

ORDINANCE NO.2024-04-028

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 4.65 ACRE PROPERTY, LOCATED APPROXIMATELY 330 FEET SOUTH OF THE INTERSECTION OF VIRGINIA PARKWAY AND HARDIN BOULEVARD AND 220 FEET WEST OF HARDIN BOULEVARD, IS REZONED FROM "C2" – LOCAL COMMERCIAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS AND ALLOW FOR COMMERCIAL AND AUTO GARAGE USES (LUXURY ELITE GARAGES); 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 4.65 acre property, Located Approximately 330 feet South of the Intersection of Virginia Parkway and Hardin Boulevard and 220 feet West of Hardin Boulevard, which is more fully depicted on Exhibits "A", "B", and "C" attached hereto, from "C2" - Local Commercial District to "PD" - Planned Development District, generally to Modify the Development Standards and Allow for Commercial and Auto Garage Uses (Luxury Elite Garages); 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 4.65 acre property, located Approximately 330 feet South of the Intersection of Virginia Parkway and Hardin Boulevard and 220 feet West of Hardin Boulevard, which is more fully depicted on Exhibits "A", "B", and "C", attached hereto, is rezoned from "C2" - Local Commercial District to "PD" - Planned Development District, generally to Modify the Development Standards and Allow for Commercial and Auto Garage Uses (Luxury Elite Garages).

Section 2. The subject property shall develop in accordance with Section 204X of the Unified Development Code ("PD" – Planned Development District), 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 16th DAY OF APRIL, 2024.

CITY OF MCKINNEY, TEXAS


GEORGE C. FULLER, Mayor
CHARLIE PHILIPS, Mayor Pro Tem

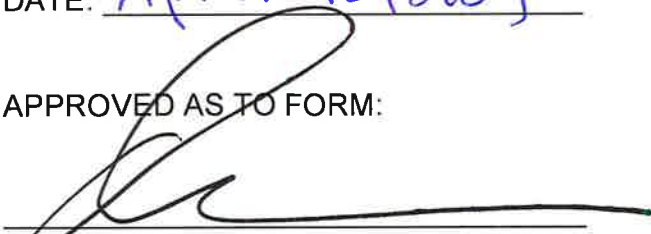
CORRECTLY ENROLLED:



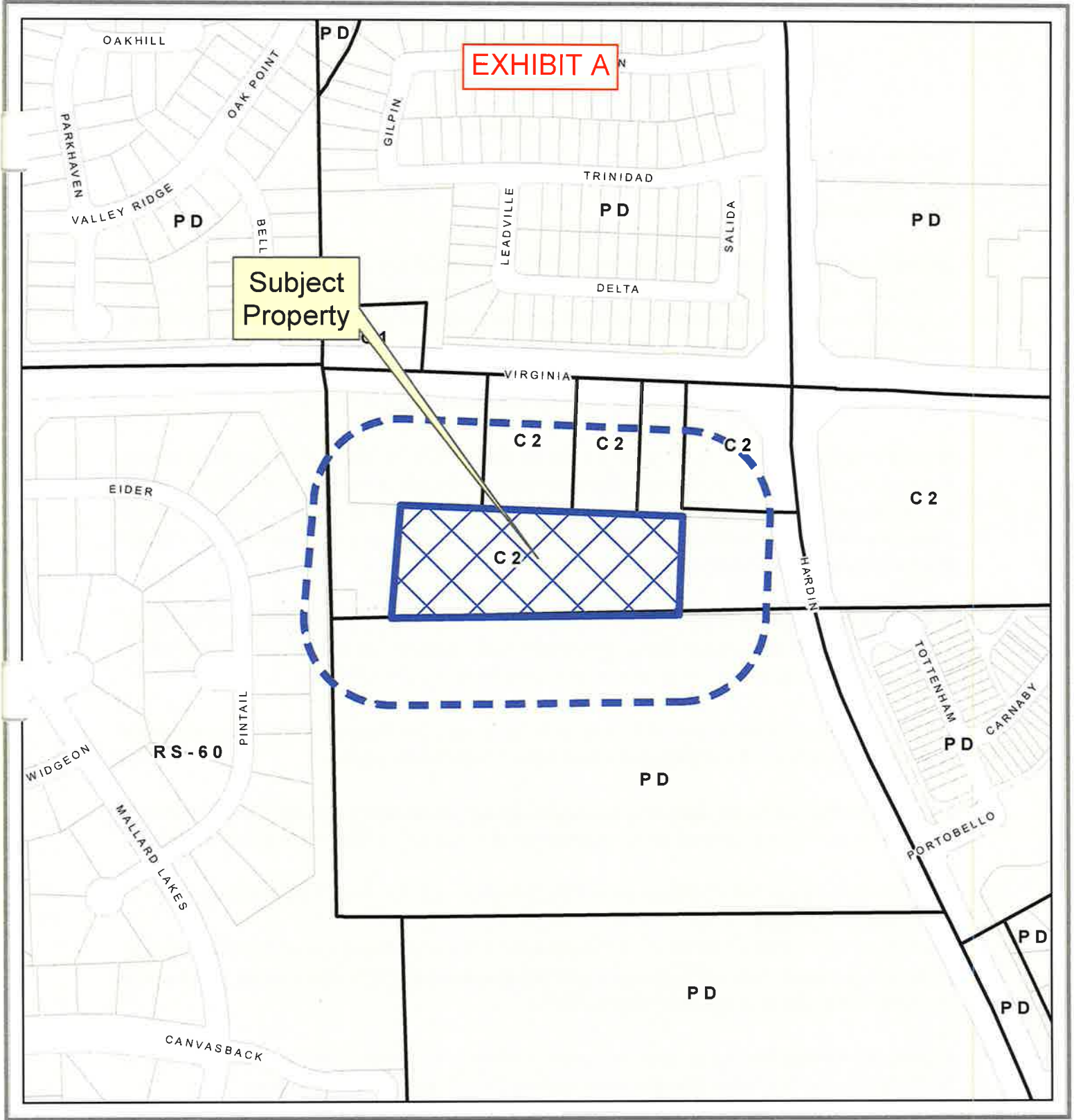
EMPRESS DRANE, City Secretary
TENITRUS BETHEL, Deputy City Secretary

DATE: April 16, 2024

APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney



Property Owner Notification Map

ZONE2024-0012

0 160 320 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

LEGAL DESCRIPTION

STATE OF TEXAS §
COUNTY OF COLLIN §
CITY OF MCKINNEY §

WHEREAS, MCKINNEY HARDIN, LLC is the owner of a tract of land situated in the James Herndon Survey, Abstract No. 391, City of McKinney, Collin County, Texas and being a portion of the tract of land described in Special Warranty Deed to MCKINNEY HARDIN, LLC recorded in Instrument No. 20190402000343570, Official Public Records of Collin County, Texas and being all of Lot 6R, Block A, Hardin Crossing Addition, an addition to the City of McKinney, Texas according to the plat thereof recorded in Plat Book 2023, Page 48, of said Official Public Records and being more particularly described as follows:

COMMENCING at a 1/2" iron rod with plastic cap stamped "PACHECO KOCH" found for the southeast corner of Lot 7, Block A, of said Hardin Crossing Addition, and being the northeast corner of Lot 1, Block A, Emerald Lake Addition, an addition to the City of McKinney, Texas according to the plat recorded in Instrument No. 2020049010001340, of said Official Public Records and being in the west right-of-way line of Hardin Boulevard (a variable width right-of-way);

THENCE with the south line of said Lot 7 and north line of said Lot 1, South 89°22'54" West, a distance of 239.84 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner and the southwest corner of said Lot 7 and the southeast corner of said Lot 6R and the POINT OF BEGINNING.

THENCE with the south line of said Lot 6R and north line of said Lot 1, South 89°22'54" West, a distance of 742.50 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

THENCE departing said north line of Lot 1, over and across said Lot 6R, North 04°54'59" East, a distance of 295.60 feet to a "X" cut in concrete set for along the south line of Lot 5 of said Hardin Crossing Addition;

THENCE with the north line of said Lot 6R and south line of Lot 5, South 87°36'03" East, a distance of 728.50 feet to a "X" cut in concrete set for a northeast corner of said Lot 6R and being the southwest corner of Lot 1R, Block A, Hardin Crossing Addition, an addition to the City of McKinney according to the plat recorded in Instrument No. 20220519000309, of said Official Public Records;

THENCE with the east line of said Lot 6R and west line of said Lot 7, South 02°23'53" West, a distance of 256.30 feet to the POINT OF BEGINNING and containing 202,579 square feet or 4.65 acres of land.

EXHIBIT D

PLANNED DEVELOPMENT DISTRICT *Development Standards*

The subject property (the "Property") shall be zoned "PD" – Planned Development District. Use and development of the Property shall conform to the requirements of the City's Code of Ordinances, and as amended, except as noted below.

Tracts. The Property shall be developed a single tract as shown on the Zoning Exhibit attached hereto as Exhibit "C".

All development occurring within the boundaries of the Subject Property shall conform to the development and land use standards contained in this Planned Development District ordinance.

B.1 PURPOSE

The purpose of this Planned Development District is to provide provisions that control the development of Auto Garages meeting the Commercial Zoning on the Subject Property.

B.2 DEFINITIONS:

(1) Auto Garage Condo:

Auto Garage Condo is a location for vehicle enthusiasts to store and display personal vehicles. An Auto Garage Condo building shall contain separate, individual, compartmentalized units, that can be rented, leased, or owned, and which allow for the storage of customers' personal vehicles and ancillary personal property.

B.3 PERMITTED LAND USES:

(1) Permitted Uses:

(a) The following land uses shall be included as permitted *By-Right*:

- Auto Garage ¹
- Assisted Living Facility
- Community Care Facility
- Animal Care Services, Indoor only
- Arts or cultural Center
- Banks and Financial Services
- Civic Club or Fraternal Organization
- Clinic, Medical or Dental
- College or University
- Commercial Entertainment, indoor
- Community Garden
- Farmers Market, permanent
- Government Facilities (city, excluding airport uses)
- Greenhouse or plant nursery
- Gym or Fitness Studio
- Hospital
- Hotel or Motel
- Office
- Parking Garage or Lot, paid or private

- Personal Service
- Reception or event Center, indoor
- Recreation Area, Private
- Religious Assembly
- School, Business or Trade
- School, public, private or parochial

Accessory Uses

- Electric vehicle charging station

Special Uses

- Donation collection container - Accessory Use
- Food truck operation sites
- Telecommunication Structure, Low Rise
- Telecommunication Structure, Stealth
- Wind Energy Conversion system (WECS)

¹ This use is intended to be mutually exclusive and cannot be combined with any of the other allowed uses in this ordinance.

(2) Permitted Uses with Criteria (as specified in the Unified Development Code):

- Cottage Industrial
- Country Club
- Day Care Center
- Dispatch Office
- Electric Vehicle Charging Facility
- Government Facilities (non-city)
- Microbrewery, distillery, winery or cidery
- Radio or TV Broadcast Station
- Restaurant, brew pub
- Restaurant, carry out and delivery only
- Restaurant, Dine in
- Restaurant, drive-in or drive through
- Retail Sales

(3) Permitted Uses by Specific Use Permit:

- Independent Living
- Animal Care Services, Outdoor Area
- Commercial Entertainment, outdoor
- Reception or Event Center, outdoor
- Food truck courts
- Private club
- Telecommunication Structure, high rise

B.4 SPACE LIMITS:

Minimum Lot Area: 0 SF
Minimum Lot Width: 0 FT

Minimum Lot Depth: 0 FT
Minimum Front Yard Setback: 20 FT
Minimum Rear Yard Setback: 0 FT
Minimum Side Yard Setback (interior lots): 0 FT
Minimum Side Yard Setback (corner lots): 0 FT
Maximum Height: 36 FT
Minimum Auto Garage Unit Size: 800 SF

B.5 SPECIAL STANDARDS FOR AUTO GARAGE CONDO USE(S):

1. All activities related to the maintenance, repair, upkeep, or preservation of stored vehicles shall be contained within individual condo units.
2. Manufacturing, fabrication, metal working, and/or welding shall be prohibited.
3. Automotive painting shall be prohibited. This does not include pinstriping, wrapping, shading, tinting or other similar minor detail accents.
4. The installation and/or use of chassis dynamometers or engine dynamometers shall be prohibited.
5. Units shall not be used for the purpose of conducting on-site sales, transactions, or services of any kind. This does not preclude the individual, personal sale of vehicles otherwise being stored inside of a condo unit by the owner/leaser/renter of the unit.
6. Units shall not be used for the sole purpose of storing personal, household goods.
7. No unit shall be used for sleeping, overnight stays or any other lodging purpose.
8. In no event shall use of a garage condo unit constitute a nuisance or a hazardous or offensive activity or threaten security or the safety of unit owners, lessees, or their respective invitees.
9. The commercial operation of rental trucks and trailers shall be prohibited.
10. No outdoor storage of any kind shall be allowed.

B.6 SITE STANDARDS FOR AUTO GARAGE CONDO USES:

1. 1 parking space per 2,000 square foot of gross floor area
2. A 6' wrought iron fence with evergreen shrubs shall be provided on all property lines.
3. Lighting standards shall be limited to 20' in height.
4. A private security gate shall be provided at all entrances to the site.
5. Bay doors shall not be oriented towards any right-of-way and shall include an architectural feature such as glazing or window(s) to provide natural lighting into the units.