

ORDINANCE NO. 2012 - 04 - ____

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.35 ACRE PROPERTY LOCATED ON THE SOUTHWEST CORNER OF JOSEPHINE STREET AND KENTUCKY STREET, IS REZONED FROM “PD” – PLANNED DEVELOPMENT 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 0.35 acre property, located on the Southwest Corner of Josephine Street and Kentucky Street, be rezoned from “PD” – Planned Development 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 0.35 acre property, located on the Southwest Corner of Josephine Street and Kentucky Street, which is more fully depicted on Exhibits “A” and “B,” attached hereto, is hereby rezoned from “PD” – Planned Development District to “PD” – Planned Development District.

Section 2. Use and development of the subject property (0.35 acres), more fully depicted on Exhibit “A” and, shall conform to the following regulations:

1. The subject property be developed according to the “BN” – Neighborhood Business District, and as amended, except as follows:
 - a. An upholstery shop be an allowed use on the subject property.
2. A 30’ wide corner clip landscape buffer shall not be required at the intersection of Josephine Street and Kentucky Street.
3. A 6’ wide landscape buffer along Josephine Street be allowed as shown on the attached zoning exhibit.
4. A landscape buffer along Kentucky Street shall not be required, as shown on the attached zoning exhibit.
5. A 5’ wide perimeter landscape buffer shall not be required adjacent to the vehicular use area at the southeast corner of the subject property.
6. A terminus tree at the south end of the parking row along Kentucky Street shall not be required.
7. Canopy trees along Kentucky Street frontage shall not be required as shown on the attached exhibit.
8. A 10’ wide landscape buffer and associated screening shall not be required along the portion of the southern property line adjacent to the building expansion.

9. Evergreen shrubs (a minimum of 3' in height at the time of planting and planted 3' on center) shall be required along the south and west property lines except where immediately adjacent to the building expansion.
10. The subject property shall generally develop in accordance with the attached Zoning 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 3rd DAY OF APRIL, 2012.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

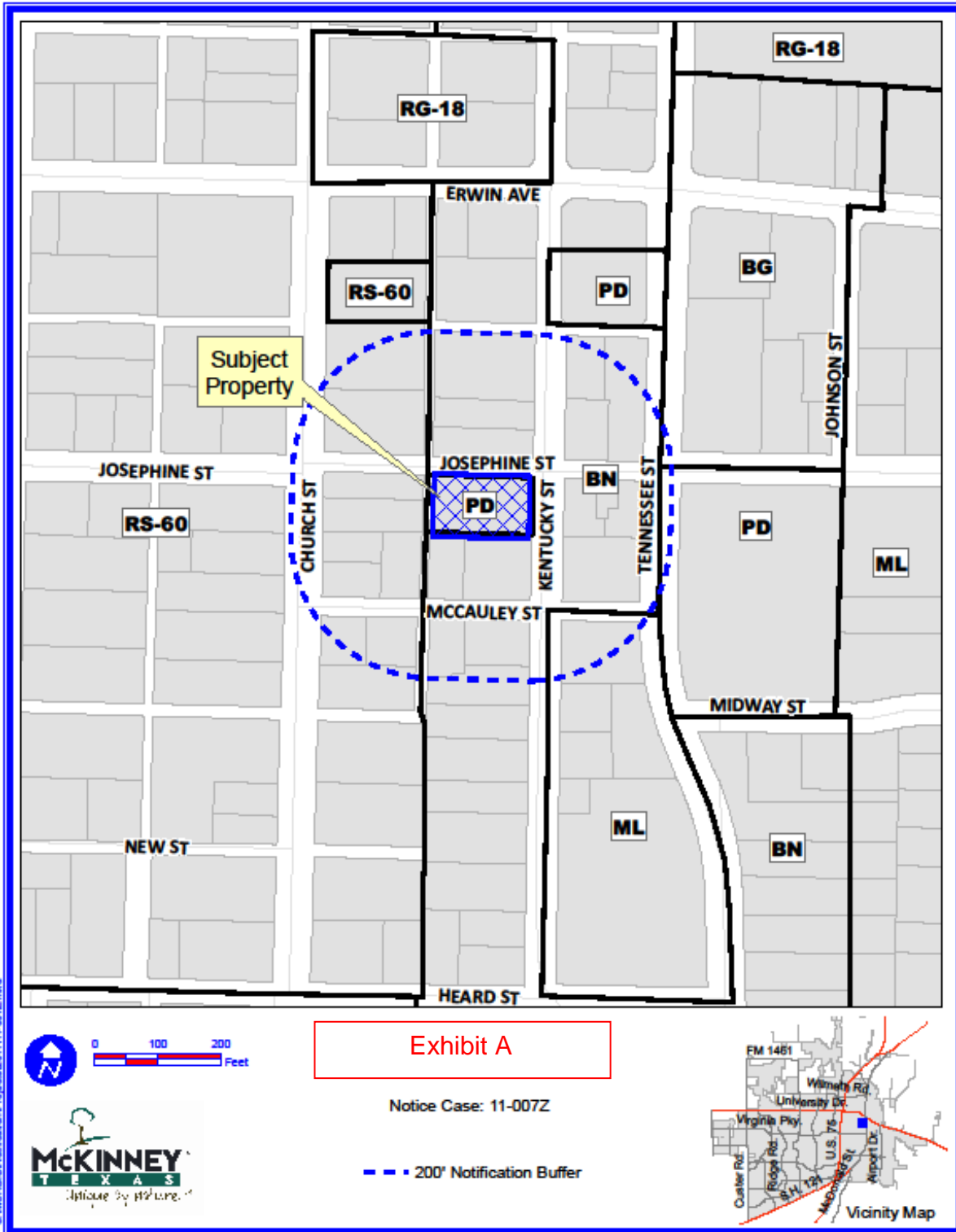
CORRECTLY ENROLLED:

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

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

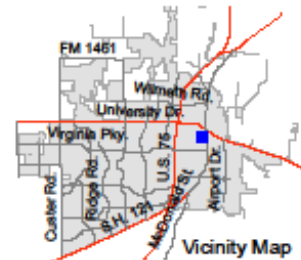
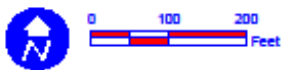


Subject Property

Exhibit A

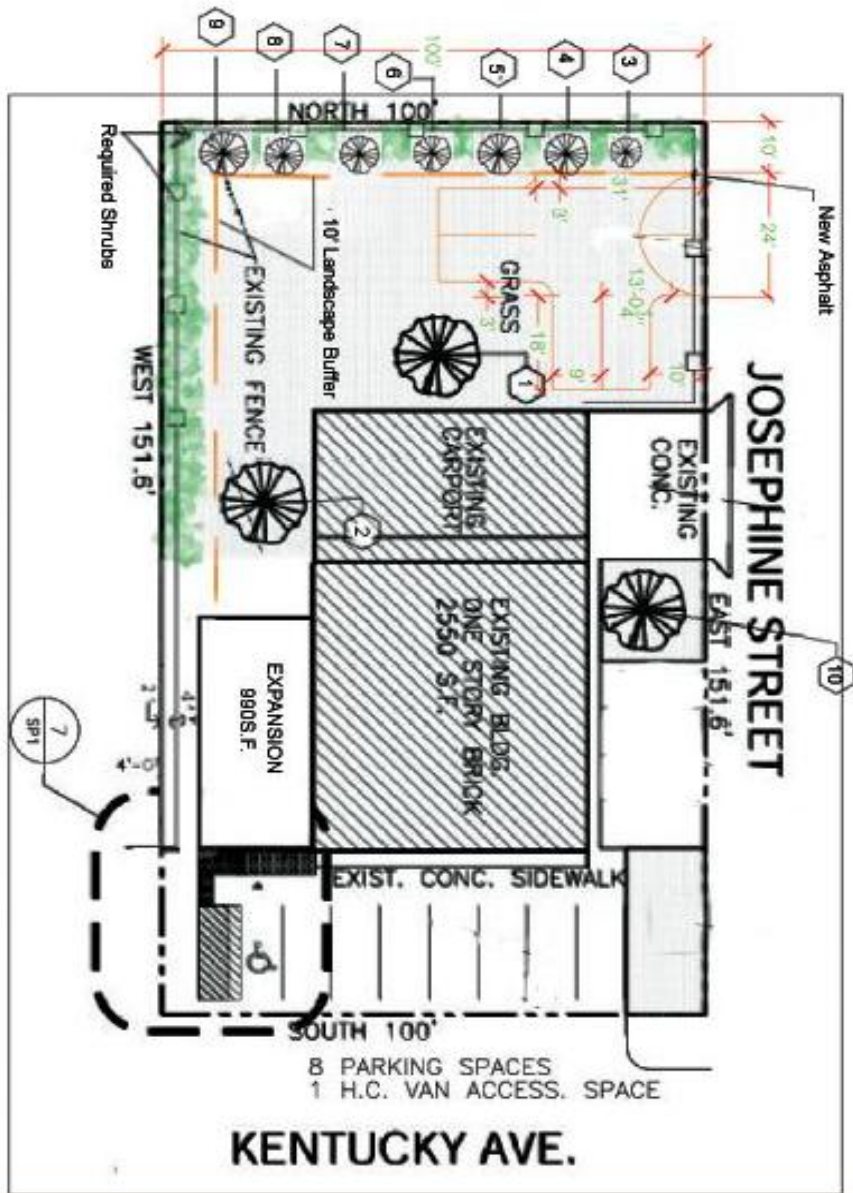
Notice Case: 11-007Z

--- 200' Notification Buffer



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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.



AREA TABULATIONS

PROPERTY LOT SIZE 151.6FT X 100.0FT = 15,100 S.F.

EXISTING BUILDING AREA = 2550 S.F.

NEW ADDITION = 990 S.F.

TOTAL BUILDING AREA = 3,642 S.F.

TOTAL PERCENT COVERAGE = 25.7%

PARKING

TOTAL PARKING REQUIRED = 12

TOTAL PARKING PROVIDED = 12

LANDSCAPE AREA

GROUND COVER BERMUDA GRASS = 7,289 S.F.

EXISTING TREES:

- 1. Pecan Tree 31"
- 2. Pecan Tree 24.5"
- 3. Hackberry Tree 15"
- 4. Hackberry Tree 14.5"
- 5. Chinkapin Oak Tree 9"
- 6. Bois Darc Tree 7"
- 7. Hackberry Tree 2"
- 8. Bois Darc Tree 8.5"
- 9. Hackberry Tree 6"
- 10. Pecan Tree 24"

SHRUB ON-SITE

- Niella Stevens Holly
- 3" at time of planting
- 6" Ultimate height
- 3' on center

TOTAL LANDSCAPE COVERAGE = 48.9%

Exhibit B