

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 Pogue Engineering & Development Company, Inc., on Behalf of Carrington Partners, for Approval of a Specific Use Permit to Allow for a Restaurant with Drive Through, Approximately 1.34 Acres, Located on the South Side of Eldorado Parkway and Approximately 200 Feet West of Hudson Crossing.

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to City Council for consideration at the June 21, 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.

APPLICATION SUBMITTAL DATE: April 25, 2011 (Original Application)
May 9, 2011 (Revised Submittal)
May 13, 2011 (Revised Submittal)
May 19, 2011 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing to construct a restaurant with a drive-through window (Braum's Ice Cream Store) totaling 5,756 square feet, on approximately 1.34 acres at the south side of Eldorado Parkway and approximately 200 feet west of Hudson Crossing.

The subject property is located within "PD" – Planned Development District No. 2011-05-31, recently adopted by City Council on May 17, 2011. Under the governing planned development ordinance, the subject property is to develop under the base zoning designation of "BN" – Neighborhood Business District. Within the "BN" – Neighborhood Business District, restaurants with drive-through windows require the approval of a specific use permit.

ZONING NOTIFICATION SIGNS: Section 41-233 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 zoning notification signs on the subject property, as specified within Section 41-233 of the City of McKinney Zoning Ordinance.

SURROUNDING ZONING AND LAND USES:

Subject Property: "PD" – Planned Development District Ordinance No. 2011-05-31 (commercial uses)

North	"PD" – Planned Development District No. 97-06-36 (residential uses)	Live Oak Village (Single Family Residences)
South	"PD" – Planned Development District Ordinance No. 2003-05-041 (office uses)	Texas Best Gymnastics (under construction) and Undeveloped
East	"PD" – Planned Development District Ordinance No. 2011-05-31	Undeveloped
West	"PD" – Planned Development District Ordinance No. 2003-08-069 (office uses)	Packard Orthodontics and Eldorado Office Park

Discussion: The governing planned development ordinance refers to the standards and uses as specified within the "BN" – Neighborhood Business District of the Zoning Ordinance. Per the "BN" – Neighborhood Business District, a restaurant with a drive-through is an allowed use with the approval of a specific use permit.

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: Eldorado Parkway, 120' Right-of-Way, 4-Lane Greenway Arterial

Internal Circulation: The subject property is proposed to take direct access off Eldorado Parkway and indirect access to Hudson Crossing through existing mutual access easements through adjacent properties.

SITE LAYOUT: The attached exhibit provides a general layout of the proposed Braum's Ice Cream Store. Although the attached exhibit is not a formal site and landscape plan, the building location, site circulation, parking, loading, screening, sanitation, and landscaping requirements are in general conformance with the Zoning Ordinance. If this specific use permit request is approved, the applicant will be required to submit a site plan and landscape plan package, meeting all regulations stipulated in the Zoning Ordinance prior to the issuance of a building permit.

IMPACT ON EXISTING DEVELOPMENT: To the north of the subject property, across Eldorado Parkway, there is an existing single family subdivision (Live Oak Estates). Adjacent properties to the east and west of the subject property are currently developed as retail, restaurant and office uses along Eldorado Parkway. The property directly to the east of the subject property, across Hudson Crossing, was rezoned in 2005 to allow a drive in restaurant (Sonic) to develop. Moreover, in 2007, a Specific Use Permit for a restaurant with a drive through was approved for the site immediately to the east of Sonic; however, the retail and restaurant shopping center moved forward without installing the proposed drive-through.

With frontage along Eldorado Parkway, Staff feels that the proposed use of the subject property (Braum's Ice Cream Store) is in keeping with the intent of the governing planned development district, by providing for limited commercial uses serving the frequent 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.

ARCHITECTURAL STANDARDS: The applicant has indicated that the finishing materials for the proposed building will be primarily masonry. 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.

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

ATTACHMENTS:

- [Maps](#)
- [Letter of Intent](#)
- [Proposed Site Layout Exhibit](#)
- [PowerPoint Presentation](#)