

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Samantha Pickett, Planner II

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “PD” – Planned Development District, “REC” – Regional Employment Center Overlay District and “CC” –Corridor Commercial Overlay District to “PD” – Planned Development District, “REC” – Regional Employment Center Overlay District and “CC” –Corridor Commercial Overlay District, Generally to Allow for Townhome Uses, Located on the Southwest Corner of McKinney Place Drive and Collin McKinney Parkway

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the February 17, 2015 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to the proposed development standards’ inability to mandate or achieve a high quality development.

**However, the applicant is requesting the following special ordinance provisions:**

1. The subject property shall be developed in accordance with the *Area and bulk regulations* for Townhouse (rowhouse) dwellings of the REC Neighborhood Zone, except as follows:
  - a. Single family attached residential (townhome) uses shall be the only permitted use on the subject property.
  - b. Garages that are accessed from the front of the lot shall be permitted (alleys shall not be required).
  - c. The maximum number of front-entry garage townhomes shall be limited to 50% of the total number of townhome units on the subject property.
  - d. For lots where garages are accessed from the front of the lot, the front build-to-line shall be 20 feet. All rear-access garage lots shall adhere to the required build-to line.

- e. There shall be no maximum lot area or width.
- f. There shall be no minimum side yard setback, except that 10 feet of separation must be maintained between buildings.
- g. The maximum density shall be 8.5 dwelling units per acre.
- h. The development shall be subject to the attached Architectural Standards.

**APPLICATION SUBMITTAL DATE:** June 23, 2014 (Original Application)  
November 13, 2014 (Revised Submittal)  
November 24, 2014 (Revised Submittal)  
January 14, 2015 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 30.35 acres of land, located on the southwest corner of McKinney Place Drive and Collin McKinney Parkway, from multi-family residential uses to single family attached residential (townhome) uses. Additionally, the applicant is requesting approval of modified development regulations regarding front entry garages, lot area and width, setbacks, and architectural standards, discussed in further detail below.

On December 9, 2014, the Planning and Zoning Commission voted 7-0-0 to table the item to the January 13, 2015 meeting due to public hearing notification signs not being posted on the subject property by the applicant in the timeframe required by the Zoning Ordinance.

On January 13, 2015, the Planning and Zoning Commission voted 6-0-0 to close the public hearing and table the item to the next available meeting to give the applicant time to address the Commission's comments regarding the front-entry garages and resulting issues in on-street parking. Subsequent to the meeting, the applicant has modified the request to limit the percentage of front-entry garage townhomes to no more than 50% of the total number of townhome units on the property and is reflected in the special ordinance provisions listed above. The applicant has also requested that the concept plan previously provided to the Planning and Zoning Commission for informational purposes, be rescinded from the information moving forward (see attached letter of intent).

**ZONING:**

<b>Location</b>	<b>Zoning District (Permitted Land Uses)</b>	<b>Existing Land Use</b>
Subject Property	“PD” – Planned Development District Ordinance No. 2008-08-084, “REC” – Regional Employment Center Overlay District and “CC” –Corridor Commercial Overlay District (Multi-Family Residential Uses)	Undeveloped Land
North	“PD” – Planned Development District Ordinance No. 2002-05-038 and “REC” – Regional Employment Center Overlay District (Single Family Residential and Commercial Uses)	Village Park Subdivision and Undeveloped Land
South	“PD” – Planned Development District Ordinance No. 2006-09-102 (Multi-Family Residential Uses), “PD” – Planned Development District Ordinance No. 2005-10-099 (Mixed Uses), “REC” – Regional Employment Center Overlay District and “CC” –Corridor Commercial Overlay District	Avana McKinney Apartments
East	“PD” – Planned Development District Ordinance No. 2008-08-084, “REC” – Regional Employment Center Overlay District and “CC” –Corridor Commercial Overlay District (Multi-Family Residential Uses)	Heights at Lake Forest Apartments
West	“AG” – Agricultural District, “REC” – Regional Employment Center Overlay District and “CC” –Corridor Commercial Overlay District (Agricultural Uses)	Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property, currently zoned “PD” – Planned Development District for multi-family residential uses, to “PD” – Planned Development District for townhome uses. More specifically, the applicant has requested the property be rezoned to follow the area and bulk regulations for townhouse (rowhouse) dwellings of the REC Neighborhood Zone, with additional modification to the lot area and width, front-entry garages, front and side yard setbacks, and the architectural standards.

The townhouse dwelling regulations of the REC Neighborhood Zone require rear yard garage and alley access or contained internal courtyard parking. This requirement is

similar to the standard requirements of the “SF5” – Single Family Residential District and “TH” – Townhome Residential District, prohibiting front entry garages on all lots less than 50 feet in width. The applicant is requesting that lots ranging from 18 to 40 feet in width be allowed to utilize front-entry garages. With a minimum lot width of 18 feet, in conjunction with a front-entry garage, the garage door would comprise nearly 90% of the front façade width of the townhome unit. Staff has concerns that the narrow lot widths of the proposed district, combined with front-entry garages, will have an overwhelmingly negative impact on the aesthetics of the front elevation and will likely provide little architectural interest or variation between each of the townhomes, reducing the overall quality of the development.

In conjunction with front-entry garages, the applicant is also requesting that all front-entry lots have a front build-to-line of 20 feet. Staff is not opposed to townhome uses on the subject property; however, the requested 20' build-to line for front entry townhouses will be inconsistent with the setback of other rear-entry townhouses in the subdivision (build-to-line ranging from 2-13 feet from the front property line) that may be located directly across the street from a front-entry townhouse. Additionally, due to the repetition and spacing of driveways on lots ranging from 18 to 40 feet wide, the side of the street featuring front-entry townhomes will not be able to accommodate any on-street parking for resident or visitors without blocking said driveways.

In Staff's opinion, front-entry garages and associated driveways for narrow width lots are not in keeping with the urban, pedestrian-oriented character envisioned by the “REC” – Regional Employment Center Overlay District (i.e. buildings pulled closer to the streets to encourage pedestrian activity and promote an urban streetscape). Streets with significant stretches of front-entry garages will be inundated with driveways for each narrow lot, further restricting and negatively impacting pedestrian activity within the neighborhood. If an urban, pedestrian-oriented style of development is not desired for the entire subdivision, Staff recommends that the applicant request the property be rezoned to follow the “TH” – Townhome Residential District standards instead, and request that the requirements of the REC Overlay be removed from the property. The applicant has also requested there be no maximum lot area or width, a maximum density of 8.5 dwelling units per acre, and requests that the side yards be reduced to 10 feet of separation between buildings, which were not determining factors for denial.

Furthermore, 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. The applicant has provided additional architectural standards establishing architectural details for the proposed development in addition to the required 85% masonry per wall requirement in the Zoning Ordinance. Staff is of the opinion that the attached architectural standards will add visual interest to the project, and as such feel the applicant has satisfied this requirement.

It also is important to note that the applicant has requested a special ordinance provision limiting the number of front-entry garage lots to 50 percent of the total number

of townhome units within the development. With a maximum density of 8.5 dwelling units per acre (maximum of 257 units), up to 128 units could be front-entry garage homes. The previous request limited the number of front-entry townhome units to 150.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for high density residential uses and is currently zoned for multi-family residential. The FLUP modules diagram designates the subject property as Regional Employment 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 not in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change would not help the community attain the goal of “Attractive Hometown that Promotes McKinney’s Character” through the stated objective, a “homes and buildings complying with City standards and codes”.
- **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 it has already been planned for high density residential uses.
- **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 it has already been planned for high density residential uses.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The properties located adjacent to the subject property are zoned for a mix of uses, including multi-family residential, commercial, and single family residential. The proposed rezoning request should remain compatible with the surrounding and adjacent land uses.
- **Fiscal Analysis:** The fiscal analysis shows a positive cost benefit of \$150,327 using the full cost method.

The attached “Land Use and Tax Base Summary” shows that Module 30 is currently comprised of approximately 36.7% residential uses and approximately 63.3% non-residential uses (including commercial, mixed-use, institutional and agricultural uses). Estimated tax revenues in Module 30 are comprised of approximately 55.6% from residential uses and approximately 44.4% from non-residential uses (including commercial, mixed-use, institutional and agricultural uses). The proposed rezoning requested will have no impact on the anticipated land uses in this module.

- Concentration of a Use: The proposed rezoning request should not result in an over concentration of residential land uses in the area.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received 4 letters in support of this request.

**ATTACHMENTS:**

- PZ Minutes 01.13.15
- PZ Minutes 12.09.14
- Location Map and Aerial Exhibit
- Letter of Intent
- Letters of Support
- Comprehensive Plan Maps
- Fiscal Analysis
- Land Use and Tax Base Summary
- Existing "PD" – Planned Development District Ordinance No. 2008-08-084
- Proposed Zoning Exhibit – Architectural Standards
- PowerPoint Presentation