

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 Sanchez & Associates, on Behalf of Greenway Investment Company for Approval of a Request to Rezone Fewer than 12 Acres from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District to “BG” – General Business District and “REC” – Regional Employment Center Overlay District, Generally to Modify the Development Standards, Located South and East of the Southeast Corner of Stacy Road and Custer Road

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the October 15, 2013 meeting.

STAFF RECOMMENDATION: Staff recommends approval of the proposed rezoning request.

APPLICATION SUBMITTAL DATE: August 26, 2013 (Original Application)
September 9, 2013 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing to rezone approximately 10.97 acres, located south and east of the southeast corner of Stacy Road and Custer Road, from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District to “BG” – General Business District and “REC” – Regional Employment Center Overlay District.

The existing Planned Development District Ordinance generally requires that all development comply with the general development plan included within the ordinance. This plan ties down not only the layout for buildings and parking, but also the uses for the specific buildings shown on the layout. Several other provisions are outlined within the ordinance as well, including the requirement that the anchor retail building shown on the plan be one hundred percent (100%) masonry.

PLATTING STATUS: The subject property is currently platted as Lot 2R, Block A, of the CVS Stacy Custer Addition.

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. 2006-11-134 and “REC” – Regional Employment Center Overlay District (Commercial Uses)

North	“PD” – Planned Development District Ordinance No. 2013-08-075 and “REC” – Regional Employment Center Overlay District	Undeveloped Land
South	“PD” – Planned Development District Ordinance No. 2010-11-049 and “REC” – Regional Employment Center Overlay District (Multi-family Residential Uses)	Retreat at Craig Ranch
East	“PD” – Planned Development District Ordinance No. 2010-11-049 and “REC” – Regional Employment Center Overlay District (Multi-family Residential Uses)	Retreat at Craig Ranch
West	“PD” – Planned Development District Ordinance No. 2006-11-134 and “REC” – Regional Employment Center Overlay District (Commercial Uses) and City of Frisco	CVS Pharmacy, Chase Bank, and Undeveloped Land

PROPOSED ZONING: The applicant is proposing to rezone the subject property from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District to “BG” – General Business District and “REC” – Regional Employment Center Overlay District, generally for commercial uses.

The governing zoning district (“PD” – Planned Development District Ordinance No. 2006-11-134) requires that any development on the property generally conform to the general development plan included within the ordinance. The general development plan lays out the location of all parking and buildings as well as designates uses for specific buildings shown on the layout.

The applicant is requesting to rezone the subject property to “BG” – General Business District in order to remove the attached layout exhibit and to allow for more flexibility with regard to site circulation/parking and building layout/uses on the property. Section

146-85 (“BG” – General Business District) of the Zoning Ordinance, states that the requested zone is “designed to provide for a wide range of retail and service establishments,” which is similar to the Commercial and Retail Uses of the Regional Employment Center currently permitted on the subject property through the governing planned development district (see attached use comparison chart).

Staff feels that the proposed rezoning request remains compatible with existing and future adjacent uses. The City of McKinney’s Comprehensive Plan encourages commercial uses to be located near the intersections of arterial roadways. Because the subject property is at the intersection of Stacy Road and Custer Road, a major arterial and a principal arterial, respectively, the rezoning request can provide a balance of accessible general business uses in close proximity to existing and future surrounding development. As such, Staff 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 FLUP modules diagram designates the subject property as Regional Employment Center 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 “Economic Development Vitality for a Sustainable and Affordable Community” through the stated objective of the Comprehensive Plan, a “balanced development pattern”. Another goal of the Comprehensive Plan is accomplished through “Land Use Compatibility and Mix” by creating a “mix of land uses that provides for various lifestyle choices”.
- **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.
- **Impact on Public Facilities/Services:** The proposed rezoning request should have a minimal impact on public services, such as schools, fire and police, libraries, parks and sanitation services.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The properties located adjacent to the subject property are zoned for similar commercial uses as well as multi-family residential. The proposed rezoning request will not significantly alter the commercial land uses currently on the subject property. Staff is of the opinion the requested zoning designation will remain compatible with existing and future development within the immediate area.

- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base commercial zoning of the subject property.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of commercial land uses in the area as the subject property is already designated for commercial use.

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. 2006-11-134
- Existing “PD” – Planned Development District Ordinance No. 2004-03-028
- Use Comparison Chart
- Proposed Zoning Exhibit
- PowerPoint Presentation