

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"

WAL-MART

STORE #246-02 - EXPERIMENTAL SITE
REDBUD AND CENTRAL CIRCLE
MCKINNEY, TEXAS

REVISED SITE PLAN

SEP 19

WAL-MART

STORE #246-02 - EXPERIMENTAL SITE
REDBUD AND CENTRAL CIRCLE
MCKINNEY, TEXAS

Kimley-Horn and Associates, Inc.

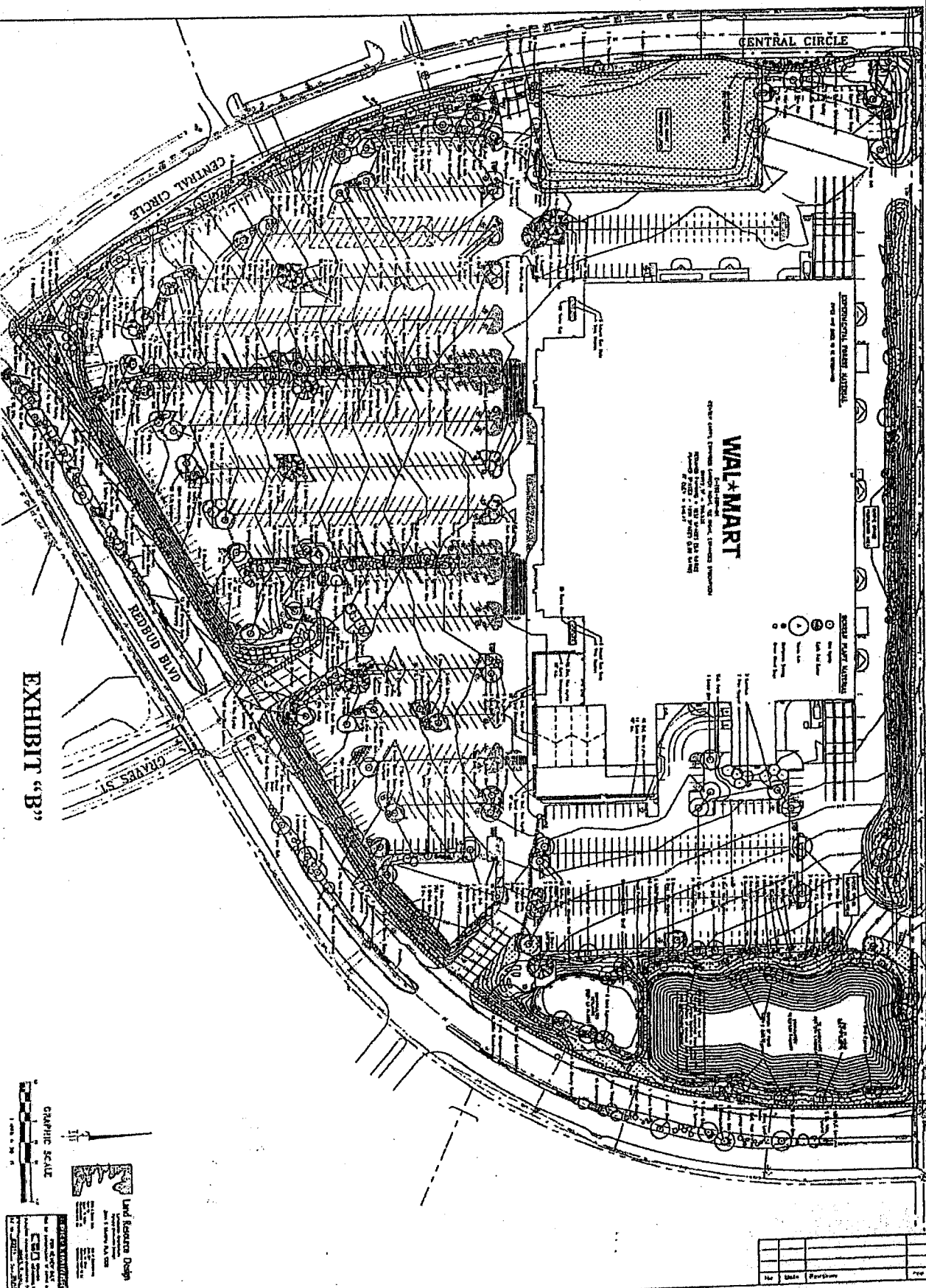


EXHIBIT "B"

LANDSCAPE PLAN

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

Kimley-Horn and Associates, Inc.
 12100 West 10th Street, Suite 1000
 Dallas, Texas 75244
 Tel. (214) 391-2200
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GRAPHIC SCALE
 1 inch = 20 feet

LEGEND

Tree	Shrub	Lawn
Water	Path	Other

PROJECT INFORMATION

Project Name	Store #106-02 - Experimental Site
Location	Redbud and Central Circle, McKinney, Texas
Date	September 15, 2002
Prepared by	Kimley-Horn and Associates, Inc.

EXHIBIT "C"

