

ORDINANCE NO. 2006-06-073

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 193 ACRE TRACT LOCATED EAST OF CUSTER ROAD AND NORTH OF BLOOMDALE ROAD IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT GENERALLY FOR SINGLE-FAMILY, TOWNHOME, AND RETAIL USES, AND AN APPROXIMATELY 195 ACRE TRACT LOCATED EAST OF CUSTER ROAD AND NORTH OF BLOOMDALE ROAD IS ZONED "PD" – PLANNED DEVELOPMENT DISTRICT GENERALLY FOR SINGLE-FAMILY, TOWNHOME, AND RETAIL USES; 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 193 acre tract located east of Custer Road and North of Bloomdale Road from "AG" – Agricultural District to "PD" – Planned Development District generally for single-family, townhome, and retail uses, and an approximately 195 acre tract located east of Custer Road and north of Bloomdale Road is zoned "PD" – Planned Development District generally for single-family, townhome, and retail uses, 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. 1270 is hereby amended so that an approximately 193 acre tract located east of Custer Road and north of Bloomdale Road is hereby rezoned from "AG" – Agricultural District to "PD" – Planned Development District generally for single-family, townhome, and retail uses, and an approximately 195 acre tract located east of Custer Road and north of Bloomdale Road is hereby zoned "PD" – Planned Development District generally for single-family, townhome, and retail uses, which are more fully depicted on Zoning Exhibit "A" attached hereto.

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

1. The 195 acres located within the City of McKinney ETJ be legally annexed into the City of McKinney.
2. The subject property develop according to the attached general development plan, Exhibit "B".

3. Multi-Family be a non-allowed use for all tracts on the subject property.
4. The RS-80 district develop according to the "RS-84" – Single Family Residence District standards, except that the minimum lot area be 8,000 square feet.
5. The mean and median lot sizes for the single-family residence districts shall be a minimum 7,000 square feet.
6. The maximum allowed density for the single-family residence districts shall be 3.2 dwelling units per acre. This density may be increased to a maximum 3.4 dwelling units per acre if Staff determines that the preliminary-final plat meets the "Design for Density" criteria in the Comprehensive Plan.


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.

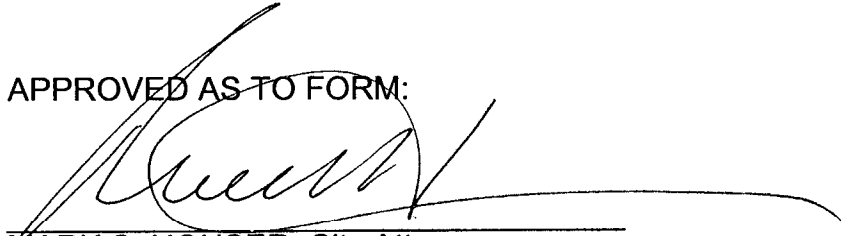
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 6th DAY OF JUNE, 2006.

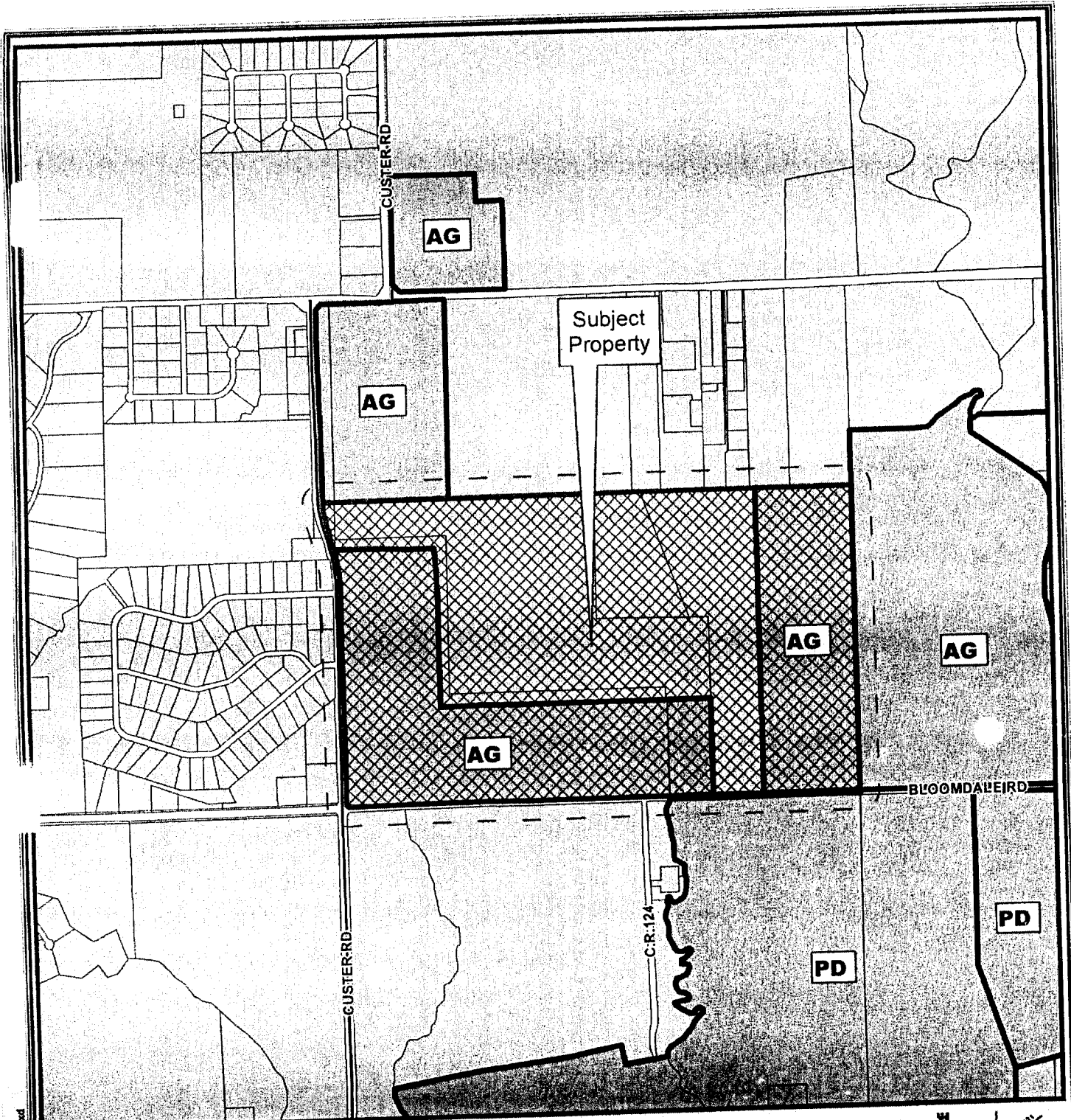

BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:

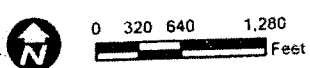

SANDY HART, OMC
City Secretary
BEVERLY COVINGTON
Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney



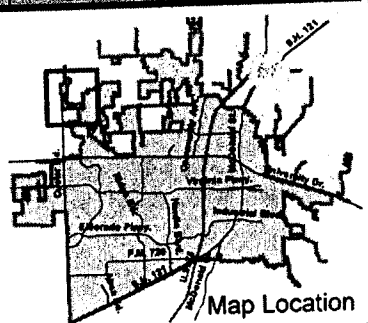
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Notification Case

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.



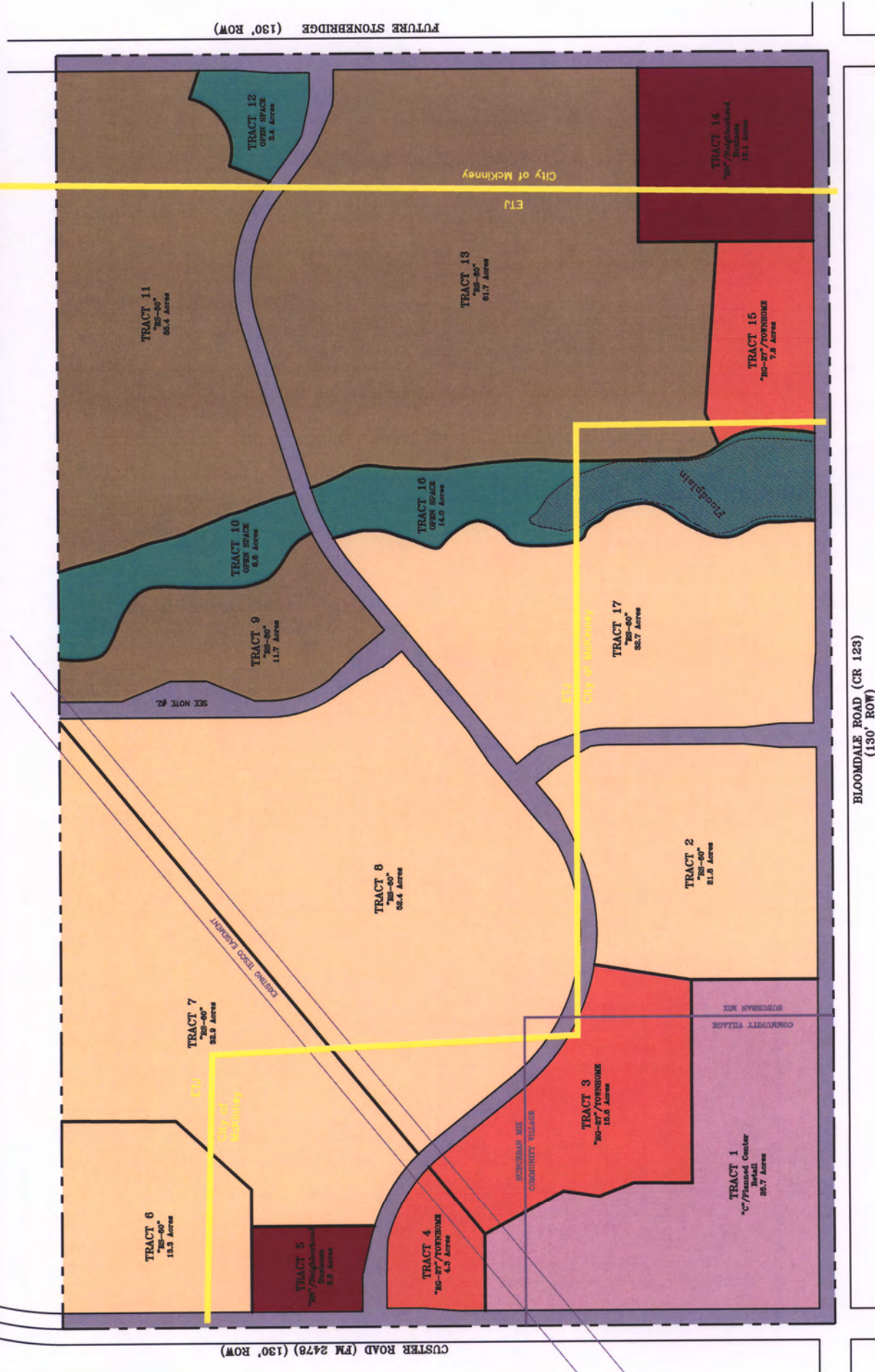
C	Planned Center, Retail
RS	Neighborhood Business
RS-RT	Townhomes
RS-RO	Single Family (6000sf min)
RS-BO	Single Family (6000sf min)
RT-RT	Right-of-Way
OS	Open Space
FP	Floodplain

GENERAL NOTES:
 1. THE PERMITTER CONNECTION POINTS, AS SHOWN, ARE PRELIMINARY. THE SPECIFICS OF THESE CONNECTIONS WILL BE DETERMINED AND MATCHED AT THE TIME OF FINAL PLATTING.

2. THE RIGHT-OF-WAY IN THIS AREA IS WIDENED TO ACCOMMODATE A LARGE MEDIAN THAT IS INTENDED TO PRESERVE EXISTING TREES AND CREATE A NATURAL GREENSPACE.

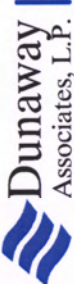
CUSTER ROAD (FM 2478) (130' ROW)


FUTURE STONEBRIDGE (130' ROW)



BLOOMDALE ROAD (CR 123)
(130' ROW)

ZONING EXHIBIT
 of
 ±388 ACRES
 being situated in the
 City of McKinney, Collin County, Texas
 April 28, 2006
 Revised May 5, 2006

Prepared By:

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 Surveyors
 Landscape Architects
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