

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 the Request by Megatel Homes III, L.L.C., on Behalf of Betty M. Bacon Trust and McKinney Independent School District, for Approval of a Request to Rezone Fewer than 20 Acres from “AG” – Agricultural District to “RS 45” – Single Family Residence District, Located Approximately 1,400 Feet South of U.S. Highway 380 (University Drive) and on the West Side of Bois D’Arc Road

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the August 19, 2014 meeting.

STAFF RECOMMENDATION: Staff recommends denial of the proposed rezoning request due to lack of conformance with the City of McKinney’s Comprehensive Plan.

However, the applicant is requesting approval of the following provision:

1. The use and development of the subject property shall develop in accordance with Section 146-74 (“RS 45” – Single Family Residence District) of the Zoning Ordinance.

APPLICATION SUBMITTAL DATE: May 27, 2014 (Original Application)
July 7, 2014 (Revised Submittal)
July 9, 2014 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 19.68 acres of land, located approximately 1,400 feet south of U.S. Highway 380 (University Drive) and on the west side of Bois D’Arc Road, from “AG” – Agricultural District to “RS 45” – Single Family Residence District.

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 (Agricultural Uses)

North	“AG” – Agricultural District (Agricultural Uses)	Single Family Residence and Undeveloped Land
South	“AG” – Agricultural District (Agricultural Uses)	Dr. Jack Cockrill Middle School and City of McKinney Open Space
East	“PD” – Planned Development District Ordinance No. 1883 (Office and Light Manufacturing Uses)	Undeveloped Land
West	“AG” – Agricultural District (Agricultural Uses)	City of McKinney Open Space

PROPOSED ZONING: The applicant is requesting to rezone the subject property from “AG” – Agricultural District to “RS 45” – Single Family Residence District, generally for single family detached residential uses.

The applicant has requested the property be rezoned to follow the “RS 45” – Single Family Residence District regulations which permits up to eight (8) dwelling units per acre and a minimum lot size of 4,500 square feet, as opposed to an overall maximum density of 3.2 dwelling units per acre (with the ability to achieve 3.4 dwelling units per acre if Design for Density criteria are met) and a minimum mean and median lot size of 7,200 square feet in accordance with the City’s Comprehensive Plan.

It should also be noted that the City Council recently adopted new residential zoning districts that mandate a minimum mean and median lot size of 7,200 with a maximum density of 3.2 dwelling units per acre. Given that all future rezoning requests will be required to meet the same standard, Staff feels as though supporting this request would be contrary to the Council’s goals and objectives.

Furthermore, Staff cannot support the request as it does not help to further a strong, balanced economy, which is a stated strategic goal of the City Council. Nearly three quarters of the City’s ad valorem tax base comes from its residential housing stock. In order to balance this tax base, more non-residential uses are needed. Rezoning approximately 20 acres currently planned for office uses to single family residential uses will not help to balance the ad valorem tax base.

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 Office Park 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 not in conformance with the goals and objectives of the Comprehensive Plan, particularly through the goal of “Economic Development Vitality for a Sustainable and Affordable Community,” specifically through the objective of “balanced development pattern.” Additionally, the request is at odds with the goal of “Financially Sound Government” through the objective of a “balanced tax base.”
- **Impact on Infrastructure:** The proposed zoning request may have an impact on the existing and planned water, sewer and thoroughfare plans in the area since the land use would change from office to residential uses. It should be noted; however, that infrastructure has been planned for based on the office park designation of the FLUP.
- **Impact on Public Facilities/Services:** The proposed rezoning request will create the need for additional public services, such as schools, fire and police, libraries, parks and/or sanitation services as the subject property is currently planned for office uses.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The properties located adjacent to the subject property are zoned for agricultural, school, office and light manufacturing uses. The proposed rezoning request for single family residential uses should be compatible with the existing and potential adjacent land uses.
- **Fiscal Analysis:** The attached fiscal analysis shows a negative cost benefit of \$55,209 using the full cost method.
- **Concentration of a Use:** The proposed rezoning request should not result in an over concentration of single family residential land uses in the area.

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
- Comprehensive Plan Maps
- Fiscal Analysis
- Proposed Zoning Exhibit – Metes and Bounds
- PowerPoint Presentation