

ORDINANCE NO.2004-11-116

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 98-08-44 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 17 ACRE TRACT, LOCATED AT THE NORTHWEST CORNER OF VIRGINIA PARKWAY AND CUSTER ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE SCREENING REQUIREMENTS; 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 17 acre tract located at the northwest corner of Virginia Parkway and Custer Road, from "PD" – Planned Development District, to "PD" – Planned Development District, generally to modify the screening requirements, 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. 98-08-44 is hereby amended so that an approximately 17 acre tract located at the northwest corner of Virginia Parkway and Custer Road, which is more fully depicted on Exhibit "E" attached hereto, is hereby rezoned to "PD" – Planned Development District, generally to modify the screening requirements, and,

Section 2. Use and development of the subject property shall conform to the Planned Development District Ordinance 98-08-44, and as amended, with the following exceptions:

1. The screening walls shall generally develop according to the attached Exhibits "A, B, C, D".
2. The screening for the tract where adjacent to single family residential uses shall be provided as follows:
  - A 6' masonry wall shall be provided along the north and west property lines.
  - The entire wall shall be a uniform screening type of a neutral color.
  - The building setback shall be 50' where adjacent to single family residential uses.
3. When any pad site adjacent to any portion of the residential property is developed the required screening along that portion must be installed as follows:
  - A 10' landscape buffer shall be provided along that portion of the subject property.

- Evergreen trees shall be planted every 40 linear feet within the landscape setback for that portion of the subject property.
  - The screening wall will be installed with the development of the pad site.
4. When any large tract adjacent to any portion of the residential property is developed the required screening along the north and west property lines must be installed in its entirety, including where adjacent to the pad sites, as follows:
- A 20' landscape buffer shall be provided along the west and north property line of the subject property.
  - Evergreen trees shall be planted every 20 linear feet within the landscape setback. The trees shall be located behind the masonry wall, adjacent to the single family.
  - In Exhibit C", the wall may be moved 10' or 20' off the property line in order for the trees to be placed on the residential side of the wall 5' or 10' off the property line, subject to review and approval by the Director of Planning.

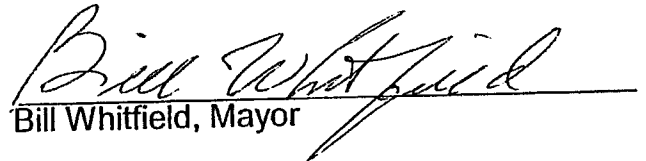
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of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

Section 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 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.

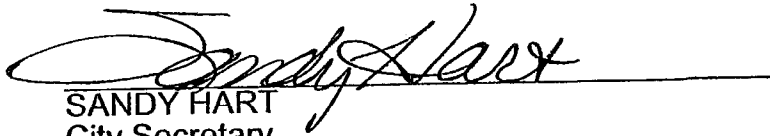
Section 6. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner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

Section 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.

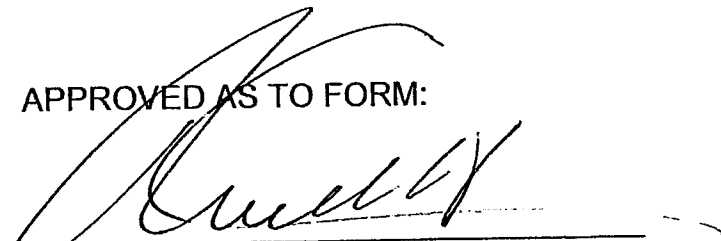
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, ON THIS 2<sup>nd</sup> DAY OF NOVEMBER, 2004.

  
Bill Whitfield, Mayor

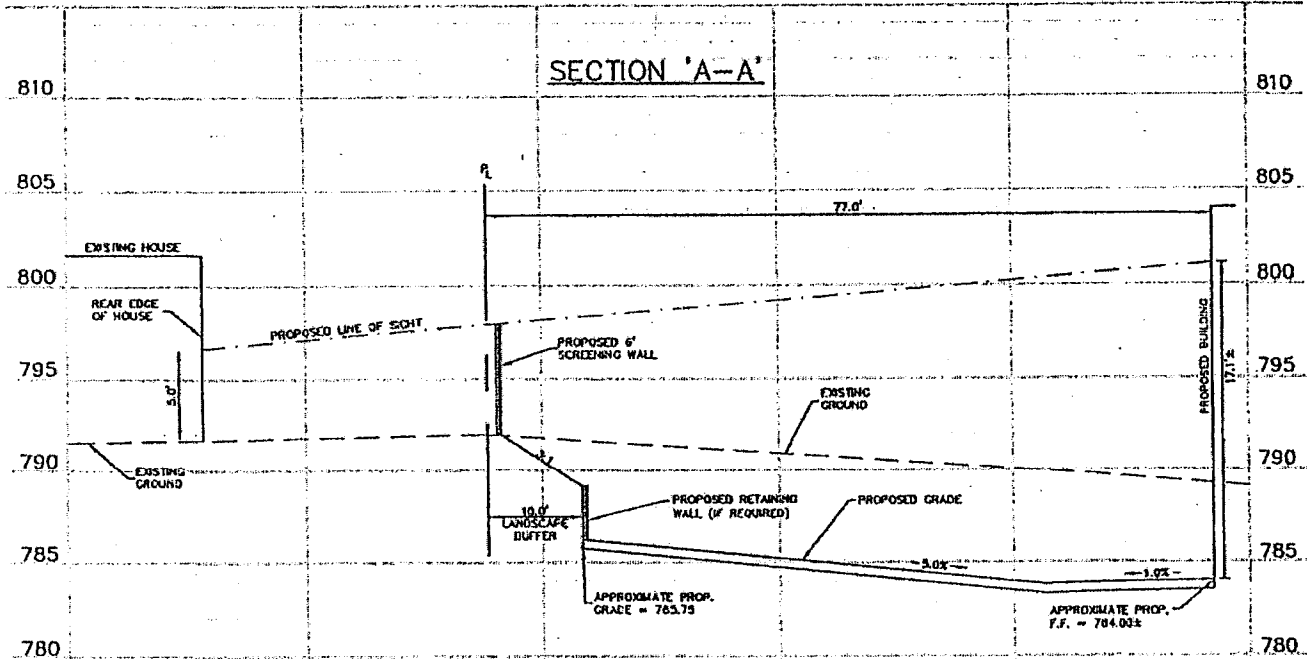
CORRECTLY ENROLLED:

  
SANDY HART  
City Secretary  
BEVERLY COVINGTON  
Deputy City Secretary

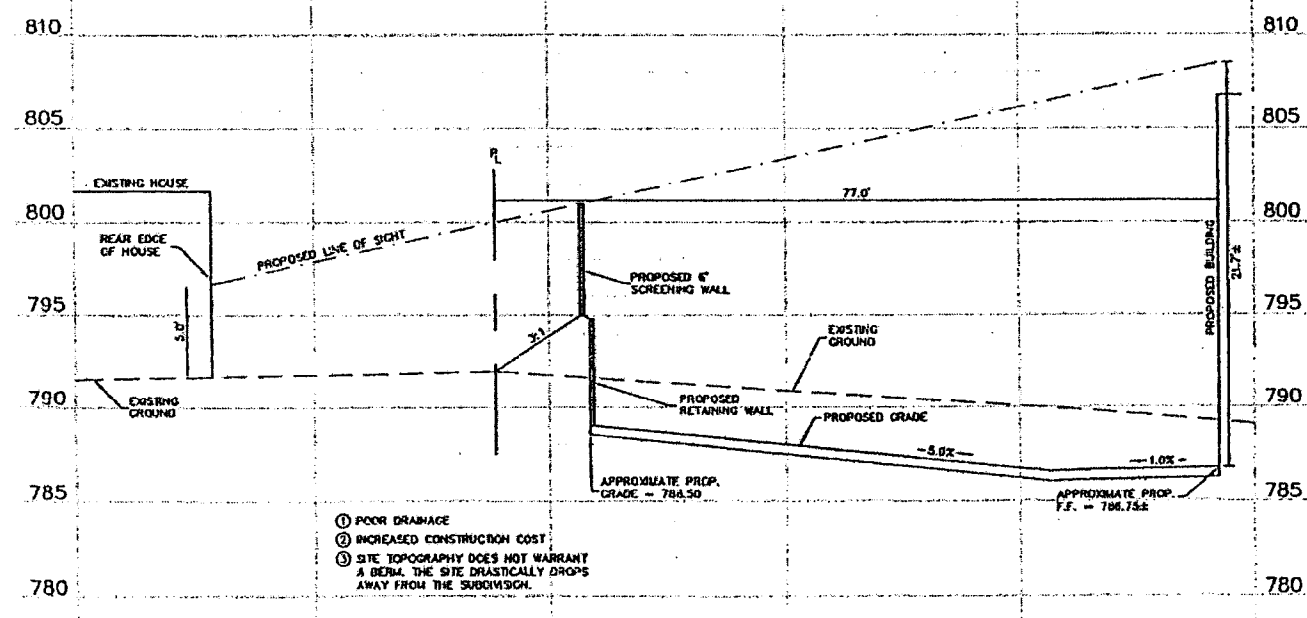
APPROVED AS TO FORM:

  
MARK S. HOUSER, City Attorney

SCALE  
1"=20' H  
1"=10' V



SCREENING PER REVISED ZONING



SCREENING PER EXISTING ZONING

- ① POOR DRAINAGE
- ② INCREASED CONSTRUCTION COST
- ③ SITE TOPOGRAPHY DOES NOT WARRANT A DEBR. THE SITE DRAMATICALLY DROPS AWAY FROM THE SUBDIVISION.

TWEEMS 11/01/2004 - 4:31PM S:\JOBS\1100-1199\1161-03-044\DWG\1161-ZONINGA.DWG

CROSS SECTION 'A-A'  
17.0168 ACRE TRACT  
NWC OF VIRGINIA PARKWAY  
@ CUSTER ROAD  
CITY OF MCKINNEY, TEXAS



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BEC/TDW

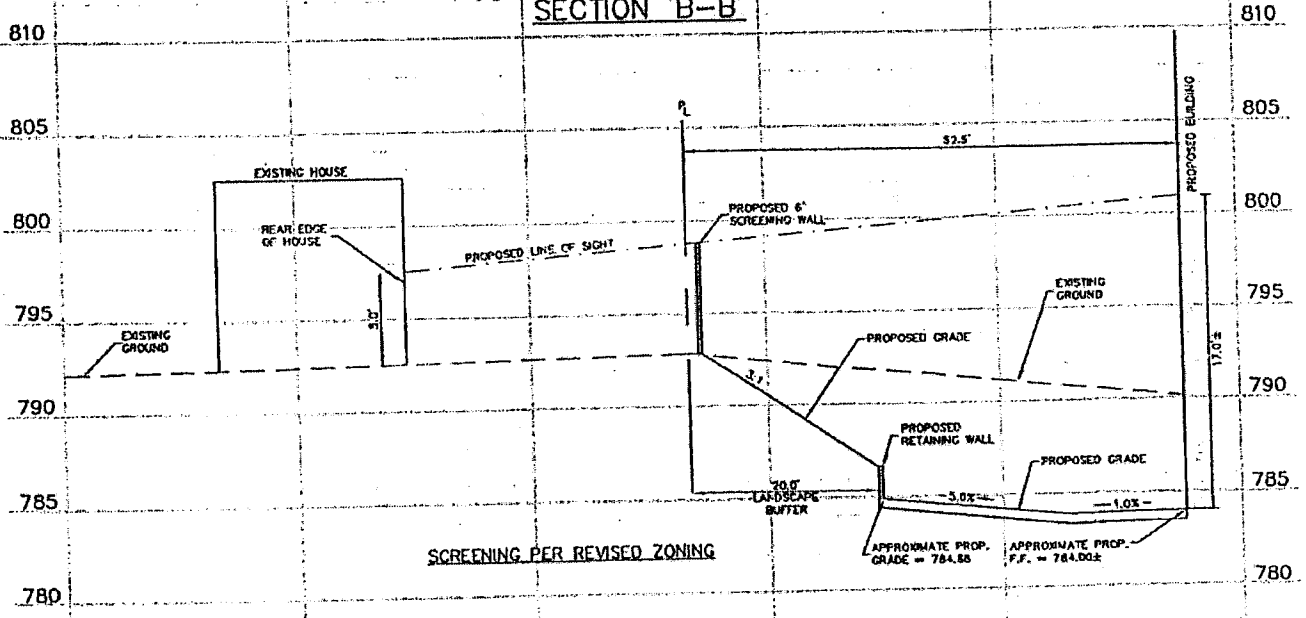
CHECKED BY  
RPP

POGUE ENGINEERING  
2111 ELDORADO PARKWAY, SUITE 11  
MCKINNEY, TEXAS 75070  
(214) 544-8880 PHONE  
(214) 544-8882 FAX  
rondy@pogueinc.com

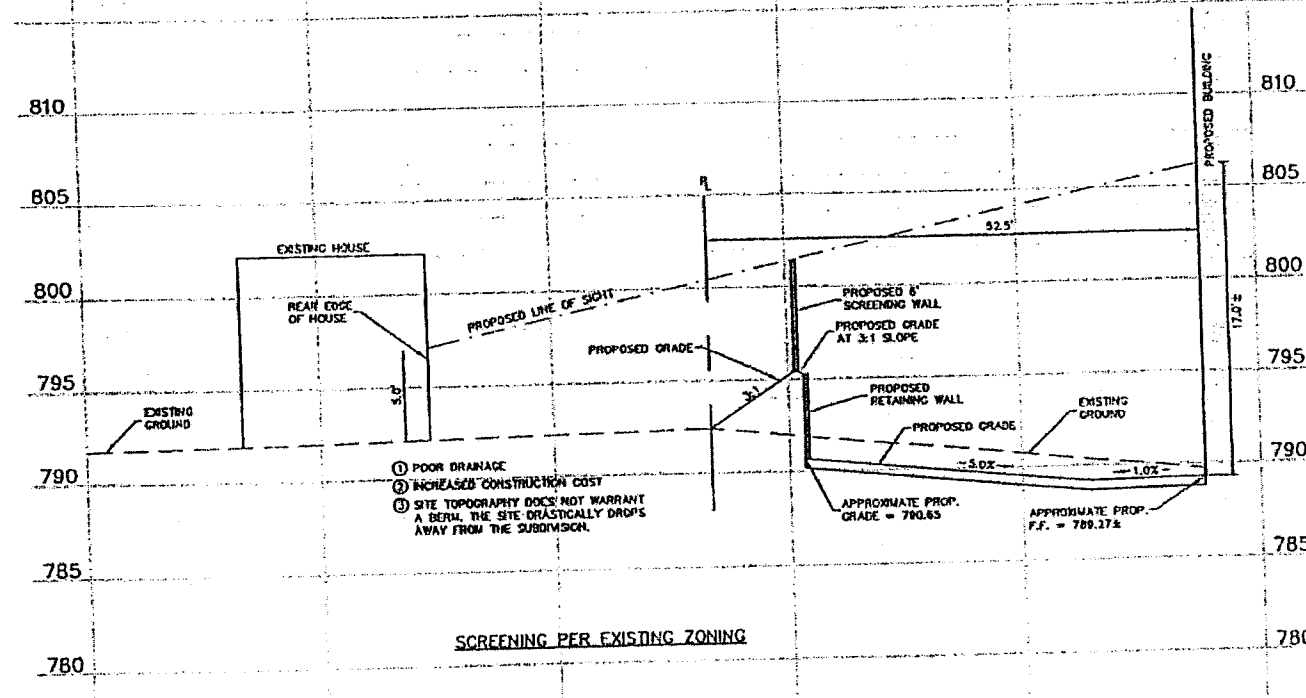
EXHIBIT "A"

SCALE  
 1"=20' H  
 1"=10' V

SECTION 'B-B'



SCREENING PER REVISED ZONING



SCREENING PER EXISTING ZONING

- ① POOR DRAINAGE
- ② INCREASED CONSTRUCTION COST
- ③ SITE TOPOGRAPHY DOES NOT WARRANT A BERM, THE SITE DRASTICALLY DROPS AWAY FROM THE SUBDIVISION.

TWEEMS 11/01/2004 - 4:32PM S:\JOBS\1100-1199\1161-03-044\DWG\1161-ZONING\A.DWG

CROSS SECTION 'B-B'  
 17.0168 ACRE TRACT  
 NWC OF VIRGINIA PARKWAY  
 @ CUSTER ROAD  
 CITY OF MCKINNEY, TEXAS



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 BEC/TDW

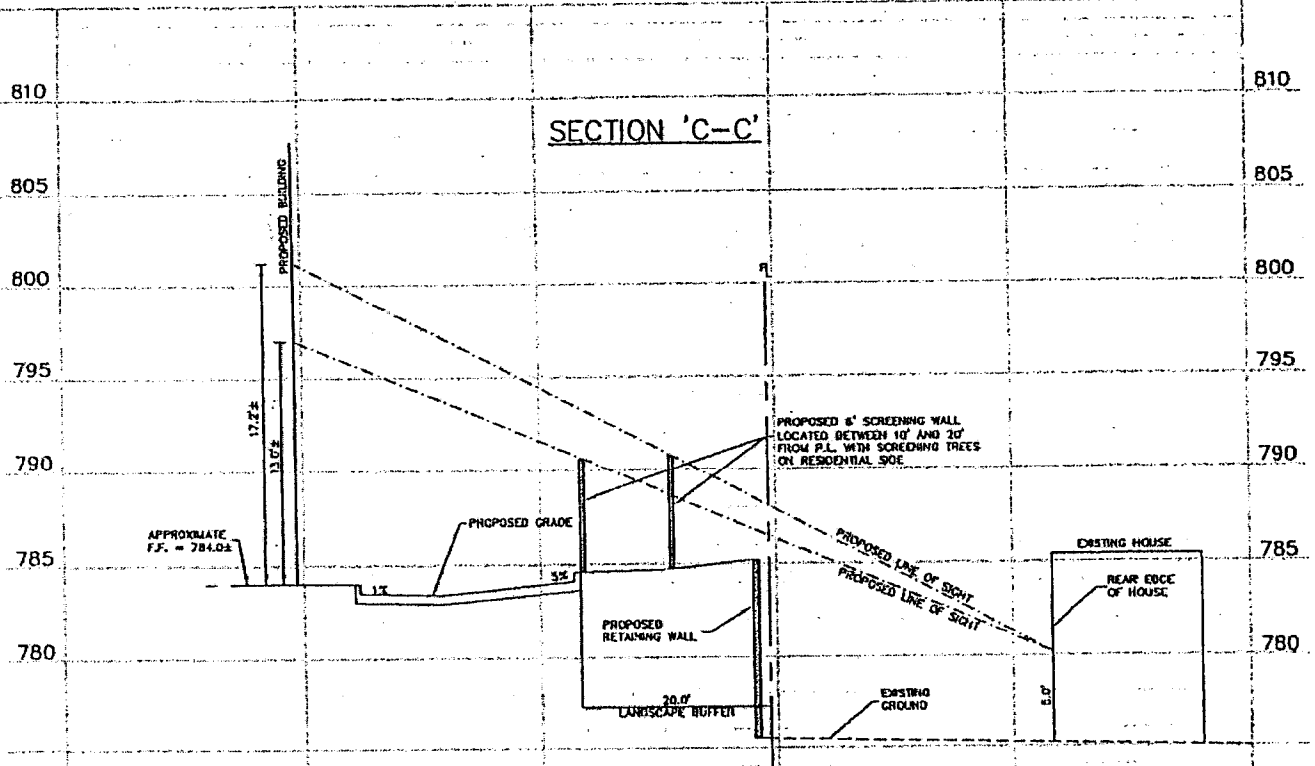
CHECKED BY  
 RPP

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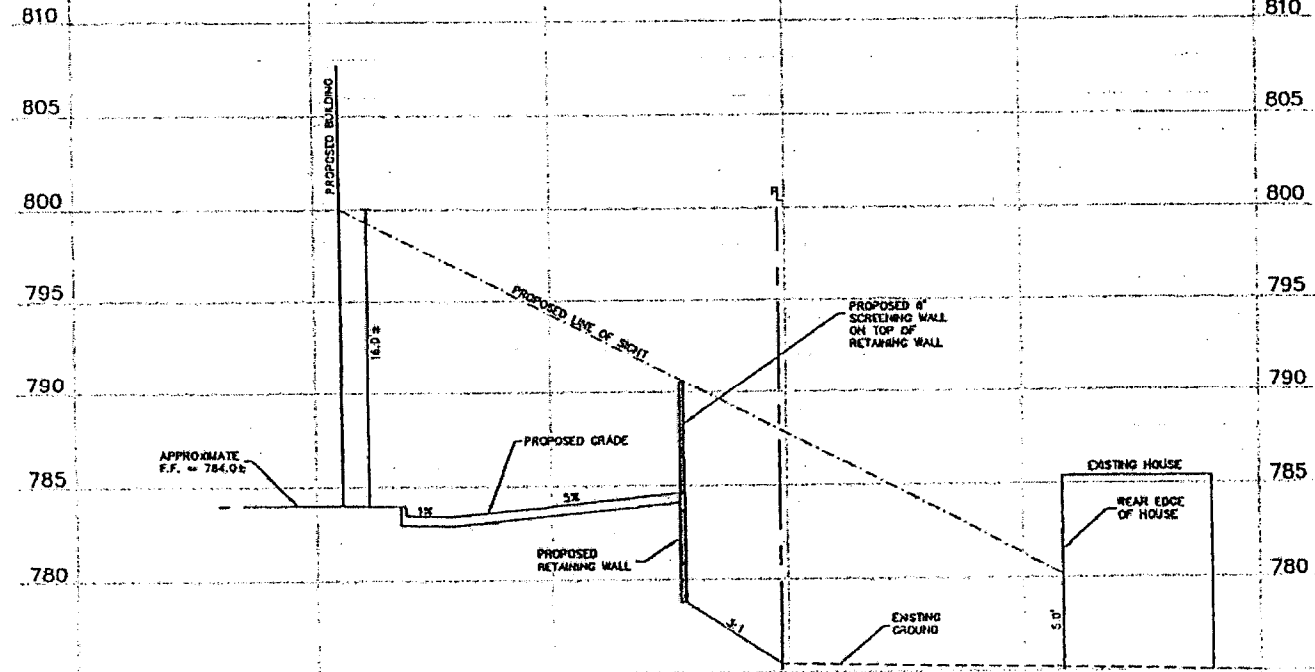
EXHIBIT "B"

TWEEMS 11/01/2004 - 4:34PM S:\JOBS\1100-1199\1161-03-044\1100-1199-03-044-ZONINGA.DWG

SCALE  
1"=20' H  
1"=10' V



SCREENING PER REVISED ZONING



SCREENING PER EXISTING ZONING

CROSS SECTION 'C-C'  
17.0168 ACRE TRACT  
NWC OF VIRGINIA PARKWAY  
@ CUSTER ROAD  
CITY OF MCKINNEY, TEXAS



POGUE ENGINEERING  
2111 ELDORADO PARKWAY, SUITE 10  
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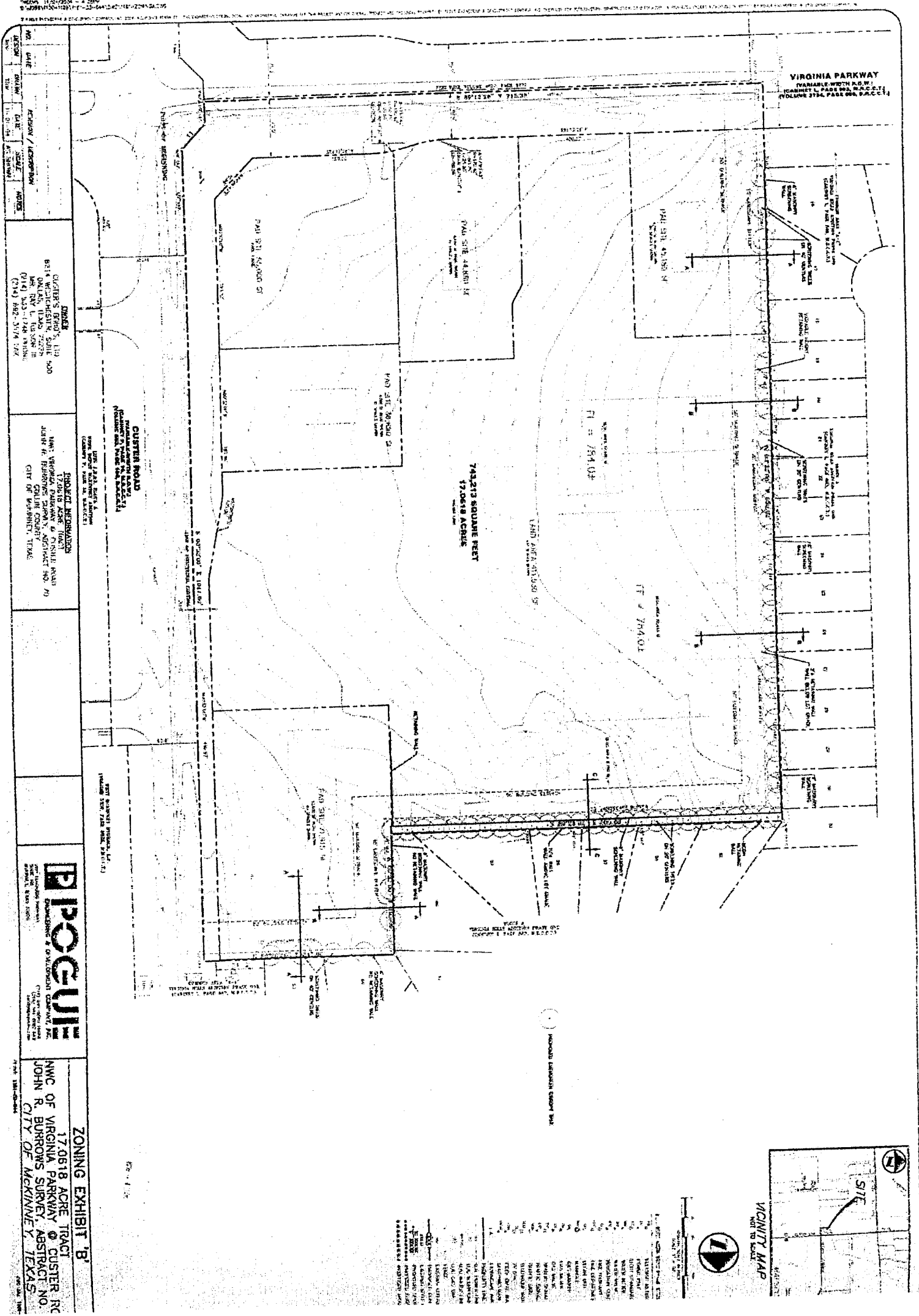
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BEC/TDW

CHECKED BY  
RPP

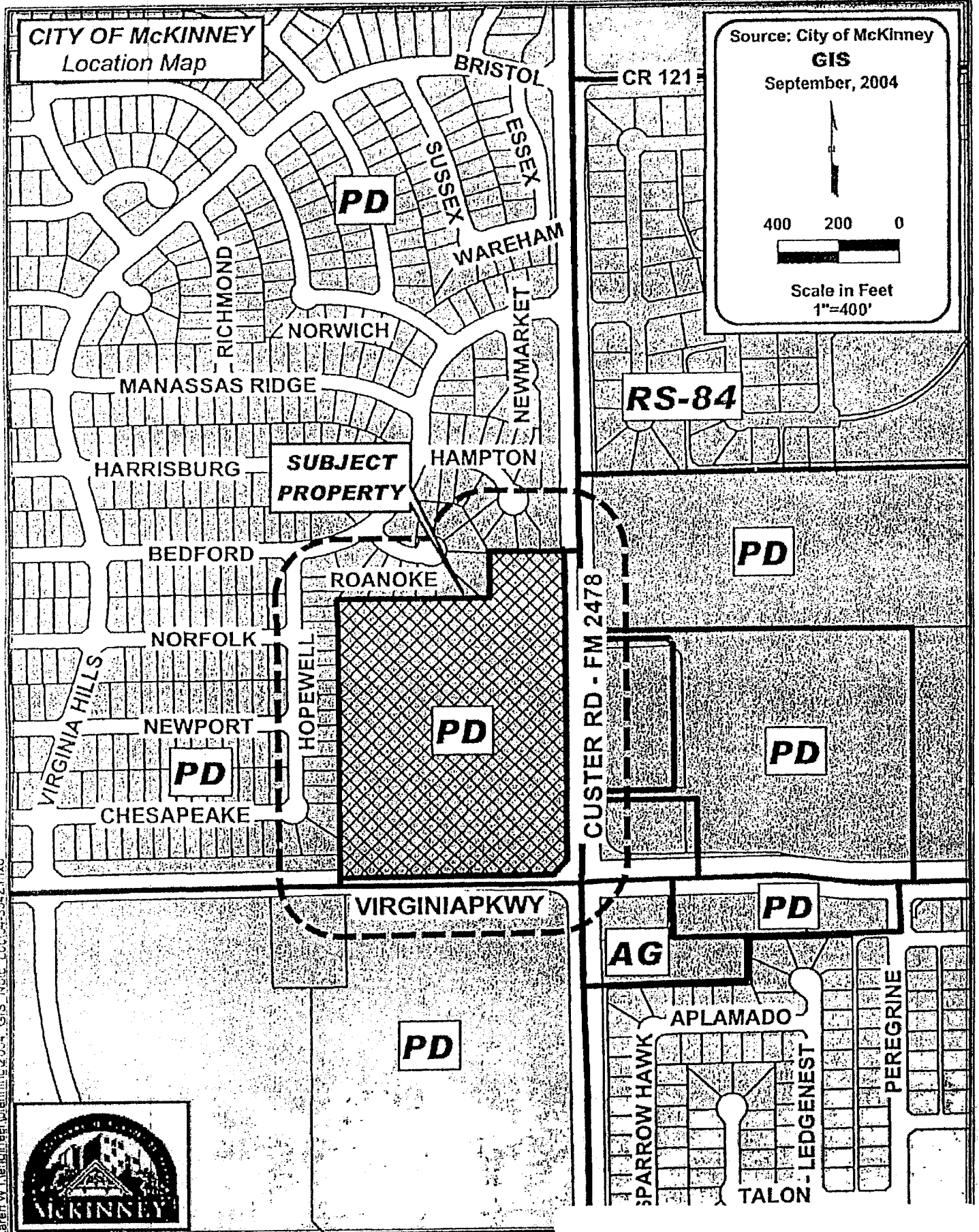
EXHIBIT "C"

44

DWG NO: 1161-ZONINGA.I



**EXHIBIT "D"**



Karen W. Henderson/Planning/2004\_GIS\_Notic\_Loc/04-3342.mxd



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. It is not to be used for any other purpose without the express written consent of the City of McKinney. The City of McKinney is not responsible for any errors or omissions on this map and information contained in it.

**EXHIBIT "E"**