

Planning and Zoning Commission Meeting Minutes of August 22, 2017:

17-202Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "C1" - Neighborhood Commercial District, Located on the Northwest Corner of Collin McKinney Parkway and Village Park Drive

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant is requesting to rezone approximately 2.4 acres of land from "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District to "C1" – Neighborhood Commercial District, generally for low intensity commercial uses. Ms. Quintanilla stated that the governing "PD" – Planned Development District currently allows retail uses in an urban manner. She stated that the applicant had requested to develop in a suburban manner with the building towards the back of the property and parking in the front. Ms. Quintanilla stated that within the past year, there had been three rezoning requests to the "C1" – Neighborhood Commercial District near the intersection of Lake Forest Drive and Collin McKinney Parkway. She stated that this intersection is located approximately 1,000 feet east of the subject property. Ms. Quintanilla stated that it was Staff's professional opinion that the rezoning request will remain compatible with the adjacent residential uses and will complement the future commercially planned uses. She stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Byron Waddey, PE, 1919 S. Shiloh, Garland, TX, explained the proposed rezoning request. He briefly discussed some possible uses on the property. Mr. Waddey offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments.

The following four residents spoke in opposition to the proposed rezoning request.

Mr. T.J. Nichols, 5004 Devon Drive, McKinney, TX, discussed the area surrounding the subject property being single family residential uses with common areas. He stated that the other commercial development approximately 1,000 feet east of the subject property was located on Lake Forest Drive. Mr. Nichols stated that it was not the same thing as going into the middle of their neighborhood. He stated that the proposed setback changes would have the buildings located close to the adjacent backyards. Mr. Nichols had concerns about increased traffic in the area. He stated that the applicant had not reached out to the neighbors to discuss the proposed development and address their concerns. Mr. Nichols stated that the neighbors that he had spoken to were not in favor of the proposed development of the property.

Mr. Antonio Ferreira Duarte Neto, 5013 Devon Drive, McKinney, TX, stated that he lived close to the corner. He had concerns regarding reducing rear setbacks that would allow commercial buildings to be located next to his backyard. Mr. Neto stated that he preferred to keep the current zoning on the property.

Mr. Mauricio Cardoso, 5017 Devon Drive, McKinney, TX, stated that he also lived adjacent to the subject property. He stated that he has the same concerns as Mr. Nichols about this proposed rezoning request. Mr. Cardoso expressed concerns about changing the setback on the subject property. He worried that it would allow the commercial building to be built right against his backyard. Mr. Cardoso stated that he has an iron

fence and a building that close could block the view and light that they are currently enjoying on their property. He worried that property value could decrease. Mr. Cardoso stated that the developer had not communicated what they planned to develop on the property.

Mr. John Keehler, 5012 Devon Drive, McKinney, TX, stated that there was no commercial development currently on Collin McKinney Parkway between Lake Forest Drive and Stacy Road. He stated that the proposed commercial development located 1,000 feet east of the subject property was located on Lake Forest Drive, which was a major road. Mr. Keehler stated that Collin McKinney Parkway was listed as a minor arterial road on the Comprehensive Plan. He stated that he did not feel that Collin McKinney Parkway currently qualified as a minor arterial and that it was all residential traffic on it. Mr. Keehler stated that there was very little cut through traffic from Lake Forest Drive or Stacy Road, primarily due to there being no stop lights. He stated that he jogged on that road on a regular basis and did not see that many vehicles. Mr. Keehler stated that there have been some maintenance issues with this property since it had been purchased. He questioned the long term viability of a commercial business, in particular retail, that is developed at this location due to the lack of traffic and other commercial development around it. Mr. Keehler stated that they had not received any outreach from the developer.

On a motion by Commission Member Mantzey, seconded by Vice-Chairman Zepp, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0.

Alternate Commission Member McReynolds asked about the vacant property directly to the north of the subject property. Ms. Quintanilla stated that property was a common area that was part of the Village Park subdivision. Alternate Commission

Member McReynolds wanted to clarify that it was just part of the greenbelt there. Ms. Quintanilla said yes.

Vice-Chairman Zepp asked if the property across the road to the southeast was zoned for single family residential uses. Ms. Quintanilla stated that they rezoned that property to a "PD" – Planned Development District for single family residential uses called the Vineyards. She stated that Phase I of the Vineyards was currently under construction and was located southeast of the subject property.

Commission Member Mantzey asked if the subject property was currently zoned for commercial uses. Ms. Quintanilla said yes.

Commission Member Mantzey asked about the proposed setbacks. Ms. Quintanilla stated that for the "C1" – Neighborhood Commercial District there is a zero-foot rear yard setback. She stated that since the subject property is abutting residential developments on the north and west side of the property that they would be required to provide a 10-foot landscape buffer with trees planted every one per 40 linear feet as well as provide a six-foot tall screening wall.

Commission Member Mantzey wanted to clarify that under the current zoning on the property a screening wall would still be required and that the building would be further away from the property line. Ms. Quintanilla said yes. She stated that the current zoning allows for more intense uses on the property than the proposed "C1" – Neighborhood Commercial District allows.

Commission Member Smith asked about the setback and buffering requirements required on the property under the current zoning compared to the proposed zoning. Ms. Quintanilla stated that the current zoning has a 55-foot rear yard setback. She stated that they could not have a building within 55 feet of the rear yard property line; however, they

could have parking and other infrastructure within that 55-foot distance. Ms. Quintanilla stated that the “C1” – Neighborhood Commercial District has a zero-foot rear yard setback.

Commission Member Mantzey and Cobble asked for the side yard setback. Ms. Quintanilla stated that for the proposed “C1” – Neighborhood Commercial District has a zero-foot side yard setback. She stated that a 10-foot landscape buffer would be required due to it being located next to a residential property.

Commission Member Smith asked how long the current zoning had been in place. Ms. Quintanilla said since 2002.

Commission Member Cobbel wanted to clarify that the area to the north was a common area for the subdivision and probably would not have any residential homes built on it. Ms. Quintanilla stated that was correct.

Commission Member Mantzey stated that he was disappointed that the developer did not speak with the surrounding residential property owners about this project. He stated that if he felt the project affected people to the rear more then he would be against the proposed rezoning request.

Commission Member Smith stated that since the setback would be the same and the proposed rezoning would lessen the intensity of uses she felt it was more in favor of the surrounding residents.

Vice-Chairman Zepp suggested tabling the item and require the developer to discuss the proposed development with the surrounding residents. He stated that it may not change what the developer what to do on the property; however, it might help mitigate some of the surrounding property owner’s questions about the proposed development.

Commission Member Kuykendall concurred with Vice-Chairman Zepp's suggestion. She stated that it was important that the applicant work with the residents to bring more understanding to what was being proposed for the property and allow them to weigh in. Commission Member Kuykendall stated that an open dialog between the developer and surrounding residents might remove some of the opposition to this request.

Alternate Commission Member McReynolds stated that he also concurred with Vice-Chairman Zepp and Commission Member Kuykendall's comments. He also wanted to see communication between the developer and the surrounding residents regarding the proposed development.

Chairman Cox stated that he did wish that the developer and surrounding property owners had some dialog about the proposed development on the subject property. He stated that there could still be time for dialog, since this item was scheduled to go before City Council on Tuesday, September 19, 2017 for final consideration. Chairman Cox stated that he would be in favor of approving the request.

Alternate Commission Member McReynolds asked about needing to ask the applicant how he felt about tabling the item.

On a motion by Commission Member Cobbel, seconded by Commission Member Mantzey, the Commission voted to recommend approval as recommended by Staff, with a vote of 5-2-0. Vice-Chairman Zepp and 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 September 19, 2017.