

ORDINANCE NO. 2004-09-094

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 1.78 ACRE TRACT, LOCATED AT THE SOUTHEAST CORNER OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND CHURCH STREET, IS REZONED FROM "BG" – GENERAL BUSINESS DISTRICT AND "RS-60" – SINGLE FAMILY RESIDENCE DISTRICT, TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR RETAIL USES; 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 1.78 acre tract located at the southeast corner of U.S. Highway 380 and Church Street, from "BG" – General Business District and "RS-60" – General Residence District, to "PD" – Planned Development District, generally for retail 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. Ordinance No. 1270 is hereby amended so that an approximately 1.78 acre tract, located at the southeast corner of U.S. Highway 380 and Church Street, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned to "PD" – Planned Development District, generally for retail uses, and,

Section 2. Use and development of the subject property shall conform to Section 41-80 "BG" – General Business District of the City of McKinney Code of Ordinances, and as amended, with the following exceptions:

1. The subject property shall generally develop according to the attached site plan (Exhibit "B"), landscape plan (Exhibit "C") and building elevations (Exhibit "D").
2. Outdoor display will be limited to two locations at the gas pumps at approximately 5.5' x 5.5' x 6' in size and two locations along the front of the building at approximately 3' x 12.5' x 5' and 3' x 10' x 5' in size, as shown on the attached site plan.
3. A 10' landscape buffer along Church Street, University Drive, and a portion of Kentucky Street be allowed.
4. One street tree must be planted every 20 linear feet around the perimeter of the site, which is a total of 62 perimeter trees.

5. A 20' landscape buffer be required along the south side of the property except at the southeast corner of the building, where the 15' setback is shown on the landscape plan.
6. No building, structures, outdoor storage or display will be permitted in the open space areas south of the building and along Pearson Avenue.
7. No light poles will be permitted to the south of the building, adjacent to the single family residential.

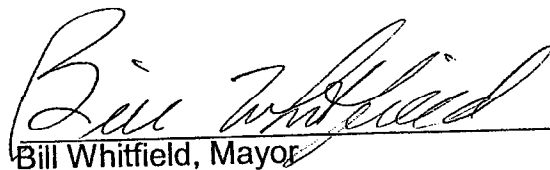
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 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 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.

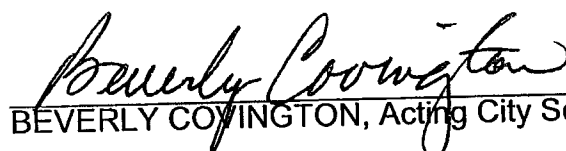
Section 6. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

Section 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.

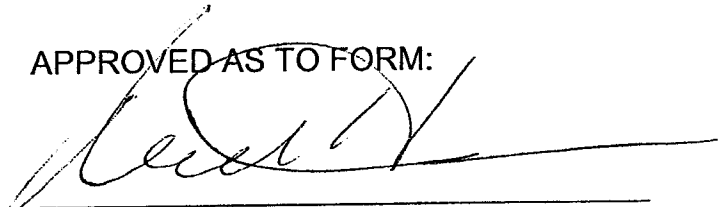
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 7<sup>TH</sup> DAY OF SEPTEMBER, 2004.**

  
Bill Whitfield, Mayor

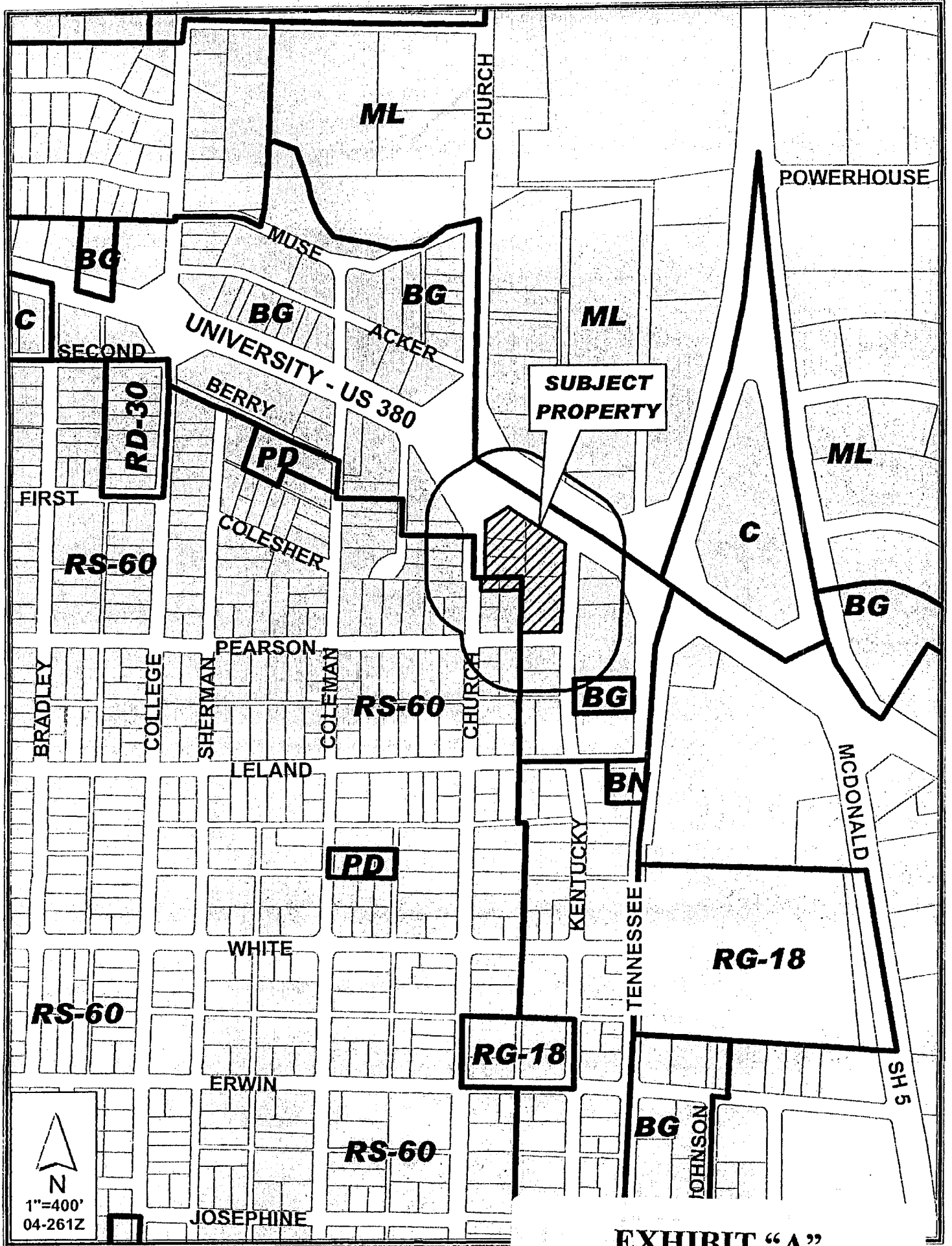
CORRECTLY ENROLLED:

  
BEVERLY COVINGTON, Acting City Secretary

APPROVED AS TO FORM:

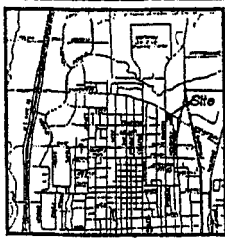
A handwritten signature in black ink, appearing to read 'Mark S. Houser', written over a horizontal line.

MARK S. HOUSER, City Attorney



  
 N  
 1"=400'  
 04-261Z

**EXHIBIT "A"**



Vicinity Map



REPAIR EXCAVATION  
SAFETY MEMORANDUM  
L-486-34-187

SITE PLAN SUMMARY TABLE

EXISTING BUILDING BEARS AN OFFICIAL HEIGHTY SURETY LABEL  
 PARTIAL USE OF EXISTING BUILDING FOR RETAIL/RESTAURANT  
 QUARTER COMMERCIAL STORE

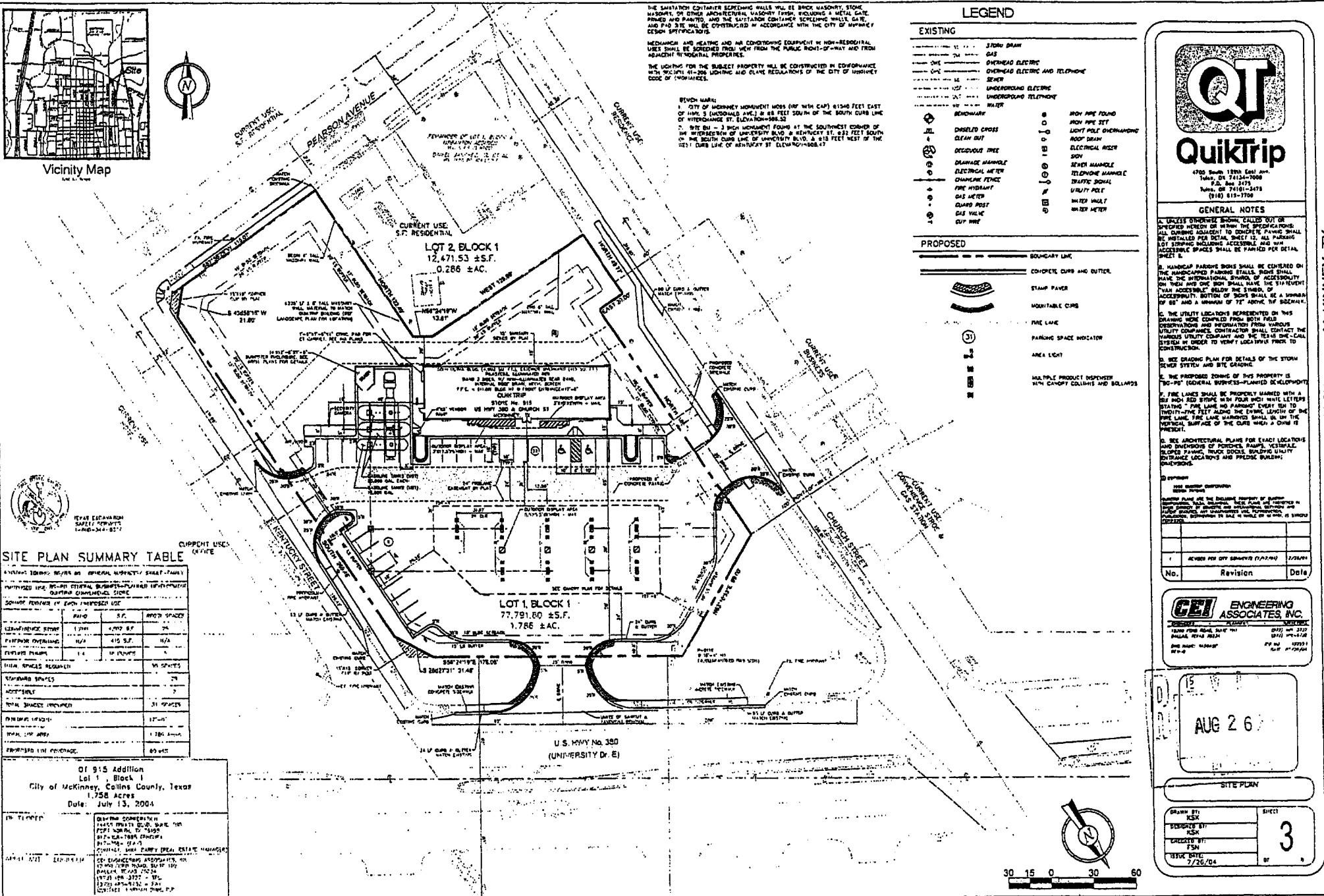
SOAKAWAY PROVIDED IN EACH PROPOSED USE

USE	AREA (S.F.)	AREA (SQ. FT.)
REPAIR EXCAVATION	1,200	4,792 S.F.
EXISTING OVERLAP	1/2	410 S.F.
EXISTING PLUMBING	1/4	175 S.F.
NEW SPECIAL REQUIREMENTS		61 SPACES
STANDARD SPACES		75
ACCESSIBLE		7
TOTAL SPACES PROVIDED		31 SPACES
REPAIR EXCAVATION		17'-0"
TOTAL LOT AREA		1,786 ACRES
PROPOSED LOT COVERAGE		85.4%

01 915 Addition  
 Lot 1 - Block 1  
 City of McKinney, Collin County, Texas  
 1.758 Acres  
 Date: July 13, 2004

OWNER: G.E.I. ENGINEERING ASSOCIATES, INC.  
 1500 WEST 30TH STREET, SUITE 100  
 DALLAS, TEXAS 75230  
 (972) 248-1377 - FAX  
 (972) 248-1378 - FAX  
 12700 S. UNIVERSITY DR., P.O.

DESIGNER: G.E.I. ENGINEERING ASSOCIATES, INC.  
 1500 WEST 30TH STREET, SUITE 100  
 DALLAS, TEXAS 75230  
 (972) 248-1377 - FAX  
 (972) 248-1378 - FAX  
 12700 S. UNIVERSITY DR., P.O.



THE EXISTING EXTERIOR FINISHES SHALL BE BRICK MASONRY, STONE MASONRY, OR OTHER ARCHITECTURAL MASONRY TYPES INCLUDING A METAL GATE, FINISH AND PAINTED, AND THE EXISTING EXTERIOR SCREENING WALL, GATE, AND F-10 TYPE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF MCKINNEY DESIGN SPECIFICATIONS.

MECHANICAL AND HEATING AND AIR CONDITIONING EQUIPMENT IN NON-RESIDENTIAL USES SHALL BE SPOREED FROM THE PUBLIC RIGHT-OF-WAY AND FROM ADJACENT RESIDENTIAL PROPERTIES.

THE LIGHTING FOR THE SUBJECT PROPERTY WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF MCKINNEY LIGHTING AND PLANE REGULATIONS OF THE CITY OF MCKINNEY CODE OF ORDINANCES.

BOUNDARY MARKS:  
 1. CITY OF MCKINNEY MONUMENT MARKS (TOP WITH CAP) 81540 FEET EAST OF MARK 3 (UNDERRANGE ANG.) 81 FEET SOUTH OF THE SOUTH CURB LINE OF WITCOMB DRIVE ST. ELEVATION=586.53  
 2. BENCH MARK - 3 HIGH MONUMENT FOUND AT THE SOUTHWEST CORNER OF THE INTERSECTION OF UNIVERSITY BLVD. & CHURCH ST. 8153 FEET SOUTH OF THE SOUTH CURB LINE OF UNIVERSITY BLVD. & 818 FEET WEST OF THE WEST CURB LINE OF UNIVERSITY ST. ELEVATION=586.47

### LEGEND

EXISTING		PROPOSED	
	STORM DRAIN		BOUNDARY LINE
	GAS		CONCRETE CURB AND OUTER
	OVERHEAD ELECTRIC		STAMP PAVES
	OVERHEAD ELECTRIC AND TELEPHONE		MOUNTABLE CURB
	SEWER		FIRE LANE
	UNDERGROUND ELECTRIC		PARKING SPACE INDICATOR
	UNDERGROUND ELECTRIC AND TELEPHONE		AREA LIGHT
	MANHOLE		MULTIPLE PRODUCT INDICATOR WITH CONE OF COLLISION AND BOLLARDS
	IRON PIPE FOUND		
	IRON PIPE SET		
	LIGHT POLE OVERHANG		
	ROOF DRAIN		
	ELECTRICAL METER		
	SEWER MANHOLE		
	TELEPHONE MANHOLE		
	TRAFFIC SIGNAL		
	UTILITY POLE		
	WATER VALVE		
	WATER METER		

**QT QuikTrip**

4705 South 135th East Ave.  
 Tulsa, OK 74134-7000  
 P.O. Box 3475  
 Tulsa, OK 74101-3475  
 (918) 815-1700

**GENERAL NOTES**

1. UNLESS OTHERWISE SHOWN, CALLED OUT OR SPECIFIED HEREON OR WITHIN THE SPECIFICATIONS, ALL CURBS, SIGNAGE TO CONCRETE FINISH SHALL BE INSTALLED PER DETAIL SHEET 15. ALL PARKING, LOT STRIPING INCLUDING ACCESSIBLE AND ADA ACCESSIBLE SPACES SHALL BE PARKED PER DETAIL SHEET 15.

2. HANDICAP PARKING SPACES SHALL BE COMPLETED ON THE HANDED PARKING STALLS. SIGNAGE SHALL BE INSTALLED PER DETAIL SHEET 15. ALL PARKING SPACES SHALL BE INSTALLED PER DETAIL SHEET 15.

3. THE UTILITY LOCATIONS REPRESENTED ON THIS DRAWING WERE OBTAINED FROM BOTH FIELD OBSERVATIONS AND INFORMATION FROM VARIOUS UTILITY COMPANIES. CONTRACTOR SHALL CONTACT THE VARIOUS UTILITY COMPANIES AND THE CITY OF MCKINNEY TO VERIFY THE UTILITY LOCATIONS PRIOR TO CONSTRUCTION.

4. SEE DRAINAGE PLAN FOR DETAILS OF THE STORM DRAIN SYSTEM AND SITE GRADING.

5. THE PROPOSED ZONING OF THIS PROPERTY IS "C-2" (GENERAL BUSINESS-PLANNED DEVELOPMENT).

6. FIRE LINES SHALL BE PROPERLY MARKED WITH A RED PAINTED STRIKE WITH FOUR INCH WHITE LETTERS READING "FIRE LANE" AND SPACING EVERY TEN TO TWENTY FEET ALONG THE ENTIRE LENGTH OF THE FIRE LANE. FIRE LANE MARKINGS SHALL BE ON THE VERTICAL SURFACE OF THE CURB WHEN A CURB IS PRESENT.

7. SEE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF PORCHES, RAMPS, VESTIBLES, SLOPED PARKING, TRUCK DOCKS, SLOPED UTILITY ENTRANCE LOCATIONS AND PAVED WALKWAYS.

8. SEE SPECIFICATIONS FOR CONSTRUCTION.

NO. OF OPEN SPACES PROVIDED: 31

No.	Revision	Date

**G.E.I. ENGINEERING ASSOCIATES, INC.**

1500 WEST 30TH STREET, SUITE 100  
 DALLAS, TEXAS 75230  
 (972) 248-1377 - FAX  
 (972) 248-1378 - FAX  
 12700 S. UNIVERSITY DR., P.O.

15  
 AUG 26

SITE PLAN

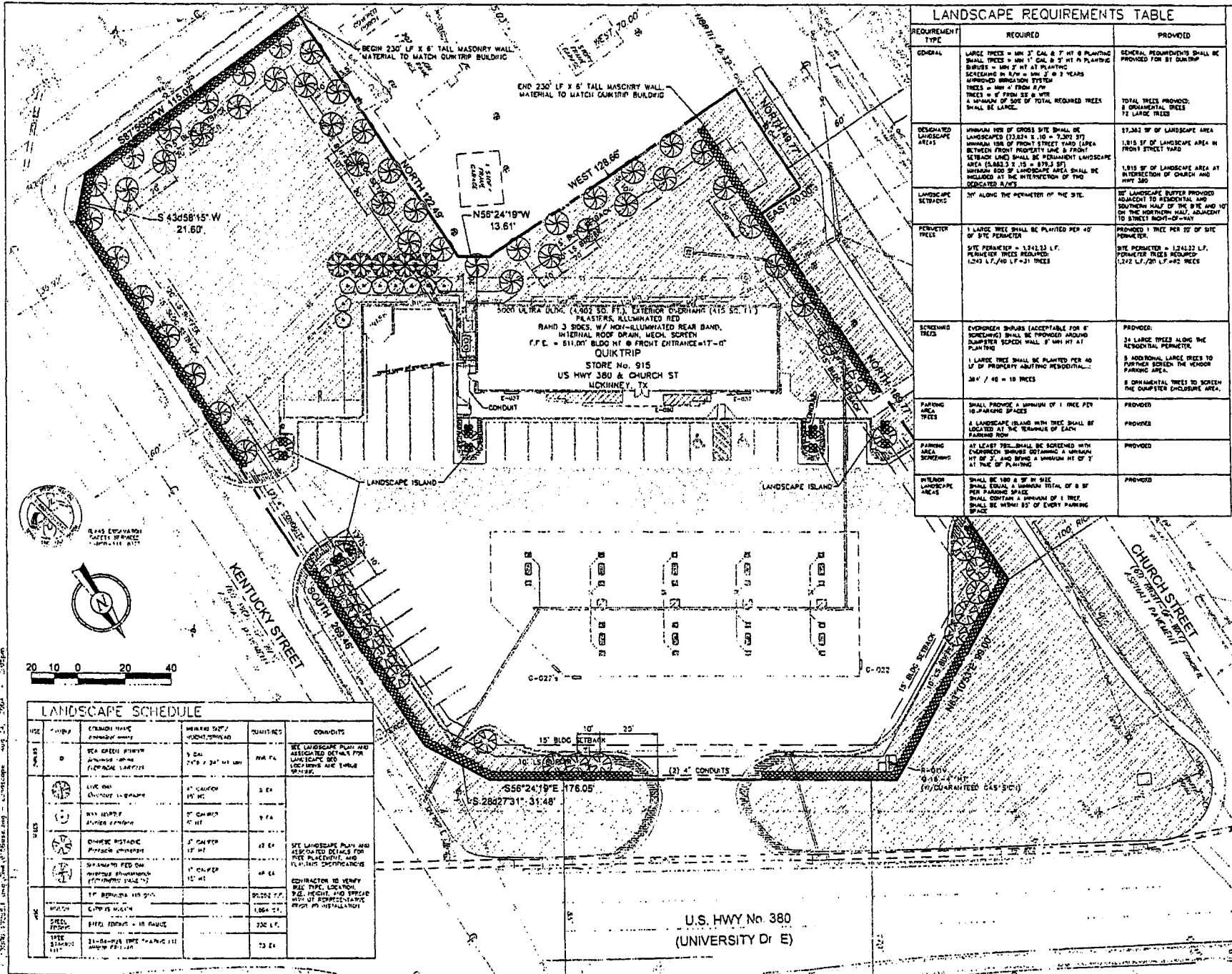
DRAWN BY: KSK  
 DESIGNED BY: KSK  
 CHECKED BY: JSN  
 ISSUE DATE: 7/26/04

SHEET 3 OF 3

McKINNEY, TX  
 U.S. HWY. 380 & CHURCH ST.  
 QuikTrip Store No. : 915




EXHIBIT "B"



LANDSCAPE REQUIREMENTS TABLE		
REQUIREMENT TYPE	REQUIRED	PROVIDED
GENERAL	LARGE TREES = MIN 3' CAL & 7' HT & PLANTING SHALL BE PERFORMED BY 10/1/2017. SMALL TREES = MIN 1' CAL & 2' HT & PLANTING SHALL BE PERFORMED BY 10/1/2017. SCREENING IN ROW = MIN 3' @ 2 YEARS APPROVED BRUSHWOOD SYSTEM TREES = MIN 4' FROM SE & SW CORNER OF SITE OF TOTAL REQUIRED TREES SHALL BE LARG.	GENERAL REQUIREMENTS SHALL BE PROVIDED FOR BY CONTRACTOR. TOTAL TREES PROVIDED: 8 ORNAMENTAL TREES 72 LARGE TREES
DEDICATED LANDSCAPE AREA	MINIMUM PER OF GROSS SITE SHALL BE LANDSCAPED (23,224 X 10 = 7,392 SF) MINIMUM USE OF FRONT STREET YARD (AREA BETWEEN FRONT PROPERTY LINE & FRONT STREET LINE) SHALL BE RESIDENTIAL LANDSCAPE AREA (5,842 X 15 = 87,630 SF) MINIMUM SIZE OF LANDSCAPE AREA SHALL BE INCLUDED AT THE INTERSECTION OF TWO DEDICATED ROWS	57,382 SF OF LANDSCAPE AREA 1,815 SF OF LANDSCAPE AREA IN FRONT STREET YARD 1,815 SF OF LANDSCAPE AREA AT INTERSECTION OF CHURCH AND HWY 380
LANDSCAPE STRIPES	5' ALONG THE PERIMETER OF THE SITE	8' LANDSCAPE BUFFER PROVIDED ADJACENT TO RESIDENTIAL AND SOUTHERN HALF OF THE SITE AND 10' ON THE NORTHERN HALF, ADJACENT TO STREET MID-CROSSWAY
PERIMETER TREES	1 LARGE TREE SHALL BE PLANTED PER 40' OF SITE PERIMETER. SITE PERIMETER = 1,241.22 L.F. PERIMETER TREES REQUIRED: 1,242 L.F./40 L.F.=31 TREES	PROVIDED 1 TREE PER 10' OF SITE PERIMETER. SITE PERIMETER = 1,241.22 L.F. PERIMETER TREES REQUIRED: 1,242 L.F./20 L.F.=62 TREES
SCREENING TREES	EVERGREEN SHRUBS (ACCEPTABLE FOR SCREENING) SHALL BE PROVIDED AROUND DUMPSTER SCREEN WALL 8' HIGH AT PLANTING. 1 LARGE TREE SHALL BE PLANTED PER 40' OF PROPERTY ADJUTING RESIDENTIAL. 30' / 40 = 10 TREES	PROVIDED: 24 LARGE TREES ALONG THE RESIDENTIAL PERIMETER. 5 ADDITIONAL LARGE TREES TO FURTHER SCREEN THE VENDOR PARKING AREA. 8 ORNAMENTAL TREES TO SCREEN THE DUMPSTER ENCLOSURE AREA.
PARKING ROW TREES	SHALL PROVIDE A MINIMUM OF 1 TREE PER 10 PARKING SPACES. A LANDSCAPE ISLAND WITH TREE SHALL BE LOCATED AT THE TERMINUS OF EACH PARKING ROW	PROVIDED
PARKING AREA SCREENING	AT LEAST 75% SHALL BE SCREENED WITH EVERGREEN SHRUBS BEARING A MINIMUM HT OF 3', AND BEING A MINIMUM HT OF 7' AT THE OF PLANTING.	PROVIDED
VEHICLE LANDSCAPE AREAS	SHALL BE 10' X 8' IN SIZE. SHALL EQUAL A MINIMUM TOTAL OF 8 SF PER PARKING SPACE. SHALL CONTAIN A MINIMUM OF 1 TREE. SHALL BE MINIM 82' OF EVERY PARKING SPACE.	PROVIDED

LANDSCAPE SCHEDULE					
NO.	SYMBOL	COMMON NAME	MINIMUM SIZE / HEIGHT / SPREAD	QUANTITIES	COMMENTS
1	(Tree Symbol)	SEA GREEN SHRUB	5 CAL / 7' H / 3' S	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND SPECIFICATIONS
2	(Tree Symbol)	ORANGE BLOSSOM	4" CAL / 8' H	2 EA	
3	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
4	(Tree Symbol)	ORANGE BLOSSOM	4" CAL / 8' H	2 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND SPECIFICATIONS
5	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
6	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
7	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
8	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
9	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
10	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
11	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
12	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
13	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
14	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
15	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
16	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
17	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
18	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
19	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
20	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
21	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
22	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
23	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
24	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
25	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
26	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
27	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
28	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
29	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
30	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
31	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
32	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
33	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
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36	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
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39	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
40	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
41	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
42	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
43	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
44	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
45	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
46	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
47	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
48	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
49	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	
50	(Tree Symbol)	SEA HAWK	4" CAL / 8' H	4 EA	

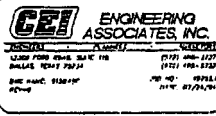


4703 South 129th East Ave  
Tulsa, OK 74134-7008  
P.O. Box 5475  
Tulsa, OK 74181-5475  
(918) 818-7700

**GENERAL NOTES**

1. TWO 4" PVC PIPES ARE TO BE INSTALLED ON 3' C/P. PIPES ARE TO BE PLACED 18" (MIN) UP FROM BELOW CONCRETE SLAB WITH SHALL BE MARKED WITH STAMPS.

No.	Revision	Date



CEI ENGINEERING ASSOCIATES, INC.  
1000 N. W. 10th St., Suite 100  
Tulsa, Oklahoma 74103  
Tel: (918) 486-1177  
Fax: (918) 486-1178  
www.cei-engineering.com

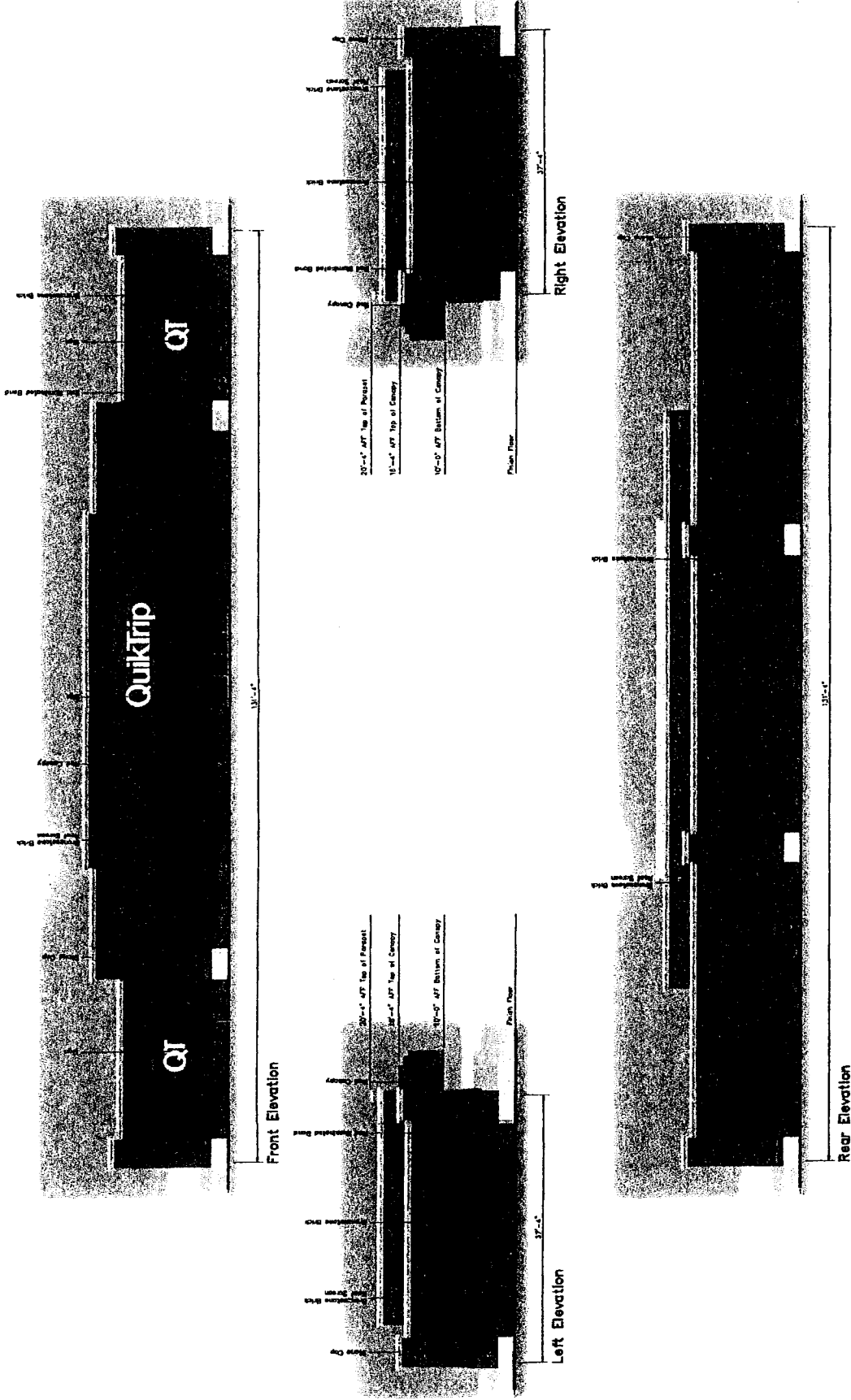
DATE: 2.6.17

LANDSCAPE PLAN

DRAWN BY: KSM	8
CHECKED BY: PSM	
DATE: 7/26/17	
SHEET OF 8	

U.S. HWY. 380 & CHURCH ST. McKinney, TX QuikTrip Store No. : 915

**EXHIBIT "C"**



11/10/04  
AUG 26 2004



**quiktrip.**  
1075 Ave. 1380, Suite 1000  
Irving, TX 75038-1478  
(972) 251-7700  
(817) 415-7700

# Building Elevations

QuikTrip Store No. :915

US Hwy 380 & Church

McKinney, TX

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QUIKTRIP, INC. IS STRICTLY PROHIBITED.

Presentation Exhibit	
5000 Stone Cab Store	
Sheet No.	1
Scale	1/16" = 1'-0"
Drawn By	MSR/BJ
Issue Date	07/28/04

## EXHIBIT "D"