

ORDINANCE NO. 2022-11-126

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 12.9 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF COLLIN MCKINNEY PARKWAY AND ALMA DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, TO ALLOW MULTI-FAMILY 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 12.9 acre property, located on the southwest corner of Collin McKinney Parkway and Alma Drive, which is more fully depicted on Exhibits "A," "B," and "C" attached hereto, from "PD" – Planned Development District to "PD" – Planned Development District, to allow multi-family 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 12.9 acre property, located on the southwest corner of Collin McKinney Parkway and Alma Drive, 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, to allow multi-family 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 1ST DAY OF NOVEMBER, 2022.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER

Mayor

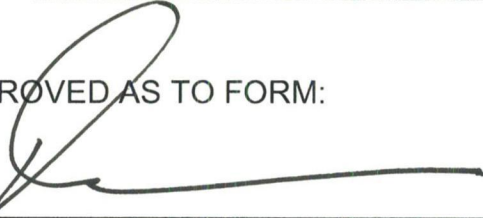
CORRECTLY ENROLLED:



EMPRESS DRANE
City Secretary

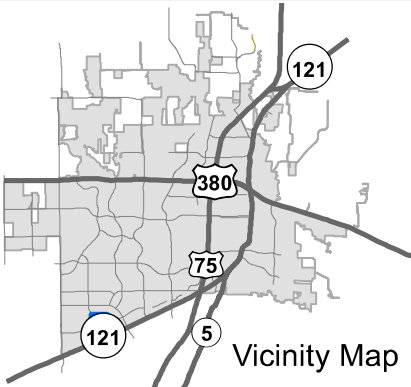
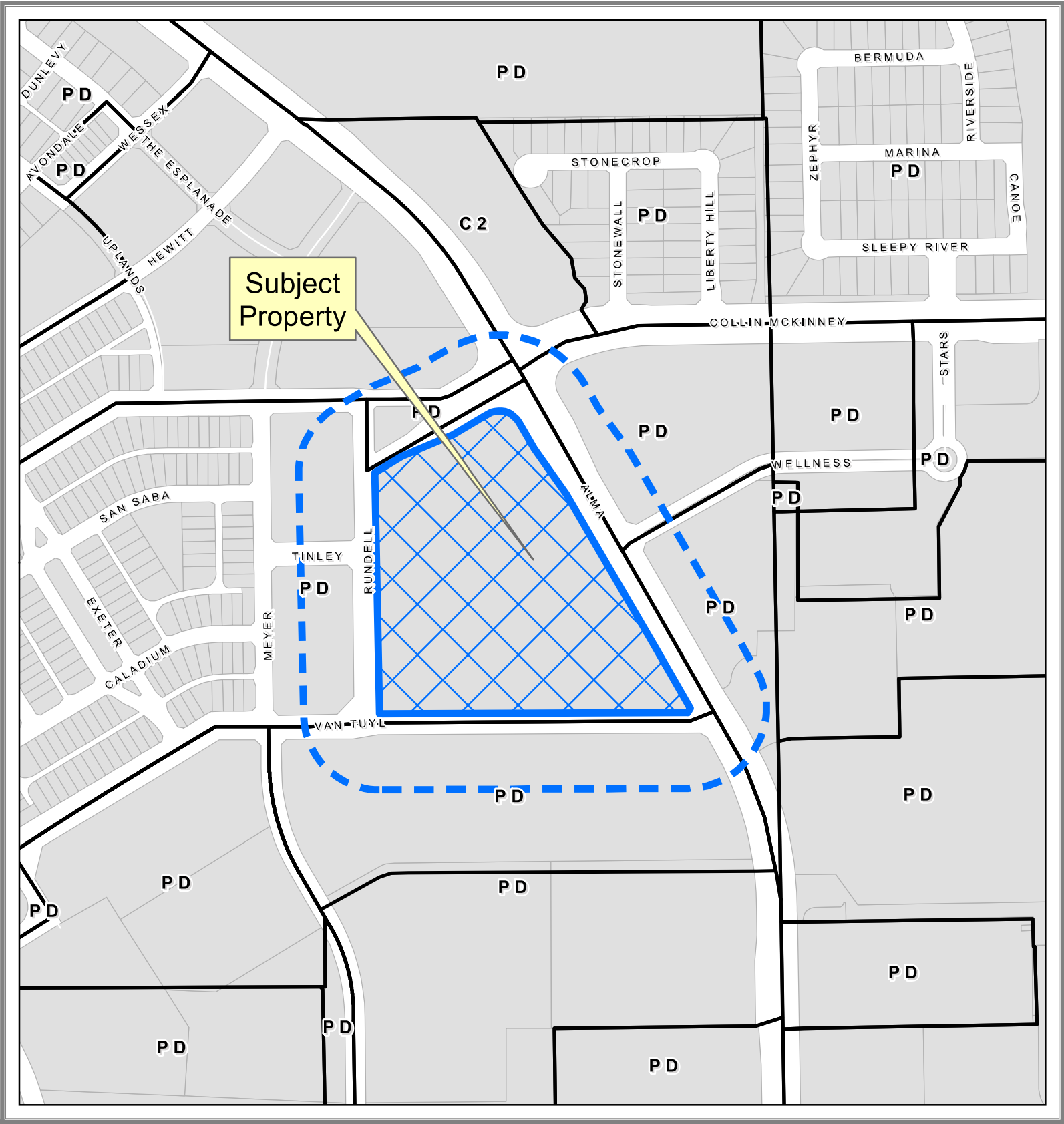
DATE: November 1, 2022

APPROVED AS TO FORM:

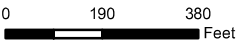


MARK S. HOUSER
City Attorney

EXHIBIT A



Property Owner Notification Map
ZONE2022-0108



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 of land:

BEING a 12.949 acre tract of land situated in the Thomas Phillips Survey, Abstract Number 717 in the City of McKinney, Collin County, Texas and being a part of a 126.568 acre tract of land (Tract One) to Craig Ranch II, L.P. and VCIM PARTNERS, L.P. recorded in Volume 4757, Page 2174 of the Official Public Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found at the intersection of the southwest line of Alma Road (120' wide at this point) with the northeast corner of a corner cut-off line in the north line of Van Tuyl Parkway (60' wide);

THENCE along the north line of said Van Tuyl Parkway with said corner cut-off line, SOUTH 29°43'09" EAST a distance of 15.11 feet to a 5/8 inch iron rod found for corner;

THENCE continuing with the north line of said Van Tuyl Parkway, SOUTH 89°29'05" WEST a distance of 907.95 feet to a 5/8 inch iron rod set at the intersection of the east line of Rundell Way (73' wide at this point);

THENCE departing the north line of Van Tuyl Parkway and following the northeast line of said Rundell Way, NORTH 00°30'55" WEST a distance of 435.00 feet to a 5/8 inch iron rod found for corner;

THENCE continuing with said east line, SOUTH 89°29'05" WEST a distance of 5.50 feet to a 5/8 inch iron rod found in the east line of said Rundell Way (being 62' wide at this point);

THENCE continuing with said east line, NORTH 00°30'55" WEST a distance of 274.98 feet to a 5/8 inch iron rod found at the intersection of the southeast line of Collin McKinney Parkway (variable width at this point);

THENCE along the southeast line of said Collin McKinney Parkway, NORTH 59°57'12" EAST a distance of 92.88 feet to a 5/8 inch iron rod found for corner;

THENCE continuing along the southeast line of said Collin McKinney Parkway, NORTH 66°51'52" EAST a distance of 166.21 feet to a 5/8 inch iron rod found for corner;

THENCE continuing along the southeast line of said Collin McKinney Parkway, NORTH 59°57'12" EAST a distance of 122.50 feet to a 5/8 inch iron rod found for corner and being the intersection of the southwest line of said Alma Road and being the beginning of a curve to the right having a radius of 66.50 feet and a chord bearing of South 75°02'48" East;

THENCE along the southwest line of said Alma Road with said curve to the right through a central angle of 90°00'00" for an arc length of 104.46 feet to a 5/8 inch iron rod found for corner;

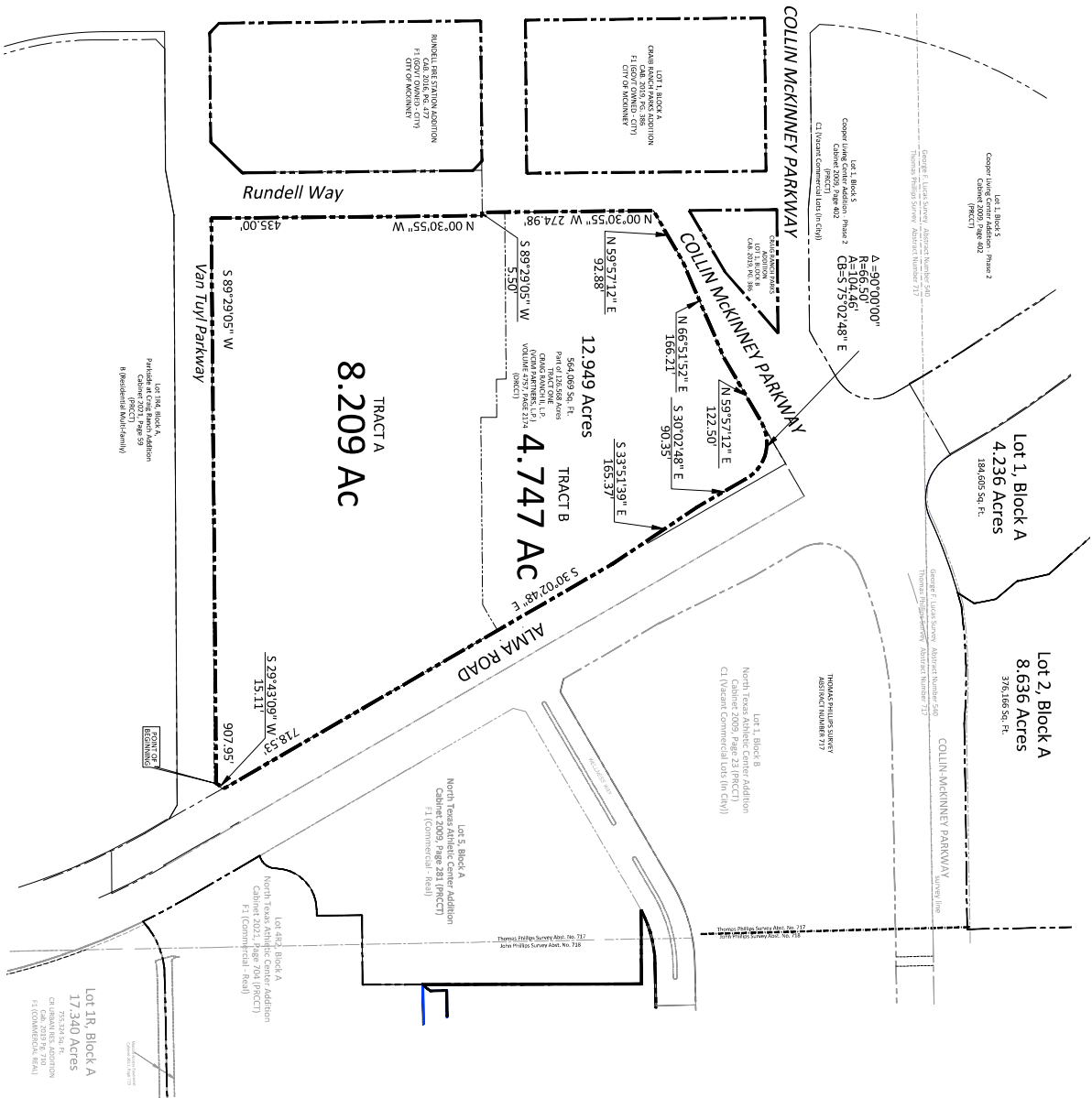
THENCE continuing with the southwest line of Alma Road, SOUTH 30°02'48" EAST a distance of 90.35 feet to a 5/8 inch iron rod found for corner;

EXHIBIT B

THENCE continuing with said southwest line, SOUTH 33°51'39" EAST a distance of 165.37 feet to a 5/8 inch iron rod found for corner;

THENCE continuing with said southwest line, SOUTH 30°02'48" EAST a distance of 718.53 feet to the POINT OF BEGINNING;

CONTAINING 12.949 acres or 564,069 square feet of land more or less.



CONTAINING 12.949 acres or 564,069 square feet of land more or less

<p>ZONING EXHIBIT 12.949 ACRES PARCEL A - 4.84 ACRES PARCEL B - 8.11 ACRES</p>		<p>THOMAS PHILLIPS SURVEY, ABSTRACT NO. 717 COUNTY OF MICHIGAN COLUMBIA TOWNSHIP</p>	
<p>Class: VCM PARTNERS, LP</p>		<p>City: Grand Haven</p>	
<p>Scale: 1" = 100'</p>		<p>Dated: 03-25-2007</p>	
<p>Technician: Spending/Bedford</p>		<p>Drawn by: Spending/Bedford</p>	
<p>201 N. Harris Rd., Roseville, Texas 75087 (972) 322-0225, www.bedfordgroup.com</p>		<p>Created by: J.E. Owens</p>	
<p>File: C:\GIS\spending</p>		<p>File: C:\GIS\spending</p>	
<p>EDB No.: 159.4178</p>		<p>EDB No.: 159.4178</p>	
<p>CP No.: 201 B 37523.0.U</p>		<p>CP No.: 201 B 37523.0.U</p>	

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.

Tracts. The Property shall be divided into two (2) tracts (collectively, the “Tracts” and each separately, a “Tract”) as shown on the Zoning Exhibit, 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%.

Tract A. The regulations set forth below shall apply to development within Tract A shown on the Zoning Exhibit.

1. Permitted Uses:

- 1.1. Multiple family dwelling, senior apartments;
- 1.2. Accessory Building or Use;
- 1.3. Parking Incidental to Main Use.

2. Temporary Uses

- 2.1. Field Office or Real Estate Sales Office.

3. Space Limits

- 3.1. Minimum Lot Area: 1450 sq ft;
- 3.2. Minimum Lot Width: 60’;
- 3.3. Minimum Lot Depth: 100’;
- 3.4. Minimum Front Yard Setback along Alma Drive and Van Tuly Parkway: 25’;
- 3.5. Minimum Rear Yard Setback along Rundell: 15’;
- 3.6. Minimum Side Yard Setback: 10’;
- 3.7. Minimum Interior Side Yard Setback: 0’;
- 3.8. Minimum Space Between Buildings: 10’;
- 3.9. Maximum Height of Structure: 55’ (four stories);
- 3.10. Maximum Density (dwelling units per gross acre): 30;
- 3.11. No Maximum Lot Coverage.

4. Parking

- 4.1. The required number of enclosed parking spaces shall be a minimum of 30% of the total number of units;
- 4.2. The 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

EXHIBIT D

number of units and may be constructed of steel frame with gabled pre-finished metal roofs supported by painted square steel columns.

5. Landscaping

- 5.1. In lieu of the requirement of Section 146-135(f)(13), a 15' landscape buffer shall be provided along the property lines adjacent to Rundell;
- 5.2. In lieu of the requirement of Section 146-135(f)(2), all corner clip landscape buffers shall match the width of the adjoining landscape buffer;
- 5.3. No landscape buffer shall be required between Tract A and Tract B.

6. Residential Site Design

- 6.1. The project shall contain no less than six (6) amenities of the type required in Section 146-139(f)(2) of the Zoning Ordinance, as amended.

7. Screening

- 7.1. Screening required under Section 146-132(3)(b) may be satisfied through the use of tubular steel or wrought iron fencing with masonry columns spaced at a maximum of 40 feet on center with structural supports spaced every 10 feet and with evergreen screening shrubs planted no less than 3 feet in height and 3 feet on center.

8. Special Conditions

- 8.1. Multiple family dwelling, senior (senior apartment) means any building or portion thereof, which is designed, built, rented, leased or let to contain three or more age-restricted (55 or older) dwelling units or apartments on a single lot, or which is occupied as a home or place of residence by three or more age-restricted (55 or older) families living in independent dwelling units on a single lot. This use shall also be subject to the following requirements:
 - a. At least one person 55 years of age or older shall reside in at least 80 percent of the senior multi-family residential development's dwelling units;
 - b. Prior to the issuance of a certificate of occupancy, each senior multi-family residential development shall adopt a series of deed restrictions and covenants, subject to review and approval by the city attorney, establishing the development's intent to operate as a senior multi-family residential development in accordance with the requirements established herein and any other applicable law or regulation.
 - c. At least once every two years, each senior multi-family residential development shall provide to the development services division of the city a certified affidavit demonstrating that the requirements established herein as well as the requirements of the Fair Housing Act continue to be satisfied.

Failure to completely adhere to the requirements herein shall be deemed a violation of this chapter and may result in the revocation of the development's certificate of occupancy or other penalties as detailed in section 146-194 of this chapter

Tract B. The regulations set forth below shall apply to development within Tract B shown on the Zoning Exhibit.

1. Permitted Uses:

- 1.1. Assisted Living Facility, Nursing Home, or Rest Home;
- 1.2. Clinic;
- 1.3. Day-care;
- 1.4. Fitness club, gymnasium, exercise area or similar use;
- 1.5. Banks and financial institutions;
- 1.6. Drug store, pharmacy;
- 1.7. Office building;
- 1.8. Office use;
- 1.9. Personal service;
- 1.10. Amusement, commercial (indoor);
- 1.11. Retail store (indoor);
- 1.12. Restaurant or cafeteria (carry out only);
- 1.13. Restaurant or cafeteria (indoor service and/or drive-through window);
- 1.14. Restaurant or cafeteria (drive-in service);
- 1.15. Accessory Building or Use;
- 1.16. Parking Incidental to Main Use;
- 1.17. Church;
- 1.18. College/School;
- 1.19. Hospital;
- 1.20. Private Recreation Center;
- 1.21. Theatre.

2. Temporary Uses

- 2.1. Field Office or Real Estate Sales Office.

3. Space Limits

- 3.1. Minimum Lot Area: 10,000 sq.ft.;
- 3.2. Minimum Lot Width: 50';
- 3.3. Minimum Lot Depth: 50';
- 3.4. Minimum Front Yard Setback: 20';
- 3.5. Minimum Rear Yard Setback: 0';
- 3.6. Minimum Side Yard Setback of Interior Lots: 0';
- 3.7. Minimum Side Yard Setback of Corner Lots: N/A;
- 3.8. Maximum Height of Structure: 45' (three stories);
- 3.9. Maximum Lot Coverage: 70%.

4. Landscape Requirements

- 4.1. No landscape buffer shall be required between Tract B and Tract A.