

ORDINANCE NO. 2007-12-135

AN ORDINANCE AMENDING ORDINANCE NO. 2007-01-010, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 91.24 ACRE PROPERTY, GENERALLY LOCATED ON THE NORTHEAST CORNER OF U.S. HIGHWAY 75 AND SPUR 399, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY DEVELOPMENT STANDARDS; 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 91.24 acre property, generally located on the northeast corner of U.S. Highway 75 and Spur 399, is rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify development standards, 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. 2007-01-010 is hereby amended so that an approximately 91.24 acre property, generally located on the northeast corner of U.S. Highway 75 and Spur 399, which is more fully depicted on Exhibit A, attached hereto, is hereby rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify development standards.

Section 2. Use and development of the subject property shall conform to the regulations of Ordinance 1270, and as amended, except as follows:

1. The subject property shall develop in accordance with the "BG" – General Business District requirements, except as follows:

a) Maximum height:

- Retail – 45 feet with the ability to go up to 65 feet for a central, iconic feature for the main retail corridor as part of site plan approval
- Office - 85 feet
- Cinema – 50 feet with the ability to go up to 80 feet for certain architectural features with staff approval at time of building permit application
- Office/Education site – 85 feet
- Hotel/Conference Center – 10 stories

b) Primary uses shall be office, education, retail, restaurant, events center, hotel, and movie theatre except as otherwise specifically prohibited in (c) hereafter.

c) The following uses shall be prohibited:

- Residential uses
- Rest home/nursing home
- Transportation related uses
- Pawn shop
- Laundry Cleaning Plant
- All automobile and related uses except a parking garage
- Auto display and sales
- Service station and motor vehicle fuel sales
- Exterminator
- Farm implement sales and service
- Plumbing
- Tires, batteries and accessories
- Home Improvement Centers – facilities greater than 30,000 square feet (gross floor area) engaged in the sale and/or rental of building supplies and goods, including unfinished goods, construction tools, building materials, and bulk nursery products and supplies. Additionally, any outdoor storage and display of building materials, bulk planting supplies, lawn equipment, and outdoor appliances (e.g. accessory sheds and barbeque grills) shall classify such use as a home improvement center.
- Car washes, except those which utilize a valet service and which have no associated washing structures or permanent, mechanical washing equipment on site.
- Drive-through restaurants and cafeterias

d) Drive-through coffee shops shall require a Specific Use Permit (SUP).

e) Only one hotel shall be allowed on the subject property in the location shown on the attached Zoning Exhibit "B".

f) Home Furnishings and Equipment, Retail- An indoor retail facility that sells finished home improvement items such as furniture, fixtures, lighting but not unfinished goods, bulk nursery products and supplies, lawn equipment, or the like shall be allowed.

2. The subject property shall develop generally in accordance with the attached Zoning Exhibit B.

3. All site plans must be approved by City Council. Moderate changes to the site plan to allow building footprints to adjust, shrink, or expand and to allow increases to two stories can be approved by Staff subsequent to site plan approval if generally consistent with the attached layout. Changes that are more significant must be approved as part of an amended site plan by City Council. However,

the site plan for Lot 2, Block A may differ from the attached Zoning Exhibit "B".

4. Loading space number and location be provided as shown on the attached Zoning Exhibit "B".
5. Bare bulbs on strings shall be allowed as accents on some buildings and on the bridge but shall not exceed 75 watts.
6. Decorative street lights shall have a modified horizontal cutoff optic to reduce ambient light to a minimum while maintaining a period appearance. Decorative pedestrian scale area lighting throughout the retail corridor shall utilize low wattage lamps and refractor optics to minimize discomfort glare.
7. All screening devices for trash enclosures, trash compactors and loading spaces shall be allowed to be constructed of precision CMU's with a plaster finish on the exterior and shall be capped with a concrete or synthetic stone.
8. All screen walls may be unequally finished on both sides, variations being dependent upon visibility, subject to review and approval by the Director of Planning at time of site plan approval.
9. Additional landscaping along the west side of buildings backing to U.S. Highway 75 shall be provided, as part of the site plan process and/or architectural elevation review, subject to review and approval by City Council.
10. The following architectural standards shall apply to all proposed buildings on the subject property:
 - a) Building elevations shall be subject to full discretionary review and approval by the City Council. City Council may require and approve building elevations not strictly in conformance with the architectural standards ordinance if Council determines such building elevations to be meritorious in nature; and
 - b) Building elevations for the hotel and conference center shall be approved prior to the earlier of the issuance of a building permit or by February 19, 2008. Notwithstanding the foregoing or any subsequent termination of an approved site plan, a site grading permit shall be issued prior to the approval of building elevations if the Developer satisfies all city ordinances required for such issuance. If building elevations for the hotel and conference center are not approved by February 19, 2008 any previously approved site plan for the hotel and conference center lot shall expire; and
 - c) Building elevations for retail buildings on Lot 2, Block B are not required to be approved as part of the site plan approval but shall be approved prior to the earlier of the issuance of the first building permit for any retail building on such lot or by April

30, 2008. If building elevations for retail buildings are not approved by April 30, 2008, any previously approved site plan for such lot(s) expires; and

- d) Should any site plan described hereinabove expire, any subsequently proposed site plan shall be required to have building elevation drawings submitted concurrently with the site plan submittal. Said building elevation and site plans would be subject to a discretionary approval by City Council after a recommendation by the Planning and Zoning Commission.

11. The signage for the subject property shall conform to the following:

- a) Signage for Lot 2, Block A and Lot 6, Block A, shall conform to the requirements of the City of McKinney Sign Ordinance.
- b) A comprehensive sign package shall be submitted for the remaining portion of property, subject to review and approval by City Council either prior to or as part of the site plan process.

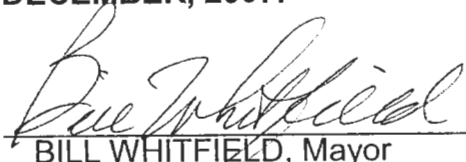
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of 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 18th DAY OF DECEMBER, 2007.

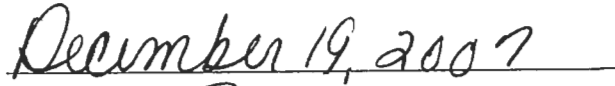

BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:

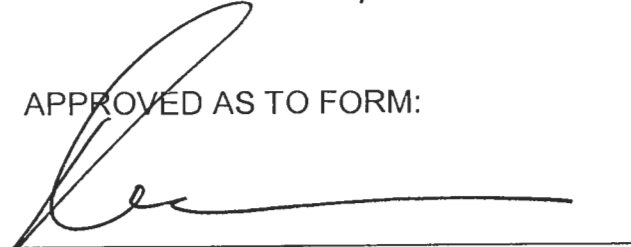


SANDY HART, TRMC, MMC, City Secretary
BEVERLY COVINGTON, TRMC, CMC, Deputy City Secretary

DATE:



APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

NotificationProjects\2007\07-211Z.mxd

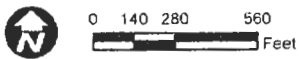
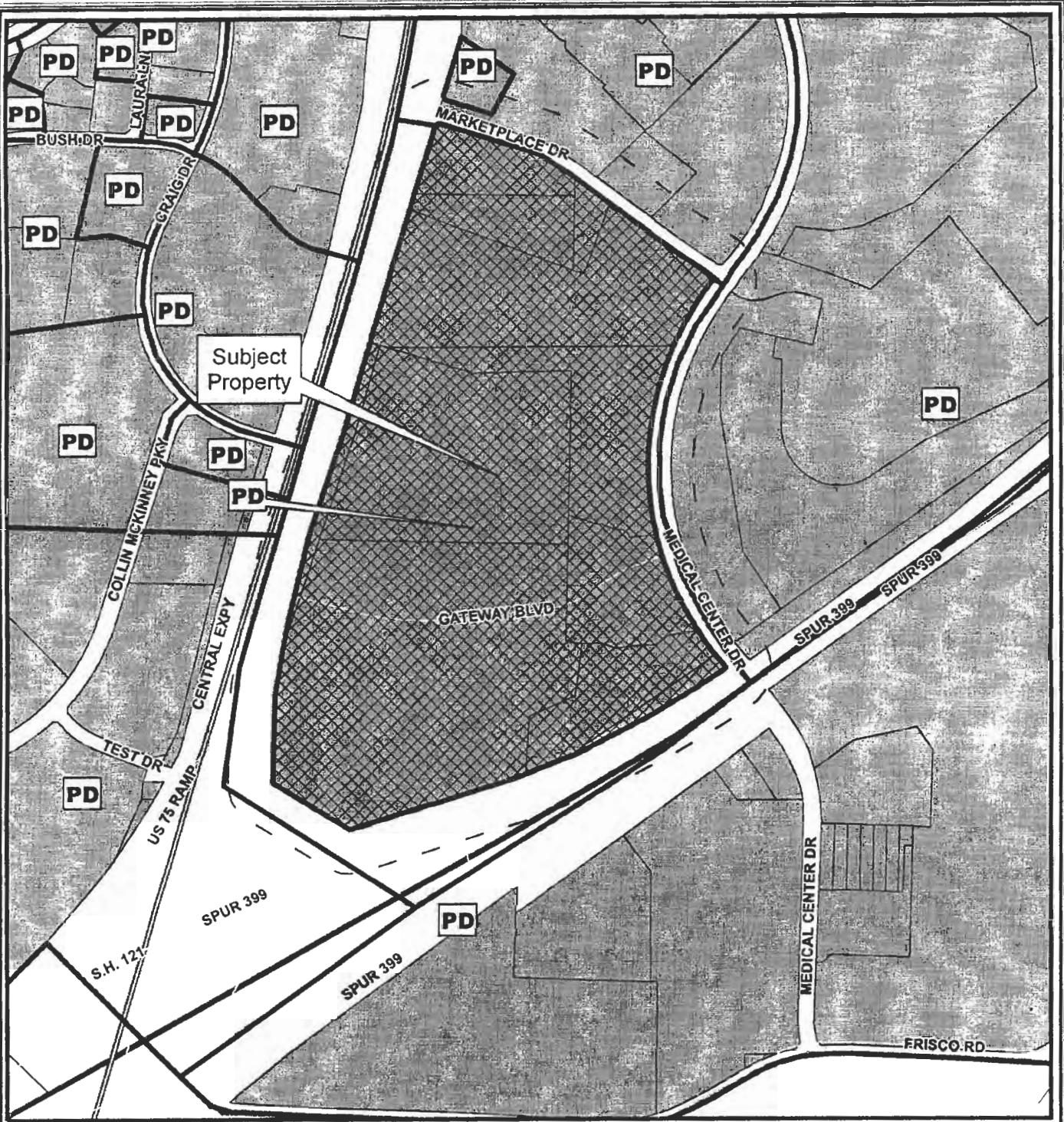


EXHIBIT A

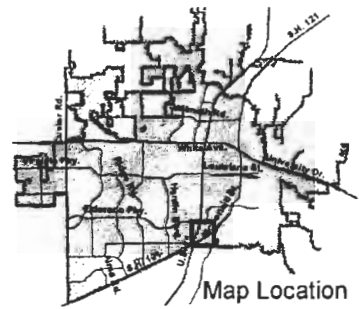


Notification Case

Notice Case #: 07-211Z

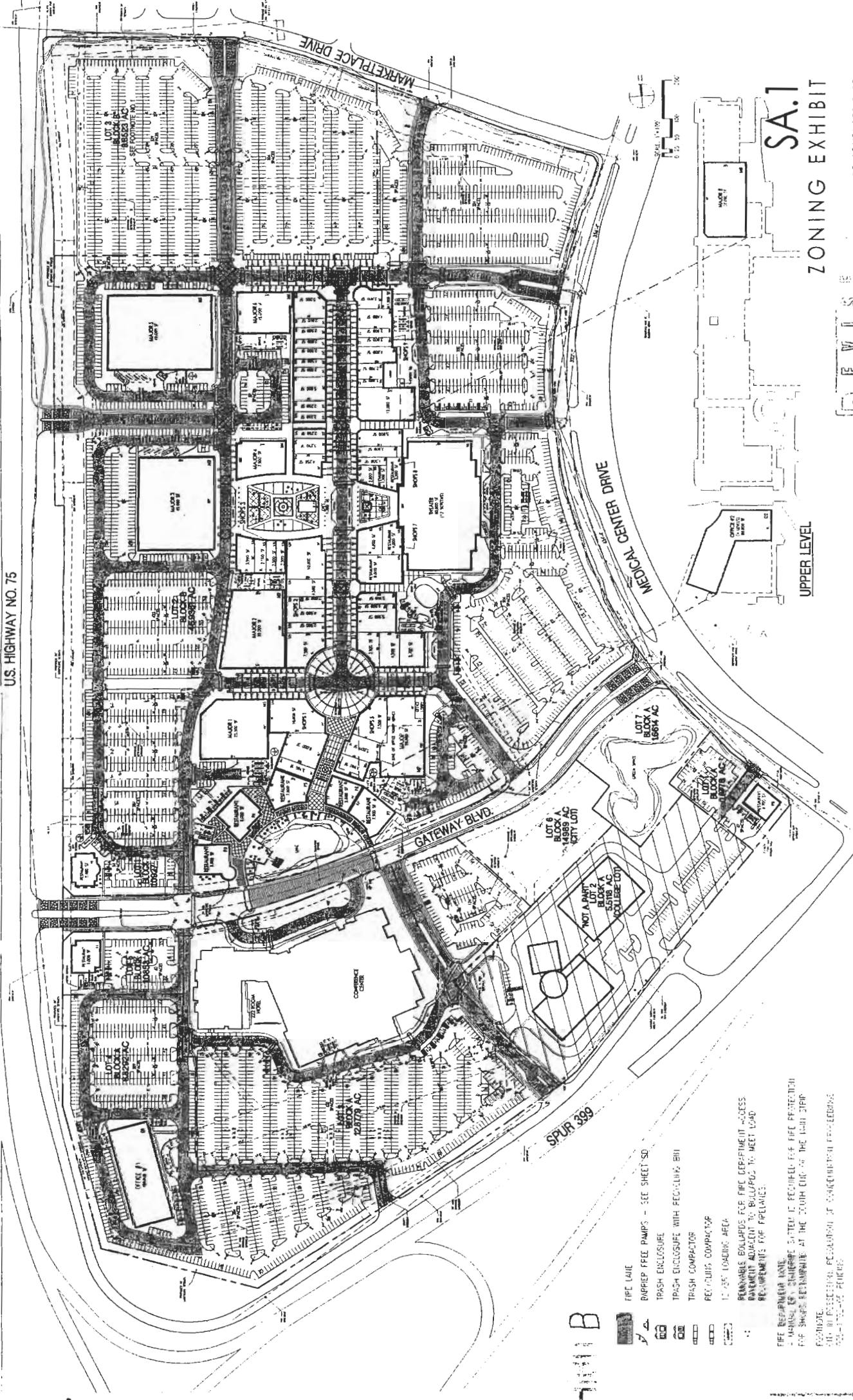
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--- 200' Notification Buffer



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U.S. HIGHWAY NO. 75



EXHIB B

- FIRE LANE
- BARRIERS/FREE PASSES - SEE SHEET SD
- TRASH ENCLOSURE
- TRASH ENCLOSURE WITH RECYCLING BIN
- TRASH COMPACTOR
- RECYCLING COMPACTOR
- 12'x36' LOADING AREA
- REMOVABLE BOLLARDS FOR FIRE DEPARTMENT ACCESS - BASEMENT ADJACENT TO BOLLARDS TO MEET LOAD REQUIREMENTS FOR FIRELANES
- FIRE PROTECTION DATE
- MANHOLE ENCLOSURE SYSTEM IS REQUIRED FOR FIRE PROTECTION FOR SIGNS REMAINING AT THE TOP OF THE MAIN DECK
- FORMULATE
- SEE ALL PREVIOUS REVISIONS AT CONSTRUCTION MEETINGS
- CONSTRUCTION PERIOD

UPPER LEVEL

SA.1

ZONING EXHIBIT

NOV - 8 2007

08 NOVEMBER 2007
PROJECT NO: 42815

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MCKINNEY, TEXAS 75069
TEL: 972.231.3200
FAX: 972.231.3200

BRIDGE STREET TOWN CENTRE

MCKINNEY, TEXAS

