

ORDINANCE NO. 96-11-49

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1400 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT A 7.868 ACRE TRACT OF LAND LOCATED NORTHEAST OF PARK VIEW AVENUE, WEST OF U.S. HIGHWAY 75 AND SOUTH OF NORTH BROOK DRIVE, IN THE CITY OF MCKINNEY IS REZONED TO "PD-PLANNED DEVELOPMENT DISTRICT; 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 a tract of land northeast of Park View Avenue, west of U.S. Highway 75, and south of North Brook Drive in the City of McKinney, Collin County, Texas, to a "PD" - Planned Development District, as provided for in the City of McKinney Zoning Ordinance 1270, said property being described as shown on Exhibit "A"; and,

WHEREAS, after due notice of the requested zoning 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 requested change in zoning should be made.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. The Zoning Ordinance No. 1270 of the City of McKinney is hereby amended so that said tract of land located northeast of Park View Avenue, west of U.S. Highway 75, and south of North Brook Drive, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "A" and depicted on Exhibit "B" attached hereto, is hereby rezoned to "PD- Planned Development District.

Section 2. Use and development of subject property shall conform to the regulations applicable to the "C" Planned Center District as outlined in Ordinance 1400.

Section 3. Additional Use - A mini-warehouse (self storage) facility conforming to the standards reflected on the site plan, attached herto as Exhibit "C" and made a part hereof, shall be allowed.

Section 4. 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 5. 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 therefor, shall be fined any sum not exceeding \$500.00, 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.

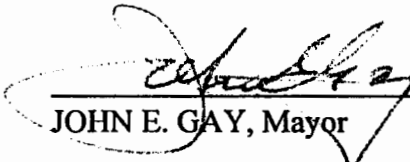
Section 6.

That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, 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 7.

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 19th DAY OF November, 1996.**

  
\_\_\_\_\_  
JOHN E. GAY, Mayor

CORRECTLY ENROLLED:

  
\_\_\_\_\_  
JENNIFER G. SMITH, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
MARK S. HOUSER, City Attorney

**REZONING EXHIBIT  
BLOCK "R" OF NORTH BROOK**

**METES and BOUNDS DESCRIPTION**

BEING a 12.407 acre tract of land situated in the W.D. Thompson Survey, Abstract Number 891, in the City of McKinney, Collin County, Texas and being all of BLOCK R, of NORTH BROOK an addition to the City of McKinney according to the plat recorded in Cabinet F, Page 652 of the Plat Records of Collin County Texas and being more particularly described as follows:

**BEGINNING** at a 5/8 inch iron rod set for the northeast corner of said Block R and being located at the point of intersection of the westerly right-of-way line of U.S. Highway 75 (a variable width right-of-way) with the southerly right-of-way line of North Brook Drive (a 100 feet wide right-of-way at this point);

**THENCE** along the westerly right-of-way line of said U.S. Highway 75 as follows:

**SOUTH 04°35'00" WEST** a distance of 145.25 feet to a 1/2 inch iron rod found for corner;

**SOUTH 08°23'00" WEST** a distance of 100.50 feet to a 5/8 inch iron rod set for corner;

**SOUTH 02°40'00" WEST** a distance of 100.00 feet to a 5/8 inch iron rod set for corner;

**SOUTH 03°03'00" EAST** a distance of 100.50 feet to a 1/2 inch iron rod found for corner;

**SOUTH 02°40'00" WEST** a distance of 700.00 feet to a concrete monument found for corner;

**SOUTH 06°56'53" WEST** a distance of 201.21 feet to an "X" cut in the concrete found for corner and being located in the northerly right-of-way line of Park View Avenue;

**THENCE** departing the westerly right-of-way line of said U.S. Highway 75 and along the northerly right-of-way line of Park View Avenue as follows:

**NORTH 87°19'18" WEST** a distance of 19.43 feet to a 1/2 inch iron rod found for the beginning of a curve to the right having a radius of 250.00 feet, a chord bearing North 49°26'27" West and a chord length of 307.01 feet;

Along said curve to the right through a central angle of 75°45'42" for an arc length of 330.57 feet to a 1/2 inch iron rod found for a corner;

**NORTH 11°33'38" WEST** a distance of 10.40 feet to a 1/2 inch iron rod found for the beginning of a curve to the left having a radius of 330.00 feet, a chord bearing North 21°26'50" West and a chord length of 113.32 feet;

Along said curve to the left through a central angle of 19°46'24" for an arc length of 113.89 feet to a 1/2 inch iron rod found for a corner;

**NORTH 31°20'06" WEST** a distance of 236.74 feet to a 1/2 inch iron rod found for corner and being located in the easterly line of a 100' wide drainage channel and utility easement;

**THENCE** departing the north right-of-way line of Park View Avenue and along the easterly line of said 100' wide drainage channel and utility easement, **NORTH 02°03'08" EAST** a distance of 864.00 feet to an "X" cut in concrete found for the northwest corner of said Block R and being located in the southerly right-of-way line of said North Brook Drive (a 60 feet wide right-of-way at this point);

**THENCE** along the southerly right-of-way line of said North Brook Drive as follows:

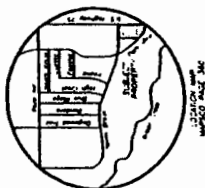
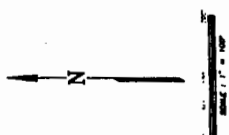
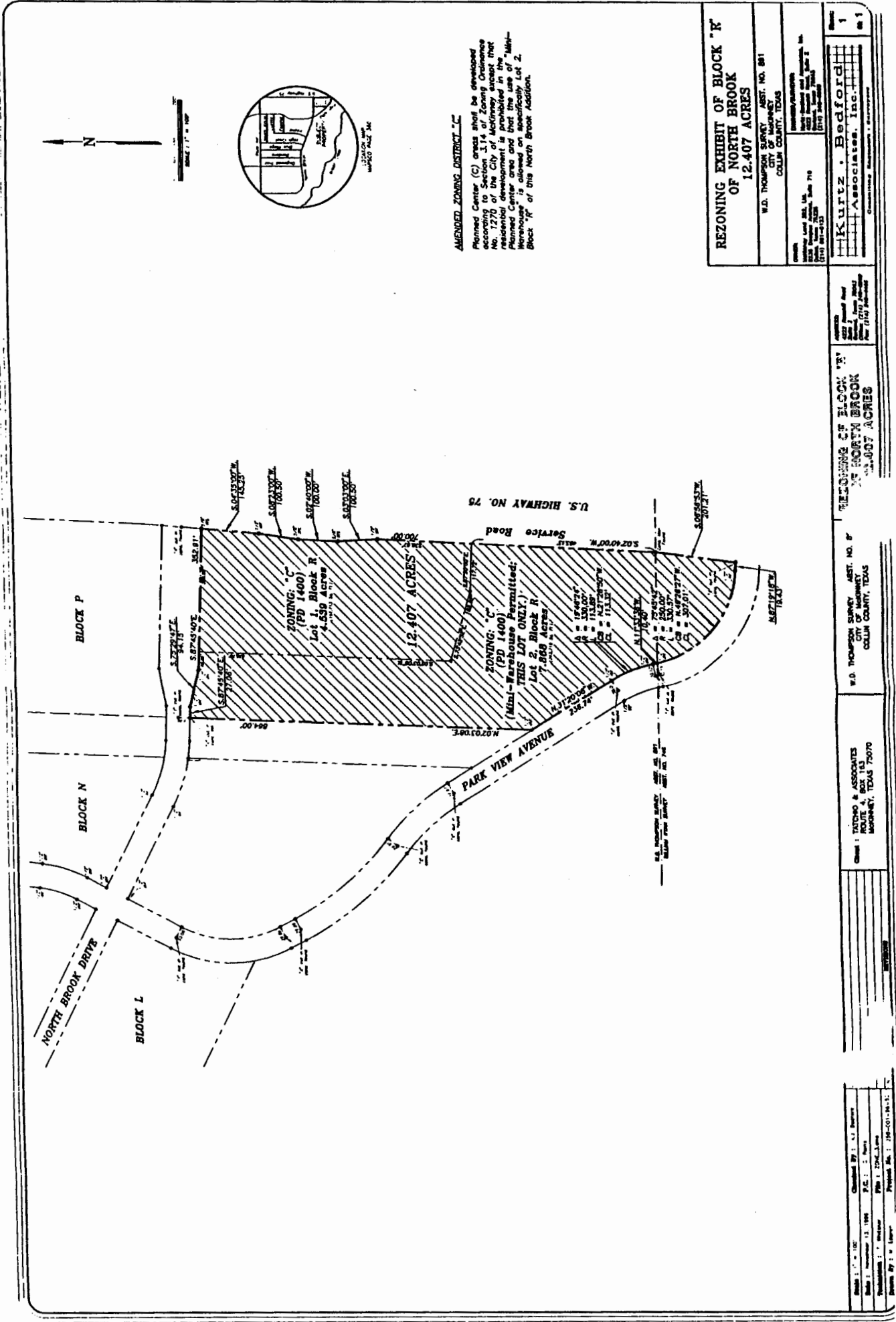
**SOUTH 87°45'40" EAST** a distance of 27.06 feet to a 1/2 inch iron rod found for corner;

**SOUTH 75°29'47" EAST** a distance of 94.15 feet to a 1/2 inch iron rod found for corner;

**SOUTH 87°45'40" EAST** a distance of 352.91 feet to the POINT OF BEGINNING;

**CONTAINING** within these metes and bounds 12.407 acres or 540,432 square feet of land more or less.

# EXHIBIT "B"



**AMENDED ZONING DISTRICT "C"**  
 Planned Center (C) areas shall be developed according to Section 114 of Zoning Ordinance No. 1270 of the City of McKinney except that residential development is prohibited in the Planned Center area and that the use of "Mini-Warehouse" is allowed on specifically Lot 2, Block "K" of this North Brook Addition.

**REZONING EXHIBIT OF BLOCK "K" OF NORTH BROOK 12.407 ACRES**

W.D. THOMPSON SURVEY, ASST. NO. 81  
 CITY OF MCKINNEY  
 COLLIN COUNTY, TEXAS

W.D. THOMPSON SURVEY, ASST. NO. 81  
 11111 Highway 75  
 McKinney, Texas 75069  
 (972) 561-1111

**Kurtz, Bedford Associates, Inc.**

**REZONING OF BLOCK "K" OF NORTH BROOK 12.407 ACRES**

W.D. THOMPSON SURVEY, ASST. NO. 81  
 COLLIN COUNTY, TEXAS

CHAS. T. HATCHO & ASSOCIATES  
 ROUTE 4, BOX 113  
 MCKINNEY, TEXAS 75070

Checked By: J. J. Powers  
 Date: November 13, 1999  
 P.C.: J. J. Powers  
 Title: Surveyor

Printed On: 11/13/99  
 Plot No.: 108-01-10-11  
 Sheet No.: 1 of 1



