

Samantha Pickett

Subject: FW: proposed changes in permitted uses in "C" zoned property

From: Charlie Bush

Date: July 24, 2018 at 4:03:06 PM CDT

To: jarnold@mckinneytexas.org, tramey@mckinneytexas.org

Subject: proposed changes in permitted uses in "C" zoned property

I was made aware today that P&Z in considering tonight at their meeting a change in the permitted uses in property zoned "C". I looked at the agenda for tonight, and it appears to me they are considering eliminating all residential and multifamily as permitted uses on property zoned "C".

My first concern is that this change is being considered without advance notice to all property owners which might face fewer permitted uses on their property. For this reason, I would like to request that the matter be tabled until all effected property owners are given advance notice.

My second concern is for the 61 acres owned by Wilcox Family Partners, Ltd. on the west side of Hardin Rd. between Sam Rayburn Tollway and McKinney Ranch. In talking with the homeowners to our west, they would strongly prefer to see their homes abut to housing or apartments. We would propose to locate commercial along the majority of the frontage on Hardin.

By tabling the matter it would give us time to properly present our case.

Thank you for your consideration.

Charles B. Bush,
President of Bartlett, Inc.,
General Partner of Wilcox Family Partners, Inc.

Samantha Pickett

Subject: FW: Proposed Zoning Ordinance Amendments

From: John Harris
Sent: Friday, July 27, 2018 2:47 PM
To: Michael Quint <mquint@mckinneytexas.org>
Subject: RE: Proposed Zoning Ordinance Amendments

In other words, McKinney is trying to eliminate every bodies right to dev. MF (and SF), in BG zoning. Thanks for the heads up.

From: Michael Quint [<mailto:mquint@mckinneytexas.org>]
Sent: Friday, July 27, 2018 11:12 AM
To: John Harris
Subject: RE: Proposed Zoning Ordinance Amendments

John-

The city is modifying several provisions of the zoning ordinance regarding land uses in specific zoning districts that are applicable city-wide. We are not rezoning individual properties. As such, no individual property owner notices are required. The applicable noticing requirements are spelled out in state law and city regulations. Additionally, there's some 2016 case law from Frisco affirming our noticing practices. Thanks.

Michael Quint
Executive Director

City of McKinney | Development Services Division
[221 N. Tennessee St.](#) | [McKinney, TX 75069](#)
phone 972.547.7402 | mquint@mckinneytexas.org

Please let us know how we're doing by [completing a brief survey](#).

tinyurl.com/jhvux55

From: John Harris
Sent: Friday, July 27, 2018 9:34 AM
To: Michael Quint <mquint@mckinneytexas.org>
Subject: FW: Proposed Zoning Ordinance Amendments

Just got this. Is the City trying to down zone our property? Shouldn't we receive notice. John

John C. Harris
Harris Real Estate

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Samantha Pickett

Subject: FW: Amendment to chapter 146 (Zoning Regulations)

From: Sam Franklin

Sent: Wednesday, August 1, 2018 9:57 AM

To: Jennifer Arnold <jarnold@mckinneytexas.org>

Cc: Michael Quint <mquint@mckinneytexas.org>; Samantha Pickett <spickett@mckinneytexas.org>

Subject: Re: Amendment to chapter 146 (Zoning Regulations)

Michael & Jennifer,

I want to thank you and your staff for their assistance.

Thanks,
-Sam



Sam Franklin
Real Estate Director

On Tue, Jul 31, 2018 at 4:53 PM, Jennifer Arnold <jarnold@mckinneytexas.org> wrote:

Hi Sam,

As promised, we have looked at the Honey Creek Zoning (PD 1703) and confirmed that the proposed amendments to the zoning ordinance would remove any allowances for multi-family uses that were permitted under the C-Retail (which references back to "BN") within the PD.

MU-1 (Mixed Use – 1) would be similarly affected since it allows a mix of "O" and "C" as defined in PD 1703. MU-2 (Mixed Use – 2), however, allows a mix of any permitted use of the residential section (Section IV), office, and restaurant uses, so this mixed use district would still allow residential uses.

I hope these helps clarify. Please let me know if you need anything else.

Thanks,
Jennifer Arnold, AICP | *Interim Director of Planning, Planning Manager*
City of McKinney
Phone | 972.547.7415
Email | jarnold@mckinneytexas.org

Please tell us how we're doing by [completing a brief survey](#).

From: Sam Franklin
Sent: Tuesday, July 31, 2018 9:27 AM
To: Jennifer Arnold <jarnold@mckinneytexas.org>
Cc: Michael Quint <mquint@mckinneytexas.org>; Samantha Pickett <spickett@mckinneytexas.org>
Subject: Re: Amendment to chapter 146 (Zoning Regulations)

Thank you Jennifer.

On Tue, Jul 31, 2018 at 8:50 AM Jennifer Arnold <jarnold@mckinneytexas.org> wrote:

Hi Sam,

Michael mentioned your email below to be, so I wanted to let you know that we are looking into this. I suspect that the answer is, yes, the proposed amendments to chapter 146 would remove any allowances for multi-family uses that were permitted under the BN references in the PD, but would like to look through the specific language to confirm.

Nonetheless, I wanted to let you know that we are looking into this and will have a definitive answer back to you as soon as possible.

Thanks,
Jennifer Arnold, AICP | *Interim Director of Planning, Planning Manager*
City of McKinney
Phone | 972.547.7415
Email | jarnold@mckinneytexas.org

Please tell us how we're doing by [completing a brief survey](#).

From: Sam Franklin **Sent:** Monday, July 30, 2018 12:59 PM
To: Barry Shelton <bshelton@mckinneytexas.org>; Michael Quint <mquint@mckinneytexas.org>

>

Subject: Amendment to chapter 146 (Zoning Regulations)

Gentlemen,

I have a question about the attached Cross F PD in regards to the proposed zoning changes in the previous P&Z Meeting. Under our Commercial zoning within the Original Cross F PD the uses are described as those allowed under "BN" - Neighborhood Business. Under this proposed change would it be eliminating the multifamily component from the uses of our commercial zoning?

In the PD I am referencing the Following:

- Section V

II. Non-residential uses regulations

B. "C" - Retail

a. any use permitted in district "BN."

It also states that we have the ability to develop up to 10% of land area of the Mixed Use component the uses referenced in "C" - Retail above. Would we be losing our right to build higher density residential in those areas as well? I realize it may not be a straight forward answer, but any clarification would help.

Thanks for your assistance,

-Sam

Sam Franklin
Real Estate Director

Samantha Pickett

Subject: FW: Proposed Revisions to Comprehensive Zoning Ordinance

From: Bob Roeder

Sent: Thursday, August 9, 2018 12:05 PM

To: Contact-Planning <Contact-Planning@mckinneytexas.org>

Cc: Margret Self

Subject: Proposed Revisions to Comprehensive Zoning Ordinance

My comments from reviewing the email along with the proposed modifications to the verbiage of Chapter 146 and the land use tables are as follows:

- Given the current physical requirements for multi-family development within the BG, BN and C Districts of maximum 22 units per acre, two story height limitation, distance from single family residential, fencing, parking, etc. (basically “garden-style” multi-family), I am of the opinion that removing the opportunity for development of that type of multi-family from those districts will have a minimal impact on the market value of properties currently holding those zoning classifications because there is a very low demand for garden-style apartments. Accordingly, I believe unilateral action by the Council to adopt this change will not be a big issue for the investment and development communities.
- With regard to the ability to develop single family within the BN, BG or C Districts, I concur with staff’s position that there are no good mechanisms within those districts to regulate land use compatibility with other permitted uses. I would prefer to see an amendment to those districts containing language allowing the City to weigh land use compatibility within each of those districts rather than a complete removal of the single family residential permitted uses. I am of the opinion that the complete removal of single family as a permitted use could have a material adverse impact on the market value of existing properties within those districts, and hence would be an issue for the investment and development communities.
- The removal of auto sales as a permitted use from C-Planned Center to a use requiring a special use permit, while perhaps desirable to keep automotive sales off of the major corridors, is very heavy-handed in my opinion and will have a materially adversely impact on properties currently zoned C-Planned Center located along those corridors. My greater concern with regard to this change is that it sends a message to the investment community that the City can and will unilaterally change land use in a way that will have an obvious negative impact on use and values, which is the antipathy of consistency and not the message I think the City should be sending. McKinney has the auto dealerships, not because those dealers have chosen McKinney above all other cities, but because of the geographical restrictions imposed by vehicle manufacturers (eg. one cannot have a Mercedes dealership that is located within 10 miles of an existing Mercedes dealership), which explains why there are no dealerships in Allen. My preference would be to impose an overlay district on the major corridors that might limit the amount of frontage an auto dealership can have along the corridor, impose better architectural standards, require more screening for inventory, address requirements for maintenance and/or removal of improvements if the dealership ceases to do business, etc. which allows a prospective dealer to make a decision based upon the required capital investment, rather than prohibit outright the use. By the same token, such requirements in an overlay would substantially reduce the attractiveness of corridor frontage for a standalone used car operation. Had such an overlay been in existence in the past, we might have seen fewer dealerships along 75 because of the cost of redeploying the old dealerships. I believe that the investment and development communities understand modifications to a

city's quality and architectural standards for various uses; however, they do not react well to a city's removal of those uses.

I am happy to discuss my comments further should you desire.

Regards,

Bob

Robert Roeder, Director / Shareholder
Qualified Mediator

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Samantha Pickett

Subject: FW: Proposed Zoning Ordinance Amendments

From: Sherry Williams

Sent: Friday, July 27, 2018 1:10 PM

To: Samantha Pickett <spickett@mckinneytexas.org>

Subject: Re: Proposed Zoning Ordinance Amendments

so, this email is really not clear. What exactly are you proposing? Yes or no, let car businesses and residential be in the same district? What else? So, residential not allowed in business district? What if someone wants to live above their business? Are you trying to eliminate car businesses from highway 5? That seems unlikely since that is our car business area.

Please make sure I have your cel no. and your email address.

Regards,

Sherry Geer Williams

G. M. Geer - Engineer - Surveyor

I am looking for a new Spanish Speaking assistant.

This email is intended explicitly for the person addressed. If you are not this person, please delete this email. If you forward this correspondence, please delete the forwarding history, which includes my email address. It is a courtesy to me and others who may not wish to have their email addresses sent all over the world. Erasing the history helps prevent spammers from mining addresses and viruses from being propagated. When sending to a list of recipients, always use the BCC (Blind Carbon Copy) feature to hide the recipients addresses.

Samantha Pickett

Subject: FW: Proposed Zoning Ordinance Amendments

From: Ray Eckenrode, CCIM, SIOR

Sent: Thursday, August 9, 2018 4:59 PM

To: Samantha Pickett <spickett@mckinneytexas.org>

Subject: RE: Proposed Zoning Ordinance Amendments

Hi Samantha,

Per your request looking for feedback:

- I generally agree and am happy to see the loopholes on residential type uses being cleaned up out of zoning that was never intended for it to be a primary use.
- I am concerned and worried about the auto sales and boat sales being yanked out of commercial zoning when this was a commercial use. Tens of millions of dollars of investment have been put into commercially zoned parcels by multiple land owners in McKinney based off of the known general commercial zoning. This elimination of known commercial uses is different from the loophole of the residential and current land owners with that intentioned use should not suffer financially for investing in McKinney land. Many of these land owners, did the proper research and checking with the city to understand their allowable uses. This research helped them justify the market price they were willing to pay for their land. Taking away their allowed zoning and nullifying their proper due diligence makes purchasing in McKinney a scary proposition. I do believe McKinney's frontage has too many auto retailers, so I understand the and applaud the motive. I disagree in that it is financially damaging to the land owners that had no way of seeing this happen to them and devaluing their properties.

Thanks,
Ray