

**ORDINANCE NO. 2005-11-114**

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1621 OF THE CITY OF MCKINNEY, TEXAS AND AMENDING THE STONEBRIDGE RANCH MASTER GENERAL DEVELOPMENT PLAN FOR PLANNING AREAS 8 AND 10; ADDING A NEW ZONING DISTRICT TO SECTION V OF ORDINANCE NO. 1621 FOR RETAIL USES; SO THAT APPROXIMATELY 24.76 ACRES LOCATED ON THE NORTH SIDE OF ELDORADO PARKWAY AND APPROXIMATELY 200 FEET EAST OF CUSTER ROAD (CURRENTLY KNOWN AS PARCEL 811) IS HEREBY REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT FOR MF-1 (MULTI-FAMILY USES) TO "PD" – PLANNED DEVELOPMENT DISTRICT FOR R-3 (RETAIL USES) AND OS (OPEN SPACE); AND SO THAT APPROXIMATELY 45.20 ACRES LOCATED ON THE SOUTH SIDE OF ELDORADO PARKWAY BETWEEN STONEBRIDGE DRIVE AND ALMA ROAD (CURRENTLY KNOWN AS PARCELS 1016, 1017, AND 1018) IS HEREBY REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT FOR R-1 (RETAIL USES) AND O-1 (OFFICE USES) TO "PD" – PLANNED DEVELOPMENT DISTRICT FOR MF-1 (MULTI-FAMILY USES), R-1 (RETAIL USES), O-1 (OFFICE USES) AND OS (OPEN SPACE) AND PARCEL 1020 IS CREATED; 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 comprehensive rezoning of the Stonebridge Ranch Master General Development Plan for Planning Areas 8 and 10; and,
- WHEREAS, the City of McKinney has determined that a necessity exists for the amendment of the Retail District Regulations of Planned Development District Ordinance No. 1621 to add an additional retail category of "R-3"; 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. Planned Development District Ordinance No. 1621 of the City of McKinney is hereby amended so that approximately 24.76 acres (currently known as Parcel 811) located on the north side of Eldorado Parkway and approximately 200 feet east of Custer Road, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "PD" – Planned Development District for MF-1 (multi-family uses) to "PD" – Planned Development District for R-3 (retail uses) and OS (open space).

Section 2. Planned Development District Ordinance No. 1621 of the City of McKinney is hereby amended so that approximately 45.20 acres (currently known as Parcels 1016, 1017, and 1018) located on the south side of Eldorado Parkway between Stonebridge Drive and Alma Road, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "PD" – Planned Development District for R-1 (retail uses) and O-1 (office uses) to "PD" – Planned Development District for MF-1 (multi-family uses), R-1 (retail uses), O-1 (office uses) and OS (open space) and Parcel 1020 is created.

Section 3. The Stonebridge Ranch Master General Development attached as Ordinance Exhibit "B" shall replace and be substituted for the previous Stonebridge Ranch Master General Development Plan as the approved zoning of the depicted tracts until such tracts are rezoned by further action of the City Council under provisions of Ordinance No. 1621. The adoption of the Master General Development Plan shall hereby rezone any tract previously zoned through the original approval of Ordinance No. 1621 or any subsequent approval of a General Development Plan for any Planning Area. Any boundaries and uses in any Planning Area previously approved shall be further amended by the Master General Development Plan to be in conformity therewith. The Planning Area tables (shown in Exhibit "C") shall be a component of the rezoning and further define the permitted uses on the tracts. If a conflict exists between the use categories described in Ordinance No. 1621 and this ordinance, this ordinance shall govern.

Section 4. That Section V "Non-Residential Use Regulations" is hereby supplemented to include a new Subsection I, "R-3" – Retail District Regulations, which shall read as follows:

I. "R-3" – Retail District Regulations

(1) The "R-3" District shall be developed in accordance with the "R-2" District with the following exceptions:

- a) The maximum height of a one-story building shall be 42 feet and no windows shall overlook the adjacent residential areas.
- b) For buildings greater than 30,000 square feet of gross floor area and located within 50 feet of the northern property line of Parcel 811A, a screening device must be provided along the entire width of the rear lot line. The screening device must be either a masonry wall (minimum of 6 feet in height) or a tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 20 feet on center with structural supports spaced every 10 feet, and with sufficient evergreen landscaping to create a screening effect.
- c) If a loading space or dock is located within 50 feet of the northern property line of Parcel 811A, a screening device must be provided along the entire width of the rear lot line (if not already being provided).
- d) Lighting levels for Parcel 811A shall not distribute more than 0.25 foot candles of light upon Parcel 811B.
- e) On Parcel 811A, a row of Eastern Red Cedar trees (minimum of 6 feet tall at time of planting) shall be planted at a rate of 1 tree per 15 feet, starting from the area just south of the western end of Lot 12, Block N of the Fountainview, Phase Two subdivision and extending westerly to the creek. Trees may be clustered to facilitate site design. Trees planted to satisfy this requirement may also

be planted in the adjacent open space (Parcel 811B).

- f) On Parcel 811A, a 20 foot wide landscape buffer shall be provided where adjacent to Parcel 811B. The landscape buffer is required starting from the area just south of the western end of Lot 12, Block N of the Fountainview, Phase Two subdivision and extending easterly along the common property line to the eastern property line of Parcel 811A. The width of the landscape buffer may be reduced to a minimum of 5 feet at the discretion of the Planning and Zoning Commission as part of the site plan approval process depending on the quality of the design of the site plan.
- g) Minor auto repair and lube center uses are allowed within Parcel 811A, but only if on a lot entirely located within 300 feet of the northern right-of-way line of Eldorado Parkway.

Section 5.

Use and development of the subject property shall conform to the following:

1. Parcel 811A shall conform to the "R-3" – retail zoning district of Planned Development Ordinance 1621.
2. Parcel 811B shall conform to the "OS" – open space zoning category of Planned Development Ordinance 1621, and as amended except as follows:
  - All existing trees in Parcel 811B shall be preserved.
3. Parcel 1020 shall conform to the "MF-1"- multi-family zoning category of Planned Development Ordinance 1621, and as amended.
  - The City of McKinney Architectural and Site Standards

(Section 41-215 of the Zoning Ordinance) will apply as usual to any multi-family projects developed on Parcel 1020.

4. Parcel 1017 shall conform to the "R-1" – retail zoning category of Planned Development Ordinance 1621, and as amended.
5. Parcel 1018 shall conform to the "R-1" – retail zoning category of Planned Development Ordinance 1621, and as amended.
6. Parcel 1016A shall conform to the "O-1" – office zoning category of Planned Development Ordinance 1621, and as amended.
7. Parcel 1016C shall conform to the "OS" – open space zoning category of Planned Development Ordinance 1621, and as amended.

Section 6. 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 7. 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 8. 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 9. 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.

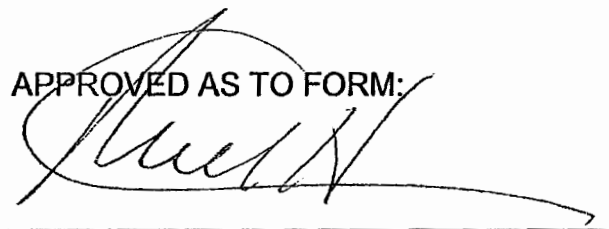
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 1<sup>ST</sup> DAY OF NOVEMBER, 2005.**

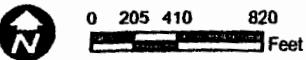
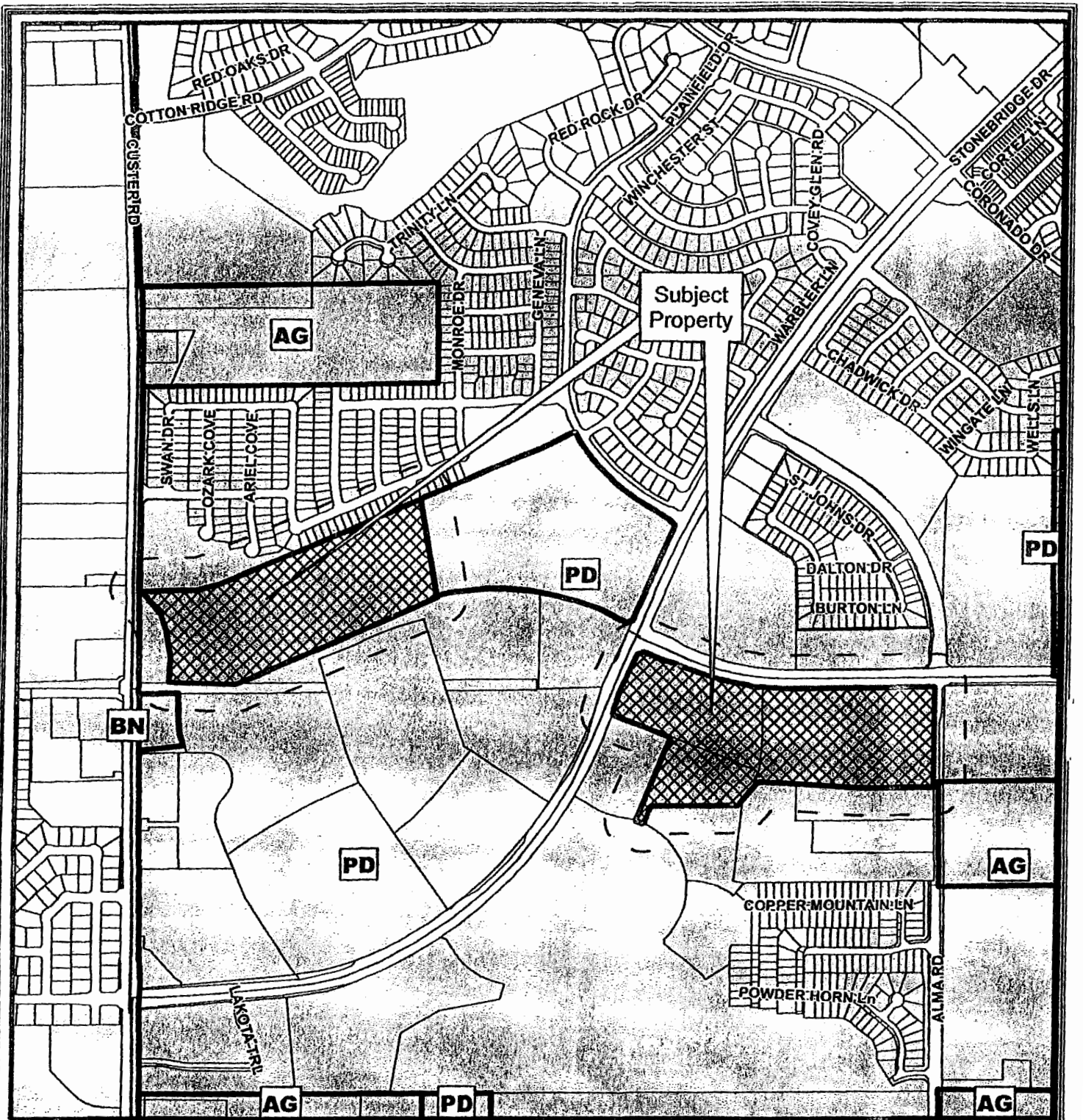
  
BRIAN LOUGHMILLER, Mayor Pro-Tem

CORRECTLY ENROLLED:

  
SANDY HART, CMC, City Secretary  
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:

  
MARK S. HOUSER, City Attorney



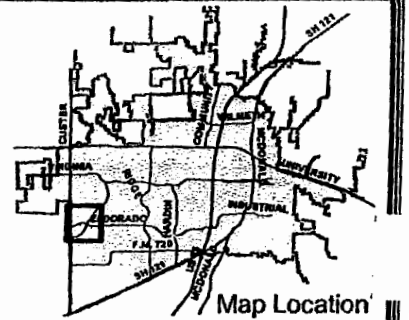
**Notification Case**

Notice Case #: 05-243Z

--- 200' Notification Buffer



**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.

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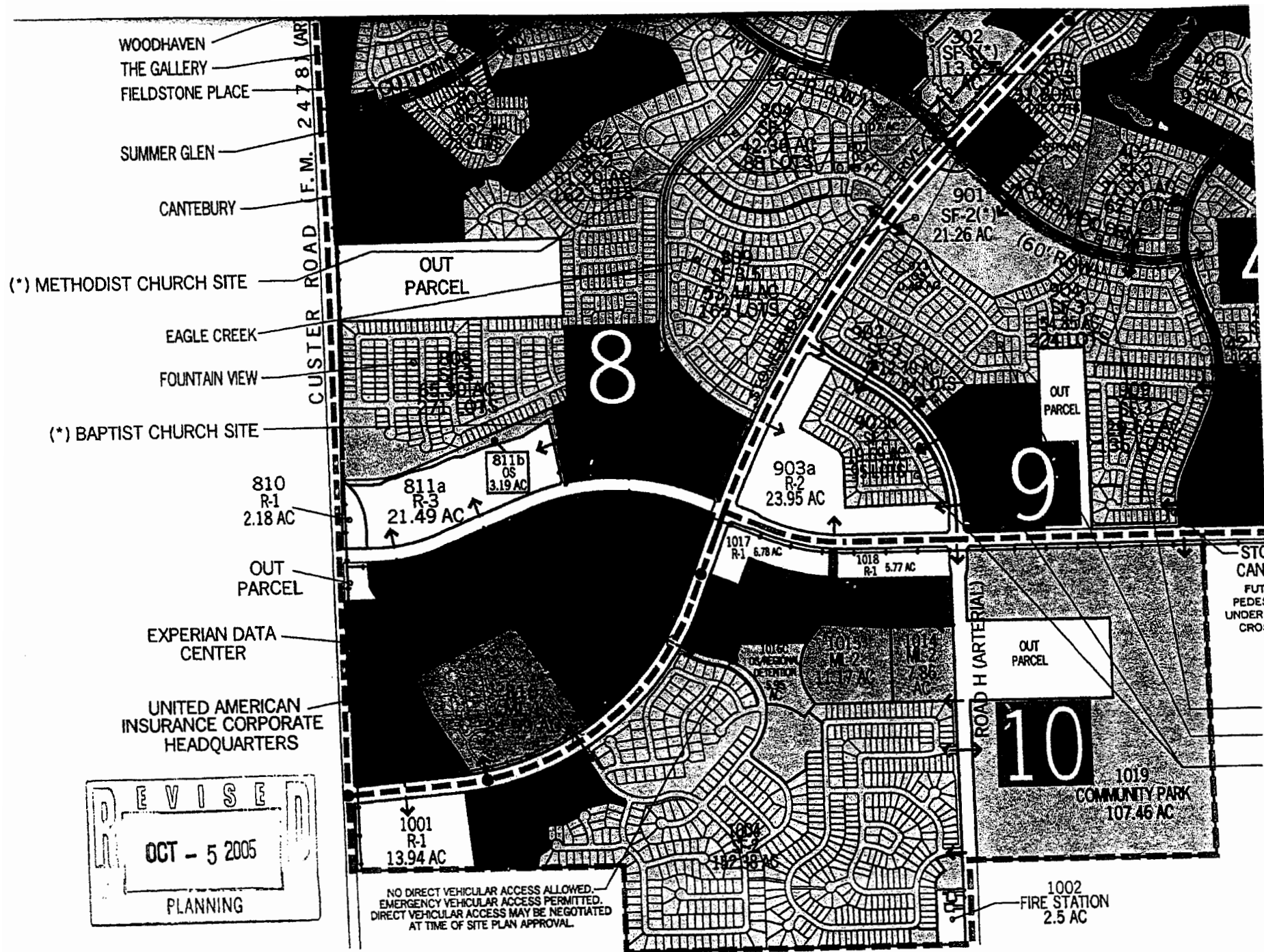


EXHIBIT "B"



PLANNING AREA 8

TRACT NO.	GROSS AC	ROW AC	NET AC	% TRACT	Zoning Classification	Min Lot Area	Min Lot Width	Min Lot Depth	Max Height	Min Front Yard	Min Rear Yard	Min Side Yard	Max Lot cover	Min Corner Side Yard	DUIAC	MAX. NO. DU's	POP/UNT	PROJECTED POPULATION
801	31.60	2.06	29.54	6.06	SF-2	6000 SF	50'	90'	35'	20'(e)	20'(e)	5'	60%	15'	3.1	92	3.0	278
802	51.64	0.44	51.20	9.91	SF-2	6000 SF	50'	90'	35'	20'(e)	20'(e)	5'	60%	15'	2.9	148	3.0	444
803	13.49	0.57	12.92	2.59	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(e)	0' One Side/10' bwn bldgs	60%	15'	5.7	73	3.0	219
804	44.33	1.97	42.36	8.51	SF-2	6000 SF	50'	90'	35'	20'(e)	20'(e)	5'	60%	15'	2.1	88	1.8	158
805	21.76	1.45	20.31	4.18	MF-1	1800 SF	50'	100'	50'	20'	10'(e)	7'	80%	15'	18.0	366	1.8	659
806	30.71	0.14	30.57	5.89	GC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
807	0.92	0.43	0.49	0.18	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
808	68.69	1.39	65.30	12.80	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' bwn bldgs	60%	15'	4.5	292	3.0	876
809	56.91	3.47	53.44	10.92	SF-3.5	3300 SF	50'	55'	35'	0'	5'	10' Between Bldgs	60%	0'	3.09	165	3.0	495
810	3.14	0.96	2.18	0.60	R-1	N/A	N/A	N/A	35'	25'	0'(b)	0'(d)	50%	15'	.40 FAR	N/A	N/A	N/A
811a	24.07	2.58	21.49	4.82	R-3	N/A	N/A	N/A	42'	25'	0'(b)	0'(d)	50%	15'	.40 FAR	N/A	N/A	N/A
811b	3.19	0.00	3.19	0.61	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
812	34.79	3.09	31.70	6.58	O-1 S	N/A	N/A	N/A	120'(g)	25'	0'(b)	0'(b)	60%	25'	.75 FAR	N/A	N/A	N/A
813A	34.43	2.61	31.82	6.61	O-2	N/A	N/A	N/A	260'(g)	25'	0'(b)	0'(d)	50%	25'	.75 FAR	N/A	N/A	N/A
813B	29.33	4.03	25.30	5.63	O-1	N/A	N/A	N/A	120'(g)	25'	0'(b)	0'(b)	60%	25'	.75 FAR	N/A	N/A	N/A
814	27.77	3.73	24.04	5.33	O-1	N/A	N/A	N/A	120'(g)	25'	0'(b)	0'(b)	60%	25'	.75 FAR	N/A	N/A	N/A
815	19.54	1.25	18.29	3.75	O-1	N/A	N/A	N/A	120'(g)	25'	0'(b)	0'(b)	60%	25'	.75 FAR	N/A	N/A	N/A
816	26.77	1.78	24.99	5.14	ML-1	10000 SF	50'	N/A	120'(g)	25'	0'(b)	0'(b)	60%	25'	.75 FAR	N/A	N/A	N/A
TOTAL	521.08	31.95	489.13	100.00									75%	20'	N/A	N.L.C.	N/A	N/A

PLANNING AREA 9

TRACT NO.	GROSS AC	ROW AC	NET AC	% TRACT	Zoning Classification	Min Lot Area	Min Lot Width	Min Lot Depth	Max Height	Min Front Yard	Min Rear Yard	Min Side Yard	Max Lot cover	Min Corner Side Yard	DUIAC	MAX. NO. DU's	POP/UNT	PROJECTED POPULATION
901	23.27	2.01	21.26	7.42	SF-2	6000 SF	50'	90'	35'	20'(e)	20'(e)	5'	60%	15'	N/A	N/A	N/A	N/A
902	14.88	2.18	12.70	4.74	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' bwn bldgs	60%	15'	4.3	54	3.0	162
903a	30.02	6.07	23.95	9.57	R-2	N/A	N/A	N/A	35'(f)	25'	0'(b)	0'(d)	50%	15'	1.0 FAR	N/A	N/A	N/A
903b	21.65	1.86	19.89	6.87	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' bwn bldgs	60%	15'	4.8	95	3.0	285
904	57.38	2.53	54.85	18.28	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' bwn bldgs	60%	15'	4.1	224	3.0	672
905	24.68	2.26	22.42	7.86	O-1	N/A	N/A	N/A	120'(g)	25'	0'(b)	0'(b)	60%	25'	.75 FAR	N/A	N/A	N/A
906	23.35	2.16	21.19	7.44	MS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
907	10.05	0.76	9.29	3.20	ES	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
908	17.75	0.96	16.79	5.66	P	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
909	31.53	1.90	29.63	10.05	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' bwn bldgs	60%	15'	4.6	135	3.0	405
910	57.82	5.62	52.00	18.36	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' bwn bldgs	60%	15'	4.0	209	3.0	627
911	0.94	0.45	0.49	0.30	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
912	0.79	0.50	0.29	0.25	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL	313.81	29.26	284.55	100.00												717	N/A	2,151

PLANNING AREA 10

TRACT NO.	GROSS AC	ROW AC	NET AC	% TRACT	Zoning Classification	Min Lot Area	Min Lot Width	Min Lot Depth	Max Height	Min Front Yard	Min Rear Yard	Min Side Yard	Max Lot cover	Min Corner Side Yard	DUIAC	MAX. NO. DU's	POP/UNT	PROJECTED POPULATION
1001	16.35	2.41	13.94	4.32	R-1	N/A	N/A	N/A	35'	25'	0'(b)	0'(d)	50%	15'	.4 FAR	N/A	N/A	N/A
1002	3.15	0.65	2.50	0.83	rte station	N/A	N/A	N/A	35'	25'	0'(b)	0'(d)	50%	15'	.40 FAR	N/A	N/A	N/A
1003	18.47	1.67	16.80	4.88	O-1	N/A	N/A	N/A	120'(g)	25'	0'(b)	0'(b)	60%	25'	.75 FAR	N/A	N/A	N/A
1004	156.61	4.23	152.38	41.37	SF-2	6000 SF	50'	90'	35'	20'(e)	20'(e)	5'	60%	15'	3.7	550	3.0	1,650
1014	8.74	0.88	7.86	2.31	ML-2	10000 SF	50'	N/A	120'(g)	25'	0'(b)	0'(b)	75%	20'	.50 FAR	N/A	N/A	N/A
1015	11.17	0.00	11.17	2.95	ML-2	10000 SF	50'	N/A	120'(g)	25'	0'(b)	0'(b)	75%	20'	.50 FAR	N/A	N/A	N/A
1016A	7.03	1.03	6.00	1.66	O-1	N/A	N/A	N/A	120'(g)	25'	0'(b)	0'(b)	60%	25'	.75 FAR	N/A	N/A	N/A
1016C	5.95	0.00	5.95	1.57	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1017	6.91	2.13	4.78	1.35	R-1	N/A	N/A	N/A	35'	25'	0'(b)	0'(d)	50%	15'	.40 FAR	N/A	N/A	N/A
1018	7.59	1.82	5.77	1.61	R-1	N/A	N/A	N/A	35'	25'	0'(b)	0'(d)	50%	15'	.40 FAR	N/A	N/A	N/A
1019	113.22	5.76	107.46	29.91	P	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1020	21.38	0.66	20.72	5.64	MF-1	1800 SF	50'	100'	50'	20'	10'(c)	7'	80%	15'	18.0	373	1.8	671
TOTAL	378.55	21.24	357.31	100.00												923	N/A	2,321

Footnotes:

- (a) Setback may be 10' when adjacent to private recreation open space or 0' when adjacent to lake or water body.
- (b) 25 feet required when abutting any District requiring a rear (side) yard, or where abutting a Golf Course.
- (c) When adjacent to Residential District, the greater rear yard requirement of the two will prevail.
- (d) 15 feet required when abutting any zone requiring a side yard.
- (e) May be reduced to 10' with site plan approval.
- (f) Office, Hotel, & Multi-Family up to 260' are permitted.
- (g) Building height may not exceed 35' unless required yards are increased by one foot for each one foot of additional building height.
- (h) Applies to non-residential development only. Residential setback will be 10'

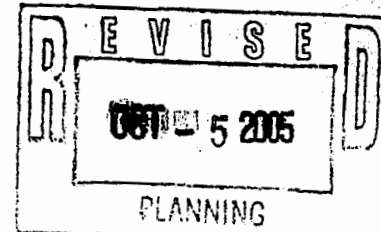


EXHIBIT "C"