

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Michael Quint, Senior Planner

**FROM:** Abra R. Nusser, Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by J. Volk Consulting, Inc., on Behalf of Scott Communities Buildings, L.P. and Townhome Builders at Pecan Park, Inc., for Approval of a Request to Rezone Approximately 22.05 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 South Side of McKinney Ranch Parkway and Approximately 1,050 Feet West of Lake Forest Drive.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the July 19, 2011 meeting.

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

1. The subject property be rezoned to "PD" – Planned Development District and be developed according to the following regulations:
  - a. The subject property shall generally conform to the attached general development plan.
  - b. The subject property shall develop in accordance with the attached development regulations.

***The applicant is also requesting approval of modified architectural design standards which Staff is not comfortable supporting.***

- c. The subject property shall develop in accordance with the attached architectural design regulations, including the design elements and checklist.

**APPLICATION SUBMITTAL DATE:** May 16, 2011 (Original Application)  
May 31, 2011 (Revised Submittal)  
June 13, 2011 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 22.05 acres of land, located on the south side of McKinney Ranch Parkway and approximately 1,050 feet west of Lake Forest Drive, 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. Pecan Park has an approved plat, and is currently under construction, but the applicant is requesting to modify the housing types allowed, the development’s space limits, and the required architectural standards by replacing the existing planned development district ordinance.

**PLATTING STATUS:** The subject property is currently platted as a portion of the Pecan Park Addition. The applicant intends to submit an amending plat to reflect the revised general development plan’s lot layout should the proposed rezoning request be approved.

**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. 2006-05-054 (Single Family Residential Uses) and “REC” – Regional Employment Center Overlay District

North	“AG” – Agriculture District and “REC” – Regional Employment Center Overlay District	Single Family Residential Home
	“PD” – Planned Development District Ordinance No. 2003-01-007 (Retail Uses) and “REC” – Regional Employment Center Overlay District	Undeveloped Land
	“PD” – Planned Development District Ordinance No. 95-06-29 (Single Family Residential Uses), and as amended, and “REC” – Regional Employment Center Overlay District	Eldorado Heights Residential Subdivision

South	“PD” – Planned Development District Ordinance No. 2005-01-005 (Single Family Residential Uses) and “REC” – Regional Employment Center Overlay District	Undeveloped Land
East	“PD” – Planned Development District Ordinance No. 2003-01-007 (Retail Uses) and “REC” – Regional Employment Center Overlay District	Walmart Supercenter
West	“PD” – Planned Development District Ordinance No. 2005-01-005 (Single Family Residential Uses) and “REC” – Regional Employment Center Overlay District	Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property 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.

The subject property is currently governed by multiple planned development district ordinances that include development standards relating to space limits for the existing lots in the subdivision, placement of trees onsite, and they include a general development plan. Since the streets have been constructed, the layout of the subdivision is not proposed to be changed. The applicant is proposing to modify the general development plan and the associated development standards to allow for revised townhome building sizes and the conversion of some of the planned townhome lots to single family detached lots. The applicant has stated that the modifications to the allowed housing types and home sizes should contribute to an increased marketability for the products and the development in general. Staff is comfortable with the proposed planned development district’s general development plan and development standards as they are generally in keeping with the character prescribed by the Regional Employment Center Overlay District and the Comprehensive Plan.

With that stated, the applicant is also proposing to modify the architectural standards that will apply to the subject property. Currently, there are no architectural standards in the Zoning Ordinance applicable for single family detached homes, but there are architectural standards for townhomes. Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance requires townhomes to provide a minimum of 85 percent brick, stone, or synthetic stone materials (i.e. masonry) on each side of every townhome unit, exclusive of doors and windows. The applicant is proposing to provide a minimum of 95 percent masonry on the fronts and sides of the townhome buildings (not each unit), exclusive of doors, windows, gables, and dormers and is only proposing to provide a minimum of 50 percent masonry on the rear sides of the townhome buildings.

Staff has concerns with the proposed architectural standards for the townhomes for a number of reasons. First, although the masonry percentage on the fronts and sides of the townhome buildings is proposed to be a minimum of 95 percent, the percentage is proposed to be calculated exclusive of gables and dormers in addition to exclusive of doors and windows. This could create a situation where the 95 percent masonry provision results in requiring even less than the Zoning Ordinance's required minimum of 85 percent per side per unit should the applicant choose to provide significant gables and dormers.

In addition, the applicant is proposing a minimum of 50 percent masonry (calculated in the aforementioned manner) on the rear sides of the townhome buildings instead of the required 85 percent masonry calculated exclusive only of doors and windows. The Architectural Design Guidelines of the REC state that "all sides of a building should be architecturally consistent with regard to style, materials, colors, and details" and that "blank wall or service area treatment [on] rear elevations visible from the public right-of-way [are] discouraged."

When considering modifications to the Architectural Standards of the Zoning Ordinance through the planned development district process (similar to modifying architectural standards through a meritorious exception process), Staff attempts to ensure that the modified architectural standards provide a level of exceptional quality and/or innovation. Also, modified architectural standards are not typically granted to serve as a convenience to the applicant or for reasons related to economic hardship. The applicant has not proposed architectural standards that provide four-sided architecture consistent with the REC's guidelines or buildings of exceptional quality or appearance, and the applicant has not provided justification for the reduction in required masonry other than reasons relating to convenience or economic hardship.

Staff feels that the architectural standards proposed by the applicant (i.e. the pick three elements to provide) do not provide significant improvement to the standard requirements of the Architectural Standards in the Zoning Ordinance. Staff is not comfortable supporting the architectural standards proposed by the applicant and is therefore recommending denial of the architectural standards included in the proposed rezoning request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for medium density residential 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 is consistent with some of the goals and objectives of the Comprehensive Plan and at odds with others. In this case, the Comprehensive Plan calls for "Land Use Compatibility and Mix" by providing "A Mix of Land Uses that Provides for Various Lifestyle Choices," and Staff feels that the proposed rezoning request

achieves this stated objective. The Comprehensive Plan also recognizes the need for an “Attractive Hometown that Promotes McKinney’s Character” through the stated objective of providing “Homes and Buildings Complying with City Standards and Codes,” and Staff is of the opinion that the proposed rezoning request is in direct conflict with this stated objective of the Comprehensive Plan as detailed above

- Specific Area Plan or Studies: The subject property is within the “REC” – Regional Employment Center Overlay District’s Neighborhood Zone. As detailed above, Staff feels that due to the architectural standards proposed, portions of the rezoning request are in direct conflict with some of the key design concepts/guidelines of the REC.
- Impact on Infrastructure: The water master plan, sewer master plan, and master thoroughfare plan are all based on the anticipated land uses as shown on the Future Land Use Plan. The Future Land Use Plan designates the subject property generally for medium density residential uses. The proposed rezoning request should have a reduced impact on the existing and planned water, sewer and thoroughfare plans in the area since the applicant is proposing to reduce the previously approved density of the subdivision.
- Impact on Public Facilities/Services: Similar to infrastructure, public facilities and services are all planned for based on the anticipated land uses shown on the Future Land Use Plan. The Future Land Use Plan designates the subject property generally for low density residential uses. The proposed rezoning request should have a reduced impact on planned public services, such as schools, fire and police, libraries, parks and sanitation services since the applicant is proposing to reduce the previously approved density of the subdivision.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for a mixture of residential and commercial uses. The proposed rezoning request does not propose to change the single family residential use on the subject property, and the use should be continue to be compatible with the existing and potential adjacent land uses.
- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the proposed rezoning request does not alter the single family residential use of the subject property.
- Concentration of a Use: The proposed rezoning should not result in an over concentration of residential land uses in the area. Currently, the surrounding properties are zoned for a mixture of residential and commercial uses.

**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 no comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Existing “PD” – Planned Development District Ordinance No. 2002-05-038
- Existing “PD” – Planned Development District Ordinance No. 2003-01-007
- Existing “PD” – Planned Development District Ordinance No. 2005-01-005
- Existing “PD” – Planned Development District Ordinance No. 2006-05-054
- Proposed General Development Plan
- Proposed Development Standards
- Proposed Architectural Elements
- Proposed Architectural Checklist
- PowerPoint Presentation