



# CITY OF MCKINNEY, TEXAS

## Legislation Text

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**File #:** 22-0003Z, **Version:** 1

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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 Multi-Family 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:** June 14, 2022

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Kaitlin Sheffield, Planner II  
Caitlyn Strickland, Planning Manager  
Jennifer Arnold, AICP, Director of Planning

**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to a lack of conformance with the Comprehensive Plan and concerns regarding the proposed building heights.

**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:** January 10, 2022 (Original Application)  
March 18, 2022 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 13.2 acres of land, generally to allow for senior multi-family residential uses and to modify the development standards. More specifically, the proposed rezoning request modifies the parking and height for senior multi-family residential uses.

**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 is requesting to rezone the subject property to "PD" - Planned Development District to allow senior multi-family residential uses. The proposed zoning includes the following specific requests:

- Senior Multi-Family 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 senior multi-family uses.
  - Staff has concerns with the proposed use of multi-family, as it does not align with the placetype of Suburban Living for this property, as designated by the Comprehensive Plan, which calls for primarily single family residential uses.
  - Furthermore, the development pattern established in the Comprehensive Plan for this area 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 multi-family residential uses may not be consistent or compatible with the existing character of the area.
- Space Limits
  - The current zoning on the property of "AG" - Agricultural District limits the maximum building height to 35'. The applicant is proposing to follow space limit standards similar to those in the "MF-3" Multiple Family Residential - Medium-High Density District, which

would allow for a maximum density of 20 units to the acre and a maximum building height of two stories (35 feet).

- The applicant is requesting a maximum building height of 4 stories.
- As mentioned previously, the development pattern established in the Comprehensive Plan for this area 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 lower intensity single family residential neighborhoods and uses, Staff does not feel that the proposed building height of 4 stories is consistent, compatible or appropriate in this location. For reference, the properties immediately surrounding the subject property include a maximum building height of 35 feet.
- Enclosed Parking
  - Currently, the zoning ordinance requires that an enclosed parking space be provided for no less than 50% of the multi-family residential units. 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 either be carport covered parking spaces or an enclosed parking space.
  - Although Staff is not supportive of the proposed multi-family uses on the subject property, we have no objection to the proposed modification to the enclosed parking requirement. In looking at similar developments that have used this modified parking standard, Staff found that the request still provided a covered parking space product and it was not detrimental to the overall development.

With “PD” - Planned Development District requests, projects must provide a feature(s) to ensure exceptional quality or demonstrate innovation. With the development of senior multi-family on this site, 4 amenities would typically be required with the proposed density of 20 dwelling units per gross acre. The applicant is proposing to provide 16 amenities on site for the proposed development. Some of the amenities that are being proposed include a swimming pool, a dog park, a fitness center, and a salon. A full list of the proposed amenities and associated minimum square footages can be found in the proposed development regulations, attached.

Unfortunately, the proposed senior multi-family uses do not align with the placetype of Suburban Living as designated by the Comprehensive Plan for the property and Staff does not feel that the proposed 4-story building heights are appropriate for the area. 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.

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 June 9th, Staff has received 29 letters of support to this request and 11 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 process, Staff also received citizen comments through the online citizen portal, which are attached for your reference.

It should also be noted that Staff has received an official written protest for the proposed rezoning request. As of June 9th, the submitted protest includes validated signatures from eligible property owners representing 60.94% 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.