

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Samantha Pickett, Planner II

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on a Request 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, Located on the South Side of Stacy Road and at the Terminus 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 March 3, 2015 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to lack of conformance with the Comprehensive Plan.

**However, the applicant is requesting approval of the following special ordinance provision:**

1. The use and development of the subject property shall develop in accordance with the attached development regulations.

**APPLICATION SUBMITTAL DATE:** January 12, 2015 (Original Application)  
January 26, 2015 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 54.58 acres of land, located on the south side of Stacy Road and at the terminus of McKinney Ranch Parkway from office and supporting commercial uses to single family detached and multi-family residential uses. The applicant has indicated their intent to develop the property in conformance with REC Neighborhood Zone area and bulk regulations with modifications to the architectural standards for single family detached residential and development standards for multi-family residential.

In July of 2014, the City Council denied a request to rezone (14-129Z) the subject property to "PD" – Planned Development District, generally for single family attached, single family detached (approximately 45 acres) and multi-family residential

(approximately 10 acres) uses. The applicant has since revised the request to rezone the property to single family detached residential (approximately 35 acres) and multi-family residential uses (approximately 20 acres)

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"PD" – Planned Development District Ordinance No. 2002-03-019 and "REC" – Regional Employment Center Overlay District (Office and Commercial Uses)	Undeveloped Land
North	"PD" – Planned Development District Ordinance No. 2014-02-012 and "REC" – Regional Employment Center Overlay District (Commercial and Single Family Residential Uses)	Undeveloped Land
South	"PD" – Planned Development District Ordinance No. 2002-03-019 and "REC" – Regional Employment Center Overlay District (Office and Commercial Uses)	The Crepe Myrtle Trails of McKinney and Undeveloped Land
East	"PD" – Planned Development District Ordinance No. 2002-03-019 and "REC" – Regional Employment Center Overlay District (Office and Commercial Uses)	Undeveloped Land
West	"PD" – Planned Development District Ordinance No. 2002-03-019 and "REC" – Regional Employment Center Overlay District (Commercial, Single Family Attached Residential and Multiple Family Residential Uses)	Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property to modify the allowed land uses and the associated development standards. More specifically, the applicant is requesting to rezone the property from office and commercial uses to allow for single family detached residential and multi-family residential uses. While all of these uses will generally follow the area and bulk regulations of the REC Neighborhood Zone, the applicant has also provided architectural standards for the single family detached residential and has requested to modify two of the multi-family residential development standards. These include removing the limitation of eight dwelling units in a row along a block face, as well as the requirement that a minimum of 35% of the surface area be windows, doors or other opening on the first floor of a façade. Staff has no opposition to the standards for each

respective use and, as such, was not a determining factor in the recommendation for denial.

Furthermore, 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 and as stated above, the applicant has proposed architectural standards for all single family detached homes, including minimum masonry material percentages on each elevation and additional architectural element requirements. As there are currently no architectural standards in place for single family residential uses, the additional requirements exceed the current standard. While Staff is not opposed to these additional requirements, this provision only addresses the single family residential portion of the proposed development, and does not provide anything exceptional or innovative with regard to the portion of the property to be rezoned for multi-family residential uses.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for Office 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 not in conformance with the goals and objectives of the Comprehensive Plan, particularly “Land Use Compatibility and Mix”, specifically through the objective of “land uses patterns that optimize and balance the tax base of the City”.

Although the property is designated on the FLUP for office uses, and is currently zoned for office uses with supporting retail uses, Staff acknowledges that developing approximately 55 acres entirely for office uses at this particular location may be aggressive. The subject property’s distance from State Highway 121/Sam Rayburn Tollway (approximately 3,500 feet) coupled with the creation of the McKinney Corporate Center at Craig Ranch nearby, lends itself to reducing the amount of office uses at this location. Staff is of the opinion that single family residential uses may be appropriate for a portion of the property; however, the remaining balance may still be viable for office and supporting commercial uses and should be preserved accordingly. As such, Staff recommends denial of the request.

- **Impact on Infrastructure:** The proposed zoning request may have an impact on the existing and planned water, sewer and thoroughfare plans in the area since the land use would change from office to residential uses. Staff cannot determine the exact difference in the impact on infrastructure as the wide range of non-residential uses currently allowed could impact the infrastructure more or less than the impact of the proposed development.

- Impact on Public Facilities/Services: The proposed zoning request should have an impact on public facilities and service, such as schools, fire and police, libraries, parks and sanitation services, as the land use will change from office uses to residential uses requiring additional public services.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for single family residential, multi-family residential, commercial, and office uses, and while the proposed zoning will alter the land uses from what is currently allowed on the subject property, Staff is of the opinion the requested use will be compatible with existing and future development within the immediate area.
- Fiscal Analysis: The fiscal analysis shows a negative cost benefit of \$395,675 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 approximately 63.3% non-residential uses (including commercial, mixed-use, institutional and agricultural uses). Estimated tax revenues in Module 30 are comprised of approximately 55.6% from residential uses and approximately 44.4% from non-residential uses (including commercial, mixed-use, institutional and agricultural uses). The proposed rezoning requested will impact both the anticipated land uses and tax base in this module.

- Concentration of a Use: Although density is encouraged within the REC, there are a number of vacant undeveloped properties in the surrounding areas that are can be developed for varying residential uses. The subject property is part of a larger planned development district (approximately 500 acres) which designated specific areas for both residential and non-residential uses. The requested rezoning removes the non-residential uses from the property, concentrating residential uses in the immediate vicinity.

**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 exempt from the requirements of the multi-family policy due to its location within the Regional Employment Center Overlay District.

**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
- Existing "PD" – Planned Development District Ordinance No. 2002-03-019
- Proposed Zoning Exhibit – Boundary
- Proposed Zoning Exhibit – Development Regulations
- PowerPoint Presentation