

# **DONALD E. PASCHAL, JR.**

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January 2, 2014

Mr. Michael Quint  
Director of Planning  
City of McKinney  
308 North Tennessee  
McKinney, Texas 75069

Re: Supplement and Modification to Nov. 10, 2014 Zoning Letter of Intent – John Lowery / Wholelife Multi-family Zoning Amendments to amend and replace the existing PD Ordinance covering approximately 8.569 acres in the Cooper Life PD of the REC PD

Dear Mr. Quint:

This Letter of Intent is submitted to replace our original LOI dated November 10. As the case has progressed, it is clear that we are not simply amending the existing Cooper Life Planned Development Ordinance approved November 7, 2006 which was an amendment to the REC zoning ordinance. We believe that the existing ordinance should be totally eliminated and replaced with a new PD ordinance that is specific and clarifies ambiguous provisions in the existing ordinances. Additionally, the purpose of this LOI is summarize and document:

- Modification to the acreage based on discussions and agreement with Planning Staff as a better mechanism to help assure blending of the property's involved with the original intent and design integrity of the "urban / uptown" character of the area.
- The location and size of the modified zoning area.
- To illustrate for both Staff and review entities (P & Z and City Council) how the mixed use area along Collin McKinney Parkway can be developed based on the proposed ordinance complete with the specific parking illustration for the 5.6 acres of the WL-1 district and provide for parking regulations for the CMU portion of the project and to provide parking calculations for both zoning districts as proposed.
- Address issues in which the proposal differs from existing PD ordinances and provide graphic illustrations as attachments to the new, proposed PD Ordinance.

- Provide mechanisms to bring certain provisions into compliance with City standards through the creative concept of abandoning one public street and replacing it with a dedicated public access and fire lane.

### **Zoning amendment summary**

The November 10 application which was for 5.560 acres of multi-family zoning has been modified to a total of 8.569 acres for both multi-family and mixed use portions of development. The mixed use portion of the property is zoned for this purpose, but in a somewhat different configuration. Thus, to address needed adjustments and to address the viability of a minimum of two story mixed use on the property fronting Collin McKinney Parkway, we have added the mixed use provision to the zoning adjustments to help assure that the mixed use and multi-family areas will function together and contribute to the intent of the City and the Developer for the area (consistent with the “Cooper Life” 2006 ordinance).

The area has been zoned for all the proposed uses including heights greater than requested, high densities, mixed retail, office, and residential, enclosed parking, small setbacks, and other urban mix provisions. However, as the project design and other details emerged, it was apparent that tweaks to the zoning are necessary to accommodate the mix of project elements as proposed and for which funding is now available. This project has an approved allocation of funding if all approvals can be finalized before funding authorization expires.

To illustrate how the mixed use two story uses can function on Collin McKinney Parkway, we have prepared examples of building and parking layout showing residential above retail or office with enclosed parking for the residential uses. In this illustration, we have preserved the required fire and access drive behind the units. This concept, the mix of uses, and multi-story uses along Collin McKinney, plus the higher density units fronting the open space to the north are all in conformance with original urban design intentions. To validate that parking provisions can be met, we have shown total parking requirements and available spaces on the appropriate graphics, which are provided for attachment and reference in the new PD Zoning Ordinance. The CM Pkwy illustrations (CMU district) are not to the detail of a site plan for the WL-1 district, but are representative of the owner’s current intent for development and are appropriate representations for a quality design concept. The initial multi-family and other residential in the area must be built out in order to generate sufficient demand for the office, retail, and other non-residential uses to materialize.

Attached herewith and identified as Exhibit “A” are the proposed PD Standards and Regulations for the “Whole Life” Project. The changes detailed in the PD Standards and Regulations are relatively minor adjustments to the existing ordinance which already provides for dense, urban design mixed uses and multi-family. The property was previously zoned under the Collin McKinney Parkway Corridor Zone and the multi-use and high density residential district of the REC since 2001 and the Cooper

Life PD since 2006. We are prepared and look forward to working through the finalization of these guidelines with City Staff.

### **Project Infrastructure and Existing Conditions**

As is apparent from a tour of the area, this property has extensive infrastructure (all roads, utilities, etc.) representing a major developer and community investment. This project is the first opportunity since the last 2006 PD zoning to bring exceptionally high quality, urban design multi-family to the Cooper Life area of the REC. The new proposed PD provisions are high density, urban design standards. The intent of the Collin McKinney Parkway Corridor Zone and the multi-use and high density residential district of the REC are still intact and are being substantially met, but all reference to the existing (prior) ordinances has been eliminated to avoid confusion.

Other existing uses in the Cooper Life PD (Ordinance No. 2006-11-132) that are outside the 8.569 acre current proposal remain as currently zoned. Planning Staff advised that a new General Development Plan is not needed; we have provided an overall concept plan for the 8.569 acres.

### **Supporting / Reference Documents**

Attached / included with this supplement to the letter of zoning intent are the following:

- A modified zoning application
- Exhibit A - Proposed PD Standards / Regulations for "Whole Life" Project
- Exhibit B - Legal Description incorporating the additional property in the proposed PD ordinance
- Exhibit C - Land Use Regulatory Graphic showing boundaries of proposed use areas
- Exhibit D - overall illustrative site plan showing details of the proposed multi-story lots
- Exhibit E - illustrative site plan of building placement, access drives, roads, and related features for mixed uses fronting Collin McKinney Parkway

### **Fire Access**

The Fire Marshall has requested that on-street parking in front of all of the buildings (parking is inset off of the driving lanes) be marked as a no-parking fire lane. Unfortunately this request effectively eliminates a major urban design feature of accentuating on-street parking, slowing speeds, and emphasizing pedestrian access. Planning has expressed a desire to preserve parking. We do, however, recognize that the Fire Department faces operational constraints due to some of the REC design as incorporated into the existing infrastructure. While we would like to have preserved some on-street parking adjacent to the residential structures and restricted some spaces to no-parking for emergency purposes, we are agreeable to the Fire Marshall's request. By eliminating parking, the intent is to

provide spaces large enough for a fire apparatus to veer into the no parking space and have adequate area for fire apparatus outriggers. This will then leave adequate space in the street for other emergency equipment to pass. Even 4' of the parking space plus the 22' street makes a total of 26' thus allowing 15' for apparatus set up and 11' remaining for other emergency equipment. We believe working with the City on this matter has addressed a major concern for access and public safety that has arisen with the existing infrastructure

It has been our objective to enhance the existing access for emergency equipment. While it is not possible to eliminate all the concerns of Fire or other staff, the applicant has worked diligently to address as many of the issues as possible.

### **Summary**

It has been necessary to adjust some of the detailed zoning provisions to fit the shape of the existing properties while preserving the commercial corridor along Collin McKinney Parkway to which the subject property is adjacent. Per discussion with Staff, we have been successful in restructuring the PD revisions into a new, comprehensive PD ordinance that will be compatible with the REC areas but fully detailed in a new, stand-alone ordinance, thus simplifying administration.

The new design standards proposed are fully compliant with the objectives of the REC and allow the project to take advantage of currently available funding for a high value project. The value of the subject property will be unparalleled in the area. There will be considerable value for the community; the investment per acre that will be exceptional. The proposed units are across from the large planned open space north of Hewitt Drive presenting a high quality view in addition to proximity to the Cooper Center and planned commercial projects on Collin McKinney Parkway.

As noted above, the applicant has worked with Staff and together, we have developed a quality project in a relatively short timeframe; this would not have been possible with a creative and responsive City Staff. We acknowledge and appreciate the open dialogue with Staff which has helped to expedite the process and address many issues in a positive fashion. As we have noted previously, project loan stipulations require that the City Council action / approval be completed by February 17.

The project owner and all design and advisory consultants working on the project recognize the extreme constraints of this time line. However, the funding opportunity is such that we have the potential to develop the current Whole Life Multi-Family and Mixed Use Project into the premier rental property in McKinney. In fact the aggregate value of the units will exceed the value of a corporate office structure on the same acreage while furthering urban development objectives within the REC. This project will set a new standard for multi-family property in McKinney and will be a great asset to the City of McKinney and the other taxing entities impacted by the property.

We will be pleased to respond to any questions the City may have and will continue to work toward an optimum solution to project issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald E. Paschal, Jr.", written in a cursive style.

Donald E. Paschal, Jr.  
Property / Project Representative and Representing  
Project Applicant Wholelife Properties and  
Property Owner Collin CR Wellness Communities LLC