

**ORDINANCE NO. 2013-03-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 10.79 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF WILMETH ROAD AND U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY), IS REZONED FROM “C” – PLANNED CENTER 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 10.79 acre property, located on the southeast corner of Wilmeth Road and U.S. Highway 75 (Central Expressway), which is more fully depicted on Exhibit “A”, attached hereto, from “C” – Planned Center 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. 1270 is hereby amended in order to rezone an approximately 10.79 acre property, located on the southeast corner of Wilmeth Road and U.S. Highway 75 (Central Expressway), from “C” – Planned Center 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 shall conform to the regulations of Section 146-86 “C” - Planned Center District, and Section 146-101 “CC” – Corridor Commercial Overlay District, and as amended, except as follows:

- 1) Heavy machinery sales and service shall be a permitted use.
- 2) Heavy machinery sales and service on the subject property shall generally conform to the layout of the proposed zoning exhibit (Exhibit “B”).
- 3) The use of gravel for tracked equipment, in conjunction with heavy machinery sales and service, shall be allowed as a paving material in the overnight vehicle storage area with the associated screening devices, as shown on the attached zoning exhibit (Exhibit “B”).
- 4) For heavy machinery sales and service use, the overnight vehicle storage area shall be allowed to develop without paved and striped spaces for the overnight storage of vehicles, as shown on the attached zoning exhibit (Exhibit “B”).

- 5) For heavy machinery sales and service use, the overnight vehicle storage area shall be screened as shown on the attached zoning exhibit (Exhibit "B").
- 6) The orientation of overhead bay doors shall be allowed toward street frontage (Wilmett Road), in conjunction with the associated screening devices, as shown on the attached zoning exhibit (Exhibit "B").
- 7) The construction of the proposed building on the subject property shall achieve a Leadership in Energy and Environmental Design (LEED) certification.

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 5<sup>th</sup> DAY OF MARCH, 2013.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

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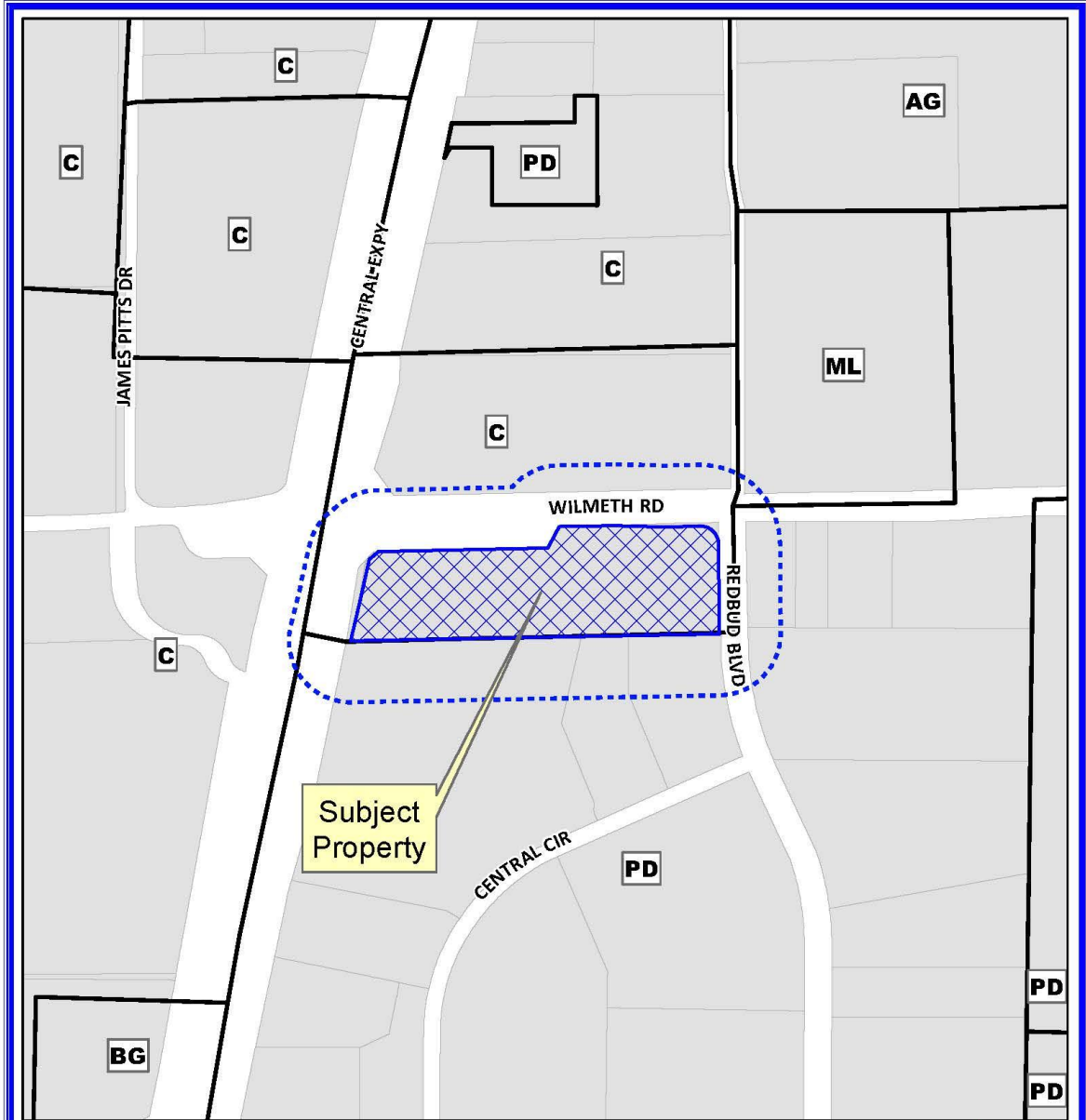
SANDY HART, TRMC, MMC  
City Secretary  
BLANCA I. GARCIA  
Assistant City Secretary

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

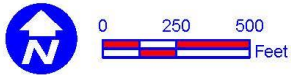
APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney



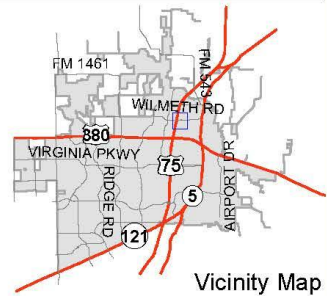
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### Notification Map

Case: 13-015Z

--- 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.

## EXHIBIT A



**RDO**<sup>®</sup>  
EQUIPMENT CO. | MCKINNEY, TEXAS

EXHIBIT "B"

PROPOSED SITE/SCREENING PLAN

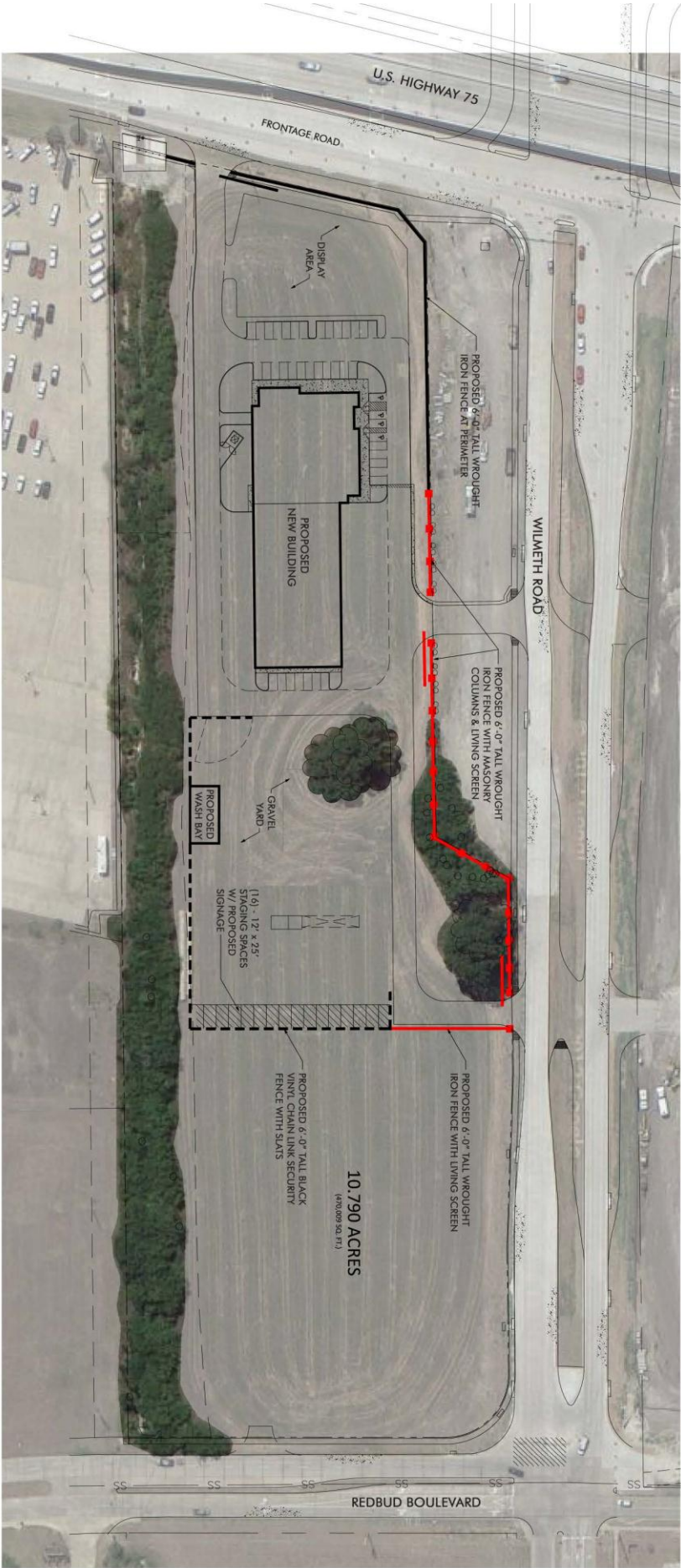


EXHIBIT B