

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.

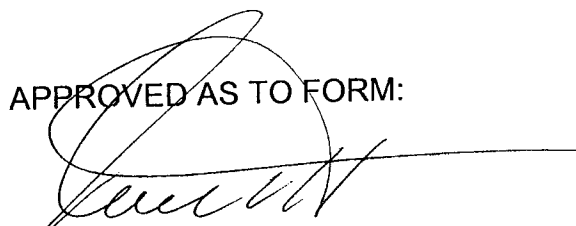
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 7th DAY OF NOVEMBER, 2006.


BILL WHITFIELD, Mayor

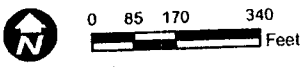
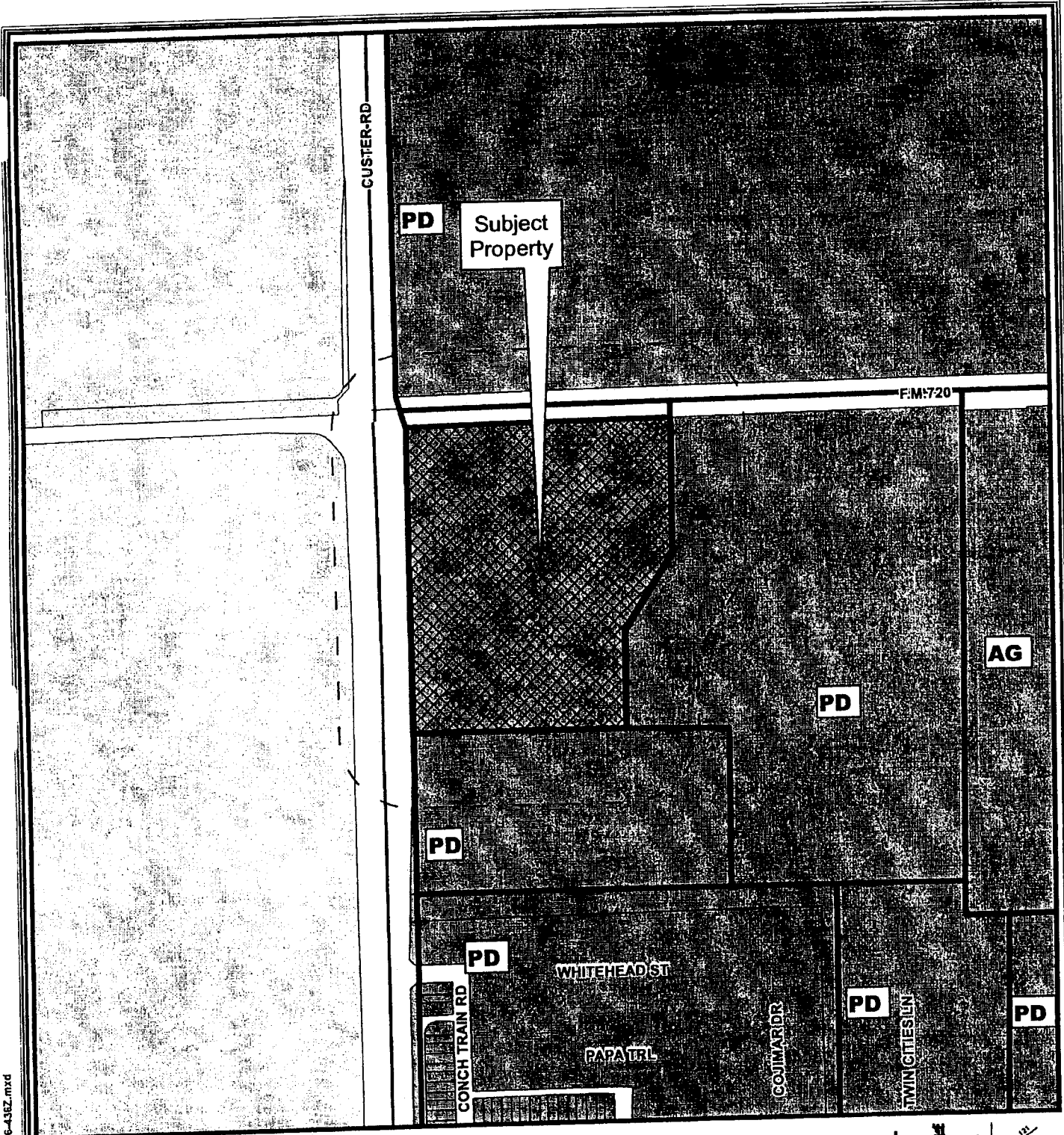
CORRECTLY ENROLLED:


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

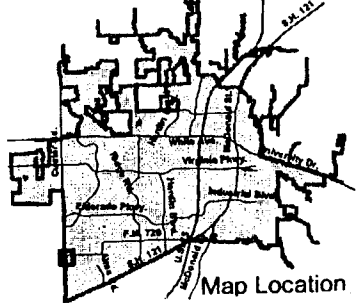


Notification Case

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
 158.2268 AC
 RUSSELL SURVEY A-729
 CURRENT USE: VACANT
 CURRENT ZONING: PD

CITY
 FRISCO

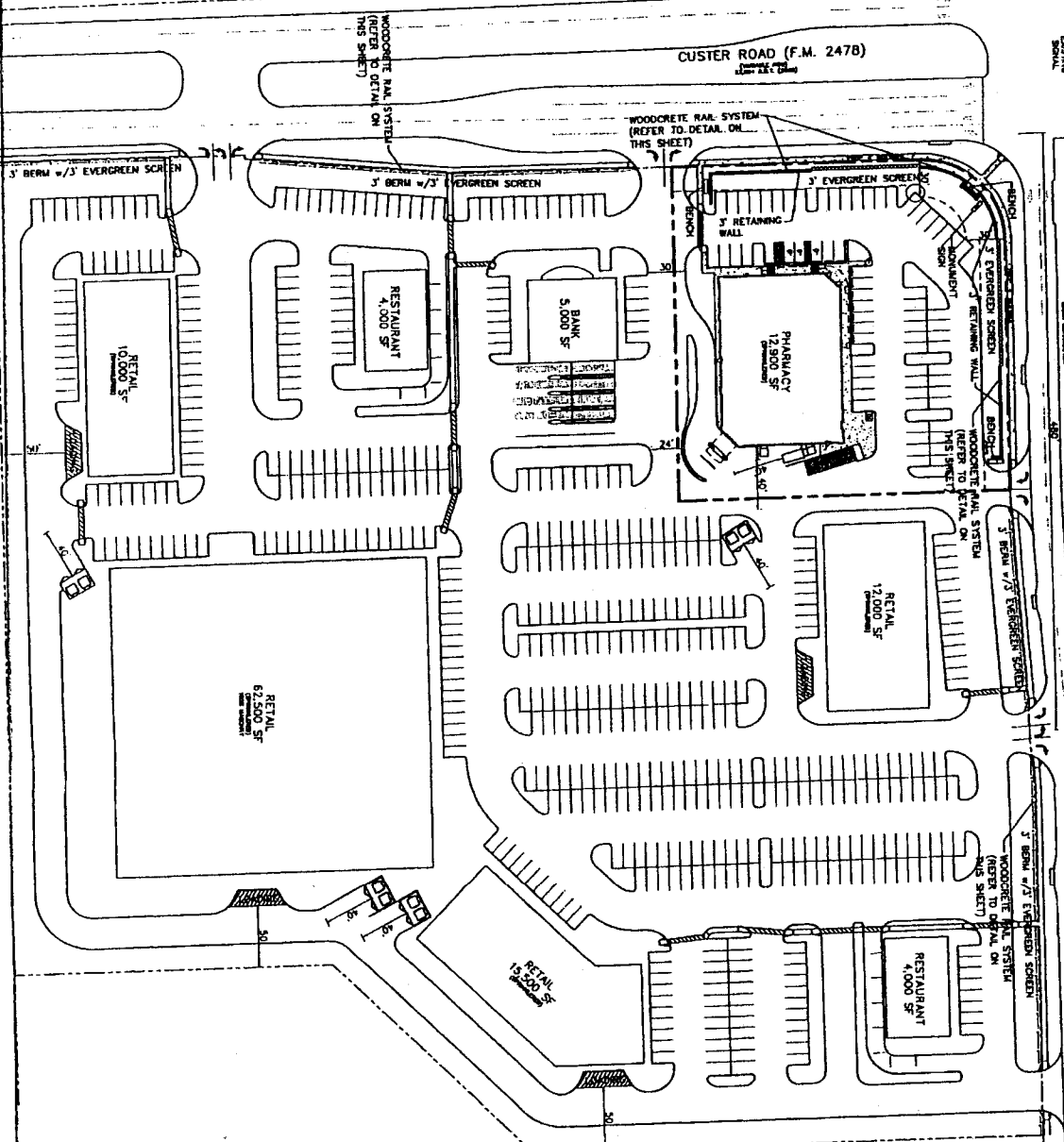
OWNER: JERRY A. V. CHIN
 3440-128
 108.6974 AC
 GEORGE WHITE SURVEY A-993
 CURRENT USE: VACANT
 CURRENT ZONING: PD

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)

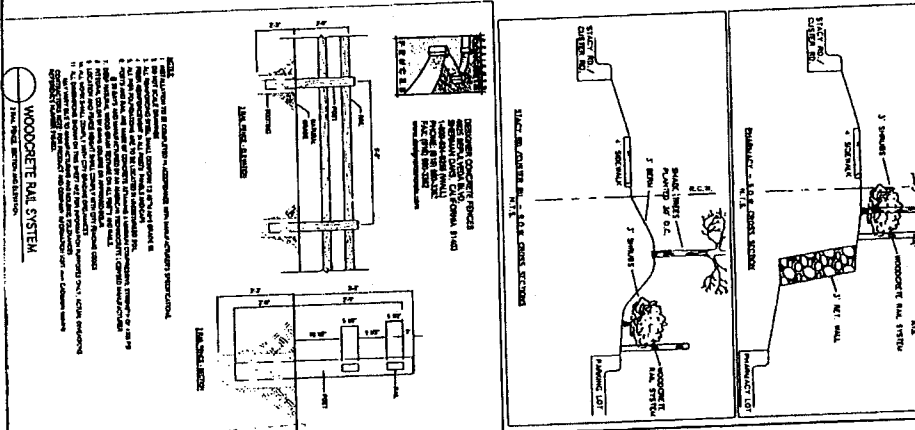
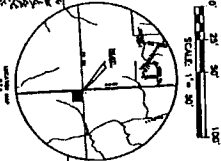
STACY ROAD (F.M. 720)



OWNER: REDDNER PRESBYTERIAN
 CHURCH OF MCKINNEY
 97-019749
 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: SENIOR HOUSING SERVICES, INC.
 4890-2232
 15.5686 AC
 G.S. BACOUS A-95
 CURRENT USE: VACANT
 CURRENT ZONING: PD



WOODCRETE RAIL SYSTEM
 1. THE RAIL SYSTEM IS TO BE INSTALLED WITH A MINIMUM OF 3" CLEARANCE FROM THE SURFACE OF THE PAVEMENT OR CONCRETE.
 2. THE RAIL SYSTEM IS TO BE INSTALLED WITH A MINIMUM OF 3" CLEARANCE FROM THE SURFACE OF THE PAVEMENT OR CONCRETE.
 3. THE RAIL SYSTEM IS TO BE INSTALLED WITH A MINIMUM OF 3" CLEARANCE FROM THE SURFACE OF THE PAVEMENT OR CONCRETE.
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 7. THE RAIL SYSTEM IS TO BE INSTALLED WITH A MINIMUM OF 3" CLEARANCE FROM THE SURFACE OF THE PAVEMENT OR CONCRETE.
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 9. THE RAIL SYSTEM IS TO BE INSTALLED WITH A MINIMUM OF 3" CLEARANCE FROM THE SURFACE OF THE PAVEMENT OR CONCRETE.
 10. THE RAIL SYSTEM IS TO BE INSTALLED WITH A MINIMUM OF 3" CLEARANCE FROM THE SURFACE OF THE PAVEMENT OR CONCRETE.

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

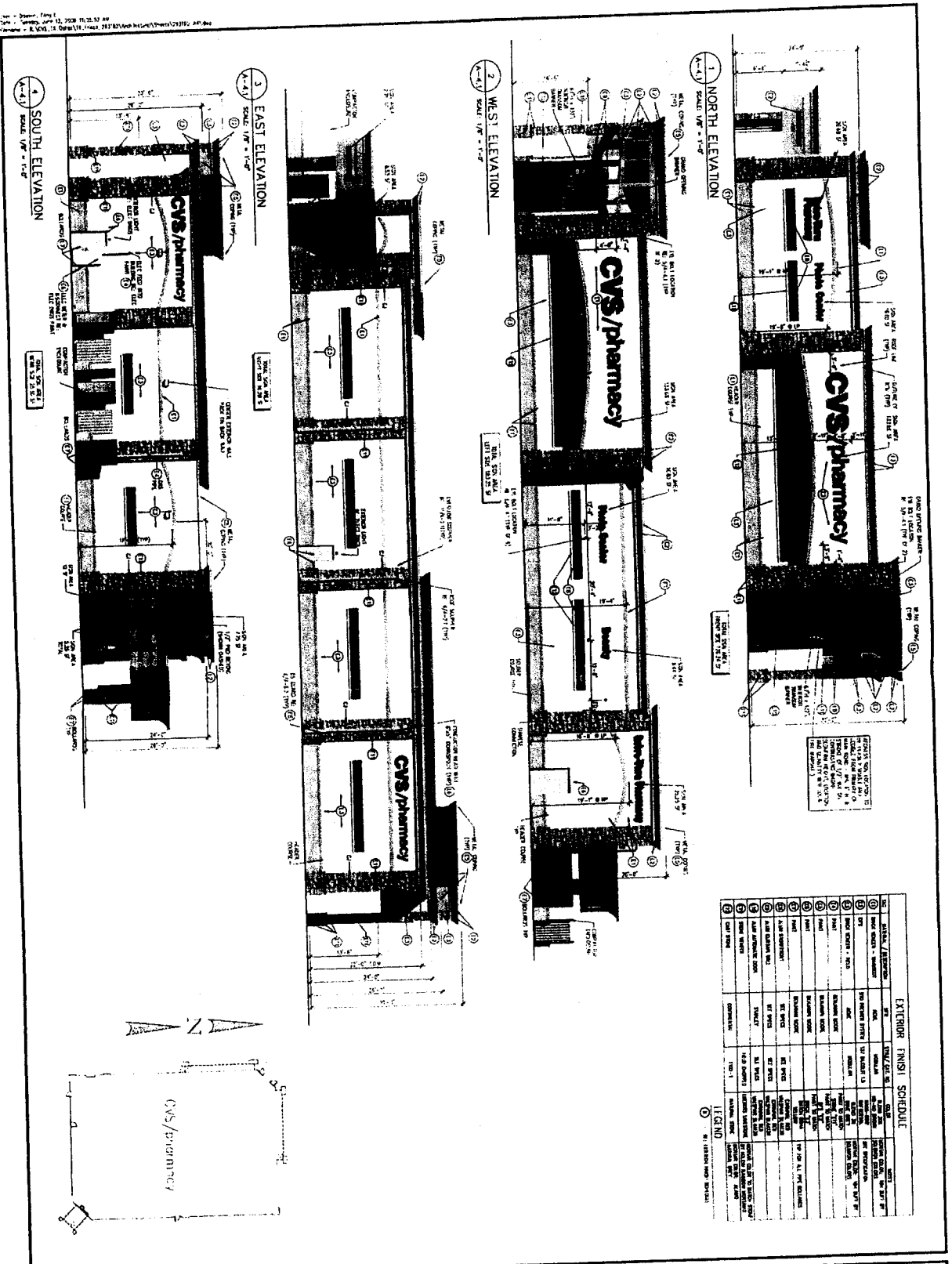
Winkelmann & Associates, Inc.
 6750 Hillcrest Plaza Dr., Ste. 100
 Dallas, TX 75230
 Phone: (972) 490-7090
 Fax: (972) 490-7099

SEC. 5107.001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 096, 097, 098, 099, 100

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"



EXTERIOR FINISH SCHEDULE

NO.	FINISH DESCRIPTION	UNIT	FINISH	COLOR	TEXTURE	PER. FINISH	PER. FINISH	PER. FINISH
1	BRICK - EXTERIOR	BRICK	BRICK	BRICK	BRICK	BRICK	BRICK	BRICK
2	CONCRETE - EXTERIOR	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE
3	GLASS - EXTERIOR	GLASS	GLASS	GLASS	GLASS	GLASS	GLASS	GLASS
4	PAINT - EXTERIOR	PAINT	PAINT	PAINT	PAINT	PAINT	PAINT	PAINT
5	ROOFING - EXTERIOR	ROOFING	ROOFING	ROOFING	ROOFING	ROOFING	ROOFING	ROOFING
6	LANDSCAPING - EXTERIOR	LANDSCAPING	LANDSCAPING	LANDSCAPING	LANDSCAPING	LANDSCAPING	LANDSCAPING	LANDSCAPING
7	MECHANICAL - EXTERIOR	MECHANICAL	MECHANICAL	MECHANICAL	MECHANICAL	MECHANICAL	MECHANICAL	MECHANICAL
8	ELECTRICAL - EXTERIOR	ELECTRICAL	ELECTRICAL	ELECTRICAL	ELECTRICAL	ELECTRICAL	ELECTRICAL	ELECTRICAL
9	PLUMBING - EXTERIOR	PLUMBING	PLUMBING	PLUMBING	PLUMBING	PLUMBING	PLUMBING	PLUMBING
10	FINISH - EXTERIOR	FINISH	FINISH	FINISH	FINISH	FINISH	FINISH	FINISH

LEGEND

1. BRICK - EXTERIOR

2. CONCRETE - EXTERIOR

3. GLASS - EXTERIOR

4. PAINT - EXTERIOR

5. ROOFING - EXTERIOR

6. LANDSCAPING - EXTERIOR

7. MECHANICAL - EXTERIOR

8. ELECTRICAL - EXTERIOR

9. PLUMBING - EXTERIOR

10. FINISH - EXTERIOR

Carter Burgess

Architects & Engineers, Inc.

2204 HILL STREET, SUITE 200

DALLAS, TEXAS 75201

TEL: (214) 757-2000

DEVELOPER

CVS Pharmacy

TEXAS - 2900 - RIGHT

75185

DATE: 08 OCT 2008

BY: [Signature]

SCALE: 1/8" = 1'-0"

PROJECT: EXTERIOR ELEVATIONS

SHEET NUMBER: A-4.1

EXHIBIT "D"