



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

**File #:** 22-0074Z2 **Name:** 75 Tomes Rezone  
**Type:** Ordinance **Status:** Approved  
**In control:** City Council Regular Meeting  
**On agenda:** 9/20/2022 **Final action:** 9/20/2022  
**Title:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Modify the Development Standards and to Allow for Commercial and Auto Related Uses, Located Approximately 330 Feet South of North Brook Drive and on the West Side of U.S. Highway 75 (Central Expressway), and Accompanying Ordinance

### Indexes:

**Attachments:** 1. Draft P&Z Minutes 8.23.2022, 2. Location Map and Aerial Exhibit, 3. Letter of Intent, 4. Comprehensive Plan Maps, 5. Established Community District, 6. Placetype Definitions, 7. Fiscal Analysis, 8. Land Use Comparison Table, 9. Ex. PD Ord. No. 1996-11-49, 10. Proposed Ordinance, 11. Proposed Exhibits A-D, 12. Presentation

Date	Ver.	Action By	Action	Result
9/20/2022	1	City Council Regular Meeting	Close the public hearing	Pass
9/20/2022	1	City Council Regular Meeting	Approved	Pass

Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Modify the Development Standards and to Allow for Commercial and Auto Related Uses, Located Approximately 330 Feet South of North Brook Drive and on the West Side of U.S. Highway 75 (Central Expressway), and Accompanying Ordinance

**COUNCIL GOAL:** Direction for Strategic and Economic Growth  
(1C: Provide a strong city economy by facilitating a balance between industrial, commercial, residential and open space)

**MEETING DATE:** September 20, 2022

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Jennifer Arnold, AICP, Director of Planning  
Caitlyn Strickland, Planning Manager  
Lexie Schrader, Planner I

**RECOMMENDED CITY COUNCIL ACTION:** Staff recommends approval of the proposed rezoning request with the following special ordinance provisions:

1. The subject property shall be zoned "PD" - Planned Development District and shall be subject to the following special ordinance provision:

- a. The subject property shall develop in accordance with the attached development regulations.

**APPLICATION SUBMITTAL DATE:** June 13, 2022 (Original Application)  
August 9, 2022 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 2.275 acres of land, generally for commercial and auto-related uses. Currently, this site is zoned "PD" - Planned Development District with a base zoning of "C" - Planned Center. The applicant submitted the rezoning request to create a new Planned Development to allow uses similar to those permitted within the "C3" - Regional Commercial district with the addition of select auto-related uses.

**EXISTING ZONING AND LAND USES:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"PD" - Planned Development Ord. No. 1996-11-49 (Commercial Uses)	Brandon Tomes Subaru
North	"C" - Planned Center District (Commercial Uses)	Brandon Tomes Subaru
South	"PD" - Planned Development Ord. No. 2005-07-073 (Commercial Uses)	Undeveloped Land
East	"PD" - Planned Development Ord. No. 1354 (Mixed Uses)	Cinemark Theatre
West	"PD" - Planned Development Ord. No. 2005-07-073 (Commercial Uses)	Brandon Tomes Collision Center

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property generally for commercial and auto-related uses and to modify the development standards as further described below.

- Commercial and Automotive Uses
  - Currently, the property is zoned "PD" - Planned Development District with a base zoning of "C" - Planned Center, generally to allow for shopping and related commercial uses. The current zoning has an additional allowance for mini-warehouse (self storage) uses.
  - The applicant proposes to rezone to "PD" - Planned Development District with uses similar to those permitted in the "C3" - Regional Commercial District. The applicant also proposes to include the following auto-related uses:
    - Auto Painting or Body Shop
    - Auto Parts Sales (Indoor)
    - Automobile, Trailer, Light Truck, Tool Rental
    - Car Wash
    - Auto Repair Garage
    - Taxi or Shuttle Service

A complete list of the allowed uses is attached to this staff report for your reference.

- Space Limits
  - Currently, the property is zoned “PD” - Planned Development District with a base zoning district of “C” - Planned Center and the space limits follow those of the “C” district.
  - The applicant proposes to rezone this tract with similar space limit requirements within the city’s “C3” - Regional Commercial District. A complete list of the space limits is attached to this staff report for your reference.

Many of the proposed uses are consistent with the city’s “C3” - Regional Commercial District, but there are some higher intensity automotive uses included in the request, such as the “Auto Painting or Body Shop” use. The subject property is in an area along US 75 that is already heavily populated with automotive and services uses, including the adjacent existing Brandon Tomes Subaru car dealership and mini-warehouse uses. Due to the existence of such uses in this area, staff has no objection to the higher intensity automotive uses proposed by the applicant as they should not be a detriment to nearby developments.

The applicant has indicated a intent to relocate the existing Tomes Collision Center (currently situated on a tract to the west) into the existing buildings on the subject property with no other major changes to the site. The façade will be renovated to coordinate with Bob Tomes Ford to the north, but the site will otherwise remain unaffected by the change in use.

Given the fact that the proposed commercial uses are consistent with the Comprehensive Plan for this area and that the proposed commercial and automotive uses are compatible with adjacent automotive businesses along US 75, Staff has no objection to the request and recommends approval.

**CONFORMANCE TO THE ONE MCKINNEY 2040 COMPREHENSIVE PLAN:** A key aspect of the ONE McKinney 2040 Comprehensive Plan is to provide direction related to desired development patterns in the city and to inform decisions related to the timing and phasing of future infrastructure investments. To assist in guiding these decisions, the plan includes a set of Guiding Principles that provide overall guidance and a Preferred Scenario and Land Use Diagram that illustrate the desired development patterns in the city. The Preferred Scenario and Land Use Diagram are built upon a series of distinctive districts, each with a specific purpose, focus and market. Each district consists of a mix of placetypes that identify the predominate land uses and desired pattern of development for the district.

- Guiding Principles:  
The proposed rezoning request is generally in conformance with the Guiding Principle of “Diversity (Supporting our Economy and People)” established by the Comprehensive Plan. In particular, the proposed request has the potential to provide “[...] new businesses and developments that support economic engines, broaden the tax base, and make the city’s economy more adaptable and resilient.”
- Preferred Scenario and Land Use Diagram Characteristics:

Per the Preferred Scenario and Land Use Diagram, the subject property is located in the Established Community District and is designated as the Commercial Center placetype.

**Commercial Center** is characterized by big box stores or multi-tenant commercial uses. They are typically located at high volume intersections and along both sides of a highway or arterial. Commercial Centers are accessible primarily by one mode of travel, the automobile; though walkable pedestrian access should be encouraged wherever possible. Buildings are typically set back from the road behind large surface parking lots that may be prime locations for infill development.

- Land Use Diagram Compatibility:

When considering land use decisions, the City should determine that a project aligns with the Land Use Diagram and/or meets a majority of the plan's established criteria to be considered compatible with the Land Use Diagram. The proposed rezoning request **aligns** with the Commercial Center placetype of the Established Community District, is in conformance with the Land Use Diagram, and should be compatible with the surrounding properties.

- Fiscal Model Analysis: The attached fiscal analysis shows a positive fiscal benefit of \$135,596 for the 2.275 acre property, which should contribute to achieving an overall fiscal balance in the city.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received no letters of support or opposition for this request. This does not include emails or letters that may have been sent directly to members of the Council. As part of the Planning and Zoning Commission Public Hearing, Staff did not receive any citizen comments through the online citizen portal.

**BOARD OR COMMISSION RECOMMENDATION:** On August 23, 2022, the Planning and Zoning Commission voted 7-0-0 to recommend approval of the proposed rezoning request.