



# CITY OF MCKINNEY, TEXAS

## Legislation Text

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**File #:** 22-0071SP, **Version:** 1

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Conduct a Public Hearing to Consider/Discuss/Act on Design Exceptions to a Site Plan for a Mixed-Use Development (Cotton Mill), Located on the Southeast Corner of State Highway 5 (McDonald Street) and Elm 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:** July 18, 2023

**DEPARTMENT:** Development Services - Planning Department

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

**RECOMMENDED CITY COUNCIL ACTION:** Staff recommends denial of the proposed site plan due to concerns with the proposed increase in building heights and reductions in residential transitions.

**However, should the applicant's request be approved, the following conditions shall apply:**

1. The applicant shall satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist, attached;
2. The applicant shall revise the site plan and landscape plan to provide required parallel parking along Amcott Street;
3. The applicant shall revise the site plan and landscape plan to show the required right-of-way dedication of 55-feet for Amcott Street;
4. The applicant shall revise the site plan note to include the multi-family use for the Fowler Street Extension;
5. The applicant shall revise the site plan and landscape plan to address the Fire Department's comments;
6. The applicant shall receive approval of a Traffic Impact Analysis;
7. The applicant shall receive approval of a Water and Sewer Study; and

8. The applicant shall receive approval of Design Exceptions to:

- a. Locate a primary entrance on a Pedestrian Priority “B” Street (Anderson Street) instead of a Priority “A” Street (Fowler Street);
- b. Locate a primary entrance on a Service Street (Clark Street) instead of a Priority “A” Street (Fowler Street) or a Pedestrian Priority “B” Street (Burrus Street);
- c. Not meet the minimum depth of 25 feet of active commercial uses on the ground floor when parking structures are located on Pedestrian Priority “A” and “B” Streets;
- d. Allow more than two external finishing materials on facades facing a Pedestrian Priority “A” Street (Fowler Street);
- e. Allow more than two external finishing materials on facades facing a Pedestrian Priority “B” Street (Anderson Street and Burrus Street);
- f. Not meet the minimum 30% transparent window requirement of all building facades of residential buildings facing Pedestrian Priority “A” Streets (Fowler Street);
- g. Not meet the minimum 65% transparent window requirement of all ground floor building facades of commercial buildings facing Pedestrian Priority “A” Streets (Amscott Street and Fowler Street);
- h. Not meet the minimum 65% transparent window requirement of all ground floor building facades of commercial buildings facing Pedestrian Priority “B” Streets (Amscott Street and Anderson Street);
- i. Locate a driveway on a Pedestrian Priority “A” Street (Fowler Street) instead of a Priority “B” or a Service Street;
- j. Not meet the Build-To Zone (BTZ) of 5’ - 20’ required along Pedestrian Priority “A” Streets (Amscott Street and Fowler Street);
- k. Not meet the Build-To Zone (BTZ) of 5’ - 70’ required along Pedestrian Priority “B” Streets (Amscott Street, Anderson Street, and Burrus Street);
- l. Not meet the Build-To Zone (BTZ) of 5’ - 20’ required along Pedestrian Priority “B” Streets (Anderson Street);
- m. Increase the maximum allowed building height for the Multi-Family Building labeled as “MF1” on the proposed Site Plan from 4-stories to 5-stories;
- n. Increase the maximum allowed building height for the Multi-Family Buildings labeled as “MF2”, “MF3”, and “MF4” on the proposed Site Plan from 3- and 4-stories to 7-stories;
- o. Increase the maximum allowed building height for the office building labeled as

“Office 1” on the proposed site plan from 3-stories to 4-stories;

- p. Not meet the residential transition standards and exceed the maximum building height of 2 stories within 25 feet of existing single family detached residential uses for the office building labeled as “Office 1” on the proposed site plan;
- q. Not provide a residential transition area screening device (minimum 6 feet and maximum 8 feet high) for the office building labeled as “Office 1” on the proposed site plan; and
- r. Not meet the residential transition standards and exceed the maximum building height of 2 stories within 25 feet of existing single family detached residential uses for the multi-family building (“Artist Loft”) located at the southwest corner of Fowler Street and Burrus Street on the proposed site plan.

**APPLICATION SUBMITTAL DATE:** July 5, 2022 (Original Application)  
October 25, 2022 (Revised Submittal)  
December 21, 2022 (Revised Submittal)  
April 6, 2023 (Revised Submittal)  
May 19, 2023 (Revised Submittal)

**ITEM SUMMARY:** As shown on the attached Site Plan, the applicant is proposing to construct a mixed-use development (commercial and multi-family residential uses) on approximately 32.1 acres, located at the southeast corner of State Highway 5 and Elm Street (Cotton Mill). The entire development will feature 194,550 square feet of office space, 1,162 multi-family residential units, and parking garages.

The northeastern portion of the site is zoned “MTC” - McKinney Town Center Zoning District (Cotton Mill Core) and the southwestern perimeter of the site (along Burrus Street and Fowler Street) is zoned “MTC” - McKinney Town Center Zoning District (Cotton Mill Edge).

Site plans within the “MTC” - McKinney Town Center Zoning District can typically be approved by Staff or by the Planning and Zoning Commission when design exceptions are being requested. However, design exception requests that include proposed increases to maximum building heights require approval by the City Council.

With this site plan, the applicant is requesting a number of design exceptions to the “Building Form and Site Development Standards” and the “Building Design Standards” of the “MTC” - McKinney Town Center Zoning District, including requests to increase the allowable building heights. As such, approval by the City Council is required.

**PLATTING STATUS:** The subject property is partially platted as Lot 1, Block A of the Cotton Mill Addition and as the Millwood Homes Addition. A replat of the subject property must be approved prior to the commencement of any development activity on the site.

**EXISTING ZONING AND LAND USES:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"MTC" - McKinney Town Center District (Cotton Mill Core, Cotton Mill Edge)	The McKinney Cotton Mill, TUPPS Brewery, Undeveloped Land
North	"BG" - General Business District (Commercial Uses), "ML" - Light Manufacturing District (Industrial Uses), and "RS-60" - Single Family Residence District (Single Family Residential Uses)	St. Mark Baptist Church, Church of the Nazarene, Single Family Residences
South	"RS-25" - General Residence District (Residential Uses)	Single Family Residences
East	"RS-60" - Single Family Residence District (Single Family Residential Uses), "ML" - Light Manufacturing District (Industrial Uses)	Encore Wire Corporation
West	"BG" - General Business District (Commercial Uses), "PD" - Planned Development District Ord. No. 2014-02-007 (Multi-Family Residential Uses), and "RS-60" - Single Family Residence District (Single Family Residential Uses)	Vapor N More, Texas Car Title and Payday Loan Services, Inc., Tovi Motors, Newsome Homes, Single Family Residences

**ACCESS/CIRCULATION:**

Adjacent Streets: State Highway 5 (McDonald Street), 100' Right-of-Way, Town Thoroughfare Elm Street, 50' Right-of-Way, Minor Arterial Amcott Street 50' Right-of-Way, Pedestrian Priority "A" and "B" Fowler Street, 40 Right-of-Way, Pedestrian Priority "A" Puckett Street, 35' Right-of-Way, Service Street Anderson Street, 40' Right-of-Way, Pedestrian Priority "B" Clark Street, 35' Right-of-Way, Service Street Burrus Street, 35' Right-of-Way, Pedestrian Priority "B"

**PARKING:** The applicant has satisfied the minimum parking requirements as specified within Appendix 2B (McKinney Town Center District MTC) of the Unified Development Code.

**LOADING SPACES:** The applicant has satisfied the minimum loading space requirements as specified within Section 206E (Vehicle Parking and Loading) of the Unified Development Code.

**SOLID WASTE CONTAINERS:** The sanitation container screening walls will be brick, stone masonry or other architectural masonry finish, including a metal gate, primed and painted, and the sanitation container screening walls, gate, and pad site will be constructed in accordance with the City of McKinney Design Specifications. The applicant has provided the required notation on the proposed site plan.

**LIGHTING:** The applicant will be responsible for complying with Article 5 (Exterior Lighting) of the Unified Development Code. The applicant has provided the required notation on the site plan stating that the lighting will be in conformance to the requirements of the City of McKinney Code of Ordinances.

**LANDSCAPING REQUIREMENTS:** The applicant has satisfied all landscaping requirements as specified in Appendix 2B (McKinney Town Center District MTC) of the Unified Development Code.

**SCREENING REQUIREMENTS:** The applicant has provided the required notation stating that all mechanical, heating, and air conditioning equipment shall be screened from the public right-of-way and from adjacent residential properties. The applicant has properly screened the sanitation container and has satisfied the minimum requirements as specified in Section 206C (Screening) of the Unified Development Code.

Per Appendix 2B (McKinney Town Center District MTC) of the Unified Development Code, a Residential Transition Area Screening Device is required within the “MTC” - McKinney Town Center District (Cotton Mill Edge) for all new building construction and all upper story additions for existing buildings located adjacent to existing single family residential uses. Allowed screening devices per Section 206C (Screening) of the Unified Development Code include the following:

- Brick masonry, stone masonry, or other architectural masonry finish;
- Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 20 feet on center with structural supports spaced every 10 feet, and with evergreen landscaping at least 3 feet in height at planting and spaced 3 feet apart on center, to create a screening effect;
- Living plant screen, upon approval by the Planning and Zoning Commission and/or City Council, depending on which body has the final approval authority through the site plan process; or
- Alternate equivalent screening, upon approval by the Planning and Zoning Commission and/or City Council, depending on which body has the final approval authority through the site plan process.

***The applicant has requested a design exception to not provide a Residential Transition Area Screening Device, which is further discussed below.***

**BUILDING FORM AND SITE DEVELOPMENT STANDARDS:** Per Appendix 2B (McKinney Town Center District MTC) of the Unified Development Code, developments within the MTC shall meet a series of form-based building and site standards including building placement, building height, frontage requirements, parking and access, encroachments, lot and block standards, and residential transitions.

***The applicant has requested design exceptions to a number of these typical standards, which are further discussed below.***

**BUILDING DESIGN STANDARDS:** Within the “MTC” - McKinney Town Center Zoning District, the Architectural Standards (Section 206F) and the Multi-Family Residential Site Design Standards (Section 206G) of the Unified Development Code do not apply. The applicant is instead responsible for meeting the requirements of the Building Design Standards of the MTC. With the submission of a site plan, the MTC requires that elevations are provided and approved with the site plan.

***The applicant has requested design exceptions to the Building Design Standards, which are further discussed below.***

**MTC DESIGN EXCEPTIONS:** A design exception is a requested deviation from any Building Form and Site Development Standard, Building Design Standard, or Open Space Standard, beyond minor deviations specified in the Minor Modifications section of the “MTC” - McKinney Town Center Zoning District. Requests for design exceptions are presented to the Planning and Zoning Commission for discretionary approval; however, requests involving building height(s) shall be forwarded to the City Council for action.

In reviewing any site plan applications or design exception requests, the following criteria should be considered:

- 1) The goals, intent, and vision of the adopted McKinney Town Center Master Plan;
- 2) The extent to which the proposal fits the adjoining design context by providing appropriate building scale and use transitions;
- 3) The extent to which the proposal provides public benefits such as usable civic and open spaces, livable streets, structured and/or shared parking, and linkages to transit;
- 4) The extent to which the proposal hinders future opportunities for higher intensity Town Center development; and
- 5) Considerations of health and welfare of the general public.

Though a number of design exceptions have been requested, the Cotton Mill redevelopment project is envisioned to be a cohesive campus for office and residential uses, all anchored by the historic Cotton Mill. As part of this vision, the development plan reimagines the street connections in a way that activates Anderson Street and Clark Street instead of the connections outlined in the MTC. As such, Staff has no objection to the requested design exceptions for street frontages, access, and building designs as they should help achieve the necessary form and frontages envisioned for the development while still maintaining the intent and vision adopted in the McKinney Town Center Master Plan.

Specifically, Staff has no objection to the following design exceptions:

- Locate a primary entrance on a Pedestrian Priority “B” Street (Anderson Street) instead of a Priority “A” Street (Fowler Street);
- Locate a primary entrance on a Service Street (Clark Street) instead of a Priority “A” Street (Fowler Street) or a Pedestrian Priority “B” Street (Burrus Street);
- Not meet the minimum depth of 25 feet of active commercial uses on the ground floor when parking structures are located on Pedestrian Priority “A” and “B” Streets;
- Allow more than two external finishing materials on facades facing a Pedestrian Priority “A”

Street (Fowler Street);

- Allow more than two external finishing materials on facades facing a Pedestrian Priority “B” Street (Anderson Street and Burrus Street);
- Not meet the minimum 30% transparent window requirement of all building facades of residential buildings facing Pedestrian Priority “A” Streets (Fowler Street);
- Not meet the minimum 65% transparent window requirement of all ground floor building facades of commercial buildings facing Pedestrian Priority “A” Streets (Amcott Street and Fowler Street);
- Not meet the minimum 65% transparent window requirement of all ground floor building facades of commercial buildings facing Pedestrian Priority “B” Streets (Amcott Street and Anderson Street);
- Locate a driveway on a Pedestrian Priority “A” Street (Fowler Street) instead of a Priority “B” or a Service Street;
- Not meet the Build-To Zone (BTZ) of 5’ - 20’ required along Pedestrian Priority “A” Streets (Amcott Street and Fowler Street);
- Not meet the Build-To Zone (BTZ) of 5’ - 70’ required along Pedestrian Priority “B” Streets (Amcott Street, Anderson Street, and Burrus Street);
- Not meet the Build-To Zone (BTZ) of 5’ - 20’ required along Pedestrian Priority “B” Streets (Anderson Street);

However, Staff is not supportive of the requested design exceptions to increase building heights. We have significant concerns that the scale and massing proposed will be incompatible with the adjacent properties and McKinney’s Historic Town Center overall. Specifically, Staff has concerns with the following:

- Request to increase the maximum allowed building height for the multi-family building labeled as “MF1” on the proposed site plan from 4-stories to 5-stories; and
- Request to increase the maximum allowed building height for the multi-family buildings labeled as “MF2”, “MF3”, and “MF4” on the proposed site plan from 3- and 4-stories to 7-stories.

As proposed, Multi-Family Building 1 would be between 58-63 feet tall (including parapets) and Multi-Family Buildings 2-4 would be between 86-89 feet tall (including parapets). If approved, Multi-Family Buildings 2-4 would be amongst the tallest buildings in McKinney, let alone the tallest buildings in the downtown area.

For context, Independent Bank along State Highway 121 is 6-stories (approximately 93 feet) and the Kaizen building at District 121 is 8 stories (approximately 132 feet). The future City Hall is proposed to be 5-stories (approximately 78 feet). Although future City Hall is proposed at 78 feet, it is worth

noting that it is in an area of the Historic Town Center experiencing tremendous development activity and is surrounded by larger existing (and planned) developments at comparable heights. The proposed Cotton Mill development site is almost a mile separated from the downtown core and is surrounded by properties, including Encore Wire, that will not likely develop or redevelop to a scale or height comparable to seven stories.

When looking at the surrounding area, the existing historic Cotton Mill building is approximately 36 feet tall and the surrounding single family residences are primarily 1-story homes at 18-20 feet tall. Staff is concerned that the heights proposed by the applicant will dwarf the surrounding area and contribute to the de-emphasis of the historic Cotton Mill buildings.

The historic Cotton Mill is considered one of the gateways into the downtown area. Historically, the mill building, smokestack and water tower have been the prominent vertical elements to this part of town. These elements are vestiges of the historical significance of the textile mill to the development and economy of McKinney. As proposed, the new multi-family buildings will be nearly double the heights of the existing buildings and will create a dramatically altered skyline. Best practices for historic preservation, including the Secretary of the Interior Standards for Rehabilitation, recommend that new construction be compatible with the size, scale, proportion, and massing of the existing area to protect the integrity of the historic property and its environment. Staff recognizes that increased building heights will likely be a part of any development or redevelopment plans at the historic Cotton Mill; however, the ones proposed with this site plan are not compatible with best practices and pose a negative impact to the historic property.

Staff is also not supportive of the requested design exceptions to increase building heights and to not provide required residential transitions where “Office 1” and “Artist Lofts” are adjacent to existing single family residential uses. Specifically, Staff has concerns with the following:

- Request to increase the maximum allowed building height for the office building labeled as “Office 1” on the proposed site plan from 3-stories to 4-stories;
- Request to not provide a residential transition area for the office building labeled as “Office 1” and exceed the maximum height of 2 stories within 25 feet of existing single family detached residential uses;
- Request to not provide a residential transition area screening device (minimum 6 feet and maximum 8 feet high) between the office building labeled as “Office 1” and the adjacent existing single family detached residential use; and
- Request to not provide the residential transition area for the multi-family residential building (“Artist Loft”) located at the southwest corner of Fowler Street and Burrus Street and exceed the maximum building height of 2 stories within 25 feet of existing single family detached residential uses.

The applicant requests to increase the maximum building height from 3-stories to 4-stories (approximately 60 feet) on Office Building 1 and to waive the residential transition screening device requirement. The proposed office building would be constructed 5 feet off the property line and 30



feet away from the existing single family residence. Not only does the proposed height exceed the 2-story limit of the residential transition area, it also exceeds the 3-story maximum building height allowed in the MTC - McKinney Town Center Zoning District (Cotton Mill Edge) and is being proposed with no screening to the existing historic single family residence. It is Staff's professional opinion that the proposed height is not appropriate and will create a situation where the office building towers over the existing residential property in a manner inconsistent with good planning, development, and historic preservation principles. A similar situation could be created at the southwest corner of Fowler Street and Burrus Street where the 3-story Artist Loft is being proposed with direct adjacency to an existing single family residence.

While Staff is supportive of the mixed use concept on the Cotton Mill site, we are not supportive of the proposed scale and heights in contrast with the surrounding area. As proposed, these buildings will tower over existing structures and lack compatibility with the existing area.

As such, Staff recommends denial of the proposed Site Plan.

**TREE PRESERVATION ORDINANCE:** The applicant will be responsible for complying with the Tree Preservation Ordinance. The applicant has submitted a tree survey, subject to review and approval of the City's Landscape Arborist.

**PUBLIC IMPROVEMENTS:**

- Sidewalks: 8' Wide Proposed along State Highway 5 (McDonald Street) and Elm Street
- Hike and Bike Trails: Not Required
- Road Improvements: All road improvements necessary for this development, and as determined by the City Engineer
- Utilities: All utilities necessary for this development, and as determined by the City Engineer

Discussion: Under the requirements of the Subdivision Ordinance, the applicant will be required to construct all necessary public improvements prior to filing the accompanying plat, unless otherwise specified in an approved facilities agreement.

**DRAINAGE:** The applicant will be responsible for all drainage associated with the subject property, and for compliance with the Storm Water Ordinance, which may require on-site detention. Grading and drainage plans are subject to review and approval by the City Engineer, prior to issuance of a building permit.

**FEES:**

- Roadway Impact Fees: Applicable (Ordinance No. 2020-12-091)
- Utility Impact Fees: Applicable (Ordinance No. 2020-12-092)
- Median Landscape Fees: Not Applicable
- Park Land Dedication Fees: Not Applicable
- Pro-Rata: As determined by the City Engineer

**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 (s), Staff has not received any citizen comments through the online citizen portal.