

ORDINANCE NO. 2022-05-049

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 11.65 ACRE PROPERTY, LOCATED ON THE WEST SIDE OF STATE HIGHWAY 5 (MCDONALD STREET) AND APPROXIMATELY 2,800 FEET NORTH OF TELEPHONE ROAD, IS ZONED TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL AND HEAVY MACHINERY SALE AND STORAGE USES; 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 zoning of an approximately 11.65 acre property, located on the west side of State Highway 5 (McDonald Street) and approximately 2,800 feet north of Telephone Road, which is more fully depicted on Exhibits "A," "B," and "C" attached hereto, to "PD" – Planned Development District, generally to allow for commercial and heavy machinery sale and storage uses; and,

WHEREAS, after due notice of the requested zoning 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. The zoning map is hereby amended so that an approximately 11.65 acre property, located on the west side of State Highway 5 (McDonald Street) and approximately 2,800 feet north of Telephone Road, which is more fully depicted on Exhibits "A," "B," and "C" attached hereto, is zoned to "PD" – Planned Development District, generally to allow for commercial and heavy machinery sale and storage uses.

Section 2. The subject property shall develop in accordance with Section 146-94 ("PD" – Planned Development District) of the Zoning Ordinance, and as amended, except as follows:

1. The subject property shall develop in accordance with attached Development Regulations, attached as Exhibit "D."

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 3RD DAY OF MAY, 2022.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

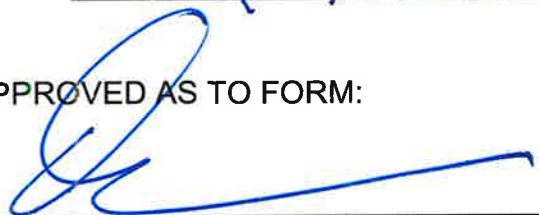
CORRECTLY ENROLLED:



EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

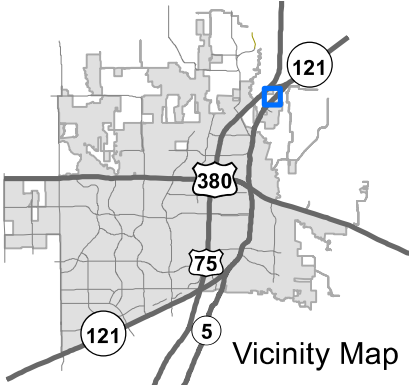
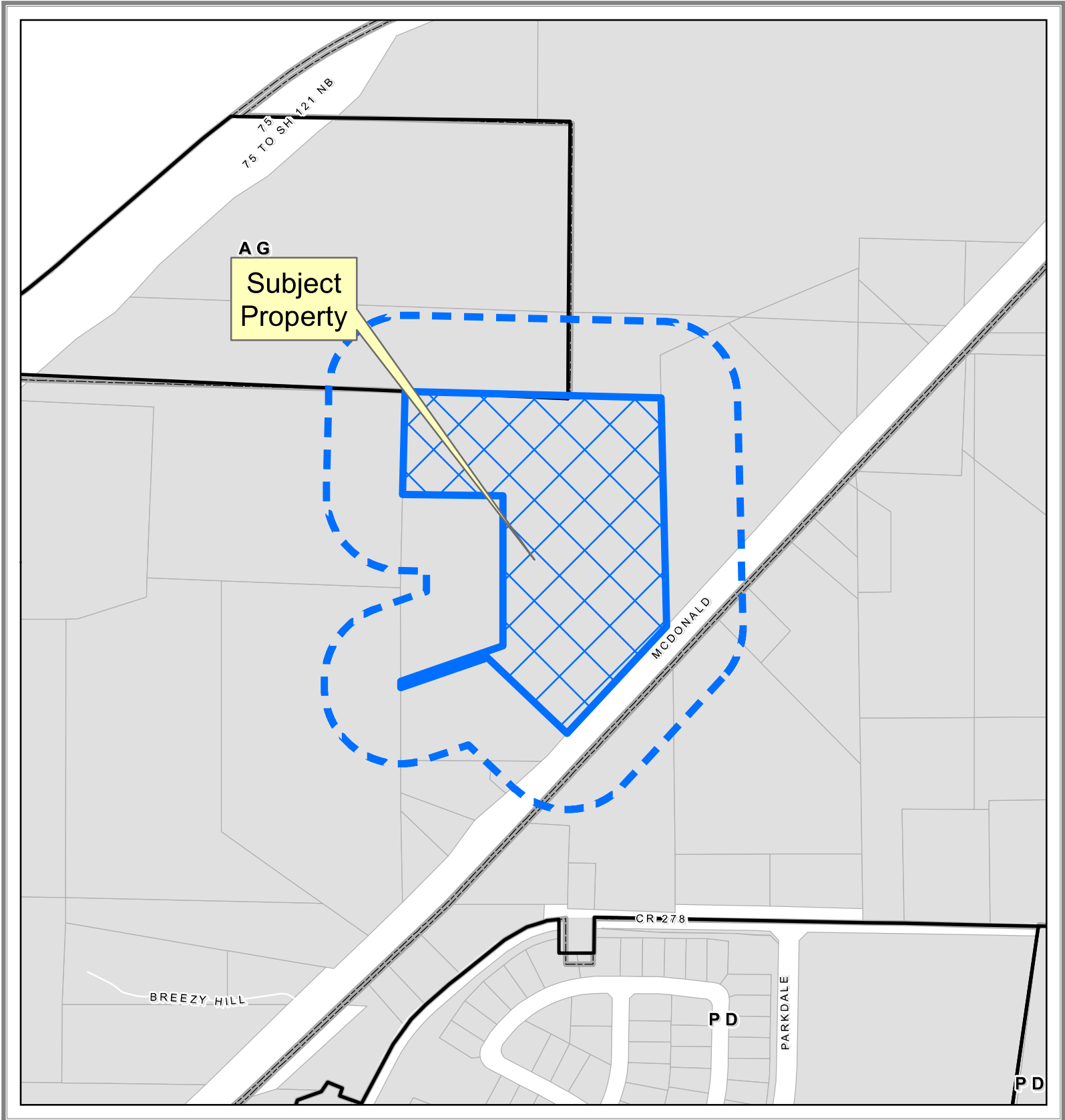
DATE: May 3, 2022

APPROVED AS TO FORM:



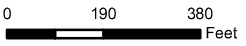
MARK S. HOUSER
City Attorney

EXHIBIT A



Property Owner Notification

ANNEX2021-0010 & ZONE2022-0012



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 B

OWNERS DEDICATION

STATE OF TEXAS
COUNTY OF COLLIN

Whereas KSMI Properties LLC is the owner of a tract of land situated in the S.M. Pulliam Survey, Abstract No. 706, and being all of a called 11.653 acre tract of land described in a Special Warranty Deed recorded in Instrument No. 20180830001094680 of the Official Public Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at 5/8 inch iron rod found with a plastic cap stamped "RPLS 5574" for the southeast corner of said KSMI Properties tract, from, which a found concrete Texas Department of Transportation Right-of-Way marker (disturbed) bears North 41 degrees 16 minutes 33 seconds East a distance of 4.02 feet, same being the southwest corner of a called 5.858 acre tract of land described in a deed to Melissa Storage LP as recorded in Instrument Number 20170206000165310 of the Official Public Records of Collin County, Texas, same also being on the northwest Right-of-Way line of North McDonald Street (State Highway No. 5) a 100 foot Right-of-Way;

THENCE South 43 degrees 09 minutes 04 seconds West, along said northwest Right-of-Way line of North McDonald Street, a distance of 452.79 feet to an "X" cut found in a concrete drive for the most southerly southwest corner of said KSMI tract, from which a 1 inch iron pipe found bears South 43 degrees 05 minutes 15 seconds West a distance of 94.81 feet, and being the most northerly, southeast corner of a called 2.338 acre tract of land described in a deed to Townsend Group Properties LLC as recorded in Instrument Number 20160713000896310 of the Official Public Records of Collin County, Texas;

THENCE North 46 degrees 40 minutes 13 seconds West, along the common line of the southwest line of said KSMI Properties tract and the northeast line of said Townsend Group Properties tract, a distance of 323.11 feet to a mag nail set with a washer stamped "S&A TBPLS 10194352" in a concrete on an ell corner of said KSMI Properties tract, same being the northeast corner of said Townsend Group Properties tract;

THENCE South 71 degrees 35 minutes 17 seconds West, 258.18 feet to a 5/8 inch iron rod with cap stamped "Sanchez & Assoc. TBPLS 10194352" set on most the westerly southwest corner of said KSMI Properties Tract, same being the northwest corner of said Townsend Group Properties tract, same also being on the east line of a called 23.572 acre tract of land described in a deed to John Bass and Felix Diaz as recorded in Instrument Number 20190523000587000 of the Official Public Records of Collin County, Texas;

EXHIBIT B

THENCE North 00 degrees 21 minutes 48 seconds West, along the common line of the west line of said KSMI Properties tract and the east line of said Woolard tract, a distance of 16.90 feet to a 5/8 inch iron rod found with a plastic cap stamped "RPLS 4071" on the most southerly northwest corner of said KSMI Properties tract, same being the southwest corner of a called 3.297 acre tract of land described in a deed to Bass Family Investments LLC as recorded in Instrument Number 20150420000441210 of the Official Public Records of Collin County, Texas;

THENCE North 71 degrees 34 minutes 11 seconds East, along the common line of the south line of said Bass Family tract and a north line of said KSMI Properties tract, a distance of 306.44 feet to a 5/8 inch iron rod with cap stamped "Sanchez & Assoc. TBPLS 10194352" set on the southeast corner of said Bass Family tract, same being an inside ell corner of said KSMI Properties tract

THENCE North 00 degrees 26 minutes 36 seconds East, along the common line of the east line of said Bass Family tract and a west line of said KSMI Properties tract, a distance of 443.18 feet to 5/8 inch iron rod with a plastic cap stamped "RPLS 4071" found on the northeast corner of said Bass Family tract, same being and inside ell corner of said KSMI Properties tract;

THENCE North 89 degrees 34 minutes 28 seconds West, a distance of 290.07 feet to a 1/2 inch iron rod found for the northwest corner of said Bass Family tract, same being the most northerly southwest corner of said KSMI Properties tract, same also being on the east line of a called 10.491 acre tract of land described in a deed to KCCI Land Development LLC as recorded in Instrument Number 200806050000682210 of the Official Public Records of Collin County, Texas;

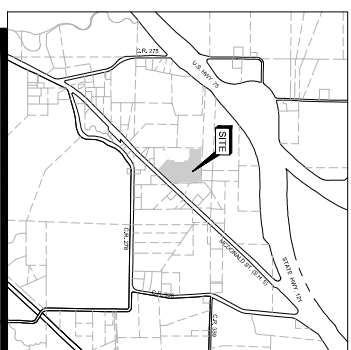
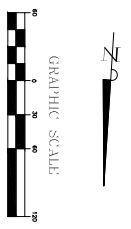
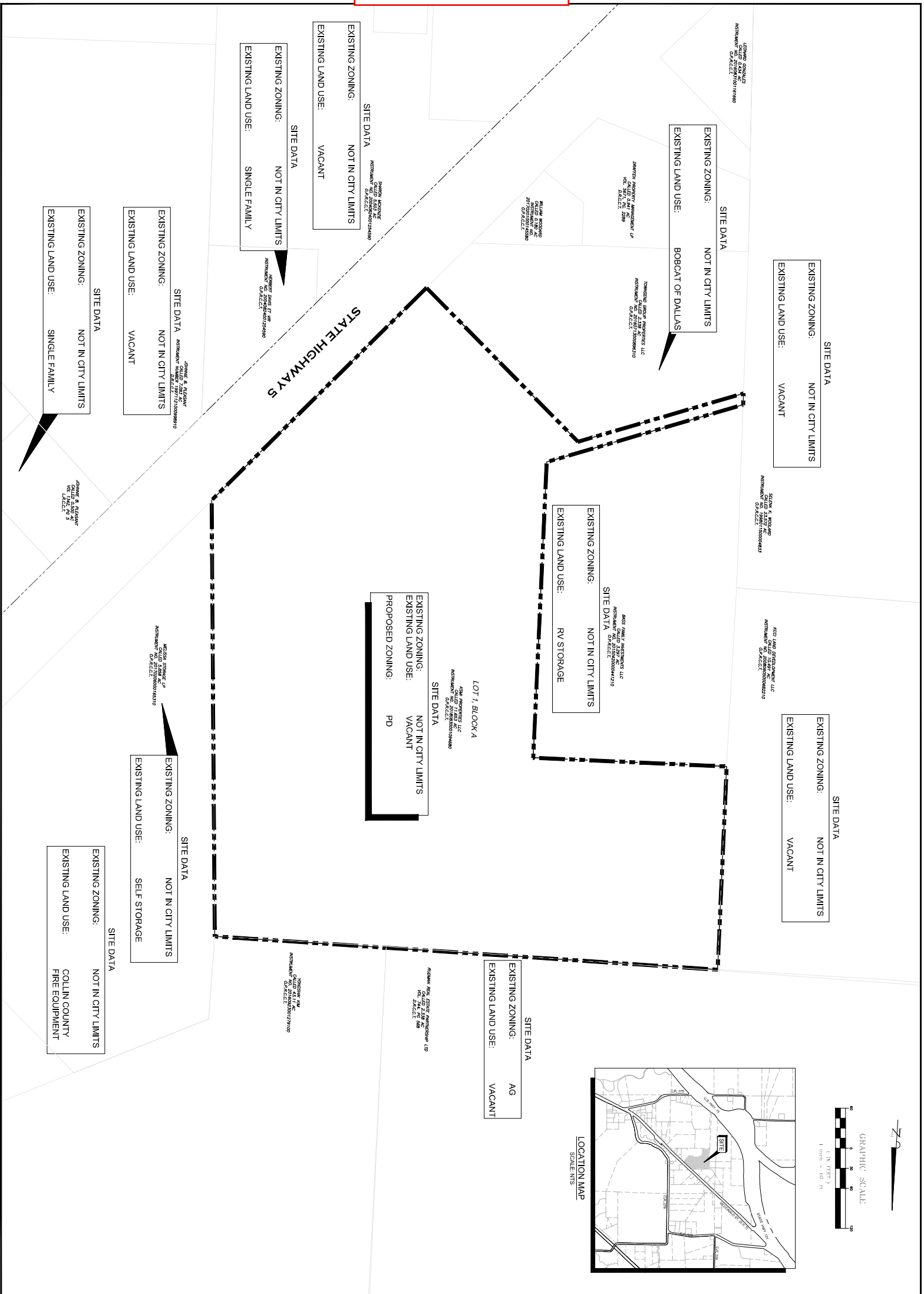
THENCE North 00 degrees 22 minutes 10 seconds East, along the common line of the east line of said KCCI Land Development tract and a west line of said KSMI Properties tract, a distance of 304.37 feet to a 1/2 inch iron rod found at the northeast corner of said KCCI Land Development tract, same being the most northerly northwest corner of said KSMI Properties tract, same also being on the south line of a called 26.155 acre tract of land described in a deed to Rudman Real Estate Partnership Ltd as recorded in Volume 744, Page 568 of the Deed Records of Collin County, Texas;

THENCE South 88 degrees 24 minutes 33 seconds East, along the common line of the north line of said KSMI Properties tract and the south line of said Rudman Real Estate Partnership tract and the south line of a called 43.11 acre tract of land described in a deed to Yongshik Kim as recorded in Instrument Number 20160923001279100 of the Official Public Records of Collin County, Texas, passing a 5/8 inch iron rod with a plastic cap stamped "Hewitt Zollars" at a distance of 497.28 feet and 1.71 feet right and continuing for a total distance of 754.34 feet to a 1/2 inch iron rod found for the northeast corner of said KSMI Properties tract, same being the southeast corner of said Kim tract, same also being on the west line of said Melissa Storage tract;

EXHIBIT B

THENCE South 02 degrees 36 minutes 16 seconds East, along the common line of the east line of said KSMI Properties tract and the west line of said Melissa Storage tract, passing a 3/8 inch iron rod found at a distance of 281.56 feet and continuing for a total distance of 653.04 feet to the POINT OF BEGINNING and containing 11.648 acres (507,376 square feet) of land, more or less

EXHIBIT C



Scale: SEE GRAPHIC SCALE
Designed by: CDR
Drawn by: CDR
Checked by: RCG
Date: 1/31/2022
Project No.: 0214B.001

ZONING EXHIBIT

KIRBY SMITH STATE HIGHWAY 5

THIS DRAWING IS TO BE USED FOR EXHIBIT PURPOSES ONLY



Master Planning
Civil Engineering
Land Development
2000 N. McDonald Street, Suite 100
McKinney, TX 75071
Tel: 469.421.5900
thesanchezgroup.biz
Certificate of Registration No. F-8663

EXHIBIT D

PLANNED DEVELOPMENT DISTRICT DEVELOPMENT REGULATIONS

The subject property shall be zoned "C3" – Regional Commercial District. Use and development of the subject property shall conform to the regulations contained herein (the "Regulations").

1. The subject property shall develop in accordance will all requirements for "C3" – Regional Commercial District as specified in Section 146-113 of the City of McKinney Code of Ordinances, except as follows:
 - a. The following uses shall be allowed by right within the subject property:
 - i. Heavy machinery sales and storage.