

PLANNING & ZONING COMMISSION MEETING OF 11-12-13 AGENDA ITEM #13-227Z

**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 Pogue Engineering & Development Company, Inc., on Behalf of McKinney Fellowship Bible Church, for Approval of a Request to Rezone Fewer than 33 Acres from "PD" – Planned Development District to "PD" – Planned Development District, to Allow for an Assisted Living Facility, Located on the East Side of Orchid Drive and Approximately 350 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 3, 2013 meeting.

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

1. The use and development of the subject property shall develop in accordance "PD" – Planned Development District Ordinance No. 99-02-024, except as follows:
  - a. Assisted living facility shall be an additional allowed use on the subject property.
  - b. An assisted living facility use shall be limited to a maximum height of 40 feet (2 stories).
  - c. At the time of development of an assisted living facility on the subject property, one canopy tree shall be provided every 40 linear feet along the north and south sides of the southernmost access drive extending east from Orchid Drive (approximately 160 feet along the north side of the drive and approximately 550 feet along the south side of the drive), which is more fully depicted on the attached landscape exhibit.

**APPLICATION SUBMITTAL DATE:** October 14, 2013 (Original Application)  
November 7, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to rezone approximately 32.94 acres of land, located on the east side of Orchid Drive and approximately 350 north of Eldorado Parkway from “PD” – Planned Development District to “PD” – Planned Development District, to allow for an assisted living facility. Currently the subject property is to Christ Fellowship, and the applicant has indicated their intent to subdivide the property into two lots in order to develop an assisted living facility on approximately 6 acres in the southeast corner of the subject property, just south of the church.

**PLATTING STATUS:** The subject property is currently platted as Lot 1R, Block A of the Highlands 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. 99-02-024 (Single Family Residential Uses and Church Uses)

North	“PD” – Planned Development District Ordinance No. 96-12-061 and “PD” – Planned Development District Ordinance No. 99-02-024 (Single Family Residential Uses)	Undeveloped Land
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South	“PD” – Planned Development District Ordinance No. 95-06-027 (Commercial Uses)	Orchid Shopping Center, Calloway’s Nursery, Goodyear Auto Service Center, Parkway Auto Spa, Christian Brothers Automotive, and Taco Bueno
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East	“PD” – Planned Development District Ordinance No. 95-06-027 (Commercial Uses), “AG” – Agricultural District (Agricultural Uses), and “PD” – Planned Development District Ordinance No. 94-06-017 (Multiple Family Residential Uses)	Undeveloped Land, Williams Cemetery, and Pheasant Run
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West	“PD” – Planned Development District Ordinance No. 1811 (Residential Uses) and “PD” – Planned Development	Saxon Woods Apartments, Zenith Elite Gymnastics, and
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**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “PD” – Planned Development District, which currently allows for single family residential and church uses to “PD” – Planned Development District, generally to allow for the additional use of an assisted living facility. The applicant has indicated their intent to develop an assisted living facility in the southeast corner of the subject property, where the facility would be adjacent to commercial property to the south and east, the existing church to the north, and a cemetery to the northeast. The applicant is also requesting to increase the maximum permitted height from 35 feet to 40 feet (2 stories). Staff does not feel that this increase in height will have negative impact on the surrounding developments, given that area available for the potential assisted living facility is adjacent to other non-residential uses or zoning.

Section 146-94 (“PD” – Planned Development District) of the Zoning Ordinance states that no proposed PD District Ordinance may be approved without ensuring a level of exceptional quality or innovation for the associated design or development. In an effort to satisfy this requirement, the applicant has proposed to plant canopy trees (minimum 4” caliper and 12’ in height at the time of planting) on both sides of the southernmost access drive extending east from Orchid Drive to a future assisted living development in the southeast portion of the property. One tree will be planted every 40 feet along the north (approximately 160 feet) and south (approximately 550 feet) sides of the access drive which is more fully depicted on the attached landscape exhibit. Staff feels that the additional 18 trees planted can help create a visually appealing, tree-lined, entry way into a future assisted living facility.

Staff feels that the proposed assisted living use will be compatible with the existing and future adjacent non-residential uses to the east and the additional landscaping will be a positive contribution to the visual environment, and as such, Staff recommends approval of the proposed rezoning request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for low density residential uses; however, a large portion of the subject property is currently used for a church (Christ Fellowship). 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 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 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; however, the development of an assisted living facility may cause an increased impact on services such as fire and police, libraries, parks and sanitation services.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for similar commercial uses and single family residential uses. Staff feels that the rezoning request will be compatible with existing and potential adjacent land uses.
- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base single family residential zoning of the subject property.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of commercial 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.

**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 “PD” – Planned Development District Ordinance No. 99-02-024
- Proposed Zoning Exhibit
- Proposed Landscape Exhibit
- PowerPoint Presentation