

ORDINANCE NO. 2006-06-087

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 AND 1452 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 39 ACRE TRACT LOCATED ON THE NORTH AND SOUTH SIDES OF ELDORADO PARKWAY, APPROXIMATELY 700 FEET WEST OF MCDONALD STREET (STATE HIGHWAY 5) IS REZONED FROM "AG" – AGRICULTURAL DISTRICT AND "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR COMMERCIAL AND MULTI-FAMILY 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 City of McKinney has considered the rezoning of an approximately 39 acre tract located on the north and south sides of Eldorado Parkway and approximately 700 feet west of McDonald Street (State Highway 5), from "AG" – Agricultural District and "PD" – Planned Development District, to "PD" – Planned Development District, generally for commercial and multi-family 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:

Section 1. Ordinance Nos. 1270 and 1452 are hereby amended so that an approximately 39 acre tract located on the north and south sides of Eldorado Parkway and approximately 700 feet west of McDonald Street (State Highway 5), which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned to "PD" – Planned Development District, generally for commercial and multi-family uses.

Section 2. Use and development of the subject property shall develop in accordance with the following regulations and zoning exhibit (Exhibit "B"):

Tracts A and 1A:

1. The subject property develop in accordance with Section 41-81 "C" – Planned Center District of the Zoning Ordinance.
2. The subject property generally develop in accordance with the attached site plan (Exhibit "C"), landscape plan (Exhibit "D") and building elevations (Exhibit "E").
3. If Tract 1A doesn't develop in accordance with the attached site plan, it may develop as multi-family as per PD Ordinance 1452, and as amended.

4. If Tract 1A develops as multi-family, Tract A shall install a screening device along the north property line in accordance with Section 41-205 of the Zoning Ordinance, to be completed prior to issuance of a Certificate of Occupancy (CO) for the multi-family development.

Tracts B and C:

1. The subject property develop in accordance with Section 41-81 "C" – Planned Center District of the Zoning Ordinance with the following exceptions:

a. The following additional uses be allowed:

- I. offices, showrooms, buildings
- II. office/warehouse
- III. mini warehouse/mini storage

b. The following uses shall be excluded:

- I. Multi-family uses
- II. Single family attached and detached uses

2. Mini warehouse/mini storage uses must meet the architectural standards requirements for non residential uses in non-industrial districts set forth in Section 41-215 of the Zoning Ordinance.

3. All other uses allowed on these tracts must meet the following requirements for architectural standards:

a. No metal is permitted on any exterior elevation.

b. Any elevation that faces public right-of-way must be a minimum of 50% masonry. Acceptable masonry finishing materials may be brick, stone, synthetic stone materials, including but not limited to slate, flagstone, granite, limestone and marble.

c. The balance of any exterior finishing material shall be stucco, EIFS, architectural concrete masonry units (CMU), concrete tilt wall or texture coated metal panel.

d. Any elevation that does not face public right-of-way may be 100% of the remainder finishing material listed above.

e. At least 90% of total exterior building surfaces (exclusive of glass) shall be neutrals, creams, pastels, or deep rich, non-reflective natural or earth tone colors (including approved masonry materials).

f. No more than 10% of the total exterior building surface (exclusive of glass) shall be bright, reflective, pure tone primary or secondary colors used as accent colors on door and window frames, moldings, cornices, canopies, awnings, etc.

g. No more than one color shall be used for visible roof surfaces, however, if more than one type of roofing material is used, the materials shall be varying hues of the same color.

h. All buildings shall have at least one major offset on each elevation fronting on a public right-of-way as defined in section 41-215 of the Zoning Ordinance.

i. All rooftop mechanical equipment shall be completely screened by the roof or a parapet wall, if visible from public right-of-way.

j. No high intensity colors, neon colors or fluorescent colors shall be used on exterior surfaces of the building.

k. Covered parking shall have pitched roofs (4:12) roof pitch or steeper), shall be architecturally similar and conforming to the main structure(s) in design and materials, and have 100% brick, stone, or synthetic stone on all exterior surfaces except the roof, fascia, or soffits.

l. No more than six colors shall be used; however, natural, unaltered materials such as brick or stone used on the building shall not be counted toward the maximum number of colors allowed. Colors on the following surfaces shall be counted towards the total:

- I. all painted, stained, varnished, or shellacked surfaces,
- II. integrally colored surface materials such as concrete block, stucco, plaster, EIFS, or texture coated metal panel,
- III. glazed surfaces on materials such as brick, concrete block, or ceramic tile,
- IV. roofing materials,
- V. canopies and awnings,
- VI. colored glazing other than clear, bronze or gray,
- VII. pre-finished materials such as metal trim or aluminum doors, window or storefront entry systems,
- VIII. any finishing material that has been covered, treated, affected or altered, partially or entirely, with any substance which changes, enhances, or alters the natural state of the material.

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 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 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.

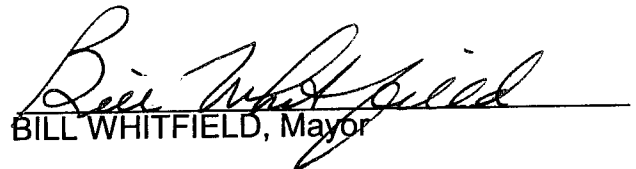
Section 6.

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.

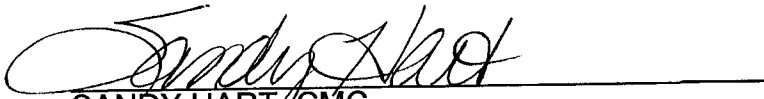
Section 7.

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.

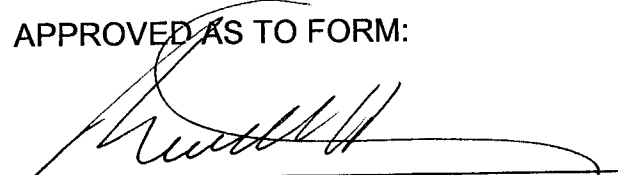
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 20th DAY OF JUNE, 2006.

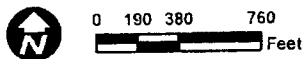
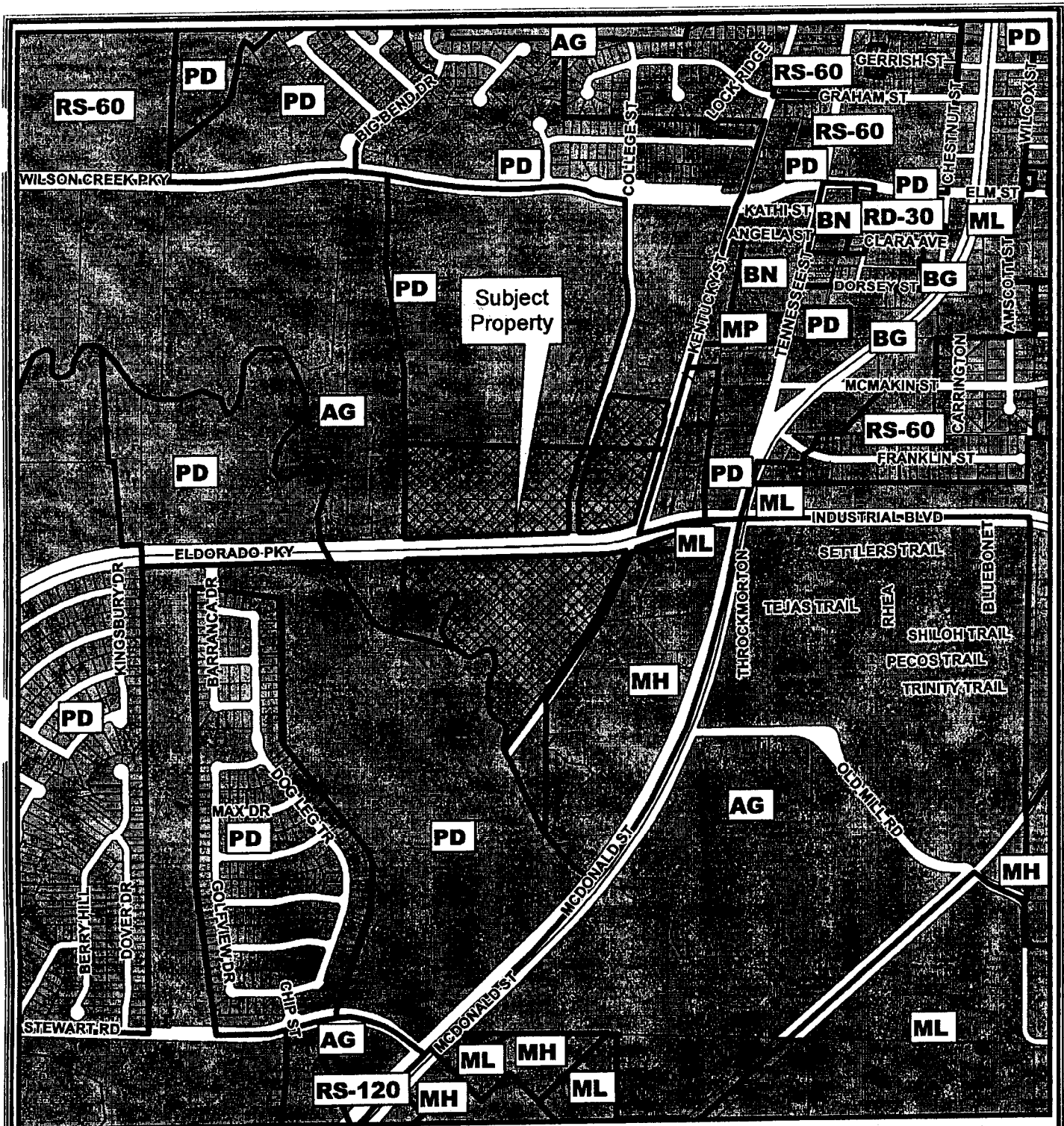

BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:


SANDY HART/CMC
City Secretary
BEVERLY COVINGTON
Deputy City Secretary

APPROVED AS TO FORM:

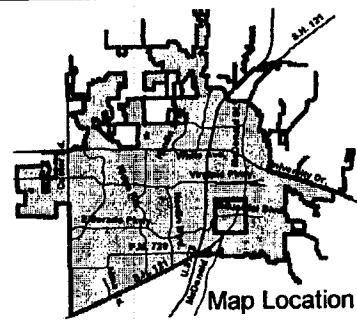

MARK S. HOUSER, City Attorney



Notification Case

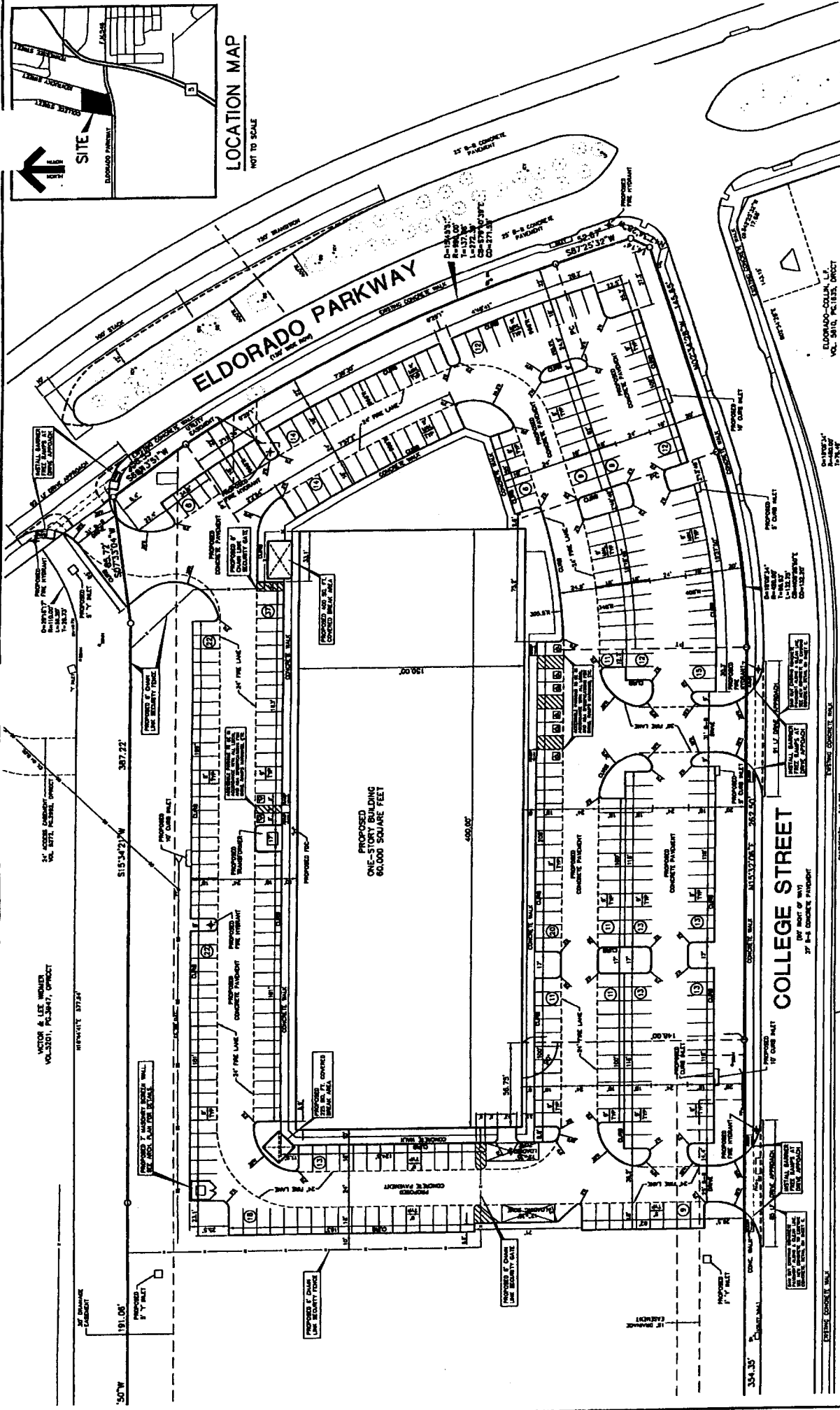
Notice Case #: 05-079Z

--- 200' Notification Buffer

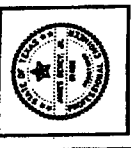


DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

EXHIBIT "A"



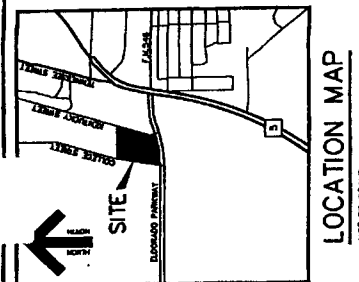
JDR ENGINEERS & CONSULTANTS, INC.
 ENGINEERS • LAND PLANNERS • CAD DESIGNS
 2008 Texas Drive, Suite 100, Irving, Texas 75038
 Tel: 972-252-0300 Fax: 972-273-8800



COLLIN CENTRAL APPRAISAL DISTRICT
 PREPARED FOR: MCKINNEY CQAD, LP
 65400 BURNING TREE ROAD, #100
 MCKINNEY, TEXAS 75069
 Phone: (214) 341-9820
 Fax: (214) 341-9821
 2404 N AVENUE
 PLANO, TX 75074-6211
 972-578-6200

| | |
|-----------|---------------|
| REVISIONS | |
| DATE | REVISION |
| 1-1-04 | CITY COMMENTS |

| | |
|--------------------------|----|
| SHEET NO. | 11 |
| DIMENSIONAL CONTROL PLAN | |
| DATE MAY 9, 2008 | |
| SCALE 1" = 30' | |
| DRAWN BY: JDR | |
| CHECKED BY: JDR | |
| SHEET NO. | |



E V I S E

MAY - 9 2008

PLANNING

NORTH

HILSON

SITE DATA (PROPOSED)

| | |
|------------------|-------------------------------------|
| SITE | 34,000 SQUARE FEET |
| ZONING | AC & PD |
| BUILDING AREA | 60,000 SQUARE FEET |
| LOT COVERAGE | 17.3% |
| PARKING REQUIRED | 30 FEET (MINIMUM) |
| PARKING PROVIDED | 200 SPACES |
| OFFICE 1/200 | |
| PARKING PROVIDED | 200 SPACES (INCLUDES 8 HANDICAPPED) |

- ACCESSIBILITY NOTES:**
1. ALL ACCESSIBLE PARKING AREAS, ROUTES, RAMP, ETC. SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LOCAL ACCESSIBILITY STANDARDS (LAS).
 2. ALL SIDEWALK RAMP AND/OR CURB RAMP SHALL HAVE A MINIMUM SLOPE OF 1:50 (2%) AND BE CONSTRUCTED IN ACCORDANCE WITH SECTION 41-208 OF THE CITY OF MCKINNEY ORDINANCES.
 3. ALL ACCESSIBLE ROUTES (EXCEPT FOR THE SIDEWALK AND CURB RAMP) SHALL HAVE A MINIMUM RAMPWAY SLOPE OF 1:50 (2%) AND A MINIMUM CROSS SLOPE OF 1:50 (2%). REFER TO ARCHITECTURAL PLANS FOR DETAILS OF RAMPING, SIGN, ETC.

- NOTE:**
1. ALL DIMENSIONS SHOWN ARE TO THE BACK OF CURB UNLESS OTHERWISE NOTED.
 2. ALL ACCESSIBLE SIGN, RAMP, MARKING, ROUTE, AND ETC. SHALL BE CONSTRUCTED IN ACCORDANCE TO THE TEXAS ACCESSIBILITY STANDARDS (TAS). SEE SHEETS C2 AND C3 FOR MORE SPECIFIC DETAILS.
 3. THE PROPOSED LIGHTING FOR THE SUBJECT PROPERTY SHALL BE IN COMPLIANCE WITH THE LIGHTING AND GLARE REGULATIONS AS SPECIFIED WITHIN SECTION 41-208 OF THE CITY OF MCKINNEY ORDINANCES.
 4. THE PROPOSED BUILDING SHALL BE CONSTRUCTED IN COMPLIANCE WITH ARCHITECTURAL STANDARDS (SEC. 41-213 OF THE ZONING ORDINANCES).
 5. MECHANICAL, HEATING AND AIR CONDITIONING EQUIPMENT IN NON-RESIDENTIAL USES SHALL BE SCREENED FROM VIEW FROM THE PUBLIC RIGHT OF WAY AND FROM ADJACENT RESIDENTIAL PROPERTIES.
 6. THE SANITATION CONTAINERS SCREENING WALLS SHALL BE BRICK MASONRY, STONE MASONRY, OR OTHER ARCHITECTURAL MASONRY FINISH, INCLUDING A METAL GATE, FRAMED AND PARTIALLY THE SANITATION CONTAINER SCREENING WALLS, GATE, AND PAD SITE WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF MCKINNEY DESIGN SPECIFICATIONS.
 7. ALL A.P.C. UNITS WILL BE GROUND MOUNTED ON EAST SIDE OF BUILDING BETWEEN SIDEWALK AND BUILDING.

EXHIBIT "C"

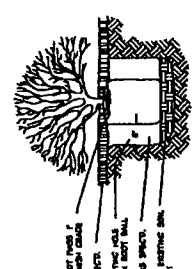
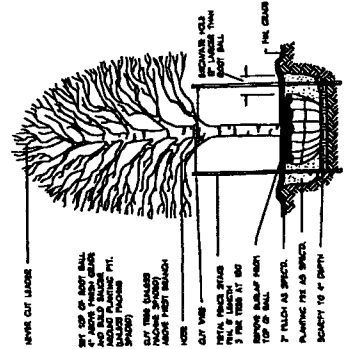
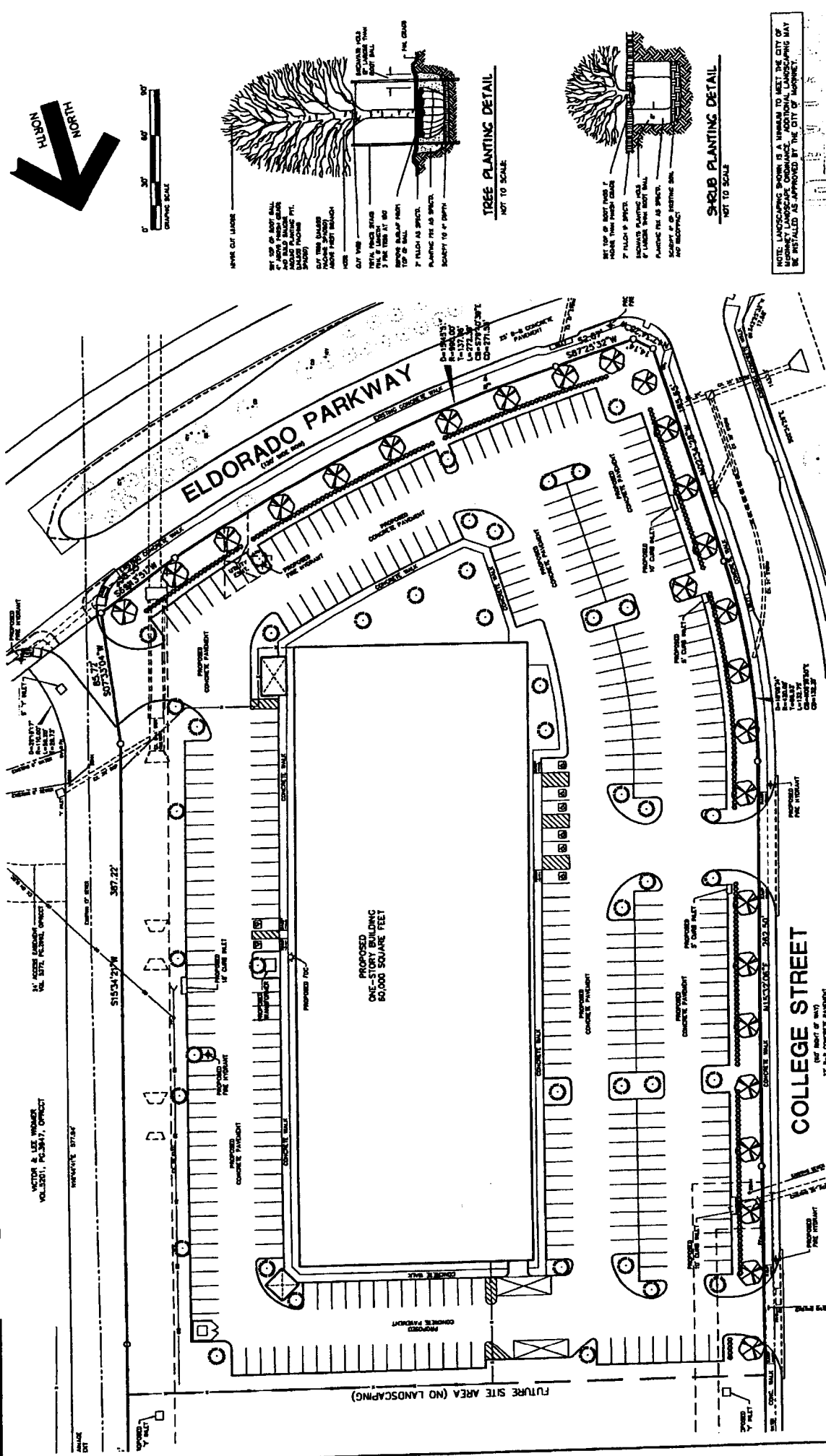
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 2205 Texas Drive Suite 200 Irving, Texas 75038
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GOLIN CENTRAL APPRAISAL DISTRICT
 PREPARED FOR: HANNINNEY COAD, LP
 5440 Riverwood Road, P.O. Box 12121, Dallas, Texas 75220
 Phone: (214) 634-5220 Fax: (214) 634-8222
 Contact: Development
 2404 N AVENUE PLANO, TX 75074-2911
 972-878-5200

| REVISIONS | DATE | BY | DESCRIPTION |
|-----------|------|----|-------------|
| | | | |
| | | | |
| | | | |

SHEET TITLE: LANDSCAPE PLAN
 DATE: MAY 9, 2008 (OR APPROVED EQUAL)
 SCALE: 1" = 30'
 DRAWN BY: MTR
 CHECKED BY: JDR
 SHEET NO. **L1 of 1**
 1109-39-2



NOTE: LANDSCAPING SPECIFICATIONS ARE A MINIMUM TO MEET THE CITY OF IRVING REQUIREMENTS. ALL PLANTING SHALL BE INSTALLED AS APPROVED BY THE CITY OF IRVING.

PLANNING
 MAY - 9 2008

- PROPOSED LIVE OAK (OR APPROVED EQUAL)
- PROPOSED PALM TREE (OR APPROVED EQUAL)
- STANDARD BAYONED HOLLY (OR APPROVED EQUAL)
- STANDARD BAYONED HOLLY (OR APPROVED EQUAL)
- BERNARDIA TURF

| COMMON NAME | BOTANICAL NAME | QUANTITY | SIZE | SPACING | REMARKS |
|------------------------|-------------------|----------------|------------------|-----------|--------------|
| LIVE OAK | QUERCUS PEGANANA | 17 | 12" CAL./1/2" DB | 15' x 15' | ALL ROUND UP |
| PALM TREE | DATE PALM | 17 | 12" CAL./1/2" DB | 15' x 15' | ALL ROUND UP |
| STANDARD BAYONED HOLLY | ILEX VERTICILLATA | 17 | 12" CAL./1/2" DB | 15' x 15' | ALL ROUND UP |
| STANDARD BAYONED HOLLY | ILEX VERTICILLATA | 37 | 12" CAL./1/2" DB | 15' x 15' | ALL ROUND UP |
| BERNARDIA TURF | BERNARDIA TURF | 10,077 SQ. FT. | - | - | SEE SPEC. |

LANDSCAPE TABULATIONS

| | |
|--|------------------------------|
| TOTAL SITE AREA | 248,008 SQUARE FEET |
| DEVELOPED SITE AREA | 248,042 SQUARE FEET |
| TOTAL LANDSCAPING REQUIRED (10% OF SITE AREA) | 24,804 SQUARE FEET |
| TOTAL LANDSCAPING PROVIDED | 80,723 SQUARE FEET |
| STREET YARD AREA | 124,873 SQUARE FEET |
| LANDSCAPING PROVIDED IN STREET YARD (10% OF STREET YARD) | 12,487 SQUARE FEET |
| LANDSCAPING PROVIDED IN STREET YARD | 38,876 SQUARE FEET |
| REQUIRED STREET TREES (1 PER 40 LF OF STREET FRONTAGE) | 1,077 1/2" DB = 27 TREES |
| REQUIRED PARKING LOT TREES (1 PER 10 PARKING SPACES) | 348 SPACES/10 = 35 TREES |
| TREES PROVIDED | 27 LARGE TREES |
| STREET TREES | 43 SMALL TREES |
| PARKING LOT TREES | 70 TREES PROVIDED |
| TOTAL | 140 TREES PROVIDED |
| PARKING LOT SCREENING | SPACES ALONG STREET PROVIDED |

- NOTES:**
- LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING NECESSARY FERTILIZER IN ALL UNDERGROUND UTILITIES, PIPES, STRUCTURES AND LINE BARS.
 - CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL QUANTITIES FOR PLANTING AND SPECIFICATIONS BY LANDSCAPE ARCHITECT AND SHALL NOT BE CONSIDERED AS A COMMITMENT ONLY TO THE CONTRACTOR AND SHALL NOT BE CONSIDERED AS A COMMITMENT ONLY TO THE CONTRACTOR AND SHALL NOT BE CONSIDERED AS A COMMITMENT ONLY TO THE CONTRACTOR.
 - ALL BID AREAS SHALL BE AVAILABLE TO THE CONTRACTOR FOR PLANTING AND LANDSCAPING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR PLANTING AND LANDSCAPING.
 - UPON SETBACK AND CONTRACTOR ALL PLANTING AREAS SHALL RECEIVE A 2" (MIN) LAYER OF SHEDDING STRAW MULCH.
 - PLANTING AREAS SHALL BE SOLELY RESPONSIBLE FOR SOIL TESTING AND SOIL CORRECTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR PLANTING AND LANDSCAPING.
 - ALL BID AREAS SHALL BE AVAILABLE TO THE CONTRACTOR FOR PLANTING AND LANDSCAPING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR PLANTING AND LANDSCAPING.
 - ALL A/C LINES SHALL BE INSTALLED BY AN ALTERNATE UNDERGROUND INSTALLER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR PLANTING AND LANDSCAPING.
 - ALL A/C LINES SHALL BE INSTALLED BY AN ALTERNATE UNDERGROUND INSTALLER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR PLANTING AND LANDSCAPING.

EXHIBIT "D"

