

**ORDINANCE NO. 2010-11-048**

**AN ORDINANCE AMENDING ORDINANCE NOS. 2006-04-039, 2004-11-116, 2004-01-006, AND 98-08-44 OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR AN INDOOR AUTO PARTS SALES USE, APPROXIMATELY 0.78 ACRE, LOCATED ON THE WEST SIDE OF CUSTER ROAD AND APPROXIMATELY 900 FEET NORTH OF VIRGINIA PARKWAY; 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 owner of an approximately 0.78 acre tract of land located on the west side of Custer Road and approximately 900 feet north of Virginia Parkway, which is more fully depicted in Exhibit A and made a part hereof for all purposes, have petitioned the City of McKinney to amend Ordinance Nos. 2006-04-039, 2004-11-116, 2004-01-006, and 98-08-44 for a Specific Use Permit for an indoor auto parts sales use; and

**WHEREAS**, the owner is willing to accept and agree to be bound by and comply with the written requirements of the specific use permit; 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 such amendment should be made.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:**

Section 1. Ordinance Nos. 2006-04-039, 2004-11-116, 2004-01-006, and 98-08-44 are hereby amended in order to provide for a Specific Use Permit for an indoor auto parts sales use on approximately 0.78 acre, located on the west side of Custer Road and approximately 900 feet north of Virginia Parkway, which is more fully depicted in Exhibit A attached hereto.

Section 2. Use and development of the subject property (0.78 acre) shall conform to the following regulations:

1. The subject property shall develop in accordance with Ordinance Nos. 2006-04-039, 2004-11-116, 2004-01-006, and 98-08-44, except as follows:
  - a. The subject property shall generally develop in accordance with the attached site plan (Exhibit B), landscape plan (Exhibit C), and building elevations (Exhibit D).
  - b. An eight-foot (8') masonry screening wall of a uniform screening type and neutral color, matching the existing screening wall adjacent to the subject property on its south side, shall be provided along the north and west property lines where adjacent to single family residential uses.
  - c. Mechanical or repair work shall be prohibited on the subject property.
  - d. Hours of operation shall be limited to Monday through Friday 8 a.m. to 8 p.m. and Saturday through Sunday 8 a.m. to 6 p.m.


- 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 16<sup>th</sup> DAY OF NOVEMBER, 2010.**

CITY OF McKINNEY, TEXAS

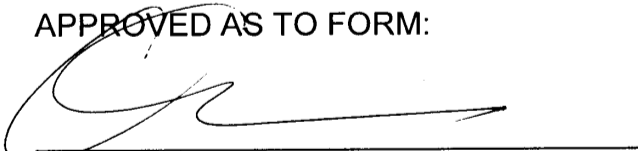
  
BRIAN LOUGHMILLER  
Mayor

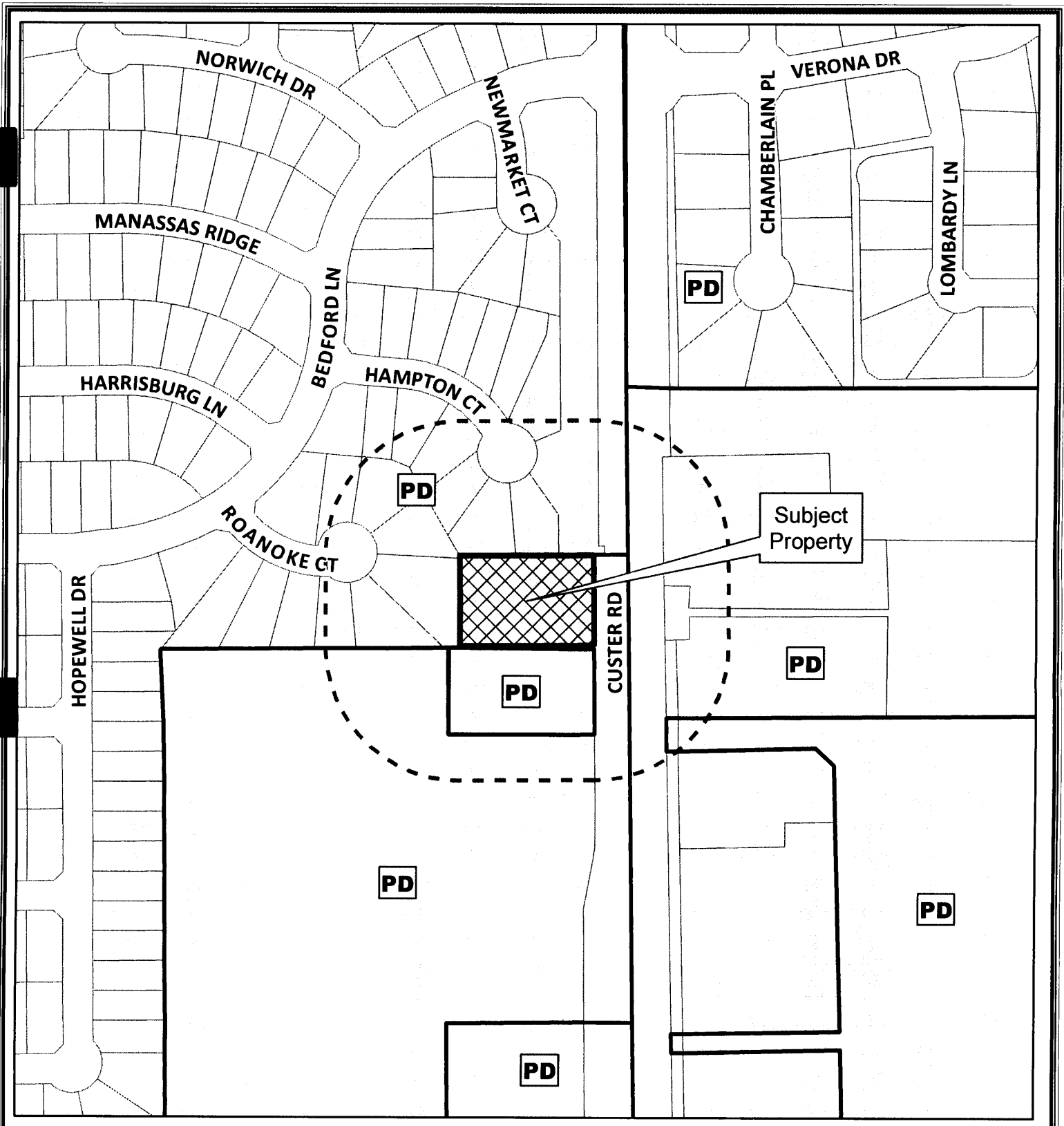
CORRECTLY ENROLLED:

  
SANDY HART, TRMC, MMC  
City Secretary

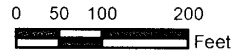
DATE: November 17, 2010

APPROVED AS TO FORM:

  
MARK S. HOUSER  
City Attorney



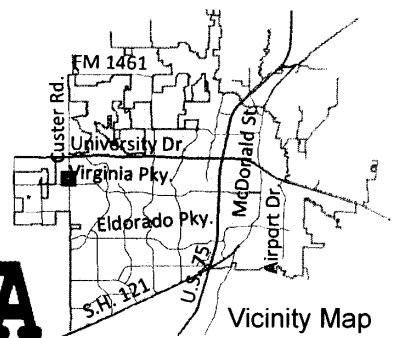
S:\MCKGIS\notification\Projects\2010\10-082SUP-SP.mxd



**Notification Case**

Notice Case: 10-082SUP/SP

--- 200' Notification Buffer



# EXHIBIT A

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.

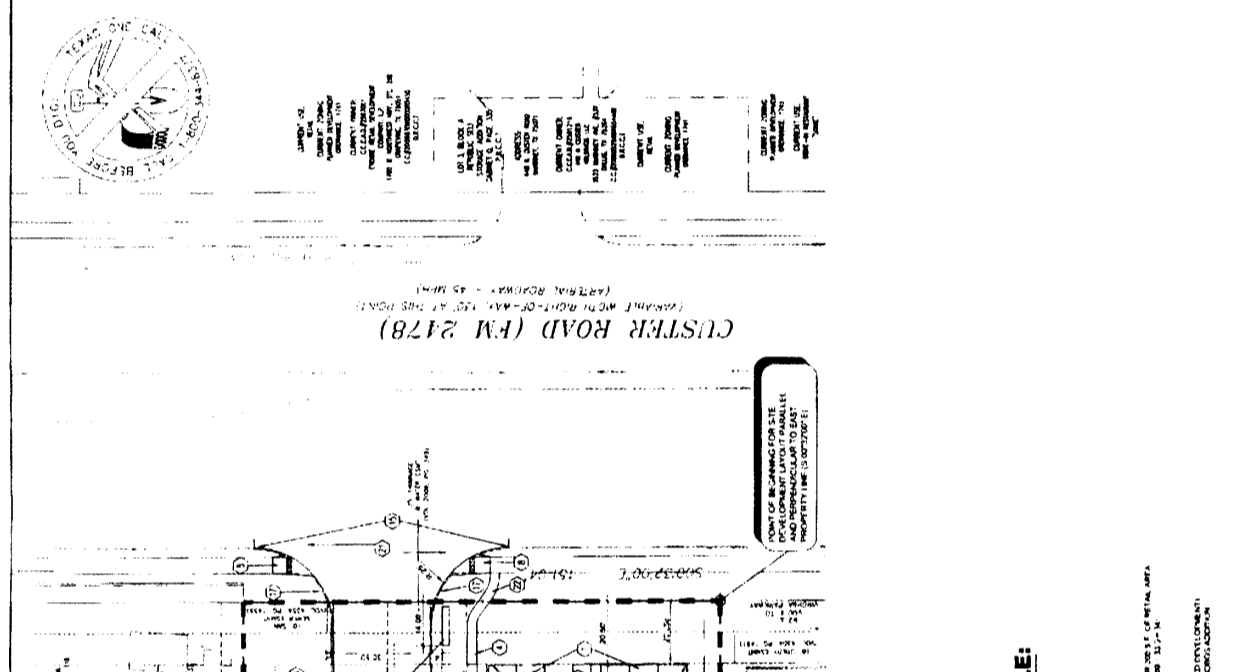


ESTERLY  
SCNEIDER, INC.  
ASSOCIATES, INC.  
AIA ARCHITECTS & PLANNERS  
1730 EAST BRANBLEN, SUITE 417  
SPRINGFIELD, MISSOURI 65808  
TEL: 417-462-9338  
FAX: 417-462-2558  
E-MAIL: ESTERLY@ESTERLYSCNEIDER.COM

LOT 1, ROCK A OF THE CUSHERS  
ROBBS COUNTRY  
MCKINNEY, TX  
CUSTER ROAD  
253 South Patterson, Springfield, MO 65807  
Phone: (417) 812-4558 FAX: (417) 812-2112  
Corporate Office  
RETILLY  
AUTO PARTS

DATE: 08-19-10  
DESIGNER: RJA/HR/JP  
DATE: 07-13-10  
DRAWN BY: JJA/HR/JP  
DATE: 07-13-10  
SHEET NO. 10  
PROJECT NO. 10048-10-59-NS6

**GENERAL NOTES:**  
A. REFER TO SUBJECT DRAWING FOR ADDITIONAL REQUIREMENTS.  
B. ALL SITE IMAGINGS TO THE CATERVALE OF CURB, FENCE, OR PROPERTY LINE. THESE DRAWINGS SHALL BE IN ACCORDANCE WITH THE CITY OF SPRINGFIELD, MISSOURI, PLANNING AND ZONING DEPARTMENT, CHAPTER 110, SECTION 110.07.01.01.  
C. CONTRACTOR SHALL VERIFY THE SITE RELATED DEVELOPMENT DRAWINGS.  
D. REFER TO STRUCTURAL DRAWINGS FOR DEVELOPMENT OF STRUCTURAL ELEMENTS. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE CITY OF SPRINGFIELD, MISSOURI, PLANNING AND ZONING DEPARTMENT, CHAPTER 110, SECTION 110.07.01.01.  
E. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SPRINGFIELD, MISSOURI, PLANNING AND ZONING DEPARTMENT, CHAPTER 110, SECTION 110.07.01.01.  
F. REFER TO DETAIL AND PROVIDE 3/4" THICK AND SMOOTH TOP SURFACE ON ALL CONCRETE. ALL CONCRETE SHALL BE IN ACCORDANCE WITH THE CITY OF SPRINGFIELD, MISSOURI, PLANNING AND ZONING DEPARTMENT, CHAPTER 110, SECTION 110.07.01.01.  
G. REFER TO DETAIL AND PROVIDE 1/4" THICK AND SMOOTH TOP SURFACE ON ALL CONCRETE. ALL CONCRETE SHALL BE IN ACCORDANCE WITH THE CITY OF SPRINGFIELD, MISSOURI, PLANNING AND ZONING DEPARTMENT, CHAPTER 110, SECTION 110.07.01.01.  
H. REFER TO DETAIL AND PROVIDE 1/4" THICK AND SMOOTH TOP SURFACE ON ALL CONCRETE. ALL CONCRETE SHALL BE IN ACCORDANCE WITH THE CITY OF SPRINGFIELD, MISSOURI, PLANNING AND ZONING DEPARTMENT, CHAPTER 110, SECTION 110.07.01.01.  
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K. REFER TO DETAIL AND PROVIDE 1/4" THICK AND SMOOTH TOP SURFACE ON ALL CONCRETE. ALL CONCRETE SHALL BE IN ACCORDANCE WITH THE CITY OF SPRINGFIELD, MISSOURI, PLANNING AND ZONING DEPARTMENT, CHAPTER 110, SECTION 110.07.01.01.  
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**REVISION**  
SEP 27 2010  
PLANNING  
SITE PLAN

MO ANDERSON ENGINEERING, INC.  
ENGINEERS, SURVEYORS, LANDSCAPE ARCHITECTS, DESIGNERS  
10048-10-59-NS6  
WB-108-768  
TYPE FIRM # 3704

FEB 17 WAS "REVISION"  
10048-10-59-NS6  
DATE: 08-19-10  
DESIGNER: RJA/HR/JP  
DATE: 07-13-10  
DRAWN BY: JJA/HR/JP  
DATE: 07-13-10

CC-1 of 2

**REFER TO LANDSCAPE PLAN FOR PLANTINGS**

**REFER TO NEIGHBORING BLOCK DEVELOPMENT LAYOUT FOR PARALLEL AND PERPENDICULAR TO EAST PROPERTY LINE (3/20/2010)**

**SYMBOLS LEGEND**

SYMBOL	DESCRIPTION
[Hatched Box]	NEW BUILDING CONSTRUCTION
[Solid Line]	EXISTING FIRE LANE AND STYPIG
[Dashed Line]	EXISTING FIRE HYDRANT LOCATION
[Circle with X]	PROPERTY - FIRE HOSEWAY
[Solid Line]	BOUNDARY - SEPT. COLLECTION
[Solid Line]	NEW (CONCRETE) PAVING BLOCK
[Dashed Line]	NA (PAVING) BLOCK LOCATION
[Hatched Box]	NEW FENCE CONSTRUCTION

**SITE DATA TABLE:**

**GENERAL INFORMATION:**

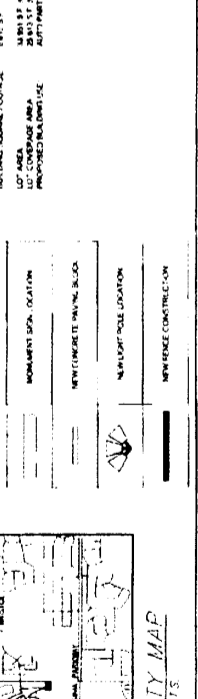
- PROJECT NAME: O'REILLY AUTO PARTS
- CLIENT: O'REILLY AUTO PARTS
- PROJECT LOCATION: 253 SOUTH PATTERSON, SPRINGFIELD, MISSOURI
- DATE: 08-19-10

**PARKING CALCULATION:**

DESCRIPTION	REQUIRED SPACES	PROVIDED SPACES
RECOMMENDED SPACES	18	18
SPACES PROVIDED	18	18
TOTAL SPACES	18	18

**GENERAL NOTES:**

- EXISTING DRIVEWAY TO BE REPAIRED AND ASPHALT CONCRETE FINISH TO MATCH ADJACENT DRIVEWAY.
- EXISTING DRIVEWAY TO BE REPAIRED AND ASPHALT CONCRETE FINISH TO MATCH ADJACENT DRIVEWAY.
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- EXISTING DRIVEWAY TO BE REPAIRED AND ASPHALT CONCRETE FINISH TO MATCH ADJACENT DRIVEWAY.





1726 EAST SOUTHWEST, SUITE 417  
SPRINGFIELD, MISSOURI 65804  
417.882.0528  
FAX: 417.882.0562  
E-MAIL: ESTRELLA@ESTRELLASCHNIEDER.COM

**ESTRELLA  
SCHNIEDER, INC.**  
ARCHITECTS & ENGINEERS  
(McKENNEY #3)

NEW O'Reilly Auto Parts Store  
101 S. BLOOM AVE. SUITE 100  
CUSTER ROAD  
MCKINNEY, TX

**O'Reilly**  
Corporate Office  
235 South Polk Street, Springfield, MO 65802  
Phone (417) 882-3333 FAX (417) 882-1112

**GENERAL NOTES:**

- A. REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS
- B. SITE CONDITIONS BASED UPON SURVEY PROVIDED BY OWNER. CONTRACTOR TO FIELD VERIFY AND THE CONTRACTOR IS TO MAINTAIN INSPECTION PRIOR TO SUBMITTING RECORD DRAWING.
- C. REFER TO CITY PLANNING FOR ADDITIONAL REQUIREMENTS
- D. ALL PLANTING SHALL COMPLY WITH LOCAL GOVERNING CODES AND REGULATIONS CONCERNING PLANTING. CONTRACTOR SHALL VERIFY ALL PLANTING MEETS THE AMERICAN ASSOCIATION OF PROFESSIONAL LANDSCAPE ARCHITECTS (A.A.L.A.) STANDARD OF PRACTICE AND ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH STANDARD PRACTICE.
- E. REESTABLISH EXISTING PLANTING AND UTILITY RELATIONS WITHIN 10' OF RIGHT-OF-WAY
- F. COORDINATE WITH ALL OTHERS RELATED DEVELOPMENT DRAWINGS
- G. PLANTING AREAS SHALL BE PROVIDED WITH AN AUTOMATIC UNDERDRAINING SYSTEM TO PREVENT WATERLOGGING AND TO MAINTAIN PROPER DRAINAGE. BASED ON LOCALS AND REGULATION SYSTEM SHALL BE DESIGNED BY A QUALIFIED PROFESSIONAL AND INSTALLED BY A LICENSED ARBORIST AFTER RECEIVING A PERMIT
- H. ALL REQUIRED CANOPY/UTILITY ORNAMENTAL TREES SHALL HAVE TRUNKS MEASURED IN INCHES ANYWHERE LEVEL AT THE TIME OF PLANTING
- I. HYDRO MESH SETTING AND STABILIZATION SHALL BE PROVIDED FOR ALL PLANTING AREAS TO BE CHANGED AND THE FOLLOWING BY HYDRO MESH ON SEED AND STRAW OVER LAY TOPSOIL
- J. STIPPLED FROM THE UNPAVED SHALL BE COLORED

**KEY NOTES:**

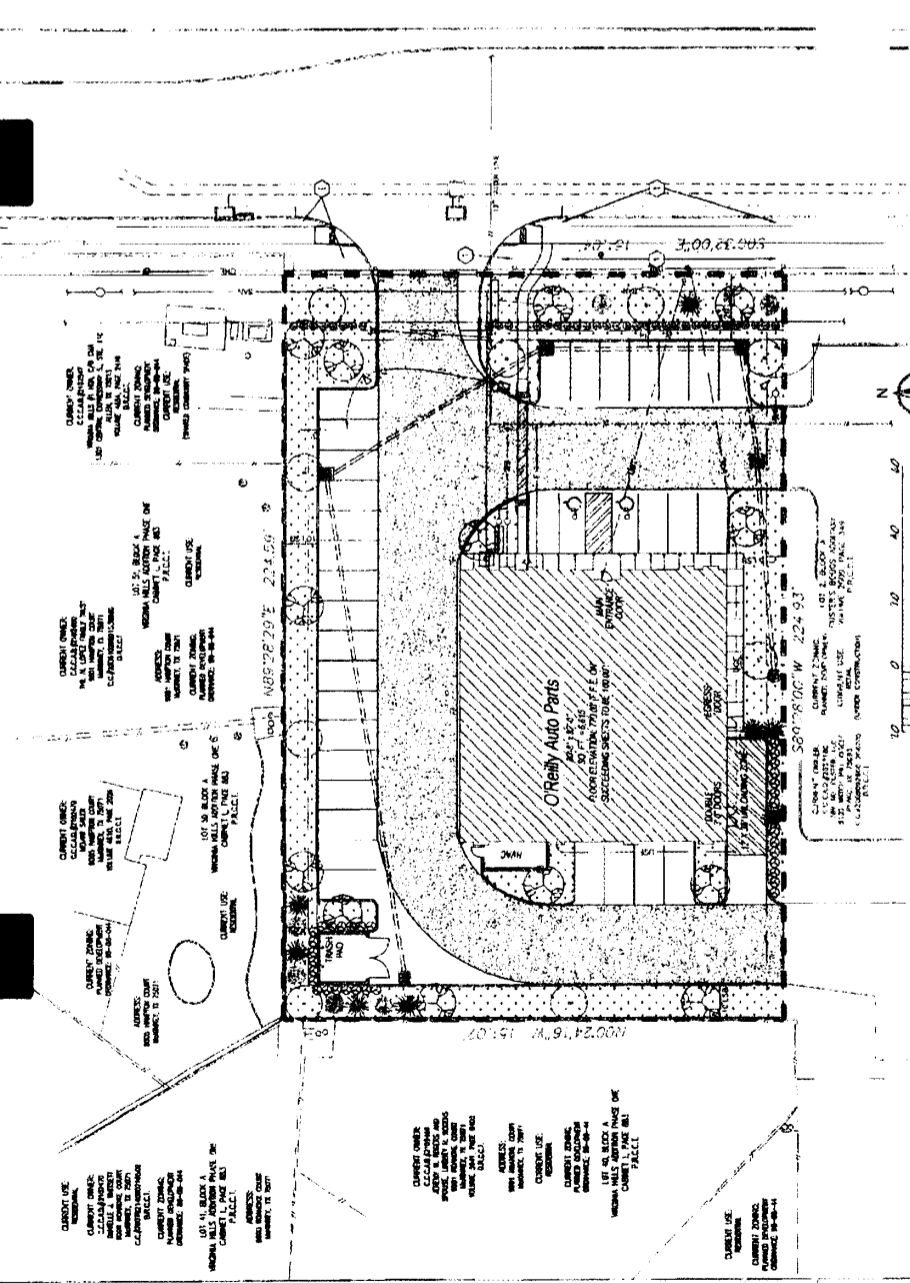
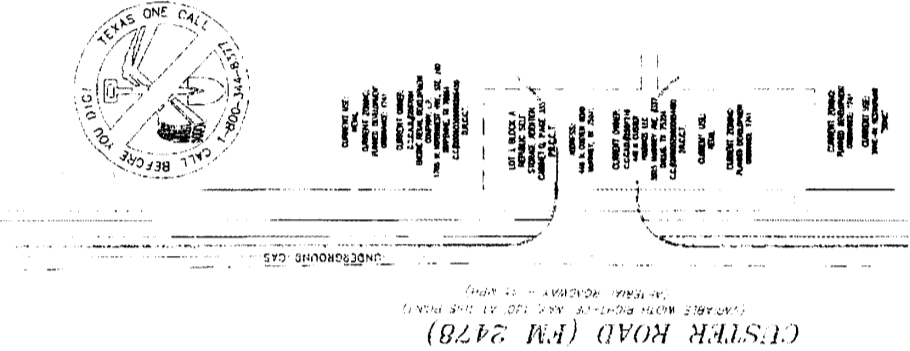
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- 2. STIPPLED FROM THE UNPAVED SHALL BE COLORED

REVISED  
SEP 27 2010

**LANDSCAPE SYMBOLS LEGEND**

REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS

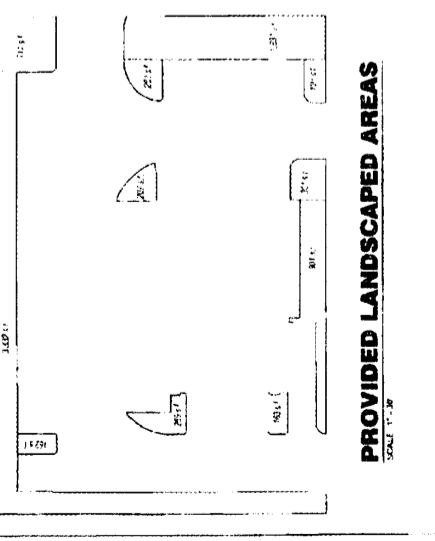
	NEW BUILDING CONSTRUCTION
	AREA OF FIRE LANE AND STRIPING
	LAWN AREA WHOSE EXCESSIVE SLOPE TO BE PROVIDED WITH 500 REFER TO GROUND PLAN
	FENCING PER INSTANT LOCATION
	PROPERTY LINE BOUNDARY
	MONUMENT SIGN LOCATION
	NEW CONCRETE PAVEMENT BLOCK
	NEW LIGHT POLE LOCATION
	NEW FENCE CONSTRUCTION
	AREA OF NEW TREE REFLECTING PLANTING LEGEND FOR SIZE AND TYPE
	AREA OF NEW SHRUB REFER TO PLANTING LEGEND FOR SIZE AND TYPE



**LANDSCAPING REQUIREMENTS:**

ORNAMENTAL TREES SHALL HAVE A MINIMUM OF 1" CALIBER AND 2' HEIGHT AT TIME OF PLANTING AND OBTAIN A MATURE GROWN SPECIES. LANDSCAPING SHALL BE INSTALLED IN ACCORDANCE WITH THE STANDARD PRACTICE FOR COORDINATION OF LANDSCAPING THROUGHOUT THE PROJECT. ALL ORNAMENTAL TREES SHALL BE INSTALLED IN ACCORDANCE WITH THE STANDARD PRACTICE FOR COORDINATION OF LANDSCAPING THROUGHOUT THE PROJECT. ALL ORNAMENTAL TREES SHALL BE INSTALLED IN ACCORDANCE WITH THE STANDARD PRACTICE FOR COORDINATION OF LANDSCAPING THROUGHOUT THE PROJECT.

**PROVIDED LANDSCAPED AREAS**



**EXHIBIT C LANDSCAPE PLAN**



**CRAG A. SCHNEIDER, AIA**  
 ARCHITECT  
 117.002.0330  
 417.962.1821  
 P. MAIL: ARCHITECT@CSAARCHITECTURE.COM

NEW O'Reilly Auto Parts Store  
 107 S. ROCK A OF THE CUSTOMERS  
 BOBOS ADDITION  
 CUSTER ROAD  
 MCKINNEY, TX  
 1730 EAST WARDEN, SUITE 111  
 SPRINGFIELD, MISSOURI 65801  
 (MCKINNEY #3)

**O'Reilly**  
**AUTO PARTS**  
 Corporate Office:  
 233 South Patterson, Springfield, Mo 65802  
 Phone: (417) 862-5333 FAX: (417) 874-7112

COUNT #	21
DATE:	09.10.10
REVISION	
DATE:	09.24.10

EXHIBIT 1 of 1

**MATERIAL CALCULATIONS:**

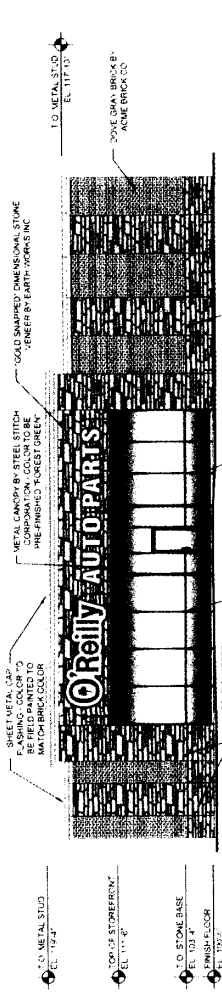
**EAST ELEVATION**  
 BRICK S.F. TOTAL = 270 S.F. = 17%  
 STONE S.F. TOTAL = 725 S.F. = 47%  
 GLAZING DOORS S.F. TOTAL = 455 S.F. = 29%  
 CAP FLASHING S.F. TOTAL = 106 S.F. = 7%  
 TOTAL FACADE = 1,556 S.F. = 100%  
 MASONRY TOTAL = 995 S.F. = 64%

**NORTH ELEVATION**  
 BRICK S.F. TOTAL = 895 S.F. = 57%  
 STONE S.F. TOTAL = 566 S.F. = 38%  
 GLAZING DOORS S.F. TOTAL = 0 S.F. = 0%  
 CAP FLASHING S.F. TOTAL = 83 S.F. = 5%  
 TOTAL FACADE = 1,504 S.F. = 100%  
 MASONRY TOTAL = 1,421 S.F. = 95%

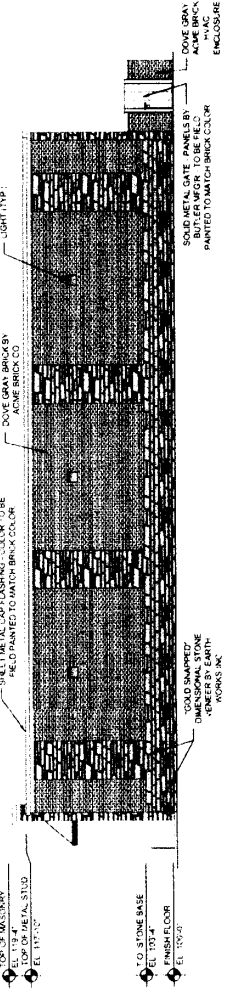
**WEST ELEVATION**  
 BRICK S.F. TOTAL = 837 S.F. = 57%  
 STONE S.F. TOTAL = 561 S.F. = 38%  
 GLAZING DOORS S.F. TOTAL = 0 S.F. = 0%  
 CAP FLASHING S.F. TOTAL = 81 S.F. = 5%  
 TOTAL FACADE = 1,479 S.F. = 100%  
 MASONRY TOTAL = 1,398 S.F. = 95%

**SOUTH ELEVATION**  
 BRICK S.F. TOTAL = 807 S.F. = 54%  
 STONE S.F. TOTAL = 518 S.F. = 34%  
 GLAZING DOORS S.F. TOTAL = 97 S.F. = 6%  
 CAP FLASHING S.F. TOTAL = 82 S.F. = 5%  
 TOTAL FACADE = 1,504 S.F. = 100%  
 MASONRY TOTAL = 1,325 S.F. = 88%

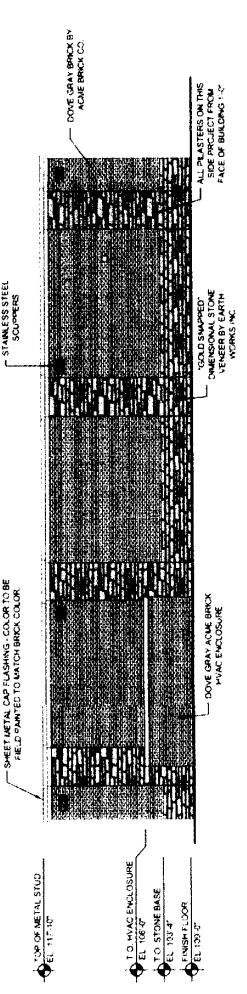
EXTERIOR FINISH SCHEDULE		SPICES
TYPE	COMPANY TYPE	
BRICK	ACME BRICK (OR APPROVED EQUAL)	BRICK COLOR: B-35 DOME GREY MORTAR COLOR: MATCH BRICK COLOR COLORS: MATCH BRICK COLOR COLORS: MATCH BRICK COLOR
STONE	EARTH WORKS (437 N. HWY 51, PERRYVILLE MO 64779) (OR APPROVED EQUAL)	EARTH WORKS GOLD SHAPED DIMENSIONAL STONE VENEER
EXTENSION INSULATION AND FINISH SYSTEM (E.I.F.S.)	DRYPIT SANDCAST FINISH	COLOR: TAN/MAKAR WHITE (FACTORY MIXED ONLY)
STAINLESS STEEL (NO SUBSTITUTES)	EFCO	COLOR: DOME GREY
	KAWEER	COLOR: DOME GREY
	USTA WALL	INTERESTATE GREEN
BOLLARDS	IN FIELD	O'REILLY GREEN GOLDEN EARTH GREEN GLASS BASE: 240" X 200" TOP: 24" X 24" DRY: 30" X 4" DRY: 30" X 4" COLOR: CUSTOM
EXTERIOR DOORS	OWNER	FIELD PAINT TO MATCH BRICK COLOR
TRASH AND HVAC ENCLOSURE DOORS	OWNER	FIELD PAINT TO MATCH BRICK COLOR
SHEET METAL CAP FLASHING (E.I.F.S.)	BY METAL BUILDING MFG OR	FIELD PAINT TO MATCH BRICK COLOR
PPE FINISHED SCUPPER	BY METAL BUILDING MFG OR	FIELD PAINT TO MATCH BRICK COLOR



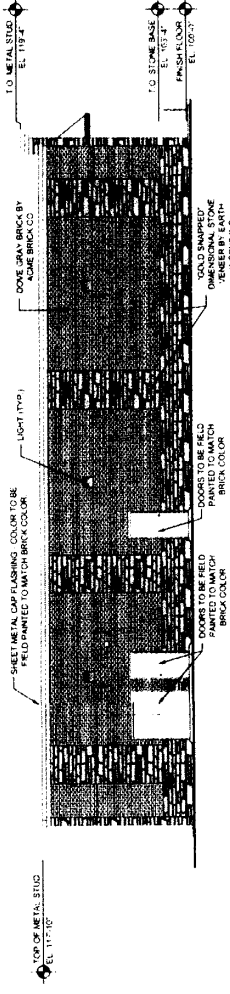
**1 EAST ELEVATION**  
 SCALE: 1/8" = 1'-0"  
 A3



**2 NORTH ELEVATION**  
 SCALE: 1/8" = 1'-0"  
 A3



**3 WEST ELEVATION**  
 SCALE: 1/8" = 1'-0"  
 A3



**4 SOUTH ELEVATION**  
 SCALE: 1/8" = 1'-0"  
 A3