

ORDINANCE NO. 2021-01-006

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 627.972 ACRE PROPERTY, LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 943 (FUTURE WILMETH ROAD) AND THE EAST AND WEST SIDES OF HARDIN BOULEVARD, IS REZONED FROM "PD" - PLANNED DEVELOPMENT DISTRICT, "AG" - AGRICULTURAL DISTRICT, AND "CC" - CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT AND "CC" - CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS AND TO ALLOW FOR SINGLE FAMILY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, AND COMMERCIAL 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 627.972 acre property, located on the south side of County Road 943 (Future Wilmeth Road) and the east and west sides of Hardin Boulevard, which is more fully depicted on Exhibits "A", "B", and "C" attached hereto, from "PD" - Planned Development District, "AG" - Agricultural District, and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, generally to modify the development standards and to allow for single family residential, multi-family residential, and commercial 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 627.972 acre property, located on the south side of County Road 943 (Future Wilmeth Road) and the east and west sides of Hardin Boulevard, which is more fully depicted on Exhibits "A", "B", and "C", attached hereto, is rezoned from "PD" - Planned Development District, "AG" - Agricultural District, and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, generally to modify the development standards and to allow for single family residential, multi-family residential, and commercial 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 5TH DAY OF JANUARY, 2021.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

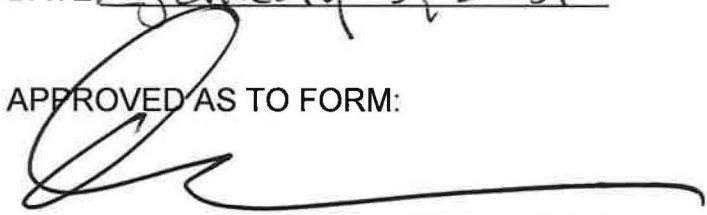
CORRECTLY ENROLLED:



EMPRESS DRANE
City Secretary

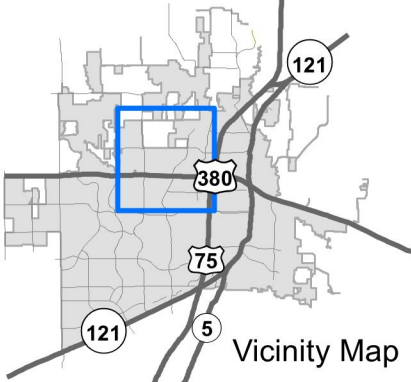
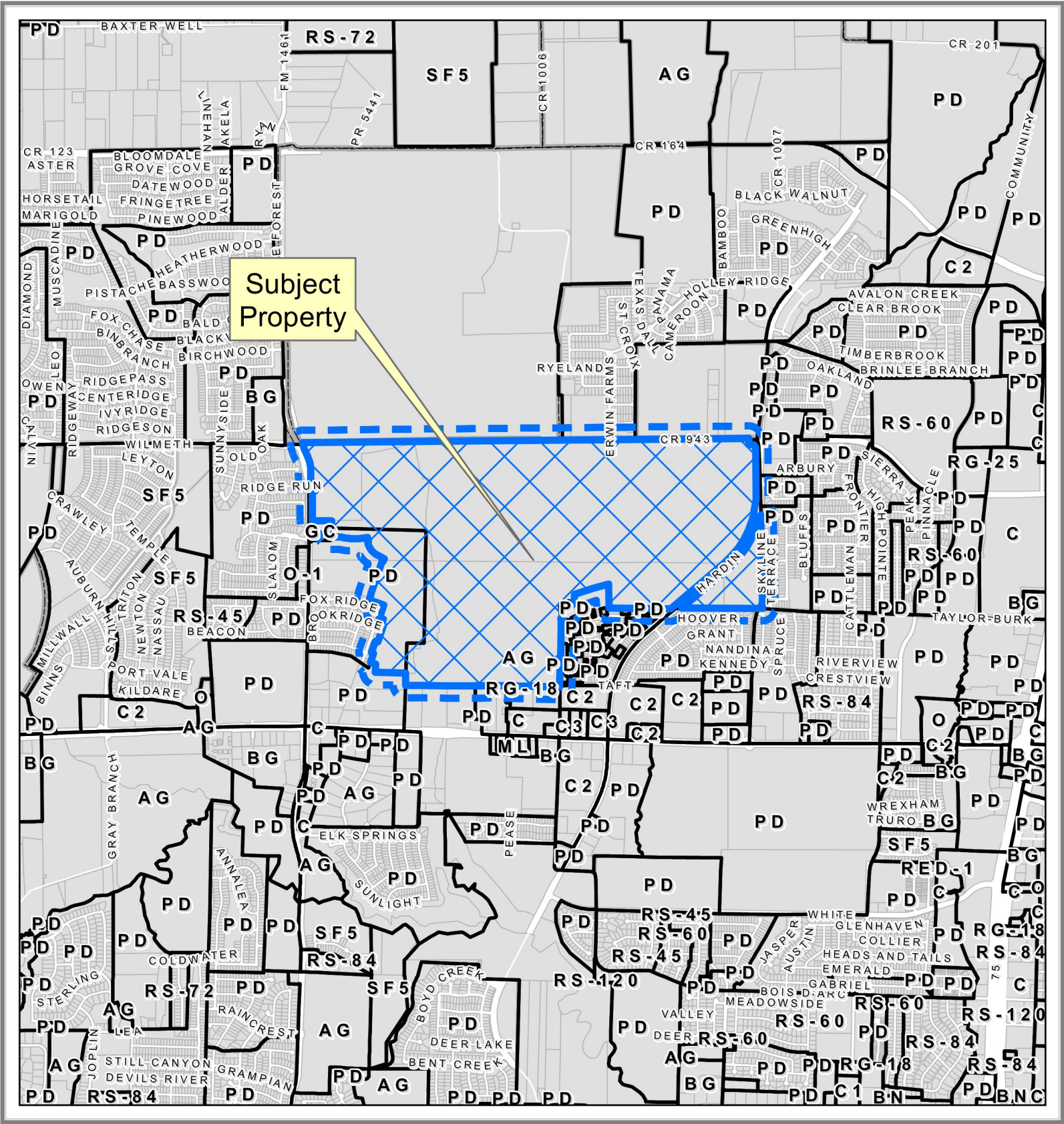
DATE: January 5, 2021

APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney

EXHIBIT A



Property Owner Notification Map

ZONE2020-0109

0 1,100 2,200 Feet



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

METES AND BOUNDS DESCRIPTION OF THE PROPERTY

BEING a tract of land situated in the J. McGarrah Survey, Abstract No. 572, and the W. Hunt Survey, Abstract No. 450, in the City of McKinney, Collin County, Texas, being a portion of a tract conveyed to Jen Texas 22 LLC, according to the deed recorded in Document No. 20200904001497270 of the Deed Records, Collin County, Texas (DRCCT), and part of a tract conveyed to GRBK EDGEWOOD LLC, according to the deed recorded in Document No. 20200904001497940 DRCCT, with the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap found on a southeasterly line of Phase 1 Highridge Addition, recorded in Cabinet L, Page 868 PRCCT, for the easterly northwest corner of Lot 4R1, Block A, B and L Cox Addition, recorded in Cabinet 2018, Page 734 PRCCT;

THENCE along the common line of Phase 1 Highridge Addition, the following:

N 19°06'12" E, 168.71 feet to a 1/2" iron rod with plastic cap found;

N 70°53'48" W, 44.28 feet to a 1/2" iron rod found;

N 19°06'12" E, 220.00 feet to a 1/2" iron rod with plastic cap found;

S 70°53'48" E, 46.33 feet to a 1/2" iron rod with plastic cap found;

N 19°06'12" E, 320.00 feet to a 1/2" iron rod with plastic cap found;

N 70°53'48" W, 39.17 feet to a 1/2" iron rod with plastic cap found;

N 19°06'12" E, 105.39 feet to a 1/2" iron rod with plastic cap found;

N 70°53'48" W, 73.54 feet to a 1/2" iron rod found;

N 19°06'12" E, 249.90 feet to a 1/2" iron rod with plastic cap found;

And N 70°53'48" W, 284.73 feet to a point for corner;

THENCE departing said addition, the following:

N 19°06'12" E, 34.72 feet;

A tangent curve to the left having a central angle of 07°02'06", a radius of 375.00 feet, a chord of N 15°35'09" E - 46.02 feet, an arc length of 46.04 feet;

A reverse curve having a central angle of 07°02'06", a radius of 325.00 feet, a chord of N 15°35'09" E - 39.88 feet, an arc length of 39.91 feet;

EXHIBIT B

N 19°06'12" E, 614.15 feet;

N 67°13'38" E, 13.35 feet;

A non-tangent curve to the left having a central angle of 00°23'05", a radius of 725.00 feet, a chord of S 65°14'12" E - 4.87 feet, an arc length of 4.87 feet;

N 24°34'15" E, 50.00 feet;

A non-tangent curve to the right having a central angle of 04°50'53", a radius of 675.00 feet, a chord of N 63°00'18" W - 57.10 feet, an arc length of 57.11 feet;

N 60°34'52" W, 100.09 feet;

A tangent curve to the right having a central angle of 49°51'32", a radius of 325.00 feet, a chord of N 35°39'06" W - 273.98 feet, an arc length of 282.82 feet;

N 31°58'37" E, 14.91 feet;

A non-tangent curve to the right having a central angle of 00°11'14", a radius of 300.00 feet, a chord of N 74°01'35" E - 0.98 feet, an arc length of 0.98 feet;

N 09°19'35" W, 74.06 feet;

A non-tangent curve to the right having a central angle of 00°22'40", a radius of 280.00 feet, a chord of S 87°53'13" W - 1.85 feet, an arc length of 1.85 feet;

A reverse curve having a central angle of 07°24'07", a radius of 320.00 feet, a chord of S 84°22'29" W - 41.31 feet, an arc length of 41.34 feet;

A reverse curve having a central angle of 20°18'18", a radius of 1150.00 feet, a chord of N 89°10'26" W - 405.42 feet, an arc length of 407.55 feet;

A reverse curve having a central angle of 03°55'00", a radius of 550.00 feet, a chord of N 80°58'47" W - 37.59 feet, an arc length of 37.60 feet;

N 85°14'27" W, 50.17 feet;

And N 89°58'03" W, 115.00 feet to the east line of Lot 1, Block A, McKinney Fire Station Number 9 Addition, recorded in Cabinet 2018, Page 432 PRCCT;

THENCE N 00°01'55" E, 291.72 feet along the east line thereof to a 1/2" iron rod with plastic cap found;

THENCE N 89°58'05" W, 349.70 feet along the north line thereof to a 1/2" iron rod with plastic cap found on the east line of said Lake Forest Drive (also known as Farm to Market Road 1461);

THENCE along the east line of said right-of-way dedication, the following:

EXHIBIT B

N 00°01'37" E, 515.64 feet to a 1/2" iron rod with plastic cap found;

A tangent curve to the left having a central angle of 13°38'39", a radius of 1110.00 feet, a chord of N 06°47'42" W - 263.71 feet, an arc length of 264.33 feet to a 1/2" iron rod with plastic cap found;

N 13°37'02" W, 8.66 feet to a 1/2" iron rod with plastic cap found;

N 00°01'12" E, 131.72 feet to a 5/8" iron rod with plastic cap found;

A non-tangent curve to the left having a central angle of 29°15'55", a radius of 617.99 feet, a chord of N 14°36'48" W - 312.23 feet, an arc length of 315.65 feet to a 1/2" iron rod with plastic cap found;

N 29°14'46" W, 86.51 feet to a 1/2" iron rod with plastic cap found;

And N 13°33'46" W, 156.25 feet;

THENCE N 89°38'31" E, departing said right-of-way, through the subject tracts, passing at 4665.44 feet a 1/2" iron rod found for the southwest corner of the right-of-way of County Road 943, conveyed to the City of McKinney, and continuing along the south line of said right-of-way a total distance of 8127.63 feet to the intersection thereof with the west line of Hardin Boulevard, a variable width right-of-way, for the northwest corner of the right-of-way portion thereof conveyed by deed recorded in Volume 5568, Page 4578 DRCCT;

THENCE along the west line of said right-of-way dedication, the following:

S 00°08'27" E, 112.85 feet to a 5/8" iron rod found;

N 89°51'33" E, 52.47 feet to a 1/2" iron rod found;

A tangent curve to the right having a central angle of 56°27'51", a radius of 67.00 feet, a chord of S 61°54'32" E - 63.39 feet, an arc length of 66.03 feet to a 1/2" iron rod with plastic cap found;

S 09°32'09" E, 65.38 feet to a 1/2" iron rod with plastic cap found;

S 01°12'00" E, 695.07 feet;

A tangent curve to the right having a central angle of 51°15'04", a radius of 1790.00 feet, a chord of S 24°25'32" W - 1548.31 feet, an arc length of 1601.16 feet;

And S 50°03'04" W, 1218.82 feet to a point for the northeast corner of Heritage Bend, an addition recorded in Cabinet 2006, Page 547 PRCCT, from said point a 1/2" iron rod with plastic cap found bears S 50°12'44" W, 1.47 feet;

THENCE along the common line of Heritage Bend, the following:

N 89°21'12" W, 865.49 feet;

EXHIBIT B

N 89°29'09" W, 253.70 feet;

N 01°38'21" W, 352.03 feet;

N 01°51'44" E, 85.73 feet;

S 74°55'49" W, 300.71 feet;

S 71°37'34" W, 200.06 feet;

S 71°02'35" W, 147.56 feet;

S 04°34'54" W, 154.05 feet;

S 40°24'16" W, 142.89 feet;

N 89°31'34" W, 116.12 feet;

S 02°41'58" E, 169.11 feet;

N 88°54'05" W, 33.07 feet;

S 06°52'05" E, 54.29 feet;

S 01°10'56" W, 600.45 feet;

S 02°33'05" W, 300.00 feet;

And S 01°10'57" W, 293.17 feet to a 5/8" iron rod found for a northeasterly corner of a tract conveyed to Hardin-380 McKinney, LP, recorded in Document No. 20180202000139820 DRCCT;

THENCE N 88°34'48" W, 469.20 feet along the north line thereof to the northeast corner of another tract conveyed to Darrell and Karen Lewis, recorded in Document No. 20190225000191880 DRCCT;

THENCE N 88°36'01" W, 494.02 feet continuing along the north line thereof;

THENCE N 88°15'18" W, 166.63 feet to the northeast corner of a tract conveyed to H.R. Lewis, recorded in Document No. 91-0070268 DRCCT;

THENCE N 89°58'32" W, 290.94 feet along the north line thereof;

THENCE N 89°35'20" W, 70.46 feet to the northeast corner of the first mentioned Darrell and Karen Lewis tract;

THENCE along the common line thereof, the following:

EXHIBIT B

S 89°39'20" W, 411.68 feet;

N 88°28'11" W, 373.98 feet;

And N 89°28'52" W, passing at 191.57 feet a 1/2" iron rod found, and continuing through the subject tract a total distance of 512.31 feet to the east line of said Lot 4R1, Block A, B and L Cox Addition;

THENCE along the common line thereof, the following:

N 01°07'28" E, 208.79 feet;

N 88°15'47" W, 551.43 feet to a 1/2" iron rod found;

N 01°43'23" E, 146.42 feet to a 1/2" iron rod found;

And N 70°53'48" W, 99.42 feet to the POINT OF BEGINNING with the subject tract containing 26,370,213 square feet or 605.377 acres of land.

EXHIBIT C

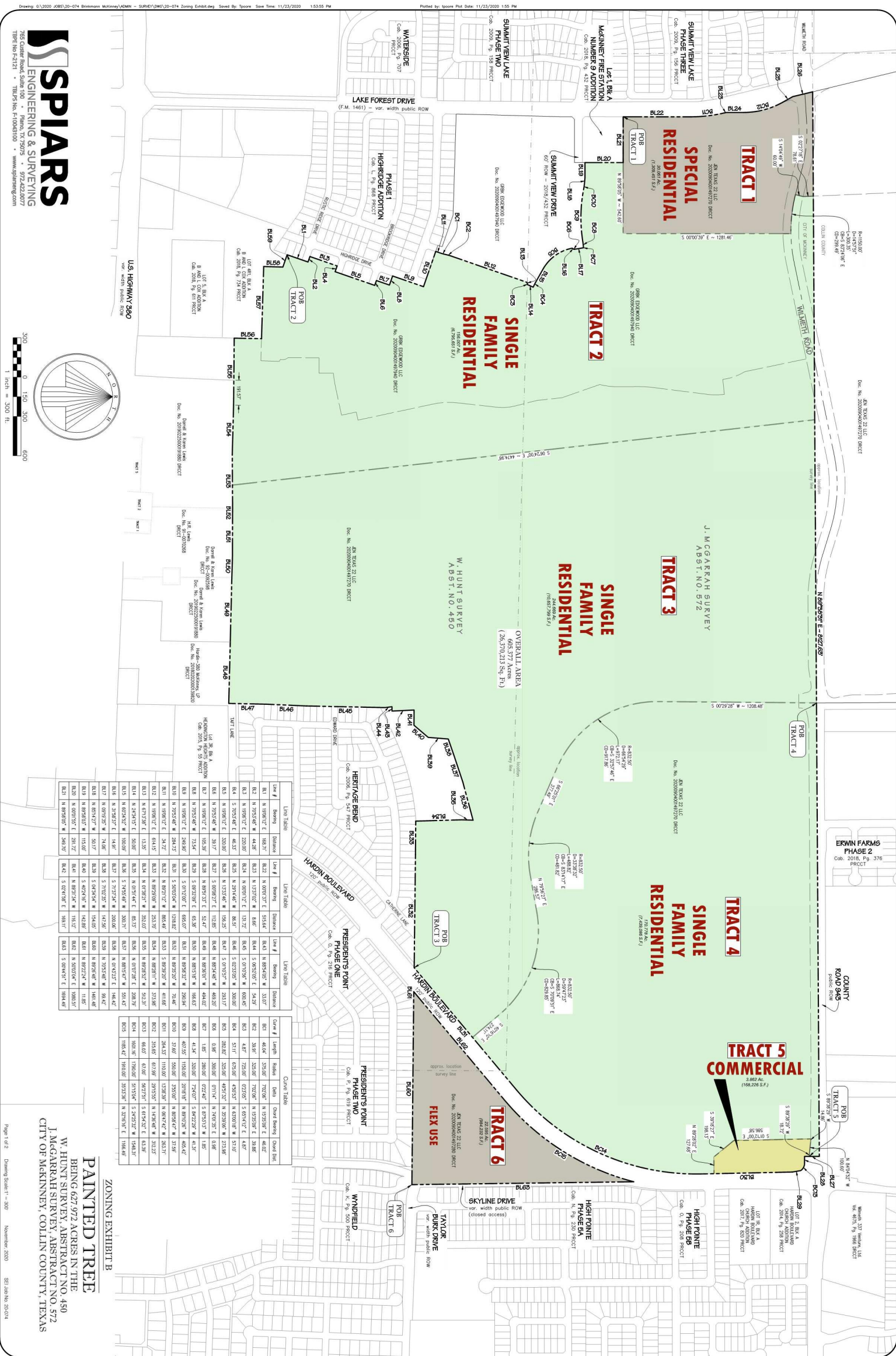


EXHIBIT D

DEVELOPMENT REGULATIONS

1) **Definitions.**

- A) Property means the property described on Exhibit A of this Ordinance.
- B) Special Residential means a use with multiple detached dwelling units located on the same platted lot that are designed to be rented.
- C) Zoning Exhibit means Exhibit B of this Ordinance, as amended in accordance with Section 3.

2) **Conflicts.** In the event of a conflict between this Ordinance and any other City ordinance, rule or regulation, including, but not limited to, the provisions of the City's comprehensive zoning ordinance, this Ordinance shall control.

3) **Zoning Exhibit.** Development and use of the Property shall be in accordance with the Zoning Exhibit. The size and shape of each subdistrict shown on the Zoning Exhibit may change without City approval provided the overall changes to the subdistrict do not change the subdistrict shown on the original Zoning Exhibit by more than ten percent.

4) **Tract 1 – Special Residential.** The following regulations apply to Tract 1 on the Zoning Exhibit:

A) **Base zoning district:** “MF-3” – Multiple Family Residential – Medium-High Density District, as amended

B) **Permitted uses:** Attached single family, detached single family, and multi-family units are permitted by right. In addition, each use permitted in the MF-3 District to the same extent the use is permitted in such district. For example, if the MF-3 District permits a use by right, that use is permitted in Tract 1 by right. If the MF-3 District permits a use by SUP, that use is permitted in Tract 1 by SUP.

C) **Development Standards.**

I) Development of Tract 1 with attached or detached single family uses shall comply with the development standards applicable to Tracts 2, 3, and 4.

II) Development of Tract 1 with a multi-family use shall comply with the following development standards, which shall be the exclusive density, setback, lot size, building height, lot coverage, and building separation regulations applicable to a Special Residential use on Tract 1:

(1) Maximum density: 18 units per acre.

(2) Minimum lot area per unit within the lot: 1,200 square feet

(3) Minimum lot width: 60 feet

EXHIBIT D

- (4) Minimum lot depth: 100 feet

(5) Minimum building setback adjacent to an arterial street: 25 feet

(6) Minimum building setback from all other platted lot lines: 20 feet

(7) Minimum distance between buildings: 10 feet

(8) Maximum lot coverage: 50%
- D) Landscaping. The landscaping requirements applicable to a multifamily use, as set forth in Section 146-135 of the zoning ordinance, as amended, shall apply to a Special Residential tract.
- E) Open Space. All multi-family units shall be located within 500 feet of an open space area designated on a site plan.
- F) Parking. A minimum of one parking space per bedroom shall be required for a multi-family, but in no event shall more than two parking spaces be required for a three bedroom dwelling without an attached garage for up to 40 dwelling units.
- 5) **Tracts 2, 3, and 4 – Single Family Residential**. The following regulations apply to Tracts 2, 3, and 4 on the Zoning Exhibit:

A) Base zoning district: SF-5 Single Family Residential District, as amended

B) Permitted uses. Attached and detached single family residential dwellings are permitted by right. In addition, each use permitted in the SF-5 District to the same extent the use is permitted in such district. For example, if the SF-5 District permits a use by right, that use is permitted in Tracts 2, 3, and 4 by right. If the SF-5 District permits a use by SUP, that use is permitted in Tracts 2, 3, and 4 by SUP.

C) Development standards. Development of Tracts 2, 3 and 4 shall comply with the following development standards, which shall be the exclusive lot size, setback, density, and height restrictions applicable to Tracts 2, 3, and 4:

DEVELOPMENT STANDARDS – TRACTS 2, 3, AND 4	SF DETACHED LOTS MIN. 60' WIDE	SF DETACHED LOTS MIN. 50' WIDE	SF DETACHED LOTS LESS THAN 50' WIDE	SINGLE FAMILY ATTACHED
MINIMUM LOT AREA	6600 SF	5500 SF	2700 SF	2160 SF
MINIMUM LOT WIDTH	60'	50'	30'	24'
MINIMUM LOT DEPTH	110'	110'	90'	90'
MINIMUM FRONT YARD BUILDING SETBACK				
1. PRIMARY FACADE OF THE HOUSE	20'	20'	10'	10'
2. GARAGE DOOR	20'	20'	NA	NA

EXHIBIT D

DEVELOPMENT STANDARDS – TRACTS 2, 3, AND 4	SF DETACHED LOTS MIN. 60' WIDE	SF DETACHED LOTS MIN. 50' WIDE	SF DETACHED LOTS LESS THAN 50' WIDE	SINGLE FAMILY ATTACHED
3. UNENCLOSED FRONT PORCH, PATIO, OR SIMILAR STRUCTURE	10'	10'	10'	10'
MINIMUM REAR YARD SETBACK				
1. PRIMARY FAÇADE OF THE HOUSE	15'	15'	10'	10'
2. GARAGE DOOR ACCESSED FROM AN ALLEY	20'	20'	20'	20'
MINIMUM SIDE YARD SETBACK				
1. INTERIOR SIDE YARD	5'	5'	5'	10' BETWEEN BUILDINGS
2. INTERIOR SIDE YARD-ZERO LOT LINE COMBINATION *	1'-9' *	1'-9' *	1'-9' *	1'-9' *
3. SIDE YARD ADJACENT TO STREET	15'	15'	15'	10'
4. GARAGE DOOR ACCESSED FROM A STREET	20'	20'	N/A	N/A
MAXIMUM HEIGHT OF STRUCTURE	35'	35'	35'	35'
MAXIMUM NUMBER OF DWELLING UNITS BY TYPE IN TRACTS 2, 3, & 4	NA	NA	600	400
MAXIMUM NUMBER OF TOTAL DWELLING UNITS IN TRACTS 2, 3, & 4	1800			

* SETBACK DETERMINED AT TIME OF PRELIMINARY-FINAL PLATTING, MUST HAVE 10' SEPARATION BUILDING TO BUILDING

- D) Mean and Median Lot size. At full buildout, the mean and median lot size for detached lots shall be a minimum of 6,200 square feet in Tract 2; 6,800 square feet in Tract 3; and 5,000 square feet in Tract 4.
- 6) **Tract 5 – Commercial.** The following regulations apply to Tract 5 on the Zoning Exhibit:

A) Base zoning district: C-2 Local Commercial District, as amended

EXHIBIT D

- B) Permitted uses: Each use permitted in the C-2 Local Commercial District to the same extent the use is permitted in such district. For example, if the C-2 Local Commercial District permits a use by right, that use is permitted in Tract 5 by right. If the C-2 Local Commercial District permits a use by SUP, that use is permitted in Tract 5 by SUP.
 - C) Development standards. Development of the Commercial Subdistrict shall comply with C-2 Local Commercial District regulations in Appendix F of the zoning ordinance, as amended.
- 7) **Tract 6 – Flex Use.** The following regulations apply to Tract 6 on the Zoning Exhibit:
- A) Base zoning district: C-2 Local Commercial District
 - B) Permitted uses: Each use permitted in Tract 1, 2, 3, 4, or 5.
 - C) Development standards.
 - I) All uses permitted in Tracts 2, 3, and 4 shall be developed in accordance with the development standards applicable to Tracts 2, 3, and 4.
 - II) Special Residential uses shall be developed in accordance with the development standards applicable to Tract 1.
 - III) All non-residential uses permitted in the C-2 Local Commercial District shall be developed in accordance with the development standards applicable to Tract 5.
 - D) A minimum of six acres within Tract 6 shall be developed with non-residential uses.
- 8) **General Provisions.**
- A) Minor Amendments. The Director of Planning may approve a maximum five-foot reduction in any minimum building setback and an increase in any maximum lot coverage of up to five percent.