

**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 Abernathy, Roeder, Boyd & Joplin, on Behalf of McKinney Seven Stacy, L.P., for Approval of a Request to Rezone Fewer than 85 Acres 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 Southeast Corner of Custer Road and Future Silverado Trail

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the July 16, 2013 meeting.

---

**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to lack of conformance with Appendix B-2 (Regional Employment Center - Overlay Urban Design Standards) 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 conform to the “REC” – Regional Employment Center Overlay District, and as amended, except as follows:
  - a) The tract labeled “SF Detached Standard Lot” on the attached Land Use Plan shall develop in accordance with the Single Family Detached, Standard Lot with Front Access requirements of the Neighborhood Zone as specified in the “REC” – Regional Employment Center Overlay District, and as amended, except as follows:
    - i. Front porches on residential buildings shall not be required.
    - ii. Finished floor elevations of at least two (2) feet above finished surface grade of the lot at the front door shall not be required.

- iii. The front face of an attached garage shall be set back no less than five (5) feet from the façade of the house.
  - iv. Side at corner setback shall be a minimum of ten (10) feet.
  - v. There shall be no lot coverage maximum on the subject property.
- b) The tract labeled "Apartment" on the attached Land Use Plan shall develop in accordance with the Apartment Dwelling requirements of the Neighborhood Zone as specified within the "REC" – Regional Employment Center Overlay District, and as amended, except as follows:
- i. Maximum building height shall be four (4) stories (buildings within 125 feet of a single family zoning district shall be limited two (2) stories).
  - ii. The maximum density shall be twenty-four (24) dwelling units per acre.
  - iii. No less than fifty (50) percent of the units shall have an enclosed parking space.
- c) The tracts labeled "Commercial" on the attached Land Use Plan shall develop in accordance with Section 146-86 "C" – Planned Center District and "REC" – Regional Employment Center Overlay District of the Zoning Ordinance, and as amended.

**APPLICATION SUBMITTAL DATE:** May 28, 2013 (Original Application)  
June 13, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to rezone approximately 84.84 acres of land generally to modify the development standards and modify the land uses from commercial, office, and multiple family residential uses to commercial and residential uses (both multiple family and single family residential). More specifically, the applicant is proposing to replace the previously designated areas for office use with single family and multiple family residential uses and to shift the location of existing areas designated for multiple family residential on the property.

The applicant has requested several modifications to the proposed single family residential use which includes, removing the front porch requirement, reducing the finished floor area, reducing the required offset between the building and garage façades, reducing the finished floor elevation, reducing the side at corner setback, and removing the maximum lot coverage requirement.

The applicant has also requested several modifications to the proposed multiple family residential use which includes, increasing the maximum building height in conjunction with larger setbacks and maintaining the maximum density currently allowed on the property.

**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. 1756 and “REC” – Regional Employment Center Overlay District (Commercial and Office Uses)

North	“PD” – Planned Development District Ordinance No. 2008-09-097 and “REC” – Regional Employment Center Overlay District (Retail Uses)	Undeveloped Land
South	“PD” – Planned Development District Ordinance No. 2006-11-134, “PD” – Planned Development District Ordinance No. 2010-11-049 and “REC” – Regional Employment Center Overlay District (Retail and Multifamily Residential Uses)	CVS Pharmacy, Wellstone at Craig Ranch
East	“PD” – Planned Development District Ordinance No. 1756, “PD” – Planned Development District Ordinance No. 2009-05-034 and “REC” – Regional Employment Center Overlay District (Floodplain and Multifamily Residential Uses)	Floodplain, Villas at Craig Ranch
West	City of Frisco	Undeveloped Land

**PROPOSED ZONING:** The applicant is proposing to rezone the subject property to modify the development standards and modify the allowed land uses. More specifically, the applicant is proposing to replace the previously designated areas for office use with single family and multiple family residential uses and to shift the location of existing areas designated for multiple family residential on the property. The applicant has also requested to modify the development standards of the single family and multiple family residential uses.

Staff is unable to support the modifications being requested for front porches, finished floor elevations, and building/garage façade offset for single family residences. The “REC” neighborhood design standards are in place to ensure the development of fully integrated pedestrian-oriented neighborhoods as well as to create an aesthetically pleasing product. By removing the front porches, reducing the offset between the garage and front façade of the house (from 20 feet to 5 feet), and reducing the finished floor elevation, Staff feels that architectural interest and meaningful public/private open spaces that typically provide opportunity for pedestrian interaction within the front yard, will be compromised. The reductions of lot coverage and side yard at corner setbacks for single family residences were not a determining factor in Staff’s recommendation of denial. Staff does not have objections to the proposed modifications to the multiple family standards.

In absence of a more detailed concept plan or general development plan, Staff has further concerns on how the proposed mix of uses will be integrated together to work as a cohesive pedestrian-oriented development as intended by the “REC” - Regional Employment Center Overlay guidelines.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for commercial, office, mixed use, and high density residential uses. The FLUP modules diagram designates the subject property as REC – Regional Employment Center 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 approximately 35 acres designated by the Comprehensive Plan for office uses to residential uses will not help to balance the ad valorem tax base.

- **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 will have an impact on public services, such as schools, fire and police, libraries, parks and sanitation services, due to the addition of single family residential uses and increase in multiple family residential uses.
- 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 while the proposed rezoning request will alter the land uses on the subject property, Staff is of the opinion the requested uses will be compatible with existing and future development within the immediate area.
- Fiscal Analysis: The attached fiscal analysis shows a negative cost benefit of \$282,105 using the full cost method.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of commercial or residential land uses in the area.

**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 Planned Development District Ordinance No. 1756
- Proposed Zoning Exhibit – Boundary
- Proposed Zoning Exhibit – Land Use Plan
- PowerPoint Presentation