

ORDINANCE NO. 2022-06-067

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 10.8 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF LAKE FOREST DRIVE AND FUTURE COLLIN MCKINNEY PARKWAY, IS REZONED FROM "PD" - PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, TO ALLOW MULTI-FAMILY USES AND TO MODIFY THE DEVELOPMENT STANDARDS; 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 10.8 acre property, located on the northeast corner of Lake Forest Drive and future Collin McKinney Parkway, which is more fully depicted on Exhibits "A," "B," and "C" attached hereto, from "PD" - Planned Development District and "REC" – Regional Employment Center Overlay District to "PD" - Planned Development District, generally to allow for multi-family uses and to modify the development standards; 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:

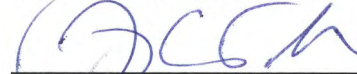
- Section 1. The zoning map is hereby amended so that an approximately 10.8 acre property, located on the northeast corner of Lake Forest Drive and future Collin McKinney Parkway, which is more fully depicted on Exhibits "A," "B," and "C" attached hereto, is rezoned from "PD" - Planned Development District and "REC" – Regional Employment Center Overlay District to "PD" - Planned Development District, generally to allow for multi-family uses and to modify the development standards.
- Section 2. The subject property shall develop in accordance with Section 146-94 ("PD" – Planned Development District) of the Zoning Ordinance, and as amended, except as follows:
1. The subject property shall develop in accordance with the attached Development Regulations – Exhibit "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 THE 21ST DAY OF JUNE, 2022.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

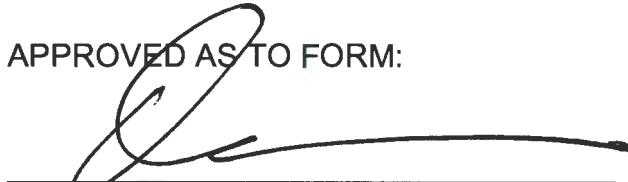
CORRECTLY ENROLLED:



EMERESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

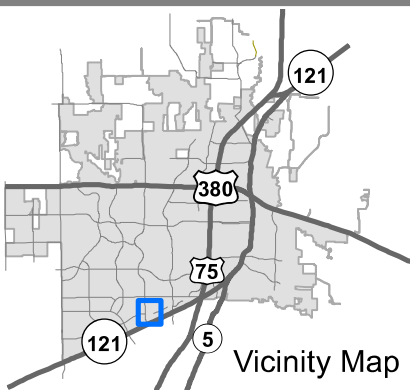
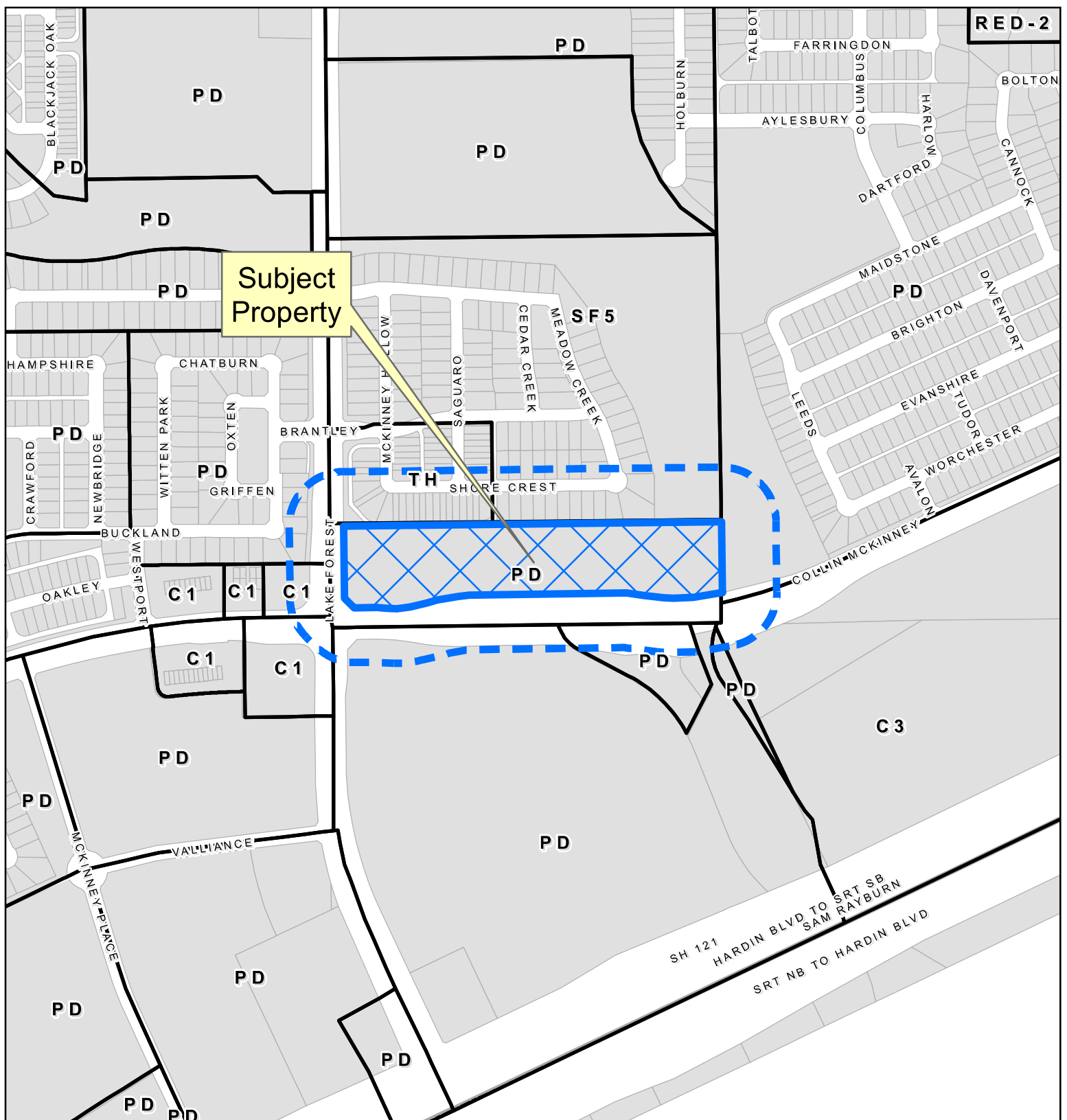
DATE: 06/21/2022

APPROVED AS TO FORM:



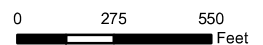
MARK S. HOUSER
City Attorney

EXHIBIT A



Property Owner Notification Map

ZONE2022-0015



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 B

Continental 639 Fund LLC
Avanterra Lake Forest

EX-B



— LONESTAR —
LAND SURVEYING, LLC

METES AND BOUNDS DESCRIPTION

BEING A 10.848 ACRE TRACT OF LAND SITUATED IN THE ESOM HARRIS SURVEY, ABSTRACT NUMBER 400, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 119 ACRE TRACT OF LAND (REMAINING PORTION) DESCRIBED BY DEED TO BLACKMON RANCH, LTD., RECORDED IN VOLUME 4071, PAGE 698, DEED RECORDS, COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 5/8" CAPPED IRON ROD FOUND STAMPED "CORWIN" AT THE SOUTHWEST CORNER OF LAKE FOREST, PHASE 1A, AN ADDITION TO THE CITY OF MCKINNEY, ACCORDING TO THE PLAT RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2018-24, PLAT RECORDS, COLLIN COUNTY, TEXAS, BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH LAKE FOREST DRIVE, A 120' RIGHT-OF-WAY;

THENCE NORTH 89 DEGREES 19 MINUTES 50 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LAKE FOREST, PHASE 1A, AND THE SOUTH LINE OF BLOCK A, LAKE FOREST, PHASE 1B, AN ADDITION TO THE CITY OF MCKINNEY, ACCORDING TO THE PLAT RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2018-346, PLAT RECORDS, COLLIN COUNTY, TEXAS, A DISTANCE OF 1557.01 FEET, TO A 1/2" CAPPED IRON ROD FOUND STAMPED "VOTEX 4813" AT THE SOUTHEAST CORNER OF SAID LAKE FOREST, PHASE 1A, BEING ON THE WEST LINE OF A PARK AREA AS SHOWN ON AVALON PHASE 3, AN ADDITION TO THE CITY OF MCKINNEY, ACCORDING TO THE PLAT RECORDED IN CABINET P, PAGE 544, PLAT RECORDS, COLLIN COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 42 MINUTES 09 SECONDS EAST, DEPARTING SAID SOUTH LINES AND ALONG THE WEST LINE OF SAID AVALON, PHASE 3, A DISTANCE OF 294.36 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR 6882" AT THE NORTHWEST CORNER OF COLLIN MCKINNEY PARKWAY, AS SHOWN ON SAID AVALON PHASE 3, SAME BEING THE NORTHEAST CORNER OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN THE RIGHT-OF-WAY WARRANTY DEED TO THE CITY OF MCKINNEY, RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 20210623001265820, DEED RECORDS, COLLIN COUNTY, TEXAS, BEING AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, FROM WHICH A 5/8" CAPPED IRON ROD FOUND STAMPED "KHA" AT THE SOUTHWEST CORNER OF SAID AVALON PHASE 3 BEARS SOUTH 00 DEGREES 42 MINUTES 09 SECONDS EAST, A DISTANCE OF 87.41 FEET;

EXHIBIT B

THENCE WESTERLY, DEPARTING SAID WEST LINE AND ALONG THE NORTH LINE OF SAID MCKINNEY TRACT, THE FOLLOWING CALLS:

319.28 FEET, WITH SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 786.00 FEET, A CENTRAL ANGLE OF 23 DEGREES 16 MINUTES 25 SECONDS, WHOSE LONG CHORD BEARS SOUTH 88 DEGREES 02 MINUTES 29 SECONDS WEST, A CHORD LENGTH OF 317.09 FEET, TO A POINT FOR CORNER, BEING AT THE BEGINNING OF A COMPOUND CURVE TO THE LEFT;

151.52 FEET, WITH SAID CURVE TO THE CURVE TO THE LEFT, HAVING A RADIUS OF 838.00 FEET, A CENTRAL ANGLE OF 10 DEGREES 21 MINUTES 34 SECONDS, WHOSE LONG CHORD BEARS NORTH 85 DEGREES 30 MINUTES 05 SECONDS WEST, A CHORD LENGTH OF 151.31 FEET, TO A POINT FOR CORNER;
SOUTH 89 DEGREES 19 MINUTES 09 SECONDS WEST, A DISTANCE OF 529.70 FEET, TO A POINT FOR CORNER, BEING AT THE BEGINNING OF A CURVE TO THE LEFT;

222.68 FEET, WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 838.00 FEET, A CENTRAL ANGLE OF 15 DEGREES 13 MINUTES 31 SECONDS, WHOSE LONG CHORD BEARS SOUTH 81 DEGREES 42 MINUTES 23 SECONDS WEST, A CHORD LENGTH OF 222.03 FEET, TO A POINT FOR CORNER, BEING AT THE BEGINNING OF A REVERSE CURVE TO THE RIGHT;

107.00 FEET, WITH SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 786.00 FEET, A CENTRAL ANGLE OF 07 DEGREES 48 MINUTES 00 SECONDS, WHOSE LONG CHORD BEARS SOUTH 77 DEGREES 59 MINUTES 39 SECONDS WEST, A CHORD LENGTH OF 106.92 FEET, TO A POINT FOR CORNER, BEING AT THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT;

62.35 FEET, WITH SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 211.00 FEET, A CENTRAL ANGLE OF 16 DEGREES 55 MINUTES 47 SECONDS, WHOSE LONG CHORD BEARS NORTH 89 DEGREES 38 MINUTES 26 SECONDS WEST, A CHORD LENGTH OF 62.12 FEET, TO A POINT FOR CORNER, BEING AT THE BEGINNING OF A REVERSE CURVE TO THE LEFT;

39.66 FEET, WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 239.00 FEET, A CENTRAL ANGLE OF 09 DEGREES 30 MINUTES 24 SECONDS, WHOSE LONG CHORD BEARS NORTH 85 DEGREES 55 MINUTES 41 SECONDS WEST, A CHORD LENGTH OF 39.61 FEET, TO A POINT FOR CORNER;

SOUTH 89 DEGREES 19 MINUTES 09 SECONDS WEST, A DISTANCE OF 93.84 FEET, TO A POINT FOR CORNER;

NORTH 45 DEGREES 35 MINUTES 29 SECONDS WEST, A DISTANCE OF 56.67 FEET, TO A POINT FOR CORNER, BEING ON THE EAST RIGHT-OF-WAY LINE OF SAID SOUTH LAKE FOREST DRIVE, FROM WHICH A 5/8" CAPPED IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID MCKINNEY TRACT BEARS SOUTH 00 DEGREES 33 MINUTES 33 SECONDS EAST, A DISTANCE OF 136.13 FEET;

EXHIBIT B

THENCE NORTH 00 DEGREES 33 MINUTES 33 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 293.93 FEET, TO THE POINT OF BEGINNING, AND CONTAINING 10.848 ACRES OR 472,554 SQUARE FEET OF LAND, MORE OR LESS;

FIELDWORK WAS PERFORMED IN NOVEMBER 2021.

BEARINGS SHOWN HEREON ARE IN REFERENCE TO THE TEXAS COORDINATE SYSTEM – NORTH CENTRAL ZONE, 4202 – UTILIZING THE LEICA SMARTNET REFERENCE NETWORK.

Marshall Miller

MARSHALL MILLER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6882
STATE OF TEXAS

DATE: 02/09/2022



EXHIBIT C

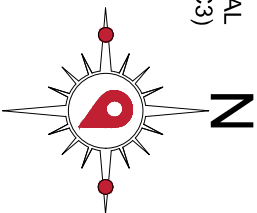
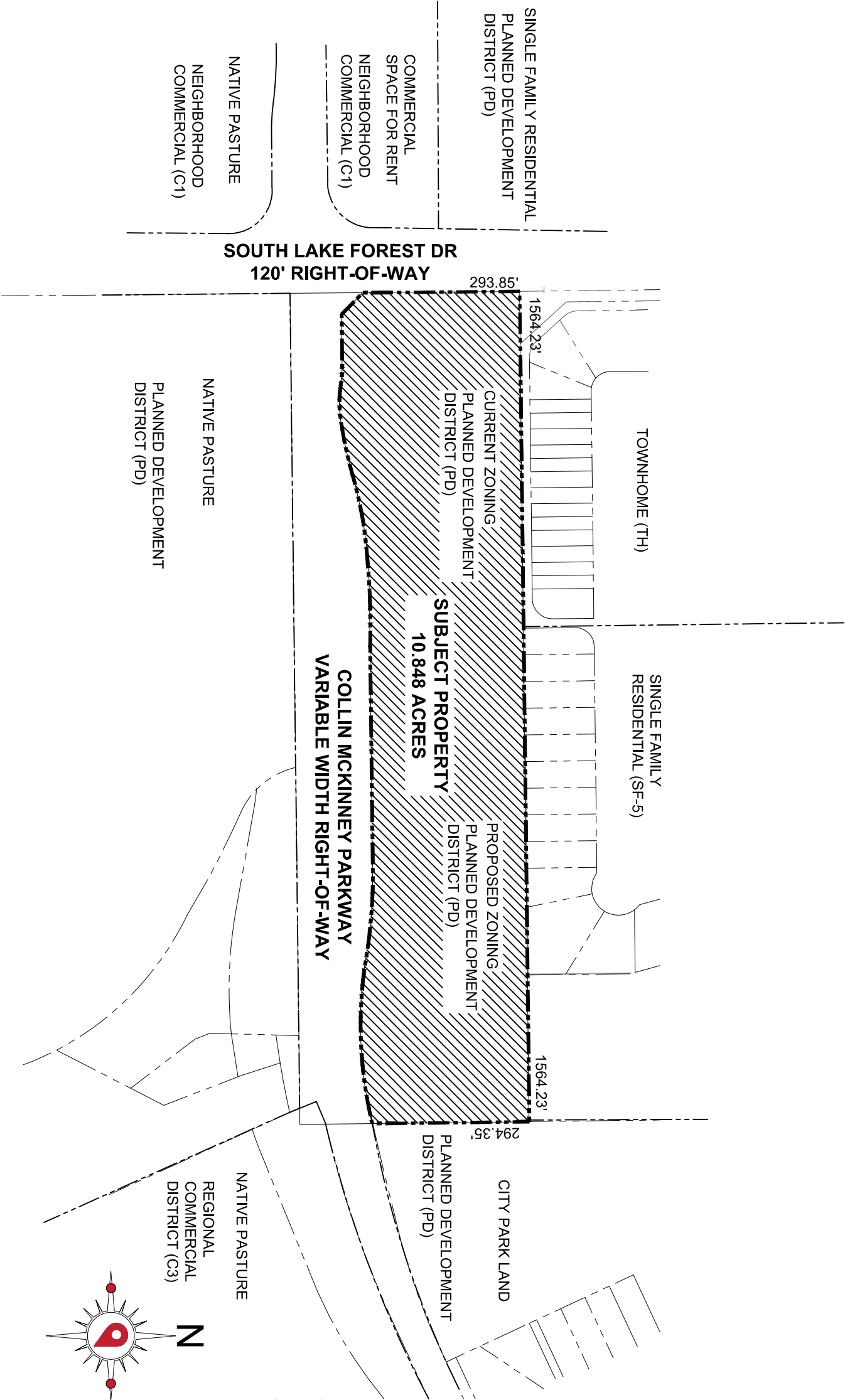


EXHIBIT D

“PD” Planned Development - Development Regulations

The subject property (the “Property”) shall be zoned “PD” – Planned Development District. Use and development of the Property shall conform to the regulations contained herein. All provisions contained in the City’s Zoning Ordinance relating to development within the Property which are not in conflict with the provision contained herein shall continue to apply to the development of the property.

I. INTENT: the intent/objective of this zoning is to provide a land-use allowing one- and two-family residential structures to be constructed on a single lot using a low-density multiple-family land-use structured into a Planned Development zoning thus providing long-term responsibility for high-quality maintenance.

II. USES

- A. Multiple family dwelling (apartment)
- B. Leasing/property management office
- C. Amenities
- D. Service facilities
- E. Parking, incidental to main use

III. SPACE LIMITS

- A. Minimum Lot Area: 3,600 SF per unit
- B. Minimum Lot Width: 60 ft
- C. Minimum Lot Depth: 100 ft
- D. Minimum Front Yard Setback: 25 ft
- E. Minimum Rear Yard Setback: 25 ft
- F. Minimum Side Yard Setback: 25 ft
- G. Maximum Height of Structure: 35 ft (2 stories)
- H. Maximum Lot Coverage: 50%
- I. Maximum Density (dwelling units per gross acre): 10 units per gross acre
- J. Maximum Units Per Building: 2 units

IV. MINIMUM DESIGN STANDARDS

A. Landscaping

1. The following above ground structures or ground level paving are permitted within the required landscape buffers:
 - a. Project identification monument signs;
 - b. Required perimeter walls and/or fencing may be installed at the edge of the landscape setback; and
 - c. Privacy or other fences may extend perpendicular from the building line to the perimeter fence or wall.

EXHIBIT D

2. A minimum of one canopy tree per every 30 linear feet of property lines shall be planted within the landscape buffers. Canopy trees along the rights-of-way may be clustered.
3. Enhanced landscaping to the residential units and general site shall include:
 - a. One canopy tree (minimum 4" caliper and 12' high at time of planting) shall be planted between the access drive (minimum of 3' from curb) and the unit for 30% of the units.
 - b. One ornamental tree (minimum 2" caliper and 8' high at time of planting) shall be planted between the access drive (minimum of 3' from curb) and the unit for 30% of the units.
 - c. If space does not permit placement of the trees required in subsections 3.a. and 3.b. above, a maximum of 10% of the required trees may be provided in other locations on site to meet the quantity required in those subsections.

B. Perimeter Screening

1. The northern boundary shall be required to have a 6' tall masonry wall. From the east termination of the existing wood fence, a 6" tall tubular steel or wrought iron fence with steel structural supports spaced every 10' may be installed along the portion of the north boundary adjacent to the open space/floodplain.
2. A screening device shall be required on the eastern side of the proposed development, outside of any open space/floodplain area. The screening device shall be a 6' tall tubular steel or wrought iron fence with steel structural supports spaced every 10'.
3. As an alternative to the typical off-street parking screening device for multifamily developments, a living screening device may be installed to screen the view from the rights-of-way and shall consist of evergreen shrubs a minimum of 36" at time of planting and spaced 3' on center to provide a solid screen within two years from planting.

EXHIBIT D

C. Amenity Requirements

1. Fitness Center (minimum of 500 square feet)
2. Swimming Pool (minimum of 1,000 square feet of water surface area) with a cooling deck (minimum 10' wide in all areas)
3. Grilling Area (minimum of 250 square feet)
4. Dog park (minimum of 5,000 square feet) and shall meet the following requirements:
 - a. The dog park shall be enclosed by a minimum 5' tall vinyl coated chain link fence;
 - b. No side of the enclosure shall be shorter than 30' in length;
 - c. One dog waste station which shall include a bag dispenser and a waste receptacle must be installed along the perimeter of the enclosure for every 2,500 square feet of the associated dog park; and
 - d. One 25 square foot animal washing bay (with associated plumbing) is provided in conjunction with the dog park.
5. Clubhouse and Gathering Space (minimum of 1,000 square feet)