

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.



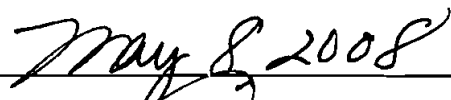
BILL WHITFIELD Mayor

CORRECTLY ENROLLED:

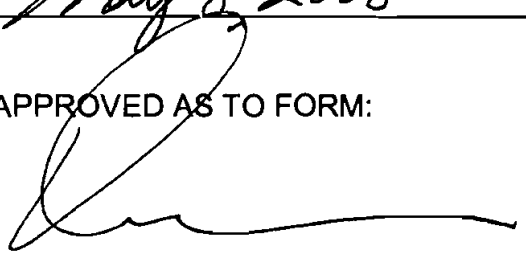


SANDY HART, TRMC, MMC
City Secretary
BEVERLY COVINGTON, TRMC, CMC
Deputy City Secretary

DATE:



APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney

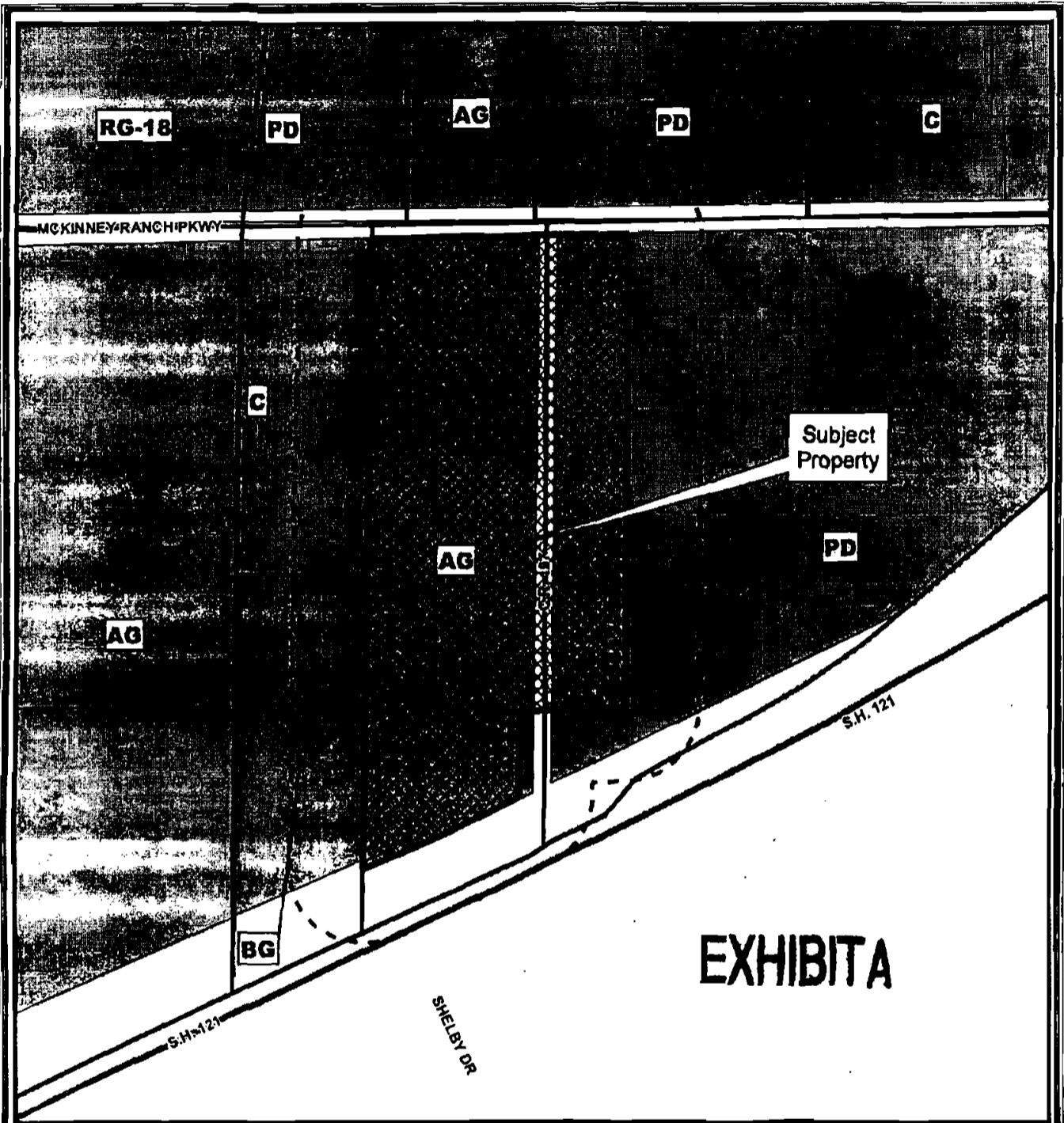
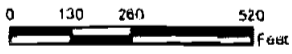


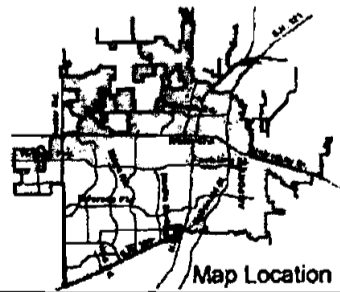
EXHIBIT A



Notification Case

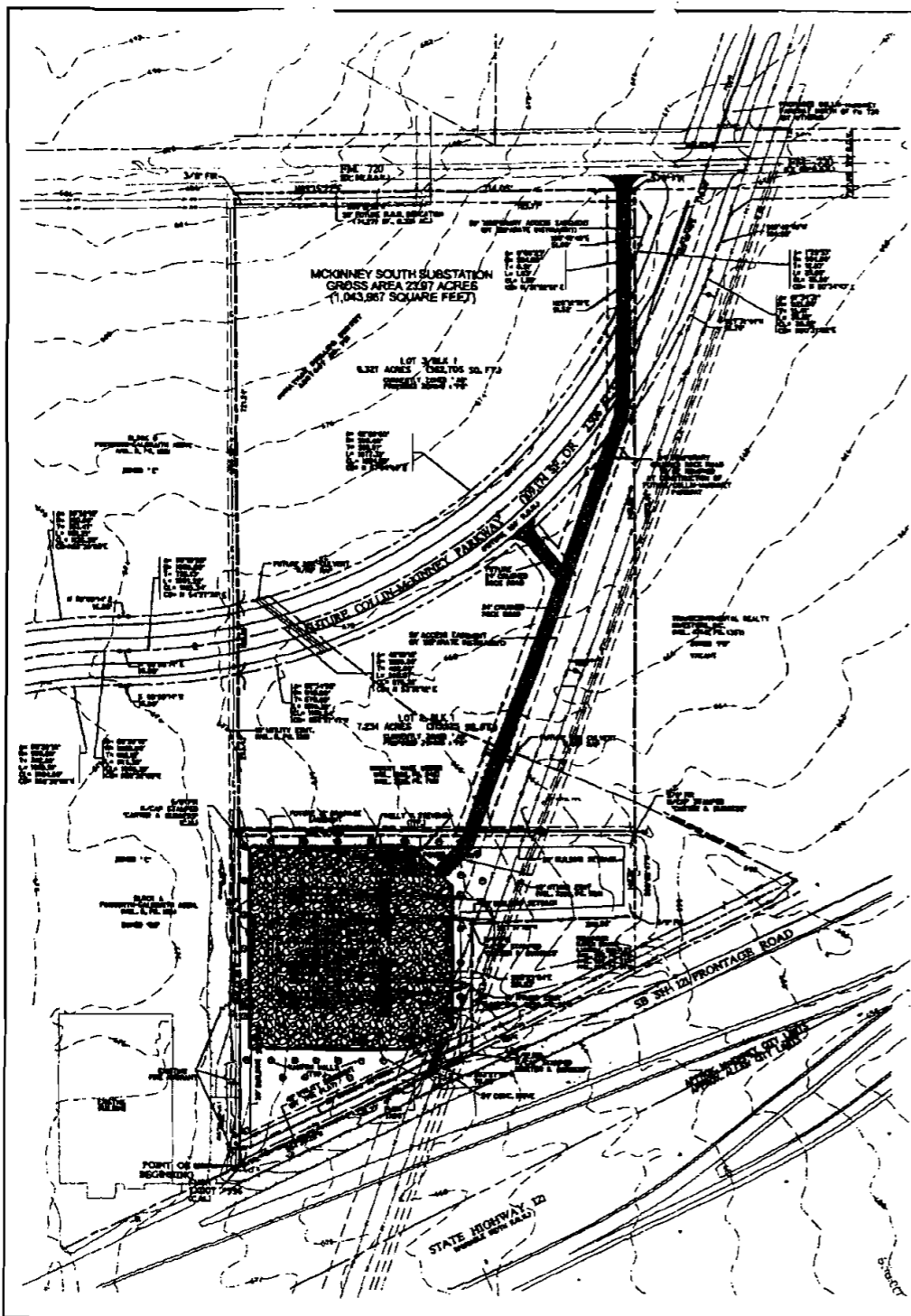
Notice Case: 08-095Z
R-6719-000-0110-1

--- 200' Notification Buffer



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



- Legend**
- EXISTING WATER
 - EXISTING TRANSMISSION TOWER
 - EXISTING AIR CONDENSER
 - EXISTING 8" ELECTRIC LINE
 - EXISTING ELECTRIC METER
 - EXISTING ELECTRIC METER
 - EXISTING POWER POLE
 - EXISTING RAY WIRE
 - EXISTING WATER VALVE
 - EXISTING FIRE WISANT
 - EXISTING WATER AIR RELEASE
 - EXISTING SIGN
 - EXISTING TELEPHONE PERIODICAL
 - EXISTING TRAFFIC SIGN
 - EXISTING FIREWORKS ELECTRIC LINE
 - EXISTING BRATE MLET
 - EXISTING 12" WATER LINE
 - EXISTING 12" SANITARY SEWER
 - EXISTING FORCE MAIN
 - PROPOSED TRANSMISSION TOWER
- PLAN SYMBOLS**
- EXISTING BRATE MLET
 - EXISTING 12" WATER LINE
 - EXISTING 12" SANITARY SEWER
 - EXISTING FORCE MAIN
 - PROPOSED TRANSMISSION TOWER

- LAND USE**
- EXISTING ZONING
 - AD - AGRICULTURE
 - CD - COMMERCIAL
 - PD - PLANNED DEVELOPMENT (HONORED AGRICULTURE)
 - EXISTING LAND USE
 - VACANT
 - LOT 1 PROPOSED LAND USE
 - ELECTRIC SUBSTATION
 - CONCRETE CENTER METER
 - PROPOSED 12" WATER
 - CONCRETE CENTER AREA
 - 4" S.7" WATER METER
 - METER OF CORNER OF CONCRETE CENTER
 - PROPOSED
- BOUNDARY SYMBOLS**
- EXISTING
 - PROPOSED

LEGAL DESCRIPTION

MCKINNEY SOUTH SUBSTATION is a portion of a tract of land in the Jonathan Phillips Survey, Abstract No. 710, in the City of McKinney, Collin County, Texas, and is more particularly described as follows: (Record of Collin County) 281-281-171, and more particularly described as follows:

THENCE South 81 degrees 21 minutes 21 seconds East along the center line of the 37-foot wide right-of-way of the McKinney Parkway, a 50-foot wide right-of-way, a 25-foot wide right-of-way, and a 10-foot wide right-of-way, all as shown on the plat of said McKinney Parkway, recorded in the Public Records of Collin County, Texas, in Volume 59, Page 276, 277, and 278, all of D.R. 2217.

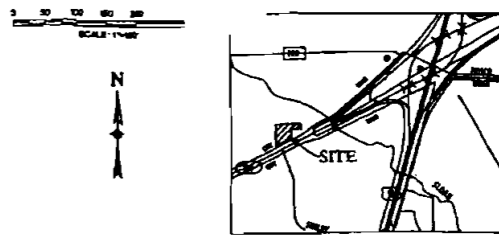
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NOTES

1. BLOCK 2, LOTS 1, 2, AND 3 OF PROPOSED MCKINNEY SOUTH ADDITION TO BE ZONED "PD".
2. PERMIT TO PROVIDE EXCEPTION FOR FUTURE 12" WATER AND 12" SANITARY SEWER (C-12)
3. THE LAYOUT FOR THE SUBJECT PROJECT WILL BE CONSTRUCTED IN CONFORMANCE WITH CHAPTER 15 OF THE CITY OF MCKINNEY CODE OF ORDINANCES.



MAR 26 2008

EXHIBIT B

ZONING EXHIBIT

MCKINNEY SOUTH ADDITION 23.97 ACRE TRACT

JONATHAN PHILLIPS SURVEY, ABSTRACT NO. 710

CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

FOR

ONCOR ELECTRIC DELIVERY COMPANY, LLC

BY

HALFF

REVISIONS

1. Issue of Permit to the Texas State Fire Department System for Control Tower
2. The Submitter has provided a letter of approval from the City of McKinney regarding the proposed project. The City of McKinney has approved the project and has issued a permit to the submitter. The City of McKinney has approved the project and has issued a permit to the submitter.
3. The submitter has provided a letter of approval from the City of McKinney regarding the proposed project. The City of McKinney has approved the project and has issued a permit to the submitter. The City of McKinney has approved the project and has issued a permit to the submitter.