

ORDINANCE NO. 2006-11-134

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2004-03-028 OF THE CITY OF MCKINNEY, TEXAS; SO THAT A 13.42 ACRE TRACT LOCATED AT THE SOUTHEAST CORNER OF CUSTER ROAD AND STACY ROAD (FM 720), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, IN ORDER TO MODIFY THE GENERAL DEVELOPMENT PLAN AND PARKING REQUIREMENTS; 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 a 13.42 acre tract located at the southeast corner of Custer Road and Stacy Road (FM 720), from "PD" – Planned Development District to "PD" – Planned Development District in order to modify the general development plan and parking requirements, 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. 2004-03-028 is hereby amended so that a 13.42 acre tract located at the southeast corner of Custer Road and Stacy Road (FM 720), which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "PD" – Planned Development District to "PD" – Planned Development District in order to modify the general development plan and parking requirements.

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

1. The subject property develop in accordance with PD 2004-03-028, with the following exceptions:
 - (a) The subject property generally develop in accordance with the attached general development plan (Exhibit "B"), conceptual landscape plan in regards to streetscape (Exhibit "C"), and building elevations for the pharmacy (Exhibit "D").
2. Approval of a 10% parking reduction for the subject property.

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 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.

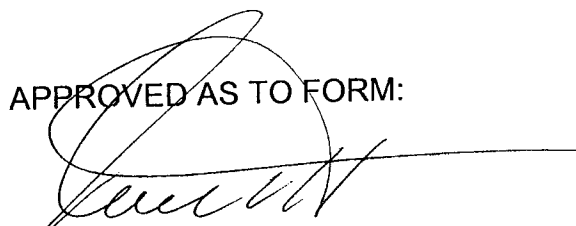
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 7th DAY OF NOVEMBER, 2006.


BILL WHITFIELD, Mayor

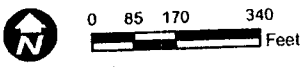
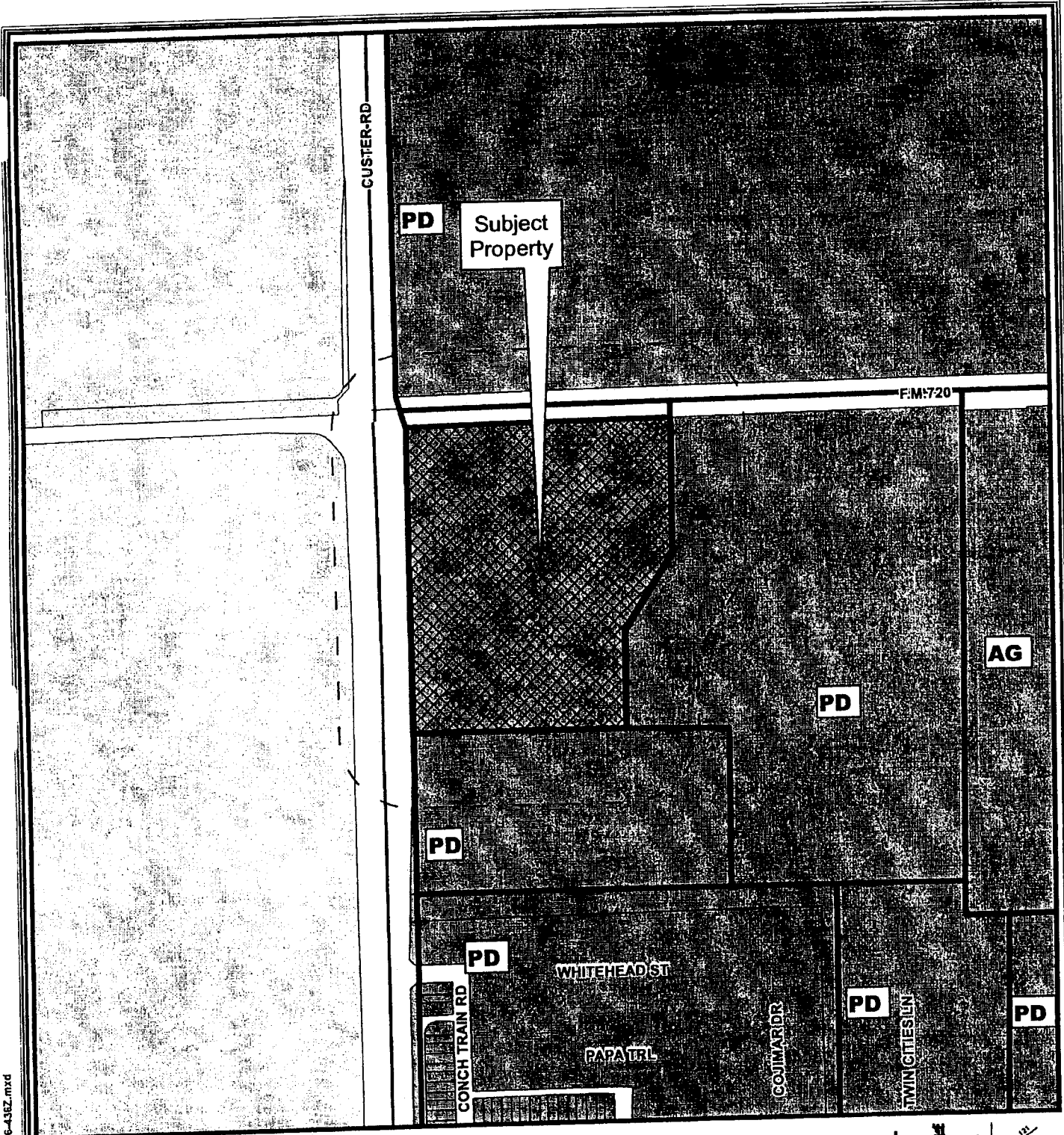
CORRECTLY ENROLLED:


SANDY HART, CMC
City Secretary
BEVERLY COVINGTON
Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

Notification\Projects\2006\06-436Z.mxd

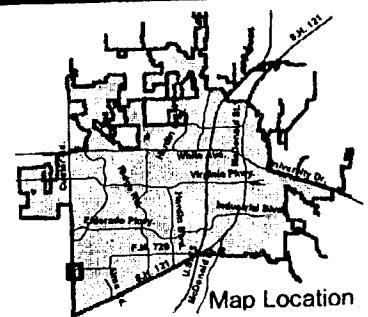


Notification Case

Notice Case #: 06-436Z

R-6095-000-0070-1

--- 200' Notification Buffer



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Ar
 ese is at that party's risk and without liability to the City of McKinney, it's officials or employees for any discrepancies, er

EXHIBIT "A"

OWNER:
AL GARDNER
156.2266 AC
RUBENBERG SURVEY A-729
CURRENT USE: VACANT
CURRENT ZONING: PD

CITY
FRISCO

OWNER:
JERRY A. V. CHIN
3440-128
105.6974 AC
GEORGE WHITE SURVEY A-993
CURRENT USE: VACANT
CURRENT ZONING: PD

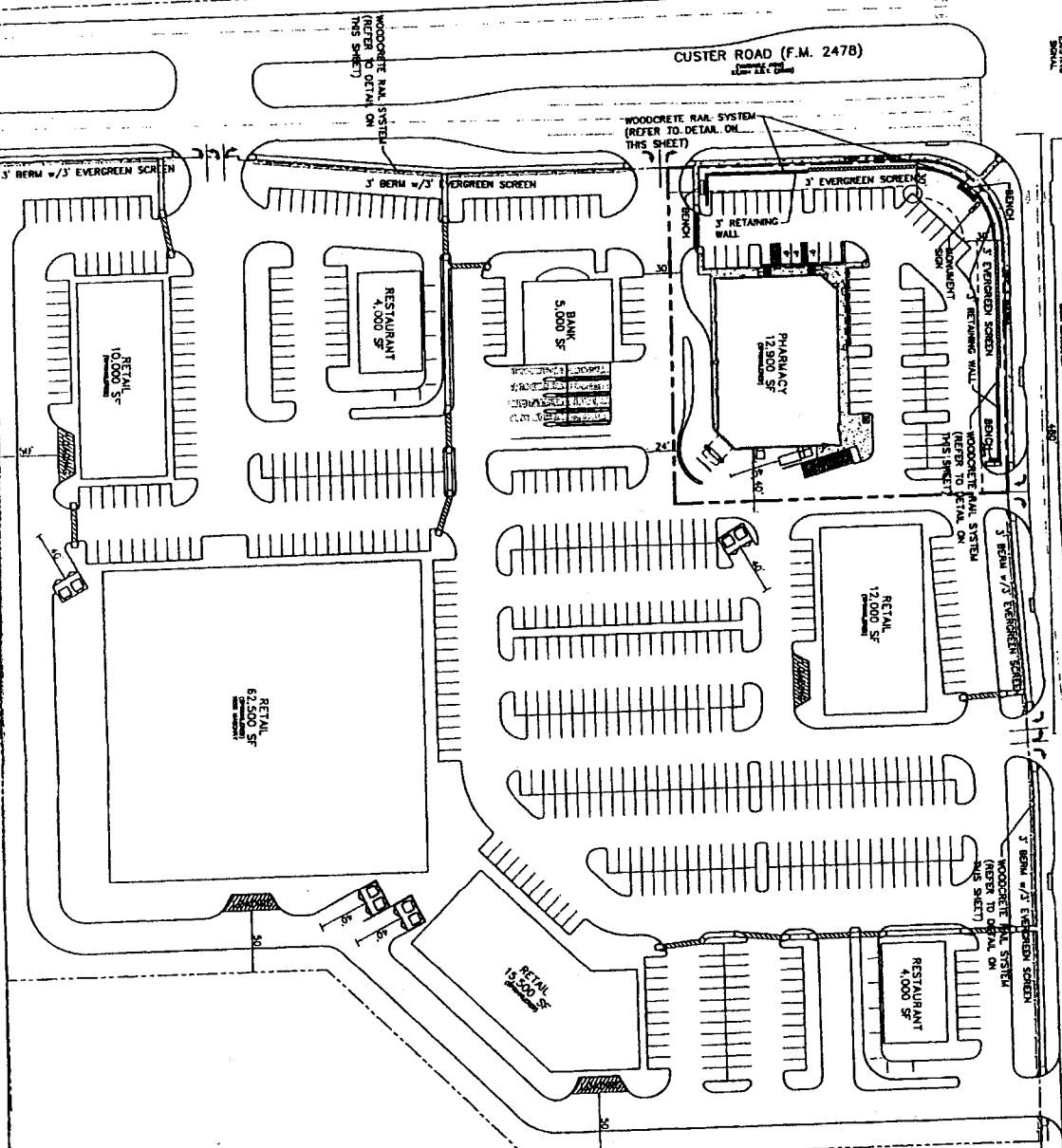
OWNER:
SENIOR HOUSING SERVICES, INC.
4890-2232
15.5686 AC
G.S. BACOUS A-95
CURRENT USE: VACANT
CURRENT ZONING: PD

OWNER:
PLANO COIT PLAZA PROP.
1504-711
151.8719 AC
MCKINNEY & WILLIAMS
SURVEY A-651
CURRENT USE: VACANT
CURRENT ZONING: PD

CITY OF FRISCO

CUSTER ROAD (F.M. 2478)

STACY ROAD (F.M. 720)

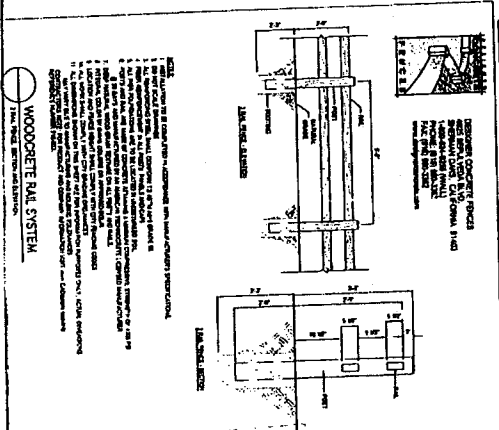


OWNER:
REDEVELOPER PRESBYTERIAN
CHURCH OF MCKINNEY
97-0109749
12.00 AC
G.S. BACOUS A-95
CURRENT USE: VACANT
CURRENT ZONING: PD

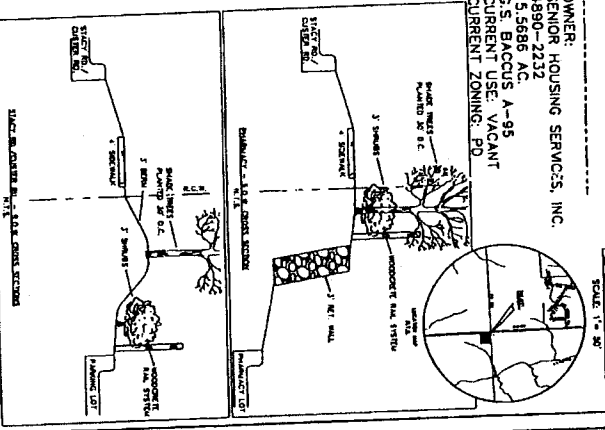
PROPERTY OWNER INFORMATION
PROVIDED BY COLLIN COUNTY
CENTRAL APPRAISAL DISTRICT

OWNER:
GREENWAY-CUSTER PARTNERS, LP
2808 AIRBORNE BLVD. STE. 100
DALLAS, TX 75201
PHONE: (214) 880-9009 ext. 7
FAX: (214) 880-0189

APPLICANT:
WINKELMANN & ASSOCIATES, INC.
6750 HILLCREST PLAZA DR. STE. 100
DALLAS, TX 75230
PHONE: (972) 490-7090
FAX: (972) 490-7099



WOODCRETE RAIL SYSTEM
GENERAL NOTES:
1. THE RAIL SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
2. THE RAIL SYSTEM SHALL BE INSTALLED ON A CONCRETE BASE.
3. THE RAIL SYSTEM SHALL BE INSTALLED ON A CONCRETE BASE.
4. THE RAIL SYSTEM SHALL BE INSTALLED ON A CONCRETE BASE.
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8. THE RAIL SYSTEM SHALL BE INSTALLED ON A CONCRETE BASE.
9. THE RAIL SYSTEM SHALL BE INSTALLED ON A CONCRETE BASE.
10. THE RAIL SYSTEM SHALL BE INSTALLED ON A CONCRETE BASE.



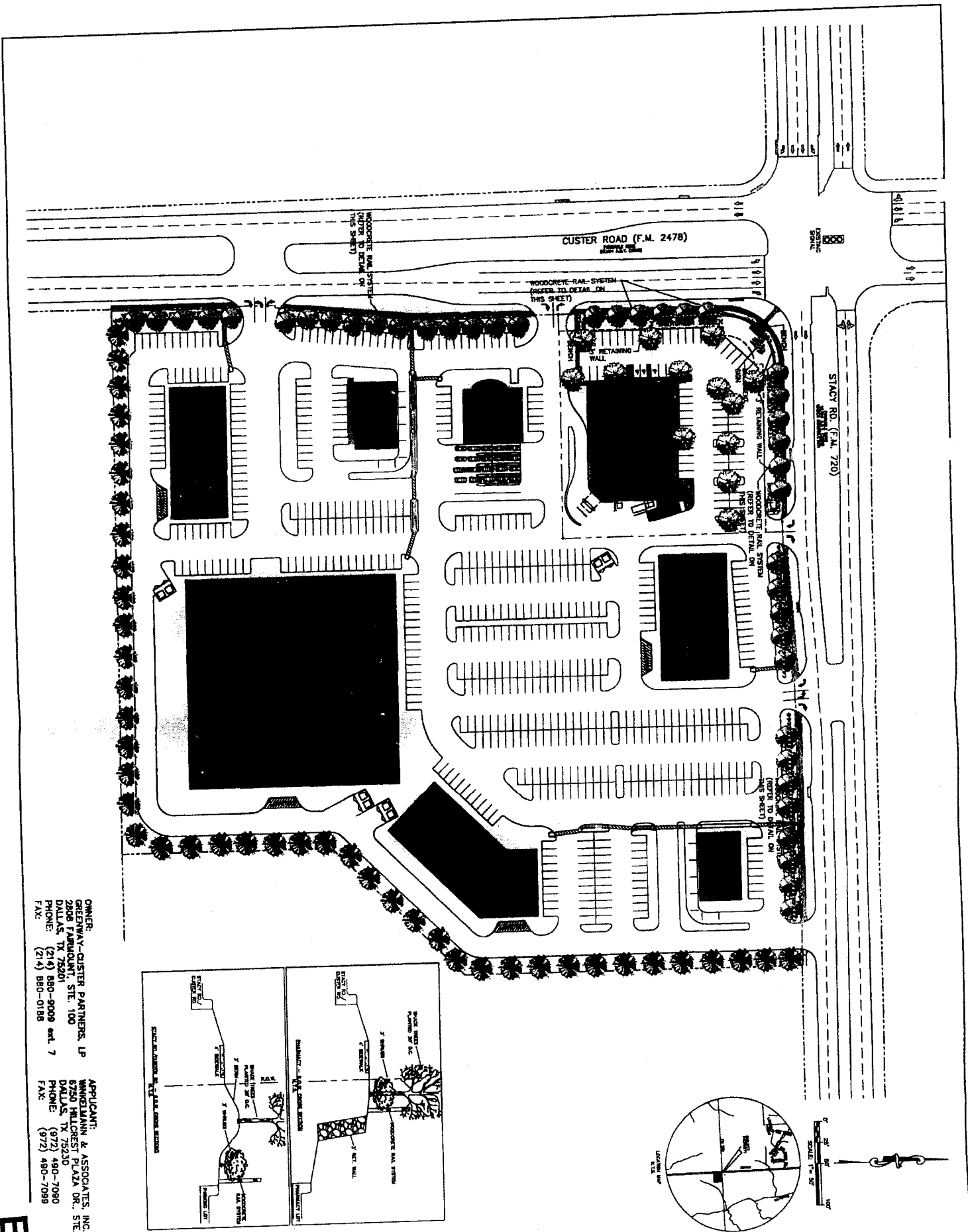
SCALE: 1" = 30'

Winkelmann & Associates, Inc.
10000 W. LBJ Fwy., Suite 100
Dallas, TX 75241
Phone: (972) 490-7090
Fax: (972) 490-7099

DEVELOPER:
ARMSTRONG PROPERTIES, INC.
222 W. LAS COLLINS BLVD.
IRVING, TEXAS 75039
TEL: (972) 868-8055
FAX: (972) 868-8055

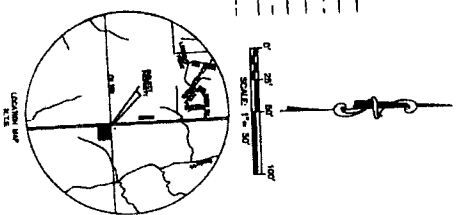
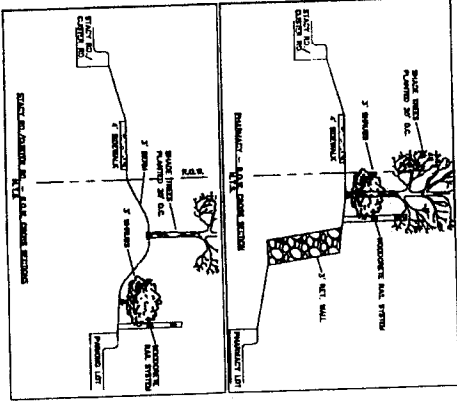
DESIGN BY:	W.A.I.
DRAWN BY:	M.D.C.
DESIGNED BY:	M.D.C.
SCALE:	1" = 50'
DATE:	10/12/06
DWG NUMBER:	43724.01(20)
FILE NAME:	43724gds.dwg

GENERAL DEVELOPMENT PLAN
GDP
EXHIBIT "B"



OWNER:
 WINDHAM-CUSTER PARTNERS, LP
 2908 FARMOUNT, STE. 100
 DALLAS, TX 75201
 PHONE: (214) 880-9009 ext. 7
 FAX: (214) 880-0188

APPLICANT:
 WINKELMANN & ASSOCIATES, INC.
 6720 HILLCREST PLAZA DR., STE. 100
 DALLAS, TX 75230
 PHONE: (972) 480-7090
 FAX: (972) 480-7098



Winkelmann & Associates, Inc.
 222 W. LAS COLINAS BLVD.
 IRVING, TEXAS 75038
 (972) 480-7090
 (972) 480-7098

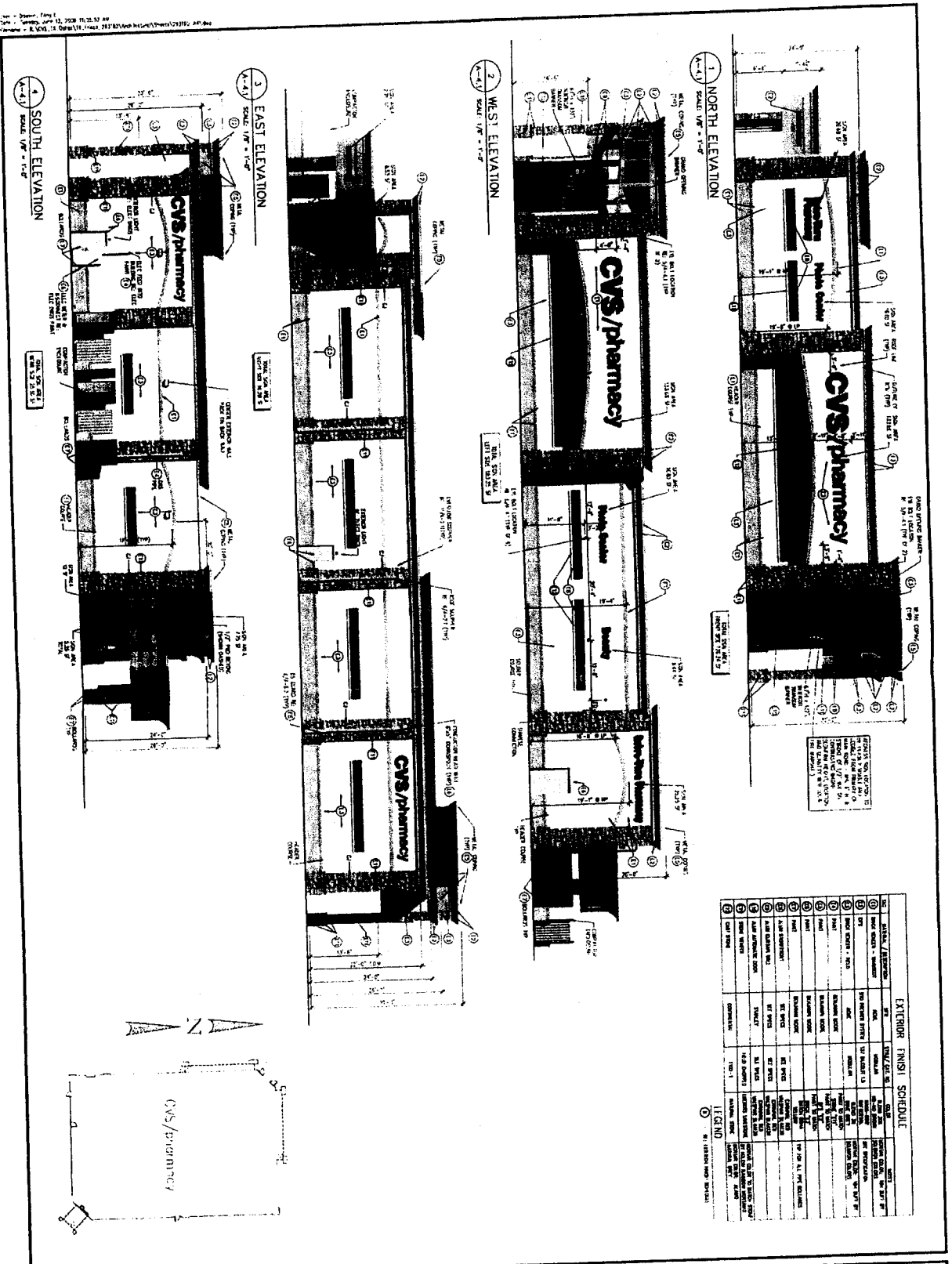
SEE SHEET NO. & COVER BY:
 WORKING DRAWING

DEVELOPER:
 ARMSTRONG PROPERTIES, INC.
 222 W. LAS COLINAS BLVD.
 IRVING, TEXAS 75038
 TEL: (972) 866-8055
 FAX: (972) 869-8963

DESIGN BY:	M.D.C.
DRAWN BY:	W.A.L.
CHECKED BY:	M.D.C.
SCALE:	1" = 50'
DATE:	10/12/05
JOB NUMBER:	43724.01(20)
FILE NUMBER:	4372402B2.DWG

CONCEPTUAL
 LANDSCAPE PLAN
CLP

EXHIBIT "C"



EXTERIOR FINISH SCHEDULE

NO.	FINISH DESCRIPTION	UNIT	FINISH	DETAIL	NOTES
1	BRICK, COMMON	BRICK	COMMON	SEE DETAIL 1	SEE DETAIL 1
2	BRICK, GLAZED	BRICK	GLAZED	SEE DETAIL 2	SEE DETAIL 2
3	CONCRETE, EXPOSED	CONCRETE	EXPOSED	SEE DETAIL 3	SEE DETAIL 3
4	CONCRETE, PAINTED	CONCRETE	PAINTED	SEE DETAIL 4	SEE DETAIL 4
5	GLASS, CLEAR	GLASS	CLEAR	SEE DETAIL 5	SEE DETAIL 5
6	GLASS, TINTED	GLASS	TINTED	SEE DETAIL 6	SEE DETAIL 6
7	GLASS, LAMINATED	GLASS	LAMINATED	SEE DETAIL 7	SEE DETAIL 7
8	GLASS, WIRING	GLASS	WIRING	SEE DETAIL 8	SEE DETAIL 8
9	GLASS, TINTED W/ WIRING	GLASS	TINTED W/ WIRING	SEE DETAIL 9	SEE DETAIL 9
10	GLASS, LAMINATED W/ WIRING	GLASS	LAMINATED W/ WIRING	SEE DETAIL 10	SEE DETAIL 10
11	GLASS, TINTED LAMINATED W/ WIRING	GLASS	TINTED LAMINATED W/ WIRING	SEE DETAIL 11	SEE DETAIL 11
12	GLASS, LAMINATED TINTED W/ WIRING	GLASS	LAMINATED TINTED W/ WIRING	SEE DETAIL 12	SEE DETAIL 12
13	GLASS, TINTED LAMINATED TINTED W/ WIRING	GLASS	TINTED LAMINATED TINTED W/ WIRING	SEE DETAIL 13	SEE DETAIL 13
14	GLASS, LAMINATED TINTED TINTED W/ WIRING	GLASS	LAMINATED TINTED TINTED W/ WIRING	SEE DETAIL 14	SEE DETAIL 14
15	GLASS, TINTED LAMINATED TINTED TINTED W/ WIRING	GLASS	TINTED LAMINATED TINTED TINTED W/ WIRING	SEE DETAIL 15	SEE DETAIL 15
16	GLASS, LAMINATED TINTED TINTED TINTED W/ WIRING	GLASS	LAMINATED TINTED TINTED TINTED W/ WIRING	SEE DETAIL 16	SEE DETAIL 16
17	GLASS, TINTED LAMINATED TINTED TINTED TINTED W/ WIRING	GLASS	TINTED LAMINATED TINTED TINTED TINTED W/ WIRING	SEE DETAIL 17	SEE DETAIL 17
18	GLASS, LAMINATED TINTED TINTED TINTED TINTED W/ WIRING	GLASS	LAMINATED TINTED TINTED TINTED TINTED W/ WIRING	SEE DETAIL 18	SEE DETAIL 18
19	GLASS, TINTED LAMINATED TINTED TINTED TINTED TINTED W/ WIRING	GLASS	TINTED LAMINATED TINTED TINTED TINTED TINTED W/ WIRING	SEE DETAIL 19	SEE DETAIL 19
20	GLASS, LAMINATED TINTED TINTED TINTED TINTED TINTED W/ WIRING	GLASS	LAMINATED TINTED TINTED TINTED TINTED TINTED W/ WIRING	SEE DETAIL 20	SEE DETAIL 20

Carter Burgess
Architects & Engineers, Inc.
2204 HILL STREET, SUITE 200
DALLAS, TEXAS 75201
(214) 757-2200

DEVELOPER
CVS/pharmacy
TEXAS - 2900 - RIGHT
75185

DATE: 08 OCT 2008
JOB NUMBER: 0800000000
TITLE: EXTERIOR ELEVATIONS
SHEET NUMBER: A-4.1

COMPANY:

EXHIBIT "D"