# **ORDINANCE NO. 2006-09-104**

AN ORDINANCE AMENDING PLANNED DEVELOPMENT **DISTRICT ORDINANCE NO. 2005-0-017 AND NO. 2005-06-**065, OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 35 ACRE TRACT LOCATED AT THE SOUTHEAST CORNER OF VIRGINIA PARKWAY AND STONEBRIDGE DRIVE **PLANNED** "PD" **FROM REZONED** HEREBY "PD" **PLANNED** DISTRICT TO **DEVELOPMENT** DEVELOPMENT DISTRICT, IN ORDER TO MODIFY THE DEVELOPMENT STANDARDS; PROVIDING REGULATIONS; **PROVIDING** 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 35 acre tract located on the southeast corner of Virginia Parkway and Stonebridge Drive, from "PD" -"PD" Planned Development District to Development District, in order 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.

Ordinance Nos. 2005-02-017 and 2005-06-065 are hereby amended so that an approximately 35 acre tract located on the southeast corner of Virginia Parkway and Stonebridge Drive, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "PD" - Planned Development District to "PD" - Planned Development District, in order to modify the development standards.

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

> 1. Tracts 1-8 (Exhibit B) shall develop in accordance with PD 2005-02-017 and Tract 9 (Exhibit B) shall develop in accordance with PD 2005-06-065, with the following exceptions:

# R-2 and Town Center District

- a) The City Council may approve reductions to the required building setbacks and landscape buffer, and increase the maximum height for architectural enhancements only (cupolas, domes, spires, etc.) as part of site plan approval.
- b) Allow the use of a veterinarian office with an outdoor run on Lot 1R, Block B (Tract B) (Exhibit D) with

approval of a Specific Use Permit concurrently with site plan approval.

#### **Town Center District**

- a) Increase the maximum height for the Bell Tower to 128' on Tract E (Exhibit F).
- b) Provision 5(f)i of PD Ordinance 05-02-017 shall be amended as follows: All structures must comply with the City of McKinney Architectural Standards and the Design Guidelines included herein. The finish shall simulate the stone and installation of an authentic Croatian village (reference Exhibit B of PD 05-02-017).

Town Center District, generalized Within the elevations must be reviewed and approved by the City Council as part of the site plan approval process and such elevations shall be consistent with the in Section provided required approvals Final building elevations shall be hereinabove. submitted and reviewed as part of the building permit application process. The Director of Planning shall have discretionary review of the final building elevations to ensure compliance with the generalized elevations, Exhibit B - Design Guidelines for the Harbor Market Village and the existing buildings within the development. If the Director of Planning finds the elevations to be compliant with these then they may be approved at the Staff level. If not, the building elevations shall be forwarded to City Council for review and approval.

#### **Harbor District**

- a) Eliminate the requirement for a 10' landscape buffer along the southwest side of the parking garage in Tract 8 (Exhibit C).
- b) Provide 24" x 24" irrigated landscape planters to screen the southwestern face of the parking garage sufficient enough to provide a vegetative screening effect, in accordance with building elevation A-0 (Exhibit F).
- c) Increase the maximum building height to 56' for Building #1 (the hotel) in Tract F (Exhibit C).
- d) Increase the maximum building height to 68' for Building #3 and Building #9 in Tract F (Exhibit C).
- e) Decrease the sidewalk width at the northwest corner from 8' to 5' at the intersection of Mediterranean Drive, Dalmatia Drive and the access drive for the parking garage in Tract F (Exhibit C).
- f) Eliminate the minimum building depth requirement for Building #3 in Tract F (Exhibit C).
- g) Reduce the number of loading spaces in Tract F (Exhibit C) to 2.

- h) Eliminate the requirement for the screening of the loading spaces in Tract F (Exhibit C).
- i) Eliminate the requirement that at least 10% of the site be in permanent landscape area and that at least 15% of the street yard be landscaped in Tract F (Exhibit C).
- j) With approval of a Specific Use Permit, concurrently with site plan approval, a boat may be allowed within Tract F, the harbor district, not to exceed 90' in height, in accordance with the attached harbor site plan (Exhibit C). The SUP can require provisions for maintenance of the boat, remedies to the lake associated with this development and the boat, and limit the use of the boat to establishments and restaurants that do not require a grease trap.

### Villa District

- a) Allow a hotel on Lot 1, Block C, of the Villa District in Adriatica in Tract 9 (Exhibit C).
- 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.

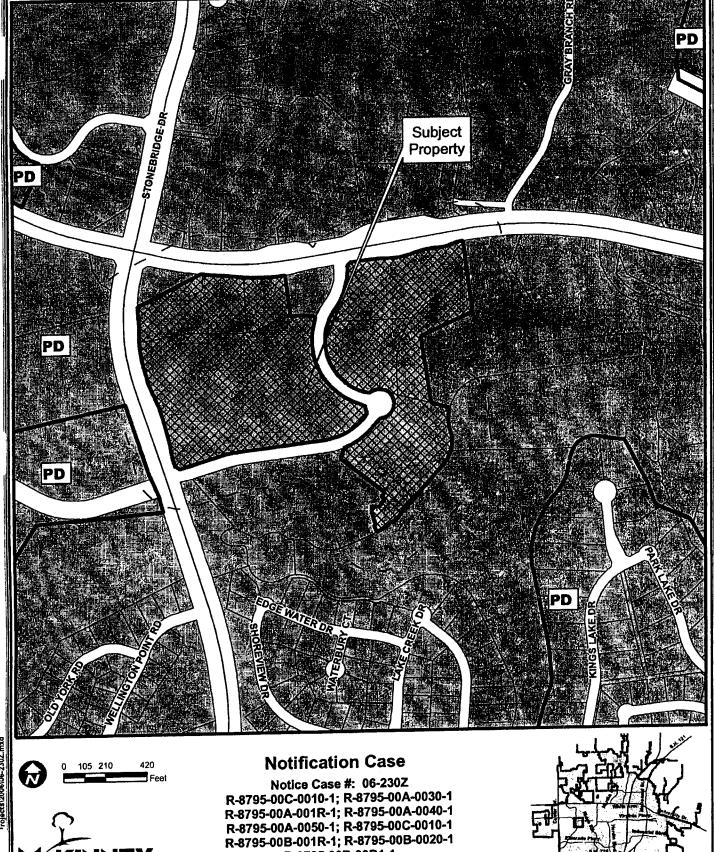
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, ON THIS  $5^{\rm th}$  DAY OF SEPTEMBER, 2006.

BILL WHITFIELD, Mayor

### **CORRECTLY ENROLLED:**

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

MARK S. HOUSER, City Attorney

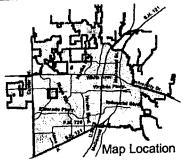


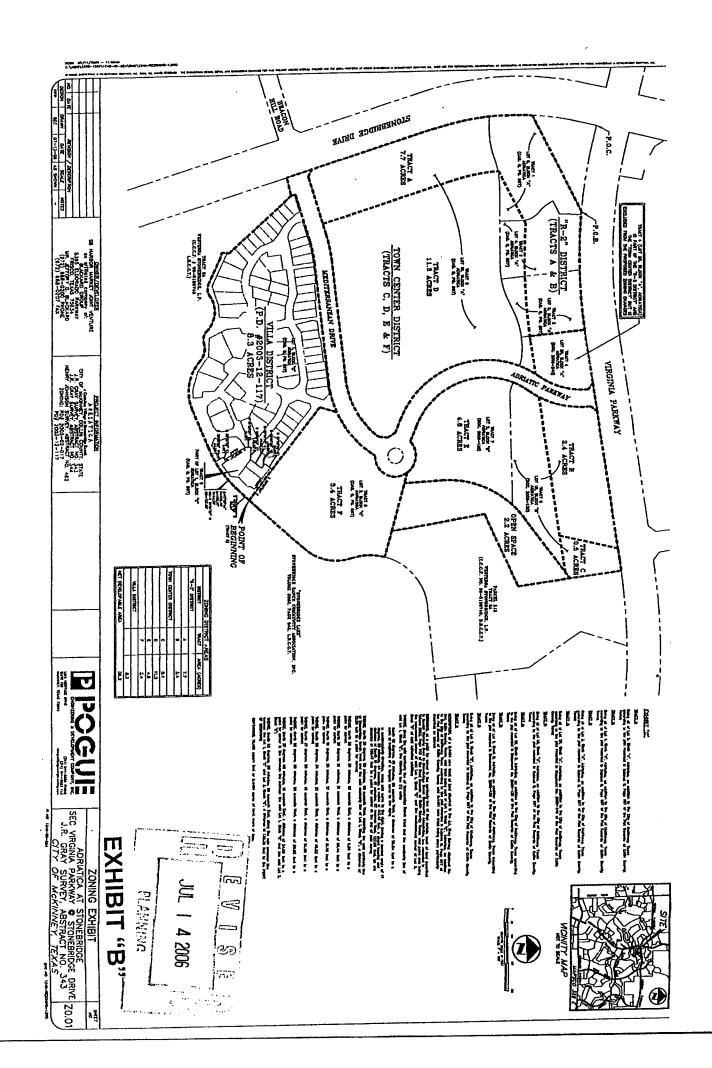


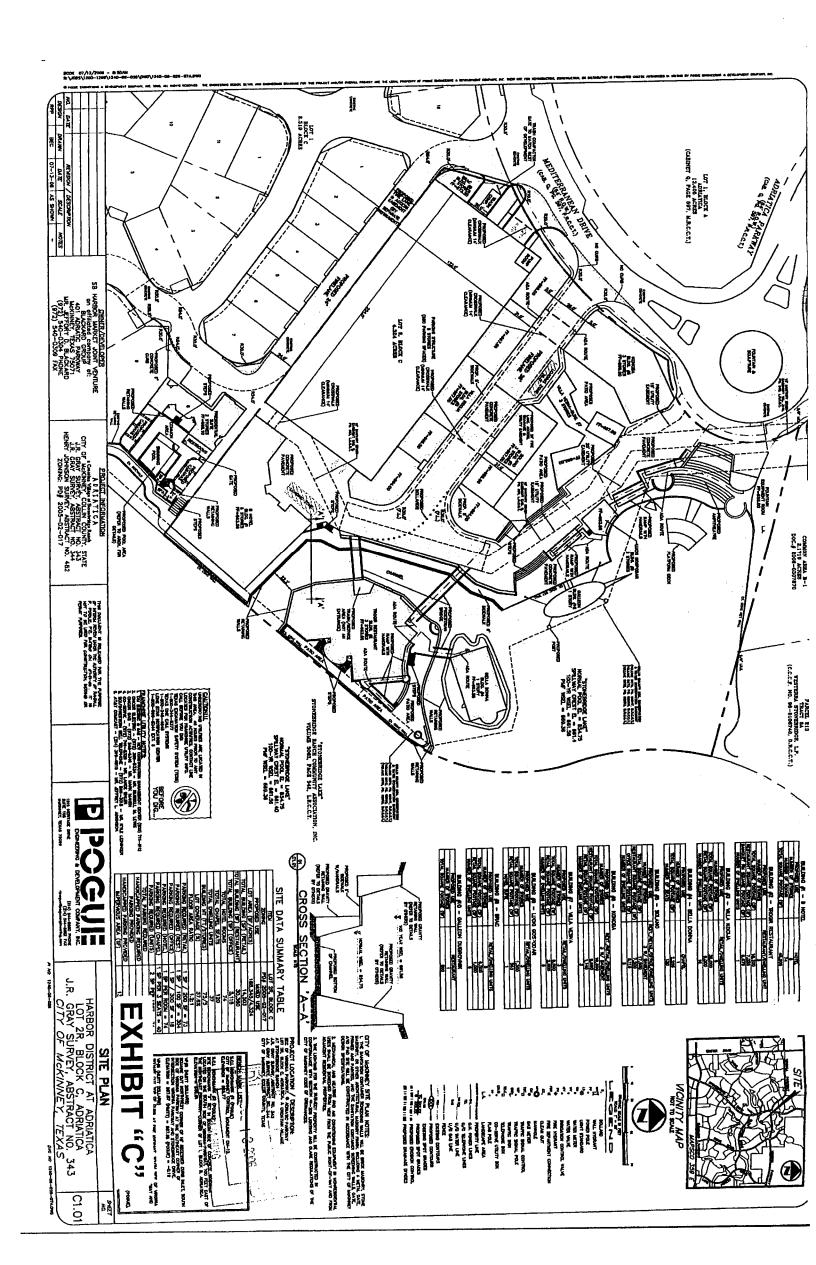
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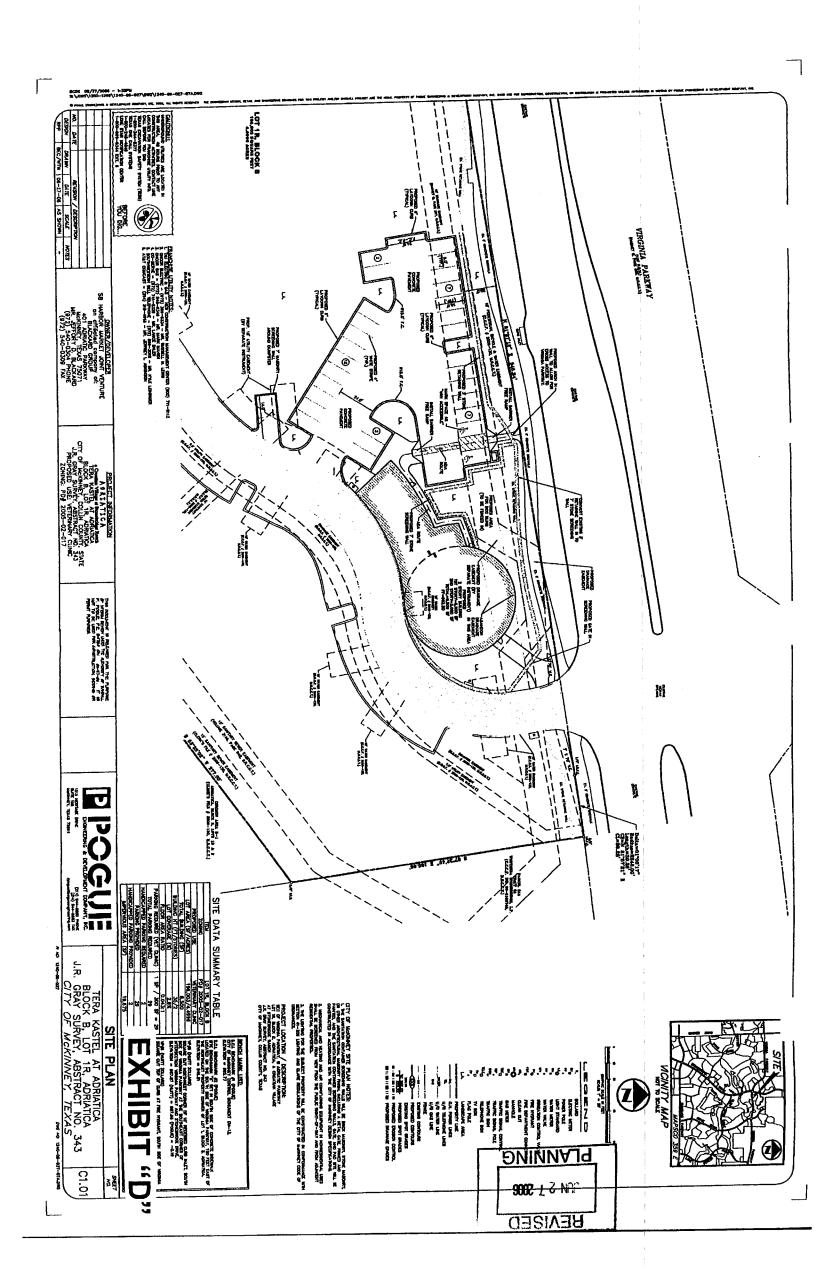
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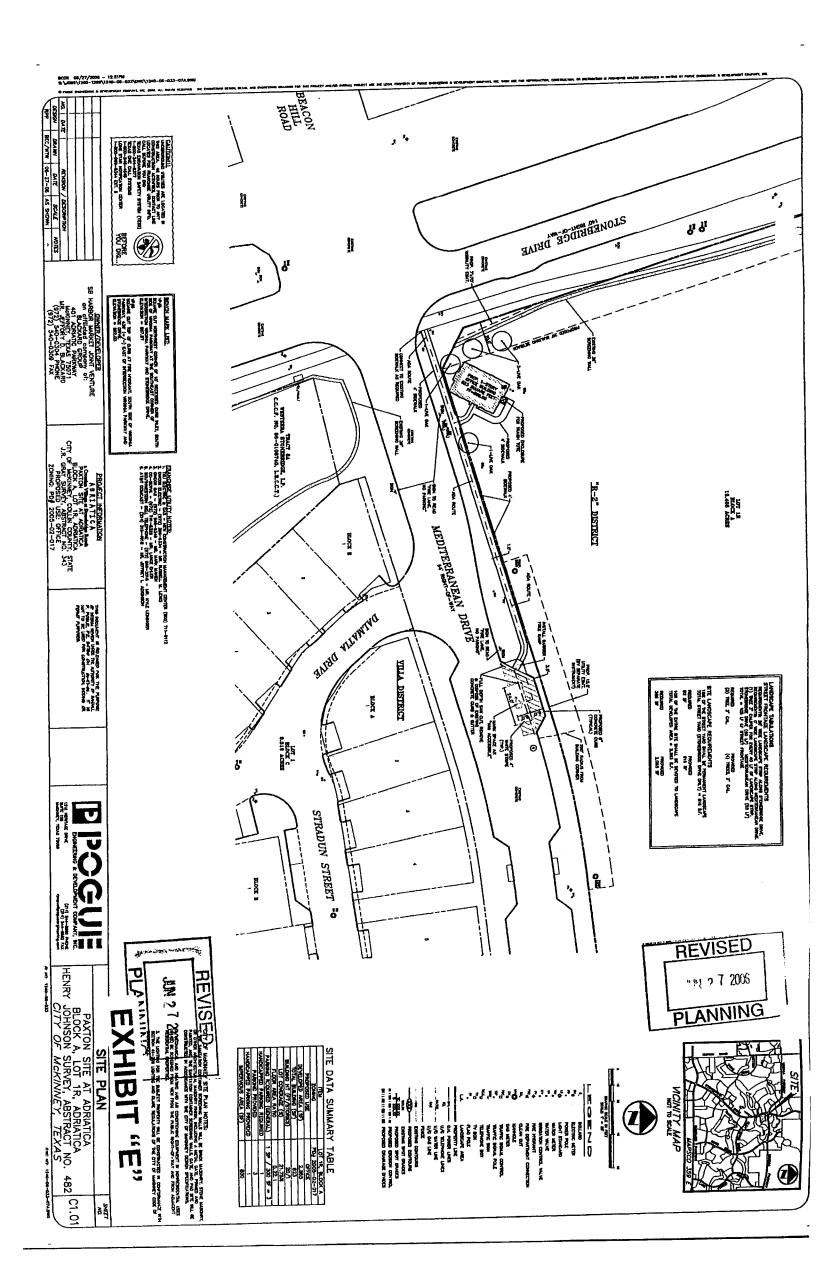
200' Notification Buffer

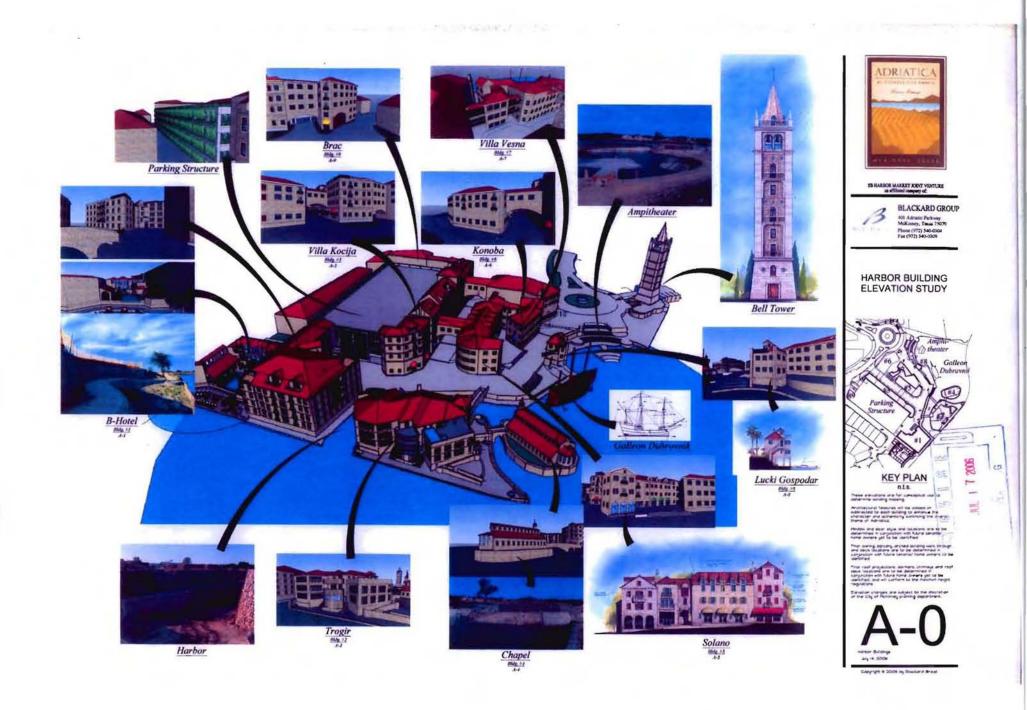














04 South Elevation



03 West Elevation





02 North Elevation





01 East Elevation



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BLACKARD GROUP 401 Advance Parkway McKinney, Tenas 75070 Phone (972) 540-0304 Fax (972) 540-0309

B-Hotel at ADRIATICA McKinney, Texas

BUILDING #1



## KEY PLAN

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July 14, 2008

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BLACKARD GROUP 401 Advance Packway Makimmy, Texas 75070 Phone (972) 540-0304 Fin (972) 540-0309

TROGIR at ADRIATICA McKinney, Texas

BUILDING #2



## KEY PLAN

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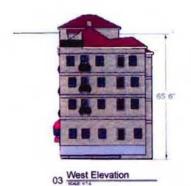
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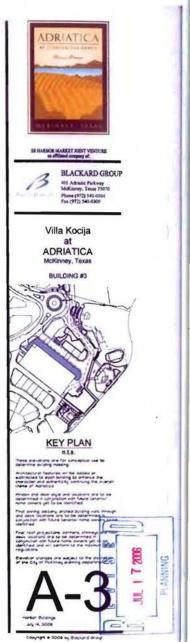


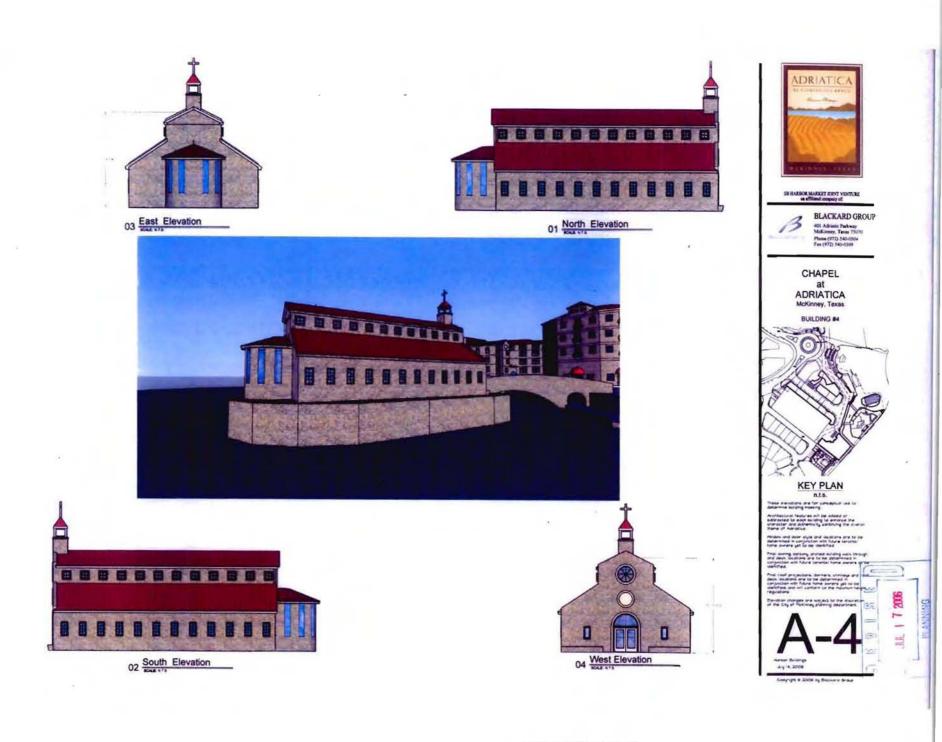
02 East Elevation





01 North Elevation







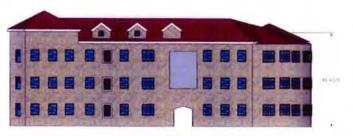
04 North Elevation



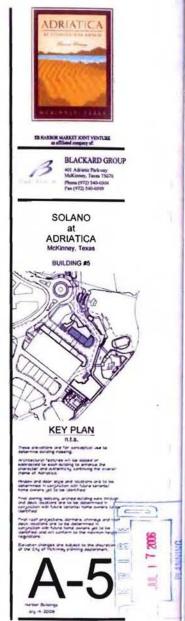


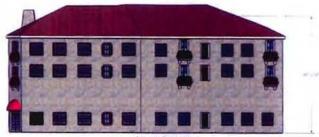


02 East Elevation

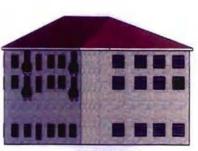


01 South Elevation



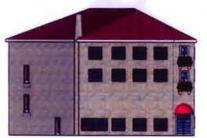


04 West Elevation



03 South Elevation





02 North Elevation



01 East Elevation



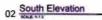














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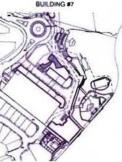




BLACKARD GROUP 401 Adrietic Parkwey McEanney, Texas 75070 Phone (972) 540-0304 Fice (972) 540-0309

VILLA VESNA at ADRIATICA McKinney, Texas

BUILDING #7





04 East Elevation



03 North Elevation



CONCEPTUAL ELEVATION - BUILDING 8

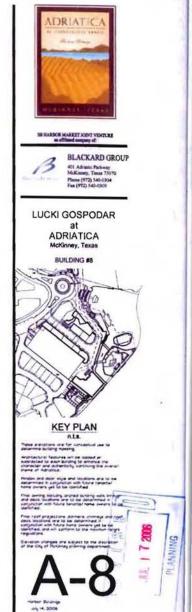


02 South Elevation





01 West Elevation





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02 North Elevation



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