

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**FROM:** Brandon Opiela, Planning Manager

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, on Behalf of Paesanos Paesanos Inc., for Approval of a Site Plan for Automobile Sales (Tovi Motors), Being Less than 1 Acre, Located on the Northeast Corner of Chestnut Street and State Highway 5 (McDonald Street)

**APPROVAL PROCESS:** The Planning and Zoning Commission is the final approval authority for the proposed site plan.

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

1. The applicant satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist, attached.
2. The applicant receive approval of the proposed variance to allow for a reduced landscape buffer from 20' to 10' along McDonald Street.

**APPLICATION SUBMITTAL DATE:** September 23, 2013 (Original Application)  
October 4, 2013 (Revised Submittal)  
October 9, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to construct an automobile sales facility (Tovi Motors) on approximately 0.42 acres, located on the northeast corner of Chestnut Street and State Highway 5 (McDonald Street).

Typically site plans are approved administratively by Staff; however, this item is being heard by the Planning and Zoning Commission because the applicant is requesting a variance to reduce the landscape buffer along McDonald Street from 20' to 10', discussed further below in the *Landscaping Requirements* section of the report.

**PLATTING STATUS:** The subject property is currently unplatted. An associated minor plat (13-207MP) has been approved by Staff, and must be filed for recordation with the Collin County Clerk, prior to issuance of a certificate of occupancy.

**SURROUNDING ZONING AND LAND USES:**

Subject Property: "BG" – General Business District (Commercial Uses)

North	"BG" – General Business District (Commercial Uses)	Texas Car Title and Payday Loan
South	"BG" – General Business District (Commercial Uses)	MHA Newsome Homes
East	"BG" – General Business District (Commercial Uses) and "MTC" – McKinney Town Center District (Mixed Use)	Mega Mow and Undeveloped
West	"BG" – General Business District (Commercial Uses) and "RS 60" – Single Family Residence District	Single Family Residences

Discussion: The proposed automobile sales use is allowed by right within the "BG" – General Business District governing development on the subject property.

**ACCESS/CIRCULATION:**

Adjacent Streets: Chestnut Street, 40' Right-of-Way, Local Street  
State Highway 5 (McDonald Street), 100' Right-of-Way, Major Arterial Roadway

Discussion: The proposed site plan reflects two points of direct access off of State Highway 5 (McDonald Street).

**PARKING:**

Proposed Use:	Automobile Sales
Required Number of Spaces:	One Parking Space for Every 400 Square Feet of Office (500 Square Feet = 2 parking space)  One Parking Space for Every 1,000 Square Feet of Vehicle Display Area (3,731 Square Feet = 4 parking space)
Total Required:	6 Parking Spaces
Total Provided:	6 Parking Spaces (Including 1 Handicapped Spaces)

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

**LOADING SPACES:** No loading spaces are required for the proposed use per Section 146-131 (Off-Street Loading) of the Zoning Ordinance.

**SOLID WASTE CONTAINERS:** The applicant has proposed to use single toters for solid waste collection. The applicant has proposed an enclosure for the toters on the north side of the proposed building. The toter enclosure screening walls will be brick, stone masonry or other architectural masonry finish, including a metal gate, primed and painted. The applicant has provided the required notation on the proposed site plan.

**LANDSCAPING REQUIREMENTS:** Section 146-135 (Landscape Requirements) of the Zoning Ordinance requires that all non-residential 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, double street frontage, and triangular lot shape of the subject property, Staff feels the required twenty foot landscape buffer along McDonald Street would pose significant challenges to reasonably improving the property for commercial uses. Furthermore, several commercial developments along McDonald Street have been granted this reduction to 10 feet, including but not limited to, First Choice Auto, La Independencia Shopping Center, the McDonald Office Park and the Linfer Retail Center. Staff feels that the subject property meets one of the unique circumstances criteria detailed above and feels that the reduction in landscape buffer should not have an adverse impact on current or future adjacent developments. Therefore, Staff is not opposed to 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 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 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.

**PUBLIC IMPROVEMENTS:**

Sidewalks: Required along McDonald Street and Chestnut Street

Hike and Bike Trails: Not Required

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: Not Applicable

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received one letter of opposition which has been provided in the packet.

**ATTACHMENTS:**

- Standard Conditions for Site Plan Approval Checklist
- Location Map and Aerial Exhibit
- Letter of Intent
- Letter of Opposition
- Proposed Site Plan
- Proposed Landscape Plan
- PowerPoint Presentation