

AGENDA ITEM

TO: Planning and Zoning Commission

FROM: Michael Quint, Director of Planning

SUBJECT: Conduct a Public Hearing to Consider and Discuss the Request by the City of McKinney, to Amend Section 146-46 (Definitions), Section 146-130 (Vehicle Parking), Section 146-139 (Architectural and Site Standards), and Appendix F, Section F-4 (Schedule of Uses) of the Zoning Ordinance as these Sections Pertain to Multi-Family Residential Uses, Senior Multi-Family Residential Uses, Independent Living Uses, and Assisted Living Uses.

APPROVAL PROCESS: No recommendations will be made by the Planning and Zoning Commission at the January 22, 2013 meeting; only the consideration of and discussion regarding the proposed amendments will occur. The Planning and Zoning Commission will make its recommendation regarding the proposed amendments and final action regarding the proposed amendments will be taken by City Council at the February 25, 2013 joint meeting.

STAFF RECOMMENDATION: Staff recommends the Planning and Zoning Commission consider and discuss the proposed amendments to Section 146-46 (Definitions), Section 146-130 (Vehicle Parking), Section 146-139 (Architectural and Site Standards), and Appendix F, Section F-4 (Schedule of Uses) of the Zoning Ordinance as these sections pertain to multi-family residential uses, senior multi-family residential uses, independent uses, and assisted living uses.

Staff will be requesting approval of the proposed amendments at the joint Planning and Zoning Commission and City Council meeting on February 25, 2013.

ITEM SUMMARY: In August of 2009, Council Member Day made comments to the effect that the City of McKinney had too many multi-family residential developments and that too many vacant properties had multi-family residential zoning. At that time, Staff was directed to draft recommendations regarding how to ensure that the future multi-family residential developments were developed to a higher quality and were appropriately buffered from adjacent single family residential uses.

Subsequent to this discussion, Staff researched, drafted, and discussed a number of options and possible amendments with the City Council over a span of several months. These meetings and discussions culminated with the adoption of Ordinance number 2010-05-011, which created a series of regulations that were intended to ensure that

high quality multi-family residential developments were constructed in the future. These regulations that were adopted in May of 2010 are still currently in place.

On May 15, 2012, Council Member Day and Mayor Pro-Tem Ussery indicated that they would like Staff to revisit these previously approved multi-family regulations. Specifically, Staff was directed to craft a series of ordinance amendment options that would address the overly burdensome parking standards that were adopted in May of 2010 while preserving standards that would result in the construction of high-quality multi-family residential developments.

On June 5, 2012, Staff presented two ordinance amendment options that would address the stated concerns. At that time, the City Council directed Staff to draft some specific ordinance verbiage which could be considered and discussed by the City Council.

On November 26, 2012, Staff presented amendments to Sections 146-46 (Definitions), 146-130 (Vehicle Parking), 146-139 (Architectural and Site Standards), and Appendix F, Section F-4 (Schedule of Uses) of the Zoning Ordinance pertaining to multi-family residential uses, senior multi-family residential uses, independent uses, and assisted living uses. The Planning and Zoning Commission and City Council provided broad feedback regarding the proposed amendments but the feedback was specific as it pertained to:

- Reductions in the enclosed parking space requirements (to 30%) with Council's approval of building elevations should be allowed;
- Senior multi-family residential building heights should not be limited to 2 stories; and
- More amenity options that might be suitable for senior multi-family developments were needed.

Subsequent to this joint meeting, Staff has modified the proposed ordinance amendments per the Commission's and Council's feedback. The proposed ordinance amendments address several specific issues:

1. They provide a clear distinction between multi-family residential, senior multi-family residential, independent living, and assisted living uses;
2. They provide for a modified parking standard for multi-family residential, senior multi-family residential, independent living, and assisted living uses;
3. They provide for modified architectural design standards for multi-family residential and senior multi-family residential uses;
4. They provide an updated Schedule of Use chart which clearly indicates which zoning district each use will be allowed within; and

5. They provide an updated listing of definitions which clearly indicates what multi-family residential, senior multi-family residential independent living, and assisted living uses are.

There are an infinite number of variations to these four land uses and to narrow them all down to four distinct land uses was not an easy task. That being said, Staff feels as though the proposed land uses and the amendments pertaining to them should address the Council's desire for quality development but still allow the Development Community to respond to the market's demand for a number of different multi-family residential/assisted living land uses.

PROPOSED ORDINANCE AMENDMENTS:

- **Section 146-46 (Definitions):** Over the years, Staff has received a number of inquiries regarding senior (age-restricted) multiple family residential communities and skilled nursing communities. There are subtle nuances that distinguish an age-restricted multi-family community from a nursing home or retirement community. Moreover, as the nursing care industry continues to evolve and grow, new trends in the development of retirement and/or nursing care communities are developing that result in one land use being subtly different than another very similar land use. The City of McKinney's existing regulations do not acknowledge these trends and only allow for two distinct land uses, multi-family residential uses and nursing/rest homes. The problem with these limited land uses is that it forces regulations to be applied that are not appropriate given the development type that is being proposed.

To address the ordinance's existing deficiencies, Staff researched possible land use definitions that could encapsulate the majority of current market trends without creating regulations that were overly complicated. Staff met with local developers and researched proposed and past developments to come up with four distinct land uses. Staff feels that these four land uses allow for a myriad of development types without necessitating the need for rezoning requests or creating too many land use definitions that may become confusing or difficult to enforce or regulate. The four proposed land uses are defined below:

1. **Assisted Living:** *Assisted living facility, nursing home, or rest home* means a private facility that provides care for chronically ill, aged, or disabled persons who need health supervision and related care not including hospital care. Such facilities do not contain facilities for surgical care or the treatment of alcoholism, drug addiction, communicable disease or injury.
2. **Independent Living:** *Independent living facility (retirement community)* means a private age-restricted facility that provides its residents community dining with on-site meal preparation and service and 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.

3. Multi-Family Residential (Existing; Not being modified): *Multiple family dwelling (apartment)* means any building or portion thereof, which is designed, built, rented, leased or let to contain three or more dwelling units or apartments on a single lot, or which is occupied as a home or place of residence by three or more families living in independent dwelling units on a single lot.
 4. Senior Multi-Family Residential: *Multiple family dwelling, senior (senior apartment)* means any building or portion thereof, which is designed, built, rented, leased or let to contain three or more age-restricted (55 or older) dwelling units or apartments on a single lot, or which is occupied as a home or place of residence by three or more age-restricted (55 or older) families living in independent dwelling units on a single lot. This use shall also be subject to the following requirements:
 - (a) At least one person 55 years of age or older shall reside in at least 80 percent of the senior multi-family residential development's dwelling units;
 - (b) Prior to the issuance of a certificate of occupancy, each senior multi-family residential development shall adopt a series of deed restrictions and covenants, subject to review and approval by the City Attorney, establishing the development's intent to operate as a senior multi-family residential development in accordance with the requirements established herein and any other applicable law or regulation.
 - (c) At least once every two years, each senior multi-family residential development shall provide to the Development Services Division of the City a certified affidavit demonstrating that the requirements established herein as well as the requirements of the Fair Housing Act continue to be satisfied.
 - (d) Failure to completely adhere to the requirements herein shall be deemed a violation of this Chapter and may result in the revocation of the development's certificate of occupancy or other penalties as detailed in Section 146-194 of this Chapter.
- **Section 146-130 (Vehicle Parking):** In May of 2010, the City Council adopted a new parking standard for multi-family residential uses that required each multi-family unit to have an enclosed parking space. Since that time, the development community has expressed concerns regarding this standard and have stated that

it makes the development of multi-family residential uses cost prohibitive. Additionally, with the creation of the new land use definitions as discussed above, additional distinct parking regulations are also necessary. Staff has attempted to address all of the parking issues pertaining to the development of multi-family residential, senior multi-family residential, independent living, and assisted living uses by creating modified parking requirements. At the November 26, 2012 joint meeting, there was some discussion regarding the need to modify the proposed independent living parking standard from 1 parking space for every unit to one parking space for every 3 units but Staff did not receive consensus on this issue thus the proposed standard remains unchanged. The existing parking requirements as well as the proposed parking requirements are detailed in the table below:

Land Use	Existing Requirement	Proposed Requirement
Multi-Family Residential	1 enclosed parking space per unit plus 0.5 space per bedroom	1 parking space per units plus 0.5 space per bedroom; 50% of the units shall have an enclosed space*
Sr. Multi-Family Residential	None	1 parking space per unit; 50% of the units shall have an enclosed space*
Independent Living	1 space for each unit	1 space for each unit
Assisted Living	1 space for every 4 beds	1 space for every 4 beds

*50% may be reduced to 30% with the Council's approval of building elevations

- Section 146-139 (Architectural and Site Standards):** Because the proposed reduction in the parking standards discussed above could be perceived as a reduction in the quality that is required of a multi-family or senior multi-family residential development, Staff is proposing to modify the architectural and site standards to offset this perceived reduction. This offset is very similar to some of the rezoning requests that the Council has recently approved in which a reduced parking standard was permitted with increased architectural and site standards.

The proposed architectural and site standards address 8 specific areas of a proposed multi-family or senior multi-family residential developments design; roof treatments, exterior finishing materials, exterior colors, building massing, amenities, major enhancements, minor enhancements, and other miscellaneous requirements. Currently, only exterior colors, roof treatments, exterior finishing materials, and the miscellaneous requirements are addressed by Section 146-139 of the Zoning Ordinance.

The format of the proposed standards will be such that several elements will be mandatory for every development while other elements will provide a list of options of which a specific number must be satisfied. For example, the proposed regulations will require that every building in every development be finished with 85% masonry (brick, stone, or synthetic stone) with minimal exceptions while 11 minor enhancement options are provided but each development is only required to provide at least four of the options (the developer is free to choose any four of the 11 options). These types of regulations will allow for some architectural or design variation from development to development but should ensure that

regardless of what options are satisfied, a high-quality development is constructed.

These proposed standards will only apply to multi-family and senior multi-family residential developments. Independent living and assisted living uses will follow the existing commercial architectural and site standards. Future ordinance amendments pertaining to the City’s Town Center will further modify which multi-family developments these standards will apply to (multi-family developments in the Town Center will not be subject to these regulations and will follow a separate, more specific set of architectural standards).

- **Appendix F, Section F-4 (Schedule of Uses):** In conjunction with the creation of four distinct land use definitions (multi-family residential, senior multi-family residential, independent living, and assisted living), Staff must modify the schedule of uses to indicate where each of these uses will be allowed. The table below indicated where the existing land uses are currently allowed and where the new land uses will be allowed. **No other modifications are being proposed to the Schedule of Uses with this case.** Future ordinance amendments pertaining to the City’s Town Center will further modify where within the Town Center these uses will be allowed.

Land Use	Existing Zoning Districts	Proposed Zoning Districts
Multi-Family Residential	RG 25, RG 18, MF-1, MF-2, MF-3, MTC*, CHD*	No change proposed
Sr. Multi-Family Residential	Use does not currently exist	RG 25, RG 18, MF-1, MF-2, MF-3, MTC*, CHD*
Independent Living	Use does not currently exist	RG 25, RG 18, MF-1, MF-2, MF-3, BG*, C*, O-1*, O*
Assisted Living	RG 25, RG 18, MF-1, MF-2, MF-3, NC, BN, BG, C	RG 25, RG 18, MF-1, MF-2, MF-3, NC, BN, BG, C, O-1*, O*

* With approval of a specific use permit

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

However, Staff has discussed the proposed amendments with the MEDC sponsored Development Advocacy Group and has received feedback from that group. The proposed amendments address that feedback. At that meeting, the Group looked upon these amendments favorably.

ATTACHMENTS:

- Proposed 146-46 (Definitions) Changes
- Proposed 146-130 (Vehicle Parking) Changes
- Proposed 146-139 (Architectural and Site Standards) Changes
- Proposed F-4 (Schedule of Uses) Changes
- Proposed Architectural Standards Checklist for Multi-Family Residential Developments

- PowerPoint Presentation