

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Matt Robinson, AICP, Planning Manager

**FROM:** Eleana Galicia, Planner I

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “C1” – Neighborhood Commercial District to “C2” – Local Commercial District, Located Approximately 425 Feet East of Jordan Road and on the South Side of Virginia Parkway

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the October 4, 2016 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to a lack of conformance with the goals and objectives of the City’s Comprehensive Plan of “Land Use Compatibility and Mix.”

**However, should the rezoning request be approved, the subject property shall develop in accordance with Section 146-112 (“C2” – Local Commercial District) of the zoning ordinance, and as amended.**

**APPLICATION SUBMITTAL DATE:** July 25, 2016 (Original Application)  
August 8, 2016 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately .65 acres of land from “C1” – Neighborhood Commercial District to “C2” – Local Commercial District generally for commercial uses.

The applicant has submitted an associated Specific Use Permit (16-234SUP) for an automotive repair shop that is also being considered at the September 13, 2016 Planning and Zoning Commission meeting.

On August 23, 2016, the Planning and Zoning Commission voted 7-0-0 to table this item and to continue the public hearing to the September 13, 2016 Planning and Zoning Commission meeting per the applicant’s request.

**ZONING:**

<b>Location</b>	<b>Zoning District (Permitted Land Uses)</b>	<b>Existing Land Use</b>
Subject Property	“C1” – Neighborhood Commercial District (Commercial Uses)	Undeveloped Land
North	“PD” – Planned Development District Ordinance No. 99-07-53 (Commercial Uses)	Virginia Parkway Professional Office Center
South	“PD” – Planned Development District Ordinance No. 2002-06-055 (Commercial Uses)	Undeveloped Land
East	“C1” – Neighborhood Commercial District (Commercial Uses)	Undeveloped Land
West	“SUP” – Specific Use Permit Ordinance No. 2013-04-038 (Commercial Uses), and “PD” – Planned Development District Ordinance No. 2005-12-132 (Commercial Uses)	Bahama Bucks

**PROPOSED ZONING:** The applicant is requesting to rezone approximately .65 acres of land from “C1” – Neighborhood Commercial District to “C2” – Local Commercial district generally for commercial uses. The applicant has requested to rezone the subject property to “C2” – Local Commercial district to allow for an automotive repair shop to be developed upon approval of a Specific Use Permit (SUP). The applicant has submitted an SUP for an automotive repair shop that is subject to review and approval by the Planning and Zoning Commission and City Council should the rezoning request be approved.

The proposed “C1” – Neighborhood Commercial District is designed to provide for neighborhood commercial uses, and the proposed zoning (“C2” – Local Commercial district) will allow for more intense commercial uses that would not remain compatible with the existing surrounding land uses. The properties located north of the subject property consist of professional and medical office uses (Virginia Parkway Professional Office Center), while the properties generally to the east and west of the subject property predominantly consist of neighborhood commercial establishments. The properties located to the west consist of a restaurant with a drive-thru window (Bahama Bucks) and car wash facility (McKinney Finish Line Car Wash), while the adjacent

property to the east remains undeveloped. The properties located south of the subject property are also predominantly undeveloped, and are zoned “PD” – Planned Development District with a base zoning of “O” – Office District that allows for limited retail uses. The area surrounding the subject property was originally intended primarily for office uses, however subsequent rezoning request have allowed for supporting retail uses.

Staff is of the professional opinion that supporting retail uses should not be discouraged, however such uses that are permitted should be ancillary to the office identity established through the surrounding existing development. Allowing for more intense commercial uses would detract from the commercial office identity that has already developed in this area. Staff is of the professional opinion that the land uses permitted within the existing zoning (“C1” – Neighborhood Commercial District) will continue to support the existing and future office land uses, and as such, Staff recommends denial of the proposed rezoning request.

A zoning comparison chart has been provided to show the difference in land uses that are permitted per the governing zoning (“C1” – Neighborhood Commercial District) on the subject property and the land uses permitted in the proposed zoning district (“C2” – Local Commercial District).

**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 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 not in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change would not help the community attain the goal of “Land Use Compatibility and Mix” through the stated objective of the Comprehensive Plan, a “land use patterns that complement one another.” The proposed rezoning request would alter the land use to more intense commercial uses and would discourage a consistent office 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:** The properties located north of the subject property are zoned for office uses, the properties located east and west are zoned for neighborhood commercial uses, and the

properties located south are zoned for office uses with limited retail. The proposed rezoning request will alter the commercial land use to allow for more intense commercial land uses.

- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base office/commercial zoning of the subject property.

The attached "Land Use and Tax Base Summary" shows that Module 34 is currently comprised of approximately 49.6% residential uses and 50.3% non-residential uses (including institutional and agricultural uses). The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 34 are comprised of approximately 83% from residential uses and 16.9% from non-residential uses (including agricultural uses). Estimated tax revenues by type in Module 34 are comprised of approximately 94.1% ad valorem taxes and 5.9% 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:**

- Draft 08.23.16 PZ Minutes
- Location Map and Aerial Exhibit
- Letter of Intent
- Comprehensive Plan Maps
- Land Use and Tax Base Summary
- Zoning Comparison Chart
- Proposed Zoning Exhibit
- PowerPoint Presentation