

PLANNING AND ZONING COMMISSION

APRIL 23, 2019

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, April 23, 2019 at 6:00 p.m.

City Council Present: Mayor George C. Fuller

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Hamilton Doak, Christopher Haeckler, Deanna Kuykendall, Cam McCall, and Bry Taylor

Staff Present: City Secretary Empress Drane, Director of Planning Jennifer Arnold; Planning Manager Samantha Pickett; Planners David Soto, Kaitlin Gibbon, Derrick Rhys Wilson, and Joseph Moss; Development Services Analyst Ryan Pendergrass; and Administrative Assistant Terri Ramey

There were approximately 20 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 Vice-Chairman Mantzey, seconded by Commission Member Haeckler, to approve the following three Consent items, with a vote of 7-0-0.

19-0365 Minutes of the Planning and Zoning Commission Regular Meeting of April 9, 2019.

19-0017PF Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1 - 7, Block A, of the Benji Addition, Located on the Northwest Corner of South Tennessee Street and East Graham Street.

19-0040PF Consider/Discuss/Act on a Preliminary-Final Plat for Timber Creek Phase 2B, Located on the Northwest Corner of Wilmeth Road and Timber Ridge Trail.

END OF CONSENT

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

19-0011Z2 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 "C2" - Local Commercial District, Located on the East Side of Stacy Road and on the North and South Sides of Recito Drive (REQUEST TO BE TABLED). Mr. David Soto, Planner I for the City of McKinney, stated that Staff recommends that the public hearing be closed and the item tabled indefinitely per the applicant's request. He 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 Kuykendall, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and table the item indefinitely per the applicant's request, with a vote of 7-0-0.

18-0122SP2 Conduct a Public Hearing to Consider/Discuss/Act on a Design Exception for a Site Plan for Multi-Family Residential Uses (Lamar Street Lofts), Located at the Northeast Corner of Lamar Street and Chestnut Street. Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, explained the proposed site plan request. He stated that the applicant is seeking a design exception to a site plan for multi-family residential uses within the "MTC" – McKinney Town Center District, located at the northeast corner of Lamar Street and Chestnut Street. Mr. Wilson stated that given that this development is located within the Downtown Core Character District of the "MTC" – McKinney Town Center District, lap or shingle siding of any material including wood, vinyl, and cementitious fiber are prohibited as a primary finishing material. He stated that this development does abut to the Downtown Edge Character District, which allows for wood and cementitious siding. Mr. Wilson stated that it is Staff's opinion that the use of cementitious (fiber cement) siding as a primary finishing material is appropriate, since it transitions well with the existing buildings within the immediate vicinity. He stated that the use of vibrant colors will make the development pop by providing a unique visual interest to the area. Mr. Wilson stated that Staff recommends

approval of the design exception to use cementitious siding as a primary finishing material and offered to answer questions. Commission Member Doak asked if the proposed development would be similar to the applicant's previous three-story development on Tennessee Street. Mr. Wilson said yes. Mr. Jason Rose, 2120 Cosmos Way, Argyle, TX, stated that he was the developer and a licensed architect. He stated that he was attempting to get more diversity of color, scale, and texture within the Downtown Core Character District of the "MTC" – McKinney Town Center District. Mr. Rose stated that the proposed project is allowable in this district. He stated that he is requesting a variance on the exterior materials. Mr. Rose stated that if the exterior was all one material that it would be blah in his opinion. He stated that they had a lot of success blending materials. Mr. Rose stated that they plan to use reclaimed antique brick on this project. He stated that they would like the ability to use some other materials as well. Mr. Rose stated that cementitious siding has a life span of 50 - 75 years. He stated that the material costs are similar to brick. Mr. Rose stated that they want to be more flexible with the architecture to include more texture and color options. He distributed some samples of the textures and colors that they could achieve with cementitious products. Mr. Rose stated that brick exteriors today are used as a facade and not as a mass wall. He stated that the Architectural Design Concept included in the Staff Report is the look and character that they are attempting to create for this development. Mr. Rose stated that he hopes the Commission will support this request and he offered to answer questions. There were none. Chairman Cox opened the public hearing and called for comments. Ms. Alice Johnson, 506 N. Chestnut Street, McKinney, TX, opposed the request due to parking and traffic concerns. She stated that there is a very bad on-street parking problem near the intersection of Walker Street and Chestnut Street. Ms. Johnson stated that the residents there use their

garages for other uses; therefore, the residents and their guests park on both sides of the street. She stated that it is difficult to drive down the street and to get in and out of her driveway. Ms. Shirley Mack, 503 N. Chestnut Street, McKinney, TX, stated that she shared the same parking concerns as Ms. Johnson. Ms. Mack stated that it is hard to see oncoming traffic at the intersection of Chestnut Street and Lamar Street. She stated that there is a similar issue at the corner of Johnson Street and Walker Street. Ms. Mack stated that her driveway is located behind her house on Johnson Street. She stated that there is no parking at the rental property at 201 Walker Street. Ms. Mack stated that the people that live there and their guests have to park beside the house or on the street. She stated that she was almost in two accidents trying to back out of her driveway, because she could not see oncoming traffic due to the vehicles parked on the street. Ms. Mack stated that the parking issues in this area needs attention. She also had concerns regarding setbacks. On a motion by Commission Member Kuykendall, seconded by Vice-Chairman Mantzey, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Commission Member Kuykendall stated that she was not very familiar with this type of proposed material and its lifespan. She asked if the colors would fade or the material crumble after 50 years. Commission Member Kuykendall stated that she was interested in the sustainability, beauty in the architecture, and the endurance of the product. Mr. Rose stated that the proposed material is a cement product that should last as long as or even longer than brick material. He stated that brick is a rigid material; whereas, the cementitious material has a little more flexibility to it. Mr. Rose stated that after 10 – 15 years they might have to repaint it due to sun exposure. Commission Member Kuykendall asked if there are ordinances in place to require the owner to keep up the appearance of the exterior of the structure. Mr. Ron Lustig, 733 Creek Valley Court, Allen, TX, stated that

the City of McKinney has yearly inspection requirements and the property owners have to comply with issues the City finds. He stated that the City has a maintenance code, so that they have a right to enforce it. Mr. Lustig stated that they prepare a report on each property inspected. Commission Member Kuykendall asked if the exterior paint was included in the City's maintenance code. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that the Code Department would reach out to the property owners to see if they will take care of it if they receive complaints due to it being unsightly or unsafe. Mr. Lustig stated that they use to own the property at 517 S. Tennessee Street, which has painted brick. He stated that they touched up the paint on it regularly. Mr. Lustig stated that they have since sold that property. He stated that they do the same for the other properties that they own. Commission Member Kuykendall stated that she felt the proposed development was beautiful. She stated that she would love to see the structures 50 years from now look just as beautiful. Mr. Lustig stated that they use to own 310 N. Chestnut Street and still own 500 N. Chestnut Street, that bookend the subject property. He stated that both of these properties still look good, especially considering what use to be located there. Mr. Lustig felt that these developments improved Downtown McKinney. Chairman Cox stated that property owners will want to maintain the appearance and keep the maintenance up on the property, especially with the costs to build today. Mr. Lustig stated that they plant flowers twice a year on their properties. Vice-Chairman Mantzey wanted to clarify that this was only a variance request and not a zoning case. Mr. Wilson stated that it was a request for a design exception. Vice-Chairman Mantzey asked if the applicant was currently allowed to build the proposed development on the subject property using exterior materials allowed by the City. Mr. Wilson said yes. Vice-Chairman Mantzey stated that the density in the neighborhoods closer

to Downtown McKinney is increasing and it is causing parking issues. He asked Staff what type of ordinances and/or controls were available to address on-street parking issues. Mr. Wilson stated that he could address the proposed onsite parking for this request. He stated that only one space per unit needs to be provided for this development. Mr. Wilson stated that they were proposing 20 units total. He stated that it appears that the applicant is proposing double car garages. Mr. Wilson stated that the Engineering Department could do an assessment on the on-street parking and provide feedback. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that the Engineering Department for the City of McKinney manages on-street parking. She stated that the City does have parking restrictions in Downtown McKinney. Ms. Arnold stated that she just sent an e-mail to the Engineering Department to go out to Johnson Street and Walker Street to evaluate the parking issues mentioned during the meeting. Ms. Arnold stated that we do not always know about on-street parking strains until it is brought to the City by a concerned citizen. She stated that the zoning on the property allows this use, so the only thing up for discretion on this request was the materials for the facade and elevation. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, the Commission unanimously voted to approve of the proposed site plan as recommended by Staff, with a vote of 7-0-0.

19-0017Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Southeast Corner of Rockhill Road and Wilson Creek Parkway. Ms. Kaitlin Gibbon, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant is requesting to rezone the subject property to a "PD – Planned Development District with a base zoning of "MF-3" – Multiple

Family Residential – Medium-High Density District, generally to modify the development standards. Ms. Gibbon stated that the existing zonings on the property currently allow for multi-family residential uses. She stated that as part of this request, the applicant is requesting to modify the space limits of height and setbacks, screening devices, and parking requirements. Ms. Gibbon stated that with this “PD” – Planned Development District request, the applicant is proposing to enhance the architectural design of the buildings by providing a tower element in the building located at the intersection of Rockhill Road and Wilson Creek Parkway. She stated that this element will consist primarily of masonry with accent metal panels and will create visual interest and defining feature to mark the development. Ms. Gibbon stated that additionally, the applicant is providing wayfinding signs, bike racks, two 6’ long benches, pedestrian lighting, and two pet stations throughout the required hike and bike trail that splits the property. She stated that Staff is of the opinion that the proposed standards will blend well with the surrounding property and create a quality development. Ms. Gibbon stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. Commission Member Haeckler asked for the reasoning behind some of the variance requests. Ms. Gibbon stated that for the front yard setbacks, along Graves Street and Rockhill Road, will allow the units to connect more with the street, mirror setbacks of the adjacent properties, and maintain the required landscape buffer for those street frontages. She stated that for the rear yard setbacks, will still provide the 20’ landscape buffer required. Ms. Gibbon stated that Staff was of the opinion that the proposed wrought iron screening device along the south boundary would not have a hindrance on the development given the adjacent multi-family residential property. She stated that the applicant is proposing to have a reduced parking ratio of one parking space per bedroom and an additional 0.2 spaces per unit.

Ms. Gibbon stated that Staff felt that the reduced ratio would not create issues with the parking and gave examples of developments with similar parking ratios. Commission Member Haeckler asked if the proposed setbacks were consistent with the rest of the block. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that this a block to itself. She stated that it would be consistent with similar developments across the street and to the east of the subject property. Ms. Pickett stated that the applicant did not request to reduce the setbacks on the west side of the property due to a 50' gas easement. Commission Member Haeckler asked if the remaining property would have a masonry screening wall. Ms. Gibbon stated that there was required screening around the parking spaces for multi-family residential developments; however, it would be up to the applicant which approved screening device they chose to use there. Vice-Chairman Mantzey asked if the current zoning allowed for multi-family residential uses. Ms. Gibbon said yes. Vice-Chairman Mantzey asked if the proposed variances would not give from the quality proposed in the old "PD" – Planned Development District. Ms. Gibbon said no. She stated that under the old "PD" – Planned Development District the east portion of the property followed the "RG 18" – General Residence District setbacks and allowed for 20 units per acre. Ms. Gibbon stated that the west portion of the property followed the "RG 18" – General Residence District setbacks, allowed for 25 - 29 units per acre, allowed up to three-story structures. Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Boulevard; McKinney, TX; explained the proposed rezoning request. He stated that the subject property is currently two separate pieces of properties with different zonings. Mr. Roeder stated that the western portion currently allows for three-story height maximum and a maximum of 29 units to the acre. He stated that comprises of approximately 5.5 acres of the overall 16.5 acre site. Mr. Roeder stated

that the eastern portion currently allows 20 units per acre and a maximum height limit of two stories. He stated that they were suggesting a set of standards that would significantly upgrade the multi-family development not only for this project, but compared to the other local multi-family projects in the area. Mr. Roeder stated that they proposed more open space within the project by requesting three-story units throughout the development. He stated that they had been mindful of the single family residents on the north side of Rockhill Road by maintaining the 35' setback to help create a separation there. Mr. Roeder stated that the setbacks are outside of the right-of-way. He stated that the other variances that they requested are market driven as of today. Mr. Roeder stated that this is being proposed by JBI Development, one of the premier, high-end, multi-family developers in the Dallas-Ft. Worth metroplex. He stated that the standards will be very high, since they demand high rent. Mr. Roeder stated that the south side of the property is backup up to a multi-family development, so they did not feel there was a need to do something high powered there. He stated that when the two properties are combined under the current zonings they could develop the property with up to 378 units. Mr. Roeder asked the Commission to consider including in the motion is to limit the number of units on this project to 355. He stated that when he requested a straight "MF-3" – Multiple Family Residential – Medium-High Density District that is a 20% cap across the board; however, that was a mistake on his part. Mr. Roeder stated that would have limited the number of units to 329; however, they were requested that the number of units be limited to 355 to make the project work. He stated that the Staff Report was through. Mr. Roeder requested a favorable recommendation and he offered to answer questions. There were none. Chairman Cox opened the public hearing and called for comments. Mr. Tom Polston, 1413 Sanctuary Lane, McKinney, TX, stated that they built in Chapel Hill

approximately 16 months ago. He stated that he drove down Rockhill Road many times during construction of their house. Mr. Polston stated that he suspected that at some point the subject property would be developed. He stated that the question was when and how big. Mr. Polston stated that there are already two complexes on Graves Street, Town Creek Apartments and Cedar Creek Apartments. He stated that these two apartment complexes are set back quite a bit, which he felt made it ideal. Mr. Polston expressed concerns about whether or not Rockhill Road could be widen in the future. He stated that they enjoy the area. Mr. Polston stated that they want to make sure that is a barrier with trees to make it a good livable area. Ms. June Johnson, 1301 Steepleview Lane, McKinney, TX, stated that they have already dug out all of the trees that were there when she first moved to Chapel Hill to put in Vintage Place. She stated that she thought that the subject property would be developed as duplexes. Ms. Johnson stated that twice during the day she has issues leaving her neighborhood now due to buses and vehicles dropping off or picking up students from the nearby school. She asked who is thinking about the children and the residents that moved into in a quiet neighborhood with houses valued at \$300,000 – \$400,000. Ms. Johnson stated that now they are proposing 355 units with 624 parking spaces for vehicles. She asked if anybody had thought about what the proposed development will do to their neighborhood. Ms. Johnson expressed concerns regarding traffic congestion. She stated that this amount of humanity would make a huge difference in their neighborhood and the potential uses around it. Ms. Johnson asked why it has to be a project of this magnitude. She stated that this was not an issue when she moved here two years ago and that she was amazed to see that it has become such a problem. Ms. Johnson stated that if she looked into it some more earlier on that she could have been more proactive. She asked where all of the people were who think the

proposed request is not a good deal. Ms. Johnson asked if residents have commented prior to this hearing in opposition to the request. She asked if the request was a forgone conclusion. Chairman Cox explained that the recommendation of the Planning and Zoning Commission would be forwarded on to the City Council at the May 21, 2019 meeting and the public would also be allowed to voice their opinions on this request at that meeting. Ms. Kim Black, 509 N. Kentucky Street, McKinney, TX, stated that she has lived in Downtown McKinney for 30 years and that she is very fond of her neighborhood. She stated that McKinney's country feel is starting to go away. Ms. Black stated that she know sooner or later the subject property would be developed. She stated that she does not like it and would rather have the trees there. Ms. Black stated that she drives down that street every day. She stated that she hopes the City keeps Downtown McKinney with more of the country feel. Ms. Black stated that a lot of urban development has ruined the charm of Downtown McKinney. She asked that the development fit in with downtown. Chairman Cox stated that three letters regarding the proposed request were distributed to the Commission prior to the meeting. He briefly gave the name and reference from the three letters:

- Mr. Kent Ellis and Ms. Kelley Ellis – Zoning Apartments at Rockhill Road and Wilson Creek Parkway
- Mr. Robert Sampsell – Formal protest against approval of zoning case #19-0017Z, Rockhill multi-family rezoning
- Ms. Cynthia Anne Clark, 808 Harmon Lane, McKinney, TX – Zoning Change Written Protest – Individual form

On a motion by Vice-Chairman Mantzey, seconded by Commission Member Kuykendall, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Commission Member Haeckler asked if the applicant could still build a multi-family development on the two pieces of property if the proposed rezoning request is not approved.

Ms. Gibbon said yes. Commission Member Haeckler asked if the two properties had been zoned with these allowable uses for some time. Ms. Gibbon said yes. Vice-Chairman Mantzey stated that the applicant requested that a cap of 355 units per acre be added to the motion. Ms. Gibbon stated that the cap of 355 units per acre would need to be added to the motion and then it would be presented to City Council for their consideration. Vice-Chairman Mantzey wanted to clarify that currently they would be able to build 378 units per acre and they were requesting to reduce it to 355 units per acre. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that aligns with what the applicant shows on their informational concept plan. She stated that it would come out to approximately 21 ½ units per acres, instead of the base of 20 units per acre. Commission Member McCall asked if the roads were currently two lanes each direction. Ms. Gibbon said yes. Commission Member McCall asked if the proposed development would interfere with these roads being widened in the future. Ms. Gibbon stated that the applicant has not formally submitted a site plan for this project. She stated that during the site plan phase would be when the Engineering Department for the City of McKinney would assess the roads and traffic around the development. Commission Member Kuykendall asked Staff to address the proposed height of the multi-family development compared to the adjacent developments. Ms. Pickett stated that some of the adjacent apartments are three-story and others are two-story. She stated that it would blend in with the adjacent developments. Ms. Pickett stated that the applicant is proposing a lower height of 45' that what was allowed by the current zoning of 55'. She stated that typically you see 35' – 40' for two stories. Ms. Pickett stated that height wise it might look fairly similar; however, have three stories instead of two stories. Commission Member Kuykendall asked for clarification. Ms. Pickett stated that one of the properties currently allows

for three stories to be built up to 55'. She stated that the proposed rezoning request would actually lower that height to 45'. Chairman Cox asked the applicant to explain what their plan is for the current trees on the property. Mr. Roeder stated that the property is bisected by Wilson Creek, which is a fairly heavily treed area. He stated that they were not requesting to modify the City's ordinance regarding removal of trees in the floodplain. Mr. Roeder stated that they would need to work the hike and bike trail system in through that area. He stated that a significant amount of tree coverage will remain in that area. Mr. Roeder stated that the trees located within the development area will be removed as permitted by the City's code of ordinances. He stated that they would be obligated to plant trees on 30-foot centers along the street. Mr. Roeder stated that they were not requesting to make any changes to the landscape requirements. He stated that they were asking to reduce the landscape setback; however, they intent to maintain all of the requirements. Mr. Roeder stated that they will have tree lined property along Rockhill Road and Graves Road. He stated that they are going to have to come up with a way to plant trees along the Atmos Energy gas line on the west side of the property. Chairman Cox asked Mr. Roeder if he would commit to working with the City of McKinney Engineering Department regarding traffic flow and any requirements for ingress and egress to the property. Mr. Roeder said absolutely. He stated that was not really a subject for a zoning case. Mr. Roeder stated that before they start any construction that they would need to submit a site plan. He stated that at that point in time Staff would look at traffic impact analysis, ingress, egress, acceleration and deceleration lanes, and any number of things. Mr. Roeder stated that the City is presently studying the intersection of Graves Road and Rockhill Road due to traffic concerns already expressed. Vice-Chairman Mantzey stated that he was in support of the proposed rezoning request, with the capping of the total

number of 355 units, due to this having existing multi-family zoning, that the request has Staff's recommendation, and that the variances they are asking for the setbacks blends with the current communities to the north and south. Commission Member McCall concurred with his comments and stated that he was in favor of the proposed rezoning request. He stated that something else could be developed under the current zoning that could be worse if the proposed rezoning request is not approved. Commission Member Doak stated that he felt it was a positive that they were moving down in height and reducing the total number of units on the project. Commission Member Kuykendall stated that she shares some of the same concerns as the residents; however, it sounds like the applicant is willing to work with Staff to ensure that those concerns are alleviated. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Taylor, the Commission unanimously voted to recommend approval of the proposed rezoning request as recommended by Staff and the number of units be capped at 355, with a vote of 7-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission would be forwarded to the May 21, 2019 City Council meeting.

19-0003M Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Section 146-40 (Nonconforming uses and nonconforming structures) of the Code of Ordinances. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, explained the proposed ordinance amendments. She stated that in the Fall of 2018 an amendment to the Zoning Ordinance modified the allowance of residential uses within some of the city's legacy commercial zoning districts. Ms. Arnold stated that Staff was recently made aware of some potential issues with the nonconforming status of some properties within those zoning districts. She stated that Staff was recommending modifying the nonconforming use section of the Zoning

Ordinance to relieve those issues. Ms. Arnold stated that the presentation that was presented to City Council at the April 2, 2019 meeting was included in the packet. She offered to answer questions. Commission Member McCall asked for some examples. Ms. Arnold stated that there is a mix of zoning districts within Downtown McKinney. She stated that some property owners within the old "BN" – Neighborhood Business District or "BG" – General Business District that are looking to sell their house are having issues with getting underwriting due to their nonconforming status and some of the underwriters are not approving their loan requests. Ms. Arnold stated that the nonconforming status does have a limitation on the reconstruction of a structure if there is damage to more than 50% of the structure. She stated that the proposed amendments would relieve them from the 50% rule, so they could secure financing. Ms. Arnold gave another example of where a residential neighborhood within the old "BN" – Neighborhood Business District that is not fully built out would not currently be able to build residential houses on the undeveloped lots within that subdivision. She stated that the proposed amendments would also address this issue. Chairman Cox stated that Ms. Arnold did an excellent job explaining the proposed amendments. The Commission Members agreed. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and recommend approval of the proposed ordinance amendments, with a vote of 7-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission would be forwarded to the May 7, 2019 City Council meeting.

END OF THE REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

Chairman Cox thanked Staff for their hard work.

There being no further business, on a motion by Commission Member Doak, seconded by Commission Member McCall, the Commission unanimously voted to

adjourn the meeting, with a vote of 7-0-0. Chairman Cox declared the meeting adjourned at 7:00 p.m.

BILL COX
Chairman