

Planning and Zoning Commission Meeting Minutes of November 14, 2017:

17-292Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "PD" - Planned Development District, Generally for Commercial and Multi-Family Residential Uses, Located Approximately 1,960 Feet North of Laud Howell Parkway and on the West Side of Trinity Falls Parkway

Ms. Samantha Pickett, Planning Manager for the City of McKinney, explained the proposed rezoning request. She stated that the City was rezoning approximately 44 acres of land from "AG" – Agricultural District to "PD" – Planned Development District. Ms. Pickett stated that the proposed regulations allow a subject property the flexibility to develop in either an urban or suburban manner in response to market forces and provide a transition from U.S. Highway 75 (Central Expressway) towards the residential area of the northwest sector. She stated that the allowed uses on the property would include commercial, retail, and multi-family uses, which are in line with the Northwest Sector Study and the draft 2040 Comprehensive Plan Update. Ms. Pickett stated that the proposed rezoning request aligns with the recently rezoned properties in the area, as well as the City's long range plans. She stated that Staff recommends approval of the proposed rezoning request with the special ordinance provision listed in the Staff report and offered to answer questions.

Mr. David Martin, 2728 N. Harwood Street, Dallas, TX, concurred with the Staff Report and offered to answer questions.

Chairman Cox opened the public hearing and called for comments.

Mr. James Alan Augspurger, 6465 Trinity Falls Parkway, McKinney, TX, stated that he was in opposition to the proposed rezoning request. He stated that the property was better suited for a commercial use. Mr. Augspurger stated that it was located near State Highway 121 and U.S. Highway 75 (Central Expressway). He stated that someone is building a new huge house and barn on an approximately ten acre tract of land in the area, which he felt was appropriate for the area. Mr. Augspurger stated that jets flying overhead on route to and from the Dallas/Fort Worth Airport (DFW) and the two highways create a lot of loud noises. He stated that this area was not appropriate for residential uses and only good for commercial uses. Mr. Augspurger stated that it could cause health issues with all of the noise. He stated that there were no trees currently on the property. Mr. Augspurger stated that it was a terrible idea to put residential uses at this location and it was a bad design.

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

Commission Member Smith asked if multi-family uses were needed at this location to accomplish the goals of the Comprehensive Plan for Economic Development Viability for a Sustainable and Affordable Community, balanced development pattern, Northwest Sector goals, et cetera. Ms. Pickett stated that it would certainly help when it comes to the draft 2040 Comprehensive Plan. She stated that this area is part of or adjacent to an entertainment district. Ms. Pickett stated that it calls for 24 hours per day, 7 days a week live/work/play opportunities. She stated that Staff definitely does not have a problem with it located here. Ms. Pickett stated that it is in conformance with the City's multi-family

policy, due to this sector not reaching its cap yet. She stated that the multi-family uses would help support the commercial uses proposed in this area.

Commission Member Smith asked if the 7.72 percent of multi-family in the Northwest Sector was already zoned for multi-family uses; however, not yet developed. Ms. Pickett stated that the 7.72 percent had already been zoned for multi-family uses. She could not think of any multi-family developments that were already built in this area.

Commission Member Cobbel stated that he felt it was positive that we finally got something like this on the subject property. She stated that it seemed that the request was more of commercial and multi-family uses and not residential use. Commission Member Cobbel stated that she was in favor of the proposed rezoning request. She stated that it was a worthwhile project.

Commission Member Kuykendall asked how staff calculated how much multi-family is in an area. She asked how to determine when it falls under provision #9 or #10 of the Multi-Family Policy: "Vertical mixed-use developments may be allowed even if multi-family housing in the sector exceeds 10% of the existing and zoned housing units, and shall not count towards the multi-family percentage. A vertical mixed-use area shall be defined as one with non-residential uses on the ground floor and in some cases lower floors, with residential uses on the upper floors. The City encourages the vertical mixing of rental units with other land uses." or "Urban multi-family developments may also be allowed even if multi-family housing in the sector exceeds 10% of the existing and zoned housing units. For the purposes of this section, urban multi-family development shall mean a multi-family residential development which incorporates, at a minimum, the following urban design elements: a. structured and/or tuck-under garage parking for no

less than 80% of the total required parking for the development; b. ground floor units adjacent to a public right-of-way area designed and constructed to permit commercial uses with a minimum 12 feet clear ceiling height; c. meaningful, centrally located internal open spaces (parks, plaza, courtyards, and squares) offering public gathering areas; and d. 10 foot wide public sidewalks adjacent to all public roadways.”

Ms. Pickett stated that for these provisions you are looking at whether it is zoned to require vertical mixed-use development, meets the components of urban multi-family developments, or built to either of those standards. She stated that this sector is easier since we are not dealing with a lot of multi-family currently being built. Ms. Pickett stated that the Long Range Staff in the Planning Department is using that information in their formula to show how much land area is zoned for multi-family. She gave the example that if we know a multi-family development falls under provision #10, then they do not include it in their calculations. Ms. Pickett stated that when it could develop as either urban or suburban, like this one, it would get counted, since we do not know how it will eventually be built.

Commission Member Kuykendall asked if there was a way to get a true picture of how much multi-family was in an area with it being calculated so differently. Ms. Pickett stated that Staff could pull the zonings and what has been built. She stated that she did not know the flat rate.

Commission Member Kuykendall asked if the total multi-family for this area would still be under the 10 percent. Ms. Pickett said yes.

Commission Member Zepp asked if this would discuss the maximum number of multi-family units that could be developed on the subject property. Ms. Pickett stated that

it would be a minimum density if it was developed under the urban or suburban standards. She stated that it would be 50 units to the acre for the urban and 30 units to the acre for the suburban.

Commission Member Cobbel asked if the statement that “it should be noted that the approval of this rezoning request is a condition of the settlement agreement, approved by the City Council on November 6, 2017, regarding the pending litigation of Arch Resorts, L.L.C. versus the City of McKinney, Texas and Rick Herzberger, Chief Building Official of the City of McKinney, Texas, versus Collin County, Texas, No. 219-01855-2015, 219th District Court of Collin County, Texas” listed in the Staff Report means that City Council understands what is before us and is at their request. Mr. Michael Quint, Director of Development Services for the City of McKinney, stated that this is a City-initiated rezoning of private property. He stated that City Council had approved these zoning terms. Mr. Quint stated that they were aware and very supportive of the request.

Commission Member Kuykendall asked Mr. Quint to give a snapshot of the agreement. Mr. Quint stated that the City agrees to pay a lump sum to the property owner to cease the use going forward. He stated that in exchange for that lump sum the property owner would agree to remove the existing recreational vehicles (RV) spaces on the property at their cost and no cost to the City. Mr. Quint stated that there would also be a restrictive covenant that would restrict any future recreational vehicles (RV) uses on the property. He stated that they would then agree to settle the pending litigation.

Commission Member Kuykendall asked if the litigation had anything to do with the proposed rezoning request. Mr. Quint said yes, that this was part of the settlement for

that litigation. He stated that if this request is not approved then the settlement would no longer be valid and the City goes back to court.

Commission Member Smith asked if Staff would say the proposed uses were much more desirable than the current use. Mr. Quint stated that was safe to say. He stated that it was more desirable and in line with the City's long range plan. Mr. Quint stated that Staff was very supportive of the proposed rezoning request.

Chairman Cox stated that he applauded Staff and all of the parties involved in the request to rezone. He stated that it was important that as a City and the County move on. Chairman Cox stated that this is an agreement that for a rezoning that works in the fastest growing area of McKinney. He stated that this is an agreement that the parties have come up with. Chairman Cox stated that he was in favor of the proposed rezoning request.

On a motion by Commission Member Cobbel, seconded by Commission Member Zepp, the Commission voted to close the public hearing and recommend approval of the proposed rezoning request, with a vote of 6-1-0. Commission Member Kuykendall voted against to the motion.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 5, 2017.