## **ORDINANCE NO. 2008-09-096**

AN ORDINANCE AMENDING ORDINANCE NO. 2001-02-017, OF THE CITY OF McKINNEY, TEXAS; SO THAT AN APPROXIMATELY 4.71 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF COLLIN MCKINNEY PARKWAY AND DR. KENNETH COOPER DRIVE, IS 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 INCREASE THE MAXIMUM ALLOWED BUILDING HEIGHT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS,

the City of McKinney has considered the rezoning of an approximately 4.71 acre property, located on the southeast corner of Collin McKinney Parkway and Dr. Kenneth Cooper Drive, 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 increase the maximum allowed building height, 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. 2001-02-017 is hereby amended in order to rezone an approximately 4.71 acre property, located on the southeast corner of Collin McKinney Parkway and Dr. Kenneth Cooper Drive, which is more fully depicted on <a href="Exhibit"><u>Exhibit</u></a> A, attached hereto.

Section 2.

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

- 1. The subject property shall develop in accordance with Ordinance No. 2001-02-017 and the "REC" Regional Employment Center Overlay District, except as follows:
  - a. The subject property shall be allowed a maximum building height of 16 stories.
- 2. The following architectural standards shall apply to all proposed buildings on the subject property:
  - a. The Phase 1 building shall develop in accordance with the attached elevations (<u>Exhibit</u> C). All metal architectural elements shall be permitted as shown on Exhibit C.
  - b. The Phase 2 and Phase 3 buildings shall develop in accordance with the attached elevations (<u>Exhibit</u> D). All metal and fabric architectural elements shall be permitted as shown on Exhibit D.

3. The subject property shall generally conform to the attached General Development Plan (Exhibit B).

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  $16^{\mathrm{TH}}$  DAY OF SEPTEMBER, 2008.

BILL COX, Mayor Pro-Tem

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC

City Secretary

BEVERLY COVINGTON, TRMC, CMC

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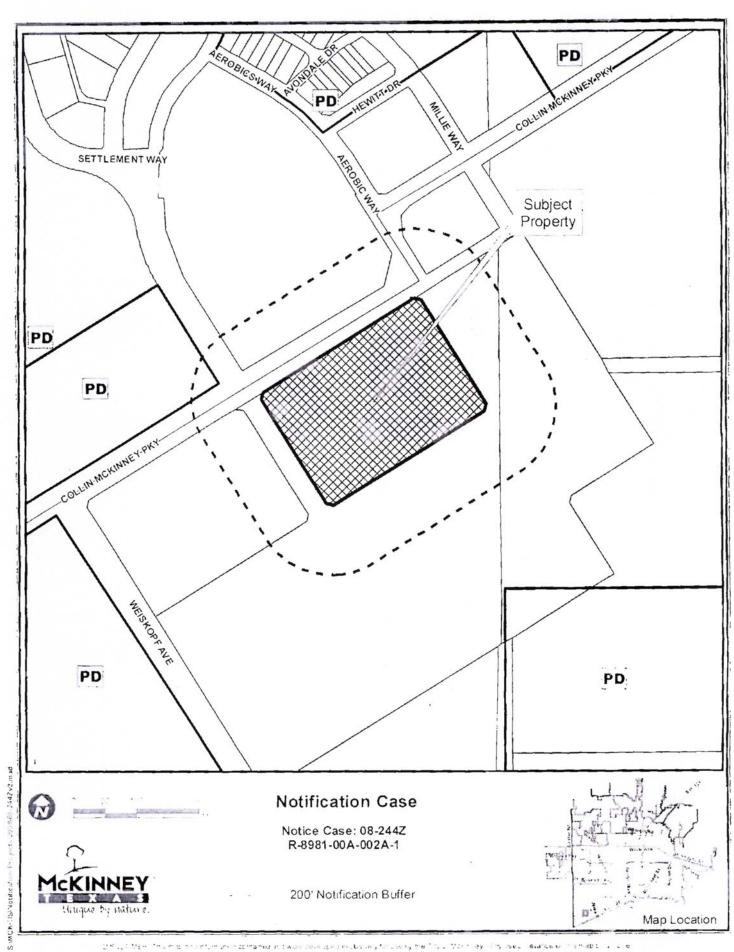
Deputy City Secretary

DATE:

APPROVED AS TO FORM:

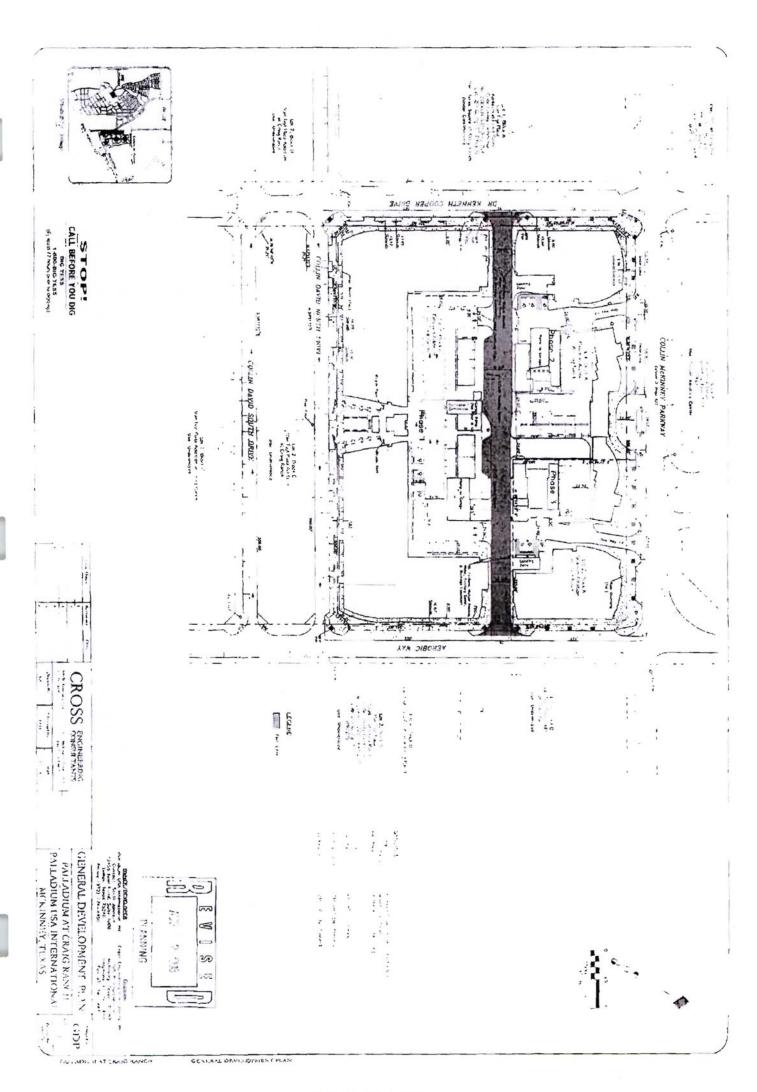
MARK S. HOUSER City Attorney

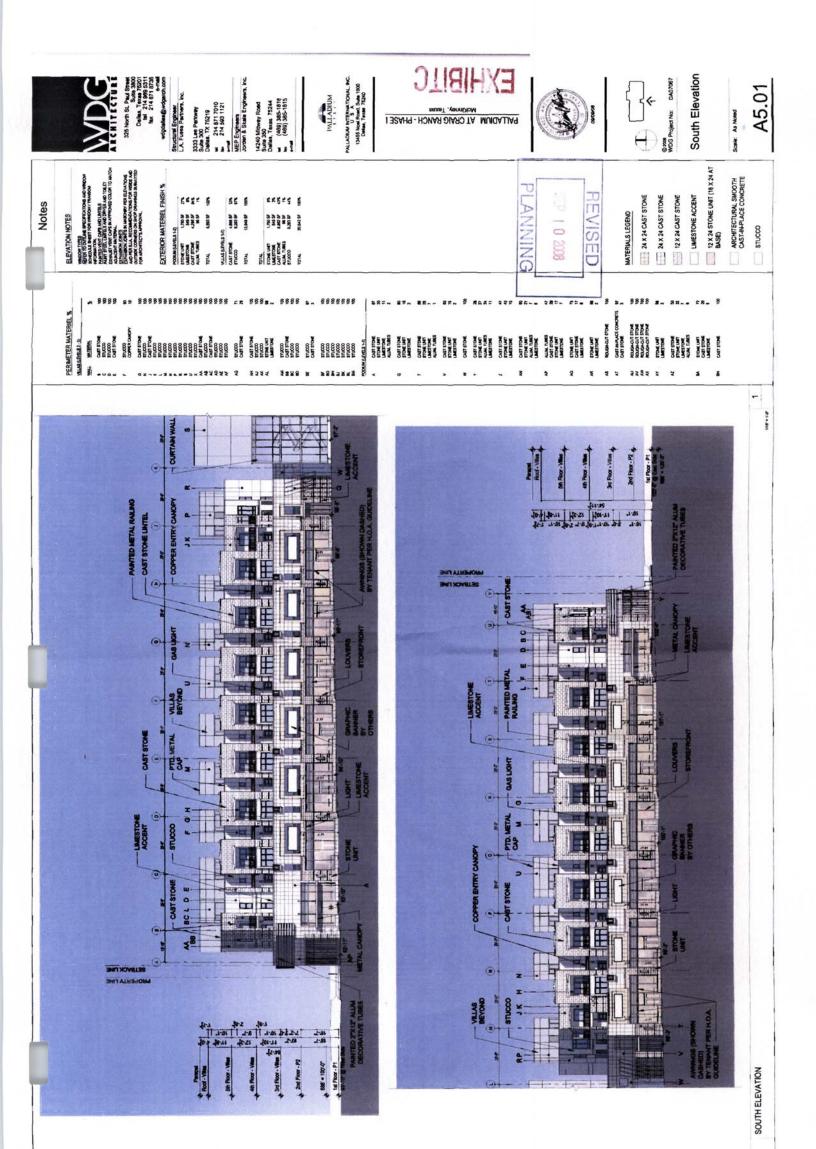
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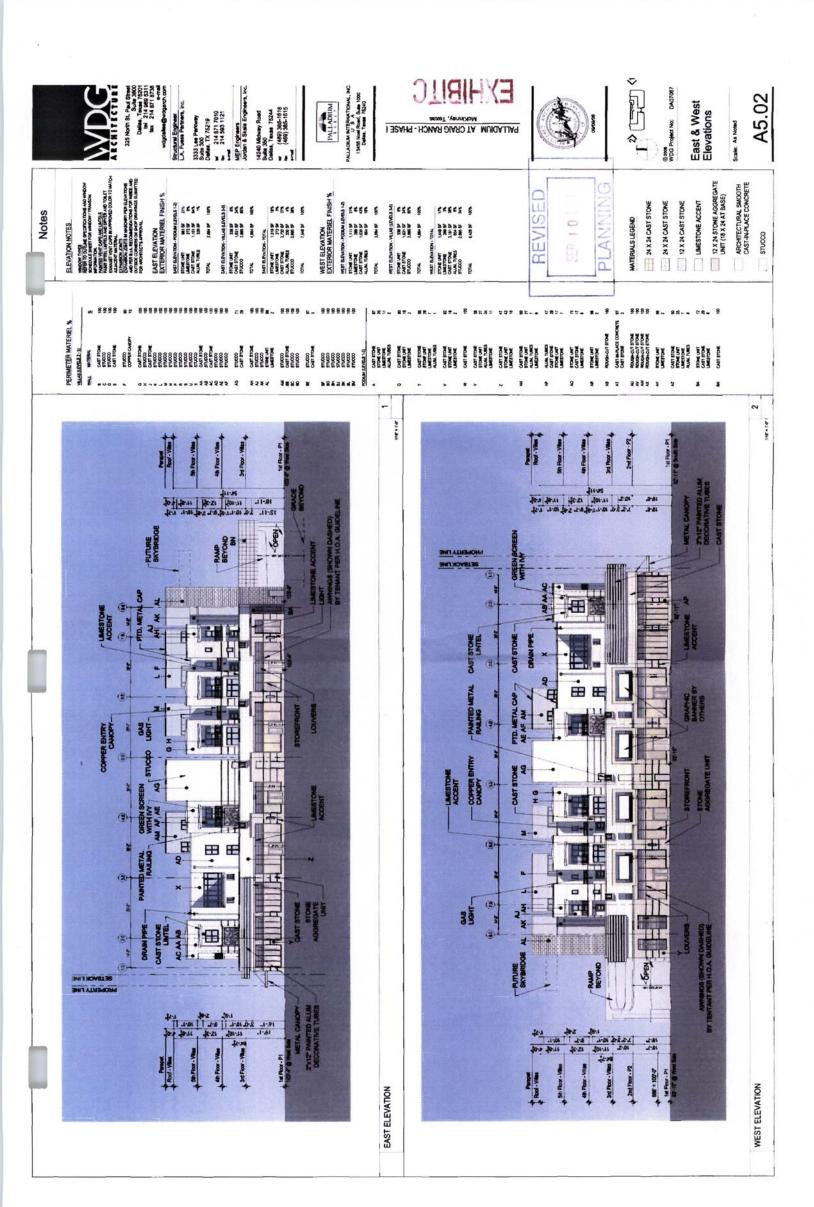


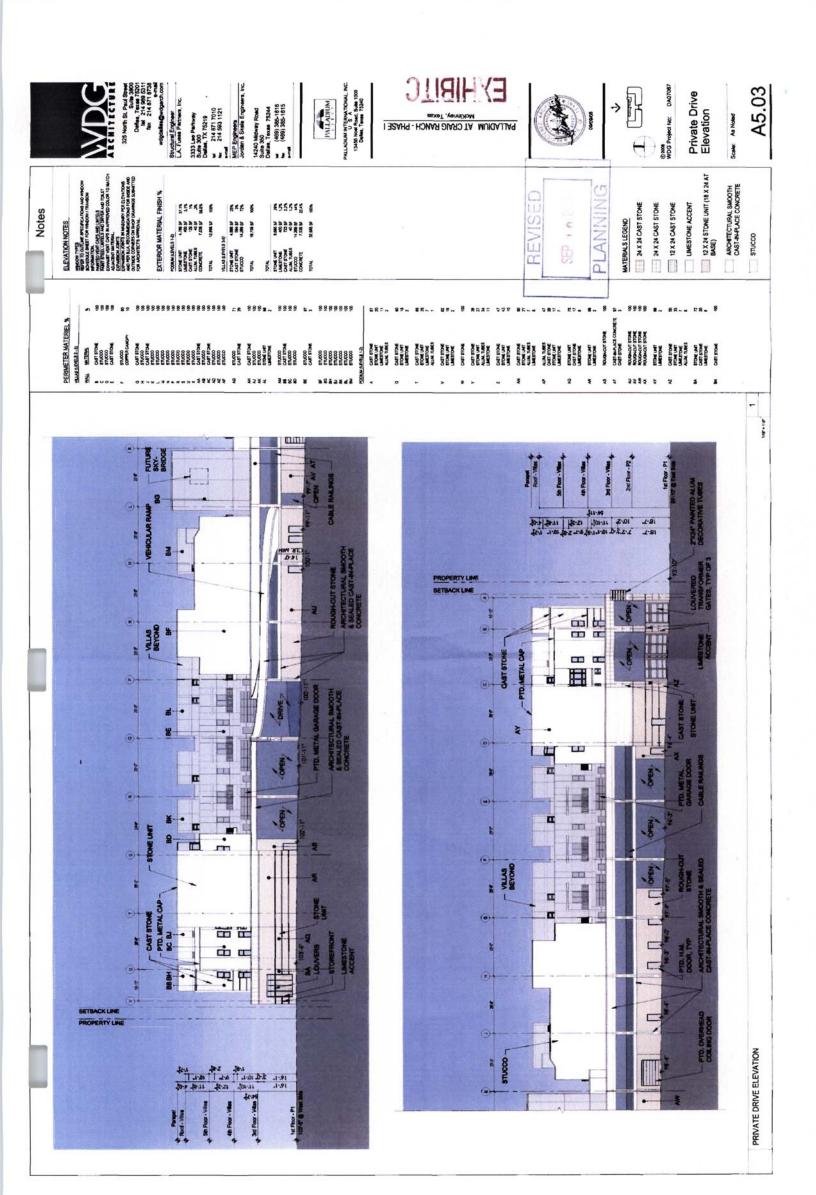
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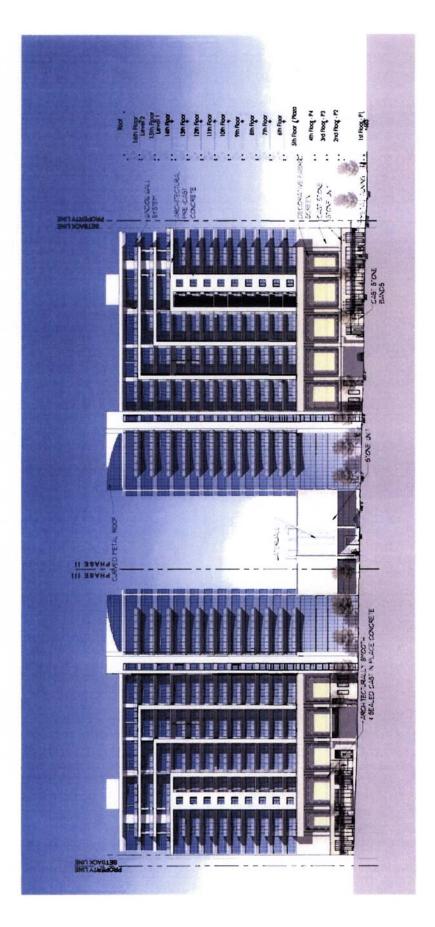
## EXHIBILC











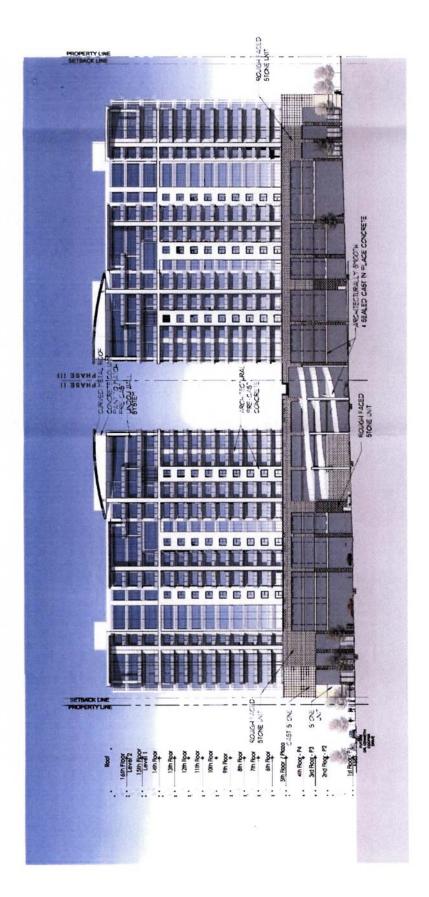




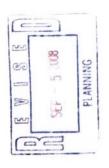










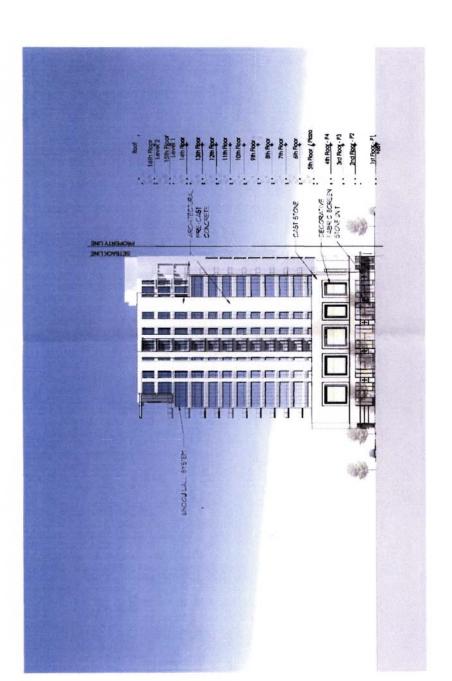




















"Not for regulatory approval, permitting, or construction"





