

## **Planning and Zoning Commission Meeting Minutes of November 12, 2013:**

Vice-Chairman Bush stepped down during the consideration of item # 13-227Z, due to a possible conflict of interest.

**13-227Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on Behalf of McKinney Fellowship Bible Church, for Approval of a Request to Rezone Fewer than 33 Acres from "PD" - Planned Development District to "PD" - Planned Development District, to Allow for an Assisted Living Facility, Located on the East Side of Orchid Drive and Approximately 350 Feet North of Eldorado Parkway**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions listed in the staff report.

Commission Member Osuna asked if the proposed rezoning would be for the whole tract of land and not just the section where the assisted living facility might be located. Ms. Gleinser said yes.

Commission Member Osuna questioned why that particular piece of property was not being subdivided from the rest of the tract and only that tract of land rezoned to allow for an assisted living facility. Ms. Gleinser suggested the applicant address his question.

Mr. Arlyn Samuelson, Pogue Engineering & Development Company, Inc., 1512 Bray Central Dr., McKinney, TX, explained that they are in the process of selling the smaller tract of land for the assisted living facility; however, the buyer wants to make sure the property could be rezoned for that use prior to purchasing the property.

Chairman Franklin opened the public hearing and called for comments.

Mr. Steve Martinez, 3217 Gillespie Rd., McKinney, TX, asked what type of assisted living facility was planned for the property. Mr. Pat Ayars, Oxford Senior Living, 2008 Timbercreek Cir., Wichita, KS, stated that they plan to build a 53-bed assisted living and 24-bed memory care facility.

Mr. Martinez asked if any specific plans for the assisted living facility had been submitted and if they would be tied to the rezoning of the property. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that no specific site plans or elevations had been submitted for the assisted living facility. He stated that this request was only to rezone the property for that use.

Ms. Linda Bosworth, 3413 Gillespie Rd., McKinney, TX, expressed concerns over rezoning the whole tract of land to allow an assisted living facility use. She stated that this use had been proposed before for the property and had not been approved at that time. Ms. Bosworth stated that she thought the property was zoned for residential uses. She asked where the assisted living facility was proposed to be built.

Commission Member Gilmore also asked where the assisted living facility was planned to be built on the property. Mr. Samuelson explained that the proposed assisted living facility would be built on the southeast corner of the tract of land. He stated that they are unsure of the boundary line at this time and that is why they requested the whole tract of land be rezoned to this use. Mr. Samuelson stated that the church is only considering selling this smaller piece of property at this time.

Commission Member Gilmore asked if the applicant was obligated to build the assisted living facility on the southeast corner of the property. Mr. Quint said no and

that the Commission could include that restriction in their recommendation to City Council.

Commission Member Hilton asked what would happen if the assisted living facility decided to expand in the future. Mr. Quint explained that Staff would review the proposed expansion plans to see if it met the approved location. He stated that if it went past the approved location, then the property would need to be rezoned to allow the expansion. Mr. Samuelson stated that when the site plan is presented that it would show the lot line and where the future phase two could be built. He stated that piece of property being purchased would be the only area where an assisted living facility would be located on this property. Mr. Quint stated that site plans are Staff approved, so it would most likely not come back before the Planning and Zoning Commission.

Commission Member Osuna asked if the church had a signed contract to sell this property. Mr. Ayars explained that there are various things that need to be completed before the contract is finalized.

Commission Member Osuna asked for the acreage being considered for the proposed assisted living facility. Mr. Ayars said it was approximately 5 ½ to 6 acres. Commission Member Osuna suggested making a recommendation to rezone 7 acres of the southeast corner of the property to allow for an assisted living facility. Mr. Ayars was willing to agree to that stipulation.

Commission Member Gilmore asked Staff if they had any concerns with only rezoning 7 acres of the southeast corner of the property for an assisted living facility. Mr. Quint did not see any issues with this stipulation.

Mr. George Ellis, 3102 Chukar Dr., McKinney, TX, expressed concerns about rezoning the whole tract of land to allow for an assisted living facility, possible erosion issues, removal of trees on the northern section of property, and wildlife that could be affected by development on the property.

Mr. Joe Kiley, 3409 Gillespie Rd., McKinney, TX, expressed concerns about rezoning the whole tract of land to allow an assisted living facility.

Mr. Quint explained that even if this rezoning request for an assisted living facility is limited to the southeast side of the property, they could come back at a later time with another rezoning request for the property.

Ms. Jolie Williams, 3613 Cockrill Dr., McKinney, TX, asked about the current zoning on the property and what uses it would allow. Ms. Gleinser stated that the zoning on the property currently allows for single-family residential uses and a church.

Ms. Williams expressed concerns about traffic issues on Orchid Dr., additional traffic the assisted living facility would generate, whether or not there would be adequate emergency access for the facility, and possible decreasing surrounding property values with this rezoning.

On a motion by Commission Member Osuna, seconded by Commission Member Gilmore, the Commission voted to close the public hearing, with a vote of 4-0-1. Vice-Chairman Bush abstained.

Chairman Franklin asked the applicant how much traffic might be created with the assisted living facility. Mr. Ayars stated that the facility would have a low impact on the traffic. He stated that about 1/3 of the residents would not drive at all. Mr. Ayars stated that about 2/3 of the residents might have access to a vehicle; however, the

facility would typically drive the residents to various locations. He stated that they were working with the City of McKinney Fire Department to make sure that they have proper access to the facility to address safety issues.

On a motion by Commission Member Osuna, seconded by Commission Member Hilton, the Commission voted to recommend approval of the rezoning request limiting the assisted living facility use to only be located on the southernmost 7 acres of the property, with a vote of 4-0-1. Vice-Chairman Bush abstained.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 3, 2013.

Vice-Chairman Bush returned to the meeting.