

**ORDINANCE NO. 2012-12-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2006-10-120 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.80 ACRE PROPERTY, LOCATED APPROXIMATELY 1,100 FEET WEST OF BOIS D'ARC ROAD AND ON THE SOUTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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 0.80 acre property, located approximately 1,100 feet west of Bois D'Arc Road and on the south side of U.S. Highway 380 (University Drive), which is more fully depicted on Exhibits "A" and "B", attached hereto, from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, generally to modify the development standards; 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. 2006-10-120 is hereby amended in order to rezone an approximately 0.80 acre property, located approximately 1,100 feet west of Bois D'Arc Road and on the south side of U.S. Highway 380 (University Drive), from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District.

Section 2. Use and development of the subject property, more fully depicted on Exhibits "A" and "B", shall develop in accordance with Section 146-86 "C" – Planned Center District and Section 146-101 "CC" – Corridor Commercial Overlay District, and as amended, except as follows:

(a) Office/Retail/Warehouse Flex Space shall be an allowed use and shall be defined as a commercial building that features a small retail or office use in combination with a larger warehouse use. The warehouse use of this building shall be no more than five times larger than the office or retail use that it is associated with or a maximum of 10,000 square feet, whichever is smaller. This building type shall be subject to the “nonresidential uses in non-industrial districts” architectural design requirements of Section 146-139 of the Zoning Ordinance.

(b) One canopy tree shall be required for every 30 linear feet of street frontage.

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 THE 4<sup>th</sup> DAY OF DECEMBER, 2012.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

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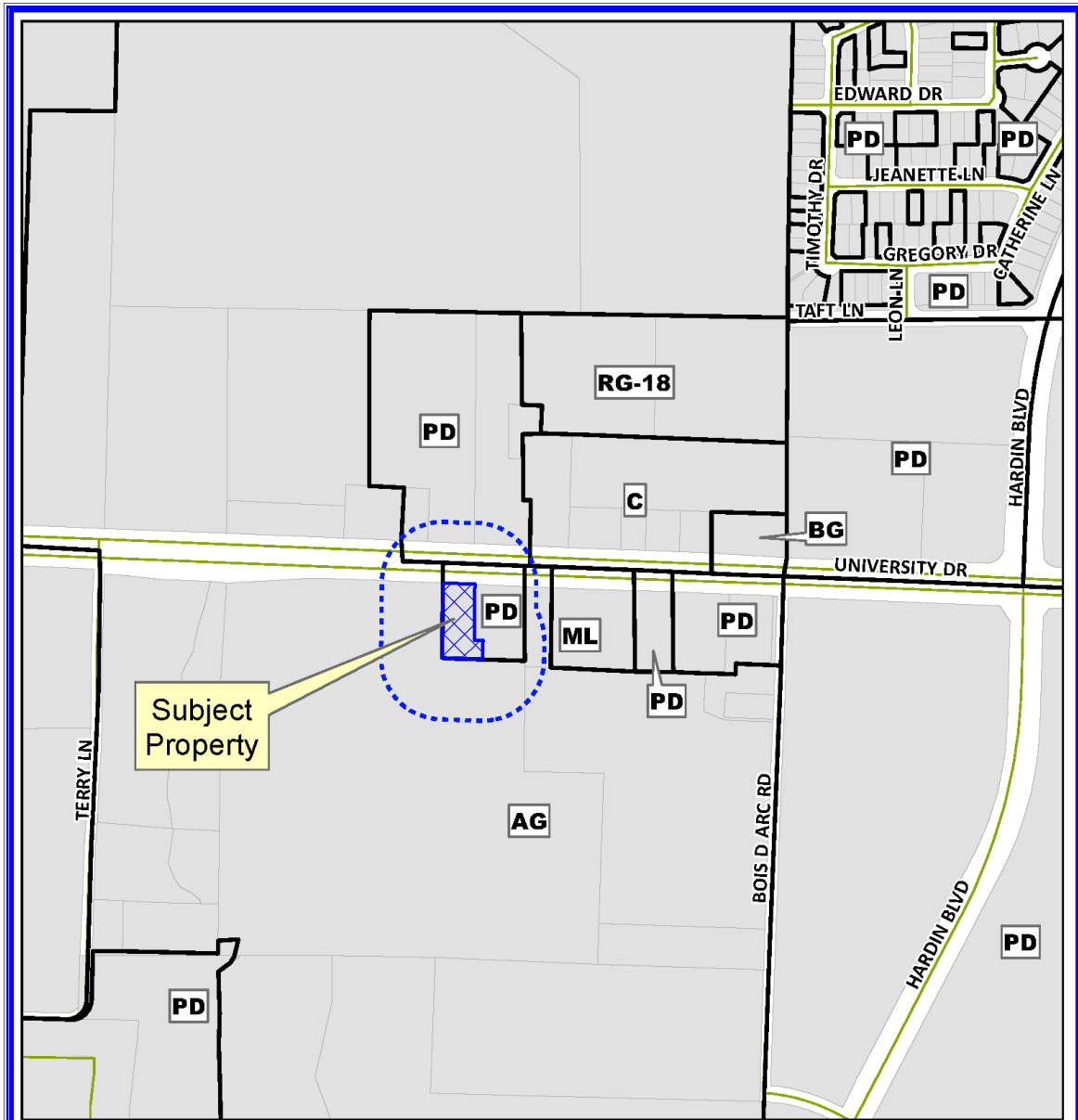
SANDY HART, TRMC, MMC  
City Secretary  
BLANCA I. GARCIA  
Assistant City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney

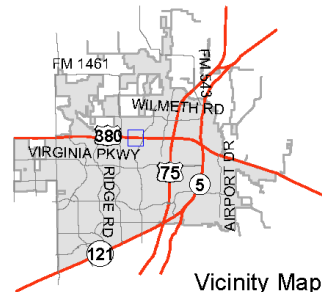


### Notification Map

Case: 12-188Z

--- 200' Notification Buffer

**EXHIBIT "A"**

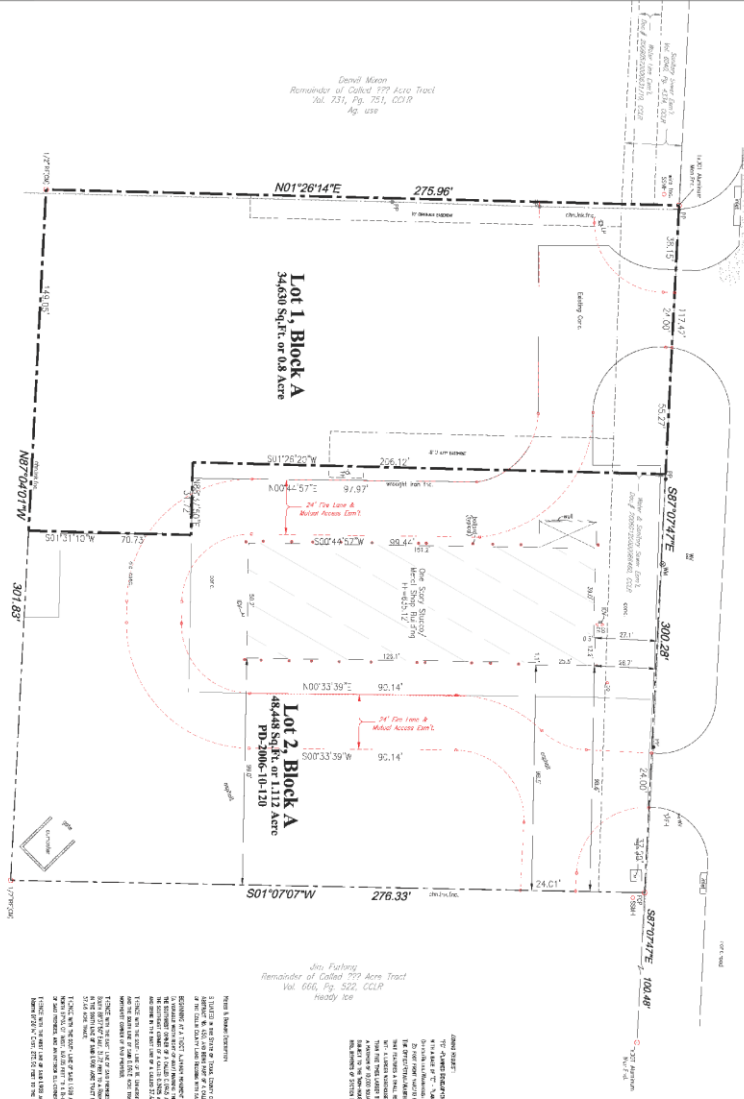


Path: S:\WCKGIS\Notification\Projects\201212-188Z.mxd

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

**W. University Drive**  
(U.S. Hwy. No. 380)  
(Section 4-3-18 of the Plan)



**EXHIBIT "B"**

*Jim Fehling*  
Remainder of Collier 799 Acre Tract  
Vol. 166, Pg. 523 of 524  
heavy ice

**NOTES:**

1. THIS PLAN IS A REVISION OF THE ORIGINAL PLAN AND IS SUBJECT TO THE SAME TERMS AND CONDITIONS AS THE ORIGINAL PLAN.
2. THE PROPERTY IS TO BE USED FOR OFFICE AND WAREHOUSE PURPOSES.
3. THE PROPERTY IS TO BE USED FOR OFFICE AND WAREHOUSE PURPOSES.
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10. THE PROPERTY IS TO BE USED FOR OFFICE AND WAREHOUSE PURPOSES.

**RECEIVED**  
07 February 2016 at 12:58 pm - Hwy 40, 2492

DATE	02/07/2016
BY	SP-2
DESCRIPTION	RE-ZONING

**Dallas Design Build**  
7080 South FM 549  
Frickmark, Texas 75087  
972-877-6630  
dallasdesignbuild@yahoo.com

Project	Lot 1, Block A Addition
Address	4023 West University, McKinney, Texas
City	McKinney, Texas
County	Collin
Map	Section 4-3-18 of the Plan

**Office / Warehouse**  
4023 West University, McKinney, Texas

**EXHIBIT B**