



# CITY OF MCKINNEY, TEXAS

## Legislation Text

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**File #:** 21-0080SP, **Version:** 1

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Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for Urban Garages, Phase I, Located at 8400 West University 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:** September 12, 2023

**DEPARTMENT:** Development Services - Planning Department

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

**APPLICATION SUBMITTAL DATE:** September 21, 2021 (Original Application)  
November 1, 2021 (Revised Submittal)  
November 23, 2021 (Revised Submittal)  
February 8, 2022 (Revised Submittal)  
February 23, 2022 (Revised Submittal)  
February 28, 2022 (Revised Submittal)  
May 3, 2022 (Revised Submittal)  
May 16, 2022 (Revised Submittal)  
June 28, 2022 (Revised Submittal)  
July 25, 2022 (Revised Submittal)  
August 17, 2022 (Revised Submittal)  
June 22, 2023 (Revised Submittal)  
September 5, 2023 (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 request 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 is proposing to construct an approximately 42,460 square foot commercial development.

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 northern and western property lines, where adjacent to single family residential property.

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	"C2" - Local Commercial District (Commercial Uses)	Undeveloped Land
North	City of McKinney ETJ	Single Family Residential
South	"PD" - Planned Development District 2021-09-095 (Commercial Uses)	Undeveloped Land
East	"C2" - Local Commercial District (Commercial Uses)	Undeveloped Land
West	"AG" - Agricultural District and "C2" - Local Commercial District (Agricultural and Commercial Uses)	Single Family Residential and Undeveloped Land

**ACCESS/CIRCULATION:**

Adjacent Streets: West University Drive, Major Regional Highway

**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:** The applicant has satisfied the minimum loading space requirements as specified within Section 146-135 (Landscape Requirements) of the Zoning Ordinance.

**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 screening device along the northern and western property lines, where adjacent to single family residential property.

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 non-residential developments shall provide a 6' tall screening device along all property lines shared with a single family residential zoned or used property. The subject property sits higher than the adjacent properties to the north due to a creek. Because of this, retaining walls are being proposed along the northern side of the property. These retaining walls are approximately 6'-12' tall in most locations. The applicant is requesting to remove the proposed screening walls in these locations due to the retaining walls.

The most notable exceptions to this screening requirement are projects that are adjacent to floodplain or heavily wooded areas, or an applicant proposes an alternative screening device. In this case, the subject property immediately abuts single family residential properties to the north and northwest, and no alternate screening device is being proposed. As such, Staff is recommending 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:**

Sidewalks:	Required along West University Drive
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:**

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.