

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Brandon Opiela, Planning Manager

FROM: Samantha Gleinser, Planner I

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Icon Consulting Engineers, on Behalf of Aslam Real Estate, L.L.C., for Approval of a Meritorious Exception for a Jack in the Box Restaurant, Being Less than 1 Acre, Located on the West Side of Tennessee Street and Approximately 400 Feet North of Eldorado Parkway

APPROVAL PROCESS: The Planning and Zoning Commission is the final approval authority for the proposed meritorious exception.

STAFF RECOMMENDATION: Staff recommends denial of the proposed meritorious exception due to the lack of masonry exterior finishing materials used in the construction of the building.

APPLICATION SUBMITTAL DATE: November 11, 2013 (Original Application)
November 25, 2013 (Revised Submittal)
December 12, 2013 (Revised Submittal)
January 7, 2014 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting a meritorious exception to the Architectural and Site Standards section of the Zoning Ordinance for a Jack in the Box restaurant. The applicant has indicated that the proposed elevations for the building utilize warm colors, wall offsets, and large windows, and has a clean modern look with a light and open dining experience. The applicant is proposing to utilize a combination of stucco, stone tile, brick masonry, and architectural metal for the building's exterior design.

The meritorious exception is being requested because the proposed architectural elevations:

1. Do not meet the required minimum 50 percent masonry cover each exterior wall.

The applicant has submitted an associated site plan (13-209SP), which is currently under Staff's review.

ZONING NOTIFICATION SIGNS: The applicant has posted zoning notification signs on the subject property, as specified within Section 146-164 (Changes and Amendments) of the City of McKinney Zoning Ordinance.

COMPLIANCE WITH ARCHITECTURAL STANDARDS: The purpose of the architectural standards is to set minimum standards for the appearance of non-residential buildings and corresponding site elements, which are recognized as enhancing property values and are in the interest of the general welfare of the City of McKinney. The proposed stucco material is not permitted as primary exterior finishing material, and as such, the respective elevations are not in compliance with the architectural standards of the Zoning Ordinance.

The provisions within the Architectural and Site Standards of the Zoning Ordinance regarding meritorious exceptions state that “It is not the intent of this ordinance to discourage innovation. An architectural and site design that does not conform with the specific requirements of this ordinance, but which has merit by marking a positive contribution to the visual environment and which is appropriate to the site and use, may be submitted for consideration as a meritorious exception.”

The Architectural and Site Standards section of the Zoning Ordinance pertaining to granting a meritorious exception states that the Planning and Zoning Commission shall consider the following factors in determining the extent of any exception to be granted:

1. The extent to which the application meets other specific standards of this ordinance;
2. The extent to which the application meets the spirit and intent of this ordinance through the use of building materials, colors, and façade design to create a building of exceptional quality and appearance;
3. The positive or negative impact of the proposed project on surrounding property use and property values, in comparison to the expected impact of a project which could be built in conformance with the standards of this ordinance; and
4. The extent to which the proposed project accomplishes City goals.

MINIMUM MASONRY PERCENTAGE: Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance state that for all non-residential uses in non-industrial districts, at least 50 percent of each wall shall be covered with a masonry finishing material. Acceptable masonry finishing materials are brick, stone, or synthetic stone materials, including, but not limited to slate, flagstone, granite, limestone and marble. The applicant is proposing to utilize primarily stucco on the majority of the walls on the northern projection (surrounding the glass) instead of an approved masonry material. With several of the walls on the northern projection being comprised of 100 percent stucco, the applicant cannot meet the minimum 50 percent masonry requirement for each wall of the building.

The Architectural and Site Standards also require the remainder of exterior finishing materials to be stucco, EIFS, architectural concrete masonry units (CMU), or concrete tilt wall construction. Additionally, up to 10 percent of the exterior finishing materials may be metal finishing materials, including metal and aluminum accents. The applicant is proposing to utilize metal and aluminum for the drive-through awning and as accent materials on the remainder of the building. The applicant has indicated metal finishing materials will comprise no more than 7

percent of any one wall as accents; however, the drive-through awning exceeds the allowed percentage for metal finishing materials.

MERITORIOUS DESIGN: The intent of the Architectural Standards Ordinance is to set standards for the appearance of non-residential buildings and corresponding site elements, which are recognized as enhancing property values and are in the interest of the general welfare of the City. The applicant has indicated that the proposed building design will be “composed of two, clean, modern, rectangular boxes” with an “open, glass dining room” and meets the intent of the Ordinance. Although the applicant has proposed a building that could be perceived as modern in design, Staff is of the opinion that the proposed stucco materials do not create a building of exceptional quality or appearance and feel that the same or a similar aesthetic could be achieved with a higher percentage of masonry materials utilized on each wall of the building and recommends denial of the request.

IMPACT ON EXISTING DEVELOPMENT: Staff is of the opinion that the proposed building design should not negatively impact the existing surrounding developments (RaceTrac to the south and U-Haul to the north) and was not a determining factor in Staff’s recommendation of denial.

MISCELLANEOUS DISCUSSION: A meritorious exception shall not be granted to serve as a convenience to the applicant or for reasons related to economic hardship. Staff believes that this is not the case with the proposed architectural design and meritorious exception.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has not received any comments either in opposition to or in support of this request.

ATTACHMENTS:

- Location Map and Aerial Exhibit
- Letter of Intent
- Proposed Architectural Elevations
- Perspective Renderings
- PowerPoint Presentation