

ORDINANCE NO. 2018-02-013

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 11.23 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF HARDIN BOULEVARD AND U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO “C2” – LOCAL COMMERCIAL DISTRICT, “C3” – REGIONAL COMMERCIAL DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT; 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 11.23 acre property, located on the Northwest Corner of Hardin Boulevard and U.S. Highway 380 (University Drive), which is more fully depicted on Exhibits “A” and “B” attached hereto, from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “C2” – Local Commercial District, “C3” – Regional Commercial District, and “CC” – Corridor Commercial Overlay District; 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 11.23 acre property, located on the Northwest Corner of Hardin Boulevard and U.S. Highway 380 (University Drive), which is more fully depicted on Exhibits “A” and “B” attached hereto, is rezoned from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “C2” – Local Commercial District, “C3” – Regional Commercial District, and “CC” – Corridor Commercial Overlay District.
- Section 2. The subject property shall develop in accordance with Section 146-112 (“C2” – Local Commercial District), Section 146-113 (“C3” – Regional Commercial District), and Section 146-101 (“CC” – Corridor Commercial Overlay 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 20th DAY OF FEBRUARY, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

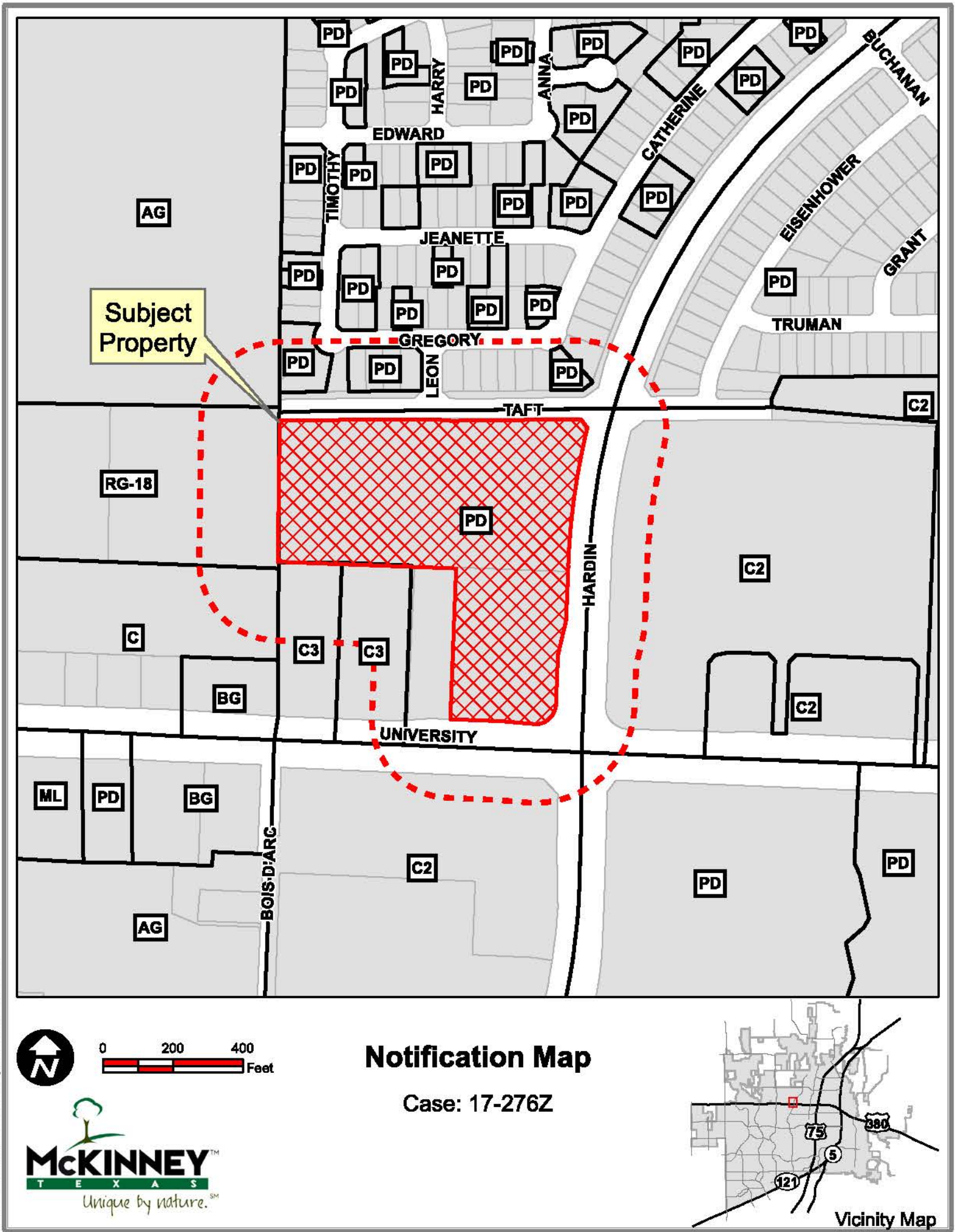
SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Deputy City Secretary

DATE: _____

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.

CALLED 1102.170 AC.
BENTLEYMAN PARTNERS, L.P.
(VOL. 8087, PG. 1320)
D.R.C.C.T.

ZONED: AC

CALLED 10.6402 AC.
MTAK PROPERTIES, L.L.C.
(INSTR. 20071005001379900)
D.R.C.C.T.

ZONED: RC-1B

ZONED: C

CALLED 0.891 AC.
CORNER ACQUISITION FUND, L.L.C.
(INSTR. 2017081801008310)
D.R.C.C.T.

ZONED: BG

LOT 2
NEWS ADDITION
(CAB. N. SL. 331)
P.R.C.C.T.

ZONED: BC

**ZONED: PD-RS-60
(ORD. 1887)**

HERITAGE BEND
(CAB. 2006, PG. 547)
P.R.C.C.T.

HERITAGE BEND
(CAB. 2006, PG. 547)
P.R.C.C.T.

TAFT LANE
(60' R.O.W.)

TAFT LANE
(70' R.O.W.)

N 89°27'49" E
403.80'

N 89°27'49" E
371.12'

Δ=008°37'10"
L=86.65'
R=750.00'
LC=S 87°13'36" E
86.60'

S 38°14'26" E
30.58'

Δ=011°30'04"
L=388.45'
R=1985.00'
LC=S 7°56'39" W
397.78'

LOT 3R, BLOCK A
EXISTING ZONING: PD-O/R (ORD. 1687)
PROPOSED ZONING: C2
8.221 AC.
HEADINGTON HEIGHTS ADDITION
LOTS 1R & 3R, BLOCK A
(CAB. 2015, PG. 55)
P.R.C.C.T.

N 87°48'29" W
510.44'

**WILLIAM HUNT SURVEY
A-450**

LOT 28R, BLOCK A
HEADINGTON HEIGHTS
(CAB. 2014, PG. 682)
P.R.C.C.T.

ZONED: C3

LOT 2AR, BLOCK A
HEADINGTON HEIGHTS
(CAB. 2014, PG. 682)
P.R.C.C.T.

**ZONED: PD-O/R
(ORD. 1687)**

LOT 1R, BLOCK A
**EXISTING ZONING:
PD-O/R (ORD. 1687)**
PROPOSED ZONING: C3
3.048 AC.
HEADINGTON HEIGHTS ADDITION
LOTS 1R & 3R, BLOCK A
(CAB. 2015, PG. 55)
P.R.C.C.T.

HARDIN BLVD.
R.O.W. DEDICATION
(CAB. 0, PG. 218)
P.R.C.C.T.

LOT 1, BLOCK A
3RD CROSSING AT
HEADINGTON HEIGHTS
(CAB. 2017, PG. 188)
P.R.C.C.T.

ZONED: C2

LATITUDE: N 33°1'03.4"
LONGITUDE: W 95°37'45.4"

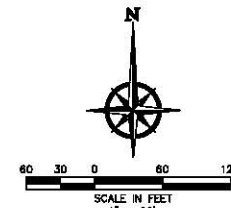
POINT OF
BEGINNING

U.S. HIGHWAY 380
(VARIABLE R.O.W.)

N 87°41'35" W
145.82'

N 84°49'51" W
91.12'

Δ=092°58'32"
L=97.38'
R=60.00'
LC=S 48°40'53" W
87.03'



FIELD NOTES

BEING an 11.269 acre tract of land situated in the William Hunt Survey, Abstract No. 450, City of McKinney, Collin County, Texas and being all of Lot 1R and Lot 3R, Headington Heights Addition, Lots 1R & 3R, Block A, an addition to the City of McKinney, recorded in Cabinet 2015, Page 55, Plat, said 11.269 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of said Lot 1R and the southeast corner of Lot 2AR, Block A, Headington Heights Addition, Lots 2AR and 2BR, Block A, an addition to the City of McKinney, recorded in Cabinet 2014, Page 662 of said Plat Records, said corner being in the north right-of-way line of US Highway 380 (US 380), a variable width right-of-way;

THENCE North 02 degrees 11 minutes 37 seconds East, with the common boundary line of said Lot 1R and said Lot 2AR, a distance of 430.88 feet to the northwest corner of said Lot 1R and the northeast corner of said Lot 2AR, said corner being in the south boundary line of said Lot 3R;

THENCE North 87 degrees 45 minutes 23 seconds West, with the common boundary line of said Lot 3R, said Lot 2AR and Lot 2BR of said Headington Heights Addition, Lots 2AR and 2BR, Block A, subdivision, a distance of 510.44 feet to the southwest corner of said Lot 3R and the northwest corner of said Lot 2BR, said corner being in the east boundary line of a called 10.6402 acre tract of land described in deed to MTAK Properties, L.L.C., recorded in Instrument 200710050013799001, Deed Records, Collin County, Texas;

THENCE North 00 degrees 49 minutes 27 seconds East, with the common boundary line of said Lot 3R and said 10.6402 acre tract, a distance of 403.83 feet to the northwest corner of said Lot 3R, said corner being in the south boundary line of Heritage Bend, an addition to the City of McKinney, recorded in Cabinet 2006, Page 547 of said Plat Records;

THENCE Easterly, with the common boundary lines of said Lot 3R and said Heritage Bend, the following courses:

North 89 degrees 27 minutes 49 seconds East, a distance of 403.20 feet to the beginning of a tangent curve to the right having a radius of 750.00 feet, whose chord bears South 87 degrees 13 minutes 36 seconds East, a distance of 86.60 feet;

Southwesterly, with said curve to the right, through a central angle of 06 degrees 37 minutes 10 seconds, an arc distance of 86.65 feet to the end of said curve;

North 89 degrees 27 minutes 49 seconds East, a distance of 371.12 feet;

South 38 degrees 14 minutes 26 seconds East, a distance of 30.58 feet to the beginning of a non-tangent curve to the left having a radius of 1985.00 feet whose chord bears South 07 degrees 06 minutes 39 seconds West, a distance of 397.78 feet, said corner being in the westerly right-of-way line of Hardin Boulevard, a 120 ft. right-of-way at this point;

THENCE Southerly, with the common boundary lines of said Lot 3R, said Lot 1R and said Hardin Boulevard, the following courses:

Southwesterly with said curve to the left, through a central angle of 11 degrees 30 minutes 04 seconds, an arc distance of 398.45 feet to the end of said curve;

South 02 degrees 11 minutes 37 seconds West, a distance of 157.03 feet;

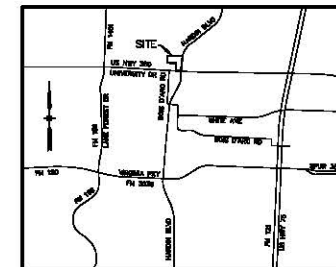
South 13 degrees 30 minutes 13 seconds West, a distance of 101.98 feet;

South 02 degrees 30 minutes 37 seconds West, a distance of 139.71 feet to the beginning of a tangent curve to the right having a radius of 60.00 feet whose chord bears South 48 degrees 40 minutes 53 seconds West, a distance of 87.03 feet;

Southwesterly with said curve to the right, through a central angle of 92 degrees 58 minutes 32 seconds, an arc distance of 97.38 feet to the end of said curve, said corner being in the north right-of-way line of said US 380;

THENCE North 84 degrees 49 minutes 51 seconds West, with the common boundary line of said Lot 1R and said US 380, a distance of 91.12 feet;

THENCE North 87 degrees 41 minutes 35 seconds West, continuing with the common boundary line of said Lot 1R and said US 380, a distance of 145.82 feet to the POINT OF BEGINNING AND CONTAINING 490,876 square feet or 11.269 acres of land.



VICINITY MAP
N.T.S.

ZONING CHANGE EXHIBIT

**HEADINGTON HEIGHTS
RETAIL AND OFFICE ADDITION
LOTS 1R AND 3R, BLOCK A
11.269 ACRES**

SITUATED IN THE

**WILLIAM HUNT SURVEY, ABST. NO. 450
CITY OF MCKINNEY
COLLIN COUNTY, TEXAS**

OWNER

HEADINGTON REALTY & CAPITAL, L.P.
1700 N. REEB RD., SUITE 400
MCKINNEY, TX 75069
214-988-7780
CONTACT: SCOTT SMITH

ENGINEERING CONCEPTS & DESIGN, L.P.
ENGINEERING/PROJECT MANAGEMENT/CONSTRUCTION SERVICES
TEXAS FIRM REG. NO. 001145
201 WINDCO CIRCLE, SUITE 200, WYLLIE, TX 75088
(972) 941-8400 FAX (972) 941-8401

DATE: JANUARY 9, 2018

SHEET: 1 OF 1

02208/DMG/208 Exhibit Zoning.dwg

Notes:

- Boundary based on Hardin Blvd. R.O.W. Dedication, as recorded in Cab. 0, Pg. 218, P.R.C.C.T.
- This document was prepared under 22 TAC 663.21. It 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 interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

CALLED 57.784 AC.
MCKINNEY 911, LTD.
(INSTR. 20170412000487870)
(INSTR. 20170502000581940)
D.R.C.C.T.

ZONED: C2

CALLED 70.001 AC.
HEADINGTON REALTY & CAPITAL, L.P.
(VOL. 4028, PG. 081)
D.R.C.C.T.

**ZONED: PD-O/ML
ORD-1888**