

ORDINANCE NO. 2021-09-096

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 14.99 ACRE PROPERTY, LOCATED APPROXIMATELY 540 FEET SOUTH OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND ON THE WEST SIDE OF BOIS D'ARC ROAD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO ALLOW FOR MULTI-FAMILY RESIDENTIAL USES, AND 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 14.99 acre property, located approximately 540 feet south of U.S. Highway 380 (University Drive) and on the west side of Bois D'Arc Road, which is more fully depicted on Exhibits "A," "B," and "C" attached hereto, from "AG" – Agricultural District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, generally to allow for multi-family residential uses and modify the development standards 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 14.9 acre property, located approximately 540 feet south of U.S. Highway 380 (University Drive) and on the west side of Bois D'Arc Road, which is more fully depicted on Exhibits "A," "B," and "C" attached hereto, is rezoned from "AG" – Agricultural District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, generally to allow for multi-family residential uses and modify the development standards 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



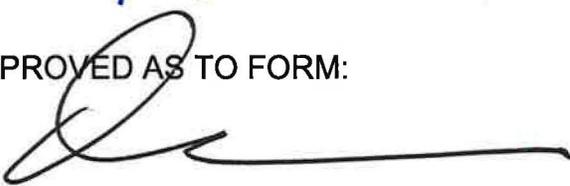
GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:



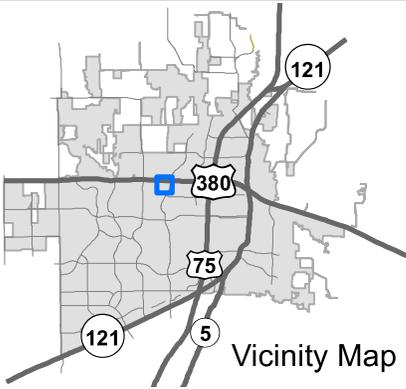
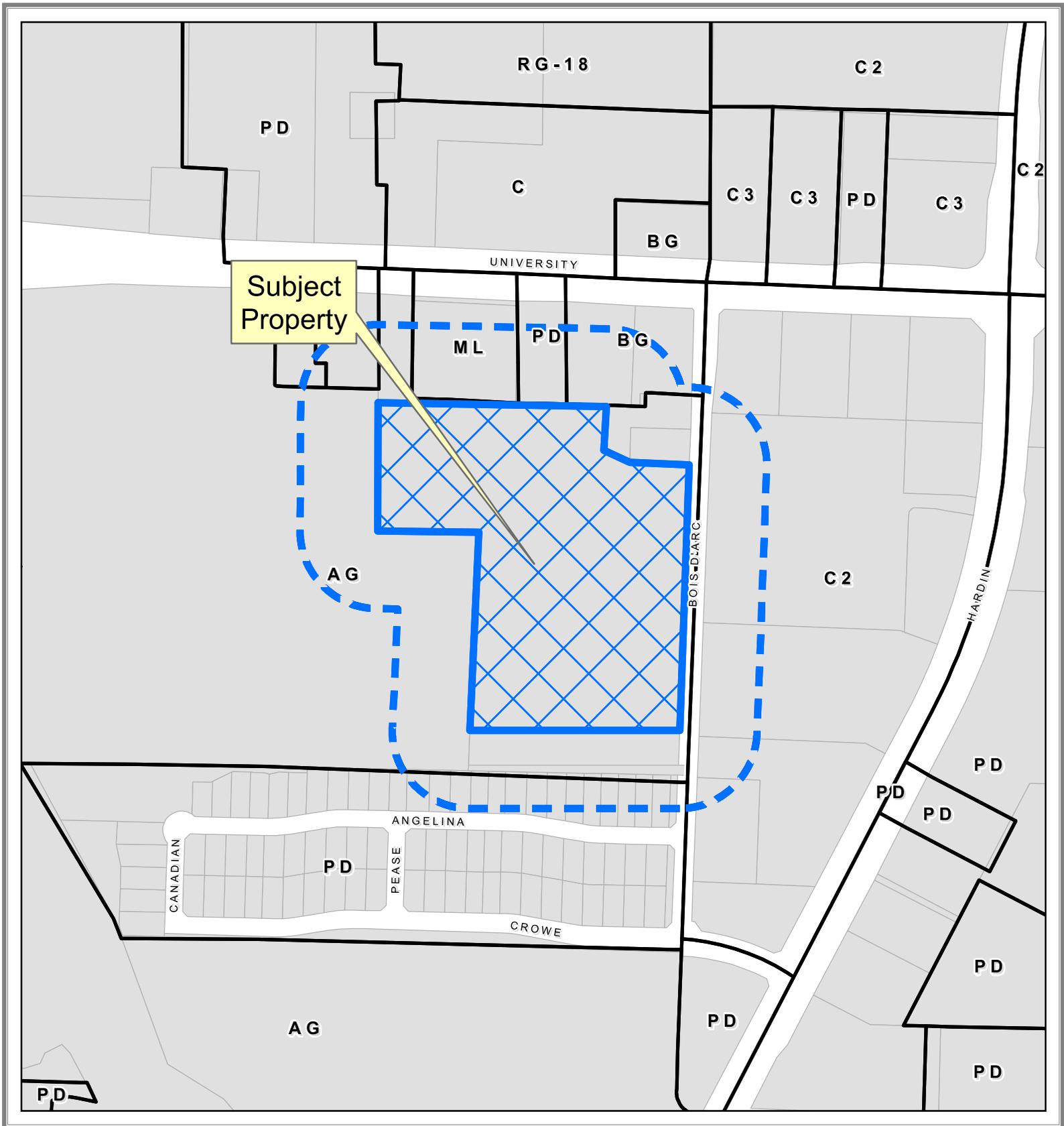
EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

DATE: 09/07/2021

APPROVED AS TO FORM:


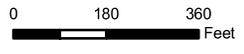
MARK S. HOUSER
City Attorney

EXHIBIT A



Property Owner Notification Map

ZONE2021-0083



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

FIELD NOTE DESCRIPTION

Being a **14.989** acre tract of land located in the W. H. Hunt Survey, Abstract No. 450, Collin County, Texas and per Special Warranty Deed recorded in Volume 4956, Page 1842, Deed Records Collin County, Texas to McKinney Independent School District and being more particularly described as follows:

BEGINNING at an iron rod with cap found at the intersection of the west line of Bois D' Arc Road (Variable Width) and the easernmost north line of parent 15.58 acre tract recorded in Volume 4956, Page 1842;

THENCE along the west line of said Bois D' Arc, **SOUTH 02°18'35" WEST** a distance of **766.86** feet to a 5/8 inch iron rod found for the southeast corner of said 14.989 acre tract and being in the north line of a tract of land to Uyen Ann Nguyen per cc# 20180123000089630, Official Public Records, Collin County, Texas;

THENCE departing west line of said Bois D' Arc and continuing along the common line of said Nguyen tract, **NORTH 89°48'30" WEST** a distance of **608.92** feet to a ½ inch iron rod found for the southwest corner of said 14.989 acre tract and being in the west line of a tract of land to Denvil Mixon (no recording information found);

THENCE continuing along the common line of said 14.989 acre tract and said Denvil Mixon tract as follows:

NORTH 01°40'25" EAST a distance of **564.93** feet to an ½ inch iron rod found for an ell corner;

NORTH 88°39'14" WEST a distance of **298.35** feet to an ½ inch iron rod stamped "OWENS 5387" set for the most westerly southwest corner of said 14.989 acre tract;

NORTH 02°02'12" EAST a distance of **390.25** feet to an ½ inch iron rod stamped "OWENS 5387" set for the northwest corner of said 14.989 acre tract and being the southwest corner of a tract to Jim Furlong per Deed recorded in Volume 666, Page 522, Deed Records, Collin County, Texas;

THENCE SOUTH 87°28'03" EAST a distance of **410.75** feet to an iron rod with cap found for the southeast corner of a tract of land to J2 Services Inc. per cc# 201701090000360060, Official Records, Collin County, Texas and the southwest corner of a tract of land to Collin County Farm Bureau, per Deed recorded in Volume 510, Page 272, Deed Records, Collin County, Texas;

THENCE along the common line of said Collin County Farm Bureau tract, **SOUTH 88°02'20" EAST** a distance of **139.71** feet to a ¾" iron rod found for the southwest corner of a tract of land to DRM Realty LP per cc# 20200910001531400, Official Public Records, Collin County, Texas;

THENCE along the common line of said DRM Realty LP tract, **SOUTH 87°52'49" EAST** a distance of **122.20** feet to an ½ inch iron rod stamped "OWENS 5387" set for the most northerly northeast corner of said 14.989 acre tract;

THENCE departing the common line of said DRM Realty LP tract, **SOUTH 03°57'54" WEST** a distance of **126.98** feet to an iron rod with cap found for corner located in the west line of a tract of land to

EXHIBIT B

McKinney 380 South Retail LTD per cc# 20210114000084610, Official Public Records, Collin County, Texas;

THENCE continuing along the common line of said McKinney 380 South Retail LTD tract, **SOUTH 63°51'54" EAST** a distance of **83.03** feet to an ½ inch iron rod found for corner located at the southwest corner of a tract of land to said McKinney 380 South Retail LDT per cc# 20210114000084680, Official Public Records, Collin County, Texas;

THENCE SOUTH 87°42'21" EAST along the south line of said McKinney 380 South Retail LDT tract, a distance of **170.00** feet to the **POINT OF BEGINNING**;

CONTAINING within these metes and bounds **14.989** acres or 652,917 square feet of land more or less.

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.

The Property shall develop in accordance with Section 146-81 (“MF-3 – Multiple Family Residential Medium-High Density District”), as amended from time to time, except as follows:

- i. the maximum density shall be 28 units per gross acre;
- ii. the minimum lot area shall be 1,500 square feet per unit; and
- iii. the maximum building height shall be three (3) stories, not to exceed 45’.

The required parking shall be in accordance with Section 146-130 (“Parking”) of the Zoning Ordinance, as amended from time to time, 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.

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.