

ORDINANCE NO. 98-11-59

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; TO CHANGE THE ZONING OF A 220.38 ACRE TRACT LOCATED ON THE SOUTH SIDE OF ELDORADO PARKWAY, GENERALLY EAST AND WEST OF RIDGE ROAD, FROM "PD" - PLANNED DEVELOPMENT DISTRICT (ORDINANCE 1646) TO "PD" - PLANNED DEVELOPMENT DISTRICT, INCLUDING SINGLE AND MULTIPLE FAMILY RESIDENTIAL USES, OFFICE USES, AND RETAIL USES AS PERMITTED USES; PROVIDING REGULATIONS; 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 owners of a 220.38 acre tract located on the south side of Eldorado Parkway, generally east and west of Ridge Road, in the City of McKinney, Collin County, Texas, have petitioned the City of McKinney to change the zoning of the land from "PD" - Planned Development District (Ordinance Number 1646) to "PD" - Planned Development District, a complete legal description of such property being attached hereto and marked Exhibit "A", and made a part hereof for all purposes; and,

WHEREAS, after due notice of the requested zoning 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, and the City Council is of the opinion that said zoning should be made.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. The Zoning Ordinance No. 1270 of the City of McKinney is hereby amended so that a 220.38 acre tract located on the south side of Eldorado Parkway, generally east and west of Ridge Road, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "PD" - Planned Development District (Ordinance Number 1646) to "PD" - Planned Development District, and the official zoning map shall be amended accordingly and shall serve as an attachment to this zoning.

Section 2. That the development and use of said tract shall conform to the Zoning Exhibit map, marked Exhibit "B" and attached hereto.

Section 3. That the development and use of said tract shall conform to the Development Regulations, marked Exhibit "C" and attached hereto.

Section 4. 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 5. 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 therefor, 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 6. No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, 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 7. 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 FIRST READING ON THE 3rd DAY OF November 1998.



DON DOZIER, Mayor
City of McKinney, Texas

ATTEST:



JENNIFER G. SMITH, City Secretary

APPROVED AS TO FORM:



MARK S. HOUSER, City Attorney

George Herndon Survey, Abstract No. 390 and
Joe Manning Survey, Abstract No. 636
McKinney, Texas
Collin County, Texas

BEING a 220.381-acre tract of land situated in the George Herndon Survey, Abstract No. 390 and the Joe Manning Survey, Abstract No. 636, in the City of McKinney, Collin County, Texas and being part of a 182.187-acre tract described in a deed to JNC Enterprises, Ltd., recorded as Document No. 94-0030802 of the Land Records of Collin County, Texas and all of an 80-acre tract of land described in a deed recorded in Volume 327, Page 405 of the Deed Records of Collin County, Texas (DRCCT) and being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of a 165-acre tract of land and being located in the center line of Eldorado Parkway (a 60-foot wide right-of-way);

THENCE in an easterly direction along the centerline of Eldorado Parkway as follows:

-- South 89°07'55" East, a distance of 1,072.97 feet to a point for corner;

-- South 89°07'56" East, a distance of 2439.52 feet to a point for corner;

THENCE South 01°01'26" West, a distance of 850.00 feet to a 1/2-inch iron rod set for corner;

THENCE South 89°37'24" West, for a distance of 870.79 feet to a 1/2-inch iron rod set for corner on the future centerline of proposed Ridge Road;

THENCE South 00°22'36" East, a distance of 825.91 feet along the proposed centerline of Ridge

THENCE Southeasterly, along a nontangent curve to the left which has a chord that bears South 21°27'10" East for 1078.82 feet, a central angle of 42°09'08" and a radius of 1500.00 feet, for an arc distance of 1103.54 feet to a 1/2-inch iron rod set for the end of said curve;

THENCE North 89°06'29" West, a distance of 381.92 feet to a point for corner being the southeast corner of the an 80-acre tract of land;

THENCE South 00°28'33" West, a distance of 77.67 feet to a point for corner being the southeast corner of the a 165-acre tract of land;

THENCE North 88°44'09" West, a distance of 3,203.60 feet to a point for corner being the southwest corner of the a 32.8-acre tract of land;

THENCE North 00°05'57" West, a distance of 2,552.64 feet to the northwest corner of said 32.8-acre tract of land;

THENCE South 89°50'51" East, a distance of 561.87 feet to a point for corner being the northeast corner of said 32.8-acre tract of land;

THENCE North 00°32'13" East along the westerly line of said 165-acre tract of land, a distance of 188.67 feet to the POINT OF BEGINNING and containing 220.381 acres of land more or less.

EXHIBIT "A"

98-457

**Planned Development
District Regulations**

for

**Amendments to PD-1646
221.327 Acres
McKinney, TEXAS**

Ownership:

**JNC Enterprises, Ltd.
2050 North Plano Rd.
Suite 100
Richardson, Texas 75082
(972) 231-9791**

**JNC Enterprises, I, Ltd.
2050 North Plano Rd.
Suite 100
Richardson, Texas 75082
(972) 231-9791**

Planner:

**Kimley-Horn and Associates, Inc.
12700 Park Central Drive
Suite 1800
Dallas, Texas 75251
(972) 770-1300**

June 26, 1998

REVISED October 29, 1998

Revised November 3, 1998

EXHIBIT "C"

SECTION I

RESIDENTIAL USE REGULATIONS

MEDIUM DENSITY RESIDENTIAL

1. Purpose and Intent

This density classification is intended to permit development of a range of residential uses including detached single-family and multiple family residences. The medium density classification permits a maximum density of eighteen (18) dwelling units per acre. Any medium density for-sale single family development in this category which proposes common amenities, common grounds, or common cluster parking (privately owned) shall furnish to the City of McKinney, at the time of platting, evidence of the establishment of a homeowners association to ensure that the common grounds of the property are properly maintained. The City shall have the right, but not the obligation, to approve the provision of said homeowners association before filing of either the plat or the association covenants. The City also shall have the right, but not the obligation, to enforce the terms of said homeowners association.

2. Districts

a. "SF-4.5" Single-Family Residence District regulations--Zero lot line homes.

- (1) Purpose: To provide single-family homes on lots of moderate size.
- (2) Permitted uses and development standards shall conform to the RS 4.5 District regulations as set forth within Ordinance 1270, as said regulations may be amended from time to time, except as provided in the space limit provisions specified below:
 - (a) Minimum lot area: Forty-five hundred (4,500) square feet.
 - (b) Minimum width of lot: Forty (40) feet.
 - (c) Minimum depth of lot: One Hundred (100) feet.
 - (d) Maximum building height of: Thirty-five (35) feet.
 - (e) Minimum front yard: Twenty (20) feet.
 - (f) Minimum side yard: Zero one side with a ten- (10) foot separation between buildings. A building maintenance

casement in favor of the neighboring property shall be granted on the wider side yard.

- (g) Minimum side yard at corner: Fifteen (15) feet.
 - (h) Minimum rear yard: Fifteen (15) feet from rear lot line to main structure (excluding accessory buildings, cabanas, decks, fences, pools, etc.).
 - (i) Maximum lot coverage: Fifty-five percent (55%), excluding enclosed garages (up to 500 square feet). Total lot cover shall not exceed 65%.
 - (j) Maximum density: Six (6.0) units per acre.
 - (k) Minimum of two (2) garage parking spaces shall be provided per unit.
- (3) Alternatively, this tract may be developed as a Single Family Residential District, conforming to the "RS-60" requirements as set forth in Section 41-67 of the City Code of Ordinances, as amended from time to time, except as provided in the space limit provisions specified below:
- (a) Minimum lot area: Six thousand (6,000) square feet.
 - (b) Minimum lot width: Fifty (50) feet.
 - (c) Minimum lot depth: One hundred (100) feet.
 - (d) Maximum height of building: Thirty-five (35) feet.
 - (e) Minimum front yard: Twenty (20) feet.
Minimum rear yard: Twenty (20) feet from rear lot line to main structure (excluding accessory buildings, cabanas, decks, fences, pools, etc.).
 - (f) Minimum side yard: Ten percent (10%) of lot width, minimum five(5) feet.
 - (g) Minimum side yard on corner: Fifteen (15) feet.
 - (h) Maximum lot coverage: Forty-five percent (45%), excluding garage area (up to 500 square feet).
 - (i) Maximum density: Five (5) dwelling units per acre.
- (4) Specific Use Permits:
- (a) Daycare center, maximum 2 acres net. If abutting a collector street, a maximum of 100 children can be served. If abutting an arterial street, the maximum

number of children served shall be as approved by the City. In no case shall gasoline sales/storage be permitted within 400 feet of the daycare center, nor shall a daycare center be permitted within 400 feet of gasoline sales/storage.

- (b) **Concept Plan:** A concept plan shall be submitted for approval prior to platting. This concept plan shall address access to each lot, depict typical ground floor building configurations indicating any unique features, such as landscaping or common areas.
- (5) **Special Conditions:** The final plat of the SF-4.5 district shall include a notation stating which school district the subject property is within.

b. "MF-1" General Residence District regulations.

- (1) **Purpose:** This zone is designed to provide for moderately high density apartment development and other uses which have characteristics similar to those found in apartment developments.
- (2) All standards and uses as specified within the RG 18 District within Ordinance 1270, or as may be amended, shall apply to this district unless otherwise specified below:
 - (a) Any principal permitted use allowed in the "SF-4.5" zone, conforming to the rules and regulations of the "SF-4.5" zone.
 - (b) Rest homes, nursing homes, and assisted living centers.
- (3) **Space limits:**
 - (a) **Minimum lot area:** Two thousand four hundred and twenty (2,400) square feet per dwelling unit.
 - (b) **Maximum density:** Eighteen (18) dwelling units per acre with a total maximum number of 821 units within the entire "PD". The northernmost multi-family tract shall be allocated a minimum of 250 units.
 - (c) Single family detached residences shall be subject to the space limit provisions set forth in the "SF-4.5" district.
- (4) **Special Conditions:** The following special conditions are intended to promote higher than usual amenity results, both

intrinsic to multi-family development and in relationships between multi-family development and contiguous community park and adjacent single family developments:

- (a) Multi-family buildings within 100' of the Community Park boundary line and adjacent single family zoned property (including areas designated for single family on the Future Land Use Plan) shall be limited to a maximum height of two (2) stories.
- (b) Multi-family buildings shall be 100% masonry excluding open interior building walkways. Masonry shall include, but not be limited to, brick and portland cement stucco.
- (c) Exterior materials on all multi-family buildings shall be consistent as to type, color, manufacturing standard of high quality acceptable to the City, and method of construction. All brick used shall be light colored and of a hard-burned modular type.
- (d) All building roofs shall slope with a minimum 6:12 pitch. Roofing materials shall be the same on all buildings with respect to type, quality, and color of finish. Material choices shall include heavy duty composition, concrete or clay tiles, or other durable fire-resistant material acceptable to the City.
- (e) All chimneys shall be masonry enclosed, with brick for two-story units and stucco and/or brick, or a combination thereof, above two stories.
- (f) Parking lots and vehicular access shall be limited in locations immediately adjoining the Community Park.
- (g) A 30' irrigated landscape buffer shall be provided on multi-family tracts abutting the Community Park. This buffer shall contain one (1) evergreen canopy tree, or other type tree as approved on the Site Plan, for each 40 lineal feet of Park frontage. Security / visual screening shall also be provided within the buffer consisting of some combination of berming, open wrought iron type fencing, masonry columns, and other elements as may be approved on the Site Plan.
- (h) A 30' irrigated landscape buffer shall be provided on multi-family tracts abutting any single-family use not separated by a publicly dedicated street. Such buffer shall not be required where such separation does occur.

This buffer shall contain one (1) evergreen canopy tree, or other type tree as approved on the Site Plan. For each 40 lineal feet of such contiguous single-family property. A seven (7') foot masonry screening wall shall also be provided within this buffer.

- (i) A limited number of secured pedestrian access points shall be provided from multi-family tracts to the adjacent Community Park areas.
- (j) Concept Plan: A unified concept plan for all zoned multi-family sites shall be submitted for approval prior to platting of any portion of such tracts. This Concept Plan shall include, but not be limited to, external site access (vehicular and pedestrian), general building locations and sizes, internal vehicular circulation and parking, special amenity features (such as clubhouse, pools, and athletic facilities) and general landscaping plan.
- (k) The Site Plan approved for all multi-family developments, or phases, shall include elevation drawings for the purpose of ensuring architectural continuity and harmony, especially where visible from streets, internal drives, residential districts, and the Community Park, as well as to review materials and design for compliance with the provisions listed within this "PD."

SECTION II

NON-RESIDENTIAL USE REGULATIONS

A. PURPOSE AND INTENT

The Purpose of these provisions is to regulate the planning, design and development of all non-residential classifications within the Planned Development District.

Uses in the Office Districts are intended to provide for office buildings with attendant retail and service uses intended primarily for occupants of such office buildings.

Uses in the Retail Districts are intended to provide a range of retail, office and service establishments.

B. "O-1" OFFICE DISTRICT REGULATIONS

- (1) Purpose: This district provides for office buildings with attendant retail and service uses intended primarily for the convenience of occupants of such office buildings.
- (2) All standards and uses as specified within the O -- Office District Ordinance 1270, as may be amended, shall apply to this district unless otherwise specified below:
 - (a) Daycare center, maximum 2 acres net, if abutting a collector street, a maximum of 100 children can be served. If abutting an arterial street, the maximum number of children served shall be as approved by the City. In no case shall gasoline sales/storage be permitted within 400 feet of the daycare center, nor shall a daycare center be permitted within 400 feet of gasoline sales/storage.
- (3) Permitted accessory uses:
 - (a) The incidental retail sale of food, beverages and other convenience items or services is permitted primarily for occupants, employees and guests, as long as the area dedicated to these accessory uses does not exceed five (5) percent of the permitted floor area of the building in which the use is located.
 - (b) Drive-in facilities for banks or financial institutions.
- (5) Space limits:
 - (a) Maximum height of building: No building will exceed four (4) stories, or a maximum height of seventy (70) feet, except that no building within 250 feet (measured from the property line) of Eldorado Parkway, Ridge Road, or Street B shall exceed thirty-five (35) feet or two (2) stories. A maximum height of three (3) stories, or forty-five (45) feet shall be allowed on the tract west of Street A, except as limited to two (2) stories as provided for herein.
 - (b) Minimum front yard: Twenty-five (25) feet.
 - (c) Minimum rear yard: Twenty-five (25) feet
 - (d) Minimum side yard: Twenty-five (25) feet
 - (e) Minimum side yard at corner: Twenty-five (25) feet.

- (f) Maximum lot coverage: Fifty (50) percent.
- (g) Maximum floor area ratio: Fifty one hundredths to one (0.50:1).
- (6) Miscellaneous provisions:
 - (a) The exterior visible reflectance percentage of exterior wall glass must not exceed twenty-seven percent (27%) unless otherwise approved on the Site Plan.
 - (b) All non-residential districts shall provide a seven (7) foot masonry screening wall and a ten (10) foot landscaping buffer setback where such districts are adjacent to residential districts. One (1) canopy tree shall be provided every forty (40) feet within this landscape buffer.
 - (c) The Site Plan approved for all non-residential buildings shall include elevation drawings for the purpose of ensuring architectural continuity among all buildings located within the immediate development, and to ensure reasonable continuity and harmony for all four (4) sides of a building, especially where visible from streets, internal drives, or residential districts.

C. "R-1" RETAIL DISTRICT REGULATIONS

- (1) Purpose: This district provides for medium-intensity concentrations of shopping and related commercial activities.
- (2) All standards and uses as specified within the BN – Neighborhood Business District within Ordinance 1270, or as may be amended, shall apply to this district unless otherwise specified herein:
 - (a) Gasoline service stations without automotive repair with a maximum of five (5) pump islands (10 fueling stations) and allowing a single stall automatic car wash are permitted only on the two corner sites at the intersection of Eldorado Parkway and Ridge Road where no immediate residential adjacency exists. All other service stations and automotive repair facilities are prohibited within this district. In no case shall gasoline sales/storage be permitted within 400 feet of an approved daycare center, nor shall a daycare center be permitted within 400 feet of gasoline sales/storage.
- (3) Space limits:
 - (a) Minimum lot area: None.
 - (b) Minimum width of lot: None.