

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Brandon Opiela, Planning Manager

FROM: Steven Duong, Planner I

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Matthew King, on Behalf of CR Midway Investments, L.P., for Approval of a Meritorious Exception for Schlotzsky's, Being Fewer than 2 Acres, Located on the Southeast Corner of U.S. Highway 380 (University Drive) and Graves Street

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 required minimum masonry exterior finishing materials used in the construction of the building.

APPLICATION SUBMITTAL DATE: July 14, 2014 (Original Application)
July 28, 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 retail/restaurant building (Schlotzsky's and Dunkin Donuts). The applicant has indicated that the proposed elevations for the building feature colors and materials familiar to the Schlotzsky's brand identity. The applicant is proposing to utilize a combination of EIFS and brick masonry 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 a site plan (14-143SP), which is currently under review by Staff.

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 are to set minimum standards for the appearance of non-residential and multi-family 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 EIFS 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 Standards Ordinance regarding meritorious exceptions states 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.

Staff is of the opinion that the proposed request does not meet these factors and should be denied.

MINIMUM POINT SCORE: 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, including, but not limited to, slate, flagstone, granite, limestone and marble. The applicant is proposing to utilize 100 percent EIFS on a specific architectural “blade” element that must be counted as a standalone wall as it extends horizontally for 24 inches or more. As such, the applicant cannot meet the minimum 50 percent masonry requirement for each wall of the building.

MERITORIOUS DESIGN: The intent of the Architectural and Site Standards of the Zoning Ordinance is to set standards for the appearance of non-residential and multiple family buildings and corresponding site elements, which are recognized as enhancing property values and are in the interest of the general welfare of the City.

Staff believes that the design and character of the proposed building could still be attained utilizing exterior finishing materials allowed by the Architectural and Site Standards of the Zoning Ordinance including, but not limited to brick, stone, or synthetic stone. Staff is of the opinion that the utilization of EIFS on the “blade” feature will not achieve a higher level of quality or innovative design intended by the meritorious exception process and, as such, recommends denial of the proposed meritorious exception.

IMPACT ON EXISTING DEVELOPMENT: Staff is of the opinion that the proposed building design should not negatively impact the existing surrounding developments (Panda Express and Winco to the east); 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
- PowerPoint Presentation