

ORDINANCE NO. 2002-06-058

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 22 ACRE TRACT, LOCATED AT THE NORTHWEST CORNER OF ELDORADO PARKWAY AND U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY), IS HEREBY REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR MIXED USES, TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR "C" – PLANNED CENTER DISTRICT USES; 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 22 acre tract located at the Northwest corner of Eldorado Parkway and U.S. Highway 75 (Central Expressway), From "PD" – Planned Development District, Generally for mixed uses, to "PD" – Planned Development District, generally for "C" –Planned Center District Uses; 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 of the City of McKinney is hereby amended so that an approximately 22 acre tract located at the Northwest corner of Eldorado Parkway and U.S. Highway 75 (Central Expressway), in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from its present classification of "PD" – Planned Development District to "PD – Planned Development District, generally for "C" – Planned Center District Uses.

Section 2. Use and development of the subject property shall conform to the development standards listed below:

1. Only uses listed in exhibit "B" shall be allowed in the "PD" – Planned Development District.
2. All buildings shall generally conform to the attached concept plan (exhibit "A"), no building shall generally be closer to residential areas than is shown in exhibit "A," and a buffer area shall be maintained in which only office uses shall be allowed when backing single-family residential districts.

3. Rear architectural elevations of the top half of retail buildings shall be consistent with the front architectural elevations.
4. The northwest corner of the subject property as shown on exhibit "A" shall be office uses.
5. In addition to meeting the City of McKinney landscaping, screening, and buffering requirements contained in ordinance 1270, the applicant shall provide extra measures, including, but not excluded to the following:
 - a. Landscaped areas 1 and 2, located between parking rows, as shown on exhibit "A," shall contain a living, evergreen screen that will reach a height of 6 feet two years after planting, in order to screen the residential uses from the retail development.
 - b. A 10 foot landscape buffer shall be maintained on all lots adjacent to residential areas and on all lots adjacent to Craig Drive and U.S. Highway 75 (Central Expressway).
 - c. An 8 foot masonry wall, generally having the same architectural elevations as "Anchor 4," shall be extended from the north wall of "Anchor 4" to the south in order to screen the loading spaces located there.
6. Loading spaces and sanitation containers for "Retail H" and "Retail G" as referenced on exhibit "A" shall be located between the two buildings rather than to the rear.

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.

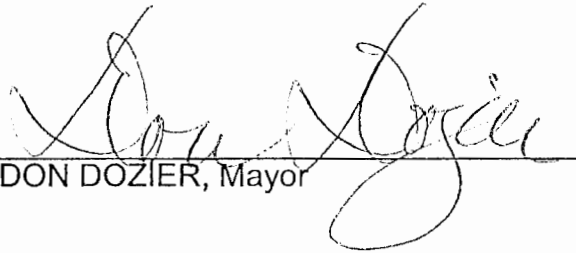
Section 5.

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 4th DAY OF JUNE, 2002.


DON DOZIER, Mayor

ATTEST:


JENNIFER SPROULL, City Secretary
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

All Uses Allowed by this Planned Development Ordinance

Accessory building or use	O/R	Local utility line	O/R
Amusement, commercial (indoor)	R	Mimeograph or letter shop	R
Antique shop	R	Museum, library, art gallery (public)	O/R
Apparel and accessory stores	R	Office building	O
Art supplies	R	Office supplies	R
Bakery or confectionery (retail)	R	Office use	O
Banks and financial institutions, including drive-up windows	O	Park or playground (public)	O/R
Barber or beauty shops	O/R	Parking, incidental to main use	O/R
Book or card shop	R	Personal service	O
Department or discount stores	O	Pet stores (no outside runs)	O
Clinic	O	Private club (subject to Ch. 39, Art. II of Ordinance 1270)	R
Construction buildings (temporary)	O/R	Radio or TV broadcast studio	O
Day-care for children	O/R	Real estate sales office (temporary)	O
Church or rectory, including church-operated day-care facilities and pre-schools	R	Restaurant or cafeteria (indoor service only--accompanying patio allowed)	R
Drug-store or pharmacy	R	Retail store (indoor)	R
Fabrics or needlework shop	R	School, public or denominational	O
Field office (temporary)	O/R	Studios, photo, music, art, health, etc.	O/R
Florist or garden shop	R	Telephone exchange, no garage or shop	O/R
Food stores, groceries	R	Theater (indoor)	R
Furniture sales	R	Travel agent	O
Greenhouse or plant nursery	R	Upholstery shop	R
Hobby or handcraft shop	R	Utility business office	O
Hotel or motel	R	Utility distribution lines	O/R
Household appliance sales	R	Utility substation or regulating station	O/R
Key shop	R	Veterinarian (no outside runs)	O

"O" Designates Uses Allowed Only in Areas Designated Office by this Planned Development Ordinance.

"R" Designates Uses Allowed Only in Areas Designated Retail by this Planned Development Ordinance.

EXHIBIT "B"