

ORDINANCE NO. 2006-05-053

AN ORDINANCE AMENDING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 17.85 ACRE TRACT LOCATED AT THE NORTHEAST CORNER OF ALMA ROAD AND STATE HIGHWAY 121 IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT GENERALLY FOR COMMERCIAL USES AND THE REGIONAL EMPLOYMENT CENTER (REC) 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 owners of approximately 17.85 acres located at the northeast corner of Alma Road and State Highway 121, which is zoned "AG" – Agricultural District, have petitioned the City of McKinney to rezone said tract to "PD" – Planned Development District generally for commercial uses and the Regional Employment Center (REC) 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 17.85 acre tract located at the northeast corner of Alma Road and State Highway 121, as shown on Exhibit A, is rezoned from "AG" – Agricultural District to "PD" – Planned Development District generally for commercial uses and the Regional Employment Center (REC) Overlay District.

Section 2. The subject property be developed according to the "C" – Planned Center District, as set forth in Section 41-81 of the Zoning Ordinance, and as amended, except as follows:

- a. Multi-family uses shall not be permitted on the subject property.

Section 3. The subject property shall conform to the standards of the Regional Employment Center (REC) Overlay District, and as amended.

Section 4. The subject property shall generally conform to the general development plan, attached as Exhibit B, and to the planned development standards, attached as Exhibit C.

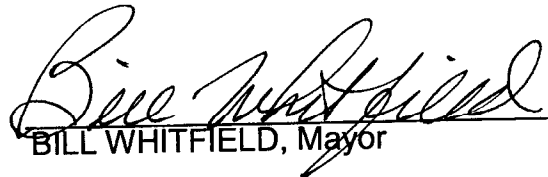
Section 5. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of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

Section 6. 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 7. 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 8. 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.

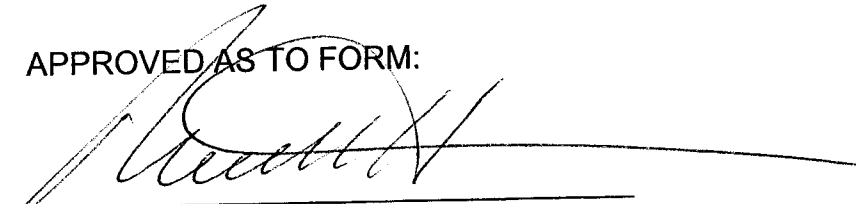
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 2<sup>ND</sup> DAY OF MAY, 2006.**

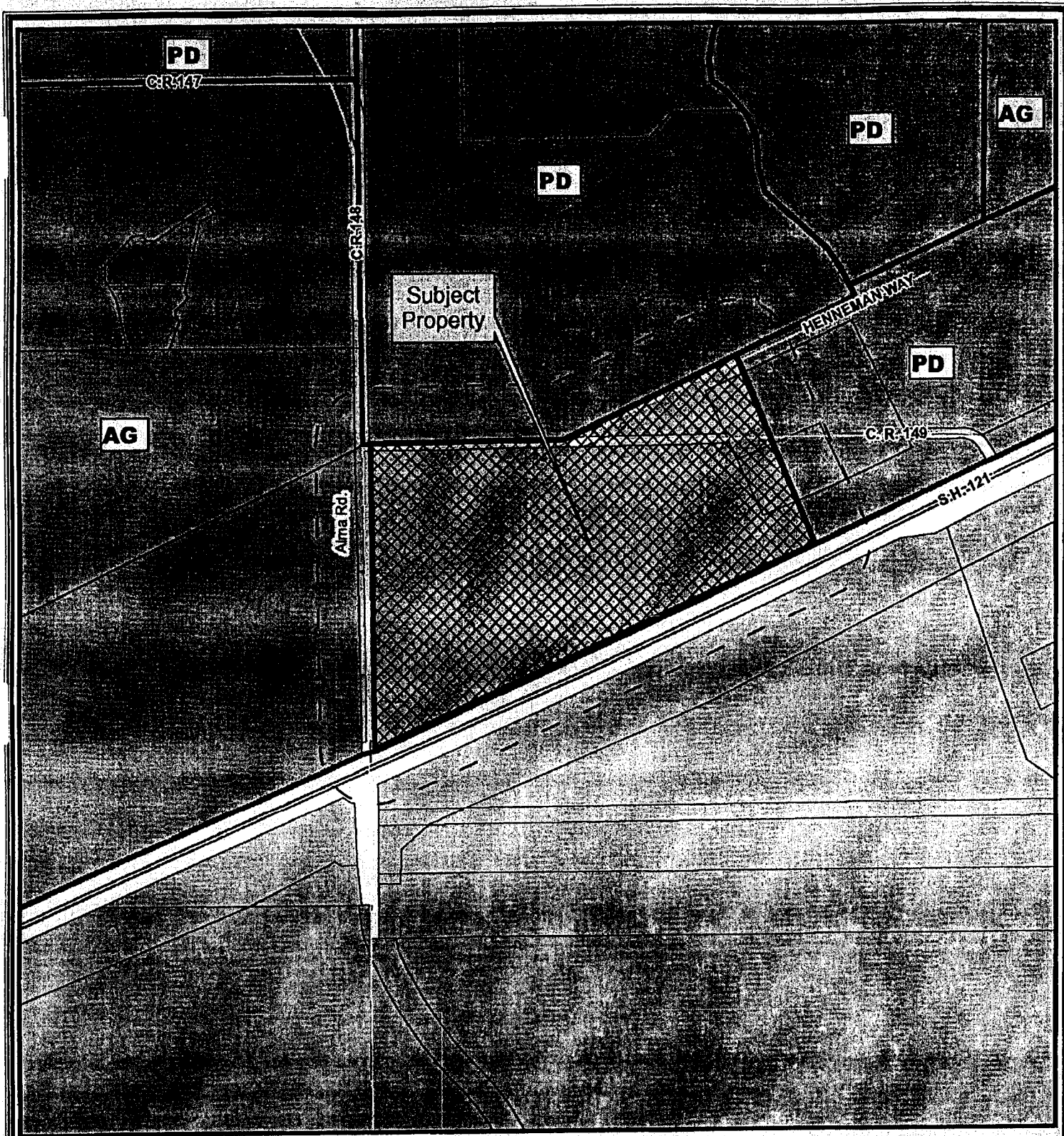
  
BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:

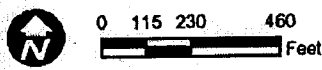
  
SANDY HART, CMC, City Secretary  
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:

  
MARK S. HOUSER, City Attorney



S:\MCKGSI\05-411Z.mxd

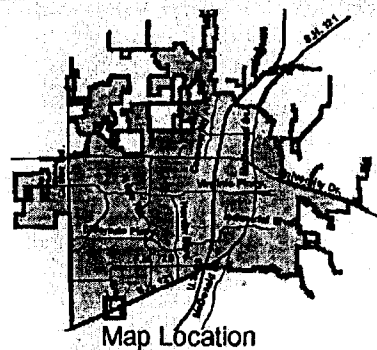


# EXHIBIT "A"

Notice Case #: 05-411Z

R-6718-000-0100-1

--- 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.

PROPOSED 10' WIDE AND 8' HIGH TRAIL

ALMA ROAD

HENNINGWAY WAY

121st H.S.H.

BASEBALL COMPLEX

Boston's Pizzeria

121st H.S.H. & ALMA ROAD

# EXHIBIT "B"

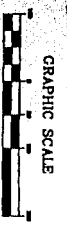
## NOTES

1. PARKING SHALL BE PROVIDED IN ACCORDANCE WITH CITY OF HOUSTON STANDARDS.
2. THE PROPERTY IS SUBJECT TO THE REE COMMERCIAL DEVELOPMENT OVERLAY DISTRICT.
3. THERE SHALL BE A 10' WIDE TRAIL AND 8' HIGH TRAIL ALONG ALMA ROAD.
4. THE CONCEPTUAL SITE LAYOUT HAS BEEN PREPARED BY ARCHITECTS.

Proposed Landuse: Commercial, Retail, Restaurant, Hotel

DESIGNED BY: KAW  
 DRAWN BY: KDA  
 CHECKED BY: KAW  
 DATE: NOVEMBER 2005  
 PROJECT NO. 05003001

REVISED  
 FEB - 8 2006  
 PLANNING



### GENERAL DEVELOPMENT PLAN

### MCKINNEY PLAZA

THIS DRAWING IS TO BE USED FOR EXHIBIT PURPOSES ONLY

**SANCHEZ & Associates**  
 Master Planning  
 Civil Engineering  
 Land Development  
 14677 Midway Rd., Ste. 100  
 Addison, TX 75001  
 Tel 214 539 9990  
 Fax 214 539 9989

EXHIBIT

Scale: SEE GRAPHIC SCALE  
 Designed by: KAW  
 Drawn by: KDA  
 Checked by: KAW  
 Date: NOVEMBER 2005  
 Project No. 05003001  
 Copyright © 2006 Sanchez & Associates, Inc. All Rights Reserved. No part of this drawing may be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Sanchez & Associates, Inc. This drawing is the property of Sanchez & Associates, Inc. and is loaned to the client for the project only. It is not to be used for any other project without the prior written permission of Sanchez & Associates, Inc.

## EXHIBIT C

### Planned Development Standards

#### For Approximately 17.85 Acres

#### McKinney Plaza Tract

- I. Purpose and Intent: In keeping with the purpose of the Regional Employment Center (REC) Overlay Zoning District, the purpose of this planned development is to provide a framework for high quality commercial, retail, restaurant, and hotel uses.
  
- II. Special Provisions: All development on the subject property shall be subject to the Design Standards of the REC Overlay as adopted at the date of approval of this Planned Development or as subsequently modified by the City unless noted herein. If any conflicts arise between these Planned Development Standards and any future changes to the REC Overlay Design Standards, then the Planned Development Standards shall prevail. These Planned Development Standards adopt the REC Schedule of Uses. Where these Planned Development Standards are silent, the REC Overlay Standards, or future amendments, shall prevail. Future changes shall only apply to any undeveloped properties or to any properties that are not in the process of review by the City of McKinney.
  
- III. Development Standards:
  - a. Approval of proposed building elevations are required as part of the site plan approval process for each building. Elevations shall be in keeping with the principles of the REC Overlay with respect to compatible architectural style, streetscape, and building materials and must meet the requirements of Section 41-215 Architectural and Site Standards of the City of McKinney Zoning Ordinance.
  
  - b. In keeping with the intent of the REC Overlay, a pedestrian-oriented streetscape (which may include canopy trees, street furniture, sidewalk, decorative lighting, protective landscaping, screening wall, etc.) shall be provided along Henneman Way in order to create a consistent and continuous public edge. Approval of the proposed

streetscape plans (as depicted in plan view and in cross-section) are required as part of the site plan approval process for each building adjacent to Henneman Way.

- c. Each building adjacent to Henneman Way shall either be: (1) oriented towards Henneman Way, (2) designed with four-sided architecture, or (3) pushed up to a build-to line between 2 and 6 feet in order to address Henneman Way in a more urban way.
- d. When a building's storage areas, service portals, garbage areas, loading spaces/loading docks or service driveways are located between said building and Henneman Way, a masonry screening wall (minimum 7' tall and maximum 8' 4" tall) shall be provided within the streetscape for the entire width of the lot on which the proposed building is located.
- e. The maximum building height shall not exceed 65' (or 6 stories).
- f. If development of the subject property does not generally conform to the attached general development plan (Exhibit "A") but satisfies development standards a through e (listed above), then a different layout may be approved as part of the site plan approval process.