

ORDINANCE NO. 2005-10-099

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 31 ACRE TRACT, LOCATED GENERALLY WEST OF LAKE FOREST DRIVE, EAST OF STACY ROAD, AND ON THE NORTH SIDE OF STATE HIGHWAY 121, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR "MU-EC" – MIXED USE/EMPLOYMENT CENTER AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT; 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 rezoning of an approximately 31 acre tract located generally west of Lake Forest Drive, east of Stacy Road, and on the north side of State Highway 121, is rezoned from "AG" – Agricultural District to "PD" – Planned Development District, Generally for "MU-EC"- Mixed Use/ Employment Center and "REC" Regional Employment Center Overlay District, 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. Ordinance No. 1270 is hereby amended so that an approximately 31 acre tract located generally west of Lake Forest Drive, east of Stacy Road, and on the north side of State Highway 121, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "AG" – Agricultural District to "PD" – Planned Development District, Generally for "MU-EC"- Mixed Use/ Employment Center and "REC" Regional Employment Center Overlay District.

Section 2. Use and development of the subject property shall conform to REC Employment Center District regulations of the City of McKinney Code of Ordinances, and as amended, with the following exceptions:

1. The subject property shall develop according to the attached development standards, Exhibit "B".
2. The subject property shall develop according to the attached general development plan, Exhibit "C".
3. Multi-family uses shall not be allowed within 500' of State Highway 121 (Tract A), as shown on the attached Exhibit "D".
4. The subject property shall develop according to the Regional Employment Center (REC) Overlay Design Standards.

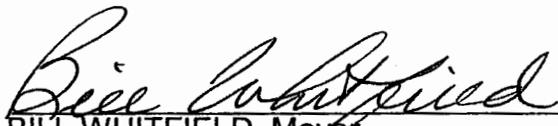
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of 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.

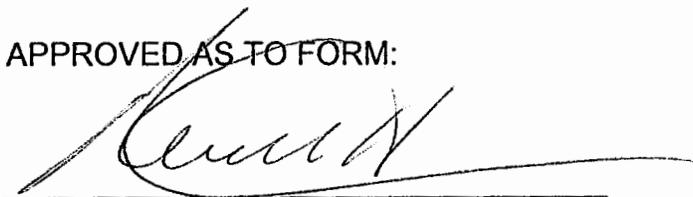
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 4th DAY OF OCTOBER, 2005.

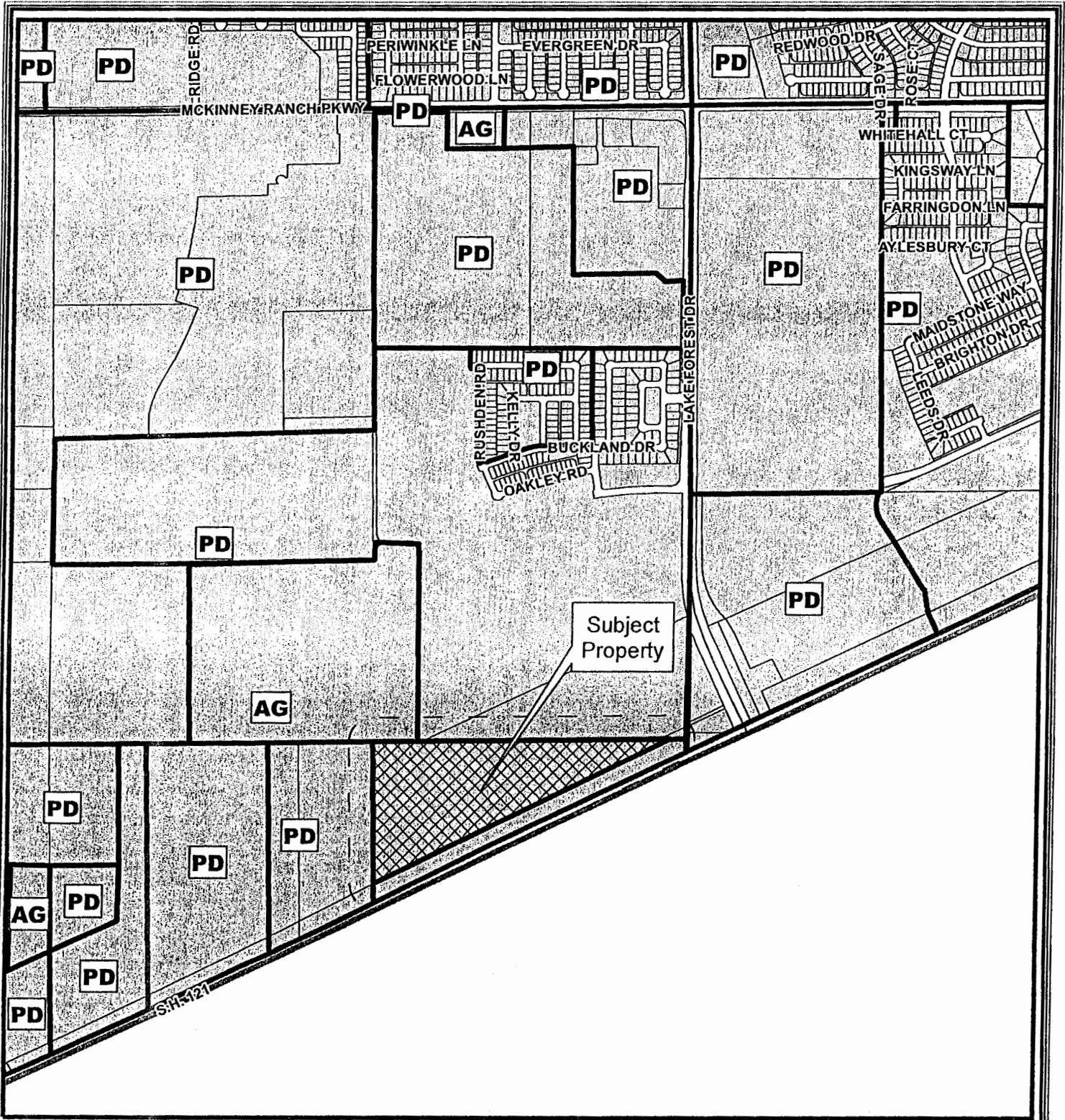

BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:

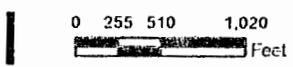

SANDY HART, CMC, City Secretary
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney



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Notification Case

Notice Case #: 05-231Z



- - - 200' Notification Buffer



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.

General Planned Development Standards

For Approximately 31 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 and supporting residential and commercial uses within the central portion of the McKinney Regional Employment Center (REC).

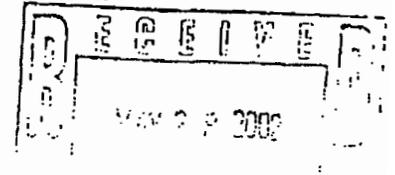
II. Special Provisions

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 Systems 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.

Parent zoning district tract shall mean the entire zoning tract as defined upon adoption of this ordinance. The applicant shall be responsible for documenting development totals for the remaining mixed-use development capacity for the original parent zoning district tract as development applications are submitted.

Due to the flexibility of mixed-use, the uses may be located throughout the property and may be shifted from one area of the parent zoning tract to another area of the parent zoning tract. Prior to shifting uses, however, a detailed general development plan shall be submitted for approval prior to a plat or site plan submittal. The intent is to allow for flexibility but to maintain the integrity of the REC, mix of uses, minimum and maximum densities and designs that have context to the surrounding areas.

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, arteries, 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
- Street network (Type A, Type B, collectors, arterials, etc.)
- Pedestrian connectivity and open space allocation
- Mix of land uses

III. Mixed Use/Employment Center (MU-EC)

- 1) Permitted Uses: Uses permitted in the REC Employment Center District are permitted as either primary or secondary uses.

- a. Primary Uses

This tract is intended to develop primarily with office uses and large scale non-residential/non-industrial uses which tend to have large footprints and serve as employment generators.

Hotels and temporary lodging uses shall also be allowed and encouraged as primary uses in this district.

- b. Secondary Uses

Secondary uses shall compose between fifteen percent (15%) and forty-five (45%) of the allowed gross floor area within the original parent zoning district tract.

Retail and service uses are permitted as secondary uses to support the primary uses. Most retail and service uses shall be integrated into the design and development of the large primary uses in a way creates a lively urban experience that emphasizes the vertical "mixed use" pattern. A small portion of the retail and service uses in this district may be allowed as independent, freestanding operations.

Rental and service uses must compose between one-tenth of one percent (0.1%) and ten percent (10%) of the allowed gross floor area within the original parent zoning tract. Private clubs shall be allowed in this tract by Specific Use Permit per the City of McKinney Ordinance.

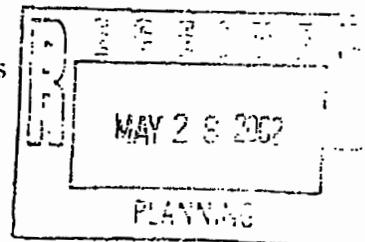
Residential uses shall be permitted as secondary uses within the district. They shall be developed in a dense form that contributes to creating an urban environment in conformance to the REC Design Standards and Guidelines. Residential uses may compose between fifteen percent (15%) and twenty-five (25%) of the allowed gross floor area within the parent zoning tract. Residential uses can take any of the following forms:

- (i) A business operated out of this type of dwelling unit is not considered a "home occupation" as defined by City of McKinney Zoning Ordinance, and the regulations of a home occupation as an accessory use to a residential use do not apply.
- (ii) Multiple-family dwellings (apartments), with more than four units in each building.
- (c) Other uses

Open space shall be provided within the tract as required by the McKinney Regional Employment Center Design Guidelines as adopted or amended in the future.

(2) Development Standards

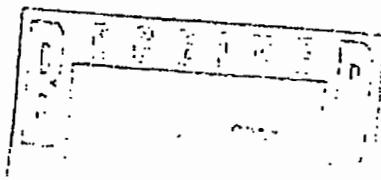
- a. Maximum Floor Area Ratio: 4.5:1.0
- b. Minimum Height: Two (2) stories. One (1) story buildings are permitted only for freestanding retail and service uses, or by issuance of a Specific Use Permit.
- c. Maximum Height: Fifteen (15) stories

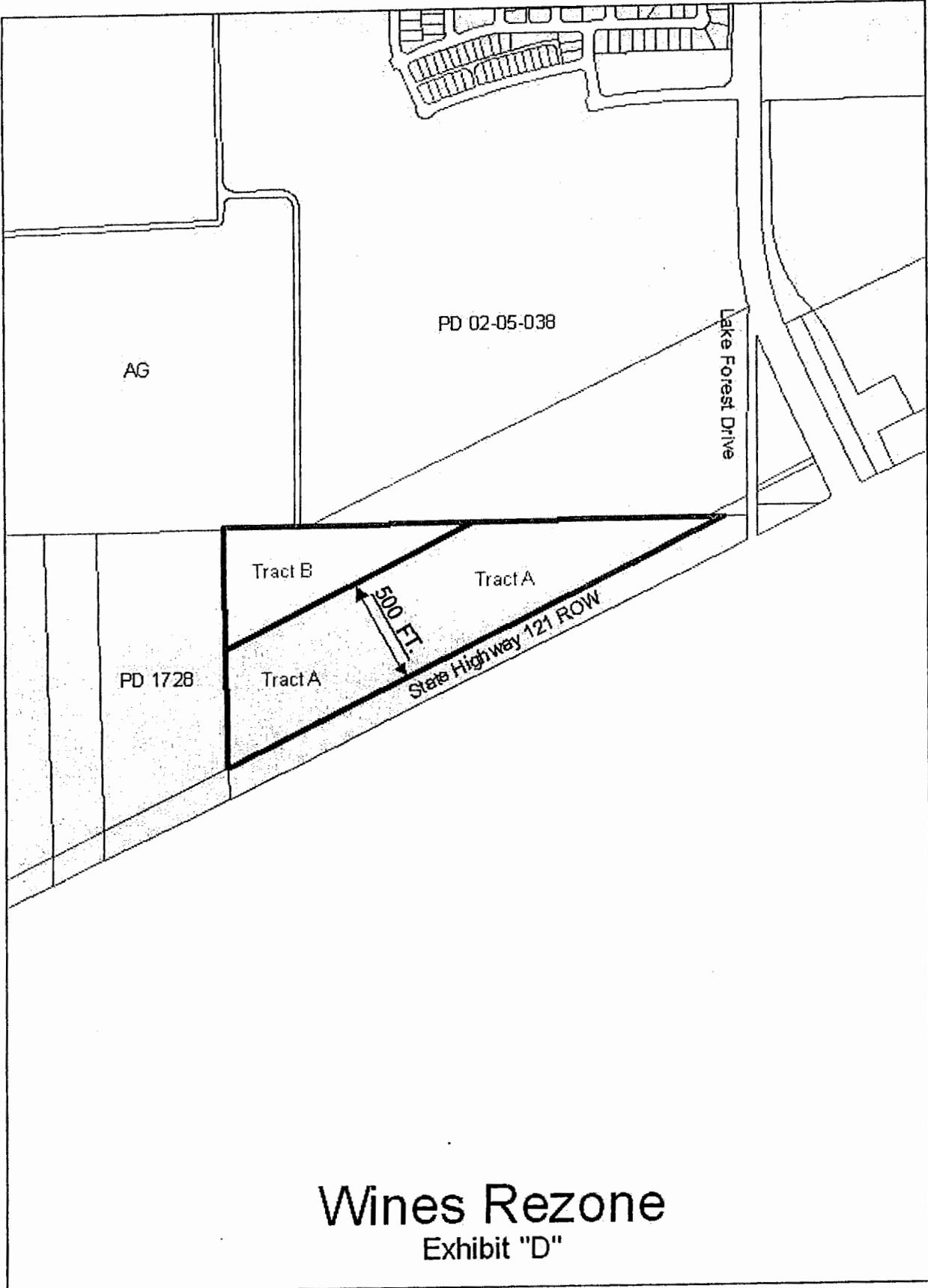


- d. Height/Setbacks: The following height maximums shall also apply to structures within this district:
- One (1) story building are permitted only for freestanding retail and service uses, or by issuance of a Specific Use Permit.
 - Buildings within 150 feet of the following may not exceed two (2) stories. The setback is measured from the building to the boundary of the following properties:
 - (i) An undeveloped property zoned primarily for single-family residential uses, or
 - (ii) A property developed for single-family residential uses (one dwelling unit per lot)
 - Buildings exceeding thirty-five (35) feet shall be set back from the following by at least one hundred (100) feet plus one (1) additional foot per one (1) foot of building height above the second story or 30 feet whichever is less.
 - (i) An undeveloped property zoned primarily for single-family residential uses, or
 - (ii) A property developed for single-family residential uses (one dwelling unit per lot)
 - Buildings exceeding four (4) stories shall be setback from the following by at least two hundred fifty (250) feet.
 - (i) An undeveloped property zoned primarily for single-family residential uses, or
 - (ii) A property developed for single-family residential uses (one dwelling per lot)
- e. Residential Density: Residential uses are permitted only at a density of at least twenty four (24) units per acre and not more than forty (40) units per acre.
- f. Use Conversion: Conversion of a building or portion thereof from a nonresidential use into a residential use shall be permitted only with the approval of the Director of Planning. Conversion shall be permitted when conversion project is in general conformance with the

McKinney Regional Employment Center Design Guidelines as adopted or amended in the future.

- g. Parking Layout: For all buildings interior to the parent tract or facing SH 121, the parking shall conform to the REC standards and to the City of McKinney site plan requirements.
- (3) Landscaping: The landscaping of all development with this Planned Development shall conform to the requirements of the McKinney Regional Employment Center Design Guidelines as adopted or amended in the future.
 - (4) Lighting: The lighting poles and standards shall be of decorative nature as to enhance the pedestrian experience. All lighting performance measures and spacing requirements shall comply with the City of McKinney's Lighting Ordinance.
 - (5) Road designs: Roads shall be designed in accordance with the City of McKinney adopted road schematics. Internal roads shall meet all right-of-way, radius and curb design standards as adopted by the City of McKinney.





Wines Rezone
Exhibit "D"