

ORDINANCE NO. 2018-09-070

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 42.07 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND HARDIN BOULEVARD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO MODIFY THE 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 42.07 acre property, located on the southeast corner of U.S. Highway 380 (University Drive) and Hardin Boulevard, which is more fully depicted on Exhibits "A", "B", and "C" attached hereto, from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay 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 42.07 acre property, located on the southeast corner of U.S. Highway 380 (University Drive) and Hardin Boulevard, which is more fully depicted on Exhibits "A", "B", and "C", attached hereto, is rezoned from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and Corridor Commercial Overlay District, generally to modify the development standards.
- Section 2. The subject property shall develop in accordance with Section 146-94 ("PD" – Planned Development District) and Section 146-101 ("CC" – Corridor Commercial Overlay District) of the Zoning Ordinance, and as amended, except as follows:
1. The subject property shall develop in accordance with Section 146-113 ("C3" – Regional Commercial District) of the Zoning Ordinance, and as amended, except as follows:
 - a. Hotel/motel uses on Lot 13 shall generally develop as shown on the attached Site Layout – Exhibit "D".
 - b. Hotel/motel uses shall not be permitted on Lots 7, 8, 9, 10, 11, 12, or 14 as shown on the attached Site Layout – Exhibit "D".
 - c. All buildings on the subject property shall be restricted to a maximum height of 55 feet.

d. Any plats submitted for development of the subject property shall generally conform to the attached Site Layout – 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 18th DAY OF SEPTEMBER, 2018.

CITY OF MCKINNEY, TEXAS



TRACY RATH
Mayor Pro Tem

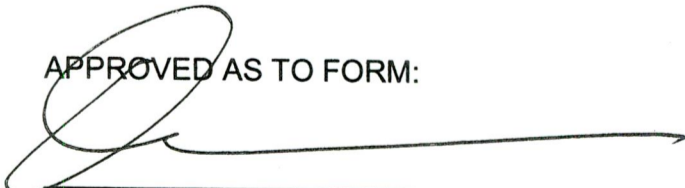
CORRECTLY ENROLLED:



EMPRESS DRANE
City Secretary
MELISSA LEE
Deputy City Secretary

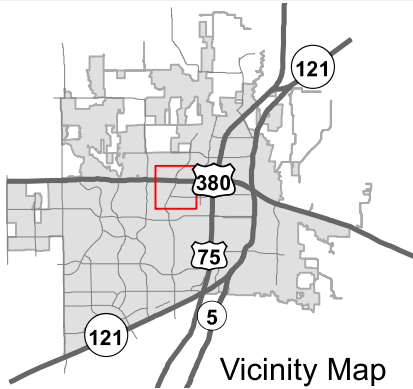
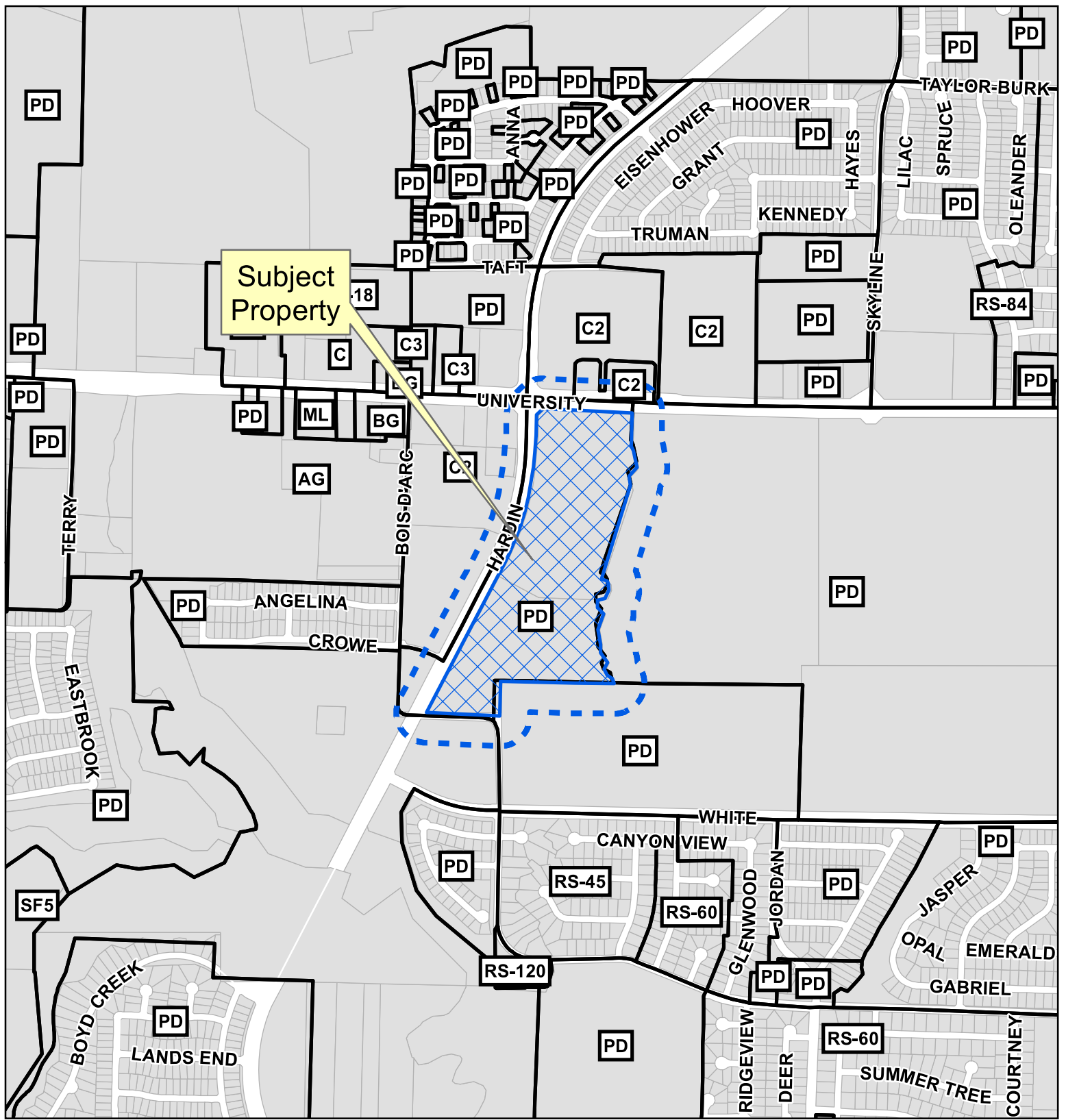
DATE: _____

APPROVED AS TO FORM:



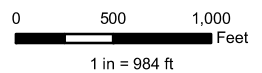
MARK S. HOUSER
City Attorney

EXHIBIT A



Property Owner Notification Map

18-0084Z



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

LEGAL DESCRIPTION

42.07 ACRES

BEING a tract of land situated in the William Hunt Survey, Abstract No. 450, City of McKinney, Collin County, Texas, and being all of "TRACT I" and "TRACT II" described in Special Warranty Deed to McKinney SH II, Ltd. recorded in Instrument No. 20180530000655830, Official Public Records of Collin County, Texas, and being all of a called 1.4841 acre tract described in Special Warranty Deed with Vendor's Lien to Gloria's McKinney Property LLC recorded in Instrument No. 20180723000908310 of said Official Public Records, and being more particularly described as follows:

BEGINNING at the northeast corner of a right-of-way corner clip for the intersection of the south right-of-way line of U.S. Highway 380 (a variable width right-of-way) with the east right-of-way line of Hardin Boulevard, (a 120-foot right-of-way);

THENCE with said south right-of-way line of U.S. Highway 380, South 87°48'20" East, a distance of 671.00 feet to a point for the northwest corner of Complex I West Addition, an addition to the City of McKinney, Texas, according to the plat thereof recorded in Volume F, Page 449, Map Records, Collin County, Texas;

THENCE departing said south right-of-way line of U.S. Highway 380 and with the west line of said Complex I West Addition, the following courses and distances:

South 2°20'37" West, a distance of 256.31 feet to a point for corner;
South 29°58'28" East, a distance of 37.55 feet to a point for corner;
South 11°07'47" East, a distance of 128.89 feet to a point for corner;
South 36°29'44" West, a distance of 28.40 feet to a point for corner;
South 47°13'04" West, a distance of 59.90 feet to a point for corner;
South 9°26'14" East, a distance of 105.36 feet to a point for corner;
South 18°22'07" West, a distance of 705.59 feet to a point for corner;
South 70°50'02" East, a distance of 30.39 feet to a point for corner;
South 45°31'59" East, a distance of 34.81 feet to a point for corner;
South 1°58'37" East, a distance of 47.19 feet to a point for corner;
South 23°55'28" West, a distance of 68.58 feet to a point for corner;
South 80°59'51" West, a distance of 59.44 feet to a point for corner;
South 1°28'36" East, a distance of 58.69 feet to a point for corner;
South 44°08'51" East, a distance of 64.71 feet to a point for corner;
South 20°17'35" West, a distance of 125.43 feet to a point for corner;
South 10°40'00" East, a distance of 113.56 feet to a point for corner;
South 0°38'20" East, a distance of 61.08 feet to a point for corner;

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER
SUITE 700
DALLAS, TEXAS 75240
PH. (972) 770-1300
ANDY.DOBBS@KIMLEY-HORN.COM

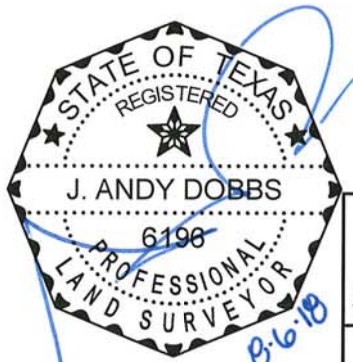


EXHIBIT A
42.07 ACRES
WILLIAM H. HUNT SURVEY,
ABSTRACT NO. 450
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

Kimley»Horn

13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DWP	JAD	FEB 2018	063006044	1 OF 3

EXHIBIT B

South 34°37'09" East, a distance of 89.16 feet to a point for corner;
South 25°58'52" West, a distance of 55.64 feet to a point for corner;
South 25°10'05" East, a distance of 49.17 feet to a point for corner;
South 57°34'55" East, a distance of 49.68 feet to a point for corner;
South 20°42'35" East, a distance of 38.37 feet to a point for the southwest corner of said Complex I West Addition an being in a north line of a called 304.402 acre tract of land described in Special Warranty Deed to Raytheon TI Systems, Inc., recorded in Volume 3953, Page 1145, Deed Records, Collin County, Texas;

THENCE with said north and west line of 304.402 acre tract of land, the following courses and distances:

South 89°30'44" West, a distance of 172.04 feet to a point for corner;
North 88°22'23" West, a distance of 678.27 feet to a point for corner;
South 1°22'59" West, a distance of 260.56 feet to a point for the northeast corner of Bois D'Arc Road (no recording information found);

THENCE departing said west line of 304.402 acre tract and with the north right-of-way line of Bois D'Arc Road, North 87°26'25" West, a distance of 550.29 feet to a point for corner at the intersection of said north right-of-way line of Bois D'Arc Road with said east right-of-way line of Hardin Boulevard;

THENCE with said east right-of-way line of Hardin Boulevard, the following courses and distances:

North 27°35'39" East, a distance of 1262.22 feet to a point at the beginning of a tangent curve to the left having a central angle of 23°49'41", a radius of 1985.00 feet, a chord bearing and distance of North 15°40'48" East, 819.58 feet;
In a northeasterly direction, with said curve to the left, an arc distance of 825.52 feet to a point for corner;
North 5°16'25" East, a distance of 168.13 feet to a point for corner;
North 1°09'55" East, a distance of 153.86 feet to a point for the southwest corner of said right-of-way corner clip;

THENCE with said right-of-way corner clip, North 45°39'56" East, a distance of 66.32 feet to the **POINT OF BEGINNING** and containing 42.07 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

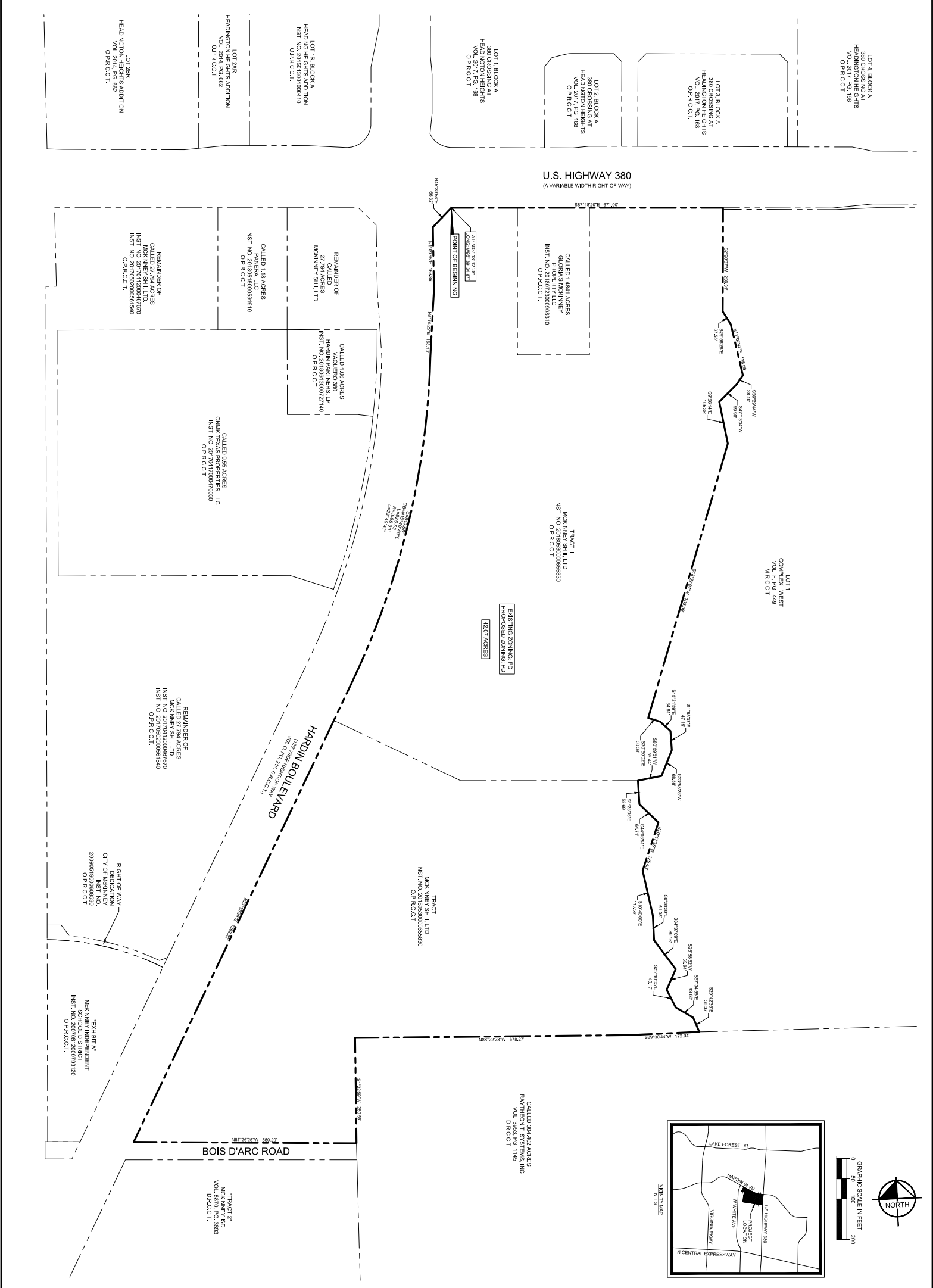
EXHIBIT A
42.07 ACRES
WILLIAM H. HUNT SURVEY,
ABSTRACT NO. 450
CITY OF MCKINNEY,
COLLIN COUNTY, TEXAS

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13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820					
<u>Scale</u>	<u>Drawn by</u>	<u>Checked by</u>	<u>Date</u>	<u>Project No.</u>	<u>Sheet No.</u>
N/A	DWP	JAD	FEB 2018	083006044	2 OF 3

EXHIBIT C

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**380 TOWN CENTRE AT
 HEADINGTON HEIGHTS**
 WEST UNIVERSITY DRIVE
 & HARDIN ROAD
 CITY OF MCKINNEY, TX

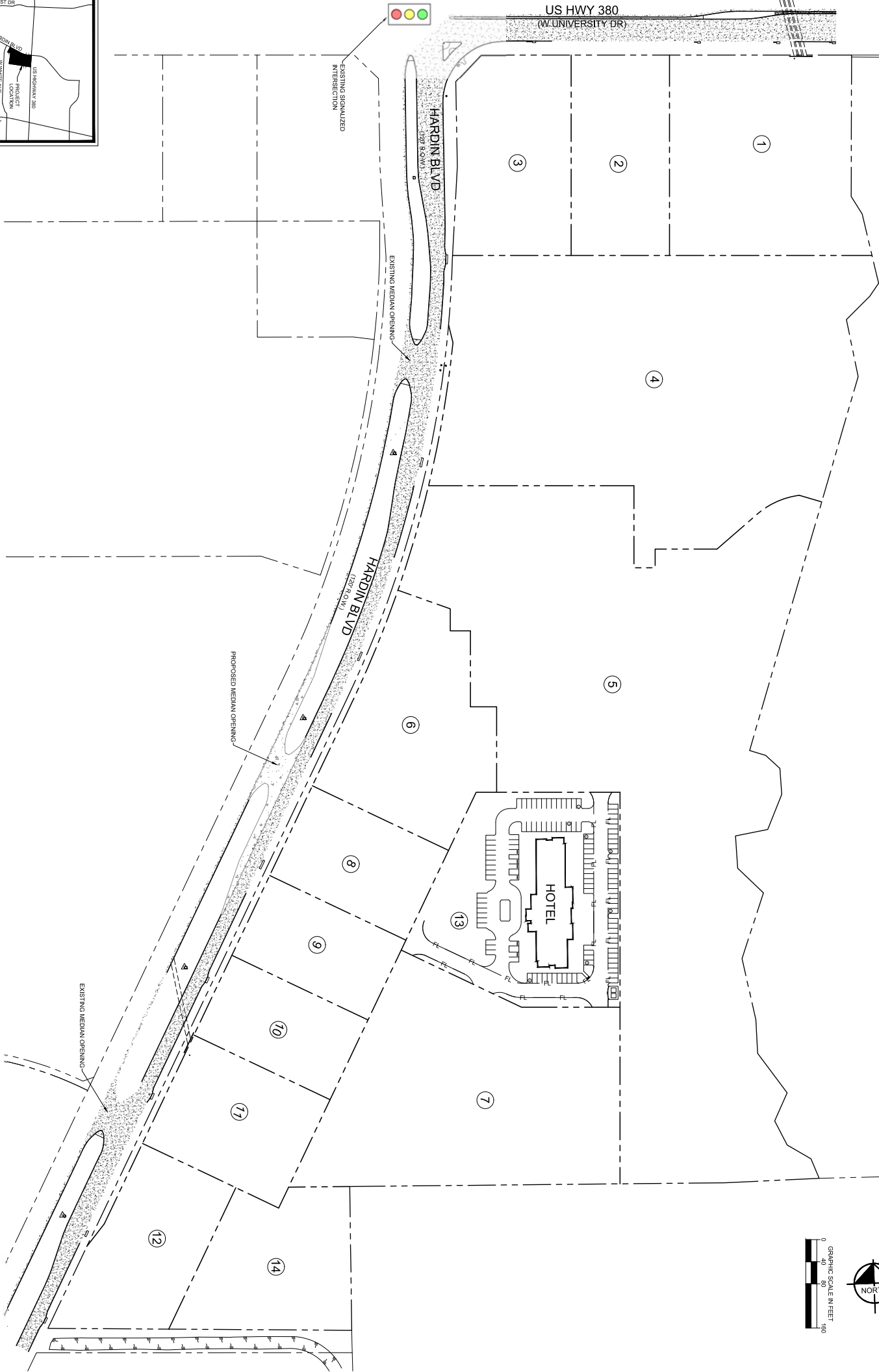
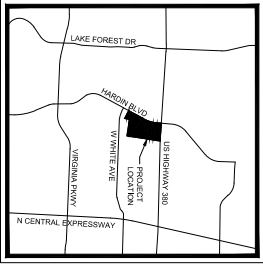
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 DALLAS, TEXAS 75240
 PHONE: 972-770-1300 FAX: 972-238-3820
 TEXAS REGISTERED ENGINEERING FIRM F-220

No.	REVISIONS	DATE	BY

EXHIBIT D

IMAGES: Site Group Logo (02) -
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DEVELOPMENT & SALE OF RETAIL PROPERTIES



**380 TOWN CENTRE AT
 HEADINGTON HEIGHTS**
 WEST UNIVERSITY DRIVE
 & HARDIN ROAD
 CITY OF MCKINNEY, TX

EXHIBIT D	PROJECT No: 063006044 DATE: 08/09/2018 SCALE: AS SHOWN DESIGNED BY: JCK DRAWN BY: RCL CHECKED BY: KSG
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