

Planning and Zoning Commission Meeting Minutes of April 28, 2015:

15-066Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "PD" - Planned Development District, to Allow for Commercial, Single Family Detached Residential, Single Family Attached Residential and Industrial Uses, Located on the Southwest Corner of Bloomdale Road and State Highway 5 (McDonald Street)

Ms. Eleana Galicia, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant was requesting to rezone approximately 112.91 acres from "AG" Agricultural District to "PD" Planned Development District generally to allow for commercial uses (approximately 11.22 acres), single family attached residential uses (approximately 9.66 acres), single family detached residential uses (approximately 80.33 acres), and industrial uses (approximately 11.32 acres). Ms. Galicia stated that more specifically the applicant was requesting that the property develop according to the rules and regulations of Section 146-106 "SF5" - Single Family Residential District, Section 146-112 "C2" - Local Commercial District, Section 146-108 "TH" - Townhome Residential District, and Section 146-114 "LI" - Light Industrial District of the Zoning Ordinance and as amended. She stated that the applicant had provided a zoning exhibit indicating where each of the proposed land uses will be situated on the property and had also provided architectural standards for the "SF5" - Single Family Residential District portion of the property that the applicant believed would ensure that an exceptional quality residential product would be built. Ms. Galicia stated that Staff was not opposed to the request of the architectural standards, so that was not a determining factor in Staff's recommendation. She stated that the Future Land Use Plan (FLUP) designates the subject property for industrial use. Ms. Galicia stated that

the applicant had proposed approximately 11.32 acres for industrial uses directly south to the proposed single family detached residential uses. She stated that Staff does not feel that these two designations are compatible with one another and was of the opinion that the industrial uses, in such close proximity to the residential uses, would negatively impact the quality of life for future residents within the subdivision. Ms. Galicia stated that Staff was not in support of the industrial uses in such close proximity to residential uses and vice versa. She stated that if the proposed rezoning request was approved and the subject property was rezoned to allow single family residential uses, the land located in close proximity to the property would likely no longer be ideal for industrial uses, as it was currently designated on the Future Land Use Plan (FLUP). Ms. Galicia stated that the subject property was served by a number of major arterial roadways which would be ideal for industrial uses. She stated that Staff recommended denial of the proposed rezoning request due to a lack of conformance with the Comprehensive Plan.

Chairman Franklin questioned if the property was shown for heavy industrial uses on the Future Land Use Plan (FLUP) as mentioned by Ms. Galicia. Mr. Quint stated that the Future Land Use Plan (FLUP) did not specify it would be heavy or light industrial uses.

Commission Member Stevens asked Staff where the Fire Administration Training Facilities would be located. Mr. Quint was not sure that the location had been confirmed yet.

Mr. Robert Roeder; Abernathy, Roeder, Boyd & Joplin, P.C.; 1700 Redbud, McKinney, TX, explained the proposed rezoning request. He stated that the property was currently zoned "AG" – Agricultural District. Mr. Roeder stated that this property

was not being proposed to be zoned down to a lower zoning category. He briefly discussed some of the uses and zoning on the surround properties. Mr. Roeder stated that there were some residential properties adjacent to this location. He stated that this location was shown for industrial uses on the Future Land Use Plan (FLUP); however, he did not feel that was the best use for the property. He did not feel that every use in the purple area of the Future Land Use Plan (FLUP) needed to be industrial. Mr. Roeder stated that there was room within this area for a bunch of different uses and that perhaps industrial uses in this location was not the highest and best use of the property. He stated that industrial uses require a major road system. He stated that US Highway 75 (Central Expressway) was a major north-south road system and he felt that Wilmeth Road would be a major east-west road system in McKinney. Mr. Roeder stated that there were already heavy commercial and industrial uses along both sides of Wilmeth Road. He stated that there was an underpass, protected turns, and a fueling station located at the intersection at US Highway 75 (Central Expressway) and Wilmeth Road. Mr. Roeder felt that Bloomdale Road would not be a major transportation artery. He stated that there was residential on the north side of Bloomdale Road and an elementary school, which needed to be protected. Mr. Roeder stated that the intersection at US Highway 75 (Central Expressway) and Bloomdale Road was congested with traffic from the Collin Council Courthouse and would not be appropriate for large truck traffic. He felt that a commercial corner at the intersection at State Highway 5 (McDonald Street), Bloomdale Road, and the spill in of Farm-to-Market (FM) 543 was appropriate and was included in this request. Mr. Roeder felt that most of the customers for this commercial corner would come from the surround residents. He felt that residential uses were appropriate in the northeast corner of McKinney as long as it

was done correctly. Mr. Roeder stated that the economic return to the City would be better with residential uses verses industrial uses on the property. He stated that Collin County was one of the largest employers in the City of McKinney; therefore, it made sense to have residential properties located near it. Mr. Roeder felt that McKinney had already developed a lot of industrial properties. He stated that Bray Central still had about 40% of its property that had not been developed yet and was in the better location than the property along Bloomdale. Mr. Roeder also gave the example of the Headington tract, located near Raython, not being used. He stated that the City's desire to protect this proposed area for industrial uses was overreaching, since there was plenty of industrial properties not being used in McKinney. Mr. Roeder briefly discussed the retail corner planned at the intersection of Bloomdale Road, Farm-to-Market (FM) 543, and State Highway 5 (McDonald Street); about 10 acres of townhomes planned behind the retail area to act as a buffer between the retail and single family residential uses; single family residential; and light industrial uses on the southern end of the property. He felt that with the light industrial planned on this property that the future single family residential property owners would not be able to block any additional industrial uses from going in on the property to the south of this location. Mr. Roeder stated that there was a tree mass along the property line and an easement to protect these 30 – 40 feet tall trees.

Mr. Scott Polikov, Gateway Planning Group, 3100 McKinnon Street, Dallas, TX, briefly discussed the proposed land plan for the development and how they came up with this layout. He briefly explained what they plan to build for the residential portions and open spaces on the property. Mr. Polikov stated that they thought quality was more important than quantity. He stated that a lot of what was going on State Highway 5

(McDonald Street) was over zoned. Mr. Polikov stated that the proposed development would be a very substantial mixed-use retail center at Farm-to-Market (FM) 543 and US Highway 75 (Central Expressway). He stated that the residential portion of the development would be an extension of the 543 corridor. Mr. Polikov reiterated Mr. Roeder's earlier comments about the proposed mixed-use development creating a better tax base for the City versus an industrial use on the property. He briefly discussed the Northwest Sector Study and felt this project was a continuation of these goals.

Commission Member Stevens asked how the McKinney Independent School District (MISD) felt about this proposed residential development. Mr. Thad Helsley, AM Scott Insurance, 1650 W. Virginia Street, McKinney, TX, felt that Press Elementary School could handle the additional school children that would come from this development. He briefly discussed the future school planned for Timber Creek. Mr. Helsley stated that he had spoken with the McKinney Independent School District (MISD) about this proposed development and they preferred to have residential uses near the school.

Commission Member Gilmore stated that similar requests had been presented twice before and had been denied each time of City Council. He asked what was different with this request. Mr. Roeder stated in the previous cases developers requested to building straight residential houses on the property without regard to buffering the property to the surrounding properties and did not include a commercial corner at the intersection. He stated that the City had an excess of similar properties that were not being used. Mr. Roeder felt that they would receive a different response from City Council with this request.

Chairman Franklin opened the public hearing and called for comments.

Mr. Jamal Talukder, 600 W. McDermott Drive, Allen, TX, stated that he owned the property adjacent to the proposed property. He stated that he planned to build a residential development on this property. Mr. Talukder stated that he was in favor of the request.

Chairperson Franklin read the following name and address that turned in a Speaker's card; however, did not wish to speak during the meeting:

- Mr. Rob Parsons, 1700 McKinnon Drive, Dallas, TX, was in support of this request.

On a motion by Commission Member Stevens, seconded by Commission Member McReynolds, the Commission voted unanimously to close the public hearing, with a vote of 6-0-0.

Commission Member Stevens stated that he saw this development as a real advantage for the McKinney Independent School District (MISD) and the school children. He felt that we needed more residential development in this area and the retail corner at that intersection. Commission Member Stevens stated that he usually was not in favor of losing commercial property for residential uses unless there were circumstances that outweigh it and he felt that this request did that. Commission Member Stevens stated that he was in favor of this request.

Chairman Franklin stated that he was in favor of the two previous requests and this request was a much better plan. He stated that this request had been well thought out. Chairman Franklin stated that most of the industrial in that area of McKinney was for distribution and would not be good next to residential uses. He felt having large trucks driving down Bloomdale Road near the elementary school would be a dangerous

situation. Chairman Franklin stated that providing the light industrial on the southern portion of the property created a natural buffer.

Commission Member McReynolds also expressed traffic concerns with possibly having large trucks driving down Bloomdale Road and near Press Elementary school. He stated that he had two children that had attended Press Elementary. Commission Member McReynolds spoke in favor of the request and having mixed-uses on the property.

Commission Member Kuykendall asked Staff if rezoning this property could cause a domino effect. Mr. Quint stated that some of the surrounding properties that are currently used for residential uses are actually zoned for commercial uses. He stated that Staff's concern was the surrounding properties would then request to be rezoned for residential uses. Mr. Quint stated that Staff wished to preserve these non-residential areas. He stated that the recent Northwest Sector Study showed the general area for future business park areas.

Commission Member Steven asked to clarify where the potential location for the business park was called for in the Northwest Sector Study. Mr. Quint stated that the Northwest Sector Study Phase I Report called for a business park to be located east of US Highway 75 (Central Expressway) and south of Bloomdale Road as an ideal location to capitalize on the surrounding large employment centers.

Commission Member Gilmore stated that it appeared to be a great development; however, he felt it was located in the wrong area of McKinney. He did not feel that this property should be rezoned for residential uses, since it could kill the development of commercial properties around it called for in the Future Land Use Plan (FLUP).

Commission Member Gilmore stated that similar residential developments for this property had failed twice before.

Commission Member Stevens stated that he did not feel that this rezoning request would affect the commercial development around it. He stated that the City controlled the property to the west. Commission Member Stevens stated that the applicant proposed a light industrial development on the south edge of the property. He stated that it was slim to none that the property to the south would then be developed as residential. Commission Member Stevens stated that this development would help the area.

Commission Member Gilmore stated that when you bring in a large residential development that it took a lot of the future commercial uses away for that area. Commission Member Stevens stated that this was just approximately 68 acres of residential uses in about 1,000 acres of commercial and industrial uses around it.

Commission Member McReynolds stated that on a recent case that the Commission Members noted that you hardly ever see commercial uses located near schools. He stated that it made sense to add some residential units to this area of McKinney. Mr. Quint stated that City Council actually denied the case that Commission Member McReynolds was referring to in order to preserve the non-residential property. Commission Member McReynolds stated that the Planning and Zoning Commission was in support of that request.

Commission Member Zepp asked about the size of the parcel of land to the west of this property. Mr. Quint stated that the City owned approximately 100 acres of land to the west of this location. He stated that the entire area in purple of the Future Land Use Map (FLUP) was approximately 300 acres.

Commission Member Zepp asked if the City planned to development an office park on the property owned by the City. Mr. Quint was not aware of the City having plans to build an office park at this location. He stated that the City had considered a number of options for the property they own to the west of this location. Mr. Quint gave examples of a pump station, burn tower, Fire Administration Building, and various economic development opportunities. He stated that it was still up in the air to what would be building on the City's property there.

Commission Member Zepp felt that the school needed residential developments nearby.

Chairman Franklin stated that there was enough land remaining in this area where a decent business park could still be built.

On a motion by Commission Member Stevens, seconded by Commission Member McReynolds, the Commission voted to recommend approval of this proposed rezoning request per the applicant's request with the special ordinance provisions listed in the Staff report, with a vote of 4-2-0. Commission Members Gilmore and Kuykendall voted again the motion.