

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

18-0032Z Conduct a Public Hearing to Consider/ Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "C2" - Local Commercial District, Located on the West Side of Community Avenue and Approximately 150 Feet North of Avalon Creek Way

Mr. David Soto, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that the applicant is requesting to rezone the subject property to "C2" – Local Commercial District, generally for medium intensity commercial uses at the intersection of two major arterials. Mr. Soto stated that the subject property is currently zoned for office and residential uses as part of a larger planned development district which was approved in 2002. He stated that the applicant has indicated their intent to develop for commercial uses to be more in line with existing development conditions. Mr. Soto stated that the proposed design and construction of Bloomdale Road along the northern boundary of the subject property will allow for direct vehicular access from multiple directions, making it more viable than some of the surrounding properties for commercial uses. He stated that given the expansion of Bloomdale Road will place this property at the intersection of two arterials, it is well suited for non-residential uses. Mr. Soto stated that the development of the subject property for non-residential uses has the potential to provide services and commercial uses to an area that is currently underdeveloped for such uses. He stated that Staff recommends approval of the proposed rezoning request and offered to answer questions.

Alternate Commission Member McReynolds asked when Bloomdale Road would be developed in this area and if it had anything to do with the proposed development of this property. Mr. Soto stated that the expansion of Bloomdale Road is included on the City of McKinney's Capital Improvement Plan (CIP). Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that typically it is the responsibility of the developer to build their half of the adjacent roadway if it not part of an agreement with the City.

Vice-Chairman Mantzey wanted to clarify that the subject property was not currently zoned "AG" – Agricultural District. He also asked if the property was currently zoned for office in the front and residential to the back near the residential development. Mr. Soto stated that the property was part of a "PD" – Planned Development District that was approved in 2002. He stated that the southwest corner of Bloomdale Road does currently have an "O1" – Neighborhood Office District and a residential component as well.

Vice-Chairman Mantzey asked if any adjacent resident that purchased a property since 2002 would have thought the subject property was being development for office uses and residential uses to the back. Mr. Soto said yes.

Mr. Douglas Mousel, Land Plan Development, 5850 Granite Parkway, Plano, TX, explained the proposed rezoning request and gave a presentation. He briefly discussed some of their previous developments. Mr. Mousel stated that he was representing RWR Partners, LP, which is a family owned company. He stated that the subject property was zoned back in 2002 for office/retail uses and some residential uses. Mr. Mousel stated that the City's Capital Improvements Plan (CIP) does call for the extension of Bloomdale

Road through the property. He stated that the Bloomdale Road extension from Community Avenue to Hardin Boulevard is under design and nearing completion. Mr. Mousel stated that they had been actively involved with the design of Bloomdale Road through the subject property. He stated that the extension was being funded through a partnership between the City of McKinney and Collin County. Mr. Mousel stated that originally they anticipated the northwest corner would be the commercial corner. He stated that when Bloomdale Road was being designed, to most efficiently cross the lake, the bridge has been narrowed. Mr. Mousel stated that the Bloomdale Road would go from a full median divided section down to a very narrow wall separating the two sections of roadway. He stated that would hinder the ability to provide a turn lane into the northwest corner of the subject property. Mr. Mousel stated that typically an intersection access is provided to the corners by median openings in the adjacent divided roadways and other access points between the median opening and the intersecting streets. He stated that typically you would have a turn lane serving the northwest and southwest corners; however, that would not be possible with the proposed design of Bloomdale Road due to the narrow bridge section. Mr. Mousel stated that the access to the northwest corner is diminished due to the bridge design. He stated that the bridge could be built to a wider section; however, it would cost more. Mr. Mousel stated that they did not offer much resistance into the design issue. He stated that they felt it would be more appropriate to shift the commercial use on the subject property to the southwest corner of the intersection. Mr. Mousel stated that would allow access from all directions of the property, where that would not be the case from the northwest corner. He stated that they were not ready to develop the property at this time. Mr. Mousel stated that with the

Bloomdale Road design issues they felt it was time to request the proposed rezoning of the property. He stated that there had been some concerns raised by the adjacent property owners. Mr. Mousel stated that there is a 75 foot pipeline easement along the southern border of the subject property. He stated that easement provides a greater separation than a typical retail or office development, since they cannot build on top on an easement. Mr. Mousel stated that the City's Park Plan indicates a trail going along the south side of the property. He stated that there would also be some additional landscaping in that area to create an additional buffer. Mr. Mousel offered to answer questions.

Commission Member Zepp stated that based on the bridge design and the issue with access to the northwest portion of the property that whatever is decided tonight would not address that issue. Mr. Mousel stated that they see the northwest corner of the subject property as an office development taking advantage of the views over the lake. He stated that access for the office uses was desirable; however, not as important. Mr. Mousel stated that they want all of the access that they can get.

Alternate Commission Member McReynolds asked Mr. Mousel if he had met with any of the adjacent property owners to discuss the plans for the subject property. Mr. Mousel stated that he attended a Homeowners Association (HOA) meeting to discuss the plans to the property. He thought that only the Homeowners Association (HOA) board members attended the meeting. Mr. Mousel stated that he was unsure of what communications occurred between the board members and the residents. Alternate Commission Member McReynolds asked how the meeting went with the Homeowners

Association (HOA) board members. Mr. Mousel stated that he felt it was more of a conveyance of information and them digesting it.

Chairman Cox opened the public hearing and called for comments.

Mr. Terry Copeland, 2309 Avalon Creek Way, McKinney, TX, stated that he lives directly below the subject property. He had questions regarding the red hatch marks shown surrounding the subject property on the notification map that was included in the Staff Report. Mr. Copeland asked what the applicant was proposing to build on the property. He questioned the access to the property with Bloomdale Road not extending to the property at this time and Community Drive currently is a two lane roadway. Mr. Copeland expressed concerns about traffic congestion and displacement of wildlife. He questioned how close the development might be to the adjacent residential properties. Mr. Copeland questioned why they now want to change the zoning on the property. He stated that he was in opposition to any development of that area.

Ms. Robin Beheydt, 2200 Avalon Creek Way, McKinney, TX, stated that she was not opposing or for the rezoning request. She stated that she purchased her property in 2016. Ms. Beheydt stated that her Realtor stated that the subject property was proposed to have office uses. She stated that she was fine with those uses, since they would have limited operating hours and not too much traffic, light, or noise. Ms. Beheydt stated that they were now requesting to have retail uses on the property. She stated that the 75 foot easement would be a great help; however, she still has concerns. Ms. Beheydt expressed concerns regarding increased traffic. She stated that when you are turning left off of Avalon Creek Way onto Community Avenue that it was hard to see traffic coming south on Community Avenue. Ms. Beheydt expressed concerns for the children walking home

from school. She stated that they do not always cross at the appropriate location with the crossing guard. Ms. Beheydt expressed concerns about excess noise, lights, hours of operation, and type of retail that might be developed. She stated that there is a jail located to the north. Ms. Beheydt expressed concerns that retail might attract people being released from jail that walk down Community Avenue. She expressed concerns that they might loiter at a retail site. Ms. Beheydt asked if Community Avenue was also proposed to be improved to include a left turn lane. She asked if there would be a stop light located at the intersection. Ms. Beheydt reiterated that she was not opposed to the proposed rezoning request; however, she still had concerns.

Ms. Melody Robinson, 2204 Avalon Creek Way, McKinney, TX, stated that her property backs up to the subject property. She stated that she concurred with Ms. Beheydt's concerns. Ms. Robinson stated that the people released from the nearby jail do walk down Community Avenue, even though they are told to go down Bloomdale Road. She stated that she is concerned about the people released from jail loitering and being around the children from the middle school and high school if there is retail uses located on the site. Ms. Robinson stated that it was nice to know that there is a 75 foot pipeline easement. She asked about the additional screening that might be provided for future development on the property.

Mr. Derek Schaab, 2508 Avalon Creek Way, McKinney, TX, stated that his property did not border the subject property. He stated that the development of this property could set a precedent for future development in the area. Mr. Schaab stated that he had concerns about the wildlife on the subject property. He stated that there was a wealth of undeveloped land with trees. Mr. Schaab stated that they had identified 25

varieties of birds in his backyard and the usual wildlife that you would expect to see. He asked if there would be sections of the land that would be left intentionally undeveloped for the wildlife. Mr. Schaab stated that in the course of development, if nothing is left for their natural habitat, the wildlife would move to another location. He stated that the wildlife was one of the great sources of enjoyment and pleasure for his family. Mr. Schaab stated that he could not say whether he was for or against the proposed rezoning request; however, he has some concerns.

Mr. Greg Oidtman, 2305 Avalon Creek Way, McKinney, TX, stated that he has lived there since November 2001. He stated that at that time the subject property was farm land and then rezoned to commercial. Mr. Oidtman stated that he did not have an issue with the property being rezoned to commercial. He concurred with Mr. Copeland's concerns. Mr. Oidtman expressed concerns the current issues with turning left from Avalon Creek Way on to Community Avenue. He expressed concerns about the possible decrease in property values with the possible increased noise levels and possible elements that the adjacent property owners would not want in their neighborhood. Mr. Oidtman stated that they had seen increases in their property values over the past several years. He stated that he sees a lot of residential growth coming to north McKinney.

The following turned in speaker cards in opposition; however, did not wish to speak. Ms. Mauck noted that she had concerns with increased traffic, flooding issues, and loss of wildlife in the area.

- Ms. Pamela Harden Copeland, 2309 Avalon Creek Way, McKinney, TX
- Ms. Bobette Mauck, 3512 Bluff Creek Lane, McKinney, TX

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

Mr. Soto explained that State Law requires the City to notify property owners of a proposed rezoning request within a 200 foot buffer from the subject property. He stated that the red dashes shown around the subject property on the notification map show the properties that were notified about the proposed rezoning request. Mr. Soto reiterated that the notification area was not being proposed to be rezoned, just showing who all was notified about the proposed rezoning request.

Chairman Cox asked about the red solid line on the notification map shown below the black property line on the south side of the subject property. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that was a printing error. She stated that the backyards of the adjacent property owners were not being proposed to be rezoned, just the subject property per the deed records. Ms. Pickett stated that even though the entire area is being proposed to be rezoned that it did not mean that the entire area would be developable. She stated that there would be concerns of lot coverage limitations, space limits, easements mentioned earlier, or any flood plain area that would limit where development could occur on the subject property. Ms. Pickett stated that when someone comes in the rezone their property, they will need to rezone the entire property. She reiterated that even though the entire property is being proposed to be rezoned that the adjacent residential neighbors would not necessarily see development right up against the shared property line.

Commission Member Cobble stated that this meeting was only discussing rezoning the subject property and that there was no site planning involved at this time. Ms. Pickett stated that was correct and that the City had not received any plans for developing the subject property. She stated that the property owner might have an idea of what they want to do with the property they had not submitted anything to Staff.

Vice-Chairman Mantzey asked if the property was rezoned to "C2" – Local Commercial District, then a different property owner could development the land under this classification in the future if they sell it. Ms. Pickett said yes.

Commission Member Kuykendall asked Staff to outline the differences between what is currently allowed to be developed on the subject property and what uses the proposed rezoning would allow. Mr. Soto stated that the following uses would be allowed under the proposed "C2" – Local Commercial District: bakery, bank, department store, drug store, pharmacy, food store, office building, pet store, indoor retail store, and restaurants for carryout only and indoor services. Ms. Pickett stated that you see an increase in retail type uses, with a lot of the other uses staying the same. She gave examples of recreational uses and transportation type uses general would stay the same under the current and proposed zoning. Ms. Pickett stated that you would not see a huge difference in the structure, just an increase in the allowed uses allowed inside the structure. She stated that the portion of the property zoned for residential uses would have a lot more limitations.

Commission Member Cobbel asked if a convenience store or gas station would be allowed under the proposed zoning. Ms. Pickett stated that a Specific Use Permit (SUP) would be required for those uses.

Commission Member Zepp wanted to clarify that the existing zoning is for “RS-60” – Single Family Residence District or “O” – Office District. Mr. Soto stated that the “O1” – Office District is for four acres and the “RS-60” – Single Family Residence District was for the remaining acreage.

Commission Member Zepp asked what the height limitation would be for the “O” – Office District. Mr. Soto stated that the maximum structure height is 35 feet. He stated that the maximum structure height allowed for “C2” – Local Commercial District is 45 feet.

Commission Member Zepp stated that with the proposed zoning the uses could change and the height would be higher. Mr. Soto said yes.

Vice-Chairman Mantzey asked if there was generally a transition between residential, office, and retail uses. He asked what the reconsideration was for retail abutting the residential uses. Mr. Soto stated that he was unsure of the intention of the applicant at the time of 2002 rezoning of the property to “PD” – Planned Development District. He stated that he was unsure of whether or not Bloomdale Road was planned to be expanded to this area at that time. Mr. Soto stated that given that Bloomdale Road is now planned to expand to this area that was what was prompting the proposed rezoning request. Ms. Pickett stated that in 2002 the type of commercial activity in this area anticipated to occur was not the forefront of people’s minds. She stated that now we are seeing a lot more development in this area. Ms. Pickett stated that there is the Collin County Courthouse Complex, recent rezonings along Highway 75 (Central Expressway) near Bloomdale Road and north near Laud Howell Parkway, and the upcoming Comprehensive Plan Update, so this area is being envisioned for commercial and entertainment uses. She stated that this property is part of that vision.

Vice-Chairman Mantzey asked if Community Avenue was planned to be a four lane arterial. Ms. Pickett said yes.

Commission Member Cobble asked what size Bloomdale Road was planned to be for this area. Ms. Pickett stated that she believed that it was proposed to be a six lanes. She stated that had been shown on the City's Master Thoroughfare Plan for some time. Ms. Pickett stated that she did not believe the Bloomdale Road alignment had shifted much. She stated that Bloomdale Road was on the Capital Improvement Plan (CIP) and the design portion was kicking off.

Commission Member Zepp stated that it sounded like the design of Bloomdale Road was not the issue. He stated that the narrowing of the bridge was causing the issue and triggering the proposed rezoning request. Commission Member Zepp questioned if the bridge could be redesigned that would allow a left turn lane to the subject property. Ms. Pickett stated that Staff could ask the City's Engineering Staff to look into. She stated that they had gone through a lot of the design process. Ms. Pickett stated that they had looked at several options as to how to approach it and they felt this was the best option.

Vice-Chairman Mantzey asked if the current Comprehensive Plan shows the subject property for future retail uses. Ms. Pickett stated that suburban mixed uses. She stated that it can allow for retail uses at primary intersections; however, is generally residential uses.

Chairman Cox asked what Community Avenue was planned to be south of Bloomdale Road and down towards Wilmeth Road. Ms. Pickett stated that it would be a four lane road with portions of it already constructed. She stated that the construction of the road generally falls of the developer, unless there is an agreement in place. Ms.

Pickett stated that since the property along Community has not been developed, the road has not been built yet.

Commission Member Smith stated that this is a future intersection of two major thoroughfares. She stated that she can see the viability of commercial at this prime location. Commission Member Smith stated that the current "PD" – Planned Development District planned to buffer the residential uses from the more intensive uses. She stated that she would like to hear more about buffering the residential from the commercial use. Ms. Pickett stated that there is a 75 foot easement, which will prevent a lot of development from going in there. She stated that any non-residential property abutting residential will require a screening wall, landscape buffer, and trees to be planted to provide a further buffer between the uses even with the 75 foot easement.

Commission Member Smith stated that the subject property is set to develop under the current zoning or the proposed rezoning. She stated that she understands what is driving the rezoning request. Commission Member Smith asked Staff to explain how much of the property is developable. Ms. Soto stated that the applicant will need to submit a site plan request, tree survey, and tree preservation plan to the City when they get ready to develop the property. He stated that Staff will review these items during the site plan process.

Alternate Commission Member McReynolds asked if there was no mechanism to find that out prior to the site plan phase. Ms. Pickett stated that we are currently discussing the appropriateness of the uses for the property, not how it might actually develop.

Commission Member Smith asked if these requirements would be required regardless of the zoning. Mr. Soto said yes.

Chairman Cox asked Mr. Mousel about the proposed timing of the development of the property and Bloomdale Road. He also asked if he knew of any features were planned to leave some of the property intact. Mr. Mousel stated that they did not anticipate development of the property prior to the development of Bloomdale Road. He stated that it was his understanding that the road was under design and construction might start sometime this summer. Mr. Mousel stated that it would probably take a year or so to complete the extension of the road. He stated that they anticipate that the primary traffic to this site would be along Bloomdale Road. Mr. Mousel stated that they would be staying out of the floodplain area; however, he stated that the line could change from what was shown on the drawing in his presentation. He stated that they plan to do the appropriate environmental and wildlife study. Mr. Mousel stated that they would adhere to the City's landscaping and buffering requirements. He stated that of the 16 acres only 8 ½ acres are free of the floodplain and they feel are developable. Mr. Mousel stated that they try to partner with cities on projects. He stated that they would be giving right-of-way dedication for Bloomdale Road. Mr. Mousel stated that they had participated in the Bloomdale Road design process. He stated that they would also be granting easements for the future water transmission line. Mr. Mousel stated that they dedicated parkland dedication at this site for one of their multi-family developments over by the hospital. He believed that there would be a parklike area where the wildlife would remain undisturbed. Mr. Mousel stated that they had worked with the City in the past regarding on the rehabbing of the soil conservation lake. He stated that as the got into the proposed design

of Bloomdale Road and the diminished access on the north side of the road, they felt it would be best to shift the commercial uses to the south side of the property.

Commission Member Smith asked Mr. Mousel to discuss the result of the meeting that he had with the homeowner's association (HOA). Mr. Mousel stated that he contacted the property manager with CMA, the management company for the homeowner's association. He stated that was invited to attend a board meeting. Mr. Mousel stated that there were four to five board members present at the meeting. He stated that he gave a presentation and distributed a copy of the presentation to them. Mr. Mousel stated that he gave them an opportunity to ask questions; however, they did not have a whole lot of questions at that time. He stated that it was more or less him conveying the information to them at the meeting and them digesting it. Mr. Mousel stated that the homeowner's association did not contact him after the meeting.

Commission Member Zepp asked for clarification on one of the drawings showing 21 ½ acres of residential, was effectively all on the floodplain area and part of what is being dedicated to the City. Mr. Mousel stated that was an old map and he was not directly responsible for preparing it. He stated that there is a good amount of floodplain on the property. Mr. Mousel stated that there is a net tract of land that is approximately 8 ½ acres that is developable on this site. He stated that some of the land being dedicated to the City for parkland dedication is in the floodplain and some of it is out of the floodplain area.

Vice-Chairman Mantzey stated that we ask the residents to consider people's property rights and that they research into the zoning of properties around where they intend to purchase. He stated that in this case were have zoning that has existed for

some time behind their properties. Vice-Chairman Mantzey stated that the proposed rezoning request would give a blanket "C2" – Local Commercial District without a site plan. He stated that the adjacent residential property owners thought that the property would develop as residential or office uses and not commercial. Vice-Chairman Mantzey stated that he could not recommend a blanket "C2" – Local Commercial District for the subject property at this time. He stated that it might be possible in the future with a site plan and consideration of the residential sections towards the back.

Commission Member Zepp stated that the change between office uses to commercial uses is a fundamental change in zoning. He stated that it may all be businesses; however, office uses typically have set hours and limited traffic. Commission Member Zepp stated that retail uses typically have wider hours and tend to have more traffic. He stated that he understands that commercial uses appears on the other side of Bloomdale Road and that there were some access issues. Commission Member Zepp stated that the adjacent residential property owners purchased their properties with the anticipation that the subject property would develop as office and residential uses. He stated that moving the commercial and retail uses across the street would effectively move it into their backyards. Commission Member Zepp stated that he was hesitant to vote in favor of the proposed rezoning request.

Commission Member Cobbel stated that it is hard to change the zoning of a property when it is abutting a residential development. She stated that in this case it will be a highly sought after commercial area. Commission Member Cobbel stated that the uses appear to be more indoor uses, similar to office uses. She stated that she realizes that the hours of operation might be a little different. Commission Member Cobbel stated

that she did not see any major uses allowed in the proposed rezoning that would be detrimental. She stated that she could understand if a gas station, convenience store, or automotive uses; however, they would still require a Specific Use Permit (SUP) approval. Commission Member Cobbel stated that for the area it is in and the prices that you will see will most likely not be detrimental uses. She stated that it should be a fairly nice complex, especially on approximately eight acres. Commission Member Cobbel stated that she did not see residential uses going in there, especially after Bloomdale Road is extended. She stated that she was in favor of the proposed rezoning request.

Alternate Commission Member McReynolds stated that the intersection of Eldorado Parkway and Country Club is primarily office uses. He stated that if the uses were commercial there that he did not think that the traffic would noticeably increase. Alternate Commission Member McReynolds stated that there is a ton of traffic on Eldorado Parkway as it is right now. He stated that with Bloomdale Road being proposed as six lanes, that it seems more conducive to having more commercial uses there. Alternate Commission Member McReynolds stated that we need commercial development within the City and having a six lane road seems like an appropriate location for it. He stated that he was comforted by the fact that only half of the property is developable, instead of the whole 16 acres. Alternate Commission Member McReynolds stated that there would be other requirements like setbacks, lot coverages that are available, and open areas. He stated that he was in favor of the proposed rezoning request.

Chairman Cox stated that he concurred with Alternate Commission Member McReynolds' comments. He stated that this site is very difficult as a whole to develop.

Chairman Cox stated that he believes that the bulk of the property will remain as it is or close to what it is. He stated that he was in favor of the proposed rezoning request.

Commission Member Smith restated that this is a future intersection for two major thoroughfares. She stated that she can see the appropriateness of the proposed commercial uses. Commission Member Smith stated that the only issue that she had with the request was that the current zoning on the property gave the adjacent property owners a reasonable expectation of what would develop on the subject property. She stated that she would prefer to see something other than straight "C2" – Local Commercial District come forward.

On a motion by Commission Member Kuykendall, seconded by Alternate Commission Member McReynolds, the Commission voted to recommend approval of the proposed rezoning request per Staff's recommendation, with a vote of 5-2-0. Vice-Chairman Mantzey and Commission Member Zepp voted against the motion.

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