



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

**File #:** 17-032SUP **Name:** Omar's Wheels and Tires SUP  
**Type:** Ordinance **Status:** Approved  
**In control:** City Council Regular Meeting  
**On agenda:** 10/17/2017 **Final action:** 10/17/2017  
**Title:** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for Auto Parts Sales and Service (Omar's Wheels and Tires), Located at 1605 South McDonald Street, and Accompanying Ordinance

### Indexes:

**Attachments:** 1. PZ Minutes, 2. Location Map and Aerial Exhibit, 3. Letter of Intent, 4. Letter of Opposition, 5. Written Protest, 6. Written Protest Maps, 7. Nearby Auto Uses Map, 8. Proposed Ordinance, 9. Proposed Exhibits A-B, 10. PowerPoint Presentation

Date	Ver.	Action By	Action	Result
10/17/2017	3	City Council Regular Meeting	Approved Closing Public Hearing	Pass
10/17/2017	3	City Council Regular Meeting	Approved	Pass
9/26/2017	2	Planning & Zoning Commission	Approved Closing Public Hearing	Pass
9/26/2017	2	Planning & Zoning Commission	Approved and Referred	Pass

Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for Auto Parts Sales and Service (Omar's Wheels and Tires), Located at 1605 South McDonald Street, and Accompanying Ordinance

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

**MEETING DATE:** October 17, 2017

**DEPARTMENT:** Planning

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

**RECOMMENDED CITY COUNCIL ACTION:** Staff recommends denial of the proposed specific use permit due to a lack of compatibility with the adjacent single family residential uses and vision for State Highway 5 (McDonald Street).

**However, should the specific use permit request be approved, the applicant is requesting approval of the following special ordinance provision:**

1. The property shall generally develop in conformance with the attached site layout exhibit.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** The Planning and Zoning Commission recommended approval of the applicant's request (5-0-1) with the following conditions,

to which the applicant agreed:

1. Uses on the subject property shall be limited to custom wheel and tire sales, installation, alignments, and lift kits.
2. Overnight parking outside of the building shall not be permitted on the subject property.
3. Open storage shall not be permitted on the subject property.

Please see the attached PZ Minutes from September 26, 2017 for additional details.

**ITEM SUMMARY:** The applicant is proposing a specific use permit to allow auto parts sales and service (Omar's Wheels and Tires) located at 1605 South McDonald Street.

A rezoning request (16-310Z) to rezone the subject property to "C3" - Regional Commercial District was approved by City Council on January 3, 2017. The "C3" - Regional Commercial District allows for auto parts sales and service through the approval of a specific use permit, which requires additional consideration for specific uses to determine their appropriateness for the subject property. As part of the specific use permit request, the applicant has submitted a site layout exhibit, which details the location of overhead doors along the west side of the building, screening devices, and overnight parking spaces located within the building.

On October 11, 2017, Staff received a formal written protest from several of the property owners adjacent to the subject property. In order to require a supermajority vote (6 of 7) by City Council for approval, at least 20% of the properties within 200' of the subject property must be included on the petition. The protesting properties comprise 19.3% of the surrounding area; as such, a supermajority vote will *not* be required.

**APPLICATION SUBMITTAL DATE:** February 10, 2017 (Original Application)  
August 8, 2017 (Revised Submittal)  
August 16, 2017 (Revised Submittal)  
September 1, 2017 (Revised Submittal)

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"C3" - Regional Commercial District (Commercial Uses)	Vacant Building
North	"BG" - General Business District (Commercial Uses)	A&D Buffalos and Single Family Residence (Franklin Subdivision)
South	"ML" - Light Manufacturing District (Light Manufacturing Uses)	Shell Fuel Sales and City of McKinney Elevated Water Storage Tank
East	"RS-60" - Single Family Residence District (Single Family Residential Uses)	Franklin Subdivision

West	"BG" - General Business District (Commercial Uses)	RaceTrac Fuel Sales
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**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 in the immediate area;
- Adaptability of building structures to the proposed use;
- Infrastructure requirements: roads, sidewalks, access to public streets, parking, and drainage; and
- 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 not appropriate for the proposed auto parts sales and service use, as it will not remain compatible with the surrounding single family residential uses, located to the north and east of the subject property. Staff has additional concerns that the approval of this use could contribute to an overconcentration of similar automotive uses along State Highway 5, which would discourage an optimal development pattern of existing and future residential, retail, office and community uses as envisioned in the State Highway 5 Corridor Study. Within a one mile radius of the subject property, there are currently eighteen similar automotive-related businesses operating along State Highway 5 (each business has frontage on State Highway 5). These businesses include, but are not limited to, tire sales and installation, auto glass installation, auto body/repair, car sales, and transmission and muffler services.

**IMPACT ON EXISTING DEVELOPMENT:** The subject property in which the applicant intends to operate an auto parts sales and service use is adjacent to similar commercial and auto service uses; however, it is also immediately adjacent to existing single family residential uses, located to the north and east of the subject property. The properties located north of the subject property also consist of a restaurant use (A&D Buffalos), while the properties located south and west consist of service station and fuel sales uses (RaceTrac and Shell) and city facilities (elevated water storage tank).

Staff has concerns with the intensity of the proposed use on the subject property especially given the adjacent single family residential uses. Additionally, Staff has concerns that approval of this use would encourage similarly intense, automobile-related uses in the vicinity, and would create an overconcentration of such uses along State Highway 5. The State Highway 5 Corridor Study designates this area as an Urban Transition Zone, which serves as a transition from a suburban character to the urban center. Preferred land uses in this zone include a mix of residential housing types with both neighborhood and regional office and commercial uses, as well as significant amounts of community facilities. Staff is of the professional opinion that the auto parts sales and service use would not remain compatible with existing and future surrounding land uses, and as such, Staff recommends denial of the proposed specific use permit.

**CONFORMANCE TO THE FUTURE LAND USE PLAN (FLUP):** The Future Land Use Plan (FLUP) designates this area for residential, low density uses within the Town Center Module. The Town

Center Module indicates an urban form that includes a mix of residential housing types as well as a neighborhood and regional office and commercial uses. The proposed specific use permit request is not in conformance with the FLUP.

**SITE LAYOUT:** The attached exhibit provides a general layout of the proposed auto parts sales and service use. The site circulation, parking, sanitation, screening, and landscaping requirements are in general conformance with the Zoning Ordinance. While the applicant has provided a taller screening wall than required (8' provided; 6' required), Staff is not of the opinion that this adequately mitigates the potential impact on the surrounding properties that a use of this intensity could cause. If this specific use permit request is approved, the applicant will be required to receive approval of an associated site plan and landscape plan package meeting all regulations stipulated in the Zoning Ordinance prior to issuance of a building permit.

**ACCESS/CIRCULATION:**

Adjacent Streets: S.H. 5 (McDonald Street), Variable Width Right-of-Way, Major Arterial

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received one letter in opposition to this request. Staff also received a written protest; however, the properties in protest were not more than 20% of the adjacent properties within 200 feet of the subject property. As such, a supermajority vote by City Council is not required.