

## **Planning and Zoning Commission Meeting Minutes of March 27, 2018:**

### **17-0015Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "PD" - Planned Development District to "PD" - Planned Development District, Generally to Allow for Commercial, Assisted Living and Independent Living Uses, Located Approximately 530 Feet South of Virginia Parkway and on West Side of Hardin Boulevard**

Mr. Matt Robinson, Planning Manager for the City of McKinney, explained the proposed rezoning request. He stated that the applicant is requesting to rezone approximately 69 acres of land for a mix of commercial, assisted living, and independent living uses. Mr. Robinson stated that the applicant has proposed a "PD" – Planned Development District that generally follows the "C2" – Local Commercial District zoning standards with modifications. He stated that under the existing "PD" – Planning Development District for the northern portion of the property permitted use and development follows the "BG" – General Business District development standards with some specific uses excluded and with some added provisions. Mr. Robinson stated that auto related uses and standalone multi-family dwelling units are prohibited. He stated that the assisted living and independent living uses proposed under the new "PD" – Planned Development District are currently permitted within the existing zoning on the property, with independent living uses requiring a specific use permit (SUP) as an additional step. Mr. Robinson stated that the applicant has included special ordinance provisions consisting of a maximum of 200 assisted living units and 300 independent living units, both attached and detached, for a total of no more than 500 units. He stated

that the maximum building heights for the uses have been put in place with a provision to restrict the height of the buildings from exceeding a maximum site line elevation to the properties to the west in the Mallard Lakes Subdivision. Mr. Robinson stated that specific architectural standards for each of the cottage bungalow independent living units have been included. He stated that all of the uses will follow the City's architectural standards; however, the cottage bungalows will have specific standards akin to single family residential architectural standards. Mr. Robinson stated that screening and tree preservation provisions along the western property line are also included. He stated that a 1,200 foot trail connecting the independent living units to the lake and open space. Mr. Robinson stated that the Future Land Use Plan (FLUP) designates the subject property for commercial, office, and floodplain uses. He stated that the property to the north, at the hard corner of Virginia Parkway and Hardin Boulevard, is also designated for commercial uses. Mr. Robinson stated that the proposed uses are currently permitted or require a specific use permit (SUP) under the existing "PD" – Planned Development District. He stated that given these factors, Staff has no objections to the proposed rezoning request. Mr. Robinson pointed out some of the proposed uses on the overhead. He stated that the memory care units would have a maximum height of 35 feet, cottage bungalows would have a maximum height of 35 feet, the independent living units would have a maximum height of 70 feet, and the assisted living units having a maximum height of 55 feet. Mr. Robinson stated that there is a significant grade change across the subject property. He stated that the difference in elevation varies from 20 feet to 100 feet all the way to Hardin Boulevard. Mr. Robinson stated that was why they were looking at doing a denser project in the northern portion of the property. As a point of correction, he stated

that the Land Use Comparison Table included in the packet listed warehouse as a permitted use in this zoning district; however, that information is incorrect. Mr. Robinson stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; explained the proposed rezoning request. He stated that Touchmark Corporation is the proposed developer and operator of the proposed development. Mr. Roeder stated that they are a seasoned, Class A, well capitalized player in the senior living business. He stated that the proposed development would provide the opportunity for seniors to live in a retirement community where they can live in their own residential property and have a cafeteria available to them in the main residential building. Mr. Roeder stated that their home and the grounds are maintained for them. He stated that there would be a five story independent living complexes that would still allow the seniors to live independently in a congregant care with food and laundry services provided. Mr. Roeder stated that the seniors could move from there into assisted living when the time comes. He stated that there would also be a memory care opportunity for the seniors to move into as well. Mr. Roeder stated that one of the beauties of this development was you could have a senior couple that decided to move into a carefree, single family equivalent living environment and as one of more of them age or get Alzheimer's, then that individual could go into one of the more assisted or memory care units. He stated that the other functioning senior could live in the independent unit nearby. Mr. Roeder stated that this concept might be new to McKinney; however, this company has numerous developments like this in other areas. He stated that his parents lived in a similar

development, so he knows that it works and will be a great attribute to our community. Mr. Roeder stated that the subject property was very challenging due to the tremendous topography that goes from Hardin Boulevard up to Mallard Lakes Subdivision. He stated that some of the things that attracted his client to this property is the lake, open space, and the ability to create an environment for the residents to enjoy the outdoors and amenities provided. Mr. Roeder stated that they were proposing a significant trail system, over 1,200 linear feet, as shown on the concept plan. He stated that this would be a private community with no through streets. Mr. Roeder stated that there would be a shared access point in the median break on Hardin Boulevard to get to the undeveloped tract to the north. He stated that everything proposed in this project would be owned by his client. Mr. Roeder stated that the roads would be access way and not public roads. He stated that if a senior chose to live in a separated bungalow they would pay a fee to live there and would not be purchasing the property. Mr. Roeder stated that all of it would be under a single ownership. He stated that the proposed 500 total units would create the critical mass to offset the administrative expenses. Mr. Roeder stated that they intend to make some serious elevation changes on the north end of the property by excavating that area due to the radical topography there. He stated that they had completed a site line study and analysis. Mr. Roeder stated that the top of the proposed five story buildings would not exceed the top of the eastern edge of the Mallard Lake Subdivision residential structures. He stated that would be the equivalent to having a two story house across the way. Mr. Roeder stated that the site line study shows that they would be well below the line of demarcation. He stated that they took a lot of time to understand the existing "PD" – Planned Development District for the subject property. Mr. Roeder stated that most of

the proposed development is concentrated in the “BG” – General Business District area. He stated that there are some specific limitations in the current zoning about what can be done on the common boundary lines, on the west and south, between the subject property and Mallard Lakes Subdivision. Mr. Roeder stated that there is a 35 foot buffer zone within the subject property. He stated that they cannot disturb trees that are three inch caliper or more that are within 15 feet of the property line. Mr. Roeder stated that they could do little disturbance of the vegetation within the 35 foot buffer as possible. He stated that there is a provision for an eight foot masonry screening wall along that line; however, they believe that there is value to vegetation verses destroying a lot of it to install a masonry wall. Mr. Roeder stated that they have proposed instead to install 6 foot masonry columns on 30 foot centers with ornamental iron in between the columns and have the spaces landscaped to the extent that if the Staff determines there is not sufficient enough natural vegetation there to create the screening buffer that needs to be there. He stated that if City Staff says that it has not been met, then the standard kicks in where they would be required to do an irrigated, fully screened line of vegetation between the columns. Mr. Roeder stated that the growth of the landscaping will eventually grow above the ornamental iron fencing. He stated that it might even be a better sound barrier and more refreshing in appearance. Mr. Roeder stated that there is over 30 acres of open space. He stated that they intent to make some improvements with facilities on the lake. Mr. Roeder stated that as the various structures on the property would be required to meet all of the City’s standards and receive site plan approval from the Planning and Zoning Commission. He stated that they anticipate this being a very low impact of traffic due to

the nature of the proposed use. Mr. Roeder stated that they are not requesting any through streets to the Mallard Lakes subdivision. He offered to answer questions.

Alternate Commission Member McReynolds asked if the lake located there was spring fed, well fed, pump, or runoff. Mr. Roeder stated that he believes it is primarily runoff. He stated that he was unaware of it ever going dry, so there could be a spring there. Mr. Roeder stated that the dam had been improved. He stated that they were not proposing to build anything within the dam or bridge area. Mr. Roeder stated that there would be two points of access on to Hardin Boulevard.

Alternate Commission Member McReynolds asked about the drop in elevation on the southern portion of the subject property where the bungalows were proposed. Mr. Roeder stated that the southern portion of the property does not have such a dramatic drop in elevation as the north portion of the property. He stated that the maximum height for them was 35 feet.

Mr. Roeder stated that a lot of the proposed parking would be tuck under, first level, or second level parking with buildings on top.

Chairman Cox opened the public hearing and called for comments.

Ms. Bridget Talley, 905 Cedar View Lane, McKinney, TX, stated that she had been a homeowner there since 2011 and had been a resident of McKinney since 1999. She stated that she lives near the southern portion of the subject property. Ms. Talley stated that the lake extends on her property. She stated that she wants to continue to have access to City of McKinney reservoir. Ms. Talley stated that she wants to insure that no bridge or blockage of lake access from her property would be constructed. She stated that she just learned that there is a plan for a proposed trail. Ms. Talley asked if there

was going to be a bridge over the creek and if so what the height of the bridge would be. She asked if there were plans to widen Hardin Boulevard. Ms. Talley asked if there was plans for a stop light going in at the entrance to the development at that intersection. She requested that the item be tabled to allow additional time to learn more about the proposed development. Ms. Talley stated that seven days was not enough time to adequately discuss the project with the neighbors.

Ms. Joy Palenzuela, 909 Cedar View Lane, McKinney, TX, stated that she lives next door to Ms. Talley. She stated that she had creek access to the lake from her property. Ms. Palenzuela stated that if the developer blocks that creek in any way the flooding on her property would be out of control. She stated that the creek is approximately 12 feet across. Ms. Palenzuela stated that her family kayaks in the lake. She stated that she is glad that the developer is concerned for Mallard Lakes. Ms. Palenzuela stated that all she and her neighbors are going to see the development. She stated that more than the 150 foot notification area would be affected by the proposed development. Ms. Palenzuela stated that she lives very close to the Villas on the south side. She stated that this is huge piece of land with various wildlife on it. Ms. Palenzuela stated that she is concerned that some of the wildlife might come to her property while being displaced during development of the subject property. She stated that she heard that there might be a golf course on the property. Ms. Palenzuela stated that she knows that the applicant did not clarify that during this request. She requested that the proposed rezoning request be tabled to allow more time for her to understand the whole concept of what is being proposed to be development on the subject property. Ms. Palenzuela stated that she thinks the proposed development is a great concept in theory. She stated that

she did not understand what all needs to take place in order for them to develop the property.

Ms. Laurie Medeiros, 4000 Cherokee Drive, McKinney, TX, stated that Ms. Rachel Ellis, 4001 Muscovy Drive, McKinney, TX, is her neighbor and they have similar concerns about the development. She stated that Ms. Ellis had to leave the meeting to pick up her children. Ms. Medeiros stated that she was not necessarily in opposition to the proposed rezoning request. She stated that she served on the Natural Resources Conservation Services (NRCS) Lakes and Dam Committee for the City of McKinney for approximately six years. Ms. Medeiros stated that this property is very near and dear to her heart. She stated that she was deeply involved with the upgrading of the dam and assisted the Turrentine Family brokering the desiltation of the lake. Ms. Medeiros stated that the subject property is the gem of the west side of McKinney. She stated that it is the largest undeveloped property below US Highway 380 (University Drive), between Highway 75 (Central Expressway) and Custer Road. Ms. Medeiros stated that there is a lot of beautiful property that backs up to it. She stated that she used to live in Mallard Lakes, so she understands the concerns of the residents there. Ms. Medeiros stated that her property backups to the far southeast corner of the subject property. She stated that she and Ms. Ellis had concerns about the high density of the cottages. Ms. Medeiros stated that there appears to be 115 cottage units, maybe more, in that area. She stated that they have concerns regarding the vehicles, lights, and street noise. Ms. Medeiros stated that it is a big departure to go from agricultural uses to something of such a high use. She recognized that the City has a need for this type of senior housing. Ms. Medeiros stated that she wants to make sure that the people that border the property are treated with



respect. She stated that there is a lot of beautiful wildlife on the property. Ms. Medeiros stated that there is a bobcat that sleeps on her patio. She stated that at night she can hear the feral hogs and all kinds of wildlife. Ms. Medeiros stated that with a larger border and some thoughtful planning the displacement of the wildlife could be addressed.

Mr. David Suttan, 307 Pintail Drive, McKinney, TX, stated that he was in between site view 1 and 2 in the Mallard Lakes Subdivision. He stated that when he first heard about the project he was initially pleased with it. Mr. Suttan stated that he then started hearing various rumors about the project. He stated that he objects to the 70 foot maximum height limitation on some of the proposed units, since he would be able to see them from his property. Mr. Suttan stated that if the proposed development is as tall as his house, then his children could possibly see the construction of the property. He stated that sitting in his backyard he could see the construction. Mr. Suttan stated that in the winter you can see through the trees. He stated that he also had concerns about the wildlife on the property. Mr. Suttan stated that he can see the water tower. He stated that he only had one day to review the proposed development. Mr. Suttan stated that he read part of the development regulations. He stated that on the back it could be up to 50% non-masonry material. Ms. Suttan questioned if he could be looking at a tilt wall or other construction material that could be used on the back of the structures. He stated that he has concerns about increased traffic congestion. Mr. Suttan stated that with 500 families there could be a lot of dual story parking. He stated that he had concerns about lighting of the parking lot, which would back up to his property. Mr. Suttan stated that it is nice and dark back there now. He stated that he had concerns about noise pollution with the vehicle, ambulances, and outdoor parties. Mr. Suttan stated that he had

concerns if the proposed development fell through after the property was rezoned that there could be some other allowable uses able to be developed there. He stated that he has concerns about cooking smells from the restaurant there. Mr. Sutton stated that he also has concerns about heating, ventilation, and air conditioning (HVAC) units on top of the 70 foot tall buildings being visible and having smells.

Ms. Valerie Tippetts, 3500 Cedar Bluff, McKinney, TX, stated that her family was transferred to North Texas because of jobs. She stated that they chose to live in McKinney since it looked like a well-planned, curated, and well-loved city. Ms. Tippetts stated that they just purchased their residential property in August 2017. She stated that the property is located on the south side of the lake. Ms. Tippetts asked what the standard of a cottage is for this development. She asked what the total population would be once the development is completed, included staff and deliver trucks. Ms. Tippetts stated that she is very concerned with the traffic on Hardin Boulevard. She stated that the high school stadium was being built at the corner of State Highway 121 (Sam Rayburn Highway) and Hardin Boulevard. Ms. Tippetts stated that at Virginia Parkway they are building a Costco, movie theater, and a shopping center. She stated that she was unaware of any plans to make Hardin Boulevard any wider. Ms. Tippetts stated that there is no outlet for "C2" - Local Commercial District, where there should be two major arterial roads. She stated that there are many cyclist that ride on Hardin Boulevard to get out of the city to ride on country roads. Ms. Tippetts stated that she has concerns about noise pollution and environmental impact. She requested that a traffic study and an environmental assessment be completed prior to the property being rezoned. Ms. Tippetts stated that going from an agriculture use to a "C2" – Local Commercial District use was

a broad jump. She stated that she had only seven days to become educated regarding planning. Ms. Tippetts asked how many undeveloped wetlands were still left in McKinney. She stated that this property as in a lovely suburban area to have a green space was such a blessing and treasure. Ms. Tippetts stated that she realizes that this type of development is important. She stated that she did not believe that this was the right place to build it due to the impacts. Ms. Tippetts requested that the proposed rezoning request be tabled until a traffic and environmental surveys completed, allow the adjacent property owners to discuss the proposed development, and to get more information. She did not feel that everyone had been notified that needs to know about it. Ms. Tippetts stated that seven days was not enough time.

Ms. Jasmine Stillwell, 321 Preston Creek Drive, McKinney, TX, stated that she lives across the street in the Sorrelwood Park Subdivision. She stated that her family had lived there since 2010 and it was one of the first houses in the neighborhood. Ms. Stillwell stated that the townhomes and the Hardin Lakes Subdivision was not there when they moved in to their property. She stated that some wildlife has come into their backyard with all of the surrounding development. Ms. Stillwell expressed concerns about the wildlife on the subject property and it being displaced due to development.

Ms. Alisha Gimbel, 4001 Duclair Drive, McKinney, TX, stated that she lives in Mallard Lake Subdivision. She stated that if there had been more than seven days notice that there would have been a lot more Mallard Lake's residents in attendance at the meeting. Ms. Gimbel stated that was not enough time to allow them to become educated about the proposed rezoning request. She stated that her career path is in emergency management. Ms. Gimbel stated that most of her concerns are safety and health based.

She stated that her property backs up to the tree line. Ms. Gimbel stated that they have seen coyotes, vultures, bobcats, and some other large predators. She stated that Unique by Nature is important and this agriculture property bring a lot of that to the area. Ms. Gimbel expressed concerns about the safety of placing senior residents next to the wildlife. She stated that developing the subject property would be flushing the wildlife into other areas. Ms. Gimbel stated that her property is very close to the dam washout area on the flood maps. She stated that she would not want to see residents more at risk from the assisted living, mental care, or otherwise in an area that could potentially washout from the dam. Ms. Gimbel stated that even though it is not traditionally in the floodplain, there are creeks that overflow, there is a lake area, and a very large dam. She stated that her own property would be effected by concrete added to the subject property that would cause the other areas to washout that much wider. Ms. Gimbel stated that the extensive excavation of the subject property would also effect the wildlife. She stated that a change from an agricultural use to a "PD" – Planned Development District is huge. Ms. Gimbel stated that is not what is expected as a resident who purchased a property that backs up to the subject property directly. She stated that the height of the proposed buildings is enormous. Ms. Gimbel also requested that the proposed rezoning request be tabled to give them more time to know about it. She felt that more neighbors would have been present if they knew more about the proposed rezoning request. Ms. Gimbel stated that the traffic studies for safety concerns were important.

Mr. Reggie Rother, 4005 Hook Bill Drive, McKinney, TX, stated that a number of his questions had already been mentioned by earlier speakers. He asked about the density of the bungalows located on the southern portion of the subject property.

Mr. Gary Anderson, 207 Pintail Drive, McKinney, TX, stated that he had concerns regarding being notified seven days ago about the proposed rezoning request. He stated that his neighbor asked him to attend the meeting in her absence. Mr. Anderson stated that his property backs up to the cell tower. He expressed concerns regarding the five-story buildings. Mr. Anderson stated that Mr. Roeder stated that the five-story buildings would be equal to the adjacent two story structures. He asked for clarification on what would be built on the western border of the subject property. Mr. Anderson stated that there are a lot of trees along the 35 feet setback. He stated that the trees lose their leaves and you can see through the fence. Mr. Anderson requested that the proposed rezoning request be tabled to give the adjacent property owners more time and allow more to attend the meeting.

Ms. Kelly Smith, 3305 Cedar Bluff Drive, McKinney, TX, turned in a speaker card in opposition to the proposed rezoning request; however, she did not wish to speak during the meeting.

On a motion by Commission Member Cobbel, seconded by Commission Member Zepp, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0.

Alternate Commission Member McReynolds asked Staff what notification period the City requires and when the notifications about this request were mailed. Mr. Robinson stated that there is a ten day noticing requirement. He stated that the notices went out on Friday, March 16<sup>th</sup>. Mr. Robinson stated that the residents probably received them in the mail on Monday, March 19<sup>th</sup>.

Commission Member Cobble asked if signs were required to be posted on the property. Mr. Robinson said yes and that they were posted on the property as well.

Alternate Commission Member McReynolds asked if the subject property was privately owned. Mr. Robinson said yes.

Commission Member Cobbel asked Staff who the lake belongs to and who is allowed to use the lake. Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that it was his understanding that the property owner used the lake and that it was not a public lake. He stated that the lake was not owned by the City of McKinney. Commission Member Zepp stated that he believes that it is part of the Lake Lavon silt detention lakes that are around like Provine Lake across the road. He stated that the dam remediation was to bring the dams up to current standards. Commission Member Zepp stated that he thought the Federal Government owned the dam and lake. He stated that it would be a regulated waterway and is meant to retain runoff.

Mr. Robinson stated that a stop light at Hardin Boulevard would be reviewed during as part of traffic impact analysis at time of the site development. He stated that Hardin Boulevard is classified at a four lane arterial and not planned to be widened. Mr. Robinson stated that a golf course use had not been represented to the City or shown on their concept plan. He stated that as part of the proposed rezoning request the applicant has included a concept plan. Mr. Robinson stated that in order for them to develop, they have to follow this concept plan. He stated that if they decided to develop other uses on the property or move everything around then they would be required to rezone the property accordingly. Mr. Robinson stated that the concept plan included with the rezoning request is generally how it will develop. He stated that there could be some small tweaks as they

go through the site plan process. Mr. Robinson stated that while the property would have a "C2" – Local Commercial District base, it is nailed down with this concept plan as far as having assisted living, independent living, memory care, cottages, and the villas. He stated that the cottages and villas would have a maximum height of 35 feet, similar to a single family residence. Mr. Robinson stated that the memory care would also have a maximum height of 35 feet. He stated that there are provisions in the development regulations that limit the height within 100 feet of the property line to the west. Mr. Robinson stated that the fall from these areas is substantial, anywhere between 20 – 40 feet. He stated that the bungalow and villas would have architectural standards as noted in the development regulations. Mr. Robinson stated that the masonry requirements would be 85% on the front elevations, 75% on the side elevations, and 50% on the rear elevations. He stated that these are to replicate a single family type residence. Mr. Robinson stated that the remaining buildings would follow the commercial architectural standards. He stated that there would be building offsets, masonry requirements, window percentages, et cetera that they would have to follow.

Commission Member Kuykendall asked about the displacement of the wildlife. She stated that some of the adjacent property owners expressed concerns about making it dangerous for the neighborhoods and the residents of the proposed development. Commission Member Kuykendall asked what type of consideration or protections are taken. Mr. Robinson stated that if wildlife exists in the area then it would likely be pushed out similar to most developments, especially in green field areas and during construction phases. He stated that some wildlife might return depending on how much area is disturbed. Mr. Robinson stated that it was difficult to say what the real impact would be

on the wildlife. He stated that with the proposed development there will be a significant portion that will remain undeveloped.

Mr. Roeder stated that he failed to mention that he met with the Mallard Lakes Homeowner's Association (HOA) on March 8<sup>th</sup>. He stated that the president, two officers, and two residents were present at the Homeowner's Association (HOA) meeting. Mr. Roeder stated that it was his understanding from e-mail exchanges with the president that he sent information to every Mallard Lakes resident shortly after that meeting. He stated that he has not spoken directly with the president to see exactly what information he shared with them. Mr. Roeder stated that they had tried to be proactive in getting in front of the officers of Mallard Lakes. He stated that on the concept plan there is required open space that represents 47% of the subject property. Mr. Roeder stated that he could not say that it would remain in the exact same condition that it is currently in. He stated that some of the areas could be cleaned up a little bit. Mr. Roeder stated that the concept plan is the way the property has to be developed. He stated that even though there are other permitted uses out there that they could not develop any of them. Mr. Roeder stated that they could come into effect if this develop goes away and something else is then planned for the property. He stated that there would only be memory care, assisted living, and senior independent living there. Mr. Roeder stated that they were not planning to do anything with the south portion of the property due to the open space. He stated that it was a Natural Resources Conservation Services (NCRS) lake. Mr. Roeder stated that the lake exists because there is an easement in favor of the Soil Conservation Association. He stated that they do not own the dirt under the lake or the shoreline around the lake. Mr. Roeder stated that he was not an expert in this field. He stated that he



believes that if someone has access to the lake, without getting on the subject property, that they could have access to the water surface of the lake. Mr. Roeder stated that they could not get off on any of the banks. He stated that no more than 35 bungalow cottages were planned for the southwestern portion of the property. Mr. Roeder stated that when they speak of a cottage or bungalow they were talking about a two to three bedroom house, somewhere between 1,200 – 2,500 square feet. He stated that these would be relatively small structures. Mr. Roeder stated that the architectural standards within the development regulations were only for the bungalows on the property. He stated that the rest of the development would be governed by the City's current architectural standards for commercial buildings in non-industrial use areas. Mr. Roeder stated that one of the attractions for this property is the open space and the wildlife. He stated that it is a fact of life that you need to keep your distance from larger wildlife. Mr. Roeder stated that the wildlife is an amenity for this development per his client's perspective. He offered to answer additional questions.

Alternate Commission Member McReynolds asked if the southwestern portion of the property would have smaller houses on it. Mr. Roeder said yes. He stated that they would have a 35 foot maximum height limitation, be 1,200 – 2,500 square foot structures, and have the masonry exterior requirements that are set out in the development regulations. Alternate Commission Member McReynolds asked if there would be no difference in the height restrictions and probably smaller in square footage to the adjacent houses to the west. Mr. Roeder stated that was probably correct. He stated that there would be private drives to access the bungalows. Mr. Roeder stated that there were no public streets in the development.

Alternate Commission Member McReynolds asked for clarification on the elevation of the property above the lake with the proposed excavation. Mr. Roeder stated that it would be targeted excavation in order to regulate the floor elevations of the buildings, so that their height will not exceed what they agreed to in terms of the site line visuals. Alternate Commission Member McReynolds asked if the ground level would be approximately 40 - 50 feet below Mallard Lakes' elevation. Mr. Roeder stated that it would be something like that. Alternate Commission Member McReynolds stated that it seems that they are not proposing to exceed the height of the adjacent property owner's houses due to the proposed grading. Mr. Roeder stated that was their goal.

Commission Member Zepp stated that any part of the lake located south of the property line is not owned by this property owners. He stated that they would not be able to obstruct access to the lake. Commission Member Zepp stated that the lake has to flow as it flows now. Mr. Roeder stated that there is an easement in place for the entire reservoir area.

Mr. Roeder stated that he did not know the total number of the population including the residents and staff. He stated that the maximum number of units would be 500. Mr. Roeder stated that the development would be accessed off of Hardin Boulevard.

Commission Member Smith asked Staff during what phase of the process a traffic study or an environmental assessment might be completed. Mr. Robinson stated that it would take place during the site development stage. He stated that we do not typically see them during the zoning stage due to the cost that goes into them.

Commission Member Kuykendall asked that since they were targeting an older community if there would be less traffic generated. Mr. Robinson stated that typically

independent living and assisted living uses have a much lower traffic impact. He stated that many of the assisted living developments in McKinney have very empty parking lots, since most of the residents do not have a vehicle. Mr. Robinson stated that in general the intensity of the use is much lower than commercial type uses would generate.

Commission Member Smith asked to clarify that all of the proposed uses, with the exception of the independent living use that requires a specific use permit (SUP), were allowed under the current zoning. Mr. Robinson stated that was correct. He stated that a portion of the subject property is currently zoned "PD" – Planned Development District with a base district of "BG" – General Business District, which allows a lot more intense commercial uses than what is being proposed. Mr. Robinson stated that you can no longer rezone to the "BG" – General Business District. He stated that while the "C2" – Local Commercial District lists other commercial uses the development of the property is limited to what is shown on the concept plan. Mr. Robinson stated that this is the only thing that can be developed on the property without coming back through with a new rezoning request.

Chairman Cox stated that we have a qualified developer. He stated that we have a beautiful piece of property and the developer is able to leave intact over 40% of the property in its natural state. Chairman Cox stated that he is impressed with the work that has been done and the application. He stated that he would fully support the proposed rezoning request.

Vice-Chairman Mantzey stated that he commends the applicant on the detail involved and the concept plan, when going to "C2" – Local Commercial District next to residential uses, is appreciated. He stated that there is a retirement village not too far

from his house. Vice-Chairman Mantzey stated that he finds the intensity minimal. He stated that they are good neighbors overall. He stated that it is a difficult property. Vice-Chairman Mantzey stated that the applicant and staff have done an amazing job.

Commission Member Kuykendall stated that the adjacent residents expressed concerns dealing with the density, traffic, wildlife, and site lines. She stated that this kind of development answers those types of questions and they are good answers. Commission Member Kuykendall stated that as McKinney grows something like this will be good for these neighbors and will meet what they like to see in their neighborhood. She encouraged the applicant to visit more with the adjacent neighbors.

Commission Member Smith stated that she is comfortable with this concept plan. She stated that she likes the natural agricultural footprint and open green space being preserved. Commission Member Smith stated that she sees that as an amenity to the adjacent property owners. She stated that we do not always get this opportunity. Commission Member Smith stated that she agrees that this will be a low impact use. She stated that she has visited these type of facilities. Commission Member Smith stated that it is new to McKinney. She stated that it is very unique and desirable type of setting where a couple can come in and if one digresses over the other that they can stay on the same property. Commission Member Smith stated that a retired person having to give up their home and coming to this type of community, could navigate from the assisted living all the way to a memory care unit was really huge. She stated that it would minimize the disruption of people in that stage of their lives. Commission Member Smith stated that she is a real proponent of this type of facility. She stated that she sees a need for it in McKinney. Commission Member Smith reiterated that she really likes what they have

proposed to preserve the open space. She stated that it is very positive compared to what we could have seen developed by right on the subject property.

Commission Member Cobbel stated that she thinks it is a beautiful concept plan. She stated that she is excited to see it happen. Commission Member Cobbel stated that she is happy that it is privately owned and not going to be platted as separate lots. She stated that the subject property is a large tract of land in an excellent location. Commission Member Cobbel stated that she feels that it is going to protect the adjacent property owners compared to what could have been developed by right.

Alternate Commission Member McReynolds stated that he appreciates the effort that the developer has gone to establish lower land profiles, so that they could get the buildings in to achieve such a product. He stated that the proposed development would not be an inexpensive project. Alternate Commission Member McReynolds stated that he thinks it is a great project. He stated that the residents would enjoy the amenities. Alternate Commission Member McReynolds felt that the residents at this development would be good neighbors. He stated that it would be a plus to McKinney.

Commission Member Zepp stated that he concurred with the comments of the other Commissioners. He stated that like many of the areas around, it started off as fields and pastures. Commission Member Zepp stated that development is going to happen. He stated that this is the best use for this type of property in this location.

On a motion by Commission Member Cobble, second by Vice-Chairman Mantzey, the Commission unanimously voted to recommend approval of the proposed rezoning request as request by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on April 17, 2018.