



# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		July 27, 2015		
Department:	Planning			
Department Head	Christina Day			
Agenda Coordinator (include phone #): <b>Tammy Stuckey, ext 7156</b>				
<b>CAPTION</b>				
Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2014-34 - Request to rezone 54.3± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive from Regional Employment to Planned Development-Regional Employment to allow for Single-Family Residence Attached with modified development standards. Zoned Regional Employment/State Highway 121 Overlay District. Applicant: Ronald McCutchin Family Partnership, LTD.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2014-15</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FUND(S): N/A</b>				
<b>COMMENTS:</b> This item has no financial impact.				
STRATEGIC PLAN GOAL: Consideration of a request to rezone relates to the Council's goal of Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
At its April 27, 2015 meeting the City Council remanded this zoning case back to the Planning & Zoning Commission by a vote of 8-0. At its June 1, 2015 meeting, the Planning & Zoning Commission denied this request by a vote of 5-1. The applicant has appealed the Commission's denial. A super majority vote, or 6 of the 8 City Council members, is required for approval of the request. The associated Concept Plan has also been appealed and is included as a separate agenda item.				
<b>List of Supporting Documents:</b> Letter of Appeal from Applicant Second Vice Chair Report P&Z Follow-up Memo Staff Report Locator Map Aerial Map Zoning Exhibit Concept Plan		<b>Other Departments, Boards, Commissions or Agencies</b> Planning & Zoning Commission		

**RONALD LEE McCUTCHIN**  
**INVESTMENTS**

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[rmccutchin@sbcglobal.net](mailto:rmccutchin@sbcglobal.net)

June 29, 2015

VIA FAX  
972-941-7396

Ross Altobelli  
City of Plano  
1520 K Ave.  
Plano, TX 75074

**RE: Proposed Zoning Change: Zoning Case 2014-34**

Dear Mr. Altobelli:

I am writing with the permission of the project sponsor to request an appeal to the P&Z recommendation on the zoning case and concept plan. I will stop by City Hall and make the required appeal fee payment in the next couple days. Is there anything else that is needed to move the appeal ahead to the City Council?

Sincerely,



Ronald Lee McCutchin

/nlh

cc: Brian D. Klein, *Ion Design Group, LLC*  
Zach Ipour, *Megatel Homes III, LLC*

**Recommendation of the Planning & Zoning Commission**  
**Second Vice Chairman's Report**  
*Zoning Case 2014-34*  
June 01, 2015

**Zoning Case 2014-34:** Agenda Item No 6A and 6B – Public Hearing. Items heard together, but voted on separately. Six Commissioners were present, with Commissioner Pittman absent and one Commissioner's seat vacant

**Applicant:** Ronald McCutchen Family Partnership, LTD.

**Description:** Request to rezone 54.3± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive from Regional Employment to Planned Development-Regional Employment to allow for single-family residence attached with modified development standards. Zoned Regional Employment/State Highway 121 Overlay District.

At its meeting on April 27, 2015, at the request of the applicant, the City Council remanded the zoning case back to the Planning & Zoning Commission to consider the amended request.

**Staff Recommendation:** Staff recommended denial of the zoning change for the following reasons:

- The request is not in conformance with the Future Land Use Plan and violates the adopted interim amendments to the Land Use Element of the Comprehensive Plan for residential use in a major corridor
- The development would create isolated residential development.
- The proposed PD stipulations would leave a narrow undeveloped parcel, more suited for small, individual pad-site development than for significant economic development opportunities
- The property is well positioned on State Highway 121 with a large amount of frontage, good access, visibility and separation from residential uses.
- The property has no physical constraints which would prohibit significant economic development from occurring at some point in the future, and should be retained for future nonresidential development
- Rezoning the property for residential uses would not further the city goal's as established in the Comprehensive Plan.

**Comments from the Applicant:**

- Applying the 550-ft Hwy. 121 setback requested by the Commission makes 2200 linear ft of the property undevelopable.
- Since the last proposal, the concept plan changed to add 86,600 SF office with a 520-foot setback from Hwy 121.
- The site is a continuation of residential – Villages of White Rock Creek and Hickory Ridge to the South
- Shape of property is a constraint.
- Limited access to Hwy. 121 because of position of entrance and exit ramp makes site not suitable for major employment opportunities
- Single family is more compatible to adjacent residential than Regional Employment.
- Single family has less traffic impact (85%).

- Provides additional residential choices for Plano
- In order to buffer the residential from noise of the Highway a 4ft. berm and sound wall may have to be added between office and the residential.

**Comments from the Commission:**

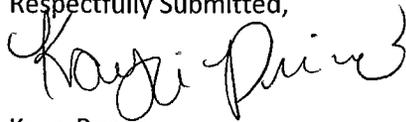
- Concerns over the quality of economic development that would occur in the office development.
- Concerns of appropriateness of site for residential given the results of the sound study for the development to the West and the need to potentially place tall sound walls on the property in order to mitigate noise for residents.
- Concerns over changing land zoned for major employment purposes for residential purposes
- Site has challenges and the ramp on 121 complicates the property

In support of staff's recommendation a motion was made for the denial of Zoning Case 2014-34, item 6A. Motion for Denial was approved by the Commission 5 votes to 1 (Commissioner Kong voted against the motion.)

**Agenda Item No. 6B – Concept Plan, Sam Rayburn Plaza and Villages of Prairie Commons East.**

This Concept plan application is contingent upon approval of Zoning Case 2013-34 (Agenda item No 6A). Since Zoning Case 2014-34 was denied, a motion was made for Denial of Agenda Item No. 6B – Concept Plano, Sam Rayburn Plaza and Villages of Prairie Commons East and was approved by the Commission 5 votes to 1 (Commissioner Kong voted against the motion.)

Respectfully Submitted,



Kayci Prince  
Second Vice-Chair  
Planning & Zoning Commission

**DATE:** June 2, 2015  
**TO:** Applicants with Items before the Planning & Zoning Commission  
**FROM:** Doug Bender, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of June 1, 2015

**AGENDA ITEM NO. 6A - PUBLIC HEARING  
ZONING CASE 2014-34  
APPLICANT: RONALD MCCUTCHIN FAMILY PARTNERSHIP, LTD**

Request to rezone 54.3± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive **from** Regional Employment **to** Planned Development-Regional Employment to allow for single-family residence attached with modified development standards. Zoned Regional Employment/State Highway 121 Overlay District.

**APPROVED:** \_\_\_\_\_ **DENIED:** 5-1 **TABLED:** \_\_\_\_\_

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA:** **SUPPORT:** 0 **OPPOSE:** 0

**LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA:** **SUPPORT:** 0 **OPPOSE:** 1

**PETITION(s) RECEIVED:** N/A **# OF SIGNATURES:** N/A

**STIPULATIONS:**

Denied. The Commissioner voting in opposition expressed concerns regarding access for nonresidential uses.

RA/ks

xc: Ronald McCutchin Family Partnership  
Bryan D. Klein, ION Design Group, LLC  
Wayne Snell, Permit Services Manager

<http://goo.gl/maps/igz8g>

CITY OF PLANO  
PLANNING & ZONING COMMISSION

June 1, 2015

**Agenda Item No. 6A**

**Public Hearing:** Zoning Case 2014-34

**Applicant:** Ronald McCutchin Family Partnership, LTD

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**DESCRIPTION:**

Request to rezone 54.3± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive **from** Regional Employment **to** Planned Development-Regional Employment to allow for single-family residence attached with modified development standards. Zoned Regional Employment/State Highway 121 Overlay District.

**HISTORY:**

The applicant submitted a previous request to rezone the subject property from Regional Employment to Planned Development-Single-Family Residence Attached. The Planning & Zoning Commission denied this request on March 16, 2015. The applicant subsequently appealed the Commission's denial to the City Council. At its meeting on April 27, 2015, at the request of the applicant, the City Council remanded the zoning case back to the Planning & Zoning Commission to consider this amended request. Since the applicant changed the request from Planned Development-Single-Family Residence Attached to Planned Development-Regional Employment, staff was required to send out updated public notices. The additional public notice resulted in delaying consideration of the case until this meeting.

**REMARKS:**

The applicant's modified request is to rezone the subject property from Regional Employment (RE) to Planned Development-Regional Employment (PD-RE). The RE district is intended to provide for office and limited manufacturing uses that are consistent with the regional status of certain tollways and expressways serving Plano and surrounding communities. Some retail uses are also appropriate when developed in conjunction with the primary uses. The district's standards are designed to ensure compatibility between the various uses within a corridor and surrounding residential neighborhoods.

A planned development (PD) district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls to both off- and onsite conditions. The requested PD-RE

would allow nonresidential development along the frontage road of State Highway 121 and residential uses at a minimum distance of 520 feet from the centerline of State Highway 121.

A concept plan, Sam Rayburn Plaza and Villages of Prairie Commons East, accompanies this request as Agenda Item No. 6B.

### **Surrounding Land Use and Zoning**

The area of the request is currently undeveloped. To the west, across future Ridgeview Drive, is undeveloped land zoned Planned Development-497-Single-Family Residence Attached (PD-497-SF-A). To the south, across Ridgeview Drive, are existing residences zoned Single-Family Residence-6 (SF-6). To the north, across State Highway 121, is undeveloped property located within the city of Frisco. To the east, the property is zoned RE and is partly developed as a farm.

### **Proposed Planned Development Stipulations**

The requested zoning is PD-RE. There are two primary parts to this request: land use and design standards.

**Land Use** - The applicant is proposing to keep the existing RE base zoning district with the additional use of single-family residence attached.

**Design Standards** - The language in the proposed PD would allow a portion of the property to be developed as residential uses built to comply with development standards of the SF-A zoning district. The property adjacent to 121 will be reserved for nonresidential uses built to comply with the RE zoning district's area, yard, and bulk requirements. Additional stipulations have been included with the intention of mitigating the impacts between residences and the adjacent commercial uses and State Highway 121.

The requested PD language is as follows:

Restrictions:

The permitted uses and standards shall be in accordance with the RE zoning district unless otherwise specified herein.

1. Residential lots must be set back a minimum of 520 feet from the centerline of State Highway 121.
2. A minimum 30-foot wide irrigated landscape edge must be provided between residential and nonresidential uses. The landscape edge must include a landscaped berm with a minimum height of four feet and a minimum slope of 4:1 consisting of trees, shrubs, groundcover, and related elements. A minimum of one three-inch caliper shade tree and one three-inch caliper ornamental tree (seven-foot planted height) shall be placed per 50 feet of frontage.

3. Prior to preliminary site plan approval, the applicant must submit an Environmental Noise Study to verify that residential lots will be in conformance with the City of Plano's Performance Standards.

**Conformance to the Comprehensive Plan**

**Future Land Use Plan** - The Future Land Use Plan designates this property as Major Corridor Development (MCD). The city's current land use policies recommend that land along expressway corridors be reserved for economic development and employment opportunities. However, residential development may be appropriate along expressway corridors in accordance with the interim amendment policy recommendations of the Comprehensive Plan that were adopted in April 2012. The policies that apply to this request include:

1. Residential should be set back a minimum of 1,200 feet from the centerline of State Highway 121. Factors including topography, creeks, vegetation, and existing development patterns should be considered in applying this standard.

The applicant is proposing a 520 foot setback for residential lots from the centerline of State Highway 121, with development, landscaping, and berming to serve as screening. This property is at grade with the adjacent highway and there are no physical constraints that would hinder nonresidential development on the property. This zoning request is not in compliance with this policy.

2. Isolated residential development should not be permitted; residential rezoning requests need to establish a complete neighborhood, or expand an existing neighborhood or an urban mixed-use center. Mid-rise multifamily development (5 to 12 stories) and special needs housing (i.e., senior housing) could be an exception if the surrounding land uses are compatible.

The zoning request does not expand into any existing residential neighborhoods. Ridgeview Drive, which will be a 92 foot right-of-way at full construction, separates this property from the existing residential development located to the south, and future residential development to the west. Additionally, the streets proposed for this development do not align with existing residential streets to the south.

**Adequacy of Public Facilities** - Water and sanitary sewer services are available to serve the subject property. The available sanitary sewer capacity is sufficient to handle additional commercial development in the area; however, the applicant may be responsible for making improvements to the sanitary sewer system to increase the system capacity if the property were rezoned to allow residential uses.

**Traffic Impact Analysis (TIA)** - A TIA is not required for this rezoning request.

**School Capacity** - This is provided for informational purposes only. The subject property is within the Frisco Independent School District (FISD) and is served by the following schools:

<b>Elementary School</b>	<b>Borchardt</b>
<b>Middle School</b>	<b>Fowler</b>
<b>High School</b>	<b>Liberty</b>

Based upon the current projections and feeder alignments FISD has determined that current elementary facilities in Plano would be sufficient, but the middle and high school zone increases would all need to be accommodated by campuses located north of State Highway 121. FISD has stated that there may be capacity issues at Liberty High School.

**Public Safety Response Time** - Based upon existing personnel, equipment, and facilities, fire emergency response times will be sufficient to serve the site. Additional residential units in this area will increase EMS and fire calls for service and may impact future staffing levels and the type of equipment assigned to area fire stations.

**Access to and Availability of Amenities and Services** - The subject property is not within a Park Fee service area. There are no existing neighborhood parks or linear parks to serve this area; however, the Park Master Plan identifies a future trail connection and proposed park southwest of State Highway 121 and Ridgeview Drive. Private open space, as required by the SF-A district standards, would serve the residents of this area.

The subject property is located within the Davis Library's service area. Although Davis Library is at service capacity, Schimelpfenig Library has capacity to serve additional patrons.

**Economic Development Element and Land Use Element** - The Economic Development Element and the Land Use Element policies of the Comprehensive Plan discourage rezoning properties for residential uses in prime economic development areas of the city. The intent of both policies is to ensure land that is located along the expressway corridors and in the major employment centers is developed in accordance with the Future Land Use Plan recommendations and supporting zoning districts and to take advantage of future nonresidential development opportunities.

In addition, the Economic Development Element of the Comprehensive Plan encourages the preservation of land in expressway corridors, such as the RE area, for future economic development. The element states that:

“Rezoning requests must be carefully examined to ensure that proposed locations are suitable for residential development and that Plano's economic viability is not being jeopardized in order to accommodate short-term demand. The availability of undeveloped “greenfield” sites is vital to encourage expansion and relocation of businesses. Therefore, the City should preserve land along the expressway corridors and in the employment centers for future economic development opportunities.”

The city's policies state that residential uses should be an expansion of an existing neighborhood, integrated into a mixed-use urban center, or located in an alternative neighborhood setting such as a transit-oriented development. The proposed development does not meet any of the recommended criteria. The site has good visibility and access with over 2,200 feet of frontage along State Highway 121. Additionally, the property is large enough to accommodate significant nonresidential development. Staff believes this property should be reserved for future economic development.

## **ISSUES:**

### **Residential Use in a Major Corridor**

As mentioned previously, this request is not in conformance with the city's Comprehensive Plan recommendations, and it is not an extension of residential uses. The applicant is proposing PD language intended to mitigate future residences from the effects of future nonresidential uses and the existing highway to the north through setbacks and landscaping. However, there are no physical limitations which would prohibit significant nonresidential development from occurring in the future. For these reasons, staff believes there is no compelling reason the property should be rezoned to accommodate residential development. The existing RE zoning allows a variety of nonresidential uses which would benefit from the opportunity of having a large amount of property on which to develop, with good access and visibility to State Highway 121.

### **PD Stipulations**

The requested PD standards, reflected in the companion concept plan, would leave 11.1± acres for nonresidential development adjacent to 121. Although this is a large amount of acreage, the proposed setback for residences would only leave approximately 200 feet of width, accounting for required landscape edges, for development. Staff believes that this property depth is not sufficient to allow for significant economic development to occur. The 1,200-foot buffer as recommended by the Comprehensive Plan is intended to provide an area large enough to accommodate a variety of uses while allowing flexibility in site design. Reducing the depth of the property and leaving it situated as a remainder next to a residential subdivision would encourage small pad sites or strip-style development to occur. Similar sized parcels are located at the southeast corner of Coit Road and State Highway 121, where development includes three individual bank pad sites.

The applicant is proposing to require a sound study in order to verify that residential lots will meet the city's performance standards for sound levels due to noise from State Highway 121. This requirement currently exists within PD-497-SF-A to the west where the developer is required to install a nine-foot berm along the northern property line, and a nine-foot sound wall along a portion of the western flood plain line. Staff is concerned that if this area were rezoned, similar mitigation measures would also be required. Depending on the nature of these improvements, the property reserved for nonresidential development could be significantly impacted with the imposition of additional landscaping, setbacks or walls, further reducing the area for future development.

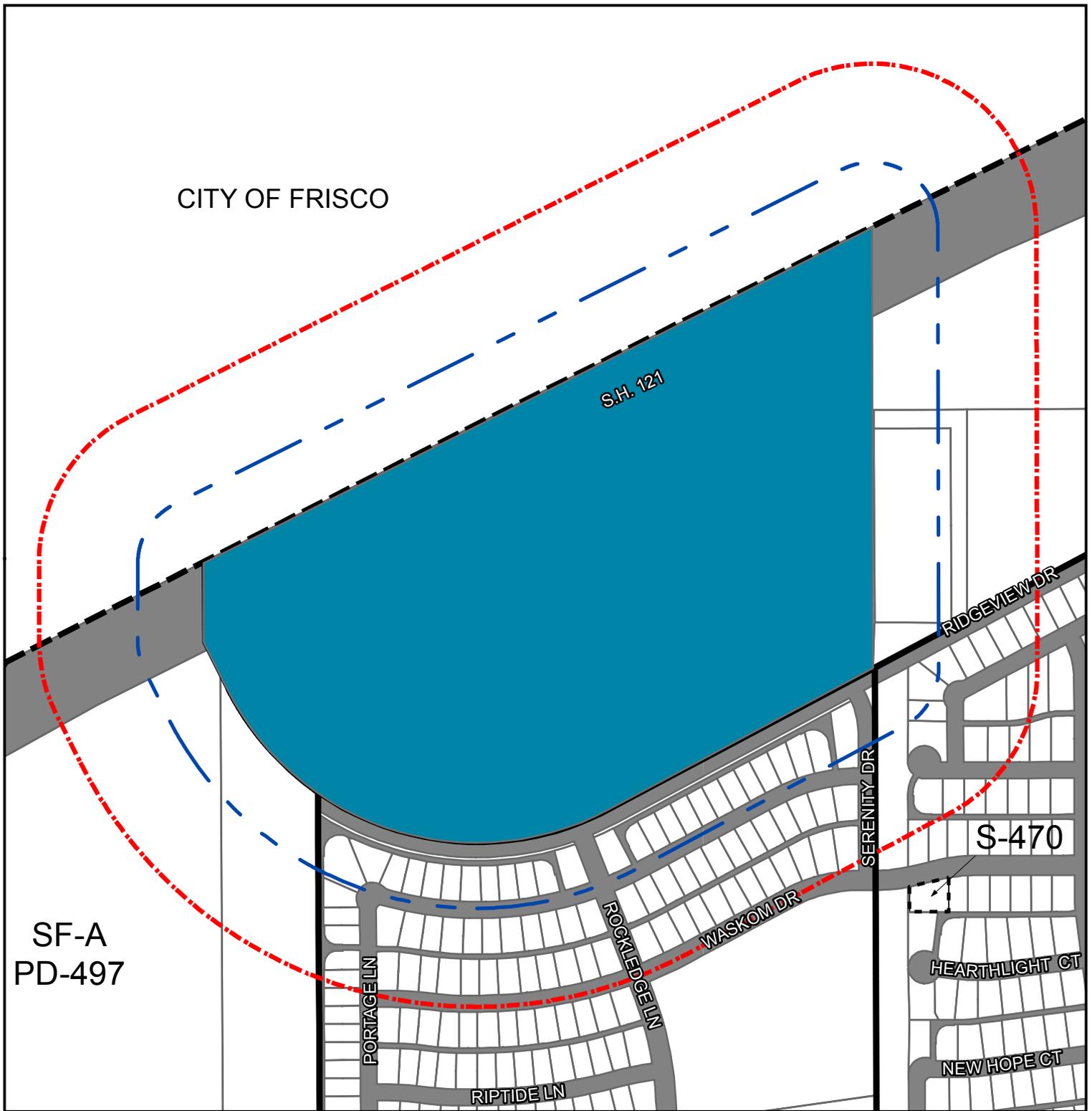
## **SUMMARY:**

The applicant is requesting to rezone 54.3± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive from RE to PD-RE to allow for single-family residences with modified development standards. The request is not in conformance with the Future Land Use Plan and violates the adopted interim amendments to the Land Use Element of the Comprehensive Plan for residential use in a major corridor and isolated residential development. Staff believes that the proposed PD stipulations would leave a narrow undeveloped parcel, more suited for small, individual pad-site development than for significant economic development opportunities. This

property is well positioned on State Highway 121 with a large amount of frontage, good access, visibility and separation from residential uses. The property has no physical constraints which would prohibit significant economic development from occurring at some point in the future. For these reason, staff believes this property should be retained for future nonresidential development and that rezoning the property for residential uses would not further the city's goals as established in the Comprehensive Plan.

**RECOMMENDATION:**

Recommended for denial.

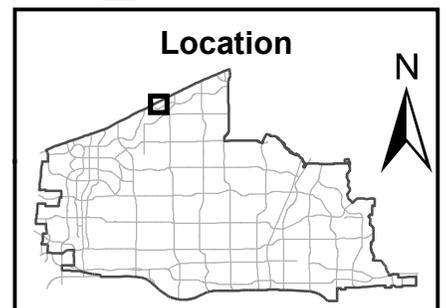


Zoning Case 2014-34

Existing Zoning: Regional Employment (RE)/State Highway 121 Overlay District

Proposed Zoning: Planned Development-Regional Employment (PD-RE) to allow for Single-Family Residence Attached as an additional use with modified development standards

- 500' Courtesy Buffer
- 200' Notification Buffer
- Subject Property
- Zoning Boundary
- City Limits
- Specific Use Permit
- Right-of-Way



Source: City of Plano Planning Department



Area of Request

Zoning Case 2014-34



Source: City of Plano, Planning Dept.  
Date: March, 2015

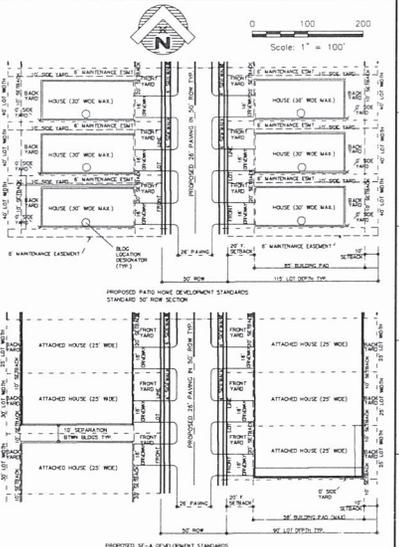
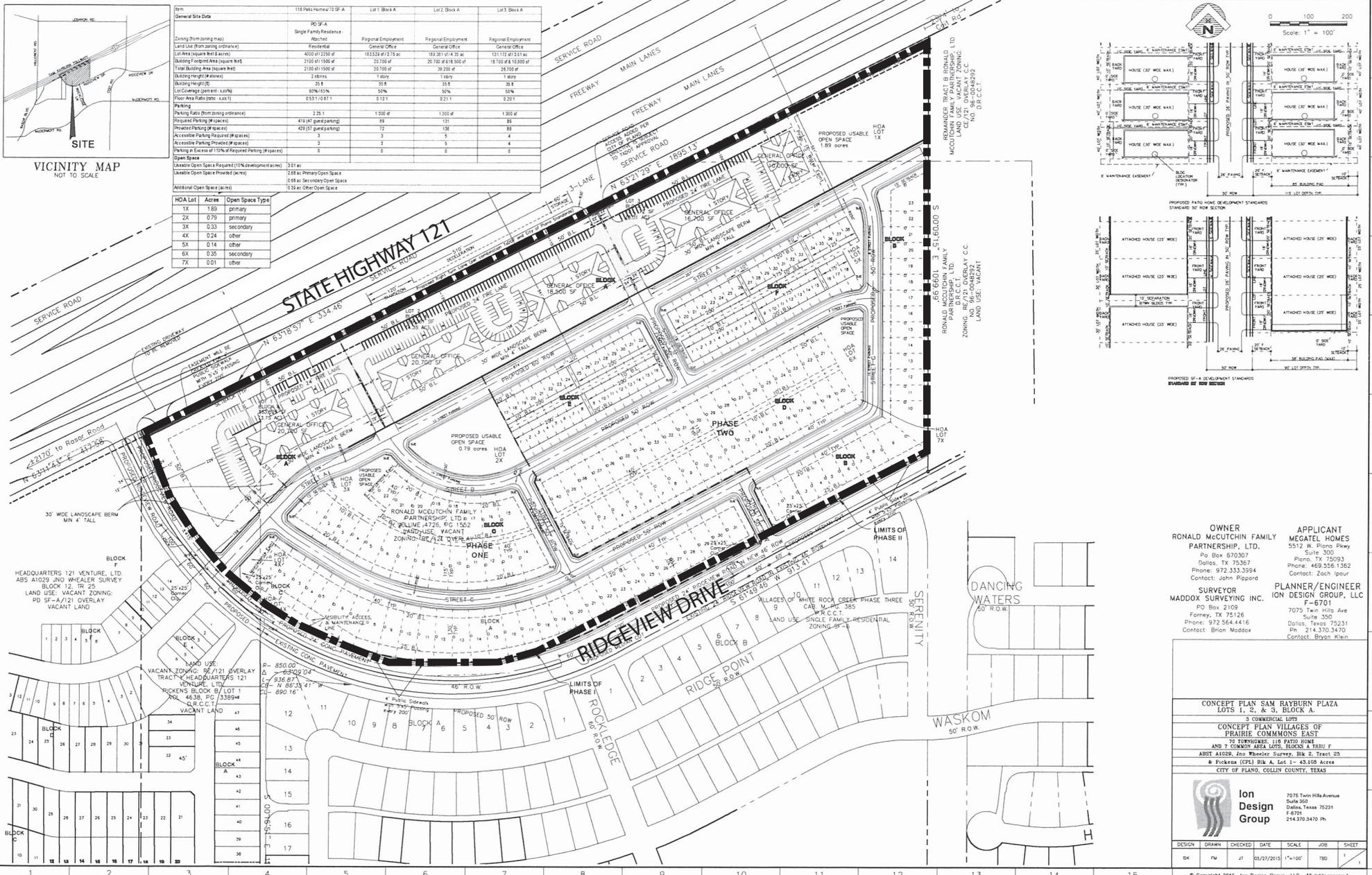




VICINITY MAP  
NOT TO SCALE

Item	110 Pkts Home/76 SF A	Lot 1 Block A	Lot 2 Block A	Lot 3 Block A
<b>General Site Data</b>	70 SF A Single Family Residence	Regional Employment	Regional Employment	Regional Employment
Zoning (from zoning map)	Residential	General Office	General Office	General Office
Land Use (from zoning ordinance)	400 SF/1,200 SF	18,328 SF/13.3 ac	19,281 SF/13.9 ac	33,172 SF/23.9 ac
Lot Area (square feet/ acres)	2,100 SF/0.048 ac	20,700 SF/0.475 ac	20,700 SF/0.475 ac	18,700 SF/0.428 ac
Building Footprint Area (square feet)	2,100 SF/0.048 ac	20,700 SF	20,700 SF	20,700 SF
Total Building Area (square feet)	2,100 SF/0.048 ac	20,700 SF	20,700 SF	20,700 SF
Building Height (ft)	1 Story	1 Story	1 Story	1 Story
Building Height (ft)	30 ft	35 ft	35 ft	35 ft
Lot Coverage (percent - max)	60%/12.6%	56%	56%	56%
Front Area Ratio (percent - max)	0.33/1.00%	0.31%	0.31%	0.31%
<b>Parking</b>				
Parking Ratio (from zoning ordinance)	2.25:1	1.300:1	1.300:1	1.300:1
Required Parking (ft spaces)	418 (41 parking)	89	125	26
Provided Parking (ft spaces)	418 (37 parking)	72	120	88
Accessible Parking Required (ft spaces)	3	3	5	4
Accessible Parking Provided (ft spaces)	3	3	5	4
Parking in Excess of 110% of Required Parking (ft spaces)	0	0	0	0
<b>Open Space</b>				
Available Open Space Required (10% development/acre)	2.81 ac			
Available Open Space Provided (percent)	2.88 ac Primary Open Space			
	0.68 ac Secondary Open Space			
Additional Open Space (percent)	12.38 ac Other Open Space			

HOA Lot	Area	Open Space Type
1X	1.89	primary
2X	0.79	primary
3X	0.33	secondary
4X	0.24	other
5X	0.14	other
6X	0.35	secondary
7X	0.01	other



**OWNER**  
RONALD McCUTCHIN FAMILY PARTNERSHIP, LTD.  
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Phone: 972.333.3994  
Contact: John Pipard

**APPLICANT**  
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Phone: 469.556.1362  
Contact: Zach Inour

**SURVEYOR**  
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Phone: 972.564.4416  
Contact: Brian Maddox

**PLANNER/ENGINEER**  
ION DESIGN GROUP, LLC  
F-6701  
7075 Twin Hills Ave  
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Dallas, Texas 75231  
Ph: 214.370.3470  
Contact: Bryan Kraw

CONCEPT PLAN SAM RAYBURN PLAZA  
LOTS 1, 2, & 3, BLOCK A

3 COMMERCIAL LOTS  
CONCEPT PLAN VILLAGES OF PRAIRIE COMMONS EAST  
70 TOWNHOMES, 116 PATIO BAYS  
AND 7 TOWNHOMES AREA LOTS, BLOCKS A, B, & C  
ABST A1029, Jno Wheeler Survey, Blk 2, Tract 25  
4700000 (02) Blk A, Lot 1 - 43,108 ACRES  
CITY OF PLANO, COLLIN COUNTY, TEXAS

**Ion Design Group**  
1078 Twin Hills Avenue  
Suite 300  
Dallas, Texas 75231  
F-6701  
214.370.3470

DESIGN	DRAWN	CHECKED	DATE	SCALE	JOB	SHEET
BK	FM	JT	01/21/2015	1"=100'	TBD	1