

Draft Planning and Zoning Commission Meeting Minutes of August 10, 2021:

21-0083Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, to Allow Multi-Family Uses and to Modify the Development Standards, Located on the West Side of Bois D'Arc Road and Approximately 540 Feet South of U.S. Highway 380 (University Drive). Ms. Kaitlin Sheffield, Planner II for the City of McKinney, explained the proposed rezoning request. She stated that the applicant is requesting to rezone approximately 15 acres of land, generally for multi-family uses and to modify the development standards. She stated that the proposed rezoning request modifies the height, density, and parking requirements for multi-family residential uses. Ms. Sheffield stated that with "PD" – Planned Development District requests must provide features to ensure exceptional quality or demonstrate innovation. She stated that the applicant is proposing to increase the required amenities by two to meet this requirement. Ms. Sheffield stated that this proposal aligns with Urban Living placetype designated in the Comprehensive Plan. She stated that the use of multi-family should provide a buffer for lower intense development to the south and the commercial corridor along U.S. Highway 380 (University Drive) and Hardin Boulevard. Ms. Sheffield stated that after the Planning & Zoning Commission meeting packet was published and prior to the start of tonight's meeting, the applicant indicated to Staff that they would like to

modify the development standards to remove the four-story request. She stated that the maximum height would be three-stories. Ms. Sheffield stated that given the modification, Staff recommends approval of the proposed rezoning request and she offered to answer questions. Commission Member McCall inquired about the buffer between the proposed development and the adjacent single family residential properties. Ms. Sheffield stated that the buffer ranges between 115' – 130' between the edge of the subject property and the single-family residents to the south. Commission Member asked about the tree on the strip of land between the subject property and the residents to the south. Ms. Sheffield stated that there is one single-family residence located on the property. She stated that if that remains during development, then a buffer and setbacks would be required. Vice-Chairman Mantzey wanted to clarify that the maximum height was three-stories for the entire project. Ms. Sheffield said yes. Mr. Bob Roeder; Abernathy, Roeder, Boyd, & Hullett, P.C., 1700 Redbud Boulevard, McKinney, TX, explained the proposed rezoning request. He stated that this is a fairly flat piece of property and surrounded by commercial uses. Mr. Roeder stated that they intent to abide by the City's buffering and screening requirements. He stated that they were requesting a modification in the parking requirement to allow for the 30% enclosed parking and 20% covered parking split. Mr. Roeder stated that they were increasing the amenities to meet the enhancement requirement for a "PD" – Planning Development District. He stated that offered to answer questions and requested a favorable recommendation. There were none. Chairman Cox opened the public hearing and called for comments. Ms. Anne Davis, 4024 Angelina Drive, McKinney, TX, felt that

the width of the property between her property and the subject property was approximately 20' – 30' and the length of the stripe of land was approximate 115'. She discussed the mowing issues on the strip of land behind her property. Ms. Davis expressed concerns regarding increased traffic and speeding traffic on Bois D'Arc of people trying to bypass U. S. Highway 380 (University Drive). She stated that when she purchased her property that she was told that McKinney Independent School District (MISD) owned the subject property and had plans to build a maintenance facility on it. Ms. Davis stated that they have a really nice greenbelt to the west. She felt that building multi-family at this location would be the wrong decision. Ms. Jamie Davison, 4036 Angelina Drive, McKinney, TX, expressed concerns about overcrowding schools, increased traffic, children's safety, increased crime, lack of privacy, reduced quality of life, reduced property values, and the number of multi-family developments in McKinney. Ms. Tiffany Tesch, 4056 Angelina Drive, McKinney, TX, concurred with the concerns of the previous two speakers. She stated that there is nothing above two-stories in their area, so she did not feel having three-stories was in keeping of the character of their neighborhood. Ms. Tiffany Tesch expressed concerns regarding increased traffic and impact on their property values and taxes. Ms. Debbie Tesch, 4056 Angelina Drive, McKinney, TX, expressed concerns regarding the density of the proposed multi-family development being a major change from what they initially thought would be developed on the subject property. She concurred with the previous concerns. Mr. Rodney Hutchinson, 4040 Angelina Drive, McKinney, TX, stated that he did not feel that a 130' distance between the proposed development and his property would be

enough space. He stated that they were told that McKinney Independence School District (MISD) planned to build a maintenance facility on the subject property; therefore, they thought there would not be any neighbors in their backyard. Mr. Hutchinson stated that the proposed development would have 100's of neighbors and automobiles in their backyards. He concurred with his neighbor's concerns mentioned earlier. Ms. Judy Furlong, 4019 W. University Drive, McKinney, TX, stated that her mother-in-law owned the single-family residence at 5201 Bois D'Arc Road, McKinney, TX. She felt that the strip of land was not very wide. Ms. Furlong expressed concerns with the current traffic on U.S. Highway 380 (University Drive) and the increased traffic from the proposed development. Ms. Jamie Davison stated that they have a written notarized protest with signatures of nine out of the ten property owners within the affected zone and gave it to Ms. Jennifer Arnold, Director of Planning for the City of McKinney. Ms. Arnold stated that written protest forms affect the City Council action. She stated that it would be given to the City Secretary's Office for them to validate the signatures. On a motion by Vice-Chairman Mantzey, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Commission Member Kuykendall asked Staff to discuss the distance of the proposed development to the adjacent residential property owners. Ms. Sheffield stated that there a little sliver of unclaimed land between the single-family residence and the adjacent residential property owners on Angelina Drive. She stated that there is an existing fence that makes the strip of land appear to only be approximately 15' in width. Ms. Sheffield stated that the total distance between the subject property and

the single-family residents is approximately 130'. Commission Member Kuykendall asked if someone went out to the site to measure it. Ms. Sheffield stated that she measured it numerous times on maps; however, had not measured it on the ground. Vice-Chairman Mantzey explained that there is a single-family lot with a house on it and a chain-link fence. He stated that to the south of it there is a 5' – 10' right-of-way for some powerlines that nobody knows who owns or maintains this thin strip of property. Vice-Chairman Mantzey and Ms. Sheffield explained that the 20' buffer would be contained on the subject property. Ms. Sheffield stated that there would be the 20' buffer, landscaping, screening, and a 45' building setback required on the subject property. She stated that the 115' – 130' was only a reference point between the two developments. Chairman Cox asked Mr. Roeder to address the distance between the two-three adjoining properties. Mr. Roeder stated that he has not measured the distance. He was willing to accept that the distance was between 120' – 150'. Mr. Roeder stated that from the buffer within the development, they were obligated to provide a minimum 6' masonry fence along the property line. He stated that they were obligated to provide a 20' landscaping buffer with canopy trees on 30' centers. Mr. Roeder stated that they also have a 45' building setback requirement off the property line. He stated that he had not seen the concept plan for the proposed development; however, typically there is parking between the landscaping buffer and the multi-family buildings. Mr. Roeder stated that the parking is typically double-sided, so it would be a minimum of 18' deep parking on both sides. He stated that there would also be a minimum of a 24' – 36' fire lane. Commission Member McCall asked how many multi-family units might be

built on the subject property. Mr. Roeder stated that they were proposing 28 units per acre. He thought it might be around 400 units in total. Mr. Roeder stated that Bois D'Arc is an undeveloped road. He stated that they would need to get a traffic impact analysis to determine what improvements need to be done to Bois D'Arc, if any, to support the proposed development during the site plan process. Vice-Chairman Mantzey stated that there had been a lot of residential, retail, and commercial development around the Hardin Road and U.S. Highway 380 (University Drive) area. He stated that McKinney is a fast-growing city and has outpaced the rest of the County in just about everything, not just multi-family developments. Vice-Chairman Mantzey stated that the McKinney Independent School District (MISD) saw the student population decline a couple of years ago that was unpredicted. He stated that the adjacent property owners through the subject property was going to be developed as a bus barn; however, McKinney Independent School District (MISD) has changed their mind about that at this point. Vice-Chairman Mantzey felt apartments would fit the area. He stated that there was a good buffer to the adjacent residential development to the south. Vice-Chairman Mantzey stated that there is commercial to the right. He did not feel that it would be a burden on the school district. Vice-Chairman Mantzey stated that he was in support of the proposed rezoning request. Chairman Cox concurred with Vice-Chairman Mantzey's comments. He stated that the traffic impact analysis would address the concerns of Bois D'Arc Road. Chairman Cox was in support of the proposed rezoning request. Commission Member Kuykendall asked if nine out of the ten residents that might be affected by the proposed development have written in opposition

to the proposed rezoning request. Ms. Sheffield stated that she believes that they have signed a written petition. She stated that the signatures still need to be evaluated and to find out the percentage. Commission Member Kuykendall stated that she would be in opposition to the proposed rezoning to support of the nearby residents who were in opposition to the request. Commission Member Taylor stated that when you consider the width of the property in between the subject property and the residents and then take the buffer, landscape, and 45' setback, then it would measure approximately 200'. He stated that is supported the proposed rezoning request. Commission Member Doak stated that he liked the proposed project. He stated that his biggest concern is the high traffic area. Commission Member Doak stated that he would have liked to have seen something regarding how the traffic would be addressed prior to rezoning the property to multi-family. He stated that he would be in support of the proposed rezoning request. Commission Member McCall questioned if McKinney needs another three-story multi-family development. He stated that the subject property is a buffer between commercial and single-family residential developments. Commission Member McCall stated that something even worse could be proposed for the property if the proposed development is not built here. He stated that Staff is in support of the proposed rezoning request. Commission Member McCall stated that he would also be in support of the proposed rezoning request. On a motion by Commission Member Doak, seconded by Commission Member Taylor, the Commission voted to recommend approval of the proposed rezoning request with the special ordinance provisions listed in the Staff Report as recommended by Staff, with a vote of 6-1-0. Commission Member

Kuykendall voted against the motion. The recommendation of the Planning & Zoning Commission will be forwarded to City Council for final actions at the September 7, 2021 meeting.