

**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 a Request to Rezone the Subject Property from “C” – Planned Center, “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “C2” – Local Commercial District and “CC” – Corridor Commercial Overlay District, Located on the Northeast Corner of Custer Road and 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 3, 2015 meeting.

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**STAFF RECOMMENDATION:** Staff recommends approval of the proposed rezoning request.

**APPLICATION SUBMITTAL DATE:** June 15, 2015 (Original Application)  
June 29, 2015 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 2.39 acres of land from “C” – Planned Center District, “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “C2” – Local Commercial District and “CC” – Corridor Commercial Overlay District, generally to remove the layout currently governing a portion of the property, while maintaining similar allowed commercial uses.

On July 14, 2015 the Planning and Zoning Commission voted to close the public hearing and table the item to the July 28, 2015 Planning and Zoning Commission meeting due to a Staff noticing error.

**ZONING:**

| <b>Location</b>  | <b>Zoning District (Permitted Land Uses)</b>  | <b>Existing Land Use</b>      |
|------------------|---|-------------------------------|
| Subject Property | “C” – Planned Center District, “PD” – Planned Development District Ordinance No. 2004-09-093, and “CC” – Corridor Commercial Overlay District (Commercial Uses)   | Undeveloped Land              |
| North            | City of McKinney Extraterritorial Jurisdiction (ETJ)  | Single Family Home            |
| South            | “BG” – General Business District, “PD” – Planned Development District Ordinance No. 2009-04-026 and “CC” – Corridor Commercial Overlay District (Commercial Uses) | 7-Eleven and Undeveloped Land |
| East             | “PD” – Planned Development District Ordinance No. 2004-09-093 and “CC” – Corridor Commercial Overlay District (Commercial Uses)                                   | Ewing Irrigation              |
| West             | City of Prosper   | Undeveloped Land              |

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property generally for commercial uses. The subject property currently allows commercial uses; however, the subject property (existing Lot 2, Block A, of the Custer/380 Addition) is governed by two different zoning districts (“C” – Planned Center District and “PD” – Planned Development District) splitting the property.

The governing planned development ordinance for the eastern portion of the subject property ties down a layout designating the area for open space, while the western portion of the property is zoned “C” – Planned Center District. Staff is of the opinion that removal of the existing planned development ordinance layout and the request to designate the entire property to “C2” – Local Commercial District zoning will help simplify the zoning for future development of the property. Given the property’s adjacency to U.S. Highway 380 (University Drive) and the location of similar commercial uses south and east of the subject property, Staff feels that the request for commercial uses is appropriate for this location and, as such, recommends approval of the proposed rezoning request.

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

- **Comprehensive Plan Goals and Objectives:** The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change would help the community attain the goal of “Economic Development Vitality for a Sustainable and Affordable Community” through the stated objective of the Comprehensive Plan, a “balanced development pattern”.
- **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.
- **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.
- **Compatibility with Existing and Potential Adjacent Land Uses:** As the base zoning of the subject property is not being altered, the subject property the subject property should remain compatible with the surrounding properties zoned for commercial and residential uses.
- **Fiscal Analysis:** Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base commercial zoning of the subject property.

The attached “Land Use and Tax Base Summary” shows that Module 51 is currently comprised of approximately 53.4% residential uses, 6.3% non-residential uses (including institutional and agricultural uses), and 40.3% within the extraterritorial jurisdiction (ETJ). The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 51 are comprised of approximately 84.3% from residential uses and 15.7% from non-residential uses (including institutional and agricultural uses). Estimated tax revenues by type in Module 51 are comprised of approximately 89.9% ad valorem taxes and 10.1% sales and use taxes.

- **Concentration of a Use:** The proposed rezoning request should not result in an over concentration of commercial land uses in the area.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received no comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- PZ Minutes 07.14.15
- Location Map and Aerial Exhibit
- Letter of Intent
- Comprehensive Plan Maps
- Land Use and Tax Base Summary
- Existing “PD” – Planned Development District Ordinance No. 2002-09-093
- Proposed Zoning Exhibit - Boundary
- PowerPoint Presentation