

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Senior Planner

**FROM:** Anthony Satarino, Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on Behalf of Carrington Partners, for Approval of a Request to Rezone Approximately 3.60 Acres from “PD” – Planned Development District to “PD” – Planned Development District, Generally to Allow Neighborhood Business uses, Located on the Southwest Corner of Eldorado Parkway and Hudson Crossing.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for consideration on May 17, 2011.

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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 be developed as per the “R-1” Retail District regulations of Planned Development District Ordinance No. 98-11-59.

**APPLICATION SUBMITTAL DATE:** March 14, 2011 (Original Application)  
March 28, 2011 (Revised Submittal)  
April 18, 2011 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to rezone approximately 3.60 acres of land, located on the southwest corner of Eldorado Parkway and Hudson Crossing, from “PD” – Planned Development District to “PD” – Planned Development District, generally to allow neighborhood business uses. The subject property is currently zoned for office and neighborhood convenience uses. The applicant has not submitted any associated site or building plans for the subject property.

**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 No. 2003-08-069 and “PD” – Planned Development District No. 2007-08-081 (Office and Neighborhood Convenience Uses)

North	“PD” – Planned Development District No. 97-06-36 (residential uses)	Live Oak Village (Single Family Residences)
South	“PD” – Planned Development District Ordinance No. 99-05-44 (office uses)	Texas Best Gymnastics (under construction) and Undeveloped
East	“PD” - Planned Development District Ordinance No. 2005-11-115	Sonic Drive-In
	“PD” – Planned Development District Ordinance No. 99-05-044 and “PD” – Planned Development District Ordinance No. 2005-11-115	Undeveloped
West	“PD” – Planned Development District Ordinance No. 2003-08-069 (office uses)	Packard Orthodontics and Eldorado Office Park

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “PD” – Planned Development District to “PD” – Planned Development District, to allow for neighborhood business uses. The applicant is requesting the following special ordinance provision:

1. Use and development of the subject property shall be developed as per the “R-1” Retail District regulations of Planned Development District Ordinance No. 98-11-59.

In 1998, the subject property was included in an approximately 220-acre area that was zoned “PD” – Planned Development District Ordinance No. 98-11-59. The PD provided for a mixture of uses including office, retail, multiple family residential, park/open space, and single family residential. Portions of the 220-acre area have subsequently been rezoned for different purposes, but the general layout of uses has remained intact since the zoning in 1998 was put in place.

The subject property (or portions thereof) have been rezoned three times since PD Ordinance No. 98-11-59. The planned development district from 1998 (PD Ordinance No. 98-11-59) and the planned development district (PD Ordinance No. 99-05-44) both designated the subject property for office uses. In 2003, a large portion of the subject property (approximately 3.0 acres) was included in a rezoning case (03-127Z) to allow the subject property to develop according to the “NC” – Neighborhood Convenience

District in addition to the “O-1” – Office District regulations as defined by PD Ordinance No. 98-11-59. In 2007, the remainder of the subject property (approximately 0.6 acres) was included in a rezoning case (07-256Z) to allow for the same special ordinance provisions established by the 2003 ordinance to add neighborhood convenience uses. This rezoning request was made because the subject property was under the same ownership and an effort was made to have the zoning be consistent among the various tracts of land. The purpose of the “NC” – Neighborhood Convenience District is to provide for a limited range of services and light retail land uses in small districts located at intersections of thoroughfares to serve the immediately adjacent neighborhood areas.

The applicant is now requesting to rezone the subject property to develop according to the “R-1” – Retail District regulations as set forth in PD Ordinance No. 98-11-59. The “R-1” – Retail District regulations is one of the three non-residential districts defined in PD Ordinance No. 98-11-59 and the intent of the district is to provide medium-intensity concentrations of shopping related commercial activities. The regulations for “R-1” – Retail District refer to a base zoning designation of “BN” – Neighborhood Business District, with an exception to the use and development of gasoline service stations (gasoline service stations are prohibited on the subject property). In addition, the district regulations of the PD include special provisions for space limits and require approval of elevation drawings as part of the site approval process. A full use chart comparing what is allowed in the “NC” – Neighborhood Convenience District versus the “R-1” – Retail District regulations is provided as an attachment to the report.

It is important to also note that in 2003, the property immediately to the east of the subject property (southeast corner of Hudson Crossing and Eldorado Parkway) was rezoned from (PD Ordinance 2003-05-41) office uses to allow the property to develop according to the “R-1” – Retail District regulations as defined by PD Ordinance 98-11-59.

Consistent with the zoning east of the subject property (PD Ordinance No. 2003-05-41), the requested zoning designation of “R-1” per PD Ordinance No. 98-11-59 will allow a limited number of additional neighborhood business uses than what is currently allowed on the subject property (see attached comparison chart). Staff feels that the rezoning request is appropriate for frontage along Eldorado Parkway and should not negatively impact the surrounding and adjacent properties.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for Office Uses. The FLUP modules diagram designates the subject property as Suburban Mix within a 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 rezoning request would help the community attain the goal of “Land Use Compatibility and Mix” by creating a “mix of land

uses that provides for various lifestyle choices” and “land use patterns that complement one another.”

- Specific Area Studies: There are no specific area plans or studies for the subject property.
- Impact on Infrastructure: The water master plan, sewer master plan, and master thoroughfare plan are all based on the anticipated land uses as shown on the Future Land Use Plan. Since the proposed rezoning request does not alter the existing land use, the proposed rezoning request should not have an impact on the existing and planned water, sewer and thoroughfare plans in the area.
- Impact on Public Facilities/Services: Similar to the infrastructure plans mentioned above, the public facilities/services are all based on the anticipated land uses as shown on the Future Land Use Plan. The proposed rezoning request should have a minimal impact on public services, such as schools, fire and police, libraries, parks and sanitation services since the proposed rezoning request does not alter the existing land use on the subject property.
- Compatibility with Existing and Potential Adjacent Land Uses: Since the proposed rezoning request does not alter the existing land use on the subject property, the proposed rezoning request should not result in an over concentration of commercial uses in the area.
- 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 propose to alter the existing land use. Staff did not perform a fiscal analysis for this case because the rezoning request does not propose to alter the existing land use on the subject property.
- Concentration of a Use: Staff feels that the proposed rezoning request should not result in an over concentration of 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 one email in support of the proposed rezoning (included as an attachment).

**ATTACHMENTS:**

- Location Map
- Aerial Exhibit
- Letter of Intent

- Property Owner Notice
- Property Owner Notification List
- Comparison Chart of the “NC” – Neighborhood Convenience District and the “R-1” – Retail District
- Existing “PD” – Planned Development District Ordinance No. 2003-08-069
- Existing “PD” – Planned Development District Ordinance No. 2007-08-081
- “PD” – Planned Development District Ordinance No. 98-11-59
- Base Zoning Districts of Entire Development Exhibit
- Proposed Zoning Exhibit A – Boundary Map
- Letter of Support
- PowerPoint Presentation

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**Action:**