

AN ORDINANCE AMENDING ORDINANCE NO. 1270 SO THAT 72.703 ACRES OF LAND IN THE ESOM HARRIS SURVEY IS ZONED PLANNED CENTER DISTRICT AND PLANNED DEVELOPMENT DISTRICT - LIGHT MANUFACTURING; PROVIDING FOR PLANNED DEVELOPMENT REGULATIONS; PROVIDING FOR A SITE PLAN; 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.

WHEREAS, the owner or owners of 72.703 acres of land in the Esom Harris Survey have petitioned the City of McKinney to zone such property Planned Center District and Planned Development District - Light Manufacturing, 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 such rezoning 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 Center District and Planned Development District - Light Manufacturing.

SECTION II: That the Planned Development Regulations more fully set forth in the attached Exhibit "B" are hereby adopted as the Planned Development Regulations for the Planned Development District. Such property shall be developed in accordance with the zoning map attached hereto and marked Exhibit "C".

SECTION III: That prior to the development of such property, a complete Site Plan shall be submitted to and receive the approval of the City Council of the City of McKinney, Texas.

SECTION IV: The following special development regulations shall apply: Only office or office/showroom uses will be allowed in the western 200 feet of Tract 2. The same setback, height and

landscaping requirements shall apply to the western 200 feet of Tract 1 as apply to the western 200 feet of Tract 2, except Planned Center uses shall be allowed.

SECTION V: That no developer 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 This Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.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 VI: 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 VII: 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 VIII: 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 6th day of August, 1985.

CORRECTLY ENROLLED:


JENNIFER CRAVENS
CITY SECRETARY

EXHIBIT "A"

SITUATED in the State of Texas, County of Collin and in the Esom Harris Survey, Abst. No. 400, being the same premises described and conveyed as parcel III and parcel IV of a deed recorded in Volume 722, Pages 434 and 435 of the Collin County Records and to which reference is herein made for further description:

BEGINNING on the centerline of F.M. Highway No. 720 (an 80 foot R.O.W.) at a nail found marking the northeast corner of the Esom Harris Survey and which also marks the centerline of County Road No. 197 (a 40 foot R.O.W.);

THENCE with the east line of the Esom Harris Survey and centerline of County Road No. 197, South 0 deg. 16 min. 35 sec. East, a distance of 2,904.90 feet to a 60d nail found on the north line of a sight distance cut-off at the entry onto F.M. Highway No. 121 (a 120 foot R.O.W.);

THENCE with the north line of said cutoff and parallel with the centerline of F.M. Highway No. 121, South 65 deg. 12 min. 15 sec. West, a distance of 21.98 feet to a concrete monument found for angle point;

THENCE continuing with the cutoff line, South 32 deg. 27 min. 50 sec. West, a distance of 67.29 feet to an iron rod set for angle point on the north line of F.M. Highway No. 121;

THENCE with the north line of F.M. Highway No. 121, South 6 deg. 12 min. 15 sec. West, a distance of 658.25 feet to an iron rod set on the north line of an abandoned road (formerly a 30 foot R.O.W.);

THENCE with the north line of said abandoned road, South 89 deg. 52 min. 15 sec. West, a distance of 101.68 feet to an iron rod set for corner;

THENCE SOUTH 0 deg. 07 min. 45 sec. East, a distance of 15.00 feet to an iron rod set on the south line of the Esom Harris Survey and also on the centerline of the abandoned road;

THENCE with said centerline and south line of the Esom Harris Survey, South 89 deg. 52 min. 15 sec. West, a distance of 256.53 feet to an iron rod set for corner;

THENCE NORTH 0 deg. 00 min. 00 sec. East, a distance of 3,259.25 feet to a nail set for corner on the north line of the Esom Harris Survey and on the centerline of F.M. Highway No. 720 passing for reference an iron rod found at 15.00 feet and an iron rod found on the south line of F.M. Highway No. 720 at 3,219.25 feet;

THENCE with the north line of the Harris Survey and centerline of F.M. Highway No. 720, North 89 deg. 48 min. 00 sec. East, a distance of 997.80 feet to the place of beginning; and,

CONTAINING 72.703 acres.

EXHIBIT "B"

Requirements for office buildings located within two hundred feet (200') of the following described property line:

BEGINNING at the Northwest corner of the Horseshoe Bend Estates, reference Cabinet B, Sheet 246 of the Collin County Map & Plat Records;

THENCE with the West side of said Horseshoe Bend Estates to iron pins set as follows:

South 0 deg. 40 min. West, 860.0 feet;
South 89 deg. 20 min. East, 480.0 feet;

THENCE South 19 deg. 29 min. 53 sec. East, 266.69 feet to an iron pin set at the West corner of Lot No. 1 of said Horseshoe Bend Estates for an angle point;

THENCE South 20 deg. 07 min. 36 sec. East, 648.03 feet to an iron pin set for an angle point;

THENCE South 28 deg. 04 min. 51 sec. East, 248.67 feet to an iron pin set for an angle point;

THENCE South 44 deg. 11 min. 04 sec. East, 323.31 feet to an existing iron pin set at the South, Southwest corner of said Horseshoe Bend Estates for a corner;

THENCE North 65 deg. 57 min. 19 sec. East, 559.13 feet with the South line of said Horseshoe Bend Estates to an iron pin set in the East line of said 201.126 acre tract, in a North-South established fence at the Southeast corner of said Horseshoe Bend Estates for a corner.

1. The minimum rear yard set back and building line shall be seventy feet (70') from the line mentioned above.
2. The maximum number of stories of the office buildings shall be one (1). The finish floor of said one story building shall be at or near the finish grade of the lot.
3. The maximum height of said one story building shall be twenty-four feet (24') above the finish floor.
4. There shall be no overhead power lines.
5. Roofs:
 - A. All roofs shall be sloped roofs with a minimum slope of 3 measured vertically in 12 measured horizontally.
 - B. Mansard roofs shall be permitted provided that all sides of the roof be built in the Mansard manner. Flat roofs shall be permitted provided that the flat roof is enclosed within the mansard roof.
 - C. Roofing materials other than flat roofs shall be of wood shingle or shake, aluminum shingles, composition shingles with a minimum weight of 300 lbs. per 100 square feet ("Weathered Wood" color only), slate, concrete tile, quarry tile or clay tile.
 - D. One television antenna per building shall be permitted provided that it extends no higher than fifteen feet (15') above the highest part of the roof.
 - E. There shall be no equipment or apparatus placed or installed on any portion of any sloped roof, except for television antennas.
 - F. Mansard roofs shall be constructed a minimum of one foot (1') above any equipment or apparatus placed or installed on flat roofs, except for television antennas.

6. Walls:

- A. Exterior walls of office buildings shall be of a minimum of fifty per cent (50%) brick veneer, brick, stone veneer or stone. The wall most nearly facing the line above described shall be of one hundred percent (100%) of the above materials.
 - B. There shall be no tilt wall or pre cast walls.
7. There shall be no outside storage of any nature.
8. Parking shall be permitted in the 70' rear setback for passenger vehicles only. No trucks, trailers, equipment or other vehicles shall be parked or stored overnight in the 70' rear setback.
9. There shall be no loading or unloading in the 70' rear setback.

EXHIBIT "C"

