



**21-0046Z3**

**TITLE:** Conduct a Public Hearing to Consider / Discuss / Act on a Request to Rezone the Subject Property from “PD” - Planned Development District and “CC”- Corridor Commercial Overlay District to “PD” - Planned Development District and “CC” - Corridor Commercial Overlay District, Generally to Modify the Uses and Development Standards, Located on the South Side of U.S. Highway 380 (University Drive) and approximately 500 Feet East of Custer Road

**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:** August 10, 2021

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Jennifer Arnold, AICP, Director of Planning  
Caitlyn Strickland, Planning Manager

**RECOMMENDED CITY COUNCIL ACTION:** Staff recommends approval of the proposed zoning 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:** March 16, 2021 (Original Application)  
April 13, 2021 (Revised Submittal)  
May 28, 2021 (Revised Submittal)  
June 25, 2021 (Revised Submittal)  
August 4, 2021 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 51.45 acres of land, generally for commercial and multi-family residential uses. More specifically, the proposed rezoning request would zone the entire property for “C3”- Regional Commercial District uses, with multi-family uses being permitted as an additional use on the rear 17.6 acres of the property.

**EXISTING ZONING AND LAND USES:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	“PD” - Planned Development District Ordinance No. 2003-02-015 (Retail Uses) and “CC” - Corridor Commercial Overlay District	Undeveloped Land
North	“C2” - Local Commercial District (Commercial Uses), “C” - Planned Center District (Commercial Uses), “AG” - Agricultural District (Agricultural Uses), “PD” - Planned Development District Ordinance No. 2005-06-064 (Retail Uses), “GB” General Business District (Retail Uses), and “CC” - Corridor Commercial Overlay District	Ewing Irrigation, The shops at Walnut Grove, Valvoline, Brakeen Trailer Sales, Auto Fleet Remarketing Inc., Walnut Grove Subdivision, and Undeveloped Land
South	“PD” - Planned Development District Ordinance No. 2001-07-080 (Residential Uses), and “CC” - Corridor Commercial Overlay District	La Cima Haven Meadows Subdivision and Lake La Cima - Stonebridge Common Area
East	“AG” - Agricultural District (Agricultural Uses), “PD” - Planned Development District Ordinance No. 2001-07-080 (Single Family Residential Uses), and “CC” - Corridor Commercial Overlay District	Lake La Cima - Stonebridge Common Area and Hail Works
West	“PD” - Planned Development District Ordinance No. 2002-05-048 (Commercial Uses) and “CC” - Corridor Commercial Overlay District	Medical City McKinney ER, Fabulous Car Wash, 7-Eleven, and Wal-Mart

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property generally for commercial and multi-family residential uses.

The proposed development regulations divide the subject property into two tracts. Tract one, along the frontages of Custer Road and U.S. Highway 380 (University Drive) totals approximately 33.85 acres, and tract two at the rear of the property totals approximately

17.6 acres. The proposed zoning includes the following specific requests:

#### Tract 1

- Currently, this portion of the property is zoned “PD” - Planned Development District for retail, commercial uses. The applicant proposes to rezone this tract to the “C3” - Regional Commercial District with Outdoor Amusement as an additional permitted use.
- Staff has no objections to this request.

#### Tract 2

- Commercial and Multi-Family Residential Uses
  - Currently, this portion of the property is zoned “PD” - Planned Development District for retail, commercial uses. The applicant proposes to rezone this tract to the “C3” - Regional Commercial District, with an additional allowed use of multi-family residential pursuant to the “MF-3” - Multiple Family Residential Medium-High Density District.
- Density/Space Limits for Multi-family Uses
  - “MF-3” - Multiple Family Residential - Medium-High Density District currently allows 20 units per gross acre. The applicant is proposing a maximum density of 28 units per gross acre, with a cap of 420 residential units.
  - “MF-3” - Multiple Family Residential - Medium-High Density District typically requires a minimum lot area of 2,100 square feet per unit. The applicant proposes to modify the required lot area to 1,500 square feet per unit.
  - “MF-3” - Multiple Family Residential - Medium-High Density District would typically require a 45’ rear and side yard setback when adjacent to residential uses or zones. The proposed development regulations would require a minimum rear yard of 25’ and a minimum side yard of 20’.
  - The proposed modifications above are in line with other multi-family residential zoning requests that have been brought forward in recently. Furthermore, there is a large floodplain area bordering the southern portion of the property. This should serve as an added buffer between the adjacent properties and the proposed reductions to the rear and side yards.
  - Staff has no objections to this request.

- Height for Multi-family Uses
  - Currently, the maximum height allowed in “MF-3” - Multiple Family Residential - Medium-High Density District is two stories (35 feet in height). The applicant is requesting a maximum height of three stories (45 feet in height).
  - The proposed multi-family is more than 150’ away from any adjacent residential, which provides a sizeable buffer. Additionally, the proposed 3-story height has been reviewed by staff and have been found to be the most typical style in the recent traditional multi-family market.
  - Staff has no objections to this request.
- Required Parking for Multi-family Uses
  - While the current required parking ratio for multi-family uses is one parking space for each dwelling unit plus half of a space for each bedroom in all dwelling units, the applicant has requested a modified parking ratio of one space per bedroom with an additional 0.2 spaces per unit.
  - In looking at comparable developments that have used a similar or even lesser ratio, Staff found that the reduced ratio did not create issues with parking for these developments. Staff has no objections to this request.
- Enclosed Parking for Multi-family Uses
  - Currently, no less than 50% of the units shall have an enclosed parking space. However, the applicant has requested a modified parking standard that no less than 30% of the units have an enclosed parking space and 20% of the units can be carport covered parking spaces. If a 20-foot driveway is not provided with the required enclosed parking, the applicant asks that the additional 0.5 parking space not be required.
  - In looking at similar developments that have used carports instead of enclosed spaces, Staff found that the request still provides a covered parking space product and is not detrimental to the development. Staff is has no objections to this request.
- Screening for Multi-family Uses
  - Currently, multi-family residential developments are required to provide a 6’ masonry screening wall on the rear and sides of the property. However, the applicant requests to provide a living screening device where adjacent to residential uses or zones.

- There is a large floodplain area bordering the southern portion of the property as well as a large common area (La Cima Lake) on the eastern boundary. Given these notable natural features, Staff has no objections to the proposed living screening device.
- Landscaping for Multi-family Uses
  - Typically, multi-family residential uses are required to provide a 20' landscape buffer on all sides, with one canopy tree planted every 30 linear feet within the buffer. As proposed, the required landscape buffer could be reduced to 15' along the northern boundary of tract two with a canopy tree spacing requirement of one tree per every 40 linear feet.
  - Knowing that there are provisions for an integrated open space between Tract 1 and Tract 2, Staff is supportive of the associated reductions in the landscape buffer or proposed tree spacing.
- Miscellaneous provisions
  - Amenities: The applicant is proposing to increase the number of required amenities for multi-family residential uses by two additional amenities.
  - Certificate of Occupancy Requirements: In addition to the requirements to obtain a certificate of occupancy under Section 146-192 of the Zoning Ordinance, no permanent certificate of occupancy for any unit within Tract Two may be issued until temporary certificates of occupancy have been issued for at least two (2) restaurants and one general commercial use within Tract One and until the required open space and associated features have been installed.
  - Required Open Space: An integrated public open space shall be provided in a manner that creates a focal gathering place between Tract One and Tract Two.
  - Staff is supportive of all the additional miscellaneous provisions that have been added into the proposed development regulations.

With "PD" - Planned Development District requests, projects must provide a feature(s) to ensure exceptional quality or demonstrate innovation.

Staff is of the opinion that the proposed rezoning request should create a quality commercial destination development that blends well with surrounding properties. Staff finds that the proposed multi-family uses integrate with the overall commercial development in support of a commercial/residential destination.

With the proposed rezoning, 66% of the site will be reserved for commercial uses and

the multi-family uses are positioned approximately 630 feet off US 380, behind the commercial, and on the back portion of the property. As well, the proposed open space will be programmed in a way that helps to integrate the multi-family uses with the commercial tracts.

Given these factors, Staff recommends approval of the proposed rezoning 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 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.

Per the Preferred Scenario, the subject property is designated as the Commercial Center placetype and is within the Established Community District. Other placetypes included in this district are Manufacturing & Warehousing, Aviation, Neighborhood Commercial, Suburban Living, Urban Living, Mixed Use Center, and Professional Center placetypes.

- 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 “[...] new businesses and developments that support economic engines, broaden the tax base, and make the city’s economy more adaptable and resilient.”
- Preferred Scenario and Land Use Diagram Characteristics:  
Per the Preferred Scenario and Land Use Diagram, the subject property is located in the Established Community District and is designated as the Commercial Center Placetype.

Commercial Center is characterized by big box stores or multi-tenant commercial uses. They are typically located at high volume intersections and along both sides of a highway or arterial. Commercial Centers are accessible primarily by one mode of travel, the automobile; though walkable pedestrian access should be encouraged wherever possible. Buildings are typically set back from the road behind large surface parking lots that may be prime locations for infill development.

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 established criteria (below) to be considered compatible with the Land Use Diagram. Given the proposed multi-family uses, the rezoning request **does not align** with the Commercial Center placetype of the Established Community District. In order to be considered compatible with the comprehensive plan, the project should meet a majority of the established criteria below:

1. Help McKinney achieve the Comprehensive Plan's Vision and Guiding Principles;
2. Advance the District's intent;
3. Demonstrate compatibility with the District's identity and brand;
4. Include uses compatible with the Land Use Diagram;
5. Leverage and protect natural and built amenities and infrastructure;
6. Strengthen or create connections to activity centers within and beyond the District;
7. Create a positive fiscal impact for the City through the timeframe of the Plan (2040);
8. Demonstrate that the project's travel demand estimates can be accommodated by the planned transportation network;
9. Demonstrate that the project's demand on other public infrastructure can be accommodated by planned facilities; and
10. Demonstrate that the life-cycle costs to the public of constructing, maintaining and operating infrastructure included in the project is consistent with this plan's [Comprehensive Plan] fiscal responsibility policies.

Given the factors discussed above, Staff feels that the proposed rezoning request substantially advances a majority of the decision-making criteria above to be considered compatible with the comprehensive plan.

- Fiscal Model Analysis: The attached fiscal analysis shows an estimated positive fiscal benefit of \$123,598 for the 51.45 acre property, which should contribute to achieving an overall fiscal balance in the city. Some key takeaways for this property include:
  - This analysis is reflective of 17.6 acres being developed with multifamily uses at a maximum unit count of 420 units per the proposed development regulations. The remainder of the property is assumed to be developed as commercial uses.

**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 August 10, 2021, the Planning and Zoning Commission voted 6-1-0 to recommend approval of the proposed rezoning request.

**SUPPORTING MATERIALS:**

[08.10.2021 PZ Minutes](#)

[Location Map and Aerial Exhibit](#)

[Comprehensive Plan Maps](#)

[Established Community District](#)

[Placetype Definitions](#)

[Fiscal Analysis](#)

[Land Use Comparison Table](#)

[Ex. PD Ordinance No. 2001-07-080](#)

[Ex. PD Ordinance No. 2003-02-015](#)

[Ex. PD Ordinance No. 1621](#)

[Ex. PD Ordinance No. 1997-06-36](#)

[Ex. PD Ordinance No. 2000-11-092](#)

[Proposed Ordinance](#)

[Proposed Exhibits A-D](#)

[Presentation](#)