

## **PLANNING AND ZONING COMMISSION**

**MARCH 27, 2018**

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, March 27, 2018 at 6:00 p.m.

City Council Present: Chuck Branch

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Janet Cobbel, Deanna Kuykendall, Pamela Smith, Eric Zepp, and Mark McReynolds - Alternate

Commission Member Absent: Cam McCall

Staff Present: Director of Planning Brian Lockley; Planning Manager Matt Robinson; Planners Danielle Quintanilla, Melissa Spriegel, and David Soto; and Administrative Assistant Terri Ramey

There were approximately 60 guests present.

Chairman Cox called the meeting to order at 6:00 p.m. after determining a quorum was present.

The Commission unanimously approved the motion by Commission Member Cobbel, seconded by Commission Member Kuykendall, to approve the following three Consent items, with a vote of 7-0-0.

**18-275 Minutes of the Planning and Zoning Commission  
Regular Meeting of March 13, 2018**

**18-0095CVP Consider/Discuss/Act on a Conveyance Plat for Lots  
1R1, 2R1 and 3-17, Block B, of Wilson Creek Crossing,  
Located on the Southwest Corner of U.S. Highway 380  
(University Drive) and Lake Forest Drive**

**18-0088PF Consider/Discuss/Act on a Preliminary-Final Plat for  
Lots 1 and 2, Block A, of McKinney Industrial Center  
Addition, Located on the Northeast Corner of Industrial  
Boulevard and Millwood Road**

### **END OF CONSENT**

Chairman Cox continued the meeting with the Regular Agenda Items and Public Hearings on the agenda.

**18-0032Z Conduct a Public Hearing to Consider/ Discuss/Act on a  
Request to Rezone the Subject Property from "PD" -  
Planned Development District to "C2" - Local  
Commercial District, Located on the West Side of  
Community Avenue and Approximately 150 Feet North  
of Avalon Creek Way**

Mr. David Soto, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that the applicant is requesting to rezone the subject property to “C2” – Local Commercial District, generally for medium intensity commercial uses at the intersection of two major arterials. Mr. Soto stated that the subject property is currently zoned for office and residential uses as part of a larger planned development district which was approved in 2002. He stated that the applicant has indicated their intent to develop for commercial uses to be more in line with existing development conditions. Mr. Soto stated that the proposed design and construction of Bloomdale Road along the northern boundary of the subject property will allow for direct vehicular access from multiple directions, making it more viable than some of the surrounding properties for commercial uses. He stated that given the expansion of Bloomdale Road will place this property at the intersection of two arterials, it is well suited for non-residential uses. Mr. Soto stated that the development of the subject property for non-residential uses has the potential to provide services and commercial uses to an area that is currently underdeveloped for such uses. He stated that Staff recommends approval of the proposed rezoning request and offered to answer questions.

Alternate Commission Member McReynolds asked when Bloomdale Road would be developed in this area and if it had anything to do with the proposed development of this property. Mr. Soto stated that the expansion of Bloomdale Road is included on the City of McKinney’s Capital Improvement Plan (CIP). Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that typically it is the responsibility of the developer to build their half of the adjacent roadway if it not part of an agreement with the City or part of the CIP.

Vice-Chairman Mantzey wanted to clarify that the subject property was not currently zoned “AG” – Agricultural District. He also asked if the property was currently zoned for office in the front and residential to the back near the residential development. Mr. Soto stated that the property was part of a “PD” – Planned Development District that was approved in 2002. He stated that the southwest corner of Bloomdale Road does currently have an “O-1” – Neighborhood Office District and a residential component as well.

Vice-Chairman Mantzey asked if any adjacent resident that purchased a property since 2002 would have thought the subject property was being development for office uses and residential uses to the back. Mr. Soto said yes.

Mr. Douglas Mousel, Land Plan Development, 5850 Granite Parkway, Plano, TX, explained the proposed rezoning request and gave a presentation. He briefly discussed some of their previous developments. Mr. Mousel stated that he was representing RWR Partners, LP, which is a family-owned company. He stated that the subject property was zoned back in 2002 for office/retail uses and some residential uses. Mr. Mousel stated that the City's Capital Improvements Plan (CIP) does call for the extension of Bloomdale Road through the property. He stated that the Bloomdale Road extension from Community Avenue to Hardin Boulevard is under design and nearing completion. Mr. Mousel stated that they had been actively involved with the design of Bloomdale Road through the subject property. He stated that the extension was being funded through a partnership between the City of McKinney and Collin County. Mr. Mousel stated that originally they anticipated the northwest corner would be the commercial corner. He stated that when Bloomdale Road was being designed, to most efficiently cross the lake, the bridge has been narrowed. Mr. Mousel stated that the Bloomdale Road would go from a full median divided section down to a very narrow wall separating the two sections of roadway. He stated that would hinder the ability to provide a turn lane into the northwest corner of the subject property. Mr. Mousel stated that typically an intersection access is provided to the corners by median openings in the adjacent divided roadways and other access points between the median opening and the intersecting streets. He stated that typically you would have a turn lane serving the northwest and southwest corners; however, that would not be possible with the proposed design of Bloomdale Road due to the narrow bridge section. Mr. Mousel stated that the access to the northwest corner is diminished due to the bridge design. He stated that the bridge could be built to a wider section; however, it would cost more. Mr. Mousel stated that they did not offer much resistance into the design issue. He stated that they felt it would be more appropriate to shift the commercial uses on the subject property to the southwest corner of the intersection. Mr. Mousel stated that this change would allow access from all directions of the property, where that would not be the case from the northwest corner. He stated that

they were not ready to develop the property at this time. Mr. Mousel stated that with the Bloomdale Road design issues they felt it was time to request the proposed rezoning of the property. He stated that there had been some concerns raised by the adjacent property owners. Mr. Mousel stated that there is a 75-foot pipeline easement along the southern border of the subject property. He stated that easement provides a greater separation than a typical retail or office development, since they cannot build on top of an easement. Mr. Mousel stated that the City's Hike and Bike Plan indicates a trail going along the south side of the property. He stated that there would also be some additional landscaping in that area to create an additional buffer. Mr. Mousel offered to answer questions.

Commission Member Zepp stated that based on the bridge design and the issue with access to the northwest portion of the property that whatever is decided tonight would not address that issue. Mr. Mousel stated that they see the northwest corner of the subject property as an office development taking advantage of the views over the lake. He stated that access for the office uses was desirable; however, not as important. Mr. Mousel stated that they want all of the access that they can get.

Alternate Commission Member McReynolds asked Mr. Mousel if he had met with any of the adjacent property owners to discuss the plans for the subject property. Mr. Mousel stated that he attended a Homeowners' Association (HOA) meeting to discuss the plans to the property. He thought that only the HOA board members attended the meeting. Mr. Mousel stated that he was unsure of what communications occurred between the board members and the residents. Alternate Commission Member McReynolds asked how the meeting went with the HOA board members. Mr. Mousel stated that he felt it was more of a conveyance of information and then digesting it.

Chairman Cox opened the public hearing and called for comments.

Mr. Terry Copeland, 2309 Avalon Creek Way, McKinney, TX, stated that he lives directly below the subject property. He had questions regarding the red hatch marks shown surrounding the subject property on the notification map that was included in the Staff Report. Mr. Copeland asked what the applicant was proposing to build on the property. He questioned the access to the property with Bloomdale Road not extending to the property at this time and Community Drive currently is a two lane roadway. Mr.

Copeland expressed concerns about traffic congestion and displacement of wildlife. He questioned how close the development might be to the adjacent residential properties. Mr. Copeland questioned why they now want to change the zoning on the property. He stated that he was in opposition to any development of that area.

Ms. Robin Beheydt, 2200 Avalon Creek Way, McKinney, TX, stated that she was not in opposition to or support of the rezoning request. She stated that she purchased her property in 2016. Ms. Beheydt stated that her Realtor stated that the subject property was proposed to have office uses. She stated that she was fine with those uses, since they would have limited operating hours and not too much traffic, light, or noise. Ms. Beheydt stated that they were now requesting to have retail uses on the property. She stated that the 75-foot easement would be a great help; however, she still has concerns. Ms. Beheydt expressed concerns regarding increased traffic. She stated that when you are turning left off of Avalon Creek Way onto Community Avenue that it was hard to see traffic coming south on Community Avenue. Ms. Beheydt expressed concerns for the children walking home from school. She stated that they do not always cross at the appropriate location with the crossing guard. Ms. Beheydt expressed concerns about excess noise, lights, hours of operation, and type of retail that might be developed. She stated that there is a jail located to the north. Ms. Beheydt expressed concerns that retail might attract people being released from jail that walk down Community Avenue. She expressed concerns that they might loiter at a retail site. Ms. Beheydt asked if Community Avenue was also proposed to be improved to include a left turn lane. She asked if there would be a stop light located at the intersection. Ms. Beheydt reiterated that she was not opposed to the proposed rezoning request; however, she still had concerns.

Ms. Melody Robinson, 2204 Avalon Creek Way, McKinney, TX, stated that her property backs up to the subject property. She stated that she concurred with Ms. Beheydt's concerns. Ms. Robinson stated that the people released from the nearby jail do walk down Community Avenue, even though they are told to go down Bloomdale Road. She stated that she is concerns about the people released from jail loitering and being around the children from the middle school and high school if there is retail uses located on the site. Ms. Robinson stated that it was nice to know that there is a 75-foot pipeline

easement. She asked about the additional screening that might be provided for future development on the property.

Mr. Derek Schaab, 2508 Avalon Creek Way, McKinney, TX, stated that his property did not border the subject property. He stated that the development of this property could set a precedent for future development in the area. Mr. Schaab stated that he had concerns about the wildlife on the subject property. He stated that there was a wealth of undeveloped land with trees. Mr. Schaab stated that they had identified 25 varieties of birds in his backyard and the usual wildlife that you would expect to see. He asked if there would be sections of the land that would be left intentionally undeveloped for the wildlife. Mr. Schaab stated that in the course of development, if nothing is left for their natural habitat, the wildlife would move to another location. He stated that the wildlife was one of the great sources of enjoyment and pleasure for his family. Mr. Schaab stated that he could not say whether he was for or against the proposed rezoning request; however, he has some concerns.

Mr. Greg Oidtman, 2305 Avalon Creek Way, McKinney, TX, stated that he has lived there since November 2001. He stated that at that time the subject property was farm land and then rezoned to commercial. Mr. Oidtman stated that he did not have an issue with the property being rezoned to commercial. He concurred with Mr. Copeland's concerns. Mr. Oidtman expressed concerns the current issues with turning left from Avalon Creek Way on to Community Avenue. He expressed concerns about the possible decrease in property values with the possible increased noise levels and possible elements that the adjacent property owners would not want in their neighborhood. Mr. Oidtman stated that they had seen increases in their property values over the past several years. He stated that he sees a lot of residential growth coming to north McKinney.

The following turned in speaker cards in opposition; however, did not wish to speak. Ms. Mauck noted that she had concerns with increased traffic, flooding issues, and loss of wildlife in the area.

- Ms. Pamela Harden Copeland, 2309 Avalon Creek Way, McKinney, TX
- Ms. Bobette Mauck, 3512 Bluff Creek Lane, McKinney, TX

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

Mr. Soto explained that the Zoning Ordinance requires the City to notify property owners of a proposed rezoning request within 200 feet of the subject property. He stated that the red dashes shown around the subject property on the notification map show the properties that were notified about the proposed rezoning request. Mr. Soto reiterated that the notification area was not being proposed to be rezoned, just showing who all was notified about the proposed rezoning request.

Chairman Cox asked about the red solid line on the notification map shown below the black property line on the south side of the subject property. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that was a printing error. She stated that the backyards of the adjacent property owners were not being proposed to be rezoned, just the subject property per the deed records. Ms. Pickett stated that even though the entire area is being proposed to be rezoned that it did not mean that the entire area would be developable. She stated that there would be concerns of lot coverage limitations, space limits, easements mentioned earlier, or any flood plain area that would limit where development could occur on the subject property. Ms. Pickett stated that when someone comes in the rezone their property, they will typically rezone the entire property. She reiterated that even though the entire property is being proposed to be rezoned, the adjacent residential neighbors would not necessarily see development right up against the shared property line.

Commission Member Cobble stated that this meeting was only discussing rezoning the subject property and that there was no site planning involved at this time. Ms. Pickett stated that was correct, and that the City had not received any plans for developing the subject property. She stated that the property owner might have an idea of what they want to do with the property but they had not yet submitted anything to Staff.

Vice-Chairman Mantzey asked if the property was rezoned to "C2" – Local Commercial District, if then a different property owner could develop the land under this classification in the future if they sell it. Ms. Pickett said yes.

Commission Member Kuykendall asked Staff to outline the differences between what is currently allowed to be developed on the subject property and what uses the proposed rezoning would allow. Mr. Soto stated that the following uses would be allowed under the proposed "C2" – Local Commercial District: bakery, bank, department store, drug store, pharmacy, food store, office building, pet store, indoor retail store, and restaurants for carryout only and indoor services. Ms. Pickett stated that you see an increase in retail type uses, with a lot of the other uses staying the same. She gave examples of recreational uses and transportation type uses general would stay the same under the current and proposed zoning. Ms. Pickett stated that you would not see a huge difference in the structure, just an increase in the allowed uses allowed inside the structure. She stated that the portion of the property zoned for residential uses would have a lot more limitations.

Commission Member Cobbel asked if a convenience store/gas station would be allowed under the proposed zoning. Ms. Pickett stated that a Specific Use Permit (SUP) would be required for that use.

Commission Member Zepp wanted to clarify that the existing zoning is for "RS-60" – Single Family Residence District or "O" – Office District. Mr. Soto stated that the "O-1" – Neighborhood Office District is for four acres and the "RS-60" – Single Family Residence District was for the remaining acreage.

Commission Member Zepp asked what the height limitation would be for the office portion. Mr. Soto stated that the maximum structure height is 35 feet. He stated that the maximum structure height allowed for "C2" – Local Commercial District is 45 feet.

Commission Member Zepp stated that with the proposed zoning the uses could change and the height would be higher. Mr. Soto said yes.

Vice-Chairman Mantzey asked if there was generally a transition between residential, office, and retail uses. He asked what the consideration was for retail abutting the residential uses. Mr. Soto stated that he was unsure of the intention of the applicant at the time of 2002 rezoning of the property to "PD" – Planned Development District. He stated that he was unsure of whether or not Bloomdale Road was planned to be expanded to this area at that time. Mr. Soto stated that given that Bloomdale Road is now planned to expand to this area that was what was prompting the proposed rezoning request. Ms.



Pickett stated that in 2002 the type of commercial activity in this area anticipated to occur was not the forefront of people's minds. She stated that now we are seeing a lot more development in this area. Ms. Pickett stated that there is the Collin County Courthouse Complex, recent rezonings along Highway 75 (Central Expressway) near Bloomdale Road and north near Laud Howell Parkway, and the upcoming Comprehensive Plan Update, so this area is being envisioned for commercial and entertainment uses. She stated that this property is part of that vision.

Vice-Chairman Mantzey asked if Community Avenue was planned to be a four lane arterial. Ms. Pickett said yes.

Commission Member Cobbel asked what size Bloomdale Road was planned to be for this area. Ms. Pickett stated that she believed that it was proposed to be a six lane road. She stated that this roadway had been shown on the City's Master Thoroughfare Plan for some time. Ms. Pickett stated that she did not believe the Bloomdale Road alignment had shifted much.

Commission Member Zepp stated that it sounded like the design of Bloomdale Road was not the issue. He stated that the narrowing of the bridge was causing the issue and triggering the proposed rezoning request. Commission Member Zepp questioned if the bridge could be redesigned that would allow a left turn lane to the subject property. Ms. Pickett stated that this would be a question for the City's Engineering Staff. She stated that they had gone through a lot of the design process. Ms. Pickett stated that they had looked at several options as to how to approach it and they felt this was the best option.

Vice-Chairman Mantzey asked if the current Comprehensive Plan shows the subject property for future retail uses. Ms. Pickett stated that it is currently shown as Suburban Mix. She stated that it can allow for retail uses at primary intersections; however, is generally residential uses.

Chairman Cox asked what Community Avenue was planned to be south of Bloomdale Road and down towards Wilmeth Road. Ms. Pickett stated that it would be a four lane road with portions of it already constructed. She stated that the construction of the road generally falls of the developer, unless there is an agreement in place. Ms. Pickett stated that since the property along Community has not been developed, the road has not been built yet.

Commission Member Smith stated that this is a future intersection of two major thoroughfares. She stated that she can see the viability of commercial at this prime location. Commission Member Smith stated that the current “PD” – Planned Development District planned to buffer the residential uses from the more intensive uses. She stated that she would like to hear more about buffering the residential from the commercial use. Ms. Pickett stated that there is a 75-foot easement, which will prevent a lot of development from going in there. She stated that any non-residential property abutting residential will require a screening wall, landscape buffer, and trees to be planted to provide a further buffer between the uses, even with the 75-foot easement.

Commission Member Smith stated that the subject property is set to develop under the current zoning or the proposed rezoning. She stated that she understands what is driving the rezoning request. Commission Member Smith asked Staff to explain how much of the property is developable. Ms. Soto stated that the applicant will need to submit a site plan request, tree survey, and tree preservation plan to the City when they get ready to develop the property. He stated that Staff will review these items during the site plan process.

Alternate Commission Member McReynolds asked if there was no mechanism to find that out prior to the site plan phase. Ms. Pickett stated that we are currently discussing the appropriateness of the uses for the property with the rezoning request, not how it might actually develop.

Commission Member Smith asked if these requirements would be required regardless of the zoning. Mr. Soto said yes.

Chairman Cox asked Mr. Mousel about the proposed timing of the development of the property and Bloomdale Road. He also asked if he knew of any features were planned to leave some of the property intact. Mr. Mousel stated that they did not anticipate development of the property prior to the development of Bloomdale Road. He stated that it was his understanding that the road was under design and construction might start sometime this summer. Mr. Mousel stated that it would probably take a year or so to complete the extension of the road. He stated that they anticipate that the primary traffic to this site would be along Bloomdale Road. Mr. Mousel stated that they would be staying out of the floodplain area; however, he stated that the line could change from what was

shown on the drawing in his presentation. He stated that they plan to do the appropriate environmental and wildlife study. Mr. Mousel stated that they would adhere to the City's landscaping and buffering requirements. He stated that of the 16 acres, only 8 ½ acres are free of the floodplain and they feel are developable. Mr. Mousel stated that they try to partner with cities on projects. He stated that they would be giving right-of-way dedication for Bloomdale Road. Mr. Mousel stated that they had participated in the Bloomdale Road design process. He stated that they would also be granting easements for the future water transmission line. Mr. Mousel stated that they dedicated parkland dedication at this site for one of their multi-family developments over by the hospital. He believed that there would be a parklike area where the wildlife would remain undisturbed. Mr. Mousel stated that they had worked with the City in the past regarding on the rehabbing of the soil conservation lake. He stated that as the got into the proposed design of Bloomdale Road and the diminished access on the north side of the road, they felt it would be best to shift the commercial uses to the south side of the property.

Commission Member Smith asked Mr. Mousel to discuss the result of the meeting that he had with the HOA. Mr. Mousel stated that he contacted the property manager with CMA, the management company for the HOA. He stated that was invited to attend a board meeting. Mr. Mousel stated that there were four to five board members present at the meeting. He stated that he gave a presentation and distributed a copy of the presentation to them. Mr. Mousel stated that he gave them an opportunity to ask questions; however, they did not have a lot of questions at that time. He stated that it was more or less him conveying the information to them at the meeting and them digesting it. Mr. Mousel stated that the HOA did not contact him after the meeting.

Commission Member Zepp asked for clarification on one of the drawings showing 21 ½ acres of residential, was effectively all on the floodplain area and part of what is being dedicated to the City. Mr. Mousel stated that was an old map and he was not directly responsible for preparing it. He stated that there is a good amount of floodplain on the property. Mr. Mousel stated that there is a net tract of land that is approximately 8 ½ acres that is developable on this site. He stated that some of the land being dedicated to the City for parkland dedication is in the floodplain and some of it is out of the floodplain area.

Vice-Chairman Mantzey stated that we ask the residents to consider people's property rights and that they research into the zoning of properties around where they intend to purchase. He stated that in this case we have zoning that has existed for some time behind their properties. Vice-Chairman Mantzey stated that the proposed rezoning request would give a blanket "C2" – Local Commercial District without a site plan. He stated that the adjacent residential property owners thought that the property would develop as residential or office uses and not commercial. Vice-Chairman Mantzey stated that he could not recommend a blanket "C2" – Local Commercial District for the subject property at this time. He stated that it might be possible in the future with a site plan and consideration of the residential sections towards the back.

Commission Member Zepp stated that the change between office uses to commercial uses is a fundamental change in zoning. He stated that it may all be businesses; however, office uses typically have set hours and limited traffic. Commission Member Zepp stated that retail uses typically have wider hours and tend to have more traffic. He stated that he understands that commercial uses appear on the other side of Bloomdale Road and that there were some access issues. Commission Member Zepp stated that the adjacent residential property owners purchased their properties with the anticipation that the subject property would develop as office and residential uses. He stated that moving the commercial and retail uses across the street would effectively move it into their backyards. Commission Member Zepp stated that he was hesitant to vote in favor of the proposed rezoning request.

Commission Member Cobbel stated that it is hard to change the zoning of a property when it is abutting a residential development. She stated that in this case it will be a highly sought after commercial area. Commission Member Cobbel stated that the uses appear to be more indoor uses, similar to office uses. She stated that she realizes that the hours of operation might be a little different. Commission Member Cobbel stated that she did not see any major uses allowed in the proposed rezoning that would be detrimental. She stated that she could understand if a gas station, convenience store, or automotive uses; however, they would still require a Specific Use Permit (SUP) approval. Commission Member Cobbel stated that for the area it is in and the prices that you will see will most likely not be detrimental uses. She stated that it should be a fairly nice

complex, especially on approximately eight acres. Commission Member Cobbel stated that she did not see residential uses going in there, especially after Bloomdale Road is extended. She stated that she was in favor of the proposed rezoning request.

Alternate Commission Member McReynolds stated that the intersection of Eldorado Parkway and Country Club is primarily office uses. He stated that if the uses were commercial there that he did not think that the traffic would noticeably increase. Alternate Commission Member McReynolds stated that there is a ton of traffic on Eldorado Parkway as it is right now. He stated that with Bloomdale Road being proposed as six lanes, that it seems more conducive to having more commercial uses there. Alternate Commission Member McReynolds stated that we need commercial development within the City and having a six lane road seems like an appropriate location for it. He stated that he was comforted by the fact that only half of the property is developable, instead of the whole 16 acres. Alternate Commission Member McReynolds stated that there would be other requirements like setbacks, and lot coverages that are available, and open areas. He stated that he was in favor of the proposed rezoning request.

Chairman Cox stated that he concurred with Alternate Commission Member McReynolds' comments. He stated that this site is very difficult as a whole to develop. Chairman Cox stated that he believes that the bulk of the property will remain as it is or close to what it is. He stated that he was in favor of the proposed rezoning request.

Commission Member Smith restated that this is a future intersection for two major thoroughfares. She stated that she can see the appropriateness of the proposed commercial uses. Commission Member Smith stated that the only issue that she had with the request was that the current zoning on the property gave the adjacent property owners a reasonable expectation of what would develop on the subject property. She stated that she would prefer to see something other than straight "C2" – Local Commercial District come forward.

On a motion by Commission Member Kuykendall, seconded by Alternate Commission Member McReynolds, the Commission voted to recommend approval of the proposed rezoning request per Staff's recommendation, with a vote of 5-2-0. Vice-Chairman Mantzey and Commission Member Zepp 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 April 17, 2018.

**18-0035Z     Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located Approximately 365 Feet East of Custer Road and on the South Side of Paradise Drive**

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 2.31 acres of land from "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District to "PD" – Planned Development District, generally to modify the development standards. Ms. Quintanilla stated that the subject property currently consists of seventeen single family detached lots, currently platted within the larger Tour at Craig Ranch Subdivision. She stated that the current zoning allows for single family detached residential uses; however, the applicant is requesting a modification in the development standards to allow for a larger building footprint to be developed on the lots. Ms. Quintanilla stated that the standards proposed to reduce the rear yard setback from 20 feet to 10 feet. She stated that the applicant, as part of the exceptional quality provision requirement for a "PD" – Planned Development District rezoning request, has provided architectural standards to govern the design of the homes on the subject property. Ms. Quintanilla stated that there were currently no architectural standards for single family detached residential units within the Zoning Ordinance. She stated that Staff is of the professional opinion that the special ordinance provisions for these enhanced architectural standards will make a positive contribution to the quality of the visual environment and the neighborhood as a whole. Ms. Quintanilla stated that the additional modifications will be compatible with the adjacent single family residential uses. She stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; explained the proposed rezoning request. He stated that the subject property was approximately 11 acres out of a larger subdivision. Mr. Roeder stated that

larger subdivision has been developed under the “REC” – Regional Employment Center zoning category that specifies front yard build to and side yard setbacks. He stated that the rear yard setback was currently 20 feet. Mr. Roeder stated that the residential properties north along Paradise Drive have a 10-foot rear yard setback. He stated that they were requesting to have a 10-foot rear yard setback to allow for a larger building pad. Mr. Roeder requested a favorable recommendation and offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member Zepp, the Commission unanimously voted to close the public hearing and recommend approval of the proposed rezoning request as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on April 17, 2018.

**17-0015Z     Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "PD" - Planned Development District to "PD" - Planned Development District, Generally to Allow for Commercial, Assisted Living and Independent Living Uses, Located Approximately 530 Feet South of Virginia Parkway and on West Side of Hardin Boulevard**

Mr. Matt Robinson, Planning Manager for the City of McKinney, explained the proposed rezoning request. He stated that the applicant is requesting to rezone approximately 69 acres of land for a mix of commercial, assisted living, and independent living uses. Mr. Robinson stated that the applicant has proposed a “PD” – Planned Development District that generally follows the “C2” – Local Commercial District zoning standards with modifications. He stated that under the existing “PD” – Planning Development District for the northern portion of the property permitted use and development follows the “BG” – General Business District development standards with some specific uses excluded and with some added provisions. Mr. Robinson stated that auto related uses and standalone multi-family dwelling units are prohibited. He stated that the assisted living and independent living uses proposed under the new “PD” – Planned Development District are currently permitted within the existing zoning on the property, with independent living uses requiring a specific use permit (SUP) as an additional step.

Mr. Robinson stated that the applicant has included special ordinance provisions consisting of a maximum of 200 assisted living units and 300 independent living units, both attached and detached, for a total of no more than 500 units. He stated that the maximum building heights for the uses have been put in place with a provision to restrict the height of the buildings from exceeding a maximum site line elevation to the properties to the west in the Mallard Lakes Subdivision. Mr. Robinson stated that specific architectural standards for each of the cottage bungalow independent living units have been included. He stated that all of the uses will follow the City's architectural standards; however, the cottage bungalows will have specific standards akin to single family residential architectural standards. Mr. Robinson stated that screening and tree preservation provisions along the western property line are also included. He stated that a 1,200 foot trail connecting the independent living units to the lake and open space. Mr. Robinson stated that the Future Land Use Plan (FLUP) designates the subject property for commercial, office, and floodplain uses. He stated that the property to the north, at the hard corner of Virginia Parkway and Hardin Boulevard, is also designated for commercial uses. Mr. Robinson stated that the proposed uses are currently permitted or require a specific use permit (SUP) under the existing "PD" – Planned Development District. He stated that given these factors, Staff has no objections to the proposed rezoning request. Mr. Robinson pointed out some of the proposed uses on the overhead. He stated that the memory care units would have a maximum height of 35 feet, cottage bungalows would have a maximum height of 35 feet, the independent living units would have a maximum height of 70 feet, and the assisted living units having a maximum height of 55 feet. Mr. Robinson stated that there is a significant grade change across the subject property. He stated that the difference in elevation varies from 20 feet to 100 feet all the way to Hardin Boulevard. Mr. Robinson stated that was why they were looking at doing a denser project in the northern portion of the property. As a point of correction, he stated that the Land Use Comparison Table included in the packet listed warehouse as a permitted use in this zoning district; however, that information is incorrect. Mr. Robinson stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none.



Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; explained the proposed rezoning request. He stated that Touchmark Corporation is the proposed developer and operator of the proposed development. Mr. Roeder stated that they are a seasoned, Class A, well capitalized player in the senior living business. He stated that the proposed development would provide the opportunity for seniors to live in a retirement community where they can live in their own residential property and have a cafeteria available to them in the main residential building. Mr. Roeder stated that their home and the grounds are maintained for them. He stated that there would be a five story independent living complexes that would still allow the seniors to live independently in a congregant care with food and laundry services provided. Mr. Roeder stated that the seniors could move from there into assisted living when the time comes. He stated that there would also be a memory care opportunity for the seniors to move into as well. Mr. Roeder stated that one of the beauties of this development was you could have a senior couple that decided to move into a carefree, single family equivalent living environment and as one of more of them age or get Alzheimer's, then that individual could go into one of the more assisted or memory care units. He stated that the other functioning senior could live in the independent unit nearby. Mr. Roeder stated that this concept might be new to McKinney; however, this company has numerous developments like this in other areas. He stated that his parents lived in a similar development, so he knows that it works and will be a great attribute to our community. Mr. Roeder stated that the subject property was very challenging due to the tremendous topography that goes from Hardin Boulevard up to Mallard Lakes Subdivision. He stated that some of the things that attracted his client to this property is the lake, open space, and the ability to create an environment for the residents to enjoy the outdoors and amenities provided. Mr. Roeder stated that they were proposing a significant trail system, over 1,200 linear feet, as shown on the concept plan. He stated that this would be a private community with no through streets. Mr. Roeder stated that there would be a shared access point in the median break on Hardin Boulevard to get to the undeveloped tract to the north. He stated that everything proposed in this project would be owned by his client. Mr. Roeder stated that the roads would be access way and not public roads. He stated that if a senior chose to live in a separated bungalow they would pay a fee to live there

and would not be purchasing the property. Mr. Roeder stated that all of it would be under a single ownership. He stated that the proposed 500 total units would create the critical mass to offset the administrative expenses. Mr. Roeder stated that they intend to make some serious elevation changes on the north end of the property by excavating that area due to the radical topography there. He stated that they had completed a site line study and analysis. Mr. Roeder stated that the top of the proposed five story buildings would not exceed the top of the eastern edge of the Mallard Lake Subdivision residential structures. He stated that would be the equivalent to having a two story house across the way. Mr. Roeder stated that the site line study shows that they would be well below the line of demarcation. He stated that they took a lot of time to understand the existing "PD" – Planned Development District for the subject property. Mr. Roeder stated that most of the proposed development is concentrated in the "BG" – General Business District area. He stated that there are some specific limitations in the current zoning about what can be done on the common boundary lines, on the west and south, between the subject property and Mallard Lakes Subdivision. Mr. Roeder stated that there is a 35 foot buffer zone within the subject property. He stated that they cannot disturb trees that are three inch caliper or more that are within 15 feet of the property line. Mr. Roeder stated that they could do little disturbance of the vegetation within the 35 foot buffer as possible. He stated that there is a provision for an eight foot masonry screening wall along that line; however, they believe that there is value to vegetation verses destroying a lot of it to install a masonry wall. Mr. Roeder stated that they have proposed instead to install 6 foot masonry columns on 30 foot centers with ornamental iron in between the columns and have the spaces landscaped to the extent that if the Staff determines there is not sufficient enough natural vegetation there to create the screening buffer that needs to be there. He stated that if City Staff says that it has not been met, then the standard kicks in where they would be required to do an irrigated, fully screened line of vegetation between the columns. Mr. Roeder stated that the growth of the landscaping will eventually grow above the ornamental iron fencing. He stated that it might even be a better sound barrier and more refreshing in appearance. Mr. Roeder stated that there is over 30 acres of open space. He stated that they intent to make some improvements with facilities on the lake. Mr. Roeder stated that as the various structures on the property would be required to meet all

of the City's standards and receive site plan approval from the Planning and Zoning Commission. He stated that they anticipate this being a very low impact of traffic due to the nature of the proposed use. Mr. Roeder stated that they are not requesting any through streets to the Mallard Lakes subdivision. He offered to answer questions.

Alternate Commission Member McReynolds asked if the lake located there was spring fed, well fed, pump, or runoff. Mr. Roeder stated that he believes it is primarily runoff. He stated that he was unaware of it ever going dry, so there could be a spring there. Mr. Roeder stated that the dam had been improved. He stated that they were not proposing to build anything within the dam or bridge area. Mr. Roeder stated that there would be two points of access on to Hardin Boulevard.

Alternate Commission Member McReynolds asked about the drop in elevation on the southern portion of the subject property where the bungalows were proposed. Mr. Roeder stated that the southern portion of the property does not have such a dramatic drop in elevation as the north portion of the property. He stated that the maximum height for them was 35 feet.

Mr. Roeder stated that a lot of the proposed parking would be tuck under, first level, or second level parking with buildings on top.

Chairman Cox opened the public hearing and called for comments.

Ms. Bridget Talley, 905 Cedar View Lane, McKinney, TX, stated that she had been a homeowner there since 2011 and had been a resident of McKinney since 1999. She stated that she lives near the southern portion of the subject property. Ms. Talley stated that the lake extends on her property. She stated that she wants to continue to have access to City of McKinney reservoir. Ms. Talley stated that she wants to insure that no bridge or blockage of lake access from her property would be constructed. She stated that she just learned that there is a plan for a proposed trail. Ms. Talley asked if there was going to be a bridge over the creek and if so what the height of the bridge would be. She asked if there were plans to widen Hardin Boulevard. Ms. Talley asked if there was plans for a stop light going in at the entrance to the development at that intersection. She requested that the item be tabled to allow additional time to learn more about the proposed development. Ms. Talley stated that seven days was not enough time to adequately discuss the project with the neighbors.

Ms. Joy Palenzuela, 909 Cedar View Lane, McKinney, TX, stated that she lives next door to Ms. Talley. She stated that she had creek access to the lake from her property. Ms. Palenzuela stated that if the developer blocks that creek in any way the flooding on her property would be out of control. She stated that the creek is approximately 12 feet across. Ms. Palenzuela stated that her family kayaks in the lake. She stated that she is glad that the developer is concerned for Mallard Lakes. Ms. Palenzuela stated that all she and her neighbors are going to see the development. She stated that more than the 150 foot notification area would be affected by the proposed development. Ms. Palenzuela stated that she lives very close to the Villas on the south side. She stated that this is huge piece of land with various wildlife on it. Ms. Palenzuela stated that she is concerned that some of the wildlife might come to her property while being displaced during development of the subject property. She stated that she heard that there might be a golf course on the property. Ms. Palenzuela stated that she knows that the applicant did not clarify that during this request. She requested that the proposed rezoning request be tabled to allow more time for her to understand the whole concept of what is being proposed to be development on the subject property. Ms. Palenzuela stated that she thinks the proposed development is a great concept in theory. She stated that she did not understand what all needs to take place in order for them to develop the property.

Ms. Laurie Medeiros, 4000 Cherokee Drive, McKinney, TX, stated that Ms. Rachel Ellis, 4001 Muscovy Drive, McKinney, TX, is her neighbor and they have similar concerns about the development. She stated that Ms. Ellis had to leave the meeting to pick up her children. Ms. Medeiros stated that she was not necessarily in opposition to the proposed rezoning request. She stated that she served on the Natural Resources Conservation Services (NRCS) Lakes and Dam Committee for the City of McKinney for approximately six years. Ms. Medeiros stated that this property is very near and dear to her heart. She stated that she was deeply involved with the upgrading of the dam and assisted the Turrentine Family brokering the desiltation of the lake. Ms. Medeiros stated that the subject property is the gem of the west side of McKinney. She stated that it is the largest undeveloped property below US Highway 380 (University Drive), between Highway 75 (Central Expressway) and Custer Road. Ms. Medeiros stated that there is a lot of beautiful property that backs up to it. She stated that she used to live in Mallard Lakes, so she

understands the concerns of the residents there. Ms. Medeiros stated that her property backups to the far southeast corner of the subject property. She stated that she and Ms. Ellis had concerns about the high density of the cottages. Ms. Medeiros stated that there appears to be 115 cottage units, maybe more, in that area. She stated that they have concerns regarding the vehicles, lights, and street noise. Ms. Medeiros stated that it is a big departure to go from agricultural uses to something of such a high use. She recognized that the City has a need for this type of senior housing. Ms. Medeiros stated that she wants to make sure that the people that border the property are treated with respect. She stated that there is a lot of beautiful wildlife on the property. Ms. Medeiros stated that there is a bobcat that sleeps on her patio. She stated that at night she can hear the feral hogs and all kinds of wildlife. Ms. Medeiros stated that with a larger border and some thoughtful planning the displacement of the wildlife could be addressed.

Mr. David Suttan, 307 Pintail Drive, McKinney, TX, stated that he was in between site view 1 and 2 in the Mallard Lakes Subdivision. He stated that when he first heard about the project he was initially pleased with it. Mr. Suttan stated that he then started hearing various rumors about the project. He stated that he objects to the 70 foot maximum height limitation on some of the proposed units, since he would be able to see them from his property. Mr. Sutton stated that if the proposed development is as tall as his house, then his children could possibly see the construction of the property. He stated that sitting in his backyard he could see the construction. Mr. Sutton stated that in the winter you can see through the trees. He stated that he also had concerns about the wildlife on the property. Mr. Sutton stated that he can see the water tower. He stated that he only had one day to review the proposed development. Mr. Sutton stated that he read part of the development regulations. He stated that on the back it could be up to 50% non-masonry material. Ms. Sutton questioned if he could be looking at a tilt wall or other construction material that could be used on the back of the structures. He stated that he has concerns about increased traffic congestion. Mr. Sutton stated that with 500 families there could be a lot of dual story parking. He stated that he had concerns about lighting of the parking lot, which would back up to his property. Mr. Sutton stated that it is nice and dark back there now. He stated that he had concerns about noise pollution with the vehicle, ambulances, and outdoor parties. Mr. Sutton stated that he had concerns if the

proposed development fell through after the property was rezoned that there could be some other allowable uses able to be developed there. He stated that he has concerns about cooking smells from the restaurant there. Mr. Sutton stated that he also has concerns about heating, ventilation, and air conditioning (HVAC) units on top of the 70 foot tall buildings being visible and having smells.

Ms. Valerie Tippetts, 3500 Cedar Bluff, McKinney, TX, stated that her family was transferred to North Texas because of jobs. She stated that they chose to live in McKinney since it looked like a well-planned, curated, and well-loved city. Ms. Tippetts stated that they just purchased their residential property in August 2017. She stated that the property is located on the south side of the lake. Ms. Tippetts asked what the standard of a cottage is for this development. She asked what the total population would be once the development is completed, included staff and deliver trucks. Ms. Tippetts stated that she is very concerned with the traffic on Hardin Boulevard. She stated that the high school stadium was being built at the corner of State Highway 121 (Sam Rayburn Highway) and Hardin Boulevard. Ms. Tippetts stated that at Virginia Parkway they are building a Costco, movie theater, and a shopping center. She stated that she was unaware of any plans to make Hardin Boulevard any wider. Ms. Tippetts stated that there is no outlet for "C2" - Local Commercial District, where there should be two major arterial roads. She stated that there are many cyclist that ride on Hardin Boulevard to get out of the city to ride on country roads. Ms. Tippetts stated that she has concerns about noise pollution and environmental impact. She requested that a traffic study and an environmental assessment be completed prior to the property being rezoned. Ms. Tippetts stated that going from an agriculture use to a "C2" – Local Commercial District use was a broad jump. She stated that she had only seven days to become educated regarding planning. Ms. Tippetts asked how many undeveloped wetlands were still left in McKinney. She stated that this property as in a lovely suburban area to have a green space was such a blessing and treasure. Ms. Tippetts stated that she realizes that this type of development is important. She stated that she did not believe that this was the right place to build it due to the impacts. Ms. Tippetts requested that the proposed rezoning request be tabled until a traffic and environmental surveys completed, allow the adjacent property owners to discuss the proposed development, and to get more information. She did not feel that

everyone had been notified that needs to know about it. Ms. Tippetts stated that seven days was not enough time.

Ms. Jasmine Stillwell, 321 Preston Creek Drive, McKinney, TX, stated that she lives across the street in the Sorrelwood Park Subdivision. She stated that her family had lived there since 2010 and it was one of the first houses in the neighborhood. Ms. Stillwell stated that the townhomes and the Hardin Lakes Subdivision was not there when they moved in to their property. She stated that some wildlife has come into their backyard with all of the surrounding development. Ms. Stillwell expressed concerns about the wildlife on the subject property and it being displaced due to development.

Ms. Alisha Gimbel, 4001 Duclair Drive, McKinney, TX, stated that she lives in Mallard Lake Subdivision. She stated that if there had been more than seven days notice that there would have been a lot more Mallard Lake's residents in attendance at the meeting. Ms. Gimbel stated that was not enough time to allow them to become educated about the proposed rezoning request. She stated that her career path is in emergency management. Ms. Gimbel stated that most of her concerns are safety and health based. She stated that her property backs up to the tree line. Ms. Gimbel stated that they have seen coyotes, vultures, bobcats, and some other large predators. She stated that Unique by Nature is important and this agriculture property bring a lot of that to the area. Ms. Gimbel expressed concerns about the safety of placing senior residents next to the wildlife. She stated that developing the subject property would be flushing the wildlife into other areas. Ms. Gimbel stated that her property is very close to the dam washout area on the flood maps. She stated that she would not want to see residents more at risk from the assisted living, mental care, or otherwise in an area that could potentially washout from the dam. Ms. Gimbel stated that even though it is not traditionally in the floodplain, there are creeks that overflow, there is a lake area, and a very large dam. She stated that her own property would be effected by concrete added to the subject property that would cause the other areas to washout that much wider. Ms. Gimbel stated that the extensive excavation of the subject property would also effect the wildlife. She stated that a change from an agricultural use to a "PD" – Planned Development District is huge. Ms. Gimbel stated that is not what is expected as a resident who purchased a property that backs up to the subject property directly. She stated that the height of the proposed buildings is

enormous. Ms. Gimbel also requested that the proposed rezoning request be tabled to give them more time to know about it. She felt that more neighbors would have been present if they knew more about the proposed rezoning request. Ms. Gimbel stated that the traffic studies for safety concerns were important.

Mr. Reggie Rother, 4005 Hook Bill Drive, McKinney, TX, stated that a number of his questions had already been mentioned by earlier speakers. He asked about the density of the bungalows located on the southern portion of the subject property.

Mr. Gary Anderson, 207 Pintail Drive, McKinney, TX, stated that he had concerns regarding being notified seven days ago about the proposed rezoning request. He stated that his neighbor asked him to attend the meeting in her absence. Mr. Anderson stated that his property backs up to the cell tower. He expressed concerns regarding the five-story buildings. Mr. Anderson stated that Mr. Roeder stated that the five-story buildings would be equal to the adjacent two story structures. He asked for clarification on what would be built on the western border of the subject property. Mr. Anderson stated that there are a lot of trees along the 35 feet setback. He stated that the trees lose their leaves and you can see through the fence. Mr. Anderson requested that the proposed rezoning request be tabled to give the adjacent property owners more time and allow more to attend the meeting.

Ms. Kelly Smith, 3305 Cedar Bluff Drive, McKinney, TX, turned in a speaker card in opposition to the proposed rezoning request; however, she did not wish to speak during the meeting.

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

Alternate Commission Member McReynolds asked Staff what notification period the City requires and when the notifications about this request were mailed. Mr. Robinson stated that there is a ten day noticing requirement. He stated that the notices went out on Friday, March 16<sup>th</sup>. Mr. Robinson stated that the residents probably received them in the mail on Monday, March 19<sup>th</sup>.

Commission Member Cobble asked if signs were required to be posted on the property. Mr. Robinson said yes and that they were posted on the property as well.



Alternate Commission Member McReynolds asked if the subject property was privately owned. Mr. Robinson said yes.

Commission Member Cobbel asked Staff who the lake belongs to and who is allowed to use the lake. Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that it was his understanding that the property owner used the lake and that it was not a public lake. He stated that the lake was not owned by the City of McKinney. Commission Member Zepp stated that he believes that it is part of the Lake Lavon silt detention lakes that are around like Provine Lake across the road. He stated that the dam remediation was to bring the dams up to current standards. Commission Member Zepp stated that he thought the Federal Government owned the dam and lake. He stated that it would be a regulated waterway and is meant to retain runoff.

Mr. Robinson stated that a stop light at Hardin Boulevard would be reviewed during as part of traffic impact analysis at time of the site development. He stated that Hardin Boulevard is classified at a four lane arterial and not planned to be widened. Mr. Robinson stated that a golf course use had not been represented to the City or shown on their concept plan. He stated that as part of the proposed rezoning request the applicant has included a concept plan. Mr. Robinson stated that in order for them to develop, they have to follow this concept plan. He stated that if they decided to develop other uses on the property or move everything around then they would be required to rezone the property accordingly. Mr. Robinson stated that the concept plan included with the rezoning request is generally how it will develop. He stated that there could be some small tweaks as they go through the site plan process. Mr. Robinson stated that while the property would have a "C2" – Local Commercial District base, it is nailed down with this concept plan as far as having assisted living, independent living, memory care, cottages, and the villas. He stated that the cottages and villas would have a maximum height of 35 feet, similar to a single family residence. Mr. Robinson stated that the memory care would also have a maximum height of 35 feet. He stated that there are provisions in the development regulations that limit the height within 100 feet of the property line to the west. Mr. Robinson stated that the fall from these areas is substantial, anywhere between 20 – 40 feet. He stated that the bungalow and villas would have architectural standards as noted in the development regulations. Mr. Robinson stated that the masonry requirements would

be 85% on the front elevations, 75% on the side elevations, and 50% on the rear elevations. He stated that these are to replicate a single family type residence. Mr. Robinson stated that the remaining buildings would follow the commercial architectural standards. He stated that there would be building offsets, masonry requirements, window percentages, et cetera that they would have to follow.

Commission Member Kuykendall asked about the displacement of the wildlife. She stated that some of the adjacent property owners expressed concerns about making it dangerous for the neighborhoods and the residents of the proposed development. Commission Member Kuykendall asked what type of consideration or protections are taken. Mr. Robinson stated that if wildlife exists in the area then it would likely be pushed out similar to most developments, especially in green field areas and during construction phases. He stated that some wildlife might return depending on how much area is disturbed. Mr. Robinson stated that it was difficult to say what the real impact would be on the wildlife. He stated that with the proposed development there will be a significant portion that will remain undeveloped.

Mr. Roeder stated that he failed to mention that he met with the Mallard Lakes Homeowner's Association (HOA) on March 8<sup>th</sup>. He stated that the president, two officers, and two residents were present at the Homeowner's Association (HOA) meeting. Mr. Roeder stated that it was his understanding from e-mail exchanges with the president that he sent information to every Mallard Lakes resident shortly after that meeting. He stated that he has not spoken directly with the president to see exactly what information he shared with them. Mr. Roeder stated that they had tried to be proactive in getting in front of the officers of Mallard Lakes. He stated that on the concept plan there is required open space that represents 47% of the subject property. Mr. Roeder stated that he could not say that it would remain in the exact same condition that it is currently in. He stated that some of the areas could be cleaned up a little bit. Mr. Roeder stated that the concept plan is the way the property has to be developed. He stated that even though there are other permitted uses out there that they could not develop any of them. Mr. Roeder stated that they could come into effect if this develop goes away and something else is then planned for the property. He stated that there would only be memory care, assisted living, and senior independent living there. Mr. Roeder stated that they were not planning to do

anything with the south portion of the property due to the open space. He stated that it was a Natural Resources Conservation Services (NCRS) lake. Mr. Roeder stated that the lake exists because there is an easement in favor of the Soil Conservation Association. He stated that they do not own the dirt under the lake or the shoreline around the lake. Mr. Roeder stated that he was not an expert in this field. He stated that he believes that if someone has access to the lake, without getting on the subject property, that they could have access to the water surface of the lake. Mr. Roeder stated that they could not get off on any of the banks. He stated that no more than 35 bungalow cottages were planned for the southwestern portion of the property. Mr. Roeder stated that when they speak of a cottage or bungalow they were talking about a two to three bedroom house, somewhere between 1,200 – 2,500 square feet. He stated that these would be relatively small structures. Mr. Roeder stated that the architectural standards within the development regulations were only for the bungalows on the property. He stated that the rest of the development would be governed by the City's current architectural standards for commercial buildings in non-industrial use areas. Mr. Roeder stated that one of the attractions for this property is the open space and the wildlife. He stated that it is a fact of life that you need to keep your distance from larger wildlife. Mr. Roeder stated that the wildlife is an amenity for this development per his client's perspective. He offered to answer additional questions.

Alternate Commission Member McReynolds asked if the southwestern portion of the property would have smaller houses on it. Mr. Roeder said yes. He stated that they would have a 35 foot maximum height limitation, be 1,200 – 2,500 square foot structures, and have the masonry exterior requirements that are set out in the development regulations. Alternate Commission Member McReynolds asked if there would be no difference in the height restrictions and probably smaller in square footage to the adjacent houses to the west. Mr. Roeder stated that was probably correct. He stated that there would be private drives to access the bungalows. Mr. Roeder stated that there were no public streets in the development.

Alternate Commission Member McReynolds asked for clarification on the elevation of the property above the lake with the proposed excavation. Mr. Roeder stated that it would be targeted excavation in order to regulate the floor elevations of the buildings, so

that their height will not exceed what they agreed to in terms of the site line visuals. Alternate Commission Member McReynolds asked if the ground level would be approximately 40 - 50 feet below Mallard Lakes' elevation. Mr. Roeder stated that it would be something like that. Alternate Commission Member McReynolds stated that it seems that they are not proposing to exceed the height of the adjacent property owner's houses due to the proposed grading. Mr. Roeder stated that was their goal.

Commission Member Zepp stated that any part of the lake located south of the property line is not owned by this property owners. He stated that they would not be able to obstruct access to the lake. Commission Member Zepp stated that the lake has to flow as it flows now. Mr. Roeder stated that there is an easement in place for the entire reservoir area.

Mr. Roeder stated that he did not know the total number of the population including the residents and staff. He stated that the maximum number of units would be 500. Mr. Roeder stated that the development would be accessed off of Hardin Boulevard.

Commission Member Smith asked Staff during what phase of the process a traffic study or an environmental assessment might be completed. Mr. Robinson stated that it would take place during the site development stage. He stated that we do not typically see them during the zoning stage due to the cost that goes into them.

Commission Member Kuykendall asked that since they were targeting an older community if there would be less traffic generated. Mr. Robinson stated that typically independent living and assisted living uses have a much lower traffic impact. He stated that many of the assisted living developments in McKinney have very empty parking lots, since most of the residents do not have a vehicle. Mr. Robinson stated that in general the intensity of the use is much lower than commercial type uses would generate.

Commission Member Smith asked to clarify that all of the proposed uses, with the exception of the independent living use that requires a specific use permit (SUP), were allowed under the current zoning. Mr. Robinson stated that was correct. He stated that a portion of the subject property is currently zoned "PD" – Planned Development District with a base district of "BG" – General Business District, which allows a lot more intense commercial uses than what is being proposed. Mr. Robinson stated that you can no longer rezone to the "BG" – General Business District. He stated that while the "C2" – Local

Commercial District lists other commercial uses the development of the property is limited to what is shown on the concept plan. Mr. Robinson stated that this is the only thing that can be developed on the property without coming back through with a new rezoning request.

Chairman Cox stated that we have a qualified developer. He stated that we have a beautiful piece of property and the developer is able to leave intact over 40% of the property in its natural state. Chairman Cox stated that he is impressed with the work that has been done and the application. He stated that he would fully support the proposed rezoning request.

Vice-Chairman Mantzey stated that he commends the applicant on the detail involved and the concept plan, when going to "C2" – Local Commercial District next to residential uses, is appreciated. He stated that there is a retirement village not too far from his house. Vice-Chairman Mantzey stated that he finds the intensity minimal. He stated that they are good neighbors overall. He stated that it is a difficult property. Vice-Chairman Mantzey stated that the applicant and staff have done an amazing job.

Commission Member Kuykendall stated that the adjacent residents expressed concerns dealing with the density, traffic, wildlife, and site lines. She stated that this kind of development answers those types of questions and they are good answers. Commission Member Kuykendall stated that as McKinney grows something like this will be good for these neighbors and will meet what they like to see in their neighborhood. She encouraged the applicant to visit more with the adjacent neighbors.

Commission Member Smith stated that she is comfortable with this concept plan. She stated that she likes the natural agricultural footprint and open green space being preserved. Commission Member Smith stated that she sees that as an amenity to the adjacent property owners. She stated that we do not always get this opportunity. Commission Member Smith stated that she agrees that this will be a low impact use. She stated that she has visited these type of facilities. Commission Member Smith stated that it is new to McKinney. She stated that it is very unique and desirable type of setting where a couple can come in and if one digresses over the other that they can stay on the same property. Commission Member Smith stated that a retired person having to give up their home and coming to this type of community, could navigate from the assisted living all the

way to a memory care unit was really huge. She stated that it would minimize the disruption of people in that stage of their lives. Commission Member Smith stated that she is a real proponent of this type of facility. She stated that she sees a need for it in McKinney. Commission Member Smith reiterated that she really likes what they have proposed to preserve the open space. She stated that it is very positive compared to what we could have seen developed by right on the subject property.

Commission Member Cobbel stated that she thinks it is a beautiful concept plan. She stated that she is excited to see it happen. Commission Member Cobbel stated that she is happy that it is privately owned and not going to be platted as separate lots. She stated that the subject property is a large tract of land in an excellent location. Commission Member Cobbel stated that she feels that it is going to protect the adjacent property owners compared to what could have been developed by right.

Alternate Commission Member McReynolds stated that he appreciates the effort that the developer has gone to establish lower land profiles, so that they could get the buildings in to achieve such a product. He stated that the proposed development would not be an inexpensive project. Alternate Commission Member McReynolds stated that he thinks it is a great project. He stated that the residents would enjoy the amenities. Alternate Commission Member McReynolds felt that the residents at this development would be good neighbors. He stated that it would be a plus to McKinney.

Commission Member Zepp stated that he concurred with the comments of the other Commissioners. He stated that like many of the areas around, it started off as fields and pastures. Commission Member Zepp stated that development is going to happen. He stated that this is the best use for this type of property in this location.

On a motion by Commission Member Cobble, second by Vice-Chairman Mantzey, the Commission unanimously voted to recommend approval of the proposed rezoning request as request by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on April 17, 2018.

Chairman Cox announced that there would be an approximate 10 minute break in the meeting.

**18-0045FR Conduct a Public Hearing to Consider/Discuss/Act on a Facade Plan Appeal for Retail, Restaurant and Pavilion Uses (HUB 121), Located on the Southwest Corner of Henneman Way and Alma Road, and Approximately 415 Feet West of Alma Road and on the North Side of State Highway 121 (Sam Rayburn Tollway)**

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed facade plan appeal. She stated that the applicant was requesting a facade plan appeal for five retail/restaurant buildings and an outdoor music pavilion (HUB 121). Ms. Spriegel stated that the associated site plan came before the Planning and Zoning Commission on February 27, 2018. She stated that typically facade plans can be approved by Staff; however, the applicant is requesting approval of a facade plan appeal, which must be considered by the Planning and Zoning Commission. Ms. Spriegel stated that the applicant is requesting five variances to the Architectural Standards, of which Staff is recommending approval of four and denial of one of the variance requests.

She stated that Staff is recommending approval of the following four variances:

- 1) To waive the cornice treatment requirements for all buildings. Ms. Spriegel stated that the applicant has consistently applied a modern design using an eight inch tile with a metal cap flushed along the building to create a cornice look throughout the development and Staff has no objections to the request.
- 2) To waive the offset requirements from all buildings. She stated that it is Staff's professional opinion that the unique shapes of buildings 1, 2, and 3 provide the changes in planes to create the visual interests intended by the requirement for offsets, while buildings 5 and 6 use contrasting materials and roofline changes to create depth and interest. Ms. Spriegel stated that Staff has no objections to the request.
- 3) To utilize metal as a primary finishing material on building 3. She stated that the applicant is proposing 56% architecturally-finished metal on the north and south elevations. She stated that the applicant has used brick and stone as secondary materials on the north and south elevations, as well as utilized brick and stone as the primary building materials on the east and west elevations of the building. Ms. Spriegel stated that Staff has no objections to the request.

4) To waive masonry requirements on the music pavilion. She stated that the applicant is proposing Concrete Masonry Units (CMU), metal, wood, and fiber cement panels be utilized as the finishing materials for the music pavilion in lieu of masonry (brick or stone). Ms. Spriegel stated that it is Staff's professional opinion that since the most visible side of the pavilion, the east elevation, is finished with similar metal, wood, and fiber cement materials seen throughout the rest of the development, the music pavilion is architecturally consistent with the overall development. She stated that Staff has no objections to the request. She stated that Staff is recommending denial of the following variance:

5) To waive the requirement for building 3 to be architecturally consistent with the other buildings within the development. She stated that the applicant is proposing to utilize architectural elements, materials, and colors of building 3 that are inconsistent with the remaining proposed buildings within the development, to create a centerpiece building. Ms. Spriegel stated that it is Staff's professional opinion that this building can maintain a unique identify, while still incorporating similar architectural elements to the other buildings proposed, such as a similar roof line, the same type of metal, stone of similar coloring, or the other buildings could incorporate the same stone utilized on building 3. She stated that Staff recommends denial of the proposed variance request.

Ms. Spriegel offered to answer questions. There were none.

Mr. Shane Jordan, 16475 Dallas Parkway, Addison, TX, stated that he was the owner of the site. He stated that they submitted their drawings to the Craig Ranch development to review prior to submitting them to the City. Mr. Jordan stated that they were adamant that they incorporate stone on building 3. He stated that they were caught between what Craig Ranch wants and what the City's ordinance requires.

Mr. Lance Rose, NCA Partners Architecture, 6261 Prospect Avenue, Dallas, TX, stated that he was the architect on the project. He stated that they brought in a pretty rich mix of materials. Mr. Rose stated that they wanted it to feel eclectic and dynamic. He stated that they went down a different path of this particular building, since it is the center piece or focal point of the development. Mr. Rose stated that they took a departure on the



roof design of that building from that on the other buildings. He stated that they felt it was a good opportunity to add an additional material to this building. Mr. Rose stated that limestone ties in quite well throughout Craig Ranch. He stated that they have plans to take that material and utilize it in hardscape areas throughout the back area of the restaurants. Mr. Rose stated that there is a lot of public space within the music pavilion area. He stated that they feel there will be a cohesive nature to all of the materials. Mr. Rose stated that they wanted the feel of a warehouse district; however, to be more streamlined or modern with the materials being used. He requested approval of the variance request.

Commission Member Zepp wanted to clarify that Craig Ranch was requiring the stone on the exterior of the building. Mr. Jordan stated that he did not originally want to use stone in the development and that it was a compromise with Mr. David Craig. Mr. Rose stated that it was not a traditional shopping center. He stated that they wanted to go a different direction with the overall scale and design for this development. Mr. Rose stated that they are proposing a lot of landscaping and hardscaping at the site to make it more pedestrian friendly. He stated that there would be lots of pathways and patios around the building. Mr. Rose stated that they are proposing an eclectic mix, so that all of the buildings do not have the same feel to them. He stated that they were hoping for more character to them. Mr. Rose stated that the overall massing was a departure from the other buildings, so a change in materials made sense on this building. He stated that they feel it is a good balance of materials.

Commission Member Smith asked to clarify that the building stood out beyond the other buildings at the development. Mr. Rose stated that if you change the exterior to brick that it would still look and feel different than the other buildings due to the roof form.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Alternate Commission Member McReynolds, the Commission unanimously vote to close the public hearing, with a vote of 7-0-0.

Commission Member Cobbel asked Staff to clarify why they were not in favor of the fifth variance request. Ms. Spiegel stated that the ordinance requires that buildings within a larger development be architecturally consistent. She stated that this could be in the

building design, for example: the roofline, shape of the building, materials uses, and/or coloring. Ms. Spriegel stated that they were not opposed to using the stone, but that there were different things that could have been done to achieve the architectural consistency. For example, they could have used a similar roofline, used the same kind of metal utilized on the other buildings, or added some stone to the other buildings.

Commission Member Cobble stated that she really likes the proposed design. She stated that they did a good job of incorporating stone in the development.

Ms. Pickett stated that some of the elements of this building could have been applied to the other buildings. She stated that the applicant's intent is that it stands out. Ms. Pickett stated that Staff's intent was that it could stand out and still complement the other buildings.

Commission Member Cobbel stated that she feels that all of the buildings would be harmonious.

Commission Member Smith stated that she understands where Staff is coming from, since it is a departure from what Staff is normally looking for in a larger development based on the City's standards. She stated that she actually likes the proposed building's roofline, the proposed stone, and the fact that it is massive, in the center of the development, and it stands out. Commission Member Smith stated that it was very unique to her. She stated that she is okay with it.

Alternate Commission Member McReynolds stated from an architectural view point that are two axes. He stated that since it is a larger building that it creates an anchor. Alternate Commission Member McReynolds stated that he did not believe that stone and brick had to be everywhere. He stated that he loved the whole design and that there is a little bit of difference looking up one direction and going across the other direction. Alternate Commission Member McReynolds stated that there are not a whole lot of projects like this in McKinney. He stated that it is a big step away from what we typically have submitted. Alternate Commission Member McReynolds stated that the architects did a beautiful job. He stated that he would be in support of all five of the applicant's variance requests. Alternate Commission Member McReynolds stated that he was a big fan of this look. He stated that it would be an attractive complex for people to see as

they drive by on State Highway 121 (Ram Rayburn Tollway). He stated that it would be a destination in McKinney.

Commission Member Kuykendall concurred with Alternate Commission Member McReynolds comments. She stated that she loves the design and layout of the development. Commission Member Kuykendall stated that she was excited to see this development come to McKinney.

Vice-Chairman Mantzey stated that he appreciated Staff's work on this request and can see that Staff is following the City's regulations. He stated that the restaurant concept is fairly unique. Vice-Chairman Mantzey stated that he has to trust that the owner, investor, and architect on what they are trying to achieve with this unique development. He stated that it is a nice project.

Commission Member Zepp stated that this group of buildings is going to be to the east of the uniquely-designed Independent Bank building that was recently approved. He stated that we should be encouraging some architectural experimentation. Commission Member Zepp stated that he likes stone and that it could have been incorporated in some of the other buildings. He stated that the proposed design was just fine to him.

On a motion by Commission Member Cobble, seconded by Commission Member Kuykendall, the Commission unanimously voted to approve the facade plan appeal as requested by the applicant, with a vote of 7-0-0.

Chairman Cox stated that the Planning and Zoning Commission was the final approval authority for this facade plan appeal.

**17-157SP    Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for an Office and Warehouse Facility (Dynacraft), Located Approximately 1,000 Feet North of Wilmeth Road and on the East Side of Redbud Boulevard**

Ms. Danielle Quintanilla, Planner I for the City of McKinney, briefly explained the proposed site plan variance request. She stated that the applicant is constructing a 167,000 square foot office and warehouse facility for Dynacraft. Ms. Quintanilla stated that although the site plan was previously approved and the property is currently under construction, the applicant is now requesting approval of a variance to waive the required screening for the roof-mounted mechanical and heating and air conditioning (HVAC) equipment from public right-of-way (Redbud Boulevard). She stated that per Section 146-

132 of the Zoning Ordinance, mechanical and heating and air conditioning (HVAC) equipment located on the roof must be screened from right-of-way with a screening device that is at a minimum of one foot taller than the height of the equipment. Ms. Quintanilla stated that it is the applicant's desire to eliminate the screening for twelve roof-mounted heating and air conditioning (HVAC) units and an industrial dust collector. She stated that in addition to this roof plan, the applicant has provided a site line exhibit, showing perspectives from three different locations along Redbud Boulevard. Ms. Quintanilla stated that you could potentially see the dust collector located on the roof from the southernmost street view. She stated that the heating and air conditioning (HVAC) units cannot be seen from any perspective along Redbud Boulevard. Ms. Quintanilla stated that the building is set back approximately 300 feet from Redbud Boulevard, the industrial dust collector is approximately 950 feet from the right-of-way, and that this is an industrial building within an industrial area. She stated that Staff is recommending approval of the applicant's variance request and offered to answer questions. There were none.

Mr. Horace Wynn, Dynacraft a Paccar Company, 650 Milwaukee Avenue, Algona, WA, stated that they were the owner and developer of this site.

Mr. David Masters, 300 N. Field Street, Dallas, TX, stated that he was the architect on the project. He concurred with the Staff Report and offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member Smith, the Commission unanimously voted to close the public hearing and approve the site plan with variance request as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the Planning and Zoning Commission was the final approval authority for this site plan.

**18-0074MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lots 1 and 2, Block A, of Habitat No. 1 Addition, Located at the Terminus of Neilson Street and on the South Side of Anthony Street**

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed minor replat. She stated that the applicant is proposing to subdivide one existing lot into two lots, each approximately 0.24 acres, to construct single family residential uses. Ms.

Spriegel stated that the applicant has met all of the requirements of the Subdivision Ordinance. She stated that Staff recommends approval of the proposed minor replat and offered to answer questions. There were none.

Ms. Kimberly Kimmons, North Collin County Habitat for Humanity, 1500 Preston Road, Plano, TX, stated that they recently acquired the lot being proposed to be subdivided from McKinney Independent School District (MISD). She stated that the North Collin County Habitat for Humanity, in conjunction with the McKinney Independent School District (MISD), plan to build two houses on the two new lots.

Chairman Cox opened the public hearing and called for comments.

Mr. Bryant Knepp, 2060 Couch Drive, McKinney, TX, thanked the Commission for having a place in their hearts for low income development in McKinney. He asked the Commission to consider participating in the building of the Habitat for Humanity homes. On a motion by Commission Member Smith, seconded by Alternate Commission Member McReynolds, the Commission voted unanimously to close the public hearing and approve the proposed minor replat as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the Planning and Zoning Commission was the final approval authority for the proposed minor replat.

**18-0075MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lot HR, Block A, of Roberts First Addition and Lot 2R, Block A, of R.S. Randall Lot Addition, Located on the Northwest Corner of Pope Street and Titus Street**

Mr. David Soto, Planner I for the City of McKinney, explained the proposed minor replat. He stated that the applicant is proposing to replat two existing lots, Lot H and Lot 2, in order to shift the lot line between the two lots with the intention of reallocating a portion of existing Lot 2 to existing Lot H. Mr. Soto stated that the applicant has met all of the requirements of the Subdivision Ordinance. He stated that Staff recommended approval of the proposed minor replat and offered to answer questions. There were none.

Mr. Julian Samler, 510 Pope Street, McKinney, TX, stated that they closed on their house in July 2017. He stated that during the discovery process they discovered that a corner of the house was located on the neighbor's lot. Mr. Samler stated that as a condition of closing they asked that the seller purchase a strip of land from the neighbor,

so that the house would be located solely on one parcel. He stated that the neighbor graciously sold the piece of land for this purpose.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Cobble, seconded by Commission Member Kuykendall, the Commission voted unanimously to close the public hearing and approve the proposed minor replat as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the Planning and Zoning Commission was the final approval authority for the proposed minor replat.

**18-0083MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lots 3R2 and 7, Block A, of Collin McKinney Commercial Addition, Located on the Northeast Corner of Custer Road and Leryn Lane**

Ms. Quintanilla, Planner I for the City of McKinney, explained the proposed minor replat. She stated that the applicant was proposing to subdivide existing Lot 3R1 into two lots, Lot 3R2 and Lot 7, for commercial uses. Ms. Quintanilla stated that the applicant has met all of the requirements of the Subdivision Ordinance. She stated that Staff is recommending approval of the proposed minor replat as conditioned in the Staff Report and offered to answer questions. There were none.

Mr. Mac McCloud, Cross Development, 131 S. Tennessee Street, McKinney, TX, concurred with the Staff Report. He requested approval of the proposed minor replat and offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Smith, seconded by Commission Member Zepp, the Commission unanimously voted to close the public hearing and approve the proposed minor replat as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the Planning and Zoning Commission was the final approval authority for the proposed minor replat.

There being no further business, Chairman Cox declared the meeting adjourned at 6:30 p.m.

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BILL COX  
Chairman