

ORDINANCE NO. 2002-03-019

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 530 ACRES LOCATED AT THE SOUTHWEST CORNER OF RIDGE ROAD AND F.M. 720, IS REZONED FROM "AG" – AGRICULTURE DISTRICT AND "PD 1745" – PLANNED DEVELOPMENT DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT USES, INCLUDING SINGLE FAMILY RESIDENTIAL USES, MIXED USES, RETAIL AND OFFICE 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 or owners of 530 acres located at the southwest corner of Ridge Road and F.M. 720, which is "AG" – agriculture district and "PD 1745" – Planned Development District, have petitioned the City of McKinney to rezone said tract to "PD" - Planned Development District, generally for "REC" – Regional Employment Center Overlay District uses, including single family residential uses, mixed uses, retail and office uses, made part hereof for all purposes; and,

WHEREAS, after due notice of such requested zoning change 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, the City Council is of the opinion that such zoning change should be made.

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

Section 1. Ordinance No. 1270 is hereby amended so that 530 acres located the southwest corner of Ridge Road and F.M. 720, which is more fully depicted on the locator map attached hereto, is hereby rezoned from "AG" – Agriculture District and "PD 1745" – Planned Development District to "PD" - Planned Development District, generally for "REC" – Regional Employment Center Overlay District uses, including single family residential uses, mixed uses, retail and office uses.

Section 2. Use and development of said tract shall be developed according to the attached Zoning Exhibit depicted on Exhibit "A" and the General Planned Development Standards depicted on Exhibit "B" and shall conform to all regulations applicable to the McKinney Regional Employment Center Design Guidelines, as set forth in Section 41-94 of the City of McKinney Code of Ordinances, and as amended from time to time, except for the following:

1. Lot area standards.

Section 3. No developer or property owner shall acquire any vested interest in this Ordinance. This Ordinance and the subsequent regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

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.

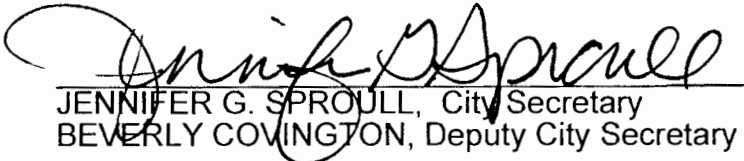
Section 5. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue 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 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.

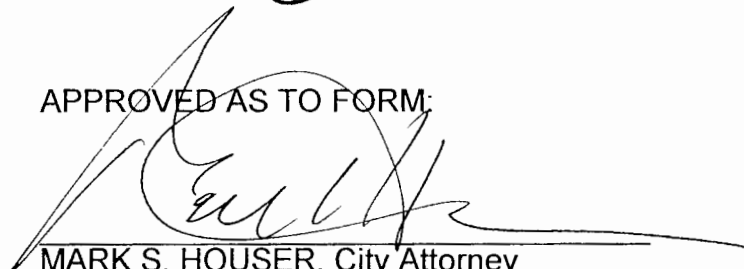
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 5th DAY OF MARCH, 2002.


DON DOZIER, Mayor

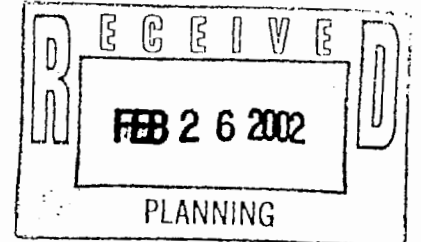
CORRECTLY ENROLLED:


JENNIFER G. SPROULL, City Secretary
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

**General Planned Development Standards
For Approximately 523 Acres**



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 employment center, mixed-use activity nodes, and supporting residential and commercial uses within the central portion of the McKinney Regional Employment Center (REC).

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 between these Planned Development Standards and any future changes to the McKinney Regional Employment Center Design Guidelines relative to lot area standards should occur, 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 any 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. See Exhibit "C".

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 approved 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 entire 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

EXHIBIT "B"

III. Non-Residential Development Standards

A. Mixed Use/Employment Center (Tract MU/EC-1)

1. The Mixed-Use/Employment Center District is located within the core of this Planned Development District and of the McKinney REC, and presents the opportunity for the creation of a commercial and office developments with limited integrated residential uses.

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

- a. Maximum Floor Area Ratio (FAR): 7.5 : 1.0 F.A.R.
- b. Minimum Height: 2 stories (except as amended at the discretion of the Planning Director)
- c. Maximum Height: 15 stories (no building shall be greater than 4 stories within five hundred feet (500') of any single family zoned development)
- 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 facing major arterials (F.M. 720, Ridge Road and Stacy Rd.) the Director of Planning shall have the authority to require additional setbacks up to twenty-five feet (25').
- f. Primary Uses:
 - i. This tract is intended to develop as an urban office development. This tract is intended to have a much more "urban feel" than the typical commercial/retail development.
 - ii. Hotels shall be allowed and encouraged on this tract.
 - iii. On the general development plan for this tract, "Type A" streets have been illustrated as a framework for the anticipated dense urban development. "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.
 - iv. 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 Generals, civic plazas and pedestrian connections that enhance the urban experience.
- g. Secondary Uses
 - i. Secondary uses shall not comprise of more than twenty five percent (25%) 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 that emphasizes the vertical

"mixed-use" concept and provides support uses for the primary uses

Retail and service uses shall be provided at a minimum of two percent (2%) and a maximum of seven and one-half percent (7.5%) of the permitted F.A.R. for the original parent zoning district tract. Private clubs shall be allowed in this tract by Special Use Permit as per the City of McKinney ordinance.

- iii. Residential Uses: Residential uses shall be required and developed at a minimum density of 24 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

In order to encourage mixed-uses, residential uses shall be provided at a minimum of ten percent (10%) to a maximum of twenty percent (20%) of the permitted F.A.R. for the original parent zoning district tract. 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.

- h. Open space shall be provided within Tract MU/EC-1 at the rate defined in the McKinney Regional Employment Center Design Guidelines as adopted or as amended in the future.

B. Employment Center (Tract EC-1)

1. The Employment Center District is intended for corporate headquarters, office campuses and/or light, clean industrial complexes. Although smaller scale buildings are permitted, this district is intended for uses necessitating larger buildings and parking lots. This district generally includes uses allowed within the "O" – Office District regulations of the City of McKinney Zoning Ordinance 1270 and those of the Regional Employment Center Schedule of Uses. If any conflicts between those two schedules exist, the Regional Employment Center schedule shall prevail.

- a. Maximum Floor Area Ratio: 2.5:0:1.0 F.A.R.
 - b. Minimum Height: 2 stories
 - c. Structures within nine hundred (900) feet of Collin-McKinney Parkway may have a maximum height of eight (8) stories per building.
 - d. All structures within five hundred feet (500') of single family residentially zoned tracts shall have a maximum height of 4 stories.
 - e. Maximum Height: 8 stories (except along Stacey Road between F.M. 720 and Ridge Road where the maximum height of fifteen (15) stories per building shall be allowed)
 - f. 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.
 - g. Secondary Uses: These uses shall be used only as a support system for the primary use of campus office. Secondary uses shall be required at no less than one percent (1%) but no greater than three percent (3%) of the permitted F.A.R. for this tract.
 - i. Retail – At least one percent (1%) of the secondary uses shall be retail uses as indicated for the "NC" – Neighborhood Commercial district in the City of McKinney Ordinance 1270 use charts.
 - ii. Commercial – At least one percent (1%) of the secondary uses shall be retail uses as indicated for the "BG" – General Business district in the City of McKinney Ordinance 1270 use charts.
 - h. Buildings shall be placed between arterials and the building's associated parking. A maximum of ten percent (10%) of the required parking shall be allowed in other areas on the lot.
- C. Mixed Use/General Office (Tracts MU/GO-1, MU/GO-2, MU/GO-3 and MU/GO-4)
- 1. Mixed Use/General Office Districts are intended for professional and administrative office developments supporting corporate and office uses in the "MU/EC" and "EC" districts, as well as for professional and administrative services.
 - 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: 2.0:1.0 F.A.R.
 - b. Structures on tracts abutting F.M. 720, Ridge Road and Stacey Road shall have a maximum of four (4) stories per building.
- D. Mixed Use/Retail/Office (Tracts MU/O-1/Ret and MU/O-2/Ret)
- 1. All development within these tracts shall be developed in accordance with the "O" – Office District as described in the City of McKinney Zoning Ordinance 1270, and as amended, with the following exceptions:
 - a. Maximum Floor Area Ratio: 5:1.0 F.A.R.

- b. Minimum Building Height: 2 stories
- c. Maximum Building Height: 15 stories
- d. No building within five hundred feet (500') of a residentially zoned tract shall exceed 5 stories.
- e. 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. Any development applications that are in progress or approved shall be governed by the then adopted Regional Employment Center Guidelines. Future changes shall only apply to any undeveloped properties or to any properties that are not in the process of design or review.
- f. 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. Private clubs shall be allowed in this tract by Special Use Permit as per the City of McKinney ordinance. Any development applications that are in progress or approved shall be governed by the then adopted Regional Employment Center Guidelines. Future changes shall only apply to any undeveloped properties or to any properties that are not in the process of design or review.
- g. Prohibited Uses: Uses involving automobile sales or service, motorcycle sales or service, and boat sales or services shall be prohibited.

E. Mixed Use/Retail (Tracts MU/RET-1 and MU/RET-2)

1. All development within these tracts shall be developed in accordance with the "BN" - Neighborhood Business District development standards as described in the City of McKinney Zoning Ordinance 1270, and as amended, with the following exceptions:
 - a. Primary Uses: Those uses found in the "Retail" in the City of McKinney Regional Employment Center Design Guidelines as adopted or as amended in the Future.
 - b. Secondary Uses: The following uses shall be allowed:
 - i. Attached Residential 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. 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.
 - ii. Residential uses may be provided to a maximum of ten percent (10%) of the permitted F.A.R. for the original parent zoning district tract. Ground floor, non-residential uses shall be permitted within residential structures.

F. Mixed Use/Entertainment (Tract MU/ENT-1)

1. The Mixed Use/Entertainment District is intended for leisure type developments (e.g. restaurants, commercial amusement, etc.) and generally includes uses allowed within the "C" – Planned Center District of the City of McKinney Zoning Ordinance 1270, and as amended, except as follows:
 - a. Maximum Floor Area Ratio: 2.5:1.0 F.A.R.
 - b. Maximum Building Height: 100 feet. (The Planning Director shall have the discretion to allow additional height)
 - c. Primary Uses: The following conditions shall apply to primary Uses:
 - i. Recreational and Entertainment Uses/Retail and Service Uses: Recreational and entertainment/retail and service uses shall be the primary use. In addition to those listed in the "C – Planned Center" District of the City of McKinney Zoning Ordinance 1270 Schedule of Uses, further permitted recreational and entertainment/retail and service uses comprise the following:
 - Amusement, commercial (indoor)
 - Amusement, commercial (outdoor)
 - Private Club (subject to Ch. 39, Art. II)
 - Restaurant or cafeteria (drive-in service and drive-through service)
 - Banks and financial institutions, no drive-up windows
 - Banks and financial institutions, including drive-up windows
 - Department or discount stores
 - Private club (subject to Ch. 39, Art. II)
 - Radio or TV broadcast studio
 - Swim or tennis club
 - Theater (indoor)
 - Theater (outdoor)

IV. Residential Development Standards

A. Mixed Use/Low Density Residential (Tracts MU/SF-1, MU/SF-2 and MU/SF-3)

1. As part of preparing this zoning case, the applicant has contacted both school districts (AISD and FISD). FISD has made a determination that no school shall be warranted on this property. AISD has been contacted and a school site has been planned for at some general location in the MU/SF-2 or MU/SF-3 areas. 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 ten percent (10%) of at least four of the following housing types shall be required in the development of Tracts MU/SF-1, MU/SF-2 and MU/SF-3:
 - i. Houses on large lots over 70 feet wide (RS 84)
 - ii. Houses on standard lots 50 to 70 feet wide (RS 60)
 - iii. Houses on small lots less than 50 feet wide (RS 45)
 - iv. Townhouses (RG 27)
 - v. Two-family dwellings (Duplexes) (RD 30)
 - vi. Three-/ Four-family dwellings (Three and fourplexes) (RG 25)

- vii. Multiple-family dwellings (Apartments) with more than four units per building (RG 18)
- c. Setbacks and "build-to lines" for the above listed housing types shall be governed by the City of McKinney Regional Employment Center Design Guidelines as adopted or as amended in the future. Any development applications that are in progress or approved shall be governed by the then adopted Regional Employment Center Guidelines. Future changes shall only apply to any undeveloped properties or to any properties that are not in the process of design or review.

B. High Density Residential (Tracts HDR-1 and HDR-2)

1. All high density residential development within these tracts shall be developed in accordance with the "RG 18" - General Residence District as described in the City of McKinney Zoning Ordinance 1270, and as amended, except as follows:
 - a. Tracts HDR-1 and HDR-2 shall be developed at a minimum net average density of thirty (30) units per acre to a maximum density of forty (40) units per acre. These tracts are envisioned as transition zones from the commercial districts within the central portion of the development to the low density residential developments proposed at the periphery of the Planned Development.
 - b. Height restrictions under "RG 18" district regulations shall not apply, but shall be subject to the following:
 - i. Two-stories for a distance of one hundred fifty feet (150') of a single-family zoned area.
 - ii. Buildings exceeding two stories in height shall be required to have additional minimum setbacks from single-family zoned areas. These additional minimum setbacks will be one foot (1') of setback, beyond the aforementioned one hundred fifty feet (150'), for each additional foot of building height above two (2) stories.
 - c. Primary Uses: The following conditions shall apply to primary uses:
 - i. Attached Residential Uses: Residential uses shall be the primary use. Permitted residential uses comprise the following:
 - Live/work units (live-work units are generally defined as residential units that provide for limited office or retail space and limited general commercial activity)
 - Multiple-family dwelling (apartment), more than four units per building
 - Dwellings above non-residential uses
 - Townhouses/Rowhouses (four or more units)
 - d. Secondary Uses: The following conditions shall apply to secondary uses:
 - i. Commercial, Retail and Service Uses shall be required at no less than five percent (5%) but no more than fifteen percent (15%) of the total tract and shall be developed as secondary uses to compliment the primary uses.

- ii. These uses shall be generally the commercial uses allowed in the Regional Employment Design Guidelines as adopted or as amended.

V. Landscaping

- A. A landscape plan should be submitted as per the requirements of the City of McKinney Zoning Ordinance 1270, and as amended. The landscape plan shall be approved in conjunction with the associated site plan. Landscaping should be provided in a manner that is in keeping with the design standards of the REC Design Guidelines and the character envisioned for the various components of the proposed Planned Development.

