

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 SO THAT 81.6 ACRES OF LAND DESCRIBED IN THE ATTACHED EXHIBIT A IS ZONED PLANNED DEVELOPMENT AS SHOWN ON THE ZONING MAP ATTACHED TO THIS ORDINANCE AND MADE A PART HEREOF; PROVIDING FOR MAXIMUM DENSITY; PROVIDING FOR PLANNED DEVELOPMENT REGULATIONS AND A SITE PLAN FOR THE DEVELOPMENT OF SUCH TRACT; 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 81.6 acres of land more fully described in the attached Exhibit A have petitioned the City of McKinney to zone such tract "Planned Development," such area being shown on the property zoning map attached to this Ordinance 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 such zoning change should be made.

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

Section I: That the real estate more fully described in the attached Exhibit A is hereby zoned Planned Development as shown on the zoning map attached to this Ordinance with the specific limitations set forth herein.

Section II: SPECIAL REGULATIONS

a. Regulations for multi-family areas shall be the same regulations as those contained in Section 3.10 of the Code of Ordinances of the City of McKinney;

b. Multi-family development with a density of 25 to 29 units per acre shall only be in a building of three (3) or more stories in height;

c. The regulations for the multi-story office/retail areas shall be the same regulations as those contained in Section 3.14

of the Code of Ordinances of the City of McKinney, except that no residential development shall be contained in the multi-story office/retail areas;

d. Maximum building height shall be 50 feet, except that the height may be increased by two (2) feet for each one (1) foot that all required yards are increased up to a maximum of 50 feet;

e. All buildings shall have a maximum height of ten (10) stories.

Section III: That prior to the development of any property in this Planned Development, a complete site plan and planned development regulations shall be submitted to and receive the approval of the City Council of the City of McKinney, Texas.

Section IV: That no development or property owner shall acquire any vested interest in this Ordinance, the Planned Development Zone, or specific regulations contained herein. 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 V: 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 VI: 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 VII: 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 7th day of June, 1983.

CORRECTLY ENROLLED:



JENNIFER CRAVENS
CITY SECRETARY

EXHIBIT A
ORDINANCE 1354

SITUATED in Collin County, Texas in the William Ryan Survey, Abstract #746 and in the W. D. Thompson Survey, Abstract #891, and being part of a called 81.5815 acre tract conveyed to Patrick F. Deprez, Trustee from Peter Verhalen and Caliborne Johnson, Trustees by deed dated March 8, 1974 and recorded in Volume 905, page 594 of the Deed Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod at the most northerly northwest corner of said 81.5815 acre tract said iron rod is in the south side of RockHill Road at a fence corner post;

THENCE: S 87° 47' 25" E 530.57 feet along and near a fence and with the north line of said 81.5815 acre tract to an iron rod for corner;

THENCE: With the east line of said 81.5815 acre tract along and near a fence on top of a creek bank as follows:

S 1° 09' 13" E 142.82 feet to an iron rod for corner;
S 46° 18' 41" W 84.80 feet to an iron rod for corner;
S 23° 41' 19" E 102.70 feet to an iron rod for corner;
S 3° 07' 41" W 262.60 feet to an iron rod for corner;

THENCE: S 54° 52' 19" E 74.70 feet crossing said creek to an iron rod for corner in the east top of bank;

THENCE: With the east line of said 81.5815 acre tract along and near a fence line as follows;

S 5° 04' 19" E 219.30 feet to an iron rod for corner;
S 87° 54' 19" E 70.60 feet to an iron rod for corner;
S 1° 33' 41" W 2014.82 feet to an iron rod for corner;

THENCE: Across said 81.5815 acre tract as follows:

Along a curve to the right having a radius of 831.54 feet, a central angle of 049° 40' 30", an arc length of 720.94 feet, and a chord which bears North 44° 16' 29" West to a point on a line;

S 68° 29' 46" W a distance of 112.04 feet to a point of curve

Along a curve to the left having a radius of 508.34 feet, a central angle of 042° 55' 49", an arc length of 380.89 feet, and a chord which bears South 47° 01' 48" West to its point of tangency;

South 25° 33' 54" W a distance of 358.10 feet to a point of curve;

Along a curve to the right having a radius of 306.39 feet, a central angle of 057° 29' 05", an arc length of 307.40 feet, and a chord which bears South 54° 18' 26" West to a point for corner in the East right-of-way line of U.S. Highway #75;

THENCE: With the east right-of-way line of U.S. Highway 75 and most of the way along and near a fence and with the west line of said 81.5815 acre tract as follows:
 N 1° 37' W 3.04 feet to an iron rod,
 N 1° 14' E 600.19 feet to an iron rod,
 N 2° 40' E 600.00 feet to an iron rod,
 N 3° 03' W 204.01 feet to an iron rod for corner in the south line of a called 1.443 acre tract conveyed to T.P.& L. from Patrick F. Deprez, Trustee by deed dated April 8, 1974 and recorded in Volume 918, page 111 of the Collin County Deed Records;

THENCE: S 87° 49' 33" E 327.02 feet along and near a wire fence with the most northerly south line of said 1.443 acre tract to a 1/2 inch iron rod for corner near a fence corner post;

THENCE: S 2° 17' 41" W along and near a wire fence passing the most southerly southwest corner of said 1.443 acre tract at a distance of 110.00 feet and continuing S 2° 17' 41" W across a field and with the west boundary line of a called 0.932 acre tract, (conveyed to Texas Power & Light Company from Patrick F. Deprez, Trustee by deed dated August 27, 1984 and recorded in volume 1965, page 942 Collin County Deed Records) a total distance of 250.00 feet to a 1/2 inch iron rod for corner;

THENCE: S 87° 42' 19" E 290.02 feet with the south line of said 0.932 acre tract to a 1/2 inch iron rod for corner at the southeast corner of said 0.932 acre tract;

THENCE: N 2° 17' 41" E with the east line of said 0.932 acre tract passing the northeast corner of said 0.932 acre tract at a distance of 140.00 feet and continuing N 2° 17' 41" E along and near a wire fence and with the east boundary line of said 1.443 acre tract for a total distance of 300.00 feet to a 1/2 inch iron rod for corner at the northeast corner of said 1.443 acre tract;

THENCE: N 86° 31' 45" W 51.27 feet along and near a wire fence and with the north line of said 1.443 acre tract to an iron rod for corner and a fence corner post;

THENCE: N 2° 12' 24" E 1711.66 feet with the most northerly west line of said 81.5815 acre tract and along a fence line to the POINT OF BEGINNING and containing 50.427 acres of land more or less and being subject to the following:

1. Right-of-way grant dated September 4, 1918 set out in Civil Suite styled Texas Power & Light Co., vs. J. E. Gibson, Volume H., Page 208-210, Collin County Civil Minutes, as recorded in Volume 640, page 565, Deed Records Collin County, Texas.
2. Right-of-way deed dated August 20, 1939 executed by C.M. Cook to Texas Power & Light Company recorded in Volume 322, page 501, Deed Records Collin County, Texas.
3. Easement executed by C.M. Cook to Texas Power & Light Co., dated July 1, 1947 recorded in Volume 387, page 195, Deed Record Collin County, Texas.

4. Easement executed by Helen Marie Bevill, Trustee and Executrix of the C.M. Cook Estate to State of Texas dated July 1, 1962 and recorded in Volume 604, page 24 Deed Records Collin County, Texas.
5. Easement executed by Fred B. Bevill, Jr., et al to State of Texas dated July 6, 1962 recorded in Volume 605, page 624 Deed Records Collin County, Texas.
6. Easement executed by Helen Marie Bevill for the Cora B. Cook Estate to the City of McKinney dated December 28, 1964 and recorded in Volume 645, page 522 Deed Records Collin County, Texas.
7. Easement executed by Helen Marie Bevill et al to Texas Power & Light Co. dated August 25, 1964 and recorded in Volume 640, page 565, Deed Records Collin County, Texas.
8. Limited access regulation by State Highway Department.
9. Easement to Ensearch Corporation from Peter Verhalen, Trustee et al by deed dated June 16, 1976 and recorded in Volume 1024, page 584 of the Collin County Deed Records.
10. Sanitary Sewer Easement from Patrick F. Deprez, Trustee to City of McKinney by instrument dated February 3, 1984 and recorded in Volume 1822, page 531 Collin County Deed Records.
11. Right-of-way and easements described in a development agreement with the City of McKinney and Patrick F. Deprez, Trustee, said instrument filed November 8, 1984 and recorded in Volume 2013, Page 226, Deed Records, Collin County, Texas.

ROCK HILL ROAD

CENTRAL EXPRESSWAY

N

scale: 1" = 100'

PD
30 UNITS/AC

30' SIDE EASEMENT

TP&L
YARD

15' SANITARY
SEWER EASEMENT

SAINT JUNE CREEK

PC
HIGHRISE
10 STORY

10' SIDE EASEMENT

FILL IN FLOODWAY FRINGE
AS ALLOWED BY F.I.A. CRITERIA
AND DEVELOPED.

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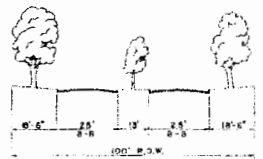
LAKE

PUBLIC AREA

GREENBELT

WILSON

CREEK



TYPE B
MAJOR THOROUGHFARE



TYPE D
SECONDARY THOROUGHFARE

"SAINT JUNE"
DEVELOPMENT
PRELIMINARY SITE PLAN
**BLACKLAND
PROPERTIES, INC.**

January Consultants
P. O. BOX 109, 800 N. WINDYBELL
DALLAS, TEXAS 75208

HIGH RISE OFFICE	15.8 ACRES
MULTI FAMILY	36.7 ACRES
GREENBELT	8.7 ACRES
LAKE	14.1 ACRES
THOROUGHFARES	6.3 ACRES
TOTAL	81.6 ACRES