

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**FROM:** Brandon Opiela, Planning Manager

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by SLC McKinney Partners, L.P., for Approval of a Request to Rezone Fewer than 14 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 Modify the Development Standards, Located on the Northwest Corner of Fleetwood Street and State Boulevard

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the September 16, 2014 meeting.

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

1. The subject property be rezoned to “PD” – Planned Development District and be developed according to the following standards:
  - a. The subject property shall develop in accordance with “PD” – Planned Development District Ordinance No. 2010-10-042, except that the attached pattern book sheets shall replace pages 18 and 19 of “PD” – Planned Development District Ordinance No. 2010-10-042.

**APPLICATION SUBMITTAL DATE:** August 11, 2014 (Original Application)

**ITEM SUMMARY:** The applicant is proposing to rezone approximately 13.09 acres of land, simply to modify the side yard setbacks for single family detached residential uses from 6 feet to 5 feet, and pertaining only to this future phase of the Tucker Hill Subdivision.

The Tucker Hill development as a whole allows for a mixed use development with a combination of attached and detached single family residential uses, live/work units, retail uses, office uses, civic buildings, and open space uses.

**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: Subject Property: “PD” – Planned Development District Ordinance No. 2010-10-042 and “CC” – Corridor Commercial Overlay District (Mixed Uses)

North	“PD” – Planned Development District Ordinance No. 2010-10-042 and “CC” – Corridor Commercial Overlay District (Single Family Residential Uses)	Tucker Hill Subdivision
South	“PD” – Planned Development District Ordinance No. 2010-10-042 and “CC” – Corridor Commercial Overlay District (Mixed Uses)	Undeveloped Land
East	“PD” – Planned Development District Ordinance No. 2010-10-042 and “CC” – Corridor Commercial Overlay District (Mixed Uses)	Tucker Hill Subdivision
West	“PD” – Planned Development District Ordinance No. 2010-10-042 (Mixed Uses), “AG” – Agricultural District (Agricultural Uses) and “CC” – Corridor Commercial Overlay District	City of McKinney Pump Station and Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property to modify the minimum side yard setback for the currently allowed residential use type (T5) from 6 feet to 5 feet, reducing the building separation from 12 feet to 10 feet respectively. The applicant has requested to replace pages 18 and 19 of the governing Tucker Hill Pattern Book (PD 2010-10-042) with new pages reflecting the requested modification (attached). All other development regulations of the currently governing pattern book will be maintained.

The requested reduction in side yard setback is in keeping with a previously approved rezoning request (13-091Z) for a future phase within the Tucker Hill Subdivision, and is consistent with the side yard setbacks/building separations recently established in the SF5 and SF7.2 single family residential zoning districts found in the Zoning Ordinance for similarly sized lots. Staff feels the modified side yard setback maintains a “tightly-knit block that is more urban in character” prescribed for T5 residential development in the

Tucker Hill Pattern Book and, as such, is comfortable supporting the proposed rezoning request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for office and light manufacturing uses; however, the property has been zoned for residential uses since 2004 and was rezoned in both 2007 and 2010 which allowed for a mix of commercial and residential uses. The FLUP modules diagram designates the subject property as suburban mix within a minimally developed area. The Comprehensive Plan lists factors to be considered when a rezoning is being considered within a minimally developed area:

- Conformance with Desired Land Use Mix: The proposed rezoning request is not an attempt to alter the allowed uses but rather an attempt to modify the side yard setbacks. The land use mix of the area should not be negatively impacted by the proposed rezoning request.
- Locational Criteria: The proposed uses as specified within the proposed pattern book are within the allowable locations as shown on the FLUP modules diagram. The proposed rezoning request is not an attempt to alter the allowed uses but rather an attempt to modify the side yard setbacks. The area should not be negatively impacted by the proposed rezoning request.
- Compliance with Community Form: The proposed rezoning request is not an attempt to alter the allowed uses but rather an attempt to modify the side yard setbacks. The community form should not be negatively impacted by the proposed rezoning request.
- Impact on Infrastructure: The proposed rezoning request should not have a negative impact on the existing and planned water, sewer, and thoroughfare plans in the area since the permitted land uses are not changing with the request.
- Impact on Public Facilities/Services: The proposed rezoning request should not have a negative impact on Public facilities and services such as schools, fire and police, libraries, parks and sanitation services since the permitted land uses are not changing with the request.
- Compatibility with Existing and Potential Adjacent Land Uses: Since the permitted land uses are not changing for the property and the side yard setbacks are consistent with a more urban style development, Staff believes the rezoning request will remain compatible with the surrounding properties zoned for similar single family residential and commercial uses within the Tucker Hill development.
- Timing of Zoning Request: The proposed rezoning request will not hinder or negatively impact the ability of the module to develop the primary land use.

- Fiscal Analysis: The proposed uses for the subject property are not changing; thus, a fiscal analysis was not deemed necessary for this case.

**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. 2010-10-042
- Comprehensive Plan Maps
- Proposed Zoning Exhibit - Boundary
- Proposed Zoning Exhibit - Pattern Book Pages
- PowerPoint Presentation