



# CITY OF MCKINNEY, TEXAS

## Legislation Text

File #: 17-292Z, Version: 2

Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “AG” - Agricultural District to “PD” - Planned Development District, Generally for Commercial and Multi-Family Residential Uses, Located Approximately 1,960 Feet North of Laud Howell Parkway and on the West Side of Trinity Falls Parkway, and Accompanying Ordinance

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

**MEETING DATE:** December 5, 2017

**DEPARTMENT:** Planning

**CONTACT:** Samantha Pickett, AICP, Planning Manager  
Brian Lockley, AICP, CPM, Director of Planning

**RECOMMENDED CITY COUNCIL ACTION:** Staff recommends approval of the proposed rezoning request with the following special ordinance provision:

1. The subject property shall develop in accordance with the attached development regulations.

**APPLICATION SUBMITTAL DATE:** October 10, 2017 (Original Application)

**ITEM SUMMARY:** The City of McKinney is proposing to rezone approximately 44.42 acres of land, generally for commercial and multi-family residential uses. More specifically, the proposed development regulations provide the option for the property to develop either in a denser urban development pattern, or in a more traditional suburban development pattern reflected in the proposed space limits, screening, landscaping and parking standards.

It should be noted that the approval of this rezoning request is a condition of the settlement agreement, approved by the City Council on November 6, 2017, regarding the pending litigation of Arch Resorts, LLC v. the City of McKinney, Texas and Rick Herzberger, Chief Building Official of the City of McKinney, Texas, v. Collin County, Texas, No. 219-01855-2015, 219<sup>th</sup> District Court of Collin County, Texas.

### ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	“AG” - Agricultural District (Agricultural Uses)	Arch Resorts RV Park and Undeveloped Land

North	“ETJ” - Extraterritorial Jurisdiction	Single Family Residence and Cropland
South	“ETJ” - Extraterritorial Jurisdiction	Pasture and Undeveloped Land
East	“AG” - Agricultural District (Agricultural Uses)	Single Family Residences and Undeveloped Land
West	“AG” - Agricultural District (Agricultural Uses) and “ETJ” - Extraterritorial Jurisdiction	Undeveloped Land

**PROPOSED ZONING:** The City of McKinney is proposing to rezone the subject property from “AG” - Agricultural District to “PD” - Planned Development District, generally for commercial and multi-family residential uses and to modify the development standards. The development regulations are consistent with the terms that have generally been agreed upon as part of the settlement agreement.

The development standards are specifically designed to allow the property owner the flexibility to respond to market forces with the option to develop in either an urban or suburban manner while ensuring that the property is reserved for those highest and best uses which are also in alignment with the vision prescribed by the City’s Northwest Sector Study and the DRAFT 2040 Comprehensive Plan Update. More specifically, the subject property is located within the limits of the Northwest Sector Study which designates this property as being on the edge of a regional commercial area. The proposed standards will allow for a transition from higher intensity commercial areas along U.S. Highway 75 (Central Expressway) to the more residential areas of the northwest sector of the City. As such, Staff is supportive of the proposed rezoning request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) Modules Diagram designates the subject property as Office Park within a minimally developed area; however, several large parcels within the immediate area have been rezoned for a variety of similar uses within the last several years. The Comprehensive Plan lists factors to be considered when a zoning is being considered within an undeveloped area:

- Comprehensive Plan Goals and Objectives: The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan, as established in the Northwest Sector Study adopted by City Council February 17, 2015 (Resolution 2015-02-022). In particular, the proposed zoning change would help the community attain the goal of “Economic Development Vitality for a Sustainable and Affordable Community” through the stated objectives of the Comprehensive Plan, a “balanced development pattern” and “balanced commercial development along major highway corridors”. Another goal of the Comprehensive Plan is accomplished through “Land Use Compatibility and Mix” by creating “land use patterns that optimize and balance the tax base of the City”. Additionally, the proposed rezoning request would help to attain the Northwest Sector goals of a “Balanced Tax Base”, “Quality Placemaking”, and “Market Readiness and Adaptability”.
- Impact on Infrastructure: The proposed rezoning request will have an impact on the existing and planned water, sewer and thoroughfare plans in the area. However, the master plans currently in place are developed with long-term development conditions in mind. The proposed

development regulations should not negatively impact utility capacity in the long-term.

- Impact on Public Facilities/Services: In the long-term, the proposed rezoning request will have an impact on public services, such as schools, fire and police, libraries, parks and sanitation services. However, current service levels may be modified in the future as demand warrants and budgets allow. Any potential impact from this rezoning request will be realized several years in the future which should allow enough time for plan and budget modifications as necessary.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for similar commercial and residential uses. The proposed rezoning request will remain compatible with the surrounding properties.
- Land Use and Tax Base Summary: Module 19 is currently comprised of less than 1% residential uses, approximately 59.5% non-residential uses (including institutional and agricultural uses) and approximately 40% extraterritorial jurisdiction (ETJ). The proposed rezoning request will have an impact on the anticipated land uses in this module. Estimated tax revenues in Module 19 are comprised of approximately 1.4% from residential uses and 98.6% from non-residential uses (including agricultural uses). Estimated tax revenues by type in Module 19 are comprised of approximately 100% ad valorem taxes and 0% sales and use taxes.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of commercial or residential land uses in the area.

**CONFORMANCE TO THE MULTI-FAMILY POLICY:** The multi-family policy was adopted by City Council in 2001 but its latest update was completed 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 foot 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 2001, all of the sectors of the City were above the allotted 10% and the applicant's request to allow new multi-family zoning will only make these percentages increase. The Multi-Family Policy also states that if the Future Land Use Plan does not designate the property for multi-family, then the request will be recommended for denial. However, the current percentage of the Northwest Sector is at 7.72% which is under the allowed multi-family

percentage and Staff may recommend approval of a change in zoning that allows for multi-family as it is in conformance with the Multi-Family Policy.

**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 14, 2017, the Planning and Zoning Commission voted 6-1-0 to recommend approval of the proposed rezoning request.