



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

**File #:** 21-0040Z2 **Name:** Stover Creek Rezone  
**Type:** Ordinance **Status:** Public Hearing  
**In control:** City Council Regular Meeting  
**On agenda:** 6/1/2021 **Final action:**  
**Title:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "SF 5" - Single Family Residential District to "PD" - Planned Development District, to Allow for Multi-Family Residential, Single Family Residential and Commercial Uses and to Modify the Development Standards, Located on the North Side of FM 1461 and Approximately 5,500 Feet East of FM 2478, and Accompanying Ordinance

### Indexes:

**Attachments:** 1. DRAFT PZ Minutes 05.11.pdf, 2. Location Map and Aerial Exhibit, 3. Letter of Intent, 4. Comprehensive Plan Maps, 5. Northridge District, 6. Placetype Definitions, 7. Fiscal Analysis, 8. Land Use Comparison Table, 9. Ex. PD Ord. No. 2014-03-016, 10. Proposed Ordinance, 11. Proposed Exhibits A-D, 12. Informational Only - Concept Plan, 13. Presentation

Date	Ver.	Action By	Action	Result
6/1/2021	1	City Council Regular Meeting	Close the public hearing	Pass
6/1/2021	1	City Council Regular Meeting	Approved	Pass

Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "SF 5" - Single Family Residential District to "PD" - Planned Development District, to Allow for Multi-Family Residential, Single Family Residential and Commercial Uses and to Modify the Development Standards, Located on the North Side of FM 1461 and Approximately 5,500 Feet East of FM 2478, 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 1, 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:** March 2, 2021 (Original Application)  
April 21, 2021 (Revised Submittal)  
April 29, 2021 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 461 acres of land, generally to allow for single family residential, multi-family residential, and commercial uses.

**EXISTING ZONING AND LAND USES:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"SF 5" - Single Family Residential District and "PD" - Planned Development District Ordinance No. 2014-03-016 (Single Family Residential, Independent Living, and Office Uses)	Undeveloped Land
North	McKinney ETJ	Undeveloped Land
South	McKinney ETJ	Undeveloped Land
East	McKinney ETJ	Undeveloped Land
West	McKinney ETJ	Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property to "PD" - Planned Development District to allow for single family residential, multi-family residential, and commercial uses. The applicant has provided a zoning exhibit which divides the property into four districts, Tract 1 (399.5 acres) for single family residential uses (detached), Tract 2 (7.1 acres) for commercial uses, Tract 3 (16.5 acres) for single family residential uses (attached), and Tract 4 (38.4 acres) for multi-family residential uses. The proposed zoning includes the following specific requests:

Tract 1

- Single Family Residential Uses (detached)
  - Currently, this portion of the subject property is zoned "SF 5" - Single Family Residential District and "PD" - Planned Development District with base zonings of "RS 45" - Single Family Residence District, "RS 60" - Single Family Residence District, and "RS 72" - Single Family Residence District. The applicant proposes to rezone this tract to "SF 5" - Single Family Residential District.
  - Staff has no objections to this request.
- Density
  - The current maximum densities for the zoning on the subject property range from 3.2 to

8 dwelling units per gross acre. With this rezoning request, the applicant is proposing a density of 5 dwelling units per gross acre.

- Given that the current zoning on the subject property allows for a range of residential densities, Staff has no objections to this request.

- Minimum Lot Size

- The current minimum lot size(s) on the subject property range from 4,500 square feet to 7,200 square feet with a required mean and median lot size of 7,200 square feet for the neighborhood. The applicant is proposing a minimum lot size of 5,000 square feet pursuant to except that no more than 200 lots shall have a minimum lot size of 4,500 to 5,000 square feet. The applicant is also proposing a minimum mean and median lot size of 6,500 square feet for the neighborhood.
- Given that the current zoning on the subject property would already permit some lots with a minimum lot size less than 5,000 square feet, staff is comfortable with the applicant's request because it continues to limit the number of lots less than the typical standard of 5,000 square feet to no more than 200 lots. Staff is also comfortable with the applicant's proposal for a mean and median lot size of 6,500 square feet for the neighborhood to ensure a variety of different lot sizes throughout the development.

## Tract 2

- Commercial Uses

- Currently, this portion of the subject property is zoned "O" - Office District. The applicant proposes to rezone this tract to "C2" - Local Commercial District.
- Staff has no objections to this request as this tract will be able to provide neighborhood support services to the rest of the proposed development.

## Tract 3

- Single Family Residential Uses (attached)

- Currently, this portion of the subject property is zoned "RG 27" - General Residence Townhome District. The applicant proposes to rezone this tract property to "TH" - Townhome District.
- Staff has no objections to this request.

- Lot Size and Lot Width

- The current minimum lot size for the zoning on the subject property is 2,700 square feet with a minimum lot width of 25 feet. The applicant is proposing a minimum lot size of 1,920 square feet and a minimum lot width of 24 feet.

- The proposed lot size and width should blend in with the adjacent proposed single family and multi-family developments and integrate as part of the development intended for higher density residential. As such, Staff does not have any objections to this request
- Landscaping
  - Typically, single family residential lots are required to provide a minimum of two canopy trees on each lot. The applicant is requesting to provide a minimum of one canopy tree in the front yard with the ability to provide the second tree as a canopy or ornamental tree in either the front yard or rear yard of each lot.
  - As proposed, the applicant would still provide the typically required two trees per lot, with at least one canopy tree in the front yard. Staff feels as though the proposed request is in keeping with the spirit of the ordinance. As such, we do not have any objections to this request.

#### Tract 4

- Multi-Family Residential Uses
  - Currently, this portion of the subject property is zoned to allow for single family residential uses plus a specific allowance for independent living (retirement community). The applicant proposes to rezone this tract to allow for multi-family residential uses pursuant to the “MF-3” - Multiple Family Residential-Medium-High Density District.
  - Staff has concerns with the proposed multi-family uses because it does not align with the placetype of Suburban Living - which calls for single family uses, per the Comprehensive Plan for this property.
- Density/Maximum Unit Count
  - “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 for this tract and a maximum unit count of 750 units.
  - Given our concern with the proposed use of multi-family in this location, Staff is not supportive of the proposed increase in density as the vision for this area is development in more of suburban manner rather than a more dense, urban development.
- Height
  - 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).
  - Although Staff is not supportive of multi-family uses in this location, we have no

objections to this request.

- Required Parking
  - 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. Although Staff is not supportive of multi-family uses in this location, we have no objections to this request.
- Enclosed Parking
  - 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. Although Staff is not supportive of multi-family uses in this location, we have no objections to this request.

Although Staff is supportive of the single family and commercial uses proposed on Tracts 1, 2, and 3, we are not supportive of the proposed multi-family on Tract 4 because such uses would not align with the Suburban Living placetype as designated by the Comprehensive Plan for this tract.

While uses not in strict conformance with the Comprehensive Plan may still be considered appropriate in some locations, this property was originally annexed and zoned in 2014 and is situated in an area that is largely undeveloped and largely designated for single family residential and commercial uses. Staff fears that the introduction of multi-family uses on Tract 4 reduces the city's opportunity to realize the vision for this area as part of the ONE McKinney 2040 Comprehensive Plan.

Specifically, the current zoning for Tract 4 allows for the development of either single family residential uses or an independent living facility (retirement community). Pursuant to the city's zoning ordinance, an independent living facility is required to provide on-site community dining services and transportation services. This type of development can provide seniors with a residential option that supports a sense of community and provides an age-in-place opportunity across the entire development. With these things in mind, it is Staff's professional opinion that the existing zoning on the property is more compatible with the Suburban Living placetype on this tract.

As such, Staff recommends denial of the 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 a 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 Northridge District and is designated as the 'Suburban Living' placetype. Other placetypes included in this district are Estate Residential, Commercial Center, and Neighborhood Commercial.

- 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 land use diagram of the comprehensive plan and/or meets a majority of the established criteria (below) to be considered compatible with the Land Use Diagram. If not aligned with the land use diagram, 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-3" - Multiple Family Residential-Medium-High Density District in Tract 4 does not align with the Suburban Living placetype designation of the Northridge District. The intent of the Suburban Living placetype is to generally provide a variety of lower-density housing options within the City of McKinney. Based on the proposal for multi-family uses, it is Staff's professional opinion that the request is not compatible with the Suburban Living placetype.

- Fiscal Model Analysis: The attached fiscal analysis shows a positive fiscal benefit for the subject property. The proposed rezoning is anticipated to generate approximately \$3.5 million in revenues.

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

**BOARD OR COMMISSION RECOMMENDATION:** On May 11, 2021, the Planning and Zoning Commission voted 6-1-0 to recommend approval of the proposed zoning request. The recommendation for approval included the following list of excluded uses from Tract 2 per the applicant's request:

- - Dormitories
  - Discount store
  - Furniture store
  - Bait shop
  - Household appliance store
- Halfway house
- Wholesale bakeries
- Indoor & outdoor amusement center
- Temporary circus or carnival
- Commercial parking lot