

Draft Planning and Zoning Commission Meeting Minutes of January 12, 2021:

20-0127Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow for Multi-Family and Commercial Uses, Located on the Northwest Corner of Frisco Road and State Highway 5 (McDonald Street), and on the Southwest corner of Spur 399 and State Highway 5 (McDonald Street). Mr. Joe Moss, Planner for the City of McKinney, explained the proposed rezoning request. He stated that Staff was recommending denial of the proposed rezoning request due to concerns with the proposed low-density multi-family residential uses and the lack of conformance with the Comprehensive Plan. Mr. Moss explained that the applicant was proposing to subdivide the property into three tracts with associated development regulations that stipulate the permitted uses and development standards that each must follow. He discussed the plans for all three proposed tracts and Staff's concerns. Commission Member Haeckler asked about the surrounding property. Mr. Moss stated that the properties between tracts 2 and 3 were existing multifamily that was permitted under the current zoning. The west side has garden offices and a 7-eleven. To the east there are a number of commercial zonings and uses such as assisted living. To the north is multifamily. Vice-Chairman Mantzey asked for clarification on Staff's objections to the request. Mr. Moss stated that the Comprehensive Plan calls for a professional center at this location. He stated that the property is unique given the location at

two major regional roadways, and felt the proposed zoning was contrary to the comprehensive plans vision for the Southgate District, which calls for a density of commercial and professional center uses. Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Boulevard; Suite 300; McKinney, TX; explained the proposed rezoning request and gave a presentation. He stated that they were proposing build-for-rent or single-family attached rentals. Mr. Roeder gave an overview of his client, Newgrowth Equities, and the proposed development. He stated that Tract 1 would be set aside for a commercial zone with a hotel as a permitted use. Mr. Roeder discussed the current access issues. He stated that on Tracts 2 and 3 they were proposed to develop build-for-rent community with less than 10 units per acre. Mr. Roeder stated that the development would have private streets. He discussed the proposed multistory height restrictions, locations, and density (no more than six units per structure). Mr. Roeder discussed the proposed amenities. He stated that the subject proposed has been vacant for some time. Mr. Roeder stated that the property is located in Tax Increment Reinvestment Zone # 1 (TIRZ # 1). He discussed the benefits from the proposed development. Mr. Roeder requested a favorable recommendation and offered to answer questions. Commission Member Haeckler asked about the proposed shared amenities for Tracts 2 and 3. Mr. Roeder discussed the proposed common amenities and locations. Chairman Cox opened the Public Hearing and called for comments. There being none, 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. Commission Member Haeckler

asked about Staff's concerns with the proposed development regulations and reduced parking. Mr. Moss discussed Staff's concerns and gave examples. Vice-Chairman Mantzey asked Mr. Roeder to discuss the proposed parking. Mr. Roeder stated that parking in any development was a critical aspect. He stated that it would be injurious to the development if under parked. Mr. Roeder stated that his client was satisfied with the proposed parking for the development. Commission Member Doak asked Mr. Roeder the status of the proposed development and what his client was ready to start developing once approved. Mr. Roeder stated that the build-for-rent units was what his client develops. He stated that the Tract 1 was not ready for development at this time. Commission Member McCall asked what type of buffer would be located behind the single-family development that backs up to State Highway 5 (McDonald Street). Mr. Roeder stated that they intend to have a similar buffer as the other two multi-family developments nearby. He stated that it was heavily landscaped with trees. Commission Member McCall expressed concerns regarding noise levels from major roadways like State Highway 5 (McDonald Street). Mr. Roeder felt that his client would have considered the noise from the roadway when working on the proposed development. He stated that it was his understanding that Texas Department of Transportation (TxDOT) has all of the right-of-way needed for future development of Spur 399 and 50' distance from the future access road and the subject property line. Mr. Roeder stated that they felt there was adequate setback along Spur 399. Commission Member Haeckler asked if a screening wall was required under the current zoning of the property. Mr. Moss stated that the current zoning envisioned an urban walkable style

development, so that no screening wall or entry gate was currently required. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that Staff was concerned with retaining the commercial uses along the Spur 399 frontage. Commission Member Haeckler inquired about the proposed screening fence behind the proposed properties along State Highway 5 (McDonald Street). Mr. Roeder stated that they proposed to have a walkout with tubular style fencing. Commission Member Haeckler had questions regarding the development process for Tract 1 developing with a hotel use. Ms. Arnold believe that it would be subject to the "C2" - Local Commercial District standards with the allowance for the hotel by right. Vice-Chairman Mantzey stated that it was a difficult tract to develop. He understands that Staff wants to follow the Comprehensive Plan and appreciated that the applicant was setting some commercial back that they felt was valuable. Vice-Chairman Mantzey gave an example of the Southgate development not being as successful as envisioned by some. He stated that some buildings had been torn down in Fairview due to being overbuilt. Vice-Chairman Mantzey stated that the area around US Highway 75 (Central Expressway) and Eldorado Parkway struggles due to traffic patterns and empty big box retail in that area. He stated that the proposed product was different and that he was not sure what to think of it as a whole. Vice-Chairman Mantzey stated that he did not see this area developing as a retail or corporate campus at any time soon. He stated that he would recommend approval of the proposed rezoning request with a note that Staff and the applicant discuss the parking in more detail. Commission Member McCall concurred with Vice-Chairman Mantzey's comments. He reiterated his concerns regarding his noise concerns,

buffer along State Highway 5 (McDonald Street), and the proposed parking not being adequate. Commission Member McCall stated that he would recommend approval and City Council making the final decisions on the request. Commission Member Kuykendall stated that she has significant concerns regarding this request. She stated that her concerns had not been alleviated during this meeting; therefore, she would be supporting Staff's recommendation for denial of the proposed rezoning request. Commission Member Haeckler stated that he also had concerns regarding the frontage along Stated Highway 5 (McDonald Street). He stated that Mr. Roeder stated that there would be future roadway development along the frontage that will create some opportunities in the future. Commission Member Haeckler stated that this property faces State Highway 5 (McDonald Street) and was an entrance into the city; therefore, he felt this property should be retained for commercial uses. He expressed concerns regarding the proposed parking, setbacks, etc. Commission Member Haeckler stated that he would be in support of Staff's recommendation for denial of the proposed rezoning request. Chairman Cox stated that this is a challenging site. He stated that the applicant and Staff worked together to come up with a layout that really improves an area of town that has been a challenge to have people come in to commit the funds required to develop the property. Chairman Cox stated that he supports the plan and applaud the applicant and Staff for working together. On a motion by Commission Member Doak, seconded by Commission Member Taylor, the Commission approved the motion to recommend approval of the proposed rezoning request per the applicant's request, with a vote of 5-2-0. Commission Members Haeckler and Kuykendall voted against the motion.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission would be forwarded to City Council for final action at the February 2, 2021 meeting.