

ORDINANCE NO. 2015-07-069

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 2.70 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF FUTURE COLLIN MCKINNEY PARKWAY AND STACY ROAD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "C2" – LOCAL COMMERCIAL DISTRICT; 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 2.70 acre property, located on the southeast corner of Future Collin McKinney Parkway and Stacy Road, which is more fully depicted on Exhibits "A", "B" and "C", attached hereto, from "AG" – Agricultural District to "C2" – Local Commercial District; 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. The zoning map is hereby amended so that an approximately 2.70 acre property, located on the southeast corner of Future Collin McKinney Parkway and Stacy Road, which is more fully depicted on Exhibits "A", "B" and "C", attached hereto, is rezoned from "AG" – Agricultural District to "C2" – Local Commercial District.
- Section 2. The subject property, more fully depicted on Exhibits "A", "B" and "C", shall develop in accordance with Section 146-112 ("C2" – Local Commercial District) of the City of McKinney Zoning Ordinance, and as amended.
- 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.

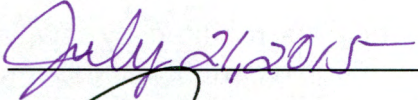
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 21ST DAY OF JULY, 2015.

CITY OF MCKINNEY, TEXAS


BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

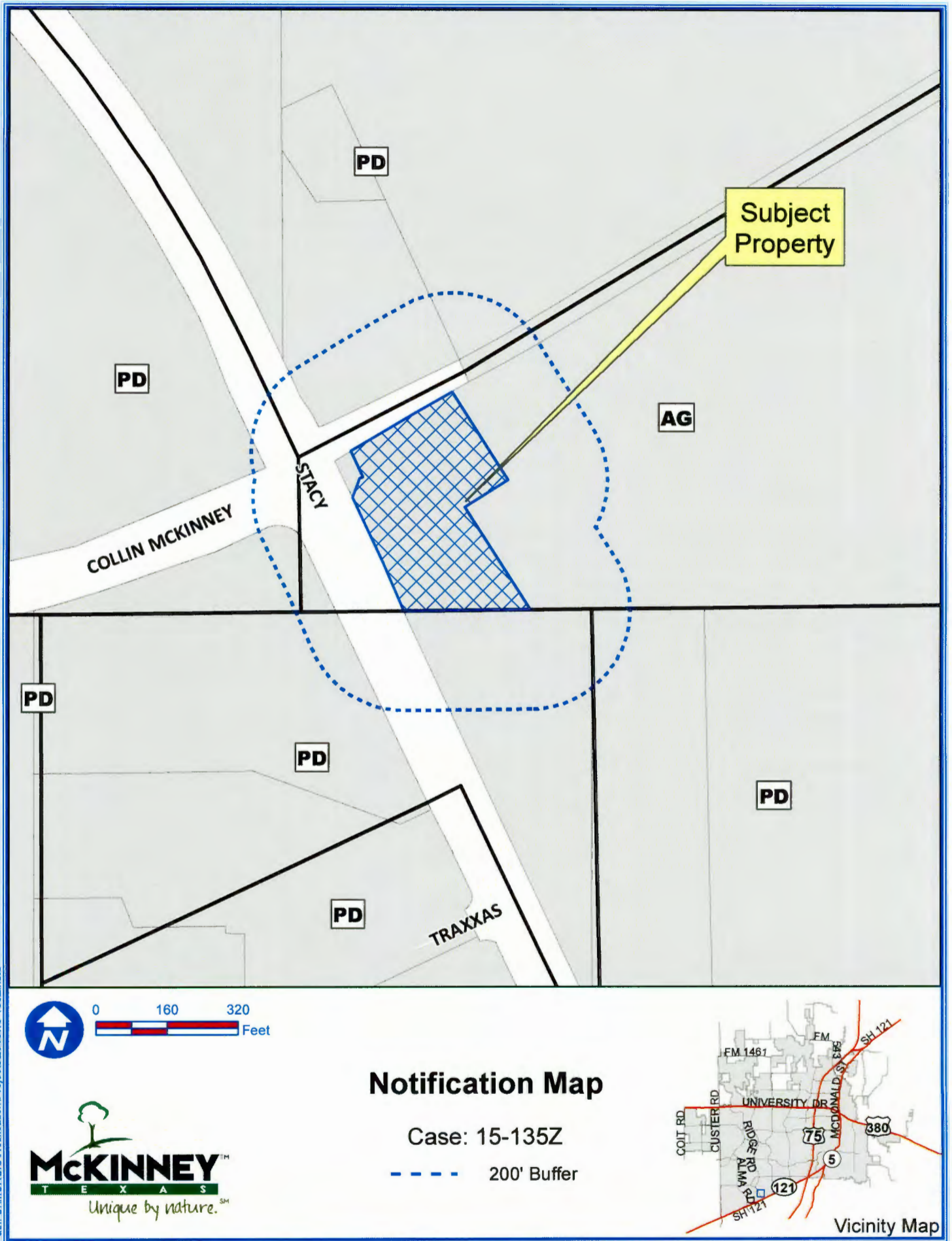

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

DATE: 

APPROVED AS TO FORM:


MARK S. HOUSER
City Attorney

Exhibit A



Path: S:\MCKGIS\Notification\Projects\2015\15-135Z.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.

Exhibit B

FIELD NOTES DESCRIPTION: 2.697 ACRES

PART of a tract of land situated in the Oliver Hedgcoxe Survey, Abstract No. 392, and being a portion of a tract of land described by deed to Elizabeth Snider, Margaret Workman and William Robert Floyd (hereafter called Workman Tract) recorded in Instrument Number 20100712000713630 of the Official Public Records of Collin County, Texas and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod with cap stamped "J.B.I." found for the most southwest corner of a tract of land described by deed to Today McKinney Ranch II, L.P., recorded in Instrument Number 20071011001399480 of the Official Public Records of Collin County, Texas, same being the northwest corner of a tract of land described by deed to TFI McKinney Land, LLC. (Called Tract 5) recorded in Instrument Number 20140305000201890;

THENCE South 25 degrees 24 minutes 56 seconds East, through the interior of said Tract 5, a distance of 60.04 feet to a 1/2 inch iron rod with cap stamped "J.B.I." found lying on the southeast line of said Tract 5 and the northwest line of said Workman tract, and for the **POINT OF BEGINNING** of the herein described Right-of-Way Easement;

THENCE through the interior of said Workman tract the following courses and distances:

South 32 degrees 31 minutes 26 seconds East a distance of 213.92 to a point for corner;
South 57 degrees 28 minutes 34 seconds West a distance of 115.00 to a point for corner;
South 32 degrees 31 minutes 26 seconds East a distance of 270.85 to a point for corner;
South 89 degrees 19 minutes 43 seconds West a distance of 285.14 to a point for corner lying on the northeast corner of Stacy Road a variable width right-of-way;

THENCE North 21 degrees 55 minutes 47 seconds West, along the northeast line of said Stacy Road, a distance of 115.07 to a 5/8 inch iron rod found for corner;

THENCE North 25 degrees 23 minutes 53 seconds West, continuing along the northeast line of said Stacy Road, a distance of 165.46 to a point for corner;

THENCE North 19 degrees 34 minutes 19 seconds East, continuing along the northeast line of said Stacy Road, a distance of 42.43 to a point for corner;

THENCE North 64 degrees 35 minutes 46 seconds East, continuing along the northeast line of said Stacy Road, a distance of 10.00 to a point for corner;

Exhibit B

THENCE North 25 degrees 24 minutes 14 seconds West, continuing along the northeast line of said Stacy Road, a distance of 65.00 to a point for corner lying on the southerly line of an Access Easement Agreement to the city of McKinney recorded in Volume 5730, Page 897 of the Deed Records of Collin County, Texas;

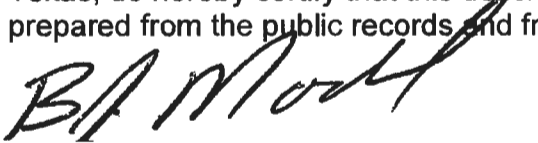
THENCE North 64 degrees 35 minutes 29 seconds East, along the southerly line of said city of McKinney Easement Agreement tract, a distance of 209.83 to the beginning of a curve to the left;

THENCE with said curve to the left continuing along said southerly line with a radius of 2500.00 feet, a central angle of 01 degrees 17 minutes 17 seconds, an arc length of 56.20 feet, a chord bearing of North 63 degrees 56 minutes 51 seconds East, a chord length of 56.20 feet; to the POINT OF BEGINNING, containing 117468 square feet, or 2.697 acres of land

The Basis of Bearings for this survey is based on the State Plane Coordinate System NAD83, Texas - North Central Zone 4202.

Surveyors Certification

I, **Brian J. Maddox**, Registered Professional Land Surveyor Number 5430, State of Texas, do hereby certify that this description and the sketch attached hereto were prepared from the public records and from an actual survey made on the ground.



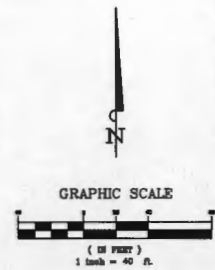
Brian J. Maddox, R.P.L.S.
May 8, 2015




Exhibit C



SUBJECT PROPERTY	
EXISTING ZONING	AGRICULTURE
EXISTING LAND USE	AGRICULTURE
PROPOSED ZONING	COMMERCIAL (C-2)
TOTAL ACRES	2.88 ACRES





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Civil Engineering
Land Development

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& Associates

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Certificate of Registration No. F-48863

THIS DRAWING IS TO BE USED FOR EXHIBIT PURPOSES ONLY

WORKMAN FLOYD II

ZONING EXHIBIT

ZONING EXHIBIT

EXHIBIT

EXHIBIT

Scale: SEE GRAPHIC SCALE

Designed by: LAW

Drawn by: CDR

Checked by: LAW

Date: 5/11/2015

Project No. 02108-003