

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 1533 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS SO THAT 27.344 ACRES OF LAND LOCATED ON THE EAST SIDE OF HIGHWAY 5 ACROSS FROM WILMETH ROAD IS ZONED "PD" - PLANNED DEVELOPMENT DISTRICT FOR "RG-18" - GENERAL RESIDENCE DISTRICT AND "RS-45" SINGLE FAMILY RESIDENCE DISTRICT; PROVIDING REGULATIONS; PROVIDING FOR SITE AND LANDSCAPE PLAN APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; 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 owner of 27.344 acres of land located on the east side of Highway 5 across from Wilmeth Road, in the City of McKinney, Collin County, Texas, has petitioned the City of McKinney to zone such parcel of land "PD" - Planned Development District for "RG-18" - General Residence District (25.2434 acres) and "RS-45" Single Family Residence District (2.1005 acres), a complete legal description of such property being attached hereto and marked Exhibit "A," and made a part hereof for all purposes; and

WHEREAS, after due notice of the requested zoning 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 said zoning change should be made.

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

Section 1. Planned Development Ordinance Number 1533 in the City of McKinney, is hereby amended so that 27.344 acres of land located on the east side of Highway 5 across from Wilmeth Road, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "B" attached hereto is hereby rezoned from its present classification of Planned Development District Ordinance No. 1533 (including Retail, Office, and Single-Family Districts) to "RG-18" - General Residence District (25.2434 acres) and "RS-45" Single-Family Residential District (2.1005 acres).

Section 2. Development of subject 25.2434 acres of "RG-18" as reflected on Exhibit "B" shall be governed specifically by Section 3.10 of Ordinance No. 1270 with the following exceptions:

- (1) The minimum lot area per dwelling unit shall be 2700 square feet;
- (2) The maximum density is 16 dwelling units/acre; and
- (3) A maximum of 407 multiple family dwelling units shall be allowed.

Section 3. Development of the subject 2.1005 acres of "RS-45" as reflected on Exhibit "B," shall be governed specifically by Section 3.07.5 of Ordinance No. 1270.

Section 4. A complete site and landscape plan shall be submitted and approved by the Planning and Zoning Commission and City Council for the "RG-18" - General Residence District prior to development.

Section 5. 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.

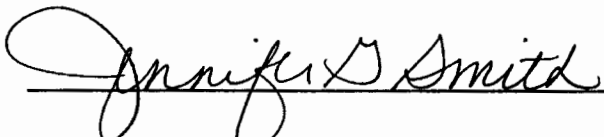
Section 6. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefor, shall be fined any sum not exceeding \$200.00, and each day that such violation shall continue 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 7. No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, or specific regulations contained herein. The Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas in the manner provided by law.

Section 8. 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 18th DAY OF April, 1995.

CORRECTLY ENROLLED:


JENNIFER G. SMITH, City Secretary

PROPERTY DESCRIPTION
Tract A--RG-18

BEING a tract of land in the John Duncan Survey, Abstract No. 259 and the Tola Dunn Survey, Abstract No. 284, situated in the City of McKinney, Collin County, Texas, and being a part of that certain 75.5397 acre tract of land conveyed to Roger Sefzik by deed filed in County Clerk File No. 92-0084375 of the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at the most Southerly Southwest corner of said 75.5397 acre tract, said point being on the East right-of-way line of State Highway No. 5;

THENCE along said East right-of-way line of State Highway No. 5 as follows:

North 8°04' East, 200.0 feet;
North 17°18' East, 837.5 feet;

THENCE North 89°45' East, 1292.57 feet;

THENCE South 32°02'22" East, 73.40 feet to a point on the center of a creek;

THENCE along the center of said creek as follows:

South 12°57'22" West, 124.64 feet;
South 65°25'26" West, 117.69 feet;
South 21°56'04" West, 31.58 feet;
South 49°49'23" West, 38.42 feet;
South 34°37'43" East, 54.92 feet;
South 17°27'45" East, 36.40 feet;
South 29°15'41" West, 79.79 feet;
South 59°11'29" West, 56.87 feet;
South 39°18'54" West, 112.57 feet;
South 63°35'56" West, 40.09 feet;
South 38°51'20" West, 65.50 feet;
South 24°57'45" West, 29.15 feet;
South 47°11'55" West, 92.13 feet;

THENCE North 88°00' West, 351.43 feet to a point on the West line of the John Duncan Survey;

THENCE along said West line of the Duncan Survey as follows:

South 0°59" West, 84.21 feet;
South 2°16' West, 99.6 feet;
South 3°39' West, 89.67 feet to the most Southerly Southwest corner of said 75.5397 acre tract;

THENCE along the South line of said 75.5397 acre tract as follows:

South 89°00' West, 254.26 feet;
South 89°43' West, 254.81 feet;
North 86°52" West, 110.55 feet;
South 79°38" West, 179.79 feet to the **PLACE OF BEGINNING**, and containing 25.2434 acre of land, more or less.

PROPERTY DESCRIPTION
Tract B--RS-45

BEING a tract of land in the John Duncan Survey, Abstract No. 259 and the Tola Dunn Survey, Abstract No. 284, situated in the City of McKinney, Collin County, Texas, and being a part of that certain 75.5397 acre tract of land conveyed to Roger Sefzik by deed filed in County Clerk File No. 92-0084375 of the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a point on the East right-of-way line of State Highway No. 5, said point being North 8°04' East, 200.0 feet and North 17°18' East 837.5 feet from the most Southerly Southwest corner of said 75.5397 acre tract;

THENCE North 17°18' East along said East right-of-way line of State Highway No.5, 283.18 feet;

THENCE North 89°45' East 300.0 feet;

THENCE South 1°22' West, 270.11 feet;

THENCE South 89°45' West, 377.77 feet to the **PLACE OF BEGINNING**, and containing 2.1005 acres of land, more or less.

