

ORDINANCE NO. 93-12-46

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING ZONING ORDINANCE NUMBER 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS SO THAT 9.025 ACRES OF LAND LOCATED ON THE NORTH SIDE OF U.S. HWY. 380 APPROXIMATELY 1000' WEST OF BOIS D'ARC ROAD IS ZONED "PD" - PLANNED DEVELOPMENT/COMMERCIAL DISTRICT REGULATIONS; PROVIDING REGULATIONS; PROVIDING FOR SITE AND LANDSCAPE PLAN APPROVAL; 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 9.025 acres of land located on the north side of U.S. Hwy. 380 approximately 1000' west of Bois d'Arc Road, in the City of McKinney, Collin County, Texas, has petitioned the City of McKinney to zone such parcel of land "PD" - Planned Development/Commercial District Regulations, provided for in Ordinance Number 1270 in the City of McKinney, 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. Zoning Ordinance Number 1270 in the City of McKinney, is hereby amended so that a 9.025 acres of land located on the north side of U.S. Hwy. 380 approximately 1000' west of Bois d'Arc Road, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "B" attached hereto is hereby rezoned from its present classification of "AG" - Agricultural District and "PD/ML" - Planned Development/Light Manufacturing District to "PD" - Planned Development/Commercial District.

Section 2. Development of subject property shall be governed specifically by the Planned Development Regulations as stated in Exhibit "C" attached hereto.

Section 3. A complete site and landscape plan shall be submitted and approved for this tract of land prior to development.

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. No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Community Development, or specific regulations contained herein. The 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 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 21st DAY OF DECEMBER, 1993.

CORRECTLY ENROLLED:



JENNIFER G. SMITH, City Secretary

EXHIBIT "A"

Field Notes

Situated in the County of Collin, State of Texas, being a part of the W. H. Hunt Survey, Abstract No. 450 also being that 3.10 acre tract of land conveyed to Darrell W. and Karen E. Lewis, recorded in Vol. 92, Pg. 92598 and that 5.944 acre tract of land conveyed to H. R. Lewis, recorded in Vol. 91, Pg. 70268 all of the Deed Records of Collin County and being described by metes and bounds as follows:

Beginning at a 1/2" steel rod set at the southeast corner of said 3.10 acre tract;

Thence North 87°50'56" West with the south line of said tract and north right-of-way line of U. S. Highway 380 a distance of 188.02 feet to a concrete right-of-way monument at the southwest corner of said 3.10 acre tract;

Thence North 87°07'47" West and continuing with said north right-of-way line a distance of 165.93 feet to a 1/2" steel rod set at most southerly southwest corner of said 5.944 acre tract;

Thence North 04°22'51" East a distance of 201.75 feet to a found 5/8" steel rod;

Thence North 86°31'49" West a distance of 207.29 feet to a found 1/2" steel rod;

Thence North 01°30'01" East with the west line of said 5.944 acre tract a distance of 614.64 feet to a set 1/2" steel rod at the northwest corner of said 5.944 acre tract;

Thence South 89°57'24" East with the north line of said 5.944 acre tract a distance of 70.20 feet to a 1/2" pipe at the northwest corner of what was previously the northeast corner of a 9.96 acre tract as recorded in Vol. 691, Pg. 463, D.R.C.C.T.;

Thence South 89°29'52" East and continuing with the north line of said 5.944 acre tract a distance of 291.21 feet to a found 1" pipe at the northeast corner of said 5.944 acre tract also being the northwest corner of said 3.10 acre tract;

Thence South 87°34'14" East with the north line of said 3.10 acre tract a distance of 165.07 feet to a found 60d nail at the northeast corner of said 3.10 acre tract;

Thence South 00°39'34" West with the most northerly east line of said 3.10 acre tract a distance of 394.99 feet to a found 1/2" steel rod;

Thence North 88°27'53" West a distance of 71.04 feet to a found 1/2" steel rod;

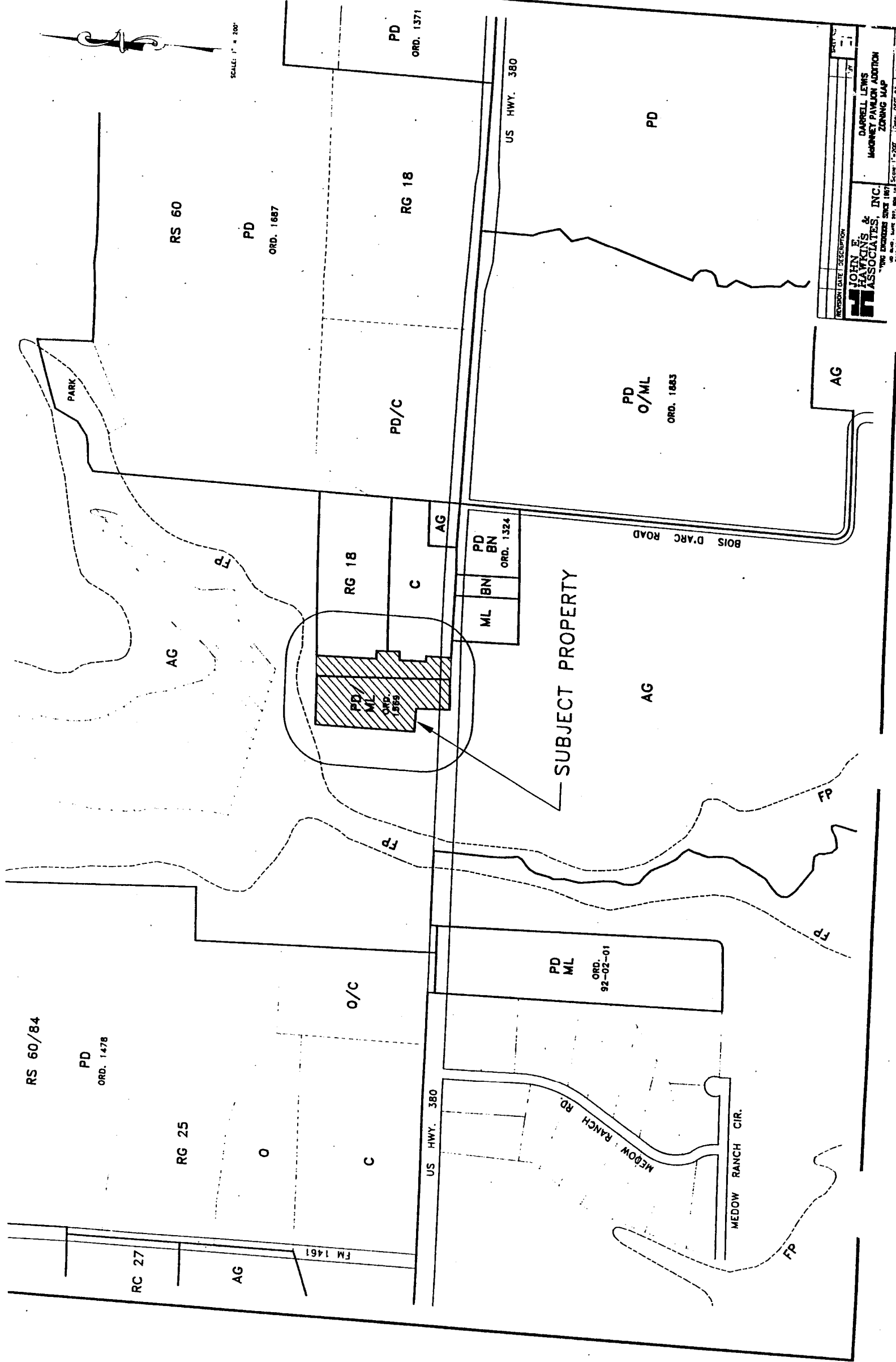
Thence South 00°38'26" West a distance of 133.62 feet to a found 1/2" steel rod;

Thence South 89°32'25" East a distance of 70.99 feet to a found 1/2" steel rod;

Thence South 00°48'37" West a distance of 153.20 feet to a found 3/8" steel rod;

Thence North 89°29'50" East a distance of 17.65 feet to a found 1/2" steel rod;

Thence South 02°30'21" East a distance of 153.74 feet to the Point-of-Beginning and containing 9.025 acres of land.



REVISION DATE	DESCRIPTION	BY	CHK

JOHN R. HAYKINS & ASSOCIATES, INC.
 "ONE SOURCE SINCE 1987"
 148 S. BRIDGES STREET, SUITE 100
 DALLAS, TEXAS 75201
 TEL: 972-443-1111 FAX: 972-443-1112

DARRELL LEWIS
MCKINNEY PARKWAY ADDITION
ZONING MAP

DATE: DEC 83 JOB NO: 7-51

EXHIBIT "B"

EXHIBIT "C"

"PD" PLANNED DEVELOPMENT DISTRICT FOR MCKINNEY PAVILION ADDITION

- (1) **Purpose:** To provide for a wide range of retail, service, commercial and entertainment uses associated with open-air marketing and special events; and, to provide for self storage warehouse facilities.

- (2) **Principal Permitted Uses:**
 - (a) A marketplace for displaying and selling retail and wholesale merchandise.
 - (b) Concessions for food and beverage sales.
 - (c) Farm and garden produce sales.
 - (d) Plant display and sales.
 - (e) Picnic area facilities.
 - (f) Amusement, commercial.
 - (g) Open-air entertainment.
 - (h) Automobile display (temporary) and sales.
 - (i) Boat display (temporary) and sales.
 - (j) Self storage warehouses.
 - (k) Parking, commercial.
 - (l) Carnival or circus (temporary).
 - (m) Open-air special events (public and private).

- (3) **Permitted Accessory Uses:**
 - (a) Utility hookups and parking for RV vehicles (temporary) and trailers (temporary).
 - (b) Watchman or caretaker residence.
 - (c) Private garages, stables and barns.

- (d) Offices incidental to and necessary for conducting a permitted use.
 - (e) Parking and access drives for vendors, self storage warehouses, watchman or caretakers, and cemetery visitors.
 - (f) Business sign (illuminated).
 - (g) Bulletin board sign.
 - (h) Nameplates.
 - (i) Office identification.
 - (j) Ticket booth.
- (4) *Specific Use Permits:* None
- (5) *Space Limits:*
- (a) Minimum lot area: None
 - (b) Minimum width of lot: None
 - (c) Minimum depth of lot: None
 - (d) Maximum height of building: Thirty-five (35) feet.
 - (e) Minimum front yard: Twenty-five (25) feet.
 - (f) Minimum rear yard: None, except twenty-five (25) feet required where abutting any district requiring a rear yard.
 - (g) Minimum side yard: None, except fifteen (15) feet required where abutting any district requiring a side yard.
 - (h) Minimum side yard at corner: None
- (6) *Miscellaneous Provisions:*
- (a) Fence improvements around O'Brien (Buckner) Cemetery shall be provided (three sides & entrance).

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