



**21-0116SP2**

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for Jefferson Bois D'Arc Multi-Family, Located Approximately 540 Feet South of U.S. Highway 380 (University Drive) and on the West Side of Bois D'Arc Road

**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:** May 23, 2023

**DEPARTMENT:** Development Services - Planning Department

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

**APPLICATION SUBMITTAL DATE:** December 13, 2021 (Original Application)  
March 15, 2022 (Revised Submittal)  
May 12, 2022 (Revised Submittal)  
July 26, 2022 (Revised Submittal)  
September 6, 2022 (Revised Submittal)  
September 15, 2022 (Revised Submittal)  
November 16, 2022 (Revised Submittal)  
February 21, 2023 (Revised Submittal)  
March 20, 2023 (Revised Submittal)  
April 19, 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 a 383-unit multiple-family residential development. The development is proposed to be constructed as a traditional multi-family residential product. The tallest proposed building on-site will be approximately 39' 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 west, south, and northeast sections of the site, which is required for multi-family residential developments.

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:**

<b>Location</b>	<b>Zoning District (Permitted Land Uses)</b>	<b>Existing Land Use</b>
Subject Property	PD 2021-09-096 (Multiple Family Residential Uses)	Undeveloped Land
North	AG - Agricultural, ML - Light Manufacturing, BG - General Business, PD 2008-10-099 (Industrial and Commercial Uses)	Single Family Residential, Boss Frog Tattoos, Eagle Transmission & Auto Repair, Powerflo Diesel, Clear Cube Ice, JBS Express, Texas Farm Bureau Insurance
South	AG - Agricultural (Single Family Residential and Agricultural Uses)	Single Family Residential
East	C2 - Local Commercial (Commercial Uses)	Cinemark North McKinney, 24 Hour Fitness
West	AG - Agricultural	Single Family Residential

## **ACCESS/CIRCULATION:**

Adjacent Streets: Bois D'Arc Road, Variable Width Right-of-Way

**PARKING:** The applicant has satisfied the minimum parking requirements as specified within Exhibit D of "PD" - Planned Development District 2021-09-096.

**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 west, south, and northeast sides of the property. Instead of providing the 6' tall solid masonry screening wall, the applicant proposes a 6' tall tubular steel fence with evergreen shrubs. The eastern and northwest 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 shall provide a 6' tall solid masonry screening wall along all side and rear properties. The subject property sits higher than the adjacent properties to the west due to a creek. Because of this, retaining walls are being proposed along western side of the property. These retaining walls are approximately 4' tall in most locations, with the tallest point being 12' near the creek. The applicant is requesting the use of tubular steel fencing and shrubs as an alternative screening device due to the retaining walls. 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. 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 Bois D'Arc Road
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.

On May 9, 2023, the Planning and Zoning Commission voted 7-0-0 to table the item and continue the public hearing to the May 23, 2023 Planning and Zoning Commission meeting.

**SUPPORTING MATERIALS:**

[Standard Conditions Checklist](#)  
[Location Map and Aerial Exhibit](#)  
[Letter of Intent](#)  
[Citizen Comments](#)  
[Ex. PD Ord. No. 2021-09-096](#)  
[Proposed Site Plan](#)  
[Proposed Landscape Plan](#)  
[Presentation](#)  
[Applicant Presentation](#)