

Planning and Zoning Commission Meeting Minutes of September 26, 2017:

17-244Z 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 Allow Commercial, Single Family Attached Residential and Multi-Family Residential Uses, Located on the Southwest Corner of Eldorado Parkway and Stonebridge Drive

Ms. Melissa Spriegel, Planner for the City of McKinney, distributed a letter of opposition to the request before explaining the proposed rezoning request. She stated that the applicant is requesting to rezone approximately 37.36 acres of land from "PD" – Planned Development District to "PD" – Planned Development District, generally to allow commercial, single family attached residential, and multi-family residential uses. Ms. Spriegel stated that the proposed rezoning request adds additional uses to the proposed base zoning district of "C2" – Local Commercial District and modifies the development standards. She stated that Staff has significant concerns with the proposed rezoning request moving forward as the proposed development regulations have multiple issues. Ms. Spriegel stated that while Staff feels the majority of the issues could be resolved with time, the applicant has indicated they are on an extremely aggressive timeline, and as such, has chosen to continue moving forward despite Staff's outstanding comments. She stated that the Zoning Ordinance requires that a level of exceptional quality or innovation for the associated design or development be provided. Ms. Spriegel stated that the applicant has indicated to Staff that this will be achieved by providing stone monumentation and complementary stone on the buildings. She stated that the stone monumentation and masonry finishing materials on the buildings are required per the Zoning Ordinance and not unique to the proposed development. Ms. Spriegel stated that

more specific standards should be provided with regards to unifying the overall development in order to meet the requirements of the PD provision. She stated that the exhibit provided by the applicant does not include metes and bounds description or scaled exhibit of the two tracts separating the commercial-only portion of the development from the interior of the property that allows for residential uses. Ms. Spiegel stated that the proposed exhibit conflicts with the proposed development regulations regarding a depth of 225' from Eldorado Parkway, as the exhibit shows additional depth provided at the intersection of Eldorado and Stonebridge. She stated that given the outstanding comments, Staff recommends denial of the proposed rezoning request. Ms. Spiegel stated that the applicant had submitted new revisions, for which Staff still has outstanding comments. She stated that those comments were sent back to the applicant on Monday, September 25th. Ms. Spiegel stated that the recommendation of denial is based off of the 4th submittal and not the most recent, 5th submittal. She offered to answer questions. There were none.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; explained the rezoning request. He stated that he felt there were only a couple of issues remaining and that they were on a very tight timeline. Mr. Roeder complimented Staff for working with them on this request. He stated that the subject property has been vacant for a number of years due to the zoning on the property requiring the entire property to be developed for non-residential uses. Mr. Roeder stated that the surrounding uses are big campus uses. He stated that he did not feel that there was a market to develop the property 100% commercial. Mr. Roeder stated that they do not see the subject property developing as a campus-style property. He stated that they proposed the southwest corner of Eldorado Parkway and Stonebridge Drive, with a depth

of 225', to be developed as commercial. Mr. Roeder stated that Staff wants a legal description for each tract. He stated that if the legal description was submitted that Staff would still want to see where the line was on an exhibit instead of reading the whole legal description for Tract 1 and Tract 2. Mr. Roeder stated that he felt that was an enforcement interpretation issue. He felt that the exhibit that they had submitted does that. Mr. Roeder stated that the 5th submittal agreed to all of the setbacks. He stated that the City's Zoning Ordinance was pretty weak and old. Mr. Roeder stated that there are very few straight zoning classifications that would fit today's development environment, which forces applicants to request a "PD" – Planned Development District. Mr. Roeder stated that then an exceptional quality standard is imposed. He questioned who measures exceptional quality. Mr. Roeder stated that the City of McKinney already has a very high development standard for multi-family and townhome developments. He stated that they proposed that all of the commercial development be uniform; however, he could not give specifics at this time. Mr. Roeder stated that they were willing to increase the masonry standard from the 50% requirement to 80% on all of the commercial buildings. He stated that the signage along the frontage of Eldorado Parkway and Stonebridge Drive would be uniform. Mr. Roeder stated that there would be a stone base on all of the light poles. He stated that going from 50% to 80% masonry on all of the commercial development on the subject property should qualify as exceptional quality. Mr. Roeder requested a favorable recommendation and offered to answer questions.

Commission Member Smith asked about Staff's comments regarding the unity in the overall development. Mr. Roeder stated that he was not sure that he knew what that meant. He stated that they were willing to make the same development standards for all

of the commercial uses on the property. Mr. Roeder stated that a multi-family building would probably not look like a commercial building on the property.

Commission Member Mantzey asked if they had any discussion with the neighboring businesses. Mr. Roeder stated that Experian was selling the property. He stated that they were very much in favor of the request. Mr. Roeder stated that he had not had any discussions with Torchmark Corporation or United American Insurance Company.

Commission Member McCall asked if it was primarily a timing issue. Mr. Roeder said yes.

Chairman Cox opened the public hearing and called for comments.

Mr. Russell Tieman, Vice-President of Facilities for Experian, 475 Anton Boulevard, Costa Mesa, CA, stated that he purchased the property approximately 20 years ago with the intent to build a campus on the site. He stated that was no longer planned for the property; therefore, they were trying to sell the property. Mr. Tieman stated that approximately six months ago there had been an application submitted on their 18 acres of property that was denied. He stated that the current applicant was under contract with two parcels to combine them for a nice development. Mr. Tieman stated that he felt the applicant would meet all of the City's requirements when the development plan is finalized. He stated that he needed to close this deal by the end of March, which was their fiscal year. Mr. Tieman stated that the end of their half-fiscal year is coming up on Friday, September 29th. He stated that he was the reason for the rush.

On a motion by Commission Member Mantzey, seconded by Alternate Commission Member McReynolds, the Commission unanimously approved the motion to close the public hearing, with a vote of 6-0-0.

Alternate Commission Member McReynolds stated that he felt the holdup is that Staff does not know what the applicant wants to do on the property and the applicant does not know either until they have a client that is interested in building on the property. He stated that there are requirements that they have to go through in constructing and designing the development.

Commission Member Mantzey stated that it is a rezoning case that is not "AG" – Agricultural District. He stated that he was concerned that there was a major employer across the road from this site. Commission Member Mantzey stated that there are issues of putting unknown residential next to them, marketability, access, a large development being rushed through the Planning process, and that Staff feels that they have not received what they need to make a decision. He stated that he would love to see the land develop. Commission Member Mantzey stated that he was concerned about rushing Staff in such a large development.

Alternate Commission Member McReynolds stated that he did not like the logistics on it. He stated that Staff said earlier that they work on approximately 120 reviews per month. Alternate Commission Member McReynolds stated that was a lot to expect of a dedicated group of people, to put other projects aside to rush this one project through. He stated that he was in favor of the proposed rezoning request.

Commission Member Cobbel stated that she concurred with Alternate Commission Member McReynolds comments. She stated that she liked the proposed mixed use and that it was along some of the larger corporations that would need townhouses and multi-family units. Commission Member Cobbel stated that they were adding commercial development that would help appease everyone. She stated that it would potentially be a live, work, and play opportunity. Commission Member Cobbel stated that for what they

would be paying for this piece of property, it would be a quality development. She stated that she understood Staff's and the applicant's concerns about what quality means.

Alternate Commission Member McReynolds stated that the applicant still had to go through all of the other procedures prior to developing the property.

Commission Member Cobbel stated that right now they were only considering allowing commercial, townhouse, and multi-family uses and separating out where the commercial will be located on the property. Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that was one issue. He stated that the language in the submitted ordinance would require that the frontage along Stonebridge Drive be commercial uses. Mr. Lockley stated that he did not believe that the language submitted defines the area shown in the exhibit. Commission Member Cobbel asked if the commercial portion of the property would just be 225' along the frontage of Stonebridge Drive. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that it varied between revisions that the applicant had submitted to the City. She stated that other departments have comments on the revisions that were submitted and they were not present at the meeting to discuss those so that they could be included in the motion. Ms. Pickett stated that she felt that Staff and the applicant would be able to come to an agreement. She stated that Staff did not want to dictate what their specific design will be, but did want everything clearly laid out prior to drafting the ordinance. She stated that Staff wants to see clear, concise language that anybody could understand.

Commission Member Smith asked how close Staff and the applicant were to coming to an agreement. Ms. Pickett stated that based on the applicant's response at this meeting it sounds like we are pretty close. She stated that the applicant agreed with most of the smaller Staff comments and he had made some suggestions during the

meeting. Commission Member Smith asked for a list of things that the applicant mentioned tonight that would bring it closer. Ms. Pickett stated that the space limit changes setting minimums instead of maximums, a minimum of 80% masonry on the commercial buildings, uniform design on the commercial buildings, stone bases on the light poles, and consistent signage throughout the development. She stated that was the “PD” – Planned Development District language that was discussed during this meeting.

Commission Member Cobbel asked what Staff felt was missing. Ms. Pickett stated that Staff only has two days to get this cleaned up prior to going to City Council. She stated that rushing this case through keeps it from being thoroughly reviewed, risks errors, and takes time away from other cases.

Commission Member Smith asked about the other cases. Ms. Pickett stated that Staff has specific review deadlines that must be met on each case.

Commission Member Mantzey questioned rushing a 37-acre development that will be permanently in place to meet someone’s quarterly financial report. Mr. Roeder stated that they did not have control over it, the seller does.

Chairman Cox stated that we have seen this property before. He stated that this area is highly regulated. He stated that it had been tough to get the property to where it is now. Chairman Cox stated that Staff had worked hard and he felt that Staff and the applicant were close to working the issues out. He stated that the timing is what it is. Chairman Cox stated that he supports the applicant in this rezoning request. He stated that there are still outstanding questions; however, he felt a lot of people were pulling in the same direction for this property.

Commission Member Cobbel asked if the rezoning request was just to lay out where the commercial and residential uses would be located. Mr. Lockley stated that the

uses were fixed. He stated that the commercial could be located in Tract 1 or Tract 2 and that the residential uses were limited to Tract 2.

Commission Member Cobbel asked if the issue was determining whether or not the building materials would be of exceptional quality. Mr. Lockley stated that determining whether or not we could enforce the minimum standards and exceptional quality was an issue.

Commission Member Cobbel asked whether or not Staff felt that 80% masonry on the exterior of the commercial uses would be considered exceptional quality. Mr. Lockley stated that he did feel 80% would be exceptional quality and this was the first time he had heard the applicant offer that amount of masonry. He stated that stone on the signage was already a requirement, so that would not be of exceptional quality. Mr. Lockley questioned what the applicant meant with the uniformity of the signage on the property. He asked if it was the design or size of the sign, and stated that is the type of clarity needed for the proposed request.

Commission Member Smith asked if Staff had an issue with the proposed uses for the property. Ms. Spriegel said no.

Commission Members Cobbel and Smith asked Mr. Roeder to restate the additional items that they were offering to do to meet the exceptional quality regulation. Mr. Roeder stated that the most significant issue was Staff wanting a legal description of Tract 1 and Tract 2. He stated that would be quite an undertaking. Mr. Roeder stated that they preferred to submit an exhibit showing the location of Tract 1 and Tract 2 instead of submitting legal descriptions. He felt the exhibit would be enforceable and easy to understand. Mr. Roeder stated that they offered to have 80% masonry on the commercial

buildings, uniform signage, stone on the base of the light poles, and five-foot minimum side and rear yard setbacks on the multi-family development.

Commission Member Smith asked if there was anything else that needed to be addressed. Mr. Roeder stated that he was unaware of anything else that needed to be addressed. Mr. Lockley stated that Planning Staff could not approve the lighting. He stated that the Engineering Staff would need to make a decision on it. Ms. Pickett stated that it would need to be contingent upon Engineering's review and approval. Mr. Roeder was fine with adding that to the motion. He asked if the 80% masonry component could be enough to qualify for the exceptional quality requirement. Mr. Roeder stated that this would be a high quality development.

Commission Member Smith stated that she understands Staff's frustration. She concurred with some of Commission Member Mantzey's concerns mentioned earlier. Commission Member Smith stated that it was clear that the applicant was on a timeline, like it or not. She stated that this request was going before City Council whether or not the Planning and Zoning Commission recommended it for approval. Commission Member Smith stated that we need to get as close as possible to what Staff is requesting for the request. She stated that there will probably be more discussions on this prior to the City Council meeting.

Commission Member Mantzey stated that the applicant's team and Staff have already put in a lot of hours trying to rush this request through. He stated that most likely it will be a wonderful development. Commission Member Mantzey did not like a seller holding hostage the Planning process and possibly setting a precedent for future development setting timetables on things. He stated that it was an interruption to the process. Commission Member Mantzey commented on how long it had taken to come

to a possible motion for this request. He stated that he appreciated the applicant's effort; however, he could not let sellers do this to the process. Mr. Roeder stated that Staff had gone out of their way to work with them on this request. He stated that they were going in the same direction.

Commission Member Smith wanted to verify that the motion has everything that Staff noted during the meeting. Ms. Pickett stated that it has everything that she wrote down; however, she could not guarantee that covers everything that was included in the 5th Redlines that Staff just sent to the applicant yesterday. Mr. Lockley stated that whatever is included in the motion at this meeting would be what would go forward to City Council. He stated that if there were other issues listed on the 5th Redlines, then it would not be contained in the motion. Ms. Pickett stated that Staff had not received comments back from the applicant on the 5th Redlines as of yet. She stated that the motion tonight was based on the 4th submittal.

Commission Member Cobbel asked if new items agreed upon with the 5th submittal could be brought before City Council for consideration. Ms. Pickett stated that could be done if the applicant is in agreement.

Commission Member Cobbel asked if the 80% masonry on commercial buildings was part of the 5th submittal. Ms. Pickett stated that the Planning and Zoning Commission agenda was finished on Friday, September 22nd in order to meet noticing deadlines. She stated that the 5th submittal came in on Friday morning, so Staff did not have time to review those and adjust the Staff Report for this item. Ms. Pickett stated that Staff decided to distribute copies of the 5th submittal for informational purposes only.

Commission Member Cobbel stated that this was a unique situation and not normally how a similar case would be handled. She stated that it is what it is at this point.

On a motion by Commission Member Cobbel, seconded by Alternate Commission Member McReynolds, the Commission voted to recommend approval per the applicant's request along with the requirement that they provide a minimum of 80% masonry on the commercial buildings; have unified signage for the entire development; the lighting base be a stone material contingent upon the City of McKinney Engineering Department's review and approval; instead of maximum side yard setbacks on the multi-family there would be minimum side yard setbacks; and set the Tract 1 location from the Southwest corner of Eldorado Parkway and Stonebridge Drive to come down approximately 300 feet south, cut over approximately 225 feet west, cut up approximately 75 feet north, and then be 225 feet deep off of Eldorado Parkway to the property line; with a vote of 4-2-0. Commission Members Mantzey and Smith voted against the motion.

Chairman Cox stated that a favorable recommendation by the Planning and Zoning Commission will be forwarded to the City Council meeting on October 3, 2017.