

ORDINANCE NO. 2003-10-090

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1563 AND 2003-06-058, AND AS AMENDED, OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 24.030 ACRE TRACT LOCATED ON THE SOUTH SIDE OF BRAY CENTRAL BETWEEN REDBUD BOULEVARD AND CENTRAL CIRCLE, IS HEREBY REZONED TO AMEND THE "PD" - PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR MODIFIED PARKING STALL DIMENSIONS, MODIFIED PARKING LOT LANDSCAPING, AND MODIFIED SITE LIGHTING; 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 City of McKinney has considered the rezoning of an approximately 24.030 acre tract located on the south side of Bray Central between Redbud Boulevard and Central Circle to amend the "PD" - Planned Development District, generally for modified parking stall dimensions, modified parking lot landscaping, and modified site lighting; 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, THAT:

Section 1. Zoning Ordinance No. 1563 and 2003-06-058, and as amended, of the City of McKinney is hereby amended so that an approximately 24.030 acre tract located on the south side of Bray Central between Redbud Boulevard and Central Circle is hereby rezoned to amend the "PD" - Planned Development District, generally for modified parking stall dimensions, modified parking lot landscaping, and modified site lighting.

Section 2. Use and development of the subject property shall conform to regulations of PD Ordinance 1563 and 2003-06-058, with the following amendments:

- a. Modified parking stall dimensions of 9.5' X 18', as shown on the attached zoning exhibits.
- b. Modified parking lot landscape island spacing/configuration, as shown on the attached zoning exhibits.
- c. Modified site lighting (mounting height, photometrics), as shown on the attached zoning exhibits.
- d. Covered parking, wind turbines and a windmill may be allowed on the subject property, as shown on the attached zoning exhibits.

- e. The subject property shall generally develop as per the attached zoning exhibits "A", "B", and "C".
- f. None of the provisions listed above shall apply to Lots 2 and 3 of the subject property, except for the allowance of a windmill on Lot 3.

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 \$2000.00, 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 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 7th DAY OF October, 2003.


BILL WHITFIELD, Mayor

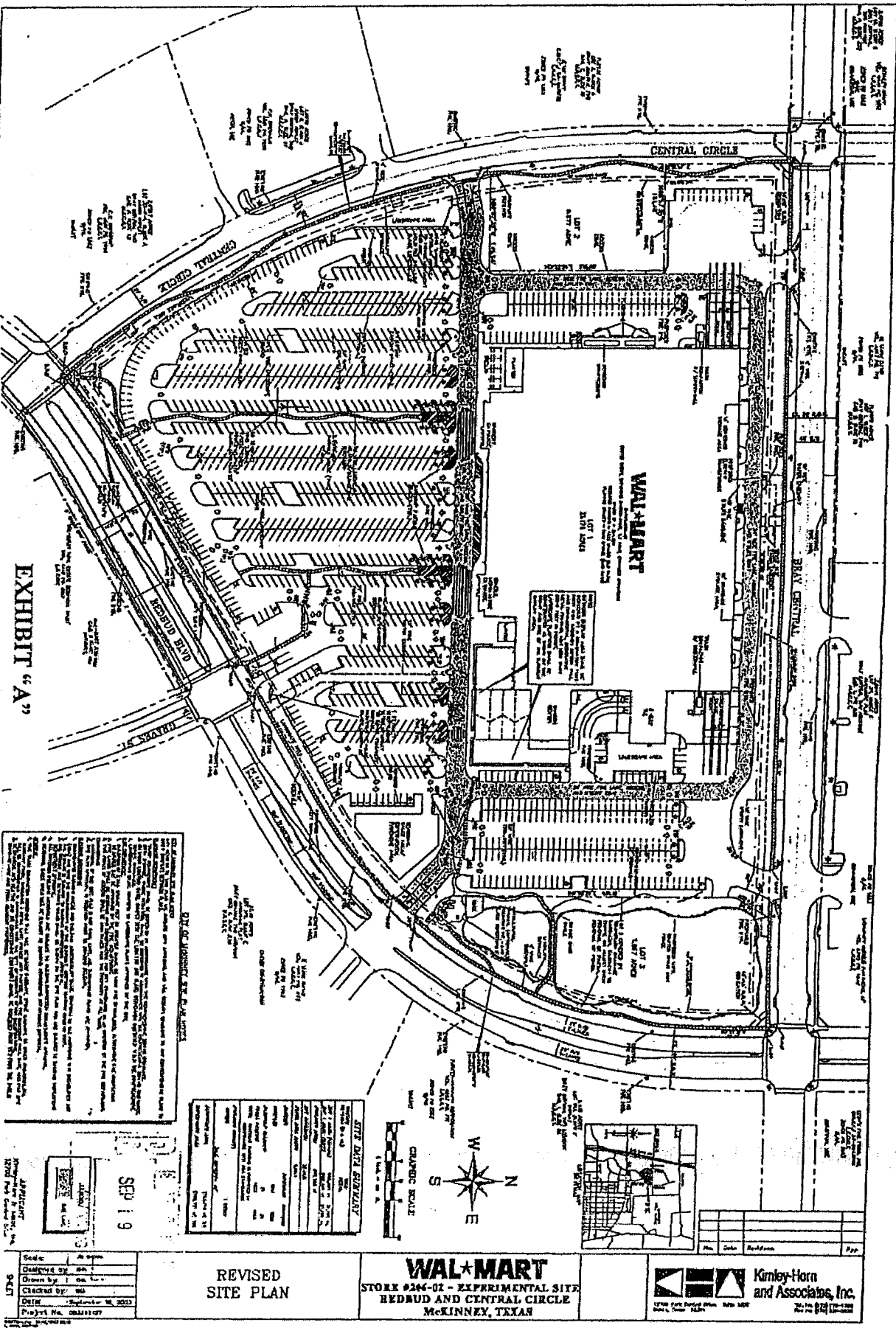
ATTEST:


JENNIFER SPROULL, City Secretary
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

EXHIBIT "A"



NOT TO SCALE
THIS SITE PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE DESIGNER ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE USER OF THIS SITE PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED HEREON. THE DESIGNER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

SEP 19

Scale	As Shown
Drawn by	J.H.H.
Checked by	W.D.
Date	September 19, 2001
Project No.	0000000001

SITE DATA SUMMARY	
Store #	244-02
Store Name	WAL-MART
Store Type	Supercenter
Store Size	100,000 sq. ft.
Store Hours	Mon-Fri 8:00am-10:00pm Sat 8:00am-10:00pm Sun 9:00am-6:00pm
Store Manager	John Doe
Store Address	1000 Central Circle, McKinney, TX 75069
Store Phone	(972) 555-1234
Store Fax	(972) 555-5678
Store Email	john.doe@walmart.com
Store Website	www.walmart.com

REVISED
SITE PLAN

WAL-MART
STORE #244-02 - EXPERIMENTAL SITE
REDBUD AND CENTRAL CIRCLE
MCKINNEY, TEXAS

**Kimley-Horn
and Associates, Inc.**
2010 10th Street, Suite 100
McKinney, TX 75069
(972) 555-1234
www.kimley-horn.com

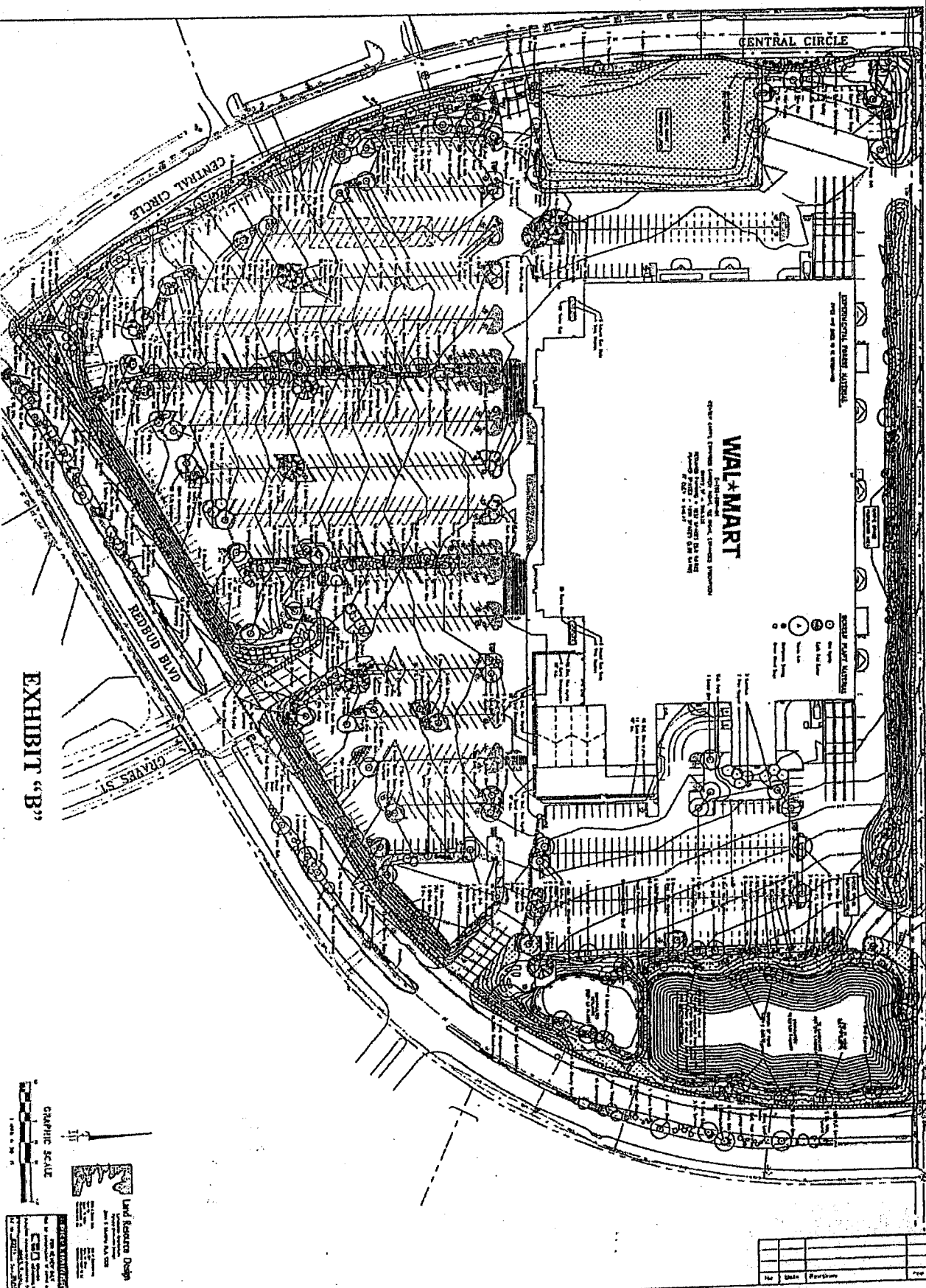


EXHIBIT "B"

LANDSCAPE PLAN

WALMART
 STORE #106-02 - EXPERIMENTAL SITE
 REDBUD AND CENTRAL CIRCLE
 MCKINNEY, TEXAS

Kimley-Horn and Associates, Inc.
 12100 West 1st Street, Suite 1000
 Dallas, Texas 75244
 Tel. (214) 391-2200
 Fax (214) 391-2201

GRAPHIC SCALE
 1 inch = 20 feet

Legend:
 Tree
 Shrub
 Grass
 Land Features: Ditch
 Elevation
 Spot Elevation
 Contour Interval
 Contour Line
 Contour Line with Spot Elevation
 Contour Line with Spot Elevation and Index
 Contour Line with Spot Elevation and Index and Contour Interval

Project: #106-02
 Date: 10/15/92
 Drawn by: JH
 Checked by: JH
 Projected by: JH
 Date: 10/15/92
 Project: #106-02

EXHIBIT "C"

