

ORDINANCE NO. 2008-04-037

AN ORDINANCE AMENDING ORDINANCE NO. 1270 AND AS AMENDED, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 15.79 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF VIRGINIA PARKWAY AND HARDIN BOULEVARD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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 15.79 acre property, located generally on the northeast corner of Virginia Parkway and Hardin Boulevard, from "AG" – Agricultural District to "PD" – Planned Development 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 so that an approximately 15.79 acre property, located on the northeast corner of Virginia Parkway and Hardin Boulevard, which is more fully depicted on Exhibit "A," attached hereto, is hereby rezoned from "AG" – Agricultural District to "PD" – Planned Development District, generally to modify the development standards.

Section 2. The subject property, which is more fully depicted on Exhibit "B," shall develop according to "BN" – Neighborhood Business District regulations of the City of McKinney Zoning Ordinance, except as follows:

a. Permitted Uses.

- i. Additional permitted uses include mimeograph or letter shop, office supplies, and coffee shop (including drive-through window).

b. Height Limitations.

- i. The maximum allowed height for buildings greater than 100 feet from the northern property line be increased from 25 feet to 45 feet.

c. Screening.

- i. A masonry screening wall (6 feet in height) be provided along the eastern property line.

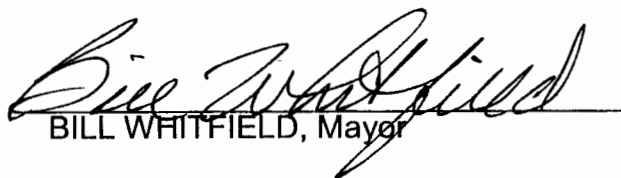
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of 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.

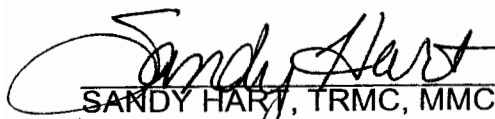
Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner 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 15th DAY OF APRIL, 2008.



BILL WHITFIELD, Mayor

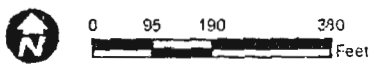
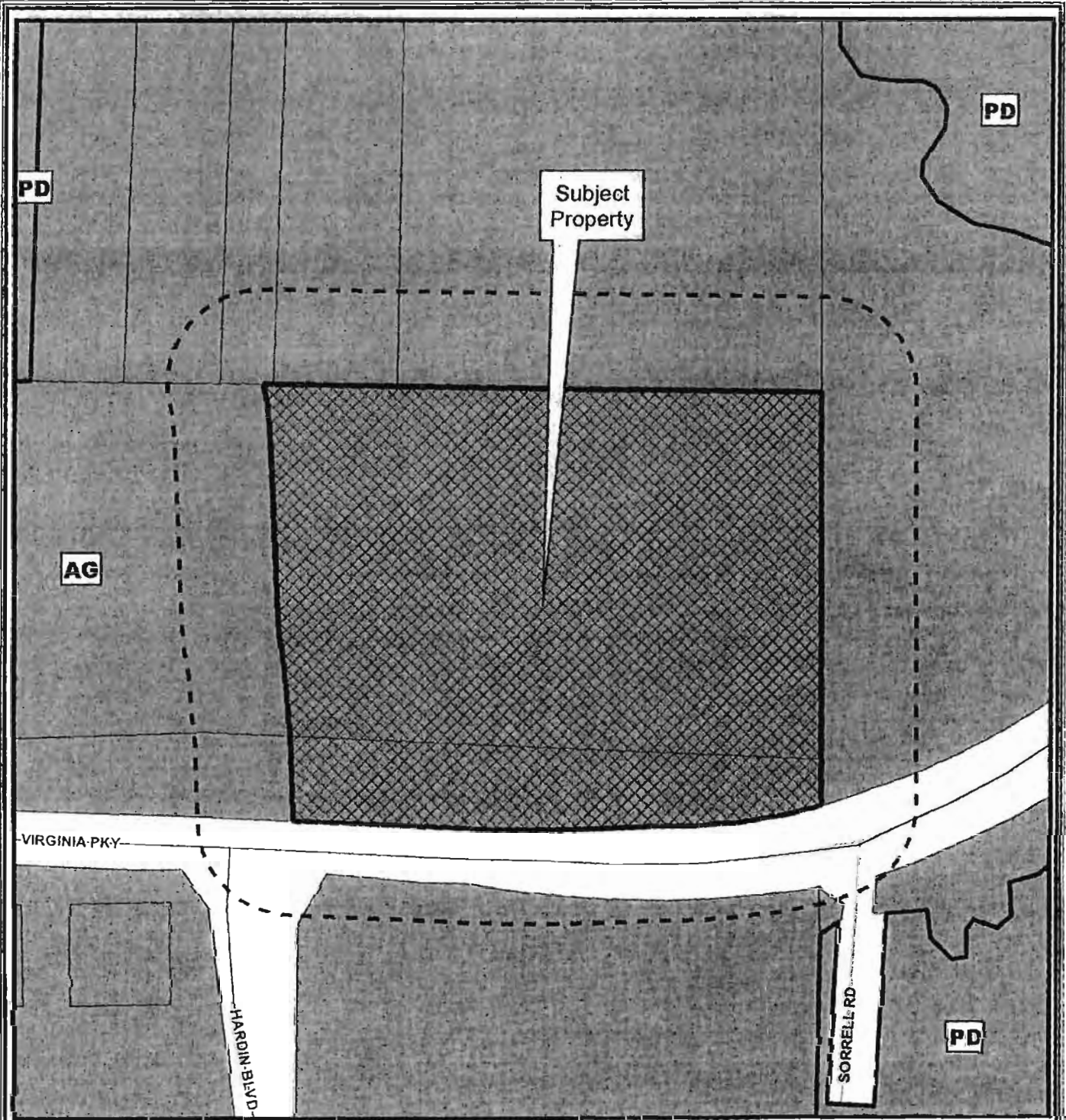
CORRECTLY ENROLLED:


SANDY HART, TRMC, MMC
City Secretary
BEVERLY COVINGTON, TRMC CMC
Deputy City Secretary

DATE: April 16, 2008

APPROVED AS TO FORM:


MARK S. HOUSER
City Attorney



Notification Case

Notice Case: 08-077Z
R-6391-000-0030-1

EXHIBIT A

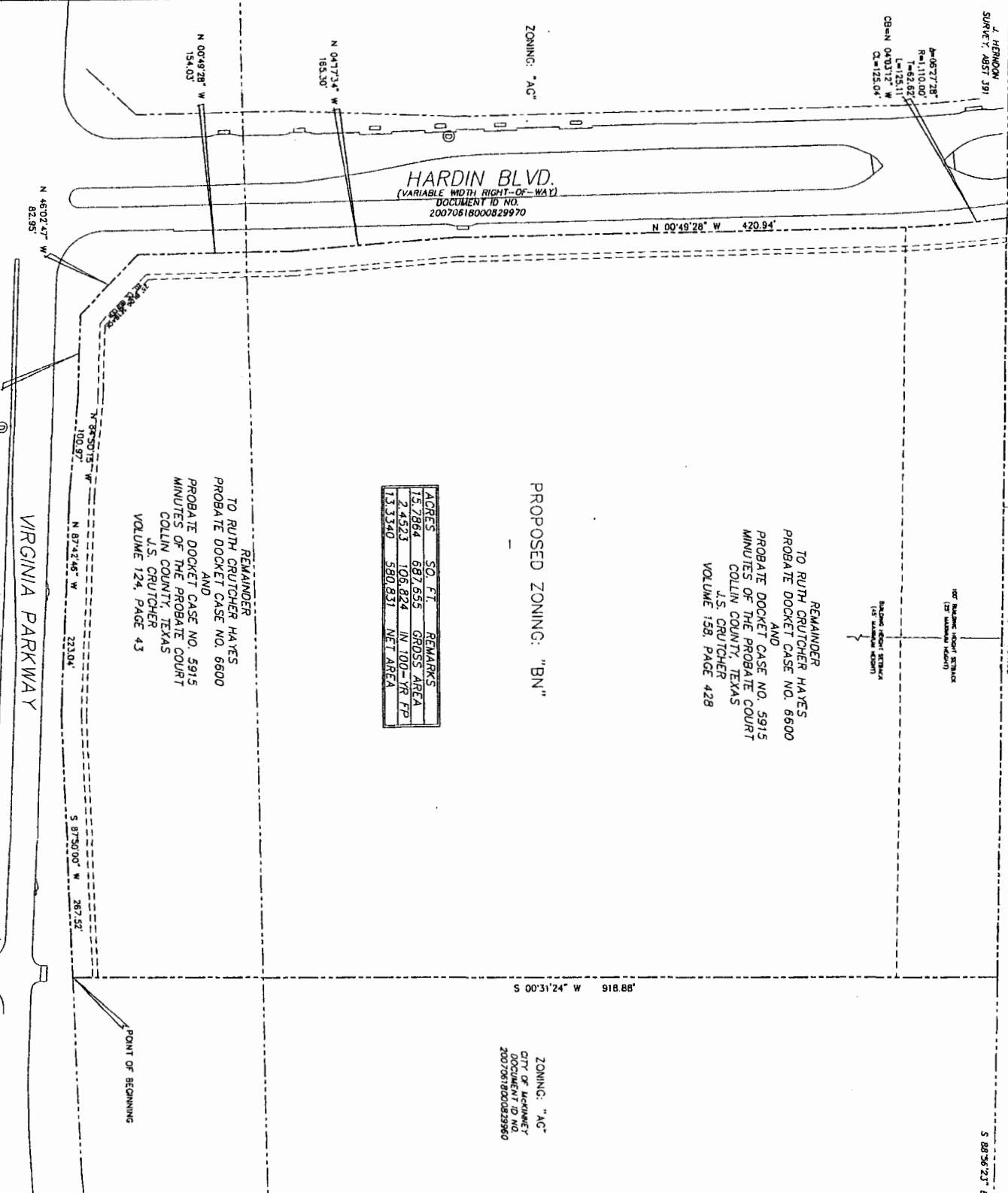
--- 200' Notification Buffer



S:\MCKGIS\Notification\Projects\08-077Z.mxd

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.

ZONING: "AG"
 SURVEY, ABST 36
 J. HERMON
 SURVEY, ABST 391
 M.W. BAILEY
 RENE BATES and MICHELLE BATES
 VOLUME 454, PAGE 2651
 ZONING: "AG"
 CITY OF MCKINNEY
 VOLUME 5218, PAGE 3482



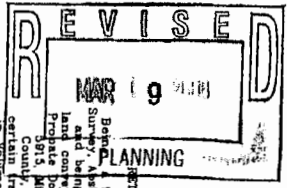
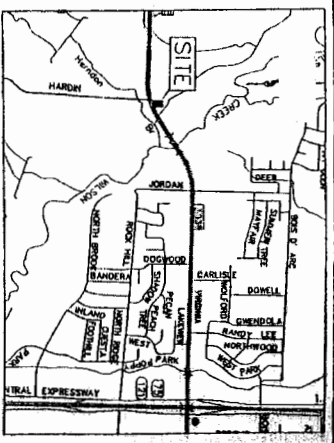
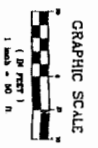
REMAINDER
 TO RUTH CRUTCHER HAYES
 PROBATE DOCKET CASE NO. 6500
 AND
 PROBATE DOCKET CASE NO. 5915
 MINUTES OF THE PROBATE COURT
 COLLIN COUNTY, TEXAS
 U.S. CRUTCHER
 VOLUME 158, PAGE 428

PROPOSED ZONING: "BN"

ACRES	SO. FT.	REMARKS
15.7864	687,695	GROSS AREA
2.4523	106,824	IN 100-YR FP
13.3340	580,831	NET AREA

REMAINDER
 TO RUTH CRUTCHER HAYES
 PROBATE DOCKET CASE NO. 6500
 AND
 PROBATE DOCKET CASE NO. 5915
 MINUTES OF THE PROBATE COURT
 COLLIN COUNTY, TEXAS
 U.S. CRUTCHER
 VOLUME 124, PAGE 43

ZONING: "AG"
 CITY OF MCKINNEY
 DOCUMENT ID NO.
 20070818000829970



EXHIBIT

DEVELOPER

JACK BELL
 VENTURE DEVELOPMENT GROUP
 1201 CHEROKEE DRIVE, STE 104
 IRVING, TEXAS 75038
 (972) 691-3634 pb
 (972) 691-3601 fax

APPLICANT

JAY NABAYANA
 CATEWAY PLANNING GROUP, INC.
 101 SUMMIT AVE, STE 804
 FORT WORTH, TEXAS 76102
 (817) 348-9500 ph
 (817) 348-9668 fax

ENGINEER

BRYAN BRIDGEMASTER, P.E.
 RKM CONSULTING ENGINEERS
 706 WILLOW STREET, SUITE 51
 DALLAS, TEXAS 75251
 (214) 432-8070 ph
 (214) 432-0099 fx

PROPOSED

DETAIL / COMMERCIAL / RESTAURANT
 A tract of land situated in the J. Hermon Survey, Abstract 391, and being a portion of that certain tract of land conveyed to Ruth Crutcher Hayes according to Probate Docket Case 6500 and Probate Docket Case 5915, Minutes of the Probate Court of Collin County, Texas, and being a portion of those certain tracts of land conveyed to Ruth Crutcher Hayes according to Probate Docket Case 6500 and Probate Docket Case 5915, Minutes of the Probate Court of Collin County, Texas, as shown on the plat of Survey 428, Deed Records of Collin County, Texas.

ZONING SITE PLAN

N.E. VIRGINIA/RARDIN
 CITY OF MCKINNEY, TEXAS

RKM
 RKM Consulting Engineers, Inc.
 11114 Hillfield, Irving, Texas 75038
 (972) 691-3601
 www.rkm.com

DATE	BY	SCALE	SHEET
10/2/07	JMB	1"=300'	1