

ORDINANCE NO. 2017-12-109

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 39.4 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF SPUR 399 AND MEDICAL CENTER DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT 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 THEREOF

WHEREAS, the City of McKinney has considered the rezoning of an approximately 39.4 acre property, located on the southeast corner of Spur 399 and Medical Center Drive, which is more fully depicted on Exhibits "A" and "B" attached hereto, from "PD" – Planned Development 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:

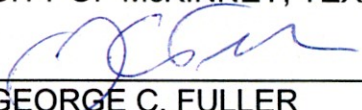
- Section 1. The zoning map is hereby amended so that an approximately 39.4 acre property, located on the southeast corner of Spur 399 and Medical Center Drive which is more fully depicted on Exhibits "A" and "B" attached hereto, is rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards.
- Section 2. The subject property shall develop in accordance with "PD" – Planned Development District Ordinances No. 96-11-51 and 2012-03-006, and as amended, except as follows:
1. The subject property shall develop in accordance with attached Development Regulations – 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 5th DAY OF DECEMBER, 2017.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

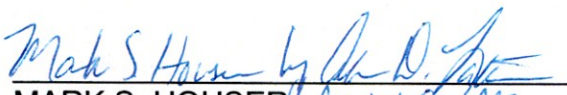
CORRECTLY ENROLLED:



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

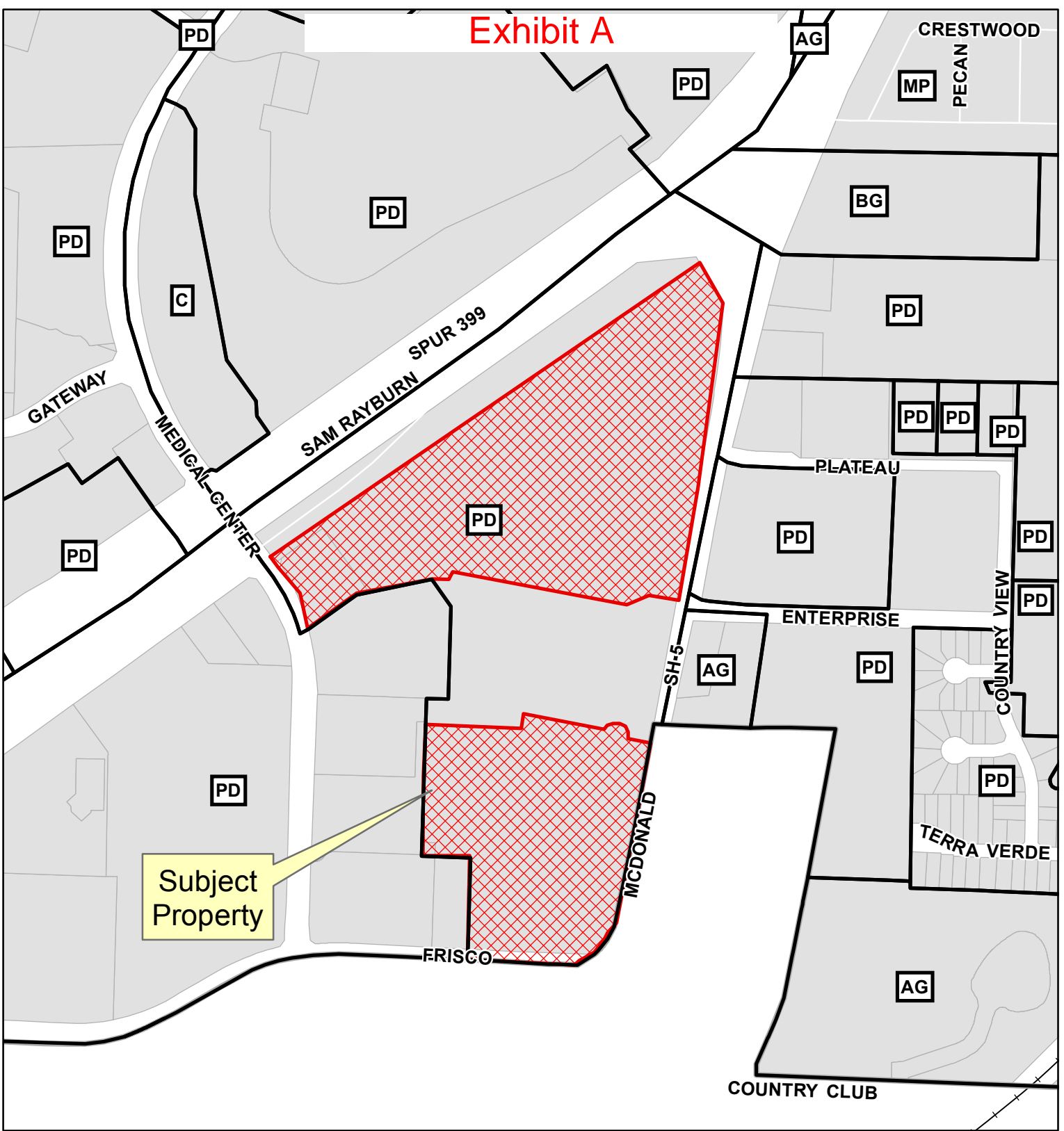
DATE: December 5, 2017

APPROVED AS TO FORM:



MARK S. HOUSER, Assistant City Attorney
City Attorney
4/Prin

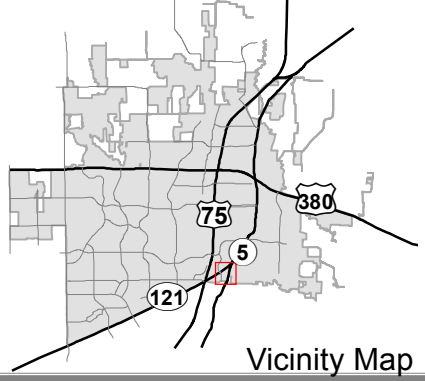
Exhibit A



Subject Property

Notification Map

Case: 17-262Z



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.

Path: X:\Development Services\Planning\2017\Location Maps\17-262Z.mxd

Metes and Bounds Description

COUNTY OF COLLIN §
STATE OF TEXAS §

WHEREAS McKinney Med Center, L.P. is the owner of a 49.189 acre tract of land situated in the William Hemphill Survey, Abstract No. 449 and the J. Butler Survey, Abstract No. 68, Collin County, Texas, and being part of a 48.159 acre tract of land conveyed to McKinney Med Center, L.P. recorded in County Clerk's File No. 20060314000337340 of the Deed Records of Collin County, Texas (DRCCCT) and being part of a 4.697 acre tract of land conveyed to McKinney Med Center, L.P. recorded in County Clerk's File No. 20060314000337350 (DRCCCT), and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the most northerly corner of said 48.159 acre tract of land, and being located at the intersection of the southeasterly right-of-way line of Spur No. 399 (a variable width right-of-way) with the westerly right-of-way line of State Highway No. 5 (a variable width right-of-way);

THENCE along the westerly right-of-way line of said State Highway No. 5 as follows:

- SOUTH 30°15'44" EAST, a distance of 154.43 feet to a 3/2 inch iron rod found for an angle point;
- SOUTH 07°17'27" WEST, a distance of 390.06 feet to a 5/8 inch iron rod found for an angle point;
- SOUTH 01°53'41" WEST, a distance of 185.81 feet to a 1/2 inch iron rod found for an angle point;
- SOUTH 10°21'44" WEST, a distance of 674.47 feet to a 5/8 inch iron rod found for an angle point;
- SOUTH 10°48'07" WEST, a distance of 1117.94 feet to a 1/2 inch iron rod found at the beginning of a curve to the right, having a radius of 252.51 feet and a chord bearing of SOUTH 88°43'31" WEST;

Along said curve to the right, through a central angle of 41°02'33", for an arc length of 180.88 feet to a "60d" nail found for the end of said curve and being located in the northerly right-of-way line of Frisco Road (Old State Highway No. 24);

THENCE along the northerly right-of-way line of said Frisco Road, NORTH 87°12'25" WEST, a distance of 579.06 feet to a 5/8 inch iron rod set for the southeast corner of Lot 1, Block A of McKinney Medical Center according to the plat recorded in Cabinet 2008, Page 488 of the Plat Records of Collin County Texas;

THENCE departing the north line of said Frisco Road, NORTH 01°47'37" EAST a distance of 392.26 feet to a 5/8 inch iron rod set for northeast corner of said Lot 1;

THENCE NORTH 88°12'23" WEST a distance of 49.02 feet to a 5/8 inch iron rod set in the east line of Lot 2, Block A of Villages of McKinney Addition according to the plat recorded in Cabinet Q, Page 666 of the Plat Records of Collin County, Texas an being located in the west line of said 48.159 acre tract of land;

THENCE along the westerly line of said 48.159 acre tract of land as follows:

- NORTH 01°47'37" EAST, a distance of 592.00 feet to an "X" cut in concrete found for an exterior "L" corner;
- SOUTH 88°12'23" EAST, a distance of 82.00 feet to an "X" cut in concrete found for an interior "L" corner;
- NORTH 01°47'37" EAST, a distance of 348.00 feet to a 1/2 inch iron rod found at an angle point;
- NORTH 35°38'38" WEST, a distance of 125.25 feet to a 1/2 inch iron rod found at an angle point;
- SOUTH 78°18'02" WEST, a distance of 287.09 feet to a 5/8 inch iron rod set at an angle point;

SOUTH 54°21'17" WEST, a distance of 222.40 feet to a 1/2 inch iron rod found for the beginning of a curve to the left, having a radius of 700.00 feet and a chord bearing of NORTH 16°29'51" WEST, said point also being located in the easterly right-of-way line of said Medical Center Drive;

THENCE along said Medical Center Drive as follows:

- Along said curve to the left, through a central angle of 0°30'50", for an arc length of 6.28 feet to a point for tangency;
- NORTH 16°24'01" WEST, a distance of 114.50 feet to a 5/8 inch iron rod found for the beginning of a curve to the left, having a radius of 710.00 feet and a chord bearing of NORTH 30°49'31" WEST;

Along said curve to the left, through a central angle of 9°34'50", for an arc length of 118.72 feet to a 5/8 inch iron rod found for the point of tangency;

NORTH 35°36'14" WEST, a distance of 37.32 feet to a 5/8 inch iron rod found for the most westerly corner of said 48.159 acre tract of land and being located in the southeasterly right-of-way line of said Spur No. 399;

THENCE along the southeasterly line of said Spur No. 399 and the northwesterly line of said 48.159 acre tract of land NORTH 54°20'26" EAST, a distance of 1,939.70 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 49.189 acres or 2,142,663 square feet of land more or less.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT WE, MCKINNEY MED CENTER, L.P., a Texas limited partnership, do hereby adopt this preliminary final plat designating the herein described property as Preliminary/Final plat of MCKINNEY MEDICAL CENTER, LOTS 1, 2 AND 3, BLOCK A, an addition to the City of McKinney, Collin County, Texas and do hereby dedicate to the public use forever, their streets, alleys and public use areas shown hereon, the easements, as shown, for medical use and accommodation of the City of McKinney and all public utilities desiring to use or using same. All and any public utility and the City of McKinney shall have the right to remove and keep removed all or parts of any building, fences, shrubs, trees or other improvements or growths, which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on said Easements, and the City of McKinney and all public utilities constructing, reconstructing, inspecting, repairing, maintaining and adding to or removing all or parts of its respective systems, without the necessity, or obtaining, of procuring the permission of anyone. This plat approved subject to all plating ordinances, rules, regulations and resolutions of the City of McKinney, Texas.

This plat approved subject to all plating ordinances, rules, regulations, and resolutions of the City of McKinney, Texas.

MCKINNEY MED CENTER, L.P., a Texas limited partnership _____ Date _____

By: Texas Land Management, L.P.
a Texas limited liability company
its general partner

By: _____
Jim Williams, Jr.
President

COUNTY OF COLLIN §
STATE OF TEXAS §

BEFORE ME, the undersigned authority, on this day personally appeared Jim Williams, Jr., General Partner of MCKINNEY MED CENTER, L.P., known to me to be the person whose name is subscribed to the foregoing instruments, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, AUSTIN J. BEDFORD, do hereby certify that I prepared this plat from an actual survey of the land and that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the Plating Rules and Regulations of the City of McKinney, Collin County, Texas.

Dated the ____ day of _____, 2014

Austin J. Bedford
Registered Professional Land Surveyor No. 4132
A) Bedford Group, Inc.
301 North Alamo Road
Rockwall, Texas 75087

COUNTY OF ROCKWALL §
STATE OF TEXAS §

BEFORE ME, the undersigned authority, on this day personally appeared AUSTIN J. BEDFORD, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PRELIMINARY-FINAL PLAT FOR REVIEW PURPOSES ONLY

THE PURPOSE FOR THIS PRELIMINARY/FINAL PLAT IS TO CREATE 3 LOTS.

PRELIMINARY/FINAL PLAT
MCKINNEY MEDICAL CENTER
LOTS 2, 3 AND 4, BLOCK A

49.189 ACRES OUT OF THE
WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 449
& THE J. BUTLER SURVEY, ABSTRACT NO. 68
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

Owner: MCKINNEY MED CENTER, L.P., a Texas limited partnership
5400 NORTH DALLAS PARKWAY
FRISCO, TEXAS 75034 (214) 618-3800

Engineer:
CROSS ENGINEERING
CONSULTANTS
131 S. TENNESSEE
MCKINNEY, TEXAS 75069
972-562-4409
jordan@crossengineering.tx

Scale: 1" = 100'
Date: March 7, 2014
Technician: Bedford

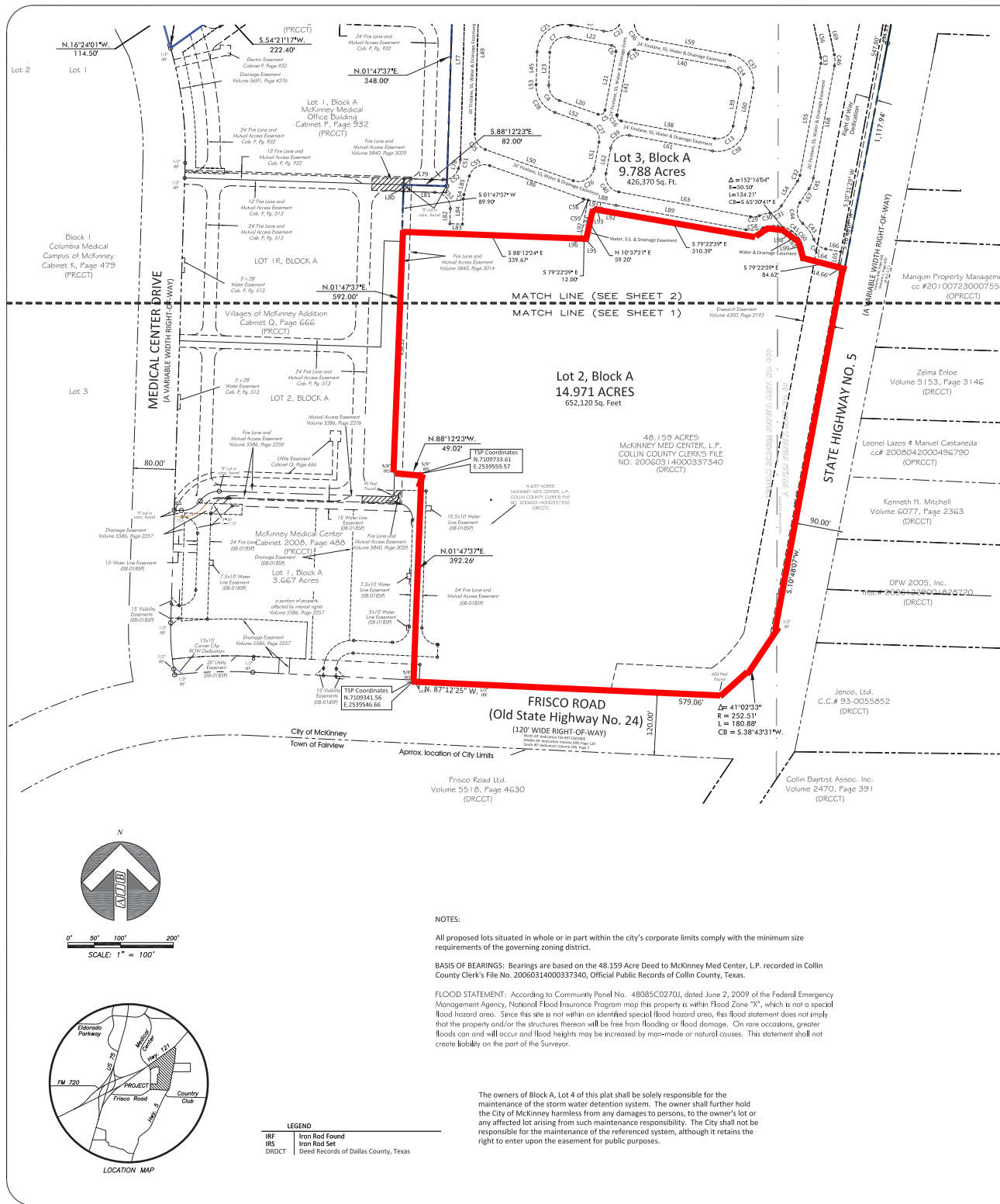
Checked By: A.J. Bedford
P.C.: D. Coyer
File: MEDICAL PLAT 03-07-14
Job No. 344-033

301 North Alamo Road - Rockwall, Texas 75087
(972) 722-0225, Fax (972) 722-0361 www.abedfordgroup.com

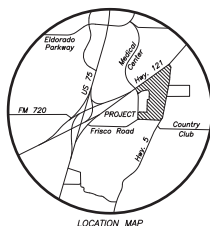
Sheet:
2
Of: 5

Bedford Group, Inc.
Registered Professional Land Surveyors

TBPLS REG #10118200



0' 50' 100' 200'
SCALE: 1" = 100'



LEGEND
IRF Iron Rod Found
IRS Iron Rod Set
DRDCT Deed Records of Dallas County, Texas

NOTES:

All proposed lots situated in whole or in part within the city's corporate limits comply with the minimum size requirements of the governing zoning district.

BASIS OF BEARINGS: Bearings are based on the 48.159 Acre Deed to McKinney Med Center, L.P. recorded in Collin County Clerk's File No. 20060314000337340, Official Public Records of Collin County, Texas.

FLOOD STATEMENT: According to Community Panel No. 48085C02701, dated June 2, 2009 of the Federal Emergency Management Agency, National Flood Insurance Program map this property is within Flood Zone "X", which is not a special flood hazard area. Since this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This statement shall not create liability on the part of the Surveyor.

The owners of Block A, Lot 4 of this plat shall be solely responsible for the maintenance of the storm water detention system. The owner shall further hold the City of McKinney harmless from any damages to persons, to the owner's lot or any affected lot arising from such maintenance responsibility. The City shall not be responsible for the maintenance of the referenced system, although it retains the right to enter upon the easement for public purposes.

Exhibit B

Exhibit C

McKinney Urban Village Proposed Development Standards

It is within this context that we request the City consider our zoning request to be approved with the following specific amendments to PD 96-11-51:

- Multifamily developments shall not be required to be gated.
- Parking for Multi-family uses shall be one (1) space for each bedroom in all dwelling units, plus three (3) spaces per one thousand square feet (1000 sf) for any common facility and management office.
- Multifamily development shall be limited to a minimum of 25 units per net acre, and a minimum of three stories
- Parking may be provided through a combination of head-in parking on private streets built within an urban streetscape condition, "tuck under" spaces in ground level garages and interior parking courtyards. No screening from public thoroughfares shall be required of any openings in interior parking courtyards or head-in parking along private streets.
- Elevated parking structures are also allowable, so long as any garage elevation wider than 40 feet within immediate public view is finished with conforming architectural colors or materials as the main multi-family structures.
- In mixed-use areas, shared parking will be allowable upon review and approval of proposed sharing by Director of Planning.
- Screening walls shall not be required for any perimeter condition of any block.
- Each primary street facing elevation of each building longer than 5 feet shall be finished with at least 50 percent masonry. Non-street facing primary elevations of each building longer than 5' shall be finished with at least 30% masonry. Facades shorter than 5 feet shall not have such requirement.
- All units to have access to the outdoors through a porch, balcony, or balconette. If a porch is provided, it is to be at least 25 square feet in area. If a balcony is provided, it is to be at least 20 square feet in area. A balconette shall be a railing mounted to the front of a double door interior swing assembly to the unit.
- Fiber cement panels are allowable as primary cladding on roof chimneys;
- All covered surface parking may be constructed of steel frame with gabled standing seam steel roofs, and steel columns clad in painted wood.
- Sidewalk stoops to ground level covered unit patios are not required to have a covering/roof structure.
- Minimum of 4" caliper street tree sizing
- Any proposed site plan for all or a portion of the subject property shall include playgrounds and open space amenities to serve the children residing on or about the subject property. The satisfaction of such requirements will be subject to review and discretionary approval by City Staff.