



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

**File #:** 23-0043SP2      **Name:** Goody Goody Liquor Store Site Plan  
**Type:** Agenda Item      **Status:** Approved  
**In control:** Planning & Zoning Commission  
**On agenda:** 6/13/2023      **Final action:** 6/13/2023  
**Title:** Conduct a Public Hearing to Consider/Discuss/Act on Design Exceptions for a Site Plan for a Retail Development, Located Approximately 670 Feet South of Highlands Drive and on the East Side of South Lake Forest Drive

**Indexes:**

**Attachments:** 1. PZ Minutes 05.23.pdf, 2. Standard Conditions Checklist, 3. Location Map and Aerial Exhibit, 4. Letter of Intent, 5. Ex. PD Ord. No. 2014-01-001, 6. Proposed Site Plan, 7. Proposed Landscape Plan, 8. Presentation

Date	Ver.	Action By	Action	Result
6/13/2023	1	Planning & Zoning Commission	Approved	Pass

Conduct a Public Hearing to Consider/Discuss/Act on Design Exceptions for a Site Plan for a Retail Development, Located Approximately 670 Feet South of Highlands Drive and on the East Side of South Lake Forest Drive

**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:** June 13, 2023

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Jake Bennett, Planner I  
Caitlyn Strickland, 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 of the following Design Exceptions to:
  - a. Provide an alternate screening device, per Section 206C of the UDC.
  - b. Orient a loading bay toward an adjacent, residentially zoned property, per Section 206E of the UDC.

- c. Provide a loading bay within 200' of residentially zoned property, per Section 206E of the UDC.
2. The applicant revise the site plan to include all necessary changes per the Fire Marshal's Office.
3. The applicant revise the site plan to include all necessary changes per the Engineering Department.
4. The applicant revise the landscape plan to include all necessary changes per the Planning Department.

Prior to issuance of a building permit:

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

**APPLICATION SUBMITTAL DATE:** March 27, 2023 (Original Application)  
April 28, 2023 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to construct a 15,083 square foot retail development (Goody Goody) on 1.4 acres, located approximately 670 feet south of Highlands Drive and on the east side of South Lake Forest Drive.

Typically, site plans can be approved at the staff level; however, the applicant has requested Design Exceptions, which requires consideration by the Planning and Zoning Commission for approval.

Specifically, the applicant has requested three Design Exceptions. The first is to provide an alternate screening device of Eastern Red Cedar canopy trees. The second and third requested Design Exceptions are to orient a loading bay toward adjacent residential zoned property and for this loading bay to be located within 200' of residentially zoned property.

This site plan is being reviewed under Article 2 (Zoning Regulations) of the Unified Development Code (UDC), which was adopted by the McKinney City Council on November 15, 2022.

**PLATTING STATUS:** The subject property is currently platted. An amending plat of the subject property must be approved prior to the commencement of any development activity on the subject property.

**EXISTING ZONING AND LAND USES:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"PD" - Planned Development District Ord. No. 2014-01-001 (Commercial Uses)	Undeveloped Land
North	"PD" - Planned Development District Ord. No. 2014-01-001 (Commercial Uses)	Premier Care Internal Medicine

South	"PD" - Planned Development District Ord. No. 2014-01-001 (Commercial Uses)	Yaba Java Café, Lake Forest Animal hospital, STRIDE Fitness, Advantage Storage
East	"PD" - Planned Development District Ord. No. 95-06-027 (Single Family Residential Uses)	Eldorado Heights Subdivision
West	"PD" - Planned Development District Ord. No. 1998-06-029 (Single Family Residential Uses)	Eldorado Heights Subdivision

**ACCESS/CIRCULATION:**

Adjacent Streets: South Lake Forest Drive, 4-Lane Right-of-Way, Greenway Arterial

**PARKING:** The applicant has satisfied the minimum parking requirements as specified within Section 206E (Vehicle Parking and Loading) of the Unified Development Code.

**LOADING SPACES:** The applicant has satisfied all but one of the minimum loading space requirements as specified within Section 206E (Vehicle Parking and Loading) of the Unified Development Code.

The applicant has requested two Design Exceptions to orient a proposed loading bay toward residential zoned property and for this loading bay to be located within 200' of residential zoned property. While the adjacent property to the east is zoned for residential uses, it is currently being used as the Cottonwood Creek Channel and is owned by the City. Due to the channel and easements located on the eastern side of the subject property, the nearest single family residential lot is approximately 300' away from the proposed bay door. In addition to the distance between the residential property, the applicant is also proposing to plant Eastern Red Cedar trees, spaced every 20 linear feet on the eastern side of the property, between the loading area and the residential use properties.

With consideration to the distance between the loading bay and the nearest single family residential use property and the addition of a stricter adjacency buffer tree requirement, Staff recommends approval of the proposed Design Exceptions.

Please see the screening requirements section for details regarding the final Design Exception.

**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 is required to satisfy all landscaping requirements as specified in Section 206A (Landscaping) of the Unified Development Code.

**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 206C (Screening of the Unified Development Code).

The applicant has requested a Design Exception for the use of an alternate screening device, consisting of Eastern Red Cedar canopy trees placed every 20 linear feet, along the eastern side of the property. A screening device is required at this location because of the residential zoning of the adjacent property. Section 206C requires that all non-residential developments provide a screening device when located adjacent to single family residential zoned properties. This section allows applicants to request a Design Exception to provide an alternate screening device or no screening device. The Planning and Zoning Commission may approve a request for a Design Exception if they find that:

- I. There is a compelling reason why the existing standard cannot be satisfied;
- II. The Design Exception will not have an adverse impact on adjacent existing or future developments;
- III. The Design Exception will not have an adverse impact on the public health, safety, and general welfare;
- IV. The Design Exception is not proposed to reduce financial costs or serve as a convenience to the applicant; and
- V. The Design Exception complies with all additional standards outlined in the specific section from which the Design Exception originates.

Due to the unique situation with the zoning of the adjacent floodplain, the distance between the proposed site improvements and residential lots, and the proposed stricter adjacency buffer trees, Staff recommends approval of this Design Exception.

**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 all applicable requirements of Section 206F (Architectural Standards) of the Unified Development Code. 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 South Lake Forest Drive
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. 2020-12-091)

Utility Impact Fees: Applicable (Ordinance No. 2020-12-092)

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 letters of support to this request and no letters of opposition. This does not include emails or letters that may have been sent directly to members of the Council. As part of the Planning and Zoning Commission Public Hearing, Staff has not received any citizen comments through the online citizen portal.

On May 23, 2023, the Planning and Zoning Commission voted 7-0-0 to close the public hearing and table the item to the June 6, 2023 Planning and Zoning Commission meeting.