

ORDINANCE NO. 2011-12-____

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.16 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF TENNESSEE STREET AND WALNUT STREET, IS REZONED FROM “BN” – NEIGHBORHOOD BUSINESS DISTRICT AND 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 0.16 acre property, located on the northeast corner of Tennessee Street and Walnut Street, from “BN” – Neighborhood Business District to “PD” – Planned Development District,

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 0.16 acre property, located on the northeast corner of Tennessee Street and Walnut Street, which is more fully depicted on Exhibit “A,” attached hereto, is hereby rezoned from “BN” – Neighborhood Business to “PD” – Planned Development District.

Section 2. Use and development of the subject property (0.16 acres), which is more fully depicted on Exhibit “A,” shall be zoned “PD” – Planned Development District and shall conform to the following:

- a. The subject property shall generally conform to Exhibit “B.”
- b. The subject property shall generally conform to Exhibit “C.”
- c. One non-illuminated sign shall be allowed per townhome unit; attached below the second story windows, above the front door, on the west side of each townhome unit. The sign must comply with one of the following:
 - One projecting (blade) sign with a maximum size sign face of four square feet (24” x 24”) displayed with a wrought iron hanging element. Maximum projection of signs shall be three feet from the face of the building. The sign shall be similar to the signs depicted in Exhibit “D.” **OR**
 - One attached wall sign with a maximum size sign face of four square feet (24” x 24”), flat against the face of the building, with a maximum projection of six inches.

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 6th DAY OF DECEMBER, 2011.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

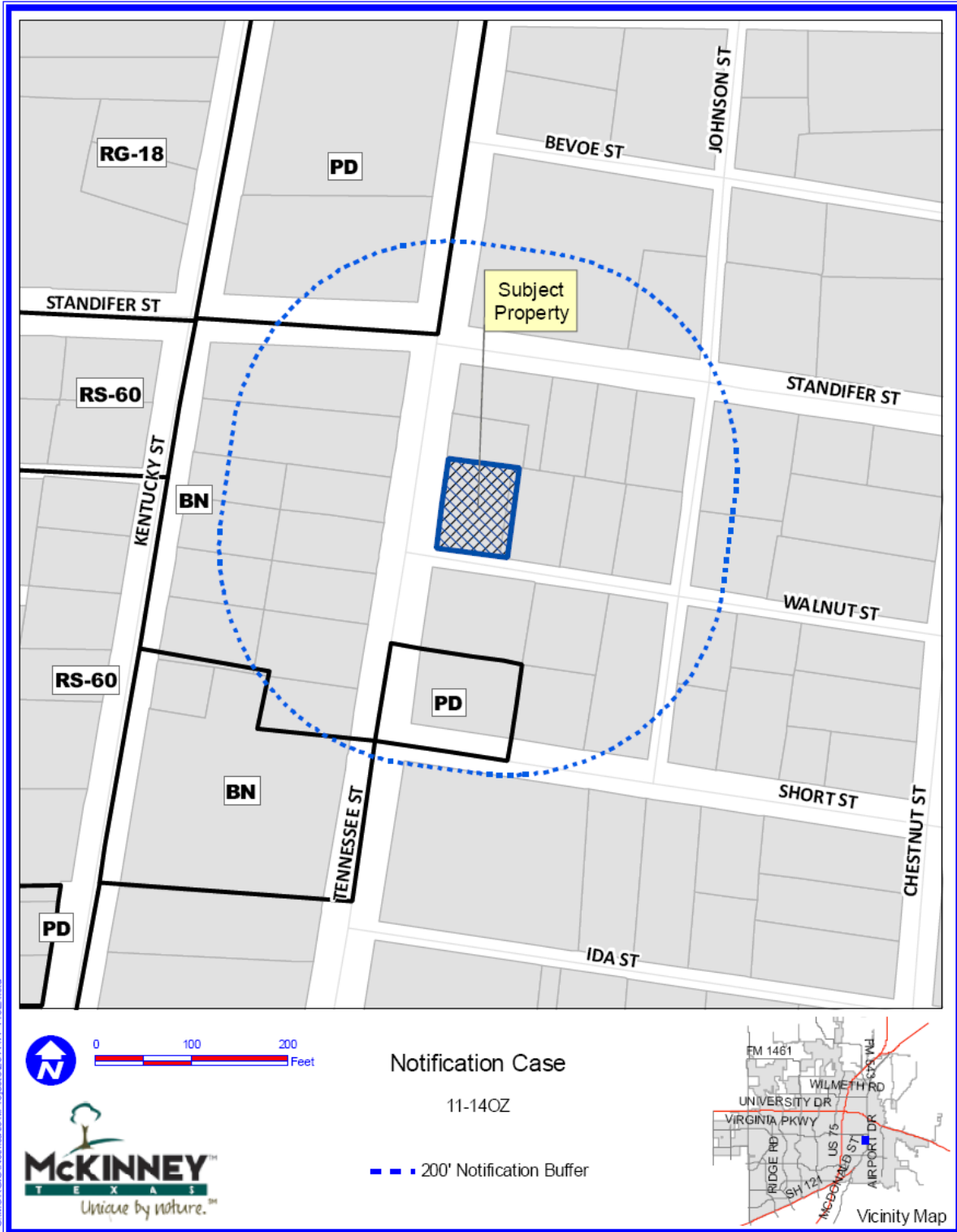
CORRECTLY ENROLLED:

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

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

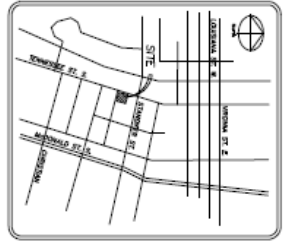


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DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

EXHIBIT A

JR ROSE DEVELOPMENT. The designs represented by these plans are copyrighted and subject to copyright infringement protection as an "Architectural Work" under 17 U.S.C. Sect. 102 known as the Architectural Works Protection Act of 1990. Unauthorized use of these plans (including form and arrangement of spaces), data, and other aspects of the design will subject the infringer to damages and/or judicial action as provided by Federal Law.

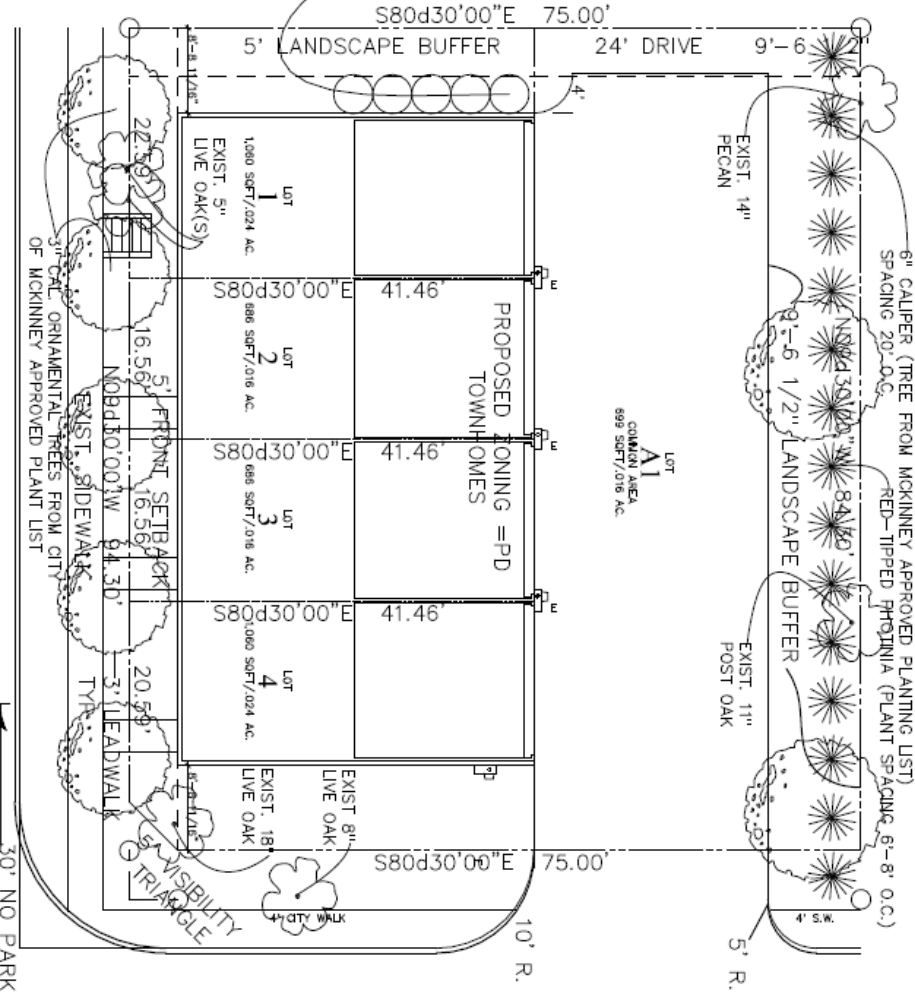


(5) 50 GALLON RAIN BARRELS FOR DETENTION OF ROOF WATER

01 SITE PLAN
SCALE 3/16"=1'-0"

505 SOUTH TENNESSEE STREET
(Variable Public R.O.W.)

ZONING EXHIBIT



WALNUT STREET
(20' R.O.W.)

This exhibit was received by the
Planning Department on
November 3, 2011.

SHEET
ZF

JR ROSE
ARCHITECTURE
(214) 454-7895 TEL (972) 400-0324 FAX



505 S. TENNESSEE
MCKINNEY TEXAS

Drawn By: _____
Scale: _____
Revision: _____
Date: 11/3/2011
Sheet: ZF

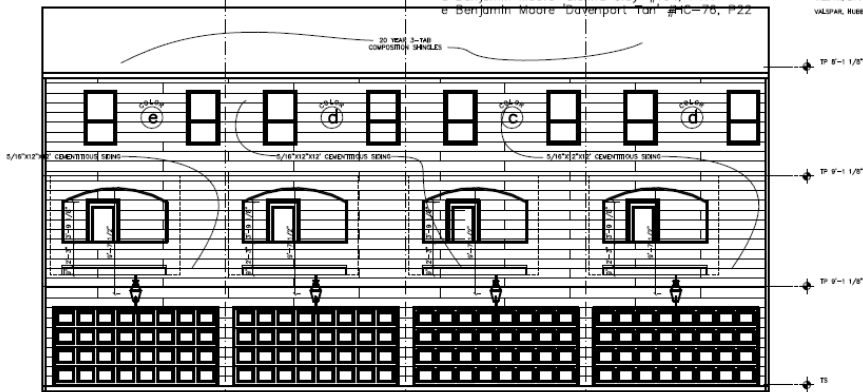
EXHIBIT B



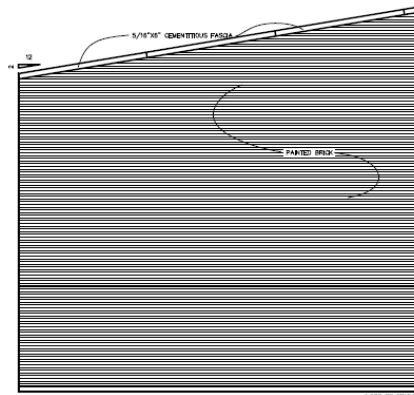
01 WEST BUILDING ELEVATION
SCALE 3/16"=1'-0"

COLORS AND:
 a Benjamin Moore 'Mulberry Wine' #1251, P143
 b Benjamin Moore 'Palp Avocado' #2146-40, 20e, P6
 b2 Alternate Benjamin Moore 'Pismo Dunes' #AC-32, P20
 c Benjamin Moore 'Atriospheric' #AF-500, P100
 d Benjamin Moore 'Sienna Clay' #104, P117
 e Benjamin Moore 'Davenport Tau' #HC-78, P22

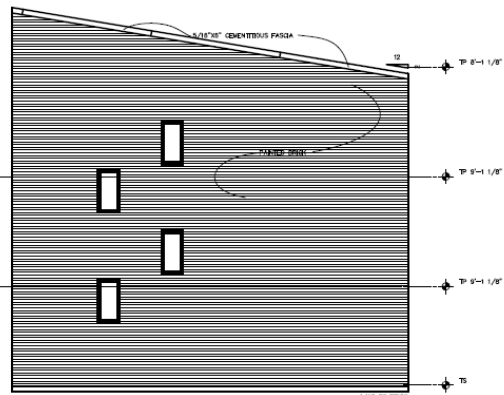
VALPAR, LA FAMA GORGON 1000-10A
 VALPAR, CAROLINA WEE CROSSHATCH GOLD 3008-4A
 VALPAR, WOODLAND JUMPER 5000-4B
 VALPAR, LA FAMA COPPER 2008-5
 VALPAR, RUSSELL HOUSE CLAY 2008-9B



02 EAST BUILDING ELEVATION
SCALE 3/16"=1'-0"



03 NORTH BUILDING ELEVATION
SCALE 3/16"=1'-0"



04 SOUTH BUILDING ELEVATION
SCALE 3/16"=1'-0"

SHEET
A1

JR ROSE
ARCHITECTURE
(214) 454-7895 Tel. (972) 420-0324 Fax



505 S. TENNESSEE
MCKINNEY TEXAS

Drawn By: Travis E. Rose
 Preparation Date: August 22, 2011
 Revisions:
 Checked: Travis E. Rose

Notes:

This exhibit was received by the Planning Department on November 3, 2011.

EXHIBIT C



EXHIBIT D