

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Brandon Opiela, Planning Manager

FROM: Samantha Pickett, Planner II

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sage Group, Inc., on Behalf of 380 Holdings, L.L.C., for Approval of a Request to Rezone Less than 1 Acre from “AG” – Agricultural District to “SF5” – Single Family Residential District; Rezone Fewer than 56 Acres from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “SF5” – Single Family Residential District and “CC” – Corridor Commercial Overlay District; and to Rezone Fewer than 5 Acres from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “C2” – Local Commercial District and “CC” – Corridor Commercial Overlay District, Located Approximately 1,100 Feet West of Custer Road and on the South Side of U.S. Highway 380 (University Drive)

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the August 19, 2014 meeting.

STAFF RECOMMENDATION: Staff recommends denial of the proposed rezoning request due to lack of conformance with the City of McKinney’s Comprehensive Plan.

However, the applicant is requesting approval of the following provisions:

1. The use and development of Tract 1 (approximately 55.26 acres) shall conform to the regulations of Section 146-106 (“SF5” – Single Family Residential District) of the Zoning Ordinance and “CC” – Corridor Commercial Overlay District, and as amended.
2. The use and development of Tract 2 (approximately 4.56 acres) shall conform to the regulations of Section 146-112 (“C2” – Local Commercial District) of the Zoning Ordinance and “CC” – Corridor Commercial Overlay District, and as amended.

APPLICATION SUBMITTAL DATE: June 9, 2014 (Original Application)
July 7, 2014 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 55.26 acres (Tract 1) from “AG” – Agricultural District, “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “SF5” – Single Family Residential District and “CC” – Corridor Commercial Overlay District, generally for single family residential uses, and is also requesting to rezone approximately 4.56 acres (Tract 2) from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “C2” – Local Commercial District and “CC” – Corridor Commercial Overlay District, generally for commercial uses.

In September of 2007, the City Council approved a rezoning request for the subject property, tying down a general layout for approximately 8.95 acres of retail uses, approximately 7.32 acres of self-storage uses and approximately 43.27 acres of office uses (see attached PD Ordinance).

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: “AG” – Agricultural District (Agricultural Uses), “PD” – Planned Development District Ordinance No. 2007-09-092 (Office, Retail, and Commercial Uses) and “CC” – Corridor Commercial Overlay District

North	City of Prosper	Rodman Stone Yard, Prosper Plaza, and Undeveloped Land
South	“PD” – Planned Development District Ordinance No. 2008-11-106 (Hangar and Townhome Uses), “PD” – Planned Development District Ordinance No. 98-08-44 (Single Family Residential Uses), and “AG” – Agricultural District (Agricultural Uses)	Aero Country East, Virginia Hills Subdivision, Aviator Park, and Undeveloped Land
East	“PD” – Planned Development District Ordinance No. 2004-10-109 and “CC” – Corridor Commercial Overlay District (Commercial Uses)	Wal-Mart and The Shops at Eagle Point
West	City of McKinney Extraterritorial Jurisdiction	University Business Plaza

PROPOSED ZONING The applicant is requesting to rezone approximately 59.82 acres for single family residential detached and commercial uses. Of the existing 16.27 acres currently zoned for retail and self-storage uses, approximately 4.56 acres along U.S. Highway 380 (University Drive) will be maintained for retail uses. The applicant is also requesting that the remainder of the property, approximately 55.26 acres, currently zoned for office, retail, self-storage and agricultural uses, be zoned for single family detached residential uses. The applicant has also provided a conceptual layout plan (informational only) showing how the proposed residential portion of the property could potentially develop.

While Staff recognizes that approximately 60 acres of office and commercial uses may be challenging to develop in the near future, the proposed rezoning request does not help to further a strong, balanced economy. As this is a stated strategic goal of the City Council, Staff recommends denial of the rezoning request. Nearly three quarters of the City's ad valorem tax base comes from its residential housing stock. In order to balance this tax base, more non-residential uses are needed. Rezoning approximately 56 acres of an approximately 60 acre property designated for office and commercial uses to single family detached residential uses will not help to balance the ad valorem tax base nor will it help to increase the amount of revenue that is generated through sales taxes.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for office uses. The FLUP modules diagram designates the subject property as Regional Commercial within a significantly developed area. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within a significantly developed area:

- **Comprehensive Plan Goals and Objectives:** The proposed rezoning request is generally not in conformance with the goals and objectives of the Comprehensive Plan, particularly "Land Use Compatibility and Mix", specifically through the objective of "land uses patterns that optimize and balance the tax base of the City".
- **Impact on Infrastructure:** The proposed zoning request may have an impact on the existing and planned water, sewer and thoroughfare plans in the area since the land use would change from office to residential uses. Staff is unable at this point in time to determine the exact difference in the impact on infrastructure as the wide range of non-residential uses currently allowed could impact the infrastructure more or less than the impact of the proposed development.
- **Impact on Public Facilities/Services:** The proposed zoning request should have an impact on public facilities and service, such as schools, fire and police, libraries, parks and sanitation services, as the land use will change from commercial and office to residential uses requiring additional public services.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The properties located adjacent to the subject property are zoned and/or used for commercial,

industrial and residential uses, and as such the request should be compatible with the existing surrounding development.

- Fiscal Analysis: The fiscal analysis shows a negative cost benefit of \$398,145 using the full cost method.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of commercial or residential land uses in the area.

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 and Aerial Exhibit
- Letter of Intent
- Comprehensive Plan Maps
- Fiscal Analysis
- Existing Planned Development Ordinance No. 2007-09-092
- Proposed Zoning Exhibit – Boundary
- Proposed Concept Plan – Informational Only
- PowerPoint Presentation