

**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 "PD" – Planned Development District to "PD" – Planned Development District, Generally to Modify the Development Standards, Generally Located Approximately 445 Feet North of Wilmeth Road, on the East Side of Hardin Boulevard, and South of County Road 164 (Future Bloomdale Road)

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the September 6, 2016 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 development standards listed below:
  - a. The subject property designated as "Tract 1," on the proposed zoning exhibit shall follow the development regulations established in "PD" – Planned Development District Ordinance No. 2001-08-094, except as follows:
    - i. A maximum lot coverage shall not be required for tracts designated for single family residential uses.
  - b. The subject property designated as "Tracts 2, 3 and 4," on the proposed zoning exhibit shall follow the development regulations established in "PD" – Planned Development District Ordinance No. 2002-06-069, except as follows:
    - i. A maximum lot coverage shall not be required for single family residential uses.

**APPLICATION SUBMITTAL DATE:** June 27, 2016 (Original Application)  
July 18, 2016 (Revised Submittal)

July 25, 2016 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 197.109 acres of land, from “PD” – Planned Development District to “PD” – Planned Development District, generally to modify the development standards. More specifically, the proposed rezoning request is to amend the existing zoning (“PD” – Planned Development District Ord. No. 2001-08-094 and “PD” – Planned Development District Ord. 2002-06-069) on the subject property to remove the maximum lot coverage for single family residential uses.

An associated preliminary-final plat (12-206PF) has been approved for the development of the Timber Creek Subdivision.

**ZONING:**

<b>Location</b>	<b>Zoning District (Permitted Land Uses)</b>	<b>Existing Land Use</b>
Subject Property	“PD” – Planned Development District Ordinance No. 2001-08-094 (Single Family Residential Uses), and “PD” – Planned Development District Ordinance No. 2002-06-069 (Single Family Residential Uses)	Undeveloped Land
North	City of McKinney Extraterritorial Jurisdiction	Undeveloped Land
South	“PD” – Planned Development District Ordinance No. 1448 (Single Family Residential Uses, “PD” – Planned Development District Ordinance No. 2002-06-069, and City of McKinney Extraterritorial Jurisdiction	Timber Creek Subdivision and Undeveloped Land

East	“PD” – Planned Development District Ordinance No. 1703 (Single Family Residential Uses), “PD” – Planned Development District Ordinance No. 2002-03-021 (Single Family Residential Uses), “PD” – Planned Development District Ordinance No. 1509 (Single Family Residential Uses), “PD” – Planned Development District Ordinance No. 2002-06-069 (Single Family Residential Uses), and “PD” – Planned Development District Ordinance No. 1907 (Single Family Residential Uses)	Undeveloped Land, Timber Creek Subdivision, and McKinney North High School
West	“PD” – Planned Development District Ordinance No. 05-11-120 (Single Family Residential Uses)	Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone approximately 197.109 acres of land, from “PD” – Planned Development District to “PD” – Planned Development District, generally to modify the development standards. More specifically, the proposed rezoning request is to amend the existing zoning (“PD” – Planned Development District Ord. No. 2001-08-094 and “PD” – Planned Development District Ord. 2002-06-069) on the subject property to remove the maximum lot coverage for single family residential uses.

The subject property has a split zoning on it with the northern portion (designated as Tract 1 on the proposed zoning exhibit) zoned “PD” – Planned Development District Ordinance No. 2001-08-094 with a base residential zoning of “RS-72” – Single Family Residential District and “RS-60” – Single Family Residential District, and the southern portion (designated as Tracts 2, 3, and 4 on the proposed zoning exhibit) zoned “PD” – Planned Development District Ordinance No. 2002-06-069 with a base residential zoning of “RS-72” – Single Family Residential District and “RS-60” – Single Family Residential District. The existing zonings on the subject property (“PD” – Planned Development District Ord. No. 2001-08-094 and “PD” – Planned Development District Ord. 2002-06-069) included additional provisions to modify the space limits of the base residential zoning districts, including an increased maximum lot coverage from what was permissible under the base zoning districts at the time that the existing zoning was approved for the subject property. Since that time, the maximum lot coverage requirements for “RS-72” and “RS-60” have been removed, and are no longer applicable within the existing zoning regulations. However, the maximum lot coverage is still applicable to the subject property since it was included as a special ordinance provision within the governing PD zonings. The applicant is requesting to remove the maximum lot coverage to allow for flexibility in the size of homes that can be constructed for future phases of the Timber Creek Development. Staffs’ professional

opinion is that the proposed rezoning request will be consistent with the space limits permitted by the existing single family residential zoning districts, and should not impact the future development of adjacent properties, and as such recommends approval of the proposed rezoning request.

A preliminary-final plat (12-206PF) has been approved for the Timber Creek Development, which encompasses a larger area than what has been included in the rezoning request. Since a portion of the overall Timber Creek Development has been constructed only the areas that have not been constructed for single family residential uses have been incorporated in the rezoning request to remove the maximum lot coverage provision.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for single family residential uses. The FLUP modules diagram designates the subject property as Suburban Mix within a less 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 “Land Use Compatibility and Mix” by creating a “land use patterns that optimize and balance the tax base of the City,” and “land use patterns that complement one another.”
- **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 adjacent to the subject property are zoned for similar single family residential uses. The proposed rezoning request will not alter the land use from what has been planned for the subject property.
- **Fiscal Analysis:** Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base residential zoning of the subject property.

The attached “Land Use and Tax Base Summary” shows that the portion of the tract included in the rezoning request that is located west of Hardin Boulevard is located in Module 50 and is currently comprised of approximately 19.3% residential uses, 30.1% non-residential uses (including institutional), and 50.4%

is located within the city's extraterritorial jurisdiction. The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 50 are comprised of approximately 97.4% from residential uses and 2.6% from non-residential uses. Estimated tax revenues by type in Module 50 are comprised of approximately 100% ad valorem taxes and 0% sales and use taxes.

The attached "Land Use and Tax Base Summary" shows that the portion of the tract included in the rezoning request that is located east of Hardin Boulevard is located in Module 32 is currently comprised of approximately 58.8% residential uses, 32.5% non-residential uses (including institutional and agricultural uses), and 8.4% is located within the city's extraterritorial jurisdiction. The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 32 are comprised of approximately 94.6% from residential uses and 5.1% from non-residential uses (including agricultural uses). Estimated tax revenues by type in Module 32 are comprised of approximately 97% ad valorem taxes and 3% sales and use taxes.

- Concentration of a Use: The proposed rezoning request should not result in an over concentration of residential 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:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Comprehensive Plan Maps
- Land Use and Tax Base Summary Map (Module 32)
- Land Use and Tax Base Summary Map (Module 50)
- Existing "PD" – Planned Development District Ordinance No. 2001-08-094
- Existing "PD" – Planned Development District Ordinance No. 2002-06-069
- Proposed Zoning Exhibit
- Timber Creek Preliminary-Final Plat (Informational Only)
- PowerPoint Presentation