

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Anthony Satarino, Planner I

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Kimley-Horn And Associates, Inc., on Behalf of Creststone Investors, L.L.C., for Approval of a Request to Rezone Fewer than 15 Acres from “MH” – Heavy Manufacturing District and “ML” – Light Manufacturing District to “PD” – Planned Development District, Generally to Modify the Uses and Development Standards, Located Approximately 1,700 Square Feet North of Plateau Drive and on the East Side of McDonald Street (State Highway 5)

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at June 18, 2013 meeting.

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

1. Tract 1, as shown on the attached zoning exhibit, of the subject property shall develop in accordance with Section 146-86 “C” – Planned Center District, and as amended, except as follows:
  - a) Office/Retail/Warehouse Flex Space shall be an allowed use. Office/Retail/Warehouse Flex Space shall be an allowed use and shall be defined as a commercial building that features a small retail or office use in combination with a larger warehouse use. The warehouse use of this building shall be no more than five times larger than the office or retail use that it is associated with or a maximum of 10,000 square feet, whichever is smaller. This building type shall be subject to the “non-residential uses in non-industrial districts” architectural design requirements of Section 146-139 of the Zoning Ordinance.
  - b) Residential uses shall be prohibited.
2. Tract 2, as shown on the attached zoning exhibit, of the subject property shall develop in accordance with Section 146-90 “ML” – Light Manufacturing District, and as amended, with the following exceptions:

- a) A concrete or asphalt batch plant shall be an allowed use.
- b) Dirt, topsoil, sand, gravel, and other similar material storage shall be an allowed use.

3. One canopy tree shall be required for every 30 linear feet of street frontage.

**APPLICATION SUBMITTAL DATE:** April 29, 2013 (Original Application)  
 May 13, 2013 (Revised Submittal)  
 May 21, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 14.60 acres of land, located approximately 1,700 square feet north of Plateau Drive and on the east side of McDonald Street (State Highway 5) from “MH” – Heavy Manufacturing District and “ML” – Light Manufacturing District to “PD” – Planned Development District, generally to allow additional uses and modify the development standards on the property. The applicant has proposed two zoning designations on the subject property; “C” – Planned Center District (Tract 1 - approximately 3.73 acres) for commercial uses and “ML” – Light Manufacturing District (Tract 2 - approximately 10.88 acres) for industrial uses.

**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:	“ML” – Light Manufacturing District and “MH” – Heavy Manufacturing District”	
North	“ML – Light Manufacturing District and “MH – Heavy Manufacturing District	TXI Operations
South	“MP” – Mobile Home Park District	Villa View Mobile Home Park
East	“AG” – Agricultural District	Undeveloped Property
West	“RS-120” – Single Family Residential District	Single Family Residential Home
	“AG” – Agricultural District	Undeveloped Property

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “MH” – Heavy Manufacturing District and “ML” – Light Manufacturing District to “PD” – Planned Development District, generally to allow additional uses and modify the

development standards on the property. The applicant has requested the following special ordinance provisions:

1. Tract 1, as shown on the attached zoning exhibit, of the subject property shall develop in accordance with Section 146-86 “C” – Planned Center District, and as amended, except as follows:
  - a) Office/Retail/Warehouse Flex Space shall be an allowed use. Office/Retail/Warehouse Flex Space shall be an allowed use and shall be defined as a commercial building that features a small retail or office use in combination with a larger warehouse use. The warehouse use of this building shall be no more than five times larger than the office or retail use that it is associated with or a maximum of 10,000 square feet, whichever is smaller. This building type shall be subject to the “non-residential uses in non-industrial districts” architectural design requirements of Section 146-139 of the Zoning Ordinance.
    - Tract 1 is proposed to develop under the “C” – Planned Center District regulations of the Zoning Ordinance. Since the base zoning designation is changing from “ML” – Light Manufacturing District and “MH” – Heavy Manufacturing to “C” – Planned Center District, the architectural standards for the site will follow the regulations for a non-residential use in a non-industrial district per the requirements of Section 146-139 Architectural and Site Standards of the Zoning Ordinance. With that said, Staff is comfortable supporting this special ordinance provision.
  - b) Residential uses shall be prohibited.
    - The applicant has requested that residential uses be prohibited within the “C” – Planned Center District due to the adjacent industrial zoning and uses. As such, Staff supports this special ordinance provision.
2. Tract 2, as shown on the attached zoning exhibit, of the subject property shall develop in accordance with Section 146-90 “ML” – Light Manufacturing District, and as amended, with the following exceptions:
  - a) A concrete or asphalt batch plant shall be an allowed use.
  - b) Dirt, topsoil, sand, gravel, and other similar material storage shall be an allowed use.
    - The majority of Tract 2 is currently zoned as “MH” – Heavy Manufacturing District. However, there is small portion of the subject property that is currently zoned as “ML” – Light

Manufacturing District. The applicant is requesting to remove the “MH” – Heavy Manufacturing District designation from the property; however, the property is currently being used for storage of dirt, topsoil, sand, gravel or similar material as well as being used as a concrete batch plant. Both of these uses are only allowed within the “MH” – Heavy Manufacturing District, therefore, the applicant has requested these uses be allowed to remain on Tract 2. Staff is comfortable allowing the continued uses as outlined above.

3. One canopy tree shall be required for every 30 linear feet of street frontage.

- Section 146-94 (“PD” – Planned Development District) of the Zoning Ordinance. Section 146-94(b) of the Zoning Ordinance states that no proposed PD District may be approved without ensuring a level of exceptional quality or innovation for the associated design or development. Currently, the Zoning Ordinance requires that one canopy tree be provided for every 40 linear foot of street frontage. The applicant is proposing a special ordinance provision that will increase this requirement to 1 canopy tree for every 30 linear feet of street frontage. Staff is comfortable with this proposed special ordinance provision and feels that it satisfies the intent of the Zoning Ordinance’s requirement.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for light and heavy manufacturing uses. 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 Comprehensive Plan Goals and Objectives. A main goal of the Comprehensive Plan is to provide “Land Use Compatibility and Mix” through the stated objective of “Land use patterns that optimize and balance the tax base of the City”.
- 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 since the majority of the proposed uses are currently allowed on the subject property.
- Impact on Public Facilities/Services: The proposed rezoning request should have a minimal impact on Public facilities and services such as schools, fire and police, libraries, parks and sanitation services since the majority proposed uses are currently allowed on the subject property.

- Compatibility with Existing and Potential Adjacent Land Uses: Staff believes the rezoning request will be compatible with the surrounding properties zoned for mobile home park, agriculture and heavy and light manufacturing uses.
- Fiscal Analysis: The attached fiscal analysis shows a positive net cost benefit of \$60,918 using the full cost method.
- Concentration of a Use: Staff does not feel that the proposed rezoning request would bring about an over concentration of commercial and industrial 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 comment either in favor or opposition to the proposed rezoning request

**ATTACHMENTS:**

- Maps
- Letter of Intent
- Proposed Zoning Exhibit
- Fiscal Analysis
- PowerPoint Presentation