

ORDINANCE NO. 2009-12-082

AN ORDINANCE AMENDING ORDINANCE NUMBER 2008-11-106 AND 2009-07-051 OF THE CITY OF MCKINNEY, TEXAS; TO ALLOW A SPECIFIC USE PERMIT FOR A PRIVATE STREET DEVELOPMENT FOR AN APPROXIMATELY 9.55 ACRE PROPERTY, LOCATED ON THE NORTH SIDE OF VIRGINIA PARKWAY AND APPROXIMATELY 700 FEET EAST OF AERO COUNTRY ROAD, PROVIDING FOR THE APPLICATION OF ARTICLE VII OF THE SUBDIVISION REGULATIONS (CHAPTER 146 OF THE CITY OF MCKINNEY CODE OF ORDINANCES); 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 owner(s) of Aero Country West, Phase 1, a private street development comprised of 34 lots on approximately 9.55 acres, located on the north side of Virginia Parkway and approximately 700 feet east of Aero Country Road, which is depicted in Exhibit A and made a part hereof for all purposes, have petitioned the City of McKinney to amend Ordinance number 2008-11-106 and 2009-07-051 for a Specific Use Permit for a private street development; and

WHEREAS, the owner(s) are willing to accept and agree to be bound by and comply with the written requirements of the specific use permit; 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 such amendment should be made.

NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

- Section 1. Ordinance number 2008-11-106 and 2009-07-051 is hereby amended to provide for a Specific Use Permit for a private street development comprised of 34 lots on approximately 9.55 acres, located on the north side of Virginia Parkway and 700 feet east of Aero Country Road, which is more fully depicted on Exhibit A attached hereto.
- Section 2. Use and development of the subject property shall be regulated by Article VII, Private Street Regulations, of Chapter 146 of the City of McKinney Code of Ordinances, as well as the zoning district applicable to the subject property and all other applicable regulations of the City of McKinney.
- Section 3. The subject property shall generally develop according to the attached site plan exhibit (Exhibit B), landscape plan exhibit (Exhibit C), and entry exhibit (Exhibit D).
- Section 4. 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 THE 1st DAY OF DECEMBER, 2009.

CITY OF MCKINNEY, TEXAS

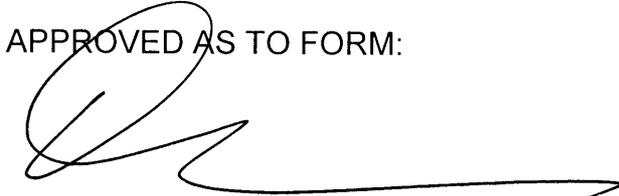

BRIAN LOUGHMILLER, Mayor

CORRECTLY ENROLLED:


SANDY HART, TRMC, MMC
City Secretary
LINCOLN THOMPSON
Deputy City Secretary

DATE: December 2, 2009

APPROVED AS TO FORM:


MARK S. HOUSER
City Attorney

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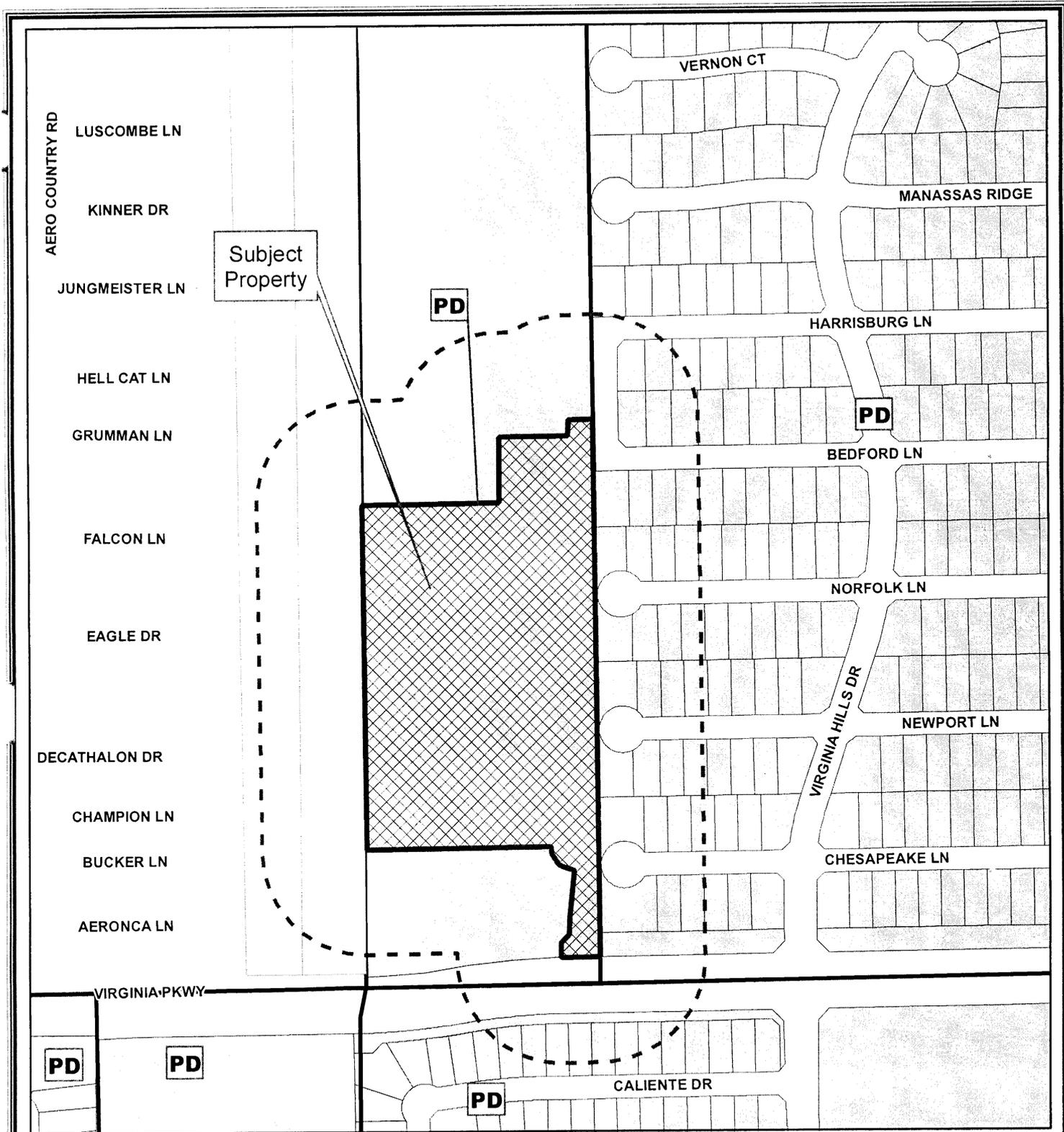
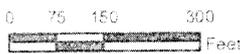


EXHIBIT A

Notification Case

Notice Case: 09-059SUP/SP

--- 200' Notification Buffer



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.

LANDSCAPE LABELATIONS

SITE LANDSCAPE REQUIREMENTS

LANDSCAPE SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MCKINNEY LANDSCAPE DESIGN AND MAINTENANCE ORDINANCE. THE STREET FRONTAGE SHALL BE INSTALLED WITHIN THE PROPERTY LINE AND THE SIDEWALK FRONTAGE SHALL BE INSTALLED WITHIN THE CURB LINE. THE STREET FRONTAGE SHALL BE INSTALLED WITHIN THE PROPERTY LINE AND THE SIDEWALK FRONTAGE SHALL BE INSTALLED WITHIN THE CURB LINE. THE STREET FRONTAGE SHALL BE INSTALLED WITHIN THE PROPERTY LINE AND THE SIDEWALK FRONTAGE SHALL BE INSTALLED WITHIN THE CURB LINE.

STREET FRONTAGE LANDSCAPE REQUIREMENTS

A MINIMUM OF 5 FEET LANDSCAPE BUFFER SHALL BE INSTALLED ADJACENT TO THE SIDE OF ANY STREET EXCEPT THOSE IN WHICH THE BUFFER IS NOT REQUIRED BY THE CITY OF MCKINNEY. LANDSCAPE BUFFER SHALL BE INSTALLED WITHIN THE PROPERTY LINE AND THE SIDEWALK FRONTAGE SHALL BE INSTALLED WITHIN THE CURB LINE. LANDSCAPE BUFFER SHALL BE INSTALLED WITHIN THE PROPERTY LINE AND THE SIDEWALK FRONTAGE SHALL BE INSTALLED WITHIN THE CURB LINE.

INTERNAL LOT REQUIREMENTS

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INTERNAL LOT REQUIREMENTS

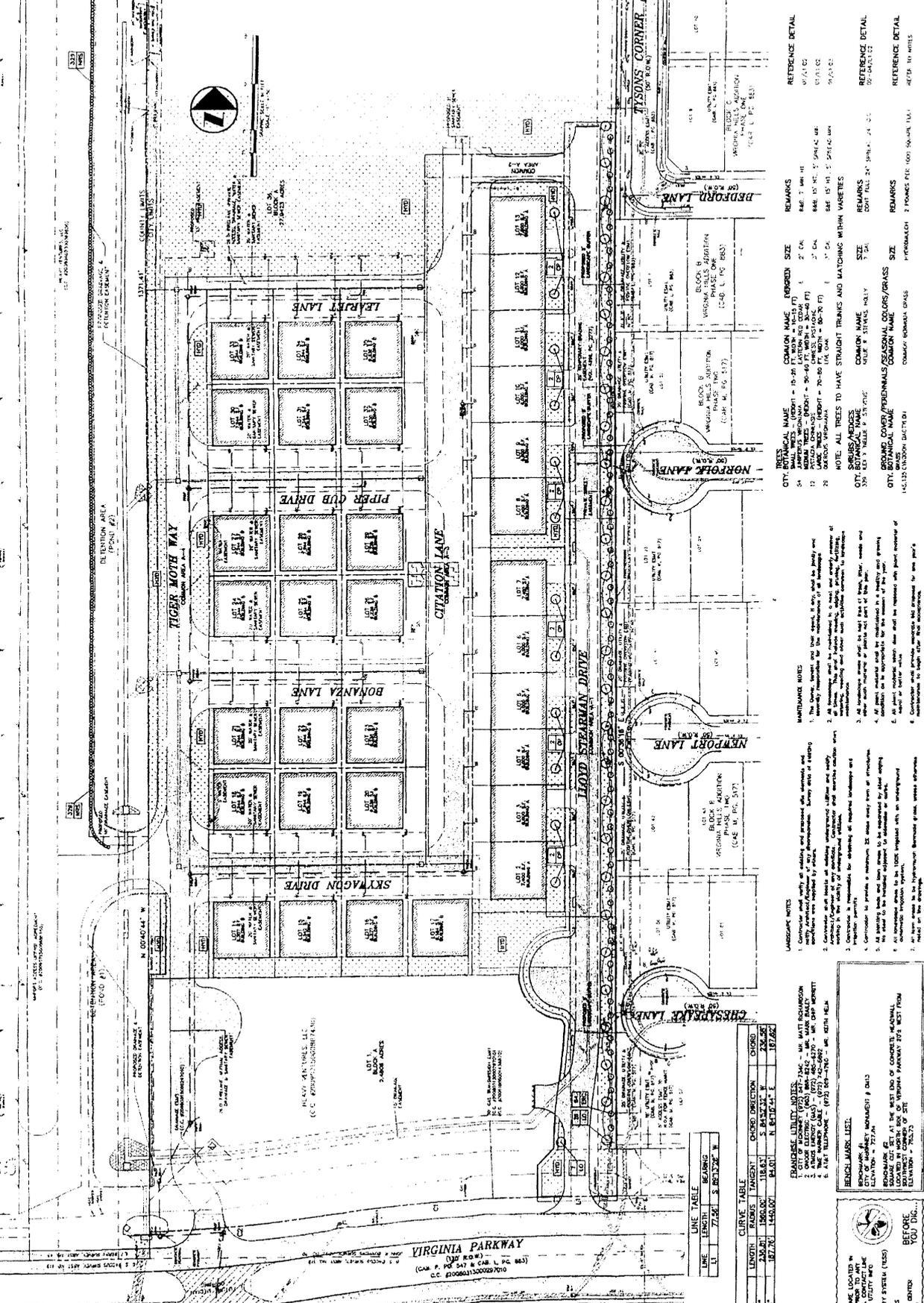
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LINE TABLE

LINE	LENGTH	BEARING
1	72.94'	S 80.17° 22' W

CURVE TABLE

CURVE	DELTA	LENGTH	CHORD	TANGENT	CHORD ORIENTATION	CHORD BEARING
G	63.91°	230.21'	186.00'	118.81'	S 84.52° 21' W	232.65'
H	77.81°	187.76'	148.00'	94.00'	N 87.02° 41' E	197.82'

FRANCHISE UTILITY NOTES:
 1. CONTRACTOR SHALL VERIFY ALL UTILITIES AND DEEPEN WITHIN 18" OF ALL UTILITIES.
 2. CONTRACTOR SHALL VERIFY ALL UTILITIES AND DEEPEN WITHIN 18" OF ALL UTILITIES.
 3. CONTRACTOR SHALL VERIFY ALL UTILITIES AND DEEPEN WITHIN 18" OF ALL UTILITIES.

BENCH MARK LIST:
 1. BENCH MARK 1: 1.00' HIGH CONCRETE MONUMENT AT THE CORNER OF VIRGINIA PARKWAY AND SKYFAGGON DRIVE.
 2. BENCH MARK 2: 1.00' HIGH CONCRETE MONUMENT AT THE CORNER OF VIRGINIA PARKWAY AND PEPPER CUB DRIVE.

LANDSCAPE NOTES:
 1. CONTRACTOR SHALL VERIFY ALL UTILITIES AND DEEPEN WITHIN 18" OF ALL UTILITIES.
 2. CONTRACTOR SHALL VERIFY ALL UTILITIES AND DEEPEN WITHIN 18" OF ALL UTILITIES.
 3. CONTRACTOR SHALL VERIFY ALL UTILITIES AND DEEPEN WITHIN 18" OF ALL UTILITIES.

MAINTENANCE NOTES:
 1. THE OWNER SHALL MAINTAIN ALL UTILITIES AND DEEPEN WITHIN 18" OF ALL UTILITIES.
 2. THE OWNER SHALL MAINTAIN ALL UTILITIES AND DEEPEN WITHIN 18" OF ALL UTILITIES.
 3. THE OWNER SHALL MAINTAIN ALL UTILITIES AND DEEPEN WITHIN 18" OF ALL UTILITIES.

PLANT LISTING:
 QUANTITY: 100
 SPECIES: 100
 SIZE: 100

REFERENCE DETAIL:
 REFERENCE DETAIL: 100
 REFERENCE DETAIL: 100

NOTES:
 1. CONTRACTOR SHALL VERIFY ALL UTILITIES AND DEEPEN WITHIN 18" OF ALL UTILITIES.
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OWNER: HEAVY VENTURES, LLC
 250 ARBO COUNTRY EAST ROAD
 MCKINNEY, TEXAS 75069
 MR. MICHAEL D. SHELL
 (469) 585-7353 PHONE

PROJECT INFORMATION:
 APRO COUNTRY EAST - PHASE ONE (38.97 ACRES)
 APRO COUNTRY EAST ADDITION
 MCKINNEY, COLLIN COUNTY, TEXAS
 JOHN R. BURROWS SURVEY, ABSTRACT NO. 70
 PROPOSED USE: MANICARE & MANICARE/TOWNHOMES
 ZONING: PZ# 2008-11-100 & 2008-07-1051

DESIGNER: POGUE ENGINEERING & DEVELOPMENT COMPANY, INC.
 555 WEST COCKSAIL DRIVE
 WOODBRIDGE, TEXAS 76069
 WWW.POGUEENGINEERING.COM

DATE: 05-24-09
SCALE: AS SHOWN
NOTES:

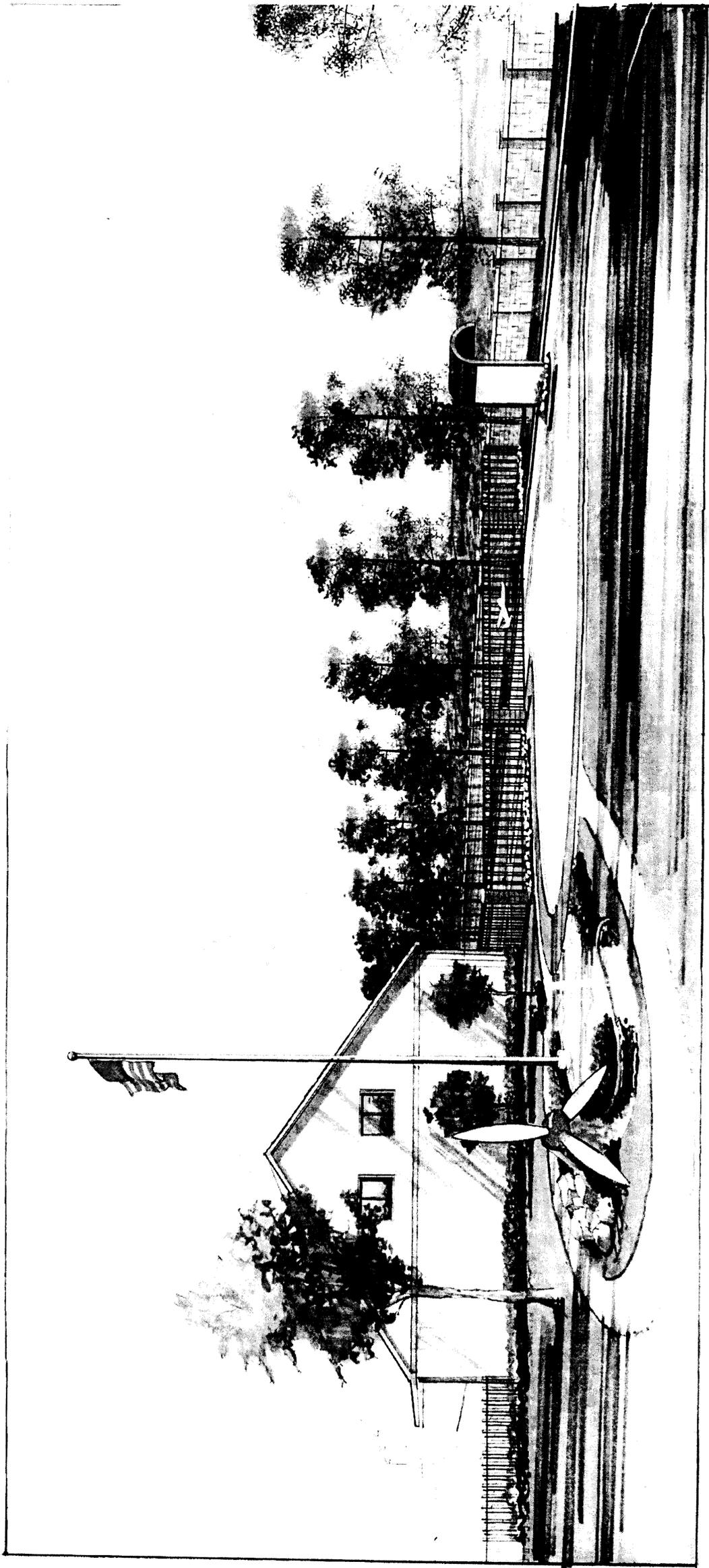
LANDSCAPE PLAN
 APRO COUNTRY EAST - PHASE ONE (9.55 ACRES)
 BLOCK A, LOTS 2-35, APRO COUNTRY EAST ADDITION
 JOHN R. BURROWS SURVEY, ABSTRACT NO. 70
 CITY OF MCKINNEY, TEXAS

DATE: 05-24-09
SCALE: AS SHOWN
NOTES:

PLANNING
 25 2009

EXHIBIT C

PZ# 09-059SUP/SP



REVISED
8-200
PLANNING

EXHIBIT D