

ORDINANCE NO. 2013-06-058

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2008-11-106 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 1.51 ACRE PROPERTY IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS, LOCATED ON THE WEST SIDE OF LLOYD STEARMAN DRIVE AND APPROXIMATELY 450 FEET NORTH OF VIRGINIA PARKWAY; 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 west side of Lloyd Stearman Drive and approximately 450 feet north of Virginia Parkway, from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards; 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. 2008-11-106 is hereby amended in order to rezone an approximately 1.51 acre property, located on the west side of Lloyd Stearman Drive and approximately 450 feet north of Virginia Parkway, more fully depicted on Exhibits "A" and "B", from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards.
- Section 2. Use and development of the subject property shall conform to "PD" – Planned Development District Ordinance No. 2008-11-106, except as follows:
- a) Townhome/hangar units shall be a maximum of 3 stories tall (35 feet).
- 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 18th DAY OF JUNE, 2013.

CITY OF MCKINNEY, TEXAS



TRAVIS USSERY
Mayor Pro-Tem

CORRECTLY ENROLLED:



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

DATE: June 18, 2013

APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney

FIELD NOTE DESCRIPTION

STATE OF TEXAS
COUNTY OF COLLIN

BEING, a tract of land situated in the John R. Borrows Survey, Abstract No. 70, Collin County, Texas and being all of Lots 4R1-11R1, Block A of Aero Country East Addition, Lots 4R1-11R1 an addition the City of McKinney as recorded in Volume 2013, Page 5 of the Plat Records of Collin County, Texas (PRCCT) and being more particularly described as follows:

BEGINNING at a point for the most northeast corner of Lot 3R of Aero Country East Addition, an addition the City of McKinney as recorded in Volume 2011, Page 87 of the Plat Records of Collin County, Texas (PRCCT), said point also being in the westerly line of Common Area A-2R of said Aero Country East Addition, the same being Lloyd Stearman Drive (a private street);

THENCE along the northerly line of said Lot 3R South $89^{\circ} 23' 44''$ West a distance of 102.50 feet to a point for the most northwesterly corner of said Lot 3R, said point also being in the easterly line of Common Area A-4R of said Aero Country East Addition the same being Thompson Lane;

THENCE departing the northerly line of said Lot 3R and along the easterly line of said Common Area A-4R North $00^{\circ} 36' 16''$ West a distance of 643.00 feet to a point for the most southwesterly corner of Common Area A-3R of said Aero Country East Addition the same being Falcon Way;

THENCE departing the easterly line of said Common Area A-4R and along the southerly line of said Common Area A-3R North $89^{\circ} 23' 44''$ East a distance of 102.50 feet to a point in the westerly line of said Common Area A-2R;

THENCE departing the southerly line of said Common Area A-3R and along the westerly line of said Common Area A-2R South $00^{\circ} 36' 16''$ East a distance of 643.00 feet to the Point of Beginning;

Containing within these metes and bounds 1.513 acres or 65908 square feet of land more or less.

The bearings within these metes and bounds are based upon the Final plat of Aero Country East Lots 4R1-11R1, an addition to the city of McKinney, Texas as recorded in Volume 2013, Page 5 of the Plat Records of Collin County, Texas (PRCCT).

EXHIBIT B