

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, 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 “AG” – Agricultural District and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District, to Allow for Commercial Uses, Located Approximately 1,490 Feet West of Lake Forest Drive and on the South Side of McKinney Ranch Parkway

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the May 5, 2015 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 follow the rules and regulations of Section 146-111 (“C1” – Neighborhood Commercial District) of the Zoning Ordinance, and as amended.
2. The use and development of the subject property shall not be subject to Appendix B-2 (Regional Employment Center – Overlay Urban Design Standards) of the Zoning Ordinance.
3. Buildings constructed on the subject property shall be finished with 100% 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.
4. A minimum 12 foot wide landscape buffer shall be provided along the southern property line of the subject property.

**APPLICATION SUBMITTAL DATE:** January 12, 2015 (Revised Submittal)  
 January 27, 2015 (Revised Submittal)  
 January 28, 2015 (Revised Submittal)  
 February 20, 2015 (Revised Submittal)  
 February 26, 2015 (Revised Submittal)  
 March 5, 2015 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 2.37 acres of land from “AG” – Agricultural District to “PD” – Planned Development District generally to allow for a memory care facility (Avalon Homes Memory Care).

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	“AG” – Agricultural District (Agricultural Uses) and “REC” – Regional Employment Overlay District	Undeveloped Land
North	“PD” – Planned Development District Ordinance No. 98-09-49 (Single Family Detached Residential Uses)	Eldorado Heights Section II Phase VIII Subdivision
South	“PD” – Planned Development District Ordinance No. 2011-07-049 (Single Family Attached and Detached Residential Uses) and “REC” – Regional Employment Overlay District	Pecan Park Subdivision
East	“PD” – Planned Development District Ordinance No. 2003-01-007 (Mixed Use/Office Uses) and “REC” – Regional Employment Overlay District	Undeveloped Land
West	“PD” – Planned Development District Ordinance No. 2011-07-049 (Single Family Attached and Detached Residential Uses)	Pecan Park Subdivision

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property, currently zoned “AG” – Agricultural District and “REC” – Regional Employment Center Overlay District to “PD” Planned Development District generally to allow for a memory care facility to be constructed on the property. More specifically, the applicant is requesting that the property develop according to the rules and regulations of Section 146-111 “C1” – Neighborhood Commercial District except for modifications to the southern landscape buffer and architectural requirements discussed further below.

On May 20, 2014, the City Council adopted changes to the “REC” – Regional Employment Center Overlay District to allow properties within the overlay to develop either in an urban (as prescribed by the REC) or suburban manner. The applicant intends to construct the development in a more traditional or suburban manner and, as such, has requested to remove the REC requirements from the subject property.

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 to use 100% masonry (brick, stone, or synthetic stone) exterior finishing materials on each building elevation and will also be subject to all other requirements of Section 146-139 (Architectural and site standards) of the Zoning Ordinance. As the proposed percentages of masonry materials per elevation 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.

The applicant has also requested a special ordinance provision increasing the landscape buffer along the southern property line from 10 feet to 12 feet, which Staff is supportive of.

**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 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 “Land Use Compatibility and Mix” through the objective “Land use patterns that optimize and balance the tax base of the City.”
- **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 east of the subject property are zoned for similar commercial uses and the properties to the north, south and west of the subject property are zoned for

residential uses. Staff feels the proposed “C1” – Neighborhood Commercial District will remain compatible with the existing and future surrounding land uses.

- Fiscal Analysis: The attached fiscal analysis shows a positive cost benefit of \$52,808 using the full cost method.

The attached “Land Use and Tax Base Summary” shows that Module 30 is currently comprised of approximately 36.7% residential uses and 63% non-residential uses (including mixed-use, institutional and agricultural uses). The proposed rezoning request will have an impact on the anticipated land uses in this module by increasing the nonresidential use component. Estimated tax revenues in Module 30 are comprised of approximately 55.6% from residential uses and 44.4% from non-residential uses (including mixed-use). Estimated tax revenues by type in Module 30 are comprised of approximately 72% ad valorem taxes and 28% 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
- Fiscal Analysis
- Land Use and Tax Base Summary
- Concept Layout (Informational Only)
- PowerPoint Presentation