

ORDINANCE NO. 2008-06-063

AN ORDINANCE AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 29.36 ACRE PROPERTY, LOCATED GENERALLY ON THE SOUTHEAST CORNER OF SILVERADO TRAIL AND ALMA ROAD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, GENERALLY TO MODIFY THE ALLOWED USES AND DEVELOPMENT STANDARDS; 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 29.36 acre property, located generally on the southeast corner of Silverado Trail and Alma Road, from "AG" – Agricultural District to "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District, generally to modify the allowed uses and 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. Ordinance no. 1270 is hereby amended so that an approximately 29.36 acre property, located generally on the southeast corner of Silverado Trail and Alma Road, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "AG" – Agricultural District to "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District, generally to modify the allowed uses and development standards.

Section 2. Use and development of the subject property shall conform to the following regulations:

1. The subject property be rezoned to "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District and shall be subject to the following special ordinance provisions:
  - a. The subject property shall generally conform to the attached Zoning Exhibit, Exhibit "B".
  - b. The subject property shall develop according to the attached Planned Development Standards, Exhibit "C".

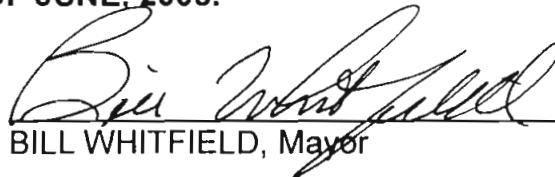
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of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

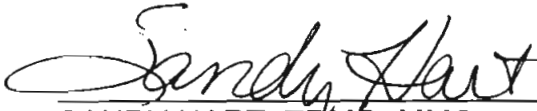
Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner 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 17<sup>TH</sup> DAY OF JUNE, 2008.**


  
BILL WHITFIELD, Mayor

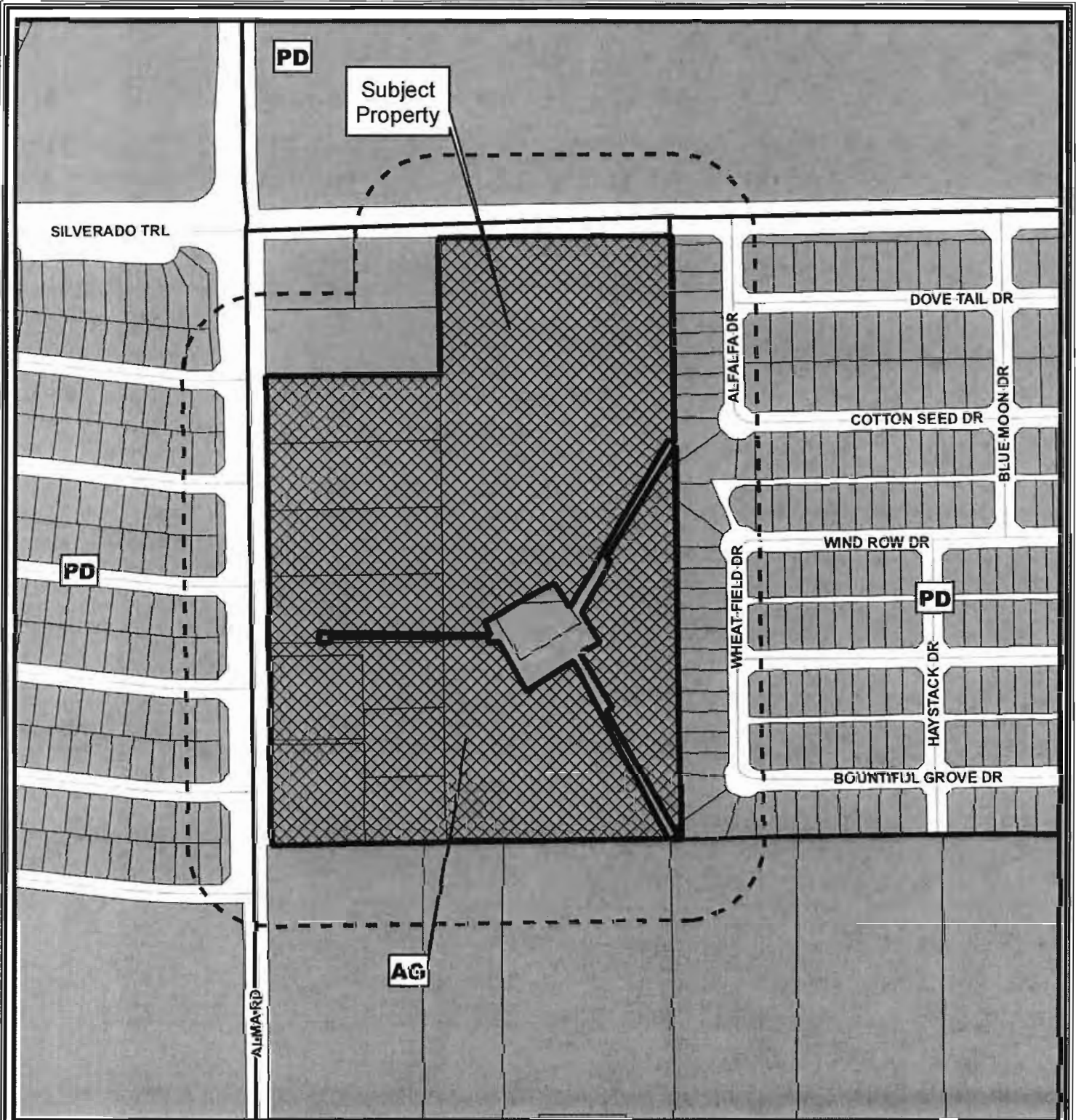
CORRECTLY ENROLLED:

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

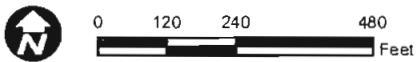
DATE: July 10, 2008

APPROVED AS TO FORM:

  
MARK S. HOUSER  
City Attorney



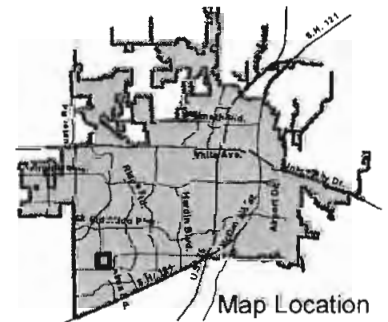
S:\MCKGIS\Notification\Projects\2008\08-060Z.mxd



**Notification Case**

Notice Case: 08-060Z  
R-2183-000-0009-1

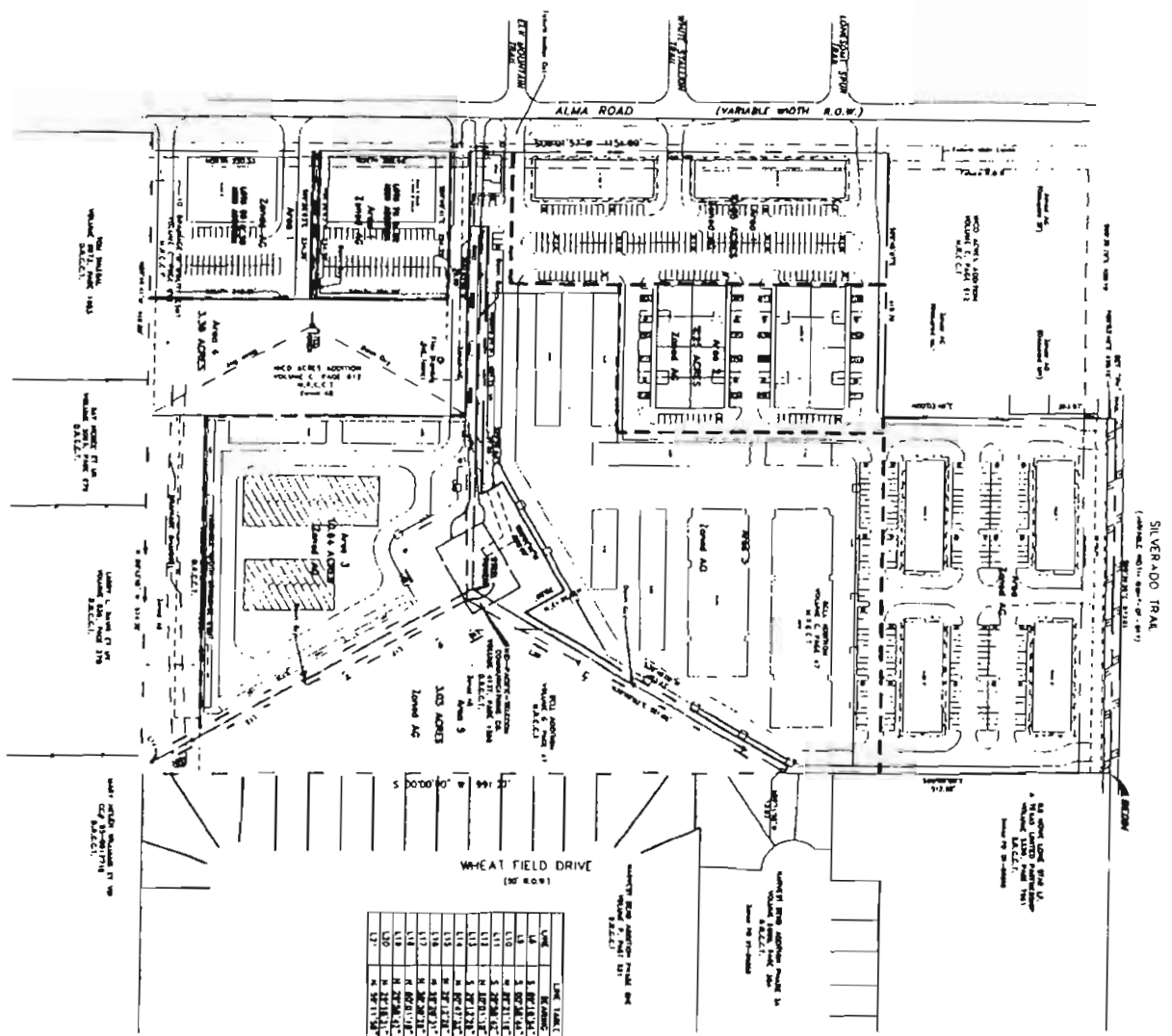
--- 200' Notification Buffer



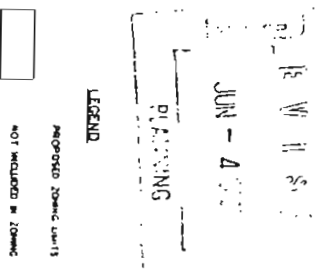
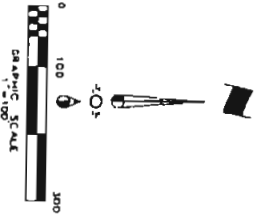
DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances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

**EXHIBIT A**

ZONING INFORMATION			
Alma Retail & Storage - 23.36 Acres out of the Bell Addition and Wheat Acres Addition Vol. 6, Page 47, M.R.C. 1 City of McKinney, Texas			
ZONING AREA	EXISTING ZONING	PROPOSED ZONING	ACRES
1 (10.05 AC)	AC	PD	
2 (2.22 AC)	AC	PD	
3 (10.64 AC)	AC	PD	
4 (3.39 AC)	AC	PD	
5 (3.03 AC)	AC	PD	



Lot	Area (Ac)	Area (Sq Ft)
1	10.05	432,000
2	2.22	96,000
3	10.64	461,000
4	3.39	146,000
5	3.03	129,000
<b>Total</b>	<b>23.36</b>	<b>967,000</b>



**DISCLAIMER**  
Don Paschal Consulting  
McKinney, Texas 75070  
872-520-1225  
Contact: Don Paschal

**ENGINEER**  
Cross Engineering Consultants, Inc.  
106 W. Louisiana St.  
McKinney, Texas 75069  
972-562-4409 (872) 562-4471  
Contact: Don David Cross, P.E.

<b>ALMA RETAIL &amp; STORAGE</b> Don Paschal Consulting CITY OF MCKINNEY, TEXAS <b>ZONING EXHIBIT</b>	<b>CROSS ENGINEERING CONSULTANTS</b> 106 W. Louisiana St. 972-562-4409	McKinney, Texas 75069 Fax 972-562-4471
--	--	---

# EXHIBIT B

Proposed Planned Development Regulations – 29.36 Acres  
Case no. 08-060Z

- I. **Land Use.** The uses allowed on the subject property shall be as follows:
- A. No retail service of vehicles will be permitted on the subject property.
  - B. Zoning Area 1 – The use and development of this area shall conform to the REC Office District and the REC Neighborhood Center District as defined and provided for in the City of McKinney Zoning Ordinance. Additionally, the following uses shall be permitted in Zoning Area 1:
    - 1. Veterinarian (with outside runs), subject to outside runs being no closer than 200 feet to a platted single family subdivision.
    - 2. Greenhouse or plant nursery
  - C. Zoning Area 2 – The use and development of this area shall conform to the REC Office District and the REC Neighborhood Center District as defined and provided for in the City of McKinney Zoning Ordinance. Additionally, the following uses shall be permitted in Zoning Area 2:
    - 1. Uses permitted in Area 1
    - 2. Utility shop or yard
    - 3. Cleaning plant, laundry
    - 4. Printing plant
    - 5. Sign shop
    - 6. Appliance sales, repair & service
    - 7. Auto parts sales (indoor only including tires, batteries and accessories)
  - D. Zoning Area 3 – The use and development of this area shall conform to the REC Office District and the REC Neighborhood Center District as defined and provided for in the City of McKinney Zoning Ordinance. Additionally, the following additional uses shall be permitted in Zoning Area 3:
    - 1. Uses permitted in Area 1 & 2
    - 2. Mini-warehouses (self-storage)
    - 3. Covered or open boat / recreational vehicle storage and service (service by individuals only; no retail service), subject to the following requirements:
      - a. being screened by a 10' masonry wall, or
      - b. being enclosed within the interior of a self-storage facility having at least one wall that is 10' in height so that the above screening objective is met. Gaps between the perimeter buildings should be filled in by an 8' tall wrought iron fence with masonry columns spaced every 20' along with evergreen shrubs acceptable for 6' screening.
  - E. Zoning Area 4 – The use and development of this area shall conform to the REC Office District and the REC Neighborhood Center District as defined and provided for in the City of McKinney Zoning Ordinance. Additionally, the following uses shall be permitted in Area 4:
    - 1. Utility Substation or regulating station – including communications towers, both guy wire supported and free standing. Free standing towers shall be limited to 180' in height and guy wire supported towers shall be limited to 450' in height.
    - 2. Accessory buildings for electronic, communication, and other equipment required for or ancillary to communication towers.
  - F. Zoning Area 5 – This area shall be zoned "AG" – Agricultural District in accordance with the City of McKinney Zoning Ordinance.

II. **Space Limits.** The following space limits shall apply to the subject property:

A. The following space limits shall apply to Area 1:

1. Minimum lot area: 5,000 sq ft.
2. Minimum width of lot: none
3. Minimum depth of lot: none
4. Maximum height of building: 35 feet (2.5 stories)
5. Front setback: 2' minimum
6. Minimum rear yard: 55' to accommodate vehicle parking behind the front face of a proposed building; this setback may be reduced with Site Plan approval if the applicant may demonstrate that reducing said setback is not detrimental to the character of the proposed development and the Regional Employment Center Overlay District.
7. Minimum side yard: none, except there is a required 35 foot building setback from a single family use or zoning district.
8. Minimum side yard at corner: none
9. Maximum lot coverage: 70 percent.
10. Maximum floor area ratio: 1.0 to one (1.0:1.0).

B. The following space limits shall apply to Area 2:

1. Minimum lot area: 5,000 sq ft.
2. Minimum width of lot: none
3. Minimum depth of lot: none
4. Maximum height of building: 35 feet, except that the height may be increased by two feet for each one foot that all required yards are increased.
5. Front setback: none, except 25 feet where abutting any single family residential use or zoning district.
6. Minimum rear yard: none, except 25 feet where abutting any single family residential use or zoning district.
7. Minimum side yard: none, except 25 feet where abutting single family residential use or zoning district.
8. Minimum side yard at corner: none
9. Maximum lot coverage: 70 percent.
10. Maximum floor area ratio: .75 to one (.75:1.0).

C. The following space limits shall apply to Area 3 and 4:

1. Minimum lot area: 10,000 sq ft.
2. Minimum width of lot: 50 feet, except maximum for area 4 communication towers is 20 feet.
3. Minimum depth of lot: 100 feet.
4. Maximum height of building: 40 feet, except if within 200 feet of single family residentially zoned or used property, the maximum height shall be limited to 35 feet.
5. Front setback: 2' minimum
6. Minimum rear yard: none, except 35 feet where adjacent to single family residential use or zoning district. If a self storage use is proposed and a

storage building's masonry wall backs to the adjacent single family residential uses or zoning, a 10' rear yard setback shall be allowed.

7. Minimum side yard: none, except 35 feet where adjacent to single family residential use or zoning district. If a self storage use is proposed and a storage building's masonry wall sides to the adjacent single family residential uses or zoning, a 10' side yard setback shall be allowed.
8. Minimum side yard at corner: none
9. Maximum lot coverage: 70 percent.
10. Maximum floor area ratio: 1.0 to one (1.0:1.0).

D. The following space limits shall apply to Area 5:

1. Minimum lot area: 3 acres
2. Minimum lot width: none
3. Minimum lot depth: none
4. All other space limits shall be per the "AG" – Agricultural District regulations as specified in the City of McKinney Zoning Ordinance.

III. **Required Landscape Buffers and Screening.** All screening and buffering shall be provided in accordance with the requirements of the Zoning Ordinance and REC Overlay District and as follows:

- A. A 10 feet wide landscape buffer shall be provided for all side and rear yards adjacent to residentially zoned and used properties.
- B. Landscaping in the buffers referenced in item "A" above shall conform to the City of McKinney Landscape Ordinance including the use of eastern red cedars to supplement the landscaping required by the Zoning Ordinance with the intent of providing a plant material mix that includes at least a 50% ever-green component.
- C. All telecommunication tower guy wire connections shall be screened from any right-of-way or public use area.
- D. No landscaped termini or any associated landscaping will be required at the ends of parking rows intended for the storage of boats or recreational vehicles.
- E. An 8' masonry screening fence shall be required along the eastern boundary line between the subject property and the adjacent residential properties.

IV. **Building Design Criteria.** All building design will be required to satisfy the architectural design requirements of the Zoning Ordinance and REC Overlay District as well as the items listed below:

- A. Façade Variety – buildings fronting or adjacent to either Alma Rd or Silverado Trail and within 100 feet of said road right of ways shall be designed to provide variety as follows:
  1. Building Line
    - a. Front face (includes the exterior building line facing either Alma Rd or Silverado Trail and the opposite side / face building line) of the buildings within 0 feet of the public right of way of either named street shall have offsets of at least 2 feet no less than every 75 feet. Such offset shall correspond to parapet or roof variations or changes in building materials or color of finish materials.
    - b. The front face of building which are parallel to and face the buildings referenced in "a" above shall have comparable offset requirements or that are designed to complement said building facades; other facades of these buildings not facing or the "a" buildings shall not be required to conform to the offset or roof variety requirement.
    - c. The offsets referenced above may be achieved through entry features that are either recessed into the building or extend out from the main building line including such components as entry roofs, awnings, or covered components which are distinct from the main building roof or parapet line.
  2. Building roof or parapet height variety – the buildings within 60 feet of Alma or Silverado Trail or that are in the first tier of adjacent buildings to either Street

shall provide for variation in height a minimum of 2 feet and may include differing styles with the intent of providing design variation and avoiding a single height roof line.

3. Dual front face buildings – buildings that are within 60 feet of Alma or Silverado Trail shall be designed with two front faces (the face directly facing the referenced street and the opposite side face, which will typically be the face closest to off street parking). Dual front faces may be achieved by having two true front faces or by:
  - a. Providing the street frontage face with glass on a minimum of 50% of the frontage thus presenting a see through appearance.
  - b. Secondary entrances that emulate main entry design.
  - c. Building material features or landscaped pedestrian offsets that provide uniqueness to the visual appeal of the building/property.