



17-275Z

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “PD” - Planned Development District and “REC” - Regional Employment Center Overlay District to “PD” - Planned Development District, Generally to Allow for Retail, Office, and Multi-family Residential Uses, Located Approximately 200 Feet South of Chisholm Trail and on the East Side of Ridge Road, and Accompanying Ordinance

**COUNCIL GOAL:** Direction for Strategic and Economic Growth

**MEETING DATE:** March 6, 2018

**DEPARTMENT:** Planning

**CONTACT:** Samantha Pickett, AICP, Planning Manager  
Brian Lockley, AICP, CPM, Director of Planning  
Melissa Spriegel, Planner I

**RECOMMENDED CITY COUNCIL ACTION:** Staff recommends denial of the proposed rezoning request due to lack of conformance with the Future Land Use Plan as well as lack of conformance with the land use pattern in the surrounding area. A super majority by City Council is required to approve this rezoning request.

**However, the applicant is requesting approval of 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 according to the attached development regulations.

**APPLICATION SUBMITTAL DATE:** September 21, 2017 (Original Application)  
October 10, 2017 (Revised Submittal)  
October 20, 2017 (Revised Submittal)  
November 8, 2017 (Revised Submittal)  
November 17, 2017 (Revised Submittal)

November 27, 2017 (Revised Submittal)  
December 22, 2017 (Revised Submittal)  
January 17, 2018 (Revised Submittal)  
January 30, 2018 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 5.33 acres of land from “PD” - Planned Development District and “REC” - Regional Employment Center Overlay District to “PD” - Planned Development District, generally for retail, office, and multi-family residential uses. More specifically, the proposed development standards are based on the “C1” - Neighborhood Commercial District, with modifications including, but not limited to, allowed uses, density, architectural standards, and open space, as detailed in the attached standards.

**On February 13, 2018, the Planning and Zoning Commission recommended denial of the proposed rezoning request. As such, a supermajority vote by the City Council is required in order to approve the rezoning request.**

On January 9, 2018, the Planning and Zoning Commission voted 7-0-0 to close the public hearing and table the item indefinitely.

On December 12, 2017, The Planning and Zoning Commission voted 6-0-0 to continue the public hearing and table the item to the January 9, 2018 Planning and Zoning Commission Meeting.

**ZONING:**

| Location         | Zoning District (Permitted Land Uses)                                                                                                           | Existing Land Use                         |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Subject Property | “PD” - Planned Development District Ordinance No. 2002-03-019 and “REC” - Regional Employment Overlay District (Office Uses)                    | Undeveloped Land                          |
| North            | “PD” - Planned Development District Ordinance No. 2002-03-019 and “REC” - Regional Employment Overlay District (Office Uses)                    | The Learning Experience Daycare           |
| South            | “PD” - Planned Development District Ordinance No. 2002-05-038 and “REC” - Regional Employment Overlay District (Commercial Uses)                | Undeveloped Land                          |
| East             | “PD” - Planned Development District Ordinance No. 2002-03-019 and “REC” - Regional Employment Overlay District (Single Family Residential Uses) | Saddle Club at McKinney Ranch Subdivision |

|      |                                                                                                                                                                                                                                |                                  |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| West | “PD” - Planned Development District Ordinance No. 2007-08-079 (Multi-family Uses); “PD” - Planned Development District Ordinance No. 2002-03-019 (Office Uses); and “REC” - Regional Employment Overlay District (Office Uses) | Aspire McKinney Ranch Apartments |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “PD” - Planned Development District and “REC “ - Regional Employment Center Overlay District to “PD” - Planned Development District, generally for retail, office, and multi-family residential uses. The property is currently zoned for office uses, and can develop in either an urban or suburban manner due to the flexibility of the remaining REC standards. The applicant has indicated the desire to rezone the property in order to develop a vertical, mixed-use product, with non-residential uses on the first floor and multi-family residential uses above.

The subject property is surrounded by planned or existing developments, including multi-family residential uses to the south and west, single family residential uses to the east, and a daycare to the north. This property is located within the area known as the “REC” - Regional Employment Center Overlay District, which was intended to create urban, walkable, pedestrian-oriented developments within approximately 4,500-acre district. However, in 2014 the City Council voted to amend the REC regulations to be more reflective of the current development climate, and in 2015 removed the applicability of the REC for all rezoning requests moving forward. These modifications were undertaken to create more flexibility within the Overlay (allowing for urban or suburban-style development) and reflect existing and proposed development patterns.

Additionally, urban-style developments in this area should be in clusters or nodes, to encourage a true pedestrian atmosphere, rather than across the entire 4,500 acres. Proposed developments should be evaluated to ensure consistent quality and character between non-residential and residential developments, appropriate heights and setbacks given the predominance of single family neighborhoods, an appropriate mix of uses with regard to visibility and location, and intentional layout and design to create a truly urban development.

While the applicant has indicated their intent to create a vertical, mixed-use development, Staff’s professional opinion is that a development of this nature would not be viable in this setting. Vertical, mixed-use is intended to be urban in design, creating a walkable, pedestrian-friendly development that relies heavily on visibility and foot traffic to thrive. Given the limited size of the property, mid-block location, isolation from similar developments, and lack of urban-style space limits, it is unlikely that this type of development would be able to thrive in this location without similar developments nearby that work in conjunction to create an intentional destination environment. As an example, the Times Square development in Craig Ranch was intended to be a vertical mixed-use product; however, did not succeed in attracting people to the location and has resulted in vacant, first-floor spaces due to several of the reasons mentioned

above.

As well, the scale of the development could potentially overwhelm the adjacent single family development. Staff also has concerns regarding the proposed development regulation requiring 4 amenities and 6 minor enhancements. Given the limited size of the lot, extent of the proposed development, and the proposed open space requirements, it may become challenging to incorporate all required amenities and enhancements. Additionally, if the property is subdivided, each lot will need to meet this requirement.

Furthermore, Staff has concerns given the unique and narrow shape of the property (approximately 200' deep and 1,100' wide) and adjacency to existing single family residential uses. The proposed development standards include provisions that may increase the difficulty of developing on the property, including, but not limited to, restrictions on the location of loading spaces, open space requirements, suburban-style setbacks, and setbacks of windows from single family residential uses. The property's narrow depth and mid-block location is best suited for low-intensity uses that do not require a large amount of parking, such as neighborhood offices. The proposed standards do not provide for a transition between existing uses and the subject property, and could result in a development that is not compatible with the surrounding and adjacent properties. As such, Staff recommends denial of the proposed rezoning request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for office uses. The FLUP modules diagram designates the subject property as Urban 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 not in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change would not help the community attain the goal of "Economic Development Vitality for a Sustainable and Affordable Community" through the stated objective of the Comprehensive Plan, a "balanced development pattern".
- Impact on Infrastructure: The proposed rezoning request may have an impact on the existing and planned water, sewer and thoroughfare plans in the area.
- Impact on Public Facilities/Services: The proposed rezoning request may have an impact on public services, such as schools, fire and police, libraries, parks and sanitation services.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for office and residential uses. The proposed uses, specifically a vertical mixed-use product with multi-family

residential on the upper floors, may overwhelm the adjacent single family residential neighborhood.

- Land Use and Tax Base Summary: Module 13 is currently comprised of approximately 53.9% residential uses and 46.1% non-residential uses (including institutional and agricultural uses). The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 13 are comprised of approximately 80.5% from residential uses and 19.5% from non-residential uses (including agricultural uses). Estimated tax revenues by type in Module 13 are comprised of approximately 87.6% ad valorem taxes and 12.4% sales and use taxes.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of commercial or office uses, but would increase the multi-family residential land uses in the area.

**CONFORMANCE TO THE MULTI-FAMILY POLICY:** The current multi-family policy was adopted by City Council in May of 2015. 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. If the total estimated number of future residential multi-family units in a planning sector exceeds 10%, a new location should be proposed for rezoning. Staff will evaluate any new locations to determine whether a recommendation for an amendment to the future land use plan should be made.
9. Vertical mixed-use developments may be allowed even if multi-family housing in the sector exceeds 10% of the existing and zoned housing units, and shall not count towards the multi-family percentage. A vertical mixed-use area shall be defined as one with non-residential uses on the ground floor and in some cases lower floors, with residential uses on the upper floors. The City encourages the vertical mixing of rental units with other land uses.
10. Urban multi-family developments may also be allowed even if multi-family housing in the sector exceeds 10% of the existing and zoned housing units. For the purposes of this section, urban multi-family development shall mean a multi-family residential development which incorporates, at a minimum, the following urban design elements:
  - a. structured and/or tuck-under garage parking for no less than 80% of the total required parking for the development;
  - b. ground floor units adjacent to a public right-of-way are designed and constructed to permit commercial uses with a minimum 12 feet clear ceiling height;
  - c. meaningful, centrally located internal open spaces (parks, plazas, courtyards, and squares) offering public gathering areas; and
  - d. 10 foot wide public sidewalks adjacent to all public roadways.

At the time the Multi-Family Policy was adopted in 2015, all of the sectors of the City were above the allotted 10%; however, the applicant's request is for a vertical mixed-use development, which may be allowed even if multi-family housing in the sector exceeds 10% of the existing and zoned housing units, and shall not count towards the multi-family percentage. As such, the proposed request is in conformance with the Multi-Family Policy.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received two letters in opposition to this request.

**BOARD OR COMMISSION RECOMMENDATION:** On February 13, 2018, the Planning and Zoning Commission voted 5-1-0 to recommend denial of the proposed rezoning request. As such, a supermajority vote (6 of 7) by City Council is required in order to approve the rezoning request.

**SUPPORTING MATERIALS:**

[PZ Minutes 02.13.pdf](#)  
[PZ Minutes 01.09.pdf](#)  
[PZ Minutes 12.12.pdf](#)  
[Location Map and Aerial Exhibit](#)  
[Letter of Intent](#)  
[Letter of Opposition 1](#)  
[Letter of Opposition 2](#)  
[Comprehensive Plan Maps](#)  
[Land Use and Tax Base Summary](#)  
[Land Use Comparison Table](#)  
[Ex. PD Ord. No. 2002-03-019](#)  
[Map of Adjacent Multi-Family Uses](#)  
[Concept Plan - Informational Only](#)  
[Proposed Ordinance](#)  
[Exhibits A-C](#)  
[PowerPoint Presentation](#)  
[Applicant Presentation](#)