

ORDINANCE NO. 2022-02-024

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 5.08 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF CARLISLE STREET AND VIRGINIA PARKWAY, IS REZONED FROM "C1" – NEIGHBORHOOD COMMERCIAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR MULTI-FAMILY AND COMMERCIAL USES AND TO MODIFY THE DEVELOPMENT STANDARDS; 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 5.08 acre property, located on the northwest corner of Carlisle Street and Virginia Parkway, which is more fully depicted on Exhibits "A," "B," and "C" attached hereto, from "C1" – Neighborhood Commercial District to "PD" - Planned Development District, generally to allow for multi-family and commercial uses, and modify the development standards; 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 5.08 acre property, located on the northwest corner of Carlisle Street and Virginia Parkway, which is more fully depicted on Exhibits "A," "B," and "C" attached hereto, is rezoned from "C1" – Neighborhood Commercial District to "PD" - Planned Development District, generally to allow for multi-family and commercial uses, and modify the development standards.

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 attached Development Regulations – 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 15TH DAY OF FEBRUARY, 2022.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

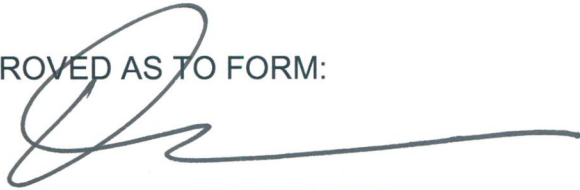
CORRECTLY ENROLLED:



EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

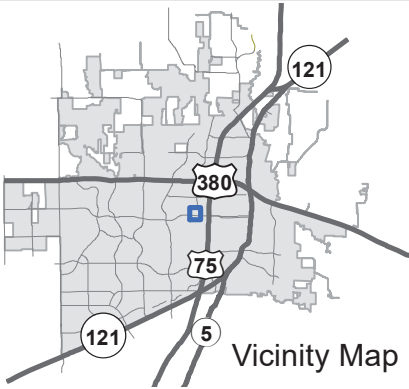
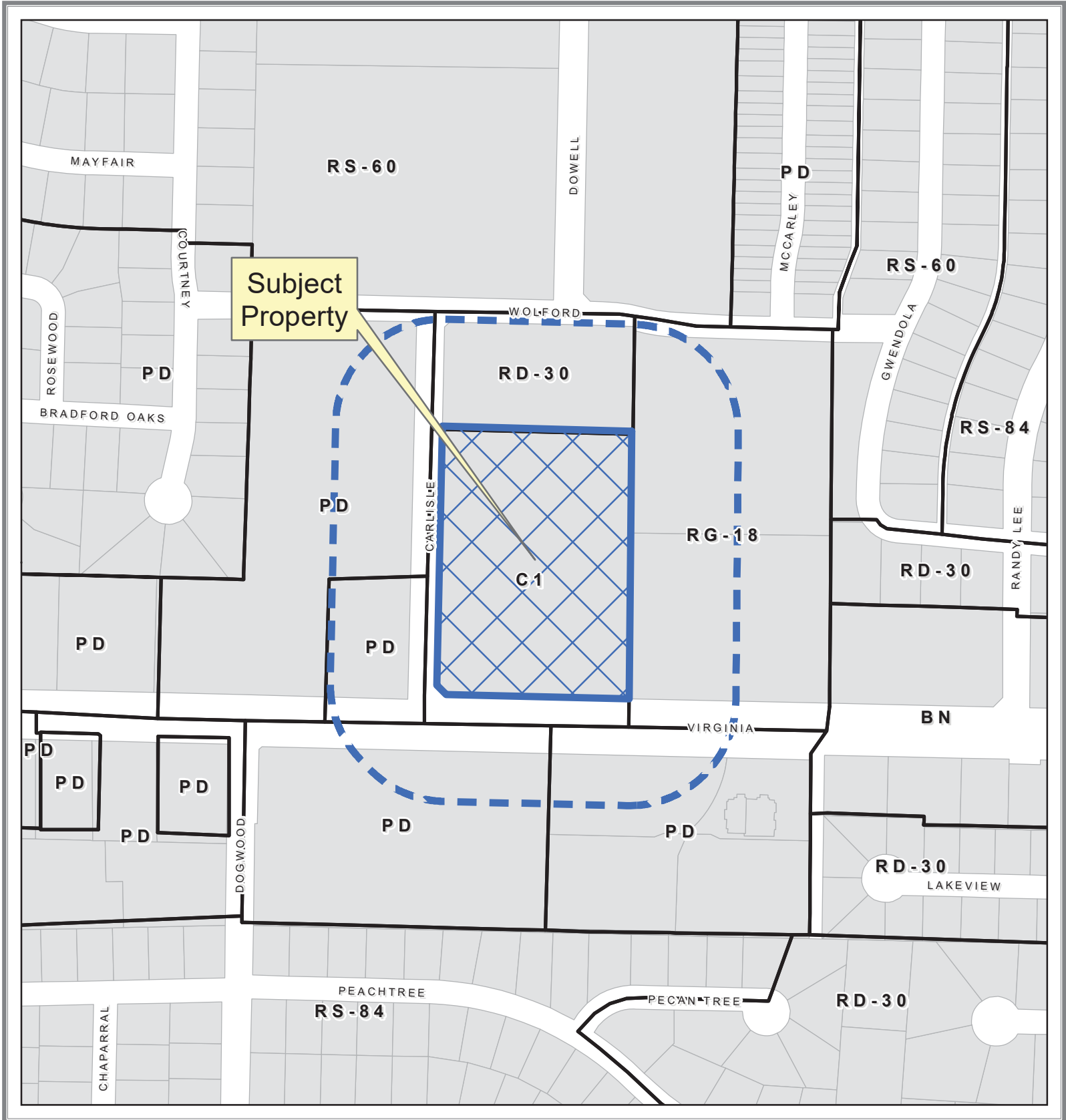
DATE: FEBRUARY 15, 2022

APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney

EXHIBIT A



Property Owner Notification Map

ZONE2021-0006



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

BEING a 5.083 acres of land situated in the W. D. Thompson Survey Abstract No. 891, City of McKinney, Collin County, Texas and being a portion of Lot 1, Block A of Virginia Plaza an addition to the City of McKinney according to the plat recorded in Cabinet F, Page 645, Plat Records, Collin County, Texas (PRCCT) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set in the east line of Carlisle Street a 60 feet wide right of way and being the northwest corner of a Right of Way Deed recorded in cc# 20150722000906320, Official Public Records, Collin County, Texas (OPRCCT);

THENCE along the east line of said Carlisle Street, North $02^{\circ} 00' 15''$ EAST a distance of 538.31 feet to a 1/2 inch iron rod found for corner at the northwest corner of said Lot 1 and being the southwest corner of McKinney Church of Christ Addition an addition to the City of McKinney according to the plat recorded in Cabinet E, Page 39 (PRCCT);

THENCE along the south line of said McKinney Church of Christ Addition, South $87^{\circ} 35' 38''$ EAST a distance of 397.66 to an x- cut in concrete found for corner for the northwest corner of said Lot 1 and in the west line of Lot 2, Block A of Quail Creek Addition an addition to the City of McKinney according to the plat recorded in Cabinet C, page 688 (PRCCT);

THENCE along the east line of said Quail Creek addition, South $02^{\circ} 02' 38''$ WEST a distance of 206.96 feet to a 5/8 inch iron rod set for corner at the northwest corner of Lot 1, Block A of said Quail Creek Addition;

THENCE continuing along said east line, South $02^{\circ} 03' 18''$ WEST a distance of 349.93 to a capped iron rod found for corner in the north line of said Right of Way Deed and in the north line of Virginia Parkway a 120 feet wide right of way;

THENCE along the north line of said Right of Way Deed and said Virginia Parkway, NORTH $87^{\circ} 48' 22''$ WEST a distance of 377.14 to a 5/8 inch iron rod set for corner;

THENCE continuing along said north line, NORTH $42^{\circ} 54' 14''$ WEST a distance of 28.41 feet to the POINT OF BEGINNING;

CONTAINING 5.083 acres or 221420 square feet of land more or less, all according to that survey prepared by A. J. Bedford Group, Inc.

EXHIBIT C

PROPERTY DESCRIPTION

BEING a 5.083 acres of land situated in the W. D. Thompson Survey Abstract No. 891, City of McKinney, Texas, and being more particularly described as follows: Plat recorded in the City of McKinney according to the plat recorded in Cabinet E, Page 645; Plat Records, Collin County, Texas (PRCCT) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set in the east line of Carlisle Street a 60 feet wide right of way and being the northwest corner of a Right of Way Deed recorded in cdf 2015072.2000906320, Official Public Records, Collin County, Texas (OPRCCT);

THENCE along the east line of said Carlisle Street, NORTH 02°00'15" EAST a distance of 538.31 feet to a 1/2 inch iron rod found for corner at the northwest corner of said Lot 1, and being the southwest corner of McKinney Church of Christ Addition an addition to the City of McKinney according to the plat recorded in Cabinet E, Page 39 (PRCCT);

THENCE along the south line of said McKinney Church of Christ Addition, SOUTH 87°35'38" WEST a distance of 397.66 feet to a 1/2 inch iron rod found for corner at the northwest corner of said Lot 1, and being the southwest corner of said Lot 2, Block A, Quail Creek Addition to the City of McKinney according to the plat recorded in Cabinet C, Page 688 (PRCCT);

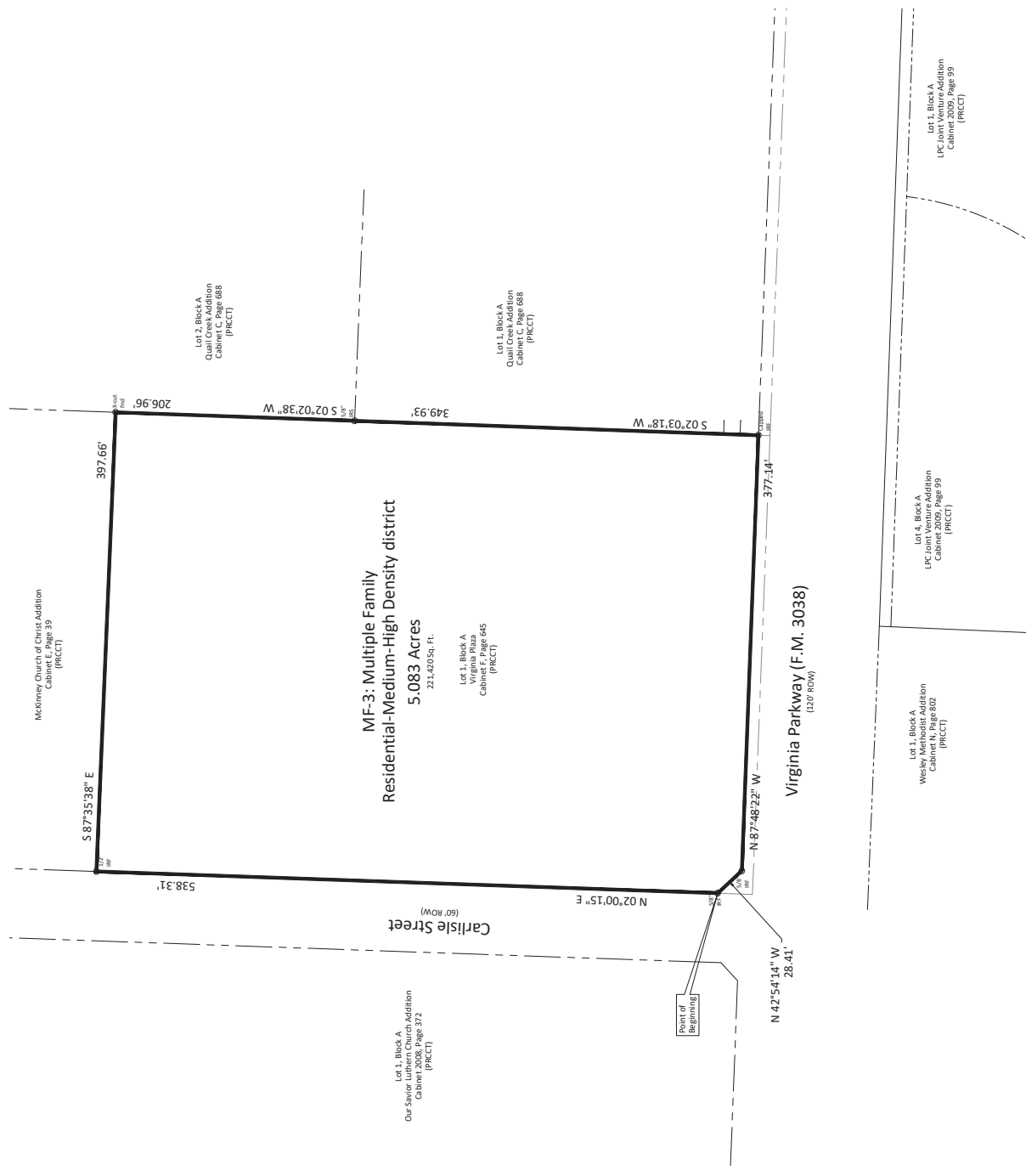
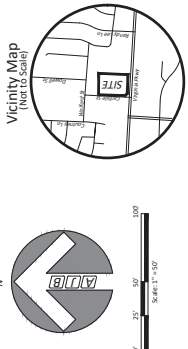
THENCE along the east line of said Quail Creek Addition, SOUTH 02°02'38" WEST a distance of 206.96 feet to a 5/8 inch iron rod set for corner at the northwest corner of Lot 1, Block A of said Quail Creek Addition;

THENCE continuing along said east line, SOUTH 02°03'18" WEST a distance of 349.93 feet to a capped iron rod found for corner in the north line of said Right of Way Deed and in the north line of Virginia Parkway a 120 feet wide right of way;

THENCE along the north line of said Right of Way Deed and said Virginia Parkway, NORTH 87°48'22" WEST a distance of 377.14 to a 5/8 inch iron rod set for corner;

THENCE continuing along said north line, NORTH 42°54'14" WEST a distance of 28.41 feet to the POINT OF BEGINNING;

CONTAINING 5.083 acres or 221,420 square feet of land more or less.



ZONING EXHIBIT
5.083 ACRES

W. D. THOMPSON SURVEY ABSTRACT NO. 891
CITY OF MCKINNEY
COLLIN COUNTY, TEXAS

Client: JES DEV CO, INC.
200 HATCH WAY
CELINA, TX 75720

Checked By: F.H. Owens	Scale: 1" = 50'	Date: January 5, 2021	Technician: Stephen Bedford
P.C.I.: Gwyd Spredding	DOB: No. 139-101	Drawn By: Stephen Bedford	SA No.

301 N. Alamo Rd., Rockwall, Texas 75087
(972) 72-0225 - www.bedfordgroup.com - info@bedfordgroup.com

Bedford Group, Inc.
REGISTERED PROFESSIONAL LAND SURVEYORS
TBP#S REG#10118200

Sheet: **1**
Of: **1**

EXHIBIT D

DEVELOPMENT REGULATIONS

The subject property (the “Property”) shall be zoned “PD” – Planned Development District. Use and development of the Property shall conform to the regulations contained herein. All provisions contained in the City’s Zoning Ordinance relating to development within the Property which are not in conflict with the provisions contained herein shall continue to apply to the development of the Property.

1. Permitted Uses:

- 1.1 Independent Living Facility (retirement community);
- 1.2 Multiple Family Dwelling (apartment);
- 1.3 Multiple Family Dwelling Senior (senior apartments);
- 1.4 Single Family Dwelling (attached);
- 1.5 Two Family Dwelling (duplex);
- 1.6 Assisted Living Facility, Nursing Home, or Rest Home;
- 1.7 Accessory Building or Use;
- 1.8 Swimming Pool (private);
- 1.9 Garage or Lot (private);
- 1.10 Parking Incidental to Main Use.

2. Temporary Uses:

- 2.1 Field Office or Real Estate Sales Office.

3. Space Limits:

- 3.1 Minimum Lot Area: 1800 sq ft per unit;
- 3.2 Minimum Lot Width: 60’;
- 3.3 Minimum Lot Depth: 100’;
- 3.4 Minimum Front Yard Setback: 35’;
- 3.5 Minimum Rear Yard Setback: 25’;
- 3.6 Minimum Side Yard Setback of Corner Lots: 35’;
- 3.7 Maximum Height of Structure: 43’ (three stories);
- 3.8 Maximum Lot Coverage: 50%;
- 3.9 Maximum Number of Units: 120 (24.0 units per acre).

4. Parking:

- 4.1 The required off street parking shall be calculated at 1.5 spaces for each unit (have achieved 1 parking space per bedroom for another tax credit MF project = 188 spaces);
- 4.2 No enclosed parking spaces shall be required; the number of covered parking spaces (carports) shall be equal to 50% of the total number of units and may be constructed of steel frame with gabled standing seam metal roofs supported by steel columns clad in metal or painted wood.

EXHIBIT D

5. Residential Site Design:

5.1 The project shall contain no less than four (4) amenities of the type required in Section 146-139(f)(2) of the Zoning Ordinance, as amended.

6. Landscape Requirements:

6.1 Landscape buffers along the north and east property lines shall be a minimum of ten feet (10') in width;

6.2 No entry island is required off of Carlisle and in lieu thereof enhanced landscaping reasonably satisfactory to the City arborist shall be planted on each side of the entry.