

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Michael Quint, Senior Planner

**FROM:** Abra R. Nusser, Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by J. Volk Consulting, Inc., on Behalf of the City of McKinney, T. L, Wheeler, Jr., and Standard Pacific of Texas, for Approval of a Request to Rezone Approximately 128.95 Acres from “PD” – Planned Development District, “AG” – Agricultural 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 East Side of Alma Road and on the North Side of Silverado Trail.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the December 6, 2011 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to nonconformance with the character prescribed by the “REC” – Regional Employment Center Overlay District. Staff feels that by eliminating the required garage/façade offset for the proposed 50’ wide lots and for proposing a dead-end street, the rezoning request in direct conflict with the design guidelines and intent of the REC.

*Should the proposed rezoning request be approved, the following special ordinance provisions would be applicable:*

1. Use and development of the subject property (128.95 acres), more fully depicted on Exhibit A, shall conform to the “REC” – Regional Employment Center Overlay District, and as amended, except as follows:
  - a. The subject property shall generally conform to the attached general development plan (Exhibit B).
  - b. The subject property shall develop in accordance with the attached development regulations (Exhibit C).
  - c. The subject property shall generally conform to the attached entryway exhibits (Exhibit D).

**APPLICATION SUBMITTAL DATE:** August 29, 2011 (Original Application)  
September 26, 2011 (Revised Submittal)  
October 4, 2011 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 128.95 acres of land, located on the east side of Alma Road and on the north side of Silverado Trail from “AG” – Agricultural District, “PD” – Planned Development District, and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District.

The proposed general development plan reflects a development consisting of a maximum of 485 detached single family residential lots and 28 common areas. Two sizable pockets of internal open space (pocket parks) are being proposed as well as several other pedestrian friendly amenities including, but limited to linear open spaces with a sidewalk system connecting the larger pocket parks with the adjacent southern elementary school and the City’s Gabe Nesbitt Park.

**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.

The applicant will be responsible for all drainage associated with the subject property and for compliance with the Storm Water Ordinance, which may require on-site detention. Grading and drainage plans are subject to review and approval by the City Engineer, prior to the issuance of a development 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: “PD” – Planned Development District Ordinance No. 2011-04-022 (Single Family Residential Uses), “PD” – Planned Development District Ordinance No. 2006-07-092 (Single Family Residential Uses), “AG” – Agricultural District, and “REC” – Regional Employment Center Overlay District

North “PD” – Planned Development District Ordinance No. 97-06-36 (Open Space Uses) Gabe Nesbitt Park

South “PD” – Planned Development District Ordinance No. 2002-06-068 (Single Family Residential Uses) and “REC” – Regional Employment Center Overlay District Harvest Residential Development Bend

	“O” – Office District and “REC” – Regional Employment Center Overlay District	Future Comstock Elementary School
	“PD” – Planned Development District Ordinance No. 2004-01-002 (Commercial Uses) and “REC” – Regional Employment Center Overlay District	Undeveloped Land
East	“PD” – Planned Development District Ordinance No. 2001-07-078 (Single Family Residential Uses) and “REC” – Regional Employment Center Overlay District	Brookstone Residential Development
West	“O” – Office District and “REC” – Regional Employment Center Overlay District	Future Comstock Elementary School
	“PD” – Planned Development District Ordinance No. 2005-07-072 (Single Family Residential Uses) and “REC” – Regional Employment Center Overlay District	Craig Ranch North Residential Development

**EXISTING ZONING:** On April 5, 2011, the City Council adopted a rezoning request (10-118Z) for the southernmost approximately 83 acres of the subject property. This rezoning request replaced approximately 17 acres of office zoning with residential zoning allowing the applicant to propose approximately 354 detached single family residential lots on the entire 83 acre property. This rezoning request also proposed several changes to the development standards that were in place at the time along with design elements that were not ideal in pedestrian-oriented communities (e.g.: a cul-de-sac road). One of the most substantial changes to the development standards included a modification in the required garage face/building face offset.

More specifically, the Regional Employment Center Overlay District’s Residential Site Design standards require that attached garages accessed by driveways from the front of the house be set back at least 20 feet from the front façade of the house. The applicant for that rezoning request wanted to significantly reduce and/or eliminate this required offset. However through internal discussions, City Staff and the applicant for that rezoning request were able to reach a compromise; a required porch with a minimum 10 feet in depth along the front of the house, coupled with a 10-foot offset from the front of the porch to the face of the garage.

The planned development district ordinance reflecting this compromise and all of the other modifications that were approved by the City Council may be reviewed by referencing attached Ordinance No. 2011-04-022.

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “PD” – Planned Development District, “AG” – Agricultural 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. Two of the proposed modifications to the development standards for the subject property are in direct conflict with the pedestrian-oriented character that is mandated by the REC Overlay District.

Subsequent to the adoption of the last rezoning request for approximately 83 acres, the applicant set out to acquire more adjacent vacant land in the hopes of expanding the proposed development. The owner of the original 83 acres (Standard Pacific of Texas) has recently entered into talks regarding the acquisition of approximately 41 acres from TL Wheeler, Jr. (the property located to the north of the original 83 acres and directly south of Gabe Nesbitt Park) and 5 acres from the City of McKinney (remaining vacant eastern portion of the Fire Station No. 8 property). To ensure a consistent residential development with a unified set of development regulations, the applicant has requested to rezone the originally zoned approximately 83 acres as well as the additional approximately 46 acres.

The majority of the proposed modifications to the development standards for this rezoning request are consistent with the modifications requested by the prior rezoning request that was approved by the City Council on April 5, 2011. With that stated, the applicant is proposing two modifications that Staff cannot support. These modifications are discussed in more detail herein.

Garage/Façade Offset: The Regional Employment Center Overlay District’s Residential Site Design standards require that attached garages accessed by driveways from the front of the house be set back at least 20 feet from the front façade of the house. The purpose of the REC design standards is to allow for the development of fully integrated pedestrian-oriented neighborhoods. The garage/façade offset, as described, not only provides for a more aesthetically pleasing product, but it creates a usable public/private open space addressing the street, providing the opportunity for pedestrian interaction within the neighborhood.

Although the applicant is proposing to generally comply with this standard for the larger lots in the development (62’x115’ lots and 75’x120’ lots), the applicant is proposing that the required garage/façade offset be eliminated on the smaller proposed lots (50’x110’ lots) which comprise 214 lots out of a total of 485 lots (approximately 44 percent).

While the proposed general development plan appears to reflect a 5’ offset from the face of the structure to the face of the front-entry garage for homes on the smaller lots, a closer examination of note #3 on the proposed general development plan indicates that this 5’ offset could be measured from the face of the porch to the face of the garage. The standards shown on the proposed general development plan also indicate that front porches are optional thereby leaving some homes on the small lots with no garage offset and consequently, no public/private open space. The elimination of the public/private open space on each of these lots will significantly erode the pedestrian-oriented character that is mandated by the REC.

REC single family detached lots require a build-to-line to be no greater than 1/3 and no less than 1/10 the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block, and 20 percent may be set back farther than the build-to-line. Assuming that the average lot width is 50', the build-to line for these lots could be anywhere from 5' to 16'.

With no garage offset being provided, the driveways for homes on 50' wide lots may only be 5' to 16' in length. If a vehicle were to try to park in this driveway rather than pulling completely into the garage, the vehicle would overhang into the public street presenting problems for traffic circulation and safety. The overhanging vehicle would also block continuous access to the public sidewalk forcing pedestrians to walk in the street. This situation would erode the pedestrian-oriented nature that is prescribed by the REC Overlay District and present possible safety concerns.

Given these concerns, Staff is not comfortable supporting the applicant's request that no garage offset be required on the proposed 50' wide lots. However, Staff is comfortable supporting a modification to the REC's required 20' garage offset. More specifically, Staff would support a special ordinance provision requiring a porch with a minimum 10 feet in depth, coupled with a 10-foot offset from the front of the porch to the face of the garage. This 10' offset/10' porch compromise would satisfy the intent of the requirement to provide public/private open space on each lot and also would ensure that a driveway of sufficient length is provided for vehicles. The applicant has not indicated any willingness to agree to the proposed 10' offset/10' porch compromise that they agreed to in April of 2011 with the adoption of PD Ordinance 2011-04-022 (covers the southernmost 83 acres of the subject property).

An exhibit illustrating the REC Overlay District's requirements, the applicant's proposal, and Staff's proposed compromise is attached (Garage Offset Exhibit).

Cul-de-sac: The REC requires that all streets terminate at other streets at both ends, and cul-de-sacs are only allowed due to a topographical or other environmental issue. The applicant is proposing a cul-de-sac in the northwestern portion of the subject property that does not connect to another street. The dead-end street is not proposed due to a topographical or environmental issue that would necessitate a cul-de-sac at this location so the dead-end street is not allowed. Staff is not comfortable with the proposed street configuration in this area and feels that the street should connect with the east-west street to the south, which could be accomplished through a redesign of the layout in that particular area of the neighborhood, and could provide for better pedestrian and vehicular connectivity within the development.

As such, Staff recommends denial of the proposed rezoning request due to a lack of conformance with the "REC" – Regional Employment Center Overlay District. Staff feels that by eliminating the required garage/façade offset for the proposed 50' wide lots and for proposing a dead-end street, the rezoning request is in direct conflict with the design guidelines and intent of the REC.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for medium density residential uses. The Future Land Use Plan 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 is consistent with some of the goals and objectives of the Comprehensive Plan and at odds with others. In this case, the Comprehensive Plan recognizes the need for an “Attractive Hometown that Promotes McKinney’s Character” through the stated objective of providing “Homes and Buildings Complying with City Standards and Codes” which Staff feels is not consistent with the proposed rezoning request due to nonconformance to the REC.
- **Specific Area Plan or Studies:** The subject property is within the “REC” – Regional Employment Center Overlay District’s Neighborhood Zone. As detailed above, Staff feels that by eliminating the required garage/façade offset for a large portion of the proposed lots and by proposing a dead-end street, the rezoning request is in direct conflict with some of the key design concepts/guidelines of the REC.
- **Impact on Infrastructure:** 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 Future Land Use Plan designates the subject property generally for medium density residential uses. The proposed rezoning request should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area. While Staff examined the impact that the proposed uses would have on the infrastructure in the area, it is not a determining factor in Staff’s recommendation of denial.
- **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 designates the subject property generally for medium density residential uses. The proposed rezoning request should have a minimal impact on planned public services, such as schools, fire and police, libraries, parks and sanitation services. While Staff examined the impact that the proposed uses would have on the public facilities/services in the area, it is not a determining factor in Staff’s recommendation of denial.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The properties located adjacent to the subject property are used and/or zoned for a mix of uses including park, commercial, and similar single-family residential uses. Staff feels that the proposed residential project should be compatible with the predominately single family residential uses which characterize the area.

- Fiscal Analysis: The attached fiscal analysis shows a negative net cost benefit of \$361,706 using the full cost method. 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.
- Concentration of a Use: The proposed rezoning should not result in an over concentration of residential land uses in the area. Currently, the surrounding properties are used and/or zoned for a mix of uses including park, commercial, and similar single-family 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
- Fiscal Analysis
- Existing “PD” – Planned Development District Ordinance No. 2011-04-022
- Existing “PD” – Planned Development District Ordinance No. 2006-07-092
- Garage Offset Exhibit
- Proposed Zoning Exhibit A – Location Map
- Proposed Zoning Exhibit B – General Development Plan
- Proposed Zoning Exhibit C – Development Regulations
- Proposed Zoning Exhibit D – Entryway Exhibits
- PowerPoint Presentation