

ORDINANCE NO. 2014-02-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 68 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF MARKETPLACE DRIVE AND U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY), IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO MODIFY THE ALLOWED LAND USES AND 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 68 acre property, located on the southeast corner of Marketplace Drive and U.S. Highway 75 (Central Expressway), which is more fully depicted on Exhibit C, attached hereto, from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District, generally to modify the allowed land uses and development standards; and,

WHEREAS, after due notice of the requested zoning 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. The Official Zoning Map is hereby amended in order to rezone an approximately 68 acre property, located on the southeast corner of Marketplace Drive and U.S. Highway 75 (Central Expressway), which is more fully depicted on Exhibit C, attached hereto, from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District.

Section 2. The subject property shall be zoned “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District, except as follows:

a. Use and development of the subject property shall conform to the attached development regulations (Exhibit A and 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 THE 4TH DAY OF FEBRUARY, 2014.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

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

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT A

“PD” – PLANNED DEVELOPMENT DISTRICT REGULATIONS

Use and development of the subject property shall conform to the regulations of Chapter 146 (Zoning Regulations) of the Code of Ordinances, and as amended, except as follows:

1. Space Limits.
 - a. Minimum lot width: none.
 - b. Minimum lot depth: none.
 - c. Minimum lot area: none.
 - d. Front Setback: 0 feet.
 - e. Side Setback: 0 feet.
 - f. Rear Setback: 0 feet.
 - g. Maximum Floor Area Ratio: none.
 - h. Maximum Building Height: 12 stories for office uses, hotel/event center uses and vertical mixed-use buildings (ground floor non-residential uses with multi-family residential uses above), three stories for all other land uses. Increases in maximum building heights up to and including 24 stories for office uses and 12 stories for vertical mixed-use buildings (ground floor non-residential uses with multi-family residential uses above) may be allowed with the City Council's discretionary approval of a site plan.
2. Permitted Land Uses. The subject property is intended to be a retail, office, and education destination. As such, uses consistent with that intent shall be allowed in addition to the uses specifically mentioned below:
 - a. A single hotel and event/conference center shall be allowed on the subject property
 - b. College, university or trade school
 - c. Commercial indoor amusement uses
 - d. 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
 - e. Mini-warehouse uses may be permitted when constructed in association with a related multi-family residential use
 - f. Nightclubs, theatres (indoor or outdoor), and other similar entertainment uses
 - g. Offices including professional and medical (may feature heliports or helistops)
 - h. Park, playground, or open space
 - i. Personal service uses including, but not limited to health and fitness clubs, gyms, and other similar uses
 - j. Private clubs with approval of a specific use permit
 - k. Radio and TV broadcast studio
 - l. Restaurants (indoor service only) – Maximum of eight pad sites
 - m. Retail uses. However, home improvement centers shall be prohibited. Home improvement centers are 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 as a home improvement center
 - n. Service uses including, but not limited copy shops, printing shops and other similar uses
 - o. Structured parking facilities
 - p. Urban multi-family residential uses which are vertically integrated with non-residential uses on the ground floor may be permitted with the City Council's discretionary approval of the use via the site plan approval process. Said uses should feature an urban development pattern, in part, by addressing adjacent streets and/or drive aisles in a pedestrian-oriented manner.
 - q. All uses that are not specified as being permitted shall be prohibited. However, the City Council may allow additional land uses that are not specifically mentioned herein on a case by case basis with the City Council's discretionary approval of the use via the site plan approval process.

EXHIBIT A

3. Parking Requirements.
 - a. Section 146-130 (Vehicle Parking) of the Zoning Ordinance, and as amended, shall be applicable except that no more than 30% of the parking provided for each use (except for restaurants on stand-alone pad sites) shall be in the form of surface parking.
4. Landscaping Requirements.
 - a. The requirements of Section 146-135 (Landscape Requirements) shall be applicable to the subject property except as modified herein. Additional landscaping (e.g. canopy trees, evergreen shrubs, berming, etc.) shall be provided, per the City Council's discretionary review and approval as part of the site plan approval process, to adequately break up large parking lots and to mitigate (to the extent possible) the visibility of areas including, but not limited to parking lots, the backs of buildings, loading areas, and service areas from adjacent rights-of-way or public use areas including, but not limited to sidewalks, mews, and public open spaces.
 - b. Landscape buffers adjacent to public streets may be reduced as needed to facilitate an urban design concept, subject to the City Council's discretionary review and approval.
5. Architectural and Site Standards. Building elevations shall be subject to the City Council's discretionary review and approval as part of the Site Plan approval process.
 - a. All buildings, including parking structures, constructed on the subject property shall satisfy the "other non-residential uses in non-industrial districts" requirements of Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance, and as amended. The architectural standards contained within the "CC" – Corridor Commercial Overlay District's regulations, and as amended, shall also be applicable.
 - b. The Council may require and approve building elevations that are not strictly in conformance with the requirements of the Zoning Ordinance if the Council determines such building elevations to be meritorious in nature.
6. Site Plan Approval. Site plans shall be subject to the City Council's ministerial review and approval, unless otherwise stated herein. However, any requested exceptions to the requirements of the Zoning Ordinance (e.g. alternate screening devices, landscape buffer reductions, etc.) shall be subject to the City Council's discretionary review and approval. In an effort to streamline the approval process, the Planning and Zoning Commission shall not be required to consider a proposed site plan prior to City Council consideration.
7. Land Plans and Related Development Concepts. Development of the subject property shall generally conform to the character and vision prescribed by the four development concepts attached hereto (Exhibit B). Deviation from the concepts reflected herein may be allowed by the City Council on a case by case basis but the overall character reflected therein should be preserved to the extent possible.

EXHIBIT B

GATEWAY - CONCEPT #1

CONCEPT STATEMENT

A new destination center in McKinney, Texas anchored by the new Hotel / Conference Center provides an environment for music and future job growth. Public amenities in the Gateway District include a central landscaped spine with walking/jogging trails, pedestrian benches, decorative lighting and an amphitheater venue for outdoor music. The landscaped spine links together hotel, convention, entertainment, and employment functions with an expanded Collin College campus for higher education.



DEVELOPMENT PROGRAM

Office	218,400 sf
Conference Hotel	145,000 sf
Conference Center	65,000 sf (186 keys)
Parking Structure (Shared)	3 levels
Collin College - Expansion	130,000 sf
Emerson Campus	128,300 sf
Research & Development	300,000 sf
Restaurant Pads 6 (Full Service)	36,000 sf
Amphitheater	200 person + lawn
Medical Office	15,000 sf



GATEWAY - CONCEPT #1

EXHIBIT B

- LEGEND:
- MIXED USE
 - PETRIAL
 - HOTEL
 - CONFERENCE CENTER
 - COLLEGE / HIGHER EDUCATION
 - OFFICE / MEDICAL OFFICE
 - EMERSON MFD
 - RESIDENTIAL
 - OPEN SPACE / TREES
 - ROADWAYS

25 MARCH 2012 SCALE: 1"=100'
CITY OF McMINNIE

CENTRAL EXPY

SRT NB TO US 76 NB
SPUR 399 WB TO CENTRAL EXPY NB

PULL SERVICE RESTAURANTS

ENTRANCE RAMP

GATEWAY BLVD

MARKETPLACE DR

MEDICAL CENTER DR

SPUR 399 WB

SPUR 399 EB

SH 121 SB

SH 121 NB

RESTAURANTS

GARAGE

HOTEL

CONFERENCE CENTER

OFFICE

EMERSON MFD

RESIDENTIAL

OPEN SPACE / TREES

ROADWAYS

AMPHITHEATER / OUTDOOR VENUE

EMERSON MFD

OFFICE

GARAGE

OFFICE

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EXHIBIT B

GATEWAY - CONCEPT #2

CONCEPT STATEMENT

This future destination center in McKinney, Texas is organized by a wide landscaped boulevard terminating at the new Hotel / Conference Center. The boulevard links together hotel, entertainment functions with employment and housing. Gateway Boulevard will have walking/jogging trails, pedestrian benches, water fountains and decorative lighting along it for hotel patrons, residents and employees of the district.



DEVELOPMENT PROGRAM

Office (5 story)	168,000 sf
Conference Hotel	145,000 sf (186 keys)
Conference Center	65,000 sf
Parking Structure (Shared)	3 levels
Retail	62,000 sf
Restaurant Pads 7 (Full Service)	42,000 sf
Medical Office	126,000 sf
Emerson Campus	128,300 sf
Townhouse/Urban Residential	390 units
Collin College	existing sf

EXHIBIT B

GATEWAY - CONCEPT #2



- LEGEND:**
- MIXED USE
 - RETAIL
 - HOTEL
 - CONFERENCE CENTER
 - COLLEGE / HIGH SCH.
 - OFFICE / MEDICAL OFFICE
 - EMERSON H+D
 - RESIDENTIAL
 - OPEN SPACE / TRAILS
 - ROADWAYS

25 MARCH 2017
 SCALE: 1"=100'
 CITY OF McMINNEY

EXHIBIT B

GATEWAY - CONCEPT #3

CONCEPT STATEMENT

A new destination center in McKinney, Texas is defined by an attractive outdoor pedestrian environment linking the new Hotel Center together with a Main Street Retail Village. The signature connection occurs at a circular pedestrian ring with lush landscape, walking paths and outdoor restaurant dining overlooking Gateway Lake. Emerson, Collin College, and a proposed Medical Office Campus will support employment growth on site.

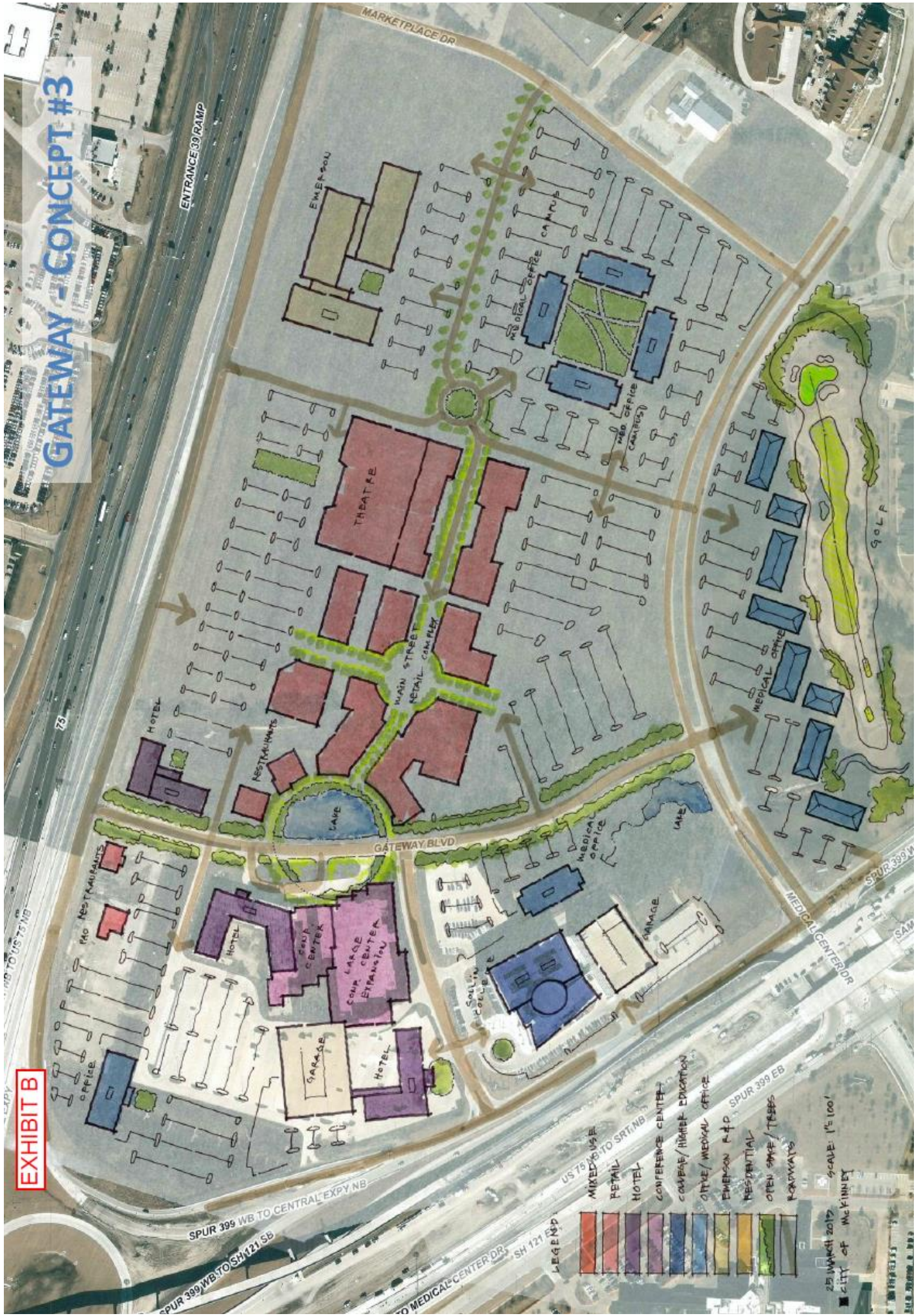


DEVELOPMENT PROGRAM

Main Street Retail	188,500 sf
Multi-Screen Theatre	73,000 sf
Conference Hotel	18 screens
	145,000 sf
	(186 keys)
Regional Conference Center	110,000 sf
Parking Structure (Shared)	4 levels
Hotel 2	150 keys
Hotel 3	120 keys
Restaurant Pads 4 (Sit Down Dining)	24,000 sf
Medical Office Campus	192,000 sf
Emerson Campus	128,300 sf
Office	60,000 sf
Collin College	existing sf

EXHIBIT B

GATEWAY - CONCEPT #3



LEGEND

- MIXED USE
- RETAIL
- HOTEL
- CONFERENCE CENTER
- COLLEGE/HIGHER EDUCATION
- OFFICE/MEDICAL OFFICE
- EMERSON P.P.
- RESIDENTIAL
- OPEN SPACE/TREES
- ROADWAYS

25 MARCH 2012
CITY OF MCKINNEY

SCALE: 1" = 100'

EXHIBIT B

GATEWAY - CONCEPT #4

CONCEPT STATEMENT

A new destination center in McKinney, Texas is defined by an attractive creek-side pedestrian environment linking together Conference Center, Collin College and a mixed-use commercial village. In this setting, families, students and visitors enjoy a relaxed outdoor environment filled with food and fun. Emerson and surrounding professional office development support employment growth within the Gateway District.



DEVELOPMENT PROGRAM

Main Street Retail	109,400 sf
Conference Hotel	145,000 sf (186 keys)
Regional Conference Center	110,000 sf
Mixed Use (Office/Residential over Retail)	285,000 sf
Parking Structure (Shared)	4 levels
Hotel 2	150 keys
Restaurant Pads 5 (Full Service)	36,000 sf
Emerson Campus	128,300 sf
Office	280,400 sf
Collin College (expansion)	34,000 sf
Townhouse (student/market)	224 units

EXHIBIT B

GATEWAY - CONCEPT #4

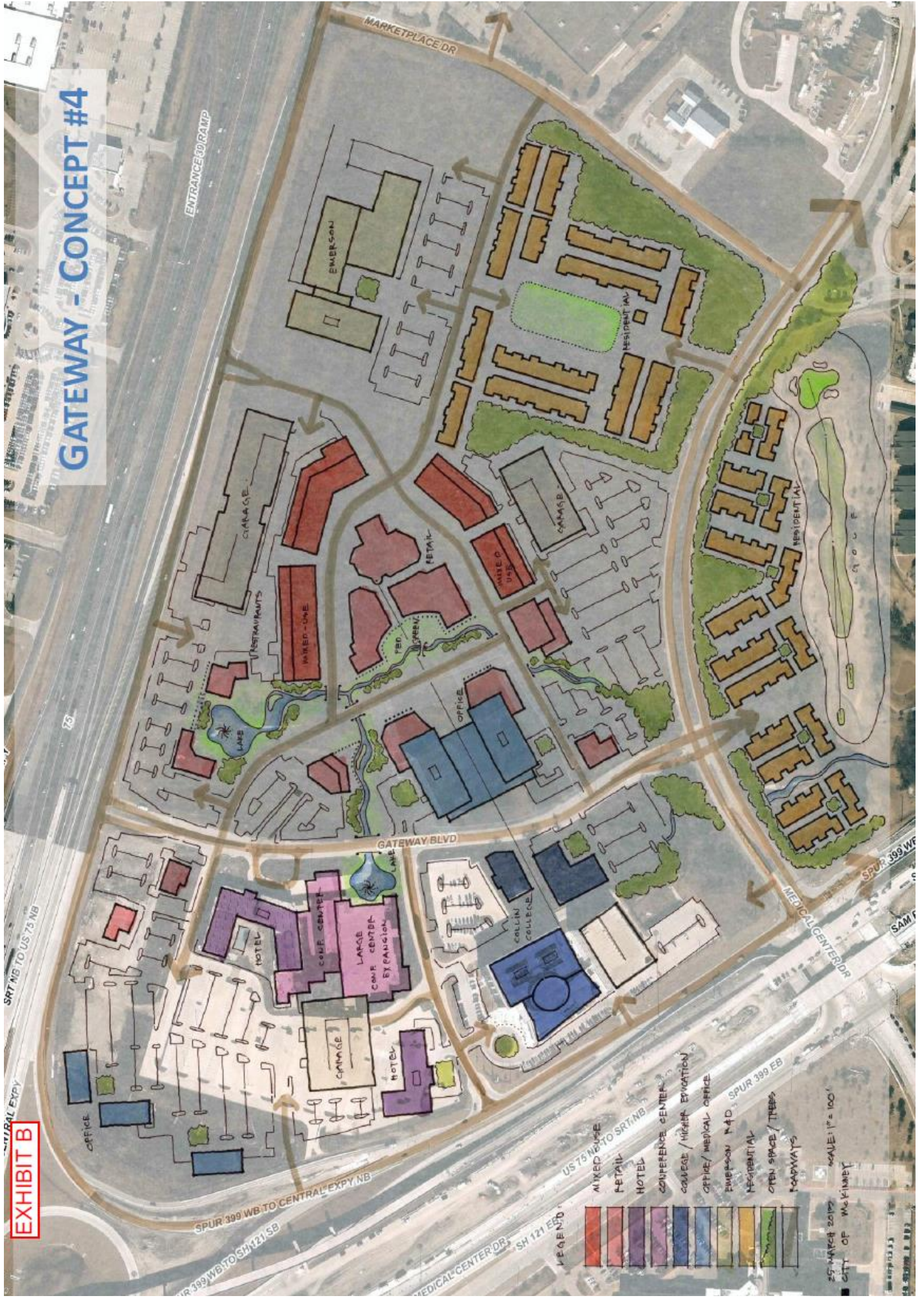
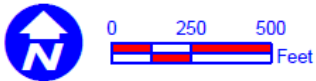
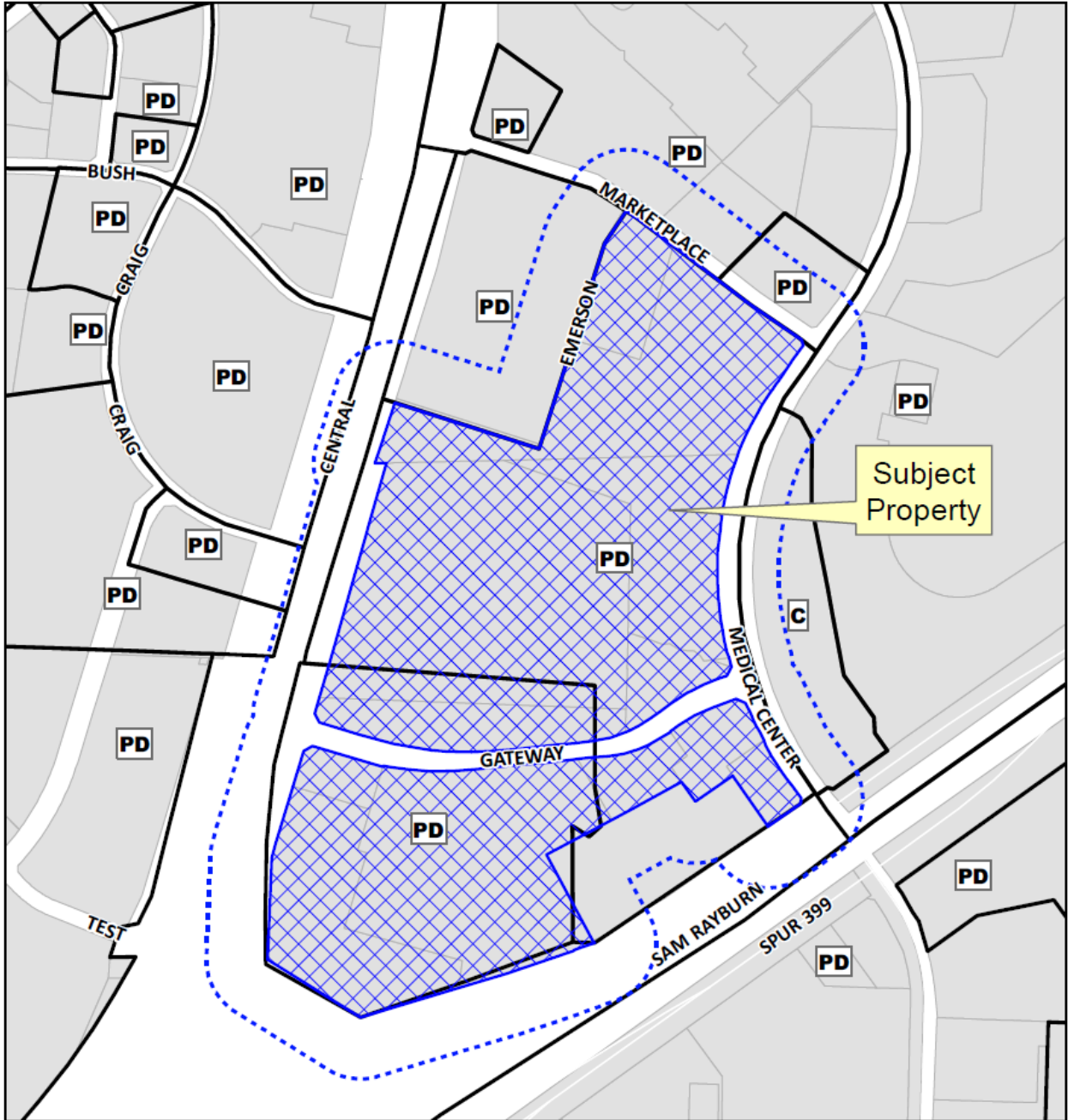


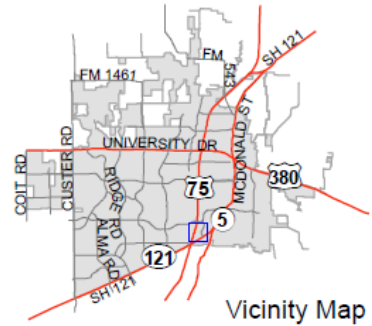
EXHIBIT C



Notification Map

Case: 13-230Z

--- 200' Notification Buffer



Vicinity Map