



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 20-0004Z2, **Version:** 1

Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Use and Development Standards and to Allow for an Indoor and Outdoor Wedding / Event Venue or Banquet Facility, Located on the Southwest Corner of Virginia Parkway and Lake Forest Drive, and Accompanying Ordinance (REQUEST TO BE TABLED)

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: July 21, 2020

DEPARTMENT: Development Services - Planning Department

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

STAFF RECOMMENDATION: Staff recommends that this item be tabled and the public hearing continued to the August 4, 2020 City Council meeting, per the applicant's request.

However, should the Council choose to act on the request, Staff recommends approval of the proposed rezoning request with the following special ordinance provisions:

1. The subject property shall be zoned "PD" - Planned Development District and shall be subject to the following special ordinance provision:
 - a. The subject property shall develop in accordance with the attached development regulations.

APPLICATION SUBMITTAL DATE: January 7, 2020 (Original Application)
March 30, 2020 (Revised Submittal)
May 22, 2020 (Revised Submittal)
June 5, 2020 (Revised Submittal)

ITEM SUMMARY: The applicant requests to rezone approximately 14.01 acres of land, generally for retail, office, and event space uses. More specifically, the proposed zoning will generally allow for office uses and an indoor/outdoor wedding/event venue or banquet facility on Tract One (12.24 acres) and retail uses on Tract Two (1.77 acres), as depicted by the proposed zoning exhibit.

EXISTING ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"PD" Planned Development 1997-05-33 (Office and Retail Uses) "PD" Planned Development 1997-05-34 (Office Uses)	Undeveloped Land
North	"PD" Planned Development 2001-05-063 Retail Uses) "PD" Planned Development 1994-09-33 (Single Family Residential Uses)	7-Eleven, Multi-tenant retail center, Villages of Lake Forest I
South	"PD" Planned Development 2003-02-015 (Single Family Residential Uses) "PD" Planned Development 1996-11-47 (Single Family Residential Uses)	Stone Brook Crossing I, Enclave at Stonebridge Ranch
East	"O" Office District (Office Uses)	Undeveloped Land
West	"PD" Planned Development 1996-11-47 (Single Family Residential Uses)	Stone Brook Crossing I

PROPOSED ZONING: The applicant proposes to rezone the subject property generally for retail, office, and event space uses. The proposed zoning divides the subject property into two tracts, as depicted on the attached zoning exhibit. The proposed request is discussed in more detail below:

- Tract One (12.24 acres)
 - Currently, the portion of the property identified as Tract One is zoned for office uses. The applicant's request is to develop in accordance with the "SO" Suburban Office District, with some modifications to the permitted uses. As proposed, hospitals, museums, libraries, public art galleries, farmers markets, and hotels would not be permitted on Tract One. However, an indoor/outdoor wedding/event venue and/or banquet facility, with up to eight overnight suites in conjunction with an event rental would be permitted. Individual overnight suite rentals would not be permitted. Per the existing zoning on the property, an indoor wedding/event venue is currently permitted; however, the outdoor use is not currently permitted.
 - The applicant is proposing to maintain the space limits currently found in the existing zoning for the property (PD 97-05-33), with the following exceptions:
 - The applicant has requested an increase in maximum building height from 35 feet to 40 feet. It is important to note that architectural features, such as domes, ornamental cupolas, and spires, are generally excluded from the measurement of building heights, which is outlined in Section 146-129 of the city's Zoning Ordinance. As architectural elements, these types of features do

not represent readily accessible or occupied spaces within a building.

- The applicant has also requested that the maximum building area for any single building be increased from 15,000 square feet to 45,000 square feet. Given the size of Tract One (12.24 acres), Staff has no concerns with an increased building footprint for a single building.
 - The applicant has also requested to modify the front yard setback from 50 feet to 25 feet. While the existing zoning on the property (PD 97-05-33) requires a 50 foot front yard setback, the “SO” - Suburban Office Zoning District would typically require a 20 foot front yard setback. This proposed reduction should not negatively impact any adjacent property. In fact, this reduction should help any proposed development pull closer to the Virginia Parkway and remain further away from the adjacent residential neighborhood to the south.
 - Where the proposed development regulations are silent, Tract One will follow the “SO” - Suburban Office District regulations.
- Tract Two (1.77 acres)
 - Currently, the portion of the property identified as Tract Two is zoned generally to allow for neighborhood commercial uses. The applicant’s request is to develop in accordance with the “C1” Neighborhood Commercial District with some modifications to the permitted uses. The proposed regulations prohibit the following uses: independent living, trade schools, indoor amusement, car wash, garage or parking lots as primary uses, farmers markets, radio or tv broadcast studios, restaurants with drive through windows, and arcades. The applicant is also requesting that indoor auto part sales and veterinarian offices with outdoor runs be permitted with a specific use permit.
 - The applicant is proposing to maintain the space limits currently found in the existing zoning for the property (PD 97-05-33), with the following exception:
 - The applicant has requested to increase the maximum lot coverage from 40% to 50%. This proposed modification should not negatively impact any adjacent property.
 - Where the proposed development regulations are silent, Tract Two will follow the “C1” - Neighborhood Commercial District regulations.

With “PD” - Planned Development District requests, projects must provide a feature(s) to ensure exceptional quality or demonstrate innovation. As such, the applicant has also proposed the following site enhancements beyond what is typically required to ensure quality of the development. This includes:

- Provide a screening device in the form of an approved wrought iron fence with masonry columns and evergreen shrubs or a 6’ masonry wall along Village Drive. Typically a

screening device is not required when a dividing street separates a non-residential use from single family uses. As such, a screening device would not typically be required along Village Drive. The applicant's proposal to provide a screening device in this location will help to better screen the future development from the residential neighborhood to the west.

- Increase dumpster screening shrubs' height at time of planting from 3' to 4'. The Zoning Ordinance requires that evergreen shrubs that are capable of reaching 6' be planted around dumpster enclosures. The ordinance requires these shrubs to be 3' tall at the time of planting, but the applicant is proposing to require that these shrubs be at least 4' tall at the time of planting. This proposal helps to soften the appearance of dumpster walls more quickly by planting more mature plants than would otherwise be required.
- The Zoning Ordinance typically requires a 10' landscape buffer with one canopy tree planted every 40 linear feet whenever a non-residential use is adjacent to a property used or zoned for single family residential uses. As proposed, the applicant will provide a minimum 10' landscape buffer with one canopy tree every 30 linear feet where the property is adjacent to residential. In order to preserve as much of the site's existing features as possible, existing trees may count toward this requirement so long as minimum coverage of 1 tree every 30 linear feet is maintained. The applicant's proposal to utilize the existing tree line while also increasing the minimum number of trees required will help to preserve the mature canopies that currently exist on the site will also introducing new trees where they may not already exist.
- The Zoning Ordinance typically requires a 15' perimeter tree zone along the boundary line between existing or platted single family residential and a proposed development. The perimeter tree zone shall extend 15' out from each quality tree six inches or greater for a maximum 30-foot wide perimeter tree zone. No quality tree 6' or greater may be critically altered within this zone. The applicant is proposing a flat 30' perimeter tree zone along neighboring residential properties and a requirement that no tree six inches or greater in diameter (regardless of quality status) be critically altered or removed unless it is to provide necessary utilities or access to the site. The applicant's proposal to provide a 30' wide perimeter tree zone will provide an additional level of tree protection where it may not have otherwise been required.

Given the applicant's request to allow for outdoor wedding/event and/or banquet facility uses on Tract One, Staff has thoroughly evaluated whether or not these uses are appropriate on the property. Several outdoor-related activities are already permitted to occur on the subject property and within many of the city's commercial zoning districts. This includes uses such as parks, playgrounds, playfields/stadiums, recreation areas, and swimming pools. Therefore, the applicant's request to allow an outdoor wedding/event venue and/or banquet facility is not too dissimilar to uses that are already permitted by right on the subject property. In addition, the applicant has proposed to prohibit any outdoor activities from occurring within 150 feet of any adjacent residential property. Furthermore, the natural topography and features on the site will likely create a natural buffer of these activities from adjacent properties.

In addition to the protections included in the proposed development regulations, the city's Code of Ordinances also provides additional protections for adjacent properties. For example, any outdoor

activity permitted on the subject property would be subject to Chapter 70, Article V of the city's Code of Ordinances (commonly referred to as the Noise Ordinance), which specifically prohibits certain noise disturbances in/within proximity to residential uses. Given its location, use of radios, music 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). As well, Chapter 58 of the city's Code of Ordinances regulates lighting on properties throughout the city. Generally speaking, it limits the amount of light that can spill over any property line (0.25 footcandles) and regulates glare (0.02 luminance).

After reviewing the applicant's request, Staff feels as though the general character of the property's existing zoning district remains intact under the proposed zoning. Additionally, protections already outlined for residential uses within the city's Code of Ordinances (ex: Noise Ordinance) should help to minimize any impacts on adjacent properties. Lastly, the applicant is proposing several restrictions which go above and beyond the protections typically offered to adjacent properties by the city's Zoning Ordinance. For these primary reasons, Staff is generally comfortable recommending approval of the proposed rezoning request.

CONFORMANCE TO ONE MCKINNEY 2040: A key aspect of the ONE McKinney 2040 Comprehensive Plan is to provide direction related to the desired development patterns and to inform decisions related to the timing and phasing for future infrastructure investments in the City. To assist in guiding these decisions, the Preferred Scenario and Land Use Diagram establishes distinctive districts, each with a clear intent and market focus that are reinforced through character-defining placetypes.

Per the Preferred Scenario, the subject property is located in the Professional Campus Placetype of the Established Community District. Other general placetypes included in this district are Aviation, Employment Mix, Mixed Use Center, Commercial Center, Neighborhood Commercial, Manufacturing & Warehousing, Suburban Living and Urban Living

- Guiding Principles: The proposed rezoning request is generally in conformance with Guiding Principle of "Diversity (Supporting our Economy and People)" established by the Comprehensive Plan. In particular, the proposed request has the potential to provide "diverse economic engines... broaden the tax base, and make the City's economy more adaptable and resilient".
- Land Use Diagram Compatibility: In evaluating development requests, the City should determine that a project meets the majority of the established criteria to be considered compatible with the Land Use Diagram. The proposed rezoning request aligns with the Professional Campus placetype of the Established Community District. Furthermore, the proposed request of "PD" - Planned Development District should be compatible with the surrounding properties and placetypes, including Suburban Living and Neighborhood Commercial placetypes.
- Fiscal Model Analysis: The attached fiscal analysis shows a positive fiscal benefit of \$407,464 for the 14.01 acre property and should contribute to achieving an overall fiscal balance in the city.

OPPOSITION TO OR SUPPORT OF REQUEST: As of the creation of this Agenda on Thursday, July 16, 2020, Staff has received 177 letters of opposition and 2 letters of support for this request. At the planning and zoning commission meeting on June 23, 2020, eighteen members of the public spoke against the proposed rezoning. One member of the public spoke in favor. Additionally, one member of the public submitted a card stating they were opposed to the request, but did not wish to speak.

Staff has received a valid written protest. As of the posting of this agenda, the submitted protest does not currently meet the 20% requirement for a supermajority (6 of 7) by City Council for approval. However, a supermajority vote will be required because of the Planning and Zoning Commission's recommendation, which is noted below.

BOARD OR COMMISSION RECOMMENDATION:

On June 23, 2020, the Planning and Zoning Commission voted 4-3-0 to recommend denial of the proposed rezoning request. Chairman Cox, Commission Member Doak, and Commission Member McCall voted against the motion. Since the Planning and Zoning Commission has recommended denial, a supermajority vote (6 of 7) by City Council is required for approval.