

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.

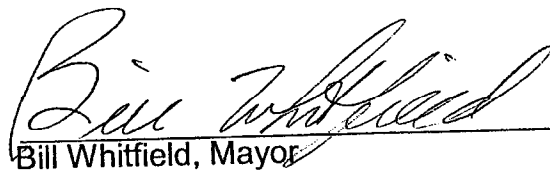
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of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

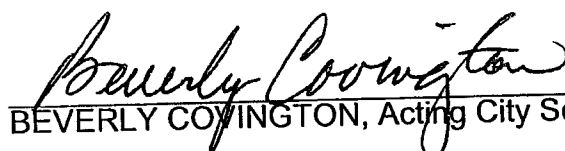
Section 6. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner 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

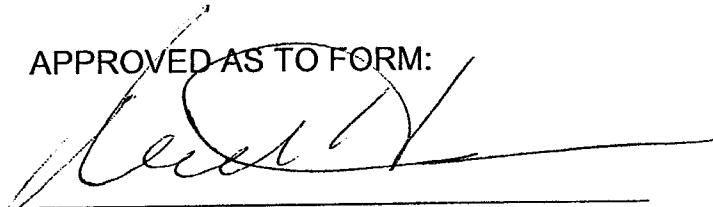
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 7<sup>TH</sup> DAY OF SEPTEMBER, 2004.**

  
Bill Whitfield, Mayor

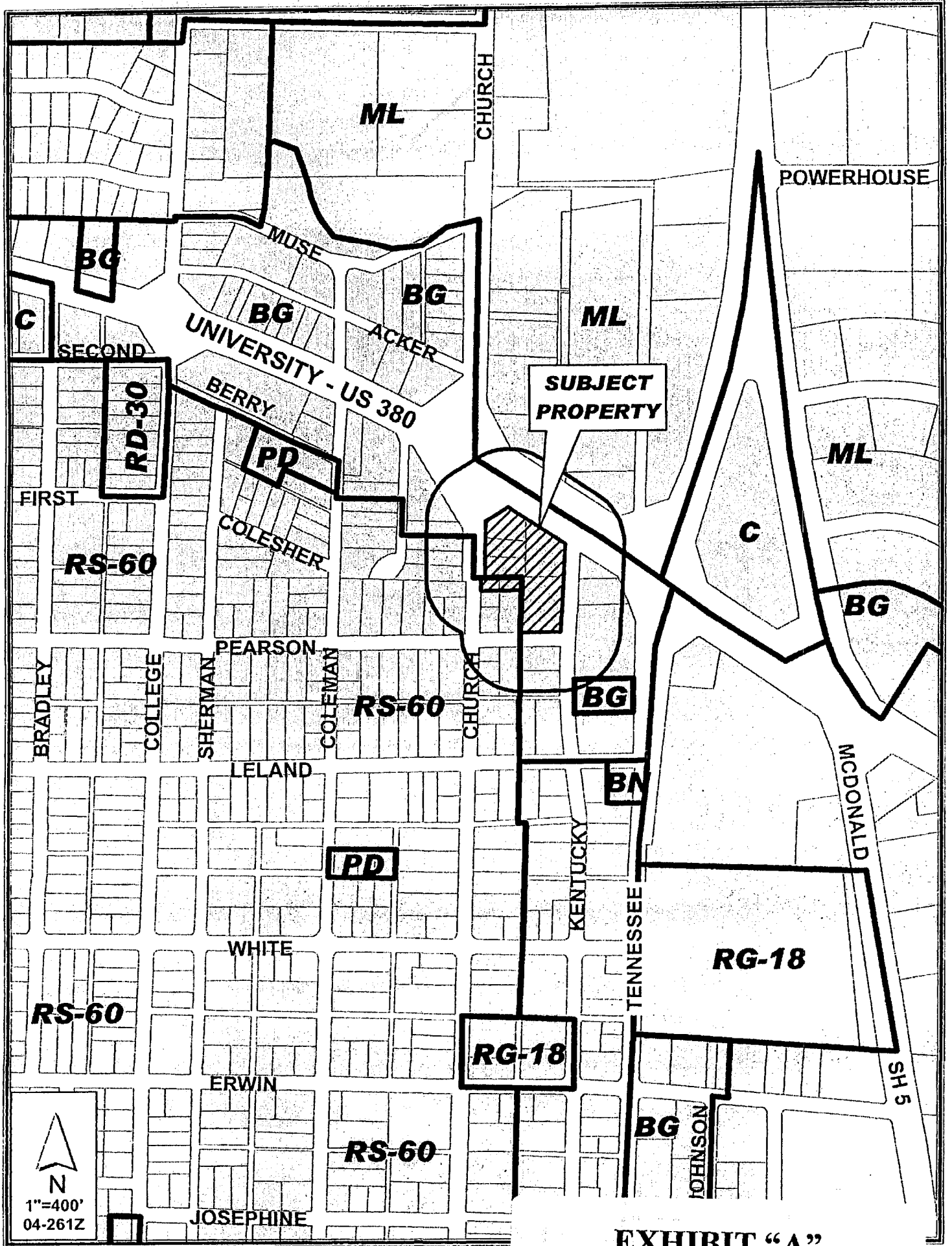
CORRECTLY ENROLLED:

  
BEVERLY COVINGTON, Acting City Secretary

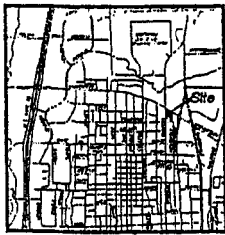
APPROVED AS TO FORM:

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

MARK S. HOUSER, City Attorney



**EXHIBIT "A"**



Vicinity Map



REPAIR EXCAVATION  
SAFETY MEMPHIS  
1-800-544-8577

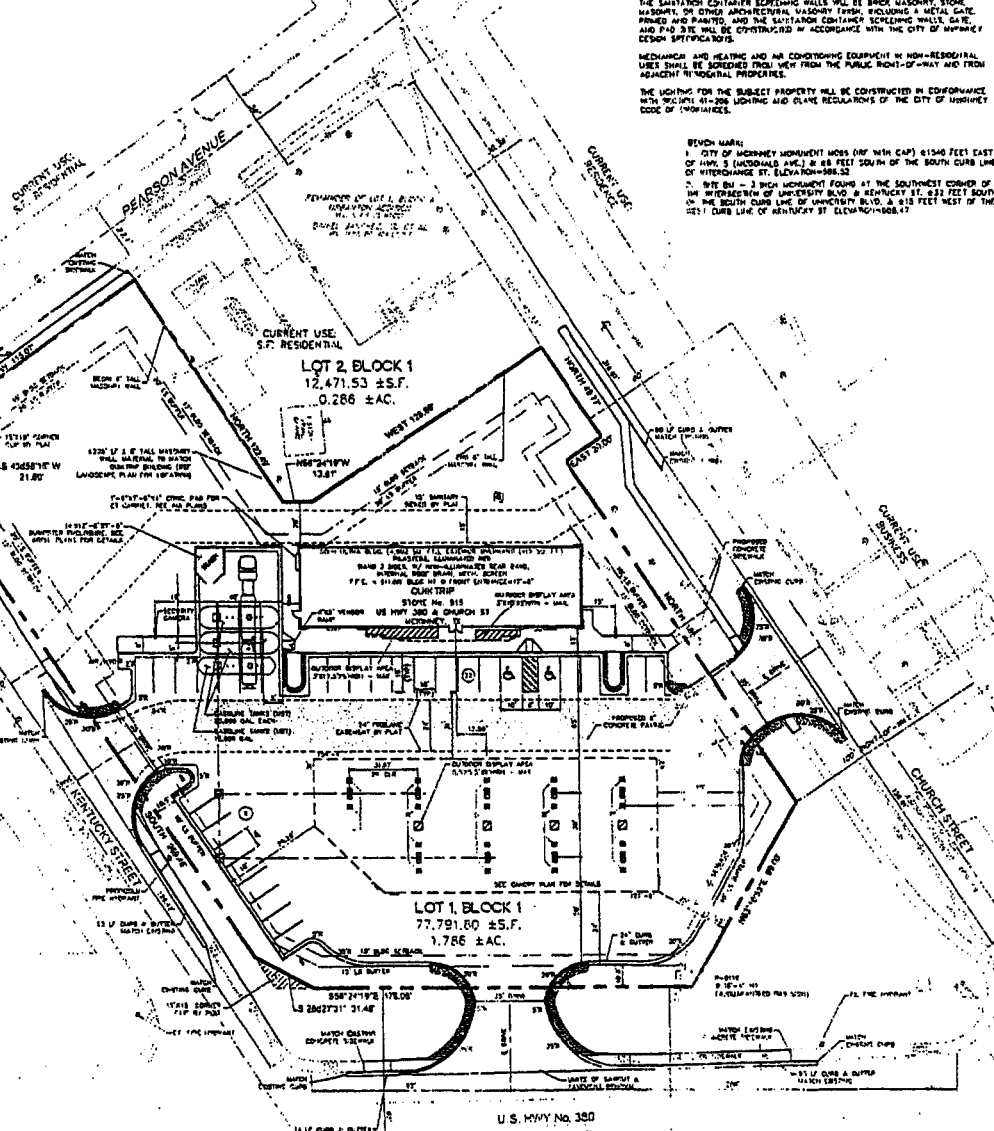
SITE PLAN SUMMARY TABLE

ANALYSIS: SHOWS NEARS AN ORIGINAL PROPERTY SURVEY TABLE  
PURPOSED USE: REPAIR EXCAVATION, SUBSEQUENTLY REPAIR EXCAVATION  
OWNER: QUAKTRIP STORE

NO.	DESCRIPTION	AREA (S.F.)	REMARKS
1	REPAIR EXCAVATION	4,792 S.F.	20'
2	PARKING OVERLAP	410 S.F.	10'
3	FLUORESCENT LIGHTS	14	10' SPACES
4	STANDARD SPACES	72	10' SPACES
5	ACCESSIBLE	2	10' SPACES
6	TOTAL SPACES AVAILABLE	31	SPACES
7	REPAIR EXCAVATION	17'-11"	
8	TOTAL LOT AREA	1,786 ACRES	
9	REPAIR EXCAVATION COVERAGE	85%	

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

BY: [Signature]  
 TITLE: [Title]  
 FIRM: [Firm Name]  
 ADDRESS: [Address]  
 PHONE: [Phone Number]  
 EMAIL: [Email Address]



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 FENCE 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 NEIGHBORHOODS.

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.

- BOUND MARK:
- CITY OF MCKINNEY MONUMENT MARK (TOP WITH CAP) 61340 FEET EAST OF MARK 2 (UNDEVELOPED AREA) IS 88 FEET SOUTH OF THE SOUTH CURB LINE OF WYTHAMBURG ST. ELEVATION=586.52
  - BYE BU - 3 INCH MONUMENT FOUND AT THE SOUTHWEST CORNER OF THE INTERSECTION OF UNIVERSITY BLVD & KENNESAW ST. IS 52 FEET SOUTH OF THE SOUTH CURB LINE OF UNIVERSITY BLVD. & 818 FEET WEST OF THE WEST CURB LINE OF KENNESAW ST. ELEVATION=586.47

LEGEND

EXISTING	
[Symbol]	STORM DRAIN
[Symbol]	GAS
[Symbol]	OVERHEAD ELECTRIC
[Symbol]	OVERHEAD ELECTRIC AND TELEPHONE
[Symbol]	SEWER
[Symbol]	UNDERGROUND ELECTRIC
[Symbol]	UNDERGROUND TELEPHONE
[Symbol]	WATER
[Symbol]	IRON PIPE FOUND
[Symbol]	IRON PIPE SET
[Symbol]	LIGHT POLE OVERHANGING
[Symbol]	ROOF DRAIN
[Symbol]	ELECTRICAL RISER
[Symbol]	SOFFIT
[Symbol]	SEWER MANHOLE
[Symbol]	TELEPHONE MANHOLE
[Symbol]	TRAFFIC SIGNAL
[Symbol]	UTILITY POLE
[Symbol]	WATER MOUNT
[Symbol]	WATER METER

PROPOSED	
[Symbol]	BOUNDARY LINE
[Symbol]	CONCRETE CURB AND OUTLET
[Symbol]	STAMP PAVEMENT
[Symbol]	MONITABLE CURB
[Symbol]	FIRE LAKE
[Symbol]	PARKING SPACE INDICATOR
[Symbol]	AREA LIGHT
[Symbol]	MULTIPLE PRODUCT INDICATOR WITH CANOPY COLLARS AND BOLLARDS

4785 South 139th East Ave.  
Tulsa, OK 74134-1000  
P.O. Box 2473  
Tulsa, OK 74101-3473  
(918) 512-1100

**GENERAL NOTES**

- UNLESS OTHERWISE SHOWN, CALLED OUT OR SPECIFIED HEREON OR WITHIN THE SPECIFICATIONS, ALL CURBING ADJACENT TO CONCRETE PAVING SHALL BE INSTALLED PER DETAIL SHEET 15. ALL PARKING LOT STIPING INCLUDING ACCESSIBLE AND NON-ACCESSIBLE SPACES SHALL BE PAVED PER DETAIL SHEET 15.
- HANDICAP PARKING SPACES SHALL BE CENTERED ON THE HANDICAP PARKING SPACES. SIGNAGE SHALL BE INSTALLED PER DETAIL SHEET 15. THE SIGNAGE SHALL BE INSTALLED PER DETAIL SHEET 15. THE SIGNAGE SHALL BE INSTALLED PER DETAIL SHEET 15.
- THE UTILITY LOCATIONS REPRESENTED ON THIS DRAWING WERE OBTAINED FROM BOTH FIELD OBSERVATIONS AND INFORMATION FROM VARIOUS UTILITY COMPANIES. CONTRACTORS SHALL CONTACT THE VARIOUS UTILITY COMPANIES AND THE CITY OF MCKINNEY IN ORDER TO VERIFY UTILITY LOCATIONS PRIOR TO CONSTRUCTION.
- SEE EXCAVATION PLAN FOR DETAILS OF THE STORM SEWER SYSTEM AND SITE GRADING.
- THE PROPOSED ZONING OF THIS PROPERTY IS "S-C-1" (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 PAINTED 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 PRECAST BUILDING.

No.	Revision	Date

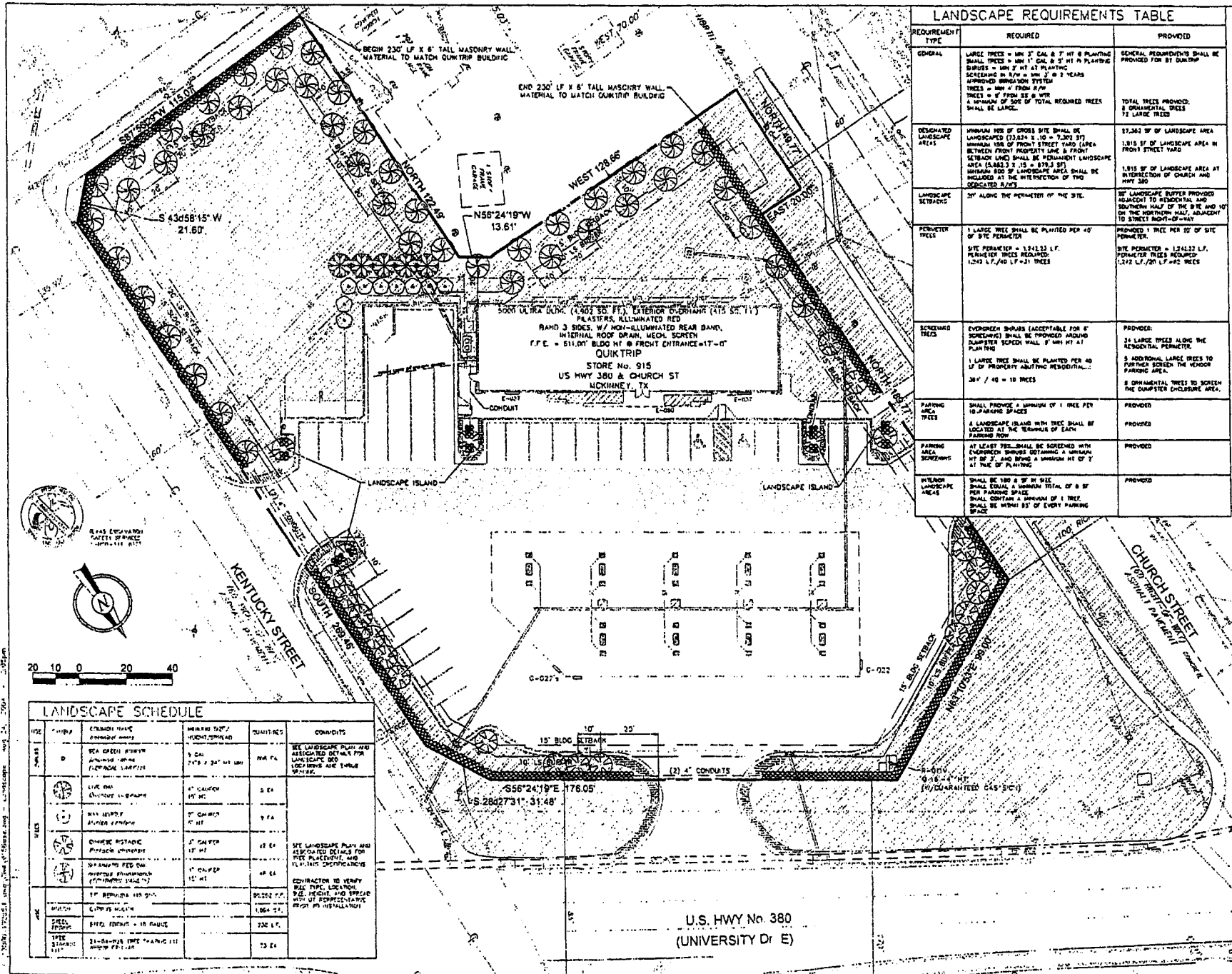
**CEI ENGINEERING ASSOCIATES, INC.**  
 ENGINEERING ARCHITECTS SURVEYORS  
 1500 PINE HILLS DRIVE, SUITE 100  
 PALLAS, TEXAS 75074  
 PHONE: 972-245-8000 FAX: 972-245-8001  
 WWW: WWW.CEI-INC.COM EMAIL: INFO@CEI-INC.COM

15  
 AUG 26 2004  
 SITE PLAN

DRAWN BY: RJK	SHEET 3
DESIGNED BY: RJK	OF
CHECKED BY: FSH	
ISSUE DATE: 7/26/04	




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 SQ) 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 SQ) 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 STRIPES	5% ALONG THE PERIMETER OF THE SITE.	80% LANDSCAPE BUFFER PROVIDED ADJACENT TO RESIDENTIAL AND SOUTHERN HALF OF THE SITE AND 10% 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	EVENINGEN SHRUBS (ACCEPTABLE FOR SCREENING) SHALL BE PROVIDED AROUND DUMPSTER SCREEN WALL 9' 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 PROVIDED
PARKING AREA SCREENING	AT LEAST 75% SHALL BE SCREENED WITH EVENINGEN SHRUBS BEARING A MINIMUM HT OF 3', AND BEING A MINIMUM HT OF 7' 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 APPROX 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	3" CAL / 7' H / 30" W	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND LOCATION. SEE SPECIFICATIONS FOR TREE SPECIFICATIONS.
2	(Tree Symbol)	SEA GREEN SHRUB	3" CAL / 7' H / 30" W	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND LOCATION. SEE SPECIFICATIONS FOR TREE SPECIFICATIONS.
3	(Tree Symbol)	SEA GREEN SHRUB	3" CAL / 7' H / 30" W	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND LOCATION. SEE SPECIFICATIONS FOR TREE SPECIFICATIONS.
4	(Tree Symbol)	SEA GREEN SHRUB	3" CAL / 7' H / 30" W	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND LOCATION. SEE SPECIFICATIONS FOR TREE SPECIFICATIONS.
5	(Tree Symbol)	SEA GREEN SHRUB	3" CAL / 7' H / 30" W	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND LOCATION. SEE SPECIFICATIONS FOR TREE SPECIFICATIONS.
6	(Tree Symbol)	SEA GREEN SHRUB	3" CAL / 7' H / 30" W	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND LOCATION. SEE SPECIFICATIONS FOR TREE SPECIFICATIONS.
7	(Tree Symbol)	SEA GREEN SHRUB	3" CAL / 7' H / 30" W	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND LOCATION. SEE SPECIFICATIONS FOR TREE SPECIFICATIONS.
8	(Tree Symbol)	SEA GREEN SHRUB	3" CAL / 7' H / 30" W	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND LOCATION. SEE SPECIFICATIONS FOR TREE SPECIFICATIONS.
9	(Tree Symbol)	SEA GREEN SHRUB	3" CAL / 7' H / 30" W	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND LOCATION. SEE SPECIFICATIONS FOR TREE SPECIFICATIONS.
10	(Tree Symbol)	SEA GREEN SHRUB	3" CAL / 7' H / 30" W	100 EA	SEE LANDSCAPE PLAN AND RESPONSED DETAILS FOR PLACEMENT AND LOCATION. SEE SPECIFICATIONS FOR TREE SPECIFICATIONS.

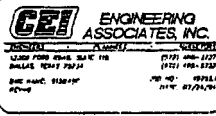


4703 South 129th East Ave  
Tulsa, OK 74134-7008  
P.O. Box 5815  
Tulsa, OK 74181-3415  
(918) 818-7700

**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



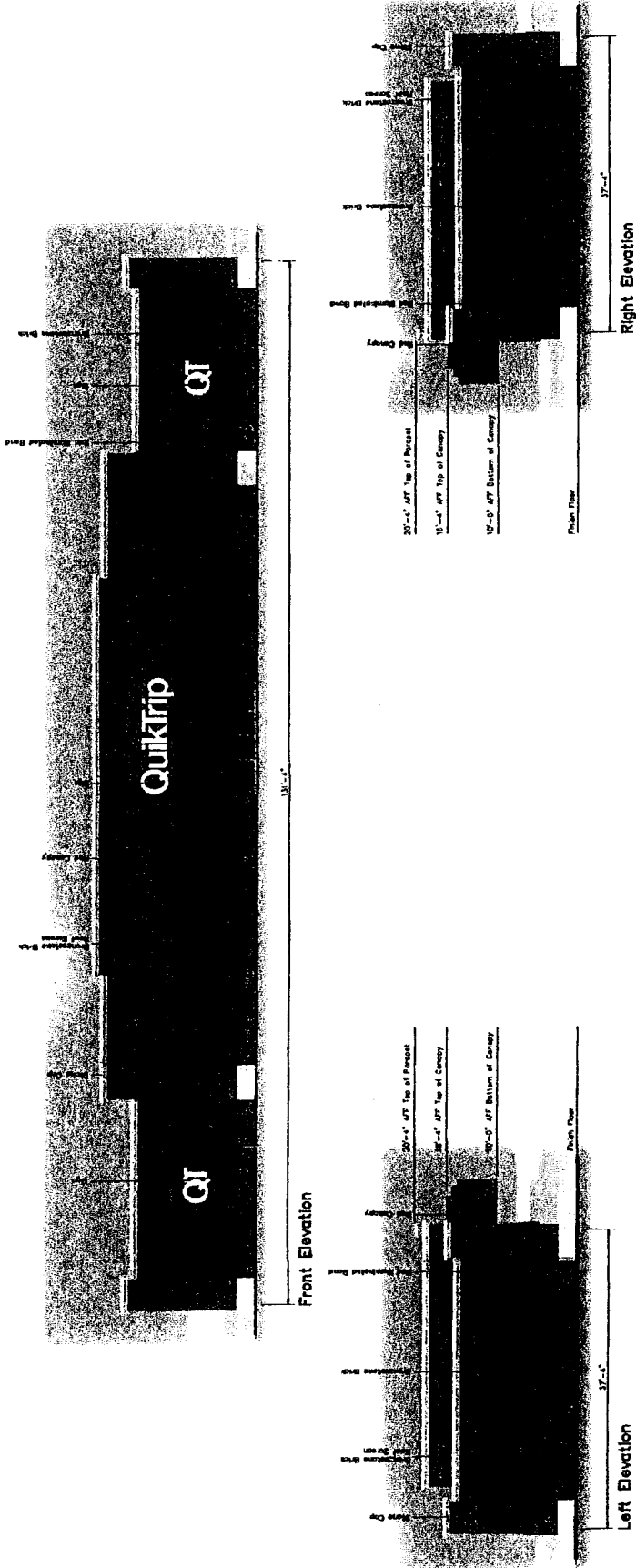
DATE: 2.6.20

LANDSCAPE PLAN

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

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

**EXHIBIT "C"**



AUG 26 2004

<p><b>QuikTrip.</b> 1775 Ave. 138th, Suite 200 Tomball, TX 77375-1775 (813) 818-7780</p>	<p><b>Building Elevations</b></p> <p>QuikTrip Store No. :915      US Hwy 380 &amp; Church      McKinney, TX</p>		<p>Copyright © 2004. All rights reserved. No part of this document may be reproduced without the written permission of QuikTrip. All other trademarks are the property of their respective owners. This document is for informational purposes only and does not constitute an offer of any financial product or service. All other trademarks are the property of their respective owners.</p>	<p>Preparation Exhibit 5000 Stone Cab Store</p> <p>DATE: 8/26/04 SCALE: 1/16" = 1'-0" DRAWN BY: [redacted] CHECKED BY: [redacted]</p>
	<p>1</p>			

EXHIBIT "D"