

Planning and Zoning Commission Meeting Minutes of May 8, 2018:

18-0051Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "SF7.2" - Single Family Residential District, Located Approximately 975 Feet South of Gray Branch Road and on the East Side of Ridge Road

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant is requesting to rezone approximately 17 acres of land from "PD" – Planned Development District to "SF7.2" – Single Family Residential District. Ms. Quintanilla stated that this case was tabled indefinitely at the April 10, 2018 Planning and Zoning Commission meeting. She stated that since that meeting the applicant has revised the rezoning request from "SF5" – Single Family Residential District to "SF7.2" – Single Family Residential District, which requires a minimum 7,200 square foot lot. Ms. Quintanilla stated that the applicant has also provided an information only concept plan to depict how the property may develop. She stated that the current and proposed zonings are generally for single family detached residential uses; however, the current "PD" – Planned Development District requires the property to develop in accordance with a layout exhibit. She stated that the applicant is requesting to rezone the subject property to remove the layout and adopt a straight zoning district of "SF7.2" – Single Family Residential District. Ms. Quintanilla stated that Staff is of the professional opinion that the proposed rezoning request will increase the development potential of the property and complement the surrounding land uses. She stated that Staff recommends approval of the proposed rezoning request and offered to answer questions.

Vice-Chairman Mantzey asked for clarification of the differences between the average size lots and minimum lot sizes from the previous rezoning request to the proposed rezoning request. Ms. Quintanilla stated that the previously requested “SF5” – Single Family Residential District had a minimum lot size of 5,000 square feet with a mean and median of 7,200 square feet. She stated that the proposed “SF7.2” – Single Family Residential District has a minimum lot size of 7,200 square feet and does not include a mean and median lot size.

Vice-Chairman Mantzey wanted to verify that this is only a concept plan and not a site plan. He asked if there is a cap to the number of lots that could be developed on the subject property as long as they meet the 7,200 square foot lot size. Ms. Quintanilla stated that there would be a cap based on the 3.2 units per acre density on the proposed subject property. She stated that with 17.63 gross acres there could be a maximum of 56 lots. Vice-Chairman Mantzey asked if the current exhibit showed 49 lots. Ms. Quintanilla stated that the information only concept plan does show 49 lots. She stated that the current zoning on the property has a maximum density of 53 lots. Chairman Cox wanted to clarify that the drawing tied to the current zoning shows a maximum of 42 lots. Ms. Quintanilla stated that was correct. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that since it was generally conforming to the layout exhibit that they could have the ability to develop up to 53 lots as long as it generally matched the exhibit.

Vice-Chairman Mantzey asked if the Commission could decide to limit the number of lots and apply it to the requested zoning for the subject property. Ms. Pickett stated that would create the need for a “PD” – Planned Development District.

Mr. Bob Roeder, Abernathy, Roeder, Boyd & Hullett, P.C., 1700 Redbud Blvd. McKinney, TX, explained the proposed rezoning request and the revision since the previous application. He stated that he was not present at the April 10, 2018 meeting; however, he had read the minutes. Mr. Roeder stated that the proposed rezoning request meets the spirit and intent of the current "PD" – Planned Development District for the subject property. He stated that if they could stipulate the maximum number of lots to be 49 with the straight zoning district then they would. Mr. Roeder stated that there are several regulations in the City's ordinance that conflict with each other on how to plat a property when an erosion hazard setback is involved and gave examples. Mr. Roeder briefly discussed the current zoning and lot sizes allowed on the subject property. He stated that when the erosion hazard setback is the rear yard setback, then the maximum number of lots they could have would be 49 lots. Mr. Roeder stated that each lot would be larger than 7,200 square feet. He stated that the layout associated with the current zoning on the property was done at a high level without any engineering being done at that time; therefore, some of the roads and lot locations do not make sense. Mr. Roeder stated that the developer's intent is to make this a gated subdivision. He stated that City Staff prefers to rezone to straight zoning instead of a "PD" – Planned Development District, which can get complicated years later. Mr. Roeder stated that the properties along the creek will appear larger due to the erosion hazard setback. He requested a favorable recommendation of the proposed rezoning request and offered to answer questions. There were none.

Mr. Mike Buchanan, 900 Gray Branch Road, McKinney, TX, stated that this was part of a master plan that is zoned "RS84" - Single Family Residential District and "RS120" - Single Family Residential District. He stated that Emerald Heights was originally part of

this parcel and has the same issues as the subject property. Mr. Buchanan stated that they were accountable to the original zoning. He requested consistency within the master plan.

Mr. Michael Brown, 5800 Creekside Court, McKinney, TX, stated that the developer is from out of town and wants to maximize the number of lots on the property. He stated that the applicant got with City Staff to discuss revisions to the request. Mr. Brown stated that they did not reach out to any of the surrounding property owners to discuss the proposed project. He stated that Emerald Heights, Stonebridge Estates, Altamura Estates, Waterbury, Kings Lake, and Isleworth have larger lot sizes along their creeks. Mr. Brown stated that Wynn Ridge and Saddlehorn Creek subdivisions were across the street from the subject property and have very nice houses packed on smaller lots. He expressed concerns about noise issues from the additional smaller lots along the creek on the subject property. Mr. Brown requested that the proposed rezoning request be denied. He stated that he would like to keep the current zoning with the lots along the creek being a minimum of 12,000 square feet and the rest of the lots being a minimum of 8,400 square feet.

Ms. Peggy Baird, 409 Creekside Drive, McKinney, TX, concurred with Mr. Buchanan and Mr. Brown's comments. She stated that she would like to see the lots along the creek mirror the lots along the creek in the Emerald Heights subdivision. Ms. Baird expressed concerns about trees that might be removed along the creek that blocks a lot of noise. She stated that she would have loved to have discussed the plans for this property with the developer after the April 10, 2018 Planning and Zoning Commission meeting.

The following resident turned in a speaker's card in opposition to the proposed rezoning request; however, did not wish to speak during the meeting.

- Ms. Jennifer Buchanan, 900 Gray Branch Road, McKinney, TX

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

Commission Member Cobbel asked what size lots were located along the creek to the north of the subject property. Ms. Pickett stated that they appear to be approximately 50 – 60 feet wide and 160 – 300 feet in depth. Commission Member Cobbel asked for the square footage along the creek in the adjacent subdivision. She also stated that the lots appear to range in size. Ms. Pickett gave the example of an 80' x 160' lot being 12,800 square feet.

Commission Member Smith stated that the previous letters of opposition from the April 10, 2018 Planning and Zoning Commission meeting were asking for a minimum of 7,200 square foot lot sizes for the subject property. She stated that she was glad to see that the applicant revised the request to include that minimum lot size. Commission Member Smith stated that there was an expectation that the developer would communicate with the surrounding property owners after the previous meeting; however, that did not happen. She stated that there is still strong opposition from the neighboring residents to the proposed rezoning request. Commission Member Smith stated that she feels that we would be doing a disservice to the neighboring residents if we approve the rezoning request in light of their objections and the value and price point of the surrounding neighborhood. She stated that she would feel better if the applicant

communicated their plans with the neighboring residents, even if the same proposal comes back before the Commission.

Commission Member McReynolds asked if the proposed lot sizes were larger compared to the previous request. Ms. Pickett stated that the minimum lot sizes were possible larger. Commission Member McReynolds stated that it appears that they took some advice from the first meeting.

Commission Member Cobbel stated that the public had the opportunity to speak at the April 10, 2018 Planning and Zoning Commission meeting. She stated that the developer appears to have taken their comments under advisement.

Commission Member McReynolds stated that there seems to have been some thought put into the concept plan, included in the Staff Report for informational purposes only, regarding engineering, setbacks, roads, and connectivity. He stated that he understands what Mr. Roeder was saying about the lots along the creek appearing larger than what they actual would be due to the erosion control setbacks. Commission Member McReynolds stated that he was in support of the proposed rezoning request.

Vice-Chairman Mantzey stated that at the last meeting he was thoroughly opposed to the minimum lot size being 5,000 square feet, which he did not feel would meet the intent of the current "PD" – Planned Development District. He stated that it is unfortunate that we move away from "PD" – Planned Development Districts for cases on unique pieces of land. Vice-Chairman Mantzey stated that the applicant did take into account the references of getting to the larger minimum lot size overall. He stated that it is unfortunate that they did not meet with the surrounding property owners. Vice-Chairman Mantzey stated that even though the proposed rezoning request is not perfect, it is within range of the original number of lots for that area and works with the layout of the land.

He stated that he hopes the overall lots for the development stays under 50 total lots. Vice-Chairman Mantzey stated that he would be in support of the request since it has a minimum of 7,200 square feet per lot.

Chairman Cox asked for clarification on the major differences from the previous request and the proposed rezoning request. Mr. Roeder stated that they eliminated the opportunity to have a lot size less than 7,200 square feet. He stated that they took into account the erosion hazard setback for the lots along the creek. Mr. Roeder stated that he did speak with Mr. Mike Buchanan about this request; however, he did not speak with the other surrounding property owners. He stated that he has not heard anything new that was not in the April 10, 2018 Planning and Zoning Commission minutes. Mr. Roeder stated that he has not seen any harm being shown by any of the complainants.

Chairman Cox and Commission Member McCall concurred with the other Commission Member's comments.

Chairman Cox stated that he applauds the applicant for bringing up the minimum lot size up significantly. He stated that he would be in support of the proposed rezoning request.

On a motion by Commission Member Cobbel, seconded by Commission Member McReynolds, the Commission voted to recommend approval of the proposed rezoning request as recommended by Staff, with a vote of 6-1-0. Commission Member Smith 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 June 5, 2018.