

AGENDA ITEM

TO: Planning and Zoning Commission

FROM: Michael Quint, Senior Planner

THROUGH: Jennifer Cox, AICP, Director of Planning

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by IBG Adriatica Holdings, Inc., for Approval of a Request to Rezone Approximately 4.32 Acres from “PD” – Planned Development District to “PD” – Planned Development District, Generally to Modify the Development Standards, Located on the Southeast Corner of Adriatic Parkway and Mediterranean Drive.

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the November 1, 2011 meeting.

STAFF RECOMMENDATION: Staff recommends approval of the proposed rezoning request with the following special ordinance provisions:

1. The use and development of the subject property shall conform to the requirements of “PD” – Planned Development District Ordinance No. 2005-02-017, and as amended, with the following exceptions:
 - a. The subject property shall generally develop in accordance with the attached Zoning Exhibit.
 - b. Site plans for the subject property may be approved administratively by Staff per the processes established in Section 146-45 (Site Plan Approval) of the Zoning Ordinance, and as amended.
 - c. Approval of a General Development Plan as previously required by Planned Development District Ordinance No. 2005-02-017 is not required for the subject property.
 - d. The architectural character of all buildings to be constructed on the subject property shall generally conform to the character reflected by the attached Building Elevations and shall also be subject to all other applicable regulations as found in Planned Development District Ordinance No. 2005-02-017, and as amended, as well as Section 146-139 (Architectural and Site

Standards) of the Zoning Ordinance, and as amended, except as modified herein.

- e. Buildings on the subject property that are taller than 3 stories in height shall only be required to achieve 75 points rather than the 85 points currently prescribed by Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance.
- f. Elevations for buildings on the subject property shall be approved administratively by Staff rather than by the City Council as previously required by Planned Development District Ordinance No. 2005-02-017.
- g. The maximum number of residential dwelling units on the subject property shall be limited to 46.

APPLICATION SUBMITTAL DATE: September 26, 2011 (Original Application)
October 10, 2011 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 4.32 acres of land, located on the southeast corner of Adriatic Parkway and Mediterranean Drive from “PD” – Planned Development District to “PD” – Planned Development District, generally to modify the development standards. The subject property is currently referred to as Adriatica’s Harbor District.

In September of 2006, the City Council adopted Ordinance No. 2006-09-104 which tied down a development plan for the subject property. As is typical in the development/construction industry, development plans tend to change over long periods of time in reaction to market forces and other development related factors. The Adriatica Development is no different and the applicant’s plans for the property have changed to include modifications to the exact placement and design of the future buildings, proposed building heights, building square footages, and the maximum number of dwelling units. However, because Exhibit “C” (Site Plan) of Ordinance No. 2006-09-104 was so detailed and specific, the applicant’s proposed deviations in building size and placement from the approved exhibit have created the need for the proposed rezoning request. Overall, the proposed changes to the development standards are consistent with the standing vision for the Harbor District of Adriatica.

PLATTING STATUS: The subject property is currently platted as Lot 2R, Block C of the Adriatica Addition. An amending plat or plats, subject to review and approval by the Director of Planning, must be filed for recordation with the Collin County Clerk to modify the placement of any existing easements or to dedicate any new easements.

ZONING NOTIFICATION SIGNS: The applicant has posted zoning notification signs on the subject property, as specified within Section 146-164 (Changes and Amendments) of the City of McKinney Zoning Ordinance.

SURROUNDING ZONING AND LAND USES:

Subject Property: “PD” – Planned Development District Ordinance No. 2005-02-017, and as amended (Mixed Uses)

North	“PD” – Planned Development District Ordinance No. 2005-02-017, and as amended (Mixed Uses); and “PD” – Planned Development District Ordinance No. 1621, and as amended (“OS” – Open Space Uses)	Adriatica Town Center District (Undeveloped Land) Undeveloped Land
South	“PD” – Planned Development District Ordinance No. 2005-02-017, and as amended (Residential Uses)	Adriatica Villa District
East	“PD” – Planned Development District Ordinance No. 1621, and as amended (“OS” – Open Space Uses)	Stonebridge Lake
West	“PD” – Planned Development District Ordinance No. 2005-02-017, and as amended (Mixed Uses)	Adriatica Town Center District (Undeveloped Land)

PROPOSED ZONING: The applicant is requesting to rezone the subject property from “PD” – Planned Development District, generally for mixed uses, to “PD” – Planned Development District, generally for mixed uses. The primary reason for the proposed rezoning request is to replace the zoning exhibit currently regulating the layout and design of the subject property with a new exhibit reflecting the applicant’s new development plans. The specific special ordinance provisions that are being requested by the applicant are discussed in more detail below.

1. The use and development of the subject property shall conform to the requirements of “PD” – Planned Development District Ordinance No. 2005-02-017, and as amended, with the following exceptions:
 - a. The subject property shall generally develop in accordance with the attached Zoning Exhibit.
 - “PD” – Planned Development District Ordinance No. 2006-09-104 contains a zoning exhibit detailing where buildings should be constructed on the subject property. In fact, the governing zoning exhibit is so detailed that it ties down the exact building heights, square footages, and exact uses leaving the applicant little room to respond to market trends over time.

- Given that the development proposal has changed since the governing zoning exhibit was approved in September of 2006, the applicant is proposing a new zoning exhibit. This exhibit reflects the new development layout including maximum building heights, proposed general uses, and general building placement.
 - Staff is comfortable with the new proposed layout and feels that it is generally consistent with layout that the City Council approved in 2006.
- b. Site plans for the subject property may be approved administratively by Staff per the processes established in Section 146-45 (Site Plan Approval) of the Zoning Ordinance, and as amended.
- Section 146-45 (Site Plan Approval) of the Zoning Ordinance states that site plans for sites greater than one acre in size and within 200 feet of a platted single-family residential development shall be approved by the Planning and Zoning Commission. It goes on to state that all other site plans may be approved administratively by Staff.
 - “PD” – Planned Development District Ordinance No. 2005-02-017 states that within the Town Center District (the Harbor is part of the Town Center District), building elevations must be reviewed and approved as a part of the site plan approval process. This means that site plans that may otherwise be able to be approved by Staff or the Planning and Zoning Commission must now receive City Council approval.
 - Given the fact that the Public, the Planning and Zoning Commission, and the City Council will be able to comment and discuss the layout of the site via the consideration of the proposed Zoning Exhibit, requiring a site plan to be approved by the Planning and Zoning Commission or City Council may be construed as redundant; especially since the only single-family residential developments within 200 feet of the subject property are already aware of the types of building that are going to be built as they too are part of the Adriatica Development.
 - As such, Staff is comfortable with site plans for the subject property being Staff approval items.
- c. Approval of a General Development Plan as previously required by Planned Development District Ordinance No. 2005-02-017 is not required for the subject property.
- “PD” – Planned Development District Ordinance No. 2005-02-017 states that all development within the Town Center District (the Harbor is part of the Town Center District) shall be subject to discretionary development plan review and approval by the City Council. The discretionary plan

review by the City Council is intended to provide for sufficient latitude in review by the City to assure that the design intent and documented commitments of the developer is incorporated into each tract's General Development Plan.

- With that said, the same level of detail that is typically shown by a General Development Plan is reflected on the proposed Zoning Exhibit making the General Development Plan redundant. Also, because rezoning events are entirely discretionary, the discretionary approval of a subsequent General Development Plan is also redundant.
 - Requiring the City Council's approval of a General Development Plan after a rezoning request is approved does not help to ensure any higher quality of development nor does it further assist in ensuring the developer's commitment to develop the project as promised. In reality, requiring a subsequent General Development Plan to be approved by the City Council only adds time (approximately 8 weeks) to the development timeline.
 - As such, Staff is comfortable supporting the proposed special ordinance provision.
- d. The architectural character of all buildings to be constructed on the subject property shall generally conform to the character reflected by the attached Building Elevations and shall also be subject to all other applicable regulations as found in Planned Development District Ordinance No. 2005-02-017, and as amended, as well as Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance, and as amended.
- The applicant is proposing a set of general building elevations that reflect the general character of all of the proposed buildings on the subject property. The main architectural design elements that are reflected in the proposed building elevations will be present on every building constructed on the subject property. The applicant has indicated the desire to utilize rubble stone, flat panel stone and stucco to finish the buildings on the subject property.
 - Moreover, every building constructed on the subject property will be required to meet the other architectural design guidelines found in the governing planned development district ordinances as well as Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance.
 - The proposed building elevations are consistent with the longstanding architectural character established by other buildings in the Adriatica Development and Staff is comfortable with the proposed special ordinance provision.

- e. Buildings on the subject property that are taller than 3 stories in height shall only be required to achieve 75 points rather than the 85 points currently prescribed by Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance.
- Per Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance, non-residential uses in non-industrial districts are required to achieve a point score of at least 85 points if they are to be approved.
 - In the past, the City Council has approved rezoning requests for taller buildings to have smaller masonry requirements. More recently, in May of 2011, the City Council adopted the “CC” – Corridor Commercial Overlay District which had a sliding masonry requirement allowing taller buildings to provide smaller amounts of masonry down to and including the elimination of a masonry requirement altogether.
 - The applicant is proposing to construct a series of buildings that may be up to 5 stories high on the subject property. Staff has continuously heard from the development community that providing large enough amounts of masonry on a building to meet the required 85 points becomes increasingly more difficult as the building increases in height.
 - With that said, the applicant has proposed a reduced minimum point score of 75 points which will allow the applicant more flexibility with how much masonry is provided on each building. Staff feels that the current requirement of 85 points should be met on buildings that are 3 stories in height or smaller but that a requirement of 75 points would be acceptable for buildings taller than 3 stories in height.
 - Staff is comfortable supporting the proposed special ordinance provision.
- f. Elevations for buildings on the subject property shall be approved administratively by Staff rather than by the City Council as previously required by Planned Development District Ordinance No. 2005-02-017.
- “PD” – Planned Development District Ordinance No. 2005-02-017 states that within the Town Center District (the Harbor is part of the Town Center District), building elevations must be reviewed and approved as a part of the site plan approval process. Typical developments throughout the City of McKinney receive an administrative approval of their building elevations per the standards set forth in Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance.
 - Requiring building elevations to be approved by the City Council via the site plan process can add up to 5 – 6 weeks to the approval timeline of a proposed site plan. Staff approval site plan applications can be approved

in as little as 2 weeks where as site plan applications requiring City Council approval requires at least 7 weeks of time.

- Staff feels that by tying down an overarching architectural character through the adoption of proposed special ordinance letter “b,” the enforcement of existing architectural design requirements currently existing in the governing planned development district ordinances, as well as the enforcement of the architectural design requirements found in Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance, an architecturally pleasing design will be ensured. Given these architectural controls that are in place, Staff is comfortable approving building elevations for proposed buildings on the subject property at a Staff level.
- g. The maximum number of residential dwelling units on the subject property shall be limited to 46.
- The Zoning Exhibit (Exhibit C) adopted as part of “PD” – Planned Development District Ordinance No. 2006-09-104 capped the maximum number of residential units on the subject property to 37.
 - The applicant is requesting to increase this maximum number by 9 to a maximum of 46. The applicant has indicated that none of the proposed 46 residential units will be free-standing as they will all be incorporated into vertically mixed-use buildings that are common among new-urban communities. With that said, there may be up to 46 residential units on a single lot which is defined as multi-family residential by the Zoning Ordinance.
 - The proposed 46 residential units will be part of the 285 units that are allowed within the Adriatica Town Center District per “PD” – Planned Development District Ordinance No. 2005-02-017. The proposed special ordinance provision will not increase the total number of residential dwelling units that are allowed in the Adriatica Development.
 - As such, Staff is comfortable with the proposed increase in the number of dwelling units on the subject property from 37 to 46.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for commercial uses. The FLUP modules diagram designates the subject property as suburban mix within a significantly developed area. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within a significantly developed area:

- Comprehensive Plan Goals and Objectives: The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive

Plan. In particular, the proposed rezoning request would help the community attain the goal of “Land Use Compatibility and Mix” through the stated objectives of the Comprehensive Plan, a “a mix of land uses that provides for various lifestyle choices” and “consider real estate market forces.”

- Impact on Infrastructure: The proposed rezoning request should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area as the proposed land uses are not being modified. The Future Land Use Plan (FLUP) designates the subject property generally for commercial uses within a significantly developed area. The FLUP modules diagram designates the property as suburban mix which allows for a mix of uses including single family residential, medium density residential, retail, office, and community facility uses.
- Impact on Public Facilities/Services: The proposed rezoning request should have a minimal impact on public services, such as schools, fire and police, libraries, parks and sanitation services as the proposed land uses are not being modified. Similar to infrastructure, public facilities and services are all planned for based on the anticipated land uses shown on the Future Land Use Plan.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for similar commercial and residential uses. The proposed rezoning request will not alter the land uses that are currently allowed on the subject property. Staff is of the opinion the proposed modifications to the existing zoning for the Adriatica development will be compatible with existing and future development within the immediate area.
- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the rezoning request does not modify the allowed land uses on the subject property.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of commercial and residential land uses in the area.

CONFORMANCE TO THE MASTER PARK PLAN (MPP): The proposed rezoning request does not conflict with the Master Park Plan.

CONFORMANCE TO THE MASTER THOROUGHFARE PLAN (MTP): The proposed rezoning request does not conflict with the Master Thoroughfare Plan.

CONFORMANCE TO THE MULTI-FAMILY POLICY: The current multi-family policy was adopted by City Council in August of 2001. In reviewing requests to rezone property for multi-family uses, Staff evaluates the request for conformance to the policy criteria listed in the Comprehensive Plan.

While the proposed rezoning request includes an increase of 9 multi-family residential dwelling units, these 9 units and the rest of the 46 proposed multi-family residential units

are intended to be vertically integrated with other non-residential uses. Per the Multi-Family Policy, vertically mixed-use developments which include multi-family residential dwelling units are exempt from the calculation of multi-family residential units in each of the sectors because vertically mixed-use developments are encouraged by the City.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no comments or phone calls in support of or opposition to this request.

ATTACHMENTS:

- Location Map and Aerial Exhibit
- Letter of Intent
- Existing “PD” – Planned Development District Ordinance No. 2010-11-052
- Existing “SUP” – Specific Use Permit Ordinance No. 2007-06-063
- Existing “PD” – Planned Development District Ordinance No. 2006-11-129
- Existing “PD” – Planned Development District Ordinance No. 2006-09-104
- Existing “PD” – Planned Development District Ordinance No. 2005-02-017
- Proposed Zoning Exhibit (Site Layout)
- Proposed Building Elevations
- PowerPoint Presentation