

ORDINANCE NO. 2008-05-045

AN ORDINANCE AMENDING ORDINANCE NO. 1270, AS AMENDED, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 23.50 ACRE TRACT, LOCATED APPROXIMATELY 535 FEET SOUTH OF VIRGINIA PARKWAY AND ON THE WEST SIDE OF HARDIN BOULEVARD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR GENERAL BUSINESS; 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 23.50 acre tract, located approximately 535 feet south of Virginia Parkway and on the west side of Hardin Boulevard, is rezoned from "AG" – Agricultural District to "PD" – Planned Development District, generally for general business 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 1270 is hereby amended so that an approximately 23.50 acre property, located approximately 535 feet south of Virginia Parkway and on the west side of Hardin Boulevard, which is more fully depicted on Exhibit "A", attached hereto, is hereby rezoned from "AG" – Agricultural District to "PD" – Planned Development District, generally to modify the allowed uses and development standards.

Section 2. The use and development of the property shall conform to the "BG" – General Business District regulations of the City of McKinney Zoning Ordinance, except as follows:

- a. A minimum building setback of 35' is required along the portion of the southern property line shared with property platted as part of the Mallard Lakes Subdivision. Along the western property line the minimum building setback shall be 50'.
- b. No development activity shall occur within 35' of the western property line of the subject property except for the construction of the required masonry screening wall as long as such screening wall construction does not impact the critical root zone of any 3" caliper trees located within 15' of the property line.
- c. A minimum 8' in height masonry screening wall shall be constructed within 35' of the shared property line of property platted as part of the Mallard Lakes Subdivision. The Director of Planning shall have the discretion to approve slight deviations in the screening wall height, however to heights not less than 7', in order

to accommodate changes in topography. The entirety of the wall shall be constructed prior to any development activity occurring within 200' of the western property line, save and except mass grading and utility construction.

- d. No trees 3" caliper or greater that are located within 15' of the western property line shall be removed, and no land-disturbing activity that may impact the critical root zone of a such trees, as determined by the City's arborist, shall occur within 35' of the property line.
- e. The maximum building height shall be 35'.
- f. The subject property shall be subject to the City of McKinney Lighting Ordinance, Chapter 58 of the Code of Ordinances, and as amended.
- g. The following uses shall be excluded as allowed uses on the subject property:
 - Auto Sales and Repair
 - Auto Display and Sales
 - Auto Laundry
 - Auto Painting and Paint Shop
 - Garage and Auto repair
 - Boat Sales, storage or repair
 - RV Sales
 - Pawn Shops
 - Trailer, light truck tool repair, rental sales or storage
 - Multi-family dwelling units except that building containing both residential and commercial uses may be approved with a Specific Use Permit (SUP).

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.

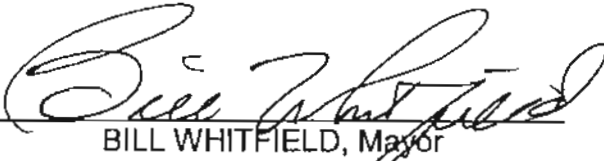
Section 4. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue 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 6th DAY OF MAY, 2008.

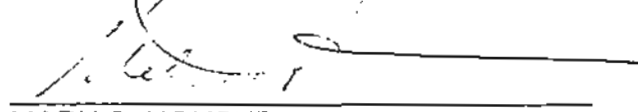

BILL WHITFIELD, Mayor

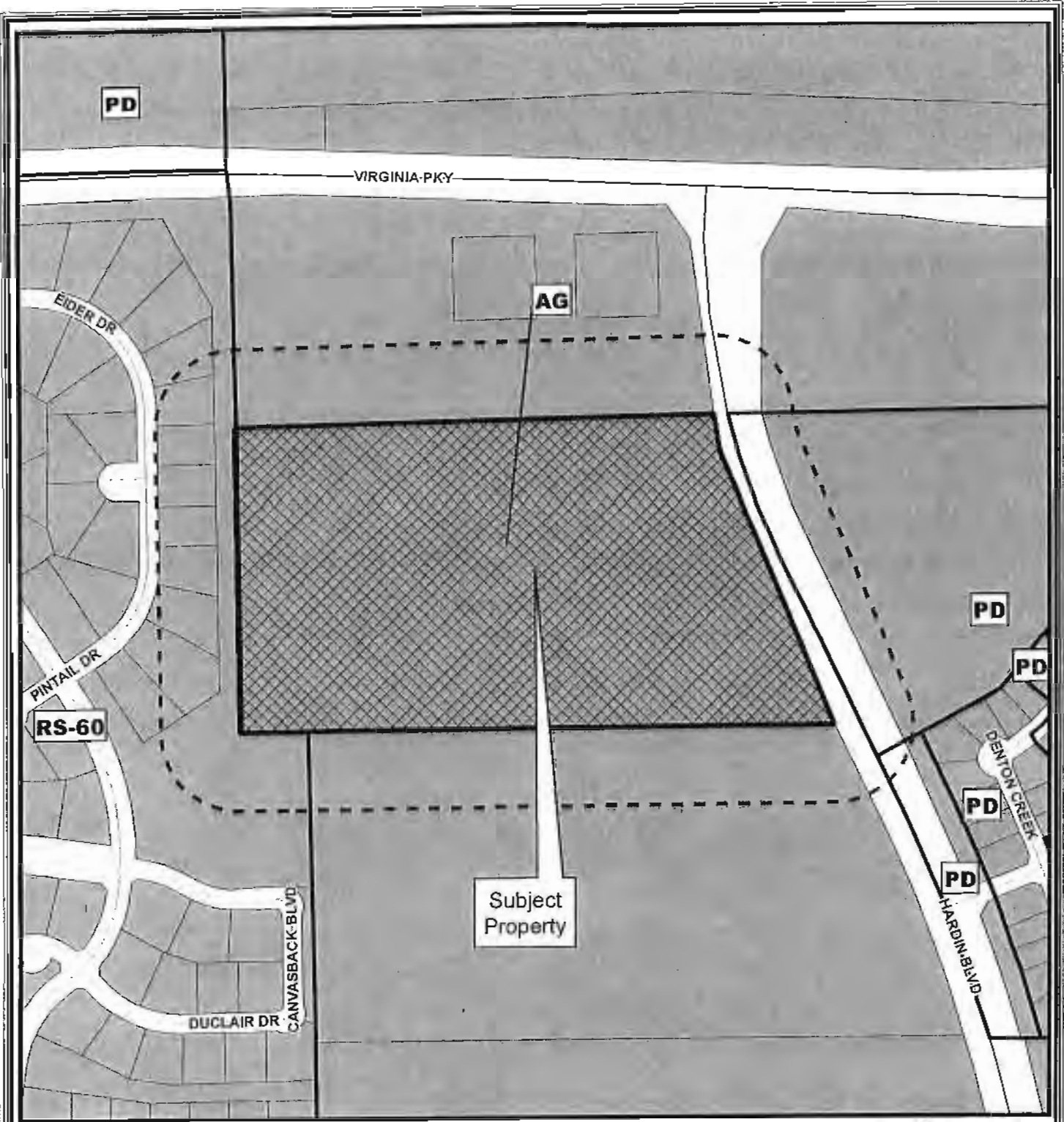
CORRECTLY ENROLLED:


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

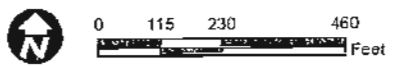
DATE: May 23, 2008

APPROVED AS TO FORM:


MARK S. HOUSER
City Attorney



Subject Property



Notification Case

Notice Case: 08-073Z
R-6391-000-0220-1

--- 200' Notification Buffer



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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.