



**20-0010SP3**

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on an Appeal of Staff's Decision for Alternate Compliance on a Site Plan (McDonald Business Park), Located at 3255 North McDonald 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:** December 12, 2023

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Jake Bennett, Planner II  
Caitlyn Strickland, AICP, Planning Manager  
Jennifer Arnold, AICP, Director of Planning

**STAFF RECOMMENDATION:** Staff recommends consideration of and action on the applicant's request to appeal the decision of Staff for alternate compliance on the site plan proposed for 3255 North McDonald Street.

**APPLICATION SUBMITTAL DATE:** February 4, 2020 (Original Application)  
March 23, 2020 (Revised Submittal)  
May 26, 2021 (Revised Submittal)  
June 14, 2021 (Revised Submittal)  
February 1, 2022 (Revised Submittal)  
March 10, 2022 (Revised Submittal)  
March 14, 2022 (Revised Submittal)  
April 4, 2022 (Revised Submittal)  
December 16, 2022 (Revised Submittal)  
February 6, 2023 (Revised Submittal)  
February 21, 2023 (Revised Submittal)  
October 17, 2023 (Revised Submittal)  
November 21, 2023 (Revised Submittal)

**ITEM SUMMARY:** The applicant proposes to construct three multi-tenant buildings, totaling 46,827 square feet, for office and warehouse uses on an approximately 4.37-

acre property. The site plan was previously approved in 2021 and the site is actively under construction. However, impacts from the construction process have led to the need for changes on the site and reconsideration of the site plan.

Typically, site plans can be approved at the staff level; however, the applicant has not provided all of the required landscaping within the parking lot and Staff is unable to approve the proposal because it does not meet the criteria established for alternate compliance. Pursuant to Section 146-135(f)7, the applicant is requesting an appeal from the Planning and Zoning Commission to Staff's decision.

Please note that this site plan is being reviewed under Chapter 146 (Zoning Regulations) of the McKinney Code of Ordinances, as it was submitted prior to the adoption of the Unified Development Code (UDC) on November 15, 2022.

**PLATTING STATUS:** A minor plat of the subject property has been approved for development on the subject property.

#### **EXISTING ZONING AND LAND USES:**

<b>Location</b>	<b>Zoning District (Permitted Land Uses)</b>	<b>Existing Land Use</b>
Subject Property	"PD" Planned Development District 1451 (Industrial Uses)	Undeveloped Land
North	"PD" Planned Development District 1451 (Industrial Uses)	MCD Industries
South	"PD" Planned Development District 1451 (Industrial Uses)	Undeveloped Land
East	"PD" Planned Development District 1995-04-21 (Multifamily Residential Uses)	Kinwood Apartments, Undeveloped Land
West	"LI" Light Industrial District (Industrial Uses)	Wilmeth Industrial Center

#### **ACCESS/CIRCULATION:**

Adjacent Streets: State Highway 5 (McDonald Street), variable width Right-of-Way, Major Arterial

**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**

Section 146-135(f)7 of the Zoning Ordinance states that parking lot landscaping for non-residential and multi-family uses shall be provided as follows:

- a. *"Parking lot landscape areas shall be provided as follows:*
  1. *Terminus islands with a minimum of one canopy tree shall be provided at the end of each parking row; and*
  2. *Landscape islands with a minimum of one tree shall be provided within 65 feet of every parking space.*
- b. *Parking lot landscape areas shall:*
  1. *Be at least one parking space in size (minimum 162 square feet);*
  2. *Include a minimum of 50 percent of its area dedicated to living plant material;*
  3. *Not have more than 50 percent of its area covered with bark mulch or decomposed granite material; and*
  4. *Include vertical curbs and gutters to define parking areas and assist in clarifying appropriate circulation patterns;*
- c. *In parking lots with more than 20 spaces, a minimum of one tree shall be planted in the parking area for every 10 parking spaces within the parking lot.*
- d. *At least 75 percent of the frontage of parking lots, adjacent to a public right-of-way, within the street yard shall be screened from public streets with evergreen shrubs attaining a minimum height of three feet, an earthen berm of a minimum height of three feet, a low masonry wall of a minimum height of three feet, or a combination of the above with a minimum combined height of three feet. A wall used for parking lot screening should be accompanied with landscape planting in the form of low shrubs and groundcover to soften the appearance of the wall."*

The applicant proposes to relocate 5 of the required canopy trees from the parking lot terminus islands to other locations on the site due to the following conflicts:

- Required transformers, per Oncor;
- Encroachment of monument signs and screening walls; and
- Lack of irrigation.

The applicant also proposes to replace the required 50% living landscaping in all terminus islands with small, gray mist gravel.

When strict compliance with the requirements of Section 146-135(f)7 cannot be met,

Staff may approve an alternate parking lot landscape design, so long as:

1. *"The total number of trees otherwise required per this section are still provided on the site; No more than ten percent of the trees otherwise required per this section are relocated outside of the limits of the parking lot;*
2. *The alternate design meets the spirit and intent of this section regarding tree coverage, living landscape, and impervious surfaces;*
3. *The alternate design does not have an adverse impact on adjacent existing or future developments;*
4. *The alternate design does not have an adverse impact on public health, safety and general welfare; and*
5. *The alternate design is not only serving to reduce the financial obligations of the minimum landscape requirements."*

When considering the alternate compliance proposal from the applicant, Staff notes that relocating 5 of the required 23 canopy trees would be greater than the 10% threshold allowed under the alternate compliance provisions of Section 146-135(f)7.

Staff understands the need to relocate 2 canopy trees along the street frontage of SH 5 due to conflicts with the placement of transformers and is comfortable with the applicant's proposal to move those trees. However, Staff notes that relocating the remaining 3 trees would not only exceed the threshold for alternate compliance but is also the result of conflicts that were created during construction.

Additionally, Staff has concerns with eliminating the living landscaping within landscape areas, as industrial and commercial developments throughout the city are able to regularly meet the city's minimum requirement for 50% living landscape on landscape/terminus islands.

**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.

**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.

**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 along State Highway 5 (McDonald Street)
Hike and Bike Trails:	Not Applicable
Road Improvements:	All road improvements 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 citizen comments in support of or in opposition to this request. This does not include emails or letters that may have been sent directly to members of the Council. Staff has not received any citizen comments through the online citizen portal.

**SUPPORTING MATERIALS:**

[Location Map and Aerial Exhibit](#)  
[Approved Site Plan](#)  
[Proposed Landscape Plan](#)  
[Appeal Request Letter](#)  
[Applicant Tree Removal Plan - Informational Only](#)