

ORDINANCE NO. 2007-09-086

AN ORDINANCE AMENDING ORDINANCE NO. 2004-07-070 AND ORDINANCE NO. 2000-02-017, AND AS AMENDED, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 13.54 ACRE PROPERTY, LOCATED GENERALLY ON THE SOUTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND ADJACENT TO THE EAST AND WEST SIDES OF COMMUNITY AVENUE, IS ZONED FROM "PD" - PLANNED DEVELOPMENT TO "PD" - PLANNED DEVELOPMENT 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 13.54 acre property, located generally on the south side of U.S. Highway 380 (University Drive) and adjacent to the east and west sides of Community Avenue, from "PD" - Planned Development to "PD" - Planned Development, 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. 2004-07-070 and Ordinance No. 2000-02-017 are hereby amended so that an approximately 13.54 acre property, located generally on the south side of U.S. Highway 380 (University Drive) and adjacent to the east and west sides of Community Avenue, which is more fully depicted on Exhibit "A", attached hereto, is hereby rezoned from "PD" - Planned Development to "PD" - Planned Development, generally to modify the development standards,

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

1. The subject property, as shown on Exhibit "B", be developed in accordance with the "BG" - General Business District, except as follows:
  - a. A maximum building height of 45' feet be allowed.
  - b. Residential uses, day care facilities, schools and hospitals will not be permitted.

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.

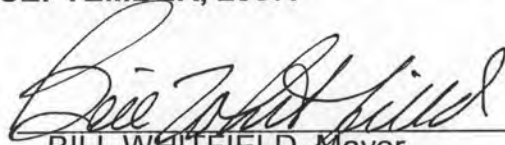
Section 5.

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.

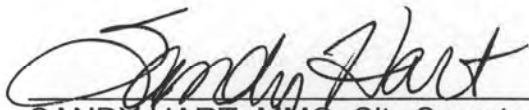
Section 6.

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.

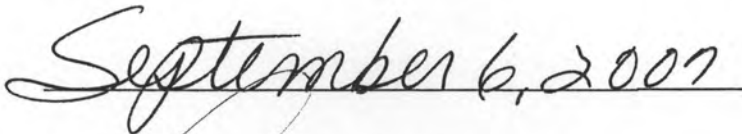
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 4<sup>th</sup> DAY OF SEPTEMBER, 2007.**

  
BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:

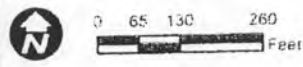
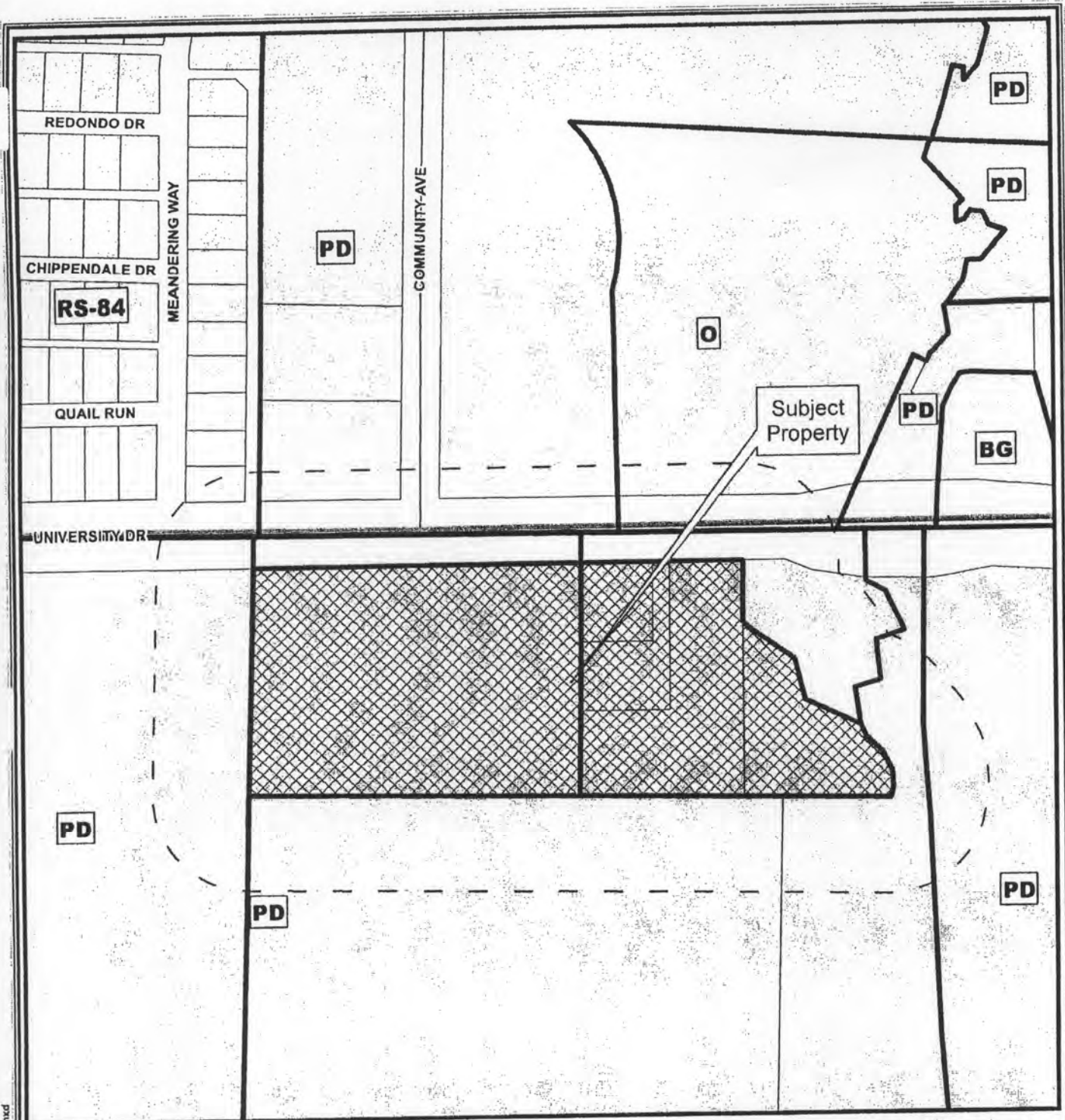
  
SANDY HART, MMC, City Secretary  
BEVERLY COVINGTON, CMC, Deputy City Secretary

DATE:



APPROVED AS TO FORM:

  
MARK S. HOUSER, City Attorney



**Notification Case**

Notice Case #: 07-283Z

R-6257-000-0040-1

**EXHIBIT A**

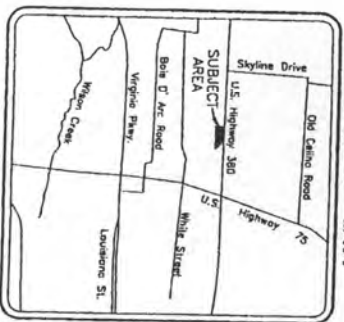
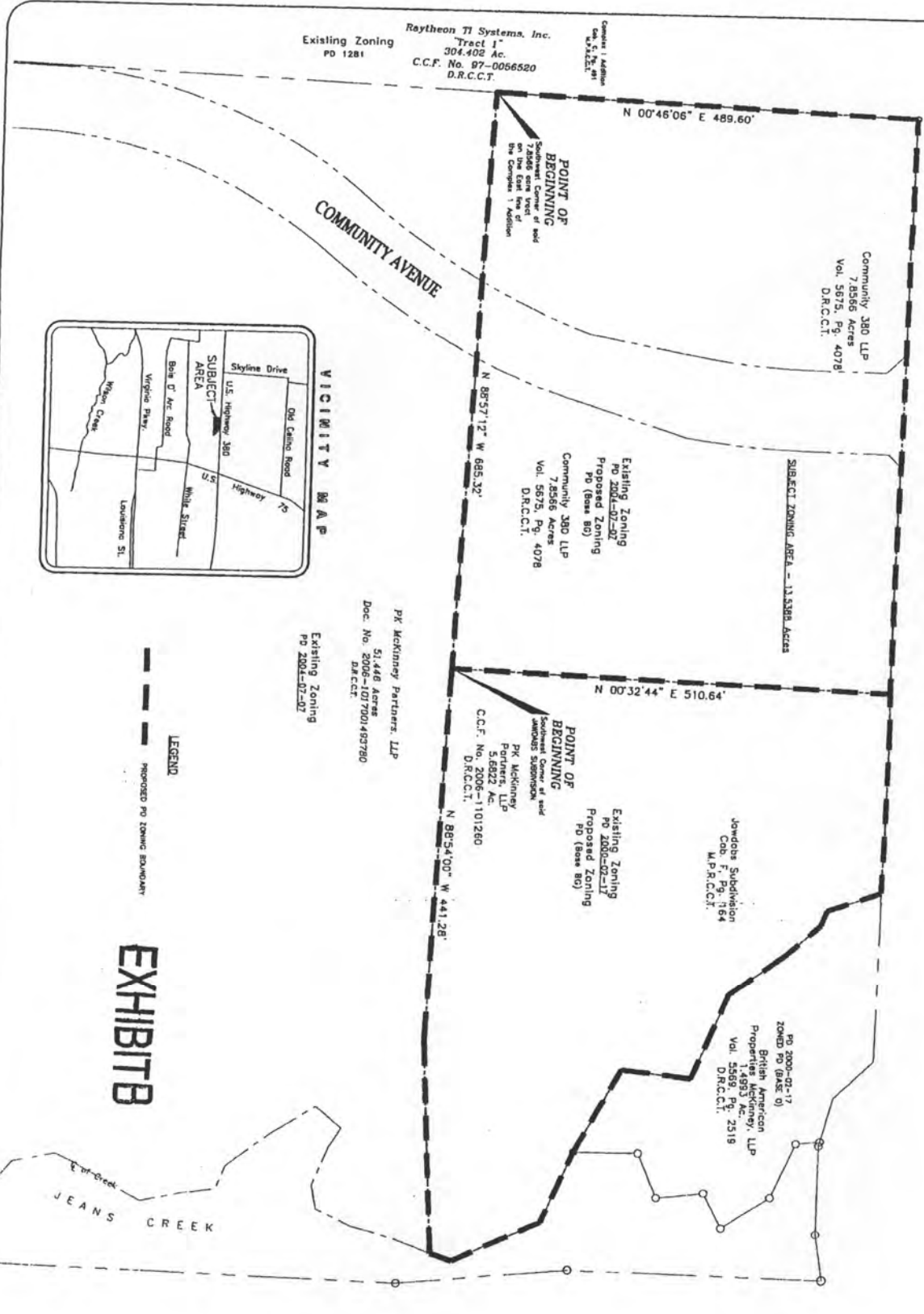
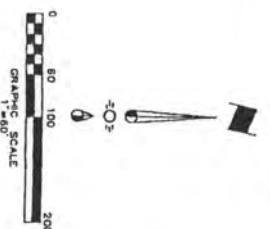
--- 200' Notification Buffer



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.

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| ZONING INFORMATION                                  |                 |
|---|-----------------|
| University Centre - Phase I - 13,538 Acres          | PROPOSED ZONING |
| Community Avenue & University Drive (U.S. Hwy. 380) | PD (BASE B0)    |
| TRACT   | PD (BASE B0)    |
| Tract A Area  | PD (BASE B0)    |
| Tract B Area  | PD (BASE B0)    |



**EXHIBIT B**

LEGEND  
 --- PROPOSED PD ZONING BOUNDARY

**UNIVERSITY CENTRE - PHASE I  
 PAUL KITE COMPANY  
 CITY OF MCKINNEY, TEXAS  
 ZONING EXHIBIT**

**CROSS ENGINEERING CONSULTANTS**  
 116 N. Tarrant Ave., Suite 202 • McKinney, Texas 75069  
 972.562.4409 Fax 972.562.4471

| Revision | Date |
|----------|------|
| 1        |      |
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Compton Crossing  
 Cdb. K. Pg. 441-443  
 M.P.R.C.C.T.  
 Existing Zoning  
 PD 1997-12-54

PK McKinney Partners, LLP  
 51,448 Acres  
 Doc. No. 2006-1017001493780  
 D.R.C.C.T.

Existing Zoning  
 PD 2002-07-07

**REVISIONS**  
 AUG - 8 2007

Sheet  
 of  
**ZB**

Project No. 07005