

CITY COUNCIL REGULAR MEETING

FEBRUARY 7, 2017

16-341Z2 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "SF5" - Single Family Residence District to "TH" - Townhome Residential District, Located Approximately 3,200 Feet South of U.S. Hwy 380 (University Drive) and on the East Side of Lake Forest Drive; and Accompanying Ordinance. Director of Planning Brian Lockley stated that this item is a rezoning request for the Lake Forest Townhomes. Mr. Lockley stated that this property was previously approved for single-family residential zoning but the tree mitigation plan was a variance to the zoning ordinance and was subsequently denied by the Tree Board. The applicant is now requesting approval to rezone the property for townhome use. Location for access points, tree preservation requirements, and any other items that will be a part of the development will be addressed in the platting process. The item tonight is to determine if the rezoning to townhome from SF-5 residential is in compliance with the Comprehensive Plan. Staff reviewed this request and is recommending denial. Staff looked at the challenges in developing this property in terms of the tree preservation and the amount of property located within the floodplain. The Planning and Zoning Commission reviewed this application and recommended approval. A townhome plan would be considerably denser than a single-family residential development. In order for them to develop any of the property located within the floodplain, they will have to bring that property out of the floodplain. However, the tree ordinance would still apply in order to develop the property. The applicant will have to come back to Council for any variances to the tree ordinance. Applicant, Mr. Adam Buczek, Skorburg Company, 8214 Westchester Drive, Suite 710, Dallas, stated that the applicant will not be asking for any variances to the tree

ordinance or the townhome ordinance. In the previous plan, the project would disturb over 20 acres of the 27 acres in the development. The current plan is that surface disturbance will be about 10 acres of the 27 acres and can be done without a tree variance. The developer has come up with a development plan that will not bring any requests for variances to the Council. This developer will be happy to dedicate the right-of-way so that the property owner to the east can develop his property at a later time, however, we will not be extending the pavement and utilities outside of this development. The developer will have to redo the flood study for the smaller development surface area and resubmit. We will not do that before we know if the City supports our zoning request. The developer will do a reclamation program taking some of the area out of the floodplain and submit a LOMAR whereby FEMA will reevaluate the floodplain designation and remove that area from the floodplain so that residents do not have to buy flood insurance. Mayor Pro Tem Pogue inquired with regards to the dedication of right-of-way, if there is a city ordinance that requires the extension of roadways and utilities to the extremity of the developed property. Assistant Director of Engineering Michael Hebert stated that when staff receives a submittal for the plat, we investigate the proportionality effects, in other words, what should be dedicated as opposed to what is being proposed for construction. The utilities and roadway can be stopped short depending on how the property is developed, the number of lots brought on board, and if we consider it proportional to the development, and evaluated, with a determination at the next stage when the plat is submitted. Mayor Loughmiller called for public comments.

The following individuals spoke against the zoning request:

Ms. Misty Ventura, 9406 Biscayne Blvd., Dallas

Mr. David Cook, 1100 Eastbrook Drive, McKinney

Mr. Harry Hickey, 1600 Eastbrook Drive, McKinney

Mr. Steve Spainhour, 4690 Eldorado Parkway, McKinney

The following individuals spoke in favor of the zoning request:

Mr. Wayne McClaws, 5716 Pine Meadow Lane, McKinney

Mr. Damon Nahoulena, 3308 Calais, McKinney

Mr. La'Shadion Shemwell, 1200 N. Tennessee Street, McKinney

Council unanimously approved the motion by Council member Ussery, seconded by Mayor Pro Tem Pogue, to close the public hearing. Mr. Buczek stated that the unit count of this development will be between 40 and 44 two-story townhome units. The developer previously offered a portion of the property to the Parks Department but they declined the offer because it did not fit into the Parks Master Plan. Mr. Lockley stated that a requirement of platting is to provide the connectivity but again it is based on proportionality. Staff cannot speculate on that until we know for sure how many lots are platted for the property. There are several different things for staff to consider with this development with respect to the tree mitigation plan and the floodplain reclamation program. Council member Rogers stated that he is a member of the Church of Jesus Christ of Latter Day Saints, however, he does not attend this building. Nobody in McKinney will receive a dime of the money from the proceeds of the sale of this property. I would like to see this property built to create a tax base. If they can work with the tree mitigation plan, I see no reason not to approve this request. Councilwoman Rath stated she would have liked for the developer to have made an effort to meet with the HOA knowing that this is a very contentious zoning request. Mayor Pro Tem Pogue stated that he would not be in support of this item as it is presented tonight. Mayor Loughmiller stated he appreciates that the developer has come back with a different plan. I believe a meeting with

the HOAs would be helpful. Based on what I have heard at this meeting, I am not prepared to support this tonight. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Ussery, to table the item indefinitely.