

**ORDINANCE NO. 2014-03-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2005-11-114 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 26.31 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF ELDORADO PARKWAY AND CUSTER ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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 26.31 acre property, located on the northeast corner of Eldorado Parkway and Custer Road, which is more fully depicted on Exhibits "A" and "B", attached hereto, 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. 2005-11-114 is hereby amended so that an approximately 26.31 acre property, located on the northeast corner of Eldorado Parkway and Custer Road, which is more fully depicted on Exhibits "A" and "B", attached hereto, is 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, more fully depicted on Exhibits "A" and "B", shall develop in accordance with "PD" – Planned Development District Ordinance No. 2005-11-114, except as follows:

1. Motor vehicle fuel sales that do not conduct any type of automotive repairs or servicing and is only an accessory use to a grocery store, shall be allowed within 750 feet of the intersection of Eldorado Parkway and Custer Road. No fuel pump may be located closer than 650 feet from a single family residential lot.

2. Motor vehicle fuel sales shall be allowed facilities to fuel a maximum of twelve (12) vehicles at one time.
3. An unmanned, fully automated carwash that accommodates only one vehicle at a time shall be allowed only as an accessory use to a fuel sales facility and be located no closer than 575 feet from a single family residential lot.
4. Site plan and/or concept plan be approved administratively by Staff.

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 THE 4<sup>th</sup> DAY OF MARCH, 2014.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

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SANDY HART, TRMC, MMC  
City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney