

**Planning and Zoning Commission Meeting Minutes of November 13, 2018:**

**18-0072Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS 60" - Single Family Residence District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located at 1104 South Tennessee Street. Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that the applicant is requesting to rezone from "RS 60" - Single Family Residence District to "PD" - Planned Development District with a base zoning district of "SF-5" – Single Family Residential District. Mr. Wilson stated that the applicant seeks to modify the "SF-5" – Single Family Residential District standards by reducing the mean and median lot sizes, increasing the density, and providing architectural guidelines for residential development. He stated that although the applicant's rezone request will maintain residential uses, Staff cannot support the increased density and decreased lot sizes as it will conflict with the character of the existing neighborhood. Mr. Wilson stated that Staff recommends denial of the proposed rezoning request and offered to answer questions. Vice-Chairman Mantzey asked about the City's policy on abandoned alleys. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that typically when an alley is abandoned it is split down the middle via a quick claim deed

between the two adjacent property owners, unless either side decides to give up their half to the other owner. Commission Member McCall asked for clarification on what Staff opposed to on the proposed lots. Mr. Wilson stated that the proposed rezoning request is modifying the "SF-5" – Single Family Residential District to have flexibility with the mean and median lot sizes. He stated that the layout in the Staff Report was for informational purposes only. Mr. Wilson stated that the applicant was proposed a maximum of nine lots. Vice-Chairman Mantzey asked if a layout is generally submitted with a rezoning request. Ms. Pickett stated that layouts were included on occasion. She stated that depending on the complexity of the request dictates whether or not a layout needs to be included. Ms. Pickett stated that Staff felt that if they tie down this layout at this time it could limit what type of modifications that they could make if various issues arise. She gave examples of a water or sewer line that needs to run through the property that could cause the layout to no longer work. Alternate Commission Member Franklin asked how many lots were allowed under the current "RS 60" - Single Family Residence District zoning on the property. Mr. Wilson stated that "RS 60" - Single Family Residence District allowed seven dwelling units per acre. He stated that "SF-5" – Single Family Residential District would allow 3.2 dwelling units per acre. Mr. Wilson stated that Staff has concerns regarding the proposed density. Vice-Chairman Mantzey asked for

clarification on the maximum number of lots that would be allowed with "RS 60" - Single Family Residence District zoning on the property. Mr. Wilson stated that he had not worked out the exact number of maximum lots; however, he guessed that it would be a maximum of six lots with the maintenance of the Dowell House. Vice-Chairman Mantzey stated that one of the main concerns raised with the letter of opposition to the request had to do with the demolition of the Dowell House on the property. He asked what City regulations were in place to save the house from demolition since it is not registered on the National Register of Historic Places. Mr. Guy Giersch, Historic Preservation Officer for the City of McKinney, stated that the proposed property is not located in any of the City's Historic Districts. He stated that the City does not have a formal process when considering demolition on this particular site. Mr. Giersch stated that if the house had been on the National Register and they had used Federal funds on the property, then there would have been regulations placed on the property that would potentially prevent the demolition of this property; however, none of that exists. Vice-Chairman Mantzey asked to clarify that the City has no control on stopping the demolition of the house on this property. Mr. Giersch said there is no control that the City has to prevent demolition. Vice-Chairman Mantzey asked if there was anything within the "PD" – Planned Development District that could protect the house on the

property. Ms. Pickett stated that there is nothing currently within the “PD” – Planned Development District. She stated that this is a discretionary item, so the Planning and Zoning Commission could add a provision to say that the house could not be demolished. Commission Member Haeckler asked if the intent of the applicant was to keep the house on the property. Ms. Pickett stated that was her understanding. Mr. Wilson circled the proposed property as shown on the Historic Overlay Map being displayed during the meeting, showing that it was located outside of the City’s Historic Districts. Mr. Jason Rose, Rose Development, 2120 Cosmos Way, Argyle, TX, distributed handouts to the Planning and Zoning Commission prior to speaking. He also offered copies to the audience at the meeting. Mr. Rose stated that he is an architect and developer. He stated that there is approximately 1.44 acres for the subject property. Mr. Rose stated that under the current zoning the density could become 10 lots, if they were to meet the lot minimum depth, width, and area. He discussed his handouts with different possible options. Mr. Rose stated that they feel that they could get a comfortable, reasonable development with nine lots. He stated that their goal was to maintain and preserve the Dowell House. Mr. Rose stated that was a marketing decision, since they feel the house has a relationship to the historic square and why most people are attracted to Downtown McKinney. He felt that they were actually decreasing the density of

what could be built on the property under the current zoning verses what they were proposing. Mr. Rose stated that the large trees on the property would make the development feel like it has been there over time. He stated that he was taking into account the current tree line with lots 1 and 2. Mr. Rose stated that on lots 8 and 9 he was trying to preserve some of the existing buildings on the property. He stated that lot 3, at the corner of South Tennessee Street and East Graham Street, would be a buildable lot under the current zoning; however, he intends to sell that lot with the Dowell House. Mr. Rose stated that at some point in the future when the Dowell House is demolished, lot 3 could be developed at that time. He stated that currently lot 3 is a key view corridor to the house. Mr. Rose stated that if someone restores the Dowell House it would benefit his development and McKinney. He stated that Jerry Sutter, Pro Quality Homes, prepared a cost analysis of restoring the Dowell House. Mr. Rose stated that Mr. Sutter suggested demolishing the house due to the cost of restoring and maintaining it. He stated that he plans to list the Dowell House below market value to someone who is willing to commit to put the money and time into the house. Mr. Rose stated that they were proposing to decrease the density to preserve the house. He stated that land prices have outpaced the home prices. Mr. Rose stated that in 2010-2011 they were purchasing lots in the Historic District for \$30,000 – \$40,000; however, those same lots today are \$120,000 - \$130,000

each. He stated that if he sold 10 lots at \$125,000 each that would equal \$1,200,000. Mr. Rose stated that if he sold the Dowell House for \$400,000 to someone willing to be put the money and time into it, then it would leave them with 6 buildable lots. He stated that should net them just below the \$1,200,000 that they could make on just 10 lots. Mr. Rose stated that he was taking the gamble that the additional having the Dowell House and trees remain on the subject property would benefit him in the long run. He stated that something else that they had considered was moving the Dowell House to another location; however, there are additional expenses and difficulties with doing it. Mr. Rose stated that they had purchased the lot to the north side of Kentucky Street, adjacent to the alleyway, and have a permit to develop it. He stated that he intends to keep the scale of the houses down, which will make the Dowell House stand out more. Mr. Rose offered to answer questions. Alternate Commission Member Franklin asked what the price range might be on the proposed houses. Mr. Rose stated that they would be in the low \$400,000 range. Chairman Cox asked if Staff received the information in the handouts prior to the meeting. Mr. Rose said yes, approximately seven months ago. Chairman Cox asked if it was the exact information as in the handouts. Mr. Rose said yes. He stated that he had also discussed their plans with the surrounding property owners and that their intent was to save the Dowell House. Chairman Cox

opened the public hearing and called for comments. The following six Historic District residents spoke in opposition to the proposed rezoning request. Ms. Nina Dowell Ringley, 313 N. Bengé Street, McKinney, TX, stated that she is a fourth generation Dowell family member from McKinney. She stated that she lives in the Historic District. Ms. Ringley stated that she is a surveyor and that she understands elevation of progress; however, she is a big supporter of historic integrity and historic preservation. She stated that McKinney has very few areas like this left. Ms. Ringley stated that she would like to see the property stay under its current zoning. She stated that she believes that this old, historic house needs the City of McKinney's help and support. Ms. Ringley stated that high density, new houses might make the Dowell House less attractive to people wanting to preserve it and making it their labor of love. She stated that she would like to see the property stay as is and hopes that the Planning and Zoning Commission supports it. Ms. Betty Petkovsek, 1101 W. Louisiana Street, McKinney, TX, stated that she opposes decreasing lot sizes and increase density. She stated that it effects the surrounding lots. Ms. Petkovsek asked if the proposed rezoning request is approved, is there any guarantee that the Dowell House could be saved, even if it does not sell to someone wanting to restore it. Mr. Billy Simmons, 509 Heard Street, McKinney, TX, stated that he was not opposed to there being other houses around the Dowell

House; however, he felt what the applicant was proposing was too dense. He asked how we could assure that the trees currently on the property would be saved once after the lots are sold and they decide to put in a pool in that location on their property. Mr. Simmons concurred with Ms. Petkovsek's concerns about what happens to the Dowell House if it does not sell to someone wanting to preserve it. He stated that there should be a restriction before anything is approved on the subject property to ensure the safety of the trees and the Dowell House. Mr. Simmons stated that if the Dowell House was demolished that the applicant might subdivide that lot and that area would be even denser. He expressed concerns about additional traffic created by the new houses. Mr. Simmons requested that the proposed rezoning request be tabled or denied to allow the applicant to come back with guarantees that the trees and the Dowell House would be saved. Mr. Oliver Bradley, 1006 S. Tennessee Street, McKinney, TX, stated that he was unaware that the alleyway had been abandoned and requested clarification on it. He stated that he was not completely opposed to the proposed rezoning plan. Mr. Bradley stated that he would like to see the Dowell House preserved. He stated that he liked the applicant's intent to not build on lot 3 to preserve the view of the Dowell House from Tennessee street. Mr. Tracy Montierth, 506 W. Virginia Street, McKinney, TX, stated that he has lived in the Historic District for approximately 20 years. He stated

that we should be looking at areas around the Historic District where there are historic houses that need to be protected. Mr. Montieth had concerns that if the proposed rezoning request is approved that the Dowell House could be demolished due to the expense to restore it verses building a new house. He asked if the City of McKinney had any available funds to help with restoring the Dowell House. Mr. Montieth asked if the City of McKinney had the power to not allow the subject property to be subdivided. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that zoning is a discretionary item. She stated that there are State requirements for platting. Ms. Arnold stated that if certain minimum requirements are met then the City does not necessarily have the ability to deny replatting a property. She stated that the subject property is an unplatted piece of property and an original lot of record for the City of McKinney. Ms. Kim Black, 509 N. Kentucky Street, McKinney, TX, stated that there is a lot of emotions about the Dowell House and shown in the e-mails of opposition submitted for this proposed rezoning request. She stated that there had been a lot of changes to the Historic District, some good and some not so good. Ms. Black stated that the Dowell House is important to McKinney and speaks to the heart of the City. She stated that she is strongly opposed to the subdivision of the subject property. Ms. Black stated that she would like to see added verbiage to the current ordinance that might protect the Dowell House. She stated

that with the competition of the 2040 Comprehensive Plan Update there will be some changes to the zoning and ordinances. Ms. Black asked if the City could consider expanding the Historic District to stop situations like this from occurring. She stated that we only have one shot at protecting our history and this is it. Ms. Blank stated that she hopes the City will partner with Historic District residents that really want to maintain what brought McKinney a lot of the accolades already. She stated that was the historic architecture in Downtown McKinney. Mr. Jacque Weinbers, 1207 W. Louisiana Street, McKinney, TX, turned in a speaker's card in opposition to the proposed rezoning request; however, did not wish to speak during the meeting. He wrote down that he was opposed to high density zoning. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Kuykendall, the Commission unanimously voted to close the public hearing. Alternate Commission Member Franklin asked if Staff felt that the drawing with the 10 lots that the applicant distributed would be allowable under the "RS 60" - Single Family Residence District. Ms. Pickett stated that Staff would feel more comfortable analyzing the drawing before speculating if it could be platting into 10 lots as shown on the drawing. Chairman Cox asked if the City has any rights to determine what a property owner can do with their property other than maintain per City code. He asked if the City could force a property owner to not demolish a structure. Mr. Giersch stated

that the City could get stays of execution for 90 – 180 days in which an applicant can claim an economic hardship; however, hardships cannot be self-imposed. He stated that if an applicant wants to demolish a historic structure, they will need an approved Certificate of Appropriateness (COA) and the Historic Preservation Officer would be the first person to review the COA and determine whether or not the structure is capable of being saved at a reasonable cost or can the owners receive a reasonable return on investment. Mr. Giersch stated that if the COA for demolition is something that he could not approve, then it would go on to the Historic Preservation Advisory Board to make a determination. He stated that you cannot necessarily prevent demolition meaning that an applicant with properties located in Historic Districts must go through a process to determine if demolition is appropriate or not. Mr. Giersch stated that there is a portion of the ordinance dealing with demolition by neglect. Chairman Cox asked Mr. Rose to discuss their plans with the Dowell House. Mr. Rose stated that the plan is to save the house. He stated that they were willing to commit a deed restriction to preventing the demolition of the Dowell House. Mr. Rose stated that the deed restriction would stay remain on the house when it sold. Vice-Chairman Mantzey stated that he would support Staff's recommendation for denial. He stated that larger lots might be valued more than smaller lots. Vice-Chairman Mantzey stated that he was

opposed to the proposed density of the project in this area. Commission Member Kuykendall stated that she shares Staff's and the area resident's concerns regarding the increase in density and loss of character. She stated that it would be supporting Staff's recommendation of denial of the proposed rezoning request. Commission Member McCall concurred with Vice-Chairman Mantzey's and Commission Member Kuykendall's comments. He stated that there is a lot of opposition to the request. Commission Member McCall stated that the Dowell House could be torn down. He stated that he would also be supporting Staff's recommendation for denial. Alternate Commission Member Franklin stated that he was a longtime resident of McKinney and knows the house very well. He stated that he would hate to take any chance that the Dowell House could be torn down. Alternate Commission Member Franklin stated that he liked the plan the applicant submitted. He stated that if you told him 20 years ago that they were going to build \$400,000 houses in that part of town he would have thought you were crazy. Alternate Commission Member Franklin had concerns that if the proposed rezoning request was not approved that the applicant might tear down the house and develop 6,000 square foot lots allowed under the zoning on the property. He stated that he did not feel that was the way to go. Commission Member Doak stated that he was in support of Staff's recommendation of denial. He stated that he liked the

applicant's plan; however, he believes in historic preservation and not tearing down your city's history. Commission Member Haeckler concurred with Commission Member Doak's comments. He also agreed with Staff's concerns that the proposed plan does not match the density of the surrounding houses, the lot sizes, or the character of the area. On a motion by Commission Member Kuykendall, seconded by Commission Member McCall, the Commission voted to recommend denial of the proposed rezoning request as recommended by Staff, with a vote of 6-1-0. Alternate Commission Member Franklin voted against the motion. Chairman Cox stated that the recommendation of the Planning and Zoning Commission would be forwarded to the December 4, 2018 City Council meeting.