

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Matt Robinson, AICP, Planning Manager

FROM: Eleana Galicia, Planner I

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, Generally to Allow for an Independent Living Facility, Assisted Living Facility and a Memory Care Center, and Commercial Uses, Located on the Southwest Corner of McKinney Ranch Parkway and Ridge Road

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the March 15, 2016 meeting.

STAFF RECOMMENDATION: Staff recommends approval of the proposed rezoning request with the following special ordinance provisions:

1. The subject property shall develop in accordance with “PD” – Planned Development District Ordinance 2014-02-012, except as follows:
 - a. The subject property shall conform only to the development regulations within the Planned Development Standards (III)(A)(i)(ii) for Tract 1A within PD Ordinance 2014-02-012
 - b. The subject property shall develop in accordance with the proposed Concept Plan
 - c. The independent living facility shall be permitted on the subject property
 - d. The height for all buildings on the subject property shall be limited to 4 stories or 62 feet.
 - e. Buildings to be constructed on the Commercial Tract (4.49 Acres) shall be finished with 75% masonry exterior finishing materials (brick, stone or synthetic stone) per elevation, and shall conform to Section 146-139 (Architectural and site standards) of the Zoning Ordinance, and as amended

APPLICATION SUBMITTAL DATE: September 14, 2015 (Original Application)
September 28, 2015 (Revised Submittal)
October 20, 2015 (Revised Submittal)
November 16, 2015 (Revised Submittal)
December 14, 2015 (Revised Submittal)
December 21, 2015 (Revised Submittal)
January 12, 2016 (Revised Submittal)
January 25, 2016 (Revised Submittal)
January 29, 2016 (Revised Submittal)
February 5, 2016 (Revised Submittal)
February 15, 2016 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 13.50 acres of land from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District, generally to allow for an Independent Living Facility, Assisted Living Facility and a Memory Care Center and Commercial Uses. The subject property will conform to the *Planned Development Standards within Section III(A)(i)(ii) for Tract 1A* established within “PD” – Planned Development District Ordinance 2014-02-012, except that the subject property shall conform to the proposed concept plan, and additional ordinance provisions. The rezoning request is detailed further below.

ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	“PD” – Planned Development District Ordinance No. 2014-02-012 (Commercial Uses), and “REC” – Regional Employment Center Overlay District	Undeveloped Land
North	“PD” – Planned Development District Ordinance No. 2007-10-103 (Commercial Uses), and “REC” – Regional Employment Center Overlay District	The Goddard School, St. Andrews Episcopal Church, and Undeveloped Land
South	“PD” – Planned Development District Ordinance No. 2014-02-012 (Single Family Detached Residential Uses), and “REC” – Regional Employment Center Overlay District	Undeveloped Land

East	“PD” – Planned Development District Ordinance No. 2014-02-012 (Commercial and Single Family Detached Residential Uses), and “REC” – Regional Employment Center Overlay District	Undeveloped Land
West	“PD” – Planned Development District Ordinance No. 2014-02-012 (Commercial Uses), and “REC” – Regional Employment Center Overlay District	Undeveloped Land

PROPOSED ZONING: The applicant is requesting to rezone approximately 13.50 acres of land from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District, generally to allow for an Independent Living Facility, Assisted Living Facility and a Memory Care Center and Commercial Uses. The subject property will conform to the *Planned Development Standards within Section III(A)(i)(ii) for Tract 1A* established within “PD” – Planned Development District Ordinance No. 2014-02-012, except that the subject property shall conform to the proposed concept plan, and additional ordinance provisions.

The existing zoning on the subject property (“PD” – Planned Development District Ordinance No. 2014-02-012) currently has a concept plan generally for commercial uses. The applicant has requested to replace the existing concept plan within the governing zoning for the subject property (“PD” – Planned Development District Ordinance No. 2014-02-012) with the proposed concept plan (approximately a total of 13.5 acres of land) to allow for an independent living facility, assisted living facility, and a memory care center (approximately 9.01 acres of land) and commercial uses (approximately 4.49 acres of land). The applicant has requested that the subject property develop in accordance to the *Planned Development Standards within Section III(A)(i)(ii) for Tract 1A* established within “PD” – Planned Development District Ordinance No. 2014-02-012, except that the subject property shall conform to the proposed concept plan, the height for all buildings on the subject property shall be limited to 4 stories or 62 feet in height, and the independent living facility shall be permitted by right where designated on the concept plan. In addition to the following changes the “REC” – Regional Employment Center Overlay District shall no longer apply to the subject property since the REC Regulations no longer apply for properties zoned after the regulations of the Regional Employment Center were removed on May 5, 2015.

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. In effort to meet this requirement, the applicant has proposed two provisions of exceptional quality for the Independent Living, Assisted Living and the Memory Care Center and the Commercial

tract. For the Independent Living, Assisted Living, and Memory Care Center the applicant has proposed an open space plaza (approximately 3,598 square feet of open space) with a tree planter, landscaping, and seating. The plaza is depicted in the proposed concept plan, and the applicant has provided an architectural rendering of the Plaza to be used for informational purposes only. It is Staffs' professional opinion that the applicant has met the intent of the provision for exceptional quality, and the plaza will serve as a public enhancement for the proposed development. The applicant has also proposed a special ordinance provision for the commercial tract that will require all future buildings to be constructed on the commercial tract to utilize 75% masonry (brick, stone or synthetic stone) exterior finishing materials on each building elevation and will also be subject to all other requirements of Sections 146-139 (Architectural and Site Standards) of the Zoning Ordinance, and as amended. As the proposed percentages of masonry materials per elevations exceed the minimum 50% masonry requirement per elevation for commercial buildings as required by the Zoning Ordinance, Staff feels that the PD requirement to ensuring exceptional quality for the development has been satisfied.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for Mixed Uses. The FLUP modules diagram designates the subject property as Urban 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 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 "Economic Development Vitality for a Sustainable and Affordable Community" through the stated objective of the Comprehensive Plan, a "balanced development pattern". Another goal of the Comprehensive Plan is accomplished through "Land Use Compatibility and Mix" by creating a "mix of land uses that complement one another".
- **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 south of the subject property are zoned for single family attached residential uses, while the properties located west and north are zoned for similar commercial uses. The property located east of the subject property consists of similar commercial uses, and single family detached residential uses. The proposed rezoning request will not alter the land use from what has been

planned for the subject property, and will remain compatible with the existing surrounding land uses.

- **Fiscal Analysis:** Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the commercial zoning of the subject property.

The attached “Land Use and Tax Base Summary” shows that Module 13 is currently comprised of approximately 61% residential uses and 38.8% non-residential uses (including mixed-use, institutional and agricultural uses). The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 13 are comprised of approximately 80.1% from residential uses and 19.9% from non-residential uses (including mixed-use, institutional and agricultural uses). Estimated tax revenues by type in Module 13 are comprised of approximately 86.9% ad valorem taxes and 13.1% sales and use taxes.

- **Concentration of a Use:** The proposed rezoning request should not result in an over concentration of commercial 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:

- Location Map and Aerial Exhibit
- Letter of Intent
- Comprehensive Plan Maps
- Land Use and Tax Base Summary
- Existing “PD” – Planned Development District Ordinance No. 2014-02-012
- Proposed Concept Plan
- Proposed Plaza Arch. Rendering (Info. Only)
- PowerPoint Presentation