



21-0004SUP

TITLE: Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit to Allow for an Outdoor Amusement Facility (Tupps Brewery), Located at 402 East Louisiana 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: June 22, 2021

DEPARTMENT: Development Services - Planning Department

CONTACT: Joe Moss, Planner I
Caitlyn Strickland, Planning Manager
Jennifer Arnold, AICP, Director of Planning

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the July 20, 2021 meeting.

STAFF RECOMMENDATION: Staff recommends approval of the proposed specific use permit subject to the following special ordinance provisions:

1. The property shall generally develop in accordance with the attached specific use permit exhibit and all applicable development requirements of the city; and
2. Outdoor events on the subject property shall be limited to four (4) days per month and shall only occur on the following days:
 - a. Designated Federal Holidays;
 - b. During City-Sanctioned Special Events; or

- c. Friday and Saturday; and
3. Additional landscaping be provided along the southeast portion of the subject property in order to minimize the transmission of sound, subject to review and approval by the Director of Planning.

However, if the specific use permit is approved per the applicant's request, the following special ordinance provisions shall apply:

1. The property shall generally develop in accordance with the attached specific use permit exhibit and all applicable development requirements of the city.

APPLICATION SUBMITTAL DATE: March 30, 2021 (Original Application)
 May 4, 2021 (Revised Submittal)
 June 8, 2021 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting approval of a specific use permit to allow for outdoor commercial amusement uses located at 402 East Louisiana Street. The outdoor commercial amusement uses are associated with the larger proposed redevelopment efforts on the site which includes a new 22,439 square foot brewery (Tupps Brewery) in addition to a taproom and barrel aging facility that would be located in the renovated and expanded existing structures. The outdoor commercial amusement uses on the site include a 981 square foot stage in the renovated barrel aging facility which would be used for live music and performances. Although the entire area is not marked on the proposed SUP exhibit, Staff estimates that the proposed seating courtyard (as noted on the exhibit) is between 15,000 and 18,000 square feet.

Original submittals for this project included two stages. However, the applicant has since indicated that they are only proposing to construct one at this time. A future stage in the space labeled "concrete pad" on the SUP exhibit may be considered by the applicant at some time in the future.

The zoning for the subject property ("MTC" McKinney Town Center District - Transit Village Edge) requires that a specific use permit be granted for outdoor commercial amusement uses to be conducted on the site.

ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"MTC" McKinney Town Center District (Commercial and Residential Uses)	Former Mill
North	"MTC" McKinney Town Center District (Commercial and Residential Uses)	Flour Mill, East End Salvage, Buck Ration

South	"RS-60" Single Family Residence District (Single Family Residential Uses)	Single Family Residences
East	"RS-60" Single Family Residence District (Single Family Residential Uses)	Single Family Residences, Undeveloped Land
West	"MTC" McKinney Town Center District (Commercial and Residential Uses)	vacant (formerly mobile homes)

SPECIFIC USE PERMITS: When acting on a request for a specific use permit, the Zoning Ordinance identifies the following factors which 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.

The addition of the Tupps Brewery facility to McKinney's historic downtown is a very exciting announcement and should definitely help to assist in the community's efforts to revitalize the area. Moreover, the proposed use will serve as a unique, regional draw adding more activity and life to portions of our downtown which are located east of State Highway 5 (McDonald Street). Staff is excited to be able to partner with the developer to bring this project to life.

That said, Staff does have some concerns with the applicant's request for a specific use permit for outdoor commercial uses on the subject property. If approved by the City Council, the specific use permit would permit large-scale outdoor events to occur at frequent intervals, potentially every day. If approved with no limitations on the number of allowable outdoor events that could occur on site, Staff fears that the frequency and effects of regular outdoor commercial events could negatively impact the quality of life for the adjacent residential properties.

When considering the proposed outdoor commercial use (stage) as part of the SUP process, Staff specifically looked at the factors outlined below:

Noise (proximity to residential uses):

- The subject property is adjacent to single family residential uses and zoning districts on its east and south. These residential uses are separated from the subject property by two 40' rights-of-ways, Andrews Street and Green Street, and the proposed stage sits approximately 190' from the nearest residential property line.

- Given the site's location within 500' of residential uses, it is subject to the city's "Quiet Zone" regulations found in Chapter 70, Article V of the city's Code of Ordinances (commonly referred to as the "Noise Ordinance"). This specifically prohibits certain noise disturbances in/within proximity to residential uses.
- As such, use of musical instruments, loudspeaking amplifiers and similar devices on the subject property would be considered a noise disturbance and subject to the city's enforcement authority if operated between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday, and between the hours of 11:30 p.m. and 7:00 a.m., Friday and Saturday (Section 70-120).
- Because of the scale and intensity of the proposed outdoor commercial use (stage), Staff feels as though some sort of sound mitigation should be considered to dampen the potential noise generated by the proposed outdoor commercial amusement use (stage).

Noise (performance standards):

- The subject property is also subject to the performance standards found in Chapter 146-134 of the city's Zoning Ordinance. This specifically states that no sound activity is permitted to exceed 65 dB(A) between 6:00 AM and 9:00 PM and 58 dB(A) between 9:00 PM and 6:00 AM. However, any special events that are separately permitted per Section 87-10 of the city's code would be exempt from these noise limits.
- The existing structures are made of corrugated metal and the applicant is proposing to construct and expand the aesthetic of these structures by constructing the new brewery with predominately corrugated metal as well. Because corrugated metal is not constructed for sound attenuation, Staff feels as though some sort of sound mitigation should be considered to dampen the potential noise generated by the proposed outdoor commercial amusement use (stage).
- The applicant has submitted a letter stating that they are aware of the noise ordinances. They have indicated to staff that they believe they can meet the city's noise ordinance and performance standards though the technology of the sound equipment used during stage performances.
- For your reference, Staff has included a Decibel Level Chart which summarizes the volume levels of various sources.

Screening:

- The applicant is proposing a combination of 6' metal fencing and a 7'6" concrete block wall along portions of Andrews Street and Green Street. The proposed

screening walls would be softened with a grouping of trees in some locations and screening shrubs.

- While Staff feels as though the proposed concrete block wall should screen portions of the outdoor commercial amusement uses (stage) from the neighboring residential uses on portions of Andrews Street, we do have concerns that the combination of the concrete block wall and metal fencing at the corner of Andrews Street and Green Street may result in a noise funneling effect and direct visibility of the outdoor commercial amusement uses (stage) for the residential properties located on that corner.
- The applicant is also proposing to construct a new 59' tall brewery structure in the southwest corner of the property (along Green Street). Staff is of the opinion that the proposed brewery structure should fully screen the outdoor commercial amusement uses (stage) from the residential uses on the south.

Traffic and Vehicular Congestion:

- Although the proposed development is expected to satisfy the city's parking requirements through the use of shared parking, there is currently no parking proposed on-site.
- Staff has concerns that approval of the SUP for the proposed outdoor commercial uses (stage) with no additional special ordinance provisions would allow for large-scale events to occur on a regular and frequent basis, which could put a strain on the limited public parking lots in the immediate area and lead to traffic and congestion issues for the surrounding residential areas.

In order to address the concerns cited above, Staff has proposed the following special ordinance provisions to accompany and support its recommendation for approval:

1. Outdoor events on the subject property shall be limited to four (4) days per month and shall only occur on the following days:
 - a. Designated Federal Holidays;
 - b. During City-Sanctioned Special Events; or
 - c. Friday and Saturday; and
2. Additional landscaping be provided along the southeast portion of the subject property in order to minimize the transmission of sound, subject to review and approval by the Director of Planning.

It's worth noting that the applicant is requesting approval of a specific use permit without the addition of the two special ordinance provisions referenced above. Staff is not comfortable supporting the approval of a specific use permit without the addition of

these two special ordinance provisions.

SITE LAYOUT: The attached exhibit provides a general layout of the proposed building as well as the associated parking and internal site circulation. The site circulation, parking, and sanitation requirements are in general conformance with the Zoning Ordinance.

ACCESS/CIRCULATION:

Adjacent Streets: E. Louisiana Street, 80' Right-of-Way, Town Thoroughfare Greenville Road, Variable Width Right-of-Way, Town Thoroughfare Andrews Street, 40' Right-of-Way, Residential Street Green Street, 40' Right-of-Way, Residential Street

Internal Circulation: Fire lanes have been provided on site in accordance with the Fire Marshalls office for internal circulation, however they are not intended to be accessible for regular traffic as they are gated access points.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no comments in support of or opposition to this request.

SUPPORTING MATERIALS:

[Location Map and Aerial Exhibit](#)
[Letter of Intent](#)
[Proposed Specific Use Permit Exhibit](#)
[Proposed Landscape Plan](#)
[Proposed Elevations - Informational Only](#)
[Proposed Elevations Renderings](#)
[Screening Exhibit](#)
[Existing Site Condition Photos](#)
[Noise Ordinance Acknowledgements](#)
[Sound Exhibit](#)
[Acoustic Memo](#)
[Decibel Level Chart Exhibit](#)
[Presentation](#)