

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Brandon Opiela, Senior Planner

FROM: Anthony Satarino, Planner II

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Churchill Residential, on Behalf of Donald M. Motsenbocker, for a Request to Rezone Approximately 5.50 Acres from "PD" – Planned Development District to "PD" – Planned Development District, Generally to Modify the Development Standards, Located on the East Side of College Street and Approximately 875 Feet North of Eldorado Parkway

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the December 4, 2012 meeting.

STAFF RECOMMENDATION: Staff recommends denial of the proposed rezoning request due to nonconformance with City Council's stated vision for multi-family developments and due to nonconformance with the City's Multi-Family Policy.

Should the Planning and Zoning Commission recommend approval of the rezoning request, Staff recommends including the following special ordinance provisions as requested by the applicant:

1. Use and development of the subject property shall conform to the requirements of "PD" – Planned Development District Ordinance No. 1452, except as follows:
 - a. Occupancy of the facility shall be restricted to persons age 55 or older without children.
 - b. The facility shall provide transportation services, as well as recreational/enrichment/socialization activities, for its residents; no on-site health supervision or related care for residents is required.
 - c. The maximum number of units allowed on the property shall be 160, which units may be individually metered.
 - d. The maximum height of the facility shall be four (4) stories.

- e. The number of parking spaces to be provided shall be one (1) per unit and no less than 50% of those parking spaces shall be covered or enclosed.
- f. Garages and covered parking shall be allowed no closer than 10 feet from each side property line and no closer than 20 feet from of each front and rear property line.
- g. The minimum landscape buffer for front and rear yards shall be 20 feet; the minimum landscape buffer for side yards shall be 10 feet. Perimeter trees shall be planted on 30 foot centers; however, the required minimum number of perimeter trees in the front yard may be grouped instead of spread.
- h. All exterior walls of the facility that are not located within a courtyard shall consist of no less than 85% brick, stone, synthetic stone or stucco; the balance may consist of hardi-plank, metal, wood or other exterior material approved by the City staff.
- i. Six (6) foot high masonry screening wall shall not be required along the side and rear property lines

APPLICATION SUBMITTAL DATE: August 27, 2012 (Original Application)
October 12, 2012 (Revised Submittal)
November 8, 2012 (Revised Submittal)
November 9, 2012 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing to rezone approximately 5.50 acres of land, located on the east side of College Street and approximately 875 feet north of Eldorado Parkway, generally to modify the development standards. Per the letter of intent, the applicant has stated that the development will be a senior independent living facility.

PLATTING STATUS: The subject property is a portion of a larger lot, currently platted as Lot 2R, Block A of the Action 2 Addition. The applicant is proposing to subdivide the parent tract in order to develop the proposed project. A plat, subject to review and approval by the Director of Planning, must be filed for recordation with the Collin County Clerk, prior to issuance of a building permit.

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. 1452 (Multi-Family Uses)

North	"PD" – Planned Development District Ordinance No. 1452 (Multi-Family Uses)	Undeveloped Land
South	"PD" – Planned Development District Ordinance No. 1452 (Multi-Family Uses) and "PD" – Planned Development District Ordinance No. 2006-06-087 (Commercial and Multi-Family Uses)	Undeveloped Land
East	"PD" – Planned Development District Ordinance No. 1204 (Mobile Home Park and Multi-Family Uses)	Lanes Mobile Home Park
		Undeveloped Land
	"BG" – General Business District	Lanes Mobile Home Park
		Undeveloped Land
	"PD" – Planned Development District Ordinance No. 95-06-30 (Commercial Uses)	Undeveloped Land
West	"PD" – Planned Development District Ordinance No. 1911 (Governmental Uses)	City of McKinney Municipal Facilities Complex and McKinney Senior Recreation Center

ACCESS/CIRCULATION:

Adjacent Streets: College Street, 60-foot right-of-way, Collector

Discussion: The applicant will be required to provide two points of access off of College Street.

PROPOSED ZONING: The applicant is requesting to rezone the subject property from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards. The existing PD on the subject property has a base zoning of "RG-15(18)" – General Residence District, which allows for multiple family dwelling units to be constructed using the space limits of "MF-1" – Multiple Family Residential-Low Density District. Although the multiple family use is allowed on the property, there are a number of regulations the applicant is requesting to modify to accommodate an age restricted multiple family development on the property. The request includes an increase in density, increase in height, reduction in building

setbacks, reduction in landscaping, modified exterior finishing materials, and modified screening.

As previously stated, the applicant has indicated the proposed development to be a senior independent living center; however, no such land use currently exists within the Schedule of Uses in the Zoning Ordinance. The two closest types of uses found in the existing Schedule of Uses are multiple family dwellings and rest home or nursing home. Based on the definitions of each of these uses found in the Zoning Ordinance, the proposed use must be classified as a multiple family use. Therefore, the development must follow the guidelines as any other multiple family development within the City.

The applicant is proposing a density that is not currently allowed by the PD or base zoning district of RG-15(18). Per the governing PD and the RG-15(18) zoning district's standards, a maximum density of 24 dwelling units per acre is permitted. The proposed development is approximately 29 dwelling units per acre. The Multi-Family Policy, adopted by the City Council in 2001, states that no more than 10% of the units in each of the six sectors (excluding the "REC" – Regional Employment Center Overlay District) of the City may be designated for multi-family residential units. At the time the policy was adopted, all of the sectors of the City were above the allotted 10% and this request for additional density will only make these percentages increase. Therefore, Staff does not support the request for an increased density as such a request is not in conformance with the City's Multi-Family Policy.

In addition to an increase in density, the applicant is seeking approval of an increased building height of up to four stories. In May of 2010, the City Council adopted regulations that limited the building heights of multi-family residential buildings outside of the Regional Employment Center Overlay District to two stories (35 feet) and there has not been any indication from a consensus of the City Council to modify this requirement. Therefore, Staff cannot support the requested building height increase to four stories.

The applicant is requesting approval of a reduced building setback (reduced to 10' on the side yards and 20' on the front and rear yards) in order to accommodate freestanding garages and covered parking (garages and/or covered parking are considered structures and must follow the building setback lines). On November 5, 2012, the City Council adopted an updated Appendix F-1 (Schedule of Areas, Densities, Heights, Lot Coverages, Setbacks, and Yards) of the Zoning Ordinance. This schedule established a 35' front yard setback, 45' side yard setback and 45' rear yard setback. Prior to this amendment, a 35' front yard setback was required, a 20' side yard setback (45' where adjacent to duplex or single family zones or uses), and a 25' rear yard setback (setback (45' where adjacent to duplex or single family zones or uses). As such, Staff is unable to support this request for modified setbacks.

The applicant is also requesting approval of a reduction in the required landscape buffer for the proposed multi-family development. Per the letter of intent, the applicant is requesting a 10' landscape buffer on the side property lines of the proposed

development and 20' landscape buffers along the front and rear property lines in conjunction with one canopy tree for every 30 linear feet of exposure along the property lines. Per the Zoning Ordinance, the applicant is required to provide a 20' landscape buffer around all property lines of the development with canopy trees planted within said buffer at a ratio equal to one tree for each 30 linear feet of property line exposure. This provision was put in place as part of the multi-family ordinance changes that the City Council approved in May of 2010 and, to date, there has not been any indication from a consensus of the City Council to modify this requirement. Therefore, Staff does not support the requested landscape buffer reduction.

Section 146-130 (Vehicle Parking) of the Zoning Ordinance provides a modified parking ratio for Retirement Homes (Independent Living) which is what the applicant has stated that will be developed on the property. Per the Ordinance, the proposed development would be required to provide 1 parking space for each dwelling unit. Per the letter of intent, the applicant has indicated that the number of parking provided shall be 1 per unit and no less than 50% of those parking spaces shall be covered or enclosed which is more restrictive than the Zoning Ordinance's requirements. As such, Staff has no objections to this request.

Additionally, the applicant has requested a special ordinance provision discussing changes to the allowed finishing materials of the facility which reads:

"All exterior wall of the Facility that are not located within a courtyard shall consist of no less than 85% brick, stone, synthetic stone or stucco: the balance may consist of hardi-plank, metal, wood or other exterior material approved by the City staff."

The Zoning Ordinance currently states that "the exterior finish on each side of every multi-family structure shall be a minimum of 85% brick, stone, or synthetic stone materials, with the remaining 15% of each side being wood lap siding, vinyl siding, stucco, cast concrete modular siding, or EIFS." Again, since the adoption of the modified multi-family regulations in May of 2010, a consensus of the City Council has not expressed a willingness to modify the architectural standards without having the ability to review and tie down conceptual architectural renderings with the proposed rezoning request. To date, the applicant has not submitted architectural renderings for Staff's review and approval. Without being able to review and tie down conceptual architectural renderings to the zoning, Staff cannot ensure that the quality of the development will not be eroded. Therefore, Staff does not support this requested special ordinance provision.

The applicant has also indicated that they do not intend to provide the required 6' tall masonry wall as a screening device around the perimeter (rear and side yards) of the property. The Zoning Ordinance currently requires a 6' tall masonry screening device to be installed around all side and rear property lines. This provision was put in place as part of the multi-family ordinance changes that the City Council approved in May of 2010 and, to date, there has not been any indication from a consensus of the City

Council to modify this requirement outside of the REC Overlay District. Therefore, Staff does not support the elimination of the required masonry screening wall.

Additionally, the applicant has requested that the occupancy of the facility shall be restricted to persons aged 55 or older without children and that the facility shall provide transportation services, as well as recreational/enrichment/socialization activated, for its residents. The applicant has also stated that the on-site health supervision or related care for residents will not be required. Staff has no objections to these requested provisions and they were not taken into consideration when recommending denial of the proposed rezoning request.

It should also be noted that City of McKinney Police Department shared safety concerns regarding future residents at the proposed senior independent living facility getting to and from the existing City of McKinney Senior Recreation Center located directly across College Street. College Street carries a moderate amount of vehicle travel, at times with large work trucks entering and leaving the City of McKinney Municipal Facilities Complex. The applicant believes this concern may be mitigated by the proposed facility providing crosswalk guards to aid future residents as they cross over College Street; however, this will not be a requirement of the rezoning request at hand.

Finally, 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." It goes on to state that "exceptional quality or innovation could come in many forms including, but not limited to enhanced landscaping, creative site or architectural designs, or some other innovative element(s)." To date, the applicant has not provided any exhibits or proposed any standard that ensures an innovative design or a development with exceptional quality will be constructed. As such, Staff can not recommend approval of the proposed rezoning request.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for Commercial uses. The Future Land Use Plan Modules Diagram designates the subject property as Commercial 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 "Economic Development Vitality for a Sustainable and Affordable Community" through the stated objective of the Comprehensive Plan, a "balanced development pattern". Another goal of the Comprehensive Plan is accomplished through "Land Use Compatibility and Mix" by creating a "mix of land uses that provides for various lifestyle choices".

- Impact on Infrastructure: The water master plan, sewer master plan, and master thoroughfare plan are all based on the anticipated land uses as shown on the Future Land Use Plan. The proposed rezoning request should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area as the request does not alter the permitted land uses.
- Impact on Public Facilities/Services: Similar to the impact on infrastructure, 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 request does not alter the permitted land uses
- 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 use from what has been planned for the subject property and will remain compatible with both existing and potential adjacent 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. Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base commercial zoning of the subject property.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of land uses in the area as the base zoning district and allowed uses will remain the same.

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.

Multi-family developments serve an important function in McKinney. Multi-family developments function as housing for young professionals who are not ready to own homes, as well as housing for citizens who are relocated on a regular basis by their employer. Multi-family also provides housing for retirees who seek low maintenance living and, in some cases, they serve as affordable housing for those who cannot meet the expense of home ownership. While the City of McKinney recognizes the importance of multi-family land use, attention should be given to how it is developed. For this

reason, the following are the design and location parameters that apply to multi-family developments in McKinney.

1. Multi-family developments shall be subject to architectural standards as provided for in Section 146-139 of the Zoning Ordinance.
2. Multi-family uses should not be located in large, high-density concentrations and clusters, but rather dispersed in small groupings around the city in a balanced manner that provides a mix of uses and densities.
3. Multi-family developments should generally be no greater in size than either 20 acres or 400 units.
4. Multi-family developments shall be located at major thoroughfare intersections rather than between intersections (i.e., not mid-block).
5. Multi-family uses shall be located on only one corner of a major intersection, unless they are constructed as part of a mixed-use vertical development.
6. New multi-family zoning shall not be located within 1,320 feet (one-quarter mile) of any other multi-family zoning district.
7. In each of the six planning sectors, the number of multi-family units generally should not exceed 10% of the total number of existing or estimated future residential housing units.
8. Vertical developments shall not count towards the multi-family percentage. These mixed-use areas will be calculated separately from the overall percentage of multi-family units. A vertical mixed-use area shall be defined as one with a non-residential use (typically retail or office) on the lower floors and residential uses on the upper floors. The City encourages the vertical mixing of rental units with other land uses.

At the time the Multi-Family Policy was adopted in 2001, all of the sectors of the City were above the allotted 10% and the applicant's request for additional density will only make these percentages increase. As such, the proposed rezoning request is not in conformance with the Multi-Family Policy and Staff recommends denial of the proposed rezoning request.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has not received any opposition or support for this rezoning request

ATTACHMENTS:

- Location Map and Aerial Exhibit
- Letter of Intent
- Existing "PD" – Planned Development District Ordinance No. 1452

- Proposed Zoning Exhibit
- PowerPoint Presentation