

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**FROM:** Michael Quint, Director of Planning

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Oden Hughes, L.L.C., on Behalf of OH Skyline / 380, L.P., for Approval of a Request to Rezone Fewer than 12 Acres from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located on the West Side of Skyline Drive and Approximately 300 Feet North of U.S. Highway 380 (University Drive)

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the August 20, 2013 meeting.

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**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 the “MF-1” – Multi-Family Residential-Low Density District, and as amended, and “CC” – Corridor Commercial Overlay District, and as amended, except as follows:
  - a. A maximum of 212 multi-family residential dwelling units shall be permitted on the subject property.
  - b. A maximum multi-family residential building height of 3 stories shall be permitted on the subject property.
  - c. A 6-foot tall board-on-board wood fence with masonry columns spaced every 20 feet on center shall be permitted as an approved screening device along the side and rear property lines (i.e. northern, western, and southern boundaries). The eastern boundary along Skyline Drive will consist of a 6-foot tall primed and painted tubular steel or wrought iron fence with masonry columns spaced 20 feet on center with structural supports placed every 10 feet on center and with sufficient evergreen landscaping to create a screening effect. This steel fence will terminate into a minimum 6 foot tall masonry wall that abuts both sides of the

community entry drives and spans a distance of no less than 10 feet on either side.

- d. The property will provide a 1,500 sq. ft. enclosed dog park and will include, but not be limited to a minimum of two waste stations, two outdoor benches and/or seating for a minimum of six individuals. The park will be enclosed by a tubular steel or wrought iron fence which that stands a minimum of 42” in height. Additionally, one canopy tree shall be planted every 30 linear feet along the fence or evergreen shrubs (acceptable for low screening) shall be planted every four feet along the fence.

**APPLICATION SUBMITTAL DATE:** June 24, 2013 (Original Application)  
July 8, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 11.57 acres of land, located on the west side of Skyline Drive and approximately 300 feet north of U.S. Highway 380 (University Drive) from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District, generally to modify the development standards. The applicant is requesting to modify several regulations that are currently applicable to the development of multi-family residential uses; specifically the maximum building height and the allowable screening devices. The applicant has also submitted an informational zoning exhibit which generally reflects how the property could be developed, subject to review and approval via the site plan approval process.

**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. 1371, as amended by “PD” – Planned Development District Ordinance No. 1719; and “CC” – Corridor Commercial Overlay District

North	“PD” – Planned Development District Ordinance No. 1719 (multi-family uses)	Ashton Oaks Apartments
South	“PD” – Planned Development District Ordinance No. 2012-10-054 (commercial uses)	Autozone and Undeveloped Land
East	“PD” – Planned Development District Ordinance No. 97-06-035 (commercial and residential Uses)	Skyway Villas Apartments and Undeveloped Land
West	“PD” – Planned Development District Ordinance	Undeveloped Land

No. 2006-11-131 (multi-family uses)

**PROPOSED ZONING:** The applicant is seeking approval of a request to rezone the subject property in order to modify several development regulations that are currently applicable to the development of multi-family residential uses.

Currently, the Zoning Ordinance states that the maximum building height for multi-family residential buildings shall be two stories. The applicant has requested the ability to construct three story multi-family residential buildings. The subject property is surrounded by properties that are zoned and/or used for multi-family residential and commercial uses. Staff has no objections to this request.

The Zoning Ordinance also requires a masonry wall be provided along all side and rear property lines. The applicant has requested the ability to utilize a board-on-board fence to enclose the property. Staff has no objections to this request.

Additionally, the applicant is proposing to limit the maximum number of dwelling units to 212. This dwelling unit limitation is a carry-over from the existing “PD” – Planned Development Ordinance that currently governs the property. As such, Staff has no objections to this request.

Lastly, when a “PD” Ordinance is requested, the Zoning Ordinance requires that a special ordinance provision requiring exceptional quality be provided. To satisfy this request, the applicant is proposing a requirement for a 1,500 square foot dog park. This ordinance provision is very similar to an optional amenity that’s currently allowed by the Zoning Ordinance. During Staff’s discussions with the applicant, the applicant has indicated an understanding that by proposing this ordinance provision, they will not be able to utilize the dog park amenity that’s allowed by the Zoning Ordinance to satisfy the Ordinance’s minimum amenity requirements. Staff has no objections to this request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for commercial uses. The FLUP modules diagram designates the subject property as suburban 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 zoning change would help the community attain the goal of “Land Use Compatibility and Mix” through the stated objective of the Comprehensive Plan, “a mix of land uses that provides for various lifestyle choices.”
- **Impact on Infrastructure:** The proposed rezoning request will have no impact on the existing and planned water, sewer and thoroughfare plans in the area since the allowed land uses and densities are not changing with this request.

- Impact on Public Facilities/Services: The proposed rezoning request will have no impact on public services, such as schools, fire and police, libraries, parks and sanitation services since the allowed land uses and densities are not changing with this request.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for similar commercial and multi-family residential uses. The proposed land use should be compatible with the existing and proposed land uses adjacent to the property.
- Fiscal Analysis: A fiscal analysis was not conducted for this request as the allowed uses and densities are not being modified.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of multi-family residential 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:** The proposed rezoning request does not conflict with the Multi-Family Policy since the property already has multi-family residential entitlements.

**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
- Zoning Exhibit – Informational Only
- PowerPoint Presentation