

ORDINANCE NO. 2009-07-051

AN ORDINANCE AMENDING ORDINANCE NO. 2008-11-106 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 18.31 ACRE PROPERTY, LOCATED GENERALLY ON THE NORTH SIDE OF VIRGINIA PARKWAY AND APPROXIMATELY 400 FEET EAST OF AERO COUNTRY ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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 18.31 acre property, located generally on the north side of Virginia Parkway and approximately 400 feet east of Aero Country Road, is rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards, 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. 2008-11-106 is hereby amended so that an approximately 18.31 acre property, located generally on the north side of Virginia Parkway and approximately 400 feet east of Aero Country Road, which is more fully depicted on Exhibit "A," attached hereto, is hereby rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards.

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

1. The subject property, which is more fully described in Exhibit "B," attached hereto, shall be developed according to "PD" – Planned Development District Ordinance No. 2008-11-106, except as follows:
 - a. A minimum lot size of 7,000 square feet shall be allowed.
 - b. The following landscaping requirements shall not apply:
 - i. A minimum of 10% of the entire site shall be devoted to living landscape.
 - ii. A landscape area with at least one tree within 65 feet of every parking space.
 - iii. A landscape island shall be located at the terminus of each parking row, and should contain at least one canopy tree (minimum 3" caliper and 7' height at the time of planting).
 - c. The subject property shall generally develop in accordance with the attached 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 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 \$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 5. 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 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 21ST DAY OF JULY, 2009.

CITY OF MCKINNEY, TEXAS



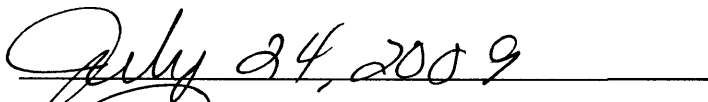
BRIAN LOUGHMILLER, Mayor

CORRECTLY ENROLLED:

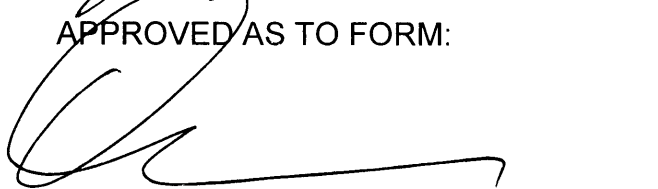


SANDY HART, TRMC, MMC
City Secretary
LINCOLN THOMPSON
Deputy City Secretary

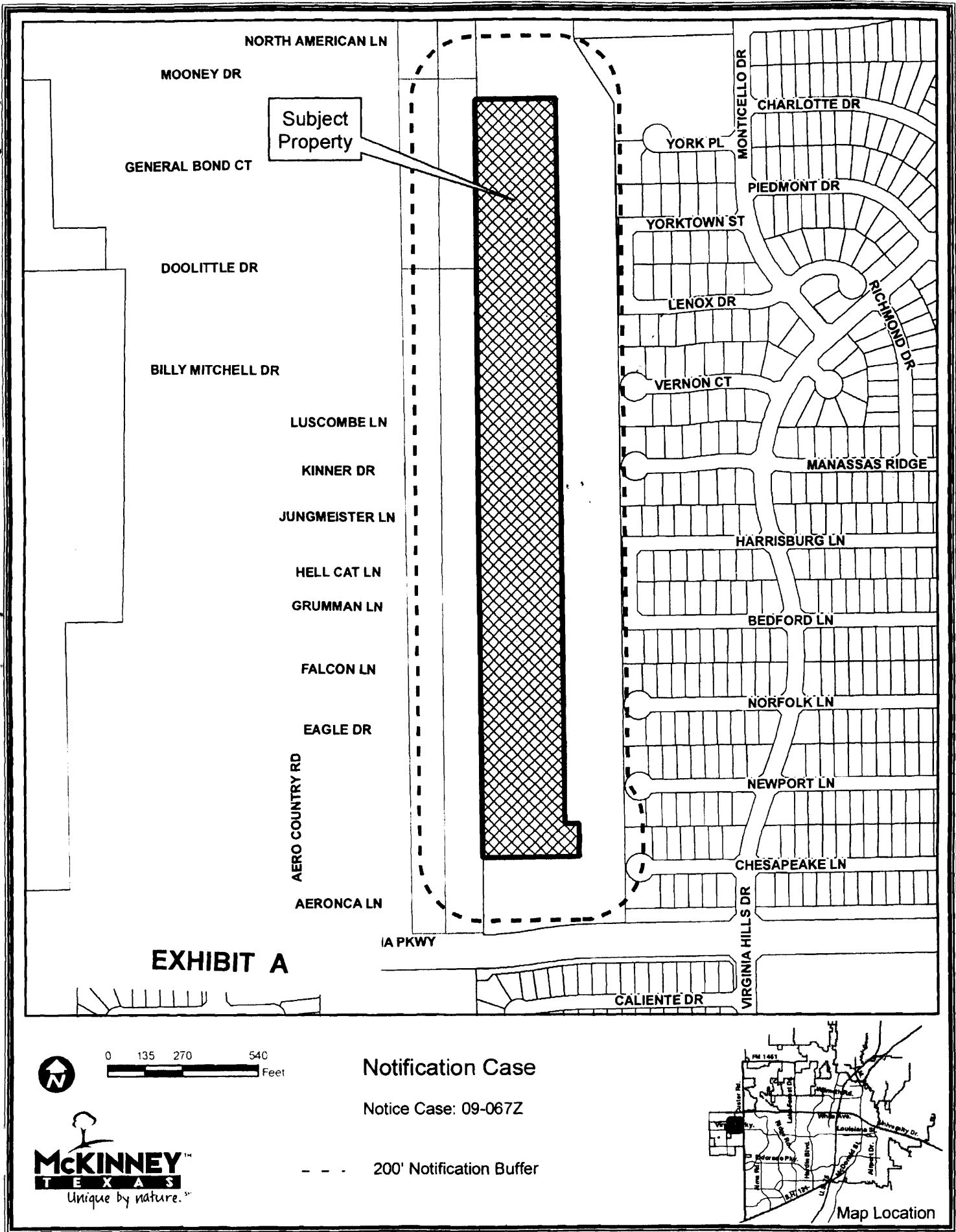
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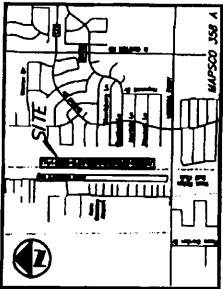


APPROVED AS TO FORM:



MARK S. HOUSER, City Attorney





VICINITY MAP

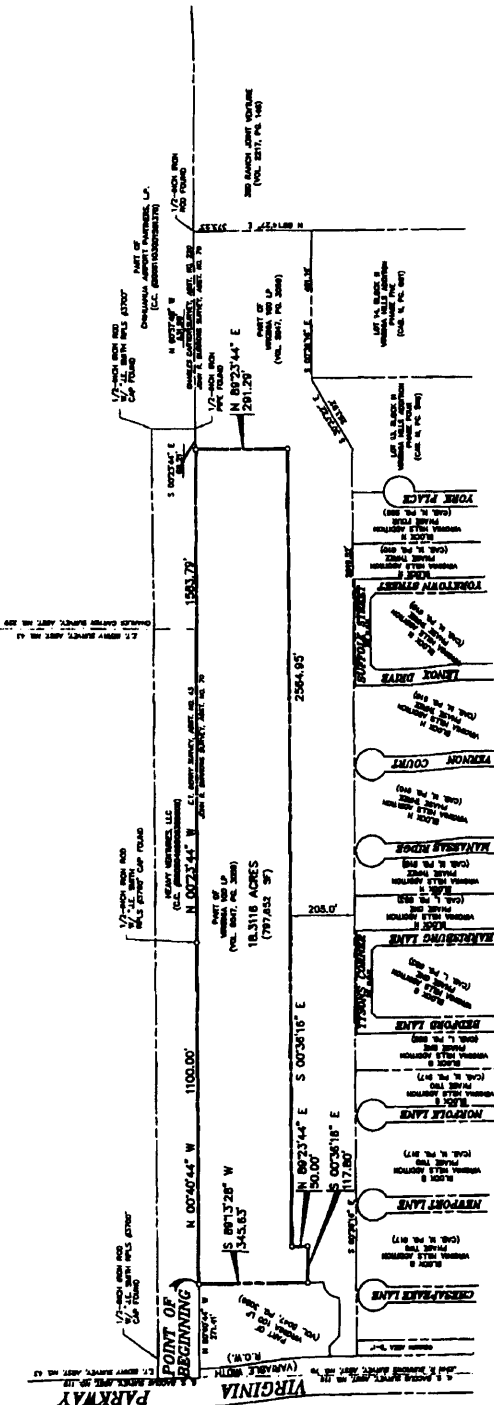


EXHIBIT B

ACCEPTANCE OF THE CITY OF MCKINNEY, TEXAS, OF THE 18.3116 ACRE TRACT, LOCATED IN THE CITY OF MCKINNEY, TEXAS, AND BEING OUT OF THE JOHN R. BURROWS SURVEY, ABSTRACT No. 70, COLLIN COUNTY, TEXAS, FOR THE PURPOSES OF THE CITY OF MCKINNEY, TEXAS, ZONING EXHIBIT #1.

THE CITY OF MCKINNEY, TEXAS, HAS REVIEWED THE PLANS AND SPECIFICATIONS FOR THE 18.3116 ACRE TRACT, LOCATED IN THE CITY OF MCKINNEY, TEXAS, AND BEING OUT OF THE JOHN R. BURROWS SURVEY, ABSTRACT No. 70, COLLIN COUNTY, TEXAS, AND HAS DETERMINED THAT THE TRACT IS SUITABLE FOR THE PURPOSES OF THE CITY OF MCKINNEY, TEXAS, ZONING EXHIBIT #1.

THE CITY OF MCKINNEY, TEXAS, HAS REVIEWED THE PLANS AND SPECIFICATIONS FOR THE 18.3116 ACRE TRACT, LOCATED IN THE CITY OF MCKINNEY, TEXAS, AND BEING OUT OF THE JOHN R. BURROWS SURVEY, ABSTRACT No. 70, COLLIN COUNTY, TEXAS, AND HAS DETERMINED THAT THE TRACT IS SUITABLE FOR THE PURPOSES OF THE CITY OF MCKINNEY, TEXAS, ZONING EXHIBIT #1.

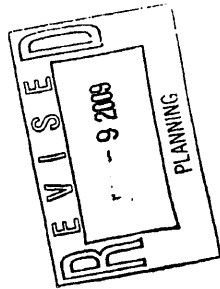


EXHIBIT B

ZONING EXHIBIT #1
18.3116 ACRE TRACT
LOCATED IN THE CITY OF MCKINNEY, TEXAS
AND BEING OUT OF THE
JOHN R. BURROWS SURVEY, ABSTRACT No. 70
COLLIN COUNTY, TEXAS

PREPARED BY: HEAVY INDUSTRIES, LLC 230 JENKINS ROAD MCKINNEY, TEXAS 75069 (972) 365-2303	DATE: 05-22-09	SCALE: 1" = 200'	DRAWN BY: R.L.G.	CHECKED BY: M.C.
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POQUE
ENGINEERING & DEVELOPMENT COMPANY, INC.
230 JENKINS ROAD
MCKINNEY, TEXAS 75069
(972) 365-2303

APPROX 09/24/2009 - 10:15AM
H:\009\1005-1390\1390-00-03-07C-ZONING EXHIBIT 2.DWG
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WILSONVILLE, OR 97150
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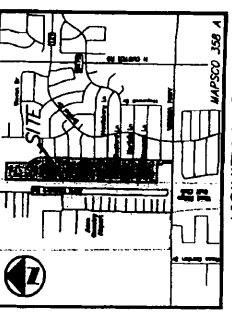
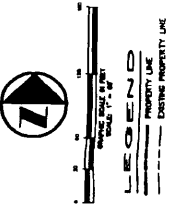
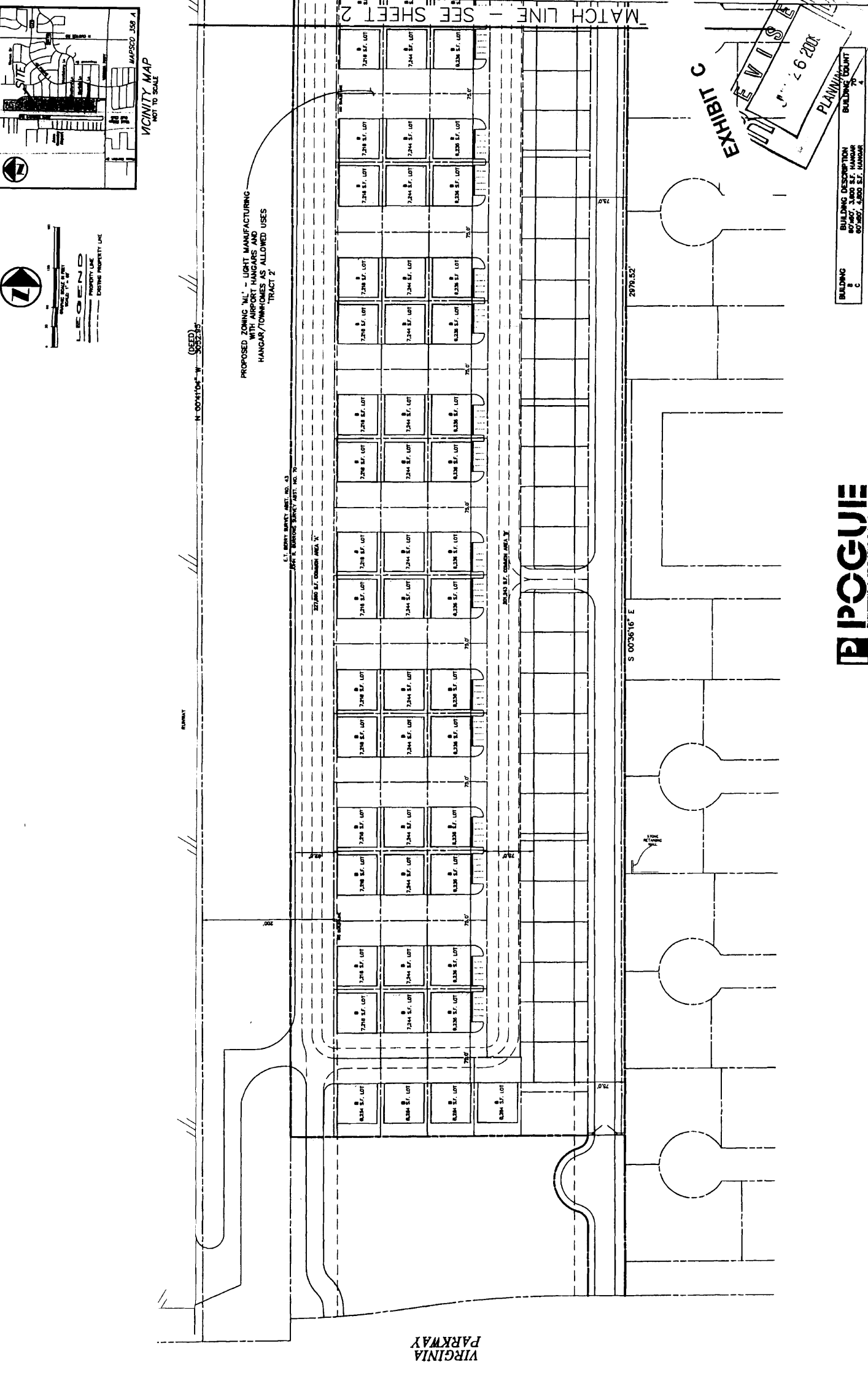


EXHIBIT C

PLANNING COURT

BUILDING DESCRIPTION
80,000 S.F. HANGAR
80,000 S.F. HANGAR
80,000 S.F. HANGAR

BUILDING
B
C

BUILDING/COURT
70
4

DATE
6/6/2009

SHEET 1 OF 2

ZONING EXHIBIT #2

POQUEE

ENGINEERING & DEVELOPMENT COMPANY, INC.

1005 MAY CORTLAND DRIVE
WILSONVILLE, OR 97150
TEL: 503-686-7000
WWW.POQUEEENGINEERING.COM

