

**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 George Town Custom Homes, on Behalf of VNRS INV, Inc., for Approval of a Request to Rezone Less than 2 Acres from "O" – Office District to "BN" – Neighborhood Business District, Located Approximately 500 Feet West of South Ballantrae Drive and on the South Side of Virginia Parkway

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the May 7, 2013 meeting.

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

1. The subject property be used and developed in accordance with Section 146-84 (BN – Neighborhood Business District) of the Zoning Ordinance, and as amended.

**APPLICATION SUBMITTAL DATE:** December 10, 2012 (Original Application)  
December 21, 2012 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 1.65 acres of land, located approximately 500 feet west of South Ballantrae Drive and on the south side of Virginia Parkway from "O" – Office District to "BN" – Neighborhood Business District.

Two buildings totaling approximately 5,500 square feet currently exist on the subject property and serve as a home for the Good Shepherd Montessori School. The existing Montessori school, classified as a daycare, is currently a legal non-conforming use on the subject property as daycares are not allowed by right within the "O" – Office District. In order to construct a new school building as indicated by email correspondence with the applicant, approval of a rezoning request to a zoning district which allows daycare uses by right is necessary.

This item was originally heard by the Planning and Zoning Commission at the January 8, 2013 meeting. At this meeting, three residents voiced their opposition to the request (see attached minutes). The Commission tabled the item so that the applicant could have additional time to revisit the request. The applicant has elected to bring the item back with no changes.

**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: "O" – Office District (Good Shepherd Montessori School)

North	"PD" – Planned Development District Ordinance No. 2001-04-052 (Single Family Residences)	Virginia Parklands
South	"PD" – Planned Development District Ordinance No. 97-06-036 (Single Family Residences)	Village of Ballantrae
East	"PD" – Planned Development District Ordinance No. 97-06-036 (Single Family Residences)	Village of Ballantrae
West	"PD" – Planned Development District Ordinance No. 97-06-036 (Single Family Residences)	Village of Ballantrae

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from "O" – Office District to "BN" – Neighborhood Business District. Daycare uses are not currently allowed on properties zoned "O" – Office District. As such the applicant is requesting to rezone the property to another zoning district that allows day care uses by right ("BN"). Staff is not opposed to the requested "BN" - Neighborhood Business District on the subject property and recommends approval of the proposed rezoning request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for single family residences; however the current zoning designation is 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 “Land Use Compatibility and Mix” through the stated objective of the Comprehensive Plan, “land use patterns that complement one another”. Another goal of the Comprehensive Plan is accomplished through “Land Use Compatibility and Mix” by creating a “diverse land uses in a geographic area”.
- Impact on Infrastructure: The Future Land Use Plan designates the subject property for single family residences; however it is currently used for a daycare. 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 not have an impact on the existing and planned water, sewer and thoroughfare plans in the area as the property is currently being used as a daycare.
- Impact on Public Facilities/Services: The Future Land Use Plan designates the subject property for single family residences. Similar to infrastructure, public facilities and services are planned for based on the anticipated land use designated in the Future Land Use Plan. The proposed rezoning request will not alter the existing land use as it will continue to be used as a daycare, therefore Staff does not feel that there will be a negative 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 residential uses. The proposed rezoning request will not significantly alter the land use from what has been planned for the subject property. Staff is of the opinion that the proposed land use will be compatible with existing and future development within the area.
- Fiscal Analysis: The attached fiscal analysis shows a positive net cost benefit of \$37,306 using the full cost method. This positive fiscal impact is based on the property going from an office zoning designation to a commercial zoning designation. In reality, if the existing daycare is removed and another daycare building is constructed, the City will not likely see any significant fiscal impacts, positive or negative, regardless of what the governing zoning district is.

The full cost method of calculating public service cost is useful for citywide modeling and forecasting. This method takes the entire city budget into account, including those costs that cannot be attributed to any one project such as administrative costs and debt service on municipal bonds. Because the full cost method takes into account all costs, it is useful in tracking the city budget to determine if the citywide tax revenue is sufficient to pay for the operating costs to the city.

- Concentration of a Use: The proposed rezoning request should not result in an over concentration of commercial land uses in the area. Currently, the surrounding properties are zoned generally for office and residential 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:** Subsequent to the Planning and Zoning Commission meeting on January, 8, 2013, Staff received three phone calls in opposition to this request as well as two phone calls in support of the request.