

ORDINANCE NO. 2008-06-054

AN ORDINANCE AMENDING ORDINANCE NO. 1270 AND NO. 2001-02-017, AND AS AMENDED, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 127.44 ACRE PROPERTY, LOCATED GENERALLY ON THE NORTH AND SOUTH SIDES OF COLLIN MCKINNEY PARKWAY AND ALONG THE EAST SIDE OF ALMA ROAD, AS WELL AS APPROXIMATELY 1,500 FEET WEST OF ALMA ROAD BETWEEN STATE HIGHWAY 121 AND FUTURE HENNEMAN WAY, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT, "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; 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 127.44 acre property, located generally on the north and south sides of Collin McKinney Parkway and along the east side of Alma Road, as well as approximately 1,500 feet west of Alma Road between State Highway 121 and Future Henneman Way, from "AG" – Agricultural District, "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. 1270 and No. 2001-02-017 is hereby amended so that an approximately 127.44 acre property, located generally on the north and south sides of Collin McKinney Parkway and along the east side of Alma Road, as well as approximately 1,500 feet west of Alma Road between State Highway 121 and Future Henneman Way, which is more fully depicted on Exhibit "A", attached hereto, is hereby rezoned from "AG" – Agricultural District, "PD" – Planned Development District, and "REC" – Regional Employment Center Overlay District, generally to modify the development standards.

Section 2. 1. Tract A, more fully depicted on the attached Zoning Exhibit "B", shall be developed according to the Employment Center (EC) regulations of "PD" – Planned Development District Ordinance No. 2001-02-017, and as amended, and "REC" – Regional Employment Center Overlay District.

2. Tract B, more fully depicted on the attached Zoning Exhibit "B", shall be developed according to the "C" – Planned Center District regulations of the City of McKinney Zoning Ordinance, and "REC" – Regional Employment Center Overlay District.
3. Tract C, more fully depicted on the attached Zoning Exhibit "B", shall be developed according to the Mixed Use (MU) regulations of "PD" – Planned Development District Ordinance No. 2001-02-017, and as amended, and "REC" – Regional Employment Center Overlay District.
4. Tract D, more fully depicted on the attached Zoning Exhibit "B", shall be developed according to the High Density Residential (HDR) regulations of "PD" – Planned Development District Ordinance No. 2001-02-017, and as amended, and "REC" – Regional Employment Center Overlay District, except as follows:
 - a. Covered parking shall not be required on the subject property.
 - b. A range in density from thirty (30) units per gross acre to fifty (50) units per gross acre be allowed.
 - c. The maximum building height be five (5) stories.
 - d. Five story buildings be allowed within 200 feet of any property line.
 - e. As part of site plan approval, elevations that deviate from the masonry requirements of the Architectural and Site Standards section of the Zoning Ordinance, may be approved.
5. Tract MU 8-E, more fully depicted on the attached Zoning Exhibit "B", shall be developed according to the Mixed Use (MU) regulations of "PD" – Planned Development District Ordinance No. 2001-02-017, and as amended, and "REC" – Regional Employment Center Overlay District.
6. Tract RM-5, more fully depicted on the attached Zoning Exhibit "B", shall be developed according to the Retail Mixed (RM) regulations of "PD" – Planned Development District Ordinance No. 2001-02-017, and as amended, and "REC" – Regional Employment Center Overlay District.

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.

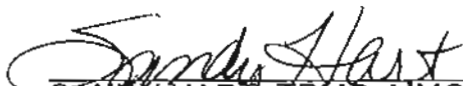
Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner 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 3RD DAY OF JUNE, 2008.

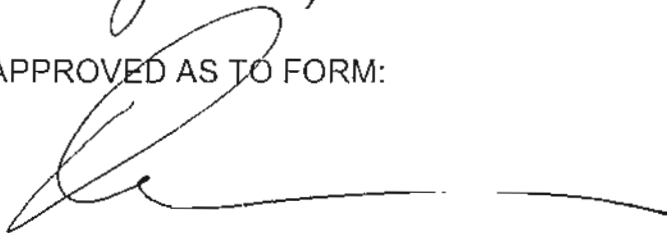

BILL WHITFIELD, Mayor

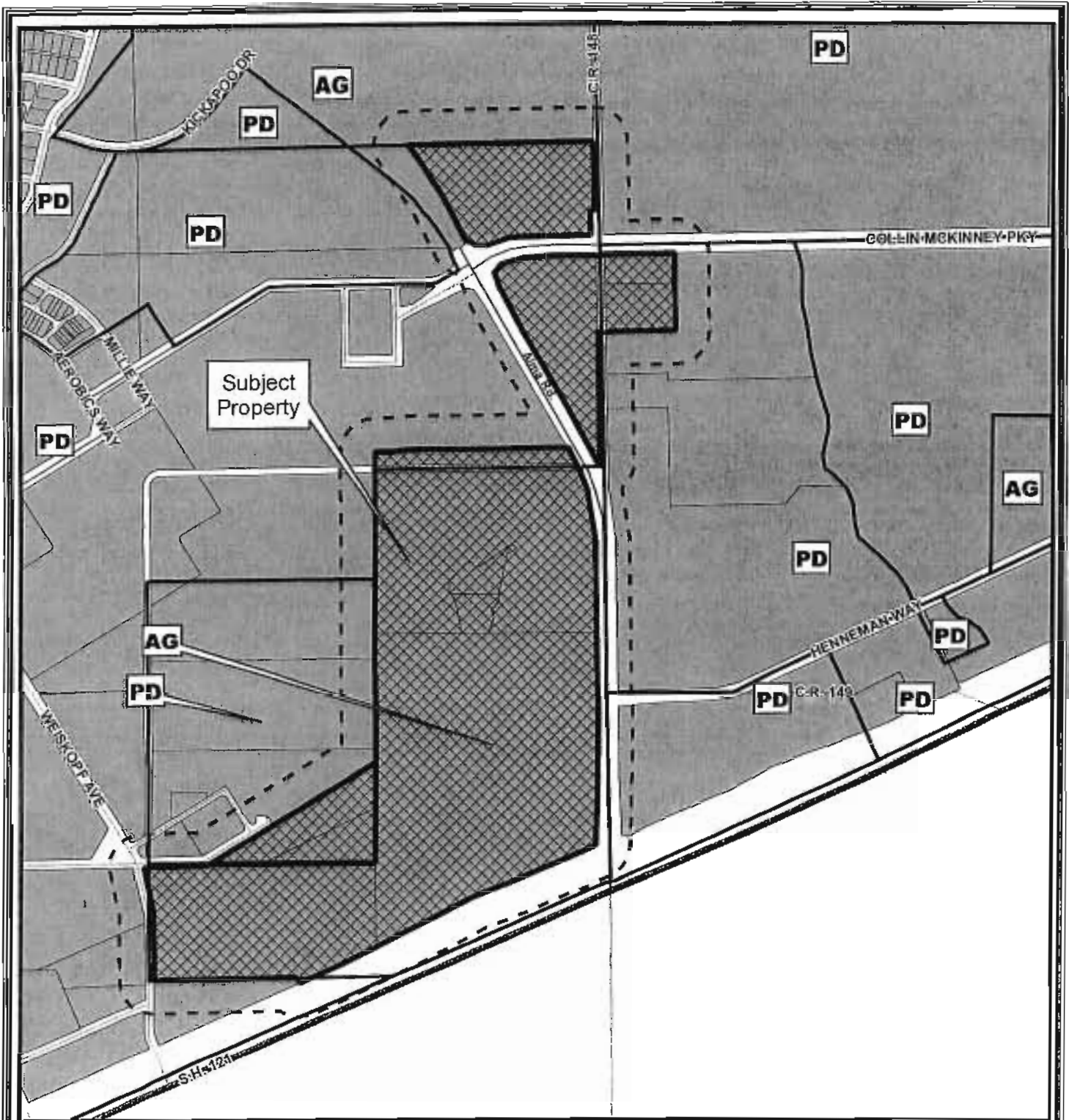
CORRECTLY ENROLLED:


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

DATE: June 4, 2008

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney



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Notification Case

Notice Case: 08-098Z
R-6717-000-0090-1

EXHIBIT A

--- 200' Notification Buffer



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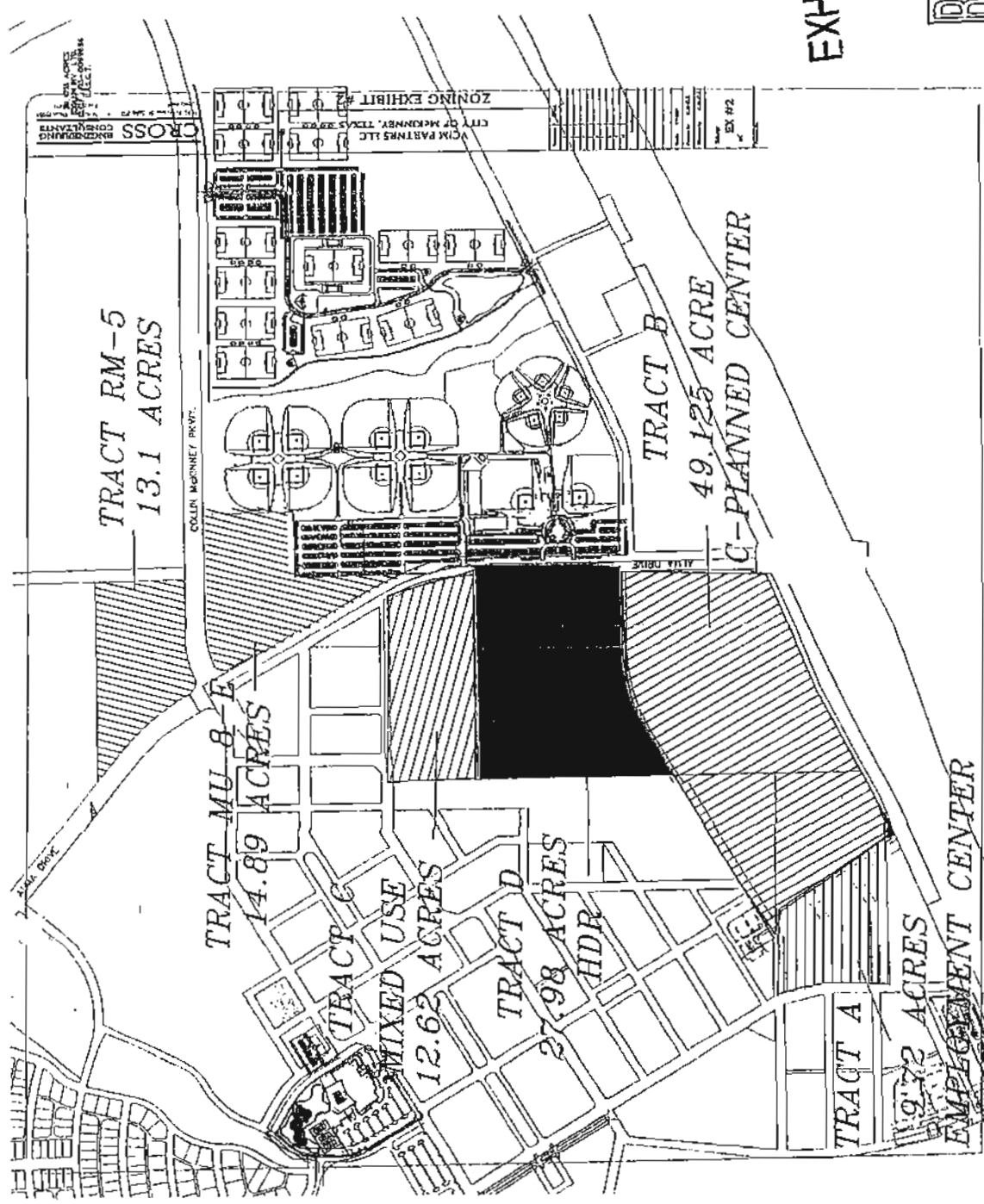


EXHIBIT A

REVISION #0
PLANNING