

ORDINANCE NO. 2012-04-XXX

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 7.48 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF WILMETH ROAD AND U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY), IS REZONED FROM "C" – PLANNED CENTER DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS, 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 7.48 acre tract located on the northeast corner of Wilmeth Road and U.S. Highway 75 (Central Expressway), from "C" – Planned Center District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District.

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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. Ordinance No. 1270 is hereby amended so that an approximately 7.48 acre tract located on the northeast corner of Wilmeth Road and U.S. Highway 75 (Central Expressway), which is more fully depicted on Exhibits "A" and "B" attached hereto, is hereby rezoned from "C" – Planned Center District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District.

Section 2. Use and Development of the subject property, more fully depicted on Exhibits "A" and "B" shall conform Section 146-86 "C" – Planned Center District regulations, and as amended, and Section 146-101 "CC" – Corridor Commercial Overlay District of the Zoning Ordinance, and as amended, except as follows:

- a. Truck Scale / Weigh Station be an allowed use.
- b. Truck Scale / Weigh Station shall be located in accordance with the attached Zoning Exhibit "C".
- c. Landscaping and associated berming on the subject property shall be provided in accordance with the attached Zoning Exhibit "C".
- d. A Certificate of Occupancy for uses shown on the approved site plan for the subject property shall not issue until the earlier of i) two (2) years, or ii) such time as the following new segments of roadway construction are completed and open for vehicular traffic: Wilmeth Road between the southbound service road of U.S. Highway 75 easterly to Redbud Boulevard and the northbound service road of U.S. Highway 75 adjacent to subject property, as detailed in TxDOT Project CSJ 0047-14-065.

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 THE 3rd DAY OF APRIL, 2012.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

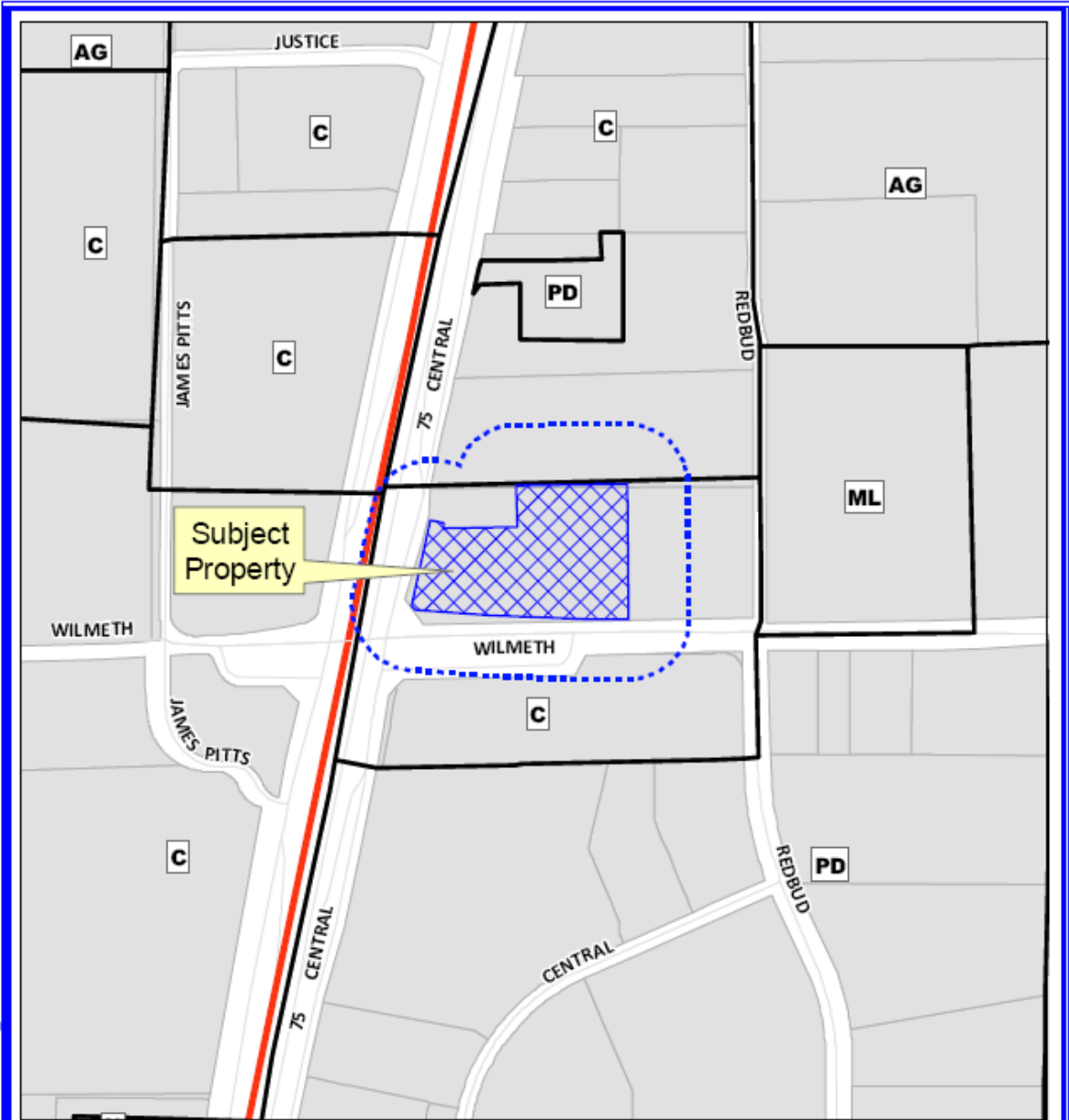
CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



Path: S:\MCK\GIS\Notification\Projects\2012\12-011Z_v2.mxd

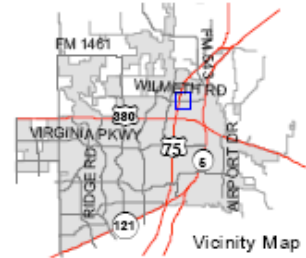


Notification Case

Case: 12-011Z

Exhibit A

■ 200' Notification Buffer



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

LEGAL DESCRIPTION (QT-963)

BEING a tract of land located in the City of McKinney, Collin County, Texas, part of the T. J. McDonald Survey, Abstract No. 576, being part of that 14.209 acre tract of land described in deed to Oakwood Village Apartments, Inc. as recorded under County Clerk's File No. 20060620000844730, Deed Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199" at the intersection of the east right-of-way line of U.S. Highway 75 (178.00 feet from centerline) and the north right-of-way line of Wilmeth Road (variable width R.O.W.), being the southeast corner of a 0.1695 acre tract described in deed to the State of Texas as recorded under County Clerk's File No. 20080220000199440, Deed Records, Collin County, Texas;

THENCE, along the east right-of-way line of U.S. Highway 75 and the east line of said 0.1695 acre tract, North 12 degrees 26 minutes 46 seconds East, a distance of 15.00 feet to the POINT OF BEGINNING;

THENCE, continuing along the east right-of-way line of U.S. Highway 75 and the east line of said 0.1695 acre tract, North 12 degrees 26 minutes 46 seconds East, a distance of 327.18 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199" for corner;

THENCE, departing the east right-of-way line of U.S. Highway 75 and the east line of said 0.1695 acre tract, South 77 degrees 33 minutes 14 seconds East, a distance of 50.40 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199";

THENCE, South 00 degrees 44 minutes 59 seconds East, a distance of 18.13 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199";

THENCE, North 89 degrees 15 minutes 01 seconds East, a distance of 271.19 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199"

THENCE, North 00 degrees 44 minutes 59 seconds West, a distance of 157.22 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199" in the north line of said 14.209 acre tract and being in the south line of the remainder of that 22.880 acre tract of land described in Deed to Mary C. Armstrong as recorded under County Clerk's File No. 20080905001077920, Deed Records, Collin County, Texas;

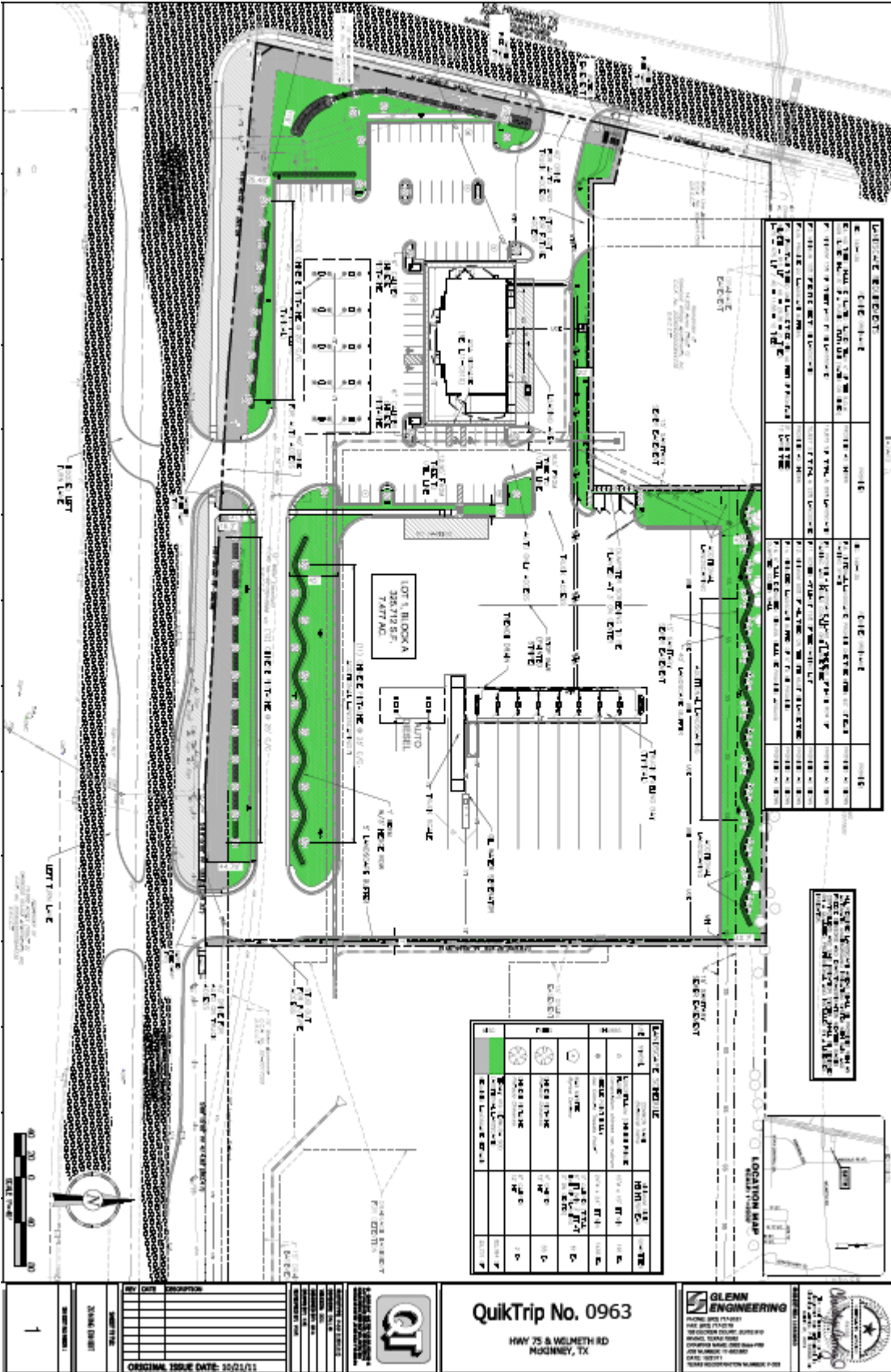
THENCE, along north line of said 14.209 acre tract and the south line of said 22.880 acre tract, North 89 degrees 36 minutes 00 seconds East, a distance of 414.67 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199";

THENCE, departing the north line of said 14.209 acre tract and the south line of said 22.880 acre tract, South 00 degrees 44 minutes 59 seconds East, a distance of 504.62 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199", being in the south line of said Wilmeth Road;

THENCE, along the south line of said 14.209 acre tract and the north right-of-way line of Wilmeth Road as follows:
South 89 degrees 15 minutes 00 seconds West, a distance of 140.32 feet to an aluminum TXDOT monument found;
North 87 degrees 36 minutes 00 seconds West, a distance of 380.86 feet to an aluminum TXDOT monument found;

THENCE, North 85 degrees 46 minutes 00 seconds West, a distance of 278.54 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199";

THENCE, North 36 degrees 39 minutes 37 seconds West, a distance of 19.64 feet to the POINT OF BEGINNING and containing 325,712 square feet or 7.4773 acres of land more or less.



Lot	Area	Area	Area	Area
1	18.0	18.0	18.0	18.0
2	18.0	18.0	18.0	18.0
3	18.0	18.0	18.0	18.0

Symbol	Description	Area	Area
1	Asphalt	18.0	18.0
2	Grass	18.0	18.0
3	Concrete	18.0	18.0
4	Other	18.0	18.0

QuikTrip No. 0963

HWY 75 & WELMETH RD
MCKINNEY, TX

GLENN ENGINEERING
10000 W. 10th Street, Suite 100
Dallas, TX 75244
Phone: (972) 412-1234
Fax: (972) 412-1235
www.glengineering.com

REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE: 10/21/11

Exhibit C