

ORDINANCE NO. 95-03-19

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NUMBERS 1621 AND 1723, SO THAT 102.5372 ACRES OF LAND LOCATED BETWEEN STONEBRIDGE DRIVE AND PROPOSED ELDORADO PARKWAY, JUST EAST OF F.M. 2478 IS ZONED "PD/ML-1" - PLANNED DEVELOPMENT/LIGHT MANUFACTURING DISTRICT REGULATIONS; PROVIDING REGULATIONS; PROVIDING FOR SITE AND LANDSCAPE PLAN APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF:

WHEREAS, the owner of 102.5372 acres of land located between Stonebridge Drive and proposed Eldorado Parkway, just east of F.M. 2478, in the City of McKinney, Collin County, Texas, has petitioned the City of McKinney to zone such parcel of land "PD/ML-1" - Planned Development/Light Manufacturing District Regulations, as provided for in Ordinance Numbers 1621 and 1723, within Stonebridge Ranch Planned Community Development Regulations in the City of McKinney, a complete legal description of such property being attached hereto and marked Exhibit "A", 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, Texas, the City Council is of the opinion that said zoning change should be made.

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

Section 1. Ordinance Numbers 1621 and 1723, in the City of McKinney, are hereby amended so that a 102.5372 acre tract of land located between Stonebridge Drive and proposed Eldorado Parkway, just east of F.M. 2478 within the Stonebridge Ranch Planned Development, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "B" attached hereto, is hereby rezoned from its present classification of Planned Development (PD) - High Density and Medium Density Residential to "PD/ML-1" - Planned Development/Light Manufacturing District Regulations within the Stonebridge Ranch Planned Community Development Regulations.

Section 2. Planned Development Regulations, for the Stonebridge Ranch Development McKinney Ordinance Numbers 1621 and 1723 shall govern development of subject property. The zoning map shall be amended accordingly and serve as an attachment to the amended zoning.

Section 3. Development of subject property shall be governed specifically by the Planned Development Regulations as stated in Exhibit "C" within Ordinance Number 1621, Section V.F.

Section 4. For all uses other than single-family, a complete site and landscape plan shall be submitted and approved for each lot, according to required procedures, prior to development of the lot. The site plan shall specify the minimum height of screening of all materials, equipment and facilities that must be screened as required by the "PD/ML-1" regulations, and the locations and maximum heights to which they may be installed or stored. The site plan shall also specify the

principal materials of all building faces that are oriented toward surrounding streets.

Section 5.

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 6.

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 prevent an action on behalf of the City of McKinney to enjoin any violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

Section 7.

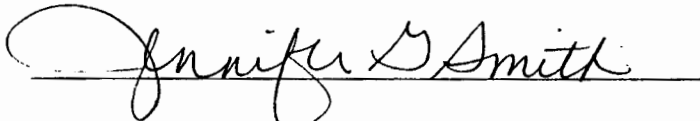
No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, or specific regulations contained herein. The Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

Section 8.

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 7th DAY OF March, 1995.

CORRECTLY ENROLLED:

A handwritten signature in cursive script, reading "Jennifer G. Smith", written over a horizontal line.

JENNIFER G. SMITH, City Secretary

EXHIBIT "A"

LAND DESCRIPTION FOR ZONING CHANGE

BEING a tract of land situated in the Jacob J. Naugle Survey Abstract No. 662, Andrew S. Young Survey Abstract No. 1037, and the J. Magner Survey Abstract No. 623 in the City of McKinney, Collin County, Texas and being more particular described as follows.

COMMENCING at the intersection of the north right-of-way line of Stonebridge Drive (140' right-of-way) with the east right-of-way line of FM 2478 (120' right-of-way) at a corner clip (reference donation deed as recorded in volume 2875, pages 347 and 348 of the Deed of Records of Collin County Texas);

THENCE, departing said east right-of-way line of FM 2478 and proceeding along said north right-of-way line of Stonebridge Drive, N 85° 12' 41" E, a distance of 877.62 feet to the beginning of a curve to the left having a central angle of 01° 17' 13", a radius of 2330.00 feet, and being subtended by a chord having a bearing of N 84° 34' 05" E and a length of 52.33 feet;

THENCE, along said curve to the left an arc distance of 52.33 feet to the POINT OF BEGINNING;

THENCE departing said north right-of-way line of Stonebridge Drive, N 33° 14' 52" W, a distance of 589.71 feet to an angle point;

THENCE, N 21° 53' 51" W, a distance of 434.21 feet to an angle point;

THENCE, N 09° 08' 08" W, a distance of 103.00 feet to an angle point;

THENCE, N 14° 30' 11" E, a distance of 60.75 feet to an angle point;

THENCE, N 47° 31' 47" E, a distance of 85.00 feet to an angle point;

THENCE, N 44° 13' 41" E, a distance of 108.00 feet to an angle point;

THENCE, N 26° 35' 06" E, a distance of 74.00 feet to an angle point;

THENCE, N 08° 30' 52" W, a distance of 72.20 feet to an angle point;

THENCE, N 40° 24' 04" W, a distance of 170.00 feet to an angle point;

THENCE, N 63° 54' 27" W, a distance of 136.61 feet to an angle point;

THENCE, S 87° 55' 28" W, a distance of 123.36 feet to an angle point;

THENCE, N 28° 24' 18" W, a distance of 136.71 feet to an angle point;

THENCE, N 02° 26' 19" W, a distance of 203.16 feet to a point on the future south right-of-way line of Eldorado Parkway(future 120' right-of-way);

THENCE, along said south right-of-way line of future Eldorado Parkway S 89° 15' 23" E, a distance of 100.20 feet to the beginning of a curve to the left having a central angle of 23° 18' 00", a radius of 1120.00 feet, and being subtended by a chord having a bearing of N 79° 05' 37" E and a length of 452.33 feet;

THENCE, along said curve to the left an arc distance of 455.46 feet to the point of tangency;

THENCE, N 67° 26' 37" E, a distance of 967.52 feet to the beginning of a curve to the right having a central angle of 45° 02' 58", a radius of 1690.00 feet, and being subtended by a chord having a bearing of N 89° 58' 06" E and a length of 1294.81 feet;

THENCE, along said curve to the right an arc distance of 1328.78 feet to the point tangency;

THENCE, S 67° 30' 25" E, a distance of 255.53 feet to a point on the westerly right-of-way line of said Stonebridge Drive, said point being the beginning of non-tangent curve to the left having a central angle of 00° 26' 26", a radius of 9496.27 feet, and being subtended by a chord having a bearing of S 21° 54' 39" W and a length of 73.00 feet;

THENCE, along said westerly right-of-way line of Stonebridge Drive and along said curve to the left an arc distance of 73.00 feet to the point of tangency;

THENCE, S 21° 41' 26" E, along said westerly right-of-way line of Stonebridge Drive a distance of 723.34 feet to the beginning of a curve to the right having a central angle of 62° 14' 02", a radius of 2330.00 feet, and being subtended by a chord having a bearing of S 52° 48' 27" W and a length of 2408.23 feet;

THENCE, continuing along said westerly right-of-way line, becoming the northerly right-of-way line of Stonebridge Drive and along said curve to the right, an arc distance of 2530.82 feet to the POINT OF BEGINNING and CONTAINING 4,466,521 square feet or 102.5372 acres of land, more or less.

