

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Brandon Opiela, Planning Manager

FROM: Steven Duong, Planner I

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Hendrick Automotive Group, on Behalf of Carleton Group II, Inc., 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 Rockhill Road and Wilson Creek Boulevard

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the January 7, 2014 meeting.

STAFF RECOMMENDATION: Staff recommends denial of the proposed rezoning request due to the incompatibility of the proposed auto painting and body shop use with adjacent residential uses.

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

1. The subject property shall develop in accordance with Section 146-85 “BG” – General Business District, and as amended, except as follows:
 - a. Prohibited uses:
 1. Residential Uses
 2. Automobile trailer, light truck, tool rental
 3. Automotive sales
 4. Motorcycle, boat (sales, repair, storage)
 5. Bait Shop
 6. Building material sales or monument sales
 7. Bus station
 8. Cleaning plant, laundry
 9. Creamery (dairy products)
 10. Farm implement sales and service
 11. Frozen food lockers
 12. Funeral homes and mortuaries

- 13. Halfway house
- 14. Pawnshops
- 15. Railroad track or right-of-way
- 16. Recreational vehicle sales
- 17. Sexually oriented business

2. All buildings constructed on the property shall be subject to the Architectural and Site Standards section of the Zoning Ordinance, except that each wall of all buildings constructed on the subject property shall be finished with 100 percent masonry (brick, stone, or synthetic stone), calculated exclusive of doors and windows.

APPLICATION SUBMITTAL DATE: November 11, 2013 (Original Application)
 November 25, 2013 (Revised Submittal)
 November 26, 2013 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 5.54 acres of land, located on the southeast corner of Rockhill Road and Wilson Creek Boulevard from “PD” – Planned Development District to “PD” – Planned Development District, generally to modify the development standards and allowed uses on the property. The existing zoning on the property designates the property for multiple family residential uses. The applicant has indicated to Staff their intent is to construct an auto painting and body shop on the subject property, including limited automotive repair.

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. 1354 (Multiple Family Residential Uses)

North	“PD” – Planned Development District Ordinance No. 1338 (Multiple Family and Residential Uses)	Tuscany at Wilson Creek Apartments
South	“PD” – Planned Development District Ordinance No. 1354 (Multiple Family Residential Uses)	Tremore in McKinney Apartments
East	“PD” – Planned Development District Ordinance No. 1498 (Multiple Family Residential Uses)	Undeveloped Land
West	“PD” – Planned Development District	Honda Cars of

PROPOSED ZONING: The applicant is requesting to rezone the subject property to allow for the development of commercial uses (in accordance with the uses allowed within the “BG” – General Business District), while removing several uses (listed in the special ordinance provisions above) that may not be appropriate in close proximity to residential uses, with the exception of auto painting or body shop and auto repair uses.

Section 146-94 (“PD” – Planned Development District) 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. In effort to meet this requirement, the applicant has committed to a 100% masonry exterior (brick, stone, or synthetic stone) on every exterior wall, calculated exclusive of doors and windows.

Given that the surrounding properties to the north and south are zoned and used for multiple family residential uses and that there are existing single family residences to the northeast, approximately 120 feet away from the subject property, Staff recommends denial of the request for commercial uses, including auto painting, body shop, and auto repair uses. Staff feels that the noise and other nuisances typically associated with such uses are not conducive to a residential area.

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:** The proposed rezoning request is generally not in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change is not compatible with the goal of “Land Use Compatibility and Mix,” specifically through the objectives of “land use patterns that complement one another” and “land use patterns that address appropriate transition and mix of uses.”
- **Impact on Infrastructure:** The proposed rezoning request should have a reduced impact on the existing and planned water, sewer and thoroughfare plans in the area due to the proposed change from residential uses to an auto painting or body shop use.
- **Impact on Public Facilities/Services:** The proposed rezoning request should have a reduced impact on public services, such as schools, fire and police, libraries, parks and sanitation services due to the proposed change from multiple residential uses to an auto painting or body shop use.

- Compatibility with Existing and Potential Adjacent Land Uses: The properties located directly to the north and south of the subject property are zoned and constructed as multiple family residential uses. Additionally, there are 4 single family residential lots northeast of the property, located within approximately 120 feet of the subject property. As such, Staff feels that the commercial uses allowed by the proposed rezoning request, including an auto painting or body shop with limited auto repair, will not be compatible with the existing and future adjacent residential uses to the north, east, and south of the subject property due to the noise and other nuisances typically associated with such uses.
- Fiscal Analysis: The attached fiscal analysis shows a positive cost benefit of \$215,764 using the full cost method.
- 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
- Fiscal Analysis
- Existing “PD” – Planned Development District Ordinance No. 1354
- Proposed Zoning Exhibit – Boundary
- Proposed Zoning Exhibit – Metes and Bounds
- PowerPoint Presentation