

**ORDINANCE NO. 2015-04-027**

**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 2.00 ACRES, LOCATED ON THE SOUTH SIDE OF ELDORADO PARKWAY AND APPROXIMATELY 220 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 2.00 acre tract, located on the south side of Eldorado Parkway and approximately 220 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 amendment should be made.

**NOW, THEREFORE, BE IT HEREBY 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 2.00 acres, located on the south side of Eldorado Parkway and approximately 220 feet east of Ridge Road, and as depicted on Exhibits "A" and "B", attached hereto.

Section 2. The subject property shall generally develop in accordance with Exhibit "C", and made a part hereof.

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.

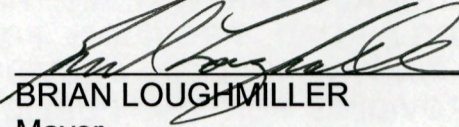
Section 4. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue 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 the law.

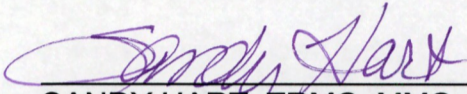
Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

**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

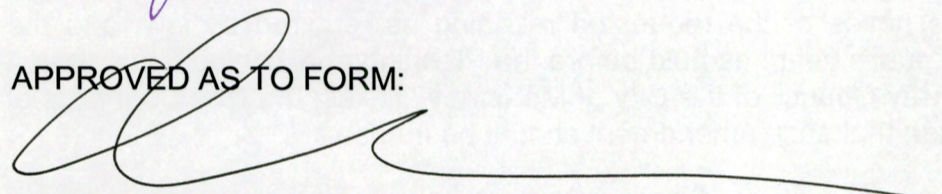
  
BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

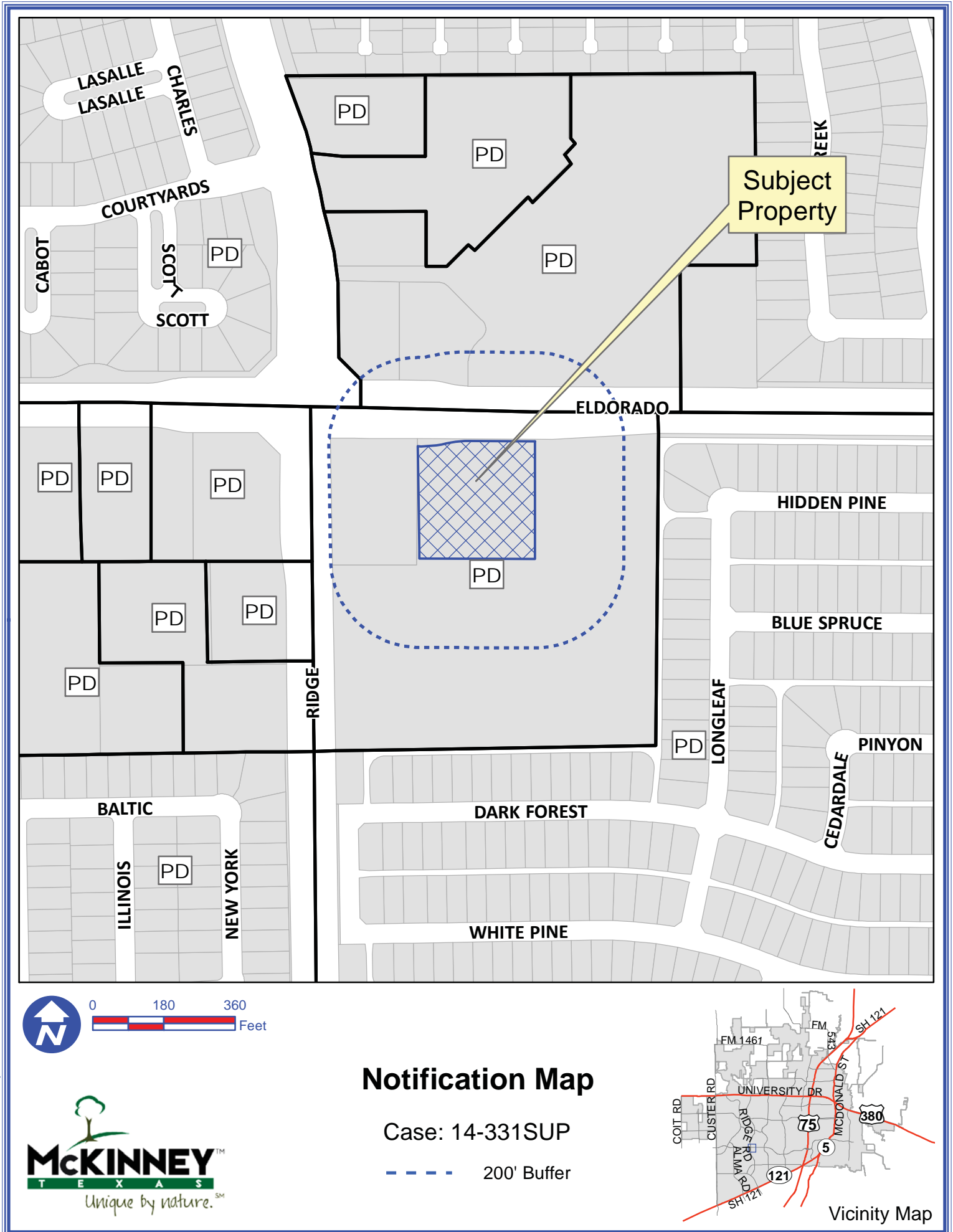
  
SANDY HART, TRMC, MMC  
City Secretary  
DENISE VICE, TRMC  
Assistant City Secretary

DATE: April 7, 2015

APPROVED AS TO FORM:

  
MARK S. HOUSER  
City Attorney

# Exhibit A



Path: S:\MCKGIS\notification\Projects\2014\14-331SUP.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 an "X" found for corner in the South line of Eldorado Parkway (a 120' right-of-way), said point being the Northeast corner of Lot 1, Block A of said Vigor-Eldorado Addition;

Thence South 89 degrees 30 minutes 37 seconds East along the South line of said Eldorado Parkway, a distance of 8.65 feet to an "X" found for corner, said point being in a curve to the left having a radius of 265.00 feet, a delta of 14 degrees 04 minutes 10 seconds and a chord bearing North 83 degrees 27 minutes 17 seconds East, a distance of 64.91 feet;

Thence in a Northeasterly direction along the South line of said Eldorado Parkway and curve to the left, an arc distance of 65.07 feet to a 1/2 inch iron rod found for corner, said point being in a compound curve to the right having a radius of 235.00 feet, a delta of 14 degrees 04 minutes 09 seconds and a chord bearing North 83 degrees 27 minutes 17 seconds East, a distance of 57.56 feet;

Thence continuing in a Northeasterly direction along the South line of said Eldorado Parkway and curve to the right, an arc distance of 57.70 feet to a 5/8 inch iron rod found for corner;

Thence South 89 degrees 30 minutes 37 seconds East continuing along the South line of said Eldorado Parkway, a distance of 167.20 feet to a point for corner;

Thence leaving the South line of said Eldorado Parkway and traversing through said Lot 2, Block A as follows:

South 00 degrees 21 minutes 56 seconds East, a distance of 297.88 feet to a point for corner;

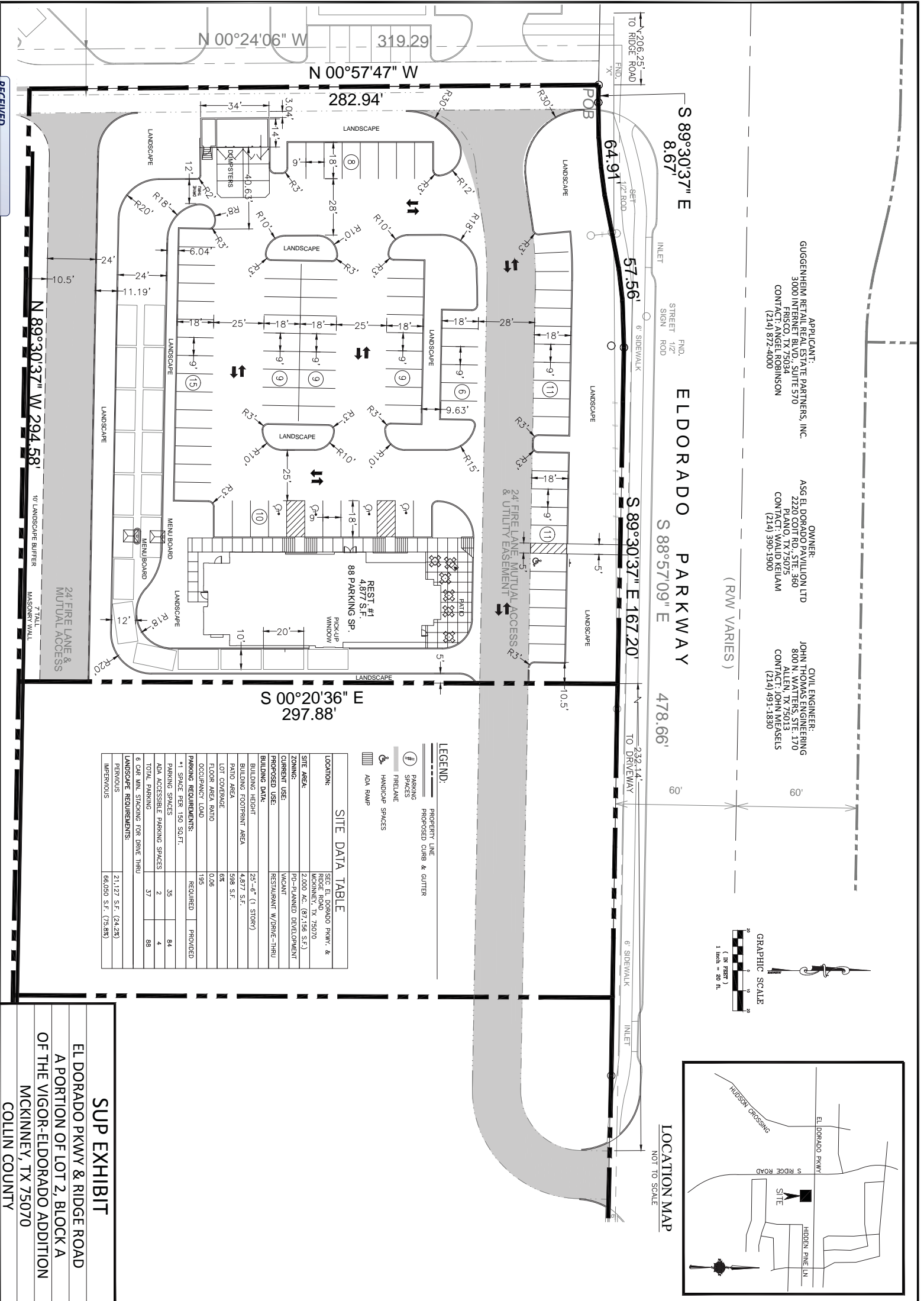
North 89 degrees 30 minutes 37 seconds West, a distance of 294.69 feet to a point for corner, said point being in the East line of aforementioned Lot 1, Block A;

## Exhibit B

Thence North 00 degrees 57 minutes 34 seconds West along the East line of said Lot 1, Block A, a distance of 282.94 feet to the Point of Beginning and containing 87,170 square feet or 2.001 acre of land.

# Exhibit C

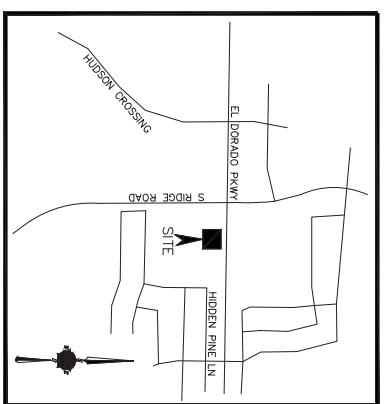
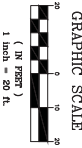
RECEIVED  
By Planning Department at 1:33 pm, Mar. 12, 2015



**APPLICANT:**  
 GUGGENHEIM RETAIL REAL ESTATE PARTNERS, INC.  
 3000 INTERNET BLVD., SUITE 570  
 FRISCO, TX 75034  
 CONTACT: ANGEL ROBINSON  
 (214) 872-4000

**OWNER:**  
 ASG EL DORADO PAVILION LTD  
 2220 COIT RD., STE. 360  
 PLANO, TX 75075  
 CONTACT: WALID KEILAM  
 (214) 390-1900

**CIVIL ENGINEER:**  
 JOHN THOMAS ENGINEERING  
 800 N. WATTERS, STE. 170  
 ALLEN, TX 75013  
 CONTACT: JOHN MEASELS  
 (214) 491-1830



LOCATION MAP  
NOT TO SCALE

**LEGEND:**

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

**SITE DATA TABLE**

LOCATION:	SEC. EL DORADO PKWY. & RIDGE ROAD MCKINNEY, TX 75070
SITE AREA:	2,000 AC. (87,156 S.F.)
ZONING:	PD-PLANNED DEVELOPMENT
CURRENT USE:	VACANT
PROPOSED USE:	RESTAURANT W/ DRIVE-THRU
BUILDING DATA:	
BUILDING HEIGHT:	25'-6" (1 STORY)
BUILDING FOOTPRINT AREA:	4,877 S.F.
RATIO AREA:	598 S.F.
LOT COVERAGE:	6%
FLOOR AREA RATIO:	0.06
OCCUPANCY LOAD:	195
PARKING REQUIREMENTS:	REQUIRED PROVIDED
*1 SPACE PER 150 SQ.FT.	
PARKING SPACES:	35 84
ADA ACCESSIBLE PARKING SPACES:	2 4
TOTAL PARKING:	37 88
6 CAR LINES STANDING FOR DRIVE THRU	
LANDSCAPE REQUIREMENTS:	
PERVIOUS:	21,127 S.F. (24.2%)
IMPERVIOUS:	86,050 S.F. (75.8%)

**SUP EXHIBIT**

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

**SUP EXHIBIT**  
 DRIVE THRU REST. #1  
 EL DORADO PKWY & RIDGE ROAD  
 MCKINNEY, TX 75070



PRM NO. E-12225



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
3-11-15	UPDATE SITE PLANS

SHEET NO.  
**1 of 1**