



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

**File #:** 18-0107Z3 **Name:** Utility Substation Rezoning  
**Type:** Ordinance **Status:** Tabled  
**In control:** City Council Regular Meeting  
**On agenda:** 10/2/2018 **Final action:** 10/2/2018  
**Title:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Allow for Communication Tower, Utility Substation, and Commercial Uses, Located on the Southwest Corner of McKinney Ranch Parkway and State Highway 121 (Sam Rayburn Tollway), and Accompanying Ordinance

### Indexes:

**Attachments:** 1. Minutes CC 091818 DRAFT, 2. Minutes Appendix A CC 091818 DRAFT, 3. Minutes Appendix B CC 091818 DRAFT, 4. Minutes Appendix C CC 091818 DRAFT, 5. PZ Minutes, 6. Location Map and Aerial Exhibit, 7. Letter of Intent, 8. Letters of Support, 9. Comprehensive Plan Maps, 10. Land Use and Tax Base Summary, 11. Land Use Comparison Table, 12. Ex. PD Ord No. 2003-04-033, 13. Ex. PD Ord No. 2013-03-025, 14. Prop. Ordinance, 15. Prop. Exhibits A-E, 16. Presentation, 17. Applicant Presentation

Date	Ver.	Action By	Action	Result
10/2/2018	1	City Council Regular Meeting	Close the public hearing	Pass
10/2/2018	1	City Council Regular Meeting	Tabled Indefinitely	Pass

Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Allow for Communication Tower, Utility Substation, and Commercial Uses, Located on the Southwest Corner of McKinney Ranch Parkway and State Highway 121 (Sam Rayburn Tollway), 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:** October 02, 2018

**DEPARTMENT:** Planning

**CONTACT:** Jennifer Arnold, AICP, Interim Director of Planning  
Samantha Pickett, AICP, Planning Manager  
David Soto, Planner I

**RECOMMENDED CITY COUNCIL ACTION:** Staff recommends denial of the proposed rezoning request due to its inclusion of a utility substation, which is not in conformance with the Future Land Use Plan.

**However, the applicant is requesting approval of the following special ordinance provisions:**

1. The subject property shall develop in accordance with Section 146-94 ("PD" - Planned Development District) of the Zoning Ordinance, and as amended, except as follows:
  - a. The subject property shall develop in accordance with the attached development regulations.

**APPLICATION SUBMITTAL DATE:** June 28, 2018 (Original Application)  
July 26, 2018 (Revised Submittal)  
August 09, 2018 (Revised Submittal)  
August 16, 2018 (Revised Submittal)  
August 28, 2018 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 16.92 acres from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District, generally for mixed uses, to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, generally for substation, communication tower and commercial uses. More specifically, the proposed development regulations are based on "C3" - Regional Commercial District, with modifications including, but not limited to, adding and removing uses, modifying space limits, and providing additional screening to the property.

On September 11, 2018, the Planning and Zoning Commission voted 6-0-1 to recommend denial of the proposed rezoning request. As such, **a supermajority vote of the City Council (6 of 7) is required to approve this item.**

On September 18, 2018, City Council voted to table the item to the October 2, 2018 meeting.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"PD" - Planned Development District Ordinance No. 2013-03-025, and "REC" - Regional Employment Center Overlay District and "CC" - Commercial Corridor Overlay District (Mixed Uses)	Undeveloped Land
North	"PD" - Planned Development District Ordinance No. 2013-03-025 (Mixed Uses), "C" - Planned Center District (Commercial Uses), "REC" -Regional Employment Center Overlay District and "CC" - Commercial Corridor Overlay District	McKinney Point Apartments and McKinney Ranch Townhomes
South	City of Allen	Undeveloped Land

East	PD" - Planned Development District Ordinance No. 2013-03-025, and "REC" - Regional Employment Center Overlay District and "CC" - Commercial Corridor Overlay District (Mixed Uses)	Undeveloped Land
West	"PD" - Planned Development District Ordinance No. 2008-05-046 (Agricultural Uses)	Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property to "PD" - Planned Development District to allow for a utility substation, communications tower, and commercial uses. The current PD zoning also allows commercial uses, but requires the property to develop in accordance with the existing layout exhibit that designates specific non-residential (office and retail) and multi-family residential uses in certain locations on the property.

While the REC Overlay District is no longer in effect moving forward, the intent of the existing PD is still applicable today, which was to create a mixed-use development at a key intersection and entry point of the City (State Highway 121, Collin McKinney Parkway and U.S. Highway 75). State Highway 121 is expected to grow and develop into a prominent commercial and office corridor within the next market cycle and as such, the City is paying particular attention to the development patterns that are emerging in this area. Recent projects, such as the MISD Stadium and HUB 121, have set the stage for a mixed-use environment that focuses on retail, office, and entertainment uses.

Although Staff understands the demand for utility services in the area, it is also Staff's opinion that the proposed utility substation may reduce the capacity for commercial uses, impede meaningful development, and encourage further utility and incidental uses in this location. With these factors in mind, Staff recommends denial of the proposed rezoning request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for commercial uses. The FLUP Module diagram designates the subject property as Tollway Commercial 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 not in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change would not align with the goal of "Economic Development Vitality for a Sustainable and Affordable Community" through the stated objective of "balanced commercial development along major highway corridors".
- 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.
- 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.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent

to the subject property are zoned for similar commercial uses. The proposed rezoning request will introduce a utility use to a commercial area, which may not be compatible with the planned developments in the area.

- Land Use and Tax Base Summary: Module 12 is currently comprised of approximately 14.9% residential uses and 85.1% non-residential uses (including agricultural, institutional, and mixed uses). The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 12 are comprised of approximately 23.1% from residential uses and 76.9% from non-residential uses (including agricultural and mixed uses). Estimated tax revenues by type in Module 12 are comprised of approximately 60.8% ad valorem taxes and 39.2% sales and use taxes.
- Concentration of a Use: The proposed rezoning request could result in an over-concentration of utility land uses in the area.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received six letters in support to this rezoning request.

**BOARD OR COMMISSION RECOMMENDATION:** On September 11, 2018, the Planning and Zoning Commission voted 6-0-1 to recommend denial of the proposed rezoning request. As such, a supermajority vote of the City Council (6 of 7) is required to approve this item.