

Planning and Zoning Commission Meeting Minutes of January 12, 2021:

20-0140Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "C2" - Local Commercial District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow Multi-Family Uses, Located on the Southeast Corner of Hardin Boulevard and Virginia Parkway. Ms. Kaitlin Gibbon, Planner II for the City of McKinney, stated before tonight's meeting, she distributed letters of support and letters of opposition that were submitted after the packet was create to the Commission. She explained the proposed rezoning request. Ms. Gibbon stated that a similar request was brought before the Commission and City Council in 2020 and was ultimately withdrawn by the applicant (case number 2020-0006Z). She stated that this new request includes many of the same features of the previous case, with the exception of a modification to the placement of the required screening device. Ms. Gibbon stated that Staff has concerns with rezoning this commercial property to allow for a residential development. She stated that the property is located at a hard corner of two major arterials and was just recently zoned to "C2" – Local Commercial District in 2019 to allow for commercial uses. Ms. Gibbon stated that given the stated goal of City Council to preserve as much meaningful commercial opportunities as possible, Staff was unable to support the request. She stated that in addition to Staff's concern about the proposed use in this particular location, Staff also has concerns with the requested increase in height to allow for 3-4 story apartment buildings in an area that is not

inherently urban. Ms. Gibbon stated that given these factors, Staff was unable to support the proposed rezoning request and offered to answer questions. There were none. Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Boulevard; Suite 300; McKinney, TX; explained the proposed rezoning request and gave a presentation. He gave a brief history of the previous case. Mr. Roeder stated that since then the property is under contract with DHI Communities, Inc., which is division of D.R. Horton, Inc. He stated that they had several meetings with Sorrellwood Terrace residents and two ZOOM meetings held with Sorrellwood Park residents to share information about the proposed development. Mr. Roeder stated that approximately 7 of the 12 acres was developable on the subject property. He briefly discussed the development on the hard corner of the intersection. Mr. Roeder gave an example of the City of Plano have too many commercial developments at intersections that were unsuccessful. He felt that this intersection was already maxed out on retail opportunities; therefore, the proposed multi-family development would be an appropriate use at this location. Mr. Roeder stated that the City's long-range plan shows this site as Urban Living, which would include multi-family uses. He stated that the cost of the proposed development would be approximately \$45,000,000. Mr. Roeder stated that the Park Dedication fee would be approximately \$1,000,000. He stated that the estimated household income would be \$70,000 per year for the residents. Mr. Roeder felt that once approved that they would be breaking ground quickly. He stated that they submitted a new concept plan that is different than the one submitted with the previous request. Mr. Roeder stated that they were requesting to place

the screening wall on the north side of the proposed 30' existing tree buffer instead of on the property line. He stated that they were proposing a 100' setback before any resident structure could be built. Mr. Roeder stated that they were willing to cap the total number of units for this project to 250 units. He stated that they were willing to reduce the height of the building to the west from a 4 story to a 3 story to address Staff's concern of the relationship of buildings on that corner. Mr. Roeder stated that most of the building had been oriented to a north-south configuration. He stated that they intent to keep the property depressed to limit the effect of the height of the buildings from the right-of-way. Mr. Andrew Wiley, DHI Communities, 9227 Larchwood Drive, Dallas, TX, discussed their typical product that they build. He stated that this would be a gated, luxury apartment development with would be 24-hour security. Mr. Wiley stated that once approved they would be ready to start construction this year. He felt that there was a need for this type of housing in this area. Mr. Wiley showed similar projects that they built around the country. Mr. Roeder stated that a traffic engineer had looked at the difference between commercial development compared to multi-family residential development at this site. He stated that the traffic engineer concluded that the commercial development would generate almost three times more traffic during peak hours and during normal daily times. Mr. Roeder stated that they felt they address the noise concern with the proposed 30' tree zone and the 100' setback. He did not feel this type of development would have a lot of children in it. Mr. Roeder stated that this project would be required to meet all the City's performance standards in terms of light pollution, air pollution, etc. He stated that having an immediate taxable

project on the City's tax rolls would outweigh whatever future tax base you might get with future commercial development. Mr. Roeder stated that this property was an investment property. He briefly discussed what could be developed on the property under the current zoning. Commission Member Haeckler asked for clarification on what part of the development they were offering to reduce the height. Mr. Roeder referenced the building to the west on the concept plan. He stated that the property was below grade. Mr. Roeder explained how they wanted to measure the heights of the building from sea level. He stated that there could be four-story buildings; however, looking at them from the ground that they would appear to be three-story. Commission Member Haeckler asked if the utilities being allowed in the 30' tree zone. Mr. Roeder stated that those would be City utilities. He briefly mentioned the location for the water and sewer utility locations for the site. Mr. Roeder stated that language was added by the City, so if they needed to do something in that location they could. Commission Member McCall asked if the surrounding residents had seen the update concept plan. Mr. Roeder stated that they had seen something almost the same as what was being presented at this meeting. He stated that the 30' tree zone and 100' setback had been consistent throughout. Commission Member Doak stated that on the previous request the egress coming out to the north on Virginia Parkway only had a righthand turn with no access to turn left. He stated that it appears that the proposed entrance was moved. Commission Member Doak asked if a left turn would now be allowed on Virginia Parkway. Mr. Roeder stated that was an engineering issue that would come up during the site plan phase. Chairman Cox opened the public hearing and called for comments. Ms.

Jerri Robertson, 336 Tottenham Court, McKinney, TX, stated that she is the President of Sorrellwood Terrace Homeowner Association (HOA) and spoke in opposition to the request. She stated that she had only been invited to one presentation by the applicant and there was not a lot of opportunity to have a back and forth discussion on things that they would have liked as a community. Ms. Robertson stated that they purchase their property thinking that the property behind them was zoned for commercial uses. She stated that the proposed development does not align with the City's master plan that was created to balance tax revenues and generate commercial and residential contributions. Ms. Robertson expressed concerns about the proposed development increasing traffic, foot traffic through their community, pollution, and affecting her property tax. She asked that the City keep nature in mind. Mr. Robertson requested at the City stick with the well-thought-out Master Plan that kept this parcel as commercial uses. Ms. Joy Sorrell Wood, 1020 Denton Creek Drive, McKinney, TX, spoke in support of the request. She stated that DHI Community had tried to meet with a lot of the residents in Sorrellwood Park. Ms. Wood stated that she knew there was opposition to the request. She stated that the applicant had revised the plan from the previous request. Ms. Wood stated that she did not like the building facing Virginia Parkway in the previous plan. She discussed the positive things that she saw in the current presentation. Ms. Wood stated that she is in favor of the request and she felt it would be a good asset to McKinney. Ms. Leslie Hemenway, 305 Carnaby Court, McKinney, TX, turned in a speaker card in opposition to the request; however, did not wish to speak during the meeting. On a motion by Vice-Chairman Mantzey, seconded by Commission Member

Kuykendall, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Commission Member Haeckler asked for clarification on the elevation and height of the proposed buildings compared to the adjacent neighborhood. Ms. Gibbon stated that they have not gone through an extensive site plan review for this property; therefore, Staff does not know the exact elevation. She stated that the applicant put the maximum level height at sea level requirements within the regulations. Commission Member Haeckler asked if the adjacent neighborhood had two-story homes. Ms. Gibbon said yes. Commission Member Haeckler asked if the proposed development would be depressed by a story. Mr. Roeder said yes. Ms. Gibbon stated that the property does slope down going east on Virginia Parkway. Commission Member Haeckler asked for clarification on the change between the previous submittal and the present request. Ms. Gibbon stated that there was a change in the development standards regarding the location of the screening device for the southern property line so that the screening was located on the north side of the tree zone. Vice-Chairman Mantzey asked for clarification on the changed offered during the meeting by the applicant. Mr. Roeder stated that they were suggesting to have a cap of 250-units, the building furthest to the west on the property being limited to a three-story, and adding a 100' building setback on the south side of the property. He stated that they were willing to push all of the buildings back behind the 100' setback to create more of a buffer. Vice-Chairman Mantzey stated that he was for the previous request due to how much retail was located at Hardin and State Highway 380 (University Drive) and at El Dorado and Hardin. He stated that there were commercial uses in two of the hard corners at this

intersection. Vice-Chairman Mantzey stated that Stonebridge and Virginia Parkway there are apartments on the corner, and it was a viable corner for the City. He stated that he would hate to see this property being a third gas station on the corner with a lot of drive-throughs along the way. Vice-Chairman Mantzey stated that the applicant has gone back and given more with the 100' setback and the windows looking east to west. He stated that there was no direct access to the local neighborhood. Vice-Chairman Mantzey stated that there were good trees between the two developments. He stated that he was in support of the proposed rezoning request. Commission Member Kuykendall stated that she concurred with Staff's recommendation for denial. She felt that there was opportunity at this location. Commission Member Kuykendall also mention the letters of opposition received on this request. Commission Member Taylor stated that concurred with Commission Member Kuykendall's comments. He felt the current zoning suited the property. Commission Member Taylor stated that he would be voting for denial of the proposed rezoning request. Commission Member Haeckler stated that he still had concerns regarding the building height. He stated that there needs to be a balance of commercial. Commission Member Haeckler stated that the concept idea was interesting. He stated that residential multi-family development could work here; however, he still had concerns about the height. Commission Member Haeckler stated that he would be voting for denial of the proposed rezoning request. Commission Member Doak believed that we have plenty of commercial on the two corners. He stated that this corner was a challenging property due to topography and layout. Commission Member Doak stated that he appreciated the applicant coming back with some

modifications to make the proposed development more appealing for the community. He stated that he was in favor of this project. Commission Member McCall concurred with Commission Member Doak's comments. He felt there was too much commercial at this corner already. Commission Member McCall stated that the proposed development would complement the area. He stated that he would also be in support of approving the proposed rezoning request. Chairman Cox stated that he was in favor of the applicant's request, especially with the applicant being willing to increase the setback on the southside, cap the number of units to 250 and three-stories. He felt that this was an appropriate request for the subject property. On a motion by Vice-Chairman Mantzey, seconded by Commission Member McCall, the Commission voted to recommend approval of the proposed rezoning request with the addition of a 250-unit cap, western most building being limited to three-story, and the 100' setback to the south, with a vote of 4-3-0. Board Members Haeckler, Kuykendall, and Taylor 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 February 2, 2021.