

ORDINANCE NO. 2013-10-099

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 41.64 ACRE PROPERTY IS REZONED FROM "C" – PLANNED CENTER DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS, LOCATED ON THE SOUTHEAST CORNER OF BLOOMDALE ROAD AND U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY); 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 41.64 acre property, located on the southeast corner of Bloomdale Road and U.S. Highway 75 (Central Expressway), which is more fully depicted on Exhibit "A", attached hereto, from "C" – Planned Center District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay 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. The zoning map is amended so that an approximately 41.64 acre property, located on the southeast corner of Bloomdale Road and U.S. Highway 75 (Central Expressway), which is more fully depicted on Exhibit "A", attached hereto, is rezoned from "C" – Planned Center District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District.

Section 2. The subject property shall develop in accordance with the "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, and as amended, except as follows:

1. The subject property shall develop in accordance with attached Development Regulations - 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.

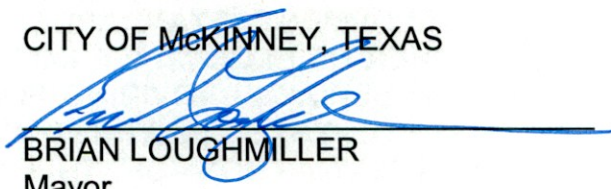
Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or

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 15th DAY OF OCTOBER, 2013.

CITY OF MCKINNEY, TEXAS


BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:


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

DATE: October 15, 2013

APPROVED AS TO FORM:

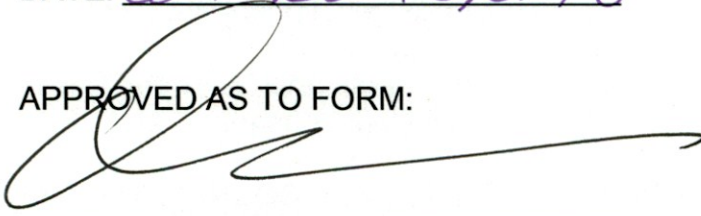
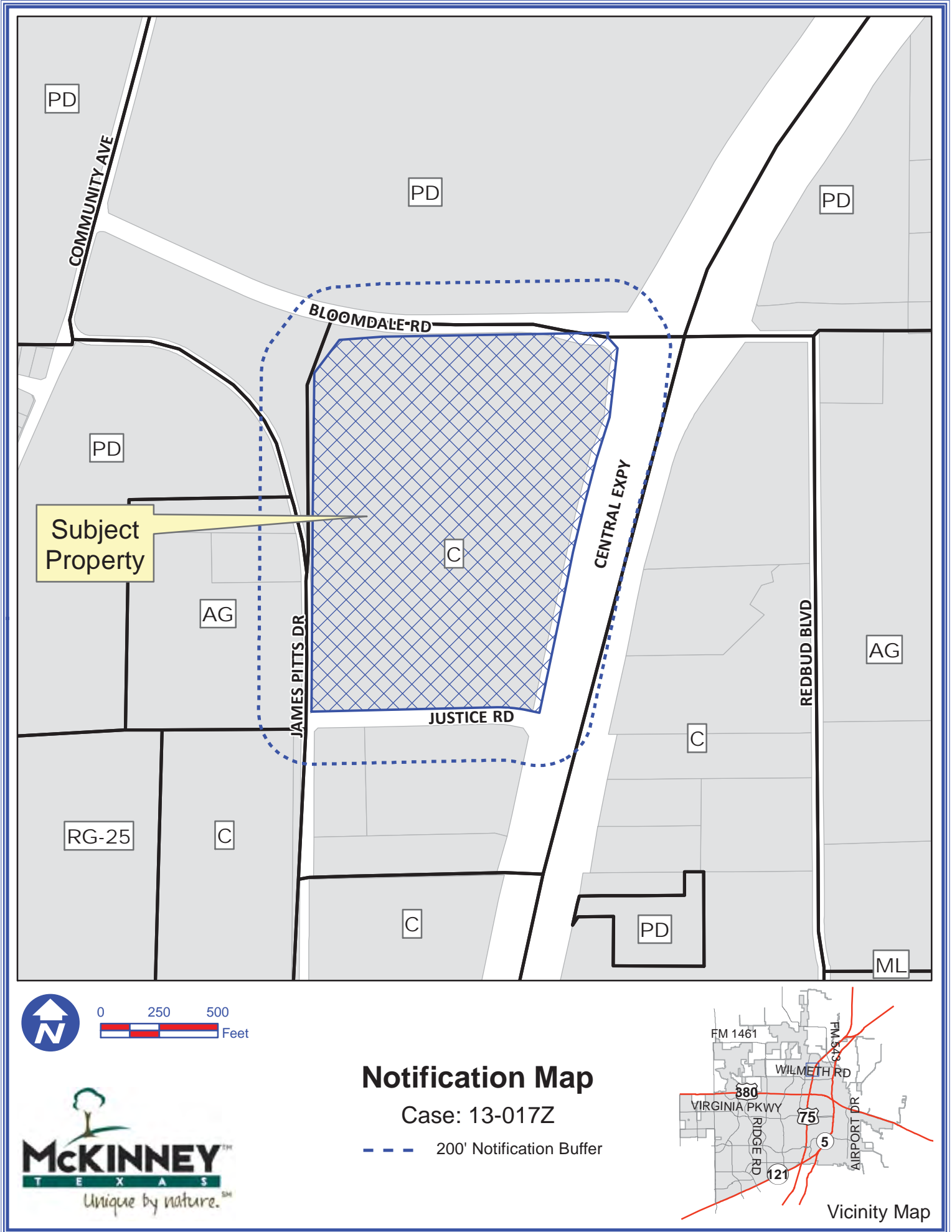

MARK S. HOUSER
City Attorney

Exhibit A



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

DEVELOPMENT REGULATIONS – EXHIBIT B

1. The subject property shall develop in accordance with the C - Planned Center District regulations of the Zoning Ordinance, and as amended, except as follows:
 - a. All buildings fronting along U.S. Highway 75 (Central Expressway) and/or Bloomdale Road shall be restricted to commercial and/or vertical mixed-use uses.
 - b. Multi-Family Residential Standards. Multi-family residential uses shall develop in accordance with the MF-2 – Multi-family Residential-Low Density District of the Zoning Ordinance, and as amended except as follows.
 - i. Space Limits:
 - a. Build-to lines. At least 50% of a building's facade shall be pulled forward to address the street, fire lane, or esplanade in an urban, pedestrian-oriented manner and designed to accommodate public and private utilities under drive lanes and/or sidewalks where possible. The following build-to lines shall be applicable:
 1. Adjacent to a public ROW: 20 feet to the property line.
 2. Adjacent to a fire lane or mutual access easement: 18 feet to the back of the curb behind on-street parking.
 3. Deviations from these standards by up to and including 10% may be approved by the Director of Planning and further deviations from these standards may be allowed as shown on the attached land plan or as otherwise approved by the Planning and Zoning Commission as part of the site plan approval process.
 - b. Building zones. All façade articulation (projections and/or recesses) shall occur in the area specified below:
 1. Adjacent to a public ROW: between 20 feet and 50 feet of the property line.
 2. Adjacent to a fire lane or mutual access easement: between 18 feet and 60 feet of the drive aisle's curb.
 3. Deviations from these standards by up to and including 10% may be approved by the Director of Planning and further deviations from these standards may be allowed as shown on the attached land plan or as otherwise approved by the Planning and Zoning Commission as part of the site plan approval process.
 - c. Maximum lot coverage. The maximum lot coverage shall be 50 percent however, if a structured parking facility is constructed, the maximum lot coverage shall be 90 percent.
 - ii. Maximum Density: 40 dwelling units per acre. The maximum density may be increased up to 60 dwelling units per acre in order to achieve a dense, urban character with the Planning and Zoning Commission's approval of a site plan if the development proposal reflects a high-quality, urban development.
 - iii. Minimum Parking Requirement: 1 parking space per bedroom. No less than 70% of such parking to occur within parking conditions including structured garages, tuck-under garages, and/or interior parking courts generally screened by buildings from primary street and public rights of

DEVELOPMENT REGULATIONS – EXHIBIT B

way views. Perimeter parking (streetscape parking provided within the attached Street Sections) shall be permitted, provided that no more than 30% of the overall required parking for residential uses shall be located within such conditions.

- iv. **Maximum Building Height:** 3 stories. This height may be increased up to 5 stories if the first floor of each multi-family residential building is built to non-residential standards and can accommodate future non-residential uses.
- v. **Architectural Standards:** All multi-family residential buildings shall satisfy the requirements for multi-family residential uses as specified in Section 146-139 of the Zoning Ordinance, except as modified herein:
 - a. The architectural character of all multi-family residential buildings shall generally conform to the attached building Elevation Concepts.
 - b. Windows in multi-family residential buildings need not be oriented away from single family uses.
 - c. The esplanades, town square, natural reserve, and pocket park as shown on the attached Open Space Master Plan shall be required and shall satisfy all amenity requirements for the subject property.
- vi. **Screening Devices:** No screening devices shall be required along multi-family property lines as they hinder the ability to achieve an urban character throughout the development.
- c. **Attached Single Family Residential Standards.** No more than 20% of the gross land area included within the limits shown on the attached Master Development Plan shall be utilized for this land use. Attached single family residential uses shall develop in accordance with the RG 27 – General Residence District regulations of the Zoning Ordinance, and as amended, except as follows:
 - i. **Space Limits:**
 - a. **Front Build-to line.** At least 50% of a building's facade shall be pulled forward to address the street in an urban, pedestrian-oriented manner. The build-to line shall be 15 feet except that deviations from these standards by up to and including 10% may be allowed by the Director of Planning and further deviations may be allowed as shown on the attached land plan or as otherwise approved by the Planning and Zoning Commission as part of the site plan approval process.
 - b. **Side Yard Setback.** 0 feet where a wall between dwelling units is shared and 10 feet elsewhere. All applicable sight visibility lines shall be maintained at all times.
 - c. **Rear Yard Setback.** 20 feet. All applicable sight visibility lines shall be maintained at all times.
 - d. **Minimum Lot Depth.** 80 feet.
 - e. **Maximum Density.** 18 dwelling units per acre.
 - f. **Landscaping.** Because canopy trees will be planted adjacent to every public street, no additional trees shall be required on individual lots.

DEVELOPMENT REGULATIONS – EXHIBIT B

- d. Detached single family residential uses shall be prohibited on the subject property.
- e. Landscaping. The requirements of Section 146-135 of the Zoning Ordinance, and as amended, shall apply except as follows:
 - i. Canopy trees shall be planted approximately 30 feet on center along every public street, fire lane, and mutual access easement. These trees may be clustered in rare cases where sign visibility, architectural visibility, or other reasonable visibility needs are present, subject to review and approval by the Director of Planning.
 - ii. Canopy tree placement shall occur between sidewalks and the adjacent vehicular driving lanes to create a sense of safety for the pedestrian. These trees shall occur in the following conditions:
 - 5' x 5' minimum paving leave-outs within sidewalk planted with irrigated ground cover
 - 5' x 5' minimum tree grates within sidewalk
 - Irrigated planters within head-in parking spacesDeviations may occur where necessary to address architectural design, engineering, fire, or other related needs.
- f. Sidewalks. Public sidewalks or sidewalks within a public pedestrian access easement with a minimum clear width of 6 feet shall be provided along all public streets (other than highways, arterials, and collectors), fire lanes, and mutual access easements. Sidewalks along highway, arterial, and collector roadways shall follow the standards of the Subdivision Ordinance and Street Design Manual, and as they may be amended.
- g. Fire Lanes. All fire lanes shall be 26 feet in width and shall be accompanied by an equally wide fire lane easement. However, where a 26 foot wide fire lane is not required by the International Fire Code or by the Fire Marshal's Office, a 24 foot wide fire lane shall be provided and said fire lane shall be accompanied by an equally wide fire lane easement. Deviations to this standard may be approved by the Fire Marshall on a case by case basis.
- h. The subject property shall generally conform to the attached Master Development Plan. The buildings reflected on the land plan are general representations of the intended development patterns. The building layout may change as necessary to facilitate architectural design, engineering, fire, or other related needs so long as the urban character and pedestrian-oriented design is preserved, subject to review and approval by the Director of Planning.

DEVELOPMENT REGULATIONS – EXHIBIT B

MASTER DEVELOPMENT PLAN

The Master Development Plan shown here shall serve as the overall development plan for the project. The acreage shown hereon reflects general areas and may be modified by up to 15% percent with written approval by the Director of Planning. Deviations of block and street dimensions by more than 15 percent but not more than 25 percent may be approved by the Planning and Zoning Commission. Lot lines may vary from the layout shown to respond to development needs.



DEVELOPMENT REGULATIONS – EXHIBIT B

OPEN SPACE MASTER PLAN

The Open Space Master Plan below shall serve as the guiding document for the locations and types of open spaces that are required within the development. The identified acreages may vary by up to 10% with written approval by the Director of Planning. Final acreages will be identified on preliminary-final plat for each block.

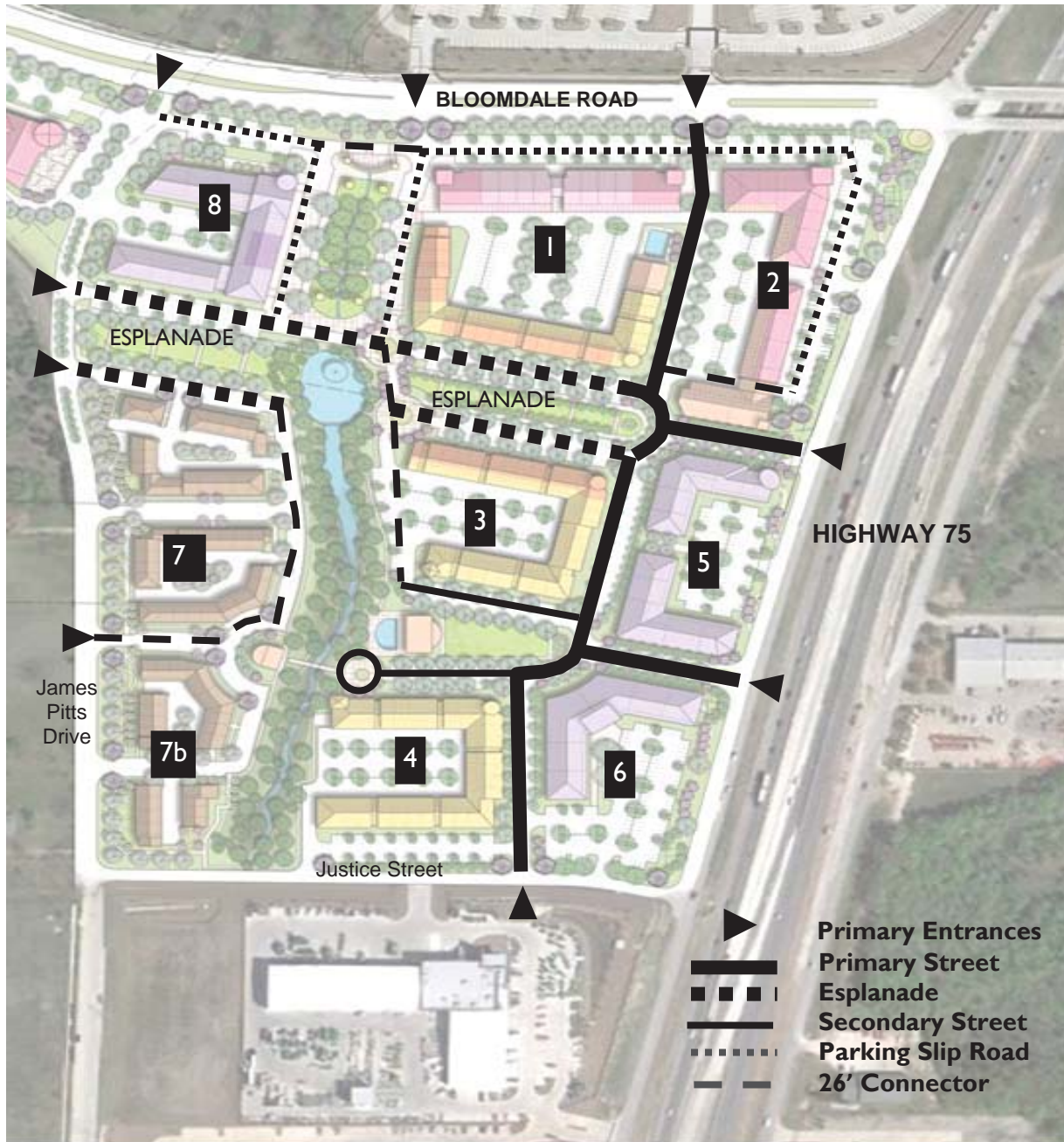


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|----|----------------|---------|----|---------------|---------|
| A: | Collin Square: | 1.66 ac | D: | Central Green | 3.96 ac |
| B: | Esplanade West | 1.07 ac | E: | Pocket Park | 0.35 ac |
| C: | Esplanade East | 0.80 ac | | | |

DEVELOPMENT REGULATIONS – EXHIBIT B

TRANSPORTATION MASTER PLAN

The Transportation Master Plan below shall serve as the guiding document for the locations and types of streets that are proposed within the development. The exact location of each street will be determined at the time of site planning and platting. The final location of all parking areas/types (angled, head-in, parallel) within a street is shown on the street sections, with exact details to be determined at the time of site plan approval. Typical sections for each street follow the Transportation Plan.



DEVELOPMENT REGULATIONS – EXHIBIT B

ELEVATION CONCEPTS

Buildings are to have an urban design sense in which masonry materials are combined with architectural forms to create a distinct sense of a “top” section, “middle” section and “bottom” section to the building and in a manner in which massings are utilized to create three-dimensional interest along the streetscape and block dimension. The illustrations below are used for general presentation of these concepts; detailed designs will be established at building permit.



Conceptual architectural approach for buildings shown along Bloomdale Road

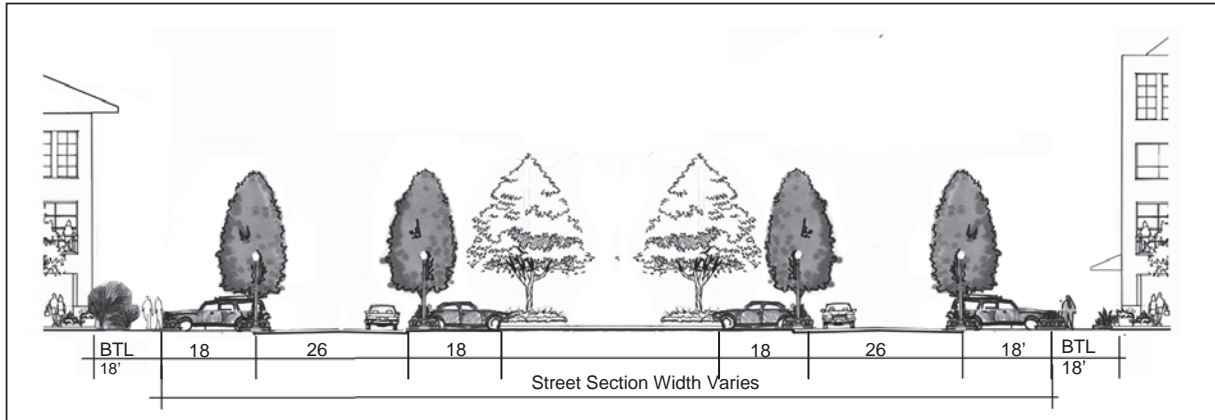


DEVELOPMENT REGULATIONS – EXHIBIT B

STREET SECTIONS

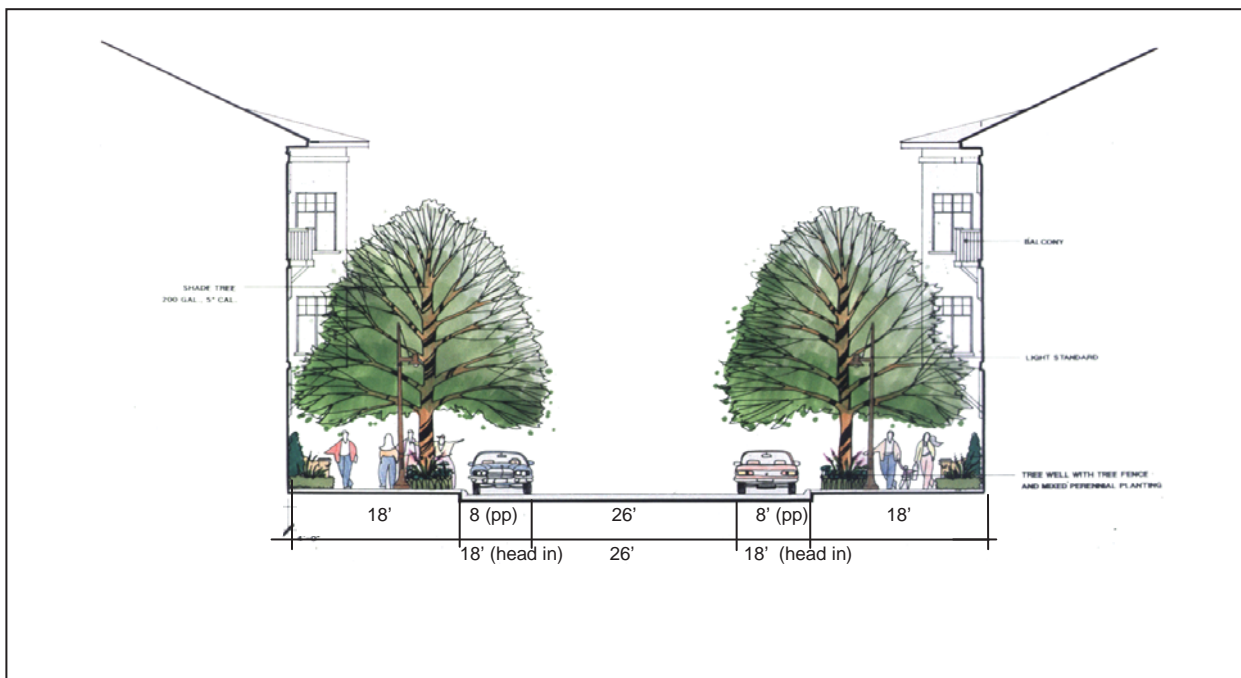
Esplanade Street

The Esplanade Street occurs in the location identified on the concept plan. Small variations to this alignment are allowable so long as they do not vary more than 50' from their current alignment, without specific approval of the Director of Planning. Streetscape elements include 5" caliper street trees at installation to be spaced generally 30' o.c. (where head-in parking is not present) and set within 5'x8' min. irrigated planters placed every 3 parking spaces; decorative pedestrian street lights located in tree line generally on 75' o.c. intervals; benches and bike racks generally located on 150' o.c. intervals, and a 6' clear sidewalk dimension minimum occurring between street trees and building (typical).



Primary and Secondary Street

Primary and Secondary Streets occur in the locations identified on the concept plan. Small variations to these locations are allowable so long as they do not vary more than 50' from their current alignments, without specific approval of the Director of Planning. Streetscape elements shall include 5" caliper street trees at installation to be spaced generally 30' o.c. with 5'x5' min. irrigated planter, decorative pedestrian street lights on 120' o.c. average intervals, benches and bike racks on 150' o.c. average, 6' clear sidewalk minimum.



DEVELOPMENT REGULATIONS – EXHIBIT B

Parking Slip Road

Parking slip roads occur in the locations identified on the concept plan. Small variations to these locations are allowable so long as they do not vary more than 50' from their current alignments, without specific approval of the Director of Planning. Streetscape elements include 5" caliper street trees at installation in 5' minimum width irrigated ornamental planters located between every 4 parking spaces in minimum 5' planters having trees at edge of drive lane, street lights on 150' o.c. avg intervals, benches and bike racks on 150' o.c. avg, and 6' clear sidewalk minimum.

