

ORDINANCE NO. 2021-09-095

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 51.45 ACRE PROPERTY, LOCATED ON THE SOUTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND APPROXIMATELY 500 FEET EAST OF CUSTER ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL AND MULTI-FAMILY 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 51.45 acre property, located on the South Side of U.S. Highway 380 (University Drive) and approximately 500 Feet East of Custer Road, 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 allow for Commercial and Multi-Family 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 51.45 acre property, located on the South Side of U.S. Highway 380 (University Drive) and approximately 500 Feet East of Custer Road, 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.
- 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 7th DAY OF SEPTEMBER, 2021.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

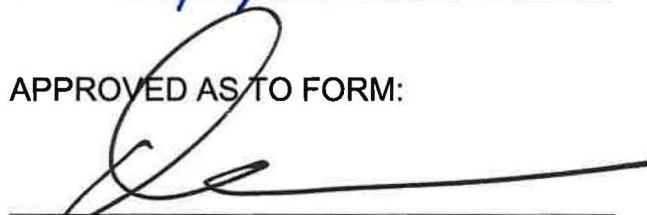
CORRECTLY ENROLLED:



EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

DATE: 09/10/2021

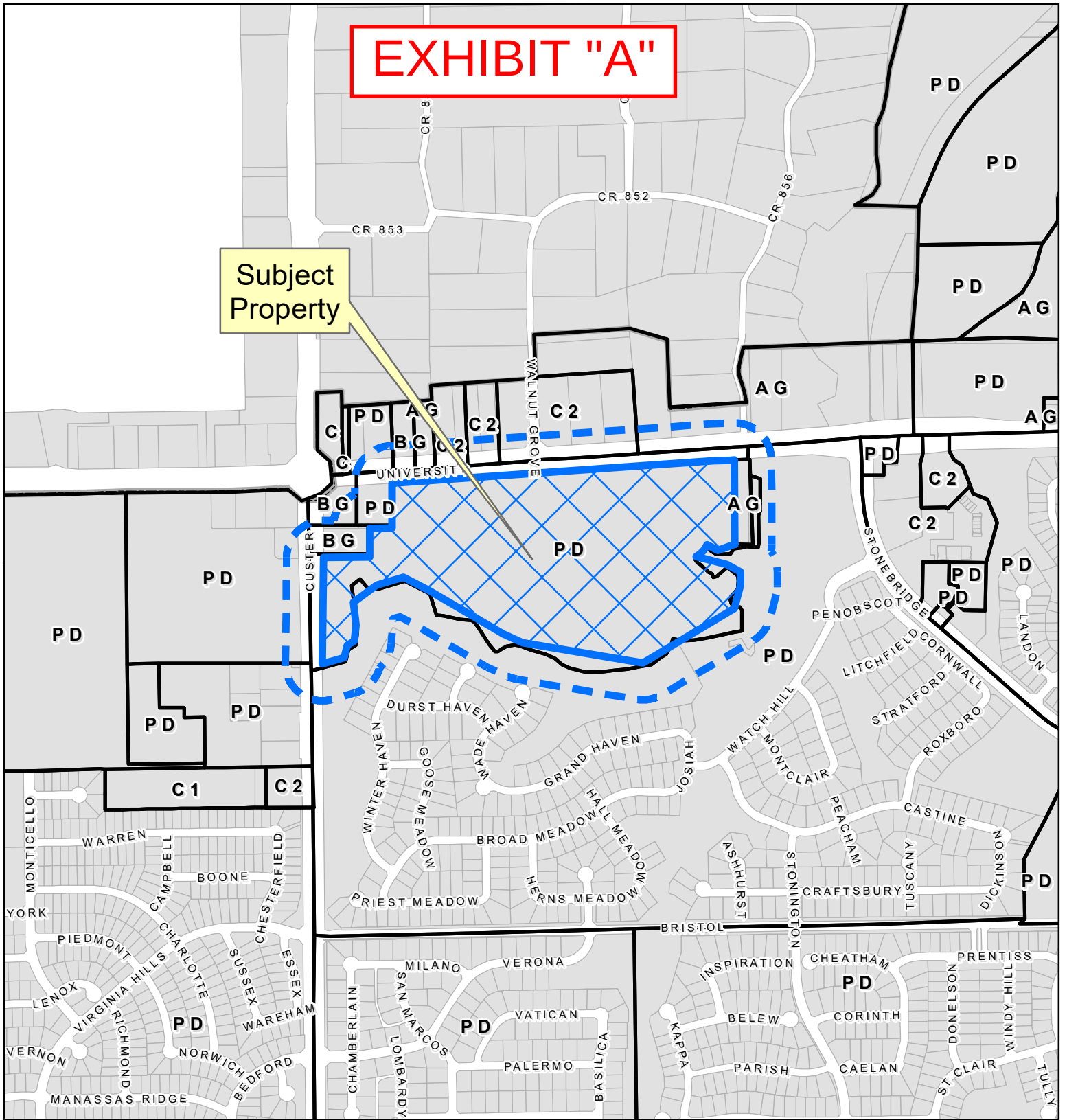
APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney

EXHIBIT "A"

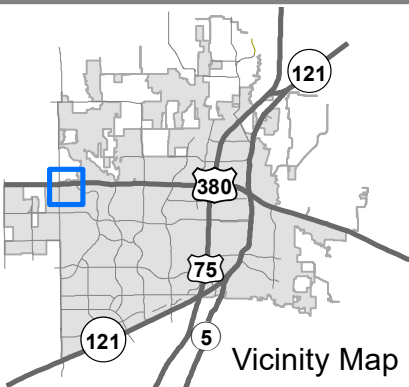
Subject Property



Property Owner Notification Map

21-0046Z2

0 400 800 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"

All of Lot 1R, Block 1A

Situated in the
*BP Worley Survey, Abstract Number 995 and
Christopher Searcy Survey, Abstract Number 830*
City of Mc Kinney, Collin County, Texas

BEING 2,241,332 square feet or **51.45** acre tract of land situated in the B.P. Worley Survey, Abstract No. 995 and the Christopher Searcy Survey, Abstract No. 830, City of McKinney, Collin County, Texas; said tract being all of Lot 1R, Block A, according to the Conveyance Plat of PARCEL 601-603, Lots 1R and 4, Block A, an addition to the City of McKinney, Collin County, Texas according to the plat recorded in Volume 204, Page 383 of Public Records of Collin County, Texas (P.R.C.C.T.); said tract also being part of that certain tract of land described in Special Warranty deed to Entertainment Properties 360, LLC recorded in Instrument Number 20131230001695210 (P.R.C.C.T.); and being more particularly described as follows:

BEGINNING, at a 5/8-inch iron rod found in the south right-of-way line of US Highway No. 380, a variable width right-of-way, said point being the northwest corner of said Lot 1R, same being the northeast corner of Lot 3R, Block A, amending plat, Parcel 601-603, Lot 3R, Block A, an addition to the City of McKinney, Collin County, Texas according to the plat recorded in Volume 2009, Page 259 (P.R.C.C.T.);

THENCE North 86 degrees 00 minutes 25 seconds East, along the said south right-of-way line of US Highway No. 380, a distance of **1,966.48 feet** to a 1/2-inch iron rod with "PETSCHE & ASSOC. INC" cap, hereinafter referred to as "PETSCHE CAP" found for corner;

THENCE North 87 degrees 24 minutes 06 seconds East, a distance of **102.24 feet** to a 1/2-inch iron rod found for corner;

THENCE North 84 degrees 53 minutes 47 seconds East, a distance **27.57 feet** to a 1/2-inch iron rod with "PETSCHE CAP" found for the northeast corner of said Lot 1R and the northwest corner of that certain tract of land described in General Warranty Deed to the Story Family Trust recorded in Instrument Number 2014122001396270 (P.R.C.C.T.);

THENCE South 01 degree 00 minutes 32 seconds East, departing said south right-of-way line of U.S. 380, along the common line of said Lot 1R and said Story Tract, a distance of **514.19 feet** to a point for the southwest corner of said Story Tract and being in a northerly line of Lot A-1 Block A of Lake La Cima- PARCEL 604, an addition to the City of McKinney, Collin County, Texas, as shown in plat recorded in Instrument Number 20080219010000620 (P.R.C.C.T.);

THENCE along the common line of said Lot 1R and said Lot A-1, the following bearings and distances:

South 70 degrees 08 minutes 10 seconds West, a distance of **110.16 feet** to a 1/2-inch iron rod with "PETSCHE CAP" found for corner;

North 63 degrees 25 minutes 12 seconds West, a distance of **73.74 feet** to a 1/2-inch iron rod with yellow cap found for corner at the beginning of a non-tangent curve to the right;

In a southwesterly direction, with said curve to the right, having a central angle of **32 degrees 03 minutes 42 seconds**, a radius of **175.00 feet**, an arc length of **97.93 feet** and a long chord bearing and distance of **South 42 degrees 33 minutes 19 seconds West, 96.65 feet** to a 1/2-inch iron rod with "PETSCHE CAP" found for corner at the end of said curve;

South 75 degrees 54 minutes 53 seconds East, a distance of **193.55 feet** to a 1/2-inch iron rod with "PETSCHE CAP" found for corner;

EXHIBIT "B"

All of Lot 1R, Block 1A

Situated in the
*BP Worley Survey, Abstract Number 995 and
Christopher Searcy Survey, Abstract Number 830*
City of Mc Kinney, Collin County, Texas

South 62 degrees 06 minutes 40 seconds East, a distance of **93.35 feet** to a 1/2-inch iron rod found for corner;

South 00 degrees 09 minutes 26 seconds East, a distance of **79.43 feet** to a 1/2-inch iron rod found for corner;

South 14 degrees 17 minutes 32 seconds West, a distance of **148.09 feet** to a 1/2-inch iron rod with "PETSCHER CAP" found for corner;

THENCE South 58 degrees 53 minutes 41 seconds West, passing the northwest corner of said Lot A-1 and northeast corner of Lot 1, Block A, PARCEL 602, an addition to the City of McKinney, Collin County, Texas, according to the plat recorded in Cabinet Q, Page 391 (P.R.C.C.T.), a distance of **645.72 feet** to a 1/2-inch iron rod with "PETSCHER CAP" found for corner;

THENCE along the common line of said Lot 1R and said PARCEL 602, the following bearings and distances:

North 81 degrees 26 minutes 12 seconds West, a distance of **741.69 feet** to a 1/2-inch iron rod with "PETSCHER CAP" found for corner;

North 65 degrees 46 minutes 36 seconds West, a distance of **131.84 feet** to a 1/2-inch iron rod with "PETSCHER CAP" found for corner;

North 60 degrees 32 minutes 24 seconds West, a distance of **527.37 feet** to a 1/2-inch iron rod with "PETSCHER CAP" found for corner;

North 63 degrees 55 minutes 58 seconds West, a distance of **168.06 feet** to a 1/2-inch iron rod found for corner;

South 73 degrees 35 minutes 07 seconds West, a distance of **169.29 feet** to a 1/2-inch iron rod with unreadable cap found for corner;

South 53 degrees 25 minutes 06 seconds West, a distance of **178.16 feet** to a 5/8-inch iron rod with "COTTON SURVEYING" cap found for corner;

South 07 degrees 03 minutes 29 seconds East, a distance of **139.26 feet** to a 1/2-inch iron rod with "PETSCHER CAP" found for corner;

South 04 degrees 35 minutes 41 seconds West, a distance of **95.55 feet** to a 1/2-inch iron rod with yellow cap found for corner;

South 57 degrees 34 minutes 31 seconds West, a distance of **53.12 feet** to a 1/2-inch iron rod found for corner;

South 14 degrees 02 minutes 44 seconds West, a distance of **74.98 feet** to a 1/2-inch iron rod found for corner;

EXHIBIT "B"

All of Lot 1R, Block 1A

Situated in the
*BP Worley Survey, Abstract Number 995 and
Christopher Searcy Survey, Abstract Number 830*
City of Mc Kinney, Collin County, Texas

THENCE South 71 degrees 55 minutes 25 seconds West, a distance of **151.74 feet** to a 1/2-inch iron rod with "PEISER SURVEYING" cap found in the east right-of-way line of Custer road, a variable width wide right-of-way, being the southeast corner of said lot 1R and the northwest corner of said Parcel 602;

THENCE along the common line of said east right-of-way line of Custer Road and said Lot 1R, the following bearings and distances:

THENCE along the common line of said east right-of-way line of Custer Road and said Lot 1R, the following bearings and distances:

THENCE North 00 degrees 34 minutes 39 seconds West, along said, in the east right-of-way line of Custer Road, the northwest line of said Lot 1R, a distance of **607.02 feet** to a 1/2-inch iron rod with "PEISER SURVEYING" cap found for corner;

North 05 degrees 47 minutes 00 seconds East, a distance of **63.09 feet** to a 1/2-inch iron rod with "PEISER SURVEYING" cap found for corner;

North 00 degrees 34 minutes 39 seconds West, along east line of Custer Road, a distance of **8.09 feet** to a 1/2-inch iron rod with "PEISER SURVEYING" cap found for the most westerly northwest corner of said Lot 1R and southwest corner of Lot 4, Block A, of said conveyance plat;

THENCE North 89 degrees 25 minutes 56 seconds East, departing the said east right-of-way line of Custer Road and along the common line of said Lot 1R, and the south line of said Lot 4, a distance of **290.00 feet** to a 1/2-inch iron rod found for the southeast corner of said Lot 4;

THENCE North 00 degrees 34 minutes 39 seconds West, a distance of **175.00 feet** to a 1/2-inch iron rod found for the northeast corner of said Lot 4;

THENCE North 89 degrees 25 minutes 56 seconds East, along the south line of said Lot 3R, a distance of **134.96 feet** to a 1/2-inch iron rod with red cap found for the southeast corner of said Lot 3R;

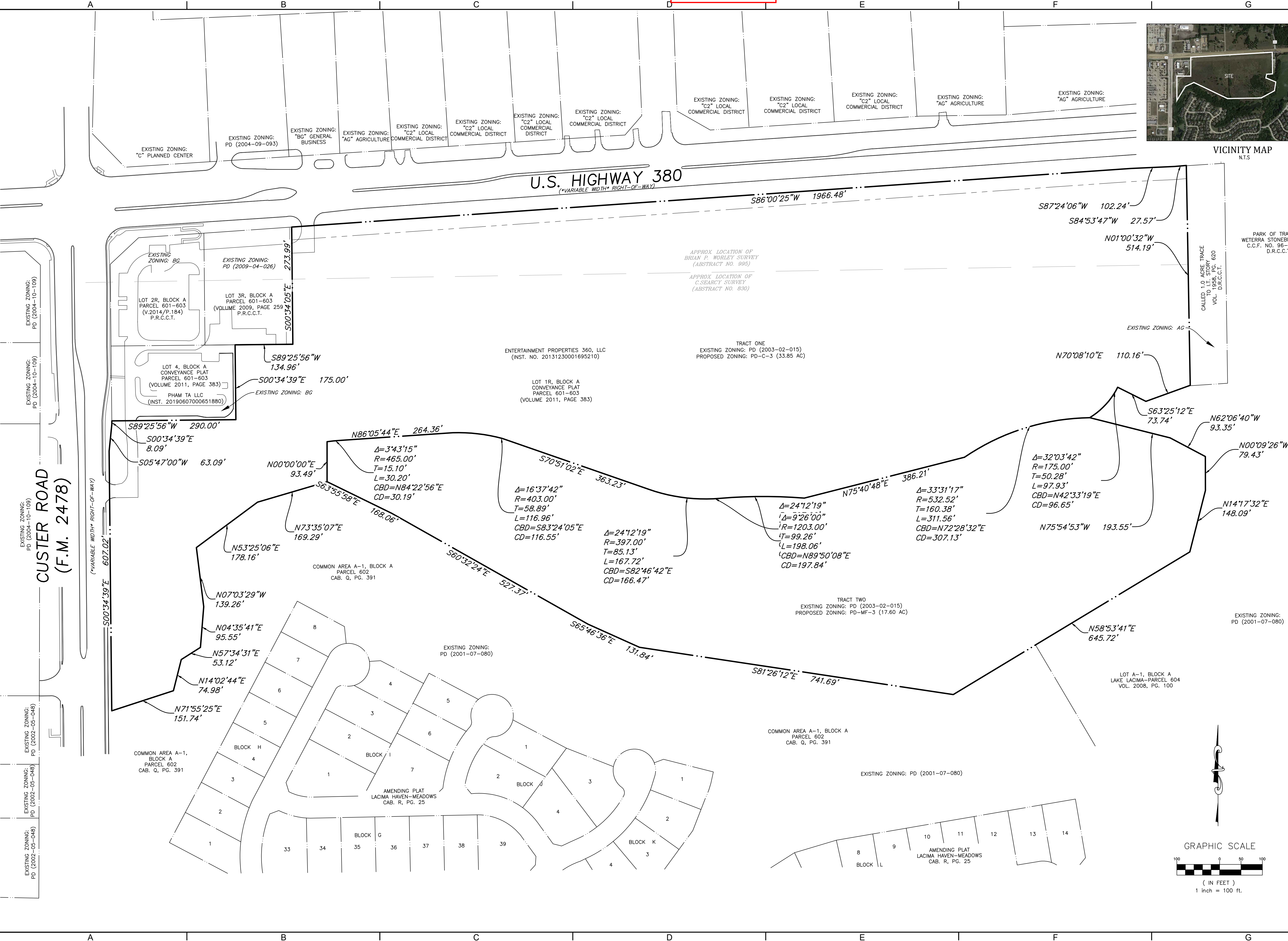
THENCE North 00 degrees 34 minutes 05 seconds West, along the east line of said Lot 3R, a distance of **273.99 feet** to the **POINT OF BEGINNING** and containing **2,241,332** square feet or **51.45** acres of land more or less.

The Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202), NAD83 (2011).

EXHIBIT "C"



VICINITY MAP
N.T.S.



PARK OF TRACT 3A
WETERRA STONEBRIDGE, L.P.
C.C.F. NO. 96-0106740
D.R.C.C.T.

CALLED 1.0 ACRE TRACE
TO STATION 620
VOL. 1955, PG. 620
D.R.C.C.T.

TEL: 214-295-5775
www.urbanstructure.com
**URBAN
STRUCTURE**
840 Walnut Hill Lane, Suite 905
Dallas, Texas 75231
Firm Registration #15405

PRELIMINARY
NOT FOR CONSTRUCTION,
BIDDING, OR PERMIT PURPOSE.
PREPARED UNDER THE
SUPERVISION OF
DOUGLAS E. BARRILLEAUX
P.E.# 97518
ON
6/29/2021

WEST GROVE
SEC OF CUSTER RD & US-380
LOT 1R, BLOCK A
MCKINNEY, COLLIN COUNTY, TEXAS

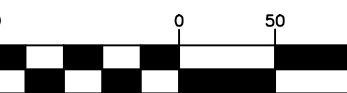
ZONING EXHIBIT

CLIENT:	DE LA VEGA
DRAWN BY:	NMK
DESIGNER:	NMK
REVIEWER:	DEB
SHEET TITLE:	U.S. PROJECT: 2024

SHEET



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

FILE NAME: 2021.03.05 - ZONING EXHIBIT.DWG
LAST MODIFIED ON: 6/29/2021 12:02 PM
LAST MODIFIED BY: DEB
PLOT DATE: 6/29/2021 12:02 PM

EXHIBIT "D"

DEVELOPMENT REGULATIONS

- I. **Tracts.** The Property shall be divided into two (2) tracts (collectively, the “Tracts” and each separately, a “Tract”) as shown on the Zoning Exhibit attached hereto as Exhibit “C”, which Zoning Exhibit identifies the general geographic location of permitted land uses within the Property. Each Tract shall contain the approximate number of acres shown on the Zoning Exhibit, but such acreage may be increased or decreased by 10%.
- II. **Tract One.** Tract One shall develop in accordance with Section 146-113 (“C3 – Regional Commercial District”) of the Zoning Ordinance, as amended, except as follows:
 - a. Additional Permitted Land Use. Commercial outdoor amusement uses shall be an additional permitted use without the requirement of obtaining a specific use permit.
- III. **Tract Two.** Tract Two shall develop in accordance with Section 146-113 (“C3 – Regional Commercial District”) of the Zoning Ordinance, as amended, except as follows:
 - a. Additional Permitted Land Uses. Uses permitted and developed in accordance with Section 146-81 (“MF-3 - Multiple Family Residential Medium-High Density District”) of the Zoning Ordinance, as amended, except as follows:
 - i. Residential density shall be 28 units per gross acre maximum, not to exceed 420 units;
 - ii. Minimum lot area shall be 1,500 square feet per unit;
 - iii. Building heights shall be 3 stories, not to exceed 45’;
 - iv. Required minimum rear yard setback shall be 25 feet;
 - v. Required minimum side yard setback shall be 20 feet.
 - b. Parking. The required parking shall be in accordance with Section 146-130 (“Parking”) of the Zoning Ordinance, as amended, except as follows:
 - i. Required off street parking shall be calculated at 1 space for each bedroom with an additional 0.2 parking spaces per unit;
 - ii. Required number of enclosed parking spaces shall be a minimum of not less than 30% of the total number of units and the additional 0.5 parking space for each enclosed space with a garage door is not required;
 - iii. Required number of covered parking spaces (carports) shall be not less than the number required to bring both enclosed and covered parking spaces to 50% of the total number of units;
 - iv. Carports shall be constructed of steel frame with gabled standing seam metal roofs supported by steel columns clad in painted wood, masonry or a combination of both.
 - c. Screening. A 6 foot masonry wall on the rear and sides of the property per Section 146-132(3)(b) of the Zoning Ordinance will not apply if a living screen in accordance with Section 146-135(e)(1)(f) is provided adjacent to residential uses or zones.
 - d. Landscaping. The required landscaping shall be in accordance with Section 146-135 of the Zoning Ordinance, except as follows:

EXHIBIT "D"

- i. If a mutual access easement is provided along the property line of two adjacent tracts, then the required 5' vehicular use buffer per Section 146-135(f)(15) shall not apply for those portions where the mutual access easement exists ;
 - ii. The required landscape buffer along the northern boundary of Tract Two may be reduced to 15' extending from the property line or mutual access easement, except in the area where the Park (defined herein) crosses the mutual access easement where the landscape setback and required tree planting shall be waived. Canopy trees located within the required landscape buffer will be planted at a minimum of one tree per 40 linear feet. These trees may not be clustered.
- e. Amenities. The required amenities shall be in accordance with Section 146-139(f)(2) ("Multi-family residential site design") of the Zoning Ordinance, as amended, except as follows:
 - i. The number of required amenities shall be increased by two (2) additional amenities.
- f. Required Open Space. An integrated public open space shall be provided in a manner that creates a focal gathering place between Tract One and Tract Two with the following minimum requirements:
 - i. the public open space shall be a minimum of two (2) acres in size and dedicated as a common area(s);
 - ii. the public open space shall be centrally located on the subject property and straddling Tracts One and Two so that a minimum of one (1) acre of open space is provided within each tract;
 - iii. if the public open space is bisected by a roadway or easement for vehicular access, traffic calming devices and pedestrian features shall be provided to visually connect the open space(s) and encourage pedestrian connectivity between Tract One and Tract Two;
 - iv. formal gathering areas with elements such as hardscape and softscape, ornamental shade trees or shade structures, bench seating, decorative pavers, public art, decorative lighting, or water features shall be provided within the open space for each tract and approved as part of the site plan process;
 - v. the public open space shall be provided as one contiguous or linear amenity for the entire subject property and shall not be utilized solely as an amenity for the multi-family development in Tract Two; and
 - vi. maintenance of the open space will be the obligation of the property owners association(s).
- g. Multi-Family Uses. In addition to the requirements for obtaining the necessary permits and certificates of occupancy under the normal and customary rules of the city, the following shall also apply:

EXHIBIT "D"

- i. the City shall have approved a site plan for at least two (2) restaurants and one (1) general commercial use within Tract One before a building permit can be issued for the construction of any multi-family units in Tract Two;
- ii. at minimum, a temporary certificate of occupancy must have been issued for said restaurant and commercial uses above before any multi-family residential units may be occupied; and
- iii. the Required Open Space and associated features must be installed before any multi-family residential units may be occupied.

EXHIBIT "D"

EXHIBIT A

[illegible]