

ORDINANCE NO. 2000-02-017

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; TO CHANGE THE ZONING OF AN APPROXIMATELY 7.23 ACRE TRACT LOCATED ON THE WEST SIDE OF JEAN'S CREEK AND ON THE SOUTH SIDE OF UNIVERSITY DRIVE (U.S. HIGHWAY 380), FROM "PD" - PLANNED DEVELOPMENT DISTRICT (ORDINANCE 1539) TO "PD" - PLANNED DEVELOPMENT DISTRICT, INCLUDING OFFICE AND RETAIL 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 owner(s) of an approximately 7.23 acre tract located on the west side of Jean's Creek and on the south side of University Drive (U.S. Highway 380), 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 No. 1539 to "PD" - Planned Development District; and

WHEREAS, after due notice of the requested zoning amendment 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 said zoning amendment should be made.

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

Section 1. Zoning Ordinance No. 1270 of the City of McKinney is hereby amended so that an approximately 7.23 acre tract located on the west side of Jean's Creek and on the south side of University Drive (U.S. Highway 380), which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "PD" - Planned Development District (Ordinance 1539) 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 all regulations applicable to the City of McKinney Code of Ordinances Section 41-76 "C" - Planned Center and Section 41-77 "O" - Office District, except as follows:

1. Tracts 1 and 3 be limited to "O" - Office District regulations only.
 - A. No motor vehicle fuel sales on Tracts 1, 2 or 3.
2. Tract 2 shall develop according to either the "O" - Office District regulations and the "C" - Planned Center District regulations, and as amended, with the following additional restrictions:
 - A. Tract 2 shall have a building setback from the south right-of-way line of U.S. Highway 380 (University Drive) of 200 feet.
 - B. A 40 foot wide pedestrian and bicycle access easement for the Hike and Bike Trail be provided along Jeans Creek at such time when the subject property is platted.

- C. A 40 foot wide natural creek preservation easement be provided along the meandering branch which bisects the property at such time when the subject property is platted.
- D. Outdoor display areas shall be attached to the main building and shall be limited in area no greater than 40 percent of the main building area or a maximum of 16,000 square feet, whichever is lesser. No outside display shall be permitted except within the enclosed display area as provided herein.
 - 1. The outdoor display area shall be enclosed with a solid screening wall (of the same or complementary material contained on the front facia of the building to which the outdoor storage is appended) up to a height equal to the adjacent main building wall along all sides of the outdoor storage, except that the front face (main entrance) may be screened as provide for in Section 3, Part 2.D.1.a, below.
 - a. The front face (main entrance) side of the outdoor display area shall be enclosed with a wrought iron fence and masonry columns (brick or stone of a complementary material to the front facia of the building to which the outdoor storage is appended) spaced 20 feet on center with structural supports spaced 10 ten feet on center along the front face (main entrance) side.
 - b. A 3 foot high evergreen shrub shall be provided in front of the wrought iron fence to provide a low screening hedgerow.
 - 2. No storage of material above the height of the screening walls shall be allowed.
- E. A minimum 20 foot wide landscape buffer be included around the entire subject property (or as per Zoning Ordinance 1270, and as amended, which ever is greater).
- 3. Tracts 1 through 3 shall be planned and constructed with four-sided architectural design on all sides, and the site plans approved for each shall include elevation drawings specifying the primary exterior materials and colors, and demonstrating conformance with the following architectural requirements.
 - A. Tracts 1 and 3 shall be constructed of 75% brick, brick veneer, and/or stone (including synthetic stone) with the balance being stucco, EFIS, or textured concrete (architectural CMU, textured concrete tilt wall, and cast concrete siding).
 - 1. The City Council may grant a meritorious exception on Tracts 1 and 3 with a finding that the proposed building meets or exceeds the standard.
 - B. Tract 2 shall be constructed so that the exterior finish includes brick, brick veneer, stone (including synthetic stone), stucco, EFIS, and/or textured concrete (architectural CMU, textured concrete tilt wall, and cast concrete siding).
 - 1. Tract 2 shall be finished with subdued or muted earthtone colors only.

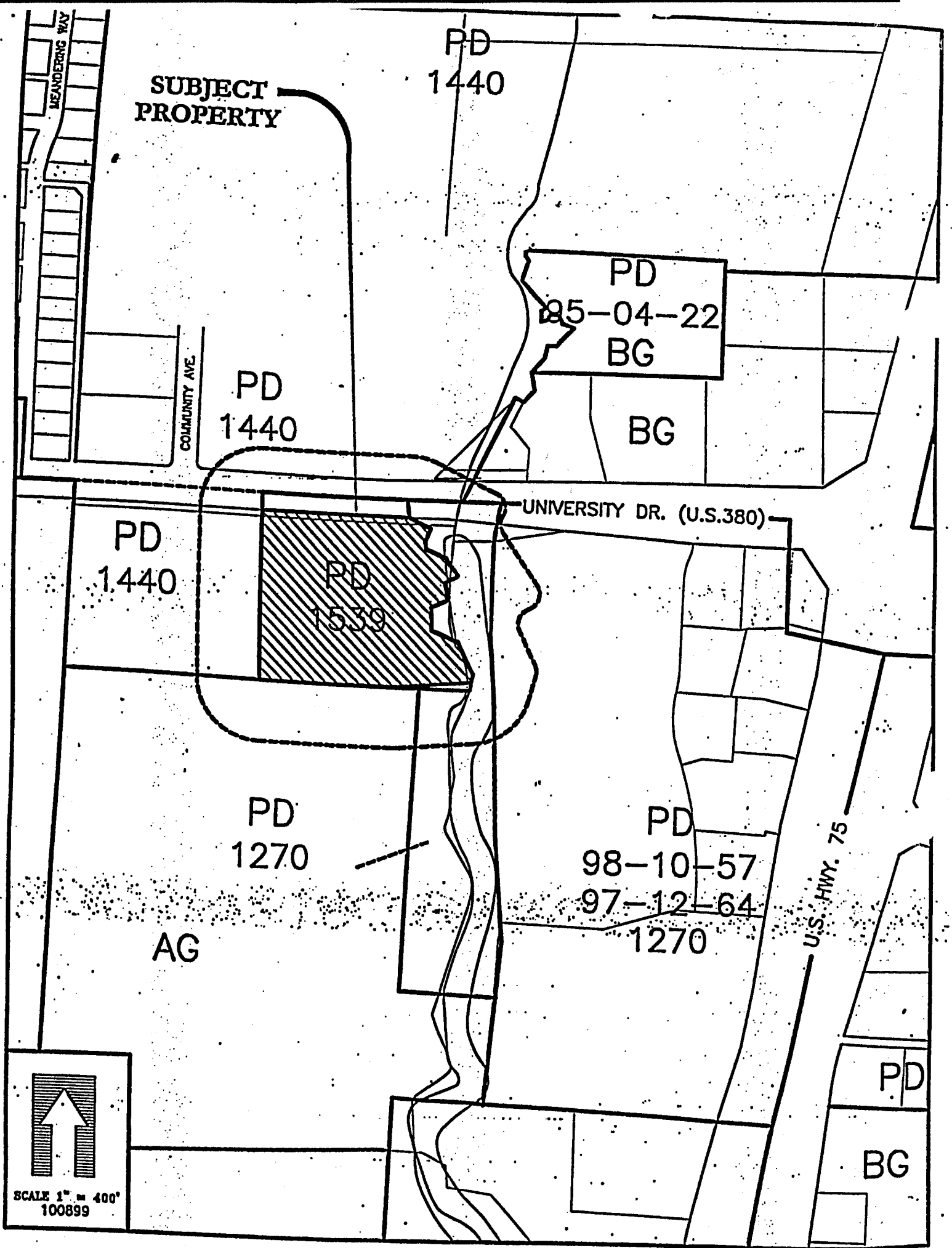


EXHIBIT "A"

- C. The roof design for Tract 2 shall include a partial pitched roof or mansard type roof.
- D. The front of the building on Tract 2 shall include a major façade offset (20% of the front building face offset a minimum of 10 feet (minimum width 10 feet).
- E. In conjunction with the first site plan submitted for this property, the applicant submit a lighting plan for the subject property that includes coordinated decorative poles and building lights.

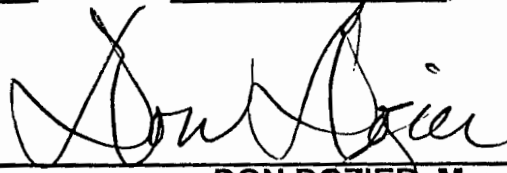
Section 4. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and to this end, the provisions of this 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 therefore, shall be fined any sum not exceeding \$2000.00, 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 THIS 15th DAY OF February, 2000.



 DON DOZIER, Mayor


CORRECTLY ENROLLED:



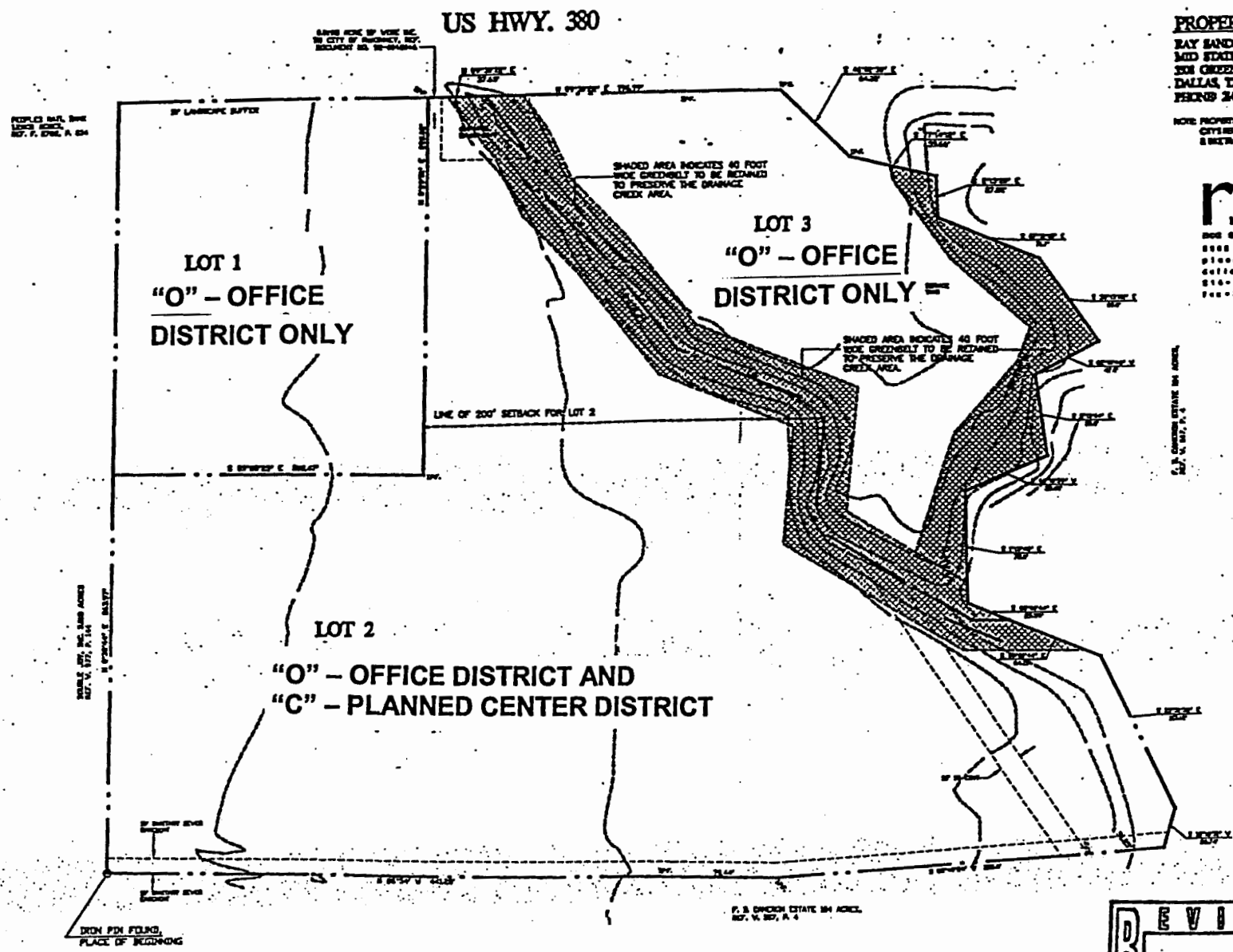
 JENNIFER G. SPROULL, City Secretary



APPROVED AS TO FORM:



 MARK S. HOUSER, City Attorney



US HWY. 380

PROPERTY OWNER
 RAY SANDER
 MID STATES REALTY
 508 GREENVILLE AVE. #2
 DALLAS, TX 75206
 PHONE 214-242-2222

NOTE: PROPERTY TO COMPLY WITH THE CITY REQUIREMENT FOR THE USE & SETBACK.

na
 naa architecture
 8888 greenbrite
 #1000 • 214-229
 #1000 • 75888
 #10 • 261-2881
 #22 • 261-2888

LOT 1
 "O" - OFFICE
 DISTRICT ONLY

LOT 3
 "O" - OFFICE
 DISTRICT ONLY

LOT 2
 "O" - OFFICE DISTRICT AND
 "C" - PLANNED CENTER DISTRICT

PROPOSED LAND USE PLAN
 JACKSONVIL, TEXAS

REVISED
 JAN 19 2000
 PLANNING



01 SITE PLAN
 T-307-G

SHEET NO. 101

EXHIBIT "B"

