

AN ORDINANCE AMENDING ORDINANCE NO. 1270 SO THAT 31.1425 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 31.1425 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 This Ordinance and accompanying regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.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 11th day of June, 1987.

CORRECTLY ENROLLED:


Jennifer G. Cravens, City Secretary

EXHIBIT A

LEGAL DESCRIPTION
31.1425 ACRES

SITUATED in Collin County, Texas out of the north one-half of the John W. Roberts Survey, Abstract No. 762 and being a part of a called 160 acre tract of land as conveyed to E. R. Cuffman from Charles E. Hood by deed dated December 12, 1940 and filed for record December 19, 1940 in Volume 329, Page 84 of the Deed Records of Collin County, Texas and being more particularly described as Tract 1 and Tract 2 as follows:

TRACT 1

COMMENCING at an iron stake found in place at the northwest corner of the said John W. Roberts Survey and the northwest corner of the said E. R. Cuffman called 160 acre tract; THENCE North 89 deg 30 min 27 sec East, 1816.42 feet along the north line of the said called 160 acre tract to the PLACE OF BEGINNING;

THENCE South 00 deg-29 min 00 sec East, 1747.43 feet to a point for corner in the north right-of-way line of State Highway No. 121;

THENCE along the north right-of-way line of said State Highway No. 121, North 64 deg 44 min 13 sec East, 284.25 feet to a point for corner therein;

THENCE North 00 deg 29 min 00 sec West, 1628.34 feet to the north line of said survey;

THENCE South 89 deg 30 min 27 sec West, along the north line of said Roberts Survey, and the north line of said called 160 acre tract, 258.08 feet to the PLACE OF BEGINNING and containing 10.000 acres of land.

TRACT 2

COMMENCING at an iron stake found in place for the northwest corner of the said John W. Roberts Survey and the northwest corner of the said E. R. Cuffman called 160 acre tract; THENCE North 89 deg 30 min 27 sec East, 2074.50 feet along the north line of the said called 160 acre tract to the PLACE OF BEGINNING;

THENCE South 00 deg 29 min 00 sec East, 1628.34 feet to a point for corner found in place in the north right-of-way line of State Highway No. 121;

THENCE along the north right-of-way line of said State Highway No. 121, North 64 deg 44 min 13 sec East, 678.73 feet to an iron stake for corner found in place in the east line of said Roberts Survey and the east line of said called 160 acre tract;

THENCE North 00 deg 09 min 24 sec West, along the east line of said Roberts Survey and said Cuffman called 160 acre tract and with an established fence line, 1343.97 feet to the northeast corner of said survey, and the northeast corner of said called 160 acre tract;

THENCE South 89 deg 30 min 27 sec West, along the north line of said Roberts Survey, and the north line of said called 160 acre tract, 623.90 feet to the PLACE OF BEGINNING, and containing 21.1425 acres of land, in all containing a total of 31.1425 acres of land.

EXHIBIT B

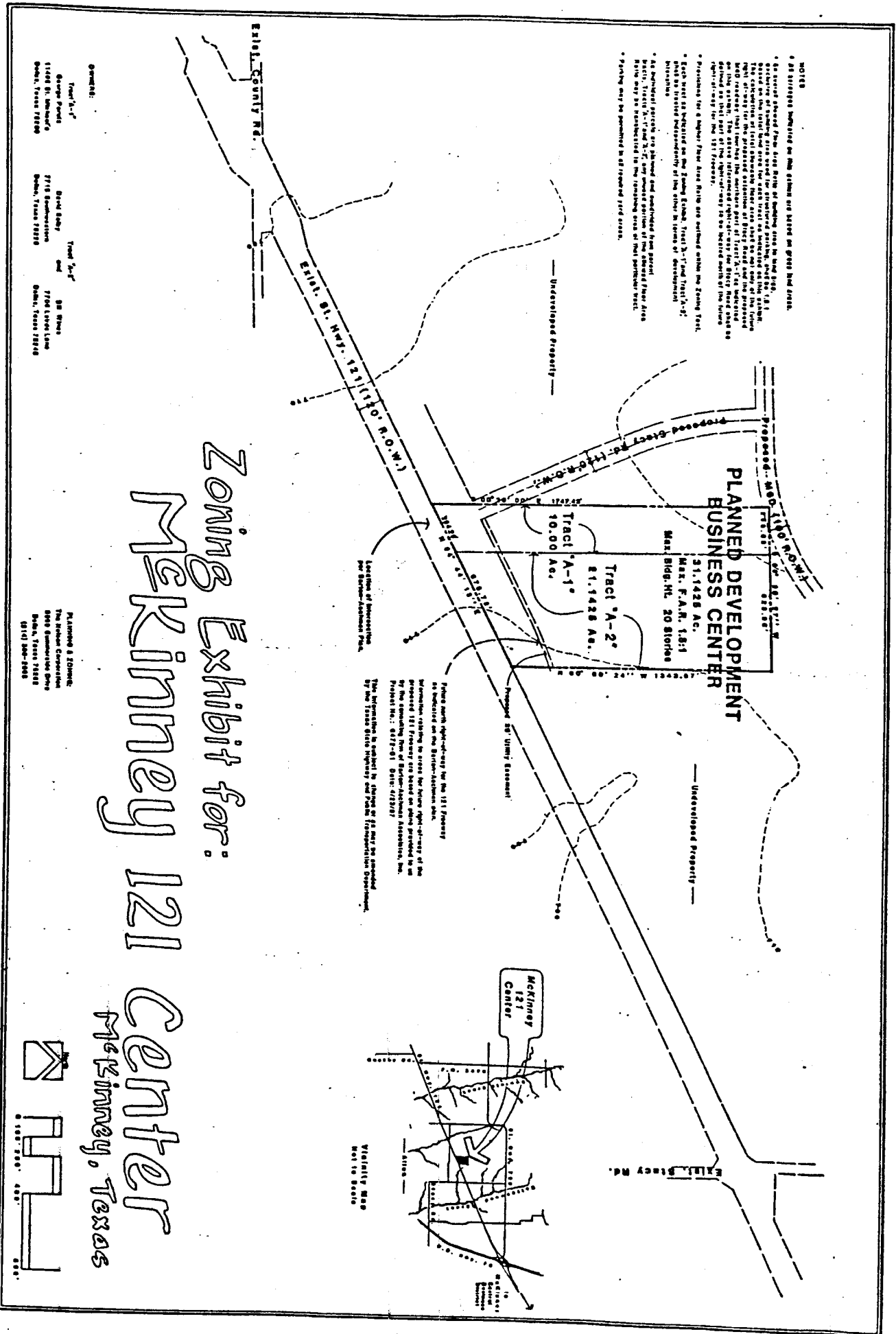


EXHIBIT C

PLANNED DEVELOPMENT - BUSINESS CENTER TRACTS "A-1" AND "A-2"

ANALYSIS AND INTRODUCTION:

The State Highway 121 Corridor is currently a largely undeveloped area located in the southwestern portion of McKinney. This area is planned to provide major office and commercial activity. McKinney's 720/121 Corridor Land Use Plan classifies this area as a "Commercial Corridor" anticipating development as a major employment center with high intensity office and commercial development as well as "campus-style" light industrial uses.

McKinney 121 Center consists of 2 tracts of land totaling approximately 31 acres and is located just north of the future 121 Freeway at the intersection of the proposed extension of Stacy Road. Current plans show Stacy Road as a major 8-lane divided thoroughfare from U.S. Highway 75 to State Highway 121, making this exchange a hub for future development. Immediately to the north, a major 6-lane divided thoroughfare paralleling State Highway 121 is proposed. The system of thoroughfares planned for this area will provide easy access and ample dispersal of traffic to and from this site as well as the entire metroplex area.

In keeping with local comprehensive plans and existing zoning, McKinney 121 Center is proposed as a Planned Development - Business Center. This Planned Development would include uses such as professional and administrative offices, business showrooms, commercial and retail, as well as some light industrial uses compatible with the Business Center classification.

Due to the significant factors of location and accessibility, the Business Center classification is an appropriate use for this property. With quality site planning and attractive landscaping, this area can become a dynamic business center that both the developer and citizens can be proud to have as a "front door" to the City of McKinney.

PURPOSE:

To encourage the development of a highly attractive commercial corridor and employment center along the future S.H. 121 Freeway as proposed in the 720/121 Corridor Land Use Plan. This zoning anticipates the development of mid to high intensity office and commercial complexes as well as high quality industrial plants and distribution centers. Such ancillary development as a regional shopping center, regional retail activities, automobile dealerships, restaurant clusters and hotels are anticipated as well. 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 the I.B.J. Freeway and the Dallas Parkway.

PRINCIPAL PERMITTED USES:

- All uses as permitted in the "MI" Light Manufacturing District as outlined in Section 3.16(2) of the City of McKinney Zoning Ordinance No. 1270 as it exists at the time of approval of this PD. Such uses may include but not be limited to distribution centers, research testing and development facilities and uses similar to the above referenced permitted uses.
- Clinics
- College or university facilities
- Hospitals
- Hotels/Motels
- Uses similar to the above mentioned permitted uses provided activities conducted observe the requirements of all City Ordinances.

PERMITTED ACCESSORY USES:

- Accessory buildings and uses customarily incidental to the permitted uses.

SPECIFIC USE PERMITS:

Specific Use Permits shall be approved in accordance with Section 2.06, City of McKinney Zoning Ordinance No. 1270. Such uses may include, but not be limited to the following:

- Helistop or heliport
- Private club
- Mixed use development containing residences

EXCLUDED USES:

The following uses are considered incompatible with the purpose of the Planned Development and are hereby expressly excluded:

- Commercial stables
- Contractor's yard
- Dwellings, except caretakers' and watchmen's quarters (unless permitted through a Specific Use Permit)
- Fairgrounds or rodeo
- Feed lots
- Hatchery, poultry, or egg farm
- Livestock auction
- Mobile home display and sales
- Mobile home parks
- Open storage
- Sanitary land fill
- Theatre (outdoor)

DEVELOPMENT STANDARDS:

Minimum Lot Size

- Retail uses: 1/2 acre
- Office (1-3 stories): 1 acre
- Office (above 3 stories): 3 acres
- Industrial, warehouse, distribution center: 1 acre

Maximum Building Height

- 20 stories

Minimum Front Yard

- Minimum of twenty-five (25) feet, except that the minimum setback for all buildings adjacent to the proposed 121 Freeway shall be fifty (50) feet from the proposed north right-of-way line.

Minimum Side Yard

- None required; minimum of twenty-five (25) feet adjacent to a street or any area where open, vehicular parking is to be developed. In areas where the twenty-five (25) foot side yard is required, five (5) feet of this area may be required for landscaping.

Minimum Rear Yard

- None required; minimum of twenty (20) feet adjacent to a street or any area where open, vehicular parking is to be developed.

Maximum Lot Coverage

- Seventy-five (75) percent

Maximum Floor Area Ratio

- Average of 1.5:1 for the overall area of each of the 2 parcels as indicated on the Zoning Exhibit.
- The calculation of total allowable floor area shall be net only of the future right-of-way for the proposed extension of Stacy Road and the future right-of-way for the proposed M6D roadway that touches the northern part of Tract "A-1" as indicated on the Zoning Exhibit and any dedicated right-of-way requested by the developer to serve this tract.
- The above referenced right-of-way for Stacy Road shall be defined as that part of the right-of-way to be located north of the future right-of-way for the 121 Freeway.

- All future right-of-way area for the proposed 121 Freeway shall be included in the calculation for allowed floor area at the ratio of 1.5:1 as described above.
- As noted above, the overall floor area ratio of building area to land area shall be 1.5:1; however, building area used for structural parking shall not be included as part of the allowable building area.
- The determination of allowed floor area, at the ratio of 1.5:1, was based on criteria indicated within the 720/121 Corridor Land Use Study and other criteria such as the following:
 - (1) A 25% increase allowed if tract is within 1500 feet of S.H. 121.
 - (2) A 50% increase allowed if tract is within 1500 feet of the intersection of S.H. 121 and a major thoroughfare.
 - (3) Unused F.A.R. may be transferred from one tract 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.
 - (4) All floor area ratios shall be based on net acreages, except for right-of-way dedicated for the 121 Freeway proportionate to the percentage of the tract dedicated for the 121 Freeway (i.e. 10% of tract dedicated for 121 Freeway, 10% increase of F.A.R. on remainder of the tract). Credit shall be given for right-of-way dedications for the 121 Freeway.
 - (5) Additional F.A.R. may be granted conditioned upon a Site Plan indicating special design standards, amenities, open space, increase setbacks, underground parking or other features which would make the development particularly unique and beneficial to the City.

Landscaped Open Space

- Required landscaping will be in accordance with the City of McKinney Landscape Ordinance and any other landscape standards adopted by the City Council that regulate development for all properties within the S.H. 121 corridor.

Off-Street Parking and Loading

- As outlined in Section 4.02 - 4.03 of the City of McKinney Zoning Ordinance No. 1270.

SPECIAL PROVISIONS:

- (1) If at the time of a site plan review the City of McKinney Planning and Zoning Commission and City Council determine that the quality of the proposed development within this PD exceeds the development standards set forth within the Freeway Commercial Corridor, an increase in floor area ratio may be permitted for the entire PD area. If permitted, all requirements for development at a higher floor area ratio shall be the same as those outlined in this text for the permitted floor area ratio of 1:5 and in no case shall the maximum allowed floor area be less than 1.5:1 as described in this text.
- (2) Each tract as indicated on the Zoning Exhibit, that is Tract "A-1" consisting of 10 acres and Tract "A-2" consisting of 21 acres, shall be treated independently of the other in terms of development intensities.
- (3) As individual parcels are planned and subdivided from the parent tract, any unused portion of the allowable F.A.R. may be translocated to the remaining area of the tract.
- (4) Parking may be permitted in all required yard areas.
- (5) All dedications of right-of-way for the proposed 121 Freeway, the north/south thoroughfare, the east/west thoroughfare and the proposed twenty (20) foot utility easement shall be subject to the mutually agreed to terms and conditions of the Annexation Agreement for the properties described herein.

GENERAL PROVISIONS:

Site Plan Review

A concept plan for the entire Planned Development shall be submitted to the McKinney Planning and Zoning Commission and the McKinney City Council prior to or concurrent with final approval of site plans for individual tracts. This concept plan shall address items such as the following:

1. Points of Ingress and Egress
2. Vehicular and Pedestrian Circulation
3. Landscaping
4. Common Areas (indicating use and purpose)
5. Streetscape Character
6. Building Envelopes
7. Screening
8. Signage
9. Parking
10. Anticipated Locations of all Buildings
11. Distribution, Identification and Location of Land Uses
12. Utilities
13. Anticipated Distribution of Permitted Floor Areas
14. Specific locations of buildings to occur at the time of a Detailed Site Plan review.

No building permit shall be issued for the construction of buildings until a detailed site plan and landscape plan of that particular development area has been submitted to and approved by the McKinney Planning and Zoning Commission and the McKinney City Council. Separate detailed site plans may be submitted for individual development areas, and construction within a development area may proceed in phases after approval of the detailed site plan of the applicable development area.

Site plan review shall be in accordance with the approved PD ordinance and applicable City requirements.

Platting Requirement

No building permit shall be issued until the property has been included within a subdivision plat submitted to and approved by the McKinney Planning and Zoning Commission and City Council, and duly filed of record; provided, however, that development areas may be platted separately. Restrictive covenants may be established and the City of McKinney may be made a beneficiary thereof.