

ORDINANCE NO. 2013-08-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 11.57 ACRE PROPERTY, LOCATED ON THE WEST SIDE OF SKYLINE DRIVE AND APPROXIMATELY 300 FEET NORTH OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT AND “CC” – CORRIDOR COMEMRCIAL OVERLAY DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY 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 11.57 acre property, located on the west side of Skyline Drive and approximately 300 feet north of U.S. Highway 380 (University Drive), which is more fully depicted on Exhibit A and described on Exhibit B, attached hereto, is rezoned from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District and “CC” – Corridor Commercial 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. The zoning map is amended in order to rezone an approximately 11.57 acre property, on the west side of Skyline Drive and approximately 300 feet north of U.S. Highway 380 (University Drive), is rezoned from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District.

Section 2. The subject property shall develop in accordance with the “MF-1” – Multi-Family Residential-Low Density District, and as amended, and “CC” – Corridor Commercial Overlay District, and as amended, except as follows:

- a. A maximum of 212 multi-family residential dwelling units shall be permitted on the subject property.
- b. A maximum multi-family residential building height of 3 stories shall be permitted on the subject property.
- c. A 6-foot tall board-on-board wood fence with masonry columns spaced every 20 feet on center shall be permitted as an approved screening device along the side and rear property lines (i.e. northern, western, and southern boundaries). The eastern boundary along Skyline Drive will consist of a 6-foot tall primed and painted tubular steel or wrought iron fence with masonry columns spaced 20 feet on center with structural supports placed every 10 feet on center and with sufficient evergreen landscaping to create a screening effect. This steel fence will terminate into a minimum 6 foot tall masonry wall that abuts both sides of the community entry drives and spans a distance of no less than 10 feet on either side.

d. The property will provide a 1,500 sq. ft. enclosed dog park and will include, but not be limited to a minimum of two waste stations, two outdoor benches and/or seating for a minimum of six individuals. The park will be enclosed by a tubular steel or wrought iron fence which that stands a minimum of 42" in height. Additionally, one canopy tree shall be planted every 30 linear feet along the fence or evergreen shrubs (acceptable for low screening) shall be planted every four feet along the fence.

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 20TH DAY OF AUGUST, 2013.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

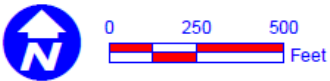
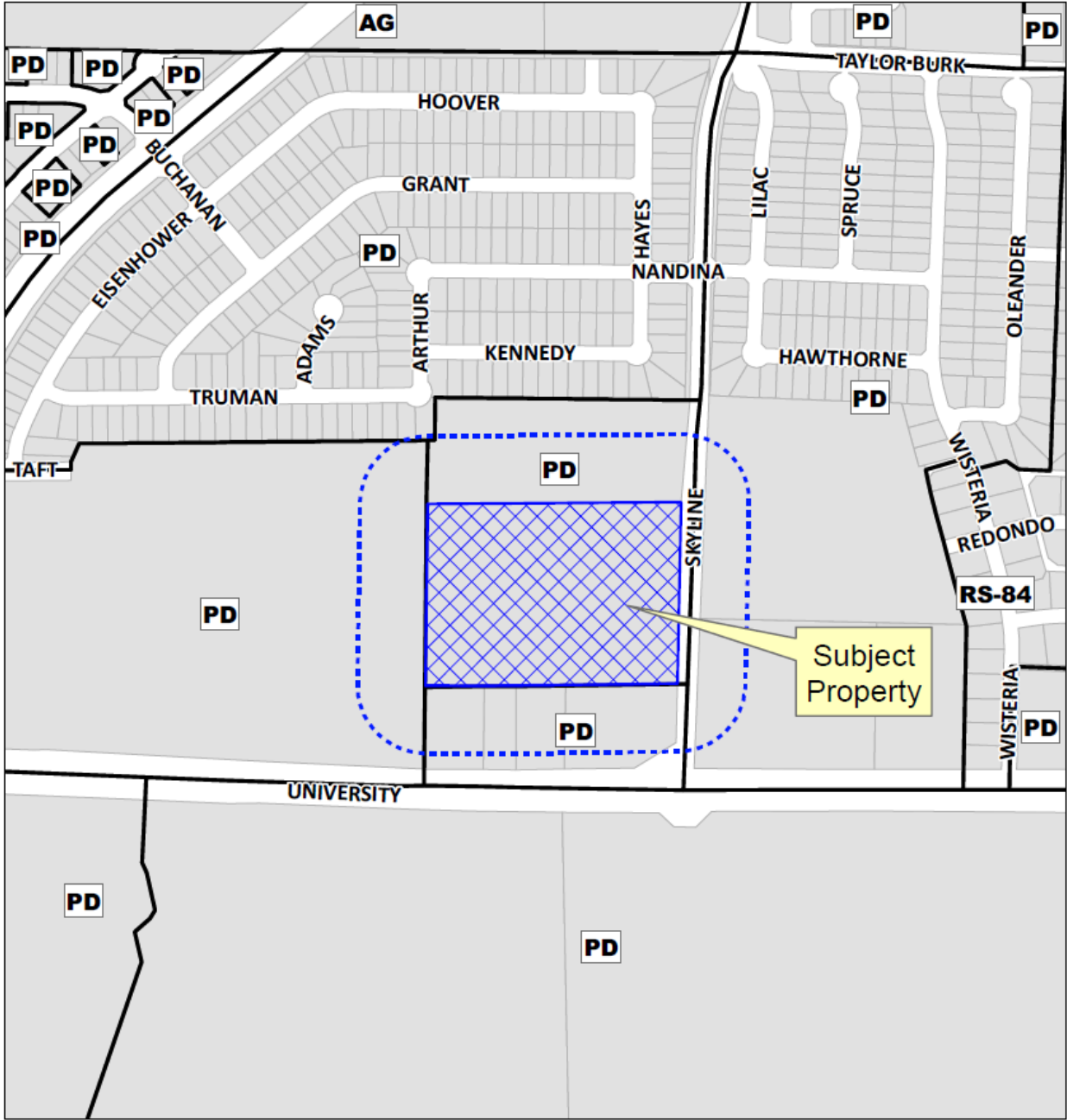
CORRECTLY ENROLLED:

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

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



Notification Map

Case: 13-132Z

--- 200' Notification Buffer

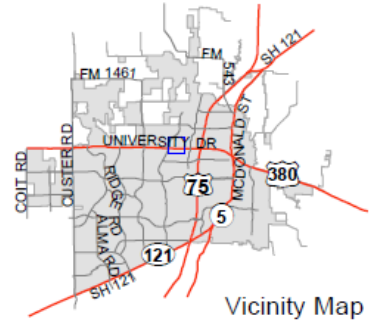


EXHIBIT A

U.S. HWY 380 @ SKYLINE DRIVE
COLLIN COUNTY, TEXAS
11.574 ACRES

FIELD NOTES TO ALL THAT CERTAIN TRACT OF LAND SITUATED IN THE W.H. HUNT SURVEY, ABSTRACT NUMBER 450 AND THE J. DUNBAUGH SURVEY, ABSTRACT NUMBER 257, COLLIN COUNTY, TEXAS, AND BEING A PART OF LOT 4, BLOCK A, OF THE SKYLINE 380 ADDITION, LOTS 3R AND 4, BLOCK A, BEING A RE-PLAT OF LOT 3, BLOCK A, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2009, PAGE 310, MAP RECORDS OF COLLIN COUNTY, TEXAS, AND FURTHER BEING A RETRACEMENT SURVEY OF A TRACT OF LAND DESCRIBED IN THE DEED TO SKYLINE/380 INVESTORS, LLC., RECORDED IN COUNTY CLERK FILE NUMBER 20070129000119430 REAL PROPERTY RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND AT A ½" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID LOT 4 AND IN THE WEST RIGHT-OF-WAY LINE OF SKYLINE DRIVE, AND AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, SKYLINE VILLAGE APARTMENTS AS RECORDED IN CABINET G, PAGE 240, SAID MAP RECORDS;

THENCE SOUTH 02 DEGREES 11 MINUTES 27 SECONDS WEST WITH THE EAST LINE OF SAID LOT 4 AND THE WEST LINE OF SAID RIGHT-OF-WAY A DISTANCE OF 601.50 FEET TO A ½" CAPPED IRON ROD FOUND FOR CORNER AT THE SOUTHEAST CORNER OF SAID LOT 4;

THENCE NORTH 89 DEGREES 47 MINUTES 22 SECONDS WEST WITH THE SOUTH LINE OF SAID LOT 4 A DISTANCE OF 372.23 FEET TO A ½" CAPPED IRON ROD FOUND FOR CORNER;

THENCE NORTH 89 DEGREES 47 MINUTES 22 SECONDS WEST CONTINUING WITH THE SOUTH LINE OF SAID LOT 4 A DISTANCE OF 0.24 FEET TO A ½" CAPPED IRON ROD FOUND FOR CORNER;

THENCE NORTH 89 DEGREES 43 MINUTES 06 SECONDS WEST CONTINUING WITH THE SOUTH LINE OF SAID LOT 4 A DISTANCE OF 148.42 FEET TO A ½" CAPPED IRON ROD FOUND FOR CORNER;

THENCE NORTH 89 DEGREES 23 MINUTES 16 SECONDS WEST CONTINUING WITH THE SOUTH LINE OF SAID LOT 4 A DISTANCE OF 12.45 FEET TO A ½" CAPPED IRON ROD FOUND FOR CORNER;

THENCE NORTH 89 DEGREES 25 MINUTES 36 SECONDS WEST WITH THE SOUTH LINE OF SAID LOT 4 A DISTANCE OF 110.18 FEET TO A ½" CAPPED IRON ROD FOUND FOR CORNER AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN THE DEED TO SKYLINE/380 COMMERCIAL, LLC., RECORDED IN COUNTY CLERK FILE NUMBER 20070129000119440, SAID REAL PROPERTY RECORDS;

THENCE NORTH 88 DEGREES 34 MINUTES 26 SECONDS WEST WITH THE SOUTH LINE OF SAID LOT 4 AND THE NORTH LINE OF SAID SKYLINE/380 COMMERCIAL TRACT A DISTANCE OF 190.32 FEET TO A ½" CAPPED IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID LOT 4 AND IN THE EAST LINE OF A TRACT OF LAND DESCRIBED AS TRACT 1, CALLED 166.63 ACRES, IN THE DEED TO HEADINGTON REALTY & CAPITAL, L.P., RECORDED IN VOLUME 4836, PAGE 851, SAID REAL PROPERTY RECORDS;

THENCE NORTH 01 DEGREES 44 MINUTES 25 SECONDS EAST WITH THE WEST LINE OF SAID LOT 4 AND THE EAST LINE OF SAID HEADINGTON REALTY TRACT A DISTANCE OF 601.34 FEET TO A ½" IRON ROD FOUND FOR CORNER AT THE NORTHWEST CORNER OF SAID LOT 4 AND IN THE EAST LINE OF SAID HEADINGTON REALTY TRACT AND AT THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 1, OF SKYLINE VILLAGE APARTMENTS TRACT;

THENCE SOUTH 89 DEGREES 26 MINUTES 54 SECONDS EAST WITH THE NORTH LINE OF LOT 4 AND THE SOUTH LINE OF SAID LOT 1, BLOCK 1 OF SKYLINE VILLAGE APARTMENTS TRACT A DISTANCE OF 838.55 FEET TO THE POINT OF BEGINNING AND ENCLOSING 11.574 ACRES OF LAND MORE OR LESS.

EXHIBIT B