

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Jennifer Cox, AICP, Director of Planning

FROM: Michael Quint, Senior Planner

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by SB Harbor Market, J.V., for Approval of a Request to Rezone Approximately 35.15 Acres from “PD” – Planned Development District to “PD” – Planned Development District, Generally to Modify the Development Standards, Located on the Southeast Corner of Virginia Parkway and Stonebridge Drive.

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council on November 16, 2010.

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

1. The subject property develop in accordance with “PD” – Planned Development District Ordinance No. 2005-02-017, and as amended, with the following exceptions:
 - a. Tracts A, B, C, D, E, and F, as reflected on the attached Zoning Exhibit, shall be subject to the following regulations:
 1. All residential uses allowed by PD Ordinance No. 2005-02-017 shall be permitted in the R-2 District along the subject property’s Stonebridge Drive frontage.
 - b. Tracts C, D, E, and F, as reflected on the attached Zoning Exhibit, shall be subject to the following regulations:
 1. Concurrently with the development of the first 50 residential units in the Town Center District, the developer shall construct, within the Town Center District 40,000 square feet of floor area of commercial uses exclusive of parking. A percentage of the enclosed mechanical and electrical space equal to the percentage of square feet on the first floor to the square feet of the entire building shall be considered in the calculation of the required commercial spaces

under this paragraph, but parking uses are not part of the calculated floor area.

2. Construction of residential units in the Town Center District shall not commence until at least 13 dwelling units in the Villa District have been constructed.
- c. In Tract E, as reflected on the attached Zoning Exhibit, a Farmers Market shall be a permitted retail use.
 - d. Two pedestrian bridges shall be permitted to extend over the right-of-way providing a minimum vertical clearance of 17 feet. The first bridge shall be permitted to extend from Tract F (the Harbor parking garage) to Tract D (a future multi-story building) over Mediterranean Drive and the second bridge shall be permitted to extend from Tract E (a future multi-story building) to Tract D (a future multi-story building) over Adriatic Parkway.
 - e. The following provisions as found in Zoning Ordinance Section 146-132(3) "Fences, Walls, and Screening Requirements" shall not apply to the subject property:
 - a. Screening devices shall be placed along any property line or district boundary between any single family detached or attached or any two-family zoning or use and any mobile home park, or non-residential use, but not across a dividing street between such uses. An alley shall not be considered a dividing street for purposes of this section. The more intensive use shall have the responsibility for providing and maintaining the screening device.
 - b. Multiple family residential developments outside of the Regional Employment Center Overlay district shall provide and maintain a six foot tall masonry screening wall along all side and rear property lines.
 - f. The following provisions as found in Zoning Ordinance Section 146-135(f) "Architectural and Site Standards" shall not apply to the subject property:
 - (17) Multiple family residential uses shall provide a landscaped buffer of at least twenty feet (20') in width along all property lines planted with one canopy tree (minimum three-inch caliper and seven feet in height at time of planting) for each 30 linear feet or portion thereof of adjacent exposure. The trees along the street frontage may be clustered, while the trees along all other property lines may not.
 - g. The following provisions as found in Zoning Ordinance Section 146-139(f) "Architectural and Site Standards" shall not apply to the subject property:

6. All parking areas shall be screened from view from public thoroughfares by one or more of the following:
 - (i) A combination of low masonry walls and earthen berms reaching a minimum of six feet tall;
 - (ii) Earthen berms reaching a minimum of six feet tall;
 - (iii) A six foot tall brick masonry, stone masonry, or other architectural masonry finish; or
 - (iv) A six 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 linear feet, and with sufficient evergreen landscaping to create a screening effect.
9. All multi-family residential buildings located outside of the Regional Employment Center Overlay District shall be limited to two stories in height.
11. Multi-family residential structures within 150 feet of an adjacent single family residential use or zone shall be situated so that no exterior facing window is oriented towards said adjacent single family residential use or zone.

APPLICATION SUBMITTAL DATE: October 19, 2010 (Original Application)

ITEM SUMMARY: The applicant is requesting to rezone approximately 35.15 acres of land, located on the southeast corner of Virginia Parkway and Stonebridge Drive, from “PD” – Planned Development District to “PD” – Planned Development District, generally to modify the development standards. The subject property is a portion of the master planned community named Adriatica, which is intended to replicate the character of a Croatian village.

PLATTING STATUS: The subject property is currently platted as the Adriatica Addition, the Adriatica Villa District Addition, the Harbor at Adriatica Addition, and the Medpark at Adriatica Addition.

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. 2005-02-017 (mixed uses), and as amended

North	“PD” – Planned Development District Ordinance No. 1621, and as amended (retail uses)	Albertson’s Shopping Center, Panda Express, Compass Bank, McDonald’s, City of McKinney Fire Station No. 5
South	“PD” – Planned Development District Ordinance No. 2005-02-017 (mixed uses), and as amended; and “PD” – Planned Development District Ordinance No. 1621 (recreation uses), and as amended	Stonebridge Ranch Community Association (open space and Stonebridge Lake)
East	“PD” – Planned Development District Ordinance No. 1621 (recreation uses), and as amended; and “PD” – Planned Development District Ordinance No. 2005-02-017 (mixed uses), and as amended	Stonebridge Ranch Community Association (Stonebridge Lake)
West	“SUP” – Specific Use Permit No. 1788 (private club); and “PD” – Planned Development District Ordinance No. 1621 (recreation and residential uses), and as amended	Villas at Stonebridge Ranch Apartments, Stonebridge Ranch Country Club

PROPOSED ZONING: The applicant is requesting to rezone the subject property as follows:

1. The subject property develop in accordance with “PD” – Planned Development District Ordinance No. 2005-02-017, and as amended, with the following exceptions:
 - a. Tracts A, B, C, D, E, and F, as reflected on the attached Zoning Exhibit shall be subject to the following regulations:
 1. All residential uses allowed by PD Ordinance No. 2005-02-017 shall be permitted in the R-2 District along the subject property’s Stonebridge Drive frontage.

- The applicant has plans to construct vertical mixed use buildings from Stonebridge Lake to Stonebridge Drive. These buildings are planned to contain a mix of uses including, but not limited to office, retail, and residential uses. However, the R-2 District that currently fronts Stonebridge Drive does not allow residential uses.
 - For the applicant to fulfill his vision of creating a true town center consisting of vertically mixed use buildings, residential uses must be allowed along the Stonebridge Drive frontage so that they can be included in the proposed buildings.
 - Staff is comfortable supporting the addition of residential uses to the list of allowed land uses in the R-2 District along Stonebridge Drive.
- b. Tracts C, D, E, and F, as reflected on the attached Zoning Exhibit shall be subject to the following regulations:
1. Concurrently with the development of the first 50 residential units in the Town Center District, the developer shall construct, within the Town Center District 40,000 square feet of floor area of commercial uses exclusive of parking. A percentage of the enclosed mechanical and electrical space equal to the percentage of square feet on the first floor to the square feet of the entire building shall be considered in the calculation of the required commercial spaces under this paragraph, but parking uses are not part of the calculated floor area.
 - A special ordinance provision similar to the proposed provision was put in place to ensure that certain amount of commercial uses were constructed prior to the development of residential dwellings in the town center. The original provision required that at least 40,000 square feet of free-standing commercial uses be constructed before residential construction in the town center could commence.
 - The applicant requests a certain level of flexibility is needed to keep the development moving forward. The proposed special ordinance provision would allow residential construction in the town center to commence once 40,000 square feet of commercial uses are constructed regardless of whether the commercial uses are free-standing or vertically integrated with other uses.

- As such, Staff is comfortable supporting this proposed special ordinance provision and feels that it will allow the applicant to continue to develop the property but ensures that a reasonable amount of commercial uses will accompany the residential uses that are constructed in the town center.
2. Construction of residential units in the Town Center District shall not commence until at least 13 dwelling units in the Villa District have been constructed.
- Currently, the governing planned development ordinance states that the construction of residential units in the Town Center District shall not commence until at least 30 dwelling units in the Villa District have been constructed.
 - Staff is comfortable supporting this proposed special ordinance provision.
- c. In Tract E, as reflected on the attached Zoning Exhibit, a Farmers Market shall be a permitted retail use.
- A farmers market has been operating in Adriatica for approximately one year under a special events permit and has been viewed as a success. In an effort to allow this use on a more permanent basis, the applicant has requested to allow this use by right within the Adriatica development.
 - Staff supports the applicant's request for the addition of a farmers market to the allowed uses within the Adriatica development.
- d. Two pedestrian bridges shall be permitted to extend over the right-of-way providing a minimum vertical clearance of 17 feet. The first bridge shall be permitted to extend from Tract F (the Harbor District parking garage) to Tract D (a future multi-story building) over Mediterranean Drive and the second bridge shall be permitted to extend from Tract E (a future multi-story building) to Tract D (a future multi-story building) over Adriatic Parkway.
- The applicant is proposing to construct pedestrian bridges that would connect individual buildings that are separated by a public right-of-way thereby increasing

pedestrian access and interconnectivity without introducing possible conflicts with vehicular traffic.

- Prior to construction of said pedestrian bridges, the applicant will be required to enter into a hold harmless, ownership, and maintenance agreement to ensure that if the bridges over public rights-of-way must be removed, the City will not be responsible for those bridges' repair and/or replacement.
 - Staff is comfortable supporting this proposed special ordinance provision.
- e. The following provisions as found in Zoning Ordinance Section 146-132(3) "Fences, Walls, and Screening Requirements" shall not apply to the subject property:
- a. Screening devices shall be placed along any property line or district boundary between any single family detached or attached or any two-family zoning or use and any mobile home park, or non-residential use, but not across a dividing street between such uses. An alley shall not be considered a dividing street for purposes of this section. The more intensive use shall have the responsibility for providing and maintaining the screening device.
 - b. Multiple family residential developments outside of the Regional Employment Center Overlay district shall provide and maintain a six foot tall masonry screening wall along all side and rear property lines.
- f. The following provisions as found in Zoning Ordinance Section 146-135(f) "Architectural and Site Standards" shall not apply to the subject property:
- (17) Multiple family residential uses shall provide a landscaped buffer of at least twenty feet (20') in width along all property lines planted with one canopy tree (minimum three-inch caliper and seven feet in height at time of planting) for each 30 linear feet or portion thereof of adjacent exposure. The trees along the street frontage may be clustered, while the trees along all other property lines may not.
- g. The following provisions as found in Zoning Ordinance Section 146-139(f) "Architectural and Site Standards" shall not apply to the subject property:
- 6. All parking areas shall be screened from view from public thoroughfares by one or more of the following:

- (i) A combination of low masonry walls and earthen berms reaching a minimum of six feet tall;
 - (ii) Earthen berms reaching a minimum of six feet tall;
 - (iii) A six foot tall brick masonry, stone masonry, or other architectural masonry finish; or
 - (iv) A six 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 linear feet, and with sufficient evergreen landscaping to create a screening effect.
9. All multi-family residential buildings located outside of the Regional Employment Center Overlay District shall be limited to two stories in height.
11. Multi-family residential structures within 150 feet of an adjacent single family residential use or zone shall be situated so that no exterior facing window is oriented towards said adjacent single family residential use or zone.
- In May of 2005, the City Council adopted new regulations requiring additional landscaping, screening, and architectural treatments for multi-family residential developments. These regulations were specifically drafted to address stand-alone multi-family residential developments, rather than vertically integrated mixed use buildings and development as a whole containing multi-family residential units.
 - Special ordinance provisions f, g, and h, as detailed above, are needed to allow the applicant to develop buildings containing a mix of uses in an urban character typical among town centers and new-urban communities.
 - Staff is comfortable supporting special ordinance provisions f, g, and h.

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 rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed rezoning request would help the community attain the goal of “Land Use Compatibility and Mix” through the stated objectives of the Comprehensive Plan, a “a mix of land uses that provides for various lifestyle choices” and “consider real estate market forces.”
- 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 as the proposed land uses are not being modified. The Future Land Use Plan (FLUP) designates the subject property generally for commercial uses within a significantly developed area. The FLUP modules diagram designates the property as suburban mix which allows for a mix of uses including single family residential, medium density residential, retail, office, and community facility uses.
- 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 as the proposed land uses are not being modified. Similar to infrastructure, public facilities and services are all planned for based on the anticipated land uses shown on the Future Land Use Plan.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for similar commercial and residential uses. The proposed rezoning request will not alter the land uses that are currently allowed on the subject property. Staff is of the opinion the proposed modifications to the existing zoning for the Adriatica development will be compatible with existing and future development within the immediate area.
- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the rezoning request does not modify the allowed land uses on the subject property.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of commercial and residential land 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 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 proposed rezoning request does not include any increase in the allowed number of multi-family residential units on the

subject property, thus the proposed rezoning request does not conflict with the requirements of the multi-family policy.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has not received any calls or emails in opposition to or support of the proposed rezoning request.

ATTACHMENTS:

- Location Map
- Aerial Exhibit
- Letter of Intent
- Property Owner Notice
- Property Owner Notification List
- Existing “PD” – Planned Development District Ordinance No. 2005-02-017
- Existing “PD” – Planned Development District Ordinance No. 2006-09-104
- Proposed Zoning Exhibit
- PowerPoint Presentation