

ORDINANCE NO. 2015-07-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 59.82 ACRE PROPERTY, LOCATED APPROXIMATELY 600 FEET WEST OF CUSTER ROAD AND ON THE SOUTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT, “AG” – AGRICULTURAL DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL AND SINGLE FAMILY ATTACHED AND DETACHED RESIDENTIAL USES; 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 59.82 acre property, located approximately 600 feet west of Custer Road and on the south side of U.S. Highway 380 (University Drive), which is more fully depicted on Exhibits “A” and “B”, attached hereto, from “PD” – Planned Development District, “AG” – Agricultural District, and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District, generally to allow for commercial and single family attached and detached residential uses; 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 hereby amended so that an approximately 59.82 acre property, located approximately 600 feet west of Custer Road and on the south side of U.S. Highway 380 (University Drive), which is more fully depicted on Exhibits “A” and “B”, attached hereto, is rezoned from “PD” – Planned Development District, “AG” – Agricultural District, and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District, generally to allow for commercial and single family attached and detached residential uses.

Section 2. The subject property shall develop in accordance with the “PD” – Planned Development District, and as amended, except as follows:

1. The use and development of Tract 1 (approximately 11.72 acres), as shown on Exhibit “C” – Boundary Exhibit, shall conform to the regulations of Section 146-112 (“C2” – Local Commercial District) of the Zoning Ordinance and “CC” – Corridor Commercial Overlay District, and as amended.
2. The use and development of Tract 2 (approximately 20.05 acres), as shown on Exhibit “C” – Boundary Exhibit, shall conform to the regulations of Section 146-108 (“TH” – Townhome Residential District) of the Zoning Ordinance and “CC” – Corridor Commercial Overlay District, and as amended, except as follows:

- a. No structures shall be permitted within 150 feet of the adjacent airport runway as designated on the attached boundary exhibit.
 - b. Prior to the issuance of a building permit for any residential structures on the subject property, an 8' tall solid pre-cast masonry wall shall be constructed along the western property line of Tract 2 (within common area owned and maintained by the homeowner's association) in the location shown on the attached boundary exhibit.
3. The use and development of Tract 3 (approximately 28.05 acres), as shown on Exhibit "C" – Boundary Exhibit, shall conform to the regulations of Section 146-106 ("SF5" – Single Family Residential District) of the Zoning Ordinance and "CC" – Corridor Commercial Overlay District, and as amended, except as follows:
- a. All single family detached residential units shall conform to the Exhibit "D" – Architectural Standards.
4. The Developer shall record a covenant/agreement, acceptable to the City Attorney, binding it to notify property owners of the adjacent airport use.

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 21ST DAY OF JULY, 2015.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney