

ORDINANCE NO. 2006-04-039

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 98-08-44 OF THE CITY OF MCKINNEY, TEXAS; SO THAT A 13.916 ACRE TRACT GENERALLY LOCATED AT THE NORTHWEST CORNER OF VIRGINIA PARKWAY AND CUSTER ROAD IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, IN ORDER TO ALLOW ADDITIONAL USES WITH APPROVAL OF A SPECIFIC USE PERMIT; 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 13.916 acre tract generally located at the northwest corner of Virginia Parkway and Custer Road, from "PD" – Planned Development District, to "PD" – Planned Development District, in order to allow additional uses with approval of a specific use permit, 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. 98-08-44 is hereby amended so that an approximately 13.916 acre tract generally located at the northwest corner of Virginia Parkway and Custer Road, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned to "PD" – Planned Development District, in order to allow additional uses with approval of a specific use permit.

Section 2. Use and development of the subject property shall develop in accordance with PD Ordinance No. 98-08-044, and as amended by PD Ordinances 04-01-006 and 04-11-116, with the following exceptions:

1. A specific use permit (SUP) be required for the following uses:
 - a. Auto parts sales (indoor)
 - b. Minor auto repair to include oil and lube changes, tire change and repair, tire rotation and balance, state vehicle inspections, spark plugs, spark plug wires, filters, belts, hoses and other minor tune-up components. Other services traditionally included in the tune-up menu include: cooling system service; transmission fluid and filter service (flush & fill), a/c service, brake service, and automotive battery replacement.
2. Each specific use permit application will require a site plan, landscape plan, and building elevations.

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 5. 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.

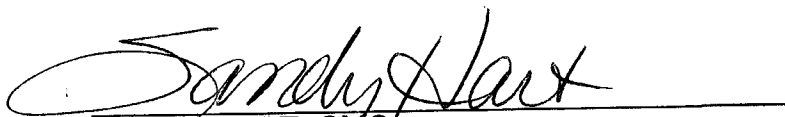
Section 6. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

Section 7. 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.

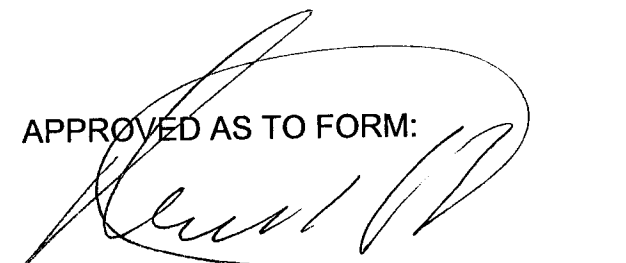
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 4TH DAY OF APRIL, 2006.

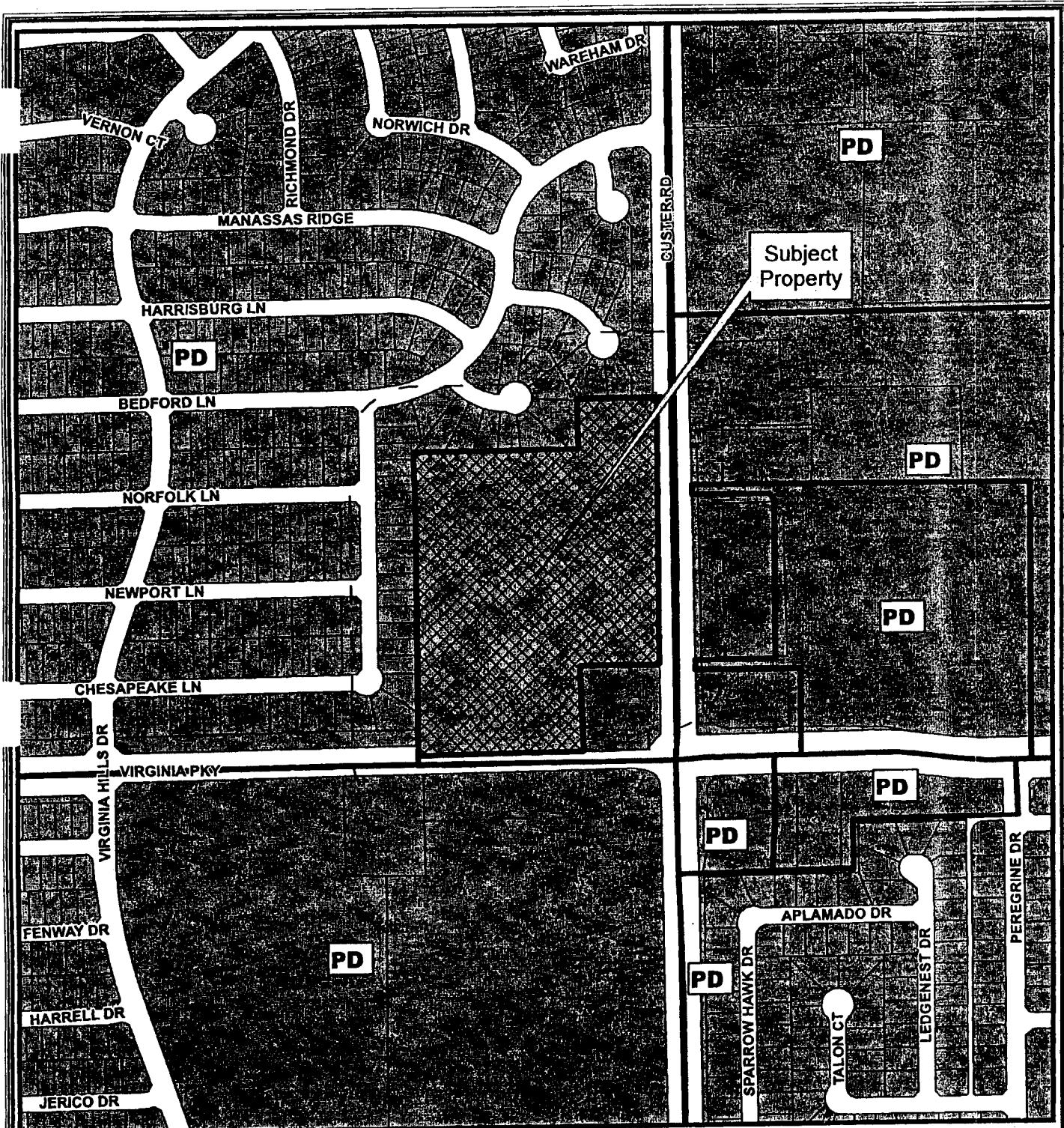

BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:

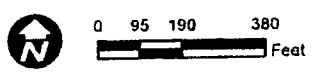

SANDY HART, CMC
City Secretary
BEVERLY COVINGTON
Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney



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Notification Case

Notice Case #: 05-395Z

R-6070-000-0060-1

--- 200' Notification Buffer

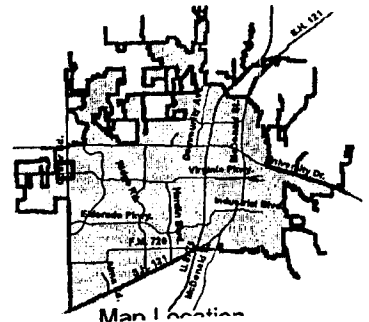


EXHIBIT "A"

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney, Texas. The City of McKinney, Texas, is not responsible for any errors or omissions in this map and information, and it is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancy.

