

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Michael Quint, Director of Planning

**FROM:** Brandon Opiela, Planning Manager

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by JBI Partners, Inc., on Behalf of Clark Partners, L.P., for Approval of a Request to Zone Less than 67 Acres to “PD” – Planned Development District, Generally for Single Family Residential and Commercial Uses, Located on the Southeast Corner of Bloomdale Road (C.R. 123) and Custer Road

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the February 5, 2013 meeting.

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

1. Tract 1 (approximately 18.60 acres) shall develop in accordance with the requirements of Section 146-85 “BG” – General Business District, and as amended.
2. Tract 2 (approximately 38.10 acres) shall develop in accordance with the requirements of Section 146-72 “RS 72” – Single Family Residence District, and as amended, except as follows:
  - a. The layout of the residential lots shall generally develop in accordance with the attached zoning exhibit.
  - b. The mean and median lot size shall be a minimum of 7,200 square feet.

**APPLICATION SUBMITTAL DATE:** March 26, 2012 (Original Application)  
December 27, 2012 (Revised Submittal)  
January 2, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to zone approximately 66.61 acres of land to “PD” – Planned Development District, generally for low density single family residential (108 lots / approximately 38.10 acres) and general business uses (approximately 18.60 acres) with the balance of land remaining as floodplain or being dedicated as public rights-of-way.

The applicant has submitted this zoning request in conjunction with a petition for annexation for the subject property (12-067A). In accordance with the Texas Local Government Code, the petition for annexation only requires approval by the City Council, and therefore, the first two public hearings for the associated annexation will be held at a special City Council meeting and then at the regular City Council meeting, both on January 15, 2013. The third and final public hearing for the associated annexation will be held concurrently with the proposed zoning request and associated development agreement at the January 5, 2013 City Council meeting. Should the subject property not be annexed by the City Council, the applicant would not be required to obtain zoning and may be permitted to move forward with development plans for the subject property, in accordance with the Subdivision Ordinance of the City of McKinney.

**PLATTING STATUS:** The subject property is currently unplatted. A record plat or plats, subject to review and approval by the Director of Planning, must be filed for recordation with the Collin County Clerk, prior to issuance of a building permit.

**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: City of McKinney ETJ – Not Zoned (Undeveloped Land)

North	“PD” – Planned Development District Ordinance No. 2006-06-073 (Commercial Uses)	Undeveloped Land
South	City of McKinney ETJ (Not Zoned)	Farm and Ranch Single Family Residences
East	“PD” – Planned Development District Ordinance No. 1770 (Low Density Residential Uses) and City of McKinney ETJ (Not Zoned)	Undeveloped Land
West	City of Prosper (Single Family Residential Uses)	Whitley Place Subdivision (City of Prosper)

**PROPOSED ZONING:** The applicant is requesting to zone the subject property to “PD” – Planned Development District generally for single family residential and general business uses (retail/service/commercial). The subject property is located within two modules on the Future Land Use Modules Diagram of the Comprehensive Plan; Community Village (northern one-third) and Suburban Mix (southern two-thirds).

Community Village Module:

The Comprehensive Plan states that the Community Village module is intended to concentrate higher-intensity commercial uses around the intersection of two arterials. Creating a Community Village module within a Suburban Mix Module benefits both the residential and commercial uses in each. The co-location of more intense uses creates opportunities for a sense of place not possible in a more sprawling pattern of commercial uses along an arterial. Approximately 18.60 acres of land within the module have been designated for retail/service/commercial uses at the southeast corner of Custer Road and Bloomdale Road.

Suburban Mix Module:

The Suburban Mix Module promotes a neighborhood setting with single family detached houses as its primary development type. The Comprehensive Plan explains that while McKinney features areas for lower density housing (e.g. Estate Mix) and higher density housing (Town Center and Regional Employment Center), the Suburban Mix modules provide housing for the majority of all citizens, and provides significant opportunities for owner-occupied housing on medium sized lots with convenient access to the frequently needed retail uses. Approximately 38.10 acres of land within the module have been designated for low density single family residential uses south of the proposed commercial tract at the southeast corner of Custer Road and Bloomdale Road.

The following special ordinance provisions are being proposed for the subject property:

1. Tract 1 (approximately 18.60 acres) shall develop in accordance with the requirements of Section 146-85 "BG" – General Business District, and as amended.
  - Commercial uses have a positive fiscal impact on the City, as the cost of City services they demand is less than the tax revenue they generate. Significant shopping opportunities give local consumers more choices and options and provide convenient access to goods and services that would otherwise require a trip outside the City. Commercial development in this module provides a quality of life benefit to residents, helps attract larger employers, and brings in customers from outside the City.
  - No special ordinance provisions are requested for this tract.
2. Tract 2 (approximately 38.10 acres) shall develop in accordance with the requirements of Section 146-72 "RS 72" – Single Family Residence District, and as amended, except as follows:
  - a. The layout of the residential lots shall generally develop in accordance with the attached zoning exhibit.

- The attached layout exhibit shows generally how the residential portion of the property will develop. At the time the property is platted, Staff will review the plat to ensure the lot layout and street pattern generally conform to the attached exhibit.
  - The Comprehensive Plan indicates that densities within the module shall generally be 3.2 to 3.4 dwelling units per gross acre of residential property, exclusive of areas of floodplain, erosion hazard setbacks, and lakes. The proposed average density of the residential tract is approximately 2.8 dwelling units per acre with a maximum of 108 dwelling units. The applicant has complied with Section 146-141 Residential Development Design Requirements of the Zoning Ordinance and has also met several of the “Design for Density” criteria stated in the Comprehensive Plan that projects can utilize to gain additional density within the module (allowing for increases from 3.2 dwelling units per acre to 3.4 dwelling units per acre) as stated below:
    - Curvilinear streets should be used rather than a modified grid pattern.
    - Natural areas such as creeks and lakes should have single loaded streets adjacent to them.
    - Usable open space should be centrally located throughout the neighborhood to serve as an amenity for all residents.
    - Cul-de-sacs should not be perfectly round, rather they should be more elliptical (tear drop) and off center.
    - Median features should be incorporated into street design, particularly at the entrance to neighborhoods.
  - 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. As stated above, the proposed request includes a residential layout that will be attached to the governing ordinance that incorporates many design elements such as curvilinear streets, single loaded streets adjacent to natural areas, and usable open spaces within the neighborhood, which go above the minimum requirements to help to ensure a high quality subdivision is constructed on the subject property.
- b. The mean and median lot size shall be a minimum of 7,200 square feet.
- Within the Suburban Mix module, the Comprehensive Plan states that single family residential uses should generally maintain a mean and median lot size of a minimum of 7,200 square feet. The applicant has proposed a layout exhibit (attached) for the residential uses that will maintain the prescribed mean and median lot size.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for Community Village and Suburban Mix uses. The FLUP Modules Diagram designates the northern one-third of the subject property as Community Village and the southern two-thirds as Suburban Mix within an undeveloped area. The Comprehensive Plan lists factors to be considered when a zoning is being considered within either a significantly developed or undeveloped area:

- **Comprehensive Plan Goals and Objectives:** The proposed zoning 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 “Economic Development Vitality for a Sustainable and Affordable Community” through the stated objective of the Comprehensive Plan, a “balanced development pattern.” Another goal of the Comprehensive Plan is accomplished through “Land Use Compatibility and Mix” by creating a “mix of land uses that provides for various lifestyle choices.”
- **Conformance with Desired Land Use Mix:** The proposed zoning shown on the attached zoning exhibit is within the allowable percentages for each of the land use in their respective modules. The attached Module Tracking Spreadsheets show the remaining acres of each land use allowed in this module.
- **Locational Criteria:** The uses proposed by this zoning request are within the allowable locations as shown on the FLUP modules diagram of the Comprehensive Plan. Per the Comprehensive Plan, the Community Village module and Suburban Mix module establish a list of locational criteria to be completed in the final design stages; many of which have already been provided in the preliminary plans as stated below:

**Community Village Module:**

- Higher intensity uses such as Retail – Regional, Office – Regional, and Entertainment should be located at the core of this module.
- Single family residences should be located at the periphery of this module.
- A minimum of two major arterials crossing within the module or adjacent to the module.

**Suburban Mix Module:**

- Commercial uses are to be located nearest the intersection of two major arterials.
- Parks should be developed in areas to preserve existing trees, wetlands, or natural habitat. Parks should also work in conjunction with school sites and be accessible by pedestrians, bicycles, and public streets.

- Open space should be used as an amenity for surrounding development. Many times the open space takes the form of a floodplain, wetlands, or stands of existing trees. This integration can occur in many ways—a common method is to have a road front the open space providing a public view, access, or “front-door” to the amenity.
- Low density single family detached residential development be designed with streets that connect the homes to arterials and do not encourage “cut through” traffic patterns.
- Sidewalks and Hike & Bike Trails should be provided to accommodate pedestrians and bicyclists on both sides of public streets.
- Compliance with Community Form: The proposed zoning request should allow the future development to have a positive impact on the community form and character of the built environment within the Suburban Mix and Community Village modules. The form of the built environment in a Suburban Mix module is centered on the suburban style home and standard traditional neighborhood unit. This traditional neighborhood unit may have commercial land uses located near neighborhoods at the intersections of arterials in order to provide convenient access to the most frequently needed retail uses. The form of the built environment within the Community Village module is a village concept. The village concept is defined through unified architecture; well-planned pedestrian connections linking buildings, parking, and amenities; and buildings sited to create pedestrian spaces.
- Impact on Infrastructure: The Future Land Use Plan designates the subject property as a potential location of commercial development at the intersection of two arterials as well as single family residential to the south of this commercial area. The water master plan, sewer master plan, and thoroughfare plan are all based on the anticipated land uses as shown on the Future Land Use Plan. The proposed zoning request is consistent with the anticipated land use. Thus, the proposed zoning request should have a minimal impact on the existing and planned infrastructure in the area.

Staff and the applicant have been working on a developer’s agreement to deal with the provision of services and mitigate anticipated possible costs to the City associated with the proposed associated annexation (12-067A). The developer’s agreement is scheduled to be considered at the February 5, 2013 City Council meeting.

- Impact on Public Facilities/Services: The Future Land Use Plan designates the subject property as a potential location of commercial development at the intersection of two arterials as well as single family residential to the south of this commercial area. Similar to infrastructure, the public facilities/services are all planned for based on the anticipated land uses as shown on the Future Land

Use Plan. The proposed zoning request is consistent with the anticipated land use. Thus, the proposed zoning request should not have any additional impact on what has been planned for with regard to public facilities and services, such as schools, fire and police, libraries, parks and sanitation services.

Staff and the applicant have worked on a draft developer's agreement to deal with the provision of services and mitigate anticipated possible costs to the City associated with the proposed associated annexation (12-067A). The developer's agreement is scheduled to be considered at the February 5, 2013 City Council meeting.

- Compatibility with Existing and Potential Adjacent Land Uses: The properties to the south of the subject property currently are used for farm and ranch single family residential uses. The adjacent eastern properties are currently zoned for low density single family residential or are located within McKinney's ETJ – Extraterritorial Jurisdiction and have not been incorporated into the city limits. The adjacent northern property is zoned for commercial uses, and the properties to the west of the subject property across Custer Road are developed as the Whitley Place (Town of Prosper) single family subdivision.

The Comprehensive Plan states that staff should make assessments and recommendations based on the anticipated uses expected in the long term for tracts that are developing within areas of minimal development, such as the subject property. In addition, the proposed development should be considered within the context of the entire city and the Comprehensive Plan as a whole. Given these criteria, Staff feels that the proposed development is compatible with the expected development and may be indicative of future development as McKinney's Northwest Sector develops. This proposed zoning request should provide for a wide range of retail, service, and office establishments, in addition to new housing options, that will serve the needs of the adjacent and nearby residents.

- Timing of Zoning Request: The proposed zoning request does not appear to hinder or negatively impact the ability of other properties within the module to develop with their respective primary land uses.
- Fiscal Analysis: The attached fiscal analysis shows a positive net cost benefit of \$306,341 using the full cost method for a total of 18.60 acres of retail use and 38.10 acres of single family residential use. This positive fiscal impact is based on the property going from an unzone property to commercial and single family residential zoning designations.

The full cost method of calculating public service cost is useful for citywide modeling and forecasting. This method takes the entire city budget into account, including those costs that cannot be attributed to any one project such as administrative costs and debt service on municipal bonds. Because the full cost

method takes into account all costs, it is useful in tracking the city budget to determine if the citywide tax revenue is sufficient to pay for the operating costs to the city.

**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
- Land Use Module Tracking Worksheets
- Fiscal Impact Analysis
- Proposed Zoning Exhibit - Layout
- PowerPoint Presentation