



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

**File #:** 19-0068Z3      **Name:** L'Hoist Rezone  
**Type:** Ordinance      **Status:** Public Hearing  
**In control:** City Council Regular Meeting  
**On agenda:** 12/3/2019      **Final action:**  
**Title:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "LI" - Light Industrial District to "PD" - Planned Development District, Generally to Modify the Use and Development Standards, Located on the South Side of University Drive (U.S. Highway 380) and Approximately 8,800 Feet East of Airport Drive), and Accompanying Ordinance  
**Indexes:**  
**Attachments:** 1. PZ Minutes 10.08.pdf, 2. PZ Minutes 11.12.pdf, 3. Location Map and Aerial Exhibit, 4. Letter of Intent, 5. Letter of Support, 6. Comprehensive Plan Maps, 7. East Fork District, 8. Placetype Definitions, 9. Fiscal Analysis, 10. Land Use Comparison Table, 11. Proposed Rezoning Ordinance, 12. Exhibits A-D, 13. Presentation

Date	Ver.	Action By	Action	Result
12/3/2019	1	City Council Regular Meeting	Close the public hearing	Pass

Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "LI" - Light Industrial District to "PD" - Planned Development District, Generally to Modify the Use and Development Standards, Located on the South Side of University Drive (U.S. Highway 380) and Approximately 8,800 Feet East of Airport Drive), and Accompanying Ordinance

**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:** December 3, 2019  
**DEPARTMENT:** Development Services - Planning Department  
**CONTACT:** Jennifer Arnold, AICP, Director of Planning  
 Joe Moss, Planner I

**RECOMMENDED CITY COUNCIL ACTION:** 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 be developed in accordance with the attached development regulations.

<b>APPLICATION SUBMITTAL DATE:</b>	July 15, 2019	(Original Application)
	August 14, 2019	(Revised Submittal)
	August 27, 2019	(Revised Submittal)
	September 09, 2019	(Revised Submittal)
	October 03, 2019	(Revised Submittal)
	November 05, 2019	(Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 15.023 acres of land, generally for industrial uses. The property is currently zoned “LI”- Light Industrial District. The proposed zoning of “PD” - Planned Development District would utilize “HI”- Heavy Industrial District as the base zoning designation, but would prohibit most “HI”- Heavy industrial uses. However, it does provide that sanitary landfill, concrete and asphalt batch plants, as well as industrial uses directly related to the production and or manufacture of concrete, or asphalt would be permitted with the City Council’s approval of a Specific Use Permit (SUP). Additionally, the proposed zoning would permit lime slurry and industrial uses directly related to the production and or manufacture of lime, but only with a series of time constraints detailed in the development regulations. Since the area borders an existing Type IV landfill use and is currently an industrial area of the city, the proposed modification in the allowed land uses is appropriate. As such, Staff recommends approval of the proposed rezoning request.

For informational purposes, landfills are defined and regulated by the Texas Commission on Environmental Quality (TCEQ) and Type IV landfills are only permitted to accept construction waste. The adjacent Type IV landfill referenced above is subject to a settlement agreement which limits its operational life to 30 years from its opening, which occurred earlier this year.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	“LI”- Light Industrial District (Industrial Uses)	Undeveloped Land
North	City of McKinney Extraterritorial Jurisdiction (ETJ)	Auto Sales and Repair Related Uses
South	“PD” - Planned Development District Ord. No. 2002-05-46 (Industrial Uses)	Landfill
East	“AG”- Agricultural District (Agricultural Uses)	Undeveloped Land
West	“PD” - Planned Development District Ord. No. 2002-05-46 (Industrial Uses)	Landfill

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property generally for industrial uses. Currently the property is zoned “LI”- Light Industrial District and the proposed zoning would be “PD”- Planned Development District with a base zoning designation of “HI”- Heavy Industrial District. While most of the “HI” uses have been removed per the development standards, the proposed development regulations do permit the following heavy industrial uses with the City Council’s approval of a specific use permit (SUP):

1. Concrete or asphalt batch plants;
2. Industrial uses directly related to the production and or manufacture of concrete or asphalt;  
and
3. Sanitary landfill.

In addition to the above uses, the proposed zoning would permit lime slurry uses and industrial uses directly related to the production and or manufacture of lime ("Lime Related Uses") on the subject property only with the following conditions:

1. A full and complete application together with all required supporting materials accompanied by payment of all fees for a site plan, preliminary-final plat, and final civil plans for the Lime Related Uses shall be submitted for review and approval to the City no later than four months after the City Council's approval of these planned development district regulations;
2. A development permit for Lime Related Uses shall be issued no later than four months after the submittal of a site plan, preliminary-final plat, and final civil plans, subject to all development permit requirements being satisfied; and
3. A temporary certificate of occupancy or full certificate of occupancy shall be issued for Lime Related Uses no later than 18 months after the issuance of a development permit, subject to all applicable occupancy requirements being satisfied.
4. If any of these aforementioned conditions are not satisfied within the timeframes mentioned above, said Lime Related Uses shall become prohibited uses and shall not be permitted on the subject property.

The proposed zoning would utilize the "LI" space limits with the exception of equipment height would be limited to 95'. Currently there is no height limit on equipment. The proposed zoning would satisfy the requirement mandating that proposed PD Districts include provisions resulting in an innovative design or exceptional quality by increasing landscaping and screening standards. Canopy trees will be planted around the rear and side of the property at 1 tree per 40'. The frontage along University Drive (U.S. 380 will have 1 tree per 30'), the landscape buffer would be increased from 20' to 60', and a 8' masonry screening walls with opaque gates will be places around all property lines.

**CONFORMANCE TO ONE MCKINNEY 2040:** A key aspect of the ONE McKinney 2040 Comprehensive Plan is to provide direction related to the desired development patterns and to inform decisions related to the timing and phasing for future infrastructure investments in the City. To assist in guiding these decisions, the Preferred Scenario and Land Use Diagram establish distinctive districts, each with a clear intent and market focus that are reinforced through character-defining placetypes. Per the Preferred Scenario, the subject property is located in the East Fork District, and is specified as the Employment Mix placetype. Other general placetypes included in this district are Commercial Center, Neighborhood Commercial, Urban Living, Suburban Living, and Estate Residential.

- Guiding Principles: The proposed rezoning request is generally in conformance with 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".
- Land Use Diagram Compatibility: In evaluating development requests, the City should

determine that a project meets the majority of the established criteria to be considered compatible with the Land Use Diagram. The proposed rezoning request aligns with the Employment Mix placetype of the East Fork District. While typically the Employment Mix Placetype is a mix of office warehouse, and lighter industrial uses, there is a place for some limited heavy industrial uses. Given the subject property's location bordering an existing sanitary landfill and its access to the transportation network via U.S. Highway 380, the proposed zoning would further the districts intent in providing a variety of occupations in McKinney.

- Fiscal Model Analysis: The attached fiscal analysis shows a positive fiscal benefit of \$61,904 for the 15.0 acre property and should contribute to achieving an overall fiscal balance in the city. Some key takeaways for this property include:
  1. The anticipated operating costs to the city of the proposed zoning are significantly lower than projected those projected in the LI districts.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received one letter of support and no other comments or phone calls in support of or opposition to this request. At the October 8, 2019 Planning and Zoning Commission meeting one neighboring business owner spoke against the proposed zoning change.

**BOARD OR COMMISSION RECOMMENDATION:** This item was previously presented to the Planning and Zoning Commission at the October 08, 2019 meeting where the item was tabled indefinitely per the Applicant's request.

On November 12, 2019, the Planning and Zoning Commission voted 7-0-0 to recommend approval of the proposed rezoning request