

ORDINANCE NO. 2013-08-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2001-02-017 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 6.83 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF CHIEF SPOTTED TAIL DRIVE AND ALMA ROAD, 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 ALLOWED LAND USES AND 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 6.83 acre property, located on the northwest corner of Chief Spotted Tail Drive and Alma Road, which is more fully depicted on Exhibits "A" and "B", attached hereto, 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 allowed land uses and 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. 2001-02-017 is hereby amended in order to rezone an approximately 6.83 acre property, located on the northwest corner of Chief Spotted Tail Drive and Alma Road, which is more fully depicted on Exhibits "A" and "B", attached hereto, 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 allowed land uses and development standards.

Section 2. Use and development of the subject property, more fully depicted on Exhibits "A" and "B", shall develop in accordance with "PD" – Planned Development District No. 2001-02-017, and as amended, except as follows:

- a. The use of this area shall develop in accordance with the community, civic, institutional, and religious buildings of the Neighborhood Zone as specified in the "REC" – Regional Employment Center Overlay District.
- b. Independent living facility shall be an allowed use on the property.
- c. Development of an assisted living facility/independent living facility on the subject property shall generally conform to the attached elevations, as shown on Exhibit "D".

- d. Development of an assisted living/independent living facility on the subject property shall generally conform to the attached concept plan, as shown on Exhibit "C".
- e. The minimum parking requirements for an assisted living/independent living facility on the property shall conform to the attached concept plan, as shown on Exhibit "C".
- f. A pocket park (including associated walking trails and landscaping) which is open to the public shall be provided in general conformance with the attached concept plan and shall preserve the approximately sixty (60) native trees, as shown on Exhibit "C".

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 5TH 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