

ORDINANCE NO. 2008-08-075

AN ORDINANCE AMENDING ORDINANCE NO. 1621, AND AS AMENDED, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 9.67 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND STONEBRIDGE DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS AND ALLOWED USES; 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 9.67 acre property, located on the southeast corner of U.S. Highway 380 (University Drive) and Stonebridge Drive, from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards and allowed 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. 1621, and as amended, is hereby amended in order to rezone an approximately 9.67 acre property, located on the southeast corner of U.S. Highway 380 (University Drive) and Stonebridge Drive which is more fully depicted on Exhibit "A," attached hereto.

Section 2. The subject property be developed in accordance with the "R-1" – Retail District regulations as found in "PD" – Planned Development District Ordinance No. 1621, and as amended, except as follows:

- a. A maximum of two (2) drive through restaurants shall be an allowed use on the subject property. One of the drive through restaurants may only front onto Stonebridge Drive. The other drive-through restaurant may only front onto Stonebridge Drive or U.S. Highway 380, west of the driveway entrance to the subject property from U.S. Highway 380.
- b. A minimum 6' stone or brick screening wall shall be provided along the rear of Retail Building "A" and its parking lot.
- c. The rear façade of Retail Building "A" shall be constructed of the same architectural finishes as the front façade.
- d. Maximum building height for all buildings shall be 30'.

- e. A row of shrubs shall be planted on the greenbelt side of the fencing for the proposed day care facility.
- f. The subject property generally conform to the attached Zoning Exhibit (Exhibit "B").


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 5TH DAY OF AUGUST, 2008.


BILL WHITFIELD, Mayor

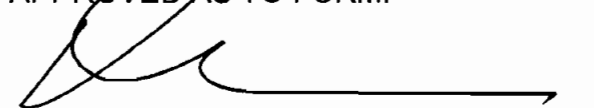
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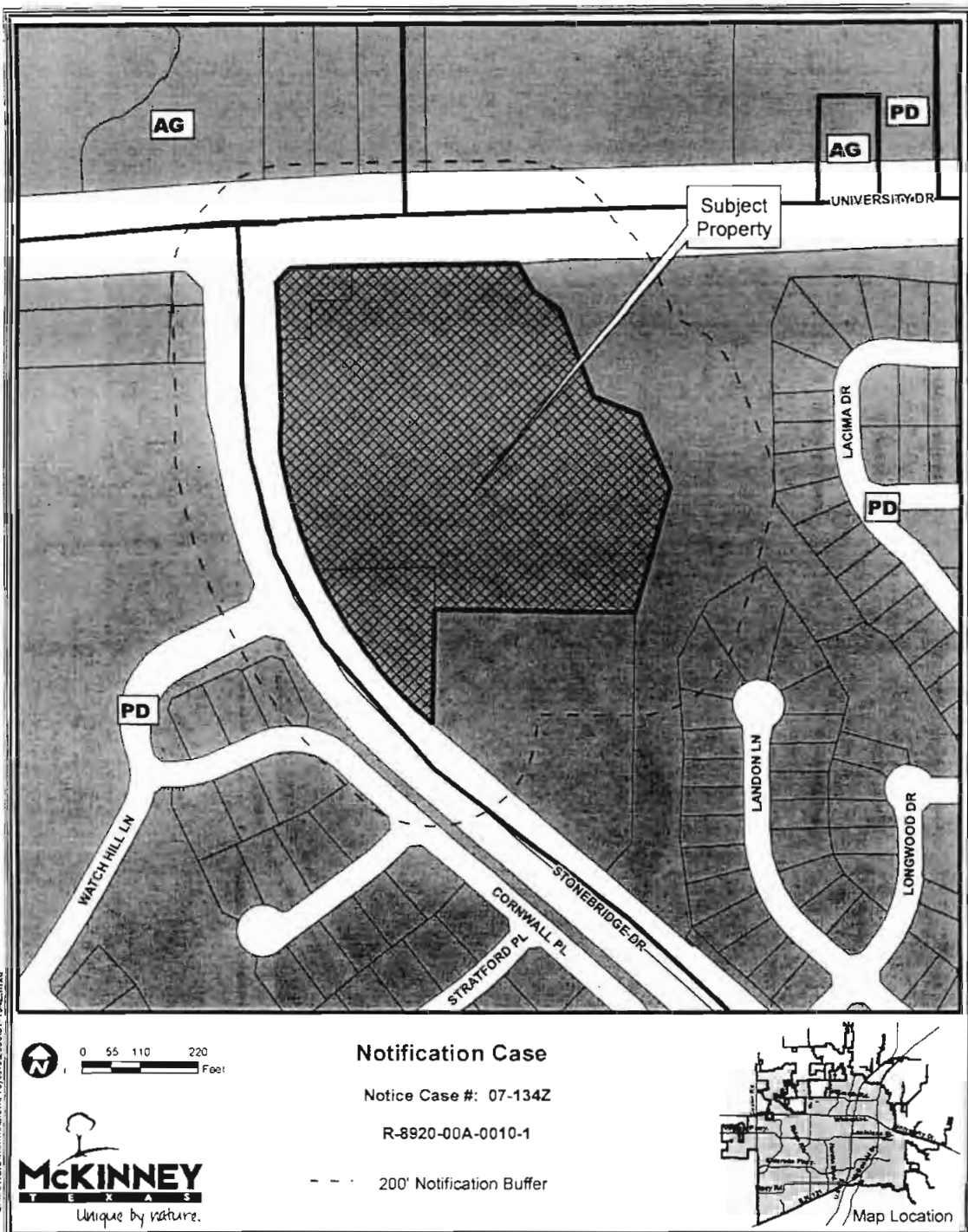

SANDY HART, TRMC, MMC
City Secretary
BEVERLY COVINGTON, TRMC, CMC
Deputy City Secretary

DATE:



APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

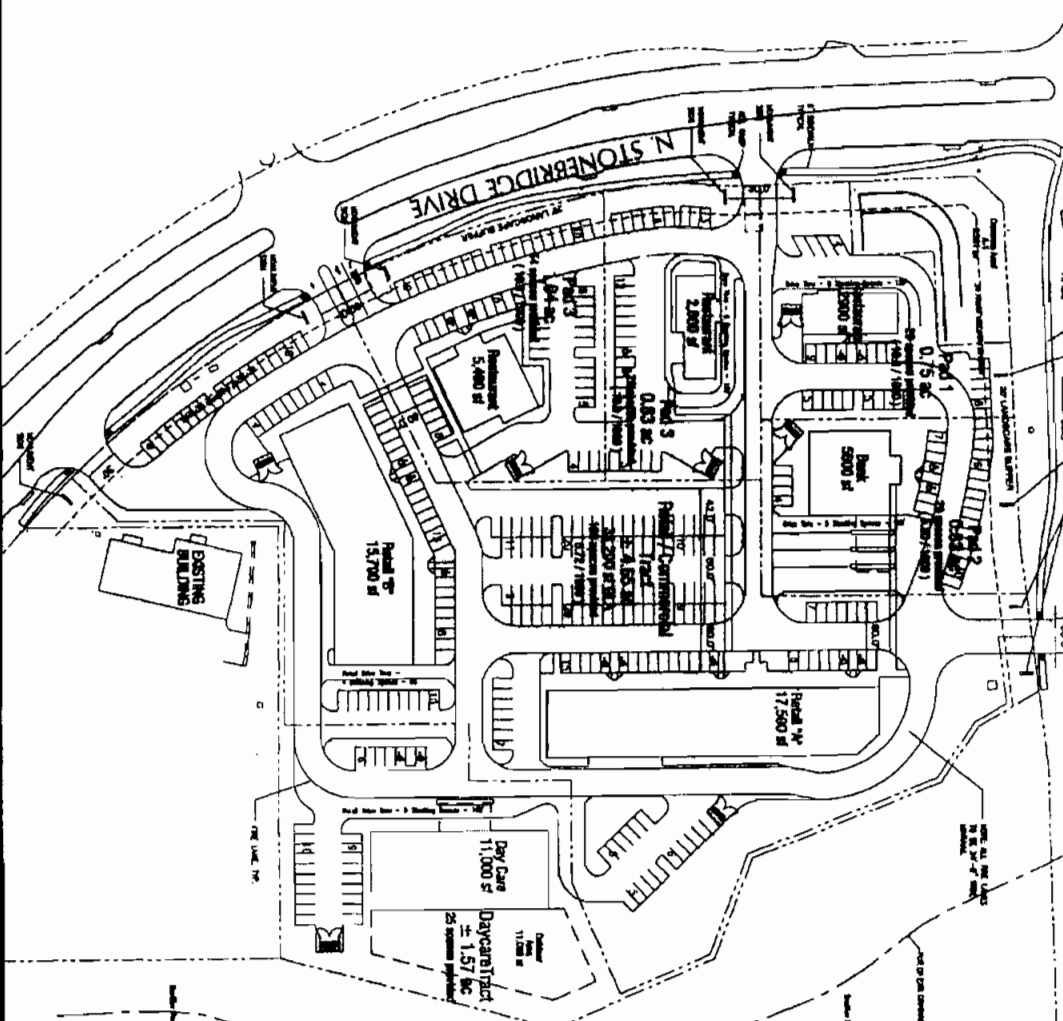


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DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

EXHIBIT "A"

US HIGHWAY NO. 380
 ESTABLISHED TIME OF RECORD IN 1929



REVISED
 JUL 2 2008
 PLANNING
 BUILDING HEIGHT FOR ALL BUILDINGS IS A MAXIMUM OF 30'



① VICINITY PLAN

TABULATIONS:

LOT AREA = 9,695 sq ft	(201/207) sq ft
TOTAL BUILDING AREA = 82,800 sq ft	
FLOOR AREA W/OUT = 8,147 sq ft	
BUILDING FOOTPRINT AREA = 9,888 sq ft	
BUILDING COVERAGE = 74.37%	

PAVING INCLUDES:

ASPHALT	10,000 sq ft
CONCRETE	10,000 sq ft
GRAVEL	10,000 sq ft
LANDSCAPE	10,000 sq ft
TOTAL	40,000 sq ft

PAVING TOTAL: 527,000 sq ft
PAVING RATE: 27,488 sq ft per acre
PAVING AREA: 14,200 sq ft
PAVING AREA COVERAGE = 82.48%
LANDSCAPE COVERAGE = 35.13%

EXHIBIT B

Hwy 380 at Stonebridge McKinney, TEXAS

Stonegate Village



ZONING EXHIBIT
 SCHEDULE
 ZE-1