



CITY OF MCKINNEY, TEXAS

Legislation Details (With Text)

File #: 22-0109Z3 **Name:** NWC of SH 121 and US 75 Rezone
Type: Ordinance **Status:** Public Hearing
In control: City Council Regular Meeting
On agenda: 6/6/2023 **Final action:**

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 Overlay District, and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "HC" - Highway Commercial Overlay District, Generally to Modify the Development Standards and to Allow for Multi-Family and Commercial Uses, Located Approximately 210 Feet West of U.S. Highway 75 (Central Expressway) and on the South Side of McKinney Ranch Parkway, and Accompanying Ordinance

Indexes:

Attachments: 1. Draft PZ Minutes 05.09.2023, 2. PZ Minutes 04.11.2023, 3. Location Map and Aerial Exhibit, 4. Letter of Intent, 5. Comprehensive Plan Maps, 6. Collin McKinney Commercial District, 7. Placetype Definitions, 8. Fiscal Analysis, 9. Land Use Comparison Table, 10. Ex. PD Ord. No. 2013-03-025, 11. Ex. PD Ord. No. 2003-04-033, 12. Proposed Ordinance, 13. Proposed Exhibits A-D, 14. Presentation

| Date | Ver. | Action By | Action | Result |
|----------|------|------------------------------|--------|--------|
| 6/6/2023 | 1 | City Council Regular Meeting | | |

Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "REC" - Regional Employment Overlay District, and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "HC" - Highway Commercial Overlay District, Generally to Modify the Development Standards and to Allow for Multi-Family and Commercial Uses, Located Approximately 210 Feet West of U.S. Highway 75 (Central Expressway) and on the South Side of McKinney Ranch Parkway, 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: June 6, 2023

DEPARTMENT: Development Services - Planning Department

CONTACT: Jennifer Arnold, AICP, Director of Planning
 Caitlyn Strickland, Planning Manager
 Kaitlin Sheffield, CNU-A, Senior Planner

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.

APPLICATION SUBMITTAL DATE: August 29, 2022 (Original Application)
 January 11, 2023 (Revised Submittal)
 March 1, 2023 (Revised Submittal)
 March 29, 2023 (Revised Submittal)

ITEM SUMMARY: The applicant requests to rezone approximately 17.8 acres of land, generally to allow for multi-family residential and commercial uses. More specifically, the proposed rezoning request modifies the height and density requirements for multi-family residential uses.

EXISTING ZONING AND LAND USES:

| Location | Zoning District (Permitted Land Uses) | Existing Land Use |
|------------------|---|--|
| Subject Property | “PD” - Planned Development District Ordinance No. 2013-03-025 (Commercial and Multi-Family Residential Uses) | Undeveloped Land |
| North | “PD” - Planned Development District Ordinance No. 2013-03-025 (Commercial and Multi-Family Residential Uses), “C” - Planned Center District (Commercial Uses), and “PD” - Planned Development District Ordinance No. 1480 (Commercial Uses) | Post Oak Apartments, McKinney Pointe Apartments, McKinney Ranch Townhomes, Bark!, McKinney Buick GMC |
| South | City of Allen | City of Allen |
| East | City of Fairview | City of Fairview |
| West | “PD” - Planned Development District Ordinance No. 2008-05-046 (Agricultural Uses) | Oncor Substation, Undeveloped Land |

PROPOSED ZONING: The applicant requests to rezone the subject property generally for multi-family residential and commercial uses and to modify the development standards, as further described below.

Tract 1 (10.9 acres)

- Multi-Family Residential Uses
 - Currently, the property is zoned “PD” - Planned Development District and follows the uses permitted within the Multi-Use District in the Regional Employment Center (REC). Within the current PD, a tied-down general development plan shows this tract developing with office and retail uses.
 - The applicant proposes to rezone this tract to primarily allow for multi-family residential uses. A complete list of the allowed uses is attached to this staff report for your reference.

Staff has no objection to the request for the following reasons:

- although the general development plan included in the current zoning shows this tract developing as retail or office uses, the Multi-Use District in the REC allows for multi-family residential uses;
 - the western portion of the property (Tract 2) is being preserved for commercial uses;
 - the proposed multi-family development should provide a compatible building scale and transition to the existing multi-family developments surrounding the property;
 - the likelihood of realizing notable commercial uses and developments on this tract may be limited given the challenge of accessing the site from U.S. Highway 75 and State Highway 121; and
 - the request for residential uses on this tract and commercial uses on Tract 2 aligns with the Entertainment Center placetype in the ONE McKinney 2040 Comprehensive Plan for this property.
- Building Height and Density
 - The Collin-McKinney Parkway corridor zone in the REC does not have a maximum height limit east of Hardin Boulevard and the general development plan included in the current zoning shows building heights proposed from 1-story to 10-stories.
 - The maximum building height permitted in the city's typical multi-family residential zoning district is 55 feet. While not applicable to multi-family developments, it should also be noted that this property is located within the High-Rise Subzone of the HC - Highway Commercial Overlay. This subzone permits substantial increases to the building height allowed by the underlying base zoning district. Should this property be rezoned from the current zoning and associated general development plan, the height of commercial buildings could be permitted up to 12 stories.
 - The applicant is requesting a maximum building height of 6 stories, not to exceed 75 feet.
 - The applicant is also proposing similar space limit requirements to the "MF30" - Multi-Family Residential District with an increase in the maximum density from 30 dwelling units per gross acre to 60 dwelling units per gross acre.
 - The adjacent multi-family development to the northwest ranges in height from 2 stores (approximately 30 feet) to 4 stories (approximately 56 feet). Staff feels that the proposed height of 6 stories, not to exceed 75 feet, will provide a positive scale/massing along the major highway frontages and a transition in height from the U.S. Highway 75 and State Highway 121 overpasses directly adjacent to the site to existing developments. As such, Staff has no objections to the applicant's requests.

Tract 2 (6.9 acres)

- Commercial Uses
 - Currently, the property is zoned “PD” - Planned Development District and follows the uses permitted within the Multi-Use District in the Regional Employment Center (REC). Within the current PD, a tied-down general development plan shows this tract developing with office and retail uses.
 - The applicant proposes to rezone this tract to “PD” - Planned Development District with similar uses to those permitted within the city’s “C3” - Regional Commercial District. A complete list of the allowed uses is attached to this staff report for your reference.
 - Staff has no objections to the applicant’s request as we feel the applicant’s proposal will provide a wider variety of commercial services to the existing and future residents.
- Space Limits
 - Currently, the property is zoned “PD” - Planned Development District and follows the requirements of the Collin-McKinney Parkway corridor zone in the REC.
 - The applicant proposes to rezone this tract with similar space limit requirements within the city’s “C3” - Regional Commercial District. A complete list of the space limits is attached to this staff report for your reference.

Staff is supportive of the proposed rezoning request to allow for multi-family residential and commercial uses within the proposed tracts. The applicant’s proposal aligns with the Entertainment Center placetype designated in the Comprehensive Plan and should be compatible with the existing uses adjacent to the subject property. The proposed multi-family residential height should provide a transition from the U.S. Highway 75 and State Highway 121 overpasses directly adjacent to the site to the existing multi-family developments to the northwest as well as a notable building presence along the major highway frontages. Additionally, Staff acknowledges that the location of the subject property poses a challenge of accessing the site from the tollway and the major regional highway, thus the development of notable commercial uses on Tract 1 may be limited. Staff feels that the proposed uses will integrate and blend in with the surrounding developments and infrastructure.

As such, Staff recommends approval of the proposed rezoning request.

CONFORMANCE TO THE ONE MCKINNEY 2040 COMPREHENSIVE PLAN: 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 illustrates 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.

- 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 “[...]housing options and neighborhood choices that are accessible, attainable and appealing to people at all stages of their lives.”

- Preferred Scenario and Land Use Diagram Characteristics:

Per the Preferred Scenario and Land Use Diagram, the subject property is located in the Collin McKinney Commercial District and is designated as the Entertainment Center placetype.

Entertainment Centers are emerging commercial centers planned or developed with large-scale master plans. These centers include a horizontal mix of uses including destination retail, restaurants, employment opportunities, and commercial uses that serve a regional scale. Residential uses support these destination developments and offer a variety of urban housing products. The master plan for a regional entertainment center reinforces the interdependence of uses to create an experience for visitors in the development. The Entertainment Center may have a shopping center, lifestyle area, or something similar as a prominent feature.

- 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 Entertainment Center placetype of the Collin McKinney Commercial 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 approximately \$133,300 for the 17.8 acre property and should contribute to achieving an overall fiscal balance in the city.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no letters of support to this request and no letters of opposition. This does not include emails or letters that may have been sent directly to members of the Council. As part of the Planning and Zoning Commission Public Hearing, Staff has not received any comments through the online comment portal.

BOARD OR COMMISSION RECOMMENDATION: On April 11, 2023, the Planning and Zoning Commission voted 7-0-0 to continue the public hearing and table the item to the May 9, 2023 Planning and Zoning Commission meeting.

On May 9, 2023, the Planning and Zoning Commission voted 6-1-0 to recommend approval of the proposed rezoning request with the following modifications:

- remove cottage multi-family as permitted uses on Tract 1;
- remove independent living as permitted uses on Tract 2;

- require structured parking on Tract 1; and
- require a minimum height of 4 stories on Tract 1