



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

**File #:** 23-0061Z3      **Name:** Florence Rezone  
**Type:** Ordinance      **Status:** Approved  
**In control:** City Council Regular Meeting  
**On agenda:** 10/17/2023      **Final action:** 10/17/2023  
**Title:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow for Multi-Family Residential Uses, Located on the East Side of Custer Road and Approximately 1,400 Feet North of Silverado Trail, and Accompanying Ordinance

**Indexes:**

**Attachments:** 1. Draft CC Minutes 10.02.2023, 2. PZ Minutes 09.12.2023, 3. Location Map and Aerial Exhibit, 4. Letter of Intent, 5. Comprehensive Plan Maps, 6. Established Community District, 7. Placetype Definitions, 8. Fiscal Analysis, 9. Land Use Comparison Table, 10. Ex. PD Ord. No. 2010-10-040, 11. Proposed Ordinance, 12. Proposed Exhibits A-D, 13. Presentation

| Date       | Ver. | Action By    | Action          | Result |
|------------|------|--------------|-----------------|--------|
| 10/17/2023 | 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 and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow for Multi-Family Residential Uses, Located on the East Side of Custer Road and Approximately 1,400 Feet North of Silverado Trail, 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:** October 17, 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 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:** July 24, 2023 (Original Application)  
August 22, 2023 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 10.87 acres of land, generally for multi-family residential uses and to modify the development standards. More information is detailed further below.

**EXISTING ZONING AND LAND USES:**

| Location         | Zoning District (Permitted Land Uses)   | Existing Land Use                                       |
|------------------|---|---|
| Subject Property | “PD” - Planned Development District Ordinance No. 2010-10-040 (Commercial Uses)   | Florence (under construction)                           |
| North            | “PD” - Planned Development District Ordinance No. 2021-06-062 (Multi-Family Residential and Commercial Uses)  | Storybook (under construction)                          |
| South            | “PD” - Planned Development District Ordinance No. 2010-10-040 (Commercial Uses), “PD” - Planned Development District Ordinance No. 2008-09-097 (Multi-family Residential and Commercial Uses) | Florence (under construction), Discovery at Craig Ranch |
| East             | “C1” - Neighborhood Commercial District (Commercial Uses)   | Children of America (under construction)                |
| West             | City of Frisco  | City of Frisco  |

**PROPOSED ZONING:** The applicant requests to rezone the subject property generally for multi-family residential uses and to modify the development standards. Currently, the property is zoned “PD” - Planned Development District, generally for commercial uses and follows development requirements of the “BN” - Business Neighborhood and “REC” - Regional Employment Center Overlay District. With this rezoning request, the applicant is only proposing to modify the Unified Development Code development standards to align with the site plan and landscape plan that was approved under the existing zoning with a legal nonconforming status.

Staff does not have any objections to the proposed request as this will bring the site into compliance and dissolve the legal nonconforming status. Additionally, the multi-family residential development aligns with the Urban Living placetype in the ONE McKinney 2040 Comprehensive Plan.

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

**LEGAL NONCONFORMING STATUS:** A legal nonconforming status can exist when a use, lot, building, structure, or site feature does not conform to the current regulations of the Unified Development Code, but was legally established at a prior date when the use, lot, building, structure, or site feature was in conformance with applicable regulations.

In 2018, the City of McKinney adopted amendments to the Zoning Ordinance to discontinue

residential uses in non-residential districts. Prior to these amendments, submittals for a multi-family development had begun, thus allowing the development of residential uses to move forward with a legal nonconforming status.

The applicant has submitted this rezoning request to bring this site into compliance with the Unified Development Code and dissolve the existing legal nonconformity.

**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.

- 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 Established Community District and is designated as the Urban Living placetype.

Urban Living supports a mix of housing options in a walkable development pattern. Urban neighborhoods are relatively compact and easy to get around by car, bike, or walking. They may contain one or more of the following housing types: small lot, single-family detached, townhomes, duplexes, condominiums, or apartments. The design and scale of the development in an urban neighborhood encourages active living, with a complete and comprehensive network of walkable streets. Although minimal, urban residential neighborhoods provide a small amount of local retail and services that serves the smaller and low intensity neighborhoods.

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 Urban Living placetype of the Established Community District, is in conformance with the Land Use Diagram and should be compatible with the surrounding properties.

- Fiscal Model Analysis: The attached fiscal analysis projects that the proposed zoning request would result in a deficit of approximately \$20,000 and the existing zoning shows a net surplus of approximately \$467,000 per year in annual operating summary. However, the existing zoning projection is based on the site being developed with commercial uses rather than the multi-family development that is already under construction.

**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. Staff has not received any citizen comments through the online citizen portal.

**BOARD OR COMMISSION RECOMMENDATION:** On September 12, 2023, the Planning and Zoning Commission voted 7-0-0 to recommend approval of the proposed rezoning request.

On October 2, 2023, the City Council voted 7-0-0 to close the public hearing and table the item to the October 17, 2023 City Council meeting.