

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Senior Planner

**FROM:** Abra R. Nusser, Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Petsche & Associates, Inc., on Behalf of John Mathews, for Approval of a Request to Rezone Approximately 6.66 Acres, from "PD" – Planned Development District to "PD" – Planned Development District, Generally to Allow for a Private Street Development and to Modify the Development Standards, Located on the East Side of Ridge Road and Approximately 1,000 Feet North of Virginia Parkway.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the April 19, 2011 meeting.

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

1. The subject property develop according to the "SF-1" Single Family District regulations as found in "PD" – Planned Development District Ordinance No. 1621, and as amended, except as follows:
  - a. The required side yard setback shall be 15 feet.
2. A private street development shall be allowed and shall develop in accordance with Section 146-41 (Specific Use Permits) of the Zoning Ordinance.
3. The subject property shall generally develop in accordance with the attached zoning exhibits: Site Plan (Exhibit B), Legal Description (Exhibit C), Master General Development Plan (Exhibit D), Master General Development Plan Hike and Bike Trail Location (Exhibit E), and Computed Master Plan (Exhibit F).

**APPLICATION SUBMITTAL DATE:** December 13, 2010 (Original Application)  
January 21, 2011 (Revised Submittal)  
February 25, 2011 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 6.66 acres of land, located on the east side of Ridge Road and approximately 1,000 feet north of

Virginia Parkway from “PD” – Planned Development District generally for single family residential uses to “PD” – Planned Development District generally to allow for a private street development and to modify the development standards.

The proposed private street development includes five residential lots over half an acre in size each and five common areas on Parcel 511 within Planning Area 5 of Stonebridge Ranch. The five proposed lots all face the private cul-de-sac, with a controlled access gate and wrought iron fencing with landscaping along Ridge Road and the public portion of proposed Altamura Lane. The proposed controlled access gate is a steel frame with Cedar insert planks which is seven feet tall in the center and six feet tall on the sides. Six-foot wooden privacy fences are proposed along the northern property line to screen the subject property from the adjacent property to the north, and a large greenbelt common area is provided along the east side of the subject property adjacent to a creek running north-south along the eastern property line. There is a required 10-foot Hike and Bike Trail proposed along Ridge Road which will connect to the existing 10-foot Hike and Bike Trail in the southern portion of the subject property.

**PLATTING STATUS:** The subject property is currently unplatted. The applicant has submitted an associated preliminary-final plat (10-145PF) which generally reflects the configuration shown on the attached Site Plan. 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 building permit.

**ZONING NOTIFICATION SIGNS:** Section 146-164 of the City of McKinney Zoning Ordinance states that all zoning changes or amendments, including zoning, rezoning, amendments to Planned Developments, meritorious exceptions to the architectural standards, specific use permits and the like shall be required to post zoning change signs. The applicant has posted zoning notification signs on the subject property, as specified within Section 146-164 of the City of McKinney Zoning Ordinance.

**SURROUNDING ZONING AND LAND USES:**

Subject Property: “PD” – Planned Development District Ordinance No. 2007-05-053 (SF-1 – Single Family Residential Uses)

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| North | “PD” – Planned Development District Ordinance No. 2007-08-078 (Single Family Residential Uses) | Undeveloped Land                                |
| South | “PD” – Planned Development District Ordinance No. 2000-11-092 (Open Space Uses)                | Open Space                                      |
|       | “PD” – Planned Development District Ordinance No. 2007-05-053 (Single Family Residential Uses) | Future Saddlehorn Creek Residential Subdivision |

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| East | “SUP” – Specific Use Permit Ordinance No. 94-10-43 (Private Street Development) and “PD” – Planned Development District Ordinance No. 1621 (SF-1 Single Family Residential Uses), and as Amended | Estates of Stonebridge Ranch Private Residential Subdivision |
| West | “PD” – Planned Development District Ordinance No. 2007-05-053 (SF-1 – Single Family Residential Uses)  | Future Saddlehorn Creek Residential Subdivision              |

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “PD” – Planned Development District generally for single family residential uses to “PD” – Planned Development District generally to allow for a private street development and to modify the development standards. Staff recommends approval of the proposed rezoning request with the following special ordinance provisions:

1. The subject property develop according to the “SF-1” Single Family District regulations as found in “PD” – Planned Development District Ordinance No. 1621, and as amended, except as follows:
  - a. The required side yard setback shall be 15 feet.
    - The governing planned development districts stipulate that the minimum side yard setback is required to be 10 percent of the lot width. Based on the proposed lot widths, the side yards setbacks would vary from 9.5 feet to 27 feet.
    - The applicant is proposing that the minimum side yard setback be a consistent 15 feet instead of varying based on the lot width. All residential districts in Stonebridge Ranch have a minimum corner side yard setback of 15 feet (unless otherwise amended), similar to the proposed request.
    - Staff is comfortable with the proposed modification and feels it will have no adverse effect on current or future development.
2. A private street development shall be allowed and shall develop in accordance with Section 146-41 (Specific Use Permits) of the Zoning Ordinance.
  - Section 146-41 (Specific Use Permits) of the Zoning Ordinance states that “Private street developments may be approved in all districts specified in the schedule of uses. Private street developments shall develop according to the regulations set out in Chapter 142, Article VII, and made a part hereof.”

- Article VII (Private Street Regulations) of the Subdivision Ordinance (Chapter 142) requires that all applications for private street developments be processed through the specific use permit or planned development district procedure. Private street developments are subject to the discretionary approval of the City Council on a case-by-case basis, based on, among other matters, the criteria described in the Private Street Regulations detailed further below under “Requirements and Guidelines for Private Street Developments.”
  - The applicant is requesting that the proposed planned development district allow a private street development in accordance with Section 146-41 (Specific Use Permits) of the Zoning Ordinance. The proposed private street development includes five residential lots over half an acre in size each and five common areas within a gated community.
  - Staff feels that the proposed private street development should not negatively impact adjacent and surrounding properties, and the proposed rezoning request satisfies the guidelines and specific requirements as stipulated in the Private Street Regulations of the Subdivision Ordinance (detailed below).
3. The subject property shall generally develop in accordance with the attached zoning exhibits: Site Plan (Exhibit B), Legal Description (Exhibit C), Master General Development Plan (Exhibit D), Master General Development Plan Hike and Bike Trail Location (Exhibit E), and Computed Master Plan (Exhibit F).
- The Site Plan Exhibit shows the general layout, circulation, and pertinent features of the proposed private street development, including, but not limited to, access to a public street having a right-of-way width of at least 60 feet, the access gate, and perimeter fencing. The Legal Description Exhibit provides an accurate depiction of the subject property’s boundaries, location, and dimensions. The Master General Development Plan Exhibit is included with all rezoning requests in Stonebridge Ranch and shows the current base zoning classifications (i.e. SF-1) of all properties within Stonebridge Ranch in addition to features such as Planning Areas, streets, median openings, access points, and Hike and Bike Trails. The Master General Development Plan Hike and Bike Trail Location Exhibit is included with the proposed rezoning request since a required Hike and Bike Trail is being proposed along the west side of the subject property, on the eastern side of Ridge Road. The Computed Master Plan is also included with all rezoning requests in Stonebridge Ranch and coordinates with the Master General Development Plan to show the current base zoning classifications of all properties within Stonebridge Ranch, in addition to space limits (i.e. side yard setback), tract areas, and projected populations. The subject property is designated as Parcel 511 within Planning Area 5 on both the Computed Maser Plan and the Master General Development Plan.

Staff feels that the proposed private street development (Altamura Estates) is of exceptional quality and reflects an innovative site design that utilizes the natural topography of the site and the heavily wooded creek to provide a unique place to live and a beautiful community. Staff recommends approval of the proposed rezoning request as detailed above.

**REQUIREMENTS AND GUIDELINES FOR PRIVATE STREET DEVELOPMENTS:**

Section 142-192 (Guidelines for Development) of the City of McKinney Subdivision Ordinance specifies seven guidelines for private street developments. The first three guidelines listed are as follows:

- (1) The area shall be located within the City limits of the City of McKinney.
- (2) The development shall not impede the current or future street circulation needs of the area, especially any needed collector or arterial street route, or access to any adjoining tract.
- (3) The area shall not disrupt an existing or proposed City public pedestrian pathway, Hike and Bike Trail, or park.

These three criteria are mandatory requirements that must be satisfied, and the proposed development satisfies these three requirements.

The remaining four criteria are guidelines that should be addressed when considering such a development; however, it is not mandatory that all of these criteria be addressed. The degree to which each is satisfied should be reviewed by Staff, the Planning and Zoning Commission, and the City Council as part of the determination of the merits of the proposed private street development.

- (4) If the area is intended for residential use (may be an existing or proposed residential development), it should be zoned solely as a residential zoning district (that is a zoning district the stated purpose of which is to provide for primarily residential uses), except in the case of a planned development zoning district, in which case the area should be designated solely for residential use.
  - The applicant is requesting to maintain the existing single family residential (SF-1) base zoning designation in the proposed planned development district and is not proposing to alter the residential zoning component.
- (5) The area should be bounded on all sides by natural barriers, manmade barriers such as a greenbelt, Hike and Bike Trail, golf course or park, screening walls, or collector roadways.
  - The subject property is bounded on all sides. The eastern property line is bound by a greenbelt, the western property line by a Hike and Bike Trail, a screening wall (six-foot wrought iron with stone columns), and a collector roadway, the

northern property line by a screening wall (six-foot wooden privacy fence), and the southern property line by a greenbelt and Hike and Bike Trail.

- (6) Except where substantial existing natural or manmade barriers would render the requirement unreasonable, each such development should have direct access to a two-lane collector street, in addition to any access to one or more arterial streets that may be proposed.
- The applicant has met this guideline as the development has direct access to Ridge Road which is a four-lane greenway arterial roadway.
- (7) The proposed private street subdivision should not result in an over-concentration of such developments, to the extent of dominating the neighborhood development pattern.
- Although there is an adjacent private street subdivision, the surrounding properties are zoned generally for residential uses as intended in the Stonebridge Ranch Planned Development District (Ordinance No. 1621) with commercial uses transitioning closer to Virginia Parkway to the south.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for office uses, but it is currently zoned for single family residential uses. The Future Land Use Plan 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 rezoning request would help the community attain the goal of “Attractive Hometown that Promotes McKinney’s Character” through the stated objective of the Comprehensive Plan, “Attractive and Distinctive Neighborhoods.” 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 Future Land Use Plan Modules Diagram designates the subject property as suburban mix in a significantly developed area. The proposed rezoning request does not alter the land use from single family residential and 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, fire and police, libraries,

parks and sanitation services. The Future Land Use Plan Modules Diagram designates the subject property as suburban mix in a significantly developed area. Similar to infrastructure, the public facilities and services are all planned for based on the anticipated land uses as shown on the Future Land Use Plan. The proposed rezoning request does not alter the land use from single family residential and should have a minimal impact on public services, such as schools, fire and police, libraries, and sanitation services.

- Compatibility with Existing and Potential Adjacent Land Uses: The proposed private street development should be compatible to the adjacent private street development to the east and the single family residential uses which characterize the area.
- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the proposed rezoning request does not propose to alter the base single family residential district of the subject property.
- 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 generally for residential uses as intended in the Stonebridge Ranch Planned Development District (Ordinance No. 1621) with commercial uses transitioning closer to Virginia Parkway to the south.

**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
- Aerial Exhibit
- Letter of Intent
- Property Owner Notice
- Property Owner Notification List
- Existing “PD” – Planned Development District Ordinance No. 2007-05-053
- Section SF-1 of the Existing “PD” – Planned Development District Ordinance No. 1621
- Proposed Zoning Exhibit A – Location Map
- Proposed Zoning Exhibit B – Site Plan
- Proposed Zoning Exhibit C – Legal Description
- Proposed Zoning Exhibit D – Master General Development Plan

- Proposed Zoning Exhibit E – Master General Development Plan Hike and Bike Trail Location
- Proposed Zoning Exhibit F – Computed Master Plan
- Planning and Zoning Commission PowerPoint Presentation

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**Action:**