

ORDINANCE NO. 2018-08-060

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 55.54 ACRE PROPERTY, LOCATED AT THE NORTHEAST CORNER OF HENNEMAN WAY AND ALMA ROAD AND ON THE SOUTH SIDE OF COLLIN MCKINNEY PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT, "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL, HOTEL/MOTEL, OUTDOOR AMUSEMENT AND MULTI-FAMILY USES AND 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 55.54 acre property, located at the northeast corner of Henneman Way and Alma Road and on the south side of Collin McKinney Parkway, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "PD" – Planned Development District, "REC" – Regional Employment Center Overlay District, and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, generally to allow for commercial, hotel/motel, outdoor amusement and multi-family uses; 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 55.54 acre property, located at the northeast corner of Henneman Way and Alma Road and on the south side of Collin McKinney Parkway, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "PD" – Planned Development District, "REC" – Regional Employment Center Overlay District, and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, generally to allow for commercial, hotel/motel, outdoor amusement and multi-family uses.

Section 2. The subject property shall develop in accordance with the "PD" – Planned Development District, and as amended, except as follows:

1. The subject property shall develop in accordance with the attached Development Regulations and Concept Plan – Exhibits "D" and "E".

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 6TH DAY OF AUGUST, 2018.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

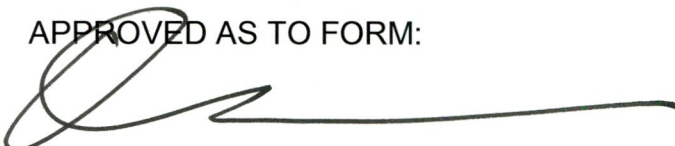
CORRECTLY ENROLLED:



EMPRESS DRANE
City Secretary
MELISSA LEE
Deputy City Secretary

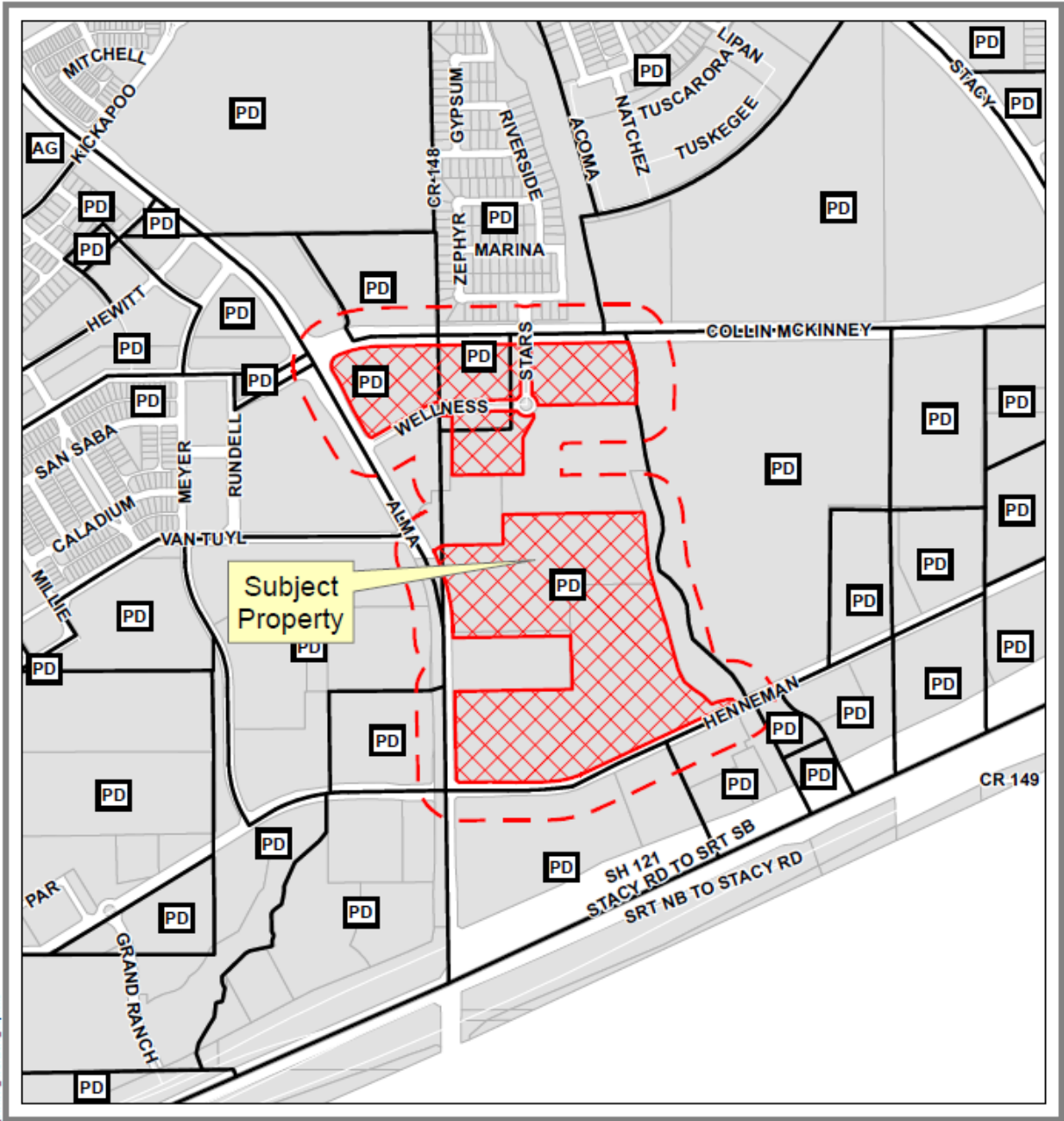
DATE: July August 6, 2018

APPROVED AS TO FORM:

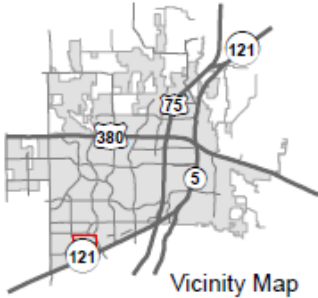


MARK S. HOUSER
City Attorney

EXHIBIT "A"



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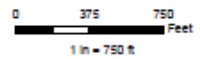


Notification Map

17-0017Z

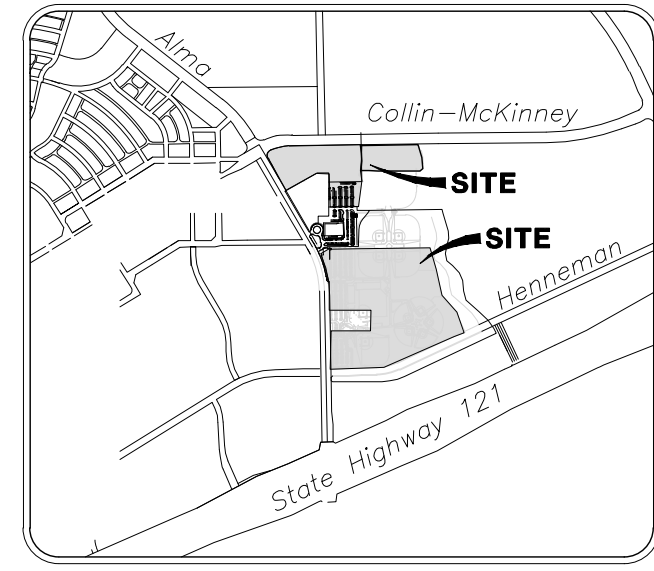
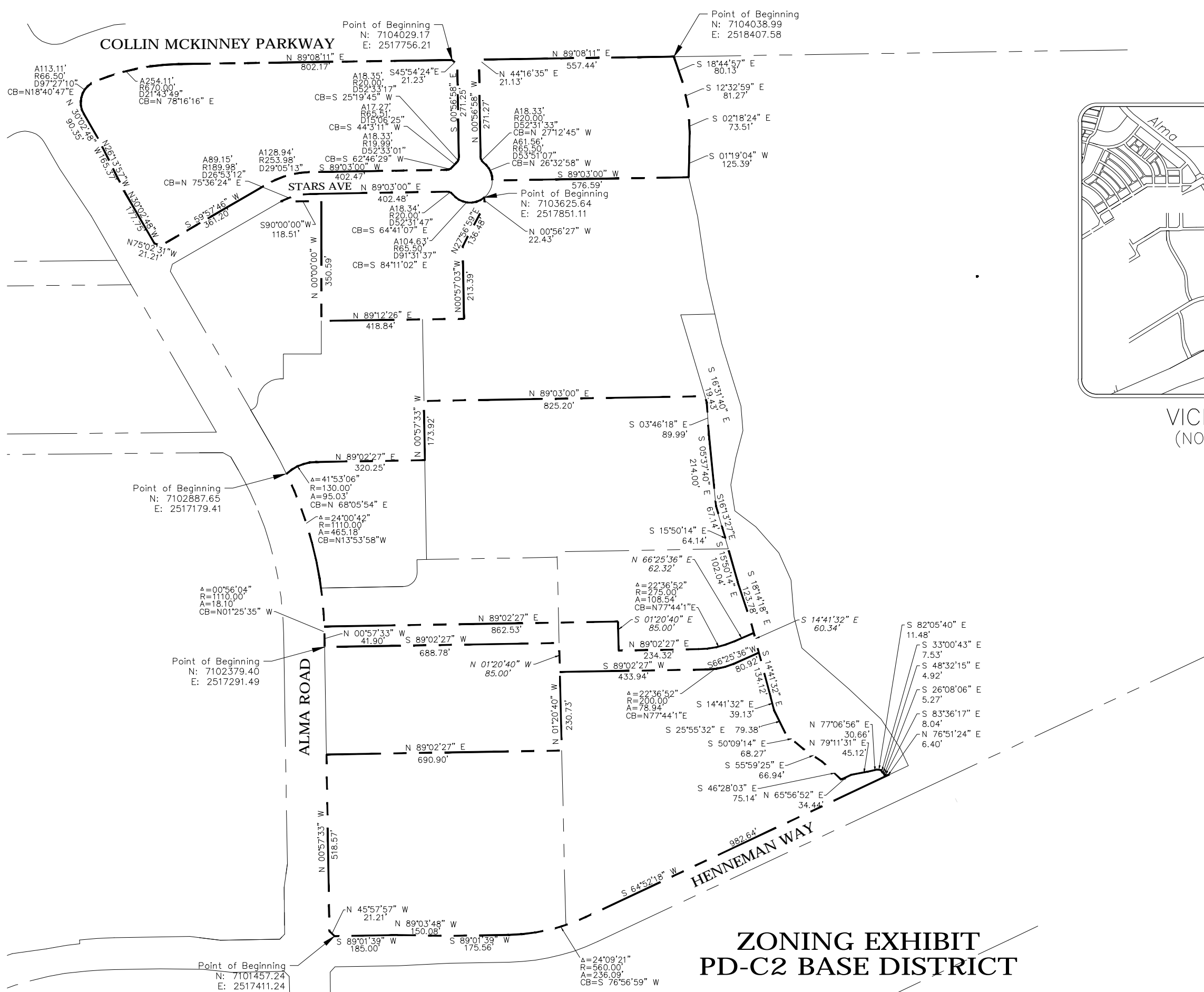
--- 200' Buffer

Source: City of McKinney GIS
Date: 6/7/2016



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.





VICINITY MAP
(NOT TO SCALE)



EXHIBIT "B"

**ZONING EXHIBIT
PD-C2 BASE DISTRICT**

METES AND BOUNDS
Six Tracts with Total of 55.545 Acres

TRACT 1:

BEING a 9.060 acre tract of land situated in the Thomas Phillips Survey, Abstract No. 717 and John Phillips Survey, Abstract No. 718, Collin County, Texas, and being all of Lot 1, Block B of the Record Plat of North Texas Athletic Center Addition, an addition to the City of McKinney, Texas, according to the plat recorded in Cabinet 2019, Page 23 of the Plat Records of Collin County, Texas (PRCCT), and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set for the point at the northerly corner of a corner cut-off line at the point of intersection of the west line of Roeder Way (64' wide) with the south line of Collin McKinney Parkway (120' wide) and being the northeast corner of said Lot 1, Block B;

THENCE departing the south line of said Collin McKinney Parkway with the west line of said Roeder Way as follows:

SOUTH 45°54'24" EAST a distance of 21.23 feet to a 5/8 inch iron rod set for corner;

SOUTH 00°56'58" EAST a distance of **271.25** feet to a 5/8 inch iron rod set for the beginning of a curve to the right having a radius of 20.00 feet and a chord bearing of South 25°19'45" West;

Continuing along said curve to the right through a central angle of **52°33'17"** for an arc length of **18.35** feet to a 5/8 inch iron rod set for the reverse curve to the left having a radius of 65.51 feet and a chord bearing of South 44°03'11" West;

Continuing along said reverse curve to the left through a central angle of **15°06'25"** for an arc length of **17.27** feet to a 5/8 inch iron rod set for the beginning of a reverse curve to the right having a radius of 19.99 feet and a chord bearing of South 62°46'29" West;

Continuing along said reverse curve to the right through a central angle of **52°33'01"** for an arc length of **18.33** feet to a 5/8 inch iron rod set in the north line of Holcomb Parkway (64' wide at this point);

THENCE along the north line of said Holcomb Parkway as follows:

SOUTH 89°03'00" WEST a distance of **402.47** feet to a 5/8 inch iron rod set for the beginning of a curve to the left having a radius of 253.98 feet and a chord bearing of South 74°30'23" West;

Continuing with said curve to the left through a central angle of **29°05'14"** for an arc length of **128.94** feet to a 5/8 inch iron rod set for corner;

SOUTH 59°57'46" WEST a distance of **361.20** feet to a 5/8 inch iron rod set for the southerly corner of a corner cut-off line at the point of intersection of the easterly line of Alma Road (variable width);

THENCE along the easterly line of said Alma Road as follows:

NORTH 75°02'31" WEST a distance of **21.21** feet to a 5/8 inch iron rod set for corner;

THENCE NORTH 30°02'48" WEST a distance of **177.75** feet to a 5/8 inch iron rod set for corner;

THENCE NORTH 26°13'57" WEST a distance of **165.37** feet to a 5/8 inch iron rod set for corner;

NORTH 30°02'48" WEST a distance of 90.35 feet to a 5/8 inch iron rod set for corner and being at the beginning of a curve to the right, having a radius of 66.50 feet and a chord bearing of North 18°40'47" East;

Continuing along said curve to the right through a central angle of **97°27'10"** for an arc length of **113.11** feet to a 5/8 inch iron rod set for corner in the southerly line of said Collin-McKinney Parkway (120' right-of-way at this point) and being the beginning of a compound curve to the right having a radius of 670.00 feet and a chord bearing of North 78°16'16" East;

THENCE along the south line of said Collin-McKinney Parkway as follows:

Continuing with said compound curve to the right through a central angle of **21°43'49"** for an arc length of **254.11** feet to a 5/8 inch iron rod set for the point of tangency;

NORTH 89°08'11" EAST a distance of **802.17** feet to the **POINT OF BEGINNING**;

CONTAINING within these metes and bounds **9.060 acres** or 394,644 square feet of land more or less;

TRACT 2:

BEING a 4.898 acre tract of land situated in the John Phillips Survey, Abstract No. 718, Collin County, Texas, and being all Lot 6, Block A of North Texas Athletic Center Addition at Craig Ranch, an addition to the City of McKinney, according to the plat recorded in Cabinet 2009, Page 23 of the Plat Records of Collin County, Texas (PRCCT), and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set for corner at the northeast corner of said Lot 6, said point also being the northwest corner of Lot 1, Block A of the McKinney Soccer Complex at Craig Ranch, an addition to the City of McKinney, according to the plat recorded in Cabinet 2006, Page

842 (PRCCT), said point also being in the south right-of-way line of Collin-McKinney Parkway (120' right-of-way) Cabinet P, Page 241 (PRCCT);

THENCE departing the south line of said Collin-McKinney Parkway and along the east line of said Lot 6 and west line of said Lot 1 **SOUTH 18°44'57" EAST**, a distance of **80.13** feet to a 5/8 inch iron rod set for corner;

THENCE continuing along the common line of said Lot 6 and Lot 1 as follows:

SOUTH 12°32'59" EAST, a distance of **81.27** feet to a 5/8 inch iron rod set for corner;

SOUTH 02°18'24" EAST, a distance of **73.51** feet to a 5/8 inch iron rod set for corner;

SOUTH 01°19'04" WEST, a distance of **126.37** feet to a 5/8 inch iron rod set at the southeast corner of said Lot 6 and also being the northeast corner of Lot 7R1, Block A, North Texas Athletic Center Addition Cabinet 2017, Page 719 (PRCCT) and also being in the west line of said Lot 1;

THENCE departing the west line of said Lot 1 and along the common line of said Lot 6 and Lot 7R1 **SOUTH 89°03'00" WEST** a distance of **576.59** feet to a 5/8 inch iron rod set for corner, said point being the southwest corner of said Lot 6 and the northwest corner of said Lot 7R1, also being in the east right-of-way of Roeder Way (64' right-of-way) Cabinet 2009, Page 23 (PRCCT);

THENCE along said east line of Roeder Way and the west line of said Lot 6 **NORTH 00°56'58" WEST**, a distance of **271.27** feet to a 5/8 inch iron rod set for corner;

THENCE NORTH 44°16'35" EAST, a distance of **21.13** feet to a 5/8 inch iron rod set for corner in the south line of said Collin-McKinney Parkway and being the northwest corner of said Lot 6;

THENCE along the south line of said Collin-McKinney Parkway and the north line of said Lot 6 **NORTH 89°08'11" EAST**, a distance of **557.44** feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds **4.898 acres** or **213,366** square feet of land, more or less, all according to that survey prepared by A.J. Bedford Group, Inc.

TRACT 3:

BEING a **3.705 acre** tract of land situated in the Thomas Phillips Survey, Abstract No. 717 and John Phillips Survey, Abstract No. 718, Collin County, Texas, and being all of Lot 3R, Block A of the Record Plat of North Texas Athletic Center Addition, an addition to the City of McKinney, Texas, according to the plat recorded in Cabinet 2009, Page 23 of the Plat Records of Collin County, Texas (PRCCT), and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set for the point of the northeast corner of said Lot 3R and being located in the south line of a cul-de-sac being the intersection of the easterly curving line

of Roeder Way (64' wide) with the curving south line of Holcomb Parkway (64' wide) and being the northeast corner of said Lot 3R, Block A;

THENCE departing the curving south line of said Holcomb Parkway and following the east line of said Lot 3R as follows:

SOUTH 00°56'27" EAST a distance of **22.43** feet to a 5/8 inch iron rod set for corner;

SOUTH 27°56'59" WEST a distance of **136.48** feet to a 5/8 inch iron rod set for corner;

SOUTH 00°57'03" EAST a distance of **213.39** feet to a 5/8 inch iron rod set for the southeast corner of said Lot 3R and being located in the north line of Lot 4R of said Record Plat of North Texas Athletic Center Addition;

THENCE SOUTH 89°12'26" WEST a distance of **418.84** feet to a 5/8 inch iron rod set for the southwest corner of said Lot 3R and being the northerly northwest corner of said Lot 4R;

THENCE the west line of said Lot 3R as follows:

NORTH 00°00'00" EAST a distance of **350.59** feet to a 5/8 inch iron rod set for corner;

SOUTH 90°00'00" WEST a distance of **118.51** feet to a 5/8 inch iron rod set for westerly northwest corner of said Lot 3R and being located in the southerly line of said Holcomb Parkway and being in a non-tangent curve to the right having a radius of 189.98 feet and a chord bearing of North 75°36'24" East;

THENCE along the southerly line of said Holcomb Parkway as follows:

Continuing with said non-tangent curve to the right through a central angle of 26°53'13" for an arc length of 89.15 feet to a 5/8 inch iron rod set for corner;

NORTH 89°03'00" EAST a distance of **402.48** feet to a 5/8 inch iron rod set for the beginning of a curve to the right having a radius of 20.00 feet and a chord bearing of South 64°41'07" East;

Continuing along said curve to the right through a central angle of **52°31'47"** for an arc length of **18.34** feet to a 5/8 inch iron rod set for the beginning of a reverse curve to the left having a radius of 65.50 feet and a chord bearing of South 84°11'02" East;

Continuing along said reverse curve to the left through a central angle of **91°31'37"** for an arc length of **104.63** feet to the **POINT OF BEGINNING**;

CONTAINING within these metes and bounds **3.705 acres** or 161,411 square feet of land more or less.

TRACT 4:

BEING a 17.615 acre tract of land situated in the City of McKinney, Collin County, Texas and being situated in the John Phillips Survey, Abstract No. 718 and being part of **LOT 2R2 & 1R2, BLOCK A** of **RECORD PLAT for NORTH TEXAS ATHLETIC CENTER ADDITION** according to the plat recorded in 2017, Page 719 of the Plat Records of Collin County, Texas (PRCCT) and Certificate of Corrections recorded in cc# 2018-0108000029740 and Certificate of Corrections recorded in cc# 20180209000165460, Official Public Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a point for corner being the westerly northwest corner of said Lot 2R2, Block A and being located in the east line of Alma Road (120' wide at this point) and being the beginning of a non-tangent curve to the right having a radius of 130.00 feet and a chord bearing of North 68°05'54" East;

THENCE departing the east line of said Alma Road and following the north line of said Lot 2R2 as follows:

Continuing with said non-tangent curve to the right through a central angle of 41°53'06" for an arc length of 95.03 feet to a point for corner;

NORTH 89°02'27" EAST a distance of **320.25** feet to a point for corner;

NORTH 00°57'33" WEST a distance of **173.92** feet to a point for corner;

NORTH 89°03'00" EAST a distance of **825.20** feet to the northeast corner of said Lot 2R2 and being located in the west line of Lot 10, Block A of said North Texas Athletic Center Addition;

THENCE along the east line of said Lot 2R2 and the west line of said Lot 10 as follows:

SOUTH 16°31'40" EAST a distance of **19.43** feet to a point for corner;

SOUTH 03°46'18" EAST a distance of **89.99** feet to a point for corner;

SOUTH 05°37'40" EAST a distance of **214.00** feet to a point for corner;

SOUTH 16°13'27" EAST a distance of **67.14** feet to a point for corner;

SOUTH 15°50'14" EAST a distance of **64.14** feet to a point for corner for the southeast corner of said Lot 2R2 and being the northeast corner of said Lot 1R2;

THENCE along the east line of said Lot 1R2 and continuing with the west line of said Lot 10 as follows:

SOUTH 15°50'14" EAST a distance of **102.04** feet to a point for corner;

SOUTH 18°14'18" EAST a distance of **123.78** feet to a point for corner;

SOUTH 14°41'32" EAST a distance of **32.42** feet to a point for corner;

THENCE departing the east line of said Lot1R2 and the west line of said Lot 10, **SOUTH 66°25'36" WEST** a distance of **62.32** feet to the beginning of a curve to the right having a radius of 275.00 feet and a chord bearing of South 77°44'01" West;

Continuing with said curve to the right through a central angle of **22°36'52"** for an arc length of **108.54** feet to a point for corner

THENCE SOUTH 89°02'27" WEST a distance of **234.32** feet to a point for corner;

THENCE NORTH 01°20'40" WEST a distance of **85.00** to a point for corner;

THENCE SOUTH 89°02'27" WEST a distance of **862.53** feet to a point for corner located in the east line of said Alma Road and being in a curve to the left having a radius of 1110.00 and a chord bearing of North 13°53'58" West;

THENCE along the east line of said Alma Road with said non-tangent curve to the left through a central angle of 24°00'42" for an arc length of **465.18** feet to the **POINT OF BEGINNING**;

CONTAINING within these metes and bounds **17.615 acres** or 767,330 square feet of land more or less.

TRACT 5:

BEING a **18.168** acre tract of land situated in the City of McKinney, Collin County, Texas and being situated in the John Phillips Survey, Abstract No. 718 and being part of **LOT 1R2, BLOCK A** of **RECORD PLAT for NORTH TEXAS ATHLETIC CENTER ADDITION** according to the plat recorded in 2017, Page 719 of the Plat Records of Collin County, Texas (PRCCT) and Certificate of Corrections recorded in cc# 2018-0108000029740 and Certificate of Corrections recorded in cc# 20180209000165460, Official Public Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at the southerly corner of a corner cut-off line at the intersection of the north line of Henneman Way (variable width at this point) with the east line of Alma Road (variable width at this point);

THENCE along the said corner cut-off line, **NORTH 45°57'57" WEST** a distance of **21.21** feet to a point for corner;

THENCE continuing with the east line of said Alma Road, **NORTH 00°57'33" WEST** a distance of **518.57** feet to the southwest corner of Lot 9, Block A of North Texas Athletic Center Addition recorded in Cabinet 2009, Page 384 (PRCCT);

EXHIBIT "C"

THENCE departing the east line of said Alma Road, **NORTH 89°02'27" EAST** a distance of **690.90** feet to the southeast corner of said Lot 9;

THENCE along the east line of said Lot 9, **NORTH 01°20'40" WEST** a distance of **230.73** feet to a point for corner;

THENCE departing the east line of said Lot 9, **NORTH 89°02'27" EAST** a distance of **433.94** feet to the beginning of a curve to the left having a radius of 200.00 feet;

THENCE along said curve to the left through a central angle of **22°36'52"** for an arc length of **78.94** feet to a point for corner;

THENCE NORTH 66°25'36" EAST a distance of **80.92** feet to a point for corner located in the east line of said Lot 1R2 and being the west line of Lot 10, Block A of North Texas Athletic Center Addition recorded in Cabinet 2017, Page 719 (PRCCT);

THENCE along a common line between east line of said Lots 1R2 and the west line of said Lot 10 as follows:

SOUTH 14°41'32" EAST a distance of **134.12** feet to a 5/8 inch iron rod set for corner;

SOUTH 14°41'32" EAST a distance of **39.13** feet to a 5/8 inch iron rod set for corner;

SOUTH 25°55'32" EAST a distance of **79.38** feet to a 5/8 inch iron rod set for corner;

SOUTH 50°09'14" EAST a distance of **68.27** feet to a 5/8 inch iron rod set for corner;

SOUTH 55°59'25" EAST a distance of **66.94** feet to a 5/8 inch iron rod set for corner;

SOUTH 46°28'03" EAST a distance of **75.14** feet to a 5/8 inch iron rod set for corner;

NORTH 74°28'04" EAST a distance of **4.41** feet to a 5/8 inch iron rod set for corner;

NORTH 65°56'52" EAST a distance of **34.44** feet to a 5/8 inch iron rod set for corner;

NORTH 79°11'31" EAST a distance of **45.12** feet to a 5/8 inch iron rod set for corner;

NORTH 77°06'56" EAST a distance of **30.66** feet to a 5/8 inch iron rod set for corner;

SOUTH 82°05'40" EAST a distance of **11.48** feet to a 5/8 inch iron rod set for corner;

SOUTH 33°00'43" EAST a distance of **7.53** feet to a 5/8 inch iron rod set for corner;

SOUTH 48°32'15" EAST a distance of **4.92** feet to a 5/8 inch iron rod set for corner;

SOUTH 26°08'06" EAST a distance of **5.27** feet to a 5/8 inch iron rod set for corner;

EXHIBIT "C"

SOUTH 83°36'17" EAST a distance of **8.04** feet to a 5/8 inch iron rod set for corner;

NORTH 76°51'24" EAST a distance of **6.40** feet to a 5/8 inch iron rod set in the northwest line of Henneman Way (variable width in general- 80.00' wide at this point)

THENCE along the northwest line of said Henneman Way as follows:

SOUTH 64°52'18" WEST a distance of **982.64** to the beginning of a curve to the right having a radius of 560.00 feet and a chord bearing of South 68°10'41" West;

Continuing with the northwest line of said Henneman Way with said curve to the right through a central angle of **24°09'21"** for an arc length of **236.09** feet to a 5/8 inch iron rod set for corner;

SOUTH 89°01'39" WEST a distance of **175.56** feet to a point for corner;

NORTH 89°03'48" WEST a distance of **150.08** feet to a point for corner;

SOUTH 89°01'39" WEST a distance of **185.00** feet to the **POINT OF BEGINNING**;

CONTAINING within these metes and bounds **18.168 acres** or 791,395 square feet more or less.

PARKS TRACT:

BEING a **2.099** acre tract of land situated in the City of McKinney, Collin County, Texas and being situated in the John Phillips Survey, Abstract No. 718 and being part of **LOT 2R2 & 1R2, BLOCK A** of **RECORD PLAT for NORTH TEXAS ATHLETIC CENTER ADDITION** according to the plat recorded in 2017, Page 719 of the Plat Records of Collin County, Texas (PRCCT) and Certificate of Corrections recorded in cc# 2018-0108000029740 and Certificate of Corrections recorded in cc# 20180209000165460, Official Public Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a point for corner being the southwest corner of said Lot 2R2, Block A and being the northwest corner of Lot 9, Block A of North Texas Athletic Center Addition according to the plat recorded in Cabinet 2009, Page 384 (PRCCT) and being located in the east line of Alma Road (120' wide at this point)

THENCE along the east line of said Alma Road, **NORTH 00°57'33" WEST** a distance of **41.90** feet to a point for corner and being the beginning of a curve to the left having a radius of 1,110.00 feet and a chord bearing of North 01°25'35" West;

THENCE continuing with east line of said Alma Road with said curve to the left through a central angle of **00°56'04"** for an arc length of **18.10** feet to a point for corner;

EXHIBIT "C"

THENCE departing the east line of said Alma Road, **NORTH 89°02'27" EAST** a distance of **862.53** feet to a for corner;

THENCE SOUTH 01°02'27" EAST a distance of **85.00** feet to a point for corner;

THENCE NORTH 89°02'27" EAST a distance of **234.32** feet to the beginning of a curve to the left having a radius of 275.00 feet and a chord bearing of North 77°44'01" East;

THENCE along said curve to the left through a central angle of **22°36'52"** for an arc length of **108.54** feet to a point for corner;

THENCE NORTH 66°25'36" EAST a distance of **62.32** feet to a point for corner located in the west line of Lot 10, Block A of said North Texas Athletic Center Addition;

THENCE along the west line of said Lot 10, **SOUTH 14°41'32" EAST** a distance of **60.34** feet to a point for corner;

THENCE departing the west line of said Lot 10, **SOUTH 66°25'36" WEST** a distance of **80.92** feet to the beginning of a curve to the right having a radius of 200.00 feet and a chord bearing of South 77°44'01" West;

THENCE continuing with said curve to the right through a central angle of **22°36'52"** for an arc length of **78.94** feet to a point for corner;

THENCE SOUTH 89°02'27" WEST a distance of **433.94** feet to a point for corner;

THENCE NORTH 01°20'40" WEST a distance of **85.00** feet to a point for corner;

THENCE SOUTH 89°02'33" WEST a distance of **688.78** feet to the **POINT OF BEGINNING**;

CONTAINING within these metes and bounds **2.099 acres** or 91,417 square feet of land more or less.

DEVELOPMENT REGULATIONS

The subject property ("Property") shall be zoned "PD" – Planned Development District and development of the Property shall conform to the regulations contained herein (the "Regulations").

- 1) **Permitted Land Uses.** The Property shall be divided into five (5) tracts as shown on the Regulating Plan attached hereto as **Exhibit "1"**. The purpose of the Regulating Plan is to set permitted land uses within each Tract.
 - a) *All Tracts:* those uses permitted under C-2 (Local Commercial District) of the City's Zoning Ordinance Schedule of Uses, as amended from time to time, and not otherwise expressly prohibited herein.
 - b) *Tracts 3, 4 and 5:* hotel/motel uses and outdoor amusement limited to miniature golf shall be additional permitted uses.
 - c) *Tracts 4:* multi-family (urban) conforming to the development standards below shall be an additional permitted use .
 - d) *Tract 5:* multi-family (urban) conforming to the development standards below shall be an additional permitted use on all of Tract 5 except for a minimum of 4 acres at the corner of Alma Road and Henneman Way.

- 2) **Prohibited Uses.** The following uses shall be prohibited on all Tracts:
 - a) Auto parts sales (indoors)
 - b) Bus station
 - c) Car wash
 - d) Auto repair garage
 - e) Service station or motor vehicle fuel sales (charging stations for electric vehicles are permitted)
 - f) Bait shop
 - g) Wholesale bakery
 - h) Paint sales
 - i) Upholstery shop

- 3) **Development Standards.** All development within each Tract shall be in conformance with Section 146-112 – "C2 – Local Commercial District" of the City of McKinney zoning ordinance, as amended, except as modified below.
 - a) *Non-Residential Uses:*
 - i) Building heights:
 - (1) Tracts 1 and 2 – 1 to 3 stories not to exceed 45'
 - (2) Tract 3 – 1 to 4 stories not to exceed 55'
 - (3) Tract 4 and 5 – 1 to 8 stories not to exceed 100'
 - ii) All screening requirements of the City's Zoning Ordinance, as amended from time to time, shall be applicable except that perimeter property screening walls shall not be required.

- iii) All elevations of buildings within Tracts 1,2, 3, 4 and 5 that are three stories or less in height shall be finished with at least 80% masonry finishing materials consisting of brick, stone and/or synthetic stone, with the balance of exterior finishing materials conforming to Section 146.139 of the City's Zoning Ordinance; all elevations of buildings within Tracts 3, 4 and 5 that are above three stories in height shall conform to the architectural and site standards contained in Section 146-101(f) of the City's Zoning Ordinance.
 - iv) Buildings within Tract 4 that face Alma Road and buildings with Tract 5 that face Henneman Way or Alma Road shall have a front build to zone of 0 – 20 feet within which at least 50% of each building façade must be located. The provisions of Section 146-135(f) of the City's Zoning Ordinance shall not apply to such buildings; and in lieu thereof any areas within the build to zone not constituting part of a building or sidewalk shall be planted in grass, groundcover, foundation shrubs or other landscaping, all of which shall be irrigated.
- b) *Residential Uses for Tracts 4 and 5 (multi-family urban):*
- i) Residential density: minimum - 50 dwelling units per acre; maximum – 65 dwelling units per acre with a maximum number of dwellings units not to exceed 2300.
 - ii) Building height: minimum - 4 stories; maximum – 6 stories not to exceed 75'.
 - iii) Building zone: There shall be a building zone of 0 – 20 feet adjacent to a public street or private driveway that serves as vehicular access for the general public (not to include employee parking, service drives for deliveries, etc.) within which at least 50% of each building façade facing such public street or driveway must be located. The provisions of Section 146-135(f) of the City's Zoning Ordinance shall not apply; and in lieu thereof any areas within the building zone not constituting part of a building or sidewalk shall be planted in grass, groundcover, foundation shrubs or other landscaping, all of which shall be irrigated.
 - iv) Ground floor residential: Ground floor residential units shall be permitted, provided that dwelling units on the ground floor facing Henneman Way and Alma Drive shall be designed and constructed to accommodate future commercial uses by featuring a minimum 12' ceiling height.
 - v) Screening: All screening requirements of the City's Zoning Ordinance, as amended from time to time, shall be applicable except that perimeter property screening walls shall not be required.
 - vi) Parking Calculation: Parking shall be at a ratio of one (1) parking space for each bedroom.
 - vii) Structured Parking: A minimum of 80% of the minimum parking spaces required herein shall be provided in a structured parking facility screened from public view on at least three sides by an urban residential building or in enclosed parking spaces, or both.

- viii) Sidewalks: Sidewalks between a building's front facade and the public right-of-way shall be a minimum width of 8' to 10' along Alma Drive, 10' along Henneman Way; all other sidewalks shall be a minimum 6' in width.
- ix) Open space: Each building shall include courtyards or central greens as open spaces that in the aggregate equal no less than 0.25 acres in size and include hardscape and softscape with ornamental shade trees or shade structures, bench seating and handicap accessible walkways, which shall be free of drainage facilities and/or related easements, floodplain, erosion hazard setbacks or other related facilities.
- x) Street trees: Street trees (referred to as canopy trees in Section 146-135 and Appendix A of the Zoning Ordinance, as amended) shall be provided in the quantity of one per 30 linear feet of frontage on a public street or private driveway (not including entrance and exit passageways to parking garages), such linear frontage feet calculated exclusive of the frontage consumed by driveways and sight visibility triangles. Street trees shall be evenly spaced on 30 foot centers (+/-5 feet), or as close thereto as practicable when such spacing conflicts with driveways, easements or other physical conflicts. Street trees may be clustered if approved by the Director of Planning as part of the site plan process in order to facilitate creative design or for some other valid reason.
- xi) Architectural standards: Multi-family buildings (urban) constructed on Tracts 4 and 5 shall not be required to meet the architectural requirements of Section 146-139 of the Zoning Ordinance, but shall meet the following:
 - (1) The exterior finish of each building's façade facing a public street or private driveway shall feature a minimum of 80% brick, stone, synthetic stone or any combination thereof ("Primary Materials"), with none of the aforementioned Primary Materials, except brick or stone, comprising more than 50% of such façade. The balance of the exterior finishing materials may include stucco, architectural concrete masonry units (CMU), architecturally-finished metal (does not include corrugated metal) or cementitious panels, lap siding (does not include vinyl lap siding), architectural wood accents, glass curtain wall systems or any other material which is visually and physically indistinguishable from one of the aforementioned exterior finishing materials, subject to review by the Director of Planning ("Accent Materials"). The percentages of required brick and stone on a building's façade facing a public street or private driveway may be modified by up to 20% by the Director of Planning in special cases where the proposed building façade creates significant architectural interest in relation to the composition of the surrounding building facades. Building facades which are not visible from a public street or private driveway shall not be required to have a minimum percentage of Primary Materials.
 - (2) Horizontal building facades longer than 150 feet in width shall be segmented into smaller sections by a structural or ornamental minor façade offset of a minimum four feet deep and 10 feet wide. The height of such offsets shall be equal to or greater than 75 percent of the building's height.

- (3) The architectural character of a building's front façade shall be continued on all facades of the building that are visibly exposed to a public street or private driveway.
- (4) Primary building entrances shall be articulated through the use of architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, awnings, overhangs, railings, balustrades or other appropriate elements.
- (5) Light fixtures attached to the exterior of the building shall be architecturally compatible with the style, materials, colors and details of the building.
- (6) All mechanical, air conditioning units, heating, ventilation and air conditioning systems, exhaust pipes and stacks, elevator housing and other such equipment shall be completely screened from public street view by walls, fencing, parapet walls, penthouse-type screening devices or landscaping.
- (7) The front façade of a structured parking facility facing onto a public street shall be offset from the front of any adjacent residential building fronting on that same public street by a minimum of 5'.
- (8) The development shall contain at least eight (8) of the following amenities:
 - a. Swimming pool (minimum 1,000 square foot surface area) with cooling deck (minimum ten feet wide in all areas);
 - b. Centralized swimming pool (minimum 3,000 square foot surface area) with cooling deck (minimum 10 feet wide in all areas). This amenity shall qualify as 2 required amenities;
 - c. Centralized swimming pool (minimum 5,000 square foot surface area) with cooling deck (minimum 20 feet wide in all areas). This amenity shall qualify as 4 required amenities.
 - d. Jacuzzi or hot tub area (minimum eight person);
 - e. At least four barbeque grills with shaded seating areas for at least 16 people;
 - f. Ramada(s), arbor(s), and/or trellis(es) covering at least 2,000 square feet of recreation space;
 - g. Tot play lot (minimum 4,000 square foot area);
 - h. A splash pad (water play amenity for children) which is a minimum of 1,000 square feet in area;
 - i. A dog park with is at least 5,000 square feet in area which satisfies the following requirements:
 - i. The dog park is enclosed by a minimum five-foot tall vinyl coated chain link fence;
 - ii. No side of the enclosure shall be shorter than 50 feet in length;
 - iii. One dog waste station which shall include a bag dispenser and waste receptacle must be installed along the perimeter of the enclosure for every 2,500 square feet of the associated dog park; and

- iv. One 25 square foot animal washing bay (with associated plumbing) is provided in conjunction with the dog park.
 - j. One regulation size volleyball, basketball, tennis, or other similarly related playing court. Each court shall count as an amenity up to a limit of two;
 - k. Fitness center and/or weight room (minimum 500 square feet);
 - l. Library and /or business center (minimum 500 square feet);
 - m. Movie theater room including seating for a minimum of 50 people;
 - n. Outdoor amphitheater with seating for at least 50 people (if individual seats are not provided, then 150 linear feet of seating shall be provided);
 - o. Golf putting green (minimum 1,000 square feet);
 - p. A centralized internal open space meeting or exceeding the following minimum specifications. This amenity shall qualify as five required amenities:
 - i. The minimum size of the centralized internal open space shall be 0.50 acre with no side being less than 50 feet in length. The shape of the centralized internal open space shall be rectangular insofar as practicable.
 - ii. A five-foot wide handicap accessible concrete sidewalk shall be provided adjacent to the entire perimeter of the open space.
 - iii. One seating area which is a minimum of six feet long shall be provided along each side of the open space.
 - iv. One canopy tree shall be planted every 30 linear feet adjacent to the perimeter of the open space.
 - v. The centralized internal open space shall be completely covered with grass, unless otherwise specified herein, and shall be provided with an automatic underground irrigation system as specified in section 146-135(e)(2) of the zoning ordinance.
 - vi. Other amenities as require herein shall not be located with the centralized internal open space.
 - vii. The centralized open space shall be free of any drainage facilities and/or related easements, floodplain, erosion hazard setbacks, or other related facilities.
 - q. Other amenity as approved by the planning and zoning commission as part of the site plan approval process.
- xii) General Development Plan: Prior to, or contemporaneously with, the approval of a site plan for residential use within Tracts 4 or 5, a general development plan shall be submitted for review and approval by the City Council which should reflect the broad details of the residential development proposed, including, but not limited to, densities, building placement, vehicle and pedestrian circulation and access, coordination and integration of all of the land within the Tract for which the site plan is proposed. Approval of the general development plan shall be based upon the relationship and interaction of the elements contained therein and may not be withheld based upon the individual elements as long as such individual elements (density, building location, building massing, parking, etc.) conform to the regulations set forth above.

- c) *Staff Approval of Minor Deviations*
 - i) Minor deviations from the Development Standards set forth herein (including those incorporated by reference from the City's Zoning Ordinance) which do not exceed 10% greater or lesser may be approved by the Executive Director of Development Services or its designee; save and except deviations from the parking standards. Parking standards shall remain in strict conformance with the established Development Standards set forth herein (including those incorporated by reference from the City's Zoning Ordinance).

EXHIBIT "1"
REGULATING PLAN



CROSS ENGINEERING CONSULTANTS, Inc.