

ORDINANCE NO. 94-10-47

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270, SO THAT 15.41 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF JORDAN ROAD AND VIRGINIA PARKWAY IS ZONED FROM "RG-25" - GENERAL RESIDENCE DISTRICT, "O" - OFFICE DISTRICT AND "BN" - NEIGHBORHOOD BUSINESS DISTRICT TO "BG" - GENERAL BUSINESS DISTRICT; PROVIDING REGULATIONS, PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the owner of 15.41 acres of land located at the northwest corner of Jordan Road and Virginia Parkway in the City of McKinney, Collin County, Texas, has petitioned the City of McKinney to zone such parcel of land "BG" - General Business District as provided for in the City of McKinney Zoning Ordinance No. 1270, a complete legal description of such property being attached hereto and marked Exhibit "A", and made a part hereof for all purposes; and,

WHEREAS, after due notice of the requested zoning change 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, the City Council is of the opinion that said zoning change should be made.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. That the Zoning Ordinance No. 1270 of the City of McKinney, is hereby amended so that a 15.41 acre tract located at the northwest corner of Jordan Road and Virginia Parkway, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "B" attached hereto, is hereby zoned from its present classification of "RG-25" - General Residence District, "O" - Office District and "BN" - Neighborhood Business District to "BG" - General Business District.

Section 2. Section 3.13 "BG" - General Business District Regulations of the City of McKinney Zoning Ordinance No. 1270 shall serve as the basis for the zoning regulations and shall govern development regarding subject property.

Section 3. Approval by the Planning and Zoning Commission and City Council of a Site Plan and Landscape Plan shall be required prior to issuance of a building permit.

Section 4. 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.

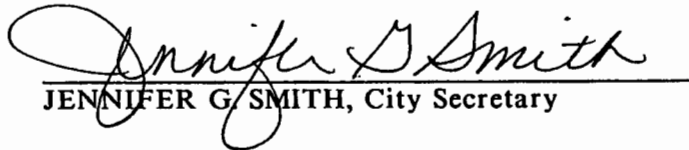
Section 5. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction thereof, shall be fined any sum not to exceed \$200.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation 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 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 18<sup>th</sup> DAY OF October, 1994.

CORRECTLY ENROLLED:

  
JENNIFER G. SMITH, City Secretary

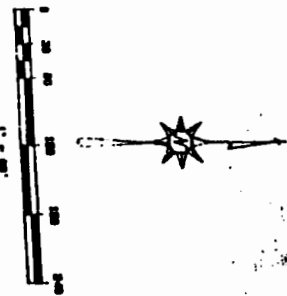
**"BG" GENERAL BUSINESS DISTRICT**

Being a 15.41 acre tract of land SITUATED in the W.D. Thompson Survey, Abstract Number 891, in the City of McKinney, Collin County, Texas and being all of a 13.190 acre tract of land according to the deed recorded in County Clerk File #94-0040814 of the Deed Records of Collin County, Texas (DRCCT) and a 2.241 acre tract of land according to the Deed recorded in County Clerk File #94-0069408 of the Deed Records of Collin County, Texas (DRCCT) and being more particularly described as follows:

**BEGINNING** at a 5/8 inch iron rod for the most northerly corner of a corner cut-off-line located at the point of intersection of the northerly right-of-way line of Virginia Parkway (a 120 feet wide right-of-way) with the westerly right-of-way line of Jordan Road (a variable width right-of-way); and,

- THENCE:** Along northerly right-of-way line of said Virginia Parkway as follows:  
S 53° 37' 56" W, along cut-off line a distance of 27.58 feet, to a brass monument found for a corner in a curve in the north right-of-way line of Virginia Parkway; and,
- THENCE:** Along said curve to the left, a distance of 158.39 feet, cord bears S 88° 58' 30" W a distance of 158.32 feet, radius equals 1490.56 feet; and,
- THENCE:** N 77° 58' 24" W, a distance of 82.66 feet to a curve to the left; and,
- THENCE:** Along said curve to the left, a distance of 684.84 feet, cord bears S 69° 58' 53" W, a distance of 679.03 feet, radius equals 1515.56 feet; and,
- THENCE:** S 57° 02' 11" W, a distance of 53.66 feet, to a brass monument; and,
- THENCE:** S 35° 59' 57" W, a distance of 69.62 feet, to a brass monument; and,
- THENCE:** S 57° 02' 11" W, a distance of 61.79 feet to south west corner of said 15.41 acres; and,
- THENCE:** N 33° 20' 59" W, a distance of 60.0 feet, to a 1/2 inch steel rod at the most westerly corner of said 15.41 acres; and,
- THENCE:** N 56° 39' 01" E, a distance of 328.33 feet to an inside ell corner of said 15.41 acres; and,
- THENCE:** N 2° 29' 47" E, a distance of 912.87 feet to the northwest corner of said 15.41 acre tract; and,
- THENCE:** S 88° 19' 50" E, a distance of 795.95 feet to west right-of-way line of Jordan Road; and,
- THENCE:** Along westerly right-of-way line of Jordan Road S 2° 57' 12" W, a distance of 766.90 feet to the **POINT OF BEGINNING**, containing 15.41 acres, 671205.50 sq. ft. of land, more or less.

**EXHIBIT "A"**



W. D. THOMPSON SURVEY  
ABST. NO. 891

F. M. 3038  
VIRGINIA PARKWAY

JORDAN ROAD

P. O. B.  
5/8" IRON ROD

CALL TO 241' ON 778'  
CALL TO 241' ON 778'

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AP-25 231' 20"  
FM 133' 50"  
C-5688 241' 53" W  
C-6721 03'

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FM 133' 50"  
C-5688 241' 53" W  
C-6721 03'

**BERINGER ONE ADDITION**

16.409 ACRES

AN ADDITION TO THE CITY OF McNEEVY  
CRAWFORD COUNTY, TEXAS  
R. A. BERINGER SURVEY - ABSTRACT NO. 891

PLANNED AND CONDUCTED BY  
**THE NELSON CORPORATION**  
1900 KENNEDY BLVD. SUITE 200  
HOUSTON, TEXAS 77002  
(713) 426-1000

PREPARED BY  
**BERINGER, INCORPORATED**  
1900 KENNEDY BLVD. SUITE 200  
HOUSTON, TEXAS 77002  
(713) 426-0801