

ORDINANCE NO. 2020-12-085

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 8.9 ACRE PROPERTY, LOCATED SOUTH OF PEARSON AVENUE AND HERITAGE DRIVE, AND APPROXIMATELY 160 FEET EAST OF REDBUD BOULEVARD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS AND 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 8.9 acre property, located south of Pearson Avenue and Heritage Drive, and approximately 160 feet east of Redbud Boulevard, which is more fully depicted on Exhibits "A", "B", and "C" attached hereto, from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards and 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 hereby amended so that an approximately 8.9 acre property, located south of Pearson Avenue and Heritage Drive, and approximately 160 feet east of Redbud Boulevard, which is more fully depicted on Exhibits "A", "B", and "C" attached hereto, from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards and uses.

Section 2. The subject property shall develop in accordance with Section 146-94 ("PD" – Planned Development District) of the Zoning Ordinance, and as amended, except as follows:

1. The subject property shall develop in accordance with the attached development regulations - Exhibit "D"; and

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 1<sup>st</sup> DAY OF DECEMBER, 2020.**

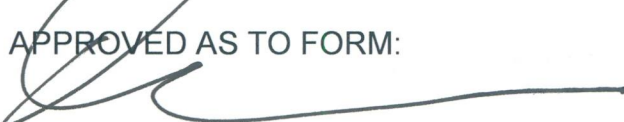
CITY OF MCKINNEY, TEXAS

  
\_\_\_\_\_  
GEORGE C. FULLER  
Mayor

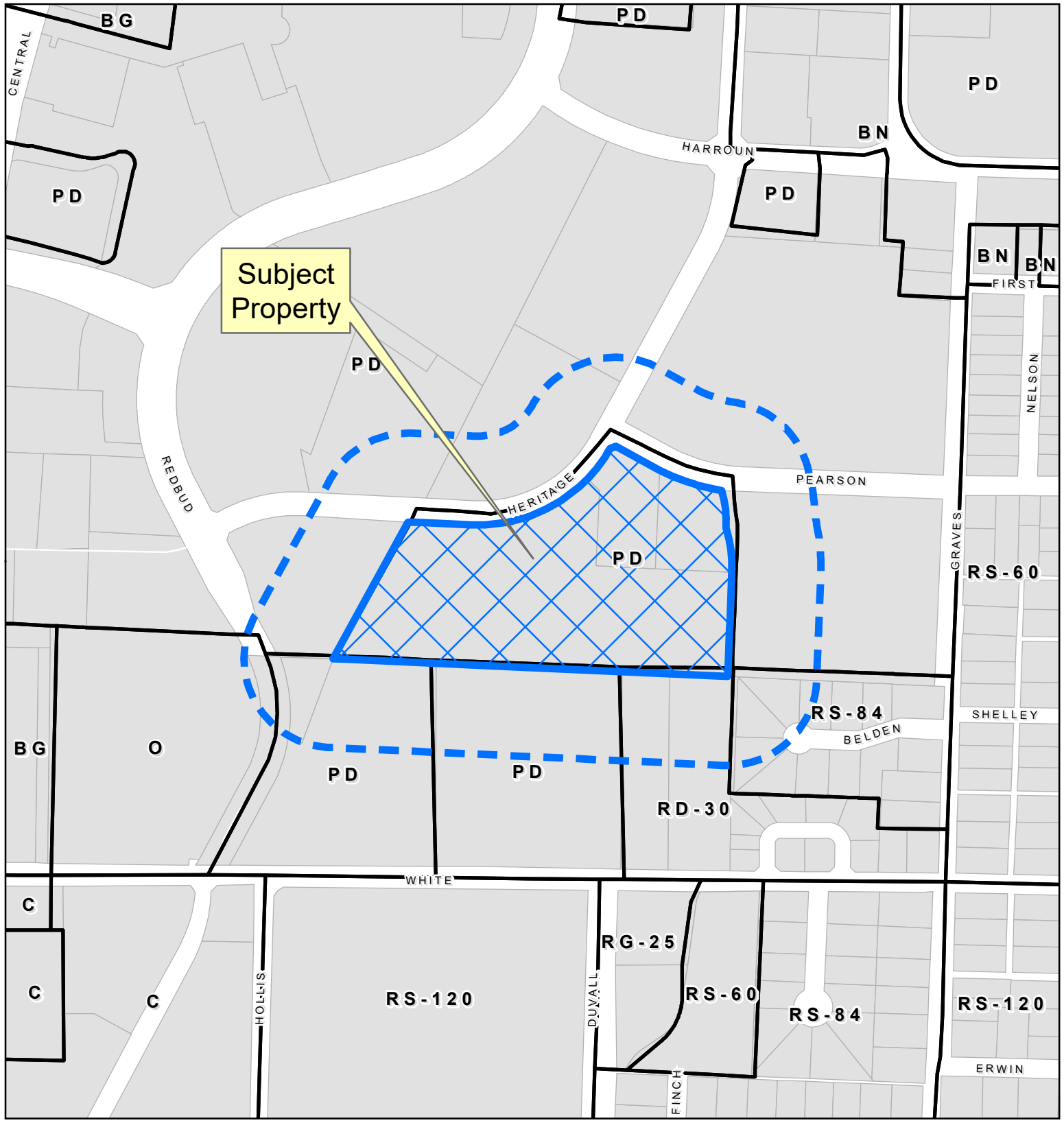
CORRECTLY ENROLLED:

  
\_\_\_\_\_  
EMPRESS DRANE  
City Secretary

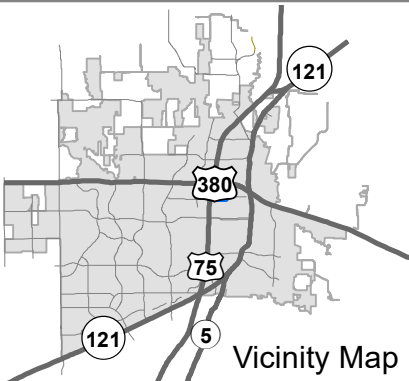
DATE: 12-01-2020

APPROVED AS TO FORM:  


\_\_\_\_\_  
MARK S. HOUSER  
City Attorney



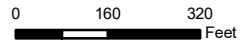
Subject Property



# Property Owner Notification Map

ZONE2020-0042

**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.



## METES AND BOUNDS

BEGINNING, at a 1/2-inch iron rod found at the Intersection of the southerly right-of-way line of Pearson Avenue (o 60-foot wide right-of-way) and the southeasterly right-of-way line of Heritage Drive (o 60-foot wide right-of-way); sold point also being the northernmost comer of said Lot 2R, Block E;

THENCE, along the said southerly line of Pearson Avenue, the following two (2) calls:

South 60 degrees, 39 minutes, 29 seconds East, o distance of 114.09 feet to a 5/8-inch Iron rod found at the beginning of a tangent curve to the left;

In a southeasterly direction, along sold curve to the left, having a central angle of 20 degrees, 30 minutes, 12 seconds, a radius of 529.97 feet, a chord bearing and distance of South 70 degrees, 54 minutes, 35 seconds East, 188.64 feet, on ore distance of 1 B9.65 feet to a 1 /2-Inch Iron rod found at the end of sold curve; sold point being the northeast corner of sold Lot 2R, Block E and the northwest corner of Lot JR, Block E Heritage; said point also being the beginning of a non-tangent curve to the right;

THENCE, departing the said southerly line of Pearson Avenue and along the east line of said Lot 2R, Block E and the west line of said Lot 3R, Block E, the following three (3) calls:

In a southeasterly direction, along said curve to the right, having a central angle of 19 degrees, 18 minutes, 19 seconds, a radius of 284.88 feet, a chord bearing and distance of South 06 degrees, 04 minutes, 17 seconds East, 95.53 feet, on ore distance of 95.99 feet to a 5/8-inch iron rod with "Pogue Eng & Dev" cap set at the end of sold curve; said point also being the beginning of a non-tangent curve to the right;

In a southeasterly direction, along sold curve to the right, having a central angle of 20 degrees, 40 minutes, 36 seconds, a radius of 310.00 feet, a chord bearing and distance of South 07 degrees, 28 minutes, 26 seconds East, 111.27 feet, on ore distance of 111.87 feet to a 1/2-Inch iron rod found at the end of said curve;

South 02 degrees, 51 minutes, 52 seconds West, a distance of 266.33 feet to a 1/2-inch iron rod found at the southeast corner of said Lot 2R, Block E; said point also being the southwest corner of said Lot 3R, Block E;

THENCE, North 87 degrees, 12 minutes, 14 seconds West, departing the said east line of Lot 2R, Block E and the said west line of Lot 3R, Block E and along the south line of said Lot 2R, Block E, a distance of 999.91 feet to a 1 /2-inch Iron rod found at southwest comer of sold Lot 2R, Block E; said point also being the southeast corner of Lot 1, Block E, Heritage, on addition to the City of McKinney, Texas according to the plot recorded In Cabinet F, Page 744 of the said Plat Records;

THENCE, North 29 degrees, 17 minutes, 08 seconds East, departing the said south line of Lot 2R, Block E and along the common line between the said Lot 2R, Block E and the said Lot 1, Block E, a distance of 394.24 feet to a 3/8-inch iron rod found in the southerly right-of-way line of said Heritage Drive; said point being the northwest comer of said Lot 2R, Block E and the northeast corner of sold Lot 1, Block E;

THENCE, departing the common line between sold Lots 2R and 1, Block E and along the said southerly and southeasterly line of Heritage Drive, the following three (3) calls:

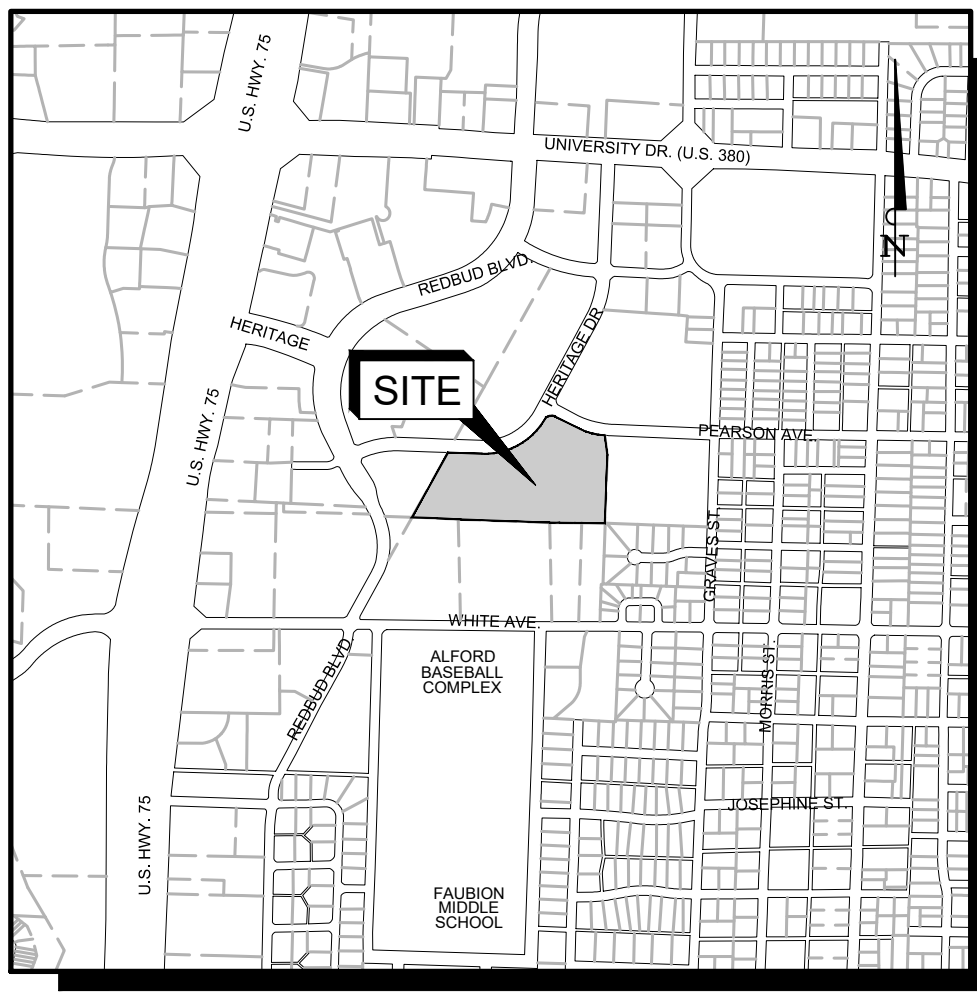
South 87 degrees, 08 minutes, 39 seconds East, a distance of 160.73 feet to a 5/8-Inch iron rod found at the beginning of c tangent curve to the left;

In a northeasterly direction, along sold curve to the left, having a central angle of 63 degrees, 30 minutes, 50 seconds, a radius of 380.00 feet, a chord bearing and distance of North 61 degrees, 05 minutes, 56 seconds East, 400.00 feet, an arc distance of 421.24 feet to o 5/8-inch iron rod with "Pogue Eng & Dev" cap set at the end of said curve;

North 29 degrees, 20 minutes, 31 seconds East, a distance of 12.59 feet to the POINT OF BEGINNING;

CONTAINING, 389,348 square feet or 8.9382 acres of land, more or less.

# EXHIBIT C



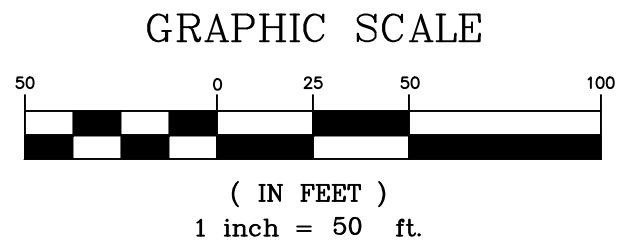
LOCATION MAP  
SCALE: NTS

**SITE DATA**  
EX. ZONING: PD 1463  
EX. LAND USE: OFFICE

**SITE DATA**  
EX. ZONING: PD 1463  
EX. LAND USE: REAL OFFICE COMMERCIAL

**SITE DATA**  
EX. ZONING: PD 1463  
EX. LAND USE: RESIDENTIAL MULTIFAMILY

D=20°30'12"  
R=529.97'  
L=189.65'  
T=95.85'  
CB=S70°54'35"E  
CD=400.00'



D=63°30'50"  
R=380.00'  
L=421.24'  
T=235.21'  
CB=N61°05'56"E  
CD=400.00'

**SITE DATA**  
EX. ZONING: PD 1463  
EX. LAND USE: OFFICE

D=19°18'19"  
R=284.88'  
L=189.65'  
T=95.85'  
CB=S06°04'17"E  
CD=95.53'

D=20°40'36"  
R=310.00'  
L=111.87'  
T=56.55'  
CB=S07°28'26"E  
CD=111.27'

**SITE DATA**  
EX. ZONING: PD 1463  
EX. LAND USE: NURSING HOME

EX. ZONING: PD 2007-01-004  
PROP. ZONING MF-2  
EX. LAND USE: VACANT

LOT 1, BLOCK E  
HERITAGE ADDITION  
CAB. F, PG. 744

LOT 4, BLOCK E  
HERITAGE ADDITION  
CAB. 2008, PG. 284

LOT 5, BLOCK E  
HERITAGE ADDITION  
CAB. 2008, PG. 284

LOT 3R, BLOCK E  
HERITAGE ADDITION  
CAB. H, PG. 738

LOT 2R1, BLOCK E  
HERITAGE ADDITION  
CAB. 2008, PG. 284

McKINNEY APTS AT  
HERITAGE LLC  
INS.# 2020063000099370

FIRST PRESBYTERIAN  
CHURCH  
VOL. 643, PG. 536

BROOKWOOD ADDITION  
CAB. C, PG. 396

CENTRAL CHURCH OF CHRIST ADDITION  
LOT 1, BLOCK A  
CAB. 2011, PG. 51

**SITE DATA**  
EX. ZONING: PD 1996-06-24  
EX. LAND USE: INSTITUTIONAL CHURCH

**SITE DATA**  
EX. ZONING: PD  
EX. LAND USE: RESIDENTIAL MULTIFAMILY

**SITE DATA**  
EX. ZONING: RD-30  
EX. LAND USE: INSTITUTIONAL CHURCH

**SITE DATA**  
EX. ZONING: RS-84  
EX. LAND USE: RESIDENTIAL SINGLE FAMILY

**SITE DATA**  
EX. ZONING: RD-30  
EX. LAND USE: UNDEVELOPED

McKINNEY APTS AT  
HERITAGE, LLC  
DRCCT #2020063000099370

## ZONING EXHIBIT HERITAGE MULTIFAMILY BEING 8.9 ACRES OF THE SAMUEL McFALL SURVEY, ABSTRACT NO. 641 HERITAGE ADDITION LOTS 2R1, 4 & 5 BLOCK E

**OWNER:**  
McKINNEY APTS AT HERITAGE, L.L.C.  
1603 LYNDON B JOHNSON FWY, #800  
DALLAS, TEXAS 75234  
(469) 522-4200  
ATTN: LOUIS CORNA

**ENGINEER:**  
SANCHEZ AND ASSOCIATES, L.L.C.  
2000 N MCDONALD STREET, #100  
MCKINNEY, TEXAS 75071  
(469) 424-5900  
ATTN: CASEY GREGORY, PE

**APPLICANT:**  
SANCHEZ AND ASSOCIATES, L.L.C.  
2000 N MCDONALD STREET, #100  
MCKINNEY, TEXAS 75071  
(469) 424-5900  
ATTN: CASEY GREGORY, PE

Master Planning  
Civil Engineering  
Land Development  
2000 N. McDonald Street, Suite 100  
McKinney, TX 75071  
Tel 469 424 5900  
Fax 214 544 5200  
Certificate of Registration No. F-58665

THIS DRAWING IS TO BE USED FOR EXHIBIT PURPOSES ONLY

HERITAGE MULTIFAMILY  
MCKINNEY, TEXAS

ZONING EXHIBIT

Scale: SEE GRAPHIC SCALE

Designed by:	RCG
Drawn by:	CDR
Checked by:	RCG
Date:	8/11/2020
Project No.:	02015.023

Plotted by: corymamba  
Map: 21\_Sep\_2020-9:07am  
Drawing: C:\Users\rcg\Desktop\Projects\023-Heritage\03-Heritage\03-Exhibit\03-Exhibit.dwg  
Image: S & A Logo.jpg

EXHIBIT

# EXHIBIT D

## PLANNED DEVELOPMENT DISTRICT DEVELOPMENT REGULATIONS

1. The subject property shall be zoned "PD" - Planned Development District. Use and development of the subject property shall conform to the regulations contained herein (the "Regulations").
2. The subject property shall be zoned "MF-2" – Multiple Family Residential – Medium Density and shall conform to the requirements of the "MF-2" – Multiple Family Residential – Medium Density district as defined in Section 146-80 of the City of McKinney Code of Ordinances, except as follows:
  - i. The maximum allowed density of multi-family development on the subject property shall not exceed 25 dwelling units per acre.
  - ii. Where not adjacent to Heritage Drive or Pearson Avenue, the required landscape buffer along the property line shall be ten (10) feet wide with one canopy tree for each 30 linear feet or portion thereof of adjacent exposure. The landscape buffer adjacent to Heritage Drive and Pearson Avenue shall be twenty (20) feet wide with one canopy tree for each 30 linear feet or portion thereof of adjacent exposure. The trees along the street frontage may be clustered, while the trees along all other property lines may not. Landscape buffer along the southern property line shall be fifteen (15) feet with at least ten (10') clear of easements.
  - iii. Maximum height of structures shall be 55 feet (3 stories).
  - iv. Minimum side yard setbacks shall be ten (10) feet.
  - v. Minimum rear yard setback shall be ten (10) feet where free of encroachment by utility easements and fifteen (15) feet in all other locations.
  - vi. Ornamental trees shall be used in the place of canopy trees at a three to one replacement ratio along the western property line where adjacent to an Oncon easement.
  - vii. All mechanical, heating, ventilation, and air conditioning equipment shall be either roof mounted and screened or located at ground level and completely screened by a masonry screening wall or a living screen.

viii. The following site enhancements shall be required:

- (1) Each elevation of each building that is visible from the right-of-way or property zoned or used for residential purposes contains two types of complementary masonry finishing materials and each of the materials is used on at least 50 percent of the elevation.
- (2) Proposed entrances to the property shall offer enhanced landscaping to include at least 200 square feet of seasonal color and monumentation and at least twenty (20) feet of pavers within the drive entrance as measured from the property line into the site. Canopy and ornamental trees shall be placed within the median per the requirements of Section 146-139(f)(2)(b)(1)(i).
- (3) The development shall provide at least six amenities as specified in Section 146-139 (2)(a)(1)(iv).