

Planning and Zoning Commission Meeting Minutes of May 22, 2012:

12-093Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Douglas Properties, Inc., on Behalf of David Huang (Trustee), for Approval of a Request to Rezone Approximately 65.24 Acres from "AG" - Agricultural District to "PD" - Planned Development District, to Allow for "RS 60" - Single Family Residential and "BN" - Neighborhood Business District Uses, Located Approximately 1,400 Feet North of Wilmeth Road and on the West Side of State Highway 5 (McDonald Street).

Mr. Michael Quint, Senior Planner for the City of McKinney, explained the proposed rezoning request and a brief history of the request. He stated that Staff recommends denial of the proposed rezoning request due to a general lack of conformance with the Comprehensive Plan.

Commission Member Bush asked if the only difference between this request and the last time the project was presented to the Planning and Zoning Commission are the addition of approximately three acres of retail development on the property. Mr. Quint said yes. Commission Member Bush asked Mr. Quint if he recalled the City Council's actual vote to deny the request. Mr. Quint thought that the City Council vote might have been 4-2 to deny the rezoning request; however, was not positive on the numbers.

Vice-Chairman Lindsay had questions about a possible park area north of this proposed development. Mr. Quint explained that piece of property is not currently planned for a park and the reasons why it is not planned for a park. Vice-Chairman Lindsay asked who owns that other piece of property. Mr. Quint stated that the City of McKinney currently owns the property.

Mr. Jim Douglas, Douglas Properties, Inc., 2309 Ave K, Suite # 100, Plano, TX, explained the proposed rezoning request and gave a brief history of the request. He discussed the changes to the request since it was last presented to the Planning and Zoning Commission. Mr. Douglas discussed how the development would also benefit the surrounding neighborhood and businesses. He stated that the surrounding neighbors had signed a petition in support of the development and that he had some letters of support from local businesses. Copies of these were distributed to the Commission Members and Staff. Mr. Douglas felt like there was a surplus of industrial zoned property in McKinney. He stated that McKinney had three times as much industrial property as the City of Plano. Mr. Douglas stated that the subject property had been for sale for about 40 years without a successful sale. He felt that a new single family development would increase the tax base and help support the local retail businesses.

Chairman Clark expressed concerns over moving more residential properties in an area designated for industrial uses. He asked Mr. Quint to discuss the fiscal differences between if the property was zoned residential verses industrial. Mr. Quint went over the fiscal analysis differences between the two land uses. He stated that this proposed development showed a negative net cost benefit of \$92,420. Mr. Quint stated that if the property was industrial it would have a positive net cost benefit of approximately \$383,000.

Chairman Clark opened the public hearing and called for comments.

The following people spoke in favor of the proposed rezoning request. These citizens felt this development would increase the quality of life and address some of issues in their neighborhood, they felt the development would help increase local retail sales and provide potential employees for local businesses, they questioned why the Trinity Heights development was allowed in an industrial area in the first place, they wanted to remind the City that they are responsible to their citizens, and they questioned having a golf course near industrial zoning.

- Mr. Roman Pacheco, 625 Crystal Falls Dr., McKinney, TX
- Ada Simmons, 512 Cypress Hill, McKinney, TX
- Henry Melgar, 3609 Rolling Hills Dr., McKinney, TX
- Ian James, 521 Cypress, McKinney, TX

The Commission unanimously approved the motion by Commission Member Bush, seconded by Commission Member Franklin, to close the public hearing.

Commission Member Bush asked if the property owner to the north of this property had voiced an opinion to this proposed development. Mr. Quint stated that he thought that a representative of that property owner had attended the City Council meeting and did not feel strongly one way or the other.

Chairman Clark had concerns about a buffer between the residential development and the industrial development in this area. Mr. Quint discussed the current zoning on the surround properties. Chairman Clark asked to clarify that the Future Land Use Plan (FLUP) designated the subject property for

industrial uses. Mr. Quint said yes. He explained that Staff evaluates compatibility with adjacent land uses with each zoning request.

Commission Member Hilton asked for some history on the Trinity Heights development and about the Comprehensive Plan for the City of McKinney. Mr. Quint stated that the area had been designated for industrial uses since at least 1991. He thought that Staff recommended denial of the Trinity Heights request for the same reasons that this request is being recommended for denial. Mr. Quint thought that the zoning for the Trinity Heights development was approved in the late 1990's to early 2000's. Commission Member Hilton asked if the 2004 Comprehensive Plan took into account the Trinity Heights development when it was decided to keep the area zoned Industrial. Mr. Quint said yes, that the existing land uses were taken into account to the extent possible. Commission Member Hilton expressed concerns over the current housing market. He stated that the real estate agents should have explained the surrounding industrial land use designation to the potential Trinity Heights homeowners. Commission Member Hilton stated that the City was responsible to all of the citizens of McKinney. He stated that he was not in support of this request due to a lack of conformance with the vision of the Comprehensive Plan, that it would not balance the ad valorem tax base, and would have a negative impact on the City's utilities and roadways.

Commission Member Franklin stated that this is not prime industrial property. He expressed concerns over the City owning property near this

location that might be in competition with it when being sold. Commission Member Franklin stated that he is in favor of the request.

Chairman Clark mentioned that this request had already been to City Council and they were not in favor of the project.

A motion by Commission Member Franklin to approve the proposed rezoning request as conditioned in the staff report died due to a lack of a second.

Vice-Chairman Lindsay asked if the property to the northwest would ever be a park. Mr. Quint said no, that it is not currently on the Master Parks Plan for the City of McKinney.

Commission Member Hilton stated that one of the City Council's strategic goals is a strong, balanced economy. He asked if there might be another parcel of land in McKinney that is currently zoned residential that could be rezoned to industrial to offset this request. Mr. Quint explained that the property owner of the other piece of property would have to be willing to rezone their property.

Chairman Clark expressed his concerns regarding not having a buffer between residential and industrial developments. Mr. Quint explained that the Zoning Ordinance requires non-residential uses next to residential developments to provide 6-foot screening devices, canopy trees, and a 10-foot landscaped buffer.

Mr. Douglas stated that he is very committed to the project. He stated that he felt this development would help local businesses and the tax base. Mr. Douglas stated that the property had not been sold for industrial uses in over 40 years. Mr. Douglas stated that residential zoning would bring in more tax dollars

than the current Agricultural zoning on the property. He mentioned that they plan to save trees on the property. Mr. Douglas mentioned that the development would also be a benefit to the Trinity Heights residents. He stated that the property to the north of this site has an excellent retail location on the corner of the property. Mr. Douglas felt this request would benefit this other property owner as well. He felt that the zoning process looks at the individual properties in more detail than the Comprehensive Plan's Future Land Use Map (FLUP).

Chairman Clark asked Mr. Douglas if he would prefer to table the request. He stated that if the Planning and Zoning Commission recommends denial of the request, then it would take a super-majority vote from City Council to approve the request. Mr. Douglas was willing to table the request to obtain additional information to help the Planning and Zoning Commission to make a decision.

Commission Member Hilton expressed concerns over the requested development possibly not being occupied and being surrounded by light industrial uses.

A motion by Commission Member Hilton, seconded by Commission Member Bush, to recommend denial of this rezoning request failed with a vote of 2-3. Chairman Clark, Vice-Chairman Lindsay, and Commission Member Franklin voted against the motion.

On a motion by Commission Member Franklin, seconded by Vice-Chairman Lindsay, the Commission voted 4-1 to table consideration of the proposed rezoning request until the June 12, 2012 Planning and Zoning

Commission Meeting, so that the applicant may work with Staff to address the presented issues. Commission Member Bush voted against the motion. Mr. Quint stated that Staff would renotice for a public hearing on this item for the Planning and Zoning Commission Meeting on June 12.