

**ORDINANCE NO. 2015-04-029**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A RESTAURANT WITH DRIVE-THROUGH WINDOW, APPROXIMATELY 1.05 LOCATED ON THE SOUTH SIDE OF ELDORADO PARKWAY AND APPROXIMATELY 700 FEET EAST OF RIDGE ROAD; 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 owner or owners of an approximately 1.05 acre tract, located on the south side of Eldorado Parkway and approximately 700 feet east of Ridge Road, have petitioned the City of McKinney to amend the zoning map of the City of McKinney in order to provide for a Specific Use Permit for a restaurant with drive-through window use, and

**WHEREAS**, the owner or owners are willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, 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 such an amendment should be made.

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

Section 1. The zoning map is hereby amended to provide for a Specific Use Permit for a restaurant with drive-through window use on approximately 1.05 acres, located on the south side of Eldorado Parkway and approximately 700 feet east of Ridge Road, and as depicted on Exhibits "A" and "B", attached hereto.

Section 2. Use and development of the subject property shall conform to the following regulations:

1. The subject property shall generally develop in accordance with Exhibit C – Site Layout.
2. The location and number of Eastern Red Cedar shrubs shall be planted in conformance with the attached Exhibit D - Screening Exhibit, being a minimum of eight (8) feet in height at the time of planting and spaced eight (8) feet on center along the eastern property line as shown. These shrubs shall be planted in addition to the canopy trees required by Section 146-135 (Landscape Requirements) of the Zoning Ordinance along the eastern property line.

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.

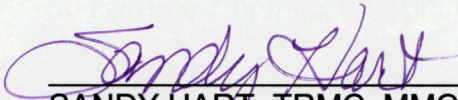
Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 7<sup>th</sup> DAY OF APRIL, 2015.**

CITY OF MCKINNEY, TEXAS

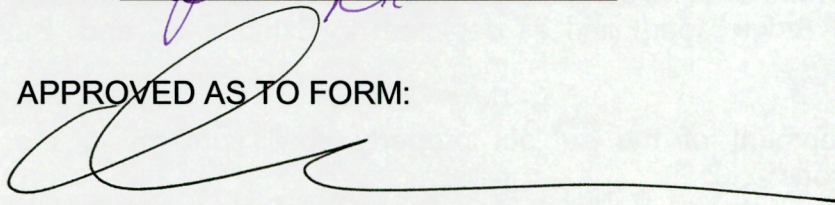
  
BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

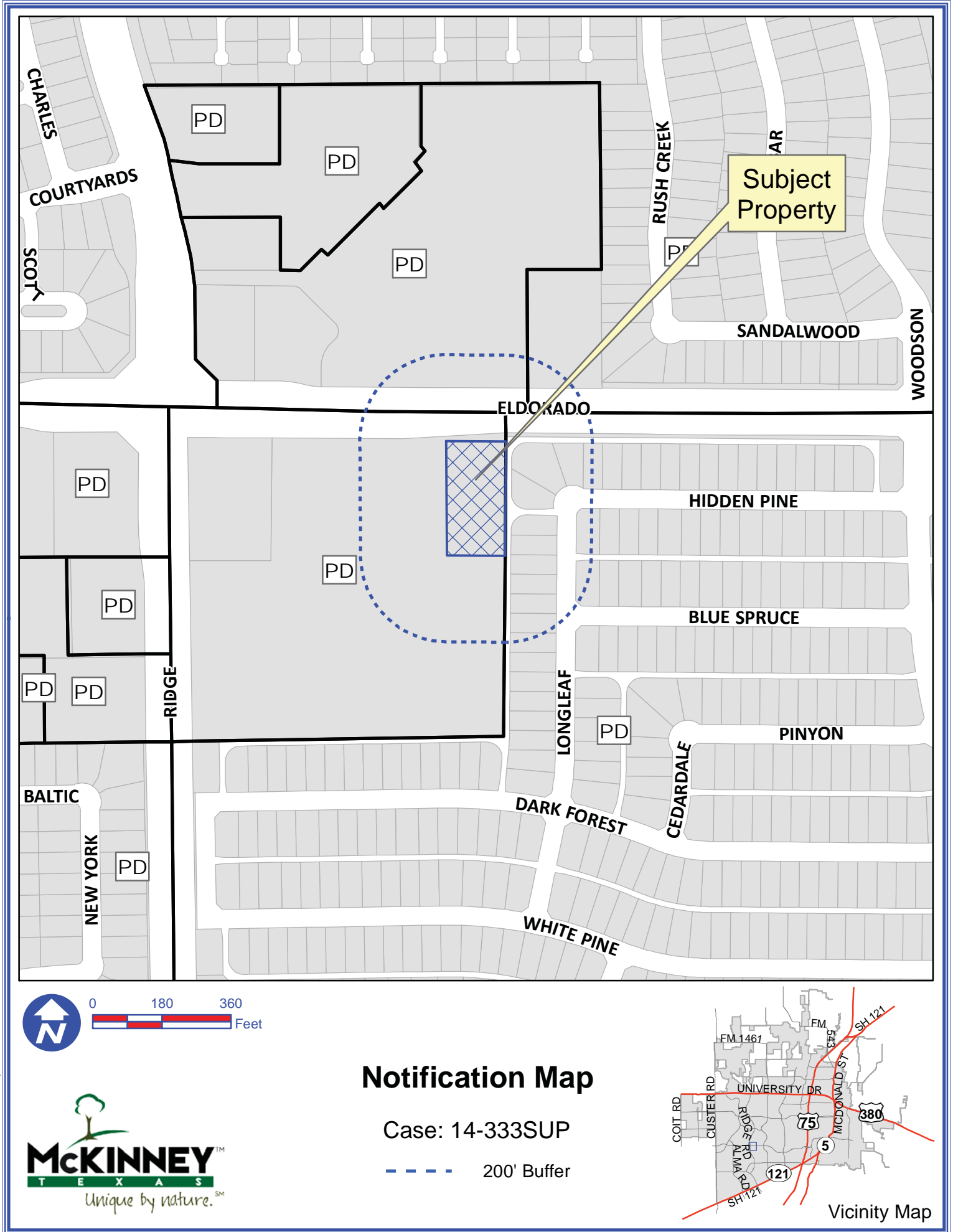
  
SANDY HART, TRMC, MMC  
City Secretary  
DENISE VICE, TRMC  
Assistant City Secretary

DATE: April 7, 2015

APPROVED AS TO FORM:

  
MARK S. HOUSER  
City Attorney

# Exhibit A



Path: S:\MCKGIS\Notification\Projects\2014\14-333SUP.mxd

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

Being a tract of land situated in the JNO Manning Survey, Abstract No. 636, Collin County, Texas, being a portion of Lot 2, Block A of Vigor-Eldorado Addition, an Addition to the City of McKinney, Collin County, Texas, according to the plat thereof recorded in Cabinet P, Page 271, Map Records, Collin County, Texas, being a portion of that same tract of land conveyed to ASG El Dorado Pavilion, Ltd. By deed recorded in Volume 5582, Page 3867, Deed Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch iron rod found for corner in the South line of Eldorado Parkway (a 120' right-of-way), said point being the Northwest corner of Lot 18, Block F of Pine Ridge Estates Phase Two, an Addition to the City McKinney, Collin County, Texas, according to the map recorded in Cabinet L, Page 747, Map Records, Collin County, Texas;

Thence South 00 degrees 27 minutes 58 seconds West along the West line of said Block F of Pine Ridge Estates Phase Two, a distance of 297.85 feet to a point for corner;

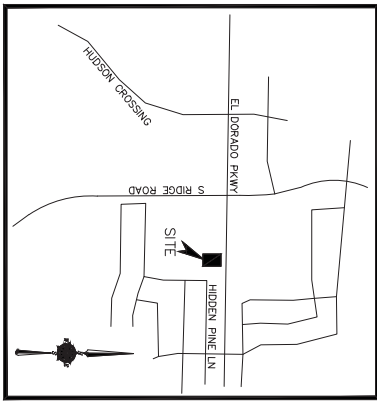
Thence leaving the West line of said Block F of Pine Ridge Estates Phase Two and traversing through said Lot 2, Block A as follows:

North 89 degrees 30 minutes 37 seconds West, a distance of 151.12 feet to a point for corner;

North 00 degrees 20 minutes 36 seconds West, a distance of 297.88 feet to a point for corner, said point being in the South line of aforementioned Eldorado Parkway;

Thence South 89 degrees 30 minutes 37 seconds East along the South line of said Eldorado Parkway, a distance of 155.44 feet to the Point of Beginning and containing 45,653 square feet or 1.048 of an acre of land.

# Exhibit C



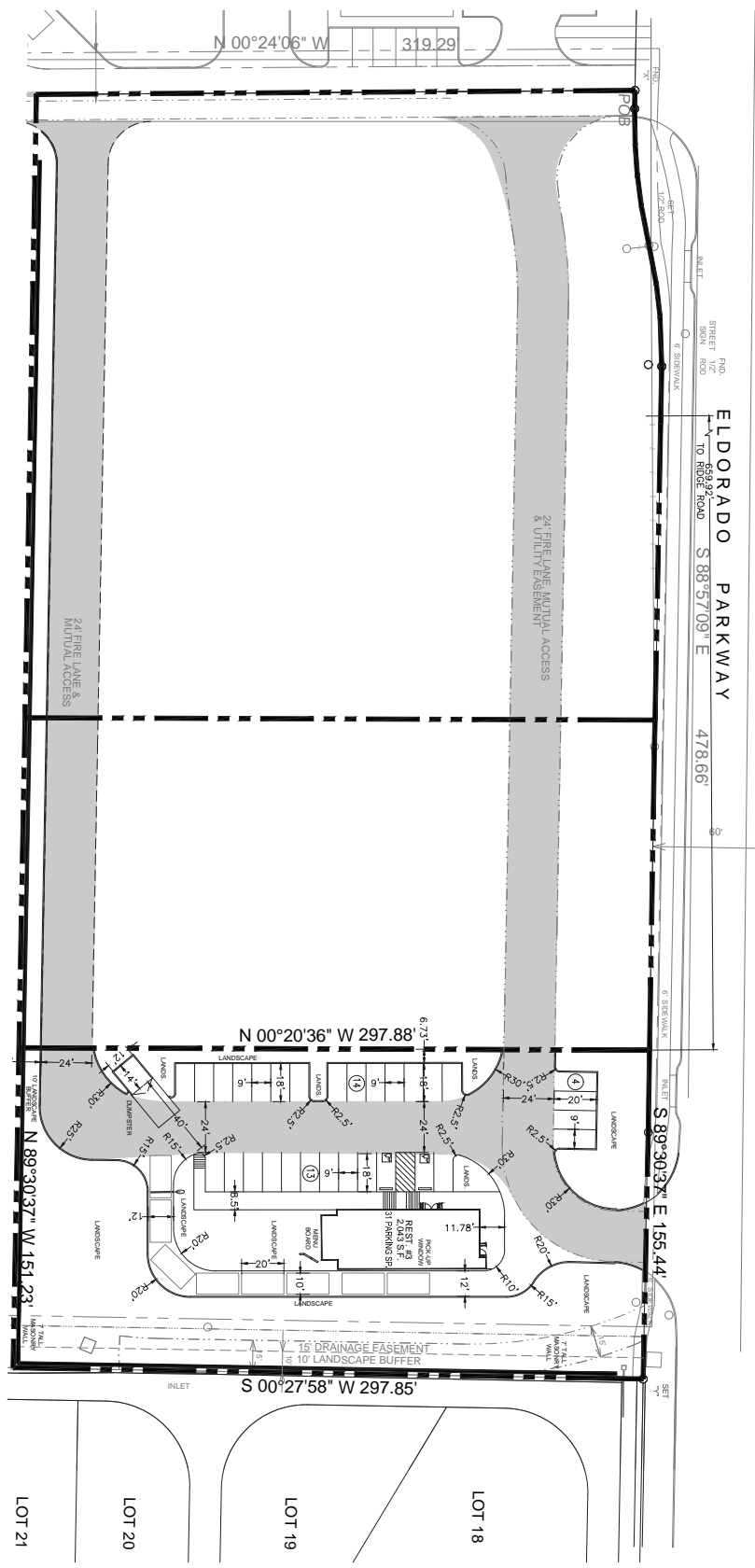
**LOCATION MAP**  
NOT TO SCALE

**LEGEND:**

- PROPERTY LINE
- PROPOSED CURB & CUTTER
- PARKING SPACES
- FIRELANE
- HANDICAP SPACES
- ADA RAMP

SITE DATA TABLE	
LOCATION:	SEG EL DORADO PKWY. & RIDGE ROAD MCKINNEY, TX 75070
SITE AREA:	1,049 AC. (45,687 S.F.)
ZONING:	PD-PLANNED DEVELOPMENT
CURRENT USE:	VACANT
PROPOSED USE:	RESTAURANT W/DRIVE-THRU
BUILDING DATA:	
BUILDING HEIGHT:	23'-2-5/8" (1 STORY)
BUILDING FOOTPRINT AREA:	2,043 S.F.
LOT COVERAGE:	5%
FLOOR AREA RATIO:	0.05
OCCUPANCY LOAD:	70
PARKING REQUIREMENTS:	REQUIRED PROVIDED
*1 SPACE PER 150 SQ.FT.	
PARKING SPACES:	14 29
ADA ACCESSIBLE PARKING SPACES:	1 2
TOTAL PARKING:	15 31
LANDSCAPE REQUIREMENTS:	
PERVIOUS:	21,185 S.F. (48.4%)
IMPERVIOUS:	24,502 S.F. (53.6%)



**APPLICANT:**  
GUGGENHEIM RETAIL REAL ESTATE PARTNERS, INC.  
3000 INTERNET BLVD, SUITE 570  
FRISCO, TX 75034  
CONTACT: ANGEL ROBINSON  
(214) 872-4800

**OWNER:**  
ASG EL DORADO PAVILION LTD  
2220 COIT RD., STE. 360  
PLANO, TX 75075  
CONTACT: MILDRED LAM  
(214) 390-1500

**CIVIL ENGINEER:**  
JOHN THOMAS ENGINEERING  
800 N. WATTERS, STE. 170  
ALLEN, TX 75013  
CONTACT: JOHN WITZELS  
(214) 451-1830

**SUP EXHIBIT**

EL DORADO PKWY & RIDGE ROAD  
A PORTION OF LOT 2, BLOCK A  
OF THE VIGOR-ELDORADO ADDITION  
MCKINNEY, TX 75070  
COLLIN COUNTY

REVISION RECORD	
12-25-14	INITIAL SUBMITTAL
1-12-15	CITY COMMENTS
1-27-15	CITY COMMENTS
1-30-15	CITY COMMENTS
2-23-15	UPDATE SITE PLANS
3-9-15	UPDATE SITE PLANS

**SUP EXHIBIT**  
**DRIVE THRU REST. #3**  
**EL DORADO PKWY & RIDGE ROAD**  
**MCKINNEY, TX 75070**

FIRM NO. E-12225

**John Thomas ENGINEERING**  
800 N. WATTERS, SUITE 170 ALLEN, TX 75013 PH: 214-491-1830

Exhibit D

