

**ORDINANCE NO. 2021-04-032**

**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 1.054 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF COLEMAN STREET AND BERRY AVENUE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT, "RS 60" – SINGLE FAMILY RESIDENCE DISTRICT, AND "TMN" – TRADITIONAL MCKINNEY NEIGHBORHOOD OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "TMN" – TRADITIONAL MCKINNEY NEIGHBORHOOD OVERLAY DISTRICT; 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 1.054 acre property, located on the southwest corner of Coleman Street and Berry Avenue, which is more fully depicted on Exhibits "A", "B", and "C" attached hereto, from "PD" – Planned Development District, "RS 60" – Single Family Residence District, and "TMN" – Traditional McKinney Neighborhood Overlay District to "PD" – Planned Development District and "TMN" – Traditional McKinney Neighborhood Overlay District,

**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 1.054 acre property, on the southwest corner of Coleman Street and Berry Avenue, which is more fully depicted on Exhibits "A", "B", and "C" attached hereto, from "PD" – Planned Development District, "RS 60" – Single Family Residence District, and "TMN" – Traditional McKinney Neighborhood Overlay District to "PD" – Planned Development District and "TMN" – Traditional McKinney Neighborhood Overlay District.
- 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 20<sup>th</sup> DAY OF APRIL, 2021.**

CITY OF MCKINNEY, TEXAS

  
\_\_\_\_\_  
GEORGE C. FULLER  
Mayor

CORRECTLY ENROLLED:

  
\_\_\_\_\_  
EMPRESS DRANE  
City Secretary  
JOSHUA STEVENSON  
Deputy City Secretary

DATE: 04-20-2021

APPROVED AS TO FORM:

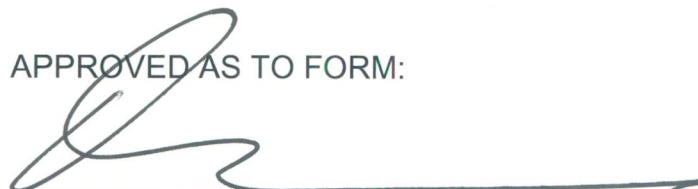
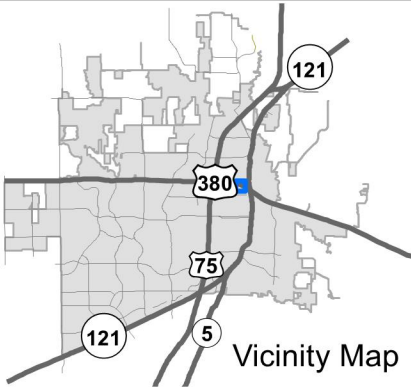
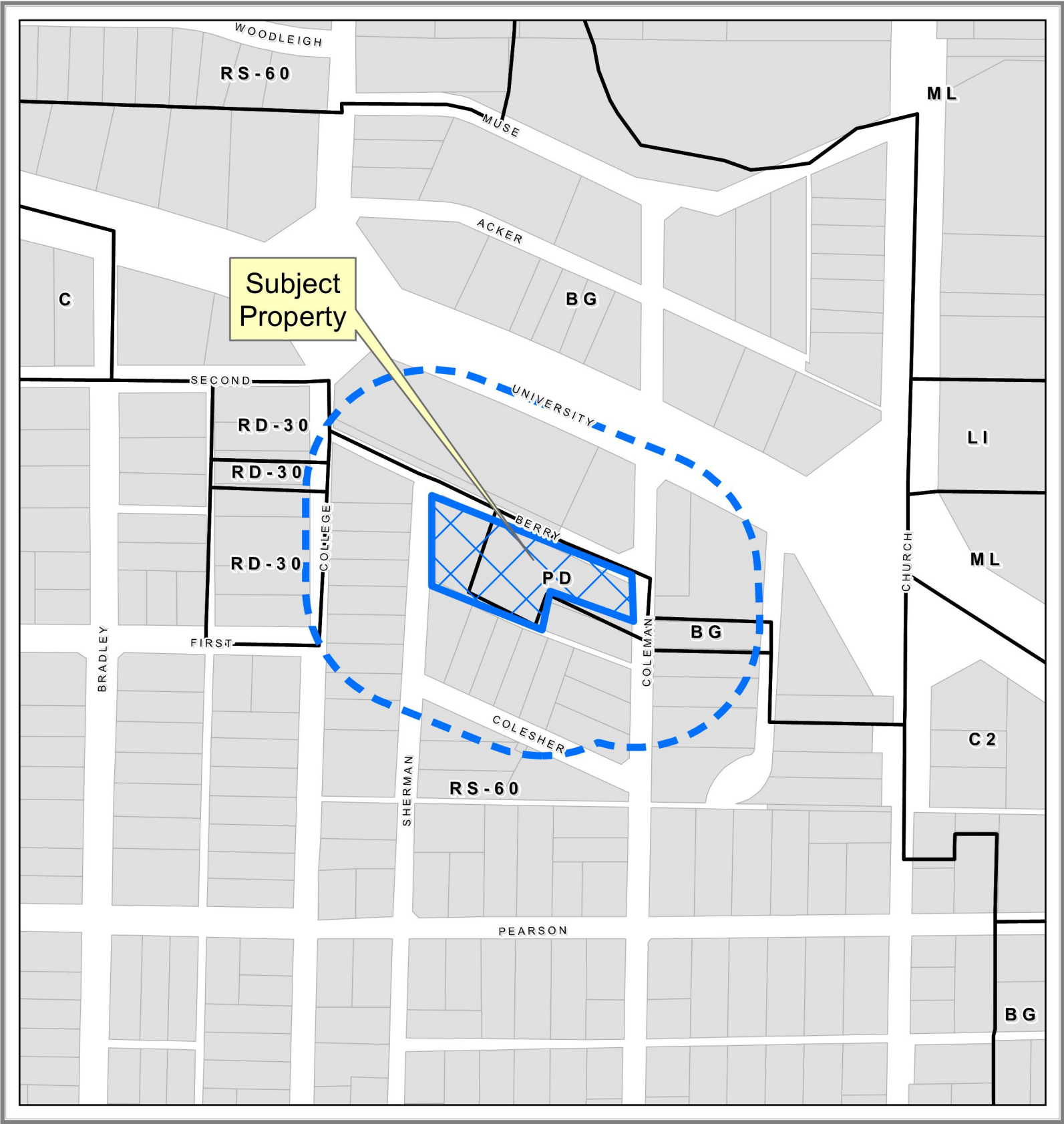
  
\_\_\_\_\_  
MARK S. HOUSER  
City Attorney



EXHIBIT A



Property Owner Notification Map

ZONE2020-0080

0 110 220 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

SITUATED in Collin County, Texas, and being all of Lots 22, 25, 26, 27, 28, 29 and part of Lot 23, Block A, of the Millie Muse Addition, an addition to the City of McKinney, according to the Plat thereof recorded in Volume 1, Page 175, of the Map and Plat Records of Collin County, Texas, being more particularly described by metes and bounds to-wit:

BEGINNING at an iron pin found at the intersection of the East line of Sherman Street and the South line of Berry Street, same being the northwest corner of Lot 29;

THENCE South 68 deg. 18 min. East with the South line of Berry Street 384.45 feet to an iron pin found in the West line of Coleman Street;

THENCE South 2 deg. 27 min. 56 sec. East with the West line of Coleman Street 82.44 feet to an iron pin set at the base of a corner post;

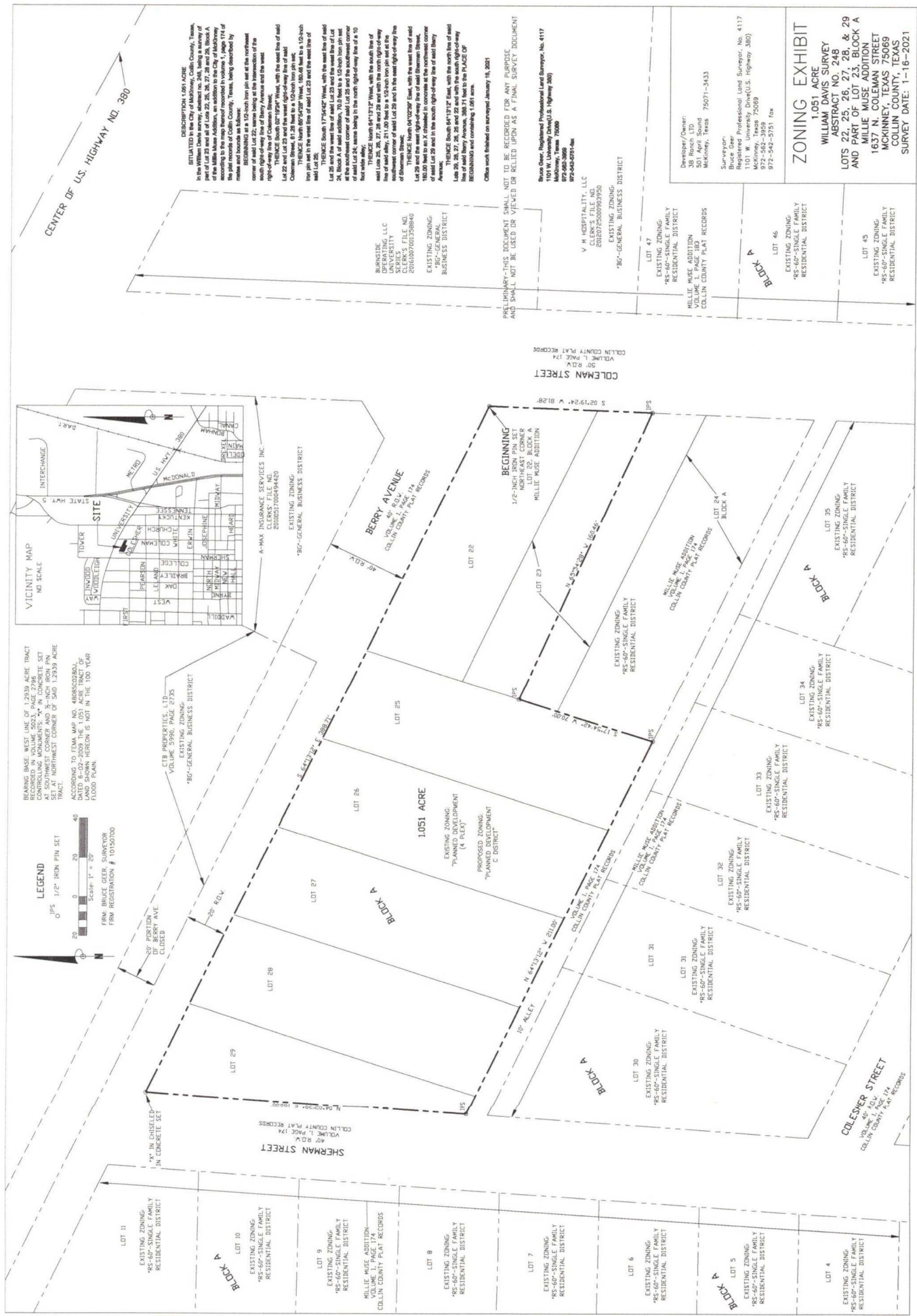
THENCE North 70 deg. 16 min. West with an occupied line 158.32 feet to an iron pin set at the base of a corner post;

THENCE South 12 deg. 10 min. West with an occupied line 70 feet to an iron pin set at the base of a corner post in the North line of a 10 foot alley;

THENCE North 68 deg. 18 min. West with the North line of said alley 212 feet to an iron pin found in the East line of Sherman Street;

THENCE North with said East line 161.1 feet to the place of beginning, CONTAINING 1.054 acre, more or less.

# EXHIBIT C





# EXHIBIT D

## **DEVELOPMENT STANDARDS & REGULATIONS** **Burnside Indoor Air Quality – New Facility on Coleman Street**

(Revised 3.19.21)

*(1.051 acre tract of land  
comprising Lots 22, 25, 26, 27, 28, 29 and the north part of Lot 23  
in Block A of the Millie Muse Addition to the City of McKinney)*

The subject property (the “Property”) will be zoned “PD – Planned Development District”. Use and development of the Property will conform to the standards and regulations contained herein.

**1. Permitted Land Uses:** Uses permitted in “C-1 Neighborhood Commercial District”, as amended from time to time, together with warehousing as an additional permitted use on designated portions of the Property; all subject to the limitations and conditions set out below.

**2. Landscape Requirements:** Landscaping will be in accordance with Section 146-135 – “Landscape Requirements”, as amended from time to time, with the following exceptions:

**A.** A minimum of 15% of the entire site will be devoted to living landscape  
[§146-135 (f) (3)]

**B.** At least 20% of the street yards along Coleman, Berry, and Sherman Streets will be permanent landscape areas. A 10’ landscape buffer will be provided parallel to corner clip right-of-way dedications, which will be counted towards the 20% requirement. [§146-135 (f) (1)(2)]

**C.** Along Coleman and Sherman Streets, canopy trees will be provided in the quantity of one per 30 linear feet of frontage within the landscape buffer, spaced on 30-foot centers, or as close thereto as practicable when such spacing conflicts with driveways, easements, fire department strategic access points, or other physical conflicts; and may be clustered if approved by the Director of Planning as part of the site plan process in order to facilitate creative design or for other valid reasons.

## EXHIBIT D

**D.** Along the entire southern boundary of the Property, between Sherman and Coleman Streets, the project will provide additional landscaping, buffering, and screening according to the following criteria:

- (i) Canopy trees will be provided in the quantity of one per 30 linear feet within the landscape buffer.
- (ii) An earthen berm will be provided in the landscape buffer at a slope not to exceed 4:1 (4' of horizontal distance for each 1' of height).

**3. Off-Street Loading:** Off-street loading facilities [§146-131] will be allowed under the following conditions:

**A.** There will be no elevated dock structures. Loading facilities will consist of ground-level loading areas and bay doors only.

**B.** The loading facilities (which will not customarily receive goods between the hours of 9 P.M. and 8 A.M.) will be designed and constructed so as to enclose the loading operations on three sides to reduce noise, with the bay doors opening opposite one another and not directed toward residential properties.