PLANNING & ZONING COMMISSION MEETING OF 10-08-13 AGENDA ITEM #13-187Z

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 Baird, Hampton & Brown, Inc., on Behalf of TCG Custer/380 Investors, L.L.C., for Approval of a Request to Rezone Fewer than 2 Acres from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "BG" – General Business District and "CC" – Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located on the Southeast Corner of Custer Road and 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 November 5, 2013 meeting.

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

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

ITEM SUMMARY: The applicant is proposing to rezone approximately 1.24 acres of land, located on the southeast corner of Custer Road and U.S. Highway 380 (University Drive) from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "BG" – General Business District and "CC" – Corridor Commercial Overlay District, generally to modify the development standards.

The applicant has indicated their intention to construct a stand-alone emergency room facility on the subject property.

PLATTING STATUS: The subject property is currently platted as Lot 2, Block A of the Parcel 601-603 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. 2003-02-015 and "CC" – Corridor Commercial Overlay District (Commercial Uses)	
North	"PD" – Planned Development District Ordinance No. 2002-04-033, "PD" – Planned Development District Ordinance No. 2003-03-019, "PD" – Planned Development District Ordinance No. 2004-09-093 and "CC" – Corridor Commercial Overlay District (Commercial Uses)	Undeveloped Land
South	"PD" – Planned Development District Ordinance No. 2011-09-056 and "CC" – Corridor Commercial Overlay District (Commercial Uses)	Fabulous Car Wash
East	"PD" – Planned Development District Ordinance No. 2004-09-093 and "CC" – Corridor Commercial Overlay District (Commercial Uses)	7-Eleven Gas Station
West	"PD" – Planned Development District Ordinance No. 2004-10-109 and "CC" – Corridor Commercial Overlay District (Commercial Uses)	Wells Fargo Bank

PROPOSED ZONING: The applicant is requesting to rezone the subject property from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, generally for commercial uses, to "BG" – General Business District and "CC" – Corridor Commercial Overlay District, generally to modify the development standards.

The current governing planned development district (Ordinance No. 2003-02-015) designates the subject property as "R-2" – Retail District. The purpose of said retail district is to provide for "medium intensity concentrations of shopping and related commercial activities." The retail district allows for uses within the "BN" – Neighborhood Business District in addition to several other commercial uses as listed within the district.

The applicant is requesting to rezone the subject property to "BG" – General Business District in order to allow standard general business uses, which would include emergency room facilities. Although the applicant has stated that the intent of the owner of the subject property is to construct an emergency room facility on the subject

property at this time, the subject property could develop with a wide array of commercial uses (ex. retail, office, restaurant, etc.) should the proposed rezoning request be approved. According to Section 146-85 ("BG" – General Business District) of the Zoning Ordinance, the requested zone is "designed to provide for a wide range of retail and service establishments," which is similar to the current "R-2" – Retail District currently applicable to the subject property through the governing planned development district.

Staff feels that the proposed zoning district is 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 located at the intersection of U.S. Highway 380 (University Drive) and Custer Road, a major regional highway and a principal arterial respectively, the requested zoning district can provide a balance of accessible general business uses in close proximity to existing and future complementary development.

Staff feels comfortable supporting this request since the requested zoning district is similar to the current governing zoning district and is in keeping with the City of McKinney's Comprehensive Plan. Staff recommends approval of the proposed rezoning request.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan Modules Diagram designates the subject property as Community Village within an area with minimal development (i.e. an undeveloped area). The Comprehensive Plan lists factors to be considered when a rezoning is being considered within an undeveloped area as follows:

- Conformance with Desired Land Use Mix: The proposed rezoning request is within the allowable percentages for each land use in this module (Module 6). Since the proposed rezoning request does not propose to significantly alter the allowed land uses, there should not be a significant change of the land use mix should the rezoning request be approved. The attached Module Tracking Sheet shows the remaining acres of each land use allowed in this module.

- Locational Criteria: The locational criteria in the Comprehensive Plan provide a guide as to where uses should be located in relation to major roadways, adjacent uses, public facilities, etc. It is understood that some uses require greater visibility from major roadways and/or a greater ease of access. The Future Land Use Plan Modules Diagram designates the subject property as Community Village. The Community Village module is located at intersections of arterials, and its primary use is Retail-Regional which is consistent with the proposed rezoning request. Since the proposed rezoning request does not propose to significantly alter the allowed land uses, there should be a minimal impact of the future uses in relation to the surrounding area and city as a whole. The allowed uses included in the proposed rezoning request are within the appropriate locations as shown on the Future Land Use Plan Modules Diagram.

- Compliance with Community Form: Community form describes the character of the built environment in each module. While the land use mix and locational criteria sections are more related to the type of land use, the community form deals more with the way development relates to the built environment. The Future Land Use Plan Modules Diagram designates the subject property as Community Village. Since the proposed rezoning request is not attaching a layout to the zoning district, the form of future uses will consider the village concept community form that the Community Village module calls for when the subject property is further into the planning process.

- Impact on Infrastructure: Since the proposed rezoning request does not significantly alter the type or intensity of land uses and is consistent with the anticipated land use, 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: Since the proposed rezoning request does not significantly alter the type or intensity of land uses and is consistent with the anticipated land use, the proposed rezoning request should 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 to the east and south are zoned for similar commercial uses, and there is an existing residential neighborhood (La Cima Haven Meadows) approximately 700 feet to the south. The Comprehensive Plan states that Staff should make assessments and recommendations based on the anticipated uses expected in the long term for tracts that are developing within areas of minimal development, such as the subject property. In addition, the proposed development should be considered within the context of the entire city and the Comprehensive Plan as a whole. Given these criteria, Staff feels that the proposed rezoning request is compatible with existing and expected development. The Community Village module covering the subject property is intended to concentrate higher-intensity commercial uses around arterial intersections in a suburban residential area which is consistent with the proposed rezoning request. The proposed rezoning request should provide for a wide range of commercial uses that can serve the needs of the nearby residents and complement the adjacent commercial uses.

- Timing of Zoning Request: The proposed rezoning request for general business or commercial uses does not appear to hinder or negatively impact the ability of the module to develop the primary land use, regional retail.

- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the proposed rezoning request does not significantly alter the commercial uses currently allowed on the subject property.

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
- Module Tracking Sheet (Module 6)
- Proposed Zoning Exhibit
- PowerPoint Presentation