



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 24-0012Z2, **Version:** 1

Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “C2” - Local Commercial District to “PD” - Planned Development District, Generally to Modify the Development Standards and Allow for Commercial and Auto Garage Uses (Luxury Elite Garages), Located Approximately 330 feet South of the Intersection of Virginia Parkway and Hardin Boulevard and 220 feet West of Hardin Boulevard

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: April 9, 2024

DEPARTMENT: Development Services - Planning Department

CONTACT: Roderick Palmer, Planner II
Caitlyn Strickland, AICP, Planning Manager
Jennifer Arnold, AICP, Director of Planning

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the April 16, 2024 meeting.

STAFF RECOMMENDATION: 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 22, 2024 (Original Application)
February 20, 2024 (Revised Submittal)
March 4, 2024 (Revised Submittal)
March 12, 2024 (Revised Submittal)
March 15, 2024 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 4.65 acres of land, generally for commercial and Auto Garage Condo uses (Luxury Elite Garages).

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	“C2” - Local Commercial District (Commercial Uses)	Commercial Uses (Express Car Wash, Sun Auto McKinney, Virginia Parkway Retail Center, Starbucks)
South	“PD” - Planned Development District (Residential Uses/Group Living)	Residential Uses (Touchmark Independent and Assisted Living Facility)
East	“C2” - Local Commercial District (Commercial Uses)	Commercial Uses (Retail and Restaurant)
West	“C2” - Local Commercial District (Commercial Uses)	Commercial Uses (Undeveloped)

PROPOSED ZONING: The applicant requests to rezone the subject property generally for commercial and Auto Garage Condo uses (Luxury Elite Garages).

Although the current zoning on the site is “C2” - Local Commercial District, the applicant has indicated a desire to rezone to a “PD” - Planned Development District for commercial uses typically found in the “C2” - Local Commercial District and to add a new Auto Garage Condo use that is not currently listed within the Unified Development Code.

As requested, an Auto Garage Condo is an individual, customizable storage unit for vehicle enthusiasts to store, maintain, and display their personal vehicles.

Should the site develop with the Auto Garage Condo use, the applicant has provided language in the regulations to ensure that the use is compatible with the surrounding area. For example, all activities related to the maintenance, repair, upkeep, or preservation of stored vehicles must be contained within an individual auto garage condo; no heavy automotive repair is permitted; and no unit can be used for the purpose of conducting sales or services. Aswell, the installation of performance-based test equipment is prohibited.

Should the site develop with the Auto Garage Condo use, it will be also screened on all sides by a six-foot wrought iron fence with evergreen shrubs and no bay doors will be oriented towards the right-of-way. However, should the site not develop with the Auto Garage Condo use, the property would then develop with commercial uses and standards set forth in the proposed zoning and Unified Development Code.

The adjacent properties to the north are zoned “C2” - Local Commercial district and are developed

for commercial uses including a car wash, minor auto repair, gas station and Starbucks. Development of commercial uses or Auto Garage Condo uses should complement these existing commercial properties.

Staff has noted that the Touchmark at Emerald Lakes Independent and Assisted Living development is adjacent to the subject property and that an existing single family residential neighborhood is within 500' to the west of the tract. Given the added protections proposed for the Auto Garage Condo use and the standard provisions relating to noise found in Chapter 70 (Article V) of the McKinney Code of Ordinances (Noise Ordinance), Staff is comfortable that the proposed rezoning should result in a development compatible with the residential areas around the site.

Given these factors, Staff recommends approval of the rezoning request.

CONFORMANCE TO THE ONE MCKINNEY 2040 COMPREHENSIVE PLAN: A key aspect of the ONE McKinney 2040 Comprehensive Plan is to provide direction related to desired development patterns in the city and to inform decisions related to the timing and phasing of future infrastructure investments. To assist in guiding these decisions, the plan includes a set of Guiding Principles that provide overall guidance and a Preferred Scenario and Land Use Diagram that illustrates the desired development patterns in the city. The Preferred Scenario and Land Use Diagram are built upon a series of distinctive districts, each with a specific purpose, focus and market. Each district consists of a mix of placetypes that identify the predominate land uses and desired pattern of development for the district.

- Guiding Principles:

The proposed rezoning request is generally in conformance with the 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”.

- Preferred Scenario and Land Use Diagram Characteristics:

Per the Preferred Scenario and Land Use Diagram, the subject property is located in the Established Community District and is designated as the Commercial Center placetype.

Commercial Center is characterized by big box stores or multi-tenant commercial uses. They are typically located at high volume intersections and along both sides of a highway or arterial. Commercial Centers are accessible primarily by one mode of travel, the automobile; though walkable pedestrian access should be encouraged wherever possible. Buildings are typically set back from the road behind large surface parking lots that may be prime locations for infill development.

- Land Use Diagram Compatibility:

When considering land use decisions, the City should determine that a project aligns with the Land Use Diagram and/or meets a majority of the plan’s established criteria to be considered compatible with the Land Use Diagram. The proposed rezoning request **aligns** with the Commercial Center placetype of the Established Community District, is in conformance with the Land Use Diagram and should be compatible with the surrounding properties.

- Fiscal Model Analysis: The attached fiscal analysis shows a positive fiscal benefit of \$276,776 for the 4.65 acre property and should contribute to achieving an overall fiscal balance in the city.

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. As part of the Planning and Zoning Commission Public Hearing, Staff has not received any citizen comments through the online citizen portal.

BOARD OR COMMISSION RECOMMENDATION: On March 26, 2024, the Planning and Zoning Commission voted 7-0-0 to close the public hearing and table the item indefinitely, due to public noticing errors.