

July 25, 2023

**Public Hearing - Zoning:** The Mix (Z22-0022)  
**Owner(s):** WP Development Partners, LLC.

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**DESCRIPTION:**

A request to repeal Ordinance No. 15-08-56 consisting of 128.8± acres on the southeast corner of Dallas Parkway and Lebanon Road (“Property”), to amend the Zoning Ordinance (Ordinance No. 11-04-09, as amended) and to rezone the Property as Planned Development-247-Office-2/Retail/Residential. Zoned Planned Development-247-Office-2/Retail/Residential. Neighborhood #30. JH

**HISTORY:**

**Ordinance No. 97-04-03** – Annexed and zoned to Agricultural 354.8± acres on April 1, 1997.

**Ordinance No. 97-05-16** – Zoned 149.5± acres from Agricultural to Planned Development-Commercial-1 on May 20, 1997.

**Ordinance No. 15-08-56** – Zoned 128.8± acres from Planned Development-69-Commercial-1 to Planned Development-247-Office-2/Retail/Residential on August 18, 2015.

**CASE OVERVIEW:**

Planned Development-247 (Wade Park) was adopted in 2015 to accommodate a mixed-use development that would complement other mixed-use developments along the Dallas North Tollway. The Wade Park development was intended to be an urban environment that would serve as a destination for residents and create a collection of office, retail, restaurant, entertainment, and urban living residential uses along a main street environment. The previous developer ran into financial difficulties, and the applicant for this zoning request owns the property and seeks to repeal the Planned Development to adopt a new Planned Development.

- **Product Types, Unit Counts, & Phasing** – The applicant is proposing a mixture of urban living and townhomes, which is consistent with the residential product types approved within the Wade Park development, across four subdistricts. Residential development is permitted within the Tollway District subject to additional requirements (Reference Tollway District Building Height Section below).

Planned Development-247 (Wade Park) was adopted prior to City Council's policy for mixed-use developments (55 units/acre); therefore, the residential entitlements (2,800 residential units) exceed what may be considered on the property based on net acreage and a Future Land Use Plan designation of Suburban Regional Activity Center, which is 1,540 residential units. A maximum of 2,800 residential units are entitled by Planned Development-247. The applicant is proposing to increase the number of residential units to 3,299 units, which is 499 units beyond what is entitled, which further exceeds City Council's policy.

Product Type	Units Allowed in PD
Townhome units on individually platted lots within the Boulevard District	Minimum of 129 units
Urban Living units	Maximum of 3,170 units

Planned Development-247 was adopted two years prior to City Council's policy on phasing commercial development; therefore, the Planned Development does not make reference to a phasing requirement. However, **the applicant is proposing** the following phasing requirements be adopted within the new Planned Development.

- **Phase 1** – 653 Urban Living units – These units have been approved under the existing zoning entitlements and may be constructed and occupied in accordance with the approved site plan(s).
- **Phase 2** – 1,135 Residential units subject to the following requirements:
  - Installation of all the open space improvements to the central open space area (Block E) as depicted in Exhibit F-1: Open Space Plan;
  - Construction of a total of 2,250 parking spaces in the existing parking garage excavation (the area identified as “underground parking” on Exhibit C-1: Site Plan); and
  - The installation of the abovementioned open space improvements and the construction of the abovementioned parking spaces shall be completed prior to issuance of any Certificate of Occupancy for any residential units in Phase 2.

The remaining 1,511 residential units are proposed to be permitted through earnouts as follows:

- 1.0 residential unit for each 1,000 square feet of “Class A” office measured from a certificate of occupancy; and
- 1.0 residential unit for each 1,000 square feet of “Upscale Retail” measured from a certificate of occupancy.

While Staff is supportive of the applicant's proposed phasing requirements for Phases 1 and 2, Staff is not supportive of the proposed earnout for the remaining 1,511 residential units nor how the applicant is proposing to define "Class A" office. Regarding the remaining 1,511 residential units (in Phase 3 or later), **Staff recommends the following requirement:**

- *800 residential units are permitted at a rate of 1.0 residential unit per each 1,000 square feet of "Class A" office or "Upscale Retail" measured from a Certificate of Occupancy; and*
- *The remaining 711 residential units shall not be permitted on the Property until a minimum of 2,462,000 square feet of office and retail have been completed on the Property.*

The applicant has previously shared with Staff that the proposed land plan that is requested to be adopted within this Planned Development is programmed to include 2.4 million square feet of office and retail space. Per the applicant's phasing request, the remaining residential units could be constructed while only constructing 1.5 million square feet of office and retail space. Under Staff's recommendation, Staff proposes holding back the last 711 residential units to ensure the programmed square footage of 2.4 million square feet is constructed on the Property.

Regarding how "Class A" office is defined, the applicant proposes a minimum building height of three (3) stories, unless the building has frontage along Dallas Parkway, in which event the minimum height shall be seven (7) stories. While Staff understands the applicant's request for a couple of the buildings to be more boutique office in nature and only three (3) stories in height, Staff is concerned how the language regarding Dallas Parkway frontage may be interpreted. Therefore, Staff recommends the following language:

- *The term "Class A" office is defined as the office buildings built and being built in Frisco Station and The Star in Frisco and have a minimum total building height of seven (7) stories with the exception of the two buildings identified in green within the Tollway District on Exhibit E, which shall have a minimum building height of three (3) stories....*

For comparison purposes, a minimum height of seven (7) stories for "Class A" office is consistent with other recently approved Planned Developments.

Defining a minimum building height for Class A office further increases the likelihood that the programmed office square footage will be developed within the property. Using Frisco Station as an example, where a portion of the buildings are developed at six stories and range from 216,000 to 236,000 square feet, it would require seven office buildings of this size to reach 2.1 million square feet of office. Staff has worked with applicants to identify a minimum building height

within Planned Developments to avoid the one to three story office buildings surrounded by surface parking. It is unclear to Staff how the applicant intends to develop the programmed office square footage with a minimum building height of three stories.

The applicant is requesting approval of their proposed phasing language and has stated, "Staff's recommendation would make development of a significant portion (approximately 22%) of the property's residential units contingent upon events that the markets may never support. Such a standard is especially tenuous in current times with very little relief in sight. Completion of 2,462,000 square feet of retail and office can only occur if there is market demand. This market demand will come from and be supported by the Property's residential uses and the symbiotic nature of these uses requires simultaneous development efforts. With this in mind, the applicant is proposing that the remaining 1,511 residential units in Phase 3 be tied to a rate of 1.0 residential unit per 1,000 square feet of "Class" office and "Upscale" retail, measured from a Certificate of Occupancy. This rate is consistent with other recently approved planned developments and ensure that these office and retail uses are provided in advance of the residential units, while still allowing a reciprocity between the uses." Staff is not in agreement with the applicant.

- **Tollway District Building Height** – As stated previously, the applicant is proposing residential uses be permitted within the Tollway District, which Staff supports subject to agreement on minimum building height requirements being identified. While the applicant has proposed minimum building height requirements within the Tollway District, Staff is not supportive of the applicant's proposal. The applicant is proposing the following height restrictions within the Tollway District:
  - For a mixed-use building with office and residential uses, the minimum building height shall be 15 stories and the residential use shall only be permitted above the 10<sup>th</sup> floor and be of Type I/II construction;
  - For a mixed-use building with hotel and residential uses, the minimum building height shall be 10 stories and the residential use shall only be permitted above the 5<sup>th</sup> floor and be of Type I/II construction;
  - For a building comprised of only residential use, the minimum building height shall be 15 stories;
  - For buildings with frontage along Dallas Parkway, the minimum building height shall be 7 stories. Otherwise, the minimum building height shall be 3 stories.

Staff recommends the following minimum building height requirements within the Tollway District:

- *In the area identified as the Tollway District, residential shall be permissible above the 15<sup>th</sup> floor within mixed-use buildings, with nonresidential uses (i.e. office, restaurants, retail, hotel), from day of occupancy for the building. Such buildings shall be of Type I/II construction.*

The above language recommended by Staff is consistent with what was approved within the Hall Park Planned Development and would replace the applicant's first two bullet points regarding mixed-use buildings with office and residential & hotel and residential. The applicant is requesting approval of their proposed language and has stated, "Our request is to require the 15-story mixed use building, as suggested by Staff, but allow residential uses above the 10<sup>th</sup> floor. Our proposal allows the flexibility of a high-quality structure, but also mandates the structure to be built at Type I/II standards. The applicants believes a 15-story building with residential uses only above the 15<sup>th</sup> floor unnecessarily restricts flexibility. Further, for a mixed-use building with hotel and residential uses, the minimum building height would be 10 stories and the residential use shall only be permitted above the 5<sup>th</sup> floor and be of Type I/II construction. This standard is consistent with our understanding of the hotel/residential mixed-use market. The proposed height various create a path for building a high-rise, mixed-use development with residential uses included."

- *For a building comprised of only residential uses, the minimum building height shall be 15 stories.*

The applicant and Staff are in agreement with the above language.

- *For a building comprised of only nonresidential uses, the minimum building height shall be 7 stories with the exception of the two buildings identified in green within the Tollway District on Exhibit E, which shall have a minimum building height of 3 stories.*

The applicant has stated that they are in agreement with the above language; **however**, the applicant's updated development standards do not reflect this language.

The table below summarizes the applicant's request and Staff's recommendation for minimum building height within the Tollway District.

<b>Applicant's Request</b>	<b>Staff's Recommendation</b>	<b>Hall Park</b>
For a mixed-use building with office and residential uses, the minimum building height shall be 15 stories and the residential use shall only be permitted above the 10 <sup>th</sup> floor and be of Type I/II construction	In the area identified as the Tollway District, residential shall be permissible above the 15 <sup>th</sup> floor within mixed-use buildings, with nonresidential uses (i.e. office, restaurants, retail, hotel), from day of occupancy for the building. Such buildings shall be of Type I/II construction.	In the area identified as the Tollway Buffer, as shown on Exhibit C, residential shall be permissible above the 15 <sup>th</sup> floor within mixed-use buildings, with nonresidential uses (i.e. office, restaurants, retail), from day of occupancy for the building.
For a mixed-use building with hotel and residential uses, the minimum building height shall be 10 stories and the residential use shall only be permitted above the 5 <sup>th</sup> floor and be of Type I/II construction		
For a building comprised of only residential uses, the minimum building height shall be 15 stories	For a building comprised of only residential uses, the minimum building height shall be 15 stories.	In the area identified as the Tollway Buffer, as shown on Exhibit C, a building comprised of 100% residential shall be a minimum of 25 stories.
For buildings with frontage along Dallas Parkway, the minimum building height shall be 7 stories. Otherwise, the minimum building height shall be 3 stories	For a building comprised of only nonresidential uses, the minimum building height shall be 7 stories with the exception of the two buildings identified in green within the Tollway District on Exhibit E, which shall have a minimum building height of 3 stories.	N/A

- **Open Space** – In accordance with City Council's policy for mixed-use developments, open space is evaluated at a rate of a minimum of 10% and further evaluated to ensure there is a minimum of one acre per 200 residential units. The applicant is proposing to designate 16.5 acres or 12.8% of open

space, which complies with City Council's policy. The open space tracts shall be improved in accordance with Exhibits F and are proposed to include a series of amenities, including but not limited to, a children's playground, a tree grove, amenity lawns, a promenade with movable seating, a wellness track, and enhanced plantings. (Reference Exhibits F-3 through F-14).

While the applicant is providing adequate open space, Staff has concerns regarding the timing of the installation of the open space and the associated improvements. **The applicant is proposing** the following requirement:

- When a building permit is issued for a building adjacent to or across a public right-of-way or fire lane from an Open Space as shown on Exhibit F: Open Space exhibits, either: The Open Space adjacent to the permitted building shall be improved in accordance with the designs reflected on Exhibit F: Open Space Exhibits prior to the issuance of a Certificate of Occupancy for the adjacent building; or....

**Staff recommends** the following language:

- *When a building permit is issued for a building adjacent to or across a public right-of-way or fire lane from an Open Space as shown on Exhibit F: Open Space exhibits, either: The **entire** Open Space **shall be fully improved** in accordance with the designs reflected on Exhibit F: Open Space Exhibits prior to the issuance of a Certificate of Occupancy for the adjacent building; or....*

Staff's recommended language is consistent with other recently adopted Planned Developments and ensures the entire open space tract is improved versus the open space being piecemealed over time or never completed. There are a number of older Planned Developments that do not include such language, and Staff has run into challenges where there is no trigger for an applicant to complete the open space tract. Additionally, as property develops and land is sold, subsequent developers question their responsibility to make improvements to the required open space. Without tying this requirement down within the Planned Development, Staff does not have a basis to require the open space improvements to be made.

The applicant is requesting approval of their proposed language and has stated, "Practically speaking, this means that all Open Space must be improved before any building permit can be obtained, [It is unclear to Staff how the applicant has come to this conclusion.] since the Phase One buildings all face either a Public Way or Fire Lane. Due to the phasing of the project, this is infeasible as Open Space layouts may shift during the preliminary and final site plan approval processes. As such, the applicant has proposed that the Open Space adjacent to the permitted building be improved prior to the Certificate of Occupancy for said

building. This ensures that Open Space is completed in tandem with building development.”

- **Parkwood Boulevard Fence Detail** – The applicant is proposing to front individually, platted townhome units onto Parkwood Boulevard. Staff is supportive of the applicant’s request but recommends a low, decorative barrier be provided along Parkwood Boulevard to provide a barrier between the units and the major thoroughfare. As reflected in Exhibit F.6, inset No. 5, the applicant is agreeable and is proposing a 3.5-foot-tall ornamental metal fence. Staff had stated to the applicant that open, ornamental metal was appropriate but substantial masonry columns with a stone cap shall be incorporated with the open metal. Staff recommends revising the detail to include the masonry columns and a stone cap.

The following meetings have taken place with City Council, and the Planning & Zoning Commission to discuss the applicant’s proposed development:

- **November 15, 2021** – Joint Work Session of City Council and the Planning & Zoning Commission – Prior to the submission of the zoning request, a work session was held for the applicant to present their proposal and receive direction from each of these groups. Councilmembers and Commissioners asked questions about the proposed development and provided general direction for the applicant to move forward with the request. Councilmembers and Commissioners were generally supportive of the increase in residential units subject to all of the commercial shown on the plan being developed.

The property owner has voluntarily signed the Development Agreement to establish building material standards and codes. This agreement will be placed on the same City Council agenda as the public hearing for this zoning request.



The surrounding land uses are as follows:

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>	<b>Comprehensive Plan</b>
<b>North</b>	Hospital and Multifamily	Planned Development-77-Commercial-1 and Planned Development-78-Multifamily-15	Commercial Node and Suburban Regional Activity Center
<b>East</b>	Office, Vacant, Church, and Single Family Residential	Planned Development-193-Office-1 and Patio Home with a Specific Use Permit for Private Streets (S-141)	Commercial Node and Suburban Neighborhood
<b>South</b>	Vacant	Office-2	Suburban Regional Activity Center
<b>West</b>	Retail, Restaurant, Multifamily, and Vacant	Planned Development-117-Commercial-1, Planned Development-110-Multifamily, and Planned Development-248-Office-2/Retail/Residential	Commercial Node and Suburban Regional Activity Center

**THE COMPREHENSIVE PLAN AND ZONING ORDINANCE APPLICABILITY:**

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**Future Land Use Plan** – The Future Land Use Plan (FLUP) designates a Commercial Node at the southeast corner of Dallas Parkway and Lebanon Road and Suburban Regional Activity Center uses for the remainder of the property. The Suburban Regional Activity Center designation is defined by the Comprehensive Plan as having 25% residential uses and 75% non-residential uses. The applicant’s proposed land plan, as reflected in Exhibit C.1, does not comply with the Suburban Regional Activity Center parameters. Based on land area, Exhibit C.1 reflects 46% residential uses and 54% non-residential uses (reference table below for other developments designated as Suburban Regional Activity Center). Additionally, as mentioned previously, Planned Development-247 was adopted prior to City Council’s policy for mixed-use developments (55 units/acre); therefore, the residential entitlements exceed what may be considered on the property.

<b>Development</b>	<b>Residential (Land %)</b>	<b>Non-Residential (Land %)</b>
The Mix	46%	54%
Former Wade Park	28%	72%
Hall Park	17%	83%
Frisco Station	22%	78%
Firefly	28%	72%

**Thoroughfare Plan** – The Thoroughfare Plan shows Dallas North Tollway as Highway along the western boundary of the property, Lebanon Road as a six-lane major thoroughfare along the northern boundary of the property, Parkwood Boulevard as a six-lane major thoroughfare along the eastern boundary of the property, and future John Hickman Parkway as a four-lane minor thoroughfare along the southern boundary of the property. The applicant's request complies with the Thoroughfare Plan.

**Traffic Impact Analysis** – A detailed traffic impact analysis (TIA) had been conducted in 2015 for the Wade Park development which was originally planned for the land subject to this zoning case. That TIA also incorporated analyses that had been conducted at that time for the large developments that were underway on the west side of the Dallas North Tollway (namely, The Star, Frisco Station, and The Gate). Since the new proposed development, The Mix, takes the place of the previously planned Wade Park, the developer was asked to update the previous TIA to compare the amount of traffic generated by the proposed zoning to the amount generated by the previously approved zoning, translate the traffic projections into the updated horizon years, and to analyze the impacts on the surrounding transportation system.

After analyzing the different land uses and densities proposed in the new development plan, the updated TIA shows that The Mix will generate slightly less traffic over the course of a day compared to the original plan for Wade Park. However, due to a different combination of land uses, The Mix will generate significantly less traffic during the afternoon rush hour (31% less compared to Wade Park). This is primarily due to it having a smaller density of land uses that generate a lot of traffic during the afternoon rush hour (such as office and retail). Therefore, although The Mix will still generate a large amount of traffic, it will have a smaller impact on the City's network of major thoroughfares during the peak hours of traffic than the previously approved Wade Park project would have.

The original TIA in 2015 analyzed each intersection in detail and determined when each road and intersection should be expanded to its ultimate configuration in order to support the traffic that was projected to occur in the area with Wade Park and other developments in place. Although Wade Park did not move forward, some of these improvements have been constructed in the last several years to accommodate the western developments and in anticipation of what would develop in Wade Park's place. These include:

- widening the Dallas Parkway frontage roads to three lanes in each direction,
- widening Lebanon Road to six lanes,
- widening Parkwood Boulevard to six lanes where it crosses Lebanon,
- and adding a northbound right-turn lane on Dallas Parkway to Lebanon Road.

With these improvements in place, the updated TIA analyzed what additional improvements will be needed to accommodate The Mix. These include constructing the missing section of John Hickman Parkway along the south edge of The Mix, installing a

roundabout along John Hickman at The Mix's busiest driveway, installing a traffic signal at Parkwood Boulevard and John Hickman, and installing a traffic signal on Lebanon Road at the primary entrance street to The Mix.

As in the 2015 TIA, this updated TIA has identified the intersection of Dallas Parkway and John Hickman Parkway as the most significant traffic constraint in the region due to it being limited to a smaller number of lanes crossing the Tollway compared to other roads like Lebanon Road and Warren Parkway. Considering that the frontage roads have already been widened, the existing configuration of this intersection will adequately serve the first phases of the developments on the west and east side of the Tollway. However, as each development reaches their build out phases in the future, the opening under the Tollway will need to be widened or innovative intersection solutions will need to be considered and implemented in order to ensure this intersection can accommodate the future traffic. As a result, the City may have to conduct additional analysis at the next stage of the development process to see what additional right-of-way will need to be preserved near the intersection to ensure future improvements can be made.

**Access** – Access will be provided from Dallas Parkway, Lebanon Road, Parkwood Boulevard, and future John Hickman Parkway.

### **Existing Utilities**

- **Water** – A 12-inch water line runs along the east side of Dallas Parkway, which is along the western boundary of the property, and a 36-inch water line runs along the east side of Dallas Parkway for a portion of the property. A 20-inch water line runs along the south side of Lebanon Parkway, which is along the northern boundary of the property. A 24-inch water line runs along the east side of Parkwood Boulevard, which is along the eastern boundary of the property. Six 12-inch water lines have been stubbed to the eastern property line from this 24-inch water line. Service will need to be extended into the property at the time of development.
- **Sanitary Sewer** – A 18-inch sanitary sewer line has been brought into the property from the west along Dallas Parkway. A 10-inch sanitary sewer line has been brought into the property from the east. An eight-inch sanitary sewer line runs along a portion of future John Hickman Parkway, which is along the southern boundary of the property. Service will need to be extended into the property at the time of development.

**Schools** – The property is located within the Frisco Independent School District (PISD). Per the PISD's map of land tracts and potential future facilities, land is not required within this property.

**Summary** – Below is a table summarizing the areas where the applicant and Staff's recommendation do not align followed by a brief description of why Staff is not in support of the applicant's request on several items.

	<b>Applicant's Request</b>	<b>Staff's Recommendation</b>
1. Phasing	<p>The remaining 1,511 residential units are proposed to be permitted through earnouts as follows:</p> <ul style="list-style-type: none"> <li>• 1.0 residential unit for each 1,000 square feet of "Class A" office measured from a certificate of occupancy; and</li> <li>• 1.0 residential unit for each 1,000 square feet of "Upscale Retail" measured from a certificate of occupancy.</li> </ul>	<p>The remaining 1,511 residential units are permitted as follows:</p> <ul style="list-style-type: none"> <li>• 800 residential units are permitted at a rate of 1.0 residential unit per each 1,000 square feet of "Class A" office or "Upscale Retail" measured from a Certificate of Occupancy; and</li> <li>• The remaining 711 residential units shall not be permitted on the Property until a minimum of 2,462,000 square feet of office and retail have been completed on the Property.</li> </ul>
2. "Class A" Office	<p>The term "Class A" office is defined as the office buildings built and being built in Frisco Station and The Star in Frisco and have a minimum total building height of three (3) stories, unless the building has frontage along Dallas Parkway as shown on Exhibit E: Building Height Plan in which event the minimum height is seven (7) stories.</p>	<p>The term "Class A" office is defined as the office buildings built and being built in Frisco Station and The Star in Frisco and have a minimum total building height of seven (7) stories with the exception of the two buildings identified in green within the Tollway District on Exhibit E, which shall have a minimum building height of three (3) stories.</p>
3. Tollway District Building Height	<p>For a mixed-use building with office and residential uses, the minimum building height shall be 15 stories and the residential use shall only be permitted above the 10<sup>th</sup> floor and be of Type I/II construction</p> <p>For a mixed-use building with hotel and residential uses, the minimum building height shall be 10 stories and the residential use shall only be permitted above the 5<sup>th</sup> floor and be of Type I/II construction</p> <p>For a building comprised of only</p>	<p>In the area identified as the Tollway District, residential shall be permissible above the 15<sup>th</sup> floor within mixed-use buildings, with nonresidential uses (i.e. office, restaurants, retail, hotel), from day of occupancy for the building. Such buildings shall be of Type I/II construction.</p> <p>For a building comprised of only</p>

	residential uses, the minimum building height shall be 15 stories	residential uses, the minimum building height shall be 15 stories.
	For buildings with frontage along Dallas Parkway, the minimum building height shall be 7 stories. Otherwise, the minimum building height shall be 3 stories	For a building comprised of only nonresidential uses, the minimum building height shall be 7 stories with the exception of the two buildings identified in green within the Tollway District on Exhibit E, which shall have a minimum building height of 3 stories.
4. Open Space	When a building permit is issued for a building adjacent to or across a public right-of-way or fire lane from an Open Space as shown on Exhibit F: Open Space exhibits, either: The Open Space adjacent to the permitted building shall be improved in accordance with the designs reflected on Exhibit F: Open Space Exhibits prior to the issuance of a Certificate of Occupancy for the adjacent building; or....	When a building permit is issued for a building adjacent to or across a public right-of-way or fire lane from an Open Space as shown on Exhibit F: Open Space exhibits, either: The entire Open Space shall be fully improved in accordance with the designs reflected on Exhibit F: Open Space Exhibits prior to the issuance of a Certificate of Occupancy for the adjacent building; or....
5. Fence Detail	A 3.5-foot ornamental metal fence	A 3.5-foot ornamental metal fence with substantial masonry columns with a stone cap

1. **Phasing** – Staff is not supportive of the applicant’s request as it does not guarantee the 2.4 million square feet of programmed office and retail space are developed on the Property. *Reference pages 2 - 4 for additional information.*
2. **Class A Office** – Staff is not supportive of the applicant’s request over concern how the applicant’s proposed language regarding Dallas Parkway frontage may be interpreted. *Reference pages 3 - 4 for additional information.*
3. **Tollway District Building Height** – Staff is not supportive of the applicant’s request as it is inconsistent with similar standards adopted in other mixed-use Planned Developments. *Request pages 4 - 6 for additional information.*
4. **Open Space** – Staff is not supportive of the applicant’s request as it does not guarantee the entire open space tract will be improved, and there will be no trigger for an applicant to complete the open space. *Reference pages 6 - 8 for additional information.*

5. **Fence Detail** – Staff is not supportive of the applicant’s request as the proposed fence lacks the substantial masonry columns. *Reference page 8 for additional information.*

**RECOMMENDATION:**

Staff is recommending approval as Planned Development-Office-2/Retail/Residential subject to the Exhibit B language below and the associated exhibits. The applicant’s proposed language is noted in red and is not recommended for approval.

**Exhibit B  
Development Standards**

1. Applicable Regulations. Unless expressly identified and referenced within this ordinance, the provisions of the Zoning Ordinance apply.
  - a. The zoning exhibits attached and incorporated into the Planned Development shall serve as a guide for development of the Property. The ultimate layout (including streets, site layout, building uses and open space areas) shall be determined at the time of Preliminary Site Plan by the Planning & Zoning Commission.
  - b. The developer shall provide an updated Exhibit C-1: Site Plan with each development application if any changes are being made to the most recent Exhibit on file with the City. Exhibit C-3: Phasing Plan, will be updated with each Preliminary Site Plan submittal.
  - c. Roadways, intersections, and fire lanes.
    - i. Driveways, intersections, and fire lanes for site development shown on the exhibits to this Ordinance are shown for illustrative purposes only. The ultimate layout of the development shall follow the latest version of the City of Frisco Engineering Standards and Fire Code. Changes to roadways, intersections, and fire lanes shall be classified as a Minor Amendment, as further explained in Section 1(e) of this Ordinance.
    - ii. The application of a Roadway Section for a particular roadway shall be as shown on **Exhibit H-2: Roadway Sections**.
    - iii. If a conflict exists between **Exhibit H-2: Roadway Sections**, and the **Exhibit B: Planned Development Standards**, a decision shall be made by the Director of Development Services and the Director of Engineering Services with regard to the applicable standards.

- d. Proposed amendments shall be submitted to the Director of Development Services and evaluated in conformance with Zoning Ordinance Section 6.14.07(C) Amendment Procedure (Minor and Major Amendments) and Section 1(e) of this Ordinance.
  - e. The following modifications are considered major or minor amendments as noted in the text.
    - i. Minor changes to **Exhibit H-1: Roadway Section Locations** and/or **Exhibit H-2: Roadway Sections**, including, but not limited to, changes to roadway alignment, the location of on-street parking and changes to street lighting design, are permitted with the approval of the Director of Development Services and the Director of Engineering Services.
    - ii. An increase in building height or floor area ratio shall be classified as a minor amendment. However, an increase in building height or floor area ratio for those buildings adjacent to townhomes and for any buildings surrounding (directly adjacent, across a firelane, public ROW, etc.) the Willow Pond subdivision shall be classified as a major amendment.
2. Definitions. Except as otherwise provided below, the definitions in the Zoning Ordinance Section 7.01 shall apply to this Ordinance.
- a. Form Based Code – The City's Form Based Code Manual. The Form-Based Code shall apply only to the extent set forth in **Exhibit J: Form Based Regulations**.
  - b. Primary Façade – Any building façade facing a Public Way, Public Right of Way, Mews Alley, open space and/or parkland, or fire lane.
  - c. Required Open Space Tract – Any open space that is required by this Ordinance.
  - d. Parapet or Rooftop Mounted Sign – A permanent project identity sign located on the rooftop or parapet of a building and referencing the classic or “historic” type of rooftop sign used in local landmark buildings both in the past and currently.
  - e. Secondary Façade – Any façade not visible from a Public Way, Public Right of Way, Mews Alley, open space and/or parkland, or fire lane.
  - f. Townhome – A structure containing three (3) to eight (8) dwelling units with each unit designed for occupancy by one household and each unit attached to another by a common wall and on an individually platted lot.

- g. Urban Living – A residential use in which the building:
  - i. contains multiple dwelling units on the same platted lot;
  - ii. is a minimum of four (4) stories in height, except for townhome-style urban living units which may be a minimum of three (3) stories in height;
  - iii. has access provided through climate-controlled corridors, except for townhome-style urban living units; and
  - iv. has a minimum of 90 percent of its required parking provided within a structured or attached parking garage.
- h. Zoning Exhibit – **Exhibit C: Zoning Exhibit**, as amended from time to time in accordance with Section 1.

3. Planned Development Structure.

- a. Permitted uses and standards. Unless as otherwise stated herein, the uses permitted on the Property, use regulations (including Permitted Uses) and standards for each subdistrict shall be in accordance with the Zoning District of the Zoning Ordinance, as it exists or may be amended, as noted in the following table.

<b>Zoning Ordinance Section 3.a</b> <b>*indicates allowed uses</b> Base Land Use Category	<b>District</b>			
	<b>Tollway District</b>	<b>Town Center District</b>	<b>Parkway District</b>	<b>Boulevard District</b>
Residential <sup>b,c</sup>	*	*	*	*
Retail	*	*	*	
Office-2	*	*	*	

- b. Residential uses shall consist of Urban Living and Townhome; a maximum of 3,299 Urban Living and Townhome units are allowed on the property. The 3,299 units consist of the following:
  - i. A minimum of 129 Townhome units on individually platted lots, as shown in the Boulevard District; and
  - ii. A maximum of 3,170 Urban Living units.
- c. Earn-outs:



- i. A total of 653 Urban Living units are permitted to be constructed and occupied in Phase 1 in accordance with the approved final site plan.
- ii. The Open Space area located on Block E, as depicted in **Exhibit F-1: Open Space Plan**, shall be completed in Phase 2.
- iii. Additional residential units are permitted to be constructed in subsequent phases, but may only be occupied in accordance with the following schedule:
  - (a) 1,135 residential units are permitted in Phase 2 subject to the following:
    - (i) Installation of all the open space improvements to the central open space area (Block E) as depicted in **Exhibit F-1: Open Space Plan**;
    - (ii) Construction of a total 2,250 parking spaces in the existing parking garage excavation (the area identified as “underground parking” on **Exhibit C-1: Site Plan**); and
    - (iii) The installation of the abovementioned open space improvements and the construction of the abovementioned parking spaces shall be completed prior to issuance of any Certificate of Occupancy for any residential units in Phase 2.
  - (b) The remaining 1,511 residential units are permitted as follows:
    - (i) 800 residential units are permitted at a rate of 1.0 residential unit per each 1,000 square feet of “Class A” office or “Upscale Retail” measured from a Certificate of Occupancy; and
    - (ii) The remaining 711 residential units shall not be permitted on the Property until a minimum of 2,462,000 square feet of office and retail have been completed on the Property.
    - (iii) The term “Class A” office is defined as the office buildings built and being built in Frisco Station and The Star in Frisco and have a minimum total building height of seven (7)

stories with the exception of the two buildings identified in green within the Tollway District on Exhibit E, which shall have a minimum building height of three (3) stories. The Director of Development Services shall have the right to declassify an office project from being “Class A” during the design phase, until approval of a final site plan for that parcel, unless rents are expected to be higher than the current market rate, clearly indicating that the intention is to deliver “Class A” office. Such determination may be appealed by the applicant directly to City Council and the City Council may, at its option by affirmative majority vote, issue a contrary determination.

(iv) The term “Upscale Retail” shall mean such retail and restaurant uses that are typically categorized as “Class A” and generally found in high-end projects such as The Shops at Legacy or Legacy West in Plano, TX, or comparable high-end projects elsewhere. In the event of a dispute regarding whether a particular use is “Upscale Retail” such determination shall be reviewed and determined by the Director of Development Services during the design phase, until approval of a final site plan for that parcel. Such determination may be appealed by the applicant directly to City Council and the City Council may, at its option by affirmative majority vote, issue a contrary determination.

(b) The remaining 1,511 residential units are permitted at a rate of 1.0 residential unit per each 1,000 square feet of “Class A” office, or “Upscale Retail” measured from a Certificate of Occupancy.

(i) The term “Class A” office is defined as the office buildings built and being built in Frisco Station and The Star in Frisco and have a minimum total building height of three (3) stories, unless the building has frontage along Dallas Parkway as shown on **Exhibit E: Building Height Plan** in which event the

minimum height is seven (7) stories. The Director of Development Services shall have the right to declassify an office project from being “Class A” during the design phase, until approval of a final site plan for that parcel, unless rents are expected to be higher than the current market rate, clearly indicating that the intention is to deliver “Class A” office. Such determination may be appealed by the applicant directly to City Council and the City Council may, at its option by affirmative majority vote, issue a contrary determination.

- (ii) The term “Upscale Retail” shall mean such retail and restaurant uses that are typically categorized as “Class A” and generally found in high-end projects such as The Shops at Legacy or Legacy West in Plano, TX, or comparable high-end projects elsewhere. In the event of a dispute regarding whether a particular use is “Upscale Retail” such determination shall be reviewed and determined by the Director of Development Services during the design phase, until approval of a final site plan for that parcel. Such determination may be appealed by the applicant directly to City Council and the City Council may, at its option by affirmative majority vote, issue a contrary determination.

- d. Retail uses may be located on the first floor of any Urban Living buildings. This shall be identified at the time of preliminary site plan and/or site plan review and shall follow the Form-Based Code Standards to the extent noted within **Exhibit J: Form Based Regulations**.

#### 4. Development Process and Applications.

- a. A Project Tracking Plan shall be submitted with each preliminary site plan, site plan, and final plat to provide context for planning purposes and to serve as a “tracking tool” for compliance with this PD Ordinance. It is an informational document that is used for tracking purposes only and no approval of a Project Tracking Plan is required. No rights derived from Chapter 245 of the Texas Local Government Code, as amended, or other vested rights shall accrue from the Project Tracking Plan, and the Project Tracking Plan is not deemed to provide “fair notice” as provided therein.

Each tracking plan shall be in conformance with the Zoning Exhibit and shall track the following:

- i. the number of Urban Living units and Townhome units proposed within such preliminary site plan, site plan, and final plat, as well as the total number of building permits issued for Urban Living units and Townhome units generally;
  - ii. the acreage and percentage of open space within each Subdistrict; and,
  - iii. cumulative water and wastewater demand analysis.
5. The regulations in this **Exhibit B: Planned Development Standards** shall be the exclusive regulations governing building setbacks and other types of setbacks, lot area, lot width, lot depth, residential density, dwelling area, height, number of stories, coverage, and floor area ratio.

For all uses other than Townhomes, the development standards in Table 1 below shall apply based on the District in which the use is located.

<b>Table 1 Development Standards</b>				
	<b>Tollway District</b>	<b>Town Center District</b>	<b>Parkway District</b>	<b>Boulevard District</b>
<b>Setbacks</b>	<b>See Exhibit G: Setback and Encroachment Plan</b>			
<b>Minimum Lot Area</b>	12,500 square feet	10,000 square feet	10,000 square feet	1,872 square feet
<b>Minimum side/rear yard</b>	0 feet	0 feet	0 feet	0 feet
<b>Minimum Lot Width</b>	100 feet	80 feet	80 feet	26 feet
<b>Minimum Lot Depth</b>	125 feet	100 feet	80 feet	72 feet
<b>Building Height</b>	In the area identified as the Tollway District, residential shall be permissible above the 15 <sup>th</sup> floor within mixed-use buildings, with	For a building comprised of only retail use, the minimum building height shall be 1 story.	For a building with residential use, the minimum building height shall be 4 stories.	The minimum building height shall be 3 stories.

	<p>nonresidential uses (i.e. office, restaurants, retail, hotel), from day of occupancy for the building. Such buildings shall be of Type I/II construction.</p> <p>For a building comprised of only residential uses, the minimum building height shall be 15 stories.</p> <p>For a building comprised of only nonresidential uses, the minimum building height shall be 7 stories with the exception of the two buildings identified in green within the Tollway District on Exhibit E, which shall have a minimum building height of 3 stories.</p> <p><b>For a mixed-use building with office and residential uses, the minimum building height shall be 15 stories and the residential use shall only be permitted above the 10<sup>th</sup> floor and be of Type I/ II construction.</b></p>	<p>For a building with residential use, the minimum building height shall be 4 stories.</p> <p>For a building with hotel use, the minimum building height shall be 4 stories.</p> <p>For a building with office use, the minimum building height shall be 4 stories.</p>	<p>For an amenity building, the minimum building height shall be 2 stories.</p>	
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	<p>For a mixed-use building with hotel and residential uses, the minimum building height shall be 10 stories and the residential use shall only be permitted above the 5<sup>th</sup> floor and be of Type I/II construction.</p> <p>For a building comprised of only residential uses, the minimum building height shall be 15 stories.</p> <p>For buildings with frontage along Dallas Parkway, the minimum building height shall be 7 stories.</p> <p>Otherwise, the minimum building height shall be 3 stories.</p>			
<b>Maximum Lot Coverage</b>	100%	100%	100%	100%
<b>Maximum Floor Area Ratio</b>	None	None	None	None

6. Townhomes.

- a. For Townhomes, the development standards in Table 2 below shall apply:

<b>Table 2 Development Standards for Townhomes</b>	
<b>Minimum Front Yard Setback (from building)</b>	18 feet from back of curb
<b>Minimum Side Yard Setback</b>	5 feet at end unit
<b>Rear Yard Setback (decks may encroach into rear yard setback)</b>	Minimum of 10 feet or maximum of 25 feet
<b>Minimum Lot Area</b>	1,872 square feet
<b>Minimum Lot Width</b>	26 feet
<b>Minimum Lot Depth</b>	72 feet
<b>Maximum Height</b>	50 feet; 4 stories
<b>Maximum Lot Coverage</b>	85%
<b>Front Entry vs. Rear Entry</b>	Rear Entry with Front and Rear Access Doors

b. Townhome General Conditions:

- i. Bay windows, balconies, masonry clad chimneys, sunrooms, attached pergola, colonnades, and other similar architectural features may encroach beyond the minimum front yard setback up to five (5) feet, but cannot encroach over the property line.
- ii. Porches or stoops are required for all townhome lots. Porches, if provided, shall meet the minimum standards for porches per Zoning Ordinance 4.07.16 as it exists or may be amended. Stoops, if provided, shall meet the minimum standards noted within Section LU-3 of the Form-Based Code. Porches and stoops may encroach beyond the minimum front yard setback up to seven (7) feet. All stairs associated with front porches and/or stoops are clad in brick, tile, or stone.
- iii. **Exhibit M: Character Imagery** is intended to convey a general range of architectural features that may be approved as described in the regulatory text. Approval of final elevations by the Director of Development Services shall be at the time of preliminary site plan

approval.

- iv. Low masonry walls, ornamental fences, or landscaping features shall be provided to delineate the private lot from the semi-public green space in instances where the private lot is adjacent the semi-public green space.
- v. Townhome lots shall front a residential street or an open space. If it fronts an open space, the lot shall back to a mews alley. Residential streets and mews alleys can be in a public right of way or a public way easement.
- vi. MEWS alley.
  - (a) Mews shall be a minimum of 24 feet wide, measured curb face to curb face, and shall be striped in accordance with the applicable Fire Code.
  - (b) Townhome driveways located along a mews shall have a minimum depth of twenty (20) feet. Refuse and trash facilities shall be located in a designated paved area.
  - (c) Fencing along a mews shall provide visibility to the structure, and any fencing gate door shall have a minimum width of 42 inches to the structure.
  - (d) Parking along the mews is prohibited.
  - (e) In addition to the garage door, a rear access door shall be provided along the exterior of a townhome (not through the garage) and shall be a minimum of 36 inches wide.

7. Open Space.

- a. No less than 16.5 acres (approximately 12.8% of 128.83 acres) shall be provided for Open Space as set forth in this Section 7 and **Exhibit F: Open Space Plans**. Open Space shall be provided in the approximate location shown in **Exhibit F: Open Space Plans** and shall be developed with the phase in which the Open Space is located.
- b. When a building permit is issued for a building adjacent to or across a public right-of-way, or fire lane from an Open Space as shown on **Exhibit F: Open Space Exhibits**, either:



- i. The entire Open Space shall be fully improved in accordance with the designs reflected on Exhibit F: Open Space Exhibits prior to the issuance of a Certificate of Occupancy for the adjacent building; or
  - i. The Open Space adjacent to the permitted building shall be improved in accordance with the designs reflected on **Exhibit F: Open Space Exhibits** prior to the issuance of a Certificate of Occupancy for the adjacent building; or
  - ii. Funds shall be set aside in an escrow account by the developer for the outstanding improvements for the Open Space (per the City's standard escrow agreement for landscape improvements).
8. Perimeter Landscaping. Perimeter landscaping is required along Parkwood Boulevard, John Hickman Parkway, DNT Frontage Road, and Lebanon Road. A minimum 25-foot landscape buffer is required except where indicated on **Exhibit G: Setback Plan** shown as 15-feet. A double row of trees shall be planted where there is a 25-foot landscape buffer. A single row of trees shall be planted where there is a 15-foot landscape buffer or as otherwise approved by the Director of Development Services.
9. Landscaping and Screening Requirements.
  - a. The following standards shall apply to all utility meters and associated apparatus in all Districts:
    - i. Ground-mounted utility meters and other utility apparatus, including transformers should be located to the rear of the structure or to the side of the structure in a designated utility or service yard. No pedestrian pathway or pedestrian common space shall be located between the main structure and the utility meters/apparatus, unless a waiver is approved by the Director of Development Services.
    - ii. Ground-mounted utility meters and other utility apparatus, including transformers, shall be screened from the view of streets, sidewalks, walking paths, bicycle paths, and adjacent properties. Screening shall meet minimum clearances required by affected utility companies. Permitted screening methods include:
      - Landscaping, including trees or evergreen shrubbery;
      - Masonry walls architecturally consistent with the adjacent buildings on the site;
      - Tubular steel fence in conjunction with evergreen shrubbery; and/or

- Other material subject to review and approval of a minor waiver consistent with the intent of this subsection.
- b. The screening requirements of Section 4.02 of the Zoning Ordinance shall not apply where approved by the Director of Development Services.
- c. Screening is required per Zoning Ordinance Section 4.03 only for the following:
- i. Loading/unloading areas that are exposed to Roadway Sections as shown on **Exhibit H-2: Roadway Sections**. If the loading area is internal to the block, then screening is not required. Screening is not required for the temporary loading/unloading in the street. For purposes of this section, internal to the block means the loading area is not visible from a public way.

10. Off-Street Parking and Loading Requirements.

- a. The minimum off-street parking requirements may be satisfied with off-street parking, as well as on-street parallel or angled parking spaces along public streets, public ways, or fire lanes.
- b. Temporary parking may be constructed of any all-weather surface, and is not required to be paved with concrete, subject to the approval of the Director of Engineering Services. For purposes of this provision, temporary parking is:
  - i. parking that is temporary in nature due to phasing of development, such as parking that will be replaced by a building or parking garage in a future development phase;
  - ii. parking that is limited to seven (7) years as temporary parking;
  - iii. parking that cannot be counted towards any required parking;
  - iv. parking that is used only during construction; or
  - v. parking that serves a temporary use, including, but not limited to, parking for special events or temporary uses, including food trucks.
- c. Required parking may be provided off-site for nonresidential uses if located within 750 feet of the building it serves, unless a waiver is approved by the Director of Development Services.

- d. Urban Living parking garage spaces shall be gated off from other parking areas and shall not be used for shared parking.
  - e. The minimum parking requirement for Urban Living units shall be 1.5 parking spaces for each one- and two-bedroom unit and two parking spaces for each unit with three or more bedrooms.
  - f. Plans for valet stands and valet operations shall be submitted to the Director of Engineering Services for review and approval with the site plan application. Valet stands will be placed in a location not to impede the normal pedestrian flow, leaving a minimum seven (7) foot-wide path along the sidewalk. Queuing for valet services cannot be located within fire lanes or streets.
  - g. Parking spaces angled at 60 degrees shall have a minimum depth of 19 feet as measured from the face of curb, with the provision of an unobstructed 2-foot overhang behind the face of curb. Reference Exhibit H-2: Roadway Sections.
11. Drive-through operations associated with banks, restaurants, etc. are prohibited with the exception of the stand-alone retail building in Phase 1. A drive-through may be allowed if located internal to the block where it does not interfere with pedestrians.