

**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 Cates Clark Associates, on Behalf of 810/811 Ventures at Stonebridge Ranch, Ltd., for Approval of a Request to Rezone Fewer than 27 Acres from “PD” – Planned Development District to “PD” – Planned Development District, Generally to Modify the Development Standards, Located on the Northeast Corner of Eldorado Parkway and Custer Road

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the March 4, 2014 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 develop in accordance with “PD” – Planned Development District Ordinance No. 2005-11-114, except as follows:
  - a. Motor vehicle fuel sales that do not conduct any type of automotive repairs or servicing and is only an accessory use to a grocery store, shall be allowed within 750 feet of the intersection of Eldorado Parkway and Custer Road. No fuel pump may be located closer than 650 feet from a single family residential lot.
  - b. Motor vehicle fuel sales shall be allowed facilities to fuel a maximum of twelve (12) vehicles at one time.
  - c. An unmanned, fully automated carwash that accommodates only one vehicle at a time shall be allowed only as an accessory use to a fuel sales facility and be located no closer than 575 feet from a single family residential lot.

- d. Site plan and/or concept plan be approved administratively by Staff.

**APPLICATION SUBMITTAL DATE:** January 13, 2014 (Original Application)  
January 30, 2014 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 26.31 acres of land, located on the northeast corner of Eldorado Parkway and Custer Road from “PD” – Planned Development District to “PD” – Planned Development District, generally to modify development standards.

More specifically, the applicant is requesting to amend the governing planned development ordinance on the property (“PD” – Planned Development District Ordinance No. 2005-11-114) generally to allow for the location of a motor vehicle fueling station further from the intersection of two arterials, to increase the maximum number of fueling positions allowed, and to allow a carwash as an accessory use to the fueling station from the intersection of two major arterials. The applicant has also requested future site plan(s) and/or concept plan be administratively approved by Staff.

**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. 2005-11-114 (Neighborhood Business Uses)

North	“PD” – Planned Development District Ordinance No. 2003-02-015 (Single Family Residential Uses)	Fountainview Subdivision
South	“PD” – Planned Development District Ordinance No. 2003-02-015 and “PD” – Planned Development District Ordinance No. 2005-10-110 (Office Uses)	United American Insurance Co
East	“PD” – Planned Development District Ordinance No. 2004-09-101 (Office Uses)	Baybrooke Village Care and Rehab Center
West	“PD” – Planned Development District Ordinance No. 2003-02-015 (Neighborhood Business Uses)	Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “PD” – Planned Development District generally for commercial uses to “PD” – Planned Development District, generally to modify development standards. The applicant has also provided a conceptual layout plan (for informational purposes only), showing a potential layout for a grocery store with an associated motor vehicle fuel sales facility/carwash (see attached) on the subject property.

The governing planned development ordinance (“PD” – Planned Development District Ordinance No. 2005-11-114) designates a base zoning of “R-2” Retail District on the property as outlined in “PD” – Planned Development Ordinance 1621, and includes other special ordinance provisions regarding building heights, screening and buffering, lighting levels, and loading space regulations. The applicant is not requesting to modify these special ordinance provisions, but has requested four additional special ordinance provisions discussed further below.

The applicant is requesting that a motor vehicle fuel sales facility, serving as an accessory use to a grocery store, be allowed to be located 750 feet from the intersection of two major arterials as opposed to the current maximum of 350 feet. Because the subject property is encumbered by floodplain on the west side of the property nearest the intersection of Eldorado Parkway and Custer Road, the applicant desires to construct the fueling station as close to the corner as feasibly possible, while maintaining a minimum distance of 650 feet from any fueling pump to the residential uses to the north (Fountainview Subdivision). Furthermore, the applicant has requested the maximum number of vehicles that can be fueled at one time be increased from eight (8) to twelve (12). The Zoning Ordinance does allow for motor vehicle fuel sales facilities to increase this distance from the intersection as well as the number of vehicles fueled at one time through the Specific Use Permit (SUP) process; however, the applicant has requested these modifications be allowed by right through the rezoning request.

The applicant has also requested that a single drive-through car wash be allowed without the need for a Special Use Permit (SUP) as the car wash would be an accessory use to the fueling station. Similar to the fueling station, the applicant has requested that the drive-through carwash be located no closer than 575 feet from the residential uses north of the property. Similar to the fuel sales facility location and number of fueling positions, the Zoning Ordinance allows for a carwash in conjunction with a fuel sales facility through the Specific Use Permit (SUP) process; however, the applicant has requested the accessory carwash use by right through the rezoning request.

Finally, the applicant has requested that future site plan or concept plan submittals be administratively approved as opposed to needing Planning and Zoning Commission and/or City Council approval, in keeping with the standard procedures site plans currently follow.

The proposed rezoning request to change the development standards has included measures to address Staff's concerns with the location of a fueling station and car wash. In addition, the existing PD Ordinance includes various screening and buffering requirements that help abate the potential nuisances of the proposed grocery store, fuel station, and car wash to the adjacent residential uses. As such, staff has no significant concerns and recommends approval of the proposed rezoning request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for medium density residential uses. As the prior zoning designation was in place when the FLUP was approved. 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, "Thriving retail development". Another goal of the Comprehensive Plan is accomplished through "Financially Sound City Government" by creating a "balanced tax base".
- **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.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The properties located adjacent to the subject property are zoned for similar commercial and residential uses. The proposed rezoning request will not alter the land use from what has been planned for the subject property and should remain compatible with the existing and potential adjacent land uses
- **Fiscal Analysis:** Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base commercial zoning of the subject property.
- **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
- Existing “PD” – Planned Development District Ordinance No. 2005-11-114
- Proposed Zoning Exhibit – Metes and Bounds
- Proposed Concept Plan (Informational Only)
- PowerPoint Presentation