

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Samantha Gleinser, Planner I

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sanchez & Associates, on Behalf of McKinney Housing Authority, for Approval of a Request to Rezone Fewer than 6 Acres from “BG” – General Business District to “PD” – Planned Development District, Generally to Modify the Development Standards, Located on the East Side of McDonald Street (State Highway 5) and on the North Side of McMakin Street

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the February 4, 2014 meeting.

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

1. The use and development of the subject property shall develop in accordance with the attached development regulations.

**However, the applicant has requested two special ordinance provisions within the proposed development regulations allowing 3-story public housing buildings as close as 40 feet from adjacent single family residential zoning or use with windows oriented towards said single family residential use or zone, with which Staff is not comfortable supporting.**

**APPLICATION SUBMITTAL DATE:** July 23, 2013 (Original Application)  
September 10, 2013 (Revised Submittal)  
November 15, 2013 (Revised Submittal)  
December 27, 2013 (Revised Submittal)  
December 30, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone the approximately 5.73 acres property from “BG” – General Business District to “PD” – Planned Development District, generally to modify the development standards and allow for a senior public housing development. The applicant intends to redevelop the existing Newsome Homes Community for senior public housing. The applicant has requested modifications to

several development standards including: building heights, screening, parking, landscaping, front and side yard setbacks, and architectural standards.

This item was tabled at January 14, 2014 Planning and Zoning Commission meeting due to public hearing notification signs not being posted on the subject property by the applicant in the timeframe required by the Zoning Ordinance.

**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: "BG" – General Business District (Commercial Uses)

North	"MTC" – McKinney Town Center District – Cotton Mill Core and "BG" – General Business District (Commercial Uses)	Mega Mow Lawn Service and Undeveloped Land
South	"RS 60" – Single Family Residential District (Single Family Residential Uses)	Single Family Homes
East	"MTC" – McKinney Town Center District – Cotton Mill Core, "MTC" – McKinney Town Center District – Cotton Mill Edge, and "RS 60" – Single Family Residential District (Single Family Residential Uses)	Single Family Homes and Undeveloped Land
West	"BG" – General Business District (Commercial Uses)	Dollar General, Economy Transmission, First Choice Auto & Tires, and T&R Tax Services

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property, which is currently home to a public housing community (Newsome Homes), and redevelop the site for a senior public housing development in accordance with the attached development standards.

More specifically, the applicant has requested the development follow the "MF-1" – Multiple Family Residential - Low Density District with several special ordinance provisions defining the Senior Public Housing use, allowing alternate site screening including a living screen adjacent to the existing single family uses, modified parking requirements, modified landscaping and setbacks, and modified architectural standards of which Staff has no objections. If approved, the proposed development standards are

intended to serve as a blueprint for future rezoning requests for new or proposed public housing developments.

Section 146-94 (“PD” – Planned Development District) of the Zoning Ordinance states that no proposed PD District Ordinance may be approved without ensuring a level of exceptional quality or innovation for the design or development. To satisfy this requirement, the applicant is proposing to increase the caliper of the trees required along street frontages from 4 inches to 5 inches (measured 6” above the ground). Staff feels that the increased size of trees will have positive impact on the visual environment, and as such, supports the requested provision.

**However, the applicant has requested two special ordinance provisions with which Staff is not comfortable supporting and is discussed further below.**

The Zoning Ordinance requires that multi-family residential structures located outside of the Regional Employment Center Overlay District and within 150 feet of an adjacent single family residential use or zone be situated so that no exterior-facing window is oriented towards said use or zone. Additionally, the Zoning Ordinance states that all multi-family residential buildings outside the Regional Employment Center Overlay District shall be limited to two stories in height. The applicant has requested that the buildings on the subject property be allowed up to 3-stories in height and be located as close as 40 feet from the adjacent single family residences to the south with exterior facing windows oriented towards said residential uses. While the proposed use is not technically multi-family residential, Staff still has concerns with the proposed 3-story buildings being constructed in such close proximity to the existing single family residential uses, in conjunction with multi-story windows being oriented towards the residences, and as such, is unable to support the two requested special ordinance provisions. If approved, there could be situations where a third story window looks down into the backyard of an adjacent single family residence, which is not ideal. Alternatively, Staff is comfortable supporting an increase in height up to 3-stories for the proposed use if no exterior facing windows are oriented towards adjacent single family residential within 150 feet of the property line.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for commercial and low density residential uses and is currently utilized as a public housing community. The FLUP modules diagram designates the subject property as Town 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 “Land Use Compatibility and Mix” by creating a “mix of land uses that provides for various lifestyle choices”.

- 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.
- 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.
- Compatibility with Existing and Potential Adjacent Land Uses: The proposed rezoning request maintains the existing public housing use and should remain compatible with the existing and potential adjacent commercial and residential land uses.
- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base zoning of the subject property.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of public housing in the area as the site is currently utilized for public housing.

**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 no comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Proposed Zoning Exhibit – Metes and Bounds
- Proposed Zoning Exhibit – Development Standards
- PowerPoint Presentation