

**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 Abernathy, Roeder, Boyd & Joplin, on Behalf of Zerga Investments, for Approval of a Request to Rezone Approximately 2.26 Acres from "PD" – Planned Development District to "C" – Planned Center District, Located on the Southwest Corner of North Brook Drive 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 May 17, 2011 meeting.

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

1. The subject property develop in accordance with the "C" – Planned Center District regulations of the Zoning Ordinance.

**APPLICATION SUBMITTAL DATE:** March 28, 2011 (Original Application)  
April 7, 2011 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 2.26 acres of land, located on the southwest corner of North Brook Drive and U.S. Highway 75 (Central Expressway), from "PD" – Planned Development District to "C" – Planned Center District.

The applicant has also submitted an associated site plan (11-053SP) for an automobile sales facility (Brandon Tomes Subaru), which is currently in review by Staff and may be considered by the Planning and Zoning Commission at a later date. Should the proposed rezoning request not be approved, the associated site plan cannot be approved.

**PLATTING STATUS:** The subject property is currently platted as Lot 1B, Block R of the North Brook Addition. Per the applicant's initial site plan submittal, the current plat contains all of the easements necessary for development. However, through site plan

review, an amending plat might be necessary in order to modify the locations of easements in conjunction with the proposed layout.

**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. 2006-03-032 (commercial uses)

North "C" – Planned Center District Bob Tomes Ford (automobile sales)

South "PD" – Planned Development District Executive Suites Ordinance No. 96-11-49 (office uses)

East "PD" – Planned Development District Culvers Restaurant, Ordinance No. 1354 (commercial uses) Movies 14 Theater, and Undeveloped

West "PD" – Planned Development District U-Store-It Ordinance No. 96-11-49 (mini-warehouse/self storage uses)

"PD" – Planned Development District Cell Tower Ordinance No. 2005-07-073

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from "PD" – Planned Development District to "C" – Planned Center District. The property is currently zoned "PD" – Planned Development District Ordinance No. 2006-03-032 which stipulates a base zoning district of "C" – Planned Center District. The property has been rezoned a total of three times. The governing PD ordinance and the previous ordinance ("PD" – Planned Development District Ordinance No. 2003-09-83) each have an attached exhibit, but maintained the base zoning district of "C" – Planned Center District. "C" – Planned Center District has been the base zoning for the property since it was first zoned in 1983 ("PD" – Planned Development Ordinance No. 1400).

The attached exhibit to the governing PD ordinance shows a layout with three buildings. One building is shown as being developed completely for office uses. The other two buildings have a mix of retail and office uses per each building. Per the requirements of the governing planned development ordinance, the subject property must generally conform to the attached exhibit. The purpose of this rezoning request is to eliminate the attached exhibit in order for the applicant to develop the site. If approved, the entire site

will develop under the “C” – Planned Center District regulations of the Zoning Ordinance.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for commercial uses. The Future Land Use Plan 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 in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed rezoning request would help the community maintain the goal of “Economic Development Vitality for a Sustainable and Affordable Community” through “balanced commercial development along major highway corridors.”
- **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. The proposed rezoning request should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area since it does not propose to alter the base zoning designation of the subject property.
- **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 propose to alter the base zoning designation of the subject property.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The properties located adjacent to the subject property are developed generally for commercial uses. Furthermore, the proposed rezoning request does not propose to alter the base “C” – Planned Center District of the subject property.
- **Fiscal Analysis:** Staff feels that there will not be a significant change in the economic impact associated with the proposed rezoning since it does not propose to alter the land use; therefore, Staff did not perform a fiscal analysis for the subject property.
- **Concentration of a Use:** The proposed rezoning request should not result in an over-concentration of commercial uses in the area. Currently, the surrounding properties are generally commercial uses.

**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
- Aerial Exhibit
- Letter of Intent
- Property Owner Notice
- Property Owner Notification List
- Existing “PD” – Planned Development District Ordinance No. 2006-03-032
- Proposed Zoning Exhibit A – Property Boundary Map
- PowerPoint Presentation

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**Action:**