

<b>AGENDA ITEM</b>
--------------------

**TO:** Planning and Zoning Commission

**FROM:** Michael Quint, Senior Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Billingsley Land No 2, L.L.C., on Behalf of 380 North / McKinney, L.L.C., for Approval of a Request to Rezone Approximately 376.81 Acres from "PD" – Planned Development District to "PD" – Planned Development District, Generally to Modify the Development Standards, Located on the South Side of County Road 123 (Future Bloomdale Road) and Approximately 5,600 Feet East of Custer Road.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the July 17, 2012 meeting.

---

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

1. The subject property shall be zoned "PD" – Planned Development District shall be subject to the following special ordinance provisions:
  - a. The subject property shall develop in accordance with the attached development standards.
  - b. The subject property shall generally develop in accordance with the attached general development plan.

**APPLICATION SUBMITTAL DATE:** May 29, 2012 (Original Application)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 376 acres of land, located on the south side of County Road 123 (Future Bloomdale Road) and approximately 5,600 feet east of Custer Road.

In March of 2006 (PD Ordinance No. 2006-03-026), the subject property was rezoned by a company that was working to develop the subject property with the owner. However, the subject property's owner has since indicated that they did not formally (in writing) authorize the rezoning of their property. Nonetheless, the March 2006 rezoning request has been determined to be valid because all requirements of the Zoning Ordinance necessary to rezone a property (property owner notice, legal notice, sign

posting, Planning and Zoning Commission consideration/recommendation, City Council consideration/approval, two public hearings) were satisfied.

The March 2006 rezoning of the subject property was recently brought to the subject property owner's attention via discussion regarding the possible re-alignment of Future Wilmeth Road. Upon being made aware of this rezoning, the subject property's owner indicated the desire to rezone the property back to the zoning that was in place prior to March of 2006. The proposed rezoning request is identical to the zoning that existed prior to March of 2006 (PD Ordinance No. 2004-06-068).

**PLATTING STATUS:** The subject property is currently unplatted. A record plat or plats, subject to review and approval by the Director of Planning, must be filed for recordation with the Collin County Clerk, prior to issuance of a building permit.

**ZONING NOTIFICATION SIGNS:** The applicant has posted zoning notification signs on the subject property, as specified within Section 146-164 (Changes and Amendments) of the City of McKinney Zoning Ordinance.

**SURROUNDING ZONING AND LAND USES:**

Subject Property: "PD" – Planned Development District Ordinance No. 2006-03-026 (mixed uses)

North	ETJ – Extraterritorial Jurisdiction	Single Family Residence
	"PD" – Planned Development District Ordinance No. 2005-10-107 (commercial and residential uses)	Undeveloped Land
South	ETJ – Extraterritorial Jurisdiction	Single Family Residences and Undeveloped Land
	"PD" – Planned Development District Ordinance No. 2006-04-047 (residential uses)	Undeveloped Land
East	ETJ – Extraterritorial Jurisdiction	Single Family Residences and Undeveloped Land
	"PD" – Planned Development District Ordinance No. 2006-04-047 (residential uses)	Undeveloped Land
West	ETJ – Extraterritorial Jurisdiction	Single Family Residence and Undeveloped Land

“PD” – Planned Development District      Undeveloped Land  
Ordinance No. 1770 (commercial  
residential uses)

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property in order to replace the existing PD Ordinance (2006-03-026) with the PD ordinance provisions that governed the property prior to March of 2006 (PD Ordinance No. 2004-06-068). Staff has no objections to this request by the applicant and recommends approval of the proposed request with the following special ordinance provisions:

1. The subject property shall be zoned “PD” – Planned Development District and shall be subject to the following special ordinance provisions:
  - a. The subject property shall develop in accordance with the attached development standards.
  - b. The subject property shall generally develop in accordance with the attached general development plan.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for suburban mix and potential commercial uses. The FLUP modules diagram designates the subject property as suburban mix within an area with minimal development. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within an area with minimal development:

- **Conformance with Desired Land Use Mix:** The land uses shown on the proposed general development plan (zoning exhibit) is within the allowable percentages for each land use in this module. The attached Module Tracking Spreadsheet shows the remaining acres of each land use allowed in this module.
- **Locational Criteria:** The land uses shown on the proposed general development plan (zoning exhibit) is within the allowable locations as shown on the FLUP modules diagram.
- **Compliance with Community Form:** The land uses shown on the proposed general development plan (zoning exhibit) should not have a negative impact on the community form and character of the built environment within the module.
- **Impact on Infrastructure:** The proposed rezoning request should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area. The Future Land Use Plan (FLUP) designates the subject property generally for suburban mix and potential commercial uses. The water master plan, sewer master plan, and master thoroughfare plan are all based on the anticipated land uses as shown on the Future Land Use Plan.

- Impact on Public Facilities/Services: The proposed rezoning request should have a minimal impact on public services, such as schools, fire and police, libraries, parks and sanitation services. The Future Land Use Plan (FLUP) designates the subject property generally for suburban mix and potential commercial 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.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for residential and commercial uses. There is also un-zoned land (within the ETJ) adjacent to the subject property. The land uses allowed by the proposed rezoning request should have no negative impact with existing and potential adjacent land uses.
- Timing of Zoning Request: The proposed rezoning request does not appear to hinder or negatively impact the ability of the module to develop the primary land use.
- Fiscal Analysis: If the property is developed with the existing zoning, the fiscal impact to the City would be (\$606,258). If the proposed rezoning request is approved and the property is developed as proposed, the fiscal impact to the City would be (\$556,511). That being said, the attached fiscal analysis details a positive net cost benefit of \$49,747 using the full cost method.

The full cost method of calculating public service cost is useful for citywide modeling and forecasting. This method takes the entire city budget into account, including those costs that cannot be attributed to any one project such as administrative costs and debt service on municipal bonds. Because the full cost method takes into account all costs, it is useful in tracking the city budget to determine if the citywide tax revenue is sufficient to pay for the operating costs to the city.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received several inquiries regarding the case but no specific comments or phone calls in support of or opposition to this request.

#### **ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Land Use Module 51 Tracking Sheet
- Fiscal Impact Analysis
- PD Ordinance No. 2004-06-068
- PD Ordinance No. 2006-03-026
- Proposed Development Standards
- Proposed General Development Plan
- PowerPoint Presentation