



# CITY OF MCKINNEY, TEXAS

## Legislation Text

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**File #:** 20-0137Z4, **Version:** 1

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Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “AG” - Agricultural District, “PD” - Planned Development District and “REC” - Regional Employment Center Overlay District to “PD” - Planned Development District, to Allow for Multi-Family Residential and Commercial Uses and to Modify the Development Standards, Located 550 Feet South of Stonebridge Drive and on the East Side of Custer Road, 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 15, 2021

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Jennifer Arnold, AICP, Director of Planning  
Caitlyn Strickland, Planning Manager  
Kaitlin Gibbon, Planner II

**RECOMMENDED CITY COUNCIL ACTION:** Staff recommends denial of the proposed rezoning request due to a 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:** November 24, 2020 (Original Application)  
January 11, 2021 (Revised Submittal)  
February 5, 2021 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 38.86 acres of land, generally to allow for commercial and multi-family residential uses.

A similar request was brought before the Planning and Zoning Commission and City Council in 2019 and 2020 that was ultimately withdrawn by the applicant (case number 2019-0072Z). This new request includes the same uses; however, the development regulations have changed. More specifically, the applicant is proposing a multi-family product that looks and feels more like single

family and is also proposing modifications to the parking and screening standards.

This request was considered at the May 18, 2021 City Council meeting, but was tabled in order to allow the applicant time to address concerns by some members of the Council regarding the quality of the development - in particular, the architectural quality of the multifamily units. Although the applicant has indicated that they do not desire to pursue a development agreement with the city to define architectural standards at this time, they are proposing to include additional provisions within the zoning to require a minimum unit mix of 40% one-bedrooms, 40% two-bedrooms, and 5% three-bedrooms. The applicant is also proposing that the multi-family dwelling units be a maximum of one story.

#### **EXISTING ZONING AND LAND USES:**

| <b>Location</b>  | <b>Zoning District (Permitted Land Uses)</b>  | <b>Existing Land Use</b>                |
|------------------|---|---|
| Subject Property | "AG" - Agricultural District and "PD" - Planned Development District Ordinance No. 2010-10-040 (Mixed Uses)                   | Storybook Ranch and Undeveloped Land    |
| North            | "PD" - Planned Development District Ordinance No. 2003-02-015 (Mixed Uses) and "SO" - Suburban Office District (Offices Uses) | First Guaranty Bank and Medical Offices |
| South            | "PD" - Planned Development District Ordinance No. 2010-10-040 (Mixed Uses)  | Undeveloped Land                        |
| East             | "PD" - Planned Development District Ordinance No. 2004-07-075 (Single Family Residential Uses)                                | Craig Ranch North Phase II              |
| West             | City of Frisco  | City of Frisco                          |

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property to "PD" - Planned Development District to allow commercial and multi-family residential uses. The applicant has provided a zoning exhibit which divides the property into two districts, Tract A (2.1 acres) for commercial uses, and Tract B (36.7 acres) for multi-family residential uses. The proposed zoning includes the following specific requests:

- Commercial Uses (Tract A)
  - The applicant proposes to rezone approximately 2.1 acres of the subject property for commercial uses following the "C2" - Local Commercial District. Staff has no objections to this request.
- Multi-Family Residential Uses (Tract B)
  - Currently, the property is zoned "AG" - Agricultural District and "PD" - Planned Development District with base zonings of "BN" - Neighborhood Business and "O-1" -

Neighborhood Office District. The applicant proposes to rezone the property to “PD” - Planned Development District with a base zoning of “MF-1” - Multiple Family Residential-Low Density District generally to allow for multi-family uses.

- Staff has concerns with the proposed use of multi-family, as it does not align with the placetype of Professional Center as designated by the Comprehensive Plan for this property, which calls for office and employment uses that aim to establish business that keep residents within the City.
- Parking (Tract B)
  - 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 and that any three bedroom unit would only be required to provide two spaces.
  - 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. Although Staff is not supportive of the use of multi-family, we do not have any objections to this request.
- Enclosed Parking (Tract B)
  - 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.
- Screening Requirements (Tract B)
  - Typically, multi-family residential developments are required to maintain a six-foot masonry wall along all side and rear property lines. However, the applicant has requested to use either a masonry wall or 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 ten feet, and with sufficient evergreen landscaping to create a solid screening effect. As proposed, the location of this screening device would be on the north and west property lines of Tract B, which is further depicted on the screening and landscape buffer exhibit. Staff feels that the additional permitted screening material of a wrought iron fence should not be a hindrance and; therefore, has no objections to adding this as a permitted screening device in the proposed locations.

- The proposed screening and landscape buffer exhibit also illustrates a proposed Enhanced Perimeter Tree Zone, generally located on the southern property line and along a portion of the eastern property line where there is an existing floodplain. The applicant is proposing this to be a 30-foot enhanced perimeter tree preservation zone, in which all quality trees of six (6) caliper inches or more will be protected. With the presence of the floodplain on the south of the subject property and the planned development for additional multi-family uses to the south, Staff feels that the Enhanced Perimeter Tree Zone will provide a buffer to the adjacent development and has no objections to this request. However, it is important to note that the approved multi-family development to the south of the subject property is not required to provide a screening device due to the “REC” - Regional Employment Center Overlay District requirements.
- In the northeastern most portion of Tract B, the proposed multi-family uses would be directly adjacent to the single family residents and no natural buffer or floodplain exists. In this location, the applicant is proposing an alternative screening device. There is an existing retaining wall between the subject property and the adjacent residents, and wood fences are placed on top. The applicant proposes to either provide canopy trees planted every 25 linear feet instead of the required 30 feet or to provide a continuous row of evergreen shrubs adjacent to the property line to satisfy the screening requirements in this location. The applicant has cited concerns for a potential ‘double wall’ screening scenario which may cause maintenance concerns in the future. Staff understands the applicant’s concern and does not have any objections to the alternative screening in this location.
- Landscape Buffer Encroachment (Tract B)
  - Typically, multi-family residential uses are required to provide a landscaped buffer of at least 20 feet in width along all property lines. The applicant is requesting that the proposed private yards be permitted to encroach into the landscape buffers. As proposed, patios and other structures would not be permitted. The applicant would still be required to plant canopy trees within the landscape buffer.
  - Staff does not have any objections with this request as the building will still observe the 45-foot setback requirement and the applicant will provide enhanced screening between the existing residents and the private yard fence.

With “PD” - Planned Development District requests, projects must provide a feature(s) to ensure exceptional quality or demonstrate innovation. The applicant is proposing that each unit have a minimum of 100 square feet of a fenced in yard, the maximum number of units is 2 per building, and is also proposing to provide an amenity trail with three rest areas.

Staff appreciates the applicant’s proposal and enhancements for the site; however, the proposed multi-family uses do not align with the placetype of Professional Center as designated by the Comprehensive Plan for the property. While uses not in strict conformance with the Comprehensive Plan may be appropriate in some locations, this property has frontage onto Custer Road (a Principal

Arterial on the City's Master Thoroughfare Plan) and direct adjacency to an existing commercial development. Furthermore, in the stretch of Custer Road from just north of SH 121 (Sam Rayburn Tollway) to Stonebridge Drive, there are already numerous residential developments located either directly along the Principal Arterial or within 300 feet of the roadway. With this in mind, Staff feels as though the mix of commercial and residential uses proposed could lessen the city's ability to achieve meaningful non-residential development opportunities for a site with frontage along Custer Road. As well, the proposed request would add to the already-growing base of residential developments along this stretch of Custer Road.

Given these factors, Staff is unable to support the rezoning request.

Separate from this rezoning request, it should be noted that there are on-going code enforcement issues on the subject property. These enforcement items are independent of the rezoning request and were not a determining factor in Staff's consideration or recommendation. Enforcement/compliance efforts will be necessary irrespective of any changes in the property's zoning.

**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 series of Land Use Diagrams establish 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 located in the Established Community District and is designated as the 'Professional Center' placetype. Other placetypes included in this district are Suburban Living, Employment Mix, Commercial Center, Neighborhood Commercial, Urban Living, Mixed-Use Center, Manufacturing and Warehousing, and Aviation.

- Guiding Principles: The proposed rezoning request is generally in conformance with 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."
- Land Use Diagram Compatibility: In evaluating development requests, the City should determine that a project aligns with the placetype designation on the Land Use Diagram to be considered compatible with the Comprehensive Plan.

Projects that do not align with the placetype designation may still be considered compatible with the Comprehensive Plan if the proposed project is found to meet a majority of the established design-making criteria below:

The project should:

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.

The proposed rezoning request to "PD" - Planned Development District with a base zoning of "MF -1" - Multiple Family Residential-Low Density District and "C2" - Local Commercial does not align with the Professional Center placetype designation of the Established Community District. The intent of the Professional Center placetype is to generally provide office jobs and keep people in the city during normal work hours. Based on the proposal for multi-family uses, the request is not compatible with the Professional Center placetype.

- Fiscal Model Analysis: The attached fiscal analysis shows a positive fiscal benefit for the subject property. Some key takeaways include:
  1. The proposed rezoning is anticipated to generate approximately \$815,000 in revenues, compared to the anticipated fiscal benefit of approximately \$1.1 million if the professional center placetype designation is successfully realized.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received no letters of support or opposition to this request.

**BOARD OR COMMISSION RECOMMENDATION:** On February 23, 2021, the Planning and Zoning Commission voted 6-1-0 to recommend approval of the proposed zoning request. The recommendation for approval included a reduction in the required building setback adjacent to the existing single family to 20 feet.

On March 16, 2021, the City Council voted 7-0-0 to close the public hearing and table the item indefinitely.

On May 18, 2021, the City Council voted 7-0-0 to close the public hearing and table the item to the June 15, 2021 City Council meeting.