



CITY OF MCKINNEY, TEXAS

Legislation Details (With Text)

File #: 22-0079Z2 **Name:** JG Fitzhugh Duplexes Rezone
Type: Ordinance **Status:** Denied
In control: City Council Regular Meeting
On agenda: 10/3/2022 **Final action:** 10/3/2022
Title: Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS-60" - Single Family Residence District and "TMN" - Traditional McKinney Neighborhood Overlay District to "DR" - Duplex Residential District and "TMN" - Traditional McKinney Neighborhood Overlay District, Located Approximately 250 Feet North of Jefferson Street and on the East Side of Rockwall Street, and Accompanying Ordinance

Indexes:

Attachments: 1. PZ Minutes 08.23.2022, 2. Location Map and Aerial Exhibit, 3. Letter of Intent, 4. Citizen Comments, 5. Comprehensive Plan Maps, 6. Mill District, 7. Placetype Definitions, 8. Fiscal Analysis, 9. Land Use Comparison Table, 10. Proposed Ordinance, 11. Exhibits A-C, 12. Written Protest Form, 13. Written Protest Map, 14. Presentation, 15. Applicant Presentation

Date	Ver.	Action By	Action	Result
10/3/2022	1	City Council Regular Meeting	Close the public hearing	Pass
10/3/2022	1	City Council Regular Meeting	Denied	Pass

Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS-60" - Single Family Residence District and "TMN" - Traditional McKinney Neighborhood Overlay District to "DR" - Duplex Residential District and "TMN" - Traditional McKinney Neighborhood Overlay District, Located Approximately 250 Feet North of Jefferson Street and on the East Side of Rockwall 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: October 3, 2022

DEPARTMENT: Development Services - Planning Department

CONTACT: Jennifer Arnold, AICP, Director of Planning
Caitlyn Strickland, Planning Manager
Lexie Schrader, Planner I

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

APPLICATION SUBMITTAL DATE: June 20, 2022 (Original Application)
July 29, 2022 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 0.717 acres of land,

generally for two-family dwelling (duplex) uses.

EXISTING ZONING AND LAND USES:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"RS-60" - Single Family Residence District (Single family uses)	Undeveloped Land
North	"RS-60" - Single Family Residence District (Single family uses)	Church (Mt Pilgrim Baptist Church)
South	"RS-60" - Single Family Residence District (Single family uses)	Existing Single Family Residential
East	"RS-60" - Single Family Residence District (Single family uses)	Existing Single Family Residential
West	"RS-60" - Single Family Residence District (Single family uses)	Existing Single Family Residential

PROPOSED ZONING: The applicant is requesting to rezone the subject property from "RS-60" - Single Family Residence District to "DR" - Duplex Residential District generally for two-family dwelling (duplex) uses.

Duplexes and other types of low-scale residential product types play an important role in creating a healthy housing mix for a community. These types of uses provide choices and opportunities at a scale that can be compatible with single family neighborhoods and areas. However, careful consideration should always be given to ensuring that a proposed development enhances the physical and visual character of a neighborhood or community.

Although duplex uses do not currently exist on the lots immediately surrounding the subject property, they are present within the larger neighborhood, along with single-family residential properties and places of worship. As one of McKinney's oldest neighborhoods, this area also reflects a wide range of lot sizes, housing sizes and housing styles. The applicant is proposing to develop duplex uses on an infill lot that is located directly south of a church and directly north of a drainage culvert and single-family home.

It is Staff's professional opinion that the proposed duplex uses could provide a compatible infill residential product type that contributes to the overall character of the existing neighborhood. Staff has also noted that the proposed duplex uses are compatible with the Comprehensive Plan's designation of Urban Living for this area, which calls for a mix of housing options.

As such, staff recommends approval of the request.

It should be noted that a request to rezone this property for duplex uses came before the Planning and Zoning Commission and City Council in June 2020 (20-0040Z). During the 2020 consideration, Staff recommended approval of the request; however, it was ultimately denied by Council, following an unfavorable recommendation by the Planning and Zoning Commission and opposition from nearby residents (which included a valid written protest).

The most notable concerns from 2020 centered around the potential impacts of a 'for-rent' property

as opposed to an “owner-occupied” property. Much of the comments related to safety, crime, traffic, and a disruption in the character of the neighborhood. During the Planning and Zoning Commission Meeting, members of the Mount Pilgrim Church also cited concerns that duplexes on the subject property would limit their ability to continue using it for overflow activities or potential future expansion.

CONFORMANCE TO THE ONE MCKINNEY 2040 COMPREHENSIVE PLAN: 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 Mill 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 the Urban Living placetype of the Mill District, is in conformance with the Land Use Diagram and should be compatible with the surrounding properties.
- Fiscal Model Analysis: The attached fiscal analysis shows a positive fiscal benefit of \$7,308 for the 0.717 acre property, which should contribute to achieving an overall fiscal balance in the city.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has not received any letters of support or letters of opposition for this request. 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 received citizen comments through the online citizen portal, which are attached for your reference.

It should also be noted that on August 22, 2022, staff received a written protest for the rezoning request. As of the publication of the City Council agenda, the submitted protest includes validated signatures from eligible property owners representing 65.9% of the total area within 200' of the subject property. As such, a supermajority vote of the Council (6 of 7) will be required for approval of the rezoning request.

BOARD OR COMMISSION RECOMMENDATION: On August 23, 2022, the Planning and Zoning Commission voted 4-3-0 to recommend denial of the proposed rezoning request. 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.