



**21-0035Z2**

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “RS-60” Single Family Residence District and “TMN” Traditional McKinney Neighborhood Overlay District to “PD” - Planned Development District and “TMN” Traditional McKinney Neighborhood Overlay District, Generally to Modify the Uses and Development Standards, Located at 800 South Chestnut Street, 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:** August 3, 2021

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Jennifer Arnold, AICP, Director of Planning  
Caitlyn Strickland, Planning Manager

**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 develop in accordance with the attached development regulations and layout exhibit.

**APPLICATION SUBMITTAL DATE:** February 23, 2021 (Original Application)  
May 6, 2021 (Revised Submittal)  
June 25, 2021 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 1.274 acres of

land, generally for single family residential and event space uses (Bingham House). More specifically, the proposed rezoning request would allow for a wedding / event venue with indoor and outdoor uses, subject to specific conditions which are discussed in greater detail below.

#### **EXISTING ZONING AND LAND USES:**

<b>Location</b>	<b>Zoning District (Permitted Land Uses)</b>	<b>Existing Land Use</b>
Subject Property	"RS 60" Single Family Residence District (Single Family Residential Uses)	Bingham House Bed and Breakfast
North	"BN" Neighborhood Business District	St. Nicholas Church
South	"RS 60" Single Family Residence District (Single Family Residential Uses)	Single Family Residences
East	"BG" General Business District	McKinney Jewelry & Loan, TC Snowball
West	"RS 60" Single Family Residence District (Single Family Residential Uses)	Single Family Residences

**PROPOSED ZONING:** The applicant requests to rezone the subject property generally to allow for single family residential and event space uses with indoor and outdoor activities.

This site (commonly known as the Bingham House) has previously been operating as a bed and breakfast, pursuant to an approved Specific Use Permit (SUP). However, the property was recently sold and is no longer being used as a bed and breakfast. The new owner now desires to operate the site as a wedding / event venue with indoor and outdoor uses, which requires a rezoning of the property.

As proposed, the subject property would be zoned "PD" - Planned Development District, subject to the use and development standards of the "SF-5" - Single Family Residence District with added use and development allowances for a "wedding / event venue (indoor and outdoor)".

Specifically, wedding / event venue (indoor and outdoor) uses would only be permitted in accordance with the following:

- shall be developed in accordance with the proposed concept plan;
- any outdoor events must take place only in the designated area shown on the concept plan.
- The indoor and outdoor event spaces shall be required to be parked at a minimum ratio of one space per 200 square feet.

When evaluating the request, staff reviewed the compatibility of the proposed request with the surrounding area and also looked at the existing site conditions. As part of this, we noted that the former bed and breakfast previously operated events on the site with no known issues with noise or other nuisances.

In addition to the protections included in the proposed development regulations, the city's Code of Ordinances also provides additional protections for adjacent properties. For example, any outdoor activity permitted on the subject property would be subject to Chapter 70, Article V of the city's Code of Ordinances (commonly referred to as the Noise Ordinance), which specifically prohibits certain noise disturbances in/within proximity to residential uses. Given its location, use of radios, music and similar devices on the subject property would be considered a noise disturbance and subject to the city's enforcement authority if operated between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday, and between the hours of 11:30 p.m. and 7:00 a.m., Friday and Saturday (Section 70-120). The applicant proposes to specifically prohibit the use of these devices between the hours of 9:00 p.m. and 8:00 a.m.

As well, Chapter 58 of the city's Code of Ordinances regulates lighting on properties throughout the city. Generally speaking, it limits the amount of light that can spill over any property line (0.25 footcandles) and regulates glare (0.02 luminance).

Additionally, the proposed development regulations would prevent expansion of the outdoor uses beyond the existing condition of the property. After reviewing the applicant's request, Staff feels as though the general character of the property's existing zoning district remains intact under the proposed zoning. Given these factors, staff recommends approval of the rezoning request.

**CONFORMANCE TO ONE MCKINNEY 2040:** A key aspect of the ONE McKinney 2040 Comprehensive Plan is to provide direction related to desired development patterns in the city and to inform decisions related to the timing and phasing of future infrastructure investments. To assist in guiding these decisions, the plan includes a set of Guiding Principles that provide overall guidance and a Preferred Scenario and Land Use Diagram that illustrate the desired development patterns in the city. The Preferred Scenario and Land Use Diagram are built upon a series of distinctive districts, each with a specific purpose, focus and market. Each district consists of a mix of placetypes that identify the predominate land uses and desired pattern of development for the district.

Per the Preferred Scenario, the subject property is designated as the Historic Town Center Mix placetype and is within the Town Center District. Other placetypes included in this district are Historic Town Center Downtown, Historic Town Center Residential, Neighborhood Commercial, Commercial Center, and Professional Campus.

- Guiding Principles: The proposed rezoning request is generally in conformance with the 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”.

- Preferred Scenario and Land Use Diagram Characteristics:  
Per the Preferred Scenario and Land Use Diagram, the subject property is located in the Town Center District and is designated as the Historic Town Center Mix Placetype.

The Historic Town Center - Mix Placetype represents a transitional area between the relatively intense use of land downtown and along the highway corridors and the surrounding, urban neighborhoods. These areas display an intermediate density in both residential and commercial offerings that transition from an urban to suburban development pattern as development approaches the HTC - Residential sub-placetype. Commercial buildings tend to be multi-tenant. Residential structures are typically compact. While less dense than HTC - Downtown, streets and sidewalks are still navigable on foot and scaled to the pedestrian experience.

- Land Use Diagram Compatibility: When considering land use decisions, the City should determine that a project aligns with the Land Use Diagram and/or meets a majority of the plan’s established criteria to be considered compatible with the Land Use Diagram.

The proposed rezoning request **aligns** with the Historic Town Center - Mix Placetype of the Town Center District, is in conformance with the Land Use Diagram, and should be compatible with the surrounding properties.

- Fiscal Model Analysis: The attached fiscal analysis shows a positive fiscal benefit of \$16,474 for the 1.274 acre property, which should contribute to achieving an overall fiscal balance in the city. Some key takeaways for this property include:
  - The fiscal model was adjusted to account for only the square footage currently present on the property, and assumes that it will develop as a commercial event venue.

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

**BOARD OR COMMISSION RECOMMENDATION:** On July 13, 2021, the Planning and Zoning Commission voted 6-0-0 to recommend approval of the proposed rezoning request.

**SUPPORTING MATERIALS:**

[Location Map and Aerial Exhibit](#)

[Letter of Intent](#)

[Comprehensive Plan Maps](#)

[Town Center District](#)

[Placetype Definitions](#)

[Fiscal Analysis](#)

[Land Use Comparison Table](#)

[Proposed Ordinance](#)

[Exhibits A-E](#)

[Presentation](#)