

ORDINANCE NO. 2022-09-103

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 2.50 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF VIRGINIA PARKWAY AND INDEPENDENCE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "C2" – LOCAL COMMERCIAL 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 2.50 acre property, located on the southwest corner of Virginia Parkway and Independence Parkway, which is more fully depicted on Exhibits "A", "B", and "C" attached hereto, from "PD" – Planned Development District to "C2" – Local Commercial 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 2.50 acre property, located on the southwest corner of Virginia Parkway and Independence Parkway, which is more fully depicted on Exhibits "A", "B", and "C", attached hereto, is rezoned from "PD" – Planned Development District to "C2" – Local Commercial District.
- Section 2. The subject property shall develop in accordance with Section 146-112 ("C2" – Local Commercial 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 September, 2022.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

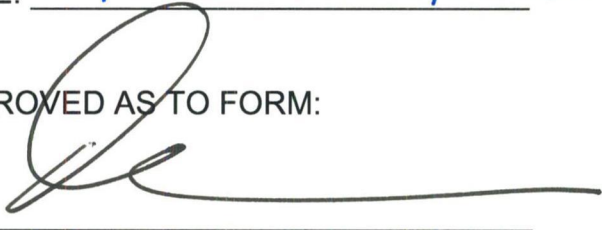
CORRECTLY ENROLLED:



EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

DATE: SEPTEMBER 20, 2022

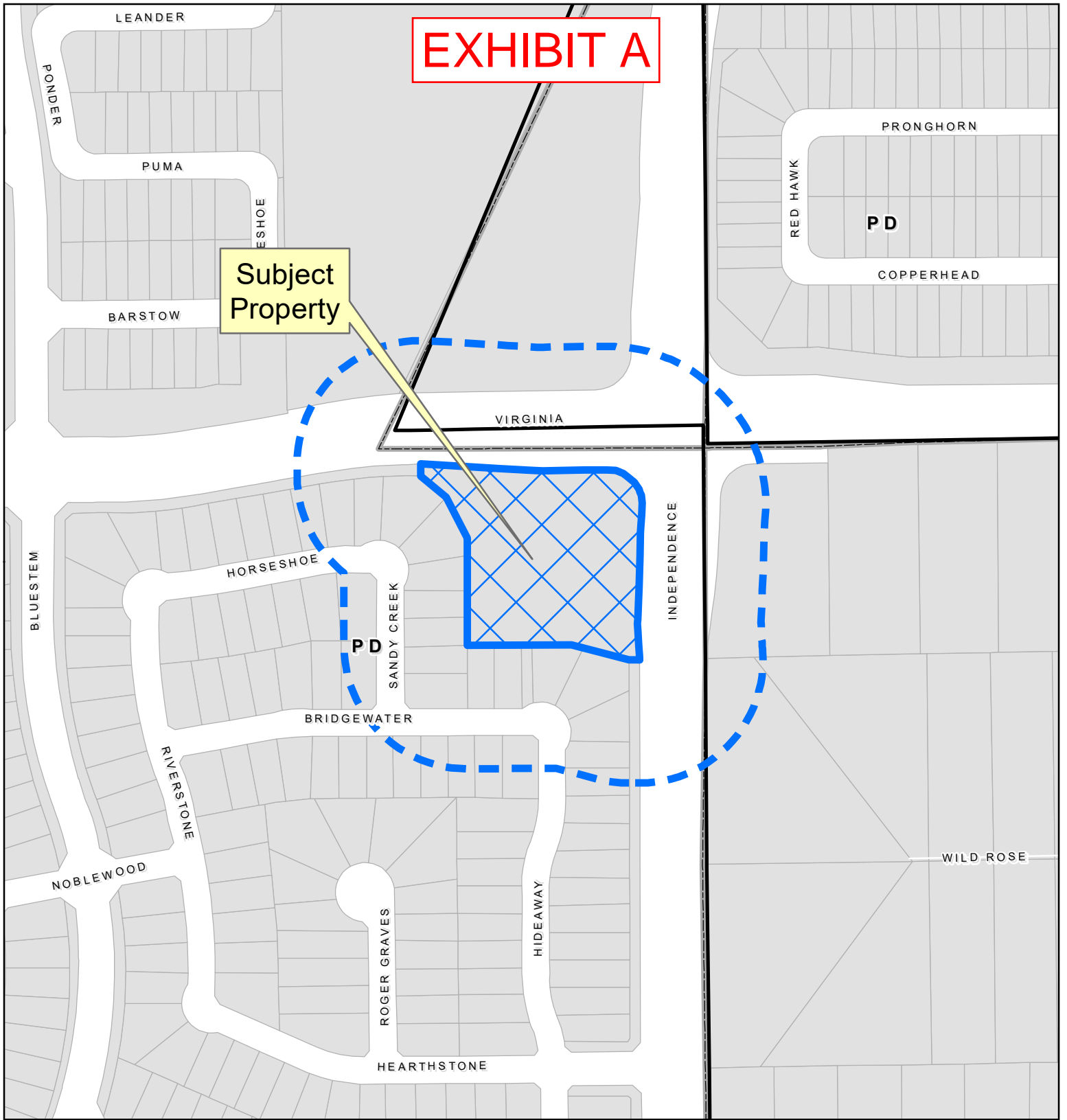
APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney

EXHIBIT A

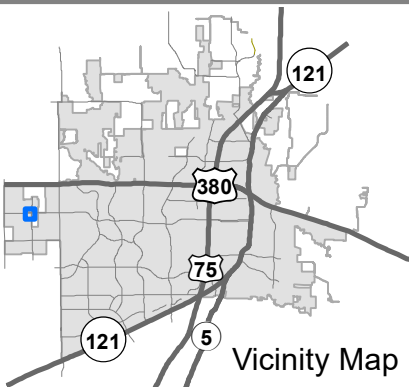
Subject
Property



Property Owner Notification Map

ZONE2022-0087

0 120 240 Feet



Vicinity Map



200' Buffer
Case

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

Metes and Bounds Description

WHEREAS D. R. Horton-Texas, Ltd. Is the owner of a tract of land located in the City of McKinney, Collin County, Texas, being part of a called 333.861 acre tract of land described in deed to D. R. Horton-Texas, Ltd by deed recorded in Volume 6051, Page 44, Deed Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a one-half inch iron rod with yellow cap stamped (JBI) found at the most easterly northeast corner of Valor Pointe ~ Phase 11 of the Reserve at Westridge, an addition to the City of McKinney as recorded in Volume 2013, Page 161, Collin County Plat Records, said point being the west right-of-way line of Independence Parkway (a variable width right-of-way);

Thence along the northerly lines of said Valor Pointe ~ Phase 11 of the Reserve at Westridge as follows:

South 89 degrees 53 minutes 59 seconds West, 20.00 feet to a one-half inch iron rode with yellow cap stamped (JBI) found for corner;

North 74 degrees 42 minutes 22 seconds West, 107.90 feet to a one-half inch iron rod with yellow cap stamped (JBI) found for corner;

South 89 degrees 54 minutes 00 seconds West, 190.19 feet to a one-half inch iron rod with yellow cap stamped (JBI) found for corner;

North 00 degrees 12 minutes 59 seconds West, 196.68 feet to a one-half inch iron rod with yellow cap stamped (JBI) found for corner;

North 26 degrees 29 minutes 24 seconds West, 82.29 feet to a one-half inch iron rod with yellow cap stamped (JBI) found for corner;

North 49 degrees 39 minutes 51 seconds West, 62.13 feet to a one-half inch iron rod with yellow cap stamped (JBI) found for corner;

North 00 degrees 20 minutes 43 seconds West, 20.00 feet to a one-half inch iron rod with yellow cap stamped (JBI) found for corner in the south right-of-way line of Virginia Parkway (a variable width right-of-way);

THENCE along the south right-of-way line of Virginia Parkway as follows:

North 89 degrees 18 minutes 44 seconds East, 48.35 feet to a one-half inch iron rod with yellow cap stamped (PETSCH & ASSOC., INC.) found for corner;

South 86 degrees 29 minutes 51 seconds East, 165.47 feet to a one-half inch iron rod with yellow cap stamped (PETSCH & ASSOC., INC.) found for corner;

North 89 degrees 40 minutes 14 seconds East, 125.05 feet to a one-half inch iron rod with yellow cap stamped (PETSCH & ASSOC., INC) found for corner;

Southeasterly, 106.48 feet along a curve to the right having a central angle of 91 degrees 44 minutes 44 seconds, a radius of 66.50 feet, a tangent of 68.56 feet, and whose chord bears South 44 degrees 29 minutes 28 seconds East, 95.47 feet to a one-half inch iron rod with yellow cap stamped (PETSCH & ASSOC., INC.) found for corner in the west right-of-way line of Independence Parkway;

THENCE along the west right-of-way line of Independence Parkway as follows:

Southwesterly, 89.11 feet along a curve to the right having a central angle of 02 degrees 38 minutes 39 seconds, a radius of 1931.00 feet, a tangent of 44.56 feet, and whose chord bears South 02 degrees 43 minutes 13

EXHIBIT B

seconds West, 89.10 feet to a one-half inch iron rod with yellow cap stamped (PETSCH & ASSOC., INC.) found for corner;

Southwesterly, 79.75 feet along a curve to the left having a central angle of 04 degrees 11 minutes 52 seconds, a radius of 1088.50 feet, a tangent of 39.89 feet, and whose chord bears South 02 degrees 08 minutes 00 seconds West, 79.73 feet to a one-half inch iron rod with yellow cap stamped (PETSCH & ASSOC., INC.) found for corner;

South 00 degrees 34 minutes 51 seconds East, 112.94 feet to the **POINT OF BEGINNING** and containing 108,838 square feet or 2.499 acres of land.

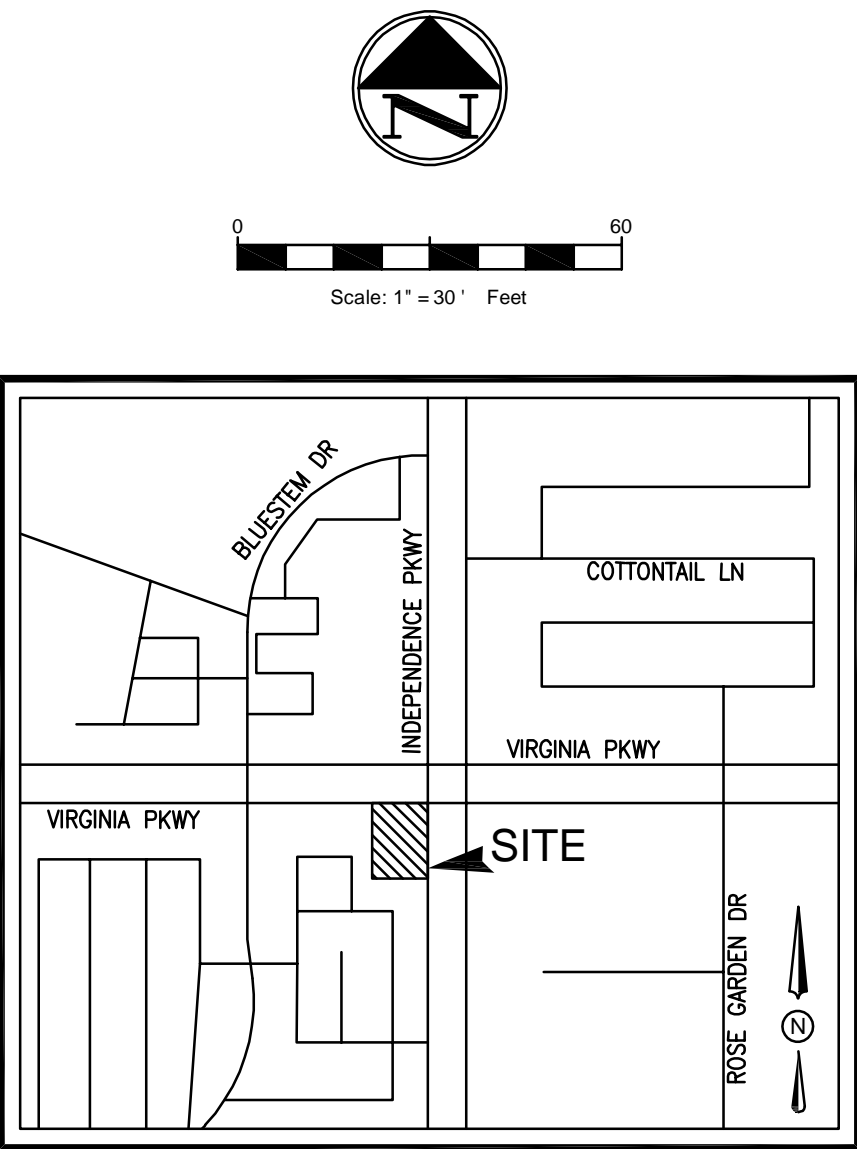
Bearings based on the monuments found along the north line of Valor Point ~ Phase 11 of the Reserve at Westridge, an addition to the City of McKinney as recorded in Volume 2013, Page 161, Collin County Plat Records.

EXHIBIT C

D R HORTON - TEXAS LTD
PARCEL 1505 ADDITION (CMC), BLOCK
B, LOT 2
CURRENT ZONING : PD 2001-02-024
CURRENT USE: VACANT

INDEPENDENCE VILLAGE PARTNERS LLC
WILLIAM MCCARTY SURVEY, TRACT 6, 4.834 AC
CURRENT ZONING : "UNINCORPORATED CITY OF
MCKINNEY ETJ"
CURRENT USE: VACANT

FOSSIL CREEK AT WESTRIDGE
PHASE I
CURRENT ZONING : PD 2001-02-024
CURRENT USE: RESIDENTIAL



VICINITY MAP
N.T.S.

EXISTING LEGEND		
1/2" IR FOUND	IRRIGATION VALVE	NO PARKING
1/2" IR SET	WATER VALVE	CONCRETE
5/8" IR FOUND	FIRE HYDRANT	GRAVEL
3/8" IR FOUND	IR VALVE	BRICK
60-D NAIL FOUND	UTILITY POLE	STONE
PK NAIL SET	WATER METER	WOOD DECK
1/2" IP FOUND	GAS METER	BUILDING WALL
X-FOUND	A.C. PAD	TILE
X-SET	TRANS. BOX	BUILDING LINE
1" IR FOUND	GAS MARKER	EASEMENT
1" IP FOUND	OVERHEAD UTILITY LINE	BOUNDARY
POINT FOR CORNER	GLY WIRE ANCHOR	HIGHBANK LINE
CON. MONUMENT	BARBED WIRE FENCE	PARKING STRIPE
3/4" IP FOUND	IRON FENCE	HANDICAP SPACE
TELE. BOX	CHAINLINK FENCE	
CABLE BOX	WOOD FENCE	
ELECTRIC BOX	PIPE RAIL FENCE	
BRICK COLUMN	COVERED AREA	
STONE COLUMN	ASPHALT	
STORM DRAIN MH.	FIRE LANE STRIPE	
SAN. SEW. CO.	BRICK RET. WALL	
BOLLARD POST	STONE RET. WALL	
LIGHT POLE	CON. RET. WALL	
SAN. SEW. MH.		
TRAFFIC SIGNAL LIGHT		

BOUNDARY CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING
C1	107.05'	66.24'	092°35'34"	95.77'	N44°20'46"W
C2	74.63'	914.43'	004°40'34"	74.61'	N02°22'13"E
C3	94.99'	1914.06'	002°50'37"	94.98'	S02°27'34"W

BOUNDARY LINE TABLE		
LINE #	DISTANCE	BEARING
L1	166.00'	S86°33'53"E
L2	125.84'	S89°48'24"E
L3	113.22'	S00°51'34"E
L4	20.67'	S88°49'54"W
L5	109.20'	N74°24'05"W
L6	190.47'	N89°59'48"W
L7	197.90'	N00°14'50"W
L8	82.68'	N26°33'42"W
L9	62.64'	N49°31'14"W
L10	20.62'	N01°09'34"E
L11	48.36'	S89°19'43"E

OWNER
D.R. HORTON - TEXAS LTD
4306 MILLER ROAD
ROWLETT, TX. 75088
EMAIL: DBOOTH@DRHORTON.COM
214-607-4244



NO.	DATE	DESCRIPTION	BY
1	04-26-22	1 ST ZONING SUBMITTAL.	EB
2	08-11-21	2 ND ZONING SUBMITTAL.	EB
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ZONING EXHIBIT

SWC INDEPENDENCE PKWY & VIRGINIA PKWY

CITY OF MCKINNEY

COLLIN COUNTY, TEXAS 75072

ABS A0840 HENRY SLACK SURVEY, TRACT 2, 2.6005 ACRES

TRIANGLE
ENGINEERING LLC

T: 469.331.8566 | F: 469.213.7145 | E: info@triangle-engr.com
W: triangle-engr.com | O: 1784 McDermott Drive, Suite 110, Allen, TX 75013

Planning | Civil Engineering | Construction Management

P.E.	DES.	DATE	SCALE	PROJECT NO.	SHEET NO.
KP	EB	08-11-22	SCALE BAR	048-22	1

TX. P.E. FIRM #11525