

ORDINANCE NO. 96-11-51

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1476 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT A 131.126 ACRE TRACT OF LAND LOCATED SOUTHEAST OF SPUR 399, WEST OF STATE HIGHWAY 5 AND NORTH OF FRISCO ROAD, IN THE CITY OF MCKINNEY IS REZONED TO "PD-PLANNED DEVELOPMENT DISTRICT; 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 City of McKinney has considered the rezoning of a tract of land southeast of Spur 399, west of State Highway 5, and north of Frisco Road in the City of McKinney, Collin County, Texas, to a "PD" - Planned Development District, as provided for in the City of McKinney Zoning Ordinance 1270, said property being described as shown on Exhibit "A"; 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, the City Council is of the opinion that the requested change in 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 said tract of land located southeast of Spur 399, west of State Highway 5, and north of Frisco Road, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned to "PD- Planned Development District.
- Section 2. Use and development of subject property shall conform to the regulations outlined in Exhibit "B" attached hereto, except that the following modifications shall apply:
- Section 3. A site plan shall be submitted prior to any use except those uses allowed in an "O" - Office District according to the McKinney Zoning Ordinance or a hospital or medical use, medical clinic or office, rest home, nursing home, assisted living, motel or hotel uses, subject to the approval of the City, in which the City has the discretion to determine whether the use is to be permitted in the location proposed and according to the plan proposed.
- 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 \$500.00, 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.

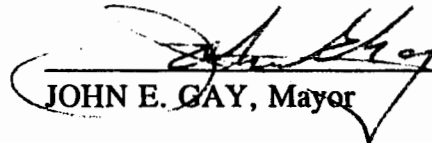
Section 6.

That 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.

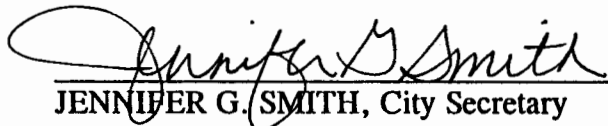
The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 9th DAY OF November, 1996.




JOHN E. GAY, Mayor

CORRECTLY ENROLLED:



JENNIFER G. SMITH, City Secretary

APPROVED AS TO FORM:



MARK S. HOUSER, City Attorney

LEGAL DESCRIPTION

BEING 17.709 acres of land located in the WILLIAM HEMPHILL SURVEY, Abstract No. 449, City of McKinney, Collin County, Texas and being all that certain tract of land conveyed to McKinney 17 Venture according to the deed recorded in Instrument No. 94-0045470 of the Deed Records of Collin County, Texas and more particularly described by metes and bounds as follows:

BEGINNING at 1/2-inch iron found at the Northeast corner of said McKinney 17 Tract being the Northwest corner of that certain tract of land conveyed to Seminole 113 Joint Venture according to the deed recorded in Instrument No. 94-0026025 of the Deed Records of Collin County, Texas and lying in the Southeast right-of-way line of State Highway No. 121 (a variable with right-of-way);

THENCE S 01° 47' 37" W, at 1063.77 feet along the common boundary line between said McKinney and Seminole Tracts passing a 1/2-inch iron rod set at the Southwest corner of said Seminole Tract and continuing in all a total distance of 1103.13 feet to an iron bolt found at the Southeast corner of said McKinney Tract lying in the approximate centerline of Old Highway No. 24 (Frisco Road);

THENCE N 87° 30' 57" W, 1273.17 feet along the South boundary line of said McKinney Tract with the said approximate centerline of Frisco Road to a 60d nail found at the most Southerly Southwest corner of said McKinney Tract lying in the aforesaid Southeast right-of-way line of State Highway No. 121;

THENCE along the Northwest boundary line of said McKinney Tract with the said Southeast right-of-way line of State Highway No. 121 as follows:

N 01° 43' 24" E, 87.75 feet to 1/2-inch iron rod set;

N 50° 54' 15" E, 344.12 feet to a nail found in a wood post;

N 54° 23' 06" E, 1275.35 feet to the PLACE OF BEGINNING, containing 17.709 acres (771,423 square feet) of land.

EXHIBIT "A"

LEGAL DESCRIPTION

BEING 113.417 acres of land located in the WILLIAM HEMPHILL SURVEY, Abstract No. 449, and the J. BUTLER SURVEY, Abstract No. 68, City of McKinney, Collin County, Texas and being all of that certain tract of land conveyed to Seminole 113 Joint Venture according to the deed recorded in Instrument No. 94-0026025 of the Deed Records of Collin County, Texas and more particularly described by metes and bounds as follows:

BEGINNING at 1/2-inch iron found at the Northwest corner of said Seminole Tract being the Northeast corner of the certain tract of land conveyed to McKinney 17 Venture according to the deed recorded in Instrument No. 92-0045470 of the Deed Records of Collin County, Texas and lying in the Southeast right-of-way line of State Highway No. 121 (a variable with right-of-way);

THENCE along the North boundary line of said Seminole Tract with the said South right-of-way line of State Highway No. 121 as follows:

N 54° 23' 06" E, 1357.58 feet to a 5/8-inch iron rod found;

N 32° 25' 54" W, 34.96 feet to a 3/8-inch iron rod found;

N 54° 25' 11" E, 1813.33 feet to a wood post found;

N 85° 10' 44" E, 195.89 feet to 1/2-inch iron rod set;

THENCE along the East boundary line of said Seminole Tract with the said westerly right-of-way of State Highway No. 5 as follows:

S 30° 15' 44" E, 190.28 feet to a 1/2-inch iron rod set;

S 07° 17' 27" W, 390.06 feet to a 1/2-inch iron rod set;

S 01° 53' 41" W, 185.81 feet to a 1/2-inch iron rod set;

S 10° 21' 44" W, 674.47 feet to a 1/2-inch iron rod set;

S 10° 48' 07" W, 1117.94 feet to a 1/2-inch iron rod found at the Beginning of a Curve to the Right;

Southwesterly, 360.98 feet along said Curve to the Right having a radius of 252.51 feet, a central angle of 81° 54' 33" and a chord bearing S 59° 09' 30" W, 331.02 feet, to a 3/8-inch iron rod found at the End of said Curve lying in the

North right-of-way line of Old Highway No. 24 (Frisco Road, a variable width right-of-way);

THENCE along the South boundary line of said Seminole Tract with the said North right-of-way line of Frisco Road as follows:

N 87° 12' 25" W, 716.05 feet to a 1/2-inch iron rod set at the Beginning of a Curve to the Left;

Southwesterly, 497.09 feet along a Curve to the Left having a radius of 853.55 feet a central angle of 33° 22' 06" and a chord bearing S 76° 01' 12" W, 490.10 feet to a 1/2-inch iron set at the End of said Curve;

S 59° 25' 06" W, 200.04 feet to a 1/2-inch iron rod set to the Beginning of the Curve to the Right;

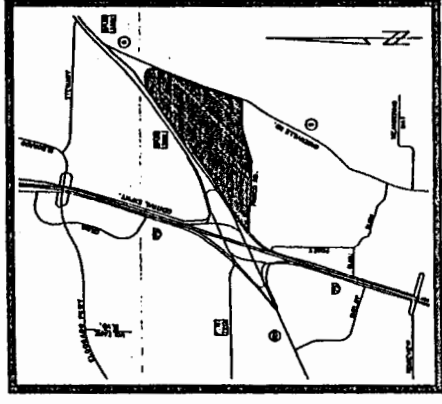
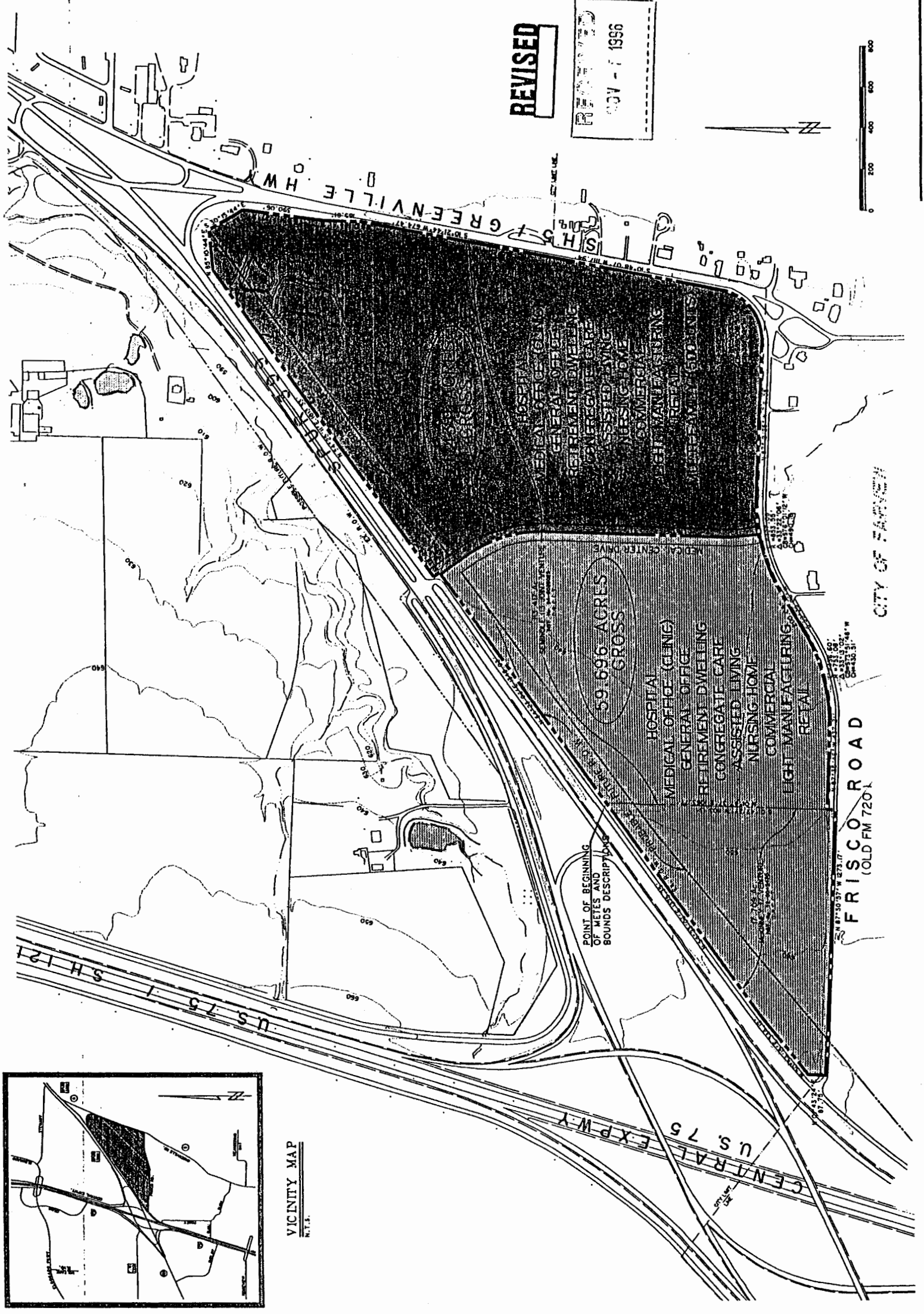
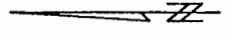
Southwesterly, 436.60 feet along said Curve to the Right having a radius of 753.08 feet to a central angle of 33° 13' 02" and a chord bearing S 73° 51' 48" W, 430.51 feet to a 1/2-inch iron found at the End of said Curve;

N 87° 35' 46" W, 437.21 feet to a 1/2-inch iron rod set at the Southwest corner of Seminole Tract lying in the East boundary line of aforesaid McKinney 17 Venture Tract and lying N 01° 47' 37" E, 39.36 feet from a bolt found at the Southeast corner thereof;

THENCE N 01° 47' 37" E, 1063.77 feet along the West boundary line of said Seminole Tract with the East boundary line of said McKinney 17 Venture Tract to the PLACE OF BEGINNING, containing 113.417 acres (4,940,450 square feet) of land.

REVISED

RECEIVED
 NOV - 1 1986



VICINITY MAP
 N.T.S.

NOV - 11 1996

Application for Amendment
of
Planned Development Zoning Ordinance No. 1476
City of McKinney, Texas

(Drafted November 7, 1996)

1. General: This Planned Development District shall have a base zoning district of "ML", Light Manufacturing and shall also allow the other uses specified herein, as set forth in Zoning Ordinance No. 1270.
2. Purpose: The purpose of this District is to establish standards for use and development of office, office showroom, campus style uses for developments which may include a combination of commercial, retail, office, industrial and hotel/motel types of activities, and for uses to support these primary uses; Hospital and medical uses, medical clinic office, retirement/elderly housing, rest home, nursing home, assisted living uses; and Multifamily (apartment) uses located east of the proposed internal north-south public road.
3. Principal Permitted Uses: The uses which are indicated in the use chart for "ML" Light Manufacturing District in Zoning Ordinance No. 1270, or uses which may become permissible under Section 2.08 "New and Unlisted Uses" of Ordinance No. 1270.

Additionally, hospital and medical uses, medical clinic office, retirement/elderly housing, rest home, nursing home, assisted living, motel and hotel uses shall be allowed.

Additionally, multifamily (apartment) uses shall be allowed east of the proposed internal north-south public road. All multifamily (apartment) developments shall provide a limited access security gate system.

4. Specifically Excluded Uses:

(A) Within the entire 131.126 acres, those uses outlined in Section 3.16(3) of the "ML" Light Manufacturing District regulations of Zoning Ordinance No. 1270 shall be specifically excluded, except the following shall not be excluded: motels; hotels; hospitals; clinics; rest homes and other institutions for the housing or care of human beings; multifamily (apartment) dwellings located within the area east of the proposed internal north-south public road.

(B) The following uses, otherwise permitted in "ML" Light Manufacturing or "PD" Planned Development, shall not be allowed in this PD.

- (1) Amusement (Outdoor)
- (2) Bait shop
- (3) Bus station
- (4) Carnival
- (5) Carpentry, painting shop
- (6) Cemetery
- (7) Circus
- (8) Contractor's yard
- (9) Dirt or topsoil extraction
- (10) Electrical generating plant (as a primary use)
- (11) Fairgrounds
- (12) Feedlots
- (13) Forestry and Mining uses
- (14) Halfway House
- (15) Hatchery, poultry, egg farm
- (16) Kennel (outside runs)
- (17) Kennel, animal boarding (outside runs)
- (18) Livestock Auction
- (19) Metal fabrication
- (20) Motor Freight Terminal
- (21) Open Storage (as a primary use)
- (22) Playfield or stadium (with public address system or field Lighting)
- (23) Public Building (Shop or Yard)
- (24) Radio, television, microwave towers (except as an accessory use to a primary use)
- (25) Railroad freight station
- (26) Railroad team track
- (27) Rodeo
- (28) Sand or gravel mining or storage
- (29) Sanitary landfill
- (30) Sign Shop with outside storage; (however a sign shop as a free standing or inside use without outside storage is permitted)
- (31) Slaughter House type Food Processing
- (32) Stable, commercial
- (33) Theater (outdoor)
- (34) Upholstery shop with outside storage
- (35) Utility shop or yard
- (36) Utility substation or regulating station
- (37) Veterinarian (with outside runs)
- (38) Water Treatment Plant
- (39) Parking lot (truck)
- (40) Truck storage (as a primary use)
- (41) Heavy Machinery sales and storage

5. Permitted Accessory Uses: Permitted as outlined in Section 3.16(4), and including heliport or helistop use associated with hospital. The specific location of a heliport shall be subject to approval of the City and shall be according to an approved site plan.

Thu, November 7, 1996

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6. Space Limits: The following lists permitted uses and the minimum and/or maximum site area for each use.

- (A) Office Use - 1.0 acre minimum
- (B) Office-Showroom Use - 2.0 acre minimum
- (C) Campus Commercial, Office, Industrial Use - 6 acre Minimum
- (D) Retail Use - 0.5 acre minimum
- (E) Hospital Use - 5.0 acre minimum
- (F) Clinic Use - 0.5 acre minimum
- (G) Rest Home or Nursing Home Use - 2.0 acre minimum
(The term Rest home or Nursing home shall include other similar dwelling uses such as congregate care, retirement/elderly dwelling, and assisted living uses.
- (H) Multifamily (apartment) Use - A maximum cumulative total of five hundred (500) multifamily (apartment) dwelling units shall be allowed within this PD.
(Rest home or nursing home, congregate care, retirement dwelling, and assisted living units shall not be interpreted within this PD to be multifamily (apartment) dwellings for purposes of counting the maximum 500 allowed multifamily (apartment) dwellings units.

In the locations where Multifamily (apartment) use is permitted, a minimum lot (land) area of not less than 2,000 square feet per dwelling unit shall be provided.
- (I) Support Uses for Above Activities - 1.0 acre minimum

7. Yard Requirements: The following shall be the minimum yard area permitted:

(A) Front Yard

- (1) Fifty (50) feet when adjacent to a Freeway or state highway. (When adjacent to Spur 399 or US Highway 75 the building setback line shall not be measured from the existing right-of-way line but shall be measured from the edge of the "easement for future right-of-way" as depicted on the preliminary plat, or from such future widened R.O.W. line as may be more fully defined by the Texas Department of Transportation prior to final

platting of the property if such line is less restrictive than that shown on the preliminary plat.)

- (2) Twenty-five (25) feet when adjacent to other streets.
- (3) No parking shall be permitted in the required front yard setback area.

(B) Side Yard

- (1) Fifty (50) feet when adjacent to a Freeway or state highway. (When adjacent to Spur 399 or US Highway 75 the building setback line shall not be measured from the existing right-of-way line but shall be measured from the edge of the "easement for future right-of-way" as depicted on the preliminary plat, or from such future widened R.O.W. line as may be more fully defined by the Texas Department of Transportation prior to final platting of the property if such line is less restrictive than that shown on the preliminary plat.)
- (2) Twenty-five (25) feet when adjacent to other streets or for an interior side yard.
- (3) No parking shall be permitted in the required side yard setback area for a corner lot adjacent to a street.

(C) Rear Yard

- (1) Twenty-five feet.

8. Coverage: Permitted coverage of the building site by the main building and any accessory buildings shall not exceed seventy-five (75) percent of the site area. Permitted floor area ratio shall be 1:1.
9. Maximum Building Height: The maximum building height shall be eight (8) stories. Additional building height may be granted through approval of the City Council or a specific use permit.
10. Parking: The following minimum vehicular parking restriction shall supplement parking standards set forth in Section 4.02 Vehicle Parking.

- (A) Office Use - One (1) space per three hundred square feet of floor area.

- (B) Commercial or manufacturing Use - One (1) space per one thousand (1,000) square feet of floor area.
- (C) Retail Use - One (1) space per two hundred (200) square feet of floor area.
- (D) Hospital Use - One (1) space per employee on the largest shift plus one space for each bed.
- (E) Clinic (Medical or Dental) Office Use - Three (3) parking spaces plus one additional parking space for each two hundred (200) square feet of floor area over five hundred (500) square feet.
- (F) Retirement Dwelling Use - One (1) space for each employee on the largest shift, plus one space for each two (2) resident rooms.
- (G) Assisted Living Use - One (1) space for each employee on the largest shift, plus one space for each three (3) resident rooms.
- (H) Rest home or Nursing Home Use - One (1) space for each employee on the largest shift, plus one (1) space for each six (6) beds.
- (I) Multifamily (apartment) dwelling Use - In the area east of the proposed internal north-south public road where multifamily (apartment) use is permitted, one (1) space for each dwelling unit, plus one-half (1/2) space for each bedroom in all dwelling units.