

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

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

**FROM:** Michael Quint, Senior Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Carwin Advisors, L.L.C., on Behalf of Collin CR Wellness Communities, L.L.C., for Approval of a Request to Rezone Approximately 33.89 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 East Side of Custer Road and on the South Side of Stacy Road.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council at the November 16, 2010 meeting.

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

1. Use and development of the subject property shall be subject to the following special ordinance provisions:
  - a. Use.
    - i. Multi-family residential uses shall be permitted at a density as reflected on the attached Zoning Exhibit.
  - b. Space Limits.
    - i. Stacy Road and Custer Road Setback: 35 feet.
    - ii. Southern property line setback: 25 feet.
    - iii. All other property line setback: 20 feet.
    - iv. Maximum Height: 35 feet (two stories).

- v. Residential Unit Separation: 8 feet from unit foundation to unit foundation, except that the following items may project into the required 8 foot separation:
  - 1. Architectural features may project up to 12 inches;
  - 2. Roof eaves may project up to 24 inches; and
  - 3. There shall be no required separation between detached garages and other buildings.
- vi. Residential Unit Placement: Residential dwelling units shall be constructed in the general building pad locations reflected on the attached Zoning Exhibit, while the exact floor plan, elevation, driveway locations, and garage locations shall be determined through the building permit process.
- c. Landscaping. All landscaping requirements of the Zoning Ordinance shall be applicable unless otherwise specified herein.
  - i. One canopy tree shall be provided in the front yard of each one unit building pad.
- d. Parking.
  - i. Two enclosed parking spaces shall be provided for each unit.
  - ii. Driveways shall be a minimum of 5 feet in length as measured from the edge of the adjacent access drive to the face of the garage. If a driveway less than 18 feet in depth is provided, an additional two 9 feet by 18 feet parking spaces shall be provided on the unit's building pad. There shall be no associated landscaping requirements for these two parking spaces.
- e. Architectural Standards. All Architectural and Site Standards of the Zoning Ordinance shall be applicable unless otherwise specified herein.
  - i. The exterior finish on each wall of every multi-family structure shall be a minimum of 65 percent masonry as defined by the Zoning Ordinance.
  - ii. Windows within 150 feet of a property line may orient towards adjacent residential properties.
  - iii. The architectural character of any constructed structure shall generally conform to the attached Architectural Renderings.

- f. The subject property shall generally conform to the attached Zoning Exhibit.
- g. The subject property shall be subject to the requirements of the “REC” – Regional Employment Center Overlay District.

**APPLICATION SUBMITTAL DATE:** September 28, 2010 (Original Application)  
October 8, 2010 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 33.89 acres of land, located on the east side of Custer Road and on the south side of Stacy Road from “PD” – Planned Development District and “REC” – Regional Employment Overlay District to “PD” – Planned Development District and “REC” – Regional Employment Overlay District, generally to modify the development standards.

The subject property is currently zoned to allow multi-family residential uses and the applicant is not proposing to modify this aspect of the existing zoning. Portions of the eastern half of the subject property are currently developed with four unit multi-family residential structures. The applicant intends to develop the western portion of the subject property in a manner more consistent with a single family residential development while the remainder of the subject property will be developed with two and four unit buildings. Even though portions of the subject property may be designed to look and feel like a single family development, the proposed development is considered a multi-family development as three or more dwelling units will exist on a single platted lot of record.

While the applicant wishes to create a single family residential character within the proposed multi-family residential development, the applicant has chosen not to create a true single family residential development (each residential unit on its own lot of record) because of the costly ramifications associated with the modifications to the existing infrastructure (drive aisles, private utility services, and water and sanitary sewer services).

**PLATTING STATUS:** The subject property is platted as part of the Wellstone at Craig Ranch Addition.

**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 2006-04-045 (multi-family residential uses) and “REC” – Regional Employment Center Overlay District (Commercial/Employment District Zone)

North	<p>“PD” – Planned Development District 1756 (retail and office uses);</p> <p>“PD” – Planned Development District 2009-05-034 (multi-family residential uses); and</p> <p>“REC” – Regional Employment Center Overlay District (Commercial / Employment District Zone)</p>	Undeveloped Land
South	<p>“PD” – Planned Development District 2006-01-002 (residential uses);</p> <p>“PD” – Planned Development District 2003-09-074 (residential uses); and</p> <p>“REC” – Regional Employment Center Overlay District (Neighborhood Zone)</p>	Undeveloped Land; Hemmingway at Craig Ranch; and the Estates at Craig Ranch
East	<p>“AG” – Agricultural District; and</p> <p>“REC” – Regional Employment Center Overlay District (Commercial / Employment District Zone)</p>	SPCA of McKinney
West	<p>“PD” – Planned Development District 2006-11-134 (commercial uses);</p> <p>City of Frisco, TX; and</p> <p>“REC” – Regional Employment Center Overlay District (Neighborhood Zone)</p>	Undeveloped Land

Discussion: The governing planned development district ordinance allows from multi-family residential uses. A site plan (06-018SP) reflecting a series of multiple unit structures on the subject property was approved by the City Council in 2006. The applicant is proposing a series of new product types for the subject property which requires the approval of a new site plan application (10-092SP). However, to develop the property per the proposed site plan, the proposed rezoning request must be approved. Subsequent to the approval of the proposed rezoning request, the associated site plan application will move forward for approval.

**PROPOSED ZONING:** The applicant is requesting approval of the following special ordinance provisions:

1. Use and development of the subject property shall be subject to the following special ordinance provisions:

a. Use.

i. Multi-family residential uses shall be permitted at a density as reflected on the attached Zoning Exhibit.

- The subject property was rezoned from “AG” – Agricultural District to “PD” – Planned Development District for multi-family residential uses in December of 2001. At that time a density of 16 dwelling units per acre was approved.
- The applicant’s current proposal reflects an approximate density of 6 dwelling units per acre (approximately 196 proposed units). The proposed density is approximated because the proposed zoning exhibit allows the applicant some level of flexibility to construct one unit, two unit, or four unit buildings which may slightly affect the actual density. This flexibility should not significantly alter the approximate density and will not result in a density higher than what is currently permitted on the subject property.
- The applicant is not proposing to modify the allowed uses (multi-family residential) and is actually decreasing the proposed density from what is currently allowed on the subject property. Staff is comfortable with the proposed special ordinance provision.

b. Space Limits.

i. Stacy Road and Custer Road Setback: 35 feet.

ii. Southern property line setback: 25 feet.

iii. All other property line setback: 20 feet.

- The governing planned development district currently allows building setbacks similar to the setbacks being proposed by the applicant with one exception. Ordinance No. 2006-04-045 requires a 50 foot setback from the southern property line.

- This 50 foot setback was intended to separate the four unit buildings that were proposed at the time from the adjacent estate residential lots. The applicant has since modified the unit type that is being proposed adjacent to the estate residential lots and is requesting to reduce the setback to a more reasonable distance.
- Staff is comfortable supporting the building setbacks detailed above.

iv. Maximum Height: 35 feet (two stories).

- The multi-family products being proposed by the applicant are intended to have a character more consistent with that of a single family residential development.
- As such, Staff felt it necessary to include a special ordinance provision limiting the proposed structure's maximum building height to a level consistent with single family residential developments in McKinney.
- Staff recommends approval of this special ordinance provision.

v. Residential Unit Separation: 8 feet from unit foundation to unit foundation, except that the following items may project into the required 8 foot separation:

1. Architectural features may project up to 12 inches;
  2. Roof eaves may project up to 24 inches; and
  3. There shall be no required separation between detached garages and other buildings.
- The Zoning Ordinance requires a minimum 10 foot separation between multi-family residential buildings. The applicant is requesting to reduce this separation to 8 feet between residential units and 0 feet between detached garages and other buildings.
  - Prior to moving forward with the proposed rezoning request, representatives from the Planning, Fire, and Building Inspections Departments met with the applicant to discuss the ramifications of the proposed reduction.

Staff made it clear to the applicant that the residential units must be separated by at least 10 feet or additional life safety measures would be required. These measures may include, but not be limited to adding fire suppression systems to specific structures and providing additional fire ratings in walls. These measures may add a significant cost to the project. The applicant understood these risks but still wished to move forward with the requested reduction.

- Staff is comfortable supporting the requested special ordinance provision and feels that it should not negatively impact any adjacent properties.

vi. Residential Unit Placement: Residential dwelling units shall be constructed in the general building pad locations reflected on the attached Zoning Exhibit, while the exact floor plan, elevation, driveway locations, and garage locations shall be determined through the building permit process.

- As part of the site plan process for multi-family developments, the number of dwelling units and the exact placement of buildings are detailed and verified for conformance with any applicable regulations.
- The applicant has requested the ability to site plan and permit the proposed development in a different manner; a manner more consistent with a platted single family residential development. With detached single family developments, site plans are not required thus building placements are not determined with a site plan, rather they are established as part of the building permit process.
- If the proposed special ordinance provision is approved, the applicant would only be required to show a building pad on the site plan while the actual building footprint would be established via the building permit process.
- Staff is comfortable supporting the requested special ordinance provision and will coordinate the permitting of the proposed structures with the Building Inspections Department.

c. Landscaping. All landscaping requirements of the Zoning Ordinance shall be applicable unless otherwise specified herein.

i. One canopy tree shall be provided in the front yard of each one unit building pad.

- Because the applicant is striving to achieve a character consistent with that of a single family development in a multi-family context, Staff felt it necessary to include some landscaping that would mirror the landscaping provided in a single family residential development.
- Single family residences are required to provide two canopy trees on each lot with at least one of those trees being provided in the front yard. Staff is proposing the special ordinance provision above so that the proposed one unit landscaping will feel more like that of a single family unit than that of a detached multi-family unit.
- Staff recommends approval of this proposed special ordinance provision.

d. Parking.

i. Two enclosed parking spaces shall be provided for each unit.

- The minimum parking requirement for detached single family residential uses as specified by the Zoning Ordinance is two spaces for each unit, including two covered or enclosed spaces.
- The minimum parking requirement for multi-family residential uses as specified by the Zoning Ordinance is one enclosed parking space for each dwelling unit, plus one-half parking space for each bedroom with one-half parking space being provided for each enclosed parking space or a 20 foot long driveway being provided for each enclosed parking space.
- However, PD Ordinance No. 2001-12-132, one of the PD ordinances governing the subject properties, provides modified parking standards for multi-family residential uses. Those standards are one parking space per unit with at least one-half of the parking being covered for multi-unit buildings while three unit buildings are required two parking spaces with at least one being covered.

- The proposed parking standard requested by the applicant reflects a standard that is consistent with detached single family residences throughout the City and should result in a more appropriate parking ratio than what is currently allowed on the subject property. As such, Staff is comfortable supporting the proposed special ordinance provision.
- ii. Driveways shall be a minimum of 5 feet in length as measured from the edge of the adjacent access drive to the face of the garage. If a driveway less than 18 feet in depth is provided, an additional two 9 feet by 18 feet parking spaces shall be provided on the unit's building pad. There shall be no associated landscaping requirements for these two parking spaces.
- The Zoning Ordinance requires that a 20 driveway be provided adjacent to garages to facilitate access to the garage without interference with the use of the street or alley.
  - In every day usage, garages are often times used for storage while the driveway serves as the primary parking location for the unit. The driveway also commonly serves as visitor parking. As such, Staff felt it necessary to provide some parking on each building pad if a reduced driveway length was utilized.
  - Regardless of the reduction in required driveway length, the applicant will be required to maintain adequate sight visibility as required by the Director of Engineering. This visibility will be verified as part of the building permit process.
  - Staff is comfortable supporting the reduction in required driveway length as sight visibility and parking should be accomplished through other means.
- e. Architectural Standards. All Architectural and Site Standards of the Zoning Ordinance shall be applicable unless otherwise specified herein.
- i. The exterior finish on each wall of every multi-family structure shall be a minimum of 65 percent masonry as defined by the Zoning Ordinance.
- The Zoning Ordinance currently requires the exterior finish on each wall of every multi-family structure to be a

minimum of 85 percent masonry as defined by the Zoning Ordinance. The Zoning Ordinance does not mandate minimum masonry percentage for detached single family residential uses.

- With that stated, the applicant is striving to create a single family residential character within the proposed multi-family residential development so Staff is comfortable supporting a reduction in the required masonry percentage to a level more commonly found among detached single family residences.
  - Staff is comfortable supporting the proposed special ordinance provision.
- ii. Windows within 150 feet of a property line may orient towards adjacent residential properties.
- In May of 2005, the City Council adopted new regulations requiring additional landscaping, screening, and architectural treatments for multi-family residential developments. These regulations were specifically drafted to address stand-alone, suburban multi-family residential developments, rather than multi-family residential units designed to look and function as detached single family residences.
  - The Zoning Ordinance states that multi-family residential structures within 150 feet of an adjacent single family residential use or zone shall be situated so that no exterior facing window is oriented towards said adjacent single family use or zone.
  - With that stated, the applicant is striving to create a single family residential character within the proposed multi-family residential development so Staff is comfortable supporting a special ordinance provision that allow windows to be oriented toward an adjacent single family residential development.
- iii. The architectural character of any constructed structure shall generally conform to the attached Architectural Renderings.
- The applicant has provided a series of architectural renderings that illustrates the desired character any future buildings within the proposed development. This

illustrated architectural character is consistent with the existing structures within the development. All future buildings will be required to generally conform to the illustrated character.

- Staff recommends approval of the aforementioned special ordinance provision.
- f. The subject property shall generally conform to the attached Zoning Exhibit.
- The applicant has provided an exhibit that generally reflects how the property will develop. All future construction will be required to generally conform to the illustrated character.
  - Staff recommends approval of the aforementioned special ordinance provision.
- g. The subject property shall be subject to the requirements of the “REC” – Regional Employment Center Overlay District.
- The subject property is located within the Commercial / Employment District Zone of the Regional Employment Center Overlay District and will be required to follow the applicable requirements as found in Appendix B of the Zoning Ordinance.
  - Staff recommends approval of the aforementioned special ordinance provision.

**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 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 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 “Attractive Hometown that Promotes McKinney’s Character” through the stated objective of the Comprehensive Plan, an “attractive and distinctive neighborhoods.”
- **Impact on Infrastructure:** The water master plan, sewer master plan, and thoroughfare plan are all based on anticipated land uses as shown on the Future

Land Use Plan. The proposed uses as specified within the proposed pattern book should have a positive impact on the existing and planned water, sewer and thoroughfare plans in the area as the proposed density is less than what is permitted by the governing zoning. The proposed rezoning request is not an attempt to alter the allowed uses but rather an attempt to modify existing and add additional development standards. The infrastructure in the region should not be negatively impacted by the proposed rezoning request.

- Impact on Public Facilities/Services: Similar to infrastructure, the public facilities/services are all planned for based on the anticipated land uses as shown on the Future Land Use Plan. The proposed rezoning should have a positive impact on public services, such as schools, fire and police, libraries, parks and sanitation services as the proposed density is less than what is permitted by the governing zoning. The proposed rezoning request is not an attempt to alter the allowed uses but rather an attempt to modify existing and add additional development standards. Public facilities/services should not be negatively impacted by the proposed rezoning request.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for similar commercial and residential uses. The proposed rezoning request will not alter the land use from what has been planned for the subject property. As such, the proposed development should be compatible with the existing and potential adjacent land uses.
- Fiscal Analysis: The proposed uses for the subject property is not changing, thus the economic impact should be minimal. A fiscal impact analysis for the proposed rezoning request was not conducted.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of commercial land uses in the area. Currently, the surrounding properties are zoned generally for residential, retail, office, and agricultural uses within the REC Overlay District.

**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:** The current multi-family policy was adopted by City Council in August of 2001. In reviewing requests to rezone property for multi-family uses, Staff evaluates the request for conformance to the policy criteria listed in the Comprehensive Plan.

The subject property is currently zoned for multi-family residential uses. Per the Multi-Family Policy, multi-family residential uses located within the REC Overlay District are not included in the allowable multi-family residential unit percentages. As such, the proposed rezoning request is in conformance with the City's Multi-Family Policy.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received one phone call asking for more information but has not received any specific comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- Location Map
- Aerial Exhibit
- Letter of Intent
- Property Owner Notice
- Property Owner Notification List
- Existing "PD" – Planned Development District Ordinance No. 2001-12-132
- Existing "PD" – Planned Development District Ordinance No. 2006-04-045
- Proposed Zoning Exhibit
- Proposed Architectural Renderings
- PowerPoint Presentation