

ORDINANCE NO. 2013-03-025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 34.56 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF STATE HIGHWAY 121 (SAM RAYBURN TOLLWAY) AND U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT, "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY 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 34.56 acre property, located on the northwest corner of State Highway 121 (Sam Rayburn Tollway) and U.S. Highway 75 (Central Expressway), which is more fully depicted on Exhibit "A", attached hereto, from "PD" – Planned Development District, "REC" – Regional Employment Center Overlay District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District, "REC" – Regional Employment Center Overlay 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:

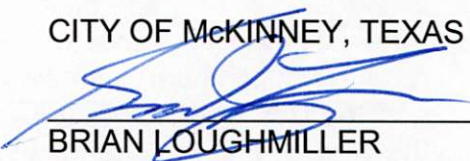
- Section 1. Ordinance No. 1270 is hereby amended in order to rezone an approximately 34.56 acre property, located on the northwest corner of State Highway 121 (Sam Rayburn Tollway) and U.S. Highway 75 (Central Expressway), from "PD" – Planned Development District, "REC" – Regional Employment Center Overlay District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District, "REC" – Regional Employment Center Overlay District and "CC" – Corridor Commercial Overlay District.
- Section 2. Use and development of the subject property shall conform to "PD" – Planned Development District Ordinance No. 2003-04-033, "CC" – Corridor Commercial Overlay District, and "REC" – Regional Employment Center Overlay District, except as follows:
- a. The subject property shall be subject to the attached development regulations (Exhibit "B").
 - b. The character of any multi-family residential development shall generally conform to the attached architectural rendering and shall also be subject to the Architectural and Site Standards section of the Zoning Ordinance, except as amended herein (Exhibit "C").
 - c. Landscape buffers along property lines of multi-family development, as required by Section 146-135 of the Zoning Ordinance, shall be reduced

for buildings located closer than 20 feet from a property line, as specified in the attached development regulations (Exhibit "B").

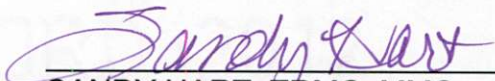
- Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of 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 5th DAY OF MARCH, 2013.

CITY OF MCKINNEY, TEXAS



BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:


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

DATE: March 5, 2013

APPROVED AS TO FORM:


MARK S. HOUSER
City Attorney

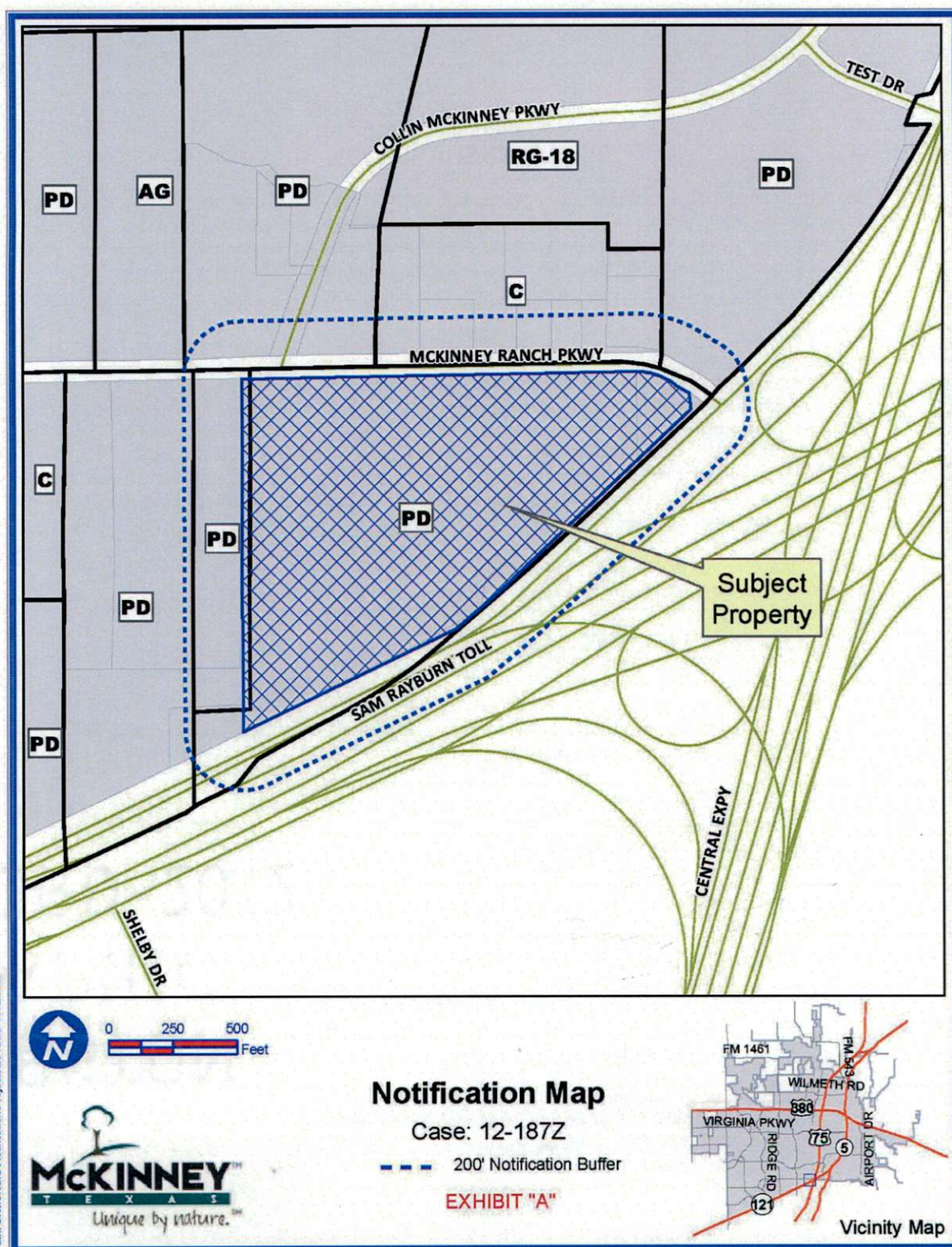


EXHIBIT A

EXHIBIT "B"

NWC US 75 and SH 121
DEVELOPMENT STANDARDS

The Current Planned Development District Standards for PD 2003-04-033 shall apply except that the following provisions shall apply to multi-family development on the subject property. All commercial/retail/office or other uses other than multi-family shall develop as per PD 2003-04-033. All commercial/retail/office or other uses other than multi-family shall develop as per PD 2003-04-033.

- I. Parking:
 - a. The parking requirement for a multi-family residential development on the subject property shall be 1 parking space for every dwelling unit (at least 30% must be enclosed) plus $\frac{1}{2}$ parking space for every bedroom. If a garage is proposed, a 20' driveway, which may be counted as a parking space, shall be provided in front of the garage door or an additional $\frac{1}{2}$ parking space shall be provided somewhere on-site. No other enclosed or covered parking shall be required for a multi-family residential development on the subject property.
- II. Windows in a multi-family residential structure that is within 150' of a property zoned or used for single family purposes may be oriented toward said single family uses.
- III. Side yard and rear yard setbacks shall be as follows:
 - a. Side yard setback: 10 ft
 - b. Rear yard setback: 5 ft
- IV. Any multi-family residential development constructed on the subject property shall be approved if all the following criteria are met:
 1. **Roof Treatment.**
 - a. A pitched roof of any style, including, but not limited to, hipped, gabled or shed roofs shall be acceptable. The roof must cover 100 percent of the total roof area, excluding porches and porte-cocheres. No flat roof line shall be visible from the public ROW.
 - b. A parapet wall shall be acceptable if constructed around the entire perimeter of a building so that no flat roof shall be visible.
 - c. Standing seam metal roofs, which meet all the criteria of this section shall be acceptable.
 - d. No more than one color shall be used for visible roof surfaces, however, if more than one type of roofing material is used, the materials shall be varying hues of the same color.
 2. **Exterior finishing materials.**
 - a. Each wall of each building shall be finished with at least 85 percent masonry (excluding windows and doors). Acceptable masonry finishing materials are brick, stone and/or synthetic stone materials including, but not

EXHIBIT B

EXHIBIT "B"

necessarily limited to slate, flagstone, granite, limestone, and marble. The area of exterior finish shall be calculated exclusive of doors and windows.

- b. The balance of any exterior finishing materials shall be stucco, EIFS, architectural concrete masonry units (CMU), wood lap siding, vinyl siding, complimentary architecturally finished metal or steel and/or glass curtain wall systems (excluding windows and doors).
- c. Walls located within interior courtyards shall be a minimum of 50 percent brick, stone, or synthetic stone materials, with the remaining 50 percent of each side being wood lap siding, vinyl siding, stucco, cast concrete modular siding, or EIFS.

3. *Exterior color.*

- a. 100 percent of total exterior building surfaces (exclusive of glass) shall be neutrals, creams, pastels, or deep, rich, non-reflective natural or earth-tone colors (including approved finishing materials). Examples of acceptable colors include, but are not limited to burgundy, forest green, navy blue, eggplant, rust, or ochre. Subtle variations of such colors shall also be permitted.
- b. No more than six (6) colors shall be used; however, natural, unaltered materials such as brick or stone used on the building shall not be counted toward the maximum number of colors allowed.

4. *Building massing.*

- a. Horizontal wall planes longer than 30 feet in width shall be segmented into smaller sections by a facade offset of a minimum four (4) feet deep and eighteen (18) feet wide. This may be achieved through protruding balconies with covered awnings or other architectural elements such as a cantilever or some other horizontal or vertical offset.

5. *Fenestration.*

- a. At least 20 percent of walls oriented toward rights-of-ways shall feature windows.

6. *Architectural and site enhancements.* All buildings shall be required to provide at least five (5) of the following architectural elements:

- a. Each exterior wall of each building shall be finished with 100 percent masonry. Walls within internal courtyards shall not satisfy this requirement;
- b. Each building's facade contains two types of complementary masonry finishing materials and each of the materials is used on at least 25 percent of each facade;

EXHIBIT B

EXHIBIT "B"

- c. A minimum of 15 percent of each building's façade which face a right-of-way or property zoned or used for single family residential purposes features patterned brick work or patterned stone work.
- d. All chimneys are finished on all sides with 100 percent masonry finishing materials;
- e. 95% of the ground-floor residential units shall have an exterior oriented entrance that features an articulated entrance through the use of lintels, pediments, keystones, pilasters, arches, columns, or other similar architectural elements;
- f. 95% windows are emphasized through the use of molding around the windows, plant ledges, sills, shaped frames, awnings, or another similarly related architectural element;
- g. 95% of units shall have a private balcony or porch that is at least 24 square feet in area.
- h. Windows facing public rights-of-ways shall feature shutters. The shutters provided must be operational or appear operational and must be in scale with the corresponding window;
- i. Downspouts associated with gutters are completely screened from view.
- j. All entrances into the multi-family residential development shall feature a landscaped median. The median shall be provided as indicated below:
 - i. The landscaped median shall be at least 10 feet wide and at least 50 feet long (measured from back of curb to back of curb). The median and its plantings shall not be permitted to interfere with necessary sight visibility lines;
 - ii. At least one canopy tree for every 50 linear feet that the median extends (in length);
 - iii. At least two ornamental trees for every 50 linear feet that the median extends (in length); and
 - iv. The required median shall be completely covered with living plant materials and shall be provided with an automatic underground irrigation system as specified in Section 146-135(e)(2) of the Zoning Ordinance.
- k. Amenities conforming to the regulations provided herein are provided.
 - i. The number of required amenities shall be based on the number of units within the development.
 - 1. Developments with less than 20 dwelling units shall provide at least 1 amenity.
 - 2. Developments with between 20 dwelling units and 99 dwelling units shall provide at least 2 amenities.
 - 3. Developments with between 100 dwelling units and 179 dwelling units shall provide at least 3 amenities.
 - 4. Developments with between 180 dwelling units and 259 dwelling units shall provide at least 4 amenities.
 - 5. Developments with 260 dwelling units or more shall provide at least 5 amenities.
 - ii. The following items shall be classified as acceptable amenities:

EXHIBIT B

EXHIBIT "B"

1. Swimming pool (minimum 1,000 square foot surface area) with cooling deck (minimum 10 feet wide in all areas);
2. Jacuzzi or hot tub area (minimum 4 person);
3. Splash pad (minimum 1,000 square foot surface area);
4. A least 2 barbeque grills with shaded seating areas for at least 8 people;
5. Ramada(s), arbor(s), and/or trellis(es) covering at least 1,000 square feet total;
6. Tot play lot (minimum 4,000 square foot area);
7. One volleyball, basketball, tennis, or other similarly related playing court;
8. Fitness center (minimum 500 square feet);
9. A dog park which is at least 5,000 square feet in area which satisfies the following requirements:
 - a. The dog park is enclosed by a minimum five foot tall vinyl coated chain link fence;
 - b. No side of the enclosure shall be shorter than 50 feet in length;
 - c. One dog waste station which shall include a bag dispenser and waste receptacle must be installed along the perimeter of the enclosure for every 2,500 square feet of the associated dog park; and
 - d. One 25 square foot animal washing bay (with associated plumbing) is provided in conjunction with the dog park.
10. Other amenity as approved by the Planning and Zoning Commission as part of the site plan approval process.
 - l. At least five architectural design solutions are integrated into each building elevation to provide visual interest and architectural variation. Acceptable architectural design solutions include, but are not limited to projecting private balconies, varied wall shapes (flat walls, rounded turret walls, or another wall shape) that are at least 20' in length, at least three complimentary paint color changes are utilized, decorative window and door treatments, dormers, patterned brick work, the use of multiple complimentary masonry types, or another architectural element utilized to satisfy the intent of this section;
 - m. All ground level mechanical heating, ventilation, and air conditioning equipment is completely screened.
 - n. All mechanical, heating, ventilation, and air conditioning equipment is roof-mounted.
 - o. A structured parking garage (at least two levels) is provided and wrapped with or screened from the view of right-of-way by the multi-family residential building(s) it serves.

EXHIBIT B

EXHIBIT "B"

7. Additional requirements.

- a. The architectural character of a building's front façade shall be continued along all facades and walls.
- b. All covered and enclosed parking shall be of similar and conforming architectural design and materials as the main multi-family structures. Exposed steel or timber support columns for covered parking structures shall be prohibited and shall be finished with a masonry finishing material to match the building.
- c. All off-street parking areas shall be screened from view from public thoroughfares by one or more of the following:
 - i. A combination of low masonry walls and earthen berms reaching a minimum of six feet tall;
 - ii. Earthen berms reaching a minimum of six feet tall;
 - iii. A six foot tall brick masonry, stone masonry, or other architectural masonry finish; or
 - iv. A six foot tall primed and painted tubular steel or wrought iron fence with masonry columns spaced 40 feet on center with structural supports placed every 20 linear feet, and with sufficient evergreen landscaping to create a screening effect;
 - v. A multi-family residential building(s) that the off-street parking is serving; or
 - vi. Another alternate screening device as approved by the Planning and Zoning Commission.
- d. All paving for drives, fire lanes, and parking shall be concrete and shall feature curbs.
- e. Exterior stairways shall be covered with a roof, roof overhang, or porch and shall be incorporated into the architectural design of the building rather than appearing as an appendage to the building.

EXHIBIT B

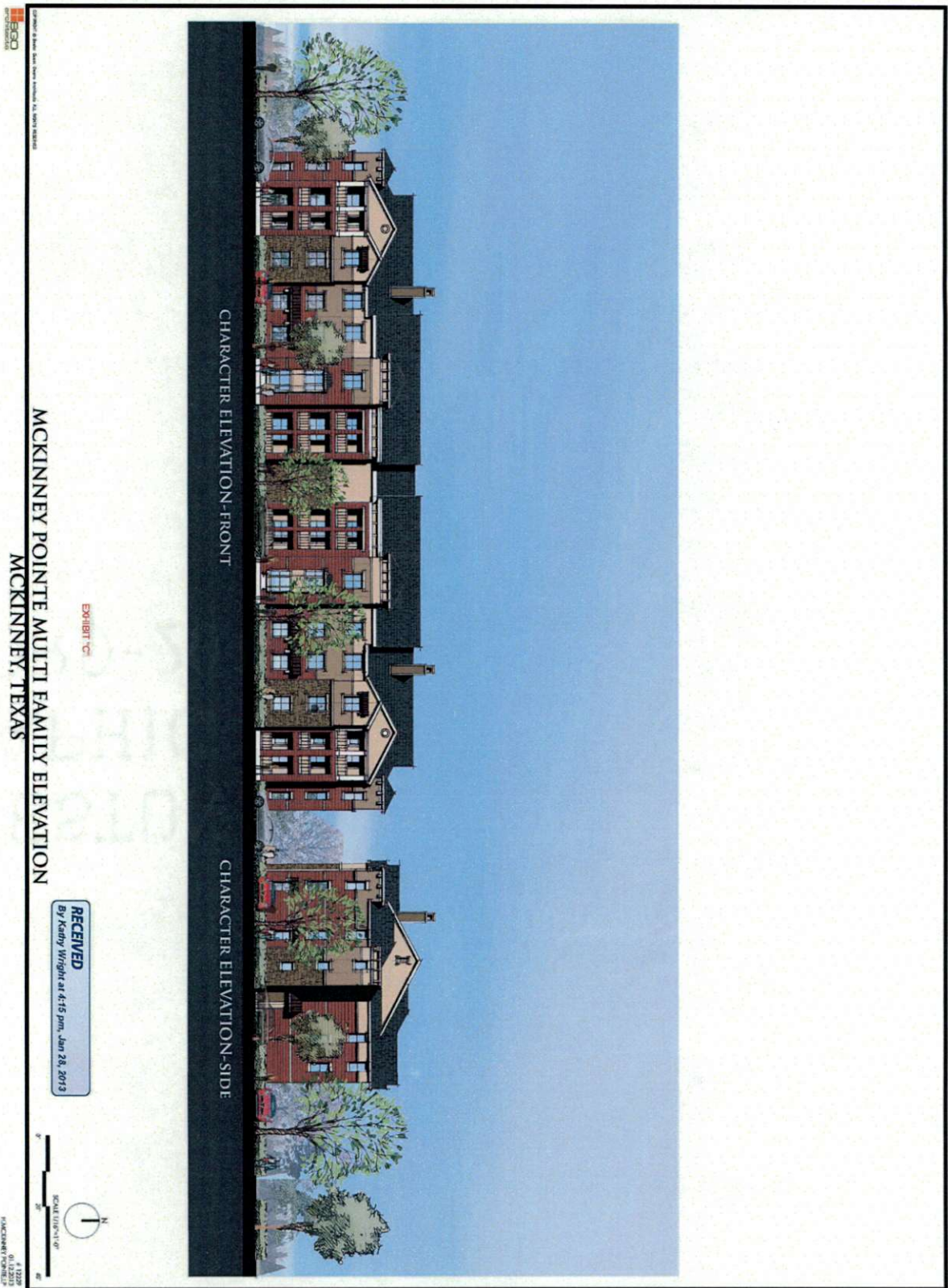


EXHIBIT C