

AN ORDINANCE AMENDING ORDINANCE NO. 1270 SO THAT 60 ACRES OF LAND IN THE JOHN W. ROBERTS SURVEY LOCATED ON THE NORTH SIDE OF S. H. 121, 2.8 MILES WEST OF U. S. 75 IS ZONED FROM AGRICULTURE TO PLANNED DEVELOPMENT DISTRICT FOR FREEWAY COMMERCIAL; PROVIDING FOR PLANNED DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the owner or owners of 60 acres of land in the John W. Roberts Survey located on the North side of S. H. 121, 2.8 miles West of U. S. 75 have petitioned the City of McKinney to zone such property Planned Development District for Freeway Commercial; 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 such rezoning change should be made.

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

SECTION I: That the real estate more fully described in the attached Exhibit "A" is hereby zoned Planned Development District for Freeway Commercial, all in accordance with the zoning plan attached hereto and marked Exhibit "B".

SECTION II: That the Zoning Standards more fully set forth in the attached Exhibit "C" are hereby adopted as the Zoning Standards for the Planned Development District for Freeway Commercial.

SECTION III: That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development Zone or specific regulations contained herein. This Ordinance and accompanying regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

SECTION IV: 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 V. 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 \$200.00, 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 VI: 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 this the 16th day of June, 1987.

CORRECTLY ENROLLED:

  
Jennifer G. Cravens, City Secretary

EXHIBIT "A"

SITUATED in the State of Texas, County of Collin and in the John W. Roberts Survey, Abstract No. 762, being a part of the 160 acre premises described by conveyance in Volume 329, Page 84 of the Collin County Deed Records and to which reference is herein made for further description:

COMMENCING FOR REFERENCE at an iron rod found marking the northwest corner of the John W. Roberts Survey and which also marks the northwest corner of the said 160 acre premises;

THENCE with the north line of the John W. Roberts Survey and with the north line of the 160 acre premises, North 89 deg 30' 30" East, a distance of 536.81 feet to an iron rod set marking the PRINCIPAL PLACE OF BEGINNING for the herein described tract;

THENCE continuing with the north line of the John W. Roberts Survey and with the north line of the 160 acre premises, North 89 deg 30' 30" East, a distance of 1,278.26 feet to an iron rod set for corner;

THENCE South 0 deg 29' 00" East a distance of 1,749.03 feet to an iron rod set on the north line of State Highway No. 121 (120 feet wide);

THENCE with the north line of State Highway No. 121, South 64 deg 41' 15" West, a distance of 1,408.45 feet to an iron rod set for corner;

THENCE North 0 deg 29' 00" West, a distance of 2,340.27 feet to the principal place of beginning and containing 2,613,599 square feet or 60.000 acres.

EXHIBIT "B"

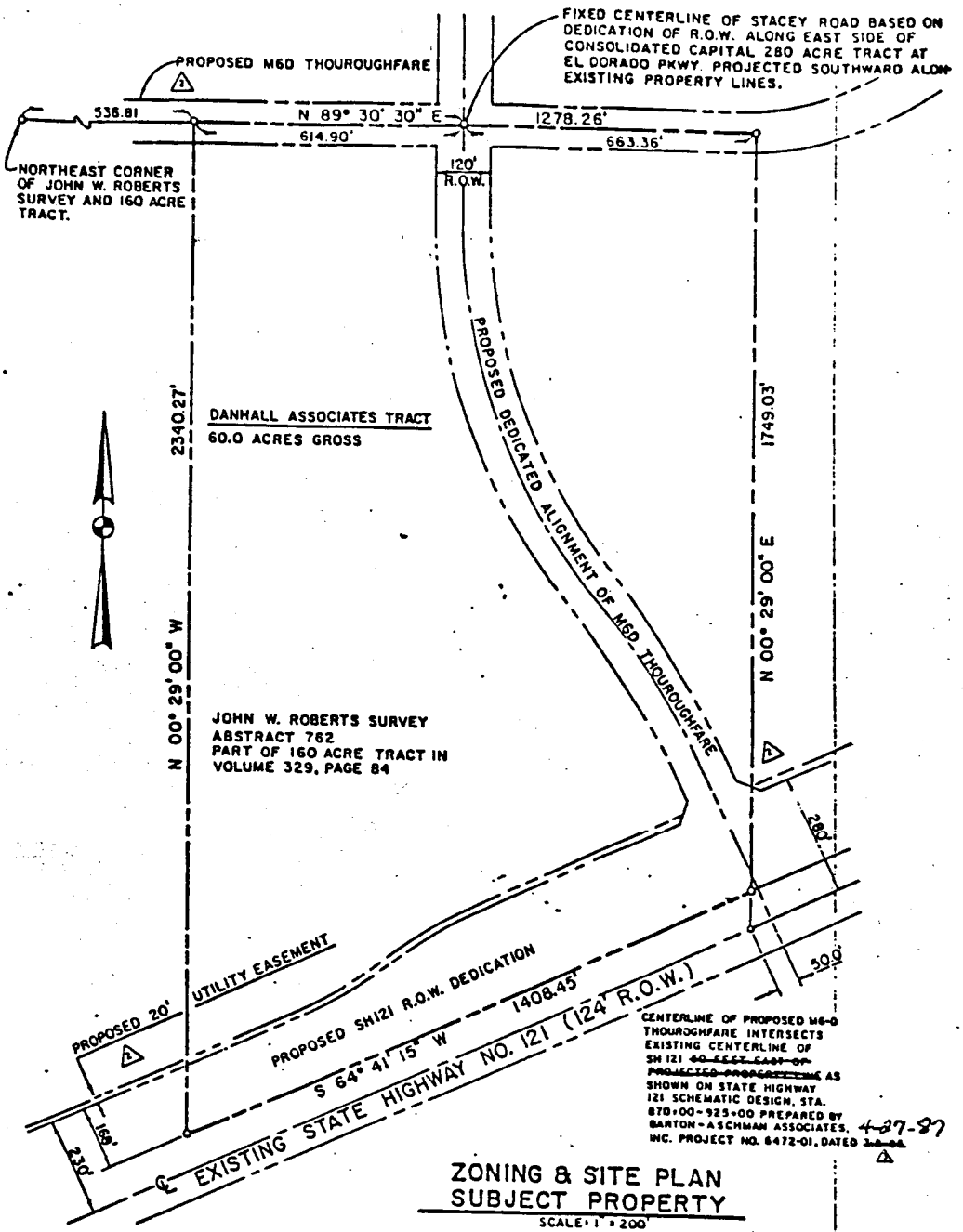


EXHIBIT C  
DAHALL SH 121  
PLANNED DEVELOPMENT DISTRICT

(1) PURPOSE:

To encourage the development of a highly attractive commercial corridor and employment center along the proposed S.H. 121 Freeway. This zoning anticipates the development of mid to high intensity office complexes and potentially high quality industrial plant and distribution centers. Ancillary development of a regional shopping center (+500,000 as automobile dealerships), restaurant clusters, and hotels are also allowed. It is hoped that this zoning will combine the best of both the small town environment presently found in McKinney, and the highly intense urban environment found along L.B.J. Freeway and the Dallas Parkway.

(2) RIGHT OF WAY DEDICATION:

Owner agrees to dedicate rights of way for the proposed SH 21 Freeway, the MD6 thoroughfares and utility easement under the terms and conditions as described in the annexation agreement for the subject property.

(3) PRINCIPAL PERMITTED USES:

- a) All uses as permitted in the "ML", Light Manufacturing District as outlined in Section 3.16 (2) of the City of McKinney Zoning Ordinance No. 1270 unless otherwise stated.
- b) Clinics
- c) College or University
- d) Hospital
- e) Hotel or Motel

(4) PERMITTED ACCESSORY USE:

- a) Any accessory use normally appurtenant to a permitted use shall be allowed.

(5) SPECIFIC USE PERMITS:

- a) Helistop or Heliport
- b) Private Club
- c) Mixed Use Development Containing Residences

(6) EXCLUDED USES:

- a) Dwellings, except for caretakers' and watchmen's quarters (unless permitted by a Specific Use Permit)
- b) Fairground or Rodeo
- c) Commercial Stables
- d) Theater (Outdoor)
- e) Feed Lots
- f) Hatchery, Poultry, Egg Farm
- g) Livestock Auction
- h) Mobile Home Display and Sales
- i) Mobile Home Parks
- j) Contractor's Yard (Except during construction)
- k) Open Storage
- l) Sanitary Landfill

(7) SPACE LIMITS

- a) Minimum Lot Sizes
  - 1. Retail Uses 1/2 Acre
  - 2. Office (1-3 Stories) 1 Acre
  - 3. Office (Above 3 Stories) 3 Acres
  - 4. Industrial, Warehouse, Distribution Center - 1 Acre
- b) Maximum Building Height: 20 Stories
- c) Required Front Yard Set Back
  - 1. Fifty (50) feet when adjacent to S.H. 121, screened or bermed parking allowed in set back.
  - 2. Twenty-five (25) feet when adjacent to thoroughfares, screened or bermed parking allowed in front yard setback.
  - 3. Twenty-five (25) feet when adjacent to other streets, first ten (10) feet must be maintained as landscaping. Parking or driveways are allowed in remaining (15) feet.
- d) Open Side Yard: 25 feet, five (5) feet must be maintained as landscaping.
- e) Interior Side Yard - No set back.
- f) Side Yard at Corner: Same as front yard.
- g) Rear Yard: Same as side yard.
- h) Maximum Lot Coverage: Seventy-five (75) percent.
- i) Floor Area Ratio: 1.50:1 applied to the total 60.00 acres less the area north of SH 121 which are actually dedicated rights-of-way for city streets and the NS and EW M6D thoroughfares shown. For example: If the dedicated right-of-way for streets and thoroughfares is 6.31 acres, the total allowable building area (excluding parking structures and walkway) would be 3,508,105 square feet  $[1.5 \times (60.00 - 6.31) \times 43,560]$  This FAR has been arrived at by applying:

- a) A 50% increase allowed if tract is within 1500' of the intersection SH 121 and a major thoroughfare,
- b) A 25% increase allowed if tract is within 1500' SH 121.
- c) A credit for R.O.W. dedication for SH 121, and
- d) Additional FAR may be granted on a case by case basis conditioned upon a Site Plan indicating special design standards, amenities, open space, increased setbacks, underground parking, and other features which would make the development particularly unique and beneficial to the City.

Parking structures shall not be considered in the computation of building space footage. Parking may be permitted in all yard areas.

Unused FAR may be transferred from one parcel to another if accompanied by a site plan or concept plan which shall become an addendum to the Planned Development Zoning Ordinance for the tract.

(8) LANDSCAPING:

- a) Landscaping will be provided in accordance with the current City of McKinney landscaping ordinance.

(9) SITE PLAN AND SUBDIVISION APPROVAL:

- a) Site plan approval, subdivision, and landscape plan approval shall be obtained prior to the issuance of any building permit on this tract. A tract being defined as an entire parcel of land covered by a zoning request.
- b) Accompanying the first site plan in any tract shall a concept plan for the entire tract. This concept plan shall include:
  1. Location of points of ingress/egress.
  2. Vehicular and pedestrian system (public and private).
  3. Landscape and character or concept in written or graphic format.
  4. Common areas (indicating use and purpose).
  5. Streetscape character.
  6. Building envelopes.
  7. Screening
  8. Signage
  9. Parking
  10. Approximate locations of all buildings over three stories in height. Specific locations to be identified on final site plan.
  11. Where mixed land uses are anticipated, distribution, identification, and location of land uses.
  12. Utilities
  13. Overall distribution of allowed floor area ratio once approved, this concept plan shall be considered an addendum to the original Planned Development Ordinance for the tract. General Distribution shall be indicated on concept plan and specific distribution shall be provided at time of final site plan distribution.

