

<b>AGENDA ITEM</b>
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**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 John Thomas Engineering, on Behalf of Frank Williams, Jr., for Approval of a Request to Rezone Approximately 1.50 Acres, from "PD" – Planned Development District to "BG" – General Business District, Located on the Northwest Corner of U.S. Highway 380 (University Drive) and Graves Street.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the July 20, 2010 meeting.

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

1. The subject property develop in accordance with the "BG" – General Business District regulations of the Zoning Ordinance.

**APPLICATION SUBMITTAL DATE:** June 24, 2010 (Original Application)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 1.50 acres of land, located on the northwest corner of U.S. Highway 380 (University Drive) and Graves Street, from "PD" – Planned Development District to "BG" – General Business District. The applicant has submitted two associated site plans for the subject property: Del Taco (10-069SP) and Lone Star Financial (10-070SP) that are being considered concurrently by Staff.

**PLATTING STATUS:** The subject property is currently platted as Lot 1, Block A of the Williams Addition. The applicant intends to submit an associated preliminary-final replat that will be considered by the Planning and Zoning Commission at a later date. The applicant may obtain a building permit on the one currently platted lot. However, a building permit for the proposed second lot is contingent upon the filing of an associated record plat that is in conformance to the associated preliminary-final replat, subject to review and approval by the Director of Planning.

**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. 2004-09-102 (commercial uses)

North	“BG” – General Business District	Sam’s Club
South	“BN” – Neighborhood Business District and “PD” – Planned Development District Ordinance No. 1332 (commercial uses)	North Side Medical Home Healthcare Equipment and Legacy Bank of Texas
East	“BG” – General Business District	Precision Auto Repair
West	“BG” – General Business District	Sam’s Club

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “PD” – Planned Development District to “BG” – General Business District. The property is currently zoned “PD” – Planned Development District Ordinance No. 2004-09-102 which stipulates a base zoning district of “BG” – General Business District.

The governing PD ordinance has an attached layout which reflects the existing Lone Star Financial site. The purpose of this rezoning request is to eliminate the attached layout in order to develop the western half of the site. If approved, the entire site will develop under the “BG” – General Business District regulations of the Zoning Ordinance.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for commercial uses. The Future Land Use Plan modules diagram designates the subject property as industrial 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 rezoning request 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” and “land use patterns that complement one another.”
- **Impact on Infrastructure:** The proposed rezoning request should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area since it does not propose to change the allowed uses on the subject

property. 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.

- Impact on Public Facilities/Services: Similar to the infrastructure plans mentioned above, the public facilities/services are all based on the anticipated land uses as shown on the Future Land Use Plan. The proposed rezoning request should have a minimal impact on public services, such as schools, fire and police, libraries, parks and sanitation services since the proposed rezoning request does not propose to change the allowed uses on the subject property.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are generally utilized for retail and office uses. Furthermore, the proposed rezoning request does not propose to alter the land uses from what the current zoning allows on the subject property.
- Fiscal Analysis: Staff feels that there will not be a significant change in the economic impact associated with the proposed rezoning since it does not propose to alter the land use. Staff did not perform a fiscal analysis for this case since the proposed rezoning request does not propose to change the allowed uses on the subject property.
- Concentration of a Use: The proposed rezoning request should not result in an over-concentration of commercial uses in the area. Currently, the surrounding properties are generally 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:** Staff has received no comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- Location Map
- Aerial Exhibit
- Letter of Intent
- Property Owner Notice
- Property Owner Notification List
- Existing “PD” – Planned Development District Ordinance No. 2004-09-102

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**Action:**