

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Samantha Pickett, Planning Manager

**FROM:** Melissa Spriegel, Planner I

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan and Façade Plan Appeal for a Grocery Store, Located on the Northwest Corner of Virginia Parkway and Custer Road

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

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

1. The applicant receive approval of a variance request to allow the loading docks and associated spaces to be less than 200 feet from adjacent residential zones or uses.
2. The applicant receive approval of a variance request to allow the loading docks and associated spaces to be oriented toward street frontage (Virginia Parkway).
3. The applicant receive approval to utilize a living screen to screen the loading docks and associated spaces from view of public right-of-way (Virginia Parkway).
4. The applicant receive approval of a variance request to waive the required screening along the western property line, where adjacent to single-family residential zone or use.
5. The applicant receive approval of a Façade Plan Appeal to allow 75% glass curtain wall on the east elevation.

Prior to issuance of a building permit:

6. The applicant satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist, attached.

**APPLICATION SUBMITTAL DATE:** December 12, 2016 (Original Application)  
January 11, 2017 (Revised Submittal)

January 30, 2017 (Revised Submittal)  
February 3, 2017 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to construct a 35,962 square foot retail building (grocery) on 5.10 acres at the northwest corner of Virginia Parkway and Custer Road.

Site plans can typically be approved by Staff; however, the applicant is requesting variances for the loading docks and associated loading spaces to be located 117 feet from single family residential uses and to be oriented toward street frontage (Virginia Parkway), to utilize a living screen to screen the loading docks and associated spaces from view of public right-of-way (Virginia Parkway), and to waive the required screening along the western property line where adjacent to single family residential uses, all of which must be considered by the Planning and Zoning Commission.

The applicant is also requesting approval of a Façade Plan Appeal due to the proposed elevations not conforming to the requirements of the City's Architectural Standards for non-residential uses in non-industrial districts. The applicant has requested to utilize a glass-curtain wall in lieu of masonry as the primary finishing material on the eastern façade facing Custer Road. Typically facade plans can be approved by Staff; however, the applicant is requesting approval of a facade plan appeal, which must be considered by the Planning and Zoning Commission.

The requested variances and Façade Plan Appeal are detailed further below.

**PLATTING STATUS:** The subject property is currently unplatted. 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:**

<b>Location</b>	<b>Zoning District (Permitted Land Uses)</b>	<b>Existing Land Use</b>
Subject Property	"PD" – Planned Development District Ordinance No. 2006-04-039 (Commercial Uses)	Undeveloped Land
North	"PD" – Planned Development District Ordinance No. 2006-04-039 (Commercial Uses)	Undeveloped Land

South	“PD” – Planned Development District Ordinance No. 2001-02-024 and “PD” – Planned Development Ordinance No. 2014-05-031 (Retail Uses)	McKinney Marketplace; 7-Eleven
East	“PD” – Planned Development Ordinance No. 1741 (Commercial Uses)	Chase Bank; Custer Virginia Marketplace
West	“PD” – Planned Development Ordinance No. 98-08-44 (Single Family Residential Uses)	Virginia Hills Subdivision

**ACCESS/CIRCULATION:**

Adjacent Streets: Custer Road, Variable Width Right-of-Way, Principal Arterial

Virginia Parkway, Variable Width Right-of-Way, Major 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, any loading dock and its associated loading spaces shall be set back 200 feet from any residential use or zoning, set back a minimum distance of 75 feet from any public street or front property line, and oriented away from the street frontage. The applicant is seeking variances to locate the loading docks and associated loading spaces less than 200 feet from single family residential uses (approximately 117 feet) and to be oriented toward street frontage (Virginia Parkway), approximately 185 feet from the right-of-way. The Zoning Ordinance states that a variance can be granted during site plan approval to decrease the distance of the loading docks and associated loading spaces from the proposed building and to allow the loading docks and associated spaces to be oriented toward street frontage if the Planning and Zoning Commission finds that:

- Unique circumstances exist on the property that make application of specific items in this section (Sec. 146-132) 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 that the loading docks and associated loading spaces be located approximately 117 feet from the single family residences to the west of the subject property, as well as to be oriented toward street frontage. The applicant is proposing to provide a 20' landscape buffer along the western property line, a 7'10" retaining wall located to the west of the main building to mitigate the impacts of the loading docks adjacent to the single family residential uses. Staff feels that the proposed location of the loading dock could have an impact on the surrounding site, but with the increased height of the screening wall, as well as the landscape buffers, the impact should be mitigated. Additionally, the applicant has proposed to orient the loading docks towards Virginia Parkway. Given the configuration of the site at the intersection of two arterials, Staff understands the difficulty of locating the docks in such a way that they would not be oriented towards the right-of-way. As such, Staff has no objection to the applicant's requests.

The applicant has satisfied all other minimum requirements as specified in 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 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), loading docks or structure, bays, and bay doors shall be screened from view of public right-of-way. The Zoning Ordinance states that a variance can be granted during site plan approval to allow the bay doors to face public right-of-way, if the Planning and Zoning Commission finds that:

- Unique circumstances exist on the property that make application of specific items in this section (Sec. 146-132) 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 to utilize a living screen (composed of Foster's Holly) located within the terminus island on the south side of the main building to screen the loading

docks and associated spaces from view of public right-of-way (Virginia Parkway). Staff is of the opinion that the proposed location for the living plant screen has been strategically placed to effectively screen the loading docks from the view of public right-of-way (Virginia Parkway), and when combined with the canopy trees along the right-of-way, should provide sufficient screening. As such, Staff recommends approval of the applicant's request to use a living plant screen in the requested area on site.

Per Section 146-132 (Fences, Walls, and Screening requirements) screening devices shall be placed along any property line or district boundary between single family residential uses and nonresidential uses. As proposed, the applicant is requesting to waive the screening requirement of a 6' screening device along the western property line adjacent to single family residential uses. The Zoning Ordinance states that a variance may be granted during site plan approval if the Planning and Zoning Commission finds that:

- Unique circumstances exist on the property that make application of specific items in this section (Sec. 146-132) 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 is requesting to waive the requirement of a 6' screening device along the western property line due to the proposed 7'10" retaining wall located to the west of the main building. Staff is of the opinion that the retaining wall will serve as adequate screening between the retail use and adjacent single family residential uses. As such, the variance is keeping with the spirit of the zoning regulations, and Staff recommends approval of the request.

The applicant has satisfied all other 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 purpose of the architectural standards is 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 standards are intended

to serve as a baseline for the minimum design expectations of the City. These standards are not intended to prohibit architectural innovation nor are they intended to mandate specific architectural styles and concepts. Rather, they are intended to provide for development of enduring quality that provides visual character and interest.

Façade Plan Appeals state that the Planning and Zoning Commission shall consider the following factors in determining the extent of any exception to be granted:

- The extent to which the application meets other specific standards of this ordinance;
- The extent to which the application meets the spirit and intent of this chapter through the use of building materials, colors, and façade design to create a building of exceptional quality and appearance;
- 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;
- The extent to which the proposed project accomplishes City goals as stated in the Comprehensive Plan or other approved documents; and
- Convenience to the applicant and/or reasons related to economic hardship shall not be grounds for approval of an application.

Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance states that for all non-residential uses in non-industrial districts, at least 50 percent of each elevation for building 3 stories or less shall be covered with a masonry finishing material. Acceptable primary masonry finishing materials are brick, stone, or synthetic stone, including, but not limited to, slate, flagstone, granite, limestone and marble. The applicant is proposing an innovative modern architectural design with significant use of glass as the primary exterior finishing material on the east elevation (75% glass curtain wall). The use of glass, along with the unique, curved roofline, varying brick colors, and metal capping on the building help to create a modern and innovate design. As such, Staff recommends approval of the proposed elevations.

**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 Virginia Parkway

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. 2013-11-108)

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

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 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 (Site Plan)
- Letter of Intent (Façade Plan Appeal)
- Proposed Site Plan
- Proposed Landscape Plan
- Proposed Elevations
- PowerPoint Presentation