

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Brandon Opiela, Senior Planner

FROM: Anthony Satarino, Planner

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of LINFER Properties, L.L.C., for Approval of a Site Plan and Specific Use Permit for a Restaurant with Drive Through Window and an Additional Retail/Restaurant Building, Approximately 1.19 Acres, Located on the Southeast Corner of McDonald Street and Anthony Street.

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the November 15, 2011 meeting.

STAFF RECOMMENDATION: Staff recommends approval of the requested specific use permit with the following special ordinance provisions:

1. Drive-through restaurant be an allowed use.
2. The site shall generally develop in accordance with the attached site layout exhibit.
3. Approval of the specific use permit for 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.
2. Prior to the issuance of a Certificate of Occupancy, the applicant file a separate instrument for the drainage easement shown on the site plan, subject to the review and approval of the City Engineer.

APPLICATION SUBMITTAL DATE: September 12, 2011 (Original Application)
September 26, 2011 (Revised Submittal)
October 20, 2011 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing to construct a 2,500 square foot restaurant with drive through window (Pollo Regio) and a 3,100 square foot retail/restaurant building on 1.19 acres, located on the southeast corner of McDonald Street and Anthony Street.

The applicant is requesting a specific use permit to allow a restaurant with drive through window on the subject property. The subject property is currently zoned “BN” – Neighborhood Business District, which requires restaurants with drive through windows to receive approval of a specific use permit by City Council. The applicant has also 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 currently platted as Lot 1, Block A of the LINFER Addition. The amending plat, filed with the County last year, contains all of the necessary easements for the proposed development except for a drainage easement that must be filed as a separate instrument prior to the issuance of a Certificate of Occupancy, subject to the review and approval of the City Engineer.

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: “BN” – Neighborhood Business District (Commercial Uses)

North	“BG” – General Business District (Commercial Uses)	Office Suites (Aflac Regional Office)
South	“BN” – Neighborhood Business District (Commercial Uses)	Single Family Residences
East	“RS 60” – Single Family Residence District	Single Family Residences
West	“BN” – Neighborhood Business District (Commercial Uses)	Shopping Center (Yasmine Hair Salon) and Undeveloped Land

Discussion: The proposed retail/restaurant building is an allowed use under the governing zoning district. However, a restaurant building with drive through service 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.

SPECIFIC USE PERMITS: When acting on a request for a specific use permit, the following factors should be considered:

- Compatibility with adjacent and neighboring land uses.
- Adaptability of building structures to the proposed use.
- Infrastructure requirements: roads, sidewalks, access to public streets, parking, and drainage.
- Elements such as screening, open space, building heights, and compatibility of existing buildings to the proposed use.

Staff has evaluated the request based on the above mentioned parameters and feels that the site is appropriate for the proposed use and is compatible with existing land uses of the adjacent properties.

ACCESS/CIRCULATION:

Adjacent Streets: McDonald Street (SH 5), 95-Foot Right-of-Way, Major Arterial
Anthony Street, 45-Foot Right-of-Way, Residential Street
Wilcox Street, 45-Foot Right-of-Way, Residential Street
Standifer Street, 45-Foot Right-of-Way, Residential Street

Discussion: The proposed site plan reflects direct access from McDonald Street, Anthony Street and Wilcox Street. There are no fire lanes or mutual access easements required or provided on this site due to the close proximity of rights-of-way surrounding the proposed buildings.

IMPACT ON EXISTING DEVELOPMENT: To the north and west of the subject property, across Anthony Street and McDonald Street respectively, there are existing commercial and retail buildings. Adjacent properties to the south and across Wilcox Street to the east of the subject property are currently developed as single family residences.

With frontage along McDonald Street, Staff feels that the proposed restaurant with drive through window building and retail building is in keeping with the surrounding commercial uses and would service the needs of the residents of the immediate vicinity. Staff does not anticipate that the specific use permit request would have a negative impact on existing or future developments in the area.

PARKING:

Proposed Use:	Restaurant Building with Drive Through Window (2,500 square feet)
	Retail / Restaurant Building (3,100 square feet)
Required Number of Spaces:	One Parking Space for Every 150 Square Feet of Floor Area
Total Required:	38 Parking Spaces
Total Provided:	38 Parking Spaces (Including 2 Handicapped Spaces)

Discussion: The applicant has chosen to park the entire retail / restaurant building at the ratio for restaurant uses in order to provide the maximum flexibility for the lease space. The applicant has satisfied the minimum parking requirements as specified within Section 146-130 (Vehicle Parking) of the Zoning Ordinance.

LOADING SPACES:

Proposed Use:	Restaurant (2,500 square feet) Retail (3,100 square feet)
Required Number of Spaces:	No loading spaces required
Provided:	None provided

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: The applicant is proposing to utilize Chinkapin Oak trees to satisfy parking terminus tree requirements. Furthermore, the applicant is proposing to plant ten Lacebark Elm Trees in landscape setback along McDonald Street, eight canopy street trees in the landscape setback along Wilcox Street (includes five Lacebark Elm trees, one existing American Elm, one existing Hackberry and one existing Cedar), three canopy street trees in the landscape setback along Anthony Street (includes two Lacebark Elm trees and one existing Hackberry tree), and two canopy street trees along in the landscape buffer along Standifer Street.

In addition to the street trees, the applicant is required to plant one evergreen tree per every forty linear feet in a required ten foot landscape buffer when adjacent to property zoned or used for residences. On this particular site, the applicant has provided the required ten foot buffer along the southern and southeastern property lines. Within the landscape buffer, the applicant has provided six Live Oak trees to meet the requirement.

Section 146-135 (Landscape Requirements) of the Zoning Ordinance requires that all non-residential and multiple family parcels adjacent to a major thoroughfare provide a minimum twenty foot landscape buffer adjacent to the right-of-way. The applicant is requesting a reduction in the required twenty foot landscape buffer along McDonald Street. The Zoning Ordinance states that if unique circumstances exist which prevent strict adherence with the landscape buffer as required, the Planning and Zoning Commission may consider granting a variance during the site plan approval process to reduce the minimum twenty foot landscape buffer to a minimum of ten feet, provided that site design considerations have been incorporated to mitigate the impact of the variance. Unique circumstances, according to the Zoning Ordinance, include, but are not limited to insufficient lot depth or size of the existing lot, existing structures and drives, and floodplain and existing trees to be preserved.

Due to the limited lot depth (approximately 124 feet) of the subject property and its quadruple street frontage, Staff feels the required twenty foot landscape buffer along McDonald Street would pose significant challenges to reasonably developing the property. Furthermore, several commercial developments along McDonald Street have been granted this reduction to 10 feet, including the recently approved La Independencia Shopping Center and the McDonald Office Park. Staff feels that the subject property meets one of the unique circumstances criteria detailed above and feels that the reduction will have no adverse impact on current or future adjacent developments. Therefore, Staff is comfortable with the proposed reduction in the landscape buffer. Upon approval of said variance, the applicant will have 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. 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.

Per the governing zoning district, the applicant is required to provide a screening device wherever the subject property is adjacent to property zoned or used for residential, in accordance with the Fences, Walls and Screening Requirements section of the Zoning Ordinance. As indicated on the site plan, the applicant will provide either a six foot tall masonry screening wall or a six foot tall wrought iron fence with masonry columns spaced a maximum of twenty feet on center and evergreen shrubs along the southern and southeastern property lines of the subject property. The proposed screening wall configurations comply with the requirements of the governing zoning district.

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 applicant has indicated that the finishing materials for the proposed building will be primarily masonry with stucco accents. 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 submitted a tree survey, tree preservation plan and construction tree permit which would have to be approved by the Arborist prior to any permits being issued on the site.

PUBLIC IMPROVEMENTS:

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| Sidewalks: | Required McDonald Street, Anthony Street and Wilcox Street. Sidewalk partially existing along McDonald Street near the southern portion of the property |
| 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.

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 not received any comments either in opposition to or in support of the proposed minor replat.

ATTACHMENTS:

- Standard Conditions for Site Plan Approval Checklist
- Maps
- Letter of Intent
- Proposed Site Plan
- Proposed Landscape Plan
- Planning and Zoning Commission PowerPoint Presentation