144.19 feet to a point for corner;

South 16°04'48" West, a distance of 426.02 feet to the southeast corner of said Lot 2R, Block A and the northeast corner of Lot 3, Block A;

THENCE departing said west line and with the north line of said Lot 3, Block A, North 82°15'43" West, a distance of 413.85 feet to the **POINT OF BEGINNING** and containing 5.50 acres or 239,580 square feet of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Exhibit B

EXHIBIT B

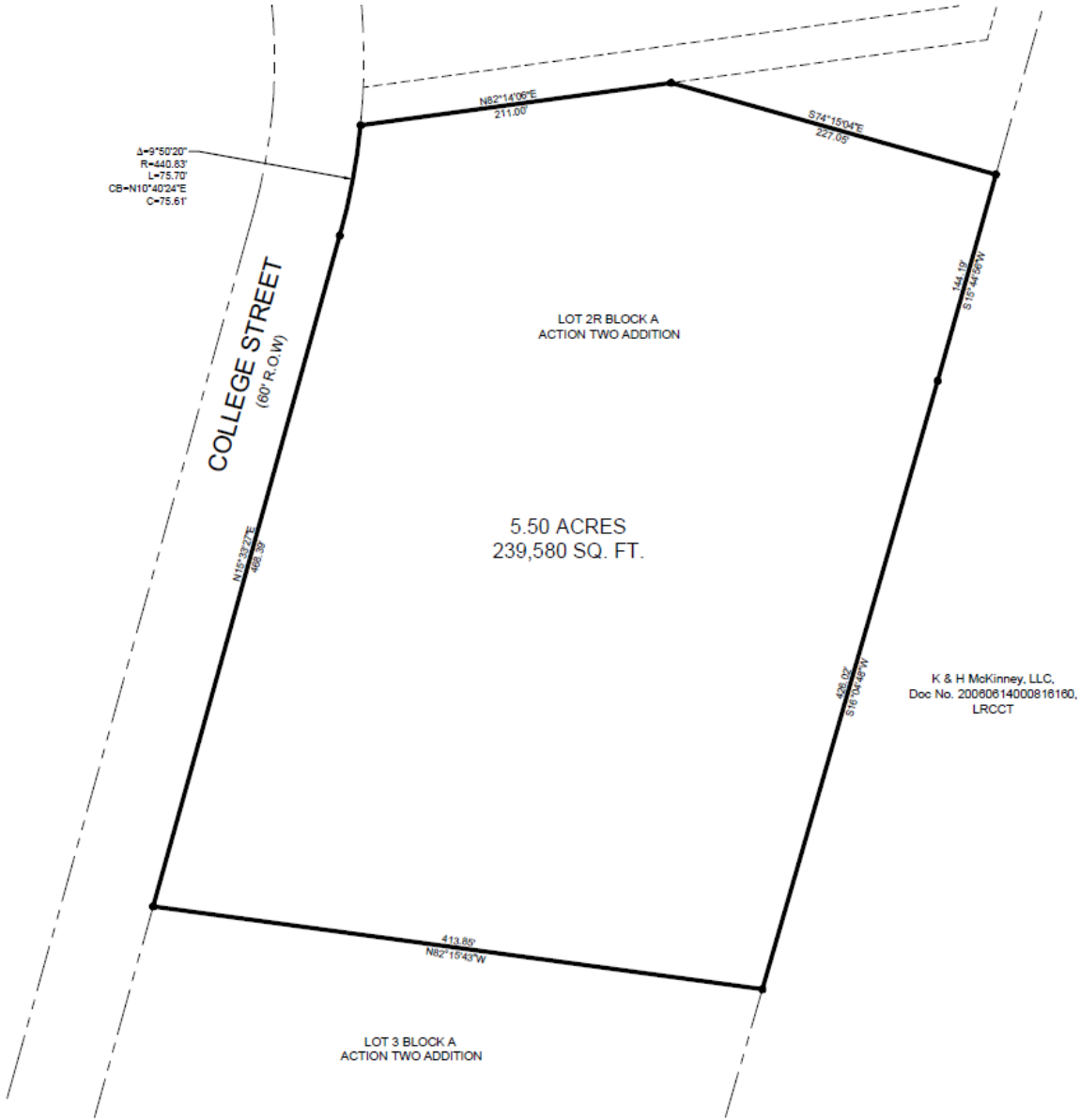


Exhibit B