



**19-0019SP**

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for a Convenience Store, Located Approximately 145 Feet South of Leland Avenue and on the West Side of Tennessee Street

**COUNCIL GOAL:** Direction for Strategic and Economic Growth  
(1C: Provide a strong city economy by facilitating a balance between industrial, commercial, residential and open space)

**MEETING DATE:** May 28, 2019

**DEPARTMENT:** Planning

**CONTACT:** Derrick Rhys Wilson, Planner I  
Samantha Pickett, AICP, Planning Manager  
Jennifer Arnold, AICP, Director of Planning

**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 to utilize a 10' landscape buffer along Tennessee Street.

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:** March 4, 2019 (Original Application)  
April 3, 2019 (Revised Submittal)  
May 3, 2019 (Revised Submittal)  
May 9, 2019 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to construct a 1,750 square foot

convenience store on the subject property.

**PLATTING STATUS:** The subject property is currently unplatted; however, a minor plat has been submitted and is in review (PLAT2019-0096). The minor plat for the subject property must be approved prior issuance of a building permit.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"BN" - Neighborhood Business District (Commercial Uses)	Undeveloped Land
North	"BN" - Neighborhood Business District (Commercial Uses)	El Pollo Alegre and McKinney Auto Repair and Sales
South	"BN" - Neighborhood Business District (Commercial Uses)	English Color and Supply
East	"ML" - Light Manufacturing District (Industrial Uses)	Southwest Ice Cream Specialties
West	"BN" - Neighborhood Business District (Commercial Uses)	Single Family Residence

**ACCESS/CIRCULATION:**

Adjacent Streets: Tennessee Street, 40' Width Right-of-Way, Town Thoroughfare  
Kentucky Street, 36' Right-of-Way Width, Local Street

**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 with exception to the required 20' landscape buffer along street frontage. The ordinance states if unique circumstances exist which prevent strict adherence with this requirement, the Planning and Zoning Commission may consider a granting of a variance during the site plan approval process to reduce the minimum 20-foot

landscape buffer to a minimum of ten feet; provided that site design considerations have been incorporated to mitigate the impact of the variance. Unusual circumstances 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. A variance may be granted if:

- Unique circumstances exist on the property that makes application of this section 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 the public health, safety and general welfare.

The applicant's request for a 10' landscape buffer reduction is reasonable in that the existing site conditions pose a unique challenge for sufficient development on the subject property. The proposed development is located on a lot less than ¼ of an acre with approximately 150' of depth. Such lot dimensions would significantly constrain meaningful development at this location. Having required a 20' buffer on the property may have a negative effect on the site layout, including the location of required parking spaces, vehicular maneuverability, and dumpster accessibility. It is Staff's professional opinion that the proposed 10' landscape buffer meets the intent of the landscaping requirements, and as such, recommends approval of the variance request.

**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 properly screened the sanitation container and 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. The applicant has stated on a signed affidavit that there are no protected trees on the subject property.

**PUBLIC IMPROVEMENTS:**

Sidewalks:	Required along Tennessee Street and Kentucky 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. 2013-11-108)
Utility Impact Fees:	Applicable (Ordinance No. 2017-02-021)
Median Landscape Fees:	Not Applicable
Park Land Dedication Fees:	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](#)  
[Presentation](#)