



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

**File #:** 23-0039Z4      **Name:** 105 S West Park Dr Rezone  
**Type:** Ordinance      **Status:** Denied  
**In control:** City Council Regular Meeting  
**On agenda:** 9/19/2023      **Final action:** 9/19/2023  
**Title:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RED-1" - Residential Estate District to "R6" - Residential District and "R43" - Residential Estate District, Located at 105 South West Park Drive, and Accompanying Ordinance

**Indexes:**

**Attachments:** 1. PZ Minutes 08.22.pdf, 2. Location Map and Aerial Exhibit, 3. Letter of Intent, 4. Comprehensive Plan Maps, 5. Established Community District, 6. Placetype Definitions, 7. Fiscal Analysis, 8. Land Use Comparison Table, 9. Written Protest Form, 10. Written Protest Exhibit, 11. Proposed Ordinance, 12. Exhibits A-C, 13. Presentation

Date	Ver.	Action By	Action	Result
9/19/2023	1	City Council Regular Meeting		

Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RED-1" - Residential Estate District to "R6" - Residential District and "R43" - Residential Estate District, Located at 105 South West Park Drive, 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:** September 19, 2023

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Jennifer Arnold, AICP, Director of Planning  
 Caitlyn Strickland, AICP, Planning Manager  
 Jake Bennett, Planner II

**RECOMMENDED CITY COUNCIL ACTION:** Staff recommends approval of the proposed rezoning request.

**APPLICATION SUBMITTAL DATE:** May 8, 2023 (Original Application)  
 June 1, 2023 (Revised Submittal)  
 June 12, 2023 (Revised Submittal)  
 June 20, 2023 (Revised Submittal)  
 July 27, 2023 (Revised Submittal)  
 August 7, 2023 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 1.9 acres of land, generally to revise the space limits on approximately 0.33 acres in the northwest corner of the site, as well as

modernize the existing zoning on the remainder of the subject property.

This item was previously heard at the July 11, 2023 Planning and Zoning Commission meeting, where they voted 6-0-0 to table the item indefinitely in order to allow the applicant to work with neighbors to address concerns regarding the development.

After discussing the project with neighbors, the applicant revised the application to request the “R6” - Residential District and “R43” - Residential Estate District, as opposed to the “TR1.8” - Townhome Residential District and “R6” - Residential District, which would have allowed single family attached uses in the northwest corner of the property.

**EXISTING ZONING AND LAND USES:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	“RED-1” - Estate Residential District (Single Family Detached Uses)	Single Family Residence
North	“C” - Planned Center District and “PD” - Planned Development District (Commercial Uses)	Office and Medical Office
South	“RD-30” - Duplex Residential District (Residential Uses)	Residential
East	“C3” - Regional Commercial District (Commercial Uses)	Retail
West	“RD-30” - Duplex Residential District (Residential Uses)	Residential

**PROPOSED ZONING:** The applicant is requesting to rezone the 1.9-acre subject property from “RED-1” - Estate Residential District to “R6” - Residential District for approximately 0.33 acres of the tract and “R43” - Residential Estate District for the remainder of the tract, generally to revise the space limits and allow for the construction of single family residential detached uses.

The proposed zoning would allow the existing single-family home to remain on the majority of the subject property, while approximately 0.33 acres will be rezoned for single family detached residential with smaller lot sizes. The applicant is proposing to develop two single family detached residential homes on separate lots on the northwest corner of the property.

The existing zoning to the west of the subject property is “RD-30” - Duplex Residential District, and the existing zoning to the south and southwest of the subject property is “RS-120” - Single Family Residential District. The proposed rezone should offer compatibility with the surrounding existing land uses.

Taking into consideration the surrounding existing land uses, zoning of the adjacent neighborhood, and conformance to the comprehensive plan, 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 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.

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

- 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.”
- 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 Suburban Living placetype of the Established Community District.
- Fiscal Model Analysis: The attached fiscal analysis shows a positive fiscal benefit of \$17,388 for the 1.9-acre property and should contribute to achieving an overall fiscal balance in the city. Some key takeaways for this property include:

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

However, it should be noted that Staff has received an official written protest for the proposed rezoning request. As of September 11, the submitted protest includes signatures from property owners representing 25.281% of the total area within 200’ of the subject property, which meets the 20% threshold to require a supermajority vote by the Council for approval.

**BOARD OR COMMISSION RECOMMENDATION:** On July 11, 2023, the Planning and Zoning Commission voted 6-0-0 to table the item and close the public hearing indefinitely.

On August 1, 2023, the City Council voted 7-0-0 to table the item and close the public hearing indefinitely.

On August 22, 2023, the Planning and Zoning Commission voted 5-2-0 to recommend denial of the rezoning request (Manztley and Wattley opposed). Due to the unfavorable recommendation from the Planning and Zoning Commission, a supermajority vote of the Council (6 of 7) will be required for approval of the rezoning request.