

ORDINANCE NO. 2020-11-081

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 22.47 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF STACY ROAD AND RIDGE ROAD, IS REZONED FROM "PD" - PLANNED DEVELOPMENT DISTRICT AND "REC" - REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE USE AND DEVELOPMENT STANDARDS; 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 22.47 acre property, located on the northwest corner of Stacy Road and Ridge Road, which is more fully depicted on Exhibits "A", "B", and "C" attached hereto, from "PD" – Planned Development District and "REC" Regional Employment Center Overlay 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. The zoning map is hereby amended so that an approximately 22.47 acre property, located on the northwest corner of Stacy Road and Ridge Road, which is more fully depicted on Exhibits "A", "B", and "C", attached hereto, is rezoned from "PD" – Planned Development District and "REC" Regional Employment Center Overlay District to "PD" – Planned Development District, generally to modify the development standards.

Section 2. The subject property shall develop in accordance with Section 146-94 ("PD" – Planned Development District) of the Zoning Ordinance, and as amended, except as follows:

1. The subject property shall develop in accordance with the attached Development Regulations – Exhibit "D".

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 10th DAY OF NOVEMBER, 2020.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:



EMPRESS DRANE
City Secretary

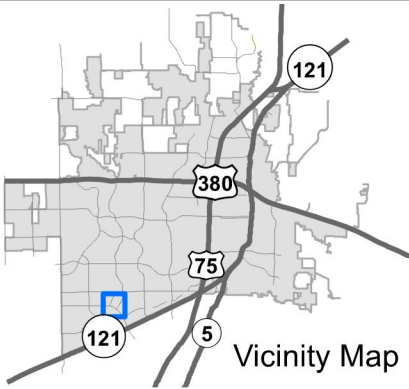
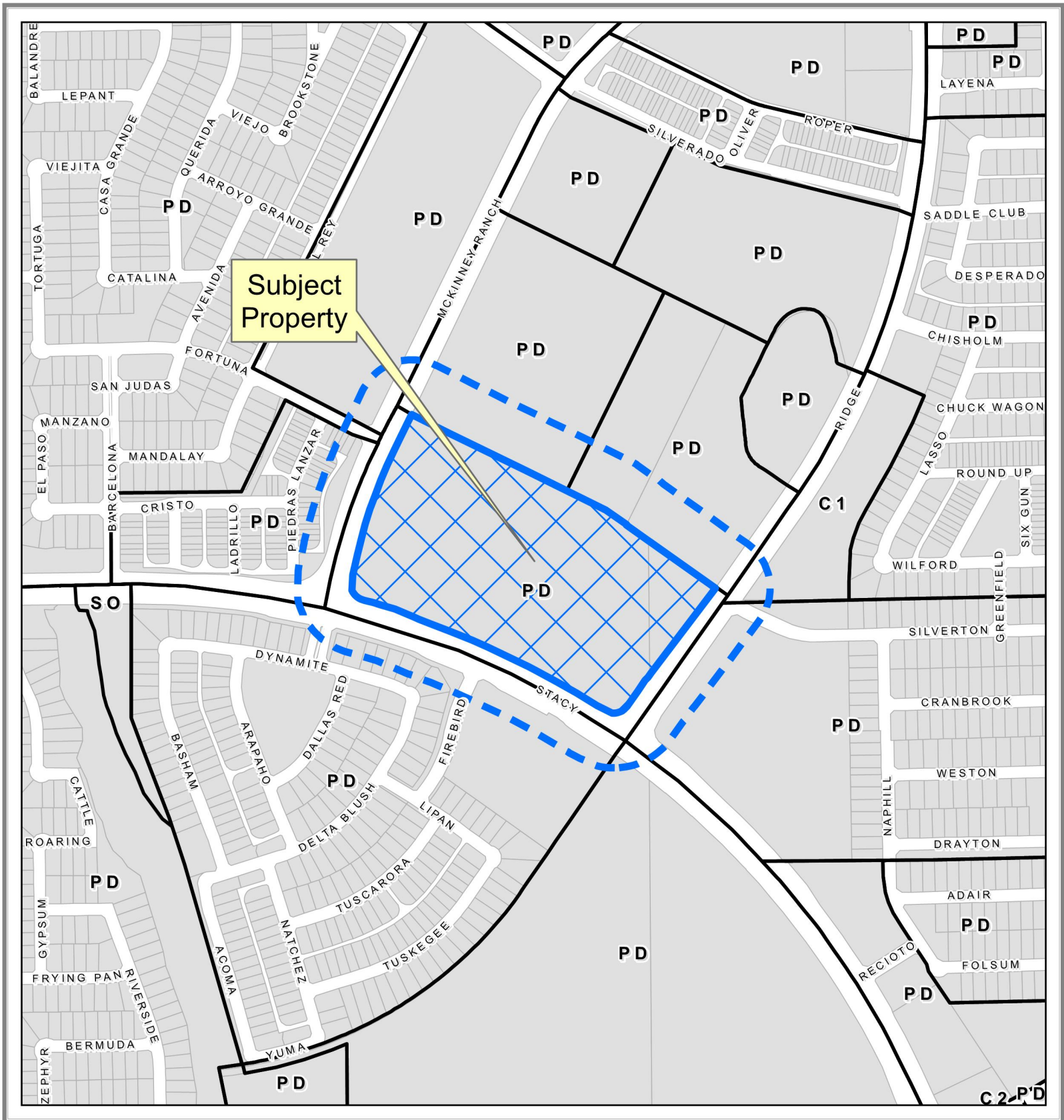
DATE: November 10, 2020

APPROVED AS TO FORM:



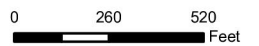
MARK S. HOUSER
City Attorney

EXHIBIT A



Property Owner Notification Map

20-0071Z



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

METES AND BOUNDS

BEING all that certain lot, tract or parcel of land out of the George F. Lucas Survey, Abstract No. 540 and the Oliver Hedgecoxe Survey, Abstract No. 392 in the City of McKinney, Texas, and being part of the property conveyed to TCI McKinney Ranch, as recorded in Volume 6074 at Page 6221 of the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod found for the Northwest corner of McKinney Ranch Parcel 1, an addition to the City of McKinney, Texas, according to the plat thereof recorded in Cabinet P, at Slide 107 of the Map Records of Collin County, Texas, said point also being in the South line of McKinney Ranch Parkway (variable width right of way) as established by a 1.0752 acre tract described in Donation Deed to the City of McKinney recorded in Volume 5507 at Page 4283 of the Land Records of Collin County, Texas;

THENCE South 89° 22' 55" West along the existing South line of said McKinney Ranch Parkway for a distance of 597.54 feet to a 5/8" iron rod found;

THENCE South 87° 38' 47" West and continuing along the existing South line of said McKinney Ranch Parkway for a distance of 165.08 feet to a 5/8" iron rod found;

THENCE South 89° 31' 42" West and continuing along the existing South line of said McKinney Ranch Parkway for a distance of 249.48 feet to a 5/8" iron rod found;

THENCE South 89° 24' 03" West and continuing along the existing South right of way line of said McKinney Ranch Parkway for a distance of 226.85 feet to a 5/8" iron rod found, said point being the centerline point for the proposed Ridge Road right of way retained by McKinney Ranch, Ltd. in Tract No. 19 (5.1115 acres) and Tract No. 18 (5.1842 acres) in deed to TCI McKinney Ranch recorded in Volume 6074 at Page 6221 of the Deed Records of Collin County, Texas;

THENCE departing said existing McKinney Ranch Parkway, South 00° 37' 13" East, along the centerline of said proposed Ridge Road, variable width right-of-way, and the common line of said McKinney Ranch, Ltd. Tracts 18 and 19, for a distance of 480.43 feet to a 5/8" iron rod found for corner, said point being the beginning of a curve to the right having a central angle of 35° 38' 30" with a radius of 3100.00 feet and a chord bearing South 17° 12' 02" West at a distance of 1897.46 feet;

THENCE Southwesterly along said curve to the right and following the centerline of said proposed Ridge Road, same being the common line of said McKinney Ranch, Ltd. Tracts 18 and 19, for an arc distance of 1928.40 feet to a 5/8" iron rod found for corner;

THENCE South 35° 01' 18" West and continuing along the centerline of said proposed Ridge Road, same being the common line of said McKinney Ranch, Ltd. Tracts 18 and 19, for a distance of 439.29 feet to a point;

THENCE departing said McKinney Ranch, Ltd. Tract 19, North 54° 58' 42" West, at right angle and perpendicular to said centerline, for a distance of 60.00 feet to a 5/8" iron rod set in the Westerly line of said proposed Ridge Road and the common Westerly line of said McKinney Ranch, Ltd. Tract 18, for the POINT OF BEGINNING and the Northeast corner of the tract of land herein described, said point of

beginning also being the Southeast corner of a 13.7964 acre tract of land conveyed to Phillips McKinney Ranch, LLC by Instrument Number 20070827001191610 of the Real Property Records of Collin County, Texas;

THENCE South 35° 01' 18.11 West and continuing along the proposed West right of way line of said Ridge Road for a distance of 76.73 feet to a 5/8" iron rod set for corner;

THENCE South 38° 50' 39.11 West and continuing along the proposed West right of way line of said Ridge Road for a distance of 150.00 feet to a 5/8" iron rod set for corner;

THENCE South 35° 01' 18.11 West and continuing along the proposed West right of way line of said Ridge Road for a distance of 100.00 feet to a 5/8" iron rod set for corner;

THENCE South 38° 50' 39.11 West and continuing along the proposed West right of way line of said Ridge Road for a distance of 150.00 feet to a 5/8" iron rod set for corner;

THENCE South 35° 01' 18.11 West and continuing along the proposed West right of way line of said Ridge Road for a distance of 130.00 feet to a 5/8" iron rod set for corner; said point being the beginning of a curve to the right having a central angle of 61° 12' 05" with a radius of 67.00 feet and a chord bearing South 65° 37' 20.11 West at a distance of 68.21 feet;

THENCE Southwesterly along said curve to the right and continuing along the proposed West right of way line of said Ridge Road for an arc distance of 71.57 feet to a 5/8" iron rod set for corner in the proposed North right of way line of Stacy Road;

THENCE North 63° 10' 05.11 West along the proposed North right of way line of Stacy Road for a distance of 71.00 feet to a 5/8" iron rod set for corner, said point being the beginning of a curve to the left having a central angle of 12° 30' 27" with a radius of 3565.00 feet and a chord bearing North 64° 12' 24.11 West at a distance of 776.68 feet;

THENCE Northwesterly along said curve to the left and continuing along the proposed North right of way line of said Stacy Road for an arc distance of 778.23 feet to a 5/8" iron rod set for corner;

THENCE North 67° 50' 24.11 West and continuing along the proposed North right of way line of said Stacy Road for a distance of 150.00 feet to a 5/8" iron rod set for corner, said point being the beginning of a curve to the left having a central angle of 02° 15' 46" with a radius of 3575.00 feet and a chord bearing North 73° 59' 39.11 West at a distance of 141.18 feet;

THENCE Northwesterly along said curve to the left for an arc distance of 141.19 feet to a 5/8" iron rod set for corner, said point being the beginning of a curve to the right having a central angle of 55° 21' 15" with a radius of 64.00 feet and a chord bearing North 47° 26' 55" West at a distance of 59.45 feet;

THENCE Northwesterly along said curve to the right for an arc distance of 61.83 feet to a 5/8" iron rod set for corner, said point being in the proposed East right of way line of McKinney Ranch Parkway;

THENCE North 03° 39' 37" East along the proposed East right of way line of McKinney Ranch Parkway for a distance of 63.00 feet to a 5/8" iron rod set for corner;

THENCE North 12° 55' 18" East and continuing along the proposed East right of way line of McKinney Ranch Parkway for a distance of 85.50 feet to a 5/8" iron rod set for corner, said point being the

beginning of a curve to the right having a central angle of $13^{\circ} 19' 40''$ with a radius of 1940.00 feet and a chord bearing North $19^{\circ} 35' 08''$ East at a distance of 450.26 feet;

THENCE Northeasterly along said curve to the right and continuing along the proposed East right of way line of McKinney Ranch Parkway for an arc distance of 451.27 feet to a 5/8" iron rod set for corner;

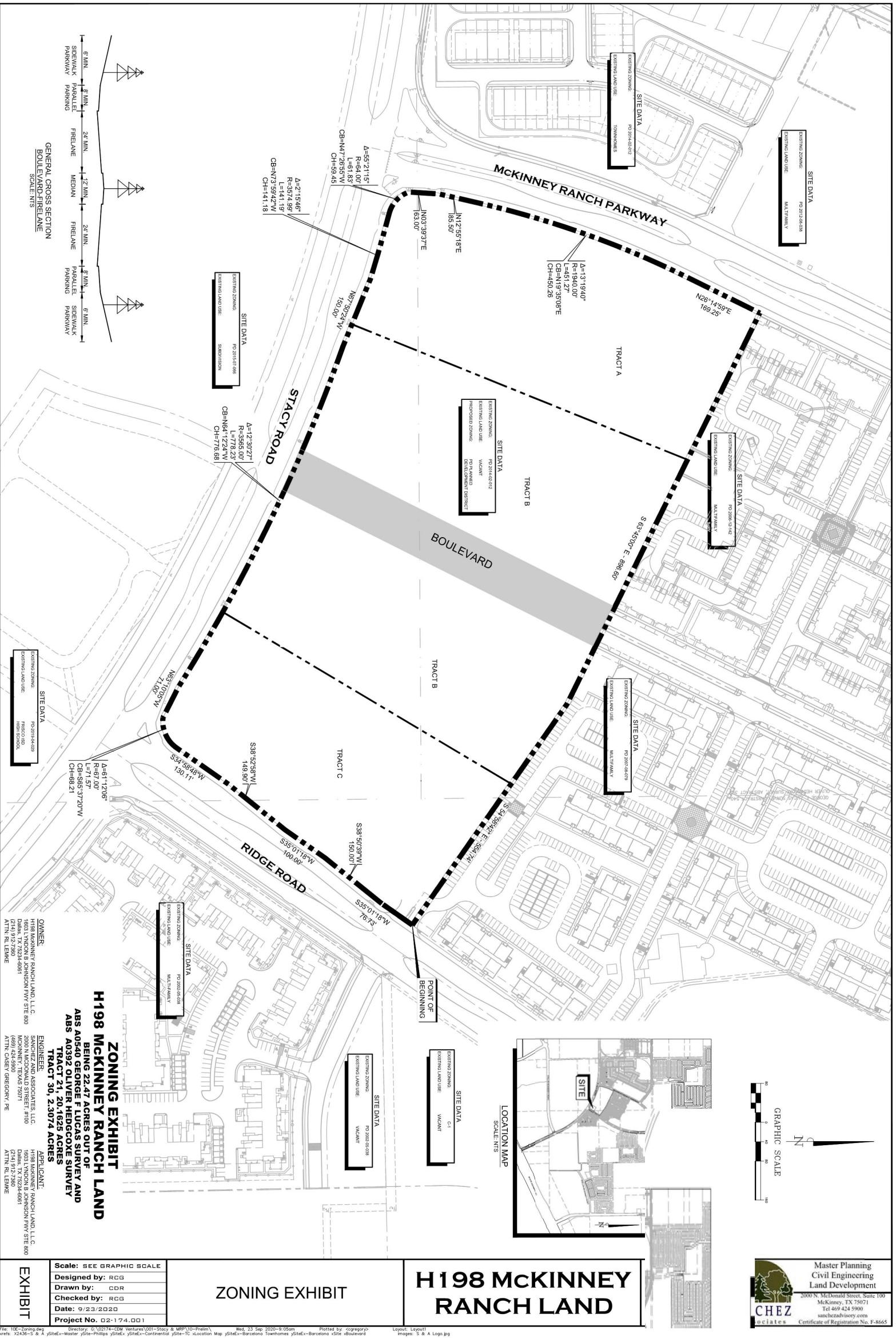
THENCE North $26^{\circ} 14' 59''$ East and continuing along the proposed East right of way line of McKinney Ranch Parkway for a distance of 169.25 feet to a 5/8" iron rod found for corner, said point being the Southwest corner of a 15.0413 acre tract of land conveyed to MR Parkway Apartments, LLC, by Instrument Number 20070007531 of the real Property Records of Collin County, Texas;

THENCE South $63^{\circ} 45' 01''$ East Basis of Bearings per Instrument Number 20070007531 and following along the South line of said MR Parkway Apartments, LLC, 15.0413 acre tract for a distance of 720.00 feet to a 5/8" iron rod found for the Southeast corner of said 15.0413 acre tract, said point being the Southwest corner of the aforesaid Phillips McKinney Ranch, LLC, 13.7964 acre tract;

THENCE South $63^{\circ} 45' 01''$ East and following along the South line of said 13.7964 acre tract for a distance of 176.64 feet to a 5/8" iron rod found for corner;

THENCE South $54^{\circ} 58' 42''$ East and continuing along the South line of said 13.7964 acre tract for a distance of 554.74 feet to the POINT OF BEGINNING AND CONTAINING 22.4699 ACRES OF LAND, more or less.

EXHIBIT C



ZONING EXHIBIT
H198 MCKINNEY RANCH LAND
BEING 22.47 ACRES OUT OF
SEORGE HEADS SURVEY AND
ABS A0392, 01, 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 ACRES
TRACT 30, 2.3074 ACRES

OWNER:
H198 MCKINNEY RANCH LAND, L.L.C.
1603 LYNWOOD B JOHNSON Fwy STE 800
MCKINNEY, TEXAS 75071
ATTN: BEL LEMKE

ENGINEER:
SANCTUARY ASSOCIATES, L.L.C.
2000 N. McDONALD STREET #100
MCKINNEY, TEXAS 75071
ATTN: CASEY GREGORY, PE

DEVELOPER:
H198 MCKINNEY RANCH LAND, L.L.C.
1603 LYNWOOD B JOHNSON Fwy STE 800
MCKINNEY, TEXAS 75071
ATTN: BEL LEMKE

Scale: SEE GRAPHIC SCALE
Designed by: RCG
Drawn by: CDR
Checked by: RCG
Date: 9/23/2020
Project No.: 02-174.001

ZONING EXHIBIT

H198 MCKINNEY RANCH LAND

Master Planning
Civil Engineering
Land Development

2000 N. McDonald Street, Suite 100
McKinney, TX 75071
Tel: 469.424.5900
sanchezadvisory.com
Certificate of Registration No. F-8665

CHEZ
sociates

EXHIBIT D

PLANNED DEVELOPMENT DISTRICT DEVELOPMENT REGULATIONS

The subject property shall be zoned "C2" – Local Commercial District. Use and development of the subject property shall conform to the regulations contained herein (the "Regulations").

The subject property shall develop in accordance will all requirements for "C2" – Local Commercial District as specified in Section 146-112 of the City of McKinney Code of Ordinances, except as follows:

1. The following uses shall be allowed by right and will not require a Specific Use Permit:
 - a. Car wash
 - i. A single car wash use shall only be permitted within Tract C and may not exceed a total area of 1.5 acres in size. Car wash uses in any other tract shall be subject to the uses allowed in "C2" – Local Commercial District as specified in Section 146-112, as amended.
 - ii. If at the corner of Stacy and Ridge, the car wash use shall provide additional landscaping and screening according to the following criteria:
 - (1) Canopy trees shall be planted at 1 per 30' linear feet of street frontage within the landscape buffer.
 - (2) An earthen berm shall be provided in the landscape buffer at a slope not to exceed 4:1 (4' of horizontal distance for each 1' of height)
 - (3) Evergreen screening shrubs shall be planted along the length of the street frontage. Evergreen shrubs acceptable for six-foot screening shall be a minimum of three feet in height when measured immediately after planting and shall be planted no further apart than three feet on center, unless otherwise approved by the director of planning, and maintained so as to form a continuous, unbroken, solid visual screen which will be six feet high within two years after time of planting.
 - b. Hotel or motel;
2. The following uses shall be prohibited:
 - a. Auto parts sales (indoor)
 - b. Bait shop
 - c. Bus station
 - d. Funeral homes and mortuaries
 - e. Garage, auto repair
 - f. Halfway house
 - g. Pet store, kennel, animal boarding (outside runs)
 - h. Railroad track or right-of-way
 - i. Service station or motor vehicle fuel sales (Prohibited only within Tract B)

3. The Boulevard shall develop in accordance with the cross section shown on the attached zoning exhibit. The following standards will apply
 - a. Parking fields associated with the future commercial development within the subject property shall be allowed to connect into the boulevard via dedicated fire lanes and/or driveways.
 - b. There shall be no more than two median openings along the boulevard and within the subject property to allow access to the parking fields and associated driveways. Access to the north/south circulation spine/boulevard shall be provided from the median openings at Silverton Avenue to the east and Fortuna Lane to the west.
 - c. The boulevard shall have a landscaped area with living landscape and canopy trees planted every 30 linear feet within the median consistent with the existing boulevard.