

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Steven Duong, Planner I

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Dowdey, Anderson & Associates, Inc., on Behalf of Paul Lehner & Virginia R. Lehner, for Approval of a Request to Rezone Fewer than 102 Acres from “AG” – Agricultural District and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District, Generally to Establish Development Regulations that Allow for the Development of Neighborhood Center, Multi-Family, Single Family Attached and Detached Residential Uses, and Civic Uses, Located on the Southeast Corner of Stacy Road and Alma Road

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the July 15, 2014 meeting.

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

1. The use and development of the subject property shall develop in accordance with the attached Development Regulations; Concept Plan; and Open Space, Trails, and Screening Plan exhibits.
2. The developer shall erect and maintain three 3’ by 4’ signs on the subject property, in the general locations shown on the attached sign exhibit, notifying future prospective single family residents of the multi-family development shown on the attached concept plan and providing information including the maximum height and density of multi-family uses on the tract.

**APPLICATION SUBMITTAL DATE:** March 24, 2014 (Original Application)  
April 7, 2014 (Revised Submittal)  
April 22, 2014 (Revised Submittal)  
April 25, 2014 (Revised Submittal)  
May 06, 2014 (Revised Submittal)  
May 19, 2014 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 101.69 acres of land, located on the southeast corner of Stacy Road and Alma Road from “AG” – Agricultural District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District generally to establish development regulations that allow for the development of a commercial neighborhood center on approximately 11.42 acres, single family detached dwellings on approximately 48.62 acres, townhouse dwellings on approximately 17.72 acres, and multi-family dwellings on approximately 23.94 acres.

At the April 22, 2014 Planning and Zoning Commission meeting, the Commission tabled the rezoning request due to a staff noticing error.

At the May 13, 2014 Planning and Zoning Commission meeting, the Commission voted to table the rezoning request in order for the applicant to reconsider the maximum height, density, and general location of multi-family uses on the subject property. Subsequent to the meeting, the applicant proposed to include additional signage notifying residents of the future multi-family uses and has reduced the story height of multi-family buildings adjacent to single family uses, discussed further below.

At the May 27, 2014 Planning and Zoning Commission meeting, the Commission tabled the rezoning request 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: “AG” – Agricultural District (Agricultural Uses)

North	“AG” – Agricultural District (Agricultural Uses)	Single Family Homes and Scoggins Middle School
South	“PD” – Planned Development District Ordinance No. 2008-06-054 (Commercial Uses)	Undeveloped Land
East	“PD” – Planned Development District Ordinance No. 2002-03-019 (Commercial and Multiple Family Residential Uses)	Undeveloped Land
West	“PD” – Planned Development District Ordinance No. 2001-02-017 (Commercial and Single Family Residential Uses), “PD” – Planned	Undeveloped Land

Development District Ordinance No. 2013-08-073 (Assisted and Independent Living Uses), "AG" – Agricultural District (Agricultural Uses), and "PD" – Planned Development District Ordinance No. 2006-11-132 (Mixed Uses)

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from "AG" – Agricultural District to "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District, generally to develop a mix of uses which includes single family residential (attached and detached), multi-family residential, and neighborhood center commercial uses as specified in the attached development regulations.

More specifically, the applicant has requested to utilize the REC Neighborhood Zone standards for each proposed use and has requested modifications to building setbacks, garage/facade offsets, and lot coverage requirements for single family residential; increased multi-family residential building heights; and increased commercial setbacks (illustrated on the attached concept plan). The applicant has also attached an Open Space, Trails, and Screening exhibit showing the general location of open spaces, walking trail amenities, and screening throughout the development. The applicant has indicated that the internal walking trail network is being provided to ensure an exceptional level of quality throughout the development that exceeds the minimum standards, as required by Section 146-94 ("PD" – Planned Development District) of the Zoning Ordinance.

The applicant has also requested that restaurants with drive-through windows be an additional permitted use within the *Neighborhood Center* tract. Staff is of the opinion that this use can be appropriate at the intersection of a major arterial (Alma Road) and principal arterial (Stacy Road), and that the layout of the proposed concept plan places limitations on the number of potential locations a restaurant with drive-through could be placed.

It should also be noted that the City has had preliminary discussions with the owner of the subject property regarding the potential location of an elevated water storage tank on the property. Should the City move forward with an elevated water storage tank on the property, a special ordinance provision has been included in the attached development regulations allowing the land plan to be modified in order to accommodate the storage tank.

At the May 13, 2014 Planning and Zoning Commission meeting, the Commission expressed concerns regarding the location, maximum height, and density of the multi-family tract, specifically in relation to the adjacent single family detached tract. In order to alleviate some of those concerns, the applicant has proposed to modify the development regulations and concept plan to reduce the story height to a maximum of 3 stories for the southernmost multi-family buildings adjacent to the single family detached residential uses. Additionally, the applicant has offered to erect three 3' by 4' signs at

the entrances to the multi-family tract, in the general locations shown on the sign location exhibit, which will be used to notify future prospective single family residents of the multi-family development. Each of the signs will provide information including the maximum height and density of multi-family uses on the tract.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for Medium Density Residential and Office uses. The FLUP modules diagram designates the subject property as Regional Employment Center within a significantly developed area allowing for a mix of commercial, office, community, and residential uses. 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 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 planned 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 should be compatible with existing and future adjacent uses.
- **Fiscal Analysis:** The attached fiscal analysis shows a negative cost benefit of \$961,162 using the full cost method.
- **Concentration of a Use:** The proposed rezoning request should not result in an over concentration of commercial and 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.

**CONFORMANCE TO THE MULTI-FAMILY POLICY:** Properties within the “REC” – Regional Employment Center Overlay District are exempt from the City’s Multi-Family Policy.

**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 05.27.14
- PZ Minutes 05.13.14
- PZ Minutes 04.22.14
- Location Map and Aerial Exhibit
- Letter of Intent
- Fiscal Analysis
- Proposed Zoning Exhibit – Metes and Bounds Description
- Proposed Zoning Exhibit - Proposed Development Regulations
- Proposed Zoning Exhibit - Concept Plan
- Proposed Zoning Exhibit - Open Space, Trails, and Screening
- Proposed Zoning Exhibit – Sign Locations
- Applicant Presentation
- PowerPoint Presentation