

ORDINANCE NO. 2007-06-061

AN ORDINANCE AMENDING ORDINANCE NO. 1270, AND AS AMENDED, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 3.63 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF VIRGINIA STREET AND WILSON CREEK BOULEVARD, IS REZONED FROM "RS-84" – SINGLE FAMILY RESIDENCE DISTRICT, "C" – PLANNED CENTER DISTRICT, AND "BN" – NEIGHBORHOOD BUSINESS DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW NEIGHBORHOOD BUSINESS AND OFFICE USES; 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 3.63 acre property, located on the northeast corner of Virginia Street and Wilson Creek Boulevard, is rezoned from "RS-84" – Single Family Residence District, "C" – Planned Center District, and "BN" – Neighborhood Business District to "PD" – Planned Development District, generally to allow neighborhood business and office uses, 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 3.63 acre property, located on the northeast corner of Virginia Street and Wilson Creek Boulevard, which is more fully depicted on Exhibit "A" attached hereto, is rezoned from "RS-84" – Single Family Residence District, "C" – Planned Center District, and "BN" – Neighborhood Business District to "PD" – Planned Development District, generally to allow neighborhood business and office uses.

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

1. The subject property shall develop generally in accordance with the attached zoning exhibit (Exhibit "B").
2. Parking for the subject property may be reduced by 10% with site plan approval by the Planning and Zoning Commission in order to preserve existing trees on the site.
3. The use and development of Tract "A" as depicted on the attached zoning exhibit (Exhibit "B") shall conform to the "O-1" – Neighborhood Office District requirements, except as follows:

- a. No single building shall exceed 5,000 square feet of gross floor area;
 - b. No parking shall be allowed within the front yard along Hunt Street and Wilson Creek Boulevard, which is defined as the open unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot line except as shown on the attached exhibit;
 - c. Architectural elevations for each building shall be submitted and approved at time of site plan approval by the Planning and Zoning Commission in order to verify the following:
 - i. At least 40% of the length and 30% of the wall area facing Hunt Street are devoted to windows, doors or opening views.
 - ii. Buildings within Tract "A" shall have pitched roofs of at least a 5:12 pitch (5' vertical for every 12' horizontal).
 - iii. It is the intent of the architectural review that the buildings generally conform to the architectural character of the surrounding neighborhood.
 - d. The front yard setback along Wilson Creek Boulevard within Tract "A" may be reduced to 15' with site plan approval to accommodate placement of buildings in order to preserve existing trees on the property, subject to approval by the Director of Planning and City Engineer.
4. The use and development of Tract "B" as depicted on the attached zoning exhibit (Exhibit "B") shall conform to the "BN" – Neighborhood Office District requirements, except as follows:
- a. The following uses shall be prohibited:
 - Automobile and Related Uses
 - Auto Parts Sales
 - Service Station or Motor Vehicle Fuel Sales
 - Auto Laundry
 - Utility Substation or regulating station
 - Restaurant or cafeteria (with drive through or drive-in)
 - b. The following uses shall be allowed with a Specific Use Permit (SUP)
 - Restaurant or cafeteria (indoor service only)

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.

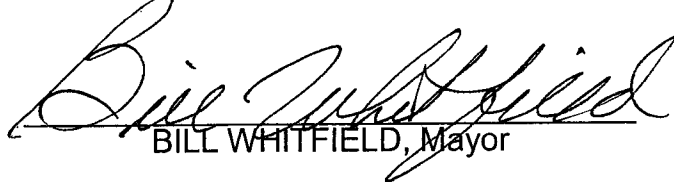
Section 5.

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 5th DAY OF June, 2007.

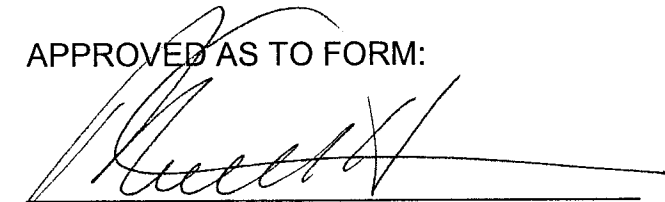

BILL WHITFIELD, Mayor

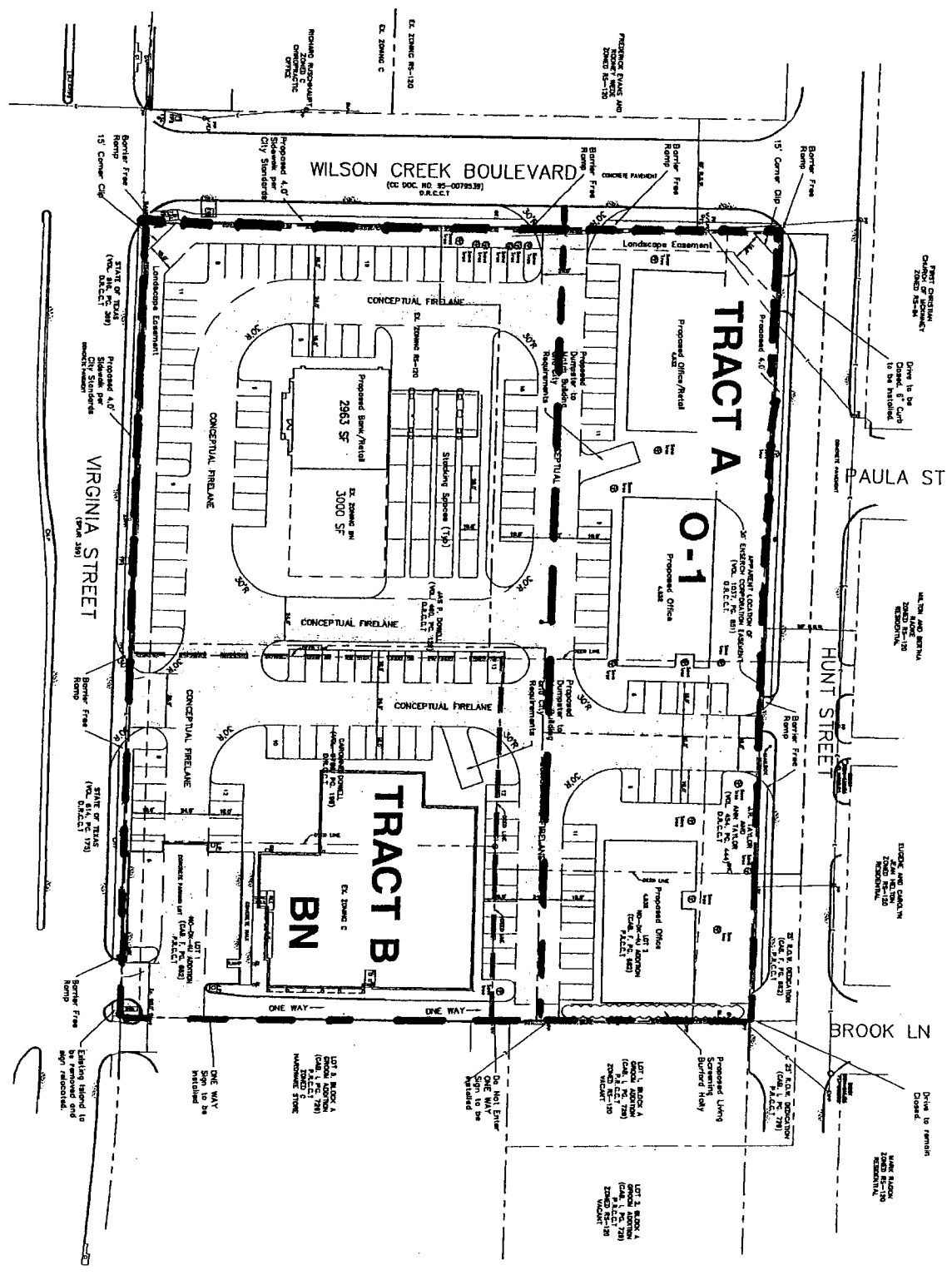
CORRECTLY ENROLLED:


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

DATE: 6/7/07

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney



Note: Sight visibility assessments are only encompassed within the right-of-way and the resulting line uses comments. All parking spaces are shown according to meet the requirements of the time of this plan. Fire lanes are shown in conceptual design. Actual fire lanes will be designed Site specific based upon City requirements.

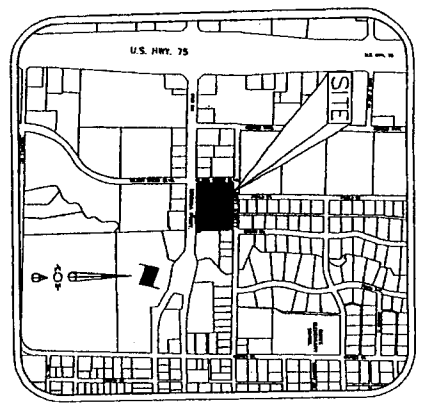
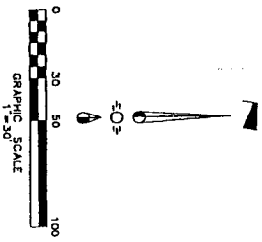


EXHIBIT "A"

BERLIN OFFICE PARK
R.E.S.
CITY OF MCKINNEY, TEXAS
ZONING EXHIBIT

REVISION
MAY - 1 2007
PLANNING



LEGEND

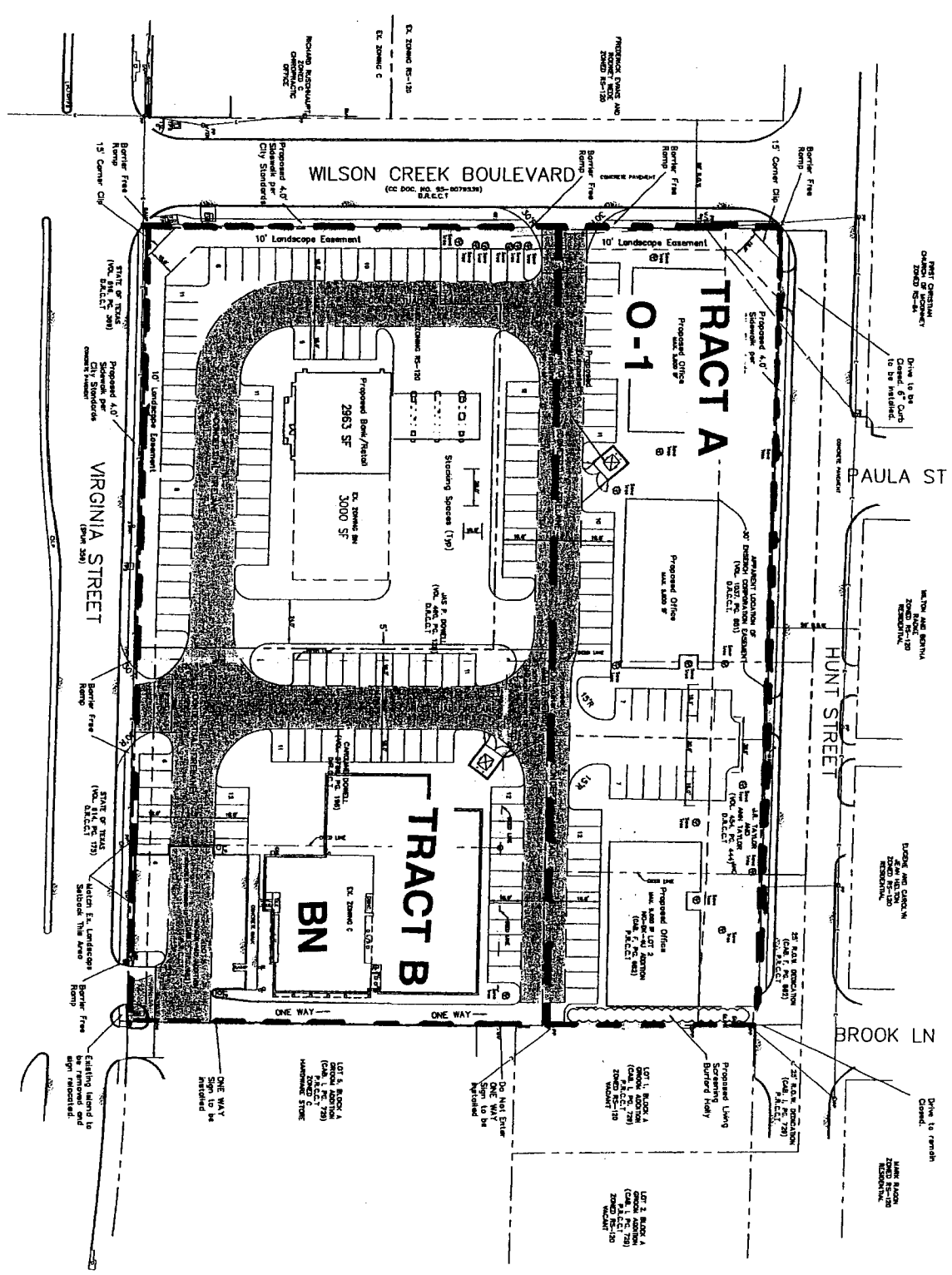
PROPOSED PG ZONING BOUNDARY

Revised	Date
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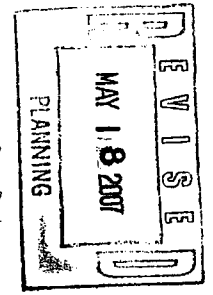
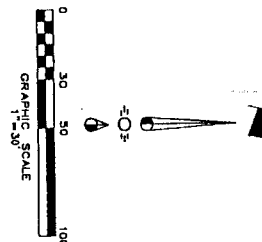
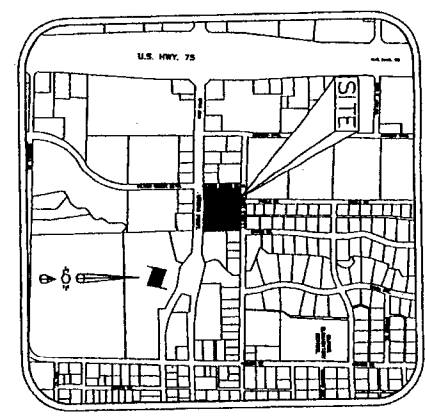
Engineer
Crest Engineering Consultants, Inc.
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Telephone: 972.562.4471
Facsimile: 972.562.4471
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CROSS ENGINEERING CONSULTANTS
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McKinney, Texas 75
Fax 972.562.4471

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of
Project No. 060683



Note: Sight visibility measurements are hereby recognized within the right-of-way and the proposed site plan. All parking areas are shown in accordance with the requirements of the City of McKinney. All proposed site specific information is subject to the City of McKinney's review and approval. All proposed items to remain or be mitigated per City of McKinney Tree Ordinance.



LEGEND
PROPOSED PD ZONING BOUNDARY

Vicinity Map
NTS

Designer/Author: R.E.S.
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McKinney, Texas 75070
872.529-1325
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Checker: J.D.K.
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McKinney, Texas 75069
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Contact: Don David Cross, P.E.

BERLIN OFFICE PARK
R.E.S.
CITY OF MCKINNEY, TEXAS
ZONING EXHIBIT

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Project No. 09043

EXHIBIT "B"