



**17-219SP**

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for a Movie Theater (Cinemark at 380 Commons), Located on the Southwest Corner of Hardin Boulevard and U.S. Highway 380 (University Drive)

**COUNCIL GOAL:** Direction for Strategic and Economic Growth

**MEETING DATE:** April 10, 2018

**DEPARTMENT:** Planning

**CONTACT:** Melissa Spriegel, Planner I  
Samantha Pickett, Planning Manager, AICP  
Brian Lockley, Director of Planning, AICP, CPM

**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 waive the required screening of the roof-mounted heating and air conditioning (HVAC) units.

Prior to issuance of a building permit:

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

**APPLICATION SUBMITTAL DATE:** July 28, 2017 (Original Application)  
December 13, 2017 (Revised Submittal)  
February 2, 2018 (Revised Submittal)  
March 12, 2018 (Revised Submittal)  
March 15, 2018 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to construct a 55,980 square foot movie theater on 9.71 acres, located at the southwest corner of Hardin Boulevard and U.S.

Highway 380 (University Drive).

The Planning and Zoning Commission approved associated façade plans for the project (17-0007FR) on November 14, 2017.

**PLATTING STATUS:** The subject property is currently unplatted. An associated preliminary-final plat (17-176PF) and an associated record plat (18-0081RP) have been approved. Prior to issuance of a certificate of occupancy, the approved record plat must be filed with the County.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District (Commercial Uses)	Undeveloped Land
North	"PD" - Planned Development District Ordinance No. 1687 (Office and Retail Uses), "C3" - Regional Commercial District (Commercial Uses), and "CC" - Corridor Commercial District	O'Reilly's Auto Parts and Undeveloped Land
South	"PD" - Planned Development District Ordinance No. 1883 (Office and Industrial Uses)	Cockrill Middle School Tennis Courts
East	"PD" - Planned Development District Ordinance No. 1883 and "CC" - Corridor Commercial Overlay District (Office and Industrial Uses)	Undeveloped Land
West	"BG" - General Business District (Commercial Uses), "AG" - Agricultural District (Agricultural Uses), "PD" - Planned Development District Ordinance No. 2014-12-095 (Single Family Residential Uses), and "CC" - Corridor Commercial Overlay District	Single Family Residences, Hardin Village Phase 1 Subdivision, and Undeveloped Land

**ACCESS/CIRCULATION:**

Adjacent Streets: Hardin Boulevard, Variable Width Right-of-Way, Greenway Arterial U.S. Highway 380 (University Drive), Variable Width Right-of-Way, Major Regional Highway Bois D'Arc Road. 60' Right-of-Way, Local Crowe Lane, 60' Right-of-Way, Local

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

**LOADING SPACES:** 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.

**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 (Fences, walls, and screening requirements), mechanical and heating and air conditioning (HVAC) equipment in non-residential, mixed use, and multi-family residential districts shall be screened from view from the public right-of-way and adjacent residential property. For such equipment located on the roof, the screening shall be a minimum of one foot higher than the height of the equipment. The applicant is seeking a variance to waive the required screening for the proposed roof-mounted HVAC equipment. The Zoning Ordinance states that a variance can be granted during site plan approval to waive the required screening 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 indicated their desire to eliminate the screening required for the roof-mounted heating and air conditioning (HVAC) units. The HVAC units are generally located in the middle of the roof and, when viewed in a flat elevation, the HVAC units extend between six inches and two feet above the parapet. That said, when viewed from the surrounding streets, as shown in the provided sight line exhibits, the units are not visible from public right-of-way.

Given that the HVAC units are not visible from the ground, that the building is set back a minimum of 105 feet from public right-of-way, and that the HVAC equipment is generally located in the middle of the roof (between 10-70 feet from the parapet), Staff

has no objections to the applicant's request.

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 properly screened the sanitation container and 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 Bois D'Arc Road
Hike and Bike Trails:	Required along Hardin Boulevard
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. 2017-02-021)
Median Landscape Fees:	Applicable along Hardin Boulevard
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.

**SUPPORTING MATERIALS:**

[Standard Conditions Checklist](#)

[Location Map and Aerial Exhibit](#)

[Letter of Intent](#)

[Proposed Site Plan](#)

[Proposed Landscape Plan](#)

[Site Line Exhibit - Info Only](#)

[Approved Elevations](#)

[PowerPoint Presentation](#)