

ORDINANCE NO. 2002-05-048

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 40.388 ACRE TRACT LOCATED AT THE SOUTHWEST CORNER OF UNIVERSITY DRIVE (US HIGHWAY 380) AND CUSTER ROAD (F.M. 2478), IS HEREBY REZONED FROM "AG" – AGRICULTURAL DISTRICT, TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY ALLOWING COMMERCIAL 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 40.388 acre tract located at the Southwest Corner of University Drive (US Highway 380) and Custer Road (F.M. 2478), from "AG" – Agricultural District, to "PD" – Planned Development District, generally allowing commercial 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, THAT:

Section 1. Zoning Ordinance No. 1270 of the City of McKinney is hereby amended so that an approximately 40.388 acre tract located at the Southwest Corner of University Drive (US Highway 380) and Custer Road (F.M. 2478), in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from its present classification of "AG" – Agricultural District to "PD – Planned Development District allowing commercial uses.

Section 2. Use and development of the subject property shall conform to the development standards listed below:

1. The subject property develop according to the regulations of Section 41-76 "C" – Planned Center District, and as amended, except as follows:
 - a. Prior to a site plan submittal, a conceptual site plan be submitted that includes:
 - I. Cross access between proposed lots.
 - II. Major and minor drive aisles and mutual access easements.
 - III. Location and layout of intersections of the major and minor drives as subject to Staff approval to

ensure adequate stacking for ingress and egress.

- IV. Landscaping and Paving plan to indicate traffic flow within the subject property and to clearly distinguish major and minor drives and to indicate location of sidewalks and pedestrian access in order to ensure no conflict will occur between pedestrian traffic and vehicular traffic along major drives.
- V. Parking adjacent to the drives (Major drives shall not have parking backing onto it unless specifically approved during the concept plan review process).
- VI. Any additional information as requested by Staff in order to ensure adequate traffic flow and circulation.
- VII. The concept plan to be reviewed by the Planning and Zoning Commission as the final approving body.

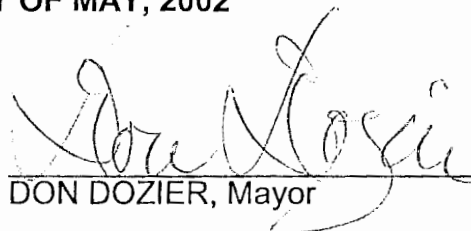
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and to this end, the provisions of this 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.

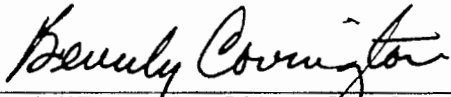
Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, 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 21ST DAY OF MAY, 2002

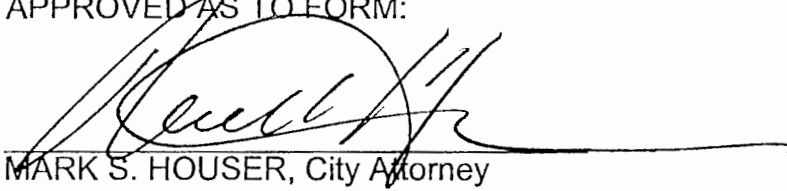

DON DOZIER, Mayor

ATTEST:



JENNIFER SPROULL, City Secretary
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:



MARK S. HOUSER, City Attorney

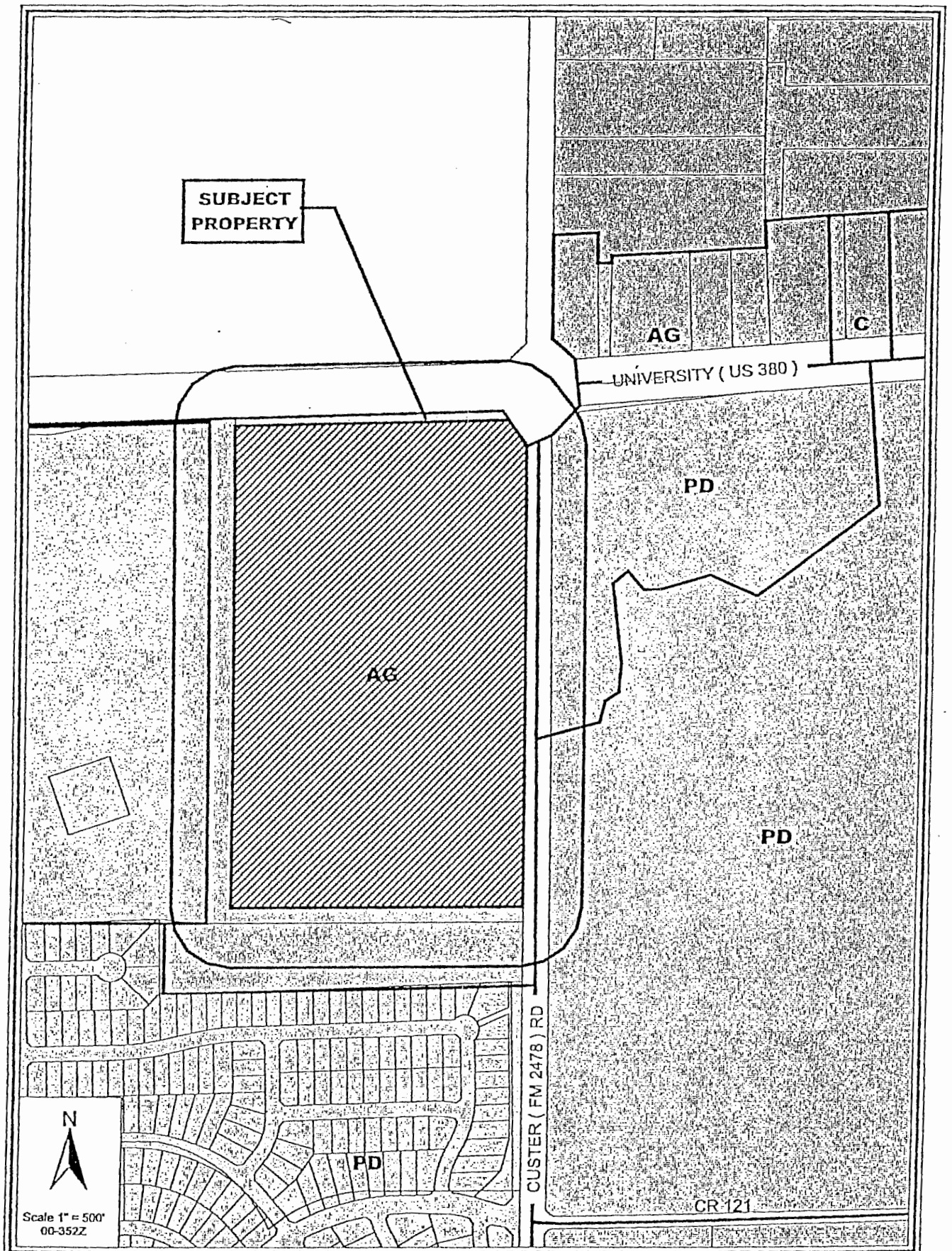


EXHIBIT "A"