

ORDINANCE NO. 2007-07-068

AN ORDINANCE AMENDING ORDINANCE NO. 1449, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 57.75 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF F.M. 1461 (LAKE FOREST DRIVE) AND U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "AG" – AGRICULTURAL DISTRICT, "C" – PLANNED CENTER DISTRICT, AND "O" – OFFICE DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW MODIFIED DEVELOPMENT STANDARDS FOR A HOSPITAL AND RELATED MEDICAL 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 57.75 acre property, located on the northwest corner of F.M. 1461 (Lake Forest Drive) and U.S. Highway 380 (University Drive), from "AG" – Agricultural District, "C" – Planned Center District, and "O" – Office District to "PD" – Planned Development District, generally to allow modified development standards for a hospital and related medical 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 No. 1449 is hereby amended so that an approximately 57.75 acre property, located on the northwest corner of F.M. 1461 (Lake Forest Drive) and U.S. Highway 380 (University Drive), which is more fully depicted on Exhibit A and Exhibit C, attached hereto, is hereby rezoned from "AG" – Agricultural District, "C" – Planned Center District, and "O" – Office District to "PD" – Planned Development District, generally to allow modified development standards for a hospital and related medical uses.

Section 2. Use and development of the subject property shall conform to the following regulations:

1. The subject property shall develop in accordance with the "C" – Planned Center District regulations of the Zoning Ordinance, and as amended, except as follows:

a. The subject property shall develop in accordance with the attached Development Standards, Exhibit B.

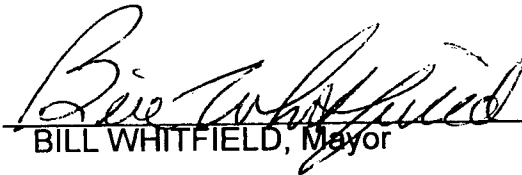
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 4. 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.

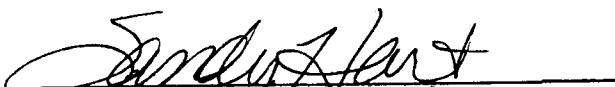
Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

Section 6. 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.

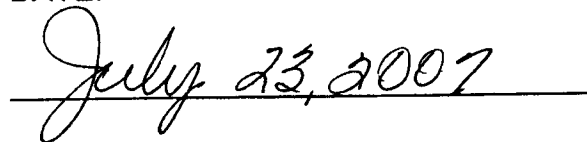
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 17th DAY OF JULY, 2007.


BILL WHITFIELD, Mayor

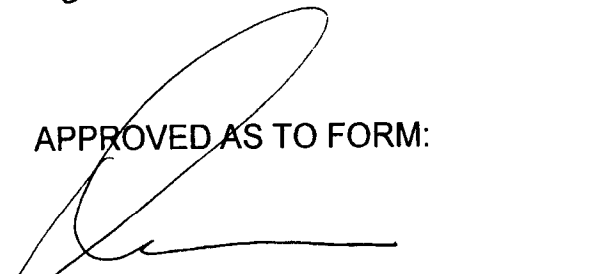
CORRECTLY ENROLLED:

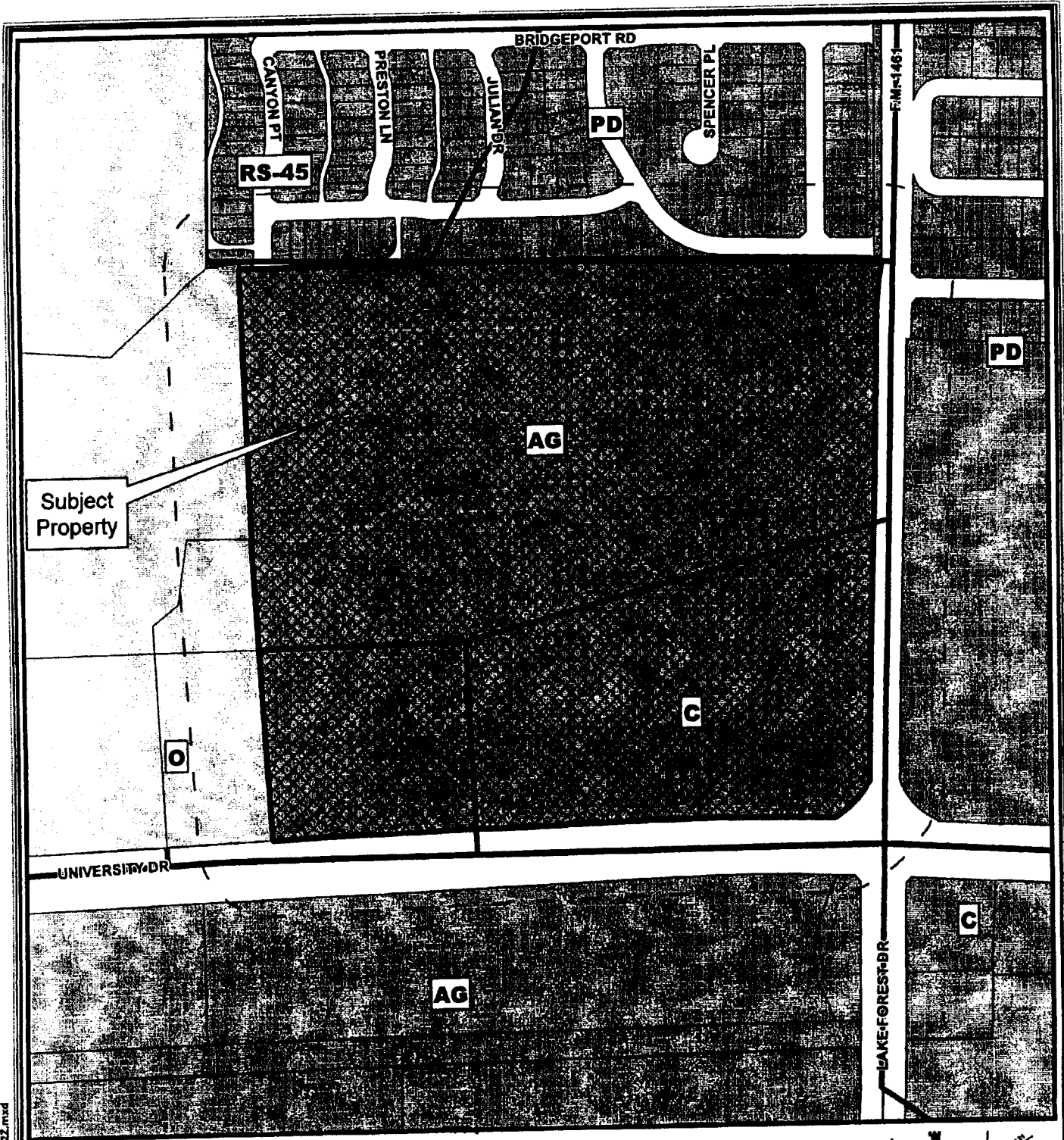

SANDY HART, CMC, City Secretary
BEVERLY COVINGTON, CMC, Deputy City Secretary

DATE:



APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney



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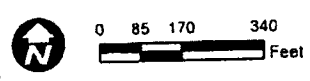


EXHIBIT "A"

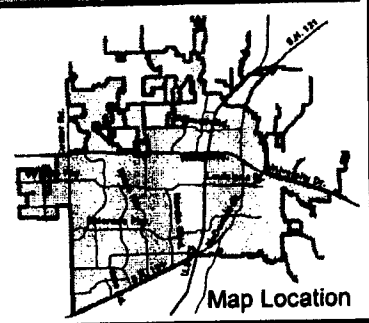


Notification Case

Notice Case #: 07-202Z

R-6934-000-0150-1

--- 200' Notification Buffer



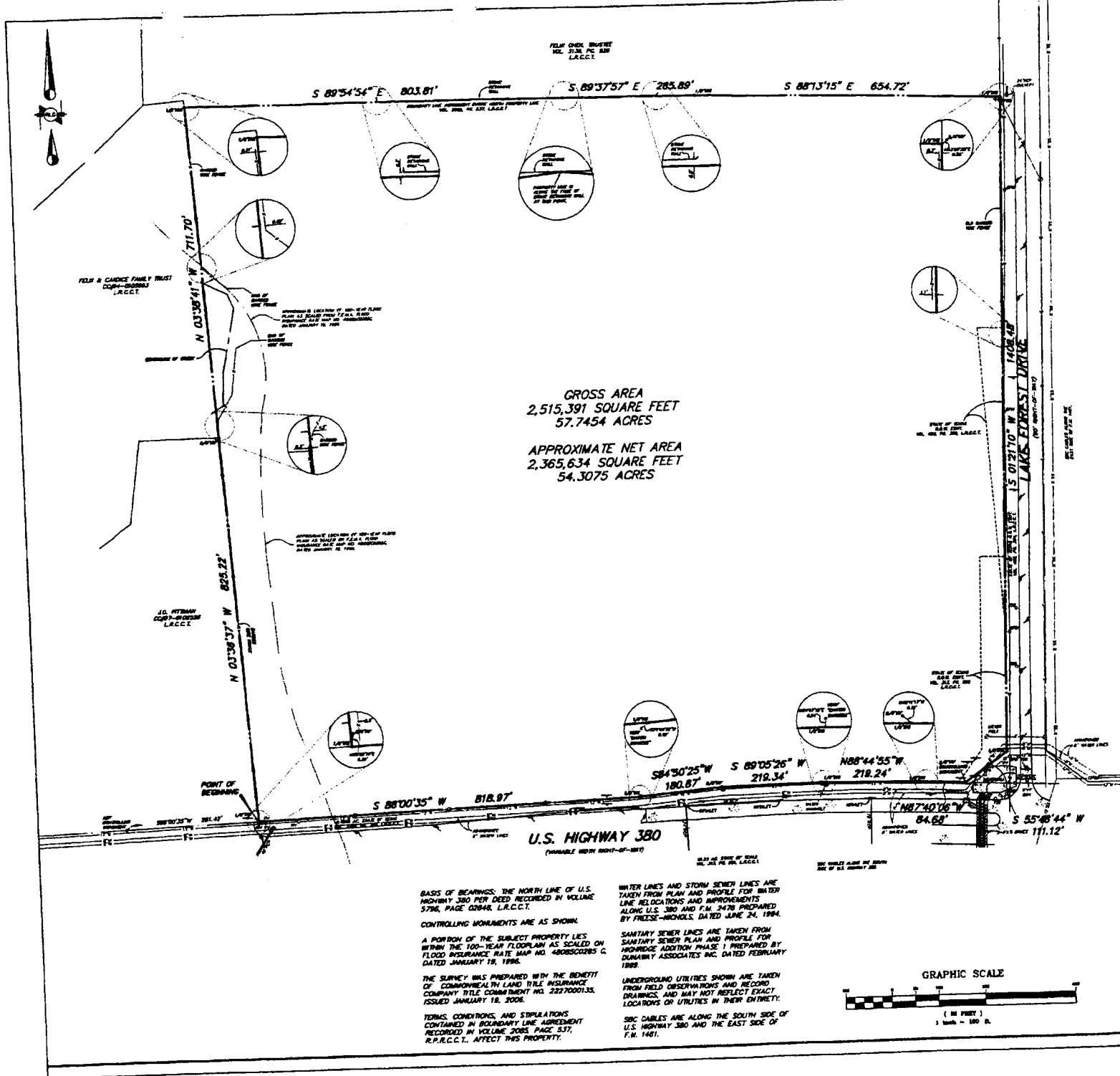
DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances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

**EXHIBIT B
DEVELOPMENT STANDARDS**

1. **Maximum Height of Building.** The maximum height of any hospital (including patient tower) shall be 200 feet (12 stories). The maximum height of any medical- related building shall be 140 feet (8 stories). The maximum height of parking structures incorporated into the building shall be the height of the building; all free-standing parking structures shall have a maximum height of 140 feet (8 levels).
2. **Minimum Rear Yard.** The minimum rear yard when abutting any zone requiring a rear yard shall be 25 feet, which minimum shall be increased by 2 feet for every 1 foot of height above 45 feet measured from the rear property line to that portion of the building which exceeds 45 feet; provided that the maximum rear yard setback shall not exceed 250 feet.
3. **Parking Structure Setback.** In addition to the minimum rear yard setbacks set forth above, the minimum setback for any parking structure shall be 75 feet from any property line which abuts a residential use.
4. **Architectural Standards.** The provisions of Section 41-215 shall not apply to any general or specialty hospital buildings (including patient towers) developed on the property. The provisions of Section 41-215 shall apply to all other buildings developed on the property with the following modifications:
 - a. architectural pre-cast concrete (not tilt wall) shall be considered an acceptable masonry finishing material as long as it is limited to no more than 50% of the surface of any exterior wall;
 - b. glass systems will be considered windows; and
 - c. the exterior walls of parking structures shall be architecturally compatible with the adjacent hospital and/or medical buildings as determined by the Chief Building Official. If the property owner disagrees with a determination by the Chief Building Official as to whether the structures are architecturally compatible, the proposed elevations will be forwarded onto the City Council for final review and approval.
5. **Excluded Uses.** The following uses shall be excluded as allowed uses on the property:
 - a. Amusement commercial indoor;
 - b. Boat sales, storage or repair;
 - c. Recreational vehicle sales;
 - d. Motorcycle sales and service;
 - e. Bait shop;
 - f. Furniture sales;

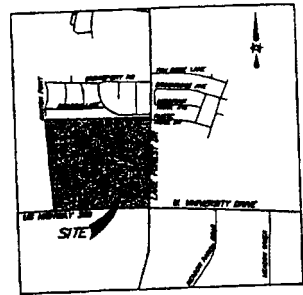
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- g. Hardware sales;
 - h. Pawn shops;
 - i. Pet stores;
 - j. Cleaning plant laundry;
 - k. Plumbing shop;
 - l. Home improvement center;
 - m. Upholstery shop;
 - n. Fabrics or needlework shop;
 - o. Fairgrounds or rodeo;
 - p. Utility substation, business office, shop or yard;
 - q. Water storage tank;
 - r. Frozen food locker;
 - s. Creamery, dairy products;
 - t. Exterminator;
 - u. Radio or TV broadcast studio;
 - v. Veterinarian;
 - w. Trailer, light truck, tool repair, rental or storage;
 - x. Farms, nurseries, truck gardens;
 - y. Any automotive-related uses;
 - z. Multi-family dwellings, except for residences incorporated into a medical hospital, medical training or medical office facility;
 - aa. Farm implement sales or service;
 - bb. Mobile home sales or display.

5. Signage. Signage shall be submitted as a comprehensive sign package (including elevations), subject to review and approval by City Council either prior to or as part of the site plan process.



GROSS AREA
2,515,391 SQUARE FEET
57.7454 ACRES

APPROXIMATE NET AREA
2,365,634 SQUARE FEET
54.3075 ACRES



VICINITY MAP
ATE

EXHIBIT "C"

REVISE

JUN 18 2007

PLANNING

ZONING EXHIBIT					
BAYLOR HOSPITAL MCKINNEY					
U.S. 380 @ LAKE FOREST DRIVE					
CBRE					
CITY OF MCKINNEY, TEXAS					
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE NO.
RLG	RLG	3-16-07	1"=100'	ZONING	07 324
JOB NO.	07-324	E-FILE		CONC. NO.	

BASIS OF BEARINGS. THE NORTH LINE OF U.S. HIGHWAY 380 PER DEED RECORDED IN VOLUME 5798, PAGE 02648, L.A.C.C.T.

CONTROLLING MONUMENTS ARE AS SHOWN.

A PORTION OF THE SUBJECT PROPERTY LIES WITHIN THE 100-YEAR FLOODPLAIN AS SCALED ON FLOOD INSURANCE RATE MAP NO. 4805000285 C, DATED JANUARY 18, 1996.

THE SURVEY WAS PREPARED WITH THE BENEFIT OF COMMONWEALTH LAND TITLE INSURANCE COMPANY TITLE COMMITMENT NO. 2227000135, ISSUED JANUARY 18, 2006.

TERMS, CONDITIONS, AND stipulations CONTAINED IN BOUNDARY LINE AGREEMENT RECORDED IN VOLUME 2085, PAGE 537, R.P.R.C.C.T., AFFECT THIS PROPERTY.

WATER LINES AND STORM SEWER LINES ARE TAKEN FROM PLAN AND PROFILE FOR WATER LINE RELOCATIONS AND IMPROVEMENTS ALONG U.S. 380 AND F.M. 2476 PREPARED BY FREESE-MONROE, DATED JUNE 24, 1994.

SANITARY SEWER LINES ARE TAKEN FROM SANITARY SEWER PLAN AND PROFILE FOR KIRKBRIDGE ADDITION PHASE I PREPARED BY DUMARBY ASSOCIATES INC. DATED FEBRUARY 1989.

UNDERGROUND UTILITIES SHOWN ARE TAKEN FROM FIELD OBSERVATIONS AND RECORD DRAWINGS, AND MAY NOT REFLECT EXACT LOCATIONS OR UTILITIES IN THEIR ENTIRETY.

SBC CABLES ARE ALONG THE SOUTH SIDE OF U.S. HIGHWAY 380 AND THE EAST SIDE OF F.M. 1461.

