

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Michael Quint, Senior Planner

FROM: Brooks Wilson, AICP, Planner

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by C & C Development, L.P., on Behalf of Porchview Estates, L.L.P., for Approval of a Request to Rezone Approximately 24.21 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 Development Standards, Located Approximately 300 Feet North of Collin McKinney Parkway and Approximately 1,000 Feet East of Custer Road.

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for action at the January 5, 2010 meeting.

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 regulations of Planned Development District Ordinance No. 2006-11-133, "SUP" – Specific Use Permit Ordinance No. 2006-01-002 and the "REC" – Regional Employment Center Overlay District, and as amended, except as follows:
 - a. The minimum side yard setbacks shall be five feet on both sides of each residential unit for a total of 10 feet minimum separation between buildings.
 - b. The minimum rear yard setback for all of Block G and the portion of Block F that backs to the commercial tracts to the west of the subject property shall be 15 feet.
 - c. The minimum rear yard setback for all of Block E and the portion of Block F that backs to the residential tracts to the east of the subject property shall be 15 feet.

- APPLICATION SUBMITTAL DATE:** October 12, 2009 (Original Application)
October 27, 2009 (Revised Submittal)

PLATTING STATUS: The subject property is currently platted as The Estates at Craig Ranch Phase 2. The applicant may obtain building permits for the subject property so long as the development standards of the governing planned development ordinance are satisfied. The applicant has submitted an associated amending plat (09-148AP) which reflects the modifications reflected in the rezoning request. If the rezoning request is approved, Staff may approve the associated amending plat. Once it is filed for recordation, building permits may be obtained that reflect the special ordinance provisions approved herein.

SURROUNDING ZONING AND LAND USES:

North	“PD” – Planned Development District Ordinance No. 2006-11-133, (high density residential uses); “SUP” – Specific Use Permit Ordinance No. 2006-01-002 (private street	The Estates at Craig Ranch Phase 2 Common Area
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development); and “REC” – Regional Employment Center Overlay District

South	“PD” – Planned Development District Ordinance No. 2006-11-133 (high density residential uses); “SUP” – Specific Use Permit Ordinance No. 2006-01-002 (private street development); and “REC” – Regional Employment Center Overlay District	The Estates at Craig Ranch Phase 2 Common Area
East	“PD” – Planned Development District Ordinance No. 2003-05-050 (residential uses); “PD” – Planned Development District Ordinance No. 2004-08-086 (residential uses); “SUP” – Specific Use Permit Ordinance No. 2006-01-002 (private street development); and “REC” – Regional Employment Center Overlay District	The Estates at Craig Ranch Phase 1
West	“PD” – Planned Development District Ordinance No. 2005-05-050 (commercial uses); “PD” – Planned Development District Ordinance No. 2006-02-018 (commercial uses); and “REC” – Regional Employment Center Overlay District	Undeveloped Land

Discussion: The subject property is currently zoned for detached single family residential uses.

PROPOSED ZONING: The subject property, The Estates of Craig Ranch Phase 2, is part of the Craig Ranch Master Planned Development. The applicant is requesting to rezone the subject property 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 amend the development standards to modify the former zero lot line based residential development. The modifications requested would allow greater flexibility in the design of one-story residential units, which the applicant asserts is a more marketable product in today’s economy. The applicant plans to market these units primarily to “empty nesters” who prefer one-story units with relatively smaller yards to minimize maintenance. Because a one-story unit typically has a larger footprint than a similarly sized two-story unit, the applicant has requested several special ordinance provisions that would accommodate this change in design, listed below:

1. Use and development of the subject property shall conform to regulations of Planned Development District Ordinance No. 2006-11-133, “SUP” – Specific Use Permit No. Ordinance 2006-01-002 and the “REC” – Regional Employment Center Overlay District, and as amended, except as follows:

- a. The minimum side yard setbacks shall be five feet on both sides of each residential unit for a total of 10 feet minimum separation between buildings.
- Planned Development District Ordinance No. 2006-11-133 calls for the side yards setbacks of each residential unit be one (1) foot on one side and nine (9) feet on the other, providing for the same visual effect as a zero lot line development. The zero lot line development was a departure from the typical REC Overlay District side yard setbacks of five (5) foot on single family residences on standard sized lots, approved via a former rezoning request.
 - The applicant is requesting that the side yard setbacks revert back to the original REC Overlay District requirement of five feet on each side of the housing units, with the exception of those units that are adjacent to already constructed zero lot line homes (there are eight such units in the development). The new homes that are adjacent to the built homes will maintain a nine (9) foot side yard setback along the adjacent residential unit's one (1) yard setback, which will ensure a total minimum separation of 10 feet between buildings (see the detail inset on Exhibit A). There will be no difference in the visual effect of this modification in side yards since the 9+1 feet of the current configuration equals the 5+5 feet of the proposed configuration.
 - Staff has no objections to the proposed reduction of the side yard setbacks as proposed by the applicant and recommends approval of this special ordinance provision.
- b. The minimum rear yard setback for all of Block G and the portion of Block F that backs to the commercial tracts to the west of the subject property shall be 15 feet.
- There is no specific REC Overlay District rear yard setback for single family detached standard lots. Rather, in absence of a specific regulation, the "TCR-1" – Town Center Residential District of the "PD" reverts to the base zoning designation of "RG 25" – General Residence District as found in the Zoning Ordinance. The "RG 25" – General Residence District requires a rear yard setback of 25 feet.
 - The applicant is proposing a reduced rear yard setback of 15 feet on the lots that are adjacent to the commercial tracts to the west of the subject property.

- The applicant is also proposing to add a 15 foot landscape buffer easement with screening (Eastern Red Cedars between 15 - 20 feet in height, planted 15 feet on center) on the commercial tracts that are adjacent to the subject property to the west (See Exhibit B – Line of Sight Exhibit), which would increase the separation between buildings on the subject property and on the adjacent non-residential tracts. The applicant is executing separate instruments ensuring that the off-site landscape screening easement will be implemented immediately following the approval of the proposed rezoning request.
 - Staff has no objections to the proposed reduction of the rear yard setbacks as proposed by the applicant and recommends approval of this special ordinance provision.
- c. The minimum rear yard setback for all of Block E and the portion of Block F that backs to the residential tracts to the east of the subject property shall be 15 feet.
- As in the previous special ordinance provision, since there is no specific REC Overlay District rear yard setback for single family detached standard lots, the 25 foot rear yard setback of the “RG 25” – General Residence District Zoning Ordinance regulations applies.
 - The applicant is proposing a reduced rear yard setback of 15 feet on the lots that are adjacent to the residential tract to the east of the subject property.
 - The applicant is also proposing to add an 8 foot landscape buffer easement with screening (4 inch caliper Live Oak trees, planted 25 feet on center, along with a continuous screen of Needlepoint Holly) on the residential tract that is adjacent to the subject property (See Exhibit C), which would increase the separation between buildings on the subject property and the adjacent residential tracts. The applicant is executing separate instruments ensuring that the off-site landscape screening easement will be implemented immediately following the approval of the proposed rezoning request.
 - Staff has no objections to the proposed reduction of the rear yard setbacks as proposed by the applicant and recommends approval of this special ordinance provision.

d. The minimum rear yard setback for all of Block H and Block I shall be 10 feet.

- As in the previous special ordinance provisions, since there is no specific REC Overlay District rear yard setback for single family detached standard lots, the 25 foot rear yard setback of the “RG 25” – General Residence District Zoning Ordinance regulations applies.
- The lots of Block H and Block I back onto two open space common areas that are substantial in size. Common Area H-1 is 83,599 square feet and Common Area I-1 is 52,541 square feet (see Exhibit D – Common Areas Exhibit).
- The residential units of Block H and I are designed to utilize these common areas as an extension of their outdoor living space, thus moving the buildings closer to the common area by reducing the rear yard setback is logical. The common areas’ widths range from approximately 20 feet to 100 feet and include amenities such as ponds, landscaping and walking paths, affording the residents with ample open space to the rear of their properties.
- Staff has no objections to the proposed reduction of the rear yard setbacks as proposed by the applicant and recommends approval of this special ordinance provision.

e. The maximum lot coverage shall be 60%.

- The REC Overlay District calls for a maximum lot coverage of 45% for single family detached homes on standard (i.e. medium sized) lots, which range in size from 5,000 to 8,400 square feet.
- The applicant has proposed increasing the maximum lot coverage to 60% to accommodate one story design footprints and allow greater flexibility in layout and style. The proposed 60% maximum lot coverage is allowed in the REC Overlay District on single family detached homes on small lots, which range in size from 3,000 to 5,000 square feet. The typical size of lots in the subject property is 6,000 square feet.
- Staff has no objections to the proposed increase in maximum lot coverage as proposed by the applicant and recommends approval of this special ordinance provision.

- f. The subject property shall be exempt from the REC Overlay District's requirement that 80% of a street block's buildings adhere to a specified build-to line.
- The REC Overlay District states that the front build-to line shall be no greater than $\frac{1}{3}$ and no less than $\frac{1}{10}$ the width of the average residential lot along the street. In addition, it is required that at least 80% of the buildings along any given street must adhere to a specified build-to line. The remaining 20% may have a build-to line that is greater than the specified build-to line, yet still retaining build-to lines that are less than $\frac{1}{3}$ of the average lot width.
 - The typical lot width in the subject property is 50 feet. Using 50 feet as the average lot width, the minimum front build-to line would be five (5) feet and the maximum front build-to line can be no greater than 16.67 feet. The applicant may choose any build-to line that is equal to or greater than five feet and less than 16.67 feet. Eighty percent (80%) of the housing units must be consistent with this specific build-to line. The remaining 20% of the housing units may be located farther back from the specified build-to line, up to the maximum of 16.67 feet.
 - The purpose of this design standard was to create an attractive pedestrian-oriented streetscape, with residences sited nearer the street than is typical in a suburban setting. The location of building facades close to the street creates a more urban feel to the streetscape by creating an enveloping atmosphere that invites neighborhood interaction and a walking environment.
 - The applicant is requesting relief from the "80/20 rule," described above, as it unduly restricts the choice of home layout and style to be sold in the subdivision.
 - Relief from the "80/20 rule" will not eliminate the associated requirement that the residences be built close to the street. Within the subject property, the minimum build-to line would remain five feet and the maximum build-to line would remain 16.67 feet. These distances are relatively closer to the roadway than a typical suburban set back line of 25 feet, and should retain the urban, pedestrian-oriented character sought by the REC Overlay District.
 - Staff has no objections to the proposed exemption from the REC Overlay District's "80/20 rule" as proposed by the applicant and recommends approval of this special ordinance provision.

2. The subject property shall generally develop according to the attached Zoning Exhibit.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Regional Employment Center (REC) Future Land Use Plan (FLUP) designates the subject property for residential uses. 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:

- **Goals and Objectives of the Comprehensive Plan:** The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. Development of the subject property provides for the objectives of an attractive urban design element and compatible land use and mix. In particular, the proposed zoning request would help the community attain the goal of “Economic Development Vitality for a Sustainable and Affordable Community” through the stated objective of the Comprehensive Plan, a “balanced development pattern.” A second goal of the Comprehensive Plan can be accomplished through the goal of “Land Use Compatibility and Mix” by creating a “mix of land uses that provides for various lifestyle choices.” In addition, the proposed zoning request would help the community attain a third goal of an “Attractive Hometown that Promotes McKinney’s Character” through a stated objective of the Comprehensive Plan, creating “attractive and distinctive neighborhoods.”
- **Specific Area Plans or Studies:** Development of the subject property is subject to the Regional Employment Center Overlay District (REC). The REC Overlay District designates the subject property for residential uses within the Neighborhood Zone. Each development located within the Neighborhood Zone shall be predicated on the neighborhood as the basic unit of development, with a distinct edge and center that provides the location for the neighborhood’s civic buildings, primary civic open spaces and primary neighborhood commercial uses. The applicant’s proposed rezoning request for the subject property is in keeping with the intent of the Neighborhood Zone of the REC Overlay District.
- **Impact on Infrastructure:** The REC Future Land Use Plan (FLUP) designates the subject property for residential uses. The water master plan, sewer master plan, and thoroughfare plan are all based on the anticipated land uses on the Future Land Use Plan. The proposed rezoning request is only a request to modify the development standards and will not alter the land use. Therefore, the proposed rezoning request should not have an additional impact on the existing and planned infrastructure in the area.
- **Impact on Public Facilities/Services:** The REC FLUP designates the subject property for 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 is only a request to modify the development standards and will not alter the land use. Therefore, the proposed rezoning request should not have an additional impact on public services, such as schools, fire and police, libraries, parks and sanitation services.

- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for retail and residential uses. The proposed rezoning request should not conflict with existing and potential adjacent land uses.
- Fiscal Analysis: The applicant is requesting a modification of the development standards for the subdivision. As such, the uses and the number of units will remain the same and a fiscal analysis is not warranted.
- Concentration of a Use: Due to the property's location, Staff does not consider the proposed uses to be an over-concentration. The property has existing residential subdivisions to the north and east and the adjacent southern and western properties are undeveloped. The proposed rezoning request will only modify the development standards and will not alter the land use.

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. 2006-01-002
- Exhibit A - Proposed Zoning Exhibit
- Exhibit B – Line of Sight Exhibit
- Exhibit C – Proposed Screening Exhibit
- Exhibit D – Common Area Exhibit

Action: