

**Planning and Zoning Commission Meeting Minutes of May 14, 2013:**

**13-061Z     Conduct a Public Hearing to Consider/Discuss/Act on the Request by Creative Architects, on Behalf of Paul Sturkie, for Approval of a Request to Rezone Less than 1 Acre from "PD" - Planned Development District and "H" - Historic Preservation Overlay District to "PD" - Planned Development District and "H" - Historic Preservation Overlay District, Generally to Allow for a Townhome Development, Located on the Northeast Corner of Willie Street and Parker Street**

Mr. Anthony Satarino, Planner for the City of McKinney, explained the proposed rezoning request. He stated that Staff recommends approval of the proposed rezoning request.

Chairman Clark asked Staff to clarify that if this request is approved, what is built would need to generally match the elevations presented with this rezoning request. Mr. Satarino said yes. He also stated that a Certificate of Appropriateness would also be required since the property is located within the Historic District.

Mr. Scott Roberts, Creative Architects, 1026 Creekwood, Garland, TX, concurred with the staff report. He stated that they are proposing to build townhomes and felt it was a better use than the previous rental property. Mr. Roberts felt the proposed townhomes could be a catalyst to redevelop the area. He explained that they had discussed the proposed plans for the property with the surrounding neighbors the night before. Mr. Roberts stated that they had tried to meet with them earlier; however, that day was rained out.

Chairperson Clark opened the public hearing and called for comments.

The following people spoke in opposition of the proposed rezoning request. These citizens had concerns about subdividing the lot and leaving the rental property on the corner, crime, safety, additional traffic, whether or not the townhomes would be owner occupied with a low-income fourplex on the corner, and if the proposed townhomes would stand the test of time.

- Ms. Ann Dunham, 712 Parker St., McKinney, TX
- Mr. Brian Hurlburt, 714 Parker St., McKinney, TX
- Mr. Stuart Norris, 810 Parker St., McKinney, TX
- Ms. Molly Brewer, 711 Parker St., McKinney, TX
- Mr. Aaron David, Cornerstone Christian Academy, 808 S. College St., McKinney, TX

The following people turned in speaker's cards in opposition of the proposed rezoning request; however, did not wish to speak at the meeting.

- Mr. James and Ms. Wendy Long, 608 Parker St., McKinney, TX
- Mr. Wayn and Ms. Kelly Brown, 604 Parker St., McKinney, TX

Mr. Paul Sturkie, 202 Redbud Trail, McKinney, TX, stated that he had owned the property for approximately 12 years. He stated that he spoke with Ms. Brewer about a year ago and decided to place the property up for sale to see what developers might propose for the property. Mr. Sturkie stated that the Cornerstone Christian Academy had made too low of an offer on the property for him to consider selling it to them. He stated that he was impressed with Mr. Roberts proposal of building nice townhomes. Mr. Sturkie stated that if this deal falls through, then he plans to rebuild rental apartments on the property.

Mr. Michael Quint, Director of Planning for the City of McKinney, stated that multi-family residential was currently an allowed use on the property. He mentioned some of the City's standards which would need to be met if the owner decided to rebuild a multi-family residential structure. Mr. Quint stated that if the proposed rezoning request is approved by City Council then it would not allow multi-family residential units to be built on the property. He also stated that the current multi-family structure would then be considered legally non-conforming. Mr. Quint stated that when the units became unoccupied for 12 months or more, then they could not be reused for the non-conforming use. He stated that if the proposed rezoning request is approved then it would prohibit multi-family residential uses on the property and the structures built would need to generally match the proposed elevations.

Ms. Ann Dunham, 712 Parker St., McKinney, TX, expressed her concerns again about the current multi-family residential unit on the property and requested that the owner remove that building from the property. Chairman Clark stated that the Planning and Zoning Commission could not make the owner remove the current structure.

Mr. Scott Roberts stated that Mr. Gary Nail had wanted to purchase the whole property; however, it was not made available to him. Mr. Roberts believed that Mr. Nail would be interested in purchasing that corner property to build additional townhomes on if it becomes available.

Mr. Roberts asked Staff if a certain percentage of the current structure was significantly damaged if it would not be allowed to be rebuilt. Mr. Quint

stated that if the structure was damaged over 50% over its fair market value then the structure would need to be demolished.

Mr. Roberts stated that the sale of the townhome units are planned to be sold for approximately \$250,000 each; therefore, he did not believe that the owners would try to rent them out. He stated that there would be an HOA (Homeowner's Association) for this development, so it would be maintained.

Commission Member Gilmore asked Mr. Roberts if the low-income rental property would affect the salability and value of the townhomes. Mr. Roberts said it was possible. He stated that Mr. Nail had spoken with the property owner about sprucing up the rental property.

Commission Member Kochalka asked Mr. Roberts about the difference in the number of units that were on the property and how many are proposed. Mr. Roberts stated that it will go down from twelve units to nine units. He stated that they would also be larger and more valuable units.

Commission Member Kochalka asked Mr. Roberts if they have a concept plan for the site. Mr. Roberts said yes and distributed a copy for the Planning and Zoning Commission Members to review.

Commission Member Kochalka asked Staff about the setbacks on the property. Mr. Quint stated that the setbacks were being addressed with the special ordinance provisions listed in the staff report. Mr. Roberts stated that the special ordinance provisions would also apply to the corner lot.

On a motion by Commission Member Kochalka, seconded by Commission Member Bush, the Commission voted unanimously, with a vote of 5-0-0, to close the public hearing.

Vice-Chairman Franklin felt the applicant should have worked with the surrounding residents sooner than the night before the meeting.

Commission Member Kochalka stated that he liked the proposed townhome development. He stated that he would like to see the applicant and surrounding residents discuss the plans more so the neighbors would be onboard with the project.

Chairman Clark explained that if the Planning and Zoning Commission makes a recommendation to deny the request, then it would take a supermajority of City Council to approve the request.

Chairman Clark asked the applicant if he would be opposed to having the item tabled to another meeting to give the applicant and surrounding neighbors a chance to discuss the project in more detail. Mr. Roberts stated that he was okay with tabling the request. He stated that there was a chance that the sale of the property could fall through though.

Chairman Clark felt the proposed townhomes were an improvement over the current rental structure than what could be currently built on the property.

On a motion by Commission Member Bush, seconded by Vice-Chairman Franklin, the Commission voted unanimously, with a vote of 5-0-0, to table the rezoning request until the June 25, 2013 Planning and Zoning Commission meeting.

Chairman Clark stated that Staff would renote for a public hearing on this item for the Planning and Zoning Commission Meeting on June 25, 2013.