

ORDINANCE NO. 2007-10-104

AN ORDINANCE AMENDING ORDINANCE NO. 2002-05-038, AND AS AMENDED, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 30.35 ACRE PROPERTY, LOCATED ON THE SOUTH SIDE OF COLLIN MCKINNEY PARKWAY AND 1,263 FEET WEST OF LAKE FOREST DRIVE, IS ZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO AMEND THE DEVELOPMENT STANDARDS AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT; 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 30.35 acre property, located on the south side of Collin McKinney Parkway and 1,263 feet west of Lake Forest Drive, from "PD" – Planned Development District to "PD" – Planned Development District, generally to amend the development standards, and "REC" – Regional Employment Center Overlay 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 HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:**

Section 1. Ordinance No. 2002-05-038 is hereby amended so that an approximately 30.35 acre property, located on the south side of Collin McKinney Parkway and 1,263 feet west of Lake Forest Drive, which is more fully depicted in Exhibit E, attached hereto is hereby rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to amend the development standards, and "REC" – Regional Employment Center Overlay District.

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

1. The subject property shall develop in accordance with Ordinance 2002-05-038, and as amended, except as follows:
  - a. The minimum required density shall be 19.27 dwelling units per acre.
  - b. The requirement for a specific use permit to change the required density as detailed in Ordinance 2006-02-010 shall be rescinded by this rezoning request.
2. The height of buildings within 200 feet of the property line shall be limited to three stories.



3. The build-to-line along Collin McKinney Parkway shall be 20 feet, as shown on the attached zoning exhibit.
4. Covered parking shall not be required on the subject property.
5. The subject property shall generally conform to the attached building elevations as follows:
  - a. All apartment buildings shall have porches and stoops that provide direct access into the buildings from the pedestrian walk.
  - b. Carriage Houses shall front a 10' pedestrian walk along the detention facility.
  - c. The architectural features, landscaping and public furniture associated with the detention facility shall be in general conformance with the attached exhibits.
  - d. Decorative street lamps, maximum of 13 feet in height and spaced at a maximum of 90 feet on center, shall be installed along Collin McKinney Parkway and along the 10' pedestrian walkway adjacent to the detention pond.
  - e. Living screening of evergreen shrubs at least 6' in height and shade trees 3 inch caliper and 7 feet high at time of planting shall be installed in all parking visible from right-of-way.
  - f. Entry features into the apartment complex shall incorporate a pocket park that has the following features: architectural wall, benches, berm and seasonal colored plant materials.
6. The internal open space shall be required to support a recreational field and/or play area with seating, subject to approval by the Planning and Zoning Commission at time of site plan.
7. A monument, water feature or public art shall be required at the terminus of the main drive approach off Collin McKinney Parkway, subject to approval by the Planning and Zoning Commission at time of site plan.
8. The subject property shall generally conform to the attached Zoning Exhibit "F" and building elevations exhibits, "A", "B", "C", and "D".

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

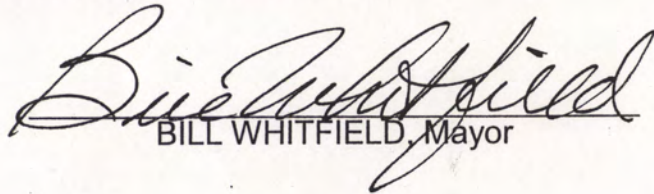


conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

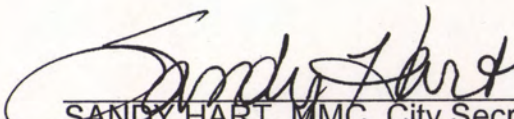
Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner 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 16<sup>th</sup> DAY OF OCTOBER, 2007.**

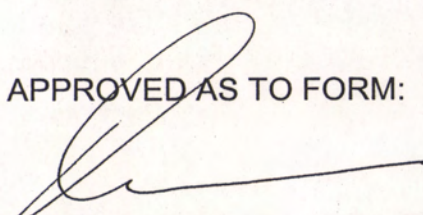
  
BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:

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

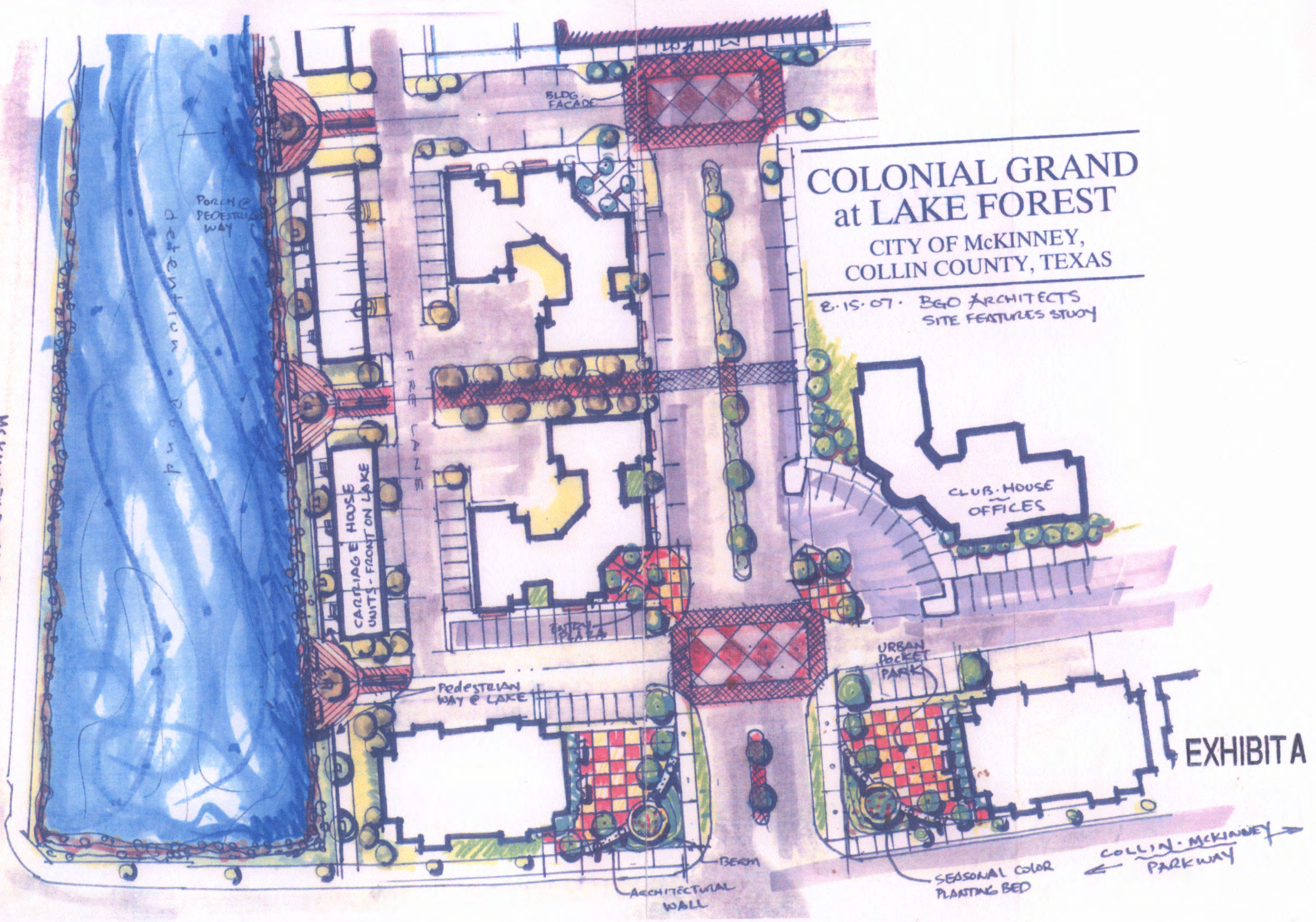
Date: October 18, 2007

APPROVED AS TO FORM:

  
MARK S. HOUSER, City Attorney



McKINNEY PLACE DR.



**COLONIAL GRAND  
at LAKE FOREST**

CITY OF MCKINNEY,  
COLLIN COUNTY, TEXAS

8.15.07 · BGO ARCHITECTS  
SITE FEATURES STUDY

CARRIAGE HOUSE  
UNITS - FRONT ON LAKE

CLUB HOUSE  
OFFICES

URBAN  
POCKET  
PARK

EXHIBIT A

COLLIN-MCKINNEY  
PARKWAY

BLDG.  
FACADE

FIRE  
LANE

PEDESTRIAN  
WAY @ LAKE

ARCHITECTURAL  
WALL

BERM

SEASONAL COLOR  
PLANTING BED

Retention Pond

ENTRY  
PLAZA





HELLER GUTSI OWENS ARCHITECTS, INC.

COLONIAL GRAND  
at LAKE FOREST  
CITY OF McKinney,  
COLLIN COUNTY, TEXAS

EXTERIOR MATERIALS  
TABULATION - 8.2707

75% 1" THIN BRICK

25% HORIZONTAL  
SIDING & TRIM

100%

82'-0"

horiz. siding

2'-4"

1" thin brick

10'-0"



STREET LAMPS

NOTE: SOME TREES  
NOT SHOWN FOR CLARITY  
RENT DOOR/ENTRY PORCH

BENCHES  
ALONG PEDESTRIAN  
WALKWAYS

TYPICAL BUILDING ELEVATION

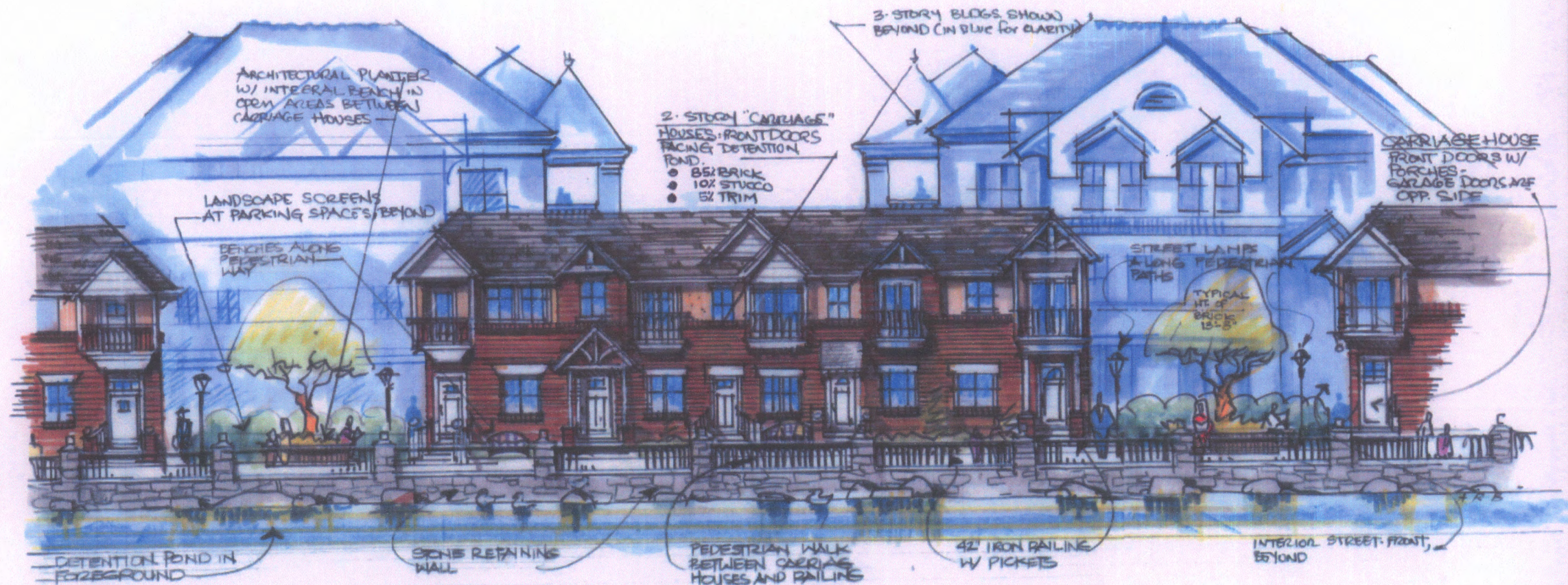
PLAZA @ CORNER

1/8" = 1'-0"

REVISE  
AUG 28 2007

EXHIBIT B





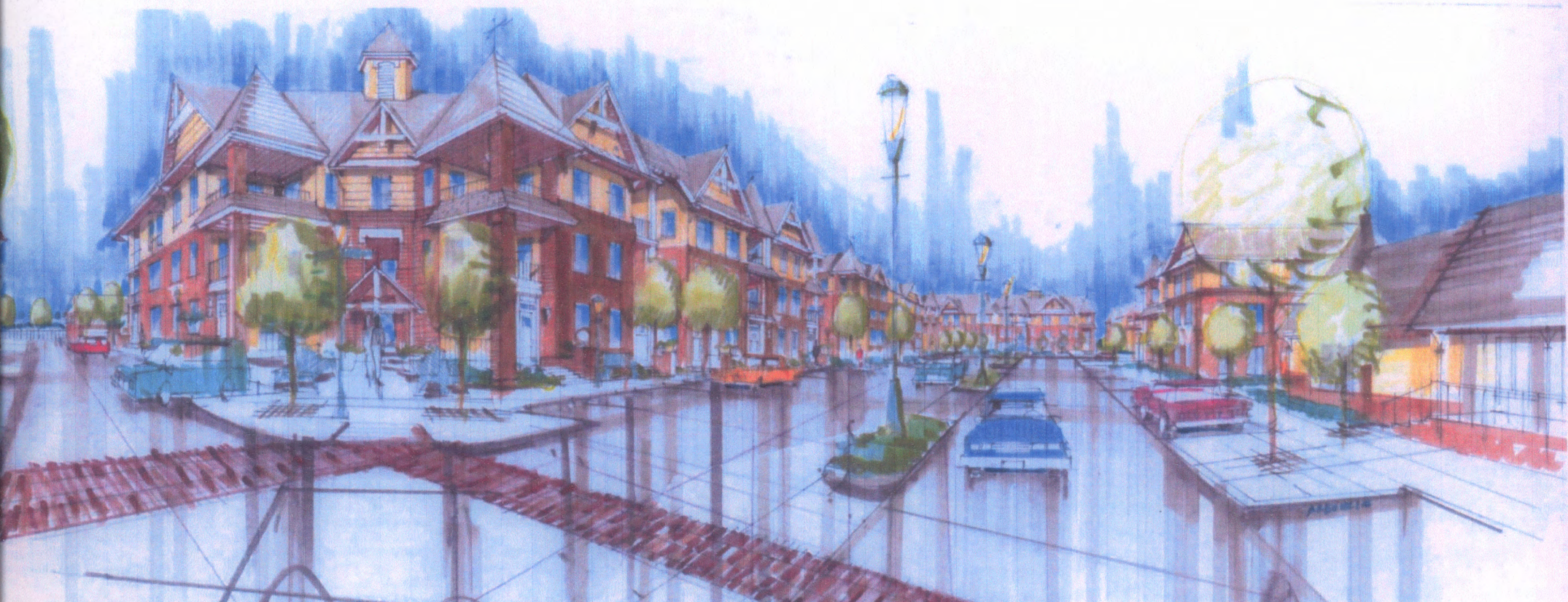
VIEW FROM MCKINNEY PLACE DRIVE V&E  
 COLONIAL GRAND AT LAKE FOREST - MCKINNEY, TX.

8.21.07  
 REV. 8.30.07

BGO ARCHITECTS

EXHIBIT C





GRAND COLONIAL e LAKE FOREST

MEKINNEY, TEXAS

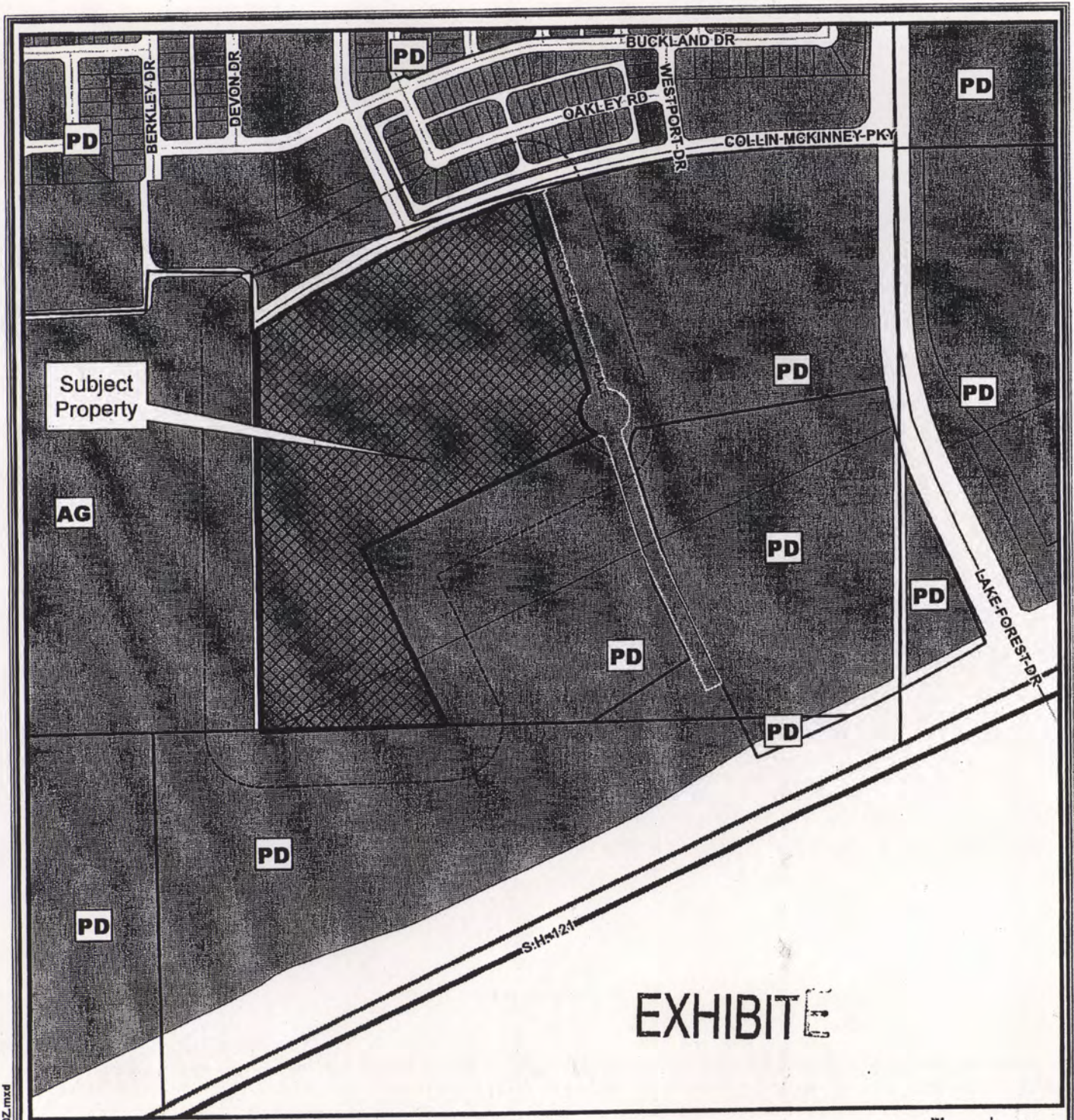
BGO ARCHITECTS

82707

REVISED  
AUG 28 2007  
DRAWING

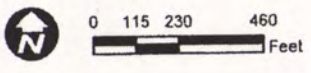
EXHIBIT D





# EXHIBIT E

S:\MCKGIS\Notification\Projects\2007\07-310Z.mxd

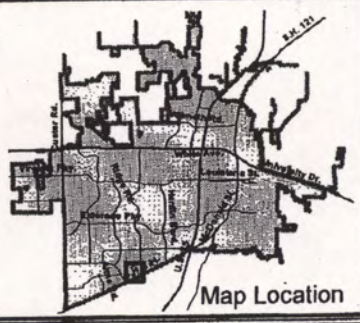


## Notification Case

Notice Case: 07-310Z  
R-6392-000-0100-1

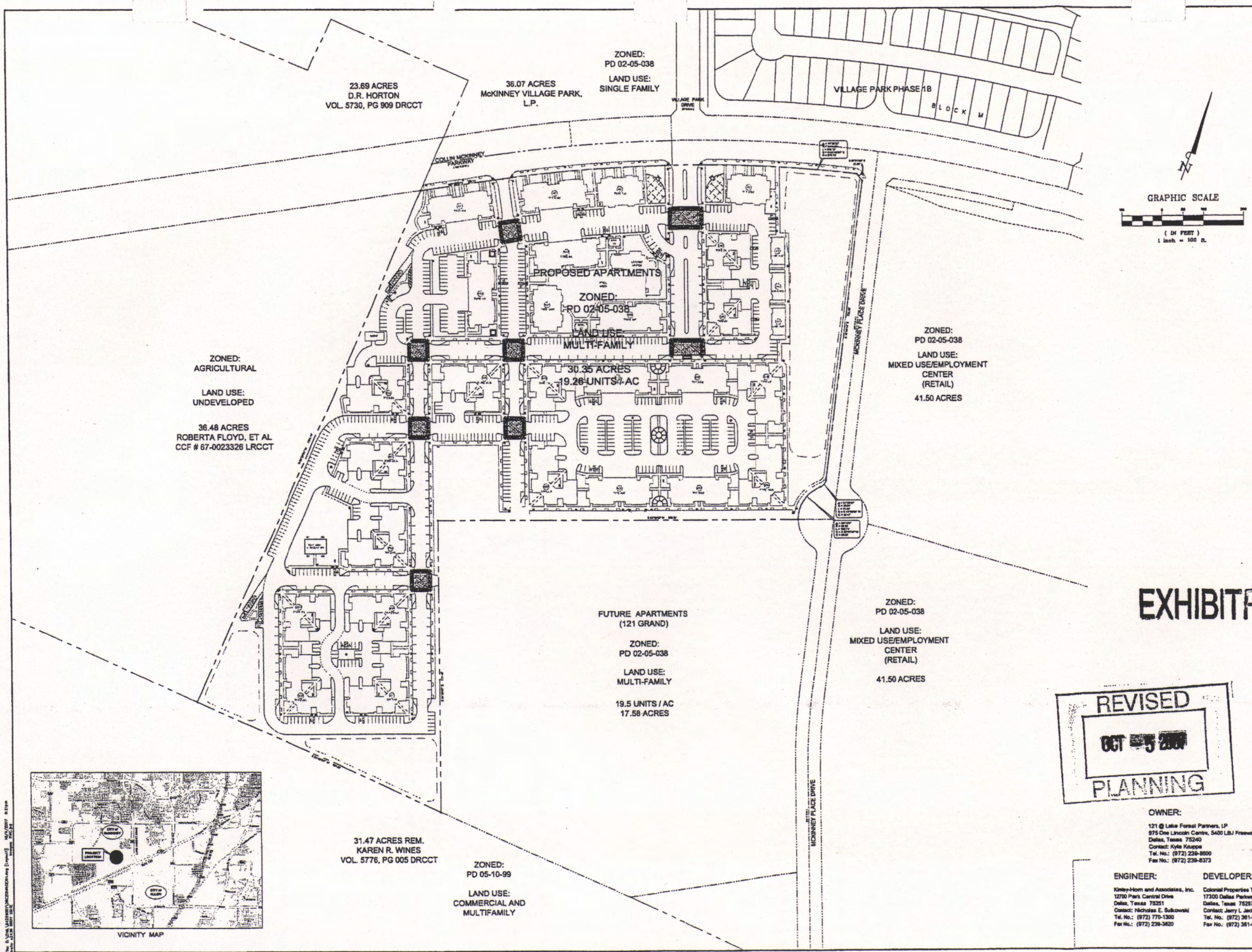


--- 200' Notification Buffer



**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.





23.89 ACRES  
D.R. HORTON  
VOL. 5730, PG 909 DRCT

36.07 ACRES  
MCKINNEY VILLAGE PARK,  
L.P.

ZONED:  
PD 02-05-038  
LAND USE:  
SINGLE FAMILY

ZONED:  
AGRICULTURAL  
LAND USE:  
UNDEVELOPED

36.48 ACRES  
ROBERTA FLOYD, ET AL  
CCF # 67-0023326 LRCCT

PROPOSED APARTMENTS

ZONED:  
PD 02-05-038  
LAND USE:  
MULTI-FAMILY

30.35 ACRES  
19.26 UNITS / AC

ZONED:  
PD 02-05-038  
LAND USE:  
MIXED USE/EMPLOYMENT  
CENTER  
(RETAIL)  
41.50 ACRES

FUTURE APARTMENTS  
(121 GRAND)

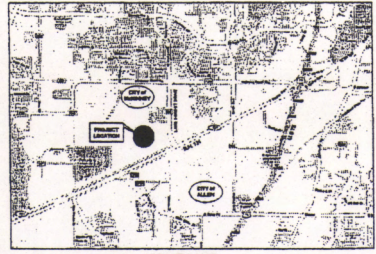
ZONED:  
PD 02-05-038  
LAND USE:  
MULTI-FAMILY

19.5 UNITS / AC  
17.58 ACRES

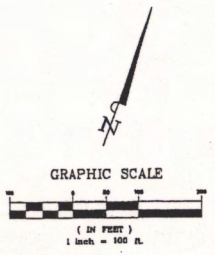
ZONED:  
PD 02-05-038  
LAND USE:  
MIXED USE/EMPLOYMENT  
CENTER  
(RETAIL)  
41.50 ACRES

31.47 ACRES REM.  
KAREN R. WINES  
VOL. 5776, PG 005 DRCT

ZONED:  
PD 05-10-99  
LAND USE:  
COMMERCIAL AND  
MULTIFAMILY



VICINITY MAP



# EXHIBIT F

**REVISED**  
**OCT 05 2007**  
**PLANNING**

OWNER:  
121 @ Lake Forest Partners, LP  
975 One Lincoln Centre, 5400 LBJ Freeway  
Dallas, Texas 75240  
Contact: Kyle Knapp  
Tel. No.: (972) 238-8000  
Fax No.: (972) 238-8373

ENGINEER:  
Kimley-Horn and Associates, Inc.  
1270 Park Central Drive  
Dallas, Texas 75201  
Contact: Nicholas E. Sulkowski  
Tel. No.: (972) 770-1200  
Fax No.: (972) 238-3820

DEVELOPER:  
Colonial Properties Trust  
17200 Dallas Parkway, Suite 2070  
Dallas, Texas 75287  
Contact: Jerry L. Jackson, P.E.  
Tel. No.: (972) 361-0012  
Fax No.: (972) 361-0016

**Kimley-Horn  
and Associates, Inc.**  
12700 Park Central Drive, Suite 1800  
Dallas, Texas 75221  
Tel. No. (972) 238-1200  
Fax No. (972) 238-3820

**COLONIAL GRAND  
at LAKE FOREST**  
CITY OF MCKINNEY,  
COLLIN COUNTY, TEXAS

## ZONING EXHIBIT

|              |              |
|--------------|--------------|
| Scale:       | 1" = 100'    |
| Designed by: | NSA          |
| Drawn by:    | MSM          |
| Checked by:  | MS           |
| Date:        | OCTOBER 2007 |
| Project No.: | 8428001      |