

DONALD E. PASCHAL, JR.

904 Parkwood Court McKinney, TX 75070 Tel. & FAX 972.529.1325
email: donp@paschalconsulting.com

November 24, 2014

Mr. Michael Quint
Director of Planning
City of McKinney
308 North Tennessee
McKinney, Texas 75069

Re: Supplement and Modification to Nov. 10, 2014 Zoning Letter of Intent –
John Lowery / Wholelife Multi-family Zoning Amendments to existing PD
Ordinance covering approximately 5.560 acres in the Cooper Life PD of the
REC PD – Supplement and Modification of Application and

Dear Mr. Quint:

This supplement and modification to our November 10 letter of intent regarding a zoning amendment request to the Cooper Life Planned Development approved November 7, 2006 is provided to summarize and document:

- Modification to the acreage based on discussions and agreement with Planning Staff as a better mechanism to help assure blending of the property's involved with the original intent and design integrity of the "urban / uptown" character of the area.
- The area of the modified zoning.
- To illustrate for both Staff and review entities (P & Z and City Council) how the mixed use area along Collin McKinney Parkway can be developed based on the proposed ordinance complete with the more restrictive parking illustration and parking calculations for both mixed use including upper floor residential use with first floor retail / office and mixed use providing retail / office on first floor with upper floor office use.
- Address issues in which the proposal differs from various Staff requests.

Zoning amendment summary

The November 10 application which was for 5.560 acres of multi-family zoning has been modified to a total of 8.569 acres for both multi-family and mixed use development. The mixed use portion of the property is zoned for this purpose, but in a somewhat different configuration. Thus, to address needed adjustments and to address staff concerns for the viability of a minimum of two story mixed use on the

property fronting Collin McKinney Parkway, we have added the mixed use provision to the zoning adjustments to help assure that the mixed use and multi-family areas will function together and contribute to the intent of the “Cooper Life” area of the REC.

The area has been zoned for all the proposed uses including heights greater than requested, high densities, mixed retail, office, and residential, enclosed parking, small setbacks, and other urban mix provisions. However, as the project design and other details emerged, it was apparent that tweaks to the zoning are necessary to accommodate the mix of project elements as proposed and for which funding is now available. This project has an approved allocation of funding if all approvals can be finalized before funding authorization expires.

To illustrate how the mixed use two story uses can function on Collin McKinney Parkway, we have prepared examples of building and parking layout showing residential above retail or office with enclosed parking for the residential uses. In this illustration, we have preserved the required fire and access drive behind the units. This concept, the mix of uses, and multi-story uses along Collin McKinney, plus the higher density units fronting the open space to the north are all in conformance with original REC design intentions and to validate that parking provisions can be met. The CM Pkwy illustrations are not to the detail of a site plan, but are representative of the owner’s current intent for development and are appropriate representations for a quality design concept. The initial multi-family and other residential in the area must be built out in order to generate sufficient demand for the office, retail, and other non-residential uses to materialize.

Attached herewith and identified as Exhibit “A” are the proposed PD Standards and Regulations for the “Whole Life” Project. The changes detailed in the PD Standards and Regulations are relatively minor adjustments to the existing ordinance which already provides for dense, urban design mixed uses and multi-family. The property was previously zoned under the Collin McKinney Parkway Corridor Zone and the multi-use and high density residential district of the REC since 2001 and the Cooper Life PD since 2006.

Project Infrastructure and Existing Conditions

As is apparent from a tour of the area, this property has extensive infrastructure (all roads, utilities, etc.) representing a major developer and community investment. This project is the first opportunity since the last 2006 PD zoning to bring exceptionally high quality, urban design multi-family to the Cooper Life area of the REC. The new proposed PD provisions are high density, urban design standards. The intent of the Collin McKinney Parkway Corridor Zone and the multi-use and high density residential district of the REC are still intact and are being fully met.

Other existing uses in the Cooper Life PD (Ordinance No. 2006-11-132) remain as currently zoned. Planning Staff advised that a new General Development Plan is not needed.

Supporting / Reference Documents

Attached / included with this supplement to the letter of zoning intent are the following:

- A modified zoning application
- Exhibit A - Proposed PD Standards / Regulations for “Whole Life” Project
- Exhibit B - Legal Description incorporating the additional property in the proposed PD ordinance
- Exhibit C - Land Use Regulatory Graphic showing boundaries of proposed use areas
- Exhibit D - overall illustrative site plan showing details of the proposed multi-story lots
- Exhibit E - illustrative site plan of building placement, access drives, roads, and related features for mixed uses fronting Collin McKinney Parkway

Response to Staff Issues

As part of the project review by staff, project design team representatives met with multiple staff (Planning, Engineering, and Fire) and discussed areas of specific concern. The design team then met with and discussed all the details and options with the developer / owner, architects, engineers, and planning advisors to evaluate and incorporate as many of the staff requests into the project as realistic. While there are many area where the project applicant and City Staff are in agreement, there are certain areas of Staff concern that the applicant either has not been able to resolve or believes the application is appropriate as proposed. The following is a summary of applicant responses to the noted Staff concerns:

1. Concern for Mixed Use Preservation along Collin McKinney Parkway –
This Planning issue was mentioned in the above Zoning Amendment Section since the CMP property is a recent addition to the application as requested by Staff. To illustrate how this property is expected to be developed, we have provided two different probable scenarios on how these lots can develop. The purpose is to provide assurance of the capability of multi-story uses. The applicant is committed to multi-story mixed uses and recognizes that a single story, strip center look would not be consistent with the intent and development of the REC “urban / uptown” design objectives. These illustrations show a combination of first floor office/retail with second floor residential (complete with required parking) as well as a two story office / retail / commercial option.
2. At the hammerhead drive between the two buildings (Planning issue) along Hewitt (Block B), the applicant has agreed to add a landscaping to be installed between drive and building to screen parking at the commercial development along CMP from street view. Additionally, there are a few other locations where landscaping will be added to buffer and soften the drive approaches into the unit parking area.

3. Due to Fire Department concerns, the original hammerhead fire access between 4 project buildings (Block T) has been replaced with a circular fire lane meeting all radius requirements to access with a center project amenity. This area will not be a normal drive for vehicular access, but instead will function as an open space with decorative pavement for pedestrian and outdoor use, but will be open and available to achieve fire and emergency access needs.
4. Engineering has a concern for the distance separation between building drive access and the intersecting street (75' separation has been requested). It is simply not possible to achieve a 75' separation (which is near full suburban design standards) and preserve the project. Suburban design standards in an urban project design are not universally possible, particularly where most of the infrastructure is complete. We have, however, worked to modify the distance where possible and now have at least half of the buildings meeting a desired separation. It is proposed that the balance of the entry drives be permitted a minimum of a 50' separation as illustrated on the accompanying Exhibit D. It is noted that the original Cooper Clinic has a drive access off of Aerobic Way that is only about 35' from Hewitt Dr. and this drive has not created undue problems of traffic conflict even though the Cooper Clinic has much more traffic than the proposed multi-story units will have. Additionally, the access streets with the drive approaches are all relatively low volume, low speed streets.
5. Planning has expressed concern for the north facing five story building in Block U that will have 5 townhomes across the street. It appears this area was originally zoned for up to 8 stories of condo (multi-family) use; thus, the proposed 5 story building complex may well be less than would have been constructed under existing standards. The applicant has evaluated the alternative of reducing the building height. Such a reduction is believed to be a detriment to the overall design of the proposed "Whole Life" project and the uniformity of the structure height should be preserved as proposed.
6. The Fire Marshall has requested that on-street parking in front of all of the buildings (parking is inset off of the driving lanes) be marked as a no-parking fire lane. Unfortunately this request effectively eliminates a major urban design feature of accentuating on-street parking, slowing speeds, and emphasizing pedestrian access. Planning has expressed a desire to preserve parking. We do, however, recognize that the Fire Department faces operational constraints due to some of the REC design as incorporated into the existing infrastructure. Therefore, we propose a compromise by preserving some on-street parking and restricting some spaces to no-parking emergency access. The intent is to provide spaces large enough for a fire apparatus to veer into to expand the space for outriggers thus leaving space in the street for other emergency equipment to pass. Even 4' of the parking

space plus the 22' street makes a total of 26' thus allowing 15' for apparatus set up and 11' remaining for other emergency equipment. The applicant will be willing to coordinate the final key no-parking locations with the Fire Department. Under this scenario, the mutual objectives are being addressed in part for each interest. Plus, all the units will have fire sprinkler systems; to assist with access to fire risers, it is suggested that we jointly work to provide ease of access to the risers.

It has been our objective to enhance the existing access for emergency equipment. While it is not possible to eliminate all the concerns of Fire or other staff, the applicant has worked diligently to address as many of the issues as possible.

Summary

It has been necessary to adjust some of the detailed zoning provisions to fit the shape of the existing properties while preserving the commercial corridor along Collin McKinney Parkway to which the subject property is adjacent. Per discussion with Staff, we have been agreeable to restructuring the PD revisions into a new, comprehensive PD ordinance that will be compatible with the REC but fully detailed in a new, stand-alone ordinance, thus simplifying administration.

All design standards proposed are fully compliant with the objectives of the REC and allow the project to take advantage of currently available funding for high value projects. The value of the subject property will be unparalleled in the area. There will be considerable value for the community; the investment per acre that will be exceptional. The proposed units are across from the large planned open space north of Hewitt Drive presenting a high quality view in addition to proximity to the Cooper Center and planned commercial projects on Collin McKinney Parkway.

As noted above, the applicant has endeavored to work with Staff and to respond to questions and make appropriate changes and adjustments as necessary in the shortest timeframe possible in cooperation with City Staff. We acknowledge and appreciate the open dialogue with Staff which has helped to expedite the process and address many issues in a positive fashion. As we have noted previously, project loan stipulations require that the P & Z consideration / action be on December 9 and Council consideration / action be on January 6, 2015.

The project owner and all design and advisory consultants working on the project recognize the extreme constraints of this time line. However, the funding opportunity is such that we have the potential to develop the current Whole Life Multi-Family and Mixed Use Project into the premier rental property in McKinney. In fact the aggregate value of the units will exceed the value of a corporate office structure on the acreage while furthering urban development objectives within the REC. This project will set a new standard for multi-family property in McKinney and will be a great asset to the City of McKinney and the other taxing entities impacted by the property.

We will be pleased to respond to any questions the City may have and will continue to work toward an optimum solution to project issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald E. Paschal, Jr.", written in a cursive style.

Donald E. Paschal, Jr.
Property / Project Representative and Representing
Project Applicant Wholelife Properties and
Property Owner Collin CR Wellness Communities LLC

RECEIVED
By Planning Department at 4:36 pm, Nov 24, 2014