

ORDINANCE NO. 1898

AN ORDINANCE AMENDING ORDINANCE NO. 1270 SO THAT 225.50 ACRES OF LAND ADJACENT TO THE MCKINNEY MUNICIPAL AIRPORT IS ZONED FROM "RS-60" SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AND "AG-FP" AGRICULTURAL-FLOODPLAIN ZONING DISTRICT, TO "PD-ML" PLANNED DEVELOPMENT - LIGHT MANUFACTURING ZONING DISTRICT; ADOPTING A ZONING 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 225.50 acres of land surrounding the McKinney Municipal Airport have petitioned the City of McKinney to zone such property Planned Development - Light Manufacturing Zoning 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 such rezoning change should be made.

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

Section 1. That Ordinance No. 1270 is hereby amended so that the property described in the attached Exhibit "A" is hereby zoned Planned Development - Light Manufacturing Zoning District in accordance with the zoning map attached hereto, marked Exhibit "B" and with the zoning standards attached hereto, marked Exhibit "C".

Section 2. Special Ordinance Provision: Approval of a Site Plan and Landscape Plan shall be required prior to development. The maximum height of any structure outside of Tract G as referenced in the City of McKinney Ordinance No. 1680 shall be governed by the McKinney Municipal Airport Zoning Ordinance as it currently exists or may be amended.

Section 3. 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 This Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.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 4. 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 5.

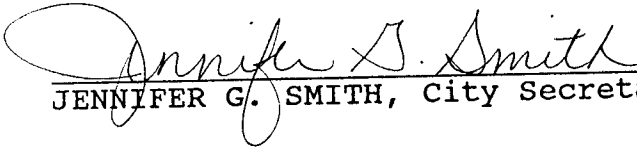
It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction thereof, shall be fined any sum not to exceed \$200.00, and each day that such violation shall continue shall be considered 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 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 THIS 2ND DAY OF April, 1991.

CORRECTLY ENROLLED:


JENNIFER G. SMITH, City Secretary

TRACT D

BEING 145.42 acre of land situated in Collin County, Texas in the Rufus Sewell Survey, Abstract No. 874 and the George Pilant Survey, Abstract No. 691 and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin at the north northeast corner of a 307.201 acre tract of land as recorded in Volume 992, Page 555, Deed Records of said County;

THENCE South 00° 54' 52" West, 2510.20 feet to a point for corner;

THENCE North 86° 53' 08" West, 182.20 feet to a point for corner;

THENCE South 00° 58' 02" West, 1095.92 feet to an iron pin for corner;

THENCE South 87° 23' 58" East, 25.08 feet to an iron pin for corner;

THENCE South 00° 41' 02" West, 144.25 feet to an iron pin in the easterly right of way of F.M. No. 546, said iron pin being in a curve to the left having a central angle of 11° 41' 01", a radius of 359.60 feet and whose long chord bears North 32° 26' 21" West, 73.20 feet;

THENCE along said curve an arc length of 73.33 feet to a point for corner;

THENCE South 00° 41' 02" West, intersecting the westerly right of way of F.M. No. 546 at 226.13 feet, and continuing in all along said westerly right of way 721.73 feet to a right of way monument at the beginning of a curve to the left having a central angle of 27° 16' 53", a radius of 359.60 feet and whose long chord bears South 12° 57' 24" East, 169.61 feet;

THENCE along said curve an arc length of 171.22 feet to an iron pin for corner;

THENCE South 00° 41' 02" West, leaving said right of way, 176.30 feet to an iron pin for corner;

THENCE North 89° 52' 58" West, 1037.35 feet to a point for corner;

THENCE North 00° 00' 22" East, 5948.60 feet to a point for corner;

THENCE North 89° 59' 58" East, 650.00 feet to a point for corner;

THENCE South 00° 00' 06" East, 950.10 feet to a point for corner;

THENCE South 89° 59' 43" East, 427.69 feet to a point for corner;

THENCE South 36° 05' 55" East, 319.28 feet to the POINT OF BEGINNING and containing 145.42 acres (6,334,549 square feet) of land, more or less.

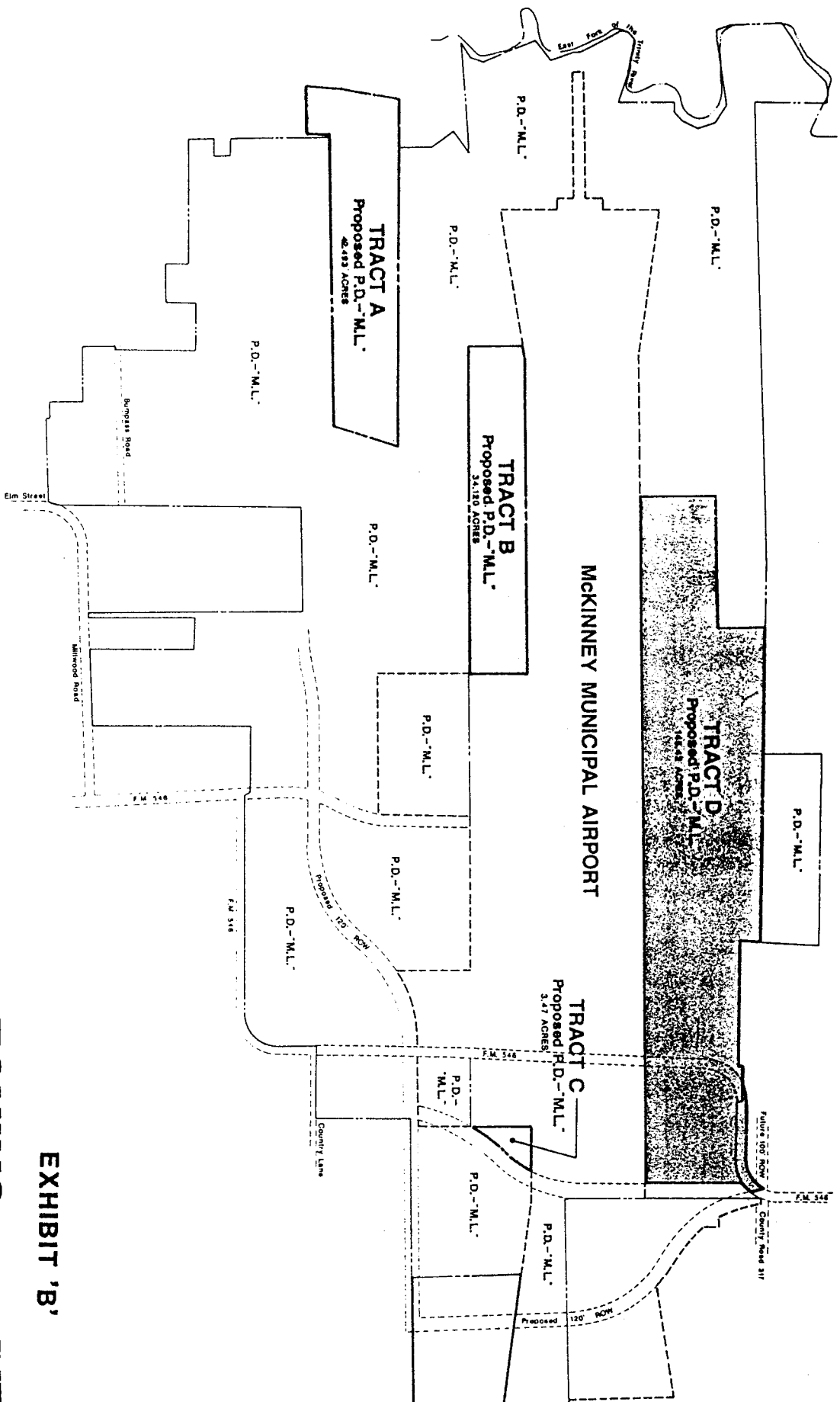


EXHIBIT 'B'

ZONING EXHIBIT

McKINNEY AIRPORT TRACTS

McKINNEY, TEXAS

HILLWOOD/McKINNEY 920, Ltd.

HILLWOOD DEVELOPMENT CORPORATION

12377 MERIT DRIVE SUITE 1700

DALLAS, TEXAS 75251

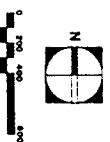


EXHIBIT 'A'

LEGAL DESCRIPTIONS

TRACT A

BEING 42.493 acres of land situated in Collin County, Texas, in the William Davis Survey, Abstract No. 248, the George A. Wilson Survey, Abstract No. 1000 and the Rufus Sewell Survey, Abstract No. 884, being a resurvey of the four different tracts (FIRST TRACT of 39 acres, SECOND TRACT, THIRD TRACT and FOURTH TRACT of 1.35 acres) described in a deed from Emma Day, et al, to Billy Day and wife, Juanita Day, dated June 30, 1972, recorded in Volume 827, Page 530 of the Collin County Land Records, being described by metes and bounds as follows:

BEGINNING at a 5/8-inch rebar set by a corner post at the northwest corner of said SECOND TRACT, in the south line of Enloe Road;

THENCE South 84° 46' 20" East with the north line of said SECOND TRACT, the south line of said Enloe Road and with an old fence, 192.05 feet to a 5/8-inch rebar set at the northeast corner of said SECOND TRACT, the northwest corner of said FIRST TRACT, in the south line of said Enloe Road; from which 5/8-inch rebar a west gate post bears South 31° 10' West, 3.3 feet;

THENCE South 80° 54' 05" East with the north line of said FIRST TRACT, the south line of said Enloe Road, and approximately with an old fence, 625.12 feet to a 5/8-inch rebar set at the northeast corner of said FIRST TRACT, in the south line of said Enloe Road;

THENCE Southerly with the east line of said FIRST TRACT and with an old fence as follows:

South 0° 31' 26" West, 86.08 feet;

South 0° 16' 22" West, 138.84 feet;

South 0° 09' 41" East, passing an iron pin set at 187.69 feet and continuing in all 317.45 feet;

South 1° 07' 06" West, 129.27 feet;

South 2° 41' 11" West, 130.37 feet to a point in said fence and east line;

THENCE Southerly with the east line of said FIRST TRACT and approximately with an old fence as follows:

South 0° 18' 01" West, 820.35 feet to a 1/2-inch rebar found 9 feet east of a corner post;
South 0° 24' 09" West, passing the southeast corner of said FIRST TRACT and the northeast corner of said FOURTH TRACT at 1301.27 feet and continuing with the east line of said FOURTH TRACT, in all 1405.84 feet to a 1/2-inch rebar found at the southeast corner of said FOURTH TRACT; from which a large post bears South 72° East, 9.6 feet;

THENCE North 72° 36' 12" West with the south line of said FOURTH TRACT, 596.66 feet to a 1/2-inch rebar found on the south side of a corner post at the southwest corner of said FOURTH TRACT;

THENCE North 0° 29' 21" West, approximately with an old fence and with the west line of said FOURTH TRACT, passing the northwest corner of said FOURTH TRACT and the southwest corner of said FIRST TRACT at 105.08 feet and continuing with the west line of said FIRST TRACT, in all 1403.99 feet to a 5/8-inch rebar found in said fence;

THENCE North 0° 27' 54" West, approximately with an old fence and with the west line of said FIRST TRACT, passing a 1/2-inch Iron rod rebar found in said fence at the southeast corner of Anthony Street (a 40' right-of-way) at 1106.16 feet and continuing with the east line of said Anthony Street, with said west line and fence, in all 1146.16 feet to a 5/8-inch rebar set at the southeast corner of said THIRD TRACT, in the west line of said FIRST TRACT, at the northeast corner of said Anthony Street; from which a corner post bears South 17° 46' East, 3.27 feet;

THENCE South 89° 38' 38" West with the south line of said THIRD TRACT, the north line of said Anthony Street, and approximately with an old fence, 196.64 feet to a 5/8-inch rebar set on the west side of a corner post at the southwest corner of said THIRD TRACT, in the north line of said Anthony Street;

THENCE Northerly with the west line of said THIRD TRACT, the west line of said SECOND TRACT and with an old fence and hedge row as follows:

North 0° 24' 06" East, 199.21 feet to a railroad spike in a 30" Elm tree;

North 0° 31' 08" West, 59.79 feet to a corner post;

North 0° 28' 14" East, 158.11 feet to the PLACE OF BEGINNING and containing 42.493 acres of land, more or less.

TRACT B

BEING 34.12 acres of land situated in Collin County, Texas, in the Rufus Survey, Abstract No. 884 and the Rufus Sewell Survey, Abstract No. 874, and being more particularly described by metes and bounds as follows:

BEGINNING at an Iron pin at the southwest corner of a 6.89 acre tract as recorded in Volume 2108, Page 11 of the Deed Records of Collin County (TRACT 11-B), and in the north line of a 37.54 acre tract as recorded in Volume 2108, Page 13 of said deed records (TRACT 9-C);

THENCE South $08^{\circ} 31' 20''$ East, 101.12 feet to a point for corner;

THENCE South, 2,759.84 feet to a point for corner;

THENCE West, 519.99 feet to a point for corner;

THENCE North 2,859.84 feet to a brass monument set in concrete;

THENCE East, 505.00 feet to the POINT OF BEGINNING and containing 34.12 acres (1,486,327 square feet) of land, more or less.

TRACT C

BEING 3.47 acres of land situated in Collin County, Texas, in the George Pilant Survey, Abstract No. 691, and being more particularly described by metes and bounds as follows:

COMMENCING at an Iron pin in the southerly right of way of F.M. 546, said iron pin being the northwest corner of a 54.65 acre tract as recorded in Volume 2108, Page 11, Deed Records of said County (TRACT 12);

THENCE South $00^{\circ} 01' 09''$ West, leaving said right of way 583.57 feet to the POINT OF BEGINNING;

THENCE North $89^{\circ} 59' 01''$ East, 520.52 feet to a point for corner;

THENCE South $00^{\circ} 00' 59''$ East, 450.57 feet to a point at the beginning of a curve to the right having a central angle of $17^{\circ} 05' 00''$, a radius of 1372.40 feet and whose long chord bears North $57^{\circ} 48' 55''$ West, 407.68 feet;

THENCE along said curve an arc length of 409.20 feet to a brass cap set in concrete at the beginning of a curve to the left having a central angle of $8^{\circ} 23' 18''$, a radius of 1492.40 feet and whose long chord bears North $53^{\circ} 28' 04''$ West, 218.30 feet;

THENCE along said curve an arc length of 218.49 feet to a brass cap set in concrete;

THENCE North $00^{\circ} 06' 46''$ West, 103.32 feet to the POINT OF BEGINNING and containing 3.47 acres (151,050 square feet) of land, more or less.

EXHIBIT "C"

PROPOSED "PD" FOR LIGHT MANUFACTURING DISTRICT ZONING

(1) Purpose: This zone provides a range of office, business, and commercial uses in a unified and coordinated development of the land. With provisions for quality and nuisance-free, development of light industrial and airport related uses. Residential uses, with the exception of hotel or motel have been specifically eliminated while setback and height restrictions protect adjacent residential areas.

(2) Principal Permitted Uses:

- (a) Any use allowed in the "BG" zone, except that all dwellings and other types of living accommodations shall be prohibited save that one quarters for a watchman or caretaker shall be permitted as a necessary use for any permitted use occupying more than twenty thousand (20,000) square feet of lot area.
- (b) Agriculture, including the raising of field crops, horticulture and animal husbandry.
- (c) Any use in "ML" district - McKinney Zoning Ordinance.
- (d) Any use in "C" district - McKinney Zoning Ordinance.
- (e) Any use in "AP" district - McKinney Zoning Ordinance in Tracts B, D and L only, as referenced in McKinney Ordinance No. 1680.
- (f) Any use in "FP" district - McKinney Zoning Ordinance in Tracts J and K only, as referenced in McKinney Ordinance 1680.
- (g) Clinics.
- (h) Bank or financial institution.
- (i) Hotel or motel.
- (j) Research, testing, and development facility.
- (k) Private clubs (by Specific Use Permit only).

(3) Specifically Excluded Uses:

The following uses are hereby declared incompatible with the purpose of the district and are hereby expressly excluded:

- (a) Dwellings except caretakers and watchmen's quarters as set forth herein.
- (b) Public, parochial and private schools and colleges, except trade schools (i.e. flying, machinery, etc.)
- (c) Hospitals, rest homes and other institutions for the housing or care of human beings.
- (d) Mobile home parks.
- (e) Any use not enumerated as permitted in this zone which is specifically provided for in another zone or zones.
- (f) Sanitary landfill or junk/salvage yard.
- (g) Mobile home display and sales.
- (h) Contractors yard.
- (i) Metal fabrication.
- (j) Fairgrounds or rodeo.

(4) Permitted Accessory Uses:

- (a) Any accessory use normally appurtenant to a permitted use shall be allowed.

- (b) Recreational uses which are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the district for its primary purpose of providing for light manufacturing and commercial establishments, may be allowed.

(5) Space Limits:

(a) Minimum Lot Area.

All permitted uses shall be 2 acre lot minimum except that 20% of the total land area within the development may consist of one-half (1/2) acre lots.

- (b) Minimum width of lot: Fifty (50) feet.
- (c) Minimum depth of lot: none.
- (d) Maximum building height:

- (1) Within an area from the centerline of the nearest runway to a parallel line 1,500 feet from the centerline, no structure will exceed 35 feet in height.
- (2) Within an area from a parallel line 1,500 feet from the centerline to a parallel line 1,950 feet from the centerline, no structure will exceed 55 feet in height.
- (3) Within an area from a parallel line 1,950 feet from the centerline to a parallel line 2,400 feet from the centerline, no structure will exceed 75 feet in height.
- (4) Beyond a parallel line 2,480 feet from the centerline, no structure will exceed 95 feet in height.
- (5) Throughout all tracts, heights shall be further limited by floor area ratio and by regulations of the McKinney Municipal Airport Zoning Ordinance (Appendix B), adopted 9/10/1979, or as it may be amended and made a part hereof. On Tract G, as referred to in the City of McKinney Ordinance 1680, these further rear yard restrictions will apply:

<u>Height Limit</u>	<u>Distance from Existing Residential District Property Line</u>
Max. 20 feet	100 feet
Max. 32 feet	200 feet
Max. 44 feet	300 feet
Max. 56 feet	400 feet

In the event that the residential districts adjacent to Tract G are changed to any uses other than residential, these setback, restrictions are to be waived.

- (e) Minimum front yard: twenty-five (25) feet except for lots fronting Industrial Blvd., South Loop, East Loop, and Airport Drive, and any other thoroughfares affecting subject tracts, as illustrated on the 1990 Future Master Thoroughfare Plan, having a front yard of fifty (50) feet and having twenty-five (25) percent of front yard reserved for landscaping.

- (f) Minimum rear yard: none.
- (g) Minimum side yard: none.
- (h) Minimum side yard at corner: twenty (20) feet.
- (i) Maximum lot coverage: seventy-five (75) percent.
- (j) Maximum floor area ratio: one to one (1:1)

(6) Miscellaneous Provisions:

- (a) Individual site plans shall be submitted and approved in accordance with the City of McKinney Comprehensive Zoning Ordinance Section 3.20 (6)(b).
- (b) Parking: as required by use as per City of McKinney Comprehensive Zoning Ordinance.
- (c) Masonry exterior.
- (d) Loading docks are not permitted to face Industrial Blvd., East Loop, South Loop, and Airport Drive and any other thoroughfares effecting subject tracts, as illustrated on the 1990 Future Master Thoroughfare Plan, unless adequately screened as determined by the City.
- (e) Sites on all tracts adjacent to McKinney Airport are permitted private taxiways for aircraft uses as allowed by the City of McKinney Comprehensive Zoning Ordinance Section 3.18 and as approved by the McKinney Municipal Airport.
- (f) Rail uses shall be allowed on all tracts.