

PLANNING & ZONING COMMISSION MEETING OF 11-12-13 AGENDA ITEM #13-223Z

**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 Cross Engineering Consultants, on Behalf of McKinney Growth III, for Approval of a Request to Rezone Fewer than 16 Acres from “PD” – Planned Development District to “PD” – Planned Development District, Generally to Modify the Development Standards, Located at the Southeast Corner of Lake Forest Drive and Highlands Drive

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the December 3, 2013 meeting.

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

1. Use and development of the subject property shall conform to the attached development regulations.

**APPLICATION SUBMITTAL DATE:** October 14, 2013 (Original Application)  
October 28, 2013 (Revised Submittal)  
November 5, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to rezone approximately 15.25 acres of land, located at the southeast corner of Lake Forest Drive and Highlands Drive, from “PD” – Planned Development District to “PD” – Planned Development District, generally to allow for a mix of office, retail and commercial uses. While there are currently no plans for Tracts 1, 2, 3, or 5, the applicant has indicated their intent to construct a mini-warehouse facility on Tract 4 of the subject property. The northern half of the subject property (approximately 7.51 acres) is currently zoned for multi-family uses and the southern half (approximately 7.74 acres) of the subject property is zoned for retail, service, and other commercial 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: “PD” – Planned Development District Ordinance No. 1522 (Commercial Uses and Multiple Family Residential Uses)

North	“PD” – Planned Development District Ordinance No. 1522 (Multiple Family Residential Uses)	Undeveloped Land
South	“PD” – Planned Development District Ordinance No. 2000-09-066 and “REC” – Regional Employment Overlay District (Commercial Uses)	7-Eleven and Undeveloped Land
East	“PD” – Planned Development District Ordinance No. 1522 (Commercial Uses and Single Family Residential Uses)	Eldorado Heights Subdivision #1
West	“PD” – Planned Development District Ordinance No. 95-10-55 (Single Family Residential Uses)	Eldorado Heights Subdivision #2

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property generally to modify the development standards to allow for a specific mix of neighborhood office, retail, and service uses, remove multi-family residential uses currently allowed on the subject property, and to allow for a portion of the property to be developed as a self-storage facility. The applicant has divided the subject property into 5 tracts (shown on the associated zoning exhibit) further described below:

Tract 1, located at the north end of the property, is requested to be developed in accordance with the regulations of the “O-1” - Neighborhood Office District.

Tract 2 is requested to be developed in accordance with the regulations of the “NC” - Neighborhood Convenience District, which is designed to provide for a limited range of service and light retail land uses. The applicant has also requested five (5) additional uses; veterinarian (no outside runs), bakery, florist, day-care, and carwash. Veterinarian (no outside runs), bakery, and florist uses are requested to be allowed by right, and day-care and carwash uses to be allowed only with the approval of a Specific Use Permit (SUP). The applicant has also requested to prohibit residential uses on the property.

Tracts 3, 4, and 5 are requested to be developed in accordance with the regulations of the “BG” - General Business District with a number of uses prohibited on the property

including, but not limited to, automotive, sexually oriented business, and residential uses (see attached development regulations for a comprehensive list of prohibited uses). The applicant has also requested that a self-storage facility (mini-warehouse) be an allowed use only on Tract 4, and develop generally as shown on the attached zoning exhibit. Mini-warehouse uses on properties designated for “BG” – General Business District uses, typically require approval by the City Council through the SUP process; however, the applicant has requested this use be allowed by right and has provided a site layout for the use on Tract 4, in addition to architectural elevations (attached) of the proposed self-storage facility. It is important to note that the applicant’s proposal for a self-storage facility has met the SUP requirements for a mini-warehouse use, such as utilizing 100 percent masonry (brick or stone) for each building, screening bay doors and loading areas from all adjacent views, and limiting the height of buildings adjacent to any single family residential to a single story (residences to the east of the subject property are approximately 200 feet from the closest proposed storage building).

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 requested a provision requiring the number of canopy trees along street frontage be increased from one tree per 40 linear feet of street frontage, to one tree for every 30 linear feet of street frontage. Additionally, the applicant has proposed that all buildings developed on the subject property shall provide a minimum of 75% masonry (brick, stone, or synthetic stone) materials on each wall. Staff feels that the increased landscaping along the street frontage, as well as the increase in the masonry provided on future buildings, will ensure a level of exceptional quality within the development.

It is Staff’s opinion that the proposed rezoning request will be compatible with the surrounding adjacent land uses and can benefit the surrounding neighborhoods through the provision of a range of retail, service, and office uses. As such, Staff is comfortable supporting this request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for commercial uses and flood plain. 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 in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change would help the community attain the goal of “Economic Development Vitality for a Sustainable and Affordable Community” through the stated objective of the Comprehensive Plan, a “balanced development pattern”. Another goal of the Comprehensive Plan is accomplished through “Land Use Compatibility and Mix” by creating a “mix of land uses that provides for various lifestyle choices”.

- 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.
- 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 residential uses are being removed from the subject property.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for commercial uses as well as single family residential uses. The proposed rezoning request will alter the land use from what has been planned for the subject property, as the existing zoning on the property allows for commercial and multiple family residential development.
- Fiscal Analysis: The attached fiscal analysis shows a positive net cost benefit of \$252,485 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 42 letters in opposition to this request (see attached) and no letters in support of the request. No phone calls either in support or in opposition have been received.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Letters of Opposition
- Fiscal Analysis
- Proposed Zoning Exhibit - Development Regulations
- Proposed Zoning Exhibit – Land Uses
- Proposed Zoning Exhibit – Mini-warehouse Elevations
- PowerPoint Presentation