



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 20-0146Z3, **Version:** 1

Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District to "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District, to Allow Multi-Family Uses and to Modify the Development Standards, Located on the North Side of Wilson Creek Parkway and Approximately 150 feet West of Big Bend 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: January 11, 2022

DEPARTMENT: Development Services - Planning Department

CONTACT: 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 February 1, 2022 meeting.

STAFF RECOMMENDATION: Staff recommends denial of the proposed rezoning request due to concerns with the proposed multi-family residential uses and the 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: December 29, 2020 (Original Application)
July 22, 2021 (Revised Submittal)
September 2, 2021 (Revised Submittal)
September 27, 2021 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 6.065 acres of land,

generally for multi-family uses and to modify the development standards. More specifically, the proposed rezoning request modifies the building height, landscaping, and parking requirements for the multi-family residential uses.

On December 14, 2021, the Planning and Zoning Commission voted 7-0-0 to recommend tabling the item and continuing the public hearing to the January 11, 2022 Planning and Zoning Commission meeting.

EXISTING ZONING AND LAND USES:

Location	Zoning District (Permitted Land Use)	Existing Land Use
Subject Property	"PD" Planned Development District 1996-11-53 (Commercial Uses)	Undeveloped Land
North	"PD" Planned Development District 1996-11-53 (Single Family Residential Uses)	Undeveloped Land
South	"AG" Agricultural District	City of McKinney (Park)
East	"PD" Planned Development District 1996-11-53 (Single Family Residential Uses)	Single Family Residences
West	"RS-60" - Single Family Residence District	McKinney High School

PROPOSED ZONING: The applicant is requesting to rezone the subject property generally for multi-family residential uses and to modify the development standards, as further described below.

- Multi-Family Residential Uses
 - Currently, the property is zoned "PD" - Planned Development District with a base zoning of "C" - Planned Center District, to allow for non-residential uses. The applicant proposes to rezone the property to "PD" - Planned Development District with a base zoning of "MF-3" - Multiple Family Residential - Medium-High Density District generally to allow for multi-family uses.
 - Staff has concerns with the proposed use of multi-family, as it does not align with the placetype of Historic Town Center - Residential as designated by the Comprehensive Plan for this property. The Historic Town Center - Residential placetype predominantly calls for traditional single family homes and low intensity residential uses.
- Building Height
 - The current zoning on the property of "PD" - Planned Development District with a base zoning of "C" - Planned Center District limits the maximum building height to 55 feet. The maximum building height permitted in the "MF-3" Multiple Family Residential -

Medium-High Density District is two stories (35 feet).

- As part of the rezoning request, the applicant requests a building height of 45 feet, which would allow for three stories.
- This site is in the city's Historically Significant Area and subject to architectural and site standards, including the requirement that any multifamily structure within 150 feet of a single family use or zone be situated such that no exterior facing window shall be oriented towards the single family residential use or zone.
- Given that the Historic Town Center - Residential placetype designation for the subject property predominantly calls for traditional single family homes and low intensity residential uses, staff is unable to support the requested building height.

- Enclosed Parking

- Currently, parking requirements for multi-family uses requires that no less than 50% of units have an enclosed parking space. However, the applicant has requested a modified parking standard that no less than 30% of the units shall have an enclosed parking space and 20% of the units will have 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 covered parking spaces instead of enclosed spaces, Staff found that the request still provides a covered parking space product that should not be detrimental to the development. Although Staff is not supportive of the use of multi-family, we do not have any objections to this request.

With "PD" - Planned Development District requests, projects must provide a feature(s) to ensure exceptional quality or demonstrate innovation. The applicant is proposing that 30 percent of the entire site, that is not within the floodplain, be devoted to living landscaping.

Although Staff is supportive of residential uses on this site, it is our professional opinion that the proposed multi-family uses do not align with the placetype designation of the comprehensive plan for this area and the intensity of a multi-family development may not be appropriate. This property is already surrounded by existing and/or planned lower-intensity single family residential uses and a notable cluster of multi-family developments already exists less than half a mile away from the subject property. Given these things, Staff feels as though the site should be preserved for the residential uses contemplated in the comprehensive plan. As such, Staff recommends denial of the proposed rezoning request.

CONFORMANCE TO 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 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.”
- Preferred Scenario and Land Use Diagram Characteristics:
Per the Preferred Scenario and Land Use Diagram, the subject property is located in the Town Center District and is designated as the Historic Town Center - Residential placetype.

The Historic Town Center - Residential placetype describes the established urban neighborhoods surrounding downtown. Medium-lot, single-family detached homes are the predominant use of land in this placetype. Attached residential structures, including townhomes, patio-homes, and duplexes, are less common but still a presence. Many of the community’s oldest and most historic homes are found here, requiring a layer of municipal protection so as to maintain their integrity and historic character.

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 Historic Town Center - Residential placetype of the Town Center 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 projects that the proposed multi-family zoning would result in a fiscal deficit of (\$17,790) per year in annual operating expenses. Some key takeaways for this include:
 - The existing zoning of "PD" - Planned Development District is expected to result in a fiscal surplus of approximately \$259,698 and has the potential to capture roughly 1.9% of the city's overall retail market share and 29.7% of the Town Center District's market share.

OPPOSITION TO OR SUPPORT OF REQUEST: As of the publishing of this Agenda, Staff has received one letter of opposition and no letters of support. Staff has also received citizen comments through the online citizen portal, which are attached for your reference.

Staff has also received an official protest from adjacent property owners. The submitted protest currently includes signatures from property owners representing 17% of the total area adjacent to the subject property and therefore does not currently meet the minimum requirement for a supermajority (6 of 7) vote by City Council for approval of this item.