

**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 Baldwin Associates and Emerald Cottages Group, L.L.C., on Behalf of Fourteenth Street, L.P., for Approval of a Request to Rezone Fewer than 6 Acres from “PD” – Planned Development District to “PD” – Planned Development District, Generally to Modify the Development Standards, Located Approximately 900 Feet North of Eldorado Parkway and on the East Side of Alma Road

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the September 17, 2013 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to non-conformance with the Comprehensive Plan, the City’s Multi-Family Policy, Section 146-139 (Architectural and Site Standards), and Section 146-132 (Fences, Walls, and Screening Requirements) of the Zoning Ordinance.

**However, should the rezoning request be approved, the following special ordinance provisions shall apply:**

1. The use and development of the subject property shall develop in conformance with the “MF-1” – Multiple Family Residential – Low Density District of the Zoning Ordinance, except as follows:
  - a. The development of the subject property shall generally conform to the attached site and landscape plan exhibits.
  - b. Maximum building height shall be one (1) story.
  - c. Windows within 150 feet of a property line shall be allowed to be oriented towards adjacent single family residences.
  - d. A masonry screening wall shall not be required along all side and rear property lines.

- e. A maximum of 34 dwelling units shall be permitted, as shown on the attached site layout exhibit.

**APPLICATION SUBMITTAL DATE:** June 10, 2013 (Original Application)  
June 24, 2013 (Revised Submittal)  
July 5, 2013 (Revised Submittal)  
July 9, 2013 (Revised Submittal)  
July 11, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to rezone approximately 5.25 acres of land currently zoned for office uses, generally to modify the development standards and to allow multi-family residential uses.

More specifically, the applicant has proposed a single-story, senior multi-family residential development on the subject property. The applicant has requested to modify the screening requirements and requirements for windows facing single family residential, in addition to providing a site and landscape plan that depicts how the property must develop.

This item was tabled at the August 13, 2013 Planning and Zoning Commission meeting due to a noticing error.

**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. 1997-06-036 (Office Uses)

North	"PD" – Planned Development District Ordinance No. 1997-06-036 (Single Family Residential Uses)	Stanford Meadow
South	"PD" – Planned Development District Ordinance No. 1997-06-036 (Office Uses) and "PD" – Planned Development District Ordinance No. 2008-11-109 (Office Uses)	Stonefield Assisted Living and Memory Care and Undeveloped Land
East	"PD" – Planned Development District Ordinance No. 2001-09-115 (Single Family Residential Uses)	Canyon Estates

West

“PD” – Planned Development District  
Ordinance No. 1997-06-036 (Single  
Family Residential Uses)

Parkview Estates

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property to allow senior multi-family residential uses and to modify the development standards for said use. Specifically, the applicant has requested to eliminate the requirement to provide a 6’ tall masonry wall along the side and rear property lines and to be allowed to orient windows towards the existing single family residential within 150 feet of the northern and eastern property lines. The applicant has also attached a site and landscape exhibit depicting how the property will develop, limiting the number of dwelling units to 34 (6.5 units per acre).

Section 146-94 (“PD” – Planned Development District) of the Zoning Ordinance also states that no proposed PD District Ordinance may be approved without ensuring a level of exceptional quality or innovation for the design or development. The applicant has indicated in the letter of intent that this is achieved through low density, the configuration, and the urban design of the project. Though the proposed development has a density below the maximum of 12 units per acre allowed within the “MF-1” district, Staff is not of the opinion that the reduced density ensures exceptional quality within the development nor does the site layout exhibit an innovative design.

Since the requested provisions conflict with the multi-family development standards of the Zoning Ordinance and the City’s Multi-Family Policy (discussed further below), Staff is unable to support the request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for office uses. The FLUP 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 request is generally not in conformance with the goals and objectives of the Comprehensive Plan, particularly “Attractive Hometown that Promotes McKinney’s Character” through the objective “homes and buildings complying with City standards and codes”, as well as the goal of “Land Use Compatibility and Mix”, specifically through the objective of “land uses patterns that optimize and balance the tax base of the City”.

Additionally, the proposed rezoning request does not help to further a strong, balanced economy, which is a stated strategic goal of the City Council. Nearly three quarters of the City’s ad valorem tax base comes from its residential housing stock. In order to balance this tax base, more non-residential uses are needed. Rezoning an area designated for office uses to multi-family residential uses will not help to balance the ad valorem tax base.

- Impact on Infrastructure: The proposed rezoning request may have an increased impact on the existing and planned water, sewer and thoroughfare plans in the area due to the shift from office uses to multi-family residential uses.
- Impact on Public Facilities/Services: The proposed rezoning request will have an impact on public services, such as schools, fire and police, libraries, parks and sanitation services, due to the addition of multiple family residential uses.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for single family residential and office uses, and while the proposed rezoning request will alter the land uses on the subject property, Staff is of the opinion the requested use (in conjunction with the associated development regulations) will be compatible with existing and future development within the immediate area.
- Fiscal Analysis: The attached fiscal analysis shows a negative cost benefit of \$85,620 using the full cost method.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of multifamily land uses in the area.

**CONFORMANCE TO THE MULTI-FAMILY POLICY:** The current multi-family policy was adopted by City Council in August of 2001. In reviewing requests to rezone property for multi-family uses, Staff evaluates the request for conformance to the policy criteria listed in the Comprehensive Plan.

Multi-family developments serve an important function in McKinney. Multi-family developments function as housing for young professionals who are not ready to own homes, as well as housing for citizens who are relocated on a regular basis by their employer. Multi-family also provides housing for retirees who seek low maintenance living and, in some cases, they serve as affordable housing for those who cannot meet the expense of home ownership. While the City of McKinney recognizes the importance of multi-family land use, attention should be given to how it is developed. For this reason, the following are the design and location parameters that apply to multi-family developments in McKinney.

1. Multi-family developments shall be subject to architectural standards as provided for in Section 146-139 of the Zoning Ordinance.
2. Multi-family uses should not be located in large, high-density concentrations and clusters, but rather dispersed in small groupings around the city in a balanced manner that provides a mix of uses and densities.
3. Multi-family developments should generally be no greater in size than either 20 acres or 400 units.

4. Multi-family developments shall be located at major thoroughfare intersections rather than between intersections (i.e., not mid-block).
5. Multi-family uses shall be located on only one corner of a major intersection, unless they are constructed as part of a mixed-use vertical development.
6. New multi-family zoning shall not be located within 1,320 feet (one-quarter mile) of any other multi-family zoning district.
7. In each of the six planning sectors, the number of multi-family units generally should not exceed 10% of the total number of existing or estimated future residential housing units.
8. Vertical developments shall not count towards the multi-family percentage. These mixed-use areas will be calculated separately from the overall percentage of multi-family units. A vertical mixed-use area shall be defined as one with a non-residential use (typically retail or office) on the lower floors and residential uses on the upper floors. The City encourages the vertical mixing of rental units with other land uses.

At the time the Multi-Family Policy was adopted in 2001, all of the sectors of the City were above the allotted 10% and the applicant's request to allow new multi-family zoning will only make these percentages increase. The Multi-Family Policy also states that if the Future Land Use Plan does not designate the property for multi-family, then the request will be recommended for denial. As such, the proposed rezoning request is not in conformance with the Multi-Family Policy and Staff recommends denial of the proposed rezoning request.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received no comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- Planning and Zoning Commission Meeting Minutes 08-13-13
- Location Map and Aerial Exhibit
- Letter of Intent
- Fiscal Analysis
- Proposed Zoning Exhibit – Boundary
- Proposed Zoning Exhibit – Site Plan
- Proposed Zoning Exhibit – Landscape Plan
- PowerPoint Presentation