



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

<b>File #:</b>	17-250Z2	<b>Name:</b>	City Initiated Zoning for Potential Annexation
<b>Type:</b>	Ordinance	<b>Status:</b>	Regular Agenda Item
		<b>In control:</b>	City Council Regular Meeting
<b>On agenda:</b>	11/7/2017	<b>Final action:</b>	
<b>Title:</b>	<p>Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Zone Approximately 3,821 Acres of Land to "AG" - Agricultural District, Generally Located in Areas Described as Being: Along and Extending to the North and the South from the East-West Section of FM 1461 from FM 2478 to East of CR 166 and Extending to the North, South and East from and about Geren Trail; at and Around Stover Creek and the North-South Section of CR 161 Between US Highway 380 (University Drive) and CR 123 and Extending along and from a Portion of CR 124; at and Around the North Side of US Highway 380 (University Drive) Between Ridge Road and Lake Forest Drive; at and Around the Northeast Quadrant of Lake Forest Drive and Wilmeth Road Extending to the Western Boundary of Erwin Park and Extending as far North as CR 1006; at and Around the Northwest Quadrant of Hardin Boulevard and Wilmeth Road Extending to the North and West; at and Around CR 164 South and East of Erwin Park and at and Around CR 201 Extending to the Eastern Boundary of Erwin Park and Extending North to CR 1006; and Extending to the South from the Southern Boundary of the McKinney Municipal Utility District No. 1 of Collin County (Trinity Falls M.U.D.) and FM 543 and Along and Around Both the North-South Section and the East-West Section of CR 202 in a Southerly Direction to the City's Current Northern Corporate Boundary Extending in an Easterly Direction from CR 201 and CR 1200 and Extending to the East and West Along and Around Both Sides of Trinity Falls Parkway, and Accompanying Ordinance. (STAFF REQUESTS THAT THIS ITEM BE TABLED)</p>		

**Indexes:**

**Attachments:** 1. Location Map and Aerial Exhibit, 2. Attachment A. Adjacent Zoning, 3. Attachment B. Adjacent Land Uses, 4. Comprehensive Plan Maps, 5. Tax Base Summary & Analysis, 6. PZ Meeting Minutes from Oct 24, 7. Letter of Opposition 1, 8. Letter of Opposition 2, 9. Sign Locations(reduced), 10. Sec.146-164 Changes and amendments, 11. PowerPoint Presentation

Date	Ver.	Action By	Action	Result
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Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Zone Approximately 3,821 Acres of Land to "AG" - Agricultural District, Generally Located in Areas Described as Being: Along and Extending to the North and the South from the East-West Section of FM 1461 from FM 2478 to East of CR 166 and Extending to the North, South and East from and about Geren Trail; at and Around Stover Creek and the North-South Section of CR 161 Between US Highway 380 (University Drive) and CR 123 and Extending along and from a Portion of CR 124; at and Around the North Side of US Highway 380 (University Drive) Between Ridge Road and Lake Forest Drive; at and Around the Northeast Quadrant of Lake Forest Drive and Wilmeth Road Extending to the Western Boundary of Erwin Park and Extending as far North as CR 1006; at and Around the Northwest Quadrant of Hardin Boulevard and Wilmeth Road Extending to the North and West; at and Around CR 164 South and East of Erwin Park and at and Around CR 201 Extending to the Eastern Boundary of Erwin Park and Extending North to CR 1006; and Extending to the South from the Southern Boundary of the McKinney Municipal Utility District No. 1 of Collin County (Trinity Falls M.U.D.) and FM 543 and Along and Around Both the North-South Section and the East-West Section of CR 202 in a Southerly Direction to the City's Current Northern Corporate Boundary Extending in an Easterly Direction from CR 201 and CR 1200 and Extending to the East and West

Along and Around Both Sides of Trinity Falls Parkway, and Accompanying Ordinance. **(STAFF REQUESTS THAT THIS ITEM BE TABLED)**

**COUNCIL GOAL:** Direction for Strategic and Economic Growth

**MEETING DATE:** November 7, 2017

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Jennifer Arnold, Planning Manager  
Brian Lockley, AICP, CPM, Director of Planning  
Aaron Bloxham, Planner II

**APPROVAL PROCESS:** At the October 24, 2017 Planning and Zoning Commission meeting, the Planning and Zoning Commission voted to recommend denial of the proposed zoning request (see PZ Meeting Minutes). This recommendation by the Planning and Zoning Commission requires a super majority vote from the City Council to approve the zoning request as presented.

**STAFF RECOMMENDATION:** Should the Council desire to table the associated annexation item to the November 15, 2017 Special City Council Meeting (see associated agenda item number 17-249A4), Staff recommends also tabling this item to the November 15, 2017 Special City Council Meeting.

However, should the Council desire to take action on the annexation item during tonight's meeting, this zoning request should be considered as follows:

- Approve the item. To remain in compliance with State Law, the City Council cannot approve the proposed zoning request without first approving the proposed annexation. As such, this is not an action that can be legally taken during tonight's meeting.
- Table the item to November 15. Should the Council table the proposed annexation, this zoning request would also need to be tabled to the November 15, 2017 Special City Council Meeting.
- Table the item indefinitely. Should the Council table the proposed annexation indefinitely, consideration/action for the proposed zoning would also need to be tabled indefinitely because the City would have no authority to zone property that is not incorporated (annexed) into the city limits.
- Deny the item. Should the Council deny the proposed annexation, this would require that the associated zoning request (17-250Z) be withdrawn because the City would have no authority to zone property that is not incorporated (annexed) into the city limits.

**ITEM SUMMARY:** The City of McKinney is proposing to annex approximately 3,821 acres of land into the City's corporate limits. Should annexation of the approximately 3,821 acres of land be approved (or any portions thereof) by the City Council, it will need to be zoned. As such, Staff recommends that the area be zoned "AG" - Agricultural District.

As is typical with zoning requests associated with city-initiated annexations, the proposed zoning aims to identify the most compatible zoning district given the current use(s) on the subject property. In this case, the “AG” - Agricultural District provides for the most compatible zoning regulations. Any land uses and/or structures that currently legally exist on the subject property will be accepted into the city limits as legal non-conformities following annexation.

As development of the properties occur over time, rezoning request(s) will likely be submitted for a future consideration and action.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	n/a	The subject property can generally be described as agricultural and rural in nature, with some farm and ranch residential dwellings, single family dwellings, and commercial tracts
Adjacent Properties	See Attachment A	See Attachment B

Please see the attached zoning and land use maps for the adjacent land uses and zoning of the subject property and surrounding areas. Please note that zoning information for properties located outside of the City of McKinney is not included.

**PROPOSED ZONING:** The proposed zoning for the property is “AG” - Agricultural District. Staff feels that the “AG” - Agricultural District is the most consistent with what is currently in the area today. If approved, the “AG” - Agricultural District zoning will remain in effect until any such plans for development are proposed. At that time, rezoning request(s) will likely be necessary for the development of properties for long-term uses.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for residential and commercial uses. The FLUP modules diagram designates the subject property for suburban mix, estate mix, office park, and community village within an area with minimal development. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered:

- Comprehensive Plan Goals and Objectives: The proposed zoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning would help the community attain the goal of “Land Use Compatibility and Mix” by creating a “mix of land uses that provides for various lifestyle choices”.
- Impact on Infrastructure: Because this request is not related to development of the subject property, the proposed zoning of the property to “AG” - Agricultural District will not impact the infrastructure in the area.
- Impact on Public Facilities/Services: Because this request is not related to development of the subject property, the proposed zoning of the property to “AG” - Agricultural District will not

impact public facilities or services.

- Compatibility with Existing and Potential Adjacent Land Uses: Because this request is not related to development of the subject property, the proposed zoning of the property to “AG” - Agricultural District will not impact existing or potential adjacent land uses.
- Land Base Tax Summary: Because the subject property is currently located in the ETJ, ad valorem tax revenues or sales tax revenues are not collected by the City of McKinney. Upon annexation, the subject property will have potential for generating ad valorem and sales tax revenues for the city. The proposed zoning designation is not indicative of the zoning district(s) that will likely be in place a buildout development scenario. Because the ultimate development condition of the property is unknown, Staff has provided the Land Use and Tax Base Summary for McKinney’s ultimate planning area.
- Concentration of a Use: The proposed zoning request should not result in an over concentration of uses in the area, as the proposed land uses are not indicative of the zoning district that will be in place on the property in the long term.

As development of the subject property occurs over time, rezoning request(s) will likely necessary and will be evaluated and considered for conformance to the Comprehensive Plan.

**CONFORMANCE TO THE MULTI-FAMILY POLICY:** The proposed zoning does not conflict with the Multi-Family Policy.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received comments and phone calls in opposition to the associated annexation of the subject property, and we have received one letter and email in opposition to the zoning of the subject property.