

CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2020 – 2408

AMENDMENT TO PD-19 PLANNED DEVELOPMENT DISTRICT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING THE CODE OF ORDINANCES, APPENDIX A, COMPREHENSIVE ZONING ORDINANCE, BY AMENDING ORDINANCE NO. 01-1333, PLANNED DEVELOPMENT DISTRICT NO. 19 (PD-19), FOR AN APPROXIMATELY 102.097-ACRE TRACT OF LAND LOCATED WITHIN THE CITY OF THE COLONY, TEXAS, AND MORE FULLY DESCRIBED IN EXHIBIT "A" WHICH WAS ATTACHED TO ORDINANCE No. 01-1333, BY AMENDING EXHIBIT "A," "PROPERTY DESCRIPTION" TO REFLECT THE REVISED ACREAGE OF PD-19 TO 97.55 ACRES, AMENDING EXHIBIT "B," "CONCEPTUAL LAND USE PLAN," AMENDING EXHIBIT "C," "CONCEPTUAL DEVELOPMENT PLAN," AMENDING EXHIBIT "D," "CONCEPTUAL PHASING PLAN," AND AMENDING EXHIBIT "E," "SECTION I-GENERAL PROVISIONS" AND "SECTION II-BUSINESS PARK REGULATIONS"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about December 17, 2001, the City Council of the City of The Colony, Texas, approved Ordinance No. 01-1333, which created Planned Development District 19 (PD-19) for an approximate 102.097-acre tract of land described in Exhibit A attached to Ordinance No. 01-1333; and

WHEREAS, the City Council of the City of The Colony, Texas, finds and determines that it is in the best interest of the City and the citizens of the City of The Colony, Texas, to amend Ordinance No. 01-133 and provisions regarding PD-19, and amend Exhibit "A," "Property Description" to reflect the revised acreage of PD-19 to 97.55 acres, amend Exhibit "B," "Conceptual Land Use Plan," amend Exhibit "C," "Conceptual Development Plan," amend Exhibit "D," "Conceptual Phasing Plan," and amend Exhibit "E," "Section I-General Provisions" and "Section II- Business Park Regulations" for an approximately 97.55-acre tract of land located within the City of The Colony, Texas, and more particularly described and/or depicted in Exhibit "A" of this Ordinance and which is attached hereto and incorporated herein for all purposes; and

WHEREAS, Section 211.006(a) of the Texas Local Government Code requires the City of The Colony, Texas, to publish notice of a public hearing concerning a zoning amendment before the 15th day before the date of the public hearing; and

WHEREAS, Appendix A, Section 24-101(d) of the Code of Ordinances of the City of The Colony, Texas, provides the following: "[a] public hearing shall be held by city council before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given per the publication policy of the city, stating the time and place of such hearing, and shall be published a minimum of 15 days prior to the date of the public hearing"; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of The Colony, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of The Colony, Texas, is of the opinion and finds that said changes should be granted, and that the Code of Ordinances should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS:

SECTION 1. That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. That Planned Development District No. 19 (PD-19), as adopted by Ordinance No. 01-1333, as amended, is hereby amended as follows:

Amendment to Exhibit A, Property Description

Exhibit A is amended to reflect the updated and revised acreage of PD-19 due to historical modifications in various right-of-way boundary areas, from what was stated in Ordinance No. 01-1333, by approximately 4.546 acres, so that PD-19 now encompasses approximately 97.55 acres, as shown on Exhibit A attached to this Ordinance and incorporated herein.

Exhibit B: Conceptual Land Use Plan

Exhibit B is amended to reflect the updated overall development acreage and delineation of Tract A and Tract B, as shown on Exhibit B attached to this Ordinance and incorporated herein.

Exhibit C: Conceptual Development Plan

Exhibit C is amended to reflect the proposed street grid, parking and access, landscape, screening and buffering areas, as shown on Exhibit C attached to this Ordinance and incorporated herein.

Exhibit D: Conceptual Phasing Plan

Exhibit D is amended to update the Conceptual Phasing Plan and reflect the reduction of Buildings from fifteen (15) to nine (9) and is amended to reflect the number of Phases from five (5) to three (3), as shown on Exhibit D attached to this Ordinance and incorporated herein.

Exhibit E: Section I- General Provisions and Section II Business Park Regulations

Exhibit D (as reflected in the original ordinance exhibit sequence) is amended to be appropriately named "Exhibit E." Amendments to Section I and Section II within this exhibit are as follows

(text in ***Bold Underlined Italics*** reflect amended language, sequence or context from the original ordinance), as shown on Exhibit E attached to this Ordinance and incorporated herein:

SECTION I GENERAL PROVISIONS

2. *Prior to the issuance of any building permit for the development of any Business Park, Warehouse, Light Fabrication and Assembly Processes uses on any portion of the ***Property*** a site plan as required by Section 10- 664 of the Comprehensive Zoning Ordinance of the City of The Colony, Zoning Ordinance, Chapter 61, shall be submitted and approved by the City Council and made an exhibit to and a part of this ordinance and incorporated by reference herein for all purposes.*
8. *All development within the boundaries of this Planned Development is governed solely by the standards set forth in this ordinance.*

SECTION II BUSINESS PARK REGULATIONS

In addition to the provisions of Section 10-2100, of the City of The Colony Comprehensive Zoning Ordinance, Chapter 61 of the City Code of Ordinances, the following regulations shall apply:

1. *Permitted Uses in all Buildings located on ***the Property***.*
 - i. ***All uses permitted in the Business Park “BP” Zoning District classification are permitted within the Property, except for the following:***
 - ***Art needlework***
 - *Bar Lounge or tavern*
 - *Bus station and terminal*
 - *Bus or truck parking garage*
 - *Club, private; lodge or fraternal organization*
 - *Commercial, radio/TV transmitting station*
 - *Eating place with dancing or entertainment*
 - *Electric substation*
 - ***Library, art gallery/museum***
 - ***Mortuary or funeral home***
 - ***Nursing home/convalescent home***
 - *Club, private; lodge or fraternal organization*
 - *Private club, eating place with beer, wine, or liquor*
 - *Private club, with bar service*
 - *Railroad terminal (passengers or freight)*
 - ***Rectory***
 - ***Sewage Pumping station***
 - ***Swimming Pool, private***
 - ***Hand weaving***

- Hotel (limited or full service)
- Key shop

ii. “Warehouse” (inclusive without limitation of e-commerce logistics and distribution uses) and “Light Fabrication and Assembly Processes,” (development and assembly of instruments and similar items) as listed in Section 10-300 of the Zoning Ordinance shall be permitted on the Property and shall be regulated by performance standards in accordance with Section 10-400 of the Zoning Ordinance as may be amended from time to time.

iii. Accessory uses are permitted as set forth in the Zoning Ordinance including, but not limited to coffee shops and cafeterias contained within warehouse, fitness centers and other similar facilities.

iv. The Conceptual Development Plan is approved subject to a tree buffer setback line as shown on the Conceptual Development Plan. No habitable building or parking is allowed within the tree buffer setback.

v. Dumpsters serving buildings adjacent to Memorial Drive and Standridge Drive shall be screened from Memorial Drive and Standridge Drive in accordance with this paragraph. Screening shall consist of: (a) a wing wall extending from the edge of the building as shown on the Conceptual Development Plan, (b) the building being served by the dumpster, (c) landscaping, (d) a combination of these screening types, or (e) any other screening method approved by the Planning Director. Screening may be located at the edge of a building to screen a dumpster located anywhere along the building. Screening shall be a minimum of six (6) feet in height. Dumpsters serving buildings not adjacent to Memorial Drive and Standridge Drive are not required to be screened.

2. Floor Area Ratio:

The overall cumulative Floor Area Ratio (FAR) for the entire Property shall be a maximum of 1:1, subject to the following maximum cumulative FAR's by type of use:

- Retail/Commercial: 0.45:1
- Warehouse/Light Fabrication and Assembly: 0.55:1
- Office: 1:1

For purposes of calculating FAR, the entire property is considered a single development such that FAR shall be calculated as a ratio of the entire development and not calculated on a per-lot basis. As each building is developed, the developer shall provide updated FAR calculations providing total floor area developed to assure compliance with the maximum FAR's.

3. Landscaping:

- i. *All landscaping shall comply with the City of The Colony Landscaping Ordinance. In addition, the buffer yards along the street frontages (including the parkway) shall be reduced to:*

- *Standridge Drive, Memorial Drive & Main Street: 25'*
- *All other streets: 15'*

4. Loading & Service Access:

1. *All service areas shall be located to the rear of the buildings and shall not face Memorial Drive or Standridge Drive R.O.W. Loading and service areas visible from Memorial Drive and Standridge Drive shall be screened in the same manner as dumpsters in paragraph 1.e above.*

5. Parking:

2. *Parking requirements shall comply with The Colony Code of Ordinances, Section 13 and the requirements set forth herein.*
3. *Reduction in the parking requirements may be permitted in accordance with a parking study approved by the Planning Director.*
4. *Parking between building and street. A maximum of one hundred (100) feet between the right-of-way and building façade shall be used for parking and drive aisles. A maximum of two single rows of parking are permitted between the primary building and the street. Except as otherwise shown on the Conceptual Development Plan, parking shall be designed to be perpendicular with the building and provide a minimum 24-foot wide fire lane.*
5. *Parking locations on site. The majority of parking shall be as shown on the Conceptual Development Plan.*
- v. *Shared parking agreements. Shared parking agreements for adjacent commercial properties are acceptable where uses exceed the required parking and the partners agree to share the excess spaces. Shared parking agreements cannot be approved if there are insufficient parking spaces.*
- vi. *No parking in landscape buffers. Parking is prohibited in required landscape buffers.*
- vii. *Pedestrian pathways. Each parking lot with more than one hundred (100) parking spaces shall have a designated and landscaped pedestrian pathway from the public sidewalk to the main entrance of the primary building.*

6. Exterior Lighting:

Exterior parking and loading areas shall be provided with adequate security lighting. Such lighting shall be either wall or pole mounted, with cut-off type luminaire (aimed downward), to minimize glare directed toward the streets or adjacent properties. All

external lights shall be mounted not to exceed twenty-eight (28) feet in height measured from grade.

7. Signage:

All signage shall be in compliance with the City of The Colony sign ordinance as amended from time to time. Signage plan shall be approved by the Planning Director.

8. Roadway Improvements:

(a) Phase 1 Improvements:

- i. A left turn lane in the eastbound median of Memorial Drive at Building A shall be constructed by the Developer prior to the issuance of a certificate of occupancy for Building A.
- ii. All required signage, pavement legends, and striping changes on Standridge Drive, Market Street, and Memorial Drive identified on the TIA that are necessary for Phase 1 will be installed by the Developer
- iii. A traffic signal shall be installed by the City at the intersection of Standridge Drive and Memorial Drive.
- iv. The portion of the Proposed Public Street in Phase 1 shall be constructed by the Developer prior to the issuance of a certificate of occupancy for Building A or Building B. The proposed public street right-of-way width shall be sixty (60) feet and the pavement shall be thirty-seven (37) feet (measured from the back of the curb to the back of the curb).
- v. No entrance into the parking lot adjacent to Standridge Drive shall be north of the entrance into the Meridian subdivision (Cameron Bay Drive).

(b) Future Phase Improvements:

A Traffic Impact Analysis (TIA) or update to a prior TIA will be required for each subsequent phase of development in order to identify required roadway improvements directly related to the development of the Property, responsible party for constructing the improvements, and the timing for installation of such improvements. The Developer shall only be responsible for improvements resulting directly from the development of the Property. Improvements identified in the current TIA which are subject to future revision include, but are not limited to the following items:

- i. The location, and width of pavement and Right of Way (R.O.W.) for the proposed New Public Street A. The Proposed Public Street R.O.W. width shall be sixty (60) feet and the pavement width shall be thirty-seven (37) feet (measured from the back-of- curb to back-of-curb).

- ii. Installation of a traffic signal by the City and or the Developer at the intersection of Memorial Drive and Market Street based on appropriate warrants. Cost participation shall be determined at the time of the new or updated TIA.
- iii. Installation of a right turn lane by City and or the Developer at the intersection of Market Street and SH 121 Frontage Road for southbound traffic on the Frontage Road turning right onto Market Street. Cost participation shall be determined at the time of the new or updated TIA.
- iv. Installation of future left turn lanes by Developer in the eastbound median of Memorial Drive as shown on the Conceptual Development Plan.
- v. Construction of other roadway improvements identified in each subsequent TIA.

9. Sidewalk:

A six (6) foot wide sidewalk shall be provided along Memorial Drive and Standridge Drive as shown on the City's Overall Trails & Bikeways Master Plan. In the event the City elects to construct a ten (10) foot wide trail along Memorial Drive in lieu of the six (6) foot sidewalk provided by the Developer, the Developer shall provide a trail easement along Memorial Drive at a width that allows the City to construct ten (10) foot wide trail measured from the edge of pavement for Memorial Drive. Such ten (10) foot wide trail shall be the sole responsibility of the City.

10. Compliance With City Code of Ordinances:

Each individual site will be subject to plat and site plan review and approval to ensure compliance with all applicable ordinances and requirements of the City before a building permit is issued.

11. Flexibility:

The Conceptual Development Plan showing building footprints, roadways, driveways, parking, and other site development features is intended to provide some flexibility and may be changed at the time of site plan review and approval to meet user needs and market demands for Office, Light Fabrication and Assembly Process and Warehouse uses.

12. Noise Standard:

Noise level emanating from the proposed development shall not exceed 60 Ldn when measured at the property line of the single family residential use on the north side of Office Creek. 60 Ldn is defined as clearly acceptable noise level for single family residential use in the U.S. Department of Housing and Urban Development "Noise Guidebook".

13. Trails:

Sidewalks and pedestrian trails will be provided in accordance with Section 10A-1100 of The Colony Code of Ordinances.

SECTION 3. That this Planned Development District No. 19 (PD-19) shall be developed and used only in accordance with the Comprehensive Zoning Ordinance, and Ordinance No. 01-1333 (PD-19), as amended, and as amended herein.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5. That the Comprehensive Zoning Ordinance of the City of The Colony, Texas, as amended, and Ordinance No. 01-1333 shall remain in full force and effect, save and except as amended by this Ordinance.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of The Colony, Texas, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. That this Ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of The Colony, Texas, this the 20th day of October, 2020.

APPROVED:

/s/Joe McCourry, Mayor

ATTEST:

/s/Tina Stewart, City Secretary

APPROVED AS TO FORM:

/s/Jeff Moore, City Attorney