

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Michael Quint, Senior Planner

**FROM:** Abra R. Nusser, Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of McKinney N. Central Business Park, L.P., for Approval of a Request to Rezone Approximately 10.26 Acres from "PD" – Planned Development District to "PD" – Planned Development District, Generally to Allow for Open Storage, Located on the East Side of Graves Street and Approximately 500 Feet South of Corporate Drive.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the August 2, 2011 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to incompatibility with existing and potential adjacent land uses and potential safety hazards.

**APPLICATION SUBMITTAL DATE:** June 13, 2011 (Original Application)  
June 30, 2011 (Revised Submittal)  
July 5, 2011 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 10.26 acres of land, located on the east side of Graves Street and approximately 500 feet south of Corporate Drive from "PD" – Planned Development District to "PD" – Planned Development District, generally to allow for open storage. The subject property has an existing, large office/warehouse building with several loading bays on its north side. The applicant received approval of a previous rezoning request to allow for open storage in March of 2011 (Ordinance No. 2011-03-012).

Ordinance No. 2011-03-012 designates areas on the north side of the building that are allowed to have open storage and allowed the height of open storage of portable storage containers to be eight feet (eight feet is the height of one portable storage container) in conjunction with a living screen that was installed. The applicant is proposing to allow additional areas of open storage on the north, east, and south sides of the building and to extend the allowed height of the open storage for the portable storage containers to be 16 feet (the height of two portable storage containers) in all proposed open storage areas as shown on the attached zoning exhibit.

**PLATTING STATUS:** The subject property is currently platted as Lot 5R, Block E of the Bray Central Two Addition.

**ZONING NOTIFICATION SIGNS:** The applicant has posted zoning notification signs on the subject property, as specified within Section 146-164 (Changes and Amendments) of the City of McKinney Zoning Ordinance.

**SURROUNDING ZONING AND LAND USES:**

Subject Property: “PD” – Planned Development District Ordinance No. 2011-03-012 (Office and Light Manufacturing Uses with Open Storage) and “PD” – Planned Development District Ordinance No. 1563 (Office and Light Manufacturing Uses)

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| North | “PD” – Planned Development District Ordinance No. 1563 (Office and Light Manufacturing Uses) | Atmos Energy Service Center, McKinney North Central Business Park (Building A), and Undeveloped Land |
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|  | “PD” – Planned Development District Ordinance No. 2007-04-038 (Office and Light Manufacturing Uses) | Undeveloped Land |
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| South | “RS 84” – Single Family Residence District | Northwest and Black & Smith Residential Subdivisions |
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| East | “PD” – Planned Development District Ordinance No. 1563 (Office and Light Manufacturing Uses) | McKinney North Central Business Park (Building A) |
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|  | “PD” – Planned Development District Ordinance No. 98-05-30 (Office and Light Manufacturing Uses) | Undeveloped Land |
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| West | “PD” – Planned Development District Ordinance No. 1563 (Office and Light Manufacturing Uses) and “BG” – General Business District | Walmart Supercenter |
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**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “PD” – Planned Development District to “PD” – Planned Development District, generally to allow for open storage. The applicant’s rezoning request has two main components as detailed below:

1. The applicant is proposing to increase the maximum allowable height that the portable storage containers may attain to be a maximum of 16 feet.
  - Section 146-132 (Fences, Walls, and Screening Requirements) of the Zoning Ordinance requires all open storage of materials, equipment, or commodities to be screened from view from all streets. It also stipulates that materials, equipment, or commodities shall be stacked no higher than one foot below the top of the screening wall or visual barrier. This section of the Zoning Ordinance also indicates that the maximum screening wall heights in industrial zoning districts shall be 10 feet which mandates that the highest that a commodity may be stacked in the open is nine feet.
  - The approved ordinance for the northern portion of the subject property (Ordinance No. 2011-03-012) allows for portable storage containers to be stored outside, in select areas, at a maximum of eight feet in height so that the living plant screen installed can provide adequate screening for the open storage. The applicant is now requesting an extension from eight feet to 16 feet in maximum height for the open storage of portable storage containers to allow for double stacking in all areas of proposed open storage as shown on the attached zoning exhibit.
  - Staff was comfortable supporting the single level of portable storage containers (approximately eight feet in height) on the north side of the building in conjunction with a living plant screen required along a portion of the northern property line with the previous rezoning request. Staff is uncomfortable with the request for extension of the maximum height to 16 feet, however, because the portable storage containers will not be adequately screened from view of the nearby and adjacent streets.
2. The applicant is proposing to allow additional areas for the open storage of portable storage containers.
  - The applicant is proposing to adjust the allowed open storage areas to the north of the existing office/warehouse building. The approved ordinance for the northern portion of the subject property (Ordinance No. 2011-03-012) designates areas on the north side of the building that are allowed to have open storage, but the applicant is requesting to adjust the areas based on the current parking and loading needs of the facility. Staff is generally comfortable with the proposed locations of open storage on the north side of the subject property.
  - The applicant is proposing additional areas of allowed open storage to the east of the existing office/warehouse building. Due to the significant amount of screening on the east side of the subject property and the commercial zoning to the east of the subject property, Staff is generally comfortable with the proposed locations of open storage on the east side of the building.

- The applicant is proposing additional open storage areas to the south of the existing office/warehouse building. There is an existing residential subdivision to the south of the proposed open storage areas on the south side of the building, and the areas are also near the terminus of Waddill Street. Staff feels that open storage for an industrially zoned property is inherently incompatible with residential uses. Staff also feels that the open storage of portable storage containers on the south side of the subject property is not proposed to be adequately screened from the residential use and public right-of-way near the areas. There are some existing shrubs and trees along the southern property line, but it does not provide solid, opaque screening. Staff is not comfortable with the proposed locations of open storage on the south side of the building.

The Police Department has also expressed concerns regarding the lack of security for the open storage of portable storage containers. The applicant has indicated that the containers are frequently left open and are not secured when stored outside. The Police Department feels that due to a lack of bright lighting and visibility of the containers, in addition to the fact that they will not be locked or placed in a secured area, the portable storage containers may provide areas for the homeless and/or for children to hide and/or congregate.

As such, Staff is uncomfortable with the proposed rezoning request due to the inability to screen the portable storage containers in a manner consistent with the intent of the Zoning Ordinance, the incompatibility with existing adjacent residential uses, and potential safety hazards as detailed herein.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for office uses. The Future Land Use Plan modules diagram designates the subject property as industrial within a significantly developed area. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within a significantly developed area:

- **Comprehensive Plan Goals and Objectives:** The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed rezoning request would help the community attain the goal of “Financially Sound City Government” through the stated objective of the Comprehensive Plan, a “Diverse Commercial Tax Base.”
- **Impact on Infrastructure:** The proposed rezoning request does not significantly alter the land use and should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area. While Staff examined the impact that the proposed open storage would have on the public infrastructure in the area, it is not a determining factor in Staff’s recommendation of denial.
- **Impact on Public Facilities/Services:** The subject property is designated for office uses on the Future Land Use Plan. Similar to infrastructure, the public facilities and services are all planned for based on the anticipated land uses as shown on

the Future Land Use Plan. The proposed rezoning request would allow what is essentially an accessory use to those uses allowed within the module and the current Planned Development District. Although Staff feels that the proposed rezoning request should have a minimal impact on most public services, such as schools, fire, libraries, and sanitation services, Staff has concerns that the request could have an additional impact on police services.

Again, the Police Department has expressed concerns regarding the lack of security for the open storage of portable storage containers. The applicant has indicated that the containers are frequently left open and are not secured when stored outside. The Police Department feels that due to a lack of bright lighting and visibility of the containers, in addition to the fact that they will not be locked or placed in a secured area, the portable storage containers may provide areas for the homeless and/or for children to hide and/or congregate.

The applicant has worked with the Fire Marshal to provide the areas of proposed open storage in a manner that does not block necessary means of ingress and egress for the building, provides 10 feet free and clear around the building, and that does not block the Fire Department Connection (FDC). The applicant has indicated that all open storage shall be temporary in nature and non-hazardous. The Fire Marshal must review and approve the type and arrangement of the open storage, and the applicant has indicated that each tenant will notify the Fire Marshal should any changes to the type and/or placement of the open storage be desired.

- Compatibility with Existing and Potential Adjacent Land Uses: Staff feels that the proposed open storage use, in the manner proposed, would not be compatible with the existing adjacent land uses to the south (residential uses). While Staff felt that the previous request for open storage on select areas on the north side of the building for a maximum of eight feet was appropriate, the applicant is proposing additional height and open storage areas that Staff feels would adversely affect some adjacent properties.
- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the proposed rezoning request does not alter the base light manufacturing zoning district or primary use of the subject property.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of open storage land uses in the area. Since open storage is not allowed by right in the governing planned development district, the subject property would be one of the few properties within the 290-acre area to have the use allowed. A similar open storage rezoning request was approved in 2007 for approximately one acre, adjacent to a portion of the subject property on its north side; that land remains undeveloped. The resulting concentration of open storage uses would be minimal.

**CONFORMANCE TO THE MASTER PARK PLAN (MPP):** The proposed rezoning request does not conflict with the Master Park Plan.

**CONFORMANCE TO THE MASTER THOROUGHFARE PLAN (MTP):** The proposed rezoning request does not conflict with the Master Thoroughfare Plan.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff received one phone call in response to this request. The nearby resident was concerned about potential noise when moving the portable storage containers late at night or early in the morning. Staff has received no other comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Existing “PD” – Planned Development District Ordinance No. 2011-03-012
- Existing “PD” – Planned Development District Ordinance No. 1563
- Proposed Zoning Exhibit
- PowerPoint Presentation