

ORDINANCE NO. 2006-11-129

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2006-09-104 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 35 ACRE TRACT LOCATED GENERALLY AT THE SOUTHEAST CORNER OF STONEBRIDGE DRIVE AND VIRGINIA PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, IN ORDER TO MODIFY PARKING AND SIGNAGE REQUIREMENTS; 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 35 acre tract located at the southeast corner Stonebridge Drive and Virginia Parkway, from "PD" – Planned Development District to "PD" – Planned Development District in order to modify parking and signage requirements, 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. 2006-09-104 is hereby amended so that an approximately 35 acre tract located at the southeast corner of Stonebridge Drive and Virginia Parkway, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "PD" – Planned Development District to "PD" – Planned Development District in order to modify parking and signage requirements.

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

1. The subject property develop in accordance with PD 2006-09-104, with the following exceptions:
  - (a) Allow the on-street parking along Mediterranean Drive and Adriatic Parkway to count towards the required parking spaces for future uses in Tract #5 and Tract #7 (zoning exhibit "B").
  - (b) The Director of Planning shall have discretionary review in determining the number and location of on-street parking spaces that may be allowed to count towards required parking spaces as part of the site plan review process.
  - (c) Allow on-street parking in Mediterranean Drive to count for 100% of the required parking for the Paxton office building for a period not to exceed 3 years from the date of site plan approval (Paxton site plan exhibit "C").

2. Allow projecting signs (blade signs) within the subject property, with the following provisions:

- (a) The projecting signs may not exceed 15 square feet in size or exceed 2" in thickness.
- (b) The bottom of the sign should not be lower than 8' above the ground.
- (c) The signs cannot project from the building more than 5 feet or 50% of the width of the sidewalk.

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 5.

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.

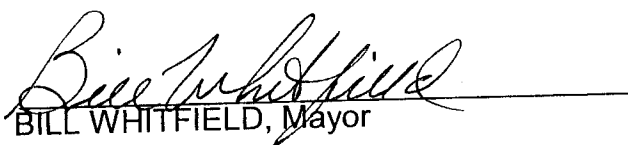
Section 6.

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 7.

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.

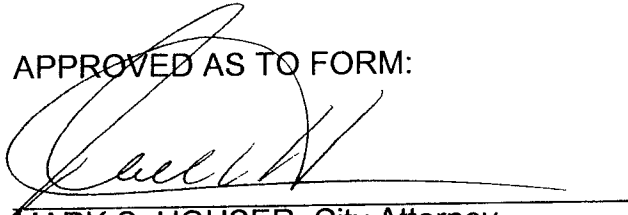
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 7<sup>TH</sup> DAY OF NOVEMBER, 2006.**

  
BILL WHITFIELD, Mayor

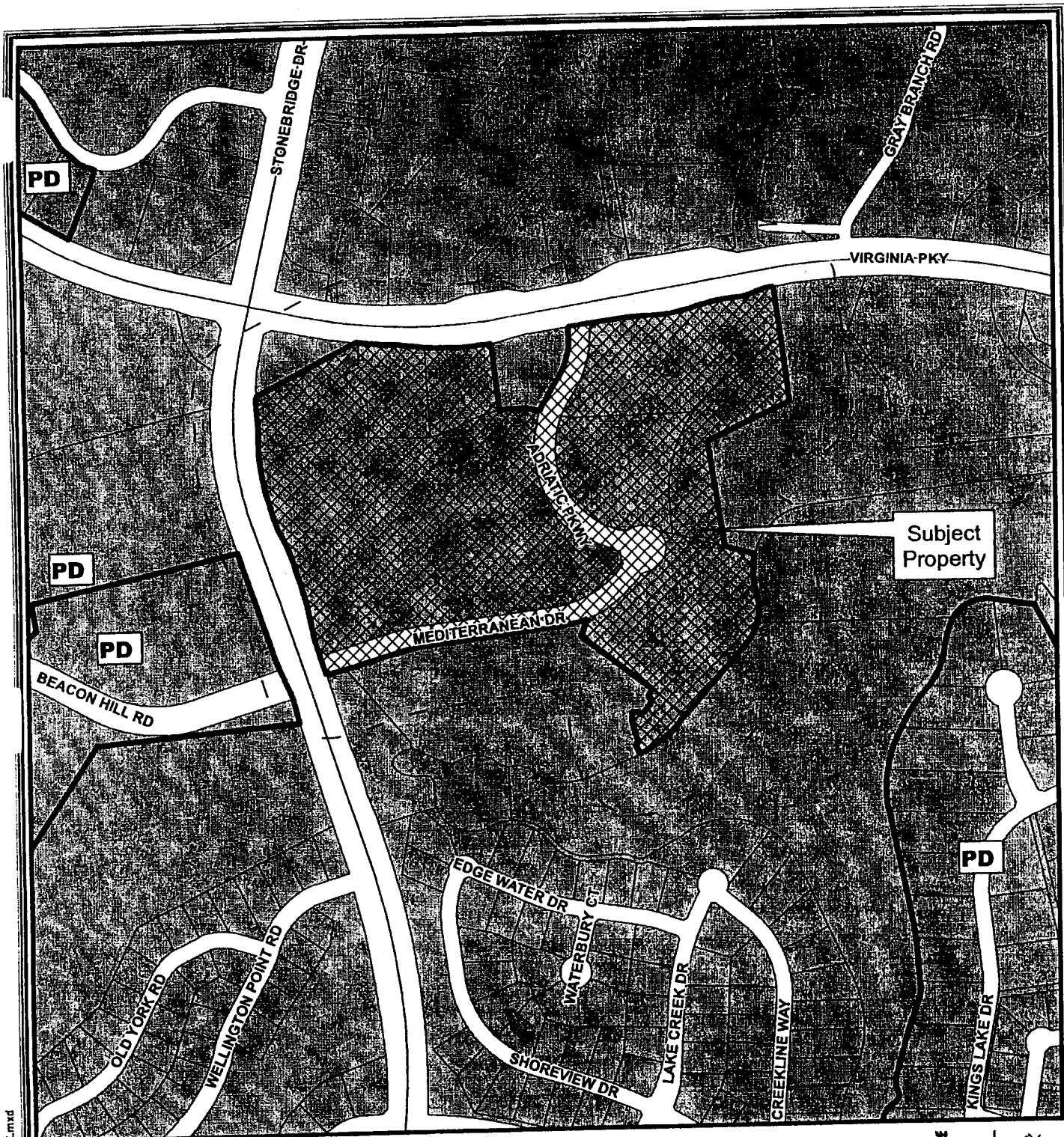
CORRECTLY ENROLLED:

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

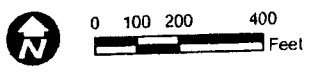
APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Mark S. Houser', is written over a horizontal line. The signature is fluid and cursive.

MARK S. HOUSER, City Attorney



Subject Property

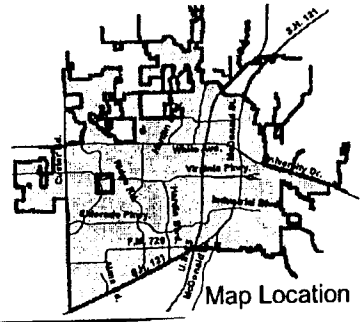


**Notification Case**

Notice Case #: 06-419Z

R-8795-00A-001R-1; R-8795-00C-0010-1

--- 200' Notification Buffer



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DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney, its officials or employees for any discrepancy is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancy.

**EXHIBIT "A"**



NO.	DATE	REVISION / DISCUSSION	NOTES
DESIGN	DATE	SCALE	
APP	REC/APP	08-27-01	AS SHOWN

**CAUTION:**  
 UNDESIGNED VEHICLES ARE PROHIBITED FROM ENTERING THIS AREA TO AVOID COLLISION WITH THE CONSTRUCTION EQUIPMENT. ALL VEHICLES MUST BE STOPPED AT THE STOP SIGN AND MUST WAIT FOR THE GREEN LIGHT TO PROCEED. ALL VEHICLES MUST BE STOPPED AT THE STOP SIGN AND MUST WAIT FOR THE GREEN LIGHT TO PROCEED. ALL VEHICLES MUST BE STOPPED AT THE STOP SIGN AND MUST WAIT FOR THE GREEN LIGHT TO PROCEED.

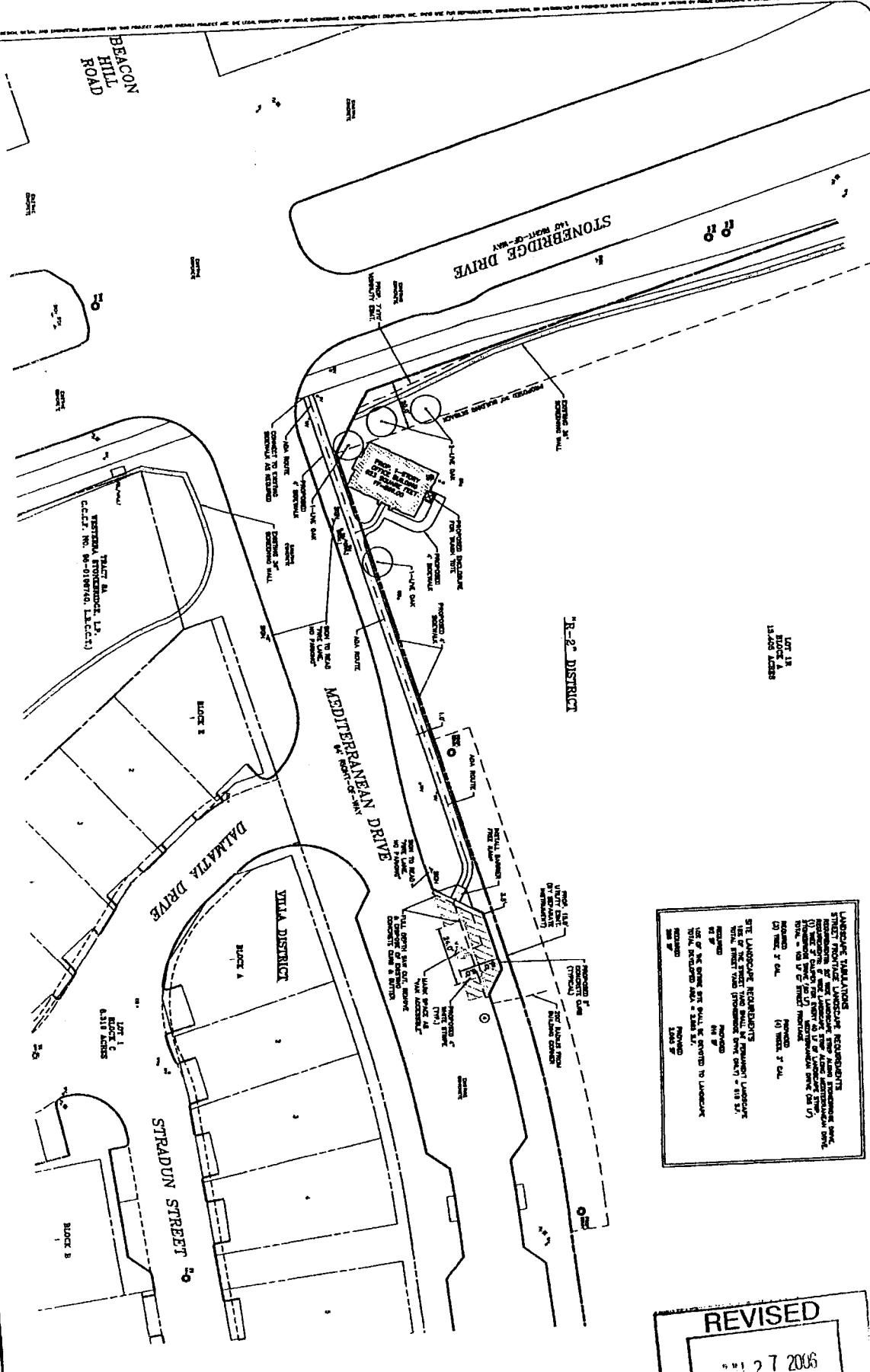
**GENERAL NOTES:**  
 1. THE LANDSCAPE SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN AND THE LANDSCAPE SPECIFICATIONS. ALL PLANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN AND THE LANDSCAPE SPECIFICATIONS. ALL PLANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN AND THE LANDSCAPE SPECIFICATIONS.

**PROJECT INFORMATION:**  
 59 WARDEN STREET, SUITE 100  
 HOUSTON, TEXAS 77001  
 (713) 260-2000  
 WWW.POGUE.COM

**CLIENT:**  
 ABRATICA  
 10000 WARDEN STREET, SUITE 100  
 HOUSTON, TEXAS 77001  
 (713) 260-2000  
 WWW.ABRATICA.COM

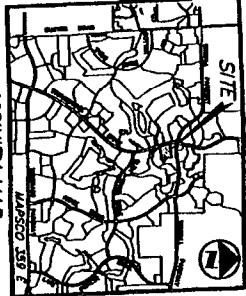
**POGUE**  
 ENGINEERING & DESIGN  
 10000 WARDEN STREET, SUITE 100  
 HOUSTON, TEXAS 77001  
 (713) 260-2000  
 WWW.POGUE.COM

**SITE PLAN**  
 PAXTON SITE AT ABRATICA  
 BLOCK A, LOT 1R, ABRATICA  
 HENRY JOHNSON SURVEY, ABSTRACT NO. 482  
 CITY OF MCKINNEY, TEXAS  
 SHEET NO. C1.01



**LANDSCAPE REQUIREMENTS:**  
 THE LANDSCAPE SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN AND THE LANDSCAPE SPECIFICATIONS. ALL PLANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN AND THE LANDSCAPE SPECIFICATIONS. ALL PLANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN AND THE LANDSCAPE SPECIFICATIONS.

**REVISED**  
 08/27/2006  
**PLANNING**



**SITE DATA SUMMARY TABLE**

ITEM	DESCRIPTION	QUANTITY
1	ASPHALT DRIVEWAY	1,000 SQ. YD.
2	CONCRETE DRIVEWAY	500 SQ. YD.
3	CONCRETE SIDEWALK	1,000 L.F.
4	CONCRETE CURB	1,000 L.F.
5	CONCRETE UTILITY CHAMBERS	10
6	CONCRETE UTILITY COVERS	10
7	CONCRETE UTILITY CHAMBERS	10
8	CONCRETE UTILITY COVERS	10
9	CONCRETE UTILITY CHAMBERS	10
10	CONCRETE UTILITY COVERS	10

**REVISED**  
 08/27/2006  
**PLANNING**

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 ENGINEERING & DESIGN  
 10000 WARDEN STREET, SUITE 100  
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