

**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 3 BT's, Inc., on Behalf of Troiani Family Investments, Ltd., for Approval of a Request to Rezone Fewer than 4 Acres from "RG-18" – General Residence District to "PD" – Planned Development District, Generally to Modify the Development Standards, Located on the Southeast Corner of Rockhill Road and North Brook Drive

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the November 5, 2013 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to non-conformance with the Comprehensive Plan.

**However, should the proposed rezoning request be approved, the following special ordinance provisions shall apply:**

1. The use and development of the subject property shall conform to the requirements of Section 146-90 ("ML" – Light Manufacturing District) of the Zoning Ordinance, and as amended, except as follows:
  - a. The uses on the subject property shall be limited to the following:
    - i. Accessory building or use
    - ii. Auto parts sales (indoor)
    - iii. Banks and financial institutions
    - iv. Barber or beauty shops
    - v. Building materials sales or monument sales
    - vi. Carpentry or sign shop
    - vii. Church, rectory, or other place of worship
    - viii. Cleaning plant (laundry)
    - ix. Cleaning shop and pressing (small shop and pickup)
    - x. Day care
    - xi. Department or discount store

- xii. Drug store or pharmacy
- xiii. Fitness club, gymnasium, exercise area, or similar use
- xiv. Laboratories (medical, dental, science)
- xv. Metal fabrication
- xvi. Mini-warehouse
- xvii. Museum, library, art gallery (public)
- xviii. Office building
- xix. Office supplies
- xx. Office use
- xxi. Offices with showrooms
- xxii. Paint and related sales
- xxiii. School, business, or trade
- xxiv. Studios (photo, music, art, health, etc.)
- xxv. Upholstery shop
- xxvi. Warehousing

- b. The development of the subject property shall generally conform to the attached concept plan.
- c. The development of the subject property shall generally conform to the character of the attached elevations and shall follow the architectural standards for industrial uses in industrial districts (Section 146-139 of the Zoning Ordinance).

**APPLICATION SUBMITTAL DATE:** September 9, 2013 (Original Application)  
 September 23, 2013 (Revised Submittal)  
 September 25, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 3.56 acres of land, located on the southeast corner of Rockhill Road and North Brook Drive, from “RG 18” – General Residence District to “PD” – Planned Development District.

The applicant has indicated the intent to construct an office and warehouse facility on the subject property.

**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: “RG 18” – General Residence District (General Residential Uses)

North	“PD” – Planned Development District Ordinance No. 1999-10-080 (Single Family Residential Uses)	High Meadows Subdivision
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South	“RG 18” – General Residence District (General Residential Uses)	McKinney Apartments	Orchid
East	“PD” – Planned Development District Ordinance No. 1486 (Single Family and General Residential Uses)	Undeveloped Land	
West	“RG 18” – General Residence District (General Residential Uses) and “AG” – Agricultural District (Agricultural Uses)	Undeveloped Land	

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “RG 18” – General Residence District, generally for residential uses, to “PD” – Planned Development District, generally to modify the development standards and allowed land uses.

With this request, the applicant is proposing to rezone the subject property to “PD” – Planned Development District with a base zoning designation of “ML” – Light Manufacturing District. The applicant has indicated that the property will be used for office and warehouse uses; however a list of permitted uses for the subject property has also been submitted. This list includes a variety of uses, such as drug store, metal fabrication, laboratories, and several others which Staff feels would not be appropriate in such close proximity to residential uses. Additionally, a concept plan and elevations have also been submitted to which the subject property would generally conform.

Given that (1) the surrounding adjacent properties are zoned for residential uses and the proposed land uses would not be compatible with those residential land uses and (2) the proposed land uses are generally not in conformance with the Comprehensive Plan’s Future Land Use Plan, Staff is unable to support the request for light manufacturing uses on the subject property.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for Low Density Residential 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 not in conformance with the goals and objectives of the Comprehensive Plan; specifically the goal of “Land Use Compatibility and Mix” through the objective of “land use patterns that complement one another”.
- **Impact on Infrastructure:** The proposed rezoning request should have a reduced impact on the existing and planned water, sewer and thoroughfare plans in the area due to proposed change from residential uses to office/industrial land uses.

- Impact on Public Facilities/Services: The proposed rezoning request should have a reduced impact on public services, such as schools, fire and police, libraries, parks and sanitation services as office/industrial land uses typically place a smaller demand on these services than residential uses.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for residential uses, and as such, the proposed use of office/warehouse would not be compatible with the surrounding properties. The proposed rezoning request will significantly alter the land use from what has been planned for the subject property.
- Fiscal Analysis: The attached fiscal analysis shows a positive cost benefit of \$103,436 using the full cost method.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of industrial land uses in the area.

**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
- Fiscal Analysis
- Proposed Concept Plan
- Proposed Elevations
- PowerPoint Presentation