

ORDINANCE NO. 2012 - 04 - ____

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.57 ACRE PROPERTY LOCATED ON THE NORTHEAST CORNER OF VIRGINIA STREET AND CHESTNUT STREET, IS REZONED FROM “BG” – GENERAL BUSINESS DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT; 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 0.57 acre property, located on the Northeast Corner of Virginia Street and Chestnut Street, be rezoned from “BG” – General Business District to “PD” – Planned Development 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. Ordinance No. 1270 is hereby amended in order to rezone an approximately 0.57 acre property, located on the Northeast Corner of Virginia Street and Chestnut Street, which is more fully depicted on Exhibits “A”, “B” and “C,” attached hereto, is hereby rezoned from “BG” – General Business District to “PD” – Planned Development District.

Section 2. Use and development of the subject property (0.57 acres), more fully depicted on Exhibit “A”, shall conform to the following regulations:

1. The subject property shall be rezoned “PD” – Planned Development District and the subject property shall develop in accordance with the “CHD” – Commercial Historic District, as set forth in Section 146-96 of the Zoning Ordinance, and as amended, except that multi-family residential uses shall be permitted on upper floors without a Specific Use Permit.
2. The subject property shall generally develop in accordance with the attached Site Layout Exhibit “B”.
3. The subject property shall be exempt from the Architectural and Site Standards as set forth in Section 146-139 of the Zoning Ordinance but the subject property shall generally develop in accordance with the attached Building Design Standards Exhibit “D”. To ensure conformance with the Building Design Standards, architectural elevations of proposed building(s) shall be submitted and considered with the Site Plan approval process.
4. The subject property shall develop in accordance with the following landscaping requirements:
 - a. Internal landscape areas shall have one tree within 65 feet of every parking space;
 - b. Internal landscape areas shall have one tree in the parking area for every 10 parking spaces;
 - c. Within parking lots, landscaped areas with concrete curbs and gutters shall be provided to define parking areas;

- d. A landscape island shall be located at the terminus of each parking row and shall contain at least one canopy tree;
- e. Evergreen shrubs (acceptable for a 6-foot living screen) shall be provided around dumpster enclosure screening wall, and the plant materials shall be minimum 3-feet in height at time of planting; and
- f. At least 75% of the frontage of parking lots, adjacent to a public right-of-way, shall be screened from Chestnut Street and Herndon Street with evergreen shrubs attaining a minimum height of 3 feet, a low masonry wall of a minimum height of 3 feet, or a combination of the above with a minimum combined height of 3 feet. The masonry wall must be of a similar finished quality and color to the building façade on Chestnut Street.

- 5. The subject property shall develop in accordance with Section 134-9 of the Code of Ordinances, and as amended, specifically governing Sign Requirements in the Downtown Commercial Historic District.

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 17th DAY OF APRIL, 2012.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

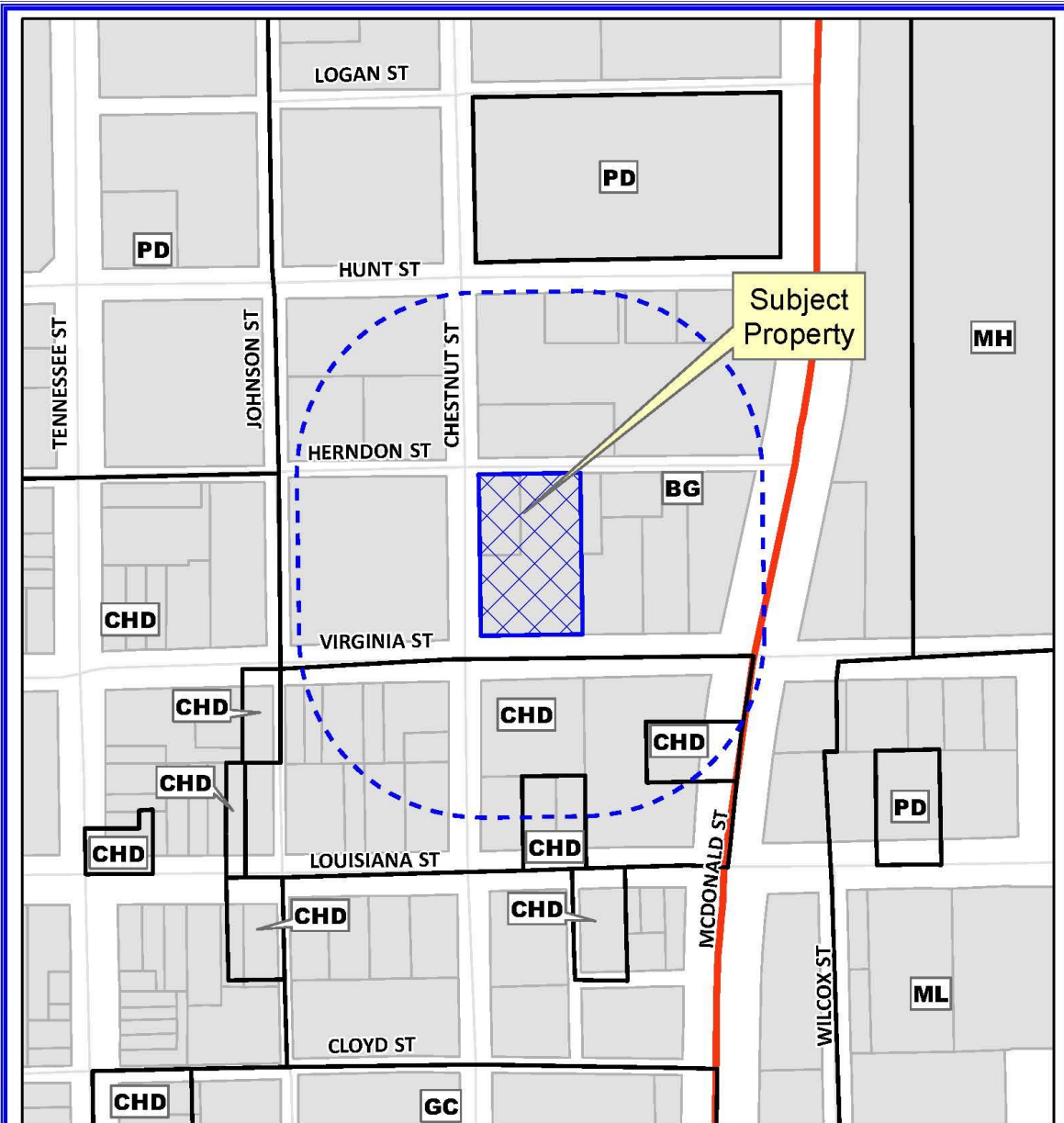
CORRECTLY ENROLLED:

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

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



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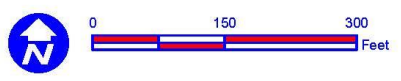
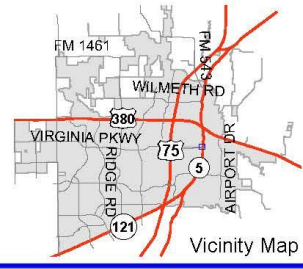


Exhibit A

Case: 12-053Z

--- 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.

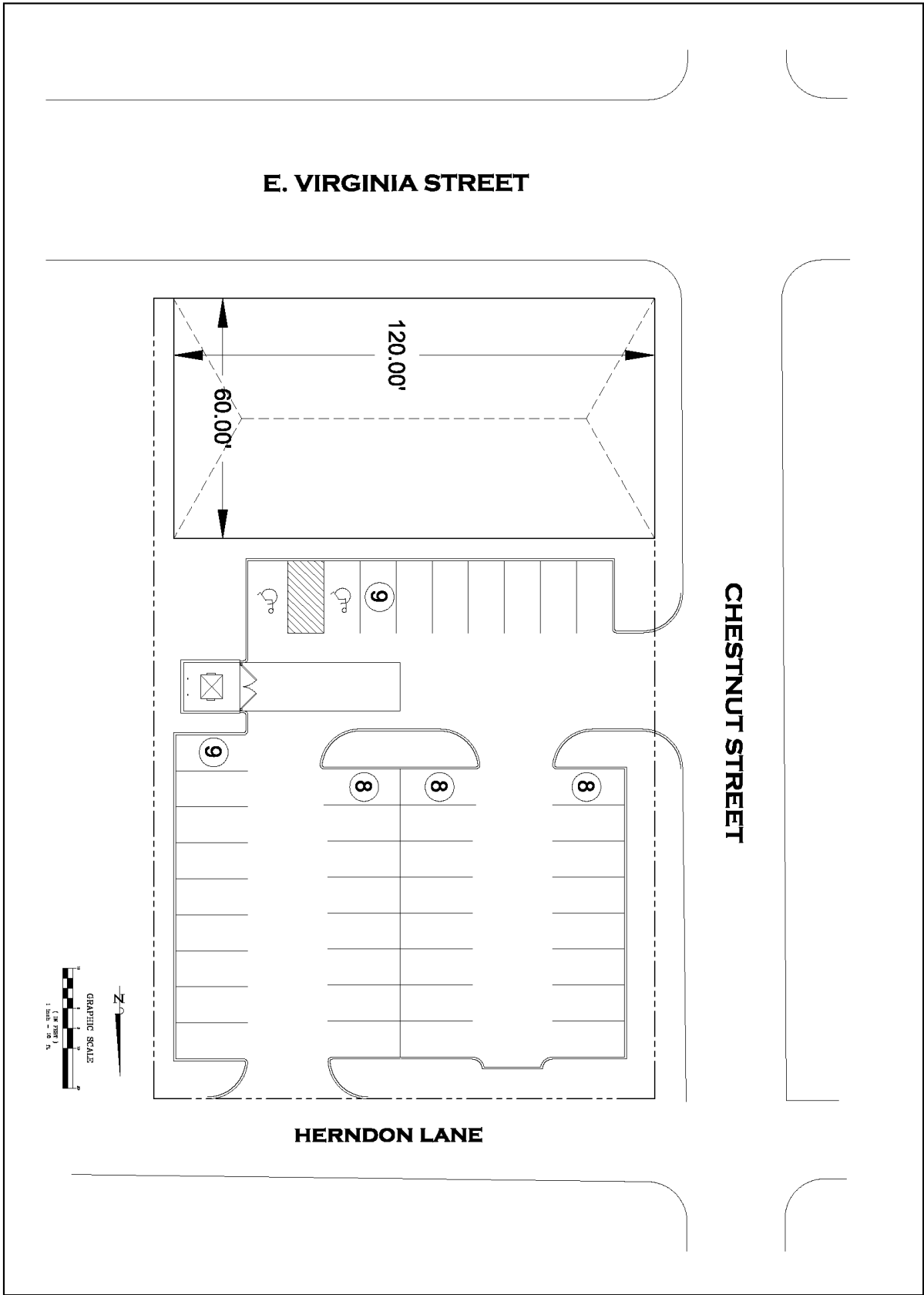



EXHIBIT	Scale: SEE GRAPHIC SCALE	SITE PLAN	301 E. VIRGINIA	THIS DRAWING IS TO BE USED FOR EXHIBIT PURPOSES ONLY	 SANCHEZ & Associates	Master Planning Civil Engineering Land Development 228 East Virginia Street McKinney, TX 75069 Tel: 469.454.2500 Fax: 214.544.3200 Certificate of Registration No. T-8845
	Designed by: LAW Drawn by: BAB Checked by: LAW Date: JANUARY 2018 Project No. 00000-00					

Exhibit B

METES AND BOUNDS DESCRIPTION

DESCRIPTION: 0.5739 Acre Tract

BEING all that certain lot, tract or parcel of land situated in the City of McKinney, out of the William Davis Survey, Abstract No. 248, Collin County, Texas, out of Block 46 of the Old Donation to the City of McKinney, and being the same property conveyed to R.J. & G Investments, Inc., by deed recorded in Volume 5419 at Page 4715 of the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an "x" set in concrete for the Southwest corner of said Block 46, also informally called Lot 3, same being the intersection of the North right of way line of East Virginia Street (60 foot right of way) with the East line of Chestnut Street (40 foot right of way);

THENCE North 0° 08' 00" East (Basis of Bearings per deed recorded in Volume 5419 at Page 4715 of the Deed of Records of Dallas County, Texas) along the East right of way line of said Chestnut Street and the West line of Block 46 for a distance of 200.00 feet to an "x" set in concrete for corner at the intersection of the East right of way line of Chestnut Street and the South line of a 20 foot alley, now referred to as Herndon Street, said point of intersection also being the Northwest corner of said Block 46;

THENCE East along the South line of said 20 foot alley and being common to the North line of said Block 46 for a distance of 125.00 feet to a ½" iron rod found for corner;

THENCE South 0° 08' 00" West for a distance of 200.00 feet to and "x" found in concrete for corner in the North right of way line of the aforesaid North right of way line of East Virginia Street;

THENCE West along the North right of way line of East Virginia Street for a distance of 125.00 feet to the POINT OF BEGINNING AND CONTAINING 25,000 FEET OF LA

Exhibit C

BUILDING DESIGN STANDARDS

(Images used herein are for illustrative and informational purposes only. Specifically, they are intended to show how the standards are to be applied).

Building Orientation

Building shall be oriented towards Virginia Street and Chestnut Street. All other accessory buildings shall be oriented towards Herndon Street. Primary entrance to building shall be located on Virginia Street. At the intersection of Virginia Street and Chestnut Street, building may have the primary entrance oriented at an angle to the intersection. Primary entrance shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances shall be located from internal parking areas or from Herndon Street.

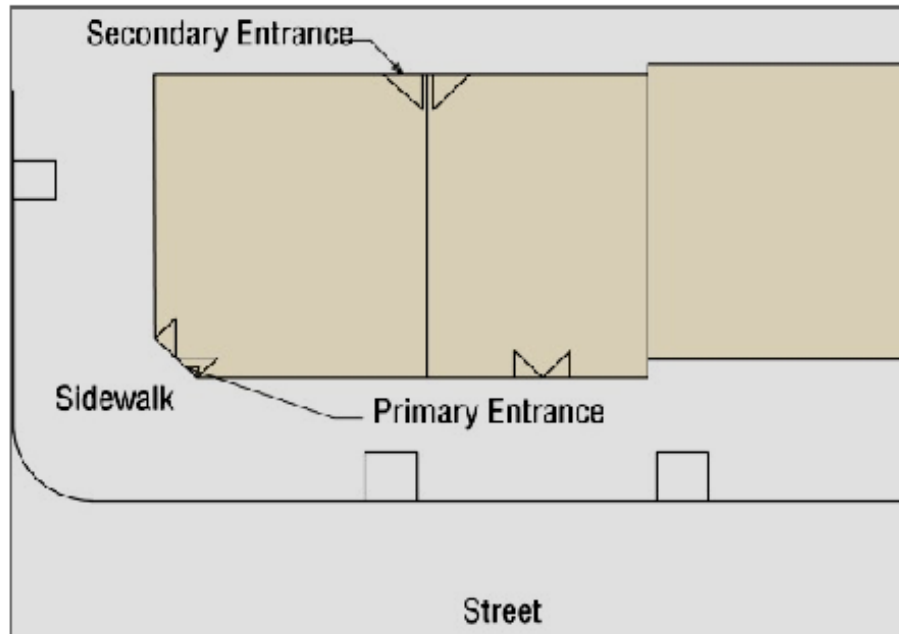


Image illustrating building orientation and location of primary/secondary entrances

Massing and Scale

Building shall be a simple, rectilinear form with a clear base, middle, and top. Along Virginia Street and Chestnut Street, the minimum floor-to-floor height on the ground floor shall be 15 feet. On upper stories, the minimum floor-to-floor height shall be 10 feet. Roofline shall be simple using flat or basic gable, hip, shed, or combination of these basic roof forms. Mansard roof shall be prohibited. If roofing materials are visible from public right-of-way, they shall be copper, factory finished architectural metal, slate, synthetic slate, or similar materials. Composition shingles, cement fiber shingles, and wood shake shingles shall not be used on any part of the roof that is visible from public right-of-way. Plumbing vents, skylights, or attic vents shall not be placed on any part of the roof that is visible from public right-of-way.

Exhibit D



Image illustrating simple and rectilinear building form with a clear base, middle, and top

Façade Composition

Building facade along Virginia Street and Chestnut Street shall maintain the traditional façade rhythm of 20' – 30'. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building façade.



Image illustrating acceptable building rhythm

Exhibit D

Building façade along Virginia Street and Chestnut Street shall consist of traditional façade components: cornice, upper façade with large regularly spaced windows (if multi-story), horizontal expression line (if multi-story), and a ground floor storefront (including transom windows, large display windows, recessed entry, and a bulkhead at the base).

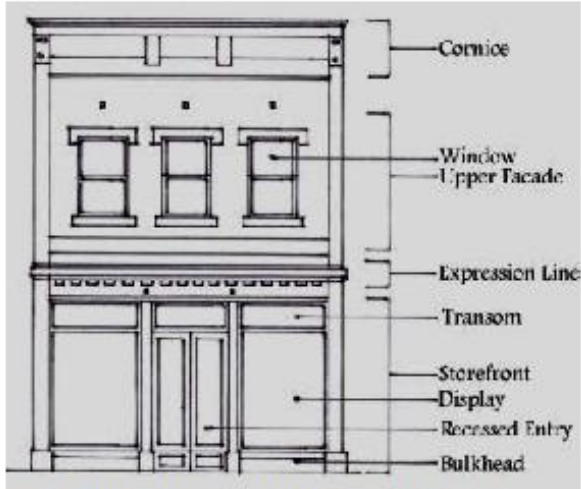


Image illustrating acceptable façade composition

Infill buildings shall generally maintain the alignment of horizontal elements already prevalent along adjacent blocks.



Image illustrating how horizontal elements in new infill building shall generally maintain the alignment of horizontal elements already prevalent along adjacent blocks.

Exhibit D

Corner-emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades and balconies should be used on the Virginia Street façade and the Chestnut Street façade to add pedestrian interest.



Images illustrating acceptable architectural features and storefront elements that add pedestrian interest along the street.

Windows and Doors

Windows and doors on the Virginia Street façade and the Chestnut Street façade shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area. Residentially sized (e.g., 3'X5') and proportioned windows shall not be permitted on the Virginia Street façade and the Chestnut Street façade.



Images illustrating acceptable window and door designs and proportions

Exhibit D

The ground floor facades along Virginia Street and Chestnut Street shall have transparent storefront windows covering at least 65% of the façade area. Each upper floor façade along Virginia Street and Chestnut Street shall contain transparent windows covering at least 35% of the façade area. Ground floor storefront windows shall not be of a residential type (e.g. double hung or casement). Ground floor storefront windows shall not be reflective, mirrored or significantly tinted glass.



Images illustrating acceptable storefront display windows with transparency

Exterior Building Materials

At least 80% of the Virginia Street façade and at least 80% of the Chestnut Street façade (excluding doors and windows) shall be finished in one or more of the following masonry materials: brick, stone, or cast stone.

No more than 20% of the Virginia Street façade and no more than 20% of the Chestnut Street façade (excluding doors and windows) shall be finished in one or more of the following accent materials: architectural metal, architectural concrete masonry units, tile, stucco, or exterior insulating finishing system (EIFS). EIFS shall not be used on the ground floor of the Virginia Street and Chestnut Street facades but is permitted as an accent material on upper floors.



Images illustrating acceptable exterior building materials

The rear façade (facing Herndon Street) and the side façade (facing the adjacent property to the east) shall be of a similar finished quality and color that blend with the Virginia Street and Chestnut Street facades. In addition to the primary and accent façade materials listed above, the rear façade may be painted EIFS or painted concrete block matching the same color of the rest of the building.

Exhibit D