

ORDINANCE NO. 2010- 06-016

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 7.28 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF LAKE FOREST DRIVE AND APPROXIMATELY 1,000 FEET SOUTH OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT; 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 7.28 acre property, located on the east side of Lake Forest Drive and approximately 1,000 feet south of U.S. Highway 380 (University Drive), be rezoned "AG" – Agricultural District to "PD" – Planned Development District, 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 in order to rezone an approximately 7.28 acre property, located on the east side of Lake Forest Drive and approximately 1,000 feet south of U.S. Highway 380 (University Drive), which is more fully depicted on Exhibit A, attached hereto, is hereby rezoned "PD" – Planned Development District.

Section 2. Use and development of the subject property, shall conform to the following regulations:

1. The subject property be developed according to "O" – Office District regulations of the Zoning Ordinance, except as follows:
 - a. The minimum front yard setback shall be 25 feet.
 - b. The minimum rear yard setback shall be 25 feet.
 - c. The maximum building height shall be 25 feet.
 - d. All uses listed in the Retail and Service Uses Section of the Schedule of Uses (Appendix F, Section F-4 of the Zoning Ordinance) shall be permitted except as follows:
 - o Automobile related uses shall not be permitted, and
 - o Drive-in and drive-through uses shall not be permitted.

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 1st DAY OF JUNE, 2010.

CITY OF MCKINNEY, TEXAS

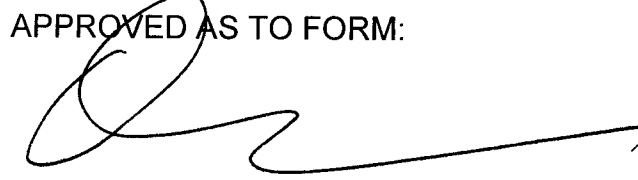

BRIAN LOUGHMILLER, Mayor

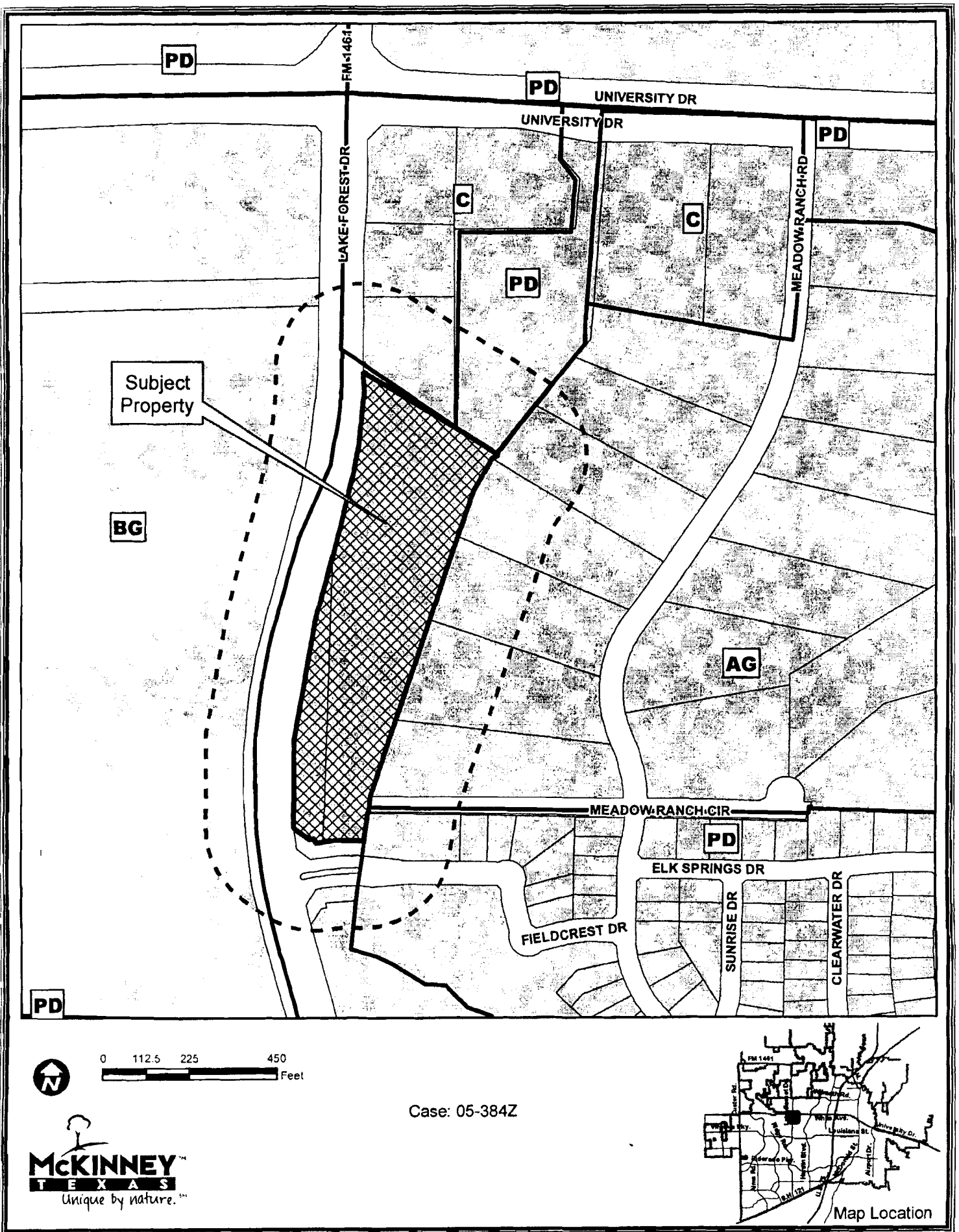
CORRECTLY ENROLLED:


SANDY HART TRMC, MMC
City Secretary

DATE: June 2, 2010

APPROVED AS TO FORM:


MARK S. HOUSER
City Attorney



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.

EXHIBIT A

PZ# 05-384Z

LEGAL DESCRIPTION

FIELD NOTE DESCRIPTION

BEING a 7.276 acre tract of land situated in the William Hunt Survey, Abstract Number 450 and the Leonard Searcy Survey, Abstract Number 828 in the City of McKinney, Collin County, Texas and being a portion of a 20.317 acre tract of land described by deed to Craig Children Trust & The David H. Craig Irrevocable Trust recorded in Clerk File #2005-0138501 of the Deed Records of Collin County Texas (DRCCT) and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the northwest corner of said 20.317 acre tract of land and being the southwest corner of Lot 2, Block a of 380 Lake Forest Addition according to the plat recorded in Cabinet P, Page 834 of the Plat Records of Collin County, Texas (PRCCT) and being located in the east right-of-way line of Lake Forest Drive (120' wide);

THENCE departing the east right-of-way line of said Lake Forest Drive and following the south line of said Lot 2 as follows:

SOUTH 58°57'07" EAST a distance of 329.18 feet to a 1/2 inch iron rod found for corner;

SOUTH 57°54'11" EAST a distance of 81.70 feet to a 5/8 inch iron rod set for the southeast corner of said Lot 2 and being located in the west line of Meadow Ranch Estates an addition to the City of McKinney according to the plat recorded in Cabinet C, Page 327 (PRCCT);

THENCE along the west line of said Meadow Ranch Estates and the east line of said 20.317 acre tract of land as follows:

SOUTH 30°20'19" WEST a distance of 95.04 feet to a 5/8 inch iron rod set for corner;

SOUTH 18°56'32" WEST a distance of 860.22 feet to a 1/2 inch iron rod found for the northwest corner Common Area J12, Block J of Creekview Estates, Phase 1 according to the plat recorded in Cabinet 2006, Page 764 of the (PRCCT);

THENCE continuing with the east line of said 20.317 acres and the west line of said Common Area J12, SOUTH 06°21'35" WEST a distance of 76.45 feet to a 5/8 inch iron rod set in the northeast corner of Common Area A1, Block A of Creekview Estates, Phase 3 according to the plat recorded in Cabinet 2006, Page 763 of the (PRCCT) and being located in a non-tangent curve to the left having a radius of 676.79 feet and a chord bearing of South 85°45'37" West;

THENCE along the north line of said Common Area A1 as follows:

Continuing with said non-tangent curve to the left through a central angle of 10°40'42" for an arc length of 126.14 feet to a 5/8 inch iron rod set for the end of said curve;

NORTH 09°34'12" WEST a distance of 11.82 feet to a 5/8 inch iron rod set for corner;

SOUTH 82°59'44" WEST a distance of 12.44 feet to a 5/8 inch iron rod set for corner;

NORTH 54°37'14" WEST a distance of 50.31 feet to a 5/8 inch iron rod set in the easterly right-of-way line of said Lake Forest Drive and being located in a non-tangent curve to the right having a radius of 1,440.00 feet and a chord bearing of North 04°29'12" East;

THENCE along the easterly right-of-way line of said Lake Forest Drive as follows:

Continuing with said non-tangent curve to the right through a central angle of 20°16'57" for an arc length of 509.76 feet to a 5/8 inch iron rod set for the point of tangency;

NORTH 14°37'41" EAST a distance of 299.16 feet to a 5/8 inch iron rod set for the beginning of a curve to the left having a radius of 1,560.00 and a chord bearing of North 07°56'25" East;

Continuing along said curve to the left through a central angle of 13°22'32" for an arc length of 364.18 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 7.276 acres or 316,932 square feet of land, more or less, all according to that survey prepared by AJ Bedford Group, Inc..

EXHIBIT B

PZ# 05-384Z