

ORDINANCE NO. 2008-11-106

AN ORDINANCE AMENDING ORDINANCE NO. 98-08-044 AND AS AMENDED, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 40.53 ACRE PROPERTY, LOCATED ON THE NORTH SIDE OF VIRGINIA PARKWAY AND APPROXIMATELY 400 FEET EAST OF AERO COUNTRY ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW AIRPORT RELATED USES, AIRPORT HANGAR, RETAIL AND TOWNHOME 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 40.53 acre property, located on the north side of Virginia Parkway and approximately 400 feet east of Aero Country Road, from "PD" – Planned Development District to "PD" – Planned Development, generally to allow airport related uses, airport hangar, retail, and townhome 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. 98-08-044 is hereby amended so that an approximately 40.53 acre property, located on the north side of Virginia Parkway and approximately 400 feet east of Aero Country Road, which is more fully depicted on Exhibit "A," attached hereto, is hereby rezoned from "PD" – Planned Development to "PD" – Planned Development District, generally to allow airport related uses, airport hangar, retail, and townhome uses.

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

1. The subject property, which is more fully described on Exhibit "C," attached hereto, shall develop in accordance with "PD" – Planned Development District Ordinance No. 98-08-044, except as follows:
 - a. The eastern and western tree lines shall be protected per the City's Tree Preservation Ordinance.
 - b. The 10' landscape buffer is reduced to 5' along the eastern property line.
 - c. Along the eastern property line, Live Oak trees will be provided every 40 linear feet and Eastern Red Cedars will be provided every 25 or 15 linear feet alternately.

- d. Along the eastern property line, a 6' tall masonry wall along with all associated landscape buffer trees shall be constructed beginning with the first phase at the southern portion of the tract and continuing northward, the wall shall be constructed simultaneous with the first phase and shall be further simultaneously constructed adjacent to all phases south of the identified tree mass; however the segment of wall adjacent to the tree mass (identified on Exhibit "B") shall not be required until the phase adjacent thereto is constructed.
- e. Tract 1 (3.45 acres) will develop in accordance with the "BN" – Neighborhood Business District regulations.
- f. Tract 2 (37.08 acres) will develop in accordance with the "ML" – Light Manufacturing District regulations, except as follows:
 - i. The subject property shall develop in accordance with the attached Exhibit "D".
 - ii. Townhomes with airplane hangars and freestanding airplane hangars shall be the only permitted uses.
 - iii. The hangar/townhome units shall develop in accordance with the "RG-27" General Residence Townhome District space limitations, except as follows:
 - Maximum Lot Coverage: 65 percent
 - iv. Front entry off-street parking shall be allowed for townhome units.
 - v. A 5' landscape buffer shall not be required along the western property line for non-residential parcels whenever an off-street parking area or vehicular use area abuts an adjacent property line.
 - vi. Hangar/townhome units shall require one large tree in the front yard with the second tree being placed in the eastern parkway of the private (50 foot right-of-way) street.
 - vii. The 10' landscape buffer with trees planted every 40' and associated screening device shall not be required between a

townhome/hangar unit and any adjacent non-residential use.

- viii. The east elevation of a type B building must be constructed of 100% masonry unless a townhome unit has been constructed between the type B building and the eastern property line at the time of building permit application for the type B building.
- ix. The north, south, and east elevations of the hangar/townhome units (Building A on Exhibit "D") will comply with the architectural exterior guidelines for townhomes within Section 146-139 Architectural and Site Standards of the City of McKinney Zoning Ordinance.


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 4th DAY OF NOVEMBER, 2008.


BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:



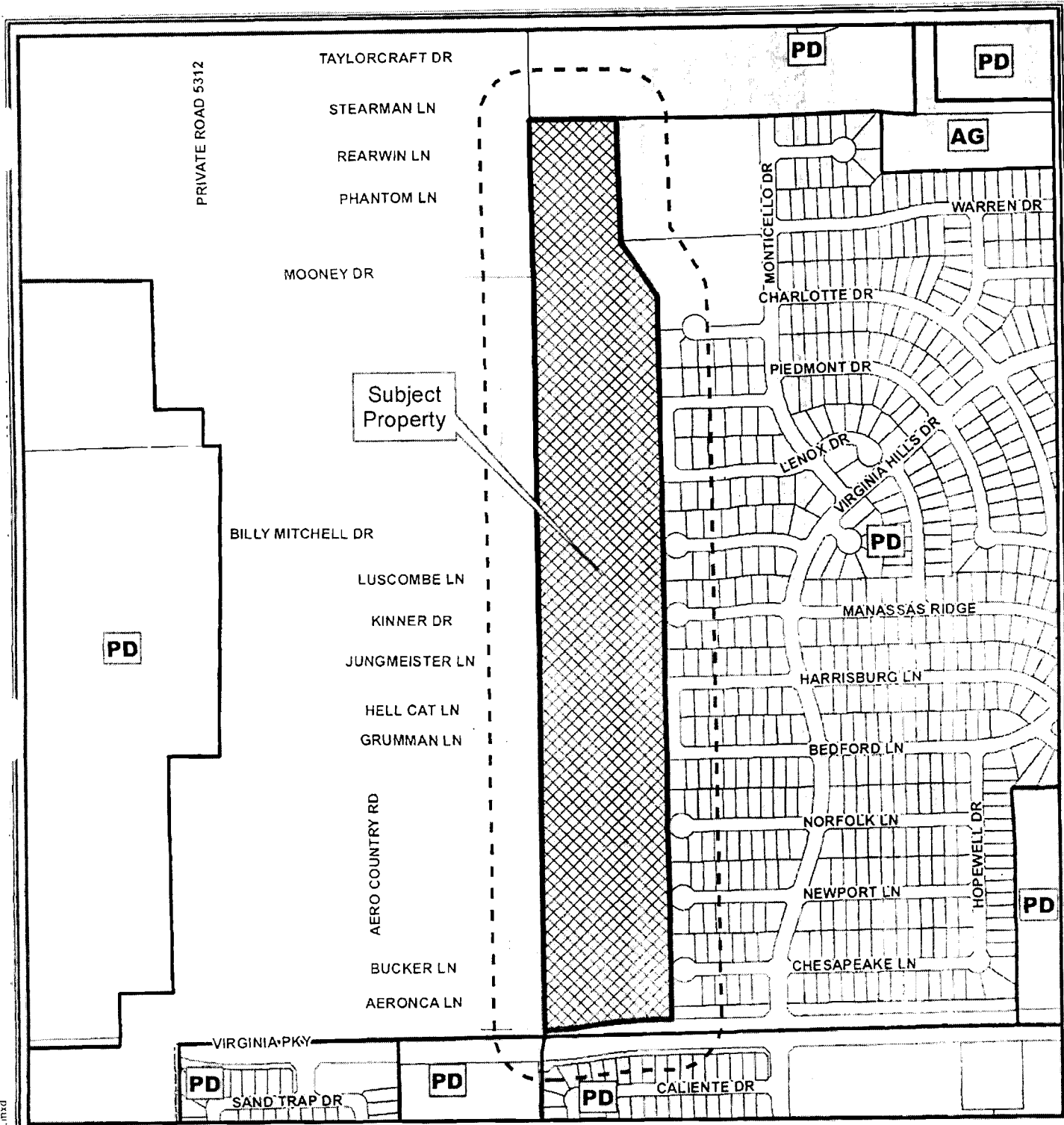
SANDY HART, TRMC, MMC,
City Secretary
BEVERLY COVINGTON, TRMC, CMC
Deputy City Secretary

DATE: November 5, 2006

APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney

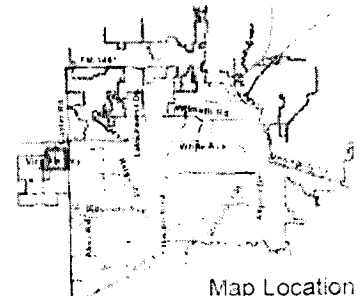


Subject Property

Notification Case

Notice Case: 08-330Z
R-6070-000-0030-1

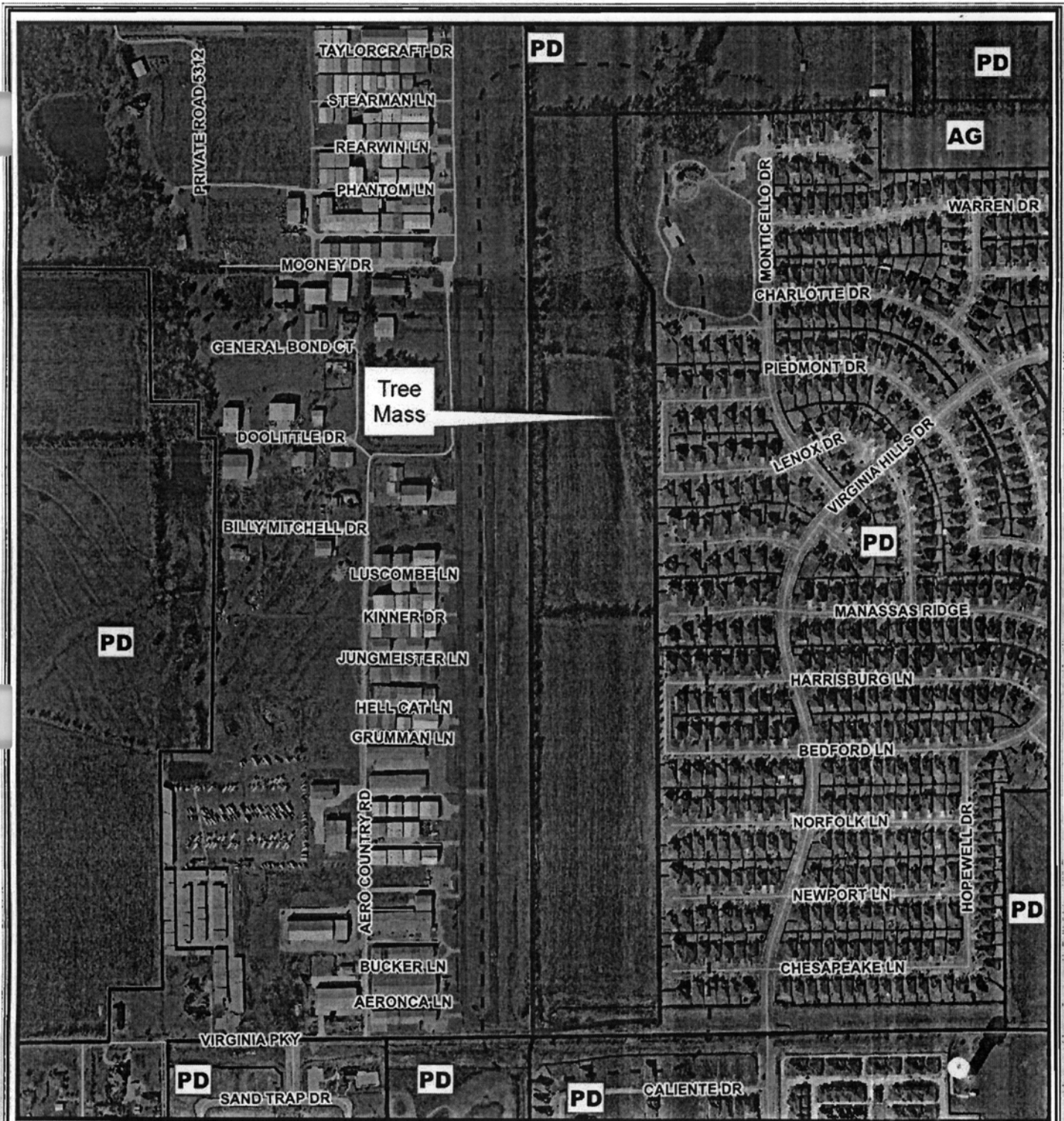
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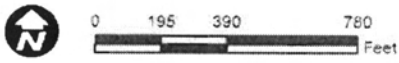
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EXHIBIT A



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Notification Case

Notice Case: 08-330Z
R-6070-000-0030-1

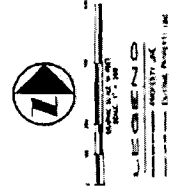
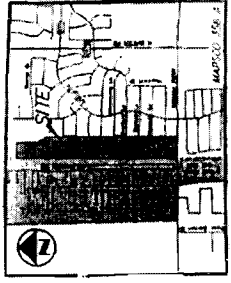


--- 200' Notification Buffer



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EXHIBIT D



DESCRIPTION OF PROPERTY

40.5305 ACRES OF LAND, JOHN R. BIRGOM'S SURVEY, ABSTRACT NO. 70, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

APPROXIMATE INDUSTRIAL, AIRPORT AND TOWNHOME USES

POINT OF BEGINNING

VIRGINIA PARKWAY

TRACT 2

TRACT 1

TRACT 3

TRACT 4

TRACT 5

TRACT 6

TRACT 7

TRACT 8

TRACT 9

TRACT 10

TRACT 11

TRACT 12

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TRACT 100

ZONING REVISIONS

REVISIONS

NO. 1

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NO. 100

PIPOGUE

ENGINEERING & DEVELOPMENT COMPANY, INC.

1000 WEST 10TH STREET, SUITE 100, FORT WORTH, TEXAS 76102

PHONE: (817) 335-1111

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EXHIBIT C

