

ORDINANCE NO. 2008-05-046

AN ORDINANCE AMENDING ORDINANCE NO. 1270, AND AS AMENDED, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 23.97 ACRE PROPERTY, GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 121 AND APPROXIMATELY 275 FEET WEST OF COUNTY ROAD 197, IS ZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; PROVIDING REGULATIONS; 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 rezoning of an approximately 23.97 acre property, generally located on the north side of State Highway 121 and approximately 275 feet west of County Road 197, from "AG" – Agricultural District to "PD" – Planned Development District, generally to modify the development standards, 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 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. Ordinance No. 1270 is hereby amended so that an approximately 23.97 acre property, generally located on the north side of State Highway 121 and approximately 275 feet west of County Road 197, which is more fully depicted on Exhibit "A", attached hereto, is hereby rezoned from "AG" – Agricultural District to "PD" – Planned Development District, generally to modify the development standards.

Section 2. Use and development of the subject property shall conform to the following regulations:

1. The subject property shall develop in accordance with the "AG" – Agricultural District regulations of the Zoning Ordinance except as follows:
 - a. The subject property shall generally develop according to the attached site plan more fully depicted on the attached Zoning Exhibit "B".
 - b. The minimum lot area shall be no less than 5 acres.

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 THIS 6th DAY OF MAY, 2008.



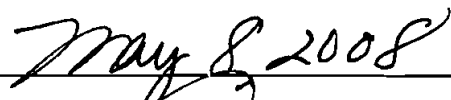
BILL WHITFIELD Mayor

CORRECTLY ENROLLED:

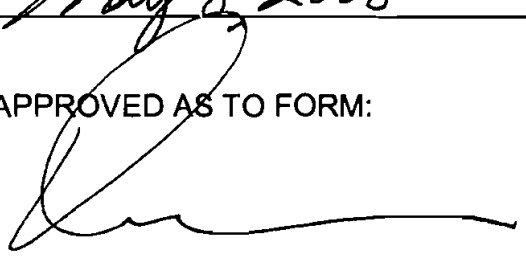


SANDY HART, TRMC, MMC
City Secretary
BEVERLY COVINGTON, TRMC, CMC
Deputy City Secretary

DATE:



APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney

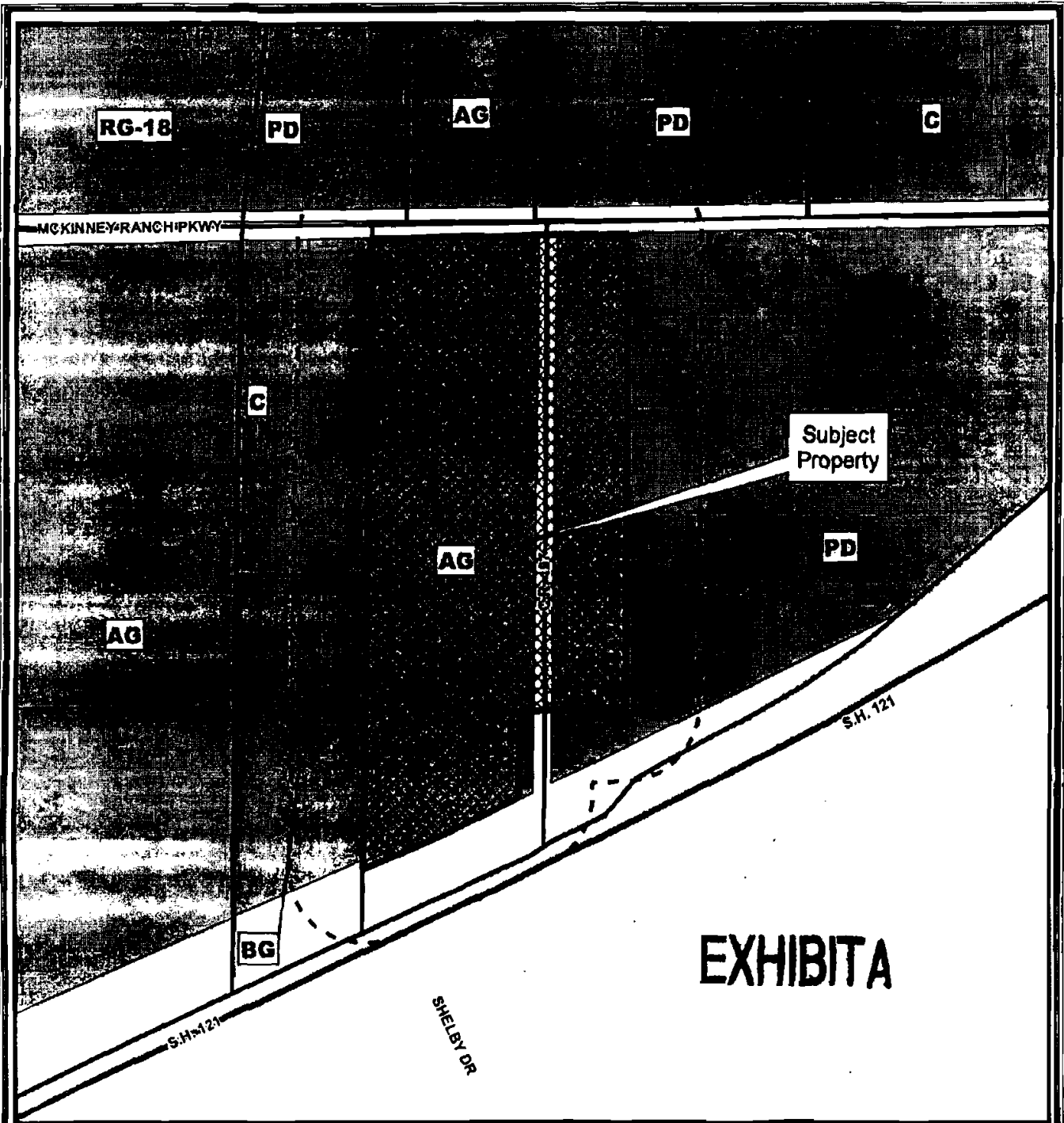
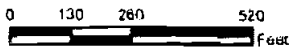


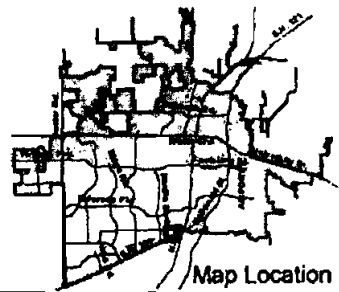
EXHIBIT A



Notification Case

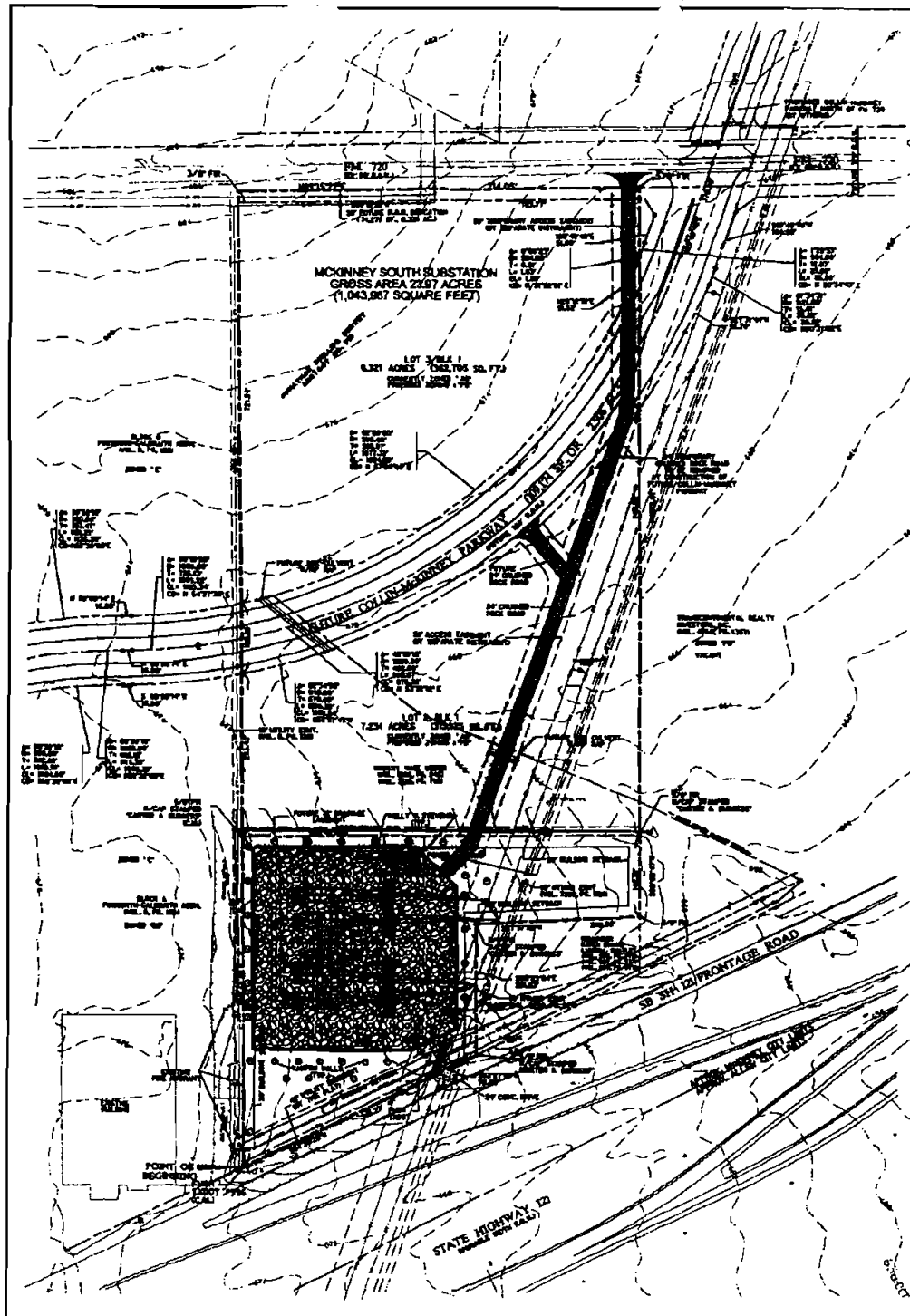
Notice Case: 08-095Z
R-6719-000-0110-1

--- 200' Notification Buffer



S:\Information\Projects\08\08-095Z.mxd

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.



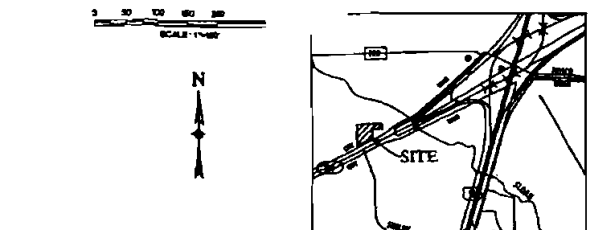
- EXISTING WATER
- EXISTING TRANSMISSION TOWER
- EXISTING AIR COMPRESSOR
- EXISTING ELECTRIC WIRE
- EXISTING ELECTRIC METER
- EXISTING ELECTRIC METER
- EXISTING POWER POLE
- EXISTING GUY WIRE
- EXISTING WATER VALVE
- EXISTING FIRE BRACKET
- EXISTING WATER AIR RELEASE
- EXISTING GUY BLET
- EXISTING TELEPHONE POST/STAKE
- EXISTING TRAFFIC SIGN
- EXISTING FIREWORKS ELECTRIC LINE
- EXISTING WASTE PILET
- FUTURE 12" WATER LINE
- FUTURE 12" SANITARY SEWER
- FUTURE FORCE MAIN
- PROPOSED TRANSMISSION TOWER
- FUTURE 12" WATER LINE
- FUTURE 12" SANITARY SEWER
- FUTURE FORCE MAIN
- PROPOSED TRANSMISSION TOWER
- FUTURE 12" WATER LINE
- FUTURE 12" SANITARY SEWER
- FUTURE FORCE MAIN
- PROPOSED TRANSMISSION TOWER

- LOT SIZE
- EXISTING ZONING
- AD - AGRICULTURE
- CD - COMMERCIAL CENTER
- PD - PLANNED DEVELOPMENT (WORKING AGRICULTURE)
- EXISTING LAND USE
- VACANT
- LOT 1 PROPOSED LAND USE
- ELECTRIC SUBSTATION
- COMMERCIAL CENTER MARKET
- PROPOSED 12" SANITARY SEWER
- PROPOSED 12" WATER MAIN
- PROPOSED 12" FORCE MAIN
- POINT OF BEGINNING
- POINT OF RECORDATION
- CENTERLINE
- RIGHT-OF-WAY
- ADJACENT PROPERTY
- PROPERTY BOUNDARY
- FUTURE 12" WATER LINE
- FUTURE 12" SANITARY SEWER
- FUTURE FORCE MAIN
- PROPOSED TRANSMISSION TOWER

- BUILDING SETBACKS 4' TO 5'
- FRONT YARD SETBACK 10'
- SIDE YARD SETBACK 5'
- REAR YARD SETBACK 5'

REVISIONS:

- 1) DATE OF RECORDATION TO THE TARRANT STATE PLATS DEPARTMENT SYSTEMS SECTION CONTROL TOWER
- 2) THE SUBMITTER HAS PROVIDED A COPY OF THE TARRANT STATE PLATS DEPARTMENT SYSTEMS SECTION CONTROL TOWER RECORDATION TO THE TARRANT STATE PLATS DEPARTMENT SYSTEMS SECTION CONTROL TOWER
- 3) THE SUBMITTER HAS PROVIDED A COPY OF THE TARRANT STATE PLATS DEPARTMENT SYSTEMS SECTION CONTROL TOWER RECORDATION TO THE TARRANT STATE PLATS DEPARTMENT SYSTEMS SECTION CONTROL TOWER



LEGAL DESCRIPTION

MEMORANDUM HEREBY BEING THE FIRST OF A TRAIL OF LAND IN THE JONATHAN PHILLIPS SURVEY, ABSTRACT NO. 710, IN THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, BEING THE TRACT OF LAND DESCRIBED IN PARAGRAPH 1 OF SAID ABSTRACT NO. 710, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A 2 1/2-ACRE SUBDIVISION TRANSPORTATION DEPARTMENT TRACT OF THE WEST END OF SAID TRACT, PART OF SAID TRACT, BEING THE TRACT OF LAND DESCRIBED IN PARAGRAPH 2 OF SAID ABSTRACT NO. 710, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THENCE South 00 degrees 22 minutes 35 seconds West along the eastern boundary of the 2 1/2-acre tract, a distance of 165.00 feet to a 5/8-inch iron rod found for corner on the south right-of-way line of the 1/2-acre tract, as recorded in Volume 279, Page 375, 377, and 378, of the Dallas County Records; and

THENCE South 00 degrees 02 minutes 05 seconds West, along the said south right-of-way line, and along the corner of the 2 1/2-acre tract and the 1/2-acre tract, a distance of 230.00 feet to a 3/8-inch iron rod found for corner on the north right-of-way line of the 1/2-acre tract, as recorded in Volume 279, Page 375, 377, and 378, of the Dallas County Records; and

THENCE South 00 degrees 22 minutes 35 seconds East, along the said south right-of-way line, a distance of 165.00 feet to a 5/8-inch iron rod found for corner on the south right-of-way line of the 1/2-acre tract, as recorded in Volume 279, Page 375, 377, and 378, of the Dallas County Records; and

THENCE South 00 degrees 22 minutes 35 seconds East, along the said south right-of-way line, a distance of 165.00 feet to a 5/8-inch iron rod found for corner on the south right-of-way line of the 1/2-acre tract, as recorded in Volume 279, Page 375, 377, and 378, of the Dallas County Records; and

THENCE South 00 degrees 22 minutes 35 seconds East, along the said south right-of-way line, a distance of 165.00 feet to a 5/8-inch iron rod found for corner on the south right-of-way line of the 1/2-acre tract, as recorded in Volume 279, Page 375, 377, and 378, of the Dallas County Records; and

THENCE South 00 degrees 22 minutes 35 seconds East, along the said south right-of-way line, a distance of 165.00 feet to a 5/8-inch iron rod found for corner on the south right-of-way line of the 1/2-acre tract, as recorded in Volume 279, Page 375, 377, and 378, of the Dallas County Records; and

NOTES:

1. BLOCK 5 LOTS 1, 2, AND 3 OF PROPOSED MCKINNEY SOUTH ADDITION TO BE ZONED PD-1.
2. ACCORD TO PROVIDE ESCROW FOR FUTURE 12" WATER AND 12" SANITARY SEWER - 437
3. THE LAYOUT FOR THE SUBJECT CHANGEST WILL BE CONSTRUCTED IN CONFORMANCE WITH CHAPTER 65 OF THE CITY OF MCKINNEY CODE OF ORDINANCES.

MAR 26 2005

EXHIBIT B

ZONING EXHIBIT
MCKINNEY SOUTH ADDITION
23.97 ACRE TRACT
 WITHDRAWN BY THE
 JONATHAN PHILLIPS SURVEY, ABSTRACT NO. 710
 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS
 FOR
ONCOR ELECTRIC
DELIVERY COMPANY, LLC
 BY
HALFF



DATE OF RECORDATION TO THE TARRANT STATE PLATS DEPARTMENT SYSTEMS SECTION CONTROL TOWER: MARCH 23, 2005. PREPARED BY: ONCOR ELECTRIC DELIVERY COMPANY, LLC. SCALE: 1" = 40'.