

ORDINANCE NO. 2020-08-056

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 28.25 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF COMMUNITY AVENUE AND JAMES PITTS DRIVE, IS REZONED FROM "PD" - PLANNED DEVELOPMENT DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS AND TO ALLOW SINGLE FAMILY AND MULTI-FAMILY RESIDENTIAL USES; 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 28.25 acre property, located on the Southeast Corner of Community Avenue and James Pitts Drive, which is more fully depicted on Exhibits "A", "B", and "C" attached hereto, from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow Single Family and Multi-Family Residential Uses; 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 28.25 acre property, located on the southeast corner of Community Avenue and James Pitts Drive, which is more fully depicted on Exhibits "A", "B", and "C" attached hereto, is rezoned from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow Single Family and Multi-Family Residential Uses.

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 attached Development Regulations - Exhibit "D" and "E".

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 4<sup>th</sup> DAY OF AUGUST, 2020.**

CITY OF MCKINNEY, TEXAS

  
\_\_\_\_\_  
GEORGE C. FULLER  
Mayor

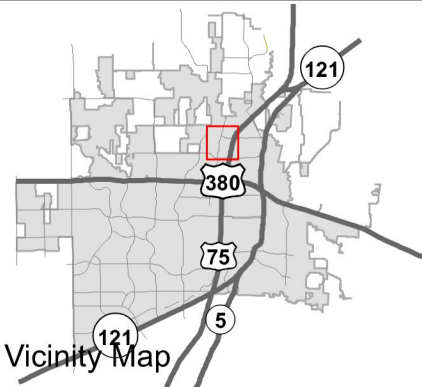
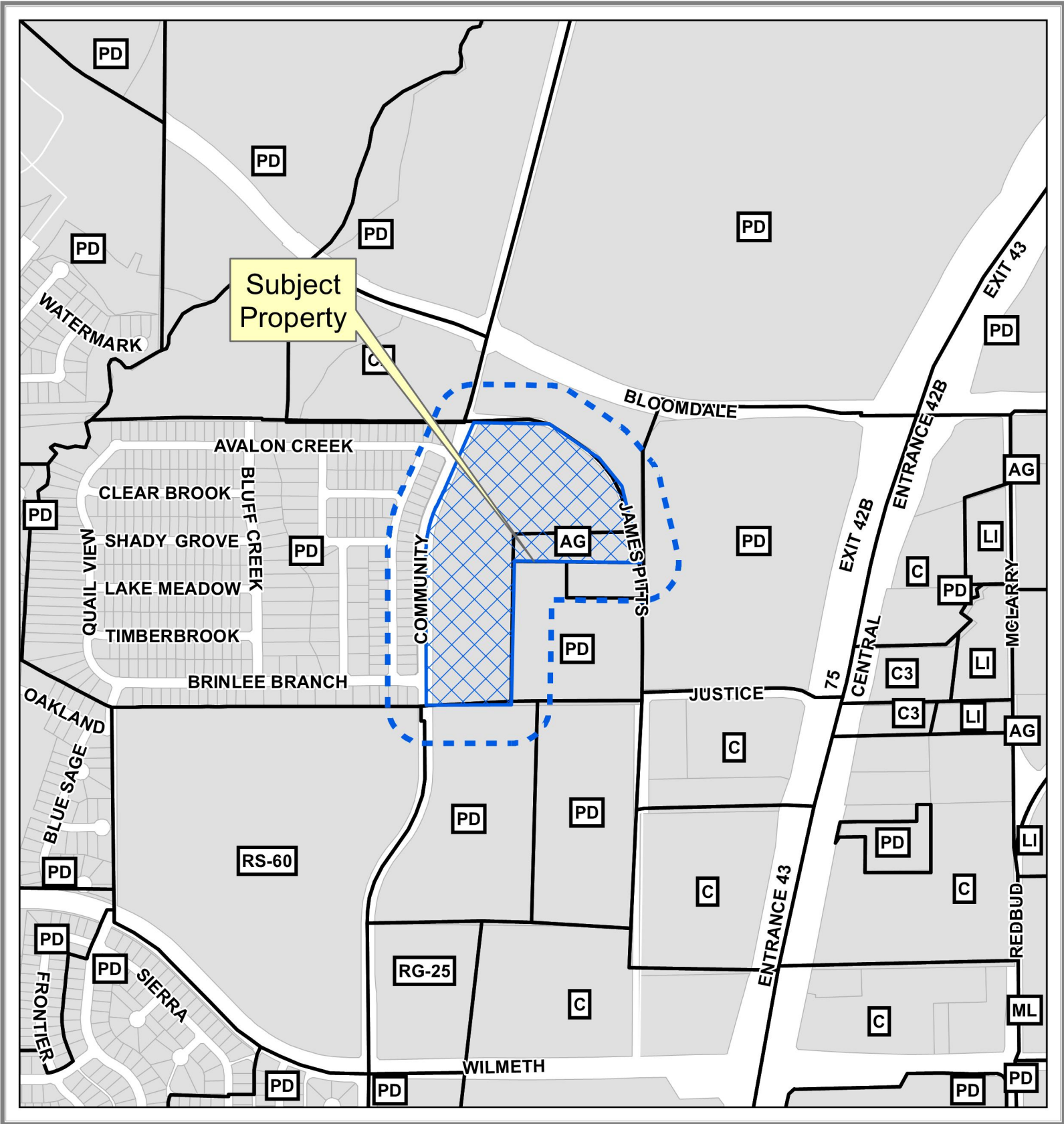
CORRECTLY ENROLLED:

  
\_\_\_\_\_  
EMPRESS DRANE  
City Secretary

DATE: 08-04-2020

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
MARK S. HOUSER  
City Attorney

# EXHIBIT A



## Property Owner Notification Map

ZONE2020-0041

200' Buffer



0 380 760 Feet

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

**LEGAL DESCRIPTION – 28.248 ACRES:** Being a tract of land out of the T.J. McDonald Survey, Abstract Number 576, said tract being called "Tract III" described in the deed to Wilmeth 337 Venture LTD, recorded as Instrument Number 96-0076384, Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at the most northwesterly corner of said tract, and being at the southerly right-of-way boundary of James Pitts Road;

Thence South 89 degrees 14 minutes 28 seconds East along the most northerly boundary of said tract a distance of 444.65 feet to an angle point;

Thence South 55 degrees 18 minutes 39 seconds East a distance of 355.48 feet;

Thence South 39 degrees 23 minutes 07 seconds East a distance of 210.90 feet;

Thence South 13 degrees 33 minutes 04 seconds East a distance of 461.83 feet to the most southeasterly corner of said tract;

Thence North 89 degrees 12 minutes 37 seconds West a distance of 739.87 feet for an angle point;

Thence South 01 degrees 12 minutes 08 seconds West a distance of 846.06 feet to the most southeasterly corner of said tract;

Thence South 89 degrees 56 minutes 21 seconds a distance of 500.38 feet to the most southwesterly corner of said tract, and being at the easterly right-of-way boundary of Community Avenue, an 40' public right-of-way;

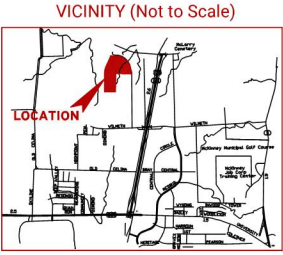
Thence North 00 degrees 03 minutes 38 seconds West along said right-of-way boundary a distance of 880.01 feet to the beginning of a curve to the right with a radius of 700.00 feet, a delta angle of 23 degrees 45 minutes 00 seconds whose chord bears North 11 degrees 48 minutes 52 seconds East a distance of 288.09 feet

Thence with said curve an arc distance of 290.16 feet to the beginning of a curve to the right with a radius of 1980.00 feet, a delta angle of 03 degrees 30 minutes 55 seconds whose chord bears North 25 degrees 26 minutes 30 seconds a distance of 121.46 feet;

Thence with said curve an arc distance of 121.48;

Thence North 23 degrees 41 minutes 48 seconds a distance of 420.01 feet to the point of beginning containing 16.0052 acres of land, or 697187 square feet, more or less.

# EXHIBIT C



Current Zoning - PD 1509

CREEK HOLLOW PHASE I  
CAB. M. S.L. 534, P.R.C.C.T.

BLOOMDALE ROAD

LOT 1, BLOCK 2, COLLIN COUNTY JUSTICE CENTER  
CABINET H, PAGE 225, M.R.C.C.T.

JAMES PITTS DRIVE  
*(A variable width public right-of-way)*

S 89°14'28" E 444.65'

POINT OF BEGINNING

M HART SURVEY A-371  
T McDONALD SURVEY A-376

S 5°15'25" E 358.46'

Current Zoning - PD 1509

COMMUNITY AVENUE  
*(A variable width public right-of-way)*

S 32°27'00" E 300.00'

Arc - 122.48'  
Radius - 1989.00'  
Delta - 3°28'52"  
Chord - N 25°28'30" E  
124.45'

Arc - 290.16'  
Radius - 700.00'  
Delta - 23°45'00"  
Chord - N 11°45'52" E  
288.09'

**ZONING EXHIBIT**  
CURRENT ZONING - PD ORDINANCE NO.1509  
PROPOSED ZONING - PD TH-TOWNHOME AND MF3 - MULTIFAMILY  
TOTAL ACREAGE - 28.248 ACRES

N 89°12'37" W 739.87'

OWNER - CORBIN CAROLYN PITTS  
INST. NO. 96-5083, D.R.C.C.T.  
Current Zoning - AG

S 89°12'37" W 846.00'

JAMES PITTS DRIVE  
*(A variable width public right-of-way)*

S 89°12'37" W 739.87'

OWNER - GAZOM IDORSKI  
INST. NO. 20190618000702050, D.R.C.C.T.  
Current Zoning - PD 2020-02-014

CCC PARTNERSHIP LP  
Current Zoning - PD 1509

L 1188 W. BROADWAY

S 89°50'21" W 500.28'

OWNER - MCKINNEY ISD  
INST. NO. 2004-0075101, P.R.C.C.T.  
Current Zoning - PD 1509

**LEGAL DESCRIPTION:** Being a tract of land out of the T.J. McDonald Survey, Abstract Number 576, said tract being called "Tract 11" described in the deed to Wilmeth 337 Veterans LTO, recorded as Instrument Number 96-003384, Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:  
Beginning at the most northwesterly corner of said tract, and being at the southerly right-of-way boundary of James Pitts Road;

Thence South 89 degrees 14 minutes 28 seconds East along the most northerly boundary of said tract a distance of 444.65 feet to an angle point;

Thence South 55 degrees 18 minutes 39 seconds East a distance of 355.48 feet;

Thence South 39 degrees 23 minutes 07 seconds East a distance of 210.90 feet;

Thence South 13 degrees 33 minutes 04 seconds East a distance of 461.83 feet to the most southeasterly corner of said tract;

Thence North 89 degrees 12 minutes 37 seconds West a distance of 739.87 feet for an angle point;

Thence South 01 degrees 12 minutes 08 seconds West a distance of 846.06 feet to the most southeasterly corner of said tract;

Thence South 89 degrees 55 minutes 21 seconds West along said right of way boundary a distance of 880.01 feet to the beginning of a curve to the right with a radius of 700.00 feet, a delta angle of 23 degrees 45 minutes 00 seconds whose chord bears North 11 degrees 48 minutes 52 seconds East a distance of 288.09 feet;

Thence with said curve an arc distance of 290.16 feet to the beginning of a curve to the right with a radius of 1989.00 feet, a delta angle of 03 degrees 28 minutes 52 seconds whose chord bears North 25 degrees 28 minutes 30 seconds a distance of 124.45 feet;

Thence with said curve an arc distance of 122.48;

Thence North 23 degrees 41 minutes 48 seconds a distance of 420.01 feet to the point of beginning containing 16.3052 acres of land, or 697187 square feet, more or less.

Thence South 89 degrees 14 minutes 28 seconds East along the most northerly boundary of said tract a distance of 293.91 feet to an angle point;

Thence South 55 degrees 18 minutes 39 seconds East a distance of 355.48 feet;

Thence South 39 degrees 23 minutes 07 seconds East a distance of 210.90 feet;

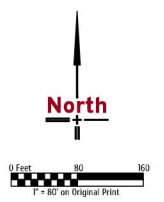
Thence South 13 degrees 33 minutes 04 seconds East a distance of 461.83 feet to the most southeasterly corner of said tract;

Thence North 89 degrees 12 minutes 37 seconds West a distance of 739.87 feet to the most southwesterly corner of said tract, and being the easterly right-of-way of Community Avenue, a 40' public right-of-way;

Thence North 00 degrees 03 minutes 30 seconds West a distance of 232.55 feet to the beginning of a non-tangent curve to the right with a radius of 1100.00 feet, a delta angle of 01 degree 06 minutes 03 seconds whose chord bears South 23 degrees 08 minutes 21 seconds a distance of 21.13 feet;

Thence North 23 degrees 41 minutes 22 seconds East a distance of 367.16 feet to the beginning of a curve to the left with a radius of 300.00 feet, a delta angle of 05 degrees 30 minutes 56 seconds whose chord bears South 12 degrees 13 minutes 27 seconds a distance of 119.25 feet;

Thence with said curve an arc distance of 120.06 feet to the point of beginning containing 12.2428 acres, or 532276 square feet, more or less.



**EXHIBIT "A"**  
16.0052 ACRES OF LAND  
PLANNED DEVELOPMENT ORDINANCE NO. 1509  
PROPOSED ZONING: MF3 and TH

# EXHIBIT D

Current Zoning - PD 1509  
CREEK HOLLOW PHASE I

LOT 1, BLOCK 2, COLLIN COUNTY JUSTICE CENTER  
CABINET H, PAGE 225, M.R.C.C.T.

BLOOMDALE ROAD

**JAMES PITTS DRIVE**  
(A variable width public right-of-way)

M HART SURVEY A-371  
T McDONALD SURVEY A-576

**COMMUNITY AVENUE**  
(A variable width public right-of-way)

**TRACT B**  
**12.2428 ACRES**

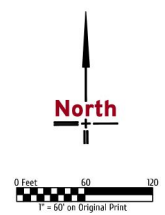
**TRACT A**  
**16.0052 ACRES**

OWNER - CORBIN CAROLYN PITTS

OWNER - GAZOM IDORSKI

OWNER - MCKINNEY ISD

**JAMES PITTS DRIVE**  
(A variable width public right-of-way)



**REGULATING PLAN**

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	21.13	1100.00	1°06'03"	S 23°08'21" W	21.13

S 89°56'21" W 500.38'



# EXHIBIT E

## DEVELOPMENT REGULATIONS

- I. Purpose and Intent: The purpose of these Planned Development Standards is to modify some of the existing standards contained in the City's Code of Ordinances (the "Code") relating to the development of Tract A shown on the Regulating Plan consisting of 16.0052 acres as a TH-townhome project ("Tract A"), and the development of Tract B shown on the Regulating Plan consisting of 12.2428 acres as an MF-3, Multiple Family Medium Density, project with townhomes as an additional permitted use ("Tract B"). All provisions contained in the Code which are not in conflict with the provisions contained herein shall continue to apply to the development of the Property.
  
- II. Development Standards for Tracts A and B (TH-townhome):
  - a. Maximum density: 14 units per gross acre;
  - b. Maximum building height: 2 stories, not to exceed 35';
  - c. Minimum lot size: 1,920 sq. ft.;
  - d. Minimum lot width: 24';
  - e. Minimum rear yard setback: 8';
  - f. Rear driveways for townhomes adjacent to the eastern line of Tract A extending from James Pitts Drive southward approximately 370 feet may be either (i) 8' in length or (ii) a minimum of 20' in length;
  - g. Maximum number of units in a single building: 7;
  - h. Minimum number of enclosed garage spaces per unit: 2;
  - i. At least two (2) elements enumerated in Section 146-108(c)(1) will be provided (density bonus);
  - j. At least one canopy tree in front yard and one ornamental tree in front or rear yard of each lot.
  
- III. Development Standards for that portion of Tract B developed according to MF3, Multiple Family Medium Density:
  - a. Maximum density shall be 28 units per gross acre;
  - b. Minimum lot area shall be 1,500 square feet per unit;
  - c. Maximum height of structure shall be three (3) stories, not to exceed 45';

## EXHIBIT E

- d. Required minimum front yard setback shall be 35 feet with a 5 foot encroachment for first floor walkouts; minimum rear yard setback shall be 25 feet; minimum side yard setback shall be 20 feet;
- e. Required off street parking spaces shall be calculated at 1 space for each bedroom with an additional 0.2 parking spaces per unit;
- f. Required number of enclosed parking spaces shall be equal to not less than 30% of the total number of units; the number of covered parking spaces (carports) shall be not less than the number required to bring both enclosed and covered parking spaces to 50% of the total number of units; the additional 0.5 parking space for each enclosed space with a garage door is not required;
- g. 30% of the street yard along Pitts Road will be devoted to landscaping; and
- h. No landscaped median shall be required for secondary access from the Property onto Pitts Road.