

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Brandon Opiela, Senior Planner

FROM: Anthony Satarino, Planner

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by BBV Texas Development, L.L.C., on Behalf of Kayasa Family, Ltd., for Approval of a Request to Rezone Approximately 45.82 Acres from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, Generally to Allow for Commercial Uses, Located on the Northeast Corner of Lake Forest and U.S. Highway 380 (University Drive).

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for consideration on August 6, 2012.

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

1. Use and development of Tract 1 (18.123 acres) of the subject property, more fully depicted on Exhibit B, shall conform to Section 146-88 "O" – Office District and Section 146-101 "CC" Corridor Commercial Overlay District of the Zoning Ordinance, and as amended, except as follows:
 - a. Maximum height of buildings be 3 stories.
 - b. Rest home or nursing home be an allowed use.
2. Use and development of Tract 2 (27.698 acres) of the subject property, more fully depicted on Exhibit B, shall conform to Section 146-86 "C" – Planned Center District and Section 146-101 "CC" Corridor Commercial Overlay District of the Zoning Ordinance, and as amended.

APPLICATION SUBMITTAL DATE: May 28, 2012 (Original Application)
June 25, 2012 (Revised Submittal)
June 28, 2012 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 45.82 acres of land, located on the northeast corner of Lake Forest and U.S. Highway 380 (University Drive). The applicant is requesting that 18.123 acres be used for office uses with the additional use of nursing home (currently zoned for townhome uses) and 27.698 acres for commercial uses (currently zoned for townhome, office, and commercial uses). The applicant has also requested that the maximum building height for the office portion be restricted to 3 stories.

The governing “PD” – Planned Development District Ordinance No. 1478 (attached) includes over 158 acres. The exhibit in this PD divides the property into 7 different tracts that allow for various land uses such as single family residential, townhome and commercial uses. There is an existing single family residential subdivision (Highridge) that encompasses Plat 5 and a portion of Plat 6 of the existing PD.

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 No. 1478 (Residential and Commercial Uses)

North	“PD” – Planned Development District Ordinance No. 1478 (Residential and Uses)	Highridge Subdivision and Undeveloped Land
South	“C” – Planned Center and “CC” – Corridor Commercial Overlay District	Valero Fuel Station and Convenience Store and Shopping Center
	“PD” – Planned Development District Ordinance No. 2008-05-052 (Mini-warehouse Uses) and “CC” – Corridor Commercial Overlay District	Lake Forest Advantage Self Storage
	“PD” – Planned Development District Ordinance No. 2002-05-050 (Commercial Uses) and “CC” – Corridor Commercial Overlay District	Vacant Commercial Buildings and 380 West Animal Hospital
	“PD” – Planned Development District Ordinance No. 98-11-063 (Commercial Uses) and “CC” – Corridor Commercial Overlay District	Professional Offices

	“PD” – Planned Development District Ordinance No. 92-02-01 (Industrial and Commercial Uses) and “CC” – Corridor Commercial Overlay District	Single-Family Residence
East	“AG” – Agricultural District and “CC” – Corridor Commercial Overlay District	Undeveloped Land
West	“PD” – Planned Development District Ordinance No. 2007-07-068 (Medical Office Uses) and “CC” – Corridor Commercial Overlay District	Baylor Medical Center at McKinney

PROPOSED ZONING: The applicant is requesting to rezone the subject property from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District generally to allow office and commercial uses and to modify the maximum building height within the office district.

- 1) Use and development of Tract 1 (18.123 acres) of the subject property, more fully depicted on Exhibit B, shall conform to Section 146-88 “O” – Office District and Section 146-101 “CC” Corridor Commercial Overlay District of the Zoning Ordinance, and as amended, except as follows:
 - a) Maximum height of buildings be 3 stories.
 - Since Tract 1 is adjacent to single-family residential, Staff feels that the maximum allowable height in the “O” – Office District (50’) would be too tall. The applicant has requested to restrict the maximum height of all office buildings in this tract to 3 stories. This is consistent with the “CC” – Corridor Commercial Overlay District on the southern portion of the property, stipulating that the property develop in accordance with the low rise subzone. Staff feels that this requested reduction is appropriate given the proximity to existing single family residences.
 - b) Rest home or nursing home be an allowed use.
 - The applicant is requesting to utilize a portion of proposed Tract 1 for a skilled nursing facility. However, the proposed “O” – Office District designation does not currently allow a rest home or nursing home use. Staff is comfortable supporting this additional use and feels that this use should be compatible with existing and future developments nearby (Baylor Medical Center at McKinney and Highridge Subdivision).
- 2) Use and development of Tract 2 (27.698 acres) of the subject property, more fully depicted on Exhibit B, shall conform to Section 146-86 “C” – Planned Center District and Section 146-101 “CC” Corridor Commercial Overlay District of the Zoning Ordinance, and as amended.

- Staff is comfortable maintaining the existing designation for commercial uses near the intersection of a major regional highway (U.S. Highway 380) and a major arterial (Lake Forest Drive).

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

- **Comprehensive Plan Goals and Objectives:** The proposed zoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change would help the community attain the goal of “Economic Development Vitality for a Sustainable and Affordable Community” through the stated objective of the Comprehensive Plan, a “balanced commercial development along major highway corridors.” Another goal of the Comprehensive Plan is accomplished through “Land Use Compatibility and Mix” by creating “land use patterns that address appropriate transition and mix of uses.”
- **Conformance with Desired Land Use Mix:** The community village module allows 45% (+5%) of the module to develop as regional retail, 15% (+/- 5%) of the module to develop as regional office space, 5% (+5%) of the module to develop as entertainment space, and 10% (+5%) of the module to develop as community facilities; all allowed uses under the proposed zoning request. The proposed zoning replaces a small portion of existing mid-density residential with an office designation, and increases the amount of office in the module bringing this use into the desired range.
- **Locational Criteria:** The uses proposed by this rezoning request are within the appropriate locations as shown on the FLUP modules diagram. Per the Comprehensive Plan, the community village module establishes the following guidelines many of which will be satisfied at the time of development:
 1. Higher intensive uses such as Retail – Regional, Office – Regional, and Entertainment should be located at the core of this module.
 2. Single-Family Urban should be located at the periphery of the module.
 3. Building heights will be stair-stepped from the more intensive commercial uses in the core down to the less intensive residential uses in the periphery.
 4. Medium Density Residential and Community Facilities (such as schools, churches, community centers, and parks) should be used to transition to less dense residential uses outside of the community village.

5. In the module's commercial core, parking fields should be broken into smaller sized area with the use of landscape.
 6. Natural features such as streams, wetlands, and groves of trees within the module should be incorporated into the urban fabric.
 7. Within the commercial core of the module, there should be an interior roadway channeling traffic to the major arterial but not into the module's periphery residential areas.
 8. Pedestrian-enhanced cut-through walkways and interior courtyard are desirable to link the module's commercial core to the residential periphery.
 9. There will be minimum of two major arterials crossing within the module or adjacent to the module.
- Compliance with Community Form: The Comprehensive Plan states that the community village module is to have a commercial core that includes regional retail, office, entertainment, and community facilities. The recommended form of these commercial uses is a village concept. The village concept is necessary to soften the impacts of the allowed uses. The village concept is defines through unified architecture; well planned pedestrian connections linking buildings, parking and amenities buildings sites to create pedestrian spaces; and parking fields broken into smaller sizes with the use of landscaping.

Within the community village module, the typical form could include intense commercial building greater than two-stories. The additional height should be respectful of the adjacent uses and may be limited if it has the potential to negatively impact them. The proposed zoning of the subject property, consisting of commercial and office uses, takes building height into account. In an effort to minimize any negative impact on the single family uses adjacent to the subject property, a maximum building height of 3-stories is proposed for Tract 1. A transition of uses from the higher intensity commercial designation of "C" – Planned Center to an "O" – Office designation between Tract 2 and the existing single family residential has been intentionally proposed to mitigate any negative impacts the higher intensity commercial could have on the existing residences.

- Impact on Infrastructure: The Future Land Use Plan designates the subject property as a potential location for community village uses. The water master plan, sewer master plan, and thoroughfare plan are all based on the anticipated land uses shown on the Future Land Use Plan. The proposed rezoning request is within the parameters of the land use mixes of this community village module. Thus, the proposed rezoning request should have a minimal impact on the overall existing and planned infrastructure in the module.

- Impact on Public Facilities/Services: The Future Land Use Plan designates the subject property as a potential location of community village uses. Similar to infrastructure, the public facilities/services are all planned for based on the anticipated land uses as shown on the Future Land Use Plan. The proposed rezoning request should have a minimal impact on public facilities and services, such as schools, fire and police, libraries, parks and sanitation services.
- Compatibility with Existing and Potential Adjacent Land Uses: The property to the west of the subject property is the site of Baylor Medical Center at McKinney. To the south are various commercial tracts containing mostly office and retail uses. To the east is undeveloped property. To the north is the Highridge single family subdivision.

The Comprehensive Plan states that Staff should make assessments and recommendations based on the anticipated uses expected in the long term for tracts that are developing within areas of minimal development, such as the subject property. In addition, the proposed rezoning request should be considered within the context of the entire City and the Comprehensive Plan as a whole. Given these criteria, Staff feels that the proposed development is compatible with the expected development along U.S. Highway 380. With that said, the Zoning Ordinance contains specific screening, buffering and landscaping provisions that are intended to reduce the impact that non-residential uses have on adjacent uses. These provisions will be applicable to this property.

- Fiscal Analysis: The attached fiscal analysis shows a negative net cost benefit of \$59,260 using the full cost method. The full cost method of calculating public service cost is useful for citywide modeling and forecasting. This method takes the entire city budget into account, including those costs that cannot be attributed to any one project such as administrative costs and debt service on municipal bonds. Because the full cost method takes into account all costs, it is useful in tracking the city budget to determine if the citywide tax revenue is sufficient to pay for the operating costs to the city.

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.

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

ATTACHMENTS:

- Maps
- Letter of Intent
- Existing “PD” – Planned Development Ordinance No. 1478
- Fiscal Analysis
- Land Use Module Tracking
- Exhibit A – Location Map
- Exhibit B - Proposed Zoning Exhibit
- PowerPoint Presentation