

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 SO THAT 45.9 ACRES OF LAND IN THE WILLIAM HEMPHILL AND ED McCOY SURVEYS IS ZONED "PLANNED DEVELOPMENT"; PROVIDING FOR PLANNED DEVELOPMENT REGULATIONS; PROVIDING FOR A SITE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

THAT WHEREAS, the owner or owners of 45.9 acres of land in the William Hemphill and Ed McCoy Surveys have petitioned the City of McKinney to zone such property "Planned Development", and,

WHEREAS, after due notice of the requested zoning changes 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 such zoning change should be made.

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

SECTION I: That 45.9 acres of land more fully described in the attached Exhibit "A" are hereby zoned Planned Development.

SECTION II: That the Planned Development Regulations more fully set forth in the attached Exhibit "B" are hereby adopted as the Planned Development Regulations for this zoning district. That prior to the development of such planned development zoning, a complete site plan shall be submitted to and receive the approval of the City Council of the City of McKinney, Texas.

SECTION III: That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development Zone, or specific regulations contained herein.

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This Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

SECTION IV: 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 V: 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 therefor, shall be fined any sum not exceeding \$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 or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

SECTION VI: 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 the 2ND day of October, 1984.

CORRECTLY ENROLLED:

  
JENNIFER CRAVENS  
CITY SECRETARY

## EXHIBIT "A"

### FIELD NOTES

BEING a tract of land situated in the William Hemphill Survey, Abst. No. 119 and the Ed McCoy Survey, Abst. No. 577, City of McKinney, Collin County, Texas and being part of that certain "First Tract" as described in deed to J.B. Merriman, recorded in Vol. 355, Pg. 240 and also being part of a 42.05 acre tract conveyed from J.J. Harlin and Bulah Harlin to Veterans Land Board of Texas, by deed recorded in Vol. 503, Pg. 96, Deed Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a fence post for a corner at the northwest corner of the hereinabove mentioned Merriman tract and on the west line of said Hemphill Survey;

THENCE: South  $88^{\circ}26'26''$  East along the north line of said Merriman tract and with a fence a distance of 1329.72 feet to an iron rod found for a corner on the northwest right-of-way line of U.S. Highway No. 75;

THENCE: South  $16^{\circ}29'06''$  West along the northwest right-of-way line of U.S. Highway No. 75 a distance of 101.80 feet to a monument found for a corner;

THENCE: South  $16^{\circ}08'24''$  West along the northwest right-of-way line of U.S. Highway No. 75 a distance of 385.71 feet to a monument found for a corner;

THENCE: South  $15^{\circ}55'16''$  West along the northwest right-of-way line of U.S. Highway No. 75 a distance of 577.52 feet to a monument found for a corner;

THENCE: South  $27^{\circ}13'08''$  West along the northwest right-of-way line of U.S. Highway No. 75 a distance of 115.01 feet to an iron rod set for a corner at the northeast corner of a tract of land conveyed to the City of Frisco, by deed recorded in Volume 966, Pg. 677, Deed Records of Collin County, Texas;

THENCE: North  $88^{\circ}55'36''$  West a distance of 77.36 feet to an iron rod set for a corner at the northwest corner of said Frisco tract;

THENCE: North  $1^{\circ}24'23''$  West a distance of 50.00 feet to an iron rod found for a corner at the southwest corner of a tract of land conveyed to the City of Frisco, by deed recorded in Vol. 966, Pg. 679, Deed Records of Collin County, Texas;

THENCE: South  $88^{\circ}55'36''$  East a distance of 52.64 feet to an iron rod set for a corner at the southeast corner of said Frisco tract on the northwest right-of-way line of U.S. Highway No. 75;

THENCE: South  $27^{\circ}13'08''$  West along the northwest right-of-way line of U.S. Highway No. 75 a distance of 229.61 feet to a monument found for a corner;

THENCE: South  $36^{\circ}09'57''$  West along the northwest right-of-way line of U.S. Highway No. 75 a distance of 100.06 feet to a monument found for a corner;

THENCE: South  $15^{\circ}09'51''$  West along the northwest right-of-way line of U.S. Highway No. 75 a distance of 289.26 feet to a monument found for a corner;

THENCE: South  $16^{\circ}11'51''$  West along the northwest right-of-way line of U.S. Highway No. 75 a distance of 258.05 feet to a monument found for a corner;

THENCE: South  $85^{\circ}07'53''$  West along said right-of-way line a distance of 78.01 feet to a monument found for a corner on the northeast right-of-way line of F.M. Highway No. 720;

THENCE: North  $57^{\circ}51'59''$  West along the northeast right-of-way line of F.M. Highway No. 720 a distance of 79.93 feet to a monument found for a corner;

THENCE: North  $63^{\circ}09'41''$  West along the northeast right-of-way line of F.M. Highway No. 720 passing at 114.50 feet the west line of the Hemphill Survey and the west line of the hereinabove mentioned 42.05 acre tract continuing a total distance of 111.09 feet to a nail found for a corner in the centerline of a road;

THENCE: North  $0^{\circ}55'16''$  East with the centerline of said road a distance of 861.00 feet to an iron rod found for a corner;

THENCE: South  $88^{\circ}55'14''$  East a distance of 23.85 feet to a fence post for a corner at the northwest corner of the hereinabove mentioned 42.05 acre tract and the southwest corner of the hereinabove mentioned Merriman tract; said point also being on the west line of the Hemphill Survey;

THENCE: North  $0^{\circ}50'48''$  East along the west line of the hereinabove mentioned Merriman tract and the west line of said Hemphill Survey with a fence a

distance of 1163.64 feet to the POINT OF BEGINNING and containing 1,999,167 sq. ft. or 45.9014 acres of land.

TO THE TENHOLDERS AND/OR THE OWNERS AND/OR PURCHASERS OF THE PREMISES SURVEYED AND TO PLANO TITLE COMPANY:

I hereby certify that on the 21<sup>st</sup> day of August, 1981, this survey was made on the ground as per the field notes shown on this survey and is true, correct, and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements thereon, if any, and as to the other matters shown hereon, and correctly shows the location of all visible easements and rights-of-way and of all rights-of-way, easements, and any other matters of record, or of which I have knowledge or have been advised, whether or not of record, affecting the subject property.

EXHIBIT B

PLANNED DEVELOPMENT DISTRICT

TRACT 1 - COMMERCIAL

1. Purpose: To provide retail services, office and commercial uses for adjacent residential areas and highway users.
2. Uses Permitted: Uses as set forth in Ordinance 1270 in the schedule of uses for the General Business category, but excluding any residential use.
3. Accessory Uses: Accessory uses normally associated with any main use shall be permitted.
4. Special Use Permit: Private clubs shall be permitted when approved as a special use permit.
5. Minimum Yard Areas: (1) Front yard - a minimum of twenty-five (25) feet shall be observed as measured from any street right-of-way line; (2) no rear or side yard shall be required except as hereafter established on an approved site plan; (3) there is no requirement of minimum lot width or depth.
6. Building Height: A height of thirty-five (35) feet shall be observed; except that the building height may be increased by one (1) foot for each additional one (1) foot setback from the front building line or property line to a maximum height of seventy five (75) feet, or six (6) stories.
7. Lot Coverage: A maximum of fifty (50) percent of the lot area.
8. Floor Area Ratio: Maximum, 2:1
9. Parking: In accordance with provisions of Article IV, 4.02 of Ordinance 1270.