



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 21-0024SP, **Version:** 1

Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for a Multi-Family Development (Avanta Painted Tree), Located at the Southeast Corner of Wilmeth Road and North Lake Forest Drive

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: June 25, 2024

DEPARTMENT: Development Services - Planning Department

CONTACT: Caitlyn Strickland, AICP, Planning Manager
Jennifer Arnold, AICP, Director of Planning

APPLICATION SUBMITTAL DATE: April 13, 2021 (Original Application)
July 8, 2021 (Revised Submittal)
August 8, 2021 (Revised Submittal)
August 9, 2021 (Revised Submittal)
December 12, 2022 (Revised Submittal)
January 23, 2023 (Revised Submittal)
June 12, 2024 (Revised Submittal)

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 denial of the proposed site plan variance due to lack of conformance with Section 146-132 (Fences, Walls, and Screening Requirements) of the Zoning Ordinance.

However, if the applicant's request is approved, the following conditions of approval shall apply:

1. Prior to the issuance of a building permit, the applicant shall satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist, attached.

ITEM SUMMARY: The applicant proposes to construct a 276-unit multi-family residential development. The development is proposed to be constructed as a cottage multi-family residential product. The tallest proposed building on-site will be approximately 35' in height.

Typically, site plans can be approved at the staff level; however, the applicant has requested a variance, which requires consideration by the Planning and Zoning Commission for approval.

Specifically, the applicant requests a variance to not provide the 6' tall masonry screening wall along the eastern and southern sections of the site, which is required for multi-family residential developments. Instead, the applicant proposes to construct a wood fence along portions of the southern and eastern property lines.

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: The subject property is currently unplatted. A final 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 2021-01-006 (Multiple Family Residential Uses) | Undeveloped Land |
| North | PD 2021-07-067 (Residential Uses) | Single Family Residential (Painted Tree) |
| South | GC - Government Center and PD 2021-01-006 (Government and Single Family Residential Uses) | City of McKinney Fire Station and Single Family Residential (Painted Tree) |
| East | PD 2021-01-006 (Single Family Residential Uses) | Single Family Residential (Painted Tree) |
| West | PD 2003-06-060 (Residential Uses) | Single Family Residential (Summit View Lake) |

ACCESS/CIRCULATION:

Adjacent Streets: Wilmeth Road, Variable Width Right-of-Way N Lake Forest Drive, Variable Width Right-of-Way

PARKING: The applicant has satisfied the minimum parking requirements as specified within Exhibit D of "PD" - Planned Development District 2021-01-006.

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 nearly all of the landscaping

requirements. As part of the of the listed conditions, the applicant shall shift a proposed canopy tree to be a minimum of 8 feet from a public utility line on the southeast portion of the site.

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.

The applicant requests a variance to Section 146-132 (3)b (Fences, Walls, and Screening Requirements) in order to not provide the 6' tall solid masonry screening device along the southern and eastern sides of the property. Instead of providing the 6' tall solid masonry screening wall, the applicant proposes a wood fence along the property lines. The northern and western boundaries of the site are being screened according to the minimum requirements as specified in Section 146-132.

Section 146-132 (4) allows applicants to request variances to screening requirements and seek approval from the Planning and Zoning Commission. A variance may be granted if the Commission finds that:

- a. Unique circumstances exist on the property that make application of specific items in this section unduly burdensome on the applicant;
- b. The variance will have no adverse impact on current or future development;
- c. The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses; or
- d. The variance will have no adverse impact on the public health, safety and general welfare. A financial hardship shall not be considered a basis for the granting of a variance.

As part of the New Code McKinney initiative, City Council recently adopted the Unified Development Code. Within both the new and old development codes, the same requirement exists that all multi-family residential developments provide a 6' tall solid masonry screening wall along all side and rear property lines - even when the multi-family uses are constructed in the lower density multi-family cottage style. Although the proposed development is a lower-density product, it is still considered multi-family and is subject to the multi-family screening requirements.

In this case, there is varying topography between this site and the adjacent properties to the east and south. As such, retaining walls of differing heights exist along much of the shared property lines.

Along the eastern boundary, the multi-family development sits level with or higher than the adjacent properties along its entire length. Where retaining walls exist, the multi-family development is on the high side of the wall. Topographical changes and the presence of retaining walls are common occurrences between property lines, so Staff does not feel that the typical screening requirement is unduly burdensome to achieve in this case. As such, we are unable to support the requested variance along the eastern property line.

Along the southern boundary, the multi-family development sits lower than the adjacent properties. Where retaining walls exist, the multi-family development is on the low side of the wall. However, the retaining wall slopes in height from 8' at its tallest point to 4' feet at its lowest point. Staff is supportive of the variance where the retaining wall meets the typical 6' requirement for screening. However,

where the retaining wall is less than 6' or where no retaining wall exists and the development is level with the adjacent property, Staff does not feel that the typical screening requirement is unduly burdensome to achieve.

The 6' tall solid masonry screening wall requirement is met by nearly all multi-family residential developments constructed in recent years. The most notable exceptions are projects in Craig Ranch and near the McKinney Town Center (MTC), which are home to more urbanized multi-family products. Additionally, this multi-family project was initially approved with the masonry walls since 2021.

As such, Staff recommends denial of the 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.

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:

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| Sidewalks: | Required along Wilmeth Road and N Lake Forest |
| Hike and Bike Trails: | Not Required |
| 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:

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| 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: 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 or Commission. As part of the Planning and Zoning Commission Public Hearing, Staff has received one comment through the online comment portal.