

ORDINANCE NO. 2011-11-067

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2005-02-017 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 4.32 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF ADRIATIC PARKWAY AND MEDITERRANEAN DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY 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 4.32 acre property, located on the southeast corner of Adriatic Parkway and Mediterranean Drive, which is more fully depicted on Exhibit A and described by Exhibit B, attached hereto, is rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally 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 No. 2005-02-017 is hereby amended in order to rezone an approximately 4.32 acre property, located on the southeast corner of Adriatic Parkway and Mediterranean Drive, is rezoned from "PD" – Planned Development District to "PD" – Planned Development District.

Section 2. The use and development of the subject property shall conform to the requirements of "PD" – Planned Development District Ordinance No. 2005-02-017, and as amended, with the following exceptions:

1. The subject property shall generally develop in accordance with the attached Zoning Exhibit (Exhibit C).
2. The architectural character of all buildings to be constructed on the subject property shall generally conform to the character reflected by the attached Building Elevations (Exhibit D) and shall also be subject to all other applicable regulations as found in Planned Development District Ordinance No. 2005-02-017, and as amended, as well as Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance, and as amended.
3. Elevations for buildings on the subject property shall be approved administratively by Staff per the processes established in Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance, and as amended, rather than by the City Council as previously required by Planned Development District Ordinance No. 2005-02-017.
4. Buildings on the subject property shall only be required to achieve 75 points rather than the 85 points currently prescribed by Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance.

5. Approval of a General Development Plan as previously required by Planned Development District Ordinance No. 2005-02-017 is not required for the subject property.
6. Site plans for the subject property may be approved administratively by Staff per the processes established in Section 146-45 (Site Plan Approval) of the Zoning Ordinance, and as amended.
7. The maximum number of residential dwelling units on the subject property shall be limited to 46.

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.

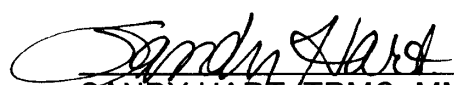
Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 1ST DAY OF NOVEMBER, 2011.

CITY OF MCKINNEY, TEXAS



BRIAN LOUCHMILLER
Mayor

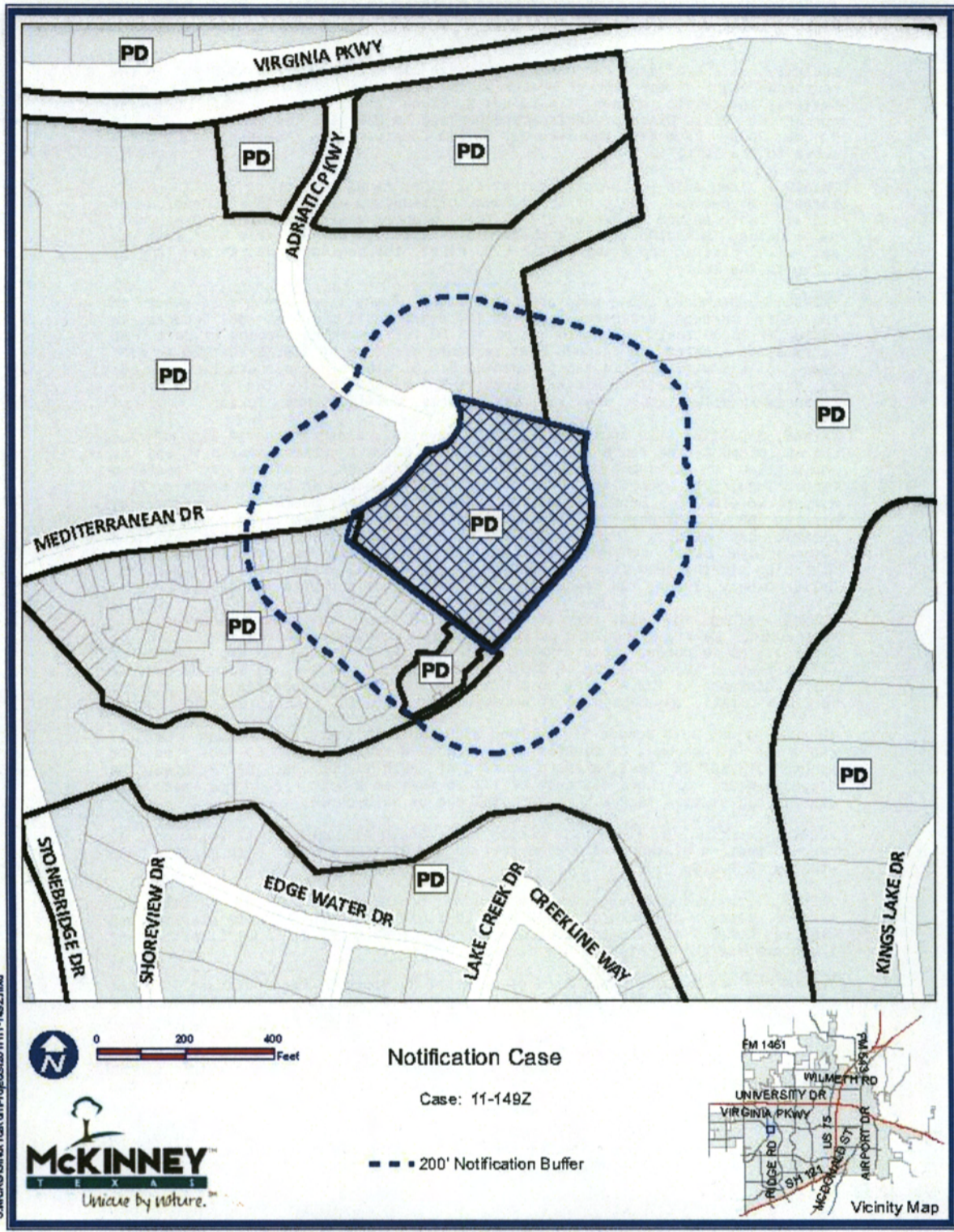
CORRECTLY ENROLLED:


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

DATE: November 1, 2011

APPROVED AS TO FORM:


MARK S. HOUSER
City Attorney



S:\MCKINNEY\GIS\Map\Case\11-149Z.mxd

Notification Case

Case: 11-149Z

--- 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.

EXHIBIT A

OWNERS CERTIFICATE OF DEDICATION

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS SB Harbor Joint Venture is the owner of a tract of land situated in the City of McKinney, Collin County, Texas out of the J.R. Gray Survey, Abstract No. 343 and the J.A. Gray Survey, Abstract No. 344 and being all of Lot 2, Block C, Adriatica according to the plat thereof recorded in Cabinet Q, Page 597, Map Records, Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199" in the southeast right of way line of Mediterranean Drive (64' right of way), the most westerly northwest corner of said Lot 2, Block C, also being the northeast corner of Villa District-Adriatica according to the plat thereof recorded in Volume 2006, Page 471, Map Records, Collin County, Texas, the beginning of a curve to the left;

THENCE, along said southeast right of way line, along said curve to the left through a central angle of 33 degrees, 07 minutes, 42 seconds, a radius of 375.41 feet, an arc length of 217.06 feet, a chord bearing of North 48 degrees, 59 minutes, 39 seconds East, a chord distance of 214.05 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199", the beginning of a non-tangent curve to the left;

THENCE, continuing along said southeast right of way line, along said curve to the left through a central angle of 127 degrees, 11 minutes, 36 seconds, a radius of 75.00 feet, an arc length of 166.50 feet, a chord bearing of North 28 degrees, 16 minutes, 40 seconds East, a chord distance of 134.35 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199" in the south line of Lot 2, Block A, Adriatica, Block A, Lots 1R & 2 according to the plat thereof recorded in Volume 2006, Page 130, Map Records, Collin County, Texas;

THENCE, departing said southeast right of way line, along the north line of said Lot 2, Block C, the south line of said Lot 2, Block A, Common Area B-1, and the south line of a tract of land, Parcel 213, Tract 8A, conveyed to Westerra Stonebridge, L.P. according to the deed filed for record in County Clerk's File Number 96-0106740, Deed Records, Collin County, Texas, South 74 degrees, 42 minutes, 53 seconds East, a distance of 311.89 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199" in the west line of a tract of land "Stonebridge Lake" conveyed to Stonebridge Ranch Community Association, Inc. according to the deed filed for record in Volume 3063, Page 542, Deed Records, Collin County, Texas, the beginning of a non-tangent curve to the left;

THENCE, along the east line of said Lot 2, Block C, the west line of said "Stonebridge Lake", along said curve to the left through a central angle of 32 degrees, 38 minutes, 22 seconds, a radius of 217.66 feet, an arc length of 123.99 feet, a chord bearing of South 01 degrees, 01 minutes, 44 seconds East, a chord distance of 122.32 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199", the beginning of a tangent curve to the right;

THENCE, along said common line, along said curve to the right through a central angle of 61 degrees, 26 minutes, 07 seconds, a radius of 175.00 feet, an arc length of 187.64 feet, a chord bearing of South 13 degrees, 22 minutes, 08 seconds West, a chord distance of 178.78 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199", the end of said curve;

THENCE, continuing along said common line, South 41 degrees, 12 minutes, 12 seconds West, a distance of 222.16 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199";

THENCE, continuing along said common line, South 42 degrees, 06 minutes, 05 seconds West, a distance of 43.85 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199", the southeast corner of said Lot 2, Block C, also being the northeast corner of said Lot 1, Block C;

THENCE, along the southwest line of said Lot 2, Block C, the northeast line of said Villa District-Adriatica, North 52 degrees, 09 minutes, 50 seconds West, a distance of 414.47 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199";

THENCE, continuing along said common line, North 40 degrees, 02 minutes, 11 seconds West, a distance of 4.45 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199";

THENCE, continuing along said common line, North 17 degrees, 08 minutes, 29 seconds East, a distance of 64.61 feet to the **POINT OF BEGINNING** and containing 188,344 square feet or 4.3238 acres of land, more or less.

EXHIBIT B

| No. | Date | Revisions/Description |
|-----|------|-----------------------|
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Received by the Planning
Department on 10.17.2011

**7th Century
Design, LLC**
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McKinney, Texas 75071
972-798-8854
kjd@7thcenturydesign.com



COL. IT, 2011
The Harbor at
Adriatica,
McKinney, Texas

**Zoning
Exhibit**

Project: The Harbor at
Adriatica
Date: Oct. 13, 2011
City: McKinney, Texas

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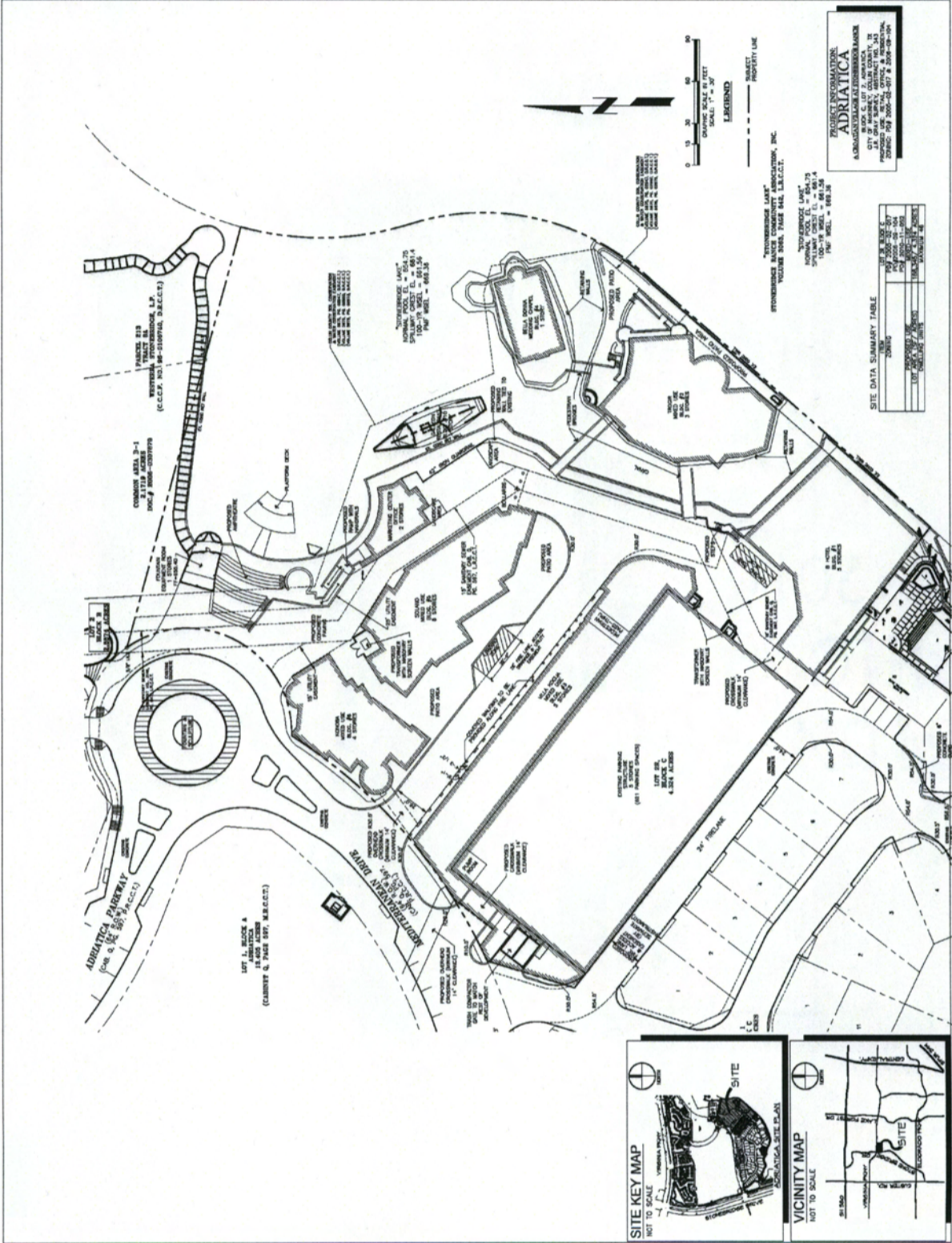


EXHIBIT C



EXHIBIT D

NO. DATE REVISION DESCRIPTION

7th Century Design, LLC
 101 Adreatic Parkway
 McKinney, Texas 75070
 P: 972-540-0201 F: 972-540-0209
 info@7thcenturydesign.com



The Harbor at Bldgs 3 & 6
 Adreatica
 McKinney, Texas

Project: The Harbor at Bldgs 3 & 6
 Drawing No.: 3-200 - Elevations
 Date: 08/12/10
 Scale: 3/32" = 1'-0"