

ORDINANCE NO. 2017-12-107

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 12.753 ACRE PROPERTY, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND THROCKMORTON STREET, IS REZONED FROM "ML" – LIGHT MANUFACTURING DISTRICT AND "RG-18" – GENERAL RESIDENCE DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, TO ALLOW FOR MULTI-FAMILY, LIVE/WORK AND RETAIL MIXED 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 12.753 acre property, located on the southwest corner of U.S. Highway 380 (University Drive) and Throckmorton Street, which is more fully depicted on Exhibits "A", "B" and "C", attached hereto, from "ML" – Light Manufacturing District and "RG-18" – General Residence District to "PD" – Planned Development District, to allow for multi-family, live/work and retail mixed uses and to generally 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, THAT:

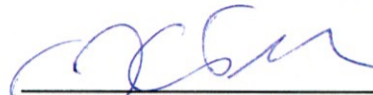
- Section 1. The zoning map is hereby amended so that an approximately 12.753 acre property, located on the southwest corner of U.S. Highway 380 (University Drive) and Throckmorton Street, which is more fully depicted on Exhibits "A", "B" and "C", attached hereto, is rezoned from "ML" – Light Manufacturing District and "RG-18" – General Residence District to "PD" – Planned Development District, to allow for multi-family, live/work and retail mixed uses and to generally 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 attached Concept Plan – Exhibit "C" and 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.

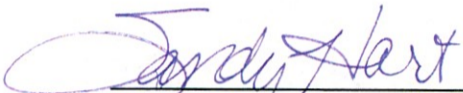
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 5th DAY OF DECEMBER, 2017.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

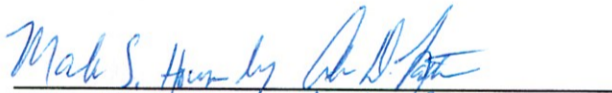
CORRECTLY ENROLLED:



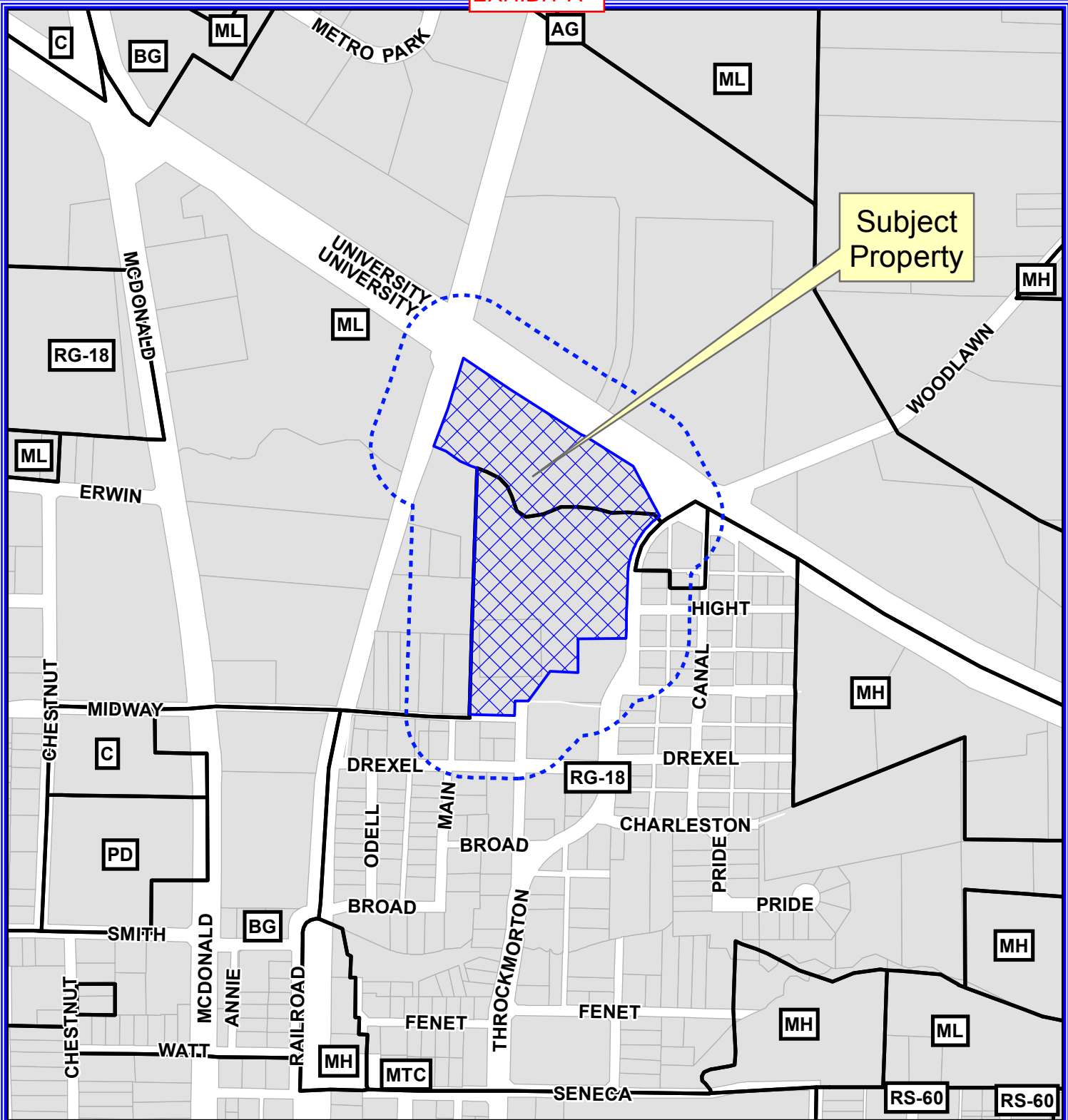
SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

DATE: December 5, 2017

APPROVED AS TO FORM:



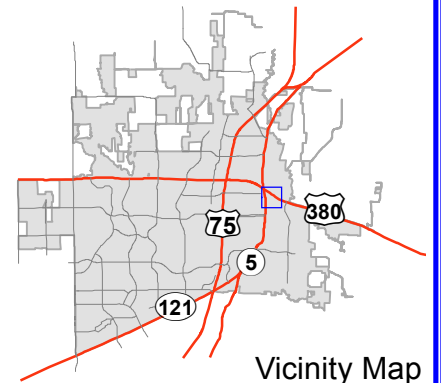
MARK S. HOUSER *Assistant City Attorney*
City Attorney *by permission*



Notification Map

Case: 16-289Z

--- 200' Buffer



PROPERTY DESCRIPTION

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE W. DAVIS SURVEY, ABSTRACT NO. 248, IN THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AND BEING KNOWN AS THAT TRACT OF LAND DESCRIBED IN A DEED TO THE MCKINNEY FIRST BAPTIST CHURCH AS RECORDED IN VOLUME 5742, PAGE 1514 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, (HEREINAFTER CALLED TRACT 1) AND BEING KNOWN AS THAT TRACT OF LAND DESCRIBED IN A DEED TO THE MCKINNEY FIRST BAPTIST CHURCH AS RECORDED IN DOC. NO. 20080522000623310 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, (HEREINAFTER CALLED TRACT 2) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD SET FOR CORNER AT THE INTERSECTION OF THE EAST LINE OF THE DALLAS RAPID RAIL TRANSIT (HEREINAFTER CALLED D.A.R.T.) RAILROAD AND THE SOUTH LINE OF U.S. HIGHWAY NO. 380, SAID POINT BEING THE NORTHWEST CORNER OF SAID TRACT 1;

THENCE S. 56 DEG. 22 MIN. 06 SEC. E. WITH THE SOUTH LINE OF SAID HIGHWAY, A DISTANCE OF 323.97 FEET TO A 1/2" IRON ROD SET FOR CORNER;

THENCE S. 65 DEG. 38 MIN. 45 SEC. E. WITH THE SOUTH LINE OF SAID HIGHWAY, A DISTANCE OF 212.51 FEET TO A 1/2" IRON ROD SET FOR CORNER;

THENCE S. 56 DEG. 21 MIN. 21 SEC. E. WITH THE SOUTH LINE OF SAID HIGHWAY, A DISTANCE OF 200.00 FEET TO A 1/2" IRON ROD SET FOR CORNER;

THENCE S. 26 DEG. 19 MIN. 18 SEC. E. WITH THE SOUTH LINE OF SAID HIGHWAY, A DISTANCE OF 163.33 FEET TO A 1/2" IRON ROD SET FOR CORNER IN THE NORTHWEST LINE OF THROCKMORTON STREET, SAID POINT BEING NEAR A WOOD MONUMENT AND A LARGE EXPOSED SEWER PIPE;

THENCE S. 68 DEG. 11 MIN. 47 SEC. W. WITH THE NORTHWEST LINE OF SAID STREET, A DISTANCE OF 93.00 FEET TO A 1/2" IRON ROD SET FOR CORNER AT A TURN IN THE RIGHT-OF-WAY LINE OF SAID STREET;

THENCE S. 01 DEG. 20 MIN. 44 SEC. W. WITH THE WEST LINE OF SAID STREET, PASSING A 1/2" IRON ROD FOUND AT A DISTANCE OF 389.98 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 537.98 FEET TO A POINT FOR CORNER WITHIN SAID STREET AND BEING AT THE MOST EASTERLY SOUTHEAST CORNER OF SAID TRACT 2;

THENCE N. 87 DEG. 35 MIN. 20 SEC. W. PASSING A FENCE CORNER POST ON THE WEST SIDE OF SAID STREET, AT A DISTANCE OF 31.82 FEET, AND CONTINUING ALONG SAID FENCE FOR A TOTAL DISTANCE OF 262.00 FEET TO A FENCE CORNER POST FOUND FOR CORNER AT A TURN IN SAID FENCE;

EXHIBIT B

THENCE S. 39 DEG. 49 MIN. 05 SEC. W. WITH SAID FENCE LINE, A DISTANCE OF 121.51 FEET TO A PK NAIL FOUND IN CONCRETE AT THE BASE OF A FENCE CORNER POST AT AN INTERIOR SOUTHEAST CORNER OF SAID TRACT 2;

THENCE S. 89 DEG. 15 MIN. 29 SEC. W. WITH A SOUTH LINE OF SAID TRACT 2, A DISTANCE OF 50.00 FEET TO A 1/2" IRON ROD SET FOR CORNER AT AN INTERIOR CORNER OF SAID TRACT 2, AND BEING AT THE NORTHWEST CORNER OF THROCKMORTON PLACE (A PUBLIC RIGHT-OF-WAY);

THENCE S. 00 DEG. 20 MIN. 50 SEC. E. WITH THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 76.46 FEET TO A CUT "X" SET AT THE INTERSECTION OF THE WEST LINE OF THROCKMORTON PLACE AND THE NORTH LINE OF AN UN-NAMED RIGHT-OF-WAY AND BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID TRACT 2;

THENCE N. 88 DEG. 24 MIN. 04 SEC. W. WITH THE NORTH LINE OF SAID UN-NAMED RIGHT-OF-WAY, A DISTANCE OF 147.42 FEET TO A 1/2" IRON ROD SET FOR CORNER AT THE SOUTHWEST CORNER OF SAID TRACT 2;

THENCE N. 00 DEG. 36 MIN. 46 SEC. E. WITH THE WEST LINE OF SAID TRACT 2, A DISTANCE OF 596.88 FEET TO A 1/2" IRON ROD SET AT A TURN IN THE WEST LINE OF SAID TRACT 2;

THENCE N. 11 DEG. 30 MIN. 46 SEC. E. WITH THE WEST LINE OF SAID TRACT 2, A DISTANCE OF 290.40 FEET TO A POINT FOR CORNER IN THE CENTERLINE OF A CREEK AT THE NORTHWEST CORNER OF SAID TRACT 2 AND BEING IN THE SOUTH LINE OF SAID TRACT 1;

THENCE IN A WESTERLY DIRECTION ALONG THE CENTERLINE OF SAID CREEK AS FOLLOWS:

S. 61°12'37"W.	14.60 FEET;
S. 40°58'46"W.	78.78 FEET;
N. 75°41'59"W.	14.45 FEET;
N. 34°36'11"W.	22.66 FEET;
N. 02°57'18"E.	52.10 FEET;
N. 69°22'33"W.	14.60 FEET;
S. 79°22'00"W.	47.02 FEET;
S. 88°16'04"W.	88.54 FEET TO A POINT FOR CORNER IN THE EAST LINE OF SAID D.A.R.T. RAILROAD;

THENCE N. 16 DEG. 00 MIN. 28 SEC. E. WITH THE EAST LINE OF SAID RAILROAD, A DISTANCE OF 383.89 FEET TO A THE POINT OF BEGINNIG AND CONTAINING 12.753 ACRES OF LAND MORE OR LESS.

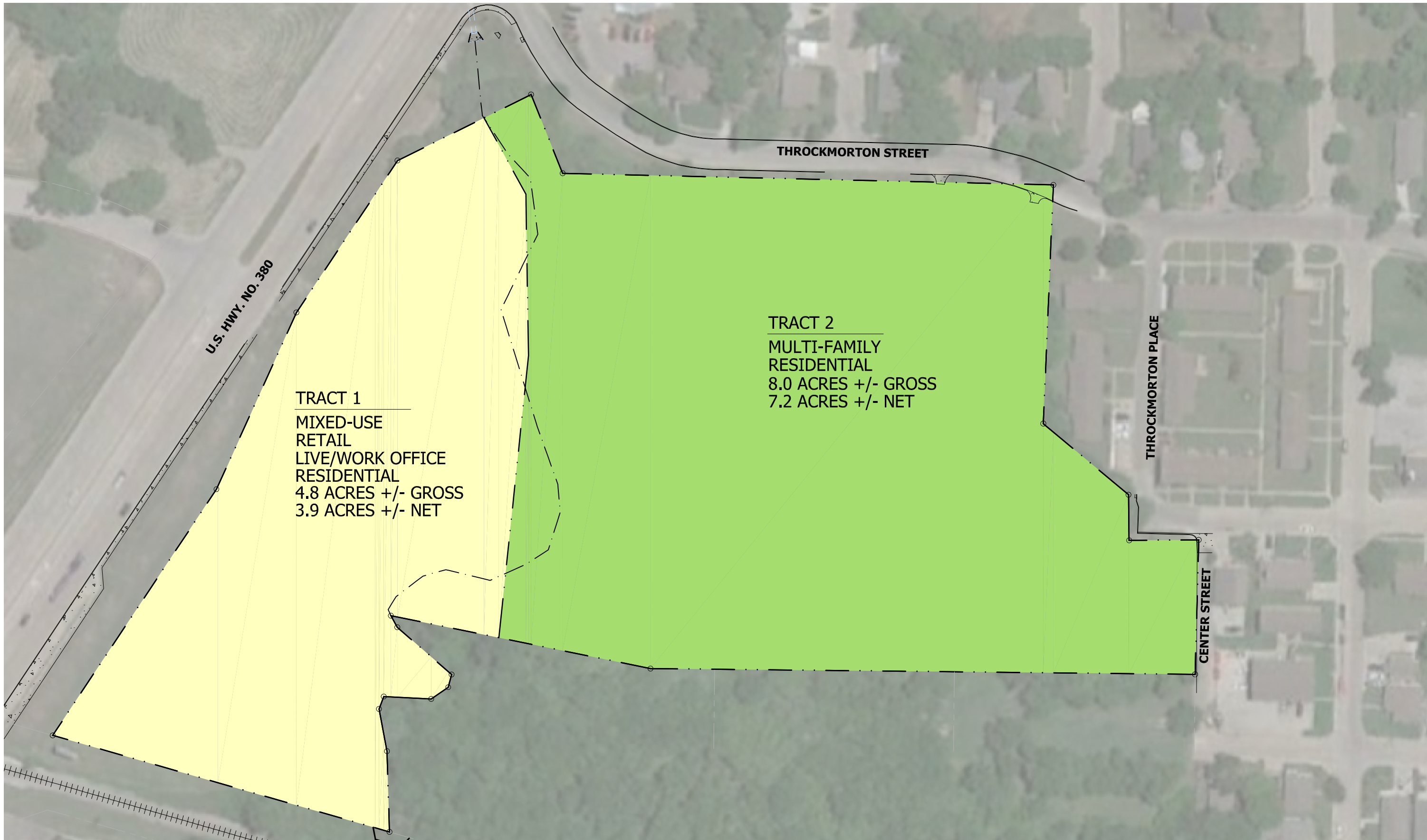
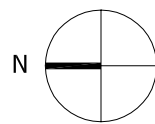
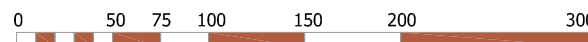


EXHIBIT C



CONCEPT PLAN

SCALE: 1" = 100'-0"



SPHINX AT THROCKMORTON VILLAS

RECEIVED
 By Planning Department at 1:25 pm, Nov 28, 2016

McKINNEY, TX

#16095

11.18.2016

EXHIBIT D

DEVELOPMENT REGULATIONS

1. Tracts 1 and 2 of the subject property, shown on Exhibit B, shall develop in accordance with Section 146-81 (“MF-3 – Multiple Family Residential Medium High Density District) of the Zoning Ordinance, and as, amended, except as follows:
 - a. The following uses shall be permitted in the first floor of the proposed buildings located on Tract 1:
 - i. Multi-family residential uses
 - ii. Live-work dwelling
 - iii. Amusement, indoor
 - iv. Fitness Club, Gymnasium, exercise area or similar use
 - v. Bakery or confectionery (retail)
 - vi. Banks and financial institutions
 - vii. Barber or beauty shops
 - viii. Cleaning shop and pressing (small shop and pickup)
 - ix. Drug-store or pharmacy
 - x. Florist or garden shop
 - xi. Office use
 - xii. Office supplies
 - xiii. Personal service
 - xiv. Retail store (indoor)
 - xv. Restaurant or cafeteria (indoor service)
 - xvi. Studios, photo, music, art, health, etc.
 - xvii. Travel agency
 - b. Buildings constructed on Tract 2 shall solely consist of Multi-family residential uses and ancillary uses thereto.
 - c. Development Standards
 - i. One (1) building fronting onto US Highway 380 (University Drive) within Tract 1 (the “Retail Mixed-Use Building”) shall contain a minimum of 12,000 square feet of ground floor space limited to retail/commercial uses; the balance of the Retail Mixed-Use Building may contain residential units on the upper floors with no more than one (1) residential unit on the ground floor.
 - ii. One (1) building fronting onto US Highway 380 (University Drive) within Tract 1 (the “Live/Work Building”) will contain four (4) ground-floor units designed and constructed as live/work; the balance of the Live/Work Building may contain residential units.
 - iii. Fifty percent (50%) of the units within Tract 2 shall have direct ground floor access.
 - iv. Buildings within Tract 1 and Tract 2 shall be limited to three (3) stories, not to exceed 48 feet in height.
 - v. Retail uses related to the Retail Mixed-Use Building shall provide 1 parking space for every 250 square feet of floor space.

EXHIBIT D

- vi. Multifamily and Live/Work uses shall provide parking on the basis of 1.7 parking spaces per residential unit or live/work unit.
 - vii. No enclosed parking shall be required.
 - viii. All buildings within Tracts 1 and 2 shall conform to the architectural standards for multi-family uses as set forth in the City's Architectural Standards, and as amended; provided that exterior elevation of each multi-family building within Tract 2, exclusive of doors and windows, shall be finished with at least sixty-five percent (65%) masonry.
 - ix. The first floor of the Retail Mixed-Use Building will be concrete podium construction with twelve foot (12') clear ceiling minimum, storefront windows and door systems designed for retail tenants, canopies and commercial grade signage and lighting.
 - x. The Live/Work Building shall have a ten-foot (10') ceiling minimum, separate business entries with storefront doors and sidelights, canopies at the business entrances (when not otherwise covered by structure above) and lighting.
- d. Definitions
- i. Live/Work Dwelling: is a mixed-use building type with a dwelling unit that is also used for work purposes, provided that the work component is restricted to the uses of professional office, personal service, artist's workshop, studio or other standards, and constructed as a separate unit under a condominium regime or as a single unit. The "live" component may be located on the street level (behind or adjacent to the work component) or any other level of the building. Live work dwelling is distinguished from a home occupation otherwise defined by Section 146-133 of the City of McKinney Zoning Regulations as the "work" component is not required to be incidental and secondary to the "live" component. Additionally, the "work" component may employ more than one individual who is not an occupant of the "live" component.
- e. Perimeter Fencing
- i. No 6-foot perimeter fencing shall be required for Tract 1.
- f. Internal Trail System
- i. The development shall contain an internal trail system adjacent to one side of the floodway that separates Tracts 1 and 2 consisting of a decomposed granite (or equivalent) trail with a minimum width of eight (8) feet and extending in the aggregate no less than six hundred (600) linear feet.
2. The total number of residential units, including the live-work units, permitted on Tracts 1 and 2 will not exceed 220 units in the aggregate.
3. Any proposed site plan for all or a portion of the subject property shall include at least one (1) half-court basketball court, located outside of any parking areas, and sufficient separate playgrounds and open space amenities to serve the residents of the property. The satisfaction of such requirements will be subject to review and discretionary approval by City Staff with appeal rights to the City Council.