

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Brandon Opiela, Planning Manager

FROM: Samantha Gleinser, Planner I

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of LF Development Partners, L.P., for Approval of a Request to Rezone Fewer than 2 Acres from “PD” – Planned Development District to “PD” – Planned Development District, Generally to Allow for a Daycare Use, Located on the East Side of Lake Forest Drive and Approximately 1,000 Feet South of U.S. Highway 380 (University Drive)

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the June 4, 2013 meeting.

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 Planned Development District Ordinance No. 2010-06-016, and as amended, except as follows:
 - a. Daycare uses shall be allowed on the property.
 - b. One canopy tree shall be provided for every 30 linear feet of frontage along Lake Forest Drive.

APPLICATION SUBMITTAL DATE: February 25, 2013 (Original Application)
March 12, 2013 (Revised Submittal)
April 29, 2013 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 1.51 acres of land, located on the east side of Lake Forest Drive and approximately 1,000 feet south of U.S. Highway 380 (University Drive) from “PD” – Planned Development District to “PD” – Planned Development District, generally to allow for a daycare use.

This item was tabled at the March 26, 2013 Planning and Zoning Commission meeting per the applicant’s request.

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. 2010-06-016 (Office, Retail, and Service Uses)

North "PD" – Planned Development District Ordinance No. 2010-06-016 (Office, Retail, and Service Uses) Undeveloped Land

South "PD" – Planned Development District Ordinance No. 2010-06-016 (Office, Retail, and Service Uses) Undeveloped Land

East "AG" – Agricultural District (Single Family Residential Uses) Meadow Ranch Subdivision

West "PD" – Planned Development District Ordinance No. 2008-09-089 (Commercial Uses) Undeveloped Land

PROPOSED ZONING: The applicant is requesting to rezone approximately 1.51 acres of land, located on the east side of Lake Forest Drive and approximately 1,000 feet south of U.S. Highway 380 (University Drive) from "PD" – Planned Development District to "PD" – Planned Development District, generally to allow for a daycare use.

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

1. Use and development of the subject property shall conform to "PD" – Planned Development District Ordinance No. 2010-06-016, and as amended, except as follows:
 - a. Daycare uses shall be allowed on the subject property.
 - The applicant is requesting to maintain the base zoning district of "O" – Office District with the addition of daycare uses. Because the governing ordinance on the subject property currently allows office and retail and service uses, Staff is not opposed to daycare uses being allowed on the subject property.
 - b. One canopy tree shall be provided for every 30 linear feet of frontage along Lake Forest Drive.

- Section 146-94 (“PD” – Planned Development District) of the Zoning Ordinance states that no proposed PD District may be approved without ensuring a level of exceptional quality or innovation for the associated design or development.
- Currently, the Zoning Ordinance requires that one canopy tree be provided for every 40 linear feet of street frontage. The applicant is proposing to increase this requirement to one canopy tree for every 30 linear feet of street frontage along Lake Forest Drive.
- Staff supports this special ordinance provision and believes this will provide a positive impact on the visual environment as it exceeds minimum requirements of the Zoning Ordinance.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for Low Density Residential uses; however, the current zoning designation is for office uses. 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 a “balanced development pattern”. Another goal of the Comprehensive Plan is accomplished through “Land Use Compatibility and Mix” by creating a “mix of land uses that provides for various lifestyle choices”.
- **Impact on Infrastructure:** 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 Future Land Use Plan designates the subject property for low density residential; however, it is currently zoned for office uses. The proposed rezoning of the subject property to include daycare uses will not alter the existing zoning designation on the property for office uses; however, it does differ from the FLUP designation of low density residential, and may have an impact on the existing and planned water, sewer and thoroughfare plans in the area.
- **Impact on Public Facilities/Services:** Infrastructure, public facilities and services are all planned for based on the anticipated land uses shown on the Future Land Use Plan. The Future Land Use Plan (FLUP) designates the subject property generally for low density residential uses; however, it is currently zoned for office uses. The proposed rezoning request does alter the projected land use; however, it does not alter the existing zoning designation and 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 commercial, office, and residential uses. The proposed rezoning request will not alter the land use from the current zoning designation for the subject property. Staff is of the opinion the requested daycare use will be compatible with existing and future development in the area.
- 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 existing zoning designation. As such, Staff did not perform a fiscal analysis for this case.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of daycare uses in the area. Currently, the surrounding properties are zoned generally for residential, retail, and office 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: Prior to the Planning and Zoning Commission meeting on March 26, 2013, Staff received one phone call and three letters of opposition to the proposed day care which were handed out to the Commission at said meeting, and have been attached. Staff has received no other emails or phone calls in support of or opposition to the request.

ATTACHMENTS:

- Location Map and Aerial Exhibit
- Letter of Intent
- Existing Ordinance No. 2010-06-016
- Letters of Opposition
- Proposed Zoning Exhibit
- Existing Permitted Uses
- PowerPoint Presentation