

NO. 1563

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 SO THAT 289.64 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF U.S. HWY. 75 AND U.S. HWY. 380 IN THE TOLA DUNN, THOMAS McDONALD, JOHN MANNING, SAMUEL MCFALL, BENJAMIN STRAPP AND J.B. WILMETH SURVEYS IS ZONED REVISED OFFICE - LIGHT MANUFACTURING DISTRICT; PROVIDING FOR PLANNED DEVELOPMENT REGULATIONS; PROVIDING FOR A SITE 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.

THAT WHEREAS, the owner or owners of 289.64 acres of land located at the Northeast corner of U.S. Hwy. 75 and U.S. Hwy. 380 in the Tola Dunn, Thomas McDonald, John Manning, Samuel McFall, Benjamin Strapp and J. B. Wilmeth Surveys have petitioned the City of McKinney to zone such property Revised Office - Light Manufacturing District, and,

WHEREAS, after due notice of the requested zoning changes 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, the City Council is of the opinion that such zoning change should be made.

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

SECTION I: That 289.64 acres of land more fully described in the attached Exhibit "A" are hereby zoned Revised Office - Light Manufacturing District in accordance with the Zoning Map attached hereto and marked Exhibit "C".

SECTION II: That the Planned Development Regulations more fully set forth in the attached Exhibit "B" are hereby adopted as the Planned Development Regulations for this zoning district. That prior to the development of such planned development zoning, a complete site plan shall be submitted to and receive the approval of the City Council of the City of McKinney, Texas.

SECTION III: 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 This Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.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 IV: 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 V: 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 therefor, shall be fined any sum not exceeding \$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 VI: 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 the 2ND day of July, 1985.

CORRECTLY ENROLLED:


JENNIFER CRAVENS
CITY SECRETARY

EXHIBIT B

PROPOSED ZONING

TRACT "A"

Existing Zoning - "AG" Agricultural
Proposed Zoning - "O/ML" Office/Light Manufacturing

Tract "A", as shown on the attached zoning exhibit - Exhibit "A", is currently zoned as an Agricultural District. The tract is 28.2679 acres located directly north of Wilmeth Road, east of Graves Street.

It is intended that the tract zoning be amended to an Office/Light Manufacturing District with the following additional uses:

College or University
Dormitories
Hospital
Hotel or Motel
Rest Home or Nursing Home
Private Club (by Specific Use Permit only)

All development in the Office/Light Manufacturing District shall be according to the regulations contained in Section 3.15 and 3.16 of Ordinance No. 1270, provided that the following enumerated uses are excluded:

Mobile Home Dwelling
Fairgrounds or Rodeo
Radio, Television, Microwave Towers
Amusement, Comm. (outdoor)
Boat Storage
Truck parking Lot
Trailer, Light Truck, Tool Rental
Truck Storage
Bait Shop
Frozen Food Lockers
Pawn Shops
Farm Implement Sales and Service
Mini-Warehouses
Mobile Home Display and Sales
Veterinarian (with outside runs)
Contractors Yard
Heavy Machinery Sales and Storage
Junk or Salvage Yard
Metal Fabrication
Open Storage
Sanitary Landfill

Welding Shop
Feed Lots
Forestry and Mining Uses
Hatchery, Poultry, Egg Farm
Livestock Auction

Prior to development of this tract, a complete site plan and landscape plan shall be submitted to, and receive the approval of, the Planning and Zoning Commission and the City Council of the City of McKinney, Texas.

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TRACT "B"

Existing Zoning - "O/ML" Office/Light Manufacturing
Proposed Zoning - "O/ML" Office/Light Manufacturing

Tract "B", as shown on the attached Zoning Exhibit - Exhibit "A", is currently zoned an Office/Light Manufacturing District. The tract is 183.5179 acres east of U.S. Highway 75, south of Wilmeth Road, and north of U. S. Highway 380.

It is intended to maintain the current zoning with the following additional uses:

College or University
Dormitories
Hospital
Hotel or Motel
Rest Home or Nursing Home
Private Club (by Specific Use Permit only)

The following maximum height limitations shall be observed within the area to be known as Lot 2, Block E, of the Preliminary Plat for Bray Central Two (Exhibit "B").

<u>Height Limit</u>	<u>Distance from South Boundary</u>
2 stories	250 feet
3 stories	350 feet
4 stories	450 feet
5 stories	550 feet

All development in the Office/Light Manufacturing District shall be according to the regulations contained in Section 3.15 and Section 4.16 of Ordinance No. 1270, provided that the following enumerated uses are excluded:

0 " " ML "

Mobile Home Dwelling
 Fairgrounds or Rodeo
 Radio, Television, Microwave Towers
 Amusement, Comm. (outdoor)
 Boat Storage
 Truck parking Lot
 Trailer, Light Truck, Tool Rental
 Truck Storage
 Bait Shop
 Frozen Food Lockers
 Pawn Shops
 Farm Implement Sales and Service
 Mini-Warehouses
 Mobile Home Display and Sales
 Veterinarian (with outside runs)
 Contractors Yard
 Heavy Machinery Sales and Storage
 Junk or Salvage Yard
 Metal Fabrication
 Open Storage
 Sanitary Landfill
 Welding Shop
 Feed Lots
 Forestry and Mining Uses
 Hatchery, Poultry, Egg Farm
 Livestock Auction

Prior to development of this tract, a complete site plan and landscape plan shall be submitted to, and receive the approval of, the Planning and Zoning Commission and the City Council of the City of McKinney, Texas.

The following uses are to be excluded from Lot 2, Block E of the Preliminary Plat for Bray Central Two. The Preliminary Plat is attached and noted as Exhibit "B".

Auto Sales or Repair
 Boat Sales or Repair
 Motor Freight Terminal
 Truck Sales or Repair
 Auto Display and Sales
 Auto Glass, Muffler or Brake Shop
 Auto Painting or Body Shop
 Garage, Auto Repair
 Motorcycle Sales and Service
 Carpentry, Painting Shop
 Food Processing
 Plastic Products Manufacture

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Soft Drinks Bottling Plant

A minimum building setback of 100 feet from the south boundary of Lot 2, Block E, as shown on Exhibit "B" shall be required.

TRACT "C"

Existing Zoning - "C" Planned Center

Proposed Zoning - "O/ML" Office/Light Manufacturing

Tract "C", as shown on the attached Zoning Exhibit - Exhibit "A", is currently zoned as a Planned Center District. The tract is 77.8561 acres located at the northeast corner of the intersection of U.S. Highway 75 and U.S. Highway 380.

It is intended that the tract zoning be amended to an Office/Light Manufacturing District with the following additional uses:

College or University
Dormitories
Hospital
Hotel or Motel
Rest Home or Nursing Home
Private Club (by Specific Use Permit only)

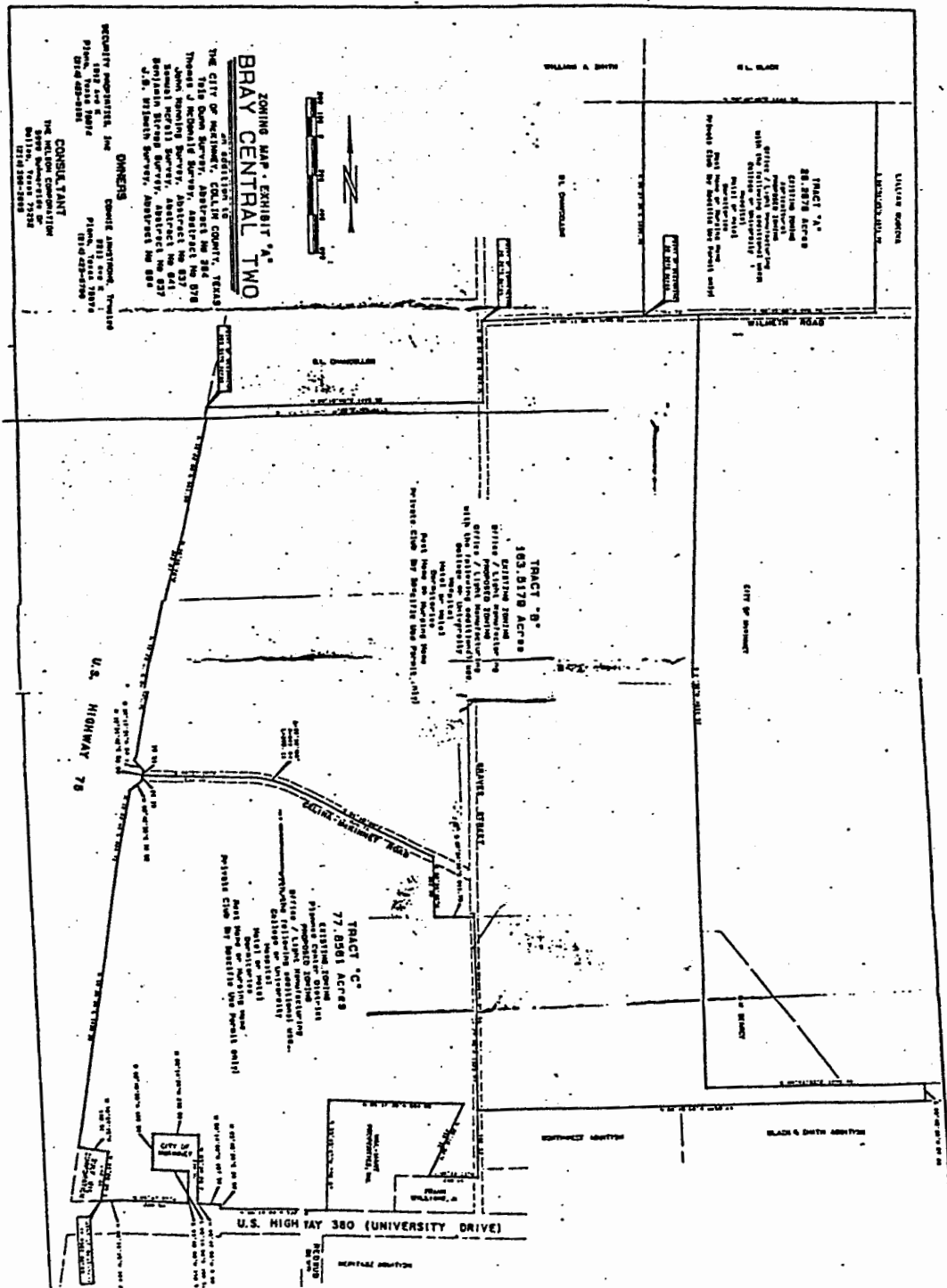
All development in the Office/Light Manufacturing District shall be according to the regulations contained in Section 3.15 and Section 3.16 of Ordinance No. 1270, provided that the following enumerated uses are excluded:

Mobile Home Dwelling
Fairgrounds or Rodeo
Radio, Television, Microwave Towers
Amusement, Comm. (outdoor)
Boat Storage
Truck parking Lot
Trailer, Light Truck, Tool Rental
Truck Storage
Bait Shop
Frozen Food Lockers
Pawn Shops
Farm Implement Sales and Service

"O"
"ML"

Mini-Warehouses
Mobile Home Display and Sales
Veterinarian (with outside runs)
Contractors Yard
Heavy Machinery Sales and Storage
Junk or Salvage Yard
Metal Fabrication
Open Storage
Sanitary Landfill
Welding Shop
Feed Lots
Forestry and Mining Uses
Hatchery, Poultry, Egg Farm
Livestock Auction

Prior to development of this tract, a complete site plan and landscape plan shall be submitted to, and receive the approval of, the Planning and Zoning Commission and the City Council of the City of McKinney, Texas.



ZONING EXHIBIT "C"
BRAY CENTRAL II, MCKINNEY
TRACT C
77.8561 ACRES

BEING a tract of land situated in the Samuel McFall Survey, Abstract No. 641 of the City of McKinney, Collin County, Texas, said tract being all of a 60.050 acre tract of land described as Parcel 1, conveyed to Security Properties, Inc., from Opubco Properties, Inc., as recorded in Volume 2093, Page 460 of the Deed Records of Collin County, said tract also being all of a 16.3003 acre tract of land conveyed to Connie Armstrong from Security Properties, Inc., as recorded in Volume 2093, Page 532 of the Deed Records of Collin County and being more particularly described as follows:

BEGINNING at a point on the northerly right-of-way line of U.S. Highway 380 (variable R.O.W.), said point being the southeast corner of a 0.794 acre tract of land conveyed to Gulf Oil Corporation from Marshall M. Searcy, et al, as recorded in Volume 747, Page 221 of the Deed Records of Collin County;

THENCE along the boundary line of said 0.794 acre tract as follows:
North 11 deg 06 min 25 sec East, 249.44 feet to a point for corner;
North 78 deg 57 min 15 sec West, 149.31 feet to a point for corner,
said point being on the easterly right-of-way line of U.S. Highway 75;

THENCE along said right-of-way line of U.S. Highway 75 as follows:
North 10 deg 38 min 50 sec East, 1433.30 feet to a point for corner;
North 12 deg 22 min 00 sec East, 404.71 feet to a point for corner;
North 52 deg 42 min 30 sec East, 76.22 feet to a point for corner;
North 12 deg 21 min 49 sec East, 25.33 feet to a point for corner,
said point being on the centerline of Celina-McKinney Road;

THENCE along said centerline of Celina-McKinney Road as follows:
South 86 deg 57 min 00 sec East, 530.26 feet to the point of curvature;
Along a curve to the right, with a chord bearing of South 74 deg 07 min 30 sec East, for a chord distance of 223.23 feet, said curve having a central angle of 25 deg 39 min 00 sec, a radius of 502.84 feet, and an arc length of 225.11 feet to the point of curvature;
South 61 deg 18 min 00 sec East, 806.76 feet to a point for corner;

THENCE South 02 deg 20 min 40 sec West, 302.90 feet to a point for corner;
THENCE South 87 deg 34 min 20 sec East, 211.73 feet to a point for corner,
said point being on the centerline of Graves Street;
THENCE South 02 deg 28 min 40 sec West, along the centerline of said Graves Street, 1323.87 feet to a point for corner;

THENCE North 86 deg 14 min 00 sec West, 258.01 feet to a point for corner,
said point being the easterly most southeast corner of a 6.5125 acre tract of land conveyed to Wal-Mart Properties, Inc., from William E. Campbell, Jr., et al, as recorded in Volume 1058, Page 687 of the Deed Records of Collin County;

THENCE along the boundary line of said 6.5125 acre tract as follows:
North 29 deg 16 min 00 sec East, 410.10 feet to a point for corner;
North 86 deg 17 min 30 sec West, 684.68 feet to a point for corner;
South 03 deg 43 min 47 sec West, 550.07 feet to a point for corner,
said point being on the northerly right-of-way line of hereinbefore mentioned U.S. Highway 380;

THENCE along the right-of-way line of U.S. Highway 380 as follows:
North 86 deg 14 min 00 sec West, 532.80 feet to a point for corner;
North 03 deg 46 min 00 sec East, 20.00 feet to a point for corner;
North 86 deg 14 min 00 sec West, 107.30 feet to a point for corner;
North 85 deg 47 min 00 sec West, 9.80 feet to a point for corner;

THENCE North 03 deg 46 min 00 sec East, 339.92 feet to a point for corner;
THENCE North 86 deg 14 min 00 sec West, 230.00 feet to a point for corner;
THENCE South 03 deg 46 min 00 sec West, 180.00 feet to a point for corner;
THENCE South 86 deg 14 min 00 sec East, 180.00 feet to a point for corner;
THENCE South 03 deg 46 min 00 sec West, 159.53 feet to a point for corner,
said point being on the northerly right-of-way line of hereinbefore mentioned U.S. Highway 380;

THENCE along said right-of-way line of U.S. Highway 380 as follows:
North 85 deg 47 min 00 sec West, 336.50 feet to a point for corner;
North 89 deg 11 min 15 sec West, 104.25 feet to the POINT OF BEGINNING, and containing 77.8561 acres of land.

ZONING EXHIBIT "C"
BRAT CENTRAL II, MCKINNEY
TRACT B
183.5179 ACRES

BEING a tract of land situated in the Thomas J. McDonald Survey, Abstract No. 576, John Manning Survey, Abstract No. 637, Benjamin F. Strapp Survey, Abstract No. 837, and the J. B. Wilmeth Survey, Abstract No. 984 of the City of McKinney, Collin County, Texas, said tract being all of three tracts of land described as Parcels II, III and IV as conveyed to Security Properties, Inc., from Opubco Properties, Inc., as recorded in Volume 2093, Page 460 of the Deed Records of Collin County, all of four tracts of land conveyed to R & R Builders as recorded in Volume 1751, Page 133 of the Deed Records of Collin County, and all of a 9 acre tract of land conveyed to James M. Muse as recorded in Volume 368, Page 537 of the Deed Records of Collin County, and being more particularly described as follows:

BEGINNING at a point on the westerly right-of-way line of U.S. Highway 75 (variable R.O.W.), said point being the northwest corner of said Parcel II, conveyed to Security Properties, Inc.;

THENCE North 89 deg 19 min 00 sec East, 1415.58 feet to a point for corner, said point being on the centerline of Graves Street;
THENCE North 00 deg 04 min 20 sec East, along said centerline of Graves Street, 424.76 feet to a point for corner, said point being on the centerline of Wilmeth Road;
THENCE North 88 deg 11 min 00 sec East, along said centerline of Wilmeth Road, 1098.02 feet to a point for corner, said point being the northwest corner of a 94.72 acre tract of land conveyed to the City of McKinney as recorded in Volume 593, Page 540 of the Deed Records of Collin County;
THENCE South 01 deg 18 min 30 sec West, along the westerly boundary line of said 94.72 acre tract, 4014.37 feet to a point for corner, said point being the southwest corner of a 9.99 acre tract of land conveyed to Marsha Searcy Harris, et al, from Marshall M. Searcy, et ux, as recorded in Volume 1031, Page 821 of the Deed Records of Collin County;
THENCE South 88 deg 51 min 00 sec East, along the southerly boundary line of said 9.99 acre tract, 1075.20 feet to a point for corner;
THENCE South 00 deg 49 min 30 sec West, 87.00 feet to a point for corner;
THENCE North 88 deg 49 min 00 sec West, 2258.21 feet to a point for corner, said point being on the centerline of hereinbefore mentioned Graves Street;
THENCE North 02 deg 28 min 40 sec East, along said centerline of Graves Street, 983.84 feet to a point for corner;
THENCE North 87 deg 34 min 20 sec West, 211.73 feet to a point for corner;
THENCE North 02 deg 20 min 40 sec East, 302.90 feet to a point for corner, said point being on the centerline of Celina-McKinney Road;
THENCE along said centerline of Celina-McKinney Road as follows:
North 61 deg 18 min 00 sec West, 806.76 feet to the point of curvature;
Along a curve to the left, with a chord bearing of North 74 deg 07 min 30 sec West, for a chord distance of 223.23 feet, said curve having a central angle of 25 deg 39 min 00 sec, a radius of 502.84 feet, and an arc length of 225.11 feet to the point of tangent;
North 86 deg 57 min 00 sec West, 530.26 feet to a point for corner, said point being on the easterly right-of-way line of hereinbefore mentioned U.S. Highway 75;
THENCE along said right-of-way line of U.S. Highway 75 as follows:
North 12 deg 21 min 49 sec East, 25.33 feet to a point for corner;
North 37 deg 17 min 31 sec West, 64.73 feet to a point for corner;
North 12 deg 22 min 00 sec East, 845.70 feet to a point for corner;
North 16 deg 10 min 50 sec East, 300.67 feet to a point for corner;
North 12 deg 22 min 00 sec East, 651.60 feet to the POINT OF BEGINNING, and containing 183.5179 acres of land.

EXHIBIT A

ZONING EXHIBIT "C"
BRAY CENTRAL II, MCKINNEY
TRACT A
28.2679 ACRES

BEING a tract of land situated in the Tola Dunn Survey, Abstract No. 284 of the City of McKinney, Collin County, Texas, said tract being all of a 27.617 acre tract of land described as Parcel V, conveyed to Security Properties, Inc., from Opubuco Properties, Inc., as recorded in Volume 2093, Page 460 of the Deed Records of Collin County and being more particularly described as follows:

COMMENCING at the intersection of the centerline of Graves Street and the centerline of Wilmeth Road, said point also being the southwest corner of a 20.987 acre tract of land conveyed to Gary Lynn Chancellor from E.L. Sweeney, et ux, as recorded in Volume 635, Page 563 of the Deed Records of Collin County;

THENCE North 88 deg 11 min 00 sec East, along said centerline of Wilmeth Road, 833.30 feet to the POINT OF BEGINNING, said point being the southeast corner of said 20.987 acre tract;

THENCE North 00 deg 27 min 30 sec East, along the easterly boundary line of said 20.987 acre tract, 1095.40 feet to a point for corner, said point being on the southerly boundary line of a 78.2 acre tract of land conveyed to R.L. Black from W.D. Hunn recorded in Volume 279, Page 87 of the Deed Records of Collin County;

THENCE North 89 deg 46 min 45 sec East, along the southerly line of said 78.2 acre tract, 1141.50 feet to a point for corner, said point being the northwest corner of a 14.516 acre tract of land conveyed to Lillian Dobecka from Cathy Sherrell Miller Bennett as recorded in Volume 1446, Page 308 of the Deed Records of Collin County;

THENCE South 00 deg 51 min 45 sec West, along the westerly boundary line of said 14.516 acre tract, 1071.25 feet to a point for corner, said point being on the centerline of hereinbefore mentioned Wilmeth Road;

THENCE along said centerline of Wilmeth Road as follows:

South 88 deg 40 min 00 sec West, 869.78 feet to a point for corner;

South 88 deg 11 min 00 sec West, 264.72 feet to the POINT OF BEGINNING, and containing 28.2679 acres of land.