

**Planning and Zoning Commission Meeting Minutes of September 10, 2019:**

**19-0077Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS-84" - Single Family Residence District to "SF5" - Single Family Residential District, Located Approximately 180 Feet North of Albany Drive on the East Side of Sorrell Road (REQUEST TO BE TABLED). Mr. Joe Moss, Planner I for the City of McKinney, stated that Staff recommends that the public hearing be closed and the item tabled indefinitely in order to allow the applicant additional time to continue working on the request. He stated that Staff did not provide a detailed Staff report to the Commission due to the request to table the item. Mr. Moss stated that Staff would re-notice prior to an upcoming meeting. He offered to answer questions. Chairman Cox asked for clarification on Staff's recommendation. Mr. Moss stated that Staff recommends closing the public hearing and tabling the item indefinitely to allow the applicant time to continue working on the request. Commission Member Kuykendall wanted to clarify that if the item was tabled then no further action would be taken at this time. Mr. Moss stated that if the item is tabled, then it would be like the request was being pulled from the agenda, so essentially no action would be taken on the item. He stated that the item would be re-noticed prior to an upcoming meeting. Chairman Cox asked for clarification on the re-noticing process. Mr. Moss stated that Staff would mail out public hearing notices to property owners within 200' of the subject property ten days prior to the Planning and Zoning Commission meeting that it is being presented per the State Law of Texas

requirements. Chairman Cox asked if Staff had any indication of when the next notice might go out. Mr. Moss stated that Staff did not know when this request might come before the Commission again. He reiterated that the request is to table the item indefinitely. Chairman Cox stated that the Commission has not been given the details or any paperwork of this request. He stated that the only reasonable action from the Commission would be to table the item

per Staff's recommendation. He stated that this request should be coming back before the Commission at some time in the future; however, that exact date was unknown at this time. Chairman Cox reiterated that property owners within 200' of the subject property will be sent a public hearing notice in the mail for that future meeting. He opened the public hearing and called for comments. Mr. Chris Bowers, 1800 Valley View Lane, Framers Branch, TX, stated that he would reserve his comments until the application comes back before the Commission. His speaker card stated that he was in opposition to the request. Ms. Doris Lee, 6421 McKinney Ranch Parkway, McKinney, TX, started speaking an unrelated agenda item. Mr. Keeshav Bisht, 313 Bachman Creek Drive, McKinney, TX, stated that he was in favor of tabling the item until there is more information. His speaker card stated that he was in opposition to the request. Mr. Russ Mortenson, 2804 Albany Drive, McKinney, TX, spoke in opposition to the rezoning request. He stated that his property was located adjacent and next door to an access point for the subject property. Mr. Mortenson stated that this is not another greenfield residential rezoning case that the Commission routinely hears. He stated that this case

presents sensitive and difficult issues for a maturing City. Mr. Mortenson stated that developers are doubling back to develop previously zoned residential properties, now encircled by developed subdivisions, that were either overlooked or unavailable for development over the past two to three decades. He stated that the City must be far more aware of and sensitive to local property owners who invested in the surrounding subdivision and neighborhoods to these rezoning requests from property owners who now wish to make a profit. Mr. Mortenson stated that current investing residents placed their reliance on the then existing zoning of adjacent and nearby properties when making judgements on the suitability of these residential properties in context to their lifestyle needs and preferences, desire for stability, maintaining the value of their residential property investments, and the compatibility of adjoining neighborhoods. He stated that he generally believes in the property owner's ability to do what they want with their property; however, in an urban environment we give up some of those rights. Mr. Mortenson stated that there are limits imposed. He stated that this is why the property owner is not entitled to a drastic zoning change on their property. Mr. Mortenson stated that since his allotted three minutes were up that he would submit the rest of his comments in writing. Ms. Molly McLeay, 817 Lockhart Drive, McKinney, TX, stated that she opposes the request. She stated that she lives within 200' of the subject property. Ms. McLeay stated that while she was noticed properly as the notices were postmarked on August 30, it did not leave a lot of time to talk as many notices did not arrive until September 7<sup>th</sup>. She suggested that Staff e-mail the public hearing notices instead of mailing them to save money. The

following residents turned in speak cards in opposition to the request;

however, did not wish to speak during the meeting:

- Karen Sowards, 625 Sorrel Road, McKinney, TX
- Gary Stanford, 2904 Sorrell Circle, McKinney, TX
- Vishal Ramchand, 2901 Sorrell Circle, McKinney, TX
- Catherine Stanford, 2904 Sorrell Circle, McKinney, TX
- Paul A. Sowards, 625 Sorrell Road, McKinney, TX
- Kajuri Ramchand, 2901 Sorrell Circle, McKinney, TX
- Malgorzata Gortych, 2513 Elk Run Road, McKinney, TX
- Brad Walker, 801 Lockhart Drive, McKinney, TX
- Lynda Davis, 2713 White Rock Creek, McKinney, TX
- John Davis, 2713 White Rock Creek, McKinney, TX
- Carroll Moore, 2724 Albany Drive, McKinney, TX
- Aliza Chkaiban, 2704 Mountain Creek Drive, McKinney, TX
- Charles Chkaiban, 2704 Mountain Creek Drive, McKinney, TX
- Lauren Solano, 305 Turtle Creek Drive, McKinney, TX
- Michael Harrison, 317 Turtle Creek Drive, McKinney, TX
- Joseph L. Lucas, 612 Sorrell Road, McKinney, TX
- Isha Mittal, 2709 White Rock Creek Drive, McKinney, TX
- Mona Jarvis, 2700 Mountain Creek Drive, McKinney, TX

On a motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Vice-Chairman Mantzey wanted to verify that when this request comes back before the Commission there would be a comparison between the current “RS-84” – Single Family Residential

District and the proposed "SF5" – Single Family Residential District zoning for the property. Mr. Moss said yes. Vice-Chairman Mantzey stated that the Commission does not get involved with the civil engineering and access points on the property, since they go through other City departments. He wanted to verify that the Commission would only be looking at the proposed zoning of the property. Mr. Moss stated that was correct. On a motion by Commission Member Kuykendall, seconded by Commission Member McCall, the Commission unanimously voted to table the item indefinitely per Staff's recommendation, with a vote of 7-0-0.