



CITY OF MCKINNEY, TEXAS

Legislation Details (With Text)

File #: 22-0118SP **Name:** Tovi Motors Site Plan Variance
Type: Agenda Item **Status:** Regular Agenda Item
In control: Planning & Zoning Commission
On agenda: 10/10/2023 **Final action:**
Title: Conduct a Public Hearing to Consider/Discuss/Act on Variances to a Site Plan for Auto Repair Garage (Tovi Motors), Located at 1004 South McDonald Street

Indexes:

Attachments: 1. Standard Conditions Checklist, 2. Location Map and Aerial Exhibit, 3. Letter of Intent, 4. Proposed Site Plan, 5. Proposed Landscape Plan, 6. Proposed Facade Plan, 7. Presentation

Date	Ver.	Action By	Action	Result
10/10/2023	1	Planning & Zoning Commission	Close the public hearing	Pass
10/10/2023	1	Planning & Zoning Commission	Denied and Referred	Pass
10/10/2023	1	Planning & Zoning Commission	Denied and Referred	Pass

Conduct a Public Hearing to Consider/Discuss/Act on Variances to a Site Plan for Auto Repair Garage (Tovi Motors), Located at 1004 South McDonald 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: October 10, 2023

DEPARTMENT: Development Services - Planning Department

CONTACT: Jake Bennett, Planner II
 Caitlyn Strickland, AICP, Planning Manager
 Jennifer Arnold, AICP, Director of Planning

APPLICATION SUBMITTAL DATE: November 7, 2022 (Original Application)
 February 2, 2023 (Revised Submittal)
 March 9, 2023 (Revised Submittal)
 April 28, 2023 (Revised Submittal)
 May 19, 2023 (Revised Submittal)
 July 17, 2023 (Revised Submittal)
 August 11, 2023 (Revised Submittal)
 September 21, 2023 (Revised Submittal)

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 denial of the proposed site plan due to the lack of

screening being proposed.

However, should the Planning and Zoning Commission approve the site plan, the following shall apply:

1. The applicant shall receive approval of the following:
 - a. A variance to Section 146-135(f)(4) (Landscape Requirements) of the Zoning Ordinance to provide a street landscape setback of less than 20' in width along South McDonald Street.
 - b. A variance to Section 146-135(f)(2) (Landscape Requirements) of the Zoning Ordinance to provide a corner clip landscape setback of less than 30' adjacent to the corner of South McDonald Street and Gerrish Street.
 - c. A variance to Section 146-135(f)(4) (Landscape Requirements) of the Zoning Ordinance to Provide a corner clip landscape setback of less than 30' adjacent to the corner of South Chestnut Street and Gerrish Street.
 - d. A variance to Section 146-139(9)(a)1 (Architectural and site standards) of the Zoning Ordinance to provide less than 50% of masonry finishing materials on the eastern elevation.
 - e. A variance to Section 146-139(9)(a)2 (Architectural and site standards) of the Zoning Ordinance to provide darker masonry blocks to cap the elevations, as opposed to a cornice treatment.
 - f. A variance to Section 146-139(9)(c) (Architectural and site standards) of the Zoning Ordinance to not provide building offsets on the eastern and western building elevations.
 - g. A variance to Section 146-132(3)(g) (Fences, Walls, and Screening Requirements) of the Zoning Ordinance to allow bay doors to be oriented towards South McDonald Street.
 - h. A variance to Section 146-132(3)(g) (Fences, Walls, and Screening Requirements) of the Zoning Ordinance to not require screening of the proposed bay doors facing towards South McDonald Street.
 - i. A variance to Section 146-132(3)(l) (Fences, Walls, and Screening Requirements) of the Zoning Ordinance to not provide a screening device for the overnight storage of vehicles.
2. The applicant shall revise the site plan to screen the HVAC and mechanical equipment.
3. The applicant shall revise the landscape plan to provide evergreen shrubs surrounding the dumpster enclosure.
4. The applicant shall revise the landscape plan to provide the required street buffer

ornamental trees along the western property line.

Prior to issuance of a building permit:

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

ITEM SUMMARY: The applicant is proposing to construct an approximately 5,888 square foot auto repair garage.

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

This site plan is being reviewed under Chapter 146 (Zoning Regulations) of the McKinney Code of Ordinances, as it was submitted prior to the adoption of the Unified Development Code (UDC) 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	"BG" - General Business District (Commercial Uses)	Vacant Car Wash
North	"BG" - General Business District (Commercial Uses)	Retail
South	"BG" - General Business District (Commercial Uses)	Auto Dealership
East	"BG" - General Business District (Commercial Uses)	Restaurant and Office
West	"RS-60" - Single Family Residence District (Residential Uses)	Single Family Residential

ACCESS/CIRCULATION:

Adjacent Streets: South McDonald Street, Town Thoroughfare

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 the minimum landscape requirements as specified within Section 146-135 (Landscape Requirements) of the Zoning Ordinance, except as follows:

The applicant is requesting variances to reduce the landscape buffer setback from 20' to 10' along South McDonald Street and to reduce the corner clip landscape buffer setbacks on two corners on the property. The proposed corner clip landscape buffer setbacks are proposed to be 19' adjacent to the southeast corner and 22' adjacent to the southwest corner.

The subject property is located along South McDonald Street (Highway 5) and is zoned "BG" - General Business District for commercial uses. Due to the relatively shallow depth of the existing lot (roughly 120'), it is Staff's professional opinion that providing the typically required landscape buffers and setbacks may be challenging for any commercial development on the property. As such, we have no objection to the requested variances to:

- Section 146-135(f)(4) (Landscape Requirements) of the Zoning Ordinance to provide a street landscape setback of less than 20' in width along South McDonald Street.
- Section 146-135(f)(2) (Landscape Requirements) of the Zoning Ordinance to provide a corner clip landscape setback of less than 30' adjacent to the corner of South McDonald Street and Gerrish Street.
- Section 146-135(f)(4) (Landscape Requirements) of the Zoning Ordinance to Provide a corner clip landscape setback of less than 30' adjacent to the corner of South Chestnut Street and Gerrish Street.

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.

However, the applicant has requested variances to orient bay doors towards South McDonald Street, to not provide screening of the bay doors from South McDonald Street, and to not provide screening for the overnight storage of vehicles.

Section 146-132 (4) allows applicants to request variances to screening requirements with approval from the Planning and Zoning Commission. A variance may be granted if the Commission finds that:

- a. Unique circumstances exist on the property that make application of specific items in this section unduly burdensome on the applicant;
- b. The variance will have no adverse impact on current or future development;
- c. 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; or
- d. The variance will have no adverse impact on the public health, safety and general welfare. A financial hardship shall not be considered a basis for the granting of a variance.

The applicant has selected to orient the operation of vehicle repair business, which includes five (5) bay doors, towards South McDonald Street. As shown on the site plan, the applicant also proposes to provide no screening for the dedicated overnight storage of vehicles awaiting repair.

Staff understands that the orientation of any business on the subject property should be on South McDonald Street and we have no notable objection to the bay doors being oriented towards South McDonald Street. However, we have concerns with the lack additional features being proposed to mitigate the visual impact that the bay doors will have from South McDonald. As part of the newly adopted Unified Development Code, additional features to mitigate the orientation of bay doors towards rights-of-way include providing doors that are finished with glass and appear as windows when closed and providing an increased ratio of 1 tree per 30 linear feet of street frontage instead of the typically required 1 tree per 40 linear feet.

Staff also has concerns with the applicant's requested variance to not provide screening for the overnight storage area for vehicles. Overnight storage for vehicles is a required site feature for this use. However, the applicant has indicated that they do not intend to store any vehicles outside overnight due to potential theft or destruction. Unfortunately, Staff is not comfortable deviating from the typical requirement to provide a dedicated location for storage of vehicles awaiting repair, especially on a site that is providing a reduced street landscape setback.

As such, Staff we recommend denial to the requested variances to:

- Section 146-132(3)(g) (Fences, Walls, and Screening Requirements) of the Zoning Ordinance to allow bay doors to be oriented towards South McDonald Street.
- Section 146-132(3)(g) (Fences, Walls, and Screening Requirements) of the Zoning Ordinance to not require screening of the proposed bay doors facing towards South McDonald Street.
- Section 146-132(3)(l) (Fences, Walls, and Screening Requirements) of the Zoning Ordinance to not provide a screening device for the overnight storage of vehicles.

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 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.

The applicant has requested variances to provide less than 50% masonry finishing material on the eastern elevation, not provide a cornice treatment, not provide an interrupted roof line on the eastern and western elevations, and not provide building offsets to the eastern and western elevations.

On the eastern elevation, the applicant is proposing a horizontal architectural metal feature above the bay doors, which lowers the masonry percentage provided from the required 50% to 48%.

For parapet roof buildings, a cornice treatment is required. Instead of providing a cornice treatment to the building, the applicant is proposing to provide masonry of a darker tone to cap the elevations.

For long, uninterrupted elevations, two building offsets are required. The applicant is not proposing to add offsets to the western side of the building in order to maintain the 10' landscape setback. The eastern elevation includes the vehicle bays, which will provide some offset, due to the doors, but will not provide a full 18" in depth. The office portion of the building will also be offset of the southern side of the eastern elevation, which will provide one offset.

Staff understands the need for these variances in order to promote redevelopment activity on the subject property and to allow the site to be brought up to the majority of current development standards.

As such, Staff has no objection to the requested variances to:

- Section 146-139(9)(a)1 (Architectural and site standards) of the Zoning Ordinance to provide less than 50% of masonry finishing materials on the eastern elevation.
- Section 146-139(9)(a)2 (Architectural and site standards) of the Zoning Ordinance to provide darker masonry blocks to cap the elevations, as opposed to a cornice treatment.
- Section 146-139(9)(c) (Architectural and site standards) of the Zoning Ordinance to not provide building offsets on the eastern and western building elevations.

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 McDonald 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. 2020-12-091)
Utility Impact Fees: Applicable (Ordinance No. 2020-12-092)
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 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 or Commission.