



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

**File #:** 22-0112Z2 **Name:** Winsome Living at Virginia Parkway Rezoning Request

**Type:** Agenda Item **Status:** Regular Agenda Item

**In control:** Planning & Zoning Commission

**On agenda:** 11/8/2022 **Final action:**

**Title:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "PD" - Planned Development District, to Allow for Age Restricted Residential Uses and to Modify the Development Standards, Located Approximately 510 Feet North of Virginia Parkway and Approximately 260 Feet West of Joplin Drive

### Indexes:

**Attachments:** 1. Draft PZ Minutes 10.25.2022, 2. Location Map and Aerial Exhibit, 3. Letter of Intent, 4. Written Protest Form, 5. Written Protest Map, 6. Letters of Opposition, 7. Comprehensive Plan Maps, 8. Established Community District, 9. Placetype Definitions, 10. Fiscal Analysis, 11. Land Use Comparison Table, 12. Proposed Zoning Exhibit, 13. Metes and Bounds, 14. Proposed Development Regulations, 15. Informational Only - Concept Plan, 16. Presentation

| Date      | Ver. | Action By                    | Action                   | Result |
|-----------|------|------------------------------|--------------------------|--------|
| 11/8/2022 | 1    | Planning & Zoning Commission | Close the public hearing | Pass   |
| 11/8/2022 | 1    | Planning & Zoning Commission | Denied and Referred      | Pass   |

Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "PD" - Planned Development District, to Allow for Age Restricted Residential Uses and to Modify the Development Standards, Located Approximately 510 Feet North of Virginia Parkway and Approximately 260 Feet West of Joplin Drive

**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:** November 8, 2022

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Kaitlin Sheffield, CNU-a, Senior Planner  
Caitlyn Strickland, Planning Manager  
Jennifer Arnold, AICP, Director of Planning

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the November 15, 2022 meeting.

It should be noted that Staff has received an official written protest for the proposed rezoning request. As of November 2nd, the submitted protest includes validated signatures from eligible property owners representing 49.93% 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.

**STAFF RECOMMENDATION:** 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:** September 12, 2022 (Original Application)  
October 7, 2022 (Revised Submittal)

**ITEM SUMMARY:** The applicant requests to rezone approximately 19.6 acres of land, generally to allow for age restricted residential uses and to modify the development standards. More specifically, the proposed rezoning request modifies the setbacks and amenities for independent living uses.

A similar rezoning request for four-story, senior multi-family uses was proposed earlier this year but was ultimately withdrawn by the applicant following tremendous resident opposition, which included a written protest that included validated signatures from eligible property owners representing 60.94% of the total area within 200' of the subject property. The previous request was withdrawn after consideration by the Planning and Zoning Commission.

**EXISTING ZONING AND LAND USES:**

| Location         | Zoning District (Permitted Land Uses)   | Existing Land Use            |
|------------------|---|------------------------------|
| Subject Property | "AG" - Agricultural District and (Agricultural Uses)  | Undeveloped Land             |
| North            | "PD" - Planned Development District Ordinance No. 2000-03-022 (Single Family Residential Uses) and "PD" - Planned Development District Ordinance No. 2005-06-060 (Single Family Residential Uses) | Cambridge Addition           |
| South            | "AG" - Agricultural District and (Agricultural Uses)  | Genesis Church               |
| East             | "PD" - Planned Development District Ordinance No. 2000-03-022 (Single Family Residential Uses)  | Cambridge Addition           |
| West             | "PD" - Planned Development District Ordinance No. 2000-11-092 (Single Family Residential Uses)  | Stonebridge Estates Addition |

**PROPOSED ZONING:** The applicant requests to rezone the subject property to "PD" - Planned

Development District to allow for age restricted residential uses. The proposed zoning includes the following specific requests:

- Age Restricted Residential Uses.
  - Currently, the property is zoned “AG” - Agricultural District. The applicant proposes to rezone the property to “PD” - Planned Development District to allow for independent living uses.
  - The City’s Zoning Ordinance defines an independent living facility as:  
  
*“a private age-restricted facility that provides its resident’s community dining with on-site meal preparation and service, transportation services, and may also include light housekeeping and/or recreational/enrichment/socialization activities. These facilities do not provide any on-site health supervision or related care for its residents.”*
  - Although the applicant refers to the proposed use as “independent living,” they also propose to remove the transportation and dining amenities that otherwise distinguish it from a senior multi-family residential development. Instead, the applicant proposes to provide amenities such as a fitness center, salon, laundry room, swimming pool, barbeque grills, dog park, library, business center, movie theatre, community center with a kitchen, card/game room, fire pits, and a walking trail.
  - Staff has concerns with the applicant’s proposed use as it does not align with the placetype designation of Suburban Living for this property in the Comprehensive Plan, which calls for primarily single family residential uses and some limited commercial uses.
  - Furthermore, the Comprehensive Plan states that the residential character and branding established by existing neighborhoods should be continued and promoted. Given the fact that the subject property is bounded on three sides by single family residential neighborhoods and uses, Staff is concerned that the proposed uses and development plan may not be consistent or compatible with the existing character of the area.
  - Staff also has concerns with the precedent that could be set by interchanging the requirements of “independent living facilities” and “senior multifamily” residential uses as part of the rezoning process.

With “PD” - Planned Development District requests, projects must provide a feature(s) to ensure exceptional quality or demonstrate innovation. The applicant is proposing to provide a minimum of a 30-foot rear and side yard setback from the single family residents to the north, east, and west as well as a maximum density for the development of 15.5 units per gross acre totaling a maximum of 303 units.

Unfortunately, the applicant’s proposed use and anticipated development concept does not align with the Suburban Living placetype as designated by the Comprehensive Plan for the subject property.

While uses not in strict conformance with the Comprehensive Plan may be appropriate in some locations, this property is tucked behind an existing church and is surrounded by existing single family residences on 3 sides. As such, it is Staff's professional opinion that any residential development that occurs on this tract should be consistent with the existing residential character of the surrounding area.

Given these factors, Staff is unable to support the rezoning request.

**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 Established Community District and is designated as the Suburban Living placetype.

Suburban Living is found in close proximity to neighborhood commercial and commercial centers. Suburban Living provides the population necessary to support the nearby commercial and professional office uses within the surrounding corridors. These neighborhoods generally feature a subdivision layout. Residential uses are typically self-contained with a buffer from non-residential developments through transitional uses and landscaped areas. Lot sizes in Suburban Living areas are consistently less than ½ acre.

- 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 established criteria (below) to be considered compatible with the Land Use Diagram. The proposed rezoning request **does not align** with the Suburban Living placetype of the Established Community District. In order to be considered compatible with the comprehensive plan, the project should meet a majority of the established criteria below:

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.

Staff does not feel that the proposed rezoning request substantially advances a majority of the decision-making criteria above to be considered compatible with the comprehensive plan.

- Fiscal Model Analysis: The attached fiscal analysis shows a positive fiscal benefit for the subject property. Some key takeaways include:
  1. The proposed rezoning is anticipated to generate an annual operating deficit of approximately \$57,000 compared to the anticipated fiscal benefit of roughly \$140,000 if single family residential uses are successfully realized.

**OPPOSITION TO OR SUPPORT OF REQUEST:** As of November 2nd, Staff has received 3 letters of opposition and no letters of support. 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 comments through the online comment portal.

It should also be noted that Staff has received an official written protest for the proposed rezoning request. As of November 2nd, the submitted protest includes validated signatures from eligible property owners representing 49.93% 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 October 25, 2022, the Planning and Zoning Commission voted 7-0-0 to close the public hearing and table the item to the November 9, 2022 the Planning and Zoning Commission meeting.