ORDINANCE NO. 2014-07-049

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 25.63 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF ALMA ROAD AND KICKAPOO DRIVE, IS REZONED FROM "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 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 25.63 acre property, located on the southeast corner of Alma Road and Kickapoo Drive, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "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 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 25.63 acre property, located on the southeast corner of Alma Road and Kickapoo Drive, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "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 development standards.

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

1. The single family residential tract, as shown on Exhibit "C", shall develop in accordance with the *Area and bulk regulations* for Single family detached, standard lot or small lot of the REC Neighborhood Zone.

2. The maximum density for the single family residential tract shall be six (6.0) dwelling units per acre.

3. The commercial tract, as shown on Exhibit "C", shall develop in accordance with the *Area and bulk regulations* for Commercial uses and mixed-use buildings of the REC Neighborhood Zone.

4. All uses permitted within the REC Commercial District in the REC Schedule of Uses shall be allowed on the commercial tract.

5. Open spaces along the north side of Hewitt Drive shall generally conform to the character of the Native Open Space Plan - 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 15th DAY OF JULY, 2014.

CITY OF McKINNEY, TEXAS

TRAVIS USSERY
Mayor Pro Tem

CORRECTLY ENROLLED:

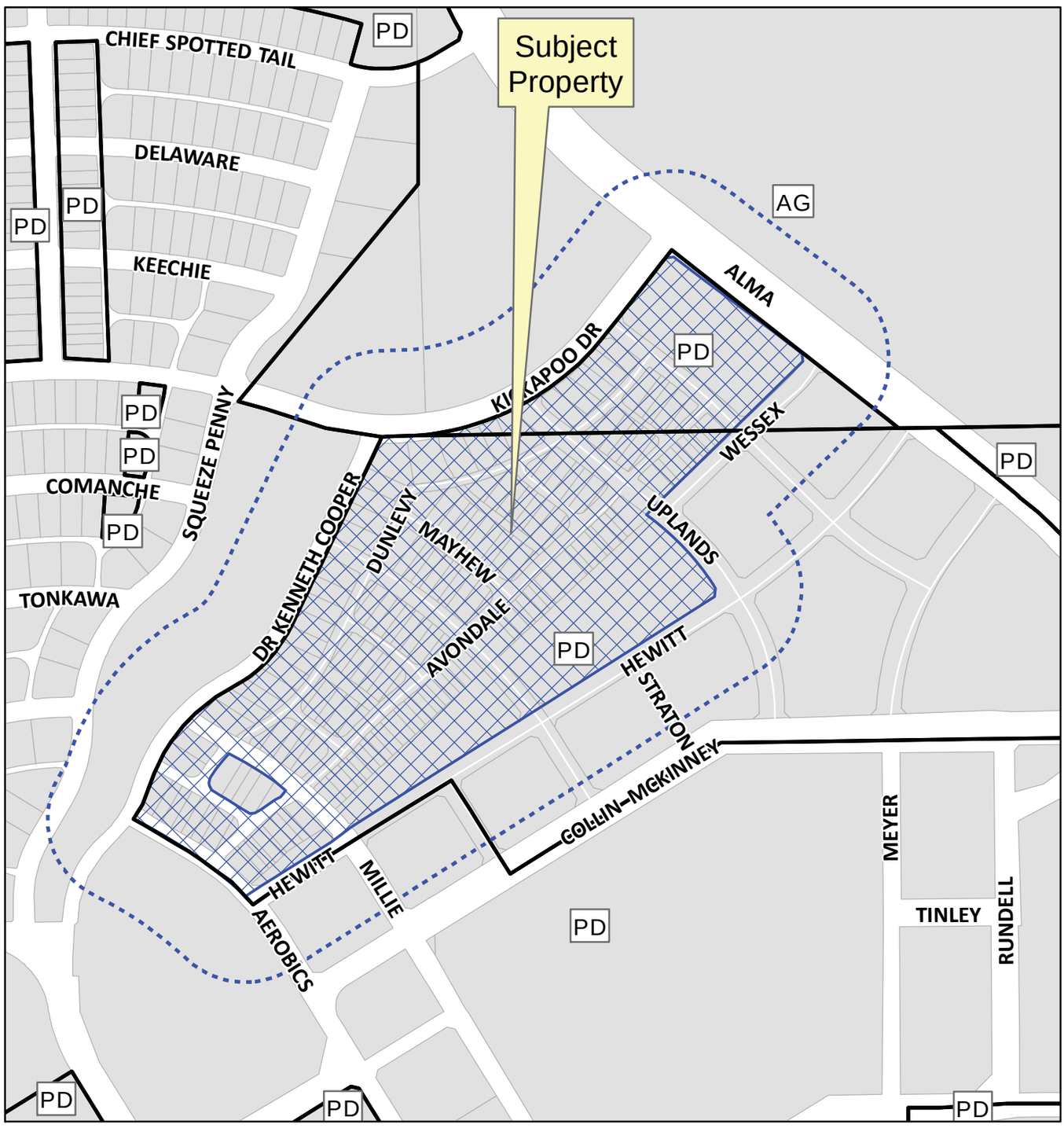
SANDY HART, TRMC, MMC
City Secretary
DENISE VICE
Assistant City Secretary

DATE: July 15, 2014

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

Exhibit A

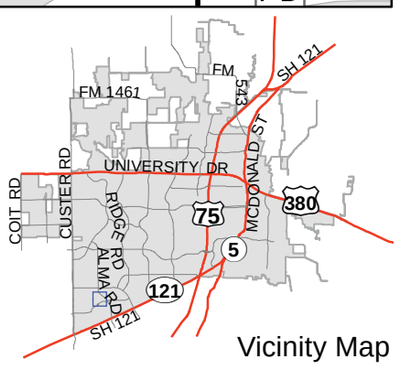


0 210 420 Feet

Notification Map

Case: 14-013Z2

200' Notification Buffer



Vicinity Map

Path: S:\MCKGIS\Notification\Projects\2014\14-013Z.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

DESCRIPTION TRACT A

Situated in the William Holiday Survey, Abstract Number 385, the G. S. Baccus Survey, Abstract No. 95, the George F. Lucas Survey, Abstract No. 540 and the Thomas Phillips Survey, Abstract No. 717, in the City of McKinney, Collin County, Texas and being a portion of a 49.239 acre tract of land according to the Substitutes Trustees deed recorded in Collin County Clerk's File No. 20081008001200380O of Deed Records of Collin County, Texas (DRCCT) and being a portion of tracts 1 & 2 as recorded in Volume 4757, Page 2174 (DRCCT) and Being a portion of a 29.947 acre tract of land described by deed recorded in Clerk File No. 20060130000121040 of the Deed Records of Collin County, Texas (DRCCT) and being more particularly described as follows:

BEGINNING at a point of intersection of the northwesterly right-of-way line of Hewitt Drive (52' Wide) as dedicated by Cooper Clinic Addition, an addition to the City of McKinney according to the plat recorded in Cabinet 2006, Page 527 of the Plat Records of Collin County, Texas (PRCCT) with the northeasterly right-of-way line of Aerobic Way (52' wide)(Cabinet Q, Page 593) and being the beginning of a curve to the left having a radius of 645.00 feet and a chord bearing of North 51° 07' 38" West;

THENCE along the northeasterly right-of-way line of said Aerobic Way as follows:

Continuing along said curve to the left through a central angle of 17°21'44" for an arc length of 195.45 feet to a point of tangency;

NORTH 59°48'30" WEST a distance of 175.36 feet to a point for the southerly corner of a cut-off line;

Continuing along said corner cut-off line, NORTH 17°21'59" WEST a distance of 7.38 feet to a point in the southeasterly right-of-way line of Dr. Kenneth Cooper Drive (39' Wide) and being the beginning of a non-tangent curve to the left having a radius of 319.50 feet and a chord bearing of North 20°39'02" East;

THENCE along the southeasterly right-of-way line of said Dr. Kenneth Cooper Drive as follows:

Continuing along said curve to the left through a central angle of 07°57'12" for an arc length of 44.35 feet to a point for the beginning of a reverse curve to the right having a radius of 461.00 feet and a chord bearing of North 32°29'03" East;

Continuing along said reverse curve to the right through a central angle of 31°37'13 for an arc length of 254.42 feet to a point for corner in the northwesterly right-of-way line of Millie Way (52' wide);

Continuing along said reverse curve to the right through a central angle of 14°29'29" for an arc length of 116.60 feet to a point for the beginning of a reverse curve to the left having a radius of 319.50 feet and a chord bearing of NORTH 44°13'45" EAST;

Exhibit B

Continuing along said reverse curve to the left through a central angle of 37°06’46” for an arc length of 206.95 feet to a point of tangency;

THENCE NORTH 25°40’22” EAST, and continuing along the southeasterly right-of-way line of said Dr. Kenneth Cooper Drive and passing at a distance of 230.48 feet a point in the Southeasterly right-of-way line of Exeter Avenue (52’ wide) and continuing for a total distance of 556.95 feet to a point set for corner, said point also being the point of intersection of the southeast right-of-way line of said Dr. Kenneth Cooper Drive with south right-of-way line of Kickapoo Drive (57’ wide). Said point also being the northwesterly corner of said 49.239 acre tract of land;

Continuing along said southeast right-of-way line of said Dr. Kenneth Cooper Drive and being in a non-tangent curve to the left having a radius of 702.35 feet and a chord bearing of North 65°24’33” East;

THENCE departing the southeasterly right-of-way line of said Dr. Kenneth Cooper Drive and following said non-tangent curve to the left through a central angle of 54°39’23” for an arc length of 669.99 feet to a point for the point of tangency;

THENCE NORTH 38°04’53” EAST a distance of 15.01 feet to a point for the southeasterly right-of-way line of The Esplanade Drive (52’ wide) to a point for corner;

THENCE along said southeasterly right-of-way line of said The Esplanade Drive as follows:

Continuing along said southeasterly right-of-way line, SOUTH 51°55’08” EAST a distance of 227.81 feet to a point in said southeasterly right-of-way line of said Esplanade Drive and being the beginning of a non-tangent curve to the right having a radius of 1,474.00 feet and a chord bearing of South 48°30’45” East;

Continuing along said curve to the right through a central angle of 06°48’45” for an arc length of 175.16 feet to a point for tangency;

SOUTH 45°06’23” EAST a distance of 23.16’ to a point for corner, said point being in the northwesterly right-of-way line of Wessex Court (52’ wide);

THENCE departing the southeasterly right-of-way line of said Esplanade Drive and following said northwesterly right-of-way line of said Wessex Court SOUTH 46°54’54” WEST a distance of 244.66 feet to a point for corner;

THENCE SOUTH 38°04’52” WEST a distance of 52’ to a point for corner, said point also being in the southeasterly right-of-way line of said Uplands Drive;

THENCE departing the northwesterly right-of-way line of said Wessex Court and continuing along said southeasterly right-of-way line of said Uplands Drive SOUTH 51°55’08” a distance of 22.44 feet to a point for the beginning of a non-tangent curve to the right having a radius of 724.00 feet and a chord bearing of South 41°51’57” East;

Exhibit B

Continuing along said curve to the right through a central angle of 20°06’23” for an arc length of 252.77 feet to a point for tangency;

SOUTH 31°48’05” EAST a distance of 16.46 feet to a point for corner, said point being in the northwesterly right-of-way line of said Hewitt Drive;

THENCE departing the southeasterly right-of-way line of said Uplands Drive and continuing along said northwesterly right-of-way line of said Hewitt Drive SOUTH 58°06’88” WEST and passing at distance of 1,151.33 feet, a point In the northeasterly right-of-way line of said Millie Way, and continuing for a distance of 263.59 feet to a point for the beginning of a non-tangent curve to the left having a radius of 294.16 feet and a chord bearing of South 54°42’25” West;

Continuing along said curve the left through a central angle of 6°57’39” for an arc length of 35.72 feet to a point in the northerly right-of-way of said Aerobic Way to the PLACE OF BEGINNING and containing 23.78 Acres of land;

SAVE AND EXCEPT lots 1-4 of Block B, consisting of 0.41 Acres, 17,679 SF of land, leaving a Net of 23.37 Acres of Land.

Exhibit B

TRACT B DESCRIPTION

FIELD NOTE DESCRIPTION

BEING a 2.261 acre tract of land situated in the George F. Lucas Survey Abstract No. 590, City of McKinney, Collin County, Texas and being all of Lot 1, Block P of Cooper Living Center Addition Phase 2 an addition to the City of McKinney according to the plat recorded in Cabinet 2009, Page 402 of the Plat Records of Collin County, Texas (PRCCT) and being a portion of the land described in a deed to Collin CR Wellness Communities, LLC as recorded in Instrument No. 20091229001543720 of the Real Property Records of Collin County, Texas (RPRCCT) and being more particularly described as follows:

BEGINNG at a point in the southwest line of Alma Road (a120 feet wide right of way) and the southeast line of Kickapoo Drive (a variable width right of way)

THENCE along the southwest line of said Alma Road, SOUTH 51°55'08" EAST a distance of 431.37 feet to a point for corner in the northwest line of Wessex Court (a variable width right of way);

THENCE along the northwest line of said Wessex Court, SOUTH 06°50'06" EAST a distance of 21.18 feet to a point for the beginning of a non tangent curve to the right having a radius of 574.00 feet and a chord bearing of SOUTH 42°51'10" WEST;

THENCE along said northwest line and said non tangent curve to the right through a central angle of 08°07'29" for an arc length of 81.39 feet to a point for corner;

THENCE continuing along said northwest line, SOUTH 46°54'54" WEST a distance of 121.31 feet to a point for corner in the northeast line Esplanade (a variable width right of way);

THENCE along the northeast line of said Esplanade, NORTH 89°05'44" WEST a distance of 21.58 feet to a point for corner;

THENCE along said northeast line, NORTH 45°06'23" WEST a distance of 10.00 feet to a point for the beginning of a curve to the left having a radius of 1526.00 feet and a chord bearing of NORTH 48°30'45" WEST;

THENCE along said northeast line and said curve to the left through a central angle of 06°48'45" for an arc length of 181.44 feet to a point for corner;

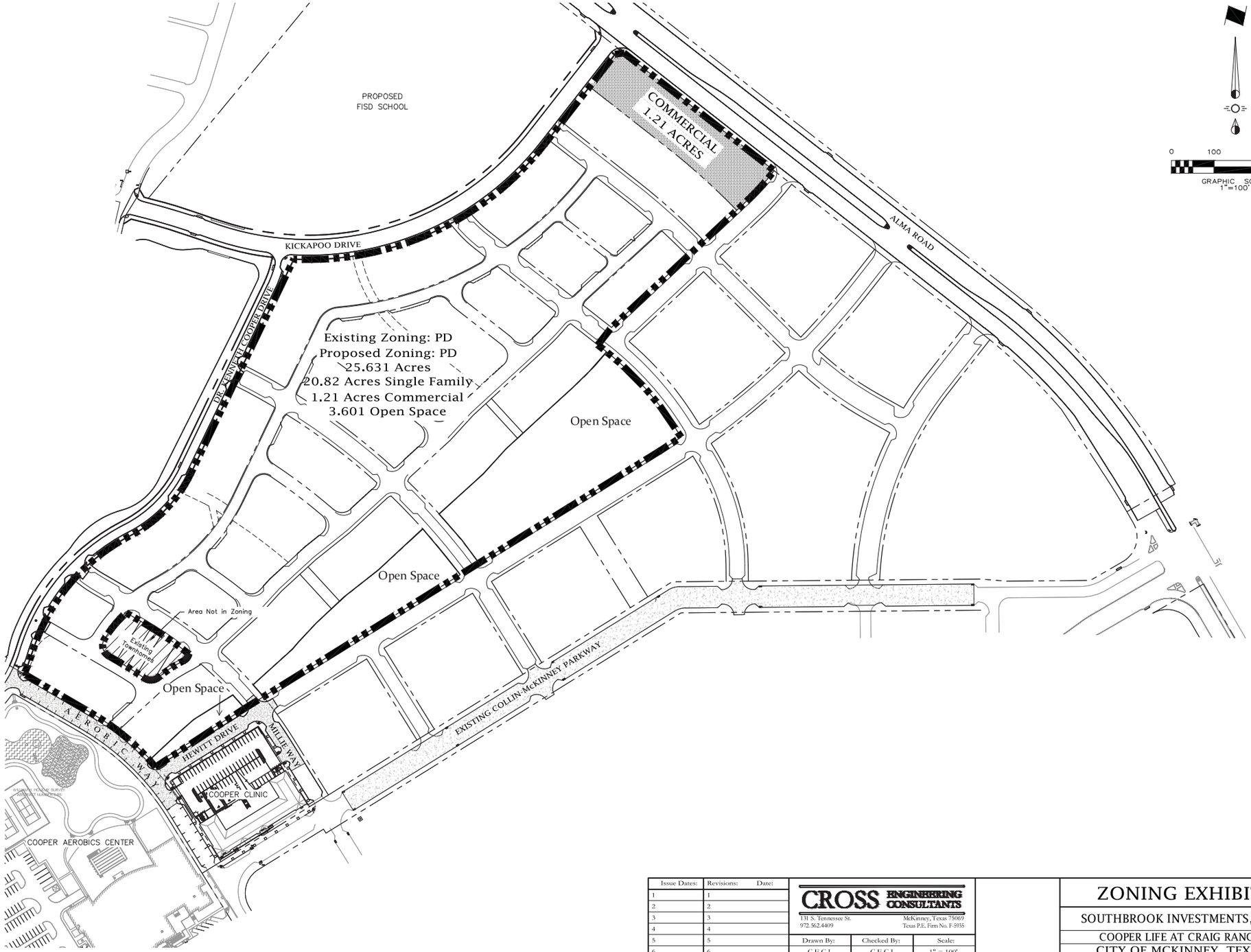
THENCE continuing along said northeast line, NORTH 51°55'08" WEST a distance of 212.79 feet to a point for corner;

THENCE continuing along said northeast line, NORTH 06°55'08" WEST a distance of 21.21 feet to a point for corner in the southeast line of said Kickapoo Drive;

THENCE along the southeast line of said Kickapoo Drive, NORTH 38°04'52" EAST a distance of 187.00 feet to a point for corner;

THENCE continuing along said southeast line, NORTH 83°04'52" EAST a distance of 21.21 feet to the POINT OF BEGINNING;

CONTAINING 2.261 acres or 98,474 square feet of land more or less.



Issue Dates:	Revisions:	Date:
1	1	
2	2	
3	3	
4	4	
5	5	
6	6	

CROSS ENGINEERING CONSULTANTS
131 S. Tennessee St.
McKinney, Texas 75069
972.562.4409
Texas P.E. Firm No. F-5935

Drawn By:	Checked By:	Scale:
C.E.C.I.	C.E.C.I.	1" = 100'

ZONING EXHIBIT

SOUTHBROOK INVESTMENTS, INC.

COOPER LIFE AT CRAIG RANCH

CITY OF MCKINNEY, TEXAS

Sheet No.
ZE

Project No.
13102

COOPER LIFE AT CRAIG RANCH

Exhibit C

RECEIVED
By Planning Department at 4:13 pm, May 27, 2014

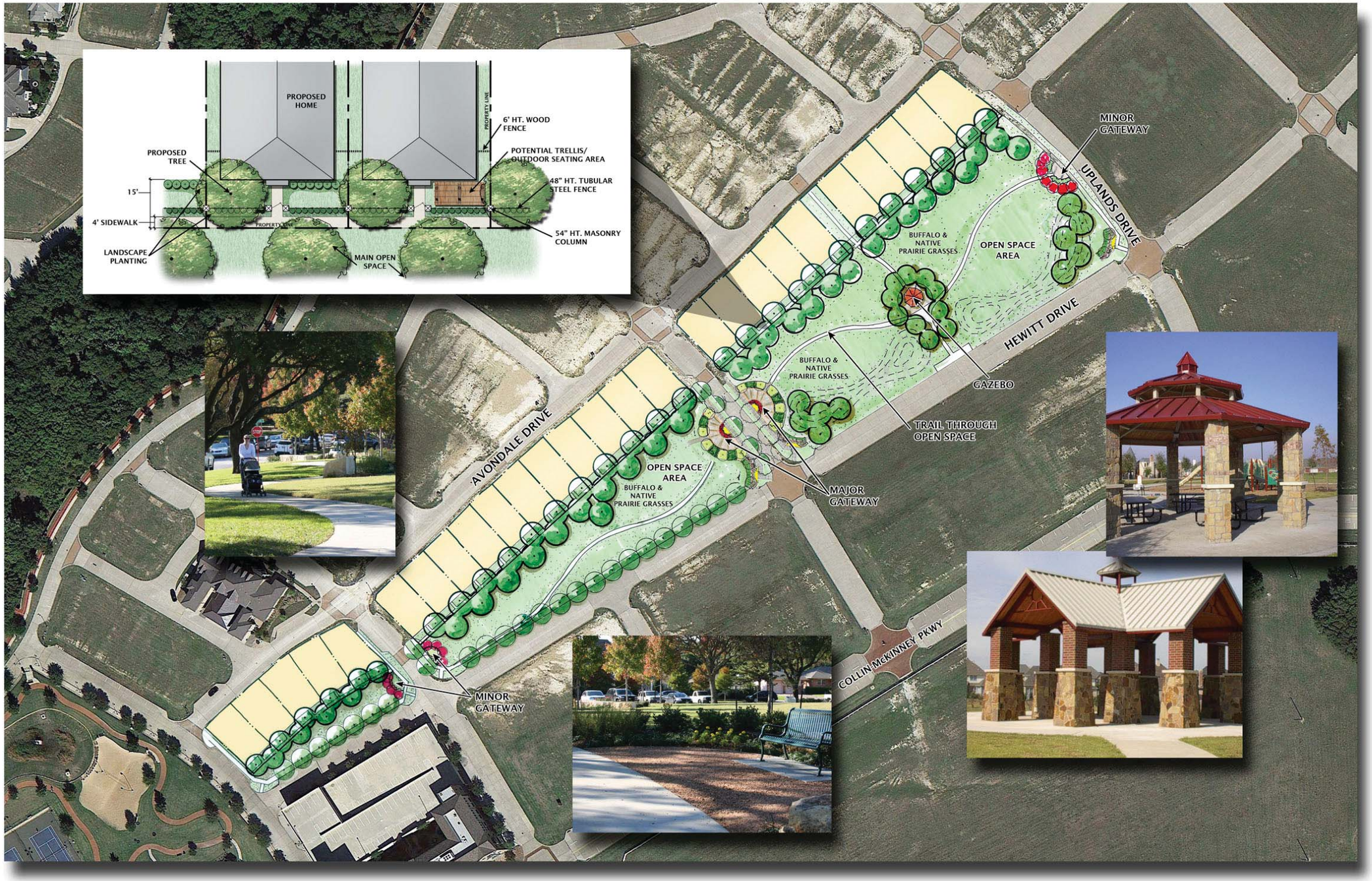


EXHIBIT 1 - OVERALL NATIVE OPEN SPACE PLAN

CRAIG RANCH McKINNEY, TEXAS

ENGINEERING, PLANNING, AND LANDSCAPE ARCHITECTURE FOR REAL ESTATE DEVELOPMENT

16301 QUORUM DR. SUITE 200 B
ADDISON, TX 75001

JBI PARTNERS

JUNE 25, 2014
SBK002

RECEIVED
By Planning Department at 3:53 pm, Jun 25, 2014

Exhibit D