

**ORDINANCE NO. 2013-03-028**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 33.55 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF STACY ROAD AND FUTURE COLLIN MCKINNEY PARKWAY, 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, TO ALLOW FOR SINGLE FAMILY RESIDENTIAL AND COMMERCIAL USES; 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 33.55 acre property, located on the northeast corner of Stacy Road and future Collin McKinney Parkway, which is more fully depicted on Exhibit "A", 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, to allow for single family residential and commercial 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 in order to rezone an approximately 33.55 acre property, located on the northeast corner of Stacy Road and future Collin McKinney Parkway, 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.

Section 2. Use and development of the subject property shall conform to the regulations of Section 146-94 "PD" - Planned Development District, and Section 146-99 "REC" – Regional Employment Center Overlay District, and as amended, except as follows:

(a) Tract 1 (approximately 23.50 acres) – The use of this area shall conform to the REC Residential District and develop in accordance with the single family detached, standard lot requirements of the Neighborhood Zone as specified in the "REC" - Regional Employment Center Overlay District, and as amended, except as follows:

i. Attached garages accessed by driveways from the front of the house shall be set back at least 10 feet from the front façade of the house.

(b) Tract 2 (approximately 10.00 acres) - The use of this area shall conform to the REC Neighborhood Center District and develop in accordance with the requirements of the Collin-McKinney Parkway

Corridor Zone as specified in the "REC" - Regional Employment Center Overlay District, and as amended.

(c) The subject property shall generally develop according to the attached site layout (Exhibit "B").

(d) Landscaping, as generally depicted on the attached site layout (Exhibit "B"), shall be provided in addition to the minimum requirements of the "REC" - Regional Employment Center Overlay District, and as amended.

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.

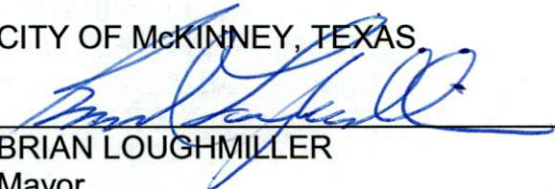
Section 4. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue 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 19<sup>th</sup> DAY OF MARCH, 2013.**

CITY OF MCKINNEY, TEXAS

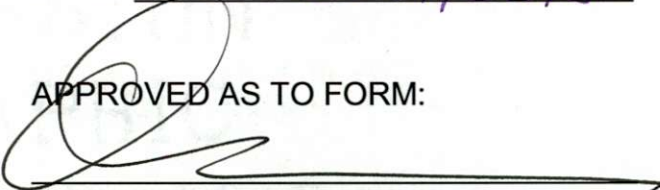
  
BRIAN LOUGHMILLER  
Mayor

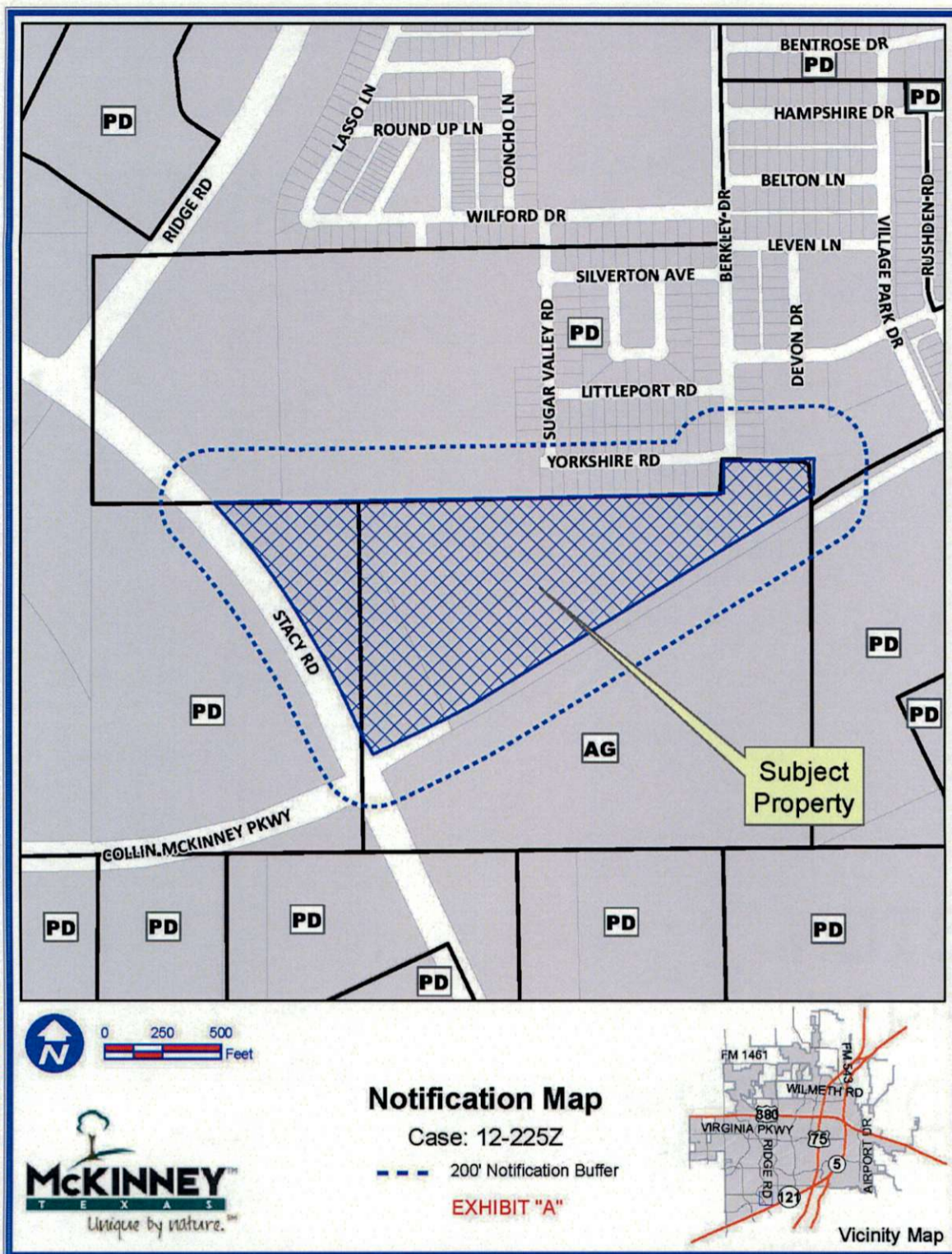
CORRECTLY ENROLLED:

  
SANDY HART, TRMC, MMC  
City Secretary  
BLANCA I. GARCIA  
Assistant City Secretary

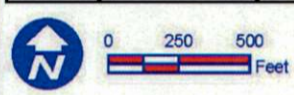
DATE: March 19, 2013

APPROVED AS TO FORM:

  
MARK S. HOUSER  
City Attorney



Path: S:\WCKGIS\Notification\Projects\00 12\12-225Z.mxd



### Notification Map

Case: 12-225Z

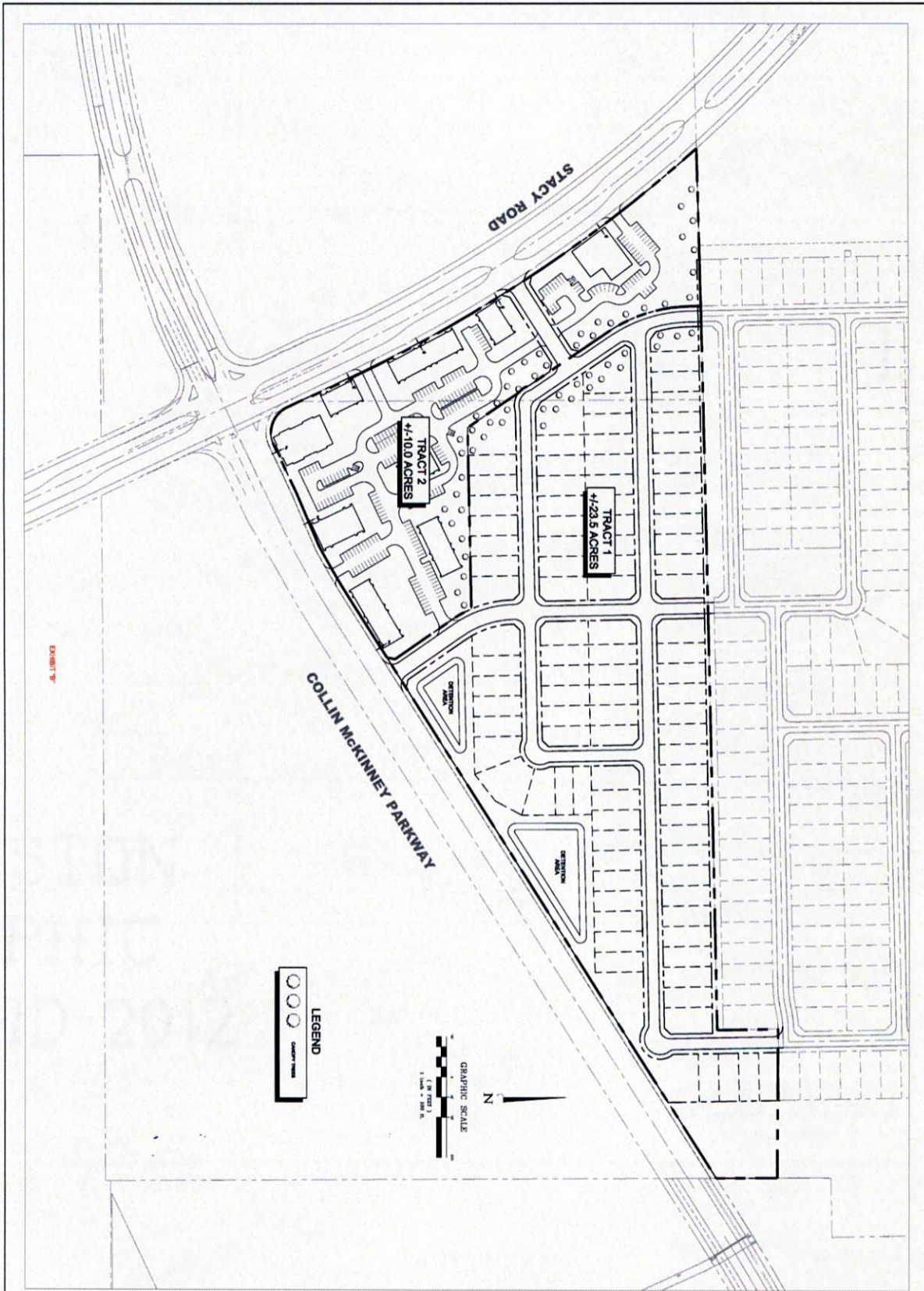
--- 200' Notification Buffer


**EXHIBIT "A"**



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



<b>EXHIBIT</b>	<b>Scale:</b> SEE GRAPHIC SCALE	<b>ZONING EXHIBIT</b>	<b>WORKMAN FLOYD +/- 33.5 ACRES</b>	THIS DRAWING IS TO BE USED FOR EXHIBIT PURPOSES ONLY	 <b>SANCHEZ &amp; Associates</b> Master Planning Civil Engineering Land Development 222 Blue Virginia Street McKinney, TX 75069 Tel: 972.224.2100 Fax: 214.244.2200 Certificate of Registration No. P-2865
	<b>Designed by:</b> LAW				
	<b>Drawn by:</b> AAI				
	<b>Checked by:</b> LAW				
<b>Date:</b> FEBRUARY, 2013					
<b>Project No.:</b> 08D18-017					

**EXHIBIT B**