

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 JBI Partners, Inc., on Behalf of D.R. Horton – Texas, Ltd., for Approval of a Request to Rezone Fewer than 4 Acres from “PD” – Planned Development District to “PD” – Planned Development District, to Allow for Single Family Residential Uses, Located Approximately 2,200 Feet West of Independence Parkway and Approximately 2,300 Feet South of Virginia Parkway

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the May 21, 2013 meeting.

STAFF RECOMMENDATION: Staff recommends denial of the proposed rezoning request due to lack of conformance with the density requirements of the Comprehensive Plan.

However, should the rezoning request be approved, Staff recommends the following special ordinance provisions be included:

1. The subject property shall develop in accordance with “PD” – Planned Development District Ordinance No. 2013-04-042, except as follows:
 - a. The maximum density shall be 4.67 dwelling units per acre.
 - b. The development of the subject property shall generally conform to the attached concept plan.

APPLICATION SUBMITTAL DATE: April 17, 2013 (Original Application)

ITEM SUMMARY: The applicant is requesting to rezone approximately 3.00 acres of land from “PD” – Planned Development District to “PD” – Planned Development District, generally to modify the development standards. The subject property was formerly an outparcel, completely surrounded by future phases of the Reserve at Westridge Subdivision. It is the intent of the applicant to develop the subject property within the neighborhood with similar standards to the surrounding properties.

At the April 9, 2013 Planning and Zoning Commission meeting, the applicant presented the request to zone the subject property to “PD” – Planned Development District, with several special ordinance provisions, including a mean and median lot size of 7,200 square feet, a requirement of 100 percent masonry on all elevations of each home, and a request for a density of 4.67 dwelling units per acre. While Staff supported the first two provisions, Staff was unable to support a density that exceeded the Comprehensive Plan’s maximum density of 3.2 dwelling units per acre (up to 3.4 dwelling units per acre if Design for Density elements of the Comprehensive Plan have been provided). Ultimately the Commission voted to recommend approval of the applicant’s request, which included a maximum density of 4.67 dwelling units per acre.

On April 16, 2013, City Council voted to annex this parcel into the City and zone the property following Staff’s recommendation, with a maximum density of up to 3.4 dwelling units per acre. At this meeting, the applicant’s presentation and layout were inadvertently left out of the attachments provided to the Council, thus the applicant felt that City Council did not get a complete perspective of the request to develop 14 lots in a manner consistent with the surrounding single family residential properties. With that said, the applicant has submitted this rezoning request in order to clarify their proposal and request a density that does exceed the Comprehensive Plan’s requirements (4.67 dwelling units per acre), but is lower than the density of the immediately adjacent properties (allowing a maximum density of 5.2 dwelling units per acre).

Although Staff is unable to support a density that exceeds the Comprehensive Plan’s requirements, Staff feels that the request will allow for a consistent development pattern within the larger Reserve at Westridge Subdivision and the minor increase in density should not negatively affect the surrounding properties.

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. 2013-04-042 (Single Family Residential Uses)

North	“PD” – Planned Development District Ordinance No. 2006-04-044 (Single Family Residential Uses)	Future Phase of the Reserve at Westridge Subdivision
South	“PD” – Planned Development District Ordinance No. 2006-04-044 (Single Family Residential Uses)	Future Phase of the Reserve at Westridge Subdivision
East	“PD” – Planned Development District Ordinance No. 2006-04-044 (Single Family Residential Uses)	Future Phase of the Reserve at Westridge Subdivision

West	“PD” – Planned Development District Ordinance No. 2006-04-044 (Single Family Residential Uses)	Future Phase of the Reserve at Westridge Subdivision
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PROPOSED ZONING: The applicant has requested to rezone the subject property from “PD” – Planned Development District to “PD” – Planned Development District, generally to increase the density in order for the lots to be more consistent with the surrounding adjacent parcels within the existing Reserve at Westridge Subdivision (Parcels 11A10 and 1406).

The requested rezoning would allow an increase in the maximum allowed density from 3.2 to 4.67 dwelling units per acre, increasing the number of proposed lots from 9 to 14 respectively. The concept plan illustrates a 14-lot plan providing a variety of lot sizes, many of which exceeding the proposed lot sizes of the adjacent surrounding portions of the neighborhood. Staff understands the applicant’s desire to create continuity and consistency between the future surrounding adjacent neighborhoods and the subject property; however, Staff is unable to support a density (4.67 dwelling units per acre) that exceeds the maximum allowed (up to 3.4 dwelling units per acre) per the Comprehensive Plan.

As stated above, Staff is unable to support the request for additional density but feels the request will allow for a consistent development pattern within the larger Reserve at Westridge Subdivision and the minor increase in density should not negatively affect the surrounding properties. Should the rezoning request be approved, Staff recommends the following special ordinance provisions be included:

1. The subject property shall develop in accordance with “PD” – Planned Development District Ordinance No. 2013-04-042, except as follows:
 - a. The maximum density shall be 4.67 dwelling units per acre.
 - b. The development of the subject property shall generally conform to the attached concept plan.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for low density residential uses. The FLUP modules diagram designates the subject property as a 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 in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed rezoning request 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”.

- Impact on Infrastructure: The Future Land Use Plan (FLUP) designates the subject property generally for residential within a significantly developed area. 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 of the subject property to residential uses conforms to the Future Land Use Plan, and should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area.
- Impact on Public Facilities/Services: 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 Future Land Use Plan (FLUP) designates the subject property generally for residential. The proposed rezoning request does not alter the projected land use and, thus, should have a minimal 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 similar residential uses. The proposed rezoning request will not alter the land use from what has been planned for the subject property. Because the subject property and adjacent land uses are both planned for residential uses, Staff is of the opinion the requested provisions will be compatible with existing and future development within the area.
- Fiscal Analysis: Staff feels that there will not be a significant 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 single family residential zoning of the subject property.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of residential land uses in the area as the proposal is in conformance with the Future Land Use Plan and the surrounding adjacent properties are zoned and being developed for residential uses.

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

- Existing PD Ordinance 2013-04-042
- Proposed Concept Plan
- PowerPoint Presentation
- Applicant's PowerPoint Presentation