

ORDINANCE NO. 2018-04-035

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 69.25 ACRE PROPERTY, LOCATED APPROXIMATELY 530 FEET SOUTH OF VIRGINIA PARKWAY AND ON THE WEST SIDE OF HARDIN BOULEVARD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT AND "PD" - PLANNED DEVELOPMENT DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL, ASSISTED LIVING AND INDEPENDENT LIVING USES AND 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 69.25 acre property, located approximately 530 feet south of Virginia Parkway and on the west side of Hardin Boulevard, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "AG" – Agricultural District and "PD" – Planned Development District to "PD" – Planned Development District, generally to allow for commercial, assisted living and independent living 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 69.25 acre property, located approximately 530 feet south of Virginia Parkway and on the west side of Hardin Boulevard, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "AG" – Agricultural District and "PD" – Planned Development District to "PD" – Planned Development District, generally to allow for commercial, assisted living and independent living uses.
- 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 Regulations and Concept Plan – Exhibits "C" and "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 17TH DAY OF APRIL, 2018.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

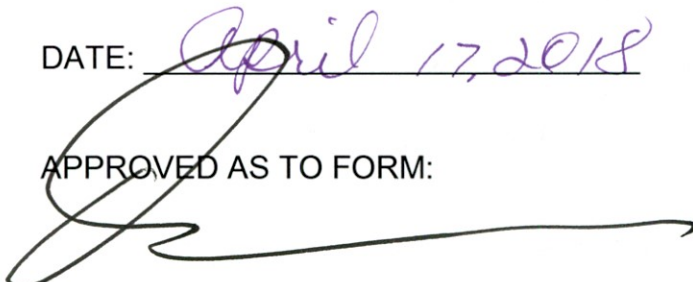
CORRECTLY ENROLLED:



SANDY HART, TRMC, MMC
City Secretary

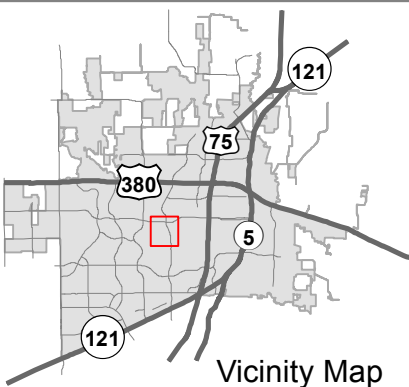
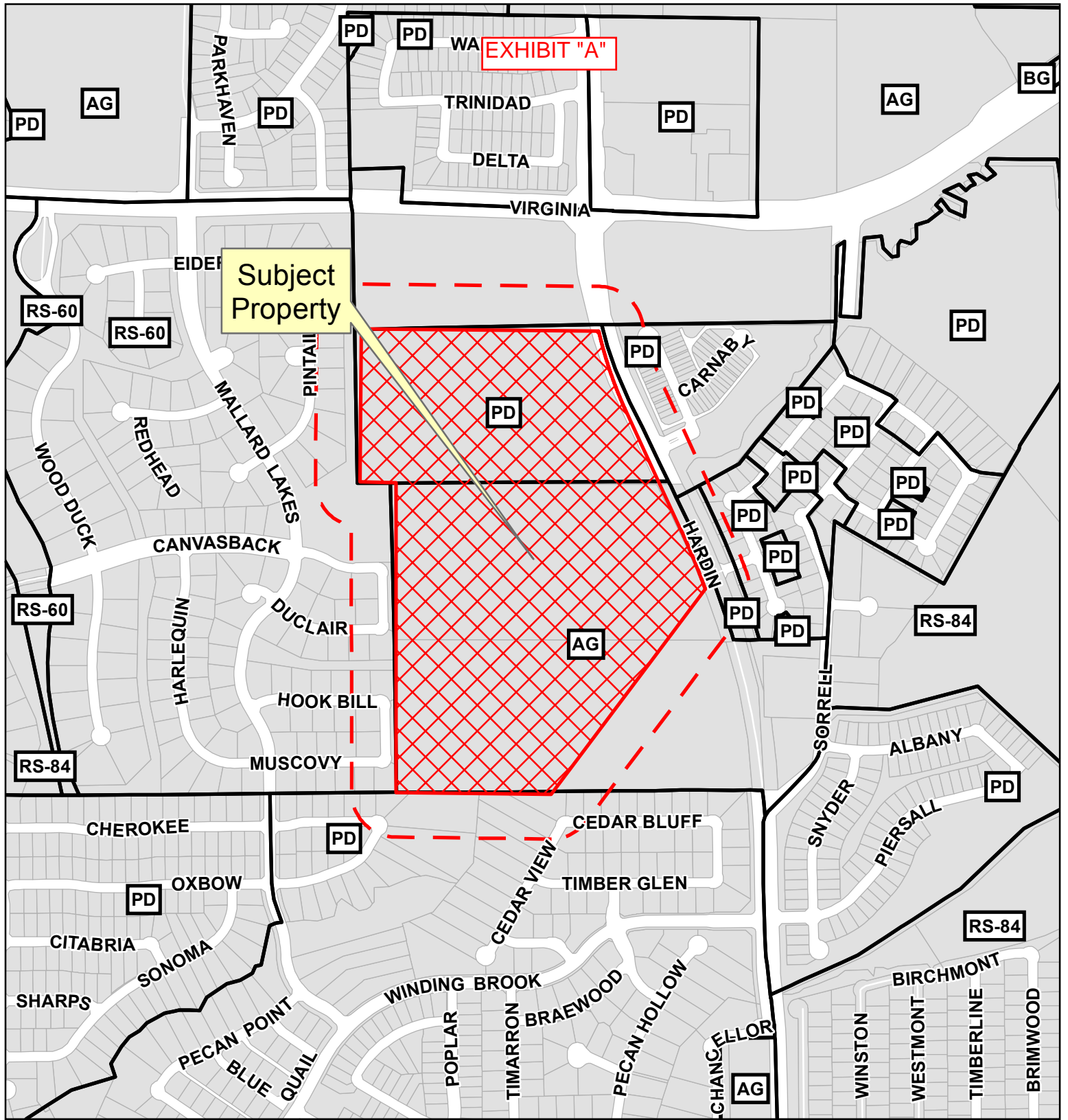
DATE: April 17, 2018

APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney

Document Path: S:\MCKGIS\NotificationDev_Services_Notification_Map.mxd



Notification Map

17-0015Z

--- 200' Buffer

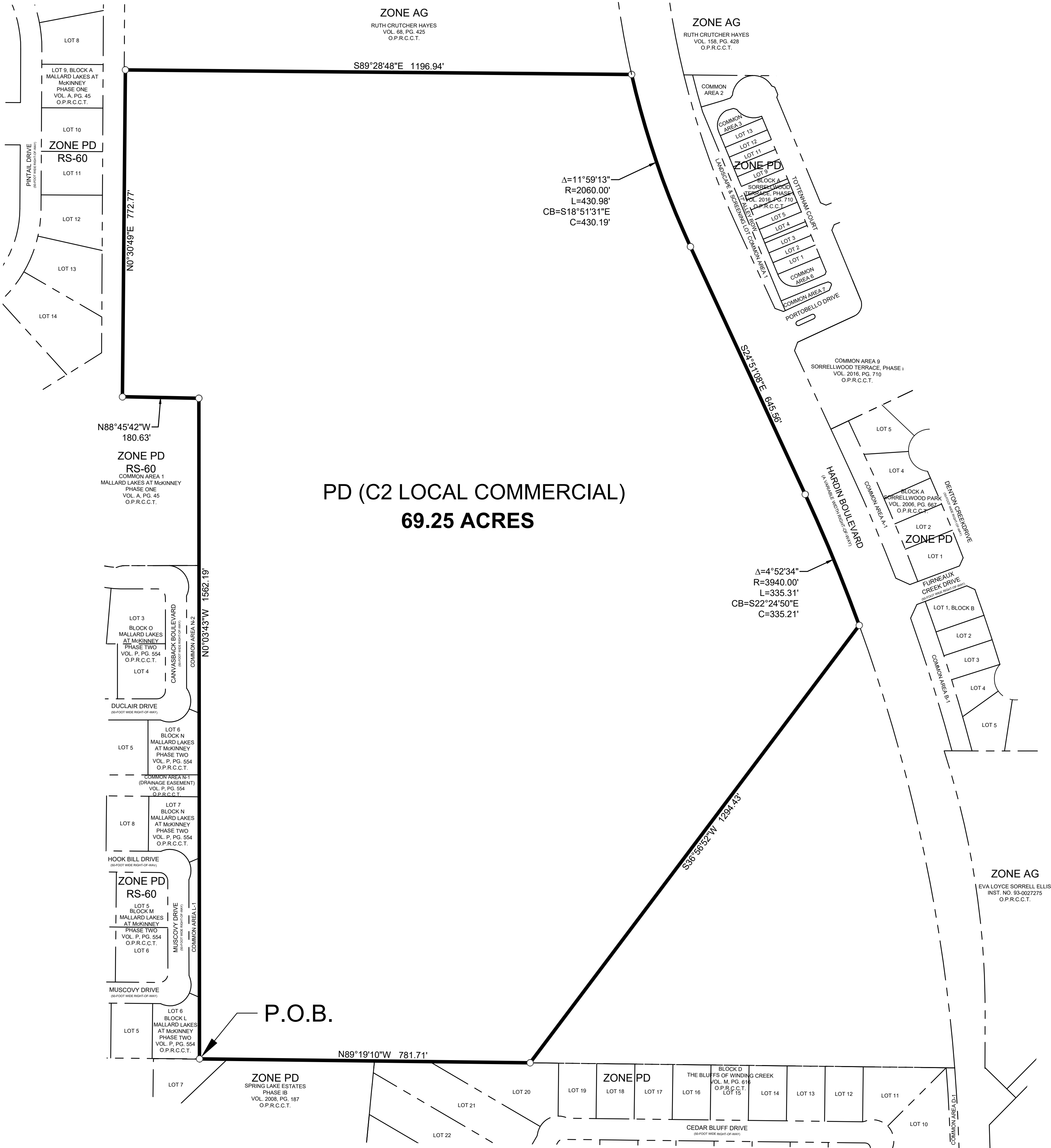
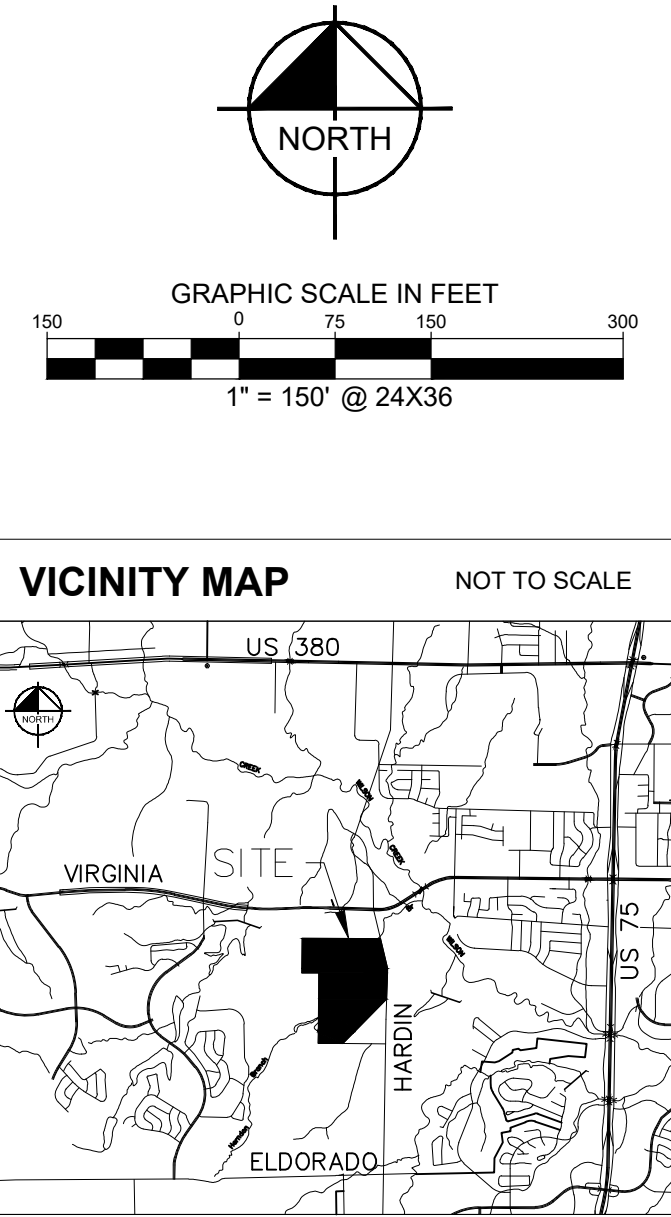


0 330 660
1 in = 665 ft

Source: City of McKinney GIS
Date: 3/15/2018

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.





LEGAL DESCRIPTION
69.25 ACRES

BEING a tract of land situated in the James Herndon Survey, Abstract No. 391, City of McKinney, Collin County, Texas; and being part of a tract of land described in Assumption Warranty Deed to Emerald Lake Family Group, L.P., recorded in Instrument No. 20080415000450860 of the Official Public Records of Collin County, Texas; and being more particularly described as follows:

BEGINNING at the southeast corner of Mallard Lakes at McKinney Phase Two, an addition to the City of McKinney according to the plat recorded in Volume P, Page 554 of said Official Public Records and being in the north line of Spring Lake Estates Phase 1B, an addition to the City of McKinney according to the plat recorded in Volume 2008, Page 187 of said Official Public Records;

THENCE with the east line of said Mallard Lakes at McKinney Phase Two addition and the east line of Mallard Lakes at McKinney Phase One, an addition to the City of McKinney according to the plat recorded in Volume A, Page 45 of said Official Public Records, the following course and distances:

North 0°03'43" West, a distance of 1562.19 feet to a point for corner;
North 88°45'42" West, a distance of 180.63 feet to a point for corner;
North 0°30'49" East, a distance of 772.77 feet to the northwest corner of said Emerald Lake Family Group, L.P. tract;

THENCE departing said east line of said Mallard Lakes at McKinney Phase One addition and with the north line of said Emerald Lake Family Group, L.P. tract, South 89°28'48" East, a distance of 1196.94 feet to a point in the west right-of-way line of Hardin Boulevard (a 120-foot wide right-of-way) and being the beginning of a non-tangent curve to the left having a central angle of 11°59'13", a radius of 2060.00 feet, a chord bearing and distance of South 18°51'31" East, 430.19 feet;

THENCE departing said north line of the Emerald Lake Family Group, L.P. tract and with said west right-of-way line of Hardin Boulevard, the following courses and distances:

In a southeasterly direction, with said curve to the left, an arc distance of 430.98 feet to a point for corner;
South 24°51'08" East, a distance of 645.56 feet to a point at the beginning of a tangent curve to the right having a central angle of 4°52'34", a radius of 3940.00 feet, a chord bearing and distance of South 22°24'50" East, 335.21 feet;
In a southeasterly direction, with said curve to the right, an arc distance of 335.31 feet to a point for corner;

THENCE departing said west right-of-way line of Hardin Boulevard, South 36°56'52" West, a distance of 1294.43 feet to a point for corner in the north line of The Bluffs of Winding Creek, an addition to the City of McKinney according to the plat recorded in Volume M, Page 616 of said Official Public Records;

THENCE with said north line of The Bluffs of Winding Creek and said north line of Spring Lake Estates Phase 1B, North 89°19'10" West, a distance of 781.71 feet to the **POINT OF BEGINNING** and containing 69.25 acres of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

ZONING EXHIBIT
69.25 ACRES
JAMES HERNDON SURVEY, ABSTRACT NO. 391
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

Kimley»Horn					
13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240					
FIRM # 10115500		Tel. No. (972) 770-1300		Fax No. (972) 239-3620	
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 150'	JAD	DAB	NOV. 2017	064518900	1 OF 1

EMERALD LAKE
DEVELOPMENT REGULATIONS

Use and development of the subject property shall be in accordance with section 146-112-“C2”- Local Commercial District except as noted below:

1. The property shall generally develop in accordance with the attached Concept Plan with minor deviations permitted to address architectural, civil engineering, or environmental issues and City staff comments regarding such that arise during design.
2. Permitted uses within the tract shown on the Concept Plan shall include Assisted Living (including Memory Care) and Independent Living (retirement community) to include attached and detached units with a total number of the aforementioned units not to exceed 500. The total number of Assisted Living (including Memory Care) units shall not exceed 200 and the total number of Independent Living units (attached and detached shall not exceed 300. The maximum number of units for both Assisted Living and Independent Living designated herein may be adjusted by a ten percent (10%) deviation provided the total of all units shall not exceed 500.
3. Permitted uses shall exclude:
 - a. Bus Station;
 - b. Auto Sales and Repair;
 - c. Auto Display and Sales;
 - d. Car Wash;
 - e. Auto Painting and Paint Shop;
 - f. Garage, Auto Repair;
 - g. Garage or lot, parking (commercial);
 - h. Boat Sales, Storage or Repair;
 - i. RV Sales;
 - j. Pawn Shops;
 - k. Trailer, light truck repair, rental, sales or storage;
 - l. Railroad track or right-of-way;
 - m. Bait shop;
 - n. Exterminator;
 - o. Funeral home or mortuary;
 - p. Hotel or motel;
 - q. Psychic/paranormal readings;
 - r. Mini-warehouse;
 - s. Service Station.
4. A minimum building setback of 50’ along the western property line and 35’ along the southern property line.
5. A minimum 6’ decorative metal fence with masonry columns on 30’ centers and evergreen living screen where existing vegetation is insufficient, in the city’s sole discretion, to provide a living screen shall be constructed within 35’ of the shared

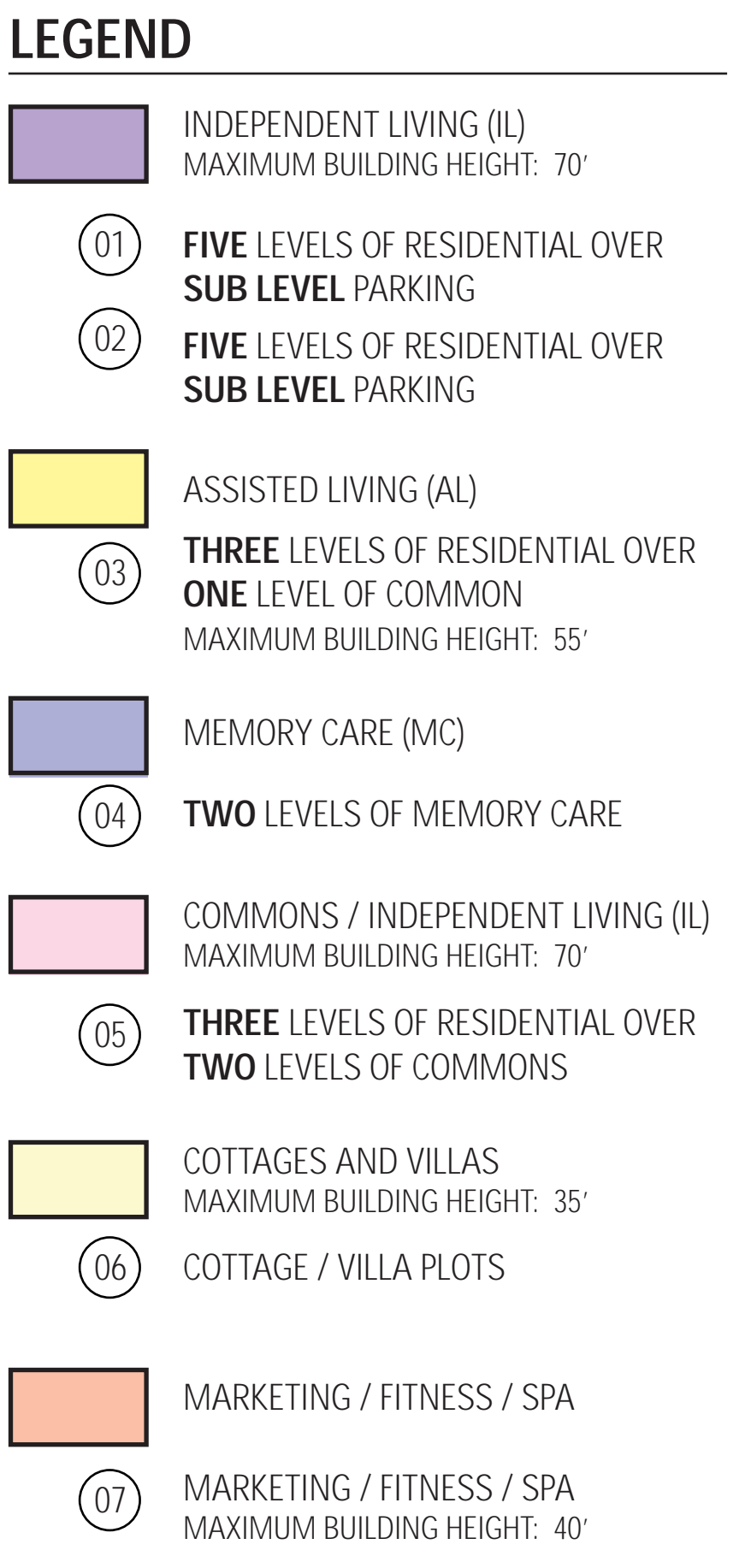
property line with adjacent subdivisions on the west and south boundaries of the subject property.

6. No trees 3" caliper or greater which are located within 15' of the western property line abutting the Mallard Lakes Subdivision may be removed and no land-disturbing activity that may adversely impact the critical root zone of such trees (as determined by the City's Landscape Architect), other than in connection with the construction of the fence, shall occur within 35' of such property line.
7. In no instance shall the elevation at the top of the roof of any building within the property exceed the "Maximum Sight Line" elevation looking due east as depicted on the Concept Plan. Notwithstanding anything to the contrary contained in these standards, buildings within 100 feet of the property lines shall not exceed two stories or 35 feet in height.

The maximum building heights shall be defined by the prevalent use as described in the Concept Master Plan in the building as follows:

- a. Independent Living-Five (5) stories above finished grade or 70 feet;
 - b. Assisted Living-Four (4) stories above finished grade or 50 feet;
 - c. Memory Care-Two (2) stories above finished grade or 35 feet;
 - d. Commons/Independent Living- Five (5) stories above finished grade or 70 feet;
 - e. Marketing/Fitness/Spa-40 feet; and
 - f. Cottages and Villas-35 feet.
8. All structures within the Property shall conform to the architectural standards imposed by Section 146-139 of the City's Code of Ordinances, except detached independent living units which shall conform to the following minimum exterior architectural standards:
 - a. Front Elevation. A minimum of 85% of this elevation shall be finished with masonry finishing materials (brick, stone, or synthetic stone).
 - b. Side Elevation. A minimum of 75% of this elevation shall be finished with masonry finishing materials; the remaining 25% may be finished with masonry finishing materials, wood lap siding, cast concrete modular siding, cementitious fiber board (hardi-board or hardi-plank), synthetic stucco or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited.
 - c. Rear Elevation. A minimum of 50% of this elevation shall be finished with masonry finishing materials; the remaining 50% may be finished with masonry finishing materials, wood lap siding, cast concrete modular siding, cementitious fiber board (hardi-board or hardi-plank), or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited.
 - d. Calculation of Percentages. The percentages set forth above shall be calculated exclusive of doors, windows, and or dormers which are located above a roof line which extends from a hip roof.
 - e. Each building shall have a consistent architectural design on all sides.

- f. Each unit shall be required to provide at least three of the following architectural elements:
 - i. 100% of each elevation is finished with a masonry finishing material;
 - ii. The front facade contains at least two types of complementary masonry finishing materials with each of the materials being used on at least 25% of the front facade;
 - iii. A minimum of 10% of the unit's front facade features patterned brick work including, but not limited to soldier, herringbone, or sailor coursework, and excluding soldier or sailor brickwork provided in association with a door or window;
 - iv. Garage doors that have a carriage style design which feature vertical slats, high windows, antiqued hardware, and/or additional detailing to give the appearance of swinging or sliding doors;
 - v. A chimney finished on all sides with 100% masonry finishing materials;
 - vi. An articulated front entrance through the use of lintels, pediments, keystones, pilasters, arches, columns, or other similar architectural elements;
 - vii. A covered back or front porch which is at least 100 square feet in area;
 - viii. All windows facing a street feature shutters that must be operational or appear operational and must be in scale with the corresponding window;
 - ix. All ground level mechanical, heating, ventilation, and air conditioning equipment is completely screened by an opaque screening device that is at least four feet tall.
- 9. A minimum 1200 linear feet of an eight (8) feet wide trail shall be constructed on the site generally connecting the Independent Living facilities and the lakeside open space. Permitted trail materials shall consist of both Portland Cement Paving and soft, organic materials and placement of each shall be determined by grade and proximity to commercial structures.



NOTE:
THE PROPERTY SHALL DEVELOP GENERALLY IN ACCORDANCE
TO THE CONCEPT MASTER PLAN WITH MINOR DEVIATIONS
PERMITTED TO ADDRESS ARCHITECTURAL, CIVIL
ENGINEERING, OR ENVIRONMENTAL ISSUES AND CITY STAFF
COMMENTS REGARDING SUCH THAT ARISE DURING DESIGN.