

Summary of Regulations Applicable to the Concrete Batch Plants Generally Located at State Highway 5 and SPUR 399, Including Current Status of Efforts to Gain Compliance							
	City, State (Agency), or Federal (Agency)?	Applicable Regulation	Regulation	Has the regulation been satisfied?	What was done to satisfy the regulation?	What is the City doing to gain Compliance?	Current Status of Attempts to Gain Compliance
Cowtown	City		Section 130-190: "Prohibited Discharges" Section 130-190: "Prohibited Discharges" No person may introduce into any lake, pond, stream, or municipal separate storm sewer system (MS4) within the city: (1) Any pollutants or materials other than stormwater that may have an adverse effect on the environment; may endanger life, health, or property; or constitute a public nuisance; (2) Any discharges that would cause or has the reasonable potential to cause or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses; (3) Substances specifically prohibited from being discharged into the stormwater system are as follows: a. Polluted wastewater or other liquid wastes containing concrete, building materials, oil, chemicals, or other liquid industrial wastes..... (4) Any person subject to an industrial or general construction TPDES stormwater permit shall comply with all provisions of such permit. Upon inspection of the facility or site during any enforcement proceeding or action, or for any other reasonable cause, proof of compliance with said permit may be required in a form acceptable to the director of engineering.	Yes	The City of McKinney conducts compliance inspection on a regular bases to ensure the requirements of the city ordinance are being met. Part of the inspection is to look at the Stormwater Best Management Practices (BMPs) on the site. The BMPs are designed to capture as much of the pollutants on the site to the maximum extent practicable. The site does not drain directly to Wilson creek without first going through the BMPs. The Cowtown facility implements a series of capture basins downstream of their washout area. They also have incorporated a chambered/walled stockpile area designed to keep product from entering the streamflow. Cowtown also maintains an active sweeping program. The last inspections of the site was conduct on March 21, 2018. During the inspection no evidence of pollutants entering into Wilson Creek were observed at the site.	N/A	
	City of McKinney Building Permit 16-6279		Chapter 58 Sec. 58-7. - Effective outdoor lighting.The purpose of the effective outdoor lighting section is to minimize glare, sky glow, light trespass and excessive energy consumption through the use of appropriate lighting fixtures, practices and systems, while maintaining safety, security and productivity and curtailing degradation of the nighttime visual environment.	Ongoing	N/A	Measurement taken with a light meter at the west and south property lines on March 12, 2018 did not disclose any light trespass. However, the luminaries which were installed were not the full cutoff variety, nor were they shielded in any way. According to the approved photometric plan, the outdoor lighting that exists on the site are Hubbell ASL-161 and FXL-56L fixtures. Both lamps have shields which can be installed to reduce glare. Final Inspection/CO must require shields to be installed to eliminate glare. In order to gain compliance, staff will notify the owner of the violation via certified mail and provide notification of the violation. Pursuant to Section 58.9, a violation of this chapter is a misdemeanor and if convicted the owner could be subject to a fine not to exceed \$2000 for each day the violation exists. In a telephone conversation with staff on March 20, 2018 the owner of Cowtown expressed his willingness to take whatever action the City deemed necessary to bring his property into compliance with all aspects of the code.	Permit #16 – 6279
	City of McKinney Building Permit 17-8122		Chapter 58 Sec. 58-1. - Purpose.Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by owners and occupants while requiring adequate levels of lighting of parking areas.	No, the Photometric plan reflects no Light Trespass at the property line. Both light fixtures indicated have shields available to minimize/reduce glare. The following statement of compliance is on the Photometric Plan "THE OWNER WILL COMPLY TO ALL OUTDOOR LIGHTING ON BUILDINGS AND LIGHT POLES AS SPECIFIED IN THE CITY OF MCKINNEY LIGHTING ORDINANCES CHAPTER-58, SECTION 58-1 THRU 58-9".	Final Inspection/CO must require shields to be installed to eliminate glare	Measurement taken with a light meter at the west and south property lines on March 12, 2018 did not disclose any light trespass. However, the luminaries which were installed were not the full cutoff variety, nor were they shielded in any way. According to the approved photometric plan, the outdoor lighting that exists on the site are Hubbell ASL-161 and FXL-56L fixtures. Both lamps have shields which can be installed to reduce glare. Final Inspection/CO must require shields to be installed to eliminate glare. In order to gain compliance, staff will notify the owner of the violation via certified mail and provide notification of the violation. Pursuant to Section 58.9, a violation of this chapter is a misdemeanor and if convicted the owner could be subject to a fine not to exceed \$2000 for each day the violation exists. In a telephone conversation with staff on March 20, 2018 the owner of Cowtown expressed his willingness to take whatever action the City deemed necessary to bring his property into compliance with all aspects of the code.	Building Final was approved by Marcus Ramos on 11/3/2017
	City Zoning Ordinance	Sec. 146-130 - Parking: "Office - 1 space per 400 square feet of building area; Warehouse - 1 space per 4000 square feet of building area"	No - Applicant must stripe all parking areas	N/A	Prior to the issuance of a full Certificate of Occupancy, all items shown on the approved site plan (Case SITE2016-0050) will be in place.	Planning Department was Dis-approved "OK for TCO" by Melissa Spriegel on 11/10/2017	
	City Zoning Ordinance	Sec. 146-130 - Parking: "All required off-street parking, maneuvering, and loading areas shall be paved with concrete or asphaltic material...except where another surface is approved through the site plan process for special loading/unloading operations"	Yes - designated areas have been paved as required by the approved site plan in Case SITE2016-0050	N/A	N/A	☐	
	City Zoning Ordinance	Sec. 146-132 - Screening: "All allowed open storage of materials, equipment, or commodities shall be screened from view from all streets. Materials, equipment, or commodities shall be stacked no higher than one foot below the top of the screening wall or visual barrier"	Yes - Open storage areas are screened from public right of way as required by the approved site plan in Case SITE2016-0050.	N/A	N/A	☐	
	City Zoning Ordinance	Sec. 146-132 - Screening: "Screening materials shall consist of brick masonry, stone masonry, or other architectural masonry finish; tubular steel with masonry columns spaced 20' on center with supports every 10 feet and sufficient evergreen shrubs; living plant screen or other alternate device approved by the Planning and Zoning Commission"	Yes - 7-foot masonry wall constructed as required by the approved site plan in Case SITE2016-0050.	N/A	N/A		
	City Zoning Ordinance	Sec. 146-132 - Screening: "Garbage, trash, or refuse containers shall be screened on all sides. Screening materials shall be masonry and the same color as the exterior walls of the main structure. A solid metal gate shall be provided"	Yes - Screening has been installed as required by the approved site plan in Case SITE2016-0050	N/A	N/A		
	City Zoning Ordinance	Sec. 146-134 - Performance Standards: "At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the octave band groups designated in the following table: Octave band (cycles per second) - Maximum permitted sound pressure level (decibels) 20—75 86 75—150 76 150—300 70 300—600 65 600—1,200 63 1,200—2,400 58 2,400—4,800 55 4,800—10,000 53	Ongoing	N/A	Staff has conducted preliminary readings and all results were within acceptable levels. Code Enforcement Staff is in the process of purchasing new equipment calibrated to McKinney's regulations and will conduct a more extensive noise analysis at various locations in the area. The new equipment should be in hand by mid-April and the noise analysis should be concluded by the end of May.	Staff purchased new sound testing equipment and is in the process of taking readings from (3) separate locations, (3) times a day on (4) days of each week. This testing will be complete by the end of May. All collected data will be analyzed and compared to the provisions allowed by current code. Staff has verified that the owner of Cowtown Redi-Mix has hired Behrens and Associates of Fort Worth to conduct a comprehensive independent study of the noise generated by that operation. That information will be made available to the City for review.	
	City Zoning Ordinance	Sec. 146-134 - Performance Standards: "No operation or use in any district shall cause, create, or allow the emission for more than three minutes in any one hour of air contaminants"	No	TCEQ is investigaging a complaint and coordinating with the City on meeting this requirement.	TCEQ has been notified.		
	City Zoning Ordinance	Sec. 146-135 - Landscaping: "For all non-residential... parcels, developers shall be required to plant 1 canopy tree (minimum of 4" caliper and 12' high at time of planting) per 40 linear feet... of street frontage"	Yes - the tree requirement has been satisfied as shown on the approved Landscape Plan in Case SITE2016-0050.	No additional landscaping was required	N/A		
	City Zoning Ordinance	Sec. 146-135 - Landscaping: "Minimum of ten percent (10%) of the entire site shall be devoted to living landscape"	Yes - Approved as part of the site plan in Case SITE2016-0050.	Provided 72% pursuant to approved site plan (Case SITE2016-0050)	N/A		
	City Zoning Ordinance	Sec. 146-135 Landscaping: "Internal landscape areas shall: 1) equal at least 25 square feet or at least 5' in width; 2) have a landscaped area with at least 1 tree within 65' of every parking space; and 3) have a minimum of 1 tree planted in the parking area for every ten spaces within parking lots with more than 20 spaces"	Yes - satisfied as shown on the approved Landscape Plan In Case SITE2016-0050.	Landscape areas meet this requirement	N/A		
	City Zoning Ordinance	Sec. 146-135 Landscaping: "A minimum of one canopy tree at the terminus of each parking row"	Yes - satisfied as shown on the approved Landscape Plan In Case SITE2016-0050	Landscaping has been installed	N/A		
	City Zoning Ordinance	PD Ord. No. 2013-06-059: "On Tract 2, a concrete or asphalt batch plant shall be an allowed use; dirt, topsoil, gravel and other similar material storage shall be an allowed use"	Yes - this requirement authorizes the use of the property for a concrete batch plant	The use is allowed per the zoning so long as all requirements are satisfied.	N/A		
	City, State (TxDOT)	Tracking of site material on to the roadway (Spur 399). - All Regulations are still being researched to determine if any are applicable to this situation.	TBD	The City is coordinating with TxDOT to determine if their regulations apply.	N/A	TxDOT sent a letter to the owners requesting that the material be removed.	
City Zoning Ordinance	Amending plat required to dedicate easements	No	Applicant must submit tax certificates	Prior to the issuance of a full Certificate of Occupancy, the plat will be filed for record.	5/1/2018 Contacted Business Manager Issam Shimaiani and advised him to submit Tax Certificates, filing fees, and final plat with signatures so that it may be reviewed and approved for filing.		
Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan		Settlement: The site plan provides for a..8-foot berm along the southern border of the site adjacent to the mobile home park. The plan requires.."ground cover shall be established on both sides of the berm... Irrigation shall be sufficient to establish and maintain ground cover"	Yes	N/A	N/A	APRIL 23 2018 - BUILDING OFFICIAL NOTICE AND REQUEST SENT TO OWNER REQUESTING CONTACT AND MEETING WITHIN 30 DAYS FROM DATE OF THE NOTICE TO DISCUSS COMPLIANCE WITH THE JUDGEMENT 219-1124-00 7-30-2001 May 2, 2018OWNER CALLED AND ONSITE MEETING SET FOR MAY 7, 2018 - PLANNING TO SEND INVITE TO DEPARTMENTS	
City, State (TxDOT)	Traffic Signal at SH 5 & Stewart Road Texas Manual on Uniform Traffic Control Devices (TMUTCD) Part 4: Highway Traffic Signals	TBD	N/A	City staff is conducting a traffic signal warrant analysis at SH 5 & Stewart Road to determine if traffic volume and other criteria warrant a traffic signal at this location. TxDOT will have to approve a traffic signal because the road is under their jurisdiction.	Staff conducted a traffic signal warrant analysis at the intersection and the location did not meet the criteria for a traffic signal. Without a warrant analysis justifying a traffic signal, TxDOT will not support the installation of a traffic signal at the intersection.		
City, State (TxDOT)	No U-Turn Sign on NB SH 5 at Stewart Road Texas Manual on Uniform Traffic Control Devices (TMUTCD) Part 2: Signs	TBD	N/A	City staff is reviewing the traffic volumes and geometry of the intersection to determine if no U-Turn signage is appropriate for NB SH 5 at Stewart Road and coordinating with TxDOT. TxDOT will have to approve any signing changes because the road is under their jurisdiction.	Staff reviewed the request with TxDOT staff and it was decided that the no U-Turn sign was not needed.		
State (TCEQ)	TCEQ Air (New Source) Permit Number 134697	Yes	TCEQ performed an air complaint inspection of the Cowtown facility in February 2018. A preliminary review of available information indicates the complaint was filed for excessive dust coming from the facility. The City has requested the inspection records from TCEQ to learn more about this inspection.	N/A			
State (TCEQ)	TCEQ General Concrete Batch Plant Wastewater/Stormwater Permit Number TXG112229	Yes	The facility opened in November 2017. Thus to date the TCEQ has not performed a stormwater inspection of the site.	City Staff performed an Industrial Storm water inspection of the facility on March 21, 2018. No storm water violation or issue were found during the inspection.	In Compliance		

		Applicable Regulation				
	City, State (Agency), or Federal (Agency)?	Regulation	Has the regulation been satisfied?	What was done to satisfy the regulation?	What is the City doing to gain Compliance?	Current Status of Attempts to Gain Compliance
Marietta/TXI	City	Section 130-190: "Prohibited Discharges" No person may introduce into any lake, pond, stream, or municipal separate storm sewer system (MS4) within the city: (1) Any pollutants or materials other than stormwater that may have an adverse effect on the environment; may endanger life, health, or property; or constitute a public nuisance; (2) Any discharges that would cause or has the reasonable potential to cause or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses; (3) Substances specifically prohibited from being discharged into the stormwater system are as follows: a. Polluted wastewater or other liquid wastes containing concrete, building materials, oil, chemicals, or other liquid industrial wastes..... (4) Any person subject to an industrial or general construction TPDES stormwater permit shall comply with all provisions of such permit. Upon inspection of the facility or site during any enforcement proceeding or action, or for any other reasonable cause, proof of compliance with said permit may be required in a form acceptable to the director of engineering.	Yes	The City of McKinney conducts compliance inspection on a regular bases to ensure the requirements of the city ordinance are being met. Part of the inspection is to look at the Stormwater Best Management Practices (BMPs) on the site. The BMPs are designed to capture as much of the pollutants on the site to the maximum extent practicable. The site does not drain directly to Wilson creek without first going through the BMPs. TXI (Martin Marietta), does not recycle concrete on site, but does have concrete removed by others for recycling. TXI utilizes a particulate capture basin where most of the pollutants fall out of suspension. This basin leads to an on-site wetlands that further reduces the pollutants before leaving the site. The last inspections of the site was conduct on March 20, 2018. During the inspection no evidence of pollutants entering into Wilson Creek were observed at the site. Testing result conducted by the facility in accordance with the facilities TCEQ permit showed the water that does leaves the site is meeting all requirements to be discharged.	N/A	
	City of McKinney Permit COM2018-02-00574	Application for Certificate of Occupancy	The property is subject to a 2000 Approved Site Plan.	N/A	City placed permit "On Hold" pending enforcement of the 2000 Approved Site Plan.	4/30 and 5/2 Contacted Tom Zais regarding outstanding Zoning Ordinance requirements. Awaiting a response
	City Zoning Ordinance	Sec. 146-130 - Parking: "Contractor's Yard - 1 parking space for every 5,000 square feet of lot area"	No; 71 paved parking spaces are required, but there are no designated parking spaces/areas on site.	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	4/30 and 5/2 Contacted Tom Zais regarding outstanding Zoning Ordinance requirements. Awaiting a response
	City Zoning Ordinance	Sec. 146-130 - Parking: "All required off-street parking, maneuvering, and loading areas shall be paved with concrete or asphaltic material...except where another surface is approved through the site plan process for special loading/unloading operations"	No; paving exists but is broken, filled with potholes, and generally in poor condition. Only vehicles designed for loading or unloading stockpile materials will operate outside of paved surfaces.	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	4/30 and 5/2 Contacted Tom Zais regarding outstanding Zoning Ordinance requirements. Awaiting a response
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "The required paving and parking shall be completed"	No	N/A	Staff is currently coordinating with the City's legal team to determine available options for enforcement of the 2000 Approved Site Plan.	4/30 and 5/2 Contacted Tom Zais regarding outstanding Zoning Ordinance requirements. Awaiting a response
	City Zoning Ordinance	Sec. 146-132 - Screening: "All openings in the surface for passage shall be equipped with gates equal in height and screening characteristics above"	No	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	4/30 and 5/2 Contacted Tom Zais regarding outstanding Zoning Ordinance requirements. Awaiting a response
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "the gate should be far enough from the street to allow an 18-wheel tractor-trailer combination to pull up to a closed gate and completely clear the right-of-way"	No	N/A	Staff is currently coordinating with the City's legal team to determine available options for enforcement of the 2000 Approved Site Plan.	4/30 and 5/2 Contacted Tom Zais regarding outstanding Zoning Ordinance requirements. Awaiting a response
	City Zoning Ordinance	Sec. 146-132 - Screening: "All allowed open storage of materials, equipment, or commodities shall be screened from view from all streets. Materials, equipment, or commodities shall be stacked no higher than one foot below the top of the screening wall or visual barrier"	No	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	4/30 and 5/2 Contacted Tom Zais regarding outstanding Zoning Ordinance requirements. Awaiting a response
	City Zoning Ordinance	Sec. 146-132 - Screening: "Screening materials shall consist of brick masonry, stone masonry, or other architectural masonry finish; tubular steel with masonry columns spaced 20' on center with supports every 10 feet and sufficient evergreen shrubs; living plant screen or other alternate device approved by the Planning and Zoning Commission"	Yes	The existing fence located along the west boundary of the property, when landscaped in accordance with the landscape plan, shall satisfy the perimeter screening requirement	N/A	
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "The existing fence located along the west boundary of the property, when landscaped in accordance with the landscape plan, shall satisfy the perimeter screening requirement"	Yes	Landscaping is installed along the west property line in accordance with the approved landscaping plan	N/A	
	City Zoning Ordinance	Sec. 146-132 - Screening: "Garbage, trash, or refuse containers shall be screened on all sides. Screening materials shall be masonry and the same color as the exterior walls of the main structure. A solid metal gate shall be provided"	No	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	4/30 and 5/2 Contacted Tom Zais regarding outstanding Zoning Ordinance requirements. Awaiting a response
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: Garbage Container - The owner shall provide a garbage container on site, subject to the screening requirements of Sec 41-105(3)(d).	No	N/A	Staff is currently coordinating with the City's legal team to determine available options for enforcement of the 2000 Approved Site Plan.	4/30 and 5/2 Contacted Tom Zais regarding outstanding Zoning Ordinance requirements. Awaiting a response
	City Zoning Ordinance	Sec. 146-134 - Performance Standards: "At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the octave band groups designated in the following table: Octave band (cycles per second) - Maximum permitted sound pressure level (decibels) 20—75 86 75—150 76 150—300 70 300—600 65 600—1,200 63 1,200—2,400 58 2,400—4,800 55 4,800—10,000 53	Ongoing	N/A	Staff has conducted preliminary readings and all results were within acceptable levels. Code Enforcement Staff is in the process of purchasing new equipment calibrated to McKinney's regulations and will conduct a more extensive noise analysis at various locations in the area. The new equipment should be in hand by mid-April and the noise analysis should be concluded by the end of May.	A new sound meter was purchased. Currently staff is conducting testing at (3) separate location at (3) times of the day and night on (4) days of the week. This testing effort should be complete by the end of May. All data will be analyzed and compared against existing Ordinance specifications.
	City Zoning Ordinance	Sec. 146-134 - Performance Standards: "No operation or use in any district shall cause, create, or allow the emission for more than three minutes in any one hour of air contaminants"	No	N/A	TCEQ is investigating a complaint and coordinating with the City on meeting this requirement	
	City Zoning Ordinance	Sec. 146-135 - Landscaping: "For all non-residential... parcels, developers shall be required to plant 1 large tree (minimum of 3" caliper and 7' high at time of planting) per 40 linear feet... of street frontage"	Yes - Satisfied pursuant to 2000 Approved Site Plan the existing fence located along the west boundary of the property, when landscaped in accordance with the landscape plan, shall satisfy the perimeter screening requirement	N/A	N/A	
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "Dead trees that are part of the landscape plan along Highway 5 shall be replaced with live trees"	No	N/A	Staff is currently coordinating with the City's legal team to determine available options for enforcement of the 2000 Approved Site Plan.	APRIL 23 2018 - BUILDING OFFICIAL NOTICE AND REQUEST SENT TO OWNER REQUESTING CONTACT AND MEETING WITHIN 30 DAYS FROM DATE OF THE NOTICE TO DISCUSS COMPLIANCE WITH THE JUDGEMENT 219-1124-00 7-30-2001
	City Zoning Ordinance	Sec. 146-135 - Landscaping: "Minimum of ten percent (10%) of the entire site shall be devoted to living landscape"	No	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	4/30 and 5/2 Contacted Tom Zais regarding outstanding Zoning Ordinance requirements. Awaiting a response
	City Zoning Ordinance	Sec. 146-135 Landscaping: "Internal landscape areas shall: 1) equal at least 8 square feet per parking space; 2) have a landscaped area with at least 1 tree within 65' of every parking space; and 3) have a minimum of 1 tree planted in the parking area for every ten spaces within parking lots with more than 20 spaces"	No	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	4/30 and 5/2 Contacted Tom Zais regarding outstanding Zoning Ordinance requirements. Awaiting a response
	City Zoning Ordinance	Sec. 146 App. F-4 - Schedule of Uses: "Contractor's yard permitted within ML and MH District; Concrete or asphalt batch plant permitted within MH District only"	No; the front portion of the property is zoned ML, which does not allow concrete batch plant; however, there is one operating on this part of the property.	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	4/30 and 5/2 Contacted Tom Zais regarding outstanding Zoning Ordinance requirements. Awaiting a response
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "Amending plat dedicating the fire lanes must be filed with the County"	Yes	Plat filed in 2013 dedicating fire lanes for the sites.	N/A	
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "Piles of concrete rubble on the site are not approved stockpiles...the crushing operation shall be completed within 120 days"	Yes	Concrete rubble has been moved	N/A	
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "The site plan shall depict all areas to be in one of four categories: 1) structures, 2) irrigated landscaping, 3) asphalt or concrete pavement, and 4) material stockpiles. Stockpile dimensions to be clearly labeled on site plan"	Yes	Included in the 2000 Approved Site Plan	N/A	
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "ground cover shall be established on both sides of the berm... irrigation shall be sufficient to establish and maintain ground cover"	Yes	N/A	N/A	
	City, State (TxDOT)	Tracking of site material on to the roadway (Spur 399) - All Regulations are still being researched to determine if any are applicable to this situation.	TBD	N/A	The City is coordinating with TxDOT to determine if their regulations apply.	TxDOT sent a letter to the owners requesting that the material be removed.
	City, State (TxDOT)	Traffic Signal at SH 5 & Stewart Road Texas Manual on Uniform Traffic Control Devices (TMUTCD) Part 4: Highway Traffic Signals	TBD	N/A	City staff is conducting a traffic signal warrant analysis at SH 5 & Stewart Road to determine if traffic volume and other criteria warrant a traffic signal at this location. TxDOT will have to approve a traffic signal because the road is under their jurisdiction.	Staff conducted a traffic signal warrant analysis at the intersection and the location did not meet the criteria for a traffic signal. Without a warrant analysis justifying a traffic signal, TxDOT will not support the installation of a traffic signal at the intersection.
	City, State (TxDOT)	No U-Turn Sign on NB SH 5 at Stewart Road Texas Manual on Uniform Traffic Control Devices (TMUTCD) Part 2: Signs	TBD	N/A	City staff is reviewing the traffic volumes and geometry of the intersection to determine if no u-turn signage is appropriate for NB SH 5 at Stewart Road and coordinating with TxDOT. TxDOT will have to approve any signing changes because the road is under their jurisdiction.	Staff reviewed the request with TxDOT staff and it was decided that the no U-Turn sign was not needed.
	City	2001 Settlement Agreement, Exhibit A, Access: The site plan requires the installation of an acceleration lane for southbound traffic on Highway 5, a deceleration lane for incoming traffic, and a left turn lane for incoming traffic from the north.	Partially	Acceleration lane: no; since 2001 acceleration lanes have fallen out of favor for continued use.  Deceleration Lane: no for main driveway (a deceleration lane was constructed at the southern driveway with the Cowtown plant by Cowtown).  Left Turn Lane: yes, constructed with the Cowtown Plant.	The City is reviewing the requirements of the lawsuit to determine if all access improvements are needed.	
	State (TCEQ)	TCEQ Air (New Source) Permit Number 76159	Yes	TCEQ performed an air complaint inspection of the TXI facility in July 2017. A preliminary review of available information indicates the complaint was filed due to excessive dust coming from the facility. The City has requested the inspection records from TCEQ to learn more about this inspection.	N/A	
	State (TCEQ)	TCEQ General Concrete Batch Plant Wastewater/Stormwater Permit Number TXG110231	Yes	TCEQ has performed stormwater inspection of the TXI site in 2015. The City has requested the inspection records from TCEQ to learn more about this inspection.	City Staff performed an Industrial Storm water inspection of the facility on March 20, 2018. No storm water violation or issue were found during the inspection.	In Compliance

	City, State (Agency), or Federal (Agency)?	Applicable Regulation Regulation	Has the regulation been satisfied?	What was done to satisfy the regulation?	What is the City doing to gain Compliance?	Current Status of Attempts to Gain Compliance
Lhoist	City	Section 130-190: "Prohibited Discharges" No person may introduce into any lake, pond, stream, or municipal separate storm sewer system (MS4) within the city: (1) Any pollutants or materials other than stormwater that may have an adverse effect on the environment; may endanger life, health, or property; or constitute a public nuisance; (2) Any discharges that would cause or has the reasonable potential to cause or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses; (3) Substances specifically prohibited from being discharged into the stormwater system are as follows: a. Polluted wastewater or other liquid wastes containing concrete, building materials, oil, chemicals, or other liquid industrial wastes..... (4) Any person subject to an industrial or general construction TPDES stormwater permit shall comply with all provisions of such permit. Upon inspection of the facility or site during any enforcement proceeding or action, or for any other reasonable cause, proof of compliance with said permit may be required in a form acceptable to the director of engineering.	Yes	The City of McKinney conducts compliance inspection on a regular bases to ensure the requirements of the city ordinance are being met. Part of the inspection is to look at the Stormwater Best Management Practices (BMPs) on the site. The BMPs are designed to capture as much of the pollutants on the site to the maximum extent practicable. The site does not drain directly to Wilson creek without first going through the BMPs. Lhoist has a particulate capture basin and recycles as much stormwater as possible from the basin. Lime is 93% insoluble, which allows the settling basin to operate efficiently. Water travels from this sediment pond to a heavily vegetated buffer area before it leaves their site. The vegetation within the buffer area uptakes the dissolved lime. The last inspections of the site was conduct on March 19, 2018. During the inspection no evidence of pollutants entering into Wilson Creek were observed at the site. However lime was observed within a swale immediately north of a pipe fence. The swale is intended to intercept flows containing lime and redirect the flows back into the capture basin. Staff recommended performing maintenance on the swale to ensure that it functions properly. The only other notations during the inspection of the facilities involved minor "house-keeping" requests.	N/A	
	City	Section 130-382: "General floodplain regulations" Utilization of natural floodplains shall be the preferred consideration in providing stormwater management control within the city. Where maintaining natural floodplains is deemed impractical by the city, structural improvements and drainage systems will be designed and constructed to minimize adverse impact on the floodplain. (a) Permitted uses of floodplain areas. (1) To minimize possible losses of life and property, the following uses are permitted in a floodplain area, provided such uses are also permitted in the underlying zoning district: a. Farms and ranches; b. Local utilities, electrical substation, water reservoir or pumping stations, and water treatment plants; c. Public parks, hike and bike trails and playgrounds, private recreation clubs or areas, private community centers, and golf courses; d. Parking lots in accordance with subsections (g)(5), (g)(6), and (g)(7) of this section; e. Outside commercial amusements, approved by a specific use permit; f. Helistops, approved by a specific use permit; g. Radio, television, or microwave towers and amateur communications towers with a special permit; and h. Water quality enhancement facilities such as ponds, wetlands, etc. (2) Structures customarily associated with the above uses may be constructed within a floodplain area only if the proposed structure meets the engineering requirements of subsection (l) of this section. (3) Open private recreation clubs or areas and private community centers without exterior walls are permitted in floodplain areas. Private facilities listed above, with enclosed walls that could incur damage, are not permitted in floodplain areas. (4) Uses and structures other than those permitted above shall not be permitted in floodplain areas.	Yes	Parts of the Lhoist facility are located within the 500-yr flood-zone. Facilities are allowed by both FEMA and the City to be located within the 500-yr flood-zone. No part of Lhoist facility is located within the 100-yr floodplain. Although portions of a facility are allowed within the 100-yr floodplain, known as the Special Flood Hazard Area or SFHA, as long as they are not filling within this area or have habitable structures within. Fill may be allowed if an applicable study demonstrates that the fill will not cause a water surface elevation rise on other's property. In 2013, the Texas Water Development Board (TWDB) on behalf of FEMA provided a Community Assistance Visit (CAV). These visits are provided as a review of a community's floodplain program, regulations, and to help correct violations. It was noted at that time that Lhoist had encroached, or placed fill within the SFHA without the required study. The City investigated and determined that the fill was an unpermitted encroachment. Lhoist was required by the City to remove the fill from the floodplain to satisfy both the City as well as the TWDB. Lhoist complied with the request in 2013 and TWDB closed their case.	N/A	
	City Zoning Ordinance	Sec. 146-130 - Parking: "Contractor's Yard - 1 parking space for every 5,000 square feet of lot area"	No; 71 paved parking spaces are required, but there are no designated parking spaces/areas on site	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	5/1/2018 - visited the site Plant Operations Manager was not present. 5/3/2018 Spoke with Terry Morris regarding outstanding items. He will be out of town the week of 5/7 but will schedule a meeting with Staff upon his return the week of 5/14.
	City Zoning Ordinance	Sec. 146-130 - Parking: "All required off-street parking, maneuvering, and loading areas shall be paved with concrete or asphaltic material...except where another surface is approved through the site plan process for special loading/unloading operations"	No; paving exists but is broken, filled with potholes, and generally in poor condition. Only vehicles designed for loading or unloading stockpile materials will operate outside of paved surfaces.	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	5/1/2018 - visited the site Plant Operations Manager was not present. 5/3/2018 Spoke with Terry Morris regarding outstanding items. He will be out of town the week of 5/7 but will schedule a meeting with Staff upon his return the week of 5/14.
	City Zoning Ordinance	Sec. 146-132 - Screening: "Screening materials shall consist of brick masonry, stone masonry, or other architectural masonry finish; tubular steel with masonry columns spaced 20' on center with supports every 10 feet and sufficient evergreen shrubs; living plant screen or other alternate device approved by the Planning and Zoning Commission"	Yes	Satisfied pursuant to 2000 Approved Site Plan the existing fence located along the west boundary of the property, when landscaped in accordance with the landscape plan, shall satisfy the perimeter screening requirement	N/A	
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "The existing fence located along the west boundary of the property, when landscaped in accordance with the landscape plan, shall satisfy the perimeter screening requirement"	Yes	Satisfied pursuant to 2000 Approved Site Plan the existing fence located along the west boundary of the property, when landscaped in accordance with the landscape plan, shall satisfy the perimeter screening requirement	N/A	
	City Zoning Ordinance	Sec. 146-132 - Screening: "All openings in the surface for passage shall be equipped with gates equal in height and screening characteristics above"	No	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	5/1/2018 - visited the site Plant Operations Manager was not present. 5/3/2018 Spoke with Terry Morris regarding outstanding items. He will be out of town the week of 5/7 but will schedule a meeting with Staff upon his return the week of 5/14.
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "the gate should be far enough from the street to allow an 18-wheel tractor-trailer combination to pull up to a closed gate and completely clear the right-of-way"	No	N/A	Staff is currently coordinating with the City's legal team to determine available options for enforcement of the 2000 Approved Site Plan.	5/1/2018 - visited the site Plant Operations Manager was not present. 5/3/2018 Spoke with Terry Morris regarding outstanding items. He will be out of town the week of 5/7 but will schedule a meeting with Staff upon his return the week of 5/14.
	City Zoning Ordinance	Sec. 146-132 - Screening: "All allowed open storage of materials, equipment, or commodities shall be screened from view from all streets. Materials, equipment, or commodities shall be stacked no higher than one foot below the top of the screening wall or visual barrier"	No	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	5/1/2018 - visited the site Plant Operations Manager was not present. 5/3/2018 Spoke with Terry Morris regarding outstanding items. He will be out of town the week of 5/7 but will schedule a meeting with Staff upon his return the week of 5/14.
	City Zoning Ordinance	Sec. 146-132 - Screening: "Garbage, trash, or refuse containers shall be screened on all sides. Screening materials shall be masonry and the same color as the exterior walls of the main structure. A solid metal gate shall be provided"	No	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	5/1/2018 - visited the site Plant Operations Manager was not present. 5/3/2018 Spoke with Terry Morris regarding outstanding items. He will be out of town the week of 5/7 but will schedule a meeting with Staff upon his return the week of 5/14.
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "The garbage container shall be on site"	No	N/A	Staff is currently coordinating with the City's legal team to determine available options for enforcement of the 2000 Approved Site Plan.	5/1/2018 - visited the site Plant Operations Manager was not present. 5/3/2018 Spoke with Terry Morris regarding outstanding items. He will be out of town the week of 5/7 but will schedule a meeting with Staff upon his return the week of 5/14.
	City Zoning Ordinance	Sec. 146-135 - Landscaping: "For all non-residential... parcels, developers shall be required to plant 1 large tree (minimum of 3" caliper and 7' high at time of planting) per 40 linear feet... of street frontage"	Yes	Satisfied pursuant to 2000 Approved Site Plan the existing fence located along the west boundary of the property, when landscaped in accordance with the landscape plan, shall satisfy the perimeter screening requirement	N/A	5/1/2018 - visited the site Plant Operations Manager was not present. 5/3/2018 Spoke with Terry Morris regarding outstanding items. He will be out of town the week of 5/7 but will schedule a meeting with Staff upon his return the week of 5/14.
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "Dead trees that are part of the landscape plan along Highway 5 shall be replaced with live trees"	No	N/A	Staff is currently coordinating with the City's legal team to determine available options for enforcement of the 2000 Approved Site Plan.	5/1/2018 - visited the site Plant Operations Manager was not present. 5/3/2018 Spoke with Terry Morris regarding outstanding items. He will be out of town the week of 5/7 but will schedule a meeting with Staff upon his return the week of 5/14.
	City of McKinney Code of Ordinances	Chapter 58 Sec. 58-7. - Effective outdoor lighting. The purpose of the effective outdoor lighting section is to minimize glare, sky glow, light trespass and excessive energy consumption through the use of appropriate lighting fixtures, practices and systems, while maintaining safety, security and productivity and curtailing degradation of the nighttime visual environment.	Ongoing	N/A	It appears as though building expansions have occurred on site without property permits triggering the applicability of Chapter 58. This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	
	City of McKinney Code of Ordinances	Chapter 58 Sec. 58-1. - Purpose. Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by owners and occupants while requiring adequate levels of lighting of parking areas.	Ongoing	N/A	It appears as though building expansions have occurred on site without property permits triggering the applicability of Chapter 58. This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	
	City Zoning Ordinance	Sec. 146-134 - Performance Standards: "At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the octave band groups designated in the following table: Octave band (cycles per second) - Maximum permitted sound pressure level (decibels) 20—75 86 75—150 76 150—300 70 300—600 65 600—1,200 63 1,200—2,400 58 2,400—4,800 55 4,800—10,000 53	Ongoing	N/A	Staff has conducted preliminary readings and all results were within acceptable levels. Code Enforcement Staff is in the process of purchasing new equipment calibrated to McKinney's regulations and will conduct a more extensive noise analysis at various locations in the area. The new equipment should be in hand by mid-April and the noise analysis should be concluded by the end of May.	A new sound meter was purchased. Currently staff is conducting testing at (3) separate location at (3) times of the day and night on (4) days of the week. This testing effort should be complete by the end of May. All data will be analyzed and compared against existing Ordinance specifications.
	City Zoning Ordinance	Sec. 146-134 - Performance Standards: "No operation or use in any district shall cause, create, or allow the emission for more than three minutes in any one hour of air contaminants"	No	N/A	TCEQ is investigating a complaint and coordinating with the City on meeting this requirement	
	City Zoning Ordinance	Sec. 146-135 - Landscaping: "Minimum of ten percent (10%) of the entire site shall be devoted to living landscape"	No	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	
	City Zoning Ordinance	Sec. 146-135 - Landscaping: "Internal landscape areas shall: 1) equal at least 8 square feet per parking space; 2) have a landscaped area with at least 1 tree within 65' of every parking space; and 3) have a minimum of 1 tree planted in the parking area for every ten spaces within parking lots with more than 20 spaces"	No	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	
	City Zoning Ordinance	Sec. 146 App. F-4 - Schedule of Uses: "Contractor's yard permitted within ML and MH District; Concrete or asphalt batch plant permitted within MH District only"	No; the front portion of the property is zoned ML, which does not allow concrete batch plant; however, there is one operating on this part of the property.	N/A	This issue will be revisited with the property owner pending enforcement of the 2000 Approved Site Plan.	
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "Amending plat dedicating the fire lanes must be filed with the County"	Yes	Plat filed in 2013 dedicating fire lanes for the sites.	N/A	
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "Piles of concrete rubble on the site are not approved stockpiles... the crushing operation shall be completed within 120 days"	Yes	Concrete rubble has been moved	N/A	
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "The site plan shall depict all areas to be in one of four categories: 1) structures, 2) irrigated landscaping, 3) asphalt or concrete pavement, and 4) material stockpiles. Stockpile dimensions to be clearly labeled on site plan"	Yes	Included in the 2000 Approved Site Plan	N/A	
	Cause No. 219-1124-00 Agreed Final Judgment with 2000 Approved Site Plan	2000 Approved Site Plan: "ground cover shall be established on both sides of the berm... irrigation shall be sufficient to establish and maintain ground cover"	Yes	N/A	N/A	
	City, State (TxDOT)	Tracking of site material on to the roadway (Spur 399) - All Regulations are still being researched to determine if any are applicable to this situation.	TBD	N/A	The City is coordinating with TxDOT to determine if their regulations apply.	TxDOT sent a letter to the owners requesting that the material be removed.
	City, State (TxDOT)	Traffic Signal at SH 5 & Stewart Road Texas Manual on Uniform Traffic Control Devices (TMUTCD) Part 4: Highway Traffic Signals	TBD	N/A	City staff is conducting a traffic signal warrant analysis at SH 5 & Stewart Road to determine if traffic volume and other criteria warrant a traffic signal at this location. TxDOT will have to approve a traffic signal because the road is under their jurisdiction.	Staff conducted a traffic signal warrant analysis at the intersection and the location did not meet the criteria for a traffic signal. Without a warrant analysis justifying a traffic signal, TxDOT will not support the installation of a traffic signal at the intersection.
	City, State (TxDOT)	No U-Turn Sign on NB SH 5 at Stewart Road Texas Manual on Uniform Traffic Control Devices (TMUTCD) Part 2: Signs	TBD	N/A	City staff is reviewing the traffic volumes and geometry of the intersection to determine if no u-turn signage is appropriate for NB SH 5 at Stewart Road and coordinating with TxDOT. TxDOT will have to approve any signing changes because the road is under their jurisdiction.	Staff reviewed the request with TxDOT staff and it was decided that the no U-Turn sign was not needed.
	State (TCEQ)	TCEQ Air (New Source) Permit Number CP0555D	Yes	TCEQ performed an air complaint inspection of the Lhoist facility in March 2018. The City has requested the inspection records from TCEQ to learn more about this inspection.	N/A	
	State (TCEQ)	TCEQ General Industrial Stormwater Permit Number TXR05CN42	Yes	In February 2015, the Lhoist site was inspected by TCEQ as a stormwater reconnaissance investigation. A Notice of Violation was issued for failure to obtain the necessary TCEQ stormwater permit as well as for potential tracking from entrance/exits. Lhoist thereafter obtained permit coverage and the issue was considered resolved September 2015. At the same facility, an unannounced complaint investigation was performed in July of 2017 by TCEQ. The complaint investigation stemmed from a complaint of white paste cakes and dust. The Lhoist stormwater permit and logs were inspected by TCEQ and found to be up to date. According to the report, no white paste cakes were found, and no violations were observed or noted.	City Staff performed an Industrial Storm water inspection of the facility on March 17, 2018. The following storm water violations and/or concerns were noted during the inspection: Annual employee training had not been conducted, Hydraulic fluid leak found on equipment, minor repairs to berm along perimeter of facility, and fuel tanks on-site have been scheduled for replacement. Follow-up inspection scheduled for May 7, 2018.	