

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Senior Planner

**FROM:** Abra R. Nusser, Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by O'Reilly Automotive, Inc., for Approval of a Specific Use Permit and Site Plan for an Indoor Automotive Parts Sales Building (O'Reilly Auto Parts), Approximately 0.78 Acres, Located on the West Side of Custer Road and Approximately 900 Feet North of Virginia Parkway.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the November 2, 2010 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed specific use permit due to close proximity of the subject property to residential uses.

Should the proposed specific use permit be approved; however, Staff recommends the following special ordinance provisions:

1. Auto parts sales (indoor) be an allowed use.
2. Approval of the specific use permit shall also constitute site plan approval.

Staff also recommends the following conditions on the site plan should the proposed specific use permit be approved:

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

Prior to the issuance of a building permit:

2. The applicant revise the site and landscape plans to provide a curb stop in addition to the proposed wheel stops for the parking spaces on the east and west sides of the building.
3. The applicant revise the site plan to state 33.1 parking spaces required instead of 33.0 in the site data table.

4. The applicant revise the site plan to change the “24’ Fire Lane, Mutual Access &” label near the southeast corner of the subject property to read “24’ Fire Lane, Mutual Access, & Drainage Easement.”
5. The applicant revise the landscape plan to provide evergreen shrubs acceptable for six-foot screening (per the Approved Plant List) around the proposed dumpster enclosure.
6. The applicant revise the landscape plan to shade the proposed fire plan to match the site plan.
7. The applicant file a hold harmless agreement for the proposed monument sign near Custer Road, subject to the review and approval by the City Engineer, and provide the associated filing information on the site plan and associated plat.

**APPLICATION SUBMITTAL DATE:** August 16, 2010 (Original Application)  
September 13, 2010 (Revised Submittal)  
September 27, 2010 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to construct a 6,615 square foot indoor automotive parts sales building (O’Reilly Auto Parts) on 0.78 acres, located on the west side of Custer Road and approximately 900 feet north of Virginia Parkway. Staff recommends denial of the proposed specific use permit due to close proximity of the subject property to residential uses.

In 1998, a 215-acre tract of land located at the northwest corner of Virginia Parkway and Custer Road (including the subject property) was rezoned from Agricultural District to Planned Development District for Agricultural, Single Family Residential, and Neighborhood Business uses by Planned Development District Ordinance 98-08-44. At that time, Staff believed that the intersection was appropriate for a 17-acre neighborhood retail service district, however felt that the appropriate scope of uses should be limited to those uses that can provide the surrounding neighborhood with convenient services, while simultaneously those same uses should not create an adverse impact on the quality of life within the residential areas that they are designed to serve. Because of this concern, the ordinance that was approved by the City Council included a list of six uses that were specifically prohibited, including boardinghouse, dormitory, multi-family dwellings, half-way houses, auto parts sales, and service stations with auto repair facilities.

In 2006, the Neighborhood Business tract was rezoned to allow additional uses (indoor auto parts sales and minor auto repair) with approval of a specific use permit by Planned Development District Ordinance 2006-04-039. At that time, Staff was not comfortable allowing these uses without knowing how the site would lay out, how it would be landscaped, and what the buildings would look like. By requiring the auto related uses with approval of a specific use permit, Staff, the Planning and Zoning Commission, and City Council would have more discretion in determining whether or

not the proposed uses were appropriate. Staff also expressed some concern about allowing auto-related uses on Virginia Parkway or near the residential subdivision. By allowing the specific locations of each proposed use to be determined with each specific use permit application, Staff, the Planning and Zoning Commission, and City Council could evaluate each request in terms of use, location, site layout, and screening.

The specific use permit application that was submitted by O'Reilly Auto Parts proposes an indoor auto parts sales use on a tract of land adjacent to existing single family residential uses on its north and west sides. Staff does not feel that, given the previous concerns related to indoor auto parts sales, this location is best for the use proposed. Staff has concerns that the adjacent residential homes will be negatively impacted by the amount of noise from activities associated with the opening and closing of car hoods and engine noise during testing in the parking lot, in combination with the late hours of operation of this particular business. There are other sites at this intersection, even on the same corner, which are not adjacent to existing single family residential uses that seem to be more suitable.

The applicant has requested that a provision be included which would allow the approval of the specific use permit to also constitute site plan approval for the subject property. Should the specific use permit be approved, Staff recommends the conditions as listed above be met. Staff has reviewed the site plan and landscape plan for conformance with the Zoning Ordinance and is comfortable utilizing the specific use permit exhibits for both the site plan approval process and the specific use permit approval process.

**PLATTING STATUS:** The subject property is platted as Lot 3, Block A of the Custer's Bobos Addition. The monument sign for the proposed O'Reilly Auto Parts is shown within two public utility easements. Prior to the issuance of a building permit, Staff recommends the applicant file a hold harmless agreement for the proposed monument sign near Custer Road, subject to the review and approval by the City Engineer, and provide the associated filing information on the site plan and associated plat. Staff recommends that the applicant submit and file an associated amending plat to add the easements necessary for development, subject to the review and approval by the Director of Planning and the City Engineer, prior to the issuance of a building permit.

**ZONING NOTIFICATION SIGNS:** Section 146-164 (Changes and Amendments) of the City of McKinney Zoning Ordinance states that all zoning changes or amendments, including zoning, rezoning, amendments to Planned Developments, meritorious exceptions to the architectural standards, specific use permits and the like shall be required to post zoning change signs. The applicant has posted the required public hearing notification signs on the subject property as specified Section 146-164.

**SURROUNDING ZONING AND LAND USES:**

Subject Property: "PD" – Planned Development District Ordinance No. 2006-04-039  
(Neighborhood Business Uses)

North	“PD” – Planned Development District Ordinance No. 98-08-044 (Single Family Residential Uses)	Virginia Hills Residential Subdivision
South	“PD” – Planned Development District Ordinance No. 2008-07-069 (Minor Auto Repair Uses)	Kwik Kar Lube & Tune
East	“PD” – Planned Development District Ordinance No. 1741 (Light Manufacturing Uses)	Shops at Custer Retail Building, Sonic Drive-In Restaurant, Zone McKinney
West	“PD” – Planned Development District Ordinance No. 98-08-044 (Single Family Residential Uses)	Virginia Hills Residential Subdivision

Discussion: The proposed indoor automotive parts sales use is not allowed by right and requires an approved specific use permit (SUP), per the governing zoning district, in order to operate on the subject property.

**ACCESS/CIRCULATION:**

Adjacent Streets: Custer Road, 130-Foot Right-of-Way, 6-Lane Principal Arterial

Discussion: The proposed site plan conforms to the approved access management plan (10-081AMP) which reflects direct access from Custer Road and two cross access points from the property to the south (Kwik Kar Lube & Tune). Staff recommends the applicant revise the landscape plan to shade the proposed fire plan to match the site plan prior to the issuance of a building permit.

**PARKING:**

Proposed Use:	Indoor Automotive Parts Sales (6,615 Square Feet)
Required Number of Spaces:	One Parking Space for Every 200 Square Feet of Floor Area
Total Required:	34 Parking Spaces
Total Provided:	34 Parking Spaces (Including 2 Handicapped Spaces)

Discussion: Prior to the issuance of a building permit, Staff recommends the applicant revise the site and landscape plans to provide a curb stop in addition to the proposed wheel stops for the parking spaces on the east and west sides of the building and revise

the site plan to state 33.1 parking spaces required instead of 33.0 in the site data table. The applicant has satisfied the minimum parking requirements as specified within Section 146-130 (Vehicle Parking) of the Zoning Ordinance.

**LOADING SPACES:**

Proposed Use: Indoor Automotive Parts Sales (6,615 Square Feet)

Required Number of Spaces: One 12'x35' Loading Space

Provided: One 12'x35' Loading Space

Discussion: 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:** Per the governing planned development district, the applicant is required to provide evergreen trees every 40 linear feet within a 10-foot landscape buffer along the northern and western property lines of the subject property. The applicant is proposing Texas Red Oak and Chinese Pistache trees within a 10-foot landscape buffer along the northern and western property lines to satisfy the aforementioned requirement. The applicant has satisfied all landscaping requirements as specified in Section 146-135 (Landscape Requirements) of the Zoning Ordinance and the governing planned development district.

**SCREENING REQUIREMENTS:** Per the governing planned development district, the applicant is required to provide a six-foot tall masonry screening wall of a uniform type and neutral in color, along the northern and western property lines of the subject property. Existing grades on the subject property and nearby residential areas were taken into consideration in the governing planned development district. The applicant is proposing a six-foot masonry wall of a neutral color on top of a retaining wall and berm along the northern and western property lines to satisfy the aforementioned requirements. The proposed screening wall configurations comply with the requirements of the governing planned development district.

Staff recommends that prior to the issuance of a building permit, the applicant revise the landscape plan to provide evergreen shrubs acceptable for six-foot screening (per the Approved Plant List) around the proposed dumpster enclosure. 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. The applicant has properly screened the sanitation container and has

satisfied the minimum requirements as specified in Section 146-132 (Fences, Walls, and Screening Requirements) of the Zoning Ordinance.

**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 governing planned development districts require that architectural elevations of the proposed building accompany the specific use permit application, the elevations reflect continuity with other buildings within the immediate development, and that reasonable consideration for the finish of all four sides of the building has been provided similarly. The applicant is proposing a building with significant masonry utilizing brick and stone of a neutral color on all four sides. The coloration of the masonry material utilized on the proposed building coordinates with the masonry accent color used on the Kwik Kar Lube & Tune to the south of the subject property. Staff has reviewed preliminary elevations for the project and feels the proposed design should meet the architectural requirements of the Zoning Ordinance and that it satisfies the requirements of the governing planned development districts. It is important to note that the proposed elevations were not a determining factor in Staff's recommendation of denial. The applicant will be responsible for meeting the requirements of Section 146-139 (Architectural and Site Standards) of the City of McKinney Zoning Ordinance. Architectural building elevations are subject to review and approval by the Chief Building Official, prior to issuance of a building permit.

**TREE PRESERVATION ORDINANCE:** The applicant will be responsible for complying with the Tree Preservation Ordinance. The applicant has stated on a signed affidavit that there are no protected trees on the subject property.

**PUBLIC IMPROVEMENTS:**

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| Sidewalks:            | Required along Custer Road   |
| Hike and Bike Trails: | Not applicable   |
| 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. Staff recommends that prior to the issuance of a building permit, the applicant revise the site plan to change the “24’ Fire Lane, Mutual Access &” label near the southeast corner of the subject property to read “24’ Fire Lane, Mutual Access, & Drainage Easement.”

**FEES:**

Roadway Impact Fees:                   Applicable (Ordinance No. 2008-10-173)

Utility Impact Fees:                   Applicable (Ordinance No. 2008-10-174)

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 a phone call from an adjacent resident expressing concerns with the proposed use and proposed screening device heights.

**ATTACHMENTS:**

- [Standard Conditions for Site Plan Approval Checklist](#)
- [Location Map](#)
- [Aerial Exhibit](#)
- [Letter of Intent](#)
- [Property Owner Notice](#)
- [Property Owner Notification List](#)
- [Proposed Site Plan](#)
- [Proposed Landscape Plan](#)
- [Proposed Architectural Elevations](#)
- [Existing Planned Development District Ordinance No. 2006-04-039](#)
- [Existing Planned Development District Ordinance No. 2004-01-006](#)
- [Existing Planned Development District Ordinance No. 2004-11-116](#)
- [Existing Planned Development District Ordinance No. 98-08-44](#)
- [Planning and Zoning Commission PowerPoint Presentation](#)