

**ORDINANCE NO. 2013-08-073**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2001-02-017 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 6.83 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF CHIEF SPOTTED TAIL DRIVE AND ALMA ROAD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT, "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, GENERALLY TO MODIFY THE ALLOWED LAND USES 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 6.83 acre property, located on the northwest corner of Chief Spotted Tail Drive and Alma Road, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "AG" – Agricultural District, "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District to "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District, generally to modify the allowed land uses and 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. 2001-02-017 is hereby amended in order to rezone an approximately 6.83 acre property, located on the northwest corner of Chief Spotted Tail Drive and Alma Road, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "AG" – Agricultural District, "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District to "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District, generally to modify the allowed land uses and development standards.

Section 2. Use and development of the subject property, more fully depicted on Exhibits "A" and "B", shall develop in accordance with "PD" – Planned Development District No. 2001-02-017, and as amended, except as follows:

- a. The use of this area shall develop in accordance with the community, civic, institutional, and religious buildings of the Neighborhood Zone as specified in the "REC" – Regional Employment Center Overlay District.
- b. Independent living facility shall be an allowed use on the property.
- c. Development of an assisted living facility/independent living facility on the subject property shall generally conform to the attached elevations, as shown on Exhibit "D".



- d. Development of an assisted living/independent living facility on the subject property shall generally conform to the attached concept plan, as shown on Exhibit "C".
- e. The minimum parking requirements for an assisted living/independent living facility on the property shall conform to the attached concept plan, as shown on Exhibit "C".
- f. A pocket park (including associated walking trails and landscaping) which is open to the public shall be provided in general conformance with the attached concept plan and shall preserve the approximately sixty (60) native trees, as shown on Exhibit "C".

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.

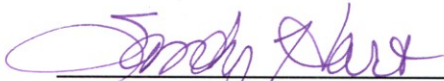
Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 5<sup>TH</sup> DAY OF AUGUST, 2013.**

CITY OF MCKINNEY, TEXAS

  
\_\_\_\_\_  
BRIAN LOUGHMILLER  
Mayor

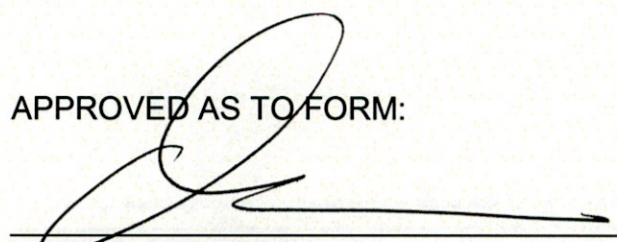
CORRECTLY ENROLLED:

  
\_\_\_\_\_  
SANDY HART, TRMC, MMC  
City Secretary  
BLANCA I. GARCIA  
Assistant City Secretary

DATE: August 5, 2013

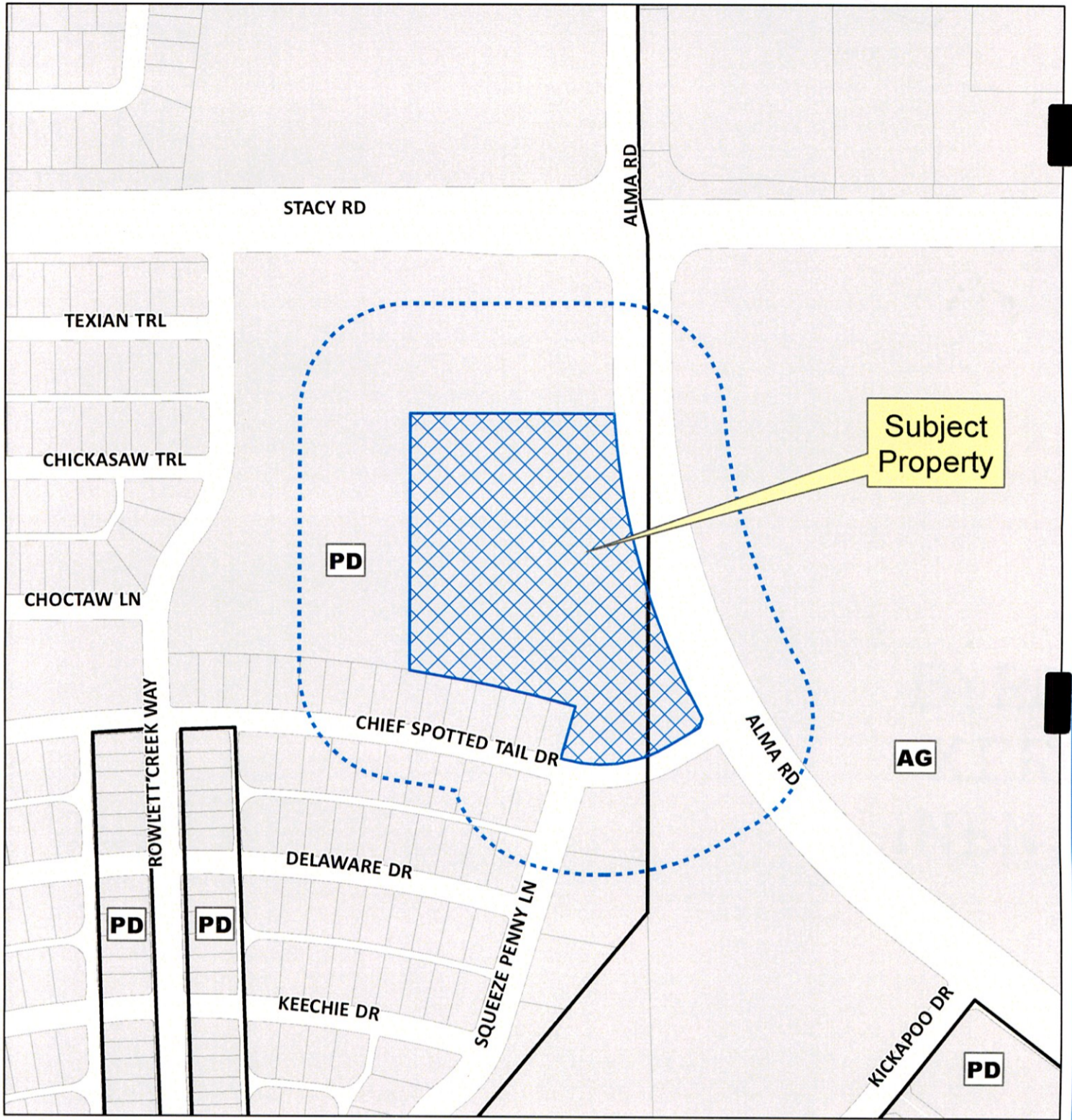


APPROVED AS TO FORM:

A handwritten signature in black ink, consisting of a large, stylized loop at the top and a long, horizontal stroke extending to the right.

MARK S. HOUSER  
City Attorney





Subject Property

PD

AG

PD

PD

PD

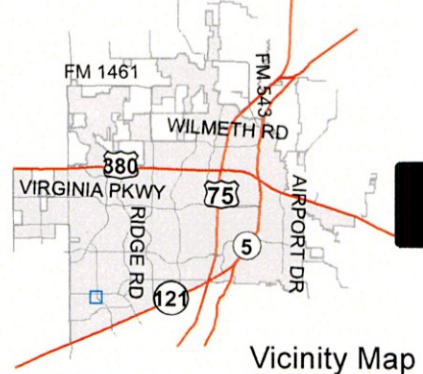


# Exhibit A

## Notification Map

Case: 13-096Z

--- 200' Notification Buffer



Vicinity Map

Path: S:\MCKGIS\Notification\Projects\2013\13-096Z.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 NOTE DESCRIPTION

BEING a 6.833 acre tract of land situated in the George F. Lucas Survey, Abstract Number 540, and the George F. Lucas Survey, Abstract Number 540, in the City of McKinney, Collin County, Texas, and being a portion of a tract of land recorded in the Public Records of Collin County, Texas, Book 5153, Page 5153, being part of the remainder of an 18.952 acre tract of land recorded in Collin County Clerk's File No. 20060131000121010 of the Deed Records of Collin County, Texas (DRCT) and being more particularly described as follows:

**BEGINNING** at an "x" in concrete set for north corner of a corner cut-off line at the point of intersection of the north line of Chief Spotted Tail Drive (48' wide) with the southwest line of Alma Road (120' wide);

**THENCE** along the north line of said Chief Spotted Tail, SOUTH  $15^{\circ}12'48"$  WEST a distance of 21.00 feet to a 1/4 inch iron rod set for the south corner of said corner cut-off line;

**THENCE** continuing with said north line, SOUTH  $87^{\circ}40'25"$  WEST a distance of 72.97 feet to a 1/4 inch iron rod set for the beginning of a curve to the right having a radius of 276.09 feet and a chord bearing of South  $82^{\circ}40'25"$  WEST;

**THENCE** continuing with said north line, with said curve to the right through a central angle of  $49^{\circ}15'54"$  for an arc length of 222.94 feet to a 1/4 inch iron rod set for corner;

**THENCE** continuing with said north line, NORTH  $74^{\circ}19'33"$  WEST a distance of 6.02 feet to a iron rod with cap found for the southeast corner of Lot 16, Block 7, of The Settlement at Craig Ranch according to the plat recorded in Ciliated O. Page 507 of the Plat Records of Collin County, Texas;

**THENCE** departing the north line of said Chief Spotted Tail, NORTH  $15^{\circ}36'36"$  EAST a distance of 110.00 feet to an iron rod with cap found for the northeast corner of said Lot 16 and being the beginning of a non-tangent curve to the left having a radius of 2,810.64 feet and a chord bearing of North  $77^{\circ}25'06"$  WEST;

**THENCE** along the north line of the Settlement at Craig Ranch with said non-tangent curve to the left through a central angle of  $07^{\circ}03'25"$  for an arc length of 346.18 feet to a 1/4 inch iron rod set for corner;

**THENCE** departing said north line, NORTH  $00^{\circ}01'53"$  WEST a distance of 522.97 feet to a 1/4 inch iron set for corner;

**THENCE** NORTH  $89^{\circ}33'07"$  EAST a distance of 416.88 feet to a 1/4 inch iron rod set in the west line of said Alma Road and being in a curve to the left having a radius of 1,460.00 feet and a chord bearing of South  $18^{\circ}11'13"$  East;

**THENCE** along the west line of Alma Road with said curve to the left through a central angle of  $25^{\circ}29'18"$  for an arc length of 649.49 feet to the POINT OF BEGINNING;

CONTAINING 6.833 acres or 297,856 square feet of land, more or less, all according to that survey prepared by AJ Bedford Group, Inc.

**Surveyor's Certification**

I, Austin J. Bedford, a Registered Professional Land Surveyor in the State of Texas do hereby certify that an on the ground survey of the property shown was made under my supervision and that this map correctly represents the facts found at the time of survey and that this survey conforms to the current Minimum Standard Detail Requirements for a Category 1A, Condition II, Land Title Survey as specified by the latest edition of the "Manual of Practice for Land Surveying in Texas" 2006 Revised Eleventh Edition prepared by the Texas Society of Professional Surveyors.

Dated the 05th day of February, 2013

Austin J. Bedford  
 Registered Professional Land Surveyor No. 4132  
 AJ Bedford Group, Inc.  
 4500 Rockwell Road  
 Rockwall, Texas 75087

**BOUNDARY AND IMPROVEMENT SURVEY**  
**6.833 ACRES**

GEORGE F. LUCAS SURVEY ABSTRACT NO. 540  
 G.F. LUCAS SURVEY ABSTRACT NO. 540  
 CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

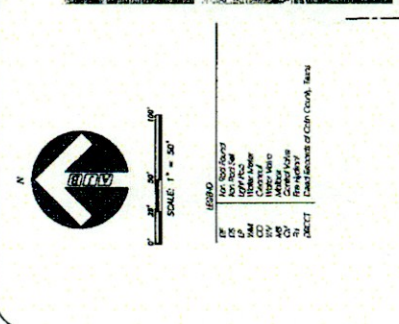
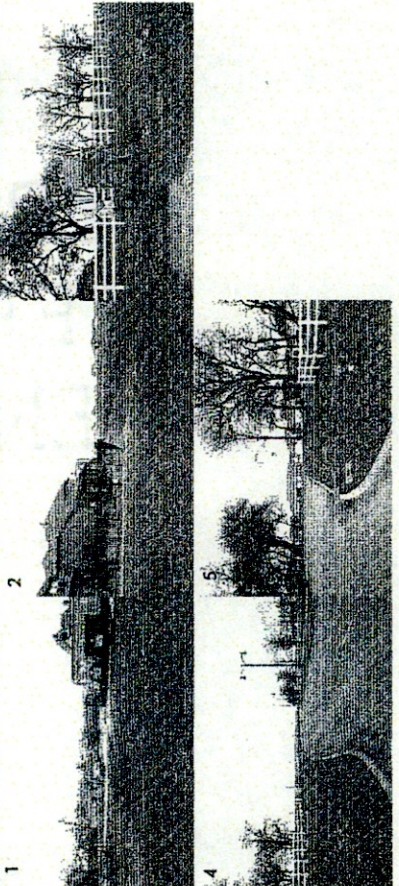
CHAS. STERNMANN  
 4850 ROCKWELL BLVD. SUITE 210  
 MCKINNEY, TEXAS 75070 (972) 580-1871

Scale: 1" = 40'

North Arrow

City of McKinney Seal

Bedford Group, Inc. Logo



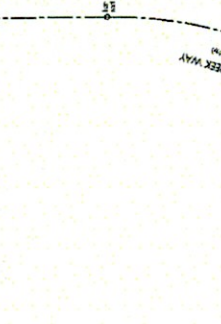
**Zoned PD**  
**Requested Zoning is PD**

6.833 Acres  
 (297,856 SF)

A PORTION OF  
 MCKINNEY SEVEN 17, LP  
 Volume 5011, Page 5153  
 (DRCT)

MCKINNEY SEVEN 17, LP  
 Volume 5011, Page 5153  
 (DRCT)

G.S. BRACLIUS SURVEY  
 ABSTRACT NUMBER 540



**SCALE: 1" = 40'**

**LEGEND**

TF	1/4" IRON ROD
IR	1/2" IRON ROD
CR	CORNER
CH	CORNER
CH	CORNER
CH	CORNER
CH	CORNER
CH	CORNER

**NOTES:**

1. THE SURVEY WAS MADE FROM THE CORNER OF THE ALMA ROAD AND CHIEF SPOTTED TAIL DRIVE.

2. THE SURVEY WAS MADE FROM THE CORNER OF THE ALMA ROAD AND CHIEF SPOTTED TAIL DRIVE.

3. THE SURVEY WAS MADE FROM THE CORNER OF THE ALMA ROAD AND CHIEF SPOTTED TAIL DRIVE.

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# Exhibit C



**PROJECT DATA**

- TOTAL SITE AREA: 43.11 ACRES (297,045 SQ. FT.)
- CONVERTING PLANNED DEVELOPMENT (PD) TO (ADU)
- BUILDING SETBACK: FRONT: 2', 4', REAR: 15', SIDE: 15'
- LANDSCAPE SETBACK: NO SETBACK REQUIREMENTS
- MAX. BUILDING HEIGHT: 45' (SEE EXTERIOR BUILDING ELEVATIONS, SHEET AE-203(04A&B&C))
- BUILDING AREA:
  - LEVEL 1 = 45,561 GSF
  - LEVEL 2 = 28,304 GSF
  - LEVEL 3 = 25,107 GSF
  - TOTAL = 98,972 GSF
- UNIT TYPES:
  - REHAB & SKILLED NURSING FACILITY (SNF) = 46 UNITS
  - ASSISTED LIVING = 3 UNITS
  - STUDIO = 12 UNITS
  - 1 BED / 1 BATH = 38 UNITS
  - 2 BED / 1 BATH + DEN = 3 UNITS
  - MEMORIAL CARE (MC) = 282 GSF
  - TOTAL = 117 UNITS

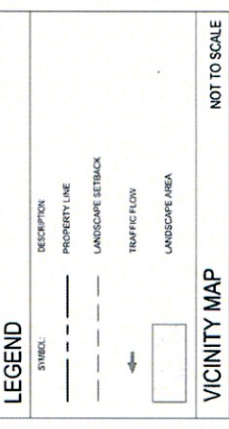
**PERMITTED USES**

- ASSISTED LIVING AND INDEPENDENT LIVING

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By Kathy Wright at 10:41 am, Jun 14, 2013

**LEGEND**

SYMBOL	DESCRIPTION
---	PROPERTY LINE
---	LANDSCAPE SETBACK
---	TRAFFIC FLOW
---	LANDSCAPE AREA



**DEKKER PERICH SABATINI**  
7801 Jefferson NE Suite 100  
Albuquerque, NM 87109  
505 761-9700  
1611 761-4222  
4510049464149249

**ARCHITECT**

**ENGINEER**

**TUSCARORA AT CRAIG RANCH**  
Alma & Stacy Rd.  
McKinney, Texas

**REVISIONS**

NO.	DESCRIPTION	DATE	BY	CHKD.
1				

**SITE PLAN**  
13-096Z

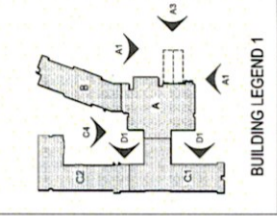
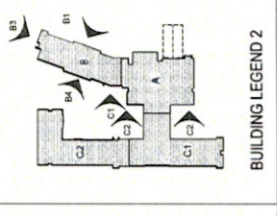
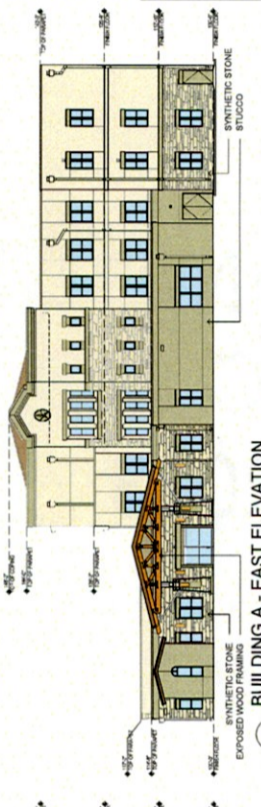
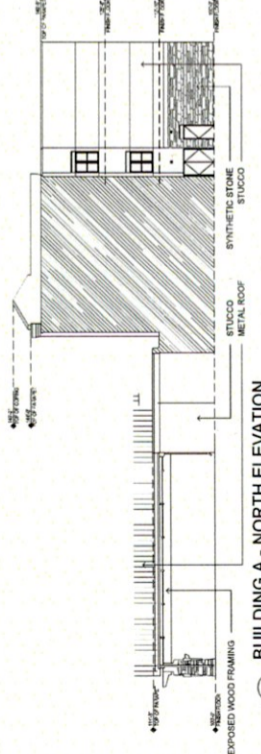
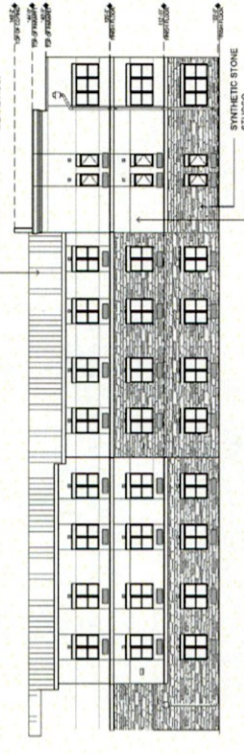
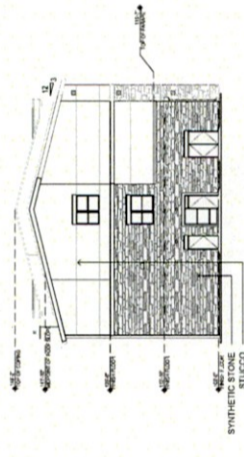
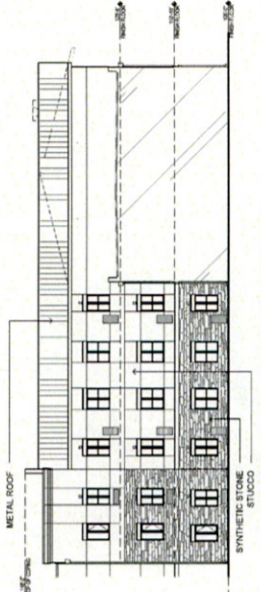
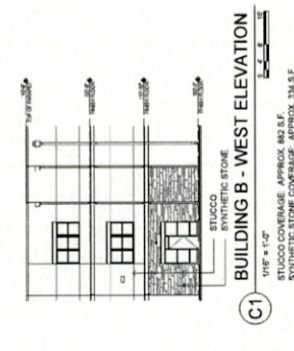
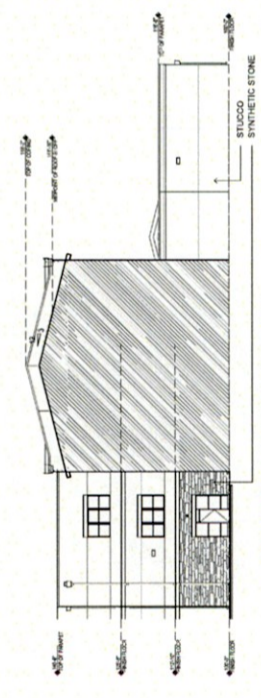
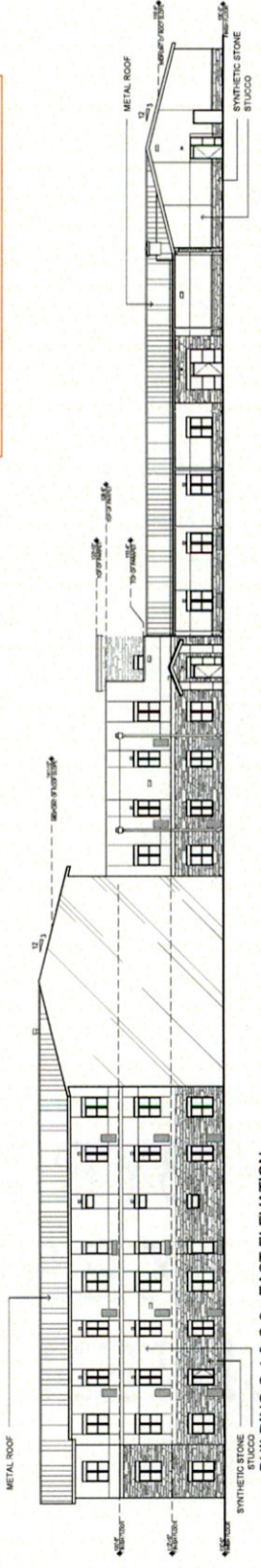
DRAWN BY	SY
REVIEWED BY	RW
DATE	05.24.13
PROJECT NO.	13-0409
DRAWING NAME	SITE PLAN
DRAWING NO.	13-096Z

SHEET NO. AS-101  
1 OF 3



**GENERAL NOTES**  
 1. AVERAGE FINISH GRADE AT APPROXIMATELY 6' BELOW FINISH FLOOR ELEVATION  
 2. SYNTHETIC STONE TOTALS APPROXIMATELY 35% COVERAGE

**Exhibit D**



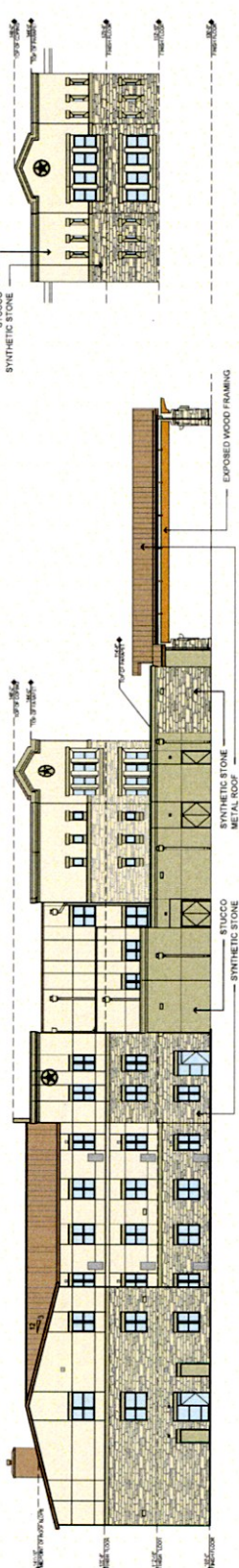
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 By Kathy Wright at 6:22 am, May 14, 2013



Exhibit E

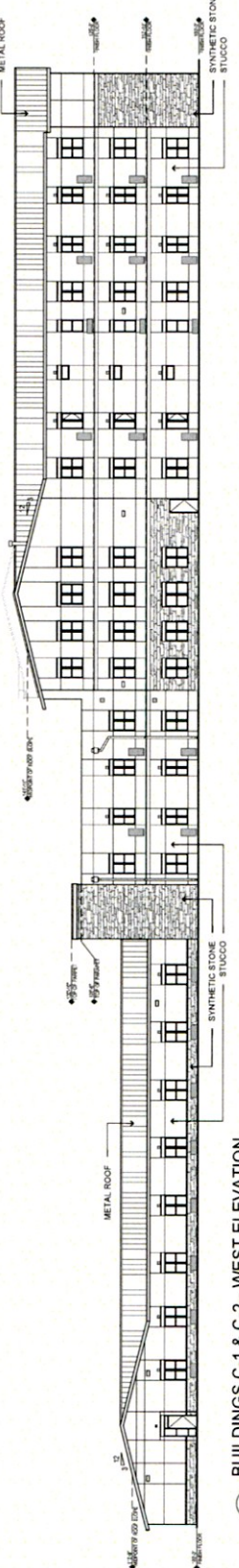
GENERAL NOTES

1. AVERAGE FINISH GRADE AT APPROXIMATELY 6' BELOW FINISH FLOOR ELEVATION
2. SYNTHETIC STONE TOTALS APPROXIMATELY 35% COVERAGE



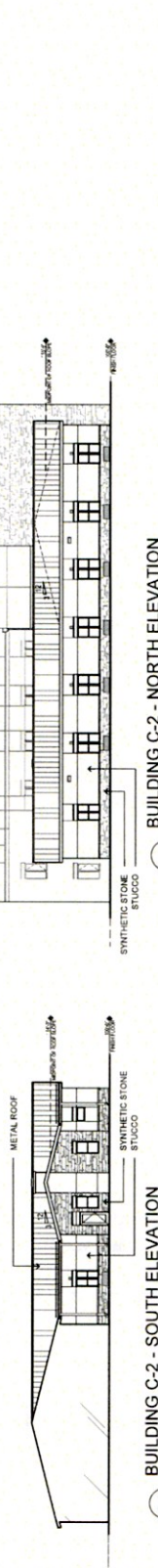
**C1 BUILDINGS A & C-1 - SOUTH ELEVATION**  
 1/8" = 1'-0"  
 STUCCO COVERAGE APPROX. 4,223 S.F.  
 SYNTHETIC STONE COVERAGE APPROX. 2,609 S.F.

**C5 BUILDING A - SOUTHEAST ELEVATION**  
 1/8" = 1'-0"  
 STUCCO COVERAGE APPROX. 263 S.F.  
 SYNTHETIC STONE COVERAGE APPROX. 159 S.F.

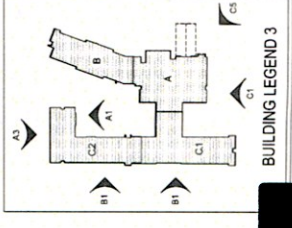


**B1 BUILDINGS C-1 & C-2 - WEST ELEVATION**  
 1/8" = 1'-0"  
 STUCCO COVERAGE APPROX. 6,416 S.F.  
 SYNTHETIC STONE COVERAGE APPROX. 1,814 S.F.

**A3 BUILDING C-2 - NORTH ELEVATION**  
 1/8" = 1'-0"  
 STUCCO COVERAGE APPROX. 720 S.F.  
 SYNTHETIC STONE COVERAGE APPROX. 711 S.F.



**A1 BUILDING C-2 - SOUTH ELEVATION**  
 1/8" = 1'-0"  
 STUCCO COVERAGE APPROX. 325 S.F.  
 SYNTHETIC STONE COVERAGE APPROX. 321 S.F.



RECEIVED  
 By Kathy Wright at 8:22 am, May 14, 2013

**Deker Perich Sabatini**
  
 7601 Jefferson Ave Suite 100
   
 Independence, MO 64050
   
 816 761-5700
   
 fax 816-422-2222
   
 ps@dpisab.com
   
 ARCHITECT

ENGINEER

PROJECT

**TUSCARORA**
  
 AT CRAIG RANCH
   
 Alma & Stacy Rd.
   
 McKinney, Texas

REVISIONS
   
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DRAWN BY: WMM
   
 REVIEWED BY: RAW
   
 DATE: 05.13.13
   
 PROJECT NO.: 13-0409
   
 DRAWING NAME: BUILDING ELEVATIONS

SHEET NO.
   
**AE-202**
  
 3 OF 3