

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Alex Glushko, Planner II

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of McKinney Independent School District, for Approval of a Request to Rezone Less than 14 Acres from “AG” – Agricultural District to “PD” – Planned Development District, Generally to Modify the Development Standards for Single Family Residential Uses, Located Approximately 300 Feet East of Hardin Boulevard and on the South of White Avenue

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the February 5, 2013 meeting.

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

1. Use and development of the subject property shall conform to the “RS 45” – Single Family Residence District regulations of the Zoning Ordinance, and as amended, except as follows:
  - a. The subject property shall generally conform to the layout of the proposed zoning exhibit.
  - b. All residential structures on the subject property shall conform to the character of the attached architectural elevations.
  - c. Residents of the proposed development shall be restricted to persons age 55 or older, in conformance with the Fair Housing Act.
  - d. The size and location of open spaces and walking trails shall generally conform to the proposed zoning exhibit.
  - e. The minimum allowed lot depth shall be 82 feet.
  - f. The minimum allowed lot width shall be 65 feet.

g. The maximum allowed density shall be 3.7 units per acre.

**APPLICATION SUBMITTAL DATE:** December 10, 2012 (Original Application)  
December 19, 2012 (Revised Submittal)  
December 20, 2012 (Revised Submittal)  
December 27, 2012 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 13.14 acres of land, located approximately 300 feet east of Hardin Boulevard and on the south of White Avenue from “AG” – Agricultural District to “PD” – Planned Development District, generally to allow for single family residential uses that will be restricted to residents ages 55 and older.

**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: “AG” – Agricultural District (Undeveloped Land)

North	“AG” – Agricultural District	Undeveloped Land
South	“AG” – Agricultural District	Undeveloped Land
East	“RS 45” – Single Family Residence District Ordinance No. 1474 and “RS 120” – Single Family Residence District Ordinance No. 1835 (Single Family Residence Uses)	Glenwood Estates #2 and Bois D’Arc Bend Subdivisions
West	“AG” – Agricultural District	Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone approximately 13.14 acres of land, located approximately 300 feet east of Hardin Boulevard and on the south of White Avenue from “AG” – Agricultural District to “PD” – Planned Development District, generally to allow for single family residential uses that will be restricted to residents ages 55 and older.

The following special ordinance provisions are being requested for the subject property:

1. Use and development of the subject property shall conform to the “RS 45” – Single Family Residence District regulations, and as amended, except as follows:
  - a. The subject property shall generally conform to the layout of the proposed zoning exhibit.

- The proposed zoning exhibit features a layout that is still subject to final engineering and design, and therefore certain aspects of the site layout may change. That being said, the development will still be required to generally conform to the layout that's being proposed. By requiring general conformance to the proposed exhibit, the ultimate lot layout may be slightly altered, but will not allow additional lots beyond what is shown on the exhibit. Screening and buffering will also be required to meet the minimum requirements of the Subdivision Ordinance.
- b. All residential structures on the subject property shall conform to the character of the attached architectural elevations.
- The applicant has provided eight (8) building elevations which typify the style and character of the houses in the proposed development. They have stated that such homes feature 100% brick façades in conjunction with a Hardy Colorfast Cornish material.
- c. Residents of the proposed development shall be restricted to persons age 55 or older, in conformance with the Fair Housing Act.
- The applicant has stated that their development, both in terms of proposed lot size and housing stock, will be tailored to an older age group. As stated in their Letter of Intent, *"We have found that the best lot configuration for homes in this type of development is a "Short/Wide" lot with minimum yard, and maximum width to improve front elevations and to give the appearance of a larger home. The wider lot and hence wider home allows for more glass front and rear, for better curb appeal, and a lighter and brighter home living space."*
  - Prior to the applicant filing deed restrictions limiting the ages of residents to 55 years and older, the applicant will be required to submit the proposed deed restrictions to the City Attorney's office so that conformance with the Fair Housing Act may be verified, prior to the issuance of a building permit on the subject property.
- h. The size and location of open spaces and walking trails shall generally conform to the proposed zoning exhibit.
- 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 also states 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 satisfy this requirement, the applicant is proposing to provide a substantial amount of open space in lieu of residential lots, in addition to a walking trail around and through the entire subdivision, as an added recreational amenity. Staff is comfortable supporting the proposed open space and walking trails and feels as though it satisfies the intent of this requirement of the Zoning Ordinance.
- d. The minimum allowed lot depth shall be 82 feet.
- The applicant has proposed a zoning exhibit that has a lot layout with lots that are approximately 82 feet deep as opposed to the 100 foot minimum required by the proposed base zoning district, RS 45. The applicant has stated that this decrease in lot depth is necessary in order to create the age appropriate product (for those 55 and older) as is described above.
- e. The minimum allowed lot width shall be 65 feet.
- Although the minimum allowed lot depth is being requested for a reduction of up to 18 feet, the applicant has proposed a minimum allowed lot width which will be increased by approximately 25 feet (the minimum required lot width in the RS 45 zoning district is 40 feet). These modifications to the development standards would result in lots that are approximately 5,330 square feet, as opposed to the minimum required 4,500 square feet as required by the RS 45 zoning district.
- f. The maximum allowed density shall be 3.7 units per acre.
- The subject property is approximately 13.14 acres, and the applicant has shown a zoning exhibit with a lot layout which includes 48 units which equates to approximately 3.65 dwelling units per acre. The RS 45 zoning district allows a maximum of 8 dwelling units per acre, while the Comprehensive Plan allows for a maximum of 3.5 dwelling units per acre for the subject property's future land use designation (low density residential). Since the increase in density is well within the allowable limit of the zoning district and reflect only a slight increase as allowed by the Comprehensive Plan and since the proposed development is being targeted for a specific demographic group which validates the need for a modified density, Staff is comfortable with the density of the proposed rezoning request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for low density residential. 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 “Land Use Compatibility and Mix” through the stated objective of the Comprehensive Plan, a “mix of land uses that provides for various lifestyle choices.”
- Impact on Infrastructure: The Future Land Use Plan (FLUP) designates the subject property generally for low density residential. 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 anticipated density is only being fractionally increased.
- Impact on Public Facilities/Services: The Future Land Use Plan (FLUP) designates the subject property generally for low density residential uses. Similar to infrastructure, public facilities and services are all planned for based on the anticipated land uses shown on the Future Land Use Plan. The proposed rezoning request should have an impact on projected and planned public facilities/services, such as schools, fire and police, libraries, parks and sanitation services, due to the fact that an age restricted single family residential subdivision is proposed. As such, it is expected that the impact on schools will be decreased, while the impact on fire and police services may increase.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for agricultural and residential uses. Staff is of the opinion the proposed development will be compatible with existing and future development within the area.
- Fiscal Analysis: The attached fiscal analysis shows a negative net cost benefit of -\$36,853 using the full cost method. The full cost method of calculating public service cost is useful for citywide modeling and forecasting. This method takes the entire city budget into account, including those costs that cannot be attributed to any one project such as administrative costs and debt service on municipal bonds. Because the full cost method takes into account all costs, it is useful in tracking the city budget to determine if the citywide tax revenue is sufficient to pay for the operating costs to the city.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of residential land uses in the area. Currently, the surrounding properties are zoned for agricultural and residential uses.

**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 one phone call expressing concern regarding the proposed rezoning request, specifically the potential increase in traffic and effect on wildlife that the proposed development may cause. Staff has received no additional comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Fiscal Impact Analysis
- Proposed Zoning Exhibit
- Proposed Architectural Elevations
- PowerPoint Presentation