

ORDINANCE NO. 2014-02-007

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 5.73 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF MCDONALD STREET AND ON THE NORTH SIDE OF MCMAKIN STREET, IS REZONED FROM "BG" – GENERAL BUSINESS DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY 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 5.73 acre property, located on the east side of McDonald Street and on the north side of McMakin Street, which is more fully depicted on Exhibits "A" and "B", attached hereto, is rezoned from "BG" – General Business District to "PD" – Planned Development District, generally to 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 5.73 acre property, located on the east side of McDonald Street and on the north side of McMakin Street, which is more fully depicted on Exhibits "A" and "B", attached hereto, is rezoned from "BG" – General Business District to "PD" – Planned Development District, generally to modify the development standards.

Section 2. The subject property shall develop in accordance with the "PD" – Planned Development District, and as amended, except as follows:

1. The subject property shall develop in accordance with the attached Development Standards (Exhibit "C").

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.

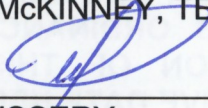
Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or

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.

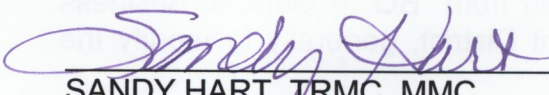
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 4th DAY OF FEBRUARY, 2014.

CITY OF MCKINNEY, TEXAS



TRAVIS USSERY
Mayor Pro Tem

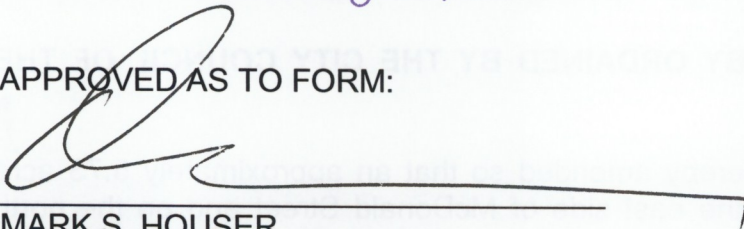
CORRECTLY ENROLLED:



SANDY HART, TRMC, MMC
City Secretary

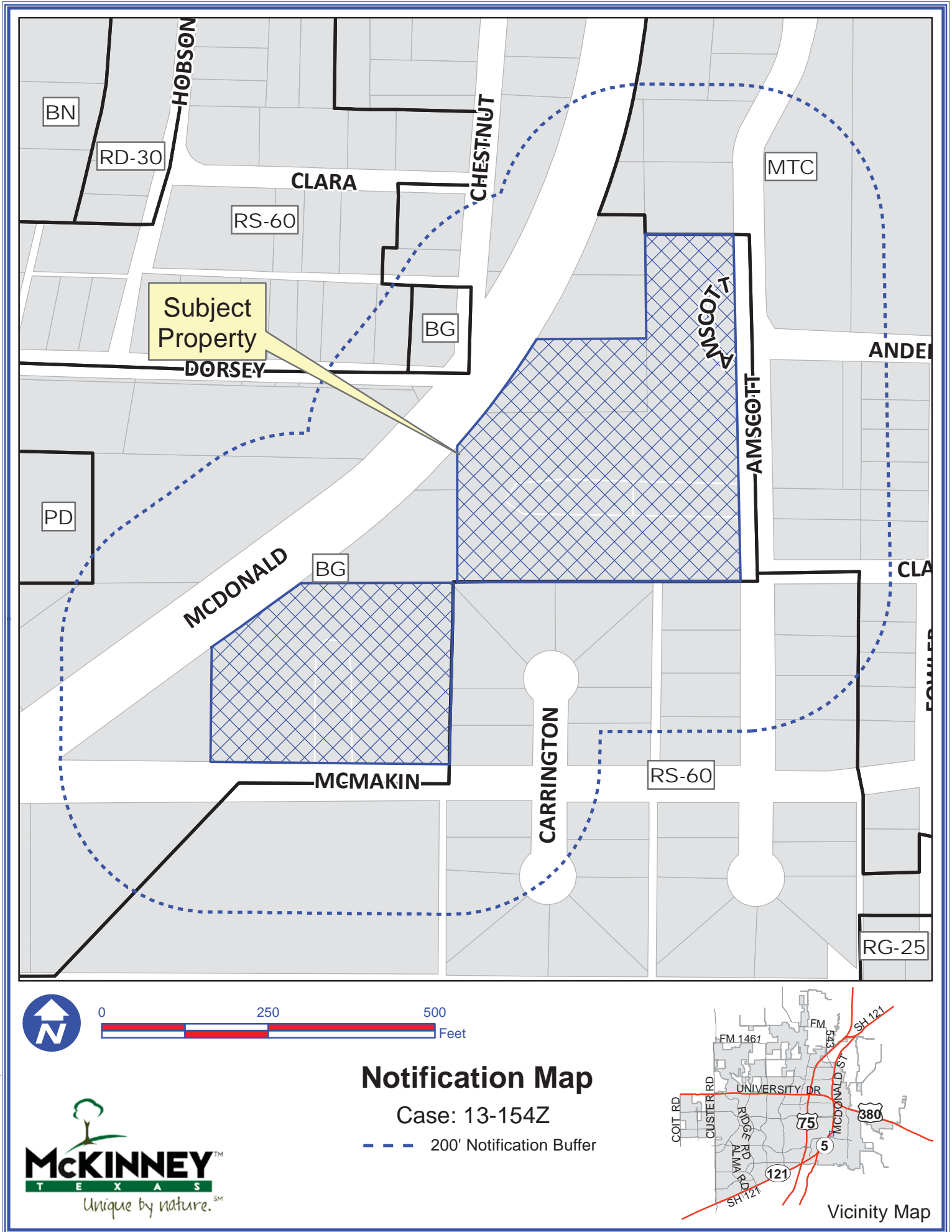
DATE: February 4, 2014

APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney

Exhibit A



Path: S:\MCKGIS\Notification\Projects\2013\13-154Z.mxd

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 – Newsome Homes

TRACT 1

SITUATED in Collin County, Texas; a part of the Samuel McFarland Survey, Abstract No. 558 and being a re-survey of all of a 1.418 acre tract as described in a deed from Roy McKinney of all to Southwestern Real Estate Corporation dated October 28, 1954, and recorded in Volume 525, Page 11 of Collin County Deed Records, and being a part of a 3.62 acre tract as described in a deed from McKinney Chamber of Commerce to Texas Textile Mills recorded in Volume 396, Page 41 of Collin County Deed Records; the said resurvey being more particularly described by metes and bounds as follows:

BEGINNING at iron stake in the Southwest corner of a tract of land conveyed to H. L. Andrews by G. E. Miller & Co. by deed dated May 31, 1961, and recorded in Volume 582, Page 146 of Collin County Deed Records. Said stake also being in the Northwest corner of the said 3.62 acre tract mentioned above;

THENCE SOUTH 89 degrees 34 minutes 09 seconds East with the South line of the said H. L. Andrews tract and North line of the said 3.62 acre tract a distance of 133.0 feet to an iron stake in the West line of Amcott Street. Said stake being 25 feet from the center from the center line of the 53 feet pavement;

THENCE SOUTH 01 degrees 09 minutes 24 seconds East with the West line of the said Amcott Street a distance of 520.11 feet to an iron stake in the south line of the said 3.62 acre tract;

THENCE SOUTH 89 degrees 51 minutes 55 seconds West with the South line of the said H. L. Arnold. a distance of 425.25 feet to an iron stake. Said stake also being West line of Chestnut Street extended;

THENCE NORTH 00 degrees 04 minutes 12 seconds East with the East line of the Northeast corner of the said H. L. Arnold tract a distance of 204.50 feet. Said stake also being in the East R.O.W line of MacDonald Street and at the beginning of a curve to the west having a radius of 1524.17', a central angle of 2 degrees 24 minutes 50 seconds, and a chord which bears north 40 degrees 15 minutes 45 seconds east, 64.21 feet;

THENCE along last mentioned curve to the left in a northeasterly direction, an arc distance of 64.22 feet to an iron stake;

THENCE NORTH 89 degrees 28 minutes 42 seconds East a distance of 164.76 feet to an iron stake;

THENCE NORTH 00 degrees 48 minutes 22 seconds West a distance of 266.53 feet to the POINT OF BEGINNING AND CONTAINING 3.62 ACRES OF LAND, more or less.

Exhibit B

TRACT 2

SITUATED in the city of McKinney, Collin county, Texas, in the Samuel McFarland Survey, Abstract No. 558, and being a part of that tract parcel of land conveyed by Ariel Lane to T. J. Lane, Jr. by deed recorded in Volume 610, Page 24 of the Collin County Deed Records and being more particularly described as follows:

BEGINNING at a point in the Southeasterly right-of-way line of MacDonald Street, said point being a concrete monument which is 351.38 feet East and 198.99 feet North of the intersection of the center line of said Expressway with the center line of McMakin Street, City of McKinney, Texas at the beginning of a curve to the left having a radius of 4507.37 feet, a central angle of 2 degrees 5 minutes 56 seconds, and a chord which bears North 54 degrees 16 minutes 1 second East, 164.61 feet;

THENCE along last mentioned curve to the left in a northeasterly direction, an arc distance of 165.12 feet to an iron stake;

THENCE NORTH 89 degrees 52 minutes 31 seconds East a total distance of 229.75 feet to an iron stake;

THENCE SOUTH 01 degrees 18 minutes 50 seconds West for a distance of 272.57 feet to an iron stake.

THENCE NORTH 89 degrees 26 minutes 28 seconds West with the North ROW line of McMakin Street a total distance of 358.77 feet to an iron stake;

THENCE NORTH 00 degrees 40 minutes 12 seconds East a distance of 171.01 feet to the POINT OF BEGINNING AND CONTAINING 2.11 ACRES OF LAND, more or less.

Exhibit C

Development Standards

1. Permitted Land Use: Public Housing Development (Senior) – This use shall be defined as a quasi-multiple family residential development where the owner is an “authority” as defined by Section 392.002(1) of the Texas Local Government Code, as amended. This use shall also be subject to the requirements of the senior multi-family residential land use as specified in the Definitions section of the Zoning Ordinance.
2. Space Limits:
 - a. The space limits for the subject property shall be consistent with the space limits of Section 146-79 “MF-1” – Multi-Family Residential District of the Zoning Ordinance, and as amended except as follows:
 - i. The maximum number of dwelling units shall be 185.
 - ii. The maximum height shall be 3 stories.
 - iii. The front yard setback shall be no less than 20 feet.
 - iv. The side yard setback shall be no less than 5 feet, except where adjacent to single family residential where it shall be no less than 40 feet.
3. Architectural Standards:
 - a. The multi-family residential architectural standards of the zoning ordinance shall apply to any buildings constructed on the subject property, except as follows:
 - i. The requirements for amenities shall not apply.
 - ii. Buildings on the subject property located within 40 feet of an adjacent single family residential use or zone shall be situated so that no exterior-facing window is oriented towards said adjacent single family residential use or zone.
4. Parking:
 - a. 1 parking space shall be required for each unit.
5. Screening:
 - a. A living plant screen, in accordance with Appendix A-1 “Evergreen Shrubs: Acceptable for six-foot screening” of the Zoning Ordinance, shall serve as the screening device along all property lines adjacent to a single family residential use or zone.
 - b. A 6’ tall screening device per section 146-132(2)(a)(3) of the Zoning Ordinance shall be required along all other property lines, except property lines adjacent to a public ROW.
6. Landscaping:
 - a. Landscape requirements applicable to multi-family residential land uses shall also be subject to a Public Housing Development (Senior), except:
 - i. A 20’ landscape buffer shall be required when adjacent to a property zoned or used for residential purposes.
 - ii. A 20’ landscape buffer shall be required when adjacent to a public ROW; however, this buffer may be reduced to 10’ by the Planning and Zoning Commission as part of the site plan approval process if the Commission finds that site design considerations have been incorporated to mitigate the impact of the reduction, as provided for in Section 146-135 Landscaping requirements (f.) (4) (c.).
 - iii. Canopy trees provided at a ratio of 1 tree for every 30 linear feet shall be required along all property lines.
7. Canopy trees (5” in caliper, measured 6” above the ground, and 12’ tall at the time of planting) shall be provided at a ratio of 1 tree for every 30 linear feet along all rights-of-way.