

ORDINANCE NO. 2017-04-041

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 5.57 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF CRUTCHER CROSSING AND VIRGINIA PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY RESIDENTIAL USES; 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 5.57 acre property, located on the southeast corner of Crutcher Crossing and Virginia Parkway, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "PD" – Planned Development District to "PD" – Planned Development District, generally to allow for single family residential 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, THAT:

- Section 1. The zoning map is hereby amended so that an approximately 5.57 acre property, located on the southeast corner of Crutcher Crossing and Virginia Parkway, 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 allow for single family residential uses.
- Section 2. The subject property shall develop in accordance with "PD" – Planned Development District Ordinance No. 97-05-34, and as amended, except as follows:
1. Single family residential uses shall be allowed on the subject property, and if developed, shall develop in accordance with Section 146-106 ("SF5" – Single Family Residential District) of the Zoning Ordinance, and as amended.
- 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 4th DAY OF APRIL, 2017.

CITY OF MCKINNEY, TEXAS


BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:


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

DATE: April 4, 2017

APPROVED AS TO FORM:

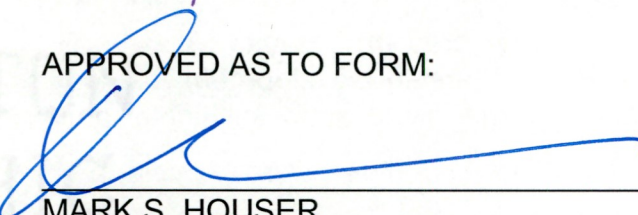
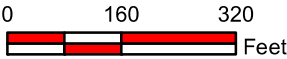
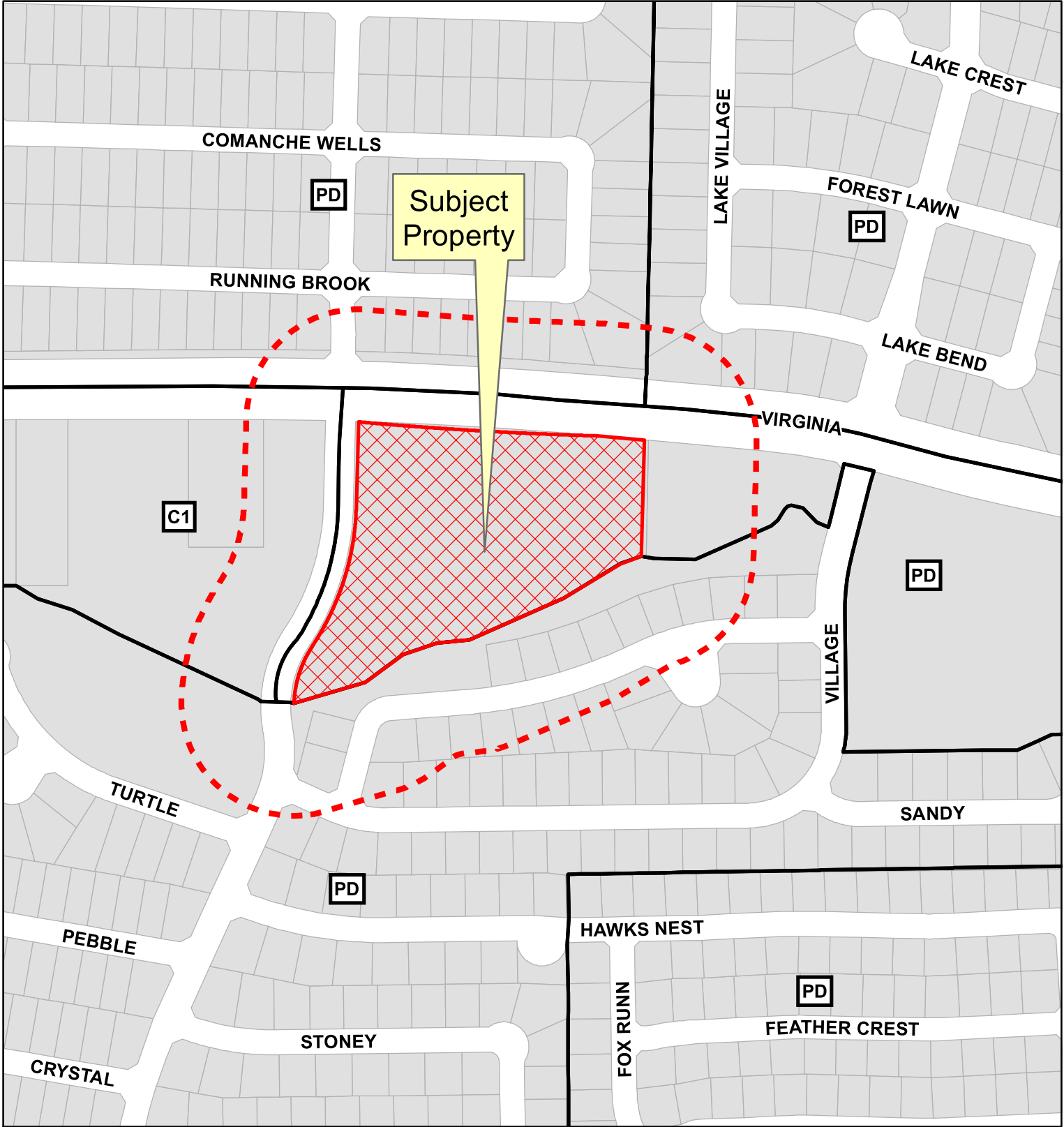

MARK S. HOUSER
City Attorney

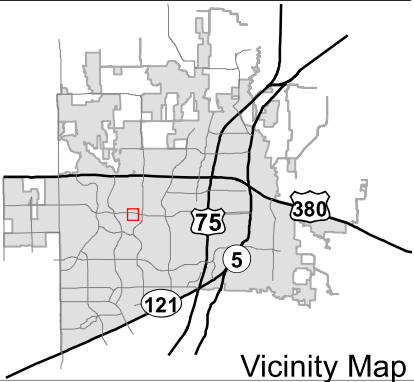
EXHIBIT A



Notification Map

Case: 17-006Z

--- 200' Buffer



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

SURVEYOR'S NOTES:

1. Bearing system for this survey based on the Texas Coordinate System of 1983, North Central Zone (4202),
2. All distances and footages shown hereon are surface values based upon the published TxDot Surface Factor Adjustment of 1.000152710
3. This plat was completed without the benefit of title.

LEGAL DESCRIPTION

BEING a 5.5746 acre (242,829 square feet) acre tract of land located in the James McReynolds Survey, Abstract Number 578 and being a remainder of the same tract conveyed to CRUTCHER PARTNERS, LTD., recorded in Document Number 96-0066105 of the Official Public Records of Real Property of Collin County, Texas (O.P.R.P.C.C.T.), subject tract being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner at the north common corner of said 5.5746 acre tract and a tract of land described as a called 1.5836 acres, being Lot 1, Block A, of the Virginia Village Addition, recorded in Instrument Number 20140912010003080 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), also being in the south existing right-of-way line of Virginia Parkway (a 120' wide right-of-way) from which a 12-inch iron rod with a cap (unreadable) found for witness bears South 33 degrees 32 minutes 28 seconds West, a distance of 0.56 feet;

THENCE, South 01 degrees 33 minutes 42 seconds West, leaving said south existing right-of-way line of Virginia Parkway and along the common line of said 5.5746 acre tract and said Lot 1, Block A, distance of 233.14 feet to a point for corner (not monumented) at the south common corner of said 5.5746 acre tract and said Lot 1, Block A, also being on the north line of Common Area CA2 as shown on Stone Brooke Crossing, Phase 1 plat, recorded in Cabinet K, Page 21 of the Plat Records of Collin County, Texas (P.R.C.C.T.), from which a 12-inch iron rod found for witness bears North 01 degrees 59 minutes 21 seconds West, a distance of 0.59 feet;

THENCE, along the common line of said 5.5746 acre tract and the north line of said Common Area CA2 the following six (6) courses and distance:

- South 70 degrees 19 minutes 18 seconds West, a distance of 43.47 feet to a point for corner (not monumented);
- South 58 degrees 40 minutes 48 seconds West, a distance of 133.44 feet to a point for corner (not monumented), from which a 12-inch iron rod found for witness bears North 01 degrees 05 minutes 25 seconds East, a distance of 0.47 feet;
- South 66 degrees 19 minutes 44 seconds West, a distance of 206.68 feet to a point for corner (not monumented);
- South 84 degrees 15 minutes 39 seconds West, a distance of 64.48 feet to a point for corner (not monumented);
- South 71 degrees 07 minutes 19 seconds West, a distance of 72.25 feet to a point for corner (not monumented);
- South 53 degrees 42 minutes 53 seconds West, a distance of 93.86 feet to a point for corner (not monumented);
- South 73 degrees 44 minutes 27 seconds West, a distance of 149.26 feet to a point for corner (not monumented);

THENCE, North 83 degrees 40 minutes 36 seconds West, continuing along said common line, a distance of 5.75 feet to a 12-inch iron rod with a yellow plastic cap stamped "GEONAV" set for corner (hereinafter referred to as "with cap") at the east common corner of said 5.5746 acre tract and said Common Area CA2, also being in the east existing right-of-way line of Crutcher Crossing (a 60' wide right-of-way), said point being the point of beginning of a non-tangent curve to the right having a central angle of 31 degrees 38 minutes 13 seconds and a radius of 220.00 feet, and with a chord bearing of North 17 degrees 48 minutes 42 seconds East, a chord distance of 119.94 feet, from which an "X" cut found in the centerline of Stone Brooke Crossing (a 50' wide right-of-way), being part of said Stone Brooke Crossing, Phase 1 bears South 71 degrees 03 minutes 13 seconds East, a distance of 158.58 feet;

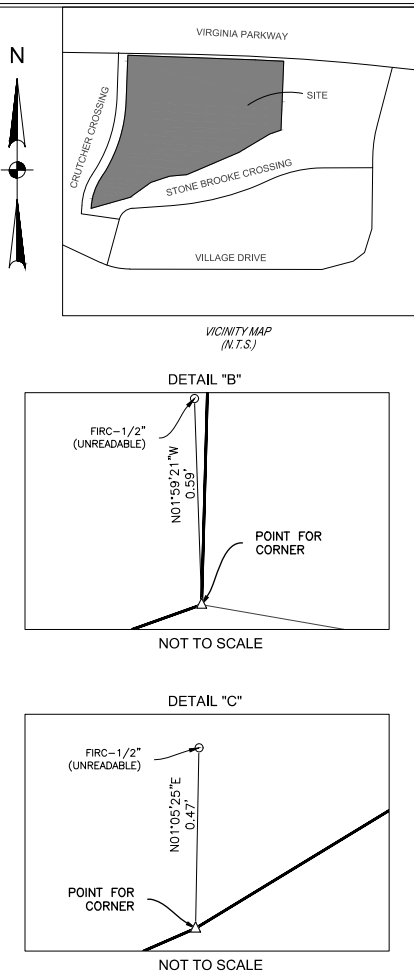
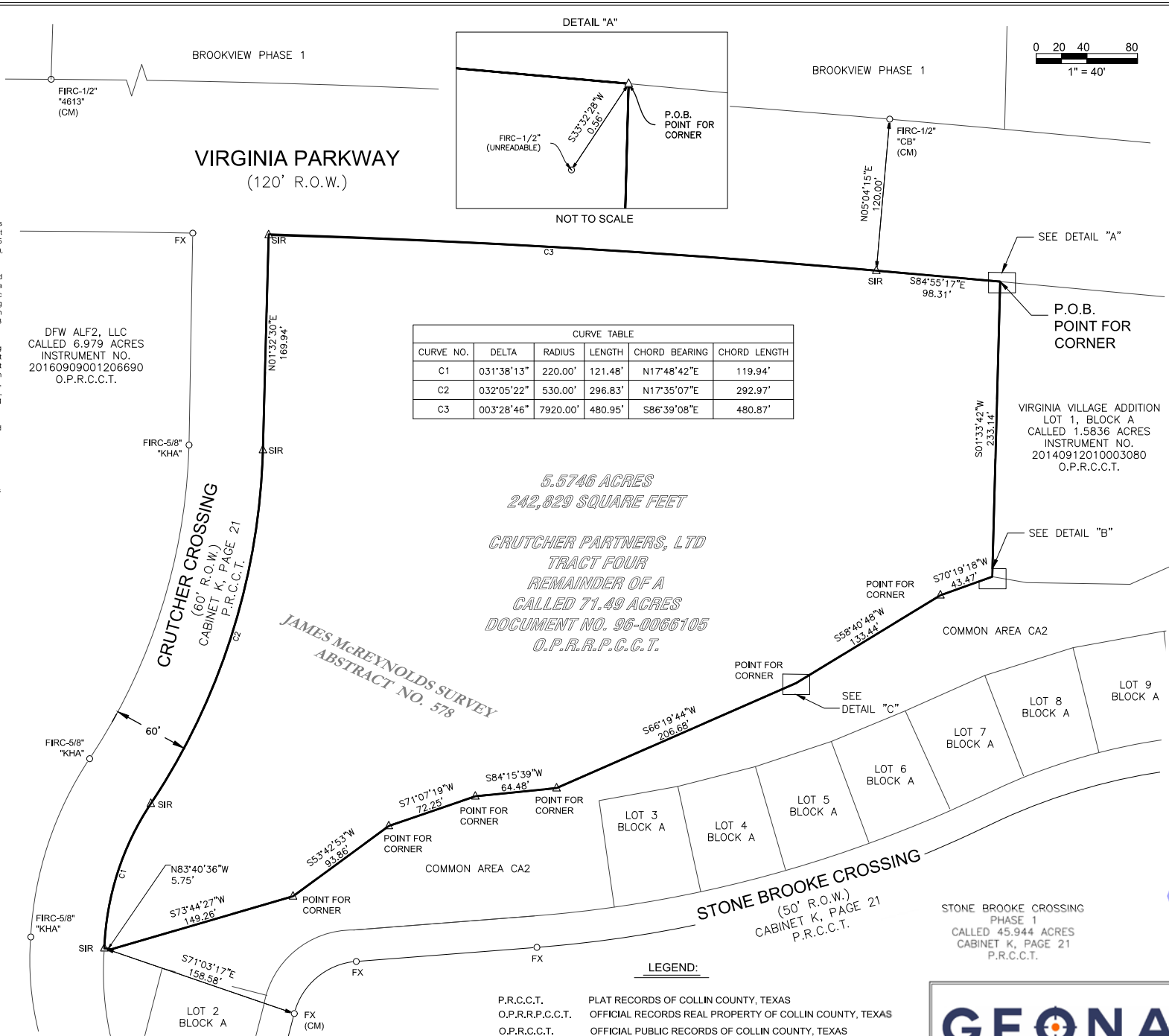
THENCE, along the west line of said 5.5746 acre tract and along said east existing right-of-way line of Crutcher Crossing, and along said curve to the right, an arc distance of 121.48 feet to a 12-inch iron rod with cap set for corner, said point being the point of curvature of a tangent reverse curve to the left having a central angle of 32 degrees 05 minutes 22 seconds and a radius of 530.00 feet, and with a chord bearing of North 17 degrees 35 minutes 07 seconds East, a chord distance of 292.97 feet;

THENCE, along the west line of said 5.5746 acre tract and along said east existing right-of-way line of Crutcher Crossing, and along said curve to the left, an arc distance of 296.83 feet to a 12-inch iron rod with cap set for corner;

THENCE, North 01 degrees 32 minutes 30 seconds East, continuing over and across said 5.5746 acre tract and along said east existing right-of-way line of Crutcher Crossing, a distance of 169.94 feet to a 12-inch iron rod with cap set for the northwest corner of said 5.5746 acre tract, also being at the intersection of said south existing right-of-way line of Virginia Parkway and said east existing right-of-way line of Crutcher Crossing, said point being the point of beginning of a non-tangent curve to the right having a central angle of 03 degrees 28 minutes 48 seconds and a radius of 7920.00 feet, and with a chord bearing of South 86 degrees 39 minutes 08 seconds East, a chord distance of 480.87 feet;

THENCE, continuing over and across said 5.5746 acre tract and along said south existing right-of-way line of Virginia Parkway, and along said curve to the right, an arc distance of 480.95 feet to a 12-inch iron rod with cap set for corner, from which a 5/8-inch iron rod with a cap stamped "CB" found in the north existing right-of-way line of Virginia Parkway bears North 05 degrees 04 minutes 15 seconds East, a distance of 120.00 feet;

THENCE, South 84 degrees 55 minutes 17 seconds East, continuing over and across said 5.5746 acre tract and along said south existing right-of-way line of Virginia Parkway, a distance of 98.31 feet to the **POINT OF BEGINNING** AND CONTAINING 242,829 square feet or 5.5746 acres of land, more or less.



I, Joel C. Howard, do hereby certify that this exhibit represents an on the ground survey performed under my direct supervision on January 25, 2017, and that to the best of my knowledge it represents the site condition at the time of the survey. This survey meets or exceeds the minimum standards set forth by the Texas Board of Professional Land Surveying for a land boundary survey.



Joel C. Howard

DYNAMIC ENGINEERING
(dba) MIDWEST DYNAMIC ENGINEERING CONSULTANTS, PC
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GEONAV
SURVEYING • MAPPING • SCANNING

2081 HUTTON DRIVE, SUITE 107 CARROLLTON, TEXAS 75006
SCALE 1"=40' (972) 243-2409 PROJECT NUMBER: 1108
TBPLS FIRM NO. 10194205

DATED: January 20, 2017 DRAWN BY: NS

ZONING EXHIBIT
OF
5.5746 ACRES
242,829 SQUARE FEET
OF
A REMAINDER OF 79.41 ACRES OF LAND
JAMES McREYNOLDS SURVEY, ABSTRACT NO. 578
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS