



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

**File #:** 19-0085Z2 **Name:** Dogtopia 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 "PD" - Planned Development District and "REC" Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" Regional Employment Center Overlay District, Generally to Modify Uses and Development Standards Located on the Northeast Corner of Stacy Road and Arroyo Trail, and Accompanying Ordinance

### Indexes:

**Attachments:** 1. PZ Minutes 11.12.pdf, 2. Location Map and Aerial Exhibit, 3. Letter of Intent, 4. Comprehensive Plan Maps, 5. Collin McKinney Commercial District, 6. Placetype Definitions, 7. Fiscal Analysis, 8. Land Use Comparison Table, 9. Proposed Rezoning Ordinance, 10. Exhibits A-D, 11. Presentation, 12. Sound Study

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 "PD" - Planned Development District and "REC" Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" Regional Employment Center Overlay District, Generally to Modify Uses and Development Standards Located on the Northeast Corner of Stacy Road and Arroyo Trail, 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 denial of the proposed rezoning request due to the proximity of a potential noise nuisance within the 500' of adjacent residential properties.

**However, should the request be approved, staff recommends that the subject property be subjects to the following special ordinance provisions:**

1. The subject property shall be zoned "PD" - Planned Development District and shall develop be

subject to the following special ordinance provision(s):

- a. The subject property shall develop in accordance with the attached development regulations and zoning exhibits.

**APPLICATION SUBMITTAL DATE:**      September 4, 2019              (Original Application)  
   October 8, 2019              (Revised Submittal)  
   October 29, 2019              (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 3.91 acres of land, generally for retail uses. More specifically, the proposed rezoning request modifies the uses to allow for, among other things, a pet store, kennel, and animal boarding with outdoor runs in limited locations associated with the structure in the southwest corner of the property.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"PD" Planned Development 2001-02-017 (Retail Uses)	Craig Ranch Plaza Shopping Center
North	"PD" Planned Development 2001-02-017 (Single Family Residential Uses)	Craig Ranch North 2C
South	"PD" Planned Development 2001-02-017 (Single Family Residential and Golf Course Uses)	TPC Craig Ranch and The Settlement at Craig Ranch
East	"PD" Planned Development 2001-02-017 (Single Family Residential Uses)	Craig Ranch North 1A
West	"PD" Planned Development 2001-02-017 (Daycare Use) "PD" Planned Development 1756 (Park Uses)	Daffodils Preschool, Rowlett Creek Park

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property generally to include pet store, kennel, and animal boarding with outdoor runs in certain locations on the subject property.

The existing zoning is part of the original Craig Ranch "PD" - Planned Development District (Ordinance 2001-02-017). This existing zoning utilizes the "BN" Neighborhood Retail District as a base zoning with some modifications to allow for mixed use and golf course uses. The applicant is requesting to utilize the modern equivalent of the "BN" Neighborhood Retail District - C1-Neighborhood Commercial District, however is also seeking to retain a number of uses currently permitted on the property. Those uses include:

- Banks/ Financial Institutions
- Cleaning Shop and pressing (small shop and pickup)

- Drug Store
- Food or grocery store
- Hardware Store
- Paint and related sales
- Household appliance sales

In addition to maintaining these existing permitted uses, the proposed zoning would also allow a pet store, kennel, or animal boarding with an outdoor run in certain portions of the property, more fully depicted on Exhibit A. While the existing zoning allows for pet store, kennel, or animal boarding, it does not allow outdoor runs. As proposed, the allowance of outdoor runs would be conditioned as follows: hours of operation of the outdoor run shall be limited to 6AM - 8PM; additional landscape shrubs around the runs to provide more screening, and also provide exceptional quality.

The subject property is situated entirely within a 500' quiet zone as stipulated in the city's noise ordinance. Staff is of the opinion that permitting outdoor runs within the quiet zone has the possibility of causing a noise nuisance due to the presence of dogs in the outdoor runs. The applicant has provided a courtesy sound study of the predicted noise impact and Staff has included this information in the packet. While we appreciate the efforts that the applicant has taken to address the noise concerns, the City's noise ordinance specifically applies to "all private or public facilities including any animal shelter or commercial kennel, which holds or treats animals." Given the potential for creating a noise nuisance, staff recommends denial of the proposed zoning 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 and 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 establishes 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 Collin McKinney Commercial District and is designated as the Urban Living Placetype. Other general placetypes included in this district include Urban Living, Mix Use Center, Professional Campus, and Entertainment Center.

- Guiding Principles: The proposed rezoning request is not in conformance with the Guiding Principle of "Places (to live, work, play, and visit)" established by the Comprehensive Plan. In particular, the proposed request has the potential to undermine the ability of "today's neighborhoods, to remain vibrant and desirable places that meet the needs of existing residents and appeal to future residents".
- 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. While the Urban Living Placetype does allow for some commercial and neighborhood services, staff does not feel that the proposed rezoning request aligns with the Urban Living placetype of the Collin McKinney Commercial District because it is not compatible with the surrounding residential properties.
- Fiscal Model Analysis: The attached fiscal analysis shows an estimated fiscal benefit of \$168,063 for the 3.9145 acre property and should contribute to achieving an overall fiscal

balance in the city. Some key takeaways for this property include:

1. The proposed zoning would not pose any significant gain or loss in fiscal benefit for the city compared to the existing zoning on the property.

**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 November 12, 2019, the Planning and Zoning Commission voted 5-2-0 to recommend approval of the proposed rezoning request.