

PLANNING & ZONING COMMISSION MEETING OF 09-27-11 AGENDA ITEM #11-124Z

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Michael Quint, Senior Planner

**FROM:** Abra R. Nusser, Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering and Development Company, Inc., on Behalf of Covenant Church for Approval of a Request to Rezone Approximately 3.07 Acres, from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "C" – Planned Center District and "CC" – Corridor Commercial Overlay District, Located on the East Side of United States Highway 75 and Approximately 800 Feet North of Park View Avenue.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the October 18, 2011 meeting.

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

- The subject property shall develop according to Section 146-86 ("C" – Planned Center District) of the City of McKinney Zoning Ordinance, and as amended, and the "CC" – Corridor Commercial Overlay District, and as amended.

**APPLICATION SUBMITTAL DATE:** August 15, 2011 (Original Application)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 3.07 acres of land, located on the east side of United States Highway 75 and approximately 800 feet north of Park View Avenue, from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "C" – Planned Center District and "CC" – Corridor Commercial Overlay District. The subject property has an existing, one-story building that was previously used as an indoor skate park and had outdoor batting cages but is now occupied by Covenant Church. The applicant is proposing to remove the planned development district requirements and rezone to the district's base zoning district of "C" – Planned Center.

**PLATTING STATUS:** The subject property is currently platted as a portion of Lot 2R, Block A of the Paloduro Addition. The remaining portion of Lot 2R along U.S. Highway 75 was acquired by the Texas Department of Transportation (TxDOT) for right-of-way associated with their pending improvements on U.S. Highway 75.

**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. 98-05-31 (Commercial Uses) and “CC” – Corridor Commercial Overlay District

North	“PD” – Planned Development District Ordinance No. 98-05-31 (Commercial Uses) and “CC” – Corridor Commercial Overlay District	Undeveloped Land
	“C” – Planned Center District and “CC” – Corridor Commercial Overlay District	Howard Johnson Inn
South	“AG” – Agricultural District and “CC” – Corridor Commercial Overlay District	Oncor Electric Delivery Substation
	“PD” – Planned Development District Ordinance No. 98-05-31 (Commercial Uses) and “CC” – Corridor Commercial Overlay District	Just Brakes
East	“PD” – Planned Development District Ordinance No. 98-05-31 (Commercial Uses)	Undeveloped Land/Utility Easement
	“PD” – Planned Development District Ordinance No. 1354 (Multiple Family Residential Uses)	Treymore in McKinney Apartments
West	“PD” – Planned Development District Ordinance No. 98-05-31 (Commercial Uses) and “CC” – Corridor Commercial Overlay District	Just Brakes and Undeveloped Land
	“C” – Planned Center District and “CC” – Corridor Commercial Overlay District	Bob Tomes Ford

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “C” – Planned Center District and “CC” – Corridor Commercial Overlay District. The

subject property's governing planned development district ordinance designates a base zoning district of "C" – Planned Center District.

The governing planned development district (Ordinance No. 98-05-31) requires any future additions or developments on the subject property to conform to the development plan exhibit. Since the applicant is proposing an addition to the existing structure on the subject property (approximately 14 percent expansion) that would deviate from the development plan in the governing planned development district (PD), the applicant is requesting to remove the PD restrictions and rezone to the PD's base zoning district of "C" – Planned Center District.

The subject property can accommodate the addition to the existing building without adversely affecting adjacent properties. Staff is comfortable with the proposed rezoning request and recommends approval of the proposed rezoning request.

**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 Regional Commercial 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 Patterns that Complement One Another" through the stated objective of the Comprehensive Plan, a "Land Use Compatibility and Mix."
- **Impact on Infrastructure:** The Future Land Use Plan designates the subject property generally for commercial uses. 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 does not propose to alter the base commercial zoning of the subject property and will not have any minimal impact on the existing and planned water, sewer and thoroughfare plans in the area.
- **Impact on Public Facilities/Services:** The Future Land Use Plan designates the subject property generally for commercial uses. Similar to infrastructure, public facilities and services are all planned for based on the anticipated land uses shown on the Future Land Use Plan. The proposed rezoning request does not propose to alter the base commercial zoning of the subject property and will not have any 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, multiple family residential, and agricultural uses. The proposed rezoning request does not

propose to alter the base commercial zoning of the subject property, and it is compatible with existing and potential adjacent land uses.

- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the proposed rezoning request does not propose to alter the base commercial zoning of the subject property.
- Concentration of a Use: The proposed rezoning request will not result in an over concentration of commercial land uses in the area. The surrounding properties are zoned generally for a mixture of commercial, multiple family residential, and agricultural 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 and Aerial Exhibit
- Letter of Intent
- Existing “PD” – Planned Development District Ordinance No. 98-05-31
- Planning and Zoning Commission PowerPoint Presentation