

ORDINANCE NO. 2020-12-088

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 17.002 ACRE PROPERTY, LOCATED ON THE NORTH SIDE OF SPUR 399 AND APPROXIMATELY 260 FEET EAST OF MEDICAL CENTER DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS AND TO ALLOW FOR MULTI-FAMILY RESIDENTIAL 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 17.002 acre property, located on the north side of Spur 399 and approximately 260 feet east of Medical Center Drive, 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 to allow for multi-family residential 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 17.002 acre property, located on the north side of Spur 399 and approximately 260 feet east of Medical Center Drive, which is more fully depicted on Exhibits "A", "B", and "C", attached hereto, is rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards and to allow for multi-family residential 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 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 1<sup>st</sup> DAY OF DECEMBER, 2020.**

CITY OF MCKINNEY, TEXAS

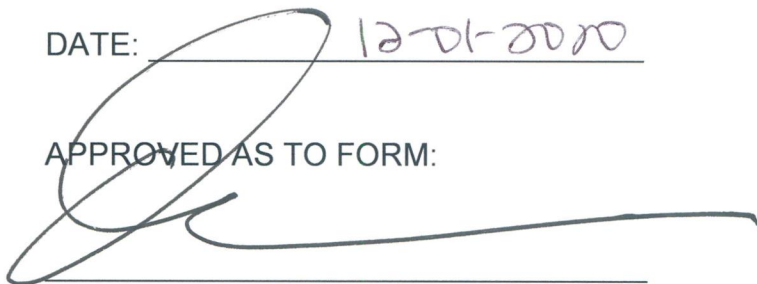
  
\_\_\_\_\_  
GEORGE C. FULLER  
Mayor

CORRECTLY ENROLLED:

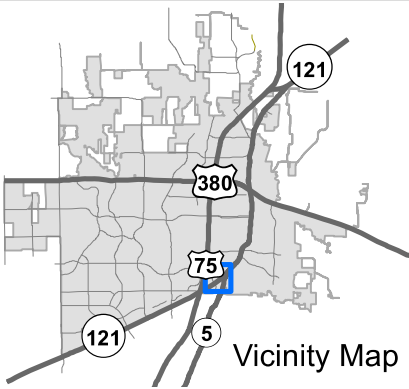
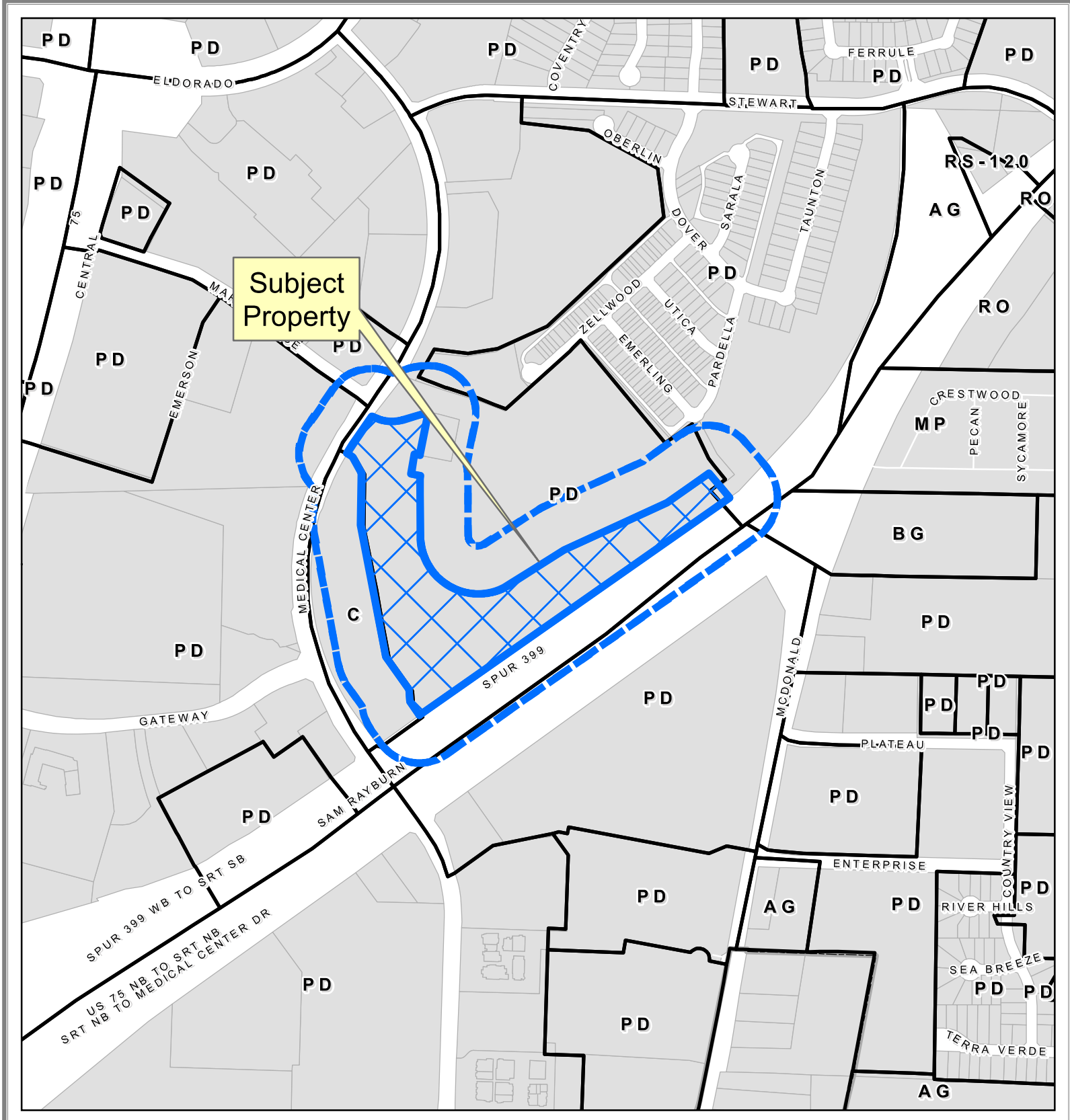
  
\_\_\_\_\_  
EMPRESS DRANE  
City Secretary

DATE: 12-01-2020

APPROVED AS TO FORM:

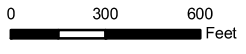
  
\_\_\_\_\_  
MARK S. HOUSER  
City Attorney

# EXHIBIT A



## Property Owner Notification Map

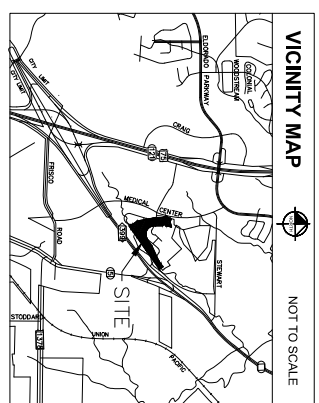
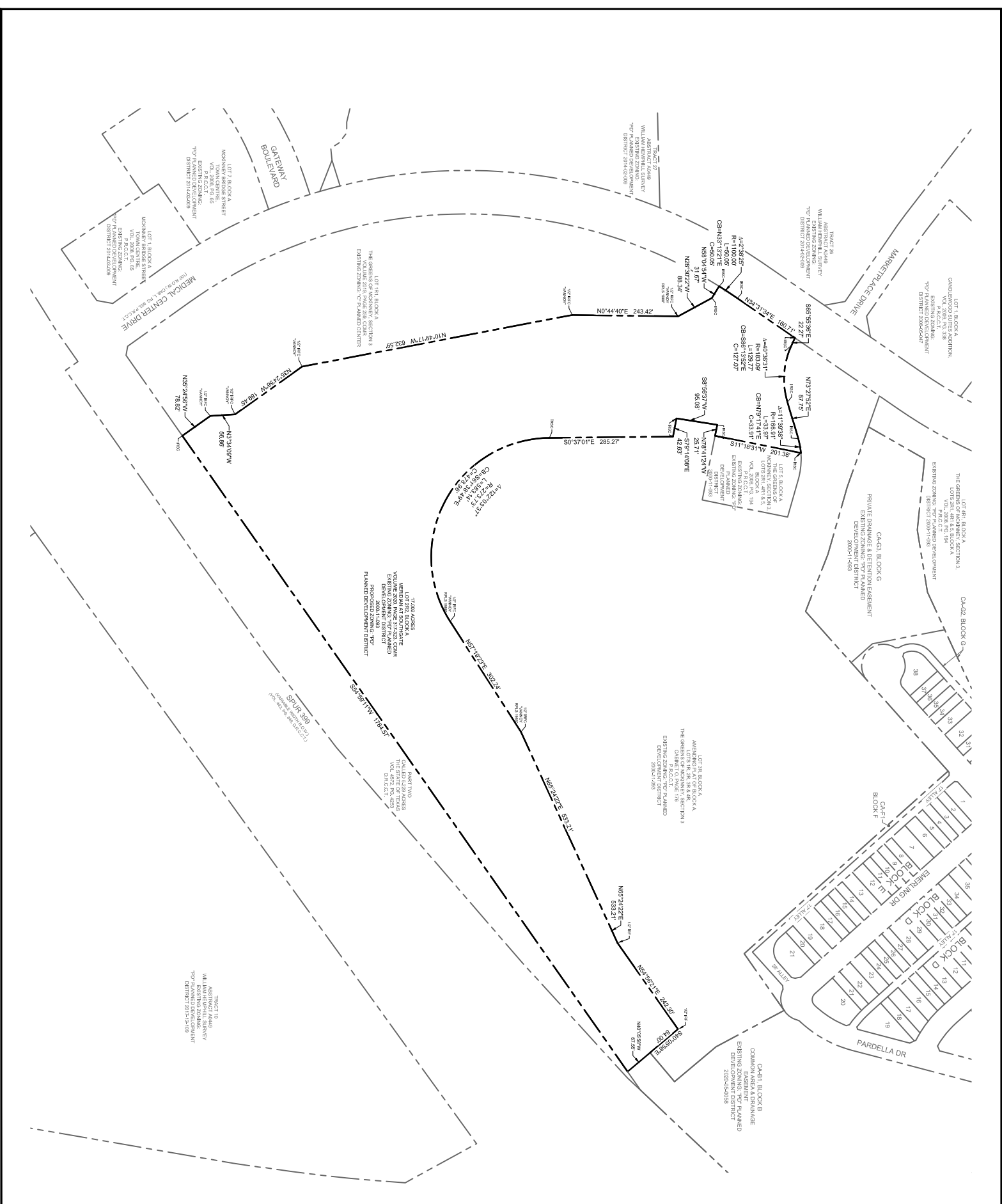
20-0096Z



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



**ZONING EXHIBIT - PLANNED DEVELOPMENT**

LOT 2R2, BLOCK A  
MERRIDIAN AT SOUTHGATE

**MEDICAL CENTER M/F**

BEING 17.022-ACRES OUT OF THE  
WILLIAM HEMPHILL SURVEY, ABSTRACT 449  
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS  
OCTOBER 2020

**OWNER:**  
NASH GROUP REAL ESTATE, INC.  
1700 W. WINDYBROOK DRIVE  
FARMERSVILLE, TEXAS 77834  
CONTACT: JACK HARVARD  
PHONE: (214) 384-3300  
EMAIL: JHARVARD@NASHGROUPESTATE.COM

**ENGINEER:**  
KIMLEY-HORN AND ASSOCIATES, INC.  
2001 DAVIS STREET, STE 100  
MCKINNEY, TEXAS 75069  
CONTACT: ERIC J. JESKE, P.E.  
PHONE: (469) 301-2882  
EMAIL: ERIC.JESKE@KIMLEY-HORN.COM

**Kimley-Horn**

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2001 DAVIS STREET, STE 100  
MCKINNEY, TX 75069  
PHONE: (469) 301-2880

# EXHIBIT C

## Property Description

SITUATED in the State of Texas, County of Collin and City of McKinney, being part of the William Hemphill Survey, Abstract No.449, being all of Lot 2R2, Block A of Record Plat of Meridian at Southgate as recorded in Volume 2020, Pages 320-322 of the Collin County Map Records with said premises being more particularly described as follows:

BEGINNING at a point for corner in the southeast right-of-way line of Medical Center Drive (100' Right-of-Way) and marking the most northerly corner of said Lot 2R2, and the most westerly corner of Lot 3R, Block A Amending Plat of Block A, Lots 1R, 2R, 3R & 4R of The Greens of McKinney, Section 3 as recorded in Volume O, Page 176 of the Collin County Map Records;

THENCE departing said right-of-way and along a common line between Lot 2R2 and Lot 3R as follows: South 65°55'36" East, 22.27 feet to a point marking the beginning of a curve to the left; southeasterly along said curve having a central angle of 40°36'32", for an arc distance of 129.77 feet, with a radius of 183.09 feet (chord = South 86°13'52" East, 127.07 feet) to a point marking the end of said curve; North 73°27'52" East, 87.75 feet to a point marking the beginning of a curve to the right; northeasterly along said curve having a central angle of 11°39'38", for an arc distance of 33.97 feet, with a radius of 166.91 feet (chord = North 79°17'41" East, 33.91 feet) to a point marking a northeast corner of Lot 2R2, and the northwest corner of Lot 5, Block A of The Greens of McKinney, Section 3 of Lots 2R1, 4R1 & 5, Block A, as recorded in Volume 2008, Page 195 of the Collin County Map Records;

THENCE with an east line of Lot 2R2, and the west line of Lot 5, South 11°18'31" West, 201.38 feet to a point marking the southwest corner of Lot 5, and a common corner to lot 2R2 and Lot 3R;

THENCE with a common line between Lots 2R2 and Lot 3R as follows: North 78°41'24" West, 25.71 feet to a point for corner; South 08°56'37" West, 95.08 feet to a point for corner; South 79°14'08" East, 42.63 feet to a point for corner; South 00°37'01" East, 285.27 feet to a point for corner and marking the beginning of a curve to the left; southeasterly along said curve having a central angle of 122°03'36", for an arc distance of 583.14 feet, with a radius of 273.73 feet (chord = South 61°38'49" East, 478.96 feet) to a point marking the end of said curve; North 57°19'23" East, 302.24 feet to a point for corner; North 65°24'22" East, 533.21 feet to a point for corner; North 54°56'21" East, 242.30 feet to a point for corner; South 40°05'58" East, 84.00 feet to a point for corner; South 40°05'58" East, 67.55 feet to a point marking the most easterly southeast corner of Lot 2R2 and being in the northwest right-of-way line of Spur 399 (variable width right-of-way) as recorded in Volume 443, Page 348 of the Collin County Land Records;

THENCE with the southeast line of Lot 2R2 and the northwest line of Spur 399, South 54°59'11" West, 1,784.57 feet to a point marking the most southerly corner of Lot 2R2, and the southeast corner of Lot 1R1, Block A of The Greens of McKinney, Section 3 as recorded in Volume 2019, Page 259 of the Collin County Map Records;

THENCE with the west line of Lot 2R2 and the east line of Lot 1R1 as follows: North 35°24'56" West, 78.82 feet to a point for corner; North 03°34'09" West, 56.86 feet to a point for corner; North 35°24'56" West, 189.45 feet to a point for corner; North 10°49'17" West, 632.59 feet to a point for corner; North 00°44'40" East, 243.42 feet to a point for corner; North 28°30'22" West, 88.34 feet to a point for corner, and North 58°04'54" West, 31.67 feet to a point for corner in the curving southeast right-of-way line of the aforementioned Medical Center Drive, same being the northeast corner of Lot 1R1, and the most westerly corner of Lot 2R2;

THENCE with the curving southeast right-of-way line of Medical Center Drive and the northwest line of Lot 2R2 as follows: northeasterly along a curve to the right having a central angle of 02°36'26", for an arc distance of 50.05 feet, with a radius of 1,100.00 feet (chord = North 33°13'21" East, 50.05 feet) to a point marking the end of said curve, and North 34°31'34" East, 160.71 feet to the place of beginning and containing 741,451 square feet or 17.021 acres of land.

# EXHIBIT D



## Development Regulations

The subject property shall be zoned "PD" – Planned Development District. Use and development of the subject property shall be in conformance with Section 146-81 "MF-3" – Multiple Family Residential-Medium-High Density district of the Zoning Ordinance, and as amended, except as noted in the regulations below:

- 1) **Section F-1. Schedule of space limits**
  - a. **Maximum height of structure shall be increased to 45 feet (three stories).**