

Planning and Zoning Commission Meeting Minutes of March 26, 2019:

18-0122Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "C2" - Local Commercial District, Located on the Northeast Corner of Custer Road and Silverado Trail. Mr. David Soto, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that two updated letters of opposition were distributed to the Commission prior to the meeting. Mr. Soto stated that the applicant is requesting to rezone approximately 13.60 acres of land from "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District to "C2" – Local Commercial District. He stated that the property is currently zoned for Planned Development with a base zoning of "BN" – Neighborhood Business. Mr. Soto stated that the existing zoning has a layout with which any development must conform. He stated that in order to allow for less restrictive development patterns, the applicant has requested to rezone the subject property to "C2" – Local Commercial District. Mr. Soto stated that the subject property is bounded by Silverado Trails to the south, a natural creek (Rowlett Creek) to the east, and Custer Road to the west. He stated that the subject property is located at the corner of two arterials, it should support commercial uses as noted in the 2040 Comprehensive Plan. Mr. Soto stated that the proposed rezoning request should be complementary envisioned for the area. He stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. Commission

Member Haeckler asked Staff to discuss what is allowed under the current zoning and associated layout verses what would be allowed with the proposed zoning. Mr. Soto stated that the current zoning was passed in 2008 with a General Development Plan. He stated that under the current zoning, any development that occurs on the southern portion of the property would be required to follow the associated layout. Mr. Soto stated that the applicant is requesting to remove the development plan and rezone to "C2" – Local Commercial District. Commission Member Haeckler asked if a traffic study was completed on Silverado Trail. Mr. Soto stated that the Engineering Department would be reviewing the traffic flow based on the proposed uses during the site plan and platting phases. He stated that public improvements could be required at that time. Mr. Soto stated that there is a traffic light planned for the corner of Custer Road and Silverado Trail that should be completed around the end of the summer 2019. Vice-Chairman Mantzey stated that the proposed rezoning is a couple of steps up from "BN" – Neighborhood Business District's allowed uses. He asked how Staff decides when they recommend a "C1" Neighborhood Commercial District verses a "C2" – Local Commercial District. Mr. Soto stated that Staff looks at the surrounding area to see which zoning district it is in conformance with and the Comprehensive Plan to see what type of place types are recommended for the site. He stated that this location is shown as Urban Living and on two arterial streets. Mr. Soto stated that Staff takes all of this into consideration. Vice-Chairman Mantzey asked if Staff looks at the tract size when making a determination. Mr. Soto stated that Staff would look at the entire site. Vice-Chairman Mantzey stated that he has concerns regarding how far "C2" – Local

Commercial District gets to the elementary school and surrounding residential properties. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that Staff definitely took that into consideration. She stated that Staff was okay with "C2" – Local Commercial District, given the size of the creek and that separation, along with being located at an arterial street. Ms. Pickett stated that Staff felt that a higher quality development could be obtained if the whole tract was rezoned to "C2" – Local Commercial District instead of chopping up the property with different zoning districts. Vice-Chairman Mantzey asked if the hike and bike trail would still exist even with the "C2" – Local Commercial District. Mr. Soto said yes. Mr. Dwayne Zinn, Cross Engineering, 131 S. Tennessee Street, McKinney, TX, stated that they have been working with the owners of this property for quite a while now to come up with an overall plan. He stated that there is a natural drainage channel that runs between the subject property and the adjacent multi-family property to the north. Mr. Zinn stated that they would be doing any development in that area. He stated that there is a natural buffer of the creek area on the east side of the subject property. Mr. Zinn stated that market conditions will also determine development on the site. He stated that the "C2" – Local Commercial District has some uses that will complement the neighboring residential uses. Mr. Zinn stated that he concurs with the Staff Report and asked for a recommendation of approval. He offered to answer questions. There were none. Chairman Cox opened the public hearing and called for comments. Ms. Angela Hunt, 500 N. Akard Street, Dallas, TX, stated that she was representing Discovery at Rowlett Creek. She stated that they were in opposition to the proposed rezoning request. Ms. Hunt stated that

this was too intense of change in use given all of the surrounding residential neighborhoods. She stated that the Discovery at Rowlett Creek apartment complex has 366 units. Ms. Hunt stated that there are single family residents to the south of Silverado Trail, an elementary school to the east, single family residents along Blanco Creek, and additional single family homes across Custer Road. She stated that “BN” – Neighborhood Business would be more appropriate for this corner. Ms. Hunt stated that Silverado Trail has not been widened yet to be the full arterial that is listed as appropriate for “C2” – Local Commercial District. She stated that Silverado Trailing is still just two lanes at this intersection. Ms. Hunt stated that that the intensity of the uses were not appropriate at this location. She stated that they were quite concerned about the lack of specificity for this proposal. Ms. Hunt stated that they had received a proposal for a carwash to be located on the upper portion of the property near Custer Road from the applicant; however, it does not match the General Development Plan – Exhibit C located in the Staff Report. She stated that a carwash would require a Specific Use Permit (SUP) whether or not it was zoned for “BN” – Neighborhood Business or “C2” – Local Commercial District. Ms. Hunt stated that they were also very concerned with the up zoning of the uses that would be really inappropriate to be located near this level of residential uses. Ms. Hunt stated that it might be appropriate on Stacy Road or Eldorado Parkway; however, not here. Ms. Wendy Roberts, 4101 S. Custer Road, McKinney, TX, stated that there is a trail behind the apartments that the children use to get to the nearby elementary school. She stated that there is tall grass and wild animals along this trail. Ms. Roberts stated that if businesses were built on the subject property, then

the children would essentially be walking in an alley between the trees and buildings. She expressed concerns about the children's safety. Ms. Roberts expressed traffic concerns. She stated that businesses might be too big for that small of road. Ms. Roberts stated that there is very little greenspace in the area. She stated that children often play with dogs on the property. Ms. Roberts stated that the families in the surrounding neighborhoods would benefit from not having the subject property so crowded. Mr. Stewart Korte, 6428 Axton Lane, Dallas, TX, stated that he represented the property owners in trying to find tenants. He stated that they had not made any transactions for a carwash to be developed on the property. Mr. Korte stated that numerous people have contacted them interested in being located at this corner; however, the current general development plan that they are currently having to conform to is making it very difficult to accommodate a large number of those uses. He stated that they would like to bring in a retail component where there can be some services that add value to the members of the community. Mr. Korte stated that the developers have done some nice projects in the McKinney area. He gave some examples of other projects that the owners had completed in McKinney. Mr. Korte asked the Commission to work with them to allow McKinney to grow in this area. He offered to answer questions. There were none. Mr. Mukesh Parna, 5811 Kerry Drive, Frisco, TX, stated that they have been trying to work with several tenants to building something on the property; however, the current zoning has not allowed it. He stated that whenever the properties develop, Silverado Trail will be widened. On a motion by Commission Member Kuykendall, seconded by Commission Member Haeckler, the Commission unanimously voted to close the public

hearing, with a vote of 6-0-0. Vice-Chairman Mantzey stated that part of the applicant's concern was that they have was the layout in the current zoning that they have to abide by and how it is not marketable at this time. He stated that the applicant could rezone the property to "BN" – Neighborhood Business District or "C1" – Neighborhood Commercial District and not have to abide by that layout. Mr. Soto stated that was correct. He stated that any straight zoning would not require a site plan at the time of rezoning the property. Vice-Chairman Mantzey asked if the current zoning was in place when the adjacent apartments and the residential development to the south were built. Mr. Soto stated that the current zoning on the property was approved in 2008. Commission Member Doak asked for the zoning for the property south of Silverado Trail. Mr. Soto stated that it was a "PD" – Planned Development District with a "C" – Planned Center District, which would allow more intense commercial uses. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that both properties were zoned under the old zoning districts. She stated that applicants can no longer rezone to those zoning districts. Commission Member Taylor stated that a property with that zoning is grossly underutilized. He stated that there is 44,822 vehicles on Custer Road daily that "BN" – Neighborhood Business District was not the highest and best use for the property. Vice-Chairman Mantzey stated that he has concerns with blending "C2" – Local Commercial District off of Custer Road, even when Custer Road has those traffic counts. He stated that "C2" – Local Commercial District could have a negative effect on the nearby residential developments. Vice-Chairman Mantzey stated that the adjacent property owners were under the impression that the subject

property would be developed with less intense use when they developed their properties. On a motion by Commission Member Kuykendall, seconded by Commission Member Doak, the Commission voted to recommend the proposed rezoning request as recommended by Staff, with a vote of 5-1-0. Vice-Chairman Mantzey voted against the motion. Chairman Cox stated that the recommendation of the Planning and Zoning Commission would be forwarded to the April 16, 2019 City Council meeting.