

ORDINANCE NO. 2008-09-097

AN ORDINANCE AMENDING ORDINANCE NO. 2006-06-071 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 38.74 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF CUSTER ROAD AND FUTURE SILVERADO TRAIL, IS REZONED FROM "PD" – PLANNED CENTER DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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 38.74 acre property, located on the northeast corner of Custer Road and Future Silverado Trail, from "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District to "PD" – Planned Development District and "REC" – Regional Employment Center Overlay 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. 2006-06-071 is hereby amended so that an approximately 38.74 acre property, located on the northeast corner of Custer Road and Future Silverado Trail, which is more fully depicted on [Exhibit A](#) attached hereto, is hereby rezoned from "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District to "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District, generally to modify the development standards.

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

1. Tract 1, which is more fully depicted on [Exhibit B](#), shall be developed in accordance with the City of McKinney Zoning Ordinance and the Neighborhood Zone regulations as set forth in the "REC" – Regional Employment Center Overlay District, except as follows:
 - a. All permitted uses as stated in the "BN" – Neighborhood Business District of the City of McKinney Zoning Ordinance shall be allowed.
 - b. Buildings 6, 7, and 11-13, as shown on the attached general development plan, shall be limited to office uses only.
2. Tract 2, which is more fully depicted on Exhibit B, shall be developed for multi-family residential uses in accordance with

the City of McKinney Zoning Ordinance and the Neighborhood Zone regulations as set forth in the "REC" – Regional Employment Center Overlay District, except as follows:

- a. Buildings 2 and 5 shall be allowed a maximum height of 3 stories.
 - b. Covered parking shall not be required on the subject property.
 - c. Carports shall be prohibited on the subject property.
 - d. The 20 foot tandem space located in front of a garage may be counted towards the minimum parking requirements as set forth by the Zoning Ordinance.
3. The northern property line shall develop in accordance with the attached landscape exhibit (Exhibit D), and all proposed trees shall have a minimum caliper of 3" and/or a minimum height of 10' at the time of planting.
 4. The subject property shall generally develop in accordance with the attached general development plan (Exhibit C).
 5. The access drives, hike and bike trails, and landscaping located on the northwest portion of the subject property may be modified slightly with site plan approval.

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.

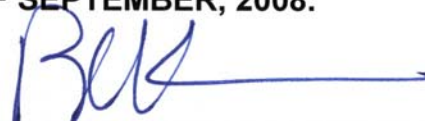
Section 5.

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 16TH DAY OF SEPTEMBER, 2008.



BILL COX, Mayor Pro-Tem

CORRECTLY ENROLLED:



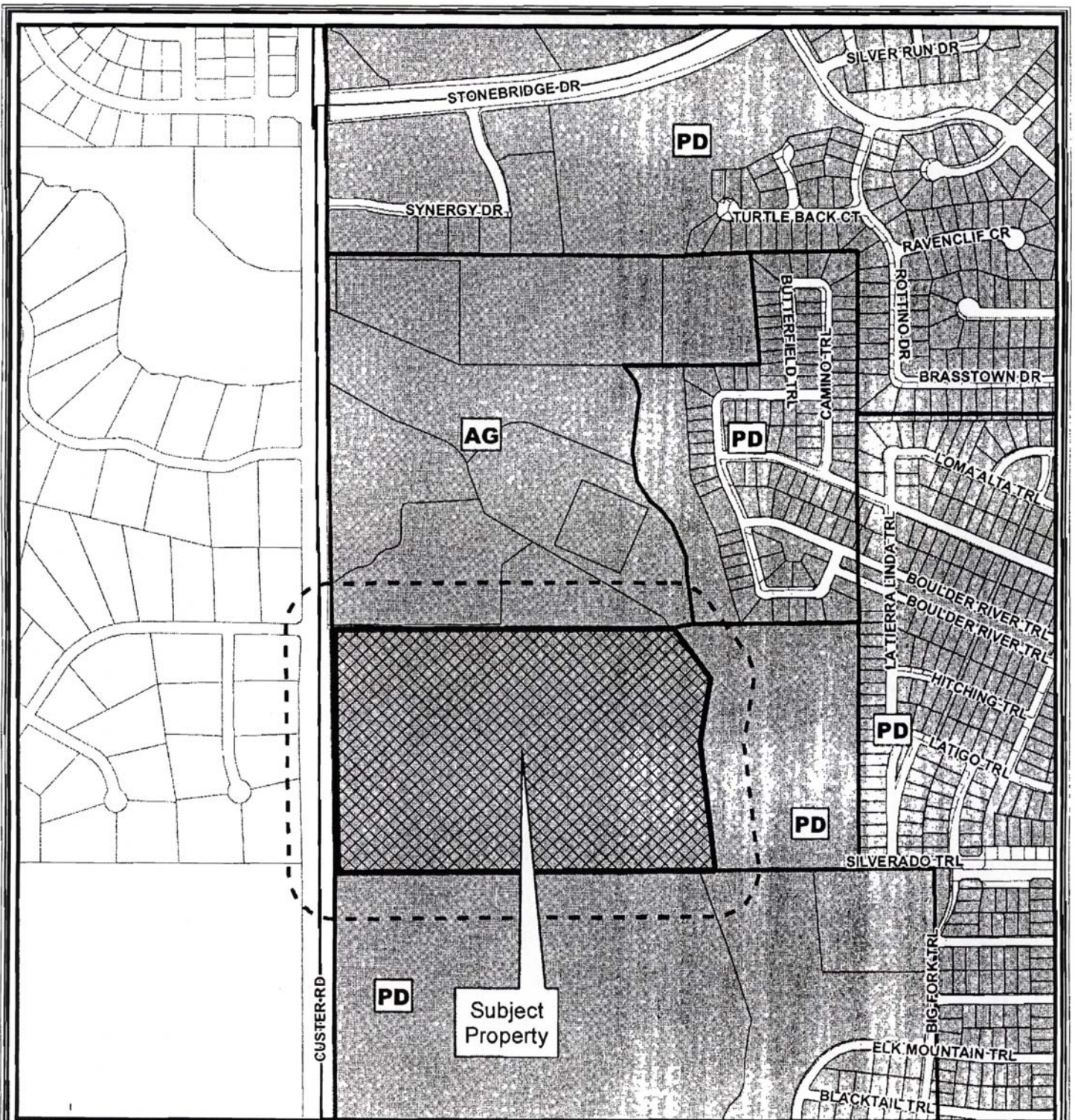
SANDY HART, TRMC, MMC
City Secretary
BEVERLY COVINGTON, TRMC, CMC
Deputy City Secretary

DATE: September 17, 2008

APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney



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Notification Case

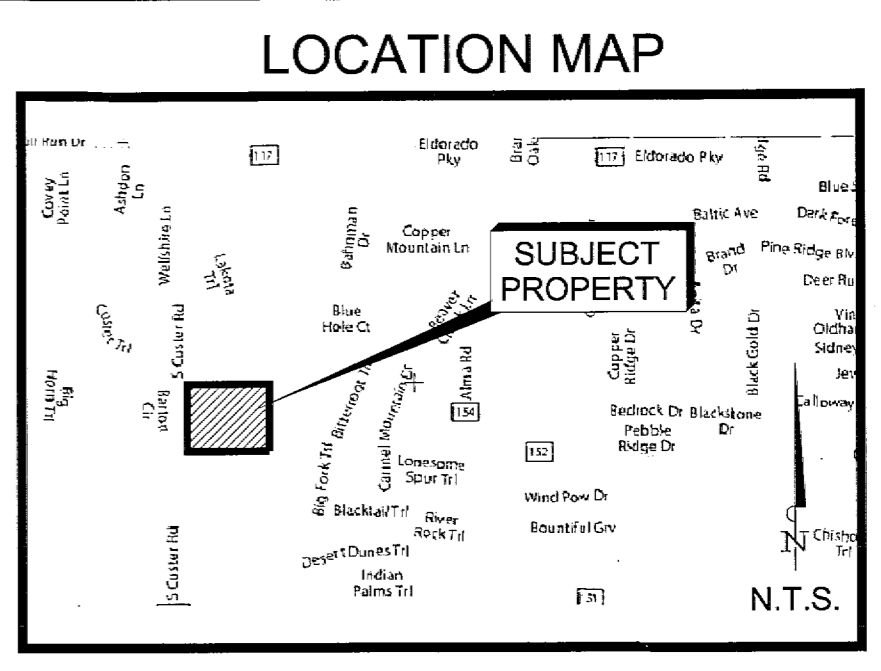
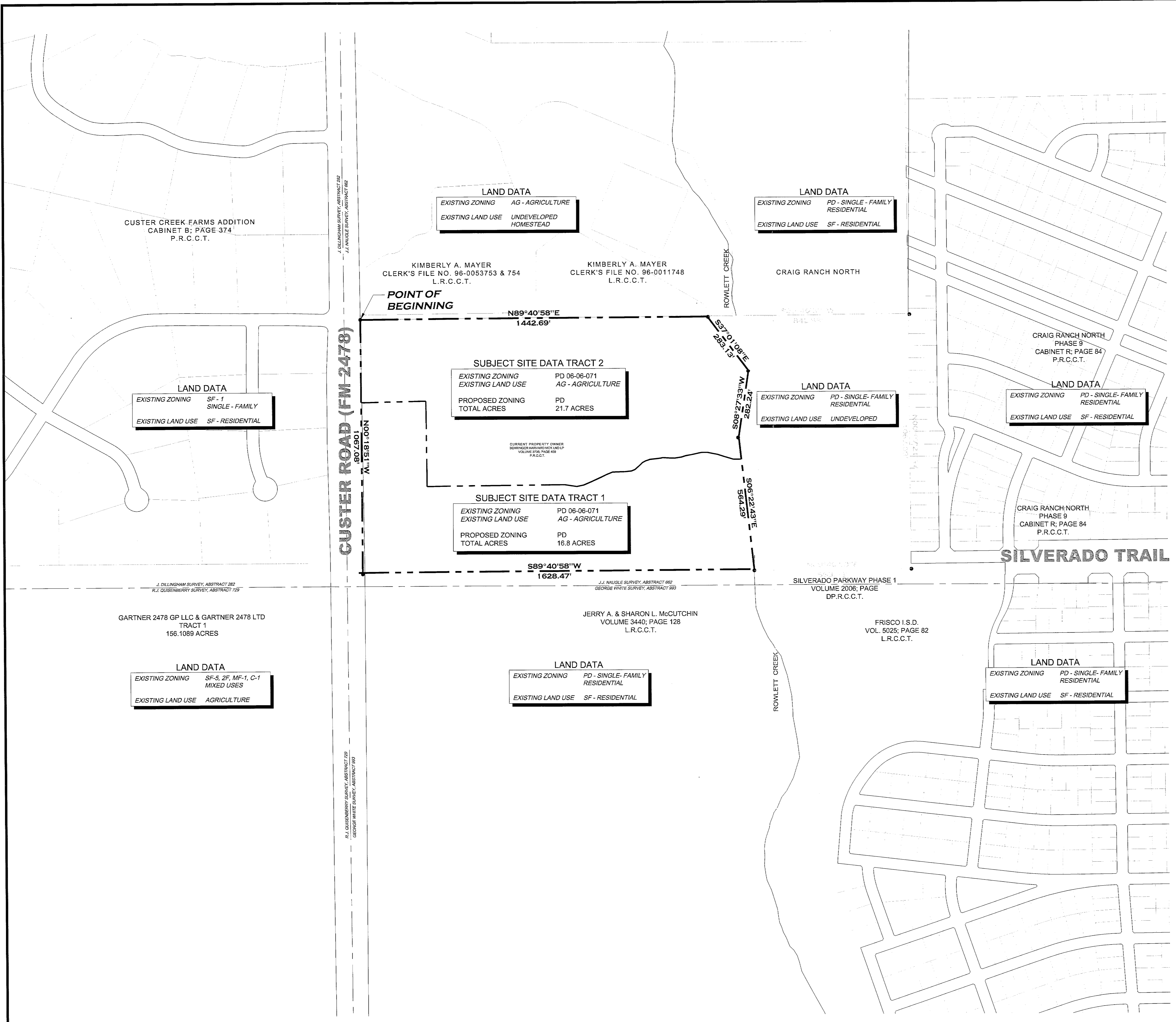
Notice Case: 08-165Z
R-6662-000-0080-1

- - - 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.

EXHIBIT A



DESCRIPTION

DESCRIPTION: 38.74 Acre Tract

BEING a parcel of land in the City of McKinney, Collin County, Texas, a part of the J. J. NAUGLE SURVEY, ABSTRACT NUMBER 662, in the City of McKinney, Collin County, Texas, and being part of the property described in deed to conveyed to HANK HANEY GOLF RANCH, as recorded in Volume 3705, Page 409, Collin County Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of said Hank Haney Golf Ranch, said point being in the east line of Custer Road (Farm-to-Market Highway No. 2478, a 120 foot wide right-of-way);

THENCE North 89 degrees 40 minutes 58 seconds East, along the south boundary of said KIMBERLY A. MAYER tract, a distance of 1442.69 feet;

THENCE South 37 degrees 01 minutes 06 seconds East through the interior of said Hank Haney Golf Ranch for a distance of 283.13 feet;

THENCE South 08 degrees 27 minutes 33 seconds West through the interior of said Hank Haney Golf Ranch for a distance of 282.24 feet;

THENCE South 06 degrees 22 minutes 43 seconds East through the interior of said Hank Haney Golf Ranch for a distance of 564.29 feet;

THENCE South 89 degrees 40 minutes 58 seconds West for a distance of 1628.47 feet to the southwest corner of said Hank Haney Golf Ranch, said point being in the east line of Custer Road;

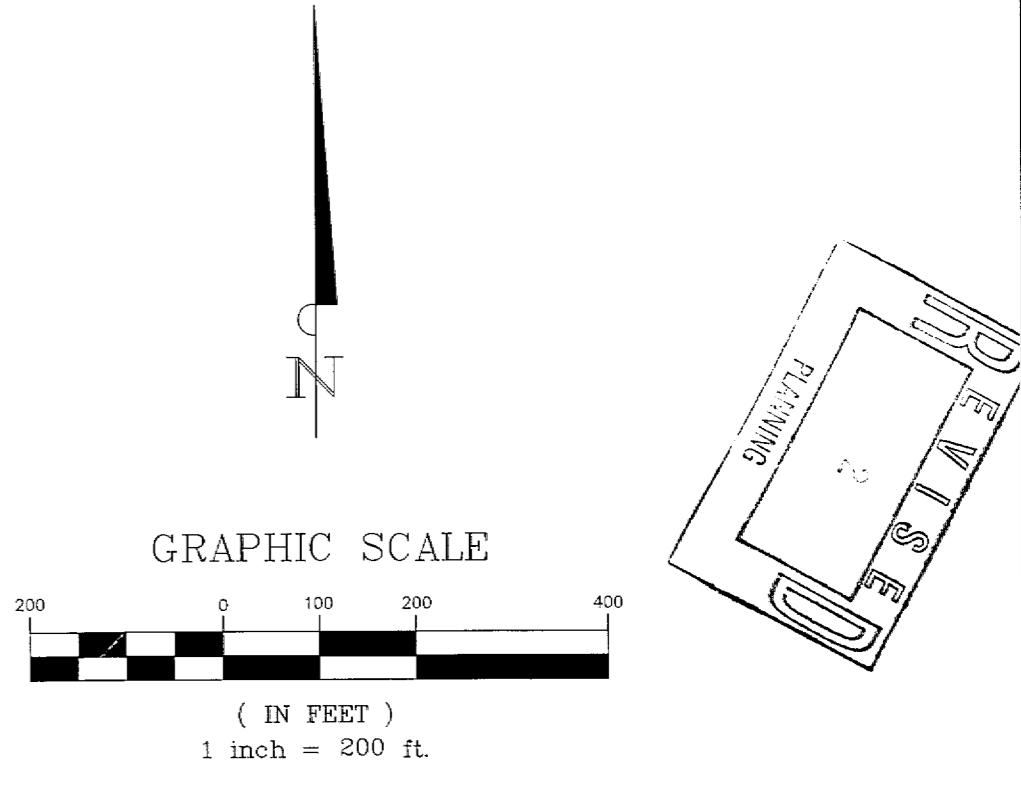
THENCE North 00 degrees 18 minutes 51 seconds West for a distance of 1067.08 feet along the east line of Custer Road to the POINT OF BEGINNING and containing 1,687,380.84 square feet or 38.74 acres of land.

THIS DRAWING IS TO BE USED FOR EXHIBIT PURPOSES ONLY

THE VILLAGES OF ROWLETT CREEK

ZONING EXHIBIT

Scale: SEE GRAPHIC SCALE
 Designed by: DAK
 Drawn by: LMR
 Checked by: DAK
 Date: AUGUST 2008
 Project No.

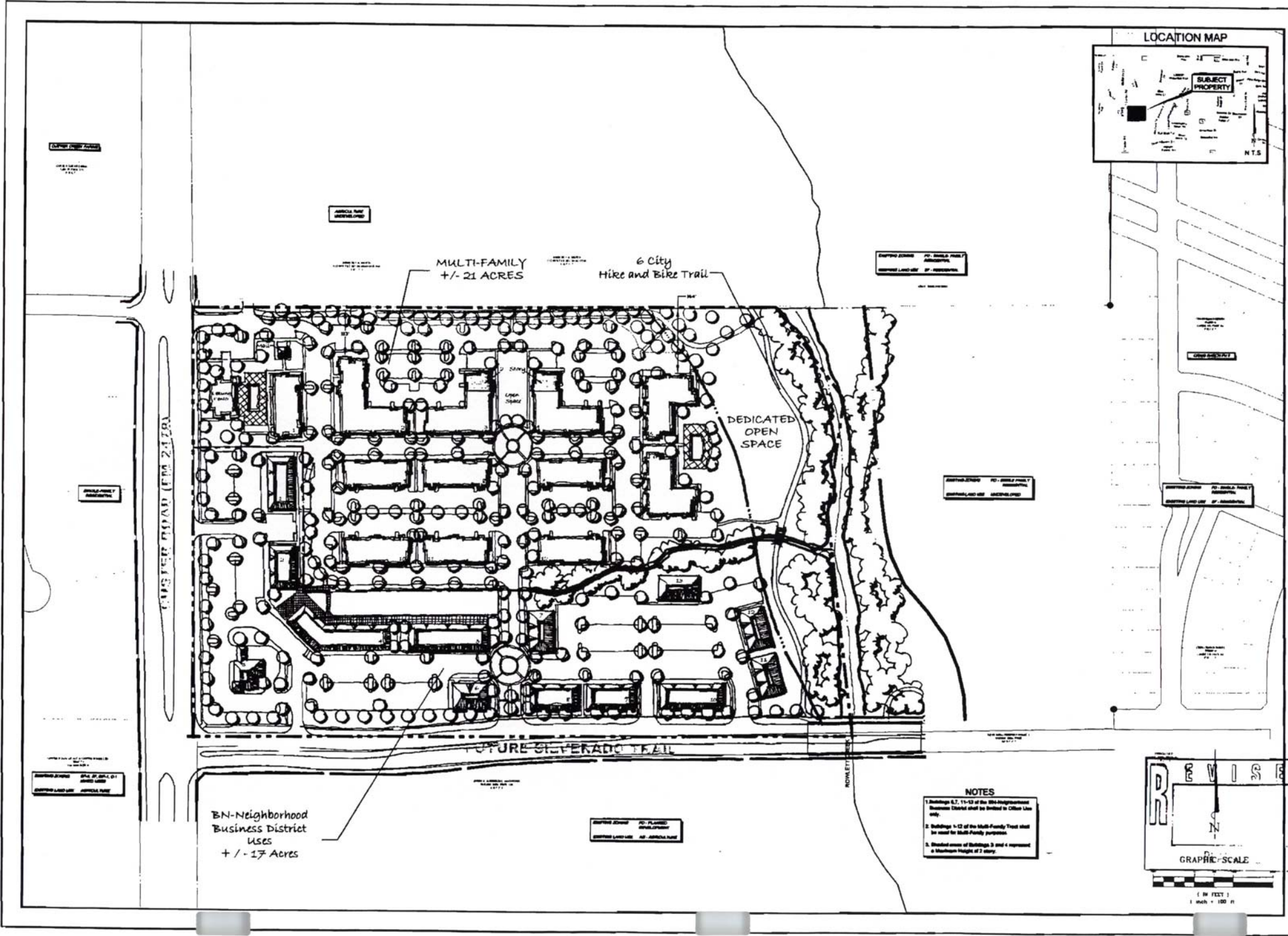


EXHIBIT

Master Planning
 Civil Engineering
 Land Development

 220 East Virginia Street
 McKinney, TX 75069
 Tel 469.424.5900
 Fax 214.344.3200

File: 100-ZONE-2008-08-21.dwg; Drawing: G:\2008-Drafts\032-Heininger_Mckinney\10-Politics\Images\HankHaneyGolfRanch\Location_Map.bmp; Plot: 21-Aug-2008-10:24am; Plotted by: drew@msc.com; Layout: Layout1; Project No: 032-Heininger_Mckinney\10-Politics\Images\HankHaneyGolfRanch\Location_Map.bmp; Scale: 1 inch = 200 feet



Master Planning
Civil Engineering
Land Development

SANCHEZ
A ASSOCIATES

220 East Virginia Street
Madison, TN 37050
Tel: 615 544 5200

THIS DRAWING IS TO BE USED FOR EXHIBIT PURPOSES ONLY

THE VILLAGES OF ROWLETT CREEK

GENERAL DEVELOPMENT PLAN

Scale: SEC GRAPHIC SCALE
Designed by: DAK
Drawn by: LHR
Checked by: DAK
Date: SEPTEMBER 2008
Project No.

EXHIBIT



- NOTES**
- Buildings 1, 2, 11-13 of the BN-Neighborhood Business District shall be limited to Other Use only.
 - Buildings 1-13 of the Multi-Family Tract shall be used for Multi-Family purposes.
 - Shaded areas of Buildings 3 and 4 represent a Maximum Height of 3 story.

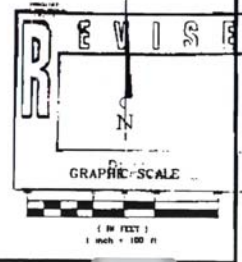


EXHIBIT C

Scale: SEE GRAPHIC SCALE
 Drawn by: LMB
 Checked by: OAK
 Date: AUGUST 2008
 Project No.:

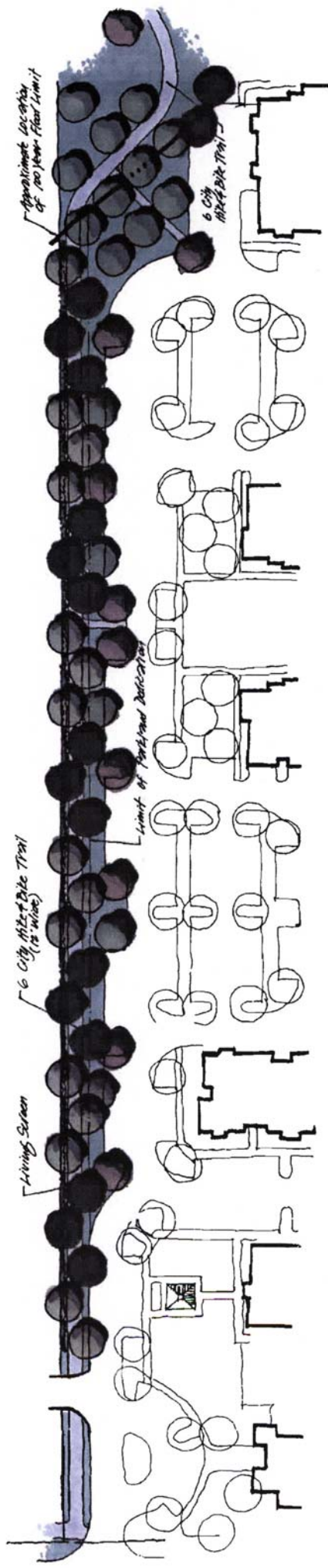
EXHIBIT

THE VILLAGES OF ROWLETT CREEK

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Master Planning
 Civil Engineering
 Land Development
 2814 West Loop West
 Suite 100
 Houston, TX 77027
 281.419.0000



EXHIBIT

