



22-0069SP

TITLE: Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for a Retail Store (Sprouts), Located at 2201 Virginia Parkway

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: December 12, 2023

DEPARTMENT: Development Services - Planning Department

CONTACT: Jake Bennett, Planner II
Caitlyn Strickland, 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 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 receive approval of a variance to Section 146-132 (3)j.1. (Fences, Walls, and Screening Requirements) to not provide a screening device at least one foot higher than the rooftop equipment.

Prior to issuance of a building permit:

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

APPLICATION SUBMITTAL DATE: June 27, 2022 (Original Application)
August 29, 2022 (Revised Submittal)

September 26, 2023 (Revised Submittal)
 October 25, 2023 (Revised Submittal)
 November 2, 2022 (Revised Submittal)
 November 7, 2022 (Revised Submittal)
 May 17, 2023 (Revised Submittal)
 May 24, 2023 (Revised Submittal)
 September 27, 2023 (Revised Submittal)
 November 21, 2023 (Revised Submittal)

ITEM SUMMARY: The applicant proposes to construct a 22,468 square foot retail store (Sprouts) on 3.38 acres at 2201 Virginia Parkway.

Typically, site plans can be approved at the staff level; however, the applicant has requested a variance, 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 final plat of the subject property must be filed prior to the issuance of a full Certificate of Occupancy.

EXISTING ZONING AND LAND USES:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"C3" - Regional Commercial District (Commercial Uses)	Undeveloped Land
North	"PD" - Planned Development District (Commercial Uses)	Gas Station
South	"C3" - Regional Commercial District (Commercial Uses)	Undeveloped Land
East	"C3" - Regional Commercial District (Commercial Uses)	Undeveloped Land
West	"PD" - Planned Development District (Commercial Uses) and "RED-1" - Residential Estate District (Single Family Residential Uses)	Office and Single Family Residential

ACCESS/CIRCULATION:

Adjacent Streets: Virginia Parkway, 6-Lane Major Arterial

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

SCREENING REQUIREMENTS: The applicant has requested a variance from Section 146-132 (3)j.1. (Fences, Walls, and Screening Requirements) to not provide a rooftop screening device that extends a minimum of one foot taller than the rooftop equipment.

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 submitted a sight line study to illustrate the screening of heating and mechanical equipment on the roof from view of rights-of-way and adjacent residential properties. Under Section 146-32(3)(j), mechanical and heating equipment located on the roof shall be screened from view from the public right-of-way and from adjacent residential property.

As presented, the sight line study shows that the condenser will be viewable and will not be properly screened from US Highway 75. The condenser is shown to be visible from the right-of-way and will not meet the intent of the zoning ordinance for screening of any mechanical and heating equipment. As such, Staff recommends denial of the variance request.

It should be noted that as shown in the sight line study, the mechanical and heating equipment is not visible from the Virginia Parkway right-of-way or from the 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 all applicable requirements of Section 146-139 (Architectural and Site Standards) of the City of McKinney Zoning Ordinance.

TREE PRESERVATION ORDINANCE: The applicant is 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 Virginia Parkway
Hike and Bike Trails:	Not Applicable
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 or Commission.

SUPPORTING MATERIALS:

[Standard Conditions Checklist](#)
[Location Map and Aerial Exhibit](#)
[Letter of Intent](#)
[Proposed Site Plan](#)
[Proposed Landscape Plan](#)
[Sight Line Study](#)
[Presentation](#)