

**ORDINANCE NO. 2013-12-113**

**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 126.70 ACRE PROPERTY IS ZONED "PD" - PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY RESIDENTIAL, COMMERCIAL, AND OFFICE USES, LOCATED ON THE NORTH AND SOUTH SIDES OF WILMETH ROAD AND ON THE EAST AND WEST SIDES OF COUNTY ROAD 161 (FUTURE RIDGE ROAD); 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 zoning of an approximately 126.70 acre property, located on the north and south sides of Wilmeth Road and on the east and west sides of County Road 161 (Future Ridge Road), which is more fully depicted on Exhibits "A" and "B", attached hereto, to "PD" – Planned Development District, generally to allow for single family residential, commercial, and office 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 amended so that an approximately 126.70 acre property, located on the north and south sides of Wilmeth Road and on the east and west sides of County Road 161 (Future Ridge Road), which is more fully depicted on Exhibits "A" and "B", attached hereto, is hereby zoned to "PD" – Planned Development District, generally to allow for single family residential, commercial, and office uses.

Section 2. Use and development of the subject property, more fully depicted on Exhibits "A" and "B", shall be zoned "PD" – Planned Development District, and shall conform to the following special ordinance provision:

1. The subject property shall develop in accordance with the attached development regulations (Exhibit "C") and associated land use maps (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.

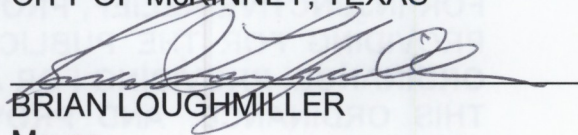
Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or

repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

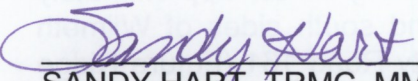
Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 3<sup>rd</sup> DAY OF DECEMBER, 2013.**

CITY OF MCKINNEY, TEXAS

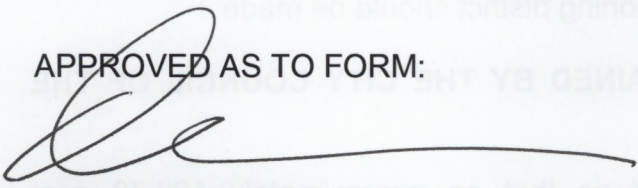
  
BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

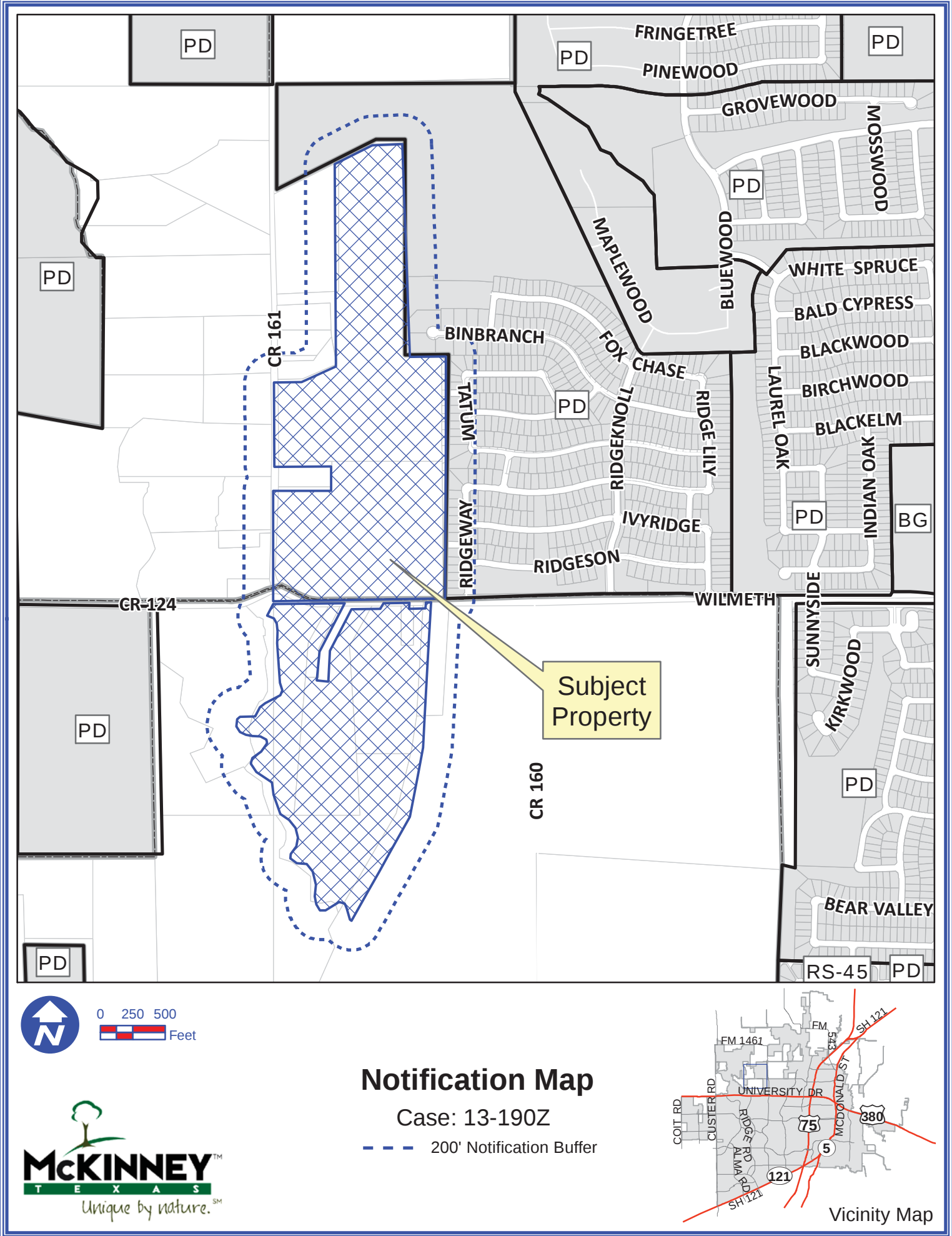
  
SANDY HART, TRMC, MMC  
City Secretary  
BLANCA I. GARCIA  
Assistant City Secretary

DATE: December 3, 2013

APPROVED AS TO FORM:

  
MARK S. HOUSER  
City Attorney

# Exhibit A



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

## TRACT 1 73.131 ACRES

**BEING** a tract of land situated in the Dixon M. Crutchfield Survey, Abstract No. 205 and the Andrew Stapp Survey, Abstract No. 833, Collin County, Texas and being part of a tract of land described in Warranty Deed with Vendor's Lien to William L. Docekal and wife, Barbara A. Docekal recorded in Document No. 94-0078460, Land Records of Collin County, Texas and part of a tract of land described in Special Warranty Deed with Vendor's Lien (79.77% interest) to Coit/Plano Parkway Ltd. recorded in Instrument No. 20061002001413350, Land Records of Collin County, Texas and Assumption Warranty Deed (20.23% interest) to Coit/Plano Parkway Ltd. recorded in Instrument No. 20070315000351180, Land Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at a point for corner in the approximate centerline of Wilmeth Road (County Road 161) and a city limit line for the City of McKinney, Texas at the southwest corner of Robinson Ridge Phase IV, an addition to the City of McKinney, Texas according to the plat recorded in Volume 2013, Page 105, Plat Records of Collin County, Texas and the northeast corner of a tract of land described in Deed to Collin County recorded in Document No. 97-0033717, Land Records of Collin County, Texas;

**THENCE** along the said centerline of Wilmeth Road, the north line of said Collin County tract and said city limit line, South 89°02'28" West, a distance of 1323.91 feet to a point for corner in the approximate centerline of County Road 161 at the northwest corner of said Collin County tract;

**THENCE** departing the said city limit line and along the said centerline of County Road 161, North 0°09'37" East, a distance of 847.64 feet to a point for corner;

**THENCE** departing the said centerline of County Road 161, with the south line of a tract of land described in deed to Scott Cemetary recorded in Volume 7, Page 62, Deed Records of Collin County, Texas, North 89°55'22" East, a distance of 445.86 feet to the southeast corner of said Scott Cemetery;

**THENCE** North 0°19'55" East, a distance of 189.76 feet to the northeast corner of said Scott Cemetery;

**THENCE** with the north line of said Scott Cemetery, the following courses and distances:

South 89°14'11" West, a distance of 0.44 feet to a point for corner;  
South 89°33'47" West, a distance of 437.14 feet to a point for corner in the said centerline of County Road 161 at the northwest corner of said Scott Cemetery;

**THENCE** along the said centerline of County Road 161, North 0°21'00" West, a distance of 648.76 feet to the southwest corner of a tract of land described as Tract II in General Warranty Deed to Stepping Stones for Life, Inc. recorded in Instrument No. 20130408000468910, Land Records of Collin County, Texas;

**THENCE** with the south line of said Tract II, the following courses and distances:

North 88°46'30" East, a distance of 211.15 feet to a point for corner;  
North 66°03'05" East, a distance of 289.61 feet to the southeast corner of said Tract II;

**THENCE** with the east line of said Tract II, North 0°21'00" West, at a distance of 537.82 feet passing the southwest corner of a tract of land described in Special Warranty Deed to Jack Harvard and wife, Nancy Harvard recorded in Instrument No. 20070727001040850, Land Records of Collin County, Texas, and continuing for a total distance of 1558.64 feet to a point in the south line of a tract of land described as Tract 2 in Special Warranty Deed to Gehan Homes, Ltd. recorded in Instrument No. 20120302000248700, Land Records of Collin County, Texas and a city limit line of the City of McKinney, Texas, at the northeast corner of said Tract II;

**THENCE** with the south line of said Tract 2 and said city limit line, the following courses and distances:

North 63°29'10" East, a distance of 324.99 feet to a point for corner;  
North 87°49'03" East, a distance of 231.92 feet to a point for corner;  
South 1°59'31" East, at a distance of 1354.74 feet passing the westernmost northwest corner of Block M, Robinson Ridge Phase II, an addition to the City of McKinney, Texas according to the plat recorded in Volume 2007, Page 166, Plat Records of Collin County,

# Exhibit B

Texas, and continuing for a total distance of 1639.74 feet to the southwest corner of said Block M;

**THENCE** with the south line of said Block M and said city limit line, North 89°01'54" East, a distance of 277.83 feet to the northwest corner of Block N, Robinson Ridge Phase III, an addition to the City of McKinney, Texas according to the plat recorded in Volume 2012, Page 242, Plat Records of Collin County, Texas;

**THENCE** with the west line of said Block N and said city limit line, the following courses and distances:

South 2°25'23" West, a distance of 15.52 feet to a point for corner;  
South 0°01'06" East, a distance of 818.55 feet to a point for corner;  
South 0°24'23" West, a distance of 36.78 feet to the northwest corner of said Robinson Ridge Phase IV;

**THENCE** with the west line of said Robinson Ridge Phase IV and said city limit line, South 0°24'23" West, a distance of 990.99 feet to the **POINT OF BEGINNING** and containing 73.131 acres or 3,185,572 square feet of land.

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.

## **TRACT 2 39.568 ACRES**

**BEING** a tract of land situated in the James M. Feland Survey, Abstract No. 322 and the Malachi Tucker Survey, Abstract No. 904, Collin County, Texas and being all of a tract of land described in Warranty Deed with Vendor's Lien to Armon Davis Gibson and wife Mary Ann Gibson recorded in Document No. 93-0084328, Land Records of Collin County, Texas, all of a tract of land described in Warranty Deed with Vendor's Lien to Evelyn Elizabeth Gibson Valek and husband Wesley John Valek recorded in Document No. 93-0084317, Land Records of Collin County, Texas, all of a tract of land described in Special Warranty Deed to The Erwin H. Gibson, Sr. Revocable Living Trust recorded in Instrument No. 20100503000431020, Land Records of Collin County, Texas and all of a tract of land described in Special Warranty Deed to The Erwin H. Gibson, Sr. Revocable Living Trust recorded in Instrument No. 20100503000431010, Land Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at a point for corner in the approximate centerline of Wilmeth Road (County Road 161) in the south line of a tract of land described in Deed to Collin County recorded in Document No. 97-0033717, Land Records of Collin County, Texas and a city limit line for the City of McKinney, Texas, at the northwest corner of a tract of land described in Warranty Deed with Vendor's Lien to James H. Stidham and wife, Linda Stidham recorded in Volume 2968, Page 321, Land Records of Collin County, Texas;

**THENCE** departing the said centerline of Wilmeth Road, said city limit line and the said south line of the Collin County tract, with the west line of said Stidham tract, the following courses and distances:

South 3°13'38" West, a distance of 366.74 feet to a point for corner;  
South 3°03'10" West, a distance of 507.05 feet to a point for the southwest corner of said Stidham tract and the most westerly northwest corner of a tract of land described in Special Warranty Deed to YCK Collin Properties 346, LLC, recorded in Instrument No. 20110302000227540, Land Records of Collin County, Texas;

**THENCE** with the west line of said YCK Collin Properties 346, LLC tract, the following courses and distances:

South 3°15'09" West, a distance of 240.26 feet to a point for corner;  
South 10°30'48" West, a distance of 234.06 feet to a point for corner;  
South 10°34'01" West, a distance of 307.44 feet to a point for corner;  
South 29°28'09" West, a distance of 280.96 feet to a point for corner;

# Exhibit B

South 29°30'49" West, a distance of 205.45 feet to a point for corner;  
South 29°16'09" West, a distance of 172.70 feet to a point for corner;  
South 29°41'40" West, a distance of 257.42 feet to a point for corner in the approximate centerline of Stover Creek;

**THENCE** along the said centerline of Stover Creek, the following courses and distances:

North 53°33'47" West, a distance of 15.41 feet to a point for corner;  
North 14°04'20" West, a distance of 90.71 feet to a point for corner;  
North 22°47'07" West, a distance of 39.95 feet to a point for corner;  
North 75°48'05" West, a distance of 45.97 feet to a point for corner;  
South 58°40'28" West, a distance of 123.29 feet to a point for corner;  
North 89°17'41" West, a distance of 41.75 feet to a point for corner;  
North 29°48'55" West, a distance of 53.90 feet to a point for corner;  
North 13°14'31" West, a distance of 63.53 feet to a point for corner;  
North 6°10'26" East, a distance of 90.35 feet to a point for corner;  
North 13°01'50" West, a distance of 103.19 feet to a point for corner;  
North 38°18'04" West, a distance of 73.61 feet to a point for corner;  
North 84°19'30" West, a distance of 79.41 feet to a point for corner;  
North 52°15'54" West, a distance of 61.47 feet to a point for corner;  
North 5°14'58" East, a distance of 34.74 feet to a point for corner;  
North 37°01'50" East, a distance of 70.92 feet to a point for corner;  
North 10°01'36" East, a distance of 43.58 feet to a point for corner;  
North 13°07'15" West, a distance of 74.02 feet to a point for corner;  
North 38°55'25" West, a distance of 79.82 feet to a point for corner;  
North 54°39'06" West, a distance of 81.51 feet to a point for corner;  
North 19°53'20" West, a distance of 11.52 feet to a point for the southwest corner of a tract of land described in Warranty Deed with Vendor's Lien to Ronald Alan Gibson recorded in Document No. 93-0084325, Land Records of Collin County, Texas;

**THENCE** with the south line of said Gibson tract, North 86°42'25" East, a distance of 214.93 feet to a point for the southeast corner of said Gibson tract;

**THENCE** with the east line of said Gibson tract, the following courses and distances:

North 3°22'09" East, a distance of 798.75 feet to a point for corner;  
North 5°44'08" East, a distance of 218.40 feet to a point for the southwest corner of a tract of land described in Special Warranty Deed to D.F. H.H. Fund I, Ltd. recorded in Instrument No. 20070110000047540, Land Records of Collin County, Texas;

**THENCE** with the south line of said D.F. H.H. Fund I, Ltd. tract, South 84°18'12" East, a distance of 91.26 feet to a point for the southernmost southeast corner of said D.F. H.H. Fund I, Ltd. tract;

**THENCE** with the east line of said D.F. H.H. Fund I, Ltd. tract, the following courses and distances:

North 2°44'16" East, a distance of 239.83 feet to a point for corner;  
North 27°34'17" East, a distance of 360.36 feet to a point for corner;  
North 89°02'28" East, a distance of 222.55 feet to a point for corner;  
North 27°58'49" East, a distance of 51.42 feet to a point for corner in the said centerline of Wilmeth Road and said city limit line, at the northeast corner of said D.F. H.H. Fund I, Ltd. tract;

**THENCE** along the said centerline of Wilmeth Road and said city limit line, North 89°02'28" East, a distance of 200.00 feet to a point for the northwest corner of a tract of land described in Deed to Collin County recorded in Document No. 97-0045074, Land Records of Collin County, Texas;

**THENCE** departing the said centerline of Wilmeth Road and said city limit line, South 3°14'38" West, a distance of 45.15 feet to a point for the southwest corner of said Collin County tract;

**THENCE** with the south line of said Collin County tract and said city limit line, North 89°01'39" East, a distance of 126.55 feet to a point for the southeast corner of said Collin County tract;

**THENCE** with the west line of said Collin County tract and said city limit line, North 3°14'38" East, a distance of 45.12 feet to a point for corner in the said centerline of Wilmeth Road;

# Exhibit B

**THENCE** with the said centerline of Wilmeth Road and said city limit line, North 89°02'28" East, a distance of 39.80 feet to the **POINT OF BEGINNING** and containing 39.568 acres or 1,723,582 square feet of land.

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 C - Development Standards

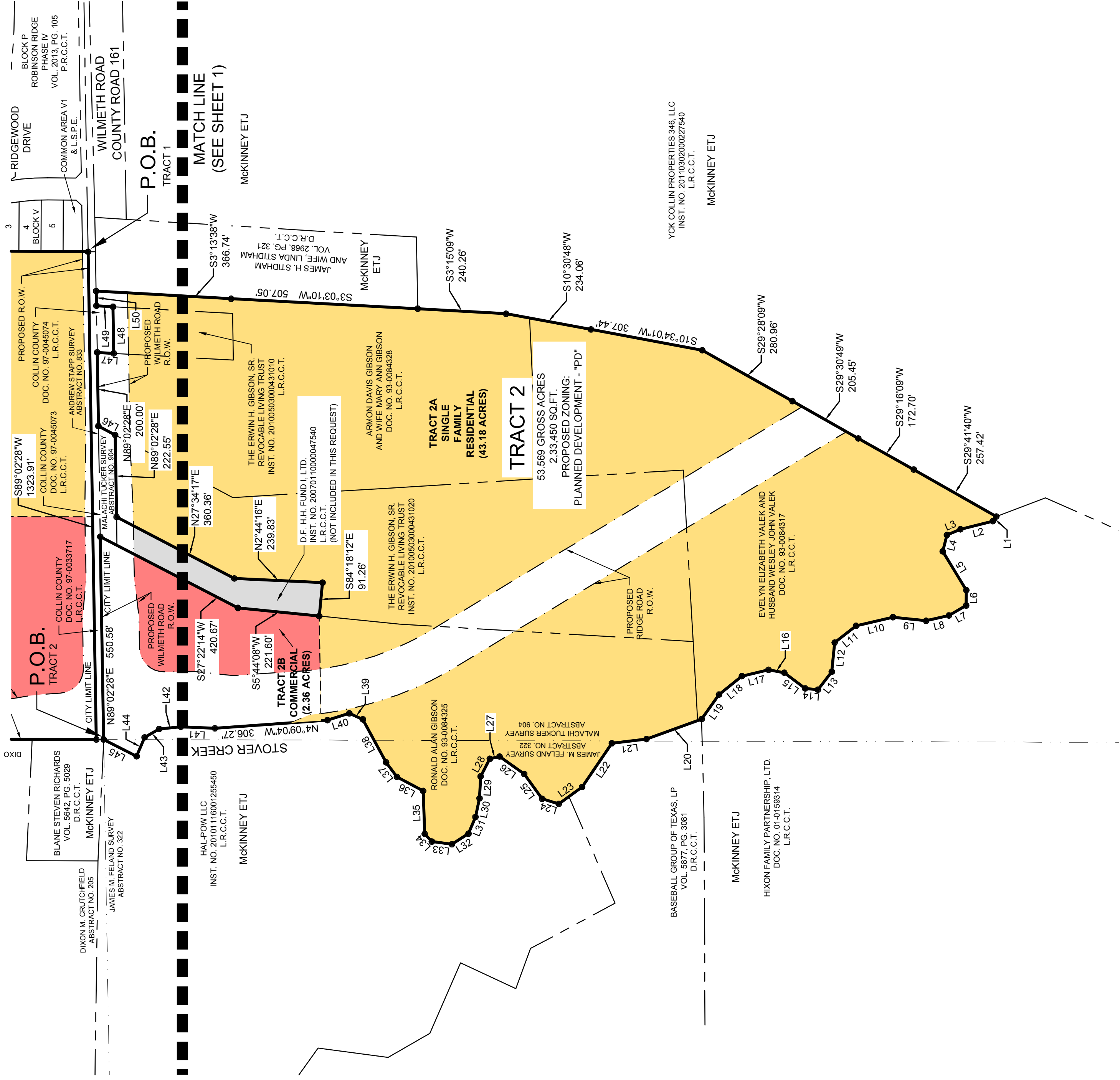
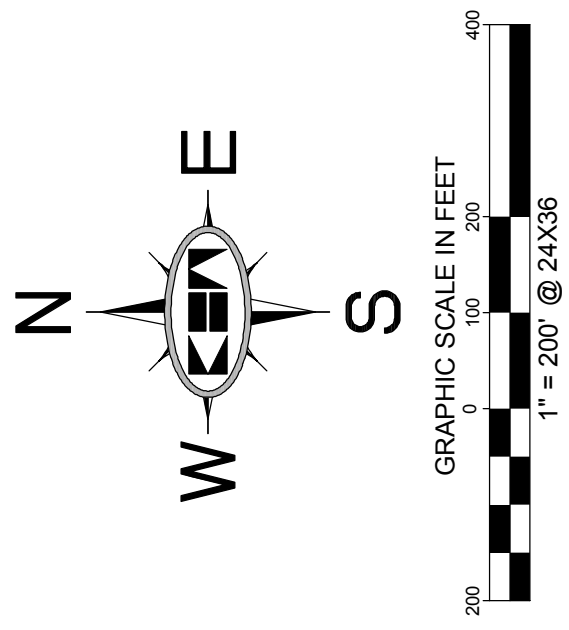
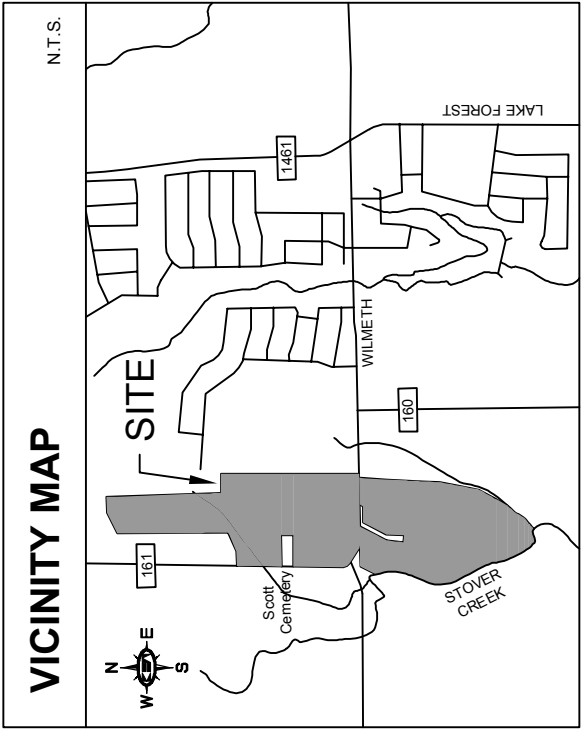
Use and development of the subject property shall conform to the following regulations:

1. Tract 1A and 2A (approximately 103.20 acres), as shown on attached Zoning Exhibit, shall develop in accordance with the requirements of Section 146-73 "RS 60" - Single Family Residence District, and as amended, except as follows:
  - A. The overall mean and median lot size for single family residential lots shall be a minimum of 7,200 square feet.
  - B. The maximum single family residential density shall be 3.2 dwelling units per acre; however, if the property develops per the requirements of the "Design for Density" section of the City's Comprehensive Plan, the overall maximum single family residential density shall be 3.4 dwelling units per acre.
  - C. Minimum Front Yard Setback: 25 feet, except that a 5 foot encroachment zone shall be permitted between the building setback line and the front property line to allow porches, patios, and/or single story swing garages to be a minimum of 20 feet from the front property line.
  - D. Each residential lot shall be required to have a minimum of two (2) canopy trees in the front yard and a minimum of one (1) canopy tree in the rear yard. Canopy trees shall be a minimum of 4" in caliper (measured 6" above the ground) and a minimum of 12' in height at the time of planting.
  - E. Each residential lot shall have standardized privacy fencing of stained board-on-board (good side facing outward) with steel poles, except for sections that back to designated open spaces, which shall utilize iron fencing.
  - F. Additional Permitted uses:
    1. Recreation area (private)
    2. Agricultural and Ranching Uses
2. Tract 1B and 2B (approximately 9.58 acres), as shown on attached Zoning Exhibit, shall develop in accordance with the requirements of Section 146-85 "BG" - General Business District, and as amended, except as follows:
  - A. Prohibited Uses:
    1. Residential Uses
    2. Auto painting or body shop
    3. Automobile trailer, light truck, tool rental
    4. Automobile, motorcycle, boat (sales, repair, or storage)
    5. Bait Shop
    6. Building material sales or monument sales
    7. Bus station
    8. Cleaning plant, laundry
    9. Creamery (dairy products)
    10. Farm implement sales and service
    11. Frozen food lockers
    12. Funeral homes and mortuaries
    13. Garage, auto repair
    14. Halfway house
    15. Pawnshops
    16. Railroad track or right-of-way
    17. Recreational vehicle sales
    18. Sexually oriented business

## **Exhibit C - Development Standards**

3. Tract 1C (approximately 3.94 acres), as shown on attached Zoning Exhibit, shall develop in accordance with the requirements of Section 146-87 “O-1” – Neighborhood Office District, and as amended, except as follows:
  - A. Day-care shall be an additional permitted use.
4. Screening Requirements. In addition to the fences, walls, and screening requirements contained within Section 146-132 of the Zoning Ordinance, and as amended, the following provisions shall also be applicable:
  - A. The existing cemetery located to the south of Tract 1C and to the north of Tract 1B shall be classified as a residential use and screening devices adjacent to said cemetery shall be provided in accordance with Section 146-132 (Fences, Walls, and Screening Requirements) of the Zoning Ordinance, and as amended.

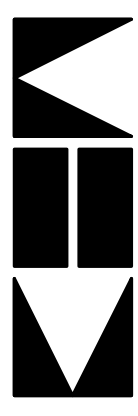




| LINE TABLE |             |         | LINE TABLE |             |         |
|------------|-------------|---------|------------|-------------|---------|
| NO.        | BEARING     | LENGTH  | NO.        | BEARING     | LENGTH  |
| L1         | N53°33'47"W | 154.41' | L26        | N55°23'34"E | 82.03'  |
| L2         | N14°04'20"W | 90.71'  | L27        | N12°59'14"W | 27.13'  |
| L3         | N22°47'07"W | 39.85'  | L28        | N62°19'25"W | 53.87'  |
| L4         | N75°46'05"W | 45.97'  | L29        | N87°10'45"W | 59.71'  |
| L5         | S58°40'28"W | 123.29' | L30        | N77°45'04"W | 52.08'  |
| L6         | N89°17'41"W | 41.75'  | L31        | N67°22'28"W | 49.01'  |
| L7         | N29°48'55"W | 53.90'  | L32        | N32°24'48"W | 53.51'  |
| L8         | N15°14'31"W | 63.53'  | L33        | N07°44'51"E | 54.71'  |
| L9         | N08°10'26"E | 90.35'  | L34        | N47°01'23"E | 28.73'  |
| L10        | N13°01'50"W | 103.19' | L35        | N87°56'50"E | 116.54' |
| L11        | N35°18'04"W | 73.81'  | L36        | N28°17'35"E | 86.87'  |
| L12        | N84°18'30"W | 79.41'  | L37        | N53°08'53"E | 48.91'  |
| L13        | N52°15'54"W | 61.47'  | L38        | N61°39'38"E | 132.76' |
| L14        | N05°14'56"E | 34.74'  | L39        | N23°43'22"E | 40.15'  |
| L15        | N37°01'59"E | 70.82'  | L40        | N17°15'15"W | 62.08'  |
| L16        | N10°01'36"E | 43.58'  | L41        | N02°35'40"E | 92.78'  |
| L17        | N13°07'15"W | 74.02'  | L42        | N05°51'03"W | 58.72'  |
| L18        | N35°52'35"W | 79.82'  | L43        | N29°51'31"W | 45.80'  |
| L19        | N54°38'05"W | 81.51'  | L44        | N67°13'50"W | 55.66'  |
| L20        | N19°53'20"W | 159.10' | L45        | N26°55'06"E | 100.33' |
| L21        | N07°06'27"W | 94.91'  | L46        | N07°56'49"E | 51.42'  |
| L22        | N55°46'22"W | 143.46' | L47        | S03°14'38"W | 45.15'  |
| L23        | N35°38'28"W | 78.06'  | L48        | N89°01'39"E | 128.55' |
| L24        | N16°47'57"E | 46.95'  | L49        | N03°14'38"E | 45.12'  |
| L25        | N54°09'10"E | 83.09'  | L50        | N89°02'28"E | 39.80'  |

NOTE:

Per Texas Health and Safety Code Chapter 711.035 (d), right of way cannot be dedicated across a cemetery, unless specific provisions are met. As a result, the alignment of future Ridge Road Right of Way is shown to not require dedication from Scott Cemetery.



**Kimley-Horn  
and Associates, Inc.**

12750 Merit Drive, Suite 1000  
Dallas, Texas 75251

FIRM # 101155-00  
FEL No. (872) 770-4500  
FAX No. (872) 728-3820

|           |          |            |           |             |           |
|-----------|----------|------------|-----------|-------------|-----------|
| Scale     | Drawn by | Checked by | Date      | Project No. | Sheet No. |
| 1" = 200' | SLJ      | DAB        | AUG. 2013 | 067286011   | 2 OF 2    |

**ZONING EXHIBIT D**

**TRACT 1 73.131 ACRE TRACT**

**TRACT 2 53.569 ACRE TRACT**

**JAMES M. FELAND SURVEY, ABSTRACT NO. 322,**

**ANDREW STAPP SURVEY, ABSTRACT NO. 833,**

**DIXON CRUTCHFIELD SURVEY, ABSTRACT NO. 205 &**

**MALACHI TUCKER SURVEY, ABSTRACT NO. 904**

**COLLIN COUNTY, TEXAS**