

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Michael Quint, Director of Planning

**FROM:** Brandon Opiela, Planning Manager

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd & Joplin, on Behalf of CCC Partnership, L.P., for Approval of a Request to Rezone Fewer than 42 Acres from "C" – Planned Center District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located on the Southwest Corner of Bloomdale Road and U.S. Highway 75 (Central Expressway)

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the October 15, 2013 meeting.

---

**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to a lack of conformance with the City's Multi-Family Policy and the City's newly revised standards governing multi-family residential development.

***However, Should the rezoning request be approved, the following special ordinance provisions shall apply:***

1. The subject property shall conform to the attached development regulations.

**APPLICATION SUBMITTAL DATE:** January 14, 2013 (Original Application)  
July 8, 2013 (Revised Submittal)  
September 9, 2013 (Revised Submittal)  
September 18, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 41.64 acres of land, located on the southwest corner of U.S. Highway 75 (Central Expressway) and Bloomdale Road from "C" – Planned Center District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, generally to modify the development standards. The applicant has indicated the desire to construct a development similar to those found at Addison Circle in Addison, TX and Legacy Town Center in Plano, TX.

**ZONING NOTIFICATION SIGNS:** The applicant has posted zoning notification signs on the subject property, as specified within Section 146-164 (Changes and Amendments) of the City of McKinney Zoning Ordinance.

**SURROUNDING ZONING AND LAND USES:**

Subject Property: “C” – Planned Center District and “CC” – Corridor Commercial Overlay District

North	“PD” – Planned Development District Ordinance No. 1642 (commercial uses) and “CC” – Corridor Commercial Overlay District	Collin County Courthouse
South	“C” – Planned Center District and “CC” – Corridor Commercial Overlay District	AG Power John Deere Dealership and Undeveloped Land
East	“C” – Planned Center District and “CC” – Corridor Commercial Overlay District	Central Expressway
West	“PD” – Planned Development District Ordinance No. 1642 (commercial uses) and “AG” – Agricultural District and “CC” – Corridor Commercial Overlay District	Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property in order to modify the development standards to allow for an urban, pedestrian-oriented, mixed-use community that is intended to develop with a mixture of detached single family, attached single family, multi-family, and commercial land uses. All of the anticipated land uses (detached single family, attached single family, multi-family, and commercial land uses) are all currently allowed by the governing zoning district; “C” – Planned Center District.

While the attached development standards proposed by the applicant should result in the construction of a development pattern similar to that of Addison Circle in Addison, TX or Legacy Town Center in Plano, TX, the proposed development standards are not consistent with the multi-family regulations recently adopted by the City Council in April of 2013. The non-conforming regulations include, but are not limited to minimum parking requirements, maximum building heights, and window orientation. The proposed development regulations are attached for reference.

More specifically, the parking standard proposed by the applicant does not mandate any enclosed parking spaces whereas the Zoning Ordinance requires that 50% of the proposed dwelling units be provided an enclosed parking space. Additionally, the Zoning Ordinance limits the maximum height of multi-family structures to two stories but

the proposed development standards would allow up to 5 stories in height. Lastly, the Zoning Ordinance prohibits multi-family residential windows from orienting toward single family uses but the proposed development standards eliminate this requirement.

Staff recommends denial of the request due to a lack of conformance with the Zoning Ordinance's recently amended multi-family residential development standards.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for commercial uses. The FLUP modules diagram designates the subject property as regional commercial within a significantly developed area. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within a significantly developed area:

- **Comprehensive Plan Goals and Objectives:** The proposed rezoning request is generally not in conformance with the goals and objectives of the Comprehensive Plan, particularly "Attractive Hometown that Promotes McKinney's Character" through the objective "homes and buildings complying with City standards and codes."
- **Impact on Infrastructure:** The proposed rezoning request will have an increased impact on the existing and planned water, sewer and thoroughfare plans in the area because the allowable residential densities are being increased.
- **Impact on Public Facilities/Services:** The proposed rezoning request will have an increased impact on public services, such as schools, fire and police, libraries, parks and sanitation services because the allowable residential densities are being increased.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The properties located adjacent to the subject property are zoned for similar commercial uses. The proposed rezoning request will not alter the allowed land uses from what are currently allowed on the subject property. The proposed rezoning request is generally compatible with the existing and potential adjacent land uses.
- **Fiscal Analysis:** A fiscal impact analysis was not generated for this rezoning request because the base land uses are not being altered.
- **Concentration of a Use:** The proposed rezoning request should not result in an over concentration of commercial or residential land uses in the area. Currently, the surrounding properties are zoned generally for commercial, civic, agricultural, and office uses.

**CONFORMANCE TO THE MASTER PARK PLAN (MPP):** The proposed rezoning request does not conflict with the Master Park Plan.

**CONFORMANCE TO THE MASTER THOROUGHFARE PLAN (MTP):** The proposed rezoning request does not conflict with the Master Thoroughfare Plan.

**CONFORMANCE TO THE MULTI-FAMILY POLICY:** The current multi-family policy was adopted by City Council in August of 2001. In reviewing requests to rezone property for multi-family uses, Staff evaluates the request for conformance to the policy criteria listed in the Comprehensive Plan.

Multi-family developments serve an important function in McKinney. Multi-family developments function as housing for young professionals who are not ready to own homes, as well as housing for citizens who are relocated on a regular basis by their employer. Multi-family also provides housing for retirees who seek low maintenance living and, in some cases, they serve as affordable housing for those who cannot meet the expense of home ownership. While the City of McKinney recognizes the importance of multi-family land use, attention should be given to how it is developed. For this reason, the following are the design and location parameters that apply to multi-family developments in McKinney.

1. Multi-family developments shall be subject to architectural standards as provided for in Section 146-139 of the Zoning Ordinance.
2. Multi-family uses should not be located in large, high-density concentrations and clusters, but rather dispersed in small groupings around the city in a balanced manner that provides a mix of uses and densities.
3. Multi-family developments should generally be no greater in size than either 20 acres or 400 units.
4. Multi-family developments shall be located at major thoroughfare intersections rather than between intersections (i.e., not mid-block).
5. Multi-family uses shall be located on only one corner of a major intersection, unless they are constructed as part of a mixed-use vertical development.
6. New multi-family zoning shall not be located within 1,320 feet (one-quarter mile) of any other multi-family zoning district.
7. In each of the six planning sectors, the number of multi-family units generally should not exceed 10% of the total number of existing or estimated future residential housing units.
8. Vertical developments shall not count towards the multi-family percentage. These mixed-use areas will be calculated separately from the overall percentage of multi-family units. A vertical mixed-use area shall be defined as one with a non-residential use (typically retail or office) on the lower floors

and residential uses on the upper floors. The City encourages the vertical mixing of rental units with other land uses.

At the time the Multi-Family Policy was adopted in 2001, all of the sectors of the City were above the allotted 10% and the applicant's request to allow new multi-family zoning will only make these percentages increase. The Multi-Family Policy also states that if the Future Land Use Plan does not designate the property for multi-family, then the request will be recommended for denial.

Furthermore, while multi-family residential uses are currently allowed on the subject property at a maximum density of 24 units per acre, the proposed development standards would increase the maximum density to 60 units per acre which is also at odds with the City's Multi-Family Policy.

As such, the proposed rezoning request is not in conformance with the Multi-Family Policy and Staff recommends denial of the proposed rezoning request.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received no comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Proposed Development Regulations
- PowerPoint Presentation