

AGENDA ITEM

TO: Planning and Zoning Commission

FROM: Brandon Opiela, Senior Planner

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by American Legend Homes, on Behalf of McKinney Village Park North, L.P., for Approval of a Request to Rezone Approximately 40.63 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 Modify the Development Standards, Located on the Northeast Corner of Colt Lane and Berkley Drive.

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the September 4, 2012 meeting.

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

- 1) Use and development of the subject property shall conform to the regulations of “PD” - Planned Development District Ordinance Nos. 2002-05-038 and 2005-01-005 and the “REC” – Regional Employment Center Overlay District, and as amended, except as follows:
 - a) For homes with front loading garages, a minimum garage setback of 10 feet shall be provided and measured from the front façade of the home, extended porch, or courtyard that conforms to Exhibit B, attached hereto. The Director of Planning may permit minor deviations from Exhibit B, with regard to shrub species, location, and spacing; as follows:
 - i. Podocarpus (spaced at 3'-0" on center)
 - ii. Nellie R. Stevens Holly (spaced at 4'-0" on center)
 - iii. Wax Myrtle (spaced at 6'-0" on center)
 - iv. Cherry Laurel (spaced at 6'-0" on center)

APPLICATION SUBMITTAL DATE: July 16, 2012 (Original Application)
July 30, 2012 (Revised Submittal)
August 6, 2012 (Revised Submittal)
August 9, 2012 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 40.63 acres of land, located on the northeast corner of Colt Lane and Berkley Drive 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 to add visual interest to the front façade of each dwelling unit. Specifically, the applicant has proposed to construct formal courtyards and install associated plantings in order to achieve the character prescribed by the “REC” – Regional Employment Center Overlay District guidelines.

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 Nos. 2003-05-038 and 2005-01-005 (mixed-use/residential uses) and “REC” – Regional Employment Center Overlay District

North	“PD” – Planned Development District Ordinance No. 2006-05-054 (townhome use) and “REC” – Regional Employment Center Overlay District	Pecan Park Subdivision
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	“PD” – Planned Development District Ordinance No. 2003-01-007 (mixed use/commercial uses) and “REC” – Regional Employment Center Overlay District	Lake Forest Crossing (Walmart)
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	“PD” – Planned Development District Ordinance No. 2006-11-127	Verizon Wireless Cell Tower
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South	“PD” – Planned Development District Ordinance No. 2006-11-127 (mixed use/residential use) and “REC” – Regional Employment Center Overlay District	Village Park North Phase 1 Subdivision
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East	“PD” – Planned Development District Ordinance No. 2000-09-066 (commercial uses) and “REC” – Regional Employment Center Overlay District	Undeveloped Land
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West “PD” – Planned Development District Saddle Club #1
Ordinance No. 2002-03-019 (mixed Subdivision
use/residential use) and “REC” – Regional
Employment Center Overlay District

PROPOSED ZONING: The applicant is requesting to rezone the subject property 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 to add visual interest to the front façade of each dwelling unit. Specifically, the applicant has proposed to construct formal courtyards and install associated plantings in order to achieve the character prescribed by the “REC” – Regional Employment Center Overlay District guidelines.

The governing Planned Development District Ordinance No. 2005-01-005 refers back to Planned Development District Ordinance No. 2002-05-039, which includes a specific provision allowing the setback between the attached, front-loading garages and the front façade of the residence or porch to be reduced from twenty (20) feet to ten (10) feet with the approval of a concept plan by the Planning and Zoning Commission. An associated concept plan (11-090CP) for the subject property was approved by the Planning and Zoning Commission on July 12, 2011.

The applicant is now requesting that the governing ordinance be modified to allow a courtyard to qualify towards the 10 foot offset requirement through the use of low seating walls (constructed with brick and stone that matches the façade of the home) combined with significant landscaping to enclose a hardscaped area in the front yard.

The applicant has requested the following special ordinance provisions:

- 1) Use and development of the subject property shall conform to the regulations of “PD” - Planned Development District Ordinance Nos. 2002-05-038 and 2005-01-005 and the “REC” – Regional Employment Center Overlay District, and as amended, except as follows:
 - a) For homes with front loading garages, a minimum garage setback of 10 feet shall be provided and measured from the front façade of the home, extended porch, or courtyard that conforms to Exhibit B, attached hereto. The Director of Planning may permit minor deviations from Exhibit B, with regard to shrub species, location, and spacing; as follows:
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- The applicant has proposed hardscaped courtyard areas varying in size from 195 to 230 square feet that will be enclosed by low stone seating walls and associated plantings to create outdoor “rooms” that are intended to encourage pedestrian interaction and add visual interest to the residence, in keeping with the spirit and intent of the “REC” – Regional Employment Center Overlay District guidelines.
- Although the exhibits have called out specific planting heights (minimum of 5’ tall at the time of planting) and species of shrubs utilized, the proposed special ordinance provision will allow the Director of Planning the ability to approve slight variations with regard to the species and spacing, ensuring that each courtyard maintains an enclosed feel but offers a level of landscaping variety from house to house.
- Staff feels that the requested ordinance modification will not have any negative effects on existing or future development in the area and will only add to the visual interest of the homes while encouraging pedestrian interaction within the neighborhood. Thus, Staff is comfortable recommending approval of the applicant’s request.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for medium density residential 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 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 an “Attractive Hometown that Promotes McKinney’s Character” through the stated objective of the Comprehensive Plan, “Attractive and distinctive neighborhoods”.
- Impact on Infrastructure: The Future Land Use Plan (FLUP) designates the subject property for medium density residential uses. The water master plan, sewer master plan, and master thoroughfare plan are all based on the anticipated land uses as shown on the Future Land Use Plan. The proposed rezoning request should not have an impact on the existing and planned water, sewer and thoroughfare plans in the area since the existing land use is not changing.
- Impact on Public Facilities/Services: The Future Land Use Plan (FLUP) designates the subject property generally for medium density residential uses. Similar to infrastructure, public facilities and services are all planned for based on the anticipated land uses shown on the Future Land Use Plan. The proposed

rezoning request does not alter the existing land use, thus it should not have an impact on public facilities and services.

- **Compatibility with Existing and Potential Adjacent Land Uses:** The properties located adjacent to the subject property are zoned for residential uses and commercial uses. The proposed rezoning request does not alter the land use from what has been planned for the subject property and thus will not affect the compatibility of the property with the existing or potential adjacent land uses.
- **Fiscal Analysis:** Staff feels that there will not be a change in the economic impact associated with the proposed rezoning request since it does not alter the land use. Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base commercial zoning of the subject property.
- **Concentration of a Use:** The proposed rezoning request will not result in an over concentration of a use as the request does not alter the existing land use designation. Currently, the surrounding properties are zoned generally for residential and retail uses within the REC Overlay's Neighborhood Zone District.

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 three phone calls inquiring about the details of the rezoning request; however, no formal comments were submitted in support of or opposition to this request.

ATTACHMENTS:

- Maps
- Letter of Intent
- Approved Concept Plans
- Existing "PD" – Planned Development District Ordinance No. 2002-05-038
- Existing "PD" – Planned Development District Ordinance No. 2005-01-005
- Illustration of Streetscape and Elevations
- Proposed Zoning Exhibit A – Location Map
- Proposed Zoning Exhibit B – Courtyard Details

Action: