

ORDINANCE NO. 2012-12-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2005-02-017 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 20.05 ACRE PROPERTY, LOCATED APPROXIMATELY 200 FEET SOUTH OF VIRGINIA PARKWAY AND APPROXIMATELY 200 FEET EAST OF STONEBRIDGE DRIVE, 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 20.05 acre property, located approximately 200 feet south of Virginia Parkway and approximately 200 feet east of Stonebridge Drive, which is more fully depicted on Exhibit A, 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. 2005-02-017 is hereby amended in order to rezone an approximately 20.05 acre property, located approximately 200 feet south of Virginia Parkway and approximately 200 feet east of Stonebridge Drive, from “PD” – Planned Development District to “PD” – Planned Development District, generally to modify the development standards.

Section 2. The subject property shall develop in accordance with “PD” – Planned Development District Ordinance No. 2005-02-017, and as amended, with the following exceptions:

a. The section (Section 3 – Town Center District) pertaining to timing issues of “PD” – Planned Development District Ordinance No. 2005-02-017, which applies to the Town Center District (tracts D, E, and F as depicted on the attached Exhibit B), shall be amended to read as follows:

i. Concurrently with the development of the first 50 townhouse or condominium/loft residential units within the Town Center District, the developer shall construct within the Adriatica Development (Stonebridge Ranch Parcel 201 as reflected by “PD” – Planned Development District Ordinance No. 1621) 40,000 square feet of floor area of commercial uses exclusive of parking. Any enclosed mechanical and electrical space and parking uses are not part of the calculated floor area.

ii. Concurrently with the development of the next 100 townhome or condominium/loft residential units within the Town Center District, the developer shall construct within the Adriatica Development, 50,000 square feet of commercial

uses, exclusive of mechanical and electrical space and parking uses.

iii. Concurrently with the remaining 135 townhome or condominium/loft units within the Town Center District, the developer shall construct within the Adriatica Development, 30,000 square feet of floor area of commercial uses, exclusive of mechanical and electrical space and parking uses.

b. The section (Section 3 – Town Center District) pertaining to space limits for the Town Center District of “PD” – Planned Development District Ordinance No. 2005-02-017, which applies to the Town Center District (tracts D, E, and F as depicted on the attached zoning exhibit), shall be amended to read as follows:

v. Maximum height of building.....60 feet.

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:

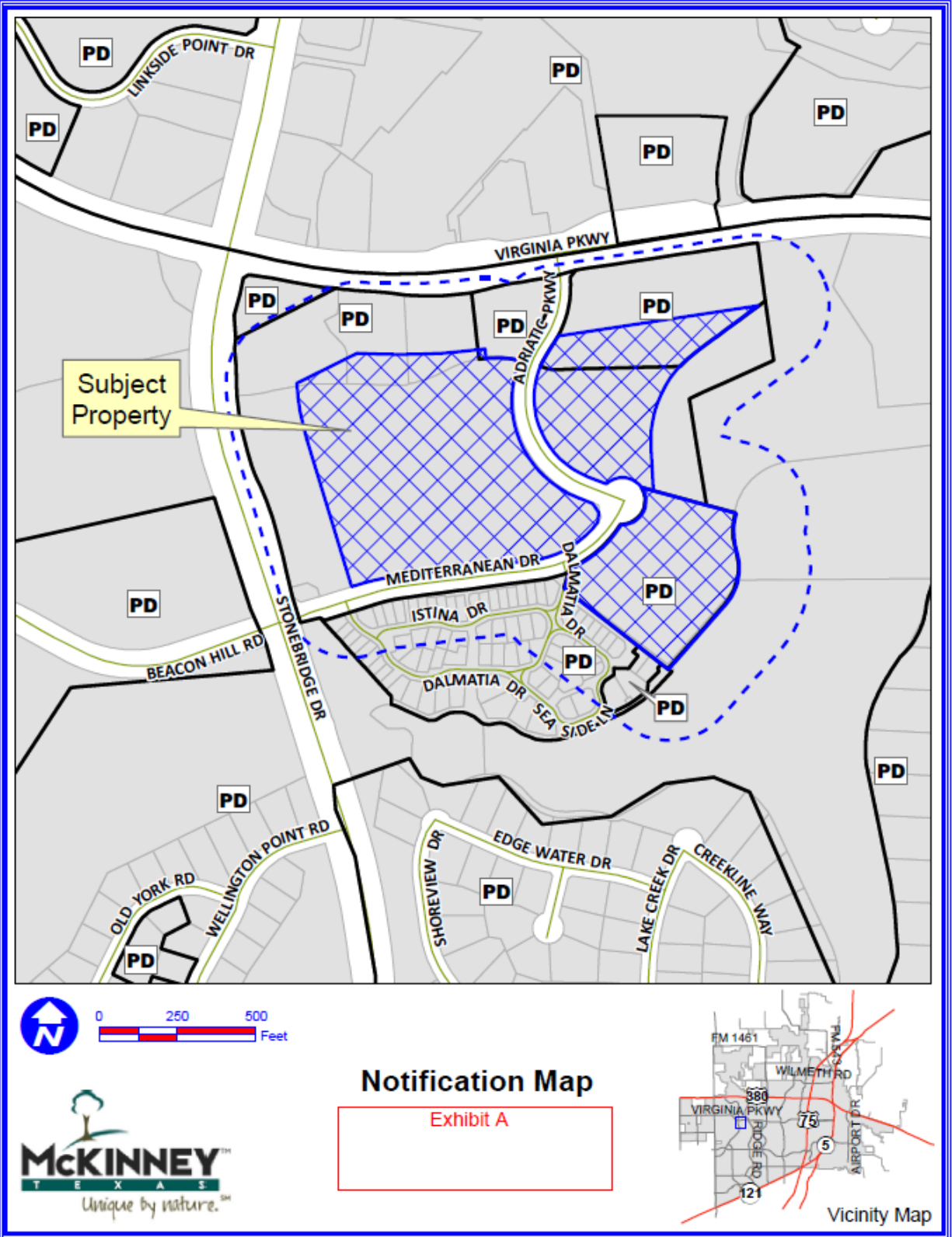
SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT A



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 B

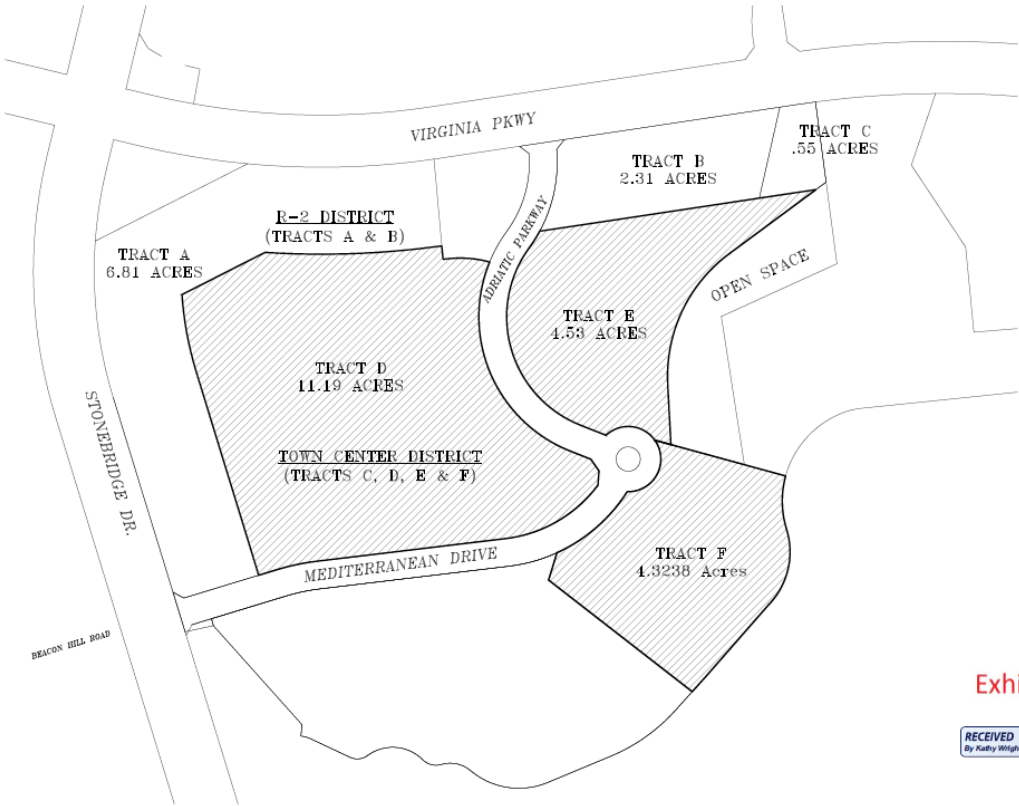


Exhibit B

RECEIVED
By Kathy Wright at 1:48 pm, Nov 01, 2012