

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Brandon Opiela, Planning Manager

FROM: Samantha Gleinser, Planner I

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on Behalf of Early B. & Lena Milstead, for Approval of a Request to Rezone Less than 16 Acres from “ML” – Light Manufacturing District to “PD” – Planned Development District, Generally to Modify the Development Standards and Allow a Homeless Shelter and Related Uses, Located Approximately 350 Feet North of Power House Drive and on the East Side of State Highway 5 (McDonald Street)

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the February 5, 2013 meeting.

STAFF RECOMMENDATION: Staff recommends approval of the proposed rezoning request with the following special ordinance provisions:

1. The use and development of the subject property shall conform to the requirements of Section 146-90 (ML – Light Manufacturing District) of the Zoning Ordinance, and as amended, except as follows:
 - (a) Homeless shelter uses are permitted on the subject property.
 - (b) Parking for a homeless shelter shall be provided at a ratio of one parking space per dwelling unit.
 - (c) No screening shall be required between the shelter, daycare, or retail uses on the subject property and adjacent properties.
 - (d) Any non-industrial uses developed on the subject property shall be subject to the “other non-residential uses in non-industrial districts” standards as specified in Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance, and as amended.

- (e) One canopy tree shall be provided for every 30 linear feet along State Highway 5 (McDonald Street) and may be clustered to enhance visibility of retail uses.

APPLICATION SUBMITTAL DATE: December 10, 2012 (Original Application)
December 20, 2012 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 15.56 acres of land, located approximately 350 feet North of Power House Drive and on the east side of State Highway 5 (McDonald Street) from “ML” – Light Manufacturing District to “PD” – Planned Development District.

The Samaritan Inn is looking to buy a larger tract of land in order to increase its current facilities. The Inn is proposing to relocate its existing store to the proposed site, as well as construct a new homeless shelter on the property. In addition, the Inn wishes to operate a daycare facility where its residents will have a safe place to leave their children during working hours and/or job interviews.

PLATTING STATUS: The subject property is currently unplatted. A plat, subject to review and approval by the Director of Planning, must be filed for recordation with the Collin County Clerk, prior to issuance of a building permit.

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: “ML” – Light Manufacturing District

North	“PD” – Planned Development District Ordinance No. 1465 (Light Manufacturing Uses)	Advantage Self Storage, Blue Operating, Interchange Dal-Ec Construction, inControl Water Systems, and McKinney ISD Food Services
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South	“ML” – Light Manufacturing District	North Star Plumbing, McKinney Auto Glass, Habitat for Humanity Restore, and Undeveloped Land
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East	“ML” – Light Manufacturing District	Oncor Electric Delivery Company
West	“ML” – Light Manufacturing District	Undeveloped Land

PROPOSED ZONING: The applicant is requesting to rezone the subject property from “ML” – Light Manufacturing District to “PD” – Planned Development District generally to allow for homeless shelter, daycare, and retail uses. The Samaritan Inn is currently in negotiations to acquire the subject property in order to accommodate a new homeless shelter and a related daycare as well as a retail storefront. All of these uses are currently permitted by right on the subject property with the exception of the homeless shelter. The special ordinance provision of a homeless shelter, along with the following provisions are being proposed by the applicant:

1. The use and development of the subject property shall conform to the requirements of Section 146-90 (ML – Light Manufacturing District) of the Zoning Ordinance, and as amended, except as follows:
 - (a) Homeless shelter uses are permitted on the subject property.
 - The applicant has stated that the Samaritan Inn’s homeless shelters are designed to help those in need regain their dignity and independence. Due to the success of their other properties, the Samaritan Inn is looking to expand their property and provide increased temporary housing for those in need.
 - Staff supports this special ordinance provision and does not feel it will negatively impact the area.
 - (b) Parking for a homeless shelter shall be provided at a ratio of one parking space per dwelling unit.
 - A homeless shelter is not accounted for in Section 146-130 “Vehicle Parking” of the Zoning Ordinance. Staff has previously determined an appropriate parking calculation for homeless shelters of one parking space per dwelling unit with two previous zoning cases for the Samaritan Inn (06-337Z and 94-090Z).
 - The vast majority of Samaritan Inn residents do not own a vehicle, therefore it is not expected that a large number of parking spaces will be needed.
 - Staff supports this special ordinance provision and feels that the proposed parking ratio of one space per unit is appropriate.

- (c) No screening shall be required between the shelter, daycare, or retail uses on the subject property and adjacent properties.
- The applicant has requested that no screening be required between the subject property and adjacent properties.
 - The Section 146-132 “Fences, walls, and screening requirements” of Zoning Ordinance states that “screening devices shall be placed along any property line or district boundary between any single family detached or attached or any two-family zoning or use and any mobile home park or non-residential use.”
 - Staff supports this special ordinance provision and feels that this will not negatively impact the subject or surrounding properties as none of the surrounding properties are currently zoned for residential uses.
- (d) Any non-industrial uses developed on the subject property shall be subject to the “other non-residential uses in non-industrial districts” standards as specified in Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance, and as amended.
- Section 146-94 (“PD” – Planned Development District) of the Zoning Ordinance that states that no proposed PD District may be approved without ensuring a level of exceptional quality or innovation for the associated design or development. The Ordinance goes on to state that exceptional quality may come in many forms including increased architectural standards.
 - Buildings in “ML” – Light Manufacturing Districts do not have to achieve a minimum number of points and are approved if they provide 100 percent masonry on all walls facing public streets. In addition, these building are allowed to have metal exteriors on any walls not facing a public right-of-way.
 - The Samaritan Inn has proposed to develop the property in accordance with architectural standards for non-residential uses in non-industrial districts which will require a larger percentage of masonry on all four sides and will ensure other architectural standards have been met, including but not limited to roof treatment, exterior color, building massing, and minor façade offsets.
 - Staff supports this special ordinance provision and feels that this will create provide an increased quality of architecture.

- (e) One canopy tree shall be provided for every 30 linear feet along State Highway 5 (McDonald Street) and may be clustered to enhance visibility of retail uses.
- Section 146-94 (“PD” – Planned Development District) of the Zoning Ordinance that states that no proposed PD District may be approved without ensuring a level of exceptional quality or innovation for the associated design or development. The Ordinance goes on to state that exceptional quality may come in many forms including enhanced landscaping.
 - Currently, the Zoning Ordinance requires that one canopy tree be provided for every 40 linear foot of street frontage. The applicant is proposing to increase this requirement to one canopy tree for every 30 linear feet of street frontage along State Highway 5 (McDonald Street).
 - Staff supports this special ordinance provision and believes this will provide a positive impact on the visual environment as it exceeds the zoning requirements.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for light manufacturing uses. The FLUP 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 zoning change would help the community attain the goal of “Land Use Compatibility and Mix” by creating a “mix of land uses that provides for various lifestyle choices”.
- **Impact on Infrastructure:** The Future Land Use Plan (FLUP) designates the subject property generally for industrial uses. The water master plan, sewer master plan, and master thoroughfare plan are all based on the anticipated land uses as shown on the Future Land Use Plan. Staff feels that proposed rezoning will have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area as the base zoning designation and its allowed uses are not being significantly modified.
- **Impact on Public Facilities/Services:** Similar to the impact on infrastructure, the impact on public facilities and services are based on the anticipated land uses as shown on the Future Land Use Plan. The proposed rezoning request will likely have some minimal impact on public services, such as schools, fire and police,

libraries, parks and sanitation services since there will be a form of housing (homeless shelter) on the subject property.

- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for light manufacturing uses. The proposed rezoning request, maintaining a base zoning of “ML” – Light Manufacturing District, will not significantly alter the allowed land uses from what has been planned for the subject property. Staff is of the opinion the requested provisions will be compatible with existing and future development within this area.
- Fiscal Analysis: Staff feels that there will not be a significant change in the economic impact associated with the proposed rezoning request since it does not alter the base zoning designation. As such, Staff did not perform a fiscal analysis for this case.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of commercial or residential land uses in the area. Currently, the surrounding properties are zoned generally for industrial uses.

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 has received no comments or phone calls in support of or opposition to this request.

ATTACHMENTS:

- Location Map and Aerial Exhibit
- Letter of Intent
- Proposed Zoning Exhibit
- PowerPoint Presentation

Action: