

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Samantha Gleinser, Planner I

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd & Joplin, on Behalf of McKinney Seven 17, L.P. and VCIM Partners, L.P., for Approval of a Request to Rezone Fewer than 7 Acres from “AG” – Agricultural District, “PD” – Planned Development District, and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District, to Modify the Allowed Land Uses and Development Standards, Located on the Northwest Corner of Chief Spotted Tail Drive 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 16, 2013 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to lack of conformance with the character and vision prescribed by Appendix B-2 (Regional Employment Center - Overlay Urban Design Standards) and Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance.

**However, should the rezoning request be approved, the following special ordinance provisions shall apply:**

1. The use and development of the subject property shall conform to the requirements of “PD” – Planned Development District Ordinance No. 2001-02-017, except as follows:
  - a. The use of this area shall develop in accordance with the community, civic, institutional, and religious buildings of the Neighborhood Zone as specified in the “REC” – Regional Employment Center Overlay District.
  - b. Independent living facility shall be an allowed use on the property.
  - c. Development of an assisted living/independent living facility on the subject property shall generally conform to the attached elevations.

- d. Development of an assisted living/independent living facility on the subject property shall generally conform to the attached concept plan.
- e. The minimum parking requirements for an assisted living facility/independent living facility on the property shall conform to the attached concept plan.
- f. A pocket park (including associated walking trails and landscaping) which is open to the public shall be provided in general conformance with the attached concept plan and shall preserve the approximately sixty (60) native trees as shown.

**APPLICATION SUBMITTAL DATE:** May 13, 2013 (Original Application)  
May 28, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 6.83 acres of land from “AG” – Agricultural District, “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 applicant is proposing to construct an assisted living/independent living facility on the subject property and has indicated that this will be an “age-in-place” facility. Each building on the property will provide a different level of care, as can be seen on the proposed concept plan.

The applicant is proposing to maintain the uses allowed within the “BN” – Neighborhood Business, while also developing in accordance with civic, community, institutional, and religious buildings of the Neighborhood Zone as specified in the “REC” – Regional Employment Center Overlay District. In addition, the applicant is requesting approval of modifications to the architectural standards’ masonry finishing material requirements, the build-to line expectations for buildings in the REC Overlay District, and the Zoning Ordinance’s minimum parking standards.

This item was tabled at the June 11, 2013 Planning and Zoning Commission meeting due to a noticing error.

**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, “PD” – Planned Development District Ordinance No. 2001-02-017 and “REC” – Regional Employment Center Overlay District (Commercial and Agricultural Uses)

North	“PD” – Planned Development District Ordinance No. 2001-02-017 and “REC” – Regional Employment Center Overlay District (Commercial and Single Family Residential Uses)	Undeveloped Land
South	“PD” – Planned Development District Ordinance No. 2001-02-017 and “REC” – Regional Employment Center Overlay District (Single Family Residential Uses)	Settlement at Craig Ranch
East	“AG” – Agricultural District and “REC” – Regional Employment Center Overlay District (Agricultural Uses)	Undeveloped Land
West	“PD” – Planned Development District Ordinance No. 2001-02-017 and “REC” – Regional Employment Center Overlay District (Single Family Residential Uses)	Settlement at Craig Ranch

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “AG” – Agricultural District, “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 proposed modifications include increased setbacks from Alma Road which result in the erosion of the pedestrian room prescribed by the REC Overlay District, a lack of a pedestrian-oriented streetscape which erodes the urban character prescribed by the REC Overlay District, and the limited use of masonry materials (brick, stone, or synthetic stone) on the building without providing some innovation or exceptional quality. These requested modifications to the development standards conflict with the pedestrian-oriented character that is mandated by the “REC” – Regional Employment Center Overlay District. In addition, the proposed building elevations do not meet the required masonry finishing material percentages nor do they attempt to offset this deficiency with any innovation or exceptional quality. As such, Staff is unable to support this request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for commercial and single-family residential uses, though the entire tract was rezoned for commercial uses only in 2001. The FLUP modules diagram designates the subject property as REC – 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 not in conformance with the goals and objectives of the Comprehensive Plan; specifically the goal of “Attractive Hometown that Promotes McKinney’s Character” through the objective of “homes and buildings complying with City standards and codes”.
- 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: Staff feels that the proposed assisted living facility should be compatible with the existing and future surrounding commercial and residential land uses.
- Fiscal Analysis: Staff feels that there will not be a significant change in the economic impact associated with the proposed rezoning request since it does not alter the land use.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of assisted and independent living facilities 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.

**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 Ordinance No. 2001-02-017
- Proposed Zoning Exhibit - Boundary
- Proposed Zoning Exhibit - Concept Plan
- Proposed Zoning Exhibit - Elevations
- PowerPoint Presentation