

ORDINANCE NO. 2017-12-111

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 44.42 ACRE PROPERTY, LOCATED APPROXIMATELY 1,960 FEET NORTH OF LAUD HOWELL PARKWAY AND ON THE WEST SIDE OF TRINITY FALLS PARKWAY, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR COMMERCIAL AND MULTI-FAMILY RESIDENTIAL USES; 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 44.42 acre property, located approximately 1,960 feet north of Laud Howell Parkway and on the west side of Trinity Falls Parkway, which is more fully depicted on Exhibits "A", "B", and "C", attached hereto, from "AG" – Agricultural District to "PD" – Planned Development District, generally for commercial and multi-family residential uses; 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, THAT:


- Section 1. The zoning map is hereby amended so that an approximately 44.42 acre property, located approximately 1,960 feet north of Laud Howell Parkway and on the west side of Trinity Falls Parkway, which is more fully depicted on Exhibits "A", "B", and "C", attached hereto, from "AG" – Agricultural District to "PD" – Planned Development District, generally for commercial and multi-family residential uses.
- Section 2. The subject property shall develop in accordance with the "PD" – Planned Development District, 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.

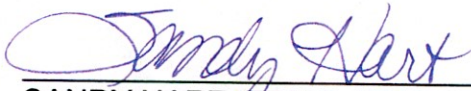
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 5th DAY OF DECEMBER, 2017.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

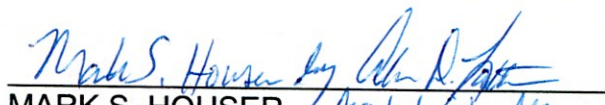
CORRECTLY ENROLLED:



SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

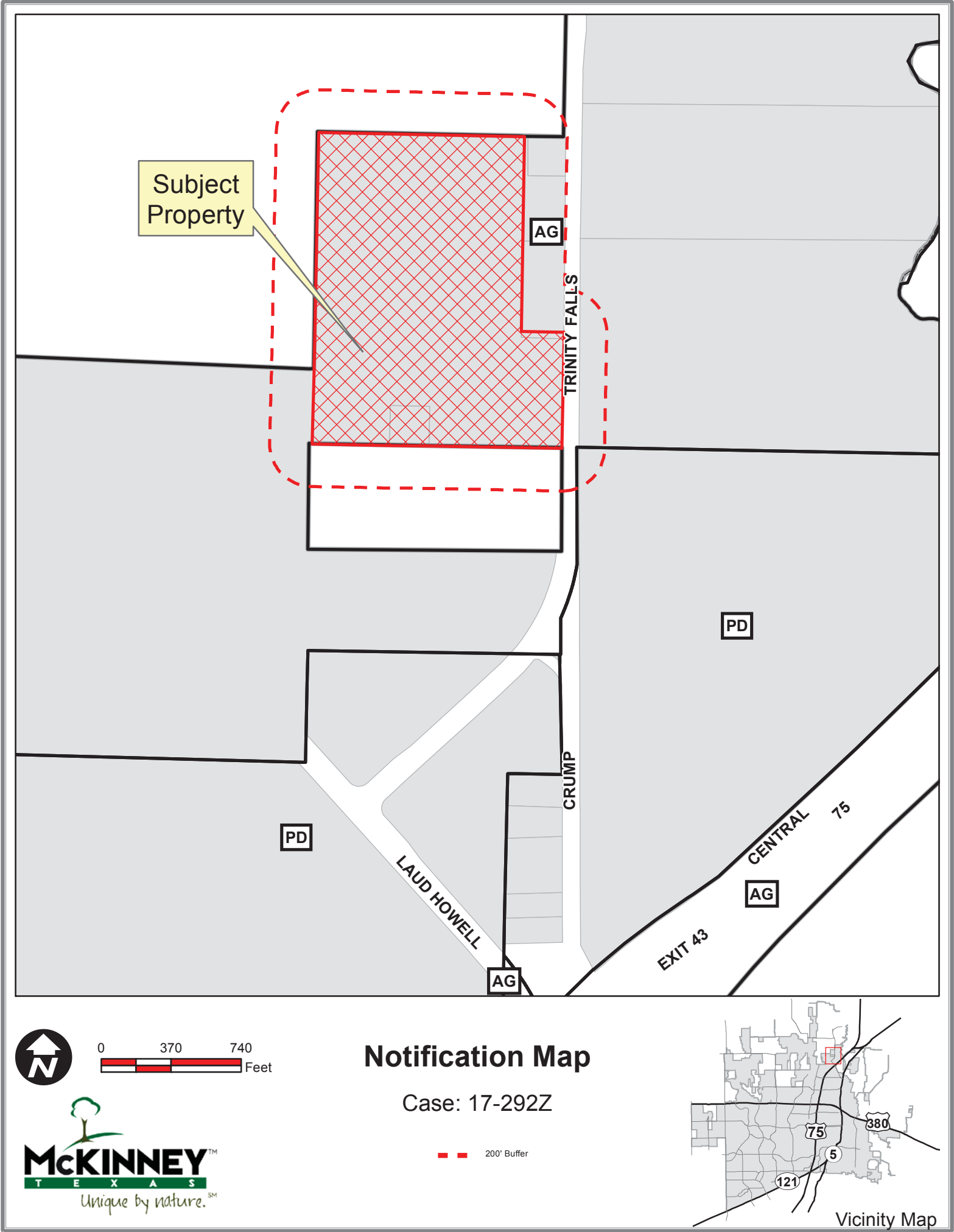
DATE: December 5, 2017

APPROVED AS TO FORM:



MARK S. HOUSER
City Attorney
Assistant City Attorney
up from

Exhibit A



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

TRACT 1:

BEING a tract of land situated in the Meredith Hart Survey, Abstract No. 371, Collin County, Texas, and being all of a 1.000 acre tract as conveyed to Thomas A. Crump and recorded in Volume 5138, Page 7371, Deed Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a capped 1/2" iron rod set for corner at the Southeast corner of said Tract 3, said iron rod being in the West right of way line of F. M. No. 543;

THENCE N 88 degrees 07 minutes 35 seconds W a distance of 695.17' to a bolt found for corner, being the POINT OF BEGINNING, said bolt being at the Southeast corner of a 1.00 acre tract as conveyed to Thomas A. Crump and recorded in Volume 5138, Page 7371, R.P.R.C.C.T.;

THENCE N 88 degrees 48 minutes 55 seconds W a distance of 208.74' to a 5/8" iron rod found for corner;

THENCE N 01 degree 40 minutes 56 seconds E a distance of 208.68' to a 1/2" iron rod found for corner;

THENCE S 88 degrees 48 minutes 40 seconds E a distance of 208.41' to a 1/2" iron rod found for corner;

THENCE S 01 degree 35 minutes 29 seconds W a distance of 208.67' to the POINT OF BEGINNING and 53,524 square feet, 0.999 acres of land.

TRACT 2:

BEING a tract of land situated in the Meredith Hart Survey, Abstract No. 371, Collin County, Texas, and being part of a 50 acre tract as conveyed to Burtcy Crump and recorded in Volume 22, Page 572, Deed Records of Collin County, Texas and being Tracts 1, 2, 3, 4 as conveyed to Crump's Garden, Inc. and recorded in County Clerks No. 20131023001451290, Deed Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a capped 1/2" iron rod set for corner at the southeast corner of said Tract 3, said iron rod being in the West Right Of Way Line of F.M. No. 543;

THENCE N 88 degrees 07 minutes 35 seconds W a distance of 695.17' to a bolt found for corner, said bolt being at the Southeast corner of a 1.00 acre tract as conveyed to Thomas A. Crump and recorded in Volume 5138, Page 7371, R.P.R.C.C.T.;

THENCE N 01 degree 35 minutes 29 seconds E following the East line of said 1.000 acre tract a distance of 208.67' to a 1/2" iron rod found for corner being the Northeast corner of said 1.000 acre tract;

THENCE N 88 degrees 48 minutes 40 seconds W following the North line of said 1.000 acre tract a distance of 208.41' to a 1/2" iron rod found for corner being the Northwest corner of said 1.000 acre tract;

THENCE S 01 degree 40 minutes 56 seconds W following the West line of said 1.000 acre tract a distance of 208.68' to a 5/8" iron rod found for corner being the Southwest corner of said 1.000 acre tract;

THENCE N 88 degrees 09 minutes 01 second W a distance of 417.02' to a 1" iron pipe found for corner at an angle point in the East line of a 154.581 acre tract as conveyed to Cole 154 LLC and recorded in C.C. No. 20120718000869990, R.P.R.C.C.T.;

Exhibit B

THENCE N 02 degrees 12 minutes 29 seconds E following the East line of said 154.581 acre tract a distance of 375.17' to a 1" iron pipe found for corner at the Northeast corner of said 154.581 acre tract, said pipe being the Southeast corner of a tract conveyed to Tom Wilson as recorded in Volume 935, Page 598, R.P.R.C.C.T.;

THENCE N 01 degrees 50 minutes 38 seconds E following the East line of said Wilson tract a distance of 1272.68' to a ½" iron rod found for corner at the base of a pipe fence corner;

THENCE S 88 degrees 02 minutes 48 seconds E in the general direction of a pipe fence a distance of 1088.43' to a ½" iron rod found for corner at the Northwest corner of a called 1.6974 acre tract as conveyed to William Crump and recorded in Volume 4869, Page 727, R.P.R.C.C.T.;

THENCE S 01 degrees 39 minutes 34 seconds W following the West line of said 1.6974 acre tract passing at 519.24' to a ½" iron rod found at the Southwest corner of said 1.6974 acre tract same being the Northwest corner of a called 1.7408 acre tract as conveyed to Thomas W. Crump and recorded in Volume 4869, Page 732, R.P.R.C.C.T. and continuing in all a distance of 1028.43' to a ½" iron rod found for corner at the Southwest corner of a said called 1.74-08 acre tract;

THENCE S 88 degrees 16 minutes 06 seconds E following the South line of said 1.74-08 acre tract passing at 28.10' the Southeast corner of said 1.7408 acre tract and same being the Southwest corner of a called 1.000 acre tract as conveyed to Thomas W. Crump and continuing in all a distance of 226.04' to a capped ½" Iron rod set for corner in the West ROW line of said F.M. No. 543;

THENCE S 01 degree 46 minutes 26 seconds W following West ROW line of said F.M. No. 543 a distance of 615.78' to the POINT OF BEGINNING and 1,891,181 square feet, 43.416 acres of land.

Exhibit C

Zoning Exhibit
Arch Resorts
City of McKinney

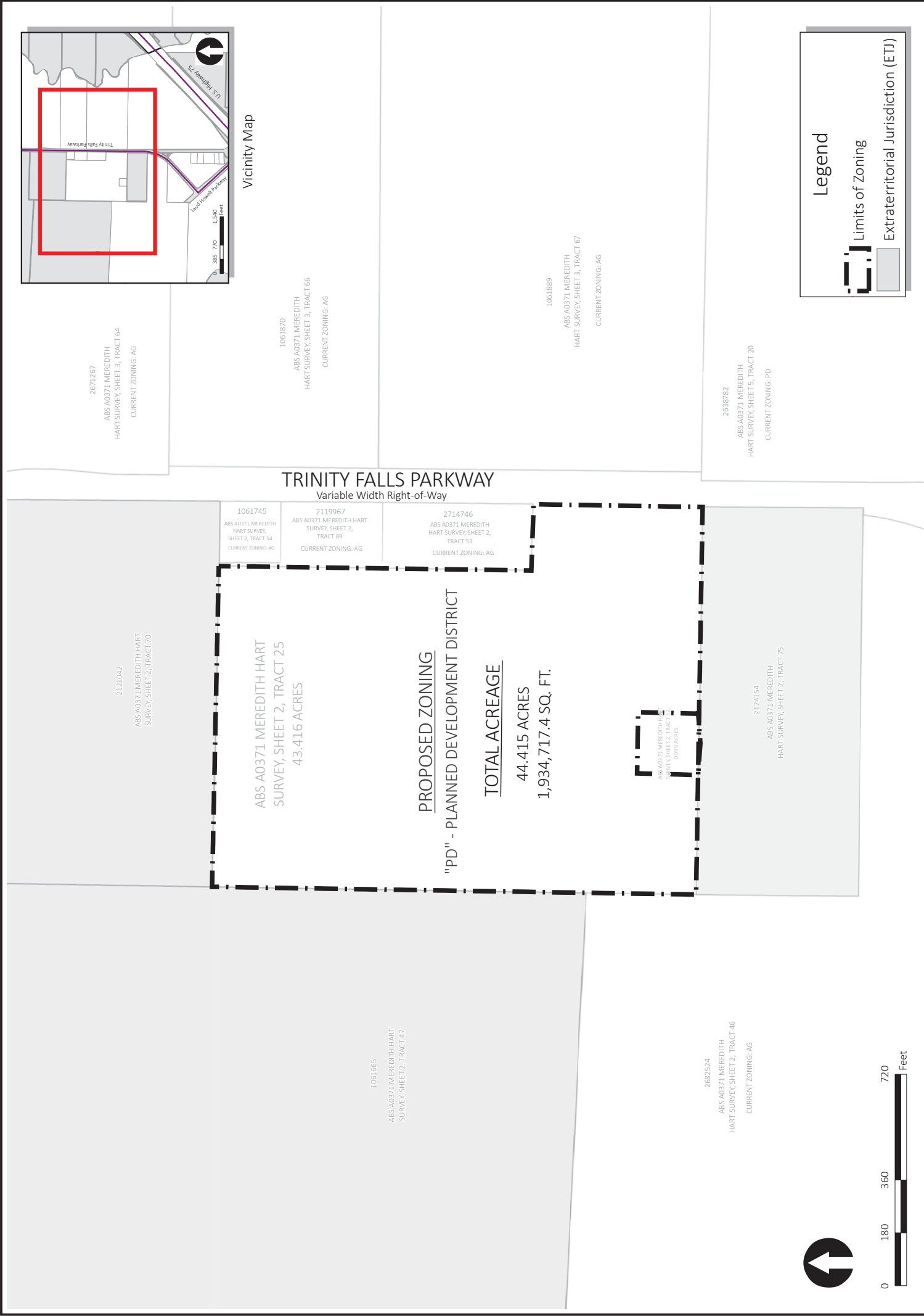


Exhibit D

ARCH RESORTS – Approx. 44 Acres PD - Planned Development Regulations

- I. The subject property shall be zoned “PD” – Planned Development District and shall conform to the development regulations contained herein. This PD is intended to allow the flexibility to develop a more dense, urban development pattern or a more traditional, suburban development pattern. Concurrent with the first development plans submitted to the City for review and approval, the property owner shall designate either a) the Urban Development Pattern or b) the Suburban Development Pattern to govern all subsequent development after which all applications and plans shall adhere to the designated development pattern.

II. Permitted Land Uses. Only the following land uses shall be permitted on the subject property. All other uses shall be prohibited.

- i. All “Commercial Type, Retail and Service Uses” listed in the Zoning Ordinance’s Schedule of Uses, and as amended;
- ii. Financial Institutions;
- iii. Indoor recreation facilities including, but not limited to indoor commercial amusement uses, gyms, fitness clubs, exercise areas, and other similar uses;
- iv. Hospital;
- v. Museum, library, or art gallery;
- vi. Local utility line or utility distribution lines, telephone exchange (no garage or shop);
- vii. Park or playground;
- viii. Swimming pool (public or private); and
- ix. Urban residential buildings/uses (also known as multi-family residential uses and which uses include assisted living facilities in the calculation of the allowed number of units).
- x. Day care (excluding Montessori schools)

III. Urban Development Pattern Regulations.

a. Non-Residential Uses.

- i. Front Build-To Line: 0 – 15’; all façade articulation must occur within the build-to line range.
- ii. Side at Corner Build-To Line: 0 – 15’; all façade articulation must occur within the build-to line range.
- iii. Side Setback: 0’
- iv. Rear Setback: 0’
- v. Miscellaneous Build-To Lines: Any property line that is adjacent to a public street or driveway that serves as vehicular access for the general public shall (not to include employee parking, service drives for deliveries, etc.) shall require a build-to line of 0 – 15’ (all façade articulation must occur within the build-to line range).
- vi. Minimum building height: 2 stories, although the Planning and Zoning Commission may approve 1 story buildings in limited cases where the urban pedestrian environment is appropriately addressed.
- vii. Maximum Lot Coverage and Floor Area Ratio: N/A

b. Residential Uses.

- i. Front Build-To Line: 0’ – 20’; at least 50 percent of each façade must be located within the build-to line.
- ii. Side at Corner Build-To Line: 0’ – 15’; at least 50 percent of each façade must be located within the build-to line.
- iii. Minimum Side Setback: 0’
- iv. Minimum Rear Setback: 0’

Exhibit D

- v. **Miscellaneous Build-To Lines:** Any property line that is adjacent to a public street or driveway that serves as vehicular access for the general public (not to include employee parking, service drives for deliveries, etc.) shall require a build-to line of 0 – 20' (at least 50 percent of each façade must be located within the build-to line).
 - vi. **Minimum Building Height:** 4 stories.
 - vii. **Minimum Residential Density:** 50 dwelling units per acre.
 - viii. **Maximum Developable Area:** No more than 30 acres of the subject property may be utilized for urban residential uses.
 - ix. **Ground Floor Residential:** Dwelling units on the ground floor shall be permitted so long as they are designed and constructed to accommodate future commercial uses by featuring a minimum 12' ceiling height and maintaining a front/back door that has direct access to the public sidewalk.
 - x. **Screening:** All screening requirements of the Zoning Ordinance, and as amended, shall be applicable except that screening walls shall not be required along the perimeter of the property.
 - xi. **Landscaping:** All landscape requirements of the Zoning Ordinance, and as amended, shall be applicable except that a landscape buffer adjacent to public rights-of-way may be reduced as necessary to facilitate the required build-to lines.
 - xii. **Parking:** A minimum of 50% of the minimum parking spaces required by the Zoning Ordinance, and as amended, shall be provided in a structured parking facility such as a multi-level parking garage that is screened from public view on at least three sides by an urban residential building or enclosed parking spaces that tuck under an urban residential building.
- c. ***Pedestrian Access.*** All pedestrian access paths for urban residential uses shall adhere to the following width requirements:
- i. Sidewalks between a building's build-to line and the ROW shall be a minimum 10' in width.
 - ii. All other sidewalks shall be a minimum 6' in width.

IV. Suburban Development Pattern Regulations.

a. Non-Residential Uses.

- i. **Minimum Front Setback:** 25'
- ii. **Minimum Side Setback:** 0'
- iii. **Minimum Rear Setback:** 0'
- iv. **Maximum Building Height:** 45'
- v. **Maximum Lot Coverage:** 60%
- vi. **Maximum Floor Area Ratio:** N/A

b. Residential Uses.

- i. **Minimum Front Setback:** 30'
- ii. **Minimum Side Setback:** 30'
- iii. **Minimum Rear Setback:** 30'
- iv. **Maximum Building Height:** 4 stories
- v. **Minimum Residential Density:** 30 dwelling units per acre
- vi. **Maximum Developable Area:** No more than 20 acres of the subject property may be utilized for suburban residential uses.
- vii. **Parking:** A minimum of 50% of the minimum parking spaces required by the Zoning Ordinance, and as amended, shall be provided in a structured parking facility such as a multi-level parking garage that is screened from public view on at least three sides by a suburban residential building or enclosed parking spaces that tuck under a suburban residential building.