

**Draft Planning and Zoning Commission Meeting Minutes of May 11, 2021:**

**21-0040Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "SF 5" - Single Family Residential District to "PD" - Planned Development District, to Allow for Multi-Family Residential, Single Family Residential and Commercial Uses and to Modify the Development Standards, Located on the North Side of FM 1461 and Approximately 5,500 Feet East of FM 2478. Ms. Kaitlin Gibbon Sheffield, Planner II for the City of McKinney, explained the proposed rezoning request. She stated that the current zoning on the subject property permits single family residential uses on Tract 1, single family residential uses with a townhome style on Tract 2, single family or independent living facility on Tract 3, and office uses on Tract 4. Ms. Sheffield stated that the applicant provided a zoning exhibit which divides the property into four districts. She stated that it shows Track 1 for single family residential uses (detached), Tract 2 for commercial uses, Tract 3 for single family residential townhome uses (attached), and Tract 4 for multi-family residential uses. Ms. Sheffield stated that Staff is supportive of the proposed uses on tracts 1, 2, and 3. She stated that Staff is not supportive of the proposed use of multi-family on Tract 4, as it does not align with the Suburban Living placetype as designated by the Comprehensive Plan for this tract. Ms. Sheffield stated that while uses not in strict conformance with the Comprehensive Plan may still be considered appropriate in some locations, this property is situated in an area that is largely undeveloped and largely designated for single

family residential uses. She stated that Staff fears that the introduction of multi-family uses on Tract 4 reduces the City's opportunity to realize the vision for this area as part of the ONE McKinney 2040 Comprehensive Plan. Ms. Sheffield stated that Staff recommends denial of the proposed rezoning request. She stated that the applicant notified Staff just prior to the meeting that they wish to amend the proposed development regulations to remove some permitted uses in Tract 2. Ms. Sheffield stated that the applicant requested to remove the following permitted uses from Tract 2: dormitories, discount stores, furniture stores, household appliance stores, halfway house, indoor and outdoor amusement center, temporary circus or carnivals, commercial parking lot, bait shop, and wholesale bakeries. She offered to answer questions. Vice-Chairman Mantzey asked if the subject property was located within the McKinney's city limits and was surrounded by the "ETJ" – Extraterritorial Jurisdiction. Ms. Sheffield stated that the subject property is located within the city limits. She stated that the surrounding areas are all outside of the city limits. Vice-Chairman Mantzey asked if the City had limited control of what could be developed within the "ETJ" – Extraterritorial Jurisdiction. Ms. Sheffield stated that the City has control and authority over the zoning of properties within the city limits and their adopted zoning district. She stated that the City does not have the use control over properties within the "ETJ" – Extraterritorial Jurisdiction. Mr. Bob Roeder; Abernathy, Roeder, Boyd, & Hullett, P.C., 1700 Redbud Boulevard, McKinney, TX, explained the proposed rezoning request. He stated that the property owner had the majority of the subject property annexed in 2014 due to the property owner feeling this was where the City was going to grow. Mr. Roeder stated that

property located in the “ETJ” – Extraterritorial Jurisdiction is not subject to City taxes. He stated that the property owner had paid his share of taxes for the past 17 years. Mr. Roeder stated that the current PD” – Planned Development District on the property allows more than 43 acres of independent living uses. He stated that while they do not have good regulations in the code for what independent living is. Mr. Roeder thought that would allow 24 units per acre and the maximum height could be four stories. He estimated that would allow over 1,000 independent living units to be developed on the property. Mr. Roeder stated that food and transportation services would also need to be provided. He stated that to change it from independent living to multi-family was not much of a stretch. Mr. Roeder stated that there would already be a significant density out there. He stated that they were proposing 750 multi-family units, so that would be a significant reduction in the density. Mr. Roeder stated that they put in some standards for the multi-family, which he did not feel that Staff would disagree with them. He stated that they asked for 28 units per acre density to consolidate the multi-family area within the 38 acres. Mr. Roeder stated that the balance of that could be developed for townhome uses, which is a lesser included use under the “MF-3” – Multiple Family Residential – Medium-High Density District. He recognized that the Comprehensive Plan does not call for much density in this area. Mr. Roeder stated that there is not multi-family in the Northridge District of the City. He stated that the subject property is located on what will be a major thoroughfare. Mr. Roeder stated that over time you will see the need for a mixture of housing types in this area as seen throughout the City. He requested a favorable recommendation and offered to answer questions.

There were none. Chairman Cox opened the public hearing and called for comments. Mr. John Mahar, 4995 FM 1461, McKinney, TX, spoke in opposition to the "C2" – Local Commercial District portion of the proposed rezoning request. He stated that their entrance gate to their property would be located directly across the road from this use. Mr. Mahar stated that this could be a commercial feel to the area and destroy or at least infringe on the serene neighborhood. He expressed concerns regarding bright lights, noise, heavy traffic, and possibly undesirable tenants. Mr. Mahar stated that the applicant recently agreed to remove some uses from the "C2" – Local Commercial District request. He stated that he did not feel this was the right place for some of the proposed uses. Mr. Mahar stated that he did not see the need for the rezoning at this time. He stated that there will be major retail located at nearby intersections. Mr. Mahar requested that the "C2" – Local Commercial District be deleted entirely from the proposed rezoning request or reduce it to a more restrictive "C1" – Commercial Neighborhood District. He stated that he understands that change and progress are coming. Mr. Mahar stated that he did not have objections to the Stover Creek Development; except for the more than seven acres of commercial zoning. He stated that they purchased their family property in 1982 and invested heavily in the buildings and grounds. Mr. Mahar stated that they did not purchase their property for speculation or development. He requested that we try to keep the neighborhood atmosphere there as much as possible. On a motion by Commission Member McCall, seconded by Vice-Chairman Mantzey, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Commission Member Doak asked if the proposed rezoning request would

allow multi-family or single-family residential uses. Mr. Roeder stated that it could go either direction. He stated that under the current zoning ordinance there is a definition for independent living. Ms. Sheffield stated that independent living would be permitted in the current zoning ordinance for the "MF-3" - Multiple Family Residential – Medium-High Density District. Commission Member Doak asked why they were proposed to development "C2" – Local Commercial District at the proposed location. Mr. Roeder stated that they see it as neighborhood commercial. He stated that the subject property overall was approximately 461 acres. Mr. Roeder stated that the majority of the subject property would be developed as single family residential, with an average density of five units to the acre. He stated that the proposed commercial uses would be at the entrance of a very large single-family development and adjacent to a major thoroughfare. Vice-Chairman Mantzey asked what uses would require a "SUP" – Special Use Permit within the proposed "C2" – Local Commercial District. Ms. Sheffield stated that some of the more notable uses allowed within "C2" – Local Commercial District that would request a "SUP" – Special Use Permit were carwash, garage/auto repair, service station, mini-warehouse, hotels, pet stores and veterinarian uses with outdoor runs, and drive-in services. Chairman Cox asked Staff to read the list of uses to be excluded in the "C2" – Local Commercial District. Ms. Sheffield stated that dormitories, discount stores, furniture stores, household appliance stores, halfway house, indoor and outdoor amusement center, temporary circus or carnivals, commercial parking lot, bait shop, and wholesale bakeries. Vice-Chairman Mantzey stated that he did not have any issues with the request due to the width of the future thoroughfare,

proposed exclusions within the “C2” – Local Commercial District, and requirement for “SUP” – Special Use Permits. He stated that he understood Staff’s position with the “MF-3” – Multiple Family Residential – Medium-High Density District in regards to the Comprehensive Plan. Commission Member Kuykendall stated that she read the very thorough Staff report and supports Staff’s recommendation for denial. Commission Member McCall stated that he did not have a problem with the request. He stated that this was the first major development proposed for this area. Commission Member McCall stated that there would not be any existing single-family located next to the proposed multi-family development. He stated that there would be a major thoroughfare going through that area and there is no multi-family development in this area. Commission Member Doak stated that he was in support of the request. He stated that the “MF-3” – Multiple Family Residential – Medium-High Density District was less than 10% of the overall subject property. He stated that this was a perfect location with the major thoroughfare going there. Commission Member Doak felt the proposed layout would be very good for this area. Commission Member Taylor stated he was in support of the request due to the reduction from approximately 1,000 independent living four-story units currently allowed down to the proposed 750 multi-family three-story units. He felt that the proposed commercial development is appropriate on a thoroughfare this size. Chairman Cox stated that he was in support of the request due to the restrictions on the “C2” – Local Commercial District with a “SUP” – Special Use Permit being required on certain uses and the uses being removed from the request. Alternate Commission Member Wattley stated that a “SUP” – Special Use Permit would be required for a

gas station to be permitted on the property. On a motion by Commission Member McCall, seconded by Commission Member Doak, the Commission voted to recommend approval of the proposed rezoning request as requested by the applicant, with a vote of 6-1-0. Commission Member Kuykendall voted against the motion. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on June 1, 2021.