



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 20-0127Z2, **Version:** 1

Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow for Multi-Family and Commercial Uses, Located on the Northwest Corner of Frisco Road and State Highway 5 (McDonald Street), and on the Southwest corner of Spur 399 and State Highway 5 (McDonald Street)

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: February 2, 2021

DEPARTMENT: Development Services - Planning Department

CONTACT: Jennifer Arnold, AICP, Director of Planning
Joe Moss, Planner I

STAFF RECOMMENDATION: Staff recommends denial of the proposed rezoning request due to concerns with the proposed multi-family residential uses and the lack of conformance with the comprehensive plan.

However, if the applicant's request is approved, the following special ordinance provisions shall apply:

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.

APPLICATION SUBMITTAL DATE: December 7, 2020 (Original Application)
December 29, 2020 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 28.382 acres of land, generally for multi-family residential and commercial uses. The existing zoning permits a wide variety of commercial, office, retail, and light industrial uses. It also permits multi-family uses, up to 500 units. There are two existing multi-family developments (McKinney Village Apartments and McKinney

Medical Lofts) on the subject property, totaling 500 dwelling units. Therefore, no additional multi-family units are permitted under the current zoning. As such, the applicant requests to rezone the property to allow for some continuance of commercial uses, but also to allow additional multi-family units.

EXISTING ZONING AND LAND USES FOR NORTHERN TRACT (TRACTS 1 & 2):

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"PD" Planned Development District 2017-12-109 (Industrial, Commercial, and Multifamily Uses)	Undeveloped Land
North	"PD" Planned Development District 2020-12-088 (Multifamily Uses)	Undeveloped Land
South	"PD" Planned Development District 2017-12-109 (Industrial, Commercial, and Multifamily Uses)	McKinney Village Apartments
East	"BG" General Business District (Commercial Uses), "PD" Planned Development District 2000-05-034 (Office and Commercial Uses)	Single Family Residences, TEXDOT Facility, Undeveloped Land
West	"PD" Planned Development District 2017-12-109 (Industrial, Commercial, and Multifamily Uses)	7-Eleven

EXISTING ZONING AND LAND USES FOR SOUTHERN TRACT (TRACT 3):

Location	Zoning District (Permitted Land Use)	Existing Land Use
Subject Property	"PD" Planned Development District 2017-12-109 (Industrial, Commercial, and Multifamily Uses)	Undeveloped Land
North	"PD" Planned Development District 2017-12-109 (Industrial, Commercial, and Multifamily Uses)	McKinney Medical Lofts (Under Construction)
South	City of Fairview	Single Family Residences
East	City of Fairview	Farmers Insurance, Undeveloped Land
West	"PD" Planned Development District 1996-11-51 (Commercial Uses)	Undeveloped Land

PROPOSED ZONING: The applicant is requesting to rezone approximately 28.382 acres of land, generally for multi-family residential and commercial uses. More specifically, the proposed rezoning request divides the subject property into 3 tracts with associated development regulations that stipulate the permitted uses and development standards that each must follow. More information regarding the proposed use and development standards are further discussed below:

Tract 1

Tract 1 is located near Spur 399 and Medical Center Drive and is comprised of approximately 4.673 acres. The applicant proposes to rezone the tract for commercial uses following the “C2” Local Commercial District regulations. The applicant is proposing to modify the use allowances on this tract to permit hotel and motel uses by right rather than with a specific use permit.

Given that Tract 1 is located along a major regional highway, staff has no objections to the zoning proposed on this tract.

Tracts 2 and 3

Tracts 2 and 3 are proposed as low-density townhome and cottage style multifamily development following the “MF-1” Multiple Family Residential - Low Density District with the following modifications:

- Density
 - The current zoning permits a multi-family density of 25 units per acre. The “MF-1” Multiple Family Residential - Low Density District permits a maximum density of 12 dwelling units per acre.
 - The applicant is proposing to reduce the multi-family density to 10 units per acre with no more than 6 dwelling units permitted in a single building.
 - Although Staff does not have significant concerns with the multi-family uses and densities proposed on Tract 3, we do have concerns with the proposed residential uses on Tract 2, especially considering the low density product envisioned.
 - The Subject Property is bisected by existing 3-story multi-family developments and is largely surrounded by commercial uses. Furthermore, Tract 2 sits along Spur 399, which serves as a primary artery for motorists merging from SH 121 and US 75 onto SH 5 into McKinney. A location such as this has potential to capture commercial development opportunities and is more suited for a higher intensity development footprint.
- Setbacks
 - The current zoning has a minimum front yard setback of 50 feet along Spur 399 and SH 5, while a 25’ front yard setback is required along all other streets.
 - The “MF-1” Multiple Family Residential - Low Density District requires a minimum front

yard setback of 35 feet.

- As originally proposed, the applicant was seeking a front yard setback of 50 feet along SH 5 and a minimum rear yard setback along Spur 399 of 25 feet. Side yard setbacks along Frisco Road would be 20 feet. As proposed a 5-foot encroachment into any setback would be permitted.
- Following the Planning and Zoning Commission Meeting, the applicant has revised their request and is proposing a front yard setback of 50' along SH 5 and a minimum rear yard setback along Spur 399 of 35 feet. Side yard setbacks along Frisco Road would be 20 feet. As proposed a 5-foot encroachment into any setback would be permitted. As well, fencing would be permitted in the rear yard setback along Spur 399.
- Although Staff appreciates the applicants proposal to more closely align the proposed setbacks with that of the existing zoning, our concerns with introducing residential uses in this location remain.

- Parking

- Under the standard city parking requirements, a minimum of 50% of units must have enclosed parking spaces. If garages are utilized to satisfy this requirement, a 20' driveway to the garage may count as an additional parking space. However, if a 20' driveway is not present an additional 0.5 space is required elsewhere on site.
- The applicant is requesting to eliminate the additional 0.5 parking space requirement when a 20-foot driveway is not provided.
- Following the Planning and Zoning Commission Meeting, the applicant has modified their request and is no longer requesting any modifications to the required parking.

- Building Separation

- The "MF-1" Multiple Family Residential - Low Density District currently requires a minimum front-to-rear building separation of 40 feet, a minimum rear-to-rear building separation of 20 feet.
- The applicant is requesting that both the minimum front-to-rear and rear-to-rear building separations be reduced to 15 feet. Additionally, the applicant is requesting that flatwork, patios, and fences be permitted within these minimum separations.
- Given the proposed style of multi-family being requested, Staff has no objections to this request.

- Landscaping

- Under standard city requirements a landscaped median is required at all entrances to multifamily developments. The applicant is requesting that no landscaped median be required for secondary entrances including those connecting to existing developments.
- The applicant is requesting to utilize landscape buffers adjacent to the existing multifamily for private fenced yards for residential units.
- As a provision of exceptional quality, the applicant is proposing that a minimum of 30% of the street yards will be living landscape.
- Staff feels the proposed landscaping is consistent with the current standards and would meet the intent of the landscaping ordinances.
- Screening
 - Under standard city requirements, a multi-family development are required to provide a 6' masonry wall on all rear and side property lines. The applicant is requesting that no perimeter screening walls be required. This request is consistent with the existing zoning on the site.
 - The applicant is also requesting that no gates be required. This request is consistent with the existing zoning, and not typically required by city ordinances.
 - Since these requests are consistent with the existing zoning and existing developments, Staff has no objection. Furthermore, the Subject Property has no direct adjacency to single family residences.
- Amenities
 - Under standard city requirements, multi-family developments are required to provide a minimum number of amenities. The applicant is requesting that amenities be shared between the development on tracts 2 and 3.
 - Staff has concerns with this request because two separate, existing multi-family developments bisect tracts 2 and 3 by over 1,000 feet. As such, accessibility to the amenities is greatly impeded. Furthermore, because the tracts are independent and not contiguous to each other, should one be sold from another, there would be no way to guarantee that residents maintain access to the amenities.
 - Following the Planning and Zoning Commission Meeting, the applicant has modified their request and is no longer asking for shared amenities between tracts 2 and 3.

Staff acknowledges that meaningful commercial development potential on tract 3 may be low given that the intersection of State Highway 5 and Frisco Road may not be a primary intersection in the future. However, we are of the opinion that Tracts 1 and 2 - which sit at the intersection of State Highway 5 and Spur 399 - have potential to develop in a commercial manor in the future.

It is Staff's professional opinion that the proposed rezoning reduces the opportunity for the city to capture commercial growth and development on the Subject Property and that the lower-density style multi-family is not appropriate given the predominance of higher intensity uses and developments in the immediate area. As such, Staff recommends denial of the request.

CONFORMANCE TO ONE MCKINNEY 2040: A key aspect of the ONE McKinney 2040 Comprehensive Plan is to provide direction related to the desired development patterns and to 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 in the Southgate District, with Tracts 1 & 2 designated as the Professional Center placetype and Tract 3 designated as the Urban Living placetype. Other placetypes included in this district are Suburban Living and Mixed-Use Center.

- 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 "private development, public investments, and community engagement support the people of McKinney by making available housing options and neighborhood choices that are accessible, attainable and appealing to people at all stages of their lives."

However, it is Staff's professional opinion that the proposed request will not further the goal of building "diverse economic engines... broaden the tax base, and make the City's economy more adaptable and resilient".

- 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. Tracts 1 and 2 of the proposed rezoning request do not align with the Professional Center placetype of the Southgate District, However tract 3 Does align with the Urban Living placetype of the Southgate District.
- Fiscal Model Analysis: The attached fiscal analysis shows an overall fiscal benefit of \$800,356 for the 28.382 acre property. Some key takeaways for this property include:
 - The existing zoning would provide both larger revenues and lower operating expenses.
 - The existing zoning would be a greater development value and produce more employment than the proposed zoning.

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 January 12, 2021, the Planning and Zoning Commission voted 5-2-0 to recommend approval of the proposed rezoning request.

