

ORDINANCE NO. 2013-06-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 14.60 ACRE PROPERTY IS REZONED FROM “MH” – HEAVY MANUFACTURING DISTRICT AND “ML” – LIGHT MANUFACTURING DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE USES AND DEVELOPMENT STANDARDS, LOCATED APPROXIMATELY 1,700 FEET NORTH OF PLATEAU DRIVE AND ON THE EAST SIDE OF MCDONALD STREET (STATE HIGHWAY 5); 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 14.60 acre property, located approximately 1,700 feet north of Plateau Drive and on the east side of McDonald Street (State Highway 5), from “MH” – Heavy Manufacturing District and “ML” – Light Manufacturing District to “PD” – Planned Development District, generally to modify the uses and development standards; and,

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

Section 1. Ordinance No. 1270 is hereby amended in order to rezone an approximately 14.60 acre property, located approximately 1,700 feet north of Plateau Drive and on the east side of McDonald Street (State Highway 5), from “MH” – Heavy Manufacturing District and “ML” – Light Manufacturing District to “PD” – Planned Development District, generally to modify the uses and development standards.

Section 2. Use and development of the subject property, more fully depicted on Exhibits “A” and “B”, shall conform to the following regulations:

- a) Tract 1, as shown on the attached Zoning Exhibit “C”, of the subject property shall develop in accordance with Section 146-86 “C” – Planned Center District, and as amended, except as follows:

- i. Office/Retail/Warehouse Flex Space shall be an allowed use. Office/Retail/Warehouse Flex Space shall be an allowed use and shall be defined as a commercial building that features a small retail or office use in combination with a larger warehouse use. The warehouse use of this building shall be no more than five times larger than the office or retail use that it is associated with or a maximum of 10,000 square feet, whichever is smaller. This building type shall be subject to the “non-residential uses in non-industrial districts” architectural design requirements of Section 146-139 of the Zoning Ordinance.
 - ii. Residential uses shall be prohibited.
- b) Tract 2, as shown on the attached Zoning Exhibit “C”, of the subject property shall develop in accordance with Section 146-90 “ML” – Light Manufacturing District, and as amended, with the following exceptions:
 - i. A concrete or asphalt batch plant shall be an allowed use.
 - ii. Dirt, topsoil, sand, gravel, and other similar material storage shall be an allowed use.
- c) One canopy tree shall be required for every 30 linear feet of street frontage.

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 18th DAY OF JUNE, 2013.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

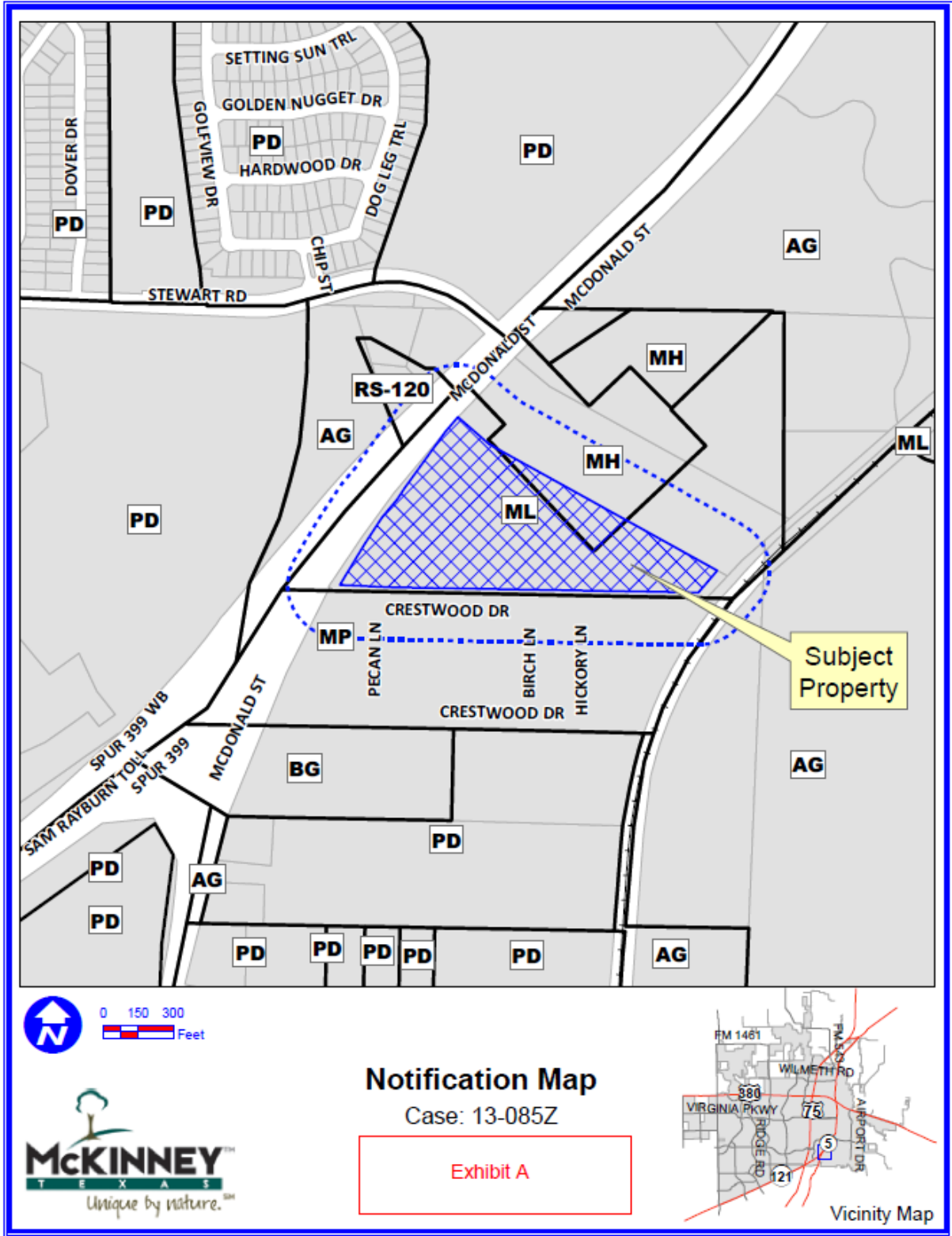
CORRECTLY ENROLLED:

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

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



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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
14.61 ACRES

BEING a tract of land situated in the Joab Butler Survey, Abstract No. 68 in the City of McKinney, Collin County, Texas, being all of Lot 3, Amending Plat of Creststone Addition, an addition to the City of McKinney according to the plat thereof recorded in Cabinet 2012, Page 189 of the Official Public Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the east right-of-way line of State Highway 5 (variable width ROW) at the southwest corner of said Lot 3;

THENCE with the north line of said Lot 3 and the said east right-of-way line, the following courses and distances to wit:

North 30°46'56" East, a distance of 202.84 feet to a point for corner;
North 33°13'43" East, a distance of 141.08 feet to a point for corner;
North 39°32'38" East, a distance of 100.00 feet to a point for corner;
North 33°13'43" East, a distance of 59.28 feet to a point for corner;
North 35°43'43" East, a distance of 299.30 feet to a point for corner;
North 40°28'43" East, a distance of 81.69 feet to a point for the northerly most corner of said Lot 3;

THENCE with the northeast line of said Lot 3, the following courses and distances to wit:

South 49°17'23" East, a distance of 177.21 feet to a point for corner;
South 61°07'04" East, a distance of 1121.41 feet to a point in the west line of a tract of land described in deed to Dallas Area Rapid Transit recorded in Volume 5443, Page 5532 of the Land Records of Collin County, Texas for the beginning of a non-tangent curve to the left having a radius of 2713.20 feet, a central angle of 2°37'44", a chord bearing and distance of South 40°36'05" West, 124.48 feet;

THENCE southwesterly with said west line, and with said curve, an arc distance 124.49 feet to a point for the southeast corner of said Lot 3;

THENCE with the south line of said Lot 3, the following courses and distances to wit:

North 89°10'10" West, a distance of 1319.55 feet to a point for corner;
North 87°47'10" West, a distance of 221.08 feet to the **POINT OF BEGINNING** and containing 14.61 acres of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EXHIBIT B

