



TITLE: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd & Joplin, on Behalf of McKinney Seven 17, L.P. and VCIM Partners, L.P., for Approval of a Request to Rezone Fewer than 7 Acres from “AG” – Agricultural District, “PD” – Planned Development District, and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District, to Modify the Allowed Land Uses and Development Standards, Located on the Northwest Corner of Chief Spotted Tail Drive and Alma Road, and Accompanying Ordinance

MEETING DATE: August 5, 2013

DEPARTMENT: Planning

CONTACT: Michael Quint, Director of Planning
Brandon Opiela, Planning Manager
Samantha Gleinser, Planner I

RECOMMENDED CITY COUNCIL ACTION:

- Staff recommends denial of the proposed rezoning request due to lack of conformance with the character and vision prescribed by Appendix B-2 (Regional Employment Center - Overlay Urban Design Standards) and Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance.
- **However, should the rezoning request be approved, the following special ordinance provisions shall apply:**
 1. The use and development of the subject property shall conform to the requirements of “PD” – Planned Development District Ordinance No. 2001-02-017, except as follows:
 - a. The use of this area shall develop in accordance with the community, civic, institutional, and religious buildings of the Neighborhood Zone as specified in the “REC” – Regional Employment Center Overlay District.
 - b. Independent living facility shall be an allowed use on the property.

- c. Development of an assisted living/independent living facility on the subject property shall generally conform to the attached elevations.
- d. Development of an assisted living/independent living facility on the subject property shall generally conform to the attached concept plan.
- e. The minimum parking requirements for an assisted living facility/independent living facility on the property shall conform to the attached concept plan.
- f. A pocket park (including associated walking trails and landscaping) which is open to the public shall be provided in general conformance with the attached concept plan and shall preserve the approximately sixty (60) native trees as shown.

ITEM SUMMARY:

- The applicant is requesting to rezone approximately 6.83 acres of land from “AG” – Agricultural District, “PD” – Planned Development District, and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District, generally to modify the development standards. The applicant is proposing to construct an assisted living/independent living facility on the subject property and has indicated that this will be an “age-in-place” facility. Each building on the property will provide a different level of care, as can be seen on the proposed concept plan.
- The applicant is proposing to maintain the uses allowed within the “BN” – Neighborhood Business, while also developing in accordance with civic, community, institutional, and religious buildings of the Neighborhood Zone as specified in the “REC” – Regional Employment Center Overlay District. In addition, the applicant is requesting approval of modifications to the architectural standards’ masonry finishing material requirements, the build-to line expectations for buildings in the REC Overlay District, and the Zoning Ordinance’s minimum parking standards.
- This item was tabled at the June 11, 2013 Planning and Zoning Commission meeting due to a noticing error.
- This item was tabled at the June 25, 2013 Planning and Zoning Commission meeting per the applicant’s request.

BACKGROUND INFORMATION:

- See attached Planning and Zoning Commission Staff Report.

FINANCIAL SUMMARY:

- See attached Planning and Zoning Commission Staff Report.

BOARD OR COMMISSION RECOMMENDATION:

- On July 9, 2013, the Planning and Zoning Commission voted 5-0 to recommend approval of the rezoning per the applicant's request.