

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Samantha Pickett, Planner II

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan and Facade Plan for a Theater (Moviehouse and Eatery), Located on Approximately 2,700 Feet East of Custer Road and on the North Side of State Highway 121 (Sam Rayburn Tollway)

**APPROVAL PROCESS:** The action of the Planning and Zoning Commission for the proposed site plan and/or facade plan may be appealed to the City Council.

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**STAFF RECOMMENDATION:** Staff recommends approval of the proposed site plan with the following condition:

1. The applicant satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist, attached.

**However, the applicant has also requested approval of a variance to waive the rooftop screening for mechanical equipment, which Staff cannot support.**

**Additionally, the applicant has requested a facade plan appeal in order to allow the following, which Staff cannot support:**

2. Each elevation shall not be required to provide a minimum of 50% masonry materials.
3. Parapet roof lines shall not be required to feature a well-defined cornice treatment or similar architectural element to visually cap each elevation.

**APPLICATION SUBMITTAL DATE:** December 15, 2014 (Original Application)  
December 29, 2014 (Revised Submittal)  
January 6, 2015 (Revised Submittal)  
January 12, 2015 (Revised Submittal)  
February 18, 2015 (Revised Submittal)  
April 8, 2015 (Revised Submittal)  
April 30, 2015 (Revised Submittal)  
May 11, 2015 (Revised Submittal)  
May 14, 2015 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to construct a 46,368 square foot movie theater and restaurant (Moviehouse and Eatery) on 6.02 acres, located approximately 2,700 feet east of Custer Road and on the north side of State Highway 121 (Sam Rayburn Tollway).

Typically site plans are Staff approval; however, as the applicant is requesting approval of a variance to waive the rooftop screening equipment and a facade plan appeal, which must be considered by the Planning and Zoning Commission. The requested variance and facade plan appeal is detailed further below.

**PLATTING STATUS:** The subject property is currently conveyance platted as Lot 1, Block A of the Southern Hills at Craig Ranch Commercial Addition. A record plat(s) must be filed prior to issuance of a Certificate of Occupancy.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"PD" – Planned Development District Ordinance No. 2001-02-017, "REC" – Regional Employment Center Overlay District, and "CC" – Corridor Commercial Overlay District (Mixed Uses)	Undeveloped Land
North	"PD" – Planned Development District Ordinance No. 2014-01-002, "REC" – Regional Employment Center Overlay District, and "CC" – Corridor Commercial Overlay District (Single Family Residential Uses)	Future Southern Hills Subdivision
South	City of Allen	Undeveloped Land
East	"PD" – Planned Development District Ordinance No. 2001-02-017, "REC" – Regional Employment Center Overlay District, and "CC" – Corridor Commercial Overlay District (Mixed Uses)	Undeveloped Land
West	"PD" – Planned Development District Ordinance No. 2007-10-107, "REC" – Regional Employment Center Overlay District, and "CC" – Corridor Commercial Overlay District (Commercial Uses)	Lowe's Home Center

**ACCESS/CIRCULATION:**

Adjacent Streets: State Highway 121 (Sam Rayburn Tollway), Variable Right-of-Way, Tollway

**PARKING:** The applicant has satisfied the minimum parking requirements as specified within Section 146-130 (Vehicle Parking) of the Zoning Ordinance.

**LOADING SPACES:** The applicant has satisfied the minimum loading space requirements as specified within Section 146-131 (Off-Street Loading) of the Zoning Ordinance.

**SOLID WASTE CONTAINERS:** The sanitation container screening walls will be brick, stone masonry or other architectural masonry finish, including a metal gate, primed and painted, and the sanitation container screening walls, gate, and pad site will be constructed in accordance with the City of McKinney Design Specifications. The applicant has provided the required notation on the proposed site plan.

**LANDSCAPING REQUIREMENTS:** The applicant has satisfied all landscaping requirements as specified in Section 146-135 (Landscape Requirements) of the Zoning Ordinance.

**SCREENING REQUIREMENTS:** The applicant has provided the required notation stating that all mechanical, heating, and air conditioning equipment shall be screened from the public right-of-way and from adjacent residential properties, and has satisfied the requirements for screening the sanitation container and screening from the residential property to the north per Section 146-132 (Fences, Walls, And Screening Requirements) of the Zoning Ordinance.

When mechanical, heating, and/or air conditioning equipment is located on the roof of a non-residential structure, the screening device is required to be a minimum of one foot taller than the height of the equipment. The requirement is typically achieved by extending the parapet wall to the required height; however, other screening devices, utilizing the exterior finishing materials of the building, are also acceptable in order to satisfy this requirement. The Zoning Ordinance also allows the Planning and Zoning Commission to approve an alternate device, or waive the requirement, through the site plan process.

In this instance, the applicant has requested to waive the requirement that the screening be one foot taller than the rooftop-mounted equipment. The applicant has elected to utilize an approximately 3 ½ tall parapet in conjunction with equipment that ranges from approximately 4 ½ to 5 ½ feet tall. Staff sees no reason why the parapet wall cannot be extended to adequately screen the equipment or a separate screening device be provided meeting the ordinance, and as such, cannot support the requested variance.

**LIGHTING AND GLARE REGULATIONS:** The applicant will be responsible for complying with Chapter 58 (Lighting and Glare Regulations) of the City of McKinney

Code of Ordinances. The applicant has provided the required notation stating that the lighting will be in conformance to the requirements of the City of McKinney Code of Ordinances on the site plan.

**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 standards are intended to serve as a baseline for the minimum design expectations of the City. These standards are not intended to prohibit architectural innovation nor are they intended to mandate specific architectural styles and concepts. Rather, they are intended to provide for development of enduring quality that provides visual character and interest.

The proposed elevations do not feature the required minimum percentage of masonry (50%) per elevation nor do they include a well-defined cornice feature and, as such, are not in compliance with the newly established architectural standards of the Zoning Ordinance (approved in March of 2015).

The Architectural Standards Ordinance requires the Director of Planning to forward any facade plan that does not conform to architectural standards to the Planning and Zoning Commission for consideration and action.

Facade plan appeals state 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 chapter 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;
4. The extent to which the proposed project accomplishes City goals as stated in the Comprehensive Plan or other approved documents; and
5. Convenience to the applicant and/or reasons related to economic hardship shall not be grounds for approval of an application.

Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance states that for all non-residential uses in non-industrial districts, at least 50 percent of each elevation for building 3 stories or less shall be covered with a masonry finishing material. Acceptable primary masonry finishing materials are brick, stone, or synthetic

stone, including, but not limited to, slate, flagstone, granite, limestone and marble. The applicant is proposing to use 68 percent secondary finishing materials (stucco, EIFS, and metal) on the south elevation facing State Highway 121; 65 percent secondary finishing materials (stucco and metal) on the north elevation facing the residentially-zoned property; and 60 percent each secondary finishing materials (stucco and metal) on the east and west elevation. Staff believes the design and character of the proposed building will be maintained by utilizing a minimum percentage of 50% primary masonry finishing materials, and sees no reason to support this reduction in brick, stone, or synthetic stone to allow additional stucco.

Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance also states that for all non-residential uses in non-industrial districts, parapet roof lines shall feature a well-defined cornice treatment or similar element to achieve the same effect. The applicant has proposed to paint an approximately four (4) foot tall contrast band across the top of the building in an attempt to define the parapet. Staff does not feel that the contrasting color clearly offsets and defines the roofline, and suggests utilizing a cornice treatment similar to those used on lower portions of the building or another similar architectural element as required by the ordinance to visually cap the building elevation.

Given the above factors, Staff does not feel that the proposed design implements the architectural standards in a new or innovative way, simply by reducing the amount of primary masonry finishing materials on the building and utilizing a contrasting color band in lieu of a cornice feature or other similar architectural element. As such, Staff cannot support the proposed elevations.

**TREE PRESERVATION ORDINANCE:** The applicant will be responsible for complying with the Tree Preservation Ordinance.

**PUBLIC IMPROVEMENTS:**

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|-----------------------|--|
| Sidewalks:            | Required along State Highway 121 (Sam Rayburn Tollway)                                       |
| Hike and Bike Trails: | Not Required   |
| Road Improvements:    | All road improvements necessary for this development, and as determined by the City Engineer |
| Utilities:            | All utilities necessary for this development, and as determined by the City Engineer         |

Discussion: Under the requirements of the Subdivision Ordinance, the applicant will be required to construct all necessary public improvements prior to filing the accompanying plat, unless otherwise specified in an approved facilities agreement.

**DRAINAGE:** The applicant will be responsible for all drainage associated with the subject property, and for compliance with the Storm Water Ordinance, which may

require on-site detention. Grading and drainage plans are subject to review and approval by the City Engineer, prior to issuance of a building permit.

**FEES:**

Roadway Impact Fees: Not Applicable (Ordinance No. 2013-11-108) **(Waived per VCIM Agreement)**

Utility Impact Fees: Applicable (Ordinance No. 2013-11-109 and Ordinance No. 2013-12-118)

Median Landscape Fees: Not Applicable

Park Land Dedication Fees: Not Applicable

Pro-Rata: As determined by the City Engineer

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received no comments in support of or in opposition to this request.

**ATTACHMENTS:**

- Standard Conditions for Site Plan Approval Checklist
- Location Map and Aerial Exhibit
- Letter of Intent
- Proposed Site Plan
- Proposed Landscape Plan
- Proposed Elevations
- Site Line Exhibits – Informational Only
- PowerPoint Presentation