

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 16th DAY OF NOVEMBER, 2010.

CITY OF MCKINNEY, TEXAS

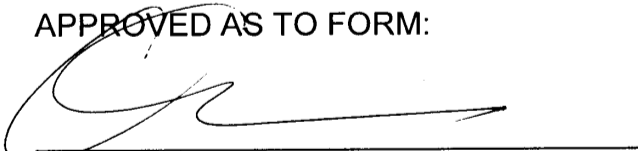

BRIAN LOUGHMILLER
Mayor

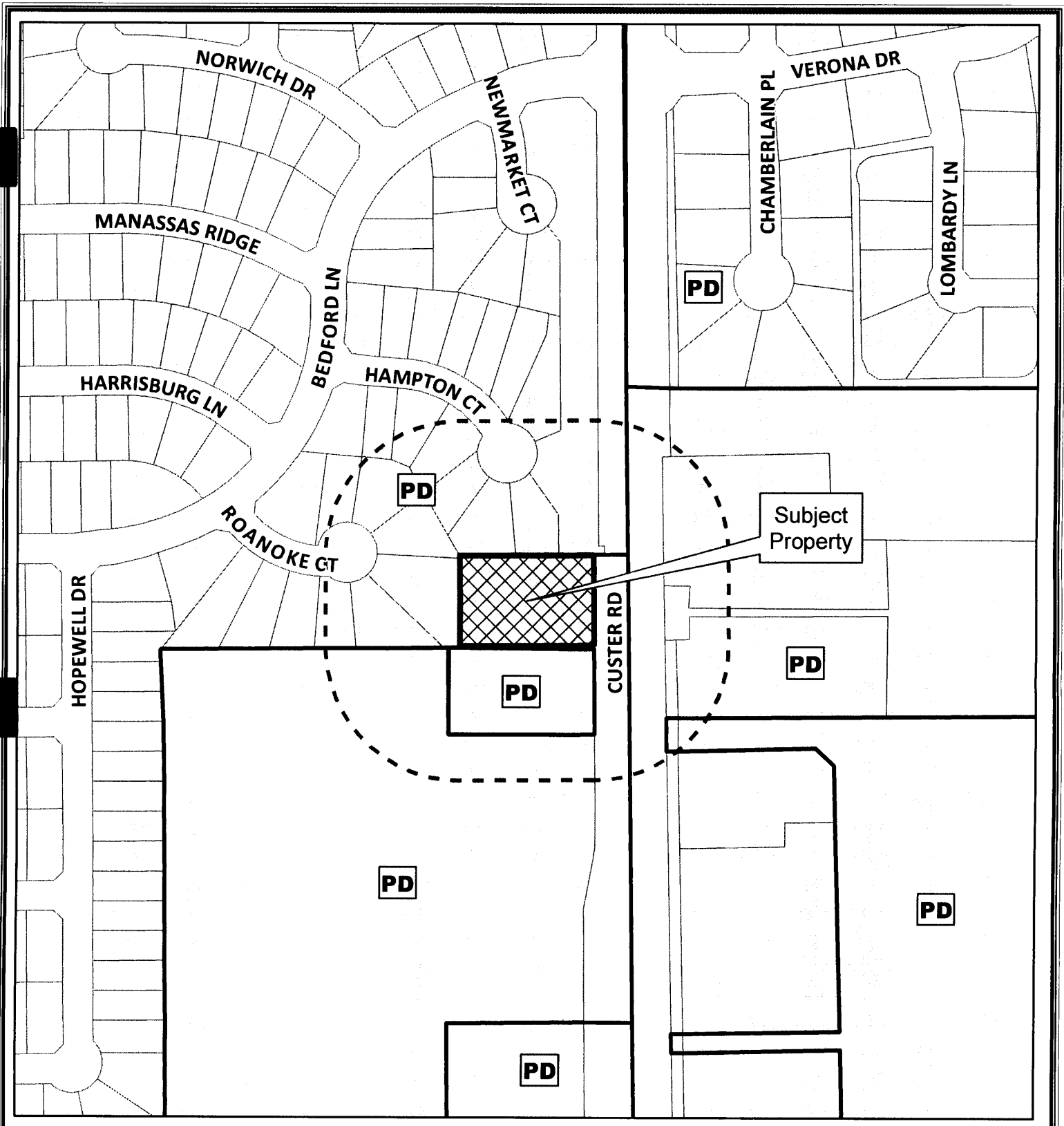
CORRECTLY ENROLLED:


SANDY HART, TRMC, MMC
City Secretary

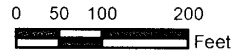
DATE: November 17, 2010

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

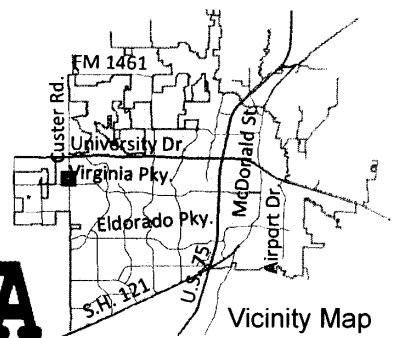
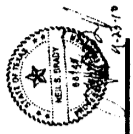


EXHIBIT A

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.



1730 EAST SHARON, SUITE 417
 SPRINGFIELD, MISSOURI 65808
 TEL: 417-482-2558
 FAX: 417-482-2555
 E-MAIL: KBRADY@SCNDR.COM

ESTERLY
SCNEIDER, INC.
 AIA Architects & Planners
 4005 ROCKY ROAD, SUITE 300
 MCKINNEY, TX 75069
 (972) 817-2112

Reilly
 AUTO PARTS
 Corporate Office
 233 South Patterson, Springfield, MO 65802
 Phone: (417) 842-5533 Fax: (417) 842-2112

DATE	DESCRIPTION
09.23.10	ISSUED FOR PERMITS
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09.23.10	ISSUED FOR PERMITS

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GENERAL NOTES:

- REFER TO SUBJECT DRAWING FOR ADDITIONAL REQUIREMENTS.
- ALL SITE IMPROVEMENTS TO THE EXISTING LOT SHALL BE IN ACCORDANCE WITH THE CITY OF SPRINGFIELD, MISSOURI ZONING ORDINANCES AND THE CITY OF SPRINGFIELD, MISSOURI PLANNING AND ZONING COMMISSION'S DECISIONS.
- CONSIDER ALL UTILITIES AND ADJACENT PROPERTY BEFORE BEGINNING CONSTRUCTION.
- REFER TO STRUCTURAL DRAWINGS FOR ALL STRUCTURAL REQUIREMENTS.
- REFER TO MECHANICAL AND ELECTRICAL DRAWINGS FOR ALL MECHANICAL AND ELECTRICAL REQUIREMENTS.
- REFER TO CIVIL DRAWINGS FOR ALL CIVIL REQUIREMENTS.
- REFER TO LANDSCAPE ARCHITECTURE DRAWINGS FOR ALL LANDSCAPE ARCHITECTURE REQUIREMENTS.
- REFER TO THE CITY OF SPRINGFIELD, MISSOURI ZONING ORDINANCES AND THE CITY OF SPRINGFIELD, MISSOURI PLANNING AND ZONING COMMISSION'S DECISIONS FOR ALL CITY REQUIREMENTS.

KEY NOTES:

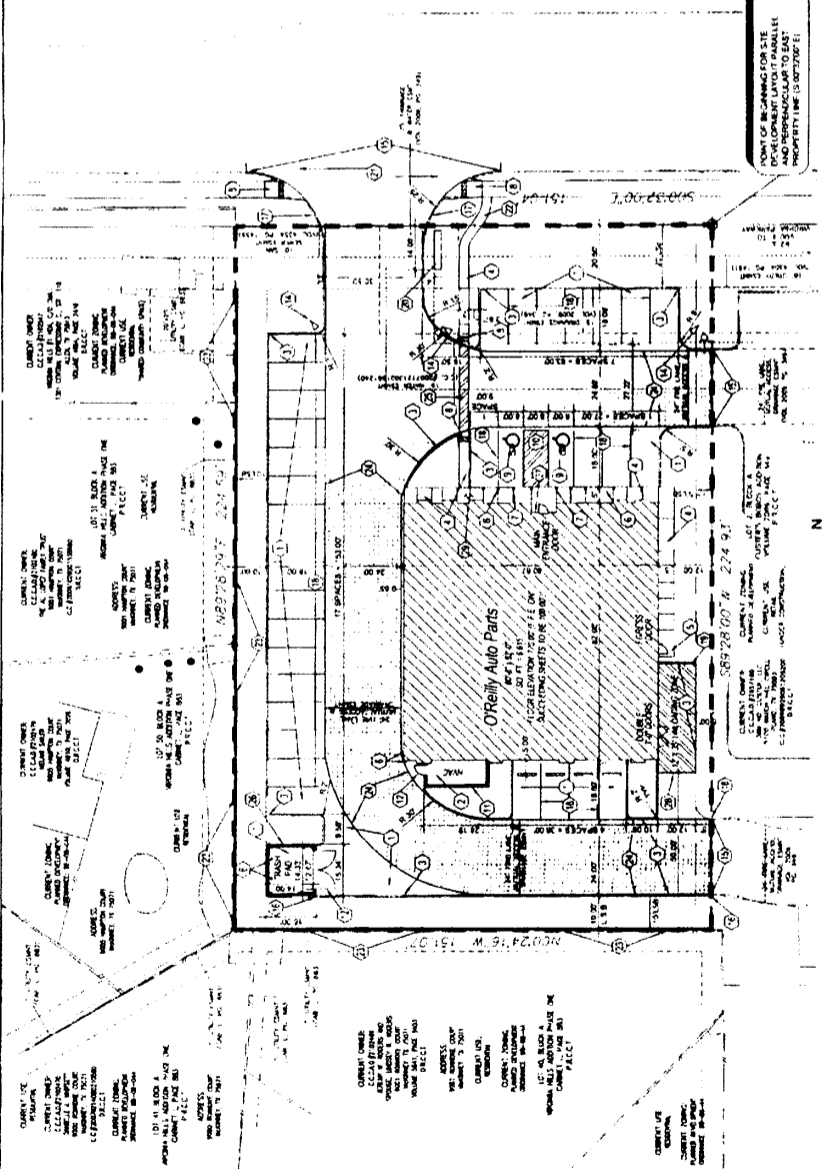
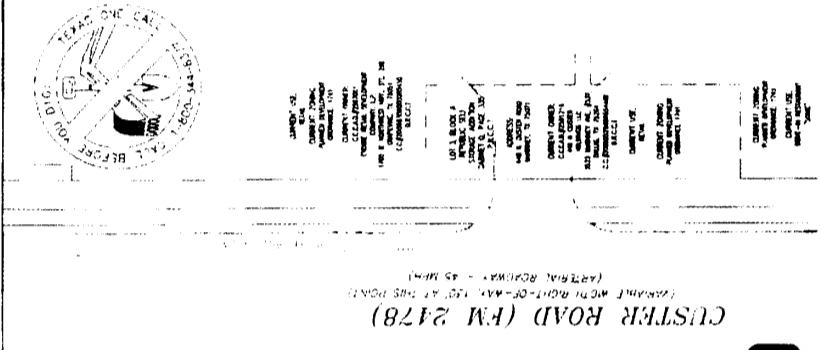
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REVISED
 SEP 27 2010
 PLANNING
 SITE PLAN

MO ANDERSON (A/E)
ENGINEERING, INC.
 ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS
 10048-10 52ND N56
 WILMINGTON, MISSOURI 64491
 PHONE: 417-833-7668
 FAX: 417-833-7669
 TYPE FIRM # 3704

EXHIBIT B



POINT OF BEGINNING SHALL BE DEVELOPMENT LAYOUT PARALLEL AND PERPENDICULAR TO EAST PROPERTY LINE (3/20/2007 11)

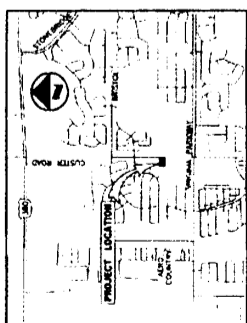
SITE DATA TABLE:

NAME OF PROPERTY	O'REILLY AUTO PARTS
ADDRESS	309 28 TH W. 274 93
OWNER	REILLY AUTO PARTS
DATE OF SURVEY	SEP 27 2010
SCALE	AS SHOWN
PROJECT NO.	10048-10 52 ND N56
DATE OF PLOTTING	SEP 27 2010
PROJECT LOCATION	CUSTER ROAD ADDITION
EXISTING BUILDING HEIGHT	7'4"
EXISTING BUILDING FOOTPRINT	14,825 SF
EXISTING BUILDING AREA	14,825 SF
EXISTING BUILDING USE	RETAIL AUTO PARTS
EXISTING BUILDING TYPE	RETAIL AUTO PARTS
EXISTING BUILDING MATERIAL	CONCRETE
EXISTING BUILDING FOUNDATION	CONCRETE
EXISTING BUILDING ROOF	ASPH/FLT
EXISTING BUILDING EXTERIOR WALLS	CONCRETE
EXISTING BUILDING INTERIOR WALLS	CONCRETE
EXISTING BUILDING FLOORING	CONCRETE
EXISTING BUILDING CEILING	CONCRETE
EXISTING BUILDING LIGHTING	CONCRETE
EXISTING BUILDING MECHANICAL	CONCRETE
EXISTING BUILDING ELECTRICAL	CONCRETE
EXISTING BUILDING PLUMBING	CONCRETE
EXISTING BUILDING HVAC	CONCRETE
EXISTING BUILDING OTHER	CONCRETE

SYMBOLS LEGEND:

NEW BUILDING CONSTRUCTION	NEW BUILDING CONSTRUCTION
EXISTING BUILDING CONSTRUCTION	EXISTING BUILDING CONSTRUCTION
EXISTING FIRE LANE AND STYPIE	EXISTING FIRE LANE AND STYPIE
EXISTING FIRE HYDRANT LOCATION	EXISTING FIRE HYDRANT LOCATION
PROPERTY LINE BOUNDARY	PROPERTY LINE BOUNDARY
BOUNDARY SETBACK	BOUNDARY SETBACK
NEW FIRE LANE AND STYPIE	NEW FIRE LANE AND STYPIE
NEW FIRE HYDRANT LOCATION	NEW FIRE HYDRANT LOCATION
NEW PROPERTY LINE BOUNDARY	NEW PROPERTY LINE BOUNDARY
NEW SETBACK	NEW SETBACK

REFER TO LANDSCAPE PLAN FOR PLANTINGS



VICINITY MAP



1726 EAST SOUTHWEST, SUITE 417
SPRINGFIELD, MISSOURI 65804
417.882.0888
FAX: 417.882.0886
E-MAIL: ESTERLY@ESTERLYASSOCIATES.COM

ESTERLY ASSOCIATES, INC.
LANDSCAPE ARCHITECTS & PLANNERS

NEW O'Reilly Auto Parts Store
101 S. BLOSS AVE. SUITE 100
CUSTER ROAD
MCKINNEY, TX
(MCKINNEY #3)

O'Reilly Auto Parts
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 CIVIL DRAWINGS FOR ADDITIONAL REQUIREMENTS.
- D. ALL PLANTING SHALL COMPLY WITH LOCAL GOVERNING CODES AND REGULATIONS CONCERNING PLANTING. CONTRACTOR SHALL VERIFY ALL PLANTING MATERIALS MEET THE AMERICAN ASSOCIATION OF PLANTING MATERIALS STANDARDS FOR NUMBER, SIZE, AND QUALITY OF PLANTING MATERIALS. REFER TO SPECIFICATIONS FOR SPECIES, AGE, SIZE, AND FOLIAGE COLOR.
- E. NOT USE:
- F. NOT USE:
- G. NOT USE:
- H. PROVIDE 1" TOPSOIL AT ALL SPECIFIED AND PLANTING AREAS. GRADE SHALL BE ADJUSTED FOR 500 THICKNESS. REFER TO CIVIL DRAWINGS FOR ADDITIONAL REQUIREMENTS.
- I. WHEN CLAY SOILS ARE ENCOUNTERED IN THE ESTABLISHMENT OF THE LAWN OR THE INSTALLATION OF PLANT MATERIALS, IT SHALL BE IMPROVED IN ACCORDANCE WITH STANDARDS MADE PRACTICE.
- J. REESTABLISH TURF GRASSES DISTURBED BY GRADING OR UTILITY RELATIONS WITHIN 10' OF RIGHT-OF-WAY.
- K. COORDINATE ALL PLANTING WITH RELATED DEVELOPMENT DRAWINGS.
- L. ALL PLANTING MATERIALS SHALL BE PROVIDED WITH AN AUTHORITY'S UNDERWRITING AND PROTECTED BY AN INSURANCE POLICY. CONTRACTOR SHALL VERIFY ALL PLANTING MATERIALS MEET THE AMERICAN ASSOCIATION OF PLANTING MATERIALS STANDARDS FOR NUMBER, SIZE, AND QUALITY OF PLANTING MATERIALS. REFER TO SPECIFICATIONS FOR SPECIES, AGE, SIZE, AND FOLIAGE COLOR.
- M. ALL REQUIRED CANOPY/UTILITY ORNAMENTAL TREES SHALL HAVE THE CANOPY MEASURED IN INCHES ANYWHERE WITHIN THE CANOPY AT THE TIME OF PLANTING.

KEY NOTES:

- 1. HYDRANT VALVE, SETTING, AND STATION MARKS ARE TO BE MAINTAINED AND NOT TO BE CHANGED AND THE HYDRANT SHALL BE PROTECTED BY A METAL COLLAR ON SEED AND STRAW OVER LANT. TOPSOIL STIPPLED FROM THE HYDRANT SHALL BE MAINTAINED.

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 EXCEEDS 25% SLOPE TO BE PROVIDED WITH 500 REFER TO GROUND PLAN
	FENCING PER HYDRAULIC CONTROL
	PROPERTY LINE BOUNDARY
	MONUMENT SIGN LOCATION
	NEW CONCRETE PAVING 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

PLANTING SCHEDULE

REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS. ALL PLANTINGS HAVE BEEN SELECTED PER THE CITY OF MCKINNEY APPROVED PLANT LIST IN SECTION A.1 OF THE ORDINANCE. ALL SUBSTITUTIONS ARE REQUIRED TO BE SELECTED FROM THIS APPROVED PLANT LIST.

SYMBOL	COMMON NAME	BOTANICAL NAME	QUANTITY	SIZE @ PLANTING	DETAIL
	CHINESE PISTACHE (CANOPY TREE)	PISTACHIA CHINENSIS	13	3" CALIBER, 7' TALL	34.2
	TEXAS RED OAK (CANOPY TREE)	QUERCUS BUCKLEYI	9	3" CALIBER, 7' TALL	34.2
	DESERT WILLOW (ORNAMENTAL TREE)	CHRYSEMOLEPS LINEARIS	5	1" CAL. PER 5' TALL	31.2
	LITTLE GEN (ORNAMENTAL TREE)	MAGNOLIA GRANDIFLORA 'LITTLE GEN'	5	1" CAL. PER 5' TALL	31.2
	DWARF BURFORD HOLLY (SHRUB)	ILEX CORNUTA - BURFORD HAWK	33	3 GALLON MAX AND 3" TALL MIN	43.2
	TEXAS SAGE (SHRUB)	LEUCOPHYLLUM TRICOLOR	37	3 GALLON MAX AND 3" TALL MIN	43.2

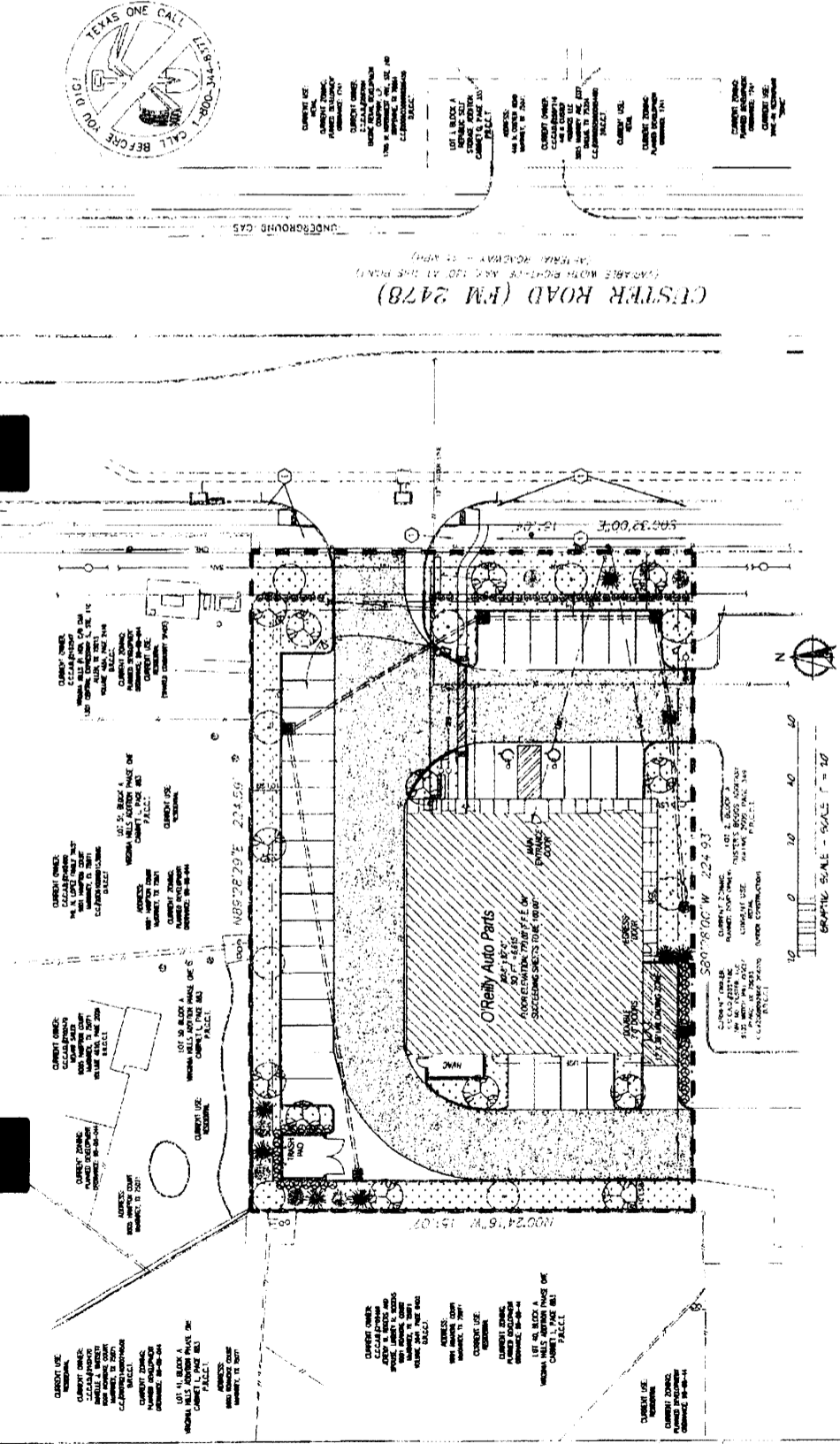


EXHIBIT C LANDSCAPE PLAN



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 CUSTOMS
 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 #	Sheet
DATE:	9-24-10
REVISION	
DATE:	9-24-10

EXHIBIT 1 of 1

MATERIAL CALCULATIONS:

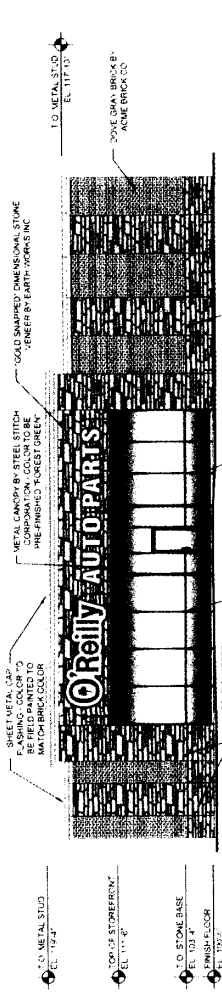
EAST ELEVATION
 BRICK S.F. TOTAL = 270 S.F. = 17%
 STONE S.F. TOTAL = 725 S.F. = 47%
 GLAZING DOORS S.F. TOTAL = 455 S.F. = 29%
 CAP FLASHING S.F. TOTAL = 106 S.F. = 7%
 TOTAL FACADE = 1,556 S.F. = 100%
 MASONRY TOTAL = 995 S.F. = 64%

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 = 1,544 S.F. = 100%
 MASONRY TOTAL = 1,421 S.F. = 95%

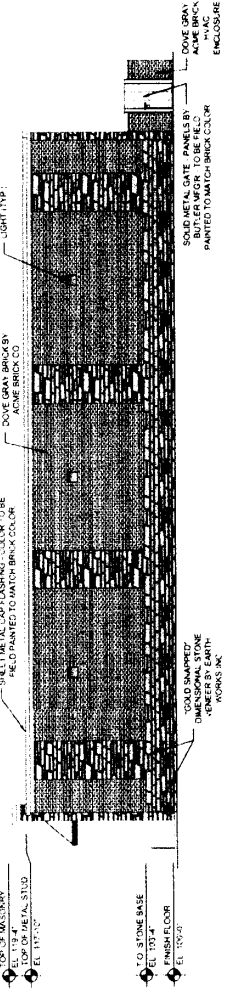
WEST ELEVATION
 BRICK S.F. TOTAL = 837 S.F. = 57%
 STONE S.F. TOTAL = 561 S.F. = 38%
 GLAZING DOORS S.F. TOTAL = 0 S.F. = 0%
 CAP FLASHING S.F. TOTAL = 81 S.F. = 5%
 TOTAL FACADE = 1,479 S.F. = 100%
 MASONRY TOTAL = 1,388 S.F. = 95%

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%

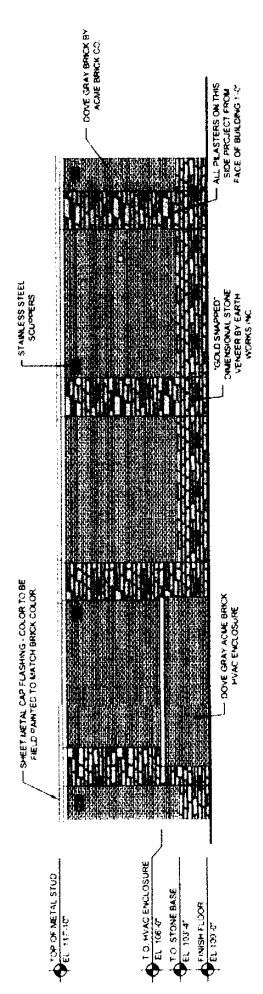
EXTERIOR FINISH SCHEDULE		SPICES
TYPE	COMPANY TYPE	
BRICK	ACME BRICK (OR APPROVED EQUAL)	BRICK COLOR: B-35 DUNE GREY MORTAR COLOR: MATCH BRICK COLOR COLORS: MATCH BRICK COLOR COLORS: MATCH BRICK COLOR
STONE	EARTH WORKS (437 N. HWY 51, PERRYVILLE MO 64779) (OR APPROVED EQUAL)	EARTH WORKS GOLD SHAPED DIMENSIONAL STONE VENEER
EXTERIOR INSULATION AND FINISH SYSTEM (EIFS)	DRYPIT SANDCAST FINISH	COLOR: TAN/MAKAR WHITE (FACTORY MIXED ONLY)
STAINLESS STEEL (NO SUBSTITUTES)	EFCD	COLOR: DUNE GREY
	KAHNEER	COLOR: DUNE GREY
	USTA WALL	INTERSTATE GREEN
BOLLARDS	IN FIELD	O'REILLY GREEN GOLDEN EARTH BRICK GLASS BASE: 7407-200 TOP: 7407-200 TB: 3914 TB: 3914 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 (EIFS)	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



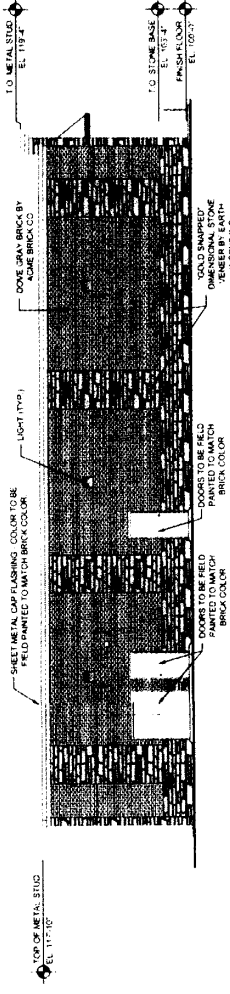
1 EAST ELEVATION
 SCALE: 1/8" = 1'-0"
 A3



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