

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**FROM:** Michael Quint, Senior Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd, Joplin, P.C., on Behalf of McKinney Medical Center, for Approval of a Request to Rezone Approximately 48.16 Acres from "PD" – Planned Development District to "PD" – Planned Development District, Generally to Modify the Development Standards, Located on the Northwest Corner of Frisco Road and McDonald Street (State Highway 5).

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the March 6, 2012 meeting.

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**STAFF RECOMMENDATION:** Staff recommends approval of the proposed rezoning request with the following special ordinance provisions:

1. The use and development of the subject property shall conform to the regulations of "PD" – Planned Development District Ordinance No. 96-11-51, except as follows:
  - a. The subject property shall be subject to the attached development regulations.

**APPLICATION SUBMITTAL DATE:** November 28, 2011 (Original Application)  
January 30, 2012 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to rezone approximately 48.16 acres of land, located northwest corner of Frisco Road and McDonald Street (State Highway 5) from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards.

More specifically, the applicant is proposing to modify the development standards that are currently applicable to the subject property to allow for the construction of a series of urban multi-family buildings that will allow for the integration of non-residential uses in a vertically integrated manner. Multi-family residential and commercial uses are currently allowed by right on the subject property but there are development regulations that are currently applicable that prohibit the construction of the type of development the

property owner intends to develop. The intent of this rezoning request is to eliminate those existing obstacles.

**PLATTING STATUS:** The subject property is currently unplatted. A record plat or plats, subject to review and approval by the Director of Planning, must be filed for recordation with the Collin County Clerk, prior to issuance of a building permit.

**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: “PD” – Planned Development District Ordinance No. 96-11-51 (mixed uses)

North	“PD” – Planned Development District Ordinance No. 96-11-51 (golf course)	The Golf Club of McKinney Golf Course
	“C” – Planned Center District	Undeveloped Land
South	“PD” – Planned Development District Ordinance No. 96-11-51 (mixed uses)	Medical Office Buildings
	City of Fairview, TX	Single Family Residences
East	“PD” – Planned Development District Ordinance No. 2005-08-081 (mixed uses)	Undeveloped Land
	“AG” – Agricultural District	Undeveloped Land
	City of Fairview, TX	Commercial Uses
West	“PD” – Planned Development District Ordinance No. 96-11-51 (mixed uses)	Medical Office Buildings

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property to eliminate three specific ordinance provisions that will prohibit the construction of a series of urban multi-family residential buildings. These three current ordinance requirements are discussed in more detail below.

“PD” – Planned Development District Ordinance No. 96-11-51 requires all multi-family residential developments to provide a limited access security gate. This existing ordinance provision is in direct conflict with the typical goals of an urban, mixed-use development. As can be seen in the “REC” – Regional Employment Center Overlay

District, Legacy Town Center in Plano, Addison Circle in Addison, and Watters Creek in Allen, to create a truly urban, mixed-use development, pedestrians must be free to walk in and amongst various buildings and developments without being impeded by walls or gates. As such, Staff is comfortable supporting the elimination of this existing ordinance provision.

Section 146-132 (Fences, Walls, and Screening Requirements) of the Zoning Ordinance requires all multi-family residential developments outside the “REC” – Regional Employment Center Overlay District to provide a 6’ tall masonry wall along all side and rear property lines. Similar to what was stated above; walls pose a significant obstacle when striving to create an urban, mixed-use development. More specifically, the REC was exempted from this requirement for that very reason. As such, Staff is comfortable supporting the elimination of this existing ordinance provision.

Section 146-135 (Landscape Requirements) of the Zoning Ordinance requires all multi-family residential developments to provide a 20’ landscape buffer along all property lines. In order to create an urban, pedestrian oriented development, buildings need to be pulled closer to adjacent streets and opposing buildings in order to create a comfortable space for pedestrians to experience. If buildings are spaced too far away from each other, the space in between will not feel urban and will feel very uninspiring to the pedestrian. As such, Staff is comfortable supporting the elimination of this existing ordinance provision.

In addition to the elimination of the special ordinance provisions discussed above, the applicant is also proposing several new special ordinance provisions to ensure that a quality urban development is constructed. These special ordinance provisions include mandating a gridded street network, urban build-to lines, larger numbers and sizes of street trees, mandating the first floor of certain multi-family residential buildings be constructed to accommodate commercial uses in the future, benches at specific intervals along future streets, and bicycle racks at main entrances into the future buildings. Staff feels that these proposed special ordinance provisions satisfy the requirement of Section 146-94 (“PD” – Planned Development District) of the Zoning Ordinance that proposed PD Districts ensure a level of quality or innovation. Staff supports the adoption of these new standards and also recommends approval of the proposed rezoning request as a whole.

The specific verbiage of the applicants proposed special ordinance provisions may be read by referencing the attached Proposed Development Regulations.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for government/school (institutional) uses. The FLUP modules diagram designates the subject property as suburban mix 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 in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change would help the community attain the goal of “Attractive Urban Design Elements” through the stated objective of the Comprehensive Plan, a “SH 5 as an attractive north-south entry into central McKinney.”
- Impact on Infrastructure: The proposed rezoning request should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area as the allowed uses are not changing. The Future Land Use Plan (FLUP) designates the subject property generally for government/school (institutional) uses. The water master plan, sewer master plan, and master thoroughfare plan are all based on the anticipated land uses as shown on the Future Land Use Plan.
- Impact on Public Facilities/Services: The proposed rezoning request should have a minimal impact on public services, such as schools, fire and police, libraries, parks and sanitation services and the allowed uses are not changing. The Future Land Use Plan (FLUP) designates the subject property generally for government/school (institutional) uses. Similar to infrastructure, public facilities and services are all planned for based on the anticipated land uses shown on the Future Land Use Plan.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for similar commercial, office and residential uses. The proposed rezoning request will not alter the land use from what has been planned for the subject property. Staff is of the opinion the requested provisions will be compatible with existing and future development within the area.
- Fiscal Analysis: Staff feels that there will not be a significant change in the economic impact associated with the proposed rezoning request since it does not alter the land use. Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base commercial zoning of the subject property.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of land uses in the area.

**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 proposed rezoning request does not conflict with the City's Multi-Family Policy as multi-family residential uses are currently allowed by right on the subject property per the governing zoning district.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Ms. Virginia Lea is opposed to the request and stated that she wants to maintain the required fencing and landscaping buffers to ensure the safety of the area.

Staff has received no other comments or phone calls in support of or opposition to this request. However, staff has received calls requesting more detailed information in regard to what is being proposed.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Existing "PD" – Planned Development District Ordinance No. 99-11-51
- Proposed Development Regulations
- PowerPoint Presentation