

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Jennifer Cox, AICP, Director of Planning

FROM: Michael Quint, Senior Planner

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Modify Chapter 146 of the Code of Ordinances to Add Section 146-101 and Create the “CC” – Corridor Commercial Overlay District.

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for action at the May 17, 2011 meeting.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments to the Zoning Regulations creating the “CC” – Corridor Commercial Overlay District (Section 146-101 of the Zoning Regulations) with the modification indicated below:

1. The property located on the northwest corner of State Highway 121 (Sam Rayburn Tollway) and Hardin Boulevard be revised to reflect a “Mid Rise” subzone designation rather than a “Low Rise” subzone designation.

Moreover, at the April 26, 2011 Planning and Zoning Commission meeting, the Commission recommended that the City Council approve a modification to the proposed overlay district’s architectural guidelines to allow:

1. A sliding masonry finishing material requirement allowing reduced masonry percentages for taller buildings. For example:
 - a. Each wall on buildings 4 to 6 stories in height shall be finished with at least 25 percent masonry;
 - b. Each wall on buildings 7 to 9 stories in height shall be finished with at least 10 percent masonry; and
 - c. No masonry finishing materials shall be required on buildings over 9 stories in height.

ITEM SUMMARY: The “CC” – Corridor Commercial Overlay District is intended to serve as a set of supplemental zoning regulations which allow for the construction of non-residential building heights that exceed those heights currently allowed by the City of McKinney’s Zoning Regulations. More specifically, the CC Overlay District will allow increased building heights and modified architectural design criteria for non-residential buildings on specific properties with non-residential zoning along McKinney’s major regional highways. Moreover, the proposed CC Overlay District regulations recognize the City’s major regional highways as an economic development engine that may be utilized to leverage a diverse and sustainable non-residential tax base.

BACKGROUND: On August 31, 2009, Councilmember Day made comments during a work session regarding issues he found with McKinney’s Zoning Regulations. One of these issues was the need for increased building heights. More specifically, it was stated that higher maximum building heights were needed in order to attract economic development in the form of corporate office developments along McKinney’s highways.

On January 19, 2010, Staff presented a work session item addressing all of Councilmember Day’s issues with McKinney’s Zoning Regulations. Included in this presentation were three options to address building heights: a new zoning district that would allow increased building heights, increasing all current building heights, or creating an overlay district over the specific areas of the City that were appropriate for increased building heights.

On May 17, 2010, during a work session Staff indicated to the City Council that it felt that the best way to achieve the goal of allowing higher building heights for corporate offices was to establish a new overlay district that would allow taller buildings along the highways by right. Staff went on to state that the creation of this overlay district may take as long as a year to complete. Councilmember Ussery requested a highway corridor height policy in the interim to give corporate office developers some assurance that their rezoning requests for increased building heights and associated modifications to the architectural design requirements would be supported by Staff, the Planning and Zoning Commission, and the City Council.

On August 2, 2010, Staff presented a preliminary copy of the Highway Corridor Building Height to the City Council for consideration. At that meeting, various members of the City Council suggested minor modifications to the policy and the types of rezoning requests that should be supported. At this meeting, Staff was informed that the McKinney Economic Development Alliance (MEDA) had hired a consultant to review development conditions in McKinney and that Staff should wait to draft a set of proposed ordinance regulations until the consultant’s review was completed.

On September 7, 2010, the City Council adopted the Highway Corridor Building Height Policy via resolution number 2010-09-116(R).

At a November 29, 2010, work session, Mayor Loughmiller inquired about the status of the proposed overlay district regulations allowing increased building heights. Staff

indicated that it had not initiated the drafting of any regulations per Council direction from the August 2, 2010 meeting. The Mayor then indicated that Staff should not wait to draft the regulations and asked how soon Staff could move forward with an ordinance. At that time, Staff indicated 3 months.

On December 7, 2010, the City Council adopted a series of comprehensive amendments to the Zoning Ordinance. Some of these changes addressed the issues raised by Councilmember Day in August of 2009. More specifically, a 10 foot increase in the maximum building height for all non-residential zoning districts was approved.

Between December 2010 and January 2011, Staff drafted the "CC" – Corridor Commercial Overlay District regulations based on the provisions contained in the Highway Corridor Building Height Policy.

Between February 3 and February 17, 2011, Staff facilitated four public input meetings to solicit feedback regarding a draft version of the proposed overlay district regulations. The feedback was overwhelmingly negative with the majority of the negative feedback being generated by several residential communities along University Drive.

At the March 15, 2011 City Council work session, Staff presented the public feedback that was received regarding the original version of the proposed overlay district regulations and presented two options that will better address the thoughts and concerns of affected property owners. One option was to address specific feedback by revising the corresponding ordinance provision. The other option was to modify the format of the proposed overlay district by creating subzones that would focus more on small geographic areas rather than an entire highway corridor as a whole. The City Council preferred option two.

On March 17, 2011, Staff disseminated a new version of the proposed overlay district that was consistent with the City Council's March 15, 2011 direction to everyone that provided their email address to Staff through the solicitation of public input in February of 2011.

At the April 19, 2011 City Council work session, Staff presented the public feedback that was received between March 17 and April 1, 2011 regarding the second version of the proposed overlay district regulations and requested the City Council's final direction regarding the proposed overlay district and any final changes that they would deem necessary. The City Council instructed Staff to make minor modifications to the subzone designations on two properties and to rename the "residential" subzone as the "suburban" subzone.

At the April 26, 2011 Planning and Zoning Commission meeting, the Commission considered the proposed overlay district and held a public hearing. At this meeting, the Planning and Zoning Commission recommended modifying the architectural design requirements contained in the proposed overlay district to include a sliding masonry requirement which would require less masonry as the proposed building got taller. A

version of the draft CC Overlay District regulations containing this change have been attached for consideration (Proposed “CC” – Corridor Commercial Overlay District Regulations (with P&Z recommended changes)).

PROPOSED “CC” – CORRIDOR COMMERCIAL OVERLAY ZONING DISTRICT:

The proposed “CC” – Corridor Commercial Overlay Zoning District generally includes the areas as illustrated on the attached location map. The land area included in this overlay is divided into four distinct subzones depending on where the land is located in relation to natural features such as a stand of trees or a creek or stream, where the property is located in relation to major roadway intersections, and what relation the property has to an adjacent single family residential zone or use. The four subzones are generally located to maximize the number of locations where buildings with increased building heights and modified architectural standards may be sited while attempting to minimize the potential negative impacts that a tall building may have on an adjacent single family residential zone or use.

These four subzones are described in more detail below:

- *Suburban Subzone* – This subzone will not allow any increase in the maximum building heights allowed by a specific property’s governing zoning district and is intended to protect and maintain the residential character of the area by limiting the allowable building heights to those specified within the property’s governing zoning district.
- *Low Rise Subzone* – This subzone will generally allow minimal increases in the maximum building heights allowed by a specific property’s governing zoning district. More specifically, building heights up to 3 stories will be permitted by this subzone.
- *Mid Rise Subzone* – This subzone will generally allow moderate increases in the maximum building heights allowed by a specific property’s governing zoning district. More specifically, building heights up to 6 stories will be permitted by this subzone.
- *High Rise Subzone* – This subzone will generally allow substantial increases in the maximum building heights allowed by a specific property’s governing zoning district. More specifically, building heights up to 12 stories will be permitted by this subzone.

It is important to note that while the proposed subzones may result in a building height that is taller than the heights allowed by a property’s existing zoning, there may also be situations where the proposed subzone may have a maximum building height that is lower than the heights allowed by a property’s existing zoning. In either case, the more permissive (taller allowed building height) shall prevail. It is not the intent of these

proposed regulations to eliminate any development rights that may currently exist on a specific property.

Beyond allowing increased building heights for non-residential uses, the proposed overlay zoning district also established a modified set of architectural design regulations for buildings within the overlay zoning district that are 4 or more stories in height. These modified architectural design regulations acknowledge that an architectural design that is appropriate for a 1 or 2 story building may not be appropriate for a 6 or 7 story building. The proposed architectural design guidelines contained within the proposed "CC" – Corridor Commercial Overlay District regulations generally include a reduced minimum masonry percentage and more flexibility with regard to how much of specific materials may be provided to finish the façade of a building.

For example, Section 146-139 (Architectural and Site Standards) of the Zoning Regulations requires at least 50 percent of each wall to be finished with masonry while the proposed regulations will only require 25 percent of each wall to be finished with masonry. Also, Section 146-139 of the Zoning Regulations allows up to 10 percent of each wall to be finished with architectural metal while the proposed regulations will allow up to 20 percent. Finally, Section 146-139 of the Zoning Regulations requires non-residential uses in non-industrial districts to meet a minimum point score while the proposed regulations will allow for the design of a building without needing to meet a minimum point score; as long as the proposed building's design satisfies the proposed regulations it will be approved without the need for point calculations.

On April 28, 2011, Staff met with the owner of the property located at the northwest corner of State Highway 121 (Same Rayburn Tollway) and Hardin Boulevard. At that meeting, the property owner asked that the subzone designation of his property be modified from the "Low Rise" subzone designation as it was reflected at the April 19, 2011 City Council work session meeting and the April 26, 2011 Planning and Zoning Commission meeting to a "Mid Rise" subzone designation. The subject property is currently zoned "PD" – Planned Development District Ordinance No. 1578 with a base zoning designation of "C" – Planned Center District. The "C" zoning district allows a building height of up to 55 feet which is the equivalent of 4 to 5 stories. The "Mid Rise" subzone designation will allow buildings up to 6 stories in height. Staff has no objections to the requested modification and recommends that the Planning and Zoning Commission accept the property owner's requested modification to the proposed "CC" – Corridor Commercial Overlay District map. A version of the draft CC Overlay District Map containing this change has been attached for consideration (Proposed Appendix C – Section C-3 of the Zoning Regulations (with Staff recommended changes)).

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received several phone calls requesting more information regarding this version of the draft regulations. However, Staff has received no specific comments or phone calls in support of or opposition to this request.

ATTACHMENTS:

- Location Map
- PZ Legal Notice
- Property Owner Notice
- Property Owner Notification List
- Highway Corridor Building Height Policy
- Proposed “CC” – Corridor Commercial Overlay District Regulations (April 16, 2011 Version)
- Proposed “CC” – Corridor Commercial Overlay District Regulations (with P&Z recommended changes)
- Proposed Appendix C – Section C-3 of the Zoning Regulations (April 16, 2010 Version)
- Proposed Appendix C – Section C-3 of the Zoning Regulations (with Staff recommended changes)