

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Matt Robinson, AICP, Planning Manager

FROM: Eleana Galicia, Planner I

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for a Grocery Store (Kroger), Service Station, Two Restaurants/Retail Buildings Located Approximately 220 Feet South of U.S. Highway 380 (University Drive) and on the West Side of Lake Forest Drive

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

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

1. The applicant receive approval of a variance to allow the overhead doors and loading dock located on the south side of the building to be oriented towards Lake Forest Drive.
2. The applicant receive approval of a living plant screen (Composed of Nellie R. Stevens Holly 6' at the time of planting) to screen the loading dock and overhead doors from Lake Forest Drive.

Prior to issuance of a building permit:

1. The applicant satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist, attached.
2. The applicant will be required to submit a shared dumpster agreement sharing the dumpster located on proposed Lot 1R2 with Lot 15, subject to review and approval of the City Attorney.

APPLICATION SUBMITTAL DATE: May 16, 2016 (Original Application)
May 31, 2016 (Revised Submittal)
June 13, 2016 (Revised Submittal)
June 28, 2016 (Revised Submittal)
July 8, 2016 (Revised Submittal)
July 13, 2016 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing to construct a commercial development consisting of four pad sites for a grocery store (Kroger), two buildings with restaurant/retail uses, and a service station (Kroger Fueling Station) on approximately 16.024 acres of land.

Site plans can typically be approved by Staff; however, the applicant is requesting approval of a variance to allow the proposed overhead doors and loading dock to be oriented towards public right-of-way (Lake Forest Drive) and approval to utilize a living plant screen to screen the proposed overhead doors and loading dock from view of public right-of-way (Lake Forest Drive), which are associated with the development of the grocery store (Kroger). This request is detailed further below.

An associated preliminary-final plat (16-154PF) was approved at the July 12, 2016 Planning and Zoning Commission meeting.

PLATTING STATUS: The subject property is currently conveyance platted as Lot 1, Block B of Wilson Creek Crossing. A record plat or plats, subject to review and approval by the Director of Planning, must be filed for recordation with the Collin County Clerk, prior to issuance of a certificate of occupancy.

ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"BG" – General Business (Commercial Uses), and "CC" – Corridor Commercial Overlay District	Undeveloped Land
North	"BG" – General Business (Commercial Uses), and "CC" – Corridor Commercial Overlay District	Undeveloped Land
South	"BG" – General Business (Commercial Uses), and "CC" – Corridor Commercial Overlay District	Undeveloped Land

East	“C” – Planned Center District (Commercial Uses), “PD” – Planned Development District Ordinance No. 2013-06-053 (Commercial Uses), “PD” – Planned Development District Ordinance No. 2010-06-016 (Commercial Uses) and “CC” – Corridor Commercial Overlay District	Corner Store, Subway, Chicken Express, McKinney Pediatrics, Carrie D. Alfieri Optometry
West	“BG” – General Business (Commercial Uses), and “CC” – Corridor Commercial Overlay District	Undeveloped Land

ACCESS/CIRCULATION:

Adjacent Streets: U.S. Highway 380 (University Drive), Variable Width Right-of-Way, Major Regional Highway

Lake Forest, 120’ Right-of-Way, Greenway Arterial

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

LOADING SPACES: Per Section 146-131 (Off-Street Loading) of the Zoning Ordinance loading docks must be oriented away from public right-of-way. The applicant is seeking a variance to allow the loading dock located on the south of the building to be oriented towards Lake Forest Drive.

The Zoning Ordinance states that a variance can be granted during site plan approval to allow the loading dock to be oriented towards public right of way, if the City Council finds that:

- Unique circumstances exist on the property that make application of specific items in this section (Sec. 149-131 unduly burdensome on the applicant;
- The variance will have no adverse impact on current or future development;
- The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses; and
- The variance will have no adverse impact on public health, safety, and general welfare.

The applicant has proposed the loading dock for the grocery store (Lot 1R2) on the south side of the building and oriented towards public right-of-way (Lake Forest Drive). Since it is critical for the receiving area associated with the loading dock to be

accessible from Lake Forest Drive it would be difficult to orient the proposed loading dock away from public right-of-way as it would limit access and maneuverability for delivery trucks. Furthermore, staff feels that the proposed location for loading dock should not have a negative impact on the surrounding land uses or have a negative impact on the future development of the adjacent properties. As such, Staff has no objection to the variance request to allow the loading dock to be oriented towards public right-of-way (Lake Forest Drive).

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, and has agreed receive approval of a shared dumpster agreement for lots 1R2 and 15 prior to receiving a full building permit for the grocery store (Kroger) and the fueling station (Kroger fueling station).

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

SCREENING REQUIREMENTS: Per Section 146-132 (Fencing, walls, and screening requirements), overhead doors in any retail district shall be oriented away and screened from view public right of way. The applicant is seeking a variance to allow the overhead doors associated with the loading dock located on the south side of the building to be oriented towards Lake Forest Drive and is requesting to utilize a living plant screen (Composed of Nellie R. Stevens Holly 6' at the time of planting) to screen the overhead doors and loading dock from view of public right-of-way (Lake Forest Drive).

Allowed screening devices per Section 146-132 (Fences, Walls, and Screening Requirements) of the Zoning Ordinance include the following:

- Brick masonry, stone masonry, or other architectural masonry finish;
- Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 20 feet on center with structural supports spaced every ten feet, and with sufficient evergreen landscaping to create a screening effect;
- Living plant screen, upon approval by the Planning and Zoning Commission and/or City Council, depending on which body has the final approval authority as indicated in section 146-45(a)(2) through the site plan process; or

- Alternate equivalent screening, upon approval by the Planning and Zoning Commission and/or City Council, depending on which body has the final approval authority as indicated in section 146-45(a)(2) through the site plan process.

The proposed loading dock and overhead doors are located on the south side of the building and are oriented towards Lake Forest Drive. The applicant is requesting a variance to allow for the overhead doors to be oriented towards Lake Forest Drive and is requesting to utilize a living plant screen (Composed of Nellie R. Stevens Holly 6' at the time of planting) to screen the overhead doors and the loading dock from view of public right-of-way. The living screen (Composed of Nellie R. Stevens Holly 6' at the time of planting) is located in front of the overhead doors and loading dock behind the curb of the proposed parking spaces located on Lot 14. The overhead doors are approximately 33 feet in length and the proposed living screen (Composed of Nellie R. Stevens Holly 6' at the time of planting) stretches a total of 66 feet in length and is located directly in front of the overhead doors adequately screening any visibility of the loading dock and the associated overhead doors from view of public right-of-way (Lake Forest Drive). In addition, the terminus island trees provided throughout the parking area on Lot 14 should further obstruct any view of the loading dock and overhead doors from Lake Forest Drive. In staffs' professional opinion the applicant has adequately screened any visibility of the loading dock and associated overhead doors and has meet the intent of the screening provision, as such Staff recommends approval of the request to utilize a living screen to screen the loading dock and associated overhead doors.

The applicant has satisfied all other 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 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, subject to review and approval of the City's Landscape Architect.

PUBLIC IMPROVEMENTS:

Sidewalks: Required along Lake Forest Drive

Hike and Bike Trails: Required along Lake Forest Drive

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. 2013-11-108)

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

Median Landscape Fees: Applicable along Lake Forest Drive

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
- PowerPoint Presentation