

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 by Skorburg Company, on Behalf of Willow Park Development, for Approval of a Request to Rezone Fewer than 13 Acres from “PD” – Planned Development District to “PD” – Planned Development District, Generally to Allow Townhome Uses and Modify the Development Standards, Located Approximately 600 Feet South of Virginia Parkway and on the East Side of Hardin Boulevard

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the August 19, 2014 meeting.

STAFF RECOMMENDATION: Staff recommends denial of the proposed rezoning request due to lack of conformance with the City of McKinney’s Comprehensive Plan and due to the proposed development standards’ inability to mandate or achieve a high quality development.

However, should the rezoning request be approved, the applicant is requesting approval of the following special ordinance provisions:

1. The use and development of the subject property shall develop in accordance with the attached development regulations.
2. The development of the subject property shall generally conform to the attached site layout.
3. The attached site layout may not be constructed until all Fire Prevention and Engineering regulations have been satisfied, subject to review and approval by the Fire Marshal and/or Director of Engineering.

APPLICATION SUBMITTAL DATE: September 9, 2013 (Original Application)
October 18, 2013 (Revised Submittal)
March 11, 2014 (Revised Submittal)
March 13, 2014 (Revised Submittal)
March 17, 2014 (Revised Submittal)
March 18, 2014 (Revised Submittal)
June 23, 2014 (Revised Submittal)
July 7, 2014 (Revised Submittal)

July 14, 2014 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 12.72 acres of land for 38 townhomes, located approximately 600 feet south of Virginia Parkway and on the east side of Hardin Boulevard, from “PD” – Planned Development District, generally for office uses, to “PD” – Planned Development District, generally for single family attached residential (townhome) uses. Additionally, the applicant is requesting approval of modified development regulations regarding space limits and architectural standards, and has provided a site layout that will govern the development of the subject property.

At the March 25, 2014 Planning and Zoning Commission meeting, the Commission voted 7-0-0 to table the rezoning request to the next meeting in order to give the applicant time to address some of the surrounding neighbors’ concerns.

At the April 8, 2014 Planning and Zoning Commission meeting, the Commission voted 6-0-0 to table the rezoning request indefinitely per the applicant’s request.

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. 2007-03-021 (Office Uses)

North	“AG” – Agricultural District (Agricultural Uses)	Undeveloped Land
South	“PD” – Planned Development District Ordinance No. 2007-12-118 and “PD” – Planned Development District Ordinance No. 2005-05-049 (Single Family Residential Uses)	Sorrellwood Park
East	“PD” – Planned Development District Ordinance No. 2005-05-049 (Single Family Residential Uses)	Sorrellwood Park and Undeveloped Land
West	“PD” – Planned Development District Ordinance No. 2008-05-045 (Commercial Uses) and “AG” – Agricultural District (Agricultural Uses)	Undeveloped Land

PROPOSED ZONING: The applicant is requesting to rezone the subject property from “PD” – Planned Development District, generally for office uses, to “PD” – Planned Development District, generally for single family attached residential (townhome) uses. The applicant has proposed that the subject property will develop in accordance with the attached development regulations and site layout.

The City Council recently adopted new residential zoning districts in March of 2014, including the “TH” – Townhome Residential District, which set up space limits for townhome uses. The applicant is proposing modified standards for this development that are reductions to several of the newly adopted standards for townhomes and are discussed in further detail below.

The chart below compares the City’s established standards for townhomes and the standards requested by the applicant. Given that future rezoning requests for townhome uses will be required to meet the newly established standards, Staff feels as though supporting these requested modifications/reductions would be contrary to the Council’s goals and objectives.

	“TH” – Townhome Residential District	Proposed “PD” – Planned Development District
Min. Lot Area	2,700 Square Feet	2,250 Square Feet
Min. Lot Width	25 Feet	25 Feet
Min. Lot Depth	80 Feet	90 Feet
Front Yard Setback	20 Feet	10 Feet
Rear Yard Setback	15 Feet	10 Feet
Side Yard at Corner	15 Feet	10 Feet
Min. Building Separation	10 Feet	10 Feet
Max. Building Height	35 Feet	35 Feet
Parking Requirement	2 Covered or Enclosed Spaces	2 Spaces, 1 Covered or Enclosed
Minimum Masonry Percentages	85%	65% including Stucco
Exterior Finishing Materials	Stucco Permitted up to 15% for Each Side	Stucco Permitted on 100% of Each Side
Garage Access	Alley Access Required for Lots Less than 50’ in Width	Front Entry Garage Access

Staff has additional concerns with the proposed minimum lot width of 25 feet in conjunction with a front entry garage, allowing for a 25-foot wide townhome unit with a standard front-entry garage door comprising 80% of the front façade width (40% if a single garage door is provided). As indicated in the chart above, the City’s requires all residential lots less than 50 feet in width to provide alley access. Staff is of the opinion that narrow lots with front-entry garages will have an overwhelmingly negative impact on the aesthetics of the front elevation and will likely provide little architectural interest or

variation between each of the townhomes, reducing the overall quality of the development.

The Zoning Ordinance also requires two covered or enclosed parking spaces per single family attached dwelling unit. The applicant has requested to provide only one enclosed space and has indicated that a second vehicle will park outside of the garage. With the proposed 10-foot front yard setback, the driveway would not be able to accommodate a standard length vehicle (15 to 20 feet), and a portion of the vehicle would extend into the right-of-way, inhibiting the City's ability to provide emergency services to the development. As such, Staff recommends denial of the reduced parking standard and reduced driveway length due to the proposed 10-foot front yard setback.

Furthermore, the applicant is requesting that each elevation have a minimum of 65 percent masonry, consisting of brick, stone, cultured stone, or three-part stucco. The Architectural and Site Standards currently require a minimum of 85 percent masonry materials per side, consisting of brick, stone or synthetic stone, but not stucco materials. As such, Staff does not support the requested reduction in architectural standards.

Additionally, the Director of Engineering and the Fire Marshal have concerns regarding the rezoning request, as the construction of the attached site layout may not meet all applicable Fire Prevention and Engineering regulations, due to the fact that the site layout:

- Does not indicate the location of the erosion hazard setback easement;
- Does not indicate the location of the dam breach area;
- Does not indicate the location of the possible detention area;
- Does not meet Street Design Standards for median opening locations;
- Does not meet Street Design Standards for residential driveway locations/access on a collector street; and
- Does not verify that all points of the buildings are within 150 feet of a public street, free and clear, for hose lay distance requirements.

Upon completion of the necessary engineering, the development may have critical elements which would require significant design changes and may make some of the portions of the property unusable and potentially cause a reduction to the number of lots. The applicant has yet to provide information validating the usability of the entire subject property as shown on the attached site layout.

Lastly, Section 146-94 ("PD" – Planned Development District) of the Zoning Ordinance states that a PD Ordinance may not be approved without ensuring a level of exceptional quality or innovation for the design or development. The applicant has chosen to not provide a provision ensuring exceptional quality or innovation. As such, Staff recommends denial of the request.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for high density residential and floodplain uses however it is currently zoned for neighborhood office uses. The FLUP modules diagram designates the subject property as Suburban Mix 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 the goal of “Land Use Compatibility and Mix”, specifically through the objective of “land uses patterns that optimize and balance the tax base of the City”.

Additionally, the proposed rezoning request does not help to further a strong, balanced economy, which is a stated strategic goal of the City Council. 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. Rezoning approximately 13 acres designated for office uses to residential uses will not help to balance the ad valorem tax base.

- 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 subject property was planned for high density residential uses and single family attached residential uses typically have a lower demand on infrastructure.
- 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 subject property was planned for high density residential uses.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the east and south of the subject property are zoned for single family detached residential uses and would be compatible.
- Fiscal Analysis: The attached fiscal analysis shows a negative cost benefit of \$144,442 using the full cost method.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of single family 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 received one letter in opposition to the rezoning request and one letter in support of the rezoning request. Additionally, at the March 25, 2014 Planning and Zoning Commission meeting, four residents expressed concerns regarding the proposed lot size, the proposed common area to the south of the development, and decreasing home values (see PZ Minutes – 03.25.14).

ATTACHMENTS:

- PZ Minutes – 04.08.14
- PZ Minutes – 03.25.14
- Location Map and Aerial Exhibit
- Letter of Intent
- Letter of Opposition
- Letter of Support
- Comprehensive Plan Maps
- Fiscal Analysis
- Proposed Zoning Exhibit – Site Layout
- Proposed Zoning Exhibit – Development Regulations
- PowerPoint Presentation