

ORDINANCE NO. 2007-09-092

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 62.82 ACRE TRACT, GENERALLY LOCATED APPROXIMATELY 1,300 FEET WEST OF CUSTER ROAD AND ON THE SOUTH SIDE OF U.S. HIGHWAY 380, IS ZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT GENERALLY FOR RETAIL, OFFICE, MINI-WAREHOUSE AND SINGLE-FAMILY ATTACHED (TOWNHOME) 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 62.82 acre tract generally located approximately 1,300 feet west of Custer Road and on the south side of U.S. Highway 380 from "AG" – Agricultural District to "PD" – Planned Development District, 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. 1270 is hereby amended so that an approximately 62.82 acre tract generally located approximately 1,300 feet west of Custer Road and on the south side of U.S. Highway 380, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned to "PD" – Planned Development District generally for retail, office, mini-warehouse and single-family attached (townhome) uses.

Section 2.

1. The subject property shall be developed according to the attached planned development standards (Exhibit "B").
2. The subject property shall generally conform to the attached general development plan (Exhibit "C").

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.

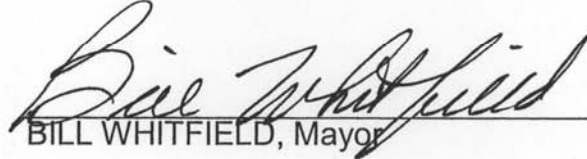
Section 5.

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 18TH DAY OF SEPTEMBER, 2007.

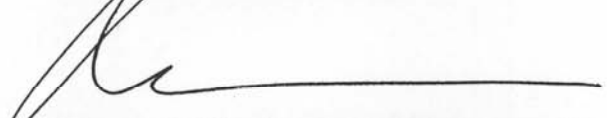

BILL WHITFIELD, Mayor

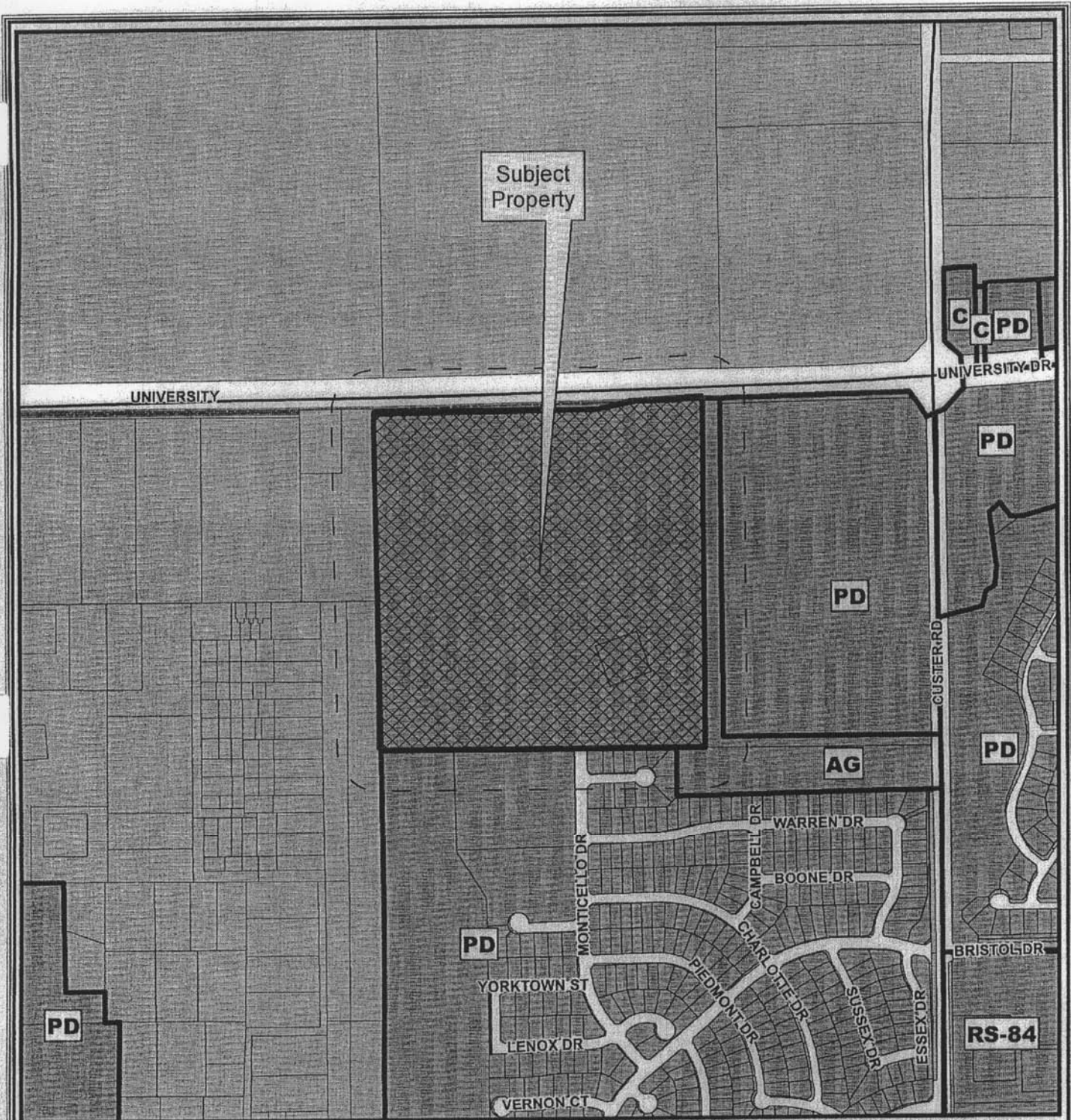
CORRECTLY ENROLLED:


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

DATE: September 19, 2007

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney



Subject Property

C/CPD

UNIVERSITY

UNIVERSITY DR

PD

PD

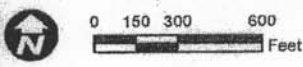
AG

PD

PD

PD

RS-84



Notification Case

Notice Case #: 05-366Z

--- 200' Notification Buffer



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.

EXHIBIT A

EXHIBIT B

General Planned Development Standards 380 Ranch 60± Acres McKinney, Texas

I. Purpose and Intent

This Planned Development District provides for development standards for a mixed use community village which integrates the natural environment, topography and existing surrounding developments. This Planned Development District fosters development opportunities for office, retail, and commercial uses.

II. Special Provisions

This Planned Development District includes the development standards as they are stated below. The standard City of McKinney development standards will apply except as amended herein. Where the Planned Development District Standards are silent, the City of McKinney Zoning Ordinance requirements shall apply.

Due to the mixed use nature of this development, the attached concept plan shall be a general guideline for development, defining general location of uses. As such, acreages shown on the concept plan may be shifted within the generally indicated area, in order to accommodate land development patterns. In an effort to provide flexibility in the creation of a mixed use sustainable development, minor deviations from these General Planned Development Standards shall be reviewed and approved by the Director of Planning, or designee, with review and approval of a Site Plan for each tract.

III. Self Storage Development Standards

A. Development Standards

- i. Self Storage uses are intended to provide an appropriately placed buffer between the proposed development and the existing adjacent land uses of local airstrip and self-storage.
- ii. This district shall be developed in accordance with the "ML" – Light Manufacturing District of the City of McKinney Zoning Ordinance requirements, and as amended, except as follows:
 - a. Maximum building height shall be one (1) story, except within five hundred feet (500') of the right-of-way of US 380 where the maximum height shall be two (2) stories.
 - b. Maximum lot coverage shall be ninety percent (90%).
 - c. Exterior building walls shall be allowed to be utilized as screening walls, where screening is required by the City of McKinney Zoning Ordinance.

IV. Office Development Standards

A. Development Standards

- i. Office uses within this district shall be developed in accordance with the "O" – Office District of the City of McKinney Zoning Ordinance requirements, except as follows:
 - a. Buildings within 200 feet of the southern boundary line of the zoning district shall be limited to 35 feet in height.

V. Retail Development Standards

A. Development Standards

- i. Uses shall be limited to retail uses and associated office and restaurant uses where indicated on the attached concept plan.

ii. Retail uses within this district shall be developed in accordance with the "C" – Planned Center District of the City of McKinney Zoning Ordinance requirements, and as amended, except as follows:

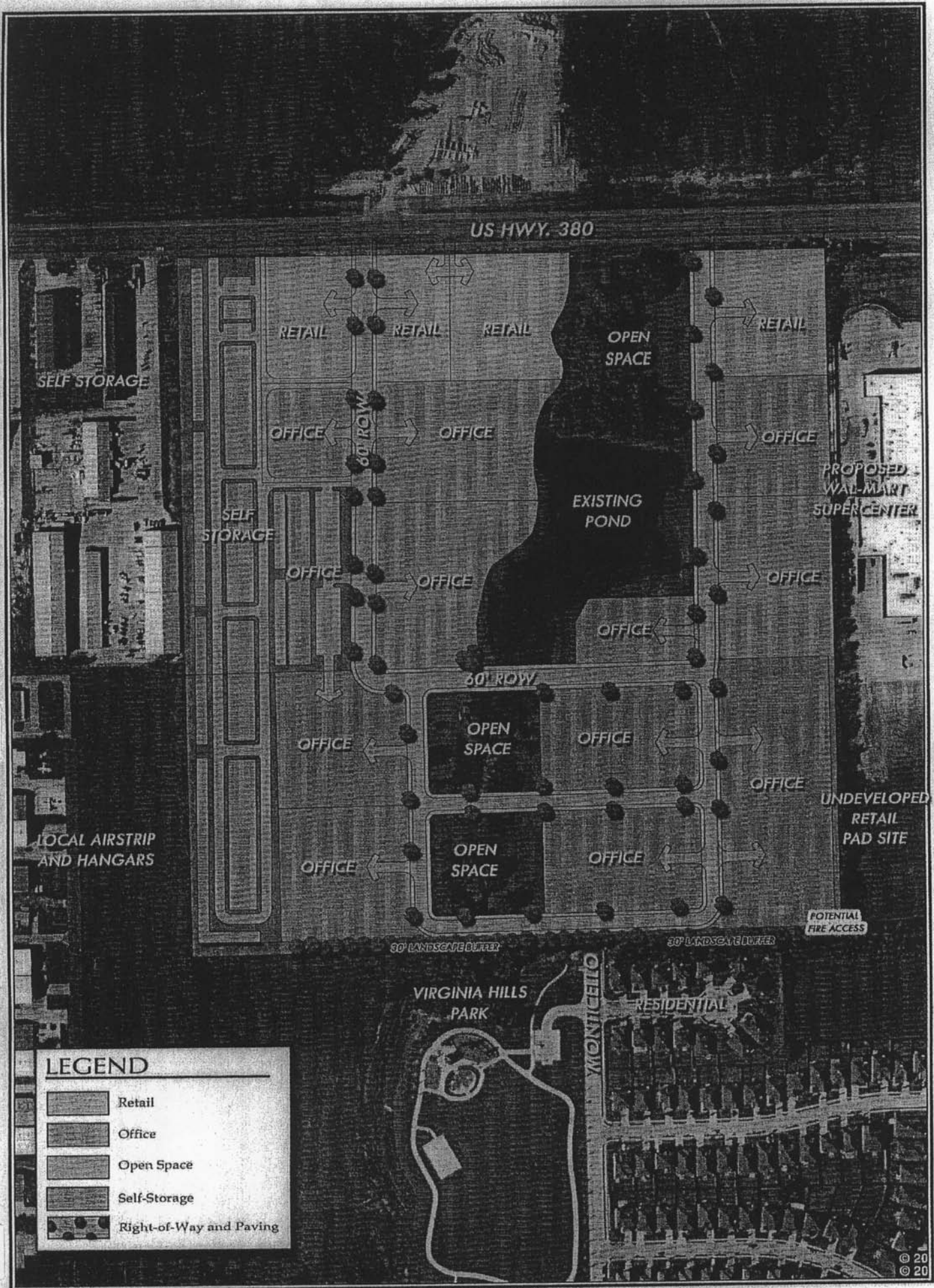
a. Uses shall be allowed as per the "C" – Planned Center District regulations except as follows:

1. All residential uses shall be prohibited.
2. Automotive parts and tire sales shall only be allowed with review and approval of a Specific Use Permit.
3. Car washes; self, automated, or otherwise; shall only be allowed with review and approval of a Specific Use Permit; however, wash bays shall be specifically prohibited from facing the right-of-way without screening.
4. Greenhouses or plant nurseries shall only be allowed with review and approval of a Specific Use Permit.

VI. Screening and Buffering

- A. A thirty foot (30') landscape buffer shall be provided along the entire southern property line adjacent to single family residential and park uses. This buffer area shall remain in its natural existing condition in order to preserve the existing tree line as a buffer between the existing and proposed uses. Fences shall not be allowed within this buffer area and the removal of trees, regardless of species, will require tree permit review and approval by the City Arborist, as per the City of McKinney Zoning Ordinance.

END OF PLANNED DEVELOPMENT STANDARDS

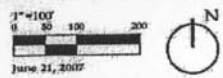


60 Acres +/-

380 Ranch

380 Ranch Partners, Ltd.

McKinney, Texas



Kirby-Horn and Associates, Inc.

EXHIBIT C