

ORDINANCE NO. 2023-03-017

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 5.08 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF CARLISLE STREET AND VIRGINIA PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR MULTI-FAMILY 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 5.08 acre property, located on the northwest corner of Carlisle Street and Virginia Parkway, 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 multi-family uses, and 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 5.08 acre property, located on the northeast corner of Carlisle Street and Virginia Parkway, 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 allow for multi-family and commercial uses, and 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.

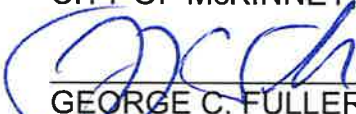
Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or

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 MARCH, 2023.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor


CORRECTLY ENROLLED:



EMPRESS DRANE
City Secretary

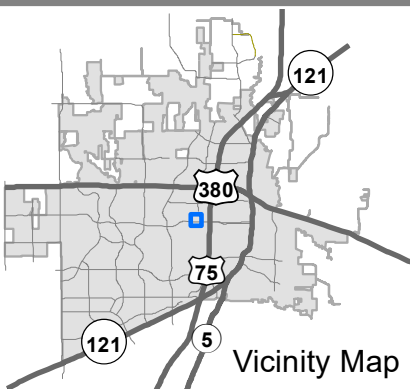
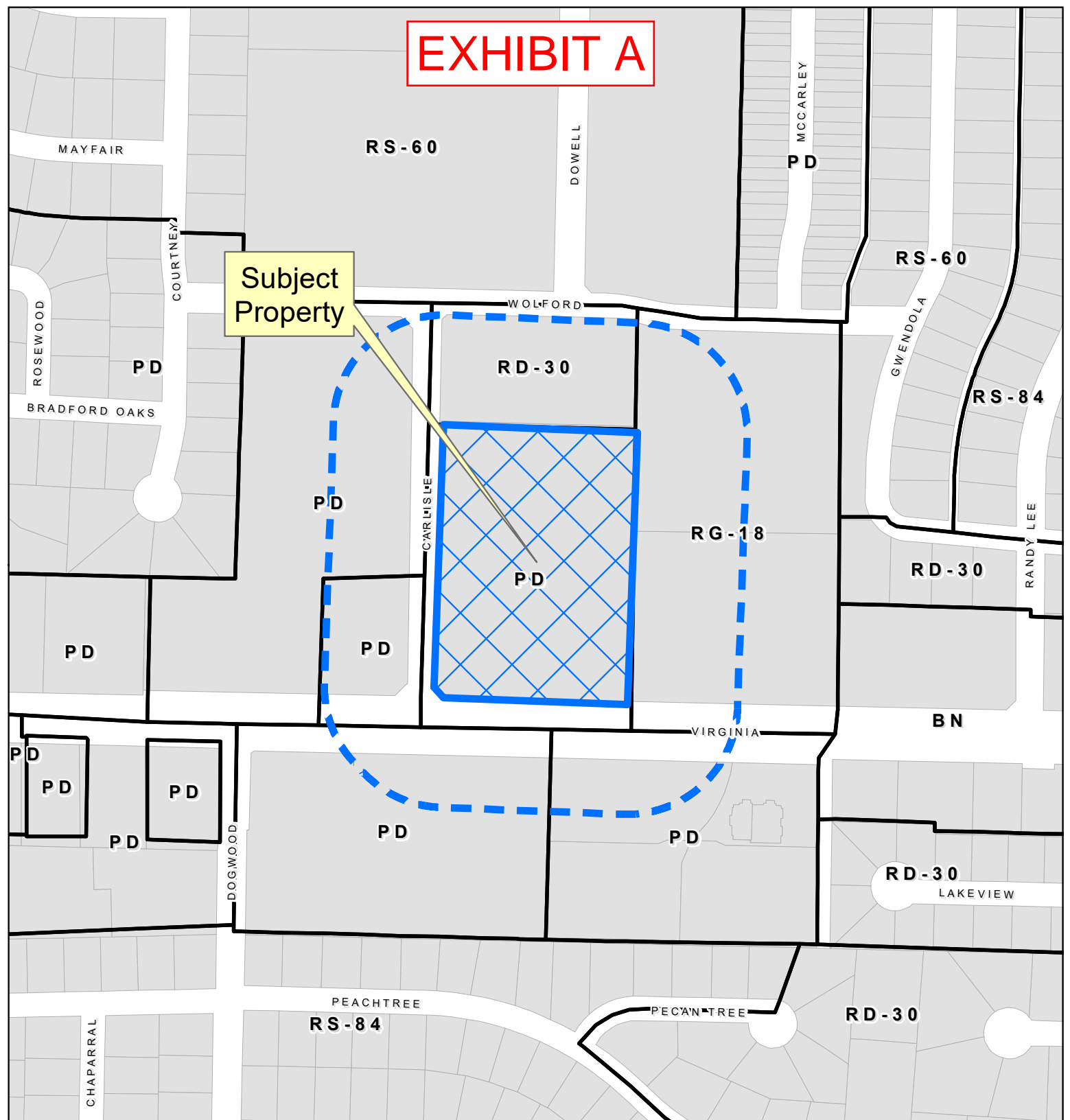
DATE: MARCH 7, 2023

APPROVED AS TO FORM:



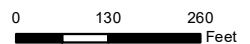
MARK S. HOUSER
City Attorney

EXHIBIT A



Property Owner Notification Map

ZONE2022-0145



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

BEING a 5.083 acres of land situated in the W. D. Thompson Survey Abstract No. 891, City of McKinney, Collin County, Texas and being a portion of Lot 1, Block A of Virginia Plaza an addition to the City of McKinney according to the plat recorded in Cabinet F, Page 645, Plat Records, Collin County, Texas (PRCCT) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set in the east line of Carlisle Street a 60 feet wide right of way and being the northwest corner of a Right of Way Deed recorded in cc# 20150722000906320, Official Public Records, Collin County, Texas (OPRCCT);

THENCE along the east line of said Carlisle Street, North $02^{\circ} 00' 15''$ EAST a distance of 538.31 feet to a 1/2 inch iron rod found for corner at the northwest corner of said Lot 1 and being the southwest corner of McKinney Church of Christ Addition an addition to the City of McKinney according to the plat recorded in Cabinet E, Page 39 (PRCCT);

THENCE along the south line of said McKinney Church of Christ Addition, South $87^{\circ} 35' 38''$ EAST a distance of 397.66 to an x- cut in concrete found for corner for the northwest corner of said Lot 1 and in the west line of Lot 2, Block A of Quail Creek Addition an addition to the City of McKinney according to the plat recorded in Cabinet C, page 688 (PRCCT);

THENCE along the east line of said Quail Creek addition, South $02^{\circ} 02' 38''$ WEST a distance of 206.96 feet to a 5/8 inch iron rod set for corner at the northwest corner of Lot 1, Block A of said Quail Creek Addition;

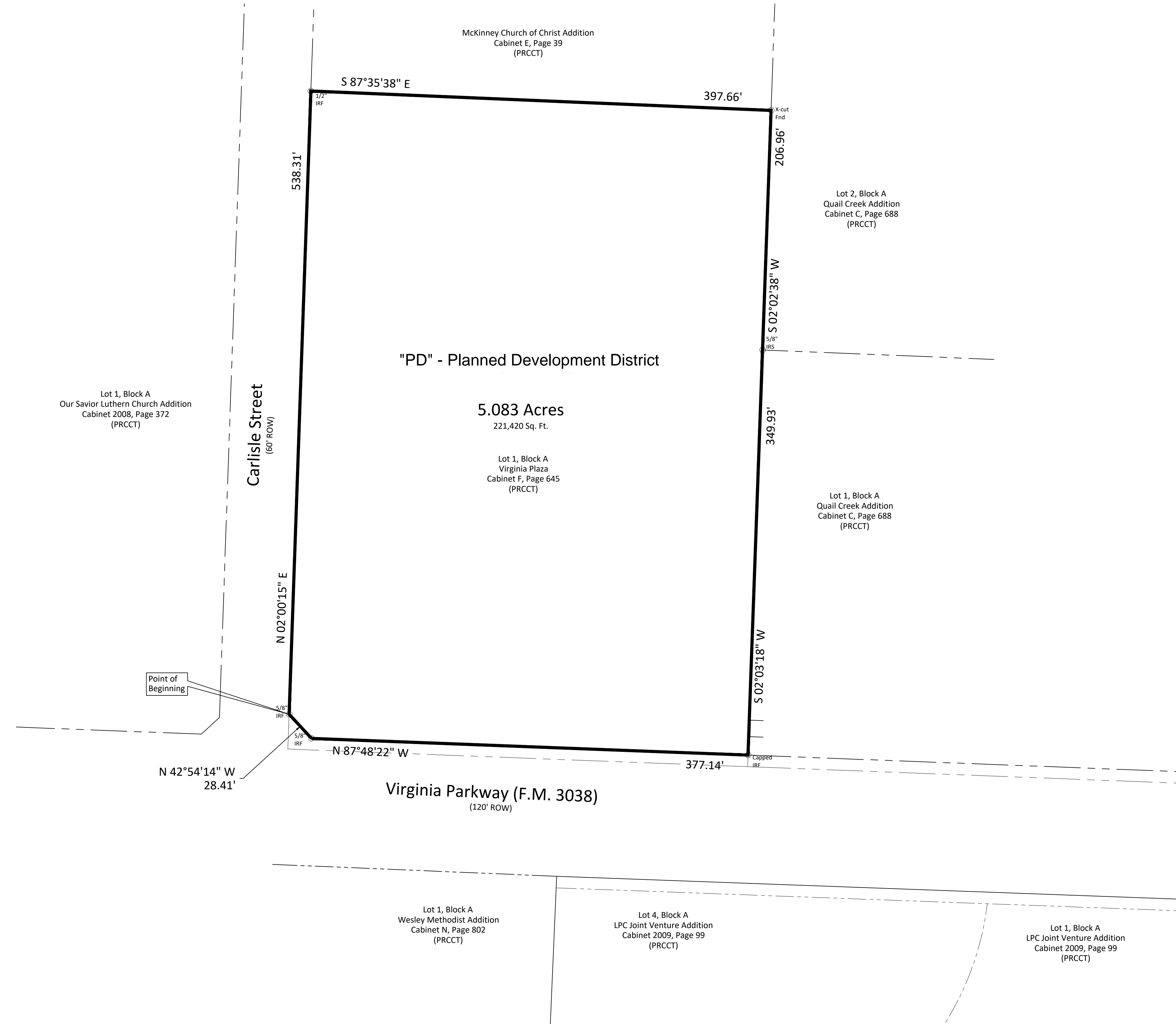
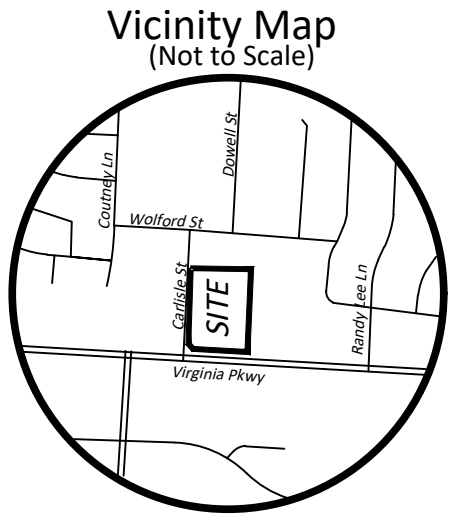
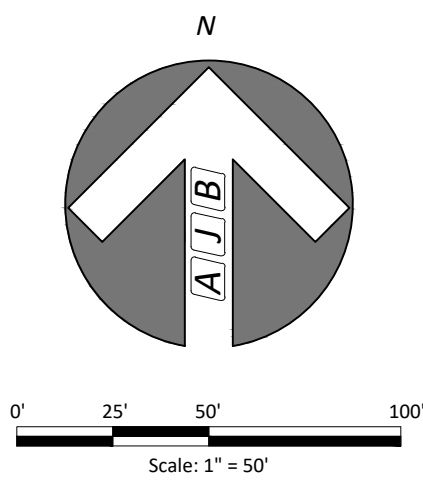
THENCE continuing along said east line, South $02^{\circ} 03' 18''$ WEST a distance of 349.93 to a capped iron rod found for corner in the north line of said Right of Way Deed and in the north line of Virginia Parkway a 120 feet wide right of way;

THENCE along the north line of said Right of Way Deed and said Virginia Parkway, NORTH $87^{\circ} 48' 22''$ WEST a distance of 377.14 to a 5/8 inch iron rod set for corner;

THENCE continuing along said north line, NORTH $42^{\circ} 54' 14''$ WEST a distance of 28.41 feet to the POINT OF BEGINNING;

CONTAINING 5.083 acres or 221420 square feet of land more or less, all according to that survey prepared by A. J. Bedford Group, Inc.

EXHIBIT C



PROPERTY DESCRIPTION

BEING a 5.083 acres of land situated in the W. D. Thompson Survey Abstract No. 891, City of McKinney, Collin County, Texas and being a portion of Lot 1, Block A of Virginia Plaza an addition to the City of McKinney according to the plat recorded in Cabinet F, Page 645, Plat Records, Collin County, Texas (PRCCT) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set in the east line of Carlisle Street a 60 feet wide right of way and being the northwest corner of a Right of Way Deed recorded in cc# 20150722000906320, Official Public Records, Collin County, Texas (OPRCCT);

THENCE along the east line of said Carlisle Street, NORTH 02°00'15" EAST a distance of 538.31 feet to a 1/2 inch iron rod found for corner at the northwest corner of said Lot 1 and being the southwest corner of McKinney Church of Christ Addition an addition to the City of McKinney according to the plat recorded in Cabinet E, Page 39 (PRCCT);

THENCE along the south line of said McKinney Church of Christ Addition, SOUTH 87°35'38" EAST a distance of 397.66 to an x-cut in concrete found for corner for the northwest corner of said Lot 1 and in the west line of Lot 2, Block A of Quail Creek Addition an addition to the City of McKinney according to the plat recorded in Cabinet C, Page 688 (PRCCT);

THENCE along the east line of said Quail Creek Addition, SOUTH 02°02'38" WEST a distance of 206.96 feet to a 5/8 inch iron rod set for corner at the northwest corner of Lot 1, Block A of said Quail Creek Addition;

THENCE continuing along said east line, SOUTH 02°03'18" WEST a distance of 349.93 to a capped iron rod found for corner in the north line of said Right of Way Deed and in the north line of Virginia Parkway a 120 feet wide right of way;

THENCE along the north line of said Right of Way Deed and said Virginia Parkway, NORTH 87°48'22" WEST a distance of 377.14 to a 5/8 inch iron rod set for corner;

THENCE continuing along said north line, NORTH 42°54'14" WEST a distance of 28.41 feet to the POINT OF BEGINNING;

CONTAINING 5.083 acres or 221420 square feet of land more or less.

ZONING EXHIBIT
5.083 ACRES

W. D. THOMPSON SURVEY ABSTRACT NO. 891
CITY OF MCKINNEY
COLLIN COUNTY, TEXAS

Client: JES DEV CO, INC.
206 PEACH WAY
COLUMBIA, MO 65203

Scale: 1" = 50'
Date: January 5, 2021
Technician: Spradling/Bedford
Drawn By: Spradling/Bedford

Checked By: F.R. Owens
P.C.: Cryer/Spradling
File: Carlisle SAC ZONING EXHIBIT
Job. No. 159-201
GF No.

301 N. Alamo Rd. * Rockwall, Texas 75087
(972) 722-0225 - www.a|bedfordgroup.com - a|b@a|bedfordgroup.com

Sheet:
1
Of: 1



TBPLS REG#10118200

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.

1. Permitted Uses:
 - 1.1 Multiple-family traditional;
 - 1.2 Senior independent living;
 - 1.3 Assisted living facility;
2. Temporary Uses
 - 2.1 Field Office or Real Estate Sales Office.
3. Dimensional Standards
 - 3.1 Minimum Lot Area: 1275 sq ft per unit;
 - 3.2 Minimum Lot Width: 60’;
 - 3.3 Minimum Lot Depth: 100’;
 - 3.4 Minimum Front Building Setback: 35’;
 - 3.5 Minimum Rear Building Setback: 20’;
 - 3.6 Minimum Side Interior Building Setback: 20’;
 - 3.7 Maximum Building Height: 55’;
 - 3.8 Maximum Dwelling units per acre: 34.
4. Parking
 - 4.1 The required off street parking shall be calculated at 1.5 spaces for each unit;
 - 4.2 No enclosed parking spaces shall be required; the minimum number of required covered parking spaces shall be equal to 50% of the total number of units and may be constructed of steel frame with gabled standing seam metal roofs supported by steel columns clad in metal or painted wood.
5. Residential Site Design
 - 5.1 The project shall contain no less than four (4) amenities of the type required in Section 206.G;
 - 5.2 Private balconies or porches of at least 50 square feet shall be provided for each unit as a major site enhancement.
6. Landscape Requirements
 - 6.1 Landscape adjacency buffers along the rear and side property lines shall be a minimum of ten feet (10’) in width;
 - 6.2 Minimum front yard landscape buffer: 20’.
7. Screening Requirements
 - 7.1 A six foot (6’) tall masonry wall shall be required along the rear and side property lines.