

ORDINANCE NO. 2003-01-007

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270, AND AS AMENDED, OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 118.42 ACRE TRACT LOCATED ON THE SOUTHWEST CORNER OF FM 720 AND LAKE FOREST DRIVE, IS HEREBY REZONED FROM "RS-45" – SINGLE FAMILY RESIDENTIAL, "RG-27" – TOWNHOME RESIDENTIAL, "RG-18" – MULTI-FAMILY RESIDENTIAL, "C" – PLANNED CENTER, AND "O" – OFFICE DISTRICT REGULATIONS, TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR MIXED USE – RETAIL, OFFICE, SINGLE FAMILY, AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT; 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 118.42 acre tract located on the southwest corner of FM 720 and Lake Forest Drive, from "RS-45" – Single Family Residential, "RG-27" – Townhome Residential, "RG-18" – Multi-Family Residential, "C" – Planned Center, and "O" – Office District Regulations, to "PD" – Planned Development District, Generally for Mixed Use – Retail, Office, Single Family, and "REC" – Regional Employment Center Overlay District; 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, THAT:

Section 1. Zoning Ordinance No. 1270, and as amended, of the City of McKinney is hereby amended so that an approximately 118.42 acre tract located on the southwest corner of FM 720 and Lake Forest Drive, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from its present classification of "RS-45" – Single Family Residential, "RG-27" – Townhome Residential, "RG-18" – Multi-Family Residential, "C" – Planned Center, and "O" – Office District Regulations, to "PD" – Planned Development District, Generally for Mixed Use – Retail, Office, Single Family, and "REC" – Regional Employment Center Overlay District.

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

1. The subject property shall develop according to the attached general development plan, urban design plans, see Exhibits "B", "C", and "D".

2. The subject property develop according to the Regional Employment Center (REC) Overlay District standards, and as amended.
3. The applicant provide a 6' screening wall between the parent tract and the residential tract to the west while leaving a break adjacent to the open space as per the general development plan.
4. The applicant install one large tree (minimum 3" caliper and 3' tall at time of planting) per 40 linear feet of street frontage and 4' berming along FM 720 and Lake Forest Drive if the retail buildings are not constructed concurrently with the big box user.
5. Approval of building elevations for the retail buildings along FM 720 and Lake Forest Drive are required as part of the site plan approval process. Elevations should be in keeping with the principles of the REC with regards to compatible architectural style, streetscape and building materials and must meet the requirements of Section 41-214 Architectural and Site Standards of the City of McKinney Zoning Ordinance.
6. The outdoor display area shall be enclosed by a 4' masonry wall with decorative ornamental iron fencing above not less than eight feet (8') in height.
7. Landscaping shall be planted along the front side of the outdoor display area and maintained at a height of 3 feet. Landscaping shall be planted at the side of the fence and maintained at a height of 6 feet.
8. Big box retail building shall be one hundred percent (100%) masonry and match the attached building elevation, see Exhibit "E".
9. Parking spaces be 9.5' x 18'.

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 \$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 5.

That 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 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 21st DAY OF JANUARY, 2003.


DON DOZIER, Mayor

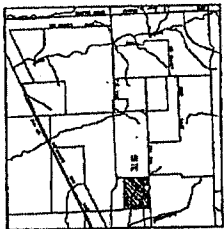
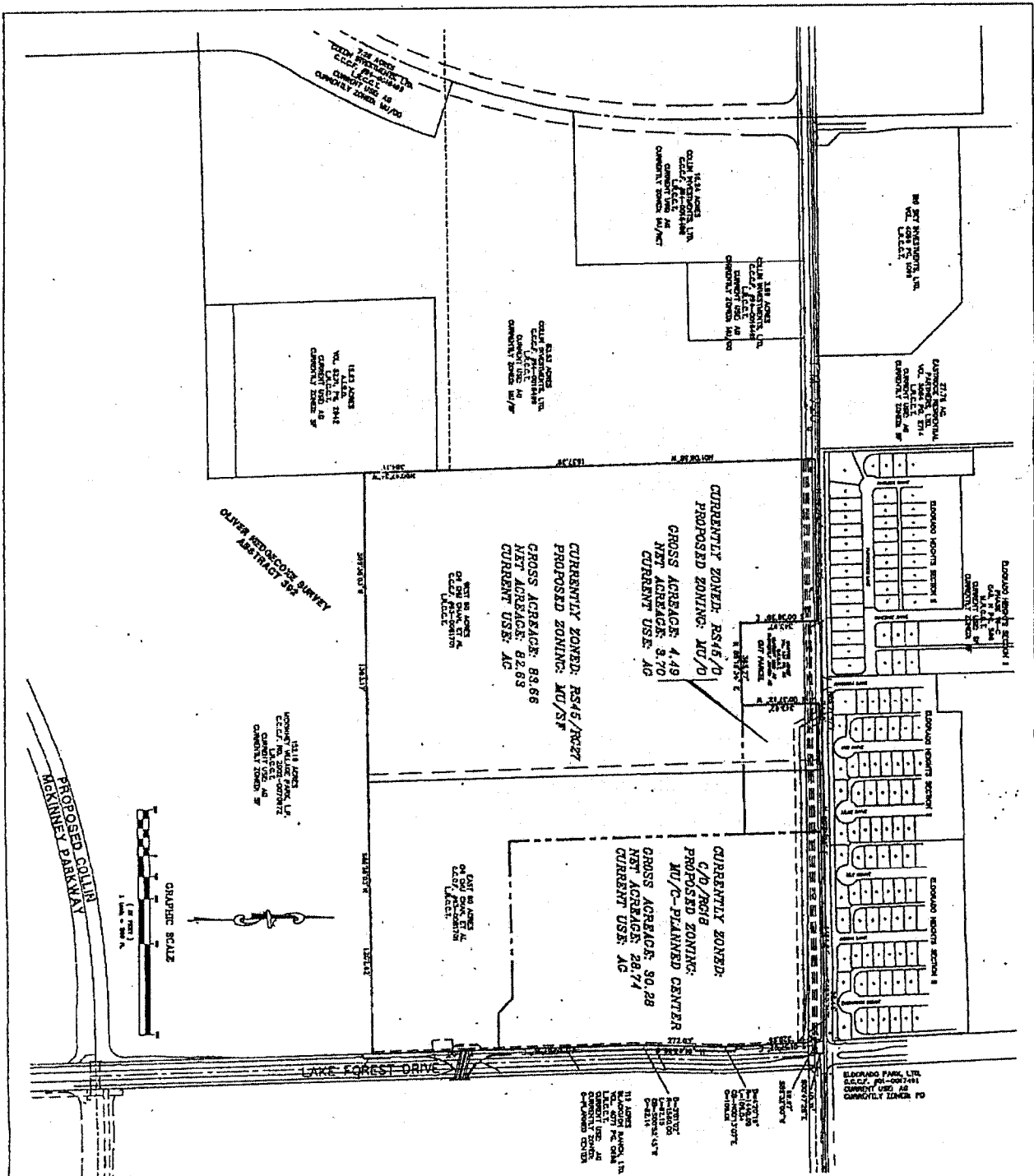
ATTEST:


JENNIFER SPROULL, City Secretary
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

EXHIBIT A



NOTICE TO CONTRACTORS

The undersigned hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief, and that he is not aware of any facts or circumstances which would render the same misleading or incomplete. He further certifies that he is not aware of any facts or circumstances which would render the same misleading or incomplete.

NOTICE TO CONTRACTORS

The undersigned hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief, and that he is not aware of any facts or circumstances which would render the same misleading or incomplete. He further certifies that he is not aware of any facts or circumstances which would render the same misleading or incomplete.

EXHIBIT A FOR ZH
CHI CHU CHAN, ET AL
OLIVER HEDGECOX SURVEY, ABST. NO. 392
 NOVEMBER 11, 2002

Kimley-Horn and Associates, Inc.
 1000 WEST HOLLAND AVENUE
 FORT WORTH, TEXAS 76102
 PHONE: 817.339.3333
 FAX: 817.339.3333

Scale:	AS SHOWN
Designed by:	JMS
Drawn by:	FSC
Checked by:	JMS
Date:	NOVEMBER 9, 2002
Project No.:	007207002

ZONING EXHIBIT

CHAN TRACT
 McKinney, Texas

Kimley-Horn and Associates, Inc.
 1000 WEST HOLLAND AVENUE
 FORT WORTH, TEXAS 76102
 PHONE: 817.339.3333
 FAX: 817.339.3333

EXHIBIT B

General Planned Development Standards For Approximately 118 Acres Chan Tract

I. Purpose and Intent

In keeping with the purpose of the award-winning Regional Employment Center study, the purpose of this planned development is to provide a framework for high quality commercial, office, and supporting residential uses.

II. Special Provisions

All development shall be subject to the Design Guidelines of the McKinney Regional Employment Center as adopted at the date of approval of this Planned Development or as subsequently modified by the City unless noted herein. If any conflicts arise between these Planned Development Standards and any future changes to the McKinney Regional Employment Center Design Guidelines the Planned Development Standards shall prevail. These PD standards adopt the McKinney Regional Employment Center Design Guidelines Schedule of Uses. Where the Planned Development Standards are silent, the McKinney Regional Employment Center Design Standards, or future amendments shall prevail. Future changes shall only apply to any undeveloped properties or to any properties that are not in the process of design or review.

Parent zoning district tract shall mean each zoning tract as defined upon adoption of this ordinance. The applicant shall be responsible for documenting development totals for individual tracts and the remaining mixed-use development capacity for the original parent zoning district tract as development applications are submitted. Tracts may be reconfigured within their respective parent tracts as part of an updated General Development Plan.

Prior to approval of a Preliminary Plat or a Site Plan for any one parcel, a detailed General Development Plan shall be submitted for approval. The General Development Plan shall illustrate the proposed development as well as the parent zoning tract the development lies within. Staff may require that this General Development Plan include key off-site constraints that may impact development of the property. The applicant shall be required to include the following items on the general development plan exhibit:

- All necessary conceptual site plan requirements (scale, north arrow, etc.)
- Proposed uses and proposed building locations and dimensions
- Lot patterns
- Street network (including the designations of Type A streets, arterials, collectors, etc.)

- Land use calculations (total number of acres, percent by type, etc.)
- Open space designations

Items to be considered by staff as part of the approval process shall include the following:

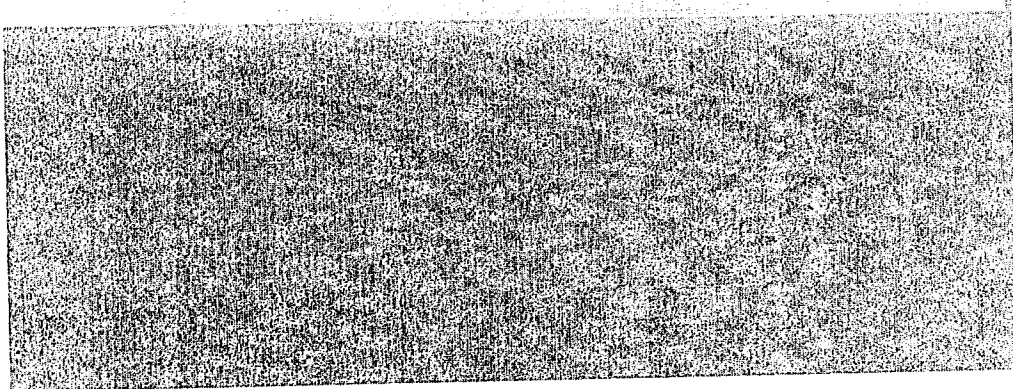
- Adherence to the McKinney Regional Employment Center Overlay Design Guidelines
- Street network (Type A, Type B, collectors, arterials, etc.)
- Pedestrian connectivity and open space allocation
- Mix of land uses

III. Non-Residential Development Standards

A. Mixed Use / Commercial (Tract MU / C)

1. The Mixed-Use/Commercial District is located at the southwest intersection of FM 720 and Lake Forest Drive, and presents the opportunity for the creation of a commercial and office development.

This district shall be developed in accordance with the "C-Planned Center" District regulations of the City of McKinney Zoning Ordinance 1270, and as amended, except as follows:



- a. Maximum Floor Area Ratio (FAR): 2.0 : 1.0 F.A.R.
- b. Minimum Height: 1 stories
- c. Maximum Height: 4 stories
- d. For buildings along "Type A" streets, the setbacks shall follow the build-to guidelines as set forth in the McKinney Regional Employment Center Design Guidelines.
- e. For buildings of less than 20,000 sq. ft. and facing major arterials (F.M. 720, Ridge Road and Lake Forest Rd.) the buildings should be constructed on a "build-to" line as indicated in the REC guidelines. Commercial buildings of greater than 20,000 sq. ft. shall be set back away from the intersection.
- f. Pedestrian ways shall be integrated into the design to connect the smaller retail with the larger retail. Additionally, these pedestrian connections should promote foot traffic from the adjacent residential neighborhoods.
- g. Decorative lighting poles and fixtures shall be required on the commercial property. These fixtures shall help promote a sense of place.
- h. Parking: Parking should be located to the interior of the Commercial tract. Parking directly adjacent to FM 720 or Lake Forest Drive should be avoided. The parking requirements for the smaller retail tracts immediately adjacent to FM 720 or Lake Forest Drive shall be allowed but not required as shared parking. In order to provide for maximum flexibility but to avoid "over-parking" the site, shared parking will be encouraged and allowed but not required. Parking spaces shall be allowed at nine and one-half feet (9.5') in width. The main entrances to the site from Lake Forest Drive and 720 shall be designed as zero parking internal collectors.
- i. Primary Uses:
 - i. This tract is intended to develop as a commercial center with both large footprint buildings as well as smaller footprint buildings.
 - ii. On the general development plan for this tract, "Type A" streets have been illustrated as a framework. "Type A" streets typically have build to lines and on street parking to frame the outdoor pedestrian experience. The McKinney Regional

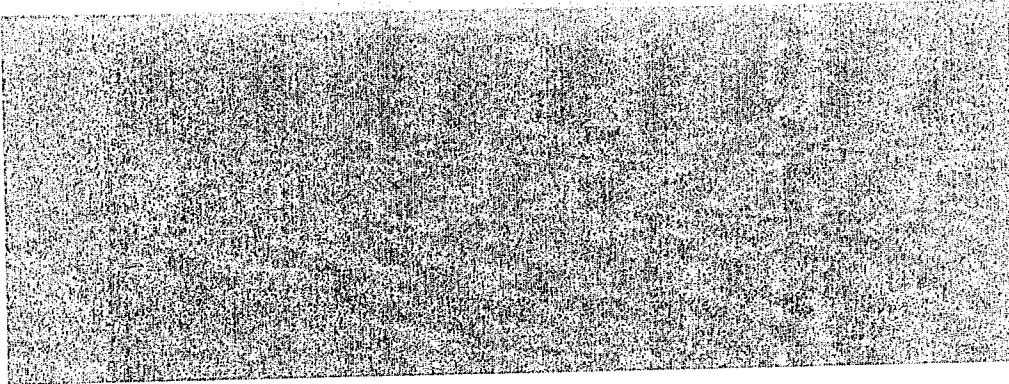
Employment Center Type A street guidelines shall apply.

- iii. On the general development plan for this tract, "Open Spaces" have been illustrated as a framework for pedestrian connections. The open spaces in this tract illustrate the intent to provide for urban spaces, civic plazas and pedestrian connections that enhance the urban experience. Open space shall be calculated using the REC guidelines.
- iv. Along Lake Forest Drive, additional landscaping and berming shall be provided to provide for a pedestrian relationship to Lake Forest Drive.

j. Secondary Uses

- i. Secondary uses shall not comprise of more than fifty percent (50%) of the permitted F.A.R. for the original parent zoning district tract.
- ii. Retail and Service Uses: Retail and service uses shall be required to be integrated into the development to create a lively urban experience. For these uses,

Retail and service uses shall be provided along FM 720 and Lake Forest Drive in such a manner as to create a pedestrian context. Private clubs shall be allowed in this tract by Special Use Permit as per the City of McKinney ordinance.
- iii. Secondary uses shall have four-sided architectural finishes primarily to promote a store-front façade on both the right-of-way side as well as side that faces the interior. The facades that face Lake Forest Drive and FM 720 should be designed to be pedestrian friendly with overhangs, awnings, raised planter boxes, streetside entryways, and storefront windows.
- iv. For the secondary uses, a unified sign plan shall be submitted to the City of McKinney as part of the site planning process to ensure compatible and complementary signage. Wall signs shall be limited. Signage shall be required to maintain an aesthetic appeal that helps to promote a pedestrian oriented area.



- v. Residential Uses: Residential uses shall be allowed and developed at a minimum density of 20 units to the acre to a maximum density of 40 units to the acre and shall be developed according to the McKinney Regional Employment Center Design Guidelines as adopted or as amended in the future. These developments shall be in keeping with a dense urban environment. Permitted residential uses comprise the following:

- Dwellings above non-residential uses (live-work units)
- Multiple-family dwelling (apartment), more than four units per building

Ground floor, non-residential uses may be permitted within residential structures.

A special use permit may be requested by the applicant to allow for redevelopment. The Planning Director may issue a special use permit to allow for future density changes for redevelopment purposes. For example, redevelopment of an existing office building to allow for residential uses at densities other than those specified herein.

B. Mixed Use / Office (Tracts MU / O)

1. Mixed Use / Office Districts are intended for professional and administrative office uses.
2. This district shall be developed in accordance with the "O-1" - Neighborhood Office District regulations of the City of McKinney Zoning Ordinance 1270, and as amended, except as follows:
 - a. Maximum Floor Area Ratio: 1.0:1.0 F.A.R.
 - b. Structures on tracts abutting F.M. 720 and Lake Forest Drive shall be a maximum of 4 stories.
3. Primary uses: Primary uses shall be those permitted in the "O" - Office District in the City of McKinney Regional Employment Center use chart as adopted or as amended.
4. Secondary Uses: Secondary uses generally found in the Retail Schedule of Uses in the City of McKinney Regional Employment Center Design Guidelines as adopted or as amended in the future shall be allowed. Private clubs shall be allowed in this tract by Special Use Permit as per the City of McKinney ordinance. Attached Residential Uses shall also be allowed as secondary uses. Residential uses shall be allowed in

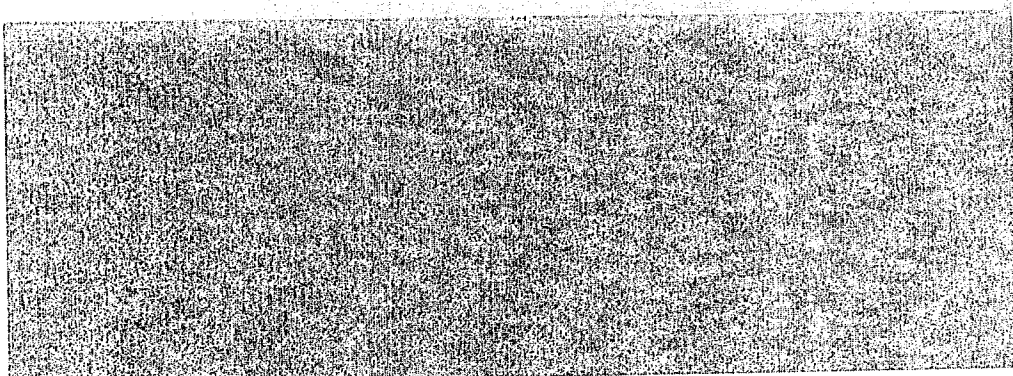
accordance with the McKinney Regional Employment Center Design Guidelines as adopted or as amended in the future. These developments shall be in keeping with "live-work" units and/or urban style developments. Permitted residential uses comprise the following:

- Dwellings above non-residential uses (live-work units as generally defined as residential units that provide for limited office or retail space and limited general commercial activity)
- Multiple-family dwelling (apartment), four or more units per building
- Because of the proximity to residential zoning, these attached residential uses shall be limited to 55 feet in height.

IV. Residential Development Standards

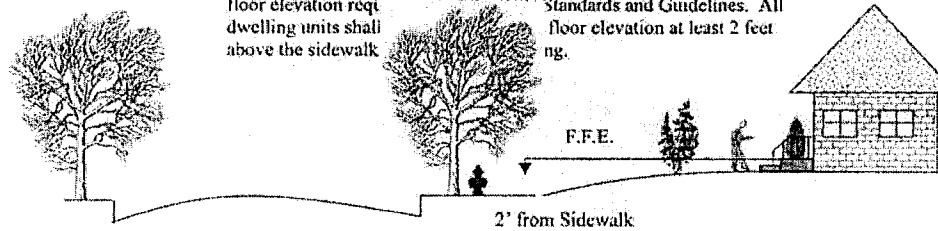
A. Mixed Use/Low Density Residential (Tracts MU/SF)

1. This property is located in the Allen Independent School District. An elementary school site is not required on this site since AISD has purchased a property southwest of this property for an elementary school site.
2. All low density residential single-family development within these tracts shall be developed generally in accordance with the "RS 60" - Single-Family Residence District as described in the City of McKinney Zoning Ordinance 1270, and as amended, with the following exceptions:
 - a. Minimum Average Density: Four (4) units per net acre
 - b. Housing Mix: A minimum of five percent (5%) of at least four of the following housing types shall be required in the development of Tracts MU/SF:
 1. Houses on large lots over 70 feet wide (RS 84)
 2. Houses on standard lots 50 to 70 feet wide (RS 60)
 3. Houses on small lots less than 50 feet wide (RS 45)
 4. Townhouses (RG 27)
 5. Two-family dwellings (Duplexes) (RD 30)
 6. Three- / Four-family dwellings (Three and fourplexes) (RG 25)
 7. Multiple-family dwellings (Apartments) with more than four units per building (RG 18)
 - c. Setbacks, and build to lines: As required by the McKinney Regional Employment Center Design Guidelines as adopted or amended in the future. Front porches shall be allowed to extend beyond the build-to-line. For homes with front loading garages, the garage setback shall be



measured from the façade of the home or the extended porch whichever is closest to the front property line. Garage setback should be at least 5 feet beyond the front façade of home or porch.

- b. In keeping with a neo-traditional neighborhood design, the exterior shall be softened to help create a more positive pedestrian experience. Of particular importance shall be the use of street trees and trees on individual lots that are designed to create an outdoor canopy or room. Additionally, the use of colors and materials shall be subdued in tone and nature. Hardy Plank material shall be allowed as an acceptable masonry material for residential development.
- c. Stamped colored concrete shall be used instead of brick pavers at certain intersections to enhance the public safety and aesthetic appeal.
- d. The graphic below illustrates an allowable option to address the finished floor elevation requirements. Standards and Guidelines. All dwelling units shall have a finished floor elevation at least 2 feet above the sidewalk.



IV Landscaping: The landscaping of all development with this Planned Development shall conform to the requirements of the McKinney Regional Employment Center Design Guidelines as adopted or amended in the future.

V Lighting: The lighting poles and standards shall be of decorative nature as to enhance the pedestrian experience. All lighting performance measures and spacing requirements shall comply with the City of McKinney's Lighting Ordinance.

VI Road designs: Roads shall be designed in accordance with the City of McKinney adopted road schematics. Presently, FM 720 and Lake Forest Drive are noted as a Major 6-lane divided arterials on 120' ROW. Internal roads shall meet all right-of-way, radius and curb design standards as adopted by the City of McKinney.

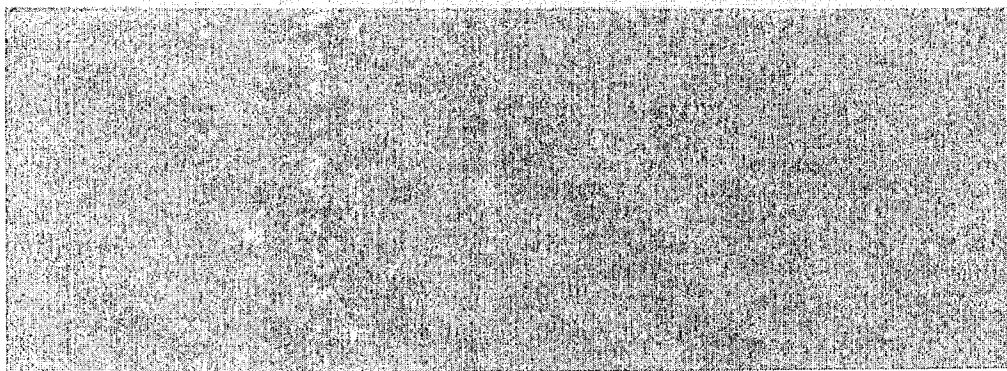
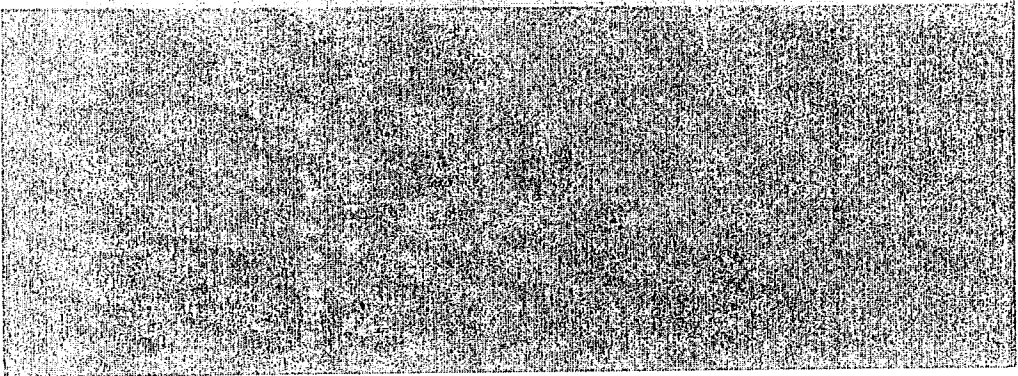
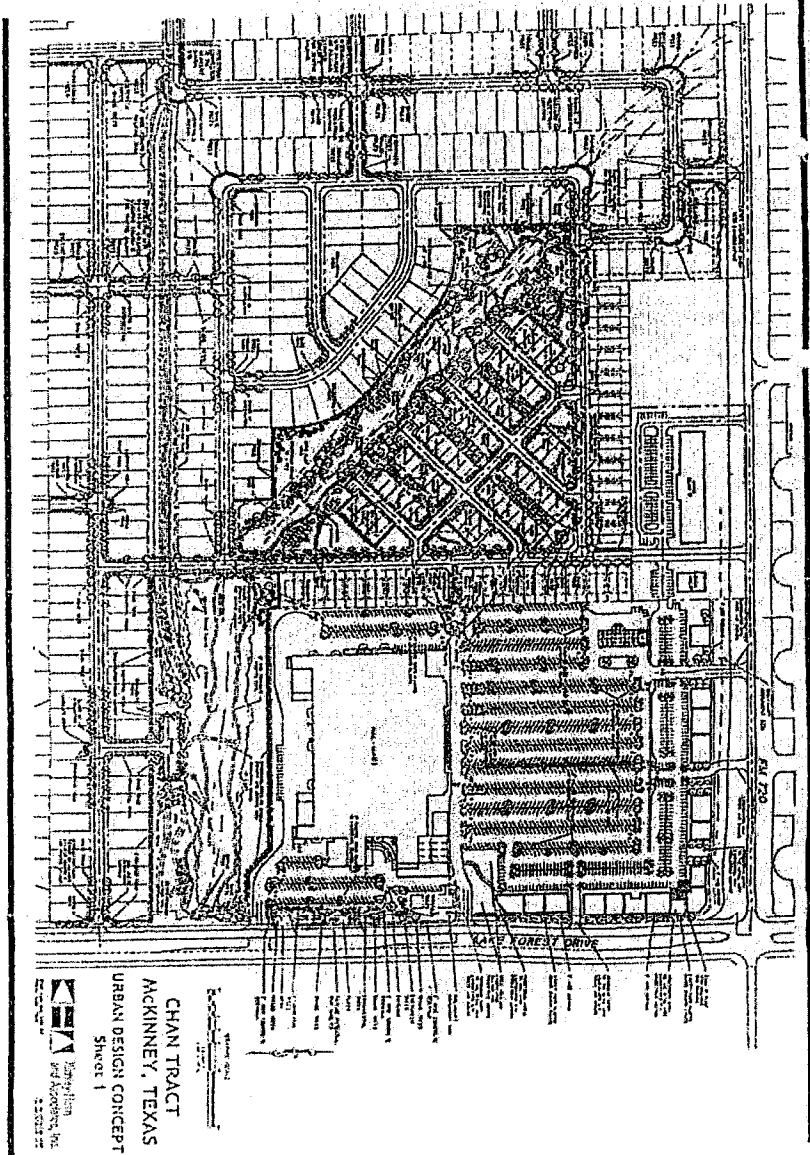
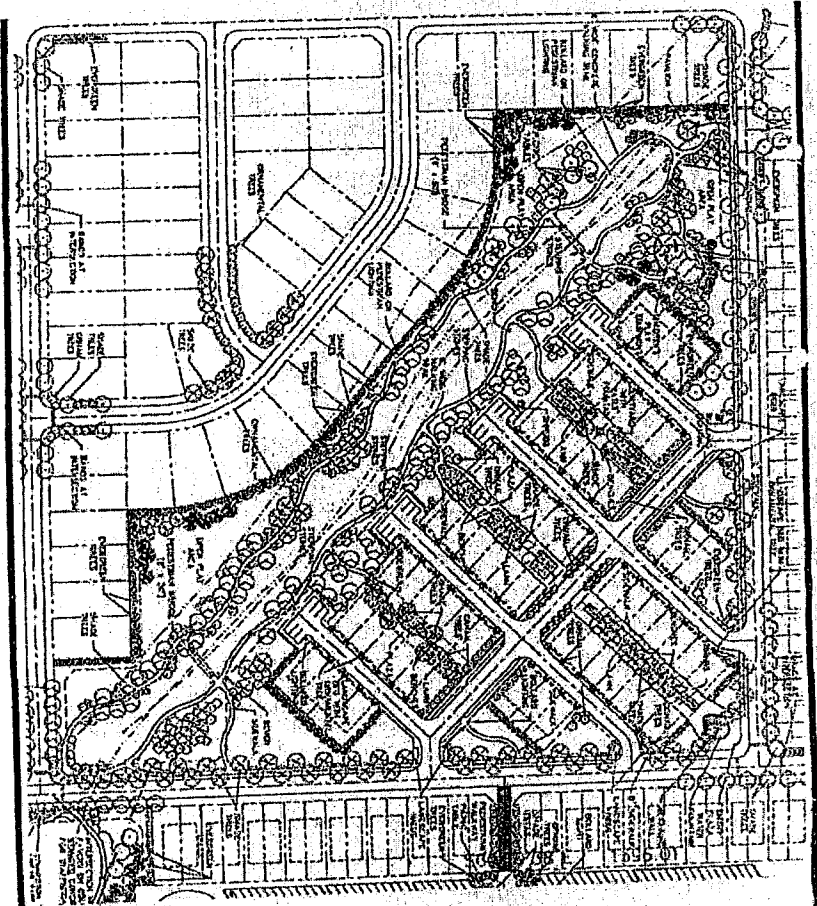
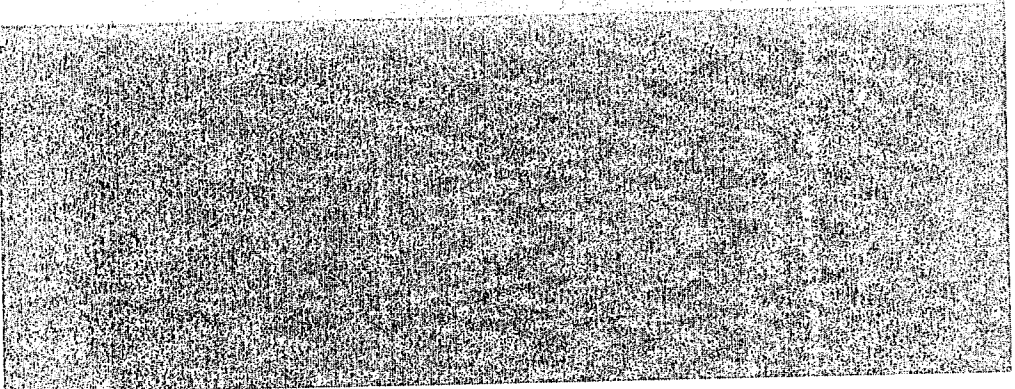
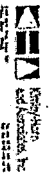


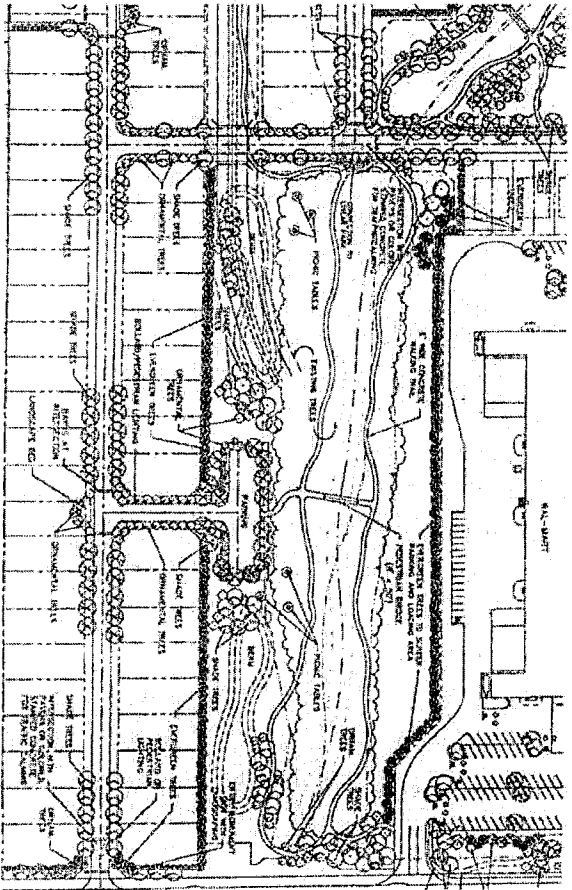
EXHIBIT D





CHAN TRACT
McKINNEY, TEXAS
 URBAN DESIGN PLAN
 TOWNHOME & OPEN SPACE
 SHEET 2





CHAN TRACT
 MCKINNEY, TEXAS
 URBAN DESIGN PLAN
 OPEN SPACE
 SHEET 3


 Kohn Pedersen
 Fox Associates, Inc.
 200 West Street
 New York, N.Y. 10038

