

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Tina M. Pflughoeft, Senior Planner *just*

**FROM:** Theresa A. Grahmann, Planner *tag*

**SUBJECT:** Conduct a Public Hearing to Consider the Request by Abernathy, Roeder, Boyd & Joplin, on Behalf of Bob Tomes Ford, to Amend a Portion of "PD" – Planned Development Ordinance No. 1400, 5.327 Acres Located at the Southeast Corner of North Brook Drive and Park View Avenue, and Approximately 600 Feet West of U.S. Highway 75 (Central Expressway), in Order to Allow Auto Painting and Body Shop as a Permitted Use.

**DATE:** March 5, 1999

**APPLICATION SUBMITTAL DATE:** February 9, 1999

**PROPERTY DESCRIPTION:** The subject property is triangular shaped, and has frontage on both Park View Avenue and North Brook Drive. The eastern portion of the property is bounded by a concrete-lined drainage channel (Jeans Creek). The subject property is relatively flat and covered with native grasses.

**ADJACENT PROPERTY DESCRIPTION:** The adjacent property is described as follows: to the west is the Colonial Lodge Retirement Inn; to the south is the Wilson Creek Soccer Complex; to the east is the Advantage Self Storage facility, and the North Brook Office/Tech complex that is currently under construction; to the north are single-family residences within the North Brook Estates residential subdivision; and to the northeast is the Bob Tomes Ford Dealership.

**ZONING SUMMARY:**

- (1) **Existing Zoning:** The subject property is currently zoned as a "PD" – Planned Development District, Ordinance No. 1400, which further designates the property to be developed similar to the "C" – Planned Center District of the City of McKinney Zoning Ordinance No. 1270. The proposed use, an auto paint and body shop, is not a permitted use within the "C" – Planned Center District, as the main use of the building. However, an auto paint and body shop is allowed as an accessory use with new or used car sales as the primary use. The proposed use cannot be considered as an expansion, or accessory use, to the existing Bob Tomes Ford dealership because it is separated from the primary use by public right-of-way, per the definition of "building site" with Ordinance No. 1270. The applicant has clearly indicated that the subject property will be

strictly used for auto painting and body work, thereby requiring the proposed amendment to the current zoning district.

- (2) Proposed Zoning: The applicant is requesting to amend the PD Ordinance No. 1400 in order to allow an auto paint and body shop as an additional permitted use to the “C” – Planned Center District that is referenced within the PD Ordinance.
- (3) Zoning of Adjacent Property: The adjacent property is currently zoned as follows: to the north is a “PD” – Planned Development District, Ordinance No. 93-03-04, which further designates the property for single family uses; to the west is the same “PD” – Planned Development District as the subject property, Ordinance No. 1400, which further designates the property as “RG-18” – General Residence District; to the south is property that is designated as park land; and to the east is “PD” – Planned Development District, Ordinance No. 96-11-49, which further designates the property to be developed similar to the “C” – Planned Center District of the City of McKinney Zoning Ordinance No. 1270.

**CONFORMANCE TO THE FUTURE LAND USE PLAN (FLUP):** It appears that the Future Land Use Plan may designate the subject property as “Office/Office Park, as well as “High Density Residential”. The Future Land Use Plan, while not a zoning map, should serve as a conceptual guide rather than a rigid zoning map for the City (Comprehensive Plan, page 118). Staff is of the opinion that the drainage channel (Jeans Creek) serves as the separation between the retail and commercial uses along Central Expressway and the single family residential areas to the west. The FLUP uses the drainage channel as the western boundary of the commercial area as designated on the FLUP map. It appears that the reasoning for designating this area as “Office/Office park” on the Future Land Use Plan was to provide for a transition of uses and a buffer between the existing retail zoning along U.S. Highway 75 (Central Expressway) and the existing single family neighborhood to the west. The existing zoning pattern within this area is for retail uses and not for intensive commercial activity. Staff is of the opinion that a collision repair, or an auto paint and body shop, is an intensive commercial use. Staff believes that the proposed commercial use is not appropriate at this location because of the commercial intrusion into the established residential neighborhood. Therefore, Staff is of the opinion that the proposed zoning amendment does not conform to the Future Land Use Plan.

**IMPACT ON EXISTING DEVELOPMENT:** Staff is of the opinion that the proposed rezoning request will have a negative impact on the surrounding land uses. An auto paint and body shop is not an appropriate land use for property that is adjacent to a residential subdivision and a nursing home. An auto paint and body shop would increase the noise level and visual pollution within these nearby residential areas, and diminish the residential character within the overall area.

The subject property is also adjacent to the Wilson Creek Soccer Complex. Staff believes that the proposed additional use would not be an enhancement to the

citizens of McKinney that utilize the park site. An intensive commercial facility such as the proposed use would subtract from the tranquility and enjoyment that a community park provides to the community and to its citizens.

The Community Park and Trail Plan indicates that a future Hike and Bike Trail is proposed to extend northward along the west side of the drainage channel. Staff believes that a collision repair shop would detract from the enjoyment of the citizens that would use the Hike and Bike Trail system.

One of the Comprehensive Plan policies regarding urban design states: "identify existing districts which are established, such as the older residential neighborhoods and downtown, and preserve their integrity" (page 126). Staff believes this request is not in conformance to the FLUP nor does it conform to the Comprehensive Plan policy, as the integrity of this residential area would be reduced with the intrusion of intensive commercial uses.

**OPPOSITION TO/OR SUPPORT OF REQUEST:** Staff has received three letters in support of the proposed rezoning, all of which accompanied the application that was submitted for the rezoning request. Two of the letters are from the owners of the Advantage Self Storage facility and the North Brook Office/Tech facility. The other letter is from the president of the North Brook Estates Homeowner's Association. Staff has not received any phone calls in support of or in opposition to the proposed zoning amendment request.

**CONFORMANCE TO THE MASTER PARK PLAN (MPP):** The proposed zoning amendment does not conflict with the Master Park Plan. However, Staff believes that the proposed zoning amendment does not contribute to the enhancement of the adjacent park facilities.

**CONFORMANCE TO THE MASTER THOROUGHFARE PLAN (MTP):** The proposed zoning amendment does not conflict with the Master Thoroughfare Plan.

**IMPACT AND SPECIAL FEES:** At such time when the property is developed, the developer of the property will be responsible for the payment of impact fees, in accordance with Ordinance No. 96-03-13 (utilities) and Ordinance No. 97-10-54 (roadway), and as amended.

**UTILITIES:** It appears that adequate utilities are available to serve the subject property. Any utility extensions will be determined at the time that the subject property is developed.

**DRAINAGE:** It appears that the southernmost portion of the subject property lies within the 100 year floodplain. At such time when the subject property is developed, grading and drainage plans are required to be approved by the City Engineer, prior to issuance of a building permit.

**REVIEW AGENCY COMMENTS:** Significant review agency comments are discussed within this report.

**STAFF RECOMMENDATION:** Staff recommends disapproval of the proposed zoning amendment because this request is not in conformance with the FLUP and the goals, objectives, and policies set forth in the Comprehensive Plan for the City of McKinney.

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**Action:**