

ORDINANCE NO. 2021-10-107

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 20.76 ACRE PROPERTY, LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DR) AND APPROXIMATELY 1115 FEET WEST OF HARDIN BOULEVARD, IS REZONED FROM "C" – PLANNED CENTER DISTRICT, "RG 18 – GENERAL RESIDENCE DISTRICT, "PD" – PLANNED DEVELOPMENT DISTRICT, "BG" – GENERAL BUSINESS DISTRICT, AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO ALLOW MULTIFAMILY AND COMMERCIAL USES AND 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 20.76 acre property, located on the North Side of U.S. Highway 380 (University Dr) and approximately 1115 feet west of Hardin Boulevard, which is more fully depicted on Exhibits "A", "B", and "C" attached hereto, from "C" – Planned Center District, "RG 18 – General Residence District, "PD" – Planned Development District, "BG" – General Business District, and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, generally to allow multifamily and commercial uses and to modify the development standards; 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 20.76 acre property, located on the North Side of U.S. Highway 380 (University Dr) and approximately 1115 feet west of Hardin Boulevard, which is more fully depicted on Exhibits "A", "B", and "C", attached hereto, is rezoned from from "C" – Planned Center District, "RG 18 – General Residence District, "PD" – Planned Development District, "BG" – General Business District, and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, generally to allow multifamily uses and commercial uses and 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 19th DAY OF OCTOBER, 2021.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:



EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

DATE: 10-19-2021

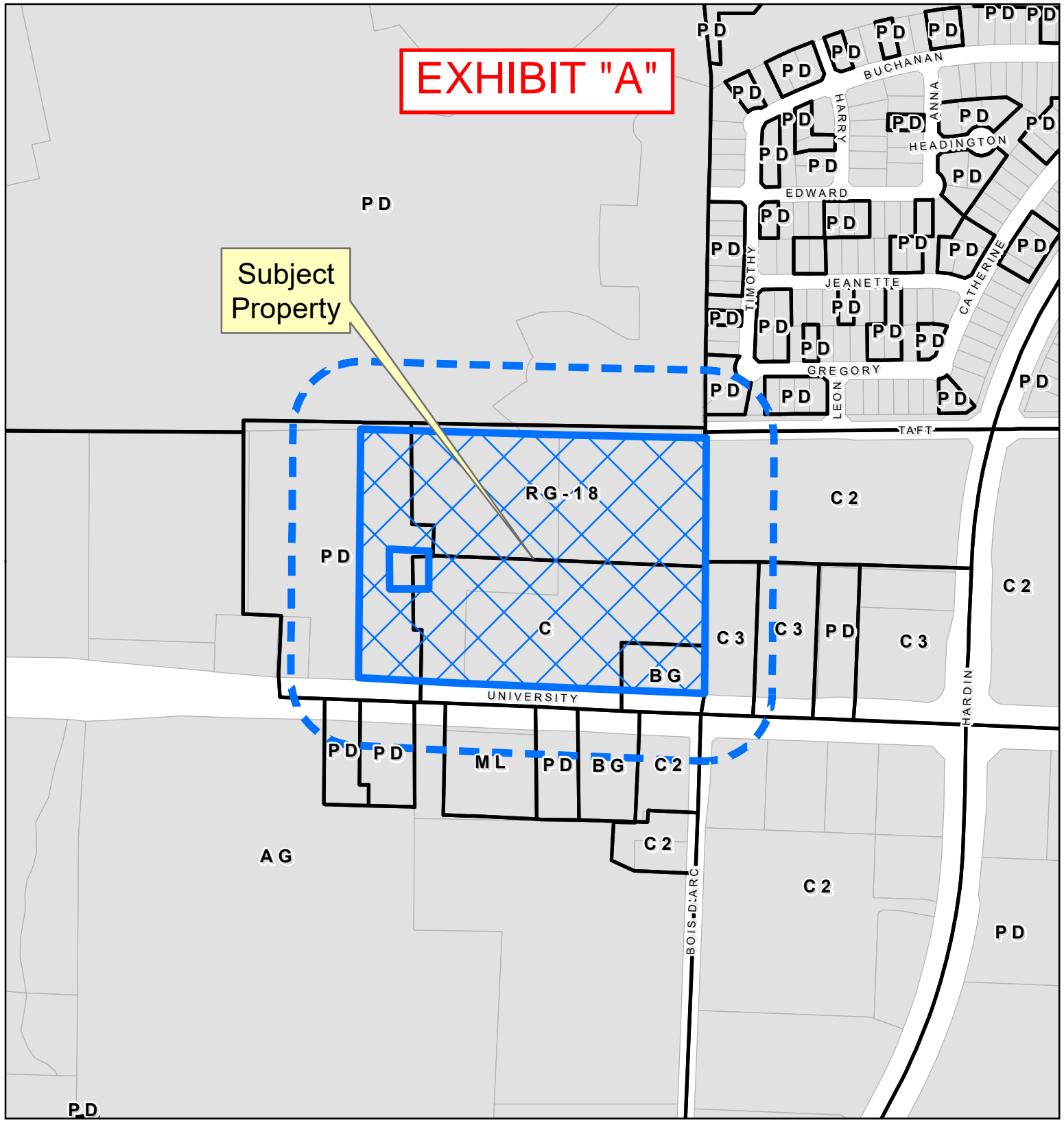
APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney

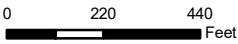
EXHIBIT "A"

Subject Property



Property Owner Notification Map

ZONE2021-0062



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.

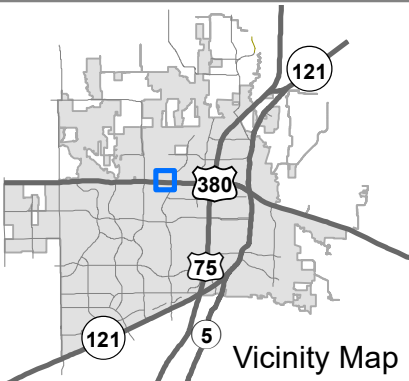


EXHIBIT "B"

LEGAL DESCRIPTION OVERALL TRACT WILLIAM HUNT SURVEY, ABS 450. TRACT 24 + 49

BEING a tract of land situated in the William Hunt Survey, Abstract No. 450, City of McKinney, Collin County, Texas, all of two tracts conveyed to 380 North Retail/Mf Ltd, by special warranty deeds recorded in Instruments No. 202110114000090470 and No. 202000904001497270 of the Official Public Records of Collin County, Texas and being all of a called 20.7479 acres tract of land being more particularly described as follows;

BEGINNING at an aluminum disk stamped "TxDOT 614" found on the north right-of-way line of West University Drive (U.S. Highway 380) (a variable width right-of-way) for the southeast corner of a called 5.9440 acres tract of land described in Warranty Deed to H. R. Lewis recorded in Instrument No. 19911216000702600 of said Official Public Records;

THENCE departing along said north right-of-way line South 88°26'42" East, a distance of 187.53 feet to an aluminum disk stamped "TxDOT 618" found,

THENCE continuing along said north right-of-way line South 87°39'43" East, a distance of 163.04 feet to a 1/2" iron rod with red cap found;

THENCE continuing along said north right-of-way line, South 87°39'43" East, a distance of 519.72 feet to an aluminum disk stamped "TxDOT 624" found on said north right-of-way line for the southwest corner of a called 0.988 of an acre tract of land described in Special Warranty Deed with Vendor's Lien to Corner Acquisitions Fund, LLC recorded in Instrument No. 2017081600195310 of said Official Public Records and being a southeast corner of said 20.7479 acres tract;

THENCE continuing along the west line of said 0.988 of an acre tract, North 36°35'14" West, a distance of 155.46 feet to an iron rod found for the northwest corner of said 0.988 of an acre tract and being a southeast corner of said 20.7479 acres tract;

THENCE continuing along the north line of said 0.988 of an acre tract, South 87°43'35" East, a distance of 277.68 feet to a PK nail found on the west line of Lot 2R, Block A, Headington Heights Addition, an addition to the City of McKinney according to the minor replat recorded in Instrument No. 20141210010004140 of said Official Public Records and being a southeast corner of said 20.7479 acres tract;

THENCE continuing along the west line of said Lot 2R, North 00°51'28" East, a distance of 283.76 feet to an iron rod found for the northwest corner of said Lot 2R and Lot 3R, Block A Headington Heights Addition, an addition to the City of McKinney according to the amending plat recorded in Instrument No. 20150130010000410 of said Official Public Records;

EXHIBIT "B"

THENCE continuing along the west line of said Lot 3R, North 00°51'06" East, a distance of 403.33 feet to a 1/2" iron rod with "RPLS 5439" cap found for the northwest corner of said Lot 3R and a southwest corner of the right-of-way line of Taft Lane (a variable width right-of-way);

THENCE continuing along the west line of right-of-way, North 07°36'57" West, a distance of 5.37 feet to a 1/2" iron rod with "RPLS 5190" cap found for a southwest corner of said right-of-way line and being the northeast corner of said 20.7479 acres tract;

THENCE continuing along the south line of right-of-way, North 88°31'38" West, a distance of 469.65 feet to an iron rod found for a southwest corner of said right-of-way line and a southeast corner of a called 1,102.1700 acres tract of land described in Special Warranty Deed to Jen Texas 22 LLC recorded in Instrument No. 202000904001497270 of said Official Public Records;

THENCE continuing along a south line of said 1,102.170 acres tract, South 88°31'38" East, a distance of 469.65 feet to a 1/2" iron rod with a red cap found;

THENCE continuing along the south line of said 1,102.1700 acres tract, North 88°22'08" West, a distance of 495.25 feet to 1/2" iron rod with "PBS&J" plastic cap found;

THENCE continuing along south line of said 1,102.1700 acres tract North 88°32'08" West, a distance of 165.01 feet to a 5/8" iron rod with "KHA" plastic cap found for the northeast corner of said 5.9440 acres tract and being the northwest corner of said 20.7479 acres tract;

THENCE continuing along east line of said 5.9440 acres tract South 00°50'02" West, a distance of 835.22 feet to **POINT OF BEGINNING** and containing 21.1441 gross acres or 921,035.0540 square feet of land.

SAVE AND EXCEPT

All of that called 0.40 of an acre cemetery tract of land described in document recorded in Volume 27, Page 418, Land Records, Collin County, Texas resulting in 20.7479 net acres or 903,778.5049 net square feet of land.

EXHIBIT "B"

LEGAL DESCRIPTION TRACT 1

BEING a tract of land situated in the William Hunt Survey, Abstract No. 450, City of McKinney, Collin County, Texas, being part of two tracts conveyed to 380 North Retail/Mf Ltd, by special warranty deeds recorded in Instruments No. 202110114000090470 and No. 202000904001497270 of the Official Public Records of Collin County, Texas and being all of a called 13.0195 acres tract of land being more particularly described as follows;

BEGINNING at a point on the north right-of-way line of West University Drive (U.S. Highway 380) (a variable width right-of-way) South 87°39'43" East, a distance of 71.99 feet from an aluminum disk stamped "TxDOT 618" found in the said north right-of-way line;

THENCE continuing along said north right-of-way line South 87°39'43" East, a distance of 91.06 feet to a 1/2" iron rod with red cap found;

THENCE continuing along said north right-of-way line South 87°39'43" East, a distance of 48.99 feet;

THENCE continuing North 42°45'00" East, a distance of 41.08 feet;

THENCE continuing North 2°15'00" East, a distance of 326.00 feet;

THENCE continuing South 87°45'00" East, a distance of 767.91 feet to a point on the west line of Lot 2BR, Block A, Headington Heights Addition, an addition to the City of McKinney according to the minor replat recorded in Instrument No.20141210010004140 of said Official Public Records'

THENCE continuing along the west line of said Lot 2BR, North 00°51'28" East, a distance of 83.21 feet to an iron rod with cap found for the northwest corner of said Lot 2R and southwest corner of Lot 3R, Block A Headington Heights Addition, an addition to the City of McKinney according to the amending plat recorded in Instrument No. 20150130010000410 of said Official Public Records;

THENCE continuing along the west line of said Lot 3R, North 00°51'06" East, a distance of 403.33 feet to a 1/2" iron rod with "RPLS 5439" cap found for the northwest corner of said Lot 3R and a southwest corner of the right-of-way line of Taft Lane (a variable width right-of-way);

THENCE continuing along the west line of right-of-way, North 07°36'57" West, a distance of 5.37 feet to a 1/2" iron rod with "RPLS 5190" cap found for a southwest corner of said right-of-way line and being the northeast corner of said 20.7479 acres tract;

EXHIBIT "B"

THENCE continuing along the south line of right-of-way, North 88°31'38" West, a distance of 469.65 feet to an iron rod found for a southwest corner of said right-of-way line and a southeast corner of a called 1,102.1700 acres tract of land described in Special Warranty Deed to Jen Texas 22 LLC recorded in Instrument No. 202000904001497270 of said Official Public Records;

THENCE continuing along a south line of said 1,102.170 acres tract, South 88°31'38" East, a distance of 469.65 feet to a 1/2" iron rod with a red cap found;

THENCE continuing along the south line of said 1,102.1700 acres tract, North 88°22'08" West, a distance of 495.25 feet to 1/2" iron rod with "PBS&J" plastic cap found;

THENCE continuing along south line of said 1,102.1700 acres tract North 88°32'08" West, a distance of 165.01 feet to a 5/8" iron rod with "KHA" plastic cap found for the northeast corner of said 5.9440 acres tract and being the northwest corner of said 20.7479 acres tract;

THENCE continuing along south line of said 1,102.1700 acres tract North 88°32'08" West, a distance of 165.01 feet to a 5/8" iron rod with "KHA" plastic cap found for the northeast corner of corner of a called 5.9440 acres tract of land described in Warranty Deed to H. R. Lewis recorded in Instrument No. 19911216000702600 of said Official Public Records and being the northwest corner of said 20.7479 acres tract;

THENCE continuing along east line of said 5.9440 acres tract South 00°50'02" West, a distance of 401.19 feet to a point on the east line of said 5.9440 acres tract;

THENCE continuing South 89°55'09" West, a distance of 98.93 feet to a point on the northwest corner of Buckner Cemetery;

THENCE continuing South 89°55'09" West, a distance of 132 feet to a point on the northeast corner of Buckner Cemetery;

THENCE continuing South 00°04'51" West, a distance of 85.71 feet to a point on the on the east line of of Buckner Cemetery;

THENCE continuing South 87°45'00" East, a distance of 166.21 feet;

THENCE continuing South 02°15'00" East, a distance of 324.88 feet;

THENCE continuing South 47°17'38" West, a distance of 42.39 feet to **POINT OF BEGINNING** and containing 13.0195 gross acres or 567,127.3338 square feet of land.

EXHIBIT "B"

LEGAL DESCRIPTION TRACT 2

BEING a tract of land situated in the William Hunt Survey, Abstract No. 450, City of McKinney, Collin County, Texas, being part a tract conveyed to 380 North Retail/Mf Ltd, by special warranty deeds recorded in Instrument No. 202000904001497270 of the Official Public Records of Collin County, Texas and being a called 2.4205 acres tract of land being more particularly described as follows;

BEGINNING at an aluminum disk stamped "TxDOT 614" found in the north right-of-way line of West University Drive (U.S. Highway 380) (a variable width right-of-way) for the southeast corner of a called 5.9440 acres tract of land described in Warranty Deed to H. R. Lewis recorded in Instrument No. 19911216000702600 of said Official Public Records;

THENCE departing along said north right-of-way line South 88°26'42" East, a distance of 187.53 feet to an aluminum disk stamped "TxDOT 618" found,

THENCE continuing along said north right-of-way line South 87°39'43" East, a distance of 71.99 feet to a point on said north right-of-way line;

THENCE continuing North 47°17'38" East, a distance of 42.39 feet;

THENCE continuing North 02°15'00" East, a distance of 324.88 feet;

THENCE continuing North 87°45'00" East, a distance of 66.21 feet to a point on the east line of Buckner Cemetery;

THENCE continuing South 00°04'51" West, a distance of 46.29 feet to the southeast corner of Buckner Cemetery;

THENCE continuing North 89°55'09" West, a distance of 132.00 feet to the southwest corner of Buckner Cemetery;

THENCE continuing North 00°04'51" East, a distance of 132.00 feet to the northwest corner of Buckner Cemetery;

THENCE continuing North 89°55'09" West, a distance of 98.93 feet to a point on the

THENCE continuing along east line of said 5.9440 acres tract South 00°50'02" West, a distance of 434.04 feet to **POINT OF BEGINNING** and containing 2.4205 gross acres or 105,437.1315 square feet of land.

EXHIBIT "B"

LEGAL DESCRIPTION TRACT 3

BEING a tract of land situated in the William Hunt Survey, Abstract No. 450, City of McKinney, Collin County, Texas, all of two tracts conveyed to 380 North Retail/Mf Ltd, by special warranty deeds recorded in Instruments No. 202110114000090470 and No. 202000904001497270 of the Official Public Records of Collin County, Texas and being a called 5.3041 acres tract of land being more particularly described as follows;

BEGINNING at a point on the north right-of-way line of West University Drive (U.S. Highway 380) (a variable width right-of-way) South 87°39'43" East, a distance of 48.99 feet from a 1/2" iron rod with red cap found;

THENCE departing along said north right-of-way line, South 87°39'43" East, a distance of 470.49 feet to an aluminum disk stamped "TxDOT 624" found in said north right-of-way line for the southwest corner of a called 0.988 of an acre tract of land described in Special Warranty Deed with Vendor's Lien to Corner Acquisitions Fund, LLC recorded in Instrument No. 2017081600195310 of said Official Public Records;

THENCE continuing along the west line of said 0.988 of an acre tract, North 36°35'14" West, a distance of 155.46 feet to an iron rod found for the northwest corner of said 0.988 of an acre tract;

THENCE continuing along the north line of said 0.988 of an acre tract, South 87°43'35" East, a distance of 277.68 feet to a PK nail found on the west line of Lot 2R, Block A, Headington Heights Addition, an addition to the City of McKinney according to the minor replat recorded in Instrument No. 20141210010004140 of said Official Public Records;

THENCE continuing along the west line of said Lot 2R, North 00°51'28" East, a distance of 200.35 feet to a point on the west line of said Lot 2R'

THENCE continuing North 87°45'00" East, a distance of 767.91 feet;

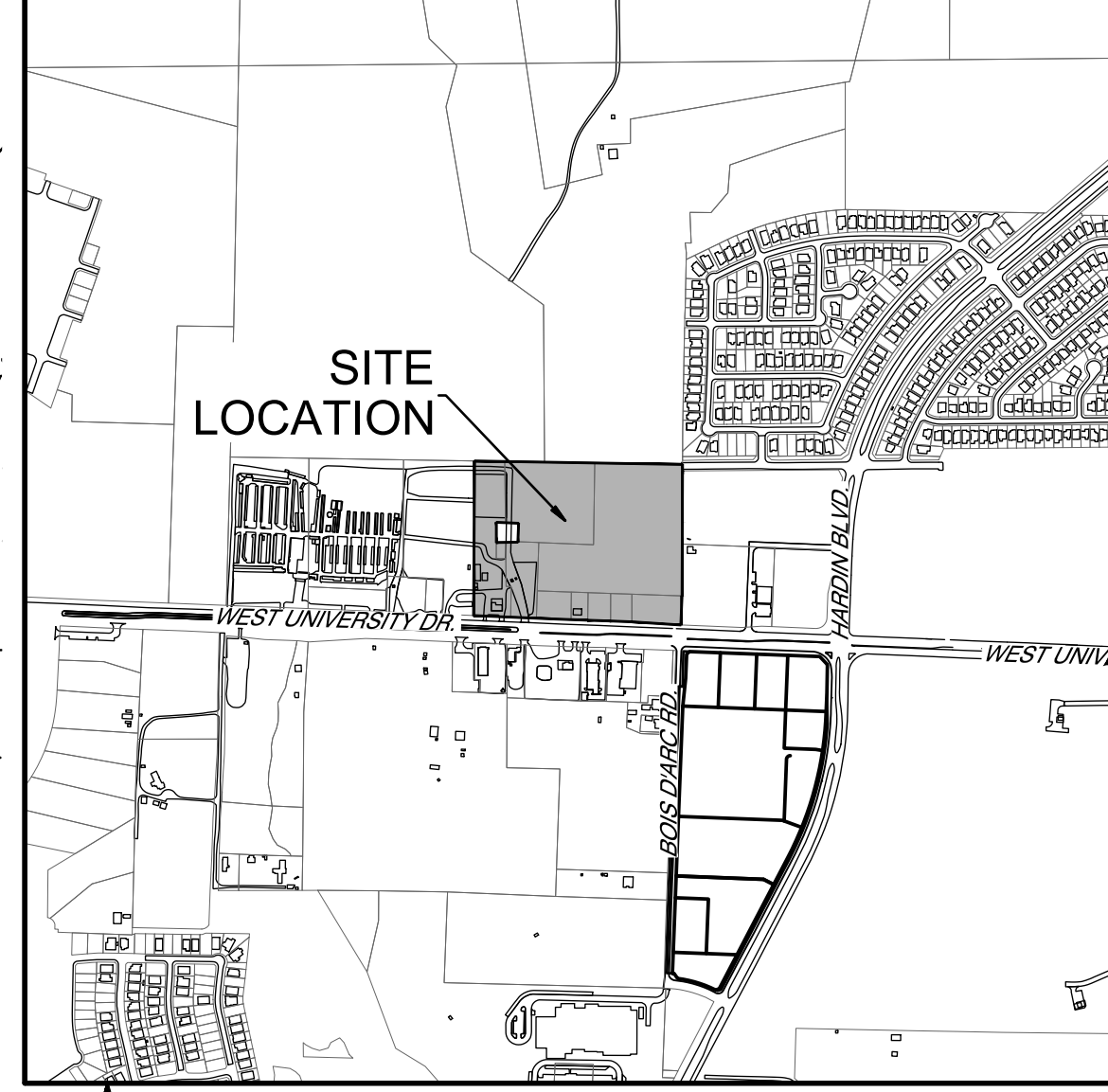
THENCE continuing South 02°15'00" West, a distance of 326.00 feet;

THENCE continuing South 42°45'00" West, a distance of 41.08 feet to **POINT OF BEGINNING** and containing 5.3041 gross acres or 231,046.5887 square feet of land.

EXHIBIT "C"

PER ONE MCKINNEY 2040 COMMUNITY PLAN
PROFESSIONAL CENTER
MEDICAL DISTRICT
PROFESSIONAL CAMPUS PLACETYPE

JEN TEXAS 22, LLC
ABS A0450 WILLIAM H HUNT SURVEY
1,102.1700 ACRES
INST. NO. 202000904001497270 O.P.R.C.C.T.
CURRENT ZONING: PD 2021-01-0006



LOCATION MAP
SCALE: 1"=1000'-0"

THIS DOCUMENT REPRESENTS THE DESIGN AS ISSUED AS AN INSTRUMENT OF SERVICE FOR THE SUBJECT PROJECT. CABRE & ASSOCIATES, INC. MAKES NO WARRANTY, WHETHER THE PROJECT IS EXECUTED OR NOT AND IT SHALL NOT BE USED FOR ANY OTHER PROJECTS OR EXTENSIONS TO THESE PROJECTS UNLESS AUTHORIZED IN WRITING BY CABRE & ASSOCIATES, INC.

CABRE & ASSOCIATES
1110 COWAN RD.
CELINA, TX 75009

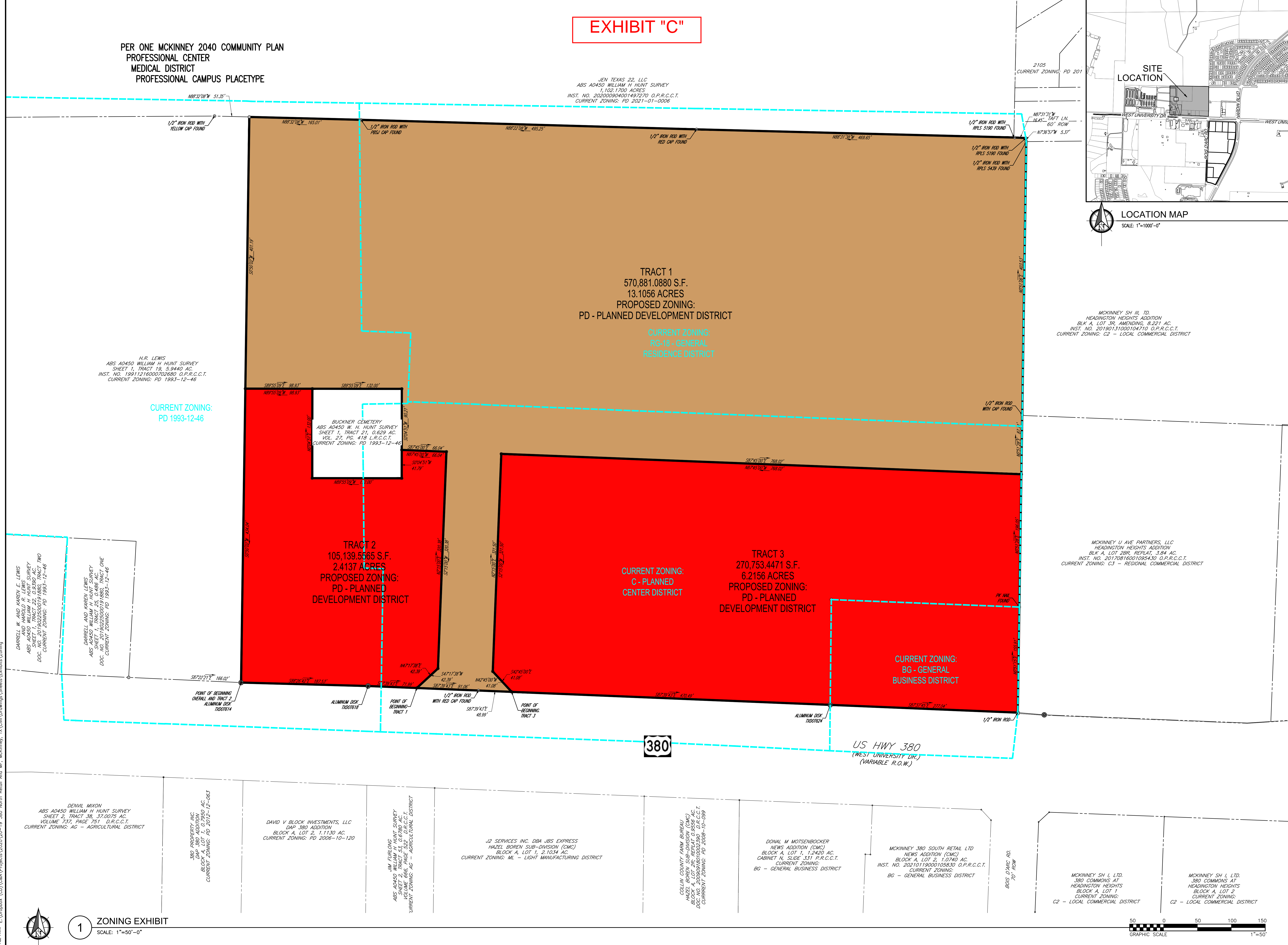
380 NORTH RETAIL & MF
4000, 4008 & 4202 WEST UNIVERSITY DRIVE
CITY OF MCKINNEY
COLLIN COUNTY, TEXAS

Cabre & Associates
Civil & Surveying
2825 W. UNIVERSITY BLVD., SUITE 100
MCKINNEY, TX 75068
Phone: 214-518-9222
www.cabre.com

ZONING EXHIBIT

DRAWING TITLE: ZONING EXHIBIT
DATE: SEPTEMBER 6, 2021
SCALE: 1"=50'
JOB NUMBER: 20-19
DRAWING NUMBER: ZE

PLT DATE: Monday, September 06, 2021
C:\Users\jacob\OneDrive\Documents\Projects\2020\20-19 380 North Retail and MF, McKinney, TX\Civil\Drawings\Sheets\Exhibits\Zoning\20-19 ZE-Zoning Exhibit x50.dwg
FILE NAME: 20-19 ZE-Zoning Exhibit x50.dwg
FILE PATH: E:\Dropbox (CD)\CBA\Projects\2020\20-19 380 North Retail and MF, McKinney, TX\Civil\Drawings\Sheets\Exhibits\Zoning



1 ZONING EXHIBIT
SCALE: 1"=50'-0"

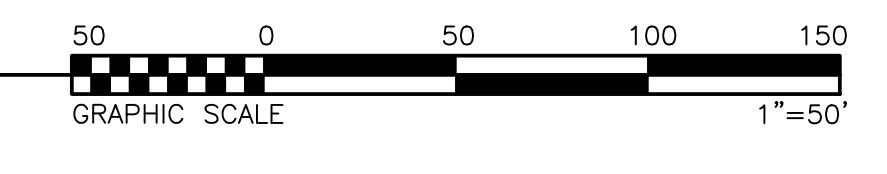


EXHIBIT "D"

DEVELOPMENT REGULATIONS

- 1) **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.

- 2) **Tract 1 – Multiple Family Residential.** The following regulations apply to Tract 1 on the Zoning Exhibit:
 - A) **Zoning district:** Development of Tract 1 shall comply with the requirements described in Section 146-81, MF-3 – Multiple Family Residential – Medium-High Density and as amended, of the Code of Ordinances City of McKinney except as follows;

 - B) **Space Limits:** Development of Tract 1 shall comply with the requirements described in the following sections:
 - I) Maximum height of structure shall be three (3) stories, not to exceed 45’
 - II) Maximum density: 21 dwelling units per gross acre

 - C) **Parking:** Development of Tract 1 shall comply with the requirements described in Section 146-130, Vehicle Parking, and as amended of the Code of Ordinances City of McKinney, except for the following:
 - I) Parking requirements, Dwellings, multiple family: No less than 50% of the units shall be covered, with at least 30% enclosed.

 - D) **Screening:** Development of Tract 1 shall comply with the requirements described in Section 146-132 and as amended, except for
 - I) Along the portion of Tract 1 where side yards have direct adjacency to Tract 2 and Tract 3, screening shall not be required.

 - E) **Landscape Requirements:** Development of Tract 1 shall comply with the requirements described in Section 146-135 and as amended except for
 - I) Along the portion of Tract 1 where side yards have direct adjacency to Tract 2 and Tract 3, required landscape buffers and perimeter trees shall not be required.

- 3) **Tract 2 and 3– Commercial.** The following regulations apply to Tracts 2 and 3 on the Zoning Exhibit:
 - A) **Zoning district:** Development of Tracts 2 and 3 shall comply with the requirements described in Section 146-112, C-2 – Local Commercial district and as amended, of the Code of Ordinances City of McKinney.

EXHIBIT "D"

- B) Landscape Requirements: Development of Tract 1 shall comply with the requirements described in Section 146-135 and as amended except for
- I) Along the portion of Tracts 2 and 3 where side yards have direct adjacency to Tract 1, Tracts 2 and 3 shall have a 5' Vehicular Use Buffer that will be planted with ornamentals 1 per 30 ft.
- 4) Exceptional quality or innovative design. The development shall provide the following enhancements to meet the PD's provisions of exceptional quality or innovative design.
- I) All required trees shall be 6 inches in Caliper at the time of planting on all tracts.
 - II) 15% of Tract 2 and Tract 3 shall be dedicated to living landscaping.
 - III) 20% of Tract 1 shall be dedicated to living landscaping.
 - IV) On Tract 2 and Tract 3, required street trees shall be planted at a ratio of 1 tree every 30 feet.
 - V) Pedestrian crossings and major intersections shall be distinguishable through the use of colored stamped concrete, brick pavers or some other means.
 - VI) The number of required amenities for multi-family shall be increased by two (2) additional amenities.