

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 Sanchez and Associates, L.L.C., on Behalf of TCI McKinney Ranch, Inc., for Approval of a Request to Rezone Approximately 20.87 Acres, 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 Multi-Family Residential Development Standards, Located on the Southwest Corner of Silverado Trail and 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 December 6, 2011 meeting.

STAFF RECOMMENDATION: Staff recommends denial of the proposed rezoning request; however Staff has no objection to the requested exemption from the Zoning Ordinance’s 150 foot multi-family residential window provision due to the fact that the planned multi-family residential uses on the subject property are fronting on a boulevard that planned single family uses are also fronting thus creating an urban, pedestrian-oriented design as mandated by the “REC” – Regional Employment Center Overlay District.

APPLICATION SUBMITTAL DATE: November 8, 2011 (Original Application)

ITEM SUMMARY: The applicant is requesting to rezone approximately 20.87 acres of land, located on the southwest corner of Silverado Trail and McKinney Ranch Parkway 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 multi-family residential development standards.

PLATTING STATUS: The subject property is currently unplatted. A record plat or plats, 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 certificate of occupancy.

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. 2007-08-072 (Multi-Family Residential Uses) and “REC” – Regional Employment Center Overlay District

North	“PD” – Planned Development District Ordinance No. 2007-08-072 (Multi-Family Residential Uses) and “REC” – Regional Employment Center Overlay District	Undeveloped Land
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South	“PD” – Planned Development District Ordinance No. 2007-08-072 (Single Family Residential and Commercial Uses) and “REC” – Regional Employment Center Overlay District	Undeveloped Land
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East	“PD” – Planned Development District Ordinance No. 2002-03-019 (Mixed Uses) and “REC” – Regional Employment Center Overlay District	Undeveloped Land
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	“PD” – Planned Development District Ordinance No. 2006-12-142 (Multi-Family Residential Uses) and “REC” – Regional Employment Center Overlay District	Alexan Apartments
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West	“PD” – Planned Development District Ordinance No. 2007-08-072 (Single Family Residential Uses) and “REC” – Regional Employment Center Overlay District	Undeveloped Land
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PROPOSED ZONING: The applicant is requesting to rezone approximately 20.87 acres of land, located on the southwest corner of Silverado Trail and McKinney Ranch Parkway 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 multi-family residential development standards. More specifically, the applicant has requested approval of the following special ordinance provisions:

1. *Use and development of the subject property shall conform to the regulations as established by “PD” – Planned Development Ordinance No. 2007-08-072 and “REC” – Regional Employment Center Overlay District, and as amended, except as follows:*
 - a. *Multi-family residential uses developed on the subject property shall be parked at the ratio of 1 parking space for every dwelling unit plus an additional 0.5 parking space for each bedroom. No covered or enclosed parking spaces shall be required.*
 - b. *The following ordinance provision as found in Zoning Ordinance Section 146-139(f) “Architectural and Site Standards” shall not apply to the subject property:*
 - i. *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.*

The subject property was rezoned for multi-family residential uses in August of 2007 (“PD” – Planned Development District Ordinance No. 2007-08-072). At that time, an exhibit reflecting a general layout of the development was approved along with special ordinance provisions including, but not limited to the elimination of the requirement for multi-family residential developments to provide one covered parking space for each residential unit, which was part of the parking requirement for multi-family residential uses at the time.

Since August of 2007, the City Council has modified certain regulations pertaining to the development of multi-family residential uses in the City of McKinney. Two of these changes include requiring one enclosed parking space for every multi-family residential unit rather than one covered parking space for each multi-family residential unit. The other notable ordinance amendment is the requirement that multi-family residential structures within 150 feet of an adjacent single family residential use or zone be situated so that no exterior facing window is oriented towards said adjacent single family residential use or zone (“150 foot multi-family residential window provision”).

The applicant is requesting to rezone the subject property so that these two regulations pertaining to multi-family residential uses that were adopted by the City Council in May of 2010 (Ordinance No. 2010-05-011) will not apply to any future multi-family residential development that may be constructed on the subject property. The purpose of these May 2010 amendments to the Zoning Ordinance was primarily focused on ensuring that future multi-family residential developments were built to a higher quality than would have been constructed under the requirements of the Zoning Ordinance prior to that time.

Staff sees no reason why the applicant could not comply with the requirement to provide one enclosed parking space for every residential dwelling unit as is currently required by the Zoning Ordinance. While enclosed parking may cost more to construct, these costs are typically recouped by the developer through increased monthly rents. Multi-family developments that provide a higher number of enclosed parking spaces typically result in developments of a higher quality. Eliminating this enclosed parking space ordinance requirement would not accomplish the City Council's stated objectives. Given the fact that the City Council was very clear in their desire to mandate a higher level of quality in future multi-family residential developments through the adoption of May 2010 Zoning Ordinance amendments, Staff is not comfortable supporting the applicant's rezoning request.

The newly adopted requirement that "multi-family residential structures within 150 feet of an adjacent single family residential use or zone be situated so that no exterior facing window is oriented towards said adjacent single family residential use or zone" was drafted by Staff to address stand-alone multi-family residential developments in suburban McKinney. As illustrated by Exhibit B of Ordinance No. 2007-08-072, which governs the subject property, a divided boulevard is planned to abut the subject property's western boundary. This boulevard will separate the planned multi-family residential buildings from the planned adjacent single family homes. However, the separation that this boulevard will provide does not meet or exceed the 150 feet separation required by the Zoning Ordinance. In this situation, a smaller offset between the single family residences fronting on the boulevard and the multi-family residential building fronting on the boulevard helps to maintain the street cross-sections prescribed by the REC Overlay District. Studies have shown that if the proportion of building height and distance between buildings is too large or too small, pedestrians do not feel comfortable and the urban character and pedestrian-oriented nature that is desired is lost. The height of the adjacent buildings in relation to the width of the distance between the buildings helps to create spaces ("street rooms") where pedestrians feel comfortable and safe. The more comfortable and safe a pedestrian feels in a public space (sidewalk), the more likely a pedestrian is to use the public space that has been provided. If there was 150 feet provided between the planned adjacent single family residences and the adjacent multi-family residential structures, the buildings would not be tall enough to make up for the increased space between the buildings making the intent of creating a pedestrian-oriented passageway irrelevant. With that said, Staff has no objection to the requested exemption from the Zoning Ordinance's 150 foot multi-family residential window provision due to the fact that the planned multi-family residential uses on the subject property are fronting on a boulevard that planned single family uses are also fronting thus creating an urban, pedestrian-oriented design as mandated by the REC.

In order to develop in a manner consistent with the urban character prescribed by the REC's regulations, a multitude of uses including, but not limited commercial, office, single family residential and multi-family residential must be constructed in close proximity to one another, which helps to establish the desired design, density, and

mixture of uses. If multi-family residential buildings' windows were not permitted to be oriented in a fronting condition toward single family residential zones or uses, larger buffers would be necessitated and the desired urban character would begin to erode. A special ordinance provision waiving the 150 foot multi-family residential window requirement was approved by the City Council for the Adriatica development (an urban mixed-use development with a similar fronting condition) in November of 2010. Going forward, Staff would be comfortable modifying the Zoning Ordinance to exempt properties in the REC from the 150 foot multi-family residential window provision when a fronting condition similar to the situation discussed above exists, if it is the Planning and Zoning Commission and City Council's desire. The REC was exempted from two of the May 2010 Zoning Ordinance amendments that would negatively impact its desired pedestrian-oriented and urban character. These exemptions are indicated below:

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; and

All multi-family residential buildings located outside of the Regional Employment Center Overlay District shall be limited to two stories in height.

Exempting properties within the REC from the 150 foot multi-family residential window provision when a fronting condition exists would be consistent with the other exemptions already granted by the City Council and should help to maintain the desired pedestrian-oriented and urban character of the REC. Staff would recommend that the 150 foot multi-family residential window provision remain in place where single family residential uses side or back to a multi-family residential use.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for medium density residential, commercial, and mixed 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 in conformance with some of the goals and objectives of the Comprehensive Plan but is in conflict with others. In particular, the proposed zoning change would not help the community attain the goal of an "Attractive Hometown that Promotes McKinney's Character" through the stated objective of the Comprehensive Plan, a "homes and buildings complying with City standards and codes."
- **Specific Area Plan or Studies:** The subject property is located within the Collin-McKinney Parkway Corridor Zone of the REC Overlay District. Staff believes that the applicant's requested exemption from the 150 foot multi-family residential window provision is in keeping with the objectives of the REC. However, the

same cannot be said in regard to the applicant's requested modification to the Zoning Ordinance's multi-family residential parking requirement.

- **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 medium density residential, commercial, and mixed uses within a significantly developed area.
- **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 commercial and residential uses. The proposed rezoning request will not alter the land uses that are currently allowed on the subject property. The proposed rezoning request should have a minimal impact on the existing and potential adjacent land uses.
- **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 is not modifying the allowed land uses. With that said, if a multi-family residential development were constructed on the subject property, it would be the fourth planned/existing multi-family residential development within a 1,000 square foot 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 proposed development is exempt from the multi-family policy due to its location within the REC. The REC Overlay District is expected to have a higher percentage and densities of multi-family units than other areas of the City of McKinney.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received one email inquiring about the proposed rezoning request. Staff has received no other comments or phone calls in support of or opposition to this request.

ATTACHMENTS:

- Location Map and Aerial Exhibit

- Letter of Intent
- Ordinance No. 2010-05-011
- “PD” – Planned Development District Ordinance No. 2007-08-072
- “PD” – Planned Development District Ordinance No. 2002-03-019
- PowerPoint Presentation