

ORDINANCE NO. 2004-01-006

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270, AND AS AMENDED, OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 17.062 ACRE TRACT LOCATED ON THE NORTHWEST CORNER OF VIRGINIA PARKWAY AND CUSTER ROAD, IS HEREBY REZONED IN ORDER TO MODIFY THE EXISTING "PD" – PLANNED DEVELOPMENT DISTRICT TO ALLOW 3 ADDITIONAL PAD SITES; 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 17.062 acre tract located on the northwest corner of Virginia Parkway and Custer Road, in order to modify the existing "PD" – Planned Development District to allow 3 additional pad sites; 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, THAT:

Section 1. Zoning Ordinance No. 1270, and as amended, of the City of McKinney is hereby amended so that an approximately 17.062 acre tract located on the northwest corner of Virginia Parkway and Custer Road, is rezoned in order to modify the existing "PD" – Planned Development District to allow 3 additional pad sites.

Section 2. Use and development of the subject property shall conform to regulations of the Planned Development Ordinance No. 98-08-44, with the following amendment:

a. Within the "PD BN" district, 6 pad sites or free standing buildings may be allowed besides the main retail building, to be located generally as shown on the attached exhibit "A".

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 \$2000.00, 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.

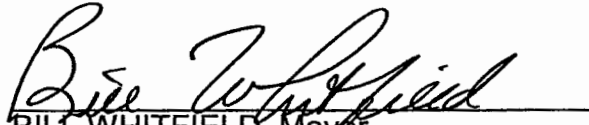
Section 5.

That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, 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.

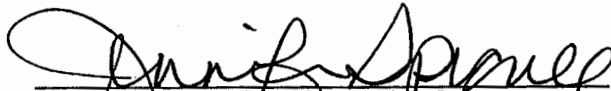
Section 6.

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.

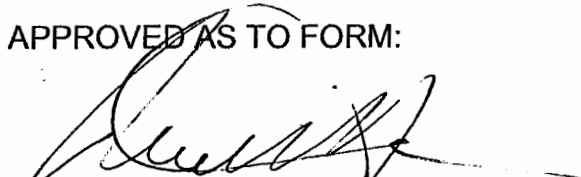
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 6TH DAY OF JANUARY, 2004.

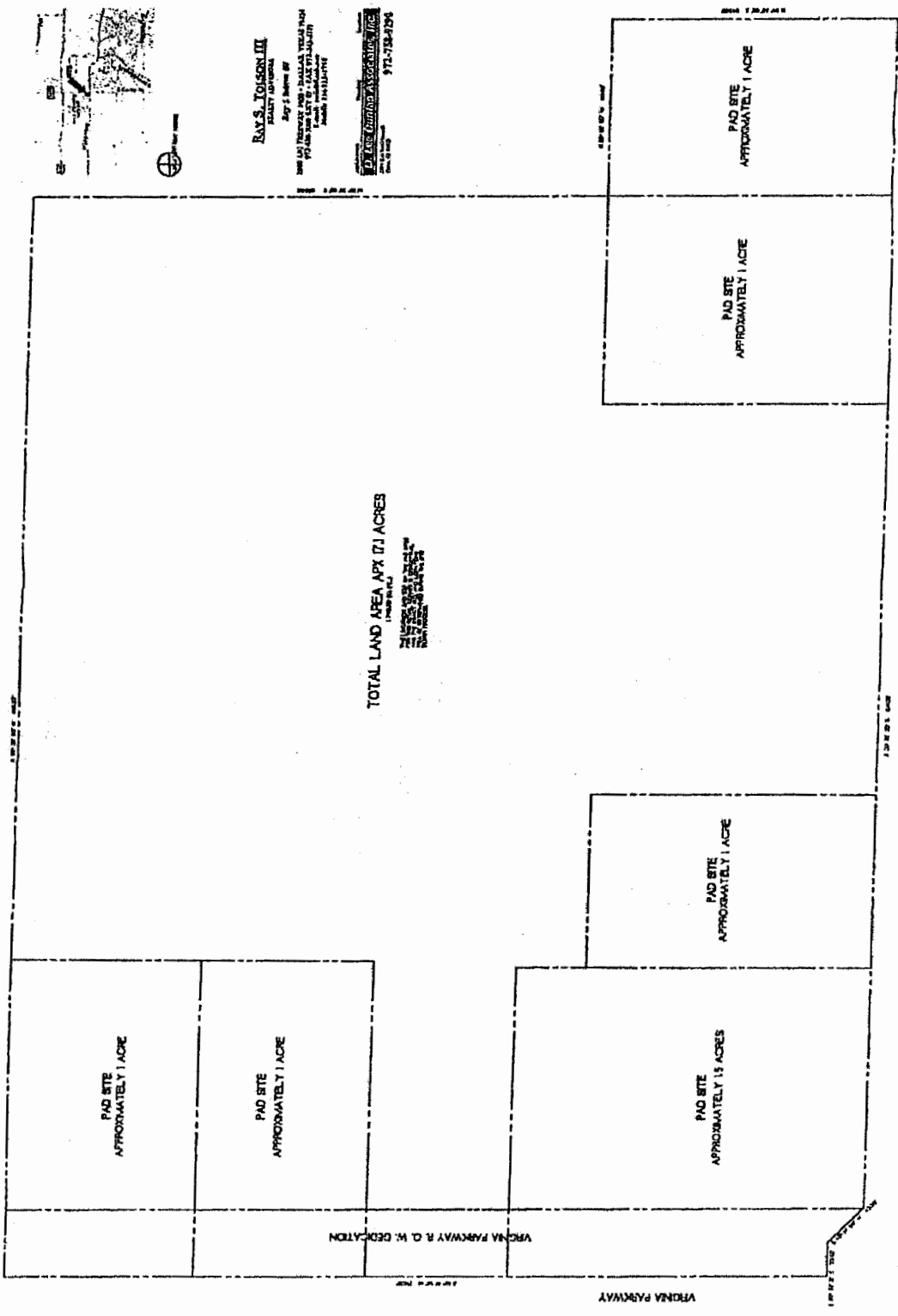

BILL WHITFIELD, Mayor

ATTEST:


JENNIFER SPROULL, City Secretary
BEVERLY COWINGTON, Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney



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PLANNING ASSOCIATES, INC.
 970-738-1806

REVIEWED
 NOV 14 2004

EXHIBIT "A"