

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**FROM:** Michael Quint, Senior Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Ladybird Enterprises, Inc., on Behalf of ASG Eldorado Pavillion Ltd, for Approval of a Request to Rezone Approximately 3.12 Acres, from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Allow for a Daycare Facility, Located Approximately 325 Feet South of Eldorado Parkway and West of Ridge Road.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the August 21, 2012 meeting.

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

1. Use and development of the subject property shall conform to the requirements of "PD" – Planned Development District Ordinance No. 99-05-44, except as follows:
  - a. Day care uses shall be permitted on Tract 2, which is more fully depicted on the attached Zoning Exhibit.

**APPLICATION SUBMITTAL DATE:** June 25, 2012 (Original Application)  
July 9, 2012 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 3.12 acres of land, located approximately 325 feet south of Eldorado Parkway and west of Ridge Road from "PD" - Planned Development District to "PD" - Planned Development District in order to modify which portions of the subject property will allow for the development of a day care facility.

In May of 2003, Tract 1 as shown on the attached Zoning Exhibit was rezoned to allow for the development of a day care facility. However, a day care facility was never developed on the property. The property owner now wishes to shift where day care uses could be developed from Tract 1 to Tract 2 as shown on the attached Zoning Exhibit. All other development standards and applicable regulations are to remain the

same. Subsequent to the approval of this rezoning request, day care uses will only be allowed on Tract 2 and will no longer be a permitted use on Tract 1.

The applicant has expressed the desire to develop an approximately 18,000 square foot day care facility on Tract 2 which could accommodate up to 250 children.

**PLATTING STATUS:** The subject property is currently platted as Lot 4R2 of the Vigor-Eldorado Addition.

**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. 99-05-44 (office uses) and “PD” – Planned Development District Ordinance No. 2003-05-041 (office uses)

North	“PD” – Planned Development District Ordinance No. 2003-05-041 (office uses)	In Touch Credit Union
	“PD” – Planned Development District Ordinance No. 2011-05-027 (office uses)	Undeveloped Land
	“PD” – Planned Development District Ordinance No. 99-05-44 (office and retail uses)	CVS Pharmacy
South	“PD” – Planned Development District Ordinance No. 99-05-44 (office uses)	Undeveloped Land
	“PD” – Planned Development District Ordinance No. 03-05-041 (residential uses)	Boardwalk Residential Neighborhood
East	“PD” – Planned Development District Ordinance No. 98-11-59 (retail uses)	Undeveloped Land
	“PD” – Planned Development District Ordinance No. 2011-05-027 (office uses)	Undeveloped Land
West	“PD” – Planned Development District Ordinance No. 99-05-44 (office uses)	Undeveloped Land and Yeager Office Building

**PROPOSED ZONING:** The applicant is requesting to rezone approximately 3.12 acres of land, located approximately 325 feet south of Eldorado Parkway and west of Ridge Road from “PD” - Planned Development District to “PD” - Planned Development District in order to modify which portions of the subject property will allow for the development of a day care facility. Staff has no objections to the property owner’s desire to shift where day care uses are allowed to a different portion of their property and recommends approval with the special ordinance provisions detailed above.

**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 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 Future Land Use Plan (FLUP) designates the subject property generally for office 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. The proposed rezoning request should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area since the base zoning designation is not changing.
- **Impact on Public Facilities/Services:** The Future Land Use Plan (FLUP) designates the subject property generally for office. Similar to infrastructure, public facilities and services are all planned for based on the anticipated land uses shown on the Future Land Use Plan. The proposed rezoning request generally does not alter the base zoning designation thus should have a minimal impact on public facilities and services.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The properties located adjacent to the subject property are zoned for retail, office and residential uses. The proposed rezoning request will not alter the base land uses from what has been planned for the subject property. As such, the proposed rezoning request should be compatible with the existing and potential adjacent land uses.
- **Fiscal Analysis:** Staff feels that there will not be a significant change in the economic impact associated with the proposed rezoning request since it does not alter the base land use designation. Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base office zoning of the subject property.

- Concentration of a Use: The proposed rezoning request should not result in an over concentration of office land uses in the area as the area was intended to allow for office land uses.

**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
- Proposed Zoning Exhibit
- PowerPoint Presentation