

ORDINANCE NO. 2013-07-XXX

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2013-02-011 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 11.82 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF WADDILL STREET AND U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE FREESTANDING SIGNAGE REQUIREMENTS; PROVIDING FOR SEVERABILITY; 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 11.82 acres, located on the southwest corner of Waddill Street and U.S. Highway 380 (University Drive), which is more fully depicted on Exhibit "A", from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the freestanding signage requirements; 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 HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

Section 1. Ordinance No. 2013-02-011 is hereby amended in order to rezone an approximately 11.82 acre property, located on the southwest corner of Waddill Street and U.S. Highway 380 (University Drive), which is more fully depicted on Exhibit "A", attached hereto, from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the freestanding signage requirements.

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

1. The subject property shall develop according to "PD" - Planned Development District Ordinance No. 2013-02-011, except as follows:
 - a. Freestanding monument signage shall be allowed only in the locations shown on the attached Zoning Exhibit "B".
 - b. Freestanding monument signage shall conform to the elevations and dimensions shown on the attached Zoning Exhibits "C" and "D".

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 16TH DAY OF JULY, 2013.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

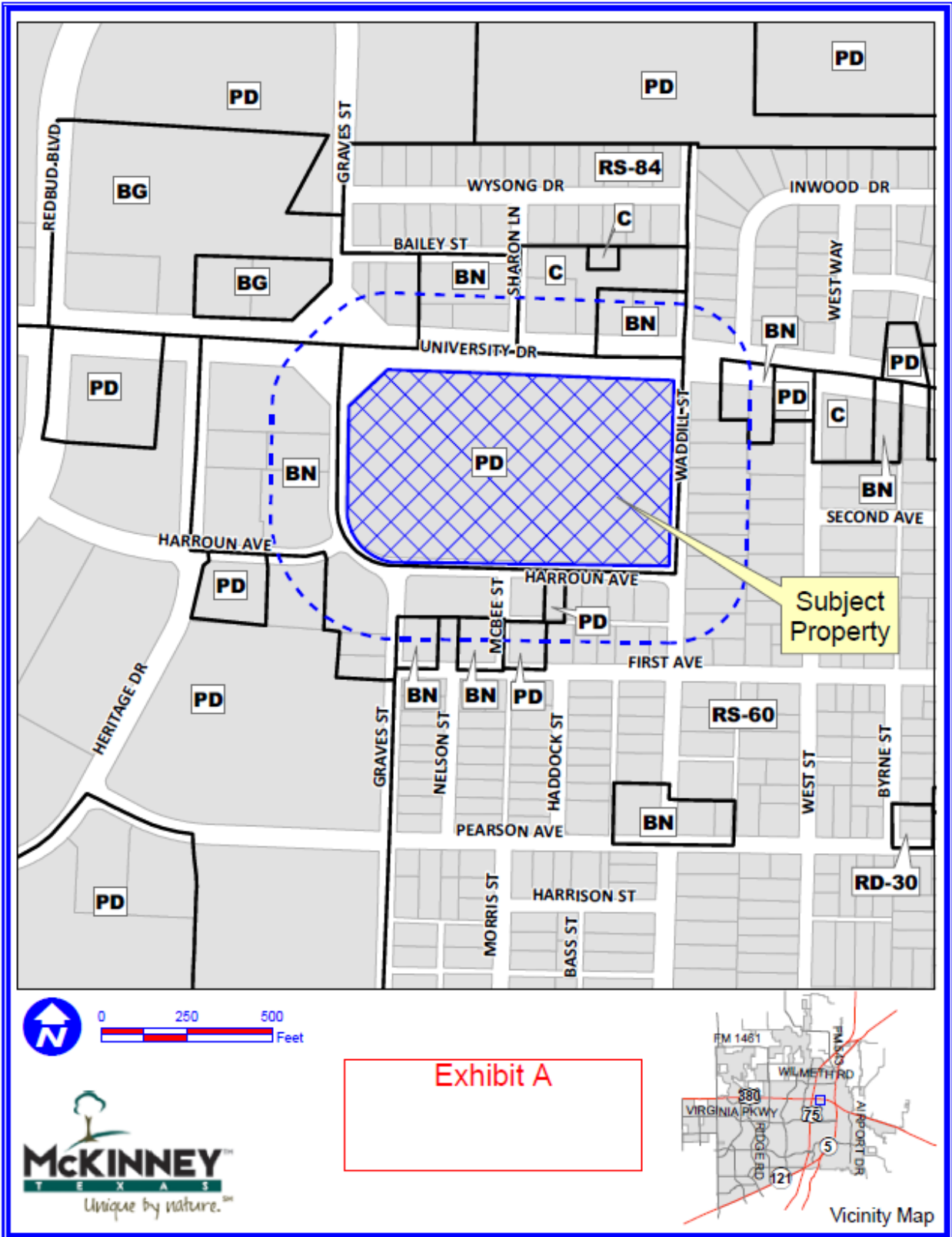
SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

Exhibit A



Path: S:\MC\GIS\Notification\Projects\2013\13-1022.mxd

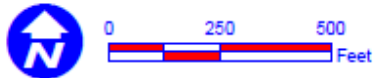
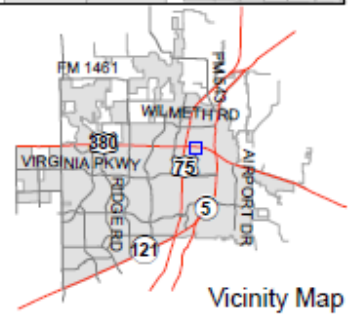
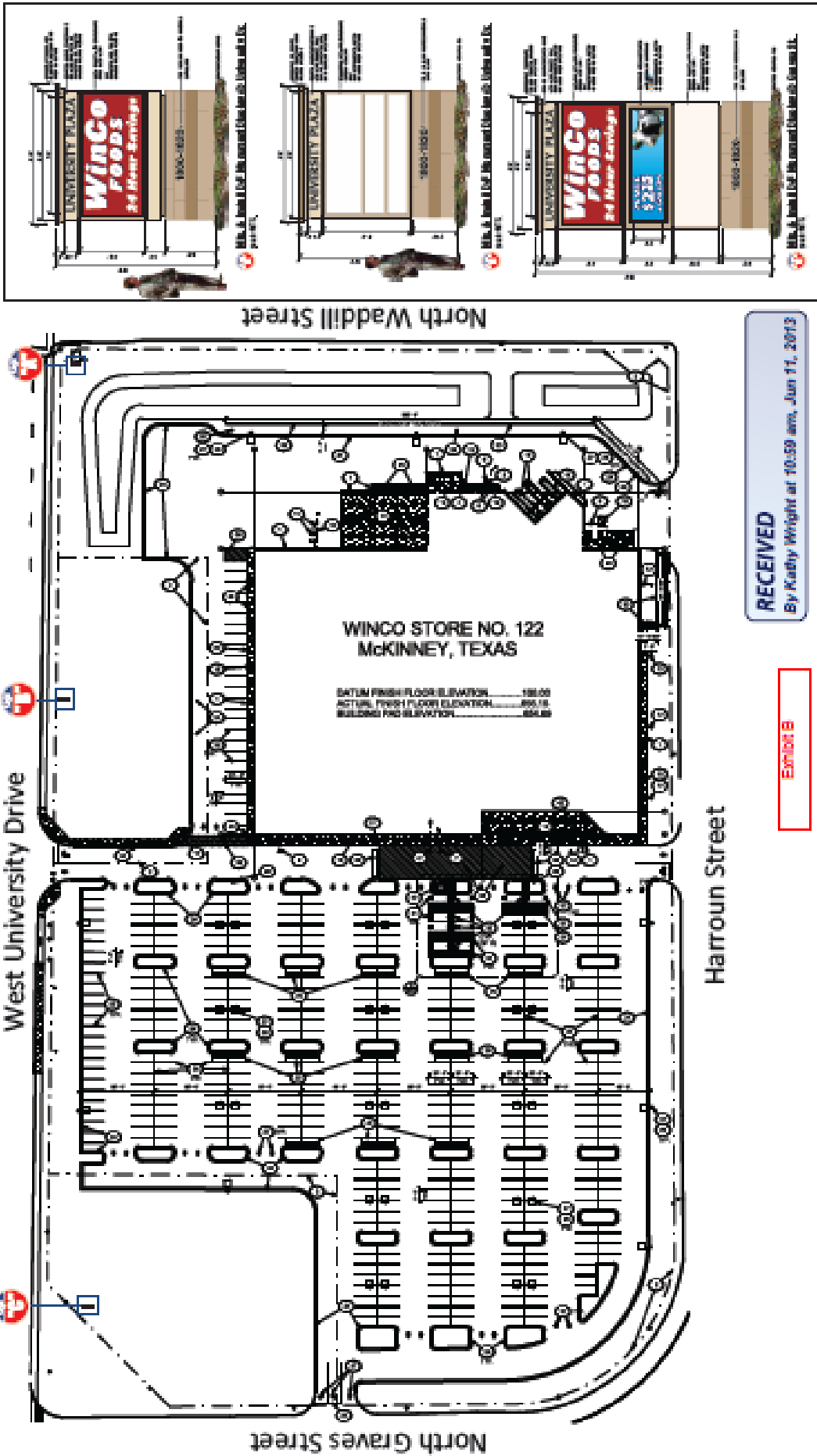


Exhibit A



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.

Exhibit B



RECEIVED
By Kathy Wright at 10:59 am, Jun 11, 2013

Exhibit B

image national signs
...bringing your image to life

in Winco FOODS store # 122

1800 N. Graves St. McKinney, TX 75069

DATE: 03.07.2013 TIME: 0:00:00 PROJECT: D. O'Leary

BY: S. Carbo FILE: 005-122-C DATE: 05.06.2013

Winco Foods National Signs
1800 N. Graves St. McKinney, TX 75069
Tel: 972.566.1800 Fax: 972.566.1801
www.wincofoods.com

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Images shown and proposed are for informational purposes only. All dimensions are approximate and subject to change without notice. All dimensions are approximate and subject to change without notice. All dimensions are approximate and subject to change without notice. All dimensions are approximate and subject to change without notice.

© 2013 Image National Signs. All rights reserved. Image National Signs, Inc. (INS) is a registered trademark of Image National Signs, Inc. (INS). All other trademarks are the property of their respective owners. All dimensions are approximate and subject to change without notice. All dimensions are approximate and subject to change without notice. All dimensions are approximate and subject to change without notice. All dimensions are approximate and subject to change without notice.

Exhibit D

<p>WinCo Foods #122 1800 N. Graves St. McKinney TX</p>	<p>Overall Site Frontage: 11.817 Acres Graves St. Graves St. R.O.W Width: 322.55' +/- 57 Variable W University Dr. 838.8' +/- 120 ft. W University Dr. 544.48' +/- 56 Variable Waddill St. Waddill St. Harroun St. Harroun St. 814.68' +/- 50 Variable</p>	<p>PROPOSED SIGNAGE</p> <table border="1"> <thead> <tr> <th>Construction</th> <th>Gross square footage</th> <th>Height</th> <th>Height (MAX)</th> </tr> </thead> <tbody> <tr> <td>Aluminum, polycarbonate, LED</td> <td>38.7</td> <td>10 ft.</td> <td>10 ft.</td> </tr> <tr> <td>Aluminum, polycarbonate, LED</td> <td>50.7</td> <td>10 ft.</td> <td>10 ft.</td> </tr> <tr> <td>Aluminum, polycarbonate, LED</td> <td>85.7</td> <td>15 ft.</td> <td>10 ft.</td> </tr> </tbody> </table> <p>CITY ALLOWANCES</p> <table border="1"> <thead> <tr> <th>Gross Square footage</th> <th>Height (MAX)</th> </tr> </thead> <tbody> <tr> <td>150</td> <td>10 ft.</td> </tr> <tr> <td>150</td> <td>10 ft.</td> </tr> <tr> <td>150</td> <td>10 ft.</td> </tr> </tbody> </table>	Construction	Gross square footage	Height	Height (MAX)	Aluminum, polycarbonate, LED	38.7	10 ft.	10 ft.	Aluminum, polycarbonate, LED	50.7	10 ft.	10 ft.	Aluminum, polycarbonate, LED	85.7	15 ft.	10 ft.	Gross Square footage	Height (MAX)	150	10 ft.	150	10 ft.	150	10 ft.
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<p>PERIMETER SITE GROUND SIGNAGE:</p>		<p>EXPLANATION</p>																								
<p>Page 2 of 7 (Sign A) Corner Major Tenant Monument Sign: N. Waddill St. and W. University Dr.</p>	<p>Aluminum, polycarbonate, LED</p>	<p>Sign to identify store location for east and west bound traffic on West University Drive and north and south bound traffic on North Waddill Street. We are not over the square footage.</p>																								
<p>Page 3 of 7 (Sign B) Tenant Monument Sign, W. University Dr. Corner Major Tenant and Lot 2 Tenant</p>	<p>Aluminum, polycarbonate, LED</p>	<p>Sign to identify future tenants for Lot 3 east and west bound traffic on West University Drive. Under the square footage allowed.</p>																								
<p>Page 4 of 7 (Sign C) Monument sign: West University Drive.</p>	<p>Aluminum, polycarbonate, LED</p>	<p>Sign to identify major tenant for lot 1 and future tenant for lot 2. Instead of having two monuments for each lot we are requesting to increase the height and make a joint tenant monument sign. We are still within the allowed square footage.</p>																								

Zoning Exhibit D - Sign Matrix