

ORDINANCE NO. 2007-12-120

AN ORDINANCE AMENDING ORDINANCE NO. 2007-10-104, 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 REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, GENERALLY TO AMEND THE DEVELOPMENT STANDARDS AND MINIMUM DENSITY REQUIREMENTS; 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 and "REC" – Regional Employment Center Overlay District, generally to amend the development standards and minimum density requirements, 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. 2007-10-104 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 Zoning Exhibit "E", attached hereto is hereby rezoned from "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District to "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District, generally to amend the development standards, and minimum density requirements.

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 No. 2002-05-038, except as follows:
 - a. The minimum required density shall be 17.75 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, at time of site plan approval.
7. A monument, water feature or public art shall be required at the terminus of the main drive approach off Collin McKinney Parkway, at time of site plan approval.
8. The site plan and landscape plan for the proposed multi-family development shall be approved by Staff.
9. The subject property shall generally conform to the attached Zoning Exhibit "E" and building elevations exhibits, "A", "B", "C", and "D", in accordance with the Architectural Standards Ordinance.

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 4th DAY OF DECEMBER, 2007.



THAD HELSLEY, Mayor Pro-Tem

CORRECTLY ENROLLED:



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

Date: December 6, 2007

APPROVED AS TO FORM:

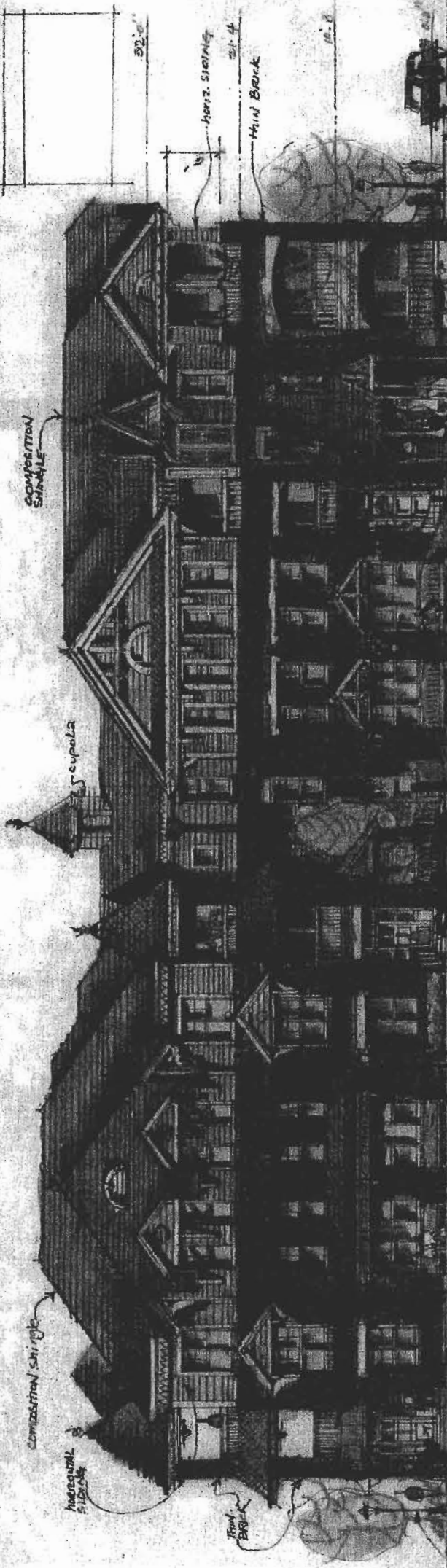


MARK S. HOUSER, City Attorney

EXTERIOR MATERIALS
TABLETION - 6-27-67

854 Thin Brick

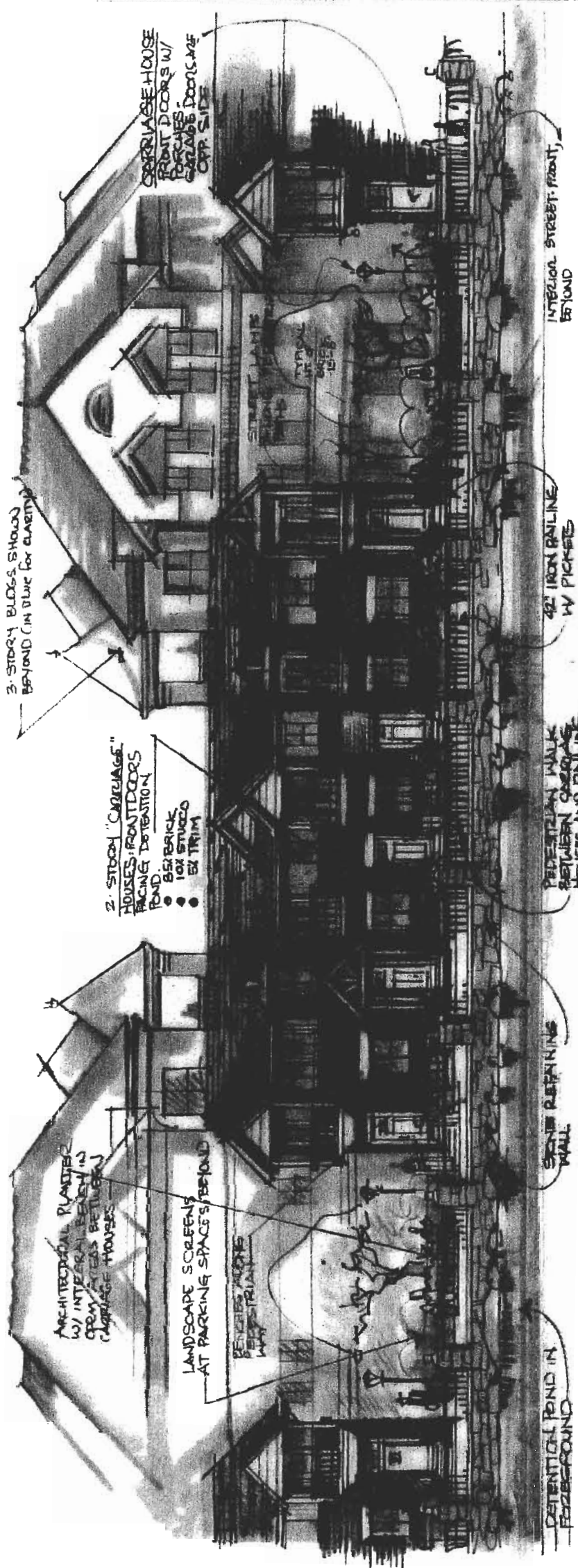
COLONIAL GRAND
at LAKE FOREST
DALLAS, TEXAS
COLUMBIA UNIVERSITY, TEXAS



TYPICAL BUILDING ELEVATION

1/8" = 1'-0"

EXHIBIT B



3- STORY BLOCKS SHOWN BEYOND (IN BLUE FOR CLARITY)

ARCHITECTURAL PLANTER W/ INTEGRAL BENCH IN OPEN AREAS BETWEEN GARAGE HOUSES

LANDSCAPE SCREENS AT PARKING SPACES BEYOND

2- STORY "COVERAGE" HOUSES FRONTING POND. FACING DETENTION POND.

- 85% BRICK
- 10% STUCCO
- 5% TRIM

CARRIAGE HOUSE FRONT DOORS W/ PORCHES. GARAGE DOORS W/ OPP. SIDE

RENDERING WALLS

STREET LANE

TYPICAL SIDE USE

DETENTION POND IN FOREGROUND

STONE REPAIRING WALL

PEDESTRIAN WALK BETWEEN GARAGE HOUSES AND RAILING

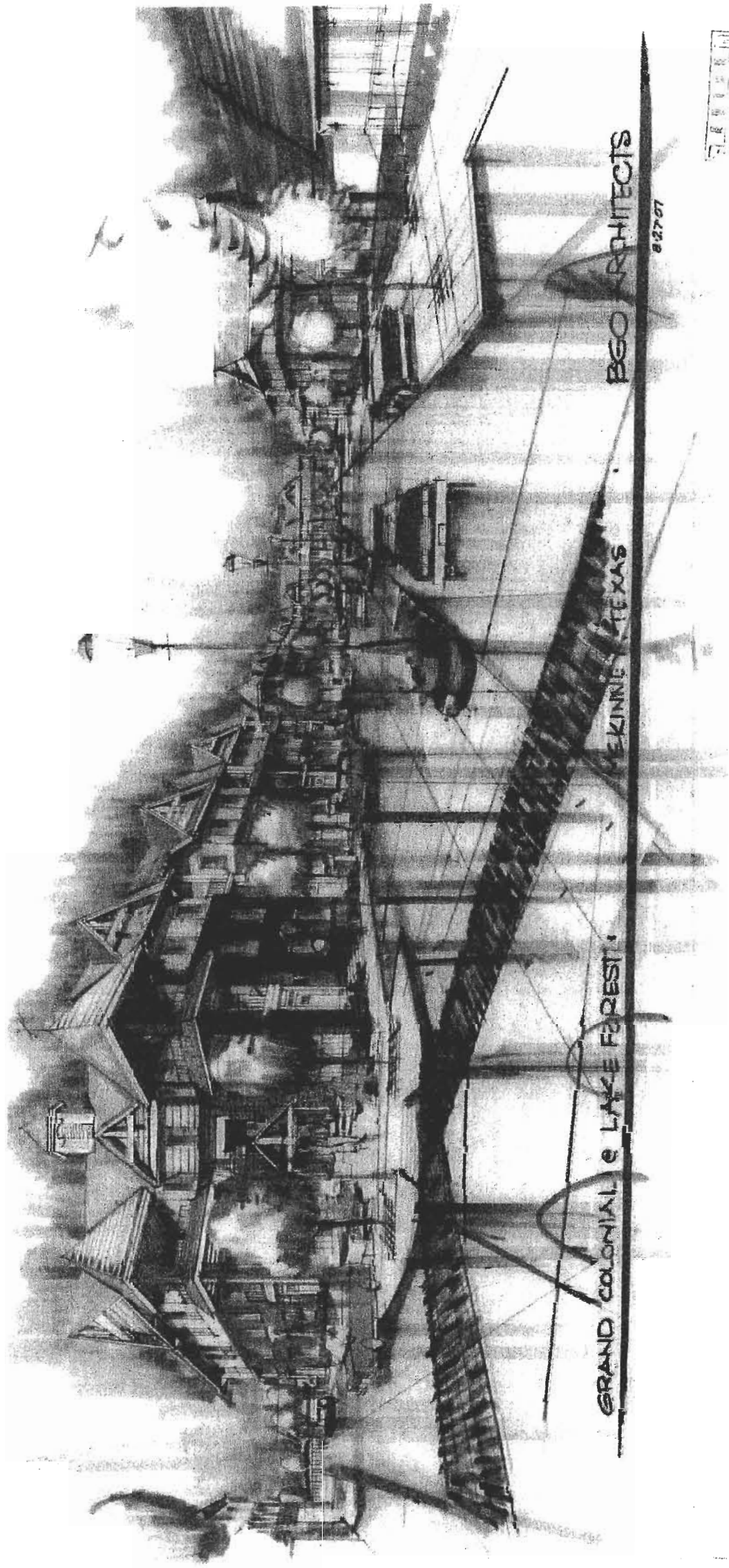
42" IRON RAILING W/ PICKETS

INTERIOR STREET FRONT, BEYOND

VIEW FROM MCKINNEY PLACE DRIVE / SEC
 COLONIAL GRAND AT LAKE FOREST · MCKINNEY, TX. 8.27.07
 REV. 8.30.07

BSD ARCHITECTS

EXHIBIT C



GRAND COLONIAL & LAKE FOREST

MEKINNEY, TEXAS

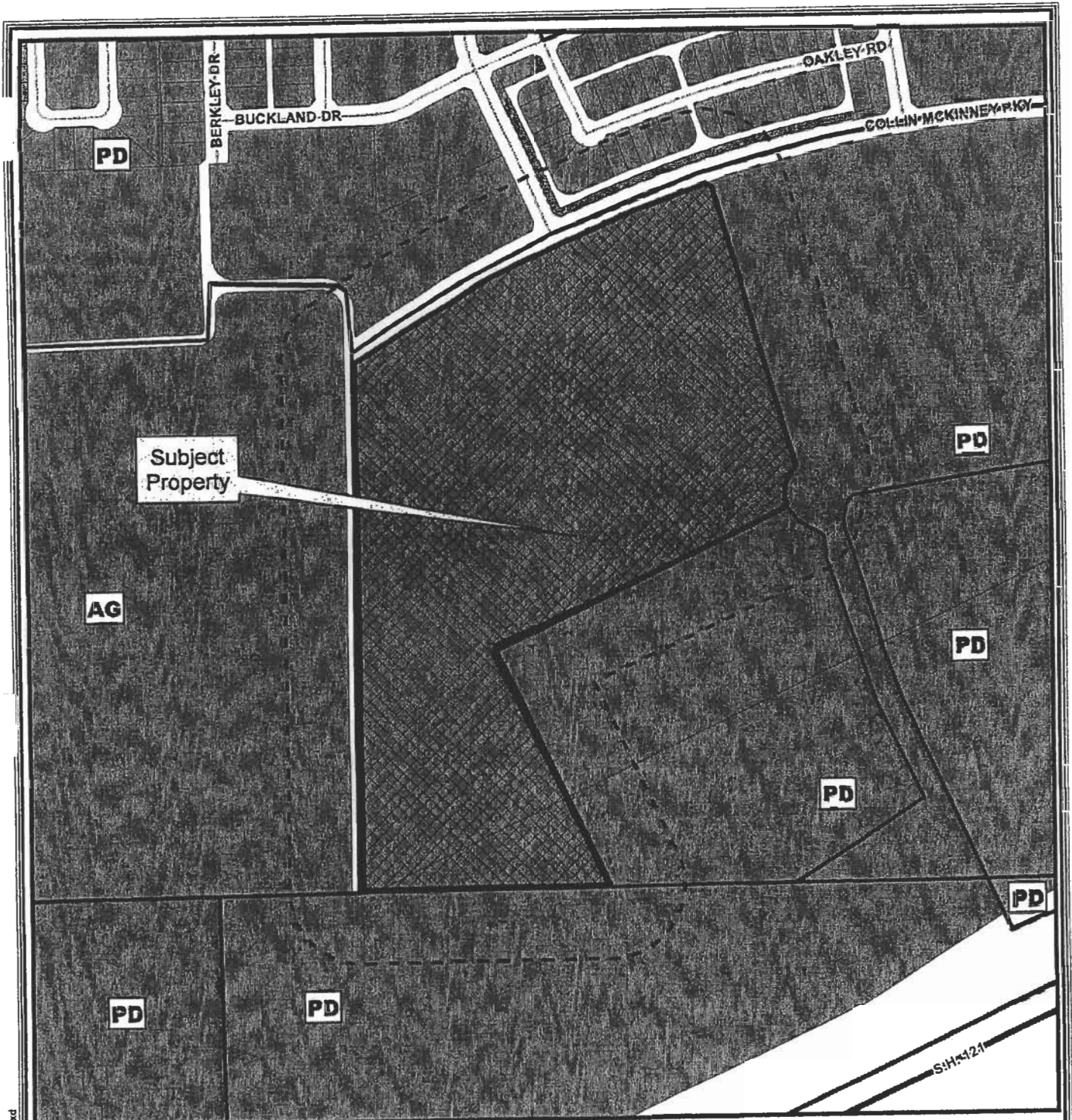
BGO ARCHITECTS

8-27-07

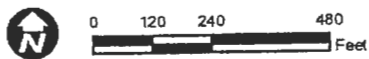
FILED

10-18-07

EXHIBIT D



S:\M\location\Projects\000707-445Z.mxd

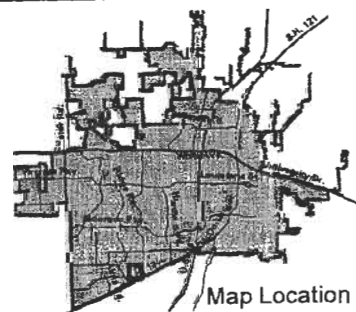


Notification Case

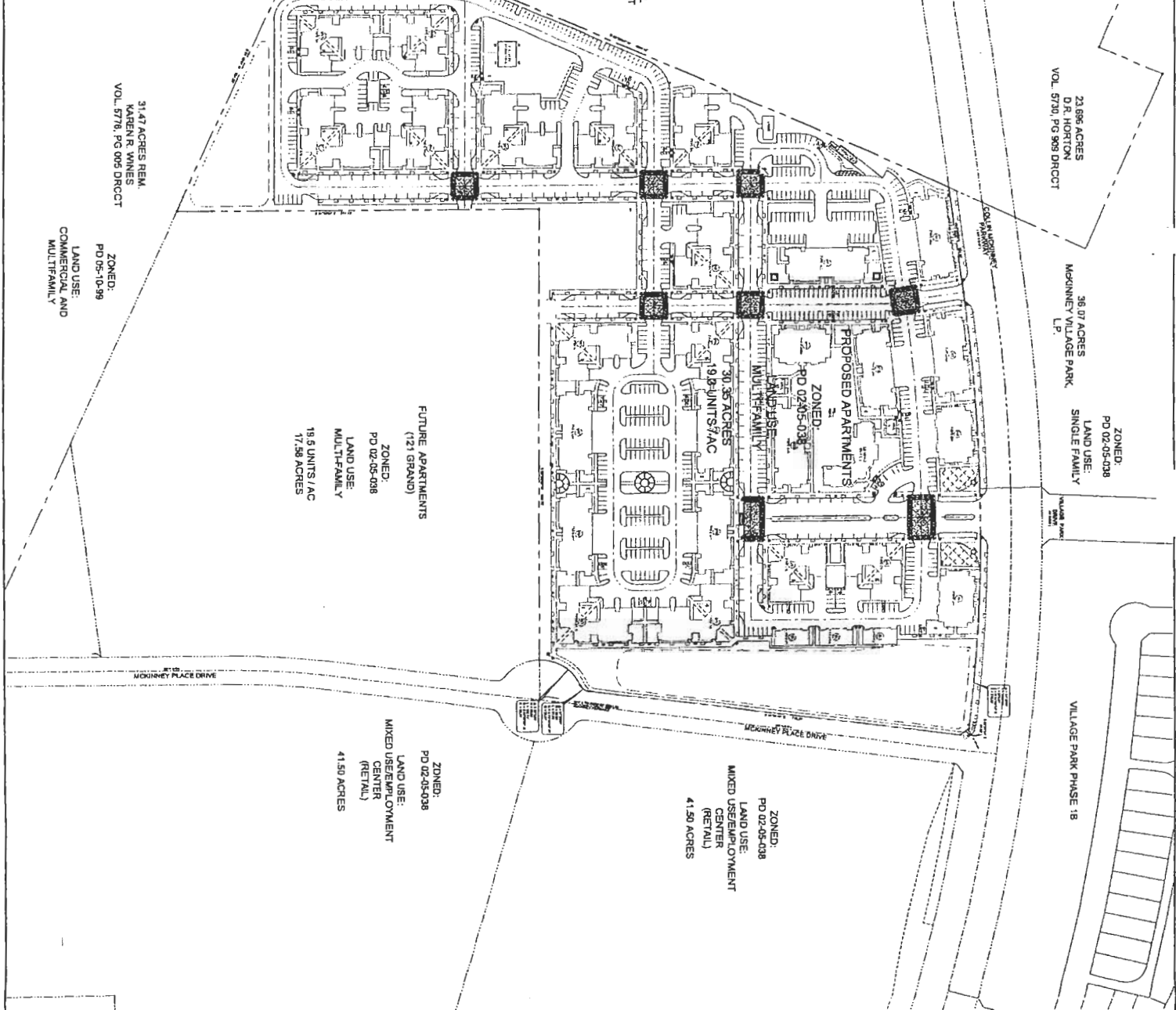
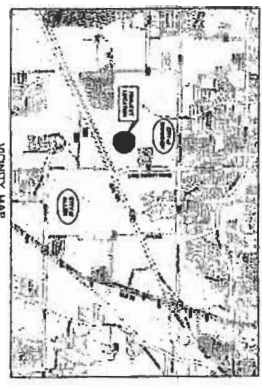
Notice Case: 07-445Z

EXHIBIT E

--- 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.



OWNER:
 12700 Lakes Forest Blvd., Suite 1000
 Dallas, Texas 75244
 Tel. No. (972) 228-8000
 Fax No. (972) 228-8010

ENGINEER:
 Kimley-Horn and Associates, Inc.
 12700 Lakes Forest Blvd., Suite 1000
 Dallas, Texas 75244
 Tel. No. (972) 228-8000
 Fax No. (972) 228-8010

DEVELOPER:
 Colonial Properties, Inc.
 12700 Lakes Forest Blvd., Suite 1000
 Dallas, Texas 75244
 Tel. No. (972) 228-8000
 Fax No. (972) 228-8010

DESIGNED BY: MSH
CHECKED BY: HES
DATE: AUGUST 2007
PROJECT NO.: 8429001

EXHIBIT F

ZONING EXHIBIT

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

GRAPHIC SCALE
 1" = 100' (1" = 30.48m)

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 Fax No. (972) 228-8010