

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Samantha Pickett, Planner II

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “PD” – Planned Development 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 Northwest Corner of Meyer Way and Collin McKinney Parkway

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the February 3, 2015 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to the proposed development standards’ inability to mandate or achieve a high quality development, as the attached exhibits and standards have not been fully vetted and are not, in Staff’s opinion, ready to move forward.

**APPLICATION SUBMITTAL DATE:** December 27, 2014 (Original Application)  
November 10, 2014 (Revised Submittal)  
November 24, 2014 (Revised Submittal)  
December 18, 2014 (Revised Submittal)  
December 29, 2014 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 8.57 acres of land, generally for mixed uses. More specifically, the proposed rezoning request modifies the development standards, including but not limited to lot area, width, and depth, maximum height, density, setbacks, landscaping, parking, and architectural requirements, as detailed in the attached development regulations. While the applicant is proposing uses currently allowed on the property, Staff’s opinion is that the requested development standards do not ensure high-quality development will be achieved, and need further modifications to ensure a development of exceptional quality can be built and the special ordinance provisions are clear and can be administered by Staff.

In 2006, the subject property was zoned as part of a larger, 50-acre tract known as Cooper Life at Craig Ranch. This zoning (PD 2006-11-132) established specific

development standards and tied down a general development plan (GDP) to ensure a high density, cohesive, pedestrian oriented, mixed-use development would be constructed (see attached GDP).

On December 9, 2014, the Planning and Zoning Commission voted 7-0-0 to continue the public hearing and table the item to the January 13, 2015 meeting per the applicant's request.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"PD" – Planned Development District Ordinance No. 2006-11-132 and "REC" – Regional Employment Center Overlay District (Mixed Uses)	Undeveloped Land
North	"PD" – Planned Development District Ordinance No. 2014-07-049 and "REC" – Regional Employment Center Overlay District (Single Family Residential Uses)	Undeveloped Land
South	"PD" – Planned Development District Ordinance No. 2014-11-087 and "REC" – Regional Employment Center Overlay District (Single Family Residential, Office, Commercial and Multi-Family Residential Uses)	Undeveloped Land
East	"PD" – Planned Development District Ordinance No. 2006-11-132 and "REC" – Regional Employment Center Overlay District (Mixed Uses)	Undeveloped Land
West	"PD" – Planned Development District Ordinance No. 2001-02-017 and "REC" – Regional Employment Center Overlay District (Commercial Uses)	Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property generally into two character districts which allow for multi-family uses ("WL-1" – Whole Life 1 District) and vertical mixed uses ("CMU" – Commercial Mixed Use District), further depicted on the attached Regulating Plan.

Staff has significant concerns with the proposed rezoning request moving forward as the proposed development regulations are unclear in many areas such as landscaping, screening, parking and architectural standards; refer to exhibits that are not attached to the request, and in some cases have provisions conflicting with other provisions, which

are listed and discussed in further detail below. There are also a number of areas within the development regulations which include unnecessary verbiage which can be removed, in order to streamline the standards. Please note Staff has provided a companion redline version of the proposed development standards which point out the areas of Staff's concern in greater detail. While Staff feels the majority of the issues could be resolved in time, the applicant has indicated the project is on an extremely aggressive timeline, and as such, has chosen to move forward with the request despite Staff's outstanding concerns.

**The following sections from the proposed development standards (please reference the attached companion redline of the development standards for further explanation) contain special ordinance provisions which Staff does not support:**

- *Landscaping*
  - The intent of one of the provisions is to provide screening of the drive approaches; Staff feels that landscaping should be provided along 100% of the drive approaches to screen vehicular access from pedestrian and street views.
- *Sidewalks*
  - Given the pedestrian-oriented intent of the project, Staff feels the sidewalks (other than along Collin McKinney Parkway) should be a minimum of 6' in width.
- *Parking Provisions*
  - Staff feels that off-street and tuck-under parking should be screened from view of public right-of-way, except for openings in the buildings for vehicular access. The use of the word "typically" implies that there may be instances where screening would not be required and will be challenging for Staff to make a consistent determination.
  - As one of the provisions is written, the entirety of the first floor (used for tuck-under parking) could have blank façade along the entire base of the building at the pedestrian level, which would not be consistent with the architecture of the upper floors and diminish the architectural interest of the proposed buildings. Staff feels that the design of the first floor tuck-under parking should be consistent with the upper floors, while still providing complete screening of the parking area from the street.
  - Staff cannot support solar screens for parking screening as the screen mesh is not inherently not opaque. If screens are not completely opaque, metal bars will be visible, which Staff is not comfortable with.

- Since the primary building frontages may face a public amenity area the parking entry gates could face any public right-of-way, which may not be appropriate in all locations.
- Based on conceptual layout plans submitted to Staff, the Fire Marshal has indicated that there are concerns with maintaining the on-street parking, given that, in order to achieve adequate fire coverage, much (if not all) of the on-street parking adjacent to the proposed buildings needs to be converted into a fire lane. This is at odds with pedestrian-oriented development the applicant is trying to achieve, and will significantly affect the streetscape should additional fire coverage not be provided off-street. Staff recommends additional fire lanes be provided on site to accommodate access for emergency services as well as on-street parking be provided in keeping with the urban, pedestrian-oriented character of the project.
- Staff is not comfortable allowing on-street parking to count for the requirement of enclosed parking for multi-family residential uses.
- There are already provisions regarding shared parking within the Zoning Ordinance, which permits specific uses to share parking. The uses currently being proposed would not qualify for shared parking.
- Staff has concerns that a structured parking facility might be placed along Collin McKinney Parkway with no commercial uses along the street frontage.
- *Other architectural and design features for the WL-1 District*
  - If primary building entrances can be oriented to a right-of-way or a public amenity area, it does not guarantee that buildings will be oriented towards the street, and could result in the “back-of-house” facing towards to the street.
  - In an effort to maintain a pedestrian-oriented streetscape, Staff recommends light standards be placed along both sides of all streets and pedestrian walkways.
  - Staff feels that defining the bedroom count limits flexibility in future building programming.
- *Other architectural and design features for the CMU District*
  - This section has not provided a provision to ensure consistent architectural design around all four sides of the building as provided in the WL-1 district above. Without such a provision, buildings could be oriented in such a way that the "back-of-house" faces the street.

- In an effort to maintain a pedestrian-oriented streetscape, Staff recommends light standards be placed along both sides of all streets and pedestrian walkways.
- Staff feels that defining the bedroom count may limit flexibility of future building programming.
- *Whole Life One District (WL-1) Development Standards*
  - Staff feels the provision requiring the first floor to be enclosed parking will reduce flexibility for future development as it requires the parking to be first floor (tuck-under style) and would not allow for other styles of parking that would typically meet the ordinance.
  - Staff recommends a minimum build-to-line of 5 feet which will provide for flexibility in landscaping options.
  - Staff is unable to support 5 stories of multi-family residential uses directly adjacent to or across a local residential street from single family residential. Recent rezoning requests for pedestrian-oriented developments have been limited to a maximum of 4 stories next to single family detached residential. An example of this is the recently approved rezoning request for the tracts south of the subject property along Collin McKinney Parkway. As such, Staff is not comfortable supporting a building height above 4 stories.
- *Commercial-Mixed Use District (CMU) Development Standards*
  - Due to the limited depth of the CMU district and the governing multi-family parking requirements, Staff is concerned this district will only feasibly support 2-story non-residential buildings which may be difficult to market in this location. Staff suggests that only residential uses be allowed on the upper floor for buildings along Collin McKinney Parkway, but is concerned that the proposed sizing of the district will hinder the ability to do so.

**The following sections from the proposed development standards (please reference the attached companion redline of the development standards for further explanation) are difficult for Staff to administer due to a lack of detail, clarity, or specificity:**

- *Landscaping*
  - Several of the provisions do not provide specifics such as required species, sizes or spacing, in order to create enforceable provisions. The review of specific landscape provisions within the PD becomes difficult when there are no specific standards.
  - Due to lack of details, requirements would be at the discretion of a Staff member, which may produce undesirable inconsistency.

- *Urban Design Requirements*
  - One of the provisions does not reference the appropriate section of the Ordinance, and as such, may produce undesirable inconsistency. Staff would recommend referencing back to the Zoning Ordinance for regulations.
  
- *Parking Provisions*
  - Due to lack of details, requirements would be at the discretion of a Staff member, which may produce undesirable inconsistency.
  - Some terms or provisions are not defined, and may not be equally applicable across the entire development.
  - By using the word "generally" and without an attached elevation to follow, there is no frame of reference regarding how closely the base of the buildings will need to mimic the window openings / balconies above.
  - Several provisions conflict with the requirements of others.
  - Staff is unclear as to what the structured parking facility design criteria is referring to.
  
- *Other architectural and design features for the WL-1 District*
  - Staff is unclear as to what "adjacent streets" refers to.
  - Staff is unclear of the number of bedrooms is a maximum, minimum or exact calculation.
  - The parking ratio partially follows the existing requirement, but does not address all types of parking scenarios.
  
- *Other architectural and design features for the CMU District*
  - Staff is unclear as to what "adjacent streets" refers to.
  - Staff is unsure whether this provision is referring to "studio" or "loft" apartments being prohibited.
  - The parking ratio partially follows the existing requirement, but does not address all types of parking scenarios.
  
- *Commercial-Mixed Use District (CMU) Development Standards*
  - Per this referenced section, loft/studio apartments would not be permitted ("no less than 1 bedroom").

Additionally, there are several provisions within the development regulations that Staff feels are unnecessary, such as defining the district heights in multiple locations, providing the purpose and intent within the regulations instead of the letter of intent, and defining the specific floors where multi-family residential uses shall be permitted.

Furthermore, 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. The applicant has indicated to Staff that this will be achieved by providing tuck-under parking, balconies for a majority of the units, and elevators in the Whole Life One District. The applicant also indicated that they will be providing other features/upgrades in the interior of the buildings, but are difficult to enforce at the zoning level and have not been included in the development regulations. While these features are not typically required by the Zoning Ordinance, Staff feels that these provisions do not ensure an exceptional quality development will be constructed.

The applicant has included a number of exhibits (concept plan, site plans, and an elevation rendering) to be used for informational purposes only, and are not to be attached as zoning exhibits.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for medium density residential uses. The FLUP modules diagram designates the subject property as Regional Employment Center and Transit Village 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 zoning change would help the community attain the goal of “Land Use Compatibility and Mix” by creating a “mix of land uses that provides for various lifestyle choices”.
- **Impact on Infrastructure:** The proposed rezoning request should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area.
- **Impact on Public Facilities/Services:** The proposed rezoning request should have a minimal impact on public services, such as schools, fire and police, libraries, parks and sanitation services.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The properties located adjacent to the subject property are zoned for similar commercial and residential uses, and as such, should remain compatible with the subject property.
- **Fiscal Analysis:** Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base mixed use zoning of the subject property.

- Concentration of a Use: The proposed rezoning request should not result in an over concentration of mixed-use and residential land uses in the area.

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

**ATTACHMENTS:**

- PZ Minutes 12.09.14
- Location Map and Aerial Exhibit
- Letter of Intent
- Comprehensive Plan Maps
- PD 2006-11-132 (Cooper Life) General Development Plan
- Existing “PD” – Planned Development District Ordinance No. 2006-11-132
- Proposed Zoning Exhibit – Regulating Plan
- Proposed Zoning Exhibit – Development Regulations
- Proposed Redline of Development Regulations
- Concept Plan – Informational Only
- Site Plan A – Informational Only
- Site Plan B – Informational Only
- Elevation Rendering – Informational Only
- PowerPoint Presentation