

**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 1<sup>st</sup> DAY OF DECEMBER, 2009.**

CITY OF MCKINNEY, TEXAS

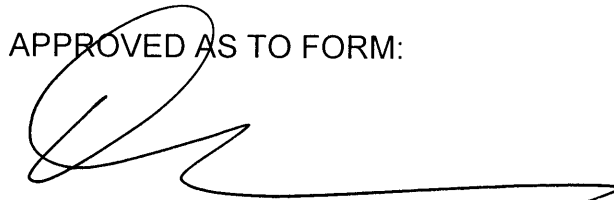
  
BRIAN LOUGHMILLER, Mayor

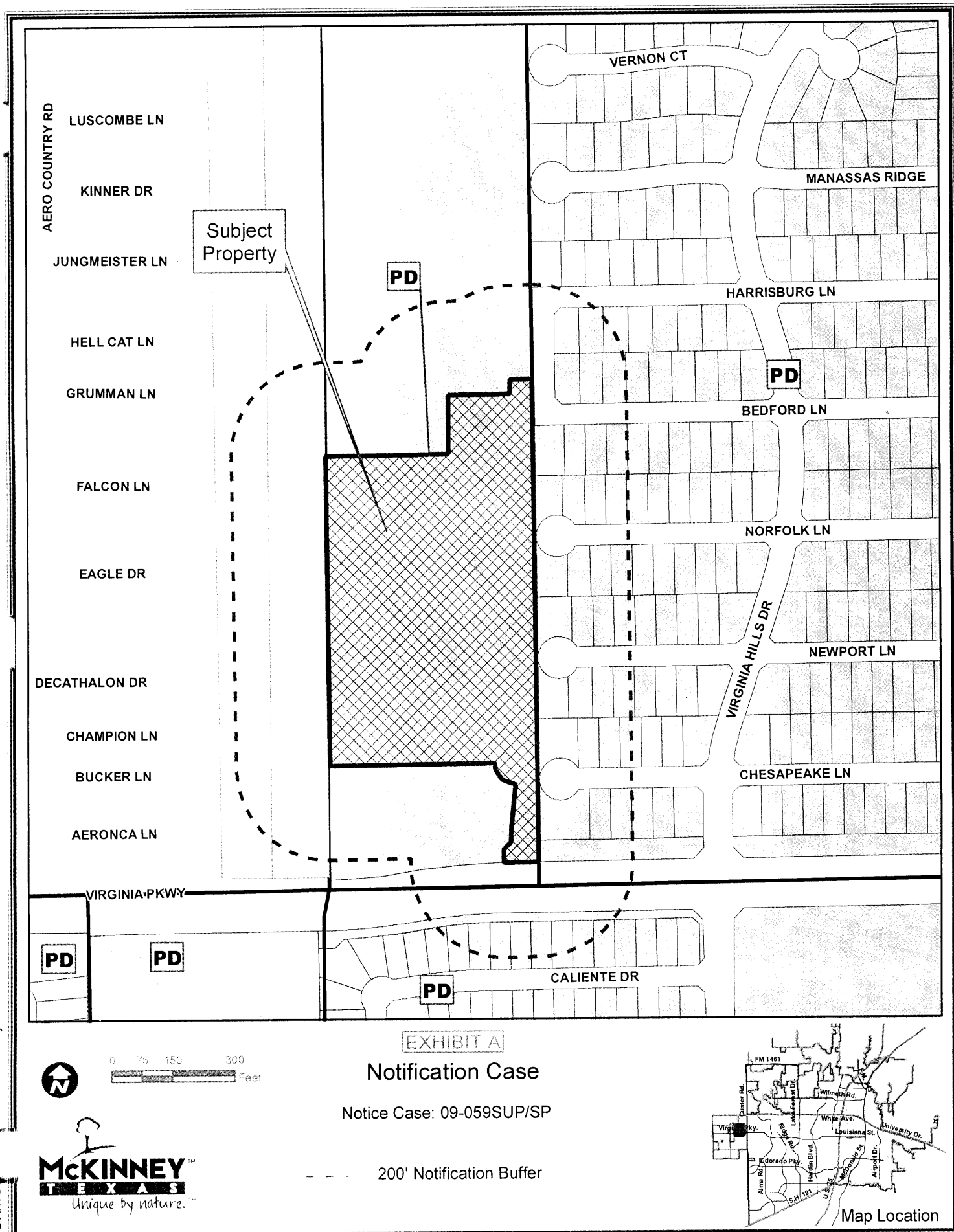
CORRECTLY ENROLLED:

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

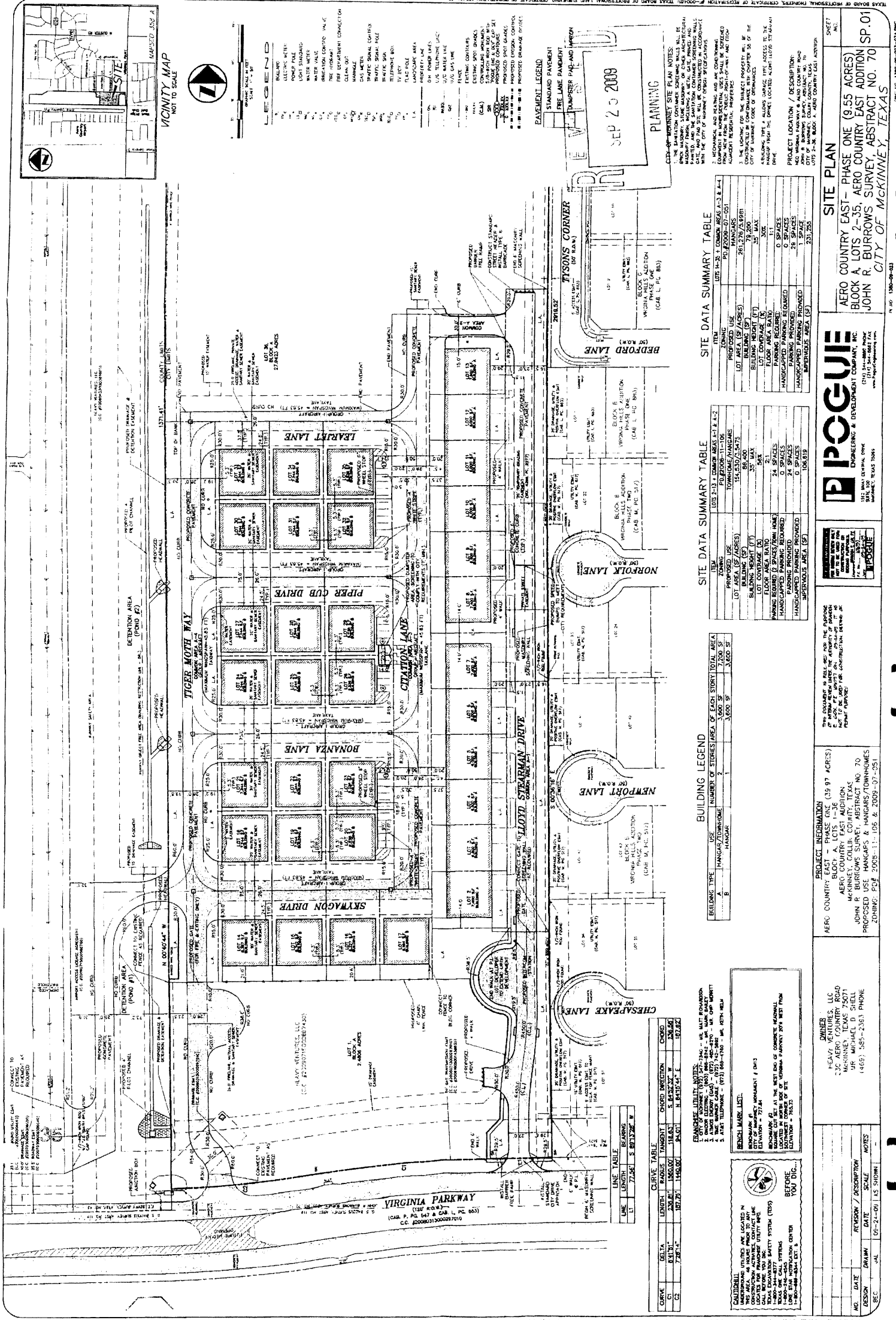
DATE: December 2, 2009

APPROVED AS TO FORM:

  
MARK S. HOUSER  
City Attorney



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.



**CITY OF MCKINNEY SITE PLAN NOTES:**

- THE CITY OF MCKINNEY HAS REVIEWED THIS SITE PLAN AND HAS NO OBJECTION TO THE CITY OF MCKINNEY'S REVIEW OF THE SITE PLAN.
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**PROJECT LOCATION / DESCRIPTION:**

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

**SITE DATA SUMMARY TABLE**

| ITEM | DESCRIPTION                  | QUANTITY      |
|------|------------------------------|---------------|
| 1    | LOT AREA (S.F./ACRES)        | 261,270 (7.5) |
| 2    | BUILDING AREA (S.F.)         | 78,200        |
| 3    | FLOOR AREA RATIO             | 30.0          |
| 4    | PARKING REQUIRED             | 0 SPACES      |
| 5    | HANDICAPPED PARKING REQUIRED | 0 SPACES      |
| 6    | INTERVIEWS AREA (S.F.)       | 20,250        |

**BUILDING LEGEND**

| BUILDING TYPE | USE             | NUMBER OF STORES | AREA OF EACH STORY | TOTAL AREA |
|---------------|-----------------|------------------|--------------------|------------|
| A             | HANGAR/TOWNHOME | 2                | 3,600 S.F.         | 7,200 S.F. |
| B             | HANGAR          | 2                | 3,600 S.F.         | 7,200 S.F. |

**CURVE TABLE**

| CURVE | DELTA  | LENGTH | RADIUS   | TANGENT | CHORD    | DIRECTION     | CHORD  |
|-------|--------|--------|----------|---------|----------|---------------|--------|
| C1    | 91.71° | 238.8' | 1,560.0' | 118.8'  | 5,852.2' | N 84°52'27" W | 238.8' |
| C2    | 7.28°  | 107.2' | 1,146.0' | 84.0'   | 8,415.4' | N 84°15'45" W | 107.2' |

**LINE TABLE**

| LINE | LENGTH | BEARING       |
|------|--------|---------------|
| L1   | 77.56' | S 89°12'36" W |

**ENCUMBRANCE TABLE**

| ENCUMBRANCE | DATE       | DESCRIPTION       |
|-------------|------------|-------------------|
| 1           | 08/27/2009 | RECORDING OF DEED |
| 2           | 08/27/2009 | RECORDING OF DEED |
| 3           | 08/27/2009 | RECORDING OF DEED |
| 4           | 08/27/2009 | RECORDING OF DEED |

**OWNER:** HEAVY INDUSTRIES, LLC  
222 AERO COUNTRY EAST  
MCKINNEY, TEXAS 75069  
MR. MICHAEL D. SHILL  
(469) 485-2363 PHONE

**DESIGNER:** JAL  
**DATE:** 09-24-09  
**SCALE:** AS SHOWN  
**NOTES:**

**CAUTION:** UTILITIES ARE LOCATED IN THIS AREA. A HAZARD PRIOR TO ANY CONSTRUCTION. CALL BEFORE YOU DIG. 1-800-4-A-DIG (1-800-426-4377).  
CALL BEFORE YOU DIG. 1-800-4-A-DIG (1-800-426-4377).  
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EXHIBIT B

LANDSCAPE TABULATIONS

**SITE LANDSCAPE REQUIREMENTS**

A minimum of 5% of the total area of the site shall be dedicated to landscape. The landscape shall be designed to complement the architecture and provide a pleasant environment for the residents. The landscape shall be designed to provide a pleasant environment for the residents. The landscape shall be designed to provide a pleasant environment for the residents.

**STREET FRONTAGE LANDSCAPE REQUIREMENTS**

A minimum of 5% of the total area of the site shall be dedicated to landscape. The landscape shall be designed to complement the architecture and provide a pleasant environment for the residents. The landscape shall be designed to provide a pleasant environment for the residents. The landscape shall be designed to provide a pleasant environment for the residents.

**INTERNAL LOT REQUIREMENTS**

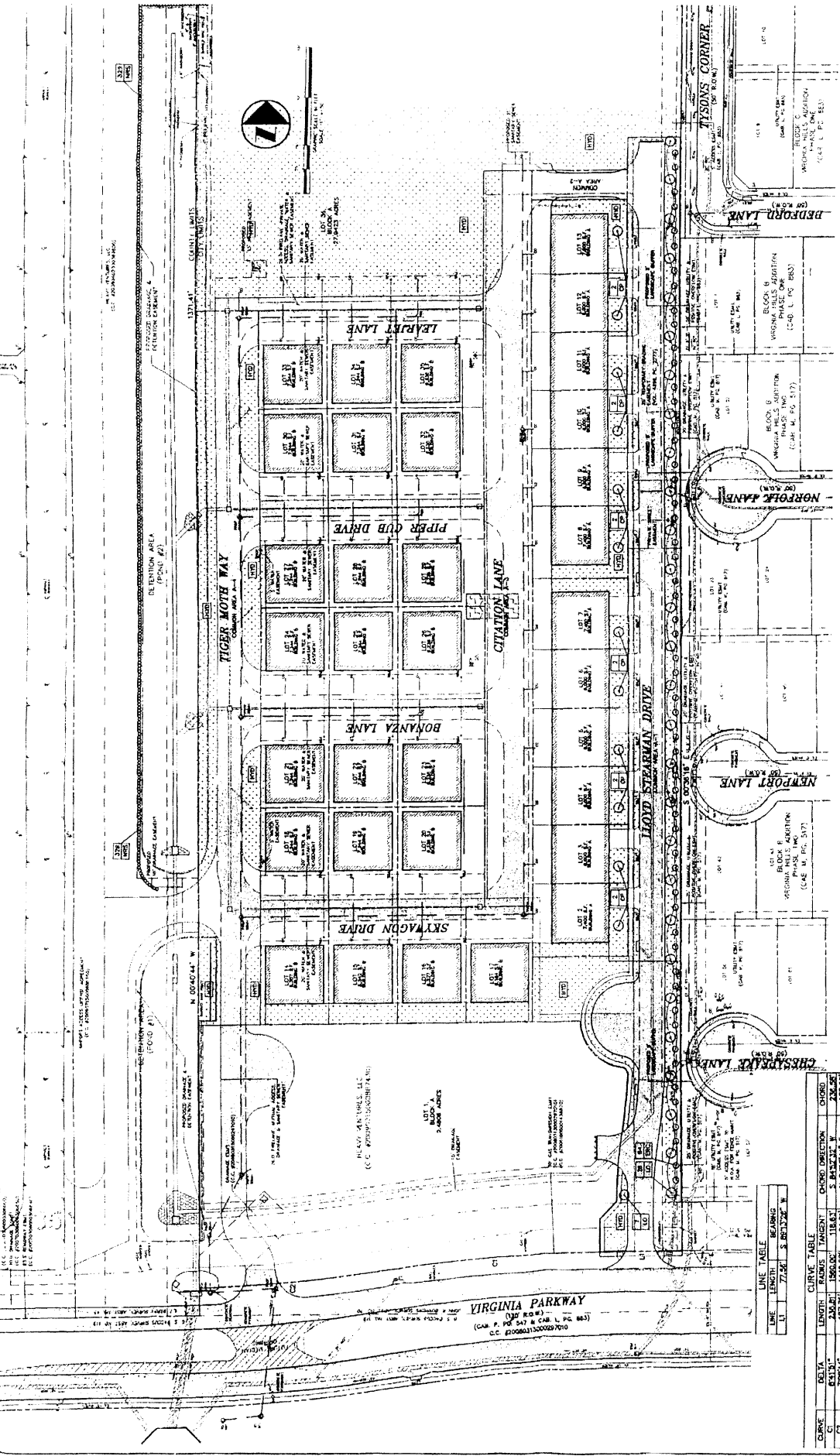
A minimum of 5% of the total area of the site shall be dedicated to landscape. The landscape shall be designed to complement the architecture and provide a pleasant environment for the residents. The landscape shall be designed to provide a pleasant environment for the residents. The landscape shall be designed to provide a pleasant environment for the residents.

**PLANT LIST**

| PLANT                   | QUANTITY | REMARKS             |
|-------------------------|----------|---------------------|
| Small Trees (10-15 ft)  | 10       | For street frontage |
| Medium Trees (15-25 ft) | 5        | For street frontage |
| Large Trees (25-35 ft)  | 3        | For street frontage |
| Shrubs                  | 20       | For street frontage |
| Flowers                 | 10       | For street frontage |

**LANDSCAPE PLAN**

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



| REFERENCE DETAIL                                                      |                              | REFERENCE DETAIL    |                              |
|-----------------------------------------------------------------------|------------------------------|---------------------|------------------------------|
| DETAIL                                                                | REMARKS                      | DETAIL              | REMARKS                      |
| QTY. BOTANICAL NAME                                                   | COMMON NAME                  | QTY. BOTANICAL NAME | COMMON NAME                  |
| 54 JAPANESE BROMELIAD                                                 | 10-15 FT. LANTERN REED CEDAR | 2' CA               | 10-15 FT. LANTERN REED CEDAR |
| 10 JAPANESE BROMELIAD                                                 | 15-25 FT. LANTERN REED CEDAR | 1' CA               | 15-25 FT. LANTERN REED CEDAR |
| 10 JAPANESE BROMELIAD                                                 | 25-35 FT. LANTERN REED CEDAR | 1' CA               | 25-35 FT. LANTERN REED CEDAR |
| 20 JAPANESE BROMELIAD                                                 | 10-15 FT. LANTERN REED CEDAR | 1' CA               | 10-15 FT. LANTERN REED CEDAR |
| 20 JAPANESE BROMELIAD                                                 | 15-25 FT. LANTERN REED CEDAR | 1' CA               | 15-25 FT. LANTERN REED CEDAR |
| 20 JAPANESE BROMELIAD                                                 | 25-35 FT. LANTERN REED CEDAR | 1' CA               | 25-35 FT. LANTERN REED CEDAR |
| NOTE: ALL TREES TO HAVE STRAIGHT TRUNKS AND MATCHING WITHIN VARIETIES |                              |                     |                              |
| QTY. BOTANICAL NAME                                                   | COMMON NAME                  | QTY. BOTANICAL NAME | COMMON NAME                  |
| 330 10-15 FT. LANTERN REED CEDAR                                      | 15-25 FT. LANTERN REED CEDAR | 2' CA               | 10-15 FT. LANTERN REED CEDAR |
| 10 JAPANESE BROMELIAD                                                 | 15-25 FT. LANTERN REED CEDAR | 1' CA               | 15-25 FT. LANTERN REED CEDAR |
| 10 JAPANESE BROMELIAD                                                 | 25-35 FT. LANTERN REED CEDAR | 1' CA               | 25-35 FT. LANTERN REED CEDAR |
| 20 JAPANESE BROMELIAD                                                 | 10-15 FT. LANTERN REED CEDAR | 1' CA               | 10-15 FT. LANTERN REED CEDAR |
| 20 JAPANESE BROMELIAD                                                 | 15-25 FT. LANTERN REED CEDAR | 1' CA               | 15-25 FT. LANTERN REED CEDAR |
| 20 JAPANESE BROMELIAD                                                 | 25-35 FT. LANTERN REED CEDAR | 1' CA               | 25-35 FT. LANTERN REED CEDAR |
| NOTE: ALL TREES TO HAVE STRAIGHT TRUNKS AND MATCHING WITHIN VARIETIES |                              |                     |                              |
| QTY. BOTANICAL NAME                                                   | COMMON NAME                  | QTY. BOTANICAL NAME | COMMON NAME                  |
| 45 10-15 FT. LANTERN REED CEDAR                                       | 15-25 FT. LANTERN REED CEDAR | 2' CA               | 10-15 FT. LANTERN REED CEDAR |
| 10 JAPANESE BROMELIAD                                                 | 15-25 FT. LANTERN REED CEDAR | 1' CA               | 15-25 FT. LANTERN REED CEDAR |
| 10 JAPANESE BROMELIAD                                                 | 25-35 FT. LANTERN REED CEDAR | 1' CA               | 25-35 FT. LANTERN REED CEDAR |
| 20 JAPANESE BROMELIAD                                                 | 10-15 FT. LANTERN REED CEDAR | 1' CA               | 10-15 FT. LANTERN REED CEDAR |
| 20 JAPANESE BROMELIAD                                                 | 15-25 FT. LANTERN REED CEDAR | 1' CA               | 15-25 FT. LANTERN REED CEDAR |
| 20 JAPANESE BROMELIAD                                                 | 25-35 FT. LANTERN REED CEDAR | 1' CA               | 25-35 FT. LANTERN REED CEDAR |
| NOTE: ALL TREES TO HAVE STRAIGHT TRUNKS AND MATCHING WITHIN VARIETIES |                              |                     |                              |

**MAINTENANCE NOTES**

1. The owner shall be responsible for the maintenance of the landscape. The owner shall be responsible for the maintenance of the landscape. The owner shall be responsible for the maintenance of the landscape.

2. The owner shall be responsible for the maintenance of the landscape. The owner shall be responsible for the maintenance of the landscape. The owner shall be responsible for the maintenance of the landscape.

3. The owner shall be responsible for the maintenance of the landscape. The owner shall be responsible for the maintenance of the landscape. The owner shall be responsible for the maintenance of the landscape.

**FRANCHISE UTILITY NOTES**

| UTILITY  | REMARKS               |
|----------|-----------------------|
| Electric | 1000' x 1000' x 1000' |
| Gas      | 1000' x 1000' x 1000' |
| Water    | 1000' x 1000' x 1000' |
| Sewer    | 1000' x 1000' x 1000' |



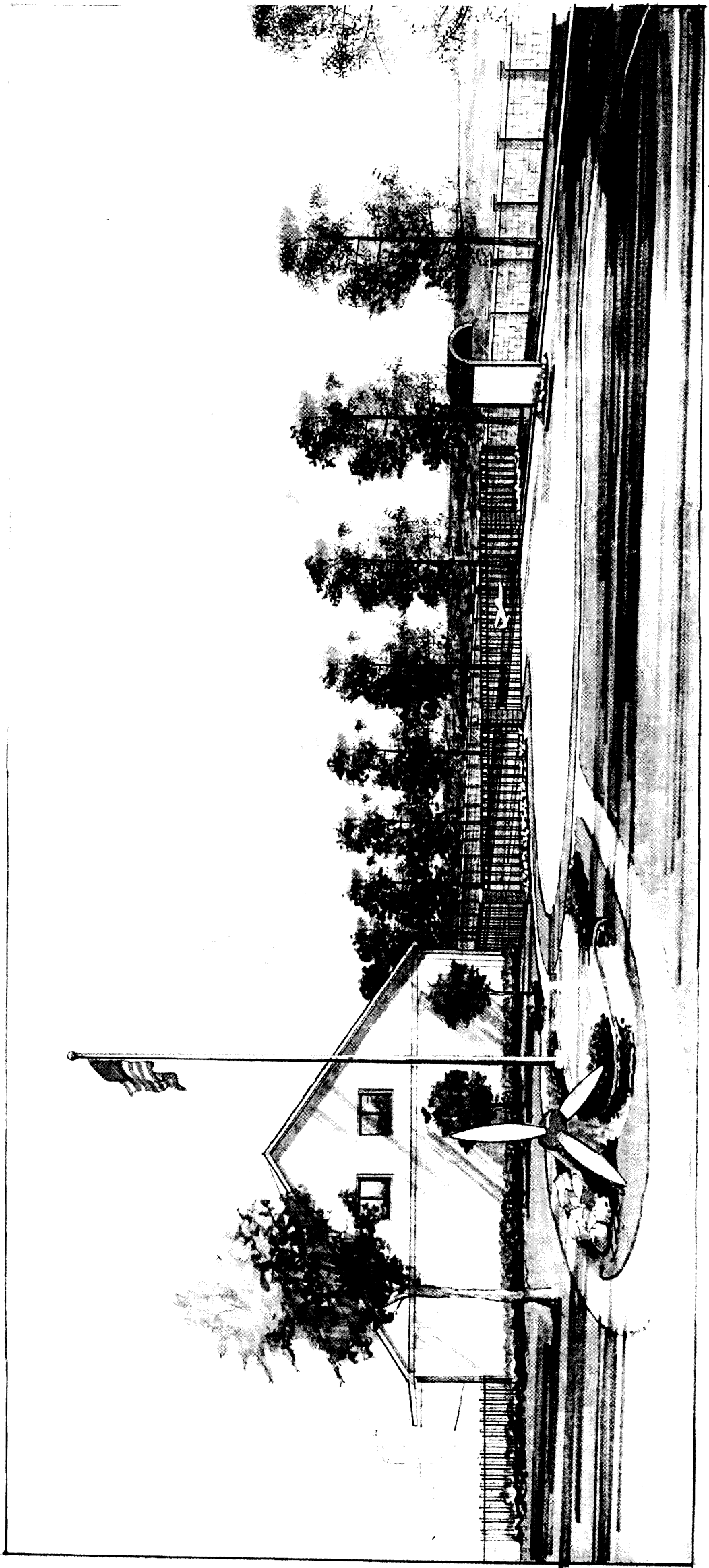
**POGUE**  
ENGINEERING & DEVELOPMENT COMPANY, INC.  
355 WEST COAST AVENUE  
SUITE 100  
MCKINNEY, TEXAS 75069

**PROJECT INFORMATION**

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

**OWNER**

| NAME                | ADDRESS                                                | PHONE          |
|---------------------|--------------------------------------------------------|----------------|
| HEAVY VENTURES, LLC | 2500 AEROSPACE DRIVE, SUITE 200, MCKINNEY, TEXAS 75069 | (469) 585-2553 |



REVISED  
3-8-20  
PLANNING

EXHIBIT D