

**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 IS HEREBY REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, IN ORDER TO MODIFY THE DEVELOPMENT STANDARDS; 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 35 acre tract located on the southeast corner of Virginia Parkway and Stonebridge Drive, from "PD" – Planned Development District to "PD" – Planned 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.

Section 2. Use and development of the subject property shall conform to 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).

Within the Town Center District, generalized 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 approvals provided required in Section 3(b) hereinabove. Final building elevations shall be 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).

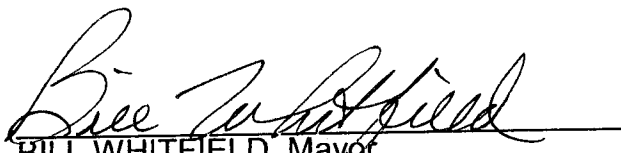
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of 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<sup>TH</sup> DAY OF SEPTEMBER, 2006.**

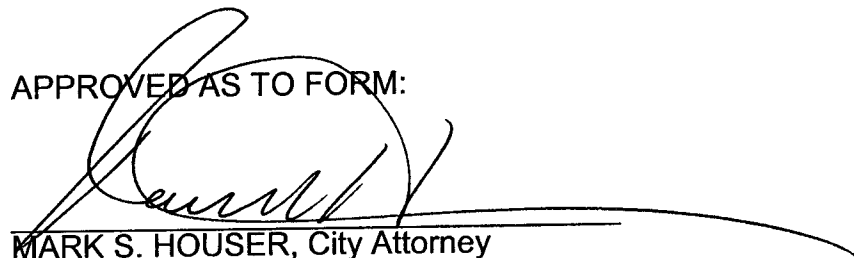
  
 BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:

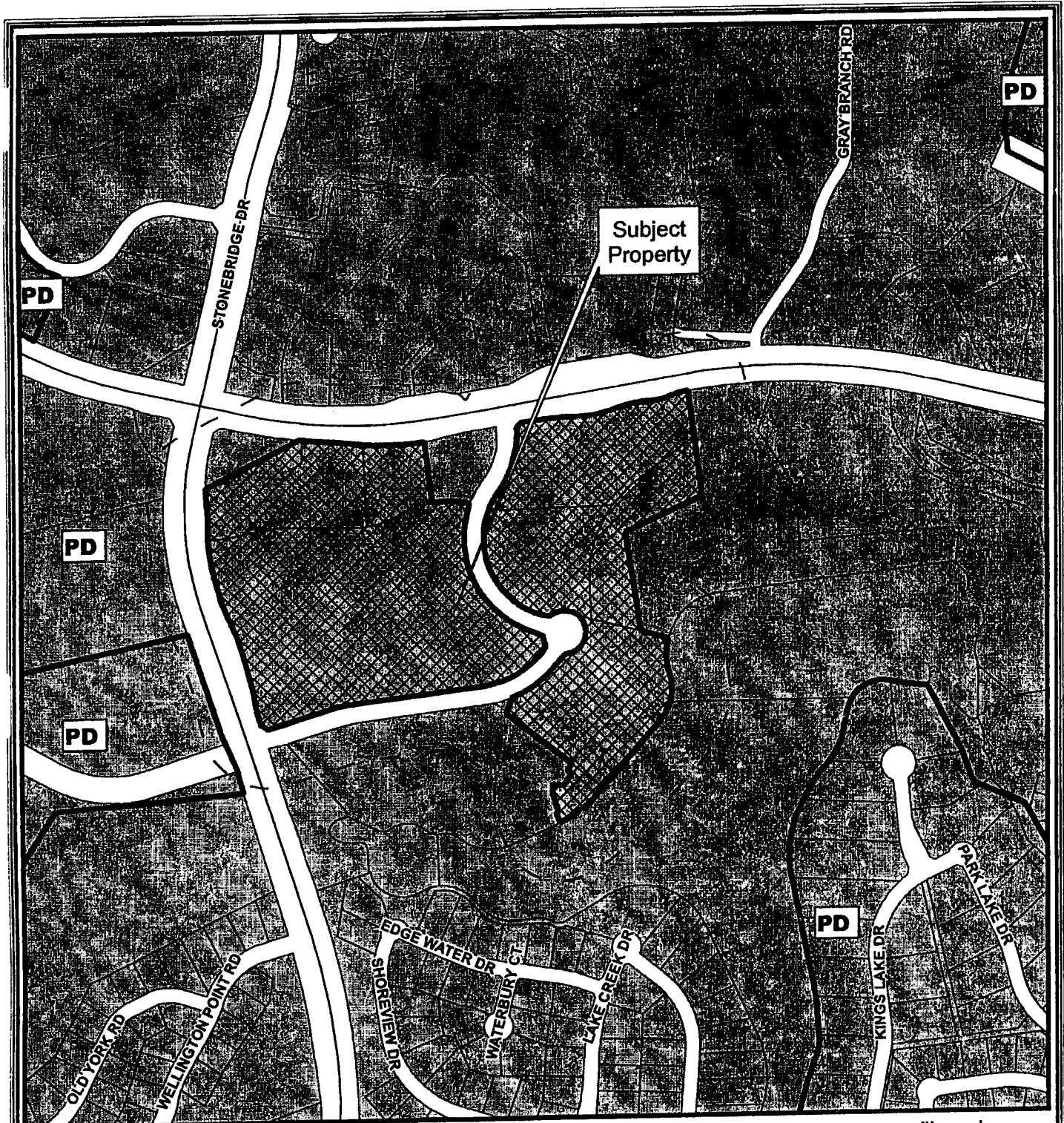


SANDY HART, CMC, City Secretary  
BEVERLY COVINGTON, CMC, Deputy City Secretary

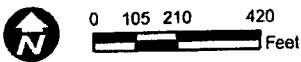
APPROVED AS TO FORM:



MARK S. HOUSER, City Attorney



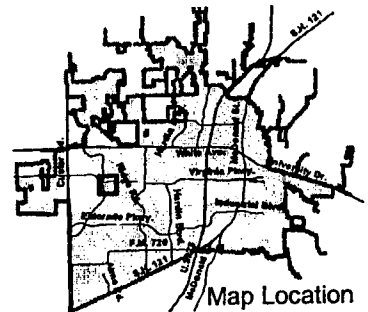
S:\MCKG\GIS\project\2006\06-2302.mxd



**Notification Case**

Notice Case #: 06-230Z  
 R-8795-00C-0010-1; R-8795-00A-0030-1  
 R-8795-00A-001R-1; R-8795-00A-0040-1  
 R-8795-00A-0050-1; R-8795-00C-0010-1  
 R-8795-00B-001R-1; R-8795-00B-0020-1  
 R-8795-00B-00B1-1

--- 200' Notification Buffer



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. It is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, omissions or errors.

**EXHIBIT "A"**









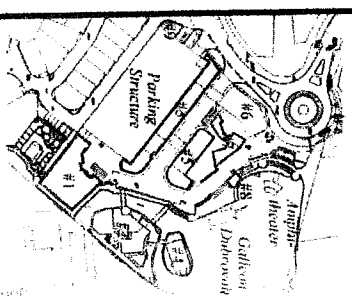




53 HARBOUR MARKET NORTH VENTURE  
 AN AFFILIATE COMPANY OF

**BLACKBARD GROUP**  
 410 Ashburton Park Way  
 Victoria, British Columbia  
 Phone (604) 581-0000  
 Fax (604) 580-0000

**HARBOR BUILDING  
 ELEVATION STUDY**



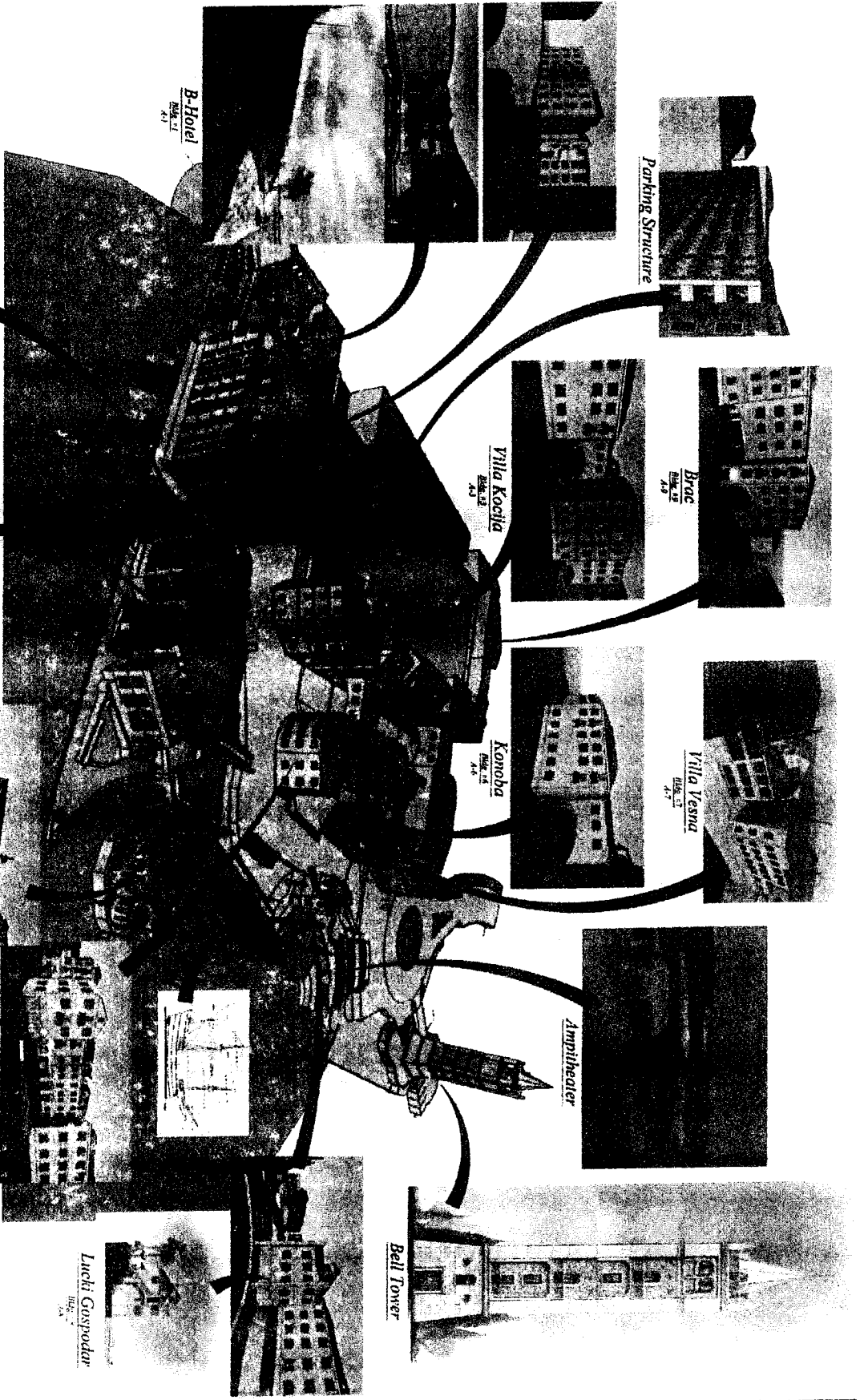
**KEY PLAN**

**N.B.**  
 These elevations are for conceptual design purposes only. They are not intended to be used for construction or other purposes. The design is subject to change without notice. The design is not intended to be used for any other purpose.

**FOR THE PROJECT ARCHITECT:**  
 Mr. [Name], [Firm Name], [Address], [City], [Province], [Canada].  
 [Phone Number], [Fax Number].

**A-0**

**EXHIBIT "P"**



Parking Structure

Villa Kocila

Villa Venna

Amphitheater

Bell Tower

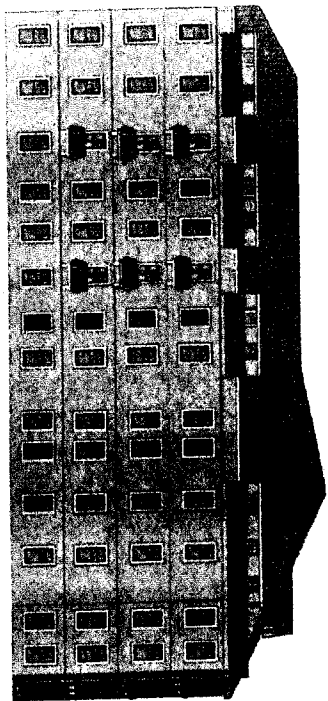
Luchi Gospodar

Chapel

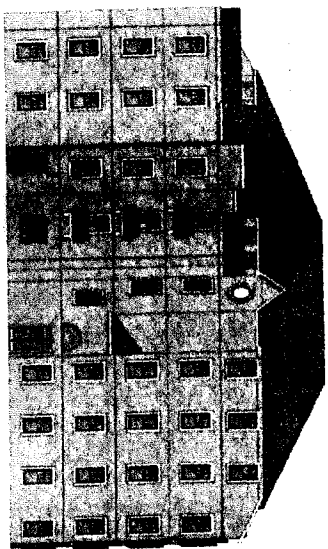
Trojitz

Harbor

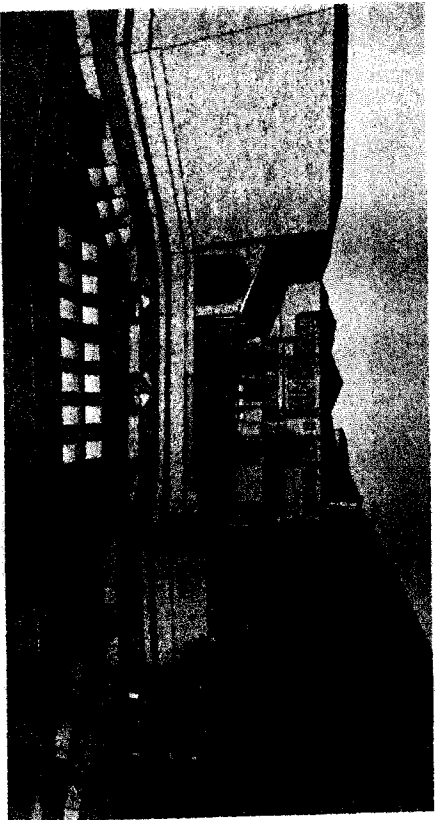
B-Hotel



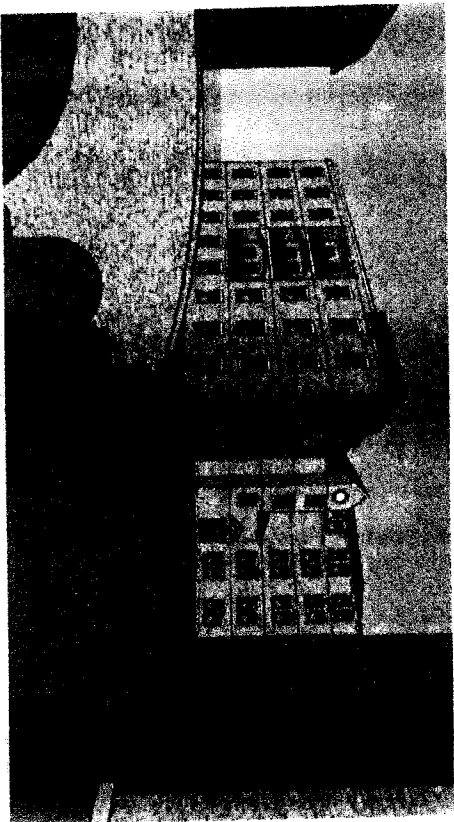
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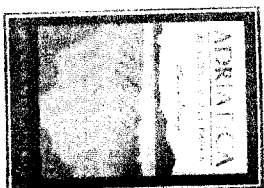
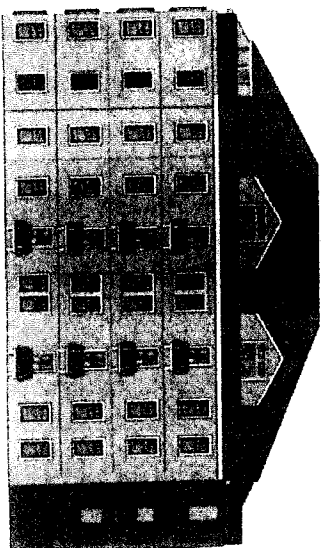
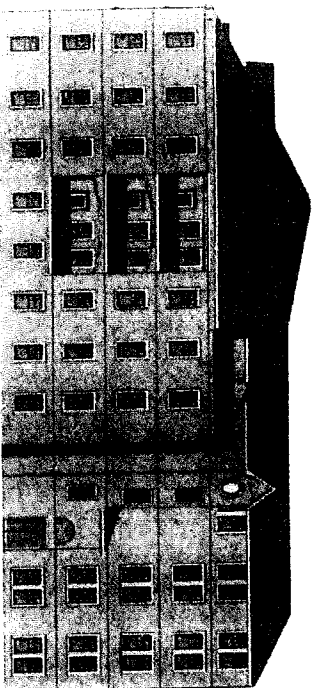
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02 North Elevation  
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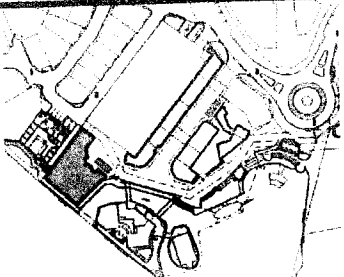
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SCALE: 1/8" = 1'-0"



SHARON MARKET/JOHN VENTURE  
an affiliated company of

**BLACKLARD GROUP**  
401 Marine Parkway  
Rockaway, Texas 75080  
Phone: (713) 460-0004  
Fax: (713) 460-9330

**B-Hotel**  
at  
**ADRIATICA**  
McKinney, Texas  
**BUILDING #1**



**KEY PLAN**

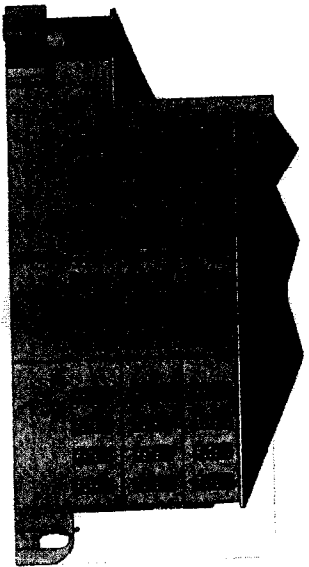
N.T.S.

This is a plan view of the site and is not intended to be used as a legal document. It is intended to be used as a guide only. The site is shown in relation to the surrounding streets and landmarks. The building footprint is shown in black. The parking areas are shown in white. The surrounding streets are shown in grey. The landmarks are shown in white. The site is located at the intersection of McKinney Street and ...

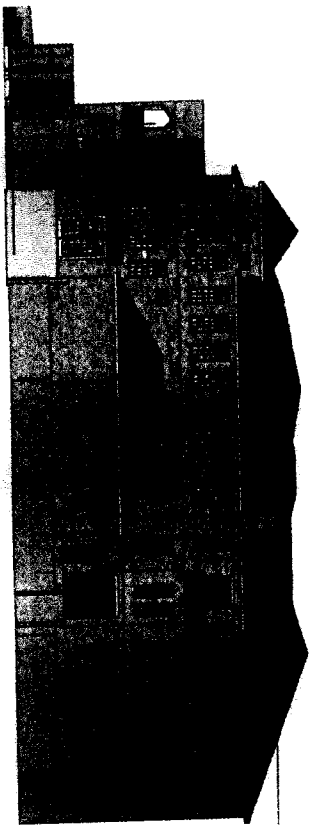
**A-1**

NOVEMBER 20, 1973

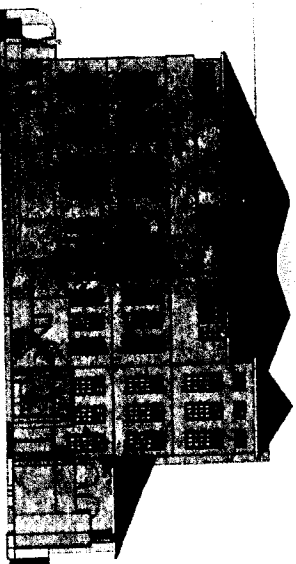
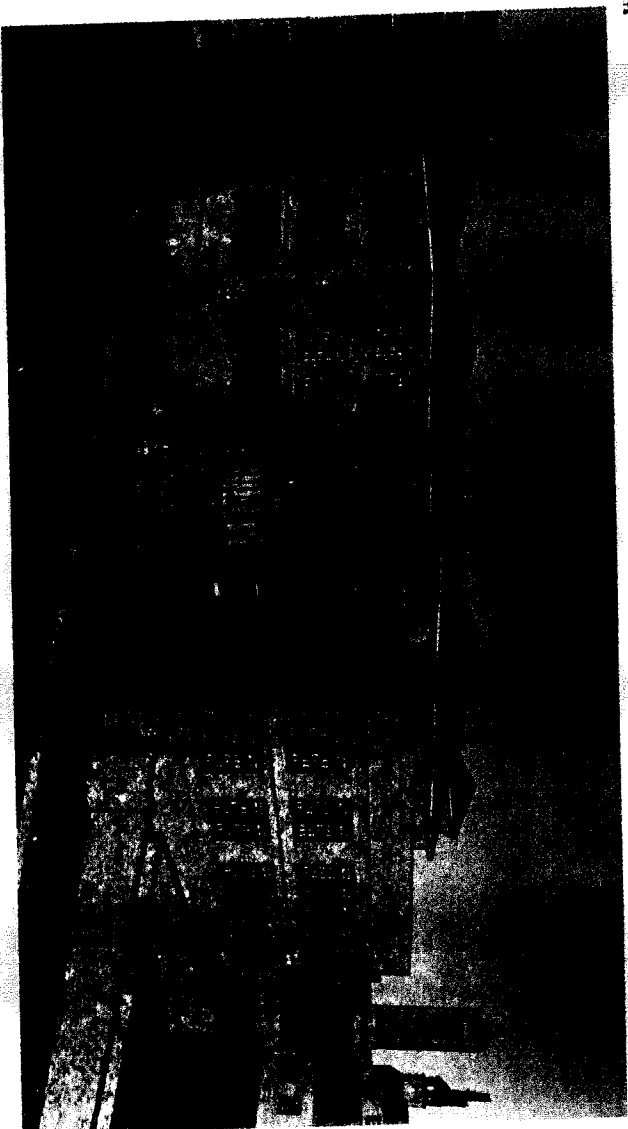
**EXHIBIT "F"**



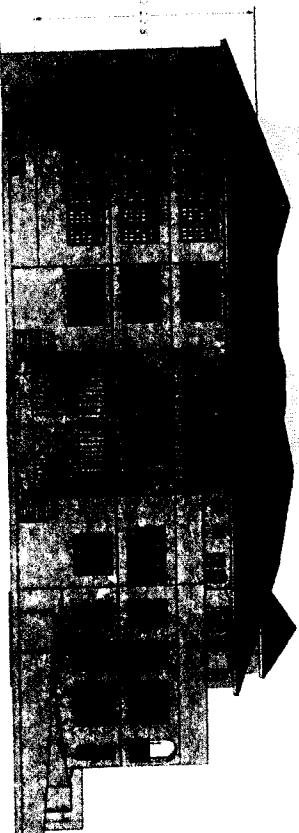
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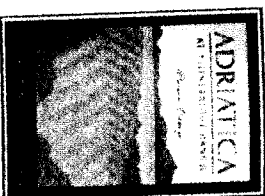
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02 **East Elevation**  
SCALE: 1/8" = 1'-0"



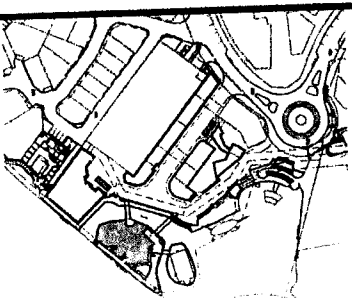
01 **South Elevation**  
SCALE: 1/8" = 1'-0"



50 BLAUER MARKET JUNCT VENTURE  
an affiliated company of:

**BLACKARD GROUP**  
401 Adams Parkway  
McKinney, Texas 75070  
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Fax (972) 340-0009

**TROGIR**  
at  
**ADRIATICA**  
McKinney, Texas  
**BUILDING #2**



**KEY PLAN**

N.T.S.

These elevations are for exterior view to determine building form and appearance. All features are the product of architectural rendering and are not intended to be construed as a representation of the actual building. All dimensions are subject to the standards and specifications of the City of McKinney Planning Department.

**A-2**

Project No. 2006-0009  
July 17, 2006

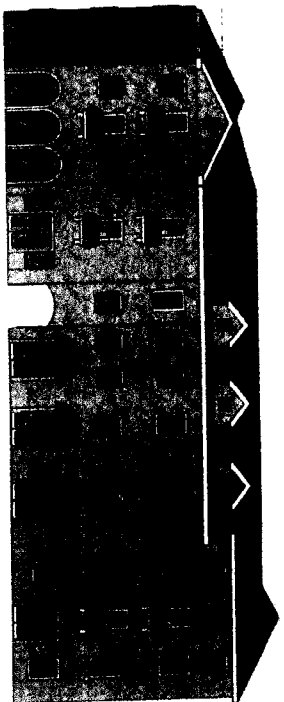
JUL 17 2006

PLANNING

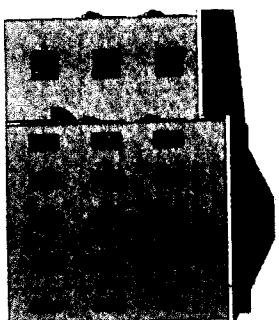
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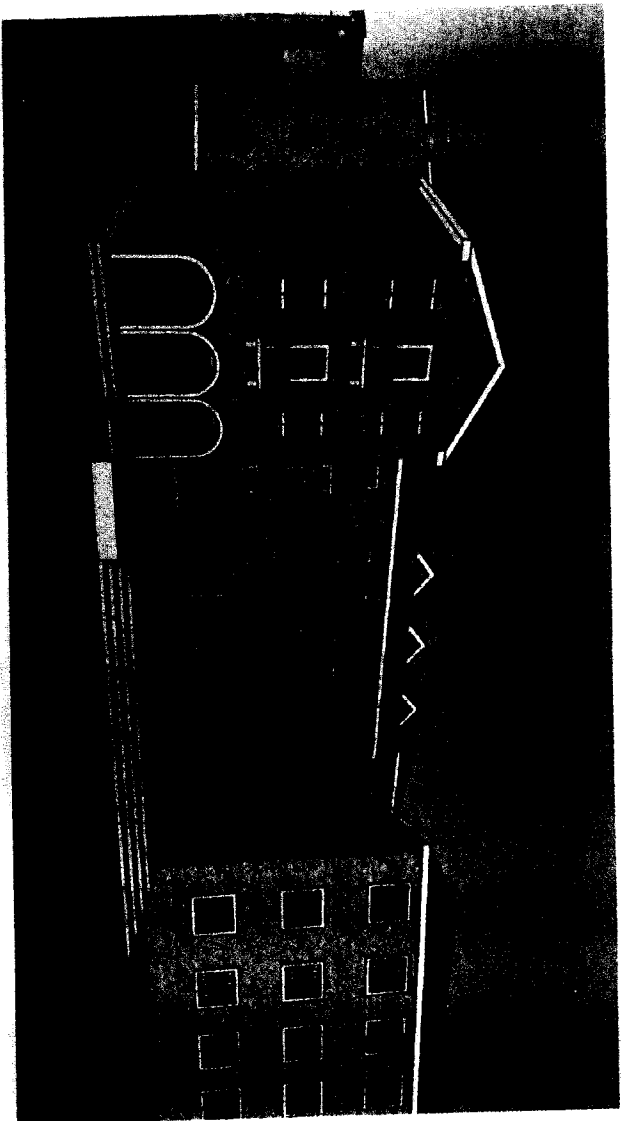




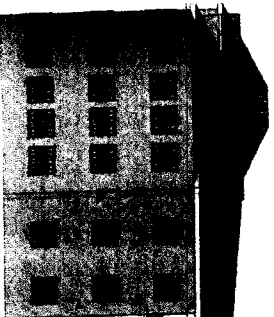
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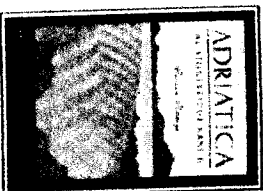
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01 South Elevation  
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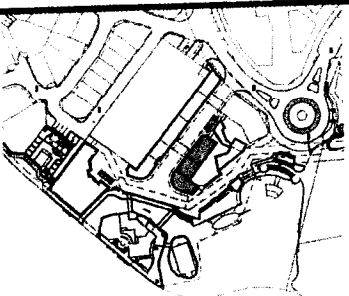
02 East Elevation  
SCALE 1/8" = 1'-0"



2310008 MARKET FRONT VENTURE  
in Dallas, Texas

**BLACKCARD GROUP**  
401 Adair Parkway  
McKinney, Texas 75070  
Phone (972) 340-0304  
Fax (972) 340-0305

**SOLANO**  
at  
**ADRIATICA**  
McKinney, Texas  
**BUILDING #5**



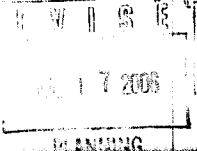
**KEY PLAN**

N.T.S.

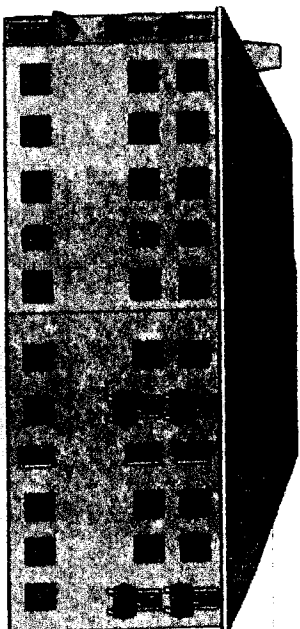
These elevations are for conceptual use to determine building massing. Final elevations will be based on the final architectural drawings. The elevations are not to be used for construction or other purposes without the approval of the architect. The elevations are subject to the design of the City of McKinney planning department.

**A-5**

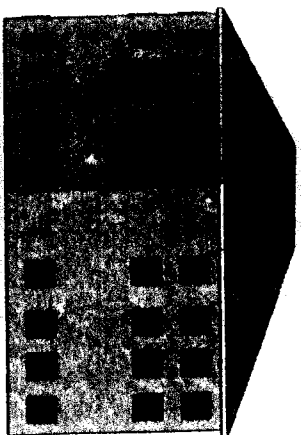
Upper Design



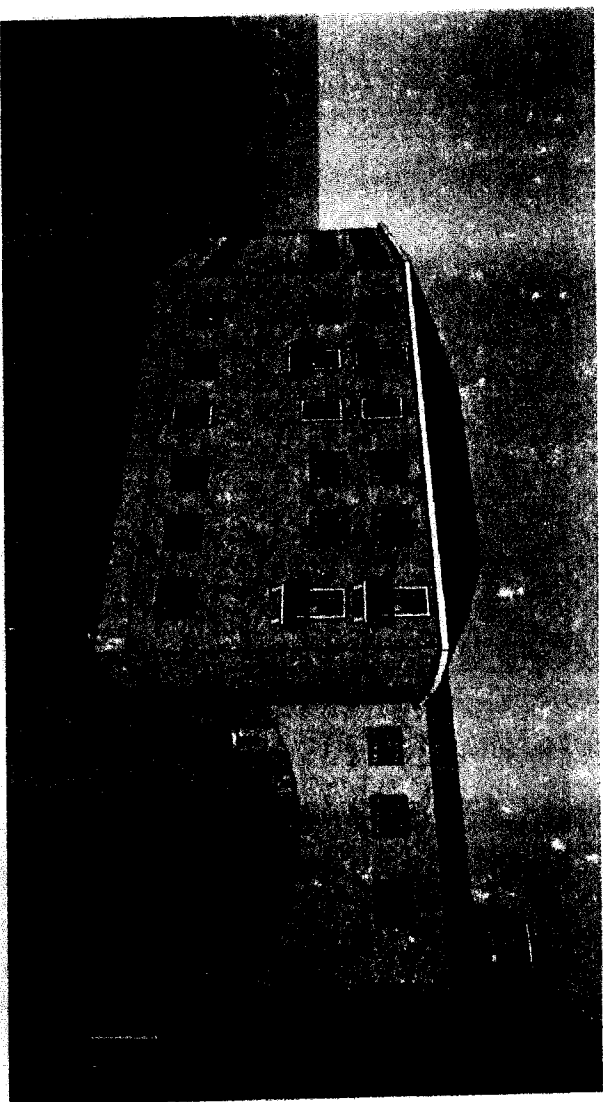
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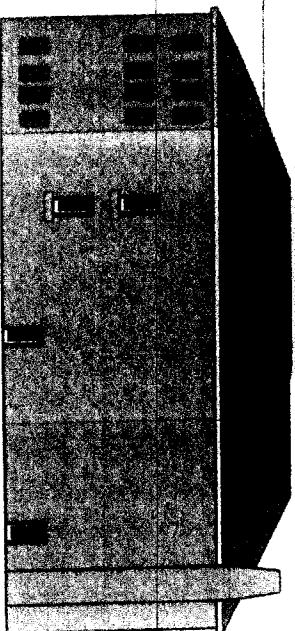
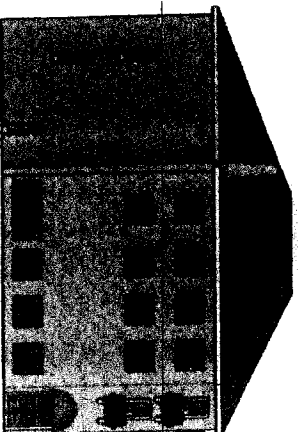
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02 North Elevation  
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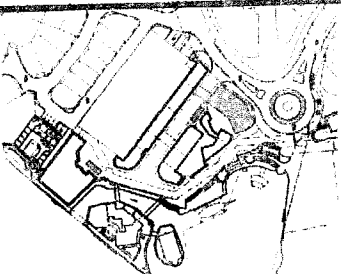
01 East Elevation  
SCALE 1/4" = 1'-0"



BLACKARD GROUP  
an affiliated company of

BLACKARD GROUP  
201 Adairville Parkway  
McKinney, Texas 75069  
Tel: (972) 569-9200

KONOBA  
at  
ADRIATICA  
McKinney, Texas  
BUILDING #3



KEY PLAN

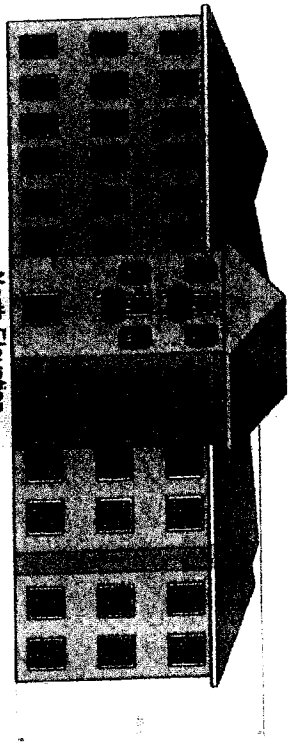
N 15

This section was prepared to show the location of Building #3 within the overall site plan. The location of Building #3 is shown in the center of the site plan. The location of Building #3 is shown in the center of the site plan. The location of Building #3 is shown in the center of the site plan.

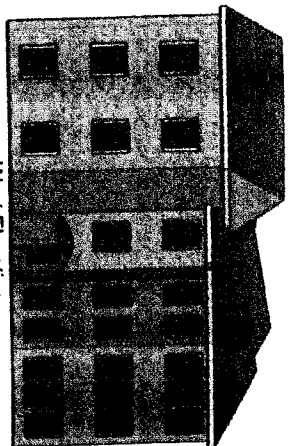
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EXHIBIT "F"

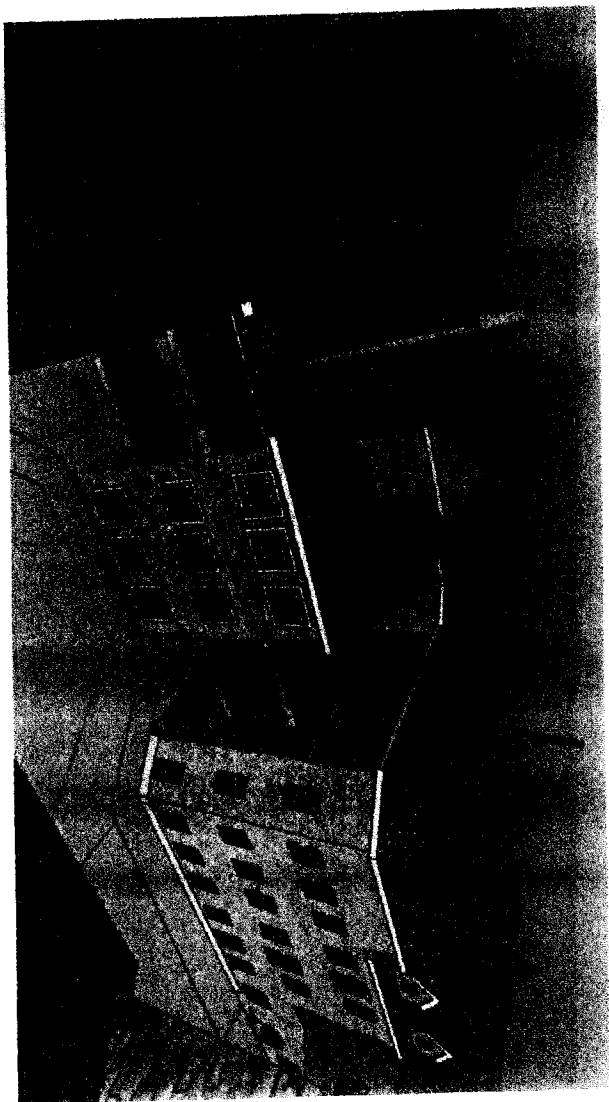




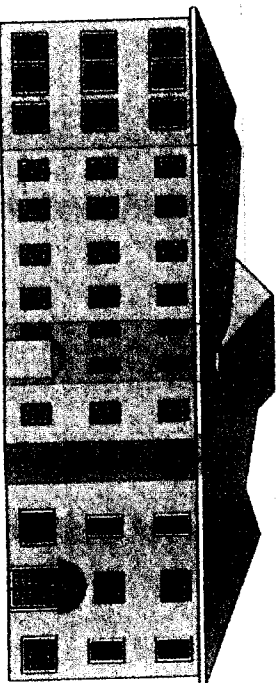
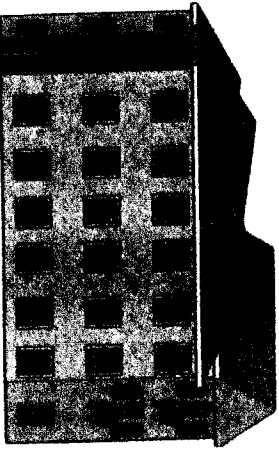
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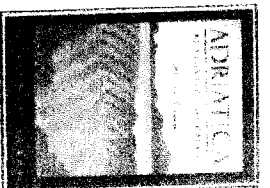
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02 South Elevation  
ELEVATION



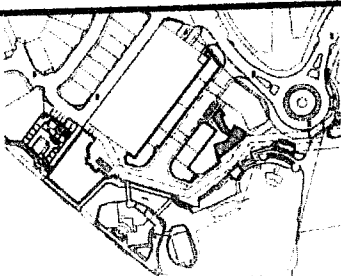
01 East Elevation  
ELEVATION



33 RAVEN MARKET BOULEVARD  
MCKINNEY, TEXAS 75070  
PH: (972) 546-0105  
FAX: (972) 546-0106

**BLACKARD GROUP**  
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McKinney, Texas 75070  
Phone: (972) 546-0314  
Fax: (972) 546-0305

**VILLA VESNA**  
at  
**ADRIA ATTICA**  
McKinney, Texas  
BUILDING #7



**KEY PLAN**

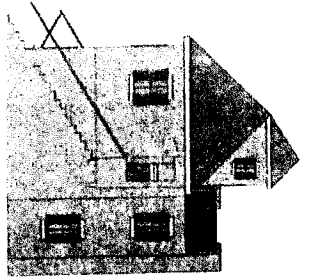
N.T.S.

This plan shows the location of the building on the site.

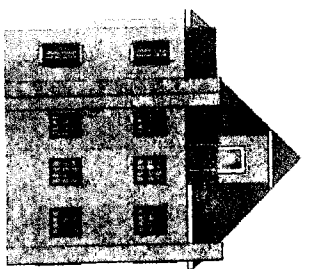
Architectural drawings are not to be used for construction without the approval of the architect. The architect is not responsible for the accuracy of the information shown on this plan. The architect is not responsible for the accuracy of the information shown on this plan. The architect is not responsible for the accuracy of the information shown on this plan.

**A-7**

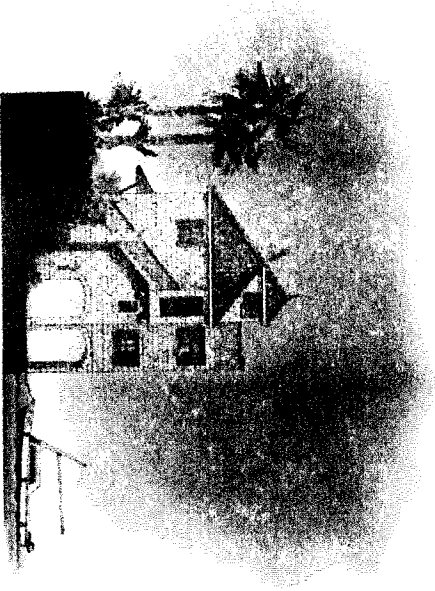
**EXHIBIT "F"**



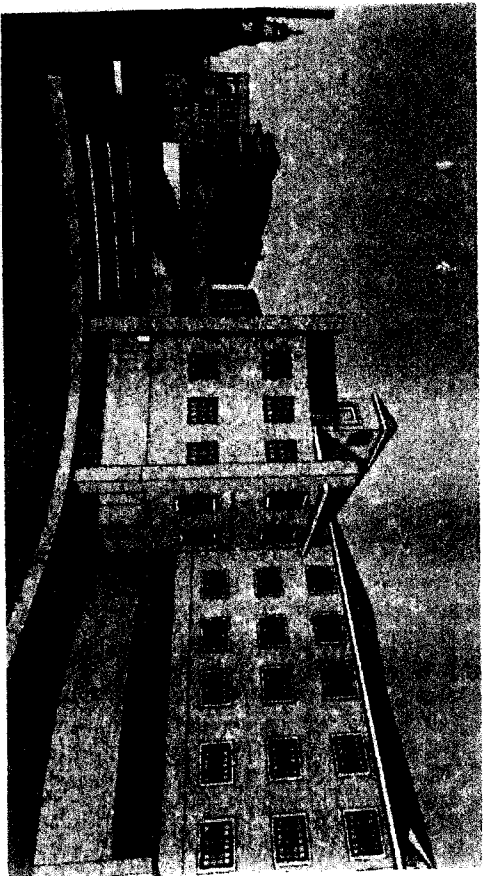
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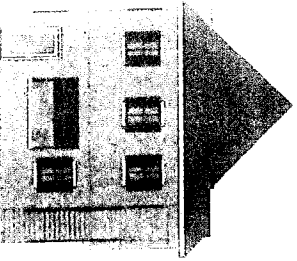
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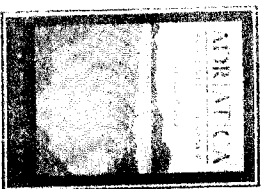
CONCEPTUAL ELEVATION - BUILDING 8



01 West Elevation  
SCALE: 1/8" = 1'-0"



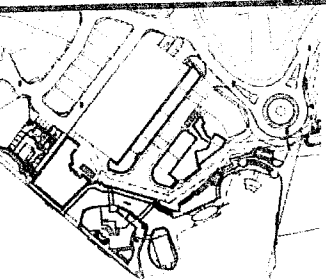
02 South Elevation  
SCALE: 1/8" = 1'-0"



BLACKYARD GROUP  
an affiliated company of

BLACKYARD GROUP  
401 Ashland Parkway  
McKinney, Texas 75069  
Phone: (972) 560-0000  
Fax: (972) 560-0000

LUCKI GOSPODAR  
at  
ADRIATICA  
McKinney, Texas  
BUILDING #8



KEY PLAN

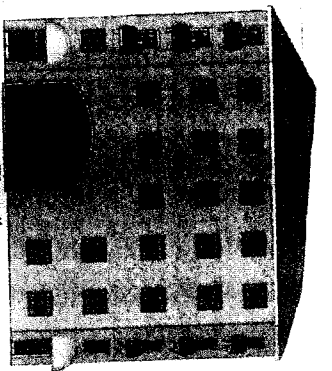
015

This is a conceptual rendering of the building and site. It is not intended to be a final design or construction document. The rendering is for informational purposes only and should not be used for any other purpose. The rendering is the property of Blackyard Group and should not be reproduced or distributed without the written consent of Blackyard Group.

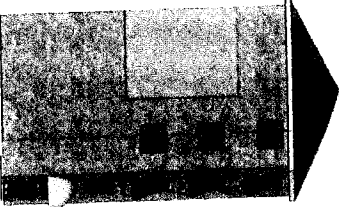
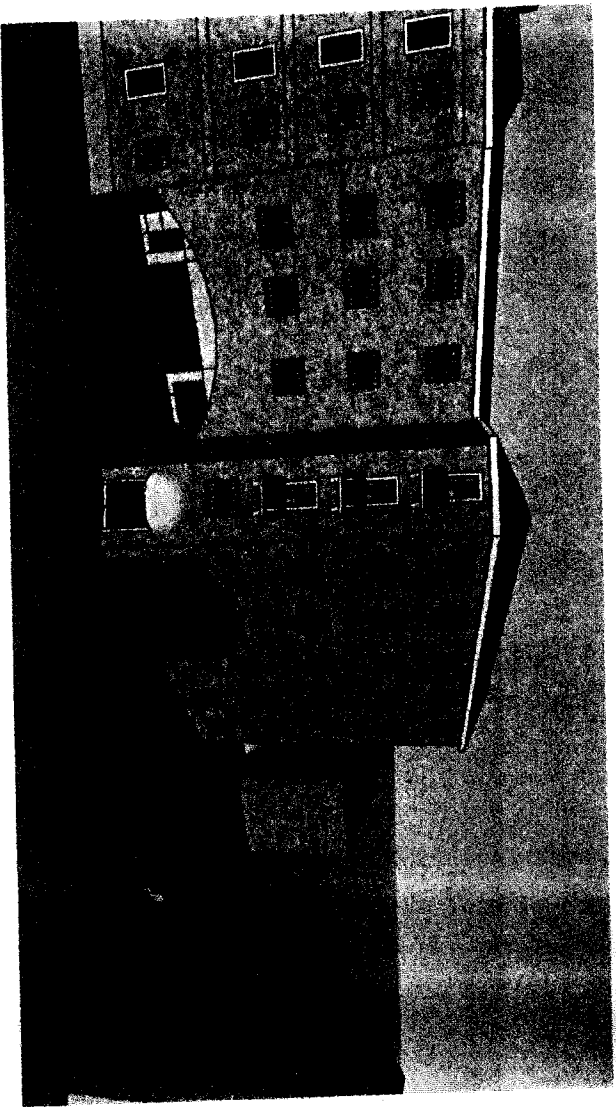
A-8

APRIL 2013

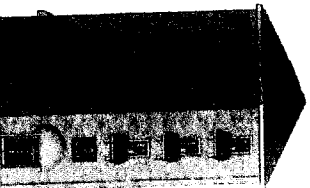
EXHIBIT 'F'



03 West Elevation  
SCALE: 1/8" = 1'-0"



02 North Elevation  
SCALE: 1/8" = 1'-0"



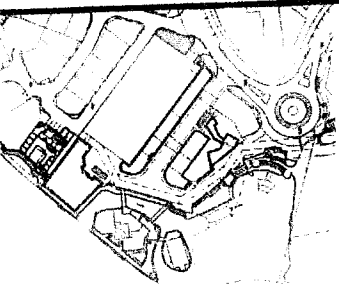
01 South Elevation  
SCALE: 1/8" = 1'-0"



55 BARBON MARKET FRONT YORBA LIND  
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Fax (972) 340-0109

**BRAC**  
at  
**ADRIATICA**  
McKinney, Texas  
**BUILDING #9**



**KEY PLAN**

DLS

These drawings are for general reference only. They are not to be used for construction. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for all construction details and specifications. The contractor shall be responsible for all construction costs. The contractor shall be responsible for all construction delays. The contractor shall be responsible for all construction safety. The contractor shall be responsible for all construction quality. The contractor shall be responsible for all construction schedule. The contractor shall be responsible for all construction budget. The contractor shall be responsible for all construction risk. The contractor shall be responsible for all construction liability. The contractor shall be responsible for all construction insurance. The contractor shall be responsible for all construction bonds. The contractor shall be responsible for all construction surety. The contractor shall be responsible for all construction performance. The contractor shall be responsible for all construction completion. The contractor shall be responsible for all construction satisfaction. The contractor shall be responsible for all construction success.

**A-9**

Sheet No. 4-299

**EXHIBIT "F"**

