



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

**File #:** 18-0072Z2      **Name:** Dowell Square Rezone  
**Type:** Ordinance      **Status:** Regular Agenda Item  
**In control:** City Council Regular Meeting  
**On agenda:** 12/18/2018      **Final action:**  
**Title:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS 60" - Single Family Residence District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located at 1104 South Tennessee Street, and Accompanying Ordinance

**Indexes:**

**Attachments:** 1. PZ Minutes, 2. Location Map and Aerial Exhibit, 3. Letter of Intent, 4. Letters of Support, 5. Letters of Opposition, 6. Comprehensive Plan Maps, 7. Land Use and Tax Base Summary, 8. Land Use Comparison Table, 9. Proposed Ordinance, 10. Proposed Exhibits A-E, 11. Applicant Handout, 12. Presentation

| Date      | Ver. | Action By                    | Action                    | Result |
|-----------|------|------------------------------|---------------------------|--------|
| 12/4/2018 | 1    | City Council Regular Meeting | Tabled to Another Meeting | Pass   |

Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS 60" - Single Family Residence District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located at 1104 South Tennessee Street, 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:** December 4, 2018

**DEPARTMENT:** Planning

**CONTACT:** Jennifer Arnold, AICP, Director of Planning  
Samantha Pickett, AICP, Planning Manager  
Derrick Rhys Wilson, Planner I

**RECOMMENDED CITY COUNCIL ACTION:** Staff recommends denial of the proposed rezoning request due to increased density and decreased lot sizes conflicting with the character of the existing neighborhood.

**APPLICATION SUBMITTAL DATE:** June 14, 2018 (Original Application)  
July 9, 2018 (Revised Submittal)  
August 1, 2018 (Revised Submittal)  
August 22, 2018 (Revised Submittal)  
September 5, 2018 (Revised Submittal)

October 17, 2018 (Revised Submittal)  
October 31, 2018 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 1.44 acres of land from "RS 60" - Single Family Residence District to "PD" - Planned Development District, generally to modify the development standards for single family uses.

On November 13, 2018, the Planning and Zoning Commission voted to recommend denial of the proposed rezoning request. Due to this action, a supermajority vote (6 of 7) by City Council will be required to approve the item.

**ZONING:**

| Location         | Zoning District (Permitted Land Uses)                         | Existing Land Use         |
|------------------|---|---------------------------|
| Subject Property | "RS 60" - Single Family Residence District (Residential Uses) | Single Family Dwelling    |
| North            | "RS 60" - Single Family Residence District (Residential Uses) | Single Family Subdivision |
| South            | "RS 60" - Single Family Residence District (Residential Uses) | Single Family Subdivision |
| East             | "RS 60" - Single Family Residence District (Residential Uses) | Single Family Subdivision |
| West             | "RS 60" - Single Family Residence District (Residential Uses) | Single Family Subdivision |

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property to "PD" - Planned Development District, generally to modify the development standards for single family uses. The applicant has indicated their intent to utilize the "SF-5" - Single Family Residence District, with modifications, in order to create a mix of lot sizes, increase the density, and preserve the existing Dowell House on the subject property. The proposed modifications include a reduction in the minimum mean and median lot size (from 7,200 square feet to 7,000 and 5,200 square feet, respectively) and an increase in maximum density from 3.2 dwelling units per acre to 7 dwelling units per acre. With the preservation of the Dowell House on a larger lot, the remaining potential lots would be closer to the minimum lot size of 5,000 square feet. This potential configuration would be at odds with the variation in lot size intended by the "SF-5" District, and would create a development pattern and density at odds with the surrounding established neighborhood.

Although the applicant is proposing to maintain a residential zoning base district, the proposed density is not practical with respect to the surrounding neighborhood's characteristics. The areas surrounding the subject property have an average lot size greater than 8,000 square feet, and are comprised of an eclectic mix of lot shapes and sizes that adds to the character of the historic downtown. The proposed zoning would both reduce the lot sizes and create a uniform pattern of lots of similar sizes, with exception to the remaining Dowell House lot. The existing zoning does allow up to 7 dwelling units per acre, but would also mandate a larger minimum lot size as well as space limits that are complementary to the surrounding neighborhoods, which are also zoned "RS 60".

In order to satisfy the PD requirement that a provision be established to ensure exceptional quality or

innovation, the applicant has stated that the proposed development will generally develop according to the attached residential architectural design styles. While Staff is generally supportive of establishing architectural standards as a PD provision, the proposed exhibit does not include enforceable provisions such as material types, particular massing requirements, or specific features unique to the proposed styles, making it difficult for Staff to ensure that the proposed designs are what will be constructed.

Staff is of the opinion that the increased density and decreased lot size will distort the character of the existing neighborhood, and as such, recommends denial of the rezoning 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. In conjunction with the Preferred Scenario, there will be a series of district diagrams which outline the desired development patterns for each unique area of McKinney. Per the Preferred Scenario, the subject property is located in the Town Center District. General placetypes included in this district are Historic Town Center Mix, Commercial Center, Historic Town Center Downtown, Historic Town Center Residential, Neighborhood Commercial, and Professional Campus.

- Guiding Principles: The proposed rezoning request does not conform with the most reasonably applied Guiding Principle of “Places (To live, work, play, and visit)” established by the Comprehensive Plan. In particular, the proposed request disregards the principle of “today’s neighborhoods remain vibrant and desirable places that meet the needs of existing residents and appeal to future residents” by creating conflict with the existing neighborhood’s character through an increase in density and decrease in lot size.
- 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. The proposed rezoning request aligns with the Historic Town Center Mix and Historic Town Center Residential placetypes of the Town Center District; however, the scale and scope of this particular request poses significant challenges to residential development in the surrounding neighborhood. One such challenge pertains to preserving the character of the community, as evidenced by the numerous opposition letters to the Dowell House rezone.
- Land Use and Tax Base Summary: Module 55 is currently comprised of approximately 52% residential uses and 48% non-residential uses (including institutional, agricultural, and mixed uses). The proposed rezoning request will have minimal impact on the anticipated land uses in this module. Estimated tax revenues in Module 55 are comprised of approximately 47% from residential uses and 53% from non-residential uses (including agricultural uses). Estimated tax revenues by type in Module 55 are comprised of approximately 62% ad valorem taxes and 38% sales and use taxes.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received 9 comments in support and 56 comments or phone calls in opposition to this request.

**BOARD OR COMMISSION RECOMMENDATION:** On November 13, 2018 the Planning and Zoning Commission voted 5-2-0 to recommend denial of the proposed rezoning request. A supermajority vote (6 of 7) by City Council will be required in order to approve the item.