

## Draft Planning and Zoning Commission Meeting Minutes of February 9, 2021:

**20-0137Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District, "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, to Allow for Multi-Family Residential and Commercial Uses and to Modify the Development Standards, Located 550 Feet South of Stonebridge Drive and on the East Side of Custer Road. Ms. Kaitlin Gibbon, Planner II for the City of McKinney, explained the proposed rezoning request. She stated that a letter of support was distributed to the Commission prior to the meeting. Ms. Gibbon stated that a similar request was brought before the Planning and Zoning Commission and City Council in 2019 and 2020. She stated that request was ultimately withdrawn by that applicant. Ms. Gibbon stated that this request includes the same uses; however, the development regulations have been modified. She stated that the applicant was proposing a multi-family product that looks and feels more like single family development and was also proposing modifications to the parking and screening requirements. Ms. Gibbon stated that while Staff does not have any objections to the proposed modifications, the proposed multi-family uses do not align with the placetype of Professional Center as designated by the Comprehensive Plan for the property. She stated that Staff feels as though the mix of commercial and residential uses proposed could lessen the City's ability to achieve meaningful non-residential development opportunities for a site with frontage along Custer Road. Ms. Gibbon

stated that given these factors, Staff is unable to support the rezoning request and offered to answer questions. Vice-Chairman Mantzey had questions regarding Staff's recommendation for denial and what the City thought should develop on these tracts. Ms. Gibbon stated that the subject property currently has a split zoning. She stated that the northern portion is zoned for "AG" – Agricultural District and the southern portion is zoned "PD" – Planned Development District which allows for "BN" – Neighborhood Business District uses and "O" – Office District uses. Ms. Gibbon stated that Staff was looking for similar uses allowed under the current zoning which aligns with the placetype of Professional Center as designated by the Comprehensive Plan. Vice-Chairman Mantzey stated that the subject property was approximately 38 acres. He asked if Staff thought a large office complex, condominium, or garden-office style product. Ms. Gibbon said yes. Vice-Chairman Mantzey stated that these types of developments were typically on smaller tracts of land. He asked if Staff felt a corporate campus would be viable on this site. Vice-Chairman Mantzey stated that it had been approximately 20-25 years since Torchmark built up that way. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that Staff was charged with making recommendations and considerations of the Comprehensive Plan and the preservation of commercial and non-residential tax base. She stated that Staff recognizes that the subject property is a large tract. Ms. Arnold stated that it is of the discretion of the Planning and Zoning Commission and City Council to weigh those factors in your decision making. She stated that projects that do not align with the placetype designation may still be considered compatible with the Comprehensive Plan if the proposed

project is found to meet a majority of the established 10 design-making criteria listed in the Staff Report. Vice-Chairman Mantzey discussed the previous request and how the adjacent property owners were not in support of that request. He stated that adjacent property owners were in support of the proposed rezoning request. Mr. Clay Roby, Stillwater Capital, 4145 Travis, Dallas, TX, explained the proposed rezoning request and gave a PowerPoint presentation. He gave examples of projects his firm had recently completed. Mr. Roby stated that they intend to build a high-end cottage style development with front porches and private fenced rear yards. He stated that the property owner looked extensively for investors to purchase the property for office uses without luck. Then the property owner started looking for investors to develop residential uses on the property. Mr. Roby discussed some of the site constraints. He stated that the proposed use has broad support for the adjacent neighborhood. Mr. Roby stated that they held multiple meetings to discuss the proposed development with the nearby property owners. He stated that they plan to maintain commercial uses along Custer Road. Mr. Roby showed an example of a possible residential block layout and a site plan. He requested an amendment to the proposed rezoning request for a 20' total setback to include the landscaping buffer. Mr. Roby stated that there was some confusion on the setback. Mr. Roby stated that they thought the 20' setback being proposed covered the landscaping buffer and building setback. He offered to answer questions. Vice-Chairman Mantzey asked if they had developed other projects like the proposed development. Mr. Roby stated that they currently are in the process of developing similar projects in three Texas cities; however, none have been completed and

operational. Vice-Chairman Mantzey asked what process they go through to determine if the project would be sufficiently parked. He stated that they would coordinate with City Staff and local parking regulations. Mr. Roby stated that they use general parking standards for a typical multi-family product. He stated that the parking ratios were generally similar. Vice-Chairman Mantzey asked about the proposed access to the property. Mr. Roby stated that they have planned for two points of access. He stated that the primary access point would most likely be off Custer Road. Mr. Roby stated that there would be a connection point through the commercial district for a secondary access point. He stated that they plan to provide a connection point to the existing office uses. Mr. Roby stated that they plan to build a bridge over the creek. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Alternate Commission Member Wattley, the Commission unanimously voted to close the public, with a vote of 7-0-0. Vice-Chairman Mantzey stated that the subject property was a difficult land tract. He stated that initially he was going to oppose the request due to no office uses remaining. Vice-Chairman Mantzey stated that since the applicant worked with the adjacent residents and they support a rental project. He questioned if the property could develop with smaller office uses. Vice-Chairman Mantzey stated that he was unsure of recommending approval of 36 acres of multi-family development for the property. Commission Member Kuykendall stated that she supported Staff's recommendation for denial of the proposed rezoning request. Commission Member McCall stated that the subject property was an unusual piece of property. He did not see commercial uses taking up all

of the property. Commission Member McCall stated that the proposed product seemed to be a good product over the multifamily. He stated that he was in favor of the proposed rezoning request if there was a good buffer between the proposed development and adjacent residents, and the adjacent residents were in favor of the request. Commission Member Doak concurred. He stated it was a tough tract of land. Commission Member Doak stated that prior to the applicant's presentation, he was initially leaning towards Staff's recommendation for denial of the request; however, now he feels the proposed development would be a good use for the property. Alternate Commission Member Wattley stated that given the adjacent residents buying in on the proposed development and the proposed product being the best use for the property that he would be in support of the proposed rezoning request. Commission Member Kuykendall inquired about the letter dated February 20, 2021 that was signed by nine residents living on Butterfields Trail. Mr. Roby stated that they interacted with the adjacent residents as part of the virtual townhall meetings they held. He stated that they shared a couple of talking points to the Homeowner's Association (HOA) President, Mr. Tim Stephens, regarding what had been discussed. Mr. Roby stated that Mr. Stephens drafted the letter and took it to the adjacent residents to sign in support of the proposed request. Vice-Chairman Mantzey asked if any letters of opposition were received from the adjacent residential property owners. Ms. Gibbon stated that no letters of opposition have been received at this time. Chairman Cox asked Staff to discuss the applicant's request to reduce the landscape setback and buffer to just 20' total during the meeting. Ms. Gibbon stated that currently the requirement is for a 45'

building setback and a 20' landscape buffer between residential uses and multifamily uses. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that the applicant showed the adjacent property owners a layout showing the 20' landscaping setback and not the 45' building setback. She stated that if the proposed development was single-family residential, then the 45' building setback would not exist. Ms. Arnold stated that she did not feel that Staff would have a strong opposition to the setback reduction based upon the concept plan shown during the meeting. She explained that both the required landscape buffer and building setback would be measured from the property line and would have an overlap area of 20'. Vice-Chairman Mantzey asked if the proposed product would essentially be something between multifamily and single-family developments. Ms. Gibbon stated that it would look similar to a single-family development; however, since there is more than one dwelling unit per lot it would be classified as a multifamily development. Vice-Chairman Mantzey asked if there were any access points into the adjacent residential neighborhood from the subject property. Ms. Gibbon said no. She stated that they proposing access points from the commercial development to the north and one access point along Custer Road. Commission Member McCall inquired if there was a nature buffer on the site. Ms. Gibbon stated that there would be a 30' tree preservation zone with no additional screening being requested in that area. She stated that there is an existing retaining wall with a wooden fence on top of it in the area near the adjacent residential property owners. Ms. Gibbon stated that the applicant was proposing living screening of evergreen shrubs and/or one canopy tree planted on center every 25', instead of providing a fence screen in this

area. Commission Member McCall asked if there was a height difference between the subject property and the adjacent residential properties. Mr. Roby stated that the subject property sits below the single-family residential development between two to four feet. He stated that they offered to make enhancements to the existing fence and use it as the screening element between the two properties. Mr. Roby stated that they were proposing to plant trees and shrubs along that area of property. Chairman Cox asked Mr. Roby to discuss the reduced setback request. Mr. Roby stated that the required larger building setback would create a parcel that could not be developed. He stated that the residents support the proposed 20' building setback. Chairman Cox stated that the proposed development would be a great use of the property and a lot of thought went into it. He stated that it was an understatement to call it a challenging tract of land. Chairman Cox stated that he liked the presentation. Vice-Chairman Mantzey, seconded Commission Member McCall, the Commission voted to recommend approval of the proposed rezoning request as requested by the applicant with the requested reduction of the 20' building setback, with a vote of 6-1-0. 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 March 16, 2021.