

ORDINANCE NO. 2023-03-016

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 23.231 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF BLOOMDALE ROAD AND U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY), IS REZONED FROM "PD" – PLANNED DEVELOPMENT 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 RETAIL 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 23.231-acre property, located on the southwest corner of Bloomdale Road and U.S. Highway 75 (Central Expressway), which is more fully depicted on Exhibits "A", "B", and "C" attached hereto, from "PD" – Planned Development 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 allow retail 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 23-231-acre property, located on the southwest corner of Bloomdale Road and U.S. Highway 75 (Central Expressway), which is more fully depicted on Exhibits "A", "B", and "C", attached hereto, is rezoned from "PD" – Planned Development 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 allow retail and commercial uses.

Section 2. The subject property shall develop in accordance with Section 204X ("PD" – Planned Development District) of the UDC, 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 7th DAY OF March, 2023.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

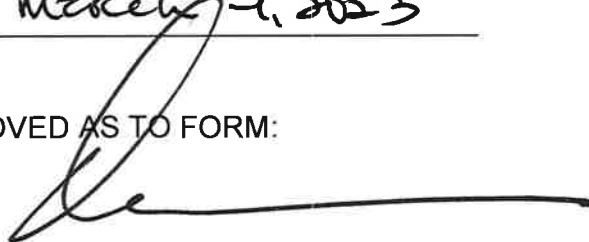
CORRECTLY ENROLLED:



EMPRESS DRANE
City Secretary

DATE: March 1, 2023

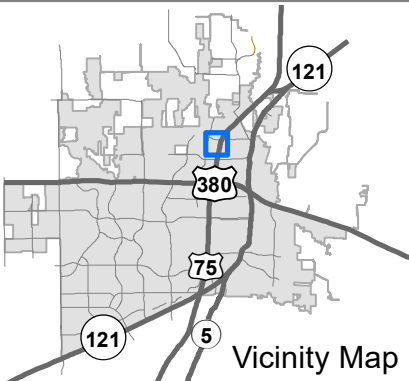
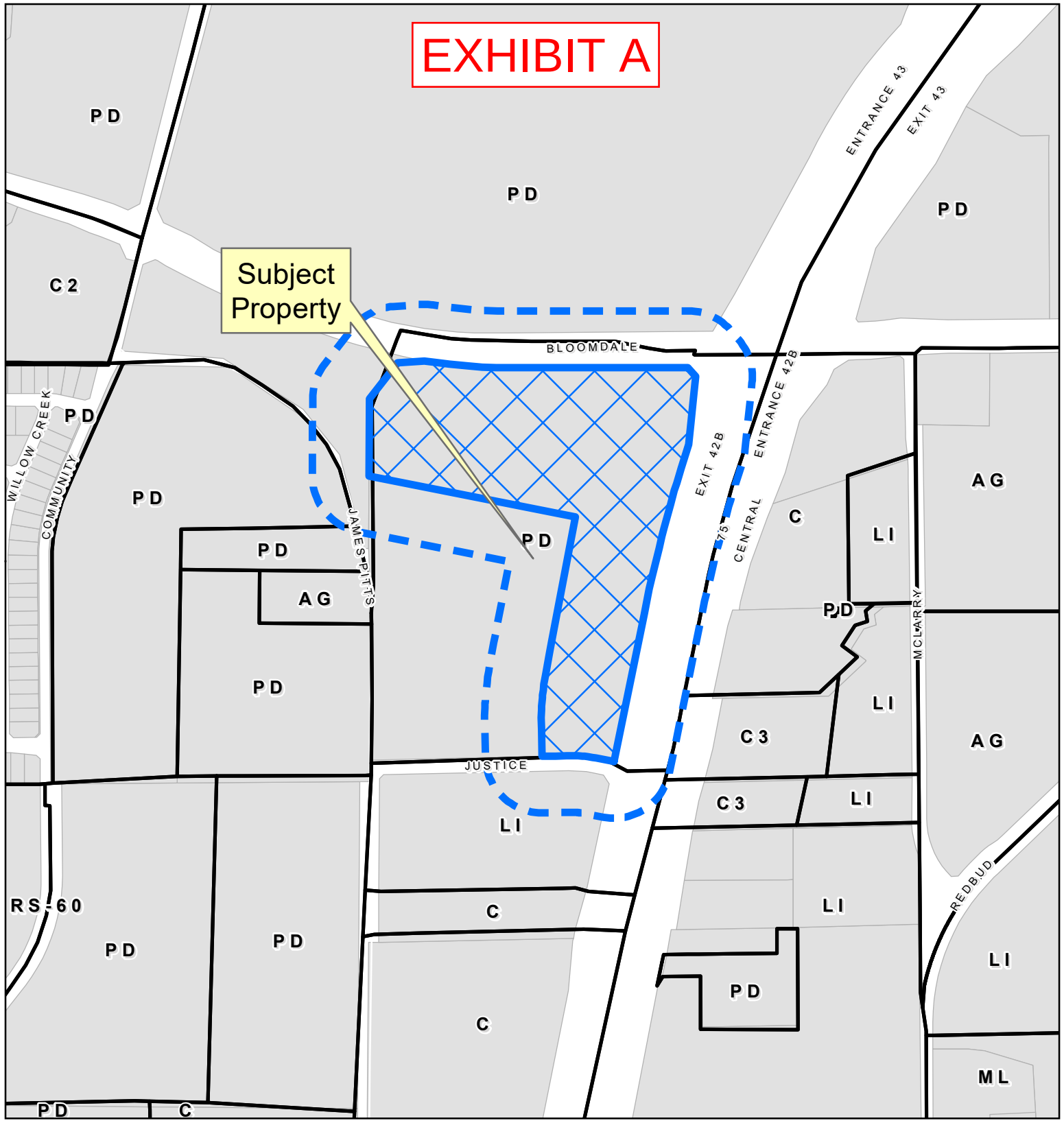
APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney

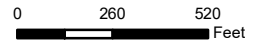
EXHIBIT A

Subject Property



Property Owner Notification Map

ZONE2022-0117



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.



BEING a parcel of land situated in the City of McKinney, Collin County, Texas, out of the Thomas J. McDonald Survey, Abstract No. 576, being part of that called 57.185 acre parcel of land described by that certain Special Warranty Deed with Vendor's Lien to CCC Partnership, L.P., as recorded by Volume 5071, Page 605, Deed Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with orange plastic cap stamped "POWERS 5593TX" found for the intersection of the west right-of-way line of United States Highway No. 75 (US-75; a variable width public right-of-way) and the north right-of-way line of Justice Road (a 60 foot public right-of-way);

THENCE along said north right-of-way line as follows:

North 78 degrees 35 minutes 56 seconds West, a distance of 64.80 feet to a 1/25 inch iron rod with yellow plastic cap stamped "RPLS 5557" found for the beginning of a curve to the left;

Along said curve to the left, through a central angle of 12 degrees 40 minutes 07 seconds, a radius of 530.00 feet, an arc length of 117.19 feet, having a chord bearing of North 84 degrees 55 minutes 59 seconds West, and a chord distance of 116.95 feet to a 5/8 inch iron rod in concrete set for the southeast corner of that called 17.759 acre parcel of land described by Special Warranty Deed with Vendor's Lien to Velocis Capstar Collin Square JV, LP, as recorded by County Clerk's File No. 20210630001329270, Official Public Records, Collin County, Texas;

THENCE departing said north right-of-way line and along the east and north lines of said 17.759 acre parcel as follows:

North 01 degrees 15 minutes 01 seconds West, a distance of 116.66 feet to a 5/8 inch iron rod with red plastic cap stamped "SCI" set for the beginning of a curve to the right;

Along said curve to the right, through a central angle of 12 degrees 33 minutes 15 seconds, a radius of 1003.00 feet, an arc length of 219.77 feet, having a chord bearing of North 05 degrees 01 minutes 36 seconds East, and a chord distance of 219.33 feet to a 5/8 inch iron rod with red plastic cap stamped "SCI" set;

North 11 degrees 18 minutes 13 seconds East, a distance of 633.80 feet to a 5/8 inch iron rod in concrete set for the northeast corner of said 17.759 acre parcel;

North 78 degrees 40 minutes 00 seconds West, a distance of 833.367 feet to a 1/2 inch iron rod with red plastic cap stamped "RPLS 4701" found for the northwest corner of said 17.759 acre parcel, same lying in the east line of Lot 1, Block 2, Collin County Justice Center, an addition to the City of McKinney, Collin County, Texas according to the Final Plat thereof recorded in Cabinet H, Page 225, Map Records, Collin County, Texas, from which a 5/8 inch iron rod found for the southeast corner of said Lot 1 bears South 00 degrees 34 minutes 35 seconds West, a distance of 284.04 feet;

THENCE along the east line of said Lot 1 as follows:

North 00 degrees 34 minutes 35 seconds East, a distance of 306.98 feet to a 1/2 inch iron rod found;

North 37 degrees 15 minutes 31 seconds East, a distance of 177.91 feet to a point from which a 5/8 inch iron rod found bears South 87 degrees 19 minutes 34 seconds West, a distance of 0.50 feet;

ZONING EXHIBIT
PART OF CALLED 57.185 ACRES
CCC PARTNERSHIP, L.P.
(VOLUME 5071, PAGE 605, D.R.C.C.T.)
THOMAS J. McDONALD SURVEY, ABSTRACT NO. 576

Date: 9/14/2022

Project No. 1990220



903 N. Bowser Road, Suite 240
Richardson, Texas 75081
(972) 424-7002 Voice
(972) 633-1702 Fax
WWW.SurveyConsultantsInc.Com
TBPLS Firm No. 10139600

LEGAL DESCRIPTION

North 85 degrees 44 minutes 42 seconds East, a distance of 116.66 feet to a 5/8 inch iron rod with red plastic cap stamped "SCI" set for the west corner of that called 27,861 square foot parcel of land described by Right of Entry and Possession to Collin County, as recorded in Volume 6078, Page 2044, Deed Records, Collin County, Texas, same lying in the south right-of-way line of Bloomdale Road (a 130 foot public right-of-way) and in a curve to the left;

THENCE along said south right-of-way line as follows:

Along said curve to the left, through a central angle of 09 degrees 08 minutes 33 seconds, a radius of 2065.00 feet, an arc length of 329.51 feet, having a chord bearing of South 86 degrees 22 minutes 46 seconds East, and a chord distance of 329.16 feet to a 5/8 inch iron rod with red plastic cap stamped "SCI" set;

North 89 degrees 02 minutes 57 seconds East, a distance of 709.46 feet to a point for the intersection of said south right-of-way line and the west right-of-way line of said US-75, from which a 5/8 inch iron rod with red plastic cap stamped "SPARR SURVEY" bears North 81 degrees 03 minutes 25 seconds West, a distance of 2.32 feet;

THENCE along said west right-of-way line as follows:

South 42 degrees 03 minutes 21 seconds East, a distance of 46.65 feet to a point from which a 5/8 inch iron rod found bears South 11 degrees 03 minutes 34 seconds West, a distance of 6.75 feet;

South 06 degrees 34 minutes 31 seconds West, a distance of 296.56 feet to a point from which a 3.25 inch aluminum disk stamped "TEXAS DEPARTMENT OF TRANSPORTATION--R.O.W. MONUMENT" found bears South 62 degrees 46 minutes 35 seconds West, a distance of 0.53 feet;

South 17 degrees 09 minutes 13 seconds West, a distance of 192.59 feet to a point from which a 3.25 inch aluminum disk stamped "TEXAS DEPARTMENT OF TRANSPORTATION--R.O.W. MONUMENT" found bears South 86 degrees 47 minutes 17 seconds West, a distance of 1.02 feet;

South 15 degrees 10 minutes 24 seconds West, a distance of 200.04 feet to a 5/8 inch iron rod with red plastic cap stamped "SCI" set;

South 13 degrees 21 minutes 13 seconds West, a distance of 203.80 feet to a 3.25 inch aluminum disk stamped "TEXAS DEPARTMENT OF TRANSPORTATION--R.O.W. MONUMENT" found;

South 11 degrees 30 minutes 42 seconds West, a distance of 204.33 feet to a point from which a 3.25 inch aluminum disk stamped "TEXAS DEPARTMENT OF TRANSPORTATION--R.O.W. MONUMENT" found bears South 28 degrees 34 minutes 07 seconds West, a distance of 0.32 feet;

South 11 degrees 57 minutes 05 seconds West, a distance of 495.34 feet to the **POINT OF BEGINNING**, containing 1,011,953 square feet or 23.231 acres of land, more or less.

ZONING EXHIBIT
PART OF CALLED 57.185 ACRES
CCC PARTNERSHIP, LP.

(VOLUME 5071, PAGE 605, D.R.C.C.T.)
THOMAS J. McDONALD SURVEY, ABSTRACT NO. 576

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EXHIBIT D

Development Regulations

The subject property (the “Property”) shall be zoned “PD” – Planned Development District. Use and development of the Property shall conform to the regulations contained herein. All provisions contained in the City’s Zoning Ordinance relating to development within the Property which are not in conflict with the provisions contained herein shall continue to apply to the development of the Property. The regulations set forth below shall apply to development of the Property.

1. Permitted Uses

P = Permitted use

S = Specific use permit required

T = Temporary use

A = Accessory use

Land Use	Allowance
Agricultural and ranching, private or wholesale	P
Agricultural and ranching, retail	S
Animal care and services, indoor only	P
Animal care and services, outdoor area	P
Animal care and services, outdoor boarding	S
Arts or cultural center	P
Assisted living facility	P
Auto rental	S
Banks and financial services	P
Batch plant (outdoor), temporary	T
Car wash	S
Caretaker's or watchman's quarters	A
City facilities (excluding airport uses)	P
Civic club or fraternal organization	P
Clinic, medical or dental	P
College or university	P
Commercial entertainment, indoor	P
Commercial entertainment, outdoor	S
Community care facility	P
Construction field office	T
Data center	S
Day care center	P
Dispatch office	P
Electric vehicle charging station	A
Farmers' market, permanent	P
Food trucks, operation sites, and food truck courts	S
Fuel sales, passenger vehicles	S
Funeral home or mortuary	P
Greenhouse or plant nursery	P

EXHIBIT D

Gun range, indoor	P
Gym or fitness studio	P
Helistop	A
Hospital	P
Hotel or motel	P
Microbrewery, distillery, winery or cidery	P
Office showroom/warehouse	P
Office	P
Outdoor storage	A
Parking garage or lot, paid or private	P
Personal service	P
Private club	S
Public or government facility (non-city)	S
Radio or TV broadcast station	P
Reception or event center outdoor	P
Reception or event center, indoor	P
Recreation area, private	P
Religious assembly	P
Religious or philanthropic uses	T
Restaurant, brew pub	P
Restaurant, carry out and delivery only	P
Restaurant, dine-in	P
Restaurant, drive-in or drive-through	P
Retail sales	P
School, business or trade	P
School, public, private or parochial	P
Seasonal sales	T
Self-storage	S
Senior independent living	S
Vehicle repair, minor	P
Wireless telecommunications facility	S
Telecommunication Structure, High Rise	S
Telecommunication Structure, Low Rise	P
Telecommunication Structure, Stealth	P
Electric vehicle charging facility	P

2. Space Limits

Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Minimum Front Yard Setback	20 feet
Minimum Rear Yard Setback	None
Minimum Side Yard Setback of Interior Lots	None
Minimum Side Yard Setback of Corner Lots	Non-residential corner parcels must meet front setbacks on both street-facing frontage

EXHIBIT D

Maximum Height of Structure	55 feet (subject to increased height per the CC – Corridor Commercial Overlay District)
Maximum Lot Coverage	None

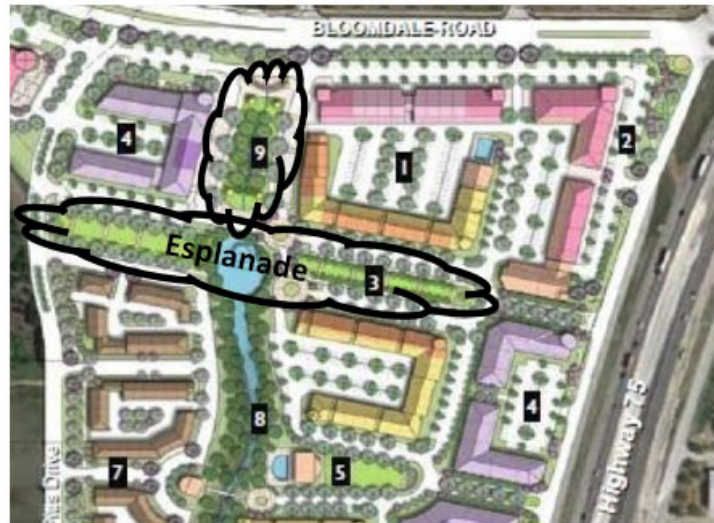
3. Residential Adjacency

If any adjacent property is ever rezoned as a single-zoning district and such adjacent property shares a property line(s) with this PD, the following building setbacks shall apply along the shared property line(s):

Building Stories	Setback (minimum)
1 story	20 feet
2 stories	50 feet
3 or more stories	2 feet of setback for each foot of building height

4. Landscaping

- The areas circled on the following Open Space Master Plan shall be maintained as open space and shall develop as follows.



- The north half of the Esplanade shall generally be developed as a mirror image of the south half of the Esplanade (as shown below) with canopy trees planted with a maximum spacing of 30 feet on center with exact spacing to be evaluated on a site-specific basis along the northern edge of the Esplanade.

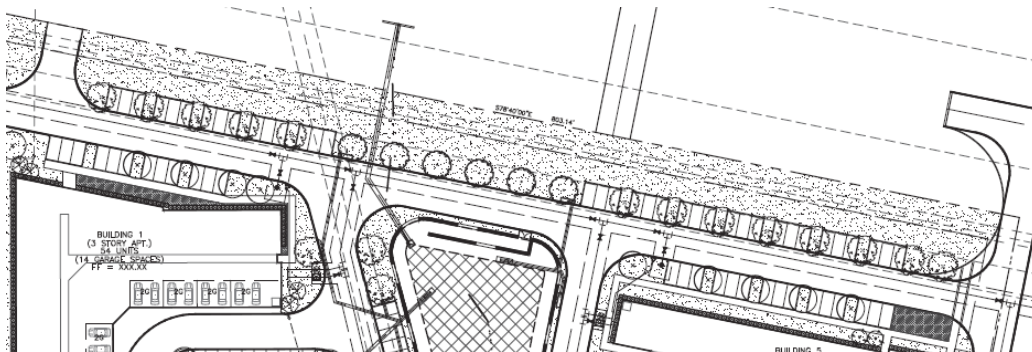


EXHIBIT D

- c. As an existing drainage way, the open space located north of the Esplanade is expected to generally remain in its natural state with a retaining wall likely constructed along its perimeter. Although unlikely due to engineering constraints, if the existing drainage way is enclosed, it shall be developed like the Esplanade as an open green with canopy trees planted approximately 30 feet on-center along its perimeter.