

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Alex Glushko, Planner II

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of R.D. Offutt Company, for Approval of a Request to Rezone Fewer than 11 Acres from "C" – Planned Center District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located on the Southeast Corner of Wilmeth Road and U.S. Highway 75 (Central Expressway)

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the March 5, 2013 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 shall conform to the regulations of the "C" - Planned Center District, and "CC" – Corridor Commercial Overlay District, and as amended, except as follows:
  - a) Heavy machinery sales and service shall be a permitted use.
- 2) The subject property shall generally conform to the layout of the proposed zoning exhibit (Exhibit "B").
- 3) The use of gravel shall be allowed as a paving material in the overnight vehicle storage area, in conjunction with the associated screening devices, as shown on the attached zoning exhibit (Exhibit "B").
- 4) The use of vinyl coated, chain linked fencing with slats shall be permitted along the east, west, and south sides of the overnight vehicle storage area, as shown on the attached zoning exhibit (Exhibit "B").

- 5) The orientation of overhead bay doors shall be allowed toward street frontage (Wilmeth Road), in conjunction with the associated screening devices, as shown on the attached zoning exhibit (Exhibit "B").
- 6) The construction of the proposed building on the subject property shall achieve a Leadership in Energy and Environmental Design (LEED) certification.

**The applicant has requested two additional provisions which Staff is recommending denial of:**

- 7) The subject property shall be allowed to develop without providing a minimum of 50 percent brick, stone, or synthetic stone material along each wall, and that the subject property shall generally conform to the architectural rendering of the proposed zoning exhibit (Exhibit "C").
- 8) The subject property shall be allowed to develop without paved and striped spaces for the overnight storage of vehicles.

**APPLICATION SUBMITTAL DATE:** January 14, 2013 (Original Application)  
 January 29, 2013 (Revised Submittal)  
 February 4, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 10.79 acres of land, located on the southeast corner of Wilmeth Road and U.S. Highway 75 (Central Expressway) from "C" – Planned Center District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" - Corridor Commercial Overlay District, generally to allow for the additional use of heavy machinery sales and service and to modify various development standards for the subject property.

**PLATTING STATUS:** The subject property is currently unplatted. 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: "C" – Planned Center District (Commercial Uses) and "CC" – Corridor Commercial Overlay District (High Rise Subzone)

North	"C" – Planned Center District (Commercial Uses) and "CC" – Corridor Commercial Overlay District (High Rise Subzone)	Undeveloped Land
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South	“PD” – Planned Development District Ordinance No. 1563 (Office and Light Manufacturing Uses) and “CC” – Corridor Commercial Overlay District (High Rise Subzone)	Eldorado Chevrolet
East	“PD” – Planned Development District Ordinance No. 1563 (Office and Light Manufacturing Uses)	Undeveloped Land
West	“C” – Planned Center District (Commercial Uses) and “CC” – Corridor Commercial Overlay District (High Rise Subzone)	Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone approximately 10.79 acres of land, located on the southeast corner of Wilmeth Road and U.S. Highway 75 (Central Expressway) from “C” – Planned Center District and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District and “CC” - Corridor Commercial Overlay District.

With this request, the applicant is proposing to retain the “C” – Planned Center District and “CC” – Corridor Commercial Overlay District classifications; however, the applicant has requested that the heavy machinery sales and service use be allowed on the property, and has requested to modify various other development standards, specifically related to paving material, screening material, bay door orientation, architectural standards, and overnight vehicle storage parking requirements. In general, Staff is comfortable with many of the special ordinance provisions requested by the applicant and is recommending approval of those aspects of the request. However, there are two special ordinance provisions that Staff is not comfortable supporting, and are discussed in further detail below.

**Staff is in support and recommends approval of the following special ordinance provisions for the subject property:**

- 1) Use and development of the subject property shall conform to the regulations of the “C” - Planned Center District, and “CC” – Corridor Commercial Overlay District, and as amended, except as follows:
  - Heavy machinery sales and service shall be a permitted use.
- 2) The subject property shall generally conform to the site layout of the proposed zoning exhibit (Exhibit “B”).

- The site layout exhibit features an approximately 33,000 square foot building, which includes areas for display, offices, parts sales, and repair/service areas. Additionally, a display area for heavy machinery is proposed next to the U.S. Highway 75 frontage and a gravel area for overnight storage of vehicles is proposed towards the center portion of the property. By requiring general conformance with the proposed site layout exhibit, the ultimate layout may be altered slightly once the development plans have been engineered and finalized.
- 3) The use of gravel shall be allowed as a paving material in the overnight vehicle storage area, in conjunction with the associated screening devices, as shown on the attached zoning exhibit (Exhibit "B").
- Section 146-130 (Vehicle Parking) of the City of McKinney's Zoning Ordinance states that, "all required off-street parking, maneuvering, and loading areas shall be paved with concrete or asphaltic material in accordance with parking lot requirements in the city's design standards, except where another surface is approved through the site plan process for special loading/unloading operations such as storage or use of tracked equipment."
  - The applicant is requesting to use gravel in the overnight vehicle storage area for the purposes of maneuvering tracked equipment in the area designated to store machinery awaiting service. Staff feels that due to the types of vehicles that will be at the facility, the proposed use of gravel is appropriate and can minimize potential damage to concrete drives constructed on the property as the tracked vehicles maneuver on-site.
  - The applicant is proposing to screen the overnight vehicle storage area with a 6 foot tall masonry screening device on the north side of the area, in accordance with screening requirements of the Zoning Ordinance. Additionally, the applicant is proposing an alternate screening device on the east, west, and south sides of the overnight vehicle storage area by providing a 6 foot tall vinyl coated, chain linked fence with slats.
- 4) The use of vinyl coated, chain linked fencing with slats shall be permitted along the east, west, and south sides of the overnight vehicle storage area, as shown on the attached zoning exhibit (Exhibit "B").
- Section 146-132 (Fences, walls, and screening requirements) of the City of McKinney's Zoning Ordinance states that, "at motor vehicle service or repair facilities or automotive paint and body repair shops, vehicles awaiting repair for more than 24 hours or after the close of business shall be screened from view from public right-of-way and from adjacent residential property. Parking spaces used for the overnight vehicle storage of vehicles awaiting repair must be screened in accordance with the requirements of this section."

- As stated above, the applicant is proposing a 6 foot tall masonry screening device along the north side of the overnight storage of vehicles area in accordance with the screening requirements of the Zoning Ordinance, which will screen the overnight vehicle storage area from Wilmeth Road. However, the applicant is proposing to use an alternate screening device, made up of a vinyl coated, chain linked fencing with slats along the east, west, and south sides of the overnight vehicle storage area. The overnight vehicle storage area will be screened from views from the west by the proposed building and is setback in excess of 400 feet from Redbud Boulevard to the east. Future building(s) and development on the eastern portion of the subject property will further screen the vehicle storage area from Redbud Boulevard. To the south of the proposed fencing, an approximately 75 foot wide drainage area with significant existing tree line should mitigate negative impacts on the southern adjacent property.
- 5) The orientation of overhead bay doors shall be allowed toward street frontage (Wilmeth Road), in conjunction with the associated screening devices, as shown on the attached zoning exhibit (Exhibit "B").
- Section 146-132 (Fences, walls, and screening requirements) of the City of McKinney's Zoning Ordinance states that, "overhead bay doors in any non-industrial district shall be oriented away from adjacent street frontage." The applicant is proposing to orient 8 overhead bay doors toward Wilmeth Road, which is not allowed by the Zoning Ordinance. However, the applicant is proposing to screen the overhead bay doors with a 6 foot tall wrought iron fence with masonry columns and a living screen in accordance with the screening requirements of the Zoning Ordinance, as shown on the attached exhibit. Additionally, due to an expanded shoulder flare-out in Texas Department of Transportation (TxDOT) right-of-way, the overhead bay doors are setback approximately 200 feet from the main travel lanes of Wilmeth Road.
- 6) The construction of the proposed building on the subject property shall achieve a Leadership in Energy and Environmental Design (LEED) certification.
- Section 146-94 (PD - Planned Development District) of the City of McKinney's Zoning Ordinance states, "no proposed PD District ordinance may be approved without ensuring a level of exceptional quality or innovation for the associated design or development. Exceptional quality or innovation could come in many forms including, but not limited to, enhanced landscaping, creative site or architectural designs, or some other innovative elements(s)." The applicant has stated in their Letter of Intent:

*"RDO Equipment Company will be designing our new RDO – McKinney store to meet the LEED certification design standards, as set forth by the United State Green Building Council (USGBC). Our*

*goal is to meet and/or exceed the current energy code requirements along the way, setting a benchmark for future area developments. We also plan to incorporate a Wash Bay facility that reclaims 100% of the wash water for future reuse, as we have done at our other store locations. We will be mindful of the environment through our material selection process, to include our site landscaping plan. We plan to use as many local and regional building materials as possible. In our effort to achieve a sustainable, energy efficient structure we will continue to uphold the highest aesthetic standards.”*

- Staff feels that this provision meets the intent of the ordinance by both providing for an exceptional quality, beyond that required by City Code, as well as being innovative, in that LEED certification design standards serve to complement the City of McKinney’s *Unique by Nature* character.

**The applicant has requested two additional provisions which Staff is recommending denial of:**

7. The subject property shall be allowed to develop without providing a minimum of 50 percent brick, stone, or synthetic stone material along each wall, and that the subject property shall generally conform to the architectural rendering of the proposed zoning exhibit (Exhibit “C”).
  - Section 146-139 (Architectural and Site Standards) in the Zoning Ordinance requires a minimum point score of 85 points for non-residential uses in non-industrial districts in order for the architectural elevations to be approved by Staff. The Architectural and Site Standards state that for all non-residential uses in non-industrial districts, at least 50 percent of each wall shall be covered with a masonry finishing material. Acceptable primary masonry finishing materials are brick, stone, or synthetic stone materials, including, but not limited to slate, flagstone, granite, limestone and marble.
  - The applicant’s proposal does not meet the minimum standards set forth by the City Council for commercial buildings in commercial zoning districts. The applicant has not proposed to utilize a minimum of 50 percent of approved primary masonry finishing materials for each wall of the building. The architectural rendering submitted by the applicant propose the use of concrete panels for 95% of the southern elevation, 89% of the eastern elevation, 77% of the northern elevation, and 51% of the western elevation. The applicant has also proposed the use of EIFS for 3% of the southern elevation, 7% of the eastern elevation, 13% of the northern elevation, and 39% of the western elevation.
  - Staff sees great potential for the future development of the northern section of the U.S. Highway 75 corridor, and feels that high quality development along the corridor is crucial to providing a visually appealing corridor for both

passerby traffic and McKinney residents traveling around the City. Potentially, approval of this request could lead to additional similar requests from other commercial properties along the U.S. Highway 75 corridor wishing to develop their property in a similar architectural manner rather than by the standards currently allowed/preferred on commercially zoned properties. As such, Staff recommends denial of this special ordinance provision.

- 8) The subject property shall be allowed to develop without paved and striped spaces for the overnight storage of vehicles.
  - Section 146-130 (Vehicle Parking) of the City of McKinney's Zoning Ordinance states that, "all types of motor vehicle service or repair facilities must have a designated area on the site plan for the overnight storage of vehicles awaiting repair. If overnight storage is proposed a minimum of 1 overnight storage parking space must be provided for each proposed service bay." While Staff is comfortable with the use of gravel for maneuvering in the overnight vehicle storage area, Staff is not comfortable removing the requirement to pave and stripe parking spaces designated for vehicles awaiting repair overnight. Without designated paved parking spaces for the overnight storage of vehicles, Staff will be unable to verify that the minimum number of required overnight storage spaces will be available at any given point in the future, and the potential for additional equipment storage in the area restricting the applicant from proper storage of vehicles is a concern.

**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 Commercial 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:** One of the Comprehensive Plan's Goals and Objectives is to provide "Attractive Urban Design Elements" through the stated objective of "US 75 as an attractive corridor through appropriate urban design." The U.S. Highway 75 corridor is our City's primary gateway from the north and south, and Staff is of the opinion that the proposed architectural elevations will not contribute to the attractiveness of the U.S. Highway 75 corridor as they do not comply with the standards set forth for commercial buildings in commercial zoning districts. However, another goal of the Comprehensive Plan is "Land Use Compatibility and Mix" through the stated objective of "Land use patterns that complement one another." The proposed heavy machinery sales and service use should be compatible with the existing adjacent uses and zoning districts, and thus achieves this goal of the Comprehensive Plan.
- **Impact on Infrastructure:** The subject property is designated for commercial uses on the Future Land Use Plan. The City's water master plan, sewer master plan, and master thoroughfare plan are based on the anticipated land uses as shown

on the Future Land Use Plan. Although the proposed use is not currently allowed within the base zoning designation, the proposed rezoning request does not alter the base zoning district of the subject property and should have a minimal impact on the existing and planned water, sewer, and thoroughfare plans in the area. While Staff examined the impact that the heavy machinery sales and service use would have on the public infrastructure in the area, it is not a determining factor in Staff's recommendation of denial.

- Impact on Public Facilities/Services: The subject property is designated for commercial uses on the Future Land Use Plan. Similar to infrastructure, the public facilities and services are all planned for based on the anticipated land uses as shown on the Future Land Use Plan. The proposed rezoning request does not alter the base zoning district of the subject property and should have minimal impact on projected and planned public facilities/services, such as schools, fire and police, libraries, parks and sanitation services. While Staff examined the impact that the heavy machinery sales and service use would have on the public facilities/services in the area, it is not a determining factor in Staff's recommendation of denial.
- Compatibility with Existing and Potential Adjacent Land Uses: The property located adjacent to the north of the subject property is zoned "C" – Planned Center District for commercial use on which a truck and vehicle fueling station is currently being developed. The property located adjacent to the south of the subject property is zoned "PD" – Planned Development District for office and light manufacturing uses and is being utilized for automobile sales. The property located adjacent to the east of the subject property is zoned "PD" – Planned Development District for office and light manufacturing uses and is currently undeveloped. Staff feels that heavy machinery sales and service use should not have a negative impact on the developability of surrounding tracts due to their existing zoning designations.
- Fiscal Analysis: Staff feels that there will not be a significant change in the economic impact associated with the proposed rezoning request since it does not alter the base commercial zoning of the property. As such, Staff did not perform a fiscal analysis for this request.
- Concentration of a Use: The proposed rezoning request does not create an overconcentration of the use in the immediate 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 one email in opposition to the proposed rezoning request, and has been attached. Staff has received no additional comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Opposition Email
- Zoning Exhibit – Site Layout
- Zoning Exhibit – Architectural Rendering
- PowerPoint Presentation