

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Brandon Opiela, Planning Manager

FROM: Samantha Pickett, Planner II

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request for Approval to Rezone Fewer than 13 Acres from “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 Allow for Single Family Detached Residential Uses and Modify the Development Standards, Located on the South Side of McKinney Ranch Parkway and East Side of Ridge Road

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the October 21, 2014 meeting.

STAFF RECOMMENDATION: Staff recommends denial of the proposed rezoning request due to lack of conformance with the Comprehensive Plan and the inability to ensure a level of exceptional quality or innovation for the design or development of the subject property as required by Section 146-94 (“PD” – Planned Development District) of the Zoning Ordinance.

However, if the rezoning request is to be approved, the following special ordinance provisions shall be applicable:

1. The use and development of the subject property shall develop in accordance with the “SF5” – Single Family Residential District, and as amended, except as follows:
 - a. The maximum density shall be 4.7 dwelling units per acre (maximum of 60 single family detached residential lots).
 - b. The minimum mean and median lot size shall be 5,500 square feet.
 - c. The use and development of the subject property shall not be subject to Appendix B-2 (Regional Employment Center – Overlay Urban Design Standards) of the Zoning Ordinance.

Staff's professional opinion is that the proposed rezoning request should be denied due to the absence of a special ordinance provision ensuring the construction of an innovative or high quality development, the increased density and reduced mean and median lot sizes, and the reduction in commercial land area.

APPLICATION SUBMITTAL DATE: June 23, 2014 (Original Application)
July 24, 2014 (Revised Submittal)
August 14, 2014 (Revised Submittal)
September 5, 2014 (Revised Submittal)
September 8, 2014 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 12.80 acres of land, located on the southeast corner of McKinney Ranch Parkway and Ridge Road from "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 and allow for single family detached residential uses.

In February 2014, the City Council approved a rezoning for commercial uses on the subject property, with single family attached (townhome) residential uses permitted on a portion of the property. The applicant is now requesting that a significant portion of the property be rezoned to allow for single family detached residential uses, which are prohibited per the current zoning (see attached Existing "PD" Planned Development District Ordinance No. 2014-02-012).

At the August 12, 2014 Planning and Zoning Commission meeting, the Commission voted 5-0-0 to close the public hearing and table the item indefinitely due to notification signs not being posted on the subject property within the required timeframe.

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. 2014-02-012 and "REC" – Regional Employment Center Overlay District (Commercial Uses)

North	"PD" – Planned Development District Ordinance No. 1895 and "REC" – Regional Employment Center Overlay District (Commercial and Multi-Family Residential Uses)	Sonora Subdivision and Undeveloped Land	Ridge and Club
South	"PD" – Planned Development District	Saddle	Club

	Ordinance No. 2002-03-019 and “REC” – Regional Employment Center Overlay District (Single Family Residential Uses)	Subdivision
East	“PD” – Planned Development District Ordinance No. 2002-03-019 and “REC” – Regional Employment Center Overlay District (Single Family Residential Uses)	Saddle Club Residential Subdivision
West	“PD” – Planned Development District Ordinance No. 2014-02-012 and “REC” – Regional Employment Center Overlay District (Commercial Uses)	Undeveloped Land

PROPOSED ZONING: The applicant is requesting to rezone the subject property to reduce the amount of land area designated for commercial uses and to construct single family detached residential uses on a portion of the property currently designated for commercial and single family attached uses (townhomes). The applicant is also requesting to increase the maximum density and reduce the mean and median lot size specified by the requested “SF5” – Single Family Residential District, which is discussed further below. The applicant has also provided a concept layout to be used for informational purposes only.

The applicant has requested to exempt this property from the requirements of the “REC” – Regional Employment Center Overlay District in order to develop the single family residential lots in a more suburban manner. Although Staff is not opposed to a more suburban style of development, the requested increased density is more in keeping with the urban character envisioned by the “REC” – Regional Employment Center Overlay District (i.e. elevated finished floor elevations, front entry garage/façade offsets, buildings pulled closer to the streets to encourage pedestrian activity and promote an urban streetscape, shade trees provided along all streets at consistent intervals, and/or streets terminating into other streets), which the applicant is not providing. If a suburban style product is desired, Staff sees no reason why the subject property is unable to conform to the maximum density and minimum mean and median lot sizes outlined by the “SF5” – Single Family Residential District and the Comprehensive Plan.

The applicant has requested to develop single family detached residential uses under a modified version of the “SF5” – Single Family Residential District, which increases the maximum density from 3.2 dwelling units per acre (with the ability to achieve 3.4 dwelling units per acre if Design for Density criteria are met in accordance with the City’s Comprehensive Plan) to 4.7 dwelling units per acre (maximum 60 dwelling units), and decreasing the minimum mean and median lot sizes from 7,200 square feet to 5,500 square feet. The requested base zoning designation of “SF5” represents one of the recently adopted residential zoning districts which mandates a minimum mean and median lot size of 7,200 square feet, with a maximum density of 3.2 dwelling units per acre (with the ability to achieve 3.4 dwelling units per acre if Design for Density criteria are met in accordance with the City’s Comprehensive Plan). Again, because the subject

property is currently located within the REC Overlay District, the requested increase in the allowable density and the reduced median and mean lot size would typically be appropriate, however the applicant is requesting the rezone out of the REC's design requirements partly to allow for the development of a suburban product type. Given that all suburban (re)zoning requests are required to meet the City's established standards for density, Staff feels that supporting this requested increase in density and decreased minimum mean and median lot size would be contrary to the Council's goals and objectives.

Based on the layout attached as a zoning exhibit to PD Ordinance 2014-02-012, a small commercial corner with access to a median opening in Ridge Road is planned. That said, the applicant's request will reduce the size of said commercial corner to a size where it no longer has access to a median opening drastically impacting the opportunity for any quality commercial opportunities on this property. As such, Staff is of the opinion that the existing size of the planned commercial corner be retained to maximize its potential for future commercial development opportunities.

Furthermore, Section 146-94 ("PD" – Planned Development District) of the Zoning Ordinance states that no proposed PD District may be approved without ensuring a level of exceptional quality or innovation for the associated design or development. The applicant has chosen not to provide such a provision that will ensure exceptional quality or innovation for the development, and as such Staff is unable to support the request as it does not satisfy the Zoning Ordinance's requirements for the granting of a PD Ordinance.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for commercial and office uses. The FLUP modules diagram designates the subject property as Regional Employment Center 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 not in conformance with the goals and objectives of the Comprehensive Plan, particularly "Land Use Compatibility and Mix", specifically through the objective of "land uses patterns that optimize and balance the tax base of the City".

As the proposed rezoning request does not help to further a strong, balanced economy, a stated strategic goal of the City Council, Staff is unable to support the request. Nearly three quarters of the City's ad valorem tax base comes from its residential housing stock. In order to balance this tax base, more non-residential uses are needed. While the majority of the proposed single family detached residential uses are located in an area that permits townhome uses, approximately 1.45 acres of the approximately 4.08 acre commercial tract (36 percent) at the corner of McKinney Ranch Parkway and Ridge Road is requested to change from commercial use to residential use, which does will not help to

balance the ad valorem tax base. As such, Staff recommends denial of the rezoning request.

- 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 property currently permits a mix of commercial and single family attached residential 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 property currently permits a mix of commercial and single family attached residential uses.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located to the east and south of the subject property are zoned for similar residential uses. The proposed rezoning request will remain compatible with the adjacent residential uses.
- Fiscal Analysis: The fiscal analysis shows a positive cost benefit of \$65,230 using the full cost method.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of 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.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has fourteen letters in support of the proposed rezoning request.

ATTACHMENTS:

- PZ Minutes 8.12.14
- Location Map and Aerial Exhibit
- Letter of Intent
- Letters of Support
- Fiscal Analysis
- Comprehensive Plan Maps
- Existing “PD” – Planned Development District Ordinance No. 2014-02-012
- Proposed Zoning Exhibit – Boundary
- Concept Plan – Informational Only
- PowerPoint Presentation