

ORDINANCE NO. 2013-06-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2010-06-016 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 1.51 ACRE PROPERTY, LOCATED ON THE ON THE EAST SIDE OF LAKE FOREST DRIVE AND APPROXIMATELY 1,000 FEET SOUTH OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR DAYCARE 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 1.51 acre property, located on the east side of Lake Forest Drive and approximately 1,000 feet south of U.S. Highway 380 (University Drive), which is more fully depicted on Exhibits “A” and “B”, attached hereto, from “PD” – Planned Development District to “PD” – Planned Development District, generally to allow for daycare 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. 2010-06-016 is hereby amended in order to rezone an approximately 1.51 acre property located on the east side of Lake Forest Drive and approximately 1,000 feet south of U.S. Highway 380 (University Drive), which is more fully depicted on Exhibits “A” and “B”, attached hereto, from “PD” – Planned Development District to “PD” – Planned Development District, generally to allow for daycare uses.
- Section 2. Use and development of the subject property, more fully depicted on Exhibits “A” and “B”, shall develop in accordance with Ordinance No. 2010-06-016, except as follows:
- a. Daycare uses shall be allowed on the subject property.
 - b. One canopy tree shall be provided for every 30 linear feet of frontage along Lake Forest Drive.
- 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 4TH DAY OF JUNE, 2013.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

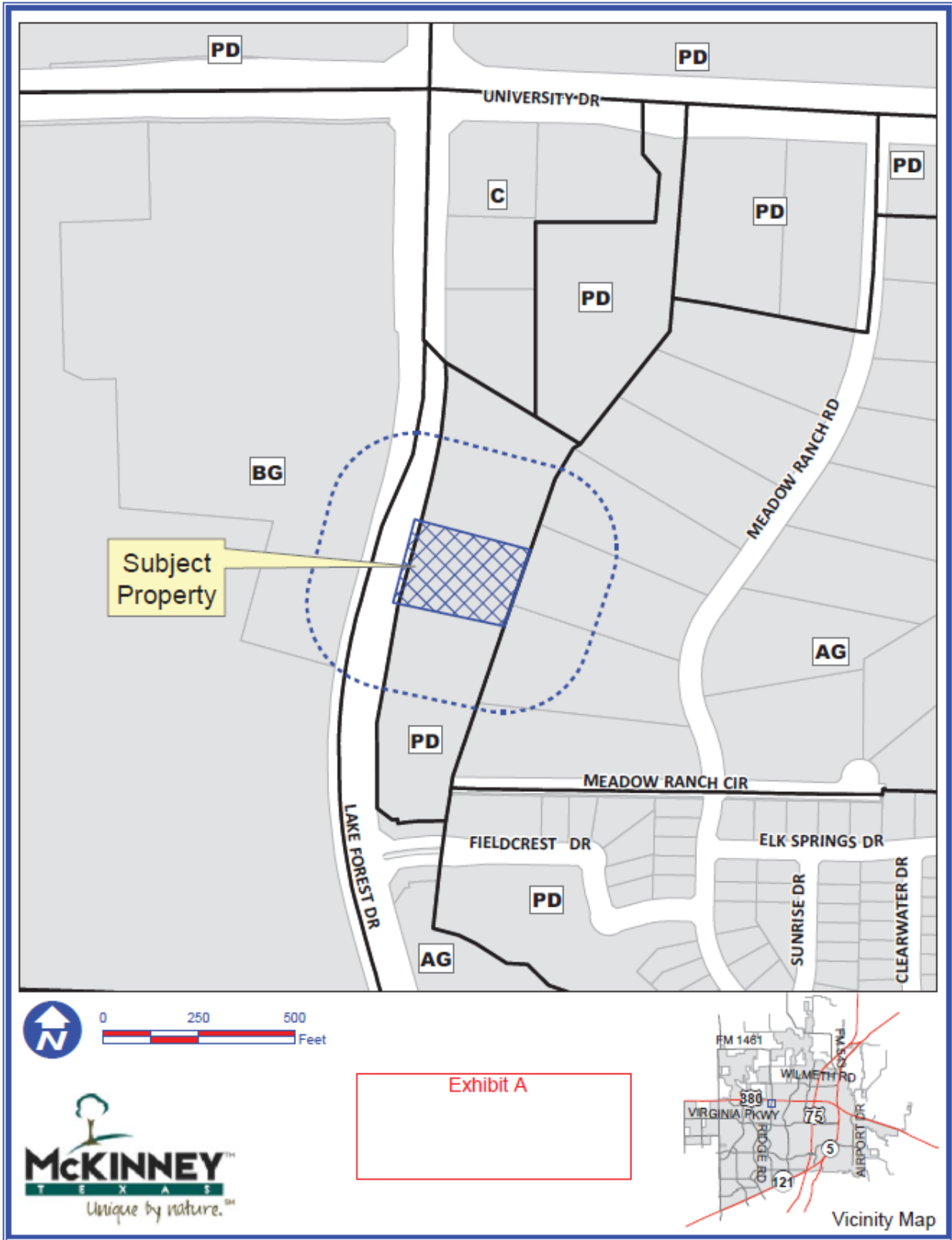
SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

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 B

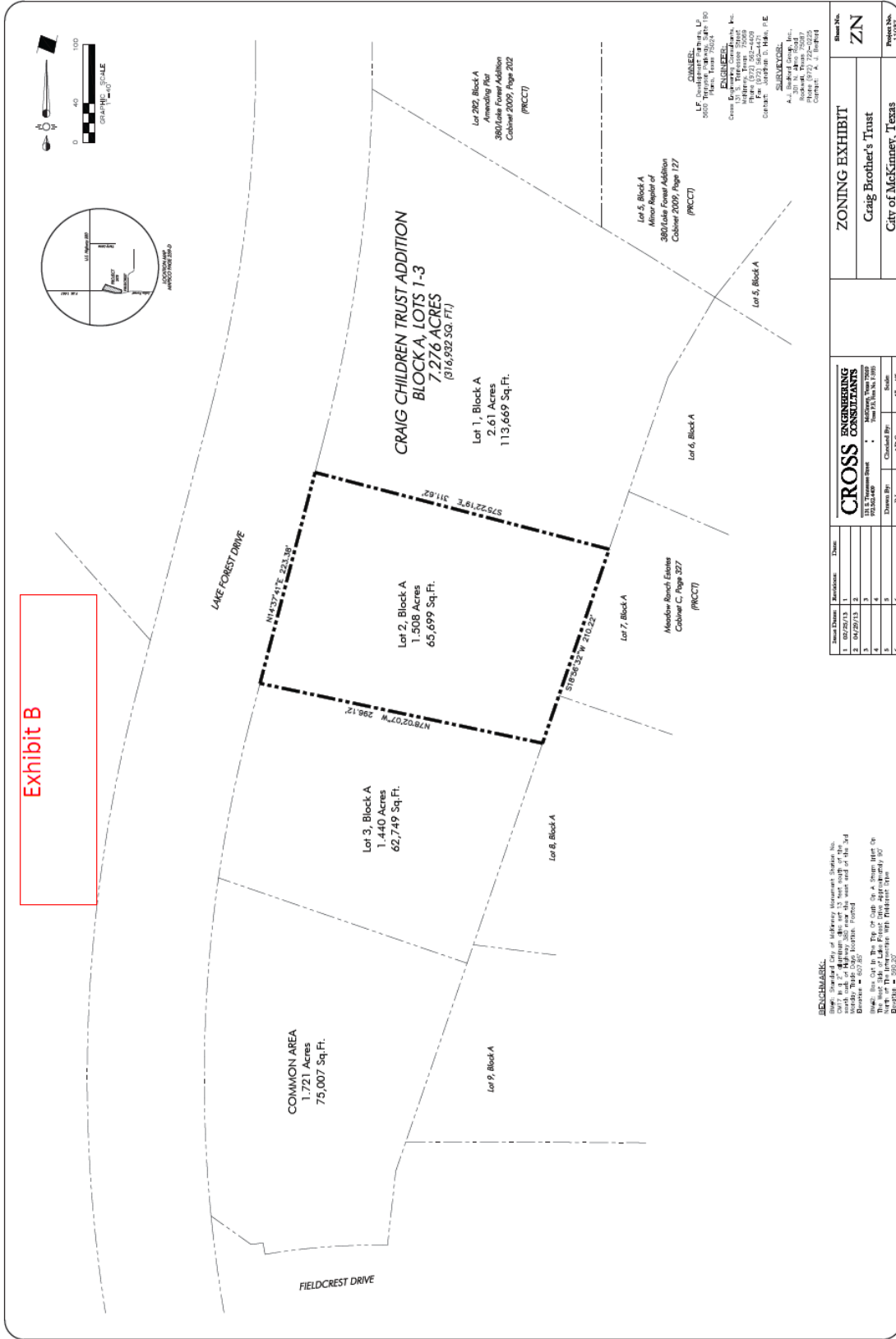
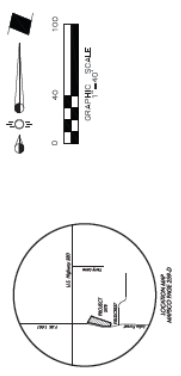


Exhibit B



ACCESS MANAGEMENT PLAN

CRAIG BROTHERS TRUST

CONTRACT:
LF Development Phase, L1
380 Lake Forest Addition
October 2009, Page 180

ENGINEER:
CROSS ENGINEERING CONSULTANTS
111 E. Young Street
P.O. Box 1000
Dallas, TX 75201
Phone: (214) 352-4400
Fax: (214) 352-4401
www.cross-engineering.com

SUBMITTAL:
A. J. Bradford King, Inc.
380 Lake Forest Addition
October 2009, Page 180
Contract: A. J. Bradford King, Inc.

Issue Date	Revisions	Date
1	02/22/13	1
2	04/22/13	2
3	04/22/13	3
4	04/22/13	4
5	04/22/13	5
6	04/22/13	6

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Drawn By: J.D.C.
Checked By: J.D.C.
Scale: 1" = 40'

ZONING EXHIBIT		Sheet No.
Craig Brothers Trust		ZN
City of McKinney, Texas		Plan No. 11007

NOTICE:
This plan is a preliminary plan and is not to be used for construction purposes. It is subject to change without notice. The City of McKinney, Texas, is not responsible for the accuracy of the information shown on this plan. The City of McKinney, Texas, is not responsible for the accuracy of the information shown on this plan. The City of McKinney, Texas, is not responsible for the accuracy of the information shown on this plan.