

**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 Bob Tomes Ford, on Behalf of McKinney Lone Star Enterprises, L.P., for Approval of a Request to Rezone Fewer than 6 Acres from “PD” – Planned Development District to “PD” – Planned Development District, Generally to Modify the Development Standards, Located on the Southeast Corner of Park View Avenue 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 January 7, 2013 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to lack of compatibility with the adjacent land uses.

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

1. Use and development of the subject property shall develop in accordance with “PD” – Planned Development District Ordinance No. 99-04-038, and as amended, except as follows:
  - a. The development of the subject property shall generally conform to the attached site layout.
  - b. A 20’ landscape buffer shall be required along Park View Avenue.
  - c. A 6’ tall masonry screening wall shall be constructed along Park View Avenue to screen the storage of vehicles, as shown on the attached site layout.
  - d. A 6’ tall wrought iron fence with sufficient evergreen landscaping to create a screening effect, shall be constructed along the eastern property line, as shown on the attached site layout.

- e. Evergreen screening shrubs (from the Approved Plant List, Appendix A of the Zoning Ordinance) shall be planted at a minimum height of 3 feet (acceptable for 6 foot screening at maturity) and spaced at 4 feet on center along Park View Avenue.

**APPLICATION SUBMITTAL DATE:** November 11, 2013 (Original Application)  
 November 25, 2013 (Revised Submittal)  
 December 4, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 5.32 acres of land, located on the southeast corner of Park View Avenue and North Brook Drive from “PD” – Planned Development District to “PD” – Planned Development District, generally to reduce the required landscape buffer from 60 feet to 20 feet along Park View Avenue and to modify the screening requirements for the storage of vehicles on the property. There is currently a collision center on the northern portion of the subject property, and the applicant has indicated their intent to expand the collision center and install additional parking spaces for the storage of vehicles onto the southern portion of the lot.

The subject property was previously rezoned in 1999 in order to allow an auto paint and body shop on the property. The existing 60 foot landscape buffer along Park View Avenue was put in place as part of “PD” – Planned Development District Ordinance No. 99-04-038 specifically to mitigate any land use conflicts with surrounding properties (including single family residential and park uses) that were created by adding the auto painting and body shop use to 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: “PD” – Planned Development District Ordinance No. 99-04-038  
 (Commercial Uses)

North	“PD” – Planned Development District Ordinance No. 94-01-02 (Single Family Residential Uses)	North Brook Estates
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South	“PD” – Planned Development District Ordinance No. 1400 (Park/Open Space Uses)	Al Ruschhaupt Soccer Complex
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East	“PD” – Planned Development District Ordinance No. 2005-07-073 and “CC” – Corridor Commercial Overlay District (Commercial Uses)	Cube Smart
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West	“PD” – Planned Development District Ordinance No. 1400 (Park/Open Space and Commercial Uses)	Colonial Assisted Living Ruschhaupt Complex	Lodge and AI Soccer Complex
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**PROPOSED ZONING:** The applicant is requesting to rezone the subject property generally to modify the landscape buffers set forth in the current planned development ordinance, as well as to modify the screening requirements for the storage of cars waiting to be repaired. Currently, the minimum required landscape buffer is 60 feet along Park View Avenue, and serves as a way to buffer the surrounding properties from the auto painting and body shop use. The applicant is requesting to reduce the landscape buffer to 20 feet where adjacent to Park View Avenue and the proposed car storage area, and construct a 6-foot tall masonry screening wall and associated landscaping within the buffer. Staff is of the opinion that the existing required 60-foot landscape buffer was put in place to minimize negative impacts of this use on the surrounding adjacent land uses. Staff sees no reason why the required 60-foot landscape buffer would no longer be required, and as such, Staff recommends denial 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 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 generally not in conformance with the goals and objectives of the Comprehensive Plan, particularly the goal of Land Use Compatibility and Mix, specifically the objective of 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 as the base zoning of “C” – Planned Center District is not changing.
- **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 as the base of “C” – Planned Center District is not changing.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The properties located adjacent to the subject property are zoned for commercial, public park, and single family residential uses. The proposed rezoning request will not alter the land uses currently allowed on the subject property; however, a 60’ landscape buffer was approved as a special ordinance provision when the property was rezoned to allow auto painting and body shop uses in 1999. This

provision was put in to place to help reduce the negative impacts on surrounding and adjacent properties and to satisfy some of the concerns of nearby residents (see attached minutes). As such, Staff feels that reducing the landscape buffer to 20' would decrease the compatibility between the subject property and the surrounding and adjacent properties.

- 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.

**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
- Previous Planning and Zoning Commission Report Case #99-018Z
- Planning and Zoning Commission Minutes 03-09-1999
- City Council Minutes 04-06-1999
- Existing "PD" – Planned Development District Ordinance No. 99-04-038
- Proposed Zoning Exhibit – Metes and Bounds
- Proposed Zoning Exhibit – Site Layout
- PowerPoint Presentation