

ORDINANCE NO. 2004-09-099

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 2.731 ACRE TRACT, LOCATED ON THE SOUTH SIDE OF VIRGINIA PARKWAY, APPROXIMATELY 250 FEET EAST OF CUSTER ROAD IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT GENERALLY FOR "BN" – NEIGHBORHOOD BUSINESS 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 2.731 acre tract on the south side of Virginia Parkway, Approximately 250 feet east of Custer Road, from "AG" – Agricultural District and "PD" – Planned Development to "PD" – Planned Development District, Generally for "BN" – Neighborhood Business 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:

Section 1. Ordinance No. 1270 is hereby amended so that an approximately 2.731 acre tract located on the south side of Virginia Parkway, approximately 250 feet east of Custer Road, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "PD" – Planned Development District and "AG" – Agricultural District to "PD" – Planned Development District, Generally for "BN" – Neighborhood Business Uses.

Section 2.

Use and Development of the subject property shall conform to the "BN" – Neighborhood Business District, as set forth in Section 41-79 of the City of McKinney Code of Ordinances, and as amended, except as follows:

- (a) The subject property conform to the attached site plan, landscape plan, and building elevations, see Exhibit "B", Exhibit "C", and Exhibit "D" attached.
- (b) The subject property shall have a minimum rear yard setback of 15'.
- (c) Along the rear property line, the 8' tall masonry screening wall shall be set back 5' from the rear property line and within the 5' between the wall and the property line the applicant shall plant Live Oak trees, as shown on the attached landscape plan (Exhibit "C").
- (d) A 10' landscape buffer be allowed along Peregrine Drive and Virginia Parkway.
- (e) A loading space be allowed within 45' of adjacent single-family residences to the south and within 70' of the front property line; and screened as shown on the attached landscape plan (Exhibit "C").
- (f) No service station or motor vehicle fuel sales are allowed.
- (g) Restaurant uses may occupy no more than 1,600 square feet of the proposed 11,925 square foot building.

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.

The developer shall provide language in the deeds for notice (acceptable to the city attorney) to any residential lot purchaser, which adequately notifies purchasers of the existence of a private airport in the vicinity. An updated,


scaled map shall be provided in conjunction with said notice.

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.

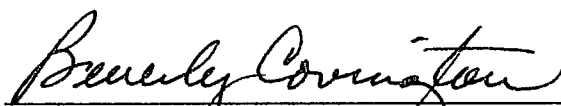
Section 6. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner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

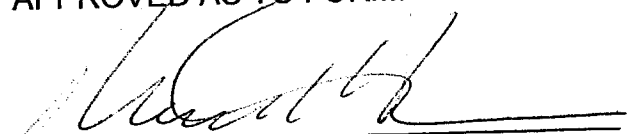
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 21ST DAY OF SEPTEMBER, 2004.


Bill Whitfield, Mayor

CORRECTLY ENROLLED:


BEVERLY COVINGTON, Acting City Secretary

APPROVED AS TO FORM:



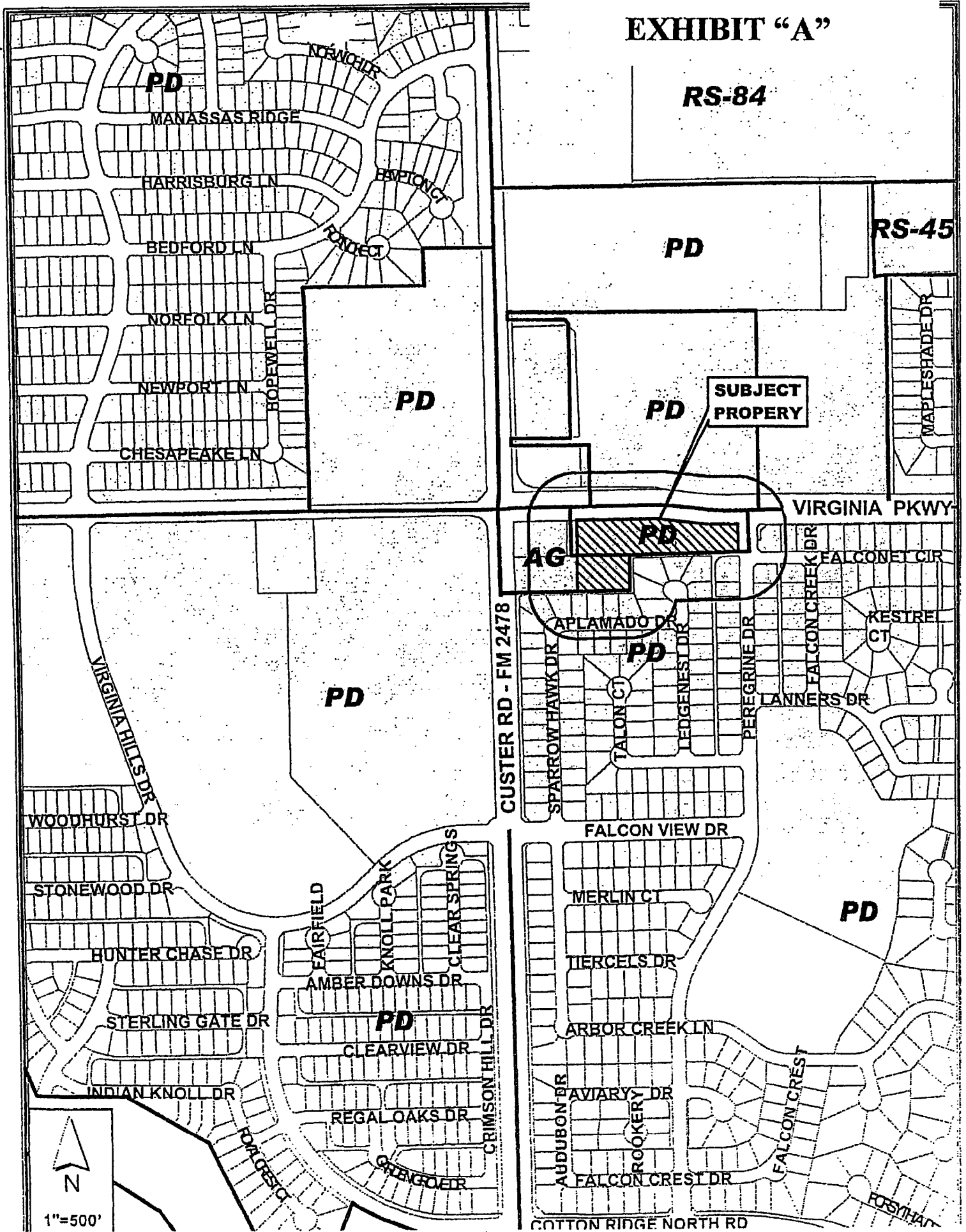
MARK S. HOUSER, City Attorney

EXHIBIT "A"

RS-84

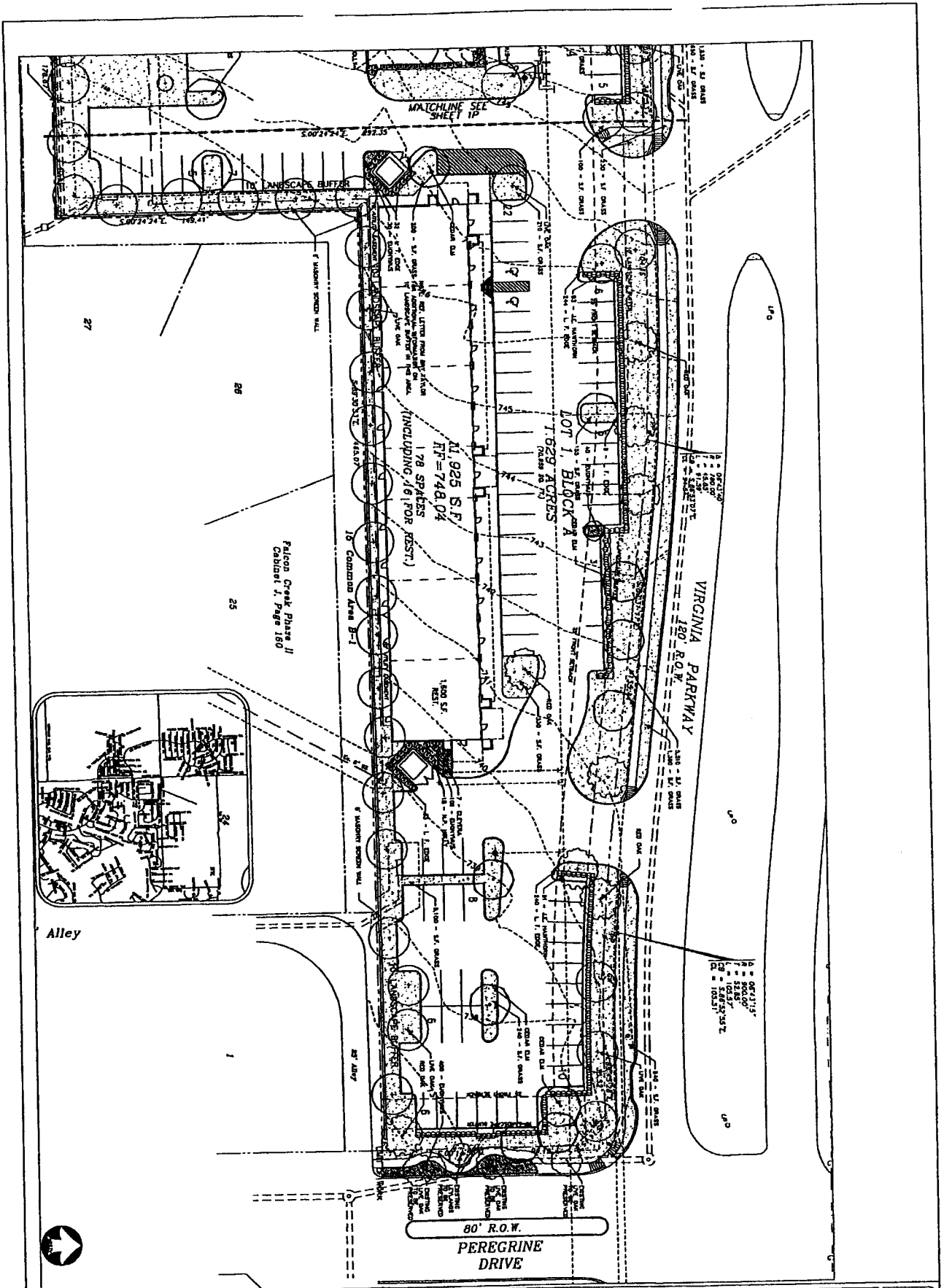
RS-45

SUBJECT PROPERTY



1"=500'

EXHIBIT "C"



Sheet Title: PLANTING PLAN Serial Number: 22	Regions: <table border="1"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>						Date: <table border="1"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>						WESTRIDGE COMMONS MCKINNEY, TEXAS	Record No: CONSTRUCTION Job No: 04106.00 Scale: 1" = 20'-0" DATE: 8/13/2004	Designed By: CM Drawn By: CM Approved By: CM	
GRUBBS RAMSEY, INC. - 17311 DALLAS PARKWAY, SUITE 220 - DALLAS, TEXAS 75248 - PHONE (972) 267-2379 - FAX (972) 267-247.																

EXHIBIT "C"

GRUBBS RAMSEY, INC. - 17311 DALLAS PARKWAY, SUITE 220 - DALLAS, TEXAS 75248 - PHONE (972) 267-2379 - FAX (972) 267-24

DATE: 8/13/2004

Scale: 1" = 20'-0"

04106.00

Drawn By: [Signature]

Checked By: [Signature]

Designated By: [Signature]

COMPILED BY: [Signature]

WESTRIDGE COMMONS

MCKINNEY, TEXAS

PLANTING PLAN

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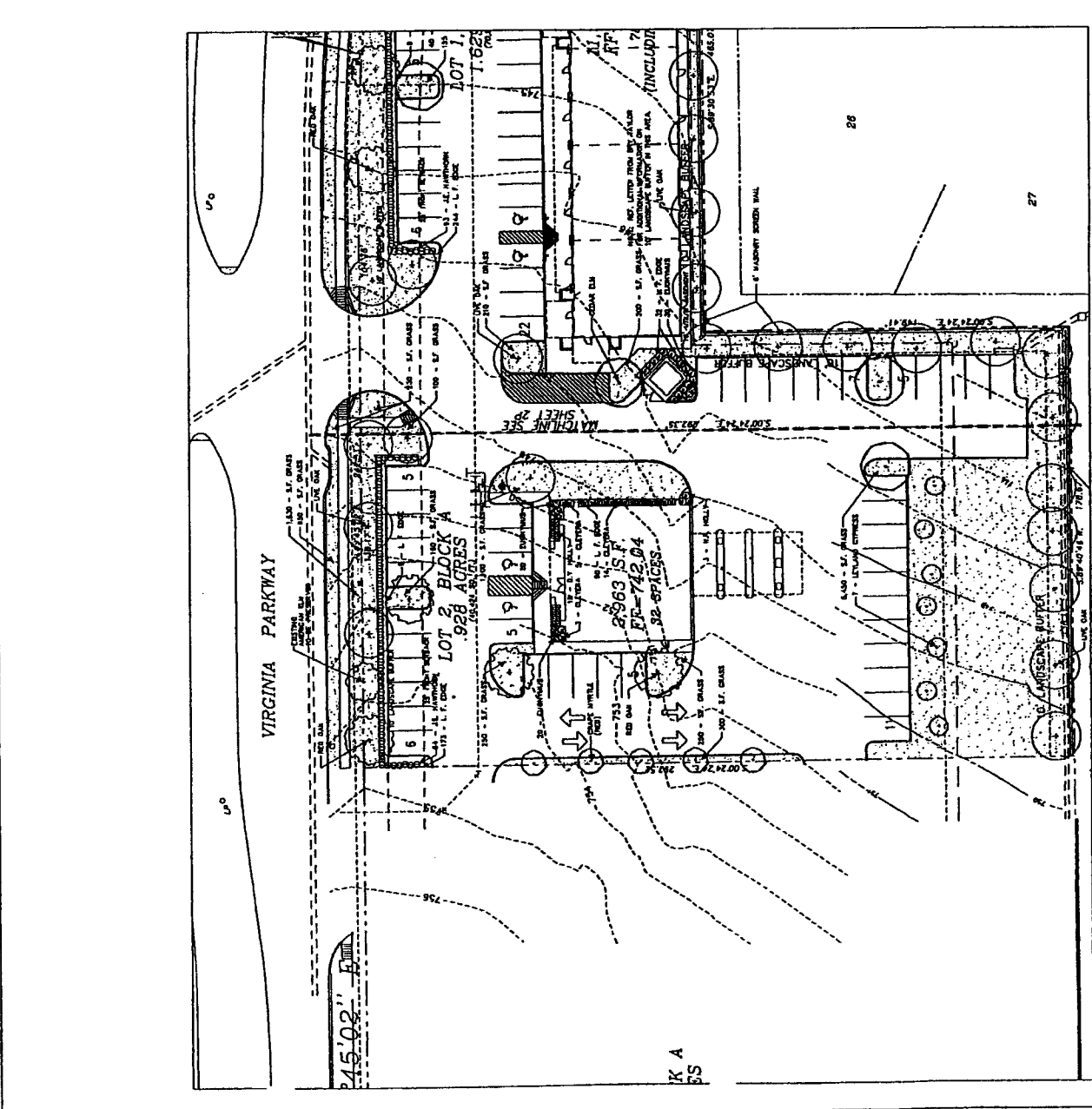
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Date: [Blank]


Sheet Number: 17

of 22

STD. MCKINNEY LANDSCAPE REGS.	
LOT 1 & LOT 2	
<p>STREETVARD LANDSCAPING</p> <p>MINIMUM WIDTH (USE OF THE AREA BETWEEN SETBACKS AND PROPERTY LINE)</p> <p>STREETVARD LANDSCAPING REQUIRED</p> <p>STREETVARD LANDSCAPING PROVIDED</p> <p>PROPOSED DRIVE (USE OF THE AREA BETWEEN SETBACKS AND PROPERTY LINE)</p> <p>STREETVARD LANDSCAPING REQUIRED</p> <p>STREETVARD LANDSCAPING PROVIDED</p>	<p>MINIMUM WIDTH (USE OF THE AREA BETWEEN SETBACKS AND PROPERTY LINE)</p> <p>STREETVARD LANDSCAPING REQUIRED</p> <p>STREETVARD LANDSCAPING PROVIDED</p> <p>PROPOSED DRIVE (USE OF THE AREA BETWEEN SETBACKS AND PROPERTY LINE)</p> <p>STREETVARD LANDSCAPING REQUIRED</p> <p>STREETVARD LANDSCAPING PROVIDED</p>
<p>INTERSECTION LANDSCAPING</p> <p>MINIMUM PARKWAY AND SIDEWALK DRIVE (USE OF REQUIRED) LANDSCAPING PROVIDED</p> <p>MINIMUM PARKWAY AND SIDEWALK DRIVE (USE OF REQUIRED) LANDSCAPING PROVIDED</p>	
<p>REAR LANDSCAPE BUFFER ADJACENT TO RESIDENTIAL</p> <p>LANDSCAPE BUFFER ADJACENT TO RESIDENTIAL AREA</p> <p>MINIMUM WIDTH (USE OF THE AREA BETWEEN SETBACKS AND PROPERTY LINE)</p> <p>LANDSCAPE BUFFER ADJACENT TO RESIDENTIAL AREA</p> <p>MINIMUM WIDTH (USE OF THE AREA BETWEEN SETBACKS AND PROPERTY LINE)</p>	
<p>PARKING LANDSCAPING</p> <p>LANDSCAPE AREA IS OF LANDSCAPING PER SPACE</p> <p>MINIMUM WIDTH (USE OF THE AREA BETWEEN SETBACKS AND PROPERTY LINE)</p> <p>LANDSCAPE BUFFER ADJACENT TO RESIDENTIAL AREA</p> <p>MINIMUM WIDTH (USE OF THE AREA BETWEEN SETBACKS AND PROPERTY LINE)</p>	
<p>ALL LANDSCAPE AREAS SHALL RECEIVE UNDERGROUND AUTOMATIC IRRIGATION SYSTEMS</p>	

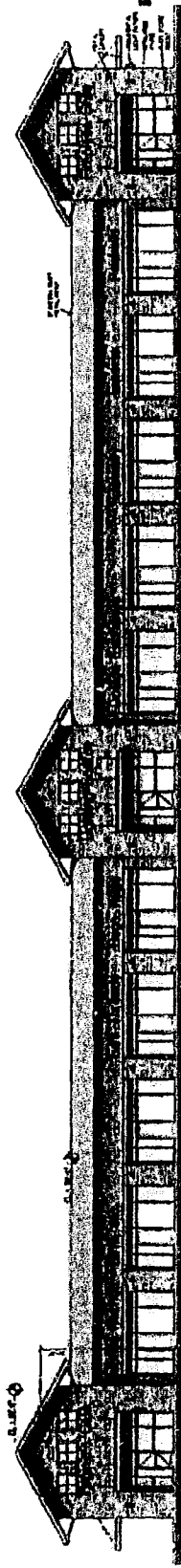


SHRUBS / ORNAMENTAL TREES				
QUANTITY	SYMBOL	CULTIVAR	DESCRIPTION	SIZE AND SPACING
10	(Symbol)	10' SPACED	10' SPACED	10' SPACED
12	(Symbol)	12' SPACED	12' SPACED	12' SPACED
15	(Symbol)	15' SPACED	15' SPACED	15' SPACED
<p>GROUNDCOVER / VINES</p> <p>MINIMUM WIDTH (USE OF THE AREA BETWEEN SETBACKS AND PROPERTY LINE)</p> <p>LANDSCAPE BUFFER ADJACENT TO RESIDENTIAL AREA</p> <p>MINIMUM WIDTH (USE OF THE AREA BETWEEN SETBACKS AND PROPERTY LINE)</p>				
<p>MISCELLANEOUS</p> <p>MINIMUM WIDTH (USE OF THE AREA BETWEEN SETBACKS AND PROPERTY LINE)</p> <p>LANDSCAPE BUFFER ADJACENT TO RESIDENTIAL AREA</p> <p>MINIMUM WIDTH (USE OF THE AREA BETWEEN SETBACKS AND PROPERTY LINE)</p>				

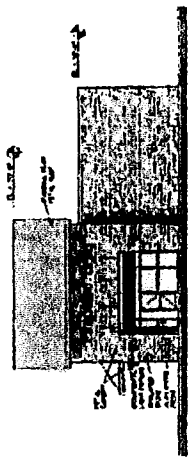

O'BRIEN & ASSOCIATES
 ARCHITECTS
 171 MARKET STREET, SUITE 1000
 DALLAS, TEXAS 75201
 TEL: 754-1234
 WWW.OBRIEN.COM

VIRGINIA PARKWAY RETAIL
 A DEVELOPMENT OF
McKINNEY, TEXAS
 DEVELOPER: **RAYSON REALTY ADVISORS**

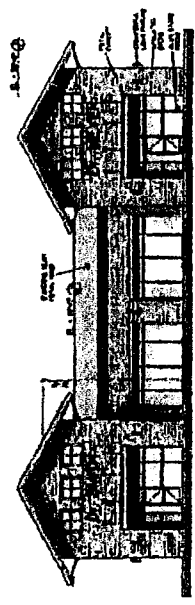
SHEET NO. **A2.1**



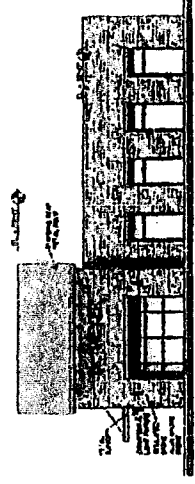
04 NORTH ELEVATION
LOT A



03 WEST ELEVATION
LOT A



02 NORTH ELEVATION
LOT B



01 WEST ELEVATION
LOT B

EXHIBIT "D"