

ORDINANCE NO. 2015-07-067

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 33.63 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF VAN TUYL PARKWAY AND ALMA ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY 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 33.63 acre property, located on the southwest corner of Van Tuyl Parkway and Alma Road, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "PD" – Planned Development District and "REC" – Regional Employment Center Overlay 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. The zoning map is hereby amended so that an approximately 33.63 acre property, located on the southwest corner of Van Tuyl Parkway and Alma Road, which is more fully depicted on Exhibits "A" and "B", attached hereto, is rezoned from "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District to "PD" – Planned Development District, generally to modify the development standards.
- Section 2. The subject property shall develop in accordance with attached Exhibit "C" – Pattern Book.
- 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.

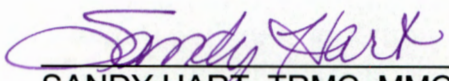
Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

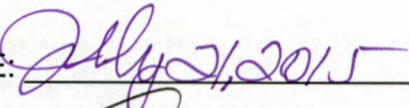
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 21ST DAY OF JULY, 2015.

CITY OF MCKINNEY, TEXAS


BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:


SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

DATE: 

APPROVED AS TO FORM:

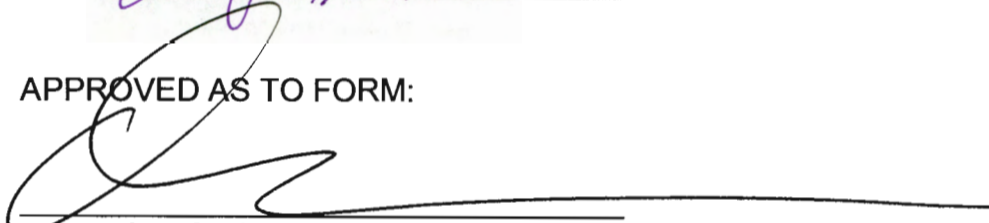
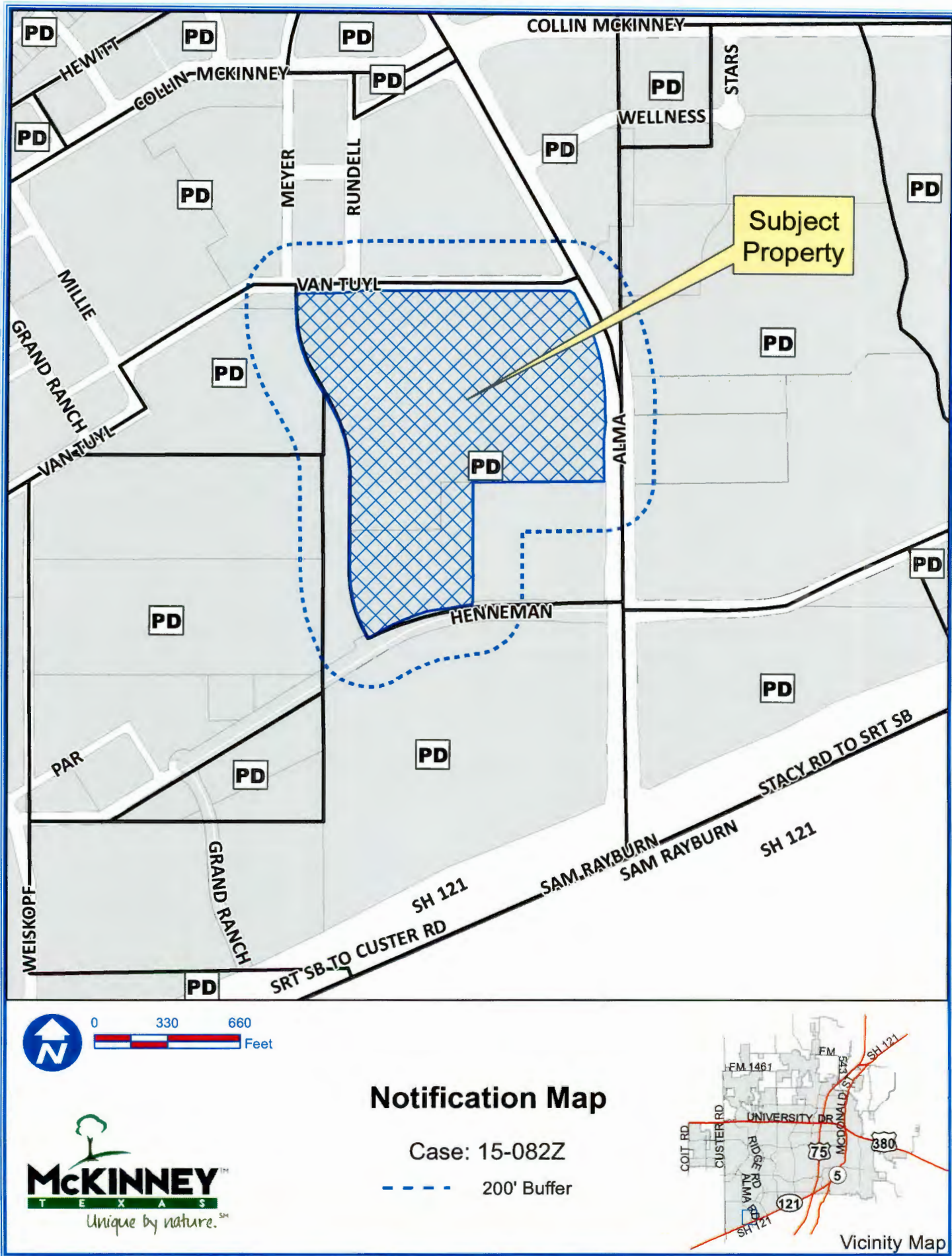

MARK S. HOUSER
City Attorney

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.

Exhibit B

METES AND BOUNDS

WHEREAS, McKinney Seven 31, LP and VCIM Partners, L.P. are the owners of a tract of land situated in the Thomas Phillips Survey, Abstract No. 717, City of McKinney, Collin County, Texas and being part of Lot 1, Block A of the Conveyance Plat of Lots 1, 2, & 3, Block A, Parkside at Craig Ranch Addition and Henneman Way (a right-of-way dedication), an addition to the City of McKinney, Collin County, Texas, according to the plat recorded in instrument No. 20130510010001290, Official Public Records of Collin County, Texas, part of a called 20.00 acre tract of land described in Special Warranty Deed to Craig Ranch II, L.P. recorded in Instrument No. 2000-0103209, Official Public Records of Collin County, Texas and part of a called 126.568 acre tract of land described in Special Warranty Deed to Craig Ranch II, L.P. recorded in Instrument No. 2000-0103212, Official Public Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with "AJB 4132" cap found at the northwest end of a right-of-way corner clip at the intersection of the south right-of-way line of Van Tuyl Parkway (a variable width right-of-way) with the west right-of-way line of Alma Road (a variable width right-of-way; 120-feet wide at this point);

THENCE with said corner clip, South $60^{\circ}16'51''$ East, a distance of 25.92 feet to a 5/8" iron rod with "AJB 4132" cap found for the southeast corner of said right-of-way corner clip;

THENCE with the said west right-of-way line of Alma Road, the following courses and distances:

South $30^{\circ}02'48''$ East, a distance of 44.67 feet to a 5/8" iron rod with "AJB 4132" cap found at the beginning of a tangent curve to the right having a radius of 990.00 feet, a central angle of $29^{\circ}05'16''$, a chord bearing and distance of South $15^{\circ}30'10''$ East, 497.22 feet;

In a southeasterly direction, with said curve to the right, an arc distance of 502.60 feet to a 5/8" iron rod with "AJB 4132" cap found at the end of said curve;

South $0^{\circ}57'33''$ East, a distance of 86.58 feet to a 5/8" iron rod set with a plastic cap stamped "KHA" for corner;

South $5^{\circ}29'20''$ West, a distance of 78.64 feet to a 5/8" iron rod set with a plastic cap stamped "KHA" for corner;

South $0^{\circ}47'38''$ East, a distance of 194.47 feet to a 5/8" iron rod set with a plastic cap stamped "KHA" for corner in the north line of Lot 2, Block A of said Parkside at Craig Ranch Addition;

THENCE with the north line of said Lot 2, South $89^{\circ}40'26''$ West, a distance of 598.67 feet to an "X" cut in concrete found for the northwest corner of said Lot 2;

THENCE with the said west line of Lot 2, South $0^{\circ}19'34''$ East, a distance of 537.36 feet to an "X" cut in concrete found for corner in the north right-of-way line of said Henneman Way at the southwest corner of said Lot 2;

THENCE with the said north right-of-way line of Henneman Way, the following courses and distances:

South $5^{\circ}01'15''$ East, a distance of 11.00 feet to an "X" cut in concrete found at the beginning of a non-tangent curve to the left having a central angle of $5^{\circ}11'01''$, a radius of 1090.00 feet, a chord bearing and distance of South $81^{\circ}08'26''$ West, 98.58 feet;

Exhibit B

In a southwesterly direction, with said curve to the left, an arc distance of 98.61 feet to a 5/8" iron rod with "AJB 4132" cap found for corner;

South 82°05'13" West, a distance of 101.90 feet to a 5/8" iron rod with "AJB 4132" cap found at the beginning of a non-tangent curve to the left having a central angle of 15°10'09", a radius of 1101.00 feet, a chord bearing and distance of South 65°39'42" West, 290.64 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 291.49 feet to a 5/8" iron rod found with a plastic cap stamped "KHA";

North 76°14'11" West, a distance of 20.87 feet to a 5/8" iron rod found with a plastic cap stamped "KHA" at the beginning of a non-tangent curve to the right having a central angle of 29°28'19", a radius of 577.15 feet, a chord bearing and distance of North 15°41'55" West, 293.62 feet;

In a northwesterly direction, with said curve to the right, passing at an arc distance of 4.30 feet the north right-of-way line of Henneman Way, continuing for an arc distance of 296.88 feet to a 5/8" iron rod with "KHA" cap found for corner;

THENCE the following courses and distances:

North 0°57'33" West, a distance of 445.75 feet to a 5/8" iron rod found with a plastic cap stamped "KHA" at the beginning of a tangent curve to the left having a central angle of 29°39'03", a radius of 623.00 feet, a chord bearing and distance of North 15°47'05" West, 318.82 feet;

In a northeasterly direction, with said curve to the left, an arc distance of 322.41 feet to a 5/8" iron rod found with a plastic cap stamped "KHA" for corner;

North 30°36'36" West, a distance of 166.40 feet to a 5/8" iron rod found with a plastic cap stamped "KHA" at the beginning of a tangent curve to the right having a central angle of 30°05'41", a radius of 570.00 feet, a chord bearing and distance of North 15°33'46" West, 295.97 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 299.39 feet to a 5/8" iron rod found with a plastic cap stamped "KHA" for corner;

North 0°30'55" West, a distance of 98.06 feet to a 5/8" iron rod found with a plastic cap stamped "KHA" for corner at the intersection of the said east right-of-way line of Meyer Way with the said south right-of-way line of Van Tuyl Parkway;

THENCE with the said south right-of-way line of Van Tuyl Parkway, the following courses and distances:

North 89°29'05" East, a distance of 222.02 feet to a 5/8" iron rod found with a plastic cap stamped "KHA" for corner;

North 79°23'14" East, a distance of 74.15 feet to a 5/8" iron rod found with a plastic cap stamped "KHA" for corner;

North 89°29'05" East, a distance of 947.44 feet to the **POINT OF BEGINNING** and containing 33.626 acres or 1,464,759 square feet of land.

Exhibit C

**GREEN TRACT
PATTERN BOOK**

33.48 ACRES | City of McKinney, TX



COLUMBUS
REALTY PARTNERS, LTD.



**CRAIG
RANCH**

Exhibit C

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Exhibit C

GENERAL REGULATIONS

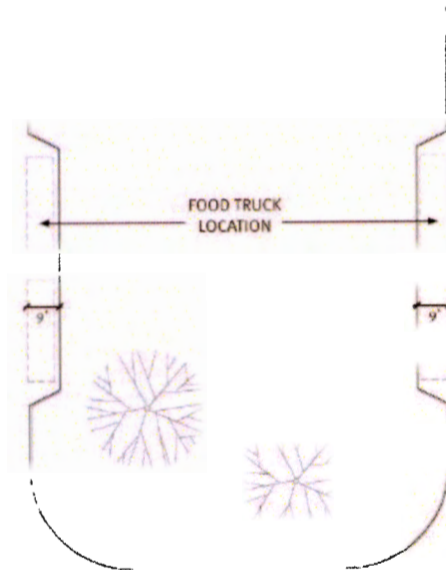
The text and illustrations contained within this pattern book shall serve as the guiding regulations pertaining to the use and development of the subject property. The regulations contained herein shall prevail over any conflicting regulations within Chapter 146 (Zoning Regulations) of the City of McKinney's Code of Ordinances, including but not limited to Section 146-130 (Vehicle Parking), Section 146-135 (Landscape Requirements), and Section 146-139 (Architectural and Site Standards).

The following general regulations shall pertain to the subject property:

- 1. Allowed Uses:** Office (including Medical Offices), Retail, Restaurant (no drive through), and Multi-family residential uses.
- 2. Minimum Density:** Each phase shall have a minimum residential density of 35 dwelling units per acre.
- 3. Maximum Building Height:** 5 stories; Structured parking facilities may not exceed 60 feet in height.
- 4. Build-to Lines:** Build-to lines shall be established based on the type of PPVR or street that a building fronts (exclusive of deceleration lanes at the option of the developer) and shall be measured from the curb line. The applicable build-to lines are reflected on the PPVR and street sections contained herein. In the event of the existence of an easement that impedes the use of a build-to line established by the PPVR or street sections contained herein, the build-to line will be established from the edge of the easement.
- 5. Flexible Construction:** The ground floor of all residential buildings fronting onto Van Tuyl Parkway may be occupied for residential purposes, but must be designed and constructed to permit commercial uses with a minimum of 10 feet of clear ceiling height and a front façade with no more than 42 inches of base plate material below all openings other than doors. Ground floors of all other residential buildings may be designed, constructed and occupied solely for residential uses.

Exhibit C

- 6. Food Truck Service:** Conditioned upon the property owner providing an area permitted by the City with a concrete surface that is not located within any public right-of-way (the "Food Truck Service Area"), the property owner, or its representative, may allow food trucks to operate within such Food Truck Service Area subject to Section 146-42 (Temporary Uses) of the Zoning Ordinance pertaining to Food Trucks:
- each food truck shall operate only within the Food Truck Service Area and not within any public right-of-way;
 - no food truck shall operate continuously for more than two (2) hours;
 - no food truck shall operate between the hours of 8:00pm and 11:00am;
 - there shall be no required minimum distance between Food Trucks;
 - there shall be no required minimum distance between Food Trucks and residential uses;
 - there shall be no maximum number of Food Trucks that can operate at the same time; and
 - public restrooms shall not be required to be on the same lot as the Food Truck Service Area, but shall be provided within 400 feet of said Area.

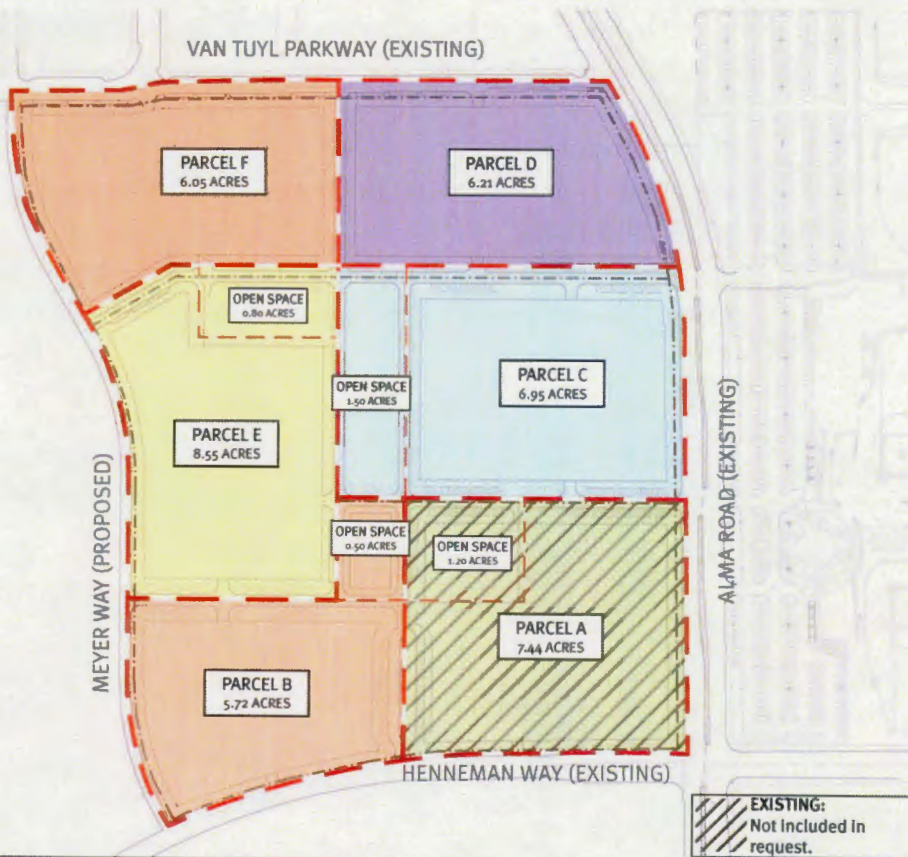


(See Pg. 8 for Context)

Exhibit C

MASTER CONCEPT PLAN

The Master Concept Plan on the following page shall serve as the phasing plan and overall development plan for the project. The acreage shown hereon reflects general areas and may be modified by +/- 15 percent to respond to specific changes in the market. Deviations by more than 15 percent but not more than 25 percent may be approved by the Planning and Zoning Commission with approval of a General Development Plan.



PROJECT DATA			
PARCEL A : 7.44 Acres Gross Open Space (amenity area) 1.20 Acres Parcel A MF Net: 6.24 Acres Net	PARCEL D : 6.21 Acres Gross Open Space 0.0 Acres Parcel D MF Net: 6.21 Acres Net	Total Development Site 33.48 Acres Gross Total Open Space 2.80 Acres Total MF Net: 30.68 Acres	
PARCEL B : 5.72 Acres Gross Open Space (central green) 0.50 Acres Parcel B MF Net: 5.22 Acres Net	PARCEL E : 7.05 Acres Gross Open Space (central green) 0.80 Acres Parcel E MF Net: 6.25 Acres Net		
PARCEL C : 8.45 Acres Gross Open Space (central green) 1.50 Acres Parcel C MF Net: 6.95 Acres Net	PARCEL F : 6.05 Acres Gross Open Space 0.00 Acres Parcel F MF Net: 6.05 Acres Net	NOTES: 1. The area of all parcels is approximate and will be confirmed upon the development of each phase. 2. Intended Phasing Sequence: A,B,C,D,E,F	

0'
75'
150'
300'

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OPEN SPACE MASTER PLAN

The Open Space Master Plan on the following page shall serve as the guiding document for the locations and types of open spaces that are provided within the development.

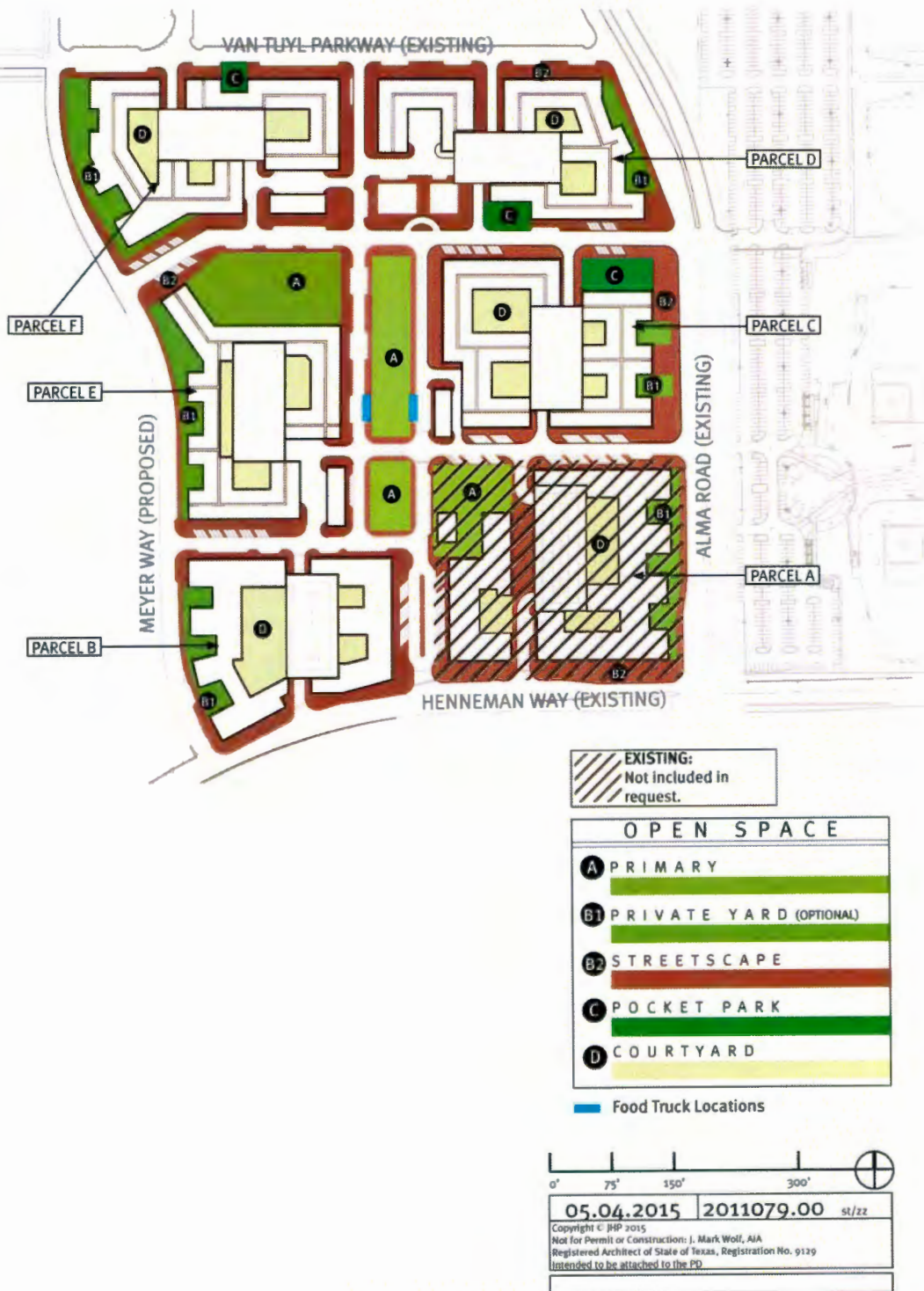


Exhibit C

LANDSCAPING REQUIREMENTS

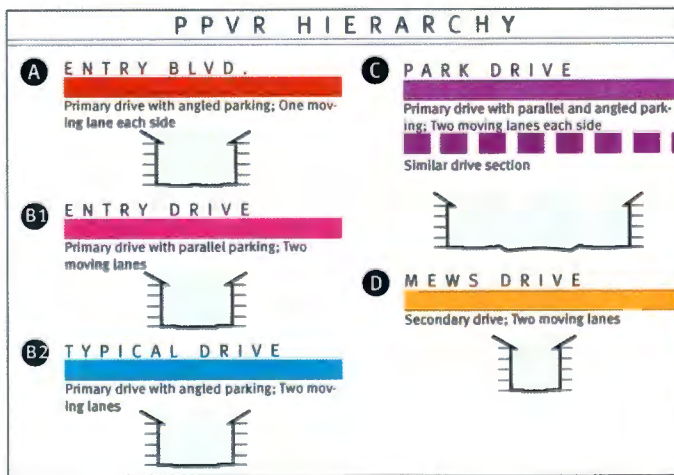
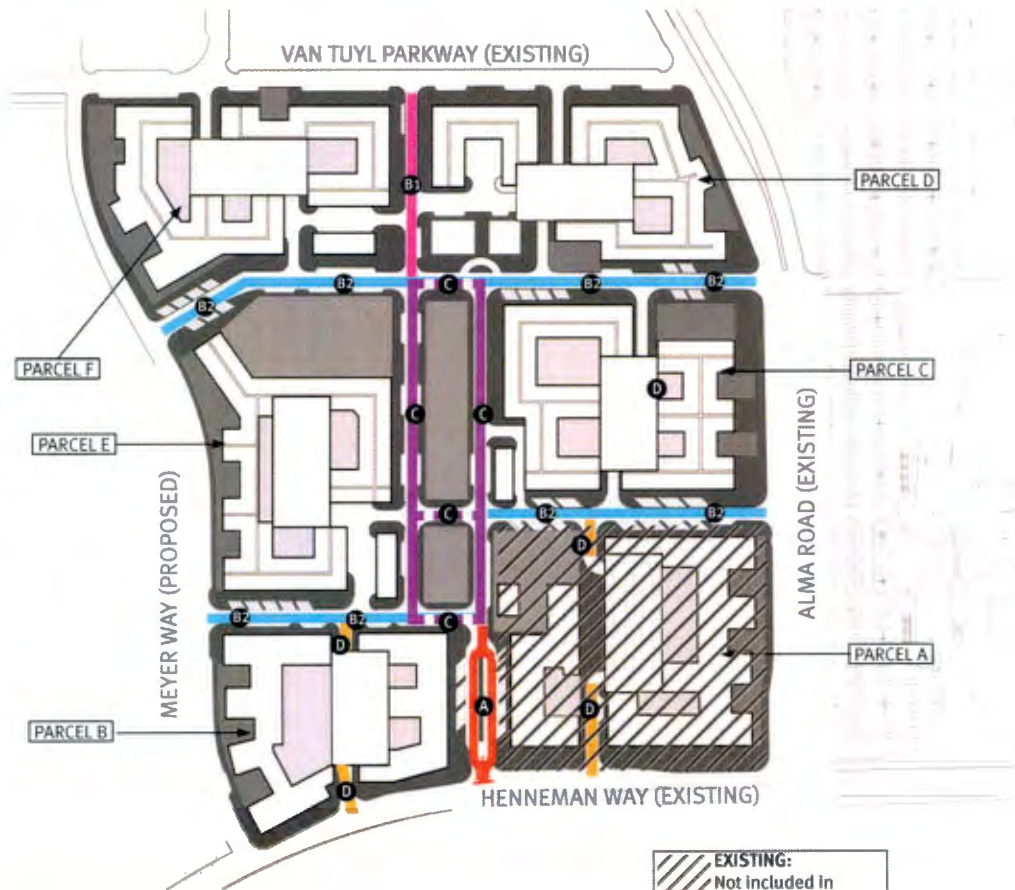
- a. Street trees, referred to as Canopy Trees by Section 146-135 (Landscape Requirements) and Appendix A (Approved Plant List) of the Zoning Ordinance, as amended, shall be provided in the quantity of one per 30 linear feet of frontage on a public street or PPVR (save and except Mews Drives). The linear footage of frontage shall be calculated exclusive of the frontage consumed by driveways and sight visibility triangles.
- b. Street trees shall be evenly spaced at a ratio of 30 feet on center (+/- 5 feet), or as close thereto when such spacing conflicts with driveways, easements or other physical conflicts. Street trees may be clustered if approved by the Director of Planning as part of the site plan approval process in order to facilitate creative design or for some other valid reason.
- c. Street trees shall be planted within Streetscape areas as indicated by the Open Space Master Plan or within Tree Well areas as indicated by the typical Drive Sections.
- d. Tree wells may be covered with tree grates, living plant materials, or some other permeable non-living material. Tree wells shall be a minimum of 5 feet wide by 5 feet deep.
- e. With the exception of Subsection (f), Minimum landscaping requirements, all other landscaping requirements of Section 146-135 (Landscape Requirements) of the Zoning Ordinance, as amended and not in conflict herewith shall be applicable to the subject property.

Exhibit C

PEDESTRIAN PASSAGEWAYS AND VEHICULAR ROUTES ("PPVR")

The PPVR Hierarchy Master Plan on the following page shall serve as the guiding document for the locations and types of PPVRs that are proposed within the development. The exact location of each PPVR 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 PPVR will be determined at the time of site plan approval.

Typical sections for each PPVR and public road follow the PPVR Hierarchy Master Plan.



EXISTING:
Not included in request.

PARKING TYPES	
Perimeter Parking:	10%
Surface (on-site) Parking:	10%
Covered (structured) Parking:	75%
Enclosed (tuck-under with door):	5%

- NOTES:**
1. Drives will align with existing median openings on Alma Road.
 2. The location of all primary drives is approximate.
 3. Secondary drives (mews drive) are optional and to be confirmed.



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TYPICAL NOTES

- This section reflects the placement and width of elements including, but not limited to perimeter parking, required landscaping, sidewalks, drive aisles (mutual access and fire lane easements), build-to lines, building zones, and encroachment zones. Deviations to the widths shown for perimeter parking shall be permitted to allow for the construction of angled parking to parallel parking as appropriate.
- Tree Wells per Page 8.
- Drive widths are to face of curb, typical

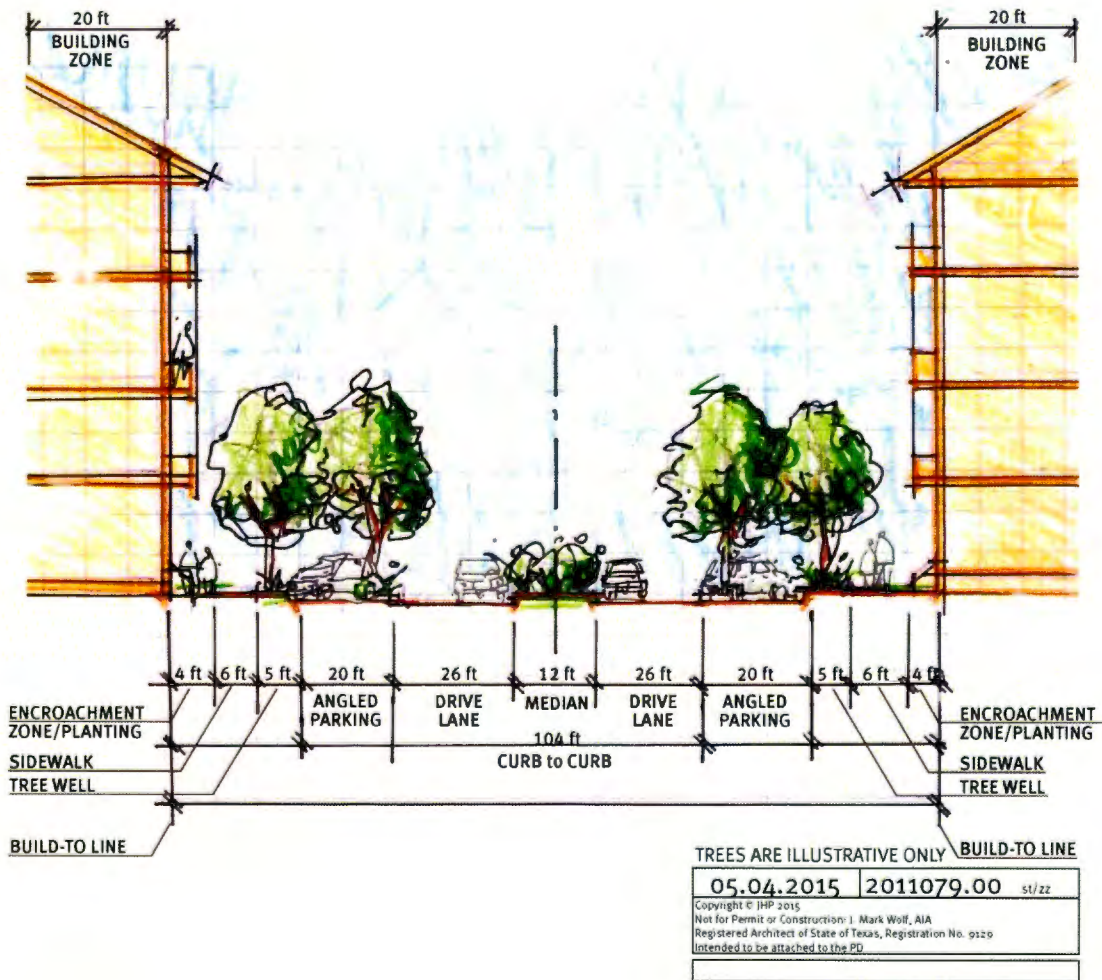
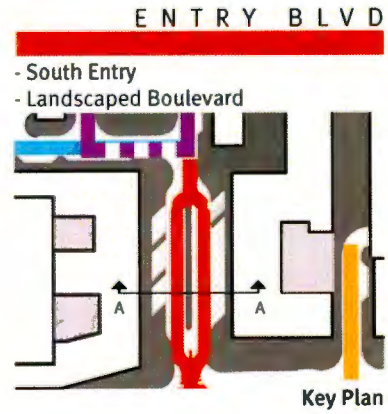


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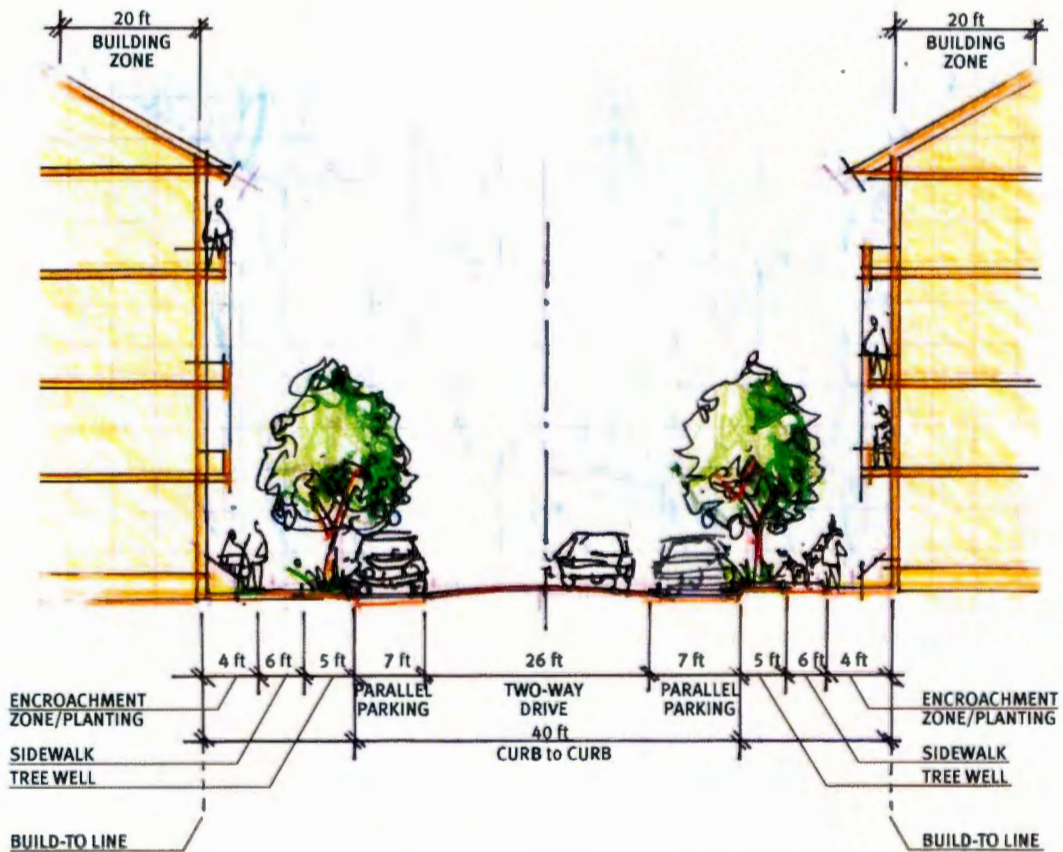
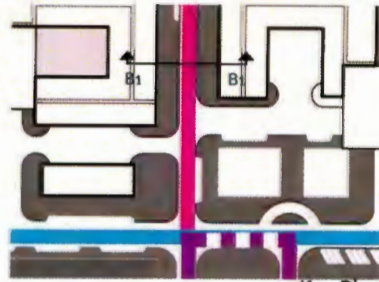
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ENTRY DRIVE

- North Entry



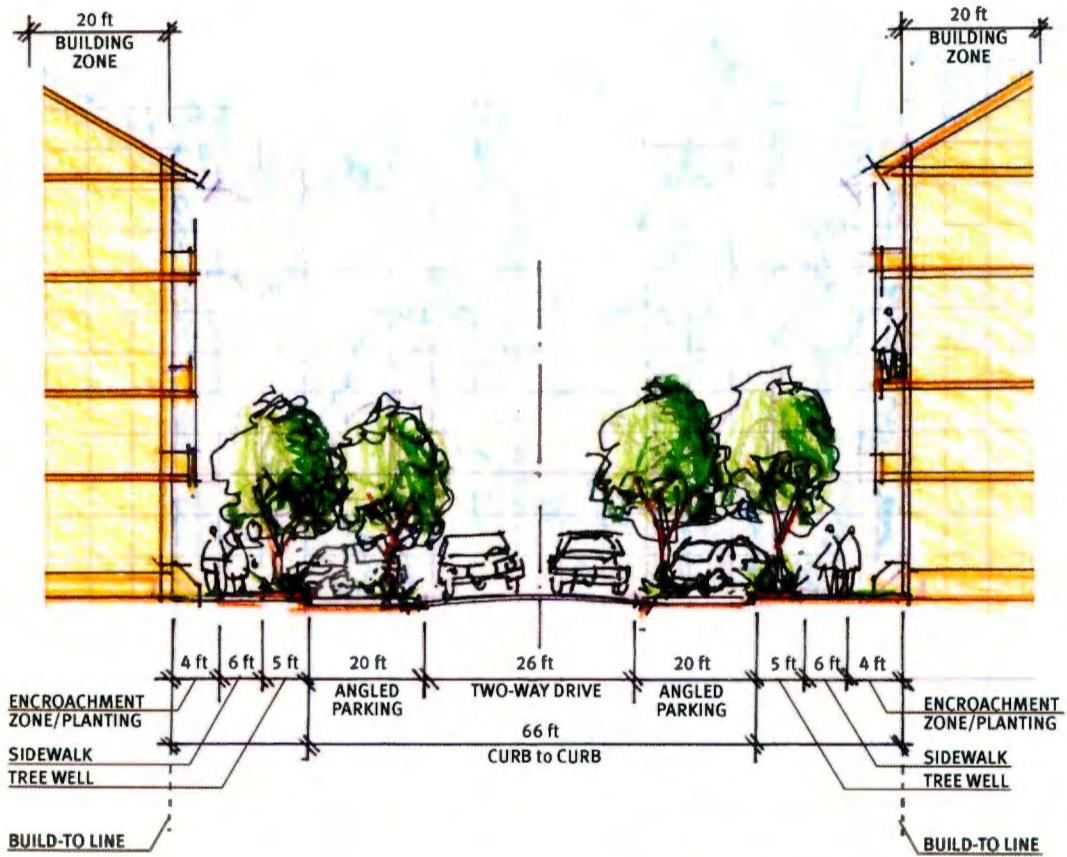
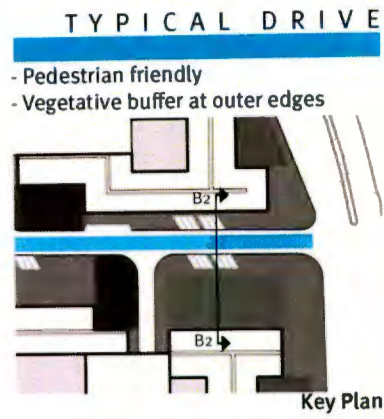
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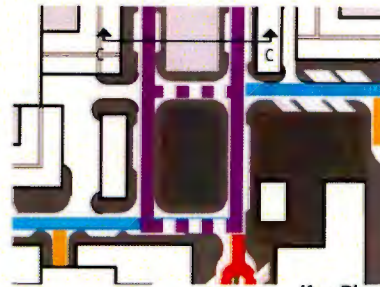
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- Tree Wells per Page 8.

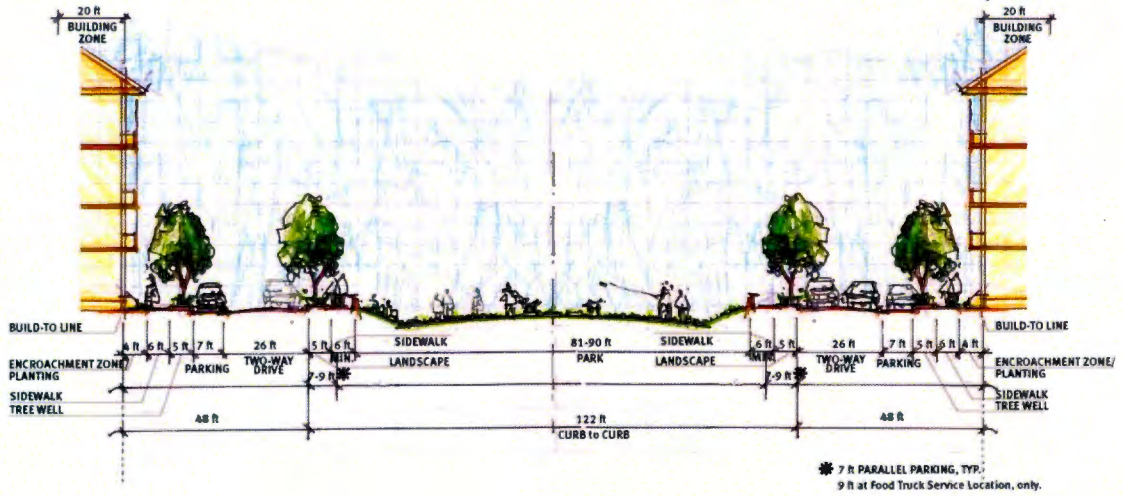
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PARK DRIVE

- Linear open space



Key Plan



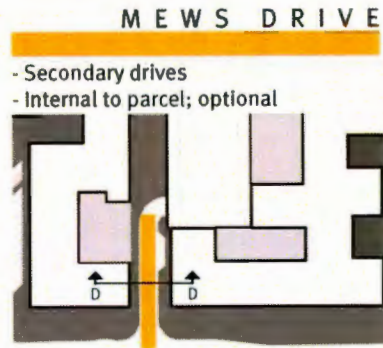
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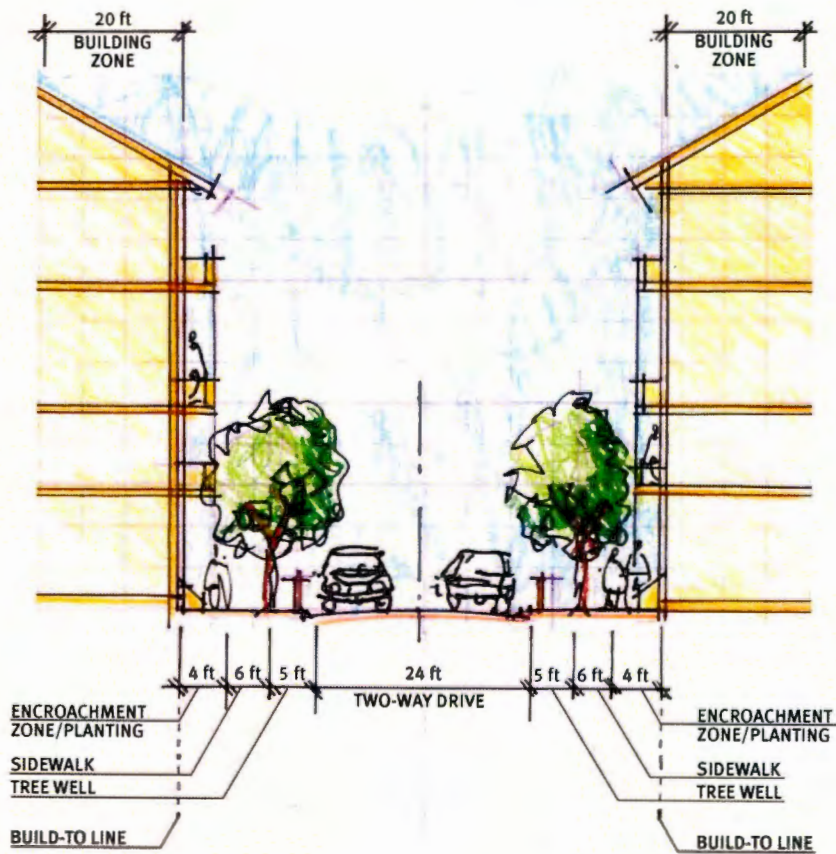
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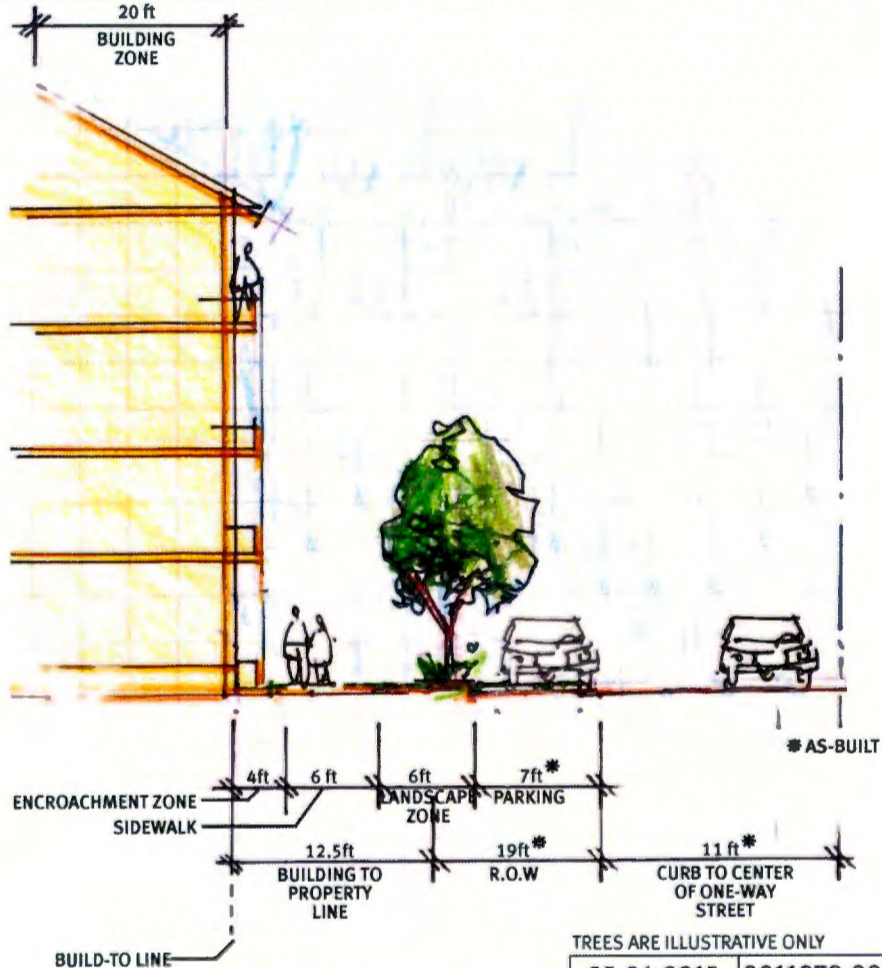
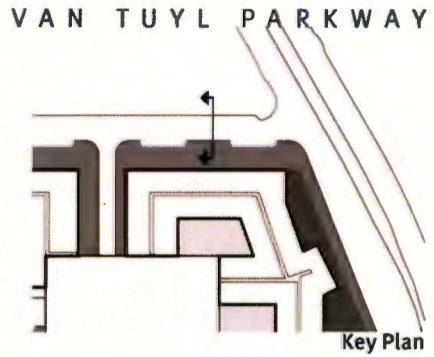
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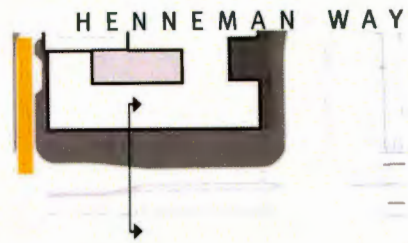
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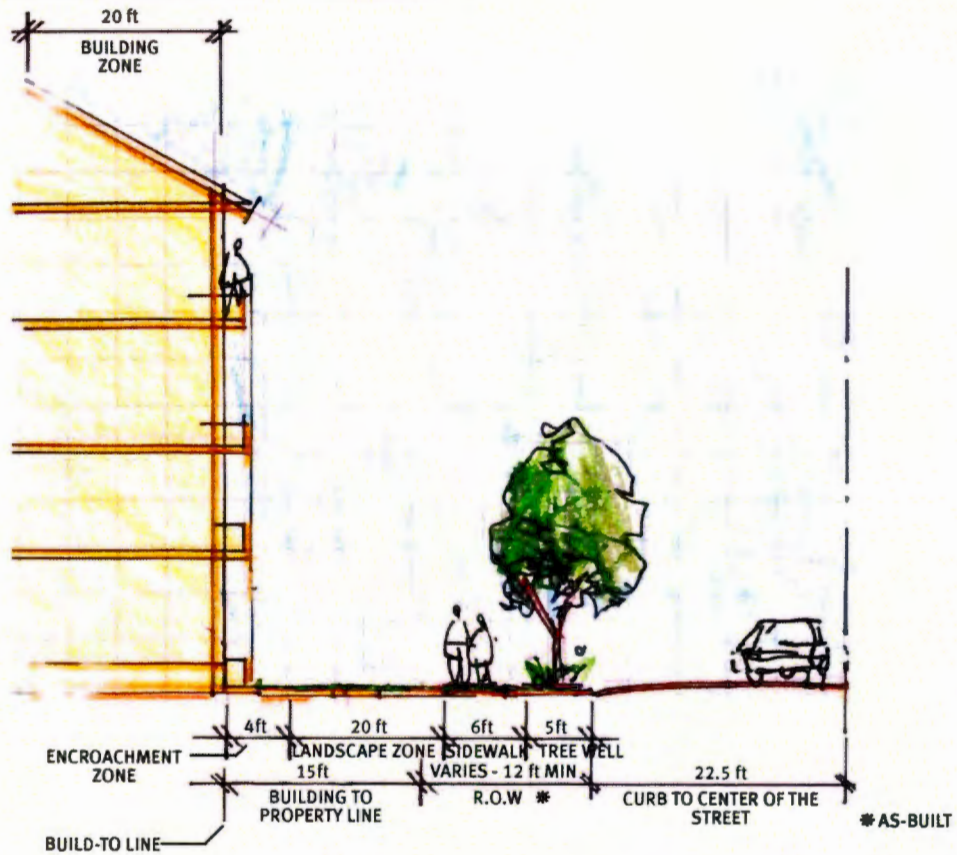
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Key Plan



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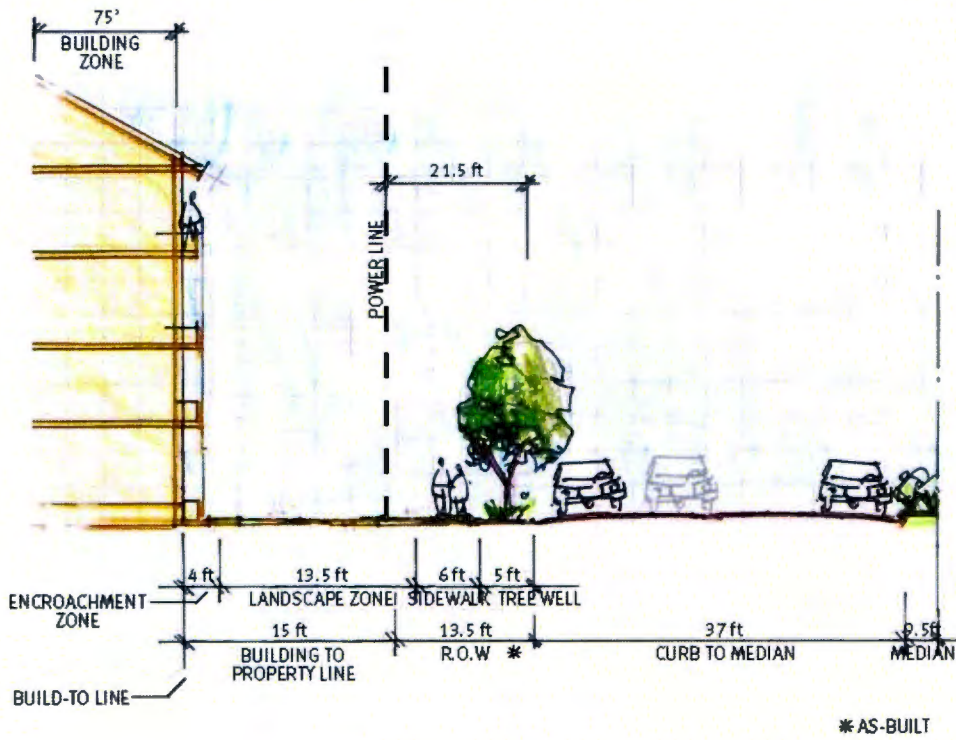
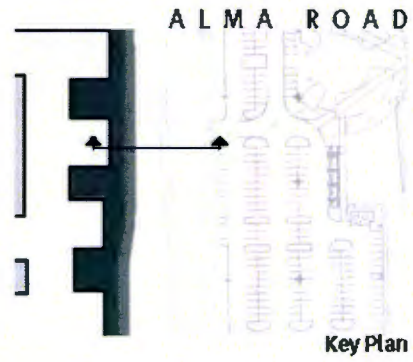
Exhibit C

TYPICAL NOTES

- This section reflects the placement and width of elements including, but not limited to perimeter parking, required landscaping, sidewalks, drive aisles (mutual access and fire lane easements), build-to lines, building zones, and encroachment zones. Deviations to the widths shown for perimeter parking shall be permitted to allow for the construction of angled parking to parallel parking as appropriate.

- Tree Wells per Page 8.

- Drive widths are to face of curb, typical



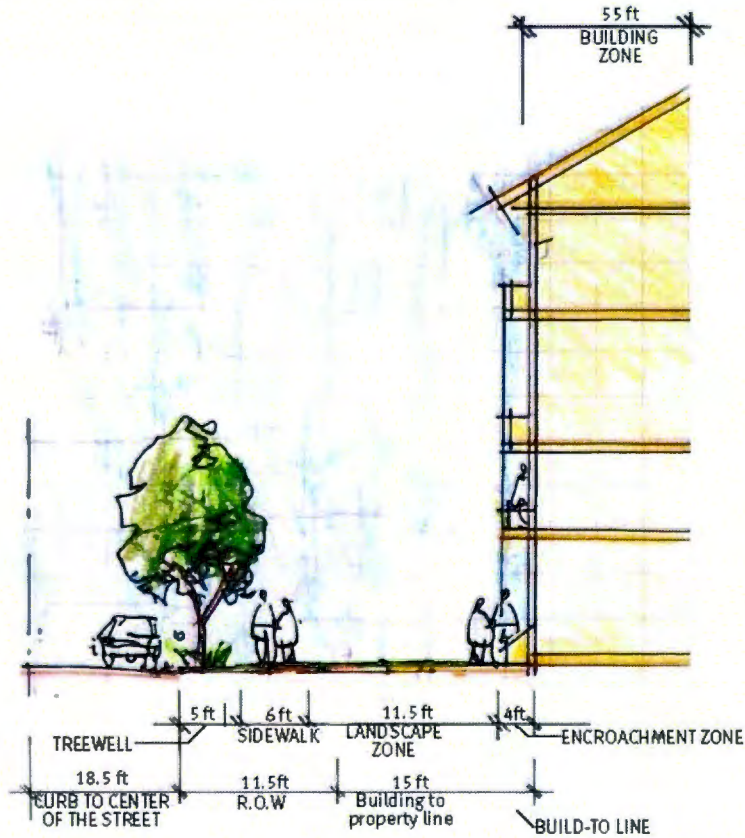
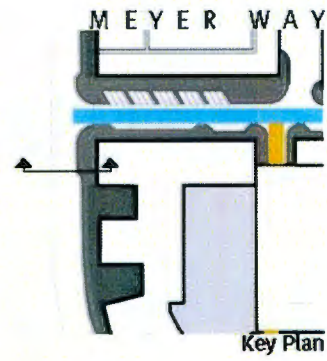
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Exhibit C

TYPICAL NOTES

- This section reflects the placement and width of elements including, but not limited to perimeter parking, required landscaping, sidewalks, drive aisles (mutual access and fire lane easements), build-to lines, building zones, and encroachment zones. Deviations to the widths shown for perimeter parking shall be permitted to allow for the construction of angled parking to parallel parking as appropriate.
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PARKING

- a. Multi-family residential uses shall be parked at a minimum ratio of 1 parking space per bedroom.
- b. Retail uses shall be parked at a minimum ratio of 1 parking space per 250 square feet of floor area.
- c. Office uses shall be parked at a minimum ratio of 1 parking space per 400 square feet of floor area.
- d. Medical Office uses shall be parked at a minimum ratio of 1 parking space per 300 square feet of floor area.
- e. Restaurant uses shall be parked at a minimum ratio of 1 parking space per 150 square feet of floor area. Sidewalk/outdoor dining areas shall count as floor area.
- f. Structured garage parking, tuck-under garage parking, surface (on-site courtyard) parking, and perimeter parking (parking provided within a PPVR) shall be permitted, provided that no more than 10% of the overall required parking for the entire subject property shall be surface parking and no more than 10% of the required parking for the entire subject property shall be perimeter parking. Otherwise, percentages of parking types for the subject property as a whole generally shall follow the percentages reflected on the PPVR Hierarchy Master Plan.
- g. Surface (on-site courtyard) parking shall be permitted on no more than two parcels. All other parcels shall contain structured parking.
- h. Parking for each parcel shall be provided within the limits of the parcel it serves.

Exhibit C

ARCHITECTURAL STYLE AND CHARACTERISTIC ILLUSTRATIONS

An architectural style is a specific method of construction, characterized by the features that make a building notable. It is the intent of these guiding regulations to encourage architectural diversity among the buildings within the overall Project through the use of varied architectural styles and characteristics that include exterior finishes, mixed components (stoops, porches, awnings, overhangs, screening, accents, etc.), a wide range of color palettes and the use of building accents at key locations. Special emphasis is placed on the streetscape and the interaction of the buildings adjacent thereto with the intent of creating an inviting place for pedestrians.

The following pages contain pictures that serve as a visual representation of the typical required streetscape and the range of typical architectural styles and features that characterize those styles, including exterior finishes, color palettes and components, that may be used within the Project. Each building shall conform to the specific architectural regulations contained herein and shall be consistent in its application of an architectural style. Other architectural styles and features may be introduced into the Project as long as the same conform to the specific architectural regulations contained herein and do not create a discordant atmosphere among the existing buildings.

Exhibit C

STREETSCAPES



Exhibit C

BUILDING AND FINISHES



Exhibit C

PALETTE

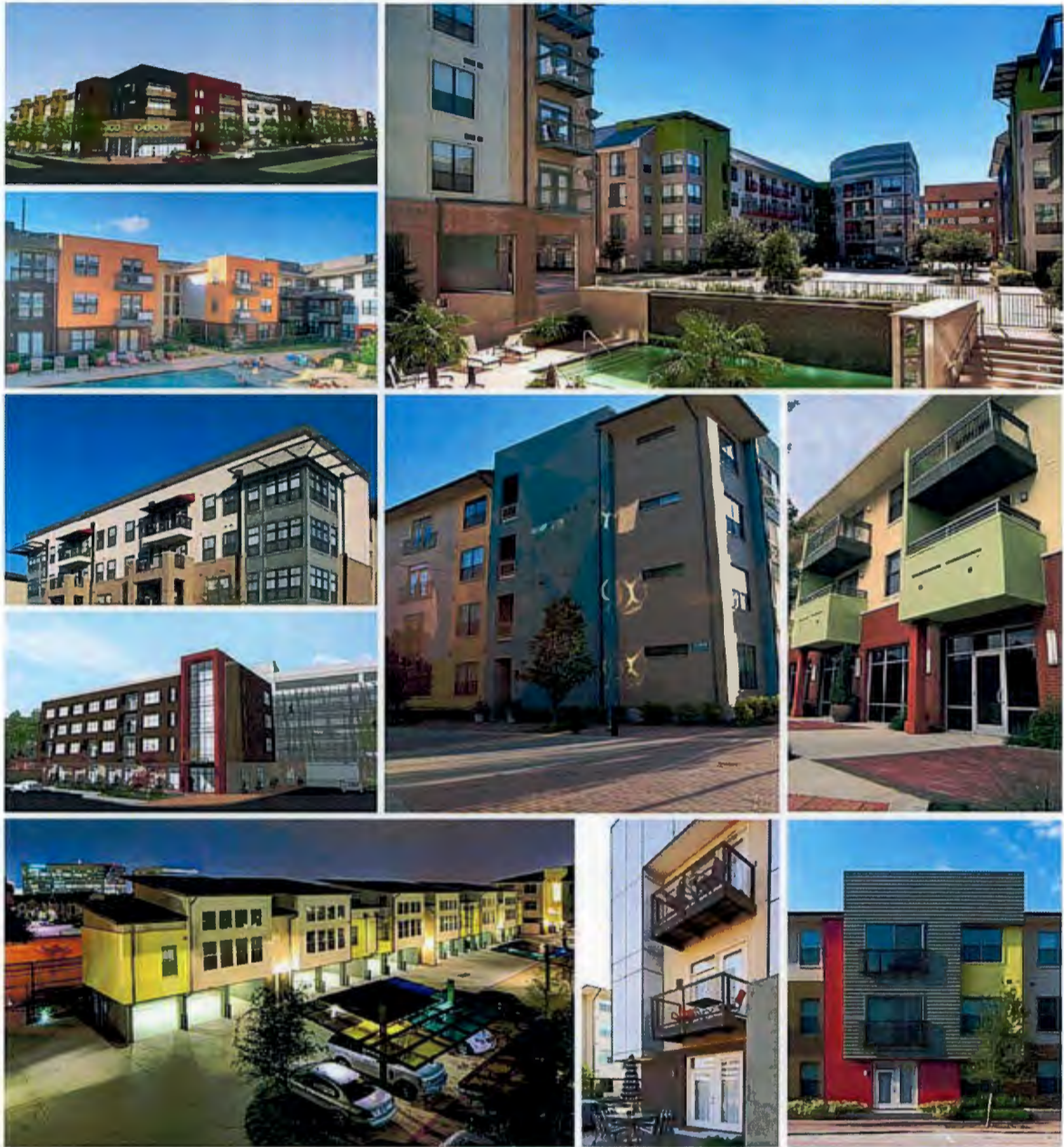


Exhibit C

COMPONENTS

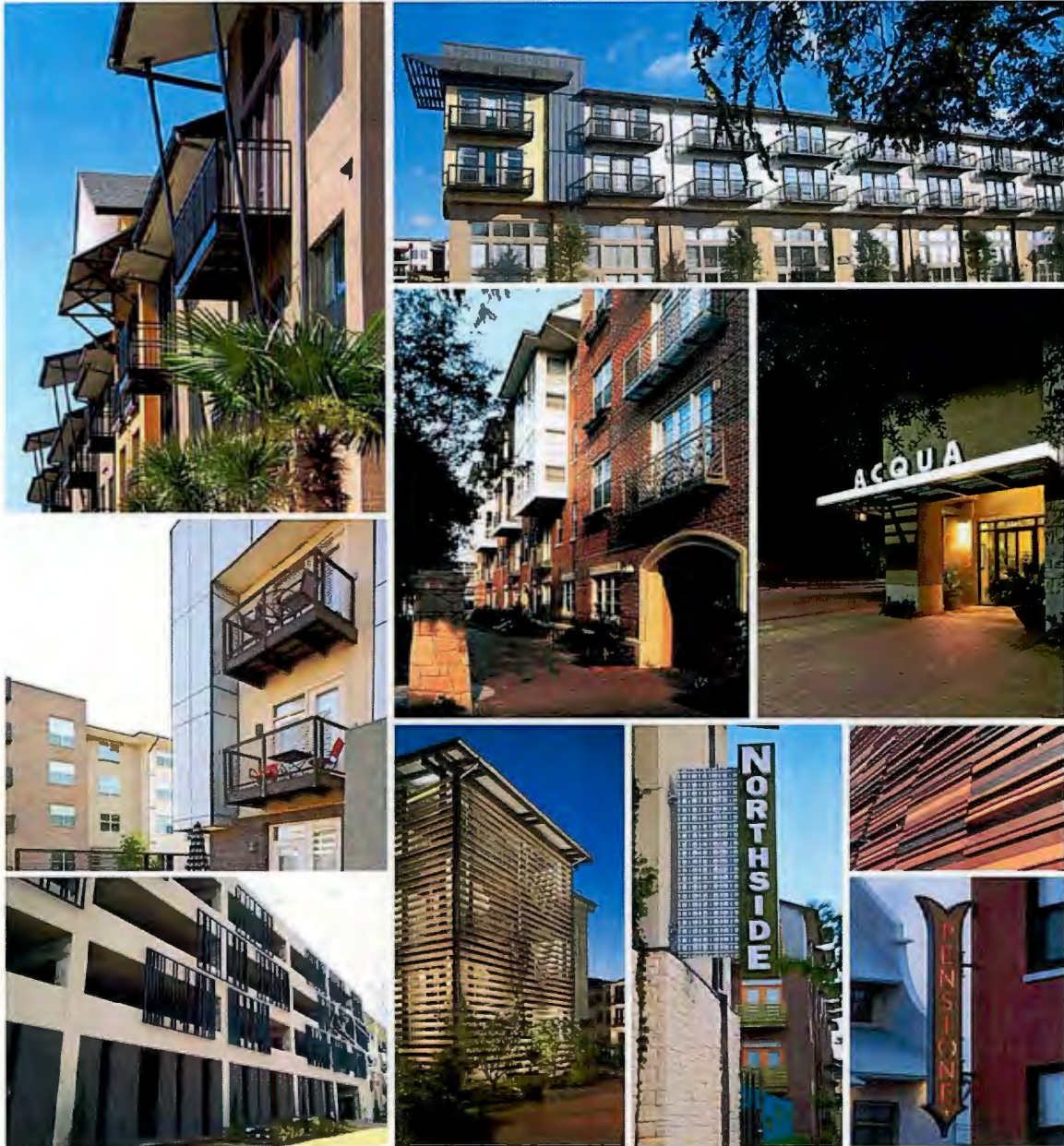


Exhibit C

ARCHITECTURAL STANDARDS

Buildings constructed on the subject property shall not be required to meet the architectural requirements of Section 146-139 of the Zoning Ordinance and shall be approved if the following requirements are satisfied:

- a. Buildings shall generally conform to the range of architectural styles and features reflected herein.
- b. The exterior finish of each Building's facade facing a public street or PPVR shall feature a minimum of 85% brick, stone, synthetic stone, stucco, or any combination thereof ("Primary Materials"), with none of the aforementioned materials, except brick or stone, comprising more than 50% of such facade. The balance of the exterior finishing materials may include EIFS, architectural concrete masonry units (CMU), architecturally finished metal or cementitious panels (does not include corrugated metal), lap siding (may include but not be limited to wood or cementitious fiber lap siding, but does not include vinyl lap siding or sheet siding fabricated to look like wood lap siding), architectural wood accents, glass curtain wall systems or any other material which is visually and physically indistinguishable from one of the aforementioned exterior finishing materials, subject to review by the Director of Planning ("Accent Materials"). The percentages of primary materials on a Building's facade facing a public street or PPVR may be reduced to 65% by the Director of Planning in special cases where the proposed building facade creates significant architectural interest in relation to the composition of the surrounding Building facades. Building facades which do not face a public street or PPVR shall not be required to have a minimum percentage of Primary Materials.
- c. Horizontal building facades longer than 150 feet in width shall be segmented into smaller sections by a structural or ornamental minor facade offset of a minimum four feet deep and 10 feet wide and may be allowed to protrude into the Encroachment zone. The height of such offsets shall be equal to or greater than 66 percent of the building's height.
- d. The architectural character of a building's front facade shall be continued on all facades of the building that are visibly exposed to a public street or PPVR.
- e. Primary building entrances shall be articulated through the use of architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, awnings, overhangs, railings, balustrades, or other appropriate elements.
- f. Light fixtures attached to the exterior of the building shall be architecturally compatible with the style, materials, colors, and details of the building.
- g. All mechanical, air conditioning units, heating, ventilation and air conditioning systems, exhaust pipes and stacks, elevator housing and other such equipment shall be completely screened from public street view by walls, fencing, parapet walls, penthouse-type screening devices, or landscaping.
- h. The front facade of a structured parking facility shall be offset from the front build-to line of any adjacent Building having frontage on a public street.

Exhibit C

DEFINITIONS

1. **Building zone** shall mean an area where all building offsets, including projections and recesses, occur. Building zones shall be established by the Drive sections contained herein.
2. **Build-to line** shall mean the line for which 35 percent of each building's façade shall be pulled up to. The aforementioned required percentage may be modified +/- 5 percent with approval of the Director of Planning and +/- 10 percent with the Planning and Zoning Commission's approval of a site plan if it is determined, in either case, that an urban pedestrian oriented character is maintained.
3. **Encroachment zone** shall mean an area where projections beyond the building zone are allowed. These projections include, but are not limited to porches, stoops, balconies, awnings, or other related building elements.
4. **Pedestrian passageways and vehicular routes ("PPVR"s)** shall mean a dedicated mutual access and fire lane easement that provides internal vehicular access to each building. Public rights-of-way shall not be considered a PPVR. The locations and types of PPVRs are reflected on the PPVR Hierarchy Master Plan. All buildings shall front on a PPVR and/or public right-of-way.
5. **Project** means the development of the Subject Property.
6. **Tree well** means an area between the vehicular drive aisle (PPVR) and the required sidewalk where required street trees may be planted.
7. **Subject Property** means the property as reflected on the Master Concept Plan which is subject to the rules and regulations contained herein.

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