

ORDINANCE NO. 2008-09-097

AN ORDINANCE AMENDING ORDINANCE NO. 2006-06-071 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 38.74 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF CUSTER ROAD AND FUTURE SILVERADO TRAIL, IS REZONED FROM "PD" – PLANNED CENTER DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY 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 38.74 acre property, located on the northeast corner of Custer Road and Future Silverado Trail, from "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 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. 2006-06-071 is hereby amended so that an approximately 38.74 acre property, located on the northeast corner of Custer Road and Future Silverado Trail, which is more fully depicted on [Exhibit A](#) attached hereto, is hereby rezoned from "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 development standards.

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

1. Tract 1, which is more fully depicted on [Exhibit B](#), shall be developed in accordance with the City of McKinney Zoning Ordinance and the Neighborhood Zone regulations as set forth in the "REC" – Regional Employment Center Overlay District, except as follows:
  - a. All permitted uses as stated in the "BN" – Neighborhood Business District of the City of McKinney Zoning Ordinance shall be allowed.
  - b. Buildings 6, 7, and 11-13, as shown on the attached general development plan, shall be limited to office uses only.
2. Tract 2, which is more fully depicted on Exhibit B, shall be developed for multi-family residential uses in accordance with



the City of McKinney Zoning Ordinance and the Neighborhood Zone regulations as set forth in the "REC" – Regional Employment Center Overlay District, except as follows:

- a. Buildings 2 and 5 shall be allowed a maximum height of 3 stories.
  - b. Covered parking shall not be required on the subject property.
  - c. Carports shall be prohibited on the subject property.
  - d. The 20 foot tandem space located in front of a garage may be counted towards the minimum parking requirements as set forth by the Zoning Ordinance.
3. The northern property line shall develop in accordance with the attached landscape exhibit (Exhibit D), and all proposed trees shall have a minimum caliper of 3" and/or a minimum height of 10' at the time of planting.
  4. The subject property shall generally develop in accordance with the attached general development plan (Exhibit C).
  5. The access drives, hike and bike trails, and landscaping located on the northwest portion of the subject property may be modified slightly with site plan approval.

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.

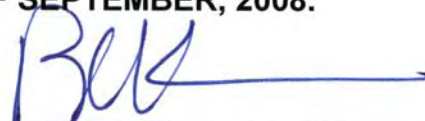
Section 5.

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 16<sup>TH</sup> DAY OF SEPTEMBER, 2008.

  
\_\_\_\_\_  
BILL COX, Mayor Pro-Tem

CORRECTLY ENROLLED:

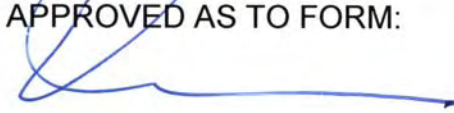
  
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SANDY HART, TRMC, MMC  
City Secretary

BEVERLY COVINGTON, TRMC, CMC  
Deputy City Secretary

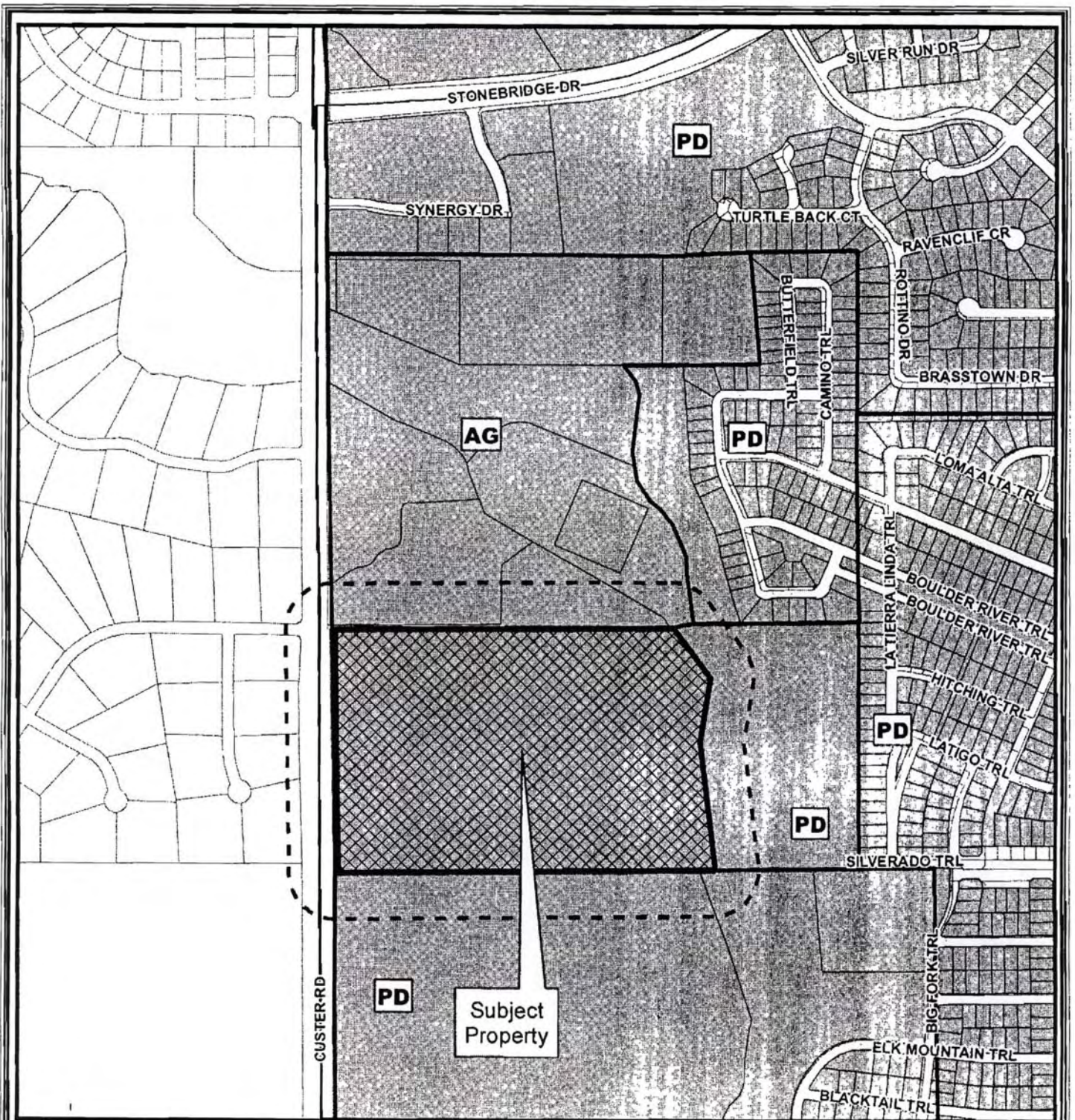
DATE: September 17, 2008

APPROVED AS TO FORM:

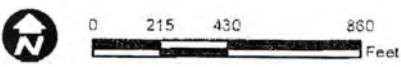
  
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MARK S. HOUSER  
City Attorney





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**Notification Case**

Notice Case: 08-165Z  
R-6662-000-0080-1

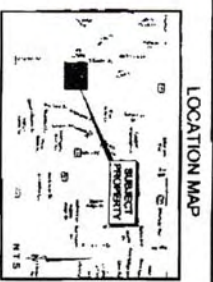
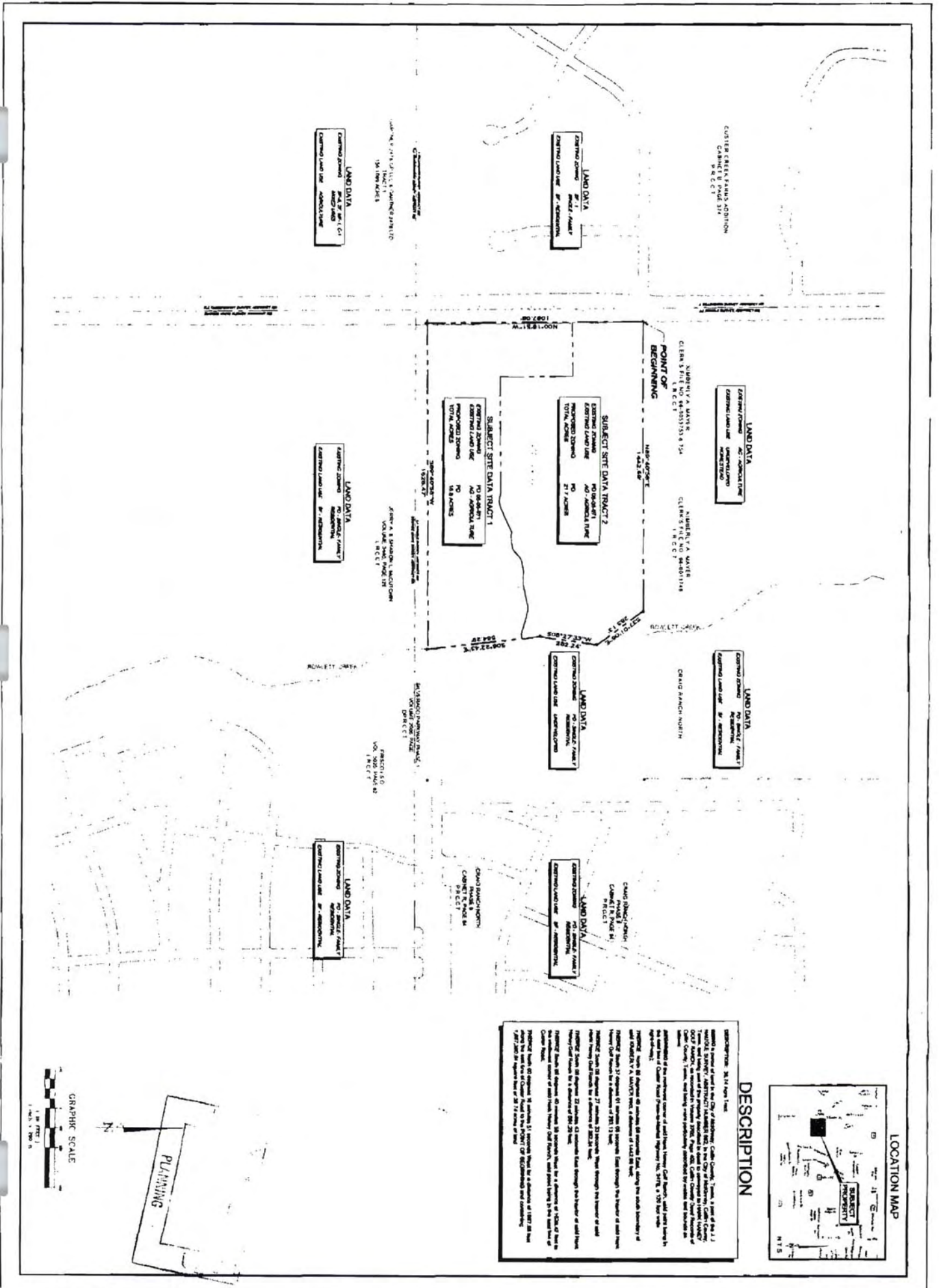
- - - 200' Notification Buffer



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.

**EXHIBIT A**

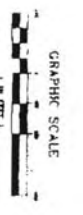
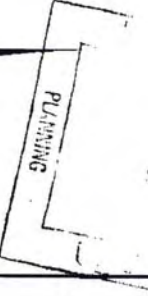




**DESCRIPTION**

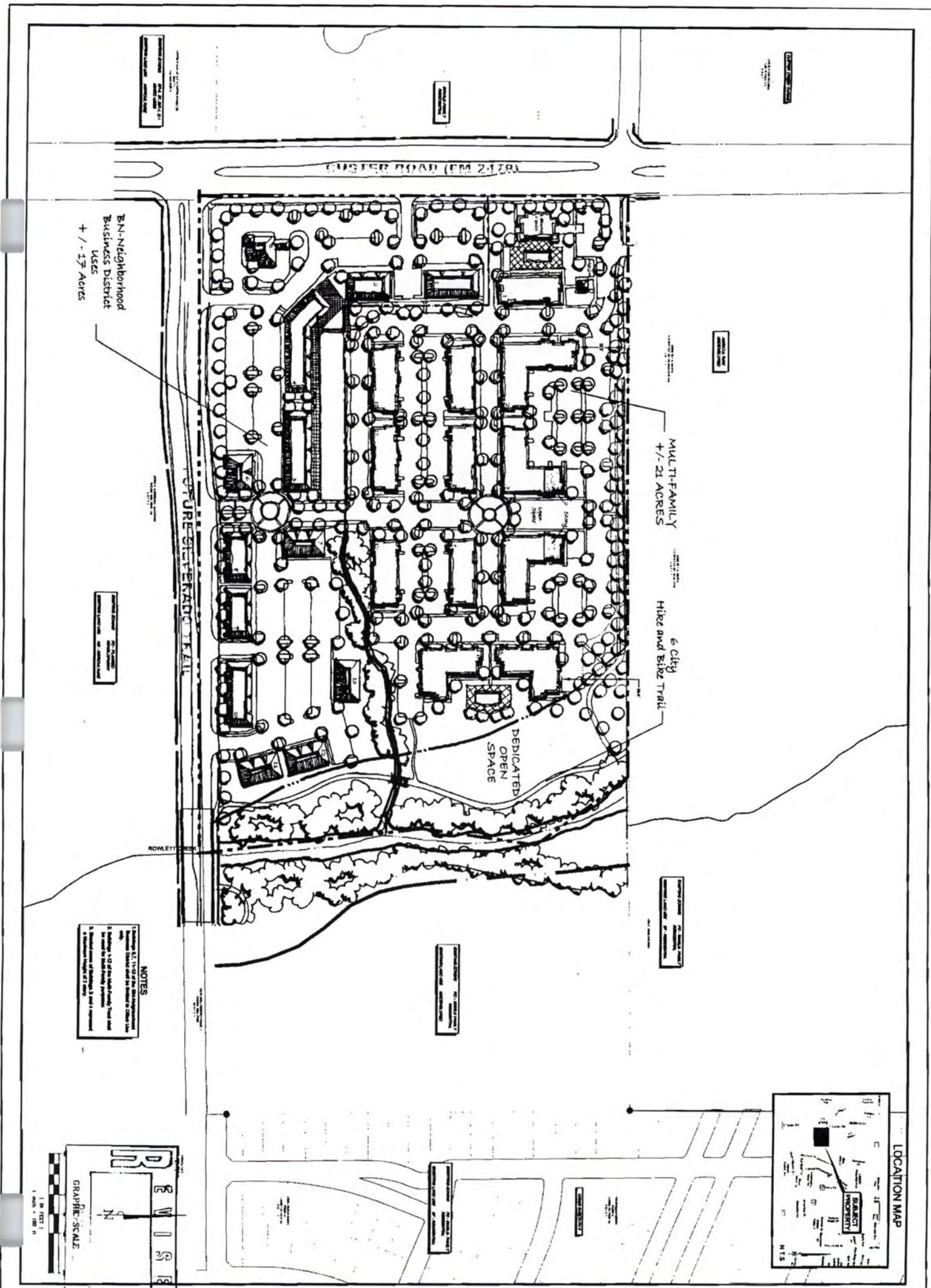
**DESCRIPTION:** 34.12 Acres Total

The subject site is located in the City of Alameda, Contra Costa County, California, within the Alameda County Planning Area. The subject site is bounded to the north by the City of Alameda, to the south by the City of Fremont, to the east by the City of Fremont, and to the west by the City of Fremont. The subject site is bounded to the north by the City of Alameda, to the south by the City of Fremont, to the east by the City of Fremont, and to the west by the City of Fremont.



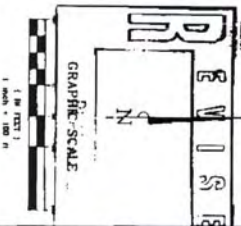
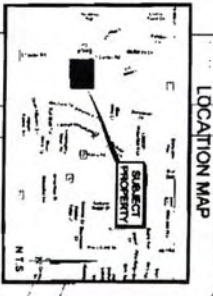
<b>EXHIBIT</b>	<p>Scale: SEE GRAPHIC SCALE</p> <p>Designed by: DAK</p> <p>Drawn by: LMR</p> <p>Checked by: DAK</p> <p>Date: AUGUST 2008</p> <p>Project No.</p>	<p>ZONING EXHIBIT</p> <p><b>THE VILLAGES OF ROWLETT CREEK</b></p>	<p>THIS DRAWING IS TO BE USED FOR EXHIBIT PURPOSES ONLY.</p>	<p>Master Planning Civil Engineering Land Development</p> <p>225 Ford Way Oakland, CA 94612 Tel: 415.434.8300 Fax: 415.434.8301</p>
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**EXHIBIT B**



**NOTES**

1. All buildings shall be constructed in accordance with the applicable codes.
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5. All buildings shall be constructed in accordance with the applicable codes.



**EXHIBIT**

Scale: BEC GRAPHIC SCALE  
 Designed by: OAK  
 Drawn by: LMR  
 Checked by: OAK  
 Date: SEPTEMBER 2008  
 Project No.

**GENERAL DEVELOPMENT PLAN**

**THE VILLAGES OF ROWLETT CREEK**

THIS DRAWING IS TO BE USED FOR EXHIBIT PURPOSES ONLY

**SANCHEZ & Associates**

Master Planning  
 Civil Engineering  
 Land Development

220 East Virginia Street  
 McKinney, TX 75069  
 Tel: 409-424-5900  
 Tel: 214-544-1200

File: P&Z\_08-165Z.dwg Date: 09/24/08 10:00 AM Plot: P&Z\_08-165Z.dwg Path: C:\Users\lmr\Documents\Projects\2008\08-165Z\08-165Z.dwg  
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**EXHIBIT C**

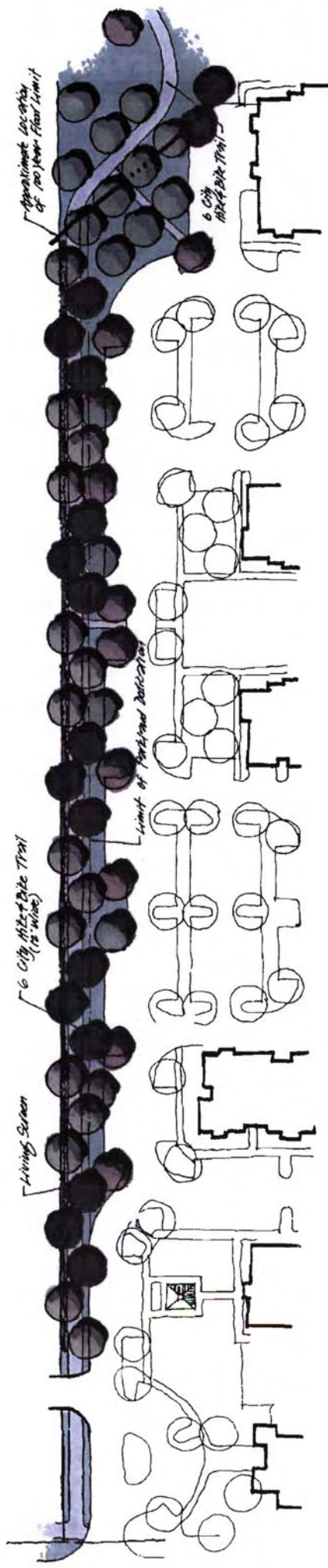


THE VILLAGES OF ROWLETT CREEK

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Master Planning  
 Civil Engineering  
 Land Development  
 2800 West Loop West  
 Suite 100  
 Houston, TX 77027  
 713.221.0000



EXHIBIT

