



# CITY OF MCKINNEY, TEXAS

## Legislation Text

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**File #:** 17-283SP2, **Version:** 1

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Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for Auto Repair and Sales (Da Shang Auto Sales and Repair), Located at the Northeast Corner of State Highway 5 (McDonald Street) and McMakin Street

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

**MEETING DATE:** May 22, 2018

**DEPARTMENT:** Planning

**CONTACT:** Samantha Pickett, AICP, Planning Manager  
Brian Lockley, AICP, CPM, 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 of a variance to reduce the required landscape along State Highway 5 (McDonald Street) from 20 feet to 10 feet.
2. The applicant receive approval of a variance to utilize a living screen to screen the heating and air conditioning (HVAC) unit.

**However the applicant is also requesting the following variances, of which Staff recommends denial:**

3. The applicant receive approval of a variance to orient the overhead doors towards public right-of-way.
4. The applicant receive approval of a variance to utilize a living screen to screen the overnight storage parking spaces.
5. The applicant receive approval of a variance to utilize a living screen to screen the overhead doors from public right-of-way.

Prior to the issuance of a building permit:

1. The applicant revise the parking area to the north of the building to eliminate the partial space.
2. The applicant receive approval of the proposed spacing of the ornamental trees along State Highway 5 (McDonald Street), subject to review and approval by the Landscape Administrator.
3. The applicant revise the site plan to show all existing and proposed easements.
4. The applicant receive approval of the proposed sign locations, subject to review and approval of the Building Inspections Department.

**APPLICATION SUBMITTAL DATE:** October 13, 2017 (Original Application)  
January 29, 2018 (Revised Submittal)  
March 2, 2018 (Revised Submittal)  
March 13, 2018 (Revised Submittal)  
March 16, 2018 (Revised Submittal)  
April 12, 2018 (Revised Submittal)  
May 2, 2018 (Revised Submittal)  
May 7, 2018 (Revised Submittal)  
May 16, 2018 (Revised Submittal - *Not Fully Reviewed by Staff*)

**ITEM SUMMARY:** The applicant is proposing to construct a 2,150 square foot auto repair and sales facility (Da Shang Auto Sales and Repair) on approximately 0.45 acres at the northeast corner of State Highway 5 (McDonald Street) and McMakin Street.

On April 10, 2018, the Planning and Zoning Commission voted 7-0-0 to continue the public hearing and table the item to the April 24, 2018 Planning and Zoning Commission meeting to allow Staff and the applicant to continue working on the plan.

On April 24, 2018, the Planning and Zoning Commission voted 7-0-0 to close the public hearing and table the item indefinitely to allow Staff and the applicant to continue working on the plan.

**PLATTING STATUS:** The subject property is currently platted as Lot 1, Block A of the Carolyn's East Addition. An amending plat of the subject property must be approved prior to the commencement of any development activity on the subject property, and filed with the Collin County Clerk prior to the issuance of a Certificate of Occupancy.

#### **ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"BG" - General Business District (Commercial Uses)	Undeveloped Land
North	"BG" - General Business District (Commercial Uses)	First Choice Auto and Tires and First Choice Muffler Shop

South	"BG" - General Business District (Commercial Uses) and "RS-60" - Single Family Residence District (Single Family Residential Uses)	Cottonwood Park
East	"PD" - Planned Development District Ordinance No. 2014-02-007 (Multi-Family Residential Uses)	Newsome Homes
West	"BG" - General Business District (Commercial Uses)	First Choice Auto and Tires and First Choice Muffler Shop

### ACCESS/CIRCULATION:

Adjacent Streets: State Highway 5 (McDonald Street), 100' Right-of-Way, Major Arterial McMakin Street, 50' 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.

**VARIANCE REQUESTS:** Per the Zoning Ordinance, a variance to the requirements of certain sections can 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 proposing five variances, detailed below:

- *Reduce the landscape buffer along State Highway 5 (McDonald Street) to 10 feet*
  - For non-residential parcels, a minimum 20-foot landscape buffer adjacent to a major thoroughfare is required. The applicant is requesting to reduce the landscape buffer

along State Highway 5 (McDonald Street) due to the small size and unique shape of the lot. Staff understands the difficulty of developing the site for commercial uses with a 20' landscape buffer given the size and shape of the lot. As such, Staff recommends approval of the proposed variance request.

- *Utilize a living screen to screen the HVAC equipment*
  - Mechanical and heating and air conditioning (HVAC) equipment in non-residential districts shall be screened from view from the public right-of-way and adjacent residential property. The applicant is seeking approval of a living screen device, composed of Nellie R. Stevens Holly (3' tall, 3' on center), to screen the HVAC equipment in lieu of either a solid masonry wall or a wrought iron fence with masonry columns and shrubs. The applicant is proposing one heating and air conditioning unit to be located on the north side of the building. Given the single unit and location at the northeast of the building, it is Staff's professional opinion that the proposed living screen will serve as an adequate screening device. As such, Staff recommends approval proposed variance request.
- *Allow the overhead doors to be oriented towards public right-of-way (State Highway 5 (McDonald Street))*
  - The applicant has proposed three overhead doors to be oriented toward State Highway 5 (McDonald Street). In the letter of the intent, the applicant has indicated that there is no available space on the site to orient the overhead doors away from public right-of-way due to the size and shape of the property. Staff understands the constraints of the site; however, it is Staff's professional opinion that given the limited size and constraints of the property, the site is not conducive to a use of this scale and intensity with the bays being located approximately 70' and 20' from State Highway 5 and McMakin Street, respectively. A reduction in the number of proposed overhead doors may allow for additional site and building design options; however, as proposed, Staff has concerns with the request.
  - Furthermore, TxDOT has approved plans to acquire of a portion of the subject property to realign McMakin Street (see attached Realignment Exhibit). Although the City does not enforce future TxDOT requirements, Staff has concerns regarding the impending impacts to the proposed use, such as the loss of parking, landscaping, and proposed screening for the overhead doors and parking areas. Due to these factors, Staff recommends denial of the proposed variance request.
- *Utilize a living screen to screen the overhead doors from view of public right-of-way (State Highway 5 (McDonald Street) and McMakin Street)*
  - Loading docks, bays and bay doors are required to be screened from view of public right-of-way, and adjacent properties (other than industrial). The applicant is requesting to screen the overhead doors of the repair facility with a living screen composed of Wax Leaf Ligustrum (3' tall, 3' on center); however, the shrubs are proposed to occupy only

the width of the overhead doors and be located in a manner to screen the overhead doors only where they are oriented towards State Highway 5. As the Ordinance requires screening the view from all public rights-of-way, any proposed screening device would need to extend in a manner that would obscure the view from multiple angles that might be seen while driving.

- Although the required ornamental trees and low parking shrubs may provide some additional landscaping along the street, the view to the repair work in the bays will still be visible, and even more so during the winter when the trees are bare. Even with a reduced landscape buffer of 10', Staff is of the opinion that a wrought iron fence with masonry columns and shrubs would provide sufficient screening and complement the existing screening wall on the adjacent property (Newsome Homes); however, as currently proposed Staff recommends denial of the proposed variance request.
- *Utilize a living screen to screen the overnight storage parking spaces*
  - Vehicles awaiting repair for more than 24 hours or after the close of business shall be screened from view from public right-of-way and from adjacent residential property. The applicant is proposing a living screen composed of Wax Leaf Ligustrum (3' tall, 3' on center) on three sides of the overnight storage spaces with the north view from State Highway unscreened. As with the overhead doors, it is Staff's professional opinion that the shrubs alone will not provide adequate coverage, and that spaces could be screened with wrought iron fence with masonry columns and shrubs on three sides. If the overhead door screening was provided along State Highway 5, this could also adequately screen the remaining side of the parking spaces. As currently proposed, however, there is a direct view corridor of the overnight spaces from State Highway 5 and limited coverage. As such, Staff recommends denial of the proposed variance request.

**LANDSCAPE REQUIREMENTS:** The applicant has 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 properly screened the sanitation container 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 is required to submit a signed affidavit that there are no protected trees on the subject property or a tree survey, subject to review and approval of the City's Landscape Architect during the Civil review process.

**PUBLIC IMPROVEMENTS:**

Sidewalks:	Required along State Highway 5 (McDonald Street) and McMakin 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:	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.