

PLANNING & ZONING COMMISSION MEETING OF 11-08-11 AGENDA ITEM #11-152Z

**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 Abernathy, Roeder, Boyd & Joplin, on Behalf of Wells Fargo Bank, National Association, for Approval of a Request to Rezone Approximately 53.02 Acres from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "BG" – General Business District, "O" – Office District, and "CC" – Corridor Commercial Overlay District, Located on the East Side of Community Avenue and on the South Side of U.S. Highway 380 (University Drive).

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the December 6, 2011 meeting.

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

1. Use and development of the subject property, as reflected by the attached Zoning Exhibit, shall develop in accordance with the regulations of Section 146-85 ("BG" – General Business District) of the Zoning Ordinance, and as amended, Section 146-88 ("O" – Office District) of the Zoning Ordinance, and as amended, and Section 146-101 ("CC" – Corridor Commercial Overlay District) of the Zoning Ordinance, and as amended.

**APPLICATION SUBMITTAL DATE:** October 10, 2011 (Original Application)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 53.02 acres of land, located on the east side of Community Avenue and on the south side of U.S. Highway 380 (University Drive) from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "BG" – General Business District, "O" – Office District, and "CC" – Corridor Commercial Overlay District. The applicant is proposing to remove the planned development district requirements to allow for more flexibility in the development of the subject property.

**PLATTING STATUS:** The majority of the subject property is currently unplatted. A portion of the subject property, on the north side, is platted as Lots 1A, 1B, and 1C of

the Jawdabs Subdivision. A record plat or plats, subject to review and approval by the Director of Planning, must be filed for recordation with the Collin County Clerk, prior to issuance of a certificate of occupancy.

**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. 2008-08-085 (Office Uses), “PD” – Planned Development District Ordinance No. 2007-09-086 (General Business Uses), and “CC” – Corridor Commercial Overlay District

North	“PD” – Planned Development District Ordinance No. 2007-09-086 (Commercial and Office Uses) and “CC” – Corridor Commercial Overlay District	Brakes Plus and QuikTrip (QT)
	“PD” – Planned Development District Ordinance No. 2000-02-017 (Office Uses) and “CC” – Corridor Commercial Overlay District	Undeveloped Land
	“O” – Office District, “PD” – Planned Development District Ordinance No. 1440, and “CC” – Corridor Commercial Overlay District	Collin County Community College
	“PD” – Planned Development District Ordinance No. 2006-10-112 (Commercial Uses), and “CC” – Corridor Commercial Overlay District	380 Towne Crossing Shopping Center
South	“PD” – Planned Development District Ordinance No. 98-04-24 (Townhome and Multiple Family Residential Uses)	Undeveloped Land
	“C” – Planned Center District	Undeveloped Land
East	“PD” – Planned Development District Ordinance No. 98-10-57 (Commercial Uses)	Cameron Crossing Retail Shopping Center
	“PD” – Planned Development District Ordinance No. 2007-09-086 (Commercial	Brakes Plus

and Office Uses) and “CC” – Corridor Commercial Overlay District

“C” – Planned Center District

Undeveloped Land

West

“PD” – Planned Development District Ordinance No. 1281 (Office and Industrial Uses) and “CC” – Corridor Commercial Overlay District

Raytheon Network Centric Systems (NCS)

PD – Planned Development District Ordinance No. 2004-07-070 (Commercial and Office Uses) and “CC” – Corridor Commercial Overlay District

Undeveloped Land

“PD” – Planned Development District Ordinance No. 2007-09-086 (Commercial and Office Uses) and “CC” – Corridor Commercial Overlay District

CVS and Undeveloped Land

“PD” – Planned Development District Ordinance No. 2007-09-086 (Commercial and Office Uses) and “CC” – Corridor Commercial Overlay District

QuikTrip

“PD” – Planned Development District Ordinance No. 2000-02-017 (Office Uses) and “CC” – Corridor Commercial Overlay District

Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “BG” – General Business District, “O” – Office District, and “CC” – Corridor Commercial Overlay District. The applicant is proposing establish two different zoning designations for the subject property. The northern two thirds of the subject property (approximately 35.35 acres) is proposed to be “BG” – General Business District. A portion of this property is also included in the “CC” – Corridor Commercial Overlay District which allows increased building heights and modified architectural design requirements. Staff is comfortable with the proposed BG zoning designation on the northern portion of the subject property.

The southern one third of the subject property (approximately 17.63 acres) is proposed to be “O” – Office District. Since Tract 2 is adjacent to residential zoning districts on its south side, Staff feels that the “O” – Office District is appropriate since it is the Zoning Ordinance’s least intensive commercial zoning district.

Staff feels that the governing planned development districts, which include layout restrictions and special ordinance requirements, are not necessary to maintain on the subject property and that the proposed rezoning to straight zoning districts will be more suitable for future development as it allows more flexibility in responding to current market demands.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for office and commercial uses. The Future Land Use Plan modules diagram designates the subject property as office park 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 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 establishing “land use patterns that address appropriate transition and mix of uses” and by “considering real estate market forces.”
- **Impact on Infrastructure:** The Future Land Use Plan designates the subject property generally for office and 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 have a 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 office 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 have a minimal 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, industrial, and residential 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, industrial, and residential 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. 2007-09-086
- Existing “PD” – Planned Development District Ordinance No. 2008-08-085
- Proposed Zoning Exhibit (2 pages)
- PowerPoint Presentation