

ORDINANCE NO. 2006-05-059

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2004-02-014 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 188 ACRE TRACT LOCATED ON THE SOUTH SIDE OF C.R. 123 (BLOOMDALE ROAD) AND ON THE WEST SIDE OF LAKE FOREST DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT TO MODIFY THE SUBDIVISION LAYOUT AND DENSITY; 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 188 acre tract located on the south side of C.R. 123 (Bloomdale Road) and on the west side of Lake Forest Drive, from "PD" – Planned Development District to "PD" – Planned Development District to modify the subdivision layout and density, 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. 2004-02-014 is hereby amended so that an approximately 188 acre tract located on the south side of C.R. 123 (Bloomdale Road) and on the west side of Lake Forest Drive, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "PD" – Planned Development District, to "PD" – Planned Development District to modify the subdivision layout and density.

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

1. The subject property develop in accordance with PD 2004-02-014, with the following exceptions:
 - a. The maximum number of residential lots for phases 2-4 does not exceed 600.
 - b. The mean and median lot size be 7,200 square feet.
 - c. The subject property generally develop in accordance with the attached zoning exhibit (Exhibit B) and preliminary final plat (Exhibit C).

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 5. 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 6. 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 7. 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.

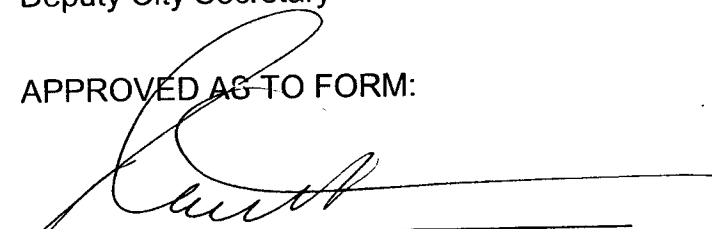
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 16th DAY OF MAY, 2006.

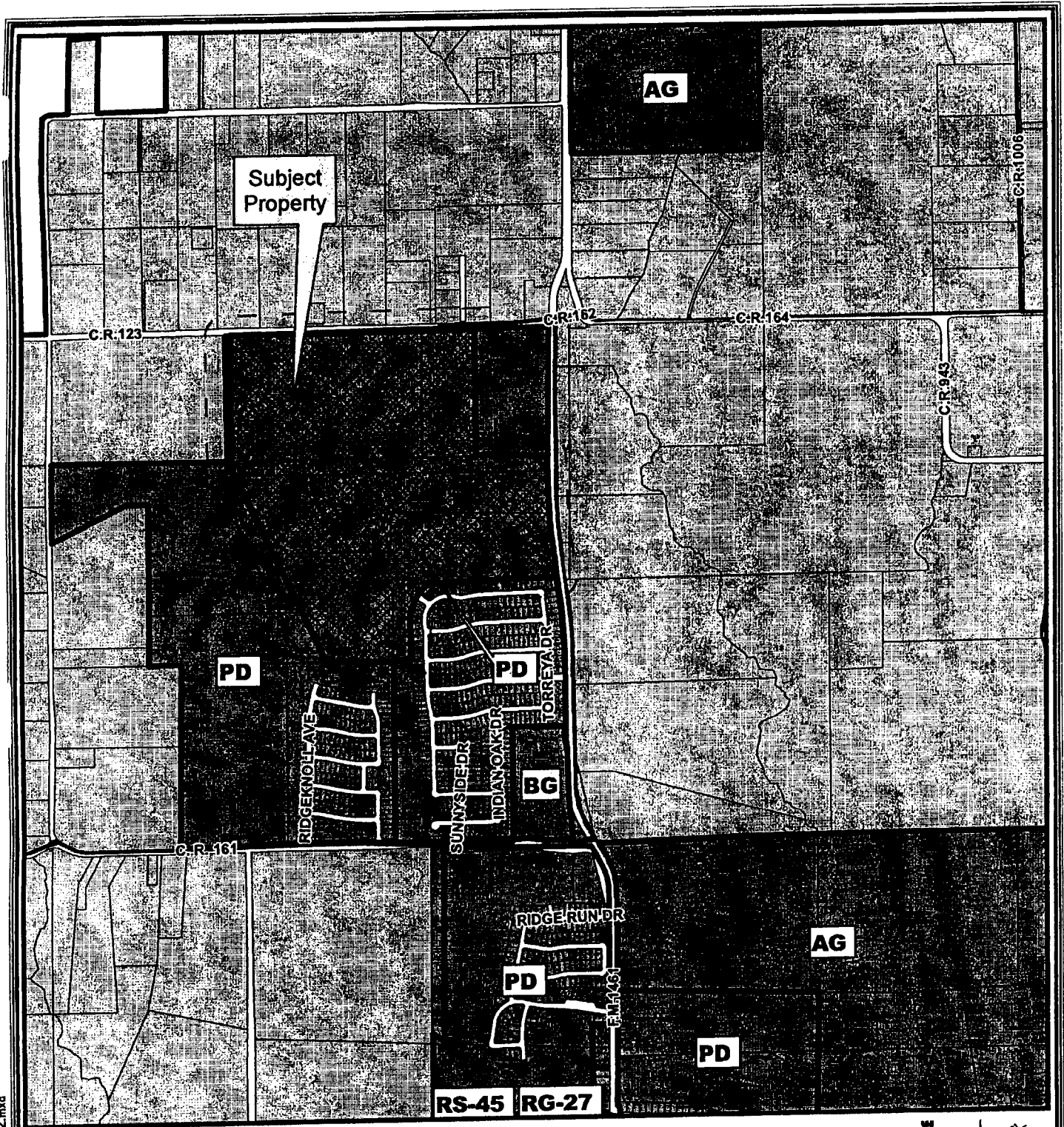

BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:

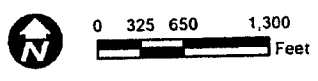

SANDY HART, CMC
City Secretary
BEVERLY COVINGTON
Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney



c:\om\Projects\2006\06-149Z.mxd

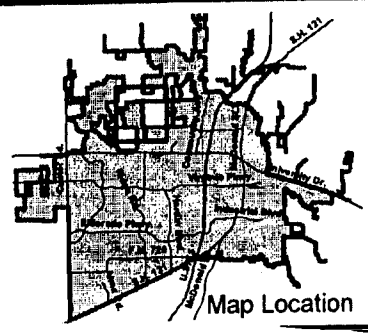


Notification Case

Notice Case #: 06-149Z

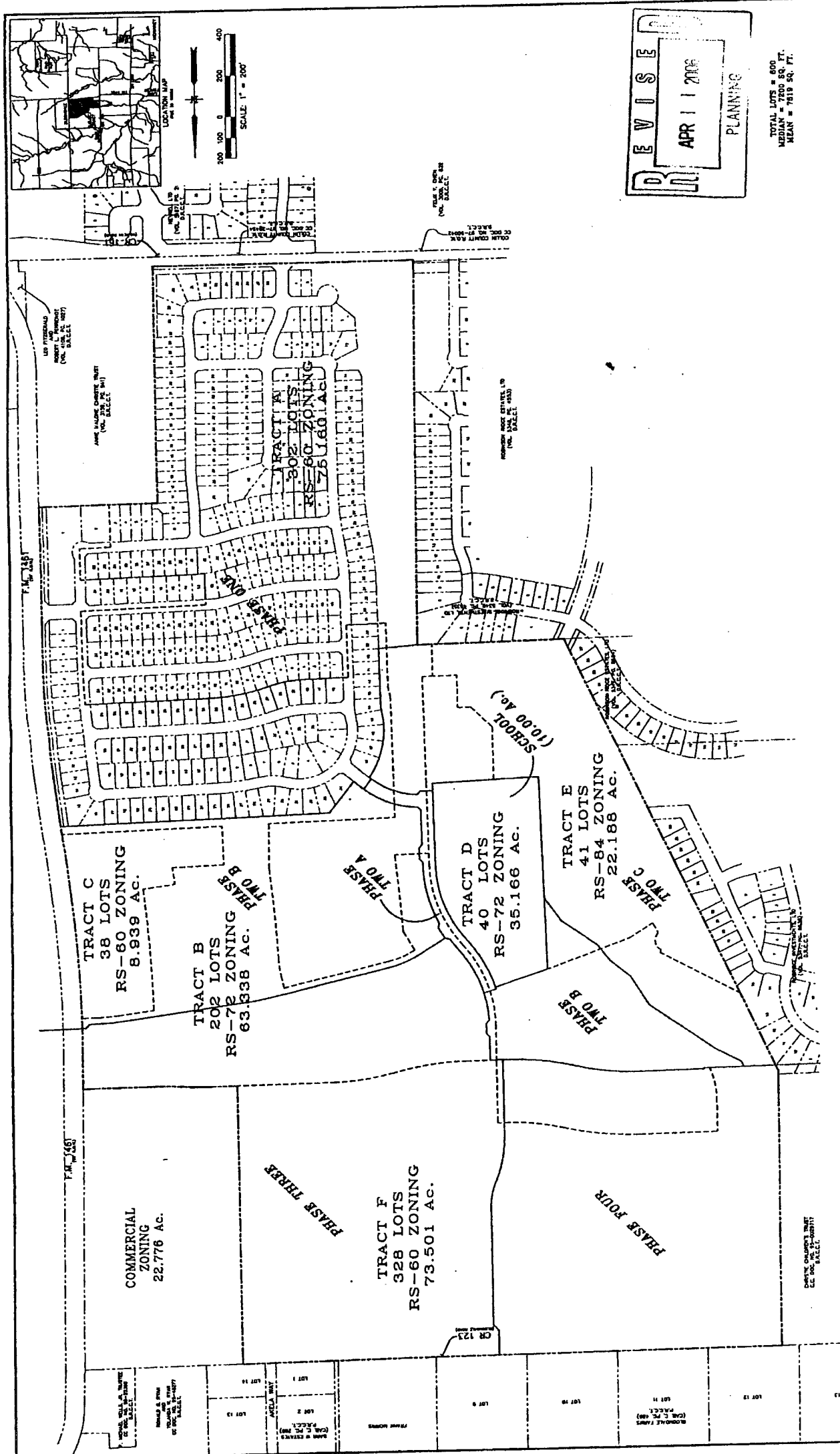
R-6392-000-0090-1

--- 200' Notification Buffer



DISCLAIMER: This map and information contained in it were developed exclusively at that party's risk and without liability to the City of McKinney, its officials

EXHIBIT "A"



Zoning	Tracts	Acres	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Lot Width	Min. Lot Depth	Min. Lot Area	Pad Size	Typical Lot
R S - 6 0 Zoning	088 LOTS	157,804 Acres	25'	8'	25'	80'	100'	8,000 s.f.	40' x 75'	Typical Lot 80' x 125'
R S - 7 2 Zoning	242 LOTS	96,504 Acres	20'	6'	25'	80'	7,200 s.f.	48' x 75'	Typical Lot 80' x 120'	
R S - 8 4 Zoning	41 LOTS	22,188 Acres	25'	10'	25'	70'	8,400 s.f.	50' x 75'	Typical Lot 70' x 125'	

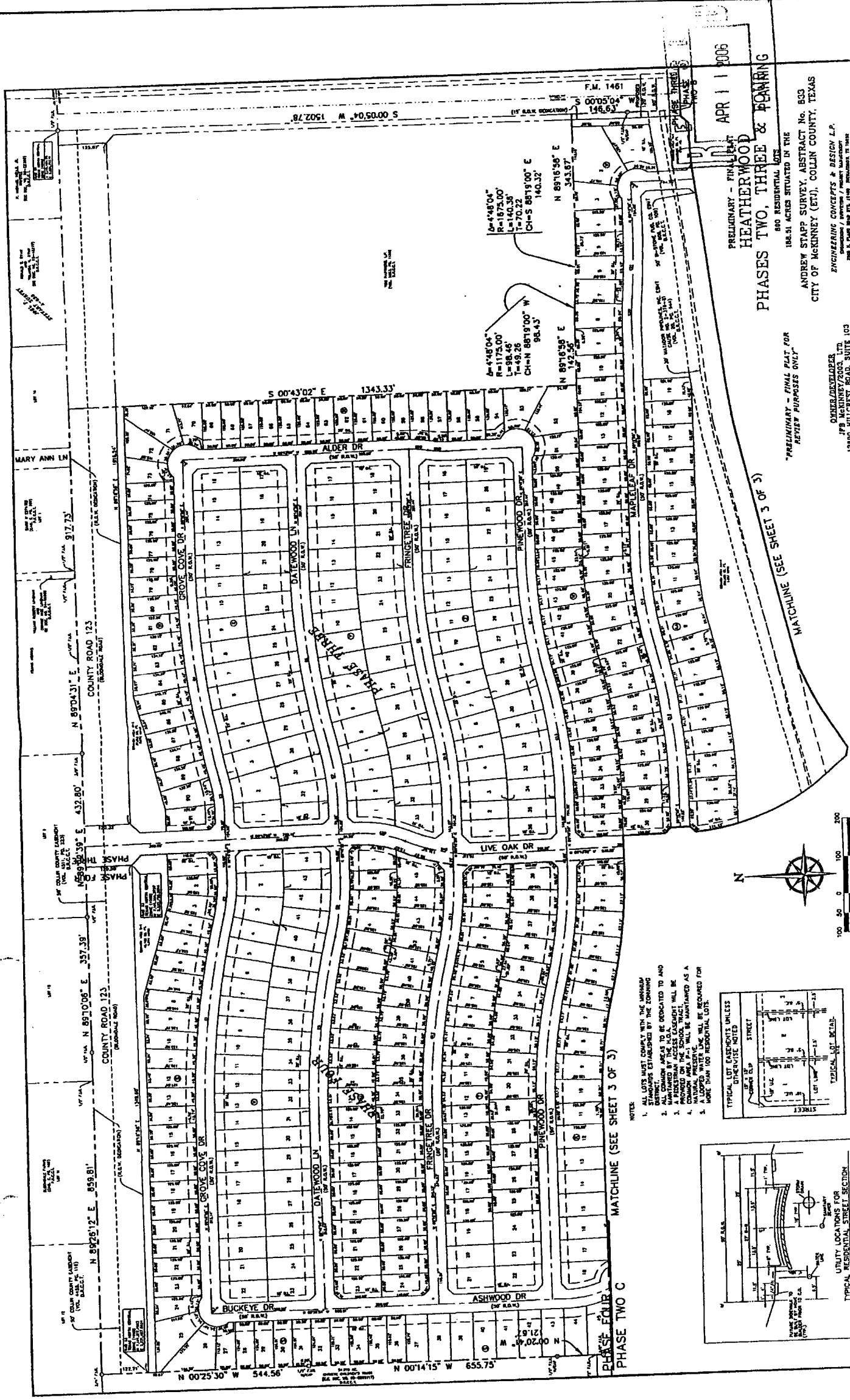
ZONING EXHIBIT
HEATHERWOOD
 186.51 ACRES SITUATED IN THE
 CITY OF MCKINNEY (CTJ)
 COLLIN COUNTY, TEXAS
ENGINEERING CONCEPTS & DESIGN, L.P.
 10000 W. PARKWAY, SUITE 100
 FORT WORTH, TEXAS 76134

REVISED
 APR 11 2006
 PLANNING

TOTAL LOTS = 600
 MEDIAN = 7280 SQ. FT.
 MEAN = 7819 SQ. FT.

	PHASE ONE	PHASE TWO B	PHASE TWO C	PHASE THREE	PHASE FOUR
50' LOTS	242	87	11	17	137
60' LOTS	108	44	9	49	31
70' LOTS			3		
TOTAL LOTS	351	131	81	220	188

EXHIBIT "B"

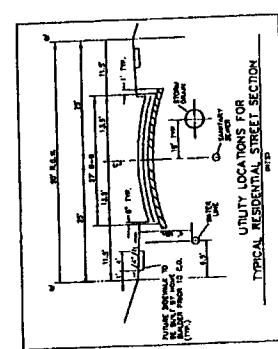
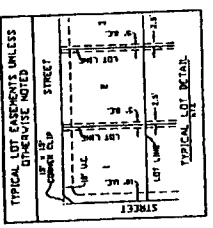


APR 11 2006
 PRELIMINARY - FINAL PLAT
HEATHERWOOD
 PHASES TWO, THREE & FOUR
 800 RESIDENTIAL LOTS
 184.51 ACRES SITUATED IN THE
 ANDREW STAPP SURVEY, ABSTRACT No. 833
 CITY OF MCKINNEY (ETD), COLLIN COUNTY, TEXAS

ENGINEER/DEVELOPER
 JPS CONSULTING/2005, LTD.
 12000 RILLCREST ROAD, SUITE 103
 DALLAS, TEXAS 75244
 972-387-1111

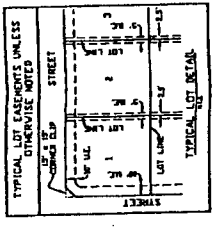
EXHIBIT "C"

- NOTES
1. ALL LOTS MUST COMPLY WITH THE MARRIAGE STANDARDS ESTABLISHED BY THE ZONING DEPARTMENT.
 2. ALL COMMON AREAS TO BE DEDICATED TO AND MAINTAINED BY THE DEVELOPER.
 3. COMMON AREAS WILL BE MAINTAINED AS A COMMON AREA AND WILL BE MAINTAINED AS A COMMON AREA.
 4. A LOOPED WATER LINE WILL BE REQUIRED FOR MORE THAN 100 RESIDENTIAL LOTS.



UTILITY LOCATIONS FOR
 TYPICAL RESIDENTIAL STREET SECTION

PRELIMINARY - FINAL PLAT FOR REVIEW PURPOSES ONLY



PHASE FOUR
PHASE TWO C
MATCHLINE (SEE SHEET 2 OF 3)

PHASE TWO B
PHASE TWO C

MATCHLINE (SEE SHEET 2 OF 3)

APR 1 2008

PRELIMINARY - FINAL PLAT PLANNING
HEATHERWOOD
PHASES TWO, THREE & FOUR

188.31 ACRES SITUATED IN THE
ANDREW STAPP SURVEY, ABSTRACT No. 833
CITY OF MCKINNEY (ETX), COLLIN COUNTY, TEXAS
ENGINEERING CONCEPTS & DESIGN L.P.
INCORPORATED / SURVEY / PLAT PREPARED BY
DATE: 3/10/08 (REVISED) DATE RECORDED: 3/11/08

OWNER/DEVELOPER
JFB MCKINNEY/2008, LTD.
12890 HILLCREST ROAD, SUITE 103
DALLAS, TEXAS 75230
972-387-8200

*PRELIMINARY - FINAL PLAT FOR REVIEW PURPOSES ONLY

EXHIBIT "C"

- NOTES
1. ALL LOTS MUST COMPLY WITH THE MINIMUM REQUIREMENTS ESTABLISHED BY THE ZONING DISTRICT.
 2. ALL COMMON AREAS TO BE DEDICATED TO AND MAINTAINED BY THE HOMEOWNERS.
 3. A PEDESTRIAN ACCESS LASHMENT WILL BE PROVIDED ON THE SCHOOL TRAIL.
 4. NATURAL PRESERVE SHALL BE MAINTAINED AS A CLOSED WATER LINE WILL BE REQUIRED FOR A LOT THAT 100 RESIDENTIAL LOTS.

LOT NO.	AREA (SQ. FT.)	AREA (SQ. AC.)
1	1,234.56	0.028
2	1,234.56	0.028
3	1,234.56	0.028
4	1,234.56	0.028
5	1,234.56	0.028
6	1,234.56	0.028
7	1,234.56	0.028
8	1,234.56	0.028
9	1,234.56	0.028
10	1,234.56	0.028
11	1,234.56	0.028
12	1,234.56	0.028
13	1,234.56	0.028
14	1,234.56	0.028
15	1,234.56	0.028
16	1,234.56	0.028
17	1,234.56	0.028
18	1,234.56	0.028
19	1,234.56	0.028
20	1,234.56	0.028
21	1,234.56	0.028
22	1,234.56	0.028
23	1,234.56	0.028
24	1,234.56	0.028
25	1,234.56	0.028
26	1,234.56	0.028
27	1,234.56	0.028
28	1,234.56	0.028
29	1,234.56	0.028
30	1,234.56	0.028
31	1,234.56	0.028
32	1,234.56	0.028
33	1,234.56	0.028
34	1,234.56	0.028
35	1,234.56	0.028
36	1,234.56	0.028
37	1,234.56	0.028
38	1,234.56	0.028
39	1,234.56	0.028
40	1,234.56	0.028
41	1,234.56	0.028
42	1,234.56	0.028
43	1,234.56	0.028
44	1,234.56	0.028
45	1,234.56	0.028
46	1,234.56	0.028
47	1,234.56	0.028
48	1,234.56	0.028
49	1,234.56	0.028
50	1,234.56	0.028
51	1,234.56	0.028
52	1,234.56	0.028
53	1,234.56	0.028
54	1,234.56	0.028
55	1,234.56	0.028
56	1,234.56	0.028
57	1,234.56	0.028
58	1,234.56	0.028
59	1,234.56	0.028
60	1,234.56	0.028
61	1,234.56	0.028
62	1,234.56	0.028
63	1,234.56	0.028
64	1,234.56	0.028
65	1,234.56	0.028
66	1,234.56	0.028
67	1,234.56	0.028
68	1,234.56	0.028
69	1,234.56	0.028
70	1,234.56	0.028
71	1,234.56	0.028
72	1,234.56	0.028
73	1,234.56	0.028
74	1,234.56	0.028
75	1,234.56	0.028
76	1,234.56	0.028
77	1,234.56	0.028
78	1,234.56	0.028
79	1,234.56	0.028
80	1,234.56	0.028
81	1,234.56	0.028
82	1,234.56	0.028
83	1,234.56	0.028
84	1,234.56	0.028
85	1,234.56	0.028
86	1,234.56	0.028
87	1,234.56	0.028
88	1,234.56	0.028
89	1,234.56	0.028
90	1,234.56	0.028
91	1,234.56	0.028
92	1,234.56	0.028
93	1,234.56	0.028
94	1,234.56	0.028
95	1,234.56	0.028
96	1,234.56	0.028
97	1,234.56	0.028
98	1,234.56	0.028
99	1,234.56	0.028
100	1,234.56	0.028

LOT NO.	AREA (SQ. FT.)	AREA (SQ. AC.)	OWNER
1	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
2	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
3	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
4	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
5	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
6	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
7	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
8	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
9	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
10	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
11	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
12	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
13	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
14	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
15	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
16	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
17	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
18	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
19	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
20	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
21	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
22	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
23	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
24	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
25	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
26	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
27	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
28	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
29	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
30	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
31	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
32	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
33	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
34	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
35	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
36	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
37	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
38	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
39	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
40	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
41	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
42	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
43	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
44	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
45	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
46	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
47	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
48	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
49	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
50	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
51	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
52	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
53	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
54	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
55	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
56	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
57	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
58	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
59	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
60	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
61	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
62	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
63	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
64	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
65	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
66	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
67	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
68	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
69	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
70	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
71	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
72	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
73	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
74	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
75	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
76	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
77	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
78	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
79	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
80	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
81	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
82	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
83	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
84	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
85	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
86	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
87	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
88	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
89	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
90	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
91	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
92	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
93	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
94	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
95	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
96	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
97	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
98	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
99	1,234.56	0.028	JFB MCKINNEY/2008, LTD.
100	1,234.56	0.028	JFB MCKINNEY/2008, LTD.

POINT OF BEGINNING

