

ORDINANCE NO. 2012-03-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 96-11-51 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 48.16 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF FRISCO ROAD AND McDONALD STREET (STATE HIGHWAY 5), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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 48.16 acre property, located on the northwest corner of Frisco Road and McDonald Street (State Highway 5), which is more fully depicted on Exhibit A, attached hereto, is rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the 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:

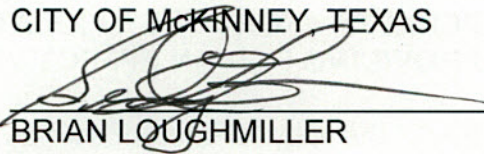
- Section 1. Ordinance No. 96-11-51 is hereby amended in order to rezone an approximately 48.16 acre property, located on the northwest corner of Frisco Road and McDonald Street (State Highway 5), is rezoned from "PD" – Planned Development District to "PD" – Planned Development District.
- Section 2. The use and development of the subject property shall conform to the regulations of "PD" – Planned Development District Ordinance No. 96-11-51, except as follows:
- a. The subject property shall be subject to the attached development regulations (Exhibit B).
 - b. Section 6(H) of PD District Ordinance No. 96-11-51 is amended to delete any reference to a minimum lot (land) area per dwelling unit.
- 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.

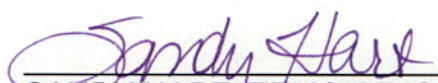
Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 6TH DAY OF MARCH, 2012.

CITY OF MCKINNEY, TEXAS

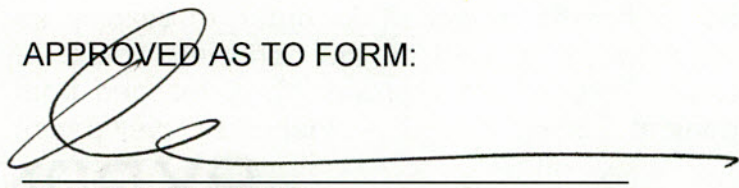

BRIAN LOUGHMILLER
Mayor

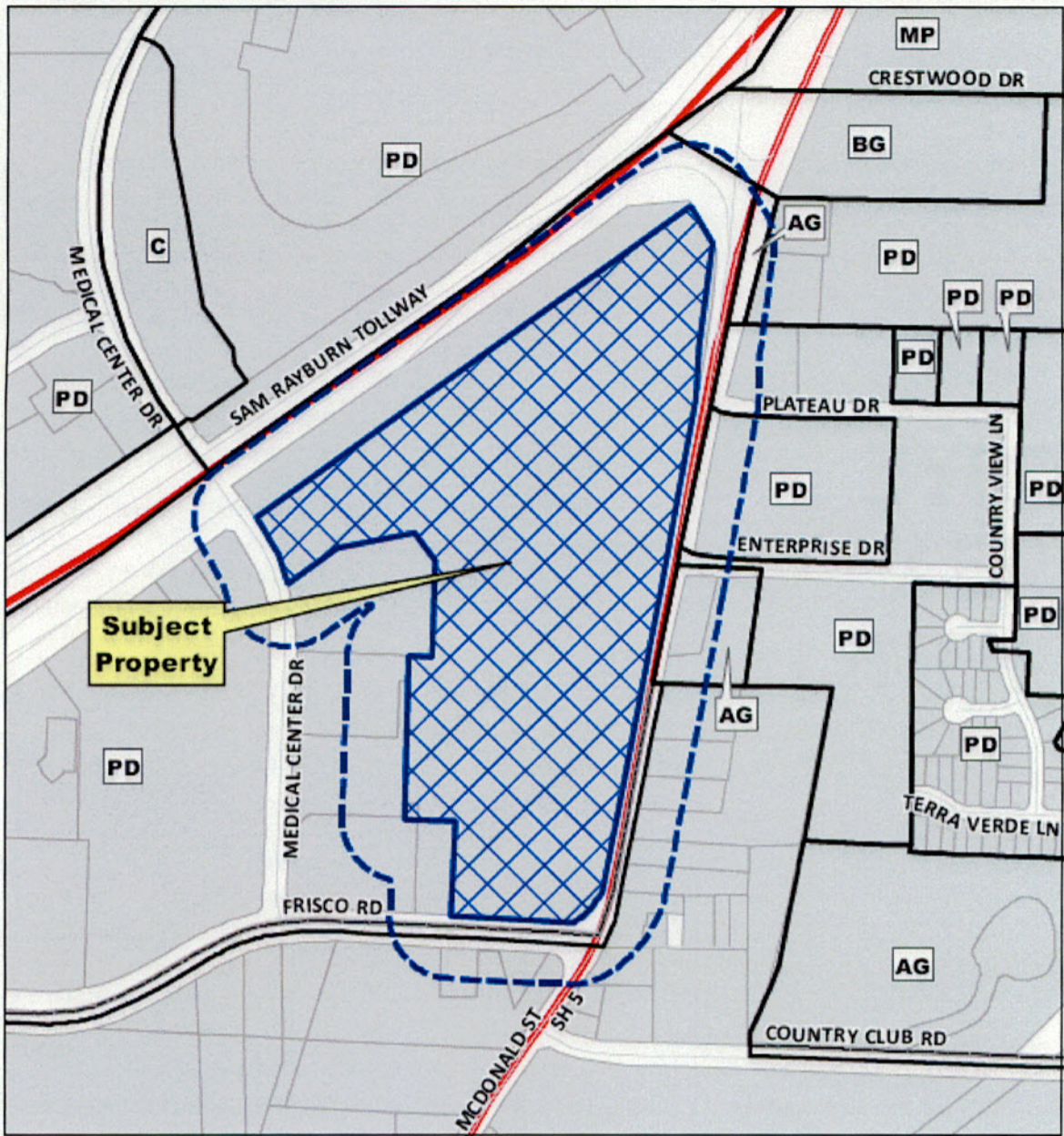
CORRECTLY ENROLLED:


SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: March 6, 2012

APPROVED AS TO FORM:


MARK S. HOUSER
City Attorney



Notification Case

Case: 11-184Z

--- 200' Notification Buffer

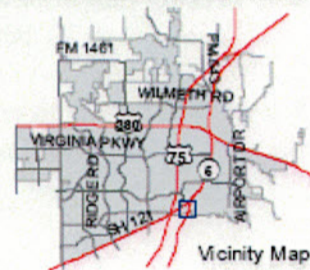


EXHIBIT A

Amendments to PD 96-11-51

The following provisions modify or amend the standards contained in PD 96-11-15:

1. The third paragraph under Section 3 of Exhibit B is amended in its entirety to read as follows:

"Multi-family development uses shall be allowed east of Medical Center Drive. Multi-family developments shall not be required to be gated and screening walls or devices shall not be required between Multi-family and non-residential uses or along any Multi-family side and rear property lines that do not abut single family uses."

2. Section 4 is amended by deleting the reference therein to multi-family dwellings "located within the area east of the proposed internal north-south public road" and substituting in its place the reference to multi-family dwellings "located within the area east of Medical Center Drive"

3. Section 10(l) is amended to delete the reference to "the area east of the proposed internal north-south public road" and replace the same with "the area east of Medical Center Drive".

4. The following special ordinance provisions shall also apply to multi-family residential development on the subject property:

- a. Multi-family residential uses shall be developed as a series of gridded blocks each with a maximum length of 600 feet. Blocks shall be segmented from one another by a public right-of-way or another drive that serves as a primary pedestrian and vehicular route (public rights-of-way, private rights-of-way, and fire lanes hereinafter collectively referred to as "Streets").
- b. All multi-family buildings shall be oriented so that the building's edge/elevation creates an urban street wall appearance along the block face. The urban street wall appearance shall be accomplished by having eighty percent (80%) of the building's edge/elevation fall within sixteen (16) feet and twenty-four (24) feet of the back of curb of a Street (such sixteen foot to twenty-four foot area from the back of curb being the "Urban Setback Zone"). Deviation from this provision shall be allowed on one side of a generally four-sided building to allow for the construction of an internally oriented parking lot that will be surrounded by the building it serves. The area between the building's edge/elevation within the Urban Setback Zone and the back of curb of the Street (the "Pedestrian Zone") will contain the required tree plantings and a minimum six (6) foot wide sidewalk. The Pedestrian Zone is intended to replace the required landscape buffers associated with typical multi-family residential developments. All elements of the building must fall within the Urban Setback Zone on the first floor; however, projections of elements of the building above the first floor may encroach into the first ten (10) feet of the Pedestrian Zone.

EXHIBIT B (1 of 2)

- c. For buildings that contain multi-family uses and are adjacent to Highway 5, at least eighty percent (80%) of the ground level space fronting Highway 5 shall be designed and constructed to permit commercial uses, containing a minimum of ten (10) feet clear ceiling height.
- d. An average of one canopy tree with a minimum caliper of 5 inches at the time of planting shall be planted every 30 feet of frontage along a Street. Trees may be clustered to facilitate the creation of design effects. Should the planting of these required trees not be possible at such intervals due to utility and other physical impediments, such trees shall be planted in landscape areas in the immediate area.
- e. Street benches shall be provided at one hundred and fifty (150) foot average intervals along all Streets. Street benches shall be placed facing the sidewalk and curb, parallel to the buildings. If necessary, these benches may be placed within a public access easement to ensure ongoing public access.
- f. At least one bicycle rack shall be located at the main entrance to every building.

EXHIBIT B (2 of 2)