

PLANNING & ZONING COMMISSION MEETING OF 3/13/12 AGENDA ITEM #12-013GDP

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Jennifer Cox, AICP, Director of Planning

**FROM:** Michael Quint, Senior Planner

**SUBJECT:** Consider/Discuss/Act on the Request by Sanchez & Associates, on Behalf of TCI McKinney Ranch, Inc., for Approval of a General Development Plan for Barcelona, Approximately 76.00 Acres, Located between Silverado Trail and Stacy Road.

**APPROVAL PROCESS:** The Planning and Zoning Commission is the final approval authority for the proposed general development plan.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed general development plan due to a lack of conformance with the governing zoning district.

**APPLICATION SUBMITTAL DATE:** January 17, 2012 (Original Application)  
February 27, 2012 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing a general development plan for an approximately 76 acre tract of land, located between Silverado Trail and Stacy Road.

Per the governing zoning district, "PD" – Planned Development District Ordinance No. 2002-03-019, and as amended by "PD" – Planned Development District Ordinance No. 2007-08-072, a general development plan must be approved prior to the approval of a preliminary plat or site plan. Per the governing PD District, the general development plan shall include all necessary conceptual site plan requirements, proposed uses and proposed building locations and dimensions, lot patterns, street networks, land use calculations, and open space designations.

The approval of the general development plan does not finalize the alignment of any roadways, lot patterns, and common areas. Alignment of roadways and right-of-way dedications are generally determined when a preliminary-final plat is submitted and reviewed, which shows all distances, bearings, metes and bounds, etc. Preliminary utility construction plans and grading and drainage plans are also reviewed during the review of a preliminary-final plat, including storm water management and detention areas.

## **SURROUNDING ZONING AND LAND USES:**

Subject Property: "PD" – Planned Development District Ordinance No. 2007-08-072 (single family residential uses) and "REC" – Regional Employment Center Overlay District

North	"PD" – Planned Development District Ordinance No. 2001-07-078 (single family residential uses)	Brookstone subdivision
	"PD" – Planned Development District Ordinance No. 2007-08-072 (multi-family residential uses) and "REC" – Regional Employment Center Overlay District	Undeveloped Land
South	"PD" – Planned Development District Ordinance No. 2002-03-019 (mixed uses) and "REC" – Regional Employment Center Overlay District	Undeveloped Land
	"AG" – Agricultural District and "REC" – Regional Employment Center Overlay District	Undeveloped Land
	"PD" – Planned Development District Ordinance No. 2007-08-072 (mixed uses) and "REC" – Regional Employment Center Overlay District	Undeveloped Land
East	"PD" – Planned Development District Ordinance No. 2007-08-072 (mixed uses) and "REC" – Regional Employment Center Overlay District	Undeveloped Land
West	"AG" – Agricultural District and "REC" – Regional Employment Center Overlay District	Scoggins Middle School and a Landscaping Company
	"PD" – Planned Development District Ordinance No. 2002-06-068 (mixed uses) and "REC" –	Day Care and Harvest Bend subdivision

## Regional Employment Center Overlay District

Discussion: The governing PD District's Ordinance contains a zoning exhibit (Exhibit C of PD District Ordinance No. 2007-08-072) which establishes a general layout for which any development on the subject property must generally conform to. Simply stated, any proposed development plan submitted for the subject property must generally conform to this zoning exhibit or it should not and cannot be approved.

The governing zoning exhibit illustrates numerous (25+) pocket parks (small and large alike) totaling almost 6.9 acres, landscaped termini and vistas, boulevards with landscaped medians, and a strong sense of visual/pedestrian connectivity between the north and south portions of the property via a central circulation spine. Staff feels, now and as was the case in 2007 when the applicant proposed the plan and the City Council adopted it, that the development reflected on the PD District's zoning exhibit features an appealing character that will benefit its future residents and the immediate area for years after the development is complete.

The applicant has since submitted the proposed general development plan for consideration and approval as is required by the governing PD District. However, the proposed general development is significantly different than the PD District's zoning exhibit; so much so that it does not generally conform to the governing PD District's zoning exhibit. More specifically, most of the pocket parks have been eliminated leaving only 6 pocket parks remain totaling approximately 3.8 acres, all but one of the landscaped termini have been eliminated, and the strong visual/pedestrian connection between the north and south portions of the development via a central circulation spine has been weakened. Staff is of the opinion that the proposed general development plan does not generally conform to the governing PD District's zoning exhibit and as such, cannot be supported by Staff nor approved by the Planning and Zoning Commission.

The applicant has also modified the plan from what was approved by the City Council in 2007 by eliminating one of the access points to Silverado Trail. While this change represents another deviation from the plan that is attached to the governing planned development district ordinance, it was not a major factor in Staff's recommendation of denial.

Additionally, when the City Council considers a rezoning request that has a general development plan attached as an exhibit to a proposed PD District Ordinance, there is an expectation that the development will generally conform to that plan, including any densities or lot counts that may be shown. The approved zoning exhibit reflects 295 units in an approximately 81 acre area including the old FM 720 right-of-way, which the applicant has since decided not to purchase from the State of Texas, for a density of 3.64 dwelling units per acre. The proposed general development plan reflects 312 units on 76 acres for a density of 4.1 dwelling units per acre. Staff cannot support the approval of a plan that reflects an increase of 17 lots on an area of land that is approximately 5 acres smaller as it no longer generally conforms to the layout, density,

and unit count that the City Council approved when the adopted PD District Ordinance No. 2007-08-072.

Finally, the governing PD District also mandates that a mixture of 5 distinct housing types be provided within the development. This special ordinance provision leaves little room for interpretation and is very explicit. The special ordinance provision states:

- i. Housing Mix: A minimum of ten percent (10%) of each of the following housing types will be required in this parcel.
  1. Zero-Lot Line Houses or Townhomes on 38' x 120' lots (RG 27)
  2. Zero-Lot Line Houses on 50' x 100' lots (RS 45)
  3. Center-Loaded Houses on 50' x 120' lots (RS 45)
  4. Center-Loaded or Zero-Lot Line Houses on 55' x 115' lots (RS 45)
  5. Center-Loaded Houses on 60' x 120' lots (RS 72)

The applicant's proposed general development plan proposes the following housing mix:

1. Zero-Lot Line Houses or Townhomes on 41' x 120' Lots
2. Zero-Lot Line Houses on 50' x 120' Lots
3. Center-Loaded Houses on 50' x 120' Lots
4. Center-Loaded Houses on 55' x 115' Lots
5. Center-Loaded Houses on 60' x 120' Lots

While the proposed housing mix detailed above clearly does not conform to the special ordinance provision listed in the governing PD District Ordinance, the applicant contends that the proposed lot mix satisfies the housing mix requirement. The applicant contends that lots should be able to be bigger than the size that is mandated by the PD District but does not limit how much bigger is acceptable. Following the applicant's logic, if each lot was 60' x 120' and a mix of zero-lot line and center-loaded homes were provided, the special ordinance provision detailed above would be satisfied.

While Staff can agree that it is impractical to have every lot/housing type built to the same exact dimensions, Staff is bound by the explicit wording that the applicant wrote into the PD District Ordinance that the City Council adopted in 2007. Staff has expressed some comfort in allowing the lots to deviate by approximately 5% from the stated standards to allow the applicant some flexibility in developing the subject

property, however Staff cannot consider the applicant's proposal to modify the lot depth of one housing type from 100' as required to 120' (a difference of 20%) as satisfying the requirements of the governing PD District. Simply stated, this deviation to the requirements of the governing PD District would necessitate the City Council's approval of a new rezoning request rather than the Planning and Zoning Commission's approval of a general development plan.

Staff has made the applicant aware of these issues and discussed these issues at a number of meetings with the applicant. The applicant has indicated a desire to not rezone the subject property or modify the proposed general development plan as necessary to address these issues but instead intends to have the Planning and Zoning Commission approve a plan that does not meet the requirements of the governing PD District.

**ACCESS/CIRCULATION:**

Adjacent Streets: Stacy Road, 130' Right-of-Way, 6-Lane Principal Arterial (P-6D)

Silverado Trail, 100' Right-of-Way, 4-Lane Minor Arterial (M-4D)

Discussion: The proposed plan reflects one connection point to both, Stacy Road and Silverado Trail.

**SECONDARY AND COLLECTOR STREETS:** The system of collector or secondary streets is very important to the general development plan. It should assure good automobile access and circulation for every tract within the area. It should also provide safe pedestrian and bicycle routes throughout the area and convenient access to the hike and bike trails that will serve all of McKinney. Special emphasis should be given to safe and convenient access by automobile, bicycle and by foot to schools and parks that will serve the area.

**CONFORMANCE TO MASTER THOROUGHFARE PLAN (MTP):** The proposed general development plan conforms to the Master Thoroughfare Plan. The Master Thoroughfare Plan does not indicate the locations of collector streets, and does not indicate any other roadways that will affect the subject property. The proposed thoroughfares within the area are intended to provide for an adequate circulation for the ultimate development conditions of the subject property and surrounding properties.

**CONFORMANCE TO THE MASTER PARK PLAN (MPP):** The proposed general development plan conforms to the Master Park Plan. Parkland dedication and any associated fees would apply to the subject property when it is platted.

**PUBLIC IMPROVEMENTS:**

Sidewalks: Required

Hike and Bike Trails: Not Required

Road Improvements: All roads necessary for this development, and as determined by the City Engineer

Utilities: All utilities necessary for this development, and as determined by the City Engineer

Discussion: Under the requirements of the Subdivision Ordinance, the applicant will be required to construct all necessary public improvements prior to filing the accompanying plat, unless otherwise specified in an approved facilities agreement.

**DRAINAGE:** The applicant will be responsible for all drainage associated with the subject property, and for compliance with the Storm Water Ordinance, which may require on-site detention. Grading and drainage plans are subject to review and approval by the City Engineer, prior to issuance of a building permit.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- PD 2007-08-072
- PD 2002-03-019
- Proposed General Development Plan
- PowerPoint Presentation