

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.

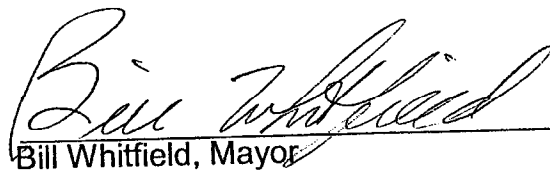
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of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

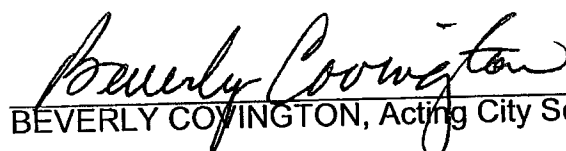
Section 6. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner 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

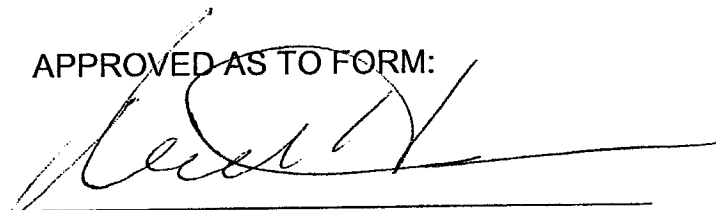
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 7<sup>TH</sup> DAY OF SEPTEMBER, 2004.**

  
Bill Whitfield, Mayor

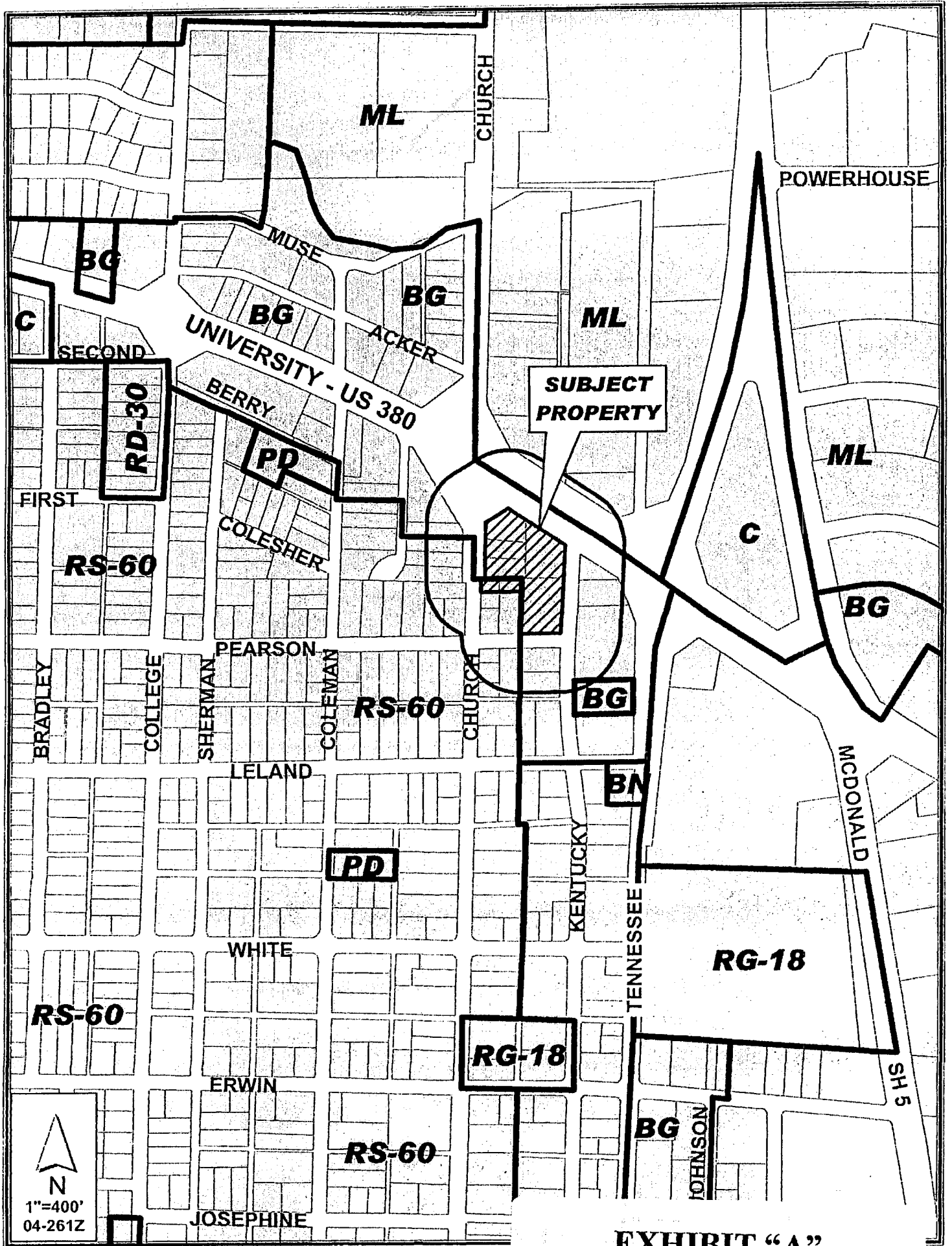
CORRECTLY ENROLLED:

  
BEVERLY COVINGTON, Acting City Secretary

APPROVED AS TO FORM:

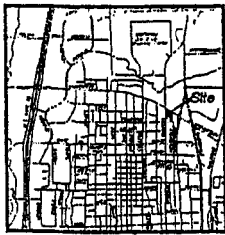
A handwritten signature in black ink, appearing to read 'Mark S. Houser', written over a horizontal line.

MARK S. HOUSER, City Attorney



  
 N  
 1"=400'  
 04-261Z

**EXHIBIT "A"**



Vicinity Map



REPAIR EXCAVATION  
SAFETY MEMPHIS  
LAW-8-24-85-7

**SITE PLAN SUMMARY TABLE**

ANALYSIS SHOWS MEETS AN OFFICIAL REPORT'S SHEET-TABLE 1

PROPOSED USE: REPAIR EXCAVATION, SUBSTITUTION OF EXISTING QUARTER COMMERCIAL STORE

SOAKAGE POTENTIAL BY EACH PROPOSED USE

PROPOSED USE	AREA (S.F.)	SOAKAGE SPACES
REPAIR EXCAVATION	1,200	20
PROPOSED OVERLAP	1,200	20
EXISTING QUARTER COMMERCIAL STORE	1,200	20
<b>TOTAL SOAKAGE POTENTIAL</b>	<b>3,600</b>	<b>60</b>

STANDARD SPACES: 20

ADDITIONAL: 2

TOTAL SPACES PROVIDED: 22

REPAIR EXCAVATION: 17-18"

TOTAL OVERLAP: 17-18"

PROPOSED USE: 17-18"

EXISTING QUARTER COMMERCIAL STORE: 17-18"

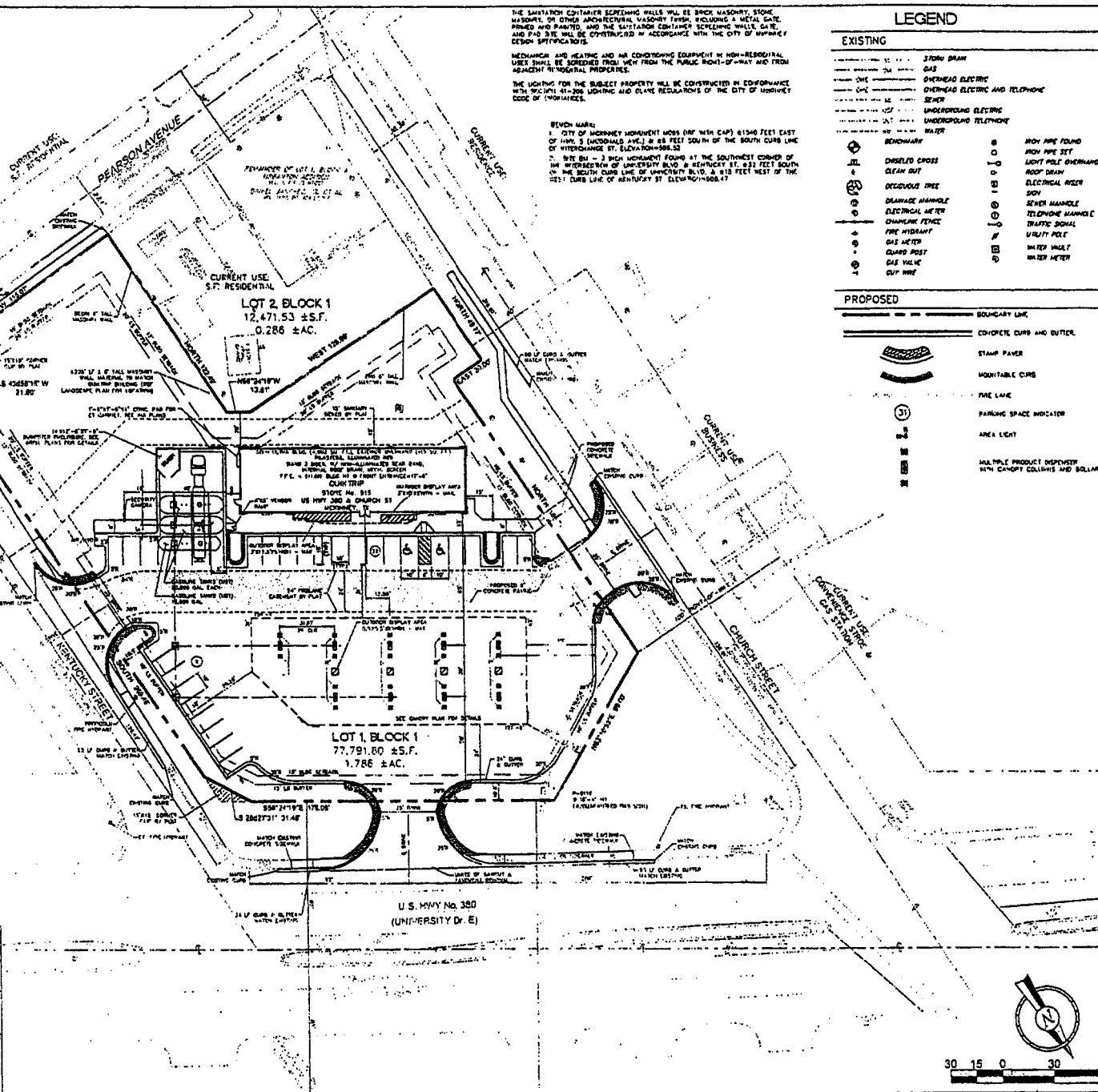
PROPOSED USE: 17-18"

EXISTING QUARTER COMMERCIAL STORE: 17-18"

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

OWNER: QUARTER COMMERCIAL STORE, 1401 W. UNIVERSITY DR., SUITE 100, DALLAS, TEXAS 75248  
OWNER: QUARTER COMMERCIAL STORE, 1401 W. UNIVERSITY DR., SUITE 100, DALLAS, TEXAS 75248  
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OWNER: QUARTER COMMERCIAL STORE, 1401 W. UNIVERSITY DR., SUITE 100, DALLAS, TEXAS 75248

CURRENT USE: OFFICE



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

MEDIA AND HEATING AND AIR CONDITIONING EQUIPMENT IN NON-RESIDENTIAL USES SHALL BE SPOREED FROM VIEW FROM THE PUBLIC RIGHT-OF-WAY AND FROM ADJACENT NEIGHBORLY 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 (RIP WITH CAP) 61340 FEET EAST OF MARK 3 (UNDERSHOWN AREA) IS 88 FEET SOUTH OF THE SOUTH CURB LINE OF WYTHAMMERE ST. ELEVATION=588.52  
2. RITE BU - 3 HIGH MONUMENT FOUND AT THE SOUTHWEST CORNER OF THE INTERSECTION OF UNIVERSITY BLVD. & HENRY ST. IS 52 FEET SOUTH OF THE SOUTH CURB LINE OF UNIVERSITY BLVD. & 818 FEET WEST OF THE WEST CURB LINE OF HENRY ST. ELEVATION=588.47

**LEGEND**

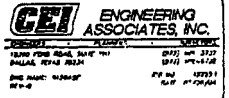
- EXISTING**
- STORM DRAIN
  - GAS
  - OVERHEAD ELECTRIC
  - OVERHEAD ELECTRIC AND TELEPHONE
  - SEWER
  - UNDERGROUND ELECTRIC
  - UNDERGROUND TELEPHONE
  - WATER
  - IRON PIPE FOUND
  - IRON PIPE SET
  - LIGHT POLE OVERHANGING
  - ROOF DRAIN
  - ELECTRICAL RISEN
  - SOFFIT
  - SEWER MANHOLE
  - TELEPHONE MANHOLE
  - TRAFFIC SIGNAL
  - UTILITY POLE
  - WATER MOUNT
  - WATER METER
- PROPOSED**
- BOUNDARY LINE
  - CONCRETE CURB AND OUTLET
  - STAMP PAVEMENT
  - MONITABLE CURB
  - FIRE LAKE
  - PARKING SPACE INDICATOR
  - AREA LIGHT
  - MULTIPLE PRODUCT MONUMENT WITH CONCRETE COLLARS AND BOLLARDS



4705 South 139th East Ave.  
Tulsa, OK 74134-7000  
P.O. Box 3473  
Tulsa, OK 74101-3473  
(918) 812-1700

**GENERAL NOTES**

- UNLESS OTHERWISE SHOWN, CALLED OUT OR SPECIFIED HEREON OR WITHIN THE SPECIFICATIONS, ALL CONCRETE ADJACENT TO CONCRETE PAVING SHALL BE INSTALLED PER DETAIL SHEET 15. ALL PAVING, LOT STOPPING INCLUDING ACCESSIBLE AND NON-ACCESSIBLE SPACES SHALL BE PAVED PER DETAIL SHEET 16.
  - HANDICAP PARKING SPACES SHALL BE COMPLETED ON THE HANDED PARKING SPACES. SHALL BE MARKED PER THE INTERNATIONAL SYMBOLS OF ACCESSIBILITY ON THEM AND ONE SIGN SHALL MARK THE STATEMENT "HANDICAP ACCESSIBLE" ALONG THE SIDING, OF ACCESSIBILITY. BOTTOM OF SIGN SHALL BE A MINIMUM OF 6" AND A MAXIMUM OF 12" ABOVE THE SIDEWALK.
  - 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 BE THE RESponsible PARTY TO VERIFY THE UTILITY LOCATIONS PRIOR TO CONSTRUCTION.
  - SEE DRAINING PLAN FOR DETAILS OF THE STORM DRAIN SYSTEM AND SITE GRADING.
  - THE PROPOSED ZONING OF THIS PROPERTY IS "C-2" (GENERAL BUSINESS-PLANNED DEVELOPMENT).
  - FIRE LINES SHALL BE PROPERLY MARKED WITH A RED HIGH RED STONE WITH FOUR INCH WHITE LETTERS READING "FIRE LINE" AND PARALLEL EVERY TEN TO TWENTY FEET ALONG THE ENTIRE LENGTH OF THE FIRE LINE. FIRE LINE MARKINGS SHALL BE ON THE VERTICAL SURFACE OF THE CURB WHEN A CURB IS PRESENT.
  - SEE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF PORCHES, RAMPS, VESTIBULES, SLOPED PAVING, TRUCK DOCKS, SLOPED UTILITY DISTANCE LOCATIONS AND PRECISE BUILDING DIMENSIONS.
  - STORM DRAIN: SEE STORM DRAINING PLAN FOR DETAILS.
  - PROPOSED PLANS AND THE EXISTING PROPERTY OF QUARTER COMMERCIAL STORE, 1401 W. UNIVERSITY DR., SUITE 100, DALLAS, TEXAS 75248, IS SUBJECT TO THE CITY OF MCKINNEY, TEXAS, ZONING ORDINANCES AND THE CITY OF MCKINNEY, TEXAS, PLANNING DEPARTMENT IN CASE A TABLE OF 10' OR MORE, AS SHOWN ON THESE PLANS.
- | No. | Revision | Date |
|-----|----------|------|
|     |          |      |

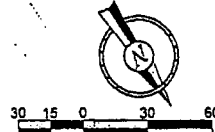


15  
AUG 26

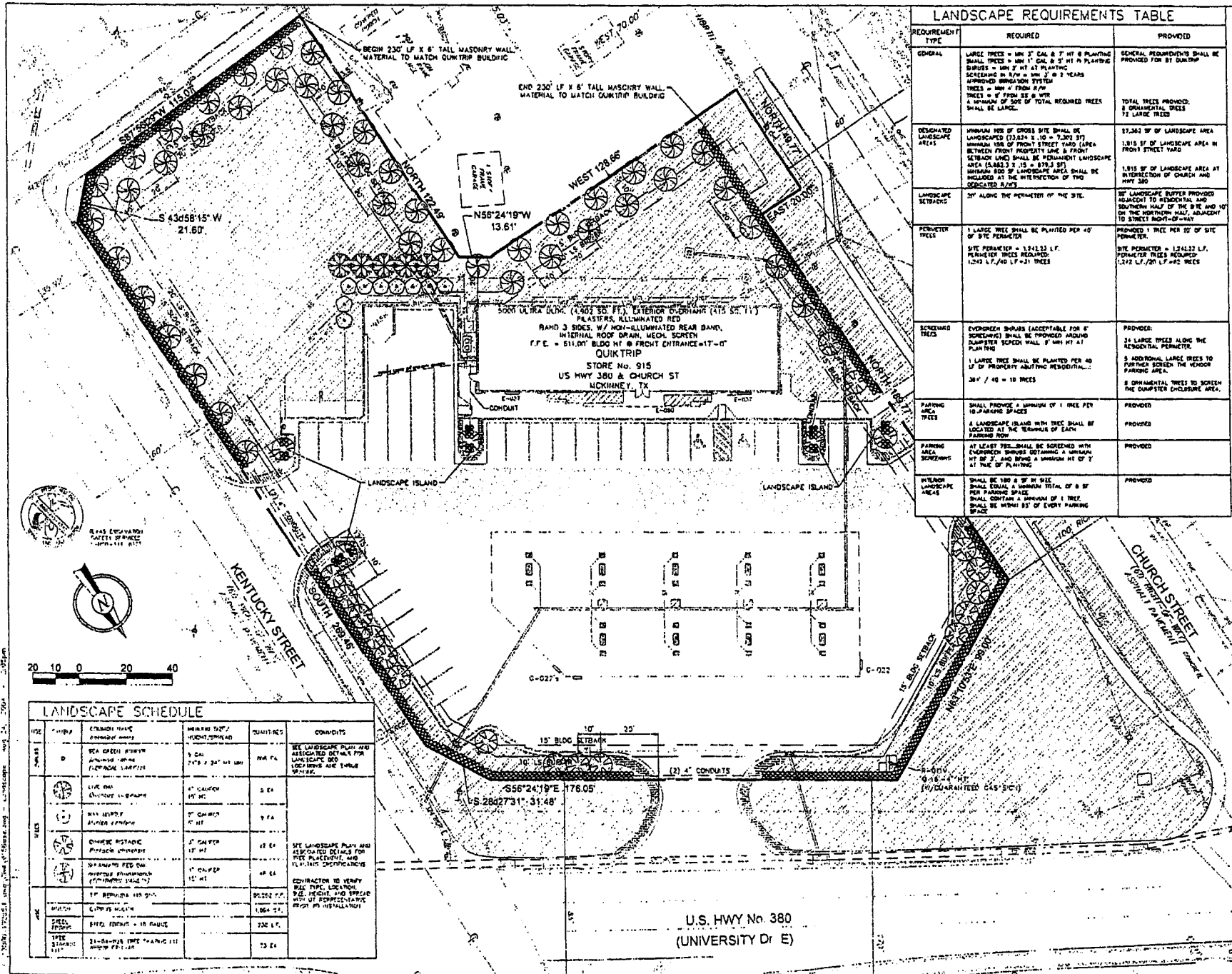
**SITE PLAN**

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

SHEET: 3




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



LANDSCAPE REQUIREMENTS TABLE		
REQUIREMENT TYPE	REQUIRED	PROVIDED
GENERAL	LARGE TREES = MIN 3" CAL & 7' HT & PLANTING SHALL BE MIN 1" CAL & 2' HT & PLANTING SCREENING IN ROW = MIN 3" @ 2 YEARS APPROVED BRUNNEN SYSTEM TREES = MIN 4" FROM SE & W WITH 1/4" MAXIMUM OF SIZE OF TOTAL REQUIRED TREES SHALL BE LARG.	GENERAL REQUIREMENTS SHALL BE PROVIDED FOR BY DUMPTRIP  TOTAL TREES PROVIDED: 8 ORNAMENTAL TREES 72 LARGE TREES
DESIGNATED LANDSCAPE AREAS	MINIMUM PER OF GROSS SITE SHALL BE LANDSCAPED (23,824 X 10 = 7,307 SF) MINIMUM USE OF FRONT STREET YARD (AREA BETWEEN FRONT PROPERTY LINE & FRONT STREET LINE) SHALL BE RESIDENTIAL LANDSCAPE AREA (5,882 X 15 = 87,733 SF) MINIMUM SIZE OF LANDSCAPE AREA SHALL BE INCLUDED AT THE INTERSECTION OF TWO DESIGNATED 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 SCREENS	50' ALONG THE PERIMETER OF THE SITE.	80' LANDSCAPE BUFFER PROVIDED ADJACENT TO RESIDENTIAL AND SOUTHERN HALF OF THE SITE AND 40' ON THE NORTHERN HALF, ADJACENT TO STREET MIDWAY-OF-WAY
PERIMETER TREES	1 LARGE TREE SHALL BE PLANTED PER 40' OF SITE PERIMETER. SITE PERIMETER = 1,241.22 L.F. PERIMETER TREES REQUIRED: 1,241 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: 1,241 L.F. / 20 L.F. = 62 TREES
SCREENING TREES	EVENHEDGE SCREENS (ACCEPTABLE FOR SCREENING) SHALL BE PROVIDED AROUND DUMPSTER SCREEN WALL 9' MIN HT AT PLANTING 1 LARGE TREE SHALL BE PLANTED PER 40 L.F. 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 PROVIDED
PARKING AREA SCREENING	AT LEAST 75% SHALL BE SCREENED WITH EVENHEDGE SCREENS BEARING A MINIMUM HT OF 2', AND BEING A MINIMUM HT OF 2' AT THE OF PLANTING	PROVIDED
VEHICULAR LANDSCAPE AREAS	SHALL BE 100' X 50' 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	(Symbol)	SEA GREEN SHRUB	3" CAL / 2' H / 2' S	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND PLANTING SPECIFICATIONS
2	(Symbol)	ORANGE BURNING BUSH	3" CAL / 2' H / 2' S	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND PLANTING SPECIFICATIONS
3	(Symbol)	ORANGE BURNING BUSH	3" CAL / 2' H / 2' S	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND PLANTING SPECIFICATIONS
4	(Symbol)	ORANGE BURNING BUSH	3" CAL / 2' H / 2' S	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND PLANTING SPECIFICATIONS
5	(Symbol)	ORANGE BURNING BUSH	3" CAL / 2' H / 2' S	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND PLANTING SPECIFICATIONS
6	(Symbol)	ORANGE BURNING BUSH	3" CAL / 2' H / 2' S	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND PLANTING SPECIFICATIONS
7	(Symbol)	ORANGE BURNING BUSH	3" CAL / 2' H / 2' S	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND PLANTING SPECIFICATIONS
8	(Symbol)	ORANGE BURNING BUSH	3" CAL / 2' H / 2' S	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND PLANTING SPECIFICATIONS
9	(Symbol)	ORANGE BURNING BUSH	3" CAL / 2' H / 2' S	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND PLANTING SPECIFICATIONS
10	(Symbol)	ORANGE BURNING BUSH	3" CAL / 2' H / 2' S	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND PLANTING SPECIFICATIONS



**QuikTrip**

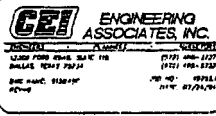
4703 South 129th East Ave  
Tulsa, OK 74134-7008  
P.O. Box 5815  
Tulsa, OK 74181-3415  
(918) 818-7700

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**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.**

REGISTERED PROFESSIONAL ENGINEERS  
LICENSED PROFESSIONAL LANDSCAPE ARCHITECTS  
2000 W. 10TH ST. SUITE 100  
DALLAS, TEXAS 75201  
(214) 496-1127  
(214) 496-1128  
FAX: (214) 496-1129  
WWW.CEI-INC.COM

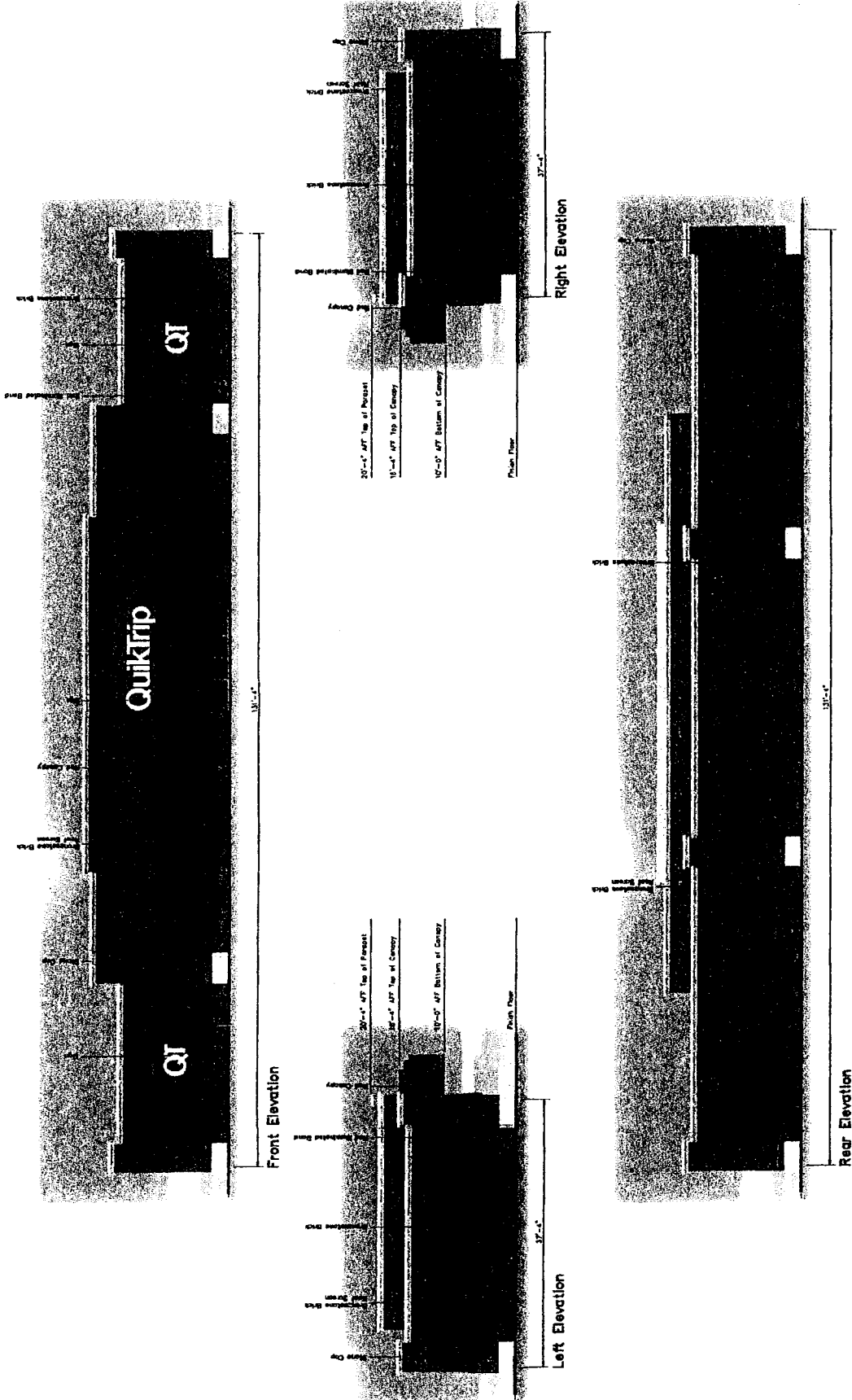
DATE: 2.6.20

LANDSCAPE PLAN

DRAWN BY: KSH	8
DESIGNED BY: KSH	
CHECKED BY: TSM	
DATE: 7/25/20	

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

**EXHIBIT "C"**



1  
AUG 26 2004



**QuikTrip.**  
 1775 Hwy. 1380, Suite 100  
 Irving, TX 75038-1473  
 (913) 815-7760

# Building Elevations

QuikTrip Store No. :915

US Hwy 380 & Church

McKinney, TX

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Preparation Exhibit  
 5000 Stone Cab Store

DATE: 8/15/04	1
SCALE: 1/16" = 1'-0"	
DRAWN BY: [illegible]	2
ISSUED BY: 07/28/04	

EXHIBIT "D"