



**21-0096SP**

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on Variances to a Site Plan (Burnside AC & Heating), Located at 545 Berry Avenue

**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:** November 8, 2022

**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 a variance to Section 146-139 (f)(9)a.1. (Architectural and Site Standards) of the Zoning Ordinance to not provide a minimum of 50% masonry finishing materials on all elevations under three stories.
2. The applicant receive approval of a variance to Section 146-139 (f)(9)c.2. (Architectural and Site Standards) of the Zoning Ordinance to not provide a minimum of two building offsets of at least 18" for elevations with a horizontal length of 50 feet or greater.
3. The applicant receive approval of a variance to Section 146-139 (f)(9)e.1. (Architectural and Site Standards) of the Zoning Ordinance to not provide interrupted roof lines.
4. The applicant receive approval of a variance to Section 146-132 (2)(a)3.iv. (Fences, Walls, and Screening Requirements) of the Zoning Ordinance to allow an 8' tall architectural metal fence as an alternative screening device along the southern property line.

5. The applicant revise the landscape plan to show a proposed berm the meets the requirement of Ordinance No. 2021-04-032.

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:**      October 26, 2021 (Original Application)  
May 25, 2022 (Revised Submittal)  
August 26, 2022 (Revised Submittal)  
September 21, 2022 (Revised Submittal)  
October 10, 2022 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to construct two buildings that reach a combined 11,840 square feet. The buildings will contain office and warehouse-type uses for Burnside AC & Heating.

**PLATTING STATUS:** The subject property is currently unplatted. A record 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 2021-04-032 (Neighborhood Commercial and Warehouse Uses)	Undeveloped Land
North	"BG" - General Business District (General Commercial Uses)	La Michoacana Meat Market, Texas Tool Traders, and A-MAX Auto Insurance
South	"RS-60" - Single Family Residence District (Single Family Residential Uses)	Single Family Homes
East	"BG" - General Business District (General Commercial Uses)	Burnside Air Conditioning, Heating, and Indoor Air Quality
West	"RS-60" - Single Family Residence District (Single Family Residential Uses)	Single Family Homes

**ACCESS/CIRCULATION:**

Adjacent Streets:      Sherman Street, 40' Right-of-Way Berry Avenue, 40' Right-of-Way  
North Coleman Street, 50' Right-of-Way

**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 all landscaping requirements as specified in Section 146-135 (Landscape Requirements) of the Zoning Ordinance except for the required berm along the southern property line. The applicant is required to meet this requirement prior to full approval of the site plan.

**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 except for the requested variance to the material of the screening device along the southern property line. The applicant is proposing to utilize an architectural metal fence to fulfill the screening requirement. It should be noted that the owner of the business has informed staff that they have directly spoken to each of the adjacent property owners and obtained signatures noting that they are in favor of the proposed architectural metal fence for this project. The architectural metal fence is proposed to be 8' in height, as opposed to the required minimum of 6'.

When considering proposed screening devices, Staff reviews the lifespan of the screening device as well as if the device will screen the property sufficiently. It is Staff's opinion that the proposed architectural metal fence will not be detrimental to this property or adjacent properties. As such, staff recommends approval of the screening variance.

**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 in order to not provide a minimum of 50% masonry finishing materials on elevations less than three stories, not provide a minimum of two building offsets of at least 18" for elevations with a minimum of 50 feet of horizontal length, and not provide interrupted roof lines.

Staff has reviewed the requested variances against the compatibility with surrounding residential and commercial buildings. The southern property line will have an 8' tall architectural metal fence, along with canopy trees provided every 30 feet against the single-family residential uses. It should be noted that the single-family residential lots also have existing mature trees along the property line, which will further screen the proposed commercial buildings. Additionally, the existing Burnside AC, Heating, and Indoor Air Quality building is currently located immediately east of the subject property. Adjacent to the north are an existing grocery store, hardware store, and auto insurance office. The applicant is proposing to provide masonry on the facades that are oriented toward the rights-of-way in order to partially meet the intent of the ordinance. The front façades of the proposed buildings associated with this project will front along Berry Avenue but will be facing the rear of the grocery and hardware stores. This project is not fronting along any major roadways nor will it be readily visible from Highway 380 (University Drive). Also, Berry Avenue is technically classified as a 40' alley in which the majority of the front façade will be facing towards.

It is Staff's opinion that the proposed facades of this project will not be detrimental to existing single family residential or commercial uses because of the orientation of the commercial uses, the provided 8' tall screening wall, the required canopy trees, the orientation of the façade towards Berry, and the site being setback from nearby major roadways. For these reasons, staff recommends approval of the requested variances.

**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 sidewalks are already provided on-site.
Hike and Bike Trails:	No hike and bike trails required or proposed for this development.
Road Improvements:	All utilities 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 comments through the online comment portal.

**SUPPORTING MATERIALS:**

[Standard Conditions Checklist](#)  
[Location Map and Aerial Exhibit](#)  
[Letter of Intent](#)  
[Ex. PD Ord. No. 2021-04-032](#)  
[Proposed Site Plan](#)  
[Proposed Landscape Plan](#)  
[Proposed Facade Plan](#)  
[Presentation](#)