

ORDINANCE NO. 98-05-31

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT A 4.195 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY), GENERALLY ON THE WEST SIDE OF WILSON CREEK BOULEVARD, AND APPROXIMATELY 1,000 FEET SOUTH OF ROCKHILL ROAD IS REZONED FROM "C" PLANNED CENTER DISTRICT TO "PD" PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY; 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 or owners of a 4.195 acre tract located on the east side of U.S. Highway 75 (Central Expressway), generally on the west side of Wilson Creek Boulevard, and approximately 1,000 feet south of Rockhill Road have petitioned the City of McKinney to amend Zoning Ordinance No. 1270 to rezone such tract from "C" – Planned Center District to a "PD" – Planned Development District, as provided for in the City of McKinney, Texas, Zoning Ordinance 1270; and,

WHEREAS, after due notice of the requested zoning 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, THAT:

Section 1. That Zoning Ordinance 1270 of the City of McKinney, Texas, is hereby amended so that said tract of land located on the east side of U.S. Highway 75 (Central Expressway), generally on the west side of Wilson Creek Boulevard, and approximately 1,000 feet south of Rockhill Road, in the City of McKinney, Collin County, Texas, which is identified on Exhibit "A" and more fully depicted on Exhibit "B" and attached hereto, is hereby rezoned to "PD" – Planned Development District.

Section 2. Use and development of subject property shall conform to the regulations applicable to Section 41-76 "C" – Planned Center District of the Code of Ordinances of the City of McKinney, Texas, as amended.

Section 3. Additional uses – A miniature golf facility and/or outdoor batting cages facility conforming to the standards reflected on the attached Development Plan, attached hereto as Exhibit "C" and made a part of, shall be allowed. Any future additions or developments shall have to conform to said Development Plan, and shall require separate site plan approval by the City of McKinney. Additionally, any uses beyond those specific uses identified above would require rezoning of the subject property.

Section 4. 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

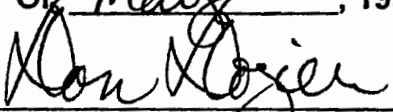
which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 5. 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 therefor, 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.

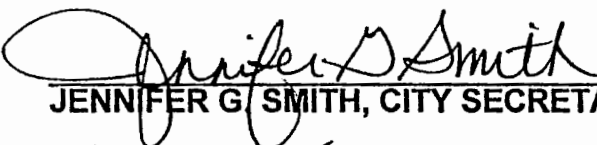
Section 6. That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, or specific regulations contained herein. The ordinance, and the subsequent site plan (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

Section 7. 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 19th DAY OF May, 1998.


DON DOZIER, MAYOR

CORRECTLY ENROLLED:


JENNIFER G. SMITH, CITY SECRETARY

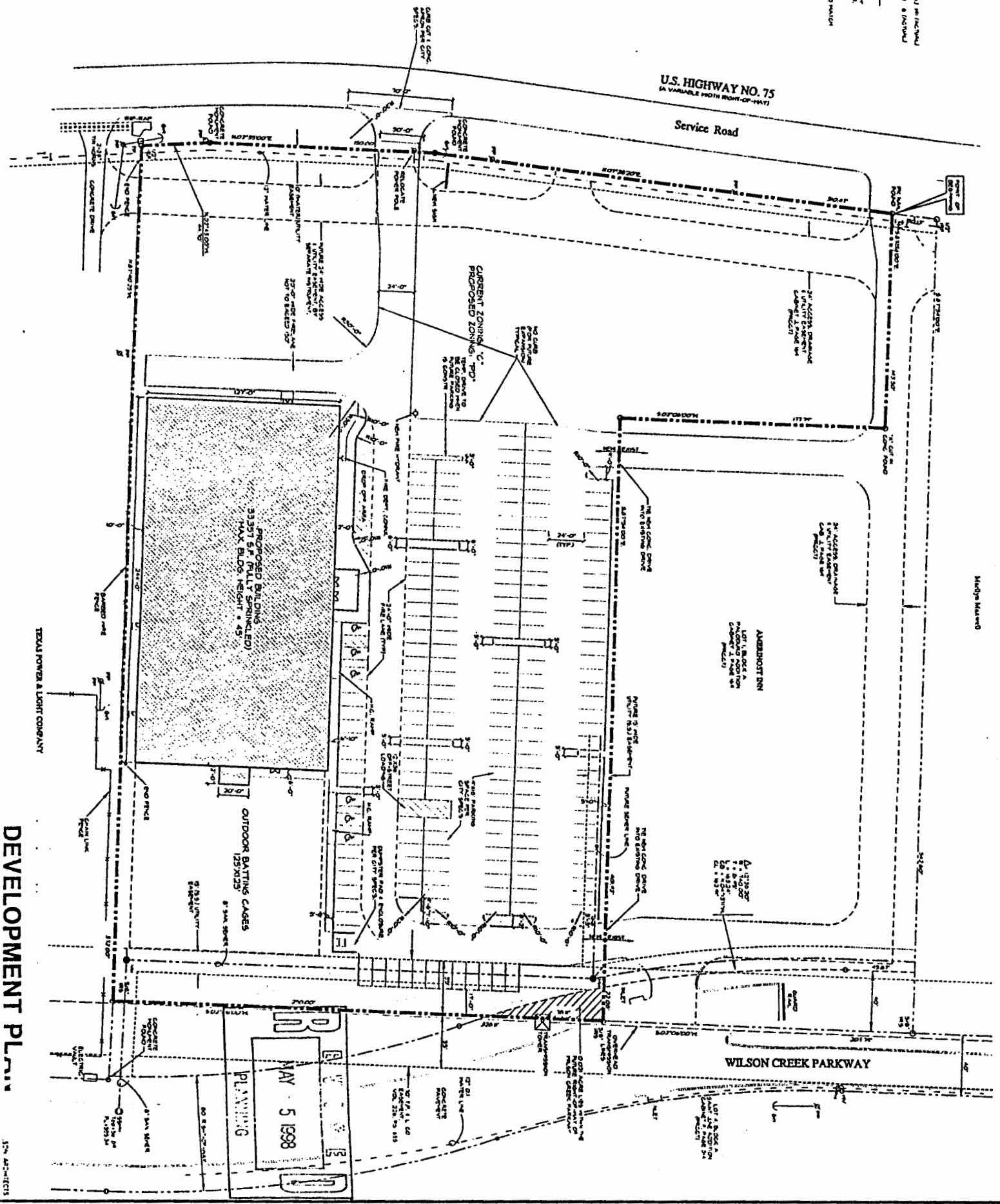
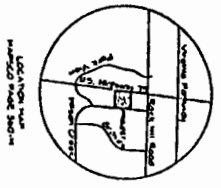
APPROVED AS TO FORM:


MARK S. HOUSER, CITY ATTORNEY

ACTUAL NORTH ARROW 1/8" = 1'-0"

PERMITS
 1. ALL WORK NOT PERMITTED AND 2. NOT PERMITTED
 3. ALL WORK NOT PERMITTED AND 2. NOT PERMITTED
 4. ALL WORK NOT PERMITTED AND 2. NOT PERMITTED
 5. ALL WORK NOT PERMITTED AND 2. NOT PERMITTED

LEGEND
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DEVELOPMENT PLAN

15% ARCHITECTS

JOB NO. 9711
 DATE 05.06.98
 SHEET 3
 A1.01
 OF FOUR SHEETS

A New Recreational Facility for:
Wilson Creek Skate Place
 975 South Central Expressway, McKinney, Texas 75069
JIM WILSON ARCHITECTS 15 EAST VIRGINIA STREET SUITE NUMBER 201 MCKINNEY, TEXAS 75064 PHONE: 412.562.9409

PERMIT
 SET

EXHIBIT "C"