

ORDINANCE NO. 2008-07-067

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 11.82 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF WADDILL STREET AND U.S. HIGHWAY 380 (UNIVERSITY DRIVE); IS REZONED FROM "RG 18" – GENERAL RESIDENCE DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS AND ALLOWED USES, PROVIDING REGULATIONS; PROVIDING FOR SEVERABILITY; 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 11.82 acre tract located on the southwest corner of Waddill Street and U.S. Highway 380 (University Drive), from "RG 18" – General Residence District to "PD" – Planned Development District, 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 11.82 acre tract located on the southwest corner of Waddill Street and U.S. Highway 380 (University Drive), which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "RG 18" – General Residence District to "PD" – Planned Development District, generally to modify the development standards and allowed uses.

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

1. The southeastern 1.5 acres of the subject property as reflected on the attached Zoning Exhibit (Exhibit "B") shall develop according to the "O-1" – Neighborhood Office District regulations of the Zoning Ordinance.
2. The remainder of the subject property as reflected on the attached Zoning Exhibit shall develop according to the "BG" – General Business District regulations of the Zoning Ordinance (Exhibit "B"), except as follows:
  - a. A 6' tall masonry wall shall be provided adjacent to Harroun Avenue and shall extend from the western edge of the 1.5 acre tract as shown on the Zoning Exhibit (Exhibit "B") to Graves Street.
  - b. A 20' landscape buffer shall be required adjacent to Harroun Avenue.

- c. Canopy Trees (3" caliper and 7' tall at the time of planting) shall be provided every 40 linear feet along Harroun Avenue and within the required 20' landscape buffer.
- d. Crape myrtle trees (7' tall at the time of planting) shall be provided every 15 linear feet along Harroun Avenue and within the required 20' landscape buffer.

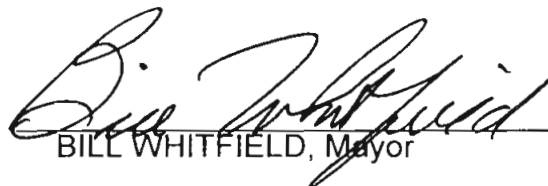
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of 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 15<sup>th</sup> DAY OF JULY, 2008.**

  
BILL WHITFIELD, Mayor

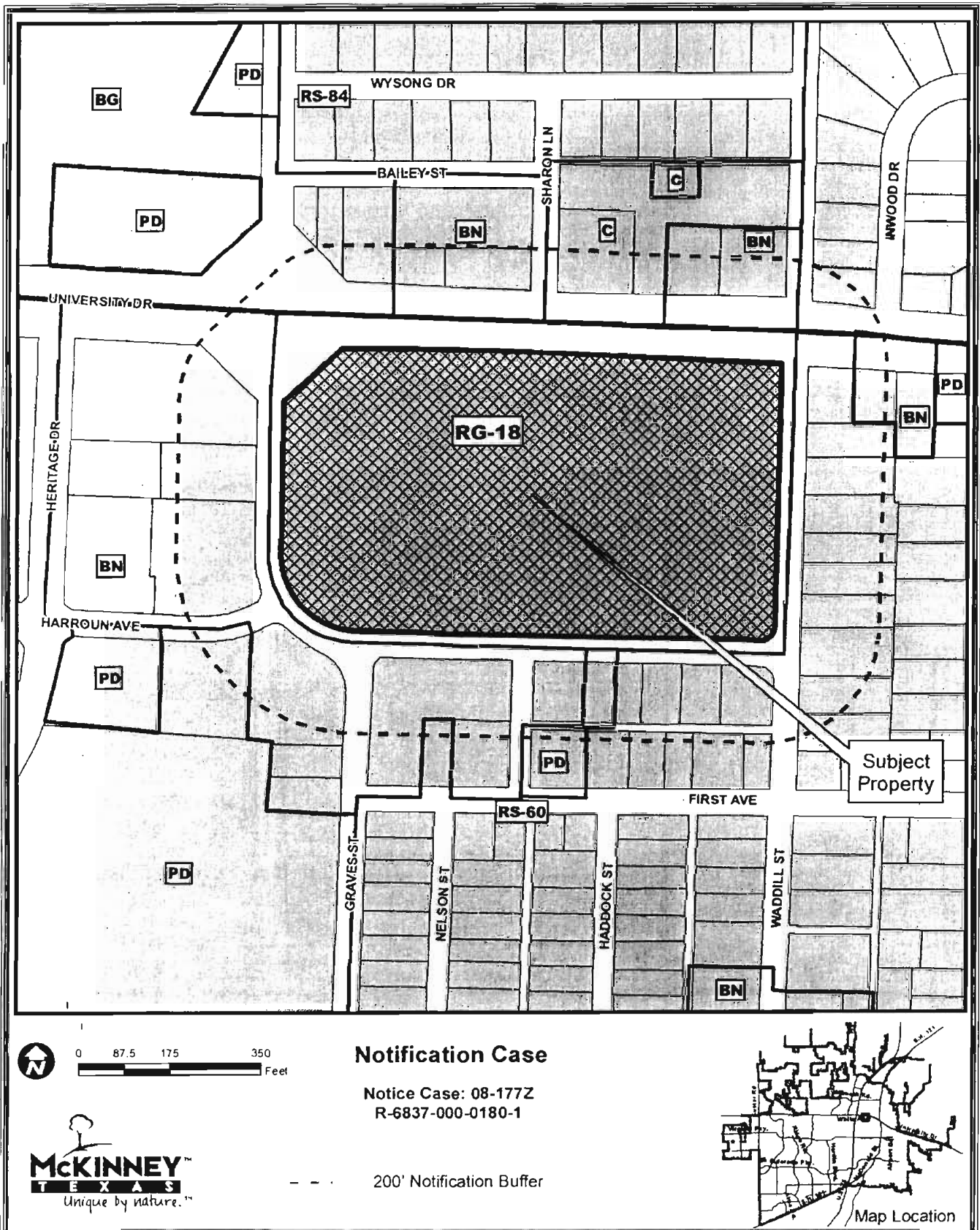
CORRECTLY ENROLLED:

  
SANDY HART, MMC, City Secretary  
BEVERLY COVINGTON, CMC, Deputy City Secretary

DATE: July 18, 2008

APPROVED AS TO FORM:

  
MARK S. HOUSER, City Attorney



**Notification Case**

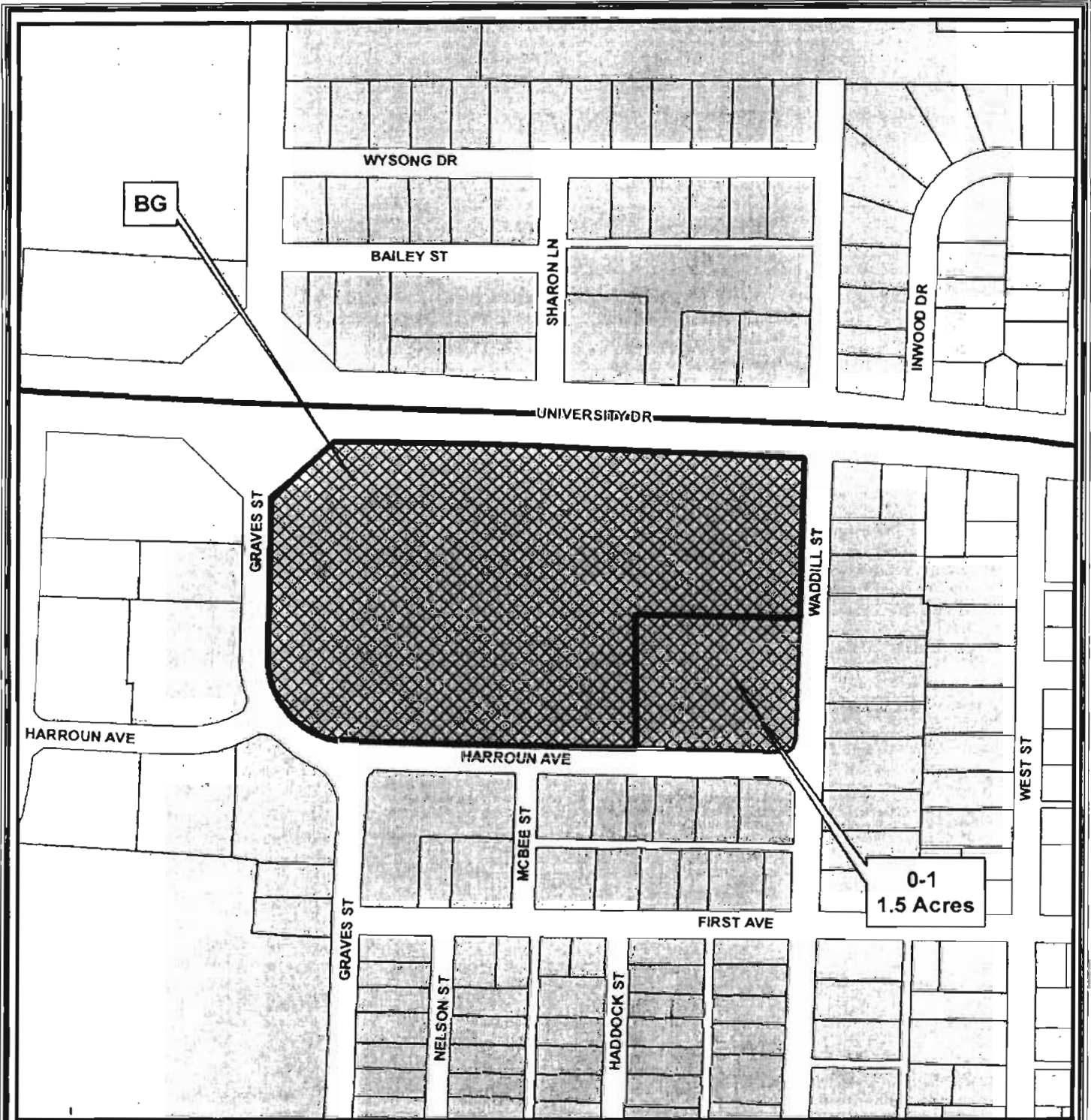
Notice Case: 08-177Z  
R-6837-000-0180-1

--- 200' Notification Buffer

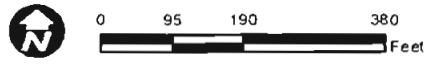


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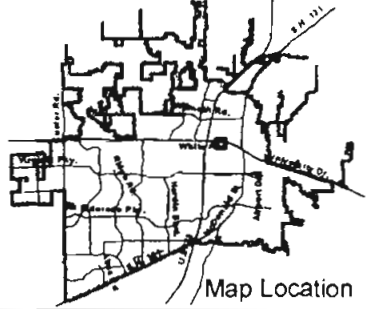
**EXHIBIT A**



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**Zoning Exhibit**  
Case: 08-177Z



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**EXHIBIT B**