

ORDINANCE NO. 99-04-38

AN ORDINANCE AMENDING PLANNED DEVELOPMENT DISTRICT ORDINANCE NO. 1400 OF THE CITY OF MCKINNEY, TEXAS; SO THAT A 5.327 ACRE TRACT OF LAND LOCATED AT THE SOUTHEAST CORNER OF NORTH BROOK DRIVE AND PARK VIEW AVENUE, AND APPROXIMATELY 600 FEET WEST OF U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY) IS MODIFIED IN ORDER TO ALLOW AUTO PAINTING AND BODY SHOP AS AN ADDITIONAL PERMITTED USE; 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(s) of a 5.327 acre tract located at the southeast corner of North Brook Drive and Park View Avenue, and approximately 600 feet west of U.S. Highway 75 (Central Expressway) have petitioned the City of McKinney to amend Planned Development District Ordinance No. 1400 in order to allow auto painting and body shop as an additional permitted use, 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. The "PD" - Planned Development District Ordinance 1400 of the City of McKinney, Texas, is hereby amended so that a 5.327 acre tract of land located at the southeast corner of North Brook Drive and Park View Avenue, and approximately 600 feet west of U.S. Highway 75 (Central Expressway, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "A" and attached hereto, is hereby modified to allow auto painting and body shop as an additional permitted use.

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, except as follows:

- (a) Outside storage of vehicles awaiting repair be screened by either a masonry wall where visible from a public right-of-way, or a living screen along the east property line of the tract.
- (b) The minimum building setback line along Park View Avenue be increased to 75 feet for any structure.
- (c) There shall be a minimum 60 foot wide landscape easement within the 75 foot wide building setback area along Park View Avenue.

- (d) The maximum height of any structure on the subject property be a maximum 24 feet, excluding any stacks required for air control/venting purposes.
- (e) Maintain screening of vehicles awaiting repair on the southern side of the building/storage area, even if the southern portion of the site develops.

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 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 5.

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.

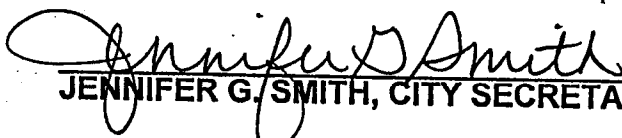
Section 6.

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.

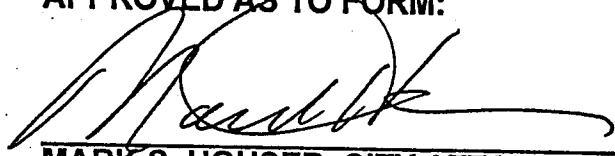
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, ON THIS 14th DAY OF April, 1999.


DON DOZIER, MAYOR

CORRECTLY ENROLLED:


JENNIFER G. SMITH, CITY SECRETARY

APPROVED AS TO FORM:


MARK S. HOUSER, CITY ATTORNEY

FIELD AND REVISIONS

RECORD A-1337 was filed in the Public Records Office at Dallas, Texas on 11/14/58. It is a plat of the 5.327 acre tract shown on the plat and is subject to the provisions of the Texas Subdivision Act, Chapter 251, Texas Civil Statutes, which requires that a plat of subdivision be filed in the Public Records Office at Dallas, Texas, before the same can be used for any purpose. The plat is subject to the provisions of the Texas Subdivision Act, Chapter 251, Texas Civil Statutes, which requires that a plat of subdivision be filed in the Public Records Office at Dallas, Texas, before the same can be used for any purpose.

The tract is bounded on the north by North Brook Drive, on the east by Park View Avenue, on the south by the 1/4 section of Section 10, T10S, R10E, and on the west by the 1/4 section of Section 11, T10S, R10E. The tract is shown on the plat as being bounded on the north by North Brook Drive, on the east by Park View Avenue, on the south by the 1/4 section of Section 10, T10S, R10E, and on the west by the 1/4 section of Section 11, T10S, R10E.

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REVISIONS

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PLANNING

Bedford Associates, Inc.
Consulting Engineers - Surveyors

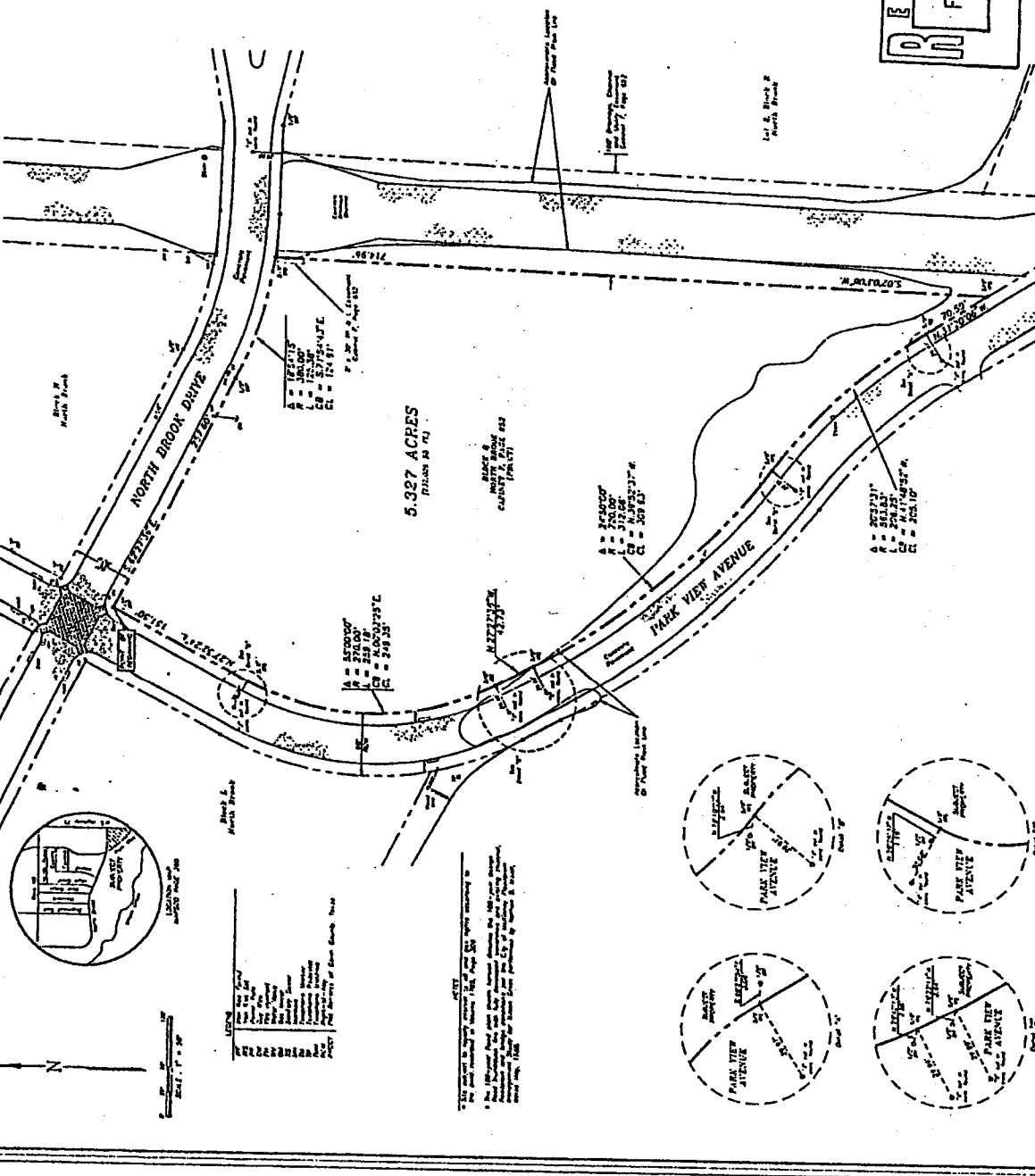


EXHIBIT "A"