

ORDINANCE NO. 2003-04-033

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270, AND AS AMENDED, OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 34.6 ACRE TRACT LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 121, ON THE WEST SIDE OF US HIGHWAY 75, AND ON THE SOUTH SIDE OF FM 720, IS HEREBY REZONED FROM "AG" – AGRICULTURAL DISTRICT, TO "PD", - PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR MIXED USES AND REC OVERLAY DISTRICT; 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 34.6 acre tract located on the North Side of State Highway 121, on the West Side of US Highway 75, and on the South Side of FM 720, From "AG" – Agricultural District, to "PD", - Planned Development District, Generally for Mixed Uses and REC Overlay District; 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, THAT:

Section 1. Zoning Ordinance No. 1270, and as amended, of the City of McKinney is hereby amended so that an approximately 34.6 acre tract located on the North Side of State Highway 121, on the West Side of US Highway 75, and on the South Side of FM 720, which is more fully depicted on Exhibit "A" attached hereto From "AG" – Agricultural District, to "PD", - Planned Development District, Generally for Mixed Uses and REC Overlay District.

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

1. The subject property shall develop in accordance with REC Multi-Use District, as per Section 41-94 of the Zoning Ordinance.
2. The subject property shall develop according to the attached general development plan, see Exhibit "B".
3. The subject property develop according to the Regional Employment Center (REC) Overlay District standards, and as amended.
4. The subject property shall have a maximum of 400 multi-family units.

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 \$2000.00, 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.

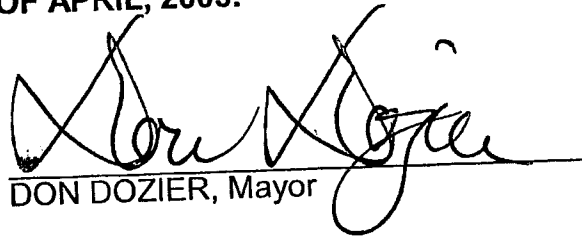
Section 5.

That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, 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 THIS 1ST DAY OF APRIL, 2003.


DON DOZIER, Mayor

ATTEST:


JENNIFER SPROULI, City Secretary
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

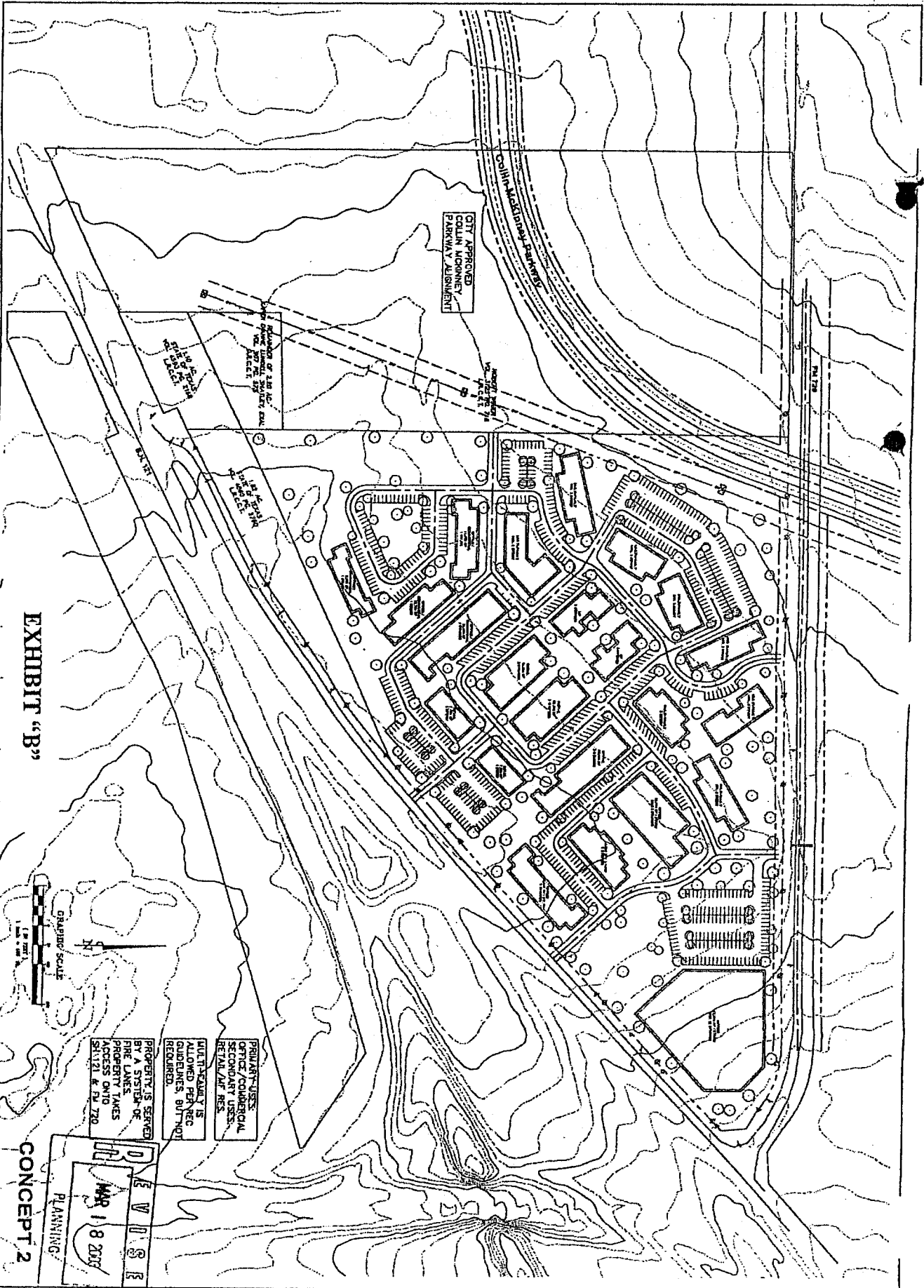
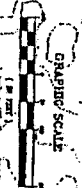


EXHIBIT "B"

CONCEPT 2



PROPERTY IS SERVED BY A SYSTEM OF FIRE LINES. PROPERTY TAKES ACCESS ONTO SH121 & PL 270.

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Scale: 1" = 100'
 Designed by: JAS
 Drawn by: RSC
 Checked by: JAS
 Date:
 Project No. 067050021

DESIGNED BY
 JAS
 DATE
 MAR 18 2003
 PLANNING

GENERAL DEVELOPMENT PLAN

TRANSCONTINENTAL REALTY INVESTORS INC.



Kimley-Horn and Associates, Inc.
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 Ft. Worth, Texas 76155
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 Fax No. (817) 333-3729