

PLANNING & ZONING COMMISSION MEETING OF 02-14-12 AGENDA ITEM #12-011Z

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Jennifer Cox, AICP, Director of Planning

**FROM:** Brandon Opiela, Senior Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by QuikTrip Corporation, on Behalf of Oakwood Village Apartments, Inc., for Approval of a Request to Rezone Approximately 7.48 Acres from "C" – Planned Center District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located on the Northeast Corner of Wilmeth Road 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 March 6, 2012 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to a lack of conformance with the City of McKinney's Comprehensive Plan, specifically to provide "Attractive Urban Design Elements" through the stated objective of "US 75 as an attractive corridor through appropriate urban design" and "Land Use Compatibility and Mix" through the stated objective of "Land use patterns that complement one another."

**APPLICATION SUBMITTAL DATE:** January 17, 2012 (Original Application)  
January 30, 2012 (Revised Submittal)  
January 31, 2012 (Revised Submittal)  
February 1, 2012 (Revised Submittal)  
February 2, 2012 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 7.48 acres of land, located on the northeast corner of Wilmeth Road and U.S. Highway 75 (Central Expressway) from "C" – Planned Center District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" - Corridor Commercial Overlay District, generally to allow a truck scale and to modify the landscaping requirements for the site.

In July of 2011, a rezoning request (11-116Z) was submitted for the subject property to allow a truck stop use. The Zoning Ordinance's Schedule of Uses does not currently include a truck stop as an allowed use in any zoning district in the City of McKinney. This request was ultimately withdrawn after the Planning and Zoning Commission recommended denial of the request on September 27, 2011.

On October 24, 2011, a site plan (11-159SP) for the property included in the original rezoning request was submitted to Staff for approval of a convenience store with automobile and semi-trailer truck fueling stations. With the previously shown truck parking areas and truck scales removed from the site plan, the use was no longer classified as a truck stop use, and fell under the fueling station or gasoline station category as currently defined in the Zoning Ordinance. The applicant received approval of the site plan for a fueling station that provides fuel for all motor vehicles including semi-trailer trucks on January 9, 2012.

The applicant is now requesting a rezone to allow a truck scale on the property, as was shown on the zoning exhibit used in the original rezoning request for a truck stop. The applicant has indicated that the truck scale will provide semi-trailer trucks the ability to check load weights before selecting transit routes. The applicant is proposing additional trees on the north and south sides of the truck fueling area, in accordance with the attached site and landscape plan exhibit. The applicant has also provided Staff a rendering of a 22' tall pole sign indicating the location of the truck scale on the site as a part of the sign package, but is not a part of this rezoning request.

Additionally, on September 14, 2011, the applicant submitted a separate request for a variance to the signage ordinance, which requested an increase to the sign pole height from a maximum of 35 feet to a maximum of 65 feet, and to increase the square footage of the sign area from a maximum of 150 square feet per side to a maximum of 225 square feet per side. This variance request is not a part of the zoning request; however, the applicant has indicated the increase in signage height and square footage is a critical component of the site, and will go before City Council concurrently with the request for a truck scale on March 6, 2012.

**PLATTING STATUS:** The subject property is currently unplatted; however, a preliminary-final plat (11-157PF) for the parent tract which includes the subject property has been approved by the Planning and Zoning Commission. A record plat or plats, subject to review and approval by the Director of Planning, must be filed for recordation with the Collin County Clerk, prior to issuance of a building permit.

**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: “C” – Planned Center District (Commercial Uses) and “CC” – Corridor Commercial Overlay District (High Rise Subzone)

North	“C” – Planned Center District (Commercial Uses) and “CC” – Corridor Commercial Overlay District (High Rise Subzone)	Undeveloped
South	“C” – Planned Center District (Commercial Uses) and “CC” – Corridor Commercial Overlay District (High Rise Subzone)	Undeveloped
East	“C” – Planned Center District (Commercial Uses) and “CC” – Corridor Commercial Overlay District (High Rise Subzone); “ML” – Light Manufacturing District (Industrial Use)	Blockbuster Distribution Warehouse and Undeveloped
West	“C” – Planned Center District (Commercial Uses) and “CC” – Corridor Commercial Overlay District (High Rise Subzone)	High Pointe Church of Christ and Undeveloped

Discussion: The Schedule of Uses found in the City of McKinney Zoning Ordinance does not currently include a truck scale use. On January 24, 2012, Staff presented a resolution (11-153M2) to the Planning and Zoning Commission which included a proposed definition of a “Truck Stop.” The proposed definition (see attached Staff report from the January 24, 2012 meeting) listed a number of uses that are commonly associated with a truck stop use and a truck scale / weigh station was one of the uses specifically included in the definition. The Commission unanimously recommended approval of the resolution and the recommendation will be forwarded on to City Council for final approval on February 21, 2012.

Staff is of the opinion that a truck stop use is not appropriate in the “C” – Planned Center District; likewise, other uses commonly associated with a truck stop use would not be appropriate in the district. The Zoning Ordinance defines the purpose of the “C” – Planned Center District as providing for “high-intensity concentrations of shopping and related commercial activities along regional highways or large arterial roadways.” Since the property is currently designated for retail/commercial uses by the governing zoning district, a truck scale cannot be located on the property unless the proposed rezoning request is approved.

## **ACCESS/CIRCULATION:**

Adjacent Streets: U.S. Highway 75, Variable Width Right-of-Way, Major Regional Highway

Wilmeth Road, 120' Right-of-Way, Ultimate 6-Lane Major Arterial

Discussion: The ingress and egress points shown on the zoning exhibit are in conformance with the approved site plan (11-159SP) and approved access management plan (11-158AMP). The separation of the passenger car and semi-trailer truck traffic will benefit the on-site circulation for this type of land use. While the layout does not allow for the complete separation of passenger and semi-trailer trucks (combined vehicle access points are provided on both U.S. Highway 75 and Wilmeth Road frontage), the use of a hooded left turn on Wilmeth Road does reduce some of the combined traffic movements in and out of the site. Staff would not typically encourage the use of a hooded left in such close proximity to a major intersection; however, based on the intensity of the use, a hooded left turn will encourage separation of passenger cars and semi-trailer trucks which may reduce the amount of traffic/circulation related issues for the site. It is important to note that any median improvements, such as a hooded left turn, are not a part of the rezoning request.

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from "C" – Planned Center District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, generally to allow a truck scale and to modify the landscaping requirements for the site. As a part of the proposed rezoning request, the applicant has provided a site and landscape exhibit that would require the site to develop as shown on the plan. Per said exhibit, the location of the truck scale and additional landscaping would be regulated as shown on the plan.

Section 146-94 (PD - Planned Development District) of the City of McKinney's Zoning Ordinance states, "no proposed PD District ordinance may be approved without ensuring a level of exceptional quality or innovation for the associated design or development. Exceptional quality or innovation could come in many forms including, but not limited to, enhanced landscaping, creative site or architectural designs, or some other innovative elements(s)." The applicant has stated in the letter of intent that this provision is being met by providing additional trees on the site including 18 Chinese Pistache trees, 3 Texas Ash trees, and 6 Crape Myrtle trees along the north and south sides of the semi-trailer truck fueling area. The original rezoning request for the truck stop use provided similar additional landscaping, but was removed prior to the site plan receiving approval. Due to the nature of the proposed use, Staff feels that additional landscaping provided by the applicant would help mitigate views of on-site semi-trailer truck traffic from adjacent roadways and future surrounding properties as they look to develop in such close proximity to the subject property.

Staff sees great potential for the future development of the northern section of the U.S. Highway 75 corridor, and feels that high quality development along the corridor is crucial to providing a visually appealing corridor for both passerby traffic and McKinney residents traveling around the City. Staff feels the additional semi-trailer truck traffic generated by a truck scale will not contribute to the attractiveness of the corridor, will negatively impact the future development of commercial sites in close proximity to the site, and may lead to additional similar requests from other commercial properties along the U.S. Highway 75 corridor wishing to develop their property for higher-intensity uses rather than the uses currently allowed on commercially zoned properties. With that said, Staff recommends denial of the proposed rezoning request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for commercial uses. The FLUP 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 not in conformance with some of the Comprehensive Plan Goals and Objectives. A main goal of the Comprehensive Plan is to provide “Attractive Urban Design Elements” through the stated objective of “US 75 as an attractive corridor through appropriate urban design.” Another goal of the Comprehensive Plan is “Land Use Compatibility and Mix” through “Land use patterns that complement one another.” The U.S. Highway 75 corridor is our City’s primary gateway from the north and south, and Staff is of the opinion that the proposed truck scale use, generating an increase in semi-trailer truck traffic on the subject property, will not contribute to the attractiveness of the U.S. Highway 75 corridor nor will the scale complement any existing or future developments surrounding the subject property.
- **Impact on Infrastructure:** The subject property is designated for commercial uses on the Future Land Use Plan. The City’s water master plan, sewer master plan, and master thoroughfare plan are based on the anticipated land uses as shown on the Future Land Use Plan. Although the proposed use is not typically associated with standard commercial uses, the proposed rezoning request does not alter the base zoning district of the subject property and should have a minimal impact on the existing and planned water, sewer, and thoroughfare plans in the area. While Staff examined the impact that the proposed truck scale use would have on the public infrastructure in the area, it is not a determining factor in Staff’s recommendation of denial.
- **Impact on Public Facilities/Services:** The subject property is designated for commercial uses on the Future Land Use Plan. Similar to infrastructure, the public facilities and services are all planned for based on the anticipated land uses as shown on the Future Land Use Plan. The proposed rezoning request does not alter the base zoning district of the subject property and should have

minimal impact on projected and planned public facilities/services, such as schools, fire and police, libraries, parks and sanitation services. While Staff examined the impact that the proposed truck scale use would have on the public facilities/services in the area, it is not a determining factor in Staff's recommendation of denial.

- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned "C" – Planned Center District for commercial use and are currently undeveloped. The proposed rezoning request does not alter the base zoning district; however, the proposed truck scale use is not currently permitted in any zoning district. Staff feels that the proposed truck scale use could have a negative impact on the developability of surrounding commercial tracts to the north, south, and east due to the intensity and nature of the proposed use. Staff feels that the approval of a request such as this may lead to additional similar requests from other commercial properties along the corridor.
- 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 alter the base commercial zoning of the property. As such, Staff did not perform a fiscal analysis for this request.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of truck scale uses in the area as this use is not included in the Schedule of Uses in the Zoning Ordinance and therefore prohibited within City limits. Currently, the properties directly adjacent to the subject property are zoned "C" - Planned Center District which is designated for retail/commercial use. Staff has concerns that allowing a truck scale as an additional use on a property zoned "C" – Planned Center District may encourage both developed and undeveloped properties along the U.S. Highway 75 corridor to submit similar rezoning requests to allow a truck scale use or other similar higher-intensity uses that are considered inappropriate for a commercial zoning district.

**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:**

- Maps
- Letter of Intent
- PZ Staff Report from 1-24-12
- Proposed Zoning Exhibit – Site and Landscape Plan

- Proposed Zoning Exhibit – Metes and Bounds
- PowerPoint Presentation