

ORDINANCE NO. 2012-04-013

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 12.16 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF MARKETPLACE DRIVE AND U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY), IS REZONED FROM "PD" – PLANNED DEVELOPMENT 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 12.16 acre tract located on the southeast corner of Marketplace Drive and U.S. Highway 75 (Central Expressway), from "PD" – Planned Development 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 12.16 acre tract located on the southeast corner of Marketplace Drive and U.S. Highway 75 (Central Expressway), which is more fully depicted on Exhibits "A" and "B" attached hereto, is hereby rezoned from "PD" – Planned Development 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 to the following regulations:

1. The subject property shall develop in accordance with Section 146-85 "BG" – General Business District regulations, and as amended, and Section 146-101 "CC" – Corridor Commercial Overlay District, and as amended, of the Zoning Ordinance, except as follows:
 - Warehouse/Distribution shall be an allowed use.
2. The subject property shall develop generally in accordance with the attached Zoning Exhibit "C".
3. The screening devices and associated landscaping for the sanitation container, mechanical equipment and loading areas shall be provided as shown on the attached Zoning Exhibit "C".
4. The proposed building shall develop as depicted on the attached architectural elevations (Zoning Exhibits "D-1" and "D-2") and shall not be required to meet the minimum point score as specified in Section 146-139 Architectural and Site Standards of the Zoning Ordinance.

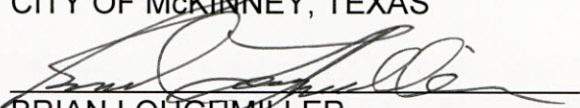
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of 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.

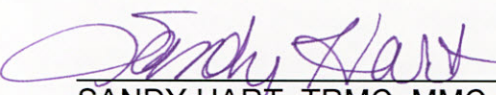
Section 5 That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner 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

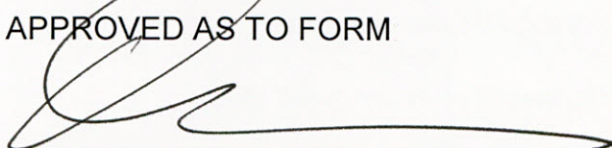
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 3rd DAY OF APRIL, 2012.

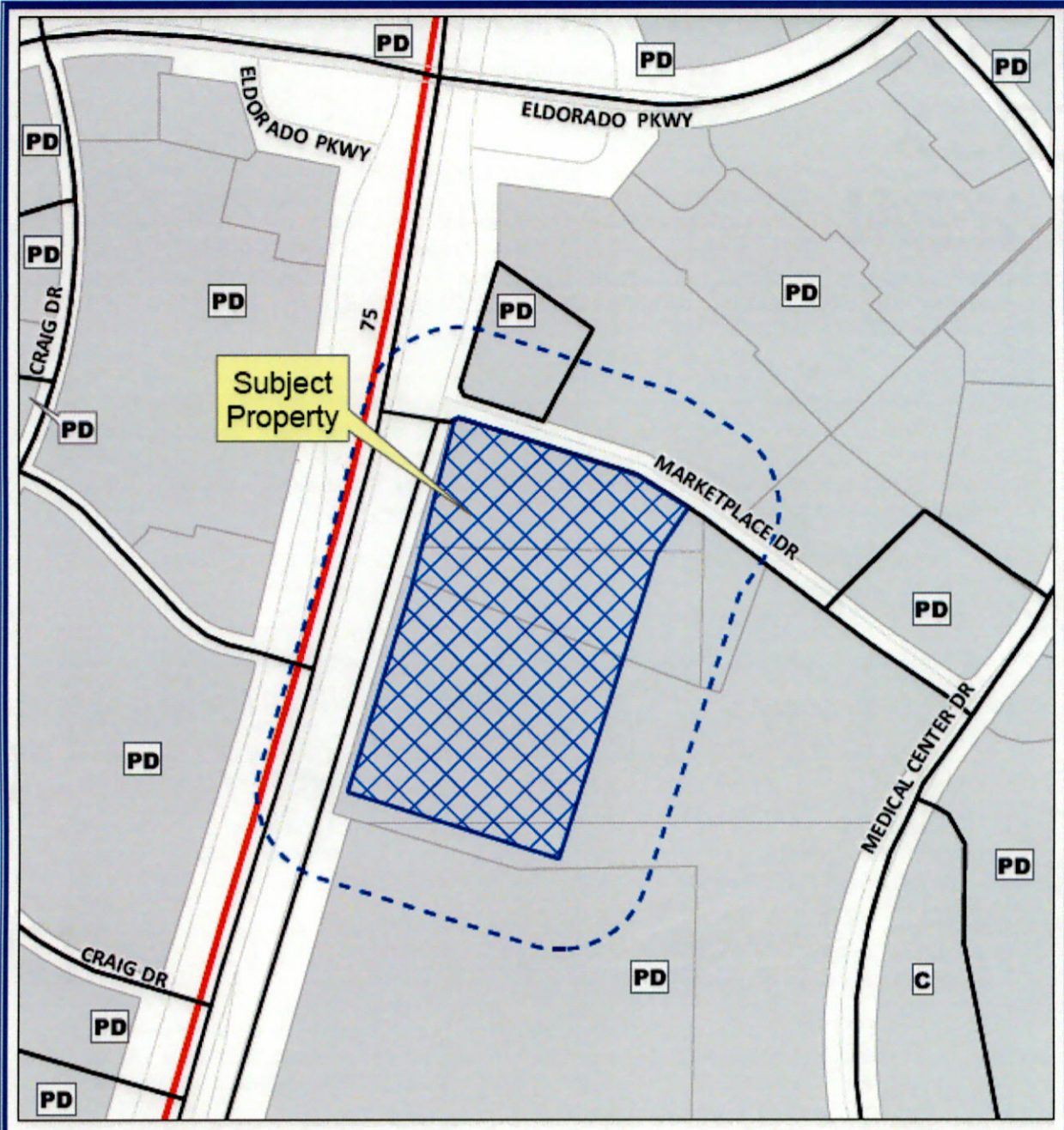
CITY OF MCKINNEY, TEXAS

BRIAN LOUGEMILLER
Mayor

CORRECTLY ENROLLED.


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

DATE: April 3, 2012

APPROVED AS TO FORM

MARK S. HOUSER
City Attorney



Notification Case
Case: 12-035Z

--- 200' Notification Buffer



Exhibit A

EMERSON REGULATOR

METES / BOUNDS DESCRIPTION

BEING a tract of land situated in the William Hemphill Survey, Abstract No. 449, City of McKinney, Collin County, Texas, and being a portion of a called 9.8523 acre tract, conveyed to City of McKinney, as evidenced in a Special Warranty Deed recorded in Instrument No. 200904001110950, and a portion of a called 16.942 net acre tract of land, conveyed to McKinney Economic Development Corporation, as evidenced in a Special Warranty Deed recorded in Instrument No. 20060703000908810, both of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a TXDoT right of way monument found for the most westerly, northwest corner of said 9.8523 acre tract, same being the intersection of the easterly right of way line of U. S. Highway No. 75 (Central Expressway), a variable width right of way, with the southerly right of way line of Marketplace Drive as created in the Final Plat of McKinney Marketplace Addition, an Addition to the City of McKinney, according to the Plat thereof recorded in Cabinet L, Page 796 of the Map Records of Collin County, Texas;

THENCE in an easterly direction, departing the easterly right of way line of said U. S. Highway No. 75 (Central Expressway), along the northerly line of said 9.8523 acre tract and the southerly right of way line of said Marketplace Drive, the following:

North 62°56'07" East, a distance of 11.65 feet to a 5/8-inch "PBS & J" capped iron rod found for a corner;

South 72°03'53" East, a distance of 465.43 feet to a 5/8-inch capped iron rod found for a corner;

South 57°00'08" East, a distance of 148.53 feet to a 5/8-inch "KHA" capped iron rod set for a corner, from said corner, a found 5/8-inch capped iron rod bears South 57°00'08" East, 28.65 feet;

THENCE South 33°53'33" West, departing the northerly line of said 9.8523 acre tract, the southerly right of way line of said Marketplace Drive, and crossing said 9.8523 acre tract and said 16.942 net acre tract, a distance of 790.57 feet to a 5/8-inch "KHA" capped iron rod set for a corner;

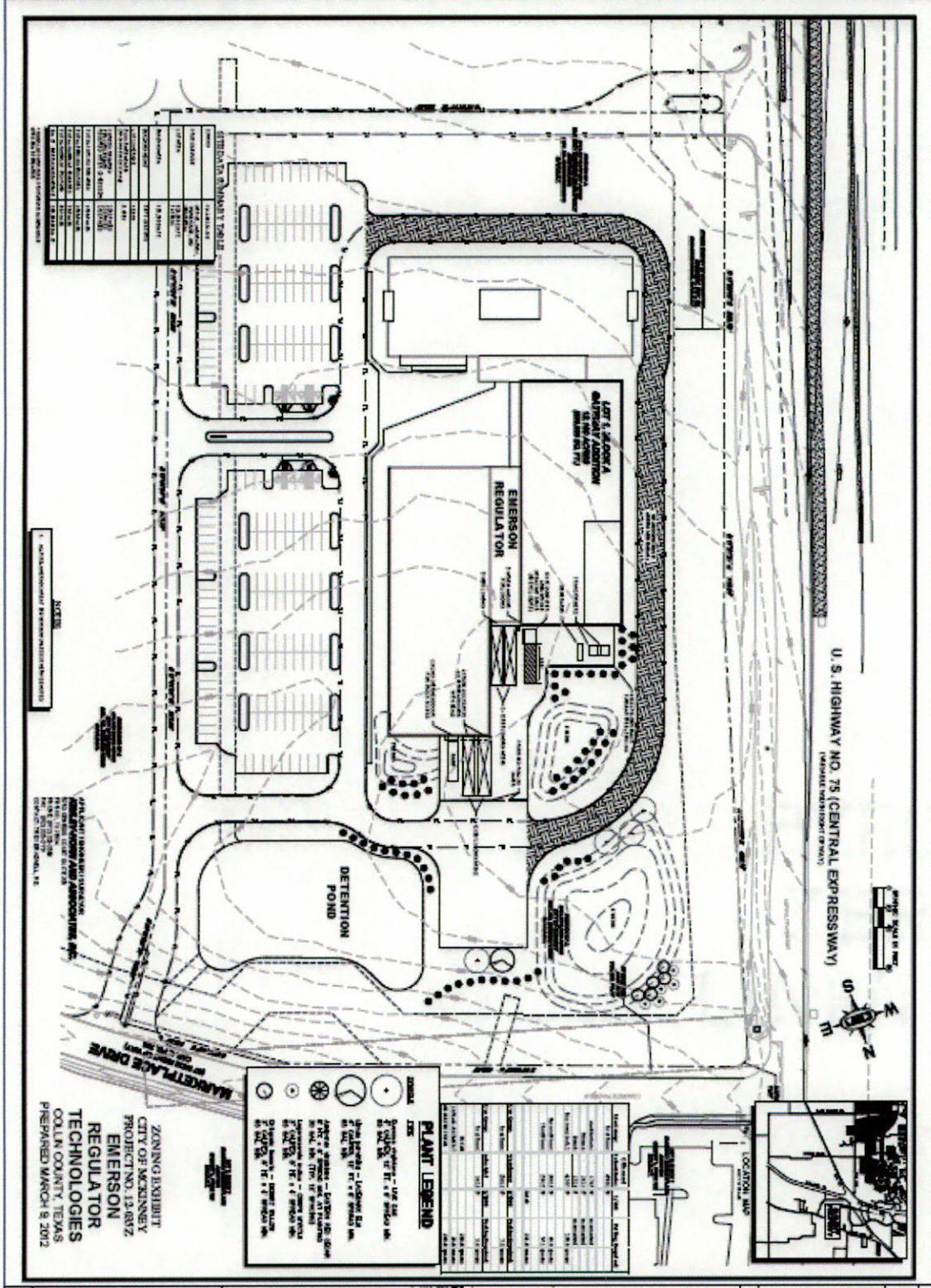
THENCE North 72°21'11" West, continuing across said 16.942 net acre tract, a distance of 550.00 feet to a PK nail set for a corner on the easterly right of way line of aforesaid U. S. Highway No. 75 (Central Expressway), same being the westerly line of said 16.942 net acre tract;

THENCE North 17°25'45" East, along the westerly line of said 16.942 net acre tract and the easterly right of way line of said U. S. Highway No. 75 (Central Expressway), a distance of 411.27 feet to a TXDoT right of way monument found for the most westerly, northwest corner of said 16.942 net acre tract, same being the southwest corner of a said 9.8523 acre tract;

THENCE North 17°21'51" East, continuing along the westerly line of said 9.8523 acre tract and the easterly right of way line of said U. S. Highway No. 75 (Central Expressway), a distance of 112.54 feet to a TXDoT right of way monument found for a corner;

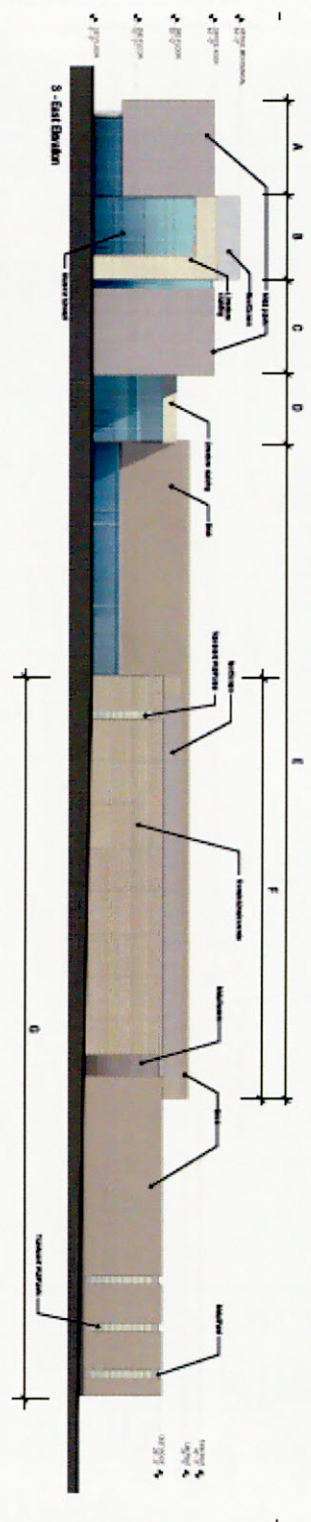
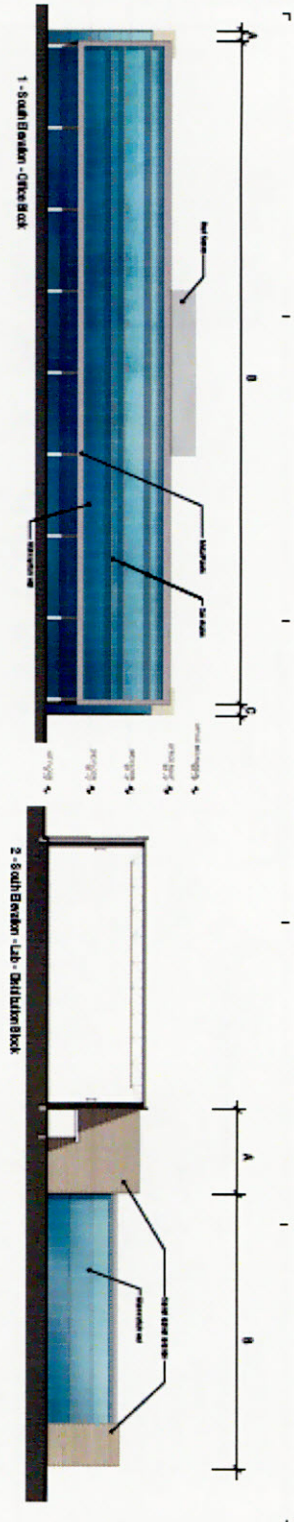
THENCE North 14°19'28" East, continuing along the westerly line of said 9.8523 acre tract and the easterly right of way line of said U. S. Highway No. 75 (Central Expressway), a distance of 435.18 feet to the POINT OF BEGINNING and containing 12.385 acres (539,495 square feet) of land, more or less.

Exhibit B



ZONING EXHIBIT	EMERSON REGULATOR TECHNOLOGIES CITY OF MCKINNEY COLLIN COUNTY, TEXAS	THIS PROJECT NUMBER DATE SCALE DRAWN BY CHECKED BY DATE	FOR EXHIBIT PURPOSES ONLY	 KINLEY-HORN AND ASSOCIATES, INC. 4510 BURNING WOOD DRIVE, SUITE 200, DALLAS, TEXAS 75244 PHONE: 214-343-8888 FAX: 214-343-8778 WWW.KINLEY-HORN.COM TEXAS REGISTERED ENGINEERS PERM # 400	NO.	DATE

Exhibit C



South Elevation - Office Block		South Elevation - Lab - Delivery Block	
Area	Area (sq ft)	Area	Area (sq ft)
Office Block	100	Lab - Delivery Block	100
Lab - Delivery Block	100	Office Block	100
...

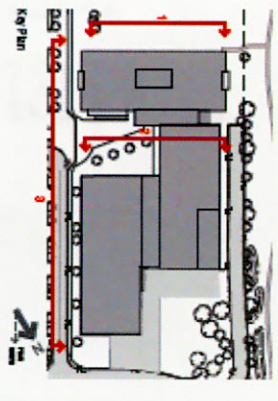
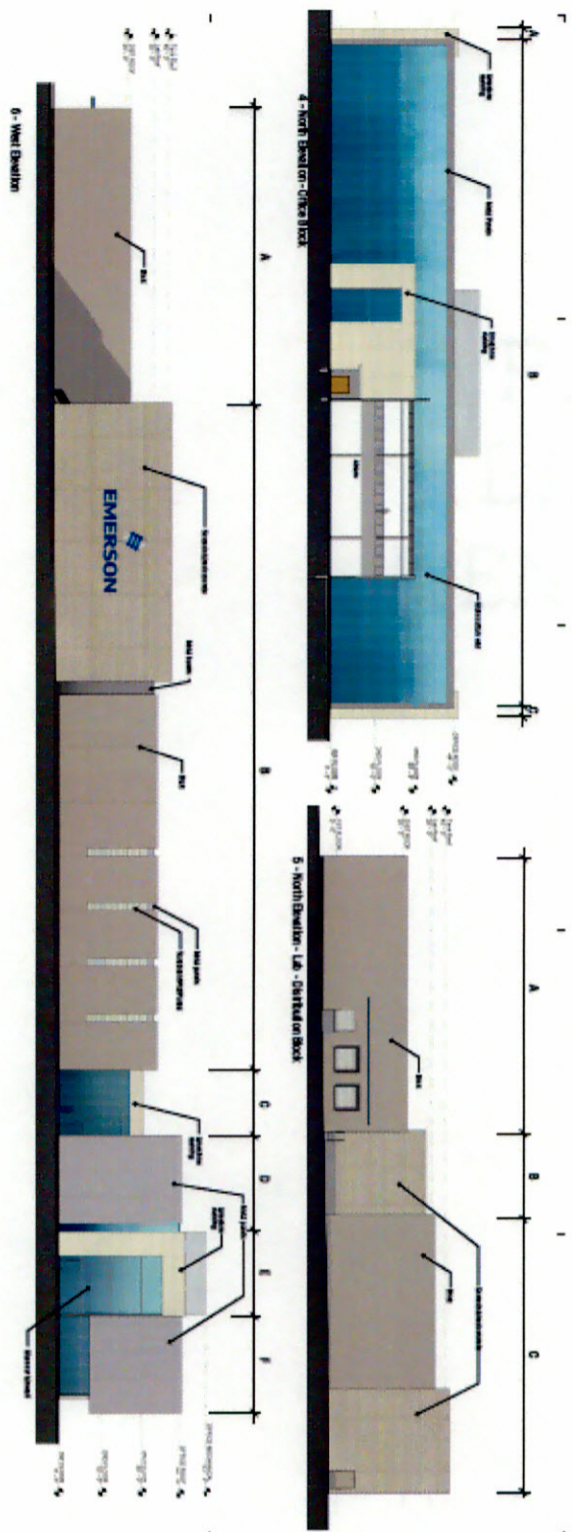


Exhibit D-1



2023 Schedule - Structural

Item	Q1	Q2	Q3	Q4	Total
Foundation	100	100	100	100	400
Structure	100	100	100	100	400
MEP	100	100	100	100	400
Interior	100	100	100	100	400
Exterior	100	100	100	100	400
Site Work	100	100	100	100	400
Commissioning	100	100	100	100	400
Grand Opening	100	100	100	100	400
Total	600	600	600	600	2400

2024 Schedule - MEP

Item	Q1	Q2	Q3	Q4	Total
MEP	100	100	100	100	400
Interior	100	100	100	100	400
Exterior	100	100	100	100	400
Site Work	100	100	100	100	400
Commissioning	100	100	100	100	400
Grand Opening	100	100	100	100	400
Total	600	600	600	600	2400

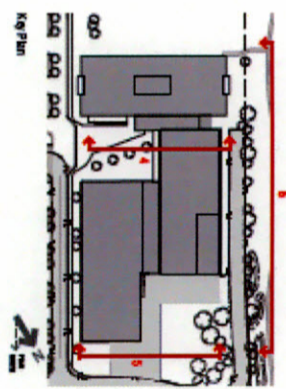


Exhibit D-2