

**Planning and Zoning Commission Meeting Minutes of June 24, 2014:**

**14-076Z4    Conduct a Public Hearing to Consider/Discuss/Act on the Request by Dowdey, Anderson & Associates, Inc., on Behalf of Paul Lehner & Virginia R. Lehner, for Approval of a Request to Rezone Fewer than 102 Acres from "AG" - Agricultural District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Establish Development Regulations that Allow for the Development of Neighborhood Center, Multi-Family, Single Family Attached and Detached Residential Uses, and Civic Uses, Located on the Southeast Corner of Stacy Road and Alma Road**

Mr. Steven Duong, Planner for the City of McKinney, explained the proposed rezoning request. He stated that a letter of opposition was received just prior to this meeting and that copies had been distributed to the Commission Members. Mr. Duong stated that Staff recommends approval of the proposed rezoning request.

Mr. David Hicks, David Hicks Company, 2323 N. Houston St., Dallas, TX, explained the proposed rezoning request. He stated that a water storage tank was proposed on the eastern edge of the property and he felt that the proposed multi-family development would provide good screening and buffering and would be a compatible use next to the water tower.

Mr. Jed Dolson, JBGL Communities, 3131 Harvard Ave., Dallas, TX, explained the proposed rezoning request. He discussed some of the products planned for the development and showed a Power Point presentation. Mr. Dolson mentioned other communities where they had developed properties.

Mr. Hicks discussed some other similar developments that compare to this one. He stated that the last piece of the development built would be the commercial uses. Mr. Hicks had positive comments about JBGL Communities.

Chairman Franklin opened the public hearing and called for comments.

Mr. Larry Boyd; Abernathy, Roeder, Boyd & Joplin, P.C.; 1700 Redbud, McKinney, TX; Spoke in opposition to this rezoning request. He stated that he was representing Collin CR Wellness Communities, LLC and that they own the property immediately adjacent to the eastern boundary of this property. Mr. Boyd stated that they objected to the height and density of the proposed multi-family portion of the applicant's concept plan and the placement of single family uses immediately adjacent to their tract, which is and has been zoned for multi-family uses, thereby requiring a 150-foot setback for structures greater than two stories, and the applicant's apparent intent to abandon existing County Road 148 which provides access into their property. He felt it could impede the future development of their property. Mr. Boyd requested that the Commission recommend denial of the proposed rezoning request.

Chairman Franklin asked Staff to address Mr. Boyd's concerns. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that in the "REC" – Regional Employment Center District there was a maximum height of four stories on multi-family units. He stated that the "PD" – Planned Development District for this property did have a provision that required a 150-foot setback on adjacent single-family residential units next multi-family units that were two-story or taller. Mr. Opiela also stated that County Road 148 had been closed for some time and was not aware of any plans to reopen it.

He stated that County Road 148 could become a fire lane or some other form of access point in the future.

Chairman Franklin asked the applicant if they had been in contact with the adjacent property owner regarding the proposed development prior to this meeting. Mr. Dolson stated that the notification signs had been posted on the property for some time and that there had been previous public hearings on this item, so he was surprised that right before this meeting was the first time he was aware that they were in opposition to the request. He stated that the short timeframe did not allow them enough time to address their concerns. Mr. Hicks stated that early in the year he had spoken about their proposed development of the property with a representative of the adjacent property owners to the east and he was not aware of any opposition.

Commission Member McReynolds asked for the setback on the east side of the property where the multi-family development was proposed. Ms. Shelley Griffin; Dowdey, Anderson & Associates, Inc.; 5225 Village Creek Dr.; Plano, TX; stated that the setback would be about 40 to 50-feet from the property line.

Chairman Franklin asked if the property line on the east side of the property went to the middle of County Road 148. Mr. Dolson said yes.

On a motion by Vice-Chairman Bush, seconded by Commission Member Thompson, the Commission voted unanimously to close the public hearing, with a vote of 7-0-0.

Vice-Chairman Bush stated that he would like to see the applicant and adjacent property owner to the east come to an agreement.

Chairman Franklin expressed concerns about the proposed multi-family on the property regarding the location, density, and being four-stories. He also expressed concerns about how the proposed rezoning would affect the adjacent property to the east.

Vice-Chairman Bush suggested tabling the proposed rezoning request to allow the applicant and property owner to the east to work out some of their issues. Mr. Dolson and Mr. Hicks were against tabling the request.

Commission Member Thompson asked Staff how the adjacent property to the east was zoned. Mr. Duong stated that it was zoned "PD" – Planned Development District for high-density residential and high-density entertainment on the property.

Mr. Hicks briefly discussed the green space planned between the proposed multi-family and single-family residential development on the property. He stated that they had already made changes to the proposed development per previous comments received from City Staff. Mr. Hicks stated that the adjacent property to the east does not currently have a development plan. He stated that their development plans were also based off of the zoning of the surrounding properties.

Commission Member Thompson asked Staff if the water tower was planned to be building on the property. Mr. Opiela stated that he believed that the City Council had given authorization to negotiate the purchase the property for that purpose.

Commission Member Stevens and Chairman Franklin expressed concerns with having four-story multi-family units facing Stacy Road.

Mr. Hicks stated that he was willing to limit the height of the multi-family units to three-stories for the outside units that would be facing Stacy Road and facing the single-

family residential properties. He stated that the four center multi-family units would remain four-stories though.

On a motion by Commission Member Stevens, seconded by Commission Member Thompson, the Commission voted to recommend approval of the proposed rezoning request as requested by Staff and to also limit the height of the multi-family units to be no higher than three stories that face the following: Stacy Road, single-family residential units, and townhomes, with a vote of 6-0-1. Chairman Franklin voted against the motion.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 15, 2014.