

## **Planning and Zoning Commission Meeting Minutes of January 22, 2019:**

Commission Member Franklin stepped down from the following item due to a possible conflict of interest.

**18-0158Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "C2" - Local Commercial District, Located at the Southwest Corner of Virginia Parkway and Hardin Boulevard. Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that the applicant is requesting to rezone the subject property from "AG" – Agricultural District to "C2" – Local Commercial District, generally for commercial uses. Mr. Wilson stated that the proposed rezoning request meets the intentions of the Established Community District and the newly adopted Comprehensive Plan by providing development patterns that complement the existing residential areas and are consistent with the current commercial uses. He stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none. Mr. Casey Gregory, Sanchez and Associates, 2000 N. McDonald Street, McKinney, TX, concurred with the Staff Report and offered to answer questions. There were none. Chairman Cox opened the public hearing and called for comments. Ms. Brenda Fager, 201 Pintail Drive, McKinney, TX, stated that the property located to the south of the subject property was

required to have a 35-foot buffer to keep the tree line. She asked if it was possible to have the same requirement for the subject property. Ms. Fager asked what is being proposed to be developed on the subject property. Ms. Patricia Wilson, 3900 Eider Drive, McKinney, TX, stated that she was also concerned about the tree line, possible decrease in her property value, and what might be developed on the subject property. On a motion by Vice-Chairman Mantzey, seconded by Commission Member McCall, the Commission voted to close the public hearing, with a vote of 5-0-1. Commission Member Franklin abstained. Vice-Chairman Mantzey asked for clarification on the 35-foot buffer on the property to the south of the subject property. Mr. Wilson stated that the adjacent property was rezoned in early 2018 for an assisted living and independent living uses. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that quality trees that are 3" or greater in diameter within 15 feet of the property line cannot be altered and no activity that could disturb the roof zone of those trees within 35 feet. She stated that they could be some trees removed on the subject property. Mr. Pickett stated that typically when a property is adjacent to an existing residential subdivision there will be a 15-foot tree preservation zone for quality trees near the property line and a 10-foot buffer with any additional trees that need to be planted. She stated that with the dense amount of trees currently located there that she was unsure if any additional trees would be required to be planted. Ms. Pickett stated that

there was a provision to the "PD" - Planned Development for the property to the south. Vice-Chairman Mantzey asked if the provision of the adjacent property was beyond the typical standards required by the City and above the standards of a "C1" – Neighborhood Commercial District. Ms. Pickett said yes. Vice-Chairman Mantzey asked why they would not carry the same provision for the tree line for this rezoning request due to the same residential subdivision be adjacent to it. Ms. Pickett stated that a larger number of those trees would be protected anyway. She stated that there are built in provisions in the ordinance for when non-residential development abuts single family. Commission Member Haeckler asked if there was current any additional screening required for the subject property to block the view to the adjacent residential property owners. Ms. Pickett stated that a screening wall would be required during the site plan phase. Chairman Cox asked to clarify that the same provision might be able to be added to the subject property to match the property to the south's provision. Ms. Pickett stated that it could; however, it would be creating a "PD" – Planned Development at that point. Chairman Cox asked if Mr. Gregory know what the proposed uses were for the subject property and if he know anything about the tree line between the subject property and Mallard Lakes subdivision. Mr. Gregory stated that they had not submitted any site plans at this time. He was unaware of any definite uses for the property. Mr. Gregory stated that they had discussed having retail type

uses along Virginia Parkway and Hardin Boulevard. He stated that had discussed having office type uses along the back of the property, near the adjacent residential properties. Mr. Gregory stated that there is an existing cell tower at the southwest corner of the subject property and he was unaware of any plans to remove it. He stated that they would be happy to follow all of the City's tree preservation regulations. Mr. Gregory stated that they just applied for the straight rezoning and no special thought given to the trees. Vice-Chairman Mantzey stated that he was in support of the proposed rezoning request. He stated that the Planning and Zoning Commission was not here to create a "PD" – Planned Development District during the meetings. Vice-Chairman Mantzey stated that City Council could give direction to Staff to provide the Mallard Lakes subdivision the same provision as the property to the south regarding preserving the trees. Commission Members Doak, Haeckler, and McCall concurred with Vice-Chairman Mantzey's comments. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, the Commission voted to recommend approval of the proposed rezoning request as recommended by Staff, with a vote of 5-0-1. Commission Member Franklin abstained. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 19, 2019.

Commission Member Franklin returned to the meeting.