

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Michael Quint, Senior Planner

**FROM:** Brooks Wilson, AICP, Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Kimley-Horn and Associates, Inc., on Behalf of Haggard Enterprises, LTD, for Approval of a Request to Rezone Approximately 67.22 Acres from “AG” – Agricultural District to “PD” – Planned Development District, Generally for Residential and Commercial Uses, and Zone Approximately 67.22 Acres as “PD” – Planned Development District, Generally for Residential and Commercial Uses Located on the Southeast Corner of FM 2478 (Custer Road) and FM 1461.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the September 21, 2010 meeting.

---

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

1. The subject property be zoned “PD” – Planned Development District and the following special ordinance provisions shall be applicable:
  - a. The subject property shall generally develop according to the attached Zoning Exhibit.
  - b. The subject property shall develop according to the attached Planned Development District Regulations.

**APPLICATION SUBMITTAL DATE:** December 14, 2004 (Original Application)  
July 25, 2006 (Revised Submittal)  
July 14, 2010 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 67.22 acres of land from “AG” – Agricultural District to “PD” – Planned Development District, generally for low density residential, medium density residential and retail/commercial uses. The applicant is also requesting to zone approximately 67.22 acres of land to “PD” –

Planned Development, generally for low density residential, medium density residential and retail/commercial uses.

The western approximately 67.22 acres of the subject property is located within the City of McKinney corporate limits while the remainder of the subject property is located within the City of McKinney extraterritorial jurisdiction (ETJ). The portion of the subject property located within the ETJ has an associated annexation request (04-410A) which will be considered by the City Council concurrently with this rezoning request on September 21, 2010. The portion of the subject property within the ETJ must be annexed into the city limits prior to being zoned.

**PLATTING STATUS:** The subject property is currently unplatted (Abstract A0816 Land C. Searcy Survey Tracts 4 and 32). A preliminary-final plat must be approved by the Planning and Zoning Commission. Subsequent to that approval, a record plat or plats, subject to review and approval by the Director of Planning, must be filed for record with the Collin County Clerk, prior to issuance of a building permit.

**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 and City of McKinney Extraterritorial Jurisdiction (ETJ)

North	Town of Prosper, "AG" – Agricultural District and City of McKinney ETJ	Undeveloped Land
South	"PD" – Planned Development District Ordinance No. 2006-06-073 (mixed uses)	Undeveloped Land
East	City of McKinney ETJ	Undeveloped Land
West	Town of Prosper	Prosper Self-Storage, Rhea's Mill Baptist Church, Christie Farms, and Single Family Residential Uses

**PROPOSED ZONING:** The applicant is requesting to rezone approximately 67.22 acres generally for low density residential, medium density residential and retail/commercial uses; and to zone a second tract of land comprising approximately 67.22 acres generally for low density residential, medium density residential and retail/commercial uses. The subject property will be subdivided as follows:

<b>Proposed Land Use (Zoning)</b>	<b>Acres</b>
Low Density Residential (RS 60)	68.4
Medium Density Residential (RS 45 & RG 27)	24.4
Retail/Commercial (BG)	30.9
<b>Total</b>	<b>134.4 acres</b>

The following special ordinance provisions are being proposed for the subject property:

1. The subject property be zoned “PD” – Planned Development District and the following special ordinance provisions shall be applicable:
  - a. The subject property shall generally develop according to the attached Zoning Exhibit.
    - The attached zoning exhibit indicates that the subject property will be divided into three tracts with four applicable base zoning districts. The four base zoning districts are “RS 60” – Single Family Residence District, “RS 45” – Single Family Residence District, “RG 27” – General Residence Townhome District and “BG” – General Business District.
    - Retail districts are proposed at the intersection of the two major arterials, Custer Road and FM 1461. The Master Thoroughfare Plan shows both Custer Road and FM 1461 as principal arterials roadways with six traffic lanes within 130 feet of right-of-way.
    - Staff supports the mix of uses proposed by this development plan and recommends approval of the proposed rezoning request, more fully depicted on the attached Zoning Exhibit. As population continues to move northward along the major arterials (U.S. Highway 75, Lake Forest Drive and Custer Road), additional opportunities for retail/commercial development will arise, along with the supporting residential development.
  - b. The subject property shall develop according to the attached Planned Development District Regulations, as detailed in the proposed Development District Regulations (attached).

Retail/Commercial Component

- Approximately 31 acres are planned for retail and commercial development, which may include office uses.
- The use and development of portions of the subject property shall conform to Section 146-85 (“BG” – General Business District) regulations of the City of McKinney Zoning Ordinance.

- No special ordinance provisions are requested for this component of the subject property.
- Staff supports the “BG” zoning in this location as it is appropriate for the intersection of two major arterial roadways and is likely to become a hub for business activities in McKinney’s Northwest Sector.

#### Low Density Residential Component

- Approximately 68 acres are planned for low density residential development.
- The use and development of portions of the subject property shall conform to Section 146-73 (“RS 60” – Single Family Residence District) regulations of the City of McKinney Zoning Ordinance, except that the applicant is proposing a minor reduction in required rear yard setbacks (25 feet to 20 feet) and a slight increase in the permitted lot coverage (40 % to 50%) and floor area ratio (0.4:1.0 to 0.5:1.0).
- The Comprehensive Plan states that single family residential uses within the Suburban Mix module shall maintain a mean and median lots size of a minimum of 7,200 square feet. This ensures the desired density for residential development within the Suburban Mix modules. The proposed mean and median lot sizes for the single family residence districts for the subject property shall be a minimum of 7,200 square feet per the requirements of the proposed development standards.
- The maximum allowed density for the single family residence districts shall be 3.2 dwelling units be acre but may be increased to a maximum 3.4 dwelling units per acre if the future preliminary-final plat(s) meets the “Design for Density” criteria detailed in the Comprehensive Plan.
- Staff is comfortable with the proposed modifications to the development standards in that the applicant has indicated that the low density housing types will incorporate some aspects of new urbanist character, with the housing types pulled closer to the streets to enhance the pedestrian experience.

#### Medium Density Residential Component

- Approximately 24 acres are planned for medium density residential development, which may be a mix of “RS 45” – Single Family Residence District and “RG 27” – General Residence Townhome

District. The mix will be determined at the time of development and will depend on market factors.

- The use and development of portions of the subject property may conform to Section 146-74 (“RS 45” – Single Family Residence District, Zero Lot Line Homes) regulations of the City of McKinney Zoning Ordinance, except that the applicant is proposing minor reductions in the required rear yard setback (20 feet to 10 feet), modifications to the front yard setback (porch encroachments will be permitted) and a slight increase in lot coverage (40% to 60%) and floor area ratio (0.5:1.0 to 0.6:1.0).
- The use and development of portions the subject property may also conform to Section 146-76 (“RG 27” – General Residence Townhome District) regulations of the City of McKinney Zoning Ordinance, except that the applicant is proposing an increase in building height of 5 feet for those units that are not adjacent to single family detached homes and minor reductions in front (20 feet to 10 feet) and rear yard setbacks (depending on the orientation of the garage entry) (20 feet to 10 feet). The applicant is proposing a maximum density for townhome uses of eight (8) dwelling units per acre, which is in conformance with the requirements of the Comprehensive Plan, and is proposing that no more than 50% of all townhome units shall be front entry.
- The medium density component is sited appropriately to buffer the low density single family detached units from the retail/commercial component, as recommended in the suburban mix module’s locational criteria.
- Staff is in support of the proposed modifications to the Zoning Ordinance regulations, as detailed above. Many of these types of modifications have been used in developments like Craig Ranch and Tucker Hill, with positive design and architectural outcomes and minimal adverse impacts on surrounding developments.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for suburban mix uses with the potential for commercial uses at the intersection of Custer Road and F.M. 1461. The FLUP modules diagram designates the subject property as suburban mix within an area with minimal development. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within an area with minimal development:

- **Conformance with Desired Land Use Mix:** The uses proposed by this rezoning request are within the allowable percentages for residential and commercial land uses in this module. The attached Module Tracking Spreadsheet shows the

remaining acres of land in this module that may be utilized for residential and commercial land uses.

- Locational Criteria: The uses proposed by this rezoning request are within the appropriate locations as shown on the FLUP modules diagram. Per the Comprehensive Plan, the suburban mix module establishes the following locational criteria for commercial and residential uses:
  - Commercial uses (neighborhood retail and office) are to be located nearest the intersection of two major arterials.
  - The FLUP modules identify potential locations of commercial development (neighborhood retail and office) at intersections of arterials. This is shown as a golden hatched pattern on the Future Land Use Plan at the intersection of Custer Road and FM 1461. Areas such as these may be developed as either commercial or residential based on the allowed land use module mix.
  - Medium density residential should be located near the intersection of two arterials. This land use should be sited between single family residential and commercial uses and act as a buffer between the two uses.
  - Low density single family detached residential development should occur away from retail/commercial development and be designed with streets that do not encourage “cut through” traffic patterns.
  - The residential neighborhoods in the suburban mix module will include a variety of lot sizes.
- Compliance with Community Form: The proposed rezoning request should have a positive impact on the community form and character of the built environment within the suburban mix module. The form of the built environment in a suburban mix module is centered on the suburban style home and standard traditional neighborhood unit. This traditional neighborhood unit may have commercial land uses located near neighborhoods at the intersections of arterials in order to provide convenient access to the most frequently needed retail uses.
- Impact on Infrastructure: The Future Land Use Plan designates the subject property as a potential location of commercial development at the intersection of two arterials. The water master plan, sewer master plan, and thoroughfare plan are all based on the anticipated land uses as shown on the Future Land Use Plan. The proposed rezoning request is consistent with the anticipated land use. Thus, the proposed rezoning request should have a minimal impact on the existing and planned infrastructure in the area.

Staff and the applicant have begun working to draft a developer's agreement to deal with the provision of services and mitigate anticipated possible costs to the City associated with the proposed associated annexation (04-410A). The developer's agreement is scheduled to be considered at the September 21, 2010 City Council meeting.

- Impact on Public Facilities/Services: The Future Land Use Plan designates the subject property as a potential location of commercial development at the intersection of two arterials. Similar to infrastructure, the public facilities/services are all planned for based on the anticipated land uses as shown on the Future Land Use Plan. The proposed rezoning request is consistent with the anticipated land use. Thus, the proposed rezoning request should have a minimal impact on public facilities and services, such as schools, fire and police, libraries, parks and sanitation services.

Staff and the applicant have begun working to draft a developer's agreement to deal with the provision of services and mitigate anticipated possible costs to the City associated with the proposed associated annexation (04-410A). The developer's agreement is scheduled to be considered at the September 21, 2010 City Council meeting.

- Compatibility with Existing and Potential Adjacent Land Uses: The property to the west of the subject property lies within the Town of Prosper and is developed with scattered residences, a self-storage facility and a church. The adjacent eastern property is located within McKinney's ETJ – Extraterritorial Jurisdiction and has not been incorporated into the city limits. The adjacent northern property is comprised of three tracts: one in the Town of Prosper, one in the City of McKinney "ETJ" and the last within the city limits of McKinney (zoned "AG" – Agricultural District). These existing tracts are all currently undeveloped farmland. The adjacent southern property is currently undeveloped and is zoned "PD" – Planned Development District Ordinance No. 2006-06-073 for mixed uses.

The overall setting of the subject property is characterized by minimal development with sparsely scattered residential estate type development. Much of the adjacent land is still used for agricultural purposes. The Future Land Use Plan designates the subject property as suburban mix, which is consistent with the proposed rezoning request proposed by the applicant.

The Comprehensive Plan states that staff should make assessments and recommendations based on the anticipated uses expected in the long term for tracts that are developing within areas of minimal development, such as the subject property. In addition, the proposed development should be considered within the context of the entire city and the Comprehensive Plan as a whole. Given these criteria, staff feels that the proposed development is compatible with the expected development and should increasingly become the norm as the land in McKinney's Northwest Sector develops. This proposed rezoning request

should provide for a wide range of retail and office establishments, in addition to an array of new housing options, that will serve the needs of the adjacent and nearby residents and should become a model for future development in the area.

- Timing of Zoning Request: The proposed rezoning request does not appear to hinder or negatively impact the ability of the module to develop the primary land use, single family residential.
- Fiscal Analysis: The attached cost benefit analysis shows a positive net cost benefit using the expansion method of \$840,326. The full cost method also shows a positive net cost benefit of \$530,087.

**ACCESS/CIRCULATION:** The Zoning Exhibit shows Custer Road and F.M. 1461 as immediately adjacent to the subject property. Although the Master Thoroughfare Plan shows the roads generally in this location, the exact alignment of these roads has not yet been determined. These roads are shown for contextual purposes and are not intended to indicate an approved alignment. As the subject property develops, the exact alignment of Custer Road and F.M. 1461 will be determined.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received one phone call in opposition to this request from Kristy Wallace who prefers that the land remain agricultural and undeveloped. Staff has not received any other correspondence in support of or opposition to this request.

**ATTACHMENTS:**

- Location Map
- Aerial Exhibit
- Letter of Intent
- Property Owner Notice
- Property Owner Notification List
- Land Use Module Tracking Spreadsheet
- Fiscal Impact Analysis
- Proposed Planned Development District Regulations
- Proposed Zoning Exhibit