

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 the Request by Skorburg Company, on Behalf of Amegy Bank, for Approval of a Request to Rezone Fewer than 13 Acres from "PD" – Planned Development District to "PD" – Planned Development District, Generally to Allow Townhome Uses and Modify the Development Standards, Located Approximately 600 Feet South of Virginia Parkway and on the East Side of Hardin Boulevard

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the September 16, 2014 meeting.

STAFF RECOMMENDATION: Staff recommends denial of the proposed rezoning request due to lack of conformance with the City Council's goal of preserving and developing the non-residential tax base.

However, should the rezoning request be approved, the applicant is requesting approval of the following special ordinance provisions:

1. The use and development of the subject property shall develop in accordance with the attached development regulations.
2. The development of the subject property shall generally conform to the attached concept plan exhibit.
3. The attached site layout may not be constructed until all Engineering regulations have been satisfied, subject to review and approval by Director of Engineering.

Staff's professional opinion is that the proposed rezoning request should be denied due to the proposed development standards' inability to ensure the construction of a high quality development.

APPLICATION SUBMITTAL DATE: September 9, 2013 (Original Application)
October 18, 2013 (Revised Submittal)

March 11, 2014 (Revised Submittal)
March 13, 2014 (Revised Submittal)
March 17, 2014 (Revised Submittal)
March 18, 2014 (Revised Submittal)
June 23, 2014 (Revised Submittal)
July 7, 2014 (Revised Submittal)
July 14, 2014 (Revised Submittal)
July 28, 2014 (Revised Submittal)
August 7, 2014 (Revised Submittal)
August 12, 2014 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 12.72 acres of land for 44 townhomes, located approximately 600 feet south of Virginia Parkway and on the east side of Hardin Boulevard, from “PD” – Planned Development District, generally for office uses, to “PD” – Planned Development District, generally for single family attached residential (townhome) uses. Additionally, the applicant is requesting approval of modified development regulations regarding front entry garages and has provided a concept plan exhibit that will govern the development of the subject property.

At the March 25, 2014 Planning and Zoning Commission meeting, the Commission voted 7-0-0 to table the rezoning request to the next meeting in order to give the applicant time to address some of the surrounding neighbors’ concerns. At that time, the applicant’s request consisted of rezoning the property to allow for single family detached residential uses, generally on 40-foot wide lots with front-entry garages.

At the April 8, 2014 Planning and Zoning Commission meeting, the Commission voted 6-0-0 to table the rezoning request indefinitely per the applicant’s request.

Prior to the July 22, 2014 Planning and Zoning Commission meeting, the applicant revised the rezoning request from a 40-foot wide, single family detached residential product to a 25-foot wide, single family attached residential (townhome) product, both with front-entry garages. At the meeting, the Commission voted 6-0-0 to table the rezoning request indefinitely per the applicant’s request.

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. 2007-03-021
(Office Uses)

North “AG” – Agricultural District (Agricultural Undeveloped Land
Uses)

South	“PD” – Planned Development District Ordinance No. 2007-12-118 and “PD” – Planned Development District Ordinance No. 2005-05-049 (Single Family Residential Uses)	Sorrellwood Park
East	“PD” – Planned Development District Ordinance No. 2005-05-049 (Single Family Residential Uses)	Sorrellwood Park and Undeveloped Land
West	“PD” – Planned Development District Ordinance No. 2008-05-045 (Commercial Uses) and “AG” – Agricultural District (Agricultural Uses)	Undeveloped Land

PROPOSED ZONING: The applicant has indicated that the subject property will develop in accordance with the “TH” – Townhome Residential District’s regulations as found in the Zoning Ordinance, with the exception that garages may be accessed from the front of the lot and alleys shall not be required. The City Council recently adopted new residential zoning districts in March of 2014, including the provision that all residential lots less than 50 feet in width shall not be permitted to have front-entry garages and shall be accessed via alleys adjacent to the rear of the lot. At that time, there was specific discussion regarding front-entry garages on small lots, and the possible negative effects of such a development pattern were outlined and agreed upon. With the proposed minimum lot width of 25 feet in conjunction with a front entry garage, a 25-foot wide townhome unit with a front-entry garage door comprising nearly 80% of the front façade width would be allowed. As indicated above, the City requires all residential lots less than 50 feet in width to provide alley access. In Staff’s opinion, narrow lots with front-entry garages will have an overwhelmingly negative impact on the aesthetics of the front elevation and will likely provide little architectural interest or variation between each of the townhomes, reducing the overall quality of the development.

Additionally, the Director of Engineering has concerns regarding the rezoning request, as the construction of the attached site layout does not meet Engineering regulations, due to the fact that currently the site layout:

- Shows lots within the dam breach area;
- Shows lots within the 100-year fully developed floodplain; and
- Does not indicate the location of the possible detention area;

Upon completion of the necessary engineering, the development may have critical elements which would require significant design changes and may make some of the portions of the property unusable and potentially cause a reduction to the number of lots. Currently, 31 of the 44 proposed lots, or approximately 70% of the development, would not be buildable due to their location within the floodplain. The applicant has yet

to provide information validating the usability of the entire subject property as shown on the attached concept plan exhibit.

Lastly, Section 146-94 ("PD" – Planned Development District) of the Zoning Ordinance states that a PD Ordinance may not be approved without ensuring a level of exceptional quality or innovation for the design or development. To satisfy this requirement, the applicant has proposed the following:

- a. The main entrance into the community shall feature a divided entrance containing a landscaped median separating the traffic entering the neighborhood from the traffic exiting the neighborhood with a landscaped divided open space median that meets all requirements of Section 146-108 (c)(1)(e) items #1-4; and
- b. The cul-de-sacs will be more elliptical and off-center in nature and feature landscaped common areas that will be owned and maintained by the HOA and be at least 90 square feet in size as stipulated in Section 146-108 (c) (1)(g). In addition, the cul-de-sacs shall be designated as no parking areas and contain appropriate signage and striping for enforcement; and
- c. An unmanned gate house shall be constructed within the landscaped median at the main entrance into the subdivision; and
- d. At least 100,000 square feet (2.30 acres) of open space outside of the 100 year fully developed floodplain shall be dedicated to and maintained by the HOA, and shall not be counted towards any applicable park land dedication requirements as mandated by the City's subdivision regulations. These areas are identified as Common Areas #1, 2, and 3 on the attached concept plan dated July 28, 2014 (less the 4.029 acres of fully developed 100-year floodplain within Common Area #3).

While each special ordinance provisions could increase the visual interest of the community at the entrance as well as provide additional open space for the residents, Staff is unable to verify without additional engineering information that approximately 2.30 acres of open space can be achieved outside of the 100-year fully floodplain. As it is currently shown on the attached layout, only approximately 1.07 acres are shown outside of the floodplain, potentially resulting in the inability to provide the proposed open space is provided validating that additional open space will be outside of the floodplain.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for high density residential and floodplain uses however it is currently zoned for neighborhood 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 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. Approximately three quarters of the City’s tax base comes from its residential housing stock. In order to balance this tax base, more non-residential uses are needed. Rezoning approximately 13 acres currently designated for office uses to residential uses will not help to balance the ad valorem tax base. With that said, the Future Land Use Plan anticipated high density residential uses on the property which Staff feels is fairly conducive to residential uses due to significant grade changes across the property as well as the property being more of a “mid-block” tract with a distance of approximately 500 feet from the intersection of Hardin Boulevard and Virginia Parkway. Staff is also of the opinion that the proposed townhome residential uses could complement future commercial opportunities to the north and act as a natural transition between future commercial and existing single family detached residential to the south (Sorrellwood Park). While Staff can foresee residential uses being appropriate on the property, Staff feels that the proposed front-entry garages on narrow, attached single family residential lots (discussed above), will diminish the overall aesthetic quality of the neighborhood, and as such recommends denial of the request.

- 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, as the subject property was planned for high density residential uses and single family attached residential uses typically have a lower demand on infrastructure.
- 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, as the subject property was planned for high density residential uses.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the east and south of the subject property are zoned for single family detached residential uses and would be compatible.
- Fiscal Analysis: The attached fiscal analysis shows a negative cost benefit of \$144,442 using the full cost method.

- Concentration of a Use: The proposed rezoning request should not result in an over concentration of single family 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 two letters in opposition to the rezoning request, one letter in support and one petition in support of the rezoning request. Additionally, at the March 25, 2014 Planning and Zoning Commission meeting, four residents expressed concerns regarding the proposed lot size, the proposed common area to the south of the development, and decreasing home values (see PZ Minutes – 03.25.14).

ATTACHMENTS:

- PZ Minutes – 07.22.14
- PZ Minutes – 04.08.14
- PZ Minutes – 03.25.14
- Location Map and Aerial Exhibit
- Letter of Intent
- Letters of Opposition
- Letters of Support
- Comprehensive Plan Maps
- Fiscal Analysis
- Proposed Zoning Exhibit – Site Layout
- Proposed Zoning Exhibit – Development Regulations
- PowerPoint Presentation
- Applicant PowerPoint Presentation